



A. OPEN COUNCIL WORK SESSION

Mayor Joshua Drake opened the work session at 7:19 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:

- **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. TREE ORDINANCE FOR DEVELOPED PROPERTIES “MUNICIPAL CODE”.

The Council held an extended work session to review and discuss the Attorney Working Draft of the Tree Ordinance for Developed Properties (Municipal Code). City Administrator Parente explained that blue highlights within the document indicated redline edits discussed between himself and City Attorney Guimont. Councilor Streicher opened discussion with concerns about staff significantly revising draft language between Council meetings. He expressed that such work, though well-intentioned, created a perception of an additional “work session” occurring outside the public process and exclusive to city staff. City Attorney Guimont clarified that her practice of refining language with staff before meetings was standard and meant to reflect Council’s intent efficiently.

Councilor Streicher emphasized that under the City Charter, the City Attorney serves at the direction of the City Council, and all policy and ordinance work should occur transparently in public meetings with council direction and input. City Administrator Parente responded that, while Council defines policy, it is standard practice for staff and legal counsel to draft language between meetings to support Council’s policy direction. Councilor Lee and Council President Gifford agreed with this approach, noting that staff collaboration improves efficiency. Mayor Drake confirmed a consensus to continue allowing administrative drafting, provided that all substantive changes are shown and explained to Council in a redlined format.

City Tree Removal Policy: Resolution vs. Municipal Code

The Council next discussed whether the City's own tree removal policy for City-owned property should be codified in the Municipal Code or adopted by resolution. Council President Gifford and Mayor Drake favored adoption by resolution, noting that it allows easier amendment if future adjustments are needed. Councilor Streicher and Councilor Lee supported this approach, while Councilor Paul raised concern about language requiring "City Council review and approval" for every City tree removal. He suggested granting the City Administrator authority to remove hazardous trees with Council review afterward.

After discussion, Council reached consensus to proceed with a resolution establishing the City's internal tree removal policy, including City Council review and approval for removals on City property, with flexibility to revisit the process if areas for improvement arise.

Mitigation Requirements

Council President Gifford introduced discussion on mitigation requirements, stating that mitigation should be required for all tree permits, not just discretionary removals. Attorney Guimont confirmed that the current draft only required mitigation for discretionary permits. Councilors discussed establishing consistency across all permit types, including hazard, property damage, emergency, and discretionary removals.

City Administrator Parente described existing mitigation practices and the use of in-lieu fees deposited into the City's Greenspace Fund. Councilor Lee suggested linking mitigation requirements to canopy coverage to ensure that tree replacement aligns with the City's broader environmental goals. The Council discussed allowing property owners to either plant replacement trees from an approved species list or pay an in-lieu fee if replanting is impractical.

Consensus was reached that mitigation would apply to all tree removal permits, with the City Arborist recommending whether mitigation is feasible on the property or should instead be fulfilled through an in-lieu fee. If no space exists for new trees on the applicant's property, applicants may pay the in-lieu fee, with arborist recommendations subject to appeal to City Council.

Application and Fee Structure

Council reviewed application and appeal fees for tree removal permits. Attorney Guimont and Administrator Parente explained that Lake Oswego charges approximately \$25 for simple permits and about \$200 for arborist-reviewed permits. Council discussed recouping City costs, including arborist and staff time. It was agreed that the application fee will be based on the actual cost of arborist review and staff processing, with estimates to be obtained from the City's contract arborist.

The Council agreed that all tree permit fees, in-lieu fees, and appeal fees would be adopted by resolution and incorporated into the City's Master Fee Schedule. Tentative consensus suggested that the application fee should approximate the arborist's hourly cost and staff time, and that appeal fees should be around \$250 to offset administrative burden, consistent with other City appeal fees. Council decided to revisit final fee amounts later once insight from the arborist had been received.

Definition of "Substantial Damage"

The Council discussed redefining "substantial damage" for property damage tree permits. Councilor Streicher proposed replacing the term with "material damage to a permitted structure," citing difficulties in quantifying monetary damage thresholds. Council agreed to exclude minor structures such as sheds, decks, and driveways from the definition and to clarify that qualifying structures must be permitted buildings (such as homes or garages). The applicant will bear responsibility for demonstrating material damage when applying for a property damage removal permit.

Tree Failure Proximity Permit Proposal

Councilor Streicher presented a new concept, a Tree Failure Proximity Permit, intended to allow limited removal of trees near recently fallen trees following severe weather events. He described situations where residents experienced trauma and fear following nearby tree failures. The proposed permit would allow removal of up to two trees within 100 yards of a failed tree if the trees scored at least "moderate" on the risk assessment and were removed within one year of the event.

Council discussed the proposal's emotional and safety motivations. Mayor Drake, Councilor Lee, and Council President Gifford expressed concern about potential overreach and the subjective nature of "fear-based" removals. While Council affirmed that this type of tree removal permit would need to meet certain parameters that can be applied objectively. As such, no consensus was reached, and the matter was tabled to return at a future work session.

Schedule and Next Steps

City Attorney Guimont summarized remaining items for further discussion: mitigation fee amounts, fee schedule revisions, and final ordinance drafting. Council agreed to continue the work session at a future date. After discussion, the next Tree Ordinance work session was scheduled for November 18, 2025. The first reading of the ordinance will be scheduled following that meeting.

E. ADJOURN.

Mayor Drake adjourned the meeting at 9:27 PM.

Approved:

Joshua Drake, MAYOR

Attest:

Jordan Parente, CITY ADMINISTRATOR/RECORDER