



APPLICATION ACCEPTED: March 31, 2011
PLANNING COMMISSION: September 29, 2011
BOARD OF SUPERVISORS: October 18, 2011 @ 3:30 pm

County of Fairfax, Virginia

September 13, 2011

STAFF REPORT

EAGLE LOCAL AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AR 89-D-001-02

DRANESVILLE DISTRICT

APPLICANT: The Eagle Family Limited Partnership

ZONING: R-E

PARCEL(S): 20-2 ((1)) 8Z, 13Z, 14Z, 16, and 48Z
20-2 ((13)) 4Z and 5Z

ACREAGE: 85.98 acres

PLAN MAP: Residential, 0.2-0.5 du/ac

STAFF RECOMMENDATIONS:

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

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

Suzie Zottl

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



It should be noted that it is not the intent of 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 other applicable ordinances, regulations, or adopted standards.

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

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

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A&F District Renewal

AR 89-D -001-02



Applicant: THE EAGLE FAMILY LTD PARTNERSHIP,
CHARLOTTE FREDETTE SMITH EAGLE,
FREDERICK SMITH TRUST UNDER WILL
FOR THE BENEFIT OF CHARLOTTE
FREDETTE SMITH EAGLE

Accepted: 03/31/2011

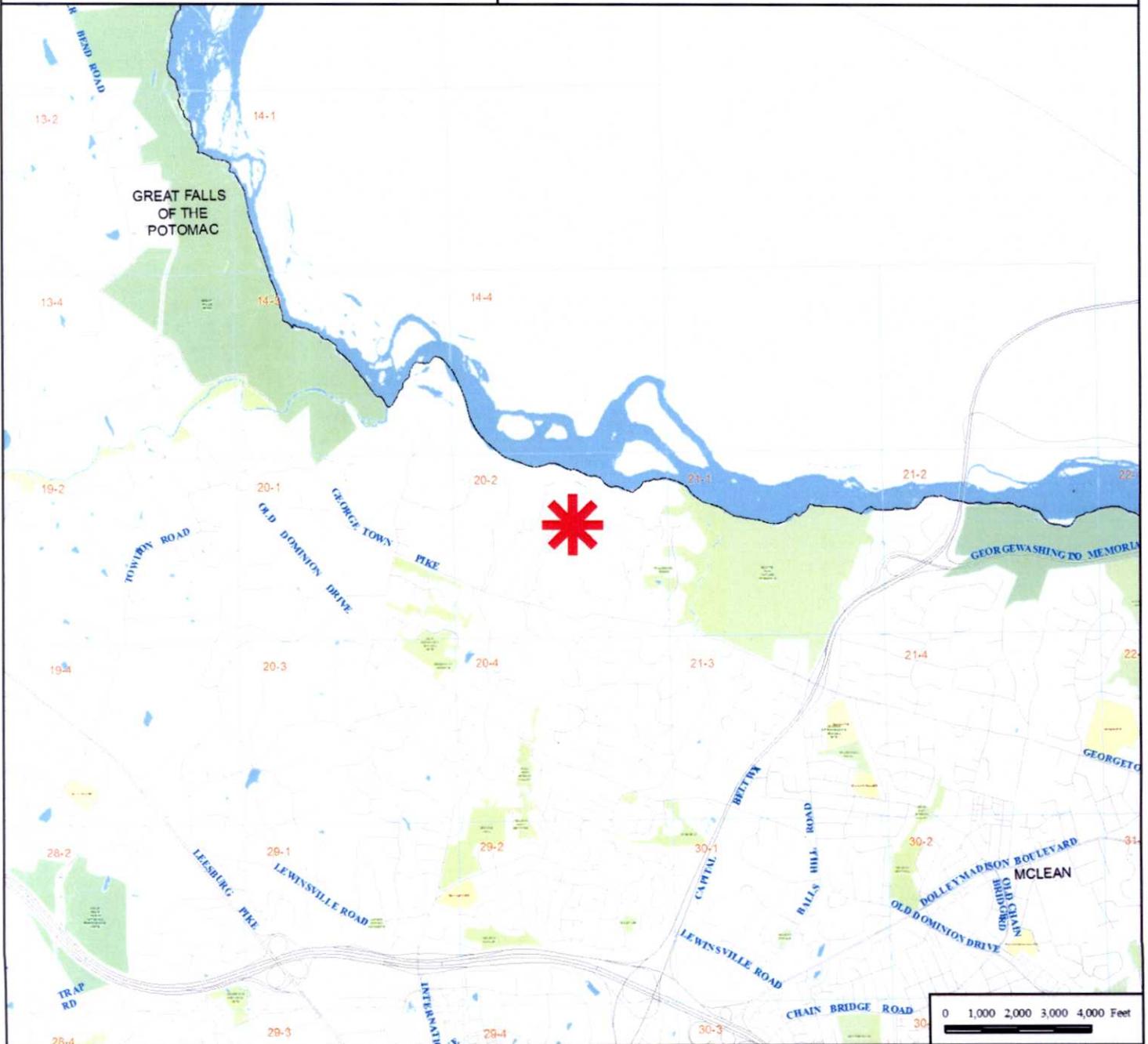
Proposed: AGRICULTURAL & FORESTAL
DISTRICT RENEWAL

Area: 85.98 AC OF LAND; DISTRICT - DRANESVILLE

Located: 8008 GEORGETOWN PIKE

Zoning: R-E

Map Ref Num: 020-2- /01/ /0008Z /01/ /0013Z
/01/ /0014Z /01/ /0016 /01/
/0048Z /13/ /0004Z /13/ /0005Z



A&F District Renewal

AR 89-D-001-02



Applicant: THE EAGLE FAMILY LTD PARTNERSHIP,
CHARLOTTE FREDETTE SMITH EAGLE,
FREDERICK SMITH TRUST UNDER WILL
FOR THE BENEFIT OF
CHARLOTTE FREDETTE SMITH EAGLE

Accepted: 03/31/2011
Proposed: AGRICULTURAL & FORESTAL
DISTRICT RENEWAL

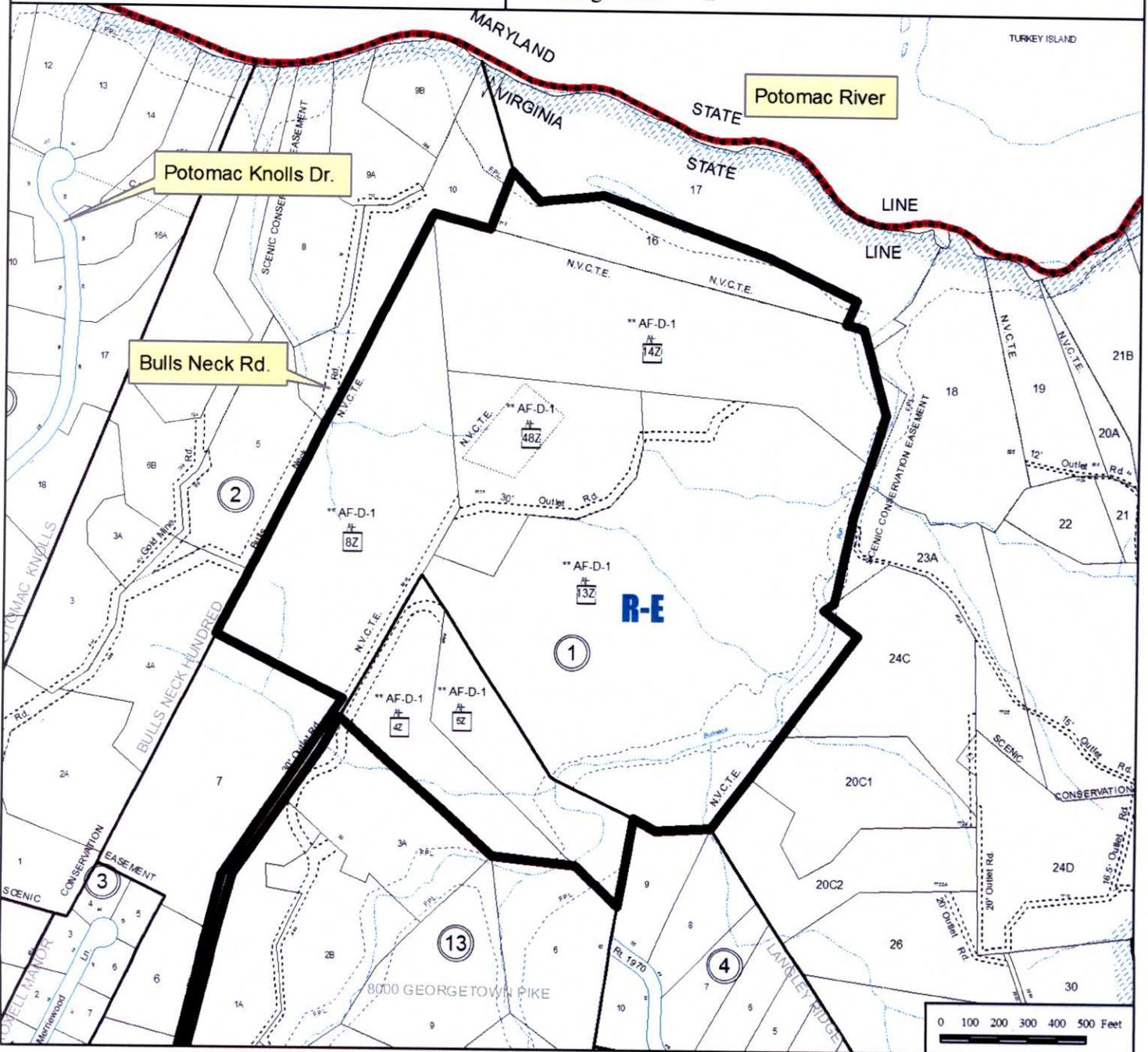
Area: 85.98 AC OF LAND;
DISTRICT - DRANESVILLE

Located: 8008 GEORGETOWN PIKE

Zoning: R-E

Map Ref Num: 020-2- /01/ /0008Z /01/ /0013Z
/01/ /0014Z /01/ /0016 /01/
/0048Z /13/ /0004Z /13/ /0005Z

Planning Area: 2



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

DESCRIPTION OF APPLICATION

Proposal: AR 89-D-001-02 is a request to renew the existing Eagle Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code for an eight year term, as well as to add an additional 5.08-acre contiguous parcel to the District. The subject property consists of 85.98 acres located on the north side of Georgetown Pike, approximately 2000 feet north of Langley Ridge Road.

