

Developing Effective Tree Ordinances

Managing Stakeholder Involvement

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Objective: Answer 6 Questions

- **Why** involve stakeholders (and why should they want to be involved?)
- **Who** are stakeholders?
- **What** should stakeholders be asked to do?
- **When** should stakeholders be involved?
- **How** should stakeholders be involved?

Why Involve Stakeholders?

- Achieve five social goals*
 - Incorporate public interests and values into decision-making
 - Increase quality of public decisions
 - Educate the public
 - Foster trust in institutions
 - Reduce conflict

*Thomas C. Beierle and Jerry Cayford, *Democracy in Practice: Public Participation in Environmental Decisions*. Resources for the Future, Washington, DC. 2002

Why Involve Stakeholders?

- From a practical perspective:
 - Increase citizen participation
 - Improve the substance of a proposed decision
 - Reduce the social costs of decision implementation
 - Reduce time from proposal to implementation
 - Increase compliance
 - Reduce litigation

Outcomes that Everyone Should Expect

■ Quality of Decisions

- Decisions that **(1)** identify the values, interests, and concerns of all who are interested in or affected by the planning decision; **(2)** use the best available knowledge, and **(3)** incorporate new information, methods, and concerns that arise over time

■ Legitimacy of Process

- Process is seen by the public as fair and competent and follows governing laws and regulations

Outcomes that Everyone Should Expect

- Capacity of Participants
 - Participants, including agency staff and consultants, (1) become better informed and more skilled at effective participation; (2) become better able to engage the best available knowledge and information about diverse values, interests, and concerns; and (3) develop a more widely shared understanding of the issues and decision challenges and a “reservoir of communication skills, mediation skills, and mutual trust.”

Why Should Stakeholders Want to Get Involved?

- They share a common concern and agree that the issue needs to be resolved
- They are interdependent to some degree
- They are unable to influence decisions in other arenas

Who are Stakeholders?

- Rule of Three:



1. Those who are affected by a policy decision
2. Those who can affect a policy decision
3. Those who have the resources and authority to carry out a policy decision

Who are Stakeholders?

- For most municipal tree ordinance decisions:
 - City Appearance Commission (or related organization)
 - Neighborhood Associations
 - Homebuilders & Developers
 - Realtors
 - Conservation Organizations
 - Chamber of Commerce
 - Local Gov't: Planners, code enforcement, arborists

What Should Stakeholders be Asked to Do?

- Define general purpose and goals of the ordinance
 - Maintain visual appearance? Provide wildlife habitat? Protect water quality?
- Determine location and scope
 - Geographic locations & types of development covered by the ordinance
- Define management strategies that meet goals and satisfy community interests

What Should the Agency be Expected to Do?

- Make the purpose clear
- Commit to the process
- Provide adequate capacity and resources
- Time processes in relation to decisions
- Focus on implementation
- Commit to learning

How Should Stakeholders be Involved?

IAP2 Spectrum of Public Participation



Increasing Level of Public Impact

**Public
participation
goal**

Inform

To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

Consult

To obtain public feedback on analysis, alternatives and/or decisions.

Involve

To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Collaborate

To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

Empower

To place final decision-making in the hands of the public.

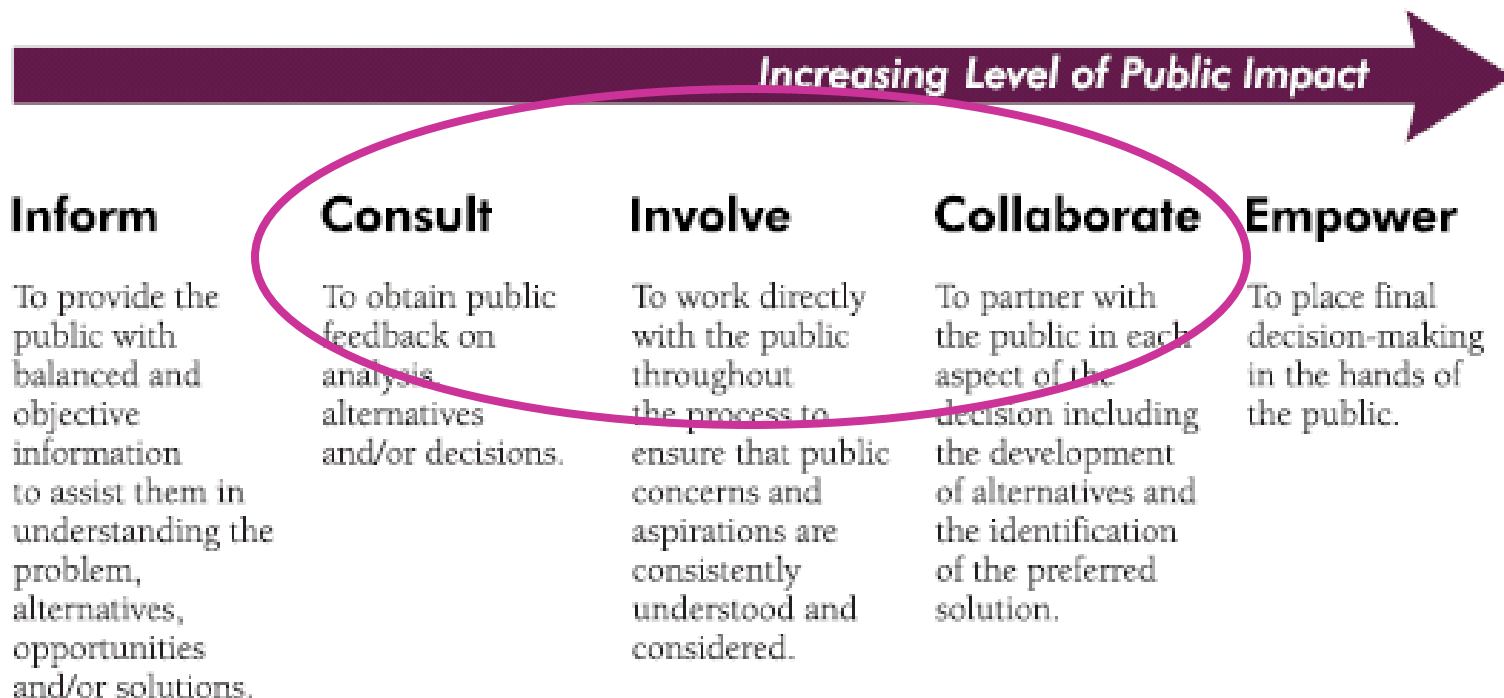
How Should Stakeholders be Involved?

- Inform them
 - Provide them with balanced and objective information
- Consult with them
 - Obtain feedback on analysis, alternatives and decisions
- Involve them
 - Work directly with the public to ensure that public interests are understood and considered

How Should Stakeholders be Involved?

- Collaborate with them
 - Partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution
- Empower them
 - Place final decision making in the hands of the public

How Should Stakeholders be Involved?



Involvement (Feedback/Consultation)

- Use a feedback/consultation process if your goal is to...
 - Stimulate joint thinking to resolve persistent problems
 - Engage citizens in meaningful discussions of issues of general concern
 - Work through stakeholder concerns while reserving decision making power

Meaningful Feedback / Consultation

- Provide adequate notice
- Clearly communicate objectives and roles
- Create multi-way information flows

Meaningful Feedback / Consultation

Structure public events to facilitate *multi-way* communication



Meaningful Feedback / Consultation

- Limit opportunities for ‘grandstanding.’ Provide and advertise other forums for support & opposition.
- Circulate information gathered during public events
- Clearly link citizen feedback with decisions made by agency or elected leaders
- Follow through on promises

Collaboration (Consensus Seeking)

- Use a consensus seeking process if your goal is to...
 - Make decisions in highly controversial situations
 - Involve stakeholders in developing creative solutions
 - Work out a mutually acceptable approach with parties who can block implementation
 - Coordinate multiple agencies in decision making to improve implementation

Use a Collaborative Processes

■ When...

- Parties do not trust informal discussions between the agency and other interests groups
- Parties can satisfy their interests through cooperation
- Parties agree that there is a problem and are compelled to find a solution

Use a Collaborative Processes

■ When...

