



APPLICATION ACCEPTED: June 12, 2013
PLANNING COMMISSION: November 6, 2013
BOARD OF SUPERVISORS: November 19, 2013 @ 3:30 pm

County of Fairfax, Virginia

WS

October 17, 2013

STAFF REPORT

KULBOK AGRICULTURAL AND FORESTAL DISTRICT

APPLICATION AF 2013-SU-002

SULLY DISTRICT

APPLICANT: Charles Kulbok

ZONING: RC, WS

PARCEL(S): 64-1 ((1)) 33

ACREAGE: 47.04 acres

PLAN MAP: Residential @ 0.1-0.2 du/ac, public park

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 Kulbok 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

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).

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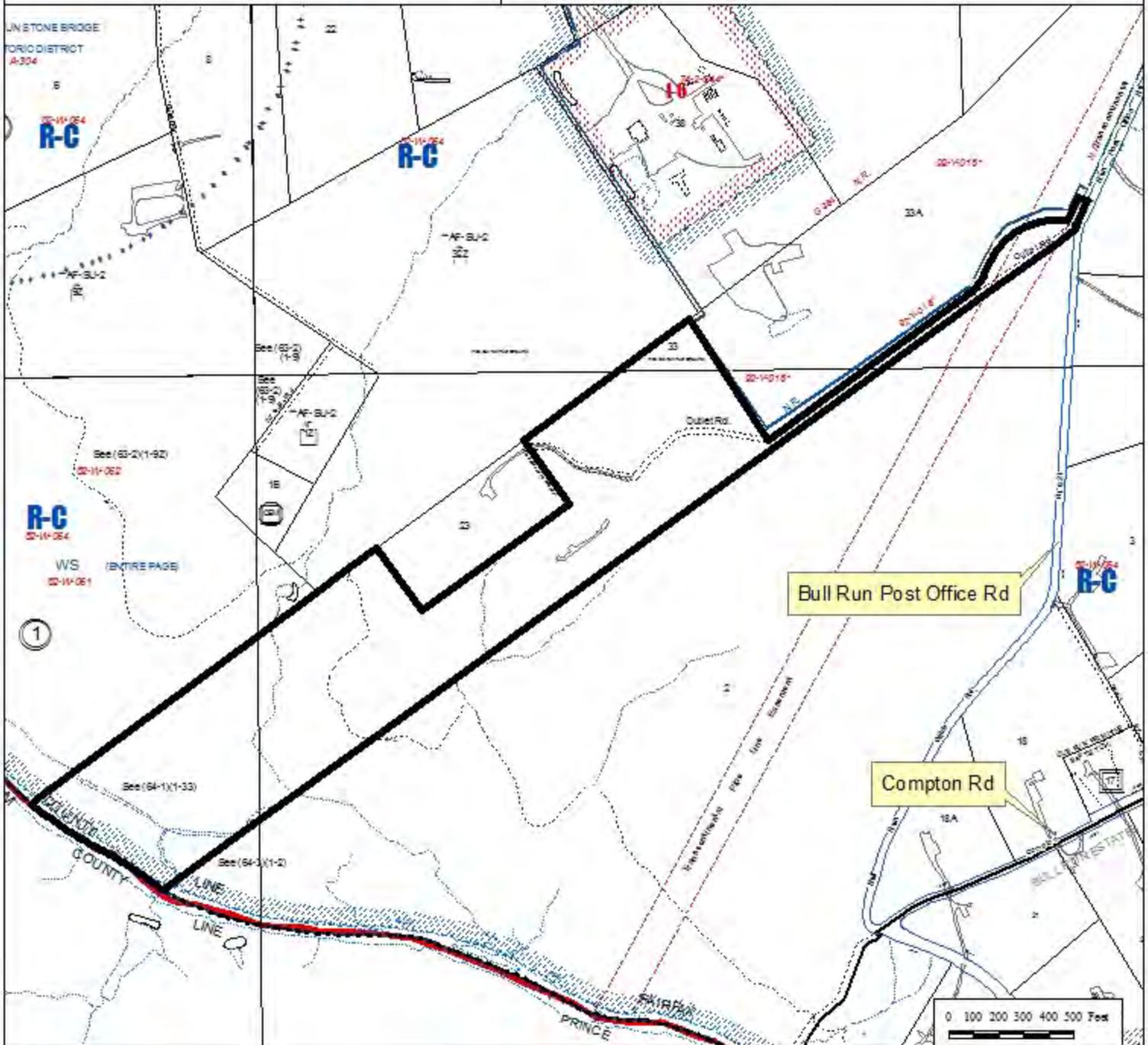
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A&F District

