



APPLICATION ACCEPTED: July 24, 2012
PLANNING COMMISSION: October 17, 2012
BOARD OF SUPERVISORS: October 30, 2012 @ 3:30 pm

County of Fairfax, Virginia

WS

October 3, 2012

STAFF REPORT

HICKOX AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AF 2012-SU-001

SULLY DISTRICT

APPLICANT: Jon and Kim Hickox (The Winery at Bull Run)

ZONING: RC, WS, Bull Run Stone Bridge HD (part)

PARCEL(S): 64-1 ((4)) 7C

ACREAGE: 20.99 acres

PLAN MAP: Residential, 0.1-0.2 du/ac

PROPOSAL: The establishment of a Local Agricultural and Forestal District

STAFF RECOMMENDATIONS:

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

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

Brent Krasner, AICP

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

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

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

O:\bkrasner\ZED\Ag & Forest\Districts\2012-1 Hickox\Hickox - Staff Report Cover.doc



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).

LEGAL PLAT

NOTES

1. THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF JONATHAN JAMES HICKOX AS RECORDED IN DEED BOOK 2010 PAGE 1348.
2. THE PROPERTY SHOWN HEREON IS IDENTIFIED AS P.I.N. # 0641-04-0007C AND IS ADRESSED AS #15950 LEE HIGHWAY.
3. A PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN A FEMA-A DEFINED 100 YEAR FLOOD ZONE PER F.I.R.M. COMMUNITY PANEL #15952 0023 D, DATED 3-5-90 AND IS SHOWN HEREON.
4. ENCUMBRANCES FURNISHED, THEREFORE, EASEMENTS AND/OR ENCUMBRANCES AS SHOWN.
5. THE PROPERTY SHOWN HEREON IS ZONED RC.
6. BOUNDARY SURVEY HEREON IS TAKEN FROM INFORMATION OF RECORD.
7. EXISTING EASEMENTS SHOWN HEREON WERE TAKEN FROM A PLAT PREPARED BY HOWARD W. GREENSTREET, JR. DATED MARCH 17, 1978.
8. SOME IMPROVEMENTS HAVE NOT BEEN SHOWN HEREON. THIS PLAT IS FOR THE PURPOSE OF SHOWING EXISTING AND PROPOSED EASEMENTS ONLY.

OWNER'S CONSENT

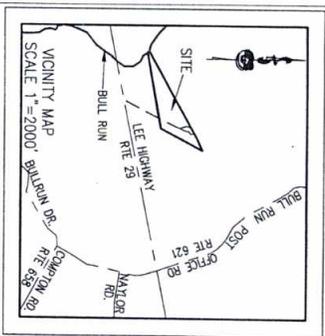
KNOWN ALL MEN, BY THESE PRESENTS, THAT THE PLATING OF THE PROPERTIES SHOWN HEREON, BEING THE SAME PROPERTIES DESCRIBED IN THE SURVEYOR'S CERTIFICATE IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S), AND/OR TRUSTEE(S), IF ANY.

OWNER : JONATHAN JAMES HICKOX

NOTARY'S CERTIFICATE

A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA, CITY/COUNTY OF _____ DO HEREBY CERTIFY THAT _____ WHOSE NAME(S) _____ DO HEREBY SIGN TO THE FOREGOING STATEMENT HAS/HAVE) ACKNOWLEDGED THE SAME BEFORE ME IN MY STATE AND CITY/COUNTY OF _____ ON _____ DAY OF _____ 20____.

NOTARY PUBLIC



Rolsson PLC
Land Surveying & Land Planning

EASEMENT PLAT
OF THE PROPERTY OF
JONATHAN JAMES HICKOX
CENTREVILLE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 100'
MARCH 16, 2012

N/F
P.I.N. #0641-04-0007A
LUCK STONE CORP.
D.B. 3735 PC448

N/F
P.I.N. #0632-01-0001
GREENWOOD ASSOC.
6780 BULL RUN P O RD.
D.B. 7840 PG. 1159

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

DESCRIPTION OF APPLICATION

AF 2012-SU-001

The applicants seek to establish the Hickox Local Agricultural and Forestal (A&F) District for an eight year term under the provisions of Chapter 115 of the Fairfax County Code. A & F Districts encourage the preservation of significant tracts of agricultural and forested land throughout the County by providing a reduced real estate tax assessment in exchange for a commitment to preserve the land for the length of the term. While certain exceptions are permitted, the land is expected to remain at its present use and development intensity. Removal of the district before the conclusion of the eight year term is normally subject to a penalty and payment of roll back taxes, subject to the terms in Article 6 of Chapter 115. The subject property of the present application is located on the north side of Lee Highway just east of the Prince William County line in the Sully District. The applicants have recently purchased the land and established a winery operation that includes the active growing of grapes. 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.

LOCATION AND CHARACTER

District Location:

The proposed district consists of one lot (Tax Map # 64-1((4))-7C) measuring 20.992 acres in area. The triangular-shaped property is located off Lee Highway, just north of the National Park Service parking area for the Stone Bridge within the Manassas National Battlefield Park (see aerial photo in figure 1). Access to the site is via a driveway easement from Lee Highway (Route 29) across National Park Service property.

Existing Conditions:

Since purchasing the property in 2008, the applicants have developed what was a largely wooded property with the ruins of a single-family home into an active winery operation that formally opened in June of 2012. Currently, the eastern third of the site contains two acres of cultivated grape vines. A newly constructed tasting room and barn is located at the northeastern corner of the property at the end of the site's driveway. A parking area has been constructed south of the barn along the eastern property boundary. The ruins of the original house on the property, known as the Hillwood Mansion or Entwistle House, are located to the southwest of the new barn and have been preserved and adapted for use as an outdoor sitting area. Additional information about this former structure is discussed in more detail in a following section of this report. The

western (approximately) 14 acres of land is currently undeveloped and heavily wooded with evergreen and deciduous trees. Part of this undisturbed, wooded area is located within the Bull Run Stone Bridge Historic Overlay District and a RPA associated with Bull Run.

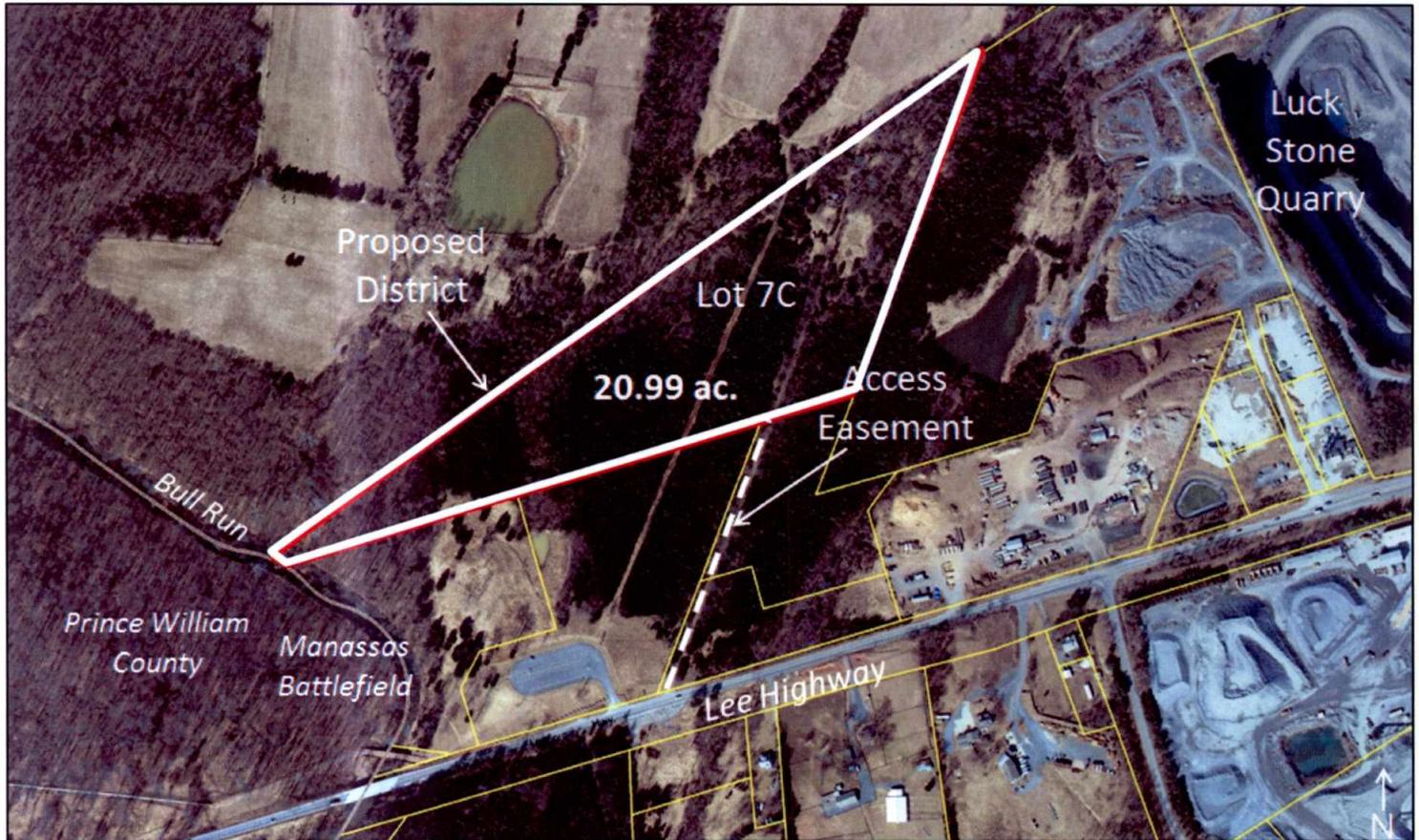


Figure 1. Aerial Image of Proposed Hickox District (2009)

Surrounding Area Description:

The property is located north of Lee Highway (US Route 29) bordering on Bull Run and the Prince William County line. The property abuts undeveloped National Park Service land and a small parking area associated with Manassas National Battlefield Park to the south. Bull Run Creek lies to the west; to the north are agricultural lands; and Luck Stone Quarry is located to the east.

BACKGROUND:

There are no zoning cases on file for the subject property.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Bull Run
Planning Sector:	BR-5 Stone Bridge
Plan Map:	Residential at a density of 0.1 to 0.2 du/ac

The 20.992 acre site is located in the Stone Bridge Planning Sector (BR-5) of the Bull Run Planning District. The property is zoned R-C and WS and the western portion of the lot is within the Stone Bridge Historic Overlay District.



Figure 2. Restored Remains of Entwistle House with New Barn in Background

ANALYSIS

Land Use/Environmental Analysis (Appendix 3)

The proposed Agricultural and Forestal District is consistent with the goal of the Comprehensive Plan which seeks to maintain the low density residential character of this portion of the County. Conformance with additional recommendations from the Northern Virginia Soil and Water Conservation District and the State Department of Forestry for this property will ensure consistency with the environmental goals of the Comprehensive Plan. It should

be noted that all land disturbance and activities of the winery are located outside of that portion of the property contained within the Bull Run Bridge Historic Overlay District and the RPA associated with Bull Run.

