



APPLICATION ACCEPTED: February 18, 2009
PLANNING COMMISSION: June 11, 2009
BOARD OF SUPERVISORS: June 22, 2009 @ 3:00 pm

County of Fairfax, Virginia

May 26, 2009

STAFF REPORT

ORCHARD SPRING NURSERY LOCAL AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AR 91-D-004-02

DRANESVILLE DISTRICT

APPLICANT: Durward and Tarry Faries
ZONING: R-E
PARCEL(S): 20-1 ((1)) 33z, 34z, 35z, 36z, 58z, 77z
ACREAGE: 33.74 acres
PLAN MAP: Residential, 0.2-0.5 du/ac
PROPOSAL: Renewal of a Local Agricultural and Forestal District

STAFF RECOMMENDATIONS:

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

It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Upon application to the Department of Tax Administration (DTA) for taxation on the basis of land use assessment, DTA must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines, including minimum acreage, for either use, as required by Title 58.1 of the Code of Virginia, which is found in Appendix 9.

Suzie Zottl

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

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

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

A&F District Renewal

AR 91-D -004-02

Applicant:
Accepted:
Proposed:

DURWARD & TARRY FARIES
02/18/2009
AGRICULTURAL AND FORESTRAL DISTRICT RENEWAL

Area:

33.74 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect:

Located: 8407, 8501 GEORGETOWN PIKE AND 8548,
8570 OLD DOMINION DRIVE

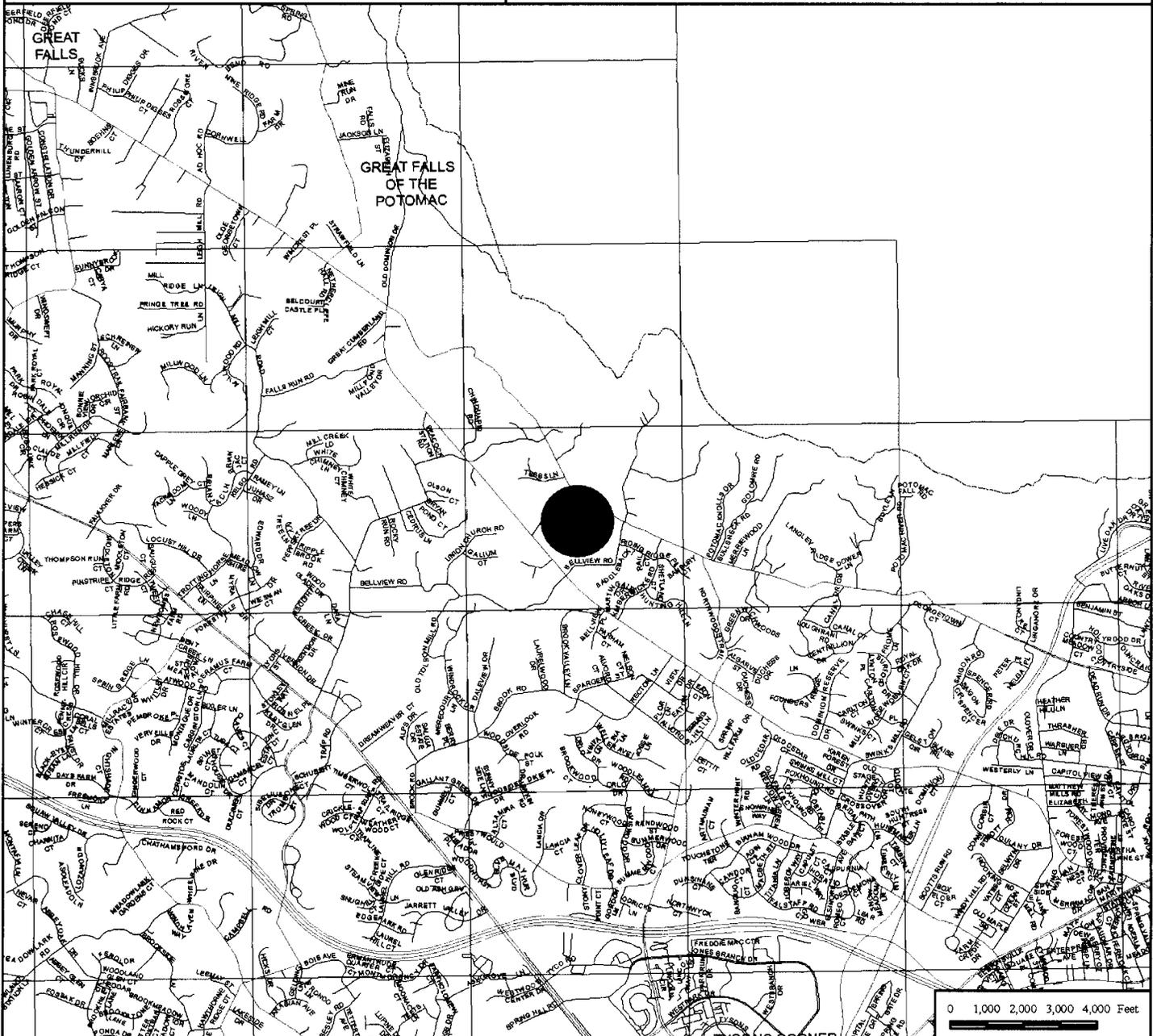
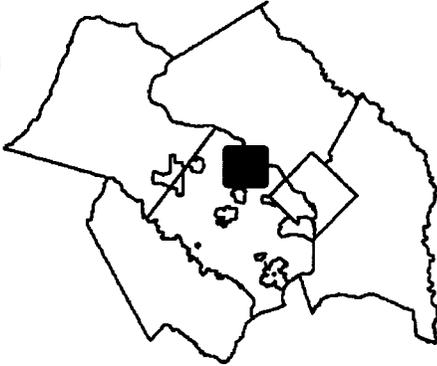
Zoning:

R- E

Overlay Dist:

Map Ref Num:

020-1- /01/ /0033Z /01/ /0034Z
/01/ /0035Z /01/ /0036Z /01/
/0058Z /01/ /0077Z



0 1,000 2,000 3,000 4,000 Feet

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AR 91-D -004-02

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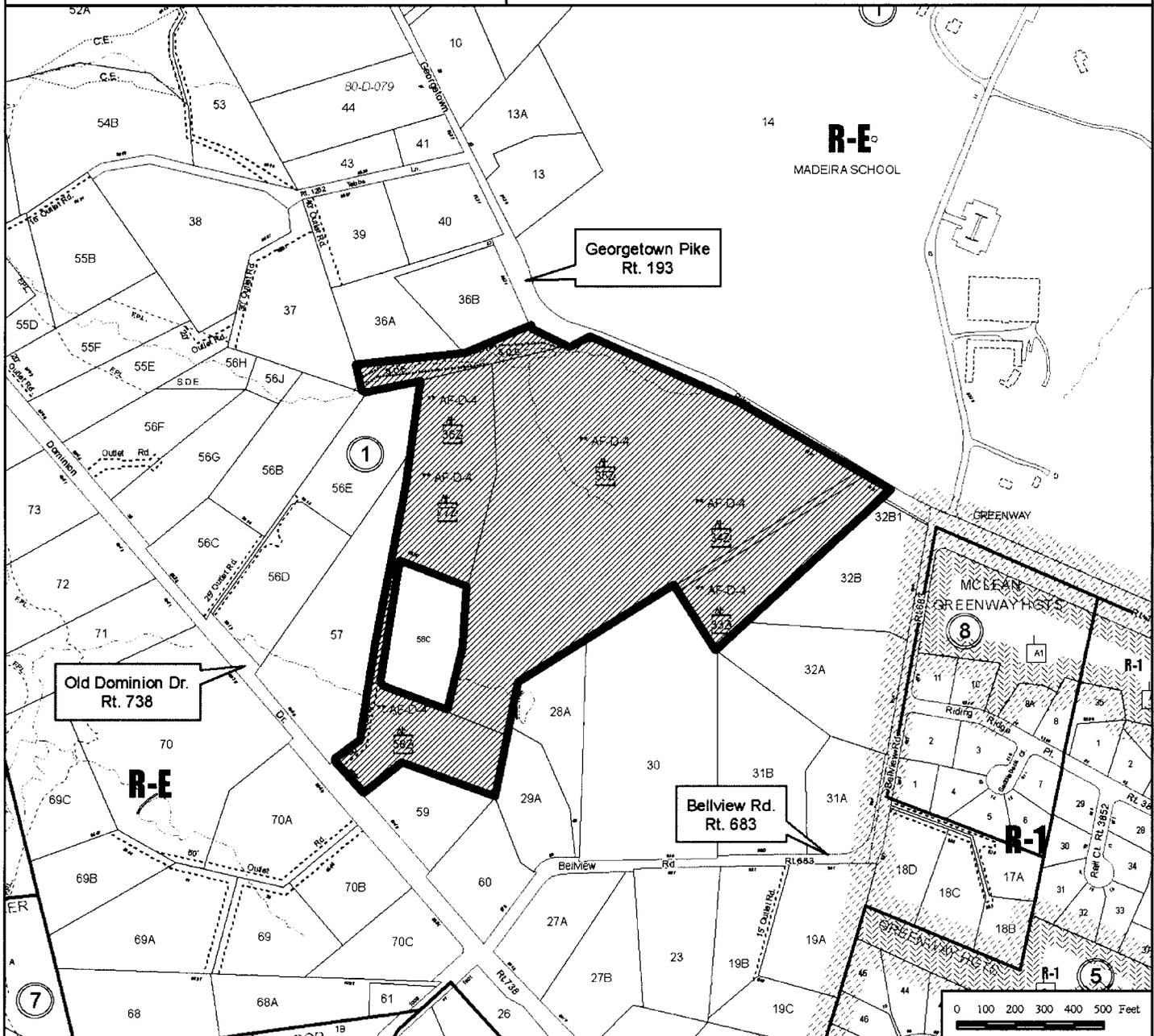
Zoning:

