**Meeting Summary – May 2, 2007**

*City Hall South, Winston-Salem, NC*

**Attendance**

- Melynda Dunigan  
  *Winston-Salem Neighborhood Alliance*
- Fred Holbrook  
  *Winston-Salem/Forsyth County Inspections Division*
- Glynis Jordan  
  *City-County Planning Board*
- Evie Katsoudas  
  *Winston-Salem Chamber of Commerce*
- Paul McGill  
  *McGill Realty*
- James Mitchell  
  *City of Winston-Salem, Vegetation Management*
- Elizabeth O’Meara  
  *Sierra Club*
- Bob Ragland  
  *Forsyth County Environmental Affairs*
- Keith Rogers  
  *Keith Rogers Homes*
- Linda Schwan  
  *City-County Planning Board*

**Alternates**

- Malcolm Brown  
  *Sierra Club*
- Nancy Gould  
  *Winston-Salem Homebuilders Association*
- Kaila Hires  
  *Winston-Salem Neighborhood Alliance*
- Robert Vorsteg  
  *Winston-Salem Neighborhood Alliance*

**Others**

**Meeting Agenda**

1. Agenda review; approval of meeting summary, information sharing
2. Come to closure on Objective 2
3. Review and clarify options under Objective 3
4. Next steps and agenda for next meeting

**Handouts Provided**

1. Evaluation of Objective 2 Scoresheets

**Actions and Future Tasks**

1. The Committee settled on a Temporary Goal Statement: *Protect the tree canopy in ways that are compatible with continued growth.*
2. Changed Option 2.2 to read: Target municipal and county properties for woodland and forest conservation.
3. Dropped Option 2.4.4: Incorporate selective grading practices as opposed to mass grading.
I. Agenda Review and Meeting Summary Approval

A. The facilitator, Steve Smutko, welcomed the committee members and reviewed the day’s agenda.

B. The committee approved the April 11, 2007 meeting summary. Keith Rogers name was stricken from the list of those present.

II. Public Input

A. A citizen expressed her concern about the length of time that it will take for the tree ordinance to be put into place.

B. Glynis Jordan response: Right now no regulations to protect unique features of a site such as rock outcroppings or trees.

C. Expect to have an ordinance in place by July 1, 2008. Reasons for such a long time line are: (1) Committee needs to work on the ordinance recommendations; (2) We need the time to get public input; (3) We need to budget new staff and our budget year starts July 1.

III. Review and Discuss Options Under Objective 2

A. 2.4 Protect and Restore the Tree Canopy

1. Vorsteg: Problems of interpretation. Protect existing tree canopy versus restore trees that have been removed. The red flag issue here is the term ‘restore.’ Can we divide into two sections, protect the tree canopy and restore the tree canopy?

2. Rogers: To protect and encourage are positive terms, to restore has some questionable connotations – potentially something very, very aggressive

3. Vorsteg: Restoration could imply restoring to some percentage of tree cover

4. Dunnigan: I was interpreting restore as ‘as we remove trees, we need to put some back.’

5. Ragland: I was thinking of restoring on a smaller scale, not restoring to some percentage level.

6. O’meara: I was thinking that we really do need to have a target percentage.

7. Vorsteg: Are you referring to percentage coverage at a certain point in time? I’ve not heard anyone mention setting a specific year as a baseline. We should have a baseline established at a point of time.

8. Rogers: the problem is that we don’t have much data. We don’t have any idea about what tree coverage was at a point in time.

9. Vorsteg: Charlotte was able to make a tree count and get a percentage of canopy cover

10. Mitchell: Percentage of tree canopy is typically considered in terms of area. The percentage of land covered in tree canopy. From there you can estimate density of tree cover – light, medium, heavy. We have aerial photos that we could use to arrive at this figure, but we haven’t done that work.

11. This is different from a tree inventory. A tree inventory identifies all trees by species, etc.

B. 2.4.1 Establish city and county tree canopy policy and goals

1. Rogers: Policies and goals are two very different things. I couldn’t just accept the term ‘establish tree canopy policy.’
2. Dunnigan: We need to have clear goal language on the goals of the ordinance, the vision that the ordinance is trying to achieve. The city of Greensboro has an ongoing tree advisory committee. That is something we should consider.

