

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, Laurie Volm, Pat Saab, Gary Paul, and Julie Atwood

Commissioners Absent: Krista Bailey and Jeff Anderson

Staff Present: City Administrator Linda Tate and Administrative Assistant Lynn Schroder

Public Present: Karen Perkins, 8015 SW Kingfisher; and Todd Fankhauser, 8060 SW Peters Road

3. MINUTES OF THE JUNE 4, 2019 COMMISSION MEETING. Commissioner Saab moved to approve the minutes of the June 4, 2019 meeting. Commissioner Atwood seconded the motion. The minutes were approved 5-0. **MO 070219-1**

4. PUBLIC FORUM – None.

5. TREE REMOVAL PERMIT APPLICATION – 8015 SW KINGFISHER ROAD PERMIT 518-19 AND 520-19. Karen Perkins is seeking approval to remove a small Japanese maple and a pine tree from her front yard to re-landscape and improve the curb appeal of her front yard. She proposes to mitigate each tree with smaller, deciduous magnolia trees and plant them in the same general area as the current trees. Karen Perkins did not know the variety or height of the proposed magnolia trees. She stated that she strongly desired to remove the pine tree because it is ugly and overgrown.

The Planning Commission determined that the request to remove the Japanese maple tree falls under a Type E permit. The Planning Commission considered the tree removal through a Type 2 process for review and decision by the Planning Commission. The City provided notice to affected persons on June 17, 2019.

There were no comments regarding the effect of tree removal on erosion, soil retention, stability of earth, flow of surface water, protection of nearby trees, windbreaks, or desirable balance between shade and open space.

Commissioner Atwood commented that the maple tree was the largest of the trees in the front yard. Commissioner Goddard stated that the maple tree appears healthy. Rather than cutting it down, he suggested that the tree could be pruned as part of the re-landscaping process. Atwood stated that the homeowner could achieve her desire to open up the area by pruning the maple. She stated that the proposed mitigation tree is not materially different from the existing tree. Perkins stated that she would consider pruning the maple tree.

The applicant proposed planting a smaller Magnolia tree in the same general area. The Planning Commission did not find the proposed mitigation to be an adequate substitute in accord with Section 7 and Section 8 of this ordinance. Atwood stated that pruning the tree to create more open space is preferred to removing the maple tree.

Commissioner Atwood moved to deny permit 518-19 as a Type E permit. Commissioner Volm seconded the motion. The application was denied (5-0). **MO 070219-2**

The Planning Commission determined that the request to remove the pine tree falls under a Type E permit. The Planning Commission considered the tree removal through a Type 2

process for review and decision by the Planning Commission. The City provided notice to affected persons on June 17, 2019.

Commissioner Atwood did not think that the tree removal would affect erosion, soil retention, stability of earth, flow of surface water, protection of nearby trees, windbreaks, or desirable balance between shade and open space.

Karen Perkins stated that she planted the pine tree. She stated that the tree has grown too dense and gets in the way of the basketball hoop. She strongly desires to remove it,

Commissioner Volm stated that she could not support the removal of the tree to accommodate the portable basketball hoop, but there are other considerations with this tree.

Commissioner Goddard stated that the type of pine that the homeowner is seeking to remove was planted extensively in Heron Grove by the developer. He stated that these pines are not native to Oregon and do not mature well. He had to remove several of the trees from his yard because they were dying. He stated that once the pines reach a certain age, they succumb to disease. He stated the pine tree is not a specimen tree.

Commissioner Atwood stated she agreed that the portable basketball hoop was not a reason to approved cutting down the tree because the basketball hoop can be moved. She stated that the pine tree is more of a big bush than a tree and replacing it with a tree from the approved list would be an improvement to the property and to the City's canopy. She did not support replacing the tree with a small magnolia because the magnolia would still be in the way of the basketball hoop. Commissioner Volm agreed.

Commissioner Paul would not support mitigating with a dwarf tree. Commissioner Saab stated that the property owner should work with the City to determine the appropriate mitigation tree. Commissioner Atwood noted that the trees on the approved mitigation list are at least 20 feet tall.

Commissioner Atwood moved to approve permit 520-19 as a Type E permit with mitigation of one tree from the list of approved mitigation trees planted in a location determined by the applicant. The mitigation tree shall meet the size requirements provided in the Durham Development Code. Alternatively, the applicant may choose to pay a \$250 the fee in lieu of mitigation. Commissioner Volm seconded the motion. The application was approved (5-0).

MO 070219-3

6. TREE REMOVAL PERMIT APPLICATION – 8060 SW PETERS ROAD PERMIT 506-19.

Todd Fankhauser is seeking approval to remove one evergreen tree as a Type E tree removal. He feels it is unsafe and destructive to his yard. He plans to reconfigure his driveway in the future, and the tree would be in the way of the new driveway. He did not submit a site plan to demonstrate the need to reconfigure the driveway. He proposes to replant a tree as mitigation. The applicant did not submit an arborist report.

Mr. Fankhauser stated that the tree has a wide canopy and grass cannot grow under it. He thinks the tree is ugly, unsafe, and a nuisance. Pine needles from the tree cover the driveway. Large branches frequently fall from the tree. He stated that the tree was topped at some point and that the tree and cannot be pruned. He would like to replace the tree with two mitigation trees.

Commissioner Atwood did not think the application satisfied any of the criteria for removal. She suggested that the applicant reapplies with new driveway plans demonstrating the

need to remove the tree or submit an arborist report demonstrating that the tree is dangerous.

Commissioner Volm stated that the Tree Ordinance does not allow trees to be cut down because they drop needles and limbs.

Commissioner Paul stated that he struggled with this one too.

Commissioner Saab stated that there were a ton of dead limbs in the tree and a lot of strange growth. She said that the tree looks great from the street but she did not think it was growing healthily. She suggested that an arborist evaluate the tree to determine if it was dangerous. She stated that the neighbor indicated that she agreed that the tree should be cut down.

The Planning Commission determined that the request to remove the pine tree falls under a Type E permit. The Planning Commission considered the tree removal through a Type 2 process for review and decision by the Planning Commission. The City provided notice to affected persons on June 13, 2019.

The Planning Commission finds that removing the tree would negatively impact the beauty of the street because the tree is a unique specimen that is highly visible from the street. The applicant has proposed planting a Merrill Magnolia or a Flowering Ash tree in the same location as the evergreen tree however, the Planning Commission did not find the proposed mitigation to be adequate substitutes in accord with Section 7 and Section 8 of this ordinance.

Commissioner Goddard moved to deny permit 506-19. Commissioner Atwood seconded the motion. The application was denied (5-0). **MO 070219-4**

7. **COMMISSIONER COMMENTS.** Tate requested that Commissioners provide her with questions for the arborist to answer at the upcoming workshop.

Commissioner Saab asked if adult family homes are allowed in the single family zone. Tate replied that adult family homes are allowed but skilled nursing facilities are not. A business license would be required.

Atwood suggested that the number of mitigation trees required be based on the diameter at breast height.

8. **ADJOURN.** Chair Goddard adjourned the meeting at approximately 8:55 pm.

Approved: _____
Brian Goddard, Chair

Attest: _____
Linda Tate, City Administrator