



APPLICATION ACCEPTED: August 2, 2007
PLANNING COMMISSION: December 6, 2007
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

November 21, 2007

STAFF REPORT

RICHARDSON LOCAL AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AR 91-Y-001-2

SULLY DISTRICT

APPLICANT:	Tom Van & Joan Johnson Richardson
ZONING:	R-C
PARCEL(S):	42-4 ((1)) 15Z
ACREAGE:	40.0 acres
PLAN MAP:	Residential, 0.1-0.2 du/ac and Private Open Space
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 Richardson 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 6.

O:\jpapp0\Ag & Forest\Districts\2007-3 Richardson\Final Materials\FINAL - Richardson - Staff Report.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.

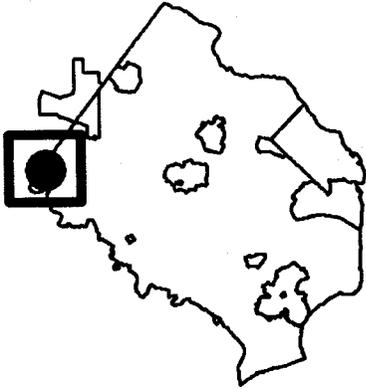
For information, contact the Zoning Evaluation Division, Office of Comprehensive Planning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 or TTY 711 (Virginia Relay Center).



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 91-Y-001-02



Applicant:

TOM VAN RICHARDSON
JOAN JOHNSON RICHARDSON

Accepted:

08/02/2007

Proposed:

AGRICULTURAL AND FORESTAL
DISTRICT RENEWAL

Area:

40 AC OF LAND; DISTRICT - SULLY

Zoning Dist Sect:

6001 BULL RUN POST OFFICE ROAD

Located:

Zoning:

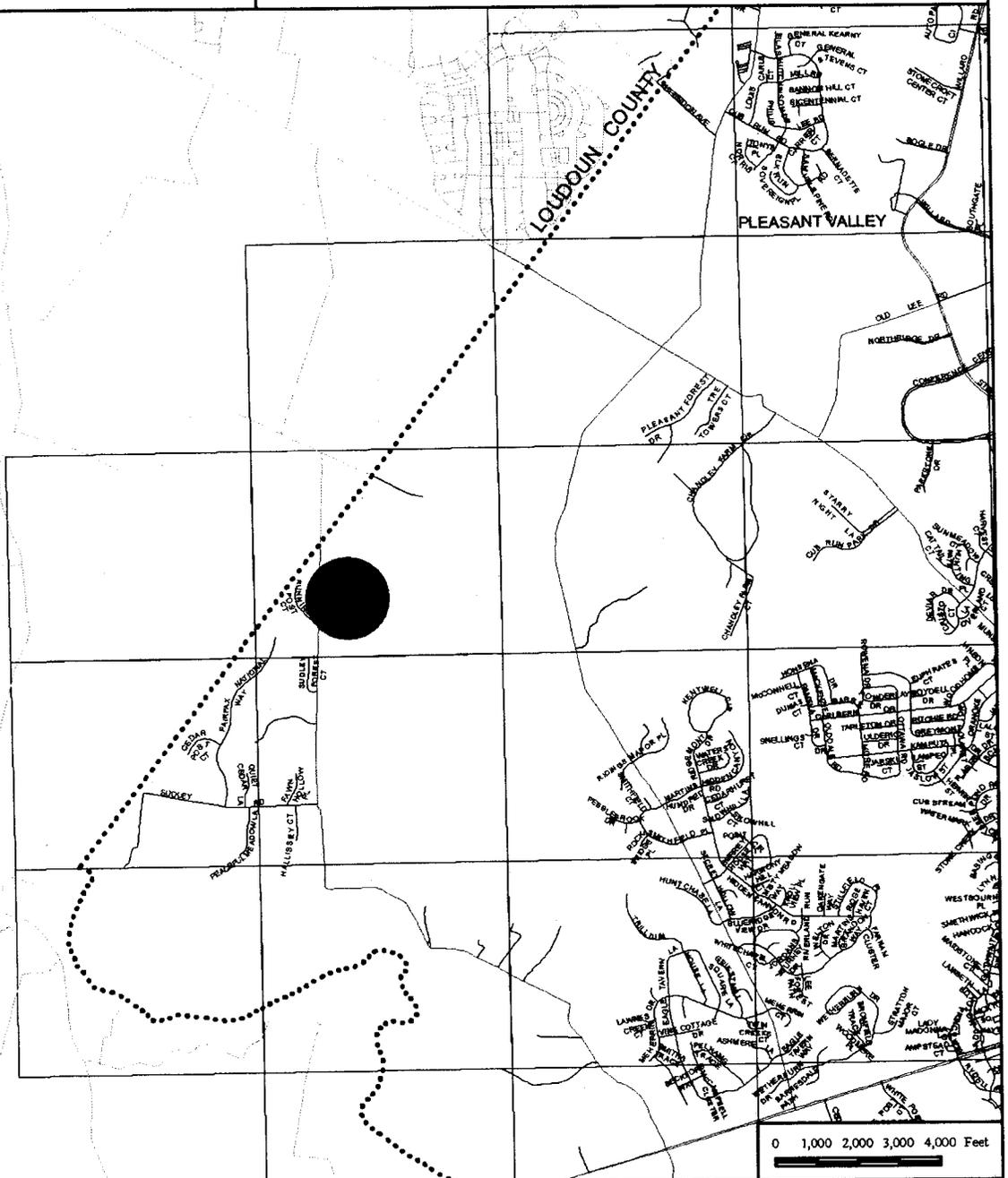
R- C

Overlay Dist:

WS

Map Ref Num:

