



APPLICATION ACCEPTED: June 25, 2010
PLANNING COMMISSION: October 6, 2010
BOARD OF SUPERVISORS: October 19, 2010 @ 3:30 pm

County of Fairfax, Virginia

September 14, 2010

STAFF REPORT

HIDDEN SPRINGS FARM LOCAL AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AR 84-D-004-03

DRANESVILLE DISTRICT

APPLICANT: Charles F. and Laura L. Nichols
ZONING: R-E
PARCEL(S): 8-3 ((9)) 13Z
8-4 ((1)) 33Z and 34Z
8-4 ((9)) 10Z and 14Z
ACREAGE: 33.87 acres

STAFF RECOMMENDATIONS:

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

It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Upon application to the Department of Tax Administration (DTA) for taxation on the basis of land use assessment, DTA must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines, including minimum acreage, for either use, as required by Title 58.1 of the Code of Virginia, which is found in Appendix 11.

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.

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 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).

N:\Ag & Forest\Districts\2010-2 Hidden Springs\Hidden Springs_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

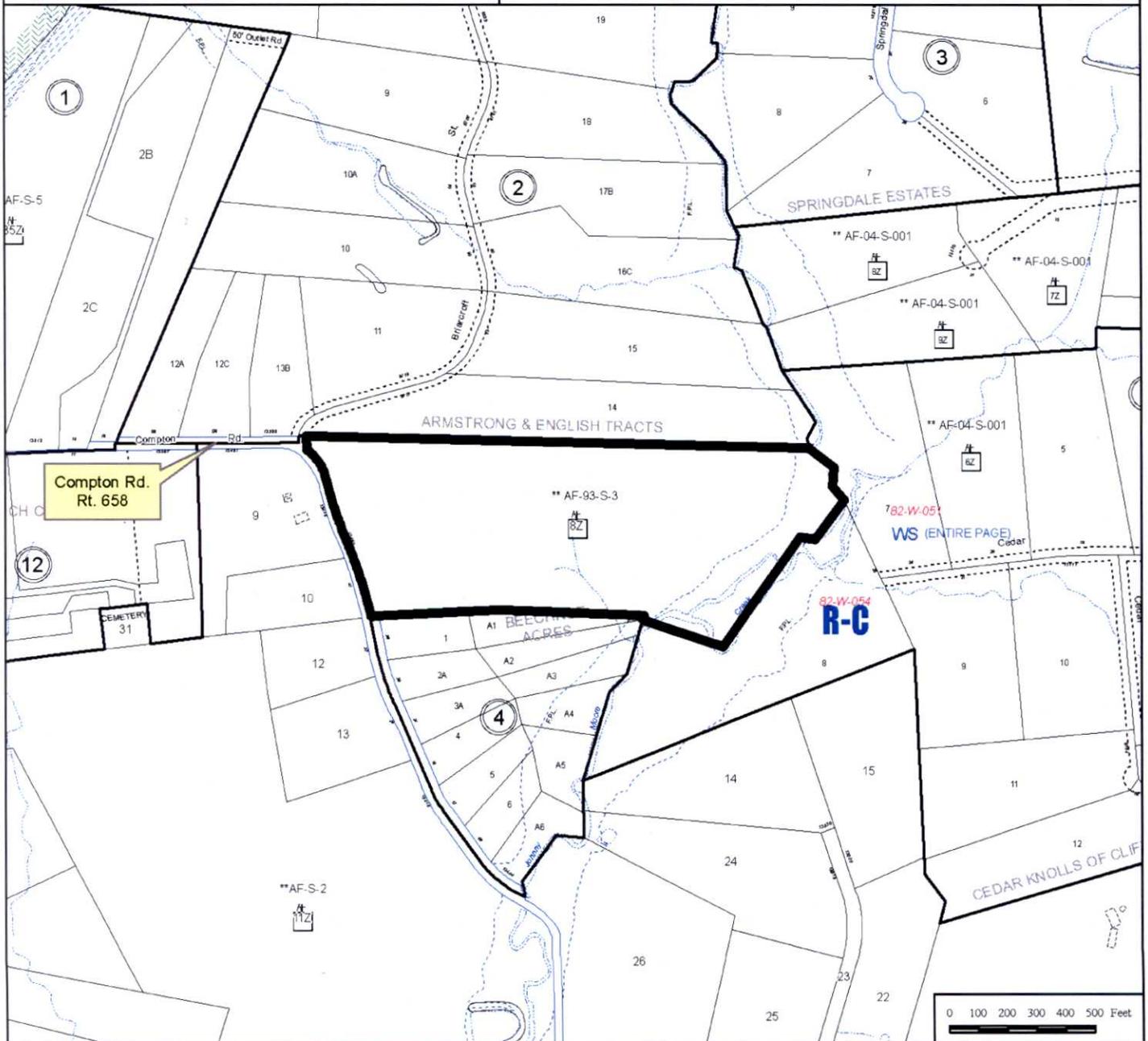
AR 93-S-003-02

Applicant:
Accepted:
Proposed:

THE FARM AT CLIFTON STATION LLC
03/26/2010
AGRICULTURAL AND FORESTAL DISTRICT RENEWAL



Area: 28 AC OF LAND; DISTRICT - SPRINGFIELD
Zoning Dist Sect: 13442 COMPTON ROAD
Located: R- C
Zoning: WS
Overlay Dist: WS
Map Ref Num: 075-1- /01/ /0008Z

