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Sent: Tuesday, March 19, 2024 2:50 PM
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Subject: Tree Advocacy Committee draft provisions

Dear Town Attorney and Town Council members,

Thank you all for continuing to work so hard toward finalizing an updated tree ordinance with a restructured Tree Board, now to be called the Tree Advocacy Committee (TAC). The CSC and many Town residents greatly appreciate your efforts.

I reviewed the latest draft of the Tree Advocacy Committee provisions in Section 27.5 and wanted to share my comments and requested edits/clarifications. I was not able to make any red-line comments and edits to the draft posted online because it was in PDF format. However, a Word version of the draft with my comments and edits is attached.

My main comments and edits are as follows:

1 – Minor text editing is included, mainly for capitalization, consistency, and language flow.

2 – In 27.5(b), the Town representative on the TAC should be from the Department of Parks and Recreation, NOT Planning and Zoning. This is a committee with a broad protective and action-oriented mandate that will rely on staff with tree expertise. A Parks and Recreation arborist is the appropriate staff member.

TA Comment: The current proposed language is as follows: *“In addition, a Town representative(s) from the Departments of Parks and Recreation and/or Planning and Zoning shall serve as an ex-officio member(s) of the Tree Advocacy Committee.”*

Under the current Draft, the Town Representative can be from Parks and Recreation and/or Planning and Zoning, so the current version permits staff support from different departments as needed. I would assume that most of the time Parks & Rec staff would be the most logical support person, but there could be instances where Planning & Zoning staff is required. Council can make changes to this provision as

3 – In 27.5(c), I recommend eliminating the language regarding staggering terms. I think this may be confusing and unnecessary. There is no need to stagger terms, given that CSC and PC members will be serving differently timed terms on the Tree Board by virtue of when they were appointed to their respective commissions. The same holds for student members. I recognize that the four (4) members directly appointed by Town Council will have the same terms initially, but I don't see that being a problem and likely it will change over time as members come and go.

TA Comment: Frequently, new boards/commissions have staggered initial terms to ensure there is continuity and less of a risk of losing a significant number of members in any given year when terms expire. This provision is a policy provision and the Town Council may certainly make changes as it deems appropriate.

4 – In 27.5(e), the numbering has to change because 2 in the original draft was eliminated.

TA Comment: Yes, numbering should be updated.

5 – In 27.5(e)6 and 7, I recommend revising the report language. As currently written, there are two reports and the timing for the second TAC report is a semi-annual report for three years and then annually thereafter, which is confusing. I can see having one Urban Forestry report put together by the town arborist(s), with input from the TAC, focused on planting and removal statistics, as well as one report on TAC tree-related activities put together by the TAC. There is also the option of having one annual report that includes all tree-related statistics and activities: an Urban Forestry report that includes a chapter/section describing all the TAC tree-related activities and plans. Note that the current draft requires information that may not be available since it is not possible to ensure that every 5 years there will be an updated tree canopy measurement for Vienna to report on and compare. These are expensive and time-consuming studies and require a contractor and funding. Furthermore, as currently written, the same data is going into 2 reports.

TA Comment: The Draft Language was reviewed and previously edited by the Town Council; however, the Town Council may make edits as it deems appropriate.

6 – In 27.5(e)7, the TAC is still presenting to the CSC to present to Town Council. I thought Town Council had decided that the TAC would present its report directly to Town Council with a prior review by CSC.

TA Comment: The current proposed language is derived from several work sessions and discussions and is as follows: ***“For three years from the effective date of this Ordinance, and then annually thereafter, to present a semi-annual Tree Advocacy Committee Activity Report to the CSC for presentation to the Town Council that includes a description of the Tree Advocacy Committee’s activities, key data and statistics compiled under subsection (e)(6) above, and ongoing and anticipated future activities. This information and report shall be published each year, including on the Town website. Every five (5) years the Tree Advocacy Committee, with the assistance of Town staff, shall provide to the Town Council a comprehensive report on the measurement of the Town’s tree canopy including a comparison of previous measurements.”***

The proposed ordinance language envisions the TAC would create a report to be presented to the CSC and then the CSC would present that report to the Town Council. The TAC Report would supplement and compliment any other CSC reports/projects. The CSC currently provides an Annual Report to the Town Council and under the current CSC Town Code language (not currently proposed to be amended and has not been discussed by the Town Council) the CSC has many tree related functions as well and they are highlighted as follows:

Chapter 27 - CONSERVATION AND SUSTAINABILITY COMMISSION (CSC)

Sec. 27-1. Purpose.

