



1. **CALL TO ORDER.** Chair Susan Deeming called the meeting to order at 7:32 PM
2. **ROLL CALL.** *Commissioners Present:* Chair Susan Deeming, Vice Chair Brian Goddard Commissioners Pat Saab, David Streicher, Matt Winkler, and Cheri Frazell
Commissioners Absent: Commissioner Krista Bailey
Staff Present: City Administrator Jordan Parente and Administrative Assistant Kait Garlick
Public: Craig Mitchell, Marie Hanson, Stuart Skaug, Tony McCormick, Mark and Brenda Mavromatis, Lauren and Dave Marrone (via Zoom).
3. **APPROVAL OF MEETING MINUTES.**
Commissioner Saab moved to approve the minutes, with a spelling correction, from the November 5, 2024, meeting. Commissioner Frazell seconded the motion. The motion passed (6-0).

MO 120324-1
4. **PUBLIC FORUM.**
None.
5. **HERON GROVE MONUMENT SIGN REPLACEMENT.**
Resident Stuart Skaug, resident at 7943 Kingfisher, along with Tony McCormick of Meyers Sign Company, presented the plan for replacing the aging monument sign at Heron Grove. The new sign will maintain a similar aesthetic with updates to materials, converting from a tile-based design to aluminum with raised letters; the footprint/sign dimensions will not be changing. Community feedback on the proposed design was solicited through emails, with unanimous support reported. Chair Deeming praised the initiative, highlighting that the Durham Heights community had adopted a similar design inspired by the Heron Grove sign. Commissioners confirmed that the color scheme would remain the same, with a slightly darker green. There were no concerns about the proposal, and the City Administrator acknowledged that the change in materials required formal approval.

Vice Chair Goddard moved to approve the application. Commissioner Saab seconded the motion. The vote passed (6-0).

MO 120324-2
6. **TREE REMOVAL PERMITS 760-24 – 761-24; 17014 SW RIVENDELL DR.**
These tree removal applications were originally presented at the November 5th meeting. At the time, the Commissioners felt there wasn't sufficient documentation provided by the applicants for a decision to be made. The Commissioners requested that the applicants provide an arborist report that would document in further detail the concerns of the homeowners. The arborist report was not provided and the Commissioners were unable to proceed with a decision.

Due to the lack of information that was requested at the previous month's meeting, Commission Frazel moved to deny the permit requests for now, with the option of allowing the applicants to re-submit within 90 days without paying additional fees. Commissioner Winkler seconded. The vote passed (6-0).

MO 120324-3
7. **TREE REMOVAL PERMITS 769-24 – 772-24; 17485 SW RIVENDELL DR.**
Resident Mark Mavromatis introduced four tree permit applications, explaining that he and his wife, Brenda, recently moved into their home on Rivendell Drive, which had been owned by its original occupant for 45 years. They identified several trees that they are requesting to have removed due to safety and structural concerns.

One tree, located within inches of the house, posed a threat to the foundation and exhibited signs of fungus, as assessed by an arborist. The Commissioners inquired further about the nature of the fungus on the tree. The fungus is common in the Pacific Northwest and often takes decades to compromise a tree, however once spores are visible, there is no effective treatment, and the tree will progressively weaken.

Two trees near the driveway have caused significant buckling, creating a tripping hazard. Mr. Mavromatis noted that the driveway needed replacement, both for safety reasons and to prevent further issues. The arborist confirmed that replacing the driveway would disturb the tree's roots, leading to its eventual decline. The Commissioners discussed the relationship between the applicant's proposed driveway replacement and the necessity of the tree removals. A suggestion was made that the issue could be revisited when the construction process begins, and it becomes clearer whether the excavation would impact the roots significantly. Several temporary solutions, such as pavers, grinding, or filling, were discussed to address the homeowners' safety concerns without removing the trees. However, concerns were raised that such methods were not sustainable and might only delay the inevitable. A commissioner noted that replacing the driveway at the same time as tree removal would be the most economically efficient approach for the applicants. The Commissioners highlighted the complexity of balancing property improvements with preserving mature trees, especially when temporary fixes may not resolve the root-related issues long-term.

A fourth tree, as the arborist observed, leaned significantly toward the house and appeared to be structurally compromised. The arborist recommended its removal due to its precarious position and the risk of it falling on the house. Continued deliberation focused on the arborist's findings regarding the tree's unusual lean. Commissioners noted that the arborist described a curve beginning halfway up the trunk, which is atypical, and raised concerns that the weight distribution could lead to uprooting under certain conditions. While the arborist emphasized that the trunk appeared healthy and vigorous, the report still recommended removal due to the potential hazard posed by the tree's lean over the house.

