

**Arlington County Civic Federation Environmental Affairs Committee
Public Collaborative II Preserving Arlington’s Tree Canopy
Summary Report Highlights by Team**

Table 1. Recommendations Ready for Implementation Now

Team 1: Improving County management of our urban forest. Details of recommendations in attached team reports	
Topic	Description
Education	Drastic expansion of public education
County government coordination	Ensure effective coordination with a staff leader working across departments
Tree planting and maintenance	Improve planning, coordination, and resourcing
Tree protection during development and construction process	Improve staffing, management and monitoring of public and private projects
Volunteer Programs	Add a P&R staff position dedicated to effective use of volunteers
Team 4: Zoning affecting tree preservation. Details of recommendations in attached team reports.	
Lot coverage & zoning	Reduce allowed coverage by 10% in all single-family zones. Change minimum setbacks – front from 25 to 15; back from 35 to 25
Tree Preservation Ordinance	Enhance citizen participation in process for designating heritage, specimen, memorial, and street trees; eliminate veto rights for single family homeowners in allowing such designation; and restrict removal of designated trees
Stormwater Management Ordinance	a) Only exceptions for land development in RPA to be granted by a Chesapeake Bay Ordinance Review Committee b) Stormwater collection and treatment facilities banned in RPA c) Tree inventories must be made public to affected parties
Team 5: Enhancing enforcement under current regulations. Details of recommendations in attached team reports	
Dedicated staff for enforcement	Staff position exclusively for full enforcement of the Tree Ordinance, Chesapeake Bay Ordinance, building codes & permit requirements with early and continuing involvement in the development process.
Improve Forester positions	Consistent high professional qualifications, competitive salaries, advancement opportunities
Education & Outreach on Value of Trees	Better manage and fund efforts to be conducted by Parks & Recreation; add coordinator position. Expand publicity, use of Tree Canopy Funds, tree calculators, maintenance consultations.
State Tree Ordinance Regulations	Act to allow more flexible tree ordinance authority including size of fines, removing caps on allowed tree canopy requirements; allow bonding of new trees to assure survival or replacement
Land Disturbance & vegetation requirements	Provide sufficient resources and direct all County departments to fully enforce the provisions of Section 61-10 of the County Code
Tree Protection in the County Code	Draft language to strengthen enforcement of tree protections including educating construction crews; effects on adjoining properties; increase minimum landscaping for all commercial zoning and public projects.
Team 6: Correcting current inequities in the tree canopy. Details of recommendations in attached team reports	
Open GIS Data and metrics	County must provide radically improved open data on the existing tree canopy and Natural Resources, integrated into the GIS system and key metrics on County program performance.
Expanded Tree Planting in Minority Neighborhoods	Significant planting of trees in disproportionately impacted minority neighborhoods as soon as possible to mitigate the existing climate change and heat island conditions currently impact human health in these areas.

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Table 2: Recommendations Poised for Implementation with Minimal Development

Topic	Description
Team 2: Financial resourcing for tree programs and activities. Details of recommendations in attached team reports	
Current proffer policy update	Expand the voluntary commitments made by developers to reduce the impacts of projects to trees and raise revenues for planting and maintenance with explicit metrics for qualification.
Tax abatement for forested land	Use existing state authority to abate taxes on lands dedicated for forest preservation using defined criteria, simplified process, multiple-owner project capability, and verification and monitoring process.
Team 3: Incentives for developers to preserve trees. Details of recommendations in attached team reports	
Funding stormwater mitigation to save trees	Provide financial support for construction projects that save mature trees as part of stormwater mitigation
Team 4: Zoning affecting tree preservation. Details of recommendations in attached team reports.	
General Land Use Planning & Zoning	Amend the procedures for changing GLP and Zoning categories.
Residential Use Permits and Special Exemptions	Amend the use of these permits and exemptions to provide better protection for trees.
Team 5: Enhancing enforcement under current regulations. Details of recommendations in attached team reports	
Utility tree trimming	Optimize tree protection with best practices during utility maintenance with County monitoring. Educate citizens on appropriate planting practices near all utilities.
Team 6: Correcting current inequities in the tree canopy. Details of recommendations in attached team reports	
County Management Commitments	County Board & Manager need to make larger commitments to policies and actions that provide environmental justice for all citizens and a comprehensive program to preserve the entire urban tree canopy.
Public input, participation & education	Require early and ongoing inclusion of underserved communities using means effective for them. Better methods to report and resolve citizen needs. More targeted education and information for underserved communities especially in schools, using easy to understand formats and with translations.

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Table 3. Recommendations of Importance Needing Further Development

Topic	Description
Team 2: Financial resourcing for tree programs and activities. Details of recommendations in attached team reports	
Stormwater Utility Fees	Adopt a structure based on the amount of impervious surface on a property, not property value. Allow credits for measures that reduce stormwater runoff including trees.
County Sale/Transfer of Development Rights	Acquire at market price lots offered for sale. Sell transfers of density/development rights from lots to developers whose site plans provide for the preservation of mature trees.
Team 3: Incentives for developers to preserve trees. Details of recommendations in attached team reports	
Funding stormwater mitigation to save trees	Provide financial support for construction projects that save mature trees as part of stormwater mitigation
Team 4: Zoning affecting tree preservation. Details of recommendations in attached team reports.	
General Land Use Planning & Zoning	Amend the procedures for changing GLP and Zoning categories.
Residential Use Permits and Special Exemptions	Amend the use of these permits and exemptions to provide better protection for trees.
Team 5: Enhancing enforcement under current regulations. Details of recommendations in attached team reports	
Tree Protection Plan Reviews	Review the application of all the Tree Protection Plan (Section 3.2.2, County Stormwater Manual) requirements to further encourage the preservation of existing trees during planning and execution of construction. Allow the County Urban Forester to grant justified exceptions to encourage tree preservation where there is a realistic chance for survival.
Tree Canopy Fund	Explore Tree Canopy Fund (TCF) policies to expand the range of options that are allowed under the Fund and to respond to issues having immediate impact
Team 6: Correcting current inequities in the tree canopy. Details of recommendations in attached team reports	
Broader Community and Legal Support	The Board and other civic organizations should explore existing and possible Federal and Virginia State Legislation to achieve best outcomes for environmental justice, especially regarding trees and natural areas.

