

**TOWN OF BOONE
COMMUNITY APPEARANCE COMMISSION
MEETING MINUTES
TUESDAY, SEPTEMBER 22, 2020 at 5:30 P.M.**

COMMISSION MEMBERS PRESENT: Vice-Chairperson Sarah-Davis Cagle and Jason Selong

COUNCIL LIAISONS: Dustin Hicks and Sam Furguele

STAFF MEMBERS PRESENT: Jane Shook, Director of Planning and Inspections, Brian Johnson, Urban Design Specialist and Marlene Crosby, Board Secretary

OTHERS PRESENT: Justin Stines, Facilities Maintenance Superintendent, and Thomas Bolick, Landscape Specialist

CALL TO ORDER

Vice-Chairperson Sarah Davis Cagle called to order the meeting of the Boone Community Appearance Commission, held online via WebEx, a video conferencing software at 5:36 p.m.

ADOPTION OF AGENDA

Vice-Chairperson Cagle made a motion, seconded by Member Selong to adopt the agenda as written.

VOTE: Aye – All
Nay – None
The motion passed.

APPROVAL OF MINUTES

Vice-Chairperson Cagle made a motion, seconded by Member Selong to approve the August 25, 2020 meeting minutes as written.

VOTE: Aye – All
Nay – None
The motion passed.

UPCOMING ASSIGNMENTS

Ms. Jane Shook, Director of Planning and Inspections explained that the Community Appearance Commission has not completed their main assignment on the Downtown Design Guidelines but are at a stopping point until the Council gives them further direction on them.

Ms. Shook explained that the Planning Staff's work plan that was published in September of 2018 shows that the CAC was tasked with making recommendations on regulating historic and significant trees in residential zones, investigating tree cutting permits, researching data to see if a certified arborist is required to cut trees, if outside of the parameters. She said subsequently in October of 2019 the CAC was tasked with inviting experts in bee and bird health to participate in discussions about the lives of bees and birds in our community and to make recommendations to Council on how the Town can balance the value of maintaining an attractive community. She further explained that there are certain regulations under the Town Code regarding the maintenance of lawn and lawn care that can help maintain an attractive community while protecting natural area habitats. She said the Planning Staff has suggested that the bee and bird health tasks could be done with or subsequent to the consideration of tree protection in residential areas. She said the

last CAC task from Council is to implement Food Council recommendations and other recommendations that Mr. Brian Johnson, Urban Design Specialist will cover at this meeting.

Ms. Shook noted that the Planning Staff will review the information that they already have on the three tasks from Council.

Ms. Shook said the first task to be reviewed is residential tree protection. She introduced Mr. Johnson and stated that he will be going over the information on said topic. He noted that residential tree protection has been previously discussed at the Town of Boone Planning Retreat.

Mr. Johnson said the Planning Staff has information on residential tree cutting from the Tree Board before it was combined with the Community Appearance Commission.

Mr. Johnson pointed out that the Town of Boone Unified Development Ordinance has language on trees for commercial and multi-family zoning districts. He said we do not have language on trees in the residential zoning district areas. He said there is a minimal of tree protection through the Viewshed protection regulations in limited areas based on certain elevations of the Town. He clarified that the regulations are not based on specific zoning areas but on certain elevations. He explained that the Viewshed protection regulations do not get applied as much now since the Extra-Territorial Jurisdiction is not part of the Town. He noted that there is Unified Development Ordinance language on tree protection for subdivisions.

Mr. Johnson talked about the concern for adequate tree protection in residential areas and if this topic needs to be assessed. He pointed out that the Town does have an *Urban Forestry Master Management Plan* (permanently on file) that was completed in 2009 that does contain an assessment of the Town's overall tree canopy. He explained that the assessment was broken up into the different zoning districts that gave a tree canopy percent cover that is recommended to maintain or to increase the canopy. He noted that if anyone would like to assess said plan, the Planning Staff could direct them to it.

