

City of Durham
Planning Commission
January 7, 2020

1. **CALL TO ORDER.** Chair Goddard called the Planning Commission to order at 7:30 PM.
2. **ROLL CALL.** *Commissioners present:* Brian Goddard, Pat Saab, Gary Paul, Matt Winkler, and Joshua Drake
Commissioners absent: Krista Bailey
City Staff present: City Administrator Linda Tate and Administrative Assistant Emily Baker
Public present: Carole Connell, City Planner
3. **PLANNING COMMISSION MINUTES.** Commissioner Saab moved to approve the Planning Commission minutes from Nov. 5, 2019. Commissioner Paul seconded the motion. The vote was unanimous. **MO 010720-1**
4. **PUBLIC FORUM.** None.
5. **SELECTION OF CHAIR AND VICE CHAIR FOR 2020.** Commissioners voted for the position of Chair and Vice Chair for 2020 using paper ballots. Tate collected and tallied the votes. The commissioners elected Brian Goddard and Krista Bailey as Chair and Vice Chair, respectively, of the Planning Commission for 2020.
6. **DISCUSSION OF DRAFT COMPREHENSIVE PLAN GOAL FIVE.** Carole Connell gave the Planning Commission background and an overview of the work that has been done on the Comprehensive Plan. The current Plan was written in 1995. In 2009, the City received a grant to update the zoning code, which is the implementation of the Plan. She noted that if there is a dispute over the code, the Plan is the prevailing document. The City wants to update the Plan to match the code and to make it more user-friendly. A previous City Attorney, Bill S., did a first draft from a legal point of view in an outline format before he retired and then Connell picked up where he, and the previous City Planner, left off.

Connell went over the state-wide planning goals, pointing out that some are skipped because they do not apply to Durham. She noted the Planning Commission is not changing any policies. Tate added the old Comprehensive Plan was very verbose and the City wants to pare it down but also beef up the legal outline the attorney made. She added the City wants to see if the Plan fits with the City's Code and the general dynamics of what the City wants. Connell went over the outline of Goal Five of the Plan and her changes. The aim of Goal Five is to "protects natural resources and conserve scenic, historic and open spaces for present and future generations..." The two areas that relate to Durham are the Natural Spaces and Open Spaces. Connell said she tried to condense the original 7 pages from Goal Five of the old Plan while keeping some relevant background. She also added verbiage to make the parks and natural areas more prominent. Connell wanted to add that Durham's up-land areas are protected by the Tree Preservation Ordinance.

Tate added that she changed the word "consist" to "includes," in the 4th line of the 1st paragraph under the "The Resources and Natural Setting" section.

Commissioner Paul asked about the meaning of LCDC and the LCDC rules. Connell said the state-wide planning goals were formed by the Land Conservation Development Commission (LCDC) and the administrative part of the planning goals is run by the Department of Land

Conservation and Development (DLCD). She added that Oregon was the first state to create a state-wide land use system and continues to be considered forward thinking.

Connell said she added the last paragraph on page 6, about the inventory of natural resources. She said there is no way for a city to maintain up to date data on the inventory of natural resources, but state agencies have taken the lead and have put inventory data from multiple sources on the Oregon Department of State Lands (DSL) website. Connell said that she is going to add the sentence “the City and property owners can review the website for the most recent data at the time of development, to identify resources that may be on a site” to the paragraph.

Connell moved onto the “Vegetation” and “Fish and Wildlife” sections. She recommended keeping these sections because it is good to understand the value of the vegetation and types of wildlife in Durham. She said, originally, the Plan said there were no known species of fish or aquatic life in the Tualatin River, but according to the US Fish & Wildlife Service Bulletin January 2015 there are several plants, fish, birds, and amphibious species of concern that are known to inhabit the Tualatin River and its tributaries. Knowing that these species could be there is reason to preserve the natural areas along the river. She added that Durham has a variety of wildlife and a potential to support more, which is the basis for some of the policies in the Plan.

For the “Scenic, Historic Areas and Open Space Resources,” Connell said Durham does not have any scenic Oregon approved hiking trails, cultural areas, historic areas, or scenic waterways and that the preservation of the Greenway is a fundamental principle embodied in the Plan.

Connell moved on to the “Policies” section. She said the first four policies are important to have and are the key to the City’s open space. She asked if there was an example for Policy 4, protecting natural resources through the Natural Resources District and Overlay Zone and density bonuses. Tate said the Taylor property is a future development that would involve a density bonus because of the Natural resources Overlay Zone on the property. Commissioner Paul asked if the density bonus would allow a developer to build apartments. Tate said apartments would not be allowed because it is not zoned for multifamily, but they could make the lot sizes smaller. Commissioner Drake asked if this was part of the Tree Preservation credits. Tate said that it is a different part of the Code and that the density bonus would allow for smaller lots. Connell said, since there is a policy, the Planning Commission can demand that the Natural Resource Overlay Zone be protected. Chair Goddard asked about the angle of the slope on the Taylor property. Tate said it is flat, but it is in a flood plain. Commissioner Paul asked if the Natural Resource Overlay area would be added to the park. Tate said it depends on what happens with the development. Connell asked about the City’s zoning map and if the area in question has been designated? Tate said it has been designated as a Natural Resource Area. Chair Goddard asked if there was anyone interested in the property. Tate and Connell said they have had two Pre-App Conferences and Tate said she is getting phone calls about it. Connell asked about an intersection being installed near Afton Commons, and Tate said a traffic study needs to be done.

