



APPLICATION ACCEPTED: April 11, 2008  
PLANNING COMMISSION: September 25, 2008  
BOARD OF SUPERVISORS: October 20, 2008 @ 3:30

# County of Fairfax, Virginia

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September 10, 2008

## STAFF REPORT

### CAJOLL LOCAL AGRICULTURAL AND FORESTAL DISTRICT

#### APPLICATION AR 83-D-006-03

#### DRANESVILLE DISTRICT

**APPLICANT:** Cajoll Co. and John W. Hanes III Trust

**PRESENT ZONING:** R-E

**PARCELS:** 8-3 ((1)) 45Z, 47, 50Z, 51Z

**ACREAGE:** 57.38 acres

**PLAN MAP:** Residential use at 0.2-0.5 du/ac

**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 Cajoll 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 8.

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Suzie Battista

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/](http://www.fairfaxcounty.gov/dpz/)



It should be noted that it is not the intent of staff to recommend that the Board, in amending Appendix F of the County Code to include the Ordinance Provisions listed in Appendix 1, relieve the applicant/owner from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.

It should be further 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, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703)324-1290, or TTY 711 (Virginia Relay Center).

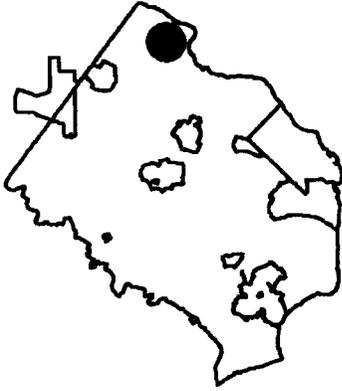
*O:\sbatti\Ag & Forest\Districts\2008-3 Cajoll\Cajoll\_Cover.doc*



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

# A&F District Renewal

AR 83-D-006-03



Applicant: CAJOLL COMPANY AND JOHN W. HANES III TRUST

Accepted: 04/11/2008

Proposed: AGRICULTURAL AND FORESTAL DISTRICT RENEWAL

Area: 57.38 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect:

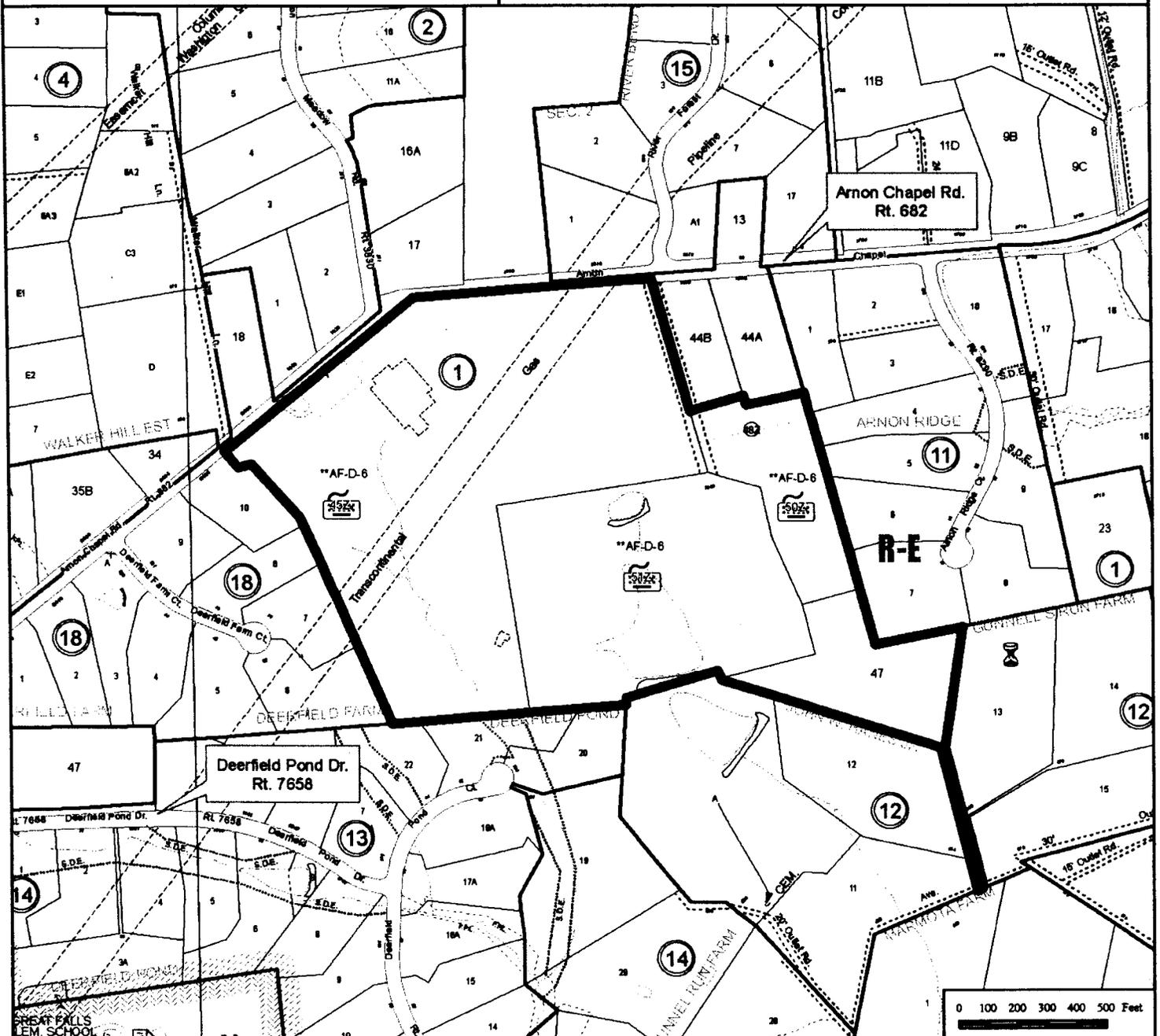
Located: 9809 ARNON CHAPEL ROAD

Zoning: R- E

Overlay Dist:

Map Ref Num: 008-3- /01/ /0045Z /01/ /0047

/01/ /0050Z /01/ /0051Z



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

**DESCRIPTION OF APPLICATION**

**Proposal:** AR 83-D-006-03 is a request to renew the Cajoll Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code. The subject property is a 57.38 acre tract located on the south side of Arnon Chapel Road in the Dranesville District.

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

**Applicant:** Cajoll Company and John W. Hanes III Trust

**Acreage:** 57.38 acres

**Use:** Horse boarding, pasture and horse riding facility  
Residence – approx. 1.5 acres

**BACKGROUND**

Portions of the subject property have been owned by the applicants since 1971 and have been in use as residential and agricultural property since that time. The Cajoll Local Agricultural and Forestal District was originally established for an eight year period on October 31, 1983, on 66.82 acres of land. The District was amended in 1984 to add a 14.8 acre parcel for a total size of 81.62 acres. The District was renewed on February 10, 1992, for an additional eight year period. On January 1, 1996, the District was amended to delete 9.1 acres, leaving a total district size of 72.52 acres. The most recently approved application was to remove a 20 acre parcel from the A&F District, add a 5 acre parcel, and correct a .14 acre discrepancy from the recorded size of the parcels. As a result of these changes, the district became a total of 57.38 acres. That application was approved on April 24, 2000 (See Appendix 4.) The current application is a renewal of the current 57.38 acre District for an eight year term.

Stoneridge Farm operates on Parcel 8-3 ((1)) 45Z under Special Permit SP 92-D-028, approved on August 5, 1992.

