Winston-Salem / Forsyth County
Tree Ordinance Committee
Meeting Summary

September 27, 2006
City Hall South, Winston-Salem, NC

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Draft Date: 10/16/06 Approval Date: 10/25/06

Attendance
Glenn Cobb  Winston-Salem Regional Association of Realtors
Melynda Dunigan  Winston-Salem Neighborhood Alliance
Fred Holbrook  Winston-Salem/Forsyth County Inspections Division
Evie Katsoudas  Winston-Salem Chamber of Commerce
Paul McGill  McGill Realty
James Mitchell  City of Winston-Salem, Vegetation Management
Jamie Moore  Community Appearance Commission
Elizabeth O’Meara  Sierra Club
Bob Ragland  Forsyth County Environmental Affairs
Keith Rogers  Keith Rogers Homes
Lynda Schwan  City-County Planning Board

Alternates
Nancy Gould  Winston-Salem Homebuilders Association
Laura Phail  Sierra Club
Robert Vorsteg  Winston-Salem Neighborhood Alliance

Meeting Agenda
1. Agenda review; approval of meeting summary
2. Information sharing
3. Procedural issues
4. Discussion of existing ordinances
5. Evaluation Criteria
6. Discussion of information plan
7. Next meeting agenda

Handouts Provided
None

Actions and Future Tasks

Tasks Remaining from Aug. 30 Meeting:
1. Review the original tree ordinance proposed by the Appearance Commission
2. Review tree protection ordinances from Charlotte, NC and Milwaukee, WI

New Actions & Tasks
1. A canopy assessment subcommittee composed of Elizabeth O’Meara, Bob Ragland, and James Mitchell will report back on Oct. 25 with recommendations on how to act on the CityGreen proposal.
2. The committee decided that alternates should have the freedom to participate in committee discussions. This decision may be reconsidered at any time.
3. The committee will review actual site plans to see how the existing ordinances come into play with respect to tree protection and planting. Fred Holbrook will lead this discussion on Oct. 25.
4. Keith Huff was asked to report back Oct. 25 on whether Incentives for Density Bonus, Protection of Steep Slopes (Chapter 2-5.60 (G)) is meeting its designed purpose.
5. Keith Huff was asked to report back Oct. 25 on whether Floodway Fringe Limits of Encroachment (Section 2-3(B)(3)(b)) is meeting its designed purpose.
I. Introductions, Agenda Review, Information Sharing

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

B. The committee approved the August 30 meeting summary.

C. Melynda Dunigan informed the committee that the Winston-Salem Neighborhood Alliance will be hosting Laura Brewer, Senior Urban Forester, City of Charlotte, at their annual meeting Sunday, October 22 at 2:00 pm.

D. James Mitchell provided some information about the CityGreen baseline assessment that could be contracted through American forests. American Forests would conduct an ecosystem analysis for Winston-Salem / Forsyth County. American Forests would need their own imagery since they need leaf-on aerial photos. The analysis would focus on areas outside of the city. The assessment would result in a calculation of benefits provided by trees. The assessment could begin in late spring or early summer 2007 and would take eight months to complete. The cost estimate provided by American Forests was $79,569. There are potential grant sources to support funding.

1. Discussion:
   a. Should the committee make a recommendation to move forward with the assessment? The committee decided that it needed more information before deciding. Laura Brewer, City of Charlotte may have first-hand experience in working with American Forests and CityGreen. She could provide some information about that when she visits in October.
   b. The committee selected a subcommittee to conduct further research to determine how to act on the CityGreen proposal. Subcommittee members are Elizabeth O’Meara, Bob Ragland, and James Mitchell. The subcommittee will report back at the next meeting October 25.

II. Procedural Issues

A. The Roles of Primary and Alternate Members

1. Steve Smutko indicated that he had received emails from committee members about the role of committee alternates. Specifically, the question was whether alternates should be speaking during committee deliberations. Smutko pointed out that the draft committee charter was silent on this issue. He asked committee members whether alternates should be free to speak during committee meetings even if the primary member is present.

