

Attachments:

A – Priorities identified during first meeting on 11/30/20

B – November 30, 2020 meeting notes

C – December 7, 2020 - Overview of the Meeting

D – December 7, 2020 Detailed Meeting notes

E – December 14, 2020 Meeting Overview

F – Additional Background Materials

Attachment A –

Priorities identified during first meeting on 11/30/20. After the meeting, the participants were polled via email regarding their top priorities. There were thirteen responses with each participant allowed eight votes that could be distributed as they wished across the items identified. The polling form used follows.

Priorities

► Tier 1:

- New tools for preservation, erosion, storm water- **9**
- Incentives for developers- **8**
- \$ for tree programs, natural areas, land acquisition- **7**
- More County leadership: preservation, education – **5**
- Better maintenance: trees and new plantings- **4**
- Address diminished canopy in South Arlington – **4**
- Raise tree replacement standards- **4**

Priorities Con't

► Tier 2:

- Reduce County cutting – **3**
- Reduce developer cutting – **3**
- Respect property rights - **3**
- Better data on tree canopy – **3**
- Inventory trees – **3**
- Tree Tzar – **3**
- Educate home owners – **3**
- Higher tree replacement standards - **3**

**12/3/20 ACCF Tree Canopy Collaborative
Priority Issues for 12/7/20 Meeting**

Limit: 8 votes TOTAL all issues. More than one priority vote allowed on an issue.

Issues/problems related to trees on public land:

- The County is cutting down too many trees.
- The need to inventory trees for better management
- The need for a Tree Tzar to institutionalize tree preservation and coordinate policy across public entities
- The need for money for tree programs, natural areas and land acquisition.
- The need to use trees to better stormwater management, impervious surface reduction, and stream management.
- The need to better maintain trees and support new plantings.
- The need to plant more trees and expand diversity of species.
- The need to make better use of harvested wood for commercial purposes, e.g. artisans.

Issues/problems related to trees on private land:

- Developers are cutting down too many trees on private land.
- The need for incentives for developers to preserve trees.
- The need to educate builders (e.g., about the benefits of trees).
- The need to look at mature trees before permitting.
- The need for clear, understandable regulations for builders.
- The need to regulate major development plans which do not allow for trees.
- The need to streamline regulation.
- The need to address development density and affordability and its impact on tree Canopy
- The need to educate homeowners (e.g., about the benefits of trees, not to sell to developers)
- The need for full County enforcement of existing permitting, zoning etc.
- The need for conservation easements to protect matures trees in perpetuity. _____
- The need for new tools for tree preservation, erosion and storm water management
- The need to respect property rights.
- The need to relax requirements for basement apartments.

Other issues/problems across public and private trees:

- The need for better data on the canopy on public and private land.
- The need to maintain the quality of neighborhoods.
- The need to create urban mini forests.
- The need to use the Chesapeake Bay clean up as a regional model.
- The need to address the diminished tree canopy in South Arlington.
- The need for County leadership on tree preservation and expanding education
- The need to tree replacement standards higher than current levels.
- The need for a better scientific understanding of storm water benefits of trees.

Attachment B:

November 30, 2020 meeting notes

11/30/20 ACCF Tree Canopy Collaborative Workshop Notes

>Readout of Identified Needs<

Note: this is a readout of the issues as we recorded them during the meeting. This may include redundancy or gaps in the issues identified. The categories are simply suggestive to try to group similar needs. THIS DOES NOT PRECLUDE THE ADDITION OF NEW ISSUES AT LATER MEETINGS.

Trees on public lands

- Need more preservation of tree canopy on public lands – along roads, along bike trails, during stream restoration
- Need to work toward better conservation of trees through understanding soils, limiting areas of disturbance, allowing space for maintaining health trees
- Need to plant more trees using all available locations given limited space, e.g. trees on buildings, along major traffic arteries like Arlington Blvd
- Need better maintenance of public trees through higher priority in funding, e.g. maintaining saplings
- Need to introduce more diversity in, and number of, trees selected for planting - avoid monocultures, add other vegetation
- Need to make better use of trees removed, e.g. commercial use of wood, onsite uses
- Need to study and analyze the effect of tree canopy loss on stormwater and erosion to create better tools for management including a GIS system that makes data available to public
- The need for better stream management throughout Arlington county to preserve and plant trees.
- Need to improve and expand natural settings in parks rather than “built” amenities; poor maintenance, e.g. deer damage to trees
- Need more operating budget and capital expenditures on parks for natural areas, especially land purchase
- Need to convert concrete areas in parks to allow more natural environments
- Need to create more tree canopy, e.g. “mini-forests” with native trees to provide heat control & other benefits

Trees on private land in general

- Need to address loss of tree canopy to developers on private land, especially the rapid loss of mature trees
- Need to address loss of quality of neighborhoods associated with development – tree loss causing water management, aesthetic issues, etc.
- Need to work toward better conservation of trees through understanding soils, limiting areas of disturbance, allowing space for maintaining health trees
- Need to make better use of trees removed, e.g. commercial use of wood, onsite uses
- Need education for tear-down owners on how to control development and the choices available
- Need education of local builders and promoting those who are good stewards of tree preservation, i.e. find ways to back builders who actively contribute to growing and maintaining trees
- Need better protection of property rights of adjacent landowners impacted by development
- Need to find ways to get private owners not to sell to developers, e.g. zoning/permitting to allow rental units to make housing more affordable for current owners and renters

