

## APPENDIX B

# EQAC RESOLUTIONS AND POSITIONS NOVEMBER 2007 THROUGH OCTOBER 2008

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# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 7, 2007

**TO:** Planning Commission

**FROM:** Stella Koch, Chairman *Stella M. Koch*  
Environmental Quality Advisory Council

**SUBJECT:** EQAC comments on Green Buildings

We thank the Planning Commission for Comprehensive Plan language that is a good start for encouraging Green Buildings throughout Fairfax County.

We commend you for choosing and agree that the LEED rating system is the appropriate standard to use.

We urge that there be additional measures taken to incentivize Silver, Gold and Platinum LEED certification in Transit Oriented Development areas and that language should be put in the appropriate Area Plans to reflect these goals.

We suggest the following measures to be considered as incentives outside the scope of the proposed Comprehensive Plans changes that would facilitate higher levels of Green Building in TOD or transit areas, to include:

- 1) permit rebates
- 2) tax incentives for energy efficient buildings as rates under LEED or Energy Star Ratings
- 3) density bonuses similar to Arlington of increased FARs as one moves from Silver to Gold to Platinum levels

We also ask that you consider implementing a Green Building Fund that provides you the cash you need to have dedicated staff and is refunded if a building achieves certification.

We thank you for this opportunity to comment and look forward to working with you on this issue in the future.

SMK:nhk

cc: Board of Supervisors  
Anthony H. Griffin, County Executive  
Robert A. Stalzer, Deputy County Executive  
Kambiz Agazi, Fairfax County Environmental Coordinator  
Environmental Quality Advisory Council file: November 2007



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 30, 2007

**TO:** Board of Supervisors

**FROM:** Stella Koch, Chairman *Stella M. Koch*  
Environmental Quality Advisory Council

**SUBJECT:** EQAC comments on Green Buildings

In regard to the December 3 public hearing on the proposed Plan amendment addressing air quality and green building issues (S07-CW-3CP), I wish to reiterate comments that I transmitted on behalf of EQAC to the Planning Commission in regard to this matter.

We thank the Board of Supervisors for Comprehensive Plan language that is a good start for encouraging Green Buildings throughout Fairfax County.

We commend you for choosing and agree that the LEED rating system is the appropriate standard to use.

We urge that there be additional measures taken to incentivize Silver, Gold and Platinum LEED certification in Transit Oriented Development areas and that language should be put in the appropriate Area Plans to reflect these goals.

We suggest the following measures to be considered as incentives outside the scope of the proposed Comprehensive Plans changes that would facilitate higher levels of Green Building in TOD or transit areas, to include:

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cc: Anthony H. Griffin, County Executive  
Robert A. Stalzer, Deputy County Executive  
Kambiz Agazi, Fairfax County Environmental Coordinator  
Environmental Quality Advisory Council file: November 2007

# ENVIRONMENTAL QUALITY ADVISORY COUNCIL

## Resolution on Revision of Outdoor Lighting Ordinance

December 11, 2007

**Whereas**, a new Outdoor Lighting Ordinance was adopted by the Board of Supervisors in 2003; and

**Whereas**, the new ordinance and its 16 page explanatory guidebook won accolades as being one of the best of its kind in the mid-Atlantic region; and

**Whereas**, it was recognized at the time of adoption that the ordinance would require revisions and/or additions as experience revealed omissions or inadequacies in its provisions; and

**Whereas**, EQAC has noted in the recommendations of its last three Annual Reports on the Environment the need for such revisions and additions and has recommended to the Board that work on drafting the language for them begin immediately; and

**Whereas**, the Department of Planning and Zoning has recently advanced this task from “Priority 2” status to “Priority 1” status in its work plan; and

**Whereas**, discussions between the EQAC “point person” on this issue and the DPZ counterpart indicate that most of the items needing attention are well understood and it should be a relatively simple and straightforward process to draft suitable language for those revisions and additions even though one or two items may be more complex and require more analysis; now therefore

**Be it resolved**, that EQAC urgently requests the Board of Supervisors to direct the Department of Planning and Zoning to pursue these ordinance revisions with all deliberate dispatch and be able to present a revision package to the Board for its approval at an early date.

