APPLICATION ACCEPTED: May 4, 2009
PLANNING COMMISSION: October 15, 2009
BOARD OF SUPERVISORS: October 19, 2009 @ 3:30 pm

County of Fairfax, Virginia

October 1, 2009

STAFF REPORT

POTOMAC VEGETABLE FARM II
LOCAL AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AR 01-H-001

DRANESVILLE DISTRICT

APPLICANT:	Hiu Newcomb Family LLC Mariette H., Sarah, Hana, Lani, and Charles Newcomb Anna Newcomb Bradford
ZONING:	PDH-1, R-A
PARCEL(S):	19-1 ((14)) Z, 20Z, 21Z, 22Z, 23Z 19-3 ((1)) 42A
ACREAGE:	26.42 acres

STAFF RECOMMENDATIONS:

Staff recommends that the request to amend Appendix F of the Fairfax County Code to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District be approved in part (for Tax Map parcels 19-1 ((14)) Z, 20Z, 21Z, 22Z, and 23Z), 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.

Suzianne Zottl

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

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

The approval of this Agricultural and Forestal District does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

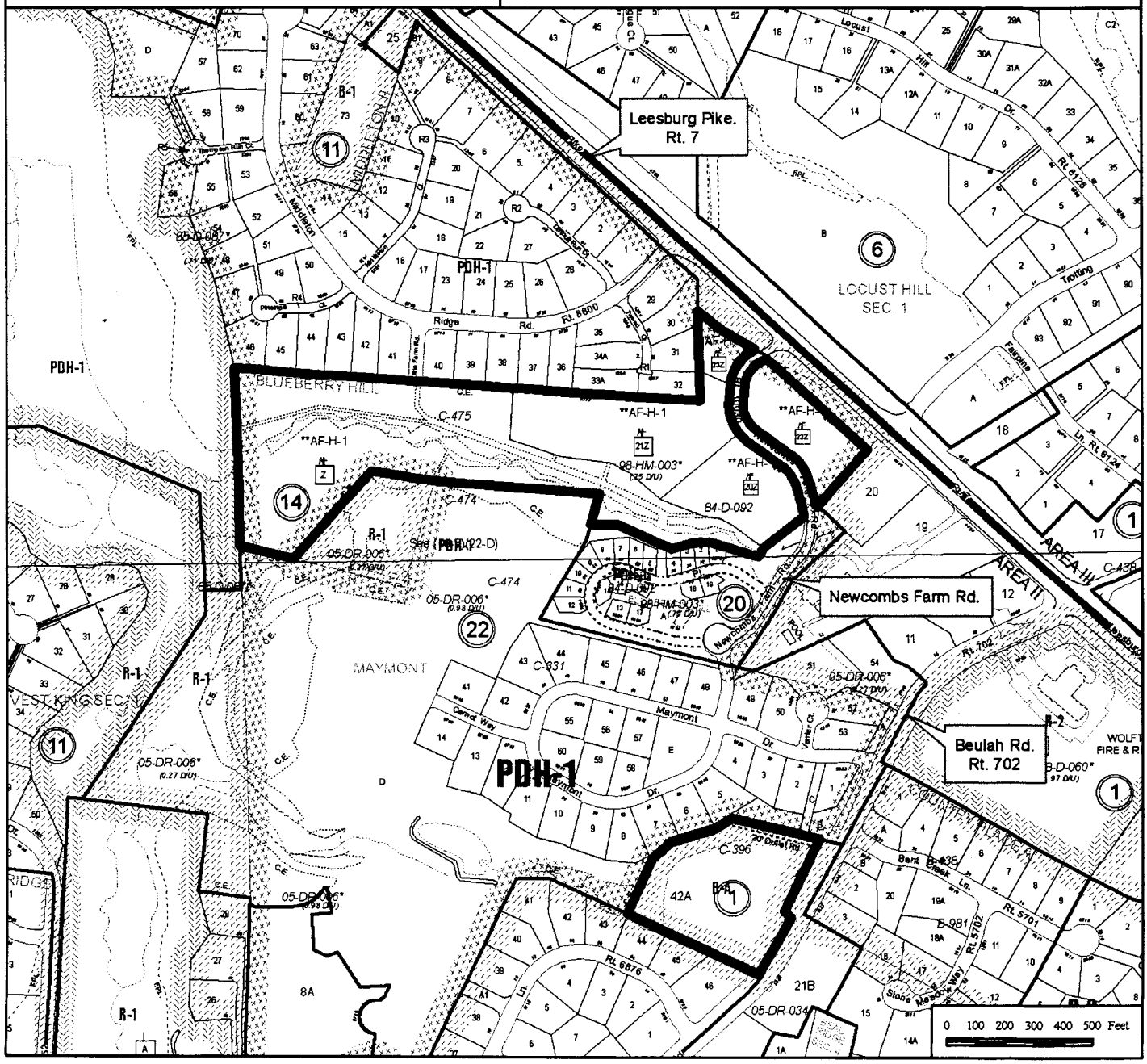
O:\sbatti\Ag & Forest\Districts\2009-9 Potomac Vegetable Farm II\PVF_ Cover.doc

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

A&F District Renewal

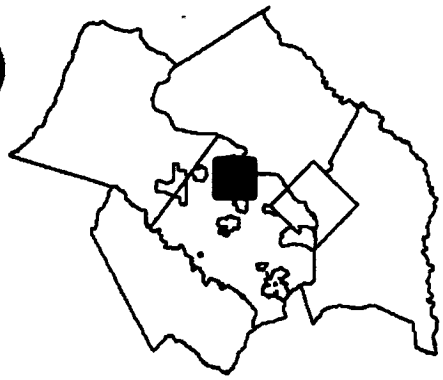
AR 01-H -001

Applicant:	HIU NEWCOMB FAMILY LLC, MARIETTE H., SARAH. HANA, LANI, CHARLES NEWCOMB AND ANNA NEWCOMB BRADFORD
Accepted:	05/04/2009
Proposed:	AGRICULTURAL AND FORESTAL DISTRICT RENEWAL
Area:	26.42 AC OF LAND; DISTRICT - DRANESVILLE
Zoning Dist Sect:	
Located:	9627 LEESBURG PIKE
Zoning:	PDH- 1 AND R-A
Overlay Dist:	
Map Ref Num:	019-1- /14/ / Z /14/ /0020Z /14/ /0021Z /14/ /0022Z /14/ /0023Z 019-3- /01/ /0042A



A&F District Renewal

AR 01-H -001



Applicant:	HIU NEWCOMB FAMILY LLC, MARIETTE H., SARAH. HANA, LANI, CHARLES NEWCOMB AND ANNA NEWCOMB BRADFORD
Accepted:	05/04/2009
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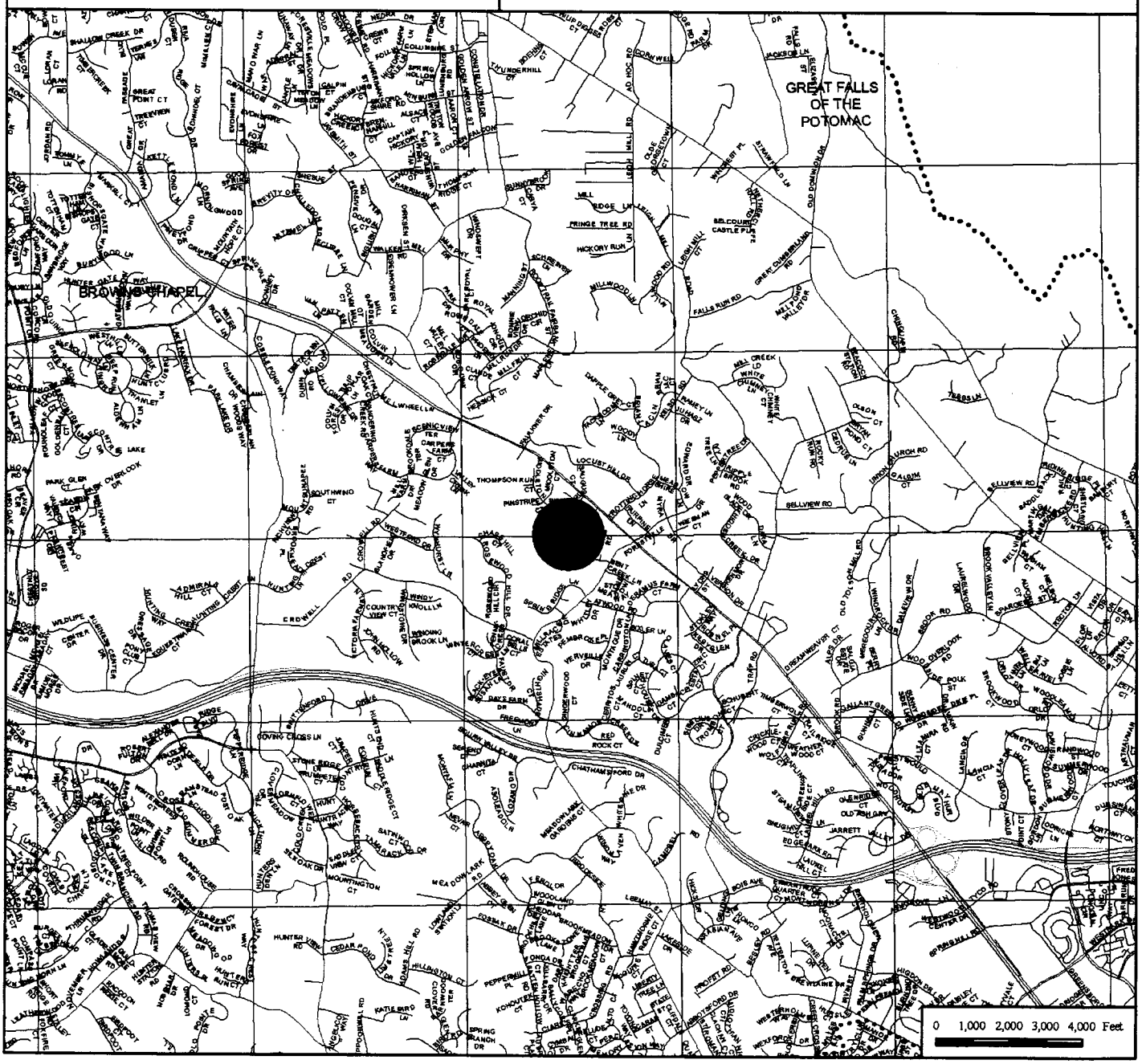
Located:	9627 LEESBURG PIKE
Zoning:	PDH- 1 AND R-A
Overlay Dist:	
Map Ref Num:	019-1- /14/ / Z /14/ /0020Z /14/ /0021Z /14/ /0022Z /14/ /0023Z 019-3- /01/ /0042A



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

DESCRIPTION OF APPLICATION

Proposal: AR 01-H-001 is a request to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code. The subject property is a 26.42 acre tract located on Leesburg Pike and Beulah Road in the Dranesville District.
(Note: The subject property was moved from the Hunter Mill District to the Dranesville District with redistricting on June 11, 2001.)

