



County of Fairfax, Virginia

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

July 10, 2013

Mark Kusters
13121 Fox Shadow Lane
Clifton, VA 20124

RE: Agricultural and Forestal District Application AR 2004-SP-001 (Springfield District)

Dear Mr. Kusters:

Agricultural and Forestal District Application AR 2004-SP-001, in the name of Mark A and Lisa K. Kusters and Marvin H. Kusters and Bonnie M. Kusters, Trustees, meeting all of the criteria and provisions pursuant to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal Districts), and additional environmental provisions, was renewed by ordinance by the Board of Supervisors at a regular meeting held on July 9, 2013, as F-58, Kusters Local Agricultural and Forestal District, subject to the attached ordinance provisions. The subject property is located at 13120 Cedar Ridge Drive and 13121 Fox Shadow Lane, on approximately 20.3 acres of land zoned R-C and WS in the Springfield District, [Tax Map 75-1 ((8)) 6Z; 75-1 ((10)) 7Z, 8Z and 9Z].

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

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

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*ADOPTION OF AN AMENDMENT TO
APPENDIX F (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS)
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, July 9, 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 F (Local Agricultural and Forestal Districts) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to wit:

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

That Appendix F (Local Agricultural and Forestal Districts), is amended, by renewing the Kusters Local Agricultural and Forestal District, as follows:

F-58. Kosters Local Agricultural and Forestal District
(AR 2004-SP-001)

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

Owners	Fairfax County Tax	
	Map Parcel Number	Acreage
Mark A. & Lisa K. Kosters	75-1 ((10)) 7Z	5.00
	75-1 ((10)) 8Z	5.00
	75-1 ((10)) 9Z	5.00
Marvin H. Kosters & Bonnie M. Kosters, Trustees	75-1 ((8)) 6Z	5.30
		Total: 20.30

(b) The Kosters Local Agricultural and Forestal District is established effective July 9, 2013, pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

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

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

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

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

(5) The applicant shall implement and abide by the recommendations of the Forest Management Plan dated July 28, 2004, and recommended updated dated May 8, 2013 for the life of the Kosters 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 April 15, 2013 or the life of the Kusters 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 Kusters Local Agricultural and Forestal District.

(8) All waste water resulting from the cleaning and draining of the swimming pool located on the property shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. Pool water shall be neutralized to a Ph level between 6.0 and 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a Ph approximately equal to that of the receiving stream.

(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 9th day of July, 2013.



CATHERINE A. CHIANESE
Clerk to the Board of Supervisors