Mr. Craig Mitchell, a resident for 24 years, spoke in opposition to the removal of healthy trees. He cited his own experience with large trees on his property, including a Douglas fir with a diameter of 51.5 inches that stands only four inches from his gutter. Despite its proximity, the tree has caused no significant issues over decades. He expressed concern about the trend of removing healthy trees in the neighborhood and pointed to an eyesore property nearby where trees had been clear-cut without permits. Mr. Mitchell argued that this diminishes the beauty of the neighborhood and could negatively impact property values.

A second resident speaking via Zoom, Lauren Marrone, echoed Mr. Mitchell's concerns. She and her family live next to the property referenced and shared the challenges of living near a clear-cut lot. She believed that removing so many healthy trees had reduced the aesthetic appeal and value of neighboring properties. As a realtor, she emphasized that trees are an essential part of the community's beauty and a major asset to property values. Both residents underscored the importance of balancing safety concerns with the preservation of healthy trees, urging the Commission to consider long-term community impacts when approving tree removals.

The Commissioners acknowledged the residents' perspectives and affirmed the community's shared value for Durham's trees. Chair Deeming asked Mr. Mavromatis whether the arborist had explicitly stated that the tree closest to the house was actively damaging the property. He clarified that, while the tree had not yet caused foundation damage, its proximity made future damage inevitable. The arborist also noted the presence of fungus as a critical factor weakening the tree. Regarding the driveway, Mr. Mavromatis reiterated that the roots of the driveway trees had caused significant buckling, creating a tripping hazard. Repairing the driveway would unavoidably damage the trees' root system, rendering them nonviable. In closing, Mr. Mavromatis emphasized his family's commitment to the neighborhood, noting that they intended to remain in the community long-term. Their goal was to address safety concerns while respecting the neighborhood's natural beauty and tree heritage.

The Commissioners decided to address the first 2 trees individually, and the remaining 2 trees as a pair due to their proximity to each other and the concern being that both trees are equally contributing to the driveway buckling.

For Permit 769-24, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this a Type B permit, as the tree is causing damage to property. This permit has been processed as a Type 2 Process, as the tree removal application was placed on the Planning Commission agenda and Public Notices were issued as required. Durham Tree Protection Ordinance 228-05, Section 4, provides seven criteria for consideration for issuance of a Tree Cutting Permit. The Commissioners agreed that Criteria A, C, D, E and F are applicable. The Commissioners agreed that Criteria B and G are not applicable. Vice Chair Goddard moved to approve the permit with mitigation, requiring the applicants to select an evergreen tree at least 6 ft tall. Commissioner Saab seconded the motion. The vote passed (6-0).

For Permit 770-24, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this a Type B permit, as the tree is causing damage to property. This permit has been processed as a Type 2 Process, as the tree removal application was placed on the Planning Commission agenda and Public Notices were issued as required. The Commissioners agreed that Criteria A, C, D, and E are applicable. The Commissioners agreed that Criteria B, F, and G are not applicable. Vice Chair Goddard moved to approve the permit with mitigation, requiring the applicants to select an evergreen tree at least 6 ft tall. Commissioner Saab seconded the motion. The vote passed (6-0).

For Permits 771-24 and 772-24, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this a Type B permit, as the tree is causing damage to property. This permit has been processed as a Type 2 Process, as the tree removal application was placed on the Planning Commission agenda and Public Notices were issued as required. The Commissioners agreed that Criteria C, D and E are applicable. The Commissioners agreed that Criteria A, B, F, and G are not applicable. Commissioner Winkler moved to deny the permit at this time, based on the permit not meeting the Criteria required for approval, but may be revisited at the time the driveway work is to be completed. Commissioner Streicher seconded the motion. The vote failed (3-3). The permits will be revisited within 45 days and all seven Commissioners are present.

MO 120324-4,5,6

8. COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.

- Vice Chair Brian Goddard informed the Commissioners that he would not be renewing his term on the Planning Commission.
- Mr. Parente let the Commissioners know that Durham Estates is moving forward with platting the 9-lots that they originally applied for. After that, they will submit their application to further divide those lots under the new Middle Housing rules.
- An application from David Weekley Homes to remove three fir trees on newly developed lots. Mr. Parente clarified that the prior permit for those trees had expired and that a new application was required. He indicated that while the current request may be processed as a Type C permit, he sought feedback from the commission due to the unique circumstances. Commissioners expressed disappointment over the loss of the three healthy trees and discussed the broader challenges of preserving trees during new construction projects. Mr. Parente acknowledged the difficulty of balancing tree preservation with the realities of development, particularly when lot sizes are limited and designs cannot easily be adjusted.

9. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.

- Tuesday, January 7, 2025, Regular Meeting of the Planning Commission at 7:00 PM.

10. ADJOURN. Chair Susan Deeming adjourned the meeting at 9:37 PM.

Approved: _____

Susan Deeming, Chair

Attest: _____

Jordan Parente, City Administrator