

**ORDINANCE NO. 5089**

**AN ORDINANCE APPROVING A LANDSCAPE PLAN AND STREET TREE PLAN FOR THE BAKER CREEK NORTH SUBDIVISION**

RECITALS:

The Planning Department received an application (L 12-19) from Stafford Development Company, LLC requesting approval of a Tree Removal, Landscape Plan and Street Tree Plan for the Baker Creek North subdivision; and

The subject property is located generally located northeast of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on December 5, 2019 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on November 26, 2019, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received; and

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the Landscape Plan review criteria listed in Section 17.57.070 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval of said Comprehensive Plan Map Amendment to the City Council; and

The City Council having received the Planning Commission recommendation and staff report, elected to schedule a second public hearing on the application; and

A public hearing was held on January 28, 2020 at 7:00 p.m., before the McMinnville City Council after due notice had been provided in the local newspaper on January 21, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received; and

The City Council decided to close the public hearing on January 28, 2020, but left the record open for the submittal of additional written testimony. The City Council provided seven additional days for the submittal of additional written testimony until February 4, 2020. The City Council then provided another seven days for the submittal of rebuttal testimony until February 11, 2020. The City Council then provided another seven days for the applicant to submit final written argument until February 18, 2020; and

The City Council having completed the public hearing, received the Planning Commission recommendation and staff report, received all additional written testimony, and having deliberated; and

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and

2. That the requested Planned Development Amendment is approved, subject to the following conditions:

1. That the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.
2. That a revised street tree, landscape, and irrigation plan reflecting the conditions of approval and the final subdivision site plan and utility design shall be submitted to the McMinnville Planning Department for final review and approval by the Planning Director.
3. That all costs and liability associated with tree removal shall be borne by the applicant.
4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.
5. That only the 17 existing trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.
6. That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.
7. That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.
8. That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.
9. That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.
10. That no trees are allowed within Open Space & Access Easement Tract 'L'. Trees adjacent to Tract L shall have a maximum mature canopy height of 40 feet and be

located such that no tree canopy encroaches into the transmission line easement. No picnic table or other amenity shall block access to transmission facilities.

11. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
12. That an automatic irrigation system be provided to landscape areas within Open Space Tract 'S'.
13. That all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.
14. That the approved street tree species for the Baker Creek North subdivision are:
  - a. Small Trees
    - i. *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac)
  - b. Medium Trees
    - i. *Acer rubrum* 'October Glory' (October Glory Red Maple)
    - ii. *Cercidiphyllum japonicum* (Katsura Tree)
    - iii. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo)
    - iv. *Ostrya virginiana* (American Hophornbeam)
    - v. *Prunus sargentii* (Sargent Cherry)
15. That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:
  - a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
  - b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
  - c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
  - d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
  - e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
  - f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
  - g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
  - h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
  - i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
  - j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;

- k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.
16. That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.
  17. That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.
  18. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.
  19. Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.
  20. Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.
  21. That the applicant is reminded that trees are not to be planted within:
    - a. Five (5) feet of a private driveway or alley;
    - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
    - c. Twenty (20) feet of street light standards or street intersections.
  22. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
  23. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.

24. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 24<sup>th</sup> day of March, 2020, by the following votes:

Ayes: Drabkin, Menke, Peralta, Stassens

Nays: Garvin, Geary

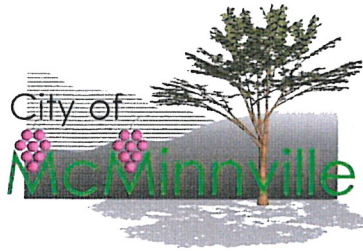


\_\_\_\_\_  
MAYOR

Attest:

Approved as to form:

  
\_\_\_\_\_  
CITY RECORDER  
\_\_\_\_\_  
CITY ATTORNEY



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

503-434-7311

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

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A LANDSCAPE PLAN AND STREET TREE PLAN FOR THE BAKER CREEK NORTH SUBDIVISION**

**DOCKET:** L 12-19 (Tree Removal, Landscape Plan and Street Tree Plan)

**REQUEST:** Approval of a Tree Removal, Landscape Plan and Street Tree Plan for the Baker Creek North subdivision.

**LOCATION:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

**ZONING:** R-4 (Multiple Family Residential)

**APPLICANT:** Stafford Development Company, LLC

**STAFF:** Jamie Fleckenstein, PLA, Associate Planner

**DATE DEEMED COMPLETE:** October 11, 2019

**HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

**HEARING DATE & LOCATION:** December 5, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**HEARINGS BODY & ACTION:** The McMinnville City Council approves or denies the land-use application.

**HEARING DATE & LOCATION:** January 28, 2020, March 10, 2020, and March 24, 2020, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville Oregon

**PROCEDURE:** The application for Landscape Plan and Street Tree Plan review was submitted concurrently with applications for Comprehensive Plan Map Amendment, Zone Change, Planned Development, and Planned Development Amendment. As described in Section 17.72.070 of the McMinnville Municipal Code, concurrent applications shall be processed simultaneously and subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the application for Landscape Plan and Street Tree Plan review shall be processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

**CRITERIA:** The applicable criteria are specified in Section 17.57.070 (Area Determination – Planning factors) of the McMinnville Zoning Ordinance, McMinnville City Code.

**APPEAL:** As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline was February 8, 2020. However, the applicant, on the record during the January 28, 2020 public hearing requested that the deadline be extended to March 10, 2020, and then at the March 10, 2020 City Council meeting, requested that the 120 day deadline be extended to March 24, 2020.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. Their comments are provided in this document.

**DECISION**

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied and **APPROVES** the Landscape Plan (L 12-19), **subject to the conditions of approval provided in Section II of this document.**

//  
**DECISION: APPROVAL WITH CONDITIONS**  
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City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: 3-26-2020



Planning Commission: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Date: 3-27-2020

Planning Department:   
Heather Richards, Planning Director

Date: 3/26/2020



## **I. APPLICATION SUMMARY:**

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. The City has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to the City's comments.

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

The subject property is located at the northeast quadrant of the intersection of NW Hill Road and NW Baker Creek Road. The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.

The application (L 12-19) is a request for approval of a Tree Removal, Street Tree Plan and Landscape Plan for the proposed Baker Creek North subdivision. Street Tree Plans are required for new subdivisions with curb-side planting strips. Landscaping is required in the R-4 (Multi-Family Zone) except for the construction of single-family or two-family residential units. Permits for proposed tree removals shall be granted if part of an approved development project.

The Street Tree Plan and Landscape Plan were submitted for review concurrently with five other land use applications, as allowed by Section 17.72.070 of the MMC. The requested Street Tree Plan and Landscape Plan are being reviewed concurrently with a Comprehensive Plan Map Amendment, Zone Change, Planned Development, Planned Development Amendment, and Subdivision to allow for the development of the 280 lot subdivision proposed in the Planned Development plans and future commercial development.

Excerpts from Land Use Application Narrative and Findings:

### **Planned Development**

This requested new planned development is for a residential community of 48.7 acres with 280 lots for single-family detached dwelling units. As described above, the applicant is proposing to zone this area R-4, therefore this portion of the site will be designated with an R4-PD planned development overlay. [...]

### **Open Spaces**

Included with the planned development are 19 common open space tracts (Tract "A" - "S"). After the proposed open space tracts are developed with the proposed active and passive recreation amenities, the applicant is proposing to dedicate many of those tracts and facilities to the City of McMinnville as public parks. The applicant requests the City accept them when recording final plats for the phase of development containing the respective tracts. The common open space areas have been designed to meet a variety of recreational needs. They will serve as centers for community interaction within the community. They can also serve as resources for the general public, once accepted as park land by the City. Proposed recreational amenities include a sports court, multiple play structures, sand box, picnic shelter, picnic tables, and park benches, trails and paths, and more. The open space areas have been sited to extend the City's network of park facilities by extending the existing powerline trail north to proposed "Kent Street Trailheads", where users can connect to

the nature trail to the north and paved urban off-street path network to the south and park areas. These tracts when owned by the City will be an excellent asset to the City's park system. They will also facilitate access to the City's planned Special Use Park to the north of the site, which will extend the natural trail east to allow connection to other segments leading ultimately to Tice Park as envisioned.

### Modifications

Below is a list of adjusted development standards as requested through the planned development process: [...]

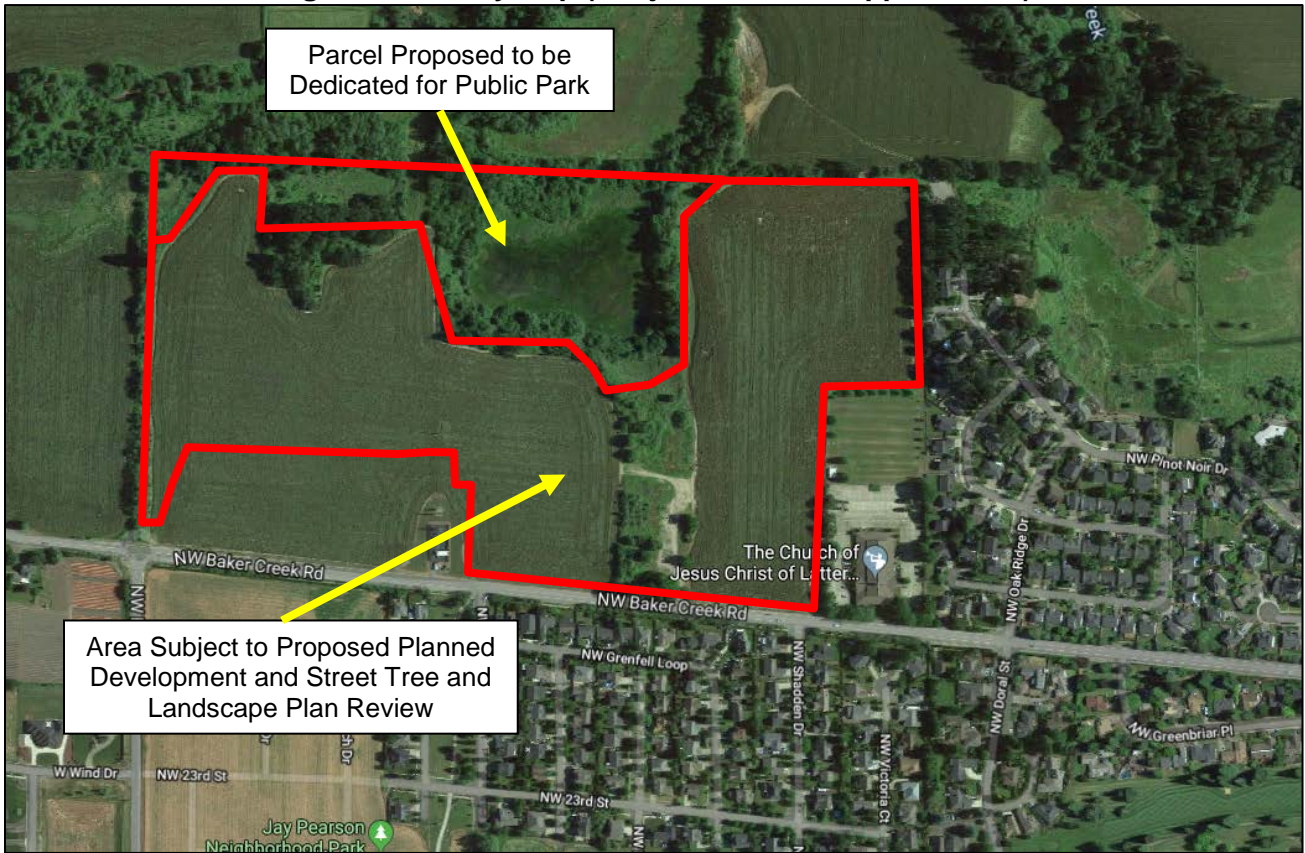
- 8) Street Trees: Street tree spacing varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The planned development compensates for the increase in spacing in the following ways.
- The planned development avoids the reduction in the allowed street trees that would occur through a strict application of the spacing standards. The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing for requirement street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-45 lots, but may occur on other lots in the development.
  - SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
  - Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
  - The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
  - Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

### **Tree Removal Permit, Street Tree Plan and Landscape Plan Review**

Tree removal is allowed by code as part of an approved development project, and street tree planting is required in a new residential subdivision. Trees needed to be removed to facilitate the development project are shown on landscape drawing L1.0 Street Tree Plan, as are the proposed street tree plantings in the public right of way. Modifications are requested under the planned development to allow variation to the spacing standards of street trees due to conflict with improvements. Trees that will be preserved in tracts and the rear of lots are shown with protective fencing on this drawing. Additional trees are shown to be planted in common area open space tracts within the planned development on the other landscaping plan sheets L2.0-L10.0."

***See Vicinity Map (Figure 1), Existing Zoning (as approved with concurrent zone change request) (Figure 2), Proposed Site Plan (Figure 3), Proposed Street Tree Plan (Figure 4), and Proposed Landscape Plan (Figures 5-9) below.***