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Background

This report is the product of hundreds of hours of volunteer efforts to capture the broad range of perspectives on urban tree canopy preservation and enhancement in Arlington. Painstaking thought by the participants helped document citizens' concerns and make recommendations for preserving our urban tree canopy.

Phase I of this project was a scoping study to better focus discussion on needed policy solutions. This Phase engaged twenty-three citizens, developers, and government employees via three virtual meetings during November and December 2020. The purpose was to understand the nature of the issues (e.g., economic, legal, policy, environmental) involved in preserving and expanding the tree canopy in Arlington. The process was designed and implemented in a manner that encouraged listening to and considering all points of view.

The resulting top priority "needs" categories identified were:

- New tools for preservation, erosion, storm water management
- Incentives for developers
- New financial resources for tree programs, natural areas, land acquisition
- Better maintenance of trees and new plantings
- Planting more trees with an increase in the diversity of species
- The need for more County leadership re. preservation, education
- The need to address diminished canopy in South Arlington.

In May 2021 Phase II of the collaborative began to develop strategies for addressing these needs. Six "teams" were organized with forty participants with a broad range of perspectives and expertise. Each team worked independently throughout the summer and early fall to develop feasible strategies and/or policies in their subject area that are presented in the team reports that follow. Each team used consensus to implement their meetings and reports.

With these solid ideas in hand, it is now possible for Civic Federation, and others who are deeply concerned, to advocate for specific actions that can be taken by civic associations, the government, and individual citizens. While more work will need to be done, this is an important milestone thanks to the efforts of our committed citizens and government.

Arlington County Civic Federation Environmental Affairs Committee
Public Collaborative II Preserving Arlington's Tree Canopy
Recommendations Summary Report

Team 1 - Improving County management of our urban forest team

1. Drastically expand public education on the critical roles trees & natural resources play in addressing climate change, human health, and recreation benefits.

Citizens need to be informed in more detail about the essential functions and services that trees provide for public services such as stormwater mitigation. In addition, there is significant financial value of trees to the community and landowners. The County Board needs to recognize the crisis and direct a multi-channeled education campaign. Neighborhood civic associations should be given tools to make informing the public more effectively. Many tools can be employed including the Tree Stewards, Master Naturalists, Master Gardeners, Plant NOVA Trees, Nature Centers, flyers on trash cans, tags at local nurseries identifying native trees plants, etc. and their benefits.

2. Ensure effective coordination of tree-related activities and education across County departments with a staff member charged with a leadership role.

Coordination currently occurs in the context of specific projects and plans. Expanded education and communication on enforcement of the County's expressed tree canopy goals to all interrelated offices would be a part of the responsibilities. The current heavy permitting workload from rapid development makes this role even more essential to prevent unnecessary mistakes.

3. Improve the planning, coordination, and resourcing of both tree planting and maintenance for public trees.

The selection and maintenance of trees needs to include more factors including the optimal selections for meeting environmental and climate change goals. This includes priorities for preserving mature trees and safeguarding the longevity of newly planted trees. Maintenance concerns include invasive species control, control watering after planting, and the destruction from deer browsing. Staffing and resources in the budget need to be preserved and additions may be needed for maintenance. Voluntary "adoption" programs should not be relied upon as a meaningful contribution to this effort.

4. Better staffing and management of the development and monitoring process for public and private projects.

By the 30% design stage for private development, preservation of trees needs to be emphasized early in the zoning and permitting process. Tree preservation should be addressed at the beginning of all public projects. There is a strong feeling that tree and natural resource reviews and planting plans should be tracked throughout the approval process. There is critical concern about

adequate staffing and support for forestry and natural resources – salaries, positions, advancement opportunities, process certainty, etc. Arlington Public Schools should have the same level of reviews on their projects that impact trees and/or natural resources. Utility tree trimming and vegetation control should also be monitored closely by the County.

5. **Make the addition of a Parks & Recreation Department staff position dedicated to more effective use of volunteers a higher priority.**

Volunteers are crucial due to limits on staff and funding available. This staff position is needed to coordinate volunteer organizations and individuals, as well as to recognize their contributions. Better definition of the roles of different volunteer groups and improved coordination is needed to optimize the effectiveness of these resources. Some of the many groups include Master Gardeners, Tree Stewards, Master Naturalists, Eagle Scouts, Park Stewards, nature center volunteers, neighborhood civic associations, and others.

6. **Elevate the role of trees in the new Biophilic Cities program given its environmental health and climate change potential.**

Staff meetings on the Biophilia program are underway with County staff and other Biophilic Cities. The all-encompassing connection between trees and natural resources in Arlingtonians' lives needs to be explained and emphasized. Biophilic principles related to the tree canopy can be incorporated into staff training. The Biophilia program should seek additional resources earmarked for preserving mature trees and other natural resources, and for planting and maintenance programs.

