



City of Durham

17160 SW Upper Boones Ferry Rd.
Durham, Oregon, 97224

Jordan Parente - City Administrator

phone: 503.639.6851

e-mail: cityofdurham@comcast.net

website: www.durham-oregon.us

Wyatt Bean - Administrative Assistant

PLANNING COMMISSION AGENDA

City Hall, Tuesday, March 10th, 2026, at 7:00 p.m.

A. CALL TO ORDER

B. ROLL CALL

(Chair Susan Deeming, Vice Chair Winkler, Commissioners: Pat Saab, Krista Bailey, Cheri Frazell, Andrew Mast & Forrest Boleyn)

C. APPROVAL OF MEETING MINUTES

The Planning Commission will consider adopting meeting minutes from January 13, 2026 (pages 1-3)

Motion required

D. PUBLIC FORUM

For matters not appearing elsewhere on the agenda. Matters requiring further investigation or detailed answers will be referred to City Staff for follow-up at a future meeting. Please limit comments to less than five minutes.

E. SIGN PERMIT 479-26 AINSWORTH #230 17400 SW UPPER BOONES FERRY RD (pages 4-7)

Motion required

F. TREE REMOVAL REQUEST 844-26 DWH 16502 SW DEER TERRACE (pages 8-26)

Motion required

G. TREE REMOVAL REQUEST 845-26 HENRY 7888 SW ELLMAN LANE (pages 27-36)

Motion required

H. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES

I. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION

➤ Tuesday, April 14th, 2026, Regular Meeting of the Planning Commission at 7:00 p.m. (Durham City Hall)

J. ADJOURN



City of Durham
PLANNING COMMISSION MINUTES
January 13, 2026

A. CALL TO ORDER.

Planning Chair Susan Deeming opened the meeting at 7:01 PM at Durham City Hall.

B. ROLL CALL.

Commissioners present: Planning Chair Susan Deeming, Commissioners Patricia Saab, Andrew Mast, and Cheri Frazell.

Commissioners absent: Vice Chair Matt Winkler Commissioners Forrest Boleyn and Krista Bailey.

Staff present: City Administrator Jordan Parente and Administrative Assistant Wyatt Bean.

Visitors: Chris Little, Jim Shelman, Rosemary Shelman, Robert Tamura, Val Tamura, and Susan Moliken.

C. APPROVAL OF MEETING MINUTES.

The Commission reviewed the prior meeting minutes. A clarification was discussed regarding language describing the approval of a leaning ash tree, specifically whether the minutes sufficiently reflected that the tree's lean was part of the Commission's consideration. Staff confirmed the language could be amended to clarify this point. Following the motion by Commissioner Saab and second by Commissioner Mast, the minutes were approved unanimously (4-0).

MO 011326-01

D. PUBLIC FORUM.

Chair Deeming opened the public forum and invited comments on items not listed on the agenda. No members of the public wished to speak, and the public forum was closed.

E. TREE REMOVAL REQUEST 840-25 - 843-25 SHELMAN 7932 SW KINGFISHER WAY.

The Commission considered four tree removal requests that came before the Planning Commission on December 2nd, 2025, under the wrong permit type. Staff explained that, following review, the remaining trees had been reclassified and are being brought before the Commission for consideration under the correct permit types. The new applications include an arborist report addressing the health and condition of the two Big-leaf Maple trees.

The Commission reviewed the applicable Type B permit criteria, discussing tree condition, neighborhood character, and mitigation. Commissioners expressed concern regarding canopy loss but acknowledged that the applicant had provided the requested arborist documentation. Mitigation options were discussed, including the number, placement, and species of replacement trees. The applicant expressed willingness to plant mitigation trees that would be appropriate for the site and avoid future conflicts. After discussion, the Commission reached consensus that one mitigation tree would be required as a condition of approval.

Commissioner Frazell moved to approve Tree Removal Permits 840-25, 841-25, 842-25, and 843-25 with the condition that one mitigation tree be planted, either a Crepe Myrtle or a tree from the City's approved mitigation list, as discussed. Commissioner Saab seconded. The motion passed unanimously (4-0).

MO 011326-02



City of Durham
PLANNING COMMISSION MINUTES
January 13, 2026

F. SIGN PERMIT 478-25 GISI #130 17300 SW UPPER BOONES FERRY RD.

The Commission reviewed a sign permit application for GISI Marketing. City Administrator Parente explained that the sign differed from the prior installation in size and materials, triggering Planning Commission review. The Commission confirmed that the proposed sign met size and lighting requirements under the code.

Discussion focused on visual consistency within the office park, particularly the sign's background material and color relative to the building façade and neighboring signs. Commissioners expressed a desire for the sign to blend with the building rather than visually stand out due to contrast.

Commissioner Mast moved to approve Sign Permit 478-25 with the condition that the sign background be color-matched to the building façade and that final materials be approved by staff. Commissioner Saab seconded. The motion passed unanimously (4-0)

MO 011326-03

G. TREE REMOVAL REQUEST 835-25 - 837-25 TAMURA 7867 SW WHITFURROWS CT.

The applicants presented a request to remove three Douglas fir trees located in close proximity to their home, citing concerns related to drainage, root intrusion, sewer line impacts, and potential structural damage. Residents in attendance expressed concern that losing the canopy of these trees may increase the wind vulnerability to trees remaining on neighboring properties.

Commissioners discussed the importance of balancing tree preservation with legitimate property safety concerns. Several Commissioners noted that while proximity to structures and grading issues were raised, the record lacked an arborist report providing professional evaluation of tree health, structural risk, and alternative mitigation measures. The Commission agreed that expert analysis was necessary before approving removal and expressed a desire to holdover the requests to the next Planning Commission meeting. However, due to the 60-day decision timeline and the absence of an arborist report, City Administrator Parente advised that denial with an opportunity for resubmittal would be the cleanest procedural option.

As such, Commissioner Frazell moved to deny Tree Removal Permits 835-25, 836-25, and 837-25. The motion included a request that Mr. Parente consider waiving application fees if the applicants reapply within 30 days with an arborist report. The motion was seconded by Commissioner Mast. The motion passed unanimously (4-0).

MO 011326-04

H. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES.

Commissioners discussed the idea of hosting a community gathering or picnic to foster neighborhood connections, potentially in conjunction with the City's 60th anniversary. Staff said July 4th had been proposed for such a celebration. Staff also provided updates on the Durham Estates development, the municipal tree ordinance, upcoming Planning Commission training, and anticipated development code and sign ordinance updates. Commissioner Frazell also noted the possibility of revisiting long-term planning priorities, including review of the City's Comprehensive Plan, as the roles and responsibilities of the Planning Commission continue to evolve.



City of Durham
PLANNING COMMISSION MINUTES
January 13, 2026

I. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.

The next regular meeting of the Planning Commission is scheduled for February 10, 2026, at 7:00 p.m., with an Elected and Appointed Official Training before the meeting, starting at 6:00 p.m.

J. ADJOURN.

Chair Deeming adjourned the meeting at 8:40 PM.

Approved:

Susan Deeming, Chair

Attest:

Jordan Parente, City Administrator/Recorder

DRAFT



City of Durham

17160 SW Upper Boones Ferry Rd.
Durham, Oregon 97224

COMMERCIAL SIGN PERMIT APPLICATION

Website: www.durham-oregon.us
e-mail: cityofdurham@comcast.net
503.639.6851

Permit No: 480-26

Business Applicant:		Sign Company	
Name:	Rodney Lyster	Name:	Chris Babbitt
Company:	Ainsworth Inc.	Company:	Graphic Information Systems, Inc. (dba GSI Marketing Group)
Address:	17400 SW UPR Boones Ferry Rd #230	Address:	17400 SW Upper Boones Ferry Rd #210
City, State, Zip:	Durham, OR 97224	City, State, Zip:	Durham, OR 97224
Phone:		Phone:	
Email:		Email:	
Business License:	2346-14	Business License:	2279-10

I hereby certify that this application contains no misrepresentations or falsifications and that the information given is true and complete to the best of my knowledge and belief. I agree to erect this sign in accordance with the attached description and approved plans, and in accordance with the Sign Ordinance of the City of Durham (Durham Development Code, Chapter 6) and Durham Planning Commission Orders. I understand that a separate building permit may be required to erect the sign.

Business Owner: _____ Sign Company: _____
Date: 11/25/25 Date: 11/24/2025

Permit Issuance is contingent upon compliance with the current City sign regulations and conditions originally imposed on the individual development by the Design Review Board and Planning Commission. The Planning Commission will consider this sign application at the first regular meeting after the application is deemed complete. Applicants are requested to attend the meeting.

Additional planning fees may be applied if deemed necessary to determine compliance with city regulations and final Planning Commission conditions.

