



1. **CALL TO ORDER.** Chair Susan Deeming called the meeting to order at 7:31 PM
2. **ROLL CALL.** *Commissioners Present:* Chair Susan Deeming, Vice Chair Brian Goddard, Commissioners Pat Saab, Krista Bailey, Matt Winkler, Cheri Frazell, and David Streicher  
*Commissioners Absent:* None  
*Staff Present:* City Administrator Jordan Parente, Administrative Assistant Kait Garlick and City Planner Keith Liden  
*Tree Committee Members:* JR Tarabocchia, Forrest Boleyn, Craig Lockwood (Chair Deeming, and Commissioners Winkler and Streicher also serve on this committee. *Tree Committee Member Chris Van Vleet was not in attendance*)  
*Public:* Linda Tate, Bob Kroessin, Patricia Jacobs, Harvey Jacobs, Catherin Tumell, Rufie Miles, Mark Schrimp, Ylian Saint-Hilaire, Valerie Saint-Hilaire, Mallory Fuller, Steve Watt, Martha Rainey, Eric Sanders, Tonia Berberich and Dick Kirschbaum (via Zoom)

3. **APPROVAL OF MEETING MINUTES.**

Commissioner Saab moved to approve the minutes from the September 2<sup>nd</sup>, 2024, meeting. Commissioner Bailey seconded the motion. The motion passed (7,0).

**MO 100124-1**

4. **PUBLIC FORUM.**

Announcement by resident Mallory Fuller regarding the upcoming SOLVE event that will be held for Durham's Treed Lot on November 2<sup>nd</sup> from 9:00 AM – 11:00 AM. This event invites volunteers to participate in removing invasive plants from Durham's Treed Lot.

5. **TREE REMOVAL PERMIT #753-24 FOR 8169 SW KINGFISHER WAY.**

Chair Deeming invited resident Dick Kirschbaum to give an overview of his tree removal application. Mr. Kirschbaum stated he has a heavily wooded lot and is looking to remove a single tree, emphasizing it is an invasive species. He would like it removed to allow light to reach other trees on his lot. Chair Deeming asked Mr. Kirschbaum if he had an arborist out to discuss the potential negative and positive ramifications of the tree removal. Mr. Kirschbaum stated no arborist has been out, but he believes the surrounding trees will be exposed to more light as a result and that would be a positive outcome of the removal. He also stated that his neighbor has no issue with the removal and there would be little to no canopy lost due to the number of trees on the lot.

The Commissioners went through the staff report to determine their Findings. The Commissioners agreed that it is a Type E permit that will require mitigation. The permit was submitted and has been processed as a Type 2 Process, as the tree removal application was 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 C, D, and E is applicable. The Commissioners agreed that Criteria A, B, F, and G are not applicable. As mitigation is required for a Type E permit, the applicant agreed to pay an in-lieu-of fee rather than plant a replacement tree. The Commissioners supported this decision due to the existing quantity of trees on the applicant's lot.

Commissioner Saab moved to approve the application, with a \$250 in-lieu-of fee being applied in this case. Commissioner Frazell seconded the motion. The vote passed (7,0).

**MO 100124-2**

**6. DRAFT COMPREHENSIVE PLAN PRESENTATION.**

Kieth Liden introduced himself as the City's contracted Planner. Mr. Liden has been working to update the City's Comprehensive Plan that was originally adopted in 1995. The original plan has been amended since, but generally centers around the following subject headings: Natural Resources, Growth and Development, and Support Systems. In 2017, a draft of the Plan was updated to incorporate statewide planning goals and guidelines, of which approximately 13 or 14 apply. This is the preferred framework to organize a city's Plan, as it covers more areas than the original plan. Mr. Liden explained that he took up the project that had been started by a prior Planner and it is his goal to update the language and flow of the document to improve readability and understanding. He asked the Commissioners to provide feedback on whether the City wishes to include or exclude objectives throughout the document, in order to help with consistency. He stated that once the City has a final draft, Metro and the State will be consulted to ensure that nothing is missing from the Plan. The goal is to have the new Plan adopted by Spring 2025.

Chair Deeming gave her approval of the updated formatting and flow of the document. Ms. Deeming also stated that the City can address the "objectives" in other ways and that she would like them to be left out of the Comprehensive Plan. Commissioner Bailey asked for clarification on the City's current exemption for having a transportation plan in place. Mr. Liden said that Durham's transportation exemption is until 2032, and that there is no need to update the transportation plan at this time. The Plan documents will be updated to reflect this exemption. This is a similar process for updating any references to the capital improvements plan, as none currently apply to Durham.