R- E

Overlay Dist:

Map Ref Num:

020-1- /01/ /0033Z /01/ /0034Z
/01/ /0035Z /01/ /0036Z /01/
/0058Z /01/ /0077Z



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

DESCRIPTION OF APPLICATION

Proposal: AR 91-D-004-02 is a request to renew the Orchard Spring Nursery Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code. The subject property is a 33.74 acre tract located between Old Dominion Drive and Georgetown Pike across from the Madeira School, in the Dranesville District.

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

Applicant: Durward and Tarry Faries

Acreage: 33.74 acres

Use: Residence: approximately 2 acres
Forested/Open space: approximately 32 acres
Boxwood nursery: approximately 2 acres

BACKGROUND

The Orchard Spring Nursery Local Agricultural and Forestal District was originally established for an eight year period on February 10, 1992, under an application by Oliver and Manning Gasch. The property had been in the Gasch family for over 80 years. The property was purchased by the Faries in 1999, and they have continued using the property for nursery, open space, and conservation uses. The Orchard Spring Nursery was renewed for an eight year term on December 11, 2000. Since the original approval, no significant changes have been made on the property.

LOCATION AND CHARACTER

Surrounding Area Description:

The property surrounding the entire application property is zoned R-E and is planned for residential development at a density of 0.2 to 0.5 dwelling units per acre, institutional use, and public or private parks/open space. The properties to the south, east, and west are developed with large lot single family dwellings. To the north across Georgetown Pike is the Madeira School.

Location and Character of the District:

The 33.74 acre site is located in the Spring Hill Community Planning Sector (M6) of the McLean Planning District of Area II. The property is zoned R-E and developed with the following structures:

Structure	Year Built	Use
Main dwelling	1890 (remodeled in 1912, 1925, and 1970)	Vacant (currently used for storage)
Barn	1915	Storage
Studio	constructed in 1917, moved onto property later	Storage

The house and other buildings are located along the northern edge of the property, fronting on Georgetown Pike. The area around the house has been historically used as a plant nursery, originally established by the previous owner's father in 1930. At one time, the nursery occupied a much greater portion of the property, and sold an extensive range of landscape plants. At the time of the original Agricultural and Forestal District approval, the nursery area had been reduced to approximately 2 acres and sold several varieties of boxwood, notably English and American boxwood. Today, the original house is in need of repair or replacement, but the setting of the house retains a formal feel, with 200 year old boxwoods flanking the drive and mature oak trees sheltering the lawn.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area II
Planning District: McLean
Planning Sector: Spring Hill Sector (M6)
Plan Map: Residential use at a density of 0.2 to 0.5 dwelling units per acre

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

Renewal 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.

Transportation Analysis (Appendix 5)

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 4)

A Soil and Water Quality Conservation Plan for this property, dated April 9, 2009, is included as Appendix 6. A Forest Management Plan, dated April 28, 2009, is included as Appendix 7.

The subject property is located in the Difficult Run watershed as well as within the Chesapeake Bay Watershed. Two tributaries associated with Rocky Run traverse the property, one to the north and the other to the south. These stream features and their surrounding steep slopes make up an Environmental Quality Corridor (EQC) on the site. An ordinance provision carried over from the previous approval requires that the limits of the EQC be the limits of clearing and grading for the life of the District.

Vegetation on the site is a mix of agriculture/maintained grasslands, upland hardwood forest, and floodplain forest. The grasslands are generally located along the ridgelines and upper slopes while the woodlands are located primarily along the steep slopes and drainage channels. The site has extremely high habitat value for those species of birds and mammals which are dependant on edge-habitat, particularly as the habitat is still connected to the Difficult Run stream valley corridor.

Soils on the site are highly erodible and rocky outcroppings indicate shallow depth to bedrock. The low lying drainage areas on the property have marginal subsurface drainage. Soils that may be considered hydric are present along the tributary on the southern portion of the site.

Because active agriculture in the form of the boxwood nursery and Christmas tree cultivation has occurred on the subject property in the past, the applicants should abide by the Soil and Water Conservation Plan developed by the Northern Virginia Soil and Water Conservation District. An updated Plan is contained in Appendix 6, and an Ordinance Provision carried over from the previous approval requires that the applicants continue to abide by the recommendations of that Plan for the life of the district.

Agricultural and Forestal District Criteria Analysis

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

Criteria Group A:

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

The subject property is 33.74 acres in size, and is entirely in agricultural and forestal/open space uses with the exception of approximately 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-E. This criterion is satisfied.

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

The Comprehensive Plan shows that the subject property is planned for residential use at a density of 0.2 to 0.5 dwelling units per acre (du/ac); therefore, this criterion has been satisfied.

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

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for residential use at 0.2 to 0.5 du/ac and public or private parks/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 is not considered a farm; therefore, this criterion does not apply. However, the property does exceed 20 acres in size (33.74 acres), and is entirely owned by the applicants, Durward and Tarry Faries.

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 property is 33.74 acres in size, all parcels are contiguous, and all are owned by the applicants, Durward and Tarry Faries. 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.

Seventy-seven percent of the site consists of soils of Capability Classes II III, and IV. Therefore, this criterion is satisfied.

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

A Soil and Water Conservation Plan is included as Appendix 6. An ordinance provision requires the applicants to abide by the recommendations of that Plan for the life of the District. Therefore, this criterion is satisfied.

9. Forest land and undeveloped land in the district should be kept in an undisturbed state, or if periodically harvested or experiencing erosion problems, shall be used in a planned program of soil management, soil conservation, and pollution control practices which are intended to reduce or prevent soil erosion, maintain soil nutrients, and reduce non-point source pollution. Exceptions to this criterion may be made only for those lands which upon initial application for the establishment of a district are not used in such a program but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District or the Virginia Division of Forestry.

The forested areas of this parcel, including the EQC areas surrounding the tributaries to Rocky Run, are maintained as open space. Although the applicants have not indicated an interest in harvesting trees in this area, an ordinance provision requires the applicants to coordinate with the Virginia Department of Forestry if they should decide to do so (other than the removal of dead and/or dying vegetation). Therefore, this criterion is satisfied.

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

The applicants have owned this property since 1999. In past years the applicants worked with the Fairfax County History Commission to preserve historical documents and to determine if the house should be considered for historical status. They have maintained the forested and open areas on the property including clearing large amounts of dead wood from the stream valleys and mowing in the open fields. They have created an inviting location for wildlife, including feeding a deer population which has been driven out of much of the surrounding area due to development. Furthermore, they have continually carried out such maintenance tasks as road maintenance, tree trimming, cabling the oak trees around the existing house, and trimming the boxwoods located in the nursery area along Georgetown Pike. Staff believes that the applicant has shown a commitment to maintaining the agricultural uses on this property for the life of the District, and to following the suggestions of the Soil and Water Conservation District. Staff believes that this criterion has been satisfied.