042-4- /01/ /0015Z



A&F District Renewal

AR 91-Y-001-02



Applicant: TOM VAN RICHARDSON
JOAN JOHNSON RICHARDSON

Accepted: 08/02/2007

Proposed: AGRICULTURAL AND FORESTAL
DISTRICT RENEWAL

Area: 40 AC OF LAND; DISTRICT - SULLY

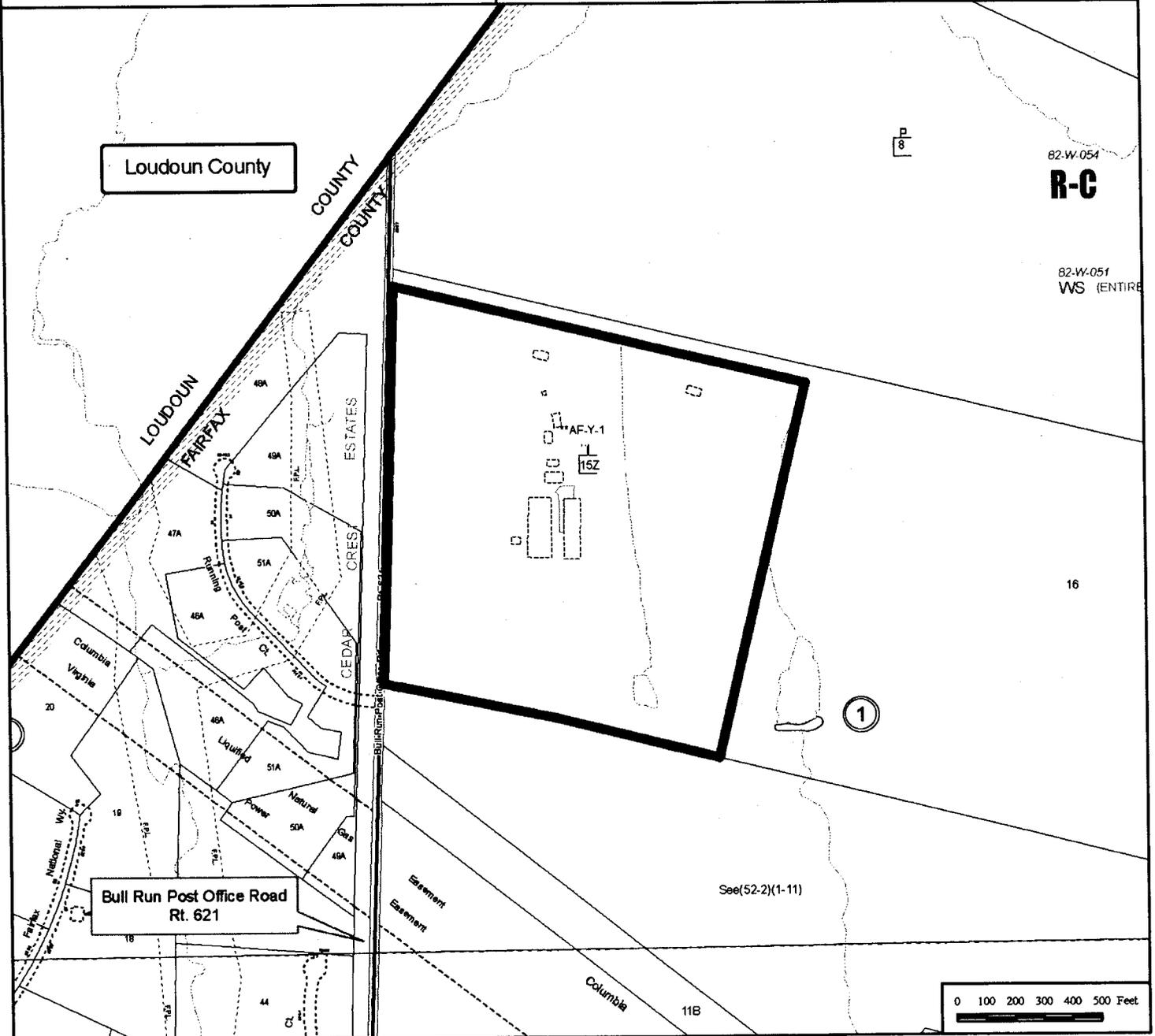
Zoning Dist Sect:

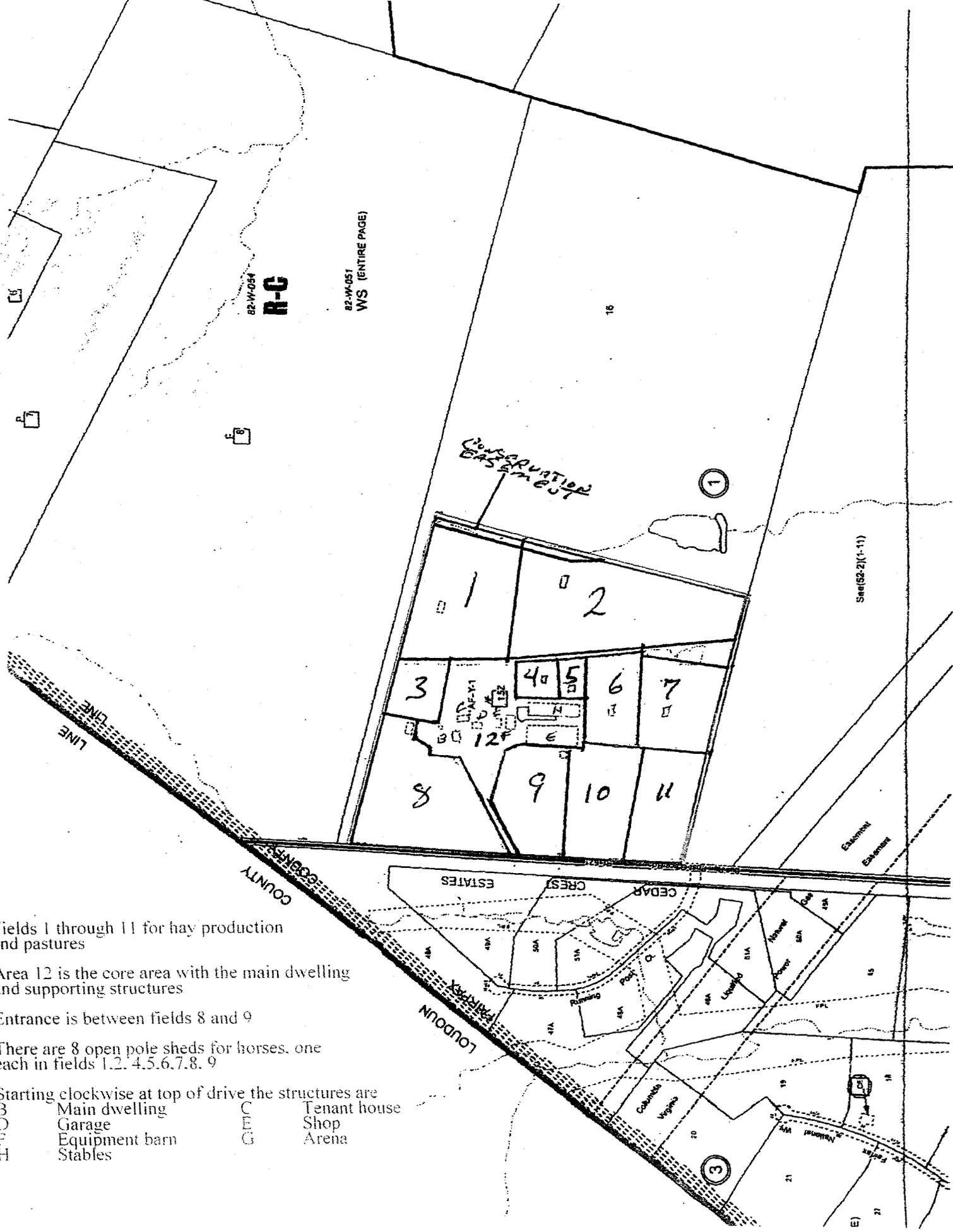
Located: 6001 BULL RUN POST OFFICE ROAD

Zoning: R- C

Overlay Dist: WS

Map Ref Num: 042-4 /01/ /0015Z





82-W-054
R-C

82-W-051
WS (ENTIRE PAGE)

Sheet(S2-2)(1-11)

CONSERVATION RESTRICTION

Fields 1 through 11 for hay production and pastures

Area 12 is the core area with the main dwelling and supporting structures

Entrance is between fields 8 and 9

There are 8 open pole sheds for horses, one each in fields 1,2, 4,5,6,7,8, 9

- Starting clockwise at top of drive the structures are
- | | | | |
|---|----------------|---|--------------|
| B | Main dwelling | C | Tenant house |
| D | Garage | E | Shop |
| F | Equipment barn | G | Arena |
| H | Stables | | |

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

DESCRIPTION OF APPLICATION

Proposal: AR 91 -Y-001 is a request to renew the Richardson Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code. The subject property is a 40.0 acre tract located on the east side of Bull Run Post Office Road, just south of the Loudoun County line in the Sully District.