# ENVIRONMENTAL QUALITY ADVISORY COUNCIL

## Resolution on County Capital Facilities Projects

January 9, 2008

**Whereas**, in early December county staff briefed the Board of Supervisors Environment Committee on LEED/green building concepts that it plans to introduce into new county capital facilities projects; and

**Whereas**, green buildings and LEED principles are almost entirely concerned with the building design itself and only minimally with the site; and

**Whereas**, the Board has recently approved six low impact development (LID) methods for inclusion in the PFM, and county staff, in partnership with the Northern Virginia Regional Commission, is developing an LID supplement to the Northern Virginia Best Management Practices (BMP) handbook which will be considered in the future for adoption, and within which five or six additional LID methods are being considered; and

**Whereas**, LID methods are almost entirely concerned with design and treatment of the site exclusive of buildings, particularly with the management of stormwater; and

**Whereas**, the Board has been very receptive to the recommendations of the Tree Commission for preservation of trees and preservation and increase of tree cover on sites subject to development; and

**Whereas**, as commendable as are these three broad goals individually, there are few county capital facilities projects underway or in the planning stages that adequately integrate the principles embodied in them in the designs; and

**Whereas**, if the county wishes to have these practices broadly adopted and utilized by the development community it must become the exemplar for them in its own facilities; now therefore

**Be it resolved**, that EQAC strongly urges the Board of Supervisors to mandate fully integrated application of green buildings, LEED, LID, and tree preservation practices to all of its capital facilities in the planning stages; and

**Be it further resolved**, that insofar as possible construction plans for capital facilities already in advanced stages of design or under construction be revised to include use of these technologies; and

**Be it finally resolved**, that LEED Silver certification should be adopted as the county goal for its new capital facilities, and that the County should strive for LEED Gold certification where practical.

# ENVIRONMENTAL QUALITY ADVISORY COUNCIL

## Resolution on Sign Regulations

January 9, 2008

**Whereas**, the Board of Supervisors several years ago appointed a special ad hoc task force to recommend actions to control the proliferation of visually objectionable signage in the county; and

**Whereas**, some two years later the task force was re-empanelled to again examine the issue and present its recommendations; and

**Whereas**, in its last several Annual Reports on the Environment EQAC has strongly recommended adoption of and action on the recommendations of the taskforce as well as proposing several additional specific actions; and

**Whereas**, to date no action has been taken to implement any of these various recommendations; and

**Whereas**, there have been recent negotiations between the county and VDOT that could lead to an agreement broadly empowering the county to remove or sanction signage illegally placed in VDOT rights-of-way; and

**Whereas**, the county already has the power to remove and/or sanction signs that are posted outside of the VDOT rights-of-way; now therefore

**Be it resolved**, that EQAC urgently requests the Board of Supervisors to initiate action to adopt the earlier task force and EQAC recommendations and to incorporate them, as appropriate, into the Ordinances governing the county, and

**Be it further resolved**, that the negotiations with VDOT regarding empowerment of the county to deal vigorously with improperly placed signage in VDOT rights-of-way be brought to an early and successful conclusion; and

**Be it finally resolved**, that EQAC believes rigorous application of civil penalties will lead to better compliance with enacted ordinances.

# ENVIRONMENTAL QUALITY ADVISORY COUNCIL

## Resolution on the Wildlife Management Program

January 9, 2008

**Whereas**, as a result of recommendations by EQAC and the Deer Management Committee (formed in 1999 within the County Executive's office), the Wildlife Management Program, under the leadership of the County Wildlife Biologist, was implemented in 1999 and 2000; and

**Whereas**, the County Wildlife Biologist role was envisioned as somewhat like that of the Environmental Coordinator, i.e., as a function that could interact broadly with a variety of county and outside agencies to address and provide leadership for implementation of program goals, including major interactions with, among others, Fairfax County Park Authority, Northern Virginia Regional Park Authority, Fairfax County Health Department, Virginia Department of Game and Inland Fisheries, Virginia Department of Natural Resources, U.S. National Park Service, U.S. Department of Agriculture, U.S. Fish and Wildlife Service; and

**Whereas**, sometime later the program was placed within the Police Department Patrol Bureau apparently because that is where the Animal Control Section is located, and various additional functions have been incorporated such as the goose program; and

**Whereas**, the only real operational interaction of the Wildlife Management Program with the Fairfax County Police Department is with the Special Operations Tactical Team in the Operations Support Bureau which supplies sharpshooters for deer-herd culling operations in county parks; and

**Whereas**, the recent reorganization of the Animal Services Division of the Police Department has further impaired the ability of the Wildlife Management Program to function as intended; and

**Whereas**, the most appropriate location for the Wildlife Management Program would be somewhere within the Office of the County Executive with the County Wildlife Biologist as program manager, where its broad coordinative functions could be most effectively performed, while an alternate, but less desirable possibility, would be as part of the Park Authority's Resource Management Division; now therefore

**Be it resolved**, that EQAC finds the current organizational arrangement significantly impairs the ability to effectively conduct the Wildlife Management Program and believes that the program functions and personnel should be relocated elsewhere in the county structure and at a level consistent with the broad range of required coordinative functions; and