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: The Eagle Family Limited Partnership

Acreage: 85.98 acres

LOCATION AND CHARACTER

Surrounding Area Description:

The subject property and the surrounding area are zoned R-E (Residential Estate) and planned for Residential Use at 0.2-0.5 dwelling units per acre. The surrounding lots contain single family detached residences and most are approximately five acres in size, with several one acre lots. The Madeira School campus is nearby.

Location and Character of the District:

The 85.98 acre site is located in the McLean Planning District in Area II, and is currently zoned R-E. The subject property overlooks the Potomac River and lies along an outlet road 2,000 feet north of Georgetown Pike, near its intersection with Merriewood Lane. Bullneck Run and the associated floodplain encompass a portion of the site and border the property on the northeast side. A portion of the property is located within a scenic/conservation easement donated to the Northern Virginia Regional Park Authority. The subject property is, with the exception of three acres containing the applicant's residence, undeveloped forest land.

BACKGROUND:

The majority of the subject property, 70.55 acres, has been owned by the applicants since 1967 and has been maintained in an undisturbed forested state. Over half the site is located within a permanent Scenic Conservation Easement donated to the National Park Service.

The Eagle Local Agricultural and Forestal District was originally created on January 14, 1991, and consisted of 20.05 acres on two parcels proposed to be used for forestal and open space uses.

The Eagle II Local Agricultural and Forestal District Application AF 91-D-006, was originally established by the Board of Supervisors for an eight year period on March 23, 1992. As approved, the district contained 40.50 acres in the name of Charlotte F. Eagle. On November 25, 1997, AA 91-D-006 was approved to simultaneously renew the existing District, and to add an additional 10.35 acres of adjoining land which had been acquired.

On May 24, 1999, the Eagle Local Agricultural and Forestal District was renewed on the same 20.05 acres that was originally approved in 1991.

On October 10, 2001, the Board of Supervisors approved AA 89-D-001, which combined the two Eagle Local Agricultural and Forestal Districts into one district in order to make the renewal process simpler for the applicant. The total acreage for the proposed combined district was 80.90 acres.

On November 21, 2005, the Eagle II Local Agricultural and Forestal District was renewed on the amended application area of 50.86 acres.

With this current application, the applicant is proposing to renew AR 89-D-001 and to add an additional 5.08 acre contiguous parcel (Lot 16) that the applicant acquired in early 2011.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area II
Planning District:	McLean
Planning Sector:	Potomac Palisades Community (M5)
Plan Map:	Residential use at a density of 0.2 to 0.5 dwelling units per acre

ANALYSIS

Land Use Analysis (Appendix 4)

The establishment and continuation of agricultural and forestal districts is in conformance with the Plan goals of preserving the rural and scenic character of the surrounding area.

Transportation Analysis (Appendix 5)

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact.

Environmental Analysis (Appendix 4)

There are no environmental issues with this application

The Forest Management Plan and Soil and Water Conservation Plan are contained in Appendices 6 and 7, respectively.

The subject property is located between two Environmental Quality Corridors (EQCs); one along the Potomac River to the north of the site and the other along Bull Neck Run, which crosses the eastern boundary of the site. These EQCs are delineated on a map in Appendix 3. Preservation of EQCs is critical to maintain the overall environmental integrity of the property and the surrounding area. As such, those portions of the property within the boundaries of the EQC should remain undisturbed. The boundary of the EQC impacting the subject property is defined as the permanent limits of clearing and grading in the Ordinance Provisions contained in Appendix 1.

The Forest Management Plan dated July 21, 2005, states that tree species present on the site include various oak species, red maple, American beech, tulip poplar, hickory, black gum, American holly, and walnut with an understory of paw paw, dogwood, mountain laurel, spice bush, and ironwood. The trees were recorded as being in good health, quality, and form. The report also noted that the site had been managed in the past with selective harvesting techniques resulting in well-stocked, 50-75 year old stands. The subject property includes a portion of property which has historically been clear-cut as a viewshed for the applicant's house. The forest management plan suggests options for maintaining the viewshed without clear-cutting, such as control of woody growth and replanting with shrubby growth such as mountain laurel. Reducing the deer herd is also strongly recommended, until there is significant regeneration in the forest. A proposed Ordinance Provision requires that the applicant abide by the Forest Management Plan.

Steep slopes and highly-erodible soils are predominant on the subject property. These extend to the floodplain of the Potomac River to the north, and to the narrow floodplain of Bull Neck Run to the east. The majority of the site is too steep and too erodible to be easily developed, and is best suited for preservation and wildlife habitat uses. Due to the steep slopes and the susceptibility of the soils to erosion, conservation practices are essential to minimize soil loss and to protect the stream valleys and bodies of water. A proposed Ordinance Provision lays out the protection of the EQC areas on the property.

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 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.

Approximately 82 acres of the site are undeveloped and densely forested, and will be conserved in this condition. Approximately 3 acres are used for residential and residential accessory uses. Therefore, staff believes that 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: 0.1-0.2 dwelling units per acre; 0.2-0.5 dwelling units per acre; 0.5-1.0 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 property is planned for residential use at a density of 0.2 to 0.5 dwelling units per acre (du/ac). Therefore, this criterion has been satisfied.

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

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for low density residential use at 0.2 to 0.5 du/ac. 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 criterion is not applicable because this is a forestal district, containing a minimum of 82 acres of undisturbed forest.

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

The proposed district is comprised of a total of 85.98 acres which are owned by the same family. Therefore, this criterion has been satisfied.

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

This criterion is not applicable because this is a forestal district.

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.

This criterion is not applicable because this is a forestal district. A Soil and Water Conservation Plan was prepared by the Northern Virginia Soil and Water Conservation District for the subject property on June 15, 2011. A copy of the plan is contained in Appendix 7, which provides recommendations regarding pest management, record keeping and tree harvesting. The applicant has been advised that the Soil and Water Conservation Plan should be implemented for at least the life of the A&F District. A Proposed Ordinance Provision in Appendix 1 addresses this issue.

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

A Forest Management Plan was prepared for the subject property by the Area Forester on July 21, 2005, and was reviewed again on May 23, 2011. The deer population control must be continued in some manner in order to allow understory to regenerate. The applicant has been advised that the Forest Management Plan should be implemented for at least the life of the A&F District. A Proposed Ordinance Provision in Appendix 1 addresses this issue.

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

The applicants have resided on the property since 1967. Since purchasing the property, the land in the currently existing A&F District has been kept in an undisturbed state, with exception to the residential portion of the district. This is consistent with the forest management plan prepared for this site which is dated December 6, 1991. The applicant's commitment to continuing conservation and forestal use of the land in the Eagle Local Agricultural and Forestal Districts has been done through the dedication of scenic easements along the northern portion of the site along the Potomac River to the United States of America and Northern Virginia Regional Park Authority. Copies of the easements are on file with the Department of Planning and Zoning. In addition, the applicant has consistently supported native forest dwelling wildlife on the property by planting trees which provide food sources, as well as installation of other habitat enhancing improvements.

Criteria Group B:

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

No forest products have been sold from the property during the last five years. Therefore, this criterion is not 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 land provides scenic vistas and helps to maintain the rural character of surrounding area. Therefore, this criterion has been satisfied.

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

The property includes the Bull Run Gold Mine complex, an important Fairfax County historical and cultural resource; in addition, the County Archaeologist has stated that the property has a high potential to contain significant Native American archaeological sites. In order to better understand the prehistory of the Potomac Gorge and Great Falls, the County Archeologist believes that an archaeological identification survey of the site should be performed. The County

Archaeologist indicates that the applicants are supportive of conservation of any historic sites found on the property. Therefore, this criterion is satisfied.

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

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

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

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

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

The majority of the subject property is located within permanent conservation/scenic easements. This type of easement qualifies as open space easement; therefore, the intent of this criterion is satisfied. Copies of the conservation/scenic easements are on file with the Department of Planning and Zoning.

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 all of the applicable criteria in Group A and three of the criteria in Group B have been satisfied.

AFDAC RECOMMENDATION (Appendix 8)

On September 6, 2011, the Agricultural and Forestal Districts Advisory Committee voted to recommend that the Eagle 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

Staff believes that the application for the Eagle Local Agricultural and Forestal District satisfies the criteria contained in Sect. 115-5-1 of the County Code, and that commitments made by the applicant for improvements to the property are consistent with the intent of the program. In addition, the property does exceed the minimum acreage requirement and is in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends application AR 89-D-001-02, to amend Appendix F of the Fairfax County Code to renew the Eagle Local Agricultural and Forestal District, be approved subject to the proposed Ordinance Provisions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Ordinance Provisions
2. Statement of Justification and Application Material
3. Approval of AA 89-D-001
4. Land Use and Environmental Analysis
5. Transportation Analysis
6. Forest Management Plan
7. Soil and Water Conservation Plan
8. AFDAC Recommendation
9. Title 58.1 Article 4 *Special Assessment for Land Preservation*
10. Glossary

PROPOSED ORDINANCE PROVISIONS**September 13, 2011****AR 89-D-001-02**

If it is the intent of the Board of Supervisors to amend the Eagle Local Agricultural and Forestal District as proposed in Application AA 89-D-001 pursuant to Chapter 36.1 of Title 15.1 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map Parcel 20-2 ((1)) 8Z, 13Z, 14Z, 16, and 48Z, 20-2 ((13)) 4Z and 5Z, staff recommends the approval be subject to the following Ordinance 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.
2. No parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight (8) years from the date of adoption of the original ordinance.
3. Land used in agricultural and forestal production within the agricultural and forestal district of local significance shall qualify for an agricultural or forestal value assessment on such land pursuant to Chapter 4. Article 19 of the Fairfax County Code and to Section 58.1 et seq. of the Code of Virginia, of 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 June 15, 2011, for the life of the Eagle 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 21, 2005, for the life of the Eagle 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 this Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.

