



1. **CALL TO ORDER.** Chair Susan Deeming called the meeting to order at 7:30 PM
2. **ROLL CALL.** *Commissioners Present:* Chair Susan Deeming, Commissioners Pat Saab, Krista Bailey, Matt Winkler, and Cheri Frazell
Commissioners Absent: Vice Chair Brian Goddard, Commissioner David Streicher
Staff Present: City Administrator Jordan Parente and Administrative Assistant Kait Garlick
Public: Sean Lee, Lonny Winn and Kailee Winn (Zoom).

3. **APPROVAL OF MEETING MINUTES.**

Commissioner Saab moved to approve the minutes, with a grammatical correction, from the October 1st, 2024, meeting. Commissioner Bailey seconded the motion. The motion passed (5-0).

MO 110524-1

4. **PUBLIC FORUM.**

None.

5. **TREE REMOVAL APPLICATION #760-24 AND #761-24 FOR 17014 SW RIVENDELL DRIVE.**

The Planning Commission reviewed applications submitted by Mr. and Mrs. Winn to remove a large beech tree in their front yard and a fir tree in the backyard. The applicants cited concerns including structural damage, drainage issues, and potential hazards from falling branches or trees. The applicant described roots from the beech tree that were found to be pushing against the house foundation and damaging storm drainage system. Additionally, the fir tree in the backyard is impacting the existing spa/pool plumbing. The Winns expressed concerns of falling branches and the inability to mitigate the potential hazard by pruning alone. The Commission raised the possibility of pruning the beech tree to prevent dangerous branches from falling. Mr. Winn noted the past attempts to trim the tree but claimed further trimming would be destabilizing. Ultimately, the Commissioners found the information presented to be insufficient for them to make the decision at present. They asked Mr. Winn if he would be willing to provide an arborist report addressing any noted damage to underground infrastructure on the property and what the impacts of removing the backyard fir tree would be. Mr. Winn agreed that he would work with an arborist to provide this information to the Commission.

Commissioner Frazell moved to table the applications until the December 3rd Planning Commission meeting, pending further information provided by an arborist addressing the impact of the beech tree roots and the impact on adjacent trees from the fir being removed. Commissioner Saab seconded the motion. The vote passed (5-0).

MO 110524-2

6. **ILLEGAL TREE REMOVAL – DURHAM ESTATES – 16605 SW UPPER BOONES FERRY ROAD**

The Commission addressed the unauthorized removal of a tree in Durham Estates. This violation was identified during a site inspection by the project arborist, who noted missing tree protection fencing and deviations from the approved plan. The Commissioners all agreed that stricter on-site monitoring of the project should be taking place, along with fines for repeated violations. Mr. Parente outlined the previous enforcement actions the City has taken for items not related to the Planning Commission's oversight, and stressed that he will continue to hold the developers accountable for any future violations.

Commission Frazell moved approve the fine of \$720 for the illegal removal, the requirement to plant two trees with a canopy similar to tree 8850's canopy with a ±10% flexibility in the canopy size, and to add tree 8874 to the current preservation plan. Commissioner Winkler seconded. The vote passed (5-0).

MO 110524-3

7. FEMA FLOODPLAIN MANAGEMENT PICM, DECEMBER 1ST, 2024

Mr. Parente gave an overview of the latest FEMA requirements concerning floodplain management and pre-implementation compliance measures (PICM). FEMA provided three options for compliance:

- Prohibit new development in floodplains; This option is the most restrictive and would cause issues for the City when it comes to improvements for things like pathways.
- Adopt a model ordinance: This would incorporate elements of the Endangered Species Act and provide a framework for development within floodplains while requiring mitigation measures for any environmental impacts.
- Permit-by-permit habitat assessments: This option would require individual floodplain habitat assessments for each development application, a process viewed as costly, time-intensive, and potentially unsustainable due to FEMA's periodic updates to floodplain maps.

Mr. Parente stated his recommendation to adopt the model ordinance. Commission agreed that this option is the most practical solution. This approach allows for development (with mitigation) if the City were to expand paved pathways within the floodplain, for example. Mr. Parente highlighted the challenges of the other two options. Blanket prohibitions on floodplain development would create logistical issues, particularly for infrastructure maintenance. Meanwhile, permit-by-permit assessments would require frequent updates and impose significant financial burdens, especially if FEMA's floodplain designations change.

The commission agreed it was the best course of action to adopt the FEMA model ordinance, which is to be implemented by July 1, 2025.

Commission Bailey moved to adopt the FEMA model ordinance. Commissioner Saab seconds. The vote passed (5-0).

MO 110524-4

8. COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.

- City Administrator Parente presented the proposed meeting and holiday schedule for the 2025 calendar year. The Commissioners agreed to update the meeting start time to 7:00 PM instead of 7:30 PM. Mr. Parente let the Commissioners know that Council would review the schedule and make the final decision at their upcoming meeting.
- Mr. Parente let the Commissioners know that the Comprehensive Plan is still being updated and after consulting the City's attorney, a decision was made to slow down the implementation. Discussion regarding obtaining public feedback, as well as incorporating new rules like middle housing, are the main reasons for slowing the process. Mr. Parente stated that the attorney suggested that the City engage a consulting firm to tie up any loose ends and ensure the Plan complies with state laws and beyond. A decision on whether to hire an outside firm has not yet been made.
- Mr. Parente gave an update regarding a land use application for Durham Estates. The application is currently being reviewed for completeness by Mr. Parente. The developer is applying to plat 34 lots before the approved 9 lot subdivision records. The application will likely need to be amended as it does not currently abide by the City's building code requirements. The Commission discussed whether the City could require a traffic study, to which Mr. Parente stated that this is not something the City can consider under the new state middle housing rules. Mr. Parente stated that the application will be reviewed as an administrative decision if it is deemed complete.
- Lastly, Mr. Parente informed the Commissioners of a pending application for a replacement sign for Heron Grove, along with several tree removal applications that will be presented at the December meeting.

9. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.

- Tuesday, December 3rd, 2024, Regular Meeting of the Planning Commission at 7:30 PM.

10. **ADJOURN.** Chair Susan Deeming adjourned the meeting at 9:18 PM.

Approved: _____

Susan Deeming, Chair

Attest: _____

Jordan Parente, City Administrator