ROUNDTABLE DISCUSSION FRAMEWORK

Post-Helene Tree Ordinance Revisions

Preserving Our Mature Canopy, Diversifying Reforestation, & Simplifying Compliance

PARTICIPANTS & PURPOSE

- Board of Commissioners & Planning Commission Joint Working Session
- Visiting Panel of WNC Arborists & Tree Care Professionals

MEETING FLOW

1. Context & Ground Rules

Why Helene requires a fresh look; keeping the ordinance simple; straw-man approach.

2. Part I: Legal & Admin Focus

With Town Attorney: Denying removals, fines, staff capacity, 'any cause' falls & canopy percentage.

3. Part II: WNC Arboriculture

With Arborists: Preserving mature trees, WNC species, 1.5"–2.5" vs 4"–6" DBH sizes.

4. Setbacks, Interiors & Stumps

Setback planting reality check, lot centers, flush-cut stumps & steep slope exceptions.

SETTING THE STAGE

Why We Are Here: Context, Core Goals & Ground Rules

Establishing shared objectives before diving into legal and technical questions

[CONTEXT] Unprecedented Post-Helene Canopy Loss

- Significant loss of mature upper-canopy hardwoods and selected evergreens (spruces/pines).
- The vast majority of existing canopy—and storm loss—occurred on already-developed residential lots, meaning rules limited only to new construction won't solve the problem.

[CORE GOALS] Preserve & Strategically Replenish

- Preserve our remaining trees—especially surviving mature hardwoods.
- Replant strategically in the right places to diversify both tree age and species type, ensuring long-term viability and health of the forest.

[CORE GOAL] Simplicity, Compliance & Staff Capacity

- Keep the ordinance simple—the simpler ordinance is the better ordinance for property owners to understand and comply.
- Be wary of uneven enforcement and staff capacity: avoid creating complex rules the Town cannot realistically administer or enforce.

[MEETING FORMAT] High-Level Dialogue, Not Line-by-Line Markup

- Treat previously circulated draft ordinances as a 'straw man' used to spark discussion—not a text to debate line-by-line today.
- Central policy lens: What can/should we REQUIRE by ordinance vs. STRONGLY ENCOURAGE as voluntary stewardship?

PART 1: LEGAL & ENFORCEMENT FRAMEWORK (WITH TOWN ATTORNEY)

Legal Authority: Denying Removals, Mandates & Deterrence

Clarifying statutory guardrails on existing residential lots while Legal Counsel is present

[QUESTION 1] Legal Measures to Deny a Tree Removal

- What, if any, legal measures and objective criteria can the Town use to deny the removal of a tree on an already-developed property?
- How do we ensure removal standards are legally defensible and not arbitrary?

[QUESTION 2] Mandate vs. Voluntary Action

- Where is the practical and legal boundary between what we can address with binding ordinances vs. what is essentially voluntary action by a property owner?
- How does our legal authority differ between perimeter setbacks and the interior of developed lots?

[QUESTION 3] Maximum Fines for Non-Compliance

- Should we establish stronger maximum fines or replacement penalties for non-compliance?
- What penalty structure is legally permissible so that unapproved removal isn't treated as a minor 'cost of doing a project'?

[QUESTION 4] Encouraging Better Overall Compliance

- Since our goal is healthy canopy rather than collecting fines, how do we pair clear penalties with a streamlined process that encourages voluntary compliance?
- What administrative friction causes well-intentioned homeowners to bypass permits?

PART 1: LEGAL & ADMINISTRATIVE STRESS-TEST (WITH TOWN ATTORNEY)

Practical Enforceability: Staff Capacity, 'Any Cause' Falls & Canopy %

Testing policy concepts against legal authority and real-world administration

[QUESTION 5] Guarding Against Uneven Enforcement & Staff Overload

- How do we ensure we do not create an ordinance that exceeds staff capacity or leads to uneven, complaint-driven enforcement?
- What triggers and rules are simple enough for staff and homeowners to verify consistently?

[QUESTION 6] Planned Removals vs. 'Any Cause' Tree Falls

- Can a framework design for planned removals (town notification & ordinance replanting rules) also be applied to trees that fall for 'any' cause?
- How would that work legally and practically for unplanned storm falls or unreported falls?
- Does regulating 'any cause' falls create an unenforceable burden for staff and homeowners?

