

Changing Neighborhoods: Understanding Infill Development and Tree Canopy Loss

Sponsored by:

McLean Citizens Association

and

Greater McLean Chamber of Commerce

Agenda

- Welcome – Rob Jackson, MCA President
- Opening Comments – Supervisor John Foust
- Welcome Comments from Chamber of Commerce – Paul Kohlenberger, President
- Part 1: Understanding Land Development and Tree Canopy Rules - Jim McGlone, Urban Forest Conservationist, VA Dept of Forestry
- Part 2: Understanding Infill Development and Tree Preservation Process
 - Infill Development Management Process – Matthew Hansen, Director, Site Development and Inspections, Land Development Services, Fairfax County
 - Tree Preservation Process - Brian Keightley, Director of the Urban Forestry Mgt. Division, Fairfax County
- Panel Questions and Answers – Glenn Harris, Moderator; Panelists
- Closing Comments – Bob Perito, MCA P&Z Chair

Understanding Land Development and Tree Canopy Rules

Trees and Development

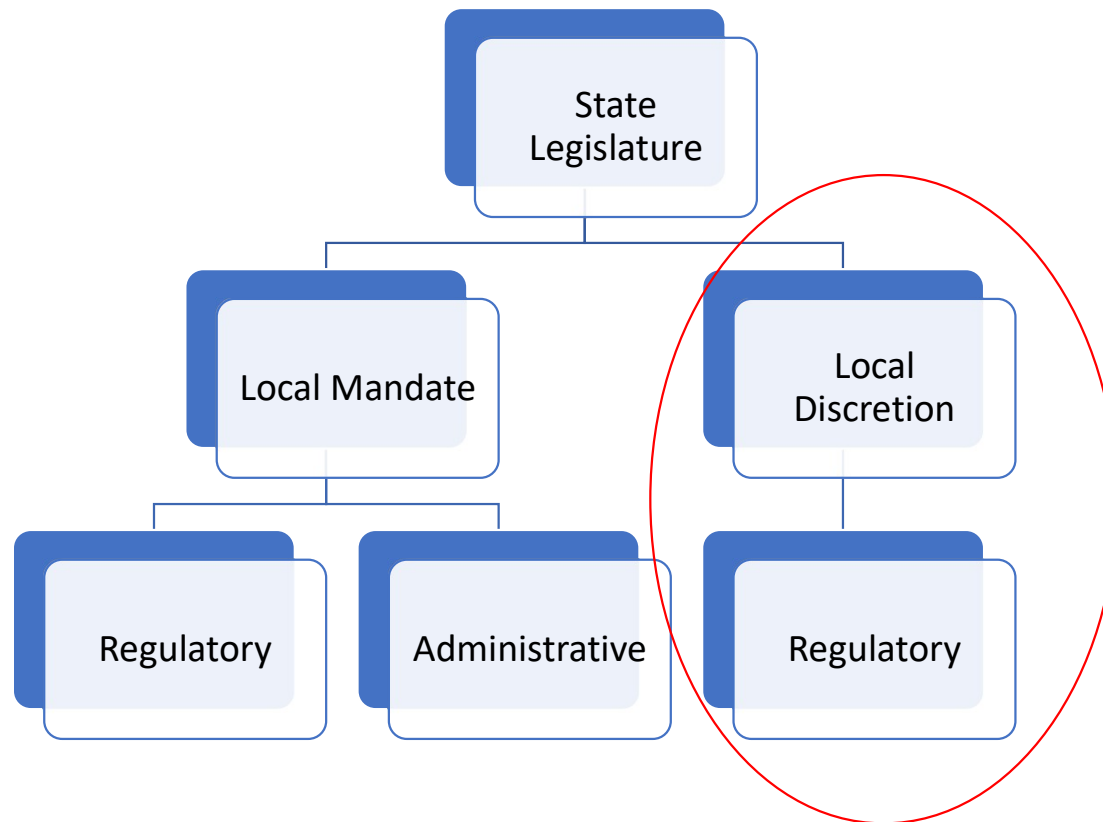
The State Perspective

Jim McGlone

Urban Forest Conservationist
Virginia Department of Forestry



Dillon Rule – Gov't Authority Rests w/ State



State Code, Trees and Development

- Code of Virginia (COV) and Virginia Administrative Code have many elements that govern development, some elements compete with trees for space – BUT Fairfax County regulates development
- §15.2-961.1 is the primary COV regulating Trees
 - Discretionary only in NOVA – ONLY Fairfax uses this authority
 - Sets 20 year canopy requirements based on zoning (Fairfax is 10 year)
 - Canopy requirements must be met with planting AND preservation
