APPLICATION ACCEPTED: June 4, 2007
PLANNING COMMISSION: October 25, 2007
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

October 18, 2007

STAFF REPORT

CORNFIELD LOCAL AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AR 83-D-005-3

DRANESVILLE DISTRICT

APPLICANT:	Ruth B Cornfield, Revocable Living Trust
ZONING:	R-E
PARCEL(S):	8-3 ((1)) 7Z
ACREAGE:	27.91 acres
PLAN MAP:	Residential, 0.2-0.5 du/ac and
PROPOSAL:	Renewal of a Local Agricultural and Forestal District

STAFF RECOMMENDATIONS:

Staff recommends that the request to amend Appendix F of the Fairfax County Code to renew the Cornfield Local Agricultural and Forestal District be approved subject to the Ordinance Provisions listed in Appendix 1.

It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Upon application to the Department of Tax Administration (DTA) for taxation on the basis of land use assessment, DTA must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines, including minimum acreage, for either use, as required by Title 58.1 of the Code of Virginia, which is found in Appendix 7.

O:\jpapp0\Ag & Forest\Districts\2007-2 Cornfield\Final Materials\FINAL - Cornfield - Cover.doc

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

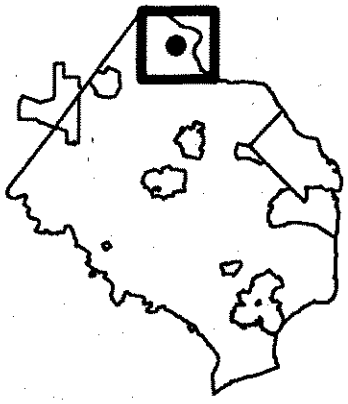
It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Office of Comprehensive Planning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 or TTY 711 (Virginia Relay Center).

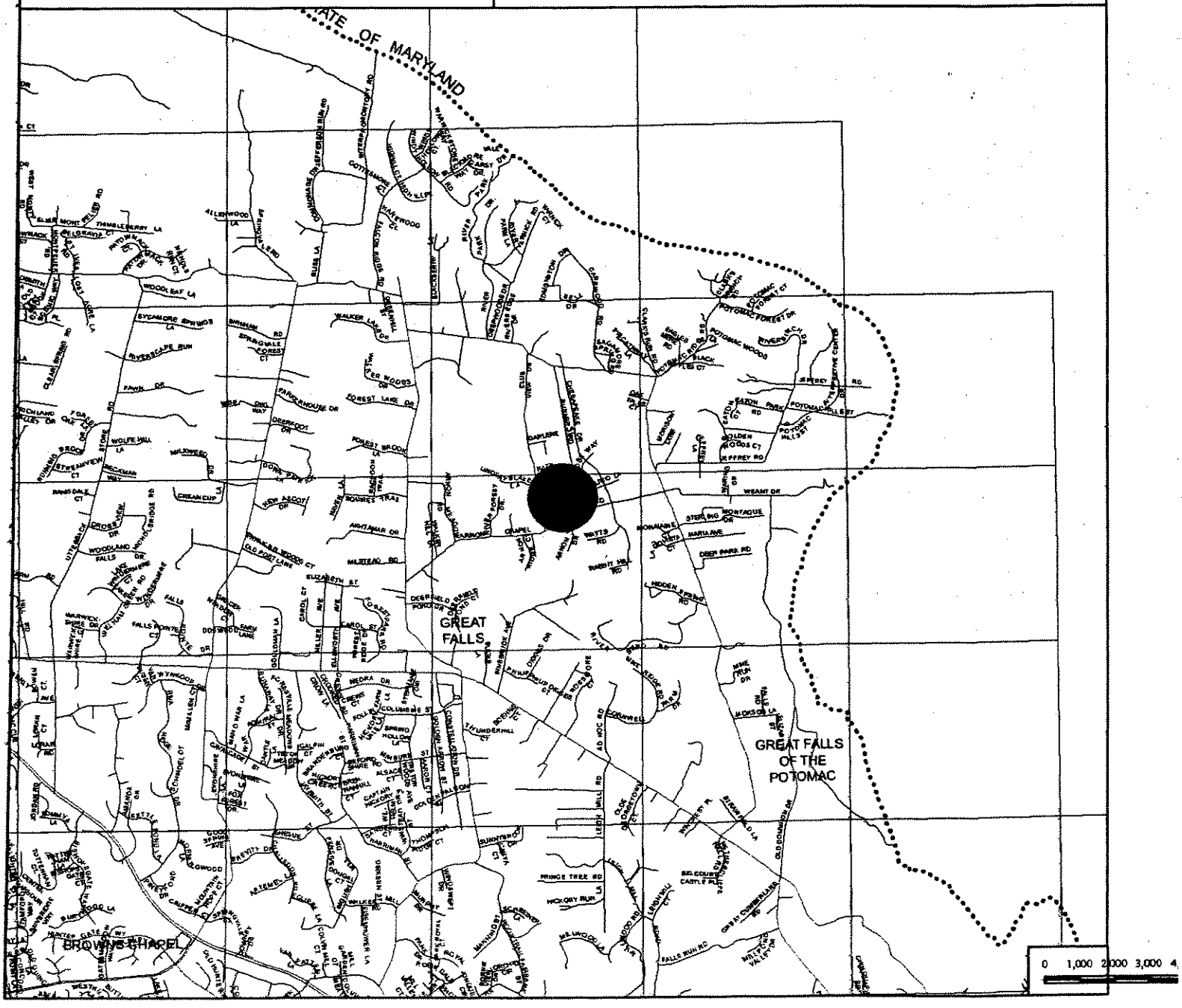
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A&F District Renewal

AR 83-D -005-03

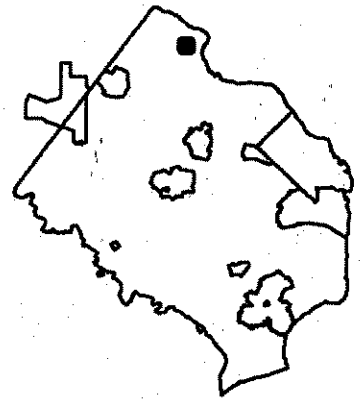


Applicant:	RUTH B.CORNFIELD, REVOCABLE LIVING TRUST
Accepted:	06/04/2007
Proposed:	AGRICULTURAL AND FORESTAL DISTRICT RENEWAL
Area:	27.91 AC OF LAND; DISTRICT - DRANESVILLE
Zoning Dist Sect:	
Located:	9600 ARNON CHAPEL ROAD
Zoning:	R- E
Overlay Dist:	
Map Ref Num:	008-3- /01/ /0007Z



A&F District Renewal

AR 83-D -005-03



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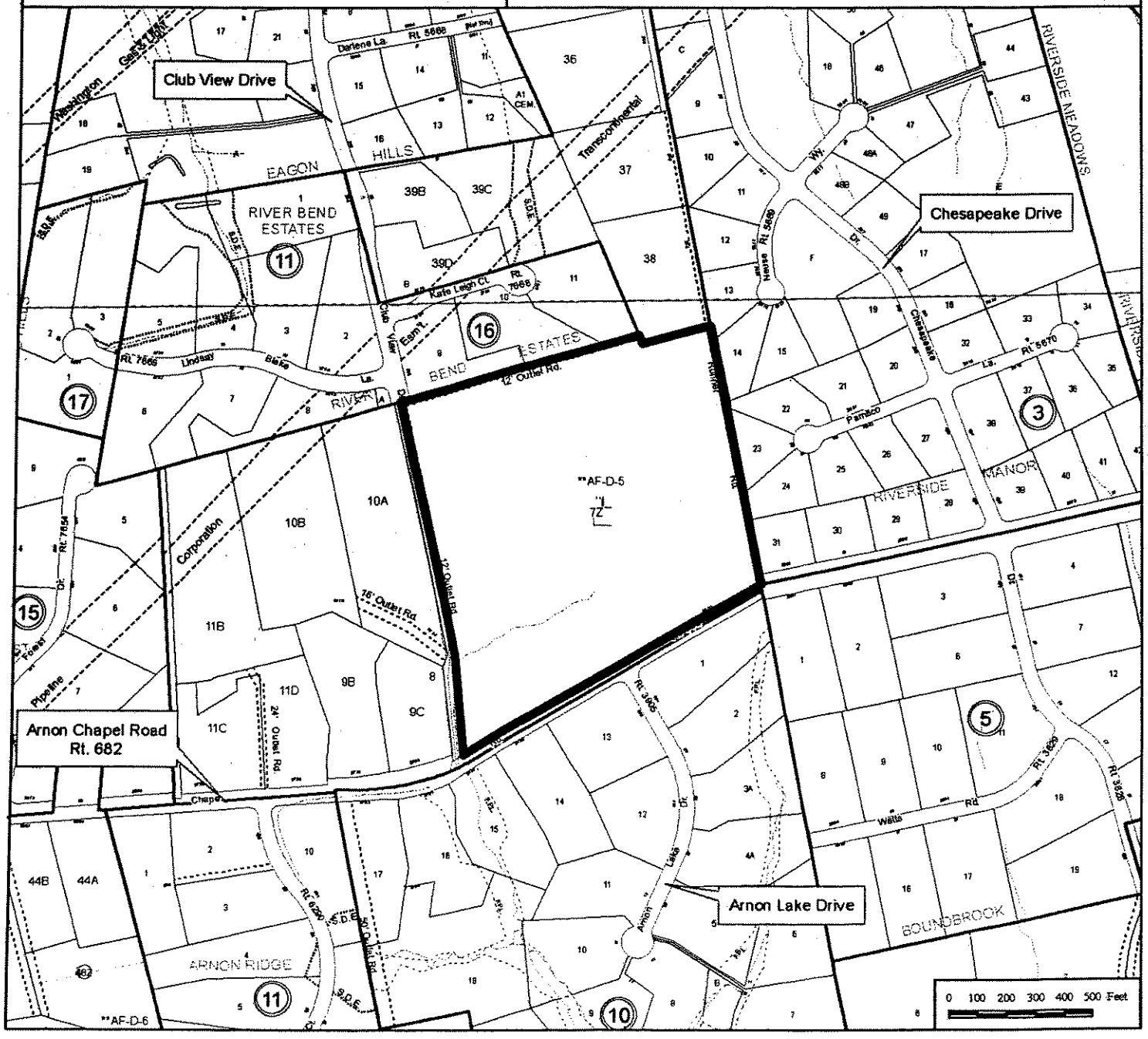


