



APPLICATION ACCEPTED: April 25, 2008  
PLANNING COMMISSION: October 16, 2008  
BOARD OF SUPERVISORS: October 20, 2008 @ 3:30

# County of Fairfax, Virginia

---

## WSPOD

September 10, 2008

### STAFF REPORT

#### POPES HEAD LOCAL AGRICULTURAL AND FORESTAL DISTRICT

#### APPLICATION AR 83-S-008-03

#### SPRINGFIELD DISTRICT

**APPLICANT:** Carol C. Mattusch and Richard S. Mason

**PRESENT ZONING:** R-C, WS

**PARCELS:** 76-3 ((1)) 4Z and 24Z

**ACREAGE:** 31.87 acres

**PLAN MAP:** Residential use at 0.1-0.2 du/ac and private open space

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

#### STAFF RECOMMENDATIONS:

Staff recommends that the request to amend Appendix F of the Fairfax County Code to renew the Popes Head 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.

---

Suzie Battista

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



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

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

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

*O:\sbatti\Ag & Forest\Districts\2008-2 Mattusch\Mattusch\_Cover.doc*



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

# A&F District Renewal

AR 83-S-008-03

Applicant:  
Accepted:  
Proposed:

CAROL C. MATTUSCH AND RICHARD S. MASON  
04/25/2008  
AGRICULTURAL AND FORESTAL DISTRICT RENEWAL

Area:

31.87 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:

Located:

12301 FAIRFAX STATION ROAD

Zoning:

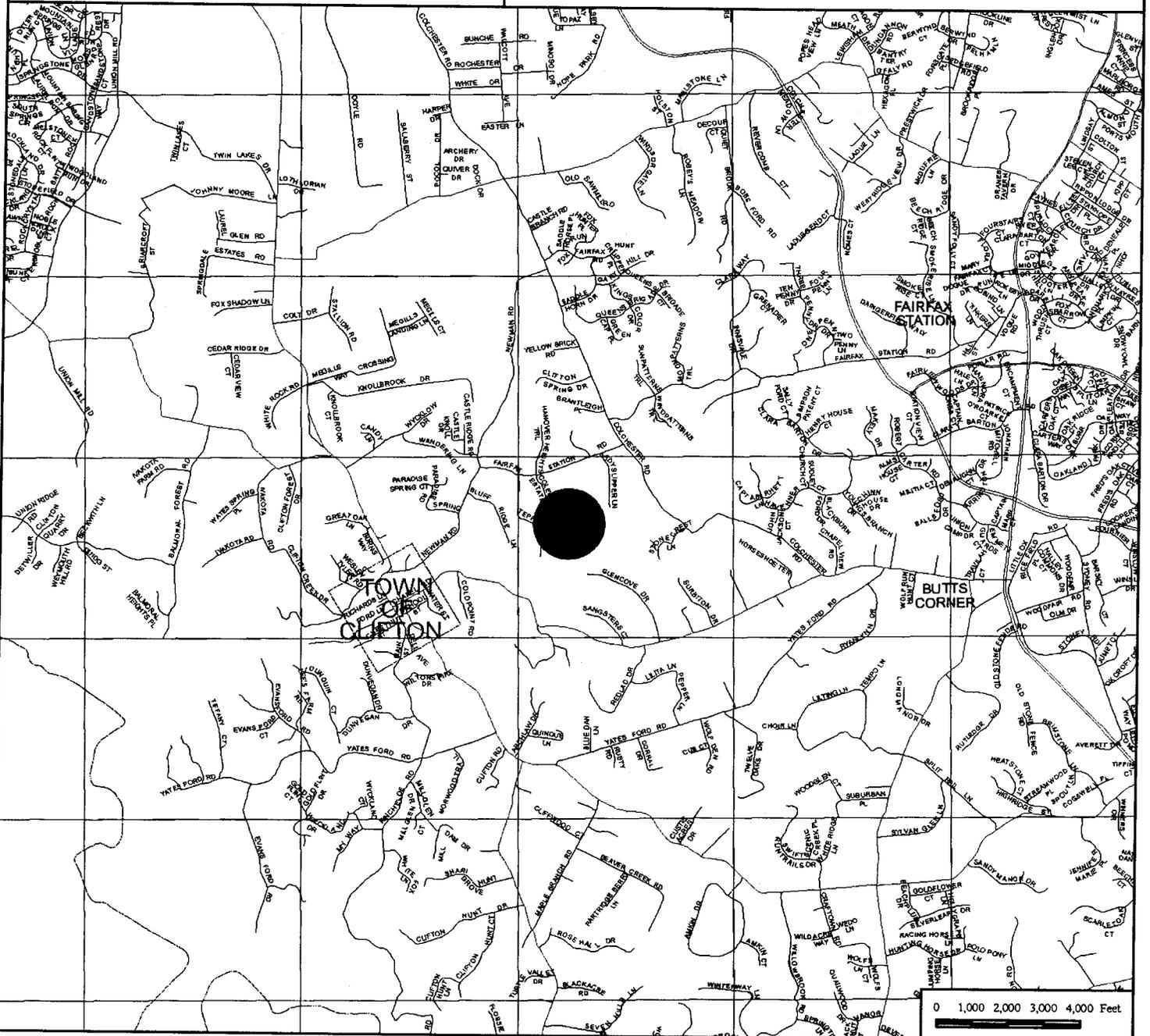
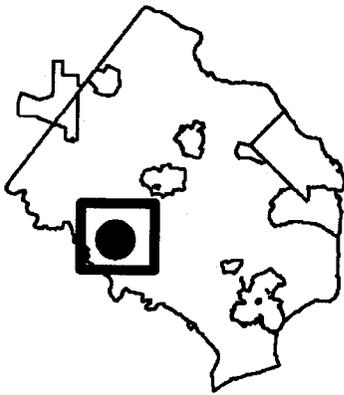
R- C

Overlay Dist:

WS

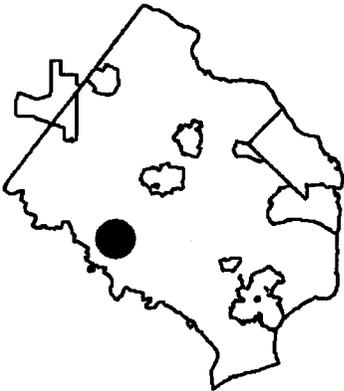
Map Ref Num:

