



1. **CALL TO ORDER.** Chair Susan Deeming called the meeting to order at 7:35 p.m.
2. **ROLL CALL.** *Commissioners Present:* Chair Susan Deeming, Commissioners Pat Saab, Krista Bailey, Matt Winkler, Cheri Frazell, and David Streicher
Commissioners Absent: Vice Chair Brian Goddard
Staff Present: City Administrator Jordan Parente and Administrative Assistant Kait Garlick
Public: Habib Matin, Ken Allen, Matt Sprague, Christine Johnson, representing Durham Estates Development; Bruce Howard, representing David Weekley Homes; Ken Sandblast and Clint Welsh representing Spartan Redevelopment, LLC; Residents Duane and Joan Leigh of SW Ellman Lane; Bob Kroessin of SW Ellman Lane; Mike Troxel of SW Ellman Lane; Jen Callaway of Ellman Lane; Linda Tate of SW Cambridge; Kelly Garlick of SW Arkenstone Drive
3. **APPROVAL OF MEETING MINUTES.** Commissioner David Streicher moved to approve the minutes from the August 6th, 2024, meeting. Commissioner Pat Saab seconded the motion. The motion passed (6-0).
MO 90324-1
4. **PUBLIC FORUM.** None.
5. **APPLICATION #594-24; REQUEST FOR A 3-LOT PARTITION AT 7870 SW ELLMAN LANE.** The applicant is requesting a 3-home partition of an existing lot, intending to keep the feel of the neighborhood consistent and intact. Mr. Welsh stated that they believe the application has been thoroughly considered and that they have worked closely with the City to make sure everything has been done to code. Chair Deeming asked to clarify that there would be one shared driveway for the proposed lots, per the City's building code. She also asked for clarification on how shared driveway maintenance would be managed between the future owners of the homes, to which Mr. Sandblast replied that an agreement would be signed as part of the real estate transaction to purchase the homes. Commissioner Frazell asked for clarification that the existing well on the site would be decommissioned as part of the Commission's approval of the application, to which Mr. Sandblast directed Ms. Frazell to line-item no.4 in section VI that addresses this particular concern. Mr. Sandblast then provided clarification on what the street improvements would be as part of the application. Chair Deeming asked about the requirements from Tualatin Valley Fire Rescue (TVFR) regarding the need for a turnaround due to the length of the driveways. Mr. Sandblast informed the group that due to the orientation and length of the driveway, they do have a secondary option of installing sprinklers in the home(s) in lieu of a turnaround, which will be determined by TVFR once the homes are being constructed and the final measurements are calculated. Commissioner Streicher moved to approve the application, subject to satisfaction of conditions No.1-11 in Section VI, and subject to the Commission's approval of the Tree Preservation Plan. Commissioner Winkler seconded the motion. The vote passed (6,0).
MO 90324-2
6. **TREE REMOVAL PERMIT #756-24 FOR 7870 SW ELLMAN LANE.**
Chair Deeming asked if the arborist was present who put together the preservation plan for the application. Mr. Welsh let the Commission know that the arborist was not able to make the meeting, but that they were able to complete the additional requirements of the City. Mr. Welsh gave an overview of the care that was taken to fully assess the Lot and what impact the partition would have on the canopy and existing tree coverage. Chair Deeming addressed the Commission's questions regarding trees 6,7,8. Mr. Sandblast explained that these cedar trees would probably fail due to the development of the parcels, and their arborist felt strongly it was better to remove them than to risk them failing after the homes are constructed. Mr. Welsh let the Commission know that if they were to leave the trees and work around them and they were to fall down the road, it would be much more difficult to get equipment in to remove them.

Resident Joan Leigh then asked to speak regarding safety concerns of the existing trees in the Ellman neighborhood. She provided several pictures and gave an overview of what she has seen living in her neighborhood. Her concern was the quantity of dead tree limbs and the quantity of older trees that she states poses a substantial risk of falling. Chair Deeming wanted to clarify that this proposal is only for the initial platting of the new Lots and the infrastructure associated with the beginning stages of the development process, but there will be more trees down the road that will be removed. City Administrator Parente confirmed this fact. Discussion took place regarding tree No.35 and why it needs to be removed. Mr. Sandblast reiterated the arborist's concerns about wind impact on this tree because of tree No.36 being removed.

Resident Bob Kroessin asked to speak regarding his concern with too many trees being removed and weakening the remaining trees' protection from wind. He does not want to see more trees being cut or roots being damaged that are going to impact the lifespan of the fir trees in the neighborhood. He pointed out that Douglas-firs need to live in groups and support each other and that helps prevent them from falling.

Mr. Parente provided further information on the canopy calculation numbers presented in the report. There was a discrepancy between the packet and the printed standalone report, but Mr. Parente wanted to clarify that the canopy requirements are being met. He said that the canopy calculations were provided late and not included in the Planning Commissioners' packets.