**Figure 1. Vicinity Map (Subject Site Area Approximate)**



**Figure 2. Existing Zoning**

**\*Note – Zoning shown as proposed with concurrent Zone Change request**

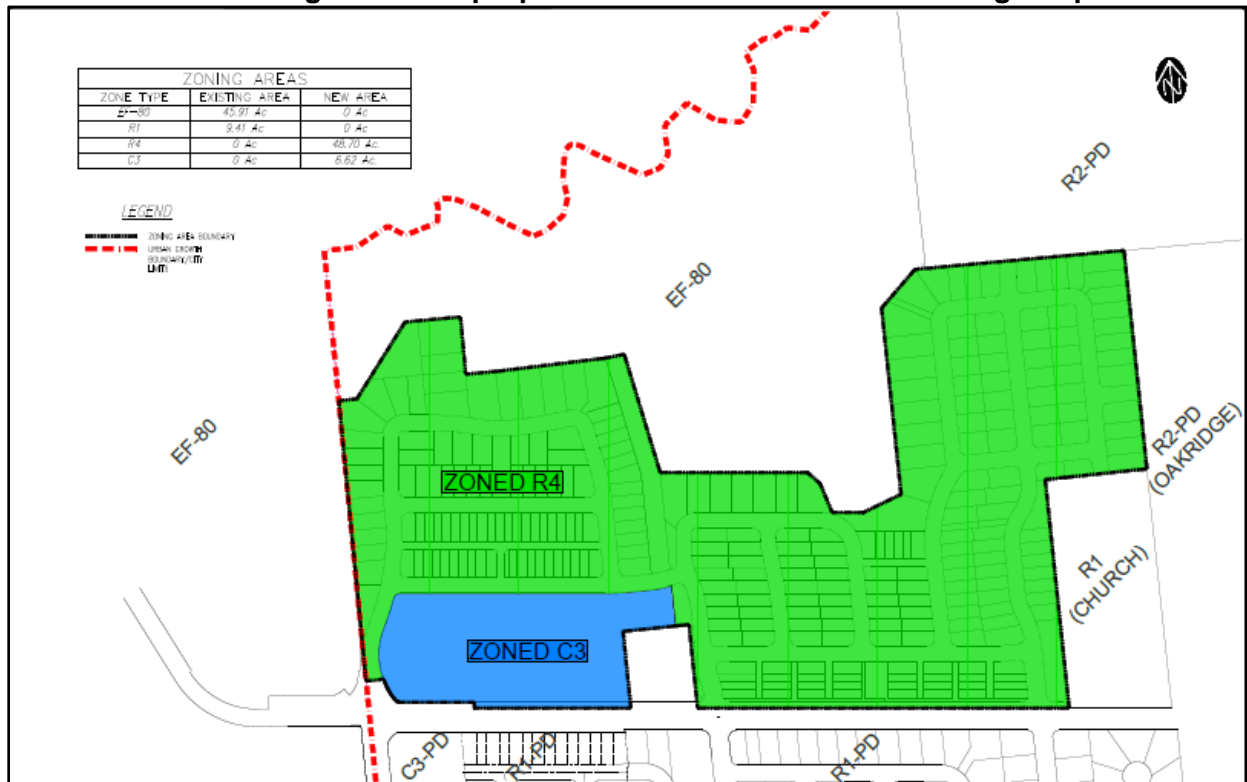


Figure 3. Proposed Site Plan

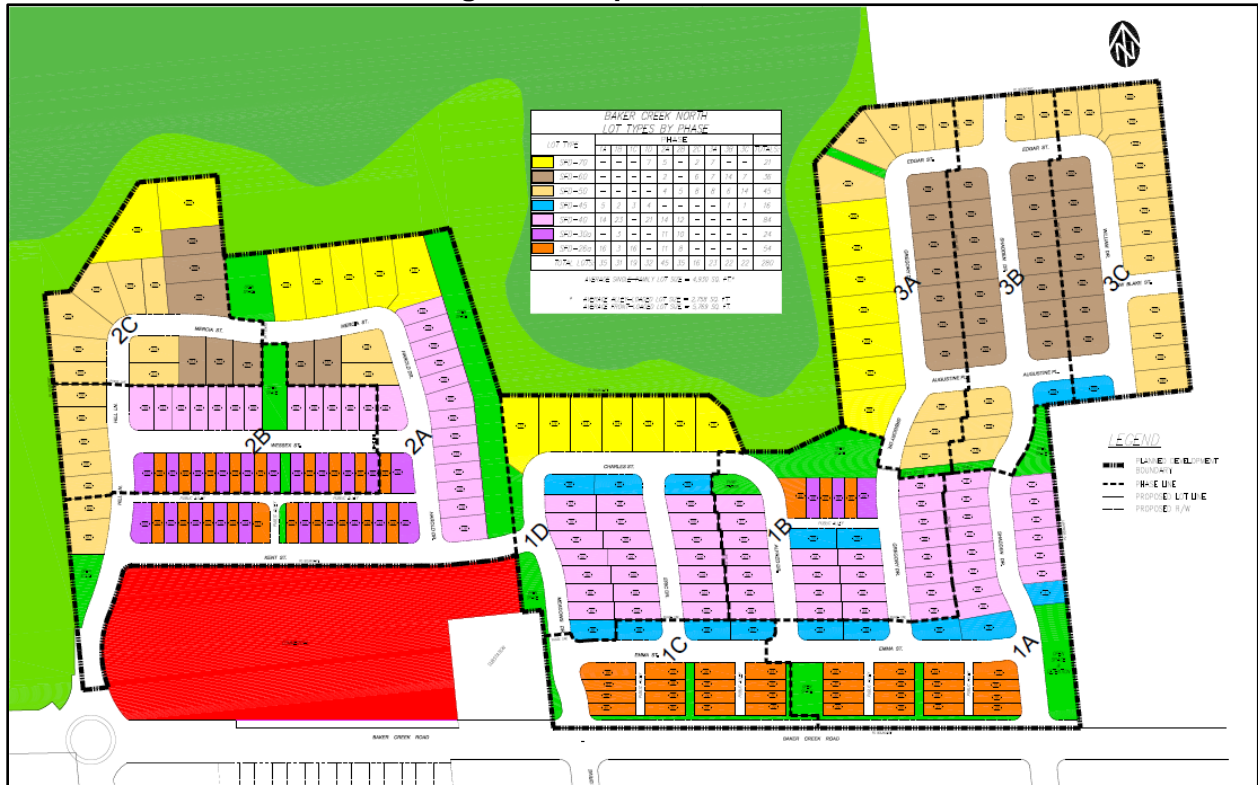


Figure 4. Proposed Street Tree Plan

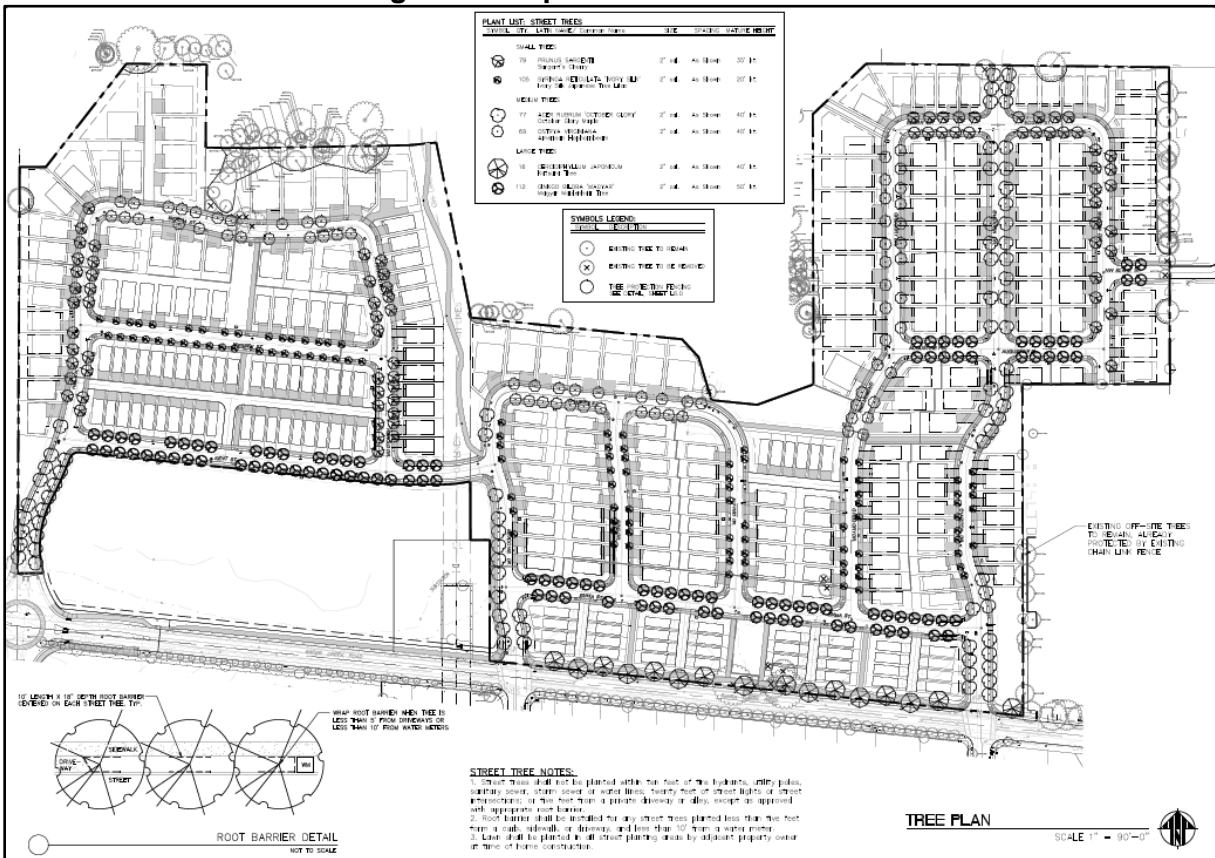


Figure 5. Proposed Landscape Plan

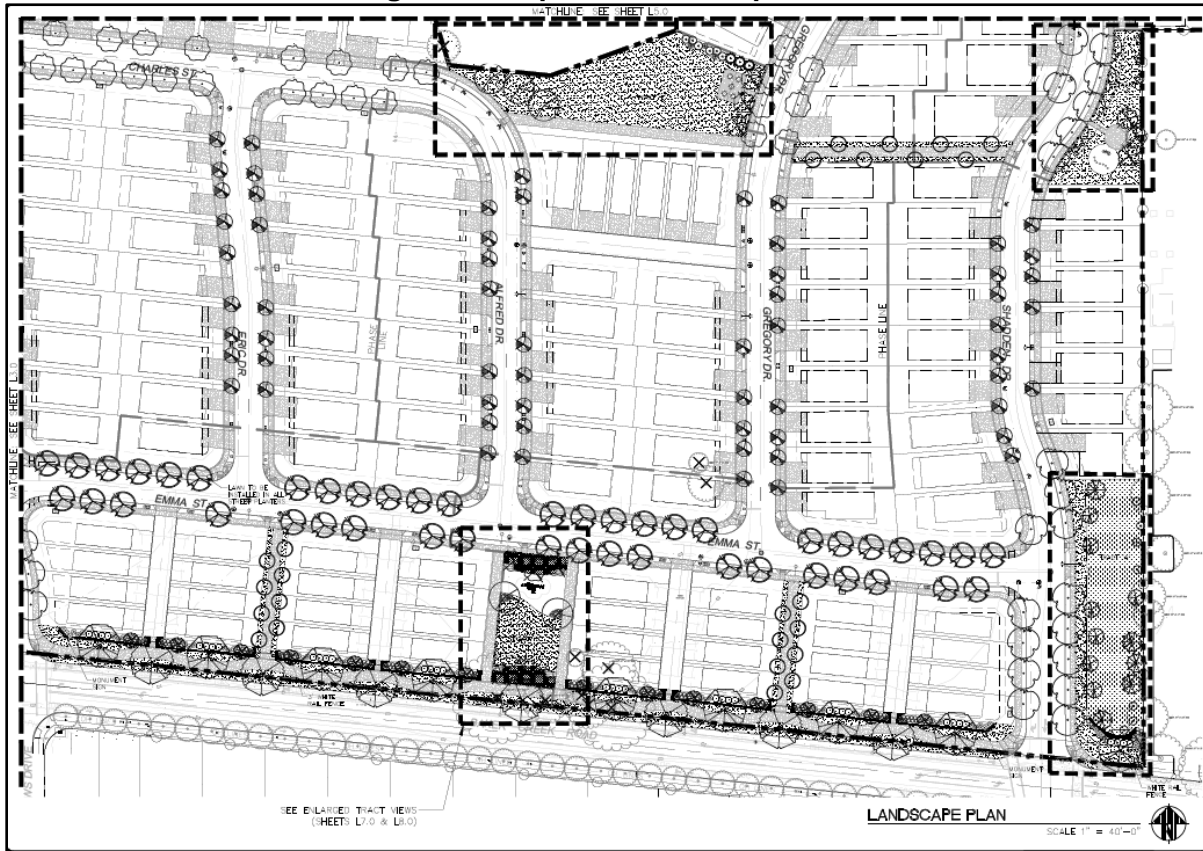


Figure 6. Proposed Landscape Plan (cont'd.)

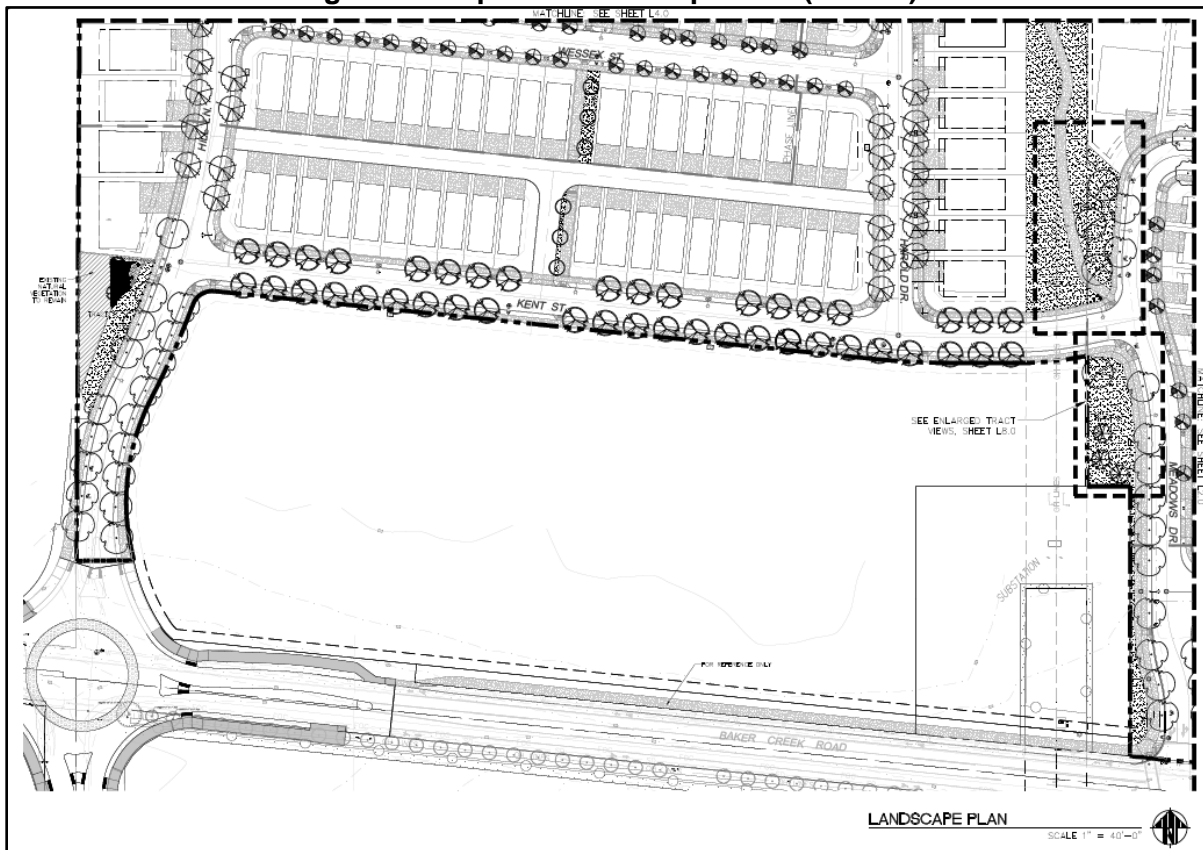


Figure 7. Proposed Landscape Plan (cont'd.)

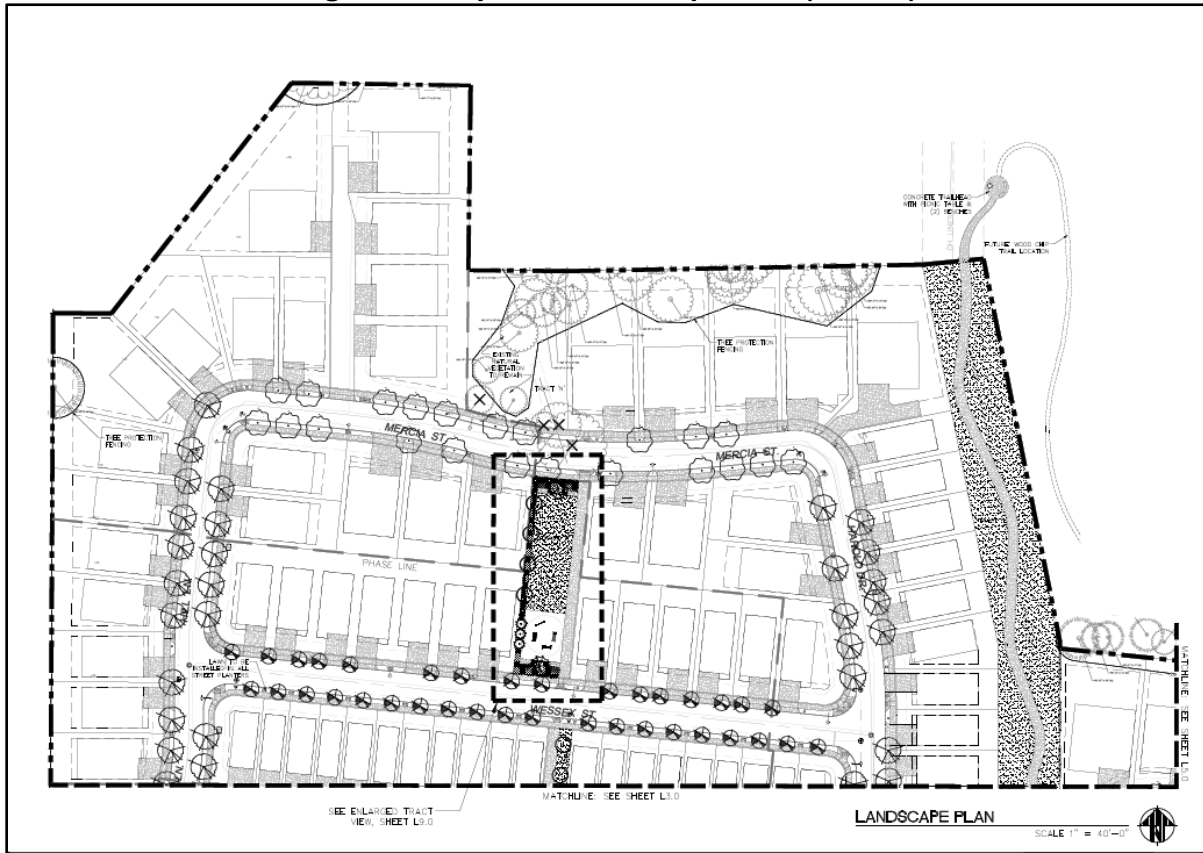


Figure 8. Proposed Landscape Plan (cont'd.)

