



1. **CALL TO ORDER.** Chair Susan Deeming called the meeting to order at 7:32 p.m.
2. **ROLL CALL.** *Commissioners Present:* Chair Susan Deeming, Vice Chair Brian Goddard, Commissioners Pat Saab, Cheri Frazell, and David Streicher
Commissioners Absent: Krista Bailey, Matt Winkler
Staff Present: City Administrator Jordan Parente and Administrative Assistant Becky Morinishi
Public: Residents David Burkley and Jenny Burkley of SW Rivendell; Alan Peck and Elizabeth Rathbun of SW Ellman Lane; Dee Lockwood of SW Rivendell.
3. **APPROVAL OF MEETING MINUTES.** Commissioner David Streicher moved to approve the minutes from the May 7th, 2024, meeting. Commissioner Pat Saab seconded the motion. The motion passed (5-0).

MO 60424-1

4. **PUBLIC FORUM.** None

5. **TREE REMOVAL PERMIT APPLICATIONS. 17065 SW Rivendell Drive, Permits 713-24 & 742-24.**

Resident David Burkley introduced himself to the Planning Commission. He commented that it was difficult to find an arborist to come to his property and that the report was expensive. He said he has two trees he would like to remove. One tree is too close to the house and the other is damaging the driveway and creating a tripping hazard. Mr. Burkley noted that he has already started replacing the driveway and is concerned that repairing the driveway will damage the roots of the trees. He is planning to mitigate the tree removals by planting additional large trees on his property.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that these are Type B permits, as the trees are causing damage to property. These permits have been processed as a Type 2 Process, as the tree removal applications were 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 Criterion A is applicable, as the trees are causing damage to private property. The Commissioners agreed that Criteria B, C, and D are not applicable. The Commissioners agreed that Criteria E is applicable and that the homeowner indicated that he plans to mitigate by planting two trees on his property. The Commissioners agreed that Criteria F and G are not applicable.

Vice Chair Goddard moved to approve the tree removal permits subject to the applicant planting two mitigation trees. Commissioner Saab seconded the motion. The vote passed (5-0).

MO 60424-2

6. **TREE REMOVAL PERMIT APPLICATIONS. 17096 SW Rivendell Drive, Permits 734-24 & 735-24.**

Resident Dee Lockwood introduced himself to the Planning Commission. He said that he has two trees, a sweet gum and a flowering plum, that he would like to remove. He planted the trees 46 years ago and regrets that he planted them in suboptimal locations. He said the sweet gum is too close to the house and is lifting the driveway. The flowering plum is misshapen and has several broken limbs. It is located under large fir trees and extends into the street where passing trucks hit it. Commissioner Streicher noted that the flowering plum tree may qualify as a Type D permit, as it is listed as 10" dbh. Mr. Parente noted that he had not measured the tree, so he is unsure if it is under 10" dbh. Chair Deeming suggested the Planning Commission proceed with the flowering plum as a Type E since the dbh is unknown.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that these are Type E permits, as the trees do not meet the requirements for other permit types. These permits have been processed as a Type 2 Process, as the tree removal applications were 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 Criterion A is applicable for both, as the sweet gum is causing damage to the driveway and the flowering plum is growing into the street. The Commissioners agreed that Criteria B, C, and D are not applicable. The Commissioners agreed that Criteria E is applicable and that the homeowner indicated that he is willing to plant mitigation trees. The Commissioners agreed that Criteria F and G are not applicable.

Commissioner Frazell moved to approve the tree removal permits subject to the applicant planting two mitigation trees or paying an in-lieu fee of \$250 per tree. Commissioner Streicher seconded the motion. The vote passed (5-0).

MO 60424-3

7. TREE REMOVAL PERMIT APPLICATIONS. 7750 SW Ellman Lane, Permits 738-24 to 740-24.

Residents Alan Peck and Elizabeth Rathbun introduced themselves to the Planning Commission. Mr. Peck apologized to the Commission for not having an arborist's report because the arborist they usually work with was busy, but said that he and his wife are very knowledgeable about trees. He said he has three trees he would like to remove. The star magnolia is two feet from the house and has the potential to crack the foundation. The other two trees, a weeping cherry and a honey locust, are not doing well in their current locations. The weeping cherry is aggressively encroaching on a spruce tree and impeding the growth of a nearby dogwood. The honey locust is meant to be planted in well-drained soil, but is currently located in a very wet area at the end of the driveway where water pools at the base of the tree. Commissioner Streicher noted that, from the picture, it looks like the honey locust is dying.

Commissioner Frazell asked the applicants if they would be willing to mitigate the trees. Mr. Peck noted that he and his wife have planted several trees in the past two weeks, but would be happy to mitigate the three trees they would like to have removed. The Commissioners discussed the trees that the applicants have already planted and the need for mitigation. Commissioner Streicher suggested that the honey locust could have been processed as a Type A because it is dying, and the star magnolia could be processed as a Type B because it is damaging the foundation. Mitigation would not be required for Type A and B. Mr. Parente noted that he processed them as Type E because there is no arborist's report to confirm property damage and health of the honey locust.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that the trees were processed as Type E permits due to the lack of arborist's report. The permits have been processed as a Type 2 Process, as the tree removal applications were 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 Criterion A is applicable for permit 738-24 due to the proximity to the house and the potential to cause damage to the foundation. The Commissioners agreed that Criteria B, C, and D are not applicable. The Commissioners agreed that Criteria E is applicable and that the homeowners have already planted several trees on their property in the past two weeks. The Commissioners agreed that Criterion F is applicable for permit 740-24 as it is likely diseased and dying. The Commissioners agreed that Criterion G is not applicable.

Commissioner Streicher moved to approve the tree removal permits with no mitigation required. Vice Chair Goddard seconded the motion. The vote passed (5-0).

MO 60424-4

- 8. TREE COMMITTEE UPDATE.** Mr. Parente informed the Commission that the City Council voted to accept their recommendation to add a fifth resident to the Tree Committee and approved the candidates that the Commission put forward. Due to the even number of Tree Committee members, and in order to prevent a tie, the Council instructed that the Chair of the Tree Committee would not have a vote. Commissioners expressed concern that the Chair would not have a vote and asked Mr. Parente if it was possible to take it back to the Council for reconsideration. In the meantime, the Commissioners would like to get started by notifying the residents who were appointed to the Tree Committee and setting a date for the first meeting. Mr. Parente said he would notify the committee members and send out a poll to see when members are available to meet. He said he would also take the recommendation to allow the Chair to vote back to the City Council for their consideration.

9. **COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.** Mr. Parente shared that building permits for four Durham Heights houses have been officially submitted to Tualatin for Plan Review and several more are in the process. He informed the Commission that Durham Estates would need to go through the process for the 9 lots that were approved before they will be able to start building middle housing. He noted that the existing stormwater facility that was just finished is too small to support middle housing, so Emerald Homes will need to build it larger. Mr. Parente added that there was a resident complaint about the fenced dog park that David Weekley homes is building in the Durham Heights neighborhood, but he is working with the developer to try to mitigate the concerns.
10. **NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.**
➤ Tuesday, August 6th, 2024, Regular Meeting of the Planning Commission at 7:30 pm.
11. **ADJOURN.** Chair Deeming adjourned the meeting at 9:39 pm.

Approved: _____

Susan Deeming, Chair

Attest: _____

Jordan Parente, City Administrator