



City of Durham

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Durham, Oregon, 97224

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CITY COUNCIL AGENDA

Durham City Hall: Tuesday, October 28th, 2025, 7:30 p.m.

A. OPEN REGULAR COUNCIL MEETING at 7:30 p.m.

B. ROLL CALL OF COUNCIL MEMBERS

(Mayor Joshua Drake, Council President: Leslie Gifford, Councilors Gary Paul, David Streicher and Sean Lee)

C. COUNCIL MINUTES - Council will consider adopting July 22, 2025, City Council Work Session meeting minutes and July 29, 2025, and September 23, 2025, City Council meeting minutes and September 30, 2025, City Council Special Meeting minutes (pages 1-16)

D. CALENDAR OF MEETINGS

- Tuesday November 4th, 2025, Regular Meeting of the Planning Commission at 7:00 p.m.
- Tuesday November 11th, 2025, City Hall closed in observance of Veteran's Day
- Tuesday November 25th, 2025, Regular Meeting of the City Council at 7:30 p.m.

E. PUBLIC FORUM

For matters not appearing elsewhere on the agenda. Matters requiring further investigation or detailed answers will be referred to City Staff for follow-up at a future meeting. Please limit your comments to no more than five (5) minutes.

F. PLANNING COMMISSION UPDATE

- Planning Commission Minutes October 7th, 2025 (pages 17-19)

G. DURHAM DEVELOPMENT CODE UPDATE PUBLIC HEARING (pages 20-26)

City Council shall conduct a public hearing to provide an opportunity for public comment on the proposed changes to the Durham Development Code.

H. FIRST READING OF ORDINANCE 272-25: AN EMERGENCY ORDINANCE ADOPTING TREE REMOVAL REGULATIONS FOR DEVELOPMENT SITES IN THE DURHAM DEVELOPMENT CODE; AMENDING DURHAM DEVELOPMENT CODE CHAPTERS 5 AND 10; AND REPEALING ORDINANCES 254-12, 228-05, 246-08, AND ALL OTHER INCONSISTENT TREE ORDINANCES (pages 27-37)

I. FIRST READING OF ORDINANCE 270-25: AN ORDINANCE OF THE CITY OF DURHAM CONTINUING A MUNICIPAL COURT WITH JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES, PROVIDING ORDINANCE ENFORCEMENT, CREATING PENALTIES FOR VIOLATIONS, REPEALING ORDINANCE 224-05, AND DECLARING AN EMERGENCY (~~pages 38-42~~) (pages 55-58)

J. A RESOLUTION OF THE DURHAM CITY COUNCIL, OREGON UPDATING A MASTER FEE SCHEDULE FOR THE CITY OF DURHAM, OREGON (pages 43-49)

Council shall conduct a public hearing to provide an opportunity for public comment on fee increases.

Motion Required.

K. SECOND READING OF ORDINANCE 272-25: AN EMERGENCY ORDINANCE ADOPTING TREE REMOVAL REGULATIONS FOR DEVELOPMENT SITES IN THE DURHAM DEVELOPMENT CODE; AMENDING DURHAM DEVELOPMENT CODE CHAPTERS 5 AND 10; AND REPEALING ORDINANCES 254-12, 228-05, 246-08, AND ALL OTHER INCONSISTENT TREE ORDINANCES

Motion Required.

L. SECOND READING OF ORDINANCE 270-25: AN ORDINANCE OF THE CITY OF DURHAM CONTINUING A MUNICIPAL COURT WITH JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES, PROVIDING ORDINANCE ENFORCEMENT, CREATING PENALTIES FOR VIOLATIONS, REPEALING ORDINANCE 224-05, AND DECLARING AN EMERGENCY

Motion Required

M. DURHAM PARK PATHS (COUNCILLOR STREICHER)

N. ADMINISTRATOR'S REPORT

- **DLCD Planning Grant**
- **Metro Local Share**
- **SLGCP Projects**

O. FINANCIAL REPORTS

- Financial Reports for September 2025 (pages 50-53)
- Approval of Vendor Checks 17823-17836 \$18,562.32, and EFT and Payroll totaling \$18,337.87 (page 54)
Motion required

P. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS

Q. ADJOURN

EXECUTIVE SESSION – The Durham City Council may hold an Executive Session under the provisions of ORS 192.660 (2) labor negotiations, ORS 192.660 (1) (h) to consult with counsel regarding legal rights related to current or probable litigation; and ORS 192.660 (1) (a) to consider the employment of the chief executive officer. All discussions within this session are confidential; therefore, nothing from this session may be disclosed by those present. Representatives of the news media are allowed to attend this session but must not disclose any information discussed during this session.

The Durham City Council meets regularly on the fourth Tuesday of every month at 7:30 p.m. at Durham City Hall, 17160 SW Upper Boones Ferry Rd., Durham, OR 97224. Items requiring City Council action should be submitted in writing to the Durham City Administrator no later than 4:00 p.m. on Friday two weeks prior to the meeting date.



City of Durham
CITY COUNCIL WORK SUMMARY
July 22, 2025

A. OPEN CITY COUNCIL WORK SESSION SPECIAL MEETING.

Council President Leslie Gifford opened the meeting at 6:30 PM at Durham City Hall.

B. ROLL CALL OF COUNCIL MEMBERS.

Councilors present: Council President Leslie Gifford, Councilors Gary Paul and David Streicher

Councilors absent: Mayor Josh Drake and Councilor Sean Lee

Staff present: City Administrator Jordan Parente and City Attorney Emily Guimont

Visitors: Residents Craig Mitchell, JR Tarabocchia, and Sue Fuller (via Zoom)

C. CALENDAR OF MEETINGS.

➤ Tuesday July 29, 2025, Regular Meeting of the City Council at 7:30 PM

D. CONTRACTING RESOLUTION DISCUSSION.

The Council engaged in an in-depth discussion about the City's current contracting limitations and the barriers posed by Durham's outdated procurement thresholds. Under Oregon law, cities can seek informal quotes for public works projects under \$10,000; however, Durham's own Municipal Code sets a lower threshold of \$5,000, meaning the City is required to undergo more formal and time-consuming processes for even minor maintenance or infrastructure jobs. This discrepancy hampers the City's ability to execute small-scale projects efficiently and leads to unnecessary administrative burden.

The Councilors expressed general consensus that the current limitations are impractical and may have contributed to stalled or delayed work. The idea of adopting a Qualified Bidder List (QBL)—which allows the City to solicit bids from a pre-approved pool of contractors for small projects—received support. The City Administrator also introduced the possibility of joining cooperative purchasing programs through the League of Oregon Cities, which could streamline vendor selection and pricing.

There was also brief discussion of how contracting flexibility could benefit ongoing infrastructure needs, particularly in areas like tree removal, street maintenance, and facilities improvements. City Administrator Parente committed to returning with more specific options for code amendments, including a potential QBL framework and updated dollar thresholds that better align with state law.

E. CODIFICATION DISCUSSION.

Council revisited long-standing concerns around the clarity and enforceability of Durham's tree ordinance, especially regarding procedural compliance and the City's ability to intervene when permits lapse or technical errors occur. Staff shared examples where a tree removal permit was deemed invalid—not because of a substantive issue with the application, but due to missed procedural steps, such as failure to post required signage or expiration of the permit prior to tree removal. In such cases, the City currently lacks a clear path to enforcement unless the removal can be tied directly to a development project or a defined violation of tree protection measures.

Councilors questioned whether there are gaps in the ordinance that prevent the City from holding applicants accountable, particularly in non-development scenarios. City Administrator Parente explained that under current code, "tree protection" is generally defined only in the context of development activity (e.g., during grading or construction). As a result, if a tree is removed outside of a development process—even in violation of permit terms—there is ambiguity over whether enforcement action is permitted.

Council expressed strong interest in expanding the City's ability to enforce tree protection broadly, not just during development, and suggested codifying the expectation that all trees under permit must be protected until removal occurs. There was also support for exploring changes that would allow expired permits to be flagged and require re-review before action can be taken. Mr. Parente indicated that an ordinance update will be prepared with these clarifications in mind, aiming to ensure the City's tree protection goals can be consistently enforced in all contexts.

F. FRIENDS OF TREES/ PLANTING DISCUSSION.

This topic will be discussed at the upcoming regularly scheduled meeting of the City Council on July 29, 2025.

G. TREE ORDINANCE FOR DEVELOPED PROPERTIES - MUNICIPAL CODE.

Council then moved to an extended discussion on the draft Tree Ordinance for developed properties. City Attorney Emily Guimont began by reviewing examples of fines from other jurisdictions, which ranged from flat amounts of \$250 to \$750 per tree to higher penalties tied to tree size or replacement costs. Eugene's code was noted as allowing up to \$4,000 per tree and even jail time, while Tigard and other cities required mitigation plantings. By comparison, Durham's general maximum violation penalty remains \$720, unchanged since 2005.

Council expressed concern that the current penalty is too low and may be treated as a cost of doing business. Councilors discussed increasing the maximum to \$1,500 or \$2,500 to account for inflation and to create a stronger deterrent. They also considered whether to establish a minimum fine. A portion of the councilors felt a floor was needed to reflect the administrative burden of enforcement and to ensure violations carried meaningful consequences, while others noted situations where a tree would likely have been approved for removal and where a high minimum could seem excessive.

The discussion then turned to enforcement procedures. Council weighed whether citations should be handled administratively by the City Administrator, with appeals to Council, or referred to Tualatin Municipal Court under the existing intergovernmental agreement. Court proceedings were noted as being more formal and carrying greater weight but would require additional staff and legal time. Administrative enforcement would be less costly but could lengthen Council meetings with appeals. Council expressed interest in keeping both options available, allowing flexibility depending on the case.

Council next reviewed language intended to coordinate the ordinance with the Development Code. A proposed provision would allow a building permit that requires tree removal to serve as authorization without a separate tree removal permit. Members acknowledged this avoids duplicative permitting but raised questions about whether smaller projects, such as decks or sheds that may not require building permits, should still require tree removal permits. As such, Council provided direction to clarify thresholds to ensure consistency.

The issue of public notice requirements was also discussed. The draft ordinance currently called for applicants to post notice at the time of application, but Council questioned the value of notice if neighbors have no legal standing to appeal. While some saw notice as a courtesy to the public, others noted it created significant administrative work with little effect. The consensus among Council was to remove the notice requirement while continuing to post approved permits online.

Additional topics the Council discussed included potential appeals processes, hazard tree determinations, and whether the City should consider offering voluntary arborist assessments as a public safety program once the ordinance is finalized. Council also noted that community letters on whether City tree regulations should be adopted by ordinance or resolution should be included in the next packet for further discussion.

The item concluded with Council agreeing to continue refining the draft ordinance and to carry over unresolved issues, including penalty levels, enforcement options, and the scope of regulations, for the next work session.

H. **ADJOURN.** Council President Gifford adjourned the meeting at 8:00 PM.

Approved:

Leslie Gifford, COUNCIL PRESIDENT

Attest:

Jordan Parente, CITY ADMINISTRATOR/RECORDER



City of Durham
CITY COUNCIL MINUTES
July 29, 2025

A. OPEN REGULAR COUNCIL MEETING.

Mayor Joshua Drake opened the meeting at 7:34 PM at Durham City Hall.

B. ROLL CALL OF COUNCIL MEMBERS.

Councilors present: Mayor Joshua Drake, Council President Leslie Gifford (joined late), Councilors Gary Paul, David Streicher, and Sean Lee

Councilors absent: None

Staff present: City Administrator Jordan Parente

Visitors: Kristin Leichner (via Zoom); Metro Councilor Gerritt Rosenthal; Residents Craig Mitchell and Sue Fuller (via Zoom)

C. COUNCIL MINUTES.

Councilor Paul moved to approve the minutes from the June 17, 2025, and June 24, 2025, City Council meetings. Councilor Streicher seconded the motion. The vote passed (4-0).

MO 072925-01

D. Mayor Drake read the CALENDAR OF MEETINGS.

- **Tuesday August 5, 2025** – Regular Meeting of the Planning Commission at 7:00 PM
- **Monday September 1, 2025** – City Hall closed in observance of Labor Day
- **Tuesday September 2, 2025** – Regular Meeting of the Planning Commission at 7:00 PM
- **Tuesday September 23, 2025** – Regular Meeting of the City Council at 7:30 PM
- **Tuesday September 30, 2025** – City Council Work Session at 6:30 PM

E. PUBLIC FORUM. None.

F. PLANNING COMMISSION UPDATE.

- There was a request to remove two Doug Fir trees and one maple tree on Kingfisher Drive. The trees are located close to the house, but are healthy, and the Planning Commission denied the permit requests.
- An applicant on 81st Ave. requested removal of a pear tree in poor condition. An arborist indicated the tree's saddle was likely to fail. The Planning Commission approved the tree removal permit.
- A representative for a property on Findlay Ave, near Bridgeport Village, submitted two tree removal permits to facilitate the installation of electric vehicle (EV) charging stations. Removal of two parking lot trees is required for the project, so the Planning Commission approved the permits.

G. METRO COUNCILOR GERRITT ROSENTHAL (DISTRICT 3).

Metro Councilor Garrett Rosenthal attended the meeting for a meet-and-greet and to provide a comprehensive update on Metro initiatives that impact the City of Durham. He explained that Metro's direct interactions with Durham primarily involve solid waste management and parks and trails, but he also discussed broader regional efforts in housing, homelessness, transportation, and community planning.

Mr. Rosenthal began with solid waste updates, noting that Metro has recently implemented rate increases for two primary reasons: the transition to a cost-of-service model and the separation of transfer station charges from regional charges. He highlighted Metro's commitment to expanding reuse and recycling facilities, acknowledging that parts of Washington County lack convenient access. To address this, Metro

is considering development of a new facility in Cornelius, which may also incorporate a housing component. Additionally, Metro is evaluating the future of the Metro South facility, which is both space-constrained and prone to flooding during heavy rains. Options include converting it to a dedicated recycling center or relocating some recycling functions elsewhere.

He also announced that Metro will discontinue the Metro Paint program by the end of the year. This change follows Oregon's paint recycling law and the availability of private recycling options. While recycled paint will still be accessible, it will be provided through private facilities rather than Metro.

In parks and trails, Mr. Rosenthal discussed Metro's local share program, which supports Durham's trail and park projects in the new housing development area, though he had not yet received a detailed briefing on the city's funding status. He described Metro's ongoing work in acquiring and developing regional parklands, including the Eagle Creek Golf Course, small parcels in Rock Creek and Basalt Creek, and property across the Boone's Ferry Road Bridge for Tualatin River Trail connections. He emphasized Metro's role in supporting local trail continuity, including efforts to connect Durham's trail system to the south shore of the Tualatin River and ultimately link to regional trails like the Ice Age Trail.

Mr. Rosenthal then addressed housing and homelessness initiatives, noting that Metro's \$680 million housing bond has exceeded its original goals by 20%, successfully moving approximately 3,000 people off the streets into housing. However, the bond funds are now fully allocated, and the regional challenge remains significant, especially in Portland. Metro is also managing the 1% supportive housing services tax on higher incomes, with discussions underway about indexing, adjusting income thresholds, and improving program efficiency. He stressed the importance of supportive services, explaining that helping unhoused residents stabilize can take up to 18 months, particularly for those facing behavioral health or substance use challenges.

The Councilor provided a broad regional update, covering Metro's work on:

- The Oregon Zoo bond projects, which will improve animal habitats, water features, and visitor areas in response to hotter summers.
- The Portland Expo Center conversion into a regional sports facility, with continued cultural recognition of its history, including the Vanport Floods and Japanese American internment.
- Downtown Portland venue management discussions, considering the future of city-owned performance halls such as the Keller and the Schnitz, alongside private development proposals like the Diamond Project baseball stadium and new concert venues.
- Long-range planning, including Metro's 50-year regional visioning process, which is intended to address changing urban patterns, industrial growth in Tualatin and Basalt Creek, and evolving housing and employment needs.
- Transportation priorities, emphasizing the importance of improving public transit in Southwest Washington County. He expressed personal support for the Southwest Corridor project and voiced concern about potential service reductions to the Line 96 express bus.

Mr. Rosenthal closed by inviting Durham to communicate any needs or opportunities where Metro could provide additional support, particularly in the areas of parks, trails, and regional connectivity.

H. RESOLUTION 680-25, A RESOLUTION OF THE DURHAM CITY COUNCIL, EXTENDING THE TERM OF THE CABLE TELEVISION FRANCHISE WITH COMCAST OF OREGON II, INC. TO ENABLE THE METROPOLITAN AREA COMMUNICATIONS COMMISSION TO COMPLETE THE INFORMAL RENEWAL PROCESS FOR THE CITY OF DURHAM, OREGON.

Councilor Streicher moved to adopt Resolution 680-25, extending the term of the cable television franchise with Comcast until June 30, 2026. Councilor Paul seconded. The vote passed (4-0).

MO 072925-02

I. RESOLUTION 681-25, A RESOLUTION OF THE CITY OF DURHAM ADJUSTING SOLID WASTE DISPOSAL RATES FOR PRIDE DISPOSAL COMPANY.