076-3- /01/ /0004Z /01/ /0024Z



# A&F District Renewal

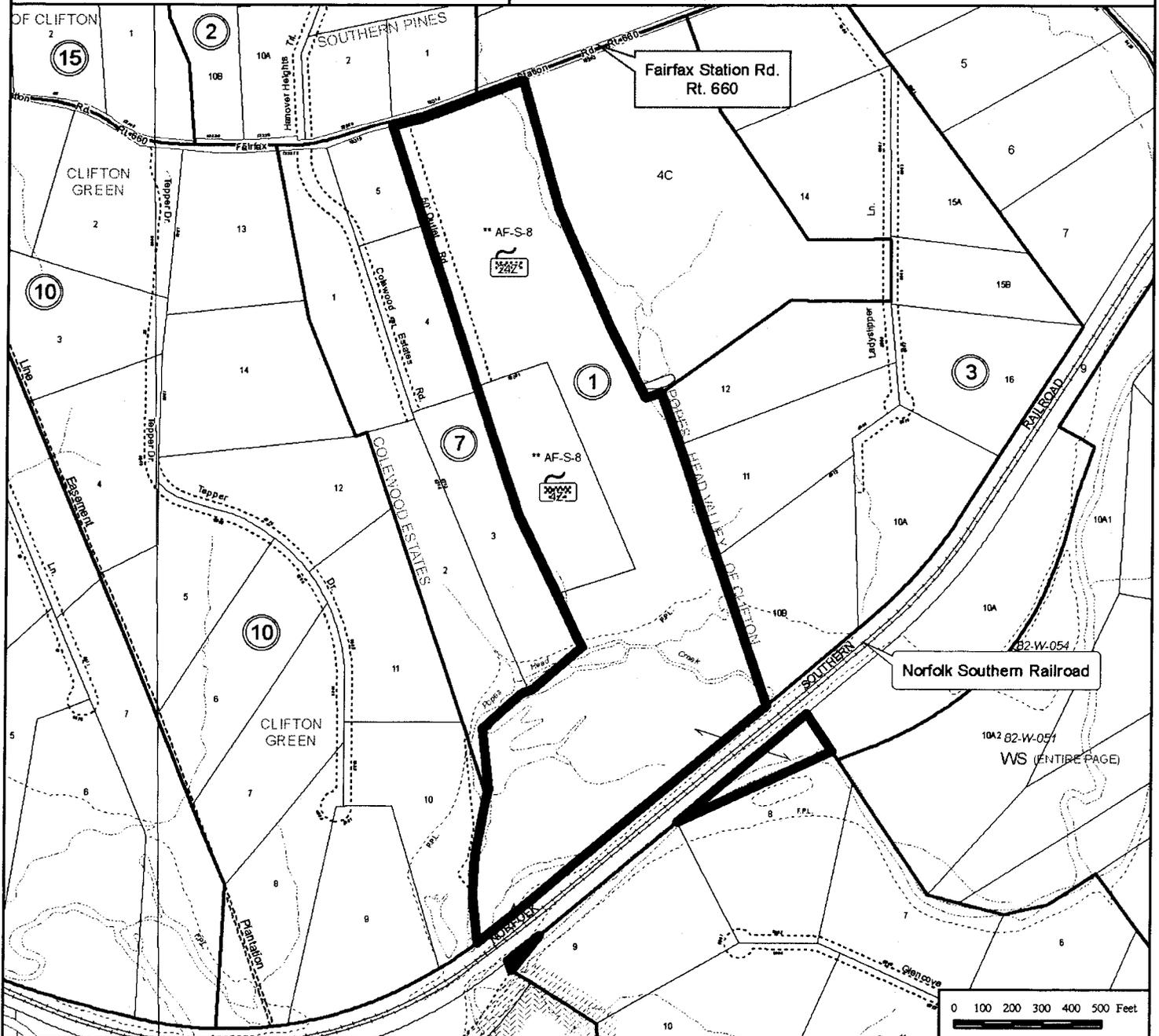
AR 83-S-008-03



Applicant: CAROL C. MATTUSCH AND RICHARD S. MASON  
Accepted: 04/25/2008  
Proposed: AGRICULTURAL AND FORESTAL DISTRICT RENEWAL

Area: 31.87 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:  
Located: 12301 FAIRFAX STATION ROAD  
Zoning: R- C  
Overlay Dist: WS  
Map Ref Num: 076-3- /01/ /0004Z /01/ /0024Z



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

**DESCRIPTION OF APPLICATION**

- Proposal:** AR 83-S-008-03 is a request to renew the Popes Head Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code. The subject property is a 31.87 acre tract located south of Fairfax Station Road and north of the Norfolk Southern Railroad in the Springfield District.
- Copies of the applicant's Statement of Justification and related application materials are contained in Appendix 2. Staff's Proposed Ordinance Provisions are contained in Appendix 1.
- Applicant:** Carol C. Mattusch and Richard S. Mason
- Acreage:** 31.87 acres
- Use:** Open Space/Forested – 22.5 acres  
Active Agriculture (horse pasture) – 9 acres  
Residential - .5 acres

**BACKGROUND**

The subject property has been owned by the applicant since 1949, and has been in use as residential and agricultural property since that time. The Popes Head Local Agricultural and Forestal District was originally established for an eight year period on January 23, 1984, and was renewed for additional eight year periods on February 10, 1992, and April 24, 2000 (See Appendix 4). During the 24 year life of this district, the property has not been substantially altered, and the current application is for the same land area as the original application and the previous renewals.

**LOCATION AND CHARACTER**

**Surrounding Area Description:**

The subject property and surrounding area are zoned R-C and WS, and are planned for residential uses at 0.1 to 0.2 dwelling units per acre and private park land. The subject property is surrounded to the east and south by single family detached residences on lots ranging from 5 to 18 acres in size. To the north and west are single

family detached residences on lots ranging from 2 to 5 acres in size. In the immediate vicinity of this A&F District are two other established districts, Whitehall Farms (199.84 acres) and Hantslot (25 acres). The grouping of districts creates a much larger visual and environmental impact than scattered individual districts would have by creating a continuous expanse of open and agricultural land. This helps preserve the rural character of south western Fairfax County at a time when this area is rapidly moving from rural to suburban in character.

#### **Location and Character of the District:**

The 31.87 acre site is located in the Pohick Planning District, Johnny Moore Community Planning Sector (P3), of Area III. The property is zoned R-C and WS and developed with the following structures.

<b>Structure</b>	<b>Year Built</b>	<b>Use</b>
Main house	1983-4	Residence
Garage	1983-4	Machinery, cars, trucks
Barn	1983-4	Horses

Approximately 2/3 of the site is wooded and is maintained as a conservation area. This area is covered with mature hardwood and pine forests. Popes Head Creek, which is part of the Occoquan watershed, crosses the southern portion of the property and is characterized by bottomland hardwood forest.

