



McLean Citizens Association Resolution
Support for Fairfax County Review of Tree Commission Recommendations
November 3, 2021

Whereas, the Tree Conservation Ordinance (Fairfax County Code section 122-1-5) promotes the health, safety and general welfare of the public as it provides “for the conservation of trees during the land development process;” and

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

Whereas, Section 15.2-961.1 of the Virginia Code is the primary authority pursuant to which Fairfax County has established a 10 year canopy requirement which provides for the conservation of trees on the site such that, after ten years, from 10% to 30% of the site (depending on the use or zoning district) is to be covered by tree canopy in ten years, and which can be met with planting and preservation and sets provisions for exceptions, waivers and in-lieu fees;¹ and

Whereas, preservation of the county’s tree canopy meets the Board of Supervisors (BOS) “Environmental Vision,” as expressed in ResilientFairfax, the Community-wide Energy and Climate Action Plan (CECAP), and ActiveFairfax (Section 3.2) by ensuring sustainability through community-based efforts aimed at the preservation of established trees, tree canopy, and green space, and promoting best practices in environmental stewardship during planning, design and construction activities; and

Whereas, the Fairfax County Tree Commission, composed of 15 members appointed by the county BOS including a representative from each of the magisterial districts plus one At Large member, and a representative of the Fairfax County Environmental Quality Advisory Council, Soil and Water Conservation District, Virginia Department of Forestry, Virginia Cooperative Extension, Fairfax County Park Authority and Fairfax County Urban Forest Management Division, provides advice and support to the BOS regarding urban forest conservation and preservation; and

Whereas, the Fairfax County Tree Commission updates and implements the county’s Tree Action Plan, which sets forth a “strategic vision that is designed to inform and guide our community in its efforts to protect and manage the urban forest;” and

¹ See Chapter 122. – Tree Conservation Ordinance from the Fairfax County Code of Ordinances here: https://library.municode.com/va/fairfax_county/codes/code_of_ordinances?nodeId=THCOCOFAV1976_CH122TRCOOR

Whereas, on September 2, 2021, the Fairfax County Tree Commission sent a letter that was unanimously approved by Commission members to the BOS containing six recommendations designed to improve the county land development process by prioritizing trees;² and

Whereas, the Tree Commission’s first recommendation is to modify the county’s order of approval process by requesting submission and approval of a Natural Resources and Tree Inventory with a Conceptual Site Plan prior to submittal of the Site Plan so that existing, healthy mature trees (and other priority environmental features) can be identified on a site earlier, enhancing opportunities to preserve existing mature trees along with the opportunities for planting of large shade trees; and

Whereas, the Tree Commission’s second recommendation is to “increase property boundary setbacks for infill development and re-zonings to provide adequate space for preservation of mature trees and planting of large shade trees” so that preservation of trees can be considered earlier in the approval process, before stormwater management and utilities are located;” and

Whereas, the Tree Commission’s third recommendation is to allow developers the option to build higher buildings where possible, thereby achieving more density, while requiring that the building footprint be reduced to allow for tree preservation or large shade tree planting and the preservation of green space around buildings (not to apply when building height limitations are due to historic viewsheds, historic overlay districts, or FAA height restrictions); and

Whereas, the Tree Commission’s fourth recommendation would raise the *fee in lieu* to increase the cost of removing healthy trees and bring the Fairfax County fee in closer alignment with higher fees in neighboring counties and incentivize developers to retain healthy, mature trees; and

Whereas, the Tree Commission’s fifth recommendation is to review the effectiveness of the county’s 10 year tree canopy requirement to determine if it is being met, managed, and retained; and

Whereas, the Tree Commission’s sixth recommendation is to identify high priority tree planting areas using an equity lens and vulnerability index; and

Whereas, while not included in the Tree Commission’s recommendations, additional opportunities appear to exist to provide incentives to developers to retain healthy mature trees on development sites when possible, including, for example, providing more tree canopy credits for retaining existing, healthy trees compared to new, smaller trees.

Therefore, be it resolved, that the McLean Citizen’s Association commends the Tree Commission for for making recommendations toward the objective of preserving tree canopy; and

² See letter here:

https://www.fairfaxcounty.gov/publicworks/sites/publicworks/files/assets/documents/20210902_tree_commission_policyrecommendations.pdf

Therefore, be it further resolved, that the McLean Citizens Association has concerns with Tree Commission recommendations 2 and 3 since these two recommendations would require revision of the new Zoning Ordinance adopted by the Board of Supervisors in March 2021, have implications for building-generated shadows over adjoining properties, and could have adverse effects if applied in residential areas or residential areas that are adjacent to urban areas; and

Therefore, be it further resolved, that the McLean Citizens Association recommends that any proposed option for increased setbacks, building heights, or density only be available to the extent that it is consistent with the relevant Comprehensive Plan for that property; and

Therefore, be it further resolved, that the McLean Citizens Association recommends that any proposed option for increased building heights for detached single family residential structures be consistent with the existing 35 foot single family residential building height limit; and

Therefore, be it further resolved, that should the County undertake the review of the effectiveness of the county's 10 year tree canopy requirement to determine if it is being met, managed, and retained, that this review examine the effectiveness of the requirement on the health of new and existing trees that are planted or maintained to satisfy the requirement; and

Therefore, be it further resolved, that the McLean Citizens Association recommends that the BOS request County Staff to review, nonetheless, all six of the Tree Commission recommendations; and

Therefore, be it further resolved, that the McLean Citizens Association recommends that the BOS request County Staff to undertake a study of potential additional incentives for developers to retain existing, mature, trees in order to determine the feasibility of each; and

Therefore, be it further resolved, that should County Staff examine the feasibility of each of the aforementioned recommendations, that the McLean Citizens Association respectfully requests that County Staff provide update status reports that detail the County's considerations of each on a regular basis that are made available to the public; and

Therefore, be it finally resolved that the McLean Citizen's Association recommends that the review of feasibility of these recommendations and public notification take place in a timely manner given the rapid pace of development and mature tree loss in the McLean area.

Approved by the MCA Board of Directors on November 3, 2021

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

cc: Jeffrey McKay, Chairman, Board of Supervisors
 Supervisor John Foust, Dranesville District, Fairfax County Board of Supervisor
 John Ulfelder, Dranesville Planning Commissioner
 Cathy Ledec, Chair, Fairfax County Tree Commission

137 Robert Vickers, Dranesville District Commissioner, Fairfax County Tree
138 Commission
139 Jane Edmondson, Chief of Staff to Supervisor Foust
140 Clerk to the Board of Supervisors
141 Ben Wiles, Dranesville Supervisor's Staff
142 Clerk of the Planning Commission
143