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

Application No. AR 89-D-001-02

APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT

RECEIVED
Department of Planning & Zoning
MAR 15 2011
Zoning Evaluation Division

FAIRFAX COUNTY

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

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
THE EAGLE FAMILY LTD PARTNERSHIP 8008 GEORGETOWN PIKE MCLEAN, VA 22102	0202-01-0008Z	1967	RE	15.0
	0202-01-0013Z	1967	RE	32.73
	0202-01-0014Z	1987	RE	15.05
	0202-01-0016	2011	RE	5.08
CHARLOTTE FREDETTE SMITH EAGLE 8008 GEORGETOWN PIKE MCLEAN, VA 22102	0202-01-0048Z	1967	RE	7.77
FREDERICK SMITH TRUST UNDER WILL FOR THE BENEFIT OF CHARLOTTE FREDETTE SMITH EAGLE, ARGENT TRUST, TRUSTEE	0202-13-0004Z	1996	RE	5.35
6075 POPLAR AVENUE, SUITE 702 MEMPHIS, TN 38119	0202-13-0005Z	1996	RE	5.0

- Total acreage in the proposed district: 85.98 acres.
- Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm _____ forest 7.

AR 2011-0092

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

Name: TABITHA FREDETTE EAGLE

Address: 8008 GEORGETOWN PIKE
MCLEAN, VA 22102

Telephone: (703) 893-6734

6. Signature of all property owners:

CHARLOTTE FREDETTE SMITH EAGLE

Charlotte Fredette Smith Eagle

TABITHA FREDETTE EAGLE, MANAGING GENERAL PARTNER,
EAGLE FAMILY LTD PARTNERSHIP

Tabitha Fredette Eagle

FREDERICK SMITH TRUST UNDER WILL
FOR THE BENEFIT OF CHARLOTTE
FREDETTE SMITH EAGLE, TRUSTEE
ARGENT TRUST

By: [Signature], President

TO BE COMPLETED BY THE COUNTY

#50.00 paid
Virginia Ruffan

Date application accepted: 3/31/11

Date of action by Board of Supervisors: _____

Approved as submitted Denied

Approved with modifications

RECEIVED
Department of Planning & Zoning
MAR 15 2011
Zoning Evaluation Division

ALL APPLICANTS

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

Structure	Year built	Use
MAIN DWELLING	1950	RESIDENTIAL
GUEST HOUSE	1950	GUEST QUARTERS
STABLE	1950	STORAGE
TENNIS COURT	late 1950s	RECREATION
SWIMMING POOL	late 1950s	RECREATION
GARAGE	1967	STORAGE
SHED	1989	

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:

1 HISTORIC SITE LISTED IN FAIRFAX COUNTY INVENTORY OF HISTORIC SITES:
 — THE BULL NECK GOLD MINE, LOCATED, IN RUINS, ON LOT 13Z

ADDITIONALLY, THE FAIRFAX COUNTY ARCHAEOLOGIST HAS STATED THAT
 OTHER POTENTIAL NATIVE AMERICAN AND HISTORIC SITES MAY EXIST IN THE
 DISTRICT.

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

DEER MANAGEMENT PLAN HAS BEEN IMPLEMENTED SINCE
 SEPTEMBER 2007, WITH SUBURBAN WHITETAIL MANAGEMENT OF NORTHERN VIRGINIA
 A BLOCKED CULVERT WAS REPLACED IN 2008, CONDUCTING A SMALL
 STREAM UNDER THE DRIVEWAY.

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: SEPTEMBER 18, 2007

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

If yes, date submitted: _____

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

Product	Past year's yield	Average yield for previous 4 years
<u>N/A</u>		

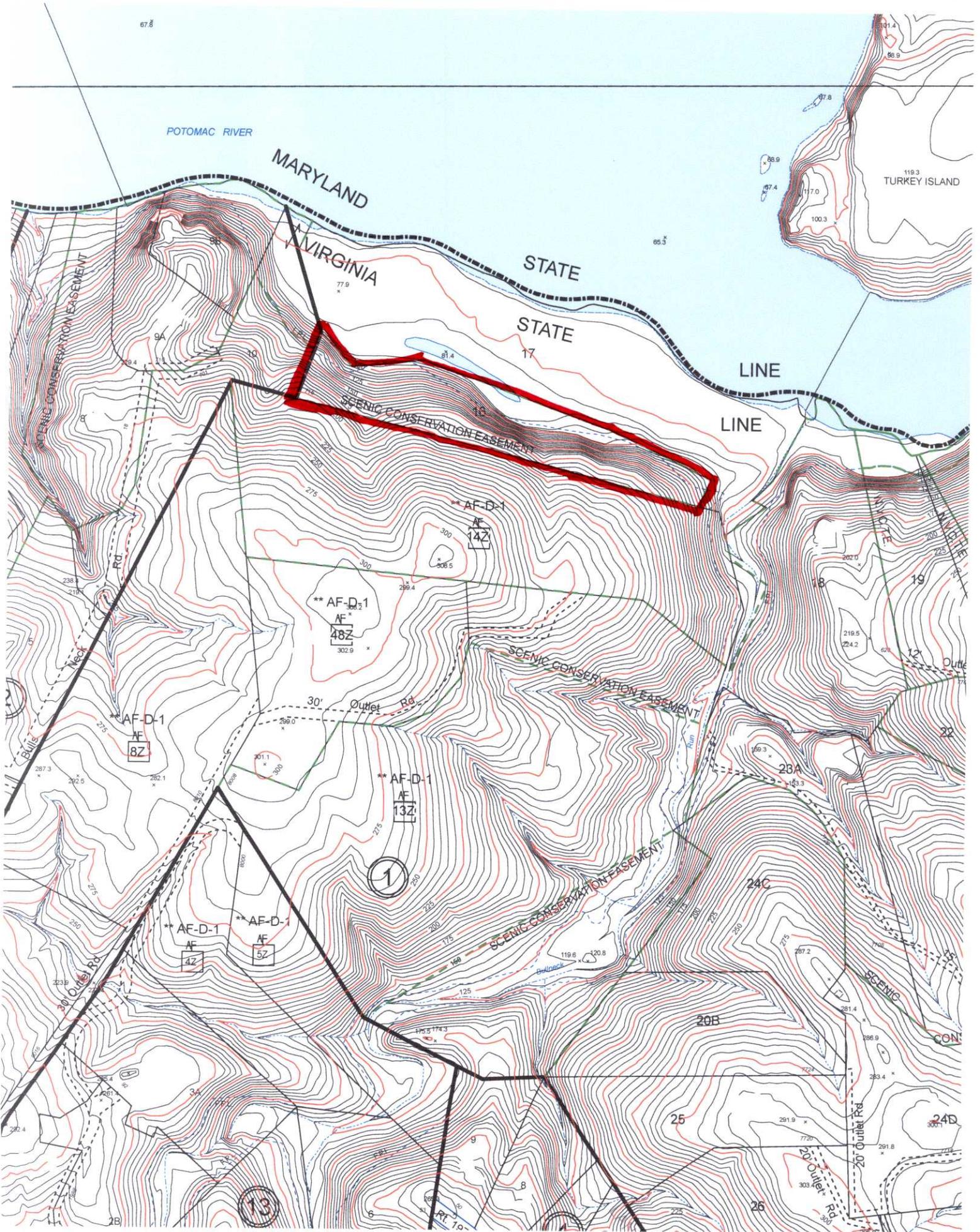
8008 STRUCTURES ON THE PROPERTY :

ALL STRUCTURES ARE LOCATED ON LOT 48Z,
ALSO CALLED "THE HOUSE LOT"

1. MAIN DWELLING HOUSE ABOVE GRADE LIVING AREA TOTAL 3,204 sq.ft.
(FxCo PROPERTY PROFILE)
2. GUEST HOUSE 1348 SQ.FT. (FxCo PROPERTY PROFILE)
3. GARAGE 2010 SQ.FT. (")
4. "STABLE" [CONCRETE STORAGE SHED] ^{C.} 100 SQ.FT
5. SWIMMING POOL 40 FT. X 20 FT, DEPTH FROM 3.5 to 8.5 FT DEEP
35,000 GALLON
6. TENNIS COURT
7. STORAGE SHED

ACCESS TO NEAREST PUBLIC ROAD FURNISHED EXCLUSIVELY BY
30 FT. WIDE PIPESTEM DRIVEWAY, 1/2 MILE LONG, WHICH IS
A PARCEL PART OF LOTS 8Z, 48Z, AND 13Z AND SO SERVES
THE 8008 PROPERTY AS ACCESS ONTO GEORGETOWN PIKE

LOT 0202-01-0016 OUTLINED IN RED. 715 BULLS NECK RD



2

RECEIVED
Department of Planning & Zoning
MAR 15 2011
Zoning Evaluation Division

STATEMENT OF JUSTIFICATION REGARDING CRITERIA
UNDER ARTICLE 5, CHAPTER 115 OF THE FAIRFAX COUNTY CODE

Section 115-5-1(a) Criteria group A

- 1) The entire site is undeveloped forest land except for the approximate 3 acres used for the residency.
- 2) The entire district is in Eagle Local Agricultural and Forest District and is zoned R-E (Residential Estate).
- 3) The District is consistent with the Comprehensive Plan in that it provides for low density development of the subject acreage between 0.2 – 0.5 units per acre.
- 4) The majority of the surrounding land located within one-quarter mile of the District is planned for 0.2 – 0.5 units per acre under the Comprehensive Plan.
- 5) This criterion is not applicable because there are no farms included in the land in the District.
- 6) The land comprising the 85.981 acres in the Eagle Local Agricultural and Forest District consists entirely of forested parcels except for the approximately 3 acres that contains the residency. Charlotte Fredette Smith Eagle is the owner of the parcel with the residency (lot 48z) and a limited partner of the Eagle Family Limited Partnership, which owns the parcels 8z, 13z, 14z and the recently purchased 16 (awaiting approval of the z rating), and she is the sole beneficiary of the Trust that currently owns lots 5z and 4z.
- 7) This criterion is not applicable because none of the land in the District is in agricultural use.
- 8) This criterion is not applicable because none of the land in the District is in agricultural use.
- 9) The land in the District has been kept in an undisturbed state except for the portion that is used for the residency. The Property, with the exception of lot 16 newly added to this application, is already subject to the Forest Management Plan dated August 25th, 2005, and the recommendations of the Soil and Water Conservation Plan dated September 18, 2007.

