Winston-Salem / Forsyth County Tree Ordinance Committee Meeting Summary

August 30, 2006
City Hall South, Winston-Salem, NC

☐ DRAFT (Do not circulate) ☑ APPROVED (For general distribution)
Draft Date: 09/27/06 Approval Date: 09/27/06

Attendance
Glenn Cobb          Winston-Salem Regional Association of Realtors
Melynda Dunigan    Winston-Salem Neighborhood Alliance
Fred Holbrook      Winston-Salem/Forsyth County Inspections Division
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
Lynda Schwan       City-County Planning Board
Tamieka White      Neighbors for Better Neighborhoods
Rosetta Williams   Waughtown Neighborhood Association
Nancy Gould        Winston-Salem Homebuilders Association
Robert Vorsteg     Winston-Salem Neighborhood Alliance

Meeting Agenda
1. Welcome, agenda review, meeting summary
2. Discussion of existing ordinances
3. Generate plan on how to proceed (craft new ordinance? amend existing ordinances? other?)
4. Develop information plan (information you will need to complete your task)
5. Review meeting calendar, decide on meeting dates
6. Agenda for next meeting

Handouts Provided
None

Actions and Future Tasks
Finish the discussion of the bufferyard standards
Review and discuss three other existing standards:
   Revegetation of slopes
   Floodway fringe
   Steep Slopes Density Bonus (Planned Residential Development)
Generate objective criteria for evaluating tree ordinance language
Review the original tree ordinance proposed by the Appearance Commission
Review tree protection ordinances from Charlotte, NC and Milwaukee, WI
I. Introductions, Agenda Review, Information Sharing

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

B. James Mitchell will provide information in the September meeting about costs of a tree canopy assessment and other services provided by American Forests (CityGreen)

C. Melynda Dunigan shared information from “Piedmont Community Tree Guide, Benefits, Costs and Planning Guide.” This document can be found at http://www.fs.fed.us/psw/programs/cufr/products/2/cufr_647_Piedmont%20Tree%20Guide.pdf. The study provides a means of estimating the benefits and costs of trees, and provides some estimates of net annual benefits. In summary, larger trees provide greater benefits. The average annual net benefit per tree is estimated in the report as $7-$18 per tree for small trees, and $83-$92 per tree for a large tree.

D. Steve Smutko announced the request for proposals from the National Urban Forestry Council. The deadline is October 1, 2006. The committee did not act on the information.

E. Smutko reminded the committee of the situation assessment report he sent out to the committee via email. The key messages he wanted the committee to take home were: (1) not all committee members agree that a new ordinance is needed. The committee is currently split over whether to recommend a new ordinance for conserving trees, recommend changing existing ordinances, or to take a nonregulatory approach entirely; (2) committee members are generally interested in exploring whether and how to improve tree conservation in Winston-Salem / Forsyth County.

II. Discussion of Landscaping Standards (UDO Section 3-4)

A. General

1. Prior to the meeting, Smutko asked committee members to identify and articulate their own values (interests) with respect to the ordinances. He also asked them to understand the intent, purpose, and objectives of each ordinance, the functional coverage and geographic coverage, and the implementation mechanisms (the actions taken to achieve the ordinance objectives). Committee members were then to evaluate the ordinance using the following criteria: (a) Does the existing ordinance coincide with your values? (b) What do you like about the existing ordinance (how does it align with your values?) (c) What don’t you like about the existing ordinance (how does it contradict your values?)

2. Based on the above, the committee identified concerns and opportunities about the landscaping standards. They then reviewed the list of concerns and opportunities and indicated those that had significant implications for their work ahead.

B. Specific concerns and opportunities listed by the committee (items in bold are those that the committee will focus on in later discussions):

1. The ordinance is functionally limited. It applies to paved areas, parking lots, and utilities only.

2. Does it really accomplish the goals stated in the ordinance? The trees that are planted are small.

3. The ordinance uses a planting ratio based on the size of the parking lot, but
not the size of the building that occupies the site (in later discussion, city staff and others pointed out that the size of the parking lot is a function of the size of the building it is intended to serve)

4. **It is important that the right tree is planted in the right place for the ordinance to work as intended. Sometimes you have to help it become the right place through better site design.**

5. **Balancing the benefits of trees with the benefits of development is the crux of the issue. We need to recognize that there is an optimal balance somewhere between conservation and development – not that we have to quantify it.** (Point of discussion: Need to distinguish the difference in value of trees that are conserved on site versus trees that are replanted. Also, what is the geographic scale of the conserve-develop equation? It is larger than a single parking lot, having some semblance of community scale. Need to go beyond “I’m against development” and think about this issue)

