



APPLICATION ACCEPTED: January 9, 2009
PLANNING COMMISSION: May 14, 2009
BOARD OF SUPERVISORS: May 18, 2009 @ 3:30 pm

County of Fairfax, Virginia

April 28, 2009

STAFF REPORT

KINCHELOE LOCAL AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AF 2009-SP-001

SPRINGFIELD DISTRICT

APPLICANT: Mary T. Kincheloe, John T. Kincheloe,
John T. Kincheloe, Trustee

PRESENT ZONING: R-C, WS

PARCELS: 85-4 ((1)) 1Z, 10Z, 20Z, 21Z, 22Z, 23Z
85-4 ((6)) 02, 03
85-3 ((2)) 18, 19, 20, 48, 49, 50, 51, 52, 53
85-1 ((6)) 02

ACREAGE: 261.88

PLAN MAP: Residential use at .1-.2 dwelling units per acre and
Private Open Space

STAFF RECOMMENDATIONS:

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

Suzie Zottl

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



It should be noted that 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.

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.

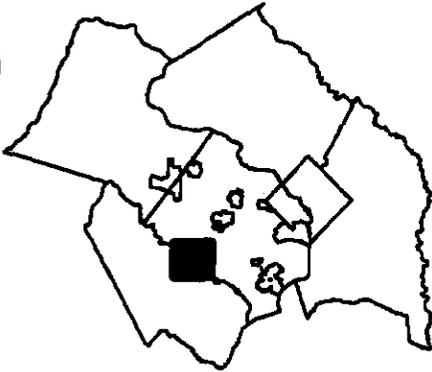
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703)324-1290, or TTY 711 (Virginia Relay Center).

N:\Ag & Forest\Districts\2009-3 Kincheloe\Kincheloe_Cover.doc

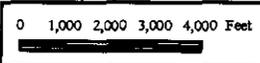
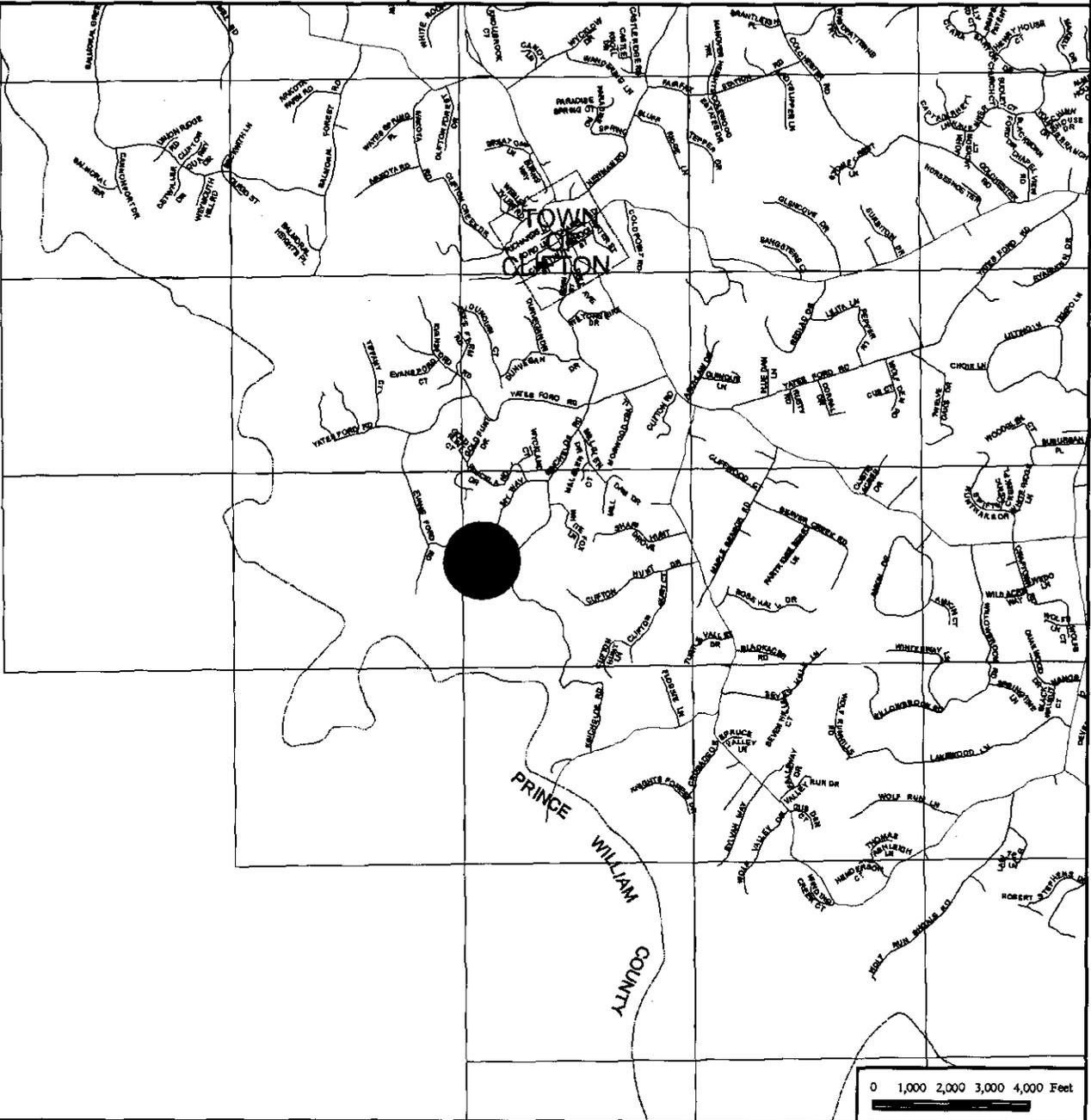


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

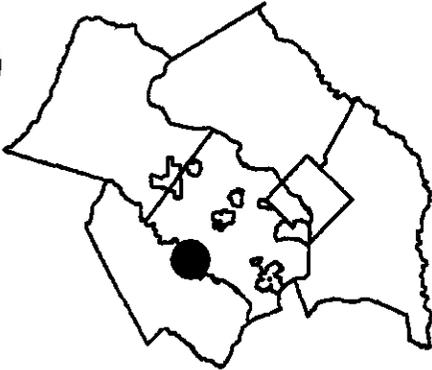
A&F District
AF 2009-SP-001



Applicant: MARY T. KINCHELOE, JOHN T. KINCHELOE AND JOHN T. KINCHELOE, TRUSTEE
Accepted: 01/09/2009
Proposed: AGRICULTURAL AND FORESTRAL DISTRICT
Area: 261.88 AC OF LAND; DISTRICT - SPRINGFIELD
Located: 7900 MY WAY, 7875, 7901, 7925, 7955, 8001, 8009, 8015, 8021, 8025, 8031, 8037 AND 8041 EVANS FORD ROAD
Zoning: R- C
Overlay Dist: WS
Map Ref Num: 085-1- /06/ /0002 085-3- /02/ /0018 /02/ /0019 /02/ /0020 /02/ /0048 /02/ /0049 /02/ /0050 /02/ /0051 /02/ /0052 /02/ /0053 085-4- /01/ /0001Z /01/ /0010Z /01/ /0020Z /01/ /0021Z /01/ /0022Z /01/ /0023Z /06/ /0002 /06/ /0003