Criteria Group B:

1. Farm and/or forest products have been regularly produced and sold from the property during the last five years.

A plant nursery was operated on the property beginning in the 1930s. In a somewhat limited form, nursery uses continued until the death of the previous owner. Although the current owners are not operating a commercial nursery, they have indicated an interest in continuing the cultivation and possible sale of boxwoods from the property. Because farm/forest products have been sold from the property in the past five years, and because the applicants have shown their desire to continue this use, staff believes that the intent of criterion has been satisfied.

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

The open and forested lands of the subject property preserve scenic vistas and a rural character rapidly disappearing from this area. The cluster effect achieved by the property's location across Georgetown Pike from the Madeira School, creates an even greater impact than preserving this open space in isolation. Therefore, staff believes this criterion has been satisfied.

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

A local historian indicates that a spring known as Spouts Spring located on the property is historically significant. The Georgetown Pike National Register nomination makes general reference to springs adjacent to the pike, though Spouts Spring is not specifically named. The nomination also cites members of the Gasch family, the prior owners of the subject property.

The Spouts Spring located on property which is the subject of this application has been identified as historically significant although not officially recorded as a heritage resource. The Policy Plan (see Appendix 9) stipulates public significance criteria used to evaluate heritage resources for listing on The Fairfax County Inventory of Historic Sites. Spouts Spring potentially meets the public significance criteria and should be evaluated for possible listing on the county inventory; therefore, staff feels this criterion is satisfied.

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

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

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

The subject property is zoned R-E. This criterion has not been satisfied.

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

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

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

AFDAC RECOMMENDATION (Appendix 8)

On April 21, 2009, the Agricultural and Forestal Districts Advisory Committee voted to recommend that the Orchard Spring Nursery Local Agricultural and Forestal District be renewed for an eight year term, subject to the Ordinance Provisions consistent with those contained in Appendix 1 of this report.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As noted, staff believes the application for the renewal of the Orchard Spring Nursery Local Agricultural and Forestal District satisfies all of the applicable criteria in Group A and two of the criteria in Group B, thus meeting the guidelines outlined in Sect. 115 of the County Code. The property has remained in agricultural and forestal/open space uses with no substantial changes since the district was originally established. Staff feels that this District continues to meet the intent of the applicable criteria contained in Sect. 115-5-1 of the County Code. The property exceeds the minimum acreage requirement, and is in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends the Board amend Appendix F of the Fairfax County Code to renew the Orchard Spring Nursery Local Agricultural and Forestal District subject to the proposed Ordinance Provisions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Ordinance Provisions
2. Application Materials and Statement of Justification
3. Approval of AR 91-D-004
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. Soil and Water Quality Conservation Plan
7. Forest Management Plan
8. Agricultural and Forestal Districts Advisory Committee Recommendation
9. Heritage Resources Analysis
10. Title 58.1 Article 4 *Special Assessment for Land Preservation*
11. Glossary of Terms

PROPOSED ORDINANCE PROVISIONS**May 26, 2009****AR 91-D-004-02**

If it is the intent of the Board of Supervisors to renew the Orchard Spring Nursery Local Agricultural and Forestal District as proposed in Application AR 91-D-004-02 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map 20-1 ((1)) 33z, 34z, 35z, 36z, 58z, and 77z, staff recommends that the approval be subject to the following Ordinance Provisions:

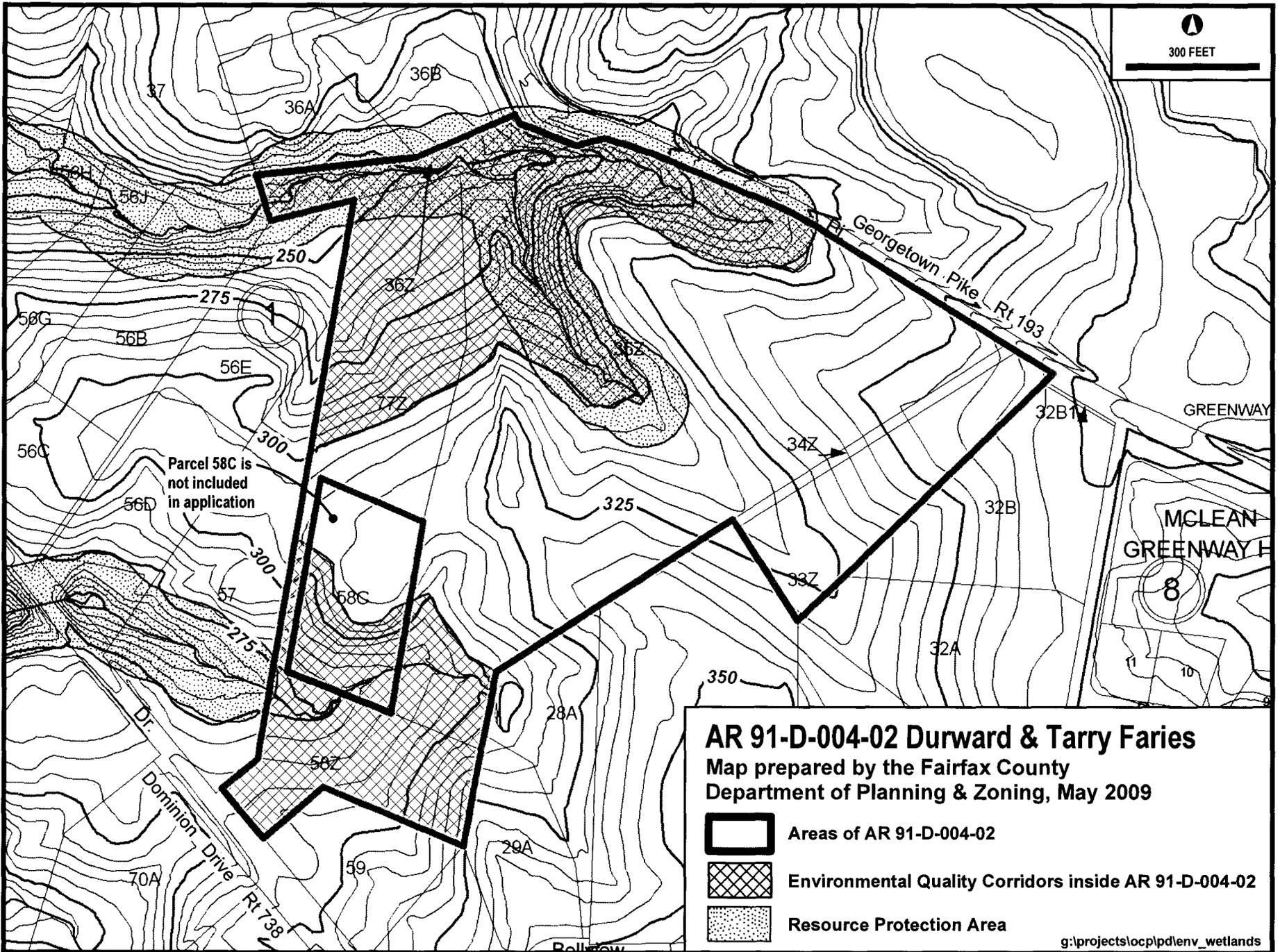
Standard Provisions (From Chapter 115)

- (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 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 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 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 April 9, 2009, for the life of the Orchard Spring Nursery Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Northern Virginia Soil and Water Conservation District.

- (6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated April 28, 2009, for the life of the Orchard Spring Nursery Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within the Orchard Spring Nursery Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.
- (7) 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 Orchard Spring Nursery Local Agricultural and Forestal District (see Attachment A).
- (8) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.



Application No. AR 91-D-004-02

APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT

FAIRFAX COUNTY

- Type of application: Local () Statewide (
Initial () Amendment () Renewal ()
- Please list the Tax Map number, the name and address of each owner and other information for each parcel proposed for this district:

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
DURWARD + TARRY FARIES 3901 CENTERVIEW DR., Suite L Chantilly, VA 20151	20-1(1) 362	1999	RE	1.20
	20-1(1) 582	1999	RE	2.97
	20-1(1) 772	1999	RE	5.00
	20-1(1) 352	1999	RE	21.28
	20-1(1) 342	1999	RE	.34
	20-1(1) 332	1999	RE	2.95

- Total acreage in the proposed district: 33.74 acres.
- Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm _____ forest 33.74.