 - Sets provisions for exceptions, waivers and in-lieu fees
- §15.2-961 similar to §15.2-961.1, but statewide
 - Only used in 18 communities statewide
 - Allows canopy requirements to be met with ONLY planting

Infill Development and Tree Preservation Process

Matthew Hansen

**Site Development & Inspections Division,
Dept. of Land Development Services,
Fairfax County**

Infill Development and Tree Preservation

- Understanding Infill Development Process
 - Matthew Hansen, P.E., Director, Site Development and Inspections Division
 - Description of County's role in infill development
 - Processes & procedures for development
 - Community engagement processes and procedures
- Tree Preservation Process
 - Brian Keightley, Director, Urban Forest Management Division



Infill Development

- Defining Infill Lot Development
- Description of County's role in infill development
 - Land disturbance permitting applies to all work >2,500 square feet
 - Infill Lot Grading Plans (INF) are most common plan type
 - Conservation Plans (CON) are used for work <5,000 square feet
- What's in an INF Plan?
 - Grading, Stormwater Management, Erosion & Sediment Control, Tree Conservation Plan



Infill Development

- Processes & procedures for development
 - Grading plans reviewed by:
 - LDS for site features, stormwater, zoning setbacks, building heights...
 - Urban Forestry for tree preservation and planting
 - Partners like the Park Authority and Health Department when applicable
 - Infill sites are inspected by:
 - Site Development & Inspections Division
 - Urban Forestry
 - VDOT (for right-of-way items like driveway entrances)