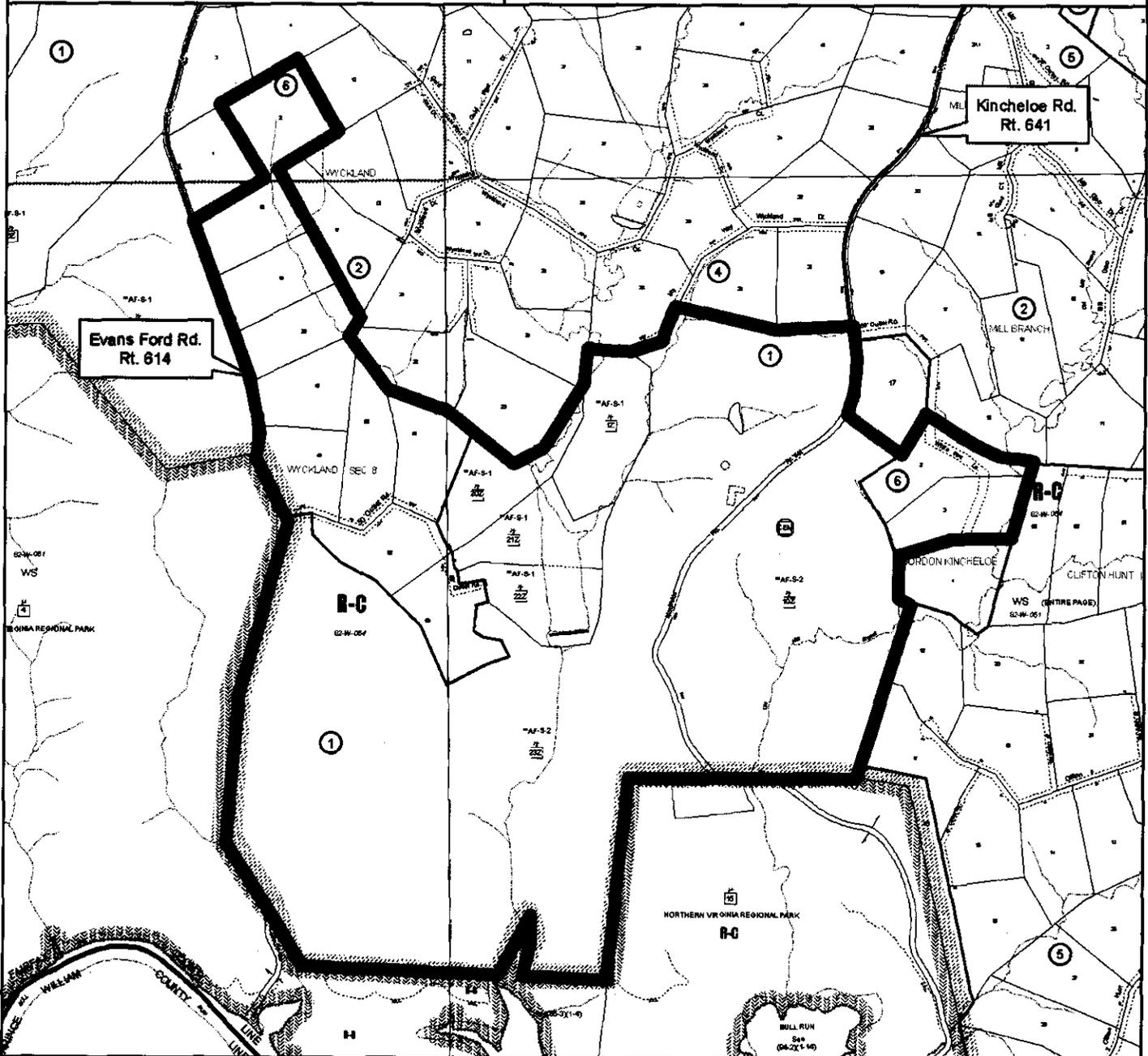


A&F District
AF 2009-SP-001



Applicant: MARY T. KINCHELOE, JOHN T. KINCHELOE AND JOHN T. KINCHELOE, TRUSTEE
Accepted: 01/09/2009
Proposed: AGRICULTURAL AND FORESTRAL DISTRICT
Area: 261.88 AC OF LAND; DISTRICT - SPRINGFIELD
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Zoning: R- C
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Map Ref Num: 085-1- /06/ /0002 085-3- /02/ /0018 /02/ /0019 /02/ /0020 /02/ /0048 /02/ /0049 /02/ /0050 /02/ /0051 /02/ /0052 /02/ /0053 085-4- /01/ /0001Z /01/ /0010Z /01/ /0020Z /01/ /0021Z /01/ /0022Z /01/ /0023Z /06/ /0002 /06/ /0003



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

DESCRIPTION OF APPLICATION

Proposal: AF 2009-SP-001 is a request to establish the Kincheloe Local Agricultural and Forestal (A&F) District for an eight year term under the provisions of Chapter 115 of the Fairfax County Code. The subject property is comprised of 18 parcels in the Springfield District, located at 7900 My Way and multiple addresses along Evans Ford Road.

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: Mary T. Kincheloe, John T. Kincheloe, John T. Kincheloe, Trustee

Acreage: 261.88 acres

Use: Open space/Forested – 239.88 acres
Active Agriculture – 20 acres
Residential - 2 acres

LOCATION AND CHARACTER

Surrounding Area Description:

The subject property and surrounding area are zoned R-C and WS, and are planned for low density residential uses at 0.2 to 0.5 dwelling units per acre and private open space. The subject property is surrounded by a large lot subdivision (5+ acres) to the north and northeast, and the Bull Run Park (Northern Virginia Regional Park Authority land) to the south.

Location and Character of the District:

The site is located in the Johnny Moore Community Planning Sector (P3) of the Pohick Planning District. The proposed district is characterized by terrain with significant topographic relief that is traversed by extensive stream valleys associated with Old Mill Branch and other unnamed tributaries. The property lies along both sides of Kincheloe Road, with a family cemetery plot lying to the east and barns/pasture lying to the west. Approximately 20 acres of the site are utilized for agricultural purposes (horse barns and pasture grazing), approximately 2 acres are in residential use, and approximately 239.88 acres

are forested open space. The following permanent structures are located on the property:

Structure	Year Built	Use
House	1955	Residence
Barn	1940	Horses
Barn	1960	Horses
House	1985	Residence

BACKGROUND:

The establishment of this Agricultural and Forestal District will represent a combination of the Kincheloe and Kincheloe II Local Agricultural and Forestal Districts (base numbers AF 95-S-001 and AF 01-S-002, respectively), and additional, adjacent, contiguous parcels owned by the applicants, not previously included in an Agricultural and Forestal District. The intent of the applicants in filing this new A&F application is to create one larger consolidated district with unified Ordinance Provisions.

The subject property has been in the Kincheloe family for generations. Over the years, the applicants have raised cattle and horses, grown hay, and engaged in a variety of agricultural activities. Today, the agricultural activity is primarily devoted to horse care and pasture, while the majority of the property is maintained as forested open space, providing scenic vistas for the Clifton area.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III
Planning District: Pohick Planning District
Planning Sector: Johnny Moore Community Planning Sector (P3)
Plan Map: Residential at a density of 0.1 to 0.2 du/ac

ANALYSIS

Land Use Analysis (Appendix 3)

The proposed renewal of this Agricultural and Forestal District is in conformance with the land use recommendation of the Comprehensive Plan that identifies agricultural and forestal uses as appropriate alternatives to low density residential uses in this area of the County.

Transportation Analysis (Appendix 4)

This request does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. The Fairfax County Department of Transportation emphasizes that future conditions may warrant road improvements along the road frontage of the proposed district, and that appropriate areas should be excluded from this district. However, in the subject case no projects that would affect the site area are included in the Adopted Plan or in current construction programs; exclusion of land for right-of-way purposes should not be necessary at this time.

Environmental Analysis (Appendix 3)

The Forest Management Plan and Soil and Water Comments are contained in Appendices 5 and 6, respectively.

The subject property is located in the Old Mill Branch Watershed and within the County's Water Supply Overlay Protection District as part of the Occoquan Watershed. A Resource Protection Area (RPA) and Environmental Quality Corridor (EQC) associated with Old Mill Branch stream valley and other unnamed tributaries traverse the proposed district in a predominantly north-south direction. These tributaries have carry a total of 18,154 linear feet of Chesapeake Bay Resource Protection Area (RPA).

A Soil and Water Quality Conservation Plan was prepared for the property on February 9, 2009. The plan notes that significant pond reconstruction was done recently at the principle outlet and emergency spillway of the larger pond, and recommends that further improvement be done at the point of entry of these outlets to avoid erosion problems. The plan also recommends the enhancement of the vegetated buffer between fields 1 and 6 (see map in Appendix 6) to a minimum width of 25 feet. In some of these areas, such as areas with steep slopes, a buffer of 100 feet or greater width should be considered.

Approximately 2/3 of the property is forested, and a Forest Management Plan was prepared for the property on February 26, 2009. The forest is a typical acidic oak-hickory mix in two age classes, mature and mid-successional. Parcel 1 (see Appendix 5) is approximately 155 acres, and the forest is about 90 years old; Parcel 1A is approximately 3.3 acres and the forest is about 50-60 years in age. No evidence of epidemic disease was observed in the forest, and the trees seem generally healthy. There is ample evidence of deer browse in the forest, and there is little to no regeneration. Therefore, although the trees are healthy, the forest is unhealthy due to poor age distribution. The Virginia Department of Forestry recommends deer management techniques to help achieve more of the landowner's goals by allowing the establishment of the missing herbaceous plants and shrubs and allowing regeneration of the existing canopy tree species.

The field areas of the property contain approximately 88 acres, and there were no invasive species observed in fencerows or riparian areas. This area is potentially very beneficial to wildlife; allowing grass and wildflowers to grow in the field and mowing once a year in late winter will provide forage and cover for birds and other animals. One recommendation for water quality in this area is to increase the width of the forest riparian buffer to a minimum of 35 feet on either side of the stream, and can be achieved by not mowing this area (establishing a "no-mow zone") and allowing native trees to seed themselves.

Agricultural and Forestal District Criteria Analysis

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

Criteria Group A:

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

The subject property is 261.88 acres in size and is entirely in forest and agricultural uses, with the exception of 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: 0.1-0.2 dwelling units per acre; 0.2-0.5 dwelling units per acre; 0.5-1.0 dwelling units per acre; Private Recreation; Private Open Space; Public Park; Agriculture; Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least 3 of Criteria Group B.

The property is planned for residential use at a density of 0.1 to 0.2 dwelling units per acre (du/ac). 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 units per acre and private open space. 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 261.88 acres. 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.

This criterion is not applicable because the majority of the site is in forestal, not agricultural, use.

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

The applicant has a Conservation Plan prepared by the Northern Virginia Soil and Water Conservation District, dated February 9, 2009. 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.

Much of this property has been included in an Agricultural and Forestal District for approximately twenty years, and the property has historically contained a forest. Furthermore, the applicant is committed to maintaining the forestal and agricultural 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 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.

Farm or forest products have not been regularly produced, although portions of the property have and continue to be maintained as pasture for horses. Therefore, this criterion is not satisfied.

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

The property provides scenic vistas across the rolling hills looking towards Bull Run. The maintenance of this land in forest and open space contributes to the rural character of the Clifton area; therefore, staff believes this criterion is satisfied.

