



APPLICATION ACCEPTED: February 2, 2011
PLANNING COMMISSION: May 11, 2011
BOARD OF SUPERVISORS: May 24, 2011 @ 3:30 pm

County of Fairfax, Virginia

April 27, 2011

STAFF REPORT

JARVIS LOCAL AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AR 85-V-002-03

MOUNT VERNON DISTRICT

APPLICANT: Martin B. and Vivian I. Jarvis
ZONING: R-E
PARCEL(S): 118-2 ((1)) 11Z, ((2)) 1Z
ACREAGE: 36.40 acres

STAFF RECOMMENDATIONS:

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

It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Upon application to the Department of Tax Administration (DTA) for taxation on the basis of land use assessment, DTA must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines, including minimum acreage, for either use, as required by Title 58.1 of the Code of Virginia, which is found in Appendix 8.

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).

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

A&F District Renewal

AR 85-V -002-03

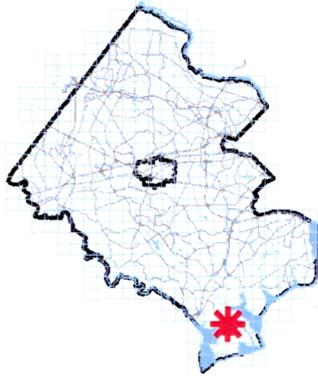
Applicant: MARTIN B. JARVIS AND VIVIAN I JARVIS
Accepted: 02/02/2011
Proposed: AGRICULTURAL AND FORESTRAL RENEWAL
Area: 36.4 AC OF LAND; DISTRICT - MOUNT VERNON
Located: 10808 HARLEY ROAD
Zoning: R- E

Map Ref Num: 118-2- /01/ /0011Z /02/ /0001Z



A&F District Renewal

AR 85-V -002-03



Applicant:
Accepted:
Proposed:
Area:

MARTIN B. JARVIS AND VIVIAN I JARVIS
02/02/2011
AGRICULTURAL AND FORESTRAL RENEWAL
36.4 AC OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect:

Located:

Zoning:

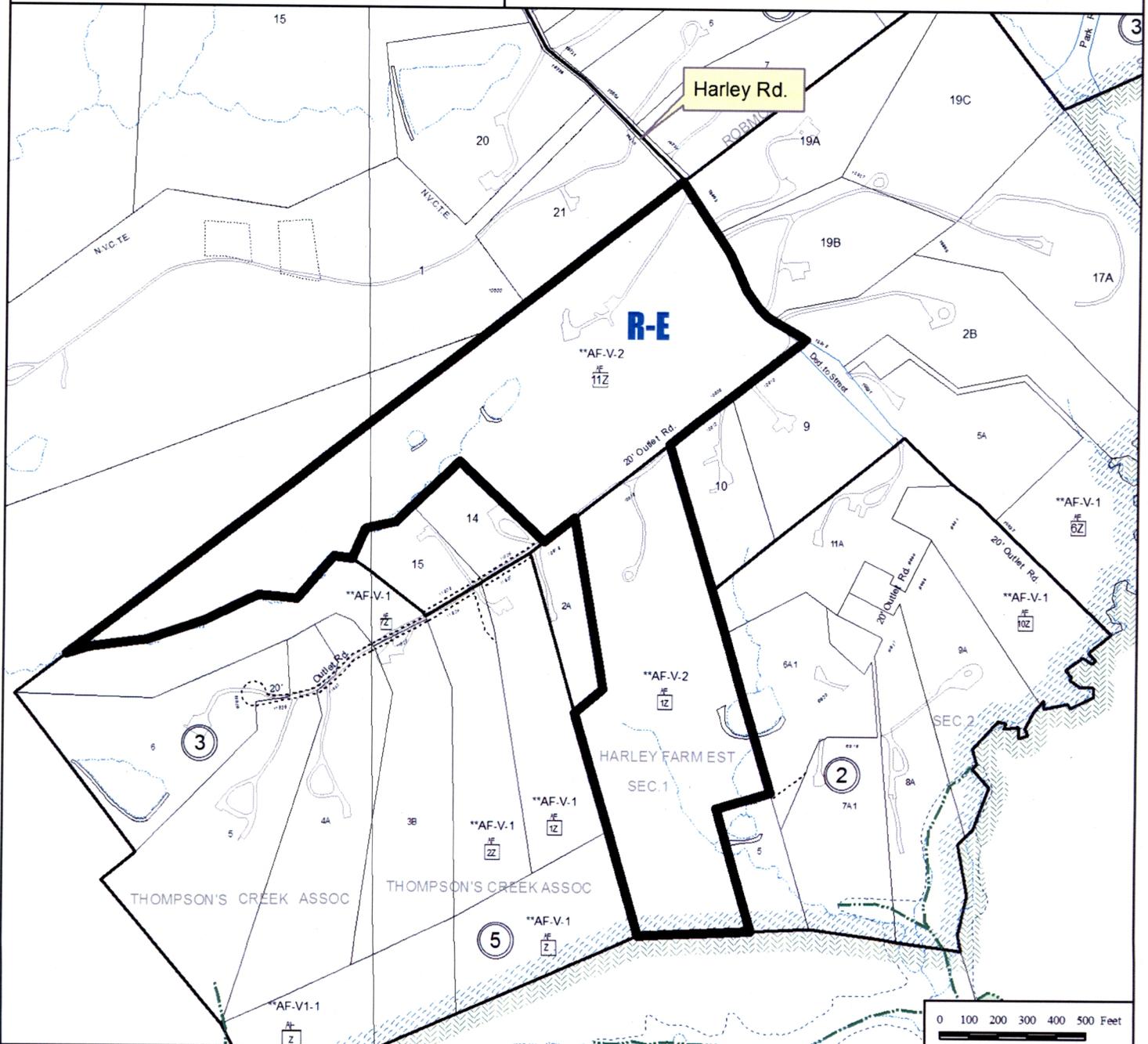
Overlay Dist:

Map Ref Num:

10808 HARLEY ROAD

R- E

118-2- /01/ /0011Z /02/ /0001Z



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

DESCRIPTION OF APPLICATION

- Proposal:** AR 85-V-002-03 is a request to renew the Jarvis Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code. The subject property is a 36.4 acre tract located on the southwest side of Harley Road, at 10808 and 10814 Harley Road in the Mount Vernon 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:** Martin B. and Vivian I. Jarvis
- Acreage:** 36.4 acres
- Use:** Active Agriculture (horse pasture) – 34 acres
Residential – 2 acres

BACKGROUND

Parcel 11 of the subject property has been owned by the applicants since 1962; Parcel 1 was added in 1975. The stables were constructed in 1970, and boarding of horses began shortly thereafter. Additional facilities (indoor and outdoor riding rings) were added in 1984. The Jarvis Local Agricultural and Forestal District was originally established for an eight year period on June 2, 1986, and was renewed for an additional eight year period on February 13, 1995, and again on October 20, 2003. During the 25 year life of this district, the property has not been substantially altered, and the current application is for the same land area as the original application and previous renewals.

LOCATION AND CHARACTER

Surrounding Area Description:

The subject property and surround area are zoned R-E, and are planned for residential uses at 0.1-0.2 dwelling units per acre. The subject property is surrounded

by single family detached residences on lots ranging from two to 34 acres in size. To the west is the former Mason Neck Statewide A&F District, which was transferred to federal ownership to be managed by the Bureau of Land Management in around 2002. To the south, the property abuts the Mason Neck State Park and National Wildlife Refuge. Other A&F Districts in the immediate vicinity include the Belmont Bay Farms properties to the west, the Knipling District to the south, and the Thompson District to the north. The grouping of districts creates a much larger visual and environmental impact than scattered individual districts would have by creating a continuous expanse of open and agricultural land. This helps preserve the rural character of Mason Neck.

Location and Character of the District:

The 36.4 acre site is located in the Lower Potomac Planning District, Mason Neck Community Planning Sector. The property is developed with the following structures:

Structure	Year Built	Use
Main House	1966	Residence
Storage Sheds	1975	Storage
Stable	1970	Stable (Boarding Horses)
Indoor Arena	1984	Riding

The majority of the site is maintained as horse pastures, with forested areas along the edges and scattered trees throughout the pastures. Two small stream channels cross the property. The channel running generally along the southern boundary of Parcel 11 is designated as an Environmental Quality Corridor (EQC), while the stream draining to the southeast corner of Parcel 1 (including two farm ponds) is designated as EQC and Resource Protection Area (RPA).

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area: Area IV

Planning District: Lower Potomac

Planning Sector: Mason Neck Sector (LP3)

Plan Map: Residential use at a density of 0.1 to 0.2 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 included as Appendix 6. Because the majority of the site is in pastureland, a Forest Management Plan is not required.

The subject property is located at the headwaters of Thompson Creek and Kanesh Creek. The floodplains of these creeks are bordered by steep slopes of marine clay. Although these slopes are prone to failure when disturbed, the upland hardwood forest present on the property protects the slopes from failure and erosion. The floodplains and adjacent steep slopes are categorized as EQC on this property, and interconnect with other natural habitat areas on Mason Neck. A delineation of EQC and RPA may be found in Attachment A of Appendix 1 of this report. Ordinance Provisions are proposed which require the applicant to consider the boundary of the EQC as the limits of clearing and grading for the life of the district.

The Soil and Water Conservation Plan focuses on the management for those horse pastures and on protection of the soils from erosion. The amended Soil and Water Conservation Plan includes recommendations for improved pasture management and erosion control.

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 36.4 acres in size, and is entirely in agricultural use, with the exception of approximately 2 acres used for residential purposes. This criterion has been satisfied.

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

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

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

The Comprehensive Plan shows that the subject property is planned for residential use at a density of 0.1 to 0.2 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 0.1 to 0.2 du/ac, or Public Parks. 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 36.4 acres in size, and is entirely owned by the Jarvis family. 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 qualifies as a farm; therefore, this criterion is not applicable.

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

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

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

An updated Soil and Water Conservation Plan, dated March 28, 2010, has been prepared for this property. An ordinance provision requires the applicant to abide by the recommendations of that plan for the life of the A&F District. Therefore, staff believes this criterion is satisfied.