**Be it further resolved**, that EQAC requests that the County Auditor retrieve and inventory all equipment purchased on the budget of the Wildlife Management Program so that it can be relocated along with the personnel and operational functions.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** January 9, 2008

**TO:** Board of Supervisors  
**FROM:** Stella Koch, Chairman *Stella M. Koch*  
Environmental Quality Advisory Council

**SUBJECT:** Consideration of establishment of regulations for the protection and/or reforestation of stream buffers upstream of existing Resource Protection Areas

On November 26, 2007, the Board of Supervisors' Environmental Committee received a presentation from staff regarding options and considerations for the establishment of requirements for the protection and/or reforestation of riparian buffers upstream of existing Resource Protection Areas. At that meeting, staff was requested to return to a future committee meeting to continue this discussion.

EQAC commends the Board for consideration of establishment of protection/reforestation requirements along headwaters reaches of streams (intermittent and ephemeral streams) and notes that such an effort would complement a Policy Plan amendment addressing headwater stream and buffer area protection/restoration that is under consideration at this time. We look forward to working with the board and staff on this issue.

SMK:nhk

cc: Anthony H. Griffin, County Executive  
Robert A. Stalzer, Deputy County Executive  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services  
James P. Zook, Director, Department of Planning and Zoning  
EQAC file, January 2008

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Environmental Quality Advisory Council (EQAC)  
c/o Department of Planning and Zoning  
Planning Division  
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# **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

## **Resolution Concerning a Proposed Policy Plan Amendment Addressing Headwater Stream Protection/Restoration**

**January 9, 2008**

**Whereas**, Fairfax County has a long history of stream valley and watershed protection; and

**Whereas**, in 1975 Fairfax County initiated an Environmental Quality Corridor (EQC) policy that would set aside stream valley buffers for protection; and

**Whereas**, in 1981 Fairfax County created detailed criteria and then revised such criteria in 1990 for the implementation of the EQC policy that have been operational since then; and

**Whereas**, the EQC Policy has resulted in thousands of acres of stream valley land protected and remaining in a natural vegetated buffer state; and

**Whereas**, in 1982, Fairfax County downzoned 64 square miles of the Occoquan watershed from one acre to five acre per lot zoning to protect drinking water supplies; and

**Whereas**, in 1993 Fairfax County adopted a Chesapeake Bay Preservation Ordinance in which lands adjacent to the perennial portion (as delineated by USGS maps) of streams were designated as Resource Protection Areas; and

**Whereas**, such RPA designation resulted in 520 linear miles of stream valley buffers being protected under this ordinance; and

**Whereas**, in 2003 the Chesapeake Bay Preservation Ordinance was amended and strengthened; and

**Whereas**, in 2002 and 2003 Fairfax County DPWES staff surveyed all Fairfax County streams to ascertain perenniality and created a map showing such perennial segments; and

**Whereas**, in 2004, the Fairfax County Board of Supervisors adopted this map as guidance for RPA delineation, which resulted in an additional 340 miles of perennial stream buffers being protected; and

**Whereas**, Fairfax County now has approximately 860 miles of perennial stream segments protected under the Chesapeake Bay Preservation Ordinance; and

**Whereas**, the upstream intermittent and ephemeral portions of Fairfax County streams, although ecologically very important, lack such protection; and

**Whereas**, in 2005 subsequent to the adoption of the new Chesapeake Bay Preservation Ordinance requirements and the perennial stream map, the Planning Commission Environment Committee, EQAC, and staff began discussions on how to further protect Fairfax County streams; and

**Whereas**, the Planning Commission Environment Committee has focused its discussion at this time on Comprehensive Plan Policy; and

**Whereas**, that discussion, subsequent analysis, and work have resulted in two specific options for changes to the Policy Plan for consideration in 2008 by the Planning Commission and the Board of Supervisors as follows:

Option 1 would provide general policy support for the protection and, where applicable, restoration of stream channels and associated vegetated riparian areas upstream of Resource Protection Areas and Environmental Quality Corridors. Under this option, there would be no changes to the Environmental Quality Corridor policy. There would be no minimum buffer widths established; rather, buffer width commitments would be negotiated during the zoning process.

Option 2 would expand the Environmental Quality Corridor policy such that it would explicitly encourage the inclusion of areas upstream of floodplains and Resource Protection Areas. Under this option, minimum buffer area widths would be determined through the application of the EQC delineation criteria; criteria relating to the inclusion of steeply sloping areas adjacent to streams (slopes of 15% or greater) and to the application of a minimum buffer width formula would largely determine the EQC boundaries. There is less flexibility in this option for negotiations during the zoning process.