It is foreseeable that the applicant may build an additional residential dwelling on the land in the District for the benefit of her children. The additional residential dwelling is allowed pursuant to Fairfax County Code Section 115.4-6(a) and would not be built on land in the District that has been previously identified as an Environmental Quality Corridor, or in a place prohibited by the Conservation Easement deeded in 2006 to the Northern Virginia Conservation Trust.

The Eagle Family has resided on the land comprising the District since 1967. Their commitment to continued conservation of the land has been demonstrated over the years by Charlotte Fredette Smith Eagle's and the Eagle Family Limited Partnership's donation of scenic and conservation easements over the land to The United States of America, National Park Service; the Northern Virginia Regional Park Authority; and in 2006 to the Northern Virginia Conservation Trust (see Fairfax County Deed Book 18923 0117), and most recently, with the

purchase of lot 0202-01-0016 in March 2011 another Conservation Easement to NVCT is reserved in the deed (see Fairfax County Deed Book 21430 page 304)

In cooperation with the Urban Forest Conservatonist with Virginia Department of Forestry, James McGlone, the Eagle Family has implemented a Forest Stewardship plan to control the damage due to the local deer population

The Eagle Family also regularly monitors the Stream Water Quality of Bull Neck Run for Fairfax County Soil and Water Conservation District.

Section 115-5-1(b)

- 1) This criterion is not applicable because there are not any actively producing farms on the land in the District.
- 2) The land in the District overlooks the Potomac River and preservation of its underdeveloped nature protects the unique, unblemished, scenic vistas in the area.
- 3) There is one Historic Site in the District, located on lot 13z, listed with the Fairfax County Inventory of Historic Sites and that is the Bull Neck Gold Mine. The Fairfax County Archaeologist has also stated that there are other potential Native American and Historical sites within the District.
- 4) This criterion is not applicable because there are no active farming or forestry operations that are conducted on the land in the District.
- 5) The land in the District is currently zoned R-E.
- 6) The land in the District is located entirely within permanent conservation/scenic easement.

Date Charlotte Fredette Smith Eagle

3/15/2011 

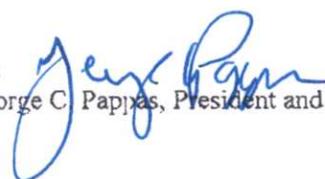
THE EAGLE FAMILY LIMITED PARTNERSHIP

Date 3/15/2011 By:


Tabitha Fredette Eagle, Managing General Partner

FREDERICK SMITH TRUST UNDER WILL FOR THE BENEFIT OF
CHARLOTTE FREDETTE SMITH EAGLE,
AGENT TRUST, TRUSTEE

Date 3/15/2011

By: 
George C. Pappas, President and Senior Trust Officer



County of Fairfax, Virginia

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

January 30, 2008

Tabitha Eagle
8008 Georgetown Pike
McLean, Virginia 22102

RE: Agricultural and Addendum District Application AA 89-D-001 (Dranesville District)

Dear Ms. Eagle:

Agricultural Addendum District Application AA 89-D-001, in the name of The Eagle Family Limited Partnership, 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 January 28, 2008, as the Eagle Local Agricultural and Forest District, subject to the attached ordinance provisions dated October 10, 2007. The subject property is located at 8008 Georgetown Pike on approximately 80.9 acres of land zoned R-E [Tax Map 20-2 ((1)) 8Z, 13Z, 14Z, and 48Z; 20-2 ((13)) 4Z and 5Z].

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms
Attachment

cc: Chairman Gerald E. Connolly
Supervisor John W. Foust, Dranesville District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara Byron, Director, Zoning Evaluation Division, Dept. of Planning and Zoning
Leslie Johnson, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Manager, GIS Property Mapping/Overlay
Angela Rodeheaver, Section Chief, Transportation Planning Division, DOT
Charles Strunk, Project Planning Section, Department of Transportation
Jose Comayagua, Director, Facilities Management Department
Ken Williams, Plans and Document Control Section, ESRD, DPWES
Department of Highways, Virginia Department of Transportation
Sandy Stallman, Park Planning Branch Manager, Fairfax County Park Authority
Diane Hoffman, Northern Virginia Soil and Water Conservation District
James Cochran, Supervising Appraiser, Real Estate Division, DTA

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: clerktothebos@fairfaxcounty.gov

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

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, January 28, 2008, 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:*

That Appendix F is amended, by amending the Eagle Local Agricultural and Forestal District, as follows:

F-31. Eagle Local Agricultural and Forestal District
(AA 89-D-001)

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

Owners	Fairfax County Tax Map Parcel Number	Acreage
The Eagle Family Limited	20-2 ((1)) 08Z	15.00 acres
Partnership, Charlotte Fredette	20-2 ((1)) 13Z	32.73 acres
Smith Eagle, and Fredrick	20-2 ((1)) 14Z	15.05 acres
Smith Trust	20-2 ((1)) 48Z	7.77 acres
	20-2 ((13)) 4Z	5.35 acres
	<u>20-2 ((13)) 5Z</u>	<u>5.00 acres</u>
	Total:	80.90 acres

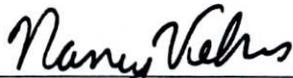
(b) The Eagle Local Agricultural and Forestal District is established effective January 28, 2008 pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

- (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.
- (2) No parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight (8) years from the date of adoption of the original ordinance.
- (3) Land used in agricultural and forestal production within the agricultural and forestal district of local significance shall qualify for an agricultural or forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1 et seq. of the Code of Virginia, of the requirement for such assessment contained therein are satisfied.
- (4) The district shall be reviewed by the Board of Supervisors at the end of the eight-year period and it may, by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.
- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated September 18, 2007, for the life of the Eagle 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 21, 2005, for the life of the Eagle 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 this Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.
- (7) Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation and the removal of dead, dying and diseased vegetation in accordance with the Forest Management Plan and as approved by the Urban Forester. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Whitehall Local Agricultural and Forestal District.
- (8) The Resource Management Division of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property. Surveys and other similar activities of the Resource Management Division shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and establishment before each occurrence.
- (9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.

This amendment shall become effective upon adoption.

GIVEN under my hand this 28th day of January, 2008.



NANCY EHRS
Clerk to the Board of Supervisors



County of Fairfax, Virginia

MEMORANDUM

DATE: July 11, 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 and Environmental Assessment: AR 89-D-001-02
Eagle Family, Limited Partnership

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 85.98 acre Eagle Family Agricultural and Forestal District is up for renewal. The district encompasses seven parcels of forested land, all of which are undeveloped except for three acres of the district which are in residential use. Approximately 75.63 acres are protected by conservation or scenic easements.

LOCATION AND CHARACTER

The subject property is located south of the Potomac River in the northeastern portion of Fairfax County and it falls within the Bull Neck Run Watershed. This agricultural and forestal district is surrounded by land which is predominantly planned for residential use up to .2 dwelling unit per acre (du/ac) or 5- acre lots.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



COMPREHENSIVE PLAN CITATIONS

Land Use

Fairfax County Comprehensive Plan, 2011 Edition, Area II, McLean Planning District, District- wide Recommendations, Environment, as amended through March 9, 2010, pages 7 and 8 state:

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

The McLean Planning District contains an extensive array of environmental resources. The predominant features include the Potomac Palisades and the Georgetown Pike. Outside the Tysons Corner area, development is heavily constrained by rugged terrain associated with the Potomac River, extensive EQCs, highly erodible soils, and areas of hardwood forests. Low density development and innovative subdivision designs should be used to maximize the preservation of these features. Policies should be addressed to maintaining these areas for the valuable habitat they support. The following are environmental objectives for the McLean Planning District:

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

Fairfax County Comprehensive Plan, 2011 Edition, Area II, McLean Planning District, as amended through March 9, 2010, M5-Potomac Palisades Community Planning Sector, page 118 states:

“The Potomac Palisades sector is largely developed as stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan

To protect this scenic and environmentally fragile sector, low density development should be continued throughout this sector....

1. West of the Beltway, where three stream valleys cross the sector and where the land is not sewerred, a density not to exceed .2 dwelling unit per acre is planned.”

COMPREHENSIVE PLAN MAP: Predominantly planned for residential use at .2-.5 du/ac with the remainder planned for public facilities, governmental and institutional uses, and private open space.

Environment

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 7 and 8 state:

“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....

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 10 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....”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 14 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)....”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 18 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. . . .

Policy c: Use open space/conservation easements as appropriate to preserve woodlands, monarch trees, and/or rare or otherwise significant stands of trees, as identified by the County.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 18 states:

“Objective 11: Promote the use of open space/conservation easements as tools to preserve environmental resources.

Policy a: Use open space/conservation easements for the preservation of Environmental Quality Corridors, Resource Protection Areas, and other environmentally sensitive areas such as land along the Potomac and Occoquan Rivers.”

LAND USE ANALYSIS

Renewal of this Agricultural and Forestal District in an undisturbed state except for residential use with perpetual scenic and conservation easements over the land is consistent with the existing and planned low density residential character for the site and surrounding area.

ENVIRONMENTAL ANALYSIS

Water Quality Protection and Forest Preservation

This request seeks approval to renew an Agricultural and Forestal District which encompasses 85.98 acres of land located in the northeastern part of Fairfax County immediately south of the Potomac River Resource Protection Area (RPA) in the County’s Bull Neck Run watershed.

The site is characterized by a number of environmentally sensitive features including steep slopes, stream valley and densely vegetated hardwood forests. Approximately 66 acres of the district are delineated as Environmental Quality Corridor (EQC) per the Policy Plan and approximately 19 acres are included in RPA per the Chesapeake Bay Preservation Ordinance (CBPO). The applicant proposes to maintain the district as a conservation area preserved as undisturbed open space.

