



1. **CALL TO ORDER.** Chair Susan Deeming called the meeting to order at 7:30 p.m.
2. **ROLL CALL.** *Commissioners Present:* Chair Susan Deeming, Vice Chair Brian Goddard, Commissioners Krista Bailey, Cheri Frazell, and David Streicher
Commissioners Absent: Pat Saab, Matt Winkler
Staff Present: City Administrator Jordan Parente and Administrative Assistant Becky Morinishi (Zoom)
Public: Martha Rainey of SW Kingfisher Way; J.R. Tarabocchia of SW 80th Pl.; Reed Rainey of SW Kingfisher Way; Sam Leonchik of A Cut Above Exteriors; Nikki Hough of SW 80th Pl. (Zoom); Tonia Berberich and Christian Brown of Ellman Lane (Zoom).

Chair Susan Deeming welcomed new Planning Commissioner, David Streicher to the Commission. Commissioner Streicher introduced himself.

3. **APPROVAL OF MEETING MINUTES.** Vice Chair Brian Goddard moved to approve the minutes from the March 5th, 2024, meeting. Commissioner Cheri Frazell seconded the motion. The vote passed (5-0).

MO 040224-1

4. **PUBLIC FORUM.** None
5. **SIGN PERMIT APPLICATION – 18300 SW UPPER BOONES FERRY ROAD, PERMIT #470-24.** Sam Leonchik of A Cut Above Exteriors presented the proposed business sign to the Planning Commission. Chair Deeming asked if the main panels of the sign are brushed aluminum and if they are painted. Mr. Leonchik affirmed that they are brushed aluminum but are not painted. He said there will be a black cabinet box and the brushed aluminum signs will be on both sides of the cabinet box. Chair Deeming responded that she appreciates that the sign was designed to look similar to a nearby sign and matches the building well. She asked if the aluminum will be reflective. Mr. Leonchik said that the sign is a matte finish and will not reflect headlights. Mr. Parente noted that the proposal indicates that the sign will be 5 feet by 6 feet, and clarified that the sign portion is 4 feet by 6 feet, as per Durham's regulations. Mr. Leonchik confirmed that the 12" cinderblock base was not part of the sign dimensions. Commissioner Bailey asked if the sign would have in-ground illumination. Mr. Leonchik said the sign would not have in-ground illumination.

Commissioner Krista Bailey moved to approve Sign Permit Application #470-24 as proposed. Commissioner Vice Chair Goddard seconded the motion. The vote passed (5-0).

MO 040224-2

6. **TREE REMOVAL APPLICATIONS:**
 - **8135 SW Ellman Lane: PERMIT 727-24.** Request to remove one Douglas Fir tree greater than 10" DBH. The applicants have requested to remove three trees in total. Permits 726-24 and 728-24 will be administratively approved when the applicant provides an arborist report stating the diseased and/or dangerous conditions of the trees. Mitigation will be required for both trees. The remaining Douglas Fir appears healthy with no reported

conditions necessitating removal. The applicants are requesting removal of the tree due to neighbors' concerns with the number of Douglas Fir trees that have fallen in close proximity to the family's house during the January Severe Winter Storm. The City has received two letters from the applicants' neighbors supporting the removal of the tree.