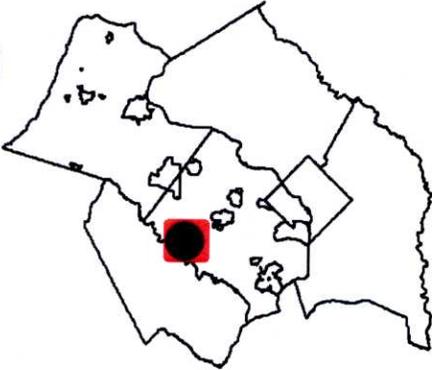


A&F District Renewal

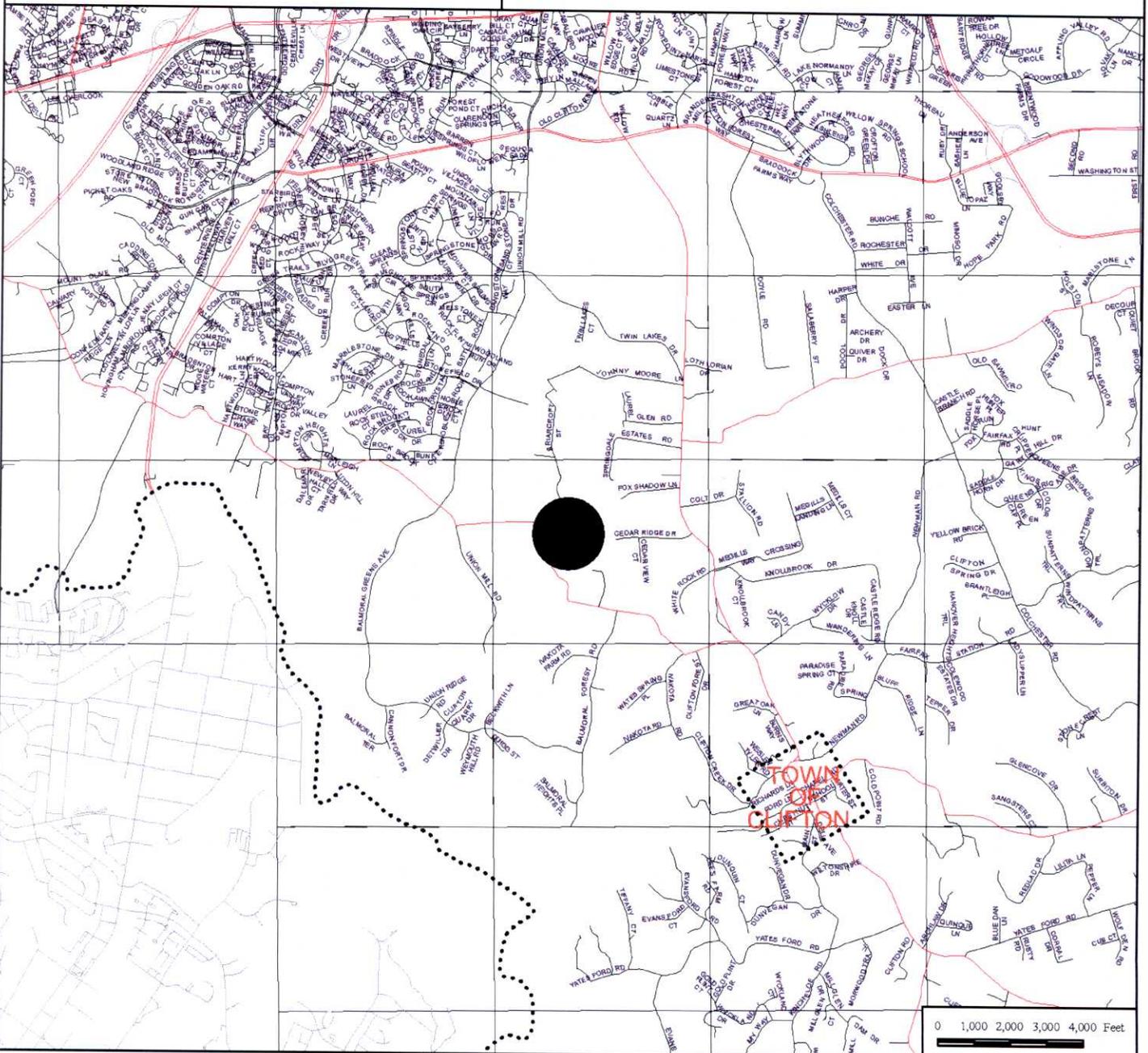
AR 93-S-003-02

Applicant:
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THE FARM AT CLIFTON STATION LLC
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AGRICULTURAL AND FORESTAL DISTRICT RENEWAL



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

DESCRIPTION OF APPLICATION

Proposal: AR 84-D-004-03 is a request to renew the Hidden Springs Farm Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code. The subject property is a 33.87 acre tract located at the terminus of Hidden Spring Road, on the west side of River Bend Road in the Dranesville District.

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

Applicant: Charles F. and Laura L. Nichols

Acreage: 33.87 acres

Use: Timber production: 18+ acres
Conservation: 8 acres
Pasture: 4 acres
Residential: 3 acres

BACKGROUND

The property is the remaining acreage of the Hidden Springs Farm, the majority of which was sold after the death of John G. Laylin (father of Laura Nichols). The applicants have owned the majority of the District since the 1980s, with an additional parcel purchased in 1993. The property has been in residential and agricultural uses since that time. The Hidden Springs Farm Local Agricultural and Forestal District was originally established for an eight year period on October 29, 1984, on 28.73 acres. The district was renewed on July 13, 1992, on the same acreage. On April 11, 1994, the Board approved AA 84-D-004, adding a 5.14 acre parcel to the district, and concurrently renewing the district for an 8 year period. The District was renewed again on August 5, 2002 for the same area as the previous approval (33.87 acres); see Appendix 3 for approval letter.

LOCATION AND CHARACTER

Surrounding Area Description:

The property is surrounded by large-lot residential development (5 to 7 acres). The subject property and surrounding areas are planned for residential uses at 0.2 to 0.5 dwelling units per acre.

Location and Character of the District:

The 33.87 acre site is located in the Springvale Community Planning Sector (UP3) of the Upper Potomac Planning District of Area III. The property is zoned R-E and is planned for residential development at 0.2 to 0.5 du/ac. The site is developed with the following structures:

Structure	Year Built	Use
Main House	1780 (additions in 1939 & 1957)	Nichols' Residence
Orchard House	1939	Tenant Residence
Farm House	1939	Tenant Residence
Long shed	1939	Tractor shed, workshop & storage
Workshop	1951	Tractor shed & workshop
Old red shed	Unknown (addition in 2008)	Storage
Barn	1985 & 1991	Horses & chickens
Cabin	1948	Recreation

The structures on the site are generally clustered in the northern portion of the property, near the terminus of Hidden Spring Road. Pastures are located around the house, with planted fields of timber located around the property. The bottomland areas are generally left naturally vegetated, with some additional species planted. The Nichols have planted timber, with a preference for commercially valuable species such as chestnut, paulownia, poplar, and evergreens.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area:	Area III
Planning District:	Upper Potomac
Planning Sector:	Springvale (UP3)
Plan Map:	Residential use at a density of 0.2 to 0.5 dwelling units per acre

ANALYSIS

Land Use Analysis (Appendix 4)

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

Transportation Analysis (Appendix 5)

The Department of Transportation has no concerns with the renewal of this District.

Environmental Analysis

An updated Soil and Water Quality Conservation Plan is under development; the previously approved Plan is on file with the Northern Virginia Soil and Water Conservation District. A Forest Management Plan dated August 18, 2010, is included as Appendix 7. A soils analysis dated November 10, 1993, is attached as Appendix 8.

The Forest Management Plan contains recommendations regarding timber management, and suggestions for providing increased songbird habit.

Two tributaries feeding into the Mine Run Branch traverse this property, one along the western boundary and one along the eastern boundary. Both tributaries and their surrounding stream banks area considered to be Environmental Quality Corridors (EQC). Additionally, a Resource Protection Area (RPA) is located along the eastern stream. Delineations of the EQC and RPA areas are contained in Appendix 4. The majority of the undisturbed, bottomland forested areas are included within the EQC. Staff believes that this area should continue to be maintained as undisturbed area, and has therefore carried forward the 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.

Agricultural and Forestal District Criteria Analysis

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

Criteria Group A:

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

The subject property is 33.87 acres in size, and is entirely in agricultural and forestal uses with the exception of approximately 3 acres used for residential purposes. This criterion has been satisfied.

2. All lands in the district should be zoned to the R-P, R-C, R-A, or the R-E District.

The property is zoned R-E; this criterion is satisfied.

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

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

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

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for residential use at 0.2 to 0.5 du/ac, and public 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.

This property measures 33.87 acres in size, and is entirely owned by the applicants, Charles and Laura Nichols. Therefore this criterion is satisfied.

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

This property measures 33.87 acres in size, and is entirely owned by the applicants, Charles and Laura Nichols. Therefore this criterion is satisfied.

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

The soils analysis indicated that at least two-thirds of the land in agricultural use consists of soils of Capability Classes II, III and IV. Therefore, this criterion is satisfied.

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

An updated Soil and Water Conservation Plan is under development, but has not yet been provided. The previously approved Soil and Water Conservation Plan is on file with the Northern Virginia Soil and Water Conservation District. An ordinance provision requires the applicants to complete the update of the Plan, and to abide by the recommendations of the Plan for the life of the District. Therefore, this criterion will be satisfied upon completion and implementation of the update.

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 was prepared for the applicants in 1993 and was updated on August 18, 2010. That plan is included as Appendix 7 and addresses the applicant's current goals for the property. An ordinance provision requires that the applicants abide by that Plan for the life of the District. The EQC on this site, surrounding the tributaries to Mine Run Branch, is maintained as a permanent, naturally forested buffer. 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 the 1930s, and owned by the applicants since the 1980s. Since 1990, the property has been used for forestal purposes, specifically the cultivation of commercial timber. During the last ten years, the applicants have planted a significant number of trees (2,000+), mostly for commercial purposes, with some native species in naturally vegetated areas. Staff believes that the applicant has shown a commitment to maintaining the agricultural and forestal uses on this property for the life of the District. Staff believes that this criterion has been satisfied.

Criteria Group B:

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

No forest products have been sold from this property in the past five years, however it must be noted that the nature of the timber industry necessitates that there will be time periods (20 years or more) during which no timber may be harvested or sold while the trees reach a marketable size. In the past five years, firewood (approximately 2 cords per year) has been harvested from the property. In addition, approximately 1,000 dozen eggs have been sold from the farm. Staff believes that this criterion has been satisfied.

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

The open and forested lands of the subject property preserve scenic vistas and 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 main house on the property, Hidden Spring Farm, is listed on the Fairfax County Inventory of Historic Places (see Appendix 9). The original house dates to 1800, according to the survey. (The applicants indicated in their application that the original house dates from 1780.) This criterion has been satisfied, and staff has included an ordinance provision which grants the Fairfax County Park Authority access to the property for archeological purposes.

