



APPLICATION ACCEPTED: March 31, 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

### HILL'S PLANT NURSERY LOCAL AGRICULTURAL AND FORESTAL DISTRICT

#### APPLICATION AR 91-D-008-02

#### DRANESVILLE DISTRICT

**APPLICANT:** Helen R. Hill Trust

**PRESENT ZONING:** R-A

**PARCELS:** 12-4 ((1)) 46Z

**ACREAGE:** 36.1 acres

**PLAN MAP:** Residential use at 0.2-0.5 du/ac and 0.5-1.0 du/ac and Private Open Space

**PROPOSAL:** Renewal of a local Agricultural and Forestal District

#### STAFF RECOMMENDATIONS:

Staff recommends that the request to amend Appendix F of the Fairfax County Code to renew the Hill's Plant Nursery 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).

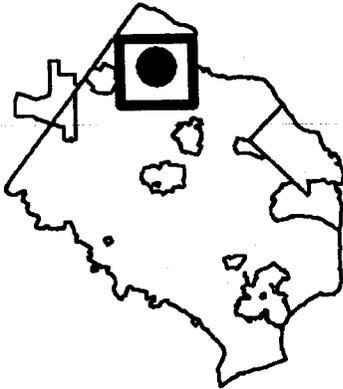
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# A&F District Renewal

AR 91-D-008-02



Applicant: Helen R. Hill Trust

Accepted: 03/31/2008

Proposed: AGRICULTURAL AND FORESTAL DISTRICT RENEWAL

Area: 36.103 AC OF LAND; DISTRICT - DRANESVILLE

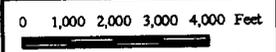
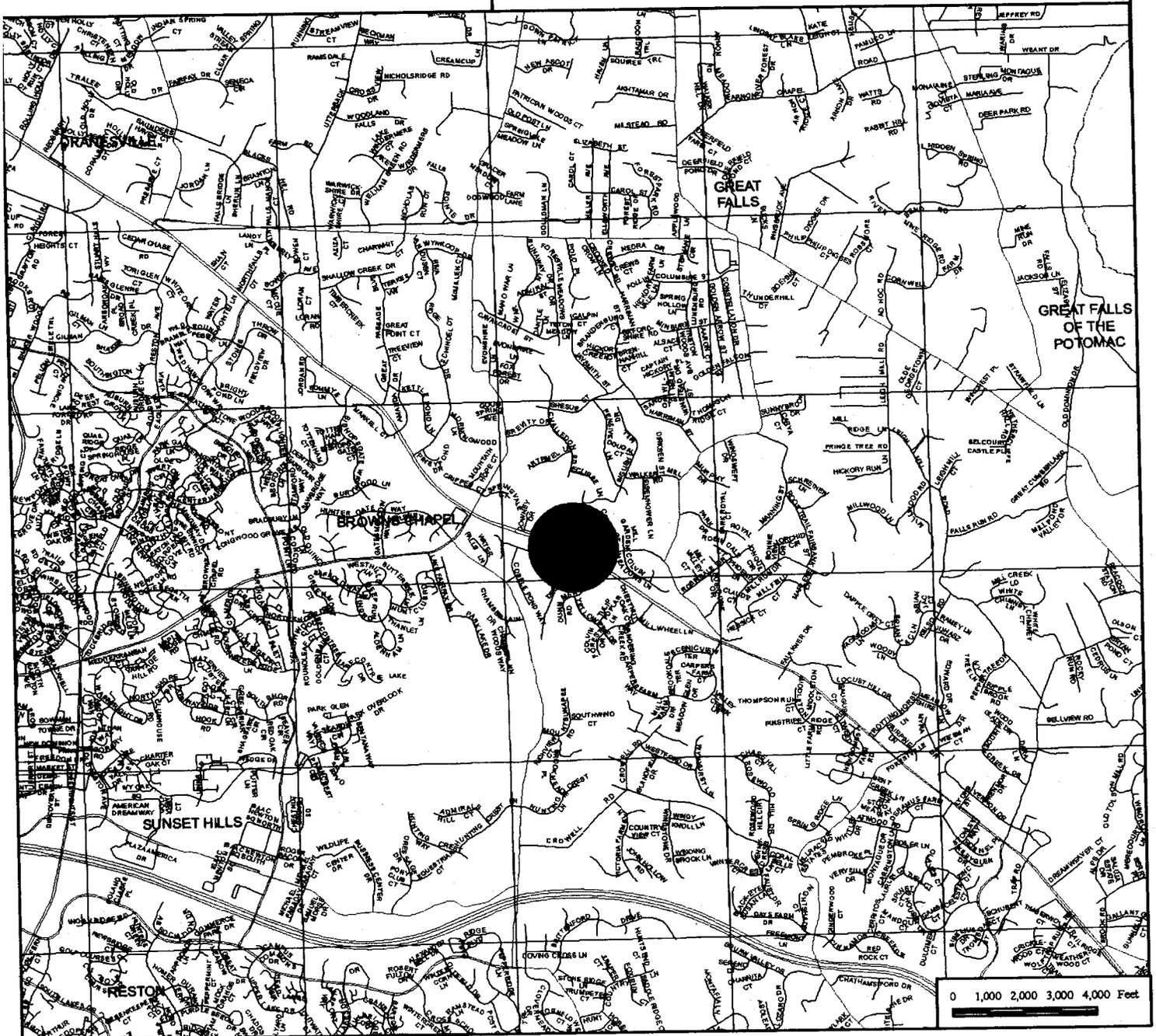
Zoning Dist Sect:

Located: 10500 Leesburg Pike

Zoning: R-A

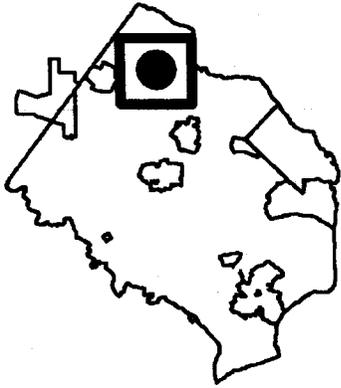
Overlay Dist:

Map Ref Num: 012-4 /01/ /0046Z



# A&F District Renewal

AR 91-D-008-02



**Applicant:**

Helen R. Hill Trust

**Accepted:**

03/31/2008

**Proposed:**

AGRICULTURAL AND FORESTAL DISTRICT RENEWAL

**Area:**

36.103 AC OF LAND; DISTRICT - DRANESVILLE

**Zoning Dist Sect:**

**Located:**

10500 Leesburg Pike

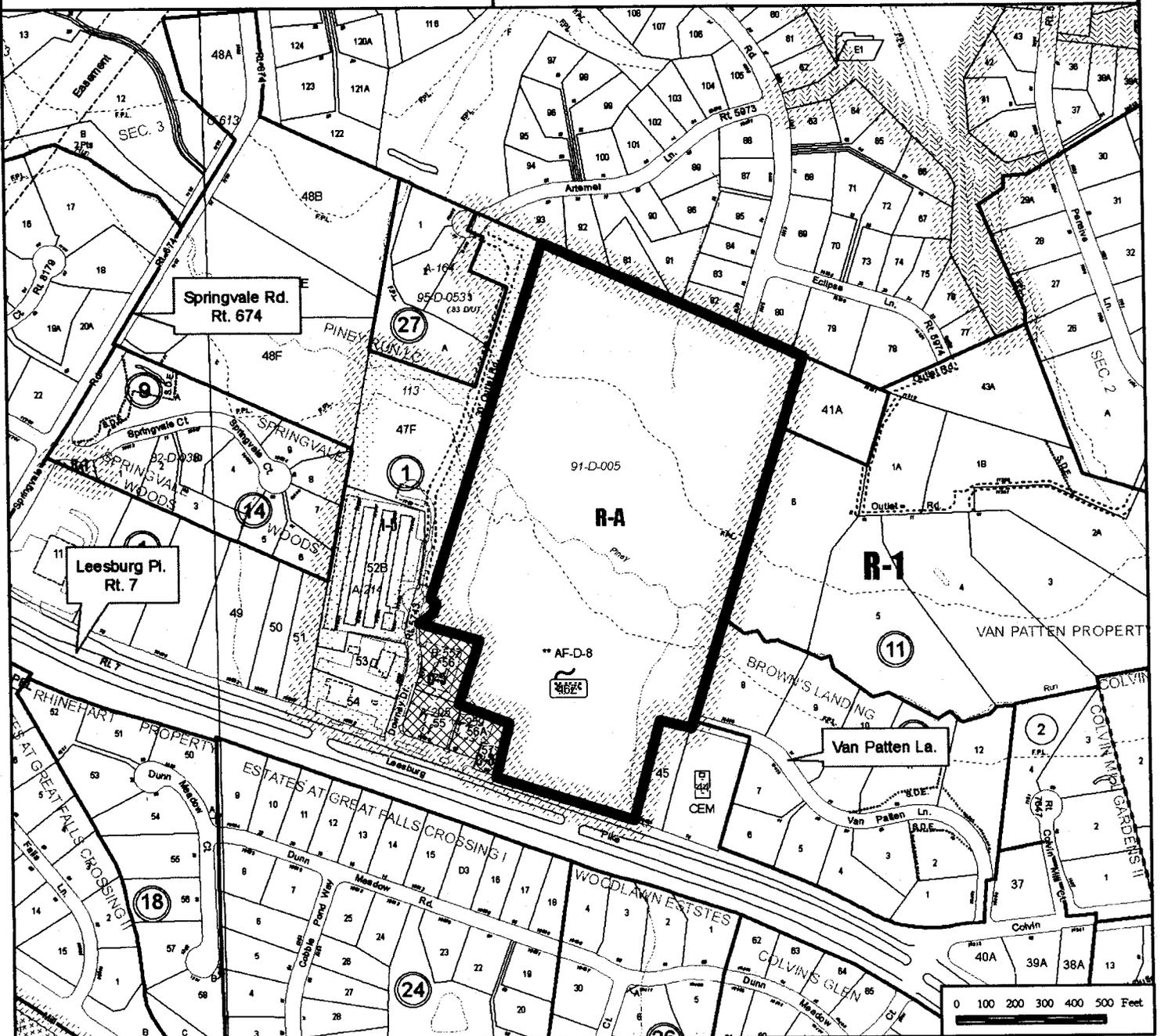
**Zoning:**

R- A

**Overlay Dist:**

**Map Ref Num:**

012-4 /01/ /0046Z



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

**DESCRIPTION OF APPLICATION**

<b>Proposal:</b>	AR 91-D-008-02 is a request to renew the Hill's Plant Nursery Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code. The subject property is a 36.1 acre tract located at 10500 Leesburg Pike 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.
<b>Applicant:</b>	Helen R. Hill Trust
<b>Acreage:</b>	36.1 acres
<b>Use:</b>	Plant nursery: 18.5 acres Forested/Open space: 16 acres Residence: 1.5 acres

**BACKGROUND**

The subject property has been owned by the Hills since 1957 and has been in use as residential and agricultural property since that time. The Hill's Plant Nursery Local Agricultural and Forestal District was originally established for an eight year period on March 23, 1992, and was renewed for another eight year term on April 24, 2000. Since that time, no significant changes have been made to the property or the Hill's Plant Nursery. The renewal application is for the same area as the previous approvals.

The following land use cases are also applicable to the subject property:

- RZ 91-D-005, approved by the Board of Supervisors on October 28, 1991, rezoned the subject property from R-1 to R-A with no proffers.
- SE 91-D-035, approved by the Board of Supervisors on October 28, 1991, allowed the continued use of the property as a plant nursery and farm.

- SP 91-D-074 and VC 91-D-144, approved by the Board of Zoning Appeals on March 18, 1992, granted a waiver of the dustless surface requirements to allow an existing gravel parking lot to remain, and allowed an existing house to remain 12.1 feet from a side lot line.

## LOCATION AND CHARACTER

### Surrounding Area Description:

The area to the north and east of the subject site is zoned R-1, and planned for residential use at a density of 0.5 to 1.0 du/ac. These areas are developed with single family residences with lot sizes ranging from just under ½ acre to over 5 acres. The area to the east that fronts on Leesburg Pike is planned for residential development at a density of 0.2 to 0.5 du/ac, with lot sizes ranging from just under an acre to an acre and a half. To the south across Leesburg Pike are residential properties planned for densities of 0.2 to 0.5 du/ac, with lots between ½ and one acre. Directly to the west are properties zoned C-5 and I-5, and planned for retail and other related uses. These properties are developed with various commercial uses such as contractors offices.

### Location and Character of the District:

The 36.1 acre site is located in the Hickory Community Planning Sector (UP3) of the Upper Potomac Planning District of Area III. The property is zoned R-A, and is developed with the following structures:

Structure	Year Built	Use
Main dwelling	1958	Residence
Tool shed #1	1962	Farm tool storage
Tool shed #2	1988	Farm supply/storage
Plant shade house #1	1961	Shade for light sensitive plants
Plant shade house #2	1958	Shade for light sensitive plants
Weather shelter	1982	Farm employee weather shelter

The house and farm buildings are located along the southern edge of the property, fronting on Leesburg Pike. Approximately 1/2 of the site around the buildings is in use as a plant nursery, including the growing and seasonal sale of ornamental trees and shrubs, flowering plants, and Christmas trees to the public. Most of the 18.5 acres used for the nursery (approximately 14 acres) are utilized for long term plant cultivation. The northern half of the site is entirely forested and maintained as open space.

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	Area III
<b>Planning District:</b>	Upper Potomac
<b>Planning Sector:</b>	Hickory Sector (UP3)
<b>Plan Map:</b>	Residential use at a density of 0.2 to 0.5 dwelling units per acre, 0.5 to 1.0 du/ac, and private open space

## ANALYSIS

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

The proposed renewal of this Agricultural and Forestal District is consistent with the existing and planned low density residential character of the surrounding area.

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

The subject site fronts on Leesburg Pike, which is identified for future improvements to a six lane divided facility within a right-of-way measuring 118 feet from centerline. The dedication of the necessary right-of-way for this improvement would not result in the Hill's Plant Nursery Local A&F District falling below the acreage requirements; nor would it impact the uses defined in the District.

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

A Soil and Water Quality Conservation Plan for this property, dated June 15, 2008, is included as Appendix 6. A Forestry Management Plan dated June 18, 2008, is included as Appendix 7.

The subject property is located in the Difficult Run watershed, and contains a section of Piney Run running west to east across the center of the site. The Piney Run 100 year floodplain, surrounding steep slopes, and potential wooded wetlands make up an Environmental Quality Corridor (EQC), which is also characterized as a Resource Protection Area (RPA), through the center of the site. An ordinance provision carried over from the previous approval requires that the limits of the EQC be the limits of clearing and grading for the life of the District.