Copies of the applicant's Statement of Justification and related application materials are contained in Appendices 2. Staff's Proposed Ordinance Provisions are contained in Appendix 1.

Applicant: Tom Van and Joan Johnson Richardson

Acreage: 40.0 acres

LOCATION AND CHARACTER

Surrounding Area Description:

The subject property and surrounding area are zoned R-C and WS and are generally planned for residential uses at 0.1 to 0.2 dwelling units per acre and public and private parkland. To the north, east and south, the subject property is surrounded by the former Sappington Local A&F District which still remains undeveloped. To the west across Bull Run Post Office Road is the large lot (5 acres plus) subdivision of Cedar Crest Estates.

Location and Character of the District:

The 40 acre site is located in the Stone Bridge Community Planning Sector (BR5) of the Bull Run Planning District of Area III. The property is zoned R-C and WS. The property is developed with the following structures.

Structure	Year Built	Use
Main House	1986	Residence
Tenant House	1940	Office/Storage
Main Barn	1987	Horse Stables
Second barn	1940 (approx)	Equipment Storage
Run-In Sheds (8)	1986 & 1999	Horse Shelters in Fields
Indoor Riding Facility	1999	Indoor Riding & Events
Garage	1940	Storage
Shop	1940 (renovated 1997)	Shop & Equipment Storage

As noted above, most of the property is maintained as open pasturage for the applicant's horses and horses that are boarded on-site. Approximately five acres in the center of the property are used for the house and farm buildings including those used for the riding and boarding facility.

BACKGROUND:

The Bull Run Thoroughbred Farm Local Agricultural and Forestal District (AF 83-S-010) was established in 1984 on approximately 100 acres, including the subject property. The land was automatically removed from the A&F program upon its subdivision and sale in 1990. Subsequently, the Sappington Local A&F District (AF 91 -Y-002) was established on the eastern sixty acres of the original district and a contiguous 324.34 acre parcel. At the same time, the western 40 acres of the original district, was established as the Richardson Local A&F District.

The Richardson Local Agricultural and Forestal District was established for an eight year period on September 16, 1991.

The applicants maintain a riding/boarding stable on the property, which is a Group 6 (Outdoor Recreation Use) Special Permit Use in the R-C Zoning District.

- SP 91 -Y-035 was granted by the Board of Zoning Appeals on December 10, 1991. The Special Permit included conditions limiting the number of horses boarded on-site, the number of students who could bring their horses to the site daily, the number of employees and the number of schooling shows conducted yearly. In addition, the Special Permit included conditions on maintenance of vegetation in the Environmental Quality Corridor (EQC) and on upgrading the farm pond to a Best Management Practices (BMP) facility.
- SPA 91-Y-035-1 was granted by the BZA on May 5, 1992, renewing the Special Permit and deleting the 5 year time limit. The applicants also deleted the provision allowing horse shows on the property.
- SPA 91-Y-035-2 was granted by the BZA on December 22, 1998. With this amendment, the conditions were amended to permit a maximum of six (6) horse shows or clinics a year, and the limit on the number of students allowed on the site at any one time was raised to 25.

The Richardson Local Agricultural and Forestal District was renewed for another eight year period on October 11, 1999. The current application is for the same parcel as the previous renewal application.

COMPREHENSIVE PLAN PROVISIONS (Appendix 3)

Plan Area:	Area III
Planning District:	Bull Run
Planning Sector:	Stone Bridge Community Planning Sector (BR5)
Plan Map:	Residential use at a density of 0.2 to 0.5 dwelling unit per acre and private open space.

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 fronts on Bull Run Post Office Road. This portion of Bull Run Post Office Road is in the area identified in the Comprehensive Plan as the alignment for the Tri-County Parkway, an improvement to a four-lane divided facility within a right-of-way 80 feet from centerline. The future dedication of the necessary right-of-way for this improvement would not result in the Richardson A&F District falling below the acreage requirements; nor would it impact the uses as defined in the District.

Environmental Analysis (Appendix 3)

There are no environmental issues associated with the application.

A Soil and Water Quality Conservation Plan is included as Appendix 5, and is currently dated October 22, 1999. The included plan is currently being updated, and will be delivered under separate cover to the Planning Commission and Board of Supervisors once completed.

The Richardson Agricultural and Forestal District is situated entirely within County's Water Supply Protection Overlay District, the Bull Run watershed and the County's Chesapeake Bay Preservation Area. An intermittent stream which terminates in a farm pond traverses the site from north to south in the eastern portion of the district. The statement of justification indicates that the applicants intend to maintain the majority of the district acreage (34 acres) in active agricultural use with a 5 acre portion used for residential and agricultural buildings. One acre is proposed to be conserved as tree cover along the edges of the intermittent stream channel. No Resource Protection Area (RPA) or Environmental Quality Corridor (EQC) exists within this district. However, because the property falls within the County's Chesapeake Bay Preservation Area, the applicants should update their Water Quality Management Plan with

the Northern Virginia Soil and Water Conservation Service to ensure conformance with the County's Chesapeake Bay Preservation Ordinance (CBPO).

Because one acre of the district is proposed to be maintained as undeveloped forest along the banks of the intermittent stream as well as along the northeastern boundary of the district, the applicants are encouraged to develop a Forestry Management Plan as prescribed in Forestry Best Management Practices developed by the Virginia Department of Forestry, but is not required to since the primary use on the site is agriculture.

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:

Criteria Group A:

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 40.0 acres in size and is entirely in agricultural and forest conservation uses with the exception of five acres used for the house and farm buildings associated with the agricultural use. 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-C; therefore, this criterion has been 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 0.1 to 0.2 dwelling units per acre (du/ac) and private open space. 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 0.1 to 0.2 du/ac, private open space, and private recreation. 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 used for agricultural purposes and consists of a single parcel consisting of 40.0 acres, 35 of which are used for agricultural purposes. Therefore this criterion is satisfied.

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 qualifies as a farm; therefore this criterion is not applicable.

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.

The entire site consists of soils of Class I, II, III, or IV. This criterion is satisfied.

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.

The applicant has an approved and signed Conservation Plan prepared by the Northern Virginia Soil and Water Conservation District and dated October 22, 1999. A proposed ordinance provision requires the applicant to abide by that plan, as may be amended. Therefore this criterion is satisfied.

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 proposed district qualifies as a farm; therefore this criterion is not applicable.

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's have owned this property since 1990 and since that time have shown a history of improvements to the agricultural use on the property including the establishment of the Special Permit for a riding/boarding facility; the construction of a BMP pond, new fencing and structural maintenance of existing buildings; and the purchase of new equipment including a tractor and a seeder. Environmental commitments include establishing a conservation/water quality easement on a portion of the property and the planting of 110 Leyland

Cypress trees, drive and parking improvements, main barn roof replacement, and remodeling of the main house. Staff believes that this criterion has been satisfied.

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 for sale from this property, although hay is grown for the use of the on-site horses. 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.

The subject property is located in one of the most rural settings left in Fairfax County. The open pastures running along Bull Run Post Office Road are often tenanted by horses and contribute to the rural and agricultural setting and provide scenic vistas from the road. 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 is not applicable.