AF 2013-SU-002



Applicant: CHARLES KULBOK
Accepted: 06/12/2013
Proposed: AGRICULTURAL AND FORESTAL DISTRICT
Area: 47.04 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect:
Located: 7100 BULL RUN POST OFFICE ROAD,
CENTREVILLE, VA 20120
Zoning: R- C
Overlay Dist: WS
Map Ref Num: 064-1- /01/ /0033



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

DESCRIPTION OF APPLICATION

AF 2013-SU-002

The applicants seek to establish the Kulbok 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 is located to the west of Bull Run Post Office Road and abutting Bull Run, in the Sully District. The applicants have recently purchased the land and are growing hay. In their Statement of Justification they state their intent is to preserve the structures on the property and maintain the land in a natural state. 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((1)) 33) measuring 47.04 acres in area. The long and relatively narrow, rectangular-shaped property is located off Bull Run Post Office Road, just south of the Luck Stone quarry (see aerial photo in figure 1). Access to the site is via a 1,500 foot long gravel driveway on the west side of Bull Run Post Office Road.

Existing Conditions:

The property has a narrow 30 foot wide pipe stem that provides frontage on Bull Run Post Office Road, near the NOVEC transmission line easement. This area contains a gravel drive and abuts wooded land to the south. After traveling south and west for about 1,500 feet, one reaches the core acreage of the property. The eastern 23 acres of this area contains four fields, currently planted with hay and totaling about 20 acres in area. The main house, the original portion of which dates to the 1840s, is located in the middle of this area. Surrounding the house are several outbuildings including a barn, historic workers quarters, out house, and storage shed all of which date to the mid-nineteenth century. In total, about four acres are devoted to residential uses.

Finally, the western 20 acres of land leading down to Bull Run is heavily forested. A tributary to Cub Run flows through this area and majority of the acreage is designated as RPA.



Figure 1. Aerial Image of Proposed Kulbok District (2011)

Surrounding Area Description:

The property abuts undeveloped wooded land to the south. Bull Run Creek lies to the west; to the north are agricultural lands and horse pasturage associated with the Sanders A and F District (Battlefield Equestrian Center, Inc.); the 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 47.04 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..



Figure 2. View of hayfield to the east of the main house

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 farming activities are located outside of that portion of the RPA associated with Cub Run and 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 July 15, 2013, 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. In addition, the bank of the Bull Run should be observed periodically to identify and remove fallen trees and other objects to prevent bank erosion. A condition requiring adherence to the Soil and Water Quality Conservation Plan is included in the proposed Ordinance Provisions.



Figure 3. View of Main house

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 July 18, 2013, separates the wooded portions of the property into two stands (see map in Appendix 5). The Plan makes the following observations and recommendations for each stand:

Stand A is a mixed bottomland hardwood forest, dominated by Pin Oak (*Quercus palustris*) Box Elder (*Acer negundo*) Tulip Poplar (*Liriodendron tulipifera*), Green Ash (*Fraxinus pennsylvanica*), Hackberry (*Celtis occidentalis*), Sycamore (*Platanus occidentalis*) and Pawpaw (*Asimina triloba*). This stand is in the Resource Protection Area along Bull Run. These are mature forest trees of good to poor quality measuring 18+ inches diameter breast height. Overall the trees are in good condition, but there is little or no regeneration of the forest. The stand is heavily infested with stiltgrass and has some garlic mustard, but few other non-native invasive species. The forest here is currently in generally good shape and meeting the landowner's goals. The lack of regeneration is an indication of overabundant deer, and VADOF recommends that the landowner reduce deer browse to ensure good health in the future.



Figure 4. View of Forest in Stand B

Stand B is a transitional forest where pioneer species Virginia pine (*Pinus virginiana*) and Eastern Red Cedar (*Juniperus virginiana*) are being replaced by Pin Oak, Black Cherry (*Prunus serotina*), and Green Ash (*Fraxinus pennsylvanica*). The forest here is about 40 years younger than in Stand A. Part of this stand is in the RPA. The trees here measure six to 15 inches diameter at breast height. They are in good condition, but, like with Stand A, there is little or no regeneration of the forest, which is an indication of overabundant deer. Similarly, VADOF recommends that the landowner take steps to reduce deer browse.

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

Transportation Analysis (Appendix 6)

The subject site is not affected by the recommendations of the Transportation Plan Map. FCDOT has no objections to the application.

Heritage Resources (Appendices 7)

Heritage Resource staff conducted a review of the property. They noted that the site likely contains numerous Civil War artifacts and given the age of the structures present, the applicant should consider nominating the property to County Inventory of Historic Sites. If the applicant chooses not to proceed with a formal nomination, staff requests that they be granted access to document the heritage resources on the property prior to any major building alterations or demolitions. An ordinance provision has been included to this effect.