7. **Arlington citizens should approach Richmond to seek better legislation to permit regulation to preserve trees in urban jurisdictions.**

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Team 2 - Financial resourcing for tree programs and activities team

1. **Update Arlington's existing proffer policy to include impacts on Arlington's tree canopy.** Development projects of a certain scale would be expected to make a financial contribution to alleviate expected impacts on the community, including impacts on the canopy. The goal would be to raise new revenue for tree plantings and maintenance. Key components that need to be developed include an explicit methodology for estimating impacts, and explicit criteria for determining whether a given project will be subject to proffers.
2. **Use existing state legal authority to provide land use tax abatements for ongoing dedication of land for forest preservation/restoration.** Key components that need to be developed include criteria for eligibility, a simplified application and verification process, mechanisms for multiple landowners to apply based on contiguous areas of adjoining property, and a methodology for prioritizing and verifying trees saved.
3. **Support the adoption of a Storm Water Utility that would replace the existing fee structure for storm water management, which is based on property value, for one based on the amount of impervious surface.** Under a stormwater utility property owners can receive credits for measures that reduce stormwater runoff, which could include credits for preserving and expanding existing tree canopy coverage.
4. **Selling/transferring development rights to developers who commit to preserve mature trees.** Implement via a "Life Cycle of Ecology" process in which the County acquires lots offered by residents at market value, then transfers associated development/density rights to a Transfer of Development Land Rights bank, which sells them to developers who agree to preserve mature trees.

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Team 3 - Incentives for developers to preserve trees team

1. **Providing financial support to defray the cost of stormwater mitigation** for construction projects that require a Stormwater Permit, and demonstrate that they saved mature trees during the construction process
2. **Providing an accelerated variance/special exemption permitting process** for construction projects that plan to save mature trees
3. **Providing tax credits on properties that save mature trees** in the construction process *(Note: this idea is similar to one considered by the financial resources team, i.e., that would provide land use tax abatements for ongoing dedication of land for forest preservation/restoration.)*
4. **Taxing tree removal**
5. **Providing an exemption from parking fees** on equipment and construction materials parked on the street if the builder saves one or more mature trees.
6. **Selling/transferring development rights to developers who commit to preserve mature trees.** Implement via a "Life Cycle of Ecology" process in which the County acquires lots offered by residents at market value, then transfers associated development/density rights to a Transfer of Development Land Rights bank, which sells them to developers whose site plans provide for the preservation of mature trees.

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Team 4 - Ordinances and Zoning affecting tree preservation team

I. General Land Use Plan (GLUP) Amendments that Anticipate Rezoning for Density in Residential Areas

Proposed changes in land use designations (GLUP) for any parcel currently designated as one of the residential zones below must be supported by a comparative analysis that quantifies the (a) current as-built status; (b) what by-right zoning would permit; and (c) all proposed scenarios for denser or more intense land use (e.g. greater FAR, larger number of units/acre, greater height, and/or anticipated bonus densities that may apply), with respect to impact on both tree canopy and impervious surfaces of this anticipated densification. (The affected residential zones are R-20, R-10, R 10-T, R-8, R-6, R-5, R-2-7, R 15-30T, RA-14-26, RA8-18, RA7-16, RA6-15, RA-H, RA-4.8, RA-H 3.2, C-O Rosslyn.) See **Attachment 1** for descriptions of these residential zones and the types of density they allow.

1. **Tree Canopy.** Proposed changes must be supported by a comparative analysis that describes what the current tree canopy is assessed at, what by-right zoning would permit, and what the anticipated effect on tree canopy would be of any proposed land uses. Tree canopy effects should include identification of size and species of trees affected and be projected for 20 years.
2. **Impervious Surface.** Proposed changes must be supported by a comparative analysis that describes the current conditions, what by-right zoning would permit, and what the anticipated effect would be of any proposed land uses regarding impervious ground coverage and stormwater control for runoff.

II. Zoning Ordinance

1. Lot Coverage <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/38/2019/10/ACZO.pdf#page=23>

- A. Remove the preferences for lot coverage for a detached garageⁱ. This means: (1) deleting the preference "Maximum lot coverage with detached garage in the rear yard," and (2) amending the preference "Maximum lot coverage with detached garage in the rear yard and porch of at least 60 square feet (exclusive of any wrap-around or side portion) on the front elevation" to "Maximum lot coverage with porch of at least 60 square feet (exclusive of any wrap-around or side portion) on the front elevation." Amend Section 3.2.5. **See Attachment 2.**
- B. Reduce allowable lot coverage -- including amounts for front porchⁱⁱ for all single—family residential zones by 10%. Amend Section 3.2.5. **See Attachment 2.**
- C. Reduce maximum main building footprint coverage (and porch plus main building footprint) coverage by 10% Amend Section 3.2.5. **See Attachment 2**

- D. Apply lot coverage and building footprint limits to the average lot size in the district, regardless of whether the lot is oversized. The lot coverage and main building footprint permitted for any lot that exceeds the average in that zone would be capped and calculated for the average lot size for that zone, to conform to the surrounding neighborhood. This requires addition of two new categories: "Maximum lot coverage (sf)," and "Maximum lot coverage with porch of at least 60 square feet (Exclusive of any wrap around or side-portion on the front elevation (sf))." Amend Section 3.2.5. **See Attachment 2.**
- E. Clarify that add-ons or improvements to any single-family home are barred if they would result in exceeding the limits for lot coverage and/or building footprint (as amended in items A-C above) when added to the existing structures. Amend Section 3.2.5.
- F. Add to items counting towards the definition of "lot coverage"ⁱⁱⁱ all those built structures, without exception, including patios or structures less than 150 square feet, which affect drainage and pervious surface. Amend Section 3.1.4.