No active agricultural or a silvicultural activity occurs on the subject property; however, the Northern Virginia Soil and Water Conservation District has provided a current Water Quality Management Plan for the district. In addition, the Urban Forest Conservationist from the Virginia Department of Forestry recommends deer herd management as the primary strategy to maintain the health of the district's forest.

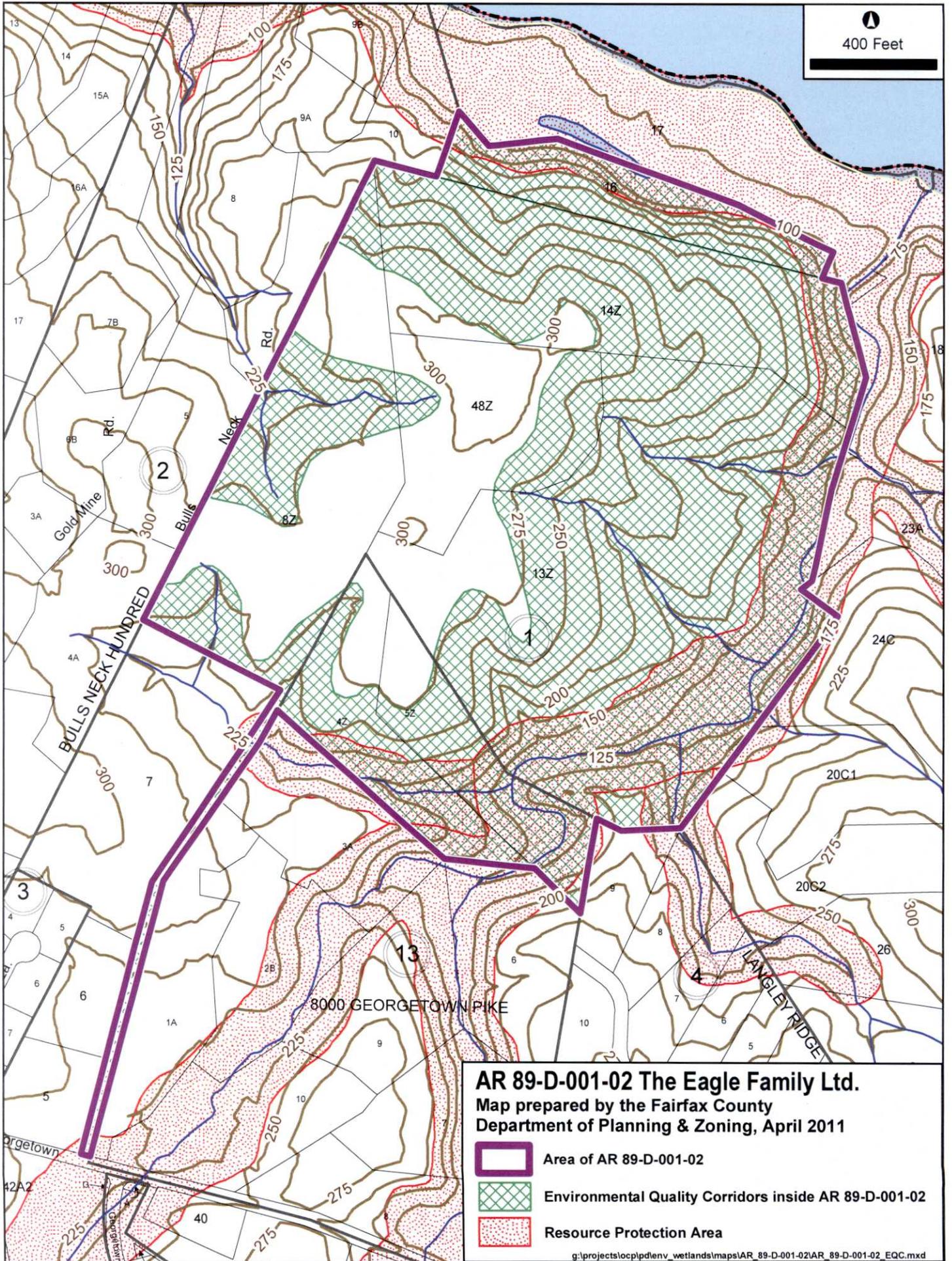
This application conforms to the Comprehensive Plan guidance that recommends protection and preservation of EQCs and other environmentally sensitive areas. The application demonstrates a strong commitment to conserve environmentally sensitive and scenic features on site. The application does not raise any environmental concerns and conforms to environmental policies of the Comprehensive Plan.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan depicts a natural surface or stone dust trail, as defined as typically 6' to 8' in width, along Georgetown Pike.

PGN: MAW

Attachment



400 Feet

BULLS NECK HUNDRED

8000 GEORGETOWN PIKE

LANGLEY RIDGE

Parcel numbers: 13, 14, 15A, 16A, 17, 7B, 8, 9A, 10, 11, 12, 13, 14Z, 15, 16, 17, 18, 19, 20, 21, 22, 23A, 24C, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300.



County of Fairfax, Virginia

MEMORANDUM

DATE: May 12, 2011

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

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

FILE: 3-4 (AF 89-D-001)

SUBJECT: Transportation Impact

REFERENCE: AR 89-D-001-02; The Eagle Family Limited Partnership
Land Identification Map: 20-2((1))8Z, 13Z, 14Z, 16, and 48Z
20-2((13))4Z and 5Z

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

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

AKR/mdd

Carl E. Garrison III
State Forester



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY

900 Natural Resources Drive, Suite 800

Charlottesville, VA 22903

www.dof.virginia.gov

(434) 977-6555

Fax: (434) 296-2369

May 23, 2011

Ms. Tabitha Fredette Eagle
8008 Georgetown Pike
McLean VA 22102

Dear Tabitha,

I enjoyed seeing you and your mother recently. As always, it is a pleasure to visit your forest and talk about how you are managing it. As I mentioned in my visit, the general management recommendation of reducing the deer herd until there is significant regeneration still holds, both on the original parcels and the newly acquired parcel. Once the deer are under control, we may be able to pursue some other management strategies.

I spoke with John Rohm, a wildlife biologist with the Virginia Department of Game and Inland Fisheries, regarding your deer management questions. The state recognizes crossbows as archery tackle and they may be used whenever regular bows are allowed. Also there is not state prohibition against taking does during the spring under a kill permit.

Despite the problems with deer on the property, it is still a valuable resource to Fairfax County and a great addition to the Agricultural and Forestal District program.

If you have any questions or I can be of assistance, please don't hesitate to contact me.

Sincerely,



James McGlone
Urban Forest Conservationist

Everette L. Kline, Jr.
Regional Forester



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY
12055 Government Center Parkway
Suite 904
Fairfax, VA 22035

July 21, 2005

The Eagle Family Limited Partnership
8008 Georgetown Pike
McLean, VA 22182

Dear Eagle Family Members,

It was the highlight of my week to review your property for the Agriculture and Forestry renewal application. Thank you so much for the guided tour of the property, the historical perspective sheds light on the current forest condition. The enclosed report contains an aerial photo, photo documentation, maps, and other leaflets that may be helpful and of interest. If there are any questions about this report please contact me.

Sincerely,

Judith A. Okay, Natural Resource Specialist
703-324-1480



**Report of Tree Cover
For
Eagle Family Limited Partnership
Property at 8008 Georgetown Pike
McLean, VA 22102**

**AR 92-D-006
Tract # FAX99008**

**Location : N 38°58' 05" W 77°13' 03"
Entrance off Georgetown Pike
Tax Map 20-2**

Examined by: Judith A. Okay and Jonathan Pine - Virginia Dept. of Forestry

Landowner Objectives: To maintain the Agriculture and Forestry District as well as to retain the integrity of the historic points of interest on the property.

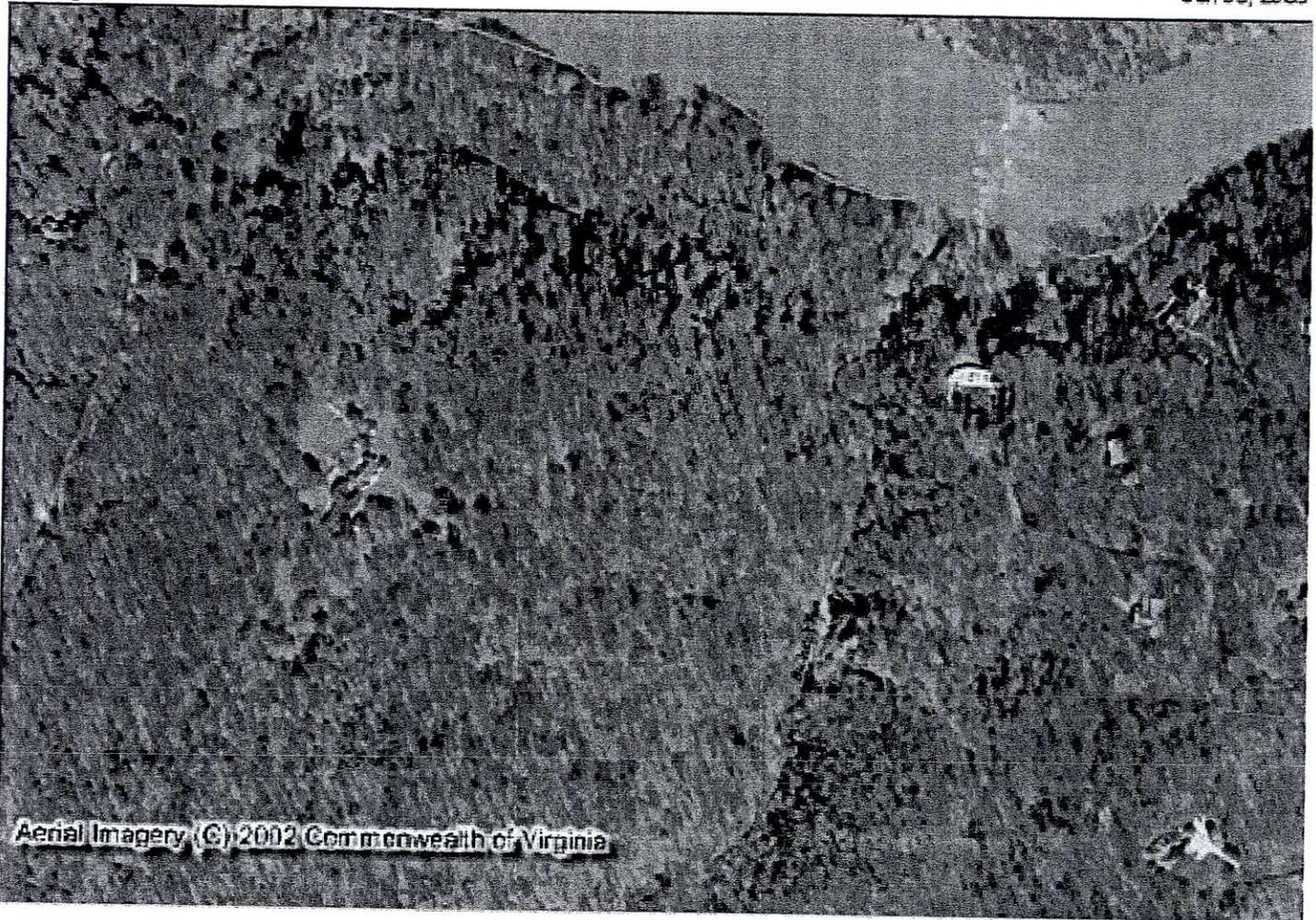
Introduction: The property contains upland and stream valley components with basically three different areas that are forested with different tree communities: upland, bottomland and rocky ridge slope. There is an Resource Protection Area (RPA) associated with the east and southern portion of the property. This is depicted on a RPA map included with this report. There is also an aerial photo and digital photos to support observations and recommendation that are made for the forest management of the property. For clarity the areas addressed in the report are divided into parcels.