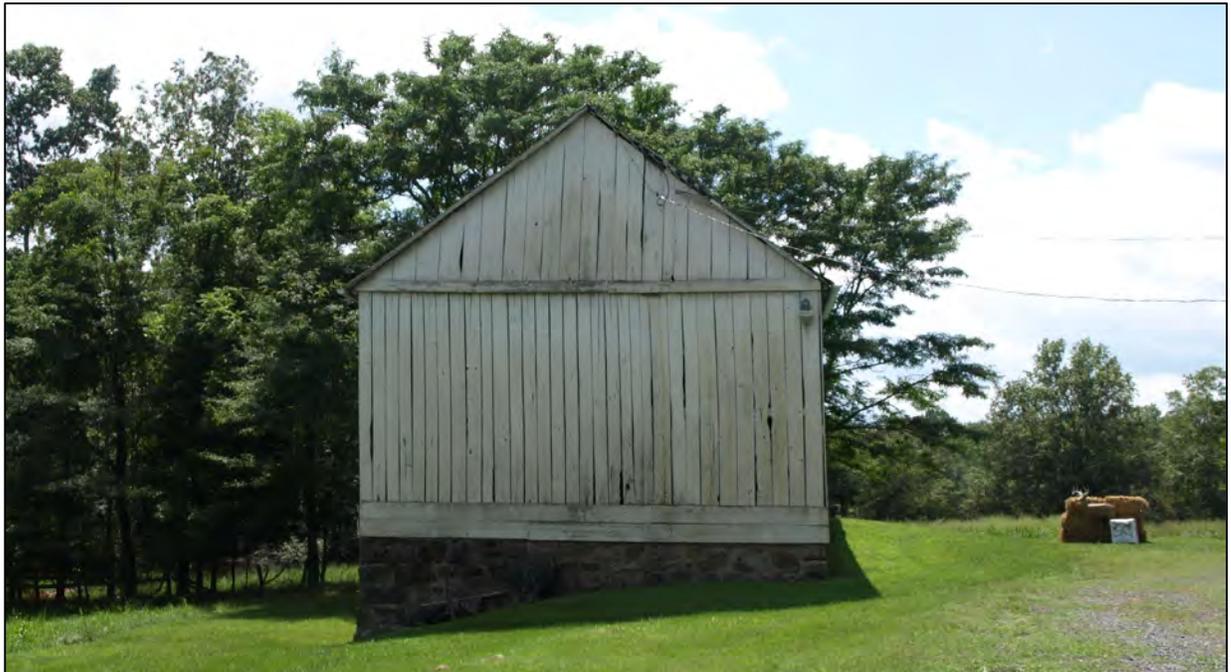


Figure 5. View of Barn, foundation dates to 1840s

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 47.04 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/public 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 23 acres in agricultural use (hay) and 20 acres in forestall use. 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 NVSWCD report in Appendix 4, more than 2/3 of the soils in the area being utilized for the active growing of hay are classified as Sycoline-Kelly Complex (Class III) or Kelly 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 20 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 July 18, 2013; 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.*

Historic aerial photography indicates portions of the subject property have been farmed for at least 80 years and likely longer. The applicant purchased property in 2013, but has stated he intends to maintain the agricultural operations on the property. In addition to hay, he is considering growing grapes for the nearby Bull Run Winery. Staff believes this criterion has been satisfied.

Criteria Group B:

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

The applicant purchase the property in March of 2013; 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 historic house, barn, and outbuildings help maintain the rural-agricultural character of the Bull Run area. The continued use of this property as a home site with accessory agricultural production operation is consistent with the surrounding properties. 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 is located in proximity to the Manassas Battlefield Historic Park and was likely traversed by troops during the first and second Battles of Bull Run. Numerous archeological artifacts used by Civil War troops likely exist at the site. The stone foundations of the house, barn, and shed on the property date to the 1840s and the applicant states he intends to restore and preserve them. The establishment of this district supports the continued preservation of this site in an agricultural state. 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; however the state forester has recommended that the applicant consider a conservation easement on the wooded areas of the property that are almost fully within the RPA and which provide valuable filtering of stormwater runoff before it enters the Bull Run.