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

Applicant: Hiu Newcomb Family LLC
Mariette H., Sarah, Hana, Lani, and Charles Newcomb
Anna Newcomb Bradford

Acreage: 26.42 acres

Use: Active agriculture: approx. 15 acres
Forested/Open space: approx. 8 acres
Residential/agricultural buildings: approx. 3 acres

BACKGROUND

Portions of the subject property have been owned by the Newcomb family since 1967, and the property has been in use as the Potomac Vegetable Farm since that time. The first Potomac Vegetable Farm Local Agricultural and Forestal District was established by AF 84-D-006 for an eight year period on December 3, 1984. The property was renewed for an additional eight year term on November 23, 1992.

On September 14, 1998, the land was withdrawn from the A&F program to allow the development of the Blueberry Hill Co-housing development (RZ/FDP 1998-HM-003) by the Newcomb Family. The larger portion of the farm was rezoned to the PDH-1 (Planned Development Housing, one dwelling unit per acre) District at that time. This development was a proffered rezoning, with 10.82 acres (the area comprising the farm) preserved as permanent open space. The site of the farm stand was labeled for accessory commercial use.

Provisions of Chapter 115 of the Fairfax County Code require that, when land is withdrawn from an A&F District for the purpose of development, that land may not reapply for A&F District status for three years. With AF 01-H-001, the applicants returned the farm portions of the property to the A&F program. The District was approved on July 23, 2001, and this application is the first renewal for this A&F District.

Parcel 42A was previously receiving the beneficial taxation because, while not contiguous to this district, the parcel was connected to the primary property through the Moutoux A&F District (AF 84-D-005). The Moutoux property was rezoned to the PDH-1 District as a part of RZ 2005-DR-006, approved by the Board of Supervisors on October 17, 2005. The homes in this subdivision, Maymont, are currently under construction.

LOCATION AND CHARACTER

Surrounding Area Description:

The property is surrounded by a mix of single family detached residences and open space. To the north, the Middleton Subdivision (PDH-1) has lots averaging ¼ acre. To the south, the Blueberry Hill development has lot sizes ranging from 3,000 to 5,000 square feet.

	Use	Zoning	Plan
North	single family detached residences	PDH-1	Res: .5-1 du/ac
South	single family detached, open space	PDH-1, R-1	Res: .5-1 du/ac & private open space
East	private school	R-1	Res: 1-2 du/ac
West	Wolf Trap Creek Stream Valley Park	PDH-1, R-1	public park & private open space

Location and Character of the District:

The 26.42 acre site is located in the Wolf Trap Community Planning Sector (M7) of the McLean Planning District of Area II. The majority of the property is zoned PDH-1; Parcel 19-3 ((1)) 42A is zoned R-A. The site is planned for private open space and residential development. The site is developed with the following structures.

Structure	Year Built	Use
House / farm office	1950	Residence, farm office
Tenant houses (2)	1950, 1979	Rental
Greenhouses (4)	1990, 2000, 2004, 2008	Horticulture
Storage sheds	1967 – 2008	Equipment, supplies, animals
Roadside stand	1970-2008	Produce sales, storage, packing
Barn	early 1987	Storage

The roadside stand is located on Leesburg Pike, with access provided from Newcombs Farm Road. The majority of the site is in active agriculture, growing vegetables, berries, and flowers for sale at the farm stand, various farmers' markets in the area, and through a cooperative program. The remainder of the site, primarily along the stream valleys in the western half, is forested open space.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area: Area II

Planning District: McLean

Planning Sector: Wolf Trap Sector (M7)

Plan Map: Residential use at 0.2- 0.5, 0.5-1.0, and 1-2 du/ac and Private Open Space

ANALYSIS

Land Use Analysis (Appendix 4)

Approval of this Agricultural and Forestal District renewal would meet the spirit and the intent of the Comprehensive Plan objective to maintain the scenic and low density residential character for this area of the County.

Transportation Analysis (Appendix 5)

The Department of Transportation is concerned that the approval of this application may inhibit the ability of the County or State to obtain the additional right-of-way along Leesburg Pike needed for the future roadway improvement. As such, DOT has stated that the portion of the site which may be needed for future transportation

improvements should be excluded from the District. However, Agricultural and Forestal Districts are not zoning actions and the County does not have the ability to request land dedication as a part of this application.

Environmental Analysis

A Soil and Water Quality Conservation Plan for this property dated July 24, 2009, is included as Appendix 6.
A Forest Management Plan dated July 20, 2009, is included as Appendix 7.

Environmental Quality Corridor / Tree Preservation: This site falls entirely within the County's Difficult Run Watershed. Wolf Trap Creek traverses in a north-south direction west of the subject property and two unnamed tributaries branch off the main stream valley and traverse in an east-west direction within the boundary of the district. More than fifty percent of this district is located in an Environmental Quality Corridor (EQC) per Policy Plan guidance and Resource Protection Area (RPA) as defined by the County's Chesapeake Bay Preservation Ordinance (CBPO). The applicant proposes to maintain the EQC and RPA portions of the district in an undisturbed state. The extent of the EQC and RPA is identified on the map in Appendix 4. Staff has proposed an ordinance provision that would require the boundary of the EQC to be considered the limits of clearing and grading for the life of this district.

A current Forest Management Plan has been prepared by the Virginia Department of Forestry for the renewal of this district. The Forest Management Plan provides specific recommendations, such as the management of invasive species and deer herds, for this site. The applicant is encouraged to implement the recommendations cited in the Forest Management Plan to improve the health of the forest within the district.

Water Quality: The method of farming practiced at this farm does not involve the use of commercial fertilizer or pesticide at any stage of growth. By growing a wide variety of crops, rotating the types of crops planted in the various plots, and by using timely and appropriate practices, insect invasion and disease damages are kept to an acceptable minimum. These soil conservation practices should be continued under the property's Soil and Water Conservation Plan. In addition, streams and drainage swales and the RPA should be left undisturbed with natural vegetative buffers, as outlined in the Plan.

Agricultural and Forestal District Criteria Analysis

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

Criteria Group A:

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

The subject property is 26.42 acres in size and is entirely in agricultural and forestal uses with the exception of approximately 3 acres used for residential purposes and agricultural buildings. 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.

Approximately 20 acres are zoned PDH-1; the remainder are zoned R-A. The portion of the property zoned PDH-1 is the subject of a proffered development plan approved under RZ/FDP 1998-HM-003. As shown on that plan, the area of this A&F District is open space to be dedicated to farming and the farm market itself. Blueberry Hill has been developed, leaving only one potential house site on the PDH-1 portion of the A&F, plus the two dwelling units and two tenant houses that currently exist. Therefore, the PDH-1 property has a potential density of 0.22 dwelling units per acre. If those 20 acres were zoned R-A, the potential density would be not more than 0.2 du/ac, or five houses, comparable with the existing effective density. If the property was zoned R-E, the potential density would be not more than 0.5, or 10 houses; twice as much as the existing effective density. Because the development plan restricts the effective density on the property, staff believes that the intent of this criterion has been 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 densities of .2-.5 dwelling unit per acre, .5-1 du/ac, 1-2 du/ac, and private open space. Staff believes 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 0.5 to 1.0 du/ac, and private open space. Therefore, this criterion has been satisfied.

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

   (Although the County Code allows non-contiguous parcels to be included in the land area, these parcels are not eligible to receive the special tax assessment granted to parcels in the A&F Program. Parcels in the A&F Program are taxed under the State Code, which mandates that the minimum acreage requirements (for special classifications of real estate) shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. For purposes of this section of the State Code, properties separated only by a public right-of-way are considered contiguous.)

This property measures 26.42 acres in size, and is entirely owned by the applicants, the Hiu Newcomb Family LLC. The farm does include a non-contiguous parcel (19-3 ((1)) 42A), which is located less than one half mile from the core acreage and is entirely in agricultural use. This criterion is satisfied because the total amount of contiguous land included in the District is 21.39 acres. However, due to State Code regulations, the non-contiguous parcel can not qualify for beneficial taxation. As a result of the development of the Moutoux A&F District (which previously connected Parcel 42A), under Chapter 112 of the County Code, Parcel 42A no longer qualifies as contiguous and can not receive beneficial taxation for being part of the A&F Program.

6. All other properties not included in a farm as defined in (5), that is, forested and partially forested properties, and properties with less than 15 acres in agricultural use, should be at least twenty acres in size. These properties may contain several parcels, but all parcels must be contiguous, and all must have the same owners or else owners must be members of the same family or a family trust or family corporation.

The proposed district qualifies as a farm; therefore this criterion is not applicable.

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

Sixty-four percent (64%) of the site consists of soils of Capability Classes II, III and IV. Thirty-six percent (36%) of the site consists of soils of Capability Classes V and VI. All agricultural lands are improved and managed to reduce soil erosion and maintain soil nutrients organically. 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 the 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.