- Parties are relatively well organized, can select someone to represent their interests, and maintain communication links with their representative
- The agency has the time and resources to commit to such a process
- The agency is willing to implement the negotiated agreement

[Key Steps]

- Convene stakeholders
- Clarify responsibilities
- Deliberate
- Decide
- Implement agreements

[Convening Stakeholders]

- Agency or other convenor brings participants together
- Participation is the key to legitimacy—the question of who should be at the table deserves careful consideration
- Conduct a ‘situation assessment’ to determine whether and how a consensus-building process should be structured

Clarifying Responsibilities

- Procedures, roles and responsibilities of all parties must be clarified and understood
 - Stakeholder participants
 - Agency staff
 - Neutral facilitator
 - Technical experts
- Define the rules of the process
 - Rights and responsibilities of participants
 - Authority of the group and nature of final product
 - Guidelines for interaction
 - Decision-making process
 - Strategies for handling disagreements

[Deliberating]

- **Agree on information** to be used and how disagreements about information will be worked out
- **Identify important interests** of all parties
- **Generate a negotiation agenda** – issues to be deliberated and the range of choices among them
- **Brainstorm options** to mutually satisfy interests

Generate Four “Lists”

Issues

- The topics to be discussed and deliberated
- Issues define the problem(s)

Examples:

- Limiting clear cutting of large parcels
- Project delays from additional plan review and site visits
- Tree planting requirements
- Placement of utilities and trees

Objectives

- The outcomes you want to achieve through a tree ordinance

Examples:

- Maintain trees in a healthy condition
- Conserve trees to reduce loss or depletion
- Establish & maintain age and species diversity
- Secure sufficient staffing and funding

Interests

- The needs, wants, desires of stakeholders

Examples:

- Develop in a planned way
- Preserve healthy stands for habitat and water quality
- Protect community appearance
- Keep regulations simple, easy to enforce, and low cost to enforce
- Keep housing affordable

Options

- Methods that meet objectives & satisfy interests

Examples:

- Protect root zone + 5 ft during construction
- Incorporate riparian buffers as “tree save” areas
- Increase buffer yard widths
- Protect contiguous tree stands
- Increase tree planting in public parks and right-of-ways

[Deciding]

- Identify objective criteria for evaluating options
- Use decision-making criteria identified earlier to guide consensus work

Implementing Agreements

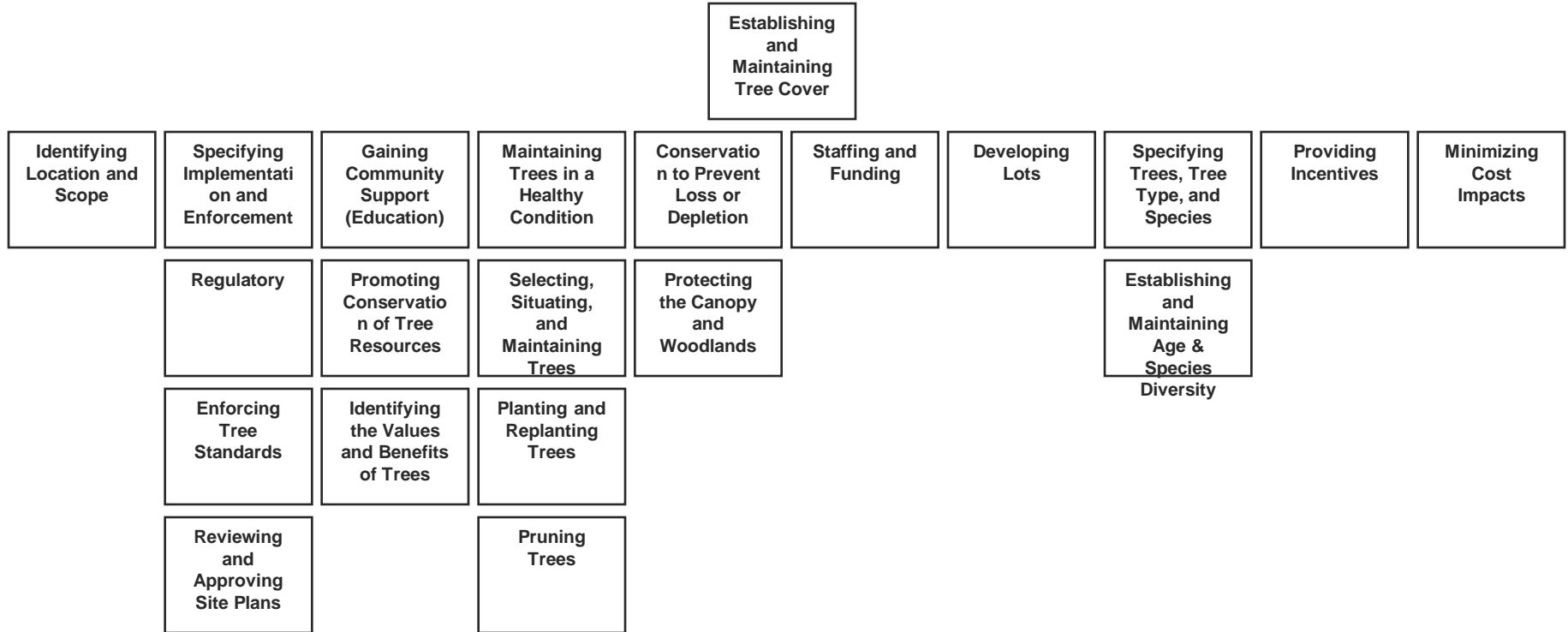
- **Ratify** the decision – make sure all parties have the support of their constituents
- Devise the means to **hold the parties to their commitments**
- **Integrate** decision into formal and/or political decision-making process
- **Monitor** decision outcomes
- **Reconvene** if necessary

The Decision Framework

- When working with stakeholders, it is important to establish a decision framework
- Example from the Winston-Salem / Forsyth County Tree Ordinance Committee

Winston-Salem / Forsyth County Tree Program Framework

(as identified by the committee Nov. 15, 2006)