## LOCATION AND CHARACTER

### Surrounding Area Description:

The subject property and surrounding area are zoned R-E (Residential Estate), and are planned for residential uses at 0.2 to 0.5 dwelling units per acre and private park land. The subject property is surrounded to the east, north, and south by single family detached residences on lots that are generally two acres and larger in size. Two additional A&F Districts are located in the general vicinity of the Cajoll A&F District. The Cornfield A&F District (27.91 acres) is located about a third of a mile to the east; the Hidden Springs A&F District (33.87 acres) is located about a half mile to the southeast.

### Location and Character of the District:

The site is located in the Springvale Community Planning Sector (UP2) of the Upper Potomac Planning District of Area III. The property is developed with the following structures:

Structure	Year Built	Use
Main dwelling	Unknown	Residence
Stable/riding ring	Unknown	Riding ring
Stable/7 stall barn	1989	Horse stable
Storage shed	1955-60	Storage
Storage/Run-in shed	1955-60	Storage
Machine shed	1955-60	Equipment storage
Hay barn/Run-in shed	Pre-1955	Hay barn/horse shelter
Run-in sheds #1 & #2	1985-86	Horse shelter

The majority of the site is maintained as open fields and pasture for resident horses. Small areas are wooded and fenced off as conservation areas. Thirty-two acres are leased to the Stoneridge Farm for a boarding and riding facility; Stoneridge Farm has been in business for almost 40 years. The remainder of the property is leased to Gunnell's Run Farm, a family business that manages a horse boarding and training facility.

## COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

**Plan Area:** Area III

**Planning District:** Upper Potomac

**Planning Sector:** Springvale Sector (UP2)

**Plan Map:** Residential use at a density of 0.2 to 0.5 dwelling units per acre

## **ANALYSIS**

### **Land Use Analysis (Appendix 4)**

The proposed renewal of this Agricultural and Forestal District conforms to the Comprehensive Plan recommendation for this area, which encourages the use of A&F Districts in order to maintain the rural character of this portion of the County.

### **Transportation Analysis (Appendix 5)**

At this time, the subject site is not affected by the recommendations of the Transportation Plan Map.

### **Environmental Analysis (Appendix 4)**

A Soil and Water Quality Conservation Plan for this property, dated December 13, 2007, is included as Appendix 6. A soils analysis dated July 23, 1991 is attached as Appendix 7. A forest management plan is not required as the forested areas of this property are small and scattered.

The subject property is located at the headwaters of a tributary of Mine Run Branch. The tributary, which has been impounded in several places, is characterized as neither an Environmental Quality Corridor (EQC), nor a Resource Protection Area (RPA).

A majority of the site is characterized by highly erodible soils; therefore, care should be taken to implement appropriate cultivation practices. Although no cultivation is proposed, an ordinance provision requires the applicant to abide by the Soil and Water Conservation Plan for the life of the District. If the applicant should wish to begin cultivation, the Soil and Water Plan would need to be updated and at that time appropriate cultivation measures could be introduced to the Plan.

### **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 applicable 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 57.38 acres in size, and is entirely in agricultural uses with the exception of approximately 1.5 acres used for residential purposes. This criterion has been satisfied.

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

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

3. In general, the district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1-.2 dwelling unit per acre; .2-.5 dwelling unit per acre; .5-1 dwelling units per acre; Private Recreation; Private Open Space; Public Park; Agriculture; Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least 3 of Criteria Group B.

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

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

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

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

Although the County Code allows non-contiguous parcels to be included in the land area, these parcels are not eligible to receive the special tax assessment granted to parcels in the A&F Program. Parcels in the A&F Program are taxed under the State Code, which mandates that 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 of the State Code, properties separated only by a public right-of-way are considered contiguous.

This property measures 57.38 acres in size. 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 Capability Classes II and III. Therefore, 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 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 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.

Since 1954, the subject property has operated under a Soil and Water Conservation Plan, which has been updated several times. Currently, the applicant has an approved and signed Conservation Plan prepared by the Northern Virginia Soil and Water Conservation District dated December 13, 2007. This Conservation Plan has been organized into two parts corresponding with the two separate operations being run on the property. 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 entire parcel is in use for agricultural purposes. The scattered woodlands on the property are not harvested. 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 has owned this property since the 1970s, and since that time has shown a strong commitment to continuing the agricultural nature of the site. The two agricultural operations on the site are continuously making various improvements to the property, as well as general maintenance. The applicant has operated under a Soil and Water Conservation Plan since 1954, long before being required to do so under the A&F program. Staff believes that the applicant has therefore shown a commitment to maintaining the agricultural uses on this property for the life of the district, and to following the suggestions of the Soil and Water Conservation District. 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.

The property has been used as a horse riding and boarding center for almost 30 years. Staff believes that this criterion has been 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 open pasture lands and scenic vistas of the subject property preserve a portion of the rural character of this area which is rapidly disappearing. 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.

The property does not contain a historic site. Therefore, this criterion is not satisfied.

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

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

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

The subject property is zoned R-E. This criterion has not 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 applicable 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 two of the criteria in Group B.

## **AFDAC RECOMMENDATION**

On August 19, 2008, the Agricultural and Forestal Districts Advisory Committee voted unanimously to recommend that the Cajoll Local Agricultural and Forestal District be renewed for an eight year term, subject to the Ordinance Provisions contained in Appendix 1 of this report.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff believes that the application for the renewal of the Cajoll Local Agricultural and Forestal District satisfies all of the applicable criteria in Group A and two of the criteria in Group B, thus meeting the guidelines outlined in Sect. 115 of the County Code, and that commitments made by the applicant for agricultural improvements to the property are consistent with the intent of the program. In addition, the property does exceed the minimum acreage requirement, and is in conformance with the Comprehensive Plan.

### **Staff Recommendations**

Staff recommends application AR 83-D-006-03, to amend Appendix F of the Fairfax County Code to renew the Cajoll 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. Application Materials and Statement of Justification
3. Approval of AR 83-D-006-02
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. Soil and Water Quality Conservation Plan
7. Soils Analysis dated July 23, 1991
8. Virginia State Tax Code Provisions
9. Agricultural and Forestal Districts Advisory Committee Recommendation
10. Glossary

**PROPOSED ORDINANCE PROVISIONS****September 10, 2008****AR 83-D-006-03**

If it is the intent of the Board of Supervisors to renew the Cajoll Local Agricultural and Forestal District as proposed in Application AR 83-D-006-03 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map 8-3 ((1)) 45Z, 47, 50Z, and 51Z, 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 years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of an owner's family, or for a tenant who farms 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 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 automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirements 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 that 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.

Additional Provisions

- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated December 13, 2007, for the life of the Cajoll Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated as determined necessary by the Soil and Water Conservation District.
- (6) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this

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

Application No. AR 83-b-006-03

**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>CAJOLE CO</u>		<u>8-3(11) 452</u>	<u>-</u>	<u>31.97</u>
<u>9809 ARNON CHAPEL RD</u>	<u>- 8-3(11) 512</u>			<u>15.41</u> <i>incl for dem</i>
<u>GREAT FALLS VA 22066</u>				
		<u>8-3(11) 502</u>	<u>-</u>	<u>5.0</u> <i>incl for dem</i>
<u>John W HONES III TRUST - 1995</u>			<u>8-3(11) 47</u>	<u>5.0</u> <i>ACRES</i>
<u>V/A 8/5/88</u>				

3. Total acreage in the proposed district: 57.38 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 4 forest     . AR 2008-0101 *incl 4-16-08*

RECEIVED  
 Planning & Zoning  
 APR 03 2008  
 Evaluation Division

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

Name: Lucy H. Masemer  
Address: 9809 ARMAN Chapel Rd  
Great Falls VA 22066  
Telephone: 703-759-4894

6. Signature of all property owners:

Lucy H. Masemer (President Carroll Co)  
Great Falls, Va  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$50.00 paid

