

Fairfax County Tree Commission
Meeting Minutes
Thursday, April 6, 2023

Call to Order:

Chair Speas called the April 6, 2023 meeting of the Fairfax County Tree Commission (Tree Commission) to order at 7:00 p.m.

Chair Speas welcomed all attendees and began the roll call:

Present:	Cindy Speas, Chair	At-Large
	Elaine Kolish, Vice-Chair	Mt. Vernon District**
	Bob Vickers	Dranesville District
	Jessica Bowser	Franconia District
	Bret Leslie	Hunter Mill District
	Kevin Holland	Mason District
	Cory Suter	Springfield District
	Perry Rhodes	Sully District
	Rick Healy	EQAC
	John Burke	FCPA
	Jerry Peters	NVSWCD
	Jim McGlone	VDOF
Absent:	Jeanne Kadet	Braddock District
	Brenda Frank	VA Cooperative Extension
Vacant:		Providence District

** Indicates joined electronically

Chair Speas called a quorum and began the meeting by recognizing **attending staff**: Brian Keightley UFMD, Hugh Whitehead UFMD, Matt Hansen, LDS, Chris Herrington DPWES

Public Comment Period:

Chair Speas asked for members of the public to identify themselves, and say if they wish to address the Commission. Anh Phan of NOVA Parks shared an announcement. She invited the members of the Tree Commission to attend the induction of Hemlock Overlook Regional Park, 13320 Yates Ford Road, Clifton, VA 20124 into the Old-Growth Forest Network (the only site in Fairfax County), and the unveiling of a new forest succession interpretive sign. BOS Chairman McKay and Supervisor Herrity will attend. April 18 from 2:30 - 3:30 p.m.

Approval of the Thursday, March 2, 2023 Meeting Minutes:

Chair Speas called for any corrections to the draft minutes for March 2, 2023. A short discussion followed with minor corrections noted. Chair Speas called for a motion to approve as amended.

Commissioner McGlone moved to adopt the March 2, 2023 minutes as amended.

Commissioner Leslie seconded. Motion passed unanimously.

Old Business:

- **DPWES Director Chris Herrington leads discussion on moving Urban Forest Management Division's (UFMD) Conservation Branch to Land Development Services.**

In February the County Executive made an organizational change. UFMD has been located in Department of Public Works and Environmental Services (DPWES), with two branches under Director Brian Keightley: the Forest Pest branch headed by Joan Allen and the Forest Conservation branch headed by Todd Nelson. Forest Conservation, in its entirety, was moved from UFMD to the Site Development Inspection Division, Director Matthew Hansen, in Land Development Services (LDS), Director Bill Hicks. Forest Pest branch and tree planting activities will stay within UFMD. Upper management decided that staff involved in the tree conservation part of the development review process should be located within the agency that supervises all site development to provide efficiencies, better coordination and consistency. The Conservation Branch will now use the same PLUS system to track data. Enforcement of the county's Tree Conservation Ordinance (Chapter 122) will continue as it has, and LDS Director Hicks shares the same commitment to environmental protections. UFMD's Brian Keightley will continue to provide expert advice to LDS. There were questions about where in the development process trees are inventoried. The Tree Commission has advised the Board that this should come first, prior to other design and engineering requirements. Dir. Herrington (DPWES) said that in response to the Commission's last Annual Report, staff has agreed with that idea but does not have authority to require it. He said when the Mt. Vernon Infill Task Force recommendations are brought before the Board, this idea will be discussed. A question arose about the Commission's Charter and whether or not the Tree Commission should also be advising LDS as well as UFMD. Director Herrington indicated that now would be a good time to add that clarification to the Charter. Matthew Hansen explained the expedited site review process includes members of the Engineers and Surveyors Institute who help improve the plan before submission to LDS. He offered to come back to the Tree Commission to explain that process and any other LDS activity to enhance our understanding of how the Tree Ordinance is administered in project reviews.