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

The applicant has converted the existing farm pond to a functioning BMP facility. The applicant has also established a conservation/water quality easement on approximately one acre of the property. In 1999, the Virginia Department of Conservation and Recreation recognized the farm with the "Bay Friendly Clean Water Farm Award." The BMP pond, conservation easement, fencing, rotation of fields, limited number of horses and waste management were key factors of this recognition. Therefore, staff feels this criterion has been met.

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

The subject property is zoned R-C. Therefore, this criterion has been 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 staff's opinion that this application satisfies all of the applicable criteria in Group A and three 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 Richardson 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 91-Y-001-2, to amend Appendix F of the Fairfax County Code to renew the Richardson 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. Soils and Water Conservation Plan
6. Virginia State Tax Code Provisions
7. Glossary

PROPOSED ORDINANCE PROVISIONS**November 21, 2007****AR 91-Y-001-2**

If it is the intent of the Board of Supervisors to renew the Richardson Local Agricultural and Forestal District as proposed in Application AR 91-Y-001-2 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 42-4 ((1)) 15Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

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 forestal 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 Soil and Water Conservation Plan dated October 22, 1999, for the life of the Richardson Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Soil and Water Conservation District.
6. The establishment and continuation of this district depends upon the implementation of each of the terms and conditions stated in this ordinance. This district may, at the sole discretion of the Board of Supervisors, be subject to reconsideration and may

be terminated if such action is determined to be warranted by the Board of Supervisors upon determination that the terms and conditions stated in this ordinance are not being implemented. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A&F District as outlined in Section 115 of the County Code.

Application No. AR91-4-001-02

**APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT**

FAIRFAX COUNTY

- 1. Type of application: Local () Statewide (
Initial () Amendment () Renewal ()
- 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
<u>Tom Van Richardson</u>	<u>42- 4- /1/ 15Z</u>	<u>1990</u>	<u>RC</u>	<u>40</u>
<u>Joan Johnson Richardson</u>				
<u>6001 Bull Run Post Office Road, Centreville, Virginia 20120</u>				

- 3. Total acreage in the proposed district 40 acres.
- 4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 1 forest 0.

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AUG 02 2007

Zoning Evaluation Division

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

Name: Tom Van Richardson
Address: 6001 Bull Run Post Office Road
Centreville, Virginia 20120
Telephone: 703 817-0232

6. Signatures of all property owners:

Joan Johnson Richardson
Tom Van Richardson

TO BE COMPLETED BY THE COUNTY

Date application accepted:

8-2-07 *Virginia* ^{\$50⁰⁸}

Date of action by Board of Supervisors: _____

Approved as submitted Denied

Approved with modifications

ALL APPLICATIONS

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

Structure	Year built	Use
Main house	1986	Residence
Tenant house	1940 Approx	Storage
Main barn	1987	Horse stables
Second barn	1940 approx	Equipment storage
Three run-in sheds	1986	Horse shelters
Five run-in sheds	1999	Horse shelters

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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:

NONE

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

Conservation easement created during 1998

BMP pond for 40 acres built and fenced during 1999

110 leyland cypresses planted 1998

Fencing has been replaced or repaired as necessary

Drive and parking area improved with 6" of gravel during 1998

Roof replaced on main barn during 1998

"Continued next page"

4. Is soil and water Conservation Plan on file with the Northern Virginia Soil and Water Conservation District (NVSWCD): X yes no ***

If yes, date prepared: May 15, 1991

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
---------	-------------------	------------------------------------

Hay which was cut and bailed in the past is still grown. However, it is no longer harvested, but left for grazing for approximately 20 horses. Our experience has shown us that cutting hay and grazing horses on the same fields produces less hay and can erode the soil. Fields are rotated. On fields which are resting, hay is cut and left on the ground to stabilize the soil and for re-seeding. Pastures are undeveloped, except for open pole sheds, and are suitable for agricultural uses.

*** For year 1999, the Virginia Department of Conservation and Recreation recognized the farm with the "Bay Friendly Clean Water Farm Award." Our BMP pond, conservation easement, fencing, rotation and condition of fields, limited number of horses, and waste management were certainly key factors.

RENEWAL OF RICHARDSON LOCAL AGRICULTURAL AND FORESTAL DISTRICT

STATEMENT OF JUSTIFICATION

I INTRODUCTION:

Tom Van Richardson and Joan Johnson Richardson (hereinafter jointly the "Applicant") are the owners of certain property identified as Fairfax County Tax Map Parcels 42-4((1)) 15Z (hereinafter, the "Subject Property") which presently constitutes the Richardson Local Agricultural and Forestal District approved by the Fairfax County Board of Supervisors on October 11, 1999 in Application AR 91-Y-001. As allowed under the Fairfax County Code, the Applicant desires to renew its Local Agricultural and Forestal District and obtain Board of Supervisors approval before the upcoming October 11, 2007 expiration date. This Application with its supporting documentation is filed pursuant to Section 115-4-9 of the Fairfax County Code.

II Conformance with Criteria Set Forth in Article V of Chapter 115 of the Fairfax County Code:

Section 115-5-1 of the Fairfax County Code lists certain criteria, which is used as a guide in the renewal of the existing Local Agricultural and Forestal District. These criteria are listed as "*Criteria Group A*" and "*Criteria Group B*".

Criteria Group A:

All the following criteria should be met by all proposed districts:

- (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 (5) acres per district, may be included.

Response:

All district acreage is personally devoted to the Applicant's agricultural and equestrian uses with exception of approximately 5 acres in the center of the Subject Property, which contains the main residence, a tenant house, and all the main farm buildings, and one acre in a conservation easement. Open sheds for horses are located in the pastures, which are otherwise undeveloped and available for agriculture.

RECEIVED
Department of Planning & Zoning

AUG 02 2007

Zoning Evaluation Division

Application No. _____

**APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT**

FAIRFAX COUNTY

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<u>Joan Johnson Richardson</u>				
<u>6001 Bull Run Post Office Road, Centreville, Virginia 20120</u>				

- 3. Total acreage in the proposed district 40 acres.
- 4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 1 forest 0.

AR 2007-0224
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 JUN 25 2007
 Zoning Evaluation Division

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

Response

The Subject Property is zoned to the RC Zoning District.

- (3) The district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1-.2 dwelling unit per acre, .2 dwelling unit per acre, .2-.5 dwelling unit per acre, .5-1 dwelling unit 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 three (3) of Criteria Group B.

Response:

The Richardson Local Agricultural and Forestal District and its existing agricultural/equestrian uses are consistent with the Comprehensive Plan and are in an area planned for residential uses at a density not to exceed 0.1-0.2 dwelling units per acre. All of the uses are conducted in conformance with the R-C and WSPOD Overlay District requirements.

- (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 (3) of the criteria of Criteria Group B, if no conflicts with surrounding uses, existing and planned, are evident or likely.

Response:

All of the surrounding land adjacent to the Subject Property, including those parcels across Bull Run Post Office Road, are planned and utilized in accordance with the Comprehensive Plan for low density residential and agricultural purposes.

- (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 include at least fifteen (15) acres of land in agricultural use. A farm may include noncontiguous parcels within one (1) 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 noncontiguous parcels are predominately agricultural in use and as long as the total acreage of each individual farm (including contiguous and noncontiguous lands) is at least twenty (20) acres.

Response:

The Subject Property is 40 acres in size.