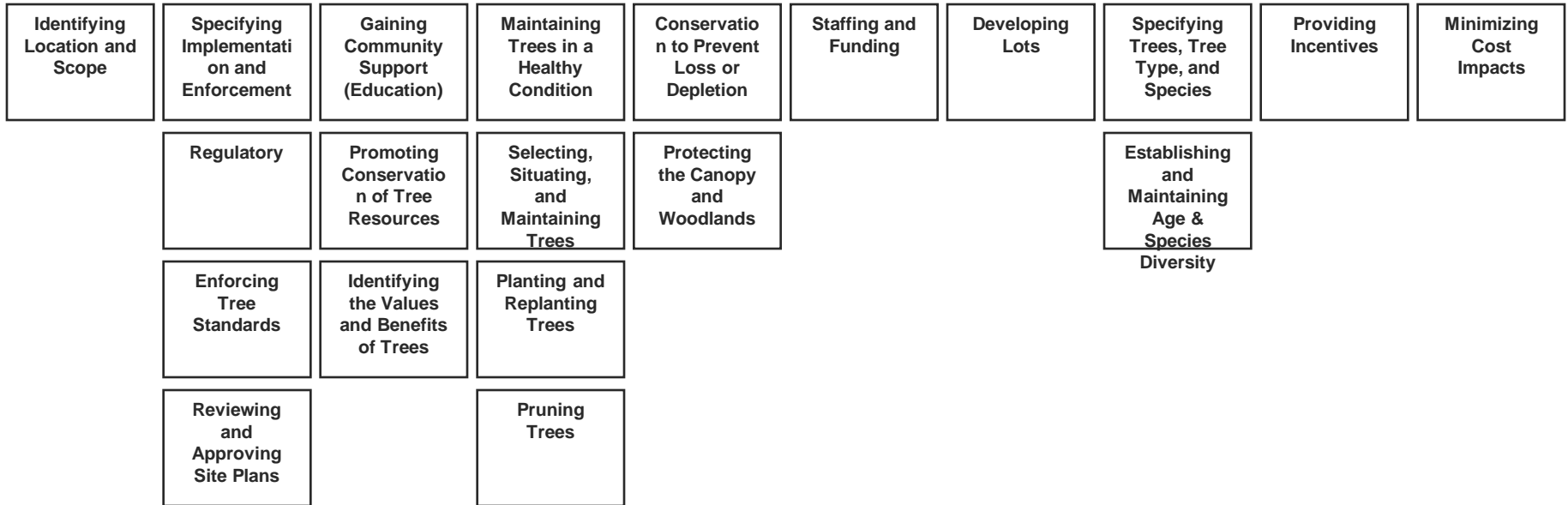


Winston-Salem / Forsyth County Tree Program Framework

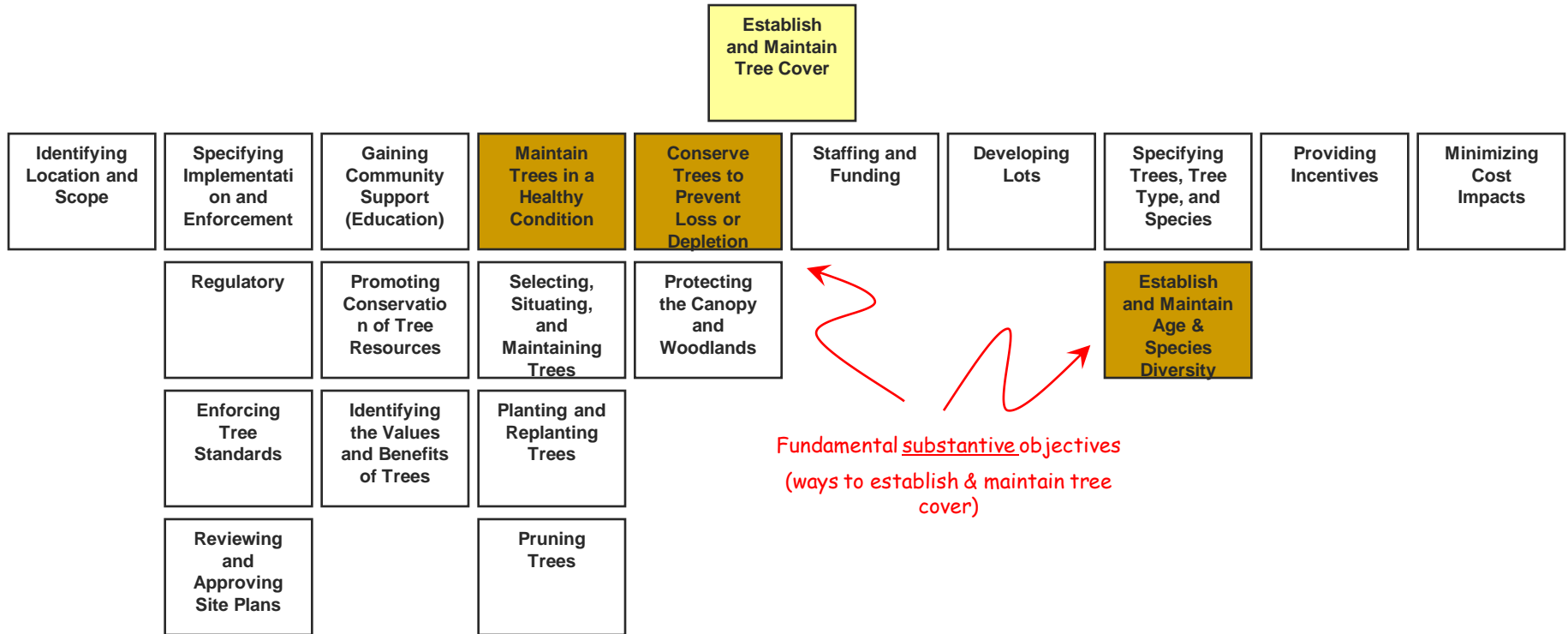
Goal of the tree conservation Program

(Note that the form of the verb changes as each objective is described)