**Whereas**, EQAC supports the general goals of BOTH Options but would prefer to offer a third option;

**Therefore, be it resolved** that EQAC thanks the staff and Planning Commission for their work on proposals to further protect Fairfax streams these last several years.

**Be it further resolved** that, with respect to the Policy Plan amendment, EQAC recommends:

- 1) The formation of a parallel intermittent and ephemeral stream protection strategy with the same philosophy as the EQC policy and with clear guidelines for buffer delineation in these areas.
- 2) This policy would additionally provide for flexibility in negotiating individual lot buffer protection and restoration commitments during the zoning process.



# County of Fairfax, Virginia

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

Board of Supervisors  
County of Fairfax  
12000 Government Center Parkway  
Fairfax, VA 22035

January 29, 2008

Chairman Connolly and Members of the Board:

On November 7, 2007, members of EQAC met with the Fairfax County Park Authority's Executive Committee to discuss issues of mutual interest and concern. Included was a discussion of Park Authority budget needs to support its Natural Resource Management Plan implementation activities. At EQAC's January 9, 2008 meeting, EQAC authorized me, by a unanimous vote of members present, to send this letter to you as a follow-up to that meeting.

EQAC wishes to stress its continued support for the resources necessary, including staff, to support implementation of the Park Authority's Natural Resource Management Plan. As noted in our *Annual Report on the Environment*, it is our view that some of these resource needs could possibly be met through internal resource allocations within the Park Authority; however, we also recommend that the Board of Supervisors provide additional funding and some staff positions for this effort.

I thank you for your consideration of the Park Authority's natural resource management needs and for your continued commitment and dedication to environmental protection and restoration efforts in Fairfax County.

Respectfully submitted,

Stella M. Koch, Chairman  
Environmental Quality Advisory Council

cc: Fairfax County Park Authority Board  
Timothy K. White, Acting Director, Fairfax County Park Authority  
EQAC file: January 2008

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**Environmental Quality Advisory Council**  
c/o Department of Planning and Zoning  
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## POSITION STATEMENT FORM

### **GENERAL SUBJECT AREA -- TITLE OF PROPOSAL**

ZONING- ADEQUATE PUBLIC FACILITIES ORDINANCE

### **PROPOSAL:**

Support legislation to give localities authority to adopt an adequate public facilities ordinance. Legislation should permit localities to adopt provisions in their subdivision ordinances for deferring the approval of subdivision plats or site plans when they determine that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. The legislation should also provide that an expressed purpose of zoning ordinances is to protect against an undue rate of development in relation to existing or available public facilities. Such legislation should not require the localities to construct the necessary infrastructure within a time frame established by the General Assembly.

### **SOURCE:**

Environmental Quality Advisory Council, August 13, 2008

### **BACKGROUND:**

In Virginia, local government lacks authority to manage the pace and timing of development that has been approved, even when there are inadequate public facilities to serve the new development. In recent legislative sessions, numerous attempts to authorize adequate public facilities ordinances have not been successful. See for example HB208 and HB 1297 in the 2008 Session. HB 1297 identifies this authority for localities such as Fairfax County that are subject to the provisions of the Chesapeake Bay Preservation Act.

The Board of Supervisors' Environmental Agenda commits to pursuing "state enabling legislation to ensure adequate infrastructure is in place for new developments".

### **RECOMMENDATION:**

**POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:**

Members of the Virginia legislature who have sponsored or co-patroned adequate public facilities ordinance authorizing legislation include Delegates Cole and Frederick.

The Virginia Coalition of High Growth Communities (an organization comprised of at least 25 jurisdictions within Virginia, including Fairfax County) has in the past supported authorization for an adequate public facilities ordinance.

Numerous civic and environmental associations have in the past supported adequate public facilities legislation. Some of these organizations include the Virginia Conservation Network, The Virginia Chapter of the Sierra Club, the Virginia Municipal League, and the Virginia Association of Counties.

Opposition will probably come from certain segments of the business community, especially developers. The Fairfax Chamber of Commerce and the Northern Virginia Association of Realtors have opposed such types of legislation in the past.