Approximately 1/3 of the property is pasture for resident horses; about 1 acre of this area contains farm buildings and a residence. The pasture area is comprised of two fields along the access drive, which extends along the western property boundary to Fairfax Station Road.

#### **COMPREHENSIVE PLAN PROVISIONS (Appendix 4)**

**Plan Area:** Area III  
**Planning District:** Pohick  
**Planning Sector:** Johnny Moore Sector (P3)  
**Plan Map:** Residential use at a density of 0.1 to 0.2 dwelling units per acre and private open space

#### **ANALYSIS**

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

The proposed renewal of this Agricultural and Forestal District is in conformance with the land use recommendation for the Comprehensive Plan, which identifies

agricultural and forestal uses as appropriate alternatives to low density residential uses in this area of the County.

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

The subject site is not affected by the recommendations of the Transportation Plan Map.

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

A Forest Management Plan prepared by the State Forester is included as Appendix 6; the Soil and Water Quality Conservation Plan is included as Appendix 7.

The subject property is located in the Popes Head Creek watershed tributary of the Occoquan River. Popes Head Creek crosses the southern portion of the property, adjacent to the Norfolk Southern Railroad. This area is considered to be an Environmental Quality Corridor (EQC) and a Resource Protection Area (RPA). The vegetation in the EQC serves as a stabilizer for the soils. Ordinance provisions are proposed which require the applicant to consider the boundary of the EQC as the limits of clearing and grading for the life of the district.

The northwest part of the property is horse pasture and home site. The pasture and home site are on uplands, and this area is separated from the Popes Head Creek flood plain in the south portion of the property by steep slopes. The trees on the property are generally in good health, but there is little regeneration, extensive evidence of deer browse, and moderate to severe invasion by non-native plants.

About 2/3 of the property is in RPA, and under the County ordinance there can be no un-permitted disturbance of vegetation in the RPA. The presence of upland forest, pasture and flood plain meadow on the property suggests the possibility of considerable wildlife diversity. Deer, turkey, and coyote are reported on the property. Due to the extensive deer browse on the property, the deer population should be managed to improve habitat for ground nesting birds and mammals. Since many areas on the site are largely infested with non-native invasive plants, efforts should be focused on the areas that are relatively free of invasives.

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

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

Criteria Group A:

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

The subject property is 31.87 acres in size, and is entirely in forest conservation and agricultural uses with the exception of 1/2 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-C and WS. This criterion is satisfied.

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

The property is planned for residential use at a density of 0.1 to 0.2 dwelling units per acre (du/ac). Therefore, this criterion has been satisfied.

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

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for low density residential use at 0.1 to 0.2 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 qualifies as open space and forestal uses. Therefore this criterion is not applicable.

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 consists of 31.87 acres; both parcels which comprise the District are owned by the Mattusch Family. Therefore this criterion is satisfied.

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

Eighty-two 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.

The applicant has a Conservation Plan dated June 10, 2008, and prepared by the Northern Virginia Soil and Water Conservation District. An ordinance provision requires the applicant to abide by the recommendations of the Soil and Water Conservation Plan for the life of the A&F District. Therefore, staff believes 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.

Approximately 2/3 of the subject property is forested and maintained as an undisturbed, wooded conservation area. Therefore, this criterion is satisfied.

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

The applicant has owned this property since 1949 and since that time has made various improvements and conducted routine maintenance on the property. In the past 10 years, these improvements have included fencing an additional six acres, soil improvements, the purchase of farm equipment, and re-roofing of the house, garage, and barn. In addition, in 1993 the applicants undertook a project to pipe water from the barn to the fields under a grant from the Soil and Water Conservation District; this project won a clean water award in 1993. The applicant is committed to maintaining the forestal and open space uses on this property for the life of the district, and to following the suggestions of the State Forester and 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.

No farm and/or forest products have been regularly produced and sold from the property during the last five years; this criterion has not 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 wooded and open lands of the subject property help maintain the rural character of the Clifton area. The land provides scenic vistas, both agricultural (horse pastures) and forested. 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 subject property has no know historical or archaeological resources. Therefore, this criterion is not satisfied.

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

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

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

The subject property is zoned R-C. This criterion is satisfied.

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

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

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

## **AFDAC RECOMMENDATION**

On August 19, 2008, the Agricultural and Forestal Districts Advisory Committee voted unanimously to recommend that the Popes Head 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 the application for the Popes Head Local Agricultural and Forestal District satisfies the criteria contained in Sect. 115-5-1 of the County Code, and that commitments made by the applicant for agricultural improvements 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 application AR 83-S-008-03, to amend Appendix F of the Fairfax County Code to renew the Popes Head Local Agricultural and Forestal District, be approved subject to the proposed Ordinance Provisions contained in Appendix 1.

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

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

### **APPENDICES**

1. Proposed Ordinance Provisions
2. Application Materials and Statement of Justification
3. Approval of AR 83-S-008-02
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. Forest Management Plan
7. Soil and Water Quality Conservation Plan
8. Virginia State Tax Code Provisions
9. Agricultural and Forestal Districts Advisory Committee Recommendation
10. Glossary

**PROPOSED ORDINANCE PROVISIONS****September 10, 2008****AR 83-S-008-03**

If it is the intent of the Board of Supervisors to renew the Popes Head Local Agricultural and Forestal District as proposed in Application AR 83-S-008-03 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map 76-3 ((1)) 4Z and 24Z, 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 10, 2008, for the life of the Popes Head Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated as determined necessary by the Soil and Water Conservation District.

- (6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated May 21, 2008, for the life of the Popes Head 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 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) 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 Popes Head Local Agricultural and Forestal District.
- (8) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.

Application No. AR 83-S-008-03

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

RECEIVED  
Department of Planning & Zoning  
APR 04 2008  
Zoning Evaluation Division

**FAIRFAX COUNTY**

- Type of application: Local  Statewide   
Initial  Amendment  Renewal
- 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
Carol C. Mattusch and Richard S. Mason 12301 Fairfax Station Road Clifton, VA 20124	TM 076-3((1))4	Z, <sup>not on</sup> WS 1982	R-C	5.0002
Carol C. Mattusch 12301 Fairfax Station Road Clifton, VA 20124	TM 076-3((1))24	<sup>not on</sup> Z, WS 1949	R-C	26.8655

- Total acreage in the proposed district: 31.8657 acres.
- Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 1 forest and farm 1.