A Forest Management Plan is included as Appendix 7. The applicants have indicated their intention to continue to maintain the forested areas as undisturbed open space. An ordinance provision requires that the applicants abide by the Forest Management Plan for the life of the District. The EQC on this site, surrounding Wolftrap Run to the west, is maintained as a permanent, naturally forested buffer, and further protected through an ordinance provision. Staff believes that 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 property has been in the applicant's family since 1967 and has been continuously in agricultural production throughout that time. In the past ten years, the applicants have installed deer fencing around the vegetable fields, a trickle irrigation system for seasonal vegetable production, a new irrigation well on the Beulah Road property, installed additional equipment sheds, installed a geothermal rooting system in farm house, renovated tenant houses and farm house, constructed two unheated plastic greenhouses, upgraded produce packing sheds, and purchased approximately $25-$30,000 per year in equipment.
They have practiced continuous soil improvement and erosion control in the vegetable production areas, and worked with the Soil and Water Conservation District on implementing water diversion, erosion control, grass strips and crop strips. Therefore, staff believes that the applicant has shown an extraordinary commitment to maintaining the agricultural uses on this property for the life of the District, and to following the suggestions of the Soil and Water Conservation District. Staff believes that this criterion has been satisfied.

Criteria Group B:

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

The property has been a vegetable farm for 48 years. In the past year the Potomac Vegetable Farm has sold: fresh market vegetables, berries, and cut flowers, reaching approximately $700,000 per year in sales. In addition, the applicants provide farm tours for about 3,000 schoolchildren each year. This criterion has been satisfied.

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

The open and forested lands of the subject property preserve scenic vistas and open space in an area of the county where such resources are in short supply. Therefore, staff believes this criterion has been satisfied.

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

archaeological sites, provided that the property owner has agreed to permit the County Archaeologist access to the site, may also be considered historically and/or archaeologically significant.

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

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

The applicant practices ecoganic farming and is committed to conserving and improving soils. Erosion and runoff are controlled through the use of maintained grass strips, planting cover crops, using contour cultivation, planting perennial crops on steep slopes (blueberries), trickle irrigation rather than overhead irrigation, grassy water diversion areas, and maintaining high organic levels in the soils to maximize water percolation. Stream valleys and drainage swales are left in a natural state to further reduce erosion and buffer streams. Staff believes that this criterion has been met.

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

The majority of the subject property is zoned PDH-1; this criterion is not satisfied.

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

The subject property is not located within a permanent open space easement, however, the effect of the proffered development plan on RZ/FDP 1998-HM-003 permanently reduces the development potential for the portion of the property zoned PDH-1 to a total of five dwelling units (two existing family houses, two existing tenant houses, and one potential house site). The intent of an open space easement is to permanently remove the further development potential of a property. Staff feels that the proffered development plan has the same effect, as it permanently transferred the development potential of the property to the residential portion of the Blueberry Hill development (covered under RZ/FDP 1998-HM-003 but not under the requested A&F District). Therefore, staff believes that the intent of this criterion has been satisfied.

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

To avoid confusion, it is staff's recommendation that Parcel 42A not be included in the A&F District, as it is not eligible for preferential taxation, and the remaining property meets all other conditions and is eligible for beneficial taxation without the additional 5.032 acres of the non-contiguous Parcel 42A.

AFDAC RECOMMENDATION (Appendix 8)

On September 15, 2009, the Agricultural and Forestal Districts Advisory Committee voted to recommend for the adoption of the staff report recommendation. The Committee also noted for the record that as for the past 25 years, the noncontiguous parcel has received beneficial taxation and has been used for agriculture for 50 years and continues to be used for agriculture, the Committee would have preferred for it to be included in the District.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As noted, staff believes that the application to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District satisfies the intent of all of the applicable criteria in Group A and four of the criteria in Group B. The applicants have maintained a consistent agricultural presence in the County for 48 years, and have shown considerable commitment to continuing the agricultural uses on the property. Indeed, the development of part of the original A&F District as a PDH-1 housing development shows considerable ingenuity, allowing the applicants to continue to use the property for agriculture and preserve open space in the face of the development pressure in the Tyson's area. Staff therefore believes that that this District meets the intent of the applicable criteria contained in Sect. 115-5-1 of the County Code. The property exceeds the minimum acreage requirement of 20.0 acres, and is in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends the Board amend Appendix F of the Fairfax County Code to renew, in part, the Potomac Vegetable Farm II Local Agricultural and Forestal District on 21.39 acres, (Tax Map Parcels 19-1 ((14)) Z, 20Z, 21Z, 22Z, 23Z) subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Board, in amending Appendix F of the County Code to include the Ordinance Provisions listed in Appendix 1, relieve the applicant/owner from compliance with the provisions of any 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 AF 01-H-001
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. Soil and Water Quality Conservation Plan
7. Forestry Management Plan
8. Agricultural and Forestal District Advisory Committee Recommendation
9. Title 58.1 Article 4 *Special Assessment for Land Preservation*
10. Glossary of Terms

PROPOSED ORDINANCE PROVISIONS

October 1, 2009

AR 01-H-001

If it is the intent of the Board of Supervisors to renew in part the Potomac Vegetable Farm II Local Agricultural and Forestal District as proposed in Application AR 01-H-001 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Maps 19-1 ((14)) Z, 20Z, 21Z, 22Z, and 23Z (21.39 acres), 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 automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.

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

Additional Provisions

(5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated July 24, 2009, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Soil and Water Conservation District.

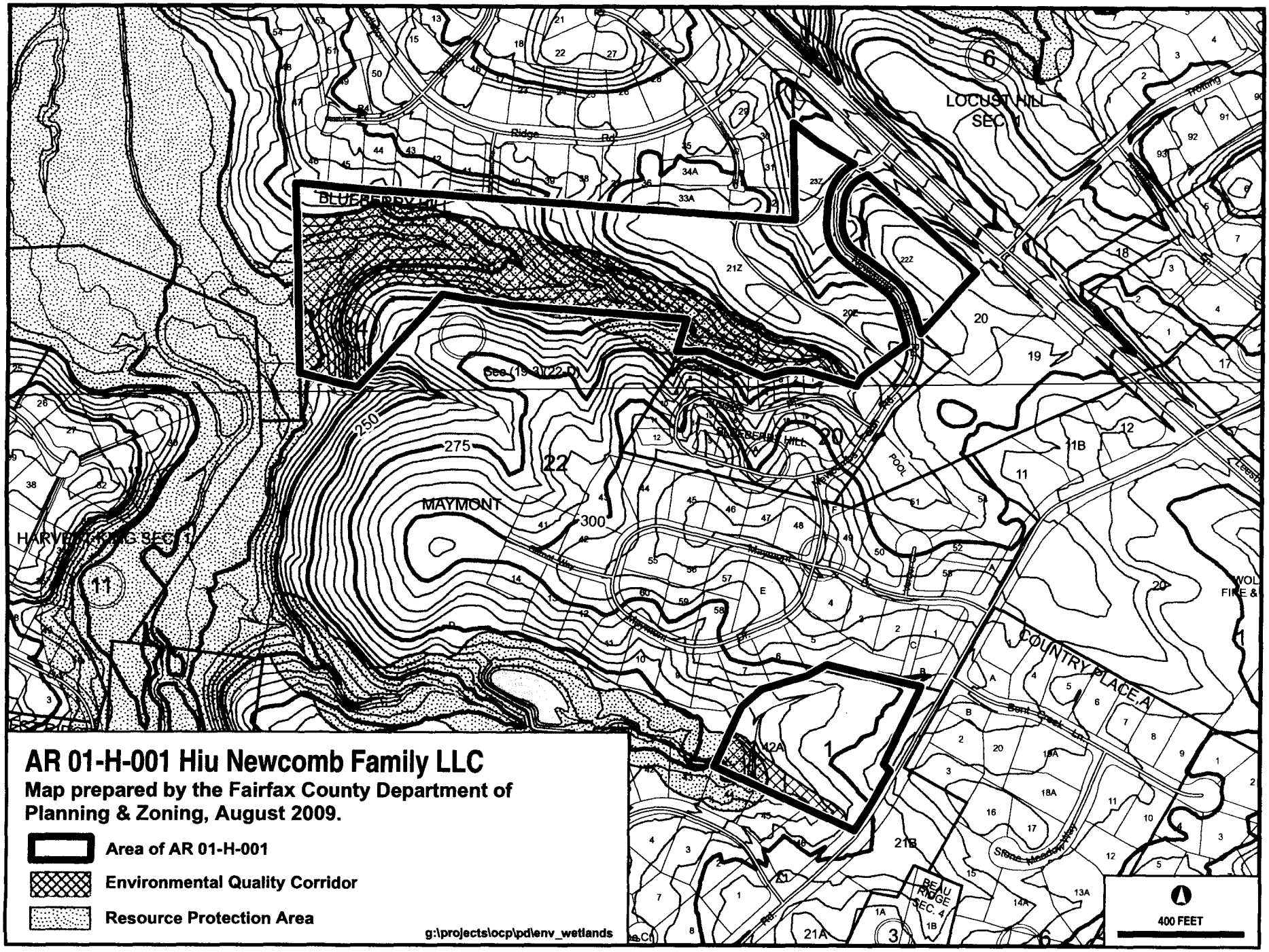
(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated July 20, 2009, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within the 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) Stock piles of organic nutrients that may contain animal manure shall be stored in a manner that prevents high concentrates of leachates from entering Wolftrap Creek. Such preventative measures may include diversion dikes, berms, increased buffers, filter trenches, and/or BMP basins.

(8) Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation and the removal of dead, dying and diseased vegetation in accordance with the Forest Management Plan and as approved by the Urban Forester. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District (See Attachment A).