Intensive, active agriculture occurs on the subject property. Because of this, and because the site contains an EQC that is also an RPA with some highly erodible soils, it is extremely important that the applicant abide by the Soil and Water Conservation Plan developed by the Northern Virginia Soil and Water Conservation District. An updated Plan is contained in Appendix 6, and an Ordinance Provision carried over from the previous approval requires that the applicant abide by the recommendations of that Plan for the life of the district.

The areas of the property that are not in active agricultural use are characterized by three vegetative cover types: pine, bottomland hardwoods, and upland hardwoods. There is a lack of canopy regeneration, and this is likely due to a combination of deer browse and heavy infestation of non-native species. The property is providing water quality benefits and the existing stock of trees is healthy; however, the applicant can increase the quality of the forest by reducing the deer herd and removing invasive species from the property.

### **Agricultural and Forestal District Criteria Analysis**

Article 5 of Chapter 115 of the Fairfax County Code contains two sets of criteria that 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 36.1 acres in size, and is entirely in agricultural and forestal 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-A. 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 Comprehensive Plan shows that the subject property is planned for residential use at a density of 0.2 to 0.5 dwelling units per acre (du/ac), 0.5 to 1.0 du/ac, and private open space. Therefore this criterion has been satisfied.

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

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for residential use at 0.2 to 0.5 du/ac and 0.5 to 1.0 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 36.1 acres in size and is entirely owned by the applicant. 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; 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.

Sixty-four percent of the 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.

A Soil and Water Conservation Plan is included as Appendix 6. An ordinance provision requires the applicants to abide by the recommendations of that Plan for the life of the District. 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 northern portion of this parcel, including the EQC areas surrounding Piney Run, is wooded and maintained as open space. Therefore, this criterion is satisfied.

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

The applicants have owned this property since the 1950s, and since that time have shown a commitment to continuing the agricultural use on the site. The plant nursery operation continuously maintains the property and the structures thereon, and the

northern portion of the property has been maintained as forested open space since at least before the creation of the A&F District. Staff believes that the applicant has 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 plant nursery for over 50 years. Each year, varying amounts of shade trees, ornamental shrubs, flowering plants, and compost and mulch are produced and sold. 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 and forested lands of the subject property preserve scenic vistas and a portion of the rapidly disappearing rural character of this area. Therefore, staff believes this criterion has been satisfied.

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

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

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-A. This criterion has been satisfied.

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

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

As previously noted, these criteria serve as a guide in determining whether or not an agricultural district should be established; they are not a prerequisite for establishing a district. As previously stated, all of the 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 three 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 Hill's Plant Nursery 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 Hill's Plant Nursery Local Agricultural and Forestal District satisfies the criteria contained in Sect. 115-5-1 of the County Code, and that commitments made by the applicant for agricultural use on 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 the Board amend Appendix F of the Fairfax County Code to renew the Hill's Plant Nursery Local Agricultural and Forestal District 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 91-D-008
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. Soil and Water Quality Conservation Plan
7. Forestry Management Plan
8. Virginia State Tax Code Provisions
9. Agricultural and Forestal Districts Advisory Committee Recommendation
10. Glossary of Terms

**PROPOSED ORDINANCE PROVISIONS****September 10, 2008****AR 91-D-008-02**

If it is the intent of the Board of Supervisors to renew the Hill's Plant Nursery Local Agricultural and Forestal District as proposed in Application AR 91-D-008-02 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map 12-4 ((1)) 46Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

- (1) No parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight 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 June 15, 2008, for the life of the Hill's Plant Nursery Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Soil and Water Conservation District.
- (6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated June 18, 2008, for the life of the Hill's Plant Nursery Local

Agricultural and Forestal District. The Forest Management Plan may be updated as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within the Hill's Plant Nursery Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.

- (7) The Piney Run stream channel shall be kept clear of any debris or structures that may inhibit natural stream flow. The stream channel shall be regularly inspected and debris shall periodically be cleared to prevent the long term erosion of the stream banks.
- (8) Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation and the removal of dead, dying and diseased vegetation in accordance with the Forest Management Plan and as approved by the Urban Forester. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Hill's Plant Nursery Local Agricultural and Forestal District.
- (9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.

Application No. AR 91-D-008-02

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

RECEIVED  
Department of Planning & Zoning

**MAR 31 2008**

**FAIRFAX COUNTY**

Zoning Evaluation Division

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
Helen R. Hill Tr. 1722 N. Glebe Road Arlington, Virginia 22207	12-4 ((1))	1953 46Z	R-A	36.103

Property Address: 10500 Leesburg Pike, Vienna, Va. 22182

3. Total acreage in the proposed district: 36.103 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 1 forest \_\_\_\_\_.

AR 2008-0097

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

Name: Linden Hill (For Helen R. Hill)  
Address: 1722 N. Glebe Road ( Greg Streeter,  
Arlington, Virginia 22207 Assistant )  
Telephone: 703-527-3472 703-525-2834

6. Signature of all property owners:

Helen R. Hill  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO BE COMPLETED BY THE COUNTY

*Virginia Ruffin*  
\$ 50.00

Date application accepted: 3/31/08  
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
Main Dwelling	1958	Residence
Tool Shed (1)	1962	Farm Tool Storage
Tool Shed (2)	1988	Farm Supply/storage
Plant Shade House (1)	1961	Shade light sensitive plants
Plant Shade House (2)	1958	Shade light sensitive plants
Weather Shelter	1982	Farm Employee Weather shelter

use additional page(s) if necessary

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

None

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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:

None

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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: 12-28-1999

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
Shade Trees, Ornamental Plants	Varies	Varies
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**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:

Values are approximate.

Active agricultural uses	<u>18.5</u>	acres.
Forested or undeveloped	<u>16</u>	acres.
Residential uses	<u>1.5</u>	acres.
Total acreage	<u>36</u>	acres.

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

If yes, which roads will be used:  
\_\_\_\_\_  
\_\_\_\_\_

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

15 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	<u>                  </u>	acres
Christmas tree production and harvesting	<u>                  </u>	acres
Firewood production and harvesting	<u>                  </u>	acres
Conservation	<u>                  </u>	acres
Residential uses	<u>                  </u>	acres
Other: <u>  </u>	<u>                  </u>	acres
Total acreage	<u>                  </u>	acres

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

## Description of Agricultural & Forestal Land Use

For property owned by Helen Hill  
Located at: 10500 Leesburg Pike, (Tax Map 12-4 ((1))46).

### Description of Cultivation by approximate acreage:

- 1.5 acres: Reserved for the family residence and immediate grounds.
- 2.0 acres: Used for parking of vehicles for farm use, delivery, farm employees, and customers engaging in on sight purchases materials grown on the farm. This area also includes an area initial preparation of seedlings, bare-root trees, and plantings delivered to in us in various stages of growth for the purpose of continued propagation.
- 2.5 acres: Used for propagation of plantings of less than 5 feet in height, which require special handling or protection from the sun prior to being moved to final cultivation in the main fields.
- 14 acres: Under long term cultivation, ranging from 1 to over 30 years of growth. In this area, specimen plantings can range from 4 feet to over 50 feet in height.
- 16 acres: Native forest land, not under cultivation or other current use.

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Total 36 Acres (Agricultural: 18.5 Acres, Forestal: 16 Acres Residential: 1.5 Acres)

### Description of plantings and period of harvesting:

Agriculture plantings under cultivation are include all sizes of ornamental trees, ornamental shrubs flowering plants, and evergreen Christmas trees. Planting and harvesting periods can ranges from 1 to more than 30 years, with an overall average of about 5 years in ground prior to sale. Plantings under cultivation are specifically limited to items classified by various Virginia State statutes defining agriculture uses. These definitions include, but are not limited to, Chapter 36, paragraph 15.1-1-1508, definition #4, under the "Agricultural and Forestal Districts Act"

### Sales of farm plantings:

Sales are expressly limited to the living plants, and related organic materials, such as mulch and other composted materials. Burlap wrappings or other root ball containers may be provided free of charge to help protect the plant's roots from damage.

