



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

**DATE:** November 21, 2008

**TO:** All Architects, Builders, Developers, Engineers, Contractors and Surveyors  
Practicing in Fairfax County

**SUBJECT:** Letter #08-22, New Tree Conservation Requirements

**Background:** On October 20, 2008, the Board of Supervisors adopted amendments to the *Public Facilities Manual* (PFM) and the *Code of the County of Fairfax, Virginia* (County Code) related to the conservation of trees during the land development process. The amendments include a new chapter of the County Code, Chapter 122 (Tree Conservation Ordinance). In addition, revisions to the PFM and Chapters 101 (Subdivision Provisions), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance) and 120 (Tree Conservation Ordinance) (renamed the Heritage, Specimen, Memorial, Street Tree Ordinance) of the County Code were adopted to align them with the tree conservation provisions set forth in the new Tree Conservation Ordinance.

These amendments will become effective at 12:01 a.m., on January 1, 2009. The following will be grandfathered: proffered conditions, approved development plans, special exception plats and special permit plats approved prior to 12:01 a.m. January 1, 2009; and site plans, public improvement plans, grading plans and subdivision plans (excluding preliminary plats), which are submitted prior to 12:01 a.m. on January 1, 2009, provided that any such plan obtains final approval no later than close of business on July 1, 2009. The adopted amendments are described below.

### ***New Tree Conservation Ordinance***

The new Tree Conservation Ordinance provides for the conservation of trees during the land development process. Specifically, the ordinance sets forth provisions related to tree preservation targets, tree canopy credits, and the use of off-site tree banking and tree planting funds for meeting the tree canopy requirements. Plan requirements for submitting a Tree Conservation Plan and provisions related to monitoring, inspections and violations of land disturbing activities are included in the new ordinance.

### ***Amendments to the Zoning Ordinance***

The Zoning Ordinance amendment deletes the current tree cover requirements from the Zoning Ordinance and revises the transitional screening and barrier requirements. Tree conservation requirements are now located in the new Tree Conservation Ordinance and the PFM.

Specifically the Zoning Ordinance amendment:

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**Land Development Services**

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- Replaces the tree cover requirements with a reference to the tree conservation requirements contained in the new Tree Conservation Ordinance and the PFM.
- Revises the landscaping and screening purpose and intent statement in Section 13-101 to no longer require a specified percentage of tree cover in ten years.
- Revises Section 13-106 to clarify the long-term requirements for property owners to maintain and replace required landscaping.
- Adds a new peripheral and interior parking lot landscaping purpose and intent statement in a new Section 13-201. The new statement emphasizes the linkage between parking lot landscaping and efforts to improve air and water quality.
- Adds a new transitional screening and barrier requirement purpose and intent statement in a new Section 13-301. The purpose and intent of the transitional screening and barrier requirements, among other things, is to lessen the visual and noise impacts of a more intensive use on nearby properties.
- Revises the transitional screening requirements in Section 13-303 to reduce the density of plant materials required in order to improve the long-term screening effectiveness of screening yards and the ability of the trees and shrubs used for screening to resist outbreaks of infectious plant diseases and infestations of insects.
- Makes other minor editorial changes to reflect changes in tree conservation ordinance terminology and to provide appropriate cross references.

***Amendments to the Subdivision Provisions***

The Subdivision Ordinance amendment deletes the current tree cover requirements from the Subdivision Ordinance and adds a requirement that preliminary subdivision plats address tree conservation. Tree conservation requirements are now located in the new Tree Conservation Ordinance and the PFM.

Specifically, the Subdivision Ordinance amendment:

- Replaces the tree cover requirements with a reference to the tree conservation requirements contained in the new Tree Conservation Ordinance and the PFM.
- Revises the preliminary plat requirements to add a requirement for preliminary plats to address the new tree conservation requirements.
- Makes other minor editorial changes to reflect changes in tree conservation terminology and to provide appropriate cross references.

***Amendments to the Erosion and Sedimentation Control Ordinance***

Minor editorial changes are made to the Erosion and Sedimentation Control Ordinance to reflect changes in tree conservation terminology and to provide appropriate cross references.