2. The committee decided that alternates should have the freedom to participate in committee discussions. In the future, if the primary members decide that having alternates adding to the discussion is reducing the efficiency of committee meetings, the committee can change the charter and limit discussion by alternates.

B. Process direction and pace

1. Since the August 30 meeting, some committee members had communicated with Smutko regarding a concern that the committee wasn’t progressing quickly enough toward the goal of creating a tree ordinance.

2. Smutko reminded the committee of the findings from the situation assessment which indicated that the committee was not in concurrence that a new tree ordinance was necessary.

3. Smutko a decision tree that he felt outlined the procedural choices currently before the committee. The decision points as presented by Smutko are in Figure 1:
4. Smutko also stated that a key task of the committee will be to develop and refine three lists: (1) interests; (2) additional evaluation criteria; and (3) issues to be addressed. Smutko invited the group to comment on the proposed process.

5. Discussion:
   a. Some members of the committee have suggested that the pace is too slow and that they are being sidetracked by reviewing existing ordinances.
   b. One member felt that the committee does not have a specific purpose and they hadn’t gotten to the heart of the next steps – identifying what the ordinances are lacking and what new standards are needed. More specifically that it hasn’t looked at tree ordinances to understand what those ordinances can do.
   c. Another member suggested reviewing the purpose statements of other tree ordinances and ask if that purpose is met in these other ordinances.
   d. Another stated that if the committee focuses its efforts on only a tree ordinance, it may end up in a box that doesn’t really get it to a greater goal of conserving the tree canopy.
   e. One member stated that he thought the committee started with the objective of becoming educated about existing ordinances that affect tree conservation. He felt that the committee would have to take the time necessary to carefully review them.
   f. Another member expressed the desire to spend that time discussing what the committee has set out to accomplish rather than on these other ordinances.
   g. The group reviewed its purpose statement as defined in the charter.
   h. It was suggested that the committee review an actual site plan and see how the existing ordinances come into play with respect to tree protection and planting. The committee agreed to investigate one or more site plans during the October 25 meeting. The objective of the exercise will be to determine how existing ordinances affect tree conservation on a particular site. Fred Holbrook will lead this effort.
   i. The committee agreed to continue its discussion of existing ordinances with the objective of generating a list of the items in each ordinance that impact the larger goal of tree conservation, either negatively or positively.

III. Bufferyard Standards (Section 3-5)
A. The committee specified the priority concerns and opportunities regarding the City-County Bufferyard Standards from the comments generated at the August 30 meeting. The concerns and opportunities that are important enough to be brought forward for future discussion are:
   1. The bufferyard standards encourage preservation of trees by providing a cost
incentive to developers to leave them on site.

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

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

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

5. 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.

6. 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.

7. The time perspective is important. Trees gain in value over time. How soon should the value we place on trees be realized? The loss in value from removing existing trees may exceed values gained from planting new ones. How do we factor in the short-run cost of losing mature trees and replacing them with saplings?

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

B. Other issues identified were:

1. Bufferyard standards don’t have language about tree protection (protecting trees once they are planted or identified for preservation). Accountability, inspection, and sufficient standards for protecting trees once they are planted or left in place are lacking. This is also true for the landscape standards. Discussion: Some protection standards are defined in the UDO, related to protection of an area defined by the drip line. But are they adequate?

2. There are no tree protection standards for single family residential uses, i.e., bufferyards, replanting, preservation, and revegetation.

3. There are no bufferyard requirements for pre-existing uses. They only apply if the use is changing.

4. The ordinance refers to replanting requirements for schools, but nothing about maintenance. The issue with maintenance is that the city does not inspect bufferyards for maintenance unless someone registers a complaint.

5. There may be an opportunity for education in this regard. Messages could be targeted to key audiences. School administrators would be a good audience since construction of new schools often involves opportunities for bufferyard protection.

IV. Revegetation of Slopes (Section 5-7(A)(1 and 2) and (B)(2))

A. The committee identified issues relevant to the density bonus for steep slopes.

1. The only mention of revegetation is in Section D(2), which mentions planting vegetative cover for erosion control. Also requires one tree, minimum of 12 inches high at planting per 200 square feet of surface area.