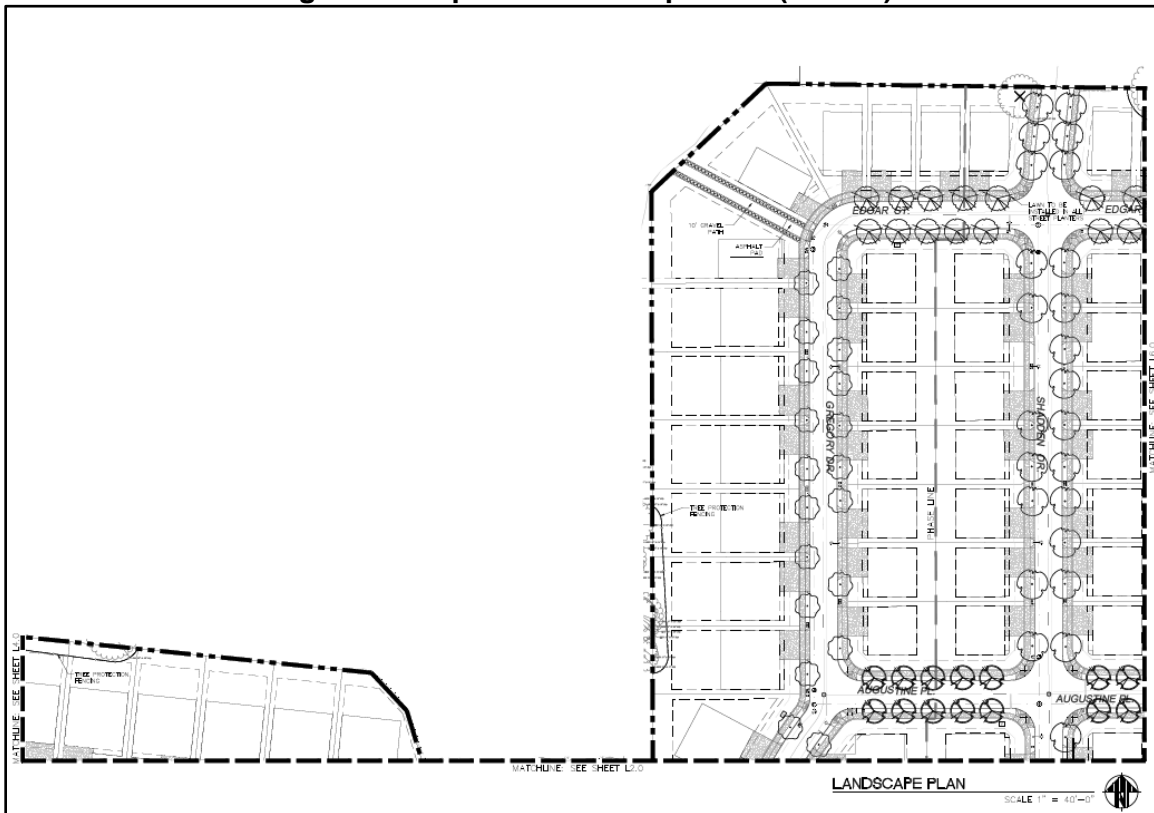
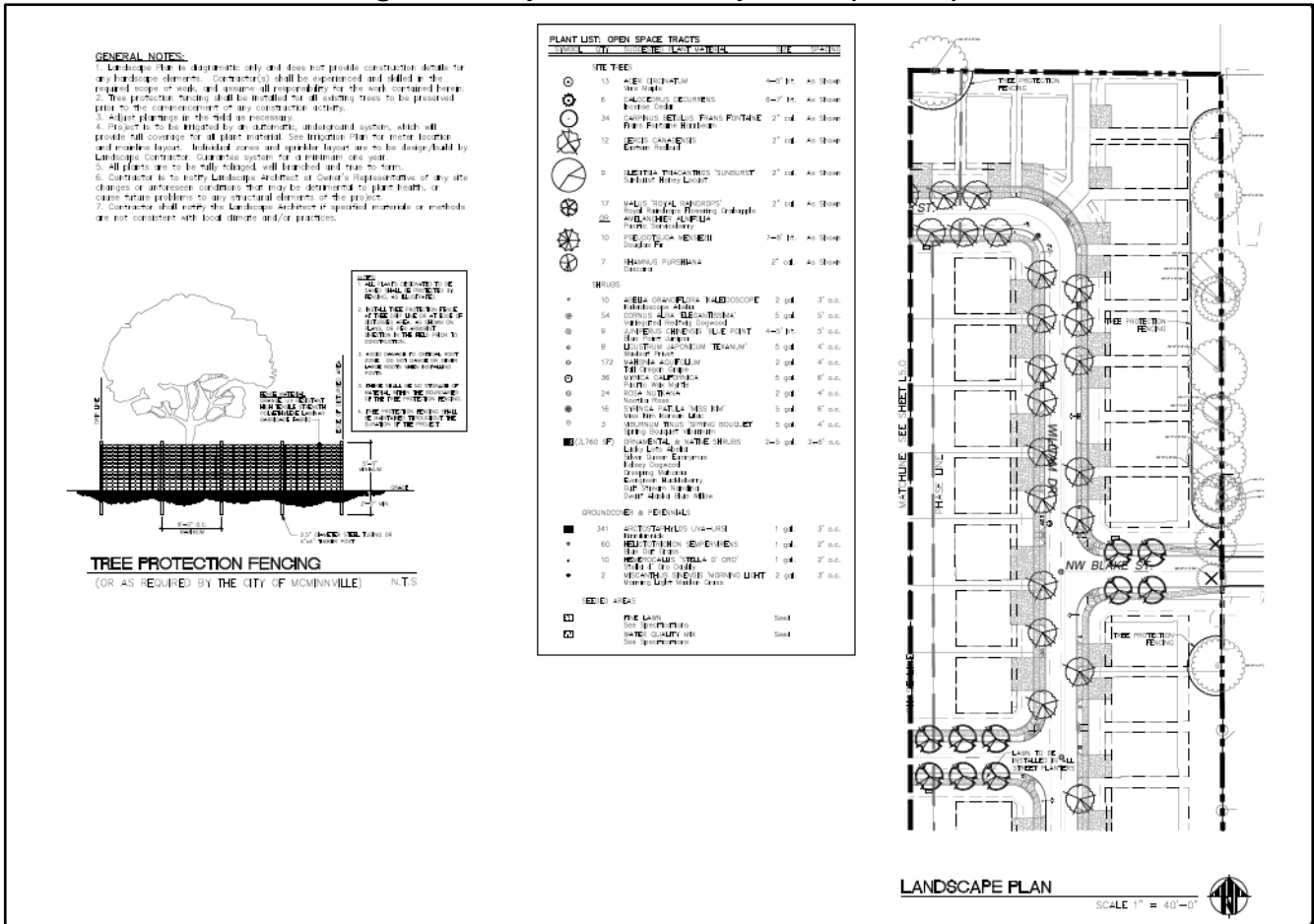


Figure 9. Proposed Landscape Plan (cont'd.)



**Background**

**Summary of Criteria & Issues**

The application (L 12-19) includes requests for approval of Tree Removal, Street Tree Plan and Landscape Plan.

The Tree Removal Permit request is subject to the Tree Removal review criteria in Section 17.58.050 of the McMinnville Municipal Code (MMC). Section 17.58.050 of the MMC requires a permit for Tree Removal to be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.

The Street Tree Plan is subject to applicable criteria and standards found in Chapter 17.58 (Trees) of the MMC. As it relates to street trees, the purpose of Chapter 17.58 is to establish and maintain the maximum amount of tree cover on public and private land 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; and to promote a diverse, healthy, and sustainable community forest.

The Landscape Plan is subject to landscaping planning factors found in Section 17.57.070 (Area Determination – Planning Factors) of the MMC. The specific planning factors required to be taken under consideration for the review of the landscape plan are below:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
4. The development and use of islands and plantings therein to break up parking areas.
5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
6. Suitable watering facilities or irrigation systems must be included in or near all planted areas.

The applicant has provided findings to support the requests for Tree Removal and a Street Tree Plan. These will be discussed in detail in Section VII (Conclusionary Findings) below.

## **II. CONDITIONS:**

1. That the decision for approval of Baker Creek North Tree Removal, Street Tree Plan, and Landscape Plan (L 12-19) is not rendered, and does not take effect, until and unless the Tentative Subdivision request (S 1-19) is approved by the City Council.
2. That a revised street tree, landscape, and irrigation plan reflecting the conditions of approval and the final subdivision site plan and utility design shall be submitted to the McMinnville Planning Department for final review and approval by the Planning Director.
3. That all costs and liability associated with tree removal shall be borne by the applicant.
4. That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.
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7. That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.
8. That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy



height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.

9. That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement.
10. That no trees are allowed within Open Space & Access Easement Tract 'L'. Trees adjacent to Tract L shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other amenity shall block access to transmission facilities.
11. That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
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  - g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
  - h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
  - i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
  - j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;

- k. All SFD-70, SFD-60, and SFD-40 lots: Additional street trees shall be provided as allowed following any necessary reconfiguration of driveways.
16. That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.
17. That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.
18. That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, street trees shall be provided with two (2) deep watering tubes to promote deep root growth.
19. Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.
20. Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.
21. That the applicant is reminded that trees are not to be planted within:
- Five (5) feet of a private driveway or alley;
  - Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - Twenty (20) feet of street light standards or street intersections.
22. That all street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
23. That the applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
24. That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

### **III. ATTACHMENTS:**

1. L 12-19 Application and Attachments (on file with the Planning Department)
2. Agency Comments (on file with the Planning Department)
3. Testimony Received (on file with the Planning Department)
  - a. Public Testimony
    - i. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received December 4, 2019 (on file with the Planning Department)
    - ii. Markus Pfahler, 2515 West Wind Drive, Letter received December 5, 2019 (on file with the Planning Department)
    - iii. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received January 24, 2020 (on file with the Planning Department)
    - iv. Jeff and Lori Zumwalt, Premier Home Builders, Inc., Letter received January 24, 2020 (on file with the Planning Department)
    - v. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received January 26, 2020 (dated January 27, 2020) (on file with the Planning Department)
    - vi. Steve Dow, Black Hawk Homes, LLC, Emailed letter received January 28, 2020 (on file with the Planning Department)
    - vii. Vince Vinceri, Symbiotik Development, LLC, Emailed letter received January 28, 2020 (on file with the Planning Department)
    - viii. Markus Pfahler, 2515 West Wind Drive, Emailed letter received January 28, 2020 (on file with the Planning Department)
    - ix. Mike Colvin, Letter received January 28, 2020 (on file with the Planning Department)
    - x. Stafford Development Company (Applicant), Memorandum from Frank Charbonneau received January 28, 2020 (on file with the Planning Department)
    - xi. Linda Lindsay, Letter received at public hearing on January 28, 2020 (on file with the Planning Department)
    - xii. Sandy Colvin, Traffic report data received January 29, 2020 (on file with the Planning Department)
    - xiii. Jim Cena, 15080 NW Blacktail Court, Email received January 30, 2020 (on file with the Planning Department)
    - xiv. Larry and Hersheil Steward, 14200 NW Orchard View Road, Email received January 30, 2020 (on file with the Planning Department)
    - xv. Caroline Moore, 205 NE 6<sup>th</sup> Street, Email received January 31, 2020 (on file with the Planning Department)
    - xvi. Nancy and Surinder Singh, 2200 SW West Wind Drive, Email received February 1, 2020 (on file with the Planning Department)
    - xvii. David Cutter, 15000 NW Blacktail Lane, Emailed letter received February 3, 2020 (on file with the Planning Department)
    - xviii. Lane Roemmick, Email received February 3, 2020 (on file with the Planning Department)
    - xix. Jim and Jean Semph, 2175 SW Homer Ross Loop, Email received February 3, 2020 (on file with the Planning Department)
    - xx. Vincent Taft and Allison Best, 2025 SW Fox Swale Lane, Email received February 3, 2020 (on file with the Planning Department)
    - xxi. Patrick Stinson, 2065 NW Willamette Drive, Emailed letter received February 3, 2020 (on file with the Planning Department)
    - xxii. Mike Colvin, Letter received February 3, 2020 (on file with the Planning Department)
    - xxiii. Gary and Suzanne Farmer, Email received February 3, 2020 (on file with the Planning Department)

- xxiv. Patty O'Leary, 2325 SW Homer Ross Loop, Emailed letter received February 3, 2020 (on file with the Planning Department)
  - xxv. Rick Weidner, 2075 SW Sailing Court, Email received February 3, 2020 (on file with the Planning Department)
  - xxvi. Kari Rex, Email received February 4, 2020 (on file with the Planning Department)
  - xxvii. Melba Smith, 2780 NW Pinot Noir Drive, Email received February 4, 2020 (on file with the Planning Department)
  - xxviii. Markus Pfahler, 2515 West Wind Drive, Emailed letter received February 4, 2020 (on file with the Planning Department)
  - xxix. Linda Lindsay, Email received February 4, 2020 (on file with the Planning Department)
  - xxx. Scott Larsen, Email received February 4, 2020 (on file with the Planning Department)
  - xxxi. Cathy Goekler, 2684 NW Pinot Noir Drive, Emailed letter received February 4, 2020 (on file with the Planning Department)
  - xxxii. Stafford Development Company (Applicant), Emailed letter received February 4, 2020 (on file with the Planning Department)
  - xxxiii. Mike Colvin, Email with rebuttal testimony received February 5, 2020 (on file with the Planning Department)
  - xxxiv. Stafford Development Company (Applicant), Emailed letter with rebuttal testimony received February 11, 2020 (on file with the Planning Department)
- b. Staff Memorandums
- i. Planning Department Staff, Memorandum describing revisions to conditions of approval, December 5, 2019 (on file with the Planning Department)
  - ii. Planning Department Staff, Memorandum describing additional testimony received prior to January 28, 2020 public hearing, January 27, 2020 (on file with the Planning Department)
4. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, December 5, 2019 (on file with the Planning Department)
  5. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, January 14, 2020 (on file with the Planning Department)
  6. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, January 28, 2020 (on file with the Planning Department)
  7. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, March 10, 2020 (on file with the Planning Department)
  8. CPA 1-19, ZC 1-19, PDA 2-19, PD 1-19, S 1-19, L 12-19 Staff Report, March 24, 2020 (on file with the Planning Department)

#### **IV. COMMENTS:**

##### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments relating to the Tree Removal, Street Tree Plan, and Landscape Plan were received:

- McMinnville Engineering Department

- McMinnville Municipal Code Section (MMC) 12.20.030(B) requires that the maximum width of driveways for properties with street frontage between 20 and 75 feet wide shall be not more than 40% of the frontage. The proposed lot configurations for SFD-70, SFD-60, and SFD-40, as shown on page EXH-5, do not meet the Ordinance standard. Additionally, a review of the Site Plan (SP) sheets indicates that the driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228 and 271 do not comply with the Ordinance standard.
- MMC Section 12.20.070 indicates that if a driveway is constructed or installed on a corner lot, such driveway shall not be built closer than 30 feet from the point of intersection of the two curb lines projected ahead. A review of the Site Plan (SP) sheets indicates that the driveway for lot 35 may not comply with that standard.
- Recognizing that street tree plans are reviewed and approved at a later date by the Planning Department and the Landscape Review Committee, we did note that several of the proposed tree locations will need to be adjusted due to probable conflicts with utilities and due to street sight distance concerns.
- There are 19 tracts designated as open space in the proposal. One of these, tract G, is designated for a proposed pump station. Staff's understanding was that only tracts I, J, K and L were being considered for dedication to the City as public open space as part of this development, with developer built improvements constructed on them. However, in reviewing the narrative and findings information, it appears that the applicant is requesting that:
  - Parcel D (14.92 acres) be accepted by the City as a future public park. This is flood plain property north of the planned development site, and the application notes that a chipped path would be constructed as an off-site improvement in conjunction with phase 2A and/or phase 3A of the subdivision.
  - Tracts F, I, J, K, L, N, and S within the planned development are recommended by the applicant to be accepted by the City as public park land. The proposal shows various developer constructed improvements to be included with these tracts.
  - Park Donation: the applicant is requesting that the City accept Parcel D as part of this application. At this time, staff does not believe that the City has the maintenance capacity to take on additional new park acreage, and would not recommend accepting ownership or maintenance responsibility for this parcel.
  - Open Space Tracts: Staff's understanding was that tracts I, J, K and L were to be improved as an extension of the BPA pedestrian path, with a concrete pathway, landscaping, pedestrian scale lighting and pedestrian benches. However, in looking at the proposal, I see some significant variation from that understanding:
    - Tract I: shows turf, trees and a pathway (sidewalk). Staff's understanding was that this was to be 10' walk; it appears to be drawn as a typical 5' sidewalk.
    - Tract J: shows dog park and skate park improvements. Staff's understanding was that this was to be a meandering 10' path with landscaping.
    - Tract K: shows turf, trees, landscaping, with benches. This matches our understanding.