***Amendments to the Old Tree Conservation Ordinance***

Chapter 120 (Tree Conservation Ordinance) of the County Code is renamed the “Heritage, Specimen, Memorial, and Street Tree Ordinance”.

***Amendments to the Public Facilities Manual***

The PFM amendment deletes the current tree planting and preservation provisions in Chapter 12, including plates, in its entirety and replaces it with the new Chapter 12 and Plates 1-12 (1M-12) thru 9-12 (9M-12) to incorporate the new tree conservation amendments.

Specifically, the PFM amendment:

- Increases 10-year tree canopy requirements (from 20 to 25 percent) for R-3, R-4, PDH-3, and PDH-4 zoning districts.
- Increases 10-year tree canopy requirements (from 20 to 30 percent) for R-A, R-P, R-C, R-E, R-1, R-2, PDH-1, and PDH-2 zoning districts and low-density areas of a PRC District.
- Adds a “tree preservation target” provision that identifies specific levels of tree preservation that are expected to be achieved on development sites, along with a built-in modification/review process which can be used to justify deviations from the preservation target when:
  1. Meeting the target would prevent the development of uses and densities allowed by the Zoning Ordinance,
  2. Development sites contain existing vegetation that does not meet standards for health and structural condition, and
  3. Construction activities are expected to impact existing trees so they are not likely to survive in a healthy and sound manner.
- Establishes health and condition standards for trees and forested areas that will improve the long-term health and safety of trees and forested areas.
- Establishes tree inventory and condition analysis provisions that will help to reveal which trees are most suitable for preservation and which trees should be removed to maximize the safety of tree preservation areas.

- Adds incentives for preserving of trees proposed for official designation as heritage, specimen, memorial or street trees, and for the preservation of rare, endangered or valuable forest communities.
- Adds incentives to plant native tree species and improved cultivars of species that can withstand harsh urban conditions.
- Adds new or increased incentives to plant trees for energy conservation benefits, air quality benefits, water quality benefits, and wildlife benefits.
- Allows the use of tree seedlings, woody shrubs, and woody seed mix in meeting 10-year tree canopy requirements.
- Allows canopy requirements to be met off-site, when they cannot be met on-site, through the use of tree banking and/or contribution to a tree fund.
- Revises the 10-year tree canopy modification process to reduce the maximum allowable level that tree canopy requirements can be modified.
- Includes provisions requiring the management of hazardous conditions and invasive plants that may occur within forested areas.
- Incorporates language that underscores the need to preserve and manage understory plants and soil conditions in tree preservation areas.
- Adds the following Tables:
  - Table 12.4: 10-Year Tree Canopy Requirements, (currently in Zoning Ordinance Section 13-401.1 with revised requirements consistent with the State enabling legislation)
  - Table 12.5: Endangered or Unique Forest Communities
  - Table 12.6: Multipliers for Heritage, Specimen, Memorial and Street Trees
  - Table 12.9: Species for Air Quality Improvement
  - Table 12.10: Native and Wildlife Benefit Species (new table and reiterates information included in proposed Table 12.19 in the Tree Uses column and provides information on species not included in Table 12.19).
- Replaces existing Plates 1-12 (1M-12) thru 12-12 (12M-12) with new Plates 1-12(1M-12) thru 9-12(9M-12).
- Updates chapters 2, 6 and 11 to reference the new Ordinance and section numbers.

Letter to Industry, November 21, 2008  
Tree Conservation  
Page 5 of 5

**Additional Information:** The amendments are available on the County's website at:

[http://www.fairfaxcounty.gov/dpwes/publications/pfm/pfm\\_main.htm](http://www.fairfaxcounty.gov/dpwes/publications/pfm/pfm_main.htm)

One-day training sessions have been scheduled for December 2 and 9, 2008. If you're interested in attending a session, or have questions related to the amendments, please contact the Urban Forest Management Division at **703 324-1770, TTY 711**. Training will be held from 9:00 a.m. to 3:00 p.m., in Room #107 of the Herrity Building located at 12055 Government Center Parkway. Reservations are necessary due to limited space.

Sincerely,

James W. Patteson, PE  
Director, Land Development Services

cc: Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services