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

EXHIBIT A



AR 01-H-001 Hiu Newcomb Family LLC
Map prepared by the Fairfax County Department of Planning & Zoning, August 2009.
Area of AR 01-H-001
Environmental Quality Corridor
Resource Protection Area
g:\projects\ocp\pd\env_wetlands
400 FEET
LOCUST HILL SEC. 1
BLUEBERRY HILL
MAYMONT
HARVEST KING SEC. 1
COUNTRY PLACE A
BEAU RIDGE SEC. 4
Ridge Rd
Maymont
Bent Creek Ln
Stone Meadow Way
POOL

RECEIVED
Department of Planning & Zoning
MAR 30 2009
Zoning Evaluation Division

Application No. AR 01-H-001

APPLICATION FOR THE ESTABLISHMENT OF A AGRICULTURAL AND FORESTAL DISTRICT

FAIRFAX COUNTY

1. Type of application: Local (X) Statewide (__)
   Initial (__) Amendment (__) Renewal (X)

2. Please list the Tax Map number, the name and address of each owner and other information for each parcel proposed for this district:

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Hiu Newcomb Family LLC	0191 14 0020Z	1975	PDH-1	2.3405
Mariette H. Newcomb 9627 Leesburg Pike Vienna VA 22182	0191 14 0021Z	1968	PDH-1	4.3209
Hiu Newcomb Family LLC	0191 14 0022Z	1975	PDH-1	2.1888
Hiu Newcomb Family LLC	0191 14 0023Z	1968	PDH-1	.5923
Hiu Newcomb Family LLC	0191 14 Z	1967, 1989	PDH-1	11.9499
Sarah Newcomb 100 Walnut Place Brookline, MA 02146	0193 01 0042A	1989	RA	5.032
Diana Newcomb 9697 Farmside Place Vienna VA 22182	"	"	"	"
Lani Newcomb 23715 Snickersville Tpke Bluemont VA 20135	"	"	"	
Anna Newcomb Bradford 9699 Farmside Place Vienna VA 22182	"	"	"	
Charles Newcomb 2360 Cherry St. Denver CO 80207	"	"	"	

3. Total acreage in the proposed district: 26.42 acres.

4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 5 forest 1.

AR 2009-0081

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

Name: Mariette Hiu Newcomb

Address: 9627 Leesburg Pike
Vienna VA 22182

Telephone: 703 759-2119

6. Signature of all property owners:

Mariette Hiu Newcomb
Sarah R Newcomb
[illegible] Newcomb [illegible]
[illegible] Newcomb
[illegible]

[illegible]

TO BE COMPLETED BY THE COUNTY

Date application accepted: 5/4/09 Virginia Ruffner

Date of action by Board of Supervisors: _____

(__) Approved as submitted (__) Denied

(__) Approved with modifications $50.00 pd

ALL APPLICANTS

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

Structure	Year built	Use
Home, farm office	~1950	Home, farm office
Tenant House	~1950	Rental to farm worker
Tenant House	1979	Rental
Greenhouse, plastic	1990	Horticultural
Greenhouse, plastic	2000	"
Greenhouse, plastic	2004	"
Greenhouse, plastic	2008	"
Storage sheds	1967-2008	equipment, supplies, animals
Roadside stand and packing sheds, coolers	1970-2008	produce sales, storage, packing
Barn	1987	equipment, shop, supplies storage

use additional page(s) if necessary

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

none

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

Paving of Newcombs Farm road.
Deer fencing around vegetable fields.
Trickle irrigation system for seasonal vegetable production
New irrigation well on Beulah Road property (0193 01 0042A)
Construction of Blueberry Hill Cottage Community on south edge of farm.
Construction of equipment sheds
Installation of geothermal heating & cooling system in farm house.
Renovation of tenant houses and farm house
Construction of two high tunnels (unheated plastic greenhouses)
Equipment purchases around $25,000-30,000/year
Upgrade of packing sheds behind stand.

4. Is a Soil and Water Conservation Plan on file with the Northern Virginia Soil and Water Conservation District (NVSWCD): X yes ___no 9.28.00

If yes, date prepared: 9-28.00

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
Fresh market vegetables, berries, cut flowers.	Variable yields	$700,000/yr in produce sales
Laying hens	3 dozen/week May-Nov	Same
Farmtours for 3000 schoolchildren each year	May-Oct	@$5 person

FARM PROPERTY

1. Please check the appropriate description of the farm:

   X Owner-operated, full-time.
   ___ Owner-operated, part-time.
   ___ Farm manager operated.
   ___ Rented to another farmer
   Portion of farm rented: ___all _____acres.
   Other. Please describe:
   _____
   _____

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

Active agricultural uses	13.1	acres.
Forested or undeveloped	12	acres.
Residential uses	1.3	acres.
Total acreage	26.4	acres.

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

   If yes, which roads will be used:

   _____
   _____

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

   ___ cars, vans and pickup trucks ___ heavy trucks.

   Currently, Blueberry Hill Community of 19 households use Newcombs Farm Rd

FOREST PROPERTY

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

Future timber or pulpwood harvesting	0	acres
Christmas tree production and harvesting	0	acres
Firewood production and harvesting	0	acres
Conservation	8	acres
Residential uses	0	acres
Other: _____	0	acres
Total acreage	8	acres

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

   _____

Farm-related traffic:
Nov, Jan, Feb - 10/day - cars, vans, pickups
Dec (Christmas trees) 50/day "
March - June 50/day "
July - Oct 300/day "
Heavy delivery trucks - 25/year

RECEIVED
Department of Planning & Zoning
MAR 30 2009
Zoning Evaluation Division

Renewal Application for Potomac Vegetable Farms A+F II

Statement of Justification -

We have been growing and selling vegetables in the Tysons Corner area of Fairfax County since the early 1960's. We market through our roadside stand on Leesburg Pike, four miles west of Tysons Corner; at producer-only farmers' markets in northern Virginia and Takoma Park, Maryland; and a 460-member community-supported agriculture subscription program -

A large part of our production for the first 25-30 years was on rented ground in the vicinity of Tysons, but by the early 1980's we had bought 30 acres where we are permanently established. We also grow vegetables on land we bought in 1975 in Loudoun County.

Each growing season we hire 25-30 full and part-time people to help with the planting, cultivating, harvesting + selling. These include children, grandchildren, students and recent graduates, and mid-career folks interested in getting into market gardening.

Our business has grown as we have become more experienced and as demand for local and organically grown food has increased. Our large, devoted, and supportive customer base affirms our

PVF A+F II renewal

belief + commitment to raise wholesome, delicious food in an ecologically and sustainable manner.

Despite heavy pressures to give in to development over the years, our family has chosen to remain where we are. I believe our farm, our presence, is a great asset to the County and community.

We have put our land into an A+F district since the mid 1980's and only withdrew when our family decided to create a small co-housing community, Blueberry Hill, on a portion of the farm. The clustered development used most of the building credits and the fees were put back into PVF II A+F District.

I believe it's important to retain productive farmland close in to our metropolitan areas. The County's A+F program with its land use taxation benefits for the farmer helps us and others like us to stay where land values have made that economically difficult.

The community in turn benefits from being able to get food that is fresh and delicious; They can bring their children to see how and where their food is grown. They can connect with the natural world and environment that needs their care.

A&F Renewal Application
Potomac Vegetable Farms

Meeting Criteria for Establishing an Agricultural District

Criteria Group A

1. About ten of the 26 acres are steep and wooded. Farmhouse, two tenant houses, farm buildings, greenhouses, farm stand, and animal sheds take up about three acres. The rest are intensively planted in vegetables, berries, and cut flowers.

2. *In 1998, 30 acres in the original agricultural district were rezoned to PDH-1 to allow for the* building of Blueberry Hill, a clustered co-housing community and the required state road (Newcombs Farm Road). The remaining land and the five-acre parcel on Beulah Road (zoned R-A) were incorporated into the Potomac Vegetable Farms II A&F district in 2001.

3. The district is consistent with the Comprehensive Plan. The PDH-1 zoned land meets (1), (2), (4) criteria in Criteria Group B.

4. The majority of the surrounding land within a half mile of the district is planned according to the Comprehensive Plan or PDH-1.

5. Our farm consists of several parcels of land totaling 26 acres, including a 5-acre parcel on Beulah Road. 21 acres are owned by Mariette Hiu Newcomb and the Hiu Newcomb Family LLC, which includes four children (Hana, Lani, Anna, Charles) and eight grandchildren. The Beulah Road parcel is owned by the four children and Sarah Newcomb, the surviving sister of Mariette Hiu Newcomb's deceased husband, Anthony Newcomb.

7. At least 2/3 of the land in agricultural use contains Class I, II, III or IV soils as defined by the USDA Soil Conservation Service. Our farming methods focus on improving and managing the soil to reduce soil erosion and maintain soil fertility.

8. We practice crop rotations, apply compost, plant and incorporate cover crops to prevent soil erosion, maintain high organic matter and biological activity in our soils. We use organic mulches to control weeds and provide beneficial habitat for insects and microbes above and below the soil surface. We have worked for many years with the Northern Virginia Soil and Water Conservation District to control runoff. We do not use any synthetic fertilizers or pesticides.

9. Forest land and undeveloped land remains undisturbed. We haven't had horses grazing for the *past eight years.*

10. We have been growing and selling vegetables on this acreage since 1967. The intensively grown crops include lettuce, greens, cucumbers, beans, squash, tomatoes, peppers, blackberries, blueberries, herbs and cut flowers. We sell most of the vegetables at our roadside stand on Leesburg Pike, at farmers' markets in Fairfax County, Arlington, and Takoma Park, Maryland. We also have a 450-member community supported agriculture group who buy subscriptions for a weekly share of fresh produce from June through November.

10. cont.
    We have a 3000 sq. ft. greenhouse where we start vegetable seedlings. We also have two plastic high tunnels (unheated greenhouses) which enable us to extend the growing season both in spring and fall.

In addition to growing and selling vegetables (which employ 15-20 young people over the season), we give farm tours to schoolchildren who come with teachers and parents to see how vegetables are grown and how farm animals are cared for. Our organic and other sustainable agricultural practices attract visitors, serious students and other growers.