Council Liaison Furguele said he thought the Council had directed that the *Urban Forestry Master Management Plan* be updated with current technology to be able to better assess the current tree canopy. Mr. Johnson said the Council did give direction to update the technology. Ms. Shook pointed out that there is a task on the department work plan for the Planning Staff to get the cost to update the technology for the Urban Forestry Master Management Plan and any other tree related plan that the Town may have.

Ms. Shook explained that Mr. Johnson is introducing to the CAC the information that the Planning Staff has on tree protection. She said this information may or may not have an impact on the final recommendations. Mr. Johnson said the Planning Staff can email out the electronic links to the CAC so they can review the information in detail.

Mr. Johnson pointed out that the first time the Town's tree canopy was assessed was in 2009 which allowed for a baseline to be set with that tree canopy study. He noted that there is newer technology available to better assess the Town's tree canopy. He said it is recommended to have a new study completed every five to ten years.

Mr. Johnson referred to the following website www.americanforests.org for their recommendations on tree canopy goals. He said this website normally recommended a 40 percent canopy goal but since they have learned different information through their research, they are recommending a higher percentage. He said they want to base a percentage on individual communities. He said he thinks that we might need to begin a

tree canopy study to assess what the percentage of tree canopy in the Town of Boone. He said this website noted a 40 percent to 60 percent range for a tree canopy in residential areas.

Mr. Johnson referred to the zoning classes section of the *Urban Forestry Master Management Plan* and explained the canopy range in the R-1 zoning area. He said the low density percentage is 45.74 and the high density percentage is 52.58. He also noted that these percentages do include the extra-territorial jurisdiction that was under the Town's jurisdiction at that time. He also noted that he thinks the Town does have a healthy tree canopy in the residential areas. He noted that tree protection in the residential areas is a concern of the Town's and he said it would be good to begin discussions to protect our trees for larger historical trees and saving a certain percentage on lots.

Council Liaison Furguele talked about a concern for not having requirements for new construction except in the Viewshed for how homes are placed on lots. He talked about the clear cutting of trees on lots for new construction, when the lot does not have to be clear cut for new construction. Mr. Johnson noted that there are topography issues that have to be taken into account which sometimes necessitate the need for more grading on a lot. He suggested trying to educate property owners on trying to place their house on their lots in a way to save as many trees as possible. Mr. Johnson said that he has reviewed other Town and City ordinances and they have exemptions depending on the size of lots. Mr. Johnson said if there is a certain threshold that cannot be met with saving the trees, the ordinances addresses doing tree plantings on the lots.

Mr. Johnson reviewed some other topics on tree preservation that were presented at the Town of Boone Planning Retreat. He said there is a program called, "A Neighborwoods Program" (permanently on file) that raises the awareness about the benefits of trees. He said this program also helps to replant trees and to get a better species of trees planted in our neighborhoods.

Mr. Johnson talked about tree cutting permits and are they required, if there is a Town ordinance in place for tree preservation. He said it does typically trigger a tree cutting permit to be required. He explained that it is difficult for the Planning Staff unless a compliant is placed with the Town regarding a tree being removed to enforce or manage tree cutting. He pointed out that the permit fee amounts can support programs like, "A Neighborwoods Program" or another type of replanting program. He said a tree permit would help with the tracking of tree cutting in the Town and pay for the Planning Staff's cost for reviewing and the enforcement of the permitting process. He said that he has seen the costs of tree permit application range from free up to about \$40.00.

Mr. Johnson reviewed Tree Ordinance information from Chapel Hill, North Carolina (permanently on file). He said that it looks like they have not had tree protection regulations in place for residential areas, only in the commercial areas. He reviewed Chapel Hill's list of frequently asked questions about Potential Tree Ordinance Revisions. He noted that Chapel Hill set some thresholds on certain size trees and lots. He said Chapel Hill does have exemptions for tree removal for dead, diseased or damaged trees or for the distance of trees from residential homes. He said Chapel Hill has a fee in lieu for tree canopy coverage, if the homeowner is not able to pick up the tree canopy coverage on the lot the fee is paid into a fund.

