

NOTICE OF PLANNING COMMISSION DECISION

APPLICATION FILE #: 671-23

REQUEST: To obtain approval to remove three large Douglas Firs next to the driveway because of damage to the neighboring property.

OWNER/APPLICANT: Ted Katz
8096 SW Woody End
Durham, OR 97224

SITE LOCATION: 8096 SW Woody End

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, DDC Section 9.6 Type 2 Process & Criteria; 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 April 4, 2023 via zoom and at Durham City Hall, 17160 SW Upper Boones Ferry Rd., Durham, OR. Based on the City Staff Report (4-4-23) and Findings, the Durham Planning Commission APPROVED the removal of the three Douglas Firs proposed in Tree Removal Application 671-23 subject to the following conditions:

1. Three trees will be planted as mitigation. These mitigation trees will be Eastern redbuds or from the list of approved mitigation trees and be of a size that complies with the requirements set forth in Chapter 5, Section 5.5.1, i.e. 2" in diameter when measured from the top of the root ball for deciduous trees or 6' tall when measured from the top of the root ball, excluding the leader, for evergreens.
2. Mitigation trees must be planted within six months of the date of approval or a request submitted for an additional 60-day extension. Property owner must inform City Hall when the trees have been planted.
3. Any mitigation planting that fails within two years of the date of planting requires that the property owner notify City Hall and that the failing tree be replaced.
4. Within 60 days of the second anniversary of planting property owner must to request a final inspection of the mitigation planting. The permit will not be finalized until all of the conditions are complied with and the final inspection requested.
5. If the property owner finds that it is not feasible to plant the three mitigation trees, an in-lieu fee of \$250 will be paid for each of the trees not planted.

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: April 4, 2023

Date of notice: April 5, 2023