



**Planning Board Meeting Minutes
April 22, 2025
City Hall – 6:30 PM.**

A. Call to Order

Chair Lucille Launderville called the meeting to order at 6:30 PM.

B. Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call

Attendance:

Lucille Launderville

Sharon Zakszeski

Travis Cruse

Carrie Moffett

Stephanie Bodmer

Assistant Manager Nicole Morgan

City Clerk Tanya Shannon

Absent: David Van der Vossen – 1st Alternate (excused)

C. Approval of Agenda

A motion was made by Ms. Moffett to approve the agenda, and it was seconded by Ms. Zakszeski . **5-0 Vote; Motion Carried.**

D. Potential Conflict of Interest/Association Disclosure

If any Board member knows of any conflict of interest or association with any item on this agenda, please so state at this time. None stated.

E. Approval of the Minutes

A motion was made to approve the March 11, 2025 minutes by Ms. Bodmer and seconded by Mr. Cruse. **5-0 Vote; Motion Carried.**

F. Public Comment —None

G. Old Business

Tree Preservation- Text Amendment-UDO Article 7, Part IV/Appendix A

Ms. Morgan presented the background on the proposed amendments. During the March meeting, the Board reviewed several staff recommendations intended to clarify and enhance the language in the UDO regarding tree protection and preservation standards. Following the Board's direction, Staff drafted several amendments. Ms. Morgan noted that some of the changes addressed were grammatical errors. She then went over the proposed amendments.

The Board discussed tree mitigation. Ms. Morgan asked if the Board would like to include verbiage to allow trees to be removed no more than 15 ft. from a pool, but with required mitigation. It was asked if this included *all* the trees within that area. Ms. Morgan explained that typically, the mitigation is 25% of the DBH that is removed. The consensus was to mitigate the removal of trees no more than 15 ft. through replanting, or if that's not feasible, to allow for payment into a tree mitigation fund for replanting in community spaces.

Ms. Morgan discussed the proposed amendments to Section 7.29, Tree Preservation. A new item was added: (D)(4)(a)(1). Which states:

On residential parcels with a principal structure, the UDO Administrator may approve the removal of trees outside of these parameters for usable open area upon a finding that a minimum of one (1) inch DBH per two hundred twenty (220) square feet of lot area will be preserved. Only trees 7.9 inches and larger shall be used in calculating the preserved DBH, and all trees 7.9 inches and larger located within the distance parameters in (D)(4)(a) shall not count towards the preserved DBH.

For example, on a standard 70 x 150-foot lot (10,500 square feet), there would need to be six trees remaining, each with a diameter of at least 8 inches, for the UDO Administrator to approve the removal of trees for usable open area. Ms. Morgan noted that this provision is primarily intended for larger undeveloped lots, which could be purchased and combined with their primary lot.

(E) Mitigation #3 was added that states: *In situations where site features make it impractical to plant trees back on the site, payment may be made to the tree management fund, upon approval of the UDO Administrator, in an amount sufficient to cover the cost of the required replanting.* She said that the applicant would be responsible for having a certified arborist determine the value of the tree that is being removed.

Ms. Morgan said a new section was added. Section (F) Exceptions: *The requirement to obtain a clearing permit shall not apply to the activities listed below.*

(1) The removal of dead, severely damaged, or diseased trees, and trees which are injurious to sanitary sewers, electrical power lines, gas lines, water lines, streams, or conveyance channels. The UDO Administrator may require determination be made by a certified arborist in cases of dead, damaged, and/or diseased trees.

(2) Parcels with an approved site plan, provided such approval has not expired, and all clearing is done in strict accordance with the approved plan.

(3) Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes, or forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes.

Ms. Morgan continued to review the amendments. Section 7.38: Authority of the UDO Administrator to Treat or Remove Trees on Private Property. Section (B) was added that states: *The UDO Administrator may cause or order the removal of any dead or diseased trees on private property when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees. The UDO Administrator or their designee will notify in writing the owner(s) of such trees, and removal shall be done at the owner(s) expense within 30 calendar days after the date of service of notice. In the event of failure of the owner(s) to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owner(s).* Ms. Morgan mentioned that many calls are received about removing dead trees from vacant lots, and this section aims to clarify those concerns.

Ms. Morgan went over the amendments in Appendix A, Definitions:

New Section (A) Tree Management Fund: A fund established to receive money for compensation for damage to public trees, the unauthorized removal of trees, or for fees-in-lieu of required replanting. The funds are used to replant, maintain, or improve the health of the City's urban forest, assist with tree care services by certified arborists, implement and update applicable ordinances, and to provide educational awareness and resources for reducing tree canopy loss and implementing urban forest management improvements.

Ms. Morgan stated that she has discussed the matter with the Finance Director and that establishing the Tree Management Fund will not pose any issues. All payments can be directed into that specific line item by defining this fund. Ms. Bodmer inquired whether fines would also be allocated to this fund. Ms. Morgan confirmed that this is indeed the case and that the fund would also cover mitigation efforts when replanting on the property is not feasible. The funds will be utilized for various purposes, including replanting trees on city property, hiring a certified arborist to examine the trees, providing educational resources on protecting and preserving trees, and assisting with updates to the Unified Development Ordinance (UDO) regarding tree preservation.