Criteria Group B

1. Farm products have been regularly produced and sold from this property since 1967.

2. The land provides scenic vistas and maintains a rare rural aesthetic in an area that continues to develop.

4, We are committed to using practices that minimize runoff and nonpoint pollution: we maintain grass borders, use organic mulches, plant on the contour, plant cover crops after harvesting a cash crop.

5. 21 acres are zoned PDH-1, 5 acres zoned R-A.

APPENDIX 3

FAIRFAX COUNTY

V I R G I N I A

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

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

September 12, 2001

Mariette "Hiu" Newcomb
9627 Leesburg Pike
Vienna, Virginia 22182

RE: Agricultural and Forestal District
Application Number AF 01-H-001

Dear Ms. Newcomb:

Agricultural and Forestal District Application AF 01-H-001 in the name of Hui Newcomb Family LLC 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-56 and additional environmental provisions, was established by ordinance by the Board of Supervisors at a regular meeting held on July 23, 2001, as the Potomac Vegetable Farm II Local Agricultural and Forestal District, subject to the attached ordinance provisions.

Sincerely,

Nancy Vehrs

Nancy Vehrs,
Clerk to the Board of Supervisors

NV/ns
Attachment

cc: Chairman Katherine K. Hanley
Supervisor Hunter Mill District
Jane Coldsmith, Director, Real Estate Division, Tax Administration
Michael Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Division, OCP
Thomas Conry, Dept. Manager, GIS, Property Mapping/Overlay
Robert Moore, Transportation Planning Division, Office of Transportation
Ellen Gallagher, Project Planning Section, Office of Transportation
Michelle Brickner, Director, Office of Site Development Services, DPWES
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES
Frank Edwards, Resident Engineer, VDOT
Land Acquisition & Planning Division, Park Authority
Diane Hoffman, District Administrator
Northern Virginia Soil & Water Conservation District
Barbara White, Forester, Virginia Department of Forestry
Virginia Department of Forestry
James W. Cochran, Supervising Appraiser, Real Estate Division, DTA

31-01-F-56
REVISED

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, July 23, 2001, 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-56. Potomac Vegetable Farm II Local Agricultural and Forestal District (AF 01-H-001)

(a) The following parcels of land situated in the Dranesville District, and more particularly described herein, are hereby included in the Potomac Vegetable Farm II Local Agricultural and Forestal District:

Owner	Fairfax County Tax Map Parcel Number	Acreage
Hiu Newcomb Family LLC	19-1 ((1)) 32	9.1654
Hiu Newcomb Family LLC	19-1 ((3)) 3A	8.5061
Mariette "Hiu" Newcomb	19-1 ((3)) 1A	5.009
Sarah Newcomb, Hana Newcomb, Lani Newcomb, Anna Newcomb Bradford, and Charles Newcomb	19-3 ((1)) 42	8.631
	Total	***31.31 acres***

(b) The Potomac Vegetable Farm II Local Agricultural and Forestal District is established effective July 23, 2001, 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 automatically 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 applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated September 28, 2000, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Soil and Water Conservation District;

(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated August 1992, for the life of the Potomac Vegetable Farm II 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 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) Stock piles of organic nutrients that may contain animal manure shall be stored in a manner that prevents high concentrates of leachates from entering Wolftrap Creek. Such preventative measures may include diversion dikes, berms, increased buffers, filter trenches, and/or BMP basins;

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

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

This amendment shall become effective upon adoption.

GIVEN under my hand this 23rd day of July, 2001.

Patti M. Hicks

NANCY VEHRS for
Clerk to the Board of Supervisors

County of Fairfax, Virginia

MEMORANDUM

August 19, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis & Environmental Assessment for: AR 01-H-001
Hiu Newcomb Family, LLC

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain land use recommendations and environmental policies for this property. The extent to which the proposed use is consistent with the land use and environmental guidance of the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The application requests renewal of an Agricultural and Forestal (A & F) District comprised of six parcels which encompass 26.42 acres of land owned by the Newcomb family. Approximately 12 acres of the district are heavily forested; 13 acres are in active agricultural use and slightly more than 1 acre is in residential use.

LOCATION AND CHARACTER

The subject property is located south of Leesburg Pike and west of Beulah Road in the Difficult Run watershed within the Dranesville Magisterial District, and the Wolf Trap Community Planning Sector (M7) of the McLean Planning District of the Area II volume of the Comprehensive Plan. The district is surrounded by land which is predominately planned for residential use .5-1 dwelling unit per acre (du/ac) with other areas planned for public park, private open space, residential use at .2-.5 du/ac and 1-2 du/ac.

COMPREHENSIVE PLAN MAP: private open space; residential use at .5-1, .2-.5 and 1-2 dwelling units per acre

COMPREHENSIVE PLAN CITATIONS

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

Land Use:

In the Fairfax County Comprehensive Plan, 2007 Edition, Area II, McLean Planning District, as amended through January 26, 2009 M7-Wolf Trap Community Planning Sector, on page 133, the Plan states:

"2. Development west of Beulah Road, which is partly located in the Difficult Run and not sewered, is planned for .2-.5, .5-1 and 1-2 dwelling units per acre as shown on the Plan map. Developers should design with varying lot sizes corresponding to the planned land use densities on the map and existing development even if the area to be developed covers more than one residential density.

3. Land along the south side of Route 7 should maintain the pattern of an average density of 1-2 dwelling units per acre, but permit cluster development so that land immediately adjacent to the highway would remain as open space and provide a buffer for the residential area.
4. To maintain the present scenic attractiveness of Route 7 in this area, site plans for all developments should be encouraged to feature greater than normal setbacks from the highway and natural buffering as many developments have done.
5. The Route 7 corridor is planned for and should continue to be reserved for residential development. Industrial, office, research and development (R&D), and retail commercial uses are not appropriate in the Route 7 corridor."

Environment:

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

"Objective 2:	**Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . . .**
Policy c.	Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas through, among other tools, the development, implementation and monitoring of integrated pest, vegetation and nutrient management plans.
Policy d.	Preserve the integrity and the scenic and recreational value of stream valley EQCs. . . .

Policy l. In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. . . .

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

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

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

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

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

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

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

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.
- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.

- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

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

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation. . . ."

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

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

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

LAND USE ANALYSIS:

Approval of this Agricultural and Forestal District Renewal would meet the spirit and the intent of the Comprehensive Plan objective to maintain the scenic and low density residential character for this area of the County.

ENVIRONMENTAL ANALYSIS:

Water Quality Protection and Tree Preservation

This site falls entirely within the County's Difficult Run Watershed. Wolf Trap Creek traverses in a north-south direction west of the subject property and two unnamed tributaries branch off the main stream valley and traverse in an east-west direction within the boundary of the district. More than fifty percent of this district is located in an Environmental Quality Corridor (EQC) per Policy Plan guidance and Resource Protection Area (RPA) as defined by the County's Chesapeake Bay Preservation Ordinance (CBPO). The applicant proposes to maintain the EQC and RPA portion of the district in an undisturbed state. The extent of the EQC and RPA is identified on the attached map.

A current Water Quality Management Plan has been developed in conjunction with the Northern Virginia Soil and Water Conservation District which brings the district into conformance with the County's CBPO. A current Forestry Management Plan has been prepared by the Virginia Department of Forestry for the renewal of this district. The Forestry Management Plan provides specific recommendations for this site, such as the management of invasive species and pest control. The applicant is encouraged to implement the recommendations cited in the Forestry Management Plan to improve the health of the forest within the district.

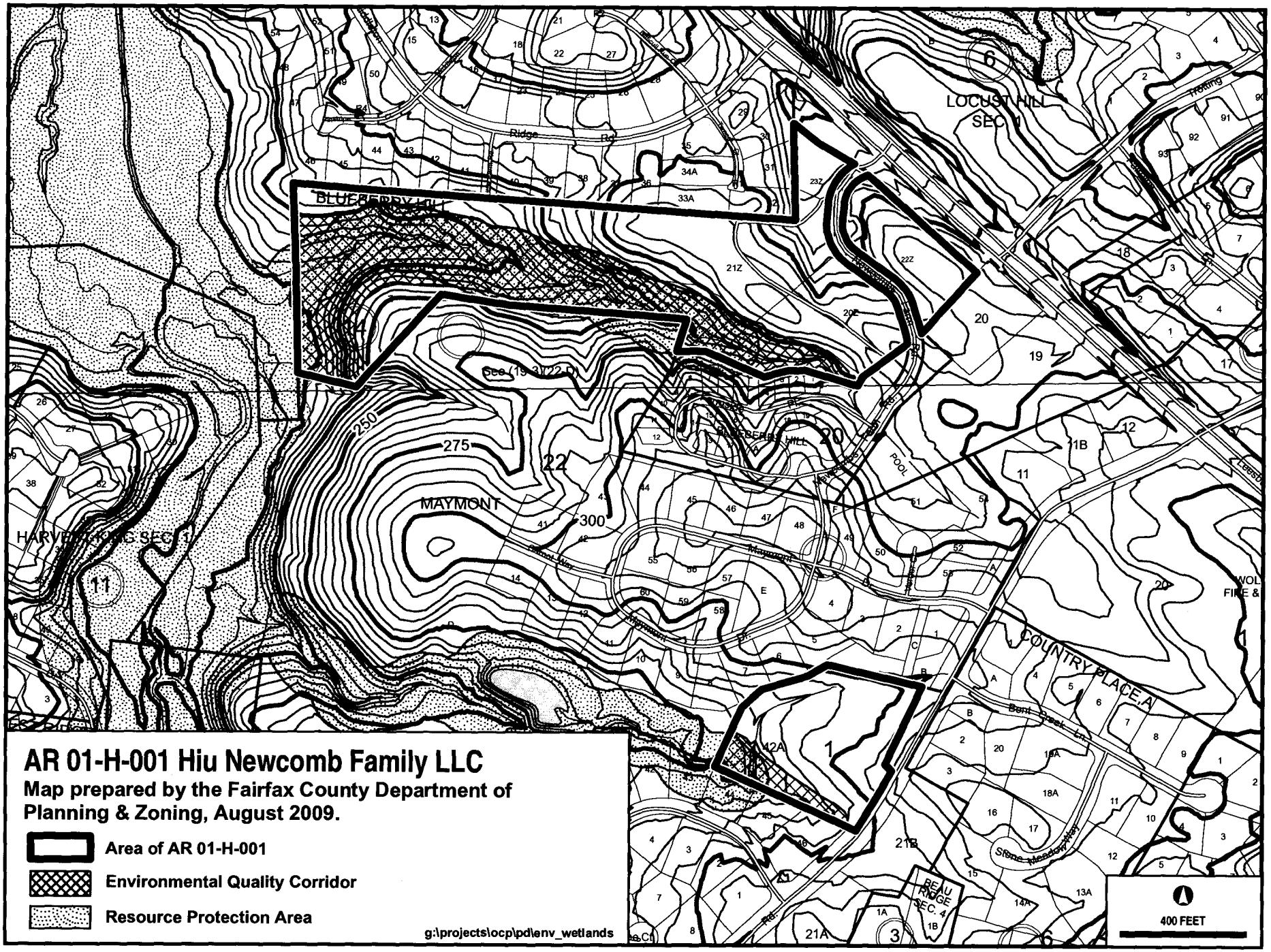
Approval of this Agricultural and Forestal District would be compatible with the goals of the Comprehensive Plan to preserve this environmentally sensitive area of Fairfax County.