Kristin Leichner, representing Pride Disposal, presented the council with the rationale for the proposed rate increase. She noted that over ten years ago, Durham agreed to mirror the City of Tigard's rate adjustments due to the City's small size and the complexities of allocating service costs across multiple jurisdictions. Minor allocation differences could otherwise create large swings in Durham's calculated rate of return. Following Tigard's lead provides a stable, predictable approach to rate-setting.

Ms. Leichner reported that Tigard conducted a full rate study this year after its residential service rate of return fell below the 8–12% target range. A third-party consultant worked with Tigard's finance director to review costs, and the Tigard Council approved a residential rate increase last week. The study determined that only residential service required an adjustment, and the rate changes were calculated based on cart size to reflect the cost differences in garbage volume and disposal.

Residential cart rate increases will range from 2.43% to 3.75%, with the most common 32-gallon cart increasing by \$1.01 per month. Medical waste rates will also rise significantly due to the closure of Oregon's only medical waste incinerator.

Ms. Leichner clarified that the new rates are monthly charges, although some on-call customers with 32-gallon carts will see their per-pickup rate increase from \$17.76 to \$18.33. For most standard residential customers, the increase will be approximately \$0.25 per week.

The proposed rate adjustments will take effect September 1, 2025, earlier than the usual January CPI-based schedule, due to the timing of the rate study. Assuming the 2025 rate of return aligns with the target range, the next increase will not occur until January 2027.

Council members reviewed the proposed increases, with brief discussion noting that the adjustments appeared reasonable, apart from the larger medical waste increases, which were justified by State requirements. The Council thanked Pride for its ongoing partnership and service to the City.

Councilor Streicher moved to adopt Resolution Ordinance 681-25. Councilor Paul seconded. The vote passed (4-0).

MO 072925-03

J. RESOLUTION 682-25, A RESOLUTION OF THE DURHAM CITY COUNCIL, ADOPTING UPDATED PUBLIC CONTRACTING RULES FOR THE CITY OF DURHAM, OREGON.

City Administrator Parente explained to Council that Oregon provides a model set of public contracting rules under Oregon Administrative Rules 137-046 through 137-049, and the resolution would adopt those rules with certain local modifications. The City currently has contracting rules in place, last updated in 2020 under Resolution 627-20, and this new resolution would repeal and replace that version to reflect the changes.

The primary purpose of the update is to modernize the City's procurement process and increase flexibility. The proposed rules increase the local contracting authority threshold from \$10,000 to \$50,000, allowing the City to process lower-value contracts without requiring Council approval. Contracts above \$50,000 would still require Council authorization, while staff could execute lower-value personal service contracts

under the updated procedures. Council also retains authority over certain specific contracts, such as the City Attorney agreement, which are not affected by this change.

During review, Council discussed the wording of Item 4 on page 23, which referred to contracts at \$50,001 and above. Members agreed that the language should be clarified to require Council approval for all contracts above \$50,000, eliminating any ambiguity about the threshold.

Following discussion, the Council approved Resolution 682-25 with the amended language reflecting a \$50,000 threshold for contracts requiring Council authorization. The motion was seconded and passed unanimously.

Mayor Drake moved to adopt Resolution 682-25. Councilor Streicher seconded. The vote passed (4-0).

MO 072925-04

K. DURHAM EMAIL ADDRESSES AND WEBSITE PHOTOS: COUNCILOR STREICHER.

Councilor Streicher opened the discussion by proposing that all City Council members and staff be assigned official Durham email addresses and that their photos be displayed on the City website. He explained that the goals are to improve public access to City officials and increase visibility for both Council and staff. Posting photos and providing email addresses could encourage civic engagement and make it easier to recruit candidates for open Council positions.

The Council discussed the technical and cost considerations for implementing city-provided email addresses. City Administrator Parente reported that he is actively seeking an IT service provider or an intergovernmental agreement with another jurisdiction to manage Durham's email system. He noted that Microsoft government accounts typically cost around \$30 per user per month, but some providers charge more if they include additional services. He is exploring options that may allow for lower-cost email-only solutions.

Additionally, Council members agreed that having pictures of Council and staff would improve transparency, but there was consensus that posting a photo should remain optional. Councilors discussed low-cost approaches, such as providing their own photos or taking simple pictures in front of the City Hall flag, rather than paying for professional headshots.

The Council requested that Mr. Parente gather more detailed information on the cost and feasibility of implementing official email accounts and report back at the next meeting. A follow-up discussion on optional photos for the website will be scheduled after the cost analysis is complete.

L. ADMINISTRATOR'S REPORT.

- City Administrator Parente provided the administrative report, beginning with an update on efforts to engage a leasing agent to identify potential new office space for the City. He had contacted a recommended agent, who primarily works in property sales rather than leasing, and she indicated that the City still has approximately 18 months on its current lease. Her initial advice was to review comparable properties now and begin actively searching for a new location approximately eight weeks before the lease expires. Council members expressed interest in finding a space with visibility along Boones Ferry Road, noting that such locations can be difficult to secure and may require advanced planning. Council discussed potential properties, including the former kickboxing studio and other nearby office spaces, and emphasized the importance of understanding availability timelines. Jordan will continue to follow up to secure leasing expertise.
- Mr. Parente also reported that Metro will host a "Metro Mixer" event in Durham's vicinity on September 18th from 4:00 to 6:00 PM. The event is intended for local elected officials and is tentatively planned

to be held at the Keller Williams office near Waltham, as City Hall is too small to accommodate the gathering.

- Mr. Parente sent a letter to a business operating from a residential property that does not comply with the City's home occupation ordinance. The business will be granted one year to come into compliance or their license will not be renewed for the next renewal term.
- Lastly, Mr. Parente looked into a complaint about an unpermitted structure built over a weekend on a Red Hawk property. The structure currently sits only two feet from the property line, which violates setback requirements, especially on a flag lot. He noted that the most likely path to compliance would involve detaching and moving the structure to meet the required distance from the property line before permits can be issued. Safety concerns were also raised due to the heavy swim spa on the concrete pad, which is adjacent to a public sidewalk.

M. FINANCIAL REPORTS.

Councilor Streicher moved to approve June vendor checks 17772-17782 (17780 VOID) totaling \$8,627.48 and ETFs/Debit charges totaling \$14,897.35. Councilor Paul seconded the motion. The vote passed (4-0).

MO 072925-05

N. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.

Councilor Streicher raised concern about transparency and oversight of legal expenditures related to the City's work on the tree ordinance. Referencing the Durham City Charter, which states that the City Attorney answers to the City Council, he requested access to attorney invoices in order to understand the scope and cost of legal work undertaken. Specifically, he expressed interest in reviewing billing entries to learn what tasks were performed, how long they took, and whether travel time was billed. He noted that this information could help the Council determine how much has been spent to date on the tree ordinance and assess whether the project's scope had grown beyond its original intent.

Other Council members expressed varying levels of support. Councilor Gifford questioned the need for such detailed review, suggesting that any budget concerns could be addressed by staff reports rather than individual invoice analysis. She noted that she had not perceived any red flags that would prompt such scrutiny. Councilor Streicher stated that this was a unique, one-time project and therefore warranted closer tracking of costs, especially if questions were to arise from the public.

A broader conversation followed about whether the ordinance development had expanded beyond its intended scope. Several Councilors agreed that the project had evolved significantly, moving from a simple review of enforceability to a more comprehensive rewrite of the tree code, including new definitions and processes. Some acknowledged that this evolution may have been driven by Council discussions and public feedback but recognized it had likely added time and cost.

The conversation then returned to the topic of directly accessing city invoices. Councilors discussed whether invoices should be distributed individually or only viewed collectively. Some expressed concern about privileged information and the risks of documents being copied or shared electronically. Councilor Streicher argued that invoices provide valuable detail about how legal work is performed and that Councilors should not be prevented from reviewing them. Others, including Councilor Gifford, stated they were uncomfortable with invoices leaving City Hall but supported in-person inspection. After extended discussion, there was general agreement that Council members may review invoices, including attorney invoices, provided they remain on site and are not copied.

Councilor Streicher then moved that the City Administrator make all City invoices available for inspection by any Council member upon request, with the condition that documents not be copied or leave City Hall. Councilor Gifford seconded. The motion passed unanimously (5-0).

A brief discussion took place regarding a response to an external media request for a statement, with the statement being jointly crafted by the Mayor and City Administrator. Councilor Streicher raised concern about whether the entire City Council should be able to review response before it is sent, particularly if the response is made on behalf of the Council as a whole. In response, Councilor Gifford emphasized that the original inquiry had been directed specifically to the City Administrator, not to the City Council as a body. Ultimately, it was agreed that in the interest of crafting a timely response, the City Administrator would draft a response in collaboration with the Mayor without review by council.

Mayor Drake moved that the Mayor and City Administrator jointly craft a media statement. Councilor Streicher seconded. The vote passed (5-0).

O. **ADJOURN.** Mayor Drake adjourned the meeting at 9:23 PM

Approved:

Joshua Drake, MAYOR

Attest:

Jordan Parente, CITY ADMINISTRATOR/RECORDER



City of Durham
CITY COUNCIL MINUTES
September 23, 2025

A. OPEN REGULAR COUNCIL MEETING.

Mayor Joshua Drake opened the meeting at 7:30 PM at Durham City Hall.

B. ROLL CALL OF COUNCIL MEMBERS.

Councilors present: Mayor Joshua Drake, Council President Leslie Gifford, Councilors Gary Paul, David Streicher, and Sean Lee

Councilors absent: None

Staff present: City Administrator Jordan Parente

Visitors: Sue Fuller (via Zoom)

C. COUNCIL MINUTES.

Council considered adoption of the minutes from the July 22, 2025 Work Session and the July 29, 2025 City Council Meeting. Councilor Streicher identified a correction for the July 29 minutes regarding the motion on accessing city invoices. Council President Gifford moved to adopt the minutes, including corrections, with Councilor Paul seconding. The motion passed unanimously (5-0).

MO 092325-01

D. CALENDAR OF MEETINGS.

Mayor Drake listed the following:

- **September 30, 2025** – City Council Work Session (6:00 p.m.)
- **October 7, 2025** – Public Hearing on DDC updates and Regular Planning Commission meeting (7:00 p.m.)
- **October 28, 2025** – Regular City Council Meeting (7:30 p.m.)

E. PUBLIC FORUM.

No attendees spoke during the public forum. City Administrator Parente read into the record a written statement submitted by Durham resident Martha Rainey expressing concerns regarding the proposed municipal tree ordinance. Ms. Rainey questioned the reliance on hazard assessment thresholds, argued for greater flexibility to prioritize public safety, and highlighted the costs and lived experiences of residents facing tree risks during storms.

F. PLANNING COMMISSION UPDATE.

City Administrator Parente reported on the September 9, 2025 Planning Commission meeting. The Commission approved a new sign for Bright Star Kids (formerly The Learning Tree). The remainder of the meeting was a work session on the proposed development tree code. A public hearing will be held on October 7, after which the proposal will be forwarded to the City Council for consideration.

In addition, City Administrator Parente emphasized that state law now requires tree codes impacting development to be “clear and objective.”

G. PRESENTATION BY CHIEF PICKERING, TUALATIN POLICE DEPARTMENT.

Chief Greg Pickering provided the annual police services report for Durham.

- **Staffing:** The department is fully staffed with 39 officers, including two currently in the police academy. Seven officers are eligible for retirement within two years, and over-hire positions are being pursued to plan for attrition.
- **Canine Program:** Canine Drea, a narcotics detection dog, joined the department in 2024 and has already been successful in major drug seizures. Forfeiture funds continue to support officer wellness programs and equipment upgrades, such as a rebuilt gym and health screenings.
- **Calls for Service:** From September 2024 to September 2025, Durham had nearly 700 calls for service, including 98 traffic stops, 24 arrests, and 28 citations. Traffic enforcement focuses on safety education, particularly misuse of turn lanes on Upper Boones Ferry Road.
- **Property Crime:** Retail theft remains a major concern regionally. Durham participated in one mission at Bridgeport Village, where no arrests were made, in contrast to significant cases in Tualatin. A grant through the Oregon Department of Justice funds these theft-prevention operations.
- **Community Engagement:** Chief Pickering highlighted the upcoming West Coast Giant Pumpkin Regatta, senior meal sponsorships by police staff, and continued focus on community-based policing.

Council thanked Chief Pickering for his service and presentation.

H. PRESENTATION BY WASHINGTON COUNTY SHERIFF CAPRICE MASSEY.

Sheriff Massey presented the Sheriff's Office annual report and updates:

- **Jail Operations:** Staffing shortages post-COVID forced closures of housing units, though staffing has improved and over-hiring has been authorized. Major facility renovations are underway, including HVAC, plumbing, and fire suppression. Current capacity is 388 beds, expandable to 572 when units reopen, though studies project future needs exceeding 1,000 beds by 2055.
- **Interagency Teams:** The Sheriff highlighted collaborative countywide response teams, including tactical units, crisis negotiation, and drone-based reconnaissance, which enhance public and officer safety.
- **Community Violence Reduction Team (COVERT):** Since its launch in 2024, the team has seized over 280 illegal firearms and executed numerous warrants, supported by advanced ballistic analysis technology (NIBIN).
- **Search and Rescue:** Cadets aged 14–19 are highly engaged in missions, including evidence searches and support for vulnerable populations. Programs like Project Lifesaver and Help Me Home assist residents with dementia or other conditions.
- **Drone Technology:** Use of drones has improved search and rescue, crash reconstruction, and critical incident response, reducing risk to personnel.
- **Levy Renewal:** Sheriff Massey emphasized the importance of the November 2025 public safety levy, which funds 16% of the Sheriff's Office budget.

Council expressed appreciation for the Sheriff's work and collaborative efforts.

I. **RESOLUTION 683-25: SUPPORTING DLCD 2025–2027 PLANNING GRANT.**

City Administrator Parente explained that the grant assists cities in updating codes to comply with state housing and development requirements, including clear and objective standards for tree and development codes. The grant application sought just under \$30,000.

Councilor Streicher moved to approve Resolution 683-25. The vote passed (5-0).

MO 092325-02

J. **WEBSITE UPDATES DISCUSSION.**

Council discussed potential updates to the City's website, including photos for Council members and ADA compliance requirements effective in 2027.

Councilor Streicher moved to allow Councilors and staff to either provide their own photos, or have the City cover up to \$50 for professional headshots, to be placed on the City's website. The motion did not receive a second and therefore failed. Discussion also addressed long-term website modernization, which will be necessary for ADA compliance.

K. **MUNICIPAL CODE CODIFICATION.**

Councilor Streicher raised concerns about the scope of potential municipal code codification projects and the level of experience of the City's current attorney. He argued that if the City undertakes a comprehensive re-codification with substantive revisions, an attorney with at least ten years of experience should be retained as the Council's primary legal contact.

City Administrator Parente confirmed that no contracts or commitments have been made and that Council direction would be sought before proceeding. The Council agreed to revisit the issue during goal setting and budget planning.

L. **ADMINISTRATOR'S REPORT.**

Mr. Parente reported on several items:

- **Library Bond:** Washington County Libraries requested Council endorsement of a forthcoming bond measure. Council consensus was not to endorse ballot measures.
- **Building Code Updates:** Staff will bring forward an ordinance to repeal and replace existing building code references, aligning with state code updates through resolution.
- **City Hall Space:** Leasing agent Mick Griep of Commercial Real Estate Northwest reported limited suitable office space in Durham, with prices ranging from \$18–\$35 per square foot. Options discussed included leasing, purchasing City Hall under the current lease's right of first refusal, or developing a vacant lot. Council emphasized continued monitoring and communication with property owners.
- **Metro Trail Easement:** Metro is finalizing an easement with the Durham Heights HOA. The easement would be assigned to the City but does not obligate construction. Potential footbridge costs were briefly discussed.
- **MAC/Ziply:** City Administrator Parente reported that Ziply Fiber is terminating its IGA) with the Metropolitan Area Communications Commission (MAC). While Ziply has the right to terminate the IGA, the company has indicated it does not believe it is required to obtain a telecommunications license to continue operating in Durham. MAC staff and attorneys have

advised that Ziplly is still subject to the City's telecom licensing requirements, and the City will follow up to ensure compliance and collection of appropriate fees.

- **Noise Complaint:** A letter attributed to a "Kingsgate Community Association" raised unspecified noise concerns. Council noted the lack of details or clarity.

M. FINANCIAL REPORTS.

Councilor Gifford moved to approve July vendor checks 17783–17797 and 17799–17810 (17798 VOID) totaling \$109,234.56, payroll totaling \$11,772.72, and ETFs totaling \$4,879.50. Councilor Paul seconded the motion. The vote passed (5-0).

MO 092325-03

Councilor Gifford moved to approve August vendor checks 17811–17822 totaling \$44,489.29, payroll totaling \$17,361.60, and ETFs totaling \$4,330.19. Councilor Paul seconded the motion. The vote passed (5-0).

MO 092325-04

N. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.

No additional items were raised.