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 September 10, the Agricultural and Forestal District Advisory Committee voted to recommend that the Kulbok 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 Kulbok 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 2013-SU-002, to amend Appendix F of the Fairfax County Code to establish the Kulbok 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. Heritage Resources Analysis
8. Virginia State Tax Code Provisions
9. Agricultural and Forestal Districts Advisory Committee Recommendation
10. Glossary

ORDINANCE PROVISIONS

October 10, 2013

AF 2013-SU-002

If it is the intent of the Board of Supervisors to establish the Kulbok Local Agricultural and Forestal District as proposed in Application AF 2013-SU-002 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 ((1)) 33, 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.

Additional Provisions

- 5) The applicant shall implement and abide by the recommendations of the Forest Management Plan dated July 18, 2013, for the life of the Kulbok 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 July 15, 2013, 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 Kulbok 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.

Letter of Justification for Agricultural and Forestal District

To Whom It May Concern,

I would like to request appropriate consideration for my property located at 7100 Bull Run Post Office Road in Centreville, VA to be added to the A&F district program. My intention with this property is to preserve the history as well as the agriculture and forestal aspects of the land. We would like to build a family and utilize our surroundings rather than develop the parcel for financial gain.

Currently, 20+ acres currently consist of hardwood forest on a flood plain that leads to Bull Run River. The property is home to a 3 stable, operable, barn that dates back to before the civil war. There is also the original "workers" quarters and outhouse still standing. During the civil war the property was periodically used as a hospital site and some original maps appear to show Lewis's ford crossing the river somewhere along the waterfront on this parcel of land.

More recently the property was used as a Strawberry farm. The previous owner told us that until around 1980 this was the primary use until they became too old to effectively tend to the crops. Due to the fertility of the soil we are also considering growing grapes for a local winery but other ideas are also possible to include a truffle farm.

The property should qualify for this program on a number of levels and I will list some of the more evident aspects that apply below and are referenced in Article 5 (Criteria for Establishment, Modification, Renewal or Termination of a District).

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

Criteria Group A:

1. The total parcel of land to be devoted to this program is 47 acres. There is a house site incorporated with this but the area designated as a housing structure is way under the 5 acre minimum "other use" limitation.
2. All land within the subject property is zoned R-C.
3. The property in question and all surrounding/bordering property is currently in a low density (.1-.2) dwelling unit per acre and is consistent with the comprehensive plan.
4. Currently the neighboring property to the north is active in the A&F district program. The other neighbors are low density as well. They are the Prince William Bull Run Battlefield to the west and Rock Quarry to the East.
5. The property meets the minimum size of 20 acres as it is comprised of 47 acres is total. This can be divided into two sections to include 22 acres of forestal and 25 acres of agricultural.
6. There is currently more than 20 acres of forested area and meets the requirement.
7. I agree to follow all erosion and water shedding requirements set forth by the county.
8. I agree to follow all erosion and water shedding requirements set forth by the county.
9. Forested land will be left undisturbed.
10. The land was previously used as a strawberry farm and the history on the acreage is long. There are historical maps that show troop locations on the property during the civil war and it

was used as a hospital afterward. The original shed, "slave quarters", and outhouse are still located on the property and it is my intention to maintain them for the next generation. My intention is to not develop the property but rather use as a farm. Currently we are harvesting hay for a local stable and we are mulling over ideas that include a truffle farm and or growing grapes for the winery at Bull Run.

Criteria Group B:

1. Farm products have been planted on this property in the past we continue to expect yields of hay each year. Since this property was recently purchased there isn't a five year history of farming but the intention is to bring this place back to what it was initially intended for.
2. The preserved land, rolling hills, and beautiful blue belled filled flood plain greatly enhance the aesthetic quality of views to the general public and contribute to maintaining the existing rural character of the area.
3. The property contains both historically and archaeologically significant sites. During the civil war it was used for both offensive troop positions and also a hospital in the months to follow the battle. The pre-war aged barn and "slave" quarters are shown on map dating back to the 1860's. There is also the original outhouse, meat storage shed and well. Artifacts have been found around all of these sites and a story continues to be told to this day. These structures still stand today and it is my intention to preserve them for generations to come.
4. 5. The property is zoned R-C.

I appreciate the consideration and look forward to a formal response.