Sign Information

Site Address:	<u>17400 SW Upper Boones Ferry Rd</u>		Current Zoning:	
Application for:	New Sign <input type="checkbox"/>	Replacement <input checked="" type="checkbox"/>	Face Change <input type="checkbox"/>	Comprehensive Sign Program <input type="checkbox"/>
Check all that apply:	FREE STANDING Monument <input type="checkbox"/> Directory <input type="checkbox"/> Plot Plan is required.		ATTACHED Business Identification <input checked="" type="checkbox"/> Directory <input type="checkbox"/> Elevation Drawing is required.	
	Attach two color renderings of the proposed sign, showing its correct dimensions, colors, materials, script, and graphics. A site plan and/or building elevation drawn to scale that includes vision clearance is required. If requested, supply material samples representing the sign's color and texture.			
PROPOSED SIGN				
Total Height:	<u>16"</u>	Total Width:	<u>120"</u>	Size (H x W): <u>15.3</u> sq. ft.
Adjacent Wall Area:	_____ sqft	Sign Thickness:	_____ inches	
Letter Size:	<u>16"</u>	Letter Style:	<u>Block</u>	Letter Color: <u>Blue</u>
Materials:	<u>Aluminum</u>			
Property frontage:	_____ ft. on (street) _____			



City of Durham

17160 SW Upper Boones Ferry Rd.
Durham, Oregon 97224

NOTICE OF LAND USE ACTIONS

Website: www.durham-oregon.us
E-mail: cityofdurham@comcast.net
Phone: 503.639.6851

CITY OF DURHAM PUBLIC NOTICE

NOTICE IS HERE GIVEN THAT a sign permit application will be heard by the Durham Planning Commission at Durham City Hall at, or shortly after, 7:00 P.M. on March 10, 2026, to consider the following request:

Request: Replace existing business identification with 13.3-square-foot sign displaying the wording "GDI" and "Ainsworth" separated by the business logo under sign permit #480-26.

Property Location: #230-17300 SW Upper Boones Ferry Road, Durham, OR

Applicable Criteria: The review and approval criteria for the proposal are provided in Durham Development Code (DDC) under Chapter 6 Sign Regulation; DDC Chapter 9 Procedures, Section 9.6 Type 2 Process & Criteria; Sign Ordinance 208-01 as amended by Ordinance 232-06; and the Durham Comprehensive Land Use Plan as revised 6.23.95.

The Planning Commission meeting on this matter will be conducted pursuant to rules of procedure adopted by the City Council. Oral and written testimony in favor of or in opposition to the request will be received during the meeting. Written testimony may also be submitted in advance of the meeting to the City Administrator no later than March 9th, 2026, by 4:00 P.M.

Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond to the issue precludes appeal on said issue to the State Land Use Board of Appeals, or to seek damages in circuit court due to a condition of approval.

The applications and pertinent documents are available for inspection at no cost (copies provided at reasonable cost) at Durham City Hall, 17160 S.W. Upper Boones Ferry Road, Durham, OR, during normal business hours. Contact Jordan Parente, City Administrator, at (503) 639-6851 if you would like a weblink to attend the meeting remotely, or additional information. All interested parties are invited to submit written testimony and attend the meeting.

The decision will be posted on the City website (www.durham-oregon.us) in the "Notice of Land Use Actions" section.

CITY OF DURHAM

By: Jordan Parente
City Administrator

EXISTING SIGN



PROPOSED SIGN

120"

16"

GDI  **AINSWORTH**

1

10-24 studs
1.5" long

0.5" thick
aluminum letters

PAINT

A Pantone 541 C

Pantone 1807 C

Pantone 356 C

ST01 - BUILDING LETTERS - QTY: 1

1 0.5" thick Aluminum letters painted / Attached with 10-24 studs

 <small>Headquarters: 11500 Van Ness Blvd., Suite 1000, San Francisco, CA 94140 415.774.8888 www.signpros.com</small>	CLIENT: GDI AINSWORTH	DESIGNER: Rippen Thind	DATE: 8/4/2025	REVISIONS: _____ _____ _____	INSTALL ADDRESS: _____
	PROJECT: Redmond Location	DISK #: 3229	<input type="checkbox"/> FINAL FOR PRODUCTION		



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Wyatt Bean - Administrative Assistant

MEMORANDUM

DATE: March 3, 2026
TO: Planning Commission
FROM: Jordan Parente, City Administrator
RE: Ainsworth, Sign Permit file # 480-26

On February 6th, 2026, Ainsworth applied for a replacement wall sign for their business located at #230-17400 SW Upper Boones Ferry Road. The sign change reflects the addition of “GDI” to the Ainsworth business logo. The application was assigned Sign Permit #480-26.

The existing sign is letters attached to the building above the business entrance that read “Ainsworth”, preceded by their logo, approved under sign permit 467-23. The existing 2.81 square ft (8.8” x 46”) sign is blue lettering with their tri-colored log of the same blue, red, and green, made with custom painted acrylic. The proposed new sign is for painted aluminum letters attached to the building above the business entrance that read “GDI” and “Ainsworth”, with their logo located directly between the two. The updated sign dimension are: 16” x 120” for a total of 13.3 square feet. Given the substantial changes of the sign materials and size it is being processed as a Type 2 process.

Section 6 of the Durham Development Code is titled “Sign Regulation” and includes all signs visible from the public right-of-way, for all zoning districts. Signage is a subordinate use of property.

When considering a sign permit, the Planning Commission may wish to focus their decision on:

§6.2 Prohibited Sign Features. In all zoning districts, no sign shall:

- §6.2.1 Use internal illumination, a flashing or intermittent device to display a message, or rotate, revolve or move;
- §6.2.2 Use of external illumination that generates glare that disrupts the vision of motorists on adjacent right of way or that exceeds 1 foot-candle as measured at any boundary of the property on which the sign is located;
- §6.2.3 Project above the highest point of any building to which the sign is attached;

§6.6 Signs Requiring Permit – Other Districts, (OP, IP and BPO Districts):

§6.6.3 One wall sign for each individual person or entity or person that occupies a structure, identifying the location and entry door of the entity or person, not exceeding 30 square feet in area, not extending more than 15 feet horizontally in either direction from the centerline of the entry and with dimensions proportional to the building façade on which the sign is placed.

The proposed sign is stationery, does not extend above the highest point of the building, or more than 15 feet horizontally in either direction from the centerline of the entry. No illumination is proposed. The 16” x 120” dimensions, or 1.333’ x 10’, equals 13.3 square feet, which is less than 30 square feet.

The proposed sign substantially complies with §6.2 and §6.6 of the DDC. Staff recommend the Planning Commission approve sign permit #480-26, as proposed.

RE: Meeting Follow-up

From Trevor March <tmarch@savatree.com>
Date Thu 2/19/2026 5:21 PM
To Jordan Parente <j.parente@durhamoregon.gov>

Jordan, thank you for your time!

To recap from my perspective, the big question on lot two is “is there an alternative design that can preserve the large root from the Fir tree or can one be explored?”. As far as the foam, that is just if the crawlspace is reduced in an alternative design and would be included in the design, so no need for us to speak on it...just background on how it is done.

Please show an alternative design for tree retention and explain why or why not this may or may not work.

For the D. Fir along the roadway and the two D. Fir on lot one nearest the excavation I would state something like “due to the proximity of the excavation, the city requires two applications of a plant health care product to include mycorrhizae along with annual monitoring for two years to ensure the trees health does not decline.” You also have photos of the roots in case you get pushback.

As far as the Cedar, I would ask nearly the same. Is there an alternative design that allows tree preservation for the mature Cedrus Deodar? You and I know there is with what we spoke about, but would be good to see if they come back with anything before dooming the tree in my opinion. Piers and bridging could work here but they may be thinking if that fits their mold and if the tree could scare off prospective buyers.

Hope that helps a bit, and thanks again for your time. Felt bad not taking you back!

Thank You
Trevor



Trevor March
ISA Board Certified Master Arborist PN-5740 BM
Tree Risk Assessment Qualified
Mobile: 503-380-6688
Email: tmarch@savatree.com
Please take a moment to [review us on Google!](#)

From: Jordan Parente <j.parente@durhamoregon.gov>
Sent: Thursday, February 19, 2026 2:58 PM
To: Trevor March <tmarch@savatree.com>
Subject: Meeting Follow-up

You don't often get email from j.parente@durhamoregon.gov. [Learn why this is important](#)
Hi Trevor,

Thank you for meeting with me today and visiting the development sites.

To confirm, the City will request foundation bridging for both sites, and a sufficient explanation as to why this can't be done.

For the Ellman Lane site, the City wants 3 mycorrhizal soil treatments performed at 6 month intervals for the Doug firs preserved along Ellman Lane on Lot 1 and north east corner of Lot 3. The City would also like the taproot for the Doug fir in question on Lot 2 covered by burlap or foam.