AR 2008-0107

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

Name: Carol C. Mattusch \_\_\_\_\_  
Address: 12301 Fairfax Station Road \_\_\_\_\_  
Clifton, VA 20124 \_\_\_\_\_  
Telephone: 703-803-3717 \_\_\_\_\_

6. Signature of all property owners:

*Carol C. Mattusch*  
Carol C. Mattusch *4/02/08*  
*Richard J. Haran*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO BE COMPLETED BY THE COUNTY *and 4/25/08*  
*Paid \$50.00*

Date application accepted: 4/25/08

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

Approved as submitted       Denied

Approved with modifications

*Virginia*  
*Ruffner*

**ALL APPLICANTS**

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

Structure	Year built	Use
House	83-4	dwelling
Garage	83-4	machinery, cars, truck
Barn	83-4	horses

use additional page(s) if necessary

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

---

---

---

---

---

---

---

---

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

Re-roofing of house, garage, and barn with 50-year asphalt shingles.

Fences cleared of undergrowth; 2-3 additional acres fenced; board fence repaired. Intensive mowing to eliminate weeds, improve grass. Clearing of ailanthus in front pasture. Spreading of composted horse-manure and lime.

Removal of fallen trees for firewood, fire prevention, protection of fences, and access to woods. Clearing of 3 new paths in woods to improve access for walkers and riders. Clearing of invasive thorny bush in woods, and of Mile-a-minute on fenceline.

Contact with Northern Virginia Soil and Water Conservation Office to update conservation plan.

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: 8-13-2002; 11-14-1996; 1-84.

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
vegetables	for home use and	good to very good,
fruits	gifts/trade with neighbors	but drought in 2007 led to
firewood		below-average vegetable
_____		yield
_____		
_____		

FARM PROPERTY

1. Please check the appropriate description of the farm:

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

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

Active agricultural uses	<u>  11  </u>	acres.
Forested or undeveloped	<u>  20  </u>	acres.
Residential uses	<u>   1   </u>	acres.
Total acreage	<u>  32  </u>	acres.

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

If yes, which roads will be used:

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

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

  2   cars, vans and pickup trucks     heavy trucks.

FOREST PROPERTY

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

Future timber or pulpwood harvesting	<u>   0   </u>	acres
Christmas tree production and harvesting	<u>   0   </u>	acres
{ Firewood production and harvesting and }	<u>  31  </u>	acres
{ Conservation and grazing }	<u>      </u>	acres
Residential uses	<u>   1   </u>	acres
Other: _____	<u>      </u>	acres
Total acreage	<u>  32  </u>	acres

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

  NA

RECEIVED  
APR 04 2008  
Zoning Evaluation Division

Statement of Justification for Maintaining  
The Pope's Head Forestal District

Article 5 Section 115-5-1

(a) Criteria Group A

(1) The District consists of 32 acres devoted to home-use agricultural and forestal purposes by the same family for the past 59 years, since 1949. A house and two out-buildings were constructed on the smaller Parcel, #0763-0100 04Z, in 1984. At the same time, approximately 5 acres of pasture were fenced for grazing horses. In 1993, 6 more acres, embracing part of the larger parcel of field, were fenced. In 2007, between 2 and 3 acres of the larger parcel of field were fenced.

(2) The District is Zoned R-C.

(3) No other buildings are contemplated for the District. The land has been in private use by the family, friends, and neighbors who have walked and ridden horseback through it since 1949.

(4) The surrounding properties are well-established R-C and are unlikely to change.

(5) (6) (7) (8) NA.

(9) The forested acres have been undisturbed since long before this family took possession in 1949. There are large oak, poplar, ironwood and beech trees, an exceptional ground cover harboring some endangered species, and a large population of small animals, as well as red foxes and Virginia white-tailed deer. Many varieties of birds shelter in the fields and woods and along the streams, including bluebirds, pheasants, wild turkey, herons, kingfishers, ducks, hawks, and owls. Fenced and open areas benefit from intensive mowing to eliminate weeds (especially thistles and multiflora roses) and improve the quality of the grass. Organic fertilization with limed and composted horse manure has been practiced, using products from the barn. Three horses are presently maintained, and the fields are used on a rotating basis.

(10) Periodic consultations with successive County Agents since 1949 have resulted in various plans, the most recent formulated in 2002. With their advice, the family has been able to adapt to changing conditions over the years and sustain a tradition of rural living and conservation. We welcomed the declaration of Fairfax County policy "to conserve and protect agricultural and forest lands as valued natural and ecological resources which provide essential open spaces for clean air, watershed protection, wildlife habitat, aesthetic quality, etc." (Local Agricultural and Forestal Districts, Chap. 115-1-2, 12/85) as the exact expression of our own aspirations and intentions. We have contacted the Northern Virginia Soil and Water Conservation Office about updating the plan once again.

(b) Criteria Group B

(2) The land provides scenic vistas, improves the aesthetic quality of views from the road, and contributes to maintaining the rural character of the neighborhood.

(4) The District was the recipient of the Clean Water Farm Award in 1993.

(5) The District is zoned R-C.

Carol C Mattusch Apr 2, 08  
(Carol C. Mattusch)

Richard S. Mason 04/02/08  
(Richard S. Mason)



# FAIRFAX COUNTY

APPENDIX 3

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS

12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

May 23, 2000

Ms. Harriet C. Mattusch  
12301 Fairfax Station Road  
Clifton, Virginia 20124

RE: Agricultural and Forestal District  
Application Number **AR 83-S-008-2**

Dear Ms. Mattusch:

Agricultural and Forestal District Application **AR 83-S-008-2** in the name of Carol C. and Harriet C. Mattusch 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-7 and additional environmental provisions, was renewed by ordinance by the Board of Supervisors at a regular meeting held on April 24, 2000, as the Popes Head Local Agricultural and Forestal District, subject to the attached ordinance provisions.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns  
Attachment

Ms. Harriet C. Mattusch  
May 23, 2000  
Page 2

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

*ADOPTION OF AN AMENDMENT TO CHAPTER 115, APPENDIX F  
(LOCAL AGRICULTURAL AND FORESTAL DISTRICTS) 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 Districts) 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 Districts) as follows:*

F-7. Popes Head Local Agricultural and Forestal District  
(AR 83-S-008-2)

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

Owners	Fairfax County Tax Map Parcel Number	Acreage
Carol Mattusch and Richard Mason	76-3 ((1)) 4	5
Harriet Mattusch	76-3 ((1)) 24	26.87
Total:		31.87