- (6) All other properties not included in a farm as defined in (a)(5), that is, forested and partially forested properties, and properties with less than fifteen (15) acres in agricultural use, should be at least twenty (20) acres in size. These properties may contain several parcels; but all parcels must be contiguous, and all must have the same owner, or else owners must be members of the same family or a family trust or family corporation.

Response:

The Richardson Local Agricultural and Forestal District contains only one (1) 40-acre parcel although it is indexed in the Fairfax County tax assessment records as two (2) parcels. The Applicant is the sole owner of the property.

- (7) Approximately two-thirds 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 one-third of the land in agricultural use containing Classes V-VIII soils may be considered if such lands have been improved and managed to reduce soil erosion, maintain soil nutrients, and reduce nonpoint source pollution.

Response:

One hundred percent of the site consists of class I, II, III, or IV soils.

- (8) Agricultural land in the district should be used in a planned program of soil management, soil conservation and pollution control practices which is 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 nonpoint 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.

Response:

A Conservation Plan prepared by the Northern Virginia Soil and Water Conservation District was initiated during 1991. The most significant achievement in this area has been the construction of a BMP pond to support 40 acres and the improvements thereon.

- (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 is intended to reduce or prevent soil erosion, maintain soil nutrients and reduce nonpoint 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.

Response:

Except for the harvesting and raising of hay and the establishment of ancillary farm and equestrian buildings, the Subject Property has not been disturbed. The only significant portion of the site which is wooded is in a Conservation Easement.

- (10) There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use in the district. In particular, districts with no history of investments in farm or forest improvements must evidence a firm commitment to agricultural or forest use for at least the life of the district.

Response:

In addition to the BMP pond mentioned above, a Conservation Easement of approximately one acre was established during 1998. A copy of that deed is attached. Furthermore, to enhance the agricultural/equestrian use conducted on the Subject Property, over the course of the past 16 years, the Applicant has invested considerably in farm and equestrian equipment, fencing, and in improving the grounds, to include the planting of more than 100 lleyland cypress. As noted in the Application, for year 1999, the Virginia Department of Conservation and Recreation recognized the farm with the "Bay Friendly Clean Water Farm Award." A copy of the certificate is attached.

Criteria Group B:

In addition to meeting all of Criteria Group A, all properties in the district should meet as well at least two (2) of the following criteria:

- (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.

Response:

The setting is perhaps the most rural of any open land remaining in Fairfax County. A frontage of 1383 feet along Bull Run Post Office Road is backed by open pastures rising to a crest 350 feet from and paralleling the Road. Atop that crest is an attractive home and a modern indoor riding facility. When occupied, the foreground contains horses flanking a 24-foot gravel entrance. From the crest, the land falls gently to a stream bisecting the property from north to south and feeding a pond located on its southern boundary. The Subject Property contains scenic vistas of predominantly rural western Fairfax area. The rural character of the Subject Property is a critical attribute to the Applicant and will be aggressively maintained.

- (4) Farming or forestry operations practice unique or particularly effective water pollution control measures (BMP's

Response:

The BMP pond and the Conservation Easement have been mentioned.

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

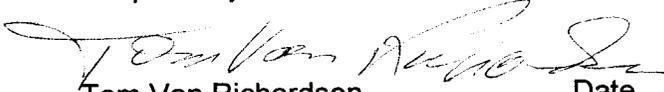
Response:

The Subject Property is entirely zoned R-C.

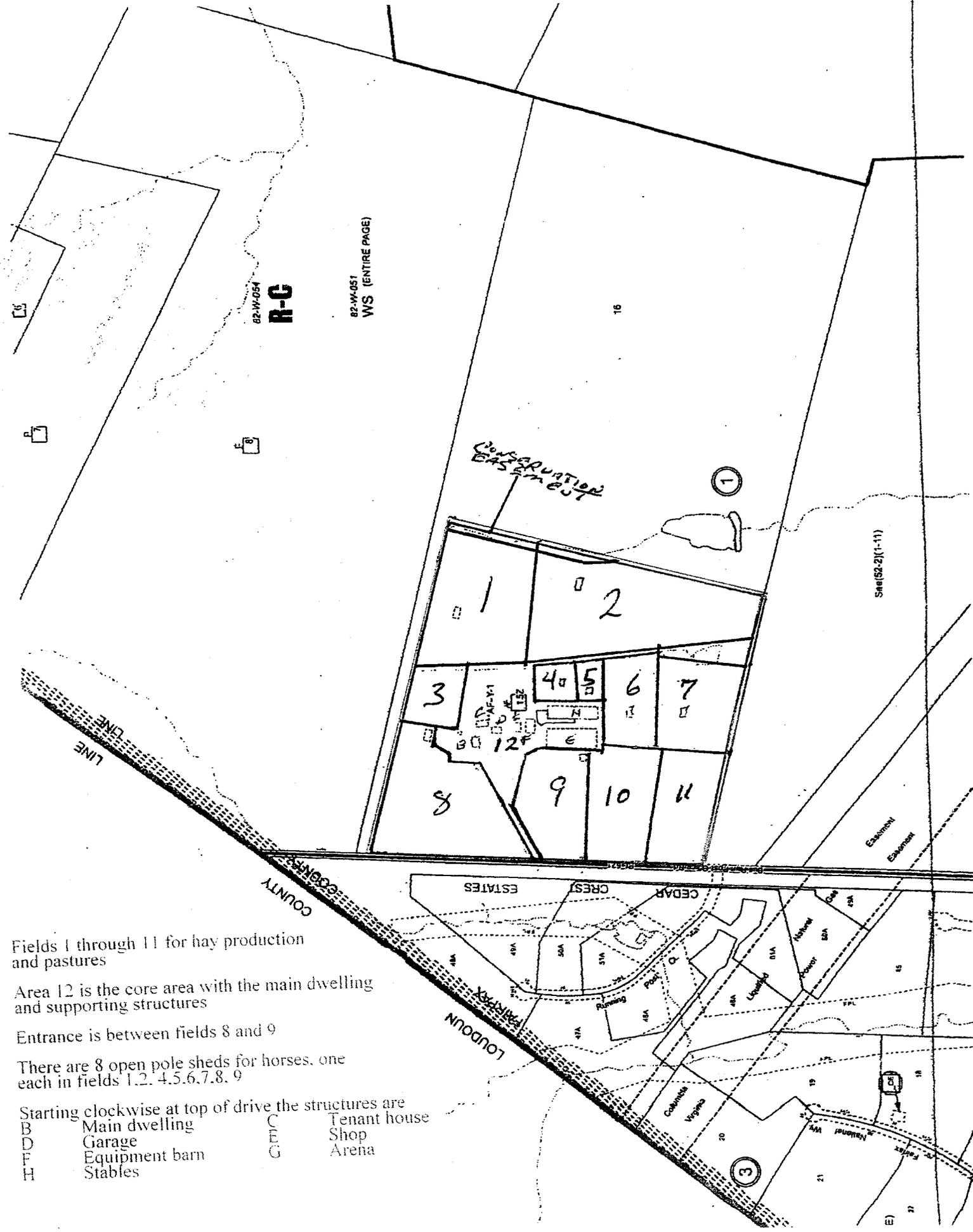
III Conclusion:

The proposed renewal of the Richardson Local Agricultural and Forestal District conforms with all ten (10) criteria set forth in "Criteria Group A" and meets three (3) out of six (6) of the criteria contained in "Criteria Group B". In light of the foregoing, the Applicant asks that the Richardson Local Agricultural and Forestal District approved in AF 91-Y-001 be renewed.

