

Fairfax County Tree Commission
APPROVED Electronic Meeting Format Meeting Minutes
Thursday, September 1, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

Call to Order

Chair Speas called the September meeting of the Fairfax County Tree Commission to order at 7:02 p.m. on September 1, 2022, via Electronic Meeting.

From the Chair:

First, to conduct this meeting wholly electronically and to effectuate both the emergency procedures authorized by the Fairfax County Board of Supervisors, in compliance with Virginia FOIA, the Fairfax County Tree Commission must make certain findings and determinations for the record. I ask you for your patience.

Audibility of Members' Voices:

Because each member of the Fairfax County Tree Commission is participating in this meeting from a separate location, we must verify that a quorum of members is participating, and that each member's voice is clear, audible, and at an appropriate volume for all the other members. To do that, I am going to do a roll call, and ask each commission member participating tonight to state your name and the location from which you are participating. I ask that each of you pay close attention to ensure that you can hear each of your colleagues. Following this roll call, we will vote to establish that every member can hear every other member.

Motion to Hear:

At this point, I will pass the virtual gavel to Vice-Chair McGlone so that I may be heard to make three requisite motions.

I move that each member's voice may be adequately heard by each other member of this the Fairfax County Tree Commission.

Commissioner Kolish seconded the motion, all in favor, no abstentions, motion carried.

Need for an Electronic Meeting:

Second, I move that the Fairfax County Tree Commission certify that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the Fairfax County Tree Commission and the public to physically attend this meeting in

Fairfax County Tree Commission
APPROVED Electronic Meeting Format Meeting Minutes
Thursday, September 1, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

person, and the usual procedures cannot be implemented safely or practically. As a result, I further move that the Fairfax County Tree Commission conduct this meeting electronically through a dedicated video- and audio-conferencing line, and that the public may access this meeting by calling 888-270-9936 and entering access code 224765, or using the Zoom link posted to the Fairfax County Tree Commission website.

Commissioner Holland seconded the motion, all in favor, no abstentions, motion carried.

Need to dispense with FOIA's Usual Procedures to Assure Continuity in Government/Continue Operations

Finally, I move that the Fairfax County Tree Commission certify that the matters on its agenda today relate to the COVID-19 emergency itself, are necessary for continuity in Fairfax County government, and/or are statutorily required or necessary to continue operations and the discharge of the Fairfax County Tree Commission's lawful purposes, duties, and responsibilities.

Commissioner Leslie seconded the motion, all in favor, no abstentions, motion carried.

Roll Call - PRESENT

Cindy Speas, Chair, At-Large, Falls Church, VA

Jim McGlone, Vice-Chair, Franconia, VA

Jeanne Kadet, Braddock District, Annandale, VA

Bret Leslie, Hunter Mill District, Vienna, VA

Kevin Holland, Mason District, Falls Church, VA

Elaine Kolish, Mount Vernon District, Mt Vernon, VA

Laura Beaty, Providence District, Fairfax, VA

Perry Rhodes, Sully District

John Burke, Fairfax County Park Authority, Arlington, VA

Fairfax County Tree Commission
APPROVED Electronic Meeting Format Meeting Minutes
Thursday, September 1, 2022
Toll Free Call in 1 888-270-9936 Participant Access Code 224765

Rick Healy, Environmental Quality Advisory Council, Annandale, VA

ABSENT:

Robert Vickers, Dranesville District

Jessica Bowser, Franconia District

Cory Suter, Springfield District

Jerry Peters, NV Soil & Water Conservation District, Great Falls, VA
(joined later)

Brenda Frank, VA Cooperative Extension

Chair Speas called a quorum and started the meeting by recognizing attending staff:

Ellen Alster, Department of Planning and Development, Urban Center Section

Tiffany Gregory, Urban Forest Management Division

Anna Safford, Urban Forest Management Division

Joe Hirz, Urban Forest Management Division

Madeline Evans, Urban Forest Management Division

Hugh Whitehead, Urban Forest Management Division

Brian Keightley, Urban Forest Management Division

Director Keightley mentioned that in anticipation of the emergency order being cancelled, we will have a rotation of staff who will help support TC meetings in person. So many have been asked to join in to learn more about the Commission.

Public Comment Period:

Renee Grebe observing, does not wish to speak.

Fairfax County Tree Commission
APPROVED Electronic Meeting Format Meeting Minutes
Thursday, September 1, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

Presentation from UFMD-DPD Working Group on Soil Requirements for Street Trees: (slides attached to minutes)

Ellen Alster from DPD indicated the updates are proposed for some of the denser and more urbanized areas of the county where emphasis is shifting to pedestrians, and the old standards aren't working. The goal is to make it easier to plant trees and get canopy credit (per Chapter 122 Tree Conservation code) where the standards of the Public Facilities Manual (PFM) are hard to meet because of site constraints. This is a pilot program for 11 areas of the county, less than 4% of the total land area. The new draft standards are based on those used in other jurisdictions, including Arlington. There are two parts: 1- to count street trees toward the 10-year canopy credit (currently only happening in Tysons), 2 - to offer an alternative tree planting standard where walking and biking are common and existing conditions make planting difficult. Many areas of the county pre-date urban planting standards (where the pedestrian space is separated from the road traffic space by trees). Urban heat islands are a big issue with large amounts of impervious areas. These tend to have a larger number of lower-income residents without vehicles, and so they must walk. A recent county heat island map shows the hottest areas overlap the urban centers where the pilot changes would take place (with the exception of Tysons, Reston and McLean, all areas have a lower income level). New pilot standards are tiered. Level 1: 1 ½ x full tree canopy credit if PFM standard is met. Level 2: 1 x full credit where soil volume but no other requirements are met. Level 3: .75 canopy credit with smaller planting area plus tree maintenance agreement required to replace the trees if they die.