3. O'Meara: The San Antonio ordinance lists some key ideas that make the ordinance important for the community.

4. Gould: This could be classified under a purpose statement.

5. Rogers: We need to have a clear understanding of what the policies and goals are... since we have not established either, I can't endorse them.

6. Smutko: Is any action taken by city or county government considered policy?

7. Jordan: Policy is not a rule, policy is the philosophy around which rules are developed. For example, “it is our policy to establish sidewalks in residential areas.”

8. Rogers: Is Legacy a policy?

9. Jordan: Legacy is a goal. Legacy is our comprehensive development plan that speaks to the future. It is combination of policies and goals. Policies and goals are closely related. The purpose is more specific. Why we have the rule. A ‘standard’ is the specific requirement which must be met to remain compliant with an ordinance.

10. Rogers: Are standards specified by staff and not specified by elected officials?

11. Dunnigan: Standards are those requirements that are officially specified somewhere, like the ANSI Standards.

12. Gould: Standards can change without having to go back to city council.

13. Jordan: Standards allow flexibility to change with the times.

14. Smutko: Is a canopy percentage figure a goal or a standard?

15. Smutko: Can you establish a tree canopy goal?

16. Gould: We need to include language that says we are striving for balance here.

17. The Committee settled on a Temporary Goal Statement: Protect the tree canopy in ways that are compatible with continued growth.

18. Holbrook: Everything is not going to work for every site. We’re going to need some flexibility in how we implement standards in different sites.

19. Hires: Fred’s remark is consistent with 2.4.5.3

20. Jordan: Let’s reference growth management areas that are part of Legacy. That simultaneously speaks to our urban core and moves out to the rural area.

21. Rogers: How are we going to use this goal statement? Is this specifically what we are going to work on?

22. O’Meara: The term ‘restoration’ refers to the items under Options -- planting and replanting requirements

C. 2.4.2 Establish Standards for Woodland and Forest Conservation

1. Rogers: You have a potential here to create a takings issue. If you say you’ve got a wooded property that you can’t do anything with so the people of the county can enjoy it. That is different than having generalized standards for development that would provide incentives to conserve trees. If owners of specific kinds of properties have to meet different standards, then you have a takings problem.

2. Ragland: One way that it could work, is if you have public lands. Maybe where
we already have public lands, we could impose that kind of standard.

3. Brown: if we have a forest, is there some way for us to say we want to keep a few trees? How do we keep at least a few trees?

4. Q to Jordan: How do you interpret this?

5. Jordan: We would have to get legislative approval to say ‘you can’t do that’ on any one person’s property. We’d also have to get legislative approval if we want to limit clear cutting on a piece of property.

6. Rogers: I see 2.4.2 as being quite different than some of the other provisions and standards in other ordinances. If we identify one type of property that we say needs to have special requirements, then we may be looking for trouble.

7. Smutko: Is this beyond the committee’s purview?

8. O’Meara: is it the city that gives us information on this, or should we be looking to the county for this?

9. Jordan: Since we are a city-county planning board, both boards need to give us direction on this. But it is complicated. From a staff perspective, we want the committee to make these decisions. However, agricultural and forestry uses are exempt from zoning rules. However, we also want to make available our viability, that is as much economic as livability. Therefore we would have great difficulty and trying to persuade landowners to not clear cut huge chunks of land. This is really high hanging fruit, and the committee may want to go for more practical options.

10. Smutko: Are there other options that can get you toward your objectives?

11. O’Meara: For the Sierra Club, we feel that there that we can create incentives for providing incentives for saving trees.