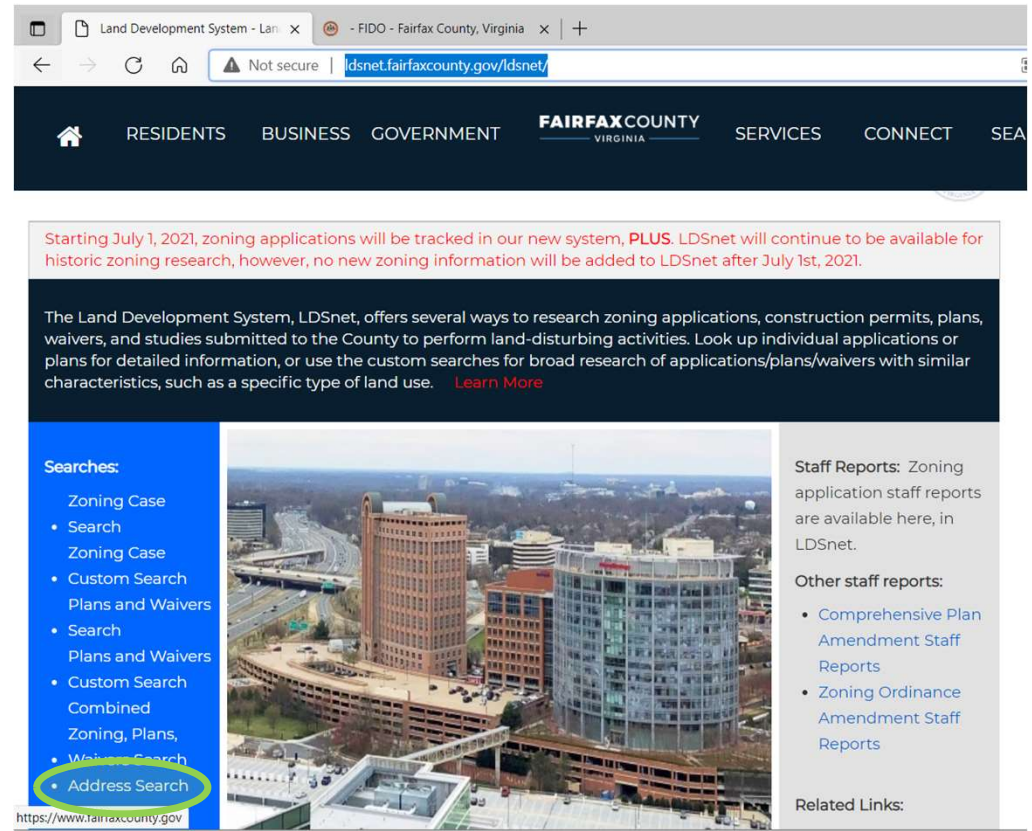
Infill Development

- Community engagement processes and procedures
 - LDS and UFMD are glad to receive public inquires and discuss plans
 - Infill grading plans do not have any public hearings or legislative approvals (like rezoning plans).
 - Plan status can be found on LDSNet (<http://ldsnet.fairfaxcounty.gov/ldsnet/>)
 - Building permit info can be found on FIDO (<https://www.fairfaxcounty.gov/fido/>)
 - “Push” notifications are being built into our new permitting system (PLUS) to better inform the public of submitted applications



Infill Development

- Site permit status can be found on LDSNet (<http://ldsnet.fairfaxcounty.gov/ldsnet/>)
- Site permits are Infill Lot Grading Plans (INF) or Conservation Plans (CON)



The screenshot shows the LDSNet website interface. At the top, there's a navigation bar with links for RESIDENTS, BUSINESS, GOVERNMENT, FAIRFAX COUNTY VIRGINIA, SERVICES, CONNECT, and SEARCH. Below this, a red banner states: "Starting July 1, 2021, zoning applications will be tracked in our new system, PLUS. LDSnet will continue to be available for historic zoning research, however, no new zoning information will be added to LDSnet after July 1st, 2021." The main content area describes the Land Development System, LDSnet, and offers several ways to research zoning applications, construction permits, plans, waivers, and studies. A "Learn More" link is provided. On the left, a blue sidebar lists search options: Zoning Case, Search, Zoning Case, Custom Search, Plans and Waivers, Search, Plans and Waivers, Custom Search, Combined, Zoning, Plans, Waivers, Search, and Address Search. The "Address Search" option is circled in green. In the center, there's a large image of a cityscape with a prominent building. On the right, there's a section for "Staff Reports" and "Other staff reports" with links to "Comprehensive Plan Amendment Staff Reports" and "Zoning Ordinance Amendment Staff Reports". A "Related Links" section is also present at the bottom right.

Land Development System - LDSnet

FIDO - Fairfax County, Virginia

Not secure | ldsnet.fairfaxcounty.gov/ldsnet/

RESIDENTS BUSINESS GOVERNMENT FAIRFAX COUNTY VIRGINIA SERVICES CONNECT SEARCH

Starting July 1, 2021, zoning applications will be tracked in our new system, **PLUS**. LDSnet will continue to be available for historic zoning research, however, no new zoning information will be added to LDSnet after July 1st, 2021.

The Land Development System, LDSnet, offers several ways to research zoning applications, construction permits, plans, waivers, and studies submitted to the County to perform land-disturbing activities. Look up individual applications or plans for detailed information, or use the custom searches for broad research of applications/plans/waivers with similar characteristics, such as a specific type of land use. [Learn More](#)

Searches:

- Zoning Case
- Search
- Zoning Case
- Custom Search
- Plans and Waivers
- Search
- Plans and Waivers
- Custom Search
- Combined
- Zoning, Plans, Waivers, Search
- **Address Search**

<https://www.fairfaxcounty.gov>

Staff Reports: Zoning application staff reports are available here, in LDSnet.