O. ADJOURN.

Mayor Drake adjourned the meeting at 9:30 PM

Approved:

Joshua Drake, MAYOR

Attest:

Jordan Parente, CITY ADMINISTRATOR/RECORDER



City of Durham
CITY COUNCIL SPECIAL MEETING MINUTES
September 30, 2025

A. OPEN SPECIAL COUNCIL MEETING.

Mayor Joshua Drake opened the meeting at 6:34 PM at Durham City Hall.

B. ROLL CALL OF COUNCIL MEMBERS.

Councilors present: Mayor Joshua Drake, Council President Leslie Gifford, Councilors Gary Paul, David Streicher, and Sean Lee

Councilors absent: None

Staff present: City Administrator Jordan Parente, Administrative Assistant Wyatt Bean, City Attorney Emily Guimont

Visitors: Sue Fuller (via Zoom), Susan Deeming, Craig Mitchell

C. CALENDAR OF MEETINGS.

Mayor Drake listed the following:

- **September 30, 2025** – City Council Work Session (6:00 p.m.)
- **October 7, 2025** – Public Hearing on DDC updates and Regular Planning Commission meeting (7:00 p.m.)
- **October 28, 2025** – Regular City Council Meeting (7:30 p.m.)

D. FIRST READING OF ORDINANCE 270-25; AN ORDINANCE OF THE CITY OF DURHAM CREATING A MUNICIPAL COURT WITH JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES AND CODE, PROVIDING CODE ENFORCEMENT AND CREATING PENALTIES FOR VIOLATIONS WITHIN THE CITY AND REPEALING ORDINANCE 224-05 AND DECLARING AN EMERGENCY.

City Administrator Parente presented the draft ordinance, explaining that it replaces the City's 2005 municipal court ordinance. The major update raises the maximum violation fine from \$720 to \$1,000, with each calendar day considered a new violation. He stated this change would bring Durham's penalty standards in line with other municipalities and provide stronger enforcement tools.

Mayor Drake asked about the City's agreement with the City of Tualatin for municipal court services. City Administrator Parente confirmed that Durham already has an intergovernmental agreement (IGA) with Tualatin that parallels the City's police services agreement.

Council discussion focused on the implications of daily fines. Councilor Streicher expressed concern that the \$1,000 per day penalty was excessive and unnecessary, suggesting the existing fine limit had worked adequately for 20 years. He argued that applying daily fines could be punitive toward residents.

City Administrator Parente and City Attorney Guimont clarified that the \$1,000 fine represents a maximum limit and would not automatically be assessed daily. They noted that this language provides flexibility and consistency with state law and other Oregon cities, allowing per-day penalties only when justified by ongoing noncompliance.

With some initial confusion regarding what should occur after the first reading of an ordinance, Councilors discussed procedural options for ordinance readings under emergency circumstances.

Council President Gifford believed that, historically, ordinances were read twice with motions occurring after both the first and second reading. City Attorney Guimont clarified that, while two readings occur, only one motion/vote does following the second reading. She also confirmed that two readings can occur in a single meeting if all members are present and unanimous in declaring an emergency.

E. FIRST READING OF ORDINANCE 271-25; AN ORDINANCE OF THE CITY OF DURHAM ADOPTING A BUILDING CODE FOR APPLICATION WITHIN THE CITY, REPEALING ALL PRIOR ORDINANCE REGARDING BUILDING CODE ADOPTION, AND DECLARING AN EMERGENCY.

Transitioning to the second emergency ordinance of the Special Meeting, City Administrator Parente described this ordinance as an update to modernize the City's building code provisions and streamline adoption of state code updates. Instead of amending old ordinances each time the building code changes, the new process allows Council to adopt future building code updates by resolution.

He noted that the City's IGA with Tualatin for building inspection services would remain in place and that penalties and procedures align with those of the municipal court ordinance.

No motion was made at this stage, given that motions only occur after the second reading of the ordinance.

F. SECOND READING OF ORDINANCE 270-25; AN ORDINANCE OF THE CITY OF DURHAM CREATING A MUNICIPAL COURT WITH JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES AND CODE, PROVIDING CODE ENFORCEMENT AND CREATING PENALTIES FOR VIOLATIONS WITHIN THE CITY AND REPEALING ORDINANCE 224-05 AND DECLARING AN EMERGENCY.

Councilors further contemplated Ordinance 270-25, discussing examples involving tree removal and illegal development. City Administrator Parente explained that the per-day fine would apply until the violation is corrected, such as when a required tree is replanted or a property brought into compliance. He further noted that specific codes can include its own penalty language separate from this general ordinance.

Council President Gifford and Councilor Paul supported maintaining per-day fine language, emphasizing that it provided essential enforcement leverage against developers or recurring violators. Councilor Streicher maintained opposition, as he did not support ongoing daily fine accruals and believed that \$1000 per day would be "heavy-handed." Conversely, Councilor Lee noted it could serve as a necessary deterrent when other mechanisms fail.

Following discussion, Council opted to table Ordinance 270-25 until the next meeting for a second reading, as the related motion did not garner the unanimous consent following motion required for emergency adoption, with all Councilors except Streicher voting in favor (4-1).

G. SECOND READING OF ORDINANCE 271-25; AN ORDINANCE OF THE CITY OF DURHAM ADOPTING A BUILDING CODE FOR APPLICATION WITHIN THE CITY, REPEALING ALL PRIOR ORDINANCE REGARDING BUILDING CODE ADOPTION, AND DECLARING AN EMERGENCY.

Mayor Joshua Drake reread the title of the ordinance. Council President Gifford moved to adopt Ordinance 271-25 while Councilor Paul seconded. The motion passed unanimously (5-0).

MO 093025-01

Following the vote, City Administrator Parente noted that Section 5 of Ordinance 271-25 references the municipal court ordinance (270-25), which had not yet taken effect due to it failing to pass during its

second reading. City Attorney Guimont explained that this reference would be inoperative until Ordinance 270-25 is enacted and that no action was required at this time. Council agreed to proceed with adoption and revisit adjustments, if necessary, after 270-25 is finalized.

H. RESOLUTION 684-25: SPECIALITY BUILDING CODE RESOLUTION.

City Administrator Parente explained that the resolution adopts State Building Codes, including the 2025 Oregon Specialty Structural Code, Mechanical Specialty Code, and Energy Efficiency Specialty Code, ensuring the City remains consistent with state building standards.

Council President Gifford moved to adopt Resolution 684-25 while Councilor Paul seconded. The motion passed with unanimous approval (5-0).

MO 093025-02

I. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.

City Administrator Parente noted corrections to prior meeting minutes, clarifying that the July 29th Work Session minutes had correctly reflected a motion that passed regarding council access to city invoices and records.

A discussion followed between Councilor Streicher and other Council members regarding this previous meeting's motion about Council access to invoices and City documents. Councilor Streicher maintained that the motion had failed, while Council President Gifford, Councilor Paul, and staff stated that the motion, with limitations preventing copies or removal of documents from the premises, had passed. Administrative Assistant Bean confirmed that both the associated recording and transcript verified that the motion had been made, seconded, and passed unanimously. The corrected minutes will return for Council approval at the next meeting.

J. ADJOURN.

Mayor Drake adjourned the meeting at 7:16 PM.

Approved:

Joshua Drake, MAYOR

Attest:

Jordan Parente, CITY ADMINISTRATOR/RECORDER



City of Durham

PLANNING COMMISSION MINUTES

October 7, 2025

A. CALL TO ORDER.

Planning Chair Susan Deeming opened the meeting at 7:03 PM at Durham City Hall.

B. ROLL CALL.

Commissioners present: Planning Chair Susan Deeming, Commissioners Patricia Saab, Krista Bailey, Cheri Frazell, and Andrew Mast Forrest Boleyn

Commissioners absent: Vice Chair Matt Winkler and Commissioner Forrest Boleyn

Staff present: City Administrator Jordan Parente, Administrative Assistant Wyatt Bean, City Attorney Ashleigh Dougill, City Planner Alice Cannon

Visitors: None

C. APPROVAL OF MEETING MINUTES.

Chair Deeming invited comments on the minutes of the September 9, 2025, meeting. Commissioner Frazell requested a revision to include the prior discussion regarding the “Grove” definition, noting that the topic had been raised in the prior meeting with a follow-up requested. Mr. Parente agreed to bring back the amended minutes for approval at the next meeting to ensure all revisions are captured by the minutes.

No formal motion for approval was made.

D. PUBLIC FORUM.

Chair Deeming opened the public forum. No members of the public were present, and no comments were received.

E. DURHAM DEVELOPMENT CODE UPDATE PUBLIC HEARING.

Chair Deeming opened the legislative public hearing on Case No. 596-25, Amendments to the Durham Development Code Chapter 5 (Tree Protection) and Chapter 10 (Adjustments, Variances, Nonconforming Uses, and Major Modifications).

Overview of Hearing Procedure

City Attorney Dougill provided an overview of legislative versus quasi-judicial hearings, noting that this was a legislative action to recommend code amendments to the City Council.

In addition, Chair Deeming reviewed the workflow of a legislative public hearing and noted the ethical disclosure requirements involved in the process. Following this, Chair Deeming confirmed the commissioners had no conflicts of interest to disclose.

Staff Report

City Planner Cannon summarized the proposed amendments, explaining that the purpose was twofold:

- To bring the City’s tree-related development standards into compliance with state “clear and objective” requirements for new residential development.
- To consolidate development-related provisions into the Development Code while separating non-development tree regulations into the forthcoming Municipal Code draft.



City of Durham

PLANNING COMMISSION MINUTES

October 7, 2025

City Planner Cannon reviewed key elements of the amendments, including new definitions, preservation and mitigation standards, and penalties for violations. She highlighted that the amendments maintain consistency with state and local planning requirements and promote public health, safety, and welfare.

City Attorney Dougill described revisions incorporated after prior Planning Commission work sessions, including:

- Clarification of how tree canopy calculations are measured prior to land division (using parent parcel area).
- Discussion regarding the City's bonding requirements for landscaping and infrastructure improvements under Section 11.4 of the Development Code. Commissioners and staff confirmed the City's current development code requires a two-year maintenance bond for landscaping and a one-year bond for road improvements.
- Clarification that any future change to the bond term would require a separate code amendment.
- Discussion regarding tree root pruning and mitigation obligations where pruning may cause tree decline.

Commissioners discussed the relationship between root cutting, arborist recommendations, and required mitigation. They agreed that if pruning or cutting was likely to result in a dead or dying tree, mitigation should be required. Commissioners also decided the landscaping maintenance period in the updated Tree Protection section be aligned with the existing code sections and agreed to keep this at two years.

Grove Definition Discussion

The Commission revisited the "Grove" issue previously raised, considering whether the code should more explicitly protect tree groupings. Ms. Dougill and Ms. Cannon explained that while grove preservation is implicitly encouraged through canopy retention requirements, expressing it as a mandatory standard proved difficult to phrase in a "clear and objective" manner. Commissioners agreed to retain the existing approach while recognizing the Planning Commission's review role in assessing overall preservation plans for site-specific conditions.

Written Testimony and Public Comment

Ms. Cannon noted that the City received acknowledgment from the Fair Housing Council, Metro, and the Oregon Department of Transportation, none of which submitted objections or comments. No public testimony was received.

Deliberation and Recommendation

Following deliberation, Commissioners expressed support for the draft code and staff's recommended revisions. They emphasized the importance of clarity, consistency, and practical enforceability. Two minor amendments were proposed and read into the record by Ms. Cannon:

1. Section 5.6.1.5 (Root Pruning): Add the sentence:
"If the cutting or pruning is likely to result in a dead or dying tree, then the applicant shall mitigate the tree in accordance with Section 5.7 (Mitigation)."
2. Section 5.6.2 (Inspection Period): Revise the inspection and maintenance period from three (3) years to two (2) years to align with bonding requirements under Chapter 11 of the Development Code.



City of Durham
PLANNING COMMISSION MINUTES
October 7, 2025

Commissioner Bailey moved to recommend that the City Council approve the proposed amendments to the Durham Development Code as amended and read into the record. Commissioner Saab seconded the motion. The motion passed unanimously (5–0).

MO 100725-01

F. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES.

City Administrator Parente reported on the Metro Mixer held at the Bay Club, noting productive regional discussions among local officials. He also provided an update on the Durham Estates Addition, a proposed middle housing subdivision currently under City review under expedited land division procedures. The application was accepted as complete and must receive a decision within 63 days.

City Attorney Dougill explained recent changes to state law allowing local procedures for middle housing divisions, and that notice provided to nearby property owners is now voluntary and no longer a requirement. She also noted there are limited appeal rights for neighbors of middle housing divisions through the land use process. City Planner Cannon added that while the City will continue to provide notice within 100 feet as a courtesy despite the change in requirements, she reaffirmed that only the applicant may appeal the land use decision under the new statute.

Commissioners discussed preliminary aspects of the Durham Estates proposal. Staff noted the application is under review for compliance with state and local standards.

City Planner Cannon further reported that the City received a Housing Assistance Grant from the Oregon Department of Land Conservation and Development's Housing Accountability and Production Office (HAPO). The grant will fund updates to the City's development code to align with recent housing legislation. Commissioners expressed appreciation for the opportunity and acknowledged that additional work sessions will be scheduled as part of that effort.

Commissioner Frazell suggested exploring future Metro grant opportunities for preserving the City's forested property as a formal park or conservation area. Commissioners discussed the potential for re-zoning the site to park and open space use and aligning it with Metro's regional priorities for greenspace and trail connectivity.

G. ADJOURN.

Chair Deeming adjourned the meeting at 7:32 PM.

Approved:

Susan Deeming, Chair

Attest:

Jordan Parente, City Administrator/Recorder



City of Durham

17160 SW Upper Boones Ferry Road
Durham, Oregon 97224

phone: 503.639.6851
e-mail: cityofdurham@comcast.net
website: durham-oregon.us

Jordan Parente - City Administrator

Wyatt Bean - Administrative Assistant

TO: Durham City Council

FROM: Alice Cannon AICP, Contract Planner, Cannon Planning Services
Jordan Parente, City Administrator

DATE: October 16, 2025, for the October 28, 2025, City Council Meeting

CITY STAFF REPORT

Proposal: Amend the Durham Development Code (DDC) to:

- Update Chapter 5 “Tree Protection”.
- Update Chapter 10 “Adjustment, Variance, Non-Conforming Use, Major Modification”.

Applicant: City of Durham

Case No. 596-25 (LUC001-25)

Property Location: Legislative hearing – Amendment to city-wide regulations for tree protection related to new development.

Approval Criteria: The approval criteria for evaluating the proposed DDC amendments are found in DDC Section 9.10.5:

- Is the amendment consistent with the City’s Comprehensive Land Use Plan?
- Is the amendment consistent with federal, state, and local law (including the Statewide Planning Goals, State law, State administrative rules, Metro Code, and Clean Water Services resolutions and orders)?
- Will adequate public facilities be available to support the land uses that will be allowed on the property if the amendments are approved?
- Will the amendments promote the public health, safety, and welfare of the city?

I. BACKGROUND

The City of Durham has regulated tree removal for more than 50 years. Oregon House Bill 2138 from the 2025 legislative session requires that all development requirements relating to tree removal must be clear and objective.

To comply with this state directive, the city is proposing amendments to the Durham Development Code Chapter 5 “Tree Protection and Chapter 10 “Major Modification.” The Planning Commission held a public hearing on October 7, 2025, recommending unanimous approval of the amendments subject to two changes suggested by the Commission. These changes will be summarized in another section below. No members of the public submitted written comments or attended the public hearing to offer verbal comment. City staff are requesting the City Council to review the proposed DDC amendments and the Planning Commission recommendation, consider any public testimony (if any), and render a decision.

II. DDC AMENDMENT PACKAGE

Exhibit A Findings of Fact and Conclusions to support proposed amendments.

Exhibit B Ordinance No. 272-25 with attached DDC Amendments to Chapters 5 and 10 to support this ordinance.

III. SUMMARY OF CHAPTER 5 TREE PROTECTION CHAPTER 10 MAJOR MODIFICATION

The proposed amended DDC Chapter 5 “Tree Protection” establishes a process and standards for property owners proposing to remove a tree or trees in connection with land use or development proposals. The standards and processes seek to protect Durham’s urban forest concurrently with new development. New state law that became effective in summer 2025 requires tree protection ordinances for housing development to be written in a manner that is clear and objective. Below is a summary of the amendment to Chapter 5. The Ordinance includes the following sections:

Definitions

This section defines key terms used throughout Chapter 5.

Tree Removal Requirements

Applicants proposing to remove a tree during land development must submit a report identifying existing trees and a tree preservation plan consisting of items outlined in Exhibit B -- Section 5.5.1.2. In addition, the applicant must demonstrate compliance with the following tree preservation percentage requirements:

- Preserve at least 20% of the trees on the lot, excluding dead, declining, or hazard trees; and

- Preserve at least 40% of the lot's existing canopy coverage; and
- Ensure that preserved trees are dispersed across at least 50% of the lot area, subtracting existing and proposed building footprint(s) and hard surfaces.