3. The property contains a 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.

Although one of the houses on the property dates only from 1955, it was built on the site of an earlier home that burned down during the Civil War. The family cemetery located adjacent to this house dates from the 1860s. In the past, the Cultural Resource Management and Protection Division (CRMP) of the Fairfax County Park Authority has indicated that the cemetery is listed as a historical site, but that the property has not yet been fully surveyed. CRMP has previously indicated that they would support an A&F District on the site as protective of possible sites, and that they would like permission to field survey the property. An ordinance provision has been proposed requiring that they applicants give CRMP such permission. Staff feels this criterion has been satisfied.

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

There are no unique farming or forestry operations on this site. Therefore, this criterion is not 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 criteria in Group A and at least two criteria in Group B should be satisfied. It is staff's opinion that this application satisfies all of the applicable criteria in Group A and three of the criteria in Group B.

AFDAC RECOMMENDATION (Appendix 7)

On April 21, 2009, the Agricultural and Forestal Districts Advisory Committee voted to recommend that the Kincheloe Local Agricultural and Forestal District be established for an eight year term, subject to the Ordinance Provisions contained in Appendix 1 of this report.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the establishment of the Kincheloe 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 improvements to the property are consistent with the intent of the program. In addition, the property does exceed the minimum acreage requirement and is in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends application AF 2009-SP-001, to amend Appendix F of the Fairfax County Code to establish the Kincheloe Local Agricultural and Forestal District, be approved subject to the proposed Ordinance Provisions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Ordinance Provisions
2. Statement of Justification and Application Material
3. Land Use and Environmental Analysis
4. Transportation Analysis
5. Forest Management Plan
6. Soil and Water Conservation Plan
7. Agricultural and Forestal Districts Advisory Committee Recommendation
8. Virginia State Tax Code Provisions
9. Glossary

PROPOSED ORDINANCE PROVISIONS

April 28, 2009

AF 2009-SP-001

If it is the intent of the Board of Supervisors to create the Kincheloe Local Agricultural and Forestal District as proposed in Application AF 2009-SP-001 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Maps 85-4 ((1)) 1Z, 10Z, 20Z, 21Z, 22Z, 23Z, 85-4 ((6)) 02, 03, 85-3 ((2)) 18, 19, 20, 48, 49, 50, 51, 52, 53 and 85-1 ((6)) 2, staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

- (1) That 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) That 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) That 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) That 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 February 9, 2009, for the life of the Kincheloe Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Soil and Water Conservation District.

APPENDIX 1

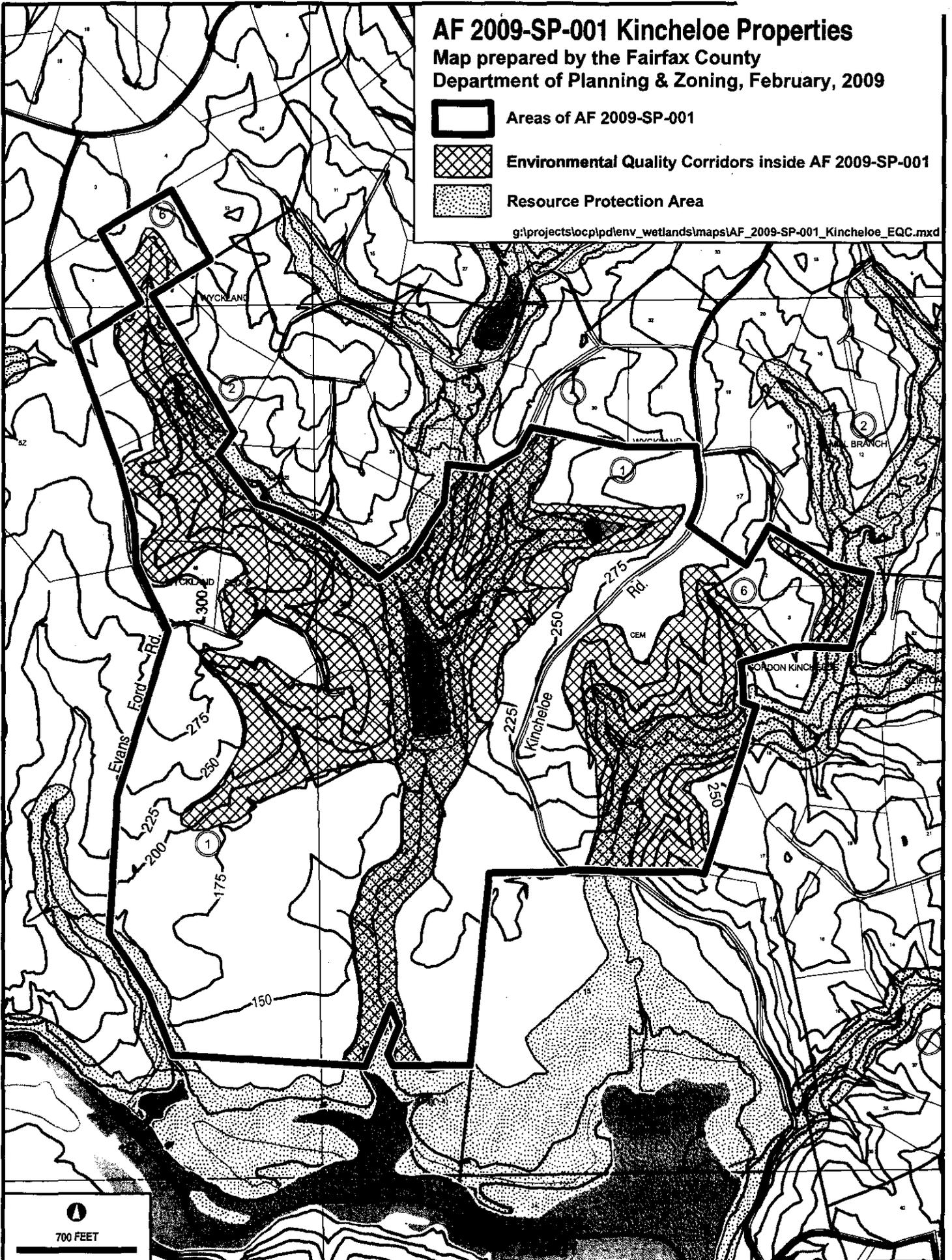
- (6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated February 26, 2009 for the life of the Kincheloe Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within the Kincheloe II 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 Kincheloe Local Agricultural and Forestal District (see Attachment A).
- (8) The Cultural Resource Management and Protection Division (CRMP) of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property. Surveys and other similar activities of the CRMP shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.
- (9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.

AF 2009-SP-001 Kincheloe Properties

Map prepared by the Fairfax County
Department of Planning & Zoning, February, 2009

-  Areas of AF 2009-SP-001
-  Environmental Quality Corridors inside AF 2009-SP-001
-  Resource Protection Area

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RECEIVED
Department of Planning & Zoning

OCT 31 2008

Zoning Evaluation Division

Application No. AF 2009-SP-001

APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT

FAIRFAX COUNTY

- Type of application: Local Statewide
Initial Amendment Renewal *+ two existing districts combined with additional property*
- 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
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see attached schedule of parcels

- Total acreage in the proposed district: 261.8755 acres.
- Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 2 forest 16.

AF 2008-0305

REVISED ATTACHED SCHEDULE OF PARCELS –APPLICATION FOR THE
ESTABLISHMENT OF AN AGRICULTURAL AND FORESTAL DISTRICT

RECEIVED
Department of Planning & Economic
DEC 23 2008
Zoning Evaluation Division

Owner's Name & Address	Tax Map Number	Year Aquired	Zoning District	Acres
Mary T. Kincheloe 7821 Kincheloe Rd. Clifton, Virginia 20214	0854-01-0010Z	1989, 2006	RC/WS	43.893
Mary T. Kincheloe	0854-01-0023Z	2006	RC/WS	132.6121
Mary T. Kincheloe	0854-06-0002	2006	RC/WS	5.0002
Mary T. Kincheloe	0854-06-0003	2006	RC/WS	5.4914
Mary T. Kincheloe	0853-02-0018	2006	RC/WS	5.0002
Mary T. Kincheloe	0853-02-0019	2006	RC/WS	5.0002
Mary T. Kincheloe	0853-02-0020	2006	RC/WS	5.0002
Mary T. Kincheloe	0853-02-0048	2006	RC/WS	5.0002
Mary T. Kincheloe	0853-02-0049	2006	RC/WS	5.0002
Mary T. Kincheloe	0853-02-0050	2006	RC/WS	5.0003
Mary T. Kincheloe	0853-02-0051	2006	RC/WS	5.0003
Mary T. Kincheloe	0853-02-0052	2006	RC/WS	5.0002
Mary T. Kincheloe	0853-02-0053	2006	RC/WS	5.0003
John T. Kincheloe 7900 My Way Clifton, Virginia 20124	0854-01-0001Z	1985	RC/WS	7.7174
John T. Kincheloe	0854-01-0020Z	1990	RC/WS	5.547
John T. Kincheloe	0854-01-0021Z	1990	RC/WS	5.806
John T. Kincheloe	0854-01-0022Z	1990	RC/WS	5.806
John T. Kincheloe, Trustee 7900 My Way Clifton, Virginia 20124	0851-06-0002	2000	RC/WS	5.0003
			TOTAL -	261.8755

SCHEDULE OF STREET ADDRESSES-APPLICATION FOR
ESTABLISHMENT OF AN AGRICULTURAL AND FOREST
DISTRICT

All properties are located Clifton, Virginia 20124.