COUNTYWIDE TRAILS PLAN:

The Countywide Trails Plan Map depicts major paved trails along the south side of Leesburg Pike and along the west side of Beulah Road immediately adjacent to the subject property. A stream valley trail is depicted along the Wolf Trap Creek on the west side of the property.

PGN: MAW

Attachment



AR 01-H-001 Hiu Newcomb Family LLC

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

Area of AR 01-H-001

Environmental Quality Corridor

Resource Protection Area

g:\projects\ocp\pd\env_wetlands

County of Fairfax, Virginia

MEMORANDUM

DATE: June 10, 2009

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

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

SUBJECT: Transportation Impact

FILE: 3-4 (AF 01-H-001)

REFERENCE: AR 01-H-001; Hiu Newcomb Family, LLC
Land Identification Map: 19-1 ((14)) Z, 20Z, 21Z, 22Z & 23Z
19-3 (91)) 41A

The subject applicant seeks to establish an Agricultural/Forrestal District. A portion of the property fronts on Leesburg Pike. Leesburg Pike is identified in the Comprehensive Plan for future improvement to a six land divided facility within a right-of-way width of 114 feet from centerline.

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

AKR

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 220335-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot

FCDOT
Serving Fairfax County for 30 Years and More

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:

Potomac Vegetable Farm
Hiu Newcomb Family, LLC
9627 Leesburg Pike
Vienna, VA 22182
Tel: 703-759-2119

Plan Prepared by:
Willie Woode, Senior Conservation Specialist, NVSWCD

Date:
July 24, 2009

Summary of operation:
The Potomac Vegetable Farm property is approximately 26.4-acres, consisting of five parcels on Leesburg Pike in Vienna. It is located in the Difficult Run Watershed (PL22). This plan is prepared in response to a renewal request of the Agricultural and Forestal District status of the property. Approximately 15 acres of the property is dedicated to growing and selling vegetables, herbs, fruits and flowers. Five of the fifteen acres kept in crop production is located west of Beulah Road and is separated for the main parcel of land, by approximately 1,000 feet 'as the crow flies.' The method of farming at the Potomac Vegetable Farm does not involve the use of commercial fertilizer or pesticide at any stage of growth. They maintain a soil rich in organic matter and beneficial soil microbes that support plant growth with sufficient nutrients in a healthy environment. By growing a wide variety of crops, rotating the types of crops planted in the various plots, and by using timely and appropriate practices, insect invasion and disease damages are kept to an acceptable minimum.

The remaining portion of the property is mainly wooded and undeveloped. An unnamed perennial channel flows in an east to west direction forming the core component of approximately 1,900 linear feet of RPA delineated within the property boundary.

Green houses are present onsite to provide early planting (nursery) opportunities and extended growing days.

A combination of drip-irrigation and micro sprinkler systems are used to bring water to the plants. Plasticulture and heavy mulching are practices implemented to help retain moisture and keep weed down at all stages of growth. In addition, the high organic nature of the planting soil goes a long way toward imbibing and retaining moisture for plant use.

Practices:

1) **Nutrient Management (590):**
Planting a wide variety of crops in a rotational basis for a long time have provided a rich well balanced soil for this operation – Operators do not need commercial fertilizer application recommendation. Soil samples collected and tested provides a snap-shot of soil nutrient pH values.

	Planned			Applied	
Fields	Amount	Month	Year	Amount	Date
Crop Production & Sale Areas	15	7	2009	7	2009
Total	15 ac.				

2) **Pest Management (595)**
Integrated pest management practice is being utilized at this operation. Rotational system implemented while planting a wide variety of crops keep insects and pests at a minimum. Also deer fence is erected around most of the planting areas. Other borrowing pests are controlled by timely trapping and relocation. Operators do not need recommendation on any pesticide.

	Planned			Applied	
Fields	Amount	Month	Year	Amount	Date
Crop Production & Sale Areas	15	7	2009	7	2009
Residential Area	1.4	7	2009	7	2009
Wooded Areas	10	7	2009	7	2009
Total	26.4ac.				

3) **Buffer Management - Chesapeake Bay Resource Protection Area (RPA)**
The shaded area on your site map is the County delineated Chesapeake Bay Resource Protection Area (RPA) - it is a 100-ft. wide buffer (wider in some areas where it encounters wider flood plains). This is the last area that provides opportunity for filtration and infiltration of pollutants contained in runoff from adjacent land before such polluted runoff enters state waters. This area is required to be kept vegetated. A buffer consisting of mix plant types has proved to be the best buffer for pollution extraction purposes.

	Planned			Applied	
Fields	Amount	Month	Year	Amount	Date
RPA Buffer	1,900	7	2009	1,900	7/2009
Total	1,900 ft.			1,900 ft.	

4) **Drainage Area Planting/Bank Stabilization**

The steep banks of the storm water channel created in the vicinity of the isolated parcel, due to adjacent development can be further stabilized to minimize the chances of bank sloughing or bank erosion in the future. Shrubs and grasses with massive root systems rather than large trees are the recommended types of vegetation for bank stabilization. Depending on the species, plant materials (live stakes, potted plants or seedlings) can be placed in staggered rows, two feet apart. Grasses and grass-like plants you may consider include: big bluestem, switch grass and deer tongue; Shrub species you may consider include: common alder, choke berry, button bush, red osier dogwood, silky dogwood, spice bush, vibirnum, streamco willow and banker dwarf willow.

	Planned			Applied	
Fields	Amount	Month	Year	Amount	Date
Storm water channel banks	0.1	7	2009		
Total	0.1 ac.				

SIGNATURES OF PARTICIPANTS – Hiu Newcomb Family

Landowner/Operator:

--- ---

Hiu Newcomb Family **Date**

Planner:

--- ---

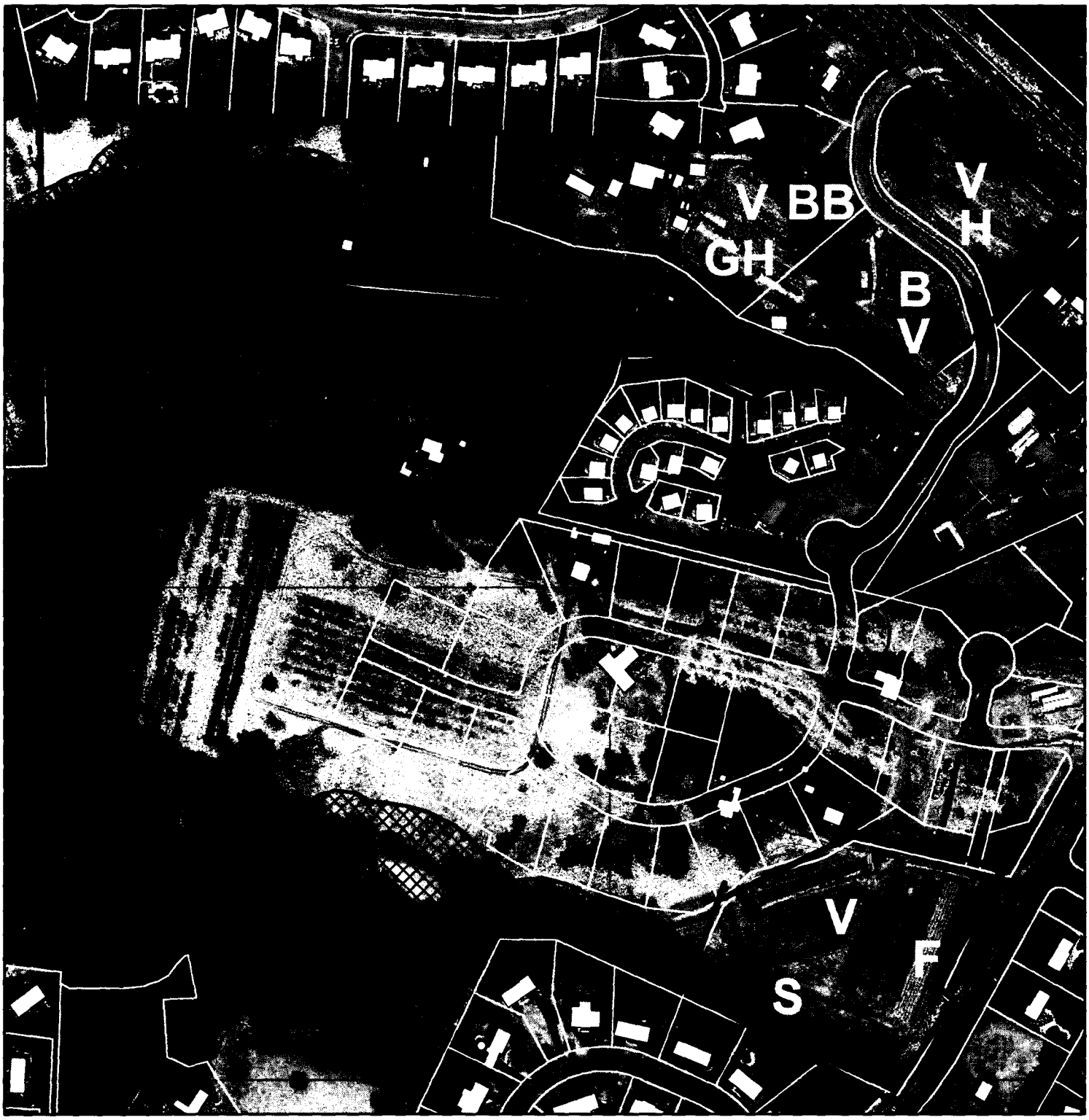
Wilfred D. Woode **Date**

District Authority:

--- ---

Chairman **Date**

Newcomb A&F District - Vienna



Legend

PARCELS

- Other
- Single Family Residential
- 2003 RPAs
- Resource Management Areas (RMAs)

— - Newcomb's Property Limits
H - Herbs
S - Spices
B - Berries
F - Flowers
V - Vegetables
BB - Blue Berries

N

0 185 370 740 F

(Scale may not be accurate)

BRIDGE; LAKE; POND; RIVER; STREAM; ARTIFICIAL PATH; WETLAND; PAVED DITCH *Drainage*

Prepared by NVSWCD

EDWARD H. ZIMMER
Regional Forester

COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY
470 George Dean Drive
Charlottesville, VA 22903
(434) 977-5193
FAX (434) 296-3290

July 20, 2009

AR 01-H-001
DOF# FAX09004

Ms. Mariette Hiu Newcomb
9627 Leesburg Pike
Vienna VA 22182

Dear Ms. Newcombe,

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

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

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

I have included information on the Northern Virginia Conservation Trust and the tax benefits of conservation easements. I have also included information on invasive species we noted on the property. If you have any questions about this plan, please contact me.

Sincerely,

James McGlone
Urban Forest Conservationist

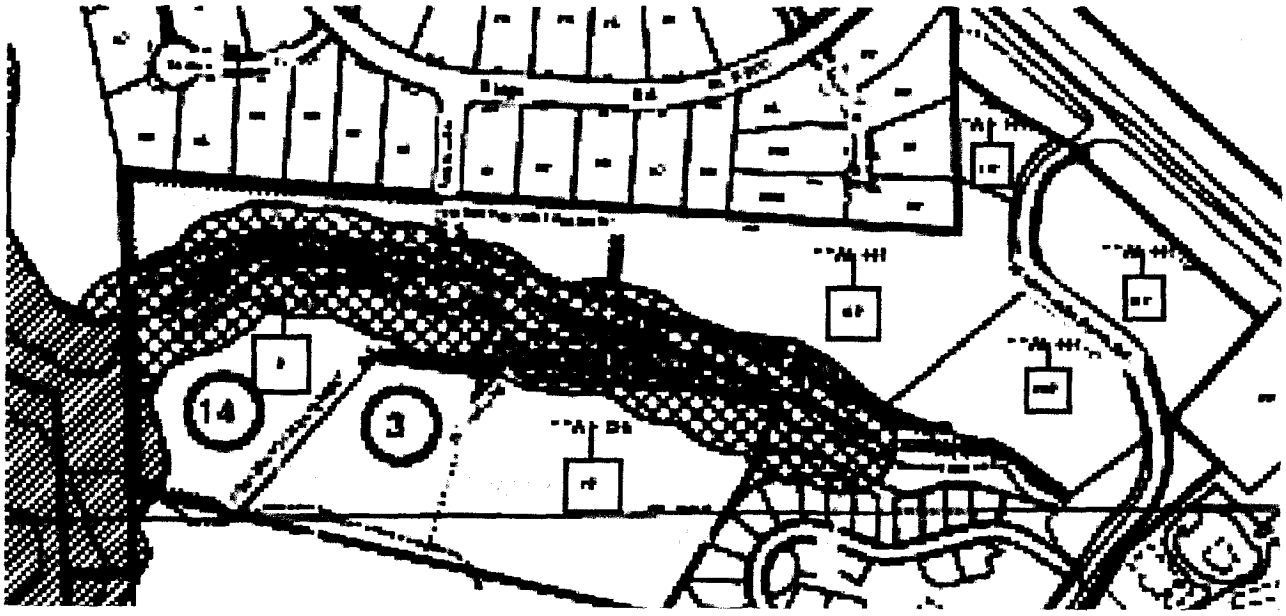
REPORT ON FORESTLANDS
OF
Mariette Hiu Newcomb
9627 Leesburg Pike
Vienna VA 22182

Location: The property is on the south side of Leesburg Pike, just west of the intersection of Leesburg Pike and Bulah Road. This property is A&F number AR-01-H-001 and DOF number FAX09004

Examined by: James McGlone, Urban Forest Conservationist

Landowner's Objectives: To maintain a healthy forest that supports wildlife including insect predators as part of an integrated pest management program for the farm.

Introduction: This is a 20.1 acre parcel that is mostly wooded, but contains some cropland, farm support buildings and a retail produce stand. The forested area is mostly bottomland riparian forest and does include two small meadows that were originally cleared for farm production. Much of the forest is designated as a resource protection area under the Fairfax County Chesapeake Bay Ordinance. This restricts the use of this land and the management of vegetation. See http://www.fairfaxcounty.gov/dpwes/navbar/faqs/rpa.htm for more information.



Soils: The predominant soil type on the property is Glenelg Silt Loam. This soil is formed from weathering of micaceous schist and is deep, well to somewhat excessively well drained, acidic soil. (The 2008 soil survey has reclassified all Manor Silt Loam soils as Glenelg) Codorus and Meadowville loams are erosion products of Glenelg soils. The Wheaton complex soils are disturbed versions of the original soil types. These soil types are suitable for growing mixed hardwood and softwood species including oak (*Quercus* spp.), hickory (*Carya* spp.), tulip poplar (*Liriodendron tulipifera*), red maple (*Acer rubrum*), red cedar (*Juniperus virginiana*), Virginia pine (*Pinus virginiana*) and shortleaf pine (*Pinus echinata*).

Forest Type: Early successional forest composed mostly of tulip poplar. The poplar are beginning to give way to cheery (*Prunus serotina*) river birch (*Betula nigra*), oaks, [particularly pin oak (*Quercus palustris*) and northern red oak (*Quercus rubra*), and hickory (*Carya* spp.). In some parts of the floodplain American hornbeam (*Carpinus caroliniana*) are present. The shrub layer is sparse and dominated by spicebush (*Lindera benzoin*) and there is no evidence of recent regeneration of hardwoods. The herbaceous layer is dominated by dense patches of hay scented fern (*Dennstaedtia punctilobula*), a deer proof native fern.

Quality/Size: The timber quality of this area is good. The trees are mostly saw timber size.

Invasive species: A number of non-native invasive species were observed on the property. These include Japanese honeysuckle (*Lonicera japonica*); shrub honeysuckles (Lonicers spp.); oriental bittersweet (*Celastrus orbiculata*); mile-a-minute (*Polygonum perfoliatum*); multi-flora rose (*Rosa multiflora*); porcelain-berry (*Ampelopsis brevipedunculata*); wineberry (*Rubus phoenicolasius*); Japanese barberry (*Berberis thunbergii*); Johnson grass (*Sorghum halepense*); Japanese stiltgrass (*Microstegium vimineum*); and tree of heaven (*Ailanthus altissima*). The oriental bittersweet, porcelain-berry, and Japanese honeysuckle are particularly problematic because they can kill mature trees.

Wildlife Habitat: Deer were observed on the property. The eastern part of the forest, with canopy and shrubs provides possible nesting habitat for a variety of woodland birds. Unfortunately many of the shrubs in this part of the forest are non-native invasive species, which are no grazed by insects and therefore provide no foraging habitat for nesting birds. This may be a benefit to the farm, since nesting birds may be forced to forage in the crops, removing pest insects.

Deer: the prevalence of spice bush and hay scented fern on the property and the absence of tree regeneration are indicators of excessive deer browse. Deer management is currently be done on the property, with 30 or so deer taken per year.

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), Wooly 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.