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

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

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

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

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

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

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

AFDAC RECOMMENDATION (Appendix 10)

On September 7, 2010, the Agricultural and Forestal Districts Advisory Committee voted to recommend that the Hidden Springs Farm Local Agricultural and Forestal District be renewed for an eight year term, subject to the Ordinance Provisions contained in Appendix 1 of this report.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

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

Staff Recommendations

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

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

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

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.

APPENDICES

1. Proposed Ordinance Provisions
2. Application Materials and Statement of Justification
3. Approval of AR 84-D-004-02
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. Park Authority Analysis
7. Forestry Management Plan
8. Soils Analysis dated November 10, 1993
9. Fairfax County Inventory of Historic Places
10. Agricultural and Forestal District Advisory Committee Recommendation
11. Title 58.1 Article 4 *Special Assessment for Land Preservation*
12. Glossary of Terms

PROPOSED ORDINANCE PROVISIONS**September 14, 2010****AR 84-D-004-03**

If it is the intent of the Board of Supervisors to renew the Hidden Springs Farm Local Agricultural and Forestal District as proposed in Application AR 84-D-004-03 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map 8-3 ((9))13Z, 8-4 ((1)) 33Z and 34Z, and 8-4 ((9)) 10Z and 14Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

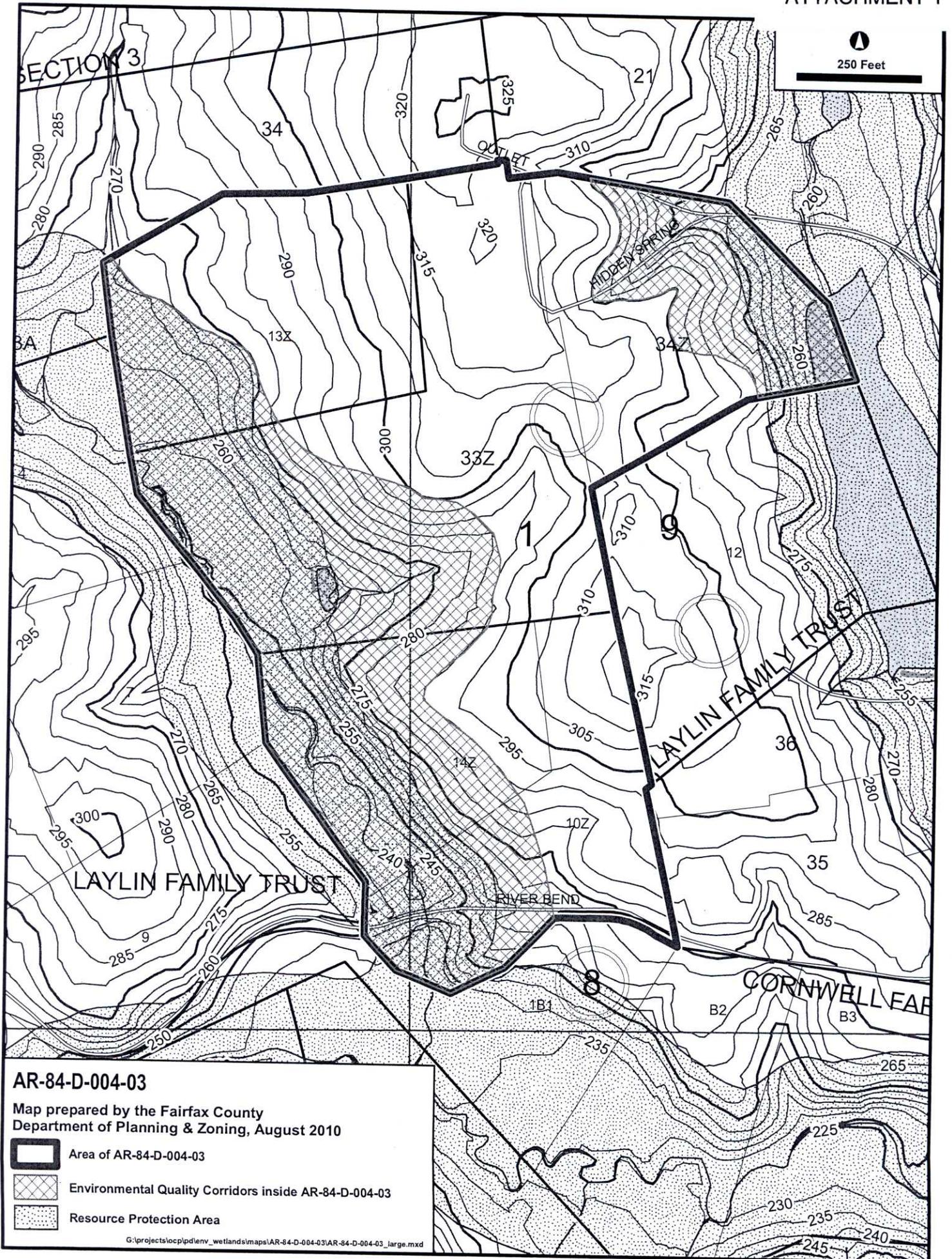
Standard Provisions (From Chapter 115)

- (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 update and implement the existing Soil and Water Conservation Plan, and shall abide by the recommendations of the updated Plan for the life of the Hidden Springs Farm Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be further 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 18, 2010, for the life of the Hidden Springs Farm 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 Hidden Springs Farm Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.
- (7) Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation and the removal of dead, dying and diseased vegetation in accordance with the Forest Management Plan and as approved by the Urban Forester. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Hidden Springs Farm Local Agricultural and Forestal District (see attached map).
- (8) The Cultural Resource Management and Protection Division (CRMP) of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property. Surveys and other similar activities of the CRMP shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.
- (9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.



AR-84-D-004-03

Map prepared by the Fairfax County Department of Planning & Zoning, August 2010

-  Area of AR-84-D-004-03
-  Environmental Quality Corridors inside AR-84-D-004-03
-  Resource Protection Area

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Application No. AR 84-D-004-03

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

FAIRFAX COUNTY

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

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
<u>Nichols, Laura</u> <u>438 River Bend Rd</u> <u>Great Falls, VA 22066</u>	<u>0083 09 0013Z</u>	<u>1990</u>	<u>RE</u>	<u>6.33</u>
<u>Nichols, Laura</u>	<u>0084 01 0033Z</u>	<u>1980</u>	<u>RE</u>	<u>11.49</u>
<u>NICHOLS, Laura</u>	<u>0084 01 0034Z</u>	<u>1980</u>	<u>RE</u>	<u>5.78</u>
<u>Nichols, Charles</u>	<u>0084 09 0010Z</u>	<u>1984</u>	<u>RE</u>	<u>5.12</u>
<u>NICHOLS, Charles</u> <u>H38 River Bend Rd</u> <u>Great Falls, VA 22066</u>	<u>0084 09 0014Z</u>	<u>1993</u>	<u>RE</u>	<u>5.14</u>

3. Total acreage in the proposed district: 33.87 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 4 forest 26.87

AR 2010-0087 ^{int 612510}

RECEIVED
Department of Planning & Zoning
MAY 14 2010
Zoning Evaluation Division

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

Name:

CHARLES NICHOLS

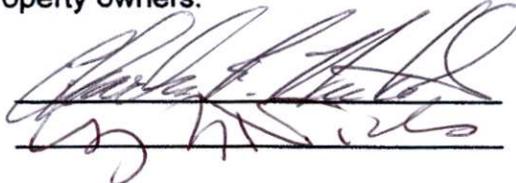
Address:

438 Puez Bend Rd
Great Falls, VA 22066

Telephone:

(703) 759-0368

6. Signature of all property owners:


Charles Nichols

TO BE COMPLETED BY THE COUNTY

Date application accepted:

6/25/10 

Date of action by Board of Supervisors: _____

Approved as submitted Denied

Approved with modifications

ALL APPLICANTS

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

Structure	Year built	Use
Main House	1780, 1939, 1957	NICHOLS' Residence
ORCHARD House	1939	Rental
Farm House	1939	Rental
long shed	1939	Tractor shed, workshop, storage
workshop	1951	Tractor shed, workshop
old red shed	?, 2008	storage
Barra	1985, 1991	Horse stalls, chicken house
Cabin	1948	recreation

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:

Main House - Hidden Springs Farm

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

1,200+ trees planted,
2,000

extensive repairs on "old red shed"

4. Is a Soil and Water Conservation Plan on file with the Northern Virginia Soil and Water Conservation District (NVSWCD): yes no

If yes, date prepared: 1983 Forestry Plan 1991, 2002

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
growing timber	—	—
Fire wood	2 cords	4
eggs	1,000 Dozen	300 dozen 1,000

Hidden Springs Farm

438 River Bend Road
Great Falls, VA 22066
(703) 759-0368

February 26, 2002

May 10, 2010

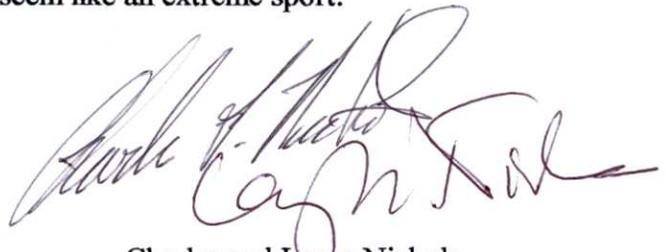
Hidden Springs Farm, consisting of 33.87 acres, located in an R-E zoned District near the western edge of Great Falls National Park, and the heartland of a five acre covenanted development, was established as an Agricultural and Forestal District (AF 84-D-004) on October 29, 1984. The farm consists of several parcels, each of which is owned by either Charles or Laura Nichols. We now wish to renew AF 84-D-004.