If the applicant is unable to demonstrate compliance with these standards, the applicant must submit a tree mitigation plan.

Means of Preserving Trees

This section outlines city-approved methods for preserving trees during construction such as tagging trees, installing protective fencing, and having a Project Arborist oversee excavation within a defined perimeter of the existing tree.

Mitigation

Mitigation is required for any tree removed, with replacement trees needed to match the canopy coverage of removed trees or 35% of the lot's square footage, whichever is less. Mitigation trees must be selected from the City's tree list and planted according to specified spacing guidelines.

Violations and Penalties

Violations include unauthorized tree removal or failure to comply with land use conditions, leading to potential penalties, stop work orders, or revocation of approvals. Each day of non-compliance constitutes a separate violation.

Tree Removal Modifications

Major modifications to land use decisions that affect tree removal must follow specific procedures as outlined in DDC Section 10.5 "Major Modifications to Existing or Approved Land Use." Major modifications are identified as more than a combined total diameter of tree removal exceeding 24 inches, or an increase in the removal of trees exceeding the percentage preservation requirements, whichever is less.

As a cross-reference and also included in this package of amendments are modifications to Chapter 10 "Adjustment, Variance, Non-conforming Use, Major Modification Amendment." The amendment to this section is minor, simply calling out that modifications to tree preservation approvals are subject to the major modification process and standards.

IV. PUBLIC NOTICE AND COMMENT

As required by DDC Section 9.10.3:

- A notice of public hearing must be sent to Oregon Department of Land Conservation and Development Department (DLCD) at least 35 days prior to the first Planning Commission hearing. Staff provided this notice to DLCD on September 2, 2025.
- City staff are also required to provide notice of the amendment to all public agencies providing transportation facilities and services in Durham, such as Metro and ODOT. The contract planner provided this notice on September 25, 2025.
- Staff provided notice of the Planning Commission hearing through the agenda packet posted on the City's website and in City Hall. This notice was available on September 30, 2025. City staff provided notice of the City Council hearing through the meeting agenda packet posted on the City's website and in City Hall on October 21, 2025.

The Planning Commission held two work sessions to discuss the proposed draft amendments on June 3, 2025, and September 9, 2025.

V. PLANNING COMMISSION HEARING

The Planning Commission convened a hearing on the proposed amendments on October 7, 2025. After discussion, the Commission recommended the following two adjustments be added to the proposed DDC Chapter 5:

The first adjustment was to Section 5.6.1.5 (see below). The Commission added language at the end of this section to make the language clearer for the reader.

5.6.1.5 Prior to the cutting or pruning of any preserved tree's root that is two inches (2") in diameter or greater, the Project Arborist shall evaluate the root to be pruned or cut and inform the City if such cutting or pruning is, in the Project Arborist's opinion, likely to result in a dead or dying tree. If the cutting or pruning is likely to result in a dead or dying tree, then the applicant shall mitigate the tree in accordance with Section 5.7.

The second adjustment was to Section 5.6.2 (see below). The Commission suggested that the time period be adjusted from three years to two years in order to align with DDC Section 11.4.3 "Security for Construction and Maintenance." This section requires applicants to provide a maintenance bond for two years to allow for the establishment of any required landscaping or trees for **two years**. The Commission believed that aligning the time period in Section 5.6.2 with Section 11.4.3 would lead to a smoother process for applicants and staff. This would ensure that both preserved trees and new trees

would be monitored for two years following the completion of the development project to ensure that they remain healthy.

5.6.2 *The City shall have the right to inspect the preserved trees for two years following the issuance of a land use approval under Section 5.2 If any preserved tree becomes a dead or declining tree prior to the expiration of the two years, the preserved tree shall be replaced by the applicant in accordance with Sections 5.7.3 and 5.7.4 of this Chapter.*

VI. FINDINGS OF FACT

Staff finds the proposed amendments consistent with criteria DDC Section 9.10.5 – Type 4 Criteria for Approval. Full findings of fact are included in Attachment A.

VII. RECOMMENDATION

Based on the findings of fact, the Planning Commission recommend approval of Ordinance No. 272-25, amending DDC Chapter 5 -- Tree Protection and Section 10.5 -- Major Modification to Existing or Approved Land Use.



City of Durham

17160 SW Upper Boones Ferry Road
Durham, Oregon 97224

Jordan Parente - City Administrator

website: durham-oregon.us
e-mail: cityofdurham@comcast.net
phone: 503.639.6851

Wyatt Bean - Administrative Assistant

September 2, 2025

Oregon Dept of Land Conservation and Development
c/o Plan Amendment Specialist
635 Capital Street NE, Suite 150
Salem, OR 97301-2540

**RE: Post Acknowledgement Plan Amendment – Durham Development Code Chapter 5
“Tree Protection”**

Dear Plan Amendment Specialist:

As required in Oregon Revised Statute (ORS) 197.610 to 197.625, City of Durham is proposing to amend the Durham Development Code Chapter 5 to make this section applicable only to tree removals in connection with Type II, Type III, expedited land division, and middle housing land division applications. All other tree removals not associated with development will be moved to a new section in the Durham Municipal Code. Attached is a copy of the text changes currently proposed. Minor modifications to this draft are possible prior to adoption, following public hearings.

The first evidentiary public hearing is tentatively scheduled for October 7, 2025, before the City of Durham Planning Commission.

No staff report is included in this notice but will be prepared and available at least one week in advance of the first public hearing.

If you have any questions or would like additional information related to this project, please do not hesitate to give me a call at 503-298-5456 or send me an email at alice@cannonplanning.com.

Sincerely,

Alice Cannon
City of Durham Contract Planner

Attachments: Draft Revisions to Durham Development Code Chapter 5

CITY OF DURHAM PUBLIC NOTICE

NOTICE IS HERE GIVEN THAT Public Hearings will be held by the Durham Planning Commission and Durham City Council regarding potential amendments to the Durham Development Code (DDC). The City of Durham has regulated tree removal for more than 50 years. House Bill 2138 from the 2025 session requires that all development requirements relating to tree removal must be clear and objective. The Planning Commission will hold its hearing at or shortly after 7:00 P.M. on October 7, 2025, at Durham City Hall, 17160 S.W. Upper Boones Ferry Road, Durham, OR to consider the DDC amendments and public testimony to make a formal recommendation about the draft amendments to the City Council.

The City Council will hold its hearing at or shortly after 7:30 P.M. on October 28, 2025, at the above location to consider the amendments, the Planning Commission recommendation, and public testimony prior to making a decision regarding adoption of the DDC amendments.

Proposal:	Amend the DDC to: • Update Chapter 5 “Tree Protection”. • Update Chapter 10 “Adjustment, Variance, Non-Conforming Use, Major Modification”.
Applicant:	City of Durham
Case No.	596-25 (LUC001-25)
Property Location:	Legislative hearing – Amendment to city-wide regulations for tree protection related to new development.

- Approval Criteria: The approval criteria for evaluating the proposed DDC amendments are found in DDC § 9.10.5:
- Is the amendment consistent with the City’s Comprehensive Land Use Plan?
 - Is the amendment consistent with federal, state, and local law (including the Statewide Planning Goals, State law, State administrative rules, Metro Code, and Clean Water Services resolutions and orders)?
 - Will adequate public facilities be available to support the land uses that will be allowed on the property if the amendments are approved?
 - Will the amendments promote the public health, safety, and welfare of the city?

The public hearings on this matter will be conducted pursuant to rules of procedure adopted by the City Council. Oral and written testimony in favor of or in opposition to the proposed will be received during the hearing. Written testimony may also be submitted in advance of the Planning Commission hearing to the City Administrator no later than 4:30 P.M. October 7, 2025, by. The corresponding written testimony deadline for the City Council hearing will be 4:30 P.M. October 28, 2025.

Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond to the issue precludes appeal on said issue to the State Land Use Board of Appeals.

The pertinent documents are available for inspection at no cost at Durham City Hall, 17160 S.W. Upper Boones Ferry Road, Durham, OR, during normal business hours. Contact Jordan Parente, City Administrator, at (503) 639-6851 for additional information. A staff report will be available for inspection on or about September 25, 2025, at City Hall. This hearing may be continued without additional public notice. All interested parties are invited to attend and be heard.

CITY OF DURHAM

**By: Jordan Parente
City Administrator**

City of Durham

ORDINANCE 272-25

AN EMERGENCY ORDINANCE ADOPTING TREE REMOVAL REGULATIONS FOR DEVELOPMENT SITES IN THE DURHAM DEVELOPMENT CODE; AMENDING DURHAM DEVELOPMENT CODE CHAPTERS 5 AND 10; AND REPEALING ORDINANCES 254-12, 228-05, 246-08, AND ALL OTHER INCONSISTENT TREE ORDINANCES

WHEREAS, the City of Durham recognizes trees as a natural resource that provide aesthetic, economic, ecological, environmental, and health benefits to the City and members of the public; and

WHEREAS, the removal of trees, especially during development, can quickly diminish these benefits and adversely affect the City as a whole; and

WHEREAS, the City Council finds it necessary to adopt effective regulations within the Durham Development Code to govern tree removal associated with land use and development activity; and

WHEREAS, the City Council finds that prior tree ordinances are superseded or inconsistent with this framework and should be repealed to avoid confusion; and

WHEREAS, an emergency exists because delay in implementing development-related regulations risks immediate and irreparable canopy loss, affecting public health, safety, and welfare. Accordingly, the Durham City Council finds it advisable for this Ordinance to take effect immediately upon its enactment;

NOW, THEREFORE, THE CITY OF DURHAM, OREGON ORDAINS AS FOLLOWS:

- Section 1.** Subject to Section 4, the regulations regarding tree removal associated with land use and development activity set forth in Exhibit “A”, and the regulations regarding minor and major development approval modifications in the context of tree removal set forth in Exhibit “B”, are hereby adopted as amendments to the Durham Development Code and incorporated into this Ordinance by reference. The City Administrator is authorized to correct any scrivener’s errors in Exhibit “A” during codification.
- Section 2.** Subject to Section 4, ordinances 254-12, 228-05, and 246-08 are repealed in their entirety. All other ordinances or parts of ordinances regulating trees that conflict with or are duplicative of this Ordinance or the regulations adopted herein are repealed to the extent of the conflict or duplication.
- Section 3.** The City Administrator is directed to codify the amendments to the Durham Development Code adopted by Section 1, making any non-substantive edits necessary for organization, formatting, and consistency.
- Section 4.** Notwithstanding anything else contained herein, the terms and conditions of the Durham Development Code Chapter 5 existing immediately prior to the date of

this ordinance shall continue in full force and effect with respect to all tree removals not covered by this ordinance, until such time as the City Council adopts an ordinance expressly regulating such tree removals.

Section 5. The repeal of ordinances under Section 2 does not affect any rights or liabilities accrued, or any proceedings begun, under those ordinances prior to repeal. Such matters may be continued and completed under the provisions in effect at the time they were initiated.

Section 6. If any provision, section, phrase, or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 7. The City Council finds that an emergency exists because immediate regulation of development-related tree removal is necessary to protect public health, safety, and welfare by preventing irreparable canopy loss. This Ordinance takes effect immediately upon its enactment.

PASSED AND ADOPTED by the City of Durham, Oregon, this 28th day of October 2025.

First Reading: October 28, 2025

Second Reading: October 28, 2025

CITY OF DURHAM

By: _____

Joshua Drake, Mayor

ATTEST:

Jordan Parente, City Administrator/Recorder

TREE PROTECTION

5.1 Purpose.

The purpose of this Chapter is to establish processes and standards to preserve Durham’s prominent and historic tree canopy. Trees contribute to community health, air quality, and healthy streams. A tree canopy provides habitat for birds and other urban wildlife. Trees also shade properties and public open spaces, enhancing outdoor activities and maintaining livable temperatures during the summer season. The Ordinance is intended to promote tree preservation, replanting and management of the urban forest.

5.2 Scope.

5.2.1 This Chapter 5 shall apply to the proposed removal of trees in connection with Type- II, Type III, limited land use, and expedited land division applications under the Durham Development Code.

5.2.2 This Chapter does not apply to the following:

5.2.2.1 The removal of plants that do not meet the definition of tree under this Chapter.

5.2.2.2 The removal of trees governed by Durham Municipal Code.

5.2.3 All calculations and measurements taken pursuant to this chapter shall be completed prior to any land division or lot line adjustment, utilizing the square footage of the parent property.

5.3 Definitions.

The following definitions apply to this Chapter:

Applicant: The individual person or entity, or persons or entities, applying to remove a tree. If the trunk of the tree proposed to be removed straddles multiple property lines, an application for the removal of that tree must be signed by the owner of each property straddled by the tree’s trunk.

Arborist, Project: An arborist who is engaged by an applicant to prepare and implement a Tree Preservation Plan.

Arborist: An individual who has met the criteria for certification from the International Society of Arboriculture and maintains accreditation and who possesses and maintains a Tree Risk Assessment Qualification.

Canopy: the area above ground that is covered by the trunk, branches, and foliage of a tree crown or group of tree crowns.

Canopy coverage: the amount of tree canopy that will be provided for a given lot or parcel through any combination of preserved trees and planting new trees, expressed as the sum of all the canopy coverage of all preserved trees and newly planted trees, divided by the total canopy coverage for the entire lot or parcel. In general, the formula grants bonus tree canopy credit based on the existing tree canopy of preserved trees, and grants additional tree canopy credit based on the projected mature tree canopy of newly planted trees. Individual tree canopy coverage is identified in the City’s tree list.

Exhibit "A"

City: The City Administrator of the City of Durham or designee.

Crown: The branches and leaves of a tree extending from the trunk.

Dead or Declining Tree: A tree that is lifeless or is in a state of progressive and irreversible decline, as determined by the project arborist. Among the factors that could be considered to determine if the tree is lifeless include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season. Among the factors that could be considered to determine if the tree is in progressive and irreversible decline include chlorotic foliage, an overall thinning of the crown, significant branch mortality, top dieback, premature fall coloration and defoliation, or evidence of disease likely to lead to death.

Diameter at Breast Height ("DBH"): The tree trunk diameter measured at four and a half feet (4.5') above mean ground level at the base of the trunk, except that if a tree splits into multiple trunks above ground but below four and a half feet (4.5'), the trunk is measured at its most narrow point beneath the split. The diameter is calculated by dividing the circumference by 3.14. For trees with multiple stems, the DBH shall be the average diameter of all stems measured at a point no more than six inches (6") above the surrounding grade or measured six inches below the point from which all stems digress from the trunk, whichever is larger.

Distribution area: The total lot or parcel area of the subject lot or parcel contemplated to be developed, subtracting the building footprint and hard surfaces.

Hard surface: A man-made surface that reduces or prevents the absorption of water.

Hazard Tree: A tree that presents a high or extreme on the International Society of Arboriculture qualitative tree risk assessment, as determined by the project arborist.

Owner: Any person who owns a property within the City of Durham upon which a tree's trunk is located.

Removal: The cutting down of a tree or removing of more than half of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to become a dead or declining tree, or to qualify as a hazard tree, each as determined by an arborist. "Removal" does not include the normal trimming, pruning, or other maintenance of trees that does not have the effect of causing the tree to qualify as a hazard tree or dead or declining tree, as determined by an arborist.

Structure: A building having walls and a roof, whether or not it is erected or set upon an individual foundation or slab constructed base which is designed or used for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

Tree: A woody plant having a DBH of six inches (6") or larger. If a tree splits into multiple trunks above ground, but below four and a half feet (4.5'), it is considered one tree. If the tree splits into multiple trunks below ground, each trunk shall be considered one tree.

Tree Grove. A group of six or more trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be

Exhibit "A"

identified by an arborist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.

Tree Protection Zone: An area around the trunk of each preserved tree measured from the trunk of the preserved tree outwards at a distance of an additional one foot (1') for each inch at DBH of such preserved tree.

Trunk: The main stem of a tree that connects the roots to the branches.

Preserved Tree. A tree that has been designated in a Tree Preservation Plan to be preserved.

Tree Preservation Plan. A document describing the scope of work to identify, protect, and manage preserved trees, created by a Project Arborist.

5.4 Tree Removal Compliance Required.

No person may remove a tree without first demonstrating compliance with the terms of this Chapter.

5.5 Tree Removal Requirements.

5.5.1 An application that contemplates removing a tree or trees as further identified in Section 5.2 of this Chapter shall include a report identifying the following:

5.5.1.1 An inventory of all trees on the subject lot or parcel listing all of the following:

5.5.1.1.1 An assigned number for each tree;

5.5.1.1.2 The tree type or common name, genus, and species for each tree;

5.5.1.1.3 DBH for each tree; and

5.5.1.1.4 For each tree, whether that tree is proposed to be preserved or removed.

5.5.1.2 A Tree Preservation Plan, prepared by the Project Arborist, that consists of the following:

5.5.1.2.1 A map drawn to scale of the subject lot or parcel and any lots or parcels resulting from a land division, indicating the location, size, species, and tag identification number for all trees on-site. Trees proposed for preservation and trees proposed for removal must be clearly labeled on the map, as well as all existing and proposed public and private improvements and or easement(s);

5.5.1.2.2 A tree assessment report prepared by the Project Arborist that includes an inventory of trees proposed for preservation and removal, indicating

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species, condition, diameter DBH, estimated canopy square footage, and likelihood of survival in light of the development proposed; and

5.5.1.2.3 The specific steps that the Applicant will take for tree preservation and protection during all phases of construction, including, but not limited to, excavation, grading, filling, cutting, augering, trenching, digging, tree repair and removal, pruning and structural support, fertilization, and aeration.