Mr. Johnson concluded his presentation of information on residential tree protection and talked about getting the feedback from further discussion from the CAC on residential tree protection in the Town.

Ms. Shook pointed out that Chapel Hill, North Carolina had listed Boone, North Carolina on their website in their list of "Frequently Asked Questions on Tree Protection" as a Town that has a tree protection ordinance.

Ms. Shook pointed out that she would like to create on the Town of Boone website a Tree Protection and Storm water section. She said that she felt having said information on the Town website would be a great educational tool.

Mr. Johnson pointed out that the Planning and Inspections Department does receive calls from residential areas regarding trees that they feel should be removed for safety purposes.

Mr. Johnson pointed out that if there was a tree protection ordinance in place for residential areas that the Planning Staff could help educate the property owners through the ordinance and help them through situations that they face with trees on their properties. He said that not many property owners know about the Town wanting to protect their trees and a residential tree protection ordinance would help property owners know about tree protection, before they try to remove their trees.

Mr. Johnson said that in previous discussions regarding tree permits, the consensus was at that time was to not charge a permit fee because it would be more of an educational tool. He said a tree permit application would show the reason that a tree is needing to be removed and the Planning Staff could help the property owner assess the need to remove a tree.

Ms. Shook talked about the supplementing or the increasing the tree canopy in the Town. She further clarified that education is a component of a plan or overall program for the trees. She said that some regulations do need to be made, if the Town is serious about adding residential tree protection. She talked about the potential costs that would need to be weighed out by Council, after the final recommendations are made.

Ms. Shook talked about who will make the assessment of the removal of a tree. She noted that Mr. Johnson is a Certified Municipal Arborist and can do the assessments or would there be a requirement for the property owner to hire an arborist to assess their trees.

Council Liaison Furguele talked about the potential loss of tree canopy with the loss of the extra-territorial jurisdiction. He said when the next tree study is completed, he thinks we will see a good loss of tree canopy because of it. He said that he sees a lot of tree cutting in the Town because of a fear of trees falling on their homes and property.

Council Liaison Furguele said that he has run into certain situations where insurance companies have made property owners cut down their trees for insurance purposes. He also noted that he felt that a residential tree ordinance would put a stop to the insurance companies making the home owners remove their trees.

Council Liaison Furguele said that he felt that a new tree canopy study will show smaller percentages of tree canopy since the 2009 tree canopy study, when the Town still had the extra-territorial jurisdiction. Mr. Johnson agreed with Council Liaison Furguele. Mr. Johnson said this is a good reason to propose another tree canopy study. Mr. Johnson said that he would see if there is a way that this proposed study could be done in-house with the Town's GIS system to get some approximate numbers. Council Liaison Furguele said he thought the Council approved that a tree canopy study be done a few years back and noted that Mr. John Ward, Town Manager was concerned about the cost of the proposed tree study. Ms. Shook explained that a higher level fly over to get the orthos needs to be done to get the higher level data for storm water and tree protection. Council Liaison Furguele said he felt that we should move forward with the new study because the baseline that was set with the 2009 tree study is no longer valid because of the loss of the extra-territorial

jurisdiction. He talked about the amount of time that has passed and the major changes that have occurred since the last study. Mr. Johnson agreed that a new tree canopy study needs to be done at some point and noted that there are a lot of tools available to measure tree canopies.

Council Liaison Furguele commented about the property owners placing their homes in the Viewshed to be able to save trees and that there was room for negotiation on the placement of the home. He pointed out that since; the Town lost the extra-territorial jurisdiction the homes on Howards Knob are back to cutting down trees and their houses are more exposed. Mr. Johnson pointed out that in the Viewshed there is a certain threshold on a certain acreage that is reviewed for trees. He said the permits that the extra-territorial jurisdiction had on those properties were effective and helped the Planning Staff in the review process.