A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF APPLICATION

Proposal:	AR 83-D-005-3 is a request to renew the Cornfield Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code for an eight year term. The subject property is a 27.91 acre tract located at 9600 Arnon Chapel Road, opposite Arnon Lake Drive in the Dranesville District. Copies of the applicant's Statement of Justification and related application materials are contained in Appendix 2. Staff's Proposed Ordinance Provisions are contained in Appendix 1.
Applicant:	Ruth B Cornfield, Revocable Living Trust
Acreage:	27.91 acres

LOCATION AND CHARACTER

Surrounding Area Description:

The subject property and surrounding area are zoned R-E and planned for residential uses at 0.2 to 0.5 dwelling units per acre. The subject property is surrounded primarily by existing subdivisions generally consisting of lots averaging two acres in size. The subject property is the largest tract of land in the immediate vicinity

Location and Character of the District:

The 27.91 acre site is located in the Upper Potomac Planning District, Springvale Community Planning Sector, of Area III. The subject property has frontage on Arnon Chapel Road; access is provided via Runner Road, an un-paved private road. Approximately 25.91 acres of land are devoted to forest and wildlife conservation uses; 2 acres are in residential use. The property is zoned R-E (Residential, 0.5 du/ac). The only permanent structures on the property are the house, which was completed in 1968, and a swimming pool. The original log cabin which was situated on the property and lived in by the applicant prior to the construction of the current house, was unable to be saved due to termite damage.

BACKGROUND:

The subject property has been owned by the applicant since 1941. Although prior to the applicant's purchase the property was used as a farm, most of it has been allowed to return to forest in the ensuing 58 years. Portions of the property have periodically been used for home gardening, and the area around the house is kept cleared as open meadow.

The Cornfield Local Agricultural and Forestal District was established for an eight year period on October 31, 1983. The district has been renewed for an additional eight year terms on June 3, 1991, and July 26, 1999. During this 24 year period, the property has not been substantially altered. The current application is for the same parcel as the original application and the renewal.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Upper Potomac
Planning Sector:	Springvale Sector (UP2)
Plan Map:	Residential use at a density of 0.2 to 0.5 dwelling units per acre.

ANALYSIS

Land Use Analysis (Appendix 3)

The establishment of an agricultural and forestal district is in conformance with the Plan goals of preserving the rural and scenic character of the surrounding area.

Transportation Analysis (Appendix 4)

The subject site is not affected by the recommendations of the Transportation Plan Map; however, dedications of right-of-way on adjoining properties measure 45 feet from the centerline of Arnon Chapel Road. If future conditions warrant the widening of Arnon Chapel Road, the exclusion of this right-of-way from the District would leave the remaining subject property greater than the 20 acre minimum size for A & F Districts. Therefore, with the exclusion of the right-of-way from the district, this request would not represent a conflict with the Countywide Plan or transportation recommendations, and would not have adverse traffic impact.

Environmental Analysis (Appendix 3)

Soil and Water Conservation comments area included as Appendix 6; a Forest Management Plan prepared by the State Forester is included as Appendix 5.

The property was originally planted with approximately 2500 Loblolly Pine, 500 Tulip Poplar and 500 Eastern White Pine between 1966 and 1972. The White Pine and Tulip Poplar are still flourishing on the site, but the Loblolly Pine plantings have largely failed and the few that are remaining are in decline. The most notable feature of the site is that it is overrun with non-native invasive species. There is a virtually impenetrable barrier of downed trees covered by invasive vines running from the home site to the western edge of the property. It is not clear whether the trees were windthrown or pulled down by the vines.

Due to the prevalence of invasive species and deer browsing, the landowner's objectives are barely being met. To the extent possible the invasive species should be controlled or removed. Special attention should also be paid to the vines as they can overwhelm and fill the trees in the area. The lack of regeneration of the tree canopy species is troubling, and advanced regeneration was not seen. This means that even with the existing trees being healthy that the forest is dying. The lack of regeneration is most likely due to deer browsing. The proposed deer management program recommendations included in the forest management plan shall be followed in order to control and potentially reverses the over browsing that has been taking place on the property.

Agricultural and Forestal District Criteria Analysis

Article 5 of Chapter 115 of the Fairfax County Code contains two sets of criteria which are designed to serve as a guide in the evaluation of proposed Local Agricultural and Forestal Districts. All of the criteria in Group A, and least two criteria from Group B should be satisfied by the proposed district. It is important to note that these criteria are a guide to be applied when establishing, renewing or amending a District; they are not prerequisites. The following is an evaluation of the proposed district's conformance with these criteria:

<u>Criteria Group A:</u>

1. All district acreage should be currently devoted to agricultural use or forestal use or should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use, related to the agricultural or forestal use and generally not more than five acres per district, may be included.

The subject property is 27.91 acres in size and consists of approximately 26 acres of woodland and 2 acres for residential uses. This criterion has been satisfied.

2. All lands in the district should be zoned to the R-P, R-C, R-A, or the R-E District.

The property is zoned R-E. This criterion is satisfied.

3. In general, the district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: 0.1-0.2 dwelling units per acre; 0.2-0.5 dwelling units per acre; 0.5-1.0 dwelling units per acre; Private Recreation; Private Open Space; Public Park; Agriculture; Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least 3 of Criteria Group B.

The property is planned for residential use at a density of 0.2 to 0.5 dwelling units per acre (du/ac). Therefore, this criterion has been satisfied.

4. A majority of the surrounding land within one-quarter mile of the district should be planned according to the Comprehensive Plan for uses identified in A(3) above. Exceptions may be made for lands located at the edge of a planned growth area or which meet at least three of the criteria of Criteria Group B, if no conflicts with surrounding uses, existing and planned, are evident or likely.

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for low density residential use at 0.2 to 0.5 du/ac. Therefore, this criterion has been satisfied.

5. All farms to be included in a district should be at least twenty (20) acres in size. A farm may include several parcels of land; however, all parcels must have the same owner or else owners must be members of the same immediate family or a family trust or family corporation. A farm must contain at least fifteen acres of land in agricultural use. A farm may include non-contiguous parcels within one mile of the core acreage (the largest parcel or group of contiguous parcels or the parcel where the farm buildings are located) as long as the non-contiguous parcels are predominately agricultural in use and as long as the total acreage of each individual farm (including contiguous and non-contiguous land) is at least twenty acres.

This property is not used for agricultural purposes. The proposed district will be a forestal district. Therefore this criterion does not apply.

6. All other properties not included in a farm as defined in (5), that is, forested and partially forested properties, and properties with less than 15 acres in agricultural use, should be at least twenty acres in size. These properties may contain several parcels, but all parcels must be contiguous, and all must have the same owners or else owners must be members of the same family or a family trust or family corporation.

The proposed district contains a total 27.91 acres and consists of a single parcel under single ownership. Approximately 26 acres are currently forested. This criterion is satisfied.

7. Approximately 2/3 of the land in agricultural use in the district should contain Class I, II, III, or IV soils as defined by the USDA Soil Conservation Service. Districts having more than 1/3 of the land in agricultural use containing Class V-VIII soils may be considered if such lands have been improved and are managed to reduce soil erosion, maintain soil nutrients, and reduce non-point pollution.

None of the site is in agricultural use, therefore this criterion does not apply; however, the entire site consists of soils of Capability Classes II and III.

8. Agricultural land in the district should be used in a planned program of soil management, soil conservation, and pollution control practices which are intended to reduce or prevent soil erosion, maintain soil nutrients, control brush, woody growth and noxious weeds on crop land, hay land, and pasture land, and reduce non-point source pollution. Exceptions to this criterion may be made only for those agricultural lands which, upon initial application for the establishment of a district are not used in such a program, but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District.

There is no active agriculture currently on the site. Therefore, no soil and water quality conservation plan is necessary; therefore this criterion is not applicable.