Soil Conservation Analysis (Appendix 4)

The Soil and Water Quality Conservation Plan from the Northern Virginia Soil and Water Conservation District (NVSWCD) dated September 10, 2012, is included as Appendix 4. The NVSWCD recommends that the agricultural operations on the property adhere to best management practices for nutrient management and pest management. The maintenance of a vegetated buffer for the RPA is required, including the creation of access paths to facilitate periodic pruning or removal of potentially destructive or diseased trees. A condition requiring adherence to the Soil and Water Quality Conservation Plan is included in the proposed ordinance provisions.



Figure 3. View of Norton Grape crop

Forest Management Analysis (Appendix 5)

While the applicant has no intention of actively harvesting the mature trees on the property, they desire to maintain a healthy forest that supports wildlife and protects water quality in the nearby Bull Run. The Forest Management Plan, dated September 12, 2012, separates the wooded portions of the property into six stands (see map in Appendix 5). The Plan makes the following observations and recommendations for each stand:

Stand A is a mixed hardwood forest, dominated by black walnut (*Juglens nigra*) and black cherry (*Prunus serotina*). It is heavily infested with autumn olive and porcelain berry. The walnuts are mature and may have been planted here. The cherries are young and appear to be volunteers. None appears to be merchantable. No signs of pests or disease were observed and the existing trees are generally healthy. The Walnut twig beetle, the insect vector for thousand cankers disease, has been found in Fairfax County. These walnuts should be monitored for signs of die back and sprouting on lower branches. The non-native invasive species (autumn olive and porcelain berry) should be removed to improve the health and viability of the stand.



Figure 4. View of Newly Constructed Tasting Barn

Stand B is comprised of Eastern red cedar (*Juniperus virginiana*) with scattered pin oaks and cherries. The composition and quality of the forest is poor. Too much competition is impairing the health of the trees. The cedars are overcrowded and failing. The hardwoods are struggling. There is some regeneration of black cherry in the few openings in the cedars. The cedars are creating a buffer between this property and the next, and therefore may be performing as the landowner wishes. The cedars are very crowded and shading each other to the extent that the trees are all slowly dying. They should be thinned out using a crop tree release method. If privacy is not an issue, the cedars can be removed to speed up and control succession. They are about 10 years from removing themselves from the landscape as they stand. As the cedars die naturally from windthrow or competition they remain standing and are an extremely good wildland fire fuel.

Stand C is made up of mixed bottom land hardwood forest. Predominantly Pin Oak, Red Maple (*Acer rubrum*) and Tulip Poplar (*Liriodendron tulipifera*). This forest stand has many of the characteristics of a riparian forest because of the poorly drained Albano soil. The trees here are in good condition, but there is little or no regeneration of the forest. There is some stiltgrass, but few non-native invasive species. The forest here is in generally good shape and meeting the landowner's goals. The lack of regeneration is an indication of overabundant deer; accordingly, deer browse should be reduced.

Stand D is comprised of Eastern Red Cedar (*Juniperous virginiana*) with widely scattered Pin Oaks and cherries. Similar to Stand B, but with more invasive plants, especially stiltgrass spreading off the power line easement and with fewer pin oaks and other hard woods mixed into the stand. The composition and quality of the forest are poor. Too much competition is impairing the health of the trees. The cedars are overcrowded and failing. The few hardwoods are struggling. There is some regeneration of black cherry in the few opening in the cedars. As in stand B, the cedars should be thinned out using a crop tree release method. Crop tree release can also be used to improve the vigor of the hardwoods already present in the stand. An additional management strategy that can be used here to promote hardwood succession is a modified group select. This involves clearing patches of cedar and instead of removing them from site as would usually be done, stacking them around the edges of the clearing to form a biodegradable fence to keep the deer out until the trees can get established. As with stand B, the cedars are about 10 years from removing themselves from the landscape as they stand. Removing them now will not materially affect the forest value of the site and will remove a significant fire threat.

Stand E consists of mixed bottom land hardwood forest. Predominantly Pin Oak, Red Maple and Tulip Poplar. This stand is essentially the same as Stand C, except that it is in the Resource Protection Area along Bull Run. The trees here are in good condition, but there is little or no regeneration of the forest. There is some stiltgrass, but few non-native invasive species. The forest here is in generally good shape and meeting the landowner's goals. The lack of regeneration is an indication of overabundant deer; accordingly, deer browse should be reduced through a combination of active and passive measures.

Stand F is made up of mixed non-native invasive woody plants of extremely poor quality. The trees and shrubs here are all considered non-native invasive species. This is a small stand on the west side of the power line, next to the vineyard and picnic area. The forest here has no value. This area should be completely cleared to remove several problem species before they spread. These woody plants can be removed mechanically or through the cut stump method, where the plant is cut down and the stump is immediately painted with an herbicide.

Adherence to these recommendations from the Forest Management Plan is included in the proposed ordinance provisions.

Transportation Analysis (Appendix 6)

The Fairfax County Department of Transportation has identified that right-of-way for the construction of the Tri-Country Parkway, as identified in the Comprehensive Plan, may affect the subject property. However, a review of the most recent information available on this roadway in the 2011 FEIS revealed that the preferred alignment is now shown completely outside of the County in Prince William County. Thus, it appears the proposed roadway will not ultimately affect the subject property, and, subsequently, the establishment of this A & F District will not affect its construction. Given the incongruity between the conceptual alignment in the County's comprehensive plan and the latest information available from VDOT over the final alignment, exclusion of land from the district for right-of-way purposes is not necessary at this time.

Park Authority Analysis (Appendix 7)

Staff from the Cultural Resource Management and Protection Branch of the Park Authority conducted an archival review of the property. They noted that the site contains one known architectural site (the remains of the Entwistle House) and likely contains numerous Civil War artifacts. The Park Authority supports the application but requests that they be granted access to conduct an archeological survey if further ground disturbing activities are undertaken. An ordinance provision has been included to this effect.

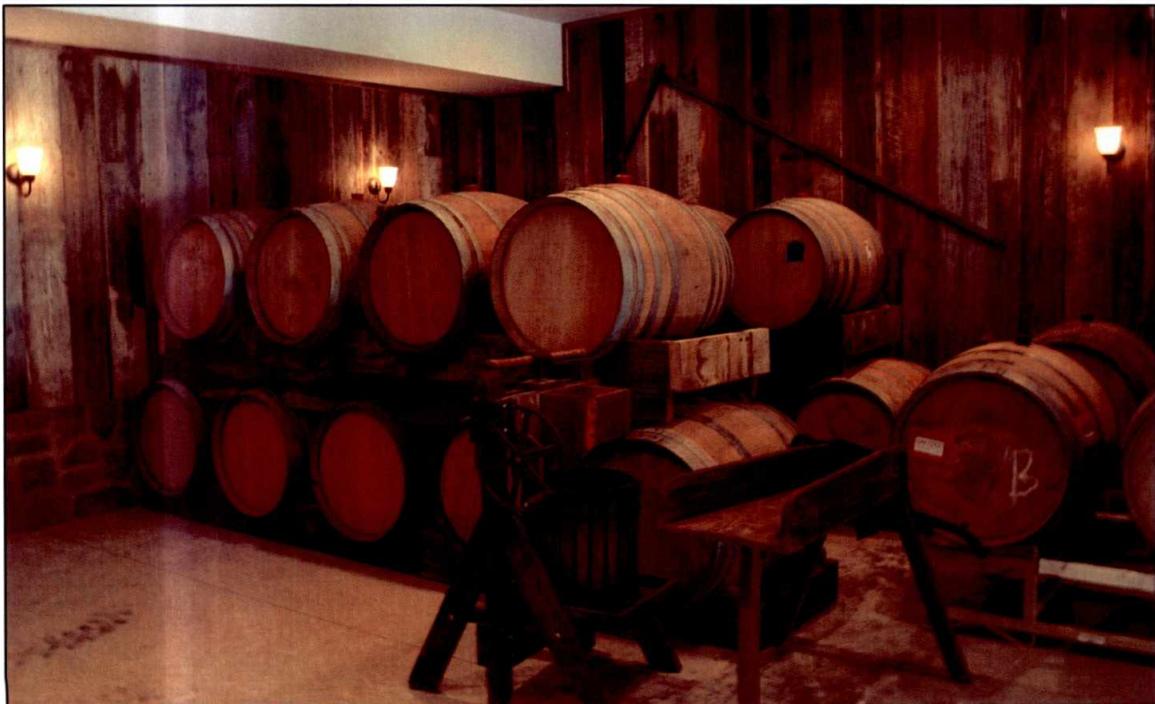


Figure 5. Oak Aging Barrels in Lower Level of Tasting Barn

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.*

The subject property is 20.99 acres in size and is in a combination of forest and agricultural uses. 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-C and WS. 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 0.1 to 0.2 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 0.1 to 0.2 units per acre or private open space. Therefore, this criterion has been satisfied.

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

This property qualifies as combination of agricultural, open space and forestal uses. Therefore, this criterion is not applicable.

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 has approximately 7 acres in agricultural/winery use and 14 acres in forestal use for a total of 20.99 acres. Therefore, this criterion is satisfied.

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

Based on the NCSWCD report in Appendix 4, more than 2/3 of the soils in the area being utilized for the active growing of grapes are classified as Wheaton Fairfax Complex (Class IV) or Jackland Silt Loam (Class II). This criterion is met.

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.

The Northern Virginia Soil and Water Conservation District has prepared a comprehensive Soil and Water Conservation Plan (Appendix 4) that addresses the best management practices discussed in Criterion A-8. The applicant has agreed to abide by the recommendations in the plan and an ordinance provision is included to this effect. This criterion is met.

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

The 14 acres of the subject property that are forested are planned to be maintained as an undisturbed, wooded area. The applicant has a Forest Management Plan, dated September 12, 2012; therefore, this criterion is satisfied.

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

The applicant has invested considerable financial resources in the development of the winery operation including the construction of a fermentation facility/tasting room and the planting of 2 acres of Norton grapes. The applicant has plans to expand the vineyard and has stated they are committed to the operation of the winery for the life of the district. Staff believes this criterion has been satisfied.



Figure 6. View South from Barn of gravel drive and parking area

Criteria Group B:

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

The winery commenced formal operation in June of 2012; 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 wooded and open lands along with the preserved stone foundation and tasting barn help maintain the rural-agricultural character of the Bull Run area. The use of this property as an agricultural operation compliments the historic character of this portion of the County, adjacent to the Manassas Battlefield Historic Park. Therefore, staff believes this criterion is satisfied.