2. Setbacks, Section 3.1.9, and Section 3.2.6 Arlington County Zoning Code,

<https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/38/2019/10/ACZO.pdf#page=23>

Need citation for section 3.1.9

- A. Reduce the minimum front setback^{iv} from 25 feet to 15 feet for single family residences and increase the minimum rear setback from 25 feet to 35 feet. s.^v Amend Section 3.2.6.(e).
- B. Increase the setback for detached garages and Accessory Dwelling Units (ADU's), if applicable, to a minimum of 15 feet from the rear lot line.^{vi}

3. Unified Residential Development (URD), Section 10 Arlington County Zoning Code,

- A. Encourage the county to work with developers to make greater use of URD under Section 10.3 of the zoning code, to preserve stands of mature trees on consolidated residential lots and to achieve economies of scale that allow greater amounts of greenspace during and after development and redevelopment.
- B. Reduce allowable lot coverage from 50% to 48% for the unified residential parcel. Reduce minimum parking requirement from 2.5 to 2 parking spaces per dwelling unit, at least one of which shall be off-street. Amend Section 10.1.3
- C. Remove the County Board's discretion to modify site restrictions/dimensions by 10%. Amend Section 10.1.5

4. Site Plans, Section 15.5 Arlington Zoning Code - Amending the Use of Residential Use Permits and Special Exemptions^{vii}

- A. Require that the site plan include a certification that the applicant has notified affected and adjacent residents, and the President of the local civic association of the contents of the site plan application as it may result in actual or potential tree loss and has provided them with a reasonable opportunity to discuss that aspect of the plan. Such certification should also include a summary of the results of such discussions.
- B. County staff charged with responsibility for liaison with civic associations and other affected organizations interested in tree loss are required to undertake an initiative within six

months of the adoption of the foregoing amendment to reach out to such groups to provide them with information about how best to become involved in this process as early as practicable

III. Tree and Shrub Ordinance, Section 67, Arlington County Code

check this link

1. Notable Trees

A. **Designation Committee** - The county should establish a Tree Preservation Board to advise the county on appropriate designations for these trees rather than having such designation reside solely with county staff. This Board should include a number of citizens to advise on decisions. Amend Section 67.3.1, Arlington Code (also reference Section 47.57 and section 44.90 of Chapter 44, Vegetation Falls Church Code)

B. **Veto Right for Tree Designations** - Repeal Arlington County's provision of a veto right for single-family homeowners to overrule special or notable tree designations that bestow preservation requirements.^{viii}

2. Tree Preservation Plans and Inventories

Require that Tree Preservation plans required under the ordinance be provided to affected neighbors and the President of the affected civic association at the time they are submitted for review by the County.

IV. Arlington Chesapeake Bay Preservation Ordinance, Chapter 61, Arlington County Code <https://building.arlingtonva.us/codes-ordinances/chesapeake-bay/>

1. Assessing 2005 Tree Canopy Replacement, Section 61.10.c, Chesapeake Bay Preservation Ordinance (see above link)

Arlington should conduct a sample study of the tree canopy replacement on lots that were renovated or rebuilt in 2006, assessing whether those lots are on track for 20% lot coverage by 2026, the 20-year target date). Recommended areas include Lyon Park and Williamsburg (areas with extensive teardowns) and Green Valley (area of single-family homes with lowest canopy compared to other single-family areas, as per [2017 tree canopy survey](#)).

2. Adopting Penalties for Failure to Meet Tree Canopy Coverage Goals, Chesapeake Bay Preservation Ordinance (see above link) (what section of the ordinance should be amended?)

The county shall assess lots for which tree replacement plans are submitted every 10 years after construction. The county shall adopt a system to impose penalties on builders and/or homeowners whose lots fail to meet the minimum 20% lot coverage requirements, with a fine of \$3500 for every 1% below the 20%.

3. Protecting Mature Trees During Single-Family Residential Construction. The board shall recommend that the Virginia General Assembly provide for more effective penalties for violation of construction-related ordinances.

4. Resource Protection Areas (RPA's), Chapter 61, Chesapeake Bay Preservation Ordinance.

- A. **RPA Review Committee Role.** The County should require any exception to the prohibition against land development within an RPA be considered, not by staff, but by the Chesapeake Bay Ordinance Review Committee.
- B. **Prohibition of S/W Detention or Mitigation.** Prohibit the installation, within an RPA, of any facilities designed to collect and treat runoff from an individual lot or some portion of the lot. Mitigation of the effects of increased development, and associated tree loss and impervious surface would thus be required to be conducted outside the RPA.

5. Climate Change, Chesapeake Bay Preservation Ordinance

The County Board should seek public comment and engage environmental stakeholders on how to amend the County's Chesapeake Bay Preservation Ordinance to implement Virginia Water Control Board's new regulations, pursuant to Virginia HB 504 (April 2021) so as to maximize (1) the preservation of mature trees and new tree plantings in Chesapeake Bay Preservation Areas, and (2) the consideration of the impact of climate change and sea-level rise on any proposed land development in the RPA. The County Board should adopt such amendments promptly, and in no event later than September 29, 2022.

