

- 1-2. CALL TO ORDER AND ROLL CALL.** Chair Goddard called the meeting to order at 7:30 pm at Durham City Hall.
Commissioners Present: Brian Goddard, Krista Bailey, Pat Saab, Jeffrey Anderson, and Gary Paul. Julie Atwood arrived late.
Commissioners Absent: Laurie Volm
Staff Present: City Administrator Linda Tate and Administrative Assistant Lynn Schroder
Public Present: none
- 3. MINUTES OF THE June 5, 2018 COMMISSION MEETING.** Commissioner Saab moved to approve the minutes of the June 5, 2018 meeting. Commissioner Anderson seconded the motion. Commissioner Atwood arrived late and was not present for the vote. The minutes were approved 5-0. **MO 120418-1**
- 4. PUBLIC FORUM – none.**
- 5. TREE REMOVAL PERMITS 483 AND 484-18 – 16760 SW UPPER BOONES FERRY ROAD.** City Administrator Tate presented the staff reports for the tree removal applications 16760 SW Upper Boones Ferry Road. Tate stated that she did not receive any public comments on the applications. The commercial property owner is requesting approval to remove two incense cedars with waivers for required tree replacements. The property owner removed one tree under the emergency clause of the tree ordinance due to an imminent danger of falling. The applicant provided photos and an arborist report documenting the dangerous condition of the trees. The applicant was not present at the meeting.

For Permit 483-18, the Planning Commission finds that:

- The tree is larger than 5" DBH.
- The tree is located within the commercial zone and qualifies as a Type F tree removal.
- Type F tree removals are subject to review and approval by the Planning Commission under a Type 2 process unless it is an emergency removal.
- Permit 483-18 presented an imminent danger of falling and qualified as an emergency removal due to the extent of the trunk split as shown in the photographs provided by the arborist.
- The tree removal is consistent with the stated purpose of the tree removal ordinance.
- Type F tree removals require mitigation to the extent that at maturity they equal the canopy being removed or mature canopy coverage equivalent to 35% of the square footage of the property of the lot, whichever is less.
- The mitigation waiver request was not approved. The proposed mitigation to plant a replacement tree on the property is acceptable.

Commissioner Bailey moved to approve permit 483-18 as a Type F permit with mitigation of one incense cedar or other evergreen befitting the property. Commissioner Atwood seconded the motion. The application was approved as Type F permit with mitigation required (6-0). **MO 120418-2**

For Permit 484-18, the Planning Commission finds that:

- The tree is larger than 5" DBH.
- The tree is located within the commercial zone and qualifies as a Type F tree removal.
- Type F tree removals are subject to review and approval by the Planning Commission under a Type 2 process.
- For Permit 484-18, the arborist report provides evidence that a condition of the tree creates a danger of falling and poses a hazard.
- The tree removal is consistent with the stated purpose of the tree removal ordinance.
- Type F tree removals require mitigation to the extent that at maturity they equal the canopy being removed or mature canopy coverage equivalent to 35% of the square footage of the property of the lot, whichever is less.
- The mitigation waiver request was not approved. The proposed mitigation to plant a replacement tree on the property is acceptable.

Commissioner Bailey moved to approve permit 484-18 as a Type F permit with mitigation of one incense cedar or other evergreen befitting the property. Commissioner Atwood seconded the motion. The application was approved as Type F permit with mitigation required (6-0). **MO 120418-3**

6. **COMMISSIONER COMMENTS.** The City Administrator stated that the illegal tree removal in Heron Grove would be discussed at the January 8, 2019 Planning Commission meeting.

Tate stated that the Planning Commission will begin a review and update the Comprehensive Plan starting in February 2019.

Commissioner Atwood proposed to begin a review and update of the tree ordinance. She asked that a discussion of an update to the tree ordinance be put on the January agenda.

She stated that she discussed updating the tree ordinance with the Mayor. Her concern is that the tree ordinance needs to better balance homeowner's ability to improve their property with the community goal of maintaining the tree canopy. She thought that the current ordinance is too restrictive. She stated that as an applicant, she found the process for applying for a tree removal to be a confusing and stressful process. She believed the decision on her permit was subjective.

She would like the ordinance to be more clear and objective. Her initial objectives are to:

- Create more incentives to encourage preservation and mitigation instead of in-lieu fees;
- Clarify and create more objective criteria to simplify the process and improve compliance;
- Align Durham's ordinance more closely with neighboring jurisdictions like Lake Oswego and Portland;
- Align the ordinance with the City's goal of protecting the tree canopy while balancing the need of property owner to achieve the best use of their property;
- Provide consistency in the application of the ordinance;
- Avoid illegal tree removals; and
- Clarifying responsibilities for maintenance of existing trees on private property.

She volunteered to draft concepts for the proposed changes to submit to the Planning Commission for consideration at the January meeting. She wanted to compare Durham's

ordinance with other jurisdictions to make decisions about what is best for Durham. The Planning Commission may consider the proposed changes and develop a recommendation to the City Council.

Commissioner Bailey stated that she agreed that there are some things in the ordinance that could be reviewed. She would like a tree canopy management plan that would provide professional guidance on how to maintain the tree canopy. A tree canopy management plan would help the Planning Commission make better decisions in individual tree removal applications. She stated that the ordinance should protect and encourage the constant regeneration of the tree canopy. She stated that she would not be comfortable updating the tree ordinance without management guidance.

Staff reported that an *Ecosystem Analysis of Durham's Tree Canopy* was conducted in 2012. The report and recommendations can be view on the City of Durham website.

Commissioner Saab did not think that there have been many illegal tree removals in her tenure on the Planning Commission. She stated that compliance with the tree ordinance has been good overall.

Commissioner Goddard stated that the current ordinance provides homeowners the ability to cut down a tree if they want to improve their property. Tate stated that the ordinance allows tree removals for projects for which a building permit has been issued.

Commissioners agreed to put a discussion of potential updates to the tree ordinance on the January agenda.

Commissioner Saab stated her concern about brush piles from clearing activities in Durham City Park. She is concerned that the piles are a fire hazard.

- 7. ADJOURN.** Commissioner Bailey moved to adjourn the meeting. Chair Goddard adjourned the meeting at approximately 8:45 pm.

Approved: _____
Brian Goddard, Chair

Attest: _____
Linda Tate, City Administrator