Respectfully Submitted,


Tom Van Richardson Date June 25, 2007


Joan Johnson Richardson Date June 25, 2007



82-W-054
R-G
 82-W-051
 WS (ENTIRE PAGE)

See(52-2)(1-11)

Fields 1 through 11 for hay production and pastures

Area 12 is the core area with the main dwelling and supporting structures

Entrance is between fields 8 and 9

There are 8 open pole sheds for horses, one each in fields 1, 2, 4, 5, 6, 7, 8, 9

- Starting clockwise at top of drive the structures are
- | | | | |
|---|----------------|---|--------------|
| B | Main dwelling | G | Tenant house |
| D | Garage | C | Shop |
| F | Equipment barn | | Arena |
| H | Stables | | |

COUNTY

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COLUMBIA VIRGINIA

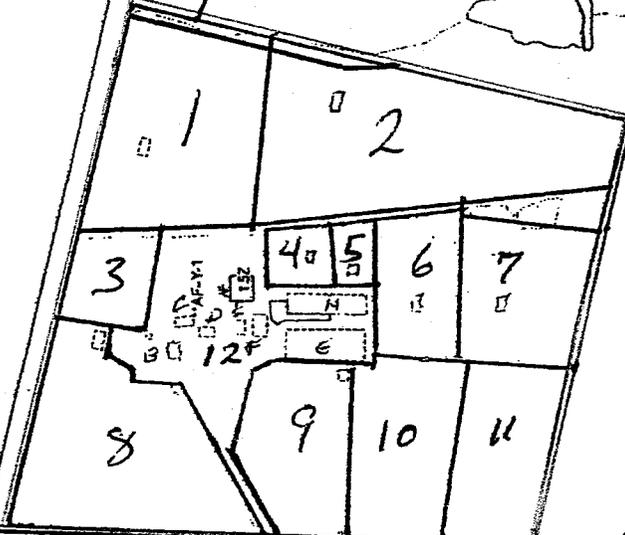
Easement Easement

1

3

16

CONSERVATION EASEMENT





County of Fairfax, Virginia

MEMORANDU

DATE: October 31, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: LAND USE and ENVIRONMENTAL ASSESSMENT for: AR 91-Y-001-02
Tom and Joan Richardson

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 40 acre Richardson Agricultural Forestal District is up for renewal. The applicants propose to maintain approximately 85% of the district in active agricultural use and approximately 13% (5 acres) will continue to be maintained as residential use with both residential and agricultural structures. The remaining 1 acre is proposed to be conserved as forested land.

LOCATION AND CHARACTER:

The subject property is located in the westernmost portion of Fairfax County within the Occoquan Reservoir watershed immediately east and adjacent to Bull Run Post Office Road. This agricultural and forestal district is surrounded by land which is planned for residential use at .1-.2 dwelling units per acre (du/ac) or 5-10 acre lots, private open space and public park.

COMPREHENSIVE PLAN MAP: Residential use at .1-.2 du/ac and private open space

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway
Fairfax, Virginia 22035
Phone 703-324-1380
Fax 703-324-3337
www.fairfaxcounty.gov/dpz

COMPREHENSIVE PLAN CITATIONS

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

The Fairfax County Comprehensive Plan, 2007 Edition Area III, Bull Run Planning District, as amended through March 12, 2007, BR-5 Stone Bridge Community Planning Sector, page 68, states:

“Occoquan Reservoir Watershed - The entire BR5 Sector is located within the watershed of the Occoquan Reservoir.

1. The land on the southwest perimeter of the County, adjacent to Loudoun County ... lying generally along Bull Run and the public parkland associated with Bull Run has remained for the most part open and undeveloped and has a rural character. It is planned for residential development at .1-.2 dwelling unit per acre and public parkland. This is in conformance with the findings of the Occoquan Basin Study. The present very low density development which characterizes this area should remain intact to protect its natural wildlife and water quality...
3. Agricultural and forestal uses are alternatives to residential uses in Low Density Residential Areas. Such uses, depending upon the techniques used, can have positive impacts on water quality. Careful attention should be paid to ensure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan Reservoir watershed.”

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...

Policy c: Use open space/conservation easements as appropriate to preserve woodlands, monarch trees, and/or rare or otherwise significant stands of trees, as identified by the County.”

LAND USE ANALYSIS

Renewal of this application conforms to the land use recommendation of the Comprehensive Plan to maintain the low density residential character of the area through alternative uses such as agricultural and forestal uses.

ENVIRONMENTAL ANALYSIS

The Richardson Agricultural and Forestal District is situated entirely within County's Water Supply Protection Overlay District, the Bull Run watershed and the County's Chesapeake Bay Preservation Area. An intermittent stream which terminates in a farm pond traverses the site from north to south in the eastern portion of the district. The statement of justification indicates that the applicants intend to maintain the majority of the district acreage (34 acres) in active agricultural use with a 5 acre portion used for residential and agricultural buildings. One acre is proposed to be conserved as tree cover along the edges of the intermittent stream channel. No Resource Protection Area (RPA) or Environmental Quality Corridor (EQC) exists within this district. However, because the property falls within the County's Chesapeake Bay Preservation Area, the applicants should update their Water Quality Management Plan with the Northern Virginia Soil and Water Conservation Service to ensure conformance with the County's Chesapeake Bay Preservation Ordinance (CBPO).

Because one acre of the district is proposed to be maintained as undeveloped forest along the banks of the intermittent stream as well as along the northeastern boundary of the district, the applicants are encouraged to develop a Forestry Management Plan as prescribed in Forestry Best Management Practices developed by the Virginia Department of Forestry. The applicants are encouraged to augment the existing forested area along the edge of the intermittent stream to enhance water quality.

Renewal of this Agricultural and Forestal District is compatible with the goals of the Comprehensive Plan to preserve the property as active agricultural use with very low density residential use.

COUNTYWIDE TRAILS PLAN MAP:

The Countywide Trails Plan depicts a major paved trail (defined as asphalt or concrete, 8 feet or more in width) and a natural surface or stone dust trail, 6' – 8' wide along the east side of Bull Run Post Office Road immediately adjacent to the subject property.

PGN: MAW



County of Fairfax, Virginia

MEMORANDUM

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

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

FILE: 3-4 (AF 91-Y-001)

SUBJECT: Transportation Impact

REFERENCE: AR 91-Y-001; Tom Van & Joan Johnson Richardson
Land Identification Map: 42-4 ((1)) 15z

DATE: October 2, 2007

The subject application seeks to renew an Agricultural/Forestral District for a parcel which has frontage on Bull Run Post Office Road. Bull Run Post Office Road in this area is identified in the Comprehensive Plan as the alignment of the Tri-County Parkway. This improvement to a four-lane divided facility requires right-of-way width of 180 feet.

This department is concerned that the approval of this application may inhibit the ability of the County or State to obtain the additional right-of-way needed for the future roadway improvement. As such, that portion of the site which may be needed for future transportation improvements should be excluded from the proposed district.