6. Best Management Practices for Tree Preservation During Construction

Require that the plan of development -- and land disturbance activity associated with construction on single-family home^{ix} -- include best management practices for tree preservation during construction practices adopted or approved by the International Society of Arboriculture. (See, e.g., N. Matheny and J. Clark, *Trees and Development: A Technical Guide to Preservation of Trees During Land Development* (1998 updated as appropriate.)) **Amend Section 61-13 of the Chesapeake Bay Preservation Ordinance, and corresponding provisions of the Stormwater management Ordinance.**

- A. the plan must include acceptable provisions to ensure the education and training of construction contractors and employees in their preferred language to conform to such best management practices.

V. Arlington Stormwater Ordinance, Chapter 60, Arlington County Code

<https://arlingtonva.s3.dualstack.us-east-1.amazonaws.com/wp-content/uploads/sites/22/2016/04/Chapter-60-STORMWATER-MANAGEMENT.pdf> and

1. Stormwater 2.0 modifications

- A. **Native Vegetation.** In keeping with new regulations adopted September 2021, the county should maximize incentives for developers to preserve native trees and shrubs and perennials and their root systems in lieu of building stormwater facilities.
- B. **Above-Ground Vice Excavated Stormwater Retention.** The county should mandate that builders and homeowners reduce excavation for bioretention. In lieu of infiltration trenches and excavated "vaults" for stormwater management, the county should promote bioretention via above-ground storage tanks attached to a structure or house to detain stormwater. Trenching and excavation for underground retention -- including new Stormwater 2.0 rules -- is *increasing* tree removal (ex 608 N. Garfield St in 2021) to make room for added retention systems.

VI. Virginia Legislation

1. Tree Canopy Coverage Limits, Virginia Code 15.2.961.1.

Arlington County shall recommend to the Virginia legislature that it repeal limits on local regulation of tree canopy coverage. Support SB 1393, Amend Virginia Code 15.2.961.1

[.https://law.lis.virginia.gov/vacode/title15.2/chapter9/section15.2-961.1/#:~:text=%C2%A7%2015.2-961.1.%20Conservation%20of%20trees%20during%20land%20development,to%20a%20nonattainment%20area%20for%20air%20quality%20standards](https://law.lis.virginia.gov/vacode/title15.2/chapter9/section15.2-961.1/#:~:text=%C2%A7%2015.2-961.1.%20Conservation%20of%20trees%20during%20land%20development,to%20a%20nonattainment%20area%20for%20air%20quality%20standards)

Attachments:

1. Map of General Land Use Residential Categories in Arlington County
2. Proposed Amendments to lot coverage allowances for residential districts of Arlington

ⁱ [Maximum lot coverage with detached garage in the rear yard](#) - section 3.2.5, page 23

ⁱⁱ [Arlington County Zoning Code](#), 2021, section 3.2.5, page 23

ⁱⁱⁱ [Arlington County Zoning Code](#), 2021, p. 16, section 3.1.4

^{iv} [Arlington County Zoning Code](#), 3.1.9, p.20, section 3.1.9 and xxxx

^v As most lots with older homes still have significant mature tree coverage at the rear of the lot, and as construction related to teardowns consistently damages mature trees in front yards, this measure would help preserve the most mature trees, given existing lot coverage and setback rules.

^{vi} Mature trees, in both the built lot and adjacent lots, are now being destroyed by full-lot-length driveways that run along the entire side of a lot to garage es close to rear property lines. Likewise, we anticipate similar harmful effects with ADU's, or ADU/garage combinations, whose effects have yet to fully manifest

^{vii} Per sections 15.4 and 15.5 of the Zoning Ordinance, and implementing Administrative Regulation 4.1

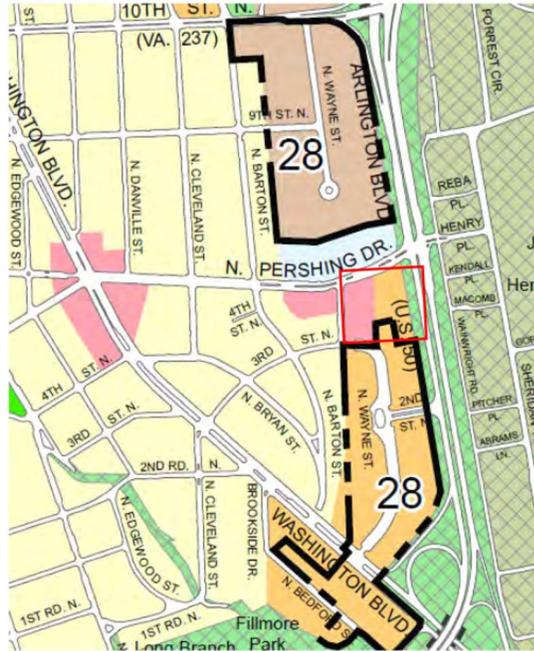
^{viii} State law permits counties, cities, and towns to adopt tree conservation ordinances to contain "reasonable provisions" for the preservation and removal of heritage, specimen, memorial, and street trees. The individual property owner must be notified prior to a hearing on the adoption of such an ordinance, and the local authority must "consider planned land use by the property^{viii} owner. In implementing this authority in 2002 to address loss of tree canopy, Arlington County included a veto right for such designations for single family homeowners, although this is not required by state law. If the veto right is rescinded, owners would still be entitled to due process: the county would be required to provide notice of a hearing where the landowner could be heard, including a description of his or her "planned land use.")