Establish and Maintain Tree Cover

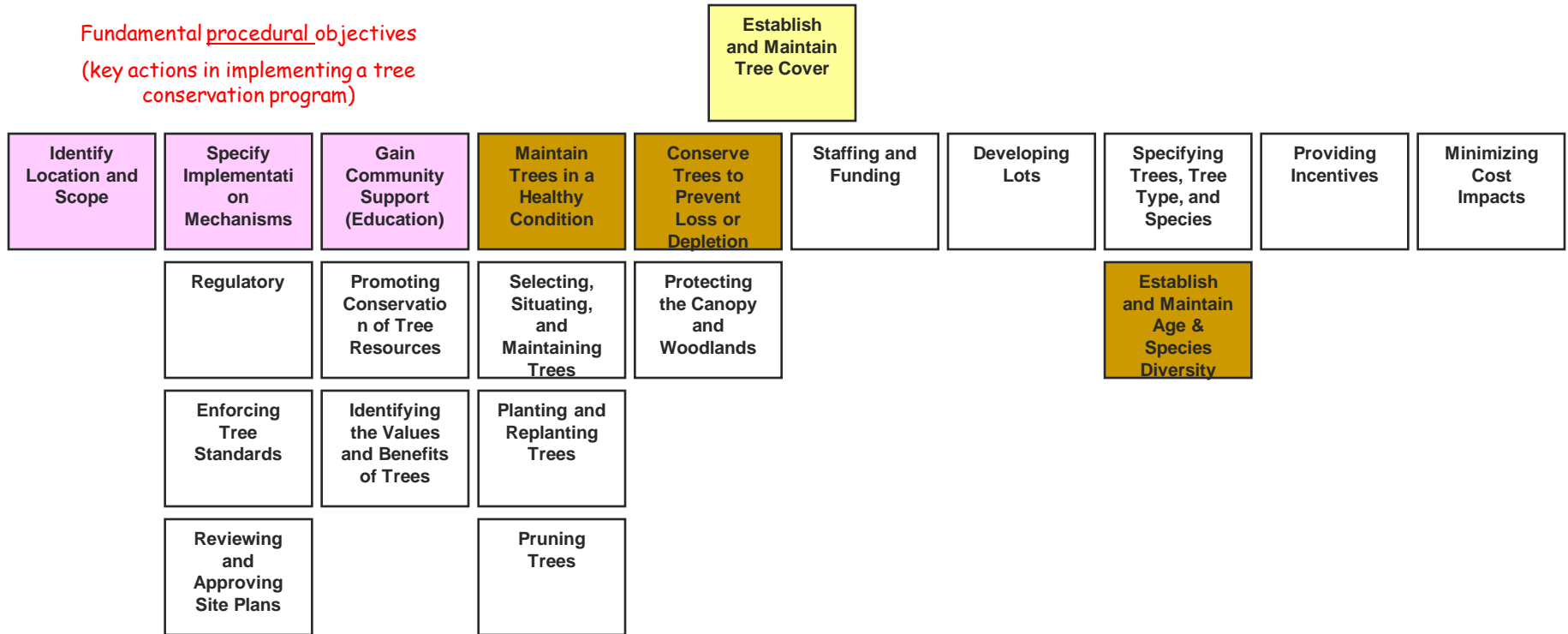


Winston-Salem / Forsyth County Tree Program Framework

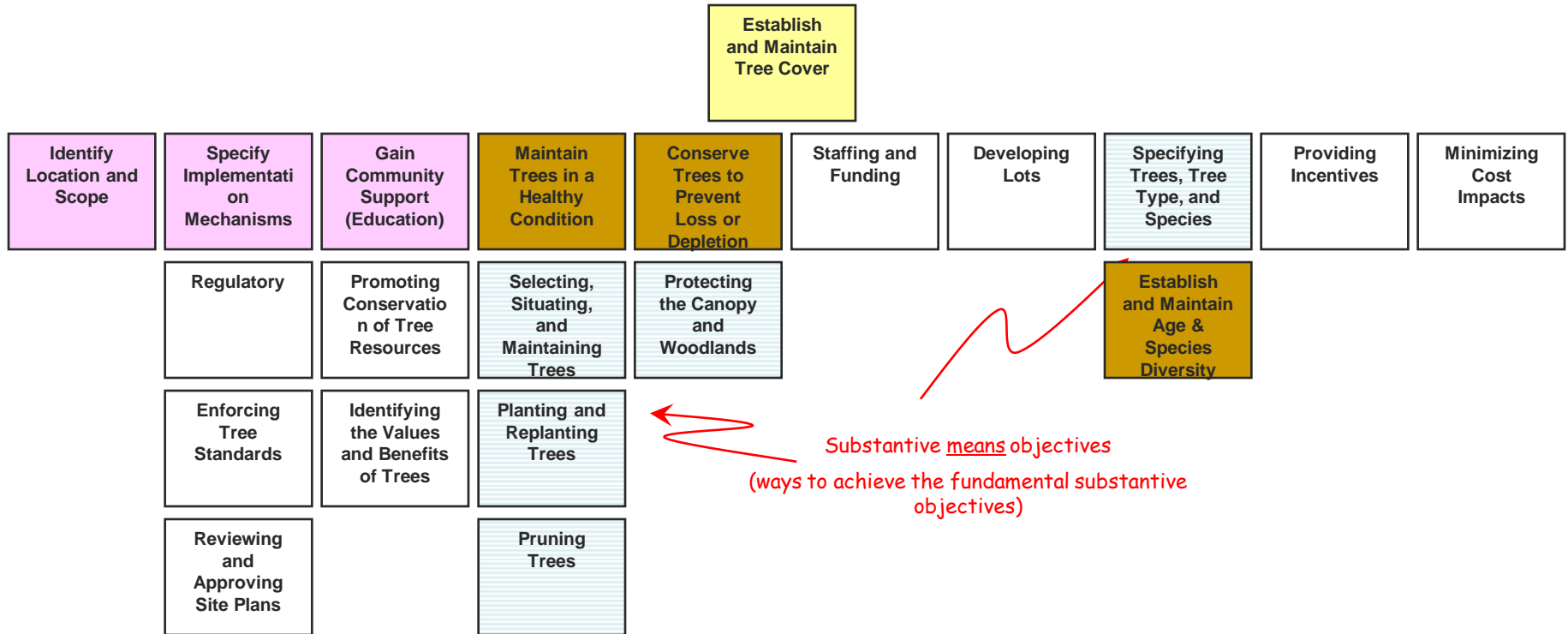


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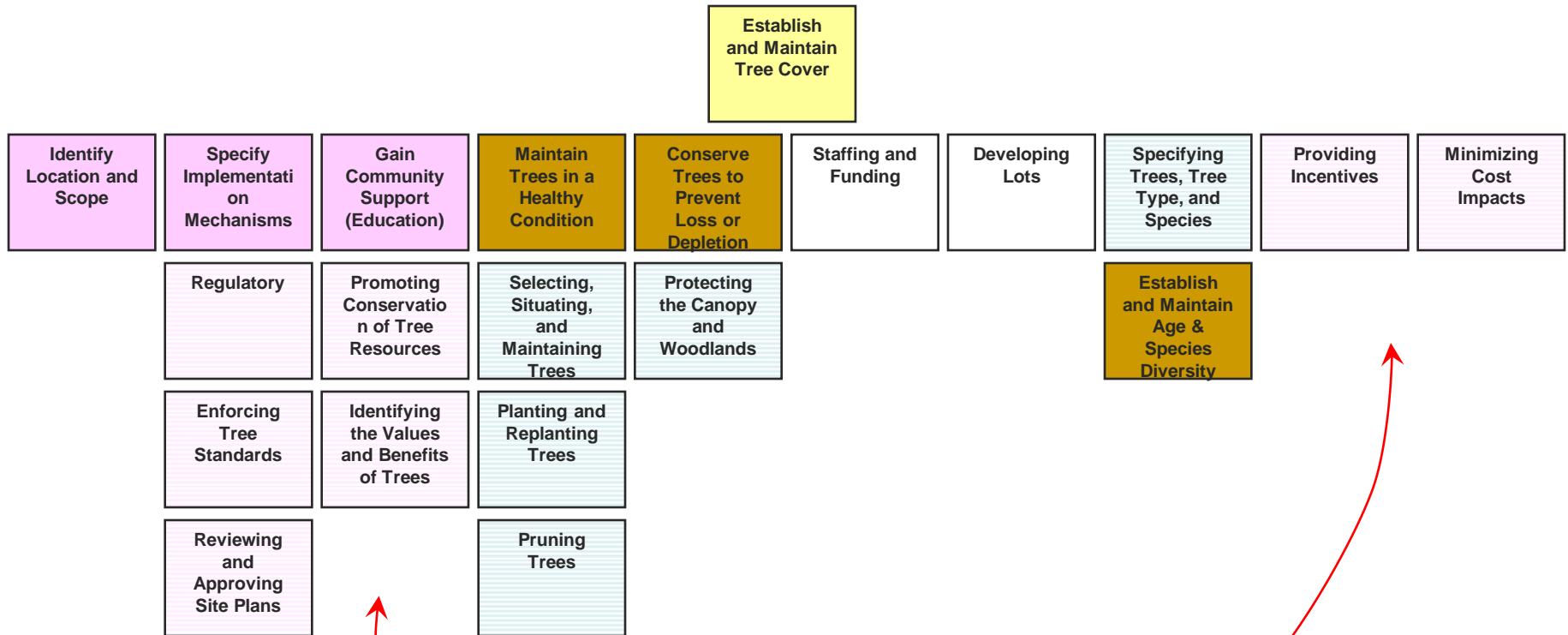
Fundamental procedural objectives
(key actions in implementing a tree conservation program)



Winston-Salem / Forsyth County Tree Program Framework

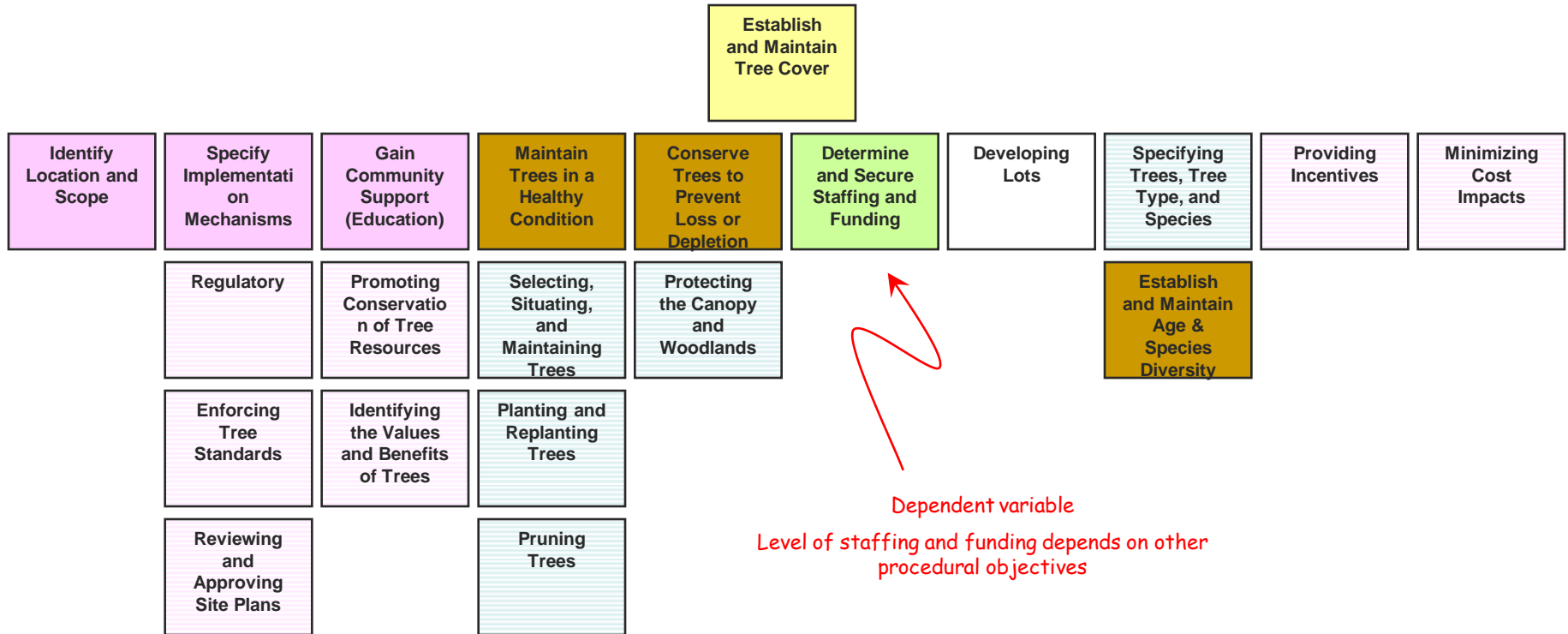


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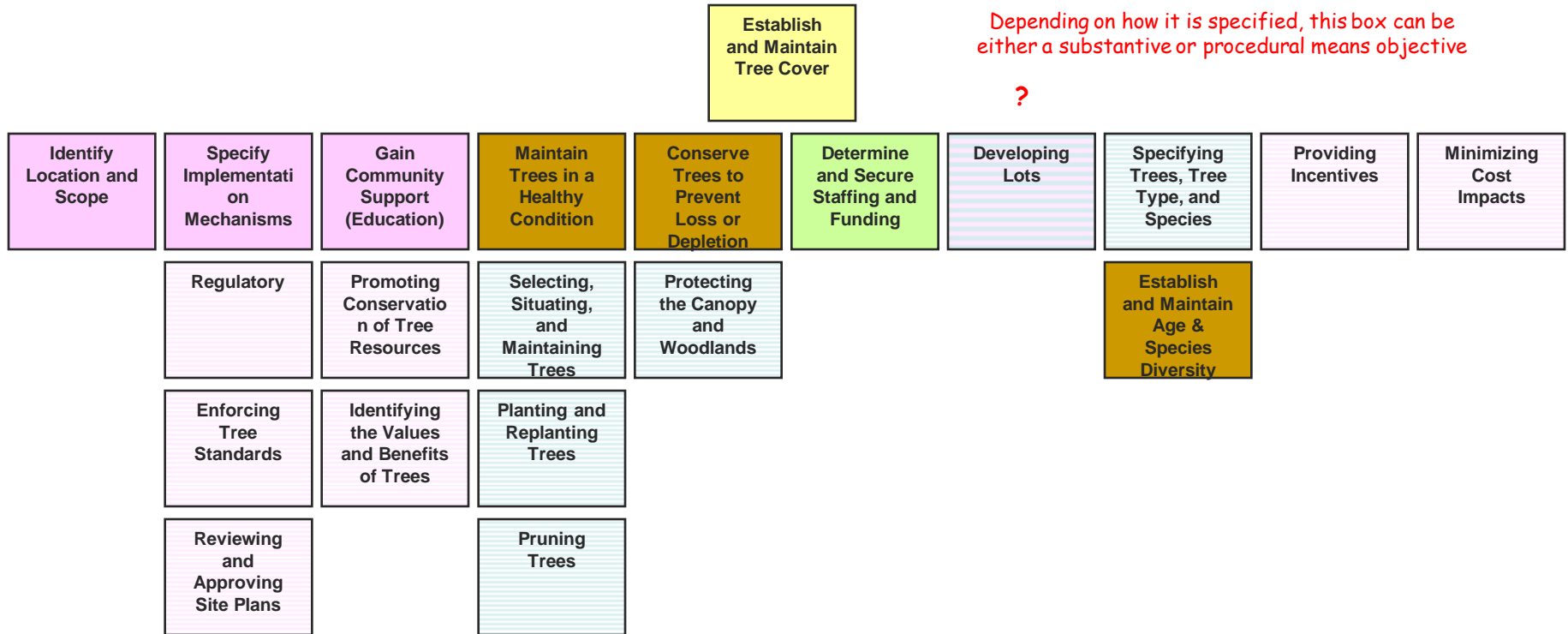