County actions for trees

- Need to document value of trees and lead public on actions

- Need to evaluate trees as a regional resource impacting not only the County but other areas, e.g. entire Chesapeake Bay watershed, regional air quality, etc.
- Need to critically review the tools available to the County to preserve trees to identify specific authorities that need to be requested at the State level
- Need a high-level County staff position to coordinate environmental issues, especially trees and natural areas
- Need more current and detailed data – inventory, canopy studies, etc. - to effectively manage tree locations, types, etc.
- Need to institutionalize the preservation of tree canopy on County land with tighter tracking and control of removals
- Need to educate public on the value of trees and how to maintain them
- Need to address the density of development planned across the County and its impact on trees
- Need to study and remediate tree canopy inequities across the County
- Need to provide financial incentives to citizens to preserve trees, e.g. conservation easements such as the Northern VA Land Trust
- Need better coordination of public entities using public lands for parks, schools, public facilities, etc. to preserve tree canopy county-wide and limit impervious surfaces

County regulation of trees

- Need better regulatory framework to preserve more trees
- Need incentives for better site design, e.g. using use permits rather than by-right rules, trading development credits for creating preservation contracts on existing trees stands with owners
- Need better use of existing codes, e.g. clarification of definitions allowing greater protection of trees
- Need to fully enforce existing codes with better understanding by staff on how to use these authorities
- Need to create a better proffer system like other VA jurisdictions to incentive tree preservation, e.g. cash for open space fund for land acquisition that includes trees
- Need to avoid disincentives for tree preservation that add costs or limit options, e.g. garage setbacks that require more land disturbance and tree removal
- Need to understand the differences in existing tree canopy and potential for canopy growth in different areas/zoning types that impact tree planning and preservation
- Need to look at tree impact and potential before issuing building permits
- Need to look at new ways to save trees, e.g. priority or streamlined permitting as is done for “green” buildings
- Need to review setbacks on lots to preserve trees & help water management, e.g. increase setbacks but avoid unintended consequences such as taller houses
- Need to increase tree replacement regulations above the current 20% of existing tree canopy in 20 years to lower levels, e.g. 20% in 10 years
- Need to review zoning in general with respect to issues such as lot coverage

Developers’ perspectives

- Need to respect property rights and balance development regulation
- Need to study how tree canopy effects stormwater and stormwater regulations
- Need to look for regional solutions to provide adequate tree canopy given space limits in urban areas, creates more options
- Need to factor in the affordable housing crisis and avoid unnecessary costs that price out some housing options
- Need to shift to incentives rather than penalties for preserving trees and planting
- Need to recognize that stormwater management does not address all water flows from development, only directs certain measures for limited stormwater containment on site

- Need to give greater authority to County Forester to use of tree preservation for stormwater control and clearer direction on stormwater measures

Comments received after 11/30/20 meeting

11/30/20 – Participant 1 - Thanks for organizing the meeting. I wrote down a probably incomplete list of all the issues and ideas I heard, without attribution. Hope this is helpful.

- Preventing Habitat loss
- Deer impact
- Lack of money for natural areas
- Lack of proffer system to get money for acquisition of natural land.
- Contradictory goals in park systems
- Stream restoration
- Grassroots initiatives for incentives for development, but also homeowners.
- Thriving communities.
- Who to sell to, and who takes care of the neighborhood.
- Avoiding disincentive structure, which can add cost to builders.
- Tree Czar
- Tree Canopy study quality
- Protecting mature trees on public land
- How to better regulate
- Replacing something small with something large is the standard. Are there ways to incentivize better site design.
- Other options beyond by-right
- Clarifications of definitions that will allow for better protection.
- Educate private homeowners to best take care of trees
- Urban mini-forests
- Urban wood reuse
- Too much impervious area on park development.
- Development too dense
- Inequity in tree canopy
- No room for trees after construction
- Setbacks too small (Especially in R-5)
- Inadequate planting strips
- Looking at trees on properties before permit
- Bringing in a sawmill
- Inventories
- Conservation Easements
- Loss of tree canopy on private property on older properties
- Better stream management
- What is the effect of the loss of tree canopy on stormwater management and erosion.
- To conserve trees, you need space outside of the limits of disturbance space for lost roots to regrow
- To plant successful trees, you need Space to plant trees high quality soil.
- Customer service. The clearer the regs, the easier they are to enforce.
- Property rights are important, and need to be balanced, with on-site and neighboring tree impact.
- Research on value of trees in stormwater
- Finding some kind of banking system
- Could increase tree canopy numbers from 20%
- How to integrate with pricing and other goals, like missing middle. • Regulatory incentives sometimes increase tree removal
- Time for review.
- Too much removal, without aftercare
- Embracing of monocultures

- Valuing trees in their role with stormwater and climate change • Tools from the state
- Regional view of Chesapeake Bay
- Not enough tools for the County
- Increasing setbacks
- Smaller houses would reduce cost
- Sidewalk expansion for ADA
- Increased impervious space
- Improving un-used area (example Rt. 50)
- Restrictive zoning rules for basement apartments
- Stormwater management not managing all stormwater
- Clear direction
- Trees that are damaged too greatly
- What is the political will
- Potential conflicts between garages set back on the property and conservation
- Building “up” as the solution

Comments from participants between meetings

12/1/20 - Participant 2 - All, I pulled this off of my NextDoor feed this morning.

[Maureen Hickey](#) Yorktown • 12 hr ago

Seeking "As Is" Home Buyer for 90 Year Old Dad's N. Arlington Home. My 90-year-old Father wants to sell his North Arlington House "as is" - to someone who will just give him a good deal and let him move to his retirement home. We have had one estimate from someone who buys homes to flip - and we desire to get at least a couple more folks look at his house to see what they may offer to buy it "as is". I have no idea where to look for someone who buys homes like his - so just posting here to see if my kind neighbors have any recommendations. Thanks - in advance!

This is the situation I was talking about last night. How do “we” put the right incentives in place to dissuade Ms. Hickey’s father from selling his mature home to a developer or an individual who will raze the home and destroy more mature trees.

