



City of Durham

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

Jordan Parente - City Administrator

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Wyatt Bean - Administrative Assistant

PLANNING COMMISSION AGENDA

City Hall, Tuesday, April 14th, 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 March 10, 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 three minutes.

E. TREE REMOVAL REQUEST 846-26 GIBBONS 8257 SW KINGFISHER WAY (pages 4-14)

Motion required

F. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES

G. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION

➤ Tuesday, May 12th, 2026, Regular Meeting of the Planning Commission at 7:00 p.m. (Durham City Hall)

H. ADJOURN



City of Durham
PLANNING COMMISSION MINUTES
March 10, 2026

A. CALL TO ORDER.

Vice Chair Matt Winkler opened the meeting at 7:00 PM at Durham City Hall.

B. ROLL CALL.

Commissioners present: Vice Chair Matt Winkler, Commissioners Patricia Saab, Andrew Mast, and Krista Bailey.

Commissioners absent: Planning Chair Susan Deeming, Commissioners Forrest Boleyn and Cheri Frazell.

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

C. APPROVAL OF MEETING MINUTES.

The Commission considered approval of the prior meeting minutes. With no discussion offered, Commissioner Saab moved to approve the minutes as presented, and Commissioner Mast seconded the motion. The minutes were approved unanimously (4-0).

MO 031026-01

D. PUBLIC FORUM.

Vice Chair Winkler opened the public forum and clarified that members of the public could comment, including items appearing on the agenda, so the Commission could deliberate afterward. Brad Henry, the future resident of the property being developed, spoke in support of Tree Removal Request 845-26. He stated that they had hoped to retain Tree 22 and had spent about \$3,000 pruning and windsailing it, but excavation for the home foundation revealed a significant root conflict. After considering the tree's condition, likely root disturbance, and the risk it could pose to their future home or neighboring properties, they concluded removal was the safest option.

Project arborist Kyle Offerdahl of Pacific Consulting Arborists also addressed the Commission regarding Tree 22. He explained that excavation uncovered three major roots, indicating the tree relied heavily on a limited structural root system to anchor itself from south winds. He stated that the home's proximity, changes to drainage and soil conditions, and likely continued root conflicts during construction made long-term preservation uncertain. In his professional opinion, even if portions of the foundation were bridged, continued development activity and disturbance to the root system would create substantial future risk.

E. SIGN PERMIT 479-26 AINSWORTH #230 17400 SW UPPER BOONES FERRY RD.

The Commission reviewed Sign Permit 479-26 for Ainsworth, which proposed replacing the existing wall sign with a larger sign displaying "GDI" and "Ainsworth" with the existing logo. Staff explained that the new sign would measure 13.3 square feet, would remain well within the code's maximum size allowance, and involved a substantial change in size and material, requiring a Type II review by Planning Commission. Commissioners noted appreciation for having a physical sample of the material and agreed the revised sign would be more visible from the right-of-way while remaining within applicable code standards. Commissioner Bailey moved to approve the sign permit as submitted, and Commissioner Saab seconded the motion. The motion passed unanimously (4-0).

MO 031026-02



City of Durham
PLANNING COMMISSION MINUTES
March 10, 2026

F. TREE REMOVAL REQUEST 844-26 DWH 16502 SW DEER TERRACE.

The Commission considered Tree Removal Request 844-26 for removal of one 42-inch Deodar cedar at 16502 SW Deer Terrace in Durham Heights. Dave Cady, on behalf of David Weekley Homes, explained that the tree had originally been approved for removal during the subdivision process but had been left in place to preserve as many mature trees as possible. He stated that once a home was fitted to the lot, site constraints became clearer, including the triangular shape of the lot, setback limitations, and a Clean Water Services easement at the rear that prevented shifting the home farther back. He said the house footprint could not reasonably be redesigned around the tree without losing basic residential functionality.

The Commission discussed whether the application should be treated as a Type G permit for previously undeveloped property rather than a Type E permit. Although the application had been filed as Type E, staff explained that it was administratively processed as a Type G permit. This is the applicable tree removal permit type for construction of a single-family dwelling on a newly developed lot. Commissioners also discussed the history of prior removals and preservation decisions within Durham Heights, the difficulty of tracking canopy retention over time, and the proposed mitigation tree. Despite being on the City's mitigation list, staff relayed the City Arborist's concern that Scotch pine may not be an ideal mitigation species because of its long-term susceptibility to pine beetle infestation. The applicant indicated willingness to substitute another approved species and suggested allowing the future homeowner to choose from the City's approved tree list.