- Tract L: shows an offset 10' gravel pathway, and turf for a portion of the tract. The remaining portion is labelled as "existing grass field to remain", with a 10' gravel pathway. This is not similar to the existing BPA pathway design as per earlier discussion, and does not provide an accessible surface for pedestrians.
- As noted above, staff does not believe that the City has the current park maintenance capacity to take on any additional park land. That being said, the opportunity to extend the BPA pathway to the north and connect this development with park improvements to the south is recognized as an important opportunity. It is also recognized that maintenance of the extension will come at the expense of reduced maintenance in other existing facilities. Unfortunately, the proposed improvements on these tracts are not similar to the existing BPA pathway design, and include elements (skate park, dog park) that the City does not have the resources to maintain. So based on that, staff does not believe it would be in the City's best interests to accept these tracts as proposed. The plans for Tracts I, J, K, and L should be modified to match the City's development of the trail system in the rest of the BPA corridor to the south of Baker Creek Road.
- Tract F is shown as a sloped parcel overlooking the floodplain to the north, with a chipped path future connection to the floodplain. Other improvements shown include a shelter, landscaping, turf, trees and park amenities. Staff does not believe the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract N is shown as open space. From the narrative, it appears this is proposed as open space to preserve existing trees. Staff does not believe that the City has the maintenance capacity to accept this tract, and it should remain private with maintenance by the Home Owners Association.
- Tract S is shown as a proposed pedestrian connection from Edgar Street to the proposed floodplain park donation. Staff would see this as a pedestrian connection that would be provided and maintained by the developer. Should in the future the floodplain property become the City's, staff would see maintenance access coming from the north end of the BPA path extension and would not need Tract S for maintenance access. Thus, and it should remain private with maintenance by the Home Owners Association.
- McMinnville Water and Light

Included as Attachment #2

## **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, November 26, 2019. As of the date of the Planning Commission public hearing on December 5, 2019, one item of public testimony had been received by the Planning Department. One additional item of written testimony was submitted at the December 5, 2019 public hearing. Those items of testimony are described in Section III (Attachments) above.

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

1. The applicant, Stafford Development Company, LLC, held a neighborhood meeting on November 1, 2018.

2. The applicant submitted the Street Tree Plan and Landscape Plan Review application (L 12-19) on April 30, 2019.
3. The application was deemed incomplete on May 30, 2019. The applicant submitted revised application materials on September 11, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The matter was also referred to the Oregon Department of Land Conservation and Development.

Comments received from agencies are addressed in the Decision Document.

6. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.
7. Notice of the application and the December 5, 2019 Planning Commission public hearing was published in the News Register on Tuesday, November 26, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.
8. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
9. On December 5, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

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

1. **Location:** The property is described as Exhibit C in Instrument No. 201904867, Yamhill County Deed Records; Exhibit C in Instrument No. 201904874, Yamhill County Deed Records; Exhibit D in Instrument No. 201904874, Yamhill County Deed Records; and Exhibit C in Instrument No. 201904870, Yamhill County Deed Records. The property is also identified as Tax Lots 105, 106, and 107, Section 18, T. 4 S., R. 4 W., W.M. and a portion of Tax Lots 100, Section 18, T. 4 S., R. 4 W., W.M.
2. **Size:** The Planned Development Overlay District is proposed to be approximately 48.7 acres in size. The proposal includes the dedication of a 14.92 acre parcel adjacent to the proposed Planned Development Overlay District, which is proposed to be dedicated as a public park.

3. **Comprehensive Plan Map Designation:** Planned Development Area: Residential. Park Dedication Parcel: Residential and Floodplain
4. **Zoning:** Planned Development Area: R-4 (Multiple Family Residential). Park Dedication Parcel: EF-80 (Exclusive Farm Use) and F-P (Flood Plain)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, is located within Zone A of the 100-year floodplain of Baker Creek, as identified on the FEMA Flood Insurance Rate Map (FIRM) panels.
8. **Other Features:**
  - a. **Wetlands:** An area to the north of the proposed Planned Development Overlay District, and within the Park Dedication Parcel, contains wetlands.
  - b. **Slopes:** A majority of the site is relatively flat, but the property begins to slope to the north along the northern edges of the subject site. This portion of the property slopes downward towards Baker Creek, which is located to the north of the subject site.
  - c. **Easements and Utilities:** A 60 foot wide easement, as identified in Film Volume 40, Page 851, Yamhill County Deed Records, for the benefit of the Bonneville Power Administration exists running south to north through the center portion of the site, in the general location of the existing electrical power transmission lines.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to NW Baker Creek Road, which is identified as a minor arterial in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 96 feet. New local residential streets to serve the proposed subdivision are proposed.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Landscape Plan Review are specified in Section 17.57.070 of the Zoning Ordinance. The applicable criteria for a Tree Removal application and a Street Tree Plan Review are specified in Chapter 17.58 of the Zoning Ordinance

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of



Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**Comprehensive Plan Volume II:**

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

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

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

**GOAL IV 1:** TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

*Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:*

- 1. Major, minor arterials.*  
*-Landscaping should be encouraged along public rights-of-way.*
- 2. Major, minor collectors.*  
*-Landscaping should be encouraged along public rights-of-way.*
- 3. Local Streets*  
*-Landscaping should be encouraged along public rights-of-way.*

**APPLICANT'S RESPONSE:** [...] Street trees will be provided in the planter strips of all proposed street improvements. The planned residential development also proposes landscaping to be installed in a private tract along the arterial as passive open space in support of this policy.

[...] Street trees will be provided along public rights-of-way as shown on the Street Tree Plan, and landscaping will be installed in open spaces adjacent to the streets. Therefore, this policy is met by the proposal.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #6.** The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new local streets within the new subdivision, and also along the right-of-way of NW Baker Creek Road adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List or otherwise approved by the City. Additionally, Open Space Tract H would provide landscaping along the adjacent arterial street, NW Baker Creek Road. Landscaping is proposed for all open space tracts adjacent to local street rights-of-way within the subdivision, except for Tract G. Therefore, a condition requiring landscaping to be provided for Open Space Tract G is included.

**CONDITION FOR FINDING:** That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

*Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be*

*accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*

- 1. Incorporate features that create a pedestrian friendly environment, such as: [...]  
g. Street furniture, street trees, and landscaping*

**APPLICANT'S RESPONSE:** [...] The attached landscape plans indicate that street trees and landscaping is proposed throughout the development. Therefore, this policy is met.

**FINDING: SATISFIED.** The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing right-of-way of NW Baker Creek Road adjacent to the new subdivision. The trees will be located within curb-side planting strips, and will be of a species from the approved McMinnville Street Tree List, or otherwise approved by the City.

*Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.*

**APPLICANT'S RESPONSE:** The street tree plan and landscaping of passive and active open spaces adjacent to public ways support this policy.

**FINDING: SATISFIED.** The City concurs with the applicant's finding. Street trees and open space landscaping proposed in the street tree plan and landscape plans submitted for review would enhance the aesthetics and livability of the planned development.

*Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:*

- 3. Landscaping barriers between roadway and non-motorized uses;*
- 4. Landscaping that promotes a residential atmosphere;*

**APPLICANT'S RESPONSE:** [...] Street trees are proposed in planter strips along all streets promoting a residential character. [...]

**FINDING: SATISFIED.** The City concurs with the applicant's finding. Street trees will be installed along the public right-of-way along all new streets within the new subdivision, and also along the existing right-of-way of NW Baker Creek Road. The trees will be located within curb-side planting strips, promoting a residential atmosphere and provide a barrier between the roadway and non-motorized uses.

**GOAL X 1:** TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

**GOAL X 2:** TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND

ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

*Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The process for a Landscape Plan review provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Notice of the application and the December 5, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property and was published in the News Register on Tuesday, November 26, 2019 in accordance with Section 17.72.120 of the MMC on November 7, 2019. Notice of the application was also provided to the Department of Land Conservation and Development on October 16, 2019.

Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). The application materials are posted on the City's website as soon as they are deemed complete, and copies of the staff report and Planning Commission meeting materials are posted on the City's website at least one week prior to the public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

**McMinnville Zoning Ordinance**

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

**Chapter 17.03. General Provisions**

**17.03.020 Purpose.** The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

**Chapter 17.57. Landscaping**

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed landscape plan would enhance the appearance of the city and will benefit the economic, ecological, and aesthetic environment of the city. The landscape plan as proposed and with recommended conditions meets the intent and purpose of the Landscaping chapter, as described in the findings for the specific landscape plan review criteria below.

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

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single Family or Two-Family Residential unit);
- D. C-3 (General Commercial zone).

**APPLICANT'S RESPONSE:** The planned development is within the R-4 zone, however it is proposed with single-family residential units, so no landscaping is required per this section. No specific development or use is proposed within the proposed C-3 zone, so no landscaping is required for that area.

**FINDING: SATISFIED.** The planned development is proposed to be within the R-4 zone and developed with single-family residential units, therefore landscaping for those proposed single-family lots is not required. However, the 18 common open space tracts would be within the R-4 zone and not developed with single-family or two-family residential units. Therefore, landscaping is required for all proposed open space tracts.

**17.57.040 Specific uses requiring landscaping.**

**17.57.040(D).** Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development.

**APPLICANT'S RESPONSE:** The applicant is not proposing multi-family uses with this residential planned development. Therefore, these standards do not apply.

**FINDING: SATISFIED.** The City concurs with the applicant's finding's findings. The City adds that no commercial or industrial uses are proposed at this time within the planned development. Therefore, no additional landscaping requirements based on other types of uses in the planned development are required.

**17.57.070 Area Determination – Planning Factors.**

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

- 3. Multiple-family, 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:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #6.** The amount of landscaping proposed for the common tracts can be seen in the table below.

| Tract | Proposed Uses                                    | Gross Area (square feet) | Landscaping Proposed (s.f.) | Percent of Gross Area |
|-------|--|--------------------------|-----------------------------|-----------------------|
| A     | storm water detention                            | 17,431                   | 17,431                      | 100                   |
| B     | open space, playground                           | 15,422                   | 15,422                      | 100                   |
| C     | open space, playground                           | 7,695                    | 7,695                       | 100                   |
| D     | pedestrian access way                            | 1,841                    | 1,841                       | 100                   |
| E     | pedestrian access way                            | 2,357                    | 2,357                       | 100                   |
| F     | open space, picnic shelter                       | 22,105                   | 22,105                      | 100                   |
| G     | sewage pump station                              | 4,062                    | 0                           | 0                     |
| H     | open space                                       | 8,795                    | 8,795                       | 100                   |
| I     | bicycle/pedestrian trail                         | 2,702                    | 2,702                       | 100                   |
| J     | bicycle/pedestrian trail, open space             | 7,036                    | 7,036                       | 100                   |
| K     | bicycle/pedestrian trail, open space             | 3,622                    | 3,622                       | 100                   |
| L     | bicycle/pedestrian trail, open space, BPA access | 41,905                   | 41,905                      | 100                   |
| M     | n/a  | n/a                      | n/a                         | n/a                   |
| N     | open space, tree preservation                    | 14,326                   | 14,326                      | 100                   |
| O     | open space                                       | 7,110                    | 7,110                       | 100                   |
| P     | pedestrian access way                            | 1,274                    | 1,274                       | 100                   |
| Q     | pedestrian access way                            | 2,125                    | 2,125                       | 100                   |
| R     | open space, playground                           | 10,822                   | 10,822                      | 100                   |
| S     | pedestrian access way                            | 2,871                    | 2,871                       | 100                   |

Landscaping has been proposed in excess of the 25 percent minimum for each common tract in the planned development, except for Tract G, the sewage pump station tract. Therefore, a condition is included requiring a minimum 25 percent of the gross area of Tract G be provided with landscaping.

**CONDITION FOR FINDING:** That landscaping be provided for Sewage Pump Station Tract ‘G’. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

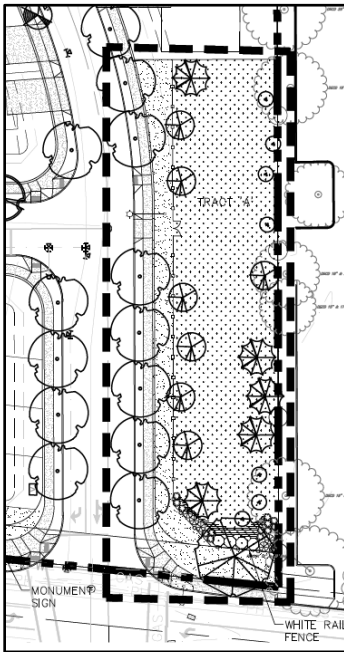
**17.57.070(B).** The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #6-11, and 16.** The applicant is proposing the following landscaping for open space tracts:

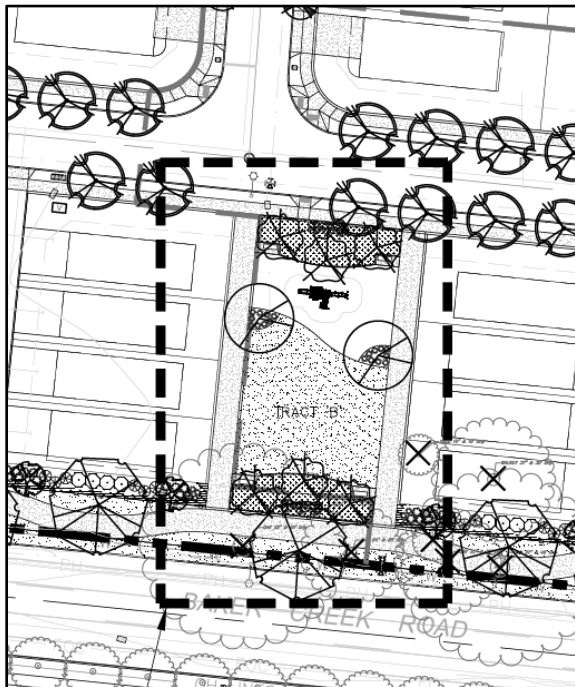
Open Space & Detention ‘Tract A’:



Tract A is located at the southeastern corner of the proposed planned development, at the corner of Baker Creek Road and Shadden Drive. It's primary function is to serve as a storm water detention facility, and the proposed landscaping is reflective of that purpose. Native tree species *Acer circinatum* (Vine Maple), *Pseudotsuga menziesii* (Douglas Fir), and *Rhamnus purshiana* (Cascara) are proposed around the perimeter of the detention area. At the south end of the detention area near Baker Creek Road, a planting area is proposed with a variety of native evergreen shrubs, including *Cornus alba 'Elegantissima'* (Variegated Redtwig Dogwood), *Mahonia aquifolium* (Tall Oregon Grape), *Myrica californica* (Pacific Wax Myrtle), and *Arctostaphylos uva-ursi* (Kinnikinnick). A Water Quality Facility Mix consisting of Dwarf Tall Fescue, Dwarf Perennial Rye, Creeping Red Fescue, and Colonial Bent Grass, all grasses, is proposed throughout the remainder of the open detention area. A white rail fence matching the fence proposed along Baker Creek Road separates the detention area from open space planted with a fine lawn seed mix.

Adjacent to Tract A to the east is an off-street parking lot for a church. Proposed planting around the perimeter of the detention area, in combination with existing trees within the adjacent parking area and along the property line, would serve to screen and buffer the detention area from the adjacent church property.