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

The small percentage of the subject property that is forested is maintained as an undisturbed conservation area. An Ordinance Provision requires the applicant maintain the boundaries of the EQC as the permanent limits of clearing and grading for the life of the District. Therefore, staff believes this criterion is satisfied.

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

The applicant has owned this property since 1962 and has boarded horses on the property since the 1970s. In the past eight years, the investment has included general maintenance on the buildings and property. The applicant is committed to maintaining the agricultural uses on this property for the life of the district, and to following the suggestions of the Soil and Water Conservation District. Staff believes this criterion is satisfied.

Criteria Group B:

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

A boarding and stabling operation has been in existence on the site since the 1970s. At this time, approximately 34 horses are boarded on the property. In addition, the raising of foals and the breeding of horses occurs here. 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 wooded and open lands of the subject property help maintain the rural character of Mason Neck. The land provides scenic vistas, both agricultural and forested. In particular, this property contains important EQC conservation areas which link other protected open space areas, including the federal lands to the north, Mason Neck State Park to the south, and several nearby A&F Districts. Therefore, staff believes this criterion is satisfied.

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

County Archaeologist, or is located in an area with a high potential for archaeological sites, provided that the property owner has agreed to permit the County Archaeologist access to the site, may also be considered historically and/or archaeologically significant.

The subject property has no known historical or archeological resources. Therefore, this criterion is not applicable.

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 two of the criteria in Group B.

AFDAC RECOMMENDATION (Appendix 7)

On April 12, 2011, the Agricultural and Forestal Districts Advisory Committee voted to recommend that the Armstrong 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 Jarvis Local Agricultural and Forestal District satisfies all of the applicable criteria in Group A and two of the criteria in Group B, thus meeting the guidelines outlined in Sect. 115 of the County Code. Staff believes 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 Jarvis 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 85-V-002-02
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. Soil and Water Conservation Plan
7. Agricultural and Forestal District Advisory Committee Recommendation
8. Title 58.1 Article 4 *Special Assessment for Land Preservation*
9. Glossary of Terms

PROPOSED ORDINANCE PROVISIONS**April 27, 2011****AR 85-V-002-03**

If it is the intent of the Board of Supervisors to renew the Jarvis Local Agricultural and Forestal District as proposed in Application AR 85-V-002-03 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Maps 118-2 ((1)) 11z and ((2)) 1Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

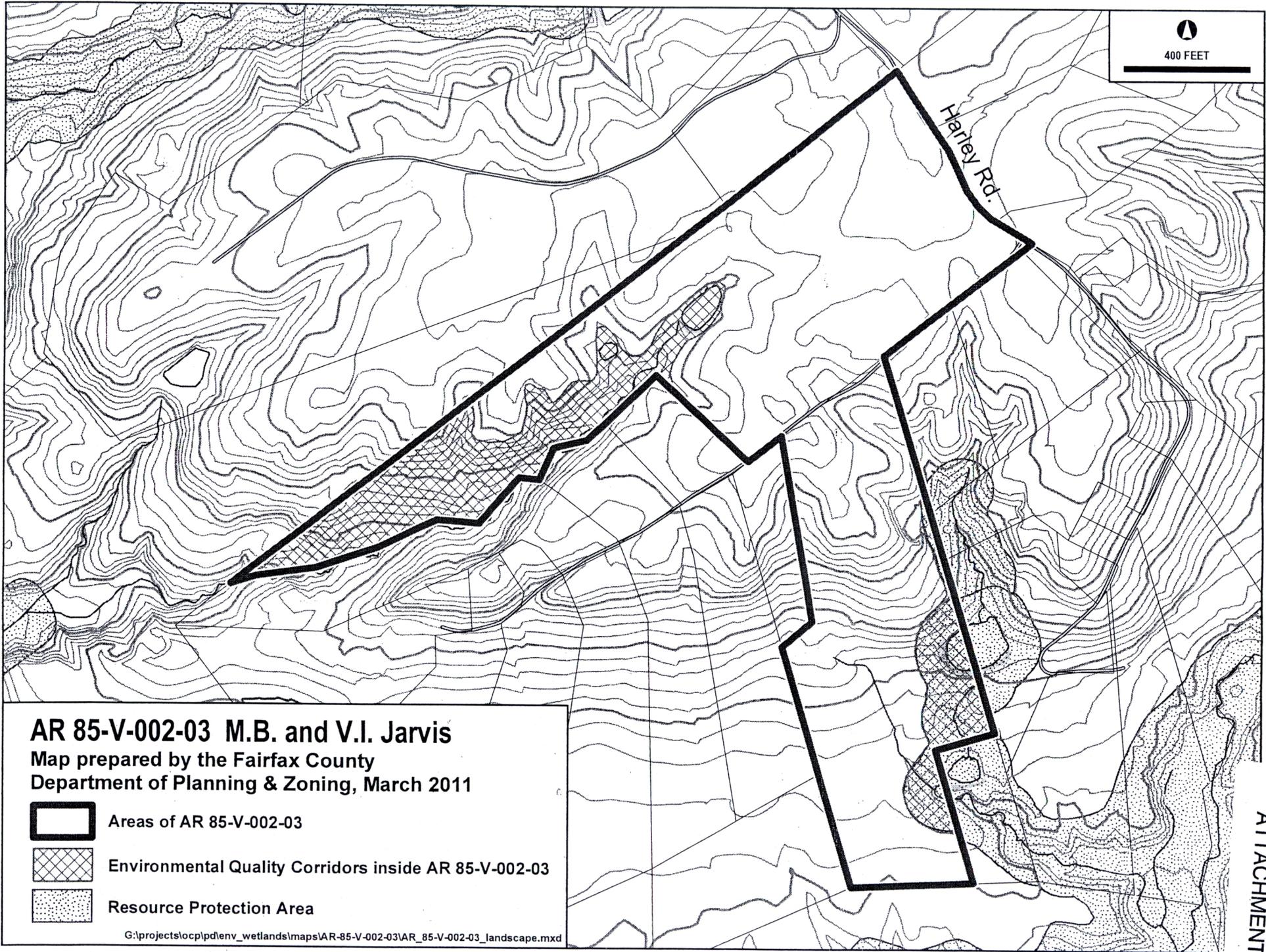
Standard Provisions (From Chapter 115)