For the first eight years AF 84-D-004 was an agricultural district, regularly producing market calves from a registered Angus herd. In 1991 we sold our cattle and renewed the district in 1992 as a Forestal District. Since that time we have planted over 100 trees and wildlife friendly shrubs each year. Deer damage, drought and only moderate soil fertility have led to mortality and slow growth in some of the plantings, but overall, the District is successfully transforming itself from open pasture to forest land. In 1994 we purchased an additional parcel and added it to the original District. The District continues to meet the criteria of Article 5 of Chapter 115 of the Fairfax County Code as it has done for the past eighteen years.

We are planting a diverse selection of native and non-native trees with equally diverse goals, including potential timber production, fruit and nut production, wildlife food and habitat, soil conservation and aesthetics. A partial listing of species planted follows: Paulownia, black locust, bristly locust, catalpa, black walnut, butternut, pecan, American filbert, American chestnut, Chinese chestnut, Am/Chinese chestnut hybrid, indigo bush, bush honeysuckle, autumn olive, white oak, red oak, chestnut oak, water oak, cherry bark oak, English oak, sweet gum, black gum, black birch, river birch, Japanese birch, redbud, serviceberry, white dogwood, Chinese dogwood, gray dogwood, silky dogwood, yellow poplar, yellowwood, sourwood, black cherry, American Linden, arrowwood viburnum, nannyberry viburnum, doublefile viburnum, elderberry, white pine, ponderosa pine, loblolly pine, black pine, blue spruce, Norway spruce, Serbian spruce, red cedar, white cedar, bald cypress, red maple, American beach, white ash, green ash, American persimmon, weeping willow, hybrid willow, American sycamore and apples, cherries, plums, pears, peaches, raspberries and blackberries.

We look forward to continuing our plantings and watching the trees grow; an activity which makes watching grass grow seem like an extreme sport.

*We continue
with more of the
same -*



Charles and Laura Nichols



FAIRFAX COUNTY

APPENDIX 3

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

V I R G I N I A

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

August 26, 2002

Charles Nichols
438 River Bend Road
Great Falls, VA 22066

RE: Agricultural and Forestal District Application Number AR 84-D-004-2

Dear Mr. Nichols:

Agricultural and Forestal District Application AR 84-D-004-2 in the name of Charles F. and Laura L. Nichols 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 13 and additional environmental provisions, was renewed by ordinance by the Board of Supervisors at a regular meeting held on August 5, 2002, as the Hidden Springs Farm Local Agricultural and Forestal District, subject to the attached ordinance provisions.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ds
Attachment

cc: Chairman Katherine K. Hanley
Supervisor Mendelsohn, Dranesville District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
James W. Cochran, Supervising Appraiser, Real Estate Division, Dept. of Tax Administration
John W. Crouch, Deputy Zoning Administrator, Dept. of Planning and Zoning
Barbara A. Byron, Director, Zoning Evaluation Division, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager – GIS, Property Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation Planning Div., DOT
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
Project Administrator, Plans & Document Control, OSDS, DPWES
Frank Edwards, Resident Engineer, Department of Highways, VDOT
Land Acquisition & Planning Division, Park Authority
Diane Hoffman, District Administrator, Northern Va. Soil & Water Conservation District
Barbara White, Forester, Virginia Department of Forestry

ADOPTION OF AN AMENDMENT TO
CHAPTER 115 (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, August 5, 2002, 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 (Local Agricultural and Forestal District), Appendix F, 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 (Local Agricultural and Forestal District), Appendix F, as follows:

F-13. Hidden Springs Farm Local Agricultural and Forestal District
(AR 84-D-004-2)

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

Owners	Fairfax County Tax Map Parcel Number	Acreage
Charles F. & Laura L. Nichols	8-3 ((9)) 13	6.33
	8-4 ((1)) 33	11.50
	8-4 ((1)) 34	5.78
	8-4 ((9)) 10	5.12
	8-4 ((9)) 14	5.14
<hr/>		Total: 33.87

(b) The Hidden Springs Farm Local Agricultural and Forestal District is established effective August 5, 2002, 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 years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of an owner's family, or for a tenant who farms the land;

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

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

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

(5) The applicants shall update and implement the existing Soil and Water Conservation Plan, and shall abide by the recommendations of the updated Plan for the life of the Hidden Springs Farm Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be further updated from time to time as determined necessary by the Soil and Water Conservation District;

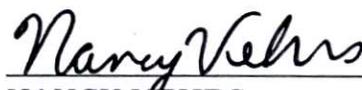
(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated September 8, 1992, for the life of the Hidden Springs Farm Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within the Hidden Springs Farm Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized;

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

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

This amendment shall become effective upon adoption.

GIVEN under my hand this 5th day of August, 2002.



NANCY VEHRs

Clerk to the Board of Supervisors



County of Fairfax, Virginia

MEMORANDUM

Date: August 20, 2010

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis & Environmental Assessment for: AR 84-D-004-03
The Nichols Farm

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

DESCRIPTION OF THE APPLICATION

The applicant seeks approval to renew a 33.87 acre Agricultural and Forestal (A & F) District. This district is comprised of five parcels of land managed by Laura and Charles Nichols and it is located in the Springvale Community Planning Sector (UP2) of the Upper Potomac Planning District within the Dranesville Magisterial District.

LOCATION AND CHARACTER

The subject property is located in northern Fairfax County within the Pond Branch Watershed. The district is surrounded by land which is planned for residential use at .2-.5 dwelling unit per acre (du/ac) or 2-5 acre lots.

COMPREHENSIVE PLAN CITATIONS

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

Land Use

In the Fairfax County Comprehensive Plan, 2007 Edition, Area III, Upper Potomac Planning District, as amended through March 9, 2010, UP2-Springvale Community Planning Sector, Recommendations, Land Use, on page 89 and 91, the Plan states:

“The Springvale Community Sector is largely developed as stable low density residential areas. Infill development in these residential areas should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan. . . .

1. Land use in this sector should continue to reflect and support the established low density residential character. Public parkland and low density residential uses at .1-.2 dwelling unit per acre and .2-.5 dwelling unit per acre are planned for the area as shown on the Plan map.
2. This sector is planned for low density, single family residential use at .2-.5 du/ac as shown on the Comprehensive Land Use Plan map. . . . Lot yield shall be limited to that which could reasonably result under conventional development. In addition, measures such as agricultural and forestal districts, conservation, open space and scenic easements should be encouraged to preserve the rural character of this environmentally sensitive area, provided that their use provides a public benefit and furthers the intent of the Plan.”

COMPREHENSIVE PLAN MAP: residential use at .2-.5 dwelling unit per acre

Environment

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through July 27, 2010, on pages 7-9, the Plan states:

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

- | | |
|-----------|--|
| Policy a. | Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . . |
| Policy d. | Preserve the integrity and the scenic and recreational value of stream valley EQCs. . . . |
| Policy l. | In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality |

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

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

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through July 27, 2010, 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 July 27, 2010, on pages 14 and 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: 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. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that

are connected to and in close proximity to other EQC areas.

- Connectivity: This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide enough to facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.
- Hydrology/Stream Buffering/Stream Protection: The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
- Pollution Reduction Capabilities: Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams.