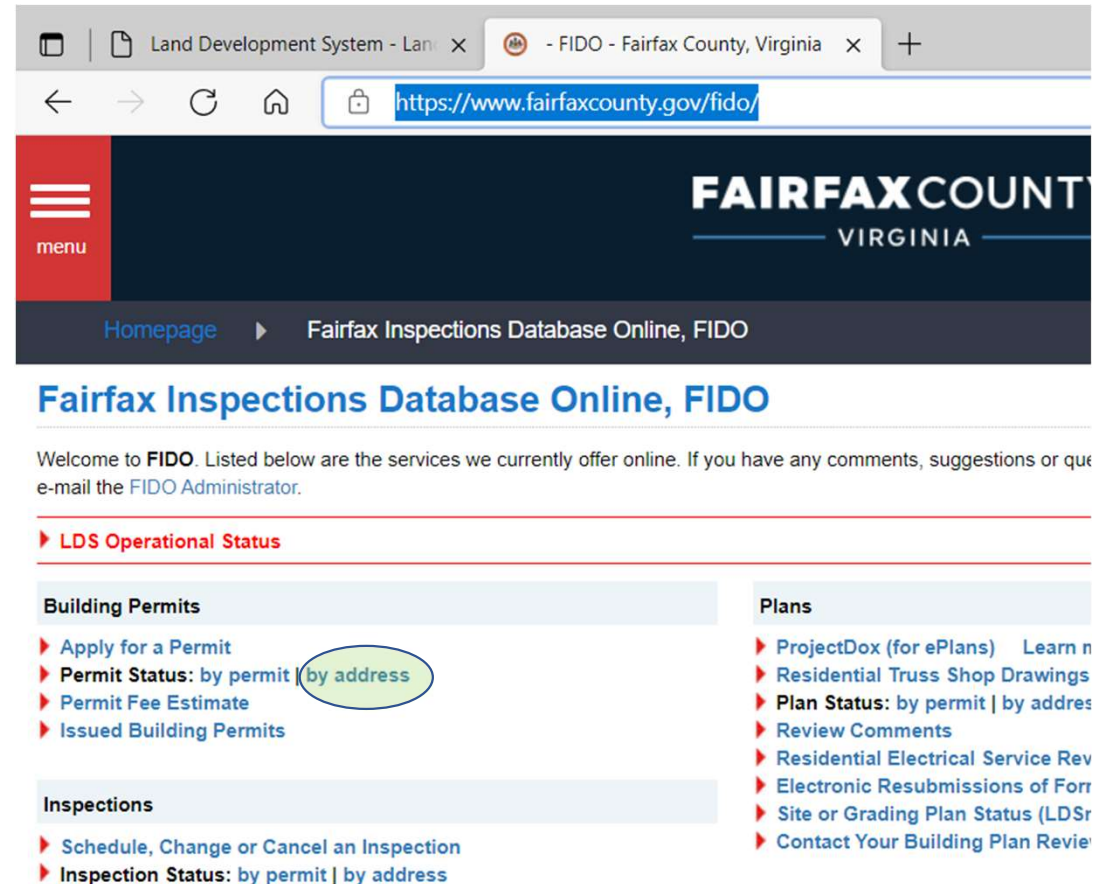
Other staff reports:

- [Comprehensive Plan Amendment Staff Reports](#)
- [Zoning Ordinance Amendment Staff Reports](#)

Related Links:

Infill Development

- Building permit info can be found on FIDO
(<https://www.fairfaxcounty.gov/fido/>)
- Building permits include
 - Plumbing Cap Off
 - Demolition
 - Building
 - Residential Use Permit



