



June 28, 2021

Honorable Matt de Ferranti, Chair  
Arlington County Board  
Ellen M. Bozman Government Center  
2100 Clarendon Blvd, Suite 300  
Arlington, VA 22201

Re: Legislation to Protect and Enhance Arlington's Valuable Tree Canopy and Natural Areas

Thank you for your request for our thoughts on the development of Arlington's legislative priorities.

First, this letter provides summaries of our answers to your five questions. Then, the FNRC will go into more detail as it explains the answers and describes our top priorities for legislation:

- 1. If the Governor and legislature could take 1 to 3 actions that would affect the work of your group, what would most benefit Arlington?*

The state should pass measures to protect and enhance the state's rural and urban forests and other natural areas, including granting local jurisdictions more authority to require greater tree canopy coverage in new development, and including trees and natural vegetation in calculations of net greenhouse emissions for meeting climate change targets.

- 2. Given changes in the state budget over the recent years, what are the most important items to restore? Are there any areas in the budget that should be expanded? Are there any areas where funding could be cut?*

Given the failure to meet federally mandated targets for reducing the flow of nutrient pollution and sediments into Chesapeake Bay, it is crucial to expand funding for the Chesapeake Bay restoration effort. That funding should specifically include provisions to protect and expand the forested areas (both urban and rural) and other types of natural resources that are so important for improving the health of the Bay.

- 3. From your involvement in Arlington and the Commonwealth, what legislation can you anticipate in 2022 that might affect Arlington positively or negatively? In*

*other words, is there anything we should anticipate and develop a strategy to address?*

As this letter describes below, the last General Assembly created a working group specifically to develop measures to promote and enhance Virginia's tree canopy, including both the conservation of existing trees and the planting of new trees in order to increase the size of the tree canopy in communities across the state. We cannot emphasize enough the importance of this group in setting the future legislative agenda, so it is vital that Arlington County participates and helps to set that agenda.

*4. Among businesses, other local governments, or interest groups, who would be our natural allies, if any, both in our community and around the Commonwealth on any of these issues? We are always more effective when we create a statewide team.*

Virginia, in general, and Arlington, in particular, are fortunate enough to have dozens of powerful groups that are working tirelessly to protect and improve the State's and the County's natural environment and quality of life for all citizens. They include the Arlington Tree Action Group, the Virginia Conservation Network (with more than 100 partners), the Chesapeake Bay Foundation, and many, many others. These groups already have a strong presence in Richmond and can be counted upon to push strenuously for measures to protect the environment.

*5. Is there anything else that you would like to suggest that would help us develop our 2022 legislative priorities?*

As previously mentioned, the single most important step is active participation in the working group created to do precisely that by its deadline of November 1, 2021.

This next section provides the background for the answers above, along with more details and explanations:

In past years, the Forestry and Natural Resources Commission has offered recommendations for promoting the County's vital urban forest and other natural areas that the FNRC believed should be included in Arlington County's Legislative Package.

This year is a little different. The reason is that in the 2021 General Assembly session, the state legislature did pass companion House and Senate bills (HB2042 & SB1393) that originally included one of the key measures the FNRC has been recommending—giving local jurisdictions more flexibility and authority under the tree replacement statute to require greater tree canopy coverage for new development than is currently allowed by law.

But the final bills passed by the General Assembly didn't actually grant that proposed authority. Instead, the legislators moved forward with another recommendation of the

FNRC—creating a working group to develop measures to promote and enhance the tree canopy. One of those potential measures that the working group will consider is expected to be the greater authority for local jurisdictions originally contained in the two bills.

The creation of the working group is an important step forward. It does mean, however, that the primary source of the key ideas and recommendations for the next General Assembly will be the working group, not the FNRC or others. As Delegate Patrick Hope said at the April FNRC meeting, before moving ahead with any specific new legislative measures specifically directed at the tree canopy, the General Assembly “wanted to wait for this study. That’s why the working group is so important.”

The FNRC will carefully monitor the working group’s deliberations—and plans to make recommendations directly to the working group to the extent possible. It also hopes and expects that the County Board will pass the recommendations on to the working group’s Arlington County representative(s), which will include Arlington’s Urban Forest Manager, Vincent Verweij.

In general, the FNRC understands that jurisdictions across Virginia are facing different threats and challenges, from sea level rise and the urgent need to reduce nutrient pollution flowing into the Chesapeake Bay to preserving and enhancing both rural and urban forests and other vegetation. The state, therefore, should consider and pass legislation that gives individual jurisdictions the flexibility and the tools they need to ensure a healthy and productive future for their citizens.

For Arlington County, the challenges and threats include the disturbing decline in tree canopy coverage, the growing damage from stormwater runoff, and the need to protect and enhance the natural resources, open space, and biophilic principles that make the County such a desirable place to live.

The FNRC thus recommends that the County and the working group consider and support the following ideas:

- 1) Support the crucial original provision in HB2042 and SB1393 that would give local jurisdictions the authority to impose stricter tree canopy requirements for new development under the tree replacement statute. Currently for most infill development under Arlington’s tree replacement ordinance (section § 61-10 of the County code), the County can only require that enough trees must be present to achieve a tree canopy coverage of 20% in 20 years. At a minimum, new legislation should allow the target to be increased to 25% in 20 years. A target of 30% would be even better.