RECEIVED
Department of Planning & Zoning
DEC 23 2008
Zoning Evaluation Division

<u>TAX MAP NUMBER</u>	<u>STREET ADDRESS OF PROPERTY</u>
0854-01-0010Z	N/A (would be a Kincheloe Road street #)
0854-01-0023Z	N/A (would be either a Kincheloe Road or an Evans Ford Road street #)
0854-06-0002	N/A (would be a White Fox Lane street #)
0854-06-0003	N/A (would be a White Fox Lane street #)
0853-02-0018	7875 Evans Ford Road
0853-02-0019	7901 Evans Ford Road
0853-02-0020	7925 Evans Ford Road
0853-02-0048	7955 Evans Ford Road
0853-02-0049	8001 Evans Ford Road
0853-02-0050	8009 Evans Ford Road
0853-02-0051	8015 Evans Ford Road
0853-02-0052	8041 Evans Ford Road
0853-02-0053	8037 Evans Ford Road
0854-01-0001Z	7900 My Way
0854-01-0020Z	8021 Evans Ford Road
0854-01-0021Z	8025 Evans Ford Road
0854-01-0022Z	8031 Evans Ford Road
0851-06-0002	N/A(would be a Yates Ford Road street #)

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

Name: John T. Kincheloe
Address: 7900 My Way
Clifton, VA, 20124
Telephone: 703-830-0312

6. Signature of all property owners:

Mary J. Kincheloe
John T. Kincheloe
John T. Kincheloe, Trustee

\$5000

TO BE COMPLETED BY THE COUNTY

Date application accepted: 1-9-09
Date of action by Board of Supervisors: _____

Virginia Saffner

- Approved as submitted Denied
- Approved with modifications

ALL APPLICANTS

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

Structure	Year built	Use
House	1955	residence
BARNs	1940, 1960	FARM
House	1985	residence

use additional page(s) if necessary

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

N/A

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

Fencing replaced

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: JUNE 18, 2001 for a portion of property
ON this Application

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

If yes, date submitted: _____

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

Product	Past year's yield	Average yield for previous 4 years
---------	-------------------	------------------------------------

<u>PASTURE USE - GRAZING</u>		

December 23, 2008

RECEIVED
Department of Planning & Zoning
DEC 23 2008
Zoning Evaluation Division

Letter of Justification for Establishment of an
Agricultural and Forestal District

The establishment of this Agricultural and Forestal District will represent a combination of Kincheloe II Local Agricultural and Forestal District (AF 01-S-002- J. Gordon Kincheloe and Mary T. Kincheloe- previously approved), Kincheloe Local Agricultural and Forestal District (AF 95-S-001- John T. Kincheloe- previously approved) and additional, adjacent, adjoining, contiguous parcels owned by the undersigned. This is a combination of two existing districts with the addition of other properties. The intention hereby is to create one consolidated district.

CRITERIA GROUP A

1. All acreage, except a reasonable amount for residential use, is currently devoted primarily to forestal use. There is some open space, some pasture use and some livestock use.

2. All acreage in the proposed district is now zoned R-C. The district lies within the Old Mill Branch Watershed and is, we believe, entirely within the Water Supply Protection Overlay District.

3. The land use is consistent with the Comprehensive Plan.

4. A majority of the surrounding land within ¼ mile of the proposed district is planned according to the Comprehensive Plan for uses identified in Fairfax County Code Article 5, Section 115-5.1(A)(3).

5. and 6. The land included is well in excess of 20 acres and all parcels are owned within the same family.

7. and 8. While there is no land currently in agricultural use in the proposed district, there is “agriculturally significant land” in that some parts have historically produced agricultural products and some of it is good agricultural land. This is based on factors such as soil quality, topography, climate, prior agricultural production, farm improvements made and farm improvements maintained. Much of the land is kept mowed in order to preserve, maintain and improve the soil, the watershed and the natural beauty. Three saddle horses are currently kept on the property. A full effort has been made over a long period of time to keep the properties in the district maintained and attractive, both internally and externally.

9. The forest land and undeveloped land will 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 will be intended to reduce or prevent soil erosion, maintain soil nutrients and reduce nonpoint source pollution.

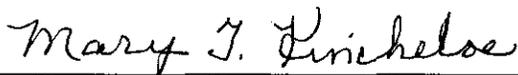
10. The land has for many years contained a forest. This shows a history of investment in and commitment to forest use.

CRITERIA GROUP B

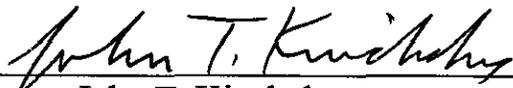
2. The land provides scenic vistas, improves the aesthetic quality of views from County roads and contributes to maintaining the existing rural character of the area.

5. The land is zoned R-C.

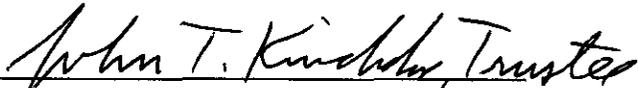
The Kincheloe Family Cemetery is located on the property, as are the remains of a couple of old houses. Also on the property, on Mill Branch, are the remains of a mill dam used to back water up for an early, now non-existent grist mill.



Mary T. Kincheloe



John T. Kincheloe



John T. Kincheloe, Trustee



County of Fairfax, Virginia

MEMORANDUM

February 18, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: LAND USE ANALYSIS & ENVIRONMENTAL ASSESSMENT for:
AF 2009-SP-001 Kincheloe

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

DESCRIPTION OF THE APPLICATION

The applicant seeks approval to establish a 261.88-acre Agricultural and Forestal (A & F) District which is comprised of eighteen parcels owned by the Kincheloe family and is located in the Springfield Magisterial District. Some of the parcels had been previously included in other agricultural and forestal districts. The proposed A & F District is located in the Johnny Moore Community Planning Sector (P3) of the Pohick Planning District. The proposed district is characterized by terrain with significant topographic relief which is traversed by extensive stream valleys associated with Old Mill Branch and other unnamed tributaries.

LOCATION AND CHARACTER

The subject property is located in southwestern Fairfax County within the Old Mill Branch Watershed as well as within the Occoquan Reservoir Watershed. The proposed district is bounded to the south and to the west by land which is planned for public park and owned by the Northern Virginia Regional Park Authority. To the east of the proposed district is land planned for private open space and residential use at .1-.2 dwelling unit per acre (du/ac) or 5-10 acre lots.

COMPREHENSIVE PLAN MAP: private open space and residential use at .1-.2 dwelling unit per acre

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



Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

COMPREHENSIVE PLAN CITATIONS

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

Land Use

In the Fairfax County Comprehensive Plan, 2007 Edition, Area III, Pohick Planning District, as amended through September 8, 2008, P3-Johnny Moore Community Planning Sector on pages 42- 44, the Plan 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.”

Environment

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

- “Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**
- Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .
- Policy d. Preserve the integrity and the scenic and recreational value of stream valley EQCs. . . .
- Policy l. In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource

Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. To the extent feasible in consideration of overall site design, stormwater management needs and opportunities, and other Comprehensive Plan guidance, establish boundaries of these buffer areas consistent with the guidelines for designation of the stream valley component of the EQC system as set forth in Objective 9 of this section of the Policy Plan. Where applicable, pursue commitments to restoration of degraded stream channels and riparian buffer areas. . . .

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

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on page 10, the Plan states:

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

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

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 14-15, the Plan states:

“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....”

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

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

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

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.”

LAND USE ANALYSIS

Approval of this Agricultural and Forestal District would be compatible with the existing and planned very low density residential character for the site and the surrounding area.

ENVIRONMENTAL ANALYSIS

Water Quality Protection

This request seeks approval for a newly configured Agricultural and Forestal District which would encompass approximately 262 acres of land located in southwestern Fairfax County immediately adjacent to Northern Virginia Regional Park Authority property and a Resource Protection Area (RPA) associated with the Occoquan River. The subject site is located in the Old Mill Branch watershed. A Resource Protection Area (RPA) and Environmental Quality Corridor (EQC) associated with Old Mill Branch stream valley and other unnamed tributaries traverse the proposed district in a predominately north south direction.

The subject property is characterized by stream valley and very steeply sloping terrain along the stream valleys. Much of the proposed district or approximately 154 acres is delineated as an Environmental Quality Corridor per Policy Plan guidance and approximately 51 acres is designated as RPA under the Chesapeake Bay Preservation Ordinance (CBPO). The extent of the EQC and RPA are identified on the attached map.

The Northern Virginia Soil and Water Conservation District (NVSWCD) has prepared a Water Quality Management (WQM) Plan for the proposed district. The WQM Plan estimates that the proposed district encompasses 18,154 linear feet of RPA/EQC stream valley corridor within the proposed district, and it identifies specific locations where the RPA/EQC buffers are deficient. The WQM Plan provides specific recommendations for the property owners regarding vegetative buffer enhancement with appropriate native plant species. Buffer deficiency areas are visible on the aerial photography map provided with the WQM Plan which depicts hay fields and/or manicured lawn situated immediately adjacent to RPA/EQC stream valleys with little or no natural vegetated buffer. To be consistent with the Comprehensive Plan guidance which recommends the use of "agricultural and forestal techniques . . . supportive of water quality goals for the Occoquan Reservoir watershed," the property owners should take all hay production areas which are located within the RPA/EQC buffer out of production and allow those areas to revert to a natural state. Areas where manicured lawn encroaches into the RPA/EQC buffer should also be allowed to revert to a natural state and be enhanced with appropriate native tree and shrub species, as recommended by NVSWCD. Appropriate and timely implementation of the NVSWCD Water Quality Management Plan's recommended buffer enhancement within RPA/EQC areas would enhance and improve water quality.