Ms. Shook reiterated that this meeting was to introduce the CAC to tree protection information. She said that the Planning Staff will research more information and provide it in the meeting packet of the next CAC meeting. She said that the Council's direction is for the CAC to make recommendations on residential tree protection regulations for historic and larger significant trees which included a tree cutting permit. Ms. Shook said speaking from her position of Director of Planning and Inspections that she would prefer to see a permit fee charged for the tree permit applications that are submitted because it would help with cost recovery. Ms. Shook explained that Mr. Johnson is already doing environment job duties from special flood hazard to erosion control. She said she would need to evaluate Mr. Johnson's workload and she would probably make a proposed recommendation that the Town use an outside arborist for initial determinations.

Mr. Johnson said a lot of penalties and assessments for tree cutting in the past has come from uncertified arborists. He said the Town of Beech Mountain requires that their trees are assessed by approved certified arborists and they have a list of them that can be used within their Town. He said that now there is a pool of certified arborists that are available in the Town of Boone.

Mr. Johnson talked about the multiple ways to approach tree preservation in residential areas. He talked about an environmental or habitat approach that allows for tree save areas on properties. It further explained that this type of approach is mapping the habitats of wild life.

Ms. Shook introduced Mr. Justin Stines, Facility Maintenance Superintendent and Mr. Thomas Bolick, Landscape Specialist from the Town of Boone. Mr. Bolick said that he is in charge of all of the trees located on Town property and he determines the health of the trees and how to preserve them. Ms. Shook said the Town has already implemented some no mow areas in the Town.

Ms. Shook introduced another CAC task from Council which is to invite experts to speak on the habitats of birds and bees.

Ms. Shook talked about the connection with the most updated nuisance ordinance and how this ordinance is a potential conflict with preservation of insects and other types of habitats. She said the goal is to try to balance health and safety and appearance and provide the necessary habitats that are necessary for our existence.

Council Liaison Furguele talked about the way that leaves are raked off of a property and how this may not be the best Town practice to protect bee and bird habitats. He said he felt that the protection of these types of habitats goes further than Town ordinances requirements, it includes Town practices.

Ms. Shook noted that Mr. Johnson has made a list of professionals that the CAC could invite to speak about bee and birds habitats and the discussions from these experts might influence the need for tree preservation. Ms. Shook said she saw a benefit in having the professionals from both areas speak at the same time. She asked the CAC for their feedback. Vice-Chairperson Cagle said she agreed with Ms. Shook. Ms. Shook said that there was consensus from the CAC on this topic. She said that the Planning Staff will start the invitation process for inviting experts to future CAC meetings and she felt it would be beneficial for the Town and the community.

Mr. Johnson pointed out that the Town of Boone is a Bee City USA. He reviewed the plant list and noted that he has been working on an addendum to the plant list that is not complete and that it will identify when flowers and plants begin to bloom. He said he felt the plant list will be a great tool for the Planning and Inspections Department to incorporate in certain area in commercial development. He said it would take some educating to get developers to include edible plants in the commercial development. He said that landscape buffers, street buffers and property line buffers and islands are already set aside. Mr. Johnson said that the Planning Staff can provide the CAC with copies of the plant list.

Member Selong agreed with the plant material in the list. He pointed out that no less than a dozen species on the plant list will be completely eaten by the Herbivores. He said as part of a larger discussion, he did not think there would be any success with trees or native plants on the list as long as there are deer. He also suggested including wildlife management into the planning. He said that non-native plants are not eaten by the deer which is what makes those plants very successful.