The Eagle Family Limited Partnership

Agricultural and Forestry Renewal 2005

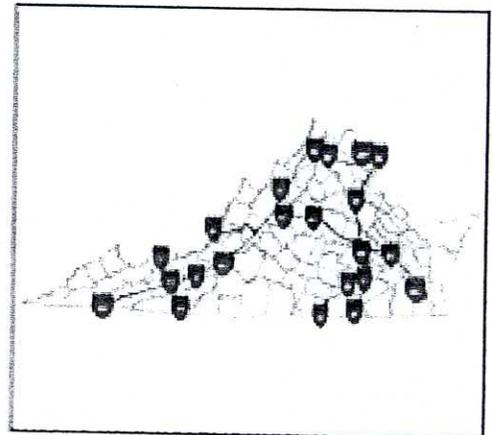
MAP BY:
JUDITH OKAY
AR 91-D-008
Jul. 05, 2005



LEGEND

- Interstates VDOT
- US Highways VDOT
- Neighborhood Roads TIGER
- Streams and Rivers
- Waterbodies
- Parcels
- Counties
- County Boundary

**not intended
for legal
boundaries*



Parcel A
(Area from west to east across the river view of the property line)

Species composition: This mixed hardwood forest has a good diversity of species. The canopy consists of predominantly Tulip poplar, Red maple, American Beech, Red oak and White oak (Photo 1). The measured diameter for one Red oak was 30 inches and for a Tulip poplar 45 inches. These are the larger trees observed in this area. The understory is sparse with exception of the Paw - Paw that is quite prolific (Photo 2). Other species in the understory are Mountain laurel, American hornbeam, and Sassafras The ground cover in this area consists of primarily Japanese stilt weed (Photo 3).

The predominant soil type for this area is Manor silt loam in the steep and hilly phase, 21 D and E. The significance of mentioning this is the influence it has on the forest composition. Manor soil is appropriate and usually supports Tulip poplar, Hickory, and oak species.

Quality of Forest: The dense canopy cover, as well as the deer browse have limited the amount of young seedling regeneration in this area. The mature trees are in good condition, no particular disease problems were observed on any of the trees. The ground cover is limited in diversity due to the Japanese stiltweed.

Wildlife habitat: This area has the potential to provide food and shelter for a wide diversity of wildlife. Fox, squirrel, deer, song birds, and turkey are just some of the species known to frequent the area.

Recreation : This area provides a stunning view of the Potomac River through a framed opening (Photo 4). It provides an opportunity for great photographs, painting, and relaxation. Although the area has steep slopes, there is a plateau for walking and enjoying the seasonal changes of the forest and river.

Recommendations: The forest has been well maintained over the years and there is no need for drastic changes in the management regime. It is suggested that something be done to control the spread of invasive Japanese stilt weed. Although it is a nuisance and does out compete native ground covers, it is a weak plant. Mechanical and chemical solutions will work well. This plant does not offer nutritional value for most wildlife. Deer management is taking place on the property and should continue. For the purpose of creating gaps for light and potential for forest regeneration, some tree removal would be beneficial. I would not recommend this on the steep slopes, only on the plateau areas of this parcel.

PARCEL B

(Area along Bullneck stream and tributaries)

Species Composition: The stream valley and associated slopes provide for bottom land species usually supported by a fluctuating water regime.. Some of the species observed in this area as canopy were Red oak, Sugar maple, Hickory, Chestnut Oak, Red maple, Black walnut and American Beech. The Beech in this floodplain area were quite remarkable with one measured diameter of 40 inches and many comparable trees (Photo 5) .

The understory of this bottomland area looked quite good. There were signs of regeneration. Some of the species in the understory are: Dogwood, American hornbeam, wild azalea and American holly on the slopes. The ground was well covered with Christmas ferns, New York fern, nettles and clear weed.

The soils associated with this area is 1A, which is alluvial. This is an unclarified soil type because it consists of soils deposited from the overflow of the stream. This is usually a rich sand loam soil and supports the following forest species: Sycamore, Sweet gum, Tulip poplar, Red oak, Cottonwood poplar and Green Ash.

Quality: There were quite a few trees that had fallen off the adjacent slope along the stream. It is difficult to anticipate this type of natural occurrence. The trees look healthy with no particular disease problem. There is good vertical and horizontal diversity in this parcel.

Wildlife Habitat: This is an excellent corridor for wildlife that is associated with waterways. This would include water fowl, beaver, raccoon, fox and a variety of birds, frogs, toads, snakes and salamanders. The shade provided by the riparian buffer keeps the water temperature moderated for the aquatic species. The steep slopes are hard to negotiate for man and animal, so access along the path is very good and looks well used as a corridor. The diversity of tree species provides hard mast, soft mast and many types of seeds.

Recreation: Just a walk along the stream is a great exercise and provides photographic opportunities (Photo 6). The many historic points of interest such as the old gold mine, the flushing area and mine shaft, the many little drainage ways would inspire many artists and writers. The historic American Beech trees with the initial carvings (refer to photo 5) are also interesting and thought provoking. Over all this is an extremely inspiring and great area for passive recreation including wildlife observation.

Recommendations: The tree falls in this area are not something that can be approached with conventional tree removal. The adjacent steep slopes and lack of access are both positive and negative. They do keep the area from overuse, but do not help with the management of the forest in this area. Overall the best management is no management. Nature is taking care of itself in this area. There are seedlings for future regeneration, the tree falls provide gaps and reduce the competition for younger saplings better than could be provided any other method. A small issue is that there is *Ailanthus altissima* in the stream valley area, it would be good if this could be eliminated. This invasive plant spread rapidly and crowds out native species.

PARCEL C

(This includes the slopes, the area across Bull Neck and ridges adjacent to tributaries)

Species Composition: This area is a mixed hardwood area on the steep slopes. The species are much the same as those for the upland area. The one difference is the Hemlock component. This shows up particularly along the smaller tributaries in the very rocky substrate. The understory on these slopes is at a better density than on the upland portions of the property. The slopes are so steep it is not conducive to deer browse. The canopy is very dense and closed in these areas, but possibly because of the aspect there is regeneration occurring. There is a notable Hemlock on a knoll in this area that is approximately 40 inches in diameter. (See photo 7), Hemlock and Mountain laurel are common in the Potomac Gorge area.

The soils on this parcel are different on the Southwest corner of the parcel. They are 18 E 1 which is a Rockyland acidic mixture that could be Iredell or Mecklenburg of the steep phase. These soils support the following forest species: Hickory, Northern Red oak, Sweet gum, Tulip poplar, Loblolly pine, and White oak. Most of these are found in this parcel.

Quality: Because of age and succession, there are groups of trees on the ridges and slopes that have been subject to wind throw during severe storms. This is an issue not easily solved on steep slopes. If it were possible it would be good to salvage the larger trees that are down, it is an uncertainty whether it is good to do that at the risk of disturbing the adjacent slopes. It is something to be considered as a management decision.

Wildlife Habitat: These slopes and ridges do offer some cavity habitat for dens and also older trees for birds that require nesting areas such as owl, woodpecker, and hawks. This parcel has a lot of natural character and some trails making it accessible as a wildlife corridor.

Recreation: The steeper slopes are a challenge for hiking. It is a picturesque area for passive recreation such as bird and wildlife observation and photography. The geology in this areas is also very interesting for the novice geologist.

Recommendations: Other than the tree fall issue, the forest is in good condition. The Hemlock are extremely healthy and have managed to avoid the Woolly adelgid insect. Recreational use of this area should be monitored in terms of campfires in the valley. With the steep slopes and the older vegetation a forest fire would be devastating.

CONCLUSIONS

The Eagle property has very beautiful and interesting forest cover. Over the years it has been well managed and maintained. It is understood that there is deer population control through bow hunting taking place. This should be continued in some manner in order to allow understory to regenerate. There is ample seed bank for future forest cover to develop, but the invasive plants like Japanese stilt weed and Ailanthus are thwarting the process.

The potential for fire exists because of the areas with piles of wind throw. Thickets of Mountain laurel because of the oily nature of the plant make good fire fuel. This is always a risk and care should be taken with camp fires and fire arms. No prevalent disease was observed and the Woolly adelgid has been well controlled on the Hemlocks.

Conservation easements exist on the property and it is obvious that the landowners manage with a great stewardship ethic. Because of the historic interest the property has and the great natural resources, it is valuable to have this property in an Agriculture and Forestry District. In the Georgetown Pike and McLean area development has been rapidly taking place. The Eagle property is a good example of what needs to be protected for the ecosystem and water quality benefits for the Potomac River.