Chair Deeming asked for clarification on the process for how the roots are protected in addition to the tree trunks. Mr. Sandblast provided more information on how determinations are made for where to place fencing and assured the Commission that an arborist would be on site to supervise as construction activity approaches trees that are part of the preservation plan, per their application.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that these are Type G permits for an undeveloped property. These permits were submitted and 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. The Commissioners agreed that the applicant has provided an acceptable tree preservation plan. Commissioner Winkler objected to the preservation plan as-is and requested that tree No.35 is preserved. This was seconded by Mr. Streicher. The Commission finds that the applicant has addressed the requirements for preserving existing trees, with the additional condition that tree No.35 is added to the preservation plan. The Commission finds that no mitigation is 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 B and F are applicable. The Commissioners agreed that Criteria A, C, D, E, and G are not applicable.

Commissioner Streicher moved to approve the Tree Removal Permit for No.1-8, 14, 21, 29, 36 but not tree No.35. Commissioner Frazell seconded the motion. The vote passed (6,0).

MO 90324-3

TREE REMOVAL PERMIT #757-24 FOR DURHAM ESTATES. Matt Sprague, representing the land use planner for Durham Estates, provided an overview of their application. Mr. Sprague explained the minor changes that came up once construction on the site began and how these changes impacted on the driveway design for the site.

Chair Deeming then referenced the letters of concern submitted for the meeting. Ms. Deeming brought up the English Laurels on the site and the citizen concerns regarding the removal of these shrubs. The concern is that the laurels provide screening for the neighboring homes. Ken Allen acknowledged that although they are removing the current screening provided by the laurels, they have agreed to replace them with 5-6 ft arborvitae to achieve a replacement screen. Chair Deeming expressed concern that this will not replace the current level of screening to which Mr. Allen responded that it is difficult to source larger arborvitae than the proposed size. Chair Deeming then asked why they can plant arborvitae when their reasoning for removing the laurels was, they interfere with construction. Arborist Christine Johnson, who was representing the applicant, stated that the goal is to get the replacement plants in as quickly as possible and have them be established during the upcoming planting season.

Commissioner Frazell expressed concern that an updated site plan was never reviewed or approved for the extended driveways. Mr. Parente told the Commission the City received updated plans showing the driveway extensions within the past week. He said that the City Planner believes driveway extensions to be a minor change, which the City does not require permits for. Mr. Allen gave further explanation of the site plan and the change to the driveways caused by the utility construction. Mr. Allen reiterated that they are still within their requirements for tree canopy coverage, even with the additional trees they are requesting to cut. Chair Deeming asked Mr. Parente to clarify the scope of what they are supposed to be discussing and deciding, to which Mr. Parente responded that the purpose of the application is to clear more trees on the lots to accommodate the infrastructure being built. He stated that there is no change to the lots, other than to extend the driveways. Mr. Parente stated this change does not require the Commission to review the changes to the driveways, as that is beyond the scope of the tree permit application.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that these are Type G permits for an undeveloped property. These permits were submitted and 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. The Commissioners agreed that the applicant has provided a tree preservation plan, with an added condition that an arborist verify all protection measures are adequate and being abided by. The Commissioners agreed that the applicant has addressed the requirements for preserving existing trees. The Commission finds that no mitigation is 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 B is applicable. The Commissioners agreed that Criteria A, C, D, E, F, and G are not applicable.

Commissioner Bailey moved to approve the Tree Removal Permit with the conditions added that an arborist will be on site to enforce the protection plan, and that arborvitae is planted along the southern property line, as proposed by the applicant. Commissioner Winkler seconded the motion. The vote passed (5,1).

MO 90324-4

DURHAM DENTAL SIGN PERMIT #468-23. This sign permit was approved in 2023, but the work was never completed for the sign. The permit has now expired. Chair Deeming initiated a discussion regarding the specifics of the sign design. It was determined that the applicant has not provided all the details (plans) for the sign, and it should not be approved without this information. No representatives from the business were present to provide clarification to the Commission. A request will be made to the applicant to have their sign vendor provide a mock-up of the proposed sign, in addition to the specifics on the size and materials. Commissioner Winkler moved to deny the Commercial Sign Permit. Commissioner Saab seconded the motion. The vote passed (6,0).

MO 90324-5

- 7. TREE COMMITTEE UPDATE.** Chair Deeming put together a packet for the fellow Commissions to update them on the work the Tree Committee has been doing and where things currently stand. Ms. Deeming gave an overview of what their work has covered and asked for feedback before the Committee presents it to the Planning Commission. Commissioner Streicher added that they plan to present to the Commission and hear feedback, so they have time to make any updates to their proposal prior to presenting it to City Council. Commissioner Bailey suggested that the City have a completed tree canopy study to reference what canopy preservation means, as well as defining heritage trees. Chair Deeming reiterated that the Committee is working on how to update the City's current tree ordinance and removal procedures and acknowledged that there is a lot on connected pieces beyond the Committee's scope of work. Commissioner Frazell added that the Committee's purpose was simplification and safety. Commissioner Bailey wanted to add that it would be helpful to have an expert who is able to study the canopy and make recommendations specific to the City so that informed decisions can be made.

8. **COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.** Mr. Parente gave an update that PGE, at their cost, agreed to swap out the flood lights at the park.
9. **NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.**
 - Tuesday, October 1st, 2024, Regular Meeting of the Planning Commission at 7:30 pm.
10. **ADJOURN.** Chair Susan Deeming adjourned the meeting at 10:25 pm.

Approved: _____

Susan Deeming, Chair

Attest: _____

Jordan Parente, City Administrator