(b) The Popes Head 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 January 11, 2000, for the life of the Popes Head 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;

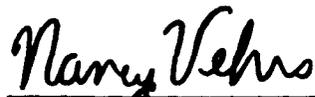
(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated February 11, 2000, for the life of the Popes Head Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. 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) 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 Popes Head Local Agricultural and Forestal District (limits of EQC on file with the Fairfax County Department of Planning and Zoning);

(8) 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 VEHRS

Clerk to the Board of Supervisors



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 1, 2008

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

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

**SUBJECT:** LAND USE ANALYSIS AND ENVIRONMENTAL ASSESSMENT for:  
AR 83-S-008-03, Carol C. Mattusch and Richard S. Mason

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 31.87 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 applicants, Carol C. Mattusch and Richard S. Mason, have applied for the renewal of an Agricultural and Forestal District for an approximately 31.87 acre property. The statement of justification indicates that approximately 11 acres are in active agricultural use, 20 acres are forested or undeveloped, and one acre is used for residential purposes. The boundaries of the district encompass two contiguous parcels between Fairfax Station Road and the Norfolk Southern Railroad.

### LOCATION AND CHARACTER

The site is located in the southwestern quadrant of the County in the Popes Head Creek watershed, which is part of the Occoquan Reservoir watershed, and zoned R-C (Residential-

---

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

Conservation) and planned for residential use at .1 - .2 dwelling unit per acre and private open space. The property is also located with the Water Supply Protection Zoning Overlay District. Generally, this proposed Agricultural and Forestal District is surrounded by land which is also zoned R-C and planned for residential use at .1 - .2 dwelling units per acre or planned as private open space.

## COMPREHENSIVE PLAN CITATIONS

The Fairfax County Comprehensive Plan, 2007 Edition, Area III, Pohick Planning District, P3-Johnny Moore Community Planning Sector, as amended through August 7, 2007, pages 42 and 44 states:

- “1. The entire P3 Planning Sector is located within the watershed of the Occoquan Reservoir. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Land in this sector should be planned for residential use within a density range of .1-.2 dwelling unit per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant densities and the well-established character of existing development in this sector. . . .
  
3. Agricultural and forestal uses are alternatives to residential uses in Low Density Residential Areas. Such uses, depending upon the techniques used, can have positive impacts on water quality. Careful attention should be paid to insure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan Reservoir watershed.”

**COMPREHENSIVE PLAN MAP:** Residential use at 0.1 to 0.2 du/ac (10-5 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 in conformance with the land use recommendation of the Comprehensive Plan which identifies agricultural and forestal uses as appropriate alternatives to low density residential uses in this area of the County.

## **ENVIRONMENTAL ANALYSIS**

### **Water Quality Protection**

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 RPA/EQC is associated with Popes Head Creek and affects a significant portion of this agricultural and forestal district along the southern and eastern aspects.

The size of the RPA has expanded since the last time staff reviewed an Agricultural and Forestal District application for this site. 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 Comprehensive Plan guidance. Specifically, any agricultural and silvicultural 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 Northern Virginia Soil and Water Conservation District has been contacted to update the Soil and Water Conservation Plan.

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 regional trail along Fairfax Station Road, and in accordance with the Public Facilities Manual the trail would be 8 feet wide within a 12-foot trail easement or VDOT right-of-way. The trail is part of the major regional trail system of the South County East-West Trail. If vehicular traffic on Fairfax Station Road is low, its pavement may be considered for trail use. In addition, the Popes Head Stream Valley Trail, which is under the jurisdiction of the Park Authority, is planned.

PGN: JRB



**AR 83-S-008-03 - Carol C. Mattusch and Richard S. Mason**

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



Area of AR 83-S-008-03 [Tax Map 76-3 ((1)) 4Z, 24Z]



Environmental Quality Corridor inside AR 83-S-008-03



Resource Protection Area





**AR 83-S-008-03 - Carol C. Mattusch and Richard S. Mason**

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

-  Area of AR 83-S-008-03 [Tax Map 76-3 ((1)) 4Z, 24Z]
-  Environmental Quality Corridor inside AR 83-S-008-03
-  Resource Protection Area



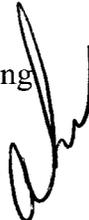


# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 8, 2008

**TO:** Barbara Byron  
Zoning Evaluation Division  
Department of Planning and Zoning

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

**FILE:** 3-4 (AF 83-D-008)

**SUBJECT:** Transportation Impact

**REFERENCE:** AR 83-S-008-3; Carol C. and Richard S. Mattusch  
Land Identification Map: 76-3 ((1)) 4Z and 24Z

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

However, in the subject case no projects that would affect the site are included in the Adopted Plan or in current construction programs. Therefore, exclusion of land for right-of-way purposes should not be necessary at this time. It is emphasized that future conditions may warrant road improvements along the road frontage of this property and that appropriate areas should be excluded from this district to accommodate these improvements in the future.

AKR/crt

May 21, 2008

AR 83-S-008-03  
DOF# FAX00005

Ms. Carol Mattusch and Mr. Richard Mason  
12301 Fairfax Station Road  
Clifton, VA 20124

Dear Ms. Mattusch and Mr. Mason

It was a pleasure to meet you and 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 Northern Virginia Conservation Trust, the tax benefits of conservation easements and information on the invasive species I observed on the property. If you have any questions about this plan, please contact me.

Sincerely,



James McGlone  
Urban Forest Conservationist



REPORT ON FORESTLANDS  
OF

Ms. Carol Mattusch and Mr. Richard Mason  
12301 Fairfax Station Road  
Clifton, VA 20124

**Location:** The property is on the south side of Fairfax Station Road approximately 3,000 feet west of the intersection of Fairfax Station and Newman Roads.