- (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 implement and abide by the recommendations of the Soil and Water Conservation Plan dated March 28, 2010, for the life of the Jarvis 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) 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).
- (7) 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.



Harley Rd.

AR 85-V-002-03 M.B. and V.I. Jarvis
Map prepared by the Fairfax County
Department of Planning & Zoning, March 2011

-  Areas of AR 85-V-002-03
-  Environmental Quality Corridors inside AR 85-V-002-03
-  Resource Protection Area

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RECEIVED
Department of Planning & Zoning

NOV 08 2010

Zoning Evaluation Division

Application No. AR 85-V-002-03

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
MARTIN B. JARVIS	118-2 (1)	1962	0011Z EA	
VIVIAN I JARVIS				21.40
MARTIN B JARVIS		1978		
VIVIAN I JARVIS	118-2 (2)		0001Z EA	15.00

3. Total acreage in the proposed district: 36.40 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 2 forest _____.

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

Name: MARTIN B. JARVIS

Address: 10808 HARLEY RD
LORTON, VA. 22079-3906

Telephone: 703 339-5959 CELL 703 509 1942

6. Signature of all property owners:

Martin B. Jarvis
Caren D. Jarvis

2/2/11 MAB

TO BE COMPLETED BY THE COUNTY

Virginia Tupper

Date application accepted:

2/2/11 #50 MAB

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
Dwelling	1966	Res -
Storage Sheds	1975	Storage
Stables	1970	Stable
IN DOOR RING	1984	Riding