TO BE COMPLETED BY THE COUNTY

Date application accepted: 4-11-08

*Virginia Ruffner*

Date of action by Board of Supervisors: \_\_\_\_\_

Approved as submitted       Denied

Approved with modifications

ALL APPLICANTS

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

Structure	Year built	Use
Barn/indoor Ring	1970's	stabling / indoor Ring / offices
Run in shed	1970's	Equipment
Equipment shed	Pre 1950's	Equipment
Tool shed	Pre 1950's	tools etc
Animal shed	Pre 1950's	Horses / chickens
Barn	Pre 1950's	Horse stalls
Barn	1980's	Horse stalls
2 Run in Sheds	1980's	Horses
HOUSE	1980's	

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:

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

Equipment shed

Horse shed

cross fencing (to make fields smaller for rotation)

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

If yes, date prepared: 12/13/2007

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
<u>HOSE Boarding, training</u>		

FARM PROPERTY

1. Please check the appropriate description of the farm:

- Owner-operated, full-time.
  - Owner-operated, part-time.
  - Farm manager operated.
  - Rented to another farmer
- Portion of farm rented:  all \_\_\_\_\_ acres.  
Other. Please describe:  
\_\_\_\_\_  
\_\_\_\_\_

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

Active agricultural uses            57.38 acres.  
Forested or undeveloped            \_\_\_\_\_ acres.  
Residential uses                      \_\_\_\_\_ acres.  
Total acreage                          \_\_\_\_\_ acres.

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

If yes, which roads will be used:

\_\_\_\_\_  
\_\_\_\_\_

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

20 cars, vans and pickup trucks 1 heavy trucks.

FOREST PROPERTY

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

Future timber or pulpwood harvesting            \_\_\_\_\_ acres  
Christmas tree production and harvesting        \_\_\_\_\_ acres  
Firewood production and harvesting              \_\_\_\_\_ acres  
Conservation    \_\_\_\_\_ acres  
Residential uses                                        \_\_\_\_\_ acres  
Other: \_\_\_\_\_                                        \_\_\_\_\_ acres

Total acreage    \_\_\_\_\_ acres

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

\_\_\_\_\_

APR 15 2008

Zoning Evaluation Division

ZONING EVALUATION DIVISION  
STATEMENT OF JUSTIFICATION  
APRIL 2008

As meets the requirements for Establishment , Modification , Renewal , or Termination of an agricultural and forestall district ; for Group A + B , Section 115-5-1 . Article 5 , of the Executive Summary of Agricultural and Forestal Districts Ordinance Report , the combined 57.3777 acres of Cajoll Company's and the John W. Hanes 111 Trust's adjoining land parcels have been structured and formatted . The entire 31 acre portion of 8-3-001-45Z has been leased until December 31 , 2021 , to Stoneridge Farm , a business , whose employment of the land for riding purposes is justifiably considered as agricultural use. The remaining portions of the property are leased for 10 years to Gunnell's Run Farm LLC a family business that manages a small horse farm. The land is used as pasture for the horses , except for the few acres taken up by the house and the fenced off areas for conservation purposes.

All parcels are in concordance with the zoning to the R-E District and are consistent with the Comprehensive Plan . Soil needs as well have been managed with a complete and current soil and water conservation plan . The soil itself has been classified as predominantly 55 Glennelg or 20 Meadowville , both soils coming under either Class II or III soils.

Centralized in five contiguous parcels , unforested and developed for pasture , riding , or wildlife , the district acreage constitutes a farm , of which none of the functions tends to lead to pollution , erosion , nutrient loss or further exploitation of the land . This is brought about largely by the absence of plowing , backed up by the guidelines of a planned -practice control program . Both Stoneridge Farm and Gunnell's Run Farm have procured considerable investments and improvements , providing firm evidence of commitment for furthering agricultural use in the vicinity . Stoneridge Farm , for example , for over 30 years an established and continuing operation , has a lease on the 31 acre parcel for another 13 years . The smaller parcels are leased for 10 years to another family business entitled Gunnell's Run Farm LLC . Work has continually been performed on the barns and fencing in the last eight years , substantiating both organizations commitment to remain . Fenced off areas around ponds and trees for conservation purposes can be found throughout the 57.4 acres , along with approximately five heated waterers providing year-round source of water for wildlife.

Stoneridge farm has been in business since the 1970's , and its ongoing existence proves the success and regularity of production and investment in this special form of recreation , Gunnell's Run Farm has been in the farming business since the 1950's and has adapted to changes in the community as it has changed generations. Originally the 250 acre farm managed a cow/calf herd . With the need to find a lower density higher market animal the smaller 20+ acre operation raised and sold sport horses . With only a few of those

offspring remaining , and being a less rural area Gunnells Run Farm has entered into some horse boarding and training with the third generation taking charge.

Impressive as well in all its physical attributes , the farm makes itself an incontestable contribution to the well being of the Great Falls Community . The combined sections provide a scenic , rural setting of fields with horses , broken by the wooded hedgerows filled with wildlife. Great blue herons , red shouldered hawks , mallards and many other birds and wildlife can be found raising their young around the ponds and pastures. The farm is a retreat that gives a brief respite to the rapidly developing Great Falls area.

CAJOLL CO

BY Lucy Th Masemer  
(President)

DATE 4/11/08



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151  
FAX: 703-324-3926  
TTY: 703-324-3903

May 23, 2000

Ms. Lucy H. Masemer  
Cajoll Company  
9809 Arnon Chapel Road  
Great Falls, Virginia 22066

RE: Agricultural and Forestal District  
Application Number **AR 83-D-006-2**

Dear Ms. Masemer:

Agricultural and Forestal District Application **AR 83-D-006-2** in the name of Cajoll Company and J-III Trust meeting all of the criteria and provisions pursuant to Chapter 115 of the Fairfax County Code effective June 30, 1983, (Agricultural and Forestal Districts of Local Significance) Appendix F-5 and additional environmental provisions, was renewed by ordinance by the Board of Supervisors at a regular meeting held on April 24, 2000, as the Cajoll Local Agricultural and Forestal District, subject to the attached ordinance provisions.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns  
Attachment

Ms. Lucy H. Masemer

May 23, 2000

Page 2

cc: Chairman Katherine K. Hanley  
Supervisor- Dranesville District  
Jane Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., OCP  
Thomas Conry, Dept. Mgr. – GIS - Property Mapping/Overlay  
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation  
Ellen Gallagher, Project Planning Section, Office of Transportation  
Michelle Brickner, Deputy Director, Plan Review – DPW&ES  
DPW&ES – Bonds and Agreements  
Frank Edwards -Resident Engineer, VDOT  
Land Acqu. & Planning Div., Park Authority  
Diane Hoffman, District Administrator  
No. VA Soil & Water Conservation District  
Barbara White , Forester  
VA Department of Forestry  
James W. Cochran, Supervising Appraiser, Real Estate Div., DTA

**ADOPTION OF AN AMENDMENT TO CHAPTER 115, APPENDIX F  
(LOCAL AGRICULTURAL AND FORESTAL DISTRICT) OF THE 1976  
CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

*At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, April 24, 2000, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Chapter 115, Appendix F (Local Agricultural and Forestal District) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:*

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA:**

*Amend Chapter 115, Appendix F (Local Agricultural and Forestal District), as follows:*

F-5. Cajoll Local Agricultural and Forestal District  
(AR 83-D-006-2)

(a) The following parcel of land situated in the Dranesville District, and more particularly described herein, is hereby included in the Cajoll Local Agricultural and Forestal District:

Owners	Fairfax County Tax Map Parcel Number	Acreage
Cajoll Company	8-3 ((1)) 45 part	31.97
	8-3 ((1)) 43	9.83
	8-3 ((1)) 46	9.67
	8-3 ((1)) 48	0.91
J-III Trust	8-3 ((1)) 47	5.0
<hr/>		
	Total:	57.38

(b) The Cajoll Local Agricultural and Forestal District is established effective April 24, 2000, pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

(1) No parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight (8) years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural and forestal use of the land, or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of the owner's family, or for a tenant who farms 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 58.1-3230 et seq. of the Code of Virginia, if 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;

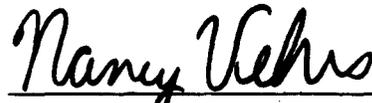
(5) The applicant shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated January 28, 2000, for the life of the Cajoll Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as

determined necessary by the Northern Virginia Soil and Water Conservation District: and

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

This amendment shall become effective upon adoption.