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

Name: DURWARD + TARRY FARIES
Address: 3901 CENTERVIEW DR., Suite L
Chantilly, VA 20151
Telephone: 703 995-7103

6. Signature of all property owners:

Durward Faries, Jr.
Tarry Faries

\$50.00 pd.

TO BE COMPLETED BY THE COUNTY

Virginia Ruffner

Date application accepted: 2/18/09

Date of action by Board of Supervisors: _____

- Approved as submitted Denied
- Approved with modifications

ALL APPLICANTS

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

Structure	Year built ORIGINAL - 1890 REMODELED - 1912, 1925, 1970	Use
MAIN DWELLING		STORAGE
BARN	1915	STORAGE
Studio	1917	STORAGE

use additional page(s) if necessary

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

NONE KNOWN

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

ROAD MAINTENANCE, TREE TRIMMING, BRUSH
REMOVAL, BOXWOOD TRIMMING

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: _____

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
Boxwood Nursery	UNKNOWN	UNKNOWN
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

FARM PROPERTY

1. Please check the appropriate description of the farm:

- Owner-operated, full-time.
- Owner-operated, part-time.
- Farm manager operated.
- Rented to another farmer
- Portion of farm rented: all _____ acres.

Other. Please describe:
PROPERTY WAS ONCE OPERATED AS A BOXWOOD NURSERY
FOR YEARS, HELP HAS BEEN UNAVAILABLE TO MAINTAIN IT
AS SUCH.

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

Active agricultural uses	<u>2.0000</u>	acres.
Forested or undeveloped	<u>29.7379</u>	acres.
Residential uses	<u>2.0000</u>	acres.
Total acreage	_____	acres.

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

If yes, which roads will be used:

4. Please estimate the number of vehicles entering or leaving your farm each day: N/A
 cars, vans and pickup trucks heavy trucks.

FOREST PROPERTY

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

Future timber or pulpwood harvesting	_____	acres
Christmas tree production and harvesting	<u>4.7379</u>	acres
Firewood production and harvesting	_____	acres
Conservation	<u>25.0000</u>	acres
Residential uses	<u>2.0000</u>	acres
Other: <u>BOXWOOD NURSERY</u>	<u>2.0000</u>	acres
Total acreage	<u>33.7379</u>	acres

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

IF NEEDED, ACCESS TO OLD DOMINION DR. OR GEORGETOWN
PIKE COULD BE ARRANGED.

DEC 05 2008

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

In Support of Application for Tax Assessment Based On Use

This Statement of Justification is in support of our request for an assessment based on use of certain real property owned by Durward Faries, Jr. and Tarry Faries, Located in the Dranesville District of Fairfax County and totaling slightly less than 34 acres.

The property is beautiful. Although the structures on the property are modest by local standards today, the natural amenities are significant. The residence on the property is surrounded by oak trees, many of which are more than five feet in diameter at the base. Some of the mature English boxwood are nearly 200 years old. There are two springs that arise within the property. The best known is Spout Spring. Because of its proximity to the Georgetown Pike, it was familiar to early travelers along that route. The larger spring is Orchard Spring. To our knowledge, it is one of the largest natural springs in the County. Before the construction of the Potomac Interceptor Sewer and associated blasting activities, it ran at a constant flow of 35 gallons per minute. The flow is somewhat less now. It is our practice to feed and otherwise foster the habitat of wildlife there. It is inhabited by deer and numerous small mammals and wild birds.

In support of the Group A criteria set out in the County Code, we represent the following:

1. All acreage within the property is devoted to agricultural or forestal use or is undeveloped and suitable for such use, except an area of less than five acres which is devoted to uses associated with a residence on the property.
2. The entire property is zoned R-E.
3. This use of the property is consistent with the Comprehensive Plan.
4. To the best of our knowledge, a majority of the surrounding land within one-quarter mile of the property is planned according to the Comprehensive Plan for R-E use. To our knowledge, as well, no conflict with surrounding uses, existing or planned, is evident or likely if the application is approved.
5. The six parcels comprising the property total more than 25 acres in size. All parcels are owned exclusively by the two of us. All parcels are contiguous.
6. We do not have personal knowledge of the particular USDA Soil Conservation Service classification of soils on the property. We assume these soils are common to the area and this information is known to the County.
7. No formal soil management, soil conservation or pollution control plan exists for the property. No pollution source exists on the property except possible erosion. It will be our practice to control erosion on the property by maintaining the

fields in turf grasses with a dense root system. If erosion occurs, repair and reseeding are undertaken immediately.

8. We propose to keep the forest land and undeveloped land on the property in an essentially undisturbed state except for the occasional harvest of mature individual hardwood trees.

9. The property was operated as a commercial nursery since 1930. The nursery was operated earlier on a far more extensive scale. Nursery operations at this time are modest.

In support of the Group B criteria set out in the County Code, we represent the following:

1. Nursery stock, particularly English and American boxwood, have been regularly produced and sold from the property.

2. The land provides significant scenic vistas. The rolling, open fields and woodlands can be seen from the Georgetown Pike. The property contributes to maintaining the existing rural character of the area in which it is located.

3. One of the two springs on the property is known as Spout Spring. It is near the Georgetown Pike. The spring was historically used by travelers along that route dating at least from Colonial times. It was frequently used by both Federal and Confederate forces during the War Between The States. Elements of Colonel John Singleton Mosby's command fought a brief engagement near Spout Spring. Nothing on the property is listed on the Fairfax County Inventory of Historic Sites, however.

4. We do not know whether the operations on the property constitute best management practices for the effective control of water pollution, although we cannot imagine that they would not, since there is virtually no soil disturbing activity on the property.

We hope your office will be in a position to recommend approval of this application. We wish to maintain the property in essentially the same condition it has been since nearly 80 years ago. We would be pleased to answer any questions you or any member of your staff may have concerning this application.

Sincerely,

12/5/08



Durward Faries

12/5/08



Tarry Faries



FAIRFAX COUNTY

APPENDIX 3

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

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

January 5, 2001

Durward and Tarry Faries
3901 Centerview Drive, Suite W
Chantilly, Virginia 20151

RE: Agricultural and Forestal District Application Number AR 91-D-004

Dear Durward and Tarry Faries:

Agricultural and Forestal District Application AR 91-D-004 in the name of Durward and Tarry Faries meeting all of the criteria and provisions pursuant to Chapter 115 of the Fairfax County Code effective June 30, 1983, (Agricultural and Forestal Districts of Local Significance) Appendix F-39 and additional environmental provisions, was renewed by ordinance by the Board of Supervisors at a regular meeting held on December 11, 2000, as the Orchard Spring Nursery Local Agricultural and Forestal District, subject to the attached ordinance provisions.

Sincerely,

Nancy Vehrs,
Clerk to the Board of Supervisors

NV/ds

Attachment

cc: Chairman Katherine K. Hanley
Supervisor Mendelsohn, Dranesville District
Janet Coldsmith, Director, Real Estate Division, Tax Administration
Michael Congleton, Deputy Zoning Administrator, DPZ
Barbara A. Byron, Director, Zoning Evaluation Division, DPZ
Thomas Conry, Dept. Manager, GIS, Property Mapping/Overlay
Robert Moore, Transportation Planning Division, Office of Transportation
Charles Strunk, Project Planning Section, Office of Transportation
Michelle Brickner, Director, Office of Site Development Services, DPWES
Bonds & Agreements Branch, DPWES
Frank Edwards, Resident Engineer, VDOT
Land Acquisition & Planning Division, Park Authority
Diane Hoffman, District Administrator, No. Va. Soil & Water Conservation District
Barbara White, Forester, Virginia Department of Forestry
James W. Cochran, Supervising Appraiser, Real Estate Division, DTA

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, December 11, 2000, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Chapter 115, Appendix F (Local Agricultural and Forestal District) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

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

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

F-39. Orchard Spring Nursery Local Agricultural and Forestal District
(AR 91-D-004)

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

Owners	Fairfax County Tax Map Parcel Number	Acreage
Durward and Tarry Faries	20-1 ((1)) 33	2.95
	20-1 ((1)) 34	.34
	20-1 ((1)) 35	21.28
	20-1 ((1)) 36	1.2
	20-1 ((1)) 58	2.97
	20-1 ((1)) 77	5
	<hr/>	

(b) The Orchard Spring Nursery Local Agricultural and Forestal District is established effective December 11, 2000, pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

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

(2) No parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight (8) years from the date of adoption of the original ordinance;

(3) Land used in agricultural and forestal production within the agricultural and forestal district of local significance shall qualify for an agricultural or forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirement for such assessment contained therein are satisfied;

(4) The district shall be reviewed by the Board of Supervisors at the end of the eight-year period and it may, by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval;

(5) The applicant shall implement and abide by the recommendations of the Soil and

Water Conservation Plan dated October 2, 2000, for the life of the Orchard Spring Nursery Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Northern Virginia Soil and Water Conservation District;

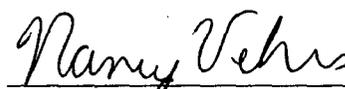
(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated November 3, 2000, for the life of the Orchard Spring Nursery Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest timber on the lands within the Orchard Spring Nursery Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized;

(7) 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 Orchard Spring Nursery Local Agricultural and Forestal District (limits of EQC on file with the Fairfax County Department of Planning and Zoning);

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

This amendment shall become effective upon adoption.