use additional page(s) if necessary

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

None

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

Fencing

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: 1987

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

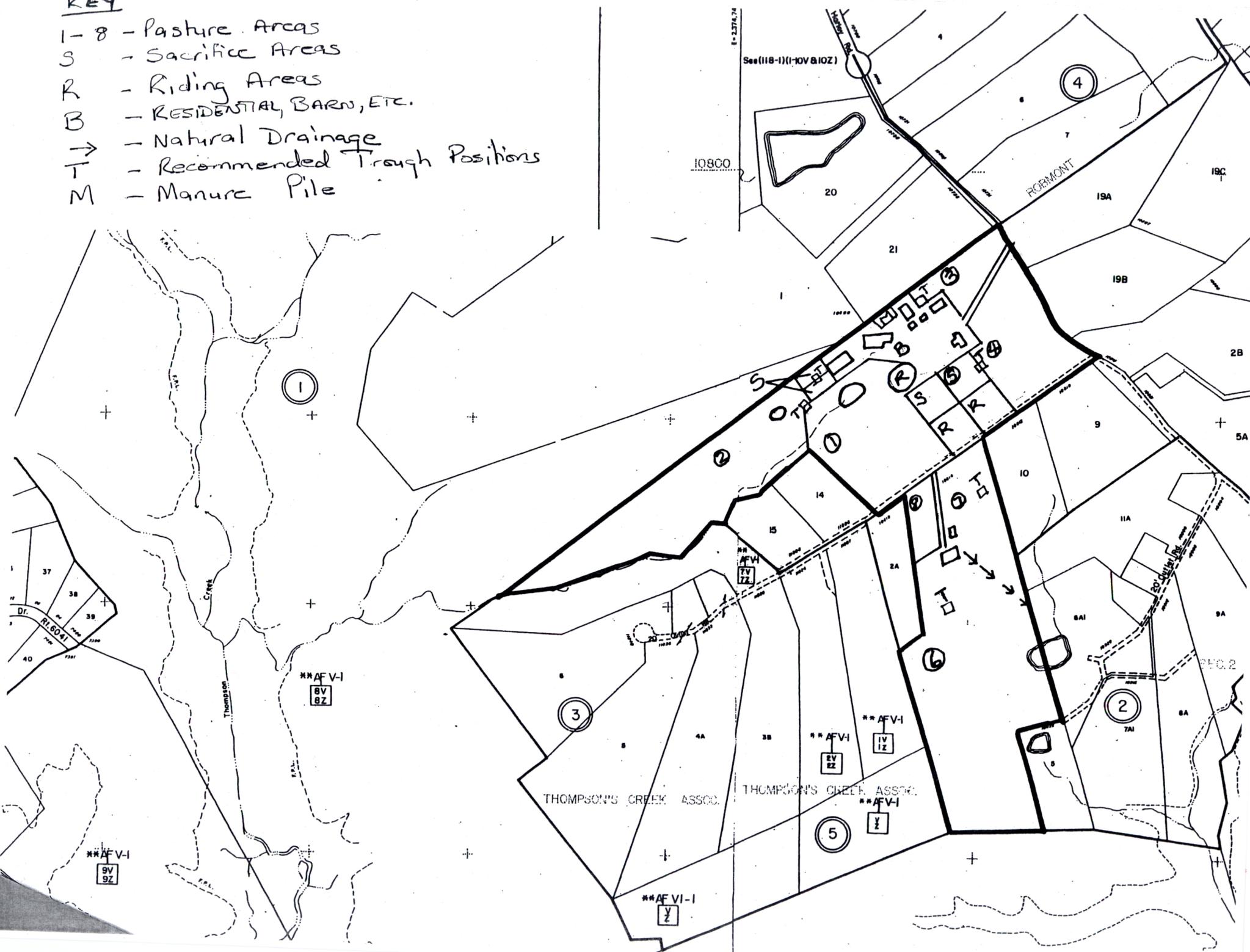
If yes, date submitted: 1987

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

Product	Past year's yield	Average yield for previous 4 years
<u>Pasture only</u>		

KEY

- 1-8 - Pasture Areas
- S - Sacrifice Areas
- R - Riding Areas
- B - RESIDENTIAL, BARN, ETC.
- - Natural Drainage
- T - Recommended Trough Positions
- M - Manure Pile



Martin B. Jarvis, Sr.

10808 Harley Road
Lorton, Virginia 22079

October 25, 2010

Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning

NOV 08 2010

Zoning Evaluation Division

Re: Application for Renewal
Application Number AR 85-V-002-02

These parcels are located in a historical area and have been used for a horse boarding stable since 1970. These parcels have been in the Agricultural and Forest District for the past 23 years. The tax savings incurred as a result of this have kept this land from being developed.

Sincerely,

Martin B. Jarvis, Sr.
Martin B. Jarvis, Sr.

Vivian I. Jarvis
Vivian I. Jarvis

State of Virginia, County of Fairfax, Taken, sworn and subscribed before me, the undersigned Notary Public, this 5th day of November, 2010.

Shannon Kristin Jarvis
Notary Public

My Commission Expires 06-30-2011





FAIRFAX COUNTY

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

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm

Email: clerktothebos@fairfaxcounty.gov

January 9, 2004

Martin & Vivian Jarvis
10808 Harley Road
Lorton, VA 22079

RE: Agricultural and Forestal District Application Number AR 85-V-002-2

Dear Mr. & Mrs. Jarvis:

Agricultural and Forestal District Application AR 85-V-002-2 in the name of Martin B. Jarvis and Vivian I. Jarvis 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 October 20, 2003, as the Jarvis 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 Gerald E. Connolly
Supervisor Hyland, Mount Vernon District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
James W. Cochran, Supervising Appraiser, Real Estate Division, Dept. of Tax Administration
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 APPENDIX F
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, October 20, 2003, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding 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 Appendix F, as follows:

F-19. Jarvis Local Agricultural and Forestal District
(AR 85-V-002-2)

(a) The following parcel of land situated in the Mt. Vernon District, and more particularly described herein, is hereby included in the Jarvis Local Agricultural and Forestal District:

118-2 ((1)) 11 V/Z and 118-2 ((2)) 1 V/Z

Owners	Fairfax County Tax Map Parcel Number	Acreage
Charles F. & Laura L. Nichols	118-2 ((1)) 11	20
	118-2 ((2)) 1	16.4
		<hr/> Total: 36.4

(b) The Jarvis Local Agricultural and Forestal District is established effective October 20, 2003, 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 implement and abide by the recommendations of the Soil and Water Conservation Plan dated July 7, 2003, for the life of the Jarvis Local Agricultural and Forestal

District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Soil and Water Conservation District;

(6) 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 as approved by the Urban Forestry Division of Fairfax County. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Jarvis Local Agricultural and Forestal District (map on file in the Department of Planning and Zoning); and

(7) 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 20th day of October, 2003.



NANCY EHRS

Clerk to the Board of Supervisors



County of Fairfax, Virginia

MEMORANDUM

Date: April 5, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis & Environmental Assessment for: AR 85-V-002-03
Martin B. and Vivian I. Jarvis

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

DESCRIPTION OF THE APPLICATION

The applicant seeks approval to renew a 36.4- acre Agricultural and Forestal (A & F) District. This district is comprised of a two parcels of land owned by Martin and Vivian Jarvis and it is located in the Mason Neck Community Planning Sector (LP3) of the Lower Potomac Planning District within the Mount Vernon Magisterial District. This district is characterized by significant topographic relief.

LOCATION AND CHARACTER

The subject property is located in southeastern Fairfax County within the Kane Creek Watershed. The district is surrounded by land which is planned for residential use at .1-.2 dwelling unit per acre (du/ac) or 5-10 acre lots and public park.