GIVEN under my hand this 24th day of April, 2000.

A handwritten signature in black ink that reads "Nancy Vehrs". The signature is written in a cursive style with a horizontal line underneath it.

NANCY VEHR

Clerk to the Board of Supervisors



# County of Fairfax, Virginia

## MEMORANDUM

June 30, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** Land Use and Environmental Assessment: AR 83-D-006-03  
Cajoll Company

This memorandum, prepared by Mary Ann Welton, AICP, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced application and lists and explains land use guidance and environmental policies for this property. The application requests renewal of an Agricultural and Forestal District encompassing 57.38 acres. The extent to which the proposed use, intensity, and development plan are consistent with the land use and environmental guidance contained in the Comprehensive Plan is noted.

### DESCRIPTION OF THE APPLICATION

The 57.38 acre Cajoll Company Agricultural and Forestal District within the Dranesville Magisterial District is currently up for renewal. The district is located in the Springvale Community Planning Sector (UP2) of the Upper Potomac Planning District. This agricultural forestal district is comprised of five contiguous parcels used for horse boarding, training, riding and grazing which are leased by two different entities. The property is characterized as pastureland.

### LOCATION AND CHARACTER

The subject property is located in the northern portion of the County in the Pond Branch watershed and it is zoned R-E (Residential-Estate). This agricultural and forestal district is surrounded by land which is predominantly planned for residential use 0.2 - 0.5 dwelling unit per acre (du/ac) or 2-5 acre lots.

**COMPREHENSIVE PLAN MAP:** Residential use at 0.2 to 0.5 du/ac (2 to 5-acre lots)

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://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 recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

The Fairfax County Comprehensive Plan, 2007 Edition Area III, Upper Potomac Planning District, as amended through September 10, 2007, UP2-Springvale Community Planning Sector, under the heading Land Use on page 81, the Plan states:

- “2. This sector is planned for low density, single family residential use at .2-.5 du/ac as shown on the Comprehensive Land Use Plan map. . . . In addition, measures such as agricultural and forestal districts, conservation, open space and scenic easements should be encouraged to preserve the rural character of this environmentally sensitive area, provided that their use provides a public benefit and furthers the intent of the Plan. . . .
9. Parcels 8-3((1)) 45V and 45Z, located on the south side of Arnon Chapel Road across from the intersection of Arnon Meadow Road, are planned for residential use at .2 - .5 dwelling units per acre. As an option, public park use may be appropriate. . . .”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 7-9, the Plan 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. . . .

Policy c.                    Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas through, among other tools, the development, implementation and monitoring of integrated pest, vegetation and nutrient management plans. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on page 10, the Plan 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. . . .”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on page 16, the Plan states:

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

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

## **LAND USE ANALYSIS**

The proposed renewal of this Agricultural and Forestal District conforms to the Comprehensive Plan recommendation for this area which encourages the use of Agricultural and Forestal Districts in order to maintain the rural character of this portion of the County.

## **ENVIRONMENTAL ANALYSIS**

### **Water Quality Protection**

The property is located in the County's Pond Branch Watershed. The site is subject to the County's Chesapeake Bay Preservation Ordinance (CBPO). A farm pond, which was created from the impoundment of an unnamed tributary of Mine Branch, is located on the subject property. This impoundment is not a Resource Protection Area (RPA) as defined under the CPBO.

Horse boarding, training and grazing are considered agricultural use. Agricultural activities and nutrient management within the County's Chesapeake Bay Preservation Area comply with the CBPO through the development of a Water Quality Management Plan as implemented and administered by the Northern Virginia Soil and Water Conservation District (NVSWCD). The applicant has completed a current Water Quality Management Plan with NVSWCD. This agricultural forestal district conforms to the County's CBPO.

The proposed renewal of this Agricultural and Forestal District is consistent with the environmental goals and objectives of the Comprehensive Plan.

**COUNTYWIDE TRAILS MAP:**

The Countywide Trails Plan depicts a natural surface or stone dust trail, defined as typically 6-8 feet in width along the property's Arnon Chapel Road frontage.