The Water Quality Plan provides other valuable recommendations, including the following:

- measures to improve the function of the farm ponds;
- measures to stabilize outfall areas and stream banks;
- measures to enhance possible jurisdictional wetlands; and
- appropriate application of nutrient and pesticides throughout the proposed district.

Approximately 139 acres of the district are wooded. The applicant has not indicated an interest in timber harvesting at this time. However, because much of the district is forestland, the applicant is encouraged to work with the Virginia Department of Forestry (VDOF) to complete a Forestry Management Plan as prescribed by the VDOF's Best Management Practices Handbook for Forestry Operations. In an effort to enhance water quality, as noted above, the applicant is encouraged to complete selective reforestation of the tributary RPA/EQC stream valley buffers which had formerly been in hay production or grassland and in conjunction with a Forestry Management Plan.

Approval of this Agricultural Forestal District would be compatible with the goals of the Comprehensive Plan to preserve this environmentally sensitive area of Fairfax County.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan depicts a major regional trail on the north side of the Occoquan River along a very small portion of the southern boundary of the proposed district.

PGN: MAW

Attachment

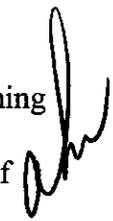


County of Fairfax, Virginia

MEMORANDUM

DATE: January 26, 2009

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

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

FILE: 3-4 (AF 2009-SP-001)

SUBJECT: Transportation Impact

REFERENCE: AF 2009-SP-001; Mary T. Kincheloe and John T. Kincheloe, Trustee
Land Identification Map: 85-1((6)) 2, 85-3((2)) 18, 19, 20, 48, 49,
50, 51, 52, 53
85-4((1)) 1z, 10z, 20z, 21z, 22z, 23z
85-4((6)) 2, and 3

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



EVERETTE L. KLINE, JR.
Regional Forester

COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY

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

February 26, 2009

AF 2009-SP-001
DOF# FAX99002

Mr. John T. Kincheloe
7900 My Way
Clifton VA 20124

Dear Mr. Kincheloe

It was a pleasure to meet you and walk your property.

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 and the tax benefits of conservation easements. I have included information on growing native warm season grasses like switch grass. The Department of Forestry and other agencies are sponsoring a one conference on bio-energy on April 10 at the George Mason University Prince William County Campus that might provide some insight on productive uses of the old pastures

I have also included information on invasive species we noted on your aunt's property. I was unsure of which vine it is that we saw, so I have included information on two likely species. As I said, with small infestation like this it is best to attack aggressively before they spread. A spot application of a glyphosate herbicide like RoundUp or a triclopyr herbicide like Brush-Be-Gone should control and eventually eliminate it. If you have any questions about this plan, please contact me.

Sincerely,



James McGlone
Urban Forest Conservationist



REPORT ON FORESTLANDS
OF
John T. and Mary T. Kinchleloe
7900 My Way
Clifton, VA 20124

Location: The property is at the end of Kinchleloe Road in the Clifton area. This property is A&F number AF-2009-SP-001

Examined by: James McGlone, Urban Forest Conservationist

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

Introduction: This is a 261.9 acre property southwest of Clifton with rolling to steep terrain that spans the mouths of 2 tributaries of Bull Run. There are resource protection areas associated with Old Mill branch in the southeast of the property and associated with an unnamed stream that flows through the center of the property. Approximately two thirds of the property is forested and the rest is in two home sites, out buildings and good quality pasture. Unlike most forests in Fairfax County these are in good health with no non-native invasive species present. The forest is a typical acidic oak-hickory forest in two age classes, mature and mid-successional.

Parcel 1 and 1A

Parcel 1 155.1 acres
Parcel 1A 3.3 Acres

The forests in these two parcels are the same except that parcel 1 is 90+ years old and parcel 1A is only about 50 to 60 years old.

Soils: The upland area is glenelg silt loam, formed from weathering of micaceous schist and is a deep, well to somewhat excessively well drained, acidic soil that is excellent for growing oak. The bottomland area along both streams is codorus silt loam, a very deep, moderately well drained and somewhat poorly drained alluvial soil derived from the upland glenelg soil. Cordous soil supports mixed riparian hardwoods.

Forest Type: Mature acidic Oak-Hickory forest (see attached description). Species present are white oak (*Quercus alba*), northern red oak (*Quercus rubra*), southern red oak (*Quercus falcata*), black oak (*Quercus velutina*), beech (*Fagus grandifolia*), tulip poplar (*Liriodendron tulipifera*) and hickory (*Carya* spp.). The understory is made up of beech regeneration, with a few American holly (*Ilex opaca*) and the only shrub is mountain laurel (*Kalmia latifolia*).

Parcel 1A contains the same species as parcel 1, but adds Virginia pine (*Pinus virginiana*) to the mix.

Quality/Size: The timber quality of parcel 1 is good, with most trees being of saw timber size (>18 inches diameter at breast height). The timber quality of parcel 1A is fair, with trees of pulp wood to small saw timber size (6 to 18 inches DBH). Both parcels are well stocked.

Forest Health: No evidence of epidemic disease was observed in the forest and the trees seemed generally healthy. There is ample evidence of excessive deer browse in the forest. The browse line on the mountain laurel, a starvation food for deer, is obvious and there is no regeneration except for beech. Therefore, although the trees are healthy, the forest is unhealthy due to poor age distribution.

Forest pests and diseases 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.

Water Quality: There are several intermittent and ephemeral drainages in these parcels. Those streams originating off the property in more developed areas are showing some signs of down cutting and bank erosion associated with higher storm flows. The forest in this area is doing an excellent job of protecting the streams and controlling stormwater.

Wildlife Habitat: Deer sign was observed in the forest in the form of browse lines on the mountain laurel. Many nuthatches were also observed in the woods, suggesting good habitat for cavity nesting and seed eating birds. While the forest provides good to excellent habitat for canopy species, the total lack of an herbaceous layer, a sparse shrub layer consisting entirely of mountain laurel and young holly and lack of regeneration reduces the wildlife habitat for most species that rely on the lower levels of the forest. Mr. Kincheloe mentioned that whip-poor-wills, a ground nesting species, had disappeared from the property many years ago.

Recreation / Aesthetics: this area is desirable for passive recreation such as walking, photography, bird and wildlife watching, and the general observation of nature. It would also be productive for deer hunting.

Recommendations: This area is currently meeting most of the landowners needs. The forest should be monitored for infestations of non-native invasive species, which should be removed when detected. The forest should also be monitored for the health of the trees. Deer management (see below) would help achieve more of the landowner's goals by allowing the reestablishment of the missing herbaceous plants and shrubs, and allowing regeneration of the existing canopy species.

Field

Forest Type: This is an area of approximately 88.2 acres of pasture, broken up by fencerows, a stream and Kincheloe Road. Forest resources are limited to the fencerows and stream buffer. Species include many of the upland species on parcel 1 and add eastern red cedar (*Juniperus virginiana*) and sweet gum (*Liquidambar styraciflua*).

Forest Health: There were no invasive species observed in fencerows or riparian areas. The fields had been cut since last growing season, so plant identification was problematic, but they appeared to be high quality pasture with few or any non-grass species present.

Soils: the field lies mostly in a low land pan underlain by birdsboro and meadowville loams. These are alluvial soils that reveal something about the geologic history of the site. Meadowville soil is related to the glenelg soils in the uplands of the property and probably washed down from there. Birdsboro soils are related to shale and sandstone derived soils and was likely transported to the site by Bull Run from the Triassic basin to the west of Centerville.

Wildlife Habitat: the combination of field, fencerow and nearby forest creates a habitat mosaic that is potentially very beneficial to a variety of wildlife. Bluebirds were observed in one fencerow. Allowing grass and wildflowers to grow in the field and mowing once a year in late winter will provide forage and cover for birds and other animals, including wild turkey.

Water Quality: Mowed grass is a poorer manager of stormwater than forest, due in part to the lower surface area per square foot. The leaves, stems and branches of trees greatly increase the vegetative surface area and intercept about 12% of annual rainfall and prevent from ever reaching the ground.

One water quality improvement that can be made in the field is to increase the width of the forested riparian buffer. The forested buffer should be a minimum of 35 feet on either side of the stream, but 100 feet is preferable. Because there are no invasive species present, a viable option to increasing the buffer width is to not mow that area and let native trees seed in themselves.

Recommendations: Increase forested buffer along streams to a minimum of 35 feet by planting or establishing a "no mow" zone along the streams.

There are several options to managing the rest of the field area:

1. Continue periodic mowing of existing grass, possibly shifting a single mowing in late winter.
2. Convert the fields to a native warm season grass/wildflower meadow for wildlife habitat.
3. Convert the fields to switch grass or some other species for future sale as bio fuel.
4. Reforest with short leaf pine. The Department of Forestry's Reforestation of Timberlands is a cost-share program that will help with site preparation, planting and initial release. Short leaf pine is a commercial species that is better suited to this site than loblolly. Planting pine may, depending on management actions, eventually lead to hardwood forest as is happening on Parcel 1A.

