



**City of Durham**  
**CITY COUNCIL MINUTES**  
**October 28, 2025**

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**A. OPEN REGULAR COUNCIL MEETING.**

Mayor Joshua Drake opened the meeting at 7:37 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 Ashleigh Dougill, City Planner Alice Cannon (via Zoom)

Visitors: Sue Fuller (via Zoom)

**C. COUNCIL MINUTES.**

Council considered approval of the following sets of minutes:

- July 22, 2025, City Council Work Session
- July 29, 2025, City Council Meeting
- September 23, 2025, City Council Meeting
- September 30, 2025, City Council Special Meeting

City Administrator Parente summarized corrections made to these minutes, specifically clarification of a reference in the July 22 Work Session minutes; correction of an error in the July 29 minutes in which the name “Sue” was mistakenly used in place of Planning Chair Susan Deeming; and confirmation that the September 30 minutes reflected actions taken at the prior meeting. Council President Gifford moved to approve the minutes as corrected. Councilor Paul seconded. The motion passed unanimously (5-0).

**MO 102825-01**

**D. CALENDAR OF MEETINGS.**

City Administrator Parente reported that the November 4, 2025, Planning Commission meeting was canceled due to no submissions. He noted that the November 18, 2025, Work Session at 6:30 PM (tree ordinance discussion) had been inadvertently omitted from the agenda. Council also noted the November 11, 2025, Veterans Day City Hall closure and the November 25, 2025, Regular Council Meeting at 7:30 PM.

**E. PUBLIC FORUM.**

Mayor Drake opened the public forum. No in-person or remote attendees offered comment. Sue Fueller confirmed she had no remarks.

**F. PLANNING COMMISSION UPDATE.**

City Administrator Parente summarized the October 7, 2025 Planning Commission meeting, explaining that the Commission held a public hearing on the revisions to Development Code Chapter 5. The Commission incorporated two clarifying amendments and recommended adoption of the revised Code language. City Attorney Dougill confirmed that the packet reflected all recommended changes.

**G. DURHAM DEVELOPMENT CODE UPDATE PUBLIC HEARING.**

Mayor Drake opened the legislative public hearing for Case No. 596-25, concerning a complete replacement of Development Code Chapter 5 (Tree Protection) and related amendments to Section 10.5.

City Attorney Dougill described the nature of legislative land use hearings, clarified due-process requirements, and explained when Council Members must declare conflicts of interest. No Council Members declared conflicts of interest.

City Planner Cannon presented the staff report remotely. She explained that the revisions were necessary to comply with House Bill 2138's requirement that development-related tree regulations are clear and objective. She outlined the structure and purpose of the new Chapter 5, including definitions, prescriptive pre-removal standards, canopy coverage requirements, construction-phase tree protection, mitigation obligations, violations and penalties, and the new framework for minor modifications related to tree removals. She reviewed notice requirements and compliance with statewide planning criteria and explained how the amendments aligned with the Durham Comprehensive Plan.

Council held an extensive discussion regarding mitigation standards, canopy-replacement equivalency, thresholds for major versus minor modifications, enforcement authority, stop-work orders, continuing violations, and several definitional or grammatical corrections. City Attorney Dougill incorporated Council's requested revisions directly into the ordinance text during the discussion. These revisions included:

- Definition of "Removal" (Exhibit A, page 2)
  - The definition contained a typographical error using the word "the" where the word "that" was intended. Council directed that the word "the" be replaced with "that."
- Definition of "Tree Grove" (Exhibit A, page 2)
  - Council identified the need for a comma after the phrase "six inches in diameter." The amendment adds a comma immediately following that phrase.
- Section 5.8.2 (Violations and Penalties)
  - Council requested that the sentence structure mirror Section 5.8.1 for consistency. The amendment inserts the phrase "shall be subject" immediately following the words "relating to tree removal in violation of this chapter," making the section read: "Any person who fails to comply with any land use approval condition relating to tree removal in violation of this chapter shall be subject to the provisions of this section."

No public testimony was offered. Sue Fueller confirmed that she had no comment. City Administrator Parente noted the substantial effort by volunteers and staff that led to developing a clear-and-objective tree ordinance. City Planner Cannon thanked both staff and Council for their detailed review.

With no further testimony, Mayor Drake closed the record and public hearing.

**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.**

City Attorney Dougill read into the record the specific textual corrections made to the ordinance. Council President Gifford moved to adopt Ordinance 272-25, including the above revisions read into the record, establishing clear and objective rules for tree removal on development sites, amending Development Code Chapters 5 and 10, and repealing Ordinances 254-12, 228-04, 246-05, 246-08, and all other inconsistent provisions. Councilor Paul seconded. The motion passed unanimously (5-0).

**MO 102825-02.**

**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.**

Council conducted the first reading of Ordinance 270-25, continuing the municipal court, establishing enforcement and penalty provisions, and declaring an emergency. Councilor Streicher initiated a detailed discussion regarding the ordinance's terminology, notice requirements, due-process considerations, handling of fines and payments, cost recovery, and the difference between administrative fees and punitive fines. He also raised concerns about the long-term consistency of fine assessments and suggested including penalty-setting guidance similar to King City's to ensure uniformity across future administrations.