Procedural means objectives
(ways to implement key actions)

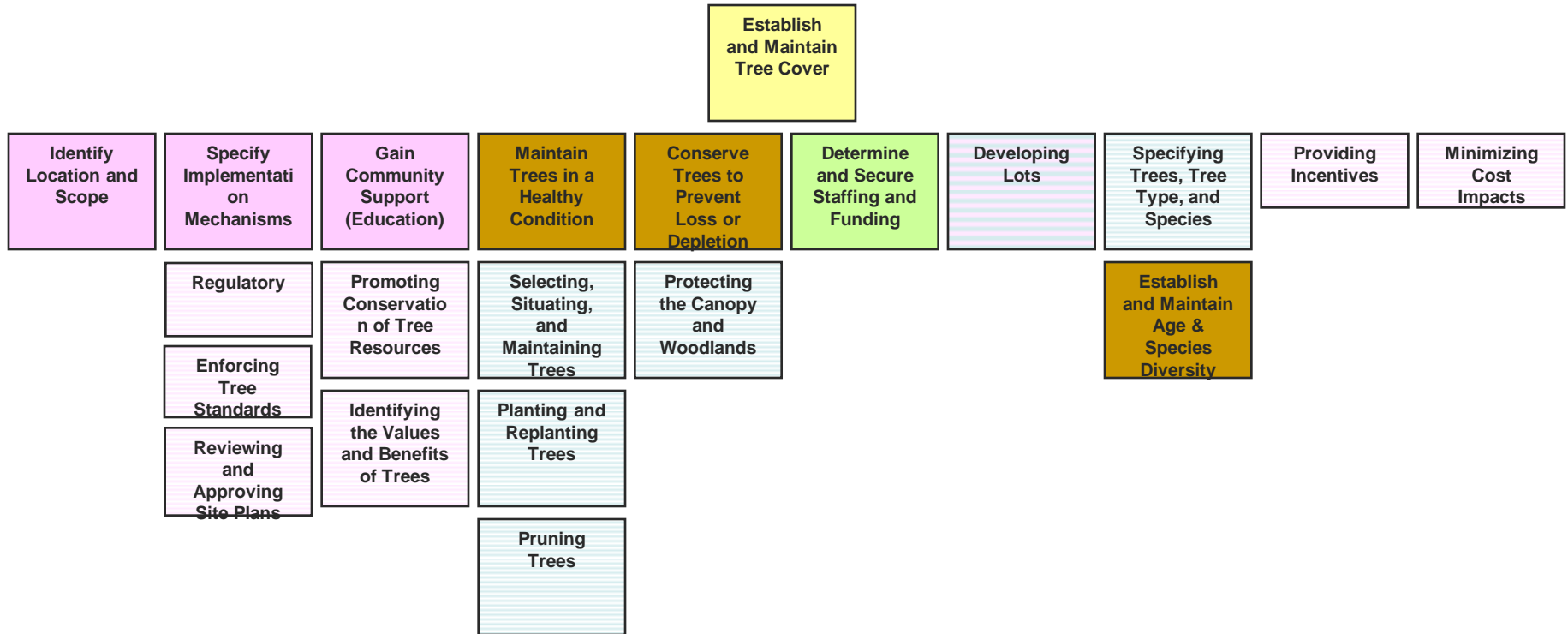
Winston-Salem / Forsyth County Tree Program Framework



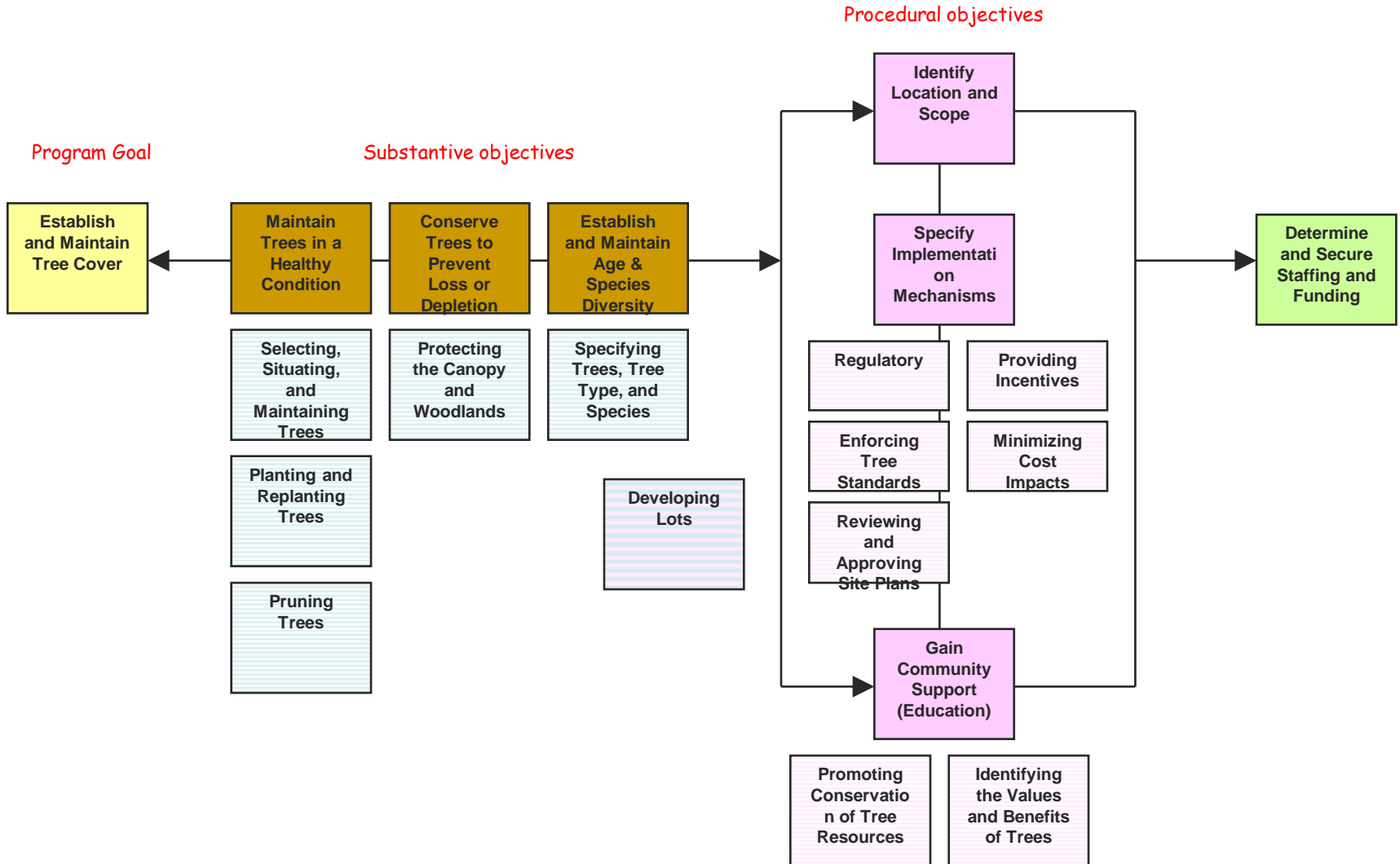
Winston-Salem / Forsyth County Tree Program Framework



Winston-Salem / Forsyth County Tree Program Framework (rearranged)