Homesite (including horse barns and pastures)

Forest Type: This is an area of maintained turf and landscape trees.

Forest Health: The landscape trees in this area appear to be in good health.

Recommendations: Monitor the health of the trees. If they appear to be suffering from disease or pests contact a certified arborist (see how to hire an arborist attached). Wildfire in this area is carried in leaf litter and organic debris on the forest floor. To protect the buildings from wildfire and protect the wild lands from house fire, do not create or maintain a continuous fuel bed (e.g. landscaping mulch) between the forest floor and the buildings.

Deer Management

The most pressing problem of sound forest management in Fairfax County is managing deer herds. Due to deer browsing we are missing an entire age class of trees throughout the County and the youngest canopy trees in most forest parcels are about 30 years old. That equates to more damage than gypsy moths (and probably all other mortality sources combined) have been able to inflict. While the deer do not threaten our existing trees, they do make regeneration of the forest impossible and lead to the prospect that forests will disappear from Fairfax County over the next hundred years.

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

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

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

Wildfire:

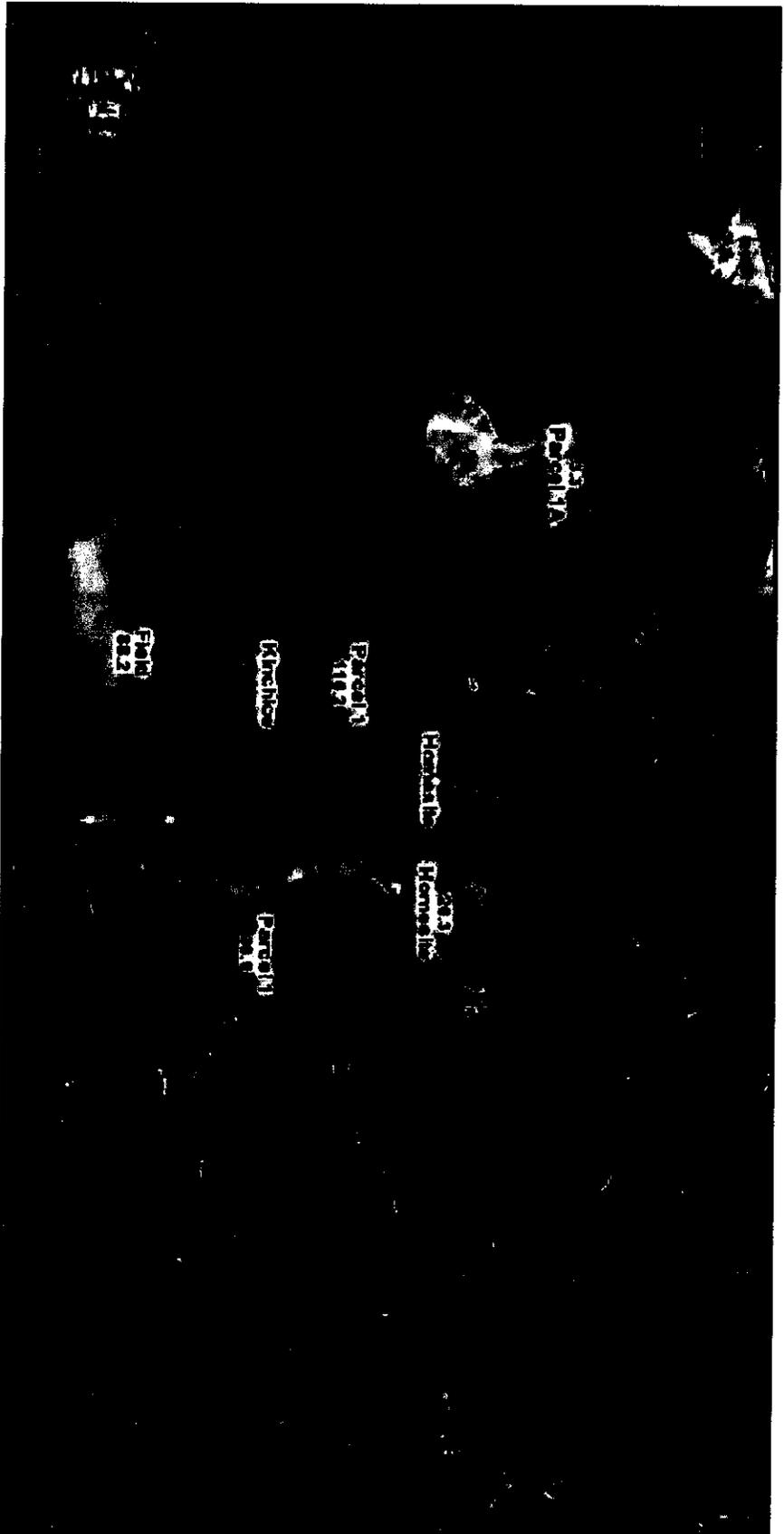
Protection of this property from wildfire is essential. Wildfire destroys valuable timber and property. Should wildfire occur on this or adjacent property call 911 immediately to report it to the Fairfax County Fire and Rescue Department.



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

Kincheloe A&F District

AF 2009-SP-001 FAX 95002



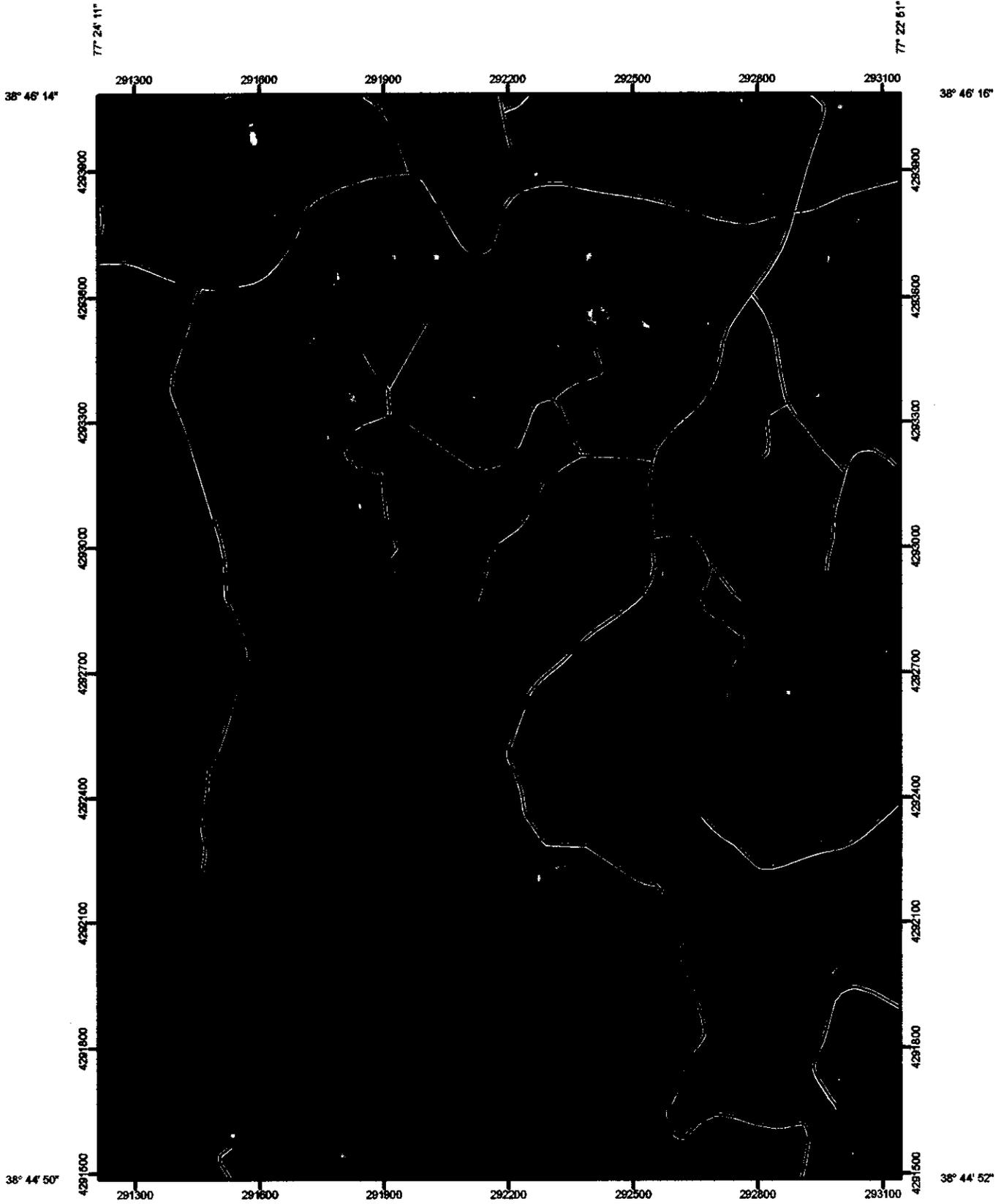
Map derived from aerial photography and are not to be used for boundary determination.

Map By: James M. McGlone

Report Date: Wednesday, February 25, 2009

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Soil Map—Fairfax County, Virginia
(Kincheloe A&F District)



Map Scale: 1:12,400 if printed on A size (8.5" x 11") sheet.