PGN: MAW

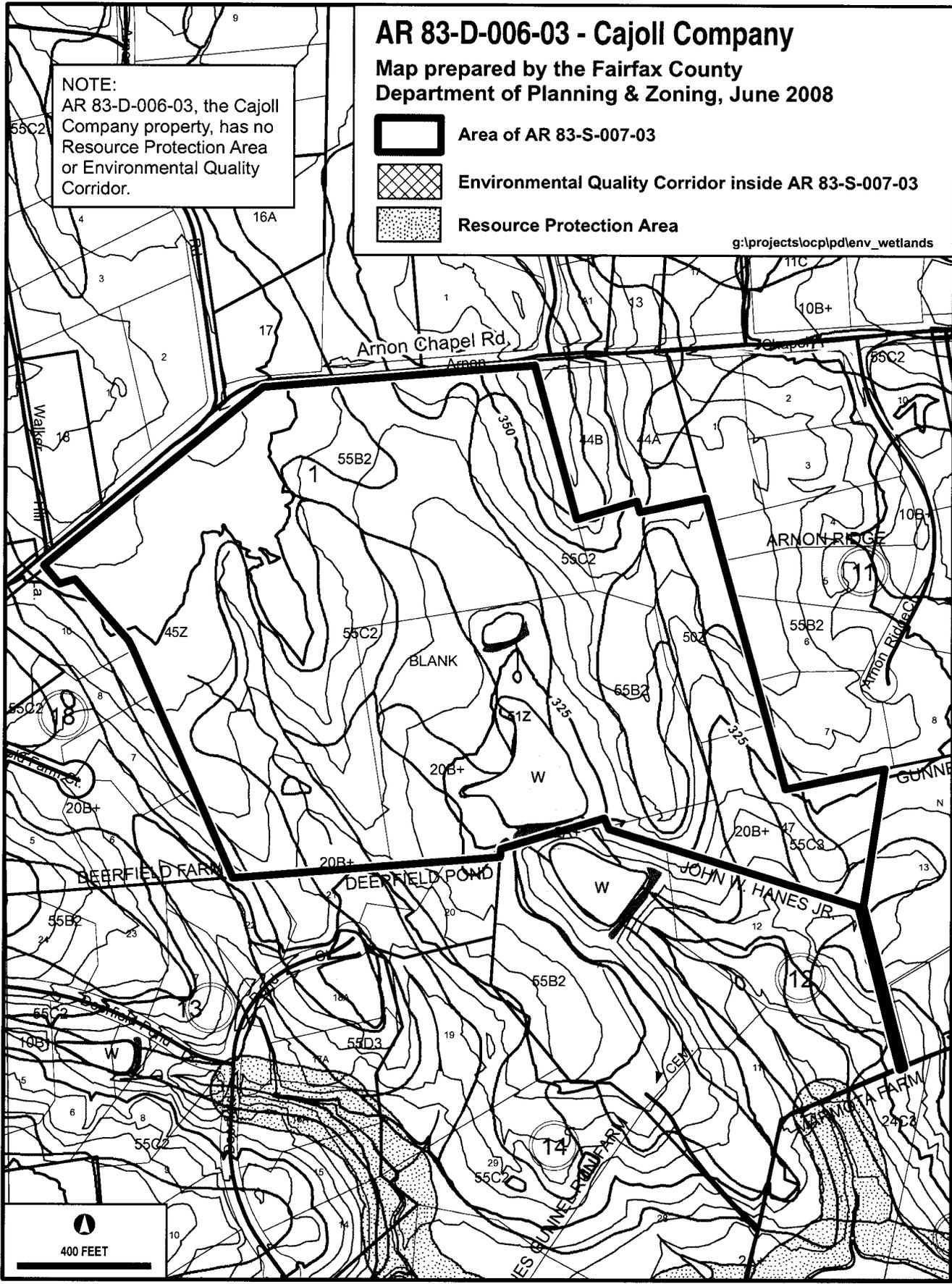
# AR 83-D-006-03 - Cajoll Company

Map prepared by the Fairfax County  
Department of Planning & Zoning, June 2008

NOTE:  
AR 83-D-006-03, the Cajoll  
Company property, has no  
Resource Protection Area  
or Environmental Quality  
Corridor.

-  Area of AR 83-S-007-03
-  Environmental Quality Corridor inside AR 83-S-007-03
-  Resource Protection Area

g:\projects\locpl\pd\env\_wetlands





# County of Fairfax, Virginia

## MEMORANDUM

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

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

**FILE:** 3-4 (AF 83-D-006)

**SUBJECT:** Transportation Impact

**REFERENCE:** AR 83-D-006-3; Cajoll Company  
Land Identification Map: 8-3 ((1)) 45Z,47Z,50Z, and 51Z

**DATE:** May 14, 2008

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. However, this department is concerned that approval of agricultural and forestall districts may inhibit the ability of the County and/or VDOT to obtain rights-of-way for needed transportation improvements. If this is the case, the land that would reasonably be needed for right-of-way during the eight-year life of the approval should be excluded from the district.

However, in the subject case no projects that would affect the site are included in the Adopted Plan or in current construction programs. Therefore, exclusion of land for right-of-way purposes should not be necessary at this time.

AKR/pcs

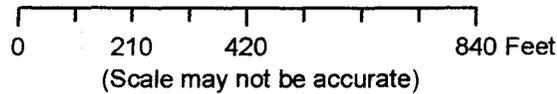
# Gunnell's Run Farm - Cajoll Co. Prop. 9809 Arnon Chapel Road, Great Falls



Fairfax County GIS and 2003 Orthophoto Layers  
Prepared by Willie Woode - NVSWCD

## LEGEND

- Existing Fencing
- Location of roofed structures onsite
- Tax Map Parcels





**Northern Virginia Soil and Water Conservation District**

12055 Government Center Parkway, Suite #905

Fairfax, VA 22035

<http://www.fairfaxcounty.gov/nvswcd/>

Tel: 703-324-1460

Fax: 703-423-1421

**---Soil and Water Quality Conservation Plan---**

**Property Owner/Operator:**

Lucy Masemer

Gunnel's Run Farm (Portion of Cajoll A&F District)

9809 Arnon Chapel Road

Great Falls, VA 22066

**Plan Prepared by:**

Willie Woode, Senior Conservation Specialist, NVSWCD

**Date:**

December 13, 2007

**Summary of operation:**

This is a 21.4-acre portion of the 57.4-acre Cajoll Property located at 9809 Arnon Chapel Road in Great Falls. It is pending renewal of its Agricultural and Forestal District status. Approximately 15 horses are currently kept on site. A pond (approx. 2 acres) forms part of the property. No Chesapeake Bay Resource Protection Area (RPA) is delineated within the property limits. Most of the land is used as pasture fields for rotational grazing purposes.

**Practices:**

1) Nutrient Management (590):

Nutrients will be applied based on soil test results for expected yield goals. All sources of available nutrients will be credited. The rate, timing and method of application are shown on the attached Nutrient Management Plan. This plan was developed and signed by a Nutrient Management Planner, certified by the Commonwealth of Virginia's Nutrient Management Program.

Landowner reserves the right to depend solely on recycled nutrients from horse waste. However, landowners consideration to apply lime where recommended is encouraged. Attaining the recommended pH of 6.0-6.2 will help to chemically release available plant nutrients to the pasture grasses.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.5 ac.	12	2007		
2	0.5 ac.	12	2007		
3	4.0 ac.	12	2007		
4	0.5 ac.	12	2007		
5	1.5 ac.	12	2007		
6	2.0 ac.	12	2007		
7	1.0 ac.	12	2007		
8	1.0 ac.	12	2007		
9	1.0 ac.	12	2007		
10	4.0 ac.	12	2007		
Total	17.0ac.				

### 2) Pest Management (595)

Pest Management will be carried out to control agricultural pest infestation (weeds, insects, diseases) according to current recommendations from the Cooperative Extension Service. The Pest Management Guide is updated annually.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.5 ac.	12	2007		
2	0.5 ac.	12	2007		
3	4.0 ac.	12	2007		
4	0.5 ac.	12	2007		
5	1.5 ac.	12	2007		
6	2.0 ac.	12	2007		
7	1.0 ac.	12	2007		
8	1.0 ac.	12	2007		
9	1.0 ac.	12	2007		
10	4.0 ac.	12	2007		
Resid.& stalls	2.4 ac.	12	2007		
Pond	2.0 ac.	12	2007		
Total	21.4 ac.				

### 3) Prescribed Grazing (528)

Intensive rotational grazing – Graze appropriate number of pasture fields in an intensive rotational system, by adjusting the pasture recovery period through the grazing season. The grazing period may range from one half to several days. Grazing heights and appropriate recovery periods will be observed throughout the grazing season. Existing escape or sacrifice areas are highly recommended to meet emergency situations such as drought or saturated soil conditions.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.5 ac.	12	2007	12	2007
2	0.5 ac.	12	2007	12	2007
3	4.0 ac.	12	2007	12	2007
4	0.5 ac.	12	2007	12	2007
5	1.5 ac.	12	2007	12	2007
6	2.0 ac.	12	2007	12	2007
7	1.0 ac.	12	2007	12	2007
8	1.0 ac.	12	2007	12	2007
9	1.0 ac.	12	2007	12	2007
10	4.0 ac.	12	2007	12	2007
Total	17.0ac.				

4) Waste Storage Facility (313)

Maintain your current permanent waste storage structure (at location M) designed to temporarily hold solid animal waste. Spreading should be scheduled at such intervals so that the facility does not overflow. Spreading should not be done on snow or frozen ground. Spreading should be on fields with established pasture.

Fields	Planned Amount	Month	Year	Applied Amount	Date
M	1	12	2007	12	2007

5) Pond Management

Manage existing pond and its adjacent vegetated buffer areas for water quality improvement and wildlife enhancement purposes. Maintain fencing around pond area to keep horses out. Maintain vegetation stand in buffer areas to improve filtration of pollutants within the established Environmental Quality Corridor (EQC) before runoff enters the water body.

Current design of the pond is such that the primary outlet and emergency spillway are the same. Consider additional reinforcement to reduce or prevent further erosion.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Pond	2.0 ac.	12	2007	12	2007

6) Record Keeping

A system of records indicating the dates and applications of nutrients, or pesticides should be developed and maintained. A specimen record sheet is included.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.5 ac.	12	2007		
2	0.5 ac.	12	2007		
3	4.0 ac.	12	2007		
4	0.5 ac.	12	2007		
5	1.5 ac.	12	2007		
6	2.0 ac.	12	2007		
7	1.0 ac.	12	2007		
8	1.0 ac.	12	2007		
9	1.0 ac.	12	2007		
10	4.0 ac.	12	2007		
Resid.& stalls	2.4 ac.	12	2007		
Pond	2.0 ac.	12	2007		
Total	21.4 ac.				

