



**1. CALL TO ORDER**

Chair Susan Deeming called the meeting to order at 7:03 PM.

**2. ROLL CALL**

*Commissioners Present:* Chair Susan Deeming (via Zoom), Commissioners Matt Winkler, Pat Saab, Cheri Frazell, and David Streicher (via Zoom).

*Commissioners Absent:* Commissioner Krista Bailey.

*Staff Present:* City Administrator Jordan Parente and Administrative Assistant Kait Garlick.

*Public:* Resident Forrest Boleyn, resident Mark Mavromatis, and David Cady from David Weekley Homes.

**3. APPROVAL OF MEETING MINUTES**

Commissioner Saab moved to approve the minutes from the December 3, 2024, meeting. Commissioner Frazell seconded the motion. The motion passed (5-0).

**MO 010725-1**

**4. PUBLIC FORUM**

None.

**5. SELECTION OF PLANNING COMMISSION CHAIR AND VICE CHAIR FOR 2025**

Commissioner Saab moved to appoint Susan Deeming to Planning Commission Chair for 2025.

Commissioner Winkler seconded the motion. The vote passed (4-0).

**MO 010725-2**

Commissioner Frazell moved to appoint Matt Winkler to Planning Commission Vice Chair for 2025.

Commissioner Saab seconded the motion. The vote passed (4-0).

**MO 010725-3**

**6. TREE REMOVAL PERMITS 771-24 and 772-24; 17485SW RIVENDELL DR**

Resident Mark Mavromatis submitted 4 tree removal applications at the December 3rd Planning Commission meeting, however, only 2 of the applications were approved at that meeting. The vote was split on the remaining 2 applications, which were then tabled until the January 7th meeting. The Commissioners revisited the deferred applications, asking Mr. Mavromatis if he had any additional information to present before they began their deliberation. Mr. Mavromatis reiterated that he has been told that any work or repairs to the driveway that involves replacing concrete will disturb the tree roots and cause the trees to die. He did not provide any alternative options for the lifted driveway beyond a full replacement.

As was the case at the prior meeting, the Commissioners debated the best alternatives to a full driveway replacement. Resident Forrest Boleyn asked to speak and voiced his concerns about opening a floodgate of residents using cracked or lifted driveways and sidewalks as a reason to remove trees. The Commissioners agreed that it is a difficult task prioritizing public safety and homeowners' property rights, while still maintaining Durham's character as an urban forest. The Commissioners also acknowledged during their deliberation that the current code does not do a sufficient job defining what a residential "structure" is and whether that is a valid reason for tree removal, as is the impetus for Mr. Mavromatis' tree removal applications.

With the City being so densely forested, many of the Commissioners expressed a desire for the homeowner to find an alternative to cutting 2 perfectly healthy trees when they consider how to repair their driveway. They noted a resident who submitted a letter voicing opposition to the tree removals, that cited over a dozen other examples of cracked and lifted sidewalks and driveways in the Kingsgate

neighborhood. Vice Chair Winkler asked Mr. Mavromatis about the possibility of raising the driveway in a way that a repair or replacement could be poured without needing to dig down into the tree roots. Mr. Mavromatis stated that this option was considered but ultimately discarded due to the driveway elevation already being as high as it could be without causing drainage problems back towards the home. Commissioner Streicher suggested that the best solution for now would be to attempt to grind down the lifted section of the driveway. Commissioner Saab voiced concern that requesting the homeowner attempt to grind their driveway down would be a temporary solution and that grinding has limits, as well as a substantial cost. Commissioner Frazell suggested that the homeowner may bring the applications back before the Commission, if and when, they are ready to proceed with the project. She felt that approving the applications at this time was premature since no work had been planned or scheduled for a driveway replacement. Ultimately, the discussion ended with most Commissioners voicing their desire for the homeowner to find an alternative to a full driveway replacement, as it is common and normal for the neighborhood to have lifted and cracked driveways and sidewalk due to the vast quantity of trees.

For Permit 771-24 and 772-24, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this is a Type B permit, as the trees are lifting the driveway and have created a tripping hazard. This permit 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. The Commissioners agreed that Criteria C, D, and E are applicable. The Commissioners agreed that Criteria A, B, F, and G are not applicable. Commissioner Frazell moved to deny the tree removal permit requests. Commissioner Streicher seconded. The vote passed (4-1).

