

# State Tree Conservation Workgroup

Forestry and Natural Resources Commission

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# Charge

The University of Virginia's Institute for Engagement & Negotiation (IEN) was contracted to conduct stakeholder engagement and to deliver to the Commonwealth leadership a final report of consensus recommendations and areas where agreement could not be reached, by October 1, 2021. The three objectives for this study stipulated by the Virginia General Assembly include:

- encourage the conservation of mature trees and tree cover on sites being developed;
- increase tree canopy cover in communities;
- encourage and increase incentives for the preservation, planting, and replacement of trees during the land development process.

# Consensus and topics for future discussion

- 1. Natural Resources Assessment:** Allow credits for natural resources inventory (stand assessment) prior to development.
- 2. Tree Banking:** Explore allowing localities across the Commonwealth to use tree banking as a method of mitigation for development that is unable to achieve the locality's required tree preservation and canopy goals. Tree mitigation plantings should be allowed to be conducted by nonprofits, and be allowed on private property as well as public property.
- 3. Building Capacity:** Consider creating a 10-year statewide urban and community forest management plan through the VDOP with tree canopy goals.
- 4. Building Capacity:** Consider developing an urban and community forest management framework that provides Best Management Practices and local program guidelines.
- 5. Building Capacity:** Assess and develop adequate funding, staffing, and technical resources for urban and community forestry.

# Consensus and topics for future discussion (cont'd)

6. **Penalties:** No change in Virginia Code is recommended, as Virginia Code already provides that pursuant to §10.1-1127.1 penalties for violations of ordinances adopted shall be the same as those applicable to violations of the locality's zoning ordinances.
7. **Cluster Development:** The current Cluster Development mandate should be retained, as well as expanded as an optional tool to a broader category of counties and cities, but not indiscriminately especially in areas zoned for agriculture.
8. **Cluster Development (continuing discussion):** The current cluster development statute should be amended to allow for the clustering of multifamily, mixed-use, and commercial developments.
9. **Cluster Development (continuing discussion):** Clarify current locality authorities to eliminate misunderstandings and articulate how localities are enabled to require identification of sensitive spaces and critical resources to protect them from impacts of cluster development.
10. **Tree Canopy (continuing discussion):** The framework outlined further below will serve as the basis for continuing stakeholder discussions, that will also include representatives of housing justice and consulting arborists.