### Fertilizers:

As a rule, fertilization is limited to an area of 2.5 acres, for the purpose of initial propagation of smaller plants. Fertilizers include organic bone meal, composted leaves, and mulch. A small quantity commercial, organic "10-6-4" type fertilizer is also mixed with potting soil to help aid initial propagation.

*Helen R. Hill*

RECEIVED  
Department of Planning & Zoning

MAR 31 2008

Zoning Evaluation Division

## Statement of Justification for Agricultural & Forestal District

For property owned by Helen Hill

Located at: 10500 Leesburg Pike, (Tax Map 12-4 ((1))46).

**Purpose:** To renew and continue the property's "Agricultural District" status. The property has been used for agriculture since 1953. The property is currently zoned "R-A" and has been granted a Special Exception for it's current plant farming use.

**Justification:** Tax assessments which are based on the property's market value will not make it possible for the owners to continue their current agriculture use.

The renewal of this Agricultural & Forestal District will have a dual benefit for both the owners, as well as the County of Fairfax.

The owners will benefit from lower more realistic tax assessments that reflect the actual agricultural use of the property, making it economically possible to continue their farming operations.

Fairfax county will benefit by continued deferral of property's potential residential development, which is located on the already congested route 7 traffic corridor.

The owners will continue to farm the property at the present level of intensity and preserve the ecology and natural beauty of the forested acreage not already under cultivation.

The current farming operations on the property consist of "environmentally friendly" shade and flowering trees, shrubs and other ornamental plants. Plantings are done with strict consideration paid to the surrounding ecological environment. No non-organic (man-made) pesticides, or herbicides are used. Fertilizers are limited to organic material mixed with the soil at the time of planting.

**Qualification:** This property qualifies as an Agricultural District as defined under applicative County and State code. The property of 36 acres exceeds the minimum 20 acre size requirement, with greater than 15 acres under active cultivation and the remainder as a Forestal reserve. The use is in general harmony with the land usage descriptions and dedications as detailed in the Agricultural & Forestal Districts statutes.

*Helen R. Hill*

RECEIVED  
Department of Planning & Zoning

**MAR 31 2008**

Zoning Evaluation Division



# 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

Mr. Gregory C. Streeter  
605 Utterback Store Road  
Great Falls, Virginia 22066

RE: Agricultural and Forestal District  
Application Number **AR-91-D-008**

Dear Mr. Streeter:

Agricultural and Forestal District Application **AR-91-D-008** in the name of Helen R. and Jerry Hill 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-43 and additional environmental provisions, was renewed by ordinance by the Board of Supervisors at a regular meeting held on April 24, 2000, as the Hill's Plant Nursery Local Agricultural and Forestal District, subject to the attached ordinance provisions.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ds  
Attachment

Mr. Gregory C. Streeter  
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 Acq. & 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-43. Hill's Plant Nursery Local Agricultural and Forestal District  
(AR 91-D-008)

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

Owners	Fairfax County Tax Map Parcel Number	Acreage
Jerry and Helen Hill	12-4 ((1)) 46	36.1

(b) The Hill's Plant Nursery 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 constructed 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 December 28, 1999, for the life of the Hill's Plant Nursery 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:

(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated February 9, 2000, for the life of the Hill's Plant Nursery Local

Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest timber on the lands within this Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized;

(7) The Piney Run stream channel shall be kept clear of any debris or structures that may inhibit natural stream flow. The stream channel shall be regularly inspected and debris shall periodically be cleared to prevent the long term erosion of the stream banks.

(8) Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation, and the removal of dead, dying, and diseased vegetation in accordance with the Forest Management Plan and as approved by the Urban Forester. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Hill's Plant Nursery Local Agricultural and Forestal District (limits of EQC on file with the Fairfax County Department of Planning and Zoning);

(9) 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.



---

NANCY VEHRIS

Clerk to the Board of Supervisors



# County of Fairfax, Virginia

## MEMORANDUM

DATE: July 2, 2008

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

**FROM:** Pamela G. Nee, Chief *P#h*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Land Use Analysis and Environmental Assessment: **AR 91-D-008-02**  
**Helen R. Hill Trust**

This memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced application and lists and explains land use recommendations and environmental policies for this property. The application requests renewal of an Agricultural and Forestal District for approximately 36.103 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.

The citations are followed by a discussion of land use and environmental concerns, including a description of potential impacts that may result from the proposed development. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

### DESCRIPTION OF THE APPLICATION

The applicant, Helen R. Hill Trust, has applied for the renewal of an Agricultural and Forestal District for an approximately 36.103 acre property. The statement of justification indicates that approximately 18.5 acres are in active agricultural use, 16 acres are forested or undeveloped, and 1.5 acres are used for residential purposes. The boundaries of the district encompass one parcel located to the north of Leesburg Pike and south of the Lexington Estates community.

### LOCATION AND CHARACTER

The site is located in the northwestern quadrant of the County in the Difficult Run watershed, and zoned R-A (Rural-Agricultural) and planned for residential use at .2 - .5 dwelling units per acre, .5 - 1 dwelling unit per acre and private open space along Piney Run, which traverses the center of the site from west to east. Generally, this agricultural and forestal district is

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway  
Fairfax, Virginia 22035  
Phone 703-324-1380  
Fax 703-324-3337

surrounded by land with the same uses and intensities. A small area of retail is designated immediately west of the subject site along Leesburg Pike.

## COMPREHENSIVE PLAN CITATIONS

The Fairfax County Comprehensive Plan, 2007 Edition, Area III, Upper Potomac Planning District, UP3-Hickory Community Planning Sector, as amended through September 10, 2007, pages 87 and 89 states:

“The Hickory Community Planning Sector is largely developed as stable low density residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14. . . .

2. The area bounded by Leesburg Pike (Route 7), Georgetown Pike, Walker Road and Piney Run is planned for residential use at .5-1 dwelling unit per acre, as shown on the Plan map, to reflect existing and committed development. New development should be generally consistent with existing zoning and should provide for ample landscaping, buffering and substantial building setbacks to ensure that the present relatively low density character of the area will be preserved when viewed from the collector and arterial roadways serving the sector.”

**COMPREHENSIVE PLAN MAP:** Residential use at .2 - .5 du/ac (5 – 2 acre lots), 0.5 - 1 du/ac (2 to 1 acre lots) and private open space

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, pages 7 - 16 states:

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

Policy c.            Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas. . . .

Policy j.            Regulate land use activities to protect surface and groundwater resources. . . .

Policy l.            Support watershed management planning and consider any watershed management plans that are adopted or endorsed by the Board of Supervisors as a factor in making land use decisions. . .

**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. . . .

**Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.**

Policy a: For ecological resource conservation, identify, protect and restore an Environmental Quality Corridor system (EQC)... Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.
- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.
- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements. . . .:

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope

used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical.

Preservation should be achieved through dedication to the Fairfax County Park Authority, if such dedication is in the public interest. Otherwise, EQC land should remain in private ownership in separate undeveloped lots with appropriate commitments for preservation. The use of protective easements as a means of preservation should be considered. . . .

**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 is consistent with the existing and planned low density residential character of the surrounding area.