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.”

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through July 27, 2010, on page 18, 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

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

ENVIRONMENTAL ANALYSIS

Water Quality Protection and Tree Preservation

The Nichols Agricultural and Forestal District is a 33.87-acre tract of land. The property falls within the Pond Branch Watershed, immediately northeast of the Difficult Run Watershed. An unnamed tributary and an associated Environmental Quality Corridor (EQC), traverses the entire western boundary of the property. An EQC is also situated on the northeastern part of the property. Approximately 9 acres of the district are Resource Protection Area (RPA) as defined by the County’s Chesapeake Bay Preservation Ordinance (CBPO), and the Environmental Quality Corridor (EQC) in this District extends beyond the RPA per Policy Plan guidance. The extent of the EQC and RPA are identified on the attached map.

Approximately one third of the site is heavily wooded and the remainder of the property is an open field. Single family residences, a barn, and sheds are located on the northeastern side of the property. A cabin used for recreation is located on the southern side of the property. The application indicates that approximately twenty acres of the site are in active silvicultural use. Approximately ten acres are in conservation and pasture use. The remaining three acres are in residential use.

Silvicultural activities can meet the requirements of the Chesapeake Bay Preservation Ordinance through the development of a Forestry Management Plan as prescribed by the

Virginia Department of Forestry's Best Management Practices Handbook for Forestry Operations.

Agricultural activities within the County's Chesapeake Bay Preservation Area can comply with the Chesapeake Bay Preservation Ordinance through the development of a Soil and Water Quality Management Plan implemented and enforced by the Northern Virginia Soil and Water Conservation District.

With a Water Quality Management Plan and a Forestry Management Plan, this application will be in compliance with the County's Chesapeake Bay Preservation Area Ordinance.

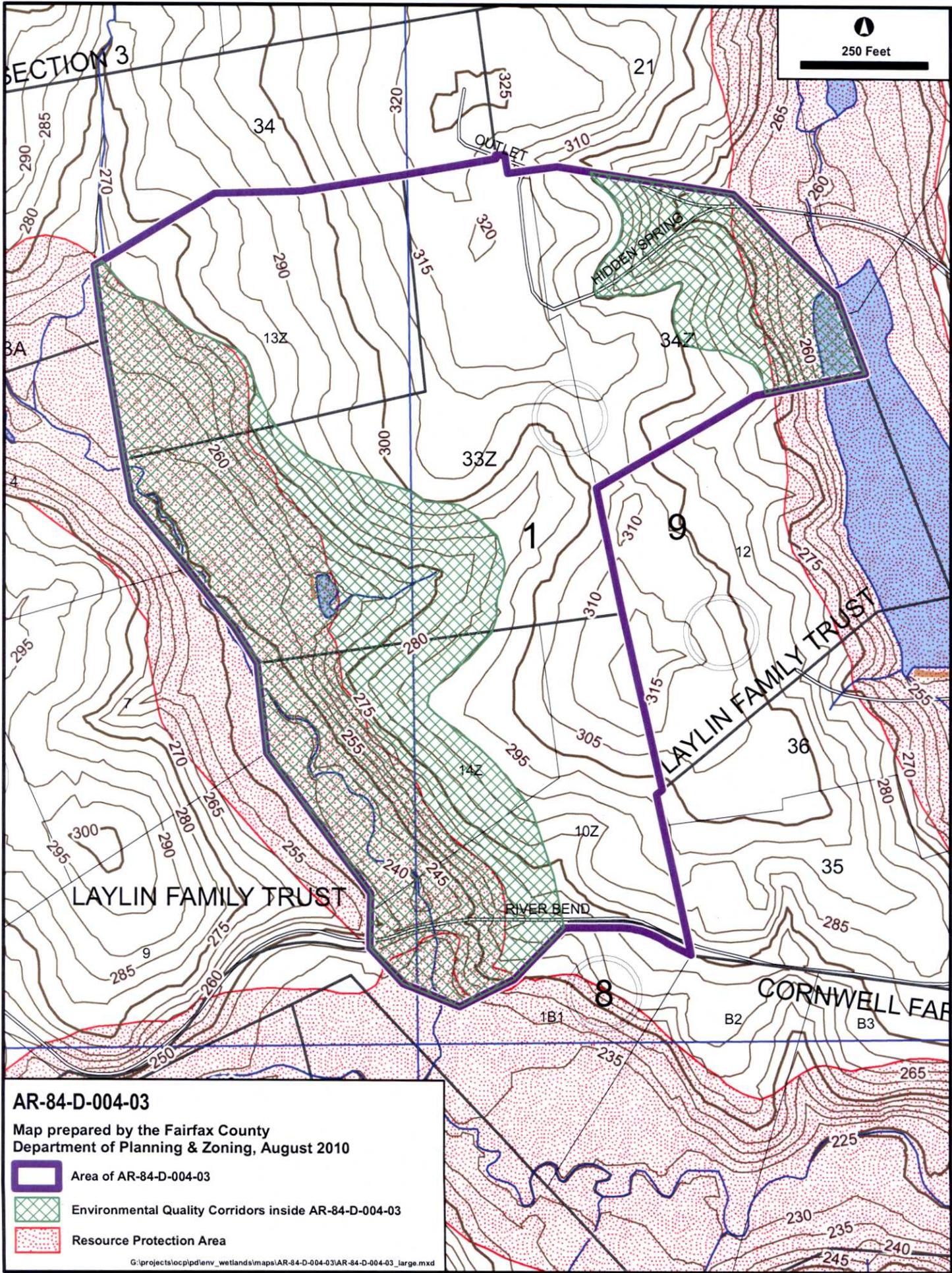
The proposed renewal of this Agricultural and Forestal District is consistent with environmental recommendations of the Comprehensive Plan.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan does not depict any trails immediately adjacent to the subject property.

PGN: BSS

Attachment



AR-84-D-004-03

Map prepared by the Fairfax County
Department of Planning & Zoning, August 2010

-  Area of AR-84-D-004-03
-  Environmental Quality Corridors inside AR-84-D-004-03
-  Resource Protection Area



County of Fairfax, Virginia

MEMORANDUM

DATE: July 30, 2010

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

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

FILE: 3-4 (AR 84-D-004)

SUBJECT: Transportation Impact

REFERENCE: AR 84-D-004; Charles and Laura Nichols
Land Identification Map: 8-3 ((9)) 13z, 8-4 ((1)) 33z & 34z, 8-4 ((9)) 10z
& 14z

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

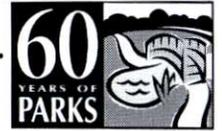
However, in the subject case no projects that would affect the site are included in the Adopted Plan or in current construction programs. Therefore, exclusion of land for right-of-way purposes should not be necessary at this time. It is emphasized that future conditions may warrant road improvements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

AKR/mdd



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M



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

FROM: Sandy Stallman, Manager 
Park Planning Branch, PDD

DATE: August 5, 2010 – REVISED

SUBJECT: AR 84-D-004-03, Laura and Charles Nichols
Tax Map Number(s): 8-3 ((9)) 13Z; 8-4 ((1)) 33Z and 34Z; 8-4 ((9)) 102 and 142

This memo replaces that which was sent previously, dated July 16, 2010.

The Fairfax County Park Authority (FCPA) staff supports the above referenced application. FCPA generally supports Agricultural and Forestal Districts as they further objective 100 of the Policy Manual.

“To protect and preserve the physical, cultural and natural heritage of Fairfax County for the enjoyment and education of the citizenry.”

In review of this application, the parcels were subjected to archival review. Research indicates that parcel 008-4((1))0033Z contain Hidden Springs Farm, VDHR Architectural number 029-0110, county architecture number 008-3A01, a late 18th to early 19th century house. The parcels have high probability to contain 18th and 19th century archaeological sites, as well as Native American sites. The Cultural Resource Management Protection Branch of the Park Authority would like to be granted access in concurrence with the owners to conduct archaeological survey if possible.

