



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

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.



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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 at length 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 discussed alignment between the two- and three-year maintenance periods in related code sections and agreed they should be consistent 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 letters of 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.



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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, with notice provided to nearby property owners now voluntary and no longer a requirement. She also noted the limited appeal rights for middle housing divisions. City Planner Cannon added that while the City will continue to provide notice within 100 feet as a courtesy despite the change in requirements, reaffirmed that only the applicant may appeal the decision under the new statute.

Commissioners discussed preliminary aspects of the Durham Estates proposal, including access width and compliance with state and local standards. Staff noted potential concerns regarding driveway design and width, which are under review.

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 rezoning 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 8:32 PM.

Approved:

Susan Deeming, Chair

Attest:

Jordan Parente, City Administrator/Recorder