Open Space & Private Utility Easement 'Tract B':



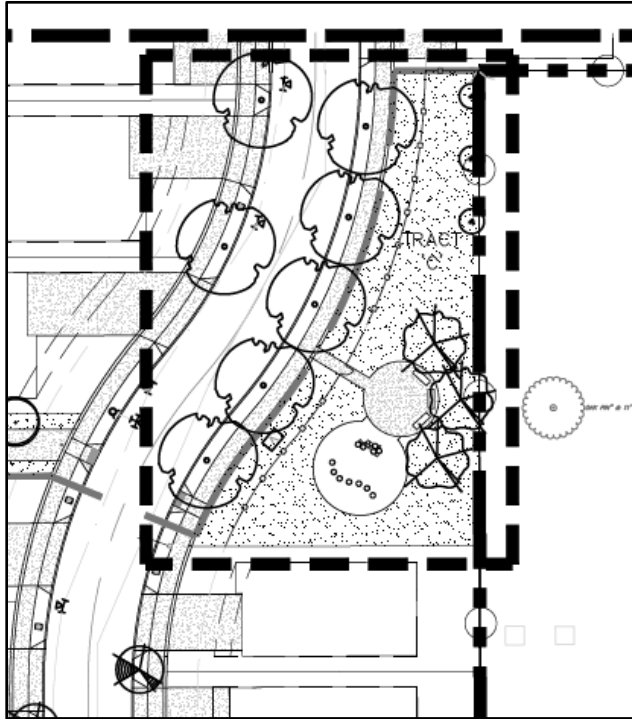
Tract B is located amid the SFD-26a lots proposed along Baker Creek Road. It would serve several functions, including active and passive recreation space and as a mid-block pedestrian way connecting Baker Creek Road to Emma Street.

The north and south ends of the tract have the same landscape treatment, *Cercis canadensis* (Eastern Redbud) trees and *Syringa patula 'Miss Kim'* (Miss Kim Korean Lilac) planted in a mix of small ornamental and native shrubs. The mix includes the ornamental shrubs Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, and Dwarf Alaska Blue Willow, and native shrubs Kelsey Dogwood and Evergreen Huckleberry. Four benches are located in the planting areas to provide seating opportunities.

A play structure is located in the northern portion of the tract, with engineered wood fiber surfacing. A lawn area is located to the south of the play structure. Planting areas with *Gleditsia triacanthos 'Sunburst'* (Sunburst Honey Locust) trees and *Helictotrichon sempervirens* (Blue

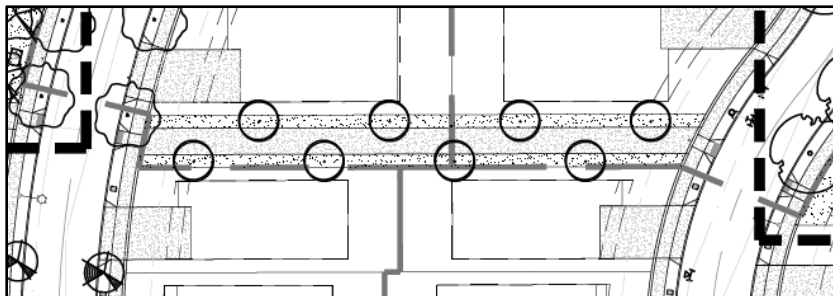
Oat Grass) provide separation between the spaces. Paths on the east and west sides of the tract connect the sidewalks along Baker Creek Road and Emma Street.

Open Space 'Tract C':



Tract C is located along Shadden Drive, north of Tract A. In Tract C, a three (3) foot white rail fence matching that found around the Tract A detention area and along Baker Creek Road encloses an open lawn space and a play area. The play elements in the Tract C are natural wood stumps arranged to create a climbing element and trail on an engineered wood fiber surface. Next to the play area is a seating area with three (3) benches under *Cercis canadensis* (Eastern Redbud) trees. *Acer circinatum* (Vine Maple) trees would provide additional screening of the open space from the adjacent church property to the east.

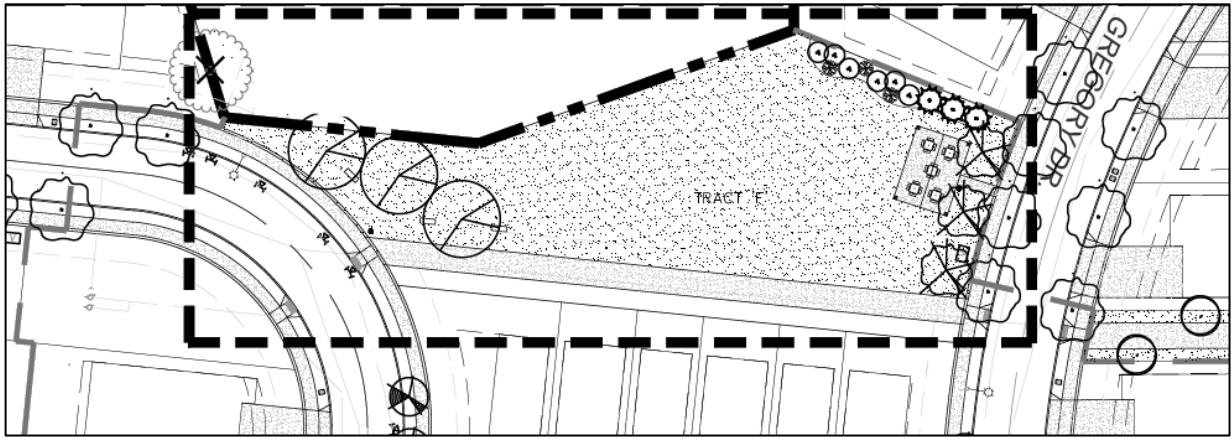
Open Space 'Tract D' & 'Tract E':



Tracts D and E connect across phase lines to provide a pedestrian connection from Shadden Drive to Gregory Drive. On each side of a 10 foot wide path, a five (5) foot wide landscape area is proposed with *Carpinus betulus* 'Frans

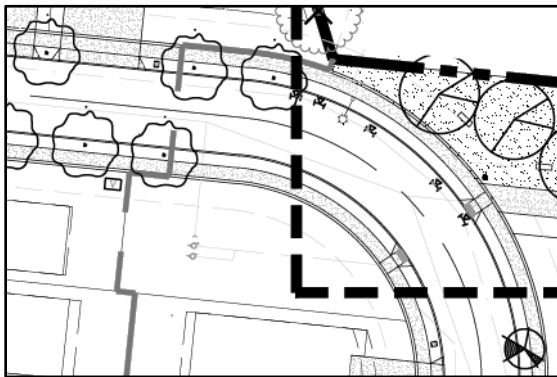
Fontaine' (Frans Fontaine Hornbeam) trees and lawn. The trees are spaced at 50 feet on center, alternating spacing on each side of the path. Frans Fontaine Hornbeams grow to 40 feet tall and 25 feet wide. The proposed spacing of the trees would allow near continuous canopy over the walkway.

Open Space 'Tract F':



Tract F is centrally located in the planned development between Gregory Drive and Charles Street. It is contiguous to the proposed 14.9 acre park dedication to the north. It is accessed from sidewalks along Gregory Drive and Charles Street, and from a pedestrian walkway in an access easement along the southern edge of the tract. On the western side of the tract, *Gleditsia triacanthos* 'Sunburst' (Sunburst Honey Locust) trees and benches would be along a future woodchip path leading to the park trail to the north. A large open lawn area would separate the western side from the picnic shelter on the eastern side of Tract F. A permanent picnic shelter measuring approximately 22 feet by 30 feet would cover five (5) picnic tables. *Cercis canadensis* (Eastern Redbud) trees would buffer the shelter from the Gregory Drive right-of-way, and a row of *Calocedrus decurrens* (Incense Cedar), *Acer circinatum* (Vine Maple), and *Syringa patula* 'Miss Kim' (Miss Kim Korean Lilac) would provide screening and buffering from the adjacent residential lot to the north, Lot 216.

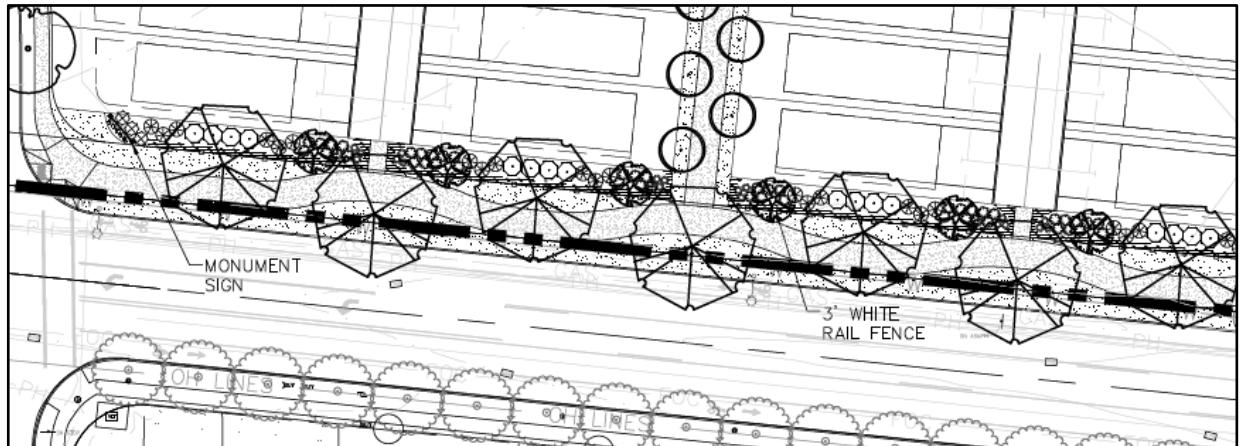
Pump Station 'Tract G':



Landscaping was not proposed for Tract G at the intersection of Charles Street and Alfred Drive, where a sewer pump station is located. Tract G is adjacent to residential lots 60, 109, and 110, and is across the street from lots 49, 111, and Open Space Tract F. There is no screening or buffering of the pump station from the adjacent residential uses. A condition of approval requiring landscaping to screen and buffer the sewage pump station has been included.

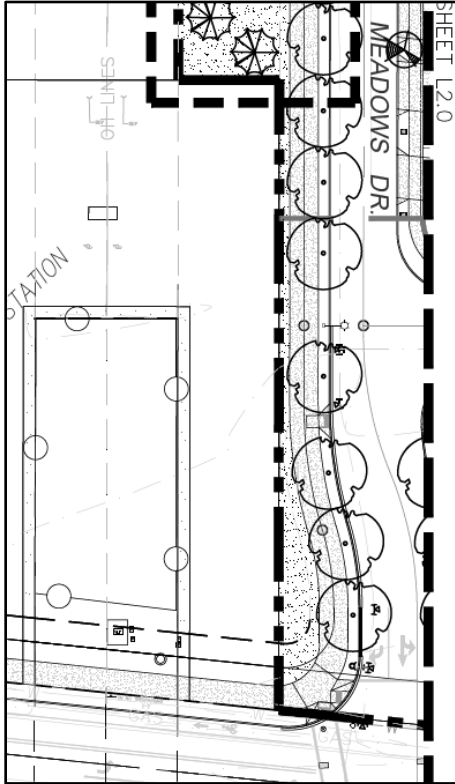


Open Space & Private Utility Easement 'Tract H':



Tract H is a ten (10) foot wide space located along the planned development's Baker Creek Road frontage, from Shadden Drive to Meadows Drive and north of additional right-of-way dedication. Separating the meandering sidewalk, street trees, and lawn in the right-of-way from Tract H is a three (3) foot high white rail fence, consistent with existing fencing along the developments at the south side of Baker Creek Road and Hill Road. The fencing would end in monument signs at the Meadows Drive and Shadden Drive intersections with Baker Creek Road. Behind the white rail fence, planting areas are proposed. A repeating pattern of ornamental and native shrubs and trees is proposed adjacent to each SFD-26a lot along Baker Creek Road, with connections to the alleys, pedestrian ways, and open space tracts between the planting areas. Shrubs proposed in these areas include *Juniperus chinensis 'Blue Point'* (Blue Point Juniper), *Cornus alba 'Elegantissima'* (Variegated Redtwig Dogwood), *Myrica californica* (Pacific Wax Myrtle), *Mahonia aquifolium* (Tall Oregon Grape), and *Helictotrichon sempervirens* (Blue Oat Grass). In each planting area, *Malus 'Royal Raindrops'* (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry) trees are proposed.

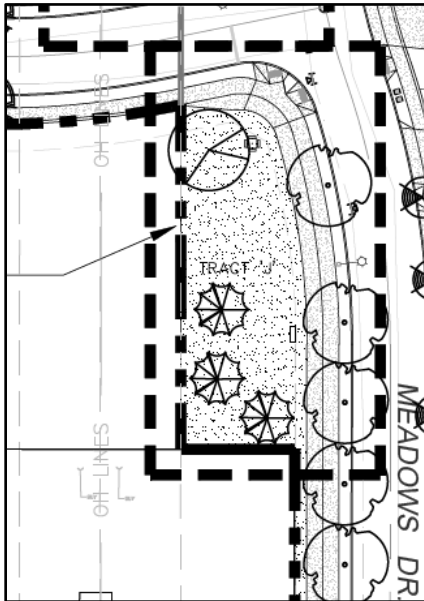
Open Space 'Tract I':



Tract I is located between the McMinnville Water and Light Substation and Meadows Drive. It would be the beginning of the northerly extension of the Westside Bicycle/Pedestrian Greenway, which currently terminates across Baker Creek Road from Tract I. A 10 foot wide paved multi-use trail is proposed similar to the existing multi-use trail to the south. Lawn is proposed throughout the tract, with street trees lining the trail adjacent to Meadows Drive.

Based on comments from McMinnville Water & Light, trees surrounding the electric substation should be limited in height to 25 feet. A condition is included limiting the height of any trees located in Open Space Tract I to a maximum mature canopy height of 25 feet.

Open Space 'Tract J':

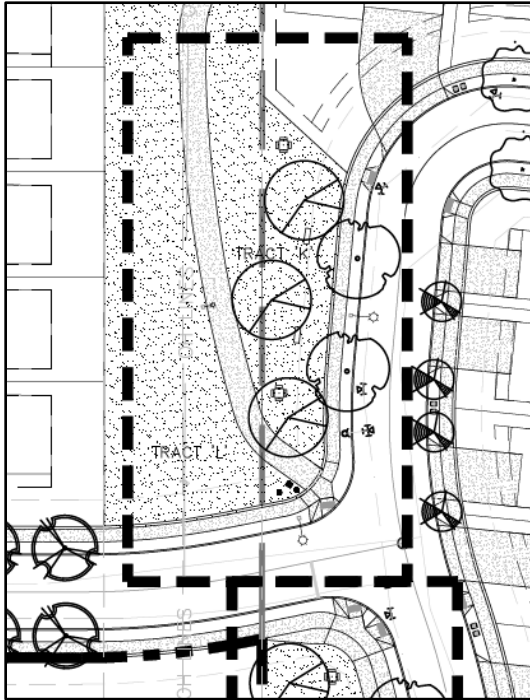


Tract J located north of the McMinnville Water and Light substation and east of the adjacent commercially zoned property, at the intersection of Meadows Drive and Kent Street. It is the continuation of the multi-use trail from Tract I. Like in Tract I, a 10 foot wide multi-use trail is proposed as a continuation of the Westside Bicycle/Pedestrian Greenway. An open lawn space is proposed adjacent to the substation and commercial property. Evergreen *Pseudotsuga menziesii* (Douglas Fir) trees and a deciduous *Gleditsia Triacanthos 'Sunburst'* (Sunburst Honey Locust) are indicated on the Landscape Plan along the west and south property lines bordering the substation and commercial property. A picnic table is proposed in the lawn area, and a bench is proposed adjacent to the trail.

Douglas Fir trees can grow to approximately 100 feet tall and 30 feet wide, and Sunburst Honey Locust grow to approximately 40 feet tall and wide. Based on comments from McMinnville Water & Light, trees surrounding the electric substation should be limited in height to 25 feet. Additionally, trees adjacent to the transmission easement should be limited in height 40 feet and located such that no canopy encroaches into the transmission easement. A condition is included limiting the height of any trees in Open Space Tract J adjacent to the electric substation to a maximum mature canopy height of 25 feet, and no tree in Tract J shall

exceed a maximum mature canopy height of 40 feet or be located such that no canopy encroaches into the transmission easement.

