



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 Pat Saab (Zoom-joined at 8:32 pm), Gary Paul, Krista Bailey, Matt Winkler, and Cheri Frazell *Commissioners Absent:* None
Staff Present: City Administrator Jordan Parente and Administrative Assistant Becky Morinishi
Public: David Streicher of SW Peters Road; Linda Tate of SW Cambridge Lane; Martha Rainey of SW Kingfisher Way; J.R. Tarabocchia of SW 80th Pl.; Michael Godfrey of SW Kingfisher Way; Ryan Locicero of SW Kingfisher Way; Nikki Hough (Zoom); Bill Towry (Zoom); Teresa and Mark Braun (Zoom); Stuart Skaug (Zoom); Harvey and Patricia Jacobs (Zoom); Patrick Wheeler (Zoom); Ashley (Zoom); Schri (unidentified Zoom attendee)
3. **APPROVAL OF MEETING MINUTES.** Commissioner Bailey moved to approve the minutes from the January 2nd, 2024 meeting. Vice Chair Goddard seconded the motion. The vote passed (6-0).
MO 020624-1
4. **PUBLIC FORUM.** None
5. **PLANNING COMMISSION UPDATE.**
 - Chair Deeming shared about a Planning Commissioner training and meeting that she attended on February 1st and 2nd, 2024. It was put on by the American Planning Association. She noted that the training centered around SB100, or the Oregon Land Use Act, that was established in 1973 and set state-wide rules and goals for local planning.
 - Impacts of January 2024 Severe Winter Storm – City Administrator Parente updated the Commission about the January severe winter weather. On January 9th, the day after the loss of Mayor Gery Schirado, a tree fell on a home in Heron Grove. On January 13th, freezing rain fell and Durham experienced wind gusts up to 70 mph. Four additional houses were hit by falling trees. A large tree fell across Upper Boones Ferry Road, taking out four utility poles and knocking out power to Durham residents and businesses for several days. A crew from Canby Utility helped to get power restored. Several residents experienced frozen and burst pipes. Mr. Parente issued four Emergency Tree Removal permits to expedite the removal of unsafe trees damaged during the severe winter storm.

Commissioner Paul asked Mr. Parente if he visually inspected the four emergency trees before issuing the permits. Mr. Parente responded that the first emergency permit, issued January 12th, was accompanied by a picture from an arborist that showed the tree leaning and an imminent risk of falling. The tree fell the day after the emergency permit was issued during the January 13th storm. Mr. Parente said he has gone out to visually inspect the other three emergency tree removal requests and they are leaning or damaged by the storm. Vice Chair Goddard asked if anyone had come in and requested a tree removal permit for the tree that fell on the house on January 9th. Resident Linda Tate responded that the owner had started an application for a tree at one point, but it was not the tree that fell. That application was incomplete, despite City staff following up via email.

Vice Chair Goddard asked if any residents had come in for tree permits that had not been approved. Mr. Parente responded that there had been no denials, but there were several additional tree permits in process waiting on arborist reports.

6. **TREE CODE DISCUSSION.** Four representatives from the Heron Grove neighborhood presented testimonies to the Planning Commission regarding January's Severe Winter Storm and the City Tree Code. The four residents represented a larger group of approximately 50 Heron Grove residents who attended a neighborhood meeting on January 29, 2024. Chair Deeming welcomed them to the Planning Commission meeting.

J.R. Tarabocchia shared that when a tree from his yard fell onto his neighbor's house on January 13, 2024, he and his wife were standing at a window inside their home. They had just waved to their daughter, Lucy, who was inside their neighbor's home playing with her friend. They saw the 100-foot douglas fir tree fall, slicing through the neighbor's house and into the room in which their daughter and the neighbor were playing. Mr. Tarabocchia ran as fast as he could to the house, terrified of what he would find. Luckily, no one was seriously injured, but the tree came close to hitting the girls, who were traumatized as a result. Mr. Tarabocchia noted that, when he bought his house in 2020, there were 17 large douglas fir trees he could see from his back yard. Five of those trees have fallen since December 2022, causing property damage and endangering lives. Mr. Tarabocchia stressed that it is important to find a balance between nature and safety, and requested that the Planning Commission act immediately to revise Durham's tree regulations.

Ryan Locicero, introduced himself and said he has lived in Durham for 18 months. When he and his wife bought the house, they fell in love with the area, but did not think about the possibility of the two douglas fir trees in the backyard falling. Mr. Locicero spoke about how residents of Heron Grove came together to discuss their concerns regarding the trees and brainstormed actions they would like to see taken by the City. He stressed the unique opportunity that the City has to engage with citizens who are ready to take action. Mr. Locicero encouraged the Planning Commission and City Council to look into programs such as NIST Communities of Excellence as a model for community engagement. Mr. Locicero emphasized that the top concern of the residents at the Heron Grove meeting is to live in a community where they feel physically and emotionally safe, and where the well-being of people is prioritized over trees and property. He concluded by saying that he and the other residents of Heron Grove expect the Planning Commission and City Council to take both short-term and long-term action to amend the tree code and sustainably manage trees to improve public safety.

Michael Godfrey introduced himself and said that he and his wife purchased their home on Kingfisher Way in October of 2021. They were attracted to the City and Heron Grove neighborhood by the beautiful tree canopy, and care deeply about preserving the character of the neighborhood. Mr. Godfrey is also concerned about the safety of his family and neighbors, and, due to his professional legal background, understands processes and codes. He stressed that the current criteria for removing a tree is unclear and relies too heavily on an arborist's report. Mr. Godfrey believes that this leads to inconsistent and arbitrary outcomes for residents, which affects them negatively and puts them in danger. Mr. Godfrey emphasized that the tree removal process needs to be addressed and corrected and offered suggestions on what can be done to make the process work better.

