



City of Durham
PLANNING COMMISSION MINUTES
June 3, 2025

1. CALL TO ORDER.

Vice Chair Matt Winkler called the meeting to order at 7:01 PM.

2. ROLL CALL.

Commissioners present: Vice Chair Matt Winkler, Commissioners Pat Saab, Krista Bailey, Forrest Boleyn

Commissioners Absent: Chair Susan Deeming, Cheri Frazell, and Andrew Mast

Staff Present: City Administrator Jordan Parente, Administrative Assistant Kait Garlick and City Attorney Ashleigh Dougill

3. APPROVAL OF MEETING MINUTES.

Commissioner Saab moved to approve the minutes from the May 6, 2025, meeting. Commissioner Boleyn seconded the motion. The vote passed (4-0).

MO 060325-1

4. PUBLIC FORUM.

None.

5. TREE ORDINANCE DISCUSSION FOR DURHAM DEVELOPMENT CODE.

The City's land-use attorney, Ashleigh Dougill, was in attendance to help facilitate a conversation regarding the City's development code and how it integrates with the Tree Code. Ms. Dougill began by giving an overview of the existing process. Since land-use applications may be submitted prior to tree removal requests for developing properties, there is no current incentive for developers to plan for tree preservation or work around existing trees. The focus, rather, centers on canopy preservation requirements that may not consider other factors such as a concern of clear-cutting or integrating new developments into the "feel" of the rest of the City.

Additionally, tree permits function as a separate regulatory path with limited enforcement capabilities, a one-time fine for violations and little leverage to ensure long-term compliance. In contrast, violations of land-use approvals carry more significant consequences. The proposed revisions aim to close that gap and encourage developers to take the City's canopy into consideration when planning a development.

A central recommendation is to fold tree regulations into the overall land-use permitting process. This would ensure that tree considerations are addressed during initial project planning, aligning them with other aspects of site development. By conditioning land-use approval on tree preservation compliance, the City gains stronger enforcement tools—noncompliance could jeopardize a developer's entire approval, not just incur a standalone fine.

The proposed code introduces increased penalties, such as per-day fines for continued noncompliance and per-tree violations. These changes are designed to encourage proactive compliance and enhance accountability across projects. The Commissioners discussed the importance of creating a regulatory framework that is not only effective but also implementable, especially by embedding tree-related standards into the development review process instead of maintaining a separate permit system.

Ms. Dougill reminded the Commissioners of the state requirement that residential development regulations be "clear and objective." It was acknowledged that trees present a unique challenge in this context—canopy coverage, for example, is difficult to measure consistently. The proposed approach

includes setting bright-line, percentage-based preservation requirements—such as preserving 20% of total trees or 25% of total diameter at breast height (DBH). These standards are easy to interpret and enforce but may not always align with site-specific conditions, especially on lots with very few or very many trees.

To provide necessary flexibility, a discretionary alternative path may also occur. This allows developers who cannot meet the baseline requirements—due to utilities, topography, or other constraints—to request approval for a reduced preservation level. Planning Commission feedback will be important in defining the parameters and limits of this path to avoid abuse while preserving fairness and environmental goals. There was a consensus that this path should remain narrow and justified, preventing it from becoming an automatic way to circumvent preservation standards.

A related concern is how modifications to approved plans—such as requests to remove additional trees after development begins—should be handled. The proposal introduces clear thresholds for minor versus major modifications, helping streamline the process while maintaining oversight. A minor modification might involve the removal of a small number of additional trees and could be approved administratively, whereas major modifications would be returned to the Planning Commission for review.

The group discussed whether to evaluate preservation based on percentage of trees, DBH, or canopy coverage, and noted that every development site is unique in its tree density and conditions. While the percentage-based method is most clear and objective, it may not capture the full ecological or aesthetic value of a site. Commissioners expressed interest in consulting an arborist to better understand how preservation targets can balance ecological value, feasibility, and enforceability, especially when development constraints are considered.

Concerns were raised about site design practices that preserve trees only at the perimeter of subdivisions, leaving interior lots barren. This design approach was viewed as inconsistent with the City's goals around maintaining a natural character and urban canopy. Suggestions included requiring more equitable distribution of preserved or planted trees across the site or offering incentives for developers to design tree-integrated communities. Such incentives might include enhanced credit for trees preserved throughout the site or to streamline approval processes.

The Commissioners also discussed the potential for a historic or significant tree designation system. Some Commissioners suggested empowering the Planning Commission to officially designate and protect trees of unique size or cultural value. Once designated, these trees would be protected in perpetuity and accounted for in development plans.

Further clarification is needed on mitigation measures, such as tree replacement or payment of in-lieu fees when preservation is not feasible. While mitigation offers a practical path in constrained circumstances, there was concern that it could become a loophole or disincentive to true preservation. Commissioners emphasized that tree replacement should reflect not only the number of trees removed but also their ecological and aesthetic contributions to the site.

Safety impacts of tree removal were also discussed, including increased wind exposure or runoff that can result from clearing large groves. These secondary effects are often difficult to measure but can have significant consequences for adjacent properties. The current development code requires applicants to consider off-site impacts, but more clarity or guidance may be needed in how those considerations are evaluated during the permitting process.

Finally, the Commissioners reflected on the importance of aligning the City's development regulations with the community's values around tree preservation, as articulated in the comprehensive plan. While

percentage thresholds are useful for setting clear expectations, they may not always achieve the intended outcomes. There was openness to exploring more nuanced strategies—possibly in collaboration with an arborist—to ensure that development decisions honor the City’s long-term vision for a healthy, tree-rich environment.

The next steps include gathering input from an arborist on tree valuation, preservation metrics, and mitigation strategies; revising the draft code based on Planning Commission feedback; and potentially scheduling a joint work session with City Council. Once the revised draft is in place, the legislative text amendment process—including public notice, hearings, and inter-agency coordination—can begin. While there is an interest in moving forward promptly, the group agreed that thoughtful development of the code is essential to ensure lasting success.

6. COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.

- City Administrator Parente updated the Commissioners on the Durham Heights development and the one-year maintenance bond they have to repair any damaged infrastructure. There are several areas of concern regarding concrete work that they are working to repair, per the requirements of their bond.
- Second, Mr. Parente let the Commissioners know that the Durham Estates plat for nine lots has been received. However, there are some revisions that have been made that are still going through the final review process. Once everything has been signed off on, the applications will begin for the division of the lots for their middle-housing project. The City has been notified that the developer plans to build these homes in phases.
- Lastly, the Durham Dental sign has finally been approved, and they have met the requirements set forth by the Planning Commission.

7. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.

- Tuesday, July 8, 2025, Regular Meeting of the Planning Commission at 7:00 PM.

8. ADJOURN. Vice Chair Winkler adjourned the meeting at 8:18 PM.

Approved:

Matt Winkler, Vice Chair

Attest:

Jordan Parente, City Administrator/Recorder