PHOTO DOCUMENTATION



Photo 1. General forest cover for Parcel A



Photo 2. Paw Paw understory typical across property

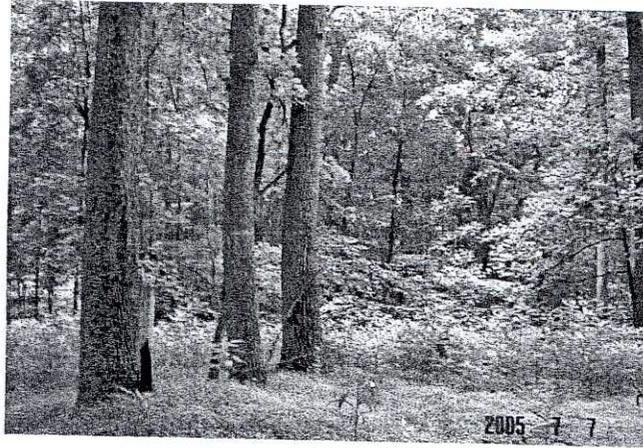


Photo 3. Japanese stilt weed as a ground cover

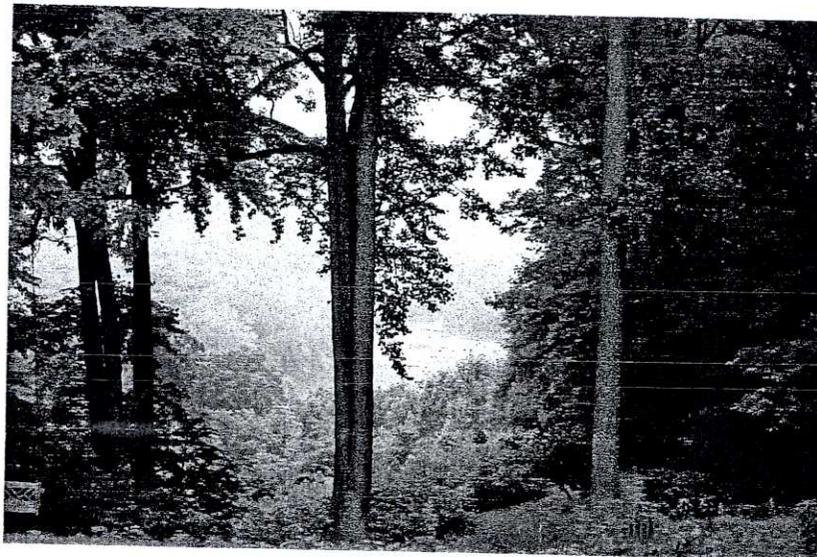


Photo 4. Framed view of the Potomac River



Photo 5. Large American Beech with carving, typical of Beech in bottomland Parcel B.

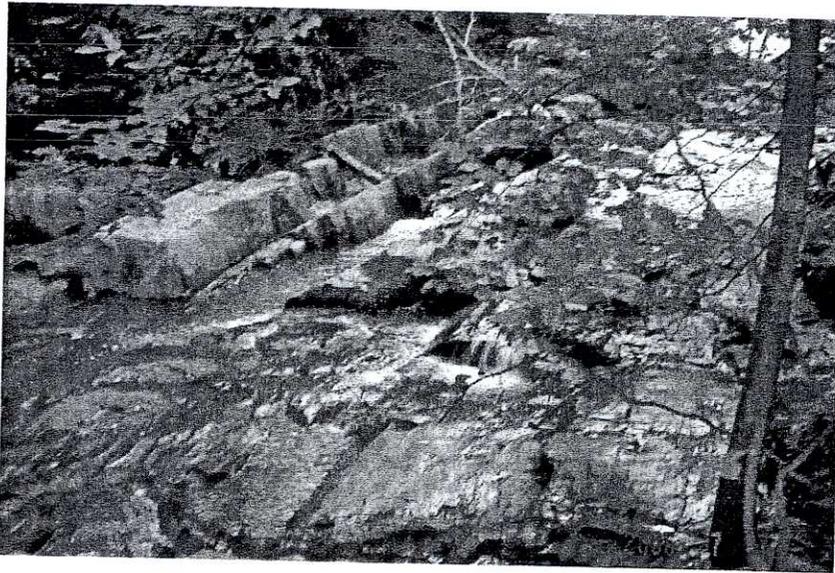
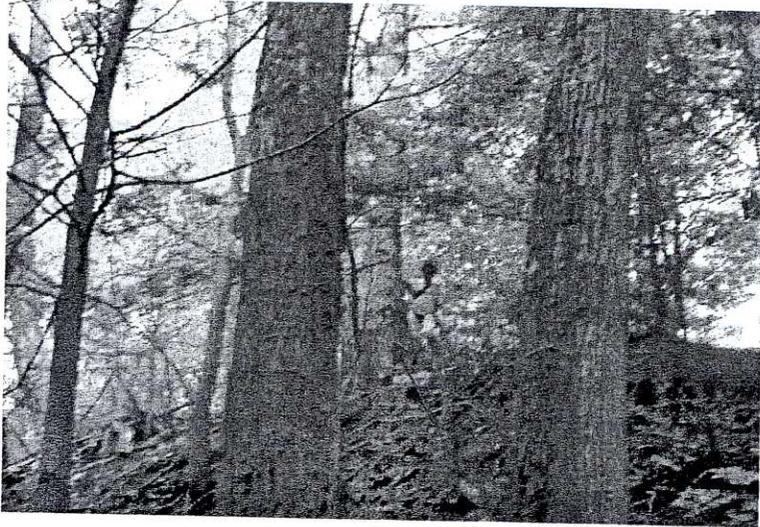
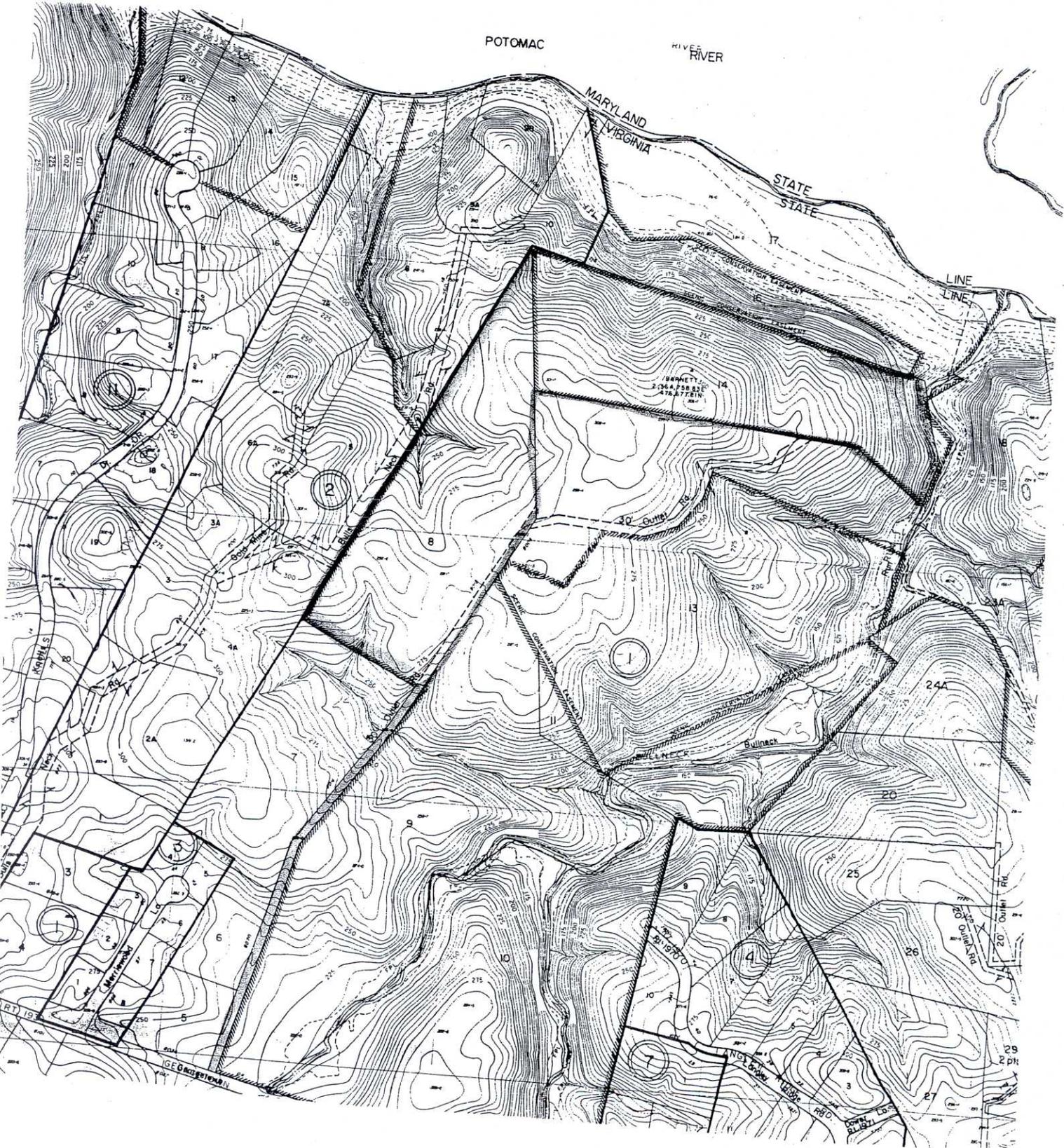


Photo 6. Bull Neck stream rock outcropping provides interest as scenery and geology

