



A. **OPEN CITY COUNCIL WORK SESSION SPECIAL MEETING.** Mayor Keith Jehnke opened the meeting at 6:02 PM at Durham City Hall.

B. **ROLL CALL OF COUNCIL MEMBERS.**

Councilors present: Mayor Keith Jehnke (Zoom), Council President Joshua Drake, Councilors Leslie Gifford, and Gary Paul

Councilors absent: Chuck Van Meter – Council Van Meter called into the Zoom meeting at 6:13 PM and arrived in person shortly after. Councilor Van Meter excused himself at 6:52 PM.

Staff present: City Administrator Jordan Parente

Visitor: Tree Committee Chair, Susan Deeming

C. **TREE ORDINANCE DISCUSSION.**

The Tree Committee has been meeting every Wednesday since July. They presented proposed changes to the Tree Ordinance and Tree Code at the October meetings of the Planning Commission and City Council. Councilor Gifford expressed sincere gratitude for the Committee's commitment to the task. Mayor Jehnke echoed the appreciation. He said that the City Council requested concepts, and the presentation of a whole new ordinance made incorporating the Council's policy changes difficult.

Tree Committee Chair Deeming led the City Council through her thirteen-point narrative that addressed the concepts of the proposed changes for Council consideration.

- The City Council agreed with the Committee's proposed scope.
- The City Council agreed with the Committee's proposal to change the requirement for increasing the diameter at breast height (DBH) for trees requiring permits and increased it to 6" from the current 5". However, Council did not care to exclude certain types of trees or distinguish between native or invasive species.
- The City Council agreed with the Committee's proposal to incorporate a Tree Risk Assessment Checklist (TRAC). The City Council did not agree that the arborists doing the assessment required a TRAC certification.
- The City Council agreed with the Committee's proposal that when an applicant is applying for a tree removal permit, the applicant consents to allow public access to view and assess the tree proposed for removal.
- The City Council disagreed with the Committee's proposal that Durham should pay for a tree applicant's arborist. The City Council did agree to the Committee's proposal to increase permit fees to \$50 for the first tree and \$40 for the second and third tree and \$50 for every subsequent tree for developed properties. The council asked for more information on what other cities charge for tree removals for properties under development.
- The City Council disagreed with the Committee's proposal to include significant tree designation in the tree ordinance but agreed that it should be part of the development code.
- The City Council agreed with the Committee's proposal to rename permit types by type of decision i.e., "Dead Tree". The City Council agreed to adopt a Hazard Assessment and requested examples used by neighboring cities.

- The City Council agreed with the Committee's proposal that the City should notify citizens prior to completing tree work by gaining approval by the Planning Commission, except in cases of emergency.
- The City Council agreed with the Committee's updated Emergency tree removal procedure proposal but requires permit applications to be submitted within 96 hours of an emergency tree removal or by the second business day following a weekend.
- The City Council agreed with the Committee's proposal to mitigate for all tree removals.
- The City Council agreed with the Committee's proposal not to charge a fee for a permit appeal.
- The City Council agreed with the Committee's Tree Preservation Plan proposal with an amendment to apply to trees 6" DBH to be consistent with the previous update.
- The City Council agreed with the Committee's proposal to change the Durham Development Code credit for maintaining mature trees on a development site from 200% credit to 130% credit.
- The City Council agreed with the Committee's proposal to increase the in-lieu of mitigation fee to \$1,000 per tree.

D. WASTE HAULING ORDINANCE DISCUSSION.

Mr. Parente let Council know that the Waste Hauler Franchisee, Pride Disposal Company, requested that the City update Waste Hauling Franchise Ordinance to allow the hauler to enforce the contract with non-compliance through private legal action. This update would be beneficial and act as another means of enforcing the franchise agreement, along with the City's enforcement actions. This update is also an opportunity to streamline and update the ordinance but should not be a means of adding contract language that should otherwise be negotiated. Mr. Parente is having the City Attorney review the ordinance before it comes before the City Council.

E. BUILDING FEES UPDATE.

At October City Council adopted a resolution to update the City's Building Fees to bring them in line with the City of Tualatin's, which will take effect November 15, 2024. Councilor Van Meter asked Mr. Parente to modernize other City fees. Mr. Parente presented fees from some neighboring cities. The City Council instructed Mr. Parente to present a modernized fee schedule at a regular City Council session.

F. ADJOURN. Mayor Jehnke adjourned the meeting at 9:00 PM.

Approved:

KEITH JEHNKE, MAYOR

Attest:

JORDAN PARENTE, CITY ADMINISTRATOR/RECORDER