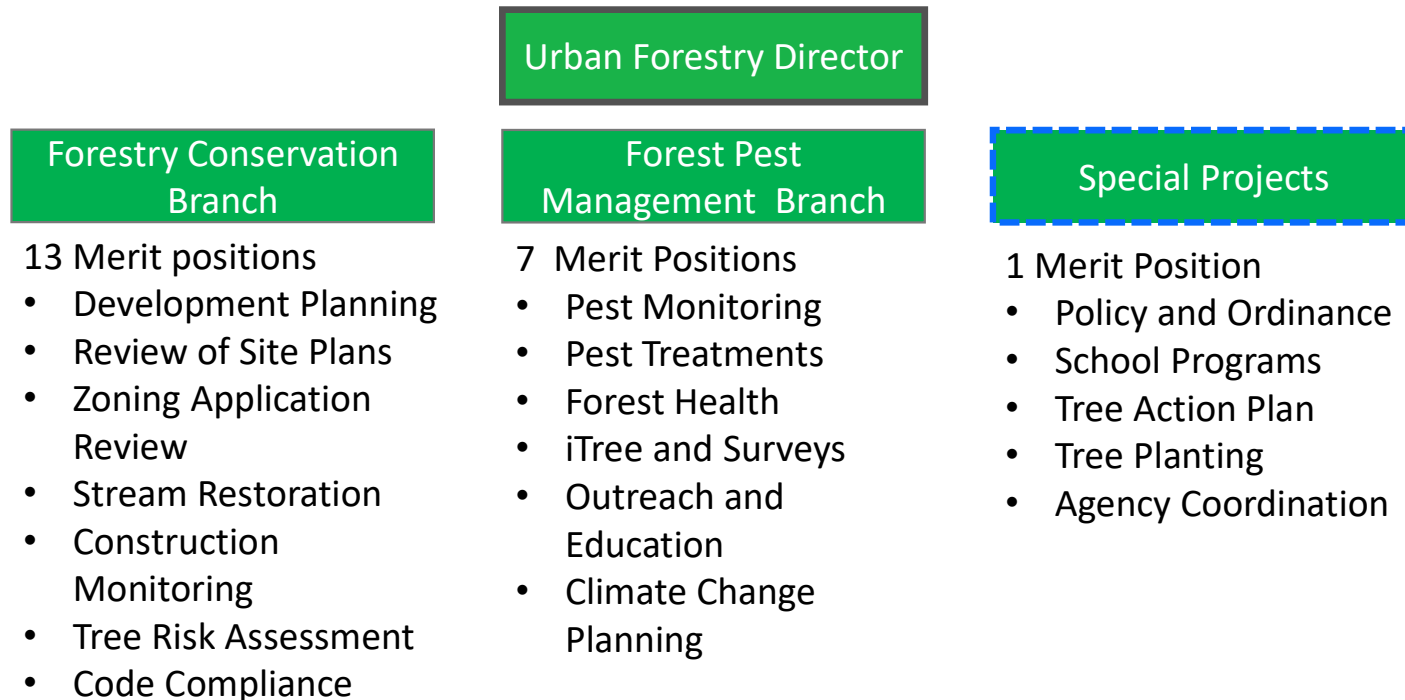
Tree Preservation Process

Brian Keightley

**Director of the Urban Forestry Mgt. Division,
Fairfax County**

Tree Conservation in Land Development

Urban Forest Management Division



Tree Conservation in Land Development

Forest Conservation Branch Development Planning and Review

- ✓ Rezoning/Special Permit/Special Exception case review/meetings with staff and applicants
- ✓ Conceptual/Final Development Plans
- ✓ Waiver/Modification of Zoning Ordinance Article 13 requirements
- ✓ Community Revitalization – Urban Design Guidelines



Tree Conservation in Land Development

Forest Conservation Branch Site Plan Review

- Site Plans, Subdivision Plans, Public Improvement Plans
- ✓ Infill development plans
 - Typically submitted as “by right”
 - Does the plan meet the 10-year Tree Canopy Requirement?
 - Does the plan meet the Tree Preservation Target?
 - Proactive efforts with community, supervisors, industry
 - Urban Foresters have lots of conversations
 - We listen to neighbors and community concerns
 - Work with developers to preserve trees that are healthy
 - Raise concerns about trees that are at-risk