Commissioner Bailey asked about the Treed Lot and if there is any plan to incorporate it into the updated Plan document. Several Commissioners asked about how the lot is currently zoned, what the City's intention was when purchasing the lot, and how it should be referenced in the Plan update. Mr. Liden's response to the Committee's questions was that it is possible to re-zone the lot, being that there is no current requirement to keep the lot zoned as commercial/office park. This would be a matter for Planning Commission and City Council to discuss and decide how to move forward, if they feel a change needs to be made to the current zoning classification.

Mr. Liden concluded his presentation with a rough timeline for the rollout of the updated Plan document and what the next steps will be. Chair Deeming thanked Mr. Liden for his work on this project.

**7. PRESENTATION BY DURHAM'S TREE COMMITTEE.**

Durham resident and Tree Committee member, JR Tarabocchia, began his presentation stating an intention of soliciting feedback from the Planning Commission and the public prior to the Committee's presentation to City Council. The impetus for the formation of the Committee stemmed from the severe storms in January 2024 that caused extensive damage to several homes in Durham due to falling trees. Mr. Tarabocchia introduced the members of the Committee and recapped their weekly meeting schedule that began in July 2024. The Committee reviewed Durham's tree ordinance, development code section pertaining to trees and tree removal permit records. They also reviewed tree ordinances of neighboring cities' and their tree removal processes. The Committee's aim was to rewrite and draft an updated tree ordinance for Durham that consolidates all the information into one place. The following presentation was given via PowerPoint and highlighted the Committee's three goals: enhancing public safety, assessing hazard trees, and simplifying the application process.

Mr. Tarabocchia highlighted numerous updates the Committee would like to see adopted. Some of the proposed changes are: using a new set of criteria for assessing hazardous trees, raising permit fees to offset a city arborist to assess some permit requests, updating fees for illegal tree removals, adding a list of excluded tree species that may be removed without a permit, requiring the City Administrator to seek approval from Planning Commission for tree removals on City land, and updating guidelines on how a tree's value is assessed that would be dependent on the species/canopy coverage/uniqueness.

Mr. Tarabocchia asked for feedback following his presentation. Several residents commented that the current process appears more streamlined for developers' tree removal requests than how long-term

residents' applications are handled. The Commission acknowledged the difference said the Tree Committee is looking at ways to update how tree removals for development is approached. One of the Committee's recommendations is to reduce the 200% canopy credit a developer receives for retaining mature trees. Another recommendation discussed is updating the list of mitigation trees the City provides, and requiring replacement trees to be of similar sized canopy to trees removed.

The Commissioners thanked the Committee members for their hard work and wanted the residents in attendance to know that everyone has the same goal of updating the Tree Ordinance to address safety concerns. Changes in wind patterns, storm patterns, the age of the City's current canopy, creating a potential inventory of trees in the City, and the history of trees falling are all under consideration as factors driving the ordinance updates. The Commissioners were asked to read the materials provided and to give their feedback to the Committee prior to the next City Council meeting.

**8. CITY TREE REMOVAL REQUEST FOR 16685 SW CAMBRIDGE LANE.**

Resident Linda Tate asked the City to remove a solitary tree on City property, adjacent to her home. She said that five neighboring trees fell during the January storm and an arborist said the remaining tree is unbalanced and at risk of falling. No Commissioners had an objection to the City having the tree removed.

Commissioner Goddard moved to approve the tree removal. Commissioner Saab seconded the motion. The vote passed (7,0).

**MO 100124-3**

**9. COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.**

City Administrator Parente said that he is working on a grant application through the Oregon Department of Forestry (ODF) to address the pending risk to the City's ash trees due to the emerald ash borer beetle (EAB). This grant would provide funds for the City to create a canopy study and plan to manage the City's ash trees.

**10. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.**

- Tuesday, November 5<sup>th</sup>, 2024, Regular Meeting of the Planning Commission at 7:30 PM.

**11. ADJOURN.** Chair Susan Deeming adjourned the meeting at 9:25 PM.

Approved: \_\_\_\_\_

**Susan Deeming, Chair**

Attest: \_\_\_\_\_

**Jordan Parente, City Administrator**