GIVEN under my hand this 11th day of December, 2000.



NANCY WEHRS

Clerk to the Board of Supervisors



County of Fairfax, Virginia

MEMORANDUM

DATE: May 11, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: LAND USE ANALYSIS AND ENVIRONMENTAL ASSESSMENT for:
AR 91-D-004-02, Durward and Tarry Faries

This memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced application and lists and explains environmental policies for this property. The application requests renewal of an Agricultural and Forestal District for approximately 33.74 acres. The extent to which the proposed use, intensity and development plan are consistent with the land use guidance contained in the Comprehensive Plan, is noted.

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

DESCRIPTION OF THE APPLICATION

The applicants, Durward and Tarry Faries, have applied for the renewal of an Agricultural and Forestal District for an approximately 33.74 acre property. The statement of justification indicates that approximately 2 acres are in active agricultural use, 29.74 acres are forested or undeveloped, and 2 acres are used for residential purposes. The boundaries of the district encompass six parcels located to the north of Old Dominion Drive and south of Georgetown Pike and the Madeira School.

LOCATION AND CHARACTER

The site is located in the northwestern quadrant of the County in the Difficult Run watershed and zoned R-E (Residential-Estate) and planned for residential use at .2 -.5 dwelling unit per

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/



acre or 5 to 2 acres lots. One unnamed tributary of Rocky Run traverse the northwestern portion and one unnamed tributary traverses the southern portion of the subject property. Generally, this agricultural and forestal district is surrounded by land planned for residential use at .2 - .5 dwelling unit per acre and public facilities, governmental and institutional uses.

COMPREHENSIVE PLAN CITATIONS

The Fairfax County Comprehensive Plan, 2007 Edition, Area II, McLean Planning District, M6-Spring Hill Community Planning Sector, as amended through January 26, 2009, pages 7-8 and 124 states:

“Environment

The McLean Planning District has a variety of environmental contrasts. It has unique features such as the Potomac Palisades and contains within its boundaries all of five small watersheds: Bull Neck Run, Scotts Run, Dead Run, Turkey Run, and Pimmit Run. Despite the rapid development of Tysons Corner, the area remains ecologically significant, with extensive stream valleys and related steep slopes, large areas of undisturbed forestland, wetlands, and rugged terrain. The westernmost watersheds remain unsewered.

Policies for the McLean Planning District should account for the contrasts between intense urban development and the remaining open space. A two-fold approach is recommended: environmental mitigation and containment for Tysons Corner and environmental preservation and reclamation of natural areas outside Tysons Corner. The former approach will focus on ways to mitigate the impacts of intense development on the environment through structural means, such as innovative stormwater management controls. The latter approach will focus on land use measures, such as low density development, to preserve and reclaim ecological resources.

The McLean Planning District is impacted by air, noise, and water pollution. Air pollution is a localized problem within the Tysons Corner area. Due to intense automobile traffic, Tysons Corner occasionally violates air quality standards. The solution to poor air quality lies mainly in relieving congestion and decreasing the number of automobiles on the road.

Water pollution is due primarily to nonpoint sources in the form of runoff which contains high levels of fertilizers, pesticides, sediment, and hydrocarbons. Sediment from highly erodible soils finds its way into the stream valleys during construction, especially if these soils are located on steep slopes next to streams.

The McLean Planning District contains an extensive array of environmental resources. The predominant features include the Potomac Palisades and the Georgetown Pike. Outside the Tysons Corner area, development is heavily constrained by rugged terrain associated with the Potomac River, extensive EQCs, highly erodible soils, and areas of hardwood forests. Low density development and innovative subdivision designs should be used to maximize the

preservation of these features. Policies should be addressed to maintaining these areas for the valuable habitat they support. The following are environmental objectives for the McLean Planning District:

- Ensure a diversity of habitat types through the provision of wetland, forestland and meadowland EQCs;
- Protect the aesthetic character of Georgetown Pike, a Virginia byway. Fairfax County should limit densities on the land abutting the Pike running in a band on both sides for a depth of 100 to 150 feet; and
- Encourage continued efforts to conserve land along the Potomac River shoreline by the Northern Virginia Regional Park Authority and the Federal government. . . .

The Spring Hill sector is largely developed as stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14. . . .

1. Low density residential development should be continued in this sector. Large-lot (2 acres) or estate (5 acres or more) development in the western portions of the sector and extending into the Upper Potomac Planning District is partly in the Difficult Run headwaters and is recommended as a means of achieving the low density development sought in the Difficult Run Environmental Quality Corridor. This area is bordered on the south and east by the Woodside, Woodhaven, Springhaven Estates, and Greenway Heights subdivisions, and the site of the former Hazelton Laboratories, Inc. (Tax Map 19-4((1))16 and 16A).”

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

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

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

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

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

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

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

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

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

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

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

- All 100 year flood plains as defined by the Zoning Ordinance;

- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

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

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

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

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

LAND USE ANALYSIS

Renewal 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

The site falls entirely within the Difficult Run Watershed. The property is subject to the County's Chesapeake Bay Preservation Ordinance (CBPO). Two tributaries associated with Rocky Run traverse this agricultural and forestal district—one is situated in the northwestern portion and one is in the southern portion of the site. The northern stream is classified as a Resource Protection Area (RPA) as defined under the CBPO and is within an Environmental Quality Corridor (EQC) as defined under the Fairfax County Policy Plan. The southern stream is within an EQC.

The applicants state that two acres of the subject property are in active agricultural use as a boxwood nursery. 29.74 acres are maintained as forestland, of which 4.74 acres are used for Christmas tree production and harvesting. Two acres are used for residential use.

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

With a current Water Quality Management Plan and a current Forestry Management Plan, this application will be in compliance with the County's CBPO. The applicant has stated in the Agricultural and Forestal District renewal application that there is no Soil and Water Conservation Plan on file with the NVSWCD and that an application has not been filed.

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

COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan Map depicts a major paved trail of 8 feet or more in width and an onroad bike route along Old Dominion Drive, which is along the southern boundary of the subject property.

PGN: JRB



County of Fairfax, Virginia

MEMORANDUM

DATE: March 10, 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 91-D-004)

SUBJECT: Transportation Impact

REFERENCE: AF 91-d-004-02; Durward and Tarry Faries
Land Identification Map: 20-1 (91)) 33Z, 34Z, 35Z, 36Z, 58Z & 77Z

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 outlet road frontage of this property and that appropriate areas should be excluded from this district to accommodate these improvements in the future.

AKR



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: 703-324-1421

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

Property Owners/Operators:

Durward and Tarry Farries- A&F District
 8501 Georgetown Pike
 Great Falls, VA 22066
 Mailing address: 3901 Centerview Dr. Ste. L, Chantilly, VA 20151
 Tel. #: 703-830-4848 (H)

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

April 9, 2009

Summary of operation:

This is a six-parcel, 33.7-acre property in the Difficult Run Watershed (PL22). It spans an area that links Georgetown Pike and Old Dominion Drive. Its parcels are identified in the Fairfax County tax map system as 20-1 ((1)) -33Z, -34Z, -35Z, -36Z, -58Z & 77Z. The property collectively has multiple addresses on Georgetown Pike and Old Dominion Drive, including 8501 Georgetown Pike. This property is pending renewal of its Agricultural and Forestal District status.