Per our conversation, I have attached the application and report for the Deodara Cedar at Durham Heights.

I have also edited the Scope of Work slightly, please note that this is a draft and may still change. This work is to encompass all of Durham's Arbory needs going forward for both the proposed municipal tree ordinance and for development covered by the updated Chapter 5 of the [Durham Development Code](#). I look forward to hearing your feedback on the [proposed municipal tree ordinance](#) and the provided scope of work.

Best regards,

Jordan Parente

City Administrator
City of Durham
17160 SW Upper Boones Ferry Rd
Durham, OR 97224
503-639-6851
503-598-8595 (fax)
www.durham-oregon.us

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City of Durham

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844-26

Website: www.durham-oregon.us
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The City of Durham is characterized by a large number of trees that contribute to the ecology, scenic beauty, and livability of the City. Residents of Durham developed the Tree Ordinance with the intention of preserving as many trees as possible on developed and undeveloped property. Ordinance 228-05 and Chapter 5 of the Land Use Code regulate tree removals. Tree removal applications will be evaluated by criteria in Section 4 of Ordinance 228-05 and Chapter 5 of the Land Use Code.

TREE REMOVAL APPLICATION

Please complete the front and back of this application. Additional information may be requested. One tree per application. Return this form and fee to City Hall. **City staff has the authority to approve tree removals that meet certain criteria. All other tree removal decisions are made by the Planning Commission at their regular meeting on the first Tuesday of each month.** Check with website for submission deadlines. Tree removal decisions may be appealed in writing to the City Council for up to 12 business days following the decision.

FEE:	Type A, B, & D:	\$150.00/tree
	Type C, E, F, & G:	\$250/tree for first 5 trees; \$500/tree for each additional tree

David Weekley Homes 16502 SW Deer Ter, Durham, OR 97224

Property Owner REP DAVID CANNY Site Address _____ Phone Number _____
STEVE PULS 1905 NW 169th Pl, #102 Beaverton, OR 97006
 Applicant (if different from owner) Mailing Address (if different from site address)

Email Address (to communicate the status of your application)

Cutting down a tree larger than 5 inches diameter at breast height without a valid permit is a violation of Ordinance 228-05 and is subject a fine. The property owner is responsible for obtaining approval to cut down a tree. By signing below, the applicant assumes responsibility for the removal of a tree without a valid permit and grants City staff and officials access to the property to observe and evaluate the merits of this application. Permit approval is valid for six months after the date of approval. It is the applicant's responsibility to email City Hall when the tree has been cut down.

Property Owner Signature

Date

2-11-26

Office Use Only: Staff Approval Staff Denial Commission Approval Commission Denial

Finding: Approval of application conforms to the criteria for removal as a type:

A B C D E F G H

Replacement Required Variety/Size Specified _____

Other Conditions _____

Application Fee \$250.00 Receipt Number 331988 Date Paid 02/17/2026

Check only one of the following boxes to describe the reason for the removal of the tree. Attach a report prepared by a by a **CERTIFIED ARBORIST**, if available.

- Type "A" Permit. Tree is dead or obviously diseased.
- Type "B" Permit. A condition of the tree makes it dangerous or potentially destructive to public or private property.
- Type "C" Permit. Removal is required to enlarge the footprint of a structure, add a deck, patio, or other building structure on an already improved lot. A Type "C" permit can only be issued after a building permit for the structure is issued.
- Type "D" Permit. The tree is between 5" and 10" DBH and not permitted under any other permit type. Limited to one tree in a 24-month period.
- Type "E" Permit. Tree is greater than 10" DBH and/or does not qualify under any other permit type. Planning Commission approval is required. Mitigation is required. Please provide a narrative statement addressing the criteria for removal. Refer to the Type E criteria questions.
- Type "F" Permit. Tree is located in a commercial or industrial zone. Planning Commission approval is required.
- Type "G" Permit. Tree is located on previously undeveloped property. Refer to Durham Land Use Code for specifics regarding removal criteria.
- Type "H" Permit. Tree was previously designated as a preserved tree in a tree preservation plan for development.

What is the species and size of the tree proposed to be cut down? one 42-inch DSH deodar cedar (Cedrus deodara)

What is the species and size of the proposed replacement tree? Refer to the City approved tree list for requirements. 2' caliper or greater Scotch pine (Pinus sylvestris) (large-stature)

Additional information that would assist staff/Planning Commission in making a decision on this application: Tree 717 was previously approved for removal with the original approved tree removal permit for the subdivision (see Attachment 1)

In the box below, sketch a bird's eye view of your property including the house, street, driveway, existing trees including trees to be removed, and other significant property features associated with the removal request. Clearly designate the tree to be removed.

See Attachment 2 for plot plan



Todd Prager & Associates LLC

MEMORANDUM

DATE: February 2, 2026
TO: Dave Cady (David Weekley Homes)
FROM: Liliana Morgan, ISA Certified Arborist® PN-9492A
RE: Type E Tree Removal Criteria, Durham Heights, Lot 36

Summary

This memorandum provides Type E tree removal findings to support the removal of one tree at the Durham Heights Subdivision, Lot 36 to allow for construction of a home.

Background

The original tree plan for Durham Heights was completed in 2021 by Portland Tree Consultancy. Our firm was engaged in 2023 to oversee implementation of the approved tree protection plan. During development, efforts were made to preserve additional trees previously approved for removal.

The December 2021 existing conditions and erosion control plan (Attachment 1) shows the subject tree—Tree 717, a 42-inch DSH (Diameter at Standard Height)¹ deodar cedar (*Cedrus deodara*)—highlighted in yellow, as having been approved for removal. Since this tree was not removed within six months of the original approved tree removal permit for the subdivision, a Type E permit is assumed to be required for removal. Attachment 2 is the proposed plot plan for lot 36 which demonstrates the Tree 717 requires removal since it is in the footprint of the proposed house.

Type E Tree Removal Permit Criteria

The following findings address the criteria for issuance of Type E tree removal permits found in the City of Durham Code. The applicable Type E removal criteria are numbered and corresponding findings are in *italics*.

1. Does the condition of the tree present a hazard such as a danger of falling, proximity to existing or proposed structures, interference with utility

¹ Diameter at Standard Height is the trunk diameter at 4.5 feet above ground level, also known as Diameter at Breast Height (DBH).

services or traffic safety, and risks to life or property? An arborist report is necessary to demonstrate the hazard potential.

Finding: This criterion is not applicable since the tree is not considered hazardous.

2. Is it necessary to remove the tree to construct a proposed improvement? If the tree removal is necessary to build an improvement, then submit a site map showing the proposed location of the improvement. Clarify how the tree you plan to remove impacts your proposed improvement. Describe potential alternatives to build the improvement without removing the tree and why those alternatives do not work.

Findings: David Weekley Homes has designed a house for Lot 36. Based on the location of the sewer easement and the side yard setbacks, there is no alternative location to shift the house where tree 717 is not within the footprint (see Attachment 2). Therefore, this criterion is met.

3. What is 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? Will cutting down the tree increase erosion or runoff or expose nearby trees to more wind? How will cutting down the tree affect the balance between shade and open space? Is the tree adjacent to an upland wooded corridor or streamside vegetated corridor?

Findings: The removal of tree 717 will not have a significant negative impact on erosion, soil retention, flow of surface waters, protection of adjacent trees, existing windbreaks, or balance between shade and open space. The proposed removal of tree 717 is expected to have insignificant impacts on adjacent trees or existing windbreaks, as it does not share crown area with the adjacent offsite stand of trees to the north to remain. An erosion control plan will be put in place to prevent erosion and protect soil stability during and after construction. The offsite trees to be retained and mitigation tree to be planted will further prevent erosion and stabilize soils. The balance between shade and open space will not be significantly affected by the proposed tree removal since the stand of offsite trees to the north will remain and a new large stature mitigation tree will be planted to replace lost canopy over time. The tree proposed for removal is not adjacent to a mapped natural resource zone, natural resource overlay zone, stream corridor, or channeled surface water flow. Therefore, this criterion is met.

4. What is the effect of the tree removal on the number of trees existing on the property and in the neighborhood? What are the sizes of the trees that would remain on the property? What is the impact of the tree removal on the neighborhood characteristics, beauty and property values?

- a. Does the tree have distinctive character? Is it the only tree remaining tree on a property? Is the tree an Oregon white oak (*Quercus garryana*)?

Findings: At 42-inches DSH, Tree 717 is not considered an above-average size for a mature deodar cedar. The species is commonly planted in urban environments and is not native to the region. The tree was previously approved for removal with the original approved tree removal permit for the subdivision (see Attachment 1); however, it was left to remain during site development work. While it is the only tree remaining on lot 36, over 170 trees on and directly adjacent to the Durham Heights Subdivision have been retained. Therefore, this criterion is met.