9. Forest land and undeveloped land in the district should be kept in an undisturbed state, or if periodically harvested or experiencing erosion problems, shall be used in a planned program of soil management, soil conservation, and pollution control practices which are intended to reduce or prevent soil erosion, maintain soil nutrients, and reduce non-point source pollution. Exceptions to this criterion may be made only for those lands which upon initial application for the establishment of a district are not used in such a program but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District or the Virginia Division of Forestry.

The majority of the subject property is forested and is an undisturbed, wooded conservation area as recommended by the Northern Virginia Soil and Water Conservation District. Therefore, this criterion is satisfied.

10. There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use(s) in the district. In particular, districts with no history of investments

in farm or forest improvements must evidence a firm commitment to agricultural or forestal uses for at least the life of the district.

The applicant has owned this property since 1941 and has shown a history and a firm commitment to maintaining the property in a natural wooded state. Since the last renewal the site has not seen the amount of attention that it once had, and is now in need of significant maintenance as per the recommendations set forth in the Forest Management Plan dated October 15, 2007. The applicant should continue to maintain the property as a safe haven for wildlife being displaced by surrounding large lot subdivisions, but should encourage a deer management program also discussed in the Forest Management Plan. Staff believes that this criterion has been satisfied with the proposed Ordinance Provision.

Criteria Group B:

1. Farm and/or forest products have been regularly produced and sold from the property during the last five years.

No farm or forest products are regularly produced or sold from this property, although downed wood is collected and used for firewood on a barter agreement between the applicant and persons who do yard and property maintenance work for her. This criterion is not satisfied.

2. The land provides scenic vistas, improves the aesthetic quality of views from County roads or contributes to maintaining the existing rural character of an area.

As previously discussed, the subject property was purchased by the applicant and her husband in 1941. Since that time, the property has been been planted, but not maintained as open forest land. As the surrounding areas have been converted over the years from farms to large-lot subdivisions, the subject property has remained open land, contributing to the character of the area. Therefore, staff believes this criterion has been satisfied.

3. The property contains an historically and/or archaeologically significant site which would be preserved in conjunction with the establishment of a district. A site that is listed on the Federal Registry of Historic Places, the State Registry of Historic Places and/or the County Inventory of Historic Places will be considered historically and/or archaeologically significant. A property which contains a site that is historically and/or archaeologically significant by the County Archaeologist, or is located in an area with a high potential for archaeological sites, provided that the property owner has agreed to permit the County Archaeologist access to the site, may also be considered historically and/or archaeologically significant.

This criterion has not been satisfied.

4. Farming or forestry operations practice unique or particularly effective water pollution control measures (BMPs).

There are no unique farming or forestry operations on this site. Therefore, this criterion has not been met.

5. The land is zoned R-A, R-P, or R-C.

The subject property is zoned R-E. Therefore, this criterion is not satisfied.

6. The land is entirely in a permanent open space easement.

The subject property is not located within a permanent open space easement; therefore, this criterion is not satisfied.

As previously noted, these criteria serve as a guide in determining whether or not an agricultural district should be established; they are not a prerequisite for establishing a district. As previously stated, all of the criteria in Group A and at least two criteria in Group B should be satisfied. It is staffs opinion that this application satisfies all of the applicable criteria in Group A and one of the criteria in Group B.

AFDAC RECOMMENDATION

To be distributed under separate cover prior to the Planning Commission public hearing.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the application for the Cornfield Local Agricultural and Forestal District satisfies the criteria contained in Sect. 115-5-1 of the County Code, and that commitments made by the applicant for agricultural improvements to the property are consistent with the intent of the program. In addition, the property does exceed the minimum acreage requirement and is in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends application AR 83-D-005-3, to amend Appendix F of the Fairfax County Code to renew the Cornfield Local Agricultural and Forestal District, be approved subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Ordinance Provisions
2. Statement of Justification and Application Material
3. Land Use and Environmental Analysis
4. Transportation Analysis
5. Forest Management Plan
6. Soils Analysis
7. Virginia State Tax Code Provisions
8. Glossary

PROPOSED ORDINANCE PROVISIONS

October 18, 2007

AR 83-D-005-3

If it is the intent of the Board of Supervisors to renew the Cornfield Local Agricultural and Forestal District as proposed in AR 83-D-005-3 pursuant to Chapter 36.1 of Title 15.1 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map Parcel 8-3 ((1)) 7Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

1. No parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight (8) years from the date of adoption of such ordinance. This provision shall not be constructed to restrict expansion of or improvements to the agricultural and forestal use of the land.

2. No parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight (8) years from the date of adoption of the original ordinance.

3. Land used in agricultural and forestal production within the agricultural and forestall district of local significance shall qualify for an agricultural or forestal value assessment on such land pursuant to Chapter 4. Article 19 of the Fairfax County Code and to Section 58.1 et seq. of the Code of Virginia, of the requirement for such assessment contained therein are satisfied.

4. The district shall be reviewed by the Board of Supervisors at the end of the eight-year period and it may, by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.

5. The applicants shall implement and abide by the recommendations of the Forest Management Plan dated October 15, 2007, for the life of the Cornfield Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within this Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.

6. Within one year of approval by the Board of Supervisors, the applicant shall hire a licensed arborist to supervise the removal of the invasive vines from the site per the recommendations found within the Forest Management Plan.

7. Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation and the removal of dead, dying and diseased vegetation in accordance with the Forest Management Plan and as approved by the Urban Forester. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Cornfield Local Agricultural and Forestal District.

8. All waste water resulting from the cleaning and draining of the swimming pool located on the property shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. Pool water shall be neutralized to a PH level between 6.0 and 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a PH approximately equal to that of the receiving stream.

9. The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.

Application No. AR 83-D-005-3

APPLICATION FOR THE ESTABLISHMENT OF A AGRICULTURAL AND FORESTAL DISTRICT

RECEIVED
Department of Planning & Zoni
MAY 0 7 2007
Zoning Evaluation Division

FAIRFAX COUNTY

1. Type of application: Local (___) Statewide (___)
   Initial (___) Amendment (___) Renewal (x)

2. Please list the Tax Map number, the name and address of each owner and other information for each parcel proposed for this district:

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Ruth B. Cornfield, Recovable Living Trust	008-3-01-0007	1941	RE	27.91
Address: 9600 Arnon Chapel Road, P.O. Box 747, Great Falls, Virginia 22066				

3. Total acreage in the proposed district: 27.91 acres.

4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm _____ forest x .

AR 2007-0177

5. Name, address and telephone number of the property owner or representative who will act as a contact person for this application:

Name: Michelle A. Rosati, Esquire

Address: Holland & Knight, LLP
1600 Tysons Boulevard, Ste. 700
McLean, Virginia 22102

Telephone: 703-720-8079

6. Signature of all property owners:

Janet L. Cohen, Trustee
The Ruth Ritter
Cornfield Revocable
Living Trust UDT 9/5/02
Janet L. Cohen, Manager
The Cornfield LLC

KGS 06/08/07

$50.00 pd.

TO BE COMPLETED BY THE COUNTY

Date application accepted: 06/04/07 Virginia Rupper

Date of action by Board of Supervisors: _____

(___) Approved as submitted (___) Denied

(___) Approved with modifications

ALL APPLICANTS

1. List all structures on the property, the year the structure was built and the present use of the structure:

Structure	Year built	Use
House	1952 - 1968	Residence

use additional page(s) if necessary

2. List any historic sites, as listed on the Fairfax County Inventory of Historic Sites, located on the subject property:

3. List any improvements made to the property in the past 10 years, including buildings, fencing, equipment, drainage projects, and conservation measures:

After a very heavy rain in 1997 a drainage area was prepared and replanted with sod and seed.

4. Is a Soil and Water Conservation Plan on file with the Northern Virginia Soil and Water Conservation District (NVSWCD): _x_ yes ___ no

If yes, date prepared: April 1984

If no, has an application been filed with NVSWCD: ___ yes ___ no

If yes, date submitted: _____

5. List the products and yields from this farm or forest property:

Product	Past year's yield	Average yield for previous 4 years
Farm	NONE	
Forestal	Fire Wood	depends on cold weather

FARM PROPERTY

1. Please check the appropriate description of the farm:

   _____ Owner-operated, full-time.
   _____ Owner-operated, part-time.
   _____ Farm manager operated.
   _____ Rented to another farmer
   Portion of farm rented: ___all _____acres.
   Other. Please describe:
   _____
   _____

2. List the acreage of the property which is in the following uses:

Active agricultural uses	_____	acres.
Forested or undeveloped	_____	acres.
Residential uses	_____	acres.
Total acreage	_____	acres.

3. Does the farm operation require that tractors or other slow moving vehicles use public roads: ___ yes __X__ no

   If yes, which roads will be used:

   _____
   _____

4. Please estimate the number of vehicles entering or leaving your farm each day:

   __1__ cars, vans and pickup trucks ___ heavy trucks.

FOREST PROPERTY

1. List the acreage of the property which is in the following uses:

Future timber or pulpwood harvesting	25.91	acres
Christmas tree production and harvesting	_____	acres
Firewood production and harvesting	_____	acres
Conservation and Wildlife Refuge	25.91	acres
Residential uses	2.0	acres
Other: _____	_____	acres
Total acreage	27.91	acres

2. If tree harvesting is planned, what roads or rights-of-way will be used for access:

   Not planned at present - Arnon Chapel Road would be used as access if timber was harvested.