12. James: There are criteria that define forest lands that are legally defined as a working forest that receive tax incentives

13. Gould: Change 2.4.2. to read: Provide incentives for woodland and forest conservation.

14. Smutko: Does a public lands standard still apply as Bob Ragland has suggested?

15. Dunnigan: Change 2.4. to 2.2 and add this language there.

16. Recommendation: Change 2.2 to read: Target municipal and county properties for woodland and forest conservation.

D. 2.4.3 Require Tree Protection Plans for All Property Permitted for Development

1. Holbrook.: Take out the word ‘all.’

2. Gould: This is an expensive option.

3. Dunnigan: if we are going to protect trees on a piece of property, we need to have some way to make this work.

4. Smutko: We have two issues going on here: the word ‘plans’ and the word ‘all’

5. Dunnigan: If we have an ordinance that talks about post-construction protection, we need to consider post construction plans as well.

6. Gould: What does the word ‘plans’ really mean? How specific do they need to be? This would be expensive. On the other hand, if during a design review, we see that there are special trees to be conserved, then this would be workable.

7. Brown: It takes years and years to grow a tree like that, we need to have some way of protecting that.

8. Smutko: What does ‘tree protection plan’ mean?
9. Dunnigan: It really depends on what kind of tree protection requirements there are.

10. Ragland: You can have a minimal type of plan that would be needed to make this work.

11. Gould: Does it have to be a separate plan, or can we tweak what we are already submitting? We may have to wait until we know what tree protection requirements we are going to agree to before we start talking about requiring a plan.

12. Ragland: there is a minimum amount of planning that is needed, regardless of what we recommend.

13. Rogers: The word ‘all’ needs to be addressed. There is a limit to which a tree protection plan may not be practical. Requiring a tree protection plan on a quarter acre lot may not work.

14. Dunnigan: Perhaps we need to set a minimum lot size or something like that.

15. Holbrook: I’d rather go along with a requirement that every lot requires a tree because you don’t know how many plans would have to be reviewed. We don’t want to do it on an individual house basis. Conserving trees could be the overall objective for the subdivision. You are recouping trees that may be taken out to put the street in or the foundation of the house. You are getting some of that back without putting a burden on the developer and staff to have to develop and review plans on every residential subdivision to see that it has trees on it.

16. Rogers: I wasn’t even thinking about residential. I have 3 half-acre lots in small commercial, neighborhood office zoning. If we are saying we are taking individual lots that require a tree protection plan, there is a disproportionate burden on a small site. In a larger site, that gets worked in to the overall scheme.

17. Dunnigan: We could say, that it does not apply to individual lots of record, but to subdivided lots.

18. Rogers: My point is ‘all’ and trying to address that is my concern.

19. Brown: Don’t you have a landscape architect that draws up your landscape plan.

20. Rogers: I do, but not every builder does. In fact most do not.

21. Smutko: There needs to be some criteria from which to exemption. And that criterion has something to do with the protection requirements that you all will agree on. Let’s move on.

22. O’Meara: It may help to look at actual tree protection plans that are used in other places.


See City of Charlotte “UDO Chapter 21 (Tree Ordinance)” Section 21-91 (Tree Survey) and Section 21-92 (Tree Protection Plan)

See City of Greensboro “UDO Chapter 30-5-4 Landscaping and Tree Preservation Requirements” Section 30-5-4.2 Tree Conservation Plan Procedures


25. Before developing a subdivision (size to be defined), one needs a plan for conserving trees. A plan is also needed to protect trees during construction.

26. The actual contents and requirements of a tree conservation plan will be based on protection requirements (to be developed). Should it be included in an existing site plan? All properties? Need exemption for size of development.
What criteria to use to identify exemption?

E. 2.4.4. Selective Grading vs mass Grading

1. Holbrook: You can give people incentives to go toward selective grading.

2. Gould: We already have incentives to stay off of steep slopes.

3. Dunnigan: I don’t think you can require a certain type of grading. We should figure out some way to incentivize it. Our goal should be to cut down on mass grading, but I don’t think it fits in a tree ordinance.

4. Vorsteg: What do we count as ‘selective grading?’

5. Holbrook: It is site specific on whether they can do selective grading to make the street elevation work and get the utilities in.

6. Ragland: There ought to be a minimum lot size to talk about selective grading.

7. Rogers: I see this more as a concept of defining a tree save area. We can take some percentage of the site and save trees – we don’t need to be trying define mass grading versus selective grading. This is triggered by other requirements such as a Save Tree Area. We also don’t need to be limiting our discussion to residential areas. How do you build a large commercial site without grading it. Take Hanes Mall as an example. How do you do that without mass grading?