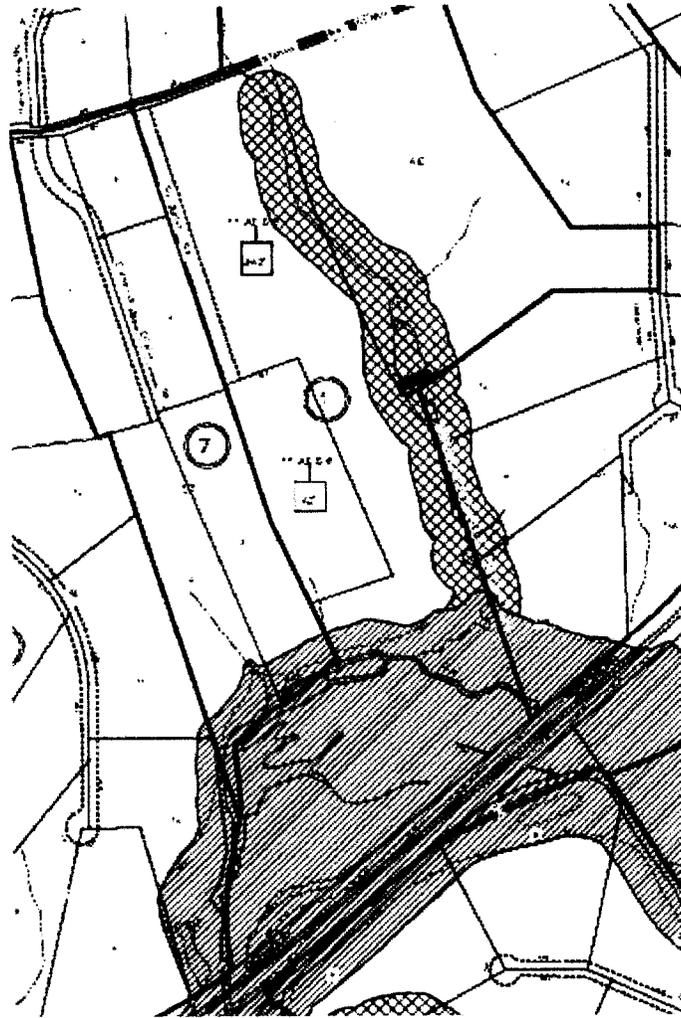
**Examined by:** James McGlone, Urban Forest Conservationist

**Landowner's Objectives:** To enhance wildlife habitat, particularly for turkey, pheasant and quail, and maintain healthy trees for a quality forest.

**Introduction:** This property is 31.9 acres approximately 2/3 forested. It is bounded on the east by a small unnamed tributary of Popes Head Creek and on the south by the Norfolk and Southern railway tracks. The northwest part of the property is horse pasture and home site. The pasture and home site are on uplands and separated from the Popes Head Creek flood plain in the south portion of the property by steep slopes. The trees on the property are generally in good health, but there is little regeneration, extensive evidence of deer browse and moderate to severe invasion by non-native plants. Although tulip poplar (*Liriodendron tulipifera*) predominates through out the property, there are significant differences in the management opportunities between the upland and slopes and the flood plain and they will be treated as separate parcels. The Northern Virginia Soil and Water Conservation District will provide advice on managing the pasture and horses.

**Soils:** The entire property is underlain by 4 soil types – Glenelg, Manor and Meadowville silt loam on the uplands and slopes and Chewacla silt loam in the southern flood plain. The upland soils are derived formed from weathering of micaceous schist and are deep, well to somewhat excessively well drained, acidic soils. Chewacla is an alluvial soil type, in this case derived from the upland micaceous schist soils. These soil types are suitable for growing oak (*Quercus* spp.), hickory (*Carya* spp.), red maple (*Acer rubrum*), tulip poplar and Virginia pine (*Pinus virginiana*).

**Resource Protection Areas:** as the below map indicates about 2/3 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, turkey and coyote are reported on the property. The presence of upland forest, pasture and floodplain meadow on the property suggests the possibility of considerable wildlife diversity; however the dominance of tulip poplar on the site reduces the wildlife value of the forest. According to the USDA Forest Service silvics manual “[i]t has nominal value as a source of wildlife food in comparison to some other species, but its seeds are eaten by quails, purple finches, rabbits, gray squirrels, and white-footed mice.” Tulip poplar also has value as a honey tree, however late spring, summer and early fall nectar sources would need to be developed before the property could be used for bee keeping. The landowners expressed an interest in managing for turkey and pheasant. Improving habitat for pheasant would require considerable work. According to the Pennsylvania Game Commission “[i]deal pheasant range is composed of a minimum of 70 percent cropland and 30 percent brush and marsh”. This would require removing most of the timber on the property. The property is already providing fairly good late summer, fall and winter habitat for turkey. With mild winters in Northern Virginia thermal roosting habitat is not needed, so providing fall/winter food sources is adequate to attract turkey. During this part of the year turkey rely on hard and soft mast. The oak, hickory, beech, and walnut observed on the property provide hard mast. Dogwood, holly and poison ivy provide some soft mast. Some improvement of turkey habitat would be provided by planting understory hard and soft mast producers like hazelnut, viburnum,

and serviceberry. These understory shrubs would need to be protected from deer browse. I have included information on wild turkey habitat management.

**Recreation / Aesthetics:** this area is desirable for passive recreation such as walking, 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. Honeysuckle vines can bind and girdle trees and shrubs. I observed Japanese stiltgrass, Japanese barberry, honeysuckle vines, oriental bittersweet, and multiflora rose in the forest. I also saw ailanthus and autumn olive in the edge around the pasture. I have included fact sheets from the Virginia Department of Conservation and Recreation on these 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.geocities.com/~vbarchers/>. 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 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.

## Parcel A

**Forest Type:** Tulip poplar with some white oak (*Quercus alba*) northern red oak (*Quercus rubra*), with a few hickory (*Carya* spp.) in the canopy. The sub-canopy consists of red maple (*Acer rubrum*), and beech (*Fagus grandifolia*). There are also beech saplings and seedlings of the canopy and sub-canopy species, American hornbeam (*Carpinus caroliniana*) and American holly (*Ilex opaca*) in the understory. The western portion also has a significant Virginia pine component.

**Quality/Size:** The timber quality of this area is good. The trees are mostly saw timber size measuring 22 to 36 inches diameter at breast height.

**Recommendations:** this area is partly meeting the landowners' objectives. The landowner should manage the deer population on this property to improve habitat for ground nesting birds and mammals. Given that there are large parcels within one mile on which no deer management is practiced, the landowner may wish to investigate the Virginia Department of Game and Inland Fisheries Deer Management Assistance Program, which allows a larger take of antlerless deer.

The presence of red maple and beech in the sub-canopy indicate this forest is succeeding to a climax maple-beech forest. The wildlife value of the forest can be enhanced and this process arrested at the same time by girdling the larger beech and maple trees to create snags or standing dead trees. The smaller trees can be cut and used to create brush piles. Brush piles would be particularly useful if they incorporated some of the downed tree trunks. See enclosed information on building brush piles. The fallen dead wood has good wildlife value and should be left in place except as used for brush piles.

The southwest area of this parcel is notably free of invasive plants. This area should be walked frequently and invasive plants removed as they occur. This will prevent the invasives from getting established in this area.