^{ix} [Arlington County Stormwater Manual](#) p 45 (3 Landscape Conservation Plan Requirements)

*"The General Performance Standards for Development Chesapeake Bay Preservation Areas (Section 61.10.A-C) will be applied to review of Landscape Conservation Plans. In accordance with Section 61,10,A-B, **the limit of disturbance, inclusive of the construction footprint and all utilities and stormwater infrastructure, shall be minimized to provide for tree conservation.** Tree Conservation shall be maximized to meet the tree canopy requirements of Section 61.10C." Further, P. 47, 3.2.2 Tree Protection Plan states, "In accordance with Section 61.10B, tree conservation shall be provided to the maximum extent practicable. The limit of disturbance, inclusive of the construction footprint and all utilities and stormwater infrastructure, shall be minimized to maximize conserved tree canopy."*

Attachment 1

Plan Guidance – General Land Use Plan



Legend

Land Use Category**	Range of Density/Typical Use	Zoning*
Residential		
Low	1-10 units per acre	R-20, R-10, R-10T, R-8, R-6, R-5
Low	11-15 units per acre	RD-7, R10-30T
Low-Medium	16-35 units per acre	R15-30T, RA14-26, BA8-18
Medium	Up to 37-72 units per acre	RA7-16, RA6-15, RA-H
High-Medium	Up to 3.24 F.A.R. (Floor Area Ratio) Residential	RA-4.8
High	Up to 4.8 F.A.R. Residential Up to 3.8 F.A.R. Hotel	RA-H.3.2, C-O ResDyn
Commercial and Industrial		
Service Commercial	Personal and business services. Generally one to four stories, with special provisions within the Columbia Pike Special Redevelopment District.	C-1, R-C, C-1-O, C-2, C-O-1.0
General Commercial	Shopper goods and other major mixed commercial uses, including offices. Generally a maximum of seven stories.	C-2, C-7L, C-3
Service Industry	Wholesale, storage, and light manufacturing uses, including those relating to building construction activity.	CI-M, I-M-2
Public and Semi-Public		
Public	Parks (local, regional and federal); Schools (public); Parkways, major unpaired rights-of-way; Libraries and cultural facilities.	S-3A, S-D
Semi-Public	Country clubs and semi-public recreational facilities; Churches, private schools and private cemeteries (predominant use on blocks).	S-3A, S-D
Government and Community Facilities	County, state and federal administration and service facilities (public use property yard only); Hospitals, nursing homes, and institutional housing; Utilities, military reservations, airports, etc.	P-5, S-D-5A
Office-Apartment-Hotel		
Low	Office Density: Up to 1.5 F.A.R. Apartment Density: Up to 72 units/acre Hotel Density: Up to 110 units/acre	C-O-1.5, C-O-1.0
Medium	Office Density: Up to 2.5 F.A.R. Apartment Density: Up to 118 units/acre Hotel Density: Up to 180 units/acre	C-O-2.5
High	Office Density: Up to 3.8 F.A.R. Apartment Density: Up to 482 F.A.R. Hotel Density: Up to 5.8 F.A.R.	C-O, RA-H.3.2, C-O ResDyn
Mixed Use		
Medium Density Mixed Use	Up to 3.0 F.A.R. with special provision for additional density within the "Carverton Revitalization District" (See Note 12) and the "Special Coordinated Mixed Use District" for East End of Virginia Square (See Note 3)	C-R, C-8, MB-VS
High-Medium Residential Mixed Use	Up to 3.24 F.A.R. including associated office and retail activities.	R-C
Coordinated Mixed Use Development District	This is a high density mixed use district with actual density determined by site size. Up to 4.0 F.A.R. with office not more than 3.0 F.A.R.	C-O-A

Land Use	Unit Density
Service Commercial	Personal and business services. Generally 1-4 stories.
Low-Medium Residential	16-36 units/acre

Attachment 2

	R-5	R-6	R-8	R-10	R-20
Maximum lot coverage (%)	40.5	36	31.5	28.8	22.5
Maximum lot coverage (square footage)	2380	2520	2800	3500	4480

**Arlington County Civic Federation Environmental Affairs Committee
Public Collaborative II Preserving Arlington’s Tree Canopy
Recommendations Summary Report**

Team 5 - Enhancing enforcement under current regulations team

1. **Create an additional Urban Forester position in Arlington County government dedicated exclusively to ensuring full enforcement of the Tree Ordinance and other regulatory provisions to protect trees including but not limited to the Chesapeake Bay ordinance, building code and permit requirements.**

Responsibilities would include:

- Provide staffing where there are currently not enough resources to do preemptive checks **early** in the process for building projects affecting trees.
- Ongoing monitoring of projects as they are being built and through the project lifecycle to assure compliance after plan approvals and prevent unnecessary damage.

2. **Improve professional qualifications, salary, and opportunities for advancement for Arlington County Urban Foresters**

- Increase the salary for Urban Foresters in Arlington County to the level required to compete with other jurisdictions
- Require that the foresters are highly qualified with a bachelor’s degree in Forestry (or the equivalent).
- Recognize the need to provide opportunities for advancement to retain quality professionals.

3. **County should manage and fund a county-wide outreach and education program on the value of trees to encourage effective enforcement.**

- Fund quality targeted education and publicity campaigns on subjects critical to the health and growth of the tree canopy carried out by Department of Parks and Recreation.
- Outreach could include professional flyers, flyers on residential trash containers, signs on buses and on metro trains, information at Arlington County Fair, farmers markets, etc.
- Provide grants from the Tree Canopy Fund to publicize important issues through other outlets. Example: Tree Stewards campaign on the negative impact of English ivy on trees. Sample is attached.
- Include information on county water bill about impact of trees on lowering your water bill.
- Include a link to an online tree benefit calculator tools (e.g., i-Trees.org).