8. Holbrook: It may be possible to come up with a percentage of the site that is graded as a definition – for example if you grade more than 40 percent of the site, then that is mass grading. The incentive might be to grant higher density for less grading. You could save some tree areas and keep off the slopes, then it could work.

9. Rogers: This may work OK on residential sites, but not on commercial sites. The incentive to build more densely is there. Not only does it give you more of an opportunity to do that, but you have an incentive to do that. On a large commercial site, to make it work, you’ve got to meet street requirements, safety requirements, etc.

10. Dunnigan: I think Keith is right. We don’t need to be defining mass versus selective grading. Our discussion should focus on conserving trees.

11. Brown: Can’t you parallel zoning with a particular area, as far as grading?

12. Rogers: If you can come up with some definition, I suppose.

13. Smutko: Let’s talk about selective grading with respect to tree save areas, then come back to thinking about incentives to reduce mass grading.

F. 2.4.5 Preserve a Percentage of Trees in New Development (Both Residential and Commercial)

1. Rogers: What if you have one tree or a cluster of trees on the site that sits in the only area that is developable on the site?

2. Dunnigan: Just because you have only one tree on the site doesn’t mean you have to save it.

3. Rogers: That’s where I can support 2.4.5.1, but I can’t just support 2.4.5.

4. O’Meara: I also have problems with this one. The percentage has nothing to do with the quality and conditions of the trees. There is not enough clarity as to what the percentage means.

5. Dunnigan: Establish a tree save area as in 2.4.5.1. That area has to be defined somehow. The percentage could be a percentage of total land area.
6. Rogers: 2.4.5.1 is OK conceptually. Preserving a percentage of trees may or may not work. TSAs may not protect the best trees on the site.

7. Ragland: You could save a percentage of the tree canopy.

8. Rogers: Part of the problem with the whole tree canopy discussion, the canopy as it exists may or may not fit your ability to use the site. A tree save area is one thing, but saving existing trees is another thing completely.

9. Dunnigan: The difference is the TSA as a percentage of total land area versus a percentage of the existing trees.

10. Gould: So if you have a 10 percent TSA, and can't protect the existing trees, you'll replant to cover 10% of the site.

11. Brown: But you still want to have some incentive to keep existing high quality trees. So if you have a specific tree or trees that you want to protect, and if you have the choice of protecting it, then shouldn't you do something to protect them.

12. Rogers: Doesn't that come under Objective 3?


14. Smutko: How should you measure TSAs, percent of land area or percent of trees on site?

15. Dunnigan: Total land area makes more sense. But that still may be a percentage of trees on site.

16. Ragland: It also leads to planting trees on the site that don't exist. There is a benefit there.

17. Smutko: What are some of the issues that might arise that you may have to deal with when using this percentage criterion?

18. Holbrook: Say we are going to preserve 10%, does that mean we group them in one place, or does 1 percent here and 1 percent there with a cumulative percentage of 10 percent mean the same thing? I'd prefer the former, that way you get the benefits that the trees provide such as shade or water quality protection.

19. Dunnigan: We've also set as one of our values that we want to protect contiguous tree stands, so there needs to be a way to do that.

20. O'Meara: Saving trees on site – it takes such a long time to replace what you've taken away. Protecting existing trees keeps the benefits of those trees on the site. It takes 17-20 years for trees to get to the point where they provide those benefits.

21. Vorsteg: So you are looking at the relation between 2.4.5.1 and 2.4.5.2. If these could be put in some sort of relationship so that there is some priority to preserve existing trees.

22. Jordan: In my naiveté as a tree knowledgeable person, one of the questions I have is the quality of the trees on the site. Some trees are better than others, and some trees are healthier than others, and some sites are better than others to support trees. Would it be helpful for James (Mitchell) to help us to determine what trees to save, and the criteria that you might want to establish to keep or save.

23. Brown: That's why you need a tree conservation plan. If someone is developing a big piece of property, someone has to go out and look at it.