6. **Trees are part of the infrastructure.**

7. **Ongoing maintenance of trees is not adequately addressed by the ordinance. For example, even though trees may not be removed, they may be topped, reducing their value and functionality.**

8. **Need to update the list of trees eligible for planting under the ordinance. Specifically, bradford pears should be removed.**

9. **The eventual maturity (size and shape) of a tree is taken into account under this ordinance. But there are many factors that cannot be controlled that affect the outcome of the landscaped area over time.**

10. **Because of the prescriptive nature of the ordinance, builders have little flexibility which stifles creativity. On the other hand, ordinance provisions must be clear to enable staff level decisions.**

11. A variance option exists, but is it is tough to get.

12. **There is little incentive for landowners to preserve existing trees on site. The credit formulation for trees left on site is used very infrequently.** (Its use has been generally limited to schools.)

13. Existing lots are exempt.

14. **Is enforcement adequate? Enforcement is complaint based. Inspection Division approves the landscape plan and issues a permit. Zoning field staff make site inspections. Five inspectors cover the entire county.**

15. **Prescriptive standards versus performance-based standards. The intent of both is to achieve the objectives of the ordinance. An ordinance should offer both to allow for creative solutions for those who want to take the time and effort to do so. Performance-based standards may work best in residential areas.**

III. **Discussion of Bufferyard Standards (UDO Section 3-5)**

A. The committee identified their concerns with the bufferyard standards and opportunities for application in tree conservation.

B. Specific concerns and opportunities listed by the committee follow. Time ran out on the committee before they could identify key items to focus on in later discussions. Committee members agreed to review the list prior to the next meeting and be prepared to identify key items.

1. **Basic question: should the committee make recommendations to change the bufferyard standards?** (Answer by committee: Reserve the option to change the standards if such action proves to be logical and pragmatic).
2. The intent is to screen residential properties from more intensive uses. The minimum plant material required in the buffer varies with the distance that the structure is set back from the property line (i.e., the buffer width). Wider buffer require less plant material.

3. The bufferyard standards encourage preservation of trees by providing a cost incentive to developers to leave them on site.

4. Neighborhood Alliance is not fully satisfied with the ordinance. It doesn't work as intended in some/many cases. The vegetation screening is not always adequate.

5. The bufferyard standards are limited in scope, only separating higher intensity uses from lower intensity uses.

6. Citizens are asking for buffers from new residential development.

7. If property to be buffered is undergoing a rezoning, the public can request additional buffer measures.

8. The purpose of bufferyard standards and other standards, such as the ‘big box ordinance’ was to avoid having to rely on special use permits for every development project. The standards were meant to take the UDO to a level of specificity where there would be some level of certainty about what could or could not be built.

9. The County Environmental Affairs Department is receiving complaints from neighbors of new residential developments, which don’t require a buffered separation.

10. Need to avoid "instant" landscape requirements, where planting standards are too dense. This results in stunted vegetation that needs thinning later. It takes time for a vegetative buffer to become fully effective.

11. In many cases trees are being removed to make room for structures, and then vegetation is being replanted according to bufferyard standards. The result is often less vegetation and screening than what existed naturally.

12. Inspection Division finds that in most cases the vegetation is left intact. Owners may ‘clean it up’ by removing some of the less aesthetic vegetation.

13. The time perspective is important. Trees gain in value over time. How soon should the value we place on trees be realized? How do we factor in the short-run cost of losing mature trees and replacing them with saplings?

14. Are the best trees left for bufferyards or are they being removed? Note: tree size for replantings are specified in the ordinance. The Inspections Division factors in size and separation distance of remaining trees and replanted trees in its determination of whether the standards are being followed.

15. Are incentives adequate for maintaining existing trees in bufferyards, especially large trees or high value species?

16. How can we factor the value of trees into our decisions about removing them?

IV. Plan for Proceeding
A. It was agreed to postpone this agenda item until later.

V. Information Plan
A. It was agreed to postpone this agenda item until next week.

VI. Future Meeting Dates
Wed, Sept. 27
Wed, Oct 25
Wed, Nov 15
Wed, Dec 13
Wed, Jan 10
Wed, Feb 14
Wed, Mar 14

Meeting was adjourned at 6:20 p.m.
Next Meeting
September 27, 2006
3:30 – 6:00
City Hall South, 2nd -Floor Conference
Rm., Winston Salem, NC

Agenda Items
1. Welcome; agenda review; approval of meeting summary, information sharing
2. Public input
3. Discussion of existing ordinances -- bufferyard standards (continued), revegetation of slopes, floodway fringe, and steep slopes density bonus
4. Generate criteria for evaluating existing ordinances and creating new policies
5. Discussion of information plan
6. Next meeting agenda