In addition, the unfortunate reality is that the County has no authority to ensure that the trees on a given property stay on track to meeting the 20-year requirement. It is also clear that many trees on these properties will die or will be cut down, so that the 20-year target will not be met, accelerating the loss of tree canopy in the County. That’s why the FNRC urges that any legislation also explicitly allows local jurisdictions to create incentives or penalties to help achieve the 20-year goal. One idea is requiring homeowners to post a bond in order to get their occupancy permits. Every five years, County foresters would be required to measure each property’s tree cover to evaluate whether it is on track to meeting the 20-year target. If so, ¼ of the bond would be

returned to the property owner at the end of each 5-year period. If not, the full amount of the bond would be forfeited to the County.

2) Create or enhance incentives for tree preservation and planting. Previous legislation has directed the state of Virginia to issue guidelines for given official credit for the preservation of mature trees or planting of trees in Chesapeake Bay Preservation areas in order to meet requirements for reducing nutrient pollution flowing into the Chesapeake Bay. Now, the FNRC recommends that the legislature make it clear to all jurisdictions that those guidelines will be binding, giving Arlington County and other localities a powerful tool for enhancing their urban forests and other natural areas that serve to slow or absorb stormwater and nutrient pollution.

In addition, expanding the overall funding for the Chesapeake Bay restoration effort could provide additional support for initiatives to plant more trees, to preserve mature trees, and to acquire more land that could serve dual purposes as buffers along streams and rivers, and as important natural open space for County residents.

3) Require jurisdictions with greenhouse gas emissions reductions goals, such as Arlington County, to explicitly include the net carbon sequestration and storage from the jurisdictions' urban forests and other vegetation in their energy plans and future projections of emissions reductions. Given the large carbon sequestration potential of Arlington's extensive urban forest and other natural vegetation, such a measure could actually make it easier for the County to meet its ambitious greenhouse gas goals—while also offering another importing incentive for preserving and enhancing the tree canopy and natural vegetation.

The state of Virginia should also include the net contributions of the state's trees and natural areas in its own comprehensive Virginia Energy Plan. Virginia was the first southern state to set a goal of achieving a net-zero carbon energy economy (by 2045), and the Energy Plan will create a path to reaching the goal. Ensuring healthy and growing rural and urban forests across the state would be an effective strategy for helping to meet the goal.

4) Explore measures that would provide incentives or requirements for green roofs. One of Arlington's challenges is that its geographical area is fixed while its population and the area of its built environment are growing. There are more (and larger) homes, more schools, more demand for playing fields, and a major new business district being created by Amazon. All of this growth means less room for trees, parks and other natural areas, and for open space—all of which provide so many benefits to County residents. But the same built environment that threatens to diminish those benefits could actually be harnessed to be part of the solution—if efforts are made to encourage or require more green roofs. The Garden Roof on the new Lubber Run facility and Amazon's proposed Helix Tower offer glimpses of what's possible. New legislation could give local jurisdictions clear authority to require more green roofs.

5) Explicitly capture the enormous value of the tree canopy, natural areas, and biophilic principles in legislation. The FNRC recommends a comprehensive bill that would not only include many of the provisions described above, but that also would recognize and highlight the importance of the tree canopy and other natural vegetation to the state's environment, economy, and the health and well-being of its residents.

(California's Urban Forestry Act (AB-1530) is one of several good examples of existing state bills.) The findings of such a bill could include the following facts:

- Once the tree canopy coverage reaches a critical threshold of at least 40% of total area, urban trees can reduce outdoor temperatures by as much as 9 degrees. That reduces risks to life and health for those who work outside or who lack access to cool spaces, while also putting more money in residents' pockets in the form of lower energy bills.
- Increasing the tree canopy is particularly important in lower-income urban communities and communities with historically disadvantaged populations, which typically have lower tree canopy percentages and which thus suffer more from heat and high energy bills. A targeted strategy to increase tree cover in these communities is thus a powerful tool for reducing social inequities.
- Trees and natural areas raise property values and foster a closer connection to nature, bringing measurable improvements in well-being and quality of life. A comprehensive bill should set firm goals for the amount and locations of open space, such as requiring that all residents in an urban area have access to parks within a ten minute walk.

The Forestry and Natural Resource Commission also welcomes more ideas from County officials and staff, as well as from the members of the working group. We look forward to developing concrete legislative proposals that will make a difference. With this working group, we have a unique opportunity to create a better, safer, healthier future for the residents of this unique County by protecting, enhancing, and growing our precious urban tree canopy and our other natural resources.

Thank you for the opportunity to share our views.

Sincerely,



Phil Klingelhofer, Chair  
Forestry and Natural Resources Commission

Cc: Members, Arlington County Board  
Mark Schwartz, Arlington County Manager  
Jane Rudolph, Director, Department of Parks and Recreation