



# City of Durham

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**Jordan Parente - City Administrator**

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## STAFF REPORT: DECEMBER 31, 2025

APPLICATION FILE: #835-25, 836-25, and 837-25

REQUEST: Approval to remove three Douglas Fir trees reported to be 36" Diameter at Breast Height (DBH) from the applicant's property.

OWNER/APPLICANT: Robert Tamura  
7867 SW Whitfurrows Court  
Durham, OR 97224

SITE LOCATION: 7867 SW Whitfurrows Court

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; Ordinance 254-12; and the Durham Comprehensive Land Use Plan as revised 6.23.95.

### SUMMARY OF EVENTS

On December 8<sup>th</sup>, 2025, the City received tree removal permits #835-25, 836-25, and 837-25, from applicant Robert Tamura for his property located at 7867 SW Whitfurrows Court. The applications are to remove three Douglas Fir trees, reported as each being 36" DBH and are submitted as Type "B" permits. On December 10<sup>th</sup> the City Administrator requested Mr. Tamura complete the tree removal questionnaire and provide supplemental evidence he would like considered. Mr. Tamura said they recently moved to Durham and that his home inspector suggested three trees on his property be inspected by an arborist, given their proximity to his home. Administrator Parente explained that proximity alone does not allow for the removal of trees in Durham's tree code. Mr. Tamura followed up by providing pictures, a complete questionnaire, and a home inspection report.

The City posted 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 13<sup>th</sup>, 2026.

### 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.*

**FACTS:**

- The applicant states the tree removal request is to protect his home from damage due to falling debris and further water intrusion into the crawl space and expanding root intrusion into the sewer line.
- The applicant states the trees are located within 9' of the home and two of the trees are causing the grade at the base of the trees to slope towards the home.
- The applicant provided a home inspection report.
  - i) The report states the home has one or more large trees and recommends the trees be evaluated by a qualified arborist (page 32).
  - ii) The report states "(as) a general guide, trees should not be planted closer than 10 feet from the home (as they) may, over time, cause detrimental effects to the exterior components of the home" (page 35).
  - iii) The report states "(the) tree at the front of the home is leaning back toward the home. We strongly recommend further review by a licensed arborist to ensure that safe conditions exist."
- No arborist report was provided for the property.

**STAFF ANALYSIS:**

- Given the trees' size, it is likely the home was constructed around them.

**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 13<sup>th</sup>, 2026, meeting of the Planning Commission.
- The City has published, posted, and delivered Public Notices to affected people as of December 31, 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 states the trees are located 3', 5 1/2', and 8 1/2', respectively, from the home. The applicant states the root balls from two of the trees have caused the grade around the trees to slope towards the home, causing water to go into the crawl space. The applicant states tree roots are starting to intrude into the sewer line.

**STAFF COMMENT:** Tree 835-25 is reported as being 3' from the home and page 36 of the Home Inspection report shows it leaning towards the home. Staff echo the home inspector's suggestion for an arborist report to evaluate the condition of the large trees on the applicant's property tree. Staff question whether measures other than tree removal can be employed to mitigate any potential damage to the home.

*Criteria B:*

Not applicable.

*Criteria C:*

The applicant states that their lot, as well as neighboring lots, are relatively flat and do not believe erosion or run-off will be an issue. The applicants state they are not near an upland wooded corridor nor stream side vegetation corridor. The applicant believes the tree removal is not likely to affect wind, shade or open space concerns.

**STAFF COMMENT:** Staff generally concur with the applicant's assessment.

*Criteria D:*

The applicant states the beautiful trees are one of the reasons they chose the neighborhood. The applicant states their lot has eight Douglas fir trees greater than 100', with approximately a dozen more on neighboring lots. The applicants believe the removal of three large Douglas fir trees will have minimal to no impact on the neighborhood skyline, beauty, character and or property values.

*Criteria E:*

The application does not address mitigation.

*Criteria F:*

Not applicable.

*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 #835-25, 836-25, and 837-25 be denied.

*OR*

- 2) I move that tree removal permits #835-25, 836-25, and 837-25 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.