COMPREHENSIVE PLAN MAP: residential use at .1-.2 dwelling unit per acre and public park

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

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



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Integrity * Teamwork * Public Service

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 IV, Lower Potomac Planning District, as amended through October 19, 2010, on page 109, the Plan states:

- “1. This sector is planned for very low-density single family residential use at up to .1 dwelling unit per acre. As an option, a density of up to .2 dwelling unit per acre may be appropriate if it is clustered and results in the preservation of EQC and other sensitive lands, provides substantial land in privately protected open space or public ownership, and contributes to maintaining the rural character of Mason Neck. Development at the baseline and optional levels should only occur where suitable soils allow for septic systems. . . .
3. The establishment and renewal of Agricultural and Forestal Districts should be encouraged because such lands under these districts complement and enhance existing and planned land uses of very low density residential uses and parkland in the sector. . . .”

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, 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). . . .”

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

This site falls within the County’s Kane Creek Watershed. Unnamed tributaries of Kane Creek traverse the upper portion of the district as well as on the eastern edge of the southern parcel. This request seeks approval for the renewal of the 36.4-acre district, which is characterized by stream valley and very steeply sloping terrain adjacent to the stream valley. Approximately 5.5 acres of the district are within a Resource Protection Area (RPA) as defined by the County’s Chesapeake Bay Preservation Ordinance, and approximately 9.5 acres of the district are delineated as an Environmental Quality Corridor (EQC) per Policy Plan guidance. The extent of the EQC and RPA is identified on the attached map. Most of the district is pasture and open field. One single- family residence, a stable, storage sheds and an indoor arena are located within this boundary of this district on Harley Road.

The Northern Virginia Soil and Water Conservation District is working with the applicant to provide a current Water Quality Management Plan for the district. The applicant is encouraged to adhere to and to implement the specific recommendations for this site regarding nutrient management and prescribed grazing practices, as well as any other recommendations which are included in the plan.

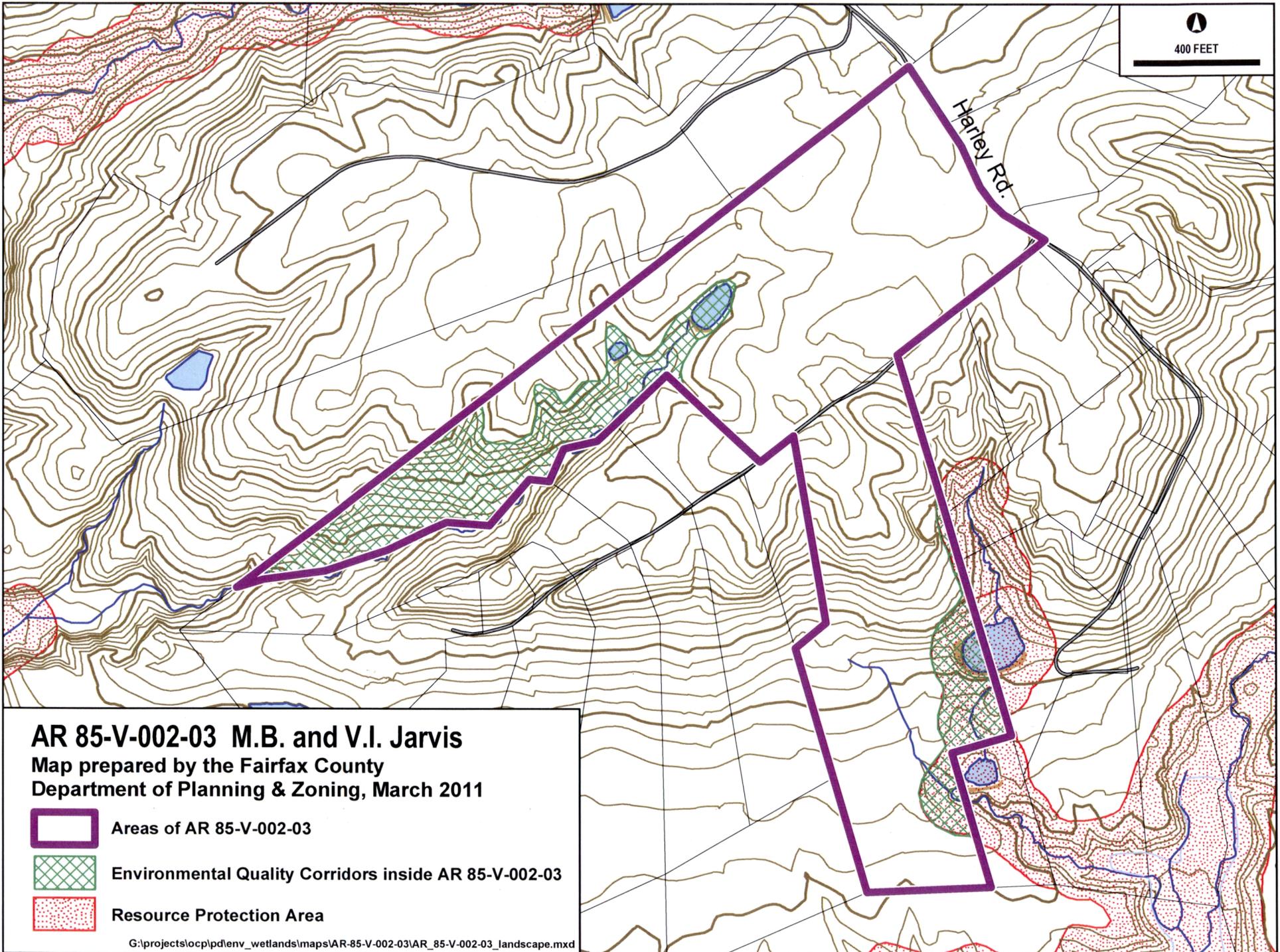
With the completion of the current Water Quality Management Plan for the district, this application will be in conformance with the Comprehensive Plan guidance that calls for the protection and preservation of EQCs. No land disturbance is proposed in the EQC/RPA portion of the district. Renewal of this Agricultural Forestal District is compatible with the goal of the Comprehensive Plan to preserve this environmentally sensitive area of Fairfax County.