3. *The property contains a 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 abuts the Manassas Battlefield Historic Park and was part of land occupied and/or traversed by both sides during the first and second Battles of Bull Run. Numerous archeological artifacts including bullets, belt buckles, and other metal implements used by Civil War troops have been uncovered at the site. The applicant has put some of these on display inside the tasting room. The stone foundations and root cellar on the property date to the 1840s and have been preserved by the applicant. The County Archeologist has visited the site. The establishment of this district supports the continued preservation of this site in an agricultural state, as it was at the time of the Civil War. This criterion has been satisfied.

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

There are no unique BMP measures on this site. Therefore, this criterion is not met.

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

The subject property is zoned R-C. This criterion is satisfied.

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

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

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

AFDAC RECOMMENDATION (Appendix 9)

On October 2, 2012, the Agricultural and Forestal District Advisory Committee voted to recommend that the Hickox Local Agricultural and Forestal District be established 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 creation of the Hickox 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 maintenance of the property are consistent with the intent of the program. In addition, the property meets the minimum acreage requirement and is in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends application AF 2012-SU-001, to amend Appendix F of the Fairfax County Code to establish the Hickox 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 Ordinance Provisions, 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. Land Use and Environmental Analysis
4. Soil and Water Conservation District Comment Analysis
5. Forest Management Plan
6. Transportation Analysis
7. Park Authority Analysis
8. Virginia State Tax Code Provisions
9. Agricultural and Forestal Districts Advisory Committee Recommendation
10. Glossary

ORDINANCE PROVISIONS

September 14, 2012

AF 2012-SU-001

If it is the intent of the Board of Supervisors to establish the Hickox Local Agricultural and Forestal District as proposed in Application AF 2012-SU-001 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map 64-1 ((4)) 7C, staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

- 1) No parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of an owner's family, or for a tenant who farms the land.
- 2) No parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance.
- 3) Land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- 4) The district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may, by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.

APPENDIX 1

Additional Provisions

- 5) The applicant shall implement and abide by the recommendations of the Forest Management Plan dated September 12, 2012, for the life of the Hickox 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.
- 6) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated September 10, 2012, for the life of the Hickox 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.
- 7) Those areas delineated as Resource Protection Areas (RPAs) or Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations and removal of noxious weeds and invasive species 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 Hickox 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 recover artifacts. 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 established before each occurrence.
- 9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.

STATEMENT OF JUSTIFICATION FOR A&F DISTRICT CRITERIA FOR Article 5-Chapter 115

The Winery at Bull Run is the ideal property to qualify for the criteria set forth for the A&F District zoning. The 21 acre working farm combines land conservation, 19th Century agriculture practices, forestry conservation, and historical preservation of 19th century structures as well as a portion of the Manassas civil war battlefield. Additionally the property is open to the public 7 days a week providing full access to the farm vineyard, winery, civil war museum, and historical structures with interpretive markers throughout the farm. Great efforts have been made in reconstructing an 1800's barn along with historical split rail fencing throughout the farm to depict a true and accurate representation of 19th century rural Fairfax County.

Specifically regarding the requirements set forth in section 115-5-1 the property meets the following criteria:

Criteria Group A:

1. 7 acres of the property is cleared and in agricultural use & 14 acres are in forestry. Of the 7 acres in agricultural use, 2 are specifically used for a vineyard and less than 1 acre is devoted to the barn production and tasting room. The area designated for the barn structure is way under the 5 acre minimum "other use" limitation.
2. All land within the subject property is zoned R-C.
3. The use of the property & dwelling per acre is consistent with the comprehensive plan and is far under the maximum number of allowable dwellings.
4. The majority of the surrounding land within 1/4 mile of the district is in compliance according to the comprehensive plan.
5. The property meets the minimum size of 20 acres of contiguous land. Additionally 7 acres are in hay & vineyard and 14 acres are a tree farm meeting the minimum 15 acreage of agricultural use.
6. Property that is forested (14 acres) of the total 21 acres meets the requirement of being "at least 20 acres in size".

*Note: Since the forest is in pines which can be harvested every 20 years (approximately) then the forest can be classified as a tree farm in agricultural use although this classification may not be necessary for qualification purposes.

7. The property does not exceed 1/3rd of its use in agricultural usage therefore no soil erosion or additional conservation methods are required. Additionally since the agricultural land that is being used is that of a hayfield and a vineyard which do not require any "turning" of the soil (plowing or discing), there are no issues with soil erosion since the ground is not disturbed.

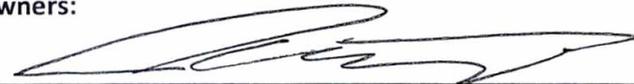
8. See points made in A-7 whereas the ground is not disturbed in the agricultural areas being farmed.
9. Forest land is left undisturbed
10. The establishment of the 2 acre vineyard itself, line posts, protective deer fence, split rail fencing, and overall clearing of brush for agricultural use is the evidence of a history of investment in farm improvements made to the property and establishes a commitment to agricultural usage for the life of the district. (see attached pictures)

Criteria Group B:

1. Farm products have been planted and produce grapes for harvest every year. Since the property was just recently purchased and converted to agriculture there isn't a 5 year history. However there is a clear intent to invest in and make a long term commitment towards regularly produced grapes harvested on an annual basis.
2. The preserved land, rolling hills, and beautifully reconstructed split rail fence rows greatly enhances the aesthetic quality of views to the general public and greatly contributes to maintaining the existing rural character of the area.
3. The property contains both historically and archaeologically significant sites. Through use of private archaeological resources the owners found and preserved (2) historical structures and logged hundreds of Civil War and Indian artifacts now on public display on site in our private museum in the barn (see pics.) Through careful research we were able to clean up the ruins of a 20th century burnt down building and found the internal stone foundation and walls of the original 1840's "Hillwood Mansion" owned by the well-known Carter Family throughout the 19th century. Additionally the original smoke house was located under a modern shed and those ruins are also now preserved. Lastly the original barn was located at the back section of the property for possible future archaeological projects.
4. BMP's methods were followed during the initial clearing with silt fencing along the entire perimeter however once the ground was cleared and stabilized with grass, the agricultural practices moving forward do not disturb the ground like traditional farming methods. (see A-7)
5. The land is zoned R-C
6. The land is not currently in a permanent open space easement however a firm commitment to land conservation is in alignment with the business model of The Winery at Bull Run.

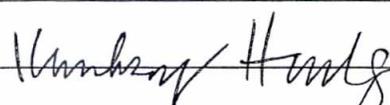
Property Owners:

Jon Hickox



Date: 6-1-2012

Kim Hickox



Date: _____

Application No. _____

APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT

RECEIVED
Department of Planning & Zoning

JUL 16 2012

FAIRFAX COUNTY

Zoning Evaluation Division

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

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Jas & Kim Hickox	#0641-04-0007C	2008	RESIDENTIAL CONSERVATION	21

PROPERTY ADDRESS: 15950 LEE HIGHWAY
CENTREVILLE, VA 20120

OWNERS MAILING ADDRESS: 5926 14TH STREET NORTH
ARLINGTON, VA 22205

3. Total acreage in the proposed district: 21 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm forest _____.

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
"HILLWOOD MANSION HOUSE" RUINS	MID 1800'S	OUTDOOR PATIO WITH HISTORICAL INTERPRETIVE MARKERS
19TH CENTURY SMOKE HOUSE	MID 1800'S	PRESERVED RUINS
WINERY BARN TASTING ROOM, PRODUCTION, AND WINE MAKING CELLAR	2011	WINE TASTING, WINE MAKING, & WINE STORAGE, & MUSEUM

use additional page(s) if necessary

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

NONE LISTED ON THE FCX INVENTORY

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

- CLEARED APPROXIMATELY 7 ACRES OF BRUSH TO CONVERT TO FARM LAND
- LEFT 14 ACRES OF WOODS INTACT
- PLANTED & CULTIVATE 2 ACRE VINEYARD OF NORTON VINES (HISTORICALLY INDIGENOUS VINES FOR THE AREA)
- CONSTRUCTED A 300 YARD SECTION OF HISTORICAL "SPLIT NAIL" FENCE WITH DIRECT SUPERVISION BY BATTLE FIELD
- RE-CONSTRUCTED AN 1800'S STYLE BARN WITH RECYCLED FIELD STONE FROM OLD BARN RUINS AND ACTUAL RECLAIMED BARN LUMBER FROM 19TH & 20TH CENTURY BARN'S FROM VA, OH, & SC.
- HISTORICAL BARN CONSTRUCTION UTILIZES ALL MODERN ENERGY EFFICIENT MATERIALS EXCEEDING ENERGY STAR STANDARDS USING THERMAL REFLECTIVE SPAN FOM INSULATION, HIGH EFFICIENCY APPLIANCES, CONVECTION COOLING ROOF SYSTEM, MAXIMIZED OVER-HANGS & ENGINEERED BUILDING ORIENTATION ENERGY

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: NA

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

If yes, date submitted: NA

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

Product	2013-2014 Past year's yield (EXPECTED)	Average yield for previous 4 years (NA)
NORTON GRAPE	- 3 TONS OF FRUIT PER ACRE X 2 ACRES =	6 TONS PER YEAR
	- 1 TON = 70 CASES OF WINE	
	- 70 CASES X 6 TONS = 420 CASES	
	- PRODUCTION OF 5,040 BOTTLES	
	OF WINE PER YEAR FROM ON-SITE FRUIT	

FARM PROPERTY

1. Please check the appropriate description of the farm:

- Owner-operated, full-time.
- Owner-operated, part-time.
- Farm manager operated.
- Rented to another farmer
- Portion of farm rented: all acres.
- Other. Please describe:

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

Active agricultural uses	<u> 7 </u>	acres.
Forested or undeveloped	<u> 14 </u>	acres.
Residential uses	<u> </u>	acres.
Total acreage	<u> 21 </u>	acres.

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

If yes, which roads will be used:

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

10-15 cars, vans and pickup trucks heavy trucks.