Martha Rainey introduced herself and said that she has lived in Heron Grove with her family since 1999. A tree fell on her home and caused damage in 2000, and, on December 27th, 2022, two trees from neighboring yards fell on her home within minutes of each other. The trees also damaged neighboring homes. She added that her house is still under construction and remains unlivable more than a year later. Repairing the damage has already cost more than \$500,000 and caused her homeowner's insurance to go up by 32%. Ms. Rainey stressed that there have been huge emotional, mental, financial, and environmental impacts from the event. She and her husband have reservations about moving back into their home when it is finished due to the trauma they experienced. Ms. Rainey stated that the goal of the Heron Grove neighborhood

meeting attendants is to work with the Planning Commission and City Council to make immediate changes to the way the City manages trees and tree removals, thereby making the City more safe for residents.

Ms. Rainey asked the Planning Commission the percentage of Durham's tree canopy. Chair Deeming answered that it is 53%. Commissioner Paul asked if anyone besides Ms. Rainey had applied for tree removals prior to the recent storm. Ms. Rainey responded that she was the only one. Linda Tate asked Ms. Rainey how long it took for her tree removal applications to be approved. Ms. Rainey replied that it was very quick and she has always had a good experience working with the City on getting tree removal permits. She said it was more difficult to find someone to come and do the work.

Mr. Godfrey said that after the trees fell on Ms. Rainey's house in 2022, he had an arborist come and look at his trees. The arborist said that a douglas fir in his front yard was healthy, but would likely fall within the next 10 years. Mr. Godfrey looked up the tree removal application and it said that he needed an arborist's report. He talked to neighbors and they told him if he did not have an arborist's report, the City would deny his application. He stressed again that he believed the City is overly-reliant on an arborist's report. Ms. Tate stated that she has been a resident of Durham for 38 years and was the City Administrator for the past 10 years. She clarified that, in the last 10 years, the City has only denied two tree removal applications. One of those reapplied with more information and was approved, so only one was denied.

Mr. Tarrabocchia noted that an arborist had checked his trees and said they were healthy, but when one fell, it had root rot. He said that they do not know if the other trees have root rot, but it is known to spread to nearby trees. He added that they have not been able to get an arborist report that says the trees are dangerous and need to come down, so they could not get administrative approval to remove the trees. He said that a clearer code would be helpful. Commissioner Paul asked what would make the code more clear. Ms. Tate responded that she is no longer the City Administrator, but if she had received an application for a tree with an arborist's report that said the tree had root rot, or was a "Q-tip" tree and was dangerous, she would have approved the application the same day.

Mr. Godfrey said that even healthy trees can fall and that "target zones" should be considered as a reason for removal. He continued that he does not think the City should use the health of the tree as the only criteria for removal. Commissioner Paul said that the Planning Commission uses many criteria and that the arborist's report and the health of the tree are only one part of that. Ms. Tate added that the arborist's report is a way to "fast track" the approval of the application to allow it to be approved administratively, and approval is not based on whether or not the tree is healthy, but if there is a condition of the tree that makes it dangerous. Commissioner Bailey agreed, adding that the report needs to be very clear that the tree is dangerous for the City Administrator to be able to administratively approve the application, because the City Administrator is not an expert on trees. If the report is not explicit, the application will be deferred to the Planning Commission for a decision. She stressed that the Planning Commissioners are also not professional arborists, but are neighbors who are doing their best to balance the needs and best interests of the community and carefully consider many factors when making a decision.

Residents and Commissioners continued to discuss how the tree removal process works. Mr. Parente stated that the Tree Code is to protect the tree canopy, but the safety of people and property is preeminent. Durham does not want unsafe trees and, as a pass through, relies on expert opinions. Commissioner Winkler said he is interested to know what the end goal is of the current engagement process. Ms. Rainey answered that she would like to get an overall view of the trees in the neighborhood to see which ones are problematic. She would also like to see all of the trees that are near the one with root rot taken down. Mr. Godfrey agreed and added that he

would like to see the City help with risk assessment on the trees. In the future, he would like to see community programs created to help with assessing trees. Mr. Tarrabocchia suggested adding “Q-tip” and stand-alone trees to the accepted removal criteria. Resident Stuart Skaug (via Zoom) commented that he would like to see life safety prioritized as the number one criteria for a tree removal application. The Commissioners thanked the residents for their comments and agreed that it would be a good idea to look at the tree code and removal process to see if there is anything that should be updated.

Commissioner Frazell moved to recommend to Council to read the minutes from the February 6th, 2024 Planning Commission meeting and schedule a working meeting with the Planning Commission. Vice-Chair Goddard seconded the motion. The motion passed unanimously (7-0).

MO 020624-2

7. **COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.** City Administrator Parente informed the Commission that he went out and looked at some of the trees that had fallen during the storm to collect data on potential issues like root rot. He hopes the information can be useful in making data-driven decisions in the future.
8. **NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION**
March 5th, 2024
9. **ADJOURN.** Chair Deeming adjourned the meeting at 10:14 pm.

Approved: _____

Susan Deeming, Chair

Attest: _____

Jordan Parente, City Administrator