The purpose of this chapter is to develop, promote, and coordinate voluntary efforts to introduce and improve conservation, environmental, and sustainability initiatives by the Town, developers, businesses, and residences; to educate citizens about environmental initiatives to benefit and enhance the Town; and to improve the appearance of the commercial, industrial, public, and residential areas of the Town. To that end, there is established a conservation and sustainability commission to act as the focal point for such efforts, and to advise the Town Council and appropriate Town departments on matters relating to conservation, energy, the environment, sustainability, and community appearance. It is intended that functions assigned to the commission be performed by members of the commission, particularly the interface with other Town organizations, the selection of individuals, properties, businesses, or organizations for recognition, and the identification of problem situations. The initiative for commission activities, decisions, and plans should emanate from its members; it is anticipated that commission members actively participate in projects undertaken by the commission.

(Code 1969, § 27-1; Ord. of 7-6-1992; Ord. of 2-1999; Ord. of 2-2010; Ord. of 1-28-2019)

Sec. 27-4. Powers and duties.

The conservation and sustainability commission shall have the following powers and duties:

- A. *To recommend policies and programs to the mayor and Town Council relating to community enhancement, e.g., recycling, the environment, energy conservation, and sustainability. The core of this mission is to achieve a sustainable community through planning, education, community initiatives, and policy recommendations.*
- B. *To develop and recommend policy initiatives and changes to the mayor and Town Council that promote a sustainable community. These may include:*
 - (1.) Energy consumption and conservation;*
 - (2.) Environmental enhancement and natural resource conservation;*
 - (3.) Recycling programs;*
 - (4.) Sustainable development planning and practices;*
 - (5.) Promotion of green construction;*
 - (6.) Tree protection and replacement programs; and*
 - (7.) Application for local, state, federal, and private grants related to the conservation and sustainability commission's mission.*
- C. *To educate and encourage Town residents and businesses to be good stewards of the environment through the following:*
 - (1.) Publishing regular articles in the Town newsletter and on the Town website;*

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- (2.) *Encouraging the development of green classes through the parks and recreation department;*
 - (3.) *Providing seminars on topics of interest to Town residents; and*
 - (4.) *Speaking with area schools and local organizations to promote school involvement in community initiatives.*
- D. *To plan and promote programs and events that further the mission of the commission through the following:*
- (1.) *Energy and environment plan: Create and revise, on a three- to five-year schedule, an energy and environment plan to set aspirational goals and targets for creating a more sustainable community. This plan will serve to suggest and recommend energy/environmental conservation and sustainability ideas to the planning commission when it reviews the Town's Comprehensive Plan;*
 - (2.) *Beautification awards: Present awards to individuals, residents, businesses, or organizations that demonstrate an ongoing effort to enhance the appearance of their property or business;*
 - (3.) *Sustainable landscape award: Present awards to individuals, residents, businesses, or organizations whose landscape demonstrates elements and the philosophy of a sustainable landscape;*
 - (4.) *Environmental excellence awards: Present awards to individuals, residents, businesses, or organizations by the mayor and Town Council to recognize outstanding achievement or service to the environment in Vienna;*
 - (5.) *Town Cleanup Day and Potomac Watershed Cleanup Day: Organize these annual events to promote clean-up of our streams, stream valleys, and parks;*
 - (6.) *Green Expo: Organize and promote the Green Expo to be held annually during Earth Week;*
 - (7.) *Celebrate Arbor Day: Plan the annual Arbor Day tree planting;*
 - (8.) *Promote recycling events within the Town, including an annual recycling road show;*
 - (9.) *Invasive plant management initiative: Work with local groups to promote the removal of invasive plants in Town parks;*
 - (10.) *Serve as the Town tree board and maintain Tree City USA status for the Town.*
- E. *Not later than January 15 of each year, the chair of the commission shall submit to the Town Council a report of activities accomplished during the previous fiscal year and a specific plan of activities and initiatives for the next fiscal year.*

Please let me know if you have any questions.

Thank you,

Christina Caplan
Chair, Conservation and Sustainability Commission (CSC)