- b. Would removing the tree change the neighborhood skyline, as viewed from all public streets and properties within 300 ft. of the property? Does the tree serve as a visual screen between a residential zone and an abutting nonresidential zone or major arterials? Is the tree greater than 50% of a stand of trees?

Findings: The removal of tree 171 will not result in a change to the neighborhood skyline as viewed from all public streets and properties within 300 feet of the property since the stand of trees to the north of the property will remain. Tree 171 does not serve as a visual screen between zones, as the subject property (lot 36) and the abutting property to the north are both zoned Single-Dwelling Residential (SDR). The adjacent stand of offsite trees will remain undisturbed and continue to provide a visual screen between SW Upper Boones Ferry Road and the Durham Heights Subdivision. Tree 171 does not share canopy space with the stand of trees to the north. Its removal will not result in the loss of more than 50 percent of a stand of trees. Therefore, this criterion is met.

5. What is the species of tree that you are planning to plant to replace the tree? Where do you plan to plant it? Provide a map showing location and species of the tree to be planted.

*Findings: With an average crown radius of 20-to-40 feet, deodar cedar could be considered medium-to-large stature trees. A mitigation tree selected from the City's lists of medium- or large-stature trees will be planted to replace tree 717. A Scotch pine (*Pinus sylvestris*) is proposed as the mitigation tree species. The tree shall be planted no closer than 15 feet from the foundation of the proposed home and no closer than six feet from paved surfaces (see Attachment 2).*

6. Is the tree diseased? An arborist report is necessary to demonstrate this criterion.

· *Findings: This criterion is not applicable since the tree is not diseased.*

7. Is the tree dead? A photo of the tree is required.

Findings: This criterion is not applicable since the tree is not dead.

Please contact me if you have questions, concerns, or need any additional information.

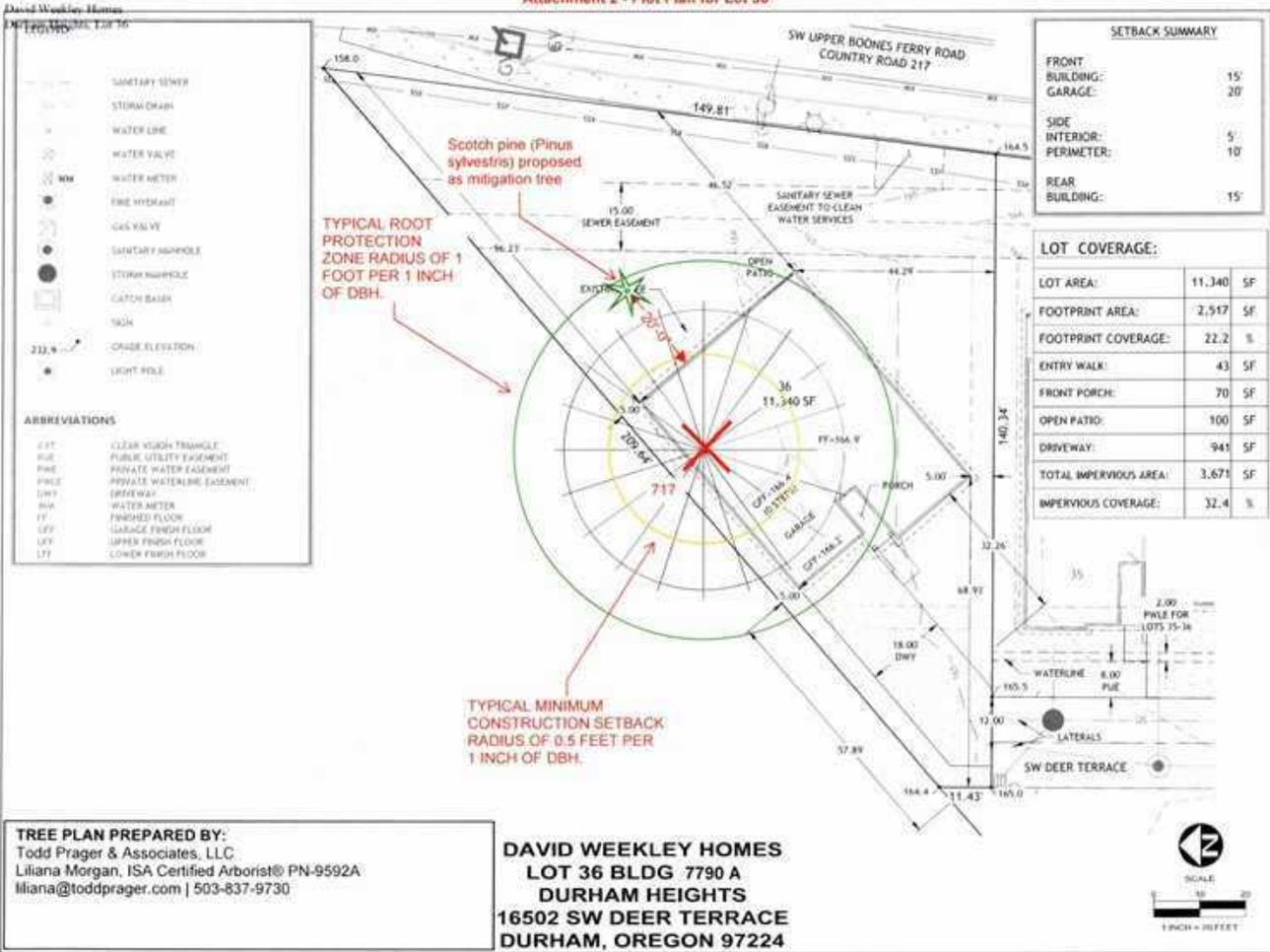
Sincerely,



Liliana Morgan
ISA Certified Arborist®, PN-9492A
ISA Tree Risk Assessment Qualified
ASCA Tree and Plant Appraisal Qualified
Todd Prager & Associates, LLC
503.837.9730 | liliana@toddprager.com

Enclosures: Attachment 1 – Existing Conditions and Erosion Control Plan (2021)
Attachment 2 – Plot Plan for Lot 36
Attachment 3 – Photo of Tree 717

Attachment 2 - Plot Plan for Lot 36



1224 SW Main Street
 Portland, OR 97205
 (503) 441-1999

DATE: 02/02/2020

REVISIONS:

NO.	DATE	DESCRIPTION

PLAN

DURHAM HEIGHTS

PLOT PLAN LOT 36

PROJECT NO.: 19048

DATE: 02/02/2020

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

Attachment 3 – Photo of tree 717



Figure 1: Tree 717, a 42-inch DSH (Diameter at Standard Height) deodar cedar (*Cedrus deodara*) is proposed for removal to allow for the construction of a home on Lot 36 of the Durham Heights Subdivision.



City of Durham

17160 SW Upper Boones Ferry Road
Durham, Oregon 97224

Jordan Parente - City Administrator

NOTICE OF LAND USE ACTIONS

website: durham-oregon.us
e-mail: cityofdurham@comcast.net
phone: 503.639.6851

Wyatt Bean - Administrative Assistant

CITY OF DURHAM PUBLIC NOTICE

NOTICE IS HERE GIVEN THAT an application for tree removals will be heard by the Durham Planning Commission at or shortly after 7:00 P.M. on March 10th, 2026, to consider the following request:

- Request: Tree removal applications #844-26 which requests the removal of one 42” at Diameter Breast Height (DBH) Deodar Cedar tree.
- Property Location: 16502 SW Deer Terrace, Durham, OR
- Applicable Criteria: The review and approval criteria for the proposal are provided in the Durham Development Code (DDC) under Chapter 5 Tree Protection; DDC 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.

The Planning Commission meeting on this matter will be conducted pursuant to rules of procedure adopted by the City Council. Oral and written testimony in favor of or in opposition to the request will be received during the meeting. Written testimony may also be submitted in advance of the meeting to the City Administrator no later than March 6, 2026, by 4:00 P.M.

Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond to the issue precludes appeal on said issue to the State Land Use Board of Appeals, or to seek damages in circuit court due to a condition of approval.