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- Include a link to current county requirements for tree preservation so that citizens can be informed.
 - Include information on how to get a free consultation from the county about trees on your property and Tree Canopy Fund installations.
 - Some utility companies send residents a periodic letter comparing their usage to that of their neighbors. There may be a way to do something like this to highlight the impact of trees.
 - Additional position to coordinate and expand outreach & education.

4. Review the application of all the Tree Protection Plan (Section 3.2.2, County Stormwater Manual) requirements to further encourage the preservation of existing trees during planning and execution of construction. Also, allow the County Urban Forester to grant justified exceptions to encourage tree preservation on a case-by-case basis.

For example, the established [critical root zone guidance](#) from the County provides important and appropriate protections for trees based on their size that may be impacted during on-site construction and in neighboring properties. In some situations, it may be reasonable and valuable to consider exceptions to strict applications of these rules. For example, where the critical root zone of a mature tree of a specific species is not fully compromised and a certified arborist finds that it has a good chance for survival, then protection of the tree may be justified and encouraged. Similarly, where a heritage, specimen, or notable tree has been designated, there should be a careful analysis of the need to remove the tree. Also, if a homeowner making a renovation or a buyer contracting to have a house built wishes to preserve a mature tree, efforts to accommodate this should be allowed. Some mature, valuable trees that could survive construction may be taken down out of an **overabundance** of caution based on one of the guidelines in this section of the Manual. Additional information and education on factors including root zones and tree survivability may also provide financial and aesthetic value to developers. Finally, where removal of a tree will have a significant adverse impact on stormwater mitigation and/or control, exceptions should be allowed.

5. Adjust Tree Ordinance regulations for the State of Virginia as a whole or by special exceptions for Arlington County.

Several Virginia state level ordinances restrict the flexibility of local jurisdictions to set tree preservation rules of their own. The following changes to ordinances at the state level would be beneficial to Arlington:

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- **Remove state level limits on the size of fines that can be levied to mitigate a tree’s removal, as per the state’s Tree Banking Ordinance. VA Code 15.2-961**

Currently, the state caps the amount a locality can impose as a cost for tree removal during development, and thus levied fines do not reflect the “true” value of large, mature trees. For instance, in Arlington, the fine for removing a county owned tree without permission is \$2500. The state should amend its Tree Banking Ordinance to allow jurisdictions like Arlington to raise the penalty for this unlawful act and raise the amount a developer must pay into the Tree Canopy Fund if they cannot meet the tree canopy requirements on a given site.

- **Remove the state-imposed maximums allowed for tree canopy coverage requirements, as per the state’s Tree Replacement Ordinance. VA Code 15.2.961**

VA Code 15.2-961 is designed to provide for tree canopy during the development process, through conservation or replacement. However, it sets maximums of how much tree canopy a jurisdiction can require based on zoning classes. For instance, the state caps tree canopy to 20% for Residential, 15% for Planned Unit Developments, and 10% for Commercial zones. These caps should be removed from VA Code 15.2-961 so that municipalities in Virginia can set higher requirements for tree canopy by zoning class in their own area.

- **Allow for jurisdictions to require bonding of new trees planted on private property to fulfill tree canopy requirements.**

The state of Virginia should allow municipalities to impose bonding of new trees planted to meet the tree canopy requirements for a given by-right property. A two-year bond of a nominal amount (e.g., \$1500 per tree), would give both homeowners and developers incentive to be thoughtful and serious about planting of new trees that are intended to replace 20% of the tree canopy lost within 20 years. This would better ensure that these new trees are cared for properly and last – rather than allowing the new trees to die shortly after being planted. Site plan projects in Arlington currently do have bonding for trees. Perhaps the bonding program for by-right development could be similar.

6. Review tree trimming practices of utility companies

To optimize the tree trimming practices in support of utility access, conduct a joint review of their practices to assure best practices for maintenance. Dominion Electric trimming, which takes place about every 4 years, is conducted by contractors who must follow utility requirements to preserve and trees and avoid weakening. Arlington County can provide an information campaign to citizens with education on appropriate tree planting practices under power lines.

7. Explore Tree Canopy Fund (TCF) policies to expand the range of options that are allowed under the Fund and to respond to issues having immediate impact

Relaxing some of these requirements would allow us to plant trees in more locations in the future.
Expand education and outreach activities.

8. County should direct and provide sufficient resources in all relevant departments to ensure full enforcement of the land disturbance and vegetation requirements in Section 61-10 Of the County Code that could preserve trees

Section 61-10 of Arlington's Code currently limits land disturbance in connection with construction activity to the area "**reasonably** necessary to provide for the proposed use or development," as enforced by staff in reviewing the proposed plan of development.

Several provisions in the County Code are enforceable such as compliance with requirements for preserving trees on public land, fulfillment of the Chesapeake Bay obligations, enforcing requirements for best practices in tree preservation by contractors on private land, and ensuring that lot coverage limitations are complied with as projects are being built. County has a duty to provide sufficient resources and staff in all departments that review proposed plans of development to ensure that areas of land disturbance are no larger than "reasonably necessary" to build.

