

Public Hearing on Proposed Amendments to Town Code Chapters 17, 18 and 27, related to Enhancing Vienna's Tree Canopy

October 23, 2023

Resident Comments

Susan Stillman, 213 Ayr hill Avenue, NE.

"Thank you for the opportunity to speak in support of adopting a tree ordinance. When I was on the Conservation and Sustainability Commission (CSC) we found that there was nothing in the Town Code for single lot redevelopment, just for subdivisions. We got the Code changed [to ensure] trees would be replaced or there would be a tree credit applied. So that was progress. But now we are seeing that builders are taking down a lot of the mature trees and we are losing the services that the trees provide; an economic service, environmental service of cleaning our air and providing cooling, and, as someone commented earlier, they believe trees help block noise. So I'd like to encourage you to pass a tree ordinance that will indicate tree preservation as first preference. It should closely parallel the Fairfax County tree ordinance because we know that builders already live by that ordinance; they have operated in both venues so we make it more streamlined for them. [The ordinance] should be consolidated in one place to make it easy for folks to know what the rules are. There's an old saw that says 'The best time to plant a tree was twenty years ago, the second best time is now'. The same thing is true of passing a tree ordinance to keep our mature trees. We should have done this twenty years ago but the second best time is now. Thank you."

Mary Ellen Larkins, 317 Church St.

"We used to live on Oak St., SW for nine years and we moved to Church St. in 1986 only because of the tree canopy of the street. It was majestic, it was beautiful, until the light came in (1992) and it changed all our lives and the lives of the trees. There are eleven reasons why Vienna needs to protect our trees;

- 1) Temperature control – one tree is equivalent to ten air conditioning units. They can reduce street temperature by more than thirty percent.
- 2) Noise reduction – trees can reduce loudness by up to fifty percent;
- 3) Air purity – trees remove an astonishing amount of harmful pollutants and toxins from the air. Trees make the air we breathe cleaner;

- 4) Oxygen – while absorbing all those pollutants trees are also putting more oxygen back into the environment. Oxygen levels are significantly lower in cities (in comparison to the countryside). Trees help to solve that problem;
- 5) Water management – trees absorb huge quantities of water, reduce run off, neutralize the severity of flooding, and make flooding more unlikely altogether – not to forget that their roots absorb pollutants and prevent them from feeding back into the city's water supply;
- 6) Psychological health – human beings are significantly happier when surrounded by nature rather than a sterile urban environment;
- 7) Privacy – a simple point is that trees provide privacy;
- 8) Economics - the total economic benefit of urban trees is hard to calculate; there are costs, including the repair of structural damage caused by roots and through maintenance of the trees themselves. But the total economic benefit far outweighs the expenditure;
- 9) Wildlife – trees have miniature cities of their own, serving as a habitat for hundreds of different species;
- 10) Light pollution – Trees block the light shining down, thereby keeping us and our cities cool;
- 11) Aesthetics – trees are just beautiful. Don't you think that trees are just so amazing - especially this week and last week?

So please protect our trees by doing what is right."

Susan Rexroad, 616 Upham Place, NW.

"My husband and I are probably like a lot of you, we love trees. One of the reasons we moved to Vienna was because we love trees. And what's not to love? Trees are beautiful, their shade can lower the heat off the street by fifteen degrees, trees help with soil erosion, they are vital to local and migrating wildlife, and they are a major carbon sink. Planting and maintaining Vienna's trees is in the interest of our health, our infrastructure, our pride in the beauty of our Town to consistently do the right thing. Vienna's tree canopy has been declining, as we know. We need to invest in one of Vienna's major assets – our trees. That's why we support maintaining and strengthening Vienna's tree canopy by adopting the tree conservation ordinance and in particular adopting the Fairfax County standards, as well as employing dedicated personnel to maintain and add to our tree canopy."

Bill Comerford, 206 Battle Ct., SE.

"I have lived in Vienna since 1976 and am speaking as a Vienna resident and also as member of the CSC. One of our major duties is to promote a sustainable community, including a tree protection and replacement program. I'm not here to speak to the details or legalities of either proposal, but I've all the confidence in the world in attorney Brian Land, and in Christina Caplin and the proposal they put forward to the Council. I

believe the information in comprehensive. I believe their recommendations are sound, and I believe they lead to the right decision for Vienna. Their recommendations are based on expertise and extensive research into pertinent law and tree ordinances from surrounding jurisdictions, preservation practices and numerous interviews with subject matter experts. I believe that their proposal will be influential and pervasive and should carry substantial weight in your decisions, and those decisions need to be made in favor of tree preservation. I believe that the Town Attorney is being properly conservative and acting in accordance with the authorizing statute, as does the Land/Caplin proposal. However, there are significant provisions that need to be discussed that deal with the operation aspects of the proposal submitted by Land/Caplin. I believe those critical components would have significant impact on our ability to regrow our tree canopy and that the Town is here to listen to what they have to say about preserving tree canopy. Tonight's hearing can drive actions, collaboration and impetus to move forward rapidly toward a model tree ordinance that is legal, effective and that supports Vienna's recognition as a tree city. I heartily endorse and support incorporating the entirety of the Land/Caplin proposal (Option 1) and encourage you to adopt it as our ordinance for tree preservation."