After reviewing the findings, the Commission agreed that the request should be processed as a Type G permit and that mitigation should be required. Commissioner Mast moved to approve Tree Removal Request 844-26 as a Type G permit with a mitigation tree, and Commissioner Saab seconded the motion. The motion passed unanimously (4-0)

MO 031026-03

G. TREE REMOVAL REQUEST 845-26 HENRY 7888 SW ELLMAN LANE.

The Commission considered Tree Removal Request 845-26 for removal of one 50-inch Douglas-fir identified as Tree 22 at 7888 SW Ellman Lane. Staff confirmed the request was being processed as a Type G permit, which is for tree removals to accommodate the construction of a single-family dwelling on a newly developed lot.

During discussion, Vice Chair Winkler asked whether removal of Tree 22 would affect neighboring trees. Mr. Offerdahl stated that, based on the site conditions and prevailing wind patterns, he did not believe removal would materially destabilize the remaining trees. Neighboring residents expressed support for the request and agreed the root conflict appeared legitimate, while also asking about a nearby tree on their property line. Mr. Offerdahl responded that earlier excavation had not revealed shallow roots near that tree and recommended monitoring it over time for soil movement rather than taking immediate action.

Commissioners acknowledged the applicant's efforts to preserve trees where possible and agreed it was preferable to address the issue before the home was built. The applicant confirmed willingness to plant a mitigation tree and work with staff on an appropriate species and timeline. Commissioner Mast moved to approve Tree Removal Request 845-26 with the condition that a mitigation tree from the City's approved list be planted within a reasonable timeframe, and Commissioner Bailey seconded the motion. The motion passed unanimously (4-0).

MO 031026-04



City of Durham
PLANNING COMMISSION MINUTES
March 10, 2026

Following approval, Mr. Henry asked whether the tree could be removed immediately to alleviate construction delays. Staff responded that the code includes an appeal period.

H. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES.

In staff updates, City Administrator Parente reported that the city had received a site and design review application for Durham Estates and was conducting a completeness review. He also reported that the first reading of the new municipal tree code had occurred on February 24, 2026, that the second reading was scheduled for March 24, 2026, and that the city was preparing for implementation, including updating the scope of work for a revised City Arborist role. He noted that the newsletter was going to print and was intended to reach residents ahead of the second reading, and that the city was considering moving the second reading to a larger venue.

The Commission discussed public reaction to the tree code update, including concerns about increased fees, perceived punitive language, and a need for civic engagement. It was suggested that the new fee structure is intended to properly fund consistent professional arborist review rather than rely on limited City staff capacity. Commissioners and staff also discussed the value of a City-retained arborist for consistency, the need for some discretion in enforcement, and the balance between preserving trees and maintaining a functional, affordable program. Additionally, staff was asked if there was new information on a potential In-N-Out Burger outside City jurisdiction, but staff did not receive any updates. Staff noted that Durham’s upcoming 60th anniversary celebration would be held on July 4th in Durham Park. Finally, the community would receive notice of April 25th as the date of the bulky waste pickup day, as well as a neighborhood weed pull event in the treed lot, which will both be noticed in the coming newsletter.

I. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.

The next regular meeting of the Planning Commission was announced for April 14, 2026, at 7:00 p.m.

J. ADJOURN.

Vice Chair Winkler adjourned the meeting at 8:15 PM.

Approved:

Susan Deeming, Chair

Attest:

Jordan Parente, City Administrator/Recorder



City of Durham

17160 SW Upper Boones Ferry Rd.
Durham, Oregon 97224

846-26

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:	\$250/tree for first 5 trees; \$500/tree for each additional tree

Mike Gibbons 8257 Southwest Kingfisher Way

Property Owner Site Address Phone Number

Michael Bowerman 8257 Southwest Kingfisher Way

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 2/26/2026
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 \$150.00 Receipt Number 331998 Date Paid 02/26/2026

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.