## ENVIRONMENTAL ANALYSIS

### Water Quality Protection

The site falls entirely within the Difficult Run Watershed, as well as within Fairfax County's Chesapeake Bay Watershed. The property is subject to the County's Chesapeake Bay Preservation Ordinance (CBPO). The site contains a Resource Protection Area (RPA) as defined under the CBPO and an Environmental Quality Corridor (EQC) as defined under the Fairfax County Policy Plan. The Piney Run RPA and EQC traverse the center of the site in an east west direction.

The RPA and EQC are depicted on the attached map. The EQC extends beyond the RPA and includes steep slopes associated with the stream channel. The applicant should protect the EQC in order to be consistent with the Comprehensive Plan guidance. Specifically, any agricultural activities should be conducted outside the limits of the EQC.

Agricultural activities within the County's Chesapeake Bay Preservation Area can comply with the CBPO through the development of a Water Quality Management Plan as administered by the Northern Virginia Soil and Water Conservation District. Silvicultural activities can accommodate for the CBPO through the development of a Forestry Management Plan prepared in conjunction with the Virginia Department of Forestry.

With a current Water Quality Management Plan and a current Forestry Management Plan, this application will be in compliance with the County's CBPO. The applicant has stated in the Agricultural and Forestal District renewal application that the latest Soil and Water Conservation Plan on file was prepared in 1999.

Renewal of this Agricultural and Forestal District is compatible with the goals of the Comprehensive Plan to preserve this environmentally sensitive area of Fairfax County.

### **COUNTYWIDE TRAILS PLAN**

The Countywide Trails Plan Map depicts a major paved trail of 8 feet or more in width on Leesburg Pike, which is along the southern boundary of the subject property.

PGN: JRB

# AR 91-D-008-02 - Helen R. Hill Trust

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



Area of AR 91-D-008-02 [Tax Map 12-4 ((1)) 46Z]