Pam Keene, 344 Church St., NE

"Much of what I had planned to say mirrors what Mary Ellen said because we are pressing for a favorable adoption of a new tree ordinance. Trees in Vienna are not just decorative elements. They are essential contributors to a healthy environment and a higher quality of life for its residents. As we all know, trees act as natural air purifiers, absorbing harmful pollutants such as carbon dioxide, and releasing back oxygen into our atmosphere. This process helps to improve air quality and makes the air we breathe cleaner and healthier. Trees also act as a natural storm water management system. They absorb rainwater and reduce the risk of flooding. Their roots help prevent soil erosion. Trees provide habitat for birds, insects and other wildlife. Embracing and preserving this natural wonder in our neighborhoods is not just a choice, it's a responsibility that benefits us today and ensures a greener, healthier future for generations to come."

Leah Giovanniello, 317 Broadleaf Dr., NE

"Biologist, entomologist and naturalist, Edward Wilson popularized the term "biophilia" which literally means "love of life". He hypothesized that humans have an innate affinity and biological need for the natural world. I don't believe we need a scientist to tell us that. We all feel it, every one of us in this room feels it in varying degrees. So those of us here tonight and those who signed the petition are not just advocating for, but we're fighting for, the protection and preservation of trees and ecosystems. A healthy and mature ecosystem once destroyed may never recover and certainly not in our lifetime. But the saddest realization of all is that those of us beyond our teenage

years remember what the forest used to look like, feel like, sound like. The generations who follow won't have that memory. And that's really sad. We can't undo the decisions that have already been made, decisions that have degraded our forests and ecosystems, our quality of life, but even worse, decisions that have robbed this generation and those to follow of the beauty and majesty of undisturbed forests and ecosystems. A stand of trees left behind after development does not a forest make. So when you make your decision about how to move forward think of the generations coming up behind us and the legacy you are creating and leaving for them."

Bob McCahill, 429 Center St., NE, President of the NE Vienna Citizens Association

"Back in January Council set four top priorities for the year, one of which was to address the loss of tree canopy that we've seen in the last ten years (thirteen percent of our total tree canopy equaling one hundred sixty-three acres). I'm sure most, if not all, of you have been to Northside Park. One hundred sixty-three acres equates to more than six times the size of Northside Park – that's a lot of trees. Based on the work of 'Trees in Vienna – a Review of Programs to Help Vienna Preserve and Manage its Tree Canopy' by Brian Land, three primary [opportunities exist to accomplish this];

- Adopt a tree conservation ordinance;
- Form a commission focused solely on trees;
- Establish a tree planting budget and track the number of trees planted.

This summer a group of concerned citizens met to consider these suggestions, the outgrowth of which was a petition submitted with three hundred signatures, largely due to the work of the people sitting behind me tonight. It mirrors the Land report and reads:

- 1) Enact the tree conservation ordinance authorized by the Virginia General Assembly and in place in Fairfax County since 1990. Vienna has not, to date, adopted a tree conservation ordinance. We currently have a tree replacement ordinance where builders must submit a plan for replacement of trees, but there is no requirement to preserve, or make an effort to preserve, existing trees. Having an ordinance, in its own chapter of the Town Code as a single ordinance, closely paralleling Fairfax County's tree ordinance will make this ordinance easier to locate, read and understand and will convey the importance of trees in Vienna.
- 2) Establish a tree commission. Vienna does not have a tree commission that is solely focused on trees. A tree commission can, among other things, advise on the planting, design, care and removal of street, park and other public trees and raise community awareness about the importance of trees. Nearby communities, such as Fairfax County, Falls Church, Arlington County and Leesburg have tree commissions. We ask the Town Council to establish a tree commission that will serve and benefit the Town of Vienna.

- 3) Establish a tree planting budget and track and publish the number of trees planted on Town property each year. Every dollar spent on planting and caring for public trees yields benefits that include cleaner air, lower energy costs, etc. We wish for the Town to increase the Town budget.

