



County of Fairfax, Virginia

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

January 30, 2013

Ms. Nadine C. Vazquez
PO Box 96
Clifton, Virginia 20124

RE: Agricultural and Forestal District Application Number AA 83-S-004-02

Dear Ms. Vazquez:

Agricultural and Forestal District Application AA 83-S-004-02 in the name of Nadine C. Vazquez, Jeffrey O. Waters, Jeremy M. Vazquez and Lee J. Vazquez, Irrevocable Trust, meeting all of the criteria and provisions pursuant to Chapter 115 of the Fairfax County Code effective June 30, 1983, (Agricultural and Forestal Districts of Local Significance) Appendix E and additional environmental provisions, was established by ordinance by the Board of Supervisors at a regular meeting held on January 29, 2013, as the Whitehall Statewide Agricultural and Forestal District, subject to the attached ordinance provisions dated January 29, 2013.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

Chairman Sharon Bulova
Supervisor Pat Herrity, Springfield District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, DPZ
Angela Rodeheaver, Section Chief, Transportation Planning Division, DOT
Ellen Gallagher, Capital Projects and Operations, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development
Division Planning Commission
Barbara J. Lippa, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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ADOPTION OF AN AMENDMENT TO
APPENDIX E (STATEWIDE AGRICULTURAL AND FORESTAL DISTRICTS)
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 29, 2013, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Appendix E (Statewide Agricultural and Forestal Districts) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA:

That Appendix E (Statewide Agricultural and Forestal Districts), is amended by establishing the Whitehall Statewide Agricultural and Forestal District, as follows:

E-6. Whitehall Statewide Agricultural and Forestal District
(AA 83-S-004-2)

(a) The following parcel of land situated in the Springfield District, and more particularly described herein, is hereby included in the Whitehall Statewide Agricultural and Forestal District:

Owner	Fairfax County Tax Map Parcel Number	Acreage
Heirs of Lee J Vazquez Tr.	75-2 ((1)) 5Z	130.40 acres
Jeffrey O. Waters and Nadine C. Vazquez	75-2 ((1)) 19Z	5.30 acres
<u>Harth Property, LLC</u>	<u>66-4 ((1)) 21Z</u>	<u>69.44 acres</u>
Total		205.14 acres

(b) The Whitehall Statewide Agricultural and Forestal District is established effective January 29, 2013, pursuant to Chapter 43, Title 15.2 of the Code of Virginia and Chapter 114 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

(1) The Whitehall Statewide Agricultural and Forestal District shall be reviewed after a period of ten (10) years from the date of establishment by the Board of Supervisors. The Board may by ordinance renew the district or a modification thereof for another ten-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.

(2) No parcel included within the district shall be developed to a more intensive use than its existing use at the time of the adoption of the ordinance for ten (10) years from the date of adoption of the district. This provision shall not be construed to restrict expansion of, or improvements to, the agricultural or forestal use of this land, or prevent the construction of additional houses within the district, where otherwise permitted by applicable law, for either land owner, a member of the owner's family or for a tenant who farms the land.

(3) 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 ten (10) years from the date of adoption of the original ordinance.

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

(5) The applicants shall implement and abide by the recommendations of the Soil and Water

Conservation Plan dated October 31, 2012, for the life of the Whitehall Statewide Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Soil and Water Conservation District.

(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated September 25, 2007, for the life of the Whitehall Statewide Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within this Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.

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

(8) The Cultural Resource Management Division of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property. Surveys and other similar activities of the Resource Management Division shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and establishment before each occurrence.

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

This amendment shall become effective upon adoption.

GIVEN under my hand this 29th day of January, 2013.



CATHERINE A. CHIANESE
Clerk to the Board of Supervisors