   *Land is wooded (except around house) and used as wildlife.

Holland+Knight

Tel 703 720 8600
Fax 703 720 8610

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, VA 22102-4867
www.hklaw.com

Michelle A. Rosati
703 720 8079
michelle.rosati@hklaw.com

May 4, 2007

RECEIVED
Department of Planning & Zoning

MAY 07 2007

Zoning Evaluation Division

VIA HAND DELIVERY

Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
Government Center Building, Suite 801
12055 Government Center Parkway
Fairfax, Virginia 22035-5505

Re: Letter of Support and Justification for Renewal for the Establishment of a Agricultural and Forestal District
Application Number AR 83-D-005-2

Dear Department of Planning & Zoning:

The following is submitted in justification and support of the above referenced renewal for the Establishment of a Agricultural and Forestal District.

I. The Property

The subject property consists of 27.91 acres and is located 9600 Arnon Chapel Road, Great Falls, Virginia 22066 (the Subject Property). The Subject Property is owned by the Ruth Bittler Cornfield Living Revocable Trust. The Subject Property is currently located in the Cornfield Local Agricultural and Forestal District, which designation was most recently extended by the Board of Supervisors on July 26, 1999, for an eight-year term. Hence, the District needs to be renewed by the Board of Supervisors prior to July 25, 2007.

II. Statement for Renewal

The applicant respectfully submits that the Subject Property continues to meet the applicable criteria and provisions of Chapter 115 of the Fairfax County Code. In fact, the use and character of the Subject Property have remained essentially unchanged in the eight years since the last renewal. Approximately 25.91 acres are used for "future timber or pulpwood harvesting" and "conservation/wildlife refuge", with approximately two acres allocated to the single family residence on the Subject Property. Specifically, the Subject Property meets the following criteria:

Criteria Group A:

(1) The Subject Property is devoted to agricultural and/or forestal use, and/or is undeveloped and suitable for such uses, except that a reasonable amount of the Subject Property -- approximately two acres -- continues to contain a single residence. These circumstances have not changed since 1999, or, in fact, since the initial approval of the District.

(2) The Subject Property is zoned R-E.

(3) The Cornfield Local Agricultural and Forestal District is entirely consistent with the Comprehensive Plan. The Subject Property is located in Area III, Upper Potomac, and the UP2 Springvale Community Planning Sector. As such, the General land use recommendation in the Comprehensive Plan is "..stable, low density residential areas". In addition, the area south of the intersection of Arnon Meadow Road and Arnon Chapel Road is designated, in the alternative, for a public park.

(4) The immediate area surrounding the District is planned consistently with the recommendations stated above.

(5/6) The District exceeds twenty acres in size.

(7/8) These criteria are not applicable, as the majority of the Subject Property is used for "future timber and pulpwood harvesting" and "conservation and wildlife refuge".

(9) The undeveloped and forested land are maintained in an undisturbed state. Most of the current harvesting of firewood is derived from fallen trees.

(10) Mrs. Cornfield, a long-time resident of the Subject Property, which was purchased by her family in 1941, has a history of commitment to the retention of the Subject Property as a conservation refuge and a future timber site. Mrs. Cornfield's letter dated February 1999, a copy of which is attached as Exhibit A of this Letter of Support, evidences her poignant commitment to preserving the plant and animal life on the Subject Property, and her desire to maintain it in its undeveloped state.

In addition, the Subject Property meets at least two of the criteria from Criteria Group B:

(1) Forest products have been regularly produced and sold from the Subject Property during the last five (5) years; and

(2) The land provides scenic vistas, improves the aesthetic quality of views from County roads and significantly contributes to maintaining the rural character of the area.

The Applicant respectfully submits that the extension of the Cornfield Local Agricultural and Forestal District meets all applicable criteria. Further, the renewal of this District will play a critical role in preserving a portion of Great Falls in a natural and undeveloped state. This valuable legacy will further both plant and animal conservation, and enhance the character and quality of life in Great Falls.

We respectfully request the Board of Supervisors to enact an eight-year extension of the Cornfield Local Agricultural and Forestal District. Please contact me if you should have any questions.

Very truly yours,

Michelle A. Rosati
Holland & Knight LLP

4493135_v1

County of Fairfax, Virginia

MEMORANDUM

DATE: September 20, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief
Environment and Development Review Branch, DPZ

SUBJECT: **LAND USE and ENVIRONMENTAL ASSESSMENT** for: **AR 83-D-005-03**
Ruth B. Cornfield, Revocable Trust

This memorandum, prepared by Mary Ann Welton, AICP, includes citations from the Comprehensive Plan that list and explain land use recommendations and environmental policies for this property. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION:

The 27.91 acre Cornfield Agricultural and Forestal District is up for renewal. The district is proposed to remain in conservation except for a 2 acre portion which is in residential use with one dwelling unit

LOCATION AND CHARACTER:

The subject property is located in the northern part of Fairfax County and it falls within the Pond Branch Watershed. This agricultural and forestal district is surrounded by land which is planned for residential use at .2 -.5 dwelling units per acre (du/ac) or 5-2 acre lots.

COMPREHENSIVE PLAN MAP: Residential use at .2-.5 du/ac

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the land use and environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

The Fairfax County Comprehensive Plan, 2007 Edition, Area III volume, Upper Potomac Planning District as amended through September 10, 2007, UP2-Springvale Community Planning Sector, Recommendations, Land Use, pages 78 and 80, states:

"The Springvale Community Planning Sector is largely developed as stable low density residential areas. Infill development in these residential areas should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan. ..."

1. Land use in this sector should continue to reflect and support the established low density residential character. Public parkland and low density residential uses at .1-.2 dwelling unit per acre and .2-.5 dwelling unit per acre are planned for the area as shown on the Plan map. . . .
2. This sector is planned for low density, single family residential use at .2-.5 du/ac as shown on the Comprehensive Land Use Plan map. . . ."

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, page 5, states:

"Objective 2: **Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements."

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, page 7, states:

"Objective 3: **Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance..."

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, page 14, states:

"Objective 10: **Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices."

LAND USE ANALYSIS

Renewal of this Agricultural and Forestal District in an undisturbed state with a very small portion developed with residential use is consistent with the existing and planned low density residential character for the site and surrounding area.

ENVIRONMENTAL ANALYSIS

This application does not raise any environmental concerns and conforms to environmental policies of the Comprehensive Plan.

This request seeks approval to renew an Agricultural and Forestal District which encompasses 27.91 acres of land located in the northern portion of Fairfax County within the Pond Branch watershed.

Except for a 2 acre portion of the district which is in residential use with one single-family dwelling unit, the district is undeveloped. The property owner wishes to maintain the district as a wildlife conservation area in an undisturbed open space. However, the property owner reserves the right to engage in future silvicultural activity involving timber and pulpwood harvesting. No agricultural use is proposed for the District and no Resource Protection Area exists on the subject property. Consequently, a Water Quality Management will not be necessary for compliance with the County's Chesapeake Bay Preservation Ordinance (CBPO).

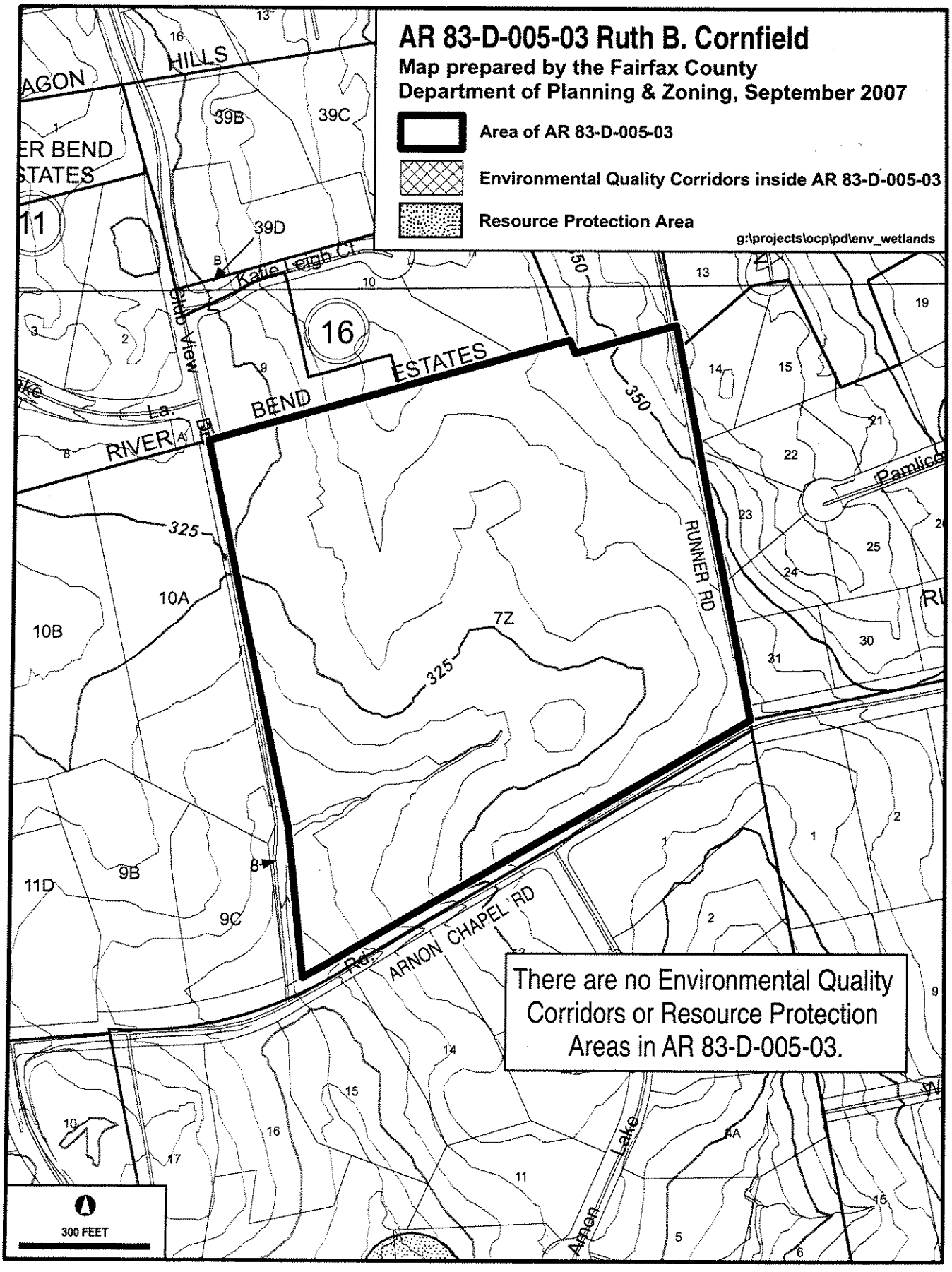
The property owner in conjunction with the Virginia Department of Forestry will be developing a Forestry Management Plan in the event that future timber harvesting occurs during the life of the renewal of the district. The forester indicated that removal of some invasive plant species would be beneficial to the existing stands of trees located on the subject property. In addition, the forester also recommended planting hardwood species on the property, such as oak, in order to provide species diversity. Hardwood seedling trees planted on the property should be protected by four foot tree tubes to protect against destruction by deer.