Ms. Launderville requested an update on the progress of establishing a tree committee. Ms. Morgan reported that she had spoken with the City Manager, who indicated that he would present the proposal to the Board. Ms. Bodmer clarified that Code Enforcement is actively enforcing the Tree Ordinance and issuing fines for non-compliance. Ms. Morgan confirmed this information, noting that while Code Enforcement is doing a great job, it is challenging to monitor every area. The consensus of the Board was that a tree committee could be beneficial in notifying Staff of any potential improper tree removals.

Ms. Moffett questioned whether trees could be removed from undeveloped lots and asked if that happens often. Ms. Morgan said that any tree less than 7.9 inches, whether the property is vacant or not, can be removed without a permit. Ms. Moffett asked if there are many requests for permits for removal on vacant lots. Ms. Morgan said there are not a lot, but even so, that would not be approved for trees over the required height limit. She said if a tree is dead or severely infested, a permit would be issued regardless of the parameters. She also said people who are usually requesting the permits state that they are getting ready to build a house. She said that she tells them that they would need to submit a building permit with a tree site plan before a tree permit could be issued. Ms. Moffett asked what to do when an insurance company requests branches to be removed or trees that pose a risk to damaging structures to be removed. Ms. Morgan said that a provision could be included under (D) 4 under Existing Development add

section that the UDO Administrator may approve removal of trees greater than 7.9 "outside of these parameters upon submittal from the applicants insurance company that the tree and/or trees pose a risk to the structure and risk the cancellation of their insurance policy. Ms. Morgan asked if the Board would like to require tree mitigation for the removals. There was discussion on mitigation. Mr. Cruse noted that this would be an undue burden on the homeowner, given that the insurance requires the removal to prevent policy cancellation. The homeowner would also have to pay the tree removal cost as well. He feels that replanting should be encouraged but not required in this situation. The consensus was not to require mitigation.

In closing, Ms. Morgan went over the additional revisions. (1) to mitigate the trees mitigated for the pools be between 5-15 ft. from the pool area. (2) The insurance company requests for removal clause. MS. Morgan asked if there were any other concerns or questions.

Ms. Bodmer made a motion to approve the Text Amendment: UDO Article 7, Part IV Landscaping, Buffers, and Tree Protection & Appendix A Definitions as presented and with the specified changes, seconded by Mr. Cruse. **Vote 5-0; Motion Carried.**

Ms. Bodmer made a motion to recommend Plan A to the Board of Commissioners in the Statement of Consistency, seconded by Ms. Zakszeski. **Vote (5-0); Motion Carried.**

In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.

(A) X The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan), which states "the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff" and the City shall "preserve, conserve, and/or otherwise protect valuable and beneficial natural resources" and; (ii) that it is in the public interest because it will advance the public health, safety, and welfare of the City of Boiling Spring Lakes by encouraging the protection of natural resources.

Motion to Recommend Approval (A) X Motion to Recommend Denial (B)

(For 5 Against 0 Abstained 0)

H. New Business:

Text Amendment- UDO Article 5, Section 5.7

Ms. Morgan stated that the Staff has begun the process of amending Article 5, Section 5.7 of the Unified Development Ordinance. This Amendment will include street-side setback requirements in the Table of Area, Setback, Living Area, and Height Requirements. Additionally, Appendix A will be revised to include a definition for street-side setbacks.

She said the minimum setbacks are currently required for front, rear, and side setbacks. She states that there are no separate requirements for corner lot side setbacks or street side setbacks. She said this provision would include different corner or street-side setbacks. This means that a corner lot side setback adjacent to the street would be different from the interior side yard setbacks. She said it would be the Staff's recommendation to have wider corner lots for sight and streetscape purposes. She said the request is to add 5 ft. to the side setbacks on the street side. This would change for all corner lots in all districts. She explained that with this addition, there would be a definition added to the Amendment. Appendix A Definitions would be added:

Setback, Street Side

The side yard setback on corner lots shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line abutting the road.

Ms. Bodmer questioned the reason for the proposed change. Ms. Morgan responded that most cities and towns already have this provision. She noted that there may be some issues with septic systems; however, the Unified Development Ordinance (UDO) allows for variances in cases of hardship. Ms. Moffett asked how this would affect the pending House Bill, which seeks to limit some provisions for property owners. Ms. Morgan clarified that this bill, which aims to prevent downzoning, would not impact residential areas. The proposed law would require that no non-conformity be created on a non-residential lot. Ms. Morgan explained that House Bill 24 is attempting to repeal the proposed law but is currently stalled in the legislative process. It was the consensus of the Board to table the proposed Amendment for further review.

Moffett made a motion to table the proposed Text Amendment for UDO Article 5, Section 5.7 until after the relevant legislation has been concluded that would affect these proposed amendments. Seconded by Ms. Bodmer. ***Vote 5-0; Motion Carried.***

I. Other Business: None

J. Announcements- None

K. Ms. Bodmer made a motion to adjourn and was seconded by Zakszeski. ***Vote 5-0; Motion Carried.***
—7:36 PM

Respectfully submitted by Tanya Shannon, City Clerk