This area can also be enhanced for fall/winter wild turkey by establishing understory food plots. This would require installation of deer fencing and planting appropriate understory plants like hazelnut (*Corylus Americana*), *Viburnum* spp. and native members of the family Ericaceae, like blueberries (*Vaccinium* spp.)

This parcel also has readily accessible and marketable timber. If logging is done on the steep slopes logs should be hand cut and bucked into appropriate lengths on the slope and a cable skidder should be used to haul logs up to the flat part of the parcel. Keep in mind that most of this area is in the resource protection area and Virginia Department of Forestry Best Management Practices are mandatory. This effectively restricts harvest in this area to 50 per cent of the basal area – essentially every other tree.

## Parcel B

**Forest Type:** Tulip poplar with some sycamore (*Plantus occidentalis*), river birch (*Betula nigra*), cherry (*Prunus serotina*) and red maple in the canopy. Most of the canopy diversity is in the low lying areas near the streams with the higher ground almost completely occupied by tulip poplar. The sub-canopy consists of red maple, American hornbeam, American holly and beech. There are some large clumps of paw-paw (*Asimina triloba*) and spicebush (*Lindera benzoin*), which are known to be deer resistant. There are also beech saplings and seedlings in the shrub layer

**Quality/Size:** The timber quality of this area is good. The trees are mostly saw timber size measuring 22 to 36 inches diameter at breast height.

**Recommendations:** this area is partly meeting the landowners' objectives. The landowner should manage the deer population on this property to improve habitat for ground nesting birds and mammals. Given that there are large parcels within one mile on which no deer management is practiced, the landowner may wish to investigate the Virginia Department of Game and Inland Fisheries Deer Management Assistance Program, which allows a larger take of antlerless deer.

The presence of red maple and beech in the sub-canopy indicate this forest is succeeding to a climax maple-beech forest. The wildlife value of the forest can be enhanced and this process arrested at the same time by girdling the larger beech and maple trees to create snags or standing dead trees. The smaller trees can be cut and used to create brush piles. Brush piles would be particularly useful if they incorporated some of the downed tree trunks. See enclosed information on building brush piles. The fallen dead wood has good wildlife value and should be left in place except as used for brush piles.

This parcel is infested with non-native invasive plants, particularly honey suckle and oriental bittersweet vines, Japanese barberry and Japanese stiltgrass. The level of infestation likely precludes eradication. Control efforts in this parcel should be focused on those sites that are relatively free of invasives.

There is good poplar timber in this area, however access is problematic. Logs would have to be hauled out through the old Popes Head creek bottom and up steep slopes. Again this is a Resource Protection Area and Department of Forestry Best Management Practices are mandatory, which would require the bridging of all drainages to access this timber.



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

## Mattusch and Mason A&F District

Map for FAX00005, AR 83-S-008-03



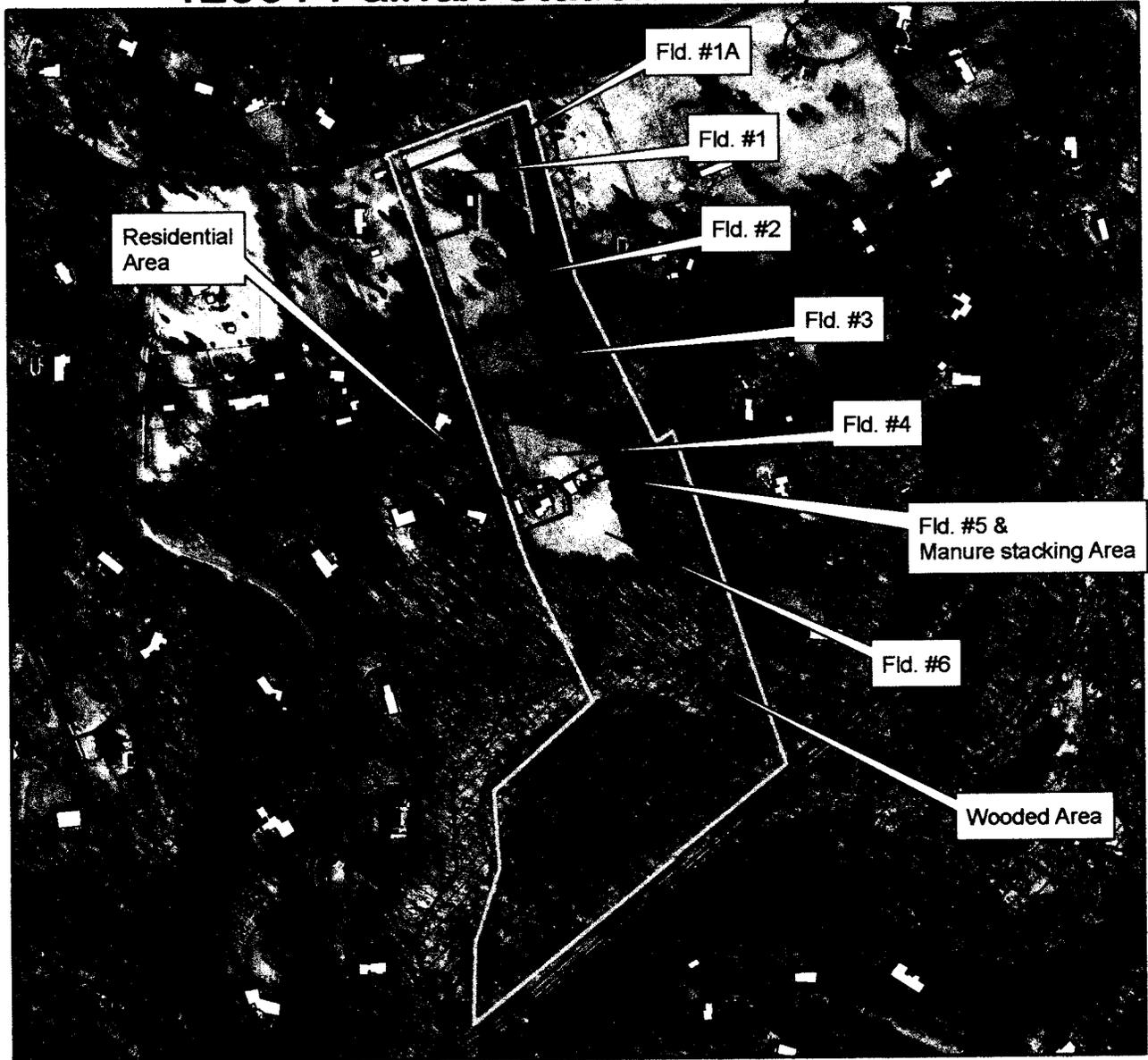
Map created from aerial and topographic images for advisory purposes only. Not to be used for boundary determination.