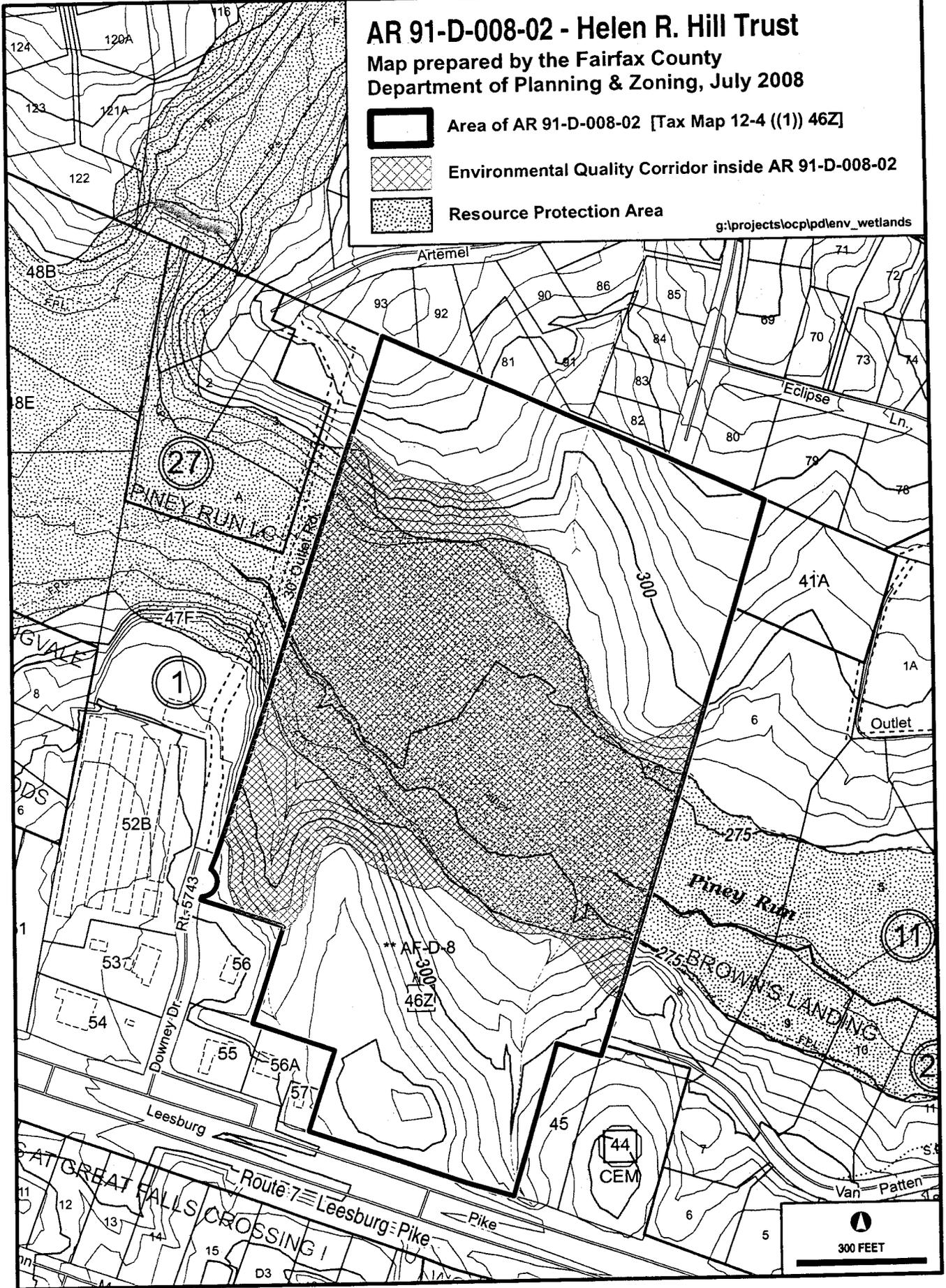


Environmental Quality Corridor inside AR 91-D-008-02



Resource Protection Area

g:\projects\locpl\plenv\_wetlands







# County of Fairfax, Virginia

## MEMORANDUM

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

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

**FILE:** 3-4 (AF 91-D-008)

**SUBJECT:** Transportation Impact

**REFERENCE:** AR 91-D-008-02; Helen R. Hill Trust  
Land Identification Map: 12-4 ((1)) 46 Z

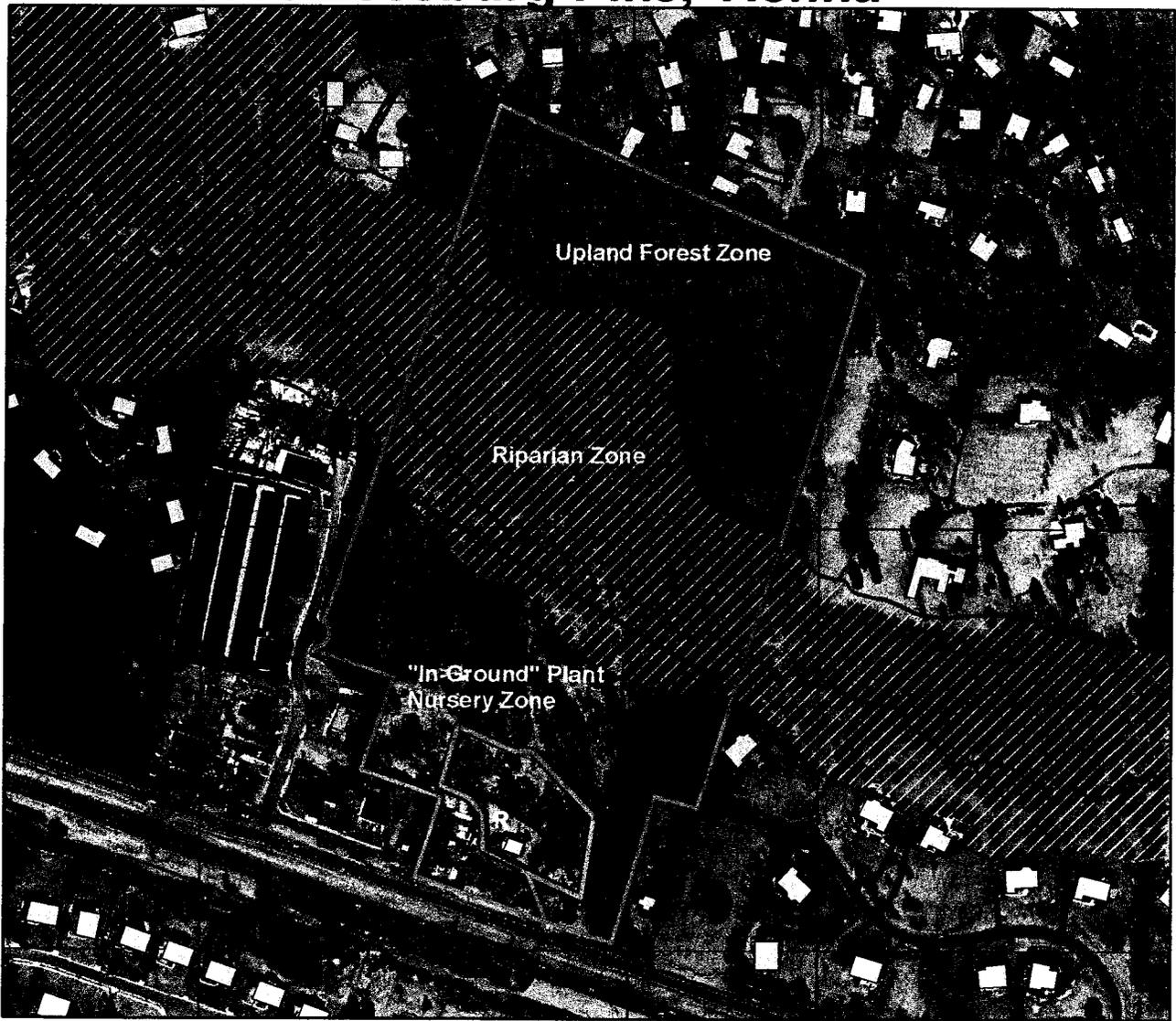
**DATE:** June 5, 2008

The subject application seeks to establish an Agricultural/Forrestal District for parcel 12-4((1)) 46Z. Parcel 46Z fronts on Leesburg Pike. Leesburg Pike is identified in the Comprehensive Plan for future improvement to a six land divided facility within a right-of-way width of 118 feet from centerline.

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

AKR:krr

# Helen R. Hill Trust 10500 Leesburg Pike, Vienna



Prepared by Willie Woode  
Using Fairfax County 2007 Ortho-photo & GIS Layers

## Legend

### Perennial Stream

#### FTYPE

— Piney Run

□ 1993 RPAs

▨ 2003 RPAs

▩ 2003 (Rev) RPAs

□ Resource Management Areas (RMAs)

Property Boundary Limits

— Landuse Limits

— Access Road

N



0 250 500 1,000 Feet

(Scale may not be accurate)



**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:**

Helen & Jerry Hill  
10500 Leesburg Pike  
Vienna, VA 22182

**Plan Prepared by:**

Willie Woode, Senior Conservation Specialist, NVSWCD

**Date:**

June 15, 2008

**Summary of operation:**

This is a 36-acre property located at 10500 Leesburg Pike in Vienna, in the Difficult Run Watershed. A plant nursery consisting of shade and flowering trees, shrubs and other ornamental plants is the agricultural component of the landuse activities. In-ground planting is the more dominant type of nursery operation. This landuse is restricted to southern area of the property, and takes up about a third of it. Approximately, 1.5 acres is in residential use.

Piney Run flows through the center of the property in a general west to east trend, creating a total of 2,367 linear feet of Chesapeake Bay Resource Protection Area (RPA). The total width of this RPA (Riparian Zone) takes up about another third of the property. The northern third consists of upland wooded area. Both the RPA and wooded area support a very active wildlife environment.

**Practices:**

**1) Buffer Management - Chesapeake Bay Resource Protection Area (RPA)**

The cross-hatched (shaded) area on your site map is the County delineated Chesapeake Bay Resource Protection Area (RPA) - it is a 100-ft. wide buffer (wider in some areas where it encounters other environmentally sensitive features such as major flood plains). This is the last area/barrier that provides opportunity for filtration of pollutants in runoff from adjacent lands before such polluted water enters the state waters. These areas are required to be kept vegetated.

These areas, especially those within your nursery zone need special attention and treatment. Pesticide and fertilizer use within these areas should be used under highly discretionary conditions. In-ground nursery plants that have grown too large are advised to be taken off the inventory for possible sale. If a plant must be removed from within the RPA zone, it must be replaced with another plant of equal or higher pollutant filtration or stabilization potential. It is recommended that new in-ground nursery plants are no longer planted within the RPA.

Permitted modifications to the buffer area includes those that will aid in maintaining the core functional value of the buffer area, such as, i) creating access paths to provide general woodlot management as provided by the VA Department of Forestry, ii) Pruning or removal of **approved** potentially destructive or deceased trees, or invasive plants, on condition that where such plants are removed, they will be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

Fields	Planned Amount	Date	Applied Amount	Date
Plant Nursery	994 ft.	06/2008		06/2008
Riparian Zone	700 ft.	06/2008		06/2008
Upland Forest	673 ft.	06/2008		06/2008
Total	2,367 ft.			

**2) Nutrient Management (590):**

Currently, the main source of plant nutrients are limited to organic materials added to the soil at the time of planting. No commercial fertilizer, non-organic pesticides or herbicides are in use.

In case the management decides incorporate the use of inorganic plant treatments (Fertilizers, etc.), such nutrients will be applied based on soil test results to provide balanced nutrition for best health and growth. The Northern Virginia Soil and Water Conservation District should be contacted. Appropriate timing and quantity to be applied should be determined either by the district, a qualified individual or establishment before application. Generally, fertilizer application for trees are done within two weeks prior to bud break, to allow for adequate movement of the fertilizer into the rooting zone, and should be followed by weed control. Fertilizer should be uniformly applied in 2- to 3- foot band widths between trees along planted rows. A **recommended N rate of say 110lb/ac. is equivalent to one ounce of nitrogen per tree assuming 5 ft. X 5 ft. spacing.**

Fields	Planned Amount	Date	Applied Amount	Date
Plant Nursery	11.0 ac.	06/2008		
Total	11.0 ac.			

### 3) Pest Management (595)

An Integrated Pest Management (IPM) is ideal for an environmentally sensitive operation of this type. A pest tolerance threshold can be set and continuous scouting performed to keep pest infestation within the established threshold. An IPM practice 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	Date	Applied Amount	Date
Plant Nursery	11.0 ac.	06/2008		
Riparian Zone	11.5 ac.	06/2008		
Upland Forest	12.0 ac.	06/2008		
Residential	1.5 ac.	06/2008		
Total	36.0 ac.			

### 4) Upland and Riparian Forest Management

Natural resource preservation practices for trees, wildlife and their habitats within these zones must be implemented. The forest management plan provided by the VA Department of Forestry provides most of the basic practices to protect and enhance this natural open space.