FOREST PROPERTY

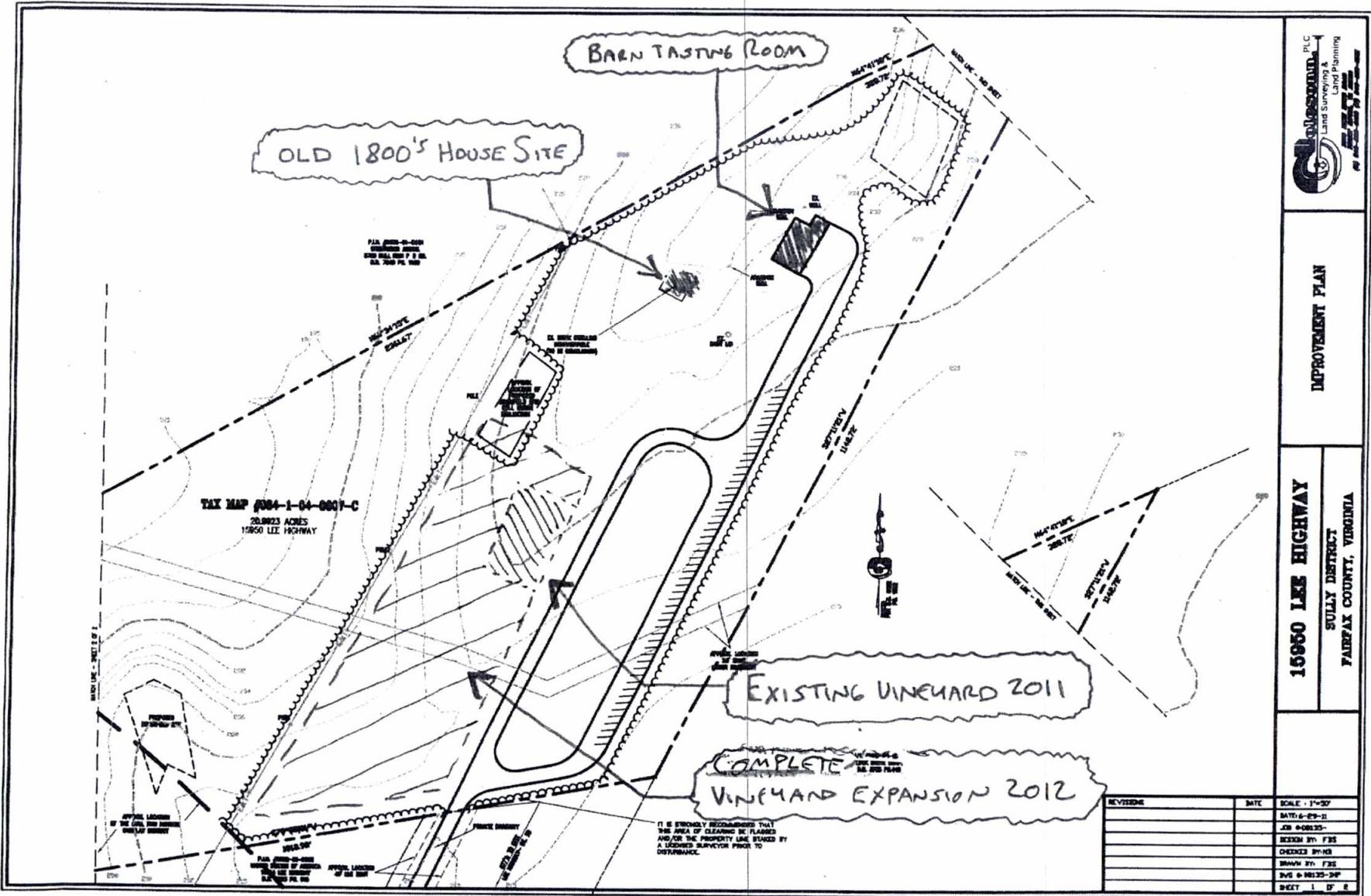
1. List the acreage of the property which is in the following uses:

Future timber or pulpwood harvesting	<u> </u>	acres
Christmas tree production and harvesting	<u> </u>	acres
Firewood production and harvesting	<u> </u>	acres
Conservation	<u> 14 </u>	acres
Residential uses	<u> </u>	acres
Other: <u>WINDY</u>	<u> 7 </u>	acres
Total acreage	<u> 21 </u>	acres

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

 NA

FARM WINERY DIAGRAM





County of Fairfax, Virginia

MEMORANDUM

DATE: August 15, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis and Environmental Assessment: AF-2012-SU-001
Jon and Kim Hickox

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

Description of the Application

The applicant seeks to rezone a 21 acre parcel from R-C to an Agricultural and Forestal (A&F) District. The property is located within the Stone Bridge Community Planning Sector (BR5) of the Bull Run Planning District of Area III within the Sully Magisterial District. Approximately 14 acres of the site are forested, and the remaining 7 acres are designated for agricultural use and the wine tasting operation. The property has been owned by Jon and Kim Hickox since 2008.

Location and Character

The subject property is located in the far Western portion of Fairfax County near the Prince William County border and is located in the Bull Run Watershed. The district is surrounded by land which is planned for residential use at .1-.2 dwelling units per acre (du/ac) or 5-10 acre lots, and public open space.

Comprehensive Plan Citations

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

Land Use

Fairfax County Comprehensive Plan 2011 Edition, AREA III, Bull Run Planning District, BR5-Stone Bridge Community Planning Sector, as amended through June 19, 2012, on page 72 states:

“Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14....

Occoquan Reservoir Watershed - The entire BR5 Sector is located within the watershed of the Occoquan Reservoir. ...

1. The land on the southwest perimeter of the County, adjacent to Loudoun County and Prince William County, lying generally along Bull Run and the public parkland associated with Bull Run has remained for the most part open and undeveloped and has a rural character. It is planned for residential development at .1-.2 dwelling unit per acre and public parkland. This is in conformance with the findings of the Occoquan Basin Study. The present very low density development which characterizes this area should remain intact to protect its natural wildlife and water quality.
2. Non-residential uses requiring special exception or special permit approval should be rigorously reviewed. In general, these uses, if permitted at all, should only be located at the boundary of Low Density Residential Areas and Suburban Neighborhoods or where their impact on existing residences is minimal. These uses should be granted only if the following conditions are met:
 - Access for the use is oriented to an arterial roadway;
 - The use is of a size and scale that will not adversely impact the character of the area in which it is located; and
 - The use is designed to mitigate impacts on the water quality of the Occoquan Reservoir. ...
3. Agricultural and forestal uses are alternatives to residential uses in Low Density Residential Areas. Such uses, depending upon the techniques used, can have positive impacts on water quality. Careful attention should be paid to ensure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan Reservoir watershed.”

Comprehensive Plan Map:

Residential use at .1-.2 dwelling units per acre and public open space

Environment

The Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 7-9 states:

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

Policy a: Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

Policy l: In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. To the extent feasible in consideration of overall site design, stormwater management needs and opportunities, and other Comprehensive Plan guidance, establish boundaries of these buffer areas consistent with the guidelines for designation of the stream valley component of the EQC system as set forth in Objective 9 of this section of the *Policy Plan*. Where applicable, pursue commitments to restoration of degraded stream channels and riparian buffer areas.

The 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 . . .”

The Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 14-16 states:

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

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

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or

endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.

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

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

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;

- All wetlands connected to the stream valleys; and all the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.”

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

Land Use Analysis

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

Environmental Analysis

Water Quality Protection and Forest Preservation

This request seeks approval for the Agricultural and Forestal District known as The Winery at Bull Run which encompasses approximately 21 acres of land located in western Fairfax County adjacent to the Bull Run stream valley within the Bull Run watershed. A Resource Protection Area (RPA) and Environmental Quality Corridor (EQC) associated with Bull Run traverses the proposed district in a north south direction along the Bull Run Stream valley. Steeply sloping terrain characterizes the banks along the stream valley. Approximately 1.45 acres of the proposed 21 acre district is designated as Resource Protection Area (RPA) as defined by the Chesapeake Bay Preservation Ordinance (CBPO) and 1.89 acres of the property is considered EQC, which is more extensive than the RPA.

The statement of justification states that seven acres of the proposed district are in active agricultural use – 2 acres of which are devoted to the vineyard and the other 5 acres are cleared or occupied by the barn and the tasting facility. The remaining 14 acres of the proposed district is in forestland.

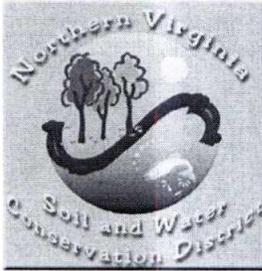
A site visit to the subject property revealed that the forested area of the property is characterized by a dense pine forest which appears stressed because of the tree density and an invasion by a species of tent caterpillar throughout the canopy. The applicant should work with the Virginia Department of Forestry to develop a Forestry Management Plan as prescribed by the Virginia Department of Forestry's Best Management Practices Handbook for Forestry Operations. The applicant is encouraged to follow the forester's recommendations in order to restore the forest to a healthy state.

The site visit to the subject property revealed that land disturbing activity occurring around the tasting facility, but it was unclear why such disturbance was occurring and whether or not the area was appropriately stabilized. The disturbance did not appear to have an agricultural purpose. The applicant should work with the Northern Virginia Soil and Water Conservation District (NVSWCD) to develop a Water Quality Management Plan for the proposed district.

Completion and implementation of the recommendations in the Water Quality Management Plan and the Forestry Management Plan ensures conformance the County's CBPO for agricultural activities. If the applicant follows the recommendations provided in the Water Quality Management Plan and the Forestry Management Plan then approval of this Agricultural Forestal District is consistent with the environmental goals and objectives of the Comprehensive Plan.

Countywide Trails Map:

The Countywide Trails Plan depicts a Major Regional Trail planned along Bull Run and the Occoquan River. Major Regional Trails are customarily paved, but along Bull Run and the Occoquan River the surface may vary from paved, to natural surface, to stonedust. The Northern Virginia Regional Park authority will determine the type of trail along Bull Run.



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 Winery At Bull Run
 15950 Lee Hwy, Centreville, VA 20120
 Jon Hickox - President
 Tel: 703-815-2233
 Email: jhickox@Wineryatbullrun.com

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

September 10, 2012

Summary of operation:

“The Winery At Bull Run” is a principally a vineyard, wine making and wine tasting operation on a 21-ac. property in the Bull Run Watershed, located at 15950 Lee Highway in Centreville. Seven of the 21-acre property is devoted to the winery and vineyard operation. The remaining fourteen acres is kept in natural wooded vegetation. Currently, two acres of the parcel is in use as vineyard. The grapes will be harvested and used in wine production at maturity. Should the vineyard prove to be productive, the area of operation may be expanded toward the west into an area that is currently wooded. The wooded vegetation consists of mainly pine trees and some hard woods in the far southwestern corner. The land slopes in two directions toward the SE & SW. The land owner intends to enlist the property as an Agricultural and Forestal District.

Approximately, 570 linear feet of Chesapeake Bay Resource Protection Area (RPA) exist within the property. However, the agricultural activities do not encroach into the RPA.

Interpretive historical markers on the property are open to the public, and the entire facility is open to the public seven days a week for tours, wine tasting, purchasing and relaxation.

Practices:

1) Nutrient Management (590):

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

Fields	Planned amount	Date		Applied Amount	Date	
Vineyard	2.0 ac.	9	2012			
Total	2.0 ac.					

2) Pest Management (595)

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

Fields	Planned amount	Date		Applied Amount	Date	
Vineyard	2.0 ac.	9	2012			
Wooded	14.0 ac.	9	2012			
Wine Barn, Picnic Parking Areas, etc.	5.0 ac.	9	2012			
Total	21.0 ac.					