**SIGNATURES OF PARTICIPANTS**

Landowner/Operator:

*Lucy H. Masemer*                      2/23/08

**Lucy Masemer**                                      **Date**

Planner:

*Wilfred D. Woode*                      2/7/08

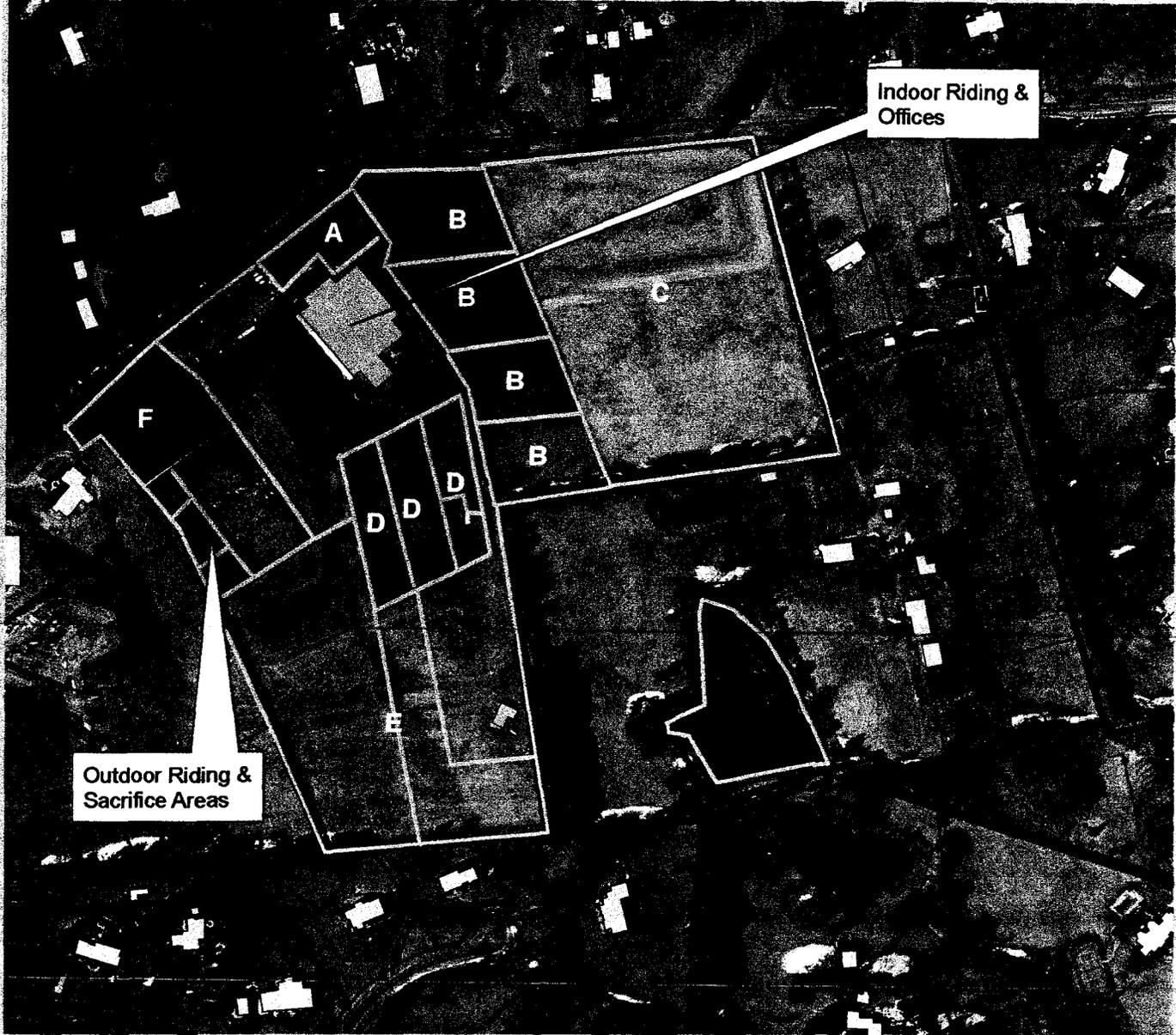
**Wilfred D. Woode**                                      **Date**

District Authority:

*Jan R. Packard*                      2/7/08

**Chairman**    **Date**

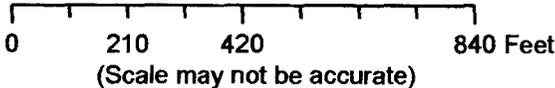
# Stoneridge Show Stable - Cajoll Co. Prop. 9809 Arnon Chapel Road, Great Falls

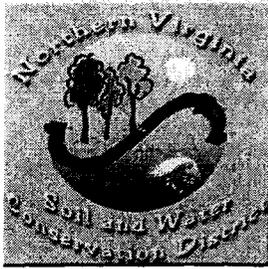


## LEGEND

Fairfax County GIS and 2003 Orthophoto Layers  
Prepared by Willie Woode - NVSWCD

- Existing Fencing
- Location of roofed structures onsite
- Tax MAP Parcels





**Northern Virginia Soil and Water Conservation District**  
 12055 Government Center Parkway, Suite #905  
 Fairfax, VA 22035  
<http://www.fairfaxcounty.gov/nvswcd/>  
 Tel: 703-324-1460  
 Fax: 703-423-1421

**---Soil and Water Quality Conservation Plan---**

**Property Owner/Operator:**

Harry Huber  
 Stoneridge Show Stable (Portion of Cajoll A&F District)  
 9809 Arnon Chapel Road  
 Great Falls, VA 22066

**Plan Prepared by:**

Willie Woode, Senior Conservation Specialist, NVSWCD

**Date:**

December 13, 2007

**Summary of operation:**

This is a 36-acre portion of the 57.4-acre Cajoll Property located on the south side of Arnon Chapel Road and south of its intersection with Arnon Meadow Road in Great Falls. It is pending renewal of its Agricultural and Forestal District status. An average of 40 horses is kept on site annually. No Chesapeake Bay Resource Protection Area (RPA) is delineated within the property limits. Most of the land is used as pasture fields for rotational grazing purposes.

**Practices:**

1) Nutrient Management (590):

Nutrients will be applied based on soil test results for expected yield goals. All sources of available nutrients will be credited. The rate, timing and method of application are shown on the attached Nutrient Management Plan. This plan was developed and signed by a Nutrient Management Planner, certified by the Commonwealth of Virginia's Nutrient Management Program.

Fields	Planned Amount	Month	Year	Applied Amount	Date
A	0.5 ac.	12	2007		
B	4.0 ac.	12	2007		
C	12.5 ac.	12	2007		
D	2.0 ac.	12	2007		

E	12.0 ac.	12	2007		
F	1.0 ac.	12	2007		
Total	32.0ac.				

### 2) Pest Management (595)

Pest Management will be carried out to control agricultural pest infestation (weeds, insects, diseases) according to current recommendations from the Cooperative Extension Service. The Pest Management Guide is updated annually.

Fields	Planned Amount	Month	Year	Applied Amount	Date
A	0.5 ac.	12	2007		
B	4.0 ac.	12	2007		
C	12.5 ac.	12	2007		
D	2.0 ac.	12	2007		
E	12.0 ac.	12	2007		
F	1.0 ac.	12	2007		
O/side Riding & Sacr. Area	1.0 ac.	12	2007		
Indoor Riding, Parking & offices	3.0 ac.	12	2007		
Total	36.0ac.				