FCPA Reviewer: Gayle Hooper
DPZ Coordinator: Suzianne Zottl

Copy: Cindy Walsh, Director, Resource Management Division
Chron Binder
File Copy

Carl E. Garrison III
State Forester



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY
900 Natural Resources Drive, Suite 800
Charlottesville, VA 22903
www.dof.virginia.gov
(434) 977-6555
Fax: (434) 296-2369

August 18, 2010

Mr. and Mrs. Charles Nichols
438 River Bend Road
Great Falls VA 22066

Dear Mr. and Mrs. Nichols,

It was very nice to meet you and walk your property last Thursday. This letter serves to update the management plan prepared by Barbara White of this office dated November 10, 1993. I have included a copy for you convenience. I have also included a copy of a new map of the property and a soil map.

Your practices of planting trees, fostering volunteer trees and establishing food plots has done much to increase the forest resources and the wildlife habitat on the property. Since your primary management objective is providing habitat for song birds, I recommend that you continue these practices. Your property is a valuable environmental asset to the county and it Agricultural and Forestal District program.

I do have a few recommendations regarding timber management, water quality, bird habitat, and nut and honey production.

Timber Management: The bottom land forest is in good condition and only needs monitoring for pest or disease outbreaks. The planted paulownia and poplar are still too small for usual timber harvest. Both stands are crowded and the trees will grow faster if they are thinned. Usual timber stand improvement practice would be to remove every other row so the remaining trees are free to grow on two sides. However paulownia is not a usual tree and logs from slow growing trees are more valuable. Further there is little or no market for such a small harvest of either species. My best advice is to monitor the trees and remove any that show signs of decline. While both species a relatively free of pests and pathogens, any declining tree will be more susceptible to attack and can serve as an incubator for infections that can overwhelm

healthy trees. I have enclosed a list of portable bandsaw operators who might be interested in the thinned trees or any other downed wood on the property.

Water Quality: In general the property provides good protection for the stream on the south and southwest side of the property. There are the two spots along the trail where you have been maintaining mowed turf near the stream. You should stop mowing these areas and afforest them to provide at least a 35 foot buffer. We did visit the pond, but from the aerial photograph it looks like its buffer could use enhancing as well. Tulip poplar, pin oak, willow oak and hackberry should do well in these areas. Fairfax ReLeaf (703-324-1409, trees@fairfaxreleaf.org) can provide trees, tubes and stakes to plant these areas.

Bird Habitat: The food plots you have established should have already produced better song bird habitat. The addition of coneflowers to the plots would provide food for seed eaters and can be done by planting plugs that will compete better with the fescue than seeds. We also talked about burning one of the plots this fall. After reflection and given you goal of wildlife habitat, I would recommend burning in late March or early April. The dried canes that would be fuel for the fire are important winter habitat for birds and insects, which will be spring food for the birds.

In the wetter areas of the bird conservation area, joe-pye weed, silky dogwood and button bush would be good bird and pollinator habitat plants. Sumac should grow on the drier poorer sites. Sumac is an excellent all around habitat plant, will spread via root suckers and can be established with a few potted plants. Sumac is also a recommended nectar plant for honey production.

Honey and Nut Production: During my visit I suggested basswood as a nectar tree for honey, but after research, I do not think it would do well on your property. Honey locust was also a recommended nectar tree and since it is a standard urban tree it should be able to grow fairly well on your property. I would recommend you contact the Beekeepers Association of Northern Virginia for more information about honey production (<http://www.beekeepersnova.org/>).

I have enclosed a bulletin on nut weevils. Based on the information there it can take several years to eliminate nut weevils, since some have 3 year life cycles. I would recommend mowing around the chestnut trees as the burs develop; this will make it easier to collect the nuts as they drop.

If you have any questions about these recommendations or other questions about natural resource management, please do not hesitate to contact me.

Respectfully

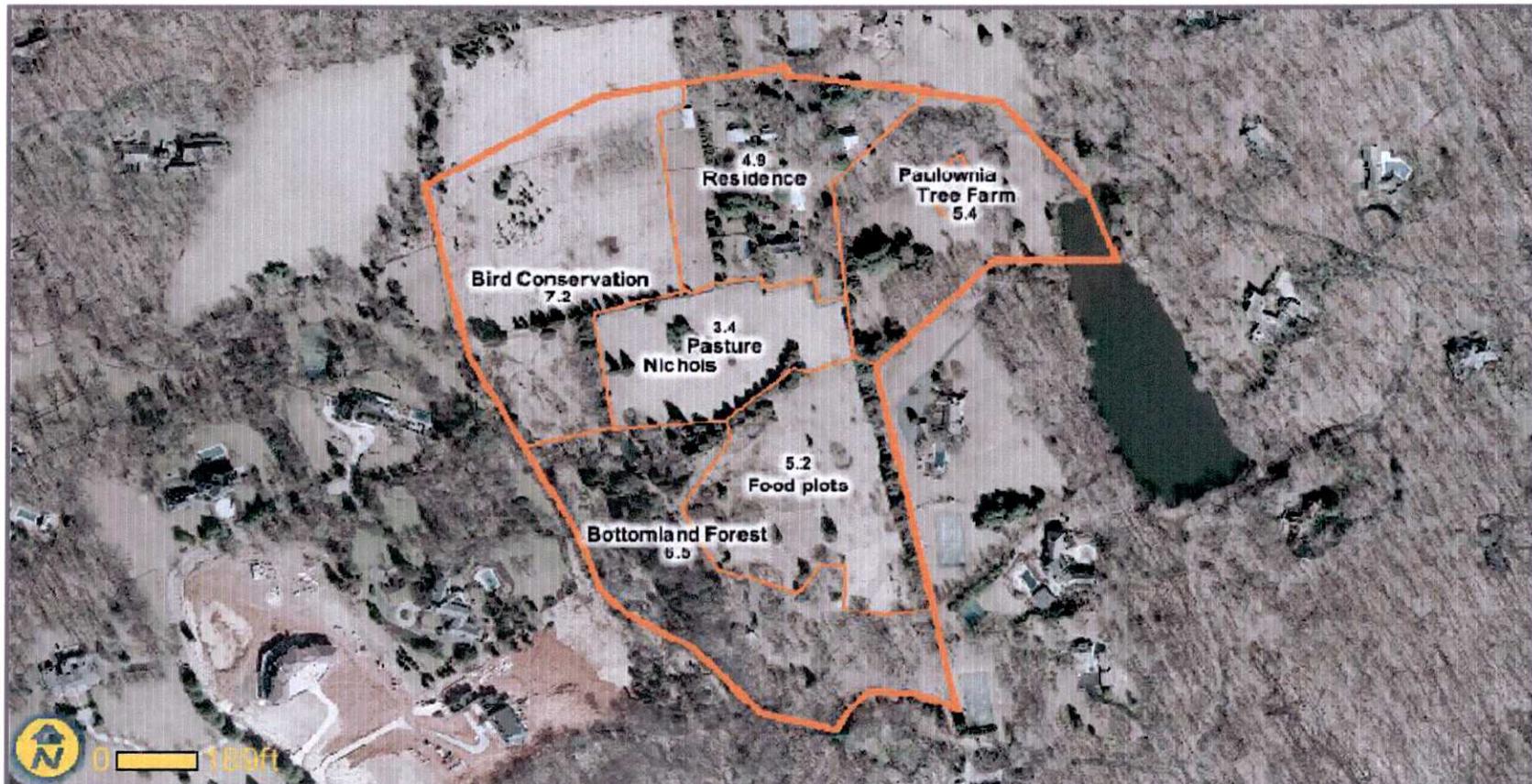


James McGlone
Urban Forest Conservationist



Nichols A&F District

AR 84-D-004-03 FAX 93017



Boundaries and acreage data are approximate.