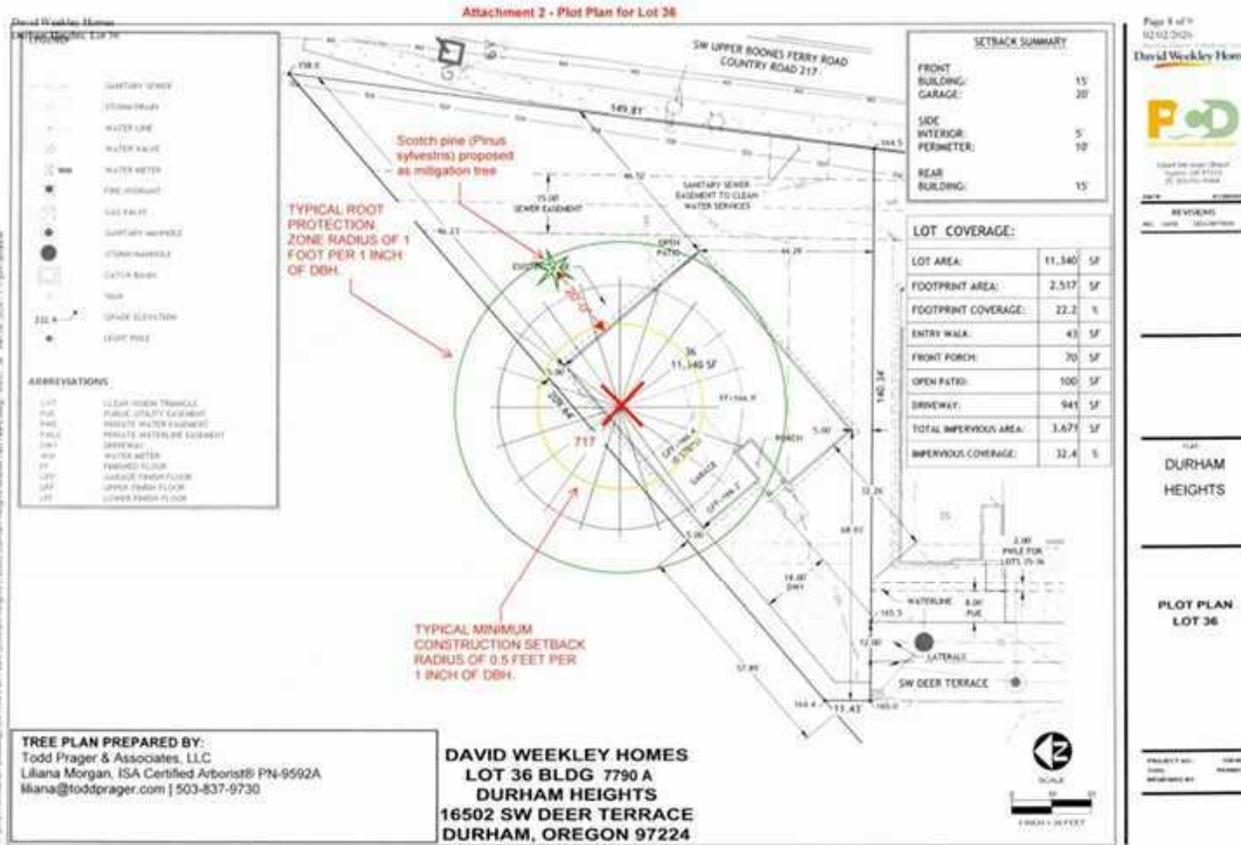
The application and pertinent documents are available for inspection at no cost (copies provided at reasonable cost) at Durham City Hall, 17160 S.W. Upper Boones Ferry Road, Durham, OR, during normal business hours. Contact Jordan Parente, City Administrator, at (503) 639-6851 for a Zoom link or additional information. All interested parties are invited to attend and be heard.

The decision will be posted on the City website (www.durham-oregon.us) in the “Notice of Land Use Actions” section.

CITY OF DURHAM

By: Jordan Parente
City Administrator

NOTICE OF LAND USE ACTION



16502 SW DEER TERRACE

PROPOSED TREE REMOVAL #844-26; 42" DIAMETER AT BREAST HEIGHT DEODAR CEDAR



City of Durham

17160 SW Upper Boones Ferry Road
Durham, Oregon 97224

website: durham-oregon.us
e-mail: cityofdurham@comcast.net
phone: 503.639.6851

Jordan Parente - City Administrator

Wyatt Bean - Administrative Assistant

STAFF REPORT: FEBRUARY 24th, 2026

APPLICATION FILE: #844-26

REQUEST: Approval to remove one Deodar Cedar 42” diameter breast height (DBH) from the applicant’s lot.

OWNER/APPLICANT: David Weekly Homes
1905 NW 169th Place – Suite 102
Beaverton, OR 97006

SITE LOCATION: 16502 SW Deer Terrace

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

On February 17th, 2026, the City received an application to remove one 42” DBH Deodar Cedar from 16502 SW Deer Terrace (Lot 36 of Durham Heights) from Mr. Dave Cady of David Weekly Homes (DWH) as a Type “E” permit. The tree was labeled Tree 717 under the development’s Type “G” permit 678-23 permit and was slated to be removed during development but was preserved. DWH intends to build a home at 16502 SW Deer Terrace. DWH arborist, Todd Prager, states that the tree needs to be removed because of a sewer easement to the north.

The Durham Heights Development was permitted to remove 498 trees under tree removal permit 678-23 and 170 trees were “preserved”. No mitigation was required under this permit. DWH subsequently removed an additional three mature Douglas fir trees under tree removal permits 776-24, 777-24 and 778-24 to construct homes on Lots 9 and 10. Three mitigation trees were required but have not been planted, to date.

One February 19, 2026, the City Administrator and the City Arborist visited the location. The City Arborist asks of the applicant if “there an alternative design that allows tree preservation for the mature Cedrus Deodar?”

The City Administrator believes that the application should be a Type “G” permit. Also, the development should provide an updated tree removal inventory to ensure it has not exceeded the 35% canopy removal.

On February 24th, 2026, the City delivered public notice of land use action to properties within 300’ and posted notice at City Hall. The tree removal application is scheduled to be heard at the regular meeting of the City of Durham Planning Commission on March 10th, 2026.

FACTS, ANALYSIS & FINDINGS

1. DDC Chapter 5 Tree Protection, Section 5.7

Type “G” Permit. For Previously Undeveloped Property.

FACTS AND ANALYSIS:

- *16502 SW Deer Terrace is newly created lot 36 of Durham Heights development.*
- *One 42” DBH Deodar Cedar (tree 717) was permitted to be removed under tree removal permit #678-23 but was preserved.*
- *DWH intends to build a home at 16502 SW Deer Terrace and subsequently applied to remove “tree 717” as a Type “E” permit, and provided a report from project arborist Todd Prager that the tree is in the way because of a sewer line to the north.*
- *The City Administrator is processing the permit as a Type “G”.*

FINDINGS: The Planning Commission finds that (these tree removal permits are/are not a Type G permit type).

2. DDC Chapter 5 Tree Protection, section 5.10

Permit types “A” through “D” shall be reviewed by a Type 1 process. All other permits for the removal of a tree or trees shall be by a Type 2 process.

FINDINGS: The Planning Commission finds that (these permit applications should/should not be processed as a Type 2 process.)

3. 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 people but without a public hearing.

Section 9.6.1: A Type 2 process applies to non-emergency tree removal(s).

FACTS AND ANALYSIS:

- The tree removal application is on the agenda for the March 10th, 2026, meeting of the Planning Commission.
- Notices were delivered to properties within 300’ of the applicant.
- The City has published and posted Public Notices as of February 24th, 2026.

FINDINGS

FINDINGS: The Planning Commission finds that (this (these) permit application(s) has/has not been processed as a Type 2 Process).

4. DDC Chapter 5 Tree Protection, section 5.7.1 Tree Preservation Plan

Separate Type “G” permit applications shall be submitted for a land division and installation of required infrastructure as well as for installation of utilities and structural building permits on each lot at the time the lot applies for a building permit.

The applicant shall submit with the initial application a tree preservation plan prepared by a certified arborist with a narrative as to how the plan will affect tree preservation.

FACTS AND ANALYSIS:

- *Tree removal permit 678-23 was issued to the developer of Durham Heights, Durham Land Holdings.*
- *Permit 678-23 had a tree preservation plan from arborist Todd Prager and Associates. The tree removal permit is only valid for 6 months.*
- *One Deodar cedar was approved for removal under permit 678-23 but was not removed.*
- *Three Douglas-fir trees, 776-24, 777-24 and 778-24, were subsequently approved for removal.*
- *The applicants did not provide a tree preservation plan.*

STAFF COMMENT: The lot is vacant and does not have tree protection fencing.

FINDINGS: The Planning Commission finds that (the applicant has/has not provided a tree preservation plan).