### 3) Prescribed Grazing (528)

Intensive rotational grazing – Graze appropriate number of pasture fields in an intensive rotational system, by adjusting the pasture recovery period through the grazing season. The grazing period may range from one half to several days. Grazing heights and appropriate recovery periods will be observed throughout the grazing season. Existing escape or sacrifice areas are highly recommended to meet emergency situations such as drought or saturated soil conditions.

Fields	Planned Amount	Month	Year	Applied Amount	Date
A	0.5 ac.	12	2007		
B	4.0 ac.	12	2007		
C	12.5 ac.	12	2007		
D	2.0 ac.	12	2007		
E	12.0 ac.	12	2007		
F	1.0 ac.	12	2007		

O/side Riding & Sacrifice Areas	1.0 ac.	12	2007		
Indoor Riding, Parking & offices	3.0 ac.	12	2007		
Total	32.0ac.				

4) Waste Storage Facility (313)

Maintain your current permanent waste storage structure (at location M) designed to temporarily hold solid animal waste. Spreading should be scheduled at such intervals so that the facility does not overflow. Spreading should not be done on snow or frozen ground. Spreading should be on fields with established pasture.

Consider installing a composting facility that help combat waste volume problem through a 50% volume reduction process. A roofed, multi-celled composting facility is recommended.

Fields	Planned Amount	Month	Year	Applied Amount	Date
M	1	12	2007	12	2007

5) Record Keeping

A system of records indicating the dates and applications of nutrients, or pesticides should be developed and maintained. A specimen record sheet is included.

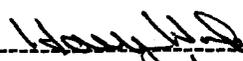
Fields	Planned Amount	Month	Year	Applied Amount	Date
A	0.5 ac.	12	2007		
B	4.0 ac.	12	2007		
C	12.5 ac.	12	2007		
D	2.0 ac.	12	2007		
E	12.0 ac.	12	2007		
F	1.0 ac.	12	2007		
O/side Riding & Sacr. Area	1.0 ac.	12	2007		
Indoor Riding, Parking & offices	3.0 ac.	12	2007		
Total	36.0ac.				

---

**SIGNATURES OF PARTICIPANTS**

---

Landowner/Operator:

  
-----  
Lucy Masemer **HARRY MASEMER**

2/7/08  
-----  
Date

Planner:

  
-----  
Wilfred D. Woode

2/7/08  
-----  
Date

District Authority:

  
-----  
Chairman

2-7-08  
-----  
Date

RECEIVED  
OFFICE OF COMPREHENSIVE PLANNING

JUL 28 1991

FAIRFAX COUNTY, VIRGINIA  
Soil Science Office

## MEMORANDUM

ZONING EVALUATION DIVISION

**TO:** Barbara A. Byron, Director  
Zoning Evaluation Division  
Office of Comprehensive Planning

**DATE:** July 23, 1991

**FROM:** Nelson Thurman, Soil Scientist *Nelson Thurman*  
Soil Science Office  
Department of Extension and Continuing Education

**SUBJECT:** Agricultural and Forestal District Application Renewal AR 83-D-006

**REFERENCE:** Tax Map Number 8-3-((01))-19, 24, 42

At your request, I have prepared a soil report for an Agricultural and Forestal District application renewal. The information is based on the newly-revised soil identification maps. These maps are updated to January 1, 1990, and are available from the Fairfax County Publications Desk. A field evaluation was not made on the tract.

The entire site consists of soils in USDA land capability classes II and III.

If you have any questions about the soil identification map, please contact me.

Attachment

cc: Bruce Douglas, Branch Chief, Environmental and Heritage Resources Branch,  
Office of Comprehensive Planning  
Norm Jeffries, Director, Northern Virginia Soil and Water Conservation District

**Department of Extension and Continuing Education  
Soil Science Office**

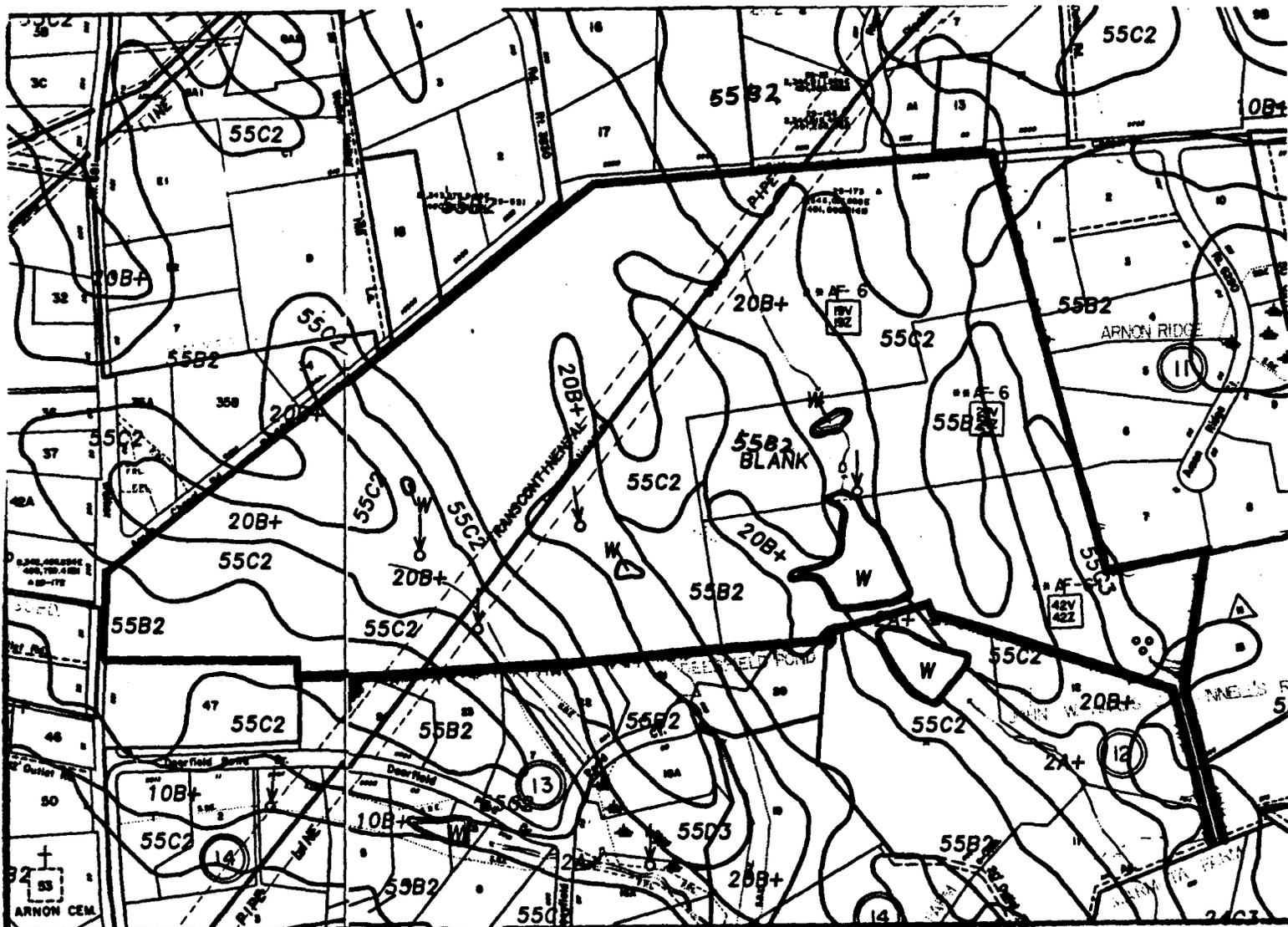
**AGRICULTURAL AND FORESTAL SOIL EVALUATION**