Currently, the onsite agricultural land use practice is very passive. Approximately, 12 acres are kept in grass/hay revealing the undulating nature of the property. A five-acre section is marked-off as residential area in the site plan that goes with this conservation plan. Within this area are most of the surviving over-grown plants of the one-time Box Wood Nursery Operation mentioned in the application. The remaining 16.7 acres are kept wooded. Abundant evidence of wildlife activities suggests the property is a haven for wildlife.

Two active spring-heads present onsite, drain in general western directions, maintaining perennial flows. These areas have been designated Chesapeake Bay Resource Protection Areas (RPA). A total of 2,060 linear feet of RPA is within the limits of this property.

Practices:

1) Nutrient Management (590):

If nutrient application in the grass/hay field is desired by the land owner, nutrients must be applied based on soil test results for expected yield goals. All sources of available nutrients should be credited. The rate, timing and method of application are shown on the attached Nutrient Management Plan. This plan has been developed and signed by a Nutrient Management Planner, certified by the Commonwealth of Virginia's Nutrient Management Program.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Hay field	12.0 ac.	04	2009		
Total	12.0 ac.				

2) Pest Management (595):

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

Fields	Planned Amount	Month	Year	Applied Amount	Date
Hay Field	12.0 ac.	04	2009		
Residential Area	5.0 ac.	04	2009		
Wooded Area	16.7 ac.	04	2009		
Total	33.7 ac.				

3) Chesapeake Bay Resource Protection Area (RPA) management:

The cross-hatched areas on your site map indicate the county delineated resource protection areas. They act as the last barrier for filtering pollutants in runoff from adjacent land. These areas must be kept vegetated, preferably of mixed vegetation such as grasses, shrubs and trees. Pesticide and fertilizer use within these areas should be done only if it is absolutely necessary and in a prescriptive manner as indicated on the labels.

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

Fields	Planned Amount	Month	Year	Applied Amount	Date
Hay Field	1,360 ft.	04	2009		
Wooded Area	700 ft.	04	2009		
Total	2,060 ft.				

- 4) Forest stands Management:
Maintenance of this area should be done according to the management plan provided by the VA Department of Forestry.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Wooded Area	16.7 ac.	04	2009		
Total	16.7 ac.				

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

Fields	Planned Amount	Month	Year	Applied Amount	Date
Hay Field	12.0 ac.	04	2009		
Residential Area	5.0 ac.	04	2009		
Wooded Area	16.7 ac.	04	2009		
Total	33.7 ac.				

SIGNATURES OF PARTICIPANTS (Durward & Tarry Faries A&F Dist.)

Landowners/Operators:

Durward & Tarry Faries

Date

Planner:

Wilfred D. Woode

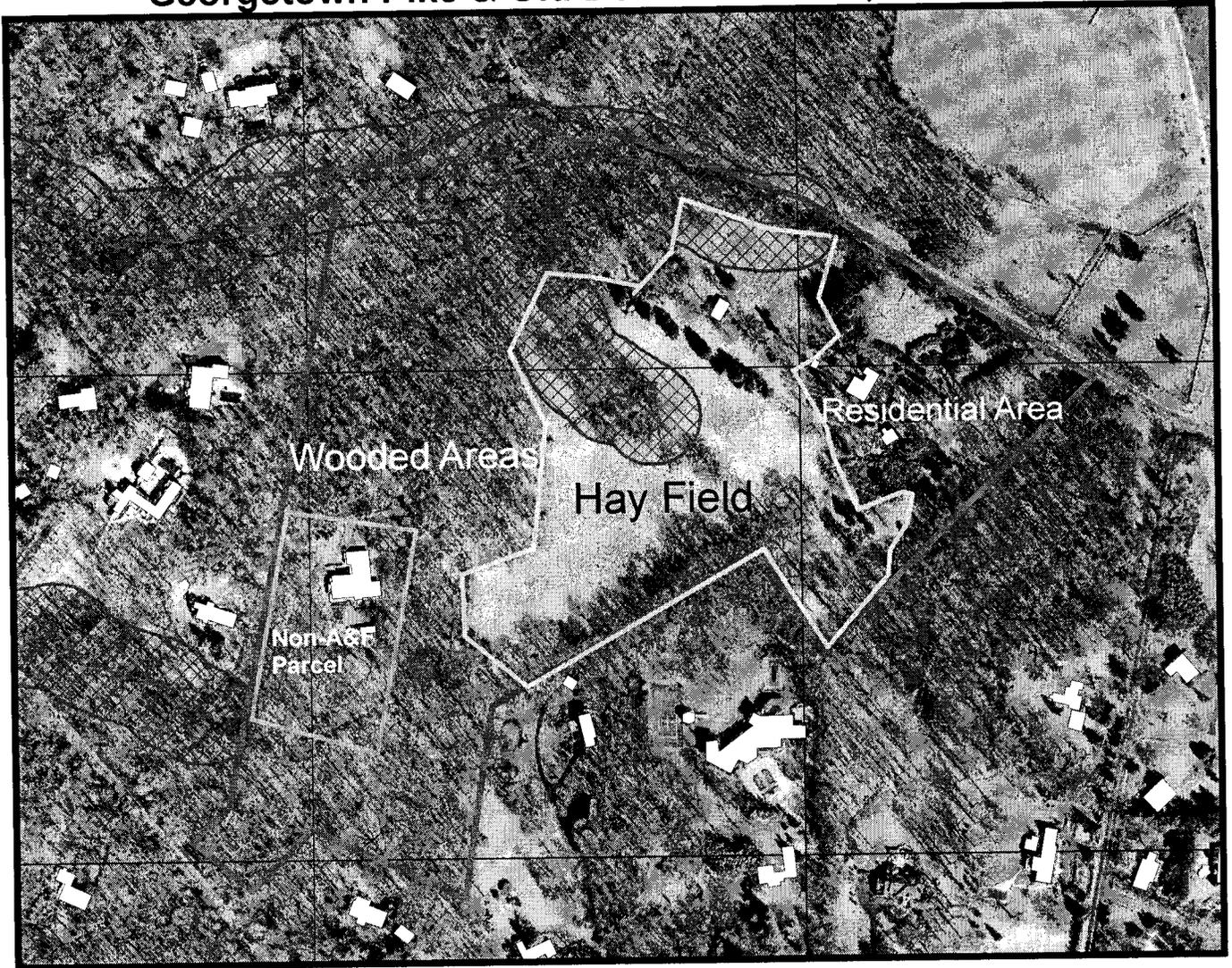
Date

District Authority:

Chairman

Date

Faries A&F Dist Georgetown Pike & Old Dominion Drive, Great Falls



Map prepared by Willie Woode - NVSWCD
Using Fairfax County's 2007 Orthophoto & GIS Data Layers

Legend

-  Commercial
-  Industrial
-  Multi-Family Residential
-  Other
-  Public
-  Single Family Residential
-  1993 RPAs
-  2003 RPAs
-  2003 (Rev) RPAs
-  Resource Management Areas (RMAs)



0 225 450 900 Feet
(Scale may not be accurate)



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

April 28, 2009

AR 91 – D – 004-02
DOF# FAX09002

Mr. Durwood Fairies
3901 Centerview Dr.
Suite L
Chantilly, VA 20151

Dear Mr. Fairies,

It was a pleasure to meet you and visit 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 also included information on invasive species we noted on the property and southern pine bark beetle. You should use the information to confirm your tree in Herndon has southern pine bark beetle before treating it. If you have any questions about this plan, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "James McGlone".

James McGlone
Urban Forest Conservationist



REPORT ON FORESTLANDS
OF
Durwood and Tarry Faries
8501 Georgetown Pike
Great Falls, VA 22066

Location: The property is at 8501 Georgetown Pike, across the road from the Madera School in eastern Great Falls. This property is A&F number AR-91-D-004-02 and DOF tract number FAX09002.

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 34.8 acre property in eastern Great Falls. It is rolling to steep land that spans the headwaters of two small perennial streams that combine to create an unnamed tributary of Rocky Run in the Difficult Run watershed and part of the drainage of an intermittent stream that is also a tributary of Rocky Run. The property is mostly forested, with a small meadow area and home site in the northwest.