COUNTYWIDE TRAILS PLAN MAP:

The Countywide Trails Plan does not depict any trails immediately adjacent to the subject property.

PGN: MAW

Attachment


AR 83-D-005-03 Ruth B. Cornfield
Map prepared by the Fairfax County
Department of Planning & Zoning, September 2007
Area of AR 83-D-005-03
Environmental Quality Corridors inside AR 83-D-005-03
Resource Protection Area
g:\projects\ocp\pd\env_wetlands
There are no Environmental Quality Corridors or Resource Protection Areas in AR 83-D-005-03.
300 FEET
HILLS
AGON
ER BEND
STATES
39B
39C
39D
Katie Leigh Ct.
16
ESTATES
BEND
RIVER
La.
Club View
350
325
RUNNER RD
Pamlico
10A
10B
7Z
9B
9C
11D
ARNON CHAPEL RD
Rd.
Amon Lake

County of Fairfax, Virginia

MEMORANDUM

DATE: June 26, 2007

TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-4 (AF 83 -D - 05)

SUBJECT: Transportation Impact

REFERENCE: AR 83 – D – 005 03; Ruth B. Cornfield
Land Identification Map: 8 – 3 ((1)) 7Z

DATE: June 2007

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. However, this Department is concerned that approval of agricultural and forestal districts may inhibit the ability of the County and/or VDOT to obtain rights-of-way for needed transportation improvements. Therefore, the applicant should make a dedication to 30 feet of right-of-way from the centerline of Club View Drive to the property and 45 feet of right-of-way from the centerline of Arnon Chapel Road (Rt. 683) to the property line, to match existing dedications adjoining the site.

It is emphasized that future conditions may warrant road improvements along the road frontage of this property and that these areas should be excluded from this district to accommodate these improvements in the future.

AKR/eg

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot

FCDOT
Serving Fairfax County for 25 Years and More

October 15, 2007

AR-83-D-005-3
DOF# FAX07505

Ms. Michelle A. Rosati, Esq.
Holland & Knight, LLP
1600 Tysons Blvd., Ste. 700
McLean, VA 22102

Dear Ms. Rosati

Thank you for the opportunity to walk this property.

Enclosed is a forest management plan for the property, which has been prepared based on Mrs. Cornfield's objectives and sound forest management practices. The property has many natural resource features making it a valuable addition to the Agriculture and Forestal program in Fairfax County.

If you have any questions about this plan, please contact me.

Sincerely,

James McGlone
Urban Forest Conservationist

REPORT ON FORESTLANDS
OF
Ruth B. Cornfield
9600 Arnon Chapel Road
Great Falls VA 22066

Location: The property is .78 miles east of the intersection of Walker and Arnon Chapel Roads north of Arnon Chapel Road. This property is A&F AR-83 – D - 005-03.

Examined by: James McGlone, Urban Forest Conservationist

Landowner's Objectives: To maintain the property as an Agriculture and Forestal District; to enhance wildlife habitat; to maintain healthy trees for a quality forest.

Introduction: This property is approximately 27.9 acres It is mostly forested, with a home site in the east central portion of the property. The parcel is slightly rolling upland with an intermittent drainage running from the center towards the southwest corner; this becomes the stream that flows into the north west arm of Arnon Lake. The property was planted with 2500 loblolly pine (*Pinus Taeda*), 500 tulip poplar (*Lireodendron tulipifera*) and 500 Eastern white pine (*Pinus strobe*) between 1966-72. White pine and tulip poplar are still flourishing on the site, but the loblolly pine plantings have largely failed and the few remaining are in decline. The most notable feature of the site is that it is overrun with non-native invasive species. There is a virtually impenetrable barrier of down trees covered with invasive vine running from the home site to the western edge of the property. It is not clear whether the trees were windthrown or pulled down by the vines.

Forest Type: The parcel has been heavily planted in the past and there are four distinct forest types in each of the four quadrants of the property. Normally these would be treated as separate parcels with different management strategies, but the over riding considerations on this property are the management of invasives and deer.

Northwest: This is a mixed upland hardwood forest dominated by tulip poplar (*Lireodendron tulipifera*) and red maple (*Acer rubrum*). There is a Virginia pine (*Pinus virginiana*) component dating from natural succession of the field in the mid 1960s. The tulip poplar is of good quality and saw timber size (>20" diameter at breast height). The Virginia pine is in decline due to age.

Northeast: This is an almost pure stand of eastern white pine. The trees are of good quality and most are 20"+ dbh saw timber.

Southwest: This is an almost pure stand of red maple. The trees here are of fair commercial quality and most are saw timber size.

Southeast: This is an area of mixed Virginia and loblolly pine with an eastern red cedar (*Juniperus virginiana*). There is also a small hardwood component including flowering dogwood (*Cornus florida*), hickory *(Carya spp.),* persimmon (*Diospyros virginiana*), tulip poplar, red maple, and beach (*Fagus grandifolia*). This are was apparently planted in loblolly pine but the planting largely failed when the seedlings were killed in a brush fire. The cedar and Virginia pine took over as the natural succession of the old field in the late 1960's. The pine on the site is of poor quality and in decline; Virginia pine and cedars due to age, loblolly due to competition with hardwoods and invasives. There is little marketable timber in this area.

While the trees, especially in the north and southwest are in good shape the forest as a whole is doing poorly because of a lack of regeneration.

Invasive species: In addition to the native species listed above there are a number of non-native invasive species: Porcelain-berry (*Ampelopsis brevipedunculata*), oriental bittersweet *(Celastrus orbiculatus)*; Japanese stilt grass (*Microstegium vimineum*), mile-a-minute (*Polygonum perfoliatum*); garlic mustard (*Alliaria petiolata*); Japanese barberry (*Berberis thunbergii*); and Multiflora rose (*Rosa multiflora*). Invasive plant species generally provide little habitat for wildlife and push out native plants. The porcelain-berry and oriental bittersweet vines are of particular concern since they will kill mature trees. There is a section of the property which is impassible because of vine covered fallen trees. The trees may have been wind thrown, but it is also possible that the vines overwhelmed the trees and pulled them down.

Quality/Size: The timber quality of this area is fair to good. There are a number large saw timber size maple, white pine and poplar trees.

Wildlife Habitat: The general wildlife habitat is fair to poor. The general lack of understory except for invasive plants provides little habitat value for small mammals and song birds. Deer do seem to be thriving on the property at the expense of other animals.

Recreation / Aesthetics: this area is not particularly desirable for passive recreation such as walking, photography, bird and wildlife watching, or the general observation of nature. The thick growth of Japanese stiltgrass hides many fallen pines in the southeast area where volunteer Virginia pine is beginning to die due to old age and the lack of diversity on the rest of the site means little variation in wildlife for viewing.

Recommendations: this area is barely meeting the landowners' objectives due to the prevalence of invasive species and deer browse. To the extent possible these invasive species should be controlled or removed. Special attention should be paid to the vines as they can overwhelm and kill the trees in this area. The multi flora rose and Japanese stiltgrass will shade and out-compete tree seedlings in the forest making regeneration difficult. Fact sheets on the invasive plants, including control methods are attached to this report.