Map By: James M. McGlone

Report Date: Thursday, August 05, 2010

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

Department of
 Extension and Continuing Education
 Soil Science Office
 12011 Government Center Parkway, Suite 920
 Fairfax, Virginia 22035
 Phone (703) 324-5300

AGRICULTURAL AND FORESTAL SOIL EVALUATION

APPLICATION

Application No.: AA 84-D-004 **Amendment**
 Acreage: 28.73 + 5.14 = 33.87
 Applicant: NICHOLS, Charles & Laura, and YOUNG, Diane
 Proposed Use: Hardwood Silviculture, Horse Pasture, Apiary
 Present Zoning: R-E
 Location: SW side River Bend Road, off Hidden Spring Road
 Map Reference: 8-3-((9))-13; 8-4-((1))-33, 34; 8-4-((9))-10, **10A**

Soil Investigation By: Ross Fugill, Soil Scientist
 Date: November 10, 1993

SOIL MAP

Piedmont Physiographic Province

See Soil Map on Next Page

KEY AND LEGEND TO THE SOIL MAP

Soil Map Symbol: 24B2
 Soil Number: 24
 Slope: B
 Erosion: 2

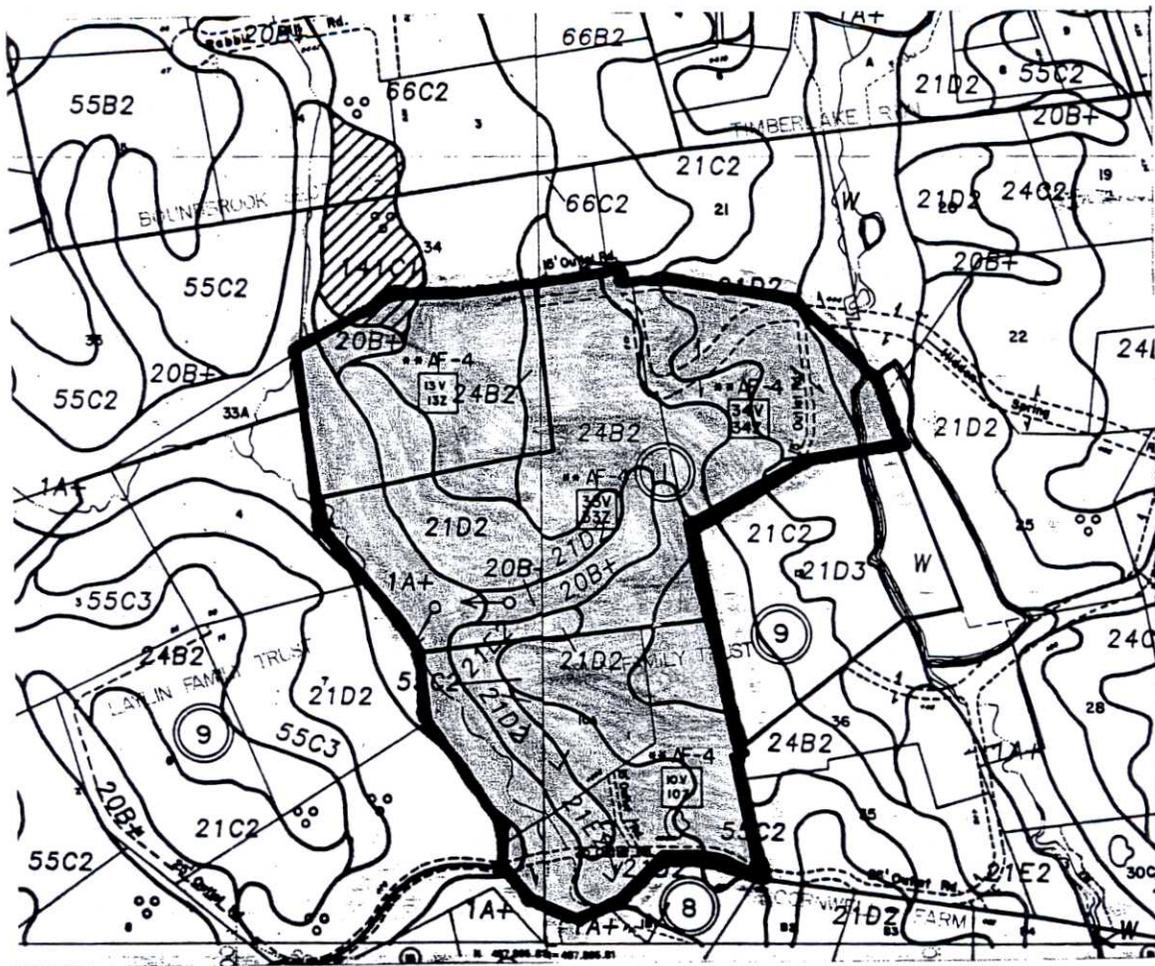
SLOPE SYMBOLS

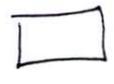
A - 0 - 2 Percent
 B - 2 - 7 Percent
 C - 7 - 14 Percent
 D - 14 - 25 Percent
 E - 25 Percent and over

EROSION SYMBOLS

+ - Soil accumulation
 0 - No erosion
 1 - Slight erosion
 2 - Moderate erosion
 3 - Severe erosion

Soil Map



Class II, III, IV 
Class V, VI 

SOIL SERIES IDENTIFICATION

Soil Map Symbol	Soil Series Name	Acreage	Percent Of Site	Land Capability Class
1A+	Mixed Alluvial	6.17	18.21	Vw
20B+	Meadowville silt loam	1.16	3.42	IIw
21C2	Maner silt loam	1.71	5.05	IVe
21D2	Maner silt loam	9.04	26.68	VIe
21D3	Maner silt loam	0.06	0.18	VIe
21E2	Maner silt loam	1.69	4.99	VIIe
24B2	Elioak silt loam	5.93	17.50	IIe
55C2	Glenelg silt loam	4.42	13.05	IIIe
66C2	Lloyd loam	3.42	10.09	IIIe
141C1	Rocky Land (Orange)	0.28	0.83	Vs
Totals		33.88	100	

POTENTIAL SOIL PROBLEMS

	Yes/No	Soil No(s).
A. High Erodibility	Y	20,21,24,55
B. High Seasonal Water Table	Y	1,20,141
C. Shallow Depth to Rock or Other Restrictive Layer	Y	141
D. Poor Drainage Characteristics	Y	1
E. Stoniness	Y	141
F. Poor Moisture Retention	N	
G. Flood Plain (Alluvial)	Y	1
H. Hydric Soils/ Potential Wetlands	Y	1

LAND CAPABILITY CLASS

Land capability classes are general groupings of soils that indicate suitability for agricultural uses. Soils are grouped according to similarities in properties that affect use, productive capabilities, management requirements, and risk of soil damage or degradation. Permanent soil characteristics used in determining the soil capability class include slope, texture (relative amounts of sand, silt, and clay), depth to hard rock or dense restrictive layer, permeability, moisture retention capacity (ability to retain and supply water for plant use), type of clay minerals present, depth to seasonal high water table, and effects of soil erosion.

Capability classes are designated by Roman numerals I through VIII (Attachment 1). Soils in class I are typically suitable for most uses, with the least risk of damage. Potential soil problems and management needs increase progressively with increasing class. The land capability subclass, designated by a small letter, is used to identify the major soil property affecting use and management requirements.

A brief description of the land capability classes found on this tract follows.

Class II **7.09 acres, 20.93% of Site**

These soils are typically deep (greater than 6 feet), gently sloping (2-7%), permeable, and moderately fertile. Practices such as cultivating along contours, grassed waterways and surface grading are necessary to address moderate erosion (Ile) and seasonal wetness (IIw) problems.

Class III **7.84 acres, 23.14% of Site**

Class III are susceptible to erosion (IIIe), subject to wet or saturated conditions due to a seasonal water table or moderately slow permeability (IIIw), or have a limited water retention capacity (IIIs). These soils can be cultivated with properly designed erosion control and conservation measures (e), surface and subsurface drainage (w), or irrigation/additions of organic matter or topsoil (s).

Class IV **1.71 acres, 5.05% of Site**

These soils are subject to severe erosion (IVe), have wetness problems for extended periods of time (IVw), or have a dense, plastic clay subsurface that restricts rooting depth (IVs). Use for cultivation may be somewhat limited on these soils. With sufficient conservation practices, these soils are suitable for pasture, woodland, and wildlife uses.

Class V **6.45 acres, 19.04% of Site**

These alluvial soils are slowly permeable, poorly drained and subject to flooding. The soils are typically saturated for extended periods of time, limiting cultivation. Because of the relatively flat, low-lying landscape, artificial drainage may not be feasible. These soils are suitable for wildlife and woodland.

Class VI and VII **10.79 acres, 31.85% of Site**

These soils are highly susceptible to erosion (VIe) and/or are shallow to rock with numerous boulders and outcrops (VIIs). These soils are best suited for limited grazing, woodland or wildlife.