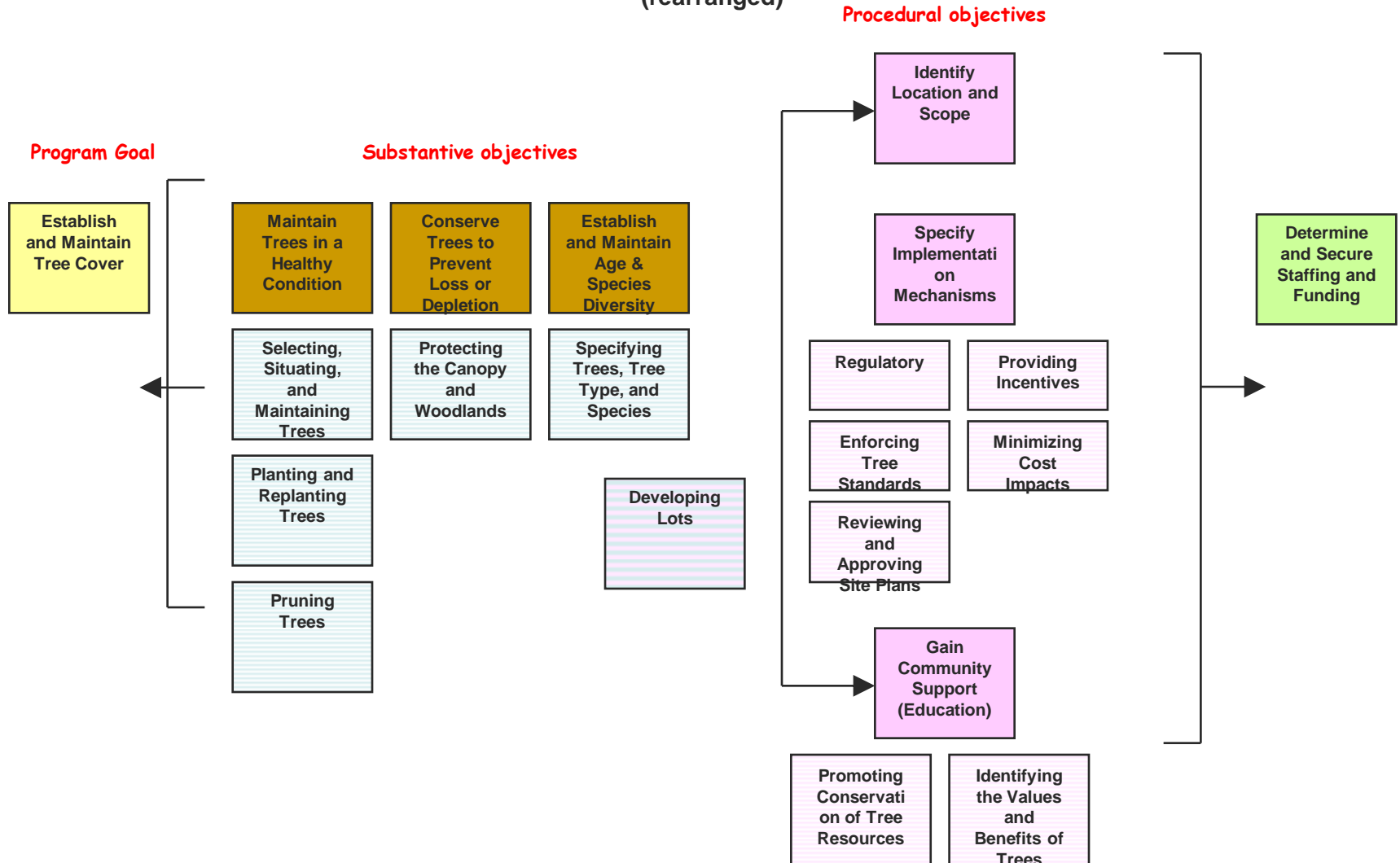


Winston-Salem / Forsyth County Tree Program Framework (rearranged)



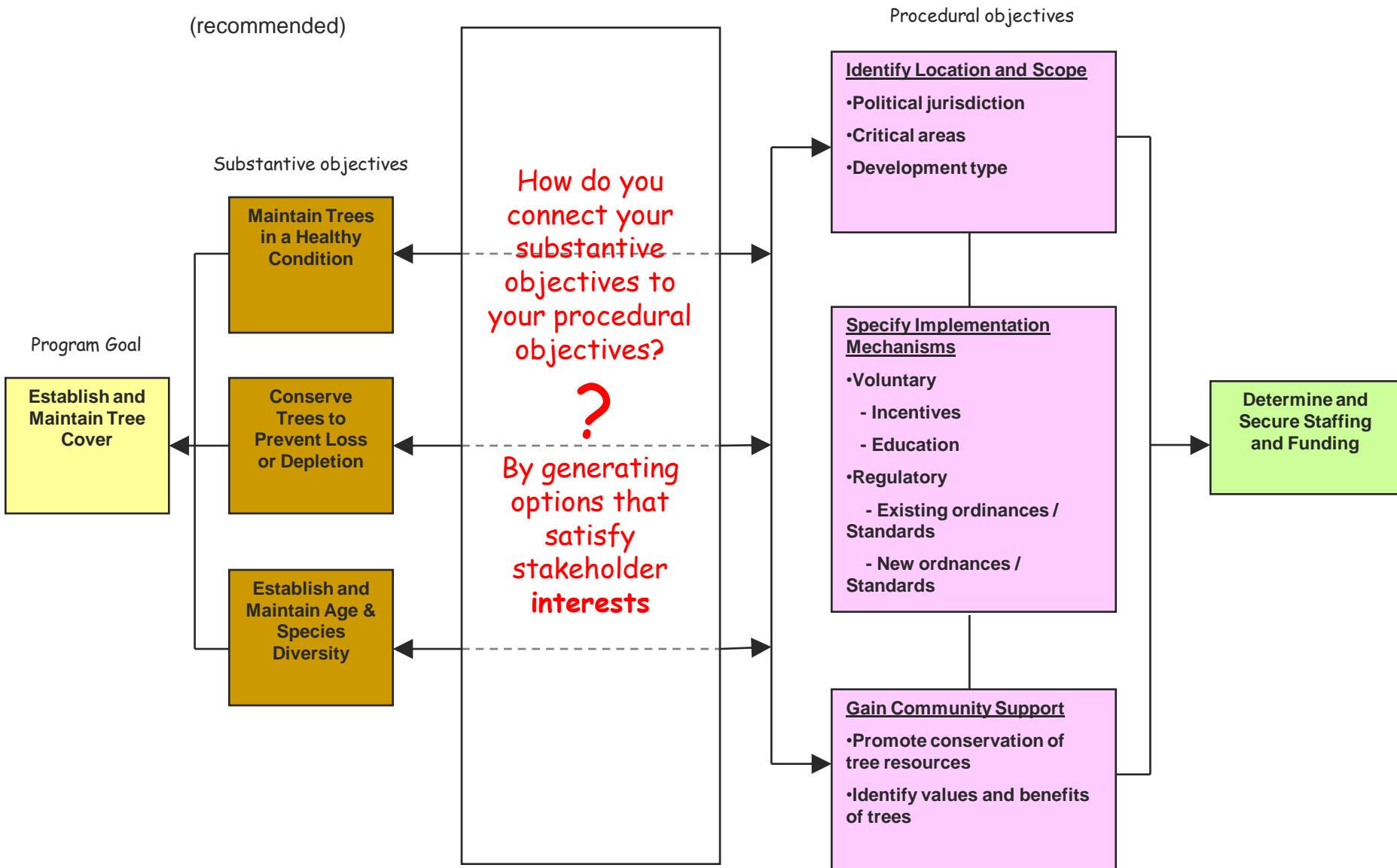
Winston-Salem / Forsyth County Tree Program Decision Framework

Winston-Salem / Forsyth County Tree Program Framework (rearranged)