COUNTYWIDE TRAILS MAP:

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

PGN: MAW

Attachment



AR 85-V-002-03 M.B. and V.I. Jarvis
Map prepared by the Fairfax County
Department of Planning & Zoning, March 2011

-  Areas of AR 85-V-002-03
-  Environmental Quality Corridors inside AR 85-V-002-03
-  Resource Protection Area



County of Fairfax, Virginia

MEMORANDUM

DATE: February 24, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

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

FILE: 3-4 (AF 85-V-002)

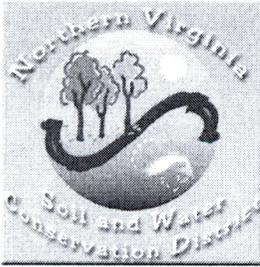
SUBJECT: Transportation Impact

REFERENCE: AR 85-V-002-3; Martin B. & Vivian I. Jarvis
Land Identification Map: 118-2 ((1)) 11Z & 118-2 ((2)) 1Z

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

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

AKR/akr



Northern Virginia Soil and Water Conservation District

12055 Government Center Parkway, Suite #905

Fairfax, VA 22035

<http://www.fairfaxcounty.gov/nvswcd/>

Tel: 703-324-1460

Fax: 703-423-1421

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

Property Owners/Operators:

Vivian & Martin Jarvis A&F District
 A Horse Boarding Operation
 10808 Harley Road
 Lorton, VA 22079-3906
 Tel: 703-339-5959 (H); 703-509-1942 (M)
 Email: sjarvis0429@aol.com (Shannon Jarvis)

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

March 28, 2010

Property Assessment:

This is a 36.4-acre property in the Lower Occoquan River Watershed (Kane Creek) (PL-48), located at 10808 Harley Road in Lorton. Tax map number is 108-2 ((1)) -0011Z, ((2)) -0001Z. This is a 38-horse boarding operation. Approximately 22.0 acres of the property is in use as pasture. The operation consists of five sacrifice areas and two runs totaling approximately 5.3 acres; 5 acres in woods; 2 ponds each about 0.1 ac. in size. Two large barns, parking areas and an office take up about 2.2 acres. The area in residential use is about 0.6 ac. A perennial creek flows in a southerly direction, through one of the ponds, creating 1,305 linear feet of the Chesapeake Bay Resource Protection Area (RPA) within field #6.

- i) Improved pasture management - Evidence of overgrazing (resulting in severe erosion) was observed mainly in field #1, #2 and in portions of field # 6.
- ii) Improved maintenance of sacrifice areas – Surface protection is required in these areas to prevent erosion, daily removal of waste, introduction of vegetative buffer to intercept and filter runoff before they enter water bodies especially from sacrifice areas #1 & #5.
- iii) Improved manure management – Piles of manure remain unprotected at the top of a steep slope in the large field. This drains into an unnamed perennial creek

iv) Erosion control – Multiple areas of the operation is in need of erosion control measures. Especially in the sacrifice areas, out flows from ponds, and significant channel erosion cutting through field # 6, from a wet area.

Practices:

1) Nutrient Management:

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

Note that your soil test results indicate that the macro nutrient (phosphorus and Potassium) readings are mainly in the high and very high levels. However your, pH (Acidity) of most of the fields suggest the soils are too acid. Therefore, the general trend should not be to add more fertilizer, but to add recommended lime amounts to bring the pH levels up to 6.0 – 6.2.

Fields	Planned Amount	Month	Year	Applied Amount	Date
F1	0.5 ac.	3	2011		
F2	3.0 ac.	3	2011		
F3	1.4 ac.	3	2011		
F4	4.0 ac.	3	2011		
F5	2.0 ac.	3	2011		
F6	11.5 ac.	3	2011		
Total	22.2 ac.				

2) Chesapeake Bay Resource Protection Area (RPA) management

The green shaded area on your site map is the county delineated Chesapeake Bay Resource Protection Area (RPA). The RPA is the final barrier through which pollutants contained in runoff from adjacent land areas are filtered. RPAs are required to be kept vegetated to enhance surface filtration and soil infiltration. Pesticide use within this area should be under highly discretionary conditions.

Fields	Planned Amount	Month	Year	Applied Amount	Date
F6	1,305 ft.	3	2011		
Total	1,305 ft.				