We are very appreciative of the \$50,000 put forward for the planting of trees. That's five hundred new trees. It's a good start, but you can do better."

Bob Robinson, 515 Creek Crossing Rd., NE

"As you are aware a few years ago there was angst over the loss of Vienna's small town character due to several ugly buildings built along Maple Avenue. In my opinion the continuing loss of so many large one-hundred-year old trees is actually an even greater threat to Vienna's character and quality of life. Watching the mature trees on lot after lot fall to developer's chain saws to build more and more multimillion dollar mansions represents an assault on our collective wellbeing. We advertise ourselves as a tree city but to many of us that designation is a bit strange in a town that lost thirteen percent of its tree canopy over the 2012-2022 decade. And this of course doesn't even count the newly clear cut lots seen in 2023 (of which there are many). Being personal for a moment, a number of us worked very hard to get the National Wildlife Federation certification of Vienna as a town that cares about its environment. So it breaks my heart to see what is happening to the tree canopy that cools our air, reduces our carbon footprint, sustains our birds and other wildlife and, just as importantly, nourishes our soul. For a long time, our approach to tree conservation, by definition, has not been working. For too long we have thrown up our hands, finding excuse after excuse to avoid taking aggressive action to protect the Town's tree canopy. Now we have a tangible, albeit modest, step we can take. I urge the Town Council to pass the Land/Caplin preservation provisions before it."

Sandy Shinn, 511 Kibler Circle, SW.

"In October 2022 you received an eighty-eight page report written pro bono by the Kirkland/ Ellis Law firm and the Town of Vienna's CSC. From that report you learned of the thirteen percent loss of tree canopy from 2011-2021. You tasked Brian Land and Christina Kaplin to come up with a tree ordinance. Since June 2023 you have had a draft of the tree conservation ordinance before you. It has been through the Planning Commission and is now back in your court. As the Town Council dots the I's and crosses the T's on the tree conservation ordinance, please consider what is being done in neighboring jurisdictions. Brian Lands proposal is modeled after the Fairfax County ordinance, with additional language for the bonding of newly planted trees [gleaned] from the Falls Church tree ordinance. Fairfax County, Falls Church and Arlington all have a dedicated tree commission or tree board. Many nearby jurisdictions have an

Urban Forest Plan that budgets for the planting of trees and tracks the trees that are planted each year. Madam Mayor and Town Council, you have known about the loss of tree canopy since October 2022. Like me, you must drive around Town and see that the character of our Town is changing. It went from sleepy ramblers with towering trees to giant houses with little tiny trees. It doesn't have to continue changing in this way. We don't have to lose all the trees. As I worked to gather signatures for the 'Save Vienna's Trees' petition at the Farmers Market, Chilin on Church and Octoberfest, I met very few people who don't like trees. I met an Urban Forester from Fairfax County who couldn't sign because he was not a Vienna resident, but he shook his head and said 'It's a shame what's happening in Vienna.' I met a couple who were relocating to Vienna from New Jersey who said that in the town they came from if a tree was over a certain diameter you had to get permission from the Town to cut it down. Vienna Town Council, all eyes are on you now; pass a robust tree conservation ordinance that saves our mature trees. Do your part for the people of Vienna and future generations. Do it now."

Mark Smith, 216 Tapawingo Rd., SE

"I have nothing to do with this issue as others have tonight. This is the first time I am coming before Council in five to six years, but the arguments seem to make common sense. The development of a private property is a private matter but how it's developed affects public good. Tree canopy is a public good. We inherited that public good. The question is 'How are we going to pass it on to future generations?' Fairfax County is a leader in tree preservation. I encourage you to follow their lead and adopt the Brian Land option.

I do have a question about process. It sounds as if there has been a lot of information back and forth for your consideration already. Will Town Council have a private meeting with the Planning Commission before the decision is made? (Mayor Colbert noted that questions are not typically answered during a Public Hearing, but as this is a clarification, she will respond. November 13, 2023 Town Council will hold a Conference Session to discuss Planning Commission recommendations). I do hope the public will have an opportunity to see the [Planning Commission recommendations]."

Nala Persaud, 550 Windover Ave., NW

"I am the owner of Trace to Zero and a member of CSC. Trees hold within their quiet strength and beauty stories of decades, and for some, centuries. Although fewer of those hold stories of centuries here in Vienna because some have been taken down. The trees we have protect more species and habitats than science has been able to count. They give shelter and shade and as we've heard tonight, all while quietly cleaning the air that we breathe. It's our job to respect them and to leave them be, especially the mature ones. We need to work around them and to buy things and build in ways that cause fewer of them to be chopped down. Here in NOVA we are losing

canopy at a very unsettling and unsustainable rate. On my street, Windover Avenue, one lot was taken down in the course of the last month. In a matter of hours, the remnants of mature trees were left on the side in tatters like victims of a Mafia hit. And it's all gone now. I believe there are two more mature trees left on my street to come down. Hopefully they will not.