5.5.1.2.4 The proposed mitigation plan demonstrating compliance with Section 5.7.

5.5.1.3 Demonstration of compliance with one of the following tree preservation requirements:

5.5.1.3.1 Percentage Compliance.

5.5.1.3.1.1 At least 20% of all trees on the subject lot or parcel must be preserved, excluding any dead or declining tree or any hazard tree; AND

5.5.1.3.1.2 At least 40% of the subject lot's or parcel's existing canopy coverage must be preserved; AND

5.5.1.3.1.3 The preserved trees must be dispersed across at least 50% of the distribution area (see definitions).

5.5.1.3.2 Discretionary Compliance. If an applicant under this Section is unable to comply with the requirements of 5.5.1.3.1, then the applicant must submit a written narrative and supporting information demonstrating that compliance with either one or both of these subsections is not possible and that removing more trees than allowed by these subsections is necessary due to one or more of the following:

5.5.1.3.2.1 Removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.

5.5.1.3.2.2 Removal is necessary due to the topography of the subject lot or parcel and the tree(s) is located within or abutting areas of cuts or fills that are deemed threatening to the life of the tree, as determined by the Project Arborist.

5.5.2 Applicant's payment of any tree removal application fee established via resolution.

5.5.3 The removal of trees under this Section shall be subject to mitigation under Section 5.7.

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- 5.5.4** The city will deny any application contemplated in Section 5.2 unless the applicant submits all materials identified in this Section 5.5.

5.6 Means of Preserving Trees.

- 5.6.1** The city shall include the following provisions as conditions of approval for any decision contemplated in Section 5.2:

5.6.1.1 Mark all trees with a tagging system that corresponds to the applicant's Tree Preservation Plan.

5.6.1.2 Install construction fencing at least four feet (4') high around each tree protection zone.

5.6.1.3 Within each tree protection zone, install a layer of wood chips or mulch at least four inches (4") deep and, on top of the layer of wood chips or mulch, install three-quarter inch (3/4") plywood.

5.6.1.4 The Project Arborist shall oversee all excavation within each tree protection zone.

5.6.1.5 Prior to the cutting or pruning of any preserved tree's root that is two inches (2") in diameter or greater, the Project Arborist shall evaluate the root to be pruned or cut and inform the City if such cutting or pruning is, in the Project Arborist's opinion, likely to result in a dead or dying tree. If the cutting or pruning is likely to result in a dead or dying tree, then the applicant shall mitigate the tree in accordance with Section 5.7.

5.6.1.6 All pruned or cut roots shall be immediately covered with soil or mulch and watered.

5.6.1.7 Immediately repair or mitigate and report to the City any damage to a preserved tree.

5.6.1.8 Water preserved trees in accordance with the preserved trees' needs, as identified by the Project Arborist.

- 5.6.2** The City shall have the right to inspect the preserved trees for two years following the issuance of a land use approval under Section 5.2. If any preserved tree becomes a dead or declining tree prior to the expiration of the two years, the preserved tree shall be replaced by the applicant in accordance with Sections 5.7.3 and 5.7.4 of this Chapter.

5.7 Mitigation.

- 5.7.1** The applicant shall perform mitigation for any tree removed pursuant to this Chapter. Mitigation shall also be required for any tree removed in violation of this Chapter.

Exhibit "A"

- 5.7.2** Removed trees shall be replaced with mitigation trees to the extent that, at maturity, the mitigation trees shall equal the canopy coverage of the removed trees or canopy coverage equivalent to 35% of the square footage of the subject lot or parcel, whichever is less. Mature canopy coverage shall be as set forth on the City's tree list based on the tree species.
- 5.7.3** The canopy of each preserved tree can receive credit for 130% of its existing canopy size. The total credit of all existing canopies shall be counted toward the 35% coverage requirement. For example, a 10,000 square foot subject lot would require 3,500 square feet of canopy. An existing Black Hawthorne has 314 square feet of existing canopy. This lot would receive a credit of 408.2 square feet, leaving 3,091.8 square feet that will need to be mitigated by mitigation trees.
- 5.7.4** The species of mitigation trees shall be selected from the City's tree list. The minimum size of a mitigation tree at time of planting shall be one and three quarters inches (1 3/4") in diameter when measured from the top of the root ball for deciduous trees. Evergreen trees shall be a minimum of six feet (6') tall measured from the top of the root ball, excluding the leader.
- 5.7.5** Mitigation trees shall be located as follows, except to the extent that the mitigation trees or trees naturally grow in a tree grove, as identified by the Project Arborist:
- 5.7.5.1** Trees categorized as small on the City's tree list shall be spaced no closer than fifteen feet (15') on center from other trees and no closer than ten feet (10') measured from the foundation of any existing or contemplated structure.
 - 5.7.5.2** Trees categorized as medium on the City's list shall be spaced no closer than twenty feet (20') on center from other trees and no closer than ten feet (10') measured from the foundation of any existing structure or structure contemplated within the proposed development application or future phases.
 - 5.7.5.3** Trees categorized as large on the City's tree list shall be spaced no closer than thirty feet (30') on center from other trees and no closer than fifteen feet (15') from the foundation of any existing structure or structure contemplated within the proposed development application or future phases.
 - 5.7.5.4** A mitigation tree shall be planted no less than six feet (6') from any existing hard surface or hard surface contemplated within the proposed development application or future phases.
 - 5.7.5.5** Mitigation trees shall be distributed across at least 50% of the distribution area (see definitions).
 - 5.7.5.6** The City shall identify trees as "small," "medium," and "large" on the City's tree list.

Exhibit "A"

- 5.7.6** When the subject lot or parcel from which trees are removed cannot accommodate the required number and spacing of mitigation trees, the applicant shall pay the City a fee in lieu of replacement. The fee in lieu shall be in amount set by resolution.
- 5.7.7** Trees removed for the purpose of installation of infrastructure upon a division of land may be mitigated by planting the required mitigation trees upon any resulting lot or parcel within the same land division. Such trees will be required to be planted outside the anticipated footprint of any future structure or within required structural setback areas. When vertical construction commences on-site, the developer shall receive a credit of 100% for each species planted towards the required canopy coverage for the subject lot or parcel.
- 5.7.8** Mitigation planting must be completed and proof of mitigation planting must be submitted to the City within six (6) months of the issuance of a land use approval under Section 5.2 or prior to the issuance of any building permits for the subject lot or parcel (if required), whichever is later. The City may grant a sixty (60) day extension if the City finds abnormal weather conditions require delay. Additional time beyond the sixty (60) day extension shall be subject to Planning Commission approval.

5.8 Violations and Penalties.

- 5.8.1** Any person who removes a tree in violation of this chapter shall be subject to the provisions of this Section.
- 5.8.2** Any person who fails to comply with any land use approval condition relating to tree removal shall be in violation of this Chapter and subject to the provisions of this Section.
- 5.8.3** In the event of a violation of this Chapter, the City may proceed with any one or more of the following:
 - 5.8.3.1** Issue a stop work order for the property upon which the violation allegedly occurred, which shall remain in place until the violation is resolved;
 - 5.8.3.2** Assess a penalty in the amount established by resolution;
 - 5.8.3.3** Pursue any other remedy available to the City at law or in equity, including but not limited to revoking the associated land use approval.
- 5.8.4** Violations of this Chapter are continuing in nature and shall be deemed to occur for each day that the violation exists until the violation is resolved. Each tree removal or other instance of non-compliance shall constitute a separate violation.
- 5.8.5** The City Administrator is authorized to enforce the provisions of this Chapter and to adopt, implement and update all staff policies, tree lists, and other documents required to carry out the provisions of this Chapter.

5.9 Tree Removal Modifications.

- 5.9.1** A major modification to a land use decision that contemplates removing a tree or trees as further identified in Section 5.2 of this Chapter is one that will have significant impacts on the development or on the subject lot or parcel. Major changes include:
 - 5.9.1.1** An increase in the removal of trees exceeding standards outlined in the outlined in Section 5.5.1.3.1; or
 - 5.9.1.2** More than a combined total diameter of 24 inches of additional tree removal, whichever is less
- 5.9.2** A minor modification to a land use decision that contemplates removing a tree or trees as further identified in Section 5.2.2.2 “Scope” of this Chapter is one that is not a major modification. A minor modification shall follow Section 9.5 “Type 1 Process.”
- 5.9.3** Major modifications shall proceed in accordance with Section 10.5 “Major Modifications to Existing or Approved Land Use.”

Exhibit “B”

10.5 Major Modification to Existing or Approved Land Use. An application for a major modification of an existing, conforming land use or land use approval is required for the following actions; middle housing is exempt:

10.5.1 any change in land use;

10.5.2 a density increase greater than 10 percent or up to the density limit allowed in the underlying district, whichever is less;

10.5.3 a change in lot dimension area, setback greater than 10 percent or to the minimum or maximum applicable dimension allowed in the underlying district, whichever is less;

10.5.4 a change in the type or location or both of access ways or parking areas that will affect off-site traffic;

10.5.5 an increase in floor area more than 15 percent or up to the floor area allowed in the underlying district, whichever is less;

10.5.6 a reduction of more than 10 percent in the area reserved for open space; or,

10.5.7 a change to a condition of land use or land division approval that the City finds to have a potential adverse effect on adjoining property.

10.5.8 a tree removal modification that exceeds the standards outlined in Section 5.9.1 “Tree Removal Modification.”

10.5.9 An applicant for a major modification shall submit the same material as required for an original application for the same use or land division. The City shall review the application by the same process type as would apply to an original application, except that a major modification that constitutes a conditional use under this Code shall require a Type 3 review process. The City may approve an application for a major modification with conditions.



City of Durham

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Wyatt Bean - Administrative Assistant

MEMORANDUM

DATE: October 21st, 2025
TO: City Council
FROM: Jordan Parente, City Administrator
RE: Municipal Court Ordinance Update

Background

Ordinance 270-25 updates and continues the City of Durham's Municipal Court originally established under Ordinance 224-05. This update clarifies the procedures governing Municipal Court operations, citation issuance, enforcement, and appeals for violations of City ordinances and the Durham Development Code.

Summary of Ordinance

The proposed ordinance reaffirms the City's authority to operate a Municipal Court under ORS 221.336 and defines the City's enforcement and adjudication process for violations of City ordinances, by:

- Establishes the Municipal Court's jurisdiction over violations of City ordinances and affirms it is not a court of record.
- Outlines procedures for hearings, burden of proof, service of citations, and defaults.
- Gives enforcement authority to the City Administrator, designee, and contracted law enforcement.
- Establishes clear notice and service requirements, citation contents, and default processes.
- Authorizes the Court to issue corrective orders, enforce judgments, and impose penalties up to \$1,000 per violation. Each calendar day of violation constitutes a separate violation.
- Provides for registration of judgments with the Oregon Department of Revenue and sets appeals by writ of review to Circuit Court.
- All fines and penalties are payable to the City of Durham.

Summary of Differences from Prior Version

The new draft refines and expands Ordinance 270-25 adopted September 30, 2025, as follows:

- **Clarified purpose and continuity:** References that the Municipal Court was originally established under Ordinance 224-05, emphasizing continuation rather than new creation.
- **Added definitions section:** Introduces definitions for "Complaint," "Party," and "Respondent."
- **Expanded procedural detail:** Adds explicit sections for Notice and Citation, Appearance and Default, Hearings, Orders and Enforcement, and Fines and Payment.
- **New appeal process:** Specifies that Municipal Court decisions may be reviewed by the Circuit Court via writ of review.
- **Removed emergency clause:** The new version removes the "declaring an emergency" language and instead takes effect immediately upon adoption.
- **Terminology adjustments:** Replaces "code enforcement" with "ordinance enforcement" and harmonizes language with current Oregon statutes (ORS 221, ORS 153).

Recommendation

The City Administrator recommends that City Council adopt the updated Ordinance 270-25 continuing the City of Durham Municipal Court and repealing Ordinance 224-05.

City of Durham

ORDINANCE 270-25

AN ORDINANCE OF THE CITY OF DURHAM CONTINUING A MUNICIPAL COURT WITH JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES, PROVIDING ORDINANCE ENFORCEMENT, CREATING PENALTIES FOR VIOLATIONS, AND REPEALING ORDINANCE 224-05

WHEREAS, the Durham City Charter grants the City all powers available under the Constitutions and laws of the United States and the State of Oregon, and ORS 221.336 provides that any City may establish a Municipal Court by charter or ordinance; and

WHEREAS, the City of Durham established a municipal court pursuant to Ordinance 224-05; and

WHEREAS, the Durham City Council finds that the public health, safety and welfare make it necessary and desirable to update and clarify the procedures for violations of City ordinances as now or hereafter provided for, to authorize the City Administrator to enforce City ordinances, and to create uniform penalties for violations of City ordinances; and

WHEREAS, it appears to the City Council that the above-described changes are necessary, appropriate and in the public interest.

NOW, THEREFORE, THE CITY OF DURHAM, OREGON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance 270-25 is adopted: The regulations regarding Municipal Court, ordinance enforcement, and penalties for violations set forth in Exhibit “A” are hereby adopted and incorporated into this Ordinance by reference. The City Administrator is authorized to correct any scrivener’s errors that may be found in Exhibit “A” during codification.
- Section 2.** Ordinance 224-05 is hereby repealed in its entirety.
- Section 3.** If any provision, section, phrase, or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
- Section 4.** With this Ordinance being necessary to protect the public’s health and safety it shall take effect immediately upon being passed and adopted by the City Council.

PASSED AND ADOPTED by the City of Durham, Oregon, this 28th day of October 2025.

First Reading: September 30, 2025

Second Reading: October 28, 2025

CITY OF DURHAM

By: _____
Joshua Drake, Mayor

ATTEST:

Jordan Parente, City Administrator/Recorder

Ordinance 270-25

City of Durham

ORDINANCE 270-25 EXHIBIT “A”

AN ORDINANCE OF THE CITY OF DURHAM CONTINUING A MUNICIPAL COURT WITH JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES, PROVIDING ORDINANCE ENFORCEMENT AND CREATING PENALTIES FOR VIOLATIONS

1. Definitions.

The following definitions apply to this ordinance unless inconsistent with the context:

“Complaint” is the charging document used by the City or its designee to cite the violation of a City ordinance. The term includes, where appropriate, the use of a “citation” in lieu of “complaint”.

“Party” is any person named by the City as a respondent in the complaint or any person requesting participation in a hearing as a party or a limited party that the Municipal Court determines has a personal, legal interest in the result of the proceeding.

“Respondent” is the party the City alleges in the complaint to have committed a violation.

2. Purpose.

The purpose of this ordinance is to establish a Municipal Court for the City of Durham with jurisdiction over all acts and omissions to act that are now or hereafter defined as a violation of a City ordinance. The Municipal Court shall not be a court of record as provided for in ORS 221.342. Further, this ordinance provides process for Municipal Court adjudication and for the effective and efficient enforcement of City policies established by Durham City Council resolution or ordinance. Proceedings of the Durham Municipal Court shall conform to ORS 221 and related administrative rules.

3. Municipal Judge.

Durham City Council may engage the services of one or more municipal judges by employment contract, by an agreement with an independent contractor, or by agreement with another city or with the State Court Administrator as provided for under ORS 190.010, ORS 221.355, or ORS 221.357, respectively. The municipal judge, other than a judge provided by the state or another City under an intergovernmental agreement, shall be appointed by and shall serve at the pleasure of the City Council.

4. Process, Burden of Proof.

The Municipal Court may adopt rules consistent with this ordinance concerning procedure, conduct of hearings and forms to implement the provisions of this ordinance. In any prosecution of a violation of a City ordinance, the burden of proof shall be a preponderance of the evidence. A violation of an ordinance shall not require pleading or proof of a culpable mental state as an element of the violation.

5. Ordinance Enforcement.

Durham City Council designates the City Administrator, the City Administrator’s designee, and all sworn law enforcement officers employed by, or under contract or intergovernmental

agreement with, the City, as ordinance enforcement officers authorized to issue citations or summons and complaints for all violations of City ordinances, now existing or hereafter enacted, that provide for monetary penalties or forfeitures of property, or both.

A private party may not commence a violation proceeding to enforce the City of Durham Charter. A private party may commence a violation proceeding to enforce a City of Durham ordinance only if expressly stated in an ordinance.

An ordinance enforcement officer may issue a violation citation for conduct that does not take place in the presence of the enforcement officer provided that the enforcement officer has reasonable grounds to believe that the conduct has occurred and that it constitutes a violation.

