

City of Durham
PLANNING COMMISSION MINUTES
July 11th, 2023

1. **CALL TO ORDER.** Chair Susan Deeming called the meeting to order at 7:31 p.m.
2. **ROLL CALL.** *Commissioners Present:* Chair Susan Deeming, Vice Chair Brian Goddard, Commissioners Gary Paul, Cheri Frazell, and Matt Winkler (on Zoom)
Commissioners Absent: Commissioners Krista Bailey and Pat Saab
Staff: City Administrator Linda Tate, Administrative Assistant Becky Morinishi (on Zoom), Contract Planner Keith Liden (on Zoom)
Public: Chris and Sandy VanVleet of 8100 SW Peters Road, Durham, OR; Sonia Greenhalgh of Peters Road (on Zoom)
3. **PLANNING COMMISSION MINUTES.** Commissioner Frazell moved to approve the minutes from the April 4, 2023 meeting. Commissioner Matt Winkler seconded the motion. The vote passed unanimously (5-0).

MO 071123-1

4. **PUBLIC FORUM.** None.
5. **TREE REMOVAL PERMIT APPLICATION. 8100 SW Peters Road, Permits 684-23 thru 689-23**
Chris and Sandy VanVleet were welcomed to the meeting to discuss their request to remove six large Douglas Fir trees from the back of their property because they are planning to build a new shop in their vicinity. A seventh tree was administratively approved because it is within the footprint of the proposed construction. Chris VanVleet stated that he would like to remove the wall of trees because he would like to be able to park an RV between the shop and the fence. He said the neighbor's shop is also close to the fence line and expressed concern at having a shop on both sides of the trees and how it would affect the trees.

Commissioner Winkler asked for clarification on the size of the trees, as the sizes are listed differently in the site plan versus the staff report. Chris VanVleet responded that the sizes on the site plan are based on a survey that was done several years ago, so the sizes in the staff report are more accurate. Commissioner Paul asked if the two trees in the southerly corner are impacted by the shop. Paul said the arborist mentioned that when trees are in a row, it is best to take them all out. VanVleet answered that those trees are not close to the shop, but will be impacted by the removal of the other trees. Commissioner Goddard asked if the shop will be built right up along the fence. City Administrator Tate noted that that is not allowed. Paul noted that there is already a structure there. VanVleet responded that there is currently a shed there, which he will remove, and that the shop will not be along the fence, but he would like to use that space to park an RV.

Chair Deeming asked the neighbor, Sonia Greenhalgh, if she had any input or questions about the trees being removed. Greenhalgh responded that it is VanVleet's property and if he wants to take the trees down that is fine, but she wants to make sure that her property is not damaged in the process.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this is a Type E permit, as the trees are larger than 10' DBH and do not meet the criteria of any other permit type based upon the information provided by the applicant. This permit has been processed as a Type 2 Process, as the tree removal application was placed on the Planning Commission agenda and Public Notices were issued as required.

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 not applicable, as the trees are healthy. The Commissioners agreed that Criteria B is applicable, as the homeowners want to build a shop and the arborist's report indicates that the location of the shop may negatively impact the root systems of three of the fir trees. The Commissioners discussed the possibility of

building the shop in a location that would not impact the trees. Commissioner Goddard noted that that the current proposed location makes sense if the homeowner wants to be able to access it with a vehicle. Commissioner Frazell asked if the trees need to be removed for the building of the shop, or for the placement of the RV. Tate noted that the arborist's report says that if the shop is built there, it will impact the roots of the three trees. Goddard added that if the trees are not removed, it will be a matter of time until they get root rot and die or become a hazard. Commissioner Frazell asked if the shop would just impact trees 1, 2, and 3, or if it would also impact trees 4, 5, and 6. Goddard responded that the arborist's report mentions that it is best to take all the trees out because they are in a row and the removal of 1, 2, and 3 will impact the other three trees. Chair Deeming said that she spoke with the arborist and asked how far the shop would need to be moved over in order to not damage the tree roots, but she did not get a clear answer. She said if the shop were to be moved over to avoid damaging the trees, it would take away half or more of the garden. Winkler wondered if trees 4, 5, and 6 fit Criteria B, as they are not directly impacted by the building of the shop.

The Commissioners agreed that the proposed location of the shop makes the most sense, as different trees would need to be removed if the shop was located on the other side of the yard. Additionally, building the shop in the proposed location allows the homeowners to access the shop with a vehicle and maintain their vegetable garden. The Commissioners discussed the necessity of removing the other three fir trees and agreed with the arborist's report that trees 4, 5, and 6 would be negatively impacted by the removal of the first three trees and should also be removed.

The Commissioners agreed that Criteria C is applicable and agreed with the arborist that the removal of the trees will not affect erosion, soil retention, earth stability, or flow of surface water.

The Commissioners agreed that Criteria D is applicable and agreed that there are many large trees left on the property to provide canopy and that the removal of the trees will not affect the neighborhood characteristics, beauty, and property values.

The Commissioners agreed that Criteria E is applicable. The homeowners indicated that they do not plan to plant mitigation trees because they have planted many trees over the 37 years they have owned the property and the only open space is the location of their vegetable garden, which requires sun. The homeowners added that there are still many large trees on the property and the canopy provided is over 100% of the lot size. The Commissioners agreed that mitigation is required per **Durham Development Code Chapter 5 Tree Protection**, *section 5.4.5: For an approved Type "E" permit, mitigation shall be provided as set forth in Section 5.5. Under certain circumstances, the Planning Commission may require mitigation exceeding that required in Section 5.5, but not less.* The Commissioners agreed that the homeowners may choose to pay an in lieu fee of \$250 per tree instead.

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

Commissioner Paul moved to approve the tree removal permit subject to the applicant planting six 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 Winkler seconded the motion. The vote passed unanimously (5-0).

MO 071123-2

6. COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.

- City Contract Planner Keith Liden updated the Commission on Emerald Homes' plan for the nine lots the Commission approved for development. The property owner is now planning to build eight duplexes and one triplex on the lots instead of the nine single-family homes that were originally presented to the Commission and public. Commissioner Frazell asked if they are able to do that without coming back to the Planning Commission for approval. Liden answered that they are, as what they are planning to put in is in line with state-mandated HB 2001 (Middle Housing), which the Commission recommended and the Council adopted. Frazell expressed concern that the Commissioners and public would have asked different questions if they had been presented with the plans for the duplexes and triplex originally,

and wondered how traffic and parking situations will be impacted by the changes. The Commission agreed that they would like to see an updated traffic study. Tate said she would ask Emerald Homes if they would be willing to meet with the Planning Commission to answer additional questions. Liden also stated that Tate should contact all of the agencies that responded to the original development proposal to see if their responses would be altered by this new plan.

7. **ADJOURN.** Commissioner Paul moved to adjourn and Commissioner Winkler seconded the motion. The vote passed unanimously (5-0) and the meeting adjourned at 8:50 pm.

MO 071123-3

Approved: _____
Susan Deeming, Chair

Attest: _____
Linda Tate, City Administrator