

## NOTICE OF PLANNING COMMISSION DECISION

APPLICATION FILE #: 582-21

REQUEST: To obtain approval to remove one 95-foot-tall western red cedar from the back yard because of safety concerns regarding its condition.

OWNER/APPLICANT: Chris and Liz Stahl  
17135 SW Rivendell Dr.  
Durham, OR 97224

SITE LOCATION: 17135 SW Rivendell

AUTHORIZATION: The review and approval criteria for the proposal are provided in the Durham Development Code (DDC) under Chapter 5 Tree Protection; DDC Chapter 9 Procedures, and Tree Protection Ordinance 228-05 as amended by Ordinance 246-08; and the Durham Comprehensive Land Use Plan as revised 6.23.95.

### **PLANNING COMMISSION DECISION:**

A public meeting was held after 7:30 p.m. on March 2, 2021 via zoom at Durham City Hall, 17160 SW Upper Boones Ferry Rd., Durham, OR. Based on the City Staff Report (3-2-21), the Durham Planning Commission prepared Findings and APPROVED the removal of the tree proposed in Tree Removal Application 582-21 subject to the following conditions:

1. One tree will be planted as mitigation or payment made to the City for the in-lieu fee of \$250. The minimum size for a tree planted as mitigation shall be 2" diameter when measured from the top of the root ball for deciduous trees. Evergreen trees shall be a minimum of 6' tall measured from the top of the root ball, excluding the leader.
2. The specific species of a tree planted for mitigation shall be at the owner's discretion, but must be such that it contributes significantly to the future maintenance of the canopy in Durham. The permit decision-making authority shall have the right to reject as mitigation any proposed tree that does not meet the general intent of Chapter 5 of the Development Code.
3. Mitigation trees shall be planted within 6 months of the date of permit approval. The City Administrator may approve a one-time extension of 60 days.
4. A mitigation tree shall be planted so as to insure that the tree grows to maturity.
5. The recipient of a tree removal permit shall request an inspection of the completed mitigation planting upon completion, but no later than 6 months following permit issuance or a subsequent 60-day extension thereof.
6. Any mitigation planting failing within 2 years of the time of the first inspection by the City shall be replaced at the owner's expense and the City shall be notified of such replacement at the time of planting.
7. A final inspection shall be requested within 60 days of the second anniversary of the date of the last planting and the permit shall not be considered finalized until such time as a final inspection is conducted and found to be in conformity with the mitigation standards.
8. The City shall make every reasonable effort to notify the property owner when the final inspection is due, but it shall be the responsibility of the property owner to contact the City.

NOTE: THE DECISION OF THE PLANNING COMMISSION SHALL BE FINAL UNLESS A PETITION OF APPEAL IS FILED AT CITY HALL WITHIN TWELVE (12) DAYS FOLLOWING THE DATE THAT THE DECISION WAS MAILED. THE APPEAL PETITION MUST PROVIDE THE INFORMATION AND FILING FEE AS SPECIFIED IN SECTION 9.9 OF THE DURHAM DEVELOPMENT CODE. THE APPEAL PETITION SHALL BE REVIEWED BY THE CITY COUNCIL IN ACCORDANCE WITH ITS OWN ADOPTED RULES OF PROCEDURE.

DATE OF PLANNING COMMISSION DECISION: March 2, 2021

Date of notice: March 3, 2021