

## Donaldson Run Civic Association

June 28, 2023

Mark Schwartz  
County Manager  
2100 Clarendon Boulevard, Suite 302  
Arlington, VA 22201

Re: Forestry and Natural Resources Plan

Dear Mr. Schwartz:

On behalf of Donaldson Run Civic Association (DRCA), we file these comments on the revised draft plan, in response to your staff's request for input earlier this month.

DRCA devoted considerable effort last year to pointing out specific ways in which the draft plan could be improved, in our letter dated September 29, 2022. So did the Forestry and Natural Resources Commission, as well as others. Apart from the need to "re-evaluate" the adequacy of lot coverage limits (p. 54), with which DRCA strongly agrees, we are concerned that this draft does not appear to respond to these suggestions, which we summarize briefly below.

Of equal concern is the apparent lack of any staff responsibility for the revised draft, which is said to be authored only by outside consultants. Even assuming staff reviewed and approved this consultant draft before submitting it for apparent consideration by the County Board, the draft does not indicate that staff has taken responsibility for it. This appears to be another example of a trend toward retaining outside consultants to determine the direction of important policies that are the responsibility of our local, state, and federal governments. *See generally* P. Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It* (Cambridge University Press 2007).

DRCA endorses the draft plan's "vision" of "collective stewardship" of the County's natural resources (p. 13). As the plan notes, "Trees, native plants and natural places provide measurable benefits to our residents and visitors" (p. 14). In our letter last year, DRCA noted that the earlier draft did not either "communicate the sense of urgency required in light of the rapid loss of trees and green space in the County," or "identify specific steps the County can take to achieve the laudable goals advanced in the plan." We suggested a number of such steps, including the following high-level recommendations (as well as the important lot coverage reform addressed below):

- Enhancing financial commitments to acquiring additional parklands for tree preservation (e.g., the opportunity lost to massive single-family home development of the large Febrey-Lothrop site in Dominion Hills).
- Providing more effective notice and opportunity for input from neighbors and affected civic associations before developing staff recommendations on applications for use permits and special exceptions.
- Revising the County's tree preservation ordinance to ensure maximum use of the authority granted under state law, including elimination of the veto right by owners of single-family homes

for proposals for special protection of designated trees. In 2002, the County Board amended the tree ordinance as proposed to include this veto right (even though not required by state law).

- Strengthening the Chesapeake Bay Preservation Ordinance in specific ways permitted if not required by state regulations: (1) requiring CBORC rather than staff review and approval of any land development within an RPA, (2) prohibiting installation within an RPA of any facilities designed to collect and treat runoff from individual lots, (3) expanding the County's RPA designations, with full use of the "other lands" provision as provided for under state law, and (4) increasing protections for "preservation of mature trees" and "climate change" imperatives pursuant to Delegate Hope's HB 504 and implementing state regulations. VAC 25-830-130, 25-830-155.
- Rejecting the suggestion to trade off lot coverage restrictions for increasing the 35-foot height limitation on residences, a limitation that has served as the most basic function of Euclidean zoning of protecting smaller adjacent homes. This suggestion (repeated in the current draft at page 56) ignores the widespread recognition that the *current* height limit is far too generous, by (1) failing to account for the steep slopes in the County through the four-point average calculation and (2) discounting half the height of gables.
- Codifying current ISA standards for tree preservation during development.
- Strengthening enforcement of tree preservation requirements during teardowns with additional trained staff and enhanced penalties.
- Notifying neighbors and affected civic associations of tree preservation plans sufficiently in advance of staff review of them in order to encourage their input.
- Ensuring that tree canopy requirements are in fact met by maintenance requirements and post hoc reviews of 20-year plans.

Almost a year later, the urgent need for such prompt reforms is even more acute. The plan recognizes the "likely" continuation of tree loss in the County (p. 26), as well as the fact that 87% of tree canopy lies on land not owned by the County (p. 27). As DRCA has repeatedly pointed out over many years, our neighborhood is losing tulip poplars, oaks, beeches, and other mature trees due to residential teardowns at an accelerated pace. A recent survey indicates that from 2017 to 2021, after staff's most recent survey, the County's tree canopy has dwindled from 41% to 33%. Green Infrastructure Center Inc., Urban Tree Canopy Assessment of Arlington County, Virginia (June 2023).

The "missing middle" revisions to the Zoning Ordinance scheduled to become effective on July 1 now expand opportunities for even greater damage to our *mature* tree canopy (putting aside the greater limit state law imposes on requiring planting of *new* trees for such multifamily homes). Indeed, contrary to the plan's assertion (p. 53), missing middle housing does not have the same lot coverage limitations applicable to single-family homes. Notwithstanding repeated assurances over many months that this would be the case, the County Board determined at its March 2023 meeting to increase by an additional 5% the lot coverage permitted for all such missing middle housing – by eliminating the detached garage condition for such an increase, solely for multifamily teardowns.

As the draft plan recognizes, prior citizen input identified two of six specific priority areas for action directly addressing this threat of residential teardowns to the County's dwindling tree canopy. First, "discourage or limit development" – i.e., "construction primarily brought on by developers and single-family homeowners building large houses on small lots." Second, "strengthen zoning ordinances and regulations." (P. 32.) The plan appropriately identifies as a "priority action" taking steps to "[e]nhance development standards to optimize retention or replacement of tree canopy, natural vegetation, permeable surfaces and biophilic elements" (p. 39). But it lacks the required sense of urgency in doing so. DRCA strongly disagrees with the plan's view (p. 20) that "[c]ollaboration, incentives, social pressure and education are often the best avenues" to preserve mature trees on private land. Year after year, DRCA has

seen these avenues fail utterly in preventing private marketplace forces from destroying the tree canopy that is so obviously a public good.

Since 87% of the County's tree canopy lies outside County property, **the greatest priority in the plan should be an *immediate* commitment to revisit the inadequacy of the County's 2005 lot coverage limits.** DRCA has been urging the County to address this question for many years now, pointing to the continuing and irreparable damage to our neighborhoods. The urgency of this problem is now even greater with upcoming missing middle projects. Even in the absence of such changes, staff itself recognized as long ago as the 2014 Stormwater Management Plan that this issue "deserves a more comprehensive look" in light of the rapid increase in residential impervious surfaces. **Yet the Planning Director's 2023 report to the Planning Commission identifies no study of this question among its 21 priorities for study over the next two years.** The County's action plan should include a recommendation that the County devote the highest priority to addressing this lot coverage issue immediately. The plan should also make clear that any future acquirors of residential properties should be on notice of such potential lot coverage reforms, and should adjust their investment-backed expectations accordingly.

Thank you for your consideration of these comments.

Sincerely yours,



Bill Richardson  
President  
Donaldson Run Civic Association