24. Mitchell: It needs to be someone who knows trees and can tell the difference. Either a certified arborist or a registered forester needs to determine the trees that need to be protected and those that don't.
25. Gould: Wouldn’t it be better to switch it around so that, if you can abide by standards that we come up with without question, then great. But if you have some question, then you have that arborist come out to make that determination.

26. Mitchell: What I’ve seen in other communities is that they require a rudimentary survey of trees greater than say, 12 inches.

27. Vorsteg: When Randall Arendt was here last June, he was discussing the desirability of a site visit that included a landscape architect. I don’t know if that is more or less expensive than an arborist.

28. McGill: That aren’t that many around. If you require that for every development, that will really slow things down.

29. Smutko: It sounds like you need to decide not only how much to save, but what to save as well. Who determines and how. A registered forester or arborist at every site, or only those that are contested.

30. O’Meara: I think that in San Antonio, TX they have this sort of arrangements. They have either a fast track or a more expensive track. The fast track has a lot to do with getting the city involved. There are ways to do a fast-track review.


32. O’Meara: How do we arrive at a percentage figure? Are there ANSI standards or does American Forests have any guidance?

33. Mitchell: There are no ANSI standards for tree preservation. American Forests may have some recommendations.

34. Ragland: I’m thinking more of the percentage area with some type of incentive to preserve trees on site. We want to preserve stands of quality trees where we can. If we have a land area where we want to have a 10% tree canopy cover, then include TSA as part of that coverage and encourage preservation of those trees and if they can’t build in certain areas, then have an arborist to come down and say which trees to save. Try to preserve trees to meet the land coverage goals.

35. Dunnigan: I thought the TSA was to preserve trees. I thought that if you couldn’t meet the TSA goal, then you would replant to get to the TSA coverage standard.

36. Gould: If you have a 10% TSA, and you have 5% of the site in high quality tree coverage, then you could provide incentives for the builder to save those high quality trees.

37. Dunnigan: Your first effort should be to save the existing trees. If you can’t do it practically, then your second best option is to replant to reach the TSA goal.

38. Vorsteg: Replanting and protecting quality trees are not of the same priority. Protecting quality trees should be a higher priority.

39. Smutko (summarizing): The priority is to preserve existing quality trees. It needs to be practicable. There needs to be some standard that defines ‘practicable.’ If not practicable, then the second best option is to replant to meet some defined percentage goal.

40. Vorsteg: You get an arborist involved only when you have difficulty in meeting the TSA percentage.

41. Gould: The first step is whether the group can agree on some percentage of canopy cover, whether it is new or existing trees that is reasonable to try to achieve on site, whether there is one standard or it varies depending on zoning...
42. Brown: What to other cities have? What does Charlotte have?

43. Dunnigan (reading from Charlotte ordinance): For single family residential development, a minimum of 10 percent of existing site to remain in trees. If less than 10% is wooded, additional trees must be planted. If less than 5% is wooded, plant to meet 5%. Incentives for saving more than the required amount of trees – density bonuses and reduced setbacks. Street trees, 75% large maturing shade trees are required to be planted on both sides of the street in the subdivision. Heritage trees are defined and must be saved. Specimen trees are defined and are encouraged to be saved. Incentives are provided for saving both categories. Commercial – tree plantings are required in a setback along the right of way. If no existing trees or open gaps, large maturing trees are required every 40 feet, small maturing trees every 30 feet of building frontage. If overhead power lines exist, then small maturing trees are required. Trees are required within the site one, tree for every 1000 ft of impervious surface area. Parking spaces must be within 60 of a tree. Tree islands must have 274 sq ft of growing area, equivalent to two spaces end to end with a minimum width of 8 feet.

IV. Next Steps
A. Draft some language that committee members think would work and bring that to the next meeting.
B. Think about what 10% of a site means. Come up with a meaningful standard that works and is meaningful. What does 10% really mean to you? Be prepared to defend a standard based on some meaningful criteria.
C. Pick up where we left off on Objective 2, and depending how far we get, we'll do the same for Objective 3.

Meeting was adjourned at 6:00 p.m.