



# City of Durham

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**Jordan Parente - City Administrator**

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## STAFF REPORT: JULY 1, 2025

APPLICATION FILE: #807-25

REQUEST: Approval to remove one pear tree 11" diameter breast height (DBH) from the applicant's front yard.

OWNER/APPLICANT: Lisa Butz  
17785 SW 81<sup>st</sup> Place  
Durham, OR 97224

SITE LOCATION: 17785 SW 81<sup>st</sup> Place

AUTHORIZATION: The review and approval criteria for the proposal are provided in the Durham Development Code (DDC) under Chapter 5 Tree Protection; Chapter 9 Procedures, Section 9.6 Type 2 Process & Criteria; Tree Protection Ordinance 228-05 as amended by Ordinance 246-08; and the Durham Comprehensive Land Use Plan as revised 6.23.95.

## SUMMARY OF EVENTS

On June 16, 2025, the City received tree removal application #807-25 from the applicant Lisa Butz for the property located at 17785 SW 81<sup>st</sup> Place. The application is to remove one Bartlett pear tree with 11" DBH from the applicant's front yard. The application is a Type "E" permit. The applicant provided a quote for removing the tree from an arborist who stated the tree has codominant branches and the variety has a high risk of limb failure.

On June 18, 2025, the City posted a public notice of land use action at City Hall and on the City's website. The same day, notices were delivered to all properties within at least 300' of the applicant's property. The tree removal applications are scheduled to be heard at the regular meeting of the City of Durham Planning Commission on July 8<sup>th</sup>, 2025.

## FACTS, ANALYSIS & FINDINGS

### 1. DDC Chapter 5 Tree Protection, Section 5.4.1

*Type "E" Permit. Trees measuring 10" DBH or greater and are not eligible for any other permit type, including Type "D," shall be subject to permitting with Planning Commission approval under a Type 2 process.*

*For an approved Type "E" Permit mitigation shall be provided as set forth in Section 5.5. Under certain circumstances, the Planning Commission may require mitigation exceeding that required in Section 5.5, but not less.*

## FINDINGS:

- The applicant seeks to remove an 11" DBH pear tree.
- The arborist notes poor branch attachment and the species' tendency towards branch failure.

- The tree is not diseased or dead, nor imminently hazardous but has a potential structural risk and being processed as a Type E application.

## **2.DDC Chapter 9 Procedures, Section 9.6 Type 2 Process & Criteria**

*Type 2 is a process for review and decision by the Planning Commission with prior notice to affected persons but without a public hearing.*

*Section 9.6.1: A Type 2 process applies to a non-emergency tree removal.*

### **FACTS & ANALYSIS**

- The tree removal application is on the agenda for the July 8, 2025, meeting of the Planning Commission.
- The City has published, posted, and delivered Public Notice to affected persons as of June 18<sup>th</sup>, 2025.

**FINDINGS:** The City finds that Type E application appeals are a Type 2 process.

## **3. Tree Protection Ordinance 228-05, Section 4 Criteria for Issuance of Tree Cutting Permits**

*The burden is on the applicant to show that granting a permit will be consistent with the stated purpose of this ordinance. The ordinance provides seven criteria for consideration.*

- a) The condition of the trees with respect to danger of falling, proximity to existing or proposed structures, interference with utility services or traffic safety, and hazards to life or property.
- b) The necessity to remove trees to construct proposed improvements or to otherwise utilize the applicant's property in an economically beneficial manner.
- c) The topography of the land and the effect of tree removal on erosion, soil retention, stability of earth, flow of surface water, protection of nearby trees, windbreaks and a desirable balance between shade and open space.
- d) The number of trees existing in the neighborhood, the character and property uses in the neighborhood, and the effect of tree removal on neighborhood characteristics, beauty and property values.
- e) The adequacy of the applicant's proposals to plant new trees as a substitute for the trees to be Cut in accord with Section 7 and Section 8 of this ordinance.
- f) The tree is diseased.
- g) The tree is dead.

### **FACTS AND ANALYSIS:**

*Criteria A:* The applicant provided an arborist quote stating the codominant stems are poorly attached and structurally weak. The species is known for branch failure.

**STAFF COMMENT:** While the tree is not currently failing, its removal may be appropriate under Type E due to species characteristics, location in a residential area, and structural form. This tree does not pose a threat to nearby structures.

*Criteria B:* Not applicable

*Criteria C:* The tree is not in a streamside or upland corridor. Removal will not increase erosion or runoff.

*Criteria D:* The tree is not part of a defined grove or stand. Removal is unlikely to significantly alter canopy or character. Similar trees planted in the cul-de-sac have been removed over time.

*Criteria E:* The applicants propose planting a 4' Dogwood mitigation tree. The mitigation list includes: Kousa and Flowering Dogwood (25'), June Snow (30'), Pacific Dogwood (40') varieties.

**STAFF COMMENT:** Deciduous trees must be 2" in diameter at the top of the root ball.

Type E permits require mitigation.

*Criteria F:* Not applicable

*Criteria G:* Not applicable

**FINDINGS:** Based upon the category of a Type E tree removal permit the City finds that the following criteria are applicable: \_\_\_\_\_.

The Planning Commission finds that the following applicable criteria have been met:

\_\_\_\_\_

### POTENTIAL MOTIONS

1) I move that tree removal #807-25 be denied.

OR

2) I move that tree removal #807-25 be approved with the condition(s) that \_\_\_\_\_  
(please at least add the following conditions if you vote to approve and require mitigation):

A. \_\_\_\_\_ tree(s) will be planted as mitigation. This tree will be \_\_\_\_\_, (or from the list of approved mitigation trees) and be of a size that complies with the requirements set forth in Chapter 5, Section 5.5.1, i.e. 2" in diameter when measured from the top of the root ball for deciduous trees or 6' tall when measured from the top of the root ball, excluding the leader, for evergreens.

B. Mitigation tree(s) must be planted within six months of the date of approval or request an additional 60-day extension. The property owner must inform City Hall when the tree has been planted.

C. Any mitigation planting that fails within two years of the date of planting requires that property owner notify City Hall and that the failing tree be replaced.

D. Within 60 days of the second anniversary of planting property the owner must request a final inspection of the mitigation planting. The permit will not be finalized until all the conditions are complied with and the final inspection requested.