Lack of regeneration of canopy species is troubling. Advanced regeneration was not seen. This means the forest is dying even though most of the existing trees are still healthy. The lack of regeneration is most likely related to deer browse. Deer management is necessary to improve wildlife diversity and regeneration on this property.

Deer Management. The most pressing problem of sound forest management in Fairfax County is managing deer herds. Due to deer browsing we are missing an entire age class of trees throughout the County and the youngest canopy trees in most forest parcels are about 30 years

old. That equates to more damage than gypsy moths (and probably all other mortality sources combined) have been able to inflict. While the deer do not threaten our existing trees, they do make regeneration of the forest impossible and lead to the prospect that forests will disappear from\Fairfax County over the next hundred years.

There are two solutions. First the property can be fenced and the deer removed. The second is to reduce the number of deer on the property through hunting. Relocation is not possible since all white tail deer habitat is full, so there is nowhere to send them. Managing fertility has proven effective only in captive deer herds. I am enclosing a brochure on deer management in Fairfax County.

Any property owner can bowhunt on their property or allow bowhunting on their property anywhere in Fairfax County. There is no minimum acreage required. Fairfax County has a longer bow season than any other county in Virginia. Ours begins the third Saturday in September and continues through the last Saturday in March. As far as safety goes, the only people who get hurt in bowhunting are the hunters themselves. The Fairfax County Animal Control office reports they have not been able to find an example of a non-participant being injured. Not just here, but anywhere. The Virginia Department of Game and Inland Fisheries (www.dgif.virginia.gov) can provide citizens with details on seasons and other requirements. Property owners do not need a hunting license to hunt on their own property. In cases of extreme damage, the VDGIF can issue a kill permit, which allows taking of deer outside normal hunting seasons

There are organizations which cater to urban deer control on private property. You can contact the local sport hunting groups through the Virginia Bowhunters Association on the web http://www.geocities.com/~vbarchers/. Another local organization, Northern Virginia Suburban Whitetail Management (www.deerdamage.org), focuses on deer management rather than sport hunting and can help you work with the Department of Game and Inland Fisheries to control deer populations on your property.

Forest Health:
Forest pests and diseases prevalent in the Northern Virginia area: Gypsy moth (oak trees), Wooly adelgid (hemlock trees), Anthracnose (dogwood and sycamore trees) and Emerald Ash Borer (ash trees). The best way to combat outbreaks of these diseases is to know your forest. Walk it frequently and note trees that are looking sickly. Different diseases/ infestations manifest themselves in different ways, some of the common characteristics to note are: severe defoliation, curling discolored leaves (look moldy), masses of insects present in larval forms (worms) or insect fecal matter (masses of black or white droppings. Small holes in the trunk of a tree generally indicate borers and require immediate attention. If you suspect your trees are being attacked by disease or pests contact a certified arborist, the Fairfax County Urban Forest Management Branch at 703-324-1770, the county extension agent at 703-324-5369 or this office at 703-324-1489.

Wildfire: Protection of this property from wildfire is essential. Wildfire destroys valuable timber and property. Should wildfire occur on this or adjacent property call 911 immediately to report it to the Fairfax County Fire and Rescue Department.

BOARD OF DIRECTORS
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Diane Hoffman, *District Administrator*

APPENDIX 6

Fax: 703-324-1421
E-mail: conservationdistrict@fairfaxcounty.gov
Website: www.fairfaxcounty.gov/nvswcd

COMMONWEALTH of VIRGINIA

Northern Virginia Soil and Water Conservation District

12055 Government Center Parkway • Suite 905 • Fairfax, VA 22035-5512

August 30, 2007

TO: Jonathan Papp
Zoning Evaluation Division, Department of Planning and Zoning

FROM: Willie Woode
Senior Conservation Specialist

RE: Agricultural and Forestal District Renewal Application No. AR 83-D-005-3

I have reviewed the referenced Cornfield's Agricultural and Forestal District renewal application, and have walked the 27.9-acre property located at 9600 Arnon Chapel Road in Great Falls. The property consists of one parcel recorded in the Fairfax County tax map system as 008-3 ((1)) 0007Z.

The property is mainly wooded except of an approximately 2-acre portion in residential use. There is no active agriculture on site. Therefore, no soil and water quality conservation plan is necessary, as requested in Fairfax County's Chesapeake Bay Preservation Program or in the requirements for Agricultural and Forestal District status reinstatement.

Being mainly wooded, a forest management plan as provided by staff of the Virginia Department of Forestry will be of great value to maintaining the environmental benefits and scenic vistas that the property offers.

There is no resource protection area delineated within the property boundaries. Only an intermittent natural drainage was seen to flow in a general east to west direction.

In case of any questions, I can be reached at 703-324-1430 or by email at willie.woode@fairfaxcounty.gov

cc: Michelle A. Rosati, Holland & Knight, LLP

§ 58.1-3230. Special classifications of real estate established and defined.

For the purposes of this article the following special classifications of real estate are established and defined:
"Real estate devoted to agricultural use" shall mean real estate devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.), or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Real estate upon which recreational activities are conducted for a profit or otherwise, shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner.

"Real estate devoted to horticultural use" shall mean real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.); or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Real estate upon which recreational activities are conducted for profit or otherwise, shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner.

"Real estate devoted to forest use" shall mean land including the standing timber and trees thereon, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the State Forester pursuant to the authority set out in § 58.1-3240 and in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.). Real estate upon which recreational activities are conducted for profit, or otherwise, shall still be considered real estate devoted to forest use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it no longer constitutes a forest area under standards prescribed by the State Forester pursuant to the authority set out in § 58.1-3240.

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, (ii) conservation of land or other natural resources, (iii) floodways, (iv) wetlands as defined in § 58.1-3666, (v) riparian buffers as defined in § 58.1-3666, (vi) historic or scenic purposes, or (vii) assisting in the shaping of the character, direction, and timing of community development or for the public interest and consistent with the local land-use plan under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § 58.1-3240, and in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) and the local ordinance.

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§ 58.1-3231. Authority of counties, cities and towns to adopt ordinances; general reassessment following adoption of ordinance.

Any county, city or town which has adopted a land-use plan may adopt an ordinance to provide for the use value assessment and taxation, in accord with the provisions of this article, of real estate classified in § 58.1-3230. The local governing body pursuant to § 58.1-3237.1 may provide in the ordinance that property located in specified zoning districts shall not be eligible for special assessment as provided in this article. The provisions of this article shall not be applicable in any county, city or town for any year unless such an ordinance is adopted by the governing body thereof not later than June 30 of the year previous to the year when such taxes are first assessed and levied under this article, or December 31 of such year for localities which have adopted a fiscal year assessment date of July 1, under Chapter 30 (§ 58.1-3000 et seq.) of this subtitle. The provisions of this article also shall not apply to the assessment of any real estate assessable pursuant to law by a central state agency.

Land used in agricultural and forestal production within an agricultural district, a forestal district or an agricultural and forestal district that has been established under Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2, shall be eligible for the use value assessment and taxation whether or not a local land-use plan or local ordinance pursuant to this section has been adopted.

Such ordinance shall provide for the assessment and taxation in accordance with the provisions of this article of any or all of the four classes of real estate set forth in § 58.1-3230.

In addition to but not to replace any other requirements of a land-use plan such ordinance may provide that the special assessment and taxation be established on a sliding scale which establishes a lower assessment for property held for longer periods of time within the classes of real estate set forth in § 58.1-3230. Any such sliding scale shall be set forth in the ordinance.

Notwithstanding any other provision of law, the governing body of any county, city or town shall be authorized to direct a general reassessment of real estate in the year following adoption of an ordinance pursuant to this article.

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§ 58.1-3232. Authority of city to provide for assessment and taxation of real estate in newly annexed area.

The council of any city may adopt an ordinance to provide for the assessment and taxation of only the real estate in an area newly annexed to such city in accord with the provisions of this article. All of the provisions of this article shall be applicable to such ordinance, except that if the county from which such area was annexed has in operation an ordinance hereunder, the ordinance of such city may be adopted at any time prior to April 1 of the year for which such ordinance will be effective, and applications from landowners may be received at any time within thirty days of the adoption of the ordinance in such year. If such ordinance is adopted after the date specified in § 58.1-3231, the ranges of suggested values made by the State Land Evaluation Advisory Council for the county from which such area was annexed are to be considered the value recommendations for such city. An ordinance adopted under the authority of this section shall be effective only for the tax year immediately following annexation.

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§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § 58.1-3230 and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;

2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres, (ii) forest use consists of a minimum of twenty acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of two acres.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § 58.1-3230, or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than ten years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § 58.1-3240. Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § 15.1-1513 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

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§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.

Property owners must submit an application for taxation on the basis of a use assessment to the local assessing officer:

1. At least sixty days preceding the tax year for which such taxation is sought; or

2. In any year in which a general reassessment is being made, the property owner may submit such application until thirty days have elapsed after his notice of increase in assessment is mailed in accordance with § 58.1-3330, or sixty days preceding the tax year, whichever is later; or

3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ 58.1-3000 et seq.) of this Subtitle III, but continues to assess as of January 1, such application must be submitted for any year at least sixty days preceding the effective date of the assessment for such year.