9. Draft additional language to strengthen enforcement tree protections in the County Code

These could include:

- *Require that the proposed plan of development include specific plans for educating construction crews on such best management practices.*
- *Require that such best management practices, including accounting for effects on trees located on adjoining properties, be considered in the review of the proposed plan of development in determining the area of land disturbance deemed reasonably necessary to provide for the proposed use or development under Section 61-10.*
- *Integrate stormwater management/impervious surface reduction principles into lot coverage restrictions and apply lot coverage restrictions to all housing, not just single-family properties*
- *Increase the minimum landscaping percentage for all commercial zoning categories to 20%, as the ordinance does for the C-1-O zoning category.*
- *Hold public projects to the same or more stringent standards for protecting trees including Chesapeake Bay requirements in keeping with climate change and other environmental preservation policies.*

**Arlington County Civic Federation Environmental Affairs Committee
Public Collaborative II Preserving Arlington's Tree Canopy
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Team 6 - Correcting current inequities in the tree canopy team

- 1. The County Board and Manager need to make larger commitments to policies and actions that preserve the tree canopy as a whole and provide environmental justice for all citizens.**

There has been a disconnect between the tree benefits to Arlington and who gets them. The County has many existing programs dealing with trees and natural resources where insufficient attention has been paid to equity in their planning, funding, and execution. Significant improvements can be made in integrating equity in areas such as: forestry unit staffing and funding, unreserved interpretation and enforcement of existing codes, County project design, Biophilic Cities, the Parks and Open Space Plan, Green Buildings, Affordable Housing, etc.

Nashville municipal tree policy and Plan for Street Trees and Treescapes,

<https://www.nashville.gov/departments/metro-clerk/legal-resources/executive-orders/mayor-megan-barry/mb040>;

https://library.municode.com/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinances?nodeId=CD_TIT17ZO_CH17.24LABUTRRE_ARTIGEPR_17.24.075P_LSTRST

- 2. The County must provide radically improved open data on the existing tree canopy and Natural Resources integrated into the GIS system. In addition, key metrics on changes in the tree canopy, the impacts of development, and County program performance should be provided.**

There is a strong consensus that tree and natural resource data needs to be funded and immediately updated to include available 2020 data and land cover analysis. Based on the data from updated tree canopy and land cover studies, metrics showing the changes in the tree canopy should be identified by location and source with special focus on underserved neighborhoods., e.g., as available. This information should include the Tree Canopy Fund funding and history of the use of

the budget for planting, public tree planting and removals, tree planting and removals from private land, future budgets for planting and maintenance, calculation of replacement requirements, and enforcement by neighborhood.

Example: US Forest Service Tree Equity for Climate & Health Webpage

<https://www.fs.fed.us/research/urban-webinars/tree-equity.php> ; Rhode Island Tree Equity Score Analyzer, <https://rhode-island.treeequityscore.org/login> ; American Forests tree equity score tool, <https://treeequityscore.org/about/>

Further, data relating to other County priorities including infrastructure, stormwater, equity, and climate change should be used to analyze tree equity using one of many tools now available.

Example: Valuing Tree Services and Funding Forestry, Snoqualmie, WA

[https://static1.squarespace.com/static/58a9a82db3db2bfa5def5c9c/t/5f7c92f7d9b3f94e53e0c7ce/1601999637479/Snoqualmie Final FullSpread 092520 ReducedSize.pdf](https://static1.squarespace.com/static/58a9a82db3db2bfa5def5c9c/t/5f7c92f7d9b3f94e53e0c7ce/1601999637479/Snoqualmie+Final+FullSpread+092520+ReducedSize.pdf) ;

3. The Board and other civic organizations should explore existing and possible Federal and Virginia State Legislation to achieve the best outcomes for environmental justice, especially regarding trees and natural areas.

Federal legislation currently promoting environmental justice could be used to get faster action for disadvantaged neighborhoods. The potential opportunities for change in legislation, action, funding, etc. to address these issues for Arlington.

Example: EPA Environmental Justice Website -

<https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

Virginia enacted an environmental justice law in 2020. Other states have adopted environmental justice laws to protect communities of color from exploitation by developers. Expanding tree protection authority for all Virginia jurisdictions would allow more effective advocacy for impacted communities.

Example: Virginia Environmental Justice Bill, <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1212>

4. Expanded planting of tree canopy in disproportionately impacting minority neighborhoods is needed as soon as possible to mitigate the existing climate change and heat island effects that impact human health.

Heat island and ozone concentrations are disproportionately higher in parts of Arlington adversely affecting human health including lung function. This leads to higher rates of disease and premature deaths according to the American Lung Association. To lessen the impacts, aggressive planting programs are needed in communities with lower percentages of tree canopy.

Examples: US Forest Service Tree Equity for Climate & Health Webpage

<https://www.fs.fed.us/research/urban-webinars/tree-equity.php> ; American Lung Association, Arlington

Page, <https://www.lung.org/research/sota/city-rankings/states/virginia/arlington>

5. Need to increase the tools for public input, participation, and education.

Require early and ongoing inclusion of underserved communities in planning for tree and natural resource equity in formats that are effective in reaching those residents. County outreach needs to find means to reach those without the ability or time to participate in current online options. Metrics on increased number of meetings with local organizations, onsite interviews, etc., should be kept. Better channels for communication and access are needed to assure the benefits of trees and natural areas for all residents. Citizens also need more effective means to have their problems and needs recognized and resolved.

In underserved communities, education and additional resources must be provided at events most frequented by local residents in easy-to-understand formats. The education should include information on the financial, health and climate benefits of trees. Schools should be deeply involved in teaching about tree preservation and planting. Working with resources from the Tree Canopy Fund, students could be sent home with seedlings and care information to expand their cognizance of natural resources and an individual's ability to impact the environment.

Example: Community Engagement Guide for Sustainable Communities, <https://www.policylink.org/resources-tools/community-engagement-guide-for-sustainable-communities>