5. DDC Chapter 9 Procedures, Section 9.6 Type 2 Process & Criteria

5.7.2 An applicant shall attempt to preserve existing trees on a site by varying the site design, as provided elsewhere in this Code, and by the following means, whichever are applicable:

5.7.2.1 Specific measures for tree preservation and protection during all phases of construction, including: excavation, grading and filling, repair and removal of trees, pruning and structural support, fertilization and aeration;

5.7.2.2 Use of tree protection zone or construction zone tape with tree fencing;

5.7.2.3 All tree related decisions and activity to be approved by the City's arborist;

5.7.2.4 All preserved tree health determinations, other than construction damage, to require core samples or other non-harmful procedures;

5.7.2.5 Authorize the City to stop work for any violation of the approved plan;

5.7.2.6 Require the contractor to acknowledge the approved tree protection plan in writing prior to any on-site tree removal, with a copy of the same provided to the City;

5.7.2.8 Repair any damage to a preserved tree in a timely manner;

5.7.2.9 Coordinate the project grading with the City's Arborist to identify possible preservation of additional trees not shown on the application;

FACTS AND ANALYSIS:

- *Project arborist Todd Prager recommends the removal of the one Deodar cedar because their root zone will be impacted by the construction of the home located at 16502 SW Deer Terrace.*
- *The lot is 11,340 square feet and the tree encroaches the building envelope, as designed.*

STAFF COMMENT: The Planning Commission may decide if the applicant requires a tree preservation plan to continue development of this lot.

FINDINGS: The Planning Commission finds that (the applicant has/has not addressed the requirements for preserving existing trees).

6. DDC Chapter 9 Procedures, Section 9.6 Type 2 Process & Criteria

Removed trees shall be replaced with mitigation trees to the extent that at maturity they equal the canopy being removed or mature canopy coverage equivalent to 35% of the square footage of the lot, whichever is less. Mature canopy coverage shall be set forth on the City's tree list based on the tree species, or as otherwise determined by the City Administrator.

Preservation of existing trees in good condition, suitable for preservation and of appropriate species, shall receive a 200% credit based on their existing canopy area. Planting of native species shall receive a credit of 125% of mature canopy.

(Example: A 10,000 s.f. lot would require 3,500 s.f. of canopy. An existing Black Hawthorne has 314 s.f. of existing canopy. This property would receive a credit of 628 s.f. leaving 2,872 s.f. that will need to be mitigated for with new plantings.)

FACTS AND ANALYSIS:

- *498 trees were permitted for removal under permit 678-23, including these three trees and 170 were “preserved”; the City did not require mitigation.*
- *Three additional Douglas fir trees were removed under tree removal permits 776-24, 777-24 and 778-24 to construct homes on lots 9 and 10.*
- *Preserved trees in good condition have been granted 200% canopy credit.*
- *The applicant did not provide an updated canopy calculation and may have removed more than the allotted 35% canopy.*
- *As Type “G” tree removal applications, these trees require mitigation.*
- *The applicant would like to mitigate this tree with a Scotch Pine, which is not sufficient according to the City Arborist.*

FINDINGS: The Planning Commission finds that (mitigation should/should not be required).

7. 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: Not applicable

Criteria B: The applicant states that DWH has designed a house for Lot 36. Based on the location of the sewer easement and the side yard setbacks, there is no alternative location to shift the house where tree 717 is not within the footprint.

STAFF COMMENT: The City Arborist asks if “there an alternative design that can preserve the large root from the Fir tree or can one be explored?” Potentially the foundation can be bridge and/or the home can be oriented closer to the east property line.

Criteria C: This criterion is met, however, the City Arborist does not find that a Scotch Pine would be a sufficient mitigation tree for a mature Deodar cedar.

Criteria D: The applicant states that at “42-inches DSH, Tree 717 is not considered an above average size for a mature deodar cedar. The species is commonly planted in urban environments and is not native to the region. The tree was previously approved for removal with the original approved tree removal permit for the subdivision... however, it was left to remain during site development work. While it is the only tree remaining on lot 36, over 170 trees on and directly adjacent to the Durham Heights subdivision have been retaining. Therefore, the criterion is met.”

The applicant further states that the tree would not change the view of the skyline and does not serve as a screen.

STAFF COMMENT: Staff find this mature 42” DBH Deodar cedar to have distinctive character. More than 500 trees have been removed for the development of Durham Heights.

Criteria E: The applicants have expressed willingness to mitigate for the removed tree with a Scotch Pine.

STAFF COMMENT: The City Arborist does not find a Scotch Pine as a suitable mitigation tree.

Criteria F: The tree is not diseased.

Criteria G: The tree is not dead.

FINDINGS

Based upon the category of a Type “G” 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 844-26 be denied.
- OR*
- 2) I move that tree removals 844-26 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.



City of Durham

17160 SW Upper Boones Ferry Rd.
Durham, Oregon 97224

#845-26

Website: www.durham-oregon.us
e-mail: cityofdurham@comcast.net
503.639.6851

The City of Durham is characterized by a large number of trees that contribute to the ecology, scenic beauty, and livability of the City. Residents of Durham developed the Tree Ordinance with the intention of preserving as many trees as possible on developed and undeveloped property. Ordinance 228-05 and Chapter 5 of the Land Use Code regulate tree removals. Tree removal applications will be evaluated by criteria in Section 4 of Ordinance 228-05 and Chapter 5 of the Land Use Code.

TREE REMOVAL APPLICATION

Please complete the front and back of this application. Additional information may be requested. One tree per application. Return this form and fee to City Hall. **City staff has the authority to approve tree removals that meet certain criteria. All other tree removal decisions are made by the Planning Commission at their regular meeting on the first Tuesday of each month.** Check with website for submission deadlines. Tree removal decisions may be appealed in writing to the City Council for up to 12 business days following the decision.

FEES: Type A, B, & D: \$150.00/tree
Type C, E, F, G, & H: \$250.00/tree for first 5 trees; \$500.00/tree for each additional tree

BROD + BROIDA HENRY 7888 SW Ellman LN _____
 Property Owner Site Address Phone Number

_____ 17230 SW WITHRIMBLE CT _____
 Applicant (if different from owner) Mailing Address (if different from site address)

_____ _____
 Email Address (to communicate the status of your application)

Cutting down a tree larger than 5 inches diameter at breast height without a valid permit is a violation of Ordinance 228-05 and is subject a fine. The property owner is responsible for obtaining approval to cut down a tree. By signing below, the applicant assumes responsibility for the removal of a tree without a valid permit and grants City staff and officials access to the property to observe and evaluate the merits of this application. Permit approval is valid for six months after the date of approval. It is the applicant's responsibility to email City Hall when the tree has been cut down.

_____ 2-18-26 _____
 Property Owner Signature Date

Office Use Only: Staff Approval Staff Denial Commission Approval Commission Denial

Finding: Approval of application conforms to the criteria for removal as a type:

A B C D E F G H

Replacement Required Variety/Size Specified _____

Other Conditions _____

Application Fee \$250.00 Receipt Number 331992 Date Paid 02/19/2026

MEMORANDUM

To: Clint Welsh – Principal, Spartan Redevelopment
From: Kyle Offerdahl – Principal, Pacific Consulting Arborists
Date: February 2, 2026
Re: Tree 22 Removal Recommendation

Summary:

Pacific Consulting Arborists LLC coordinated on-site monitoring for excavations at Parcel 2 on February 13, 2026. The primary objective was to oversee excavations within the Critical Root Zones (CRZ) of protected specimens and manage root conflicts. During oversight of the foundation and footer excavations near tree 22, a significant structural root conflict was identified regarding Tree 22 (50-inch DBH Douglas-fir).

Observations of Foundation Excavation:

During excavation south and west of Tree 22, significant structural roots were uncovered at a depth of 30 inches. While several roots ranging from 4 to 11 inches were initially identified for retention to maintain stability, a critical conflict has arisen. Excavation revealed a major 9-inch diameter root that is responsible for most of the tree's anchorage in direct conflict with the proposed foundation.

Infrastructure Conflict:

According to the project architect and engineer, it is not feasible to make design changes to accommodate this root without risking future infrastructure damage.

Risk Assessment:

Likelihood of Failure: The removal of the 9-inch structural root within a 16-foot radius of the trunk would increase the likelihood of failure for Tree 22 to **probable**.

Impact of Failure: Given the tree's size and location, a "ball-and-socket" failure or windthrow event would likely result in the tree falling onto or through the neighboring property home with a **severe consequence of failure**.

Recommendation:

Because the design cannot be adjusted and the tree's anchoring capacity would be critically compromised by the necessary root pruning, I recommend Tree 22 for **removal**. Retaining this tree after severing its primary anchorage root would constitute an unacceptable risk of windthrow, especially during high-wind or saturated-soil events.

Conclusion

The monitoring conducted on February 13, 2026, has confirmed that the structural integrity of Tree 22 cannot be maintained alongside the current development plan. The structural requirements of tree 22 cannot be met if its primary support system is removed.