The governing body, by ordinance, may permit applications to be filed within no more than sixty days after the filing deadline specified herein, upon the payment of a late filing fee to be established by the governing body. An individual who is owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application shall be submitted whenever the use or acreage of such land previously approved changes; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. The governing body of any county, city or town may, however, require any such property owner to revalidate annually with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the locality, any applications previously approved. Each locality which has adopted an ordinance hereunder may provide for the imposition of a revalidation fee every sixth year. Such revalidation fee shall not, however, exceed the application fee currently charged by the locality. The governing body may also provide for late filing of revalidation forms on or before the effective date of the assessment, on payment of a late filing fee. Forms shall be prepared by the State Tax Commissioner and supplied to the locality for use of the applicants and applications shall be submitted on such forms. An application fee may be required to accompany all such applications.

In the event of a material misstatement of facts in the application or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of value determined under § 58.1-3236 D. Except as provided by local ordinance, no application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this section.

Continuation of valuation, assessment and taxation under an ordinance adopted pursuant to this article shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as referred to in § 58.1-3235, and compliance with the other requirements of this article and the ordinance and not upon continuance in the same owner of title to the land.

In the event that the locality provides for a sliding scale under an ordinance, the property owner and the locality shall execute a written agreement which sets forth the period of time that the property shall remain within the classes of real estate set forth in § 58.1-3230. The term of the written agreement shall be for a period not exceeding twenty years, and the instrument shall be recorded in the office of the clerk of the circuit court for the locality in which the subject property is located.

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§ 58.1-3235. Removal of parcels from program if taxes delinquent.

If on April 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this article are delinquent, the appropriate county, city or town treasurer shall forthwith send notice of that fact and the general provisions of this section to the property owner by first-class mail. If, after the notice has been sent, such delinquent taxes remain unpaid on June 1, the treasurer shall notify the appropriate commissioner of the revenue who shall remove such parcel from the land use program. Such removal shall become effective for the current tax year.

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§ 58.1-3236. Valuation of real estate under ordinance.

A. In valuing real estate for purposes of taxation by any county, city or town which has adopted an ordinance pursuant to this article, the commissioner of the revenue or duly appointed assessor shall consider only those indicia of value which such real estate has for agricultural, horticultural, forest or open space use, and real estate taxes for such jurisdiction shall be extended upon the value so determined. In addition to use of his personal knowledge, judgment and experience as to the value of real estate in agricultural, horticultural, forest or open space use, he shall, in arriving at the value of such land, consider available evidence of agricultural, horticultural, forest or open space capability, and the recommendations of value of such real estate as made by the State Land Evaluation Advisory Council.

B. In determining the total area of real estate actively devoted to agricultural, horticultural, forest or open space use there shall be included the area of all real estate under barns, sheds, silos, cribs, greenhouses, public recreation facilities and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities; but real estate under, and such additional real estate as may be actually used in connection with, the farmhouse or home or any other structure not related to such special use, shall be excluded in determining such total area.

C. All structures which are located on real estate in agricultural, horticultural, forest or open space use and the farmhouse or home or any other structure not related to such special use and the real estate on which the farmhouse or home or such other structure is located, together with the additional real estate used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other real estate in the locality.

D. In addition, such real estate in agricultural, horticultural, forest or open space use shall be evaluated on the basis of fair market value as applied to other real estate in the taxing jurisdiction, and land book records shall be maintained to show both the use value and the fair market value of such real estate.

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§ 58.1-3237. Change in use or zoning of real estate assessed under ordinance; roll-back taxes.

A. When real estate qualifies for assessment and taxation on the basis of use under an ordinance adopted pursuant to this article, and the use by which it qualified changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes. Such additional taxes shall only be assessed against that portion of such real estate which no longer qualifies for assessment and taxation on the basis of use or zoning. Liability for roll-back taxes shall attach and be paid to the treasurer only if the amount of tax due exceeds ten dollars.

B. In localities which have not adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on such roll-back taxes at a rate set by the governing body, no greater than the rate applicable to delinquent taxes in such locality pursuant to § 58.1-3916 for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value.

C. In localities which have adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax from the effective date of the written agreement including simple interest on such roll-back taxes at a rate set by the governing body, which shall not be greater than the rate applicable to delinquent taxes in such locality pursuant to § 58.1-3916, for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year and based on the highest tax rate applicable to the real estate for that year, had it not been subject to special assessment. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value and based on the highest tax rate applicable to the real estate for that year.

D. Liability to the roll-back taxes shall attach when a change in use occurs, or a change in zoning of the real estate to a more intensive use at the request of the owner or his agent occurs. Liability to the roll-back taxes shall not attach when a change in ownership of the title takes place if the new owner does not rezone the real estate to a more intensive use and continues the real estate in the use for which it is classified under the conditions prescribed in this article and in the

ordinance. The owner of any real estate which has been zoned to more intensive use at the request of the owner or his agent as provided in subsection E, or otherwise subject to or liable for roll-back taxes, shall, within sixty days following such change in use or zoning, report such change to the commissioner of the revenue or other assessing officer on such forms as may be prescribed. The commissioner shall forthwith determine and assess the roll-back tax, which shall be assessed against and paid by the owner of the property at the time the change in use which no longer qualifies occurs, or at the time of the zoning of the real estate to a more intensive use at the request of the owner or his agent occurs, and shall be paid to the treasurer within thirty days of the assessment. If the amount due is not paid by the due date, the treasurer shall impose a penalty and interest on the amount of the roll-back tax, including interest for prior years. Such penalty and interest shall be imposed in accordance with §§ 58.1-3915 and 58.1-3916.

E. Real property zoned to a more intensive use, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time such zoning is changed. The roll-back tax shall be levied and collected from the owner of the real estate in accordance with subsection D. Real property zoned to a more intensive use before July 1, 1988, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time the qualifying use is changed to a nonqualifying use. Real property zoned to a more intensive use at the request of the owner or his agent after July 1, 1988, shall be subject to and liable for the roll-back tax at the time of such zoning. Said roll-back tax, plus interest calculated in accordance with subsection B, shall be levied and collected at the time such property was rezoned. For property rezoned after July 1, 1988, but before July 1, 1992, no penalties or interest, except as provided in subsection B, shall be assessed, provided the said roll-back tax is paid on or before October 1, 1992. No real property rezoned to a more intensive use at the request of the owner or his agent shall be eligible for taxation and assessment under this article, provided that these provisions shall not be applicable to any rezoning which is required for the establishment, continuation, or expansion of a qualifying use. If the property is subsequently rezoned to agricultural, horticultural, or open space, it shall be eligible for consideration for assessment and taxation under this article only after three years have passed since the rezoning was effective.

However, the owner of any real property that qualified for assessment and taxation on the basis of use, and whose real property was rezoned to a more intensive use at the owner's request prior to 1980, may be eligible for taxation and assessment under this article provided the owner applies for rezoning to agricultural, horticultural, open-space or forest use. The real property shall be eligible for assessment and taxation on the basis of the qualifying use for the tax year following the effective date of the rezoning. If any such real property is subsequently rezoned to a more intensive use at the owner's request, within five years from the date the property was initially rezoned to a qualifying use under this section, the owner shall be liable for roll-back taxes when the property is rezoned to a more intensive use. Additionally, the owner shall be subject to a penalty equal to fifty percent of the roll-back taxes due as determined under subsection B of this section.

F. If real estate annexed by a city and granted use value assessment and taxation becomes subject to roll-back taxes, and such real estate likewise has been granted use value assessment and taxation by the county prior to annexation, the city shall collect roll-back taxes and interest for the maximum period allowed under this section and shall return to the county a share of such taxes and interest proportionate to the amount of such period, if any, for which the real estate was situated in the county.

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§ 58.1-3237.1. Authority of counties to enact additional provisions concerning zoning classifications.

Any county not organized under the provisions of Chapter 5 (§ 15.2-500 et seq.), 6 (§ 15.2-600 et seq.), or 8 (§ 15.2-800 et seq.) of Title 15.2, which is contiguous to a county with the urban executive form of government and any county with a population of no less than 65,000 and no greater than 72,000 may include the following additional provisions in any ordinance enacted under the authority of this article:

1. The governing body may exclude land lying in planned development, industrial or commercial zoning districts from assessment under the provisions of this article. This provision applies only to zoning districts established prior to January 1, 1981.

2. The governing body may provide that when the zoning of the property taxed under the provisions of this article is changed to allow a more intensive nonagricultural use at the request of the owner or his agent, such property shall not be eligible for assessment and taxation under this article. This shall not apply, however, to property which is zoned agricultural and is subsequently rezoned to a more intensive use which is complementary to agricultural use, provided such property continues to be owned by the same owner who owned the property prior to rezoning and continues to operate the agricultural activity on the property. Notwithstanding any other provision of law, such property shall be subject to and liable for roll-back taxes at the time the zoning is changed to allow any use more intensive than the use for which it

qualifies for special assessment. The roll-back tax, plus interest, shall be calculated, levied and collected from the owner of the real estate in accordance with § 58.1-3237 at the time the property is rezoned.

