



City of Durham

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Durham, Oregon 97224

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STAFF REPORT: DECEMBER 30, 2025

APPLICATION FILE: #840-25, 841-25, 842-25, and 843-25

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

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

The City received tree removal permits #840-25, 841-25, 842-25, and 843-25 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 34" DBH Hemlock and one 10" DBH Hinoki from the applicant's property and are submitted as Type "B" permits. The applicant previously came before the Planning Commission with 5 Type "E" removals, one which the Planning Commission approved one (831-25, an Oregon Ash), and referred the rest back to the City Administrator. The City Administrator determined the remaining four permits fit the Type "B" criteria but referred the decisions back to the Planning Commission. The City Administrator received an arborist report recommending the removal of the two Bigleaf Maples trees due to their declining condition. The City Administrator visited the site and verified the Hemlock tree has a large cavity and that the Hinoki tree is starting to demonstrate property damage due to being planted too close to the Shelman home.

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 January 13th, 2025.

FACTS, ANALYSIS & FINDINGS

1. DDC Chapter 5 Tree Protection, Section 5.4.2

Type "B" Permit. Trees that are dangerous or potentially destructive to public or private property may be approved by a Type 1 process. When it cannot be determined readily that a tree poses a potential for being dangerous or destructive, approval may be conditioned upon evaluation by a

certified arborist or appealed to the Planning Commission upon a payment of the appeal fee. For an approved Type “B” permit no mitigation is required.

FINDINGS:

- The applicants’ arborist report state the condition of the two Big Leaf Maples (26” & 34” DBH, respectively) are declining and should be Type “B” permits. The applicants state that pruning these trees will “accelerate the decline”. Tree removal permit #840-25, the 26” DBH Big Leaf Maple has fungus at its base consistent with decay. Tree removal permit #841-25, the 34” DBH Big Leaf Maple demonstrates a lot of dead branches because it is heavily covered in ivy. The arborist states that with extensive mitigation methods to correct the damage to the tree, it is unlikely to recover from its decline and recommends replacement. The application states this tree is close to the home’s utilities, however, there is no evidence it is impacting any utility services.
- The 34” DBH Hemlock is reported to be in “terminal decline”, is covered in ivy and has a deep cavity of roughly 12” at the base of the tree and could potentially fail and cause damage and meets the definition of a Type “B” 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. While there is no evidence of damage to the home’s foundation, the tree is damaging the home’s gutter/rainwater system.
- An arborist report was provided for the two Bigleaf Maples trees stating the trees are in decline and may be potentially dangerous to property.

FINDINGS: The Planning Commission finds that (these tree removal permits are/are not a Type “B” 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 January 13th, 2026, meeting of the Planning Commission.
- The City has published, posted, and delivered Public Notices to affected people as of December 30, 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:

Per the arborist report provided, the two Big Leaf Maple trees (#840-25 and 841-25) are in decline and if left alone could potentially be dangerous to a nearby target. Tree removal #842-25 (34" DBH Hemlock) has a significant cavity at the base and is potentially dangerous. Tree removal #843-25 (10.5" Hinoki) is about 9" from the home's foundation and is damaging the home's gutter system.

STAFF COMMENT: Staff attended and verified the cavity in the Hemlock. Further, damage to the home's gutter system was observed by the Hinoki tree, which was planted 9" from the home.

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 1 medium size trees.

Criteria E:

Type "E" permits require mitigation and the applicant proposes planting 2 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 #840-25 (26" DBH Big Leaf Maple) shows signs of a fungal infection, confirmed by the arborist. The applicants provided photos of ivy on tree removal permit #841-25 (34" DBH Big Leaf

Maple), as well as tree removal permit #842-25 (34" DBH Hemlock) and state the ivy is impacting the health of these trees, however, ivy is not a disease.

Criteria G:

Not applicable.

FINDINGS

Based upon the category of a Type "B" 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 #840-25, 841-25, 842-25, and 843-25 be denied.
- OR*
- 2) I move that tree removal permits #840-25, 841-25, 842-25, and 843-25 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.