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

The shaded area on your site map is the County delineated Chesapeake Bay Resource Protection Area (RPA) - it is the limits of a minimum of 100-ft. wide buffer starting from the edge of the stream. It may appear wider in some areas where it encounters other environmentally sensitive features, such as connected wetland or major flood plain. This area is regarded as the last area/barrier that provides opportunity for filtration of pollutants contained in runoff from adjacent land, before such polluted water enters state waters. This area is required to be kept vegetated.

Permitted modifications to the vegetated buffer areas include those that will aid in maintaining the core functional values of the buffer area, such as, i) creating access paths to provide general woodlot management as may be provided by the VA Department of Forestry, ii) pruning or removal of **approved** potentially destructive or deceased trees or to provide sight line and vistas, on condition that where tree are removed, they will be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution in runoff.

Field	Planned amount	Date		Applied Amount	Date	
Wooded	570 ft.	9	2012	570ft.	9	2012
Total	570 ft.					

4) Record Keeping

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

Fields	Planned amount	Date		Applied Amount	Date	
Vineyard	2.0 ac.	9	2012			
Wooded	14.0 ac.	9	2012			
Wine Barn, Picnic Parking Areas, etc.	5.0 ac.	9	2012			
Total	21.0ac.					

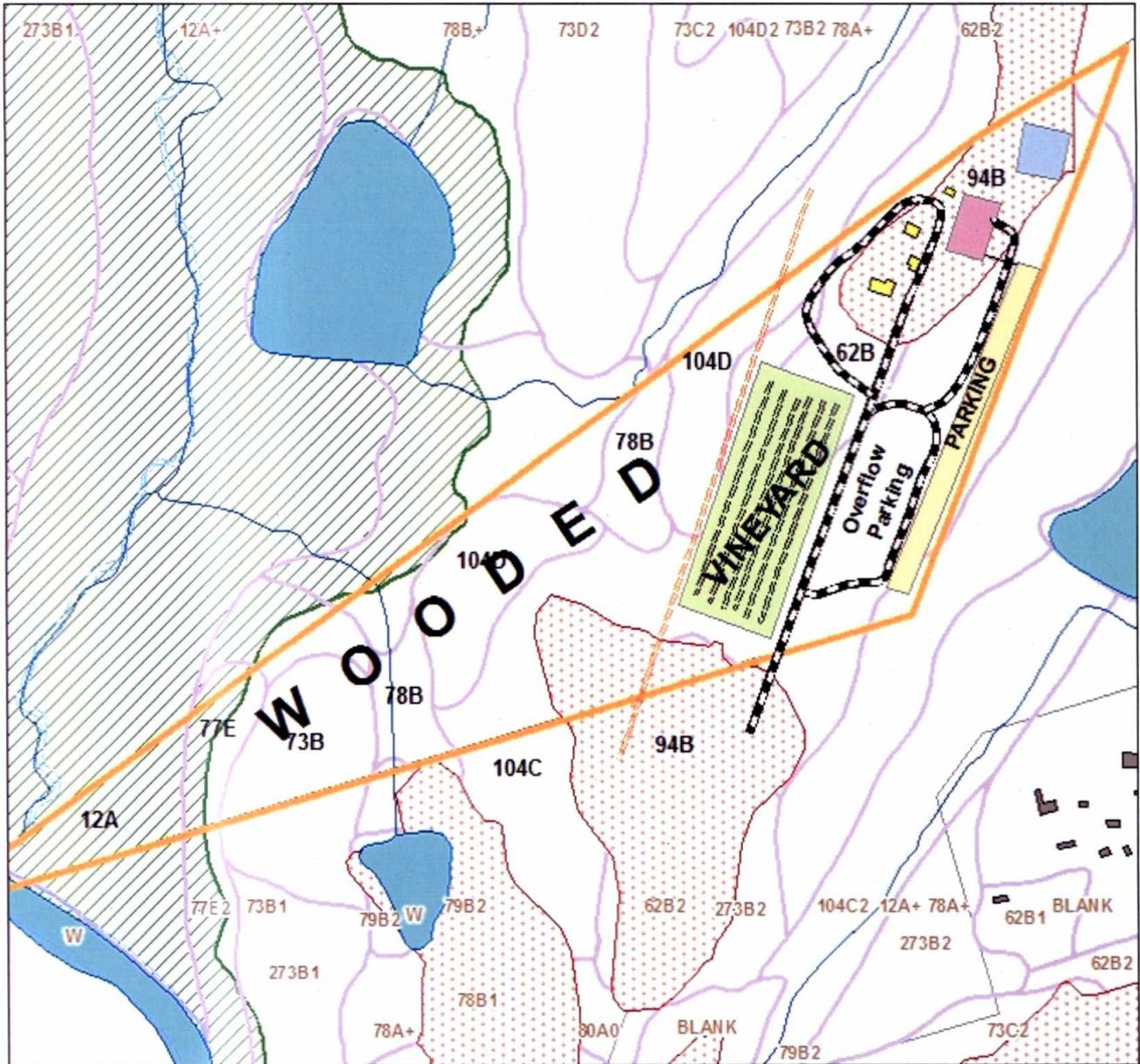
SIGNATURES OF PARTICIPANTS – Jon Hickox’s Winery at Bull Run

Landowner/Operator:	
-----	-----
Jon Hickox	Date

Planner:	
-----	-----
Wilfred D. Woode	Date

District Authority:	
-----	-----
Chairman	Date

The Winery at Bull Run - 15950 Lee Highway, Centreville



Legend

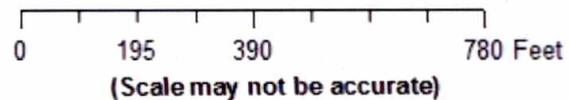
- Water Features 4000 (line)
- Stream
- Water Features 4000 (polygon)

Perennial Streams (line)

- ▨ 1993 RPAs
- ▩ 2003 RPAs
- Driveway
- House/Tasting Parlor
- Septic Field
- Property Limits
- ... Powerline Easement

Soil Types

- 12A - Chantilly
- 73B - Lindside
- 77E - Mattapex
- 78B - Meadowville
- 94B - Sycolline-Kelly Complex
- 104C - Wheaton-Fairfax Complex



Prepared by Willie Woode - NVSWCD
Using Fairfax County GIS Layers

Carl E. Garrison III
State Forester



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY

12055 Government Center Parkway

Suite 904

Fairfax VA 22035

www.dof.virginia.gov

(703) 324-1489

September 12, 2012

AF 2012-SU-001
DOF# FAX08004

Mr. Jon Hickox
5962 14th Street N.
Arlington VA 22205

Mr. Hickox,

It was a pleasure to walk your property and see the forest resources you have.

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

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

If you have any questions about this plan, please contact me.

I am also including a Department of Forestry service agreement for the plan preparation fee. Please sign the form and mail it, along with a check in the addressed envelope included.

Thank You,

James McGlone
Urban Forest Conservationist



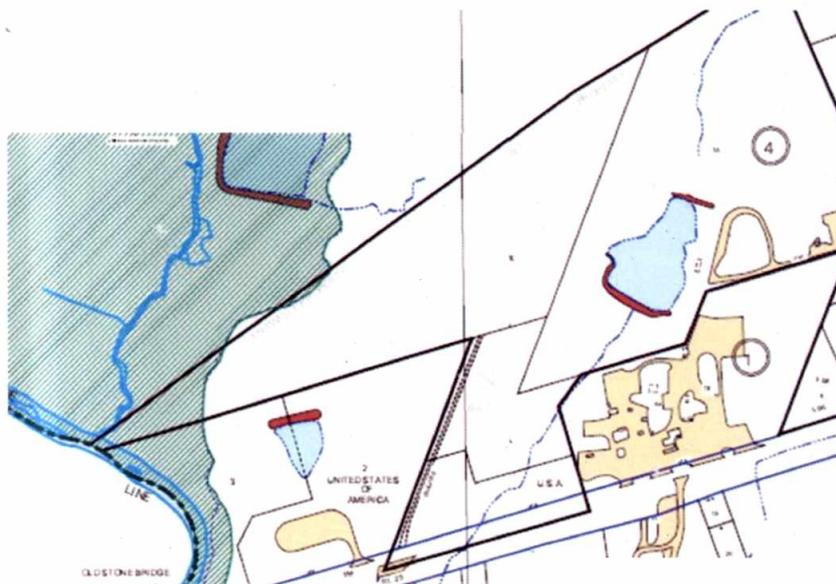
REPORT ON FORESTLANDS
OF
Jon Hickox
5962 14th Street North
Arlington VA 22205

Location: The property is north of the National Park Service Manassas Battlefield, Stone Bridge Unit where U.S. 29 crosses the Fairfax –Prince William county line. This property is A&F number AF 2012-SU-001 and DOF number FAX08004

Examined by: James McGlone, Urban Forest Conservationist

Landowner's Objectives: To maintain a healthy forest that supports wildlife and protects water quality in nearby Bull Run.

Introduction: This is a 21 acre tract that is partly wooded, but contains a vineyard and a winery. The forested area is both bottomland hardwood forest and pioneer eastern red cedar. The property is the Culpeper Triassic basin, is triangular in shape and slopes from the eastern edge to Bull Run at the western point. The western portion is designated as a resource protection area under the Fairfax County Chesapeake Bay Ordinance (see map inset below). This restricts the use of this land and the management of vegetation. See <http://www.fairfaxcounty.gov/dpwes/navbar/fags/rpa.htm> for more information.



Hickox Property showing Resource Protection area

Land form and Soils: The property is located in the Culpeper Triassic Basin. Triassic basins formed along the mid-Atlantic when the North American continental plate pulled away from the African plate during the breakup of Pangaea. This caused a stretching and cracking of the continental crust, which allowed an upwelling of magma into the crust. Prior to the magma intrusion, the area was covered in sedimentary rock; the magma 'baked' the nearby existing sandstone into metamorphic hornfels. Once the magma cooled, this created a modern geology of the original sandstone, igneous diabase rock dikes and the transitional metamorphic hornfels. This property is located on one of the transitions from a diabase sill, which is being quarried on the south side of US 29 and the original sandstone (see attached soil parent material map).

The upland portion of the site is underlain by Catlett gravelly silt loam and Sykoline-Kelly complex soils. These soils all weathered from the metamorphic hornfels and differ in that the Catlett soils are shallower, stonier, and somewhat better drained than the Sykoline-Kelly soils. The Sykoline-Kelly soils are in the northeast point under the winery and a small lobe on the southern boundary that straddles the power line.

The Bull Run floodplain in the western part of the property is underlain by Rowland soils, which are weathered from sedimentary rock, are deep moderately well to poorly drained, and periodically inundated. There is a section of the north-central part of the property between the floodplain and the ridge that is relatively flat and underlain by Albano soil. Albano soil is poorly drained and can be identified by tall sparse grass in the genus *Elymus* in the forest.

All of these soils are fair to moderately productive and will support pioneer (Virginia pine and eastern red cedar) and mixed hardwood forests.

Water Quality: no erosion was observed on the property. The forest is doing a very good job of protecting water quality by protecting riparian areas along Bull Run.

