

City of Durham
PLANNING COMMISSION MINUTES
April 4th, 2023

1. **CALL TO ORDER.** Chair Susan Deeming called the meeting to order at 7:34 p.m. on Zoom
2. **ROLL CALL.** *Commissioners Present:* Chair Susan Deeming, Vice Chair Brian Goddard, Commissioners Krista Bailey, Pat Saab, Matt Winkler, and Cheri Frazell
Commissioners Absent: Gary Paul
Staff: City Administrator Linda Tate, Administrative Assistant Becky Morinishi
Public: Ted Katz and Phil Joslin of 8096 SW Woody End, Durham, OR.; Brian Haskins, Arborist, General Tree Service; Terry Watkins of Woody End.
3. **PLANNING COMMISSION MINUTES.** Commissioner Saab moved to approve the minutes from the February 7, 2023 meeting. Commissioner Matt Winkler seconded the motion. The vote passed unanimously (6-0).

MO 040423-1

4. **PUBLIC FORUM.** None.
5. **TREE REMOVAL PERMIT APPLICATION. 8096 SW Woody End, Permit 671-23**
Ted Katz and Phil Joslin were welcomed to the Zoom meeting to discuss their request to remove three large Douglas Fir trees next to their driveway because they are causing damage to the neighbor's property. They were joined by General Tree Service arborist, Brian Haskins, and neighbor, Terry Watkins.

Chair Deeming said she stopped by the properties to take a look at the trees and the damage. She stated that there is definitely damage to the neighbor's pathway and the foundation in the garage is cracking. Commissioner Goddard noted that the Planning Commission denied a previous request to remove these trees when the roots were pushing up the pavers in the owners' driveway, but the neighbor's property was not involved then. Administrator Tate added that the Planning Commission denied it because the pavers could be moved.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this is a Type B permit, as the trees are causing damage to private property. This permit has been processed as a Type 2 Process, as the City Administrator did not feel comfortable processing it as a Type 1.

Durham Tree Protection Ordinance 228-05, Section 4, provides seven criteria for consideration for issuance of a Tree Cutting Permit. The Commissioners agreed that Criteria A is applicable. Commissioner Goddard asked if the arborist had an opinion on if it was one tree doing the damage or if it was all three. Haskins responded that it is impossible to determine which one is causing the damage because they are in such close proximity to each other, but it is likely all three trees. Commissioner Saab stated that it is obvious that the neighbor's foundation is affected. She said it is unfortunate, but that she does not see any other solution than removal. The Commissioners agreed that Criteria A is met, as the trees are definitely causing damage to property.

The Commissioners agreed that Criteria B is not applicable, as the homeowners do not intend to construct improvements to that area of the property.

The Commissioners agreed that Criteria C is applicable. Commissioner Frazell expressed concern about the removal of the trees and losing the windbreak they provide for the rest of the neighborhood. Haskins responded that the trees are not protecting any cluster of nearby trees and the effect they have on windbreak is minimal. Chair Deeming asked Haskins if he had any comment on how the removal will affect shade and open space. Haskins replied that their solution is to replace the Douglas Firs with Eastern Red Bud trees, which are a more appropriate size for the space and will produce habitat and canopy. Commissioner Goddard asked what the maturity of

an Eastern Red Bud tree is. Chair Deeming said that they grow to 25 feet tall with a 25 foot spread and are not comparable in size to the firs. Deeming added that the larger size is the reason the firs are causing issues and that it would not be good to replace a giant with another giant and have the same problem in 25 years. The Commissioners agreed that the removal of the trees will not affect erosion, soil retention, stability of earth, flow of surface water, protection of nearby trees, windbreaks, or a desirable balance between shade and open space, noting that there are several remaining trees on the back of the property and that the mitigation trees that will be planted will replace some of the canopy being removed.

The Commissioners agreed that Criteria D is applicable and expressed concern that the removal of the trees will change the characteristics of the neighborhood because the trees are large and stand apart from other trees. Additionally, there are not many trees on the front of the property and removing the three trees will drastically change the look of the property.

The Commissioners agreed that Criteria E is applicable. The homeowners have proposed planting three Eastern Red Bud trees in the same location between the houses as mitigation. Commissioner Winkler asked Haskins if there is a larger tree with tap roots that could be planted that will not cause damage. Haskins replied that, due to the size of the space, it would be difficult to find a large tree that would not create some sort of long term issue as it grew. Chair Deeming asked if a larger tree could be planted farther forward toward the street. Haskins replied that the strip narrows as it gets closer to the street and there is not a tree that would not cause issues. Commissioner Saab added that there are often utilities underground that could affect where the trees are planted. Watkins noted that there are several other trees on the two properties and plenty of canopy in the area. Commissioner Bailey said that putting three trees back in that spot is a fair proposal. The Commissioners agreed that the homeowners' plan to plant three Eastern Red Bud trees is sufficient to meet Criteria E. The Commissioners added the condition that the homeowners must pay a \$250 in lieu fee for each tree not planted if they are unable to fit three trees into the space.

The Commissioners agreed that Criteria F and G are not applicable.

Commissioner Winkler moved to approve the tree removal permit subject to the applicant planting three mitigation trees with the conditions listed in the staff report and adding that the homeowners have the option to pay a \$250 in lieu fee for each tree not planted. Commissioner Bailey seconded the motion. The vote passed unanimously (6-0).

MO 040423-2

6. **COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.**

- Planning Commission meetings will be held in person at City Hall starting May 2nd, 2023.
- Zoom will be available for those unable to attend in person.

7. **ADJOURN.** Commissioner Goddard moved to adjourn and Commissioner Bailey seconded the motion. The vote passed unanimously (6-0) and the meeting adjourned at 8:44 pm.

MO 040423-3

Approved: _____
Susan Deeming, Chair

Attest: _____
Linda Tate, City Administrator