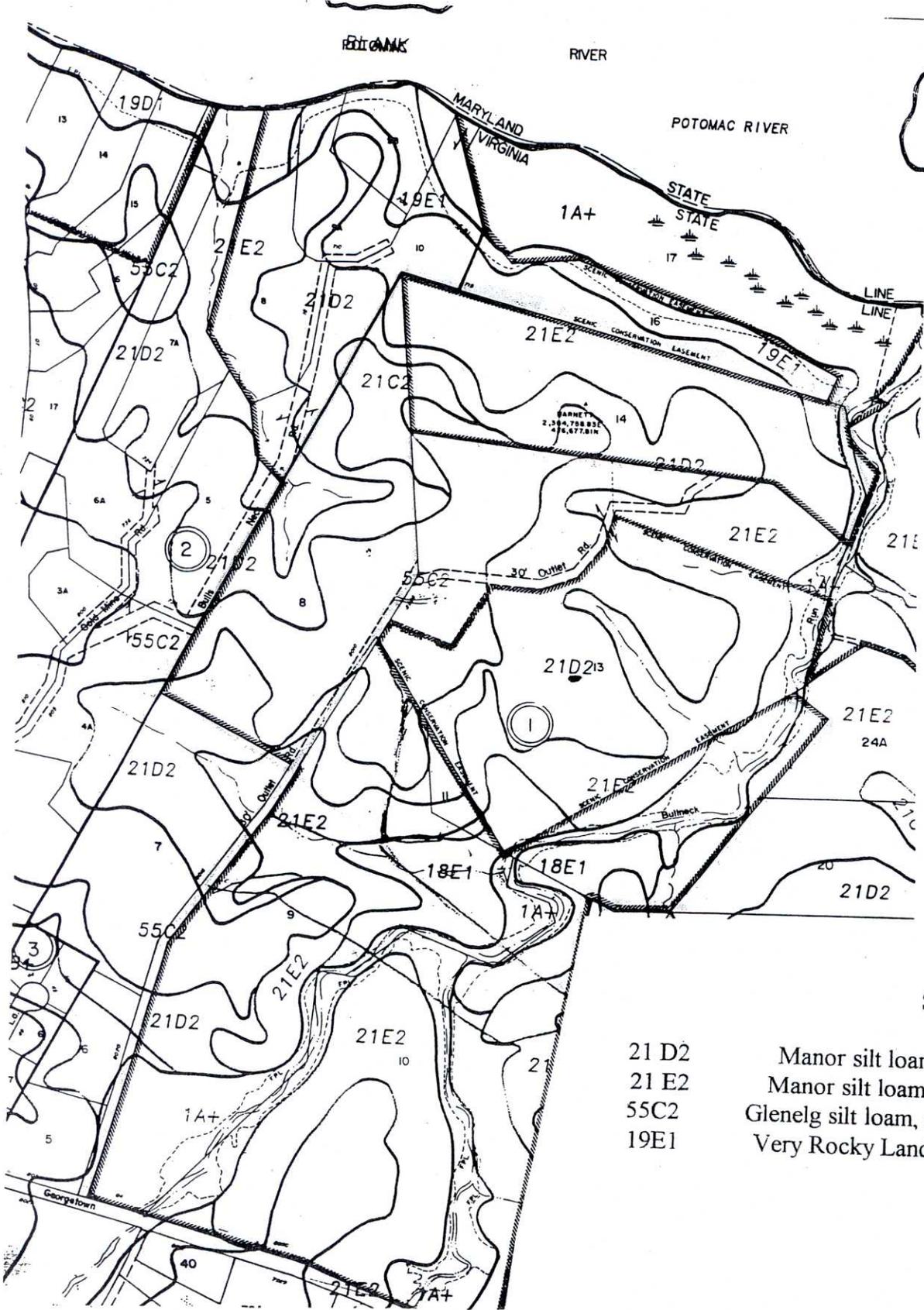


**Photo 7. Large Hemlock on knoll, ~ 40 " diameter
(note red arrow)**

Topography Map for Eagle Property

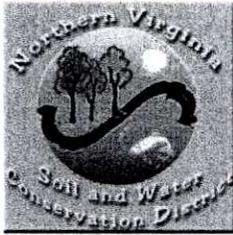


Soils Map for Eagle Property



Soils present:

- 21 D2 Manor silt loam, hilly phase
- 21 E2 Manor silt loam, steep phase
- 55C2 Glenelg silt loam, rolling phase
- 19E1 Very Rocky Land steep phase



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 Owner/Operator:

The Eagle Family Ltd. Partnership

C/o Tabitha Fredette Eagle

8008 Georgetown Pike

McLean, VA 22102

Contacts: 703-893-6734; Email: Zaequathor@yahoo.com

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

June 15, 2011

Summary of operation:

This is an 86-acre property located at 8008 Georgetown Pike in McLean, in the Bull Neck Run Watershed (PL 23). It consists of seven parcels; all of which is undeveloped forest except for approximately 3 acres in residential use. There is no active agricultural practice on site. As of 2006, significant portion of the property was signed into a Conservation Easement agreement with the Northern Virginia Conservation Trust. Lot 16 is a contiguous parcel, newly acquired as of March 2011 also kept under similar easement condition.

Multiple natural drainages flow through the property, including Bull Neck Run that flows along the east side of the property. This major channel empties into the Potomac River north of the property. This network of streams and channels has approximately 4,885 linear feet of Resource Protection Area (RPA).

Except for the central portion of the property, the outer areas constitute very steep slopes that have been classified as an Environmental Quality Corridor (EQC) by the Department of Planning and Zoning. Soils types on site are mostly highly erodible in nature. Erosion problems are prone to natural drainage areas, especially in areas where channels are steep, and in areas where inadequately controlled storm runoff flows through the property. Considering the overall sensitivity of this property (i.e. RPA, EQC and highly erodible soils) the land owners/managers are advised to minimize any major modifications that are not supported with properly engineered and approved plans, especially on the critical slopes and in the riparian zones.

Both the RPA and wooded area support a very active wildlife environment. Landowner(s) continue to implement Deer and Forest Management Plans.

Practices:

1) Buffer Management - Chesapeake Bay Resource Protection Area (RPA)

The cross-hatched (shaded) area on the site map is the Fairfax County delineated Chesapeake Bay Resource Protection Area (RPA) - it is a 100-ft. wide buffer (wider in some areas where it encounters other environmentally sensitive features such as major flood plains). This is the last area/barrier that provides opportunity for filtration of pollutants in runoff from adjacent lands before such polluted water enters state waters. These areas are required to be kept vegetated.

If at all there is need for Pesticide and fertilizer use within these sensitive areas, such applications should be done under highly discretionary conditions. Permitted modifications to the buffer area include those that will aid in maintaining its core functional value. For instance: i) creating access paths to provide general woodlot management as provided by the VA Department of Forestry, ii) Pruning or removal of **approved** potentially destructive or deceased trees, or invasive plants, on condition that where such plants are removed, they will be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

Fields	Planned Amount	Date	Applied Amount	Date
Upland Forest	4,885 ft.	06/2011	4,885 ft.	06/2011
Total	4,885 ft.		4,885 ft.	

2) Nutrient Management:

No commercial fertilizer, pesticides or herbicides are in use.

In case the management decides incorporate the use of inorganic plant treatments (herbicides, etc.), such nutrients will be applied based on proper identification of the pest, and recommendation from an experienced professional. The Northern Virginia Soil and Water Conservation District should be contacted. Appropriate timing and quantity to be applied should be determined either by the district, a qualified individual or establishment before application.

Fields	Planned Amount	Date	Applied Amount	Date
Residential Area	3.0 ac.	06/2011		
Forested Areas	83.0 ac.	06/2011		
Total	86.0 ac.			

3) Pest Management

An Integrated Pest Management (IPM) approach to pest control should be implemented. A pest tolerance threshold should be set and continuous scouting performed to keep pest infestation within the established threshold. An IPM practice will be carried out to control agricultural pest infestation (weeds, insects, diseases) according to current recommendations from the Cooperative Extension Service. The Pest Management Guide is updated annually.

Fields	Planned Amount	Date	Applied Amount	Date
Forested Areas	83.0 ac.	06/2011		
Residential Area	3.0 ac.	06/2011		
Total	86.0 ac.			

4) Upland and Riparian Forest Management

Natural resource preservation practices for trees, wildlife and their habitats within these zones must be implemented. The forest management plan provided by the VA Department of Forestry provides most of the basic practices to protect and enhance this natural open space.

Regarding the riparian zone, the stream corridor must be walk at frequent intervals; especially after a major storm event to be sure a toppled tree or other drifted objects are not lodged such that they enhance erosive conditions within the channel. If such an occurrence is observed, the fallen tree or lodged object should be removed as soon as possible before the next major storm event. Prompt measures should be taken to address any actively eroding bank area. The NSWCD has training staff to provide basic bank stabilization techniques upon request.

Fields	Planned Amount	Date	Applied Amount	Date
Residential Area	3.0 ac.	06/2011		
Upland Forest	83.0 ac.	06/2011		
Total	86.0 ac.			

5) Record Keeping

A system of records indicating the dates and applications of any applied treatment such as pesticides should be developed and maintained

Fields	Planned Amount	Date	Applied Amount	Date
Forested Areas	83.0 ac	06/2011		
Residential Area	3.0 ac	06/2011		
Total	86.0 ac			

SIGNATURE OF PARTICIPANTS - Eagle Family Ltd Partnership
A & F District Renewal

Representative Landowner Manager

Tabitha Eagle 6/27/2011

Tabitha Fredette Eagle

Date

District Authority

Jean Padua
Chairman

6/27/11

Date

Planner

Wilfred D. Woods
Wilfred D. Woods

6/27/11

Date

The Eagle A&F District - 8008 Georgetown Pike, McLean

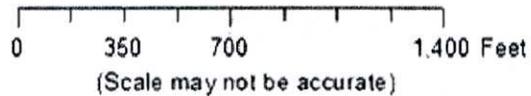


2009 Aerial Orthophoto & GIS Layers

Legend

-  1993 RPAs
-  2003 RPAs
-  2003 (Rev) RPAs
-  Resource Management Areas (RMAs)

R - Residential Area
W - Forested Areas



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: September 7, 2011

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Eagle Local Agricultural and Forestal District;
Application AR 89-D-001-02

The Agricultural and Forestal Districts Advisory Committee met on September 6, 2011, to review the application to renew the Eagle Local Agricultural and Forestal District (Application AR 89-D-001-02). The Committee found the following:

- The Eagle Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Eagle Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Eagle 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 Eagle 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 4-19 of the Fairfax County Code.

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

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