**STAFF CONTACT PERSON(S):**

Noel Kaplan (EQAC staff liaison)  
Environment and Development Review Branch  
Fairfax County Department of Planning and Zoning  
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Fairfax VA 22035

Phone: 703-324-1380

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## POSITION STATEMENT FORM

### **GENERAL SUBJECT AREA -- TITLE OF PROPOSAL**

GREENHOUSE GAS EMISSIONS – MANDATORY REPORTING

### **PROPOSAL:**

Support legislation that would require that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources. This would apply to those sources that emit greenhouse gases and that are already required to report emissions of other air pollutants. Legislation could also require those same parties to report greenhouse gas emissions from fleets of motor vehicles. Legislation should require the DOT to provide the DEQ with data necessary to maintain a greenhouse gas emissions inventory for individual road segments throughout the Commonwealth. The legislation should authorize the establishment of a voluntary program allowing persons to register voluntary reductions in direct or indirect emissions of greenhouse gases.

### **SOURCE:**

Environmental Quality Advisory Council, August 13, 2008

### **BACKGROUND:**

In Virginia, reporting of greenhouse gas emissions is not currently required. In the 2008 legislative session, attempts to authorize reporting requirements (HB1230 and SB234) were not successful. SB234 was approved in the Senate by a 25-15 vote but was left in the House of Delegates' Committee on Commerce and Labor (as was HB1230). EQAC's proposal is to support legislation that may be considered in the 2009 session similar to what had been proposed in 2008.

The Board of Supervisors supported SB 234 last year.

On July 16, 2007, Fairfax County, with other large counties from across the country, joined the Sierra Club in announcing the creation of the Cool Counties Climate Stabilization Declaration, a major new initiative to combat global warming. The counties — led by Fairfax County, King County, Wash., and Nassau County, N.Y. — pledge to reduce global warming emissions 80 percent by 2050, an achievable average annual reduction of 2 percent. The Cool Counties Climate Stabilization Declaration also urges the federal government to adopt legislation requiring an 80 percent emissions reduction by 2050 and calls for fuel economy standards to be raised to 35 miles per gallon within a decade.

On July 9, 2008, the Metropolitan Washington Council of Governments (COG) released a draft National Capital Region Climate Report that includes significant greenhouse gas reduction goals for the region as well as 78 recommendations to help area leaders and citizens meet the targets. Due to the region's strong employment and population growth, COG calculates that man-made greenhouse gas emissions, which cause climate change, will increase 33 percent by 2030 and 43 percent by 2050 under a business-as-usual approach. In order to have a meaningful impact in the fight against climate change, COG's Climate Change Steering Committee, which authored the report, recommends policies that will reduce regional greenhouse gas emissions. The report's main recommendations highlight energy use, transportation and land use.

**RECOMMENDATION:**

**POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:**

In the 2008 legislative session, SB234 was approved by a 25-15 Senate vote. The patron of the bill was Senator Whipple, and the bill was supported by many Senators from Northern Virginia. The chief patron of HB1230 was Delegate Vanderhye; eight other delegates were patrons of this bill.

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# **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

## **Resolution Related to the Conservation of Trees During the Land Development Process**

**September 10, 2008**

**WHEREAS**, the Commonwealth of Virginia has enacted legislation which allows for conservation of trees during the land development process in localities belonging to a non-attainment area for air quality standards; and,

**WHEREAS**, the Board of Supervisors has established a tree canopy goal of 45%, which requires that Fairfax County increase its canopy levels by a significant amount by the year 2037; and,

**WHEREAS**, without a local enabling ordinance the preservation of existing trees and their associated environmental benefits will continue to be overlooked in favor of planting new trees, which can take many decades to provide the same level of air and water quality benefits that are provided by existing trees; and,

**WHEREAS**, it is necessary to strengthen the capability of the County to carry out provisions of the Tree Action Plan in order to conserve and manage the urban forest resources of the County; and,

**WHEREAS**, the proposed amendments to “The Code of Fairfax County” and the proposed new chapter, Chapter 122, and the changes to the Public Facilities Manual appropriately address the issues of tree preservation during rezonings and during by-right development;

**NOW THEREFORE BE IT RESOLVED**, that the Environmental Quality Advisory Council recommends the approval by the Fairfax County Board of Supervisors of the proposed amendments to the Public Facilities Manual and The Code of The County of Fairfax, Virginia related to the Conservation of Trees During the Land Development Process.

On July 9, 2008, the Metropolitan Washington Council of Governments (COG) released a draft National Capital Region Climate Report that includes significant greenhouse gas reduction goals for the region as well as 78 recommendations to help area leaders and citizens meet the targets. Due to the region's strong employment and population growth, COG calculates that man-made greenhouse gas emissions, which cause climate change, will increase 33 percent by 2030 and 43 percent by 2050 under a business-as-usual approach. In order to have a meaningful impact in the fight against climate change, COG's Climate Change Steering Committee, which authored the report, recommends policies that will reduce regional greenhouse gas emissions. The report's main recommendations highlight energy use, transportation and land use.

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