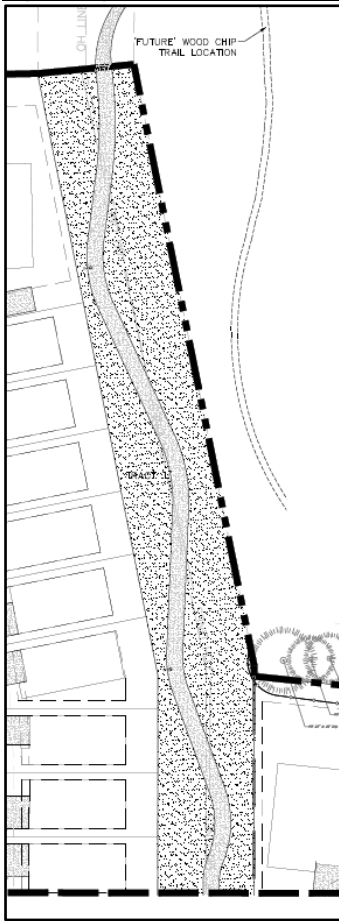
Open Space 'Tract K':



Tract K is the northerly continuation of the Westside Bicycle/Pedestrian Greenway multi-use trail across Kent Street. The tract is between Tract L (described below) and Meadows Drive. Lawn is indicated on the Landscape Plan for Tract K, and three (3) *Gleditsia Triacanthos* 'Sunburst' (Sunburst Honey Locust) are shown, making a visual connection with the same tree proposed in Tract J. Two (2) benches and a picnic table would be located below the Sunburst Honey Locusts in the open lawn area of Tract K.

Sunburst Honey Locusts grow approximately 40 feet tall and wide. Based on comments from McMinnville Water & Light, trees in Tract K should be located such that no canopy encroaches into the transmission easement. A condition is included limiting the height of any trees in Open Space Tract K to a maximum mature canopy height of 40 feet and to locations such that no canopy encroaches into the transmission easement.

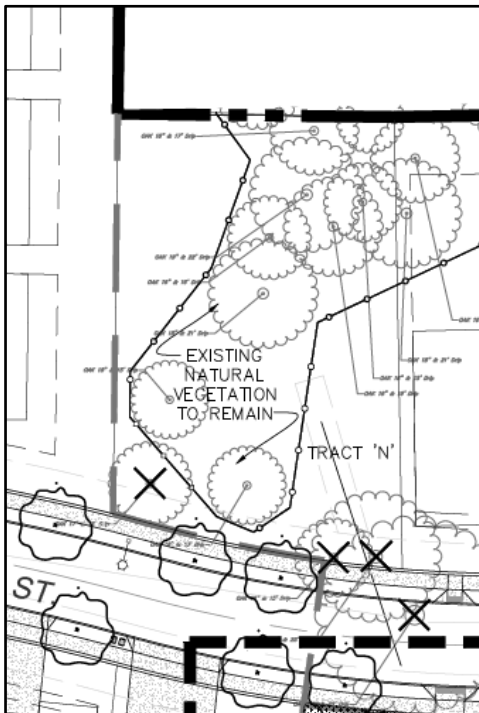
Open Space & Access Easement 'Tract L':



Tract L is the northernmost extension of the Westside Bicycle/Pedestrian Greenway through the planned development and BPA easement, leading to the proposed park dedication. A 10 foot wide multi-use trail is proposed, meandering through an open lawn area below overhead electric transmission lines. Because of the overhead lines, trees in the Access Easement are not recommended. Based on McMinnville Water & Light comments, conditions of approval are included to restrict the placement of trees inside Open Space & Access Easement Tract L, limiting the height of any trees in adjacent to Tract L to a maximum mature canopy height of 40 feet and to locations such that no canopy encroaches into the transmission easement, and to ensure no picnic table or other public amenity blocks access to transmission facilities.

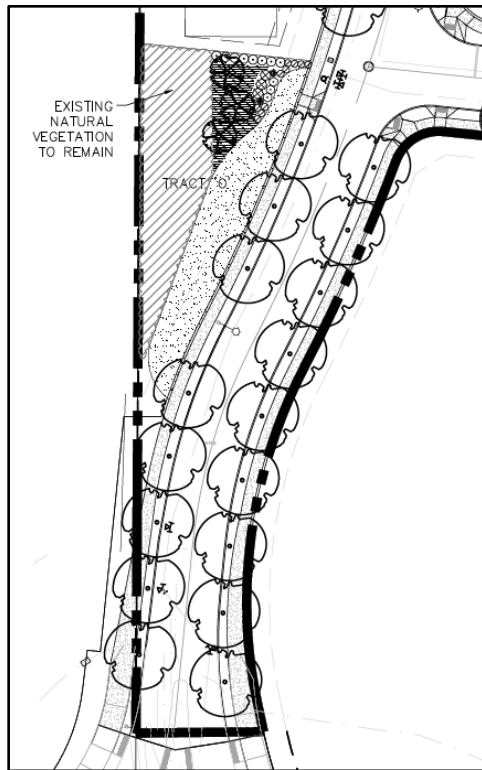
Additionally, no street trees should be located within the public right-of-way in the transmission line easement, where they would be in incompatible with electrical transmission lines overhead.

Open Space 'Tract N':



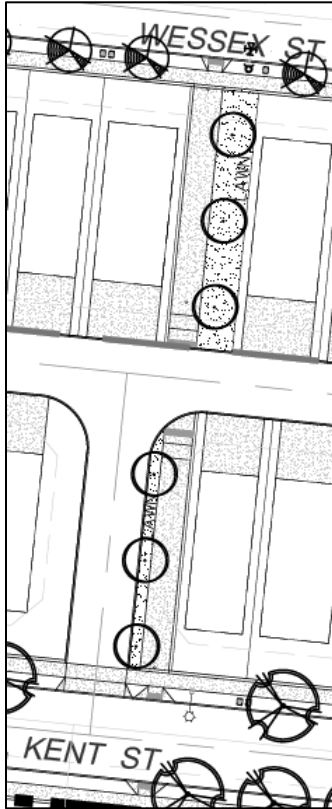
Tract N is located north of Mercia Street. It slopes from the Mercia Street down to the proposed park dedication, and has many mature native oak trees that are part of a larger stand extending into the park to the north. Four trees are requested to be removed to accommodate site development, but the remainder of existing trees and vegetation in Tract N would remain largely undisturbed. A storm water discharge would be located within Tract N.

Open Space 'Tract O':



Open Space Tract O is located on the west side of Hill Lane, north of the roundabout at Baker Creek Road and Hill Road. Existing natural vegetation is retained on the west side of the tract. Open lawn is proposed along the Hill Lane right-of-way which is shown with a sidewalk and street trees. At the north end of the open space, a planting area is proposed adjacent to Lot 163. The landscape plan specifies an evergreen hedge of *Ligustrum japonicum* 'Texanum' (Waxleaf Privet) along the northern lot line. *Malus* 'Royal Raindrops' (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry) trees are shown among a mix of ornamental shrubs Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, and Dwarf Alaska Blue Willow, and native shrubs Kelsey Dogwood and Evergreen Huckleberry. Other plants proposed in the planting area are *Abelia grandiflora* 'Kaleidoscope' (Kaleidoscope Abelia), *Juniperus chinensis* 'Blue Point' (Blue Point Juniper), *Viburnum tinus* 'Spring Bouquet' (Spring Bouquet Viburnum), and *Miscanthus sinensis* 'Morning Light' (Morning Light Maiden Grass).

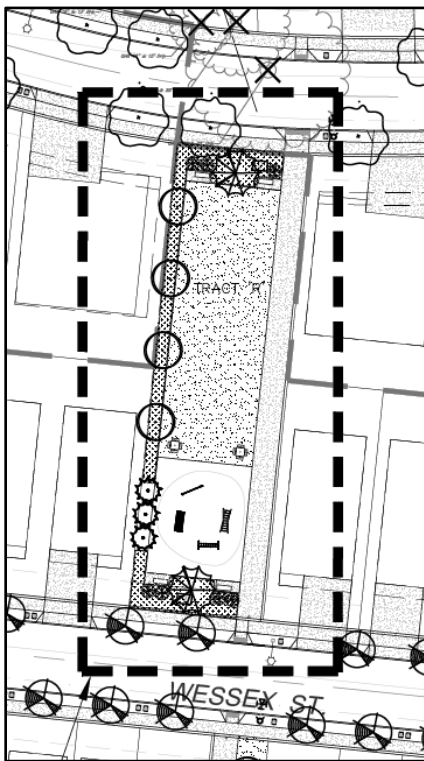
Open Space 'Tract P' and Open Space 'Tract Q':



Tract P is an open space tract adjacent to the public alley proposed between Lots 152 and 153. A 10 foot wide walkway would provide pedestrian access through the space and connect to Tract Q to the north. Between the pedestrian path and the alley is a planter strip with three (3) *Carpinus betulus* 'Frans Fontaine' (Frans Fontaine Hornbeam) trees and lawn. The trees are spaced at 30 feet on center, which would allow near continuous canopy over the walkway. Frans Fontaine Hornbeam have an approximate 25 foot wide canopy.

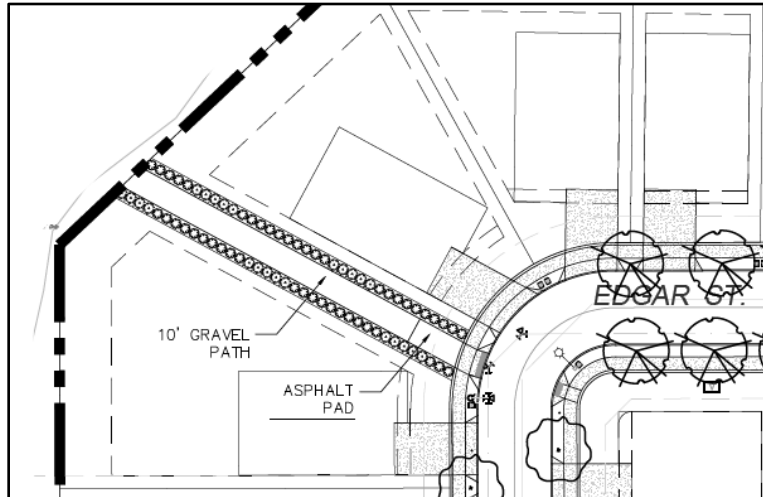
Tract Q is the portion of the midblock pedestrian accessway from Wessex Street to the alley, between Lots 175 and 176. A 10 foot wide walkway aligns with the walkway in Tract P to the south. Between the walkway and Lot 176, an open space approximately 12 feet wide with three (3) *Carpinus betulus* 'Frans Fontaine' (Frans Fontaine Hornbeam) trees and lawn is proposed. The trees are spaced at 30 feet on center, which would allow near continuous canopy over the walkway. Frans Fontaine Hornbeam have an approximate 25 foot wide canopy.

Open Space 'Tract R':



Tract R is located between Mercia Street and Wessex Street, and is the northern continuation of the midblock pedestrian accessway that includes Tracts P and Q. Tract R also includes passive and active recreation amenities. The 10 foot wide pedestrian path is located along the eastern edge of the tract. Around the remainder of the perimeter of the open space, planting areas are proposed to screen and buffer Tract R from the adjacent residential lots and the Mercia and Wessex Street rights-of-way. On the west side of Tract R, four (4) *Carpinus betulus* 'Frans Fontaine' (Frans Fontaine Hornbeam) are shown at 30 feet on center. Three (3) *Calocedrus decurrens* (Incense Cedar) are shown at 10 feet on center. On the north and south ends of Tract R adjacent to the rights-of-way, Douglas Fir trees are proposed with Miss Kim Korean Lilac shrubs. The remainder of the perimeter planting is the ornamental and native shrub mix including Lucky Lots Abelia, Silver Queen Euonymus, Gulf Stream Nandina, Dwarf Alaska Blue Willow, Kelsey Dogwood, and Evergreen Huckleberry. A playground is located on the south end of Tract R, with four (4) distinct play elements. Four benches are located around the perimeter, and an open lawn space with two (2) picnic tables makes up the northern portion of the open space.

Open Space 'Tract S':



Tract S is located at the intersection of Edgar Street and Gregory Drive. It is a pedestrian accessway leading to the nature trail in the proposed park dedication. A 10 foot wide gravel path with an asphalt pad near the street intersection is flanked by five (5) foot wide planting strips. Plants proposed along the path are *Rosa nutkana* (Nootka Rose) and *Mahonia aquifolium* (Tall Oregon Grape). Both species are native to the Pacific Northwest.

Generally, the proposed landscaping is compatible with the proposed project and the surrounding and abutting properties and the uses occurring thereon. However, no landscaping was proposed for Pump Station Tract G, which the City has determined to be not compatible with the project or with surrounding properties. Restrictions on tree height and location in Tracts I, J, K, and L adjacent to and including the electrical substation and transmission line easement will ensure compatibility with the surrounding uses. Landscaping is shown within the public utility easement adjacent to the right-of-way in Tracts A, B, H, O, R, and S. Landscape design should accommodate utilities.

**CONDITIONS FOR FINDING:** That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station from surrounding properties.

That trees in Open Space Tract 'I' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet.

That trees in Open Space Tract 'J' adjacent to the electric substation shall have a maximum mature canopy height of 25 feet, and trees in Tract 'J' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission easement.

That trees in Open Space Tract 'K' shall have a maximum mature canopy height of 40' and be located such that no tree canopy encroaches into the transmission easement.

That no trees are allowed within Open Space and Access Easement Tract 'L'. Trees adjacent to Tract 'L' shall have a maximum mature canopy height of 40 feet and be located such that no tree canopy encroaches into the transmission line easement. No picnic table or other public amenity in Tract 'L' shall block access to transmission facilities.

That the applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor

adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.

That no street tree shall be located within the transmission line easement. Street trees adjacent to the transmission line easement shall have a maximum mature canopy height of 40 feet and shall be located such that no tree canopy encroaches into the transmission line easement.

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #6.** The uses proposed in open space tracts throughout the planned development are consistent with permitted uses in the underlying residential zone (R-4), and would not be generally be considered conflicting land uses that require extensive screening. The proposed landscape plans for the open space tracts specify perimeter landscaping where feasible and practical that would provide appropriate screening and buffering of certain uses within each open space tract from adjacent uses. See table below:

| Tract | Proposed Uses                                    | Adjacent Uses   | Screening Recommended | Screening Provided | Additional Screening Recommended |
|-------|--|---|-----------------------|--------------------|----------------------------------|
| A     | storm water detention                            | church right-of-way   | ✓                     | ✓                  |                                  |
| B     | open space, playground                           | residential lots right-of-way                                       | ✓                     | ✓                  |                                  |
| C     | open space, playground                           | church residential lots right-of-way                                | ✓                     | ✓                  |                                  |
| D     | pedestrian access way                            | residential lots right-of-way                                       |                       | ✓                  |                                  |
| E     | pedestrian access way                            | residential lots right-of-way                                       |                       | ✓                  |                                  |
| F     | open space, picnic shelter                       | residential lots right-of-way<br>park dedication<br>access easement | ✓                     | ✓                  |                                  |
| G     | sewage pump station                              | residential lots right-of-way<br>open space                         | ✓                     |                    | ✓                                |
| H     | open space                                       | residential lots right-of-way                                       | ✓                     | ✓                  |                                  |
| I     | bicycle/pedestrian trail                         | substation right-of-way   |                       |                    |                                  |
| J     | bicycle/pedestrian trail, open space             | substation right-of-way<br>future commercial                        | ✓                     | ✓                  |                                  |
| K     | bicycle/pedestrian trail, open space             | residential lots right-of-way<br>bike/ped trail                     |                       | ✓                  |                                  |
| L     | bicycle/pedestrian trail, open space, BPA access | residential lots right-of-way<br>park dedication                    |                       |                    |                                  |
| N     | open space                                       | residential lots  |                       | ✓                  |                                  |



|   |                           |   |   |   |  |
|---|---------------------------|---|---|---|--|
|   |                           | right-of-way<br>park dedication                 |   |   |  |
| O | open space                | residential lots<br>right-of-way<br>agriculture |   | ✓ |  |
| P | pedestrian access way     | residential lots<br>right-of-way                |   | ✓ |  |
| Q | pedestrian access way     | residential lots<br>right-of-way                |   | ✓ |  |
| R | open space,<br>playground | residential lots<br>right-of-way                | ✓ | ✓ |  |
| S | pedestrian access way     | residential lots<br>right-of-way                |   | ✓ |  |

No landscaping is proposed for Tract G, the sewage pump station. Given the central location of the tract and pump station and the variety of adjacent uses, a condition has been included requiring landscaping for Tract G that provides screening of the permanent pump station structure from surrounding properties.