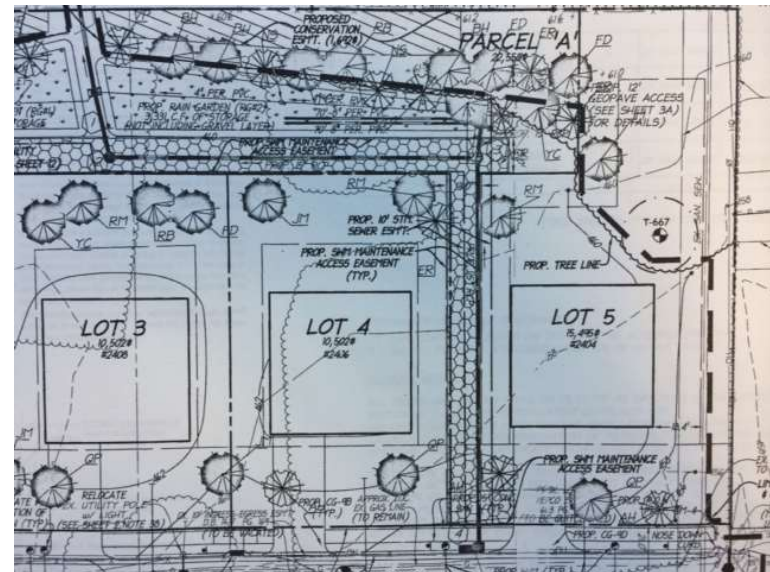
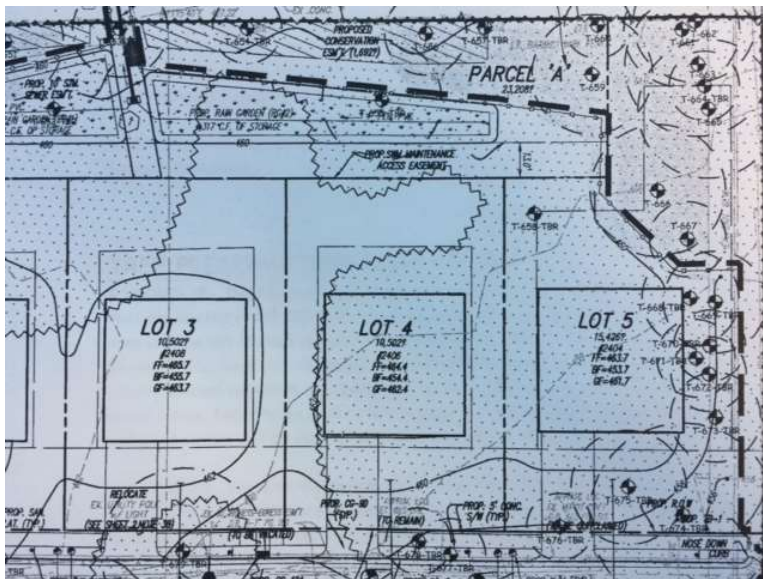
Tree Conservation in Land Development

Forest Conservation Branch Tree Canopy Requirement

Table 12.4 10-year Tree Canopy Requirements	
Use or Zoning District	Percentage of site to be covered by tree canopy in 10 years
Dedicated school, athletic field, non-wooded active recreation area	10%
Commercial; Industrial; PDC; R-20; R-30; PDH-20; PDH-30; PDH-40; PRM; R-MHP; medium and high-density areas of a PRC District and a PTC District	10%
R-12; R-16; PDH-12; PDH-16	15%
R-5; R-8; PDH-5; PDH-8	20%
R-3; R-4; PDH-3; PDH-4	25%
R-A; R-P; R-C; R-E; R-1; R-2; PDH-1; PDH-2; and low-density areas of a PRC District	30%
Note: In Commercial Revitalization Districts the above requirements apply to the extent feasible for expansion or enlargement of existing developments and must be applicable for redevelopments and new developments. Expansion, enlargement and new development must be as defined by the Zoning Ordinance .	