Regarding the riparian zone, the stream corridor must be walk at frequent intervals; especially after a major storm event to be sure a toppled-over tree or other drifted objects are not lodged such that they enhance erosive conditions within the channel. If such an incident should occur, the fallen tree or lodged object should be removed as soon as possible before the next major storm event. Prompt measures should be taken to address any actively eroding bank area. The NSWCD has training staff to provide basic bank stabilization techniques upon request.

Fields	Planned Amount	Date	Applied Amount	Date
Riparian Zone	11.5 ac.	06/2008		
Upland Forest	12.0 ac.	06/2008		
Total	23.5 ac.			

### 5) Record Keeping

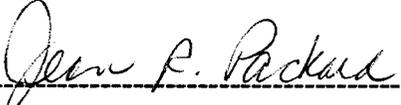
A system of records indicating the dates and applications of any applied treatment

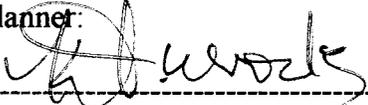
including nutrients or pesticides should be developed and maintained. A specimen record sheet is included.

Fields	Planned Amount	Date	Applied Amount	Date
Plant Nursery	11.0 ac.	06/2008		
Riparian Zone	11.5 ac.	06/2008		
Upland Forest	12.0 ac.	06/2008		
Residential	1.5 ac.	06/2008		
Total	36.0 ac.			

**SIGNATURES OF PARTICIPANTS - Helen Hill A&F District Renewal**

Landowner/Operator:  
  
 \_\_\_\_\_  
 Helen Hill / Michelle Petry Date 7/22/08

District Authority:  
  
 \_\_\_\_\_  
 Chairman Date 7-22-08

Planner:  
  
 \_\_\_\_\_  
 Wilfred D. Woode Date 7/22/08



EVERETTE L. KLINE, JR.  
Regional Forester

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF FORESTRY

470 George Dean Drive  
Charlottesville, Virginia 22903  
(434) 977-5193  
FAX (434) 296-3290

June 18, 2008

AR 91-D-008  
DOF# FAX00002

Mr. Linden Hill  
1722 N. Glebe Road  
Arlington VA 22207

Dear Mr. Hill

It was a pleasure to walk your property the other day.

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

The aerial photo map accompanying this plan is intended to support the recommendations made and clarify the areas of your property discussed in the plan. They are not intended for determining property boundaries.

I have included information on the invasive species I observed on the property. If you have any questions about this plan, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "James McGlone".

James McGlone  
Urban Forest Conservationist



REPORT ON FORESTLANDS  
OF

Helen R. Hill  
1722 N. Glebe Road  
Arlington VA 22207

**Location:** The property is at 10500 Leesburg Pike in Vienna VA. It is located Just east of the intersection of Leesburg Pike and Downey Drive.

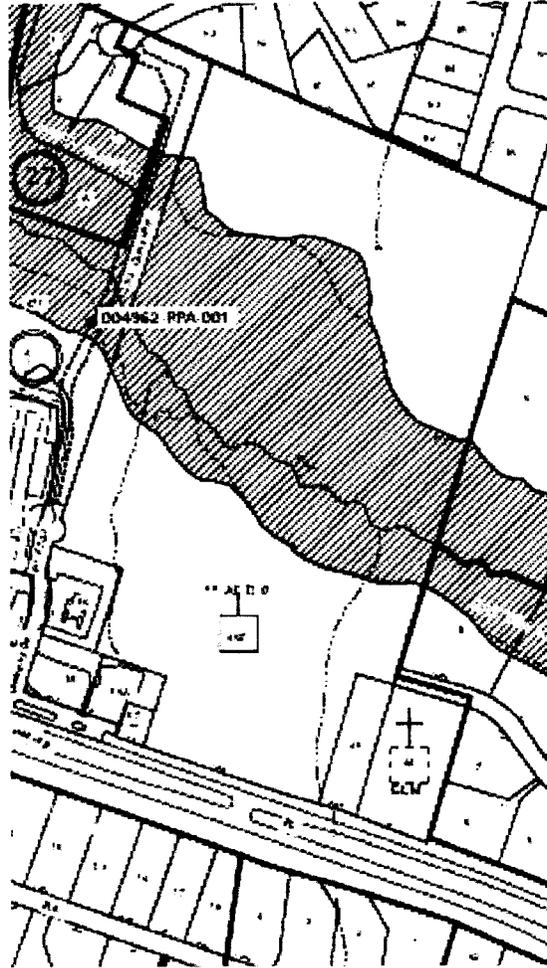
**Examined by:** James McGlone, Urban Forest Conservationist

**Landowner's Objectives:** To protect water quality, maintain a nursery and healthy trees for a quality forest.

**Introduction:** This property is 36 acres and mostly forested. It straddles Piney Run. The land slopes gently down to the north from Leesburg Pike to Piney Run and then slopes up to the northern boundary. About 1/3 of the property is in a Resource Protection Area. The canopy trees are in generally good health, though some of the bottomland species are over-mature and beginning to decline. There is little regeneration on the property and most of the forest floor has been invaded by non-native invasive species.

**Soils:** The entire property is underlain by 3 soil types – Glenelg, Manor and Meadowville silt loam. These soils are derived formed from weathering of micaceous schist and are deep, well to somewhat excessively well drained, acidic soils. These soil types are suitable for growing oak (*Quercus* spp.), hickory (*Carya* spp.), red maple (*Acer rubrum*), tulip poplar (*Liriodendron tulipifera*) and Virginia pine (*Pinus virginiana*) among others.

**Resource Protection Areas:** as the below map indicates about 1/3 of the property is in a resource protection area (RPA). RPAs are designated around perennial streams by the county pursuant to the state Chesapeake Bay Act. The purpose of the RPA is to protect water quality in the Chesapeake Bay. Under the county ordinance there can be no un-permitted disturbance of vegetation in the RPA. The state enabling legislation does provide for an exception for on going forestry, however Department of Forestry Best Management Practices, which are normally voluntary, are mandatory in RPAs.



**Wildlife Habitat:** Deer were observed on the property. The presence of upland forest and floodplain on the property suggests the possibility of considerable wildlife diversity. Unfortunately excessive deer browse has all but eliminated the shrub and herbaceous layer from the forested area and most of what is in these layers left is non-native vegetation. The loss of these layers significantly reduces the wildlife potential of the site.

**Recreation / Aesthetics:** this area is desirable for passive recreation such as walking, horse back riding, photography, bird and wildlife watching, and the general observation of nature.

**Invasive non-native plants:** some non-native species of plants have become aggressive spreaders that push out native plants or keep them from returning. These plants provide either no food for native wildlife or food that provides inferior nutrition relative to the native plants they displace. They may also provide inadequate nesting and resting cover. Shrub and herbaceous invasives displace the native lower levels of the forest and may interfere with the germination of tree seeds. The invasive vines have a draping habit and can smother adult trees. I have included fact sheets from the Virginia Department of Conservation and Recreation on the observed invasive plants.

**Deer Management.** The most pressing problem of sound forest management in Fairfax County is managing deer herds. Due to deer browsing we are missing an entire age class of trees

throughout the County and the youngest canopy trees in most forest parcels are about 30 years old. That equates to more damage than gypsy moths (and probably all other mortality sources combined) have been able to inflict. While the deer do not threaten our existing trees, they do make regeneration of the forest impossible and lead to the prospect that forests will disappear from Fairfax County over the next hundred years.