Invasive species: Overall this forest is generally free of non-native invasive species, but some areas are heavily invaded. The power line is covered in Japanese stiltgrass (*Microstegium vimineum*), which is moving into the forest on either side. This plant seems to be more of an opportunist than an invader and takes advantage of forest sites that are browsed clean of native plants.

Two plants that may be of concern to the winery operation are porcelain berry (*Ampelopsis brevipedunculata*) and autumn olive (*Elaeagnus umbellata*). Both plants are capable of germinating in turf grass, both produce berries that are attractive to birds and both may compete with grape vines, so will need to be weeded out of the vineyard as they occur. In addition, porcelain berry is capable of killing mature trees. I would suggest that these and other non-native invasive species be removed from the property when they occur. I have attached fact sheets on the non-native invasive plants I observed on the property

Deer: the absence of tree regeneration is an indicator of excessive deer browse. Deer management is currently being done on the property to reduce the size of the herd and affect its behavior. More aggressive management will be necessary to improve the condition of the forest. One potential non-lethal strategy to improve wildlife habitat and forest regeneration is discussed in the stand recommendations. If you wish to increase management of the deer herd, contact my office.

Wildland Fire: the presence of eastern red cedar (*Juniperus virginiana*) can significantly increase the wildland fire danger on this property. Green cedar burns well, but is slow to ignite. Standing dead cedar ignites easily and burns very well. Once dead cedar is in contact with the ground, moisture wicked from the soil and soil fungi and bacteria quickly decompose the fine branches and needles, which are the main fire hazard. Clearing or thinning failing cedar stands is a fire mitigation strategy. I should note that the cleared areas and turf grass around the winery building should be competent fire breaking and the danger from the cedar should they ignite would be from blowing embers and sparks.

Developed Area

This area consists of the road, winery, vineyard and parking lot.

There is an alley of pin oaks (*Quercus palustris*) along the road. This is a poor species choice for this site. Pin oaks are a riparian species and not well suited to dry ridge tops. The trees appear to be in poor condition with small crowns and small leaves because of the site. If these trees are replaced I would recommend white oak (*Q. alba*), chestnut oak (*Q. prinus* or *Q. Montana*), post oak (*Q. stellata*) or black oak (*Q. velutina*). As an aside, the wood of pin oak and other members of the red oak group are not suitable for barrel making; the wood is porous and the barrels will leak.

A few of the black cherries (*Prunus serotina*) along the alley are infested with fall web worm. This is a native, generally innocuous pest similar to the eastern tent caterpillars that infest cherries in the spring. In general they do not kill the tree, although repeated and heavy infestations may reduce the vigor of the tree. Nothing needs to be done in response to these pests, although the webs can be pruned out and destroyed for aesthetic reasons.

There are planted trees in the picnic/turf area west of the winery. At present the western exposure of the winery is fully exposed to afternoon sun. I noted with some irony that the two planted trees that are dying are cherries and black cherry is the only tree currently regenerating on the property. Any of the oaks listed above would be suitable for this site, but are fairly slow growing. A fast growing hardwood that should do well here is London planetree (*Platanus × acerifolia*). London plantree is more resistant to some of the diseases that affect sycamores (*P. occidentalis*) in urban areas.

The buffer along the parking lot is in generally good condition. If you wish to plant along the parking lot to improve aesthetics, I would suggest consulting a landscaper.

Recommendation: The trees along the alley and around the winery should be placed under the care of a certified arborist. These trees add to the value of the property, but if they are allowed to become unhealthy, they can become a liability.

Stand A

Forest Type: mixed hardwood, dominated by black walnut (*Juglens nigra*) and black cherry. Heavily infested with autumn olive and porcelain berry.

Quality/Size: The walnuts are mature and may have been planted here. The cherries are young and appear to be volunteers. None appear to be merchantable.

Forest Health: No signs of pests or disease were observed and the existing trees are generally healthy. Walnut twig beetle, the insect vector for thousand cankers disease, has been found in Fairfax County. These walnuts should be monitored for signs of die back and sprouting on lower branches. There is no cure for Thousand Canker Disease, nor does it affect any other tree species, the concern is that if the trees become infected they may become hazards.

The bigger forest health issue is the presence of autumn olive and porcelain berry. These non-native invasive species should be treated to improve the health and viability of the stand.

Recommendation: remove autumn olive and porcelain berry; and monitor the walnuts.

Stand B

Forest Type: Eastern red cedar (*Juniperus virginiana*) with scattered pin oaks and cherries.

Quality/Size: The composition and quality of the forest is poor. Too much competition is impairing the health of the trees.

Forest Health: The cedars are overcrowded and failing. The hardwoods are struggling. There is some regeneration of black cherry in the few opening in the cedars.

Discussion: The cedars are creating a buffer between this property and the next and therefore may be performing as the landowner wishes. One concern with the cedars is that they are very good bird habitat and may attract birds that will then feed on the grapes in the vineyard. The cedars are very crowded and shading each other to the extent that the trees are all slowly dying.

Regardless of the considerations for birds or privacy, they should be thinned out using a crop tree release method. In crop tree release you select the trees with the most live foliage and remove all trees touching them. This gives the selected or crop trees more room to grow. Crop tree release can also be used to improve the vigor of the hardwoods already present in the stand.

If privacy is not an issue, the cedars can be removed to speed up and control succession. They are about 10 years from removing themselves from the landscape as they stand. As the cedars die naturally from windthrow or competition they remain standing and are an extremely good wildland fire fuel.

One thing of note about the stand is the absence of invasive plant species and the presence of many native herbaceous plants.

Recommendation: Thin or remove the cedars depending on the need for a visual buffer.

Stand C

Forest Type: Mixed bottom land hardwood forest. Predominantly pin oak, red maple (*Acer rubrum*) and tulip poplar (*Liriodendron tulipifera*). This forest stand has many of the characteristics of a riparian forest because of the poorly drained Albano soil in this stand.

Quality/Size: Saw timber size of good to poor quality.

Forest Health: the trees here are in good condition, but there is little or no regeneration of the forest. There is some stiltgrass, but few non-native invasives species.

Discussion: The forest here is in generally good shape and meeting the landowner's goals. The lack of regeneration is an indication of overabundant deer.

Recommendation: reduce deer browse in this stand.

Stand D

Forest Type: Eastern red cedar (*Juniperous virginiana*) with widely scattered pin oaks and cherries. Similar to stand B, but more invasive plants, especially stiltgrass spreading off the power line and fewer pin oaks and other hard woods mixed into the stand.

Quality/Size: The composition and quality of the forest is poor. Too much competition is impairing the health of the trees.

Forest Health: The cedars are overcrowded and failing. The few hardwoods are struggling. There is some regeneration of black cherry in the few opening in the cedars.

Discussion: Again, one concern with the cedars is that they are very good bird habitat and may attract birds that will then feed on the grapes in the vineyard. The cedars are very crowded and shading each other to the extent that the trees are all slowly dying.

As in stand C, the cedars should be thinned out using a crop tree release method. Crop tree release can also be used to improve the vigor of the hardwoods already present in the stand. An additional management strategy that can be used here to promote hardwood succession is a modified group select. This involves clearing patches of cedar and instead of removing them from site as would usually be done, stacking them around the edges of the clearing to form a biodegradable fence to keep the deer out until the trees can get established.

As with stand B, the cedars are about 10 years from removing themselves from the landscape as they stand. Removing them now will not materially affect the forest value of the site and will remove a significant fire threat.

Recommendation: Thin or remove the cedars. Where continued forest cover is desirable consider using downed cedars as a biodegradable deer fence.

Stand E

Forest Type: Mixed bottom land hardwood forest. Predominantly pin oak, red maple and tulip poplar. This stand is essentially the same as stand C, except that it is in the Resource Protection Area along Bull Run.

Quality/Size: Saw timber size of good to poor quality.

Forest Health: the trees here are in good condition, but there is little or no regeneration of the forest. There is some stiltgrass, but few non-native invasives species.

Discussion: The forest here is in generally good shape and meeting the landowner's goals. The lack of regeneration is an indication of overabundant deer.

Recommendation: reduce deer browse in this stand.

Stand F

Forest Type: Mixed non-native invasive woody plants.

Quality/Size: Extremely poor quality.

Forest Health: The trees and shrubs here are all considered non-native invasive species.

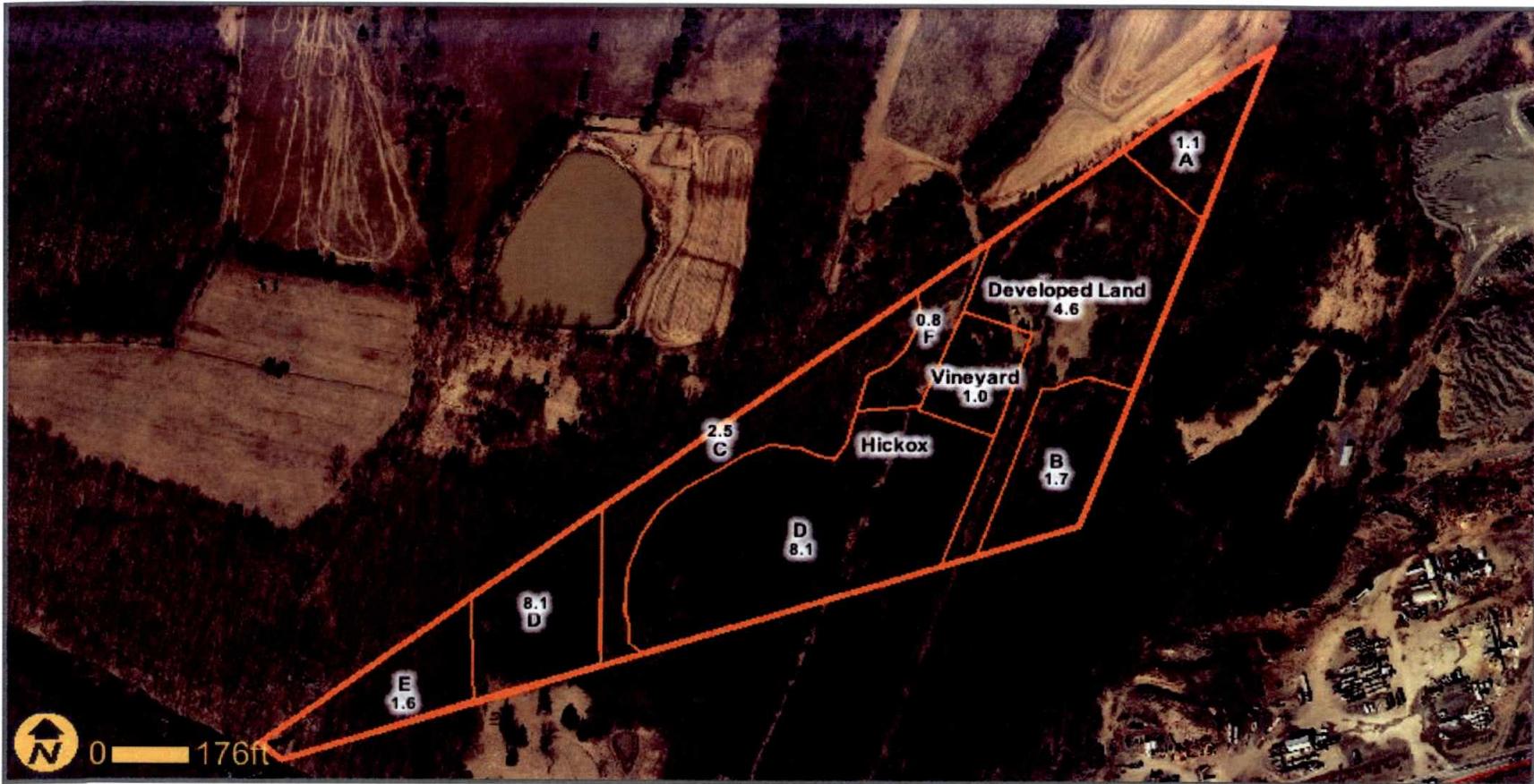
Discussion: This is a small stand on the west side of the power line next to the vineyard and picnic area. The forest here has no value. These woody plants can be removed mechanically or through the cut stump method, where the plant is cut down and the stump is immediately painted with an herbicide.