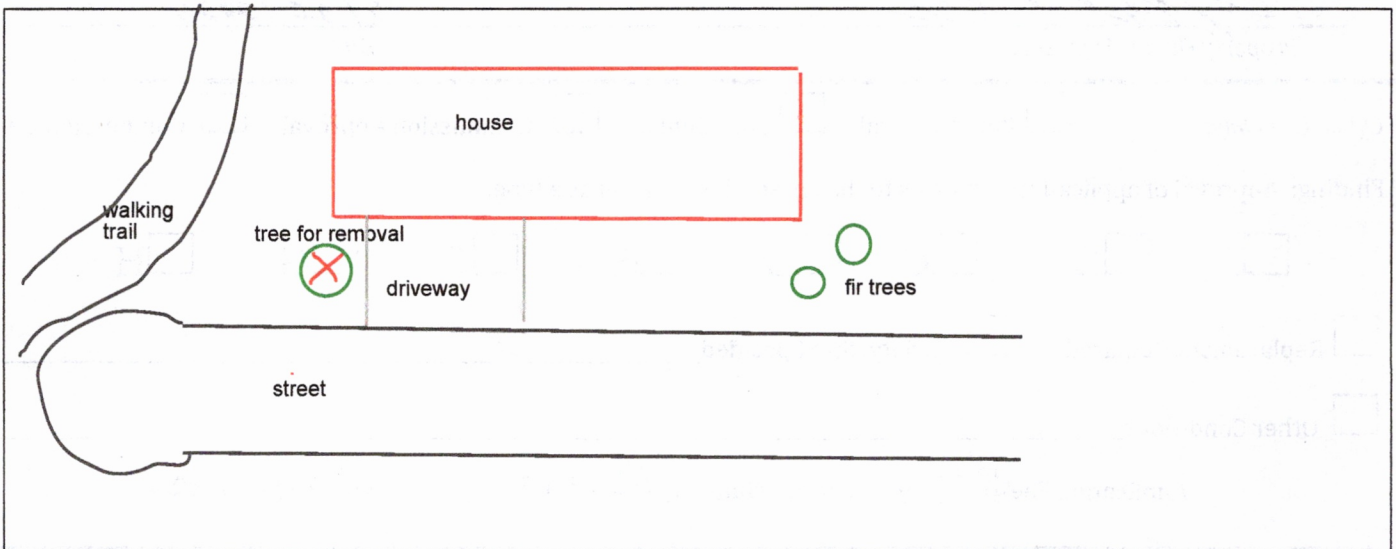
- Type "A" Permit. Tree is dead or obviously diseased.
- Type "B" Permit. A condition of the tree makes it dangerous or potentially destructive to public or private property.
- Type "C" Permit. Removal is required to enlarge the footprint of a structure, add a deck, patio, or other building structure 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? Oregon Bigleaf Maple 19"DBH

What is the species and size of the proposed replacement tree? Refer to the City approved tree list for requirements. Pacific Dogwood 1.5" caliper

Additional information that would assist staff/Planning Commission in making a decision on this application: Tree is damaging driveway causing grading issues, water run off and a tripping hazards

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.



Arborist Report Gibbons Residence

Date: February 26, 2026 **Property Owner:** Mike Gibbons **Site Location:** 8257 Southwest Kingfisher Way, Portland, Oregon 97224 **Species:** Bigleaf Maple (*Acer macrophyllum*) **Tree ID:** #1

1. Executive Summary

This report was prepared to evaluate one mature Bigleaf Maple located at the Gibbons residence. The objective of this assessment is to document the tree's condition and provide technical justification for removal based on significant hardscape damage to the adjacent concrete driveway and proximity to the primary structure.

2. Tree Inventory & Condition

- **Measurements:** The specimen stands approximately **80 feet** in height with a Diameter at Breast Height (DBH) of **19 inches**.
- **Health Rating:** The tree is currently in **Fair condition (60%)**.
- **Observations:** Visual inspection reveals a mature canopy with typical structural development for the species. While the biological health is fair, its placement is problematic relative to the property's infrastructure.

3. Site Evaluation & Conflict Analysis

The tree is situated immediately adjacent to the residential driveway. Photographic evidence confirms that the expanding root flare and lateral structural roots have come into direct contact with the concrete surfacing.

- **Infrastructure Damage:** The root system is causing physical displacement and cracking of the concrete pavers and driveway slabs.
- **Proximity to Structure:** The tree is located in close proximity to the garage/home structure, which limits the ability to perform root pruning without compromising the tree's structural stability.