Maureen Hickey and I just chatted and she made the following suggestion.

She suggested that civic associations maintain a ready list of potential home buyers who are interested in buying a home in their neighborhood. She also mentioned that she’s already received 15 DMs from potential home buyers and only one DM from a developer. Maybe we can save one mature house and at least one mature tree.

12/1/20 – Participant 3 - Second [Participant 2’s] observation.... We get approximately two letters a week from developers who want to buy our 1950’s home “as is”. We have two mature oaks on our lot and if we were to sell there is a 90% chance they would cut down at least one tree.

What is needed is an incentive to protect the tree such as a conservation easement as mentioned by [another participant], a property tax credit to homeowners who maintain their trees, and or a step cost (say \$300K) to the developer who wants to cut down a mature tree to build a bigger house on a lot.

12/1/20 – Participant 4 - Thank you so much for orchestrating last night's first session of our workshop - personally, I thought it was a big success. So many good ideas were expressed. I'm writing to ask a quick question. Is it possible for the participants of the workshop to review a summary of the HB 504, Patrick Hope's bill? I went to the State website and tried to obtain at least a summary of the bill and was not successful. If someone were to ask Patrick to provide us a summary, he would probably be happy to do so. [See Attachments.]

12/1/20 – Participant 5 - And thanks, [participant 2], for sharing your post which I'm passing along to folks who lament homes going straight to "design[really?]/build" companies. With Maureen, you've also identified an intriguing option to save homes with an assist from civic associations.

12/1/20 – Participant 6 - I believe bullet four of Trees of Private land was my comment and I think it's important to edit it to say "promote" builders who are good stewards. Essentially, finding a way to back/promote builders who actively contribute/participate in the effort to maintain/grow tree canopy.

12/1/20 – Participant 7 - [In response to Participant 2 comment above] If you can provide the address and better yet a plat/survey I can take a look and see if I have anyone....

12/1/20 – Participant 8 – [Regarding third bullet under “Trees on Public Land”, add “along major arteries like Arlington Boulevard”] Though this point mentioned above under preservation it also should be under places to plant.

[Regarding bullet 10 under County Regulation of Trees] This was the point. Increase setbacks not review them.

[Regarding the Developers’ Perspective section] Why do we have a separate breakout section for the developer perspective? How are the other sections characterized then?

12/2/20 – Participant 1 - Great conversation the other day.

To avoid going down paths that might be unproductive, I want to highlight some items that might already be addressed:

1. There is a wealth of knowledge on potential solutions in the report from Virginia Department of Forestry. This outlines all the existing legal tools in Virginia, and their potential improvements. Please see it attached.
2. Diversity and monocultures: While some areas of the County may seem like they have a high amount of one species, our diversity of tree species is very high, and we’re working towards increasing that diversity. You can see our distribution of trees in our i-Tree Eco study (<https://environment.arlingtonva.us/i-tree-eco/>), and with over 120 species, this is far beyond minimum recommendations. We recognize the slight overplanting of London planetrees in Crystal City, and are working with private developers to reverse this.
3. Research for stormwater benefits of trees. This is wide-spread, and constantly improving. A good start is the EPA guide on stormwater trees: https://www.epa.gov/sites/production/files/2016-11/documents/final_stormwater_trees_technical_memo_508.pdf and the Center for Watershed protection page: <https://www.cwp.org/reducing-stormwater-runoff/>
4. Quite a bit of data is available online, already, with tree canopy studies, i-Tree Eco study, and reports on removals and planting being available at the following links:
 - a. <https://environment.arlingtonva.us/trees/tree-statistics/>
 - b. <https://data.arlingtonva.us/dataset/133>

12/2/20 – Participant 4 -

The following two comments are found under the heading “Trees on public lands.” In my opinion, both comments could be equally applicable to the heading “Trees on Private Land in General.”

- ✦ Need to work toward better conservation of trees through understanding soils, limiting area of disturbance, allowing space for maintaining healthy trees
- ✦ Need to make better use of trees removed, e.g. commercial use of wood, onsite uses.

The proposals and solutions were striving to develop are ultimately focused on the concept of balancing the interests of completing stakeholders. I simply wanted to offer a quick outline of my best guess of the stakeholders being impacted in our discussions:

Owners of Public Property in the County: Arlington County, Virginia Department of Highways, Northern Virginia Regional Planning Authority, and others.

- ✦ Which entity owns which specific parcel will be impacted differently by the results of our discussions because their interests and mission are different.

Arlington County Government: regulations and “best practices” on the construction and development of commercial and residential real estate.

Development and Construction Community: incentivize them to A.) earn a reasonable profit/return on their investment while B.) striving to protect and expand the health and quality of the tree canopy.

Individual Homeowners: Develop a Public Education Program on the matters and benefits of the tree canopy A.) during the period of their home ownership and residency and B.) when they are formulating the decision to sell or significantly renovate their property.

- ✦ Civic Associations: This stakeholder, a subset of the individual homeowners, by times own a “community house” which is located on a residentially zoned site. Their interests are similar and yet different to that of individual homeowners.

12/2/20 – Participant 9 - The notes look good but one thing/concern [regarding trees] that was mentioned doesn’t seem to be there: **The need for better stream management throughout Arlington county.** Although some may think this is the same as storm water management, it is not and is a serious problem throughout the county streams and creeks

12/2/20 – Participant 3 - 1. Need to move proffer statement from County regulation of trees to County actions for trees.

2. Proffer statement should be changed from "Need a better proffer system to incentive tree preservation" to "Need for County to consider a cash proffer from developers to an Open Space fund for Land Acquisition of natural areas that have trees.

