



# 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 24<sup>th</sup>, 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 169<sup>th</sup> 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 17<sup>th</sup>, 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.

On 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 24<sup>th</sup>, 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 10<sup>th</sup>, 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 10<sup>th</sup>, 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 24<sup>th</sup>, 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.