4. Proposed Management Plan

Due to the ongoing and irreparable damage to the driveway and the inability to mitigate root growth without creating a high-risk stability issue, **complete removal** is recommended.

- **Removal Specification (REM):** The tree will be fully removed, and the stump will be ground down to a depth of **8–10 inches** below surface level.

- **Debris Management:** All firewood and debris will be chipped and removed from the property.
- **Permitting:** A removal permit from the **City of Durham** is required prior to commencing work.

5. Conclusion

The removal of this Bigleaf Maple is necessary to prevent further degradation of the residence's hardscape. Retaining the tree while attempting to repair the driveway would require excessive root loss that would likely lead to tree decline or failure.

6. Mitigation & Replacement Plan

To compensate for the loss of canopy cover and adhere to local environmental standards, the following replacement strategy is proposed:

- **Replacement Species:** Flowering Pacific Dogwood (*Cornus nuttallii*).
- **Technical Justification:** The Pacific Dogwood is a native understory tree that provides significant aesthetic value and ecological benefits while maintaining a much smaller mature footprint than the Bigleaf Maple. Its slower growth rate and non-invasive root characteristics make it an ideal selection for this specific site, as it is unlikely to cause future infrastructure damage to the adjacent driveway.
- **Installation Specifications:**
 - **Size:** A specimen of at least 1.5" to 2" caliper is recommended.
 - **Location:** The new tree should be offset from the original planting site by a minimum of 5–8 feet to ensure it is planted in native, non-compacted soil away from the ground stump.
 - **Care:** Installation should include a 3-foot diameter mulch ring and supplemental irrigation during the first two establishment years to ensure survival

Arborist Name: Michael Bowerman **ISA Certification #**PN-8381A





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 April 14th, 2026, to consider the following request:

- Request: Tree removal application #846-26, which requests the removal of one 19” at Diameter Breast Height (DBH) Big-leaf maple tree from the applicant’s property.
- Property Location: 8257 SW Kingfisher Way, 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; Ordinance 254-12; 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 April 10th, 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 additional information or for a weblink to attend remotely. All interested parties are invited to attend.

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



8257 SW Kingfisher Way

**Proposed tree removal permit #846-26; one 19" DBH
Big-leaf Maple**



City of Durham

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Jordan Parente - City Administrator

Wyatt Bean - Administrative Assistant

STAFF REPORT: APRIL 7, 2026

APPLICATION FILE: #846-26

REQUEST: Approval to remove one Big-leaf Maple tree at 19” Diameter at Breast Height (DBH) from the applicant’s property.

OWNER/APPLICANT: Mike Gibbons
8257 SW Kingfisher Way
Durham, OR 97224

SITE LOCATION: 8257 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; Ordinance 254-12; and the Durham Comprehensive Land Use Plan as revised 6.23.95.

SUMMARY OF EVENTS

On February 26th, 2026, the City received tree removal permit #846-26, from applicant Mike Gibbons for his property located at 8257 SW Kingfisher Way. The application is to remove one Big-leaf Maple tree, at 19” DBH and submitted as a Type “B” permit.

On March 30, 2026, 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 April 14th, 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 driveway from damage due to grading issues, water run-off and tripping hazards.
- The applicant provided an arborist report from Michael Bowerman of Peak Tree Specialists.

- The City Administrator could not readily determine that the tree fit the potentially dangerous criteria, waived an appeal fee and put the tree removal permit on the agenda for the April 14, 2026, Planning Commission meeting for consideration.
- The applicant proposes planting a 1.5”-2” caliper dogwood as mitigation.

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 April 14th, 2026, meeting of the Planning Commission.
- The City has published, posted, and delivered Public Notices to affected people as of March 30, 2026.

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 tree is causing damage to the concrete driveway and is in proximity to the garage/home, limiting the ability to root pruning without compromising the tree’s structural stability.

Criteria B:

Not applicable.

Criteria C:

The application did not address this question; except to propose a pacific dogwood as canopy mitigation.

STAFF COMMENT: The lot is relatively flat and impacts on erosion, soil retention and stability are anticipated to be minimal. The property drains towards Fanno Creek.

Criteria D:

The application did not address these questions, however, there is a significant amount of canopy to the south and west.

Criteria E:

The application proposes planting a pacific dogwood as 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 removal permit #846-26 be denied.
- OR*
- 2) I move that tree removal permit #846-26 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.