Map Unit Legend

Fairfax County, Virginia (VA888)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
9B	Birdsboro loam, 2 to 7 percent slopes	36.1	9.4%
29A	Codorus silt loam, 0 to 2 percent slopes, occasionally flooded	24.5	6.4%
30A	Codorus and Hatboro soils, 0 to 2 percent slopes, occasionally flooded	6.9	1.8%
32B	Delanco loam, 2 to 7 percent slopes	23.4	6.1%
39B	Glenelg silt loam, 2 to 7 percent slopes	4.3	1.1%
39C	Glenelg silt loam, 7 to 15 percent slopes	73.3	19.2%
39D	Glenelg silt loam, 15 to 25 percent slopes	41.8	10.9%
39E	Glenelg silt loam, 25 to 45 percent slopes	118.6	31.0%
78B	Meadowville loam, 2 to 7 percent slopes	5.7	1.5%
89A	Rowland silt loam, 0 to 2 percent slopes, frequently flooded	0.2	0.1%
102	Wheaton loam, 2 to 25 percent slopes	1.3	0.3%
105B	Wheaton-Glenelg complex, 2 to 7 percent slopes	0.0	0.0%
105C	Wheaton-Glenelg complex, 7 to 15 percent slopes	23.4	6.1%
105D	Wheaton-Glenelg complex, 15 to 25 percent slopes	19.3	5.1%
W	Water	3.4	0.9%
Totals for Area of Interest		382.2	100.0%



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
 324

Soil and Water Quality Conservation Plan

Property Owner/Operator:

Mary T. Kincheloe, John T. Kincheloe, and
 John T. Kincheloe, Trustee
 C/o 7900 My Way
 Clifton, VA 20124
 Tel: 703-830-0312 (John)

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

February 9, 2009

Summary of operation:

This property is approximately 262 acres, consisting of multiple parcels on My Way, Evans Ford and Kincheloe Roads in Clifton. It is located in the Old Mill Branch Watershed (PL46). This plan is prepared in response to a current agricultural and Forestal District application requesting a merger of two adjacent properties that were under separate Agricultural and Forestal District registrations, as well as an inclusion of a newly acquired set of parcels contiguous to the original two properties. The total acreage in agricultural use is approximately 104 acres. This constitutes 86 acres in hay production, and 18 acres dedicated to a three-horse operation. Two in-line ponds (P1 & P2, 3.5 ac. and 0.5 ac. respectively) and two residential areas (R1 & R2, 8 ac. and 7 ac. respectively) exist onsite. The remaining 139 acres is mostly wooded. Old Mill Branch and another unnamed tributary flow through the property in a general north-south direction. These tributaries have with them, a total of 18,154 linear feet of Chesapeake Bay Resource Protection Area (RPA).

Observations and Comments:

It appears as though significant pond reconstruction was done recently at the principle outlet and emergency spillway of the larger pond. Further improvement is needed at the point of entry of both these outlets wherein the discharge points are either not quite tied-in with the creek bottom (in the case of the principle spill way), or is totally disconnected from the creek bottom (in the case of the emergency spillway). In both cases, under pressure of prolonged high discharge (depending on the storm event), significant erosion problems may result in major damage to the existing steam channel, bring down trees or

even ruining the integrity of the extensive work that's already been done at these two outfall areas. This problem can be resolved by building a 'transition' between the channels bed and the discharge points of the recently improved structures. This transition can be achieved by using appropriately sized rip-rap at the channel bed elevation, and building it up to the discharge point of the recently improved structures. Also, appropriately sized rock should be used to fill cavities that exist under existing trees at the emergency spillway area to keep trees from falling over. Like wise, the banks of the channel closest to the discharged areas should be reinforced using similar sized rock.

During my site visit, the unnamed creek separating fields 3 & 4 was observed to be undergoing 'head-cutting' at approximately 20 feet downstream from the metal crossing. Head-cutting is an erosive trend that migrates in an upstream direction. Sudden significant change in stream bed elevation triggers this erosive trend due to channel flows experiencing sudden 'drop' from the higher to the lower elevations within the channel. In this case the sudden change in elevation of the channel bottom was measured to be about four feet. This problem can be fixed by first pumping the flowing water around the area of proposed activity, then slightly lay back the banks and using adequately sized rock create a 'step-down' flow-path within the channel that eliminates the sudden drop.

It is observed that in some areas of your operation, e.g. between fields 3 & 4, and in fields 1 and 6, your vegetated buffer needs to be enhanced to at least the minimum of 25 feet. In some of these areas a full 100-foot wide buffer or more should be considered. For instance: i) in field #6 the delineated RPA stretches over very steep slopes that are 25% or greater in many areas. This area is also classified as an Environmental Quality Corridor (EQC) by the Fairfax County's Planning and Zoning Division. The effective vegetated buffer in some areas of this field is only about 10 feet wide. With the very steep slopes and less than minimum buffer width, pollutants from horse waste are not adequately filtered out of the runoff. Enhanced mixed-vegetated buffers (including trees) that will encompass the full extent of the RPA as well as the EQC (steep slopes) will provide significant water quality and wildlife benefits. ii) Between fields 3 & 4, consider providing the full 100-foot wide mixed vegetated buffer for this RPA. The limits of the 100-foot wide buffer were flagged during my site visit. It was evident that within the flagged areas are multiple pockets of standing water, hydric soil, and abundant colonies of rushes (wetland type vegetation). These together strongly suggest the possibility of wetland within the RPA limits. These areas may qualify as jurisdictional wetland, in which case they should be preserved. Ideal native plants that can be considered in converting this area into an improved established buffer are provided in your package.

To reduce management cost and increase conservation of natural resources, you may wish to consider enrolling in some of the Farm Bill 2002 land conservation programs available through USDA-NRCS. One such program is the Wildlife Habitat Incentive Program (WHIP). Through the technical advice of available staff, you can grow the appropriate type of vegetation along these stream buffers and within some of your fields that can provide habitats for various wildlife, such as, bobwhite quail, swift fox and greater sage grouse – See information attached.

Practices:

1) Nutrient Management (590):

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

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
Hay Field #1	11.0 ac.	8	2009		
Hay Field #2	13.5 ac.	8	2009		
Hay Field #3	14.5 ac.	8	2009		
Hay Field #4	8.5 ac.	8	2009		
Hay Field #5	15.5 ac.	8	2009		
Pasture Field #6	15.0 ac.	8	2009		
Pasture Field #6A	2.5 ac.	8	2009		
Hay Field #7	15.5 ac.	8	2009		
Hay Field #8	8.0 ac.	8	2009		
Total	104.0ac.				

2) Pest Management (595)

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

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
Hay Field #1	11.0 ac.	3	2009		
Hay Field #2	13.5 ac.	3	2009		
Hay Field #3	14.5 ac.	3	2009		
Hay Field #4	8.5 ac.	3	2009		
Hay Field #5	15.5 ac.	3	2009		
Hay Field #6	15.0 ac.	3	2009		
Hay Field #6A	2.5 ac.	3	2009		
Hay Field #7	15.5 ac.	3	2009		
Hay Field #8	8.0 ac.	3	2009		
Pond (P1)	3.5ac.	3	2009		
Pond (P2)	0.5 ac.	3	2009		
Residential Area (R1)	8.0 AC.	3	2009		
Residential Area (R2)	7.0 AC.	3	2009		
Wooded Areas (W)	139.0 AC.	3	2009		
Total	262.0ac.				

3) Buffer Management - Chesapeake Bay Resource Protection Area (RPA)

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

These areas need special attention. Pesticide and fertilizer use within these areas should be used discretionally. The NVSWCD Technical Advisory Committee recommends that those areas that are RPA and within your hay fields be taken out of hay production, and allowed to grown into naturally vegetated areas. Trees and shrubs can be planted in this zone to enhance its buffer filtration/infiltration potential.

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

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
Hay Field #1	360 ft.	3	2009		
Hay Field #2	1,195 ft.	3	2009	1,195 ft.	Feb 2009
Hay Field #3	940 ft.	3	2009		
Hay Field #4	1,050 ft.	3	2009		
Pasture Field #6	1,300 ft.	3	2009		
Hay Field #7	491 ft.	3	2009		
Hay Field #8	360 ft.	3	2009		
Wooded Areas (W)	12,458 ft.	3	2009	12,458 ft.	Feb 2009
Total	18,154 ft.			13,653 ft.	

4) 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			Applied	
	Amount	Month	Year	Amount	Date
Hay Field #1	11.0 ac.	3	2009		
Hay Field #2	13.5 ac.	3	2009		
Hay Field #3	14.5 ac.	3	2009		
Hay Field #4	8.5 ac.	3	2009		
Hay Field #5	15.5 ac.	3	2009		
Pasture Field #6	15.5 ac.	3	2009		
Pasture Field #6A	2.5 ac.	3	2009		
Hay Field #7	15.5 ac.	3	2009		
Hay Field #8	8.0 ac.	3	2009		
Pond (P1)	3.5ac.	3	2009		
Pond (P2)	0.5 ac.	3	2009		
Residential Area (R1)	8.0 AC.	3	2009		
Residential Area (R2)	7.0 AC.	3	2009		
Wooded Areas (W)	139.0 AC.	3	2009		
Total	262.0ac.				