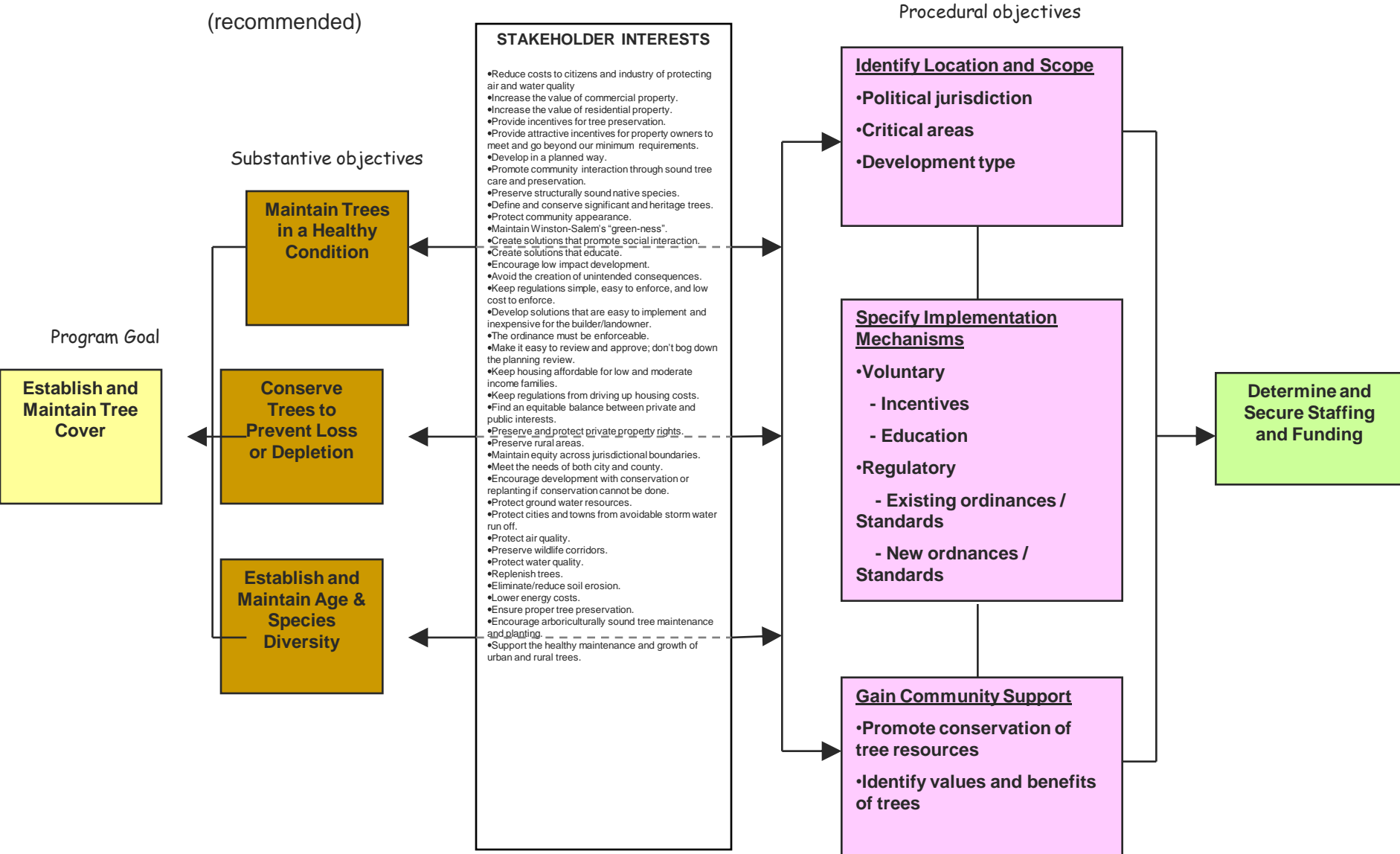
Winston-Salem / Forsyth County Tree Program Decision Framework

(recommended)



Winston-Salem / Forsyth County Tree Program Decision Framework

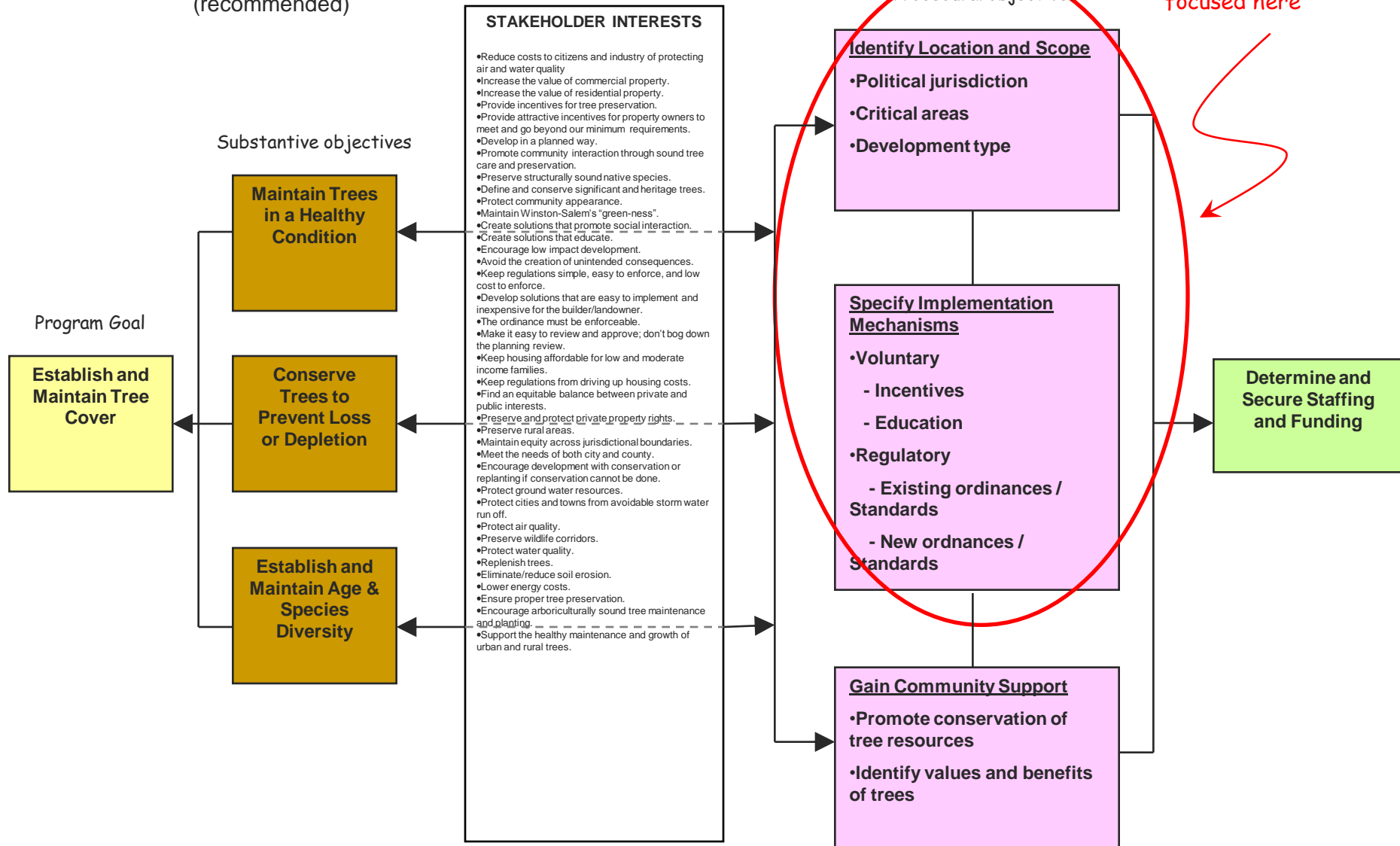
(recommended)



Winston-Salem / Forsyth County Tree Program Decision Framework

(recommended)

Most of the committee's deliberation was focused here



STAKEHOLDER INTERESTS

- Reduce costs to citizens and industry of protecting air and water quality
- Increase the value of commercial property.
- Increase the value of residential property.
- Provide incentives for tree preservation.
- Provide attractive incentives for property owners to meet and go beyond our minimum requirements.
- Develop in a planned way.
- Promote community interaction through sound tree care and preservation.
- Preserve structurally sound native species.
- Define and conserve significant and heritage trees.
- Protect community appearance.
- Maintain Winston-Salem's "green-ness".
- Create solutions that promote social interaction.
- Create solutions that educate.
- Encourage low impact development.
- Avoid the creation of unintended consequences.
- Keep regulations simple, easy to enforce, and low cost to enforce.
- Develop solutions that are easy to implement and inexpensive for the builder/landowner.
- The ordinance must be enforceable.
- Make it easy to review and approve; don't bog down the planning review.
- Keep housing affordable for low and moderate income families.
- Keep regulations from driving up housing costs.
- Find an equitable balance between private and public interests.
- Preserve and protect private property rights.
- Preserve rural areas.
- Maintain equity across jurisdictional boundaries.
- Meet the needs of both city and county.
- Encourage development with conservation or replanting if conservation cannot be done.
- Protect ground water resources.
- Protect cities and towns from avoidable storm water run off.
- Protect air quality.
- Preserve wildlife corridors.
- Protect water quality.
- Replenish trees.
- Eliminate/reduce soil erosion.
- Lower energy costs.
- Ensure proper tree preservation.
- Encourage arboriculturally sound tree maintenance and planting.
- Support the healthy maintenance and growth of urban and rural trees.