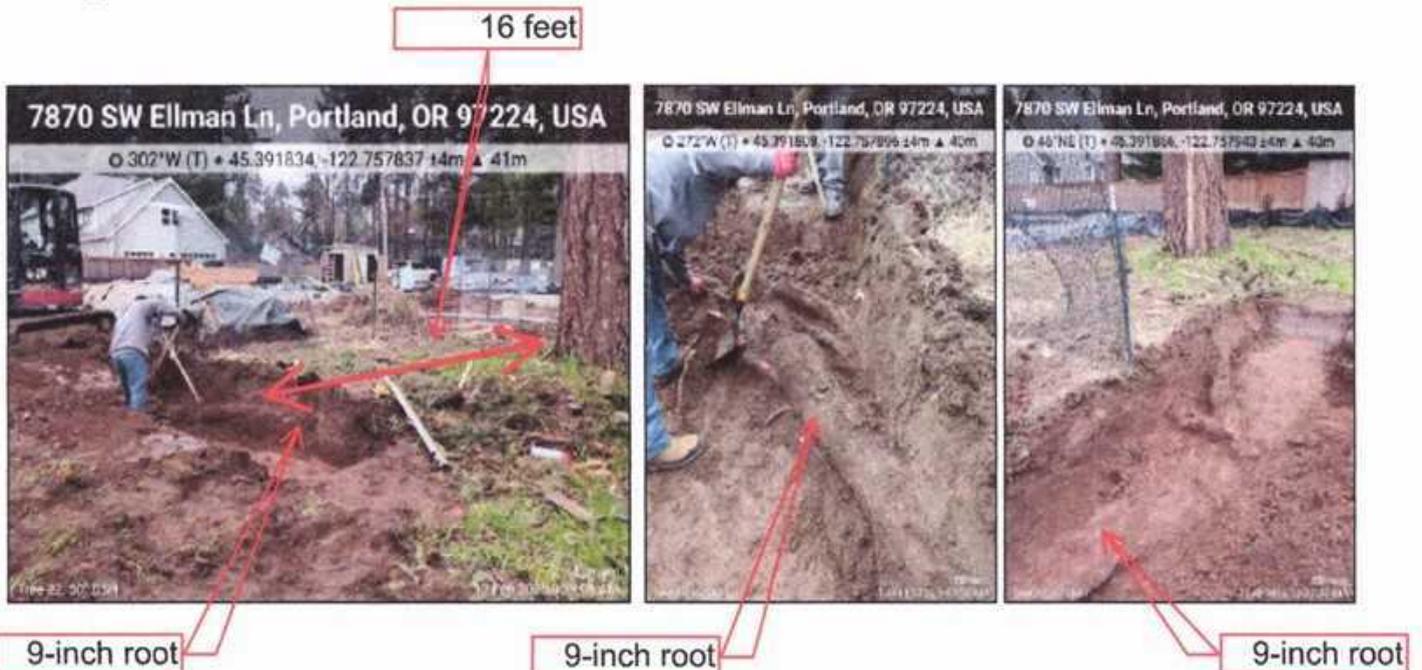
Kyle Offerdahl, Owner / Principal Consultant



Kyle Offerdahl

- ✓ ASCA Registered Consulting Arborist – RCA 714
- ✓ ASCA Tree and Plant Appraisal Qualified - TPAQ
- ✓ ISA Board Certified Master Arborist – MA-5185B
- ✓ ISA Urban Forest Professional – MA-5185M
- ✓ ISA Tree Risk Assessment Qualified - TRAQ

Appendix Photos:





City of Durham

17160 SW Upper Boones Ferry Road
Durham, Oregon 97224

Jordan Parente - City Administrator

NOTICE OF LAND USE ACTIONS

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phone: 503.639.6851

Wyatt Bean - Administrative Assistant

CITY OF DURHAM PUBLIC NOTICE

NOTICE IS HERE GIVEN THAT an application for tree removals will be heard by the Durham Planning Commission at or shortly after 7:00 P.M. on March 10th, 2026, to consider the following request:

- Request: Tree removal applications #845-26 which requests the removal of one 50” at Diameter Breast Height (DBH) Douglas fir tree.
- Property Location: 7888 SW Ellman Lane, Durham, OR
- Applicable Criteria: The review and approval criteria for the proposal are provided in the Durham Development Code (DDC) under Chapter 5 Tree Protection; DDC 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.

The Planning Commission meeting on this matter will be conducted pursuant to rules of procedure adopted by the City Council. Oral and written testimony in favor of or in opposition to the request will be received during the meeting. Written testimony may also be submitted in advance of the meeting to the City Administrator no later than March 6, 2026, by 4:00 P.M.

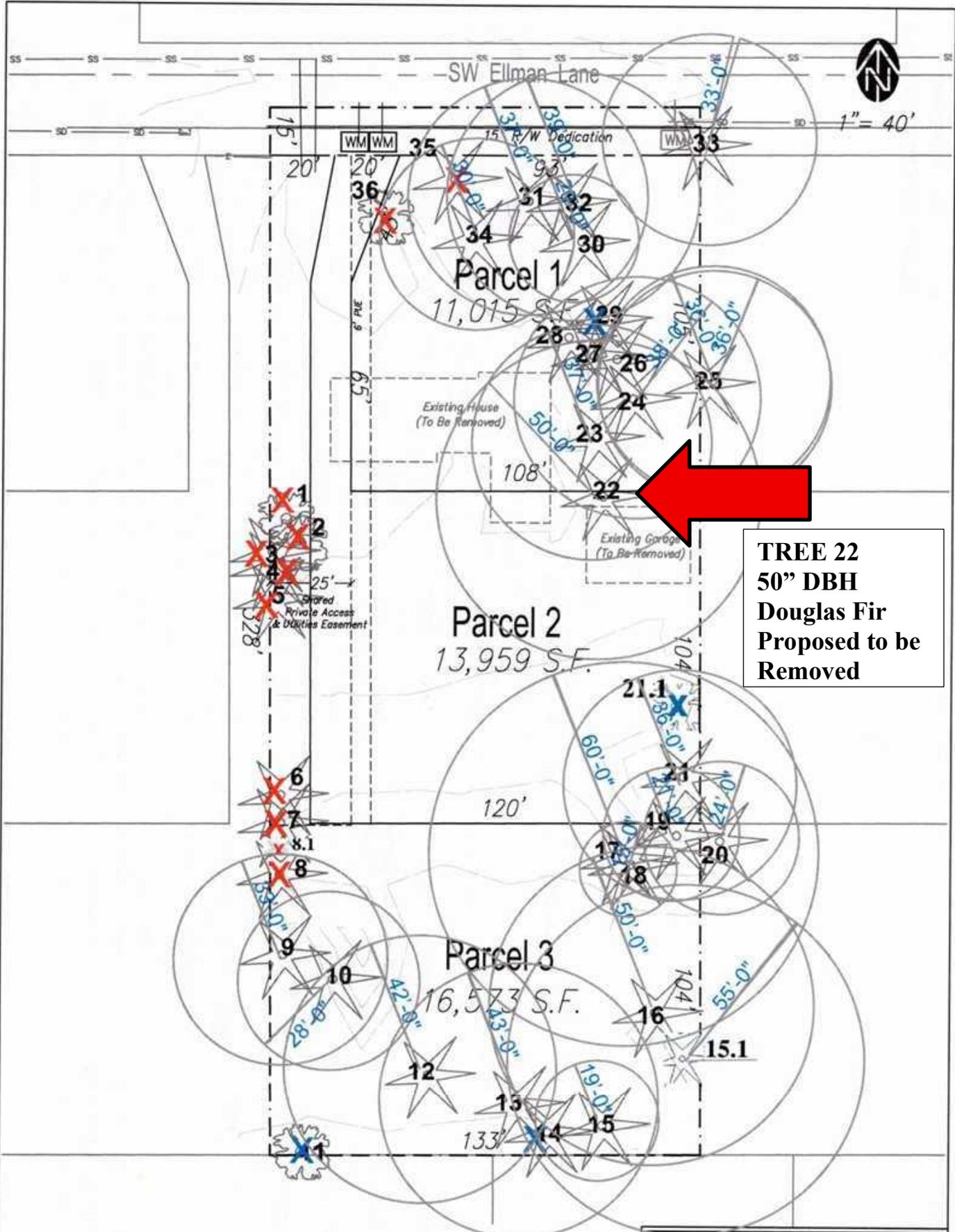
Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond to the issue precludes appeal on said issue to the State Land Use Board of Appeals, or to seek damages in circuit court due to a condition of approval.

The application and pertinent documents are available for inspection at no cost (copies provided at reasonable cost) at Durham City Hall, 17160 S.W. Upper Boones Ferry Road, Durham, OR, during normal business hours. Contact Jordan Parente, City Administrator, at (503) 639-6851 for a Zoom link or additional information. All interested parties are invited to attend and be heard.