[QUESTION 7] Parcel Canopy Percentage Targets

- Is it possible to base ordinances on maintaining a target % of canopy per property (e.g., higher % in setbacks, lower over the house)?
- Upside: Sets an enduring goal and eliminates debates over the cause or planning of a tree fall.
- Reality check: Is this possible for homeowners and the Town to administer—or should it live in the 'strongly encouraged' category?

PART 2: ARBORIST & POLICY DEEP DIVE

WNC Canopy Recovery: Preservation, Species, & Planting Sizes

Hearing from our tree professionals on long-term forest health and 10-year outcomes

[QUESTION 8] Preserving & Replenishing Upper and Lower Canopies

- How do we best preserve our remaining canopy through the right mix of limiting removals, requiring replanting, and encouraging extra plantings?
- How should our strategy differ between replenishing the tall upper canopy vs. the understory/lower canopy?

[QUESTION 9] Best Species to Replant in WNC

- What are the best species to replant in Western North Carolina to diversify age and species type?
- Which native hardwoods and evergreens offer the best wind-firmness, disease resistance, and ecological value post-Helene?

[QUESTION 10] Best Sizes to Replant: 1.5"–2.5" vs. 4"–6" DBH

- What are the best caliper/DBH sizes to require or recommend for replanting?
- In 10+ years, will planting 1.5"–2.5" DBH trees be generally just as effective as planting 4"–6" DBH trees (given transplant shock, survivability, and cost)?

[QUESTION 11] Encouraging Plantings Beyond the Minimums

- Even where we set minimum ordinance requirements, we want to strongly encourage additional voluntary plantings.
- Is there a proven best-practice way for a municipality to motivate and support homeowners to plant beyond the minimum?

Where to Focus: Setbacks vs. Center of the Property

Balancing public-facing streetscapes/buffers with contiguous interior forest health

[QUESTION 12] Reality-Checking the Setback Replanting Goal

- Is the focus on planting or replanting within the setback (along neighbors and roadways in particular) as easy, practical, and important as the policy goal makes it seem?
- What site constraints (root competition, utilities, sightlines, shade, right-of-way maintenance) complicate setback planting?

[QUESTION 13] Level of Protection in Setbacks

- How much regulatory focus should we put on the area within the setback along roadways and neighboring properties?
- Should 'no further removals' in setbacks be a goal?
- Is a strict no-removal goal in setbacks even possible or appropriate given tree age, storm damage, and safety?

[QUESTION 14] Focusing on the Center of the Property

- How much should we focus on the center of the property, which is often removed from public view but still vital to the overall canopy health of the forest?
- Should interior lot trees be regulated more lightly (or differently) than setback trees to keep homeowner compliance simple?

PART 2: SITE STANDARDS & MEETING WRAP-UP

Stump Standards, Slope Exceptions, & Framework Synthesis

Finalizing practical site standards and aligning on Mandate vs. Encourage

[QUESTION 15] Stump Standards: Flush Cut vs. Full Removal

- Regarding stumps: Can we agree that cutting to ground level is REQUIRED, while full removal/grinding is only STRONGLY ENCOURAGED in most cases?
- Does this strike the right balance between aesthetics, cost, and simplicity?

[QUESTION 16] Exceptions for Slopes & Sensitive Areas

- When is leaving the stump in place better for the site—for example, on a steep slope where roots hold soil, or near adjacent healthy trees?
- How should the ordinance or guidelines clearly carve out those exceptions?

[CLOSING ROUNDTABLE SYNTHESIS] Putting It All Together: Two Clear Buckets for Our Next Draft

- 1. SIMPLE, ENFORCEABLE MANDATES: Which standards (removal triggers, setback rules, replanting sizes/ratios, flush-cut stumps, clear fines) belong in the binding ordinance?
- 2. STRONGLY ENCOURAGED BEST PRACTICES: Which elements (planting beyond minimums, recommended WNC species lists, full stump grinding, parcel canopy percentage goals) work best as voluntary homeowner guidance?