Commissioner Winkler asked about the list of Durham Parks on page six and the Tualatin View Greenway along the Tualatin River by the Tualatin View Apartments. Connell said she will add the Tualatin View Apartments Greenway to the Plan. Tate and Commissioner Winkler talked about the location of the trail along the river there. Connell added that the Park Plan should also

be mentioned in the Comprehensive Plan. Tate pointed out that in the Park Plan Durham City Park is listed as being 45 acres, but Connell has a report saying it is 55 acres.

Connell continued going over the policies. In Policy 7, she suggested removing the reference to "Oregon Wildlife Commission" because it is an old reference and the new source is on the DSL website. She said Policy 9 is the Metro Goal Five inventory plan, making Durham in Compliance with Metro and the State Goal Five. Policy 11 is the tree preservation on private property policy that provides the City the authority to have the Tree Preservation Ordinance. She said that Policy 13 is redundant with Policy 9 because they both seek to implement the same thing.

Connell said the last set of Policies is what she calls the current Plan Policies. She noted that in Policy 14, it is dangerous to cite a statute because they change and in the current policy there is no explanation as to what the statute says. She added that it deals with forestry operations and practices that may not apply to Durham. Tate asked if it may be there due to a development that was going on. Connell asked if it would ever come up again, and Tate said it could possibly apply to the Taylor property. Connell reviewed ORS 527.722 and said she thinks "forest practices" means logging and the City does not need it because it has the Tree Preservation Ordinance, which is covered under Policy 11. Commissioner Drake asked if there were ways to cut down trees that would not be covered by the Tree Ordinance and would warrant the use of the statute. Connell gave him the statute to look at. Tate added that Policy 11 is about preserving trees, and Policy 14 is about removing and the displacement of trees. Connell suggested keeping the Policy until the Taylor property is developed. Tate said that if Policy 11 says "enforcing standards for tree preservation," then it covers their bases and they do not need Policy 14. Connell agreed, since Policy 11 says "on new and existing development", which would cover a development on the Taylor property of one or multiple house. Commissioner Saab suggested adding "and removal" to Policy 11 after "tree preservation." Chair Goddard agreed with Commissioner Saab and said that adding "removal" would be more all-encompassing. Tate pointed out that Policy 11 states requiring mitigation for removed trees, so it already address it and does not imply to only preserve the trees. Chair Goddard said that removing Policy 14 would make more sense and make that part of the Plan easier to comprehend. Commissioner Drake, having read the statute, agreed that the statute is aimed at forestry. Connell added that it is probably there for areas with forestry practices within Metro's Urban Growth Boundary. Connell said they should just remove Policy 14 and leave Policy 11 as it is. Commissioner Winkler said to add "and removal" after "tree preservation" in Policy 11.

Connell asked if the City uses the word "Greenway" interchangeably with "Natural Resource Overlay District" and Tate said it is interchangeable because the Park Plan mentions "Greenway." Connell said to add "or Natural Resource Designation" after "Greenway" in Policy 16. Connell suggested changing "Greenway" to "Natural Resource Designation" throughout the Plan. Tate and Connell discussed the uses of the terms "greenway" and "natural resources" in the Plan so far. Connell suggested using both terms. Chair Goddard added that he thinks "greenspace" makes more sense than "greenway."

Connell said the river creates the Greenway in Durham and Tate added that they are focused on protecting the land along the river. Connell suggested changing "the Greenway symbolizes" in the "Scenic, Historic Areas and Open Space Resources" section to something else. Connell said figuring out the legend for the map that was included in the packet could help figure out what to call the green areas. Tate said there was no legend when they looked at it. Connell said they should call Metro to get more information on the map. Tate brought out Clean Water Services maps that showed different layers than the Metro map. Chair Goddard suggested they come back to it later and move on to the next Policy.

Connell went over the last few Policies. Tate asked about Policy 17, regarding historic sites in Durham, and Connell said there may be a historic site in the City at some point. Chair Goddard brought up the old Durham City Hall on Peters Rd. Tate said there was no community interest to preserve it and now it is gone.

Connell said she will put her notes from this meeting into a draft for the Planning Commission to look over and then they will move on to Goals 6 and 7. Tate asked how air, water, and land resources are different from what they just worked on. Connell said she pulled out policies that were more natural resources for Goal 5 and now she is going to pull out policies that would fall under Goals 6 and 7. Goal 5 is a resource for natural areas and parks. Goal 6 will consider riverine areas and clean water and Goal 7 will be concerned with not allowing development in the flood plain. Tate also brought up natural disasters and that the main concern is the flood plain. Chair Goddard said that wind storms are another natural disaster and Commissioner Saab added earthquakes as another concern.

7. DISCUSSION OF TREE PRESERVATION ORDINANCE. Tate said she will keep moving the discussion on the Tree Ordinance forward until someone wants to address it. At the September workshop, there was discussion on adding some clarifications and addressing discrepancies within the Ordinance. Chair Goddard asked what the Council's take away from the workshop was and Tate said the Council's take way was overall positive and productive. Connell asked if the Tree Ordinance was changing and Tate replied that there was a discussion on the different options available but everyone thought that keeping the current process was the best option. Chair Goddard added that there is an oversimplification mentality with the residents that can make their position difficult as the rule enforcing body. Connell said land use is never black and white. Chair Goddard added that the Council wanted to understand the Planning Commission's decisions and processes. Connell said that with a process, the Commission can lean on it when making decisions.

8. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES. Chair Goddard discussed a tree that has been excessively trimmed in Kingsgate. Tate also showed the Commissioners the calendar of meetings for 2020.

9. ADJOURN. Commissioner Saab moved to adjourn. At 8:55 pm, Chair Goddard adjourned the meeting at 8:55 PM.

Approved: _____
Brian Goddard, Chair

Attest: _____
Linda Tate, City Administrator