Tree Conservation in Land Development

Forest Conservation Branch Site Plan Review



Tree Conservation in Land Development

Forest Conservation Branch Tree Preservation Target

Tree Preservation Target

– a “percentage of a percentage”

- A target, not a requirement
- Calculated by evaluating the percentage of existing tree canopy

Simple example -

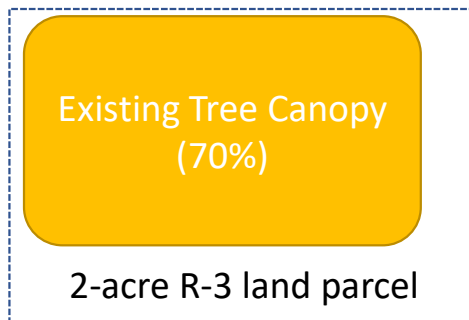


Table 12.3 Tree Preservation Target Calculations and Statement		
A	Pre-development area of existing tree canopy (from Existing Vegetation Map) =	1.4 acres
B	Percentage of gross site area covered by existing tree canopy =	70%
C	Percentage of 10-year Tree Canopy required for site (see Table 12.4) =	25% or 0.5 ac
D	Percentage of the 10-year Tree Canopy requirement that should be met through tree preservation (same as line B)=	70%
E	Tree Canopy area that should be met through tree preservation (Tree Preservation Target)=	0.35 ac
F	Proposed percentage of canopy requirement that will be met through tree preservation =	Proposed by developer
G	Has the Tree Preservation Target minimum been met?	Yes or No
H	If No for line G, then a request to deviate from the Tree Preservation Target must be provided on the plan that states one or more of the justifications listed in § 12-0308.3 along with a narrative that provides a site-specific explanation of why the Tree Preservation Target cannot be met. Provide sheet number where deviation request is located.	✗
I	If step H requires a narrative, it must be prepared in accordance with § 12-0308.4.	
J	Place tree preservation target information before the 10-year Tree Canopy calculations as per instructions in Table 12.9.	



Tree Conservation in Land Development

Forest Conservation Branch Tree Preservation Target

What if Tree Preservation Target cannot be met?

- A deviation request will be submitted as part of plan review process
- Deviation must demonstrate why the Tree Preservation Target cannot be met

Acceptable justifications:

- Prevents the development of uses or density allowed by Zoning Ordinance
- Trees and forested areas do not meet standards for health and structural condition
- Construction activities impact trees and forested areas in an irreparable manner



Tree Conservation in Land Development

Section 122-2-3. - Tree Preservation Requirements.



- (a) Except as provided for in [§ 122-2-3\(b\)](#), the percentage of the development site covered by tree canopy at the time of plan submission shall equate to the minimum portion of the total 10-year tree canopy requirement of [§ 122-2-2\(a\)](#) that should be met by means of tree preservation. This minimum portion shall be identified in plats and plans as the "tree preservation target."
- (b) Deviations, in whole or part, from the tree preservation target may be requested under the following conditions:
 - 1. Meeting the tree preservation target would prevent the development of uses or densities otherwise allowed by the Zoning Ordinance;
 - 2. Meeting the tree preservation target would require the preservation of trees and forested areas that do not meet standards for health, structural condition, and other vegetation and risk management requirements.
 - 3. Construction activities could be reasonably expected to impact existing trees or forested areas used to meet the tree preservation target to the extent they would not likely survive in a healthy and structurally sound manner for a minimum of ten (10) years in accordance with the post-development standards for trees and forested areas.