2. It is left up to the erosion control inspectors to enforce this provision. Question: Is this ordinance sufficient to control erosion, or is something more needed? Keith Huff will be asked to report back on this question at the next meeting.

V. Floodway Fringe Limits of Encroachment (Section 2-3(B)(3)(b))

A. The committee identified issues relevant to this ordinance. These are:

1. Pertains to areas left undisturbed along streams with FEMA-designated floodways. Trees are usually the predominant vegetation in undisturbed areas.
2. Winston-Salem’s standards are more strict than federal requirements, i.e. buffers are wider.

3. Are these standards enough to maintain water quality and meet stormwater management goals? Keith Huff will be asked to report back on this question at the next meeting.

4. The purpose of the standards is to maintain short-term water storage capacity during flooding events.

VI. Density Bonus for Steep Slopes (Section 2-5.60 Planned Residential Development)
A. Issues pertinent to this ordinance were identified as:
   1. Protects trees on steep slopes.
   2. This is an example of using incentives to protect trees.
   3. Emphasizes open space (as does floodway fringe standards)
   4. The density bonus applies only to planned residential developments.
   5. Planned residential developments have an open space requirement (15% - 50%), although the open space does not have to contain trees.

VII. Street Standards Governing Vehicle Pedestrian Circulation (Section 3-13 (C)(3)(d) Street trees for new Residential Subdivisions)
A. Issues pertinent to this ordinance were identified as:
   1. Requirement for placement of a specific number of trees per linear foot
   2. Pertains only to Winston-Salem city limits, other municipalities in Forsyth County have their own street standards that contain street tree provisions.
   3. Melynda Dunigan stated that the Forsyth County Commission is considering amending their street tree ordinance and are awaiting the outcome of this committee before moving ahead with that.

VIII. Salem Lake Watershed Protection (Chapter C III)
A. Issues pertinent to this ordinance were identified as:
   1. Creates open space in the Salem Lake water supply watershed.
   2. There are other riparian buffer ordinances that exist in the county.

IX. Plan for Proceeding
A. Steve Smutko asked the committee if they were prepared to decide where they were on the decision tree outlined earlier in the meeting. Members could identify if they personally wanted to:
   1. Develop new tree conservation standards
   2. Not develop new tree conservation standards, but amend existing ordinances
   3. Do both 1 and 2
   4. Do neither 1 or 2
   5. Not make a decision at this time
B. The committee members agreed that they were not ready to make that choice and wished to review how each other felt about existing standards.

X. Evaluation Criteria
A. Smutko asked the group to identify the criteria they want to use to evaluate existing ordinances. The purpose of this exercise was to assist the committee in making choices about how to proceed through the aforementioned decision tree. Criteria identified by the committee in the time available were:
   1. Existing ordinances are limited in functional and geographic scope. We need to apply standards to a wide variety of uses in order to make a difference in tree conservation.
2. We should preserve the rights of property owners to make decisions about their own property
3. We need to keep the cost of housing affordable
4. Ordinances should provide incentives to landowners and builders/developers to conserve trees
5. Incentives should be created to conserve continuity of woodlots from one place to another for benefits to the environment as well as benefits to homeowners
6. Ordinances should enable creative solutions to address issues of affordability, conservation, or any existing limitations.
7. Standards should reflect the importance and values of trees
8. Standards should reflect an equitable balance between public and private interests

XI. Information Plan

A. It was agreed to postpone this agenda item.

XII. Future Meeting Dates

Wed, Oct 25
Wed, Nov 15
Wed, Dec 13
Wed, Jan 10
Wed, Feb 14
Wed, Mar 14

The committee decided to extend the October 25 meeting so that it can make some headway on its tasks. The October 25 meeting will begin at 12:00 noon with lunch and adjourn at 5:00 p.m. The meeting will be held at the Forsyth County Environmental Affairs Office, 537 N. Spruce Street, Winston-Salem. Lunch will be provided.

Facilitator’s note: Because of a meeting scheduled by the Chamber of Commerce at noon, we will start the tree committee meeting at 12:30.

Meeting was adjourned at 6:10 p.m.