



January 27, 2023

Honorable Christian Dorsey, Chair
Arlington County Board
2100 Clarendon Blvd, Suite 300
Ellen M. Bozman Government Center
Arlington, VA 22201

Re: Proposed Stormwater Utility Program is a major missed opportunity

Dear Chair Dorsey:

The Forestry and Natural Resources Commission (FNRC) strongly supports the idea of basing stormwater fees on properties' actual contributions to stormwater runoff flows rather than on property tax assessments, as proposed in the new stormwater utility program.

As the draft proposal explains, utility fees would be "based on a property's 'contribution' to the stormwater system" and thus would be much fairer than the current tax assessment-based system.

The FNRC believes that a contribution-based fee structure can be a powerful policy tool, because it makes it possible to offer financial incentives to property owners for taking steps to reduce the stormwater runoff from their properties. Such a program thus can be a major win-win: reducing the County-wide stormwater problem while also rewarding property owners who take action to limit their own properties' contributions.

The FNRC thanks County staff for presenting the draft program to the Commission. But the FNRC is frankly disappointed and alarmed that the draft proposal fails to take advantage of the potential for motivating property owners to move forward with changes that will benefit both all County residents. Instead, as the proposal explicitly states, the "rate structure is not designed to be an incentive program, but as a cost recovery mechanism."

Not only does the proposal fail to provide positive incentives for property owners, it also actually creates perverse incentives, rewarding behavior that will make the stormwater runoff problem worse. Two in particular stand out:

1. The proposal creates three payment tiers for residential properties—a low rate for those with less than 1600 ft² of impervious surface, a middle rate for 1600 to 3600 ft² of impervious surface, and a top rate for those more than 3600 ft². The obvious problem: the owners of properties that fall in lower ranges of each tier thus face no additional cost for increasing, sometimes dramatically, the amount of their impervious surface. The owner of a lot with 1700 ft² of impervious surface, for example, can double that impervious area (to 3400 ft²)—without paying a penny more in stormwater utility fees. The FNRC fears that many property owners will thus be more likely to add patios, expand driveways and walkways, or build new sheds, since they know there will be no cost penalty for doing so
2. The proposal also offers a credit for trees—but only for newly planted trees, not for the existing tree canopy. This provision is especially harmful. It creates a strong and perverse incentive for property owners to cut down their existing trees, which intercept and store thousands and thousands of gallons of rainwater, and replace them with small new trees, which do little or nothing to reduce stormwater runoff. The stormwater problem would thus get much worse.

As a result, if the proposal is enacted in its current form, the FNRC believes, the County will have missed a major opportunity to enlist property owners in the fight against stormwater flooding and impaired water quality. Worse, the current proposal could actually increase the stormwater runoff problem because of its counterproductive incentives.

The FNRC understands and supports the County staff's goal of keeping the program simple and its administrative costs to a minimum. But the FNRC believes that a much more effective program could be put in place without adding significantly to those costs.

First, the County should consider calculating stormwater utility fees for properties based on the actual area of impervious surface at those properties, rather than lumping many different areas into three tiers. The imagery being used to measure the impervious surface area of each property will already be producing a value for each property. So why not use that actual number instead of the tiers, in the same way that water fees are based on actual water meter readings? With a fairly simple algorithm, this could all be done automatically, at little or no additional cost.

Second, the County should figure out how to take the existing tree canopy into account and give credits for existing trees. The FNRC believes this could also be done quickly and at low cost through imagery, using software that estimates tree canopy coverage on each lot based on the images. The impervious surface calculations, of course, are done using images taken after tree leaves have fallen. But in the December briefing, we were told that imagery is available from three different times of the year; alternatively, the tree canopy calculations at each property could be done using the upcoming tree canopy survey that the County is planning on conducting.

These changes could transform the stormwater utility fee program from a major opportunity missed into a powerful positive tool, putting incentives in place to maintain, preserve, and enhance those attributes of properties, such as pervious surfaces, conservation landscaping, and mature trees, that are proven to very effective at reducing the stormwater runoff problem.

Sincerely,



Phil Klingelhofer, Chair
Urban Forestry Commission

cc: Members, Arlington County Board
Members, Planning Commission
Mark Schwartz, Arlington County Manager
Jane Rudolph, Director, Department of Parks and Recreation
Greg Emanuel, Director, Department of Environmental Services