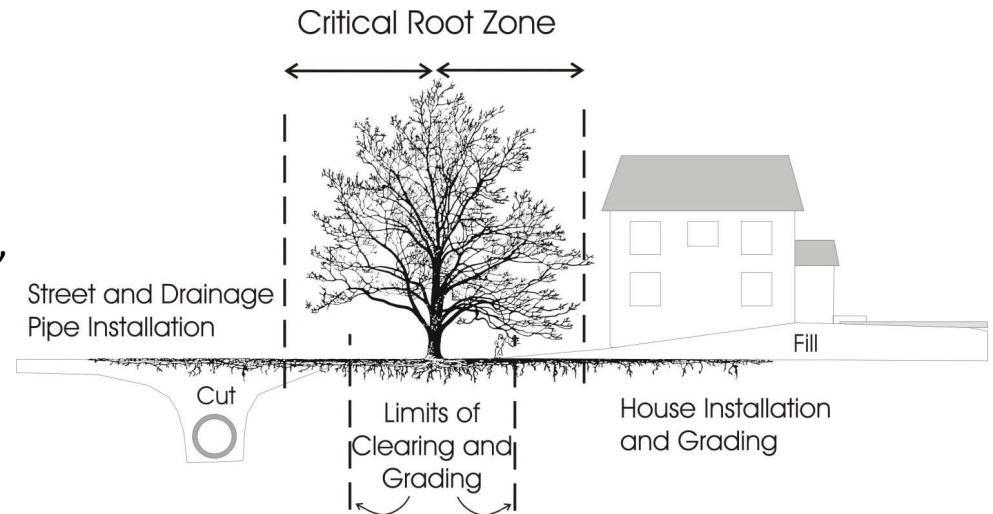
Tree Conservation in Land Development

Forest Conservation Branch

Site Inspections

The urban forester will:

- Review E&S plan
- Discuss the Tree Preservation Plan
- Go over tree preservation measures: fencing, root pruning, mulching etc.
- Discuss any tree/planting related proffers/conditions
- Discuss landscape planting pre-installation meeting



Tree Conservation in Land Development

Forest Conservation Branch

Challenges

- Infill development
 - Neighborhood and resident expectations
 - Changing character of neighborhoods
 - Climate Change
 - Zoning Ordinance - allowed uses vs. tree preservation
- Highly urban redevelopment
 - Urban streetscape design standards
 - Streetscape maintenance
 - Stormwater facilities requirements and tree canopy



Tree Conservation in Land Development

For additional information, please contact



PEST ALERT – Spotted Lanternfly

Urban Forester of the Day
(703) 324-1770

www.fairfaxcounty.gov/dpwes
treemail@fairfaxcounty.gov



PEST ALERT – Spotted Lanternfly



Panelists

Our distinguished panelists are:

- Jim McGlone, Urban Forest Conservationist at Virginia Dept. of Forestry
- Matthew Hansen, Director, Site Development & Inspections Division at Fairfax County
- Brian Keightley, Director, Urban Forest Management Division at Fairfax County
- Scott Murray, President and Founder of Focal Point Homes
- Michelle Rosati, Partner of Holland & Knight LLP

Additional Relevant Ordinances

Topic	Resource
Conservation of trees during land development	Code of Virginia 15.2-961.1
Tree Conservation Ordinance	Code of the County of Fairfax, Virginia Chapter 122
Tree Conservation	Fairfax County Public Facilities Manual Chapter 12
Health and Safety Menaces	Code of the County of Fairfax, Virginia Chapter 46
Heritage, Specimen, Memorial and Street Trees	Code of the County of Fairfax, Virginia Chapter 120
Landscaping & Screening	County of Fairfax Zoning Ordinance Article 5
Chesapeake Bay Preservation Ordinance	Code of the County of Fairfax, Virginia Chapter 118
Stormwater Management Ordinance	Code of the County of Fairfax, Virginia Chapter 124
Storm Drainage	Fairfax County Public Facilities Manual Chapter 6

Who to Contact

- Information on infill plans – Permit Status:
<http://ldsnet.fairfaxcounty.gov/ldsnet/>
- Urban Forestry and Tree Rules:
<https://www.fairfaxcounty.gov/publicworks/trees/rules>
- Issues regarding tree removal:
[Construction Complaints](#) or Complaint Hot Line 703-324-2743
Complaint form:
https://www.fairfaxcounty.gov/fido/complaints/comp_submit.aspx

Additional Resources

- McLean Trees Foundation (MTF)
<http://www.mcleantreesfoundation.org>
- Fairfax County Tree Action Plan (FC Tree Commission)
<https://www.fairfaxcounty.gov/publicworks/tree-commission>
- Northern Virginia Building Industry Association
<http://www.nvbia.com>
- Stormwater Management
<https://www.fairfaxcounty.gov/publicworks/stormwater>