6. Notice and Citation.

City ordinances and the City Development Code shall be enforced in accordance with this ordinance. A proceeding before the municipal court shall be initiated only by the city filing a complaint with the municipal court.

A citation issued under this ordinance must include: (A) the name(s) of the respondent(s), (B) the address or location of the alleged violation, (C) the code or ordinance section(s) alleged to have been violated, (D) a concise description of the violation, (E) the amount of any penalty or other nature of relief sought by the city, (F) the location of the Municipal Court, (G) the name, title, and signature of the person initiating the proceeding on behalf of the city, and (H) such other information as the municipal court may require.

Service of the citation may be made personally or by United States mail, postage prepaid, to the last known address of the respondent, unless otherwise expressly required by ordinance. Service by mail shall be deemed complete three business days after deposit in the mail.

7. Appearance and Default.

Upon receiving a filed citation, the municipal court shall specify a date, time, and place for an initial hearing on the citation and the matters alleged therein. The date set for the hearing shall not be less than fourteen (14) nor more than thirty (30) calendar days after the date the citation is first received by the court.

The municipal court shall give notice of the initial hearing to the respondent(s) and all other parties not less than five (5) calendar days prior to the date set for the hearing. The notice of hearing shall specify the time, date and place for the hearing. Service of the notice may be made personally or by United States mail, postage prepaid, to the last known address of the respondent, unless otherwise expressly required by ordinance. Service by mail shall be deemed complete three business days after deposit in the mail. The failure of any person to receive actual notice of the proceeding shall not invalidate the hearing or any determination, decision or order of the municipal court. Failure to appear or respond shall constitute a default, and the Municipal Judge may enter a default judgment and impose any applicable fine or penalty.

8. Hearings.

Hearings shall be conducted in accordance with Oregon law for violation proceedings and any rules of procedure adopted by the Municipal Court. Hearings may be postponed or rescheduled upon motion of a party or by the Court for good cause shown.

9. Orders and Enforcement.

The Municipal Court may issue orders to ensure compliance with City ordinances and may impose penalties, require corrective actions, or order abatement of violations. The Court's orders may be enforced as provided under ORS 221.346 and related statutes. If any party fails to comply with any provision of an order of the municipal court (except a provision requiring payment of a civil penalty only), the municipal court may authorize the city to undertake such actions as the municipal court may determine are reasonably necessary to correct the violation and/or eliminate or mitigate the effects thereof. The city's reasonable costs of such actions may be made a lien against the affected real property.

10. Fines and Payment.

A violation of a City ordinance or the Durham Development Code shall be a violation and shall be punishable by a fine not exceeding \$1,000 for each violation, unless provision is explicitly made otherwise by ordinance or resolution. Each calendar day of violation shall constitute a separate violation for the purposes of imposing penalties. All fines, penalties, and fees shall be payable to the City of Durham. The City may register judgments with the Oregon Department of Revenue for collection as provided in ORS 221.344 and ORS 221.346.

11. Appeals.

The determination of the municipal court shall be final. Review of the court's determination shall be to the Circuit Court by writ of review.

12. Severability.

If any provision of this ordinance is found invalid or unenforceable, such invalidity shall not affect other provisions that can be given effect without the invalid provision.



City of Durham

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Wyatt Bean - Administrative Assistant

MEMORANDUM

DATE: October 21st, 2025
TO: City Council
FROM: Jordan Parente, City Administrator
RE: Master Fee Schedule Update

Background

Resolution 685-25 updates the City of Durham's Master Fee Schedule, last revised under Resolution 676-25 (May 27, 2025). This update ensures that City fees more accurately reflect current administrative costs, state law provisions for cost recovery, and evolving development and utility practices. The updated resolution intends to consolidate all City fees into one comprehensive schedule, including some existing fees previously passed by ordinance that were not on the original fee schedule.

Summary of Fee Schedule Changes

Key changes in Exhibit A include both policy clarifications and the incorporation of existing fee authorizations previously located in other ordinances or resolutions:

General Updates

- Updates the effective date to October 28, 2025.
- Clarifies administrative billing authority, allowing adjustments in special circumstances where costs deviate from standard rates.
- Introduces consistent formatting and explanatory notes throughout for clarity and readability.

Business License Fees

- Adds **Late Business License Renewal Fee** of \$10 per month late.
 - *Note: This fee was previously established in the City's Business License Ordinance but not listed on the prior Master Fee Schedule.*
- No other license category fees are changed.

Public Records Fees

- Revises this section to align with **Oregon Public Records Law** regarding reasonable cost recovery for staff time and materials.
- Separates public records requests into two categories for transparency:
 - **Public Records Request 1:** City staff time + copies and materials, or \$50/hour (charged in 15-minute increments) with the first 15 minutes free.

- **Public Records Request 2:** Contracted staff or consultant rate + materials.
- Clarifies that postage and materials are billed at actual cost.
- Provides consistency with the City's adopted Public Records Request Policy (2025).

Right-of-Way (ROW) and Telecom Fees

- Maintains existing ROW permit and inspection fee structure.
- Incorporates **Small Cell Wireless License Fees** into the schedule for the first time:
 - \$500 for up to five sites and \$100 per additional site,
 - \$1,000 per new support structure,
 - \$270 per attachment in the right-of-way,
 - 9% compounded daily interest for unpaid fees.
 - *Note: These fees were previously authorized by ordinance but were not included in the prior Master Fee Schedule.*

Planning & Development Fees

- Adds **Grading Permit** (\$250 + City's Actual Cost), **Wall Permit** (\$250 + City's Actual Cost), **Tree Removal** fee tier (\$250 per tree for the first five; \$500 for each additional), and **Hearings Officer** fee (\$250 + City's Actual Cost).
 - These additions clarify and organize existing permitting categories within a single consolidated list.
-

Summary of Structural and Policy Improvements

- Consolidates all City fees into a single schedule, improving accessibility and administrative consistency.
 - Aligns public records fee calculations with state law.
 - Brings previously authorized fees (Business License Late Fee, Small Cell Wireless Fees) into the Master Fee Schedule for transparency.
 - Standardizes terminology, layout, and interest rate provisions across all sections.
-

Recommendation

The City Administrator recommends that City Council adopt **Resolution 685-25**, updating the Master Fee Schedule effective October 28, 2025, and superseding Resolution 676-25.

City of Durham, Oregon
RESOLUTION NO. 685-25

**A RESOLUTION OF THE DURHAM CITY COUNCIL, OREGON UPDATING A MASTER FEE
SCHEDULE FOR THE CITY OF DURHAM, OREGON**

WHEREAS, the City of Durham (“City”) adopts fees and charges that are necessary to cover programmatic expenses, and;

WHEREAS, the City’s fees do not reflect current market conditions, and;

WHEREAS, Oregon State law allows local jurisdictions to recover actual costs; and

WHEREAS, the City previously adopted multiple different fee resolutions to address different fees, and also adopted some fees via ordinance; and

WHEREAS, the City desires to ultimately consolidate all previously adopted fees into one resolution; and

WHEREAS, while the fee schedule adopted by this resolution reflects many of the City’s current fees, some fees may still exist in City ordinances. The City resolves to update the fee schedule periodically to reflect those fees currently captured in other City ordinances or resolutions, as time and resources allow.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
DURHAM, OREGON** as follows:

1. The fees attached in “Exhibit A” are hereby adopted. The fees in “Exhibit A” supersede and replace all fees previously established in Resolutions 676-25, and all other resolutions that establish fees of the types expressly set forth herein.
2. City Council resolves to update the fees attached in “Exhibit A” periodically and to review, update, and consolidate all City fees into one fee schedule, to the reasonable extent permitted by City time and resources.
3. City Council hereby ratifies and authorizes all fees charged by the City of Durham prior to the effective date of Resolution 685-25, to the extent required. If any provision of this Master Fee Schedule are held to be invalid, illegal, or unenforceable, the remaining provisions shall be unaffected and shall remain in full force and effect.
4. This Resolution shall be effective immediately upon its adoption by the City Council.

PASSED AND ADOPTED by the City of Durham, Washington County, Oregon, this 28th day of October, 2025.

**CITY OF DURHAM
BY:**

Joshua Drake, Mayor

ATTEST:

Jordan Parente, City Administrator / Recorder

City of Durham, Oregon

RESOLUTION 685-25 EXHIBIT “A”

MASTER FEE SCHEDULE

Effective October 28, 2025

General Fees

Billable Hourly Rates

Any work performed by staff for research or review during regular business hours. Overtime hours shall be billed as the calculated hourly rate multiplied by 125 percent. The City Administrator is authorized to adjust calculated billings to reflect the impact of unusual circumstances or situations.

City Staff	Billable Hourly Rates
City Attorney	City's Actual Cost + 10% administration fee
City Engineer	City's Actual Cost + 10% administration fee
City Planner	City's Actual Cost + 10% administration fee
City Arborist	City's Actual Cost + 10% administration fee
Administrative Assistant, City Administrator, or Other Staff	\$175 per hour

Business License Fees

Item	Fee
Apartment Business License	\$50 + \$12 Per Unit
Business License 0-10 Employees	\$50
Business License 11-50 Employees	\$100
Business License 51 Employees or more	\$200
Home Occupation	Included in Business License Fee
Late Business License Renewals	\$10 per month late

Miscellaneous Administration Fees

Item	Fee
NSF Check Charge	\$25 + City's Actual Cost
Special Use Permit	\$75 Per Use

Public Records Fees

Item	Charge	Charge Basis
Lien Search Request	\$40.00	Per Search
Photocopy and Printing	\$1 for black and white; \$2 for color	Per Impression
Public Records Request 1	City Staff time + copies and materials, or,	\$50 per hour, charged per 15 min increment, first 15 min. free (\$25 minimum) + copies and materials
Public Records Request 2	Contracted City Staff rate + copies and materials	actual charge + copies and materials
Postage and Materials	Actual Cost	Per Item
Other City-created documents	Staff Billable hours + materials	

Right of Way (ROW) Permit Fees

Item	Improved Surface Fee
Construction Permit	\$150 permit fee plus \$150 inspection fee, or, 4% of total construction value, whichever is greater
Sidewalk/Driveway Apron Permit	\$150 permit fee plus \$150 inspection fee, or, 4% of total construction value, whichever is greater
Inspection Fee	\$150.00

Telecom Annual License Fee

Item	Fee
Franchise/Telecom License; (Due 12.31 for coming year)	\$3,000 annually or 5% of gross revenue
Interest for fees not paid	9% compounded daily from due date until paid

Small Cell Wireless License

Item	Fee
ROW Application for siting Small Cell Wireless Facilities on existing infrastructure	\$500 for up to 5 sites & \$100 for each additional
New Small Cell Supports in ROW	\$1,000 per new support structure
Per attachment in the Right of Way; (Due 12.31 for coming year)	\$270
Interest for fees not paid	9% compounded daily from due date until paid

Planning Department Fees

Development Actions

Definitions:

Fee: a sum paid or charged for a city service.

Deposit: an act of placing an amount of money with the city to use for development expenditure.

Development Costs: The applicant is required to bear the full cost of the development review process, including but not limited to costs and fees for the City's planning consultant, engineer and attorney. The development fee schedule listed below represents an estimate of the minimum fees to cover these costs.

The initial application fee will be based on this schedule. If the City's fees exceed those initially paid, the City will invoice the applicant for such additional fees. The City will invoice the applicant for all fees accrued at the end of each phase of the development review process. All such invoices shall be paid to the City before the City processes the succeeding phase(s) of the development review process.

If any fee invoiced is not paid when due, the amount invoiced shall bear interest at the legal rate from the date of the invoice until payment is received. If collection action becomes necessary, the applicant agrees to pay the City's attorney fees and all costs of collection, including preliminary fees and costs, and those awarded at trial and on appeal.

Any questions regarding the applicant's obligations to pay fees under this paragraph shall be addressed to the City Administrator.

Development Fees

Item	Fee
Adjustment	\$500 + City's Actual Cost
Appeal: Types 1, 2, and 3	\$250 (consistent with ORS 227.175.9.b)
Appeal: to City Council	\$2,000 + City's Actual Cost
Business Park Overlay Development	\$2,500 + City's Actual Cost
Comprehensive Plan Amendment	\$6,000 + City's Actual Cost
Conditional Use	\$3,000 + City's Actual Cost
Demolition	\$250 + City's Actual Cost
Grading Permit	\$250 + City's Actual Cost
Wall Permit	\$250 + City's Actual Cost
Tree Removals	\$250 Per Tree for first five trees; \$500 per tree for each additional tree removed
Expedited Land Division -- Tentative	\$2,500 + City's Actual Cost
Middle Housing Land Division	\$2,500 + City's Actual Cost
Hearings Officer	\$250 + City's Actual Cost
Development Review	\$400 + City's Actual Cost
Final Plat Review -- Partition	\$1,500
Flood Management	\$2,500 + City's Actual Cost
Final Plat Review -- Subdivision	\$3,000
Land Use Compatibility Statement & DMV Permit	\$250
Legal Lot Determination	\$1,000
Partition -- Tentative/Preliminary	\$2,500 + City's Actual Cost
Pre-Application Meeting	\$500 for first hour + City's Actual Cost
Property Line Adjustment	\$1,500
Sign Permit	\$250 Type I; \$700 Type II; \$2,000 Comprehensive Sign Program
Staff Time (Per Hour)	See Billable Hourly
Street Creation/Vacation	\$4,000 + City's Actual Cost
Subdivision -- Tentative/Preliminary	\$5,500 up to four lots + \$100 per lot for every additional lot
Temporary Use	Temporary Use -- \$100 for 90 days or less; \$300 for over 90 days, \$500 for over one year, not to exceed 18 months
Text Amendment	\$8,000 + City's Actual Cost
Variance (Requires Public Hearing)	\$3,500 + City's Actual Cost
Comprehensive Plan/Zoning Map Amendment -- Legislative	\$8,000 + City's Actual Cost
Comprehensive Plan/Zoning Map Amendment -- Quasi-Judicial	\$8,000 + City's Actual Cost
Minor or Major Modification to an Existing approved land use	Same fee as original application fee and process used to approve original application.

City of Durham
Treasury Report as of
9/30/2025

Checking/Savings		
1110 Petty Cash	98.09	0.0%
1120 Checking	28,125.40	0.61%
1130 State Investment Pool	4,604,929.49	99.39%
Total Checking/Savings	4,633,152.98	100.0%
 1400 Due (To)/From Other Funds		
10 - General Fund	1,065,036.65	22.99%
20 - Streets Fund	2,339,793.65	50.5%
22 - TDT Fund	275,461.02	5.95%
30 - Greenspaces Fund	0.00	0.0%
32 - Parks SDC Fund	194,278.96	4.19%
50 - Building Fund	758,582.70	16.37%
Total Cash & Cash Equivalents	4,633,152.98	100.0%

City of Durham, Oregon
Budget vs. Actuals: FY26 - General Fund
July - September, 2025