Map by James M. Wayne

Generated by the Integrated Forest Resource Information System - Copyright 2003 Virginia Department of Forestry

Rescan Date: Wednesday, May 21, 2008

# Mattusch Ag. & Forestal District 12301 Fairfax Station Road, Clifton



Prepared by Willie Woode - NVSWCD  
Using Fairfax County 2007 Orthophoto and GIS layers

## Legend

### Perennial Streams (line)

#### FTYPE

—— BRIDGE; LAKE; POND; RIVER; STREAM; ARTIFICIAL PATH; WETLAND; PAVED DITCH

—— SSN\_ARC

 1993 RPAs

 2003 RPAs

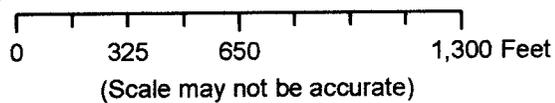
 2003 (Rev) RPAs

 Resource Management Areas (RMAs)

—— Existing interior fences

—— Proposed additional fences

 Existing piped crossing





**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:**

Carol Mattusch  
Mattusch Ag. & Forestal District  
12301 Fairfax Station Road  
Clifton, VA 20214  
Tel: 703-803-3717

**Plan Prepared by:**

Willie Woode, Senior Conservation Specialist, NVSWCD

**Date:**

June 10, 2008

**Summary of operation:**

This is an approximately 32-acre property located at 12301 Fairfax Station Road in Clifton, VA. It is kept in an Ag. and Forestal District land status. Three horses are kept onsite. An un-named tributary that feeds Popes Head Creek flows in a north to south direction along the eastern boundary of the property. Popes Head Creek itself flows through the southern end of the parcel. These perennial flows form the core components of the Chesapeake Bay Resource Protection Area (RPA) delineated within the property. The total length is 2,240 feet.

**Practices:**

1) Nutrient Management (590):

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

Currently, stable waste is stored at location adjacent to field #5 and spread around the fields. The horses are out most of the time except in bad weather conditions. Therefore, minimal amount of waste is collected.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
1 &1A	2.3 ac.	6	2008		
2	2.5 ac.	6	2008		
3	1.0 ac.	6	2008		
4	1.0 ac.	6	2008		
5	0.2 ac.	6	2008		
6	1.8 ac.	6	2008		
Total	8.8 ac.				

### 2) Pest Management (595)

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

Common weed of concern on the property is Japanese Barberry. Treatment with systemic herbicides such as glyphosate and triclopyr can be used to control its growth..

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
1 &1A	2.3 ac.	6	2008		
2	2.5 ac.	6	2008		
3	1.0 ac.	6	2008		
4	1.0 ac.	6	2008		
5	0.2 ac.	6	2008		
6	1.8 ac.	6	2008		
Barn	0.1 ac.	6	2008		
Residential	2.2 ac.	6	2008		
Wooded Area	20.9 ac.	6	2008		
Total	32.0ac.				

### 3) Prescribed Grazing (528)

Intensive rotational grazing – Graze appropriate number of pasture fields in an intensive rotational system, by adjusting the pasture recovery period through the grazing season. The grazing period may range from one half to several days. Grazing heights and appropriate recovery periods will be observed throughout the grazing season. Establishing an escape or sacrifice areas next to stalls should be considered to provide exercise areas for horses during adverse weather conditions, such as, drought or saturated soil conditions. Design details can be provided upon request.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	2.3 ac.	6	2008	6	2008
2	2.5 ac.	6	2008	6	208
3	1.0 ac.	6	2008	6	2008
4	1.0 ac.	6	2008	6	2008
5	0.2 ac.	6	2008	6	2008
6	1.8 ac.	6	2008	6	2008
Total	8.8 ac.				

4) Waste Storage Facility (313)

Current manure stacking area is acceptable. Covering pile will reduce potential for runoff and ground water pollution. Spreading should not be done on snow or frozen ground. Spreading should be on fields with established pasture.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Manure stack	1	5	2008		

5) Chesapeake Bay Resource Protection Area (RPA) management

Cross-hatched area on your property is a county delineated resource protection area, which acts as the last barrier for filtering pollutants in runoff from adjacent land. This area is required to be kept vegetated. Since portions of this area such as your riding area had been devoid of vegetation prior to the Chesapeake Bay program, it is allowed to be kept that way with no additional increase in area devoid of vegetation.

Areas within fields 1, 1A & 2 that are RPA must not be over-grazed. Pesticide and fertilizer use within these areas should be used under highly discretionary conditions.

RPA within the Wooded Areas should remain vegetated. With permission from the appropriate authority, only a certain percentage of trees within this zone can be cut for purposes of view or vista.

Maintenance of this area should be done according to the management plan provided by the VA Department of Forestry.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1 & 1A	350 ft.	6	2008	6	2008
2	240 ft.	6	2008	6	2008
Wooded	1700 ft.	6	2008	6	2008
Total	2240 ft.				

6) Record Keeping

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

Fields	Planned Amount	Month	Year	Applied Amount	Date
1 & 1A	2.3 ac.	6	2008		
2	2.5 ac.	6	2008		
3	1.0 ac.	6	2008		
4	1.0 ac.	6	2008		
5	0.2 ac.	6	2008		
6	1.8 ac.	6	2008		
Barn Areas	0.1 ac.	6	2008		
Residential	2.2 ac.	6	2008		
Wooded Area	20.9 ac.	6	2008		
Total	32 ac.				

---

**SIGNATURES OF PARTICIPANTS**

Landowner/Operator:	
-----	-----
<b>Carol Mattusch</b>	<b>Date</b>

Planner:	
-----	-----
<b>Wilfred D. Woode</b>	<b>Date</b>

District Authority:

-----  
**Chairman**

-----  
**Date**

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

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

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

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

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

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

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

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

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

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

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

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

---

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

---

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

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

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

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

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

---

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

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

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

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

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

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

---

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

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

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

---

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

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

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

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

---

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

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

---

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

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

---

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

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

---

## 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 Popes Head Local Agricultural and Forestal District; Application AR 83-S-008-03

The Agricultural and Forestal Districts Advisory Committee met on August 19, 2008, to review the application to renew the Popes Head Local Agricultural and Forestal District (Application AR 83-S-008-03), and made the following findings:

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