Cash proffers for Open Space (and schools, parks, and community infrastructure) is a best practice for local governments to help fund investments needed to compensate for the impact of development and is incorporated into the fees paid during the permitting process.

For an example, here is an overview of how Loudon County uses proffers: <https://www.loudoun.gov/3065/Proffer-Management> Arlington does not use a proffer system as do other localities in Virginia. Instead, they negotiate with developers for "community benefits" during the site plan review process. Rarely are trees considered in this negotiation.

12/7/20 – Participant 7 - My biggest issue with this list is that it seems to assume that "developers" are the driving force behind tree removal when in fact it is clearly the property owners and buyers.

I live in Arlington and work primarily directly for homeowners and they tell me what to do. Many would like to option to preserve more trees, but often they are too close to the build area and the arborist advise against it so out of safety concerns and concerns over the trees falling and damaging other property or their own they ask to remove the tree. There is a tree still standing today I think that everyone advised come down, but owner kept at his own risk.

Antidotally I built a house years ago and was constantly harassed by a certain neighbor who called the arborist office and anyone else they could about the trees. I went through great efforts to save the as many as I could, even relocated the driveway. In the end the buyers who bought the place did not like the size or location of the trees and had them taken down, they did plant several in their place.

12/7/20 – Participant 8 – [Forwarded article on Jeff Bezos \$10 Billion Earth Fund]. Seems he hasn't given it all away.
<https://www.cnbc.com/2020/11/16/jeff-bezos-names-first-recipients-of-his-10-billion-earth-fund.html>

Attachment C:

December 7, 2020 - Overview of the Meeting

Re. Tools:

Participants identified at least four kinds of tools that can be used to preserve trees, recognizing that some of the options identified in the context of incentives can also be considered tools. They are as follows:

1. Conservation easements, which require scale (e.g., multiple single-family lots, larger commercial projects), but were used effectively in the 1990's in Arlington. Some discussants questioned whether there any more applications are available today.
2. Storm water credits, which will be addressed in a report pending from the VA Dept. of Environmental Quality. Discussants thought Arlington should support DEQ efforts.
3. Setbacks, which can be increased. There was no consensus on setbacks; some discussants favor them as tools for preserving trees, others say they can be counter-productive.
4. Tax credits for trees which are preserved. Discussants noted that new state legislation likely would be needed to authorize the use of such credits by Arlington and agreed that this should be appropriately flagged for consideration by Patrick Hope.

Re. Incentives:

Participants identified a number of ways to incent developers to preserve trees. Since these involve zoning and permitting procedures, discussants also considered it would be very useful to organize a research project to explore incentives further. Identified incentives are as follows:

1. Parking fee exemptions, which waive fees normally applicable for parking equipment and loads on the street in front of property, if builder saves one or more mature trees. (Note: with current county fees, builders save money by not using the street and, as a result, may kill trees.)
2. Driveway aprons, the cost of which can be paid by the County if the developer saves one or more mature trees on the property.
3. Green branding support, by updating Arlington's Green Home Choice Certification Process to increase the weighting given to tree preservation (e.g., from 4 possible points to 40 or more).
4. Development rights, which could be banked by the County and sold/transferred to developers who commit to preserve mature trees. This incentive was alluded to briefly in the discussion, but not explained. It is described in the ATAG white paper, *Options to Preserve Trees*.
5. Special exemptions to zoning and permitting requirements offered in exchange for tree preservation. Participants considered how to make better use of special exemptions to encourage innovative designs that "manipulate the space" to preserve trees and other vegetation. Recognizing that this was a subject that could not be addressed in a 90-minute zoom meeting, but which may have significant potential, participants agreed it would be very appropriate to organize a follow on project to study the feasibility of offering an alternative to by-right development that is defined, predictable, and timely. Recognizing that creating such an alternative would require expertise in Arlington's zoning and permitting processes, discussants agreed that the project should include local builders (i.e., builders who themselves live in Arlington) and County zoning and permitting staff.

Re. Sources of Funding

Participants identified three alternative sources of potential funding for tree programs:

1. Developer proffers, by which developers contribute to tree programs (tree planting and maintenance, land acquisition, etc.) in exchange for needed approvals. The County does not use a proffer system to support tree-related activities, but it does for other kinds of public infrastructure. Participants agreed this is an option worth considering.
2. Corporate donors, such as Amazon, who may wish to demonstrate support for the communities in which they are located.
3. Tree bonding, in which performance bonds are executed to insure tree preservation.

Attachment D:

December 7, 2020 Detailed Meeting notes

This is a quick attempt to organize and summarize comments at the 12/7/20 meeting to make discussion easier, but future discussions are open to all ideas. Participants are welcome to submit comments they were not able to make at the meeting and additional materials you believe would be useful to our report via email to Mary Glass.

Results from polling participants:



Priorities

- ▶ Tier 1:
 - New tools for preservation, erosion, storm water – 9
 - Incentives for developers - 8
 - \$ for tree programs, natural areas, land acquisition - 7
 - More County leadership: preservation, education – 5
 - Better maintenance: trees and new plantings - 4
 - Address diminished canopy in South Arlington – 4
 - Raise tree replacement standards - 4

New Tools:

- ▶ Preservation:
 - Conservation easements?
 - Carbon credits?
 - Non-attainment areas - increase current 20% canopy?
 - Tax credits?
- ▶ Erosion?
- ▶ Storm water?
 - "Need better stream management"
 - Water/sewer rebates?

Participants identified at least four kinds of tools that can be used to preserve trees, recognizing that some of the options identified in the context of incentives can also be considered tools.

