



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.