



McLean Citizens Association Resolution
Conservation Of Trees, Public Notice Of Infill Lot Grading Plan
July 7, 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, Title 15.2 Chapter 961.2 of The Code of Virginia allows “a locality to post signs on private property that is proposed to be redeveloped with one single-family home [to] notify the public that an infill lot grading plan is pending for review before the locality” and to provide an opportunity for residents to submit comments to staff; and

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

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

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

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

Whereas, public notice of infill development promotes responsible land development and provides transparency to those Fairfax residents most immediately impacted by loss of tree canopy and green space as well as increased personal property damage through stormwater runoff; and

Whereas, adequate and effective public notice encourages education, communication, and enforcement of existing regulations designed to promote County efforts to preserve the tree canopy and green space; and

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

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

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

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

Approved by the MCA Board of Directors on July 7, 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
 Jane Edmondson, Chief of Staff to Supervisor Foust
 Clerk to the Board of Supervisors
 Ben Wiles, Dranesville Supervisor’s Staff
 Clerk of the Planning Commission