AKR/kb

BOARD OF DIRECTORS

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Vice Chairman

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Director

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Director

COMMONWEALTH of VIRGINIA

Northern Virginia Soil and Water Conservation District
 12055 Government Center Parkway • Suite 905 • Fairfax, VA 22035-5512
ADMINISTRATOR
Diane HoffmanTELEPHONE
703/324•1460

FAX

703/324•1421

EMAIL

nvswwcd@erols.com

October 22, 1999

TO: Barbara Byron, Director
Zoning Evaluation Division, DPZFROM: Wilfred Woode,
Senior Conservation Specialist

SUBJECT: A soil evaluation report for the Leggett's Agricultural and Forestal District
Property - AF 99-D-001General Location and Geology:

This is a 29-acre property consisting of five parcels, identified in the Fairfax County Property map as 3-3 ((8)) -1, -2, -3, -4 & -29.

These parcels are located in the Piedmont Upland Region of Fairfax County, and their soils are predominantly formed from decomposed schist. Three-quarters of this property consists mostly of an assemblage of Glenelg and Manor soils specifically formed in the residuum of quartz sericite schist. They are well-drained soils that have the potential to severely erode, if they are not properly managed.

The remaining one-quarter of the parcel, consists of a stretch of connected hydric soils called Chewacla and Mixed Alluvial Land. These soils are found in the channel and floodplain of Jefferson Branch, which follows south along the western property boundary. Frequent flooding and wetter soil conditions are expected along this area. These soils have developed from fine materials washed from the Piedmont upland soils. Mixed Alluvial Land mainly consists of recently deposited mixed alluvium, usually lodged in the bottoms of small streams.

Potential Soil Problems:

	<u>Yes/No</u>	<u>Soil Nos.</u>
High Erodibility	Y	55, 21
High Seasonal Water Table	Y	1, 2
Shallow Depth to Bed Rock or Restrictive Layer	N	
Marginal to Poor Drainage	Y	1, 2, 10
Stoniness	N	
Poor Moisture Retention	N	
Flood Plain (Alluvial)	Y	1, 2
Hydric Soils/ Potential Wetland	Y	1, 2



Land Capability Class:

The soils are of differing land capability classes as indicated in the table below. Land capability classification is a general grouping of soils showing their suitability for agricultural uses. The classes are according to similarities in soil properties that affect use, productive, management requirements, and potential for soil damage or degradation.

The permanent soil characteristics used in determining the soil capability class include slope, texture (relative amounts of sand, silt, and clay), depth to bed rock or impervious layer, permeability, moisture retention capacity, types of clay minerals, depth to seasonal high water table, and vulnerability to erosion.

The capability classes are designated by Roman numerals I through VIII. Soils in class I are typically suitable for most uses, with the least risk of damage. Potential soil problems and management needs increase progressively with increasing class number. The land capability subclass designated by a lowercase letter, is used to identify the major soil property affecting use and management requirements - 'e' implies erosion, and 'w' implies excess water. Specific descriptions of the land capability classes for each soil are provided in this report.

The following table shows the percentage distribution, and capabilities of the various soil components.

Symbols	Names and Expected Steepness in %	Percent-age	Acreage	Capabilities
10B+	Glenville Silt Loam (2-7%)	5	1.4	IIw-1
55C2	Glenelg Silt Loam, Eroded Rolling Phase (7-14%)	30	8.7	IIIe-1
55B2	Glenelg Silt Loam, Undulating Phase (2-7%)	10	2.9	IIE-2
21D2	Manor Silt Loam, Hilly Phase (15-25%)	15	4.4	VIe-2
21E2	Manor Silt Loam, Steep Phase (25% or >)	20	5.8	VIIe-1
2A+	Chewacla Silt Loam (0-2%)	5	1.4	IIIw-2
1A+	Mixed Alluvial Land (0-2%)	15	4.4	Vw-1

Other reports dealing with Woodland Management and Productivity, Nontechnical Soil Descriptions, Water Features, and Hydric Soils Criteria are attached.

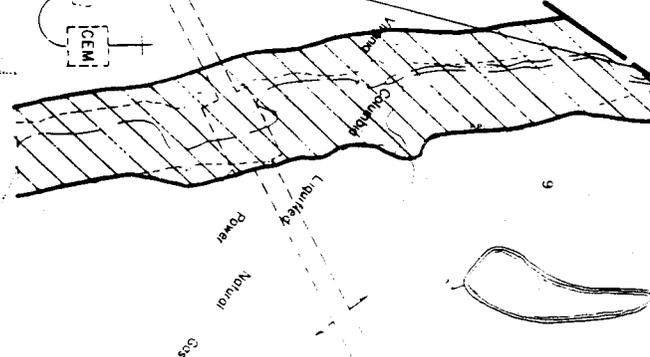
cc: Bruce Douglas, Branch Chief, Environmental and Development Review Branch,
Planning Division, DPZ

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See (62-11(1-1))

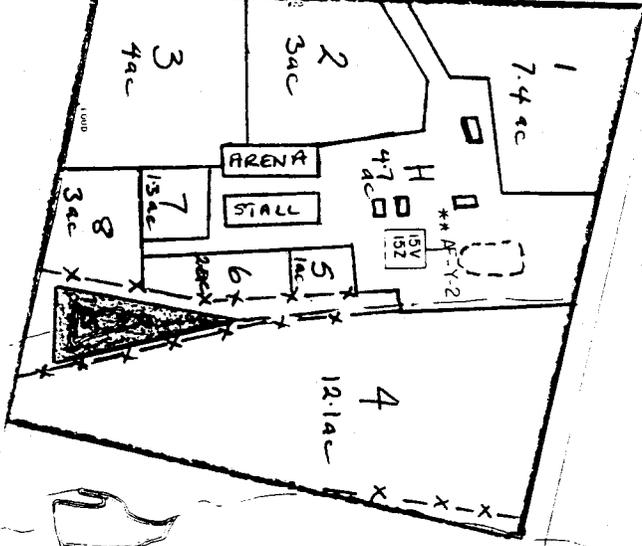


LOUDOUN
FAIRFAX

FAIRFAX
COUNTY

Bull Run Park Office Rd RT 821

Edgemont
Edgemont



LINE
LINE

52 2
AK ABE
EXPIRATION
Y-2 JUNE 7, 2003

AK ABE-Y-2
19V
19Z

MGR

CONSERVATION PLAN COVER PAGE

Client: Richardson, Tom & Joan Van
Assisted By: Willie Woode

Richardson, Tom & Joan Van

CSid	ACRES	LAND UNIT NAME	OWNER NAME
C001	40.0	Horse Boarding Oprtn	
TOTAL	40.0 ACRES		