Identify Location and Scope

- Political jurisdiction
- Critical areas
- Development type

Specify Implementation Mechanisms

- Voluntary
 - Incentives
 - Education
- Regulatory
 - Existing ordinances / Standards
 - New ordinances / Standards

Gain Community Support

- Promote conservation of tree resources
- Identify values and benefits of trees

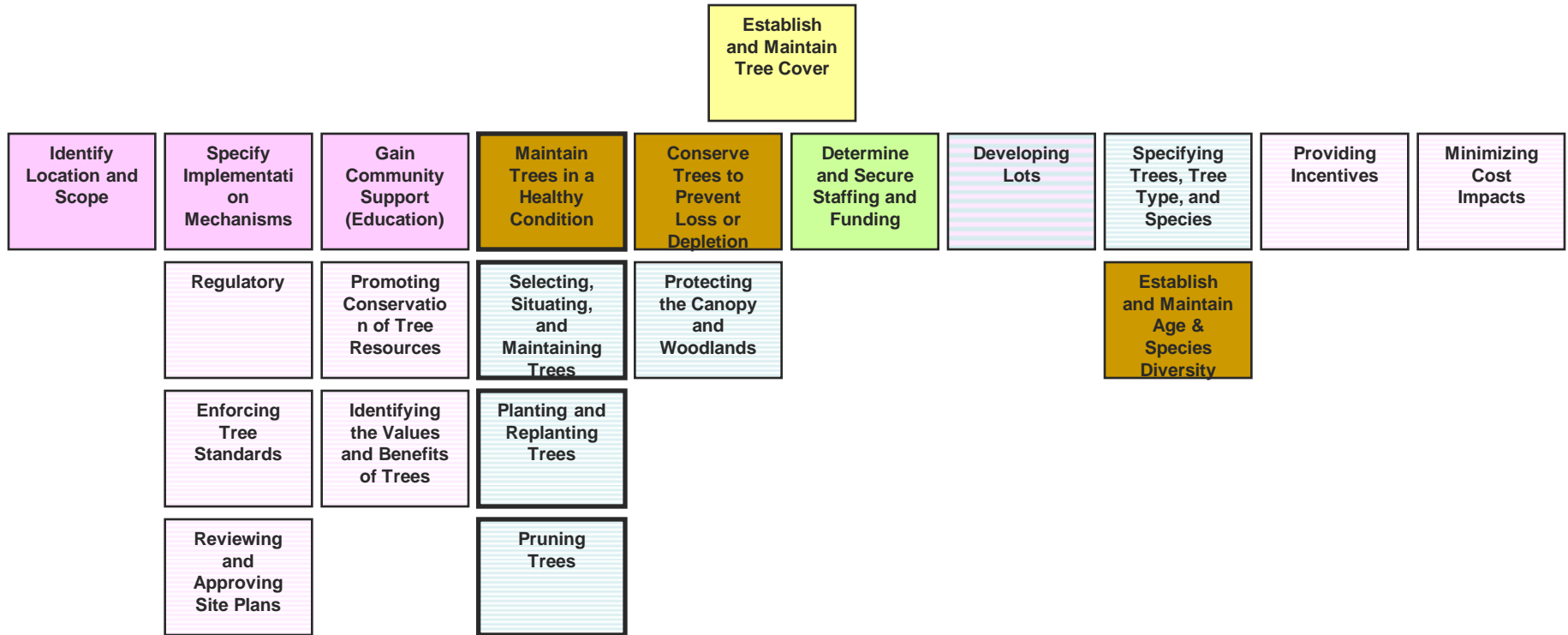
Determine and Secure Staffing and Funding



Winston-Salem / Forsyth County Tree Program Means – Ends Diagram

Maintaining Trees in a Healthy Condition

Draft 1.0 11/15/06



**Winston-Salem / Forsyth County Tree
Program Means – Ends Diagram**

Maintaining Trees in a Healthy Condition

Draft 1.0 11/15/06

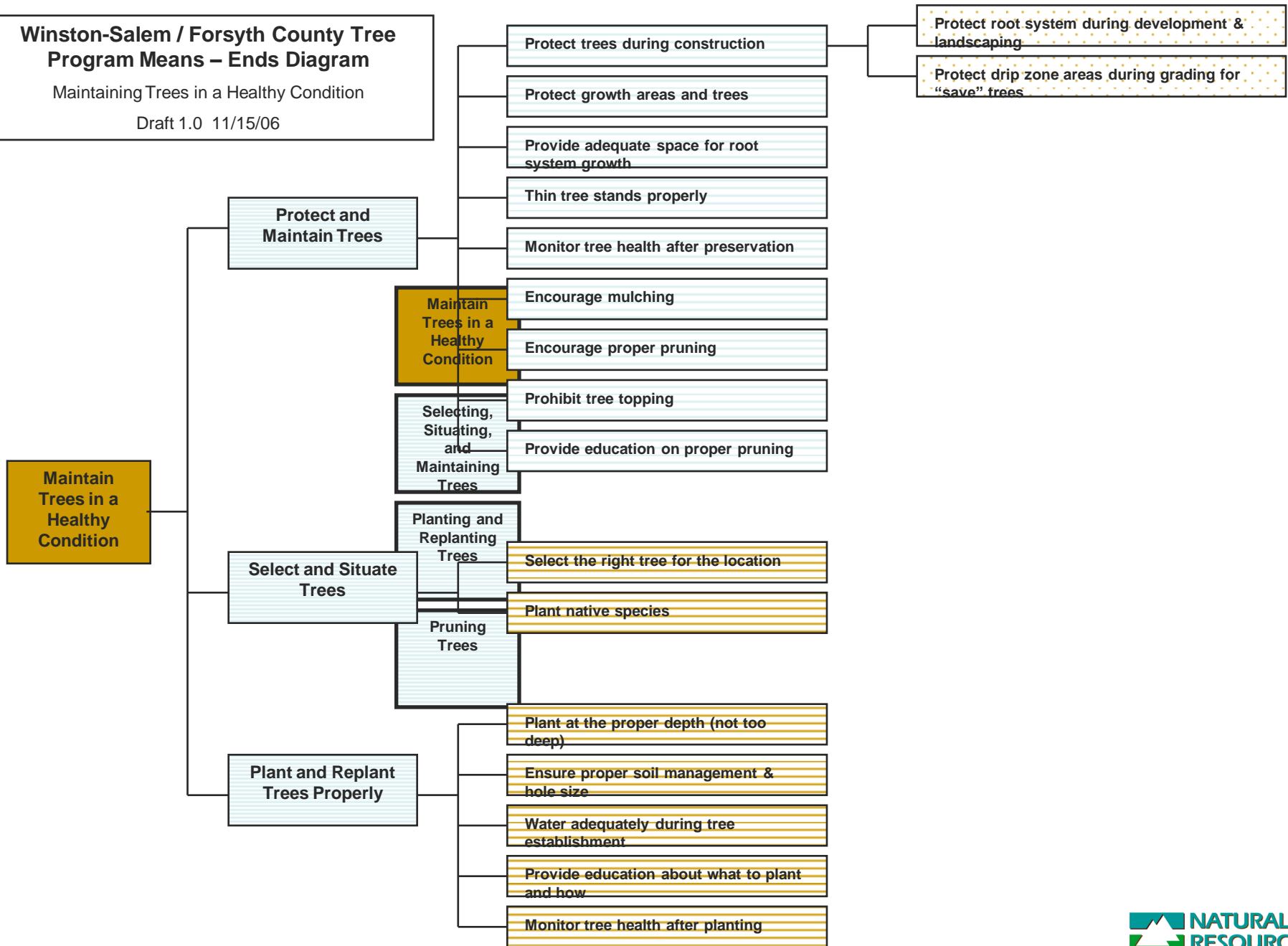


Draft 1.0, 11/15/06

Winston-Salem / Forsyth County Tree Program Means – Ends Diagram

Maintaining Trees in a Healthy Condition

Draft 1.0 11/15/06



Winston-Salem / Forsyth County Tree Program Means – Ends Diagram

Maintaining Trees in a Healthy Condition

Draft 1.0 11/15/06

**Maintain
Trees in a
Healthy
Condition**

**Protect and
Maintain
Trees**

Protect trees during construction

Protect growth areas and trees

Provide adequate space for root system growth

Thin tree stands properly

Monitor tree health after preservation

Encourage mulching

Encourage proper pruning

Prohibit tree topping

Provide education on proper pruning

Protect root system during development & landscaping

Protect drip zone areas during grading for "save" trees

**Select and Situate
Trees**

Select the right tree for the location

Plant native species

**Plant and Replant
Trees Properly**

Plant at the proper depth (not too deep)

Ensure proper soil management & hole size

Water adequately during tree establishment

Provide education about what to plant and how

Monitor tree health after planting

[Summary]

- Land use decisions (tree conservation among them) are among a class of highly complex and highly contentious issues
- Participation by stakeholders in land use decisions is one key to managing conflict
- Fit the forum to your objectives
- The record of successful consensus-building process is growing



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Our Mission...

To educate and support a diverse group of North Carolinians who are committed to seeking consensus on issues affecting the sustainable development of North Carolina's natural resources and the quality of our environment.

NRLI News!

We are now accepting applications for the 2009 Leadership Development Program. Applications are due October 24, 2008.

Our Values...

We believe that people involved in environmental conflict can reach fair and efficient solutions by:

- communicating more effectively,
- opening the dialogue to include all stakeholders,
- structuring problems to reflect complexity and uncertainty,
- and negotiating to settle disagreements.

Our Role...

Leadership development, decision support, training, and research.

website: www.ncsu.edu/nrli

[Any Questions?]