3) Pest Management (595)

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

Frequent mowing, and over-seeding with pasture grass seed mix in areas with higher weed population will allow more grass to grow and subdue weed growth. If there is interest in treating the weeds with herbicide, specific herbicide will be recommended, based on the dominant weed species to be controlled.

Fields	Planned Amount	Month	Year	Applied Amount	Date
F1	0.3 ac.	3	2011		
F2	3.0 ac.	3	2011		
F3	1.4 ac.	3	2011		
F4	4.0 ac.	3	2011		
F5	2.0 ac.	3	2011		
F6	11.5 ac.	3	2011		
S/A 1, 2,3,4,5	4.9 ac.	3	2011		
Run 1 & 2	0.4 ac.	3	2011		
Wooded Area 1, 2 & 3	7.0 ac.	3	2011		
Ponds 1 & 2	0.2 ac.	3	2011		
Barns, Parking & Office	1.2 acs.	3	2011		
Residential Area	0.5 ac.	3	2011		
Total	36.4 ac.				

4) Prescribed Grazing (528)

Rotational grazing – Graze appropriate number of fields in a rotational manner, by adjusting the pasture recovery period through the grazing season. The grazing period may vary. Grazing heights and appropriate recovery periods will be observed throughout the grazing season.

Fields	Planned Amount	Month	Year	Applied Amount	Date
F1	0.3 ac.	3	2011		
F2	3.0 ac.	3	2011		

F3	1.4 ac.	3	2011		
F4	4.0 ac.	3	2011		
F5	2.0 ac.	3	2011		
F6	11.5 ac.	3	2011		
Total	22.2 ac.				

5) Waste Management

Establish a confined area in the Field #6 where manure that is currently piled unprotected will be confined, piled on an impervious base and preferably covered, to keep excess rain and snow from leaching pollutants into the natural drainage and reducing the potential for ground water pollution.

An established manure holding area next to the barn seems to function well.

Piled or composted material should be spread over pasture fields at appropriate times when grass needs the nutrients. Composted waste should not be spread on bare ground or on snow or frozen fields.

Fields	Planned Amount	Month	Year	Applied Amount	Date
F1	0.3 ac.	3	2011		
F2	3.0 ac.	3	2011		
F3	1.4 ac.	3	2011		
F4	4.0 ac.	3	2011		
F5	2.0 ac.	3	2011		
F6	11.5 ac.	3	2011		
Total	22.2 ac.				

6) Erosion Control

i) Field #1 is in critical need for grass establishment, considering its slope, and how close it is to the pond and waterway. Enhanced soils (composted material mixed with soil) should be spread over to provide some substrate. The field should then be seeded and horses removed from the field for at least nine months to a year, to allow establishment root development.

ii) A channel that has developed across field # 6 from a wet area drains directly into the RPA. This eroding channel measures approximately 3 ft. wide and 140 ft. long, starting from the RPA limits up to the point where the channel appears to be stable. The eroding trend needs to be stabilized using geotextile and appropriately sized rocks – see

supporting document on channels stabilization technique. There should be specific vehicle crossing location.

iii) Sacrifice areas appear to be fields of erosion. Unprotected soil is rapidly being washed away. A protective layer of geotextile, rocks and footing material should be considered – see sacrifice area design included. A minimum of 25 feet wide vegetative buffer should be established in sacrifice areas that are adjacent to natural drainage.

Fields	Planned Amount	Month	Year	Applied Amount	Date
S/A 1, 2,3,4,5	4.9 ac.	3	2011		
F6	400 ft.	3	2011		

7) Record Keeping

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

Fields	Planned Amount	Month	Year	Applied Amount	Date
F1	0.3 ac.	3	2011		
F2	3.0 ac.	3	2011		
F3	1.4 ac.	3	2011		
F4	4.0 ac.	3	2011		
F5	2.0 ac.	3	2011		
F6	11.5 ac.	3	2011		
S/A 1, 2,3,4,5	4.9 ac.	3	2011		
Run 1 & 2	0.4 ac.	3	2011		
Wooded Area 1, 2 & 3	7.0 ac.	3	2011		
Ponds 1 & 2	0.2 ac.	3	2011		
Barns, Parking & Office	1.2 acs.	3	2011		
Residential Area	0.5 ac.	3	2011		
Total	36.4 ac.				

SIGNATURES OF PARTICIPANTS – The Jarvis A&F District.

The Jarvis Ag. & Forestal District – Horse Boarding Operation:

Vivian I. Jarvis _____ Date _____

Martin B. Jarvis _____ Date _____

Planner:

Wilfred Woode _____ Date _____

District Authority:

Chairman _____ Date _____

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: April 13, 2011

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Jarvis Local Agricultural and Forestal District;
Application AR 85-V-002-03

The Agricultural and Forestal Districts Advisory Committee met on April 12, 2011, to review the application to renew the Jarvis Local Agricultural and Forestal District (Application AR 85-V-002-03). The Committee found the following:

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

The Agricultural and Forestal Districts Advisory Committee unanimously recommends that Appendix F of the Fairfax County Code be revised to renew the Jarvis 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 1 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.

§ 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 rightsof-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 419 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.