- **Final approval of Tree Commission Charter.**

The BOS has requested our final changes be sent to the County Attorney. Chair Speas noted the need to now include advising the Conservation Branch staff in LDS. It was recommended language in G.3 now read "The Tree Commission assists the appropriate county agencies" The second suggested change was to delete the word "technical" from section G.2.

There were various comments on language. Dir. Keightley summarized the order of operations: he is working with the Site Code Research Development Branch on a version to go to the County Attorney's (CA) office; the CA will review the suggested changes and return the document to us with all the appropriate language updated; if no substantive changes, the Tree Commission gives final approval; then it will go back to the BOS which will set a public hearing; then the BOS will take a final vote. Chair Speas will let the Commission know when the public hearing is scheduled, and at that time each Commissioner will be reminded to touch base with their supervisor to ensure that he or she is aware of all the Charter change details.

There was vigorous discussion on if the Charter should be more specific on what assistance should be given by staff, specifically on taking minutes. Chair Speas noted that the recent memo between DPWES and the Tree Commission outlines those mutual responsibilities. Comments included that other boards and commissions rotate minutes, some elect a secretary, some have staff that offer a brief FOIA required set of motions and accompanying reports for public posting. It was suggested that both the memo content and the issue of minutes should be part of a thorough revision of the 1999 bylaws, an upcoming Tree Commission task.

Jerry Peters moved that the charter revision be accepted with the two changes discussed. Commissioner Vickers seconded. Motion passed unanimously.

- **Linear Project Exemption letter to the Board of Supervisors.**

On receiving the letter, Chairman McKay called a meeting. Attendants were Barbara Byron (Chair McKay's office), Directors Chris Harrington (DPWES), Bill Hicks (LDS), and Tom Biesiadny (FDOT), Mark Corey, a County attorney, Commissioners Cindy Speas and Elaine Kolish, and Brian Keightley UFMD. Commissioner Kolish reported that the County Attorney agreed with the Tree Commission that there is no impediment to removing the exemption for linear product projects that is currently in the code. Tree preservation was a primary concern, and discussion focused on best practices for saving trees. The PFM is deemed a very prescriptive how-to manual and it is not advisable to include "soft language" of listing specific best practices. Elaine noted that the staff explained that if they had to comply with all of the requirements of the Tree Preservation Code, it would greatly increase the cost of the projects. These include walking trails, connections between shopping and neighborhoods. Someone in the meeting voiced the concern that putting money in the tree planting fund would be "just unnecessarily moving money around." One recommendation was to have the Tree Commission hear more about the current best practices being used in linear projects to determine if our recommendations should change.

In discussion of the meeting, it was pointed out that if a project cannot meet code, then paying into the Tree Planting and Preservation Fund would support planting trees, which is beneficial to the county. Dir. Keightley was asked whether tree inventories are done prior to linear projects. He said that in road projects or trails within public work projects, tree locations are marked on the plans. He noted that getting the condition and analysis of the trees to be impacted is key. He also noted that the tree ordinance is really geared towards parcels of land, which require a site plan. Chair Speas thanked all county staff for being so responsive to the TC letter, and noted we will write a response to be considered in full at the May meeting.

- **Site Specific Plan Application (SSPA) draft letter to the Board of Supervisors.**

Chair Speas said the letter focuses on a few things that the Tree Commission recommend be part of the SSBA process. Three edits were proposed: to change all references to "zoning" to "comprehensive plan" since SSPA is a pre-zoning activity.

Commissioner Suter moved to adopt the SSPA letter with suggested edits. Commissioner Leslie seconded. Motion passed unanimously.

- **Parking Reimagined discussion of draft letter to BOS.**

The Commission's letter asks that when there is a reduction of required minimum parking spaces for a development, that the reclaimed permeable surface should go towards green spaces. Edits were proposed to change the 3rd bullet to "that more green low impact development be required in those reclaimed spaces which would automatically increase the amount of natural landscaping," to correct "Count" to "County" Tree Commission, and to spell out CECAP in first paragraph. It was asked if rooftop gardens should be included, and we determined that topic should be in the parking landscape provisions, which is separate from this plan.