Discussion ensued on Food Council Recommendations. Mr. Johnson encouraged the CAC to review the information on Carver Park which was created by University Students. Ms. Shook said that the Council directed the Public Works Department to adopt a policy that acknowledges the commitment to plant perennial trees, shrubs and herbs that will provide a pollinated area. Mr. Johnson said that Mr. Justin Stines, Facilities Maintenance Superintendent and Mr. Thomas Bolick can help identify areas to put edible plants in the Town. Ms. Shook said that the Public Works Department asked for designated funding but she did not know, if they had received it. She said they may work within the existing funding that they have. She said currently there is no signage because the edible plants are being planted on a trial basis. Mr. Bolick said that the Public Works Department has been working with the Blue Ridge Women in Agriculture on planting the edible plants. Mr. Bolick said they have planted the low and high bush blueberries along with some herbs at the Boone Bagelry and at Jimmy Johns both located on W. King Street. He said they planted vegetables near the Veterans Memorial on W. King Street, and the bulb outs at Linney Street on W. King Street. Ms. Shook asked if signage is going to be placed in the various planting locations. Mr. Bolick said he has not been directed to put up signage. Council Liaison Furguele explained that the direction of Council was for the CAC to review plantings on Town property and that fruit trees might be planted on private properties in the Town and to enhance the edible plantings around Town with the purpose of it helping people with low income.

Ms. Shook talked about inviting Ms. Margie Mansure from Watauga County, North Carolina Cooperative Extension Center and Ms. Brooke Kornegay, Watauga Food Council Coordinator to give a presentation to the Community Appearance Commission to help make possible recommendations for the Food Council task. Ms. Shook pointed out that Ms. Kornegay is now the Chairperson of the Boone Sustainability Committee.

Council Liaison Furguele talked about the Council directing Ms. Allison Meade, Town Attorney to revise the draft nuisance policy to recognize the preservation of natural areas. He said the draft nuisance policy needs to include the definitions in ways that are understandable to the community. He said he does not want to

inadvertently cause people to not have natural areas. He supported the gathering of information from organizations like the Audubon Society to help with preserving natural habitats.

Ms. Shook talked about the information that the Planning Staff would prepare for the next CAC meeting. She noted that the Planning Staff would need to meet with the Public Works Staff to create a list of Town Code and UDO Requirements.

Council Liaison Furguele talked about a complaint that came into the Town regarding someone's neighbor who had wild flowers planted in their front yard who wanted them to go to seed so they could reseed them. He said that the neighbor complained that the Community Improvement Code Standards through the Public Works Department was not improving the neighborhood. He said that the Council did discuss this topic at a Council meeting.

Discussion ensued on the Planning Staff preparing information for the next Community Appearance Commission meeting. Ms. Shook thought that the Planning Staff should coordinate with the Public Works Department to create a list of Town Code or Practices and Unified Development Ordinance requirements that will have an impact on preserving the natural habitats of birds and bees. She said the Planning Staff would also include the additional information that Mr. Johnson presented at this meeting.

Ms. Shook asked the CAC if they would prefer to invite the experts to give presentations or have one more meeting and prepare a format for the presentations, then invite the experts to speak. She noted that the Planning Staff is also still working on the B-1 zoning districts. Vice-Chairperson Cagle said that she preferred to have the information first to help lay a foundation before hearing from the experts and receiving new information.

Council Liaison Furguele said that Vice-Chairperson Cagle's preference makes sense to him. He explained that he preferred that we invite the experts first and begin to learn the new information so when we begin to review regulations, we will not be confined to what the Town has already done. He further explained that either preference works. He noted that if it will delay the completion of the B-1 zoning districts, he would rather begin to hear the presentations from the experts first and let the Planning Staff complete their work on the B-1 zoning districts as their schedule allows. Vice-Chairperson Cagle's said that she does not disagree with Council Liaison Furguele but she does like to have enough terminology to help her be able to understand what is being presented on the given topics.