Conservation easements

Potential options:

- were used effectively in the 1990's in Arlington
- some successful easements have come through "special exceptions" or "use permits" for "unified residential developments (URD)" Note: URD's are by-right but designed to implement site-specific design to allow variances in private streets, setbacks, etc. – more flexible within zoning requirements for the site.
- some developers may be enticed to get easement by using "special exceptions" for larger projects, e.g. entire cul-de-sac, then cluster the buildings, modify setbacks, etc., if they can build the same number of houses
- used to fund someone at the Northern Virginia Conservation trust to promote these but is not active but could be revived by citizens or
- Educate public on benefit to heirs of properties
- can be especially effective in preserving trees rather than needing to plant more trees

Potential limitations:

- require scale (e.g., multiple single-family lots, larger commercial projects) so not useful
- some discussants questioned whether there any more potential applicants today
- tax assessment office may be a barrier
- expensive for developers and some lack of interest
- concern that there is little potential for URD's due to focus on single housing sites, few large tracts left

Carbon credits – no comments

Zoning and setbacks

Potential options:

- mitigate infill by increasing setbacks using County authority and is consistent
- number of cases where
- create more flexibility with clustering of homes on combined lots to preserve green space with same total footprint
- incentive for clustering that reduces the footprint
- some developers like options of zoning – can enable things if flexible

Potential limitations:

- Not needed with current URD – builders want to be able to compare their costs of by-right development with the URD alternative which has same requirements – want same number of lots with setback flexibility – allows flexible discussion of tree and stormwater options
- Setbacks could be a "taking" of property rights that might require County to compensate for loss of use as a buildable lot

Stormwater credits

Potential options:

- Most powerful tool for house designers if trees can get credits
- Opportunity to see some help from pending VA Department of Environmental Quality report for regulations on stormwater that could include credits for trees
- County may be able to give value to trees soon due to potential changes in these regulations

Potential limitations:

- Need to balance stormwater credits with tree preservation and property rights

- County waiting for DEQ report before implementing credits for trees for stormwater mitigation
- DEQ regulations to permit trees as stormwater credits would need additional state legislation that is unlikely to occur until 2022.

Tax credits and proffers

Potential options:

- Individual landowner tax credit for commitment to preserve trees based on an algorithm estimating value
- Fee to developers based on the estimated value of the tree to be removed Potential limitations:
- new state legislation likely would be needed to authorize the use of such credits by Arlington and agreed that this should be appropriately flagged for consideration by Patrick Hope.
- Tax credits not allowed by law, but talk about State legislature changing this may be feasible future option
- May be state constitutional limitations
- Tax credits not seen as strong incentives for developers



Stormwater credits – see above

Zoning and Permitting

Potential zoning options:

- options to change setbacks
- Focus on slightly oversized lots with tree preservation potential
- Significantly larger changes in zoning – setbacks, lot coverage, etc. to discourage large houses replacing small houses – could be done
- Better use of use or special exception permits – could allow for flexibility to help preserve trees now if the process can be improved to meet the needs of tree preservation and developers – need timely, predictable process – needs further investigation into feasibility as by-right alternative

Potential zoning limitations:

- not important to most developers – they are satisfied with current zoning
- Current zoning does not incentivize saving trees – could be modified, e.g. stormwater
- Setbacks have been considered for many years by the County re: tree protection potential - small changes in setbacks have not resulted in significant tree/root zone protection on or adjacent to site – other onsite work still endangers trees

- Most development occurs in R-5, R-6, and R-8 where development is most likely to impact existing vegetation
- Significantly larger changes in zoning – setbacks, lot coverage, etc. to discourage large houses replacing small houses – could trigger a lot becoming unbuildable and therefore a “taking” by the County requiring compensation to the owner

Other potential options:

- Better use of permits to incentivize alternative designs
- Banking development rights – to be banked by County akin to Conservation easements - exchange preservation of mature trees. This incentive was alluded to briefly in the discussion, but not explained. It is described in the ATAG white paper, *Options to Preserve Trees*.
- Focus on best way to manipulate the space on a lot with mature vegetation that can be preserved and still provide ability for new builds, rebuilds, or additions – would save more trees than fixed setbacks or zoning
- Increasing percentage of lot that must be covered by trees above 20% in 20 years could have a big impact
- Before permitting, have a review of the trees on the site to discuss voluntary design options – to lower costs and facilitate changes

Other potential other limitations

- Need state legislation to Increase percentage of lot that must be covered by trees above 20% in 20 years
- 2005 Zork(?) – higher houses, eliminate Mc Mansions – limited lot coverage from 54% to 45% - was more problematic for owners wanting to add on to current homes
- use of special exception permits require a public process that is a disincentive to developers
- Arlington County does not currently have the ability under State law to require a review of the trees on the site to discuss voluntary design options before submitting a permit application. Now can only approve or disapprove an application within 60 days under existing set rules for by-right development (codes, etc.). Needs change in State law.

Different incentives for local vs. outside developers:

Potential options:

- local developers rely on referrals from Arlington citizens
- local developers don’t need as much incentives often build for homeowners directly
- some buyers do and don’t want trees – incentives might help here
- Outside investors impact – River Rd destruction = people who don’t care about Arlington
- For outside developers this is a different task where incentives may be more important

Potential limitations:

- Others don’t agree that outside developers don’t care
- Outside developers were not at the table for this discussion – need to be brought in Parking fee exemptions

Potential options:

- waive fees normally applicable for parking equipment and loads on the street in front of property if builder saves one or more mature trees. (Note: with current county fees, builders save money by not using the street and, as a result, may kill trees.)

Height limit exceptions

Potential options:

- Allow smaller footprint to preserve trees
- Potential limitations:

- May have negative reactions from neighbors, civic associations

Driveway aprons

Potential options:

Cost can be paid by the County if the developer saves one or more mature trees on the property.