SIGNATURES OF PARTICIPANTS – Kincheloe A&F District

Landowner/Operator:

Mary T & John T. Kincheloe

Date

Planner:

Wilfred D. Woode

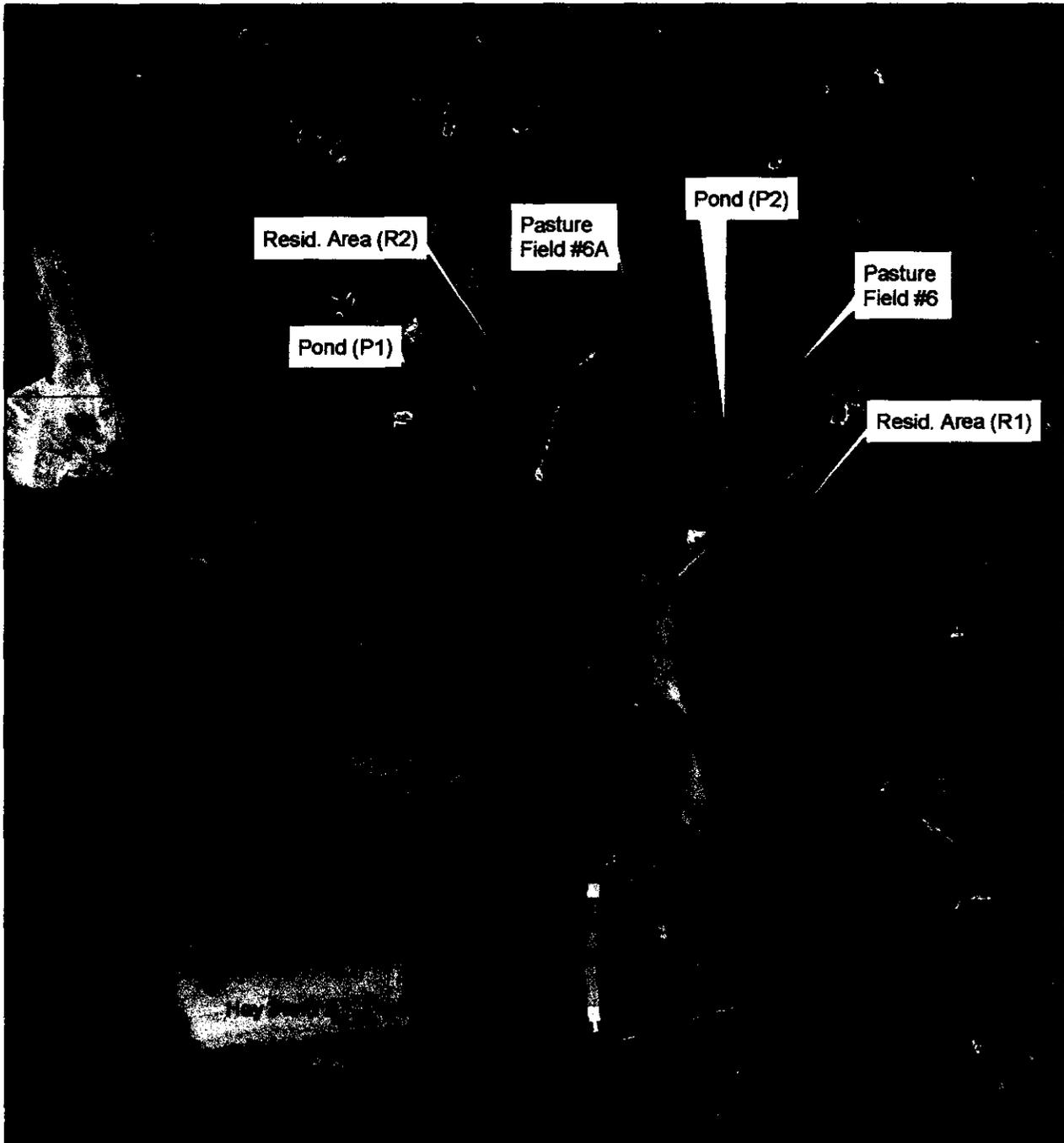
Date

District Authority:

Chairman

Date

Kincheloe A&F Dist., Clifton, VA



Legend

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

Perennial Streams (line)

FTYPE

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

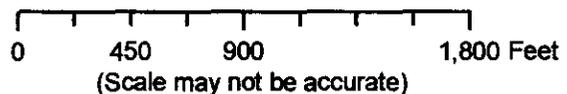
— SSN_ARC

 1993 RPAs

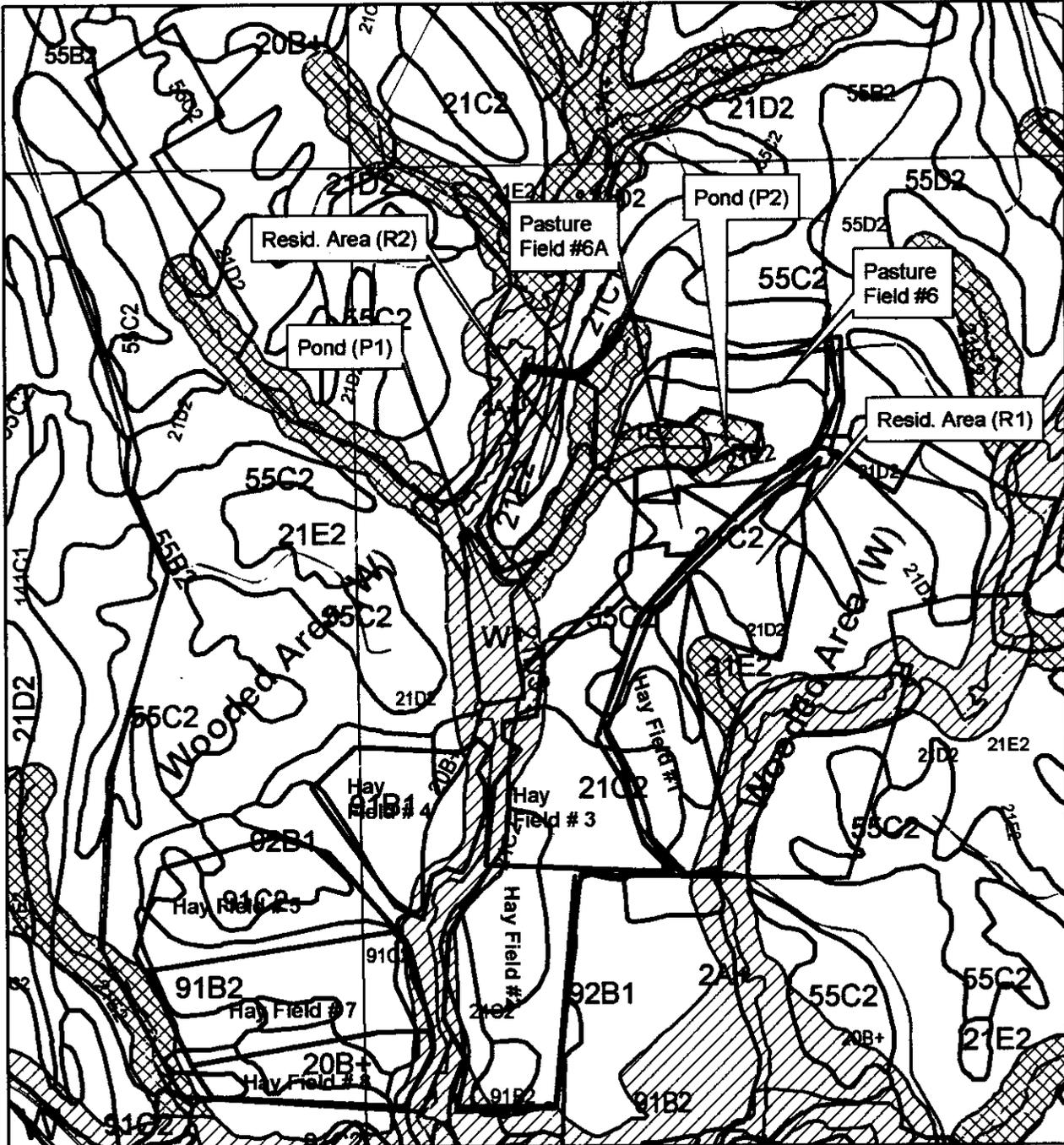
 2003 RPAs

 2003 (Rev) RPAs

 Resource Management Areas (RMAs)



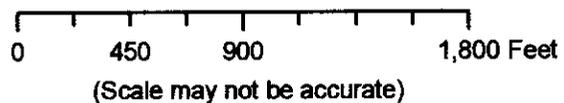
Kincheloe A&F Dist., Clifton, VA



Prepared by Willie Woode - NVSWCD
Using Fairfax County's GIS data layers

Soils Legend

- 2A+ - Chewacla (Hydric)**
- 20B+ - Meadowville**
- 21C2/D2/E2 - Manor**
- 55B2/C2 - Glenelg**
- 66C2/D2 - Lloyd**
- 91B1/C2 - Birdsboro**



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: April 22, 2009

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendation on the Kincheloe Local Agricultural and Forestal District;
Application AR 2009-SP-001

The Agricultural and Forestal Districts Advisory Committee met on April 21, 2009, to review the application to establish the Kincheloe Local Agricultural and Forestal District. The Committee found the following:

- The Kincheloe Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Kincheloe Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Kincheloe 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 recommends that Appendix F of the Fairfax County Code be revised to establish the Kincheloe 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNDEVELOPED LAND - Unimproved or underutilized 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.