



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 25, 2011

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

RE: Agricultural and Forestal District Renewal Application AR 01-H-001-02

Dear Ms. Newcomb:

Agricultural and Forestal District Renewal Application AR 01-H-001-02, in the name of HIU Newcomb Family LLC, Mariette H. Sarah, Hana, Lani, Charles Newcomb and Anna Newcomb Bradford, meeting all of the criteria and provisions pursuant to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal Districts), Appendix F, and additional environmental provisions, was renewed by ordinance by the Board of Supervisors at a regular meeting held on May 24, 2011, subject to the attached ordinance provisions. The subject property is located at 9627 Leesburg Pike, on approximately 26.42 acres of land zoned PDH-1 and R-A in the Dranesville District, [Tax Map 19-1 ((14)) Z, 20Z-23Z and 19-3 ((1)) 42A].

Sincerely,

Nancy Venrs
Clerk to the Board of Supervisors
NV/pmh
Attachment

cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, DPZ
Angela Rodeheaver, Section Chief, Transportation Planning Division, DOT
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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ADOPTION OF AN AMENDMENT TO APPENDIX F
(LOCAL AGRICULTURAL AND FORESTAL DISTRICTS)
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 Tuesday, May 24, 2011, 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 (Local Agricultural and Forestal Districts) 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:

That Appendix F (Local Agricultural and Forestal Districts) is amended, as follows:

F-56. Potomac Vegetable Farm II Local Agricultural and Forestal District
(AR 01-H-001-02)

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

Owner	Fairfax County Tax Map Parcel Number	Acreage
Hiu Newcomb Family LLC	19-3 ((1)) 42A	5.03
	19-1 ((14)) Z, 20Z, 21Z, 22Z, 23Z	21.39
	<i>Total</i>	<i>26.42 acres</i>

(b) The Potomac Vegetable Farm II Local Agricultural and Forestal District is established effective May 24, 2011, pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

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

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

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

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

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

(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated July 20, 2009, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within the Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized;

(7) Stock piles of organic nutrients that may contain animal manure shall be stored in a manner that prevents high concentrates of leachates from entering Wolftrap Creek. Such preventative measures may include diversion dikes, berms, increased buffers, filter trenches, and/or BMP basins;

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

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

This amendment shall become effective upon adoption.

GIVEN under my hand this 24th day of May, 2011.



NANCY VEHRS

Clerk to the Board of Supervisors