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§ 58.1-3238. Failure to report change in use; misstatements in applications.
Any person failing to report properly any change in use of property for which an application for use value taxation had been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for such penalties and interest thereon as may be provided by ordinance. Any person making a material misstatement of fact in any such application shall be liable for all such taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the locality, he shall be further assessed with an additional penalty of 100 percent of such unpaid taxes.

For purposes of this section and § 58.1-3234, incorrect information on the following subjects will be considered material misstatements of fact:

1. The number and identities of the known owners of the property at the time of application;

2. The actual use of the property.

The intentional misrepresentation of the number of acres in the parcel or the number of acres to be taxed according to use shall also be considered a material misstatement of fact for the purposes of this section and § 58.1-3234.

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§ 58.1-3239. State Land Evaluation Advisory Committee continued as State Land Evaluation Advisory Council; membership; duties; ordinances to be filed with Council.

The State Land Evaluation Advisory Committee is continued and shall hereafter be known as the State Land Evaluation Advisory Council. The Advisory Council shall be composed of the Tax Commissioner, the dean of the College of Agriculture of Virginia Polytechnic Institute and State University, the State Forester, the Commissioner of Agriculture and Consumer Services and the Director of the Department of Conservation and Recreation.

The Advisory Council shall determine and publish a range of suggested values for each of the several soil conservation service land capability classifications for agricultural, horticultural, forest and open space uses in the various areas of the Commonwealth as needed to carry out the provisions of this article.

On or before October 1 of each year the Advisory Council shall submit recommended ranges of suggested values to be effective the following January 1 or July 1 in the case of localities with fiscal year assessment under the authority of Chapter 30 of this subtitle, within each locality which has adopted an ordinance pursuant to the provisions of this article based on the productive earning power of real estate devoted to agricultural, horticultural, forest and open space uses and make such recommended ranges available to the commissioner of the revenue or duly appointed assessor in each such locality.

The Advisory Council, in determining such ranges of values, shall base the determination on productive earning power to be determined by capitalization of warranted cash rents or by the capitalization of incomes of like real estate in the locality or a reasonable area of the locality.

Any locality adopting an ordinance pursuant to this article shall forthwith file a copy thereof with the Advisory Council.

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§ 58.1-3240. Duties of Director of the Department of Conservation and Recreation, the State Forester and the Commissioner of Agriculture and Consumer Services; remedy of person aggrieved by action or nonaction of Director, State Forester or Commissioner.

The Director of the Department of Conservation and Recreation, the State Forester, and the Commissioner of Agriculture and Consumer Services shall provide, after holding public hearings, to the commissioner of the revenue or duly appointed assessor of each locality adopting an ordinance pursuant to this article, a statement of the standards referred to in § 58.1-

3230 and subdivision 1 of § 58.1-3233, which shall be applied uniformly throughout the Commonwealth in determining whether real estate is devoted to agricultural use, horticultural use, forest use or open-space use for the purposes of this article and the procedure to be followed by such official to obtain the opinion referenced in subdivision 1 of § 58.1-3233. Upon the refusal of the Commissioner of Agriculture and Consumer Services, the State Forester or the Director of the Department of Conservation and Recreation to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth in the statements filed pursuant to this section, the party aggrieved may seek relief in the circuit court of the county or city wherein the real estate in question is located, and in the event that the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this article.

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§ 58.1-3241. Separation of part of real estate assessed under ordinance; contiguous real estate located in more than one taxing locality.

A. Separation or split-off of lots, pieces or parcels of land from the real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article, either by conveyance or other action of the owner of such real estate, shall subject the real estate so separated to liability for the roll-back taxes applicable thereto, but shall not impair the right of each subdivided parcel of such real estate to qualify for such valuation, assessment and taxation in any and all future years, provided it meets the minimum acreage requirements and such other conditions of this article as may be applicable. Such separation or split-off of lots shall not impair the right of the remaining real estate to continuance of such valuation, assessment and taxation without liability for roll-back taxes, provided it meets the minimum acreage requirements and other applicable conditions of this article.

No subdivision of property which results in parcels which meet the minimum acreage requirements of this article, and which the owner attests is for one or more of the purposes set forth in § 58.1-3230, shall be subject to the provisions of this subsection.

B. Where contiguous real estate in agricultural, horticultural, forest or open-space use in one ownership is located in more than one taxing locality, compliance with the minimum acreage shall be determined on the basis of the total area of such real estate and not the area which is located in the particular taxing locality.

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§ 58.1-3242. Taking of real estate assessed under ordinance by right of eminent domain.

The taking of real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article by right of eminent domain shall not subject the real estate so taken to the roll-back taxes herein imposed.

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§ 58.1-3243. Application of other provisions of Title 58.1.

The provisions of this title applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including, without limitation, provisions relating to tax liens, boards of equalization and the correction of erroneous assessments and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

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§ 58.1-3244. Article not in conflict with requirements for preparation and use of true values.

Nothing in this article shall be construed to be in conflict with the requirements for preparation and use of true values where prescribed by the General Assembly for use in any fund distribution formula.

GLOSSARY

This Glossary is presented to assist the public in understanding the staff evaluation and analysis. It should not be construed as representing legal definitions.

AGRICULTURAL AND FORESTAL DISTRICT - A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE (AFDAC) - A committee composed of four farmers, four freeholder residents of Fairfax County, the Supervisor of Assessments and one member of the Board of Supervisors. AFDAC is formed to advise the Planning Commission and the Board of Supervisors regarding the proposed establishment, modification, renewal and/or the termination of an Agricultural and Forestal District and to provide expert advice on the nature of farming and forestry in the proposed district and the relation of such activities to the County.

AGRICULTURAL PRODUCTS - Crops, livestock, and livestock products which shall include but not be limited to the following:

1) Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts and dry beans.
2) Fruits, including apples, peaches, grapes, cherries, and berries.
3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
4) Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers.
5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

AGRICULTURALLY SIGNIFICANT LAND - Land that has historically produced agricultural products, or land that AFDAC considers good agricultural land based on factors such as soil quality, topography, climate, agricultural product markets, farm improvements, agricultural economics and technology and other relevant factors.

AGRICULTURAL USE - Use for the production for sale of plants and animals; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery and floral products useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services of the State of Virginia, or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Land or portions thereof used for processing of retail merchandise of crops, livestock products is not considered to be in agricultural use.

BEST MANAGEMENT PRACTICE (BMP) -Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by non-point sources in order to improve water quality.

CHESAPEAKE BAY PRESERVATION ORDINANCE - Regulations which the State has mandated to protect the Chesapeake Bay and its tributaries. See Fairfax County Code, Chapter 118, Chesapeake Bay Preservation Ordinance.

CLEARING - Any intentional or negligent act to cut down, remove all or a substantial part of or

damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die.

COMMERCIAL FOREST - Land which is producing or is capable of producing forest products.

DEFERRED TAX - The difference between market tax value and use value tax is known as deferred tax. The deferred tax is still owed but is not due until the use of any part or the whole of the land in an A&F District is changed. The deferred tax plus the interest due on the deferred tax is known as rollback tax. Sixty days after the use of the land is changed, notice of the change must be filed with the County Department of Taxation.

DEVELOPED LAND - The total of all parcels containing permanent structures valued at $2,500 or more, plus all parcels not generally available for development (e.g. tax exempt land, private rights-of-way, parcels owned in common by homeowner's associations, etc.).

EASEMENT - A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, scenic easement, utility easement, open space easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDOR (EQC) - An open space system designed to link and preserve natural resource areas, provide passive recreation and wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Volume 1 of the Comprehensive Plan.

ERODIBLE SOILS - Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN - Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with EQCs. The 100 year floodplain drains 70 acres or more of land and has a 1% chance of flood occurrence in any given year.

FORESTAL PRODUCTS - Products for sale or for farm use, including but not limited to lumber, pulpwood, posts, firewood, Christmas trees and other wood products.

FORESTALLY SIGNIFICANT LAND - Land that has historically produced forestal products, or land that AFDAC considers good forest land based upon factors such as soil quality, topography, environmental quality and other relevant factors.

FORESTAL USE - Use for tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the Director of the Department of Conservation and Economic Development of the Commonwealth of Virginia pursuant to Section 58-769.12 of the Code of Virginia, including the standing timber and trees thereon.

OPEN SPACE EASEMENT - An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request by the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700.

QUALIFYING USE - A land use which is eligible for use value taxation under Section 4-19 of the Fairfax County Code.

RESOURCE MANAGEMENT AREA (RMA) -The component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Chapter 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA) - That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Chapter 118, Chesapeake Bay Preservation Ordinance.

ROLLBACK TAX - Whenever an owner changes the acreage of an eligible tract by splitting off a parcel, or by changing the use of the land to a non-qualifying use, each applicable deferred tax plus annual simple interest at the rate annually applied to delinquent taxes becomes due and payable as a lump sum, known as the rollback tax. The rollback tax is applied to the year in which the use is changed and the previous five years the land was qualified for and assessed at use value rates.

TIDAL WETLANDS - Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

UNDEVELOPED LAND - Unimproved or under utilized land. Land containing no structures valued at $2,500 or more.

WETLANDS - Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corp of Engineers.

WILDLIFE HABITAT - Areas which contain the proper food, water, and vegetative cover to support a diverse community of animals, birds and fish; some examples include floodplains, upland hardwoods, pinewoods, meadows and marshes.