**MO 010725-4**

**7. TREE REMOVAL PERMITS 776-24, 777-24 & 778-24; 17425/17437 SW CAMBRIDGE DR**

David Cady of David Weekley Homes presented applications for the removal of three Douglas fir trees at Durham Heights. These trees had previously been approved for removal but were not cut down within the permit's six-month validity period. Mr. Cady explained that a new arborist report confirmed the trees' root zones would be severely impacted by planned construction, creating a long-term hazard to structures and safety. To mitigate the removals, Mr. Cady proposed planting 3 new trees closer to the property line, creating a buffer against the adjacent railroad while maintaining the neighborhood's tree canopy.

The Commissioners clarified the specifics of the proposed building envelope for the lots in question. While the trees were not located within the direct footprint of the houses, their root zones would be impacted by the construction. The arborist determined that construction activities would damage over 50% of the root zones, which would likely kill the trees. The incompatibility between the trees' large root systems and the foundations was discussed, emphasizing that the homes and trees could not coexist without significant risk to the trees. Acknowledging that the expired tree removal permit had previously allowed for the removal of these trees, the Commissioners expressed appreciation for the developer's efforts to preserve them. However, the practical limitations posed by the size and layout of the houses ultimately meant that the trees needed to be removed in order to continue the building of the homes on the noted lots.

For Permit 776-24, 777-24 & 778-24, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this is a Type G permit, as the trees will be impacted by the building structures planned for the Lots in the application. This permit 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. The Commissioners agreed that Criteria A, B, C, D, and E are applicable. The Commissioners agreed that Criteria F and G are not applicable. Commissioner Saab moved to approve the permit with mitigation, with the mitigation trees being of similar canopy size, and with the requirement that all current tree protection measures remain in place. Commissioner Frazell seconded the motion. The vote passed (5-0).

**MO 010725-5**

**8. SIGN PERMIT 474-24 DURHAM ESTATES; 16605 UPPER BOONES FERRY RD**

The Commissioners discussed the revised sign application submitted for the Durham Estates development. The proposed sign was reviewed in detail, including its dimensions, colors, and placement. The Commissioners expressed reservations about the black-and-white design, suggesting that colors more harmonious with the neighborhood, such as green tones, might be more appropriate. However, they ultimately decided not to impose specific color requirements, recognizing the temporary nature of the sign. The placement of the sign was discussed due to the expected heavy traffic load coming in and out of the development. The Commissioners emphasized that the sign should not impede visibility for cars turning onto Boones Ferry Road from the development.

Commissioner Frazell moved to approve the commercial sign permit request, with the requirement that the sign not obstruct visibility of traffic on the street corner but still comply with setback requirements, and that the developer will be required to seek re-approval one year from today’s date, January 7, 2026. Commissioner Saab seconded. The vote passed (5-0).

**MO 010725-6**

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

- City Administrator Jordan Parente gave an overview of the current development projects around Durham, with all projects currently moving along smoothly.
- Chair Deeming inquired about the Durham Estates project and if they had finalized the name of the development. Ms. Deeming recently discovered that a nearby neighborhood in the city of Tigard had a monument sign with the exact same name of “Durham Estates” that is located a few blocks from the new development in Durham. Mr. Parente suggested this topic should be revisited when the developer applies for the planned permanent monument sign, at which time a new name might be suggested to avoid confusion for regional residents.
- Mr. Parente gave a quick update on the status of the updated tree ordinance that was finalized in the last quarter of 2024. He stated that the ordinance will require additional notice and reporting requirements that he was informed of at the end of December. The ordinance is still in legal review, but he let the Commissioners know that he will work on getting a timeline for completion.
- Mr. Parente informed the Commissioners that there are going to be two open seats on the Planning Commission and to please let him know if they are aware of any potential candidates interested in serving. The seats will be appointed by the City Council in January.
- Lastly, Commissioner Streicher thanked his fellow commissioners for his time served alongside them. Mr. Streicher stated this would be his last meeting as he will be moving on to serve on City Council as of the end of January.

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

- Tuesday, February 4, 2025, Regular Meeting of the Planning Commission at 7:00 PM.

**11. ADJOURN**

Vice Chair Winkler adjourned the meeting at 9:03 PM.

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

**Susan Deeming, Chair**

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

**Jordan Parente, City Administrator**