Challenges: need for perpetual maintenance agreements; ADA monitoring for issues with sidewalks near tree areas; limited species selection (only about 10 species that will do well in the smaller soil volume); no stormwater credit for smaller tree planting areas; high quality soil required in the limited volume; the smaller pits cannot be used for dual stormwater credit. The working group has solicited internal agency feedback. This is the first external outreach presentation. DPD will put together amendments to the Urban Design Guidelines, and then take to the Board of Supervisors at the December 6 meeting. If the BOS endorses, an

Fairfax County Tree Commission
APPROVED Electronic Meeting Format Meeting Minutes
Thursday, September 1, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

announcement will be made to industry. Dir. Keightley indicated they would be happy to receive a TC letter of support for this effort.

Discussion followed with the following points:

- Did the working group consult with the county attorney since the canopy credits come from the state code and street trees are not included. Suggestion that new enabling legislation may be required. BK: all will be reviewed by the county attorney.
- A mistake was noted in the math for soil volume which had been corrected by staff, but the PPT hadn't been changed.
- Suggestion to review Dr. D. Tom Smiley (Bartlett Trees) work on preventing tree roots from heaving sidewalks.
- Strong encouragement to write in the minimum maintenance standards into the changed Guidelines/maintenance agreements. Be specific: e.g., 25 gallons of water per week from April to November to establish a tree.
- Question as to where 2 ½ to 4" caliper came from when researchers are saying 1 ½" is the ideal size for tree planting. The bottom line is that soil volume will govern how big the trees ultimately get regardless of what size you start with. There is more survivability with smaller trees. Ms. Alster noted that people don't respect smaller trees.
- If we want more street trees, it is not ideal but is what we have to work with.
- Are there clear measurable metrics for success? Who will be doing that? What happens if the standards aren't met, or there's a lapse in maintenance? On whose shoulders is the ultimate responsibility? How will this be controlled? Similar discussions are happening on the bamboo ordinance.
- Was VDOT part of this discussion? DK: a maintenance agreement with VDOT must be in place prior to the applicant getting canopy credit. The agreement would be registered at the courthouse.
- DK: one of the determining factors as to whether this can occur at all is going to be the posted speed limit. There are conditions for sight distance (called the clear zone—where if a tree goes off the road it doesn't hit a tree).
- Concern expressed about how this is contrary to the Tree Action Plan which says that for trees to have a chance to perform well and provide the benefits

Fairfax County Tree Commission

APPROVED Electronic Meeting Format Meeting Minutes

Thursday, September 1, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

we expect, techniques must be used to increase the volume of available soil, and that disturbed soils need to be restored prior to planting. This seems like just the opposite. How can we make sure these trees will last even more than ten years? What about our mature trees? DK: the reality is that under our current development regime street trees are not given any canopy credit if they are in the VDOT right of way, and so no street trees are being planted. The canopy multiplier for full PFM compliance is an economic incentive, and the third option with less credit is a disincentive.

- An error was noted on the standards for soil volume slide; to be corrected.
- One comment was about using non-native species for some sized street trees. There is a study showing that a single native tree does not help to support a larger ecosystem, and so putting in a hardier non-native is better than no trees at all. Another comment on this subject is that there could be a long trail of street trees from neighborhood to neighborhood that could become an ecological corridor but won't have a chance to be if non-natives are planted instead.
- Could this could potentially reduce contributions to the tree fund if tree canopy credit is increased for street trees that might not survive.
- There was a request to use all the possible natives for these new categories because there is not just shade but ecological benefits to trees. Specifically, this is trying to have better outcomes to benefit heat islands. Staff noted that these might not be big trees (jury's still out), so that "place-making" and separating and defining large expanses of pavement, and aesthetics might come before heat island benefits. Commissioner response: advise instead using the psychological benefits of traffic calming, social and economic benefits of streetscapes bringing more people to an area.

Next steps: more outreach. EQAC presentation on September 14. Staff indicated modifications would happen at the end of the process. Chair Speas asked if we would see a final draft before approving a letter of support. This topic will be tabled to a discussion on October 6 pending a final draft from staff.

Fairfax County Tree Commission
APPROVED Electronic Meeting Format Meeting Minutes
Thursday, September 1, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

Approval of the July 21, 2022 Minutes

Commissioner Kolish moved to approve the July Minutes. Commissioner Leslie seconded, all in favor, no abstentions, motion carried.