I speak up as a citizen because the trees cannot. Doing what's right for them is hard but doing what's right has never been easy. I respectfully request, as so many others before me have, the adoption of the conservation ordinance and the creation of a tree commission."

Dr. Maryann Dadlehah, 609 Alma St., SE

"I am here to support Option 1, Tree conservation. My husband and I bought our home behind Wildwood Park at the beginning of COVID in 2020. With mature trees all around our land it was love at first sight for us. Even when we were told to cut our beach tree [to allow for the installation of solar panels] we consulted an arborist to save it. Now we enjoy its shade, never ending birds, butterflies and squirrels year round. Mature trees serve many purposes. They are a source of oxygen, help with rainfall interception and energy conservation, add beauty to the environment and clean our increasingly polluted air. Pollution was identified by the World Health Organization in 2022 as a major source of health problems associated with 6.7 million premature deaths annually.

Vienna is committed to maintaining and enhancing its tree canopy. The Town works with developers and homeowners to protect and preserve privately owned tree canopy. Let's keep our promises.

Because seventy-five percent of all canopy cover in cities is on residential land and vacant lots, loss of trees due to unregulated construction and redevelopment can be especially impactful to communities both ecologically and socially. National results estimated loss of benefits from trees in urban areas is conservatively valued at ninety-six million dollars per year. Preservation of existing trees is one of the few tools available to communities seeking to maintain or increase existing canopy coverage. Research by the USDA Forest Service indicates that for every dollar spent on urban trees, two dollars and seventy cents in benefit is returned. Trees have market appeal and improve a home's performance. According to the University of Washington's research, homes with trees are preferred to homes without trees and can increase a property's value by up to fifteen percent in high income areas with mature trees. The Bank of America Mortgage Group found that eighty-four percent of surveyed real estate agents believe that naturally wooded lots are twenty percent more saleable. The National Association of Home Builders research reported that eighty-nine percent of the polled homeowners want builders to leave as many trees as possible on their lot.

I would like you to vote for Option1. I thank Mayor Colbert for sending the community survey and focusing on trees and their environmental impact.”

Brian Land, 504 Ridge Rd. SW

“To preserve existing trees, Vienna should update its existing tree replacement ordinance by adopting a tree conservation ordinance which is authorized under VA Code Sec. 15.2-961.1 that has been in place in Fairfax County since 1990. You are considering two approaches for updating Vienna’s tree ordinance. Option 1 would establish a new chapter in the Town Code that would set forth Vienna’s tree ordinance. Option 2 would make changes to Chapter 17, 18 and 27 of the Town Code. My recommendation is for Option 1. The tree ordinance should have its own chapter in the Town Code. Why? First, placing a tree ordinance in its own chapter will make it clear that the tree ordinance is intended to apply to all property development. Second, placing a tree ordinance in its own chapter will make the tree ordinance easier to locate, read and understand for developers and builders and citizens of Vienna. Third, Vienna will be taking a similar approach to Fairfax County whose tree conservation ordinance is in its own chapter, Chapter 122 of the Fairfax County Code. Having a chapter dedicated to a tree conservation ordinance will demonstrate that Vienna values trees as an important aspect of the infrastructure and environment of the Town.

Option 1 is based on, and closely matches, Fairfax County’s tree conservation ordinance. Why is this sensible? First, the practicality for developers and home builders. Vienna is located in Fairfax County and many, or perhaps most, of Vienna homebuilders also build in Fairfax County. Having a tree ordinance in Vienna that is similar to that in place in Fairfax County will make it easier for builders to understand and abide by the tree ordinance. Second, Fairfax County’s tree ordinance has a long track record. Fairfax adopted its tree ordinance in 1990, thirty-three years ago. I met with a senior attorney in Fairfax County who explained that no one has ever sued Fairfax County to challenge its tree ordinance and no one has otherwise challenged it. Third, individuals we interviewed explained that Fairfax County is considered to be the jurisdiction that is the leader in tree conservation in Virginia. One Urban Forester explained that Fairfax County is using all tools available to conserve trees. Accordingly, there is a benefit in Vienna making use of and emulating Fairfax County’s ordinance.