Ms. Shook explained that on September 30, 2020 there is a joint meeting with the Council, Community Appearance Commission and Historic Preservation Commission that the Planning Staff might receive more direction on what they want the Planning Staff to do. She noted that without the direction from Council, it is difficult for her to estimate the amount of time the Planning Staff can prepare the information. She also said that the Planning Staff has discussed ways to have public involvement for the B-1 zoning districts. Ms. Shook talked about Member Selong meeting with Mr. Johnson to discuss the University contacts involvement with the public for the B-1 zoning districts. She said that the Planning Staff would like to have a wide variety of experts to speak to the CAC on said topics.

Mr. Johnson suggested emailing the CAC information for their review. Vice-Chairperson Cagle suggested that the Planning Staff could email the links to the information presented at this meeting.

Ms. Shook said that she would invite Mr. Justin Stines and Mr. Thomas Bolick to the next series of CAC meetings while they discuss the said topics that Council has assigned to the CAC.

Mr. Johnson said he could put together a list of the key stakeholders for the CAC to review.

Ms. Shook explained that the Planning Staff tracks the tasks that are assigned to them by Council through a work plan and since the CAC has begun to work on these three tasks, she will reposition them accordingly on the work plan. She asked Council Liaison Hicks and Furguele to update Council in their liaison reports on the assigned tasks. She also noted that she felt, it could be beneficial to check with Mr. Chris Miller the Town's GIS specialist to discuss the mapping that was discussed earlier in this meeting. Mr. Johnson agreed with Ms. Shook and noted that some recent mapping has been done that could be beneficial.

Ms. Shook confirmed that as a result of this meeting, the Planning Staff will invite experts to the next CAC meeting, a list of stakeholders that the Planning Staff has identified to support the CAC's tasks and will be sent to the CAC to review and prepare to discuss at the next meeting.

Ms. Shook talked about the presentation from the experts being recorded and possibly advertising the future meetings on these topics as Council meetings so all the Council members can get the benefit from the presentations. Council Liaison Hicks said that he supported the idea for the rest of the Council members to be equally informed on topics that might require more changes that are discussed by the different groups giving the presentations. Council Liaison Furguele agreed with Council Liaison Hicks and suggested that there be a presentation at the beginning of the meeting and the Council as a whole can adjourn, then the CAC as they continue their meeting and discussion on what was heard from the presentation. She noted that it would not be a requirement for all of the Council members to attend but it would be a benefit for them to be able to hear the presentation. Council Liaison Furguele agreed to advertise it as a Council meeting but a quorum of the Council is not necessary. She said if the Council Liaisons agreed, she could submit an action request for the Council's October 2020 agenda.

Ms. Shook explained the structure of the September 30, 2020 joint meeting with a brief overview and presentation from Mr. Johnson on the draft Downtown Design Guidelines and Ms. Christy Turner, Senior Planner will review the draft Historic Preservation Commission draft Historic Design Guidelines. Ms. Shook explained that there will also be a discussion with the State Historic Preservation Office on both of the draft documents. Ms. Shook explained that Mr. Johnson and Ms. Turner are having a virtual meeting with members of the SHPO to discuss mostly the draft Downtown Design Guidelines and get a grasp on the joint meeting and how to help the CAC and HPC make their best approach moving forward with goals of both commissions.

Ms. Shook talked about the two examples of story books that the Planning Staff is working on with the Town's GIS Specialist to present during the public information sessions to help the property owners or business owners better understand the proposed changes to the Downtown area.

INFORMAL DISCUSSION/OTHER MATTERS

There were no other topics or other matters discussed at this meeting.

PUBLIC COMMENT

No individuals requested the opportunity to speak during public comment.

ADJOURNMENT

Vice-Chairperson Cagle made a motion, seconded by Member Selong to adjourn the meeting at 7:06 p.m.

VOTE: Aye – All
Nay – None
The motion passed.

Sarah-Davis Cagle, Vice-Chairperson

Marlene Crosby, Board Secretary