**CONDITION FOR FINDING:** That landscaping be provided for Sewage Pump Station Tract 'G'. Landscaping shall be provided at an amount equal to or greater than 25 percent of the gross area of the tract, and shall provide screening of the pump station structure from surrounding properties.

**17.57.070(B)(3).** The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant has retained the majority of the existing trees found on the site, requesting only to remove 17 trees that are necessary for the grading and site development of the planned development as proposed. Of the 17 trees proposed for removal, 5 would be removed to accommodate additional required right-of-way dedication and improvements along the north side of Baker Creek Road. The existing grade has been preserved around the existing trees that are to remain. Additionally, the landscape plans specify tree protection fencing beyond the dripline and the critical root zone of existing trees to provide further protection during construction of the planned development. The applicant has also incorporated existing natural areas into the development of the project, specifically in Open Space Tracts 'N' and 'O'.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** No parking areas outside of the individual residential lots are proposed within the planned development, therefore this planning factor is not applicable.

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

**APPLICANT'S RESPONSE:** None.









**FINDING: SATISFIED WITH CONDITION OF APPROVAL #14.** The applicant is proposing to install six (6) different street tree species within the Baker Creek North subdivision. The proposed street tree species are identified in the plant list below, found on drawing L1.0 Street Tree List. All proposed tree species were found on the McMinnville Street Tree List, as approved by Resolution 2016-22. A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.




| PLANT LIST: STREET TREES  |      |   |         |          |               |  |
|---|------|---|---------|----------|---------------|--|
| SYMBOL  | QTY. | LATIN NAME/ Common Name   | SIZE    | SPACING  | MATURE HEIGHT |  |
| SMALL TREES   |      |   |         |          |               |  |
|    | 79   | PRUNUS SARGENTII<br>Sargent's Cherry                              | 2" cal. | As Shown | 35' ht.       |  |
|    | 105  | SYRINGA RETICULATA 'IVORY SILK'<br>Ivory Silk Japanese Tree Lilac | 2" cal. | As Shown | 20' ht.       |  |
| MEDIUM TREES  |      |   |         |          |               |  |
|    | 77   | ACER RUBRUM 'OCTOBER GLORY'<br>October Glory Maple                | 2" cal. | As Shown | 40' ht.       |  |
|    | 69   | OSTRYA VIRGINIANA<br>American Hophornbeam                         | 2" cal. | As Shown | 40' ht.       |  |
| LARGE TREES   |      |   |         |          |               |  |
|   | 16   | CERCIDIPHYLLUM JAPONICUM<br>Katsura Tree                          | 2" cal. | As Shown | 40' ht.       |  |
|  | 112  | GINKGO BILOBA 'MAGYAR'<br>Magyar Maidenhair Tree                  | 2" cal. | As Shown | 50' ht.       |  |

All the proposed street trees except for the *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac) are Recommended Medium Tree Species on the revised street tree list approved by Resolution 2019-26. The categorization of recommended tree species was updated in the new list.

**McMinnville Street Tree List**

*Recommended Medium Tree Species*

| Scientific Name<br>Common Name                                | Minimum Planter Width (ft.) | Under Wires? | Mature Height (ft.) | Canopy Width (ft.) | Tree Form   | Flowers | Fall Color  | Native | Comments   |
|---|-----------------------------|--------------|---------------------|--------------------|---|---------|---|--------|--|
| <i>Acer rubrum 'October Glory'</i><br>October Glory Red Maple | 5                           | No           | 40                  | 35                 |  | n/a     |  |        | One of the last trees to color in fall                     |
| <i>Cercidiphyllum japonicum</i><br>Katsura Tree               | 5                           | No           | 40                  | 40                 |  | n/a     |  |        | Sensitive to drought                                       |
| <i>Ginkgo biloba 'Magyar'</i><br>Magyar Ginkgo                | 5                           | No           | 50                  | 25                 |  | n/a     |  |        | Male only; More upright and narrow than Autumn Gold        |
| <i>Ostrya virginiana</i><br>Hophornbeam                       | 5                           | No           | 40                  | 25                 |  | n/a     |  |        | Hop-like fruit, slow growing; tolerant of urban conditions |

|   |   |    |    |    |   |  |   |  |
|---|---|----|----|----|---|--|---|--|
| <i>Prunus sargentii</i><br>Sargent Flowering Cherry | 5 | No | 30 | 30 |  |  |  | Single pink flowers; good fall color;<br>mahogany colored bark |
|---|---|----|----|----|---|--|---|--|

The proposed species that is not found on the street tree list, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), is consistent with the desired characteristics for street trees, found in the McMinnville Street Tree List:

- Single trunked to allow for adequate vision clearance;
- Growth characteristics that allow for the lower branching to be maintained at a minimum of eight feet above grade to allow for adequate vision and pedestrian clearance;
- Non-columnar to provide the maximum amount of tree canopy (some exceptions);
- Relatively deeper rooting system to protect sidewalks, lawns, and utilities;
- Not brittle or weak-wooded;
- Deciduous;
- Do not drop excessive amounts of litter (fruits, nuts), have thorns, or excessive sap; and
- Not listed as a prohibited tree.

The Ivory Silk Japanese Tree Lilac is a flowering, single-trunked deciduous tree that matures to approximately 25 feet in height and 15 feet in width, placing it in the small tree category. Its upright form yields good clearance below. It is not found on the prohibited tree list. Although not found on the updated Street Tree List, the City finds that the proposed *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is an appropriate small street tree species because it is consistent with the desired street tree characteristics.

**CONDITION FOR FINDING:** That the approved street tree species for the Baker Creek North subdivision are:

- a. Small Trees
  - i. *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac)
- b. Medium Trees
  - i. *Acer rubrum* 'October Glory' (October Glory Red Maple)
  - ii. *Cercidiphyllum japonicum* (Katsura Tree)
  - iii. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo)
  - iv. *Ostrya virginiana* (American Hophornbeam)
  - v. *Prunus sargentii* (Sargent Cherry)

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #12.** The applicant has submitted irrigation plans specifying an automatic irrigation system for all landscaping within open space tracts, except for Tract S, and for all street trees adjacent to open space tracts. Additionally automatic irrigation is provided for street trees on the block north of the commercially zoned property, bounded by Wessex Street to the north, Hill Lane to the west, Kent Street to the south, and Harold Drive to the east, and for the block north of Baker Creek Road, bounded by Shadden Drive to the east, Meadows Drive to the west, and Emma Street to the north.

The irrigation plan indicates that no automatic irrigation system is proposed for Phase 3 of the Planned Development. Included in Phase 3 is Open Space Tract S, the pedestrian access from Edgar Street to the nature trails in the proposed park dedication. According to the Irrigation

Plan, Tract S “Native shrubs to be watered by hand until established”. However, suitable watering facilities are not indicated on the submitted plans. Therefore, a condition requiring automatic irrigation for Tract S has been included.

**CONDITION FOR FINDING:** That an automatic irrigation system be provided to landscape areas within Open Space Tract ‘S’.

**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 #13.** A condition of approval is included to require that all landscaping approved by the City and required as conditions of approval shall be maintained, including necessary watering, weeding, pruning, mowing, and replacement.

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

## **Chapter 17.58. Trees**

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

**APPLICANT’S RESPONSE:** None.

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

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

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review;

**APPLICANT'S RESPONSE:** The applicant is requesting development review of its application for a planned development and subdivision to create 280 single-family detached lots, construct public streets and alleys, and develop common open space areas as illustrated on the plans. Therefore, per subsection D. above, the provisions of Chapter 17.58 apply to trees on the planned development site.

**FINDING: SATISFIED.** The City concurs with the applicant's finding.

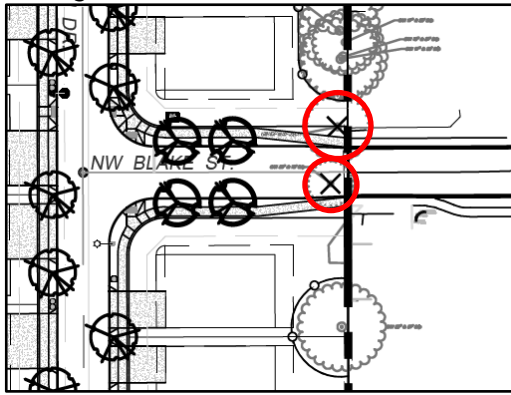
**Section 17.58.040 Tree Removal/Replacement.**

**17.58.040(A).** The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the McMinnville Planning Department. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. Requests for tree removal or pruning of trees outside of the Downtown Tree Zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zone shall be submitted to the McMinnville Planning Department. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The Planning Director or their designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Director, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or Director may be appealed to the Planning Commission if written notice of the appeal is filed with the Planning Department within 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.

**APPLICANT'S RESPONSE:** The exhibit landscaping plan drawing L1.0 Street Tree Plan indicates that the applicant is proposing to remove trees to facilitate site development of the planned development. The applicant requests concurrent review and approval of this request with the proposed planned development and subdivision applications.

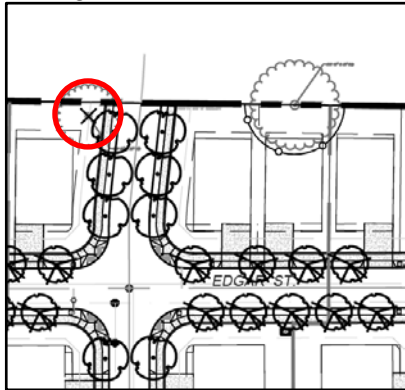
**FINDING: SATISFIED.** The City concurs with the applicant's finding's finding. Drawing L1.0 Street Tree Plan indicates that 17 trees are proposed for removal. The applicant has indicated the location, type, and size of the trees requested for removal on the Street Tree Plan, shown in more detail in Street Tree Plan Enlargements A-F and accompanying tree schedules below. The requested tree removals are not designated as exempt by the zoning ordinance, therefore the requested removals require City approval.

Enlargement A: Blake Street



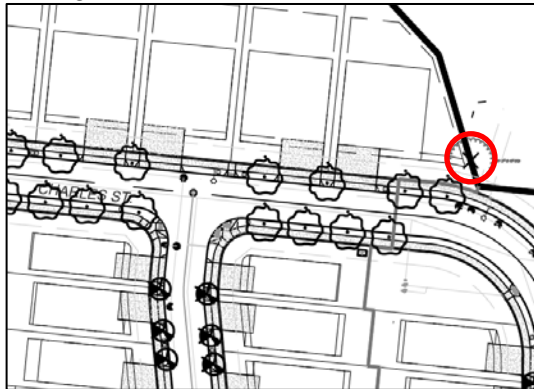
| Blake Street |            |
|--------------|------------|
| Species      | Size (DBH) |
| Oak          | 27"        |
| Oak          | 28"        |

Enlargement B: Shadden Drive



| Shadden Drive |            |
|---------------|------------|
| Species       | Size (DBH) |
| Oak           | 38"        |

Enlargement C: Charles Street



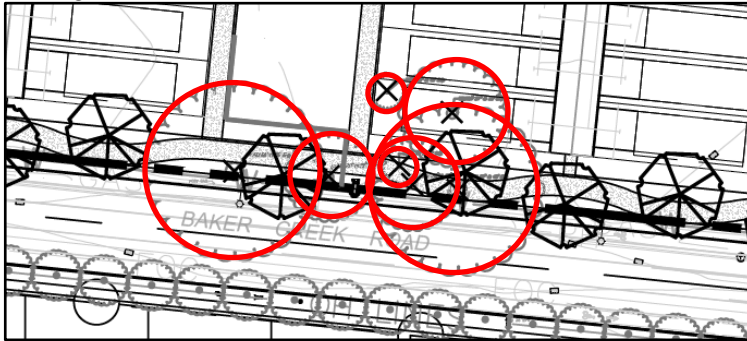
| Charles Street |            |
|----------------|------------|
| Species        | Size (DBH) |
| Oak            | 27"        |

Enlargement D: Mercia Street



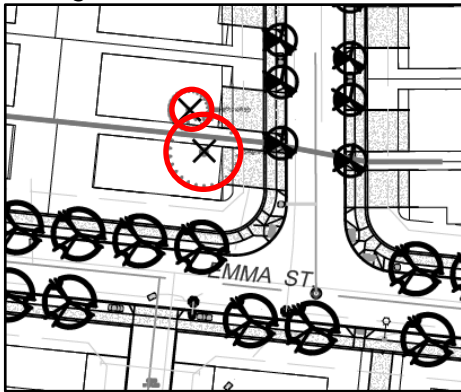
| Mercia Street |            |
|---------------|------------|
| Species       | Size (DBH) |
| Oak           | 17"        |
| Oak           | 18"        |
| Oak           | Unknown    |
| deciduous     | Unknown    |

Enlargement E: Baker Creek Road



| Baker Creek Road |            |
|------------------|------------|
| Species          | Size (DBH) |
| Oak              | 52"        |
| Oak              | 24"        |
| deciduous        | 10"        |
| Walnut           | 37"        |
| deciduous        | unknown    |
| Oak              | 33"        |
| Oak              | 37"        |

Enlargement F: Emma Street



| Emma Street |            |
|-------------|------------|
| Species     | Size (DBH) |
| Apple       | 14"        |
| deciduous   | 11"        |

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

**17.58.040(C).** The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #3 and 4.** Conditions of approval have been included to ensure that the applicant shall be responsible for all costs associated with the tree removal, and that steps are taken to ensure safety to individuals and public and private property.

**CONDITION FOR FINDING:** That all costs and liability associated with tree removal shall be borne by the applicant.

That the applicant contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to digging to ensure that underground utilities are not damaged during the tree removal or planting process.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant has proposed to remove 17 existing trees from the property to facilitate site development of the planned development. The landscape plan indicates that 108 trees are proposed to be planted within the open space tracts of the planned development. With a tree replacement ratio of over 6 to 1, the City does not require additional specific replacement trees for the 17 trees requested for removal.

**17.58.040(E).** The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

**17.58.040(F).** The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Because the tree removal request relates to trees on developable land undergoing development review and not street tree removal, this standard is not applicable to this request.

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

**APPLICANT'S RESPONSE:** None.



**FINDING: SATISFIED WITH CONDITION OF APPROVAL #21.** A condition of approval have been included to ensure that McMinnville's street tree standards are met.

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

**17.58.050 Review Criteria.** A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.

**APPLICANT'S RESPONSE:** With concurrent review and approval of this tree removal request with the proposed planned development and subdivision applications, the trees proposed for removal are part of an approved development project which meets criteria C. above.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #5.** The City concurs with the applicant's finding's finding. The applicant has requested the removal of 17 trees with concurrent review and approval of this request with the proposed planned development and subdivision applications. Removal of the 17 identified trees would facilitate the site development of the planned development and subdivision, if approved.

**CONDITION FOR FINDING:** That only the 17 trees identified for removal on Drawing L1.0 Street Tree Plan shall be approved for removal.

**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:** The proposal is for a new subdivision so street tree planting is required in the curb-side planting strip.

**FINDING: SATISFIED.** The City concurs with the applicant's finding's finding.

**17.58.090 Street Tree Standards.**

**17.58.090(A).** The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution 2016-22, unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.

**APPLICANT'S RESPONSE:** Proposed street tree species were chosen from the McMinnville Street Tree List. The trees are identified on the attached landscape drawing L1.0 Street Tree Plan, which was prepared by a landscape architect.