After further discussion, Council directed that the ordinance should include a list of factors that the City Administrator may consider when determining civil penalties. City Attorney Dougill read the new language, drawn from King City's code, into the record, which stated the following verbatim:

*"In establishing the amount of any civil penalty, the City Administrator may consider any of the following factors that the City Administrator deems relevant: the actions taken by the person or entity to mitigate or correct the violation; the financial condition of the person or entity charged with the violation; whether the violation or the failure to comply is repeated or continuous in nature; the magnitude or gravity of the violation or failure to comply; the cooperativeness of the person or entity with the City; the cost to the City of investigating, correcting, attempting to correct, and/or prosecuting the violation or failure; and any other factor deemed by the City Administrator to be relevant."*

Council President Gifford moved to adopt Ordinance 270-25 with the amendments read by the City Attorney, which were Councilor Paul seconded. The motion passed unanimously (5-0).

**MO 102825-03**

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

Mayor Drake opened the public hearing on the updated Master Fee Schedule. No members of the public wished to testify or provide comment. City Administrator Parente summarized the proposed revisions, including added development-related tree-removal fees, hearing-officer fee-recovery provisions, updates to public-records processing rates, business-license clarifications, and various development-review fees.

Council discussed additional amendments, clarifying that the telecom franchise fee would reflect the greater of \$3,000 annually or 5 percent of gross revenue as outlined in the applicable franchise ordinance. Council added a placeholder in-lieu fee for tree mitigation of \$1,500 per tree, to be reconsidered during the upcoming budget cycle.

Council also requested that specific development fees have "plus the City's actual cost" added as an amendment, including for final plat reviews, land-use compatibility statements, DMV permits, legal lot determinations, and property line adjustments. Council also discussed whether the base fee for development actions should be treated as a deposit that acts as a credit against contracted and staff time charges or simply a fee for applying with all additional actual costs charged to the applicant. It was also discussed whether this base fee should be a refundable deposit if the cost to the city is less than the base fee or if it should be non-refundable. However, Council did not establish a clear consensus on these two aspects.

Council President Gifford moved to adopt the Master Fee Schedule with amendments, and Councilor Lee seconded. The motion passed unanimously (5-0).

**MO 102825-04**

- 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.**

Council President Gifford moved to approve Ordinance 272-25 with all previously approved amendments. Councilor Lee seconded, and the motion passed unanimously (5-0).

**MO 102825-05**

- 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.**

Council President Gifford moved to approve Ordinance 270-25 with all incorporated amendments. Councilor Lee seconded, and the motion passed unanimously (5-0).

**MO 102825-06**

- M. **DURHAM PARK PATHS (COUNCILLOR STREICHER)**

Councilor Streicher asked whether Metro had provided any estimate for constructing a footbridge across Fanno Creek to connect Durham Park with Durham Heights. City Administrator Parente stated that Metro had not provided an estimate and was unlikely to take the lead without substantial effort from the City. Council discussed the feasibility of substituting a footbridge project for the ADA sidewalk and access upgrades identified during the Metro Local Share public engagement process. Administrative Assistant Bean and City Administrator Parente described their recent meeting with Metro representatives, who were highly supportive of the City's proposed ADA accessibility improvements in Durham Park.

- N. **ADMINISTRATOR'S REPORT.**

City Administrator Parente reported that Metro Local Share application materials were being prepared in ZoomGrants, with a target completion timeline that would allow the City to enter into an intergovernmental agreement by June. He discussed ongoing planning for an ADA-accessible restroom in the upper park area. City Administrator Parente also stated that the City had received a DLCD Housing Production support grant to assist with required Development Code updates. He reported that the City had received cybersecurity grant funding through SLGCP and was preparing to migrate to the Microsoft Government cloud environment with multi-factor authentication. He also announced that the City had secured the domain durhamoregon.gov. Finally, he provided updates on pending statewide transportation legislation and potential increases in DMV revenue for local governments.

- O. **FINANCIAL REPORTS.**

Council reviewed the September 2025 financial reports and expenditures. Council President Gifford moved to approve vendor checks 17823 through 17836, totaling \$18,562.32, along with EFT and payroll totaling \$18,337.87. Councilor Paul seconded. The motion passed unanimously (5-0).

**MO 102825-07**

- P. **COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.**

Councilor Paul shared that the Blue Jays had won their game 6–2. City Administrator Parente reminded Councilor Paul of the upcoming MAC meeting. Councilor Lee confirmed that the November 18, 2025, Council Work Session would begin at 6:30 PM.

**Q. ADJOURN.**

Mayor Drake adjourned the meeting at 9:39 PM

**Approved:**

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**Joshua Drake, MAYOR**

**Attest:**

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**Jordan Parente, CITY ADMINISTRATOR/RECORDER**