Commissioner Healy moved to submit this letter with suggested edits. Commissioner McGlone seconded. Motion passed unanimously.

New Business

- **FY 2024 Budget support for issues affecting Trees.**

Budget letter covers issues affecting trees. There were several minor corrections noted: to write out both invasive management program (IMA) and Countywide Energy and Climate Action Plan (CECAP) in this manner; in the first FY2024 bullet, change 200 acres to 250 acres.

Commissioner Kolish moved to accept the letter as written with suggested edits. Commissioner Holland seconded. The motion passed, none opposed, Commissioner Burke abstained.

- **Discussion of the Board Matter directing staff to respond to 2021-22 Annual Report.**

Chair Speas said that there are several categories of responses that the Commission can make to this report, and she will write a draft based these for review at the May meeting. She specifically thanked all the staff who participated in responding to this Board Matter.

UFMD Director's Update — Director Brian Keightley:

- To celebrate Arbor Day, Casey Trees Foundation gave Fairfax County a Tree Canopy Award for its partnership with Casey Trees. He accepted the award via video on the website.
- The American Planning Association gave the Resilient Fairfax team an award for excellence in sustainability. That planning process was completed in 18 months and typically takes three years in other jurisdictions.
- Fairfax County has a Zero Waste Policy, and he noted the large number of paper printouts for this meeting. He would like to work with us to see how to reduce our paper use in future.
- Infrastructure Reduction Act: \$1.5 billion dollars has been appropriated to urban and community forestry through the U.S. Forest Service. The notice of funding opportunity is coming out soon. It allows for a project from \$100,000 to \$50 million if it is completed within 5 years. UFMD can apply directly to the Forest Service, as can nonprofits like Casey Trees, Nature Forward or NVSWCD. The money is available through Sept. 2031 or until the \$1.5 billion is used. He noted that in the coming year, through the community of practice, there will be ways to create synergy to get more projects proposed. John Burke will be joining UFMD and the planning department to try for 3-5 project grants for this first year of

funding. Right now, grants are tied to tree planting, so creativity on removing vines/invasives first, then reestablishing reforestation, is essential.

- This month the Tree Planting and Preservation Fund (TPPF) awarded three projects to Casey Trees for 2023-24 (Com. McGlone represents the Commission on the TPPF working group):
 - A grant to provide a current tree canopy analysis of change, including a three year subscription to tree canopy data for Fairfax County.
 - Ten school tree planting and education sites in the fall and spring of next year. Casey Trees does a tree/local ecology program on the front end, plants the trees, then follows up with an education program on maintenance.
 - Plant 50 trees to commemorate the 50th anniversary of the Tree Commission this fall at the Government Center. Details still to be worked out.
- Other TPPF grants included one for an Audubon Society of Northern Virginia project, as well as a project with the Arbor Day Foundation's "Community Canopy Program" which would directly ship trees to residents that apply. There is a potential for the Tree Stewards to do a collaboration to follow up. It is going to be treated like a pilot project. Also, Nature Forward will work on an outreach program to communities, faith-based communities, HOAs and other nonprofit organizations with land to get preapproved to accept trees from Casey Trees in the future. That requires a commitment in writing as to the number of trees that they will agree to be planted at a specific time (ex: Spring 2024).
- Invited all to Arbor Day, April 24 at Mantua Elementary at 9:30 a.m. for a tree planting with Providence Supervisor Palchik, FCPS Superintendent Michelle Reed, Chris Harrington and others.

Announcements: Chair Speas asked everyone to read the announcement sheet. And finally thanked all county staff for planning the recent Friend of Trees Awards celebration by the BOS. She said it was awesome, and hopes the format will become permanent.

Chair Speas adjourned the meeting at 9:00 pm.