**FINDING: SATISFIED WITH CONDITION OF APPROVAL #14.** The applicant is proposing to install six (6) different street tree species within the Baker Creek North subdivision. The proposed street tree species are identified in the plant list below, found on drawing L1.0 Street Tree List. All proposed tree species were found on the McMinnville Street Tree List, as approved by Resolution 2016-22. A revised street tree list updating the McMinnville Street Tree List approved by Resolution 2016-22 was developed by the Landscape Review Committee and approved by Resolution 2019-26.






| <b>PLANT LIST: STREET TREES</b>   |      |   |         |          |               |  |
|---|------|---|---------|----------|---------------|--|
| SYMBOL  | QTY. | LATIN NAME/ Common Name   | SIZE    | SPACING  | MATURE HEIGHT |  |
| SMALL TREES   |      |   |         |          |               |  |
|    | 79   | PRUNUS SARGENTII<br>Sargent's Cherry                              | 2" cal. | As Shown | 35' ht.       |  |
|    | 105  | SYRINGA RETICULATA 'IVORY SILK'<br>Ivory Silk Japanese Tree Lilac | 2" cal. | As Shown | 20' ht.       |  |
| MEDIUM TREES  |      |   |         |          |               |  |
|    | 77   | ACER RUBRUM 'OCTOBER GLORY'<br>October Glory Maple                | 2" cal. | As Shown | 40' ht.       |  |
|    | 69   | OSTRYA VIRGINIANA<br>American Hophornbeam                         | 2" cal. | As Shown | 40' ht.       |  |
| LARGE TREES   |      |   |         |          |               |  |
|  | 16   | CERCIDIPHYLLUM JAPONICUM<br>Katsura Tree                          | 2" cal. | As Shown | 40' ht.       |  |
|  | 112  | GINKGO BILOBA 'MAGYAR'<br>Magyar Maidenhair Tree                  | 2" cal. | As Shown | 50' ht.       |  |

All the proposed street trees except for the *Syringa reticulata 'Ivory Silk'* (Ivory Silk Japanese Tree Lilac) are Recommended Medium Tree Species on the revised street tree list approved by Resolution 2019-26. The categorization of recommended tree species was updated in the new list.

**McMinnville Street Tree List**

*Recommended Medium Tree Species*

| Scientific Name<br>Common Name                                | Minimum Planter Width (ft.) | Under Wires? | Mature Height (ft.) | Canopy Width (ft.) | Tree Form   | Flowers | Fall Color  | Native | Comments  |
|---|-----------------------------|--------------|---------------------|--------------------|---|---------|---|--------|---|
| <i>Acer rubrum 'October Glory'</i><br>October Glory Red Maple | 5                           | No           | 40                  | 35                 |  | n/a     |  |        | One of the last trees to color in fall              |
| <i>Cercidiphyllum japonicum</i><br>Katsura Tree               | 5                           | No           | 40                  | 40                 |  | n/a     |  |        | Sensitive to drought                                |
| <i>Ginkgo biloba 'Magyar'</i><br>Magyar Ginkgo                | 5                           | No           | 50                  | 25                 |  | n/a     |  |        | Male only; More upright and narrow than Autumn Gold |

|   |   |    |    |    |   |  |   |  |   |
|---|---|----|----|----|---|--|---|--|---|
| <i>Ostrya virginiana</i><br>Hophornbeam             | 5 | No | 40 | 25 |  | n/a  |  |  | Hop-like fruit, slow growing; tolerant of urban conditions  |
| <i>Prunus sargentii</i><br>Sargent Flowering Cherry | 5 | No | 30 | 30 |  |  |  |  | Single pink flowers; good fall color; mahogany colored bark |

The proposed species that is not found on the street tree list, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), is consistent with the desired characteristics for street trees, found in the McMinnville Street Tree List:

- Single trunked to allow for adequate vision clearance;
- Growth characteristics that allow for the lower branching to be maintained at a minimum of eight feet above grade to allow for adequate vision and pedestrian clearance;
- Non-columnar to provide the maximum amount of tree canopy (some exceptions);
- Relatively deeper rooting system to protect sidewalks, lawns, and utilities;
- Not brittle or weak-wooded;
- Deciduous;
- Do not drop excessive amounts of litter (fruits, nuts), have thorns, or excessive sap; and
- Not listed as a prohibited tree.

The Ivory Silk Japanese Tree Lilac is a flowering, single-trunked deciduous tree that matures to approximately 25 feet in height and 15 feet in width, placing it in the small tree category. Its upright form yields good clearance below. It is not found on the prohibited tree list. Although not found on the updated Street Tree List, the City finds that the proposed *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac) is an appropriate small street tree species because it is consistent with the desired street tree characteristics.

**CONDITION FOR FINDING:** That the approved street tree species for the Baker Creek North subdivision are:

- a. Small Trees
  - vi. *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac)
- b. Medium Trees
  - vii. *Acer rubrum* 'October Glory' (October Glory Red Maple)
  - viii. *Cercidiphyllum japonicum* (Katsura Tree)
  - ix. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo)
  - x. *Ostrya virginiana* (American Hophornbeam)
  - xi. *Prunus sargentii* (Sargent Cherry)

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

**APPLICANT'S RESPONSE:** Following site construction, the street trees will be planted according to the specifications of this code section, as noted on the attached landscaping plans included with this application.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #20.** The City concurs with the applicant's finding's finding. A condition of approval is included to ensure that street trees shall meet City standards for size and quality at the time of planting.

**CONDITION FOR FINDING:** That 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.

**17.58.090(C).** Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. [...]

**APPLICANT'S RESPONSE:** The proposed stature of the street trees, small, medium, and large, as well as the mature height and proposed spacing are referenced on the landscaping drawing L1.0 Street Tree Plan. This planned development is a residential neighborhood where street trees are evenly spaced where possible. The applicant is requesting concurrent approval by the City to permit variations to the spacing as shown on the plans. The proposed modifications are due to specific site limitations inherent in a planned development with a mix of housing types, a variety of lot widths, and range of driveway types, coupled with pedestrian curb ramps, alley access ramps, lamp posts, and other utility conflicts.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and 17.** The Street Tree Plan has been requested for concurrent review and approval with the Planned Development and Subdivision applications. Approval of the Planned Development and Subdivision would allow variances to lot sizes and widths. The Street Tree Plan illustrates the proposed lot layout, along with proposed building envelopes, driveways, and utility locations. The applicant is requesting as part of the planned development approval street tree spacing that varies from the standards of the code as shown on the drawing L1.0 Street Tree Plan. In higher density developments lot frontage decreases and frequency of driveways and utilities increase, creating conflicts that require greater spacing between street trees than outlined in the code. The applicant notes that the planned development compensates for the increase in spacing in the following ways:

- The applicant is proposing to encroach into the minimum 5-ft. spacing requirement for street trees by wrapping a root barrier from the curb to sidewalk in front of the apron's wing as shown in the Root Barrier Detail on drawing L.1.0 Street Tree Plan. In addition, the applicant is proposing to encroach into 10-ft. spacing requirement for street trees by wrapping a root barrier adjacent to the water meter as shown in the detail. This is primarily in front of SFD-40 & SFD-45 lots, but may occur on other lots in the development.
- SFD-30a & SFD-26a lots are served with vehicle access from an alley. This reduces the frequency of driveway conflicts allowing more street trees to be provided on the block face.
- Street tree frequency is maximized on side street block faces where no driveway conflicts exist.
- The planned development has various common open space tracts. Proposed tree planting in these tracts, as shown on the Landscape Plans L1.0-L10.0 add to the community's overall tree canopy, compensating for gaps in the street tree canopy due to conflicts with driveway and utility improvements.
- Many large trees are preserved in tracts and in rear yards on larger lots as shown on the drawing L1.0 Street Tree Plan.

The applicant is proposing six different street trees. One species, *Syringa reticulata* 'Ivory Silk' (Ivory Silk Japanese Tree Lilac), grows to 25 feet tall and 15 feet wide and would be considered a small stature tree. The other five species are found in the Recommended Medium Tree

Species section of the McMinnville Street tree list approved by Resolution 2019-26. *Acer rubrum* 'October Glory' (October Glory Red Maple) grows to approximately 40 feet tall and 35 feet wide. *Prunus sargentii* (Sargent Cherry) grows to approximately 30 feet tall by 30 feet wide, *Ostrya virginiana* (American Hophornbeam) grows to approximately 40 feet tall and 25 feet wide. *Cercidiphyllum japonicum* (Katsura Tree) grows to approximately 40 feet tall and wide. *Ginkgo biloba* 'Magyar' (Magyar Ginkgo) grows to approximately 50 feet tall and 25 feet wide. All reach height or canopy dimensions identified by the medium stature tree category.

Based on the infrastructure conflicts and constraints, the applicant has generally proposed street trees that comply to the spacing standards where possible. Where the small stature trees are proposed in front of narrower lots, the spacing is typically 20 to 30 feet, unless greater spacing is required due to setbacks from infrastructure. Where medium stature trees are proposed in front of wider lots, the spacing is typically 30 feet unless larger spacing is required due to setbacks from infrastructure.

Along Baker Creek Road, *Cercidiphyllum japonicum* (Katsura Tree), are spaced on alternating sides of a meandering sidewalk at approximately 50 to 60 feet on center. This exceeds the maximum spacing for a medium street tree, and full canopy coverage would not be achieved. The trees are spaced such that the small trees proposed within Open Space Tract 'H', *Malus* 'Royal Raindrops' (Royal Raindrops Flowering Crabapple) or *Amelanchier alnifolia* (Pacific Serviceberry), would fill in the spaces between the Katsura Trees and provide near continuous canopy along the sidewalk. However, the right-of-way along Baker Creek Road has minimal utility and improvement conflicts and the maximum street tree spacing for medium trees of 30 feet, including Katsura Trees, can be achieved. A condition of approval has been included to require maximum street tree spacing for small and medium street tree of 30 feet, unless may be appropriate to ensure that more regular or maximum street tree spacing is achieved where possible.

Additional locations have been identified where additional street trees can possibly be added to achieve more regular spacing, or where maximum street tree spacing can be achieved. Maximum street tree spacing can be achieved adjacent to open space tracts and exterior side yards where street trees are required. These locations typically do not have infrastructure constraints associated with the fronts of lots. More regular spacing can be achieved by identifying gaps in the street tree plan where trees can be accommodated. A condition of approval has been included to identify additional locations street trees may be appropriate to ensure that more regular or maximum street tree spacing is achieved where possible.

**CONDITION FOR FINDING:** That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:

- a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
- b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
- c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
- d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;
- e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle;
- f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
- g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
- h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;

- i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
- j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
- k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

That small street trees shall be spaced at no more than 30 feet, and medium street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement. When adjacent to the exterior side yard of any corner lot, or along open space, detention, or sewage pump station tracts, street trees shall be spaced at no more than 30 feet, unless a utility or improvement is present that creates a setback requirement.

**17.58.090(D).** When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half (2 1/2) feet from the face of a curb.

**APPLICANT'S RESPONSE:** The landscape strips of the proposed development are primarily located adjacent to local residential streets, with one strip also located along a minor arterial street. The proposed street trees and landscape strips meet the above standards (see Exhibit 3).

**FINDING: SATISFIED.** The subdivision includes new local residential streets. The applicant has provided a five (5) foot wide planting strip along all streets within the subdivision, which is greater than the three (3) foot minimum requirement. The species of street trees being proposed are considered "small" and "medium" sized trees in the McMinnville Street Tree List. Small trees require a minimum four (4) foot wide planter strip, and medium sized trees require a minimum five (5) foot wide planter strip based on the requirements of the McMinnville Street Tree List, and this is being satisfied with the proposed planter strip. Baker Creek Road, identified as minor arterial in the 2010 McMinnville Transportation System Plan, is proposed to have a variable width planter strip that is between six (6) and 14 feet wide. No tree proposed along Baker Creek Road is closer than four (4) feet from the back of the sidewalk or closer than two and one-half (2 1/2) feet from the face of the curb.

**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:** The landscape plan drawing L1.0 Street Tree Plan illustrates that the proposed street trees are properly spaced from utilities, street intersections, driveways, alleys, as required by this Section, except in some cases driveway wings and water meter boxes encroach into the 5-foot and 10-foot spacing requirements. However, the proposed root barrier detail provides a means to deal with this encroachment in a way that will allow a tree to still be planted. Utilities shown on this drawing account for some of the proposed gaps in standard street tree spacing. The applicant seeks concurrent approval of this Street Tree Plan with the proposed planned development and subdivision.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #15 and 18-21.** As part of the Street Tree Plan review and the concurrent planned development review, the applicant is requesting

modification of the standards for spacing street trees from infrastructure improvements found in the planting strip. As discussed above, the variety of proposed lot widths increases the conflicts with the infrastructure. To provide for more opportunities for street trees in constrained areas of the planned development at a more consistent spacing, the applicant is proposing plant trees in the approximately 10 foot long maximum planter strip that will be between the driveways on neighboring lots, and in some locations that would be less than the standard 10 feet away from water meters. To mitigate the requested reduced setbacks from driveways and water meters, the applicant has proposed increased root barrier protection adjacent to those improvements. A condition of approval has been included to require that root barrier protection be provided around the entire perimeter of the approximately 10 foot long planter strips between driveways, and adjacent to water meters, extending from the curb to the sidewalk, when a tree is located less than 10 feet from a water meter.

It was noted in comments from the Engineering Department that the proposed lot configurations for the SFD-70, SFD-60, and SFD-40 lots do not comply with maximum driveway width standards. Additionally, driveways for lots 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271 do not comply with maximum driveway width standards. Reconfiguration of the lots and driveways may provide more opportunity for street trees in the planter strip. Therefore a condition of approval has been included to require a revised street tree plan showing reconfigured driveway layouts and additional required street trees, if appropriate, be submitted to the Planning Department for review and approval.

Additionally, other utilities have been identified on the Street Tree Plan, and a condition has been included to require that setbacks from utilities be maintained.

**CONDITIONS FOR FINDING:** That planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, the tree shall be provided with two (2) deep watering tubes to promote deep root growth.

Where street trees are planted in the approximately 10 foot long planter strips between driveways on neighboring lots, root barrier protection shall be provided around the perimeter of the entire planting strip to a minimum depth of eighteen (18) inches.

Where street trees are planted in any location less than 10 feet from a water meter, root barrier protection shall be provided along the sidewalk and curb as required by condition #16, and root barrier protection shall also be provided immediately adjacent to the water meter between the sidewalk and curb to a minimum depth of eighteen (18) inches.

That street trees in addition to those shown on the Street Tree Plan dated 11/18/2019 shall be provided in the following locations, unless a utility is present that creates a setback requirement:

- a. Sewage Pump Station Tract 'G': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
- b. Open Space Tract 'F': Street trees shall be provided at the maximum spacing for the stature of tree proposed;
- c. Between Lot 15 and Lot 16: One (1) street tree shall be provided at this location;
- d. Lot 44: Two (2) street trees shall be provided at regular spacing between the street light and water meters;

- e. Lot 50: One (1) street tree shall be provided between the water meter and alley, outside of the clear vision triangle of the alley and the street;
- f. Lot 52: One (1) street tree shall be provided between the water meter and driveway;
- g. Lot 58: One (1) street tree shall be provided between the water meter and driveway;
- h. Lot 102: One (1) street tree shall be provided between the water meter and driveway;
- i. Lot 103: One (1) street tree shall be provided between the water meter and driveway;
- j. Lots 35, 117, 130, 131, 132, 202, 203, 224, 225, 228, and 271: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways;
- k. All SFD-70, SFD-60, and SFD-40 lots: Additional streets trees shall be provided as allowed following any necessary reconfiguration of driveways.

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

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

**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:** There are no street trees on or adjacent to the subject site. Therefore, these standards do not apply.

**FINDING: SATISFIED.** The City concurs with the applicant's finding's finding.

**17.58.090(G)**. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City.

**APPLICANT'S RESPONSE:** The applicant is not proposing to locate street trees within sidewalk cuts, therefore these standards do not apply.

**FINDING: SATISFIED.** The City concurs with the applicant's finding's finding.

**17.58.100 Street Tree Plans.**

**17.58.100(A)(1)**. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.

**APPLICANT'S RESPONSE:** The applicant is requesting approval of a Planned Development application to create 280 single-family detached lots, construct public streets and alleys, and



develop common open space areas. The applicant is also proposing to plant street trees with the planned development project in phases. The applicant is requesting concurrent approval of the street tree plan (L1.0) with this application.

**FINDING: SATISFIED.** The City concurs with the applicant's finding's finding. Street tree planting plans (L1.0) have been submitted to the City for concurrent review and approval.

**17.58.110 Street Tree Planting.**

**17.58.110(A)(1).** Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

**APPLICANT'S RESPONSE:** As required, the developer will provide a surety bond at the developer's expense to the City to assure the planting of the required street trees shown on the approved Street Tree Plan.

**FINDING: SATISFIED.** The City concurs with the applicant's finding.

**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 CONDITION OF APPROVAL #22.** 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. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

**CONDITION FOR FINDING:** That all street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.

JF