BUSINESS OBJECTIVES

MANAGING NOTES

CONSERVATION PLAN

Client: Richardson, Tom & Joan Van

Richardson, Tom & Joan Van

Assisted By: Willie Woode

LAND UNITS		PLANNED			APPLIED		PLANNED CONSERVATION TREATMENT
RCSID	FIELD	AMOUNT	MONTH	YEAR	AMOUNT	DATE	
							A Horse Boarding Operation
0001	1, 2, 3, 4, 5, 6, 7, 8, H, P	40.0ac					A twenty-horse boarding operation on a forty-acre property.
0001	1	7.4ac	05	1999			NUTRIENT MANAGEMENT
	2	3.0ac	05	1999			Nutrients will be applied based on soil test results for
	3	4.0ac	05	1999			expected yield goals. All sources of available nutrients
	4	12.1ac	05	1999			will be credited. The rate of application and other
	5	1.0ac	05	1999			management decisions are shown on the attached Nutrient
	6	2.0ac	05	1999			Management Practice Instructions.
	7	1.3ac	05	1999			
	8	3.0ac	05	1999			
C001	1	7.4ac	05	1999	7.0ac	05/18/1999	PEST MANAGEMENT
	2	3.0ac	05	1999	3.0ac	05/18/1999	Pest Management will be carried out to control agriculture
	3	4.0ac	05	1999	4.0ac	05/18/1999	pest infestation (weeds, insects, disease) according to
	4	12.1ac	05	1999	12.1ac	05/18/1999	current recommendations from the Cooperative Extension
	5	1.0ac	05	1999	1.0ac	05/18/1999	Service. The Pest Management Guide is updated annually.
	6	2.0ac	05	1999	2.0ac	05/18/1999	Your current pest management practice of bush-hogging to
	7	1.3ac	05	1999	1.3ac	05/18/1999	control weeds and the use of larvacide in horse feed to
	8	3.0ac	05	1999	3.0ac	05/18/1999	control flies seem to be effective and acceptable.
	H	4.7ac	05	1999	4.7ac	05/18/1999	
	P	1.5ac	05	1999	1.5ac	05/18/1999	
C001	P	1.5no	05	1999			POND
							Construct a pond. Following construction, seed all disturbed
							areas to grass. Maintain the dam and the grass according to
							the original design standards as provided. The pond will be
							fenced to prevent livestock access to the dam and the
							emergency spillway.
							In this case, this practice is mostly implemented. A 1.5 acre
							pond has been constructed and seeded. About 2200 feet of
							fencing to protect the pond and EQC areas is needed. About
							1100 feet of this fencing is already installed.
IC001	1	7.4ac	05	1999	7.4ac	05/18/1999	PRESCRIBED GRAZING
	2	3.0ac	05	1999	3.0ac	05/18/1999	Graze an appropriate number of pastures/paddocks so that no
	3	4.0ac	05	1999	4.0ac	05/18/1999	more than four to seven days are spent grazing at one time
	4	12.1ac	05	1999	12.1ac	05/18/1999	on any one pasture/paddock. Allow sufficient recovery (rest)
	5	1.0ac	05	1999	1.0ac	05/18/1999	periods for the dominant forage or forage mixture. Forage
	6	2.0ac	05	1999	2.0ac	05/18/1999	supply and demand will be matched throughout the grazing
	7	1.3ac	05	1999	1.3ac	05/18/1999	season by the use of an appropriate combination of cool
	8	3.0ac	05	1999	3.0ac	05/18/1999	season perennial grasses and warm season perennial grasses.
							Provisions such as escape fields/paddocks will be developed
							to meet emergency situations such as drought or saturated

CONSERVATION PLAN

Client: Richardson, Tom & Joan Van Richardson, Tom & Joan Van
 Assisted By: Willie Woode

LAND UNITS		PLANNED			APPLIED		PLANNED CONSERVATION TREATMENT
RCSID	FIELD	AMOUNT	MONTH	YEAR	AMOUNT	DATE	
							soils. See specific management recommendations for additional information.
C001	1	7.4ac	05	1999			RECORD KEEPING
	2	3.0ac	05	1999			A system of records, indicating the dates and application of tillage practices, nutrients, and pesticides will be developed and maintained. The attached Practice Instructions indicates items to be recorded.
	3	4.0ac	05	1999			
	4	12.1ac	05	1999			
	5	1.0ac	05	1999			
	6	2.0ac	05	1999			
	7	1.3ac	05	1999			
	8	3.0ac	05	1999			
	H	4.7ac	05	1999			
	P	1.5ac	05	1999			
C001	H	0.1ac	05	1999			WASTE UTILIZATION
							Use organic waste material in an environmentally safe manner to enrich soil fertility.
							Waste from your manure storage facility should not be spread when fields are frozen or lack a good stand of grass.
							See Job Sheet 633.

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

CONSERVATION PLAN APPROVAL

Client: Richardson, Tom & Joan Van Richardson, Tom & Joan Van
Assisted By: Willie Woode

CSid	ACRES	LAND UNIT NAME	OWNER NAME
C001	40.0	Horse Boarding Oprtn	
TOTAL	40.0 ACRES		

CHESAPEAKE BAY PRESERVATION ACT

Tract/Parcel Description

Tax Number: Tract:
City/County:

I (We) understand that this tract/parcel is subject to the local Chesapeake Bay Act Program. I (We) have reviewed the Soil and Water Quality Conservation Plan for the above tract/parcel and request that it be approved by the Northern Virginia Soil and Water Conservation District Board. I (We) agree to notify the Northern Virginia Soil and Water Conservation District of any changes in operator, agricultural management, or land use. I (We) will ensure that any management measures necessary to qualify for buffer reductions are implemented.

Landowner Date

I have reviewed and understand the Soil and Water Quality Conservation Plan prepared for the above tract/parcel.

Operator Date

This Soil and Water Quality Conservation Plan meets the Chesapeake Bay Preservation Act Program ordinances and is hereby approved by the Northern Virginia Soil and Water Conservation District Board.

District Director (as authorized by the Board) Date

All programs, services, and employment opportunities of the Northern Virginia Soil and Water Conservation District are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status, handicap, or political affiliation.

CONSERVATION PLAN APPROVAL

Client: Richardson, Tom & Joan Van Richardson, Tom & Joan Van
Assisted By: Willie Woode

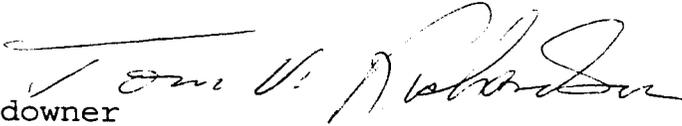
CSid	ACRES	LAND UNIT NAME	OWNER NAME
001	40.0	Horse Boarding Oprtn	
TOTAL		40.0 ACRES	

CHESAPEAKE BAY PRESERVATION ACT

Tract/Parcel Description

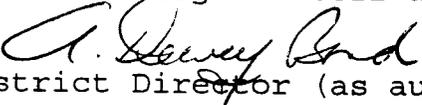
Tax Number: 42-4 (K1) 15V, 15Z Tract: R1001
City/County: CENTREVILLE / FAIRFAX COUNTY

I (We) understand that this tract/parcel is subject to the local Chesapeake Bay Act Program. I (We) have reviewed the Soil and Water Quality Conservation Plan for the above tract/parcel and request that it be approved by the Northern Virginia Soil and Water Conservation District Board. I (We) agree to notify the Northern Virginia Soil and Water Conservation District of any changes in operator, agricultural management, or land use. I (We) will ensure that any management measures necessary to qualify for buffer reductions are implemented.


Landowner Date 5/24/99

I have reviewed and understand the Soil and Water Quality Conservation Plan prepared for the above tract/parcel.

Operator Date 5/24/99

This Soil and Water Quality Conservation Plan meets the Chesapeake Bay Preservation Act Program ordinances and is hereby approved by the Northern Virginia Soil and Water Conservation District Board.

District Director (as authorized by the Board) Date 5/24/99

All programs, services, and employment opportunities of the Northern Virginia Soil and Water Conservation District are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status, handicap, or political affiliation.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.