	10 - GENERAL FUND				TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income								
4001 Beginning Fund Balance (Budget)		1,813,676.00	-1,813,676.00		\$0.00	\$1,813,676.00	\$ -1,813,676.00	0.00%
4100 Property Tax Revenue		127,609.00	-127,609.00		\$0.00	\$127,609.00	\$ -127,609.00	0.00%
4110 Property Tax - Current	282.60		282.60		\$282.60	\$0.00	\$282.60	0.00%
4120 Property Tax - Levied	595.72		595.72		\$595.72	\$0.00	\$595.72	0.00%
Total 4100 Property Tax Revenue	878.32	127,609.00	-126,730.68	0.69 %	\$878.32	\$127,609.00	\$ -126,730.68	0.69 %
4200 Intergovernmental Revenue					\$0.00	\$0.00	\$0.00	0.00%
4210 State Revenue Sharing	4,330.50	14,275.00	-9,944.50	30.34 %	\$4,330.50	\$14,275.00	\$ -9,944.50	30.34 %
4230 Cigarette Tax	276.04	1,048.00	-771.96	26.34 %	\$276.04	\$1,048.00	\$ -771.96	26.34 %
4240 Liquor Tax	7,933.28	28,234.00	-20,300.72	28.10 %	\$7,933.28	\$28,234.00	\$ -20,300.72	28.10 %
4250 Marijuana Tax		2,812.00	-2,812.00		\$0.00	\$2,812.00	\$ -2,812.00	0.00%
Total 4200 Intergovernmental Revenue	12,539.82	46,369.00	-33,829.18	27.04 %	\$12,539.82	\$46,369.00	\$ -33,829.18	27.04 %
4300 Franchise Fees		191,750.00	-191,750.00		\$0.00	\$191,750.00	\$ -191,750.00	0.00%
4340 Garbage Franchise Fees	4,211.76		4,211.76		\$4,211.76	\$0.00	\$4,211.76	0.00%
4350 Phone Franchise Fees	188.67		188.67		\$188.67	\$0.00	\$188.67	0.00%
4360 Cable Franchise Fees	2,809.84		2,809.84		\$2,809.84	\$0.00	\$2,809.84	0.00%
Total 4300 Franchise Fees	7,210.27	191,750.00	-184,539.73	3.76 %	\$7,210.27	\$191,750.00	\$ -184,539.73	3.76 %
4400 Licenses & Permits	11,869.42	25,000.00	-13,130.58	47.48 %	\$11,869.42	\$25,000.00	\$ -13,130.58	47.48 %
4410 Licenses	4,120.00		4,120.00		\$4,120.00	\$0.00	\$4,120.00	0.00%
4430 Permits					\$0.00	\$0.00	\$0.00	0.00%
4431 Building Permit (20%)	1,014.85	7,500.00	-6,485.15	13.53 %	\$1,014.85	\$7,500.00	\$ -6,485.15	13.53 %
4432 Tree Removal Permit	280.00		280.00		\$280.00	\$0.00	\$280.00	0.00%
4433 ROW Permit	3,795.89		3,795.89		\$3,795.89	\$0.00	\$3,795.89	0.00%
4434 Special Event Permit	75.00		75.00		\$75.00	\$0.00	\$75.00	0.00%
Total 4430 Permits	5,165.74	7,500.00	-2,334.26	68.88 %	\$5,165.74	\$7,500.00	\$ -2,334.26	68.88 %
Total 4400 Licenses & Permits	21,155.16	32,500.00	-11,344.84	65.09 %	\$21,155.16	\$32,500.00	\$ -11,344.84	65.09 %
4500 Administrative Fees		2,000.00	-2,000.00		\$0.00	\$2,000.00	\$ -2,000.00	0.00%
4510 Lien Search Request	145.00		145.00		\$145.00	\$0.00	\$145.00	0.00%
4530 10% Pass-Through Fee	496.50		496.50		\$496.50	\$0.00	\$496.50	0.00%
Total 4500 Administrative Fees	641.50	2,000.00	-1,358.50	32.08 %	\$641.50	\$2,000.00	\$ -1,358.50	32.08 %
4800 Interest Income	12,753.23	25,000.00	-12,246.77	51.01 %	\$12,753.23	\$25,000.00	\$ -12,246.77	51.01 %
Total Income	\$55,178.30	\$2,238,904.00	\$ -2,183,725.70	2.46 %	\$55,178.30	\$2,238,904.00	\$ -2,183,725.70	2.46 %
GROSS PROFIT	\$55,178.30	\$2,238,904.00	\$ -2,183,725.70	2.46 %	\$55,178.30	\$2,238,904.00	\$ -2,183,725.70	2.46 %
Expenses								
5000 Personnel Services					\$0.00	\$0.00	\$0.00	0.00%
5100 Salaries & Wages		5,000.00	-5,000.00		\$0.00	\$5,000.00	\$ -5,000.00	0.00%
5110 City Administrator	25,806.44	100,282.00	-74,475.56	25.73 %	\$25,806.44	\$100,282.00	\$ -74,475.56	25.73 %
5120 Admin. Assistant	12,937.50	66,435.00	-53,497.50	19.47 %	\$12,937.50	\$66,435.00	\$ -53,497.50	19.47 %
Total 5100 Salaries & Wages	38,743.94	171,717.00	-132,973.06	22.56 %	\$38,743.94	\$171,717.00	\$ -132,973.06	22.56 %
5200 Payroll Taxes	3,532.85	16,108.00	-12,575.15	21.93 %	\$3,532.85	\$16,108.00	\$ -12,575.15	21.93 %
5300 Workers Comp Ins	395.06	550.00	-154.94	71.83 %	\$395.06	\$550.00	\$ -154.94	71.83 %
5400 Employee Benefits					\$0.00	\$0.00	\$0.00	0.00%
5410 PERS	9,251.05	39,545.00	-30,293.95	23.39 %	\$9,251.05	\$39,545.00	\$ -30,293.95	23.39 %
5430 Med/Den/Vision Ins	1,009.35	14,350.00	-13,340.65	7.03 %	\$1,009.35	\$14,350.00	\$ -13,340.65	7.03 %
Total 5400 Employee Benefits	10,260.40	53,895.00	-43,634.60	19.04 %	\$10,260.40	\$53,895.00	\$ -43,634.60	19.04 %
Total 5000 Personnel Services	52,932.25	242,270.00	-189,337.75	21.85 %	\$52,932.25	\$242,270.00	\$ -189,337.75	21.85 %
6000 Materials & Services					\$0.00	\$0.00	\$0.00	0.00%
6100 Operating Expense					\$0.00	\$0.00	\$0.00	0.00%
6110 Office Supplies	2,156.43	5,750.00	-3,593.57	37.50 %	\$2,156.43	\$5,750.00	\$ -3,593.57	37.50 %
6120 Marketing & Newsletters	823.87	7,000.00	-6,176.13	11.77 %	\$823.87	\$7,000.00	\$ -6,176.13	11.77 %
6130 Street Supplies					\$0.00	\$0.00	\$0.00	0.00%
6132 Street Signs	15.09		15.09		\$15.09	\$0.00	\$15.09	0.00%
Total 6130 Street Supplies	15.09		15.09		\$15.09	\$0.00	\$15.09	0.00%
6150 Dues & Subscriptions	2,144.35	4,500.00	-2,355.65	47.65 %	\$2,144.35	\$4,500.00	\$ -2,355.65	47.65 %
6170 Equipment Expense		8,500.00	-8,500.00		\$0.00	\$8,500.00	\$ -8,500.00	0.00%
6190 Other Operating Expense		6,000.00	-6,000.00		\$0.00	\$6,000.00	\$ -6,000.00	0.00%
Total 6100 Operating Expense	5,139.74	31,750.00	-26,610.26	16.19 %	\$5,139.74	\$31,750.00	\$ -26,610.26	16.19 %
6200 Facilities					\$0.00	\$0.00	\$0.00	0.00%
6210 City Hall					\$0.00	\$0.00	\$0.00	0.00%
6211 City Hall Rent	4,400.00	13,200.00	-8,800.00	33.33 %	\$4,400.00	\$13,200.00	\$ -8,800.00	33.33 %
6212 City Hall Utilities	1,512.42	7,000.00	-5,487.58	21.61 %	\$1,512.42	\$7,000.00	\$ -5,487.58	21.61 %
6213 Security	127.02	1,000.00	-872.98	12.70 %	\$127.02	\$1,000.00	\$ -872.98	12.70 %
6214 City Hall Maintenance & Repair		750.00	-750.00		\$0.00	\$750.00	\$ -750.00	0.00%
Total 6210 City Hall	6,039.44	21,950.00	-15,910.56	27.51 %	\$6,039.44	\$21,950.00	\$ -15,910.56	27.51 %
6220 Park Utilities & Maintenance					\$0.00	\$0.00	\$0.00	0.00%
6221 Park Maintenance	7,180.00	37,500.00	-30,320.00	19.15 %	\$7,180.00	\$37,500.00	\$ -30,320.00	19.15 %
6222 Park Utilities	853.51	1,750.00	-896.49	48.77 %	\$853.51	\$1,750.00	\$ -896.49	48.77 %

	10 - GENERAL FUND				TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Total 6220 Park Utilities & Maintenance	8,033.51	39,250.00	-31,216.49	20.47 %	\$8,033.51	\$39,250.00	\$ -31,216.49	20.47 %
6250 Street Fund					\$0.00	\$0.00	\$0.00	0.00%
6252 Street Light Utilities	1,081.34		1,081.34		\$1,081.34	\$0.00	\$1,081.34	0.00%
6255 Bike Paths & Sidewalk Maint/Repair	1,257.24		1,257.24		\$1,257.24	\$0.00	\$1,257.24	0.00%
Total 6250 Street Fund	2,338.58		2,338.58		\$2,338.58	\$0.00	\$2,338.58	0.00%
Total 6200 Facilities	16,411.53	61,200.00	-44,788.47	26.82 %	\$16,411.53	\$61,200.00	\$ -44,788.47	26.82 %
6300 Contract Services					\$0.00	\$0.00	\$0.00	0.00%
6310 Accounting					\$0.00	\$0.00	\$0.00	0.00%
6311 Audit Fees		16,350.00	-16,350.00		\$0.00	\$16,350.00	\$ -16,350.00	0.00%
6312 Accounting Fees	3,116.50	13,000.00	-9,883.50	23.97 %	\$3,116.50	\$13,000.00	\$ -9,883.50	23.97 %
6313 Payroll Fees	324.00	650.00	-326.00	49.85 %	\$324.00	\$650.00	\$ -326.00	49.85 %
Total 6310 Accounting	3,440.50	30,000.00	-26,559.50	11.47 %	\$3,440.50	\$30,000.00	\$ -26,559.50	11.47 %
6330 Planning Services	6,419.00		6,419.00		\$6,419.00	\$0.00	\$6,419.00	0.00%
6340 Arborist	460.00	35,500.00	-35,040.00	1.30 %	\$460.00	\$35,500.00	\$ -35,040.00	1.30 %
6350 Legal Services	16,792.00	52,500.00	-35,708.00	31.98 %	\$16,792.00	\$52,500.00	\$ -35,708.00	31.98 %
6360 Police Services	46,846.39	177,600.00	-130,753.61	26.38 %	\$46,846.39	\$177,600.00	\$ -130,753.61	26.38 %
6370 911 Contract	3,299.40	13,200.00	-9,900.60	25.00 %	\$3,299.40	\$13,200.00	\$ -9,900.60	25.00 %
6380 IT Services	37.50	15,000.00	-14,962.50	0.25 %	\$37.50	\$15,000.00	\$ -14,962.50	0.25 %
6390 Other Contract Services		1,500.00	-1,500.00		\$0.00	\$1,500.00	\$ -1,500.00	0.00%
Total 6300 Contract Services	77,294.79	325,300.00	-248,005.21	23.76 %	\$77,294.79	\$325,300.00	\$ -248,005.21	23.76 %
6400 Travel & Training		0.00	0.00		\$0.00	\$0.00	\$0.00	0.00%
6410 Vehicle Expense	315.50	1,000.00	-684.50	31.55 %	\$315.50	\$1,000.00	\$ -684.50	31.55 %
6420 Meals & Entertainment		750.00	-750.00		\$0.00	\$750.00	\$ -750.00	0.00%
6430 Conferences & Education		3,000.00	-3,000.00		\$0.00	\$3,000.00	\$ -3,000.00	0.00%
Total 6400 Travel & Training	315.50	4,750.00	-4,434.50	6.64 %	\$315.50	\$4,750.00	\$ -4,434.50	6.64 %
6500 Insurance		7,500.00	-7,500.00		\$0.00	\$7,500.00	\$ -7,500.00	0.00%
6510 Property Insurance	987.84		987.84		\$987.84	\$0.00	\$987.84	0.00%
6520 Liability Insurance	5,121.90		5,121.90		\$5,121.90	\$0.00	\$5,121.90	0.00%
Total 6500 Insurance	6,109.74	7,500.00	-1,390.26	81.46 %	\$6,109.74	\$7,500.00	\$ -1,390.26	81.46 %
6700 Donations & Contributions	1,700.00	1,700.00	0.00	100.00 %	\$1,700.00	\$1,700.00	\$0.00	100.00 %
Total 6000 Materials & Services	106,971.30	432,200.00	-325,228.70	24.75 %	\$106,971.30	\$432,200.00	\$ -325,228.70	24.75 %
8100 Transfers					\$0.00	\$0.00	\$0.00	0.00%
8110 Transfer to General Fund	-95,750.00	-95,750.00	0.00	100.00 %	\$ -95,750.00	\$ -95,750.00	\$0.00	100.00 %
8150 Transfer to Building Fund	750,000.00	750,000.00	0.00	100.00 %	\$750,000.00	\$750,000.00	\$0.00	100.00 %
Total 8100 Transfers	654,250.00	654,250.00	0.00	100.00 %	\$654,250.00	\$654,250.00	\$0.00	100.00 %
8900 Contingency (Budget)		25,000.00	-25,000.00		\$0.00	\$25,000.00	\$ -25,000.00	0.00%
Total Expenses	\$814,153.55	\$1,353,720.00	\$ -539,566.45	60.14 %	\$814,153.55	\$1,353,720.00	\$ -539,566.45	60.14 %
NET OPERATING INCOME	\$ -758,975.25	\$885,184.00	\$ -1,644,159.25	-85.74 %	\$ -758,975.25	\$885,184.00	\$ -1,644,159.25	-85.74 %
Other Income								
9100 Pass Through Revenue					\$0.00	\$0.00	\$0.00	0.00%
9110 State Surcharge	427.37		427.37		\$427.37	\$0.00	\$427.37	0.00%
9150 Engineering Pass Through	3,825.00		3,825.00		\$3,825.00	\$0.00	\$3,825.00	0.00%
9180 Legal Pass Through	1,140.00		1,140.00		\$1,140.00	\$0.00	\$1,140.00	0.00%
Total 9100 Pass Through Revenue	5,392.37		5,392.37		\$5,392.37	\$0.00	\$5,392.37	0.00%
9200 BP Revenue					\$0.00	\$0.00	\$0.00	0.00%
9210 BP Building Permit	1,528.70		1,528.70		\$1,528.70	\$0.00	\$1,528.70	0.00%
9220 BP Plan Review	1,452.05		1,452.05		\$1,452.05	\$0.00	\$1,452.05	0.00%
9230 BP Mechanical Permit	868.59		868.59		\$868.59	\$0.00	\$868.59	0.00%
9240 BP Plumbing Permit	1,224.89		1,224.89		\$1,224.89	\$0.00	\$1,224.89	0.00%
Total 9200 BP Revenue	5,074.23		5,074.23		\$5,074.23	\$0.00	\$5,074.23	0.00%
Total Other Income	\$10,466.60	\$0.00	\$10,466.60	0.00%	\$10,466.60	\$0.00	\$10,466.60	0.00%
Other Expenses								
9300 Pass Through Expense					\$0.00	\$0.00	\$0.00	0.00%
9320 Building Permits	4,310.83		4,310.83		\$4,310.83	\$0.00	\$4,310.83	0.00%
9350 Engineering PassThrough	1,117.50		1,117.50		\$1,117.50	\$0.00	\$1,117.50	0.00%
9360 Metro CET Pass Through	2,362.00		2,362.00		\$2,362.00	\$0.00	\$2,362.00	0.00%
9370 TTSD CET Pass Through	14,394.60		14,394.60		\$14,394.60	\$0.00	\$14,394.60	0.00%
9390 Arborist Pass Through	115.00		115.00		\$115.00	\$0.00	\$115.00	0.00%
Total 9300 Pass Through Expense	22,299.93		22,299.93		\$22,299.93	\$0.00	\$22,299.93	0.00%
9400 BP Expense					\$0.00	\$0.00	\$0.00	0.00%
9420 BP Expense - 20% to City	1,014.85		1,014.85		\$1,014.85	\$0.00	\$1,014.85	0.00%
Total 9400 BP Expense	1,014.85		1,014.85		\$1,014.85	\$0.00	\$1,014.85	0.00%
Total Other Expenses	\$23,314.78	\$0.00	\$23,314.78	0.00%	\$23,314.78	\$0.00	\$23,314.78	0.00%
NET OTHER INCOME	\$ -12,848.18	\$0.00	\$ -12,848.18	0.00%	\$ -12,848.18	\$0.00	\$ -12,848.18	0.00%
NET INCOME	\$ -771,823.43	\$885,184.00	\$ -1,657,007.43	-87.19 %	\$ -771,823.43	\$885,184.00	\$ -1,657,007.43	-87.19 %

City of Durham, Oregon
Budget vs. Actuals: FY26 - Street Fund
July - September, 2025