**APPLICATION:** AR 83-D-006  
**Map Reference:** 8-3-((01))-19, 24, 42  
**Report By:** Nelson Thurman, Soil Scientist

**Date:** July 23, 1991

**SOIL MAP**

**Piedmont Upland Physiographic Province**



**KEY AND LEGEND TO THE SOIL MAP**

Soil Map Symbol: 55B2  
 Soil Number: 55  
 Slope: B  
 Erosion: 2

**SLOPE SYMBOLS**

A = 0 - 2 Percent  
 B = 2 - 7 Percent  
 C = 7 - 14 Percent  
 D = 14 - 25 Percent  
 E = > 25 Percent

**EROSION (Long Term)**

+ = Soil accumulation  
 0 = No erosion  
 1 = Slight erosion  
 2 = Moderate erosion  
 3 = Severe erosion

**SOIL SERIES IDENTIFICATION**

Soil Map Symbol	Soil Series Name	Acreage	Percent Of Site	Land Capability Class
2A+	Chewacla	<0.1	<1	IIIw
10B+, 20B+	Glenville, Meadowville (includes ponds)	23.2	28	IIw
55B2	Gleneig	32.2	40	IIe
55C2, C3	Gleneig	26.2	32	IIIe

**POTENTIAL SOIL PROBLEMS**

	<u>Yes/No</u>	<u>Soil No(s).</u>
A. High Erodibility	<u>Y</u>	<u>55</u>
B. High Seasonal Water Table	<u>Y</u>	<u>2, 10, 20</u>
C. Shallow Depth or Restrictive Layer	<u>N</u>	<u>                    </u>
D. Marginal/Poor Drainage	<u>Y</u>	<u>2, 10, 20</u>
E. Stoniness	<u>N</u>	<u>                    </u>
F. Poor Moisture Retention	<u>Y</u>	<u>                    </u>
G. Flood Plain (Alluvial)	<u>Y</u>	<u>2</u>
H. Hydric Soils/Potential Wetlands	<u>N</u>	<u>                    </u>

**LAND CAPABILITY CLASS**

Land capability classes are general groupings of soils that indicate suitability for agricultural uses. Soils are grouped according to similarities in properties that affect use, productive capabilities, management requirements, and risk of soil damage or degradation. Permanent soil characteristics used in determining the soil capability class include slope, texture (relative amounts of sand, silt, and clay), depth to hard rock or dense restrictive layer, permeability, moisture retention capacity (ability to retain and supply water for plant use), type of clay minerals present, depth to seasonal high water table, and effects of soil erosion.

Capability classes are designated by Roman numerals I through VIII (Attachment). 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. The land capability subclass, designated by a small letter, is used to identify the major soil property affecting use and management requirements.

A brief description of the land capability classes found on this tract follows.

**Class II**

**55.4 acres, 68% of Site**

These soils are typically deep (greater than 6 feet), gently sloping (2-7%), permeable, and moderately fertile. Practices such as cultivating along contours, grassed waterways and surface grading are necessary to address moderate erosion (Ile) and seasonal wetness (IIw) problems.

**Class III**

**26.2 acres, 32% of Site**

Class III are susceptible to erosion (IIIe), subject to wet or saturated conditions due to a seasonal water table or moderately slow permeability (IIIw), or have a limited water retention capacity (IIIe). These soils can be cultivated with properly designed erosion control and conservation measures (e), surface and subsurface drainage (w), or irrigation/additions of organic matter or topsoil (s).

**ATTACHMENT  
RELATIONSHIP OF LAND CAPABILITY CLASSES  
TO SAFE LAND USE**

Land Capability Class	Land Uses							
	Wildlife	Wood-land	Grazing		Cultivation			
			Moderate	Intensive	Limited	Moder.	Intensive	V. Intens.
I	Suitable for all uses. Cultivation requires only ordinary farm practices.							
II	Suitable for all uses. Simple conservation practices are needed when cultivated.							
III	Suitable for all uses. Intensive conservation practices are needed if cultivated.							
IV	Suitable for all uses but cultivation should be limited.							
V	Suitable for pasture, woodland, or wildlife.				Generally not suited for cultivation.			
VI	Suitable for pasture, woodland, or wildlife.			Not suited for pasture unless protected.				
VII	Suitable for woodland or wildlife.		Not suited for pasture unless adequately protected.					
VIII	Suitable for wildlife or recreation uses.	Not suitable for economic production of cultivated crops, pasture or woods.						

**Land Capability Class** - Capability classes are roman numeral designations.

Classifications are based on the combined effects of climate and soil characteristics on the risk of soil damage, productivity capacity, and soil management requirements. These interpretive classes are for agriculture uses.

**Capability Subclass** - Capability subclasses are letter designations that follow the roman numeral class. These categories define the dominant restrictive soil characteristic or limitations to use and management within a given class.

- e - susceptibility to erosion
- w - seasonal high water table/ excessive wetness
- s - restrictive zone (dense layers, stones, bedrock, low water holding capacity, low fertility, etc.) within the rooting depth of common agricultural plant species

Source: "Land-Capability Classification." USDA Soil Conservation Service Agricultural Handbook No. 210.

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

For the purposes of this article the following special classifications of real estate are established and defined:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Determine that the real estate meets the criteria set forth in § 58.1-3230 and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;
2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres, (ii) forest use consists of a minimum of twenty acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of two acres.

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

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

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

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

1. At least sixty days preceding the tax year for which such taxation is sought; or
2. In any year in which a general reassessment is being made, the property owner may submit such application until thirty days have elapsed after his notice of increase in assessment is mailed in accordance with § 58.1-3330, or sixty days preceding the tax year, whichever is later; or
3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ 58.1-3000 et seq.) of this Subtitle III, but continues to assess as of January 1, such application must be submitted for any year at least sixty days preceding the effective date of the assessment for such year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The governing body may exclude land lying in planned development, industrial or commercial zoning districts from assessment under the provisions of this article. This provision applies only to zoning districts established prior to January 1, 1981.
2. The governing body may provide that when the zoning of the property taxed under the provisions of this article is changed to allow a more intensive nonagricultural use at the request of the owner or his agent, such property shall not be eligible for assessment and taxation under this article. This shall not apply, however, to property which is zoned agricultural and is subsequently rezoned to a more intensive use which is complementary to agricultural use, provided such property continues to be owned by the same owner who owned the property prior to rezoning and continues to operate the agricultural activity on the property. Notwithstanding any other provision of law, such property shall be subject to and liable for roll-back taxes at the time the zoning is changed to allow any use more intensive than the use for which it

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

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**§ 58.1-3238. Failure to report change in use; misstatements in applications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

**DATE:** September 4, 2008

**TO:** Members, Planning Commission  
Members, Board of Supervisors

**FROM:** Agricultural and Forestal Districts Advisory Committee

**SUBJECT:** Recommendations on the Cajoll Local Agricultural and Forestal District;  
Application AR 83-D-006-03

The Agricultural and Forestal Districts Advisory Committee met on August 19, 2008, to review the application to renew the Cajoll Local Agricultural and Forestal District (Application AR 83-D-006-03), and made the following findings:

- The Cajoll Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Cajoll Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Cajoll Local Agricultural and Forestal District fulfills the majority of the applicable criteria found in Chapter 115 of the Fairfax County Code.

The Agricultural and Forestal Districts Advisory Committee therefore unanimously recommends that Appendix F of the Fairfax County Code be revised to renew the Cajoll Local Agricultural and Forestal District. The Advisory Committee further recommends that the establishment of this district be subject to the Ordinance Provisions which are contained in Appendix I of the staff report.

## 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.