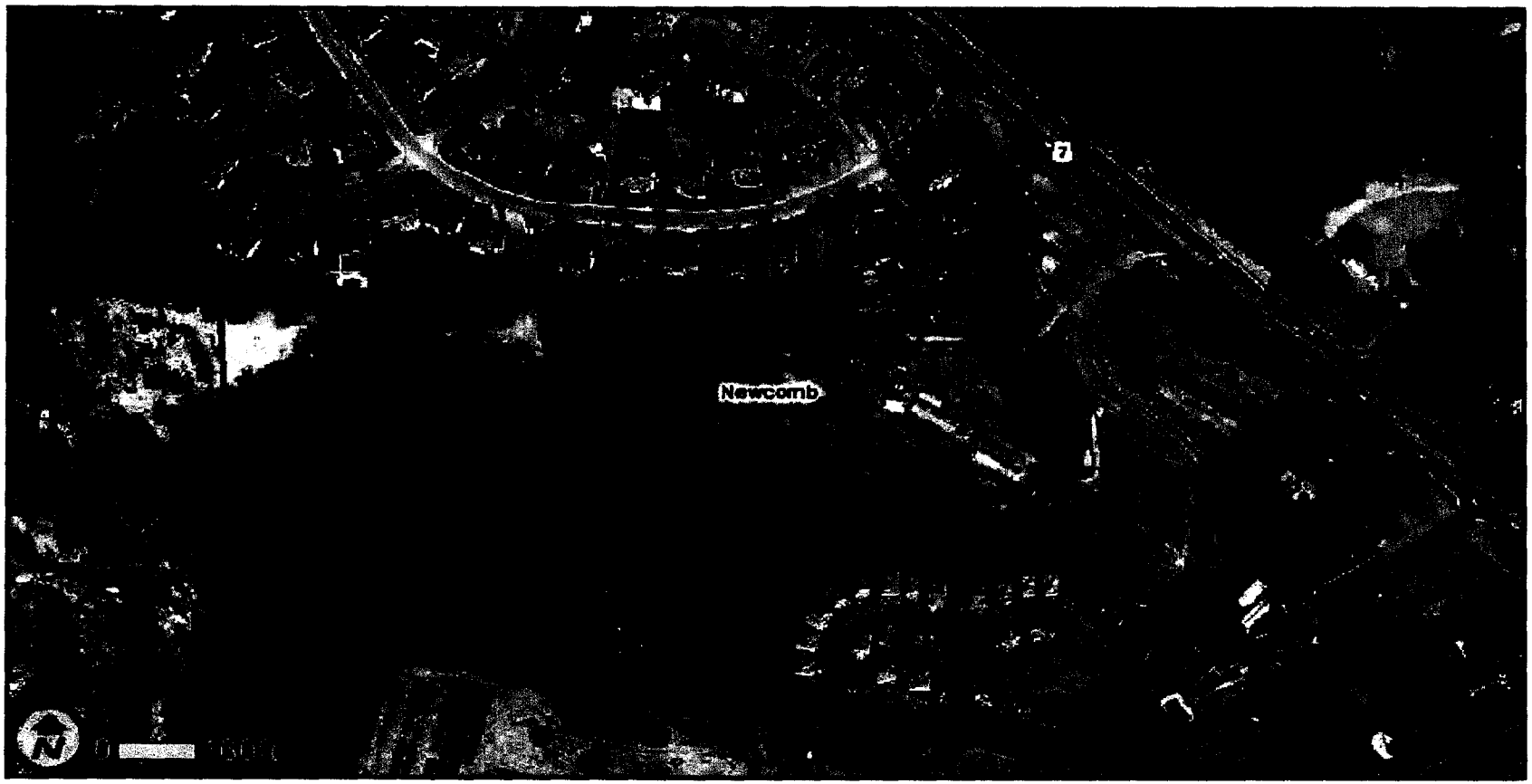
Recommendations: this area is currently meeting most of the landowners' objectives. I would advise attacking the invasive species particularly the vines and those near the crop fields. The vines should be cut at ground level and at eye level; this ensures that all vines are cut. This windowing treatment by itself will not eliminate the vines, but, if done periodically, it will protect the trees. Continue to manage the deer herd.

Virginia Department of Forestry

Protecting and Developing Healthy, Sustainable Forest Resources

Newcomb A&F District

AR 01-H-001 FAX09004



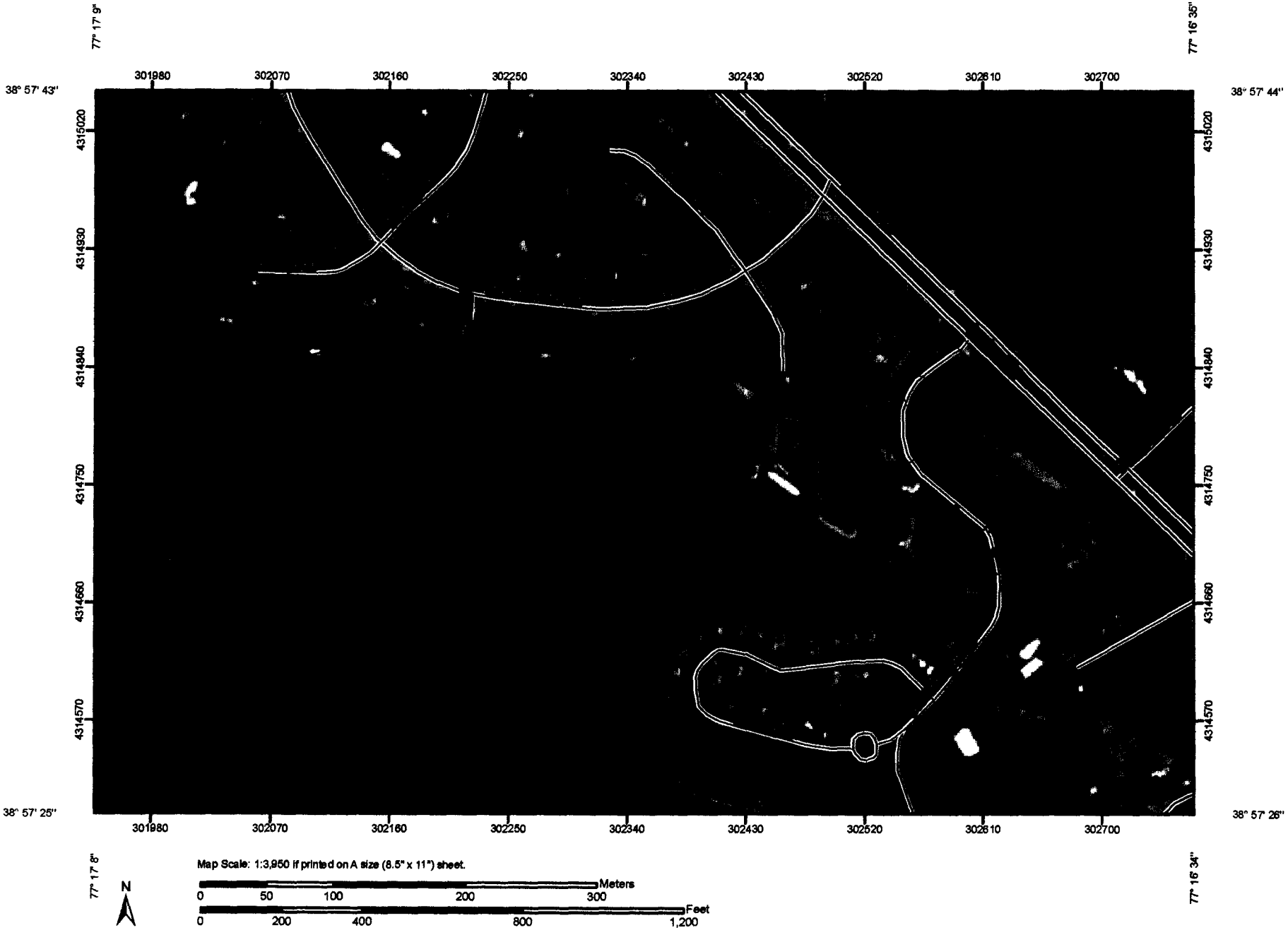
Map derived from aerial photography, not to be usedfor boundary determination.

Map By: James M. McGlone

Report Date: Monday, July 20, 2009

Generated by the Integrated Forest Resource Information System - Copyright 2006 Virginia Department of Forestry

Soil Map—Fairfax County, Virginia
(Newcomb A&F July 20,2009)



Map Unit Legend

Fairfax County, Virginia (VA059)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
29A	Codorus silt loam, 0 to 2 percent slopes, occasionally flooded	2.2	7.2%
39B	Glenelg silt loam, 2 to 7 percent slopes	0.2	0.6%
39C	Glenelg silt loam, 7 to 15 percent slopes	2.2	7.1%
39D	Glenelg silt loam, 15 to 25 percent slopes	12.6	41.5%
78B	Meadowville loam, 2 to 7 percent slopes	0.0	0.2%
95	Urban land	0.2	0.7%
105B	Wheaton-Glenelg complex, 2 to 7 percent slopes	1.1	3.5%
105C	Wheaton-Glenelg complex, 7 to 15 percent slopes	6.8	22.4%
105D	Wheaton-Glenelg complex, 15 to 25 percent slopes	3.7	12.4%
107B	Wheaton-Meadowville complex, 2 to 7 percent slopes	1.3	4.4%
Totals for Area of Interest		30.3	100.0%

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: September 16, 2009

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendation on the Potomac Vegetable Farm II Local Agricultural and Forestal District; Application AR 01-H-001

The Agricultural and Forestal Districts Advisory Committee met on September 15, 2009, to review the application to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District.

The Committee found the following:

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

The Agricultural and Forestal Districts Advisory Committee therefore recommends that Appendix F of the Fairfax County Code be amended to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Advisory Committee further recommends that the renewal of this district be subject to the Ordinance Provisions which are contained in Appendix I of the staff report.

The Committee recommends approval of the District on 21.39 acres as outlined in the staff report. Furthermore, the Committee moved that, as for the past 25 years the noncontiguous parcel had received beneficial taxation and has been used for agriculture for 50 years and continues to be used for agriculture, the Committee would have preferred for it to be included in the District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Determine that the real estate meets the criteria set forth in § 58.1-3230 and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;

2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres, (ii) forest use consists of a minimum of twenty acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of two acres.

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

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

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

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

1. At least sixty days preceding the tax year for which such taxation is sought; or

2. In any year in which a general reassessment is being made, the property owner may submit such application until thirty days have elapsed after his notice of increase in assessment is mailed in accordance with § 58.1-3330, or sixty days preceding the tax year, whichever is later; or

3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ 58.1-3000 et seq.) of this Subtitle III, but continues to assess as of January 1, such application must be submitted for any year at least sixty days preceding the effective date of the assessment for such year.

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

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

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

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

---

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

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

---

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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§ 58.1-3238. Failure to report change in use; misstatements in applications.
Any person failing to report properly any change in use of property for which an application for use value taxation had been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for such penalties and interest thereon as may be provided by ordinance. Any person making a material misstatement of fact in any such application shall be liable for all such taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the locality, he shall be further assessed with an additional penalty of 100 percent of such unpaid taxes.

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

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

2. The actual use of the property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.