



City of Durham

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Jordan Parente - City Administrator

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STAFF REPORT: JULY 1, 2025

APPLICATION FILE: #805-25 & 806-25

REQUEST: Approval to remove two maple trees 6” and 11” diameter breast height (DBH) from the applicant’s parking lot.

OWNER/APPLICANT: Cameron Frueh – GPD Engineering & Architecture Professional Corporation on behalf of Rivian, LLC.
#210 1801 Watermark Dr.
Columbus, OH 43215

SITE LOCATION: 7455 SW Findlay Rd.

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 12, 2025, the City received tree removal applications #805-25 and 806-25 from the applicant Cameron Frueh – GPD Engineering & Architecture Professional Corporation on behalf of Rivian, LLC. for the property located at 7455 SW Findlay Rd. The application is to remove two maple trees with 6” and 11” DBH from the property owner’s parking lot for a Rivian EV charging station. The applications are for Type “F” permits. The applicant has submitted the necessary building plans to build the charging station.

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 8th, 2025.

FACTS, ANALYSIS & FINDINGS

1. DDC Chapter 5 Tree Protection, Section 5.6

Type “F” Permit. A permit issued for removal of a tree(s) 5” DBH or greater in developed commercial and industrial zones shall be designated a Type “F” Permit and be subject to review and approval by the Planning Commission under a Type 2 process. Mitigation shall be required per the conditions set forth in section 5.8.

FINDINGS:

- The applicant seeks to remove two maple trees of 6” and 11” DBH from a parking lot.
- The trees are not diseased or dead, nor imminently hazardous.

2. DDC Chapter 5 Tree Protection, Section 5.6.1

Removal of a tree in the commercial and industrial zones shall not qualify for any other permit type.

FINDINGS:

- The applications are being processed as Type F applications.

3. 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 18th, 2025.

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

4. 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 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: Not applicable

Criteria B: Tree removal permit applications 805-25 and 806-25 are sought to install a Rivian EV Charging station improvement. The City has received the associated application fees for this work.

Criteria C: Not applicable

Criteria D: Not applicable

Criteria E: The applicants propose planting two maple trees as mitigation.

STAFF COMMENT: Deciduous trees must be 2” in diameter at the top of the root ball. Type F permits require mitigation.

Criteria F: Not applicable

Criteria G: Not applicable

FINDINGS: Based upon the category of a Type F 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 removals #805-25 & 806-25 be denied.

OR

2) I move that tree removals #805-25 & 806-25 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.