Potential limitations:

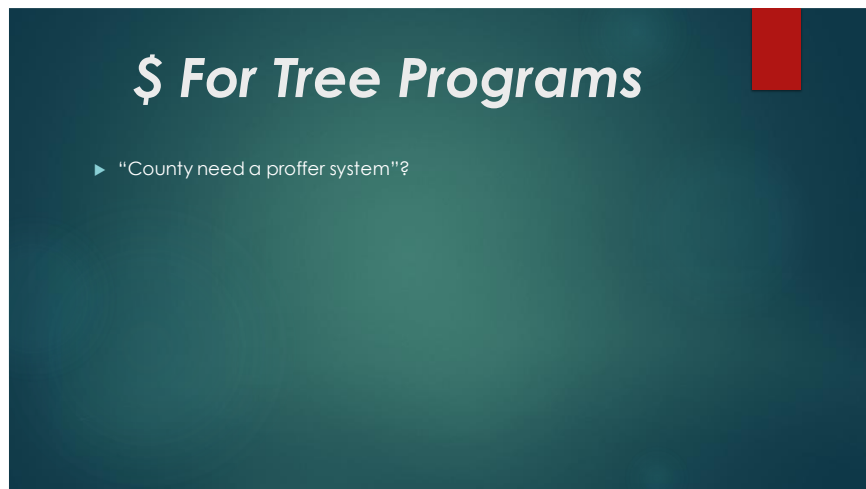
Green branding support

Potential options:

- updating Arlington’s Green Home Choice Certification Process to increase the weighting given to tree preservation (e.g., from 4 possible points to 40 or more).
- Recognition of builders who preserve trees

Potential limitations:

- County recognition may not be a motivator for builders Disincentives
- Example: Zoning that encourage putting garages at the back of lots can require more tree removal for driveways
- Example: requiring a house to be set back on a lot to the point where high value trees at rear need to be removed – also for trees in front



Sources of Funding

Proffers & development conditions

Potential options:

- More money for trees in cash contributions from developers
 - Use proffer money to procure land for open space – parks, recreation, schools, etc.- is used in other localities
 - Contributions from developers to tree programs (tree planting and maintenance, land acquisition, etc.) in exchange for needed approvals
 - Other VA cities already do this – ask for enabling legislation from State to do more of this in Arlington
 - “Development conditions” are used in Arlington in a different system to get \$ for public use as part of zoning - Alexandria & Falls Church use this system as well – does not apply to by-right development, only rezoning
 - Some residents feel that a proffer system would work better for securing funds for infrastructure and other needs
- Site line condition tree canopy fund requirement gets funding for trees

Potential limitations:

- Arlington may not be inclined to change their system to proffers given it would be a massive overhaul
- The County does not use a proffer system to support tree-related activities, but it does for other kinds of public infrastructure
- If not proffers or development conditions, then County would need to fund from currently limited budget options
- Tree canopy funding by developers allows mature trees to be cut and replaced with saplings

Corporate donors, such as

- Amazon, and other corporations may wish to demonstrate support for the communities in which they are located. Example: Amazon has a \$10 billion Ecofund that could kick in a couple of million for Arlington trees

Tree bonding

Potential options:

- A problem especially in South Arlington – ensuring tree survival over agreed upon timeframe
- Need to establish a system to properly value the trees removed and planted to determine appropriate bonding levels

Potential limitations:

- Owner of lot has the right to do whatever they want with the planted trees
- There are other ways to ensure planted trees meet the County leadership
- Look at ideas previously presented, e.g. ATAG meetings with County and developers, public comments to Board, etc.

Possible additional discussion topics for 12/14/20 meeting.

Priorities Con't

- ▶ Tier 2:
 - Reduce County cutting – **3**
 - Reduce developer cutting – **3**
 - Respect property rights - **3**
 - Better data on tree canopy – **3**
 - Inventory trees – **3**
 - Tree Tzar – **3**
 - Educate home owners – **3**
 - Higher tree replacement standards - **3**

Comments received after the 12/7/20 meeting

12/8/20 – Participant 5 - Background on the River Rd development mentioned last night. Neighbors organized, had Board members visit, petitioned--sought every avenue to a better outcome. To no avail. "If a Tree Falls in the Forest and Everyone Is There to Hear It", <http://www.connectionnewspapers.com/news/2019/nov/22/if-tree-falls-forest-and-everyone-there-hear-it-ar/>

12/8/20 Participant 8 - Under some general heading of prospects for funding for whatever ideas, sources could include the usual list of government entities -- County, State and Federal – and private sources: philanthropists and foundations. Would make sense in that with Amazon moving to the county being a major current events theme plus Bezos stated interest in the environment, Arlington should make a pitch to him to fund urban environmental initiatives, including tree and canopy conservation/preservation programs in Arlington (e.g. vs just energy efficiency/solar or public transportation). He could also fund invasive removal projects on public or private lands to help preserve tree canopy. A good start would be to buy the Rouse estate and preserve the green space and build out from there in acquiring properties that either could be turned into parks or be redeveloped/re-built not as huge McMansions but ones that preserved the mature trees on their properties. If he wants to be particularly generous, they could be sold at reasonable rates to address the affordability issue. Rouse: https://www.insidenova.com/news/real_estate/historic-affairs-body-asks-study-to-determine-provenance-of-rouseestate/article_0268bc7c-3562-11eb-a935-a73d5025d2f4.html

12/8/20 – Participant 8 – Attached is a powerpoint I put together in June 2018 to illustrate the uncoordinated nature of development by APS, Parks and Recreation and NOVA Parks along Reeves Run in the Boulevard Manor Civic Association which feeds into Four Mile Run. I was referring to this phenomena in our first session. I offer this as a case study for your appendix.

