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3 **McLean Citizens Association Resolution**  
4 **Conservation Of Trees, Public Notice Of Infill Lot Grading Plan**  
5 **July 7, 2021**  
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7 **Whereas**, the Tree Conservation Ordinance (Fairfax County Code section 122-1-5)  
8 promotes the health, safety and general welfare of the public as it provides “for the  
9 conservation of trees during the land development process;” and

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11 **Whereas**, the “conservation (i.e. preservation and planting) of trees during the land  
12 development process will protect, sustain, and enhance the County’s urban forest  
13 resources...[that] provide important aesthetic, social, and economic benefits and are  
14 indispensable to the conservation and management of vital atmospheric, water, soil, and  
15 ecological resources.” (Fairfax County Code section 122-1-5); and

16  
17 **Whereas**, Title 15.2 Chapter 961.2 of The Code of Virginia allows “a locality to post signs  
18 on private property that is proposed to be redeveloped with one single-family home [to]  
19 notify the public that an infill lot grading plan is pending for review before the locality” and  
20 to provide an opportunity for residents to submit comments to staff; and

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22 **Whereas**, the Commonwealth of Virginia passed the above-mentioned legislation on March  
23 11, 2016 to engage citizenry in the conservation of trees and preservation of the natural  
24 environment through public notice; and

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26 **Whereas**, public notice empowers citizens during the plan review process and facilitates  
27 investigation of potential infractions of the Tree Conservation Ordinance prior to plan  
28 approval, thereby, avoiding potential and unwarranted destruction of trees, tree canopy, and  
29 our natural environment; and

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31 **Whereas**, in 2017, the Fairfax County Planning Commission suggested that the Land  
32 Development Services (LDS) staff provide alternative, cost effective, and timely means of  
33 notifying the public, such as by email, but the suggestion failed to gain approval by the  
34 Fairfax Board of Supervisors in a tie vote; and

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36 **Whereas**, public notice meets the Board of Supervisors “Environmental Vision,” as  
37 expressed in Resilient Fairfax and the Community-wide Energy and Climate Action Plan  
38 (CECAP) by ensuring sustainability through community-based efforts aimed at the  
39 preservation of established trees, tree canopy, and green space; and

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41 **Whereas**, public notice of infill development promotes responsible land development and  
42 provides transparency to those Fairfax residents most immediately impacted by loss of tree  
43 canopy and green space as well as increased personal property damage through stormwater  
44 runoff; and  
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46 **Whereas**, adequate and effective public notice encourages education, communication, and  
 47 enforcement of existing regulations designed to promote County efforts to preserve the tree  
 48 canopy and green space; and

49  
 50 **Whereas**, LDS Technical Bulletin on Tree Preservation Target Deviation Submission  
 51 Requirements No, 21-01, adopted on January 8, 2021, permits developers to request a  
 52 “deviation” from Tree Preservation Target requirements and sets forth reporting  
 53 requirements to LDS on deviations in order to ensure that the county works closely with  
 54 developers and that the preservation of structurally sound, healthy and functional trees and  
 55 forested areas is maximized, thereby minimizing deviations to tree preservation targets,  
 56 however, there currently is no requirement for such deviation requests to be reported to the  
 57 public.

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 59 **Therefore, be it resolved**, that the McLean Citizen’s Association recommends that the  
 60 Board of Supervisors require Public Notice pursuant to the Code of Virginia be sent by  
 61 email notification, if available, to all individuals and County Community Associations who  
 62 request it from (LDS) when a grading plan has been submitted for an infill development;  
 63 and

64  
 65 **Therefore, be it further resolved**, that these notifications be initiated immediately after  
 66 approval by the Board of Supervisors and be sent in a timely manner, so that community  
 67 stakeholders may understand the consequences of these plans while there is sufficient time  
 68 to comment, such as to advise the County if grading plans are believed to violate tree  
 69 conservation requirements, or make suggestions to enhance conservation regarding plans  
 70 that are otherwise compliant; and

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 72 **Therefore, be it finally resolved**, that the McLean Citizen’s Association recommends that  
 73 LDS Technical Bulletin –Tree Preservation Target Deviation Submission No.: 21-01 dated  
 74 8 January 2021, be amended immediately to require all persons requesting a “deviation” to  
 75 (1) place prominent and readily visible signs on its property regarding the proposed grading  
 76 plan at the time the deviation is requested, and (2) give notice electronically, for instance,  
 77 via email, if available, or an appropriately targeted neighborhood social media website (such  
 78 as NextDoor); and by regular mail on such grading plan to all owners of property adjacent to  
 79 or within a quarter mile of the property being graded; as well as to any individual or  
 80 Community Association that has requested such a notification from LDS.

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 82 Approved by the MCA Board of Directors on July 7, 2021

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84 McLean Citizens Association, P.O. Box 273, McLean, Virginia 22101

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86 cc: Jeffrey McKay, Chairman, Board of Supervisors  
 87 Supervisor John Foust, Dranesville District, Fairfax County Board of Supervisor  
 88 John Ulfelder, Dranesville Planning Commissioner  
 89 Jane Edmondson, Chief of Staff to Supervisor Foust  
 90 Clerk to the Board of Supervisors  
 91 Ben Wiles, Dranesville Supervisor’s Staff  
 92 Clerk of the Planning Commission