Similar to how Vienna is updating and improving its zoning and subdivision ordinance this is an opportunity for Vienna to update its tree ordinance by adopting a tree conservation ordinance, by placing the tree ordinance in its own chapter in the Vienna Code, and by establishing a tree commission. I encourage the Town Council to do this.”

Christina Caplin, 1218 Kelly St. SW Chairman CSC

“I’m before you again to stress the importance of preserving Vienna’s trees and the opportunity to reverse the decline in canopy. There are so many reasons,

environmental and economical, to preserve Vienna's mature tree canopy. You've heard them before and know them by now - reducing air and water pollution, management of storm water, providing habitat, reducing energy usage, controlling climate change. Some of these benefits have even been quantified for you in the millions of dollars annually for Vienna. You have also heard before that preserving tree canopy requires a bipronged approach. Among the strategies needed are regulatory changes, data collection, education and outreach, budget increases for tree maintenance and tree planting on both public and private property. All of these take time, money and effort. Right now you have an opportunity to make a regulatory change that can stem the tide of clear cutting development in Vienna. You can amend Vienna's current tree replacement ordinance and adopt a tree preservation ordinance instead. This preservation ordinance option has been available to you for years and is now before you in concrete form for consideration and adoption. Two versions have been proposed, both of which have been carefully vetted and authorized under Virginia State law. One ordinance is pared down to the basics of Sec. 15.2-961.1 the authorizing statute for a tree preservation ordinance. The other ordinance is more extensive and is authorized under Sec. 15.2-961.1 and other provisions of the State Code. It is based on Fairfax County's long standing preservation ordinance which many local Vienna developers adhere to when building right next door. It also contains bonding provisions similar to those in Falls Church, Charlottesville, Suffolk and Chesapeake. They are based on the Chesapeake Preservation Act and the states subdivision code and also appear to be authorized by the Vienna Town Code itself. The extensive proposed preservation ordinance was developed as part of the pro bono project Brian Land and I worked on for over two years. It is also the culmination of years' prior effort by the CSC to bring attention to the decline in Vienna's tree canopy and the options available to remedy. The ordinance was a collaborative effort with input from Town Staff and Council Members, not simply the rantings of one lone resident. A chronology of these long standing efforts is attached to these remarks. The extensive proposed preservation ordinance was intentionally structured as a stand-alone ordinance rather than part of the zoning code. This comports with other jurisdictions like Fairfax County. A stand-alone ordinance can be easily amended or added to. It also makes the tree requirements easy to find for everyone, including residents who are generally less aware than builders on where to look for the information. Any needed cross referencing in zoning code sections applicable to development is easily done.

Finally, I just want to set the record straight and plea for the Town Council to act in good faith on this very important issue."

Michele Sullivan, 613 Yeonas Dr., SW

"I am a twenty-five-year resident of the Town of Vienna. I'm here in support of the tree conservation ordinance, Option 1. As a fifth grade teacher at Mantua Elementary School, our green team has planted forty trees and one hundred saplings to help

Fairfax County's tree canopy. This spring Dr. Reed, our FCPS Superintendent, came out to plant with us. In her speech she spoke of Dr. Wangari. She draws inspiration from her and her Greenbelt Movement that she started in Kenya to drastically improve their quality of life. This movement, started by one woman, has planted over fifty-one million trees. [I've brought along a] kids book that we use in the classroom. I point out her Greenbelt Movement as something that can inspire the Town of Vienna to adopt a tree ordinance to conserve our existing trees and plant new trees for ourselves and for future generation."

Ann Brown, 124 Kinsley Rd. SW

"I could reiterate many benefits of trees that have already been outlined this evening. I live on an island of original homes at the top pf Kingsley Rd. One thing I would like Council to consider is that while my lot may be my lot, if the lot next to me or behind me or across the street loses its trees, that will affect my quality of life as well. I have seen that on Kingsley (which was an early part of the redevelopment in Vienna) we have lost many many trees. With a five trees per lot average, we've probably lost at least two hundred fifty trees and there are a number of homes ready for demolition. So I would strongly support the preservation option in terms of the ordinance. Preservation first, not just replacement. Planting a sapling is a lovely thing but it cannot replace a full growth oak. I'm sometimes struck by the paradox in the Town through reading the Vienna Voice 'to have a dark environment for my fireflies' -which means I need my trees. This then means doing the native planting and I applaud what is being done around Town. But I feel we can't promote being a tree city for the Arbor Foundation and at the same time remove our trees. Also there are numerous places in Town where builders have been creative and they have preserved more trees on lots, sometimes even in the front of the lot. I did sign the petition but I would love to see Vienna provide some type of incentive for builders to preserve trees. Thank you."