



MEMORANDUM

TO: Planning Commission Chairperson Jessica Plowgian and Planning Commissioners

FROM: Leslie Herman, Director of Parks and Recreation
Jeremy Edwards, Parks Maintenance Superintendent

Date: October 5, 2023

Subject: Conservation Tree Code Update

Clarifying Comments from the Planning Commission Meeting September 27, 2023

- The Town's current code does not provide authority to apply a tree preservation credit. Nevertheless, the Town's Tree Preservation and Planting Guide does state that the Town allows for a preservation credit of 25% for preserved trees. The Tree Preservation and Planting Guide is incorrect and will be updated. The intent of the 25% "credit" for preserved trees is to project for their growth 20 years in the future. Perhaps look at this 25% as a growth multiplier. Staff need to update the Tree Preservation and Planting Guide to align with current code. State Code 15.2-961
- To clarify the amount of credits allowed under 15.2-961.1, staff intend to follow the code as written (if adopted). One (1) credit per tree preserved and no more than two (2) credits per newly installed tree.
- Waiver to include canopy for jointly owned trees. Our current standard of practice regarding trees qualifying for canopy coverage credit is:
 - o If the trunk is 100% outside of the lot under development regardless of the position of the tree canopy, the canopy cannot be included in the canopy coverage calculations.
 - o If the truck is 100% on the redeveloped site, only the canopy over the lot under development can be included in the canopy coverage calculations.
 - o If there is a co-owned tree, only the canopy portion over the redeveloped site can be included in the canopy coverage calculations. However, the applicant needs to submit a request to the Urban Arborist to include this canopy coverage in the calculation.

Regardless if 15.2-961.1 code passes, the Town intends to update the standards and specifications in the Tree Preservation and Planting Guide. Canopy coverage related to co-owned trees will be addressed in that update.

- **Decision** – Vienna is following the above standard for canopy coverage calculations. Regarding the co-owned tree canopy coverage, should Vienna not require a special request for inclusion of this canopy coverage or should the canopy coverage automatically apply as long as trees meet the standards of desirability, life expectancy and health regardless if Vienna chooses to regulate under 15.2-961.1?

Staff Recommendations and Additional Considerations

Town staff supports:

- 1) Adopting the Town attorney's version of 15.2-961.1 and keeping all references to trees in current code chapters.
 - a. Development code in Chapter 17 & 18, which will be the new Chapter 18
 - b. Tree Board/Commission in Chapter 27
- 2) Strongly encourage the Town to study the effectiveness of the 20% canopy coverage. Is it working? Are developed properties meeting the projected minimum tree canopy coverage after 20 years?
- 3) Applying 15.2-961.1 to all applications that trigger a site plan, i.e. disturbance of 2500 sq. ft. or greater which is in line with the zoning administrator's comment made on September 27 at the Planning Commission public hearing.
- 4) Petitioned request from resident to council to provide an annual tree-planting budget.
- 5) Adopt the Tree Commission as a committee of the Conservation and Sustainability Commission (CSC). Staff agrees that there is strength in unison by retaining the CSC connection. Staff recommends collaboration in developing a tree management plan and compiling the annual report. (see #7 below, suggested code language)
- 6) Town staff support having one (1) CSC member, one (1) Planning Commission member and five (5) members appointed by council to serve on the Tree Commission with one (1) representative from the Department of Parks and Recreation to serve as an ex-officio member of the commission. Section 27-5 Section 1(b) of the Town Attorney proposed code.
- 7) In regards to Section 27.5 Section 1(e) of the Town Attorney proposed code, staff has provided the following edits in yellow:

(e) 1. To promote and protect public health, safety, and general community appearance by planning and recommending **to the Town Arborist** the planting, maintenance, and removal of trees, shrubs, and other plants on public property within the Town. **(recommend partial addition)**

(e) 2. **To ensure that the planting, maintenance, pruning, and removal of trees and accepted standards as established and set forth by the National Arborist Association and by the American**

~~Association of Nurserymen's Council American Standard for Nursey Stock.~~ (recommend deletion, this is the role of the Town Arborist)

(e) 3. ~~To develop, maintain, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas.~~ To assist with creating a tree management plan. Such plan will be reviewed annually, updated as necessary, and presented to the Town Council; upon acceptance and approval by the Town Council, such plan shall constitute the official public tree management plan for the Town. (recommend deletion of first sentence and addition of second sentence)

(e) 4. No changes

(e) 5. No changes

(e) 6. ~~To serve as the Town's representative at, and to attend~~ To occasionally attend as a Town representative and bring back knowledge and information from area, regional, and interagency meetings, seminars, summits, and conferences concerning urban forestry programs and policies. (recommend partial deletion and replacement, this responsibility is not to supersede the Town staff role)

(e) 7. ~~To assist the Town with compiling, analyzing, publishing, and updating annually information and statistics regarding the Town's progress in maintaining and restoring tree canopy.~~ To assist Town staff with compiling the annual report. Such information and statistics include: (a) the amount spent each year by the Town for the purchase and planting of trees, (b) the number of trees planted on Town property each year, (c) the number of trees on Town property cut down or removed, (d) any available data regarding the extent of or changes to the Town's tree canopy, and (e) any available data regarding an inventory of the Town's street trees, such as the percentage of street tree planting sites that are filled, and priority street tree planting sites that are unfilled. (recommend deletion of first sentence and addition of second sentence)

(e) 8. No changes

- 8) In regards to Brian Land's proposed Chapter 29 of the Town Code,
- a. Staff recommends a consolidated land development section of the Town code and thereby recommends leaving the tree related development code in Chapters 17 and 18 (new Chapter 18 upon adoption of Code Create).
 - b. Staff recommends leaving the Tree Board/Commission as part of the Conservation and Sustainability Commission and within Town Code Chapter 27.
 - c. Staff recommends continuing to assemble and publish annual metrics relating to trees in the Tree City USA report, Town's Adopted Budget book and other means of dissemination as the Tree Board/Commission recommends.