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 the intermittent stream in the south streams is codorus and hatsboro silt loam, a very deep, moderately well drained to somewhat poorly drained alluvial soil derived from the upland glenelg soil. In the north, the perennial stream bottom land is meadowville soil, also an alluvium derived from the upland glenelg soil. These bottom land alluvials support mixed riparian hardwoods.

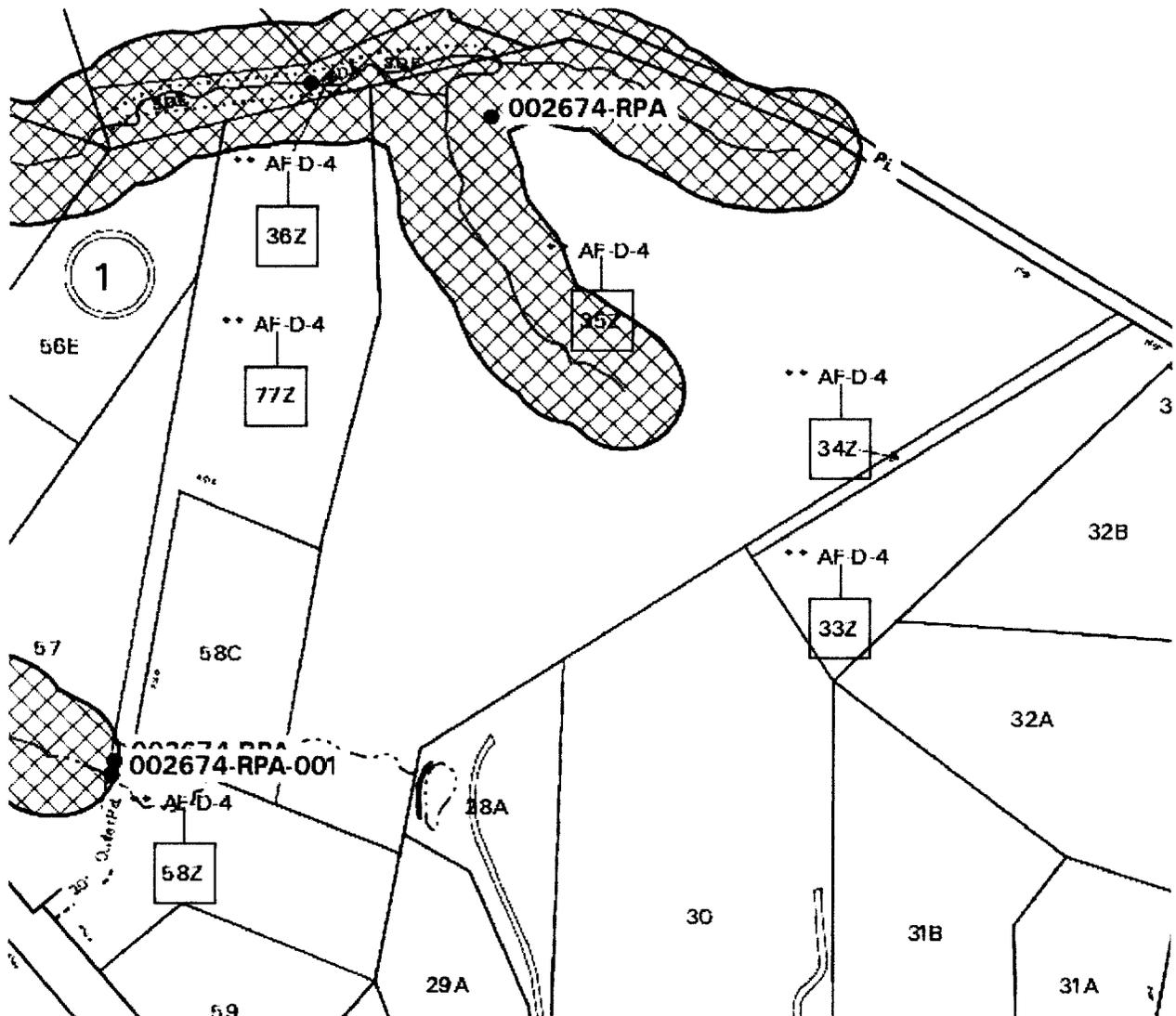
Forest Type: acidic oak-hickory typical of Great Falls area. The canopy species are white oak (*Quercus alba*), northern red oak (*Quercus rubra*), southern red oak (*Quercus falcata*), chestnut oak (*Quercus prinus*) hickory (*Carya* spp.), red maple (*Acer rubrum*), tulip poplar (*Liriodendron tulipifera*), beech (*Fagus grandifolia*) and cherry (*Prunus serotina*). The extremely sparse shrub layer consists mostly of multi-flora rose (*Rosa multiflora*), Japanese barberry (*Berberis thunbergii*), wineberry (*Rubus phoenicolasius*) and Japanese honeysuckle (*Lonicera japonica*), non-native invasive species, though there are some mountain laurel (*Kalmia latifolia*) and immature American holly (*Ilex opaca*) and beech.

Notably, there is no regeneration of the canopy except for beech. Mountain laurel, holly and beech are known to be native species that deer do not readily browse. The fact that these plants show signs of deer browse suggests that the lack of regeneration can be attributed to too many deer on the property.

Quality/Size: The timber quality of this area is good. The stand is well stocked and the trees are mostly saw-timber size.

Wildlife Habitat: Deer were observed on the property. The general lack of a shrub layer and sub-canopy reduces the value of the property for woodland songbirds as most of these species nest within 15 feet of the ground.

Water Quality: the land use on this property generally supports good water quality. There is some incision of the intermittent stream in the south of the property, but the presence of a good forested riparian buffer on the property suggests this is due to upstream development. There is a Resource Protection Area (RPA) around the two northern streams (see map below). While an RPA places significant restrictions on development, as long as the property is in an A&F District the RPA only prevents the conversion of forestland to another vegetation type and makes Department of Forestry Best Management Practices mandatory during harvest operations.



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

Forest Health: 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.

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.

Recommendations: this area is currently meeting the landowners' objectives. I would advise controlling the invasive species and preventing their spread and periodic monitoring of the forest for changes in health. There is marketable timber on the property and the quality of the stand could be improved by removing the maple, beech, poplar and cherry. However any management of the stand is likely to fail until there is significant regeneration of desirable species. Similarly any harvest is likely to be a final harvest until regeneration is present.



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

Faries Ag and Forestal District

AR-91-D-004-02 FAX 06002



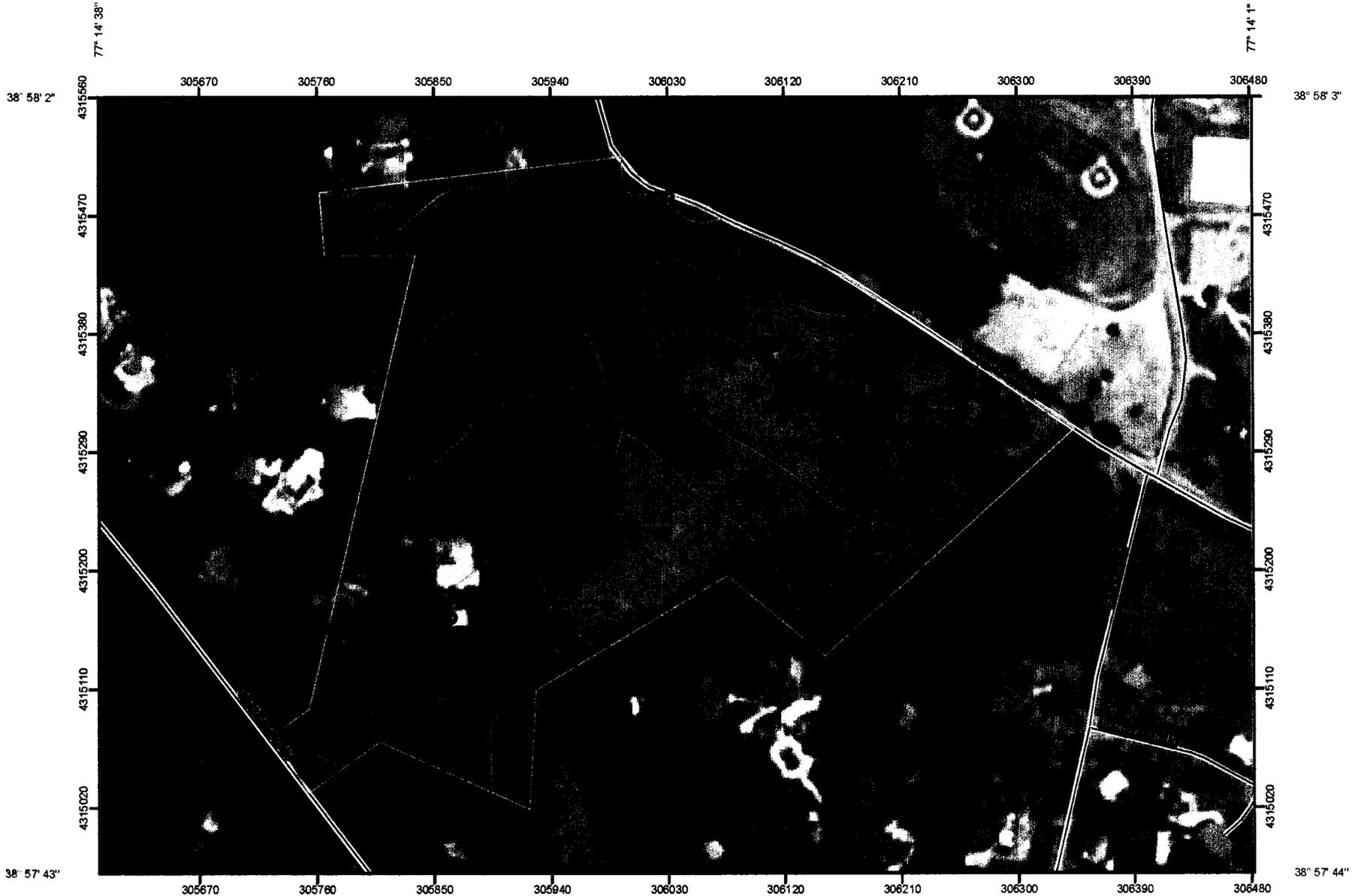
Map derived from aerial photography and not to be used for boundary determination.