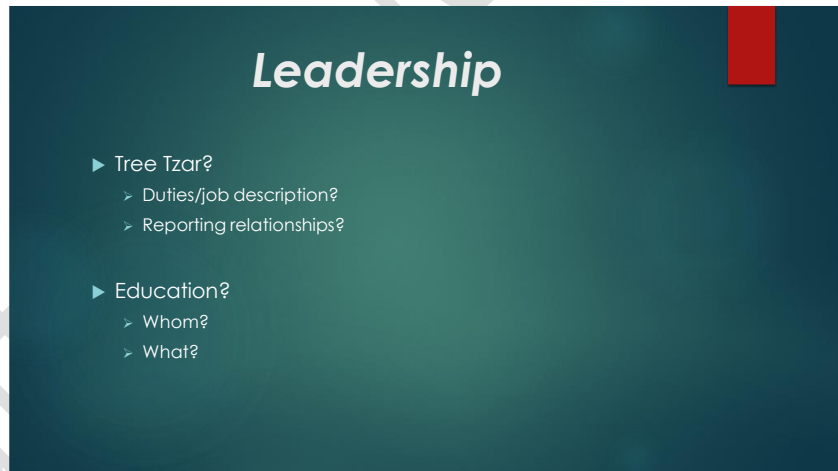
Attachment E:

December 14, 2020 Meeting Overview



Re. Planting & Maintenance:

- Discussed what has been done to track the approximately 750,000 trees in the County
- Acknowledged a LIDAR-based survey in 2011, need for a 5-year update
- Staff expressed the view that “We have enough data.”
- Discussed the need to educate/incent owners on the need to plant and maintain trees
- Discussed the need to maintain the tree canopy fund



Re. Leadership:

- Discussed the need for a sustainability Tzar to look at all the data
- Role would be to coordinate within County government (e.g.. DES/APS/DFR)
- Role would include advocating for needed new authorities
- Discussed the need to use a model VA jurisdiction that is urban, not rural
- Discussed need for the Tzar to be sufficiently senior (e.g., at the level of the Deputy County Manager)

South Arlington

- ▶ Strategy?
- ▶ Task Force?
- ▶ Other locations?

Re. South Arlington:

- Discussed the potential to review requirement for projects in zones R 5 and 6; e.g., relax the requirement for parking, new conservation agreements, increased coverage requirements
- Recognized other communities severely impacted by tree loss include Lyon Park and Highland Park

Next Steps

- ▶ What conclusions should we present to the CivFed leadership?
- ▶ Where should CivFed go from here?
 - Research projects?
 - ✓ Assess the potential for special exemptions to incent design innovation that saves trees?
 - ✓ Assess the potential to enforce existing authorities more effectively?
 - ✓ Describe strategies & tools that would require new state authorities?
 - ✓ A Task Force to address the canopy in South Arlington?
 - A broader public collaborative discussion?

Re. Next Steps:

- Should distinguish near-term from longer-term options
- Discussed near-term options including: more permitting flexibility, removing incentive to park on-site, using trees for storm water management
- Discussed longer-term options including: placing materials in previously unplaceable places (?), new incentives for tree preservation, creating a tree “Lorax” (i.e., tree Tzar)
- Discussants made the point that “we don’t have the people at the table who should be included”

- Discussants expressed the view that “regulations are restricting us” in re. tree preservation
- Discussed the desirability of inventorying trees on a site before asking for a permit
- Discussed need to educate home-owners about the benefits of protecting / preserving trees

Comments received after the 12/14/20 meeting on draft report

12/13/20 – Participant 9 - Although I have been somewhat quiet during these discussions I have been listening and doing some research. I have two things I would like to offer (if they were not already covered):

- 1) Someone mentioned initiating a homeowner tax credit for preserving trees on their property. I think it is a good idea. Someone mentioned, however, that the county would need legislation from Richmond to do this. However, if Arlington County initiated a stormwater management “charge” to our regular water/sewer bill I think that they could then issue a credit based on that. Is that something we could discuss?
- 2) There has been a lot of discussion about the amount/percentage of land that can be used for structures/dwellings for new builds. However, I think that the county may want to consider adding “usable” land/space to that equation. That way, narrow corridors between two properties would not be considered part of the square footage that developers need to adhere to when building new houses. For example, a narrow corridor of eight feet between my property and my neighbors cannot sustain a viable tree planting and thus would not be part of the total square footage. “Usable” space is more productive for preserving/planting new trees. What do you think?

12/13/20 – Participant 3 - Below please find clarifying comments concerning proffers, plus need to make revision on how proffers are stated in the Notes. Overview on Proffers

Proffers are development impact fees that developers pay to a local government entity because of the future impact of the project on the community at large. Arlington does not use a proffer system for trees or other purposes since the County will “negotiate” with the developer what will be the “community benefits” they will provide.

This “negotiating” model has done little for Arlington in saving mature trees on existing lots or in obtaining truly Natural Open Space. While some developments projects have included developer financed open space, they are usually urban plazas tied to multi-storied development. Recent examples include the Harris Tetter site on Glebe Rd. And the Amazon site in Crystal City that includes the 2 acre Met Park.

In retrospect the reason we are having this group talk about trees is because the County has not made any significant investments in recent years in land acquisition to save tree canopy or efforts to increase tree canopy.

In other localities the cash contribution or fee is calculated based on a formula either on number of sq. ft. of space or number of bedrooms in a residential development. Staff tend to say that Arlington does receive significant community benefits with the negotiation model that is presently used. But the existing model does not provide a consistent stream of revenue for investment or land acquisition for public services to meet anticipated population increases. A

proffer type system can bring consistency in terms of revenues plus transparency to the development review process. That is to say that the bigger the project which will have more of a development impact, the higher the proffer that will be required.