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

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

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

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

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

### Stand A

**Forest Type:** This upland forest consisting mainly of white oak (*Quercus alba*), northern red oak (*Q. rubra*), black oak (*Q. velutina*), black gum (*Nyssa sylvatica*) and hickory (*Carya* spp.). There are a few flowering dogwood (*Cornus florida*) and some hillside blueberry (*Vaccinium pallidum*) in the understory and shrub layers and one partridge berry (*Mitchella repens*) was observed

**Quality/Size:** Most of the canopy trees here are doing well and were of saw timber size 20 or more inches DBH (diameter at breast height).

### Stand B

**Forest Type:** This is a bottom land forest dominated by tulip poplar (*Liriodendron tulipifera*). This stand grew up in disturbed soils after a harvest.

**Quality/ Size:** Most of the trees here are 15 or more inches DBH

### Stand C

**Forest Type:** This is a mixed hardwood bottom land forest consisting of tulip poplar, river birch (*Betula nigra*), sycamore (*Platanus occidentalis*) red maple (*Acer rubrum*), and black gum (*Nyssa sylvatica*)

**Quality/ Size:** Most of the trees here are 25 or more inches DBH. Many are over mature and in decline.

### Stand D

**Forest Type:** This is a mixed Virginia pine (*Pinus virginiana*) and tulip poplar stand. This stand grew up in disturbed soils of an old field.

**Quality/ Size:** The Virginia pine is in severe decline as it reaches the end of its life and is being crowded off the site by the poplar. The poplar is of small saw timber size 12 to 18 inches DBH.

### Nursery

**Forest Type:** This is a mixed stand of trees planted for nursery production to be sold in retail trade and as part of the landscaping business.

**Quality/ Size:** Most of the trees are not of commercial timber value and appear to be overgrown for the nursery trade.

**Recommendations:** There is no regeneration of the canopy species in any of the stands. This can be attributed to a combination of deer browse and heavy infestation of non-native species. The invasive plants compete with native tree seeds for germination space or create unsuitable conditions for tree seed germination. Deer preferentially browse native plants and seedlings and are eating any seedlings that do sprout. The lack of regeneration threatens the future of the forest. Invasive vines are also a threat to existing trees as they drape over and shade mature trees. The weight of the vines can also pull down trees.

The property is currently providing water quality benefits and the existing stock of trees is healthy; however to improve the quality of the forest resource the deer herd should be reduced and invasive species should be removed. Of particular concern are the invasive vines. These should be kept out of the trees by cutting them near the ground and at head height. The table below lists the invasives species observed on the property:

Scientific Name	Common name
<i>Alliaria petiolata</i>	Garlic mustard
<i>Ampelopsis brevipedunculata</i>	;Porcelain-berry
<i>Celastrus orbiculata</i>	;Oriental bittersweet
<i>Ligustrum sinense</i>	Chinese privet
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Microstegium vimineum</i>	Japanese stilt grass
<i>Polygonum perfoliatum</i>	Mile-a-minute
<i>Rosa multiflora</i>	Multiflora rose
<i>Rubus phoenicolasius</i>	Wineberry
<i>Berberis thunbergii</i>	Japanese barberry
<i>Glechoma hederacea</i>	Creeping Charlie

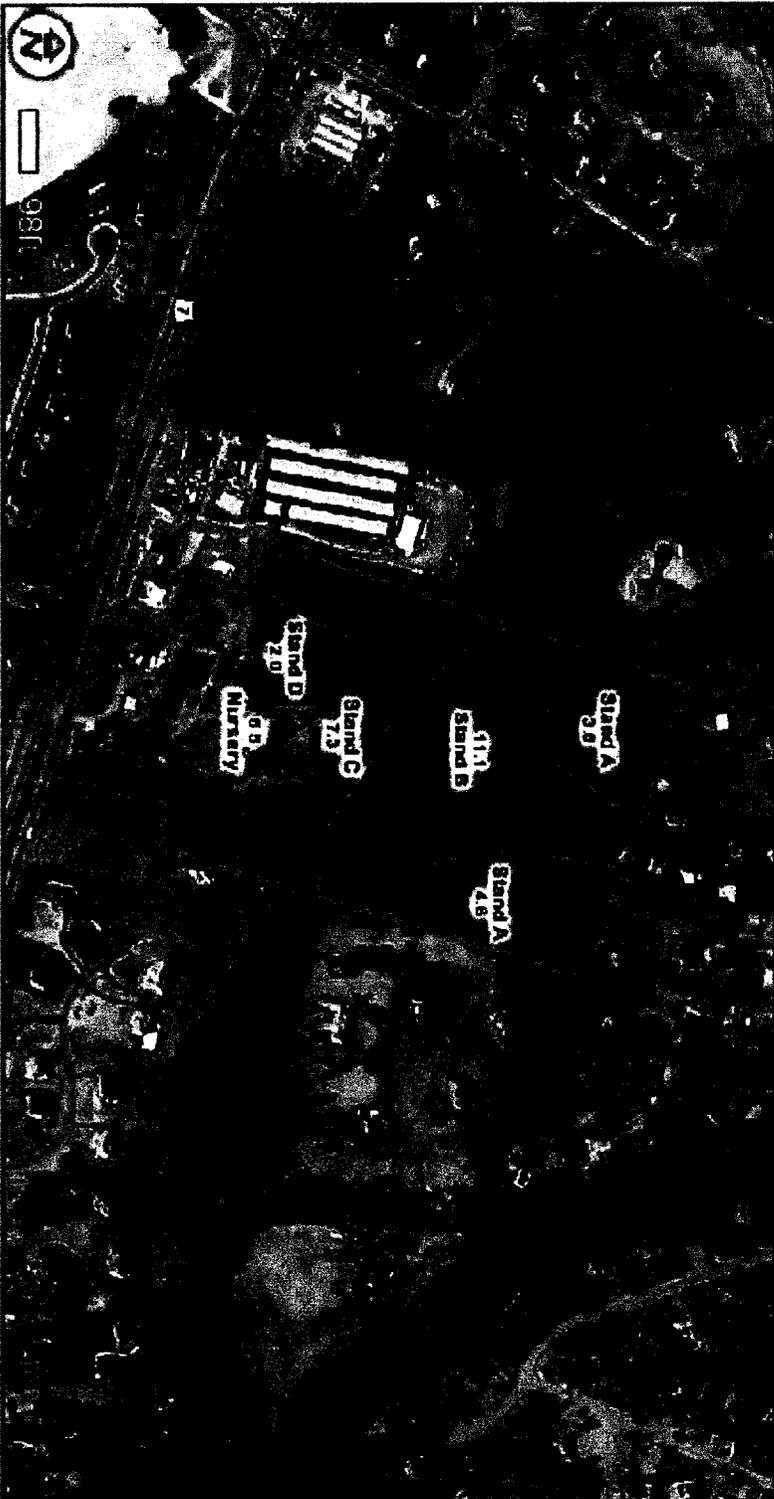
I have included information on these species..



Virginia Department of Forestry  
*Protecting and Developing Healthy, Sustainable Forest Resources*

### Hill A&F District

AR 91-D-006-02 FAX00000



Plant nursery and wooded area.

Map by: James M. Wiggins

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Record Date: Tuesday, June 17, 2003

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § 58.1-3230, or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than ten years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § 58.1-3240. Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § 15.1-1513 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.
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**§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 Hill's Plant Nursery Local Agricultural and Forestal District; Application AR 91-D-008-02

The Agricultural and Forestal Districts Advisory Committee met on August 19, 2008, to review the application to renew the Hill's Plant Nursery Local Agricultural and Forestal District (Application AR 91-D-008-02), and made the following findings:

- The Hill's Plant Nursery Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Hill's Plant Nursery Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Hill's Plant Nursery 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 Hill's Plant Nursery 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.