



# City of Durham

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**Jordan Parente - City Administrator**

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## STAFF REPORT: NOVEMBER 14, 2025

APPLICATION FILE: #829-25, 830-25, 831-25, 832-25 & 833-25

REQUEST: Approval to remove two Bigleaf Maples (26" & 34" DBH), one 21" DBH Oregon Ash, one 34" DBH Hemlock and one 10" DBH Hinoki from the applicant's yard.

OWNER/APPLICANT: Jim Shelman  
7932 SW Kingfisher Way  
Durham, OR 97224  
Cynthia Alarcon  
1050 NE Cornell Rd  
Hillsboro, OR 97124

SITE LOCATION: 7932 SW Kingfisher Way

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

### SUMMARY OF EVENTS

On November 6, 2025, the City received tree removal permits 829-25, 830-25, 831-25, 832-25 & 833-25 from the applicant Cynthia Alarcon for the property located at 7932 SW Kingfisher Way. The applications are to remove two Bigleaf Maples (26" & 34" DBH), one 21" DBH Oregon Ash, one 34" DBH Hemlock and one 10" DBH Hinoki from the applicant's yard and are submitted as Type "E" permits. The applicant provided pictures and a paragraph write-up for each tree, describing the condition. However, this was not on company letterhead and appears to be from a tree service and not from a certified arborist, making it difficult to verify the information provided.

The City posted a public notice of land use action at City Hall and on the City's website and delivered notice to all properties within 300' of the applicant's property. The tree removal applications are scheduled to be heard at the regular meeting of the City of Durham Planning Commission on December 2<sup>nd</sup>, 2025.

### FACTS, ANALYSIS & FINDINGS

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

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

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

#### FINDINGS:

- All five of the applications are for Type "E" permits.

- The applicants' two Big Leaf Maples (26" & 34" DBH, respectively) are reported as dying, which should be Type "A" permits. The applicants state that pruning these trees will "accelerate the decline". Tree removal permit #829-25, the 26" DBH Big Leaf Maple has fungus at its base, but is not identified, making it difficult to know if this is a disease impacting the condition of the tree. Tree removal permit #830-25, the 34" DBH Big Leaf Maple is covered in ivy, which can be removed. The application states this tree is close to the home's utilities, however, there is no evidence it is impacting any utility services. Without an arborist report, it is difficult to verify the information provided and if these trees meet the requirements of a Type "A" permit.
- The 21" DBH Oregon Ash tree has a prominent lean, is in close proximity to a fire hydrant and is likely to soon succumb to the Emerald Ash Bore beetle. The tree has a lean and may be potentially dangerous to people and the public water utility lines and fire hydrant located about 3' away. This tree is better suited as a Type "B" permit.
- The 34" DBH Hemlock is reported to be in "terminal decline", which would be a Type "A" permit. This tree is covered in ivy and has a cavity. It is possible the ivy can be cut off the tree and no evidence of a cavity is shown. The tree is sufficiently far from the house, however, some of the roots appear to have grown against the irrigation system. Without an arborist report, it is difficult to verify the information provided and if this tree meets the requirements of a Type "A" permit.
- The 10.5" Hinoki tree is about 9" from the home's foundation and was sited poorly. The tree is marginally over the permitted 10" of a Type "D" permit. However, this tree is better suited as a Type "B" permit, being potentially dangerous to the home's foundation, given how close it is.
- No arborist report was given to determine the health of the trees.
- The trees may meet the criteria of other permit types based on the information provided, but this is difficult to determine with the information provided by the applicant.

**FINDINGS:** The Planning Commission finds that (these tree removal permits are/are not a Type "E" permit(s) type).

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

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

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

## **FACTS & ANALYSIS**

- The tree removal applications are on the agenda for the December 2<sup>nd</sup>, 2025, meeting of the Planning Commission.
- The City has published, posted, and delivered Public Notices to affected people as of November 20, 2025.

## **FINDINGS**

**FINDINGS:** The Planning Commission finds that (this (these) permit application(s) has/has not been processed as a Type 2 Process).

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

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

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

## FACTS AND ANALYSIS

### *Criteria A:*

The applicant state: Tree removal #830-25 (34" DBH Big Leaf Maple tree) is close to meters and utilities. Tree removal #831-25 (21" DBH Oregon Ash) is leaning and is close to (~3') from a public fire hydrant and water utility lines. Tree removal #832-25 (34" DBH Hemlock) is reported as being significantly weakened due to an internal cavity and being dangerously close to the foundation and utility meters. Tree removal #833-25 (10.5" Hinoki) is about 9" from the home's foundation.

**STAFF COMMENT:** There is no evidence the location of tree removal #830-25 (34" DBH Big Leaf Maple tree) is impacting the property's utilities. Staff agree that tree removal #831-25 (21" DBH Oregon Ash) is significantly leaning and this tree may impact the public utility. Staff do not see evidence of Tree removal #832-25 (34" DBH Hemlock) having a cavity or its location being problematic to any infrastructure except for a sprinkler head. Staff agree that tree removal #833-25 (10.5" Hinoki) was sited poorly (~9" from the home's foundation). While no evidence of damage has been provided, given how close it is located to the home's foundation it may occur in future.

### *Criteria B:*

Not applicable.

### *Criteria C:*

The applicant states none of the five proposed tree removals would have a significant impact on wind exposure.

**STAFF COMMENT:** The application did not address all of the considerations of this section, however, the property is flat and, if approved, these removals are unlikely to impact erosion or stability of earth. Staff believe that the removal of several large trees may lead to more surface water and significantly less shade.

### *Criteria D:*

The application did not address this section.

**STAFF COMMENT:** Planning Commission may want to consider the neighborhood impact of removing 3 large and 2 medium size trees.

### *Criteria E:*

Type "E" permits require mitigation and the applicant proposes planting 3 dogwood and 2 lilac trees as mitigation. The Planning Commission, as the decision maker, may determine if this is suitable.

### *Criteria F:*

The applicants state that the two Big Leaf Maples are in decline that cannot be mitigated with pruning and that tree removal permit #829-25 (26" DBH Big Leaf Maple) shows signs of a fungal infection. Photos of fungus at

the base of tree removal permit #829-25 are provided. While this may indicate a disease it is difficult to determine because a fungus or disease has not been identified. The applicants provided photos of ivy on tree removal permit #830-25 (34" DBH Big Leaf Maple), as well as tree removal permit #832-25 (34" DBH Hemlock) and state the ivy is impacting the health of these trees, however, ivy is not a disease. The Hemlock is reported as being weakened with a cavity and by root cutting, but no photo evidence of this is provided.

**STAFF COMMENT:** Without an arborist report Staff cannot validate tree diseases the applicants claim.

*Criteria G:*

Not applicable.

### FINDINGS

Based upon the category of a Type "E" removal permit the City finds that the following criteria are applicable:

\_\_\_\_\_.

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

\_\_\_\_\_.

### POTENTIAL MOTIONS

- 1) I move that tree removals permit #829-25, #830-25, #831-25, #832-25 and #833-25 be denied.

OR

- 2) I move that tree removal permits #829-25, #830-25, #831-25, #832-25 and #833-25 be approved with the condition(s) that: \_\_\_\_\_ (please add the following conditions if you vote to approve and require mitigation):

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

B. Mitigation tree(s) must be planted within six months of the permit approval. An additional 60-day extension may be requested. Property owner(s) must inform City Hall when the tree(s) is (are) planted.

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

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