Reports: Friends of Trees Awards 2021-2022

Jeanne Kadet presented a summary of the nominations and indicated the subcommittees' recommendations for awards.

Commissioner Peters moved to approve the Award recommendations. Commissioner Leslie seconded, all in favor, no abstentions, motion carried.

Chair Speas asked the TC to keep the results confidential until awardees could be contacted. She noted there will be plans for presenting the awards and an after-action review to assess its impact and how to expand it into the developer community. Many thanks to Jeanne Kadet for her hard work on this effort!

New Business: Linear projects exemption in the Tree Conservation section of the Code of the County, Chapter 122-2-1(b)

Chair Speas outlined that linear projects are exempt from oversight in the Tree Conservation code. That means that most if not all road projects (VDOT and FDOT), utility projects and non-development projects (trails) do not have to meet tree canopy conservation requirements. The TC has received unusual number of requests for information about or for support from residents frustrated by loss of tree canopy from these kinds of projects. Since we advise the BOS about the efficacy of Chapter 122, it might be a good time to express these concerns about our urban forest to them. A partial list includes the Cinder Bed Trail in the Franconia district; the VDOT multimodal project on Braddock Road; developers taking down trees on Georgetown Pike on the VDOT right of way; utility upgrade and road straightening on old Courthouse Road in the Hunter Mill district; the Shirley Gate extension in the Braddock district. Our public speaker last month mentioned VDOT may remove trees in the right of way in a residential neighborhood where the trees have been possibly underrated in terms of health. So, there is a possibility that if you all put your heads together, and we collect even more ideas about projects that are not developer projects but are these types of linear projects. We might be able to ask the county if they would include

Fairfax County Tree Commission
APPROVED Electronic Meeting Format Meeting Minutes
Thursday, September 1, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

something in their legislative package to change the Virginia code to give localities the opportunity to have input, just as the soil/street tree pilot project is making changes in revitalization projects. If there is interest, then I would need input from all of you in order to bring a draft letter for review at the next meeting.

Note: one commissioner states that VA code 15.2-961 doesn't say anything about exempting linear projects. BK: he understands that the linear exemption is the county's sole interpretation of state law rather than specifically written in the law. The interpretation may be what is the development process where the exemption takes place. Is that possibly under the definition of land disturbance activity? Another comment confirmed that linear parts of a development plan are subject to the tree canopy rules, and Tysons is a good example. This is activity completely separate from development activity (e.g. renewal, replacement). And the county has no purview over VDOT. Bike trails are a good example. Cindy will develop a draft letter for the TC to review in October.

UFMD Director's Update – Brian Keightley

- UFMD is returning to having daily phone coverage in the office from 8-4. And the Urban Forester of the Day will be in the office to handle walk-ins.
- The historical paper documentation of TC business has been digitally archived as required by state law.
- UFMD through the Council of Governments (COG) will be participating in the Tree Equity Score Analysis (TESA). This analysis will take Chesapeake Conservancy imagery data and overlay equity issue data. This will help stakeholders to identify areas of interest, e.g., when the Tree Steward program begins, they can use this model in their planning. Information on public access will be coming
- UFMD hopes to have a project manager on board in the next few months to help with contracting issues.
- Still in process of contracting a tree canopy study and also with contracting with a non-profit to do tree planting projects/outreach and education.
- Community of Practice invitation coming out shortly.

Fairfax County Tree Commission

APPROVED Electronic Meeting Format Meeting Minutes

Thursday, September 1, 2022

Toll Free Call in 1 888-270-9936 Participant Access Code 224765

- Maria Harwood, who was previously with the Soil and Water Conservation District, now an Urban Forster with UFMD, has volunteered to be on the board of Fairfax ReLeaf.

Commissioner Activities or Announcements

- Bret Leslie: the fall meeting of the Community of Practice will be held virtually on September 28, 1-3pm. He notes one of the goals of the meeting is to more effectively be able to get information to complete the TC's annual report, so that the COP members activities can be highlighted. A question was asked if it could be recorded for those who cannot attend. BK will ask the facilitator.
- Jim McGlone: of interest to the TC is that the town of Purcellville has established a Nutrient Credit bank by planting 118,000 trees on town land. Will have a report later with information on DoF receiving funds for urban community forestry.
- John Burke: would love f/u on this planting, specifically, if there are any requirements to survivability, or species selection, or methodology for possible applicability to FCPA. Additionally, Natural Resources will soon be hiring a new protection program manager to review plans and three additional ecologists to work on the ecological maintenance program.
- Cindy Speas: Reminder we will be meeting in person October 6 barring anything unusual we might hear from the county. We will send out the information, but it will be held in the conference rooms on the ground floor of the Herrity Building. We will need to start at 7pm for staff parameters. If you need to call-in you must notify me, as Chair, directly. **NOTE: we can only count a quorum in person (not including callers), so please allow enough to time to arrive during rush hour. We need to approve the annual report, which will be sent to you in plenty of time for review.**

Adjournment: 8:55 pm.