The decision will be posted on the City website (www.durham-oregon.us) in the “Notice of Land Use Actions” section.

CITY OF DURHAM

By: Jordan Parente
City Administrator



TREE 22
50" DBH
Douglas Fir
Proposed to be
Removed

Tentative Plan – SW Ellman Partition

2S-1-13CD Tax Lot 700 7870 SW Ellman Ln.
 City of Durham Mr. Clint Welsh July 2024

WESTLAKE
 CONSULTANTS INC.
 ENGINEERING • SURVEYING • PLANNING
 PACIFIC CORPORATE CENTER
 1815 S.W. BROADWAY, SUITE 100 (503) 604-0858
 TIGARD, OREGON 97138 FAX (503) 604-0107



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Jordan Parente - City Administrator

Wyatt Bean - Administrative Assistant

STAFF REPORT: MARCH 3, 2026

APPLICATION FILE #: 845-26

REQUEST: To obtain approval to remove one (1) Douglas fir, *Pseudotsuga menziesii*, trees, 50” Diameter Breast Height (DBH) or greater, to construct new single-family dwelling on newly created Parcel 2 of 7870 SW Ellman Lane.

OWNERS/APPLICANTS: Brad and Brenda Henry
7888 SW Ellman Lane
Durham, OR 97224

SITE LOCATION: 7888 SW Ellman Lane

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 applicant is proposing to remove one (1) Douglas fir, *Pseudotsuga menziesii*, trees to construct a new single-family dwelling on 7888 SW Ellman Lane. This 13,961 square foot lot is parcel two of the minor partition of 7870 SW Ellman Lane. The project arborist uncovered a significant structural root anchoring Tree 22 from the south, a 50” DBH Douglas fir tree. This application proposes to remove 1,963 square feet of real tree canopy, leaving 1,963 square feet of actual tree canopy on this lot (Tree 21). Under Durham tree code, the applicant must leave 35% canopy but receives 200% credit for preserved trees. This means the applicant receives credit of 3,926 square feet of canopy on this lot. For the total project, the original canopy calculation is 58,828 and 40,823 square feet of canopy was removed, which equals 38,010 square feet of total remaining canopy with the 200% credit. The City arborist asks if is “there an alternative design that can preserve the large root from the Fir tree or can one be explored?” No trees are proposed to be planted as mitigation, according to the arborist report.

FACTS, ANALYSIS & FINDINGS

1. DDC Chapter 5 Tree Protection, Section 5.7

Type “G” Permit is for previously undeveloped property.

FACTS AND ANALYSIS

- This parcel was created as part of a three-lot partition. The proposed tree removal is associated with the construction of one new single-family home.

FINDINGS: The Planning Commission finds that (this tree removal permit is/is not a Type G permit).

2. DDC Chapter 5 Tree Protection, Section 5.10

Permit types “A” through “D” shall be reviewed by a Type 1 process. All other permits for the removal of a tree or trees shall be by a Type 2 process.

FINDINGS: The Planning Commission finds that (this tree removal permit application should/should not be by a Type 2 process).

3. DDC Chapter 9 Procedures, Section 9.6 Type 2 Process

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 a non-emergency tree removal.

FACTS AND ANALYSIS:

- The tree removal application is on the agenda for the March 10th, 2026, meeting of the Planning Commission.
- The city has published and delivered Public Notice to affected persons as of February 24, 2026.

FINDINGS: The Planning Commission finds that (this permit application has/has not been processed as a Type 2 Process).

4. DDC Chapter 5 Tree Protection, section 5.7.1 Tree Preservation Plan

Separate Type “G” permit applications shall be submitted for a land division and installation of required infrastructure as well as for installation of utilities and structural building permits on each lot at the time the lot applies for a building permit.

The applicant shall submit with the initial application a tree preservation plan prepared by a certified arborist with a narrative as to how the plan will affect tree preservation.

FACTS AND ANALYSIS:

- The tree preservation plan was submitted under Tree Removal Permit 756-24 and tree protection is in place.

FINDINGS: The Planning Commission finds that (the applicant has/has not provided a tree preservation plan).

5. DDC Chapter 5 Tree Protection, section 5.7.2

An applicant shall attempt to preserve existing trees on a site by varying the site design, as provided for elsewhere in this Code, and by the following means, whichever are applicable:

5.7.2.1 Specific measures for tree preservation and protection during all phases of construction, including excavation, grading and filling, repair and removal of trees, pruning and structural support, fertilization and aeration;

- 5.7.2.2 Use of tree protection zone or construction zone tape with tree fencing;
- 5.7.2.3 All tree related decisions and activity to be approved by the City's arborist;
- 5.7.2.4 All preserved tree health determinations, other than construction damage, to require core samples or other non-harmful procedures;
- 5.7.2.5 Authorize the City to stop work for any violation of the approved plan;
- 5.7.2.6 Require the contractor to acknowledge the approved tree protection plan in writing prior to any on-site tree removal, with a copy of same provided to the City.
- 5.7.2.7 Repair any damage to a preserved tree in a timely manner.
- 5.7.2.8 Employ an Arborist to prevent harm from construction activity to a tree to be preserved on the site;
- 5.7.2.9 Coordinate the project grading with the City's Arborist to identify possible preservation of additional trees not shown on the application;

FACTS AND ANALYSIS:

- The project arborist states tree number 22 needs to be removed to accommodate the construction of a new home as a 9” diameter root was discovered during excavation.
- This root is the tree’s main support from the south.
- The tree was originally preserved under development of the lot and now removal is sought.
- The City of Durham highly values tree canopy and tree preservation.

STAFF COMMENT: Tree #22 is proposed to be outside of the building footprint. No alternative design was provided.

FINDINGS: The Planning Commission finds that (the applicant has/has not addressed the requirements for preserving existing trees).

6. DDC Chapter 5 Tree Protection, section 5.8 Mitigation Required

Removed trees shall be replaced with mitigation trees to the extent that at maturity they equal the canopy being removed or mature canopy coverage equivalent to 35% of the square footage of the lot, whichever is less. Mature canopy coverage shall be as set forth on the City's tree list based on the tree species, or as otherwise determined by the City Administrator.

Preservation of existing trees in good condition, suitable for preservation and of appropriate species, shall receive a 200% credit based on their existing canopy area. Planting of native species shall receive a credit of 125% of mature canopy.

(Example: A 10,000 s.f. lot would require 3,500 s.f. of canopy. An existing Black Hawthorne has 314 s.f. of existing canopy. This property would receive a credit of 628 s.f., leaving 2,872 s.f. that will need to be mitigated for with new plantings.)

FACTS AND ANALYSIS:

- The lot is 13,961 square feet. Thirty-five percent canopy coverage is 4,886 square feet, however, 1,963 of real canopy remains on this lot, which equals 3,926 with 200% consideration of retained canopy.
- This parent parcel is 45,560 square feet with 19,005 square feet of real canopy remaining.

- Under Durham tree code, the applicant must leave 35% canopy (15,946 square feet) and receives 200% credit for preserving trees. This equals 38,010 square feet of tree canopy for the 3-lot minor partition with 200% consideration of the retained canopy.
- No trees are proposed to be planted as mitigation per the arborist report.

STAFF COMMENT: City tree code allows the decision maker to determine mitigation.

FINDINGS: The Planning Commission finds that (mitigation/no mitigation should be required).

7. 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.

- 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.*
- The necessity to remove trees to construct proposed improvements or to otherwise utilize the applicant's property in an economically beneficial manner.*
- 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.*
- 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.*
- 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.*
- The tree is diseased.*
- The tree is dead.*

FACTS AND ANALYSIS:

Criteria A: The tree is in good condition.

Criteria B: Tree 22 is not within the proposed footprint of the new home; however, the applicant is requesting its removal to facilitate construction.

STAFF COMMENT: The City Arborist asks if “there an alternative design that can preserve the large root from the Fir tree or can one be explored?”

Criteria C: The application does not speak to the topography of the property, nor, adverse effects of soil retention, stability of earth, flow of surface water, protection of nearby trees, windbreak and a desirable balance between shade and open space.

STAFF COMMENT: The topography of the lot is flat and soil retention and earth stability is unlikely to be affected. However, the removal of these trees will increase surface water and light.

Criteria D: The applicant does not reference the neighborhood trees, nor the effect of tree removal on neighborhood characteristics, beauty or property values.

Criteria E: The applicant does not propose any mitigation.

Criteria F: N/A

Criteria G: N/A

FINDINGS: Based upon the category of a Type G removal permit the City finds that the following criteria are applicable:

The Planning Commission finds that the following applicable criteria have been met:

POTENTIAL MOTION:

I move that tree removal permit #845-26 (*be approved/not approved*) with the condition(s) that _____ (suggestion would be to include the City Arborist recommendation in Criteria)