Localities usually designate what proffers are required, but they can cover a wide range of services; These can include:

- Schools
- Road and other Transportation Improvements
- Fire and Rescue/Public Safety
- Libraries
- Parks, Recreation, and Open Space
- Water and Sewer Service Extension
- Community Centers
- Stormwater Management
- Special Needs Housing
- Affordable Housing
- Miscellaneous

Some may say that Arlington has a quasi-proffer system with contributions to the Affordable Housing Fund and the Tree Canopy Fund. However, since these are “negotiated” they are not uniformly applied. In other localities, Proffers are focused on needed public infrastructure such as schools, Roads, Fire and Rescue/Public Safety, and Parks among others.

For those who are interested this evening I found this document that gives an overview of how proffers are used in Virginia. The intro provides an overview of what are proffers and how they are used. Page 10 has a chart showing how revenues raised by proffers are used in Virginia.

Note - I have not yet read the entire document.

<https://rga.lis.virginia.gov/Published/2017/RD505/PDF>

12/14/20 – Participant 3 - Another document that should be added to appendix concerning proffers.

<http://www.vaco.org/wp-content/uploads/2016/11/ProffersGore16.pdf>

12/17/20 – Participant 8 - Look into increasing setbacks. [Another participant’s] point that a few feet won’t make difference may be right, so that implies setbacks would have to be larger to conserve trees. Would be good to study how much setbacks could be increased from the back and front of lots, e.g. how many 10s of feet would be feasible.

Look into increasing the requirement for tree canopy coverage. And, is there some clever way to incentivize keeping existing healthy mature trees. E.g. if coverage needs to be 30% in 20 years if mature trees (all trees) are removed. Only 20 percent if mature trees are conserved. Or have 20% coverage in 10 or 15 years.

Look into what collection of small changes could have big pay offs at least in county review. Those collection of things homeowners do that [participant] mentioned, how can they be brought into the permitting process so there is some chance to educate the homeowner to conserve a tree.

Can't remember if we talked about invasives and their impact on the trees. We have been discussing in the UFC how NOVA Parks really don't have an invasive removal plan. Also, it seems neither VDOT or Park Service have much if anything going given all the invasives we see growing on the shoulders of Route 50 or along the George Washington Parkway. Plus, there seems to be any number of small pockets of land here or there where what existing trees are being overgrown by ivy. Is there some way to have a more comprehensive invasive removal and restoration in these areas?

12/18/20 – Participant 8 - As it happens was doing some research on backyard fencing and trees ended up on this Arlington County website. Luis seemed to be referring to some of these. So how easy is it to change the thresholds? E.g:

- Any deck, concrete pad or patio needs a permit rather than leave this 8-inch height requirement or not attached to the foundation.
- Any retaining or masonry or concrete wall above grade needs a permit not just 3 ft or 6 ft of height ones.

Justification would be – if we have some data – this was permitted for many years in Arlington, but now we realize it is leading to loss of too many mature trees which is affecting ability to control storm water runoff and air pollution.

There may be other such projects. Would be good to check with [the County].

Attachment F:

Additional Background Materials:

- 2004 Arlington Urban Forest Master Plan, <https://arlingtonva.s3.dualstack.us-east-1.amazonaws.com/wp-content/uploads/sites/31/2014/04/Urban-Forest-Master-Plan.pdf>
- 2020 Virginia State Code Amendment from Patrick Hope relating to Chesapeake Bay Preservation Areas; mature trees. [H 504] Approved April 22, 2020. <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1207+pdf>
- Virginia Department of Forestry Policy report 8/28/20 summarizing existing legal tools in Virginia, and their potential improvements, https://www.hrpdcva.gov/uploads/docs/04_Attachment_DOFTreePolicyReport_01Oct2020.pdf
- Diversity and monocultures – Arlington’s i-Tree Eco study (<https://environment.arlingtonva.us/i-tree-eco/>) shows the distribution of trees in the County
- Stormwater benefits of trees – EPA guide on stormwater trees: https://www.epa.gov/sites/production/files/2016-11/documents/final_stormwater_trees_technical_memo_508.pdf
- Stormwater benefits of trees - Center for Watershed Protection - <https://www.cwp.org/reducing-stormwater-runoff/>
- County data on tree canopy: <https://environment.arlingtonva.us/trees/tree-statistics/>
- County data on removals and planting: <https://data.arlingtonva.us/dataset/133>
- Trees to Offset Stormwater: A study of 12 Communities, Green Infrastructure Center Inc. funded by US Forest Service, June 2019, <http://www.gicinc.org/PDFs/TreesStormwaterSummaryReportJune2019.pdf>.
- Policy and Practices Audit Tool to evaluate urban runoff (for adding or losing tree canopy). Green Infrastructure Center funded by US Forest Service, 2018, http://www.gicinc.org/trees_stormwater.htm, TSW Code and Ordinance Review Template tool
- A Green Infrastructure Plan for Norfolk: Building Resilient Communities, Green Infrastructure Center funded by the City of Norfolk and the US Fish & Wildlife Service, July 2018, to download, go to <http://www.gicinc.org/virginia.htm>
- White Paper: Equity in Arlington County Open Public Spaces, Arlington County Civic Federation, Parks and Recreation Committee, January 4, 2021 newsletter, <https://files.constantcontact.com/9b2b0a78501/5477065b-ec3f-4165-8841-a8b8357f5df2.pdf>
- Options to Enhance Tree Protection, Arlington Tree Action Group, October 2019, <https://arlingontreeactiongroup.org/10-12-19-enhance-tree-protection-ordinances-ackerman-atag/>
- Conserving & Restoring Virginia’s tree canopy (<https://www.youtube.com/watch?v=s63lZ7OtYVM>), Karen Firehock, CEO of the Green Infrastructure Center