Recommendation: Completely clear this area to remove several problem species before they spread.



The Winery at Bull Run

Hickox A&F district AF 2012-Su-001; DOF Tract FAX08004



Boundaries are approximate for illustrative purposes only.

Map By: James M. McGlone

Report Date: Monday, August 27, 2012

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Soil Ratings

-  alluvium derived from sandstone and shale
-  alluvium derived from sandstone and shale over residuum weathered from sandstone and shale
-  residuum weathered from granulate and/or residuum weathered from hornfels
-  residuum weathered from hornfels and/or residuum weathered from granulate
-  residuum weathered from shale and siltstone
- Not rated or not available

Political Features

 Cities

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

MAP INFORMATION

Map Scale: 1:4,230 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 18N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Fairfax County, Virginia
Survey Area Data: Version 10, Aug 19, 2010

Date(s) aerial images were photographed: 6/26/2003; 6/24/2003

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Parent Material Name

Parent Material Name— Summary by Map Unit — Fairfax County, Virginia (VA059)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
1A	Albano silt loam, 0 to 2 percent slopes	alluvium derived from sandstone and shale over residuum weathered from sandstone and shale	4.9	18.5%
11C	Catlett gravelly silt loam, 7 to 15 percent slopes	residuum weathered from hornfels and/or residuum weathered from granulite	4.2	15.8%
11D	Catlett gravelly silt loam, 15 to 25 percent slopes	residuum weathered from hornfels and/or residuum weathered from granulite	7.6	28.3%
34A	Dulles silt loam, 0 to 2 percent slopes	residuum weathered from shale and siltstone	0.3	1.1%
34B	Dulles silt loam, 2 to 7 percent slopes	residuum weathered from shale and siltstone	0.1	0.5%
80E	Nestoria channery silt loam, 25 to 45 percent slopes	residuum weathered from shale and siltstone	1.0	3.6%
85B	Penn silt loam, 2 to 7 percent slopes	residuum weathered from shale and siltstone	0.1	0.2%
85C	Penn silt loam, 7 to 15 percent slopes	residuum weathered from shale and siltstone	0.1	0.5%
89A	Rowland silt loam, 0 to 2 percent slopes, frequently flooded	alluvium derived from sandstone and shale	5.2	19.4%
94B	Sycoline-Kelly complex, 2 to 7 percent slopes	residuum weathered from granulite and/or residuum weathered from hornfels	3.2	12.0%
Totals for Area of Interest			26.8	100.0%

Description

Parent material name is a term for the general physical, chemical, and mineralogical composition of the unconsolidated material, mineral or organic, in which the soil forms. Mode of deposition and/or weathering may be implied by the name.

The soil surveyor uses parent material to develop a model used for soil mapping. Soil scientists and specialists in other disciplines use parent material to help interpret soil boundaries and project performance of the material below the soil. Many soil properties relate to parent material. Among these properties are proportions of sand, silt, and clay; chemical content; bulk density; structure; and the kinds and amounts of rock fragments. These properties affect interpretations and may be criteria used to separate soil series. Soil properties and landscape information may imply the kind of parent material.

For each soil in the database, one or more parent materials may be identified. One is marked as the representative or most commonly occurring. The representative parent material name is presented here.

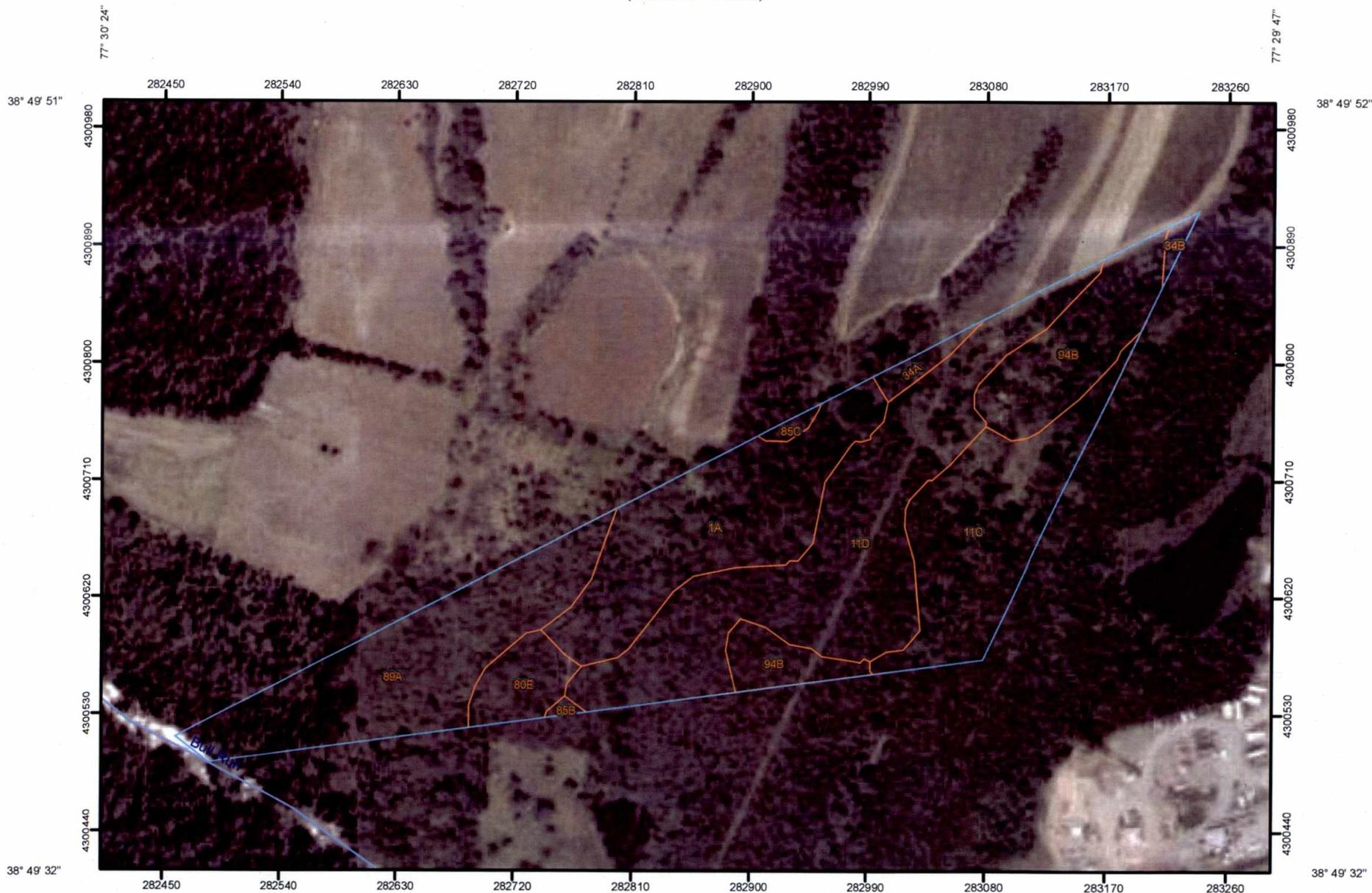
Rating Options

Aggregation Method: Dominant Condition

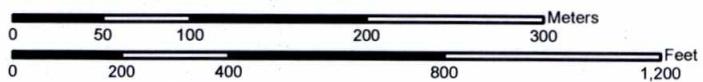
Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Soil Map—Fairfax County, Virginia
(Hickox A&F District)



Map Scale: 1:4,230 if printed on A size (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

 Very Stony Spot

 Wet Spot

 Other

Special Line Features

-  Gully
-  Short Steep Slope
-  Other

Political Features

 Cities

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:4,230 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 18N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Fairfax County, Virginia
Survey Area Data: Version 10, Aug 19, 2010

Date(s) aerial images were photographed: 6/26/2003; 6/24/2003

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Fairfax County, Virginia (VA059)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1A	Albano silt loam, 0 to 2 percent slopes	4.9	18.5%
11C	Catlett gravelly silt loam, 7 to 15 percent slopes	4.2	15.8%
11D	Catlett gravelly silt loam, 15 to 25 percent slopes	7.6	28.3%
34A	Dulles silt loam, 0 to 2 percent slopes	0.3	1.1%
34B	Dulles silt loam, 2 to 7 percent slopes	0.1	0.5%
80E	Nestoria channery silt loam, 25 to 45 percent slopes	1.0	3.6%
85B	Penn silt loam, 2 to 7 percent slopes	0.1	0.2%
85C	Penn silt loam, 7 to 15 percent slopes	0.1	0.5%
89A	Rowland silt loam, 0 to 2 percent slopes, frequently flooded	5.2	19.4%
94B	Sycoline-Kelly complex, 2 to 7 percent slopes	3.2	12.0%
Totals for Area of Interest		26.8	100.0%



County of Fairfax, Virginia

MEMORANDUM

DATE: August 17, 2012

RECEIVED
Department of Planning & Zoning

AUG 20 2012

Zoning Evaluation Division

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 2012-SU-001)