ATTACHMENT
RELATIONSHIP OF LAND CAPABILITY CLASSES
TO SAFE LAND USE

Land Capability Class	Land Uses							
	Wildlife	Woodland	Grazing		Cultivation			
			Moderate	Intensive	Limited	Moderate	Intensive	Very Intensive
I	Suitable for all uses. Cultivation requires only ordinary farm practices.							
II	Suitable for all uses but simple conservation practices are needed when cultivated.							
III	Suitable for all uses but intensive conservation practices are needed if cultivated.							
IV	Suitable for all uses but cultivation should be limited.							
V	Suitable for pasture, woodland, or wildlife.					Generally not suited for cultivation.		
VI	Suitable for pasture, woodland, or wildlife.					Generally not suited for pasture unless protected.		
VII	Suitable for woodland or wildlife.					Not suited for pasture unless adequately protected.		
VIII	Suitable for wildlife or recreation uses.					Not suitable for economic production of cultivated crops, pasture or woods.		

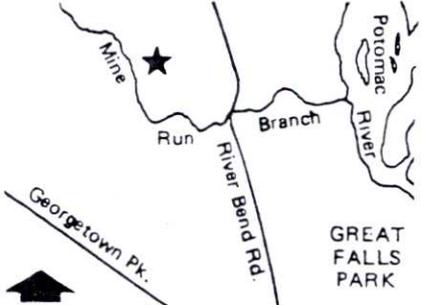
Land Capability Class - Capability classes are roman numeral designations. Classifications are based on the combined effects of climate and soil characteristics on the risk of soil damage, productivity capacity, and soil management requirements. These interpretive classes are for agriculture uses.

Capability Subclass - Capability subclasses are letter designations that follow the roman numeral class. These categories define the dominant restrictive soil characteristic or limitations to use and management within a given class.

- e - susceptibility to erosion
- w - seasonal high water table/ excessive wetness
- s - restrictive zone (dense layers, stones, bedrock, low water holding capacity, low fertility, etc.) within the rooting depth of common agricultural plant species

Source: "Land-Capability Classification." USDA Soil Conservation Service Agricultural Handbook No. 210.

Form 10-445
(5 62)

1. STATE Virginia COUNTY Fairfax TOWN VICINITY Great Falls STREET NO. 438 River Bend Road Great Falls, Virginia ORIGINAL OWNER Unknown ORIGINAL USE Unknown PRESENT OWNER John Laylin PRESENT USE Residence WALL CONSTRUCTION Brick NO. OF STORIES 2	HISTORIC AMERICAN BUILDINGS SURVEY INVENTORY #10 2. NAME Hidden Springs Farm DATE OR PERIOD c. 1800; 1940; 1957 additions STYLE --- ARCHITECT Unknown BUILDER Rudolph Brown (1940 addition) 3. FOR LIBRARY OF CONGRESS USE
4. NOTABLE FEATURES, HISTORICAL SIGNIFICANCE AND DESCRIPTION OPEN TO PUBLIC No <p>The first unit of the brick house at Hidden Springs Farm was probably built around 1800. The doors and mantels are similar to those found in the Gunnell's Run and Cornwell Farm houses. At least one deed mentions a patent dated 1731, when abutting land owners were Gunnell, Emms, and Fairfax. (Z-3, page 82)</p> <p>Owner John Laylin who bought the property from Grote Hutcheson (J-13, page 252) made additions and changes to the original four-room brick structure. In 1940, the east wing addition (date unknown) was dismantled and rebuilt of the same bricks. The builder was Rudolph Brown. In 1957, a west wing designed by Mr. Laylin was added. The original outside west wall is now the interior, exposed brick east wall of the living room. There are flat arches of perpendicular brick over windows and double open porches with brick pillars. Over-sized paneled doors and early brass and iron hardware grace the interior.</p>	
5. PHYSICAL CONDITION OF STRUCTURE Endangered No Interior Good Exterior Good	
	
6. LOCATION MAP (Plan Optional) 3. PUBLISHED SOURCES (Author, Title, Pages) INTERVIEWS, RECORDS, PHOTOS, ETC. See Virginia Collection files, Fairfax County Public Library. Eleanor Lee Templeman and Nan Netherton, Northern Virginia Heritage, Templeman, Arlington, Virginia, 1966.	7. PHOTOGRAPH E. Breitenbach, 1966 9. NAME, ADDRESS AND TITLE OF RECORDER Mrs. Ross D. Netherton Fairfax County Division of Planning 4100 Chain Bridge Road Fairfax, Virginia 22030 DATE OF RECORD 2/23/72

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: September 7, 2010

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Hidden Springs Farm Local Agricultural and Forestal District; Application AR 84-D-004-03

The Agricultural and Forestal Districts Advisory Committee met on September 7, 2010, to review the application to renew the Hidden Springs Farm Local Agricultural and Forestal District (Application AR 84-D-004-03), and made the following findings:

- The Hidden Springs Farm Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Hidden Springs Farm Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Hidden Springs Farm Local Agricultural and Forestal District fulfills all of the applicable criteria in Group A, and three (3) of the criteria in Group B (found in Chapter 115 of the Fairfax County Code).

The Agricultural and Forestal Districts Advisory Committee therefore unanimously recommends (Charlie Nichols, abstained) that Appendix F of the Fairfax County Code be revised to renew the Hidden Springs Farm Local Agricultural and Forestal District. The Advisory Committee further recommends that the establishment of this district be subject to the Ordinance Provisions which are contained in Appendix I of the staff report.

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

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

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

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

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

§ 58.1-3233. 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; except that for real estate used for purposes of engaging in aquaculture as defined in § 3.2-2600 or for the purposes of raising specialty crops as defined by local ordinance, the governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than five acres, (ii) forest use consists of a minimum of 20 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 one quarter of an acre.

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. However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to

subsection B of § 15.2-4405 shall be deemed to be contiguous to any other real property that is located in such district. 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 10 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 § 15.2-4314 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

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

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

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

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

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

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. *However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § 15.2-4405 shall be deemed to be contiguous to any other real property that is located in such district.* For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Liability to the roll-back taxes shall attach when a change in use occurs, or a change in zoning of the real estate to a more intensive use at the request of the owner or his agent occurs. Liability to the roll-back taxes shall not attach when a change in ownership of the title takes place if the new owner does not rezone the real estate to a more intensive use and continues the real estate in the use for which it is classified under the conditions prescribed in this article and in the ordinance. The owner of any real estate which has been zoned to more intensive use at the request of the owner or his agent as provided in subsection E, or otherwise subject to or liable for roll-back taxes, shall, within sixty days following such

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

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

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

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

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

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

1. The governing body may exclude land lying in planned development, industrial or commercial zoning districts from assessment under the provisions of this article. This provision applies only to zoning districts established prior to January 1, 1981.
 2. The governing body may provide that when the zoning of the property taxed under the provisions of this article is changed to allow a more intensive nonagricultural use at the request of the owner or his agent, such property shall not be eligible for assessment and taxation under this article. This shall not apply, however, to property which is zoned agricultural and is subsequently rezoned to a more intensive use which is complementary to agricultural use, provided such property continues to be owned by the same owner who owned the property prior to rezoning and continues to operate the agricultural activity on the property. Notwithstanding any other provision of law, such property shall be subject to and liable for roll-back taxes at the time the zoning is changed to allow any use more intensive than the use for which it qualifies for special assessment. The roll-back tax, plus interest, shall be calculated, levied and collected from the owner of the real estate in accordance with § 58.1-3237 at the time the property is rezoned.
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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.

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

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

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

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

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

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

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

The Director of the Department of Conservation and Recreation, the State Forester, and the Commissioner of Agriculture and Consumer Services shall provide, after holding public hearings, to the commissioner of the revenue or duly appointed assessor of each locality adopting an ordinance pursuant to this article, a statement of the standards referred to in § 58.1-3230 and subdivision 1 of § 58.1-3233, which shall be applied uniformly throughout the Commonwealth in determining whether real estate is devoted to agricultural use, horticultural use, forest use or open-space use for the purposes of this article and the procedure to be followed by such official to obtain the opinion referenced in subdivision 1 of § 58.1-3233. Upon the refusal of the Commissioner of Agriculture and Consumer Services, the State Forester or the Director of the Department of Conservation and Recreation to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth in the statements filed pursuant to this section, the party aggrieved may seek relief in the

circuit court of the county or city wherein the real estate in question is located, and in the event that the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this article.

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

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

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

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

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

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

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

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

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPED LAND - The total of all parcels containing permanent structures valued at \$2,500 or more, plus all parcels not generally available for development (e.g. tax exempt land, private right-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.