

City of Durham
Planning Commission
November 5, 2019

1. CALL TO ORDER. Vice Chair Bailey called the meeting to order at 7:33 PM

2. ROLL CALL. *Commissioners present:* Krista Bailey, Laurie Volm, Pat Saab, Gary Paul, and Matt Winkler

Commissioners absent: Brian Goddard

Staff present: City Administrator Linda Tate and Administrative Assistant Emily Baker

Public Present: Todd Fankhauser, Peters Rd

Commissioner Anderson has resigned.

Commissioner Winkler introduced himself to the Planning Commission.

3. PLANNING COMMISSION MINUTES. Commissioner Volm moved to approve the Planning Commission minutes from October 1, 2019. Commissioner Saab seconded the motion. The vote was unanimous (5-0). **MO 110519-1**

4. PUBLIC FORUM. None.

5. TREE REMOVAL PERMIT APPLICATIONS 541-19 and 542-19 at 8060 Peters Rd. Tate explained the Staff Report for the two tree removal applications on 8060 Peters Rd. One tree is next to a proposed addition to the house and the second one is in the footprint of the proposed driveway. The Commissioners decided to begin with Tree Removal Permit 541-19. Fankhauser stated this hemlock tree is in the location of their new master bedroom.

Tate read the staff report. Commissioner Bailey asked if there were any concerns or questions about this tree removal. There were none. Commissioner Bailey clarified that the applications came in with mitigation volunteered. Tate added that she asked Fankhauser to bring a map of the trees on the property and include the plan for mitigation. Fankhauser handed out a map of the property with the trees on the property, the trees he is getting the permits for, and their ideas of where mitigation trees would be planted. Commissioner Volm gave her observations of the property when she visited it prior to the meeting. Tate added that, according to the map, it appears the only two large trees that will be left on the property are both maples.

The Planning Commission finds that this tree fits into a Type C permit and will require mitigation.

The Planning Commission finds that this tree removal has been processed for review and decision as a Type 2 process.

Based upon the category of a Type C removal permit, the Planning Commission finds that the applicant has proven that they have satisfied the criteria points B, the tree is in the footprint of a proposed structure, C, the applicant has stated there will be no erosion issues, no increased run off, and no increased wind exposure to other trees if the tree is removed, D, the applicant states the removal of the tree will not affect the number of trees existing in the neighborhood, the character and property uses in the neighborhood or the neighborhood characteristics, beauty and property values, and E, the applicant will plant an evergreen on their property in mitigation for this tree.

Commissioner Saab asked about the length of time the remodel will take. Fankhauser said about 6 months, but the area they are planning to plant the mitigation trees in will not be impacted.

Commissioner Paul asked about restricting the mitigation tree to an evergreen. Commissioner Volm said she supports requiring like trees for like trees.

Commissioner Volm, based on the findings of the Planning Commission, moved to approve the tree removal permit 541-19 with the condition of 1 mitigation tree being planted within 6 months from the approval date and meet the size requirements provided in the Durham Development Code. Commissioner Paul seconded the motion. The vote was unanimous (5-0) **MO 110519-2**

Commissioner Bailey began the conversation on tree removal permit 542-19. Tate explained that this permit is to remove the Douglas Fir that is in the footprint of the proposed driveway. Commissioner Volm said that this is a very large tree and she wants to require two mitigation trees for it. Commissioner Saab added the applicant already volunteered to plant two mitigation trees.

The Planning Commission finds that this tree fits into a Type C permit and will require mitigation.

The Planning Commission finds that this tree removal has been processed for review and decision as a Type 2 process.

Based upon the category of a Type C removal permit, the Planning Commission finds that the applicant has proven that they have satisfied the criteria points B, the tree is in the footprint of a proposed structure, C, the applicant has stated there will be no erosion issues, no increased run off, and no increased wind exposure to other trees if the tree is removed, D, the Douglas Fir is very visible and dominant in the neighborhood, but the applicant states the removal of the tree will not affect the number of trees existing in the neighborhood, the character and property uses in the neighborhood or the neighborhood characteristics, beauty and property values, and E, the applicant will plant two evergreens on their property in mitigation for this tree.

Commissioner Winkler asked about the longevity of the trees and expressed concern over the apparent closeness of the proposed mitigation tree on the map provided. Fankhauser said the area Commissioner Winkler is referring to is about 30 ft., giving each tree 10 ft. of room. Commissioner Volm stated that there is plenty of room in the yard for the three trees. Fankhauser added that they may put them in a different location, but it is hard to know at this time. Commissioner Saab added that it is the home owner's prerogative to decide where the trees will be planted.

Commissioner Saab based on the findings of the Planning Commission, moved to approve the tree removal permit 542-19 with the condition of 2 mitigation trees being planted within 6 months from the approval date and meet the size requirements provided in the Durham Development Code. Commissioner Volm seconded the motion. The vote was unanimous (5-0).

MO 110519-3

Tate explained the next steps to Fankhauser.

Commissioner Bailey asked some questions about the process of stating findings and conditions. Tate explained that the applicants have the burden of proof and the Commission can agree or disagree with statements while addressing the criteria. Also, the Planning Commission can add on to the City's standardized conditions for mitigation and other concerns.

7. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES.

Tate showed the Planning Commission the roster with the current Commissioners' terms expiration dates. She also pointed out the calendar for next year's meetings. Commissioner Volm said she does not want to have a meeting on an election night. Tate recommended moving the meeting to the 10th of November 2020. Commissioner Volm also noted that the next election will be a big one and she does not want to meet that night. Commissioner Bailey said there do not appear to be any objections to moving the November 2020 meeting to the 10th.

Tate said she is planning to have Carole Connell, the City Planner, at the January 2020 meeting to discuss the Comprehensive Plan. She also added the play structure will be put in the park the week of November 11th.

Commissioner Saab said she likes the new street signs in Durham. Commissioner Volm said Peters Rd. did not get a lower street sign like the other streets. Commissioner Bailey said the new signs make Durham feel like a more intimate neighborhood.

Commissioner Bailey asked about the Comprehensive Plan and asked if Connell or the City could provide a tutorial or guidance of what the Commissioners should be thinking about in regards to the Comprehensive Plan. Tate said the current plan is on the website but there is no guidance. She said the state has certain criteria that need to be incorporated and the City Attorney provided a legal outline with these criteria, however it is the City's decision of how they want to implement the various criteria. Tate's goal is to keep it simple so it will be more user-friendly.

8. ADJOURN. Commissioner Volm moved to adjourn. Commissioner Bailey adjourned at 8:20 PM.

Approved: _____
Brian Goddard, Chair

Attest: _____
Linda Tate, City Administrator