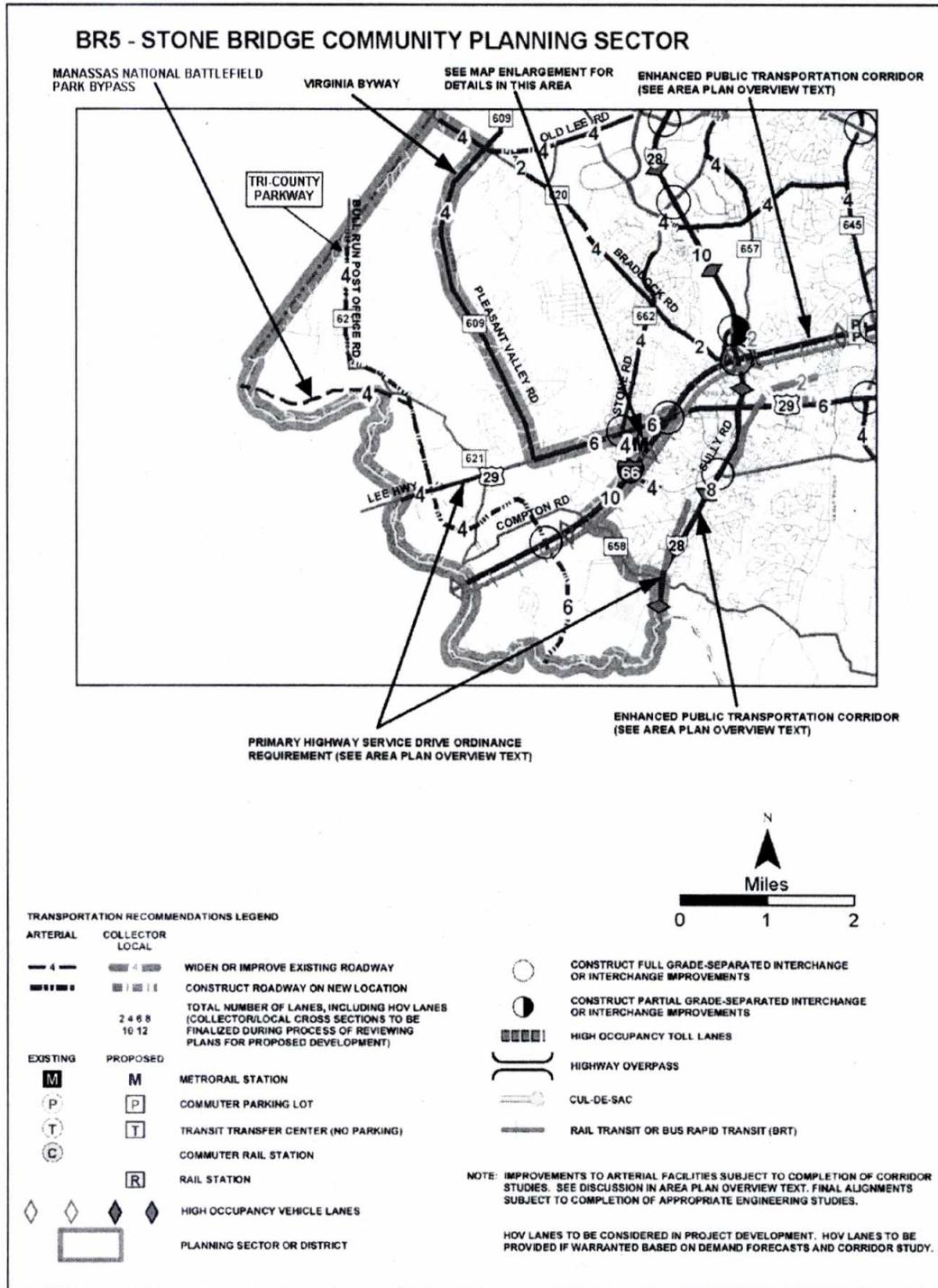
SUBJECT: Transportation Impact

REFERENCE: AF 2012-SU-001; Jon & Kim Hickox
Land Identification Map: 64-1((4))7C

The subject application seeks to establish an Agricultural/Forestral District. A portion of the proposed district is in the area of the Tri County Connector. The Tri County Connector is identified in the Comprehensive Plan for a four lane divided facility in this area. Figure 33 (Attachment A) of the Comprehensive Plan specifically shows this recommendation. In addition, Attachment B is the specific Comprehensive Plan text regarding this roadway.

This Office is concerned that the approval of this application may inhibit the ability of the County or State to obtain the additional right-of-way needed for this future roadway.

AKR/mdg



TRANSPORTATION RECOMMENDATIONS FIGURE 33

planned for low density residential uses and to protect the rural and historic character of the area, to include the protection of the Bull Run Stone Bridge and the Manassas National Battlefield Park which are located in close proximity to this area. When quarrying operations cease, this site should be restored and the area should be replanned for public or private open space.

Transportation

Transportation recommendations for this sector are shown on Figures 33 and 34. In some instances, site-specific transportation recommendations are included in the land use recommendations section. The figures show access orientation, circulation plans, interchange impact areas and generalized locations of proposed transit facilities. The recommendations contained in the Area Plan text and maps, the Policy Plan and Transportation Plan map, policies and requirements in the Public Facilities Manual, the Zoning Ordinance, and other standards will be utilized in the evaluation of development proposals.

A new north-south controlled-access road linking areas of Fairfax, Prince William and Loudoun Counties will relieve other roads in Fairfax County and contribute to a more efficient functioning of the transportation system in Fairfax County while preserving the rural and open space character of this part of the County. This need can be met by extending the Route 28 Bypass in a northerly direction, crossing Route 29 in the vicinity of the quarry and thence proceeding north to Bull Run Post Office Road. This road will divert north-south traffic from other existing roads such as Pleasant Valley Road, and possibly assist in routing through traffic around the Manassas Battlefield Park.

More detailed corridor studies should be initiated when funding becomes available. As with all transportation improvements shown on the Comprehensive Plan, the ultimate construction of this road will be dependent upon the satisfactory completion of further studies including a rigorous analysis of the need for the road and the specific impacts associated with the proposal, including alternative alignments, environmental studies, and means of addressing any impacts such as to animal habitat movement, historic sites, parks, cemeteries, and horse trails, which may be identified.

This road is intended to accommodate the increase in traffic emanating from Prince William and Loudoun Counties and to accomplish this in a way most sensitive to preserving the rural character of this portion of Fairfax County. At the same time, the road is intended to relieve the anticipated traffic impacts from such development on subdivisions in Fairfax County such as Virginia Run located on Pleasant Valley Road. Without such a connection, state roads already existing in the area will require extensive widening and alignment improvements negatively affecting existing subdivisions in the area.

All aspects of the road, including its alignment and major design features such as access control features, should be directed towards preserving the rural character of the area. Access in Fairfax County should be limited as much as possible to Route 29 and I-66.

This new road is only acceptable if the portion of the Route 28 Bypass south of I-66 is implemented. Therefore, implementation of the section north of I-66 should only occur at such time as construction funds are programmed for the section of the Bypass south of Route 29 at its planned intersections with I-66. The road right-of-way north of I-66 should anticipate a four-lane arterial divided with substantial open space between north and south travel lanes.



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M



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

FROM: Sandy Stallman, AICP, Manager *SS*
Park Planning Branch, PDD

DATE: August 21, 2012

SUBJECT: AF 2012-SU-001, Jon and Kim Hickox
Tax Map Number: 64-1 ((4) 7C

Staff supports the above referenced application. The Fairfax County Park Authority generally supports Agricultural and Forestal Districts as they further objective 100 of the Park Authority's Policy Manual:

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

In addition, the County Comprehensive Plan includes both general and specific guidance regarding parks and resources. Resource protection is addressed in multiple objectives of the Policy Plan, focusing on protection, preservation, and sustainability of resources (Parks and Recreation Objectives 2 and 5, p.5-7).

ANALYSIS & RECOMMENDATIONS

Cultural Resources Impact:

The parcel was subjected to archival review. The parcel contains one known architectural site (Fairfax County Architecture Site 064-1 A02, the Entwisle House) and other portions of the site have a high probability of containing significant Civil War, historical and Native American archaeological sites due to its location, adjacent to the Bull Run Bridge. This property also lies within and adjacent to both the Manassas National Battlefield Park Historic District and the Fairfax County Bull Run Bridge Historic Overlay District.

Should this parcel be subject to ground disturbing activities, Park Authority Cultural Resource Management and Protection staff would like to be granted access, in concurrence with the owners, to conduct an archaeological survey. In addition, should the parcel ever be developed or rezoned, a Phase I archaeological survey should be conducted.

Barbara Berlin
AF 2012-SU-001, Jon and Kim Hickox
Page 2

FCPA Reviewer: Anna Bentley
DPZ Coordinator: Brent Krasner

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

§ 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

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

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

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.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: October 3, 2012

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Hickox Local Agricultural and Forestal District;
Application AF 2012-SU-001

The Agricultural and Forestal Districts Advisory Committee met on October 2, 2012, to review the application to establish the Hickox Local Agricultural and Forestal District (Application AF 2012-SU-001). The Committee found the following:

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

GLOSSARY

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

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

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

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

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

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

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

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

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

CLEARING - Any intentional or negligent act to cut down, remove all or a substantial part of or damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die.

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

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

DEVELOPED LAND - The total of all parcels containing permanent structures valued at \$2,500 or more, plus all parcels not generally available for development (e.g. tax exempt land, private rights-of-way, parcels owned in common by homeowner's associations, etc.).

EASEMENT - A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, scenic easement, utility easement, open space easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDOR (EQC) - An open space system designed to link and preserve natural resource areas, provide passive recreation and wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Volume 1 of the Comprehensive Plan.

ERODIBLE SOILS - Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN - Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with EQCs. The 100 year floodplain drains 70 acres or more of land and has a 1% chance of flood occurrence in any given year.

FORESTAL PRODUCTS - Products for sale or for farm use, including but not limited to lumber, pulpwood, posts, firewood, Christmas trees and other wood products.

FORESTALLY SIGNIFICANT LAND - Land that has historically produced forestal products, or land that AFDAC considers good forest land based upon factors such as soil quality, topography, environmental quality and other relevant factors.

FORESTAL USE - Use for tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the Director of the Department of Conservation and Economic Development of the Commonwealth of Virginia pursuant to Section 58-769.12 of the Code of Virginia, including the standing timber and trees thereon.

OPEN SPACE EASEMENT - An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request by the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700.

QUALIFYING USE - A land use which is eligible for use value taxation under Section 4-19 of the Fairfax County Code.

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

RESOURCE PROTECTION AREA (RPA) - That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Chapter 118, Chesapeake Bay Preservation Ordinance.

ROLLBACK TAX - Whenever an owner changes the acreage of an eligible tract by splitting off a parcel, or by changing the use of the land to a non-qualifying use, each applicable deferred tax plus annual simple interest at the rate annually applied to delinquent taxes becomes due and payable as a lump sum, known as the rollback tax. The rollback tax is applied to the year in which the use is changed and the previous five years the land was qualified for and assessed at use value rates.

TIDAL WETLANDS - Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

UNDEVELOPED LAND - Unimproved or under utilized land. Land containing no structures valued at \$2,500 or more.

WETLANDS - Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corp of Engineers.

WILDLIFE HABITAT - Areas which contain the proper food, water, and vegetative cover to support a diverse community of animals, birds and fish; some examples include floodplains, upland hardwoods, pinewoods, meadows and marshes.