Chair Deeming stated that there have been several Planning Commission meetings about trees in the area of the applicants' property. Vice Chair Goddard asked if the tree in the front of the house is staying. Mr. Parente replied that the tree in front of the house is staying because it is healthy. Vice Chair Goddard stated that there is clearly a problem with the Douglas Fir trees in the Heron Grove area due to the number of trees that have fallen. Chair Deeming said that, while she agrees that there is an issue with the trees in the area, her concern is that the Planning Commission keeps accepting Laminated Root Rot as a reason to cut the trees, but that root rot has not yet been officially confirmed. She noted that it would be good to see confirmation of root rot. She added that she is impressed with the way the Heron Grove community has come together to deal with the issue of the potentially unsafe trees.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this is a Type E permit and that the permit has been processed as a Type 2 Process. Durham Tree Protection Ordinance 228-05, Section 4, provides seven criteria for consideration for issuance of a Tree Cutting Permit. The Commissioners agreed that Criterion A is applicable, as the trees is likely to be affected by root rot, which makes it potentially dangerous. The Commissioners agreed that Criteria B and C are not applicable. The Commissioners agreed that Criterion D is applicable because the tree is in the same area as several other trees that are being removed or have fallen and the removal will affect neighborhood characteristics and beauty. Additionally, residents have claimed that their property values have been negatively impacted by the high number of home insurance claims. The Commissioners agreed that Criterion E is applicable, and the applicants indicated willingness to mitigate more than what is required. The Commissioners agreed that Criteria F and G are not applicable. The Commissioners discussed mitigation. The applicants offered to plant trees in an alternate location. Commissioner Bailey stated that the options are to plant the mitigation tree on the applicants' property or to pay the in-lieu fee of \$250 per tree. Ms. Berberich said they are happy to plant the mitigation tree on their property. Vice Chair Goddard moved to approve Tree Removal Permit 727-24 subject to the applicants planting one mitigation tree with the conditions listed in the staff report and the City Tree Code or paying the \$250 in-lieu fee. Commissioner Bailey seconded the motion. The vote passed (5-0).

MO 040224-3

- **8052 SW Kingfisher Way: PERMIT 731-24.** Request to remove one large Douglas Fir tree from the back of the applicant's property. The applicant, Martha Rainey, states that this is a "Q-tip" tree that will be left standing alone once trees that have already been approved for removal come down. While the tree appears healthy, it is located in the same area as other problematic trees that have fallen or been approved for removal in Heron Grove.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this is a Type B permit, as it does not qualify under any other permit type. The Commission agreed that the permit has been processed as a Type 2 Process.

Durham Tree Protection Ordinance 228-05, Section 4, provides seven criteria for consideration for issuance of a Tree Cutting Permit. The Commissioners agreed that Criterion A is applicable, as the removal of other nearby Douglas Firs may cause instability

in the soil, making the tree more likely to fall. The Commissioners agreed that Criteria B and C are not applicable. The Commissioners agreed that Criterion D applies because the risk of the tree falling could lower property values by increasing homeowner's insurance premiums. The Commissioners agreed that Criterion E is applicable and mitigation is necessary. The homeowner intends to plant several smaller trees along the south and west sides of the property. The Commissioners agreed that Criteria F and G are not applicable.

Commissioner Frazell moved to approve the tree removal permit subject to the applicant planting one mitigation tree with the conditions listed in the staff report or paying an in-lieu fee of \$250. Vice Chair Goddard seconded the motion. The vote passed (5-0).

MO 040224-4

7. **COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.** City Administrator Jordan Parente shared that the PGE road work project on Rivendell is nearing completion and the road has been paved and sealed. Mr. Parente updated the Commission on Durham Heights progress, noting that they are doing some utility fixes and are hoping to pave the roads soon. The City is waiting for the utilities to be in good working order before signing off on the plats. Commissioners Deeming, Goddard, and Frazell expressed concern that the Durham Heights temporary fence had fallen over into the road several times. Chair Deeming asked if Taylor and the smaller streets will all be paved. Mr. Parente explained that Taylor and the two smaller streets in Durham Heights will be paved, but the private drives on the Durham Estates side will be paved later because it is a different developer. Mr. Parente shared that Durham Estates is planning to use part of Tract B as an HOA dog area. The City Attorney's opinion is that a fenced dog area is a permitted use and still considered open space. Commissioner Frazell asked if Tract A will be accessible to the public. Mr. Parente said Tract A is flood plain dedicated to the City. Mr. Parente noted Metro is investigating purchasing an easement over Tract B for future trail access.
8. **NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.**
 - Tuesday, May 7th, 2024, Regular Meeting of the Planning Commission at 7:30 pm.
9. **ADJOURN.** Chair Deeming adjourned the meeting at 8:58 pm.

Approved: _____

Susan Deeming, Chair

Attest: _____

Jordan Parente, City Administrator