	20 - STREET FUND				TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income								
4001 Beginning Fund Balance (Budget)		2,327,662.00	-2,327,662.00		\$0.00	\$2,327,662.00	\$ -2,327,662.00	0.00%
4200 Intergovernmental Revenue					\$0.00	\$0.00	\$0.00	0.00%
4220 Gas Tax	38,017.10	148,054.00	-110,036.90	25.68 %	\$38,017.10	\$148,054.00	\$ -110,036.90	25.68 %
4270 Vehicle Registration	8,782.14	25,000.00	-16,217.86	35.13 %	\$8,782.14	\$25,000.00	\$ -16,217.86	35.13 %
4280 Grant Revenues					\$0.00	\$0.00	\$0.00	0.00%
4281 State Grants		250,000.00	-250,000.00		\$0.00	\$250,000.00	\$ -250,000.00	0.00%
Total 4280 Grant Revenues		250,000.00	-250,000.00		\$0.00	\$250,000.00	\$ -250,000.00	0.00%
Total 4200 Intergovernmental Revenue	46,799.24	423,054.00	-376,254.76	11.06 %	\$46,799.24	\$423,054.00	\$ -376,254.76	11.06 %
4800 Interest Income	26,059.50	45,000.00	-18,940.50	57.91 %	\$26,059.50	\$45,000.00	\$ -18,940.50	57.91 %
Services	10,000.00		10,000.00		\$10,000.00	\$0.00	\$10,000.00	0.00%
Total Income	\$82,858.74	\$2,795,716.00	\$ -2,712,857.26	2.96 %	\$82,858.74	\$2,795,716.00	\$ -2,712,857.26	2.96 %
GROSS PROFIT	\$82,858.74	\$2,795,716.00	\$ -2,712,857.26	2.96 %	\$82,858.74	\$2,795,716.00	\$ -2,712,857.26	2.96 %
Expenses								
6000 Materials & Services					\$0.00	\$0.00	\$0.00	0.00%
6100 Operating Expense					\$0.00	\$0.00	\$0.00	0.00%
6130 Street Supplies					\$0.00	\$0.00	\$0.00	0.00%
6131 Light/Pole Replacement		25,000.00	-25,000.00		\$0.00	\$25,000.00	\$ -25,000.00	0.00%
6132 Street Signs	7.97	2,500.00	-2,492.03	0.32 %	\$7.97	\$2,500.00	\$ -2,492.03	0.32 %
6139 Misc Street Supplies		2,500.00	-2,500.00		\$0.00	\$2,500.00	\$ -2,500.00	0.00%
Total 6130 Street Supplies	7.97	30,000.00	-29,992.03	0.03 %	\$7.97	\$30,000.00	\$ -29,992.03	0.03 %
Total 6100 Operating Expense	7.97	30,000.00	-29,992.03	0.03 %	\$7.97	\$30,000.00	\$ -29,992.03	0.03 %
6200 Facilities					\$0.00	\$0.00	\$0.00	0.00%
6250 Street Fund					\$0.00	\$0.00	\$0.00	0.00%
6251 Street Maintenance & Repair	570.00	50,000.00	-49,430.00	1.14 %	\$570.00	\$50,000.00	\$ -49,430.00	1.14 %
6252 Street Light Utilities	3,274.47	25,000.00	-21,725.53	13.10 %	\$3,274.47	\$25,000.00	\$ -21,725.53	13.10 %
6255 Bike Paths & Sidewalk Maint/Repair	3,940.15	50,000.00	-46,059.85	7.88 %	\$3,940.15	\$50,000.00	\$ -46,059.85	7.88 %
Total 6250 Street Fund	7,784.62	125,000.00	-117,215.38	6.23 %	\$7,784.62	\$125,000.00	\$ -117,215.38	6.23 %
Total 6200 Facilities	7,784.62	125,000.00	-117,215.38	6.23 %	\$7,784.62	\$125,000.00	\$ -117,215.38	6.23 %
6300 Contract Services					\$0.00	\$0.00	\$0.00	0.00%
6320 Engineering		32,500.00	-32,500.00		\$0.00	\$32,500.00	\$ -32,500.00	0.00%
6330 Planning Services		32,500.00	-32,500.00		\$0.00	\$32,500.00	\$ -32,500.00	0.00%
Total 6300 Contract Services		65,000.00	-65,000.00		\$0.00	\$65,000.00	\$ -65,000.00	0.00%
Total 6000 Materials & Services	7,792.59	220,000.00	-212,207.41	3.54 %	\$7,792.59	\$220,000.00	\$ -212,207.41	3.54 %
7000 Capital Outlay		800,000.00	-800,000.00		\$0.00	\$800,000.00	\$ -800,000.00	0.00%
8100 Transfers					\$0.00	\$0.00	\$0.00	0.00%
8110 Transfer to General Fund	86,450.00	86,450.00	0.00	100.00 %	\$86,450.00	\$86,450.00	\$0.00	100.00 %
Total 8100 Transfers	86,450.00	86,450.00	0.00	100.00 %	\$86,450.00	\$86,450.00	\$0.00	100.00 %
8900 Contingency (Budget)		40,000.00	-40,000.00		\$0.00	\$40,000.00	\$ -40,000.00	0.00%
Total Expenses	\$94,242.59	\$1,146,450.00	\$ -1,052,207.41	8.22 %	\$94,242.59	\$1,146,450.00	\$ -1,052,207.41	8.22 %
NET OPERATING INCOME	\$ -11,383.85	\$1,649,266.00	\$ -1,660,649.85	-0.69 %	\$ -11,383.85	\$1,649,266.00	\$ -1,660,649.85	-0.69 %
NET INCOME	\$ -11,383.85	\$1,649,266.00	\$ -1,660,649.85	-0.69 %	\$ -11,383.85	\$1,649,266.00	\$ -1,660,649.85	-0.69 %

Checking Account Detail - Prior Month - Council

City of Durham, Oregon

September 2025

DISTRIBUTION ACCOUNT	NUM	TRANSACTION DATE	NAME	MEMO/DESCRIPTION	AMOUNT
Expense					
1120 Checking	EFT	09/02/2025	NW Natural Gas	Monthly Gas Bill Autopay	-23.57
1120 Checking	EFT	09/02/2025	PGE	Monthly Heron Grove Path Electric Bill	-28.24
1120 Checking	EFT	09/02/2025	PGE	Monthly Arkenstone Park Electric Bill	-25.46
1120 Checking	EFT	09/02/2025	PGE	Monthly City Hall Electric Bill	-121.63
1120 Checking	EFT	09/04/2025	Gusto	Monthly Payroll Fees Autopay	-116.00
1120 Checking	EFT	09/07/2025	Ziplay Fiber	2025 September Ziplay Autopay	-254.97
1120 Checking	EFT	09/10/2025	Clean Water Services	Bi-Monthly CWS Bill	-79.10
1120 Checking	EFT	09/10/2025	CIS - Employee Benefits	Monthly Employee Benefits Autopay	-1,048.42
1120 Checking	EFT - IAP	09/12/2025	PERS	08/21-09/05/2025 IAP	-427.72
1120 Checking	EFT - Pension	09/12/2025	PERS	08/21-09/05/2025 Pension	-1,713.73
1120 Checking	EFT	09/15/2025	Turboscribe	Monthly Transcription Subscription Autopay	-20.00
1120 Checking		09/18/2025	Chat GPT - Open AI	September '25 Monthly ChatGPT Autopay	-20.00
1120 Checking		09/19/2025	T-Mobile	September '25 CA Monthly Cell Phone Bill	-36.10
1120 Checking		09/23/2025	Microsoft	September '25 Microsoft 365 Family Subscription	-12.99
1120 Checking	EFT	09/24/2025	City of Tigard	Seasonal Water Bill - Heron Grove Acct #314355	-33.95
1120 Checking	EFT	09/24/2025	City of Tigard	Seasonal Water Bill - Treed Lot Acct #318851	-76.16
1120 Checking	EFT	09/24/2025	City of Tigard	Seasonal Water Bill - Afton Acct #318986	-33.95
1120 Checking	EFT - IAP	09/26/2025	PERS	09/06 - 09/20/2025 IAP	-233.90
1120 Checking	EFT - Pension	09/26/2025	PERS	09/06 - 09/20/2025 Pension	-937.12
1120 Checking	EFT	09/27/2025	Intuit Quickbooks	QBO Monthly Subscription Expense - Invoice # 10001430560544	-115.00
Total for Expense					-\$5,358.01
Bill Payment (Check)					
1120 Checking	17823	09/02/2025	Chorus, LLC	2025-26 Website Hosting	-240.00
1120 Checking	17826	09/02/2025	Staples	"Mount-It" Sit-Stand Desks	-529.98
1120 Checking	17824	09/02/2025	Hager Handyman Service	August 2025 City Maintenance	-3,985.00
1120 Checking	17825	09/02/2025	Savatree	August 2025 Arborist	-115.00
1120 Checking	17827	09/03/2025	Cannon Planning Services	August 2025 Planning Services	-3,374.00
1120 Checking	17828	09/05/2025	PGE	Monthly Street Lights Electricity Bill	-1,086.52
1120 Checking	17829	09/05/2025	Jordan D. Parente	August 2025 Expenses	-76.78
1120 Checking	17830	09/08/2025	Curran-McLeod, Inc.	August 2025 Engineering	-592.50
1120 Checking	17831	09/08/2025	Oregon Dept. of Transportation	August 2025 Monthly ODOT Traffic Light Bill	-7.97
1120 Checking	17832	09/10/2025	Washington Co. Consolidated Communication	Q2 Fees for FY 25/26	-3,299.40
1120 Checking	17833	09/12/2025	Beery Elsner & Hammond, LLP	July 2025 Attorney Services	-3,586.00
1120 Checking	17834	09/22/2025	T. Olson Properties	Oct 2025 Monthly City Hall Rent	-1,100.00
1120 Checking	17835	09/24/2025	American Sani-Can	Durham City Park Seasonal Restroom	-148.25
1120 Checking	17836	09/29/2025	Staples	HP 206X High Yield Toners (x4; Black, Cyan, Magenta, Yellow)	-420.92
Total for Bill Payment (Check)					-
					\$18,562.32
Journal Entry					
1120 Checking	FY26-9.12.25-Payroll	09/12/2025		09/12/25 Net Pay	-4,338.70
1120 Checking	FY26-9.12.25-Payroll	09/12/2025		09/12/25 Taxes	-2,160.89
1120 Checking	FY26-9.26.25-Payroll	09/26/2025		09/26/2025 Net Pay	-4,325.55
1120 Checking	FY26-9.26.25-Payroll	09/26/2025		09/26/2025 Taxes	-2,154.72
Total for Journal Entry					-
					\$12,979.86
TOTAL					-
					\$36,900.19

$$\text{EFT: } \$5,358.01 + \$12,979.86 = \$18,337.8$$

City of Durham

ORDINANCE 270-25

AN ORDINANCE OF THE CITY OF DURHAM CONTINUING A MUNICIPAL COURT WITH JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES, PROVIDING ORDINANCE ENFORCEMENT, CREATING PENALTIES FOR VIOLATIONS, REPEALING ORDINANCE 224-05, AND DECLARING AN EMERGENCY

WHEREAS, the Durham City Charter grants the City all powers available under the Constitutions and laws of the United States and the State of Oregon, and ORS 221.336 provides that any City may establish a Municipal Court by charter or ordinance; and

WHEREAS, the City of Durham established a municipal court pursuant to Ordinance 224-05; and

WHEREAS, the Durham City Council finds that the public health, safety and welfare make it necessary and desirable to update and clarify the procedures for violations of City ordinances as now or hereafter provided for, to authorize the City Administrator to enforce City ordinances, and to create uniform penalties for violations of City ordinances; and

WHEREAS, it appears to the City Council that the above-described changes are appropriate, necessary and declared an emergency in the interest of public health and safety.

NOW, THEREFORE, THE CITY OF DURHAM, OREGON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance 270-25 is adopted: The regulations regarding Municipal Court, ordinance enforcement, and penalties for violations set forth in Exhibit “A” are hereby adopted and incorporated into this Ordinance by reference. The City Administrator is authorized to correct any scrivener’s errors that may be found in Exhibit “A” during codification.
- Section 2.** Ordinance 224-05 is hereby repealed in its entirety.
- Section 3.** If any provision, section, phrase, or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
- Section 4.** With this Ordinance being necessary to protect the public’s health and safety, an emergency is declared, and the Ordinance shall take effect immediately upon being passed and adopted by the City Council.

PASSED AND ADOPTED by the City of Durham, Oregon, this 28th day of October 2025.

First Reading: October 28, 2025

Second Reading: October 28, 2025

CITY OF DURHAM

By: _____
Joshua Drake, Mayor

ATTEST:

Jordan Parente, City Administrator/Recorder
Ordinance 270-25

City of Durham

ORDINANCE 270-25 EXHIBIT “A”

AN ORDINANCE OF THE CITY OF DURHAM CONTINUING A MUNICIPAL COURT WITH JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES, PROVIDING ORDINANCE ENFORCEMENT AND CREATING PENALTIES FOR VIOLATIONS

1. Definitions.

The following definitions apply to this ordinance unless inconsistent with the context:

“Complaint” is the charging document used by the City or its designee to cite the violation of a City ordinance. The term includes, where appropriate, the use of a “citation” in lieu of “complaint”.

“Party” is any person named by the City as a respondent in the complaint or any person requesting participation in a hearing as a party or a limited party that the Municipal Court determines has a personal, legal interest in the result of the proceeding.

“Respondent” is the party the City alleges in the complaint to have committed a violation.

2. Purpose.

The purpose of this ordinance is to establish a Municipal Court for the City of Durham with jurisdiction over all acts and omissions to act that are now or hereafter defined as a violation of a City ordinance. The Municipal Court shall not be a court of record as provided for in ORS 221.342. Further, this ordinance provides process for Municipal Court adjudication and for the effective and efficient enforcement of City policies established by Durham City Council resolution or ordinance. Proceedings of the Durham Municipal Court shall conform to ORS 221 and related administrative rules.

3. Municipal Judge.

Durham City Council may engage the services of one or more municipal judges by employment contract, by an agreement with an independent contractor, or by agreement with another city or with the State Court Administrator as provided for under ORS 190.010, ORS 221.355, or ORS 221.357, respectively. The municipal judge, other than a judge provided by the state or another City under an intergovernmental agreement, shall be appointed by and shall serve at the pleasure of the City Council.

4. Process, Burden of Proof.

The Municipal Court may adopt rules consistent with this ordinance concerning procedure, conduct of hearings and forms to implement the provisions of this ordinance. In any prosecution of a violation of a City ordinance, the burden of proof shall be a preponderance of the evidence. A violation of an ordinance shall not require pleading or proof of a culpable mental state as an element of the violation.

5. Ordinance Enforcement.

Durham City Council designates the City Administrator, the City Administrator’s designee, and all sworn law enforcement officers employed by, or under contract or intergovernmental

agreement with, the City, as ordinance enforcement officers authorized to issue citations or summons and complaints for all violations of City ordinances, now existing or hereafter enacted, that provide for monetary penalties or forfeitures of property, or both.

A private party may not commence a violation proceeding to enforce the City of Durham Charter. A private party may commence a violation proceeding to enforce a City of Durham ordinance only if expressly stated in an ordinance.

An ordinance enforcement officer may issue a violation citation for conduct that does not take place in the presence of the enforcement officer provided that the enforcement officer has reasonable grounds to believe that the conduct has occurred and that it constitutes a violation.

6. Notice and Citation.

City ordinances and the City Development Code shall be enforced in accordance with this ordinance. A proceeding before the municipal court shall be initiated only by the city filing a complaint with the municipal court.

A citation issued under this ordinance must include: (A) the name(s) of the respondent(s), (B) the address or location of the alleged violation, (C) the code or ordinance section(s) alleged to have been violated, (D) a concise description of the violation, (E) the amount of any penalty or other nature of relief sought by the city, (F) the location of the Municipal Court, (G) the name, title, and signature of the person initiating the proceeding on behalf of the city, and (H) such other information as the municipal court may require.

Service of the citation may be made personally or by United States mail, postage prepaid, to the last known address of the respondent, unless otherwise expressly required by ordinance. Service by mail shall be deemed complete three business days after deposit in the mail.

7. Appearance and Default.

Upon receiving a filed citation, the municipal court shall specify a date, time, and place for an initial hearing on the citation and the matters alleged therein. The date set for the hearing shall not be less than fourteen (14) nor more than thirty (30) calendar days after the date the citation is first received by the court.

The municipal court shall give notice of the initial hearing to the respondent(s) and all other parties not less than five (5) calendar days prior to the date set for the hearing. The notice of hearing shall specify the time, date and place for the hearing. Service of the notice may be made personally or by United States mail, postage prepaid, to the last known address of the respondent, unless otherwise expressly required by ordinance. Service by mail shall be deemed complete three business days after deposit in the mail. The failure of any person to receive actual notice of the proceeding shall not invalidate the hearing or any determination, decision or order of the municipal court. Failure to appear or respond shall constitute a default, and the Municipal Judge may enter a default judgment and impose any applicable fine or penalty.

8. Hearings.

Hearings shall be conducted in accordance with Oregon law for violation proceedings and any rules of procedure adopted by the Municipal Court. Hearings may be postponed or rescheduled upon motion of a party or by the Court for good cause shown.

9. Orders and Enforcement.

The Municipal Court may issue orders to ensure compliance with City ordinances and may impose penalties, require corrective actions, or order abatement of violations. The Court's orders may be enforced as provided under ORS 221.346 and related statutes. If any party fails to comply with any provision of an order of the municipal court (except a provision requiring payment of a civil penalty only), the municipal court may authorize the city to undertake such actions as the municipal court may determine are reasonably necessary to correct the violation and/or eliminate or mitigate the effects thereof. The city's reasonable costs of such actions may be made a lien against the affected real property.

10. Fines and Payment.

A violation of a City ordinance or the Durham Development Code shall be a violation and shall be punishable by a fine not exceeding \$1,000 for each violation, unless provision is explicitly made otherwise by ordinance or resolution. Each calendar day of violation shall constitute a separate violation for the purposes of imposing penalties. All fines, penalties, and fees shall be payable to the City of Durham. The City may register judgments with the Oregon Department of Revenue for collection as provided in ORS 221.344 and ORS 221.346.

11. Appeals.

The determination of the municipal court shall be final. Review of the court's determination shall be to the Circuit Court by writ of review.

12. Severability.

If any provision of this ordinance is found invalid or unenforceable, such invalidity shall not affect other provisions that can be given effect without the invalid provision.