Map By: James M. McGuire

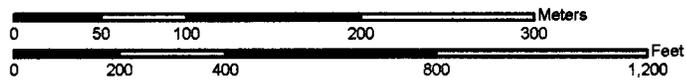
Report Date: Tuesday, April 26, 2009

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



Map Scale: 1:4,220 if printed on A size (8.5" x 11") sheet.



Map Unit Legend

Fairfax County, Virginia (VA059)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
30A	Codorus and Hatboro soils, 0 to 2 percent slopes, occasionally flooded	2.8	6.7%
39B	Glenelg silt loam, 2 to 7 percent slopes	3.3	8.1%
39C	Glenelg silt loam, 7 to 15 percent slopes	12.8	31.3%
39D	Glenelg silt loam, 15 to 25 percent slopes	9.7	23.7%
39E	Glenelg silt loam, 25 to 45 percent slopes	0.8	1.9%
78B	Meadowville loam, 2 to 7 percent slopes	11.2	27.2%
105B	Wheaton-Glenelg complex, 2 to 7 percent slopes	0.4	1.0%
105C	Wheaton-Glenelg complex, 7 to 15 percent slopes	0.0	0.0%
Totals for Area of Interest		40.9	100.0%

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: April 22, 2009

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Orchard Spring Local Agricultural and Forestal District; Application AR 91-D-004-02

The Agricultural and Forestal Districts Advisory Committee met on April 21, 2009, to review the application to renew the Orchard Spring Local Agricultural and Forestal District (Application AR 91-D-004-02). The Committee found the following:

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



County of Fairfax, Virginia

MEMORANDUM

DATE: 20 May 2009

TO: Suzie Zottl, ZED Coordinator

FROM: Linda Cornish Blank, Historic Preservation Planner *ACB*

SUBJECT: AR 91-D-004-02, Orchard Spring Nursery, property owners: Durward and Tarry Faries; Tax map # 20-1((1)) 33Z, 34Z, 35Z, 36Z, 58Z and 77Z.
Heritage Resource comment

Planning Location: Fairfax County Comprehensive Plan, 2007 Edition, Area II, McLean Planning District, M-6 Spring Hill Planning Sector, Amended through 1-26-2009, Overview, Heritage Resources, pages 8 and 14:

“Heritage Resources

The McLean Planning District contains both known and potential heritage resources. A list of those heritage resources included in Fairfax County's Inventory of Historic Sites as of October 2008 is shown on Figure 4, and a map of those resources is shown on Figure 5. The Inventory is open-ended and continues to grow. For information about these and other historic sites, consult the Fairfax County Department of Planning and Zoning. Identified heritage resources include:

- Langley Fork – This crossroads village includes residential, school, and church structures dating from the early 19th century. Many of these sites are included in a National Register Historic District and are also protected by a County Historic Overlay District.
- Salona – During the Civil War, this Federal-style farmhouse served as headquarters for General George B. McClellan, Commanding Officer of the Army of the Potomac.
- Eight Oaks – Built c. 1858, this residence is one of the few remaining mid 19th century farmhouses in Fairfax County.

Numerous known and potential heritage resources reflect the prehistory and history of the McLean Planning District. The prehistoric sites that exist in deeply buried contexts along the Potomac River shore are some of the most sensitive in the County. Other similar sites have been located in the Pimmit Run, Turkey Run, Dead Run, Scott Run, Bullneck Run and Difficult Run floodplains. Stratified prehistoric sites in upland areas may still exist and, if found, are significant. Historic resources have been identified throughout the District, and potential historic resources may be located in open spaces and within developed areas.

Georgetown Pike has been determined to be eligible for listing in the Virginia Landmarks Register and National Register of Historic Places. It has been designated as a Virginia Byway.

Department of Planning and Zoning
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 12055 Government Center Parkway, Suite 730
 Fairfax, Virginia 22035-5509
 Phone 703-324-1380
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. . . The Fairfax County Inventory of Historic Sites, the National Register of Historic Places and the Virginia Landmarks Register, and the County's Historic Overlay Districts promote the recognition of sites with historic, architectural and archaeological significance. Designation confers public recognition and can offer incentives for preservation to the property owner.

The County Inventory of Historic Sites includes properties which meet certain eligibility criteria and are officially designated by the County's History Commission. In addition to historic, architectural or archaeological significance, property that serves as a focus of community identity and pride may also be recognized. The benefits of designation include public recognition of the structure's significance and enhanced support for preservation. . . . “

Policy Plan: Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Amended through 8-5-2002, Heritage Resources, page 4:

“Policy b.

Evaluate heritage resources for listing on the County Registers of Historic or Archaeological Sites according to established public significance criteria. A heritage resource is significant to the public if it meets one or more of the following criteria:

1. it possess information on or represents any aspect of heritage considered important by a discrete population, ethnic group, or community; or
2. it has the potential to serve, or already serves, as a focus of community density and pride; or
3. it retains characteristics that are potentially useful in educating the public about the past and how it is studied; or
4. it enables the exhibit and display of objects, ruins, or stabilized restored structures for public education and enjoyment. . . . “

Background: The subject parcels are not included within the boundaries of a Fairfax County Historic Overlay District, are not listed on the Fairfax County Inventory of Historic Sites or the National Register of Historic Places or documented in the historic structures survey file. However, a local historian indicates that a spring known as Spouts Spring located on the property is historically significant. The Georgetown Pike National Register nomination makes general reference to springs adjacent to the pike; though Spouts Spring is not specifically named. The nomination also cites members of the Gasch family prior owners of the subject property.

Findings: The Comprehensive Plan text indicates: The McLean Planning District contains both known and potential heritage resources, that numerous known and potential heritage resources reflect the prehistory and history of the District and that historic resources have been identified throughout the District, and potential historic resources may be located in open spaces and within developed areas. The Spouts Spring located on property which is the subject of this application has been identified as historically significant although not officially recorded as a heritage resource.

The Policy Plan cited above stipulates public significance criteria used to evaluate heritage resources for listing on *The Fairfax County Inventory of Historic Sites*. Spouts Spring potentially meets the public significance criteria and should be evaluated for possible listing on the county inventory.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNDEVELOPED LAND - Unimproved or under utilized land. Land containing no structures valued at \$2,500 or more.

WETLANDS - Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corp of Engineers.

WILDLIFE HABITAT - Areas which contain the proper food, water, and vegetative cover to support a diverse community of animals, birds and fish; some examples include floodplains, upland hardwoods, pinewoods, meadows and marshes.