Sincerely,



Charles Kulbok

APR 12 2013

Zoning Evaluation Division

Application No. AF 2013-SU-002

**APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT**

FAIRFAX COUNTY

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:

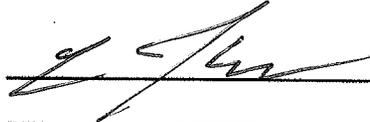
Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Charles Kulbok				
7100 Bull Run Post Office Rd. Centreville, VA 20120	64-1-1-33	2013	RC	47

3. Total acreage in the proposed district: 47.04 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 23 forest 20.

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

Name: Charles Kulbok
Address: 7100 Bull Run Post Office Rd.
Centreville, VA 20120
Telephone: 571-712-7993

6. Signature of all property owners:



TO BE COMPLETED BY THE COUNTY

Date application accepted: 6/12/13 *Virginia Ruffner*
Date of action by Board of Supervisors: _____ *6/12/13*
URS

- Approved as submitted Denied
 Approved with modifications

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
Barn	est. 1840's	Barn / none current
Workers "Slave" Quarters	est. 1840's	Historical
Outhouse	est. 1840's	Historical
Meat Storage Shed	est. 1840's	Storage / historical
Well & Pulley	est. 1840's	Historical
Main House	1840/1870/1940	Living Space

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 known

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

No information or previous knowledge. Recently purchased home & land.

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: _____

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

If yes, date submitted: _____

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

Product	Past year's yield	Average yield for previous 4 years
Hay/Virginia Grass	N/A	- no information
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



County of Fairfax, Virginia

MEMORANDUM

August 29, 2013

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: LAND USE ANALYSIS & ENVIRONMENTAL ASSESSMENT for:
AF 2013-SU-002
Kulbok

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

DESCRIPTION OF THE APPLICATION

The applicant seeks approval to establish a 47-acre Agricultural and Forestal (A & F) District which encompasses one parcel located in the Sully Magisterial District. The proposed A & F District is located in the Stone Bridge Community Planning Sector (BR5) of the Bull Run Planning District. The proposed district is traversed by the Bull Run stream valley which is a Resource Protection Area (RPA), floodplain and Environmental Quality Corridor (EQC) on its western edge.

LOCATION AND CHARACTER

The subject property is located in southwestern Fairfax County within the Bull Run Watershed as well as within the Occoquan Reservoir Watershed. The proposed district is bounded to the north, east, south by land which is generally planned for residential use at .1-.2 dwelling unit per acre (du/ac) or 5-10 acre lots; and on the northwest and southwest by land planned for public park.

COMPREHENSIVE PLAN MAP: residential use at .1-.2 dwelling unit per acre and public park

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



COMPREHENSIVE PLAN CITATIONS

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

In the Fairfax County Comprehensive Plan, 2013 Edition, Area III, Bull Run Planning District, BR5-Stone Bridge Community Planning Sector, as amended through April 9, 2013, on page 74, the Plan states:

- “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. 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.”

Environment

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on pages 7-9, the Plan 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 c. | Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas through, among other tools, the development, implementation and monitoring of integrated pest, vegetation and nutrient management plans. |
| Policy d. | Preserve the integrity and the scenic and recreational value of EQCs.... |

Policy 1. 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....

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 10, the Plan 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. . . .”

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on pages 14-17, the Plan 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: For ecological resource conservation, 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.
- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.

- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

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.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical....

Preservation should be achieved through dedication to the Fairfax County Park Authority, if such dedication is in the public interest. Otherwise, EQC land should remain in private ownership in separate undeveloped lots with appropriate commitments for preservation. The use of

protective easements as a means of preservation should be considered....”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 18, the Plan states:

“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

- Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.
- Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.
- Policy c: Use open space/conservation easements as appropriate to preserve woodlands, monarch trees, and/or rare or otherwise significant stands of trees, as identified by the County.”

LAND USE ANALYSIS

Approval of this Agricultural and Forestal District would be compatible with the existing and planned very low density residential character for the site and the surrounding area.

ENVIRONMENTAL ANALYSIS

Water Quality Protection

This request seeks approval to establish a new Agricultural and Forestal District which encompasses approximately 47-acre acres of land located in Bull Run watershed in western Fairfax County adjacent to Bull Run Stream Valley which forms the southwestern boundary of this elongated property. The subject property stretches diagonally from Bull Run Post Office Road on the east to Bull Run stream valley on the west. Resource Protection Area (RPA) as defined by the Chesapeake Bay Preservation Ordinance (CBPO) and Environmental Quality Corridor (EQC) per Policy Plan guidance characterizes much of this proposed district adjacent to Bull Run stream valley. The area of the RPA and EQC are basically the same area for this proposed district and that area encompasses approximately 17.27 acres of predominately wooded land within the Bull Run stream valley corridor. The extent of the EQC and RPA are identified on the attached map.

The Northern Virginia Soil and Water Conservation District (NVSWCD) has prepared a Soil and Water Quality Management (SWQC) Plan for this district. The SWQC Plan estimates that the proposed district encompasses 840 linear feet of RPA/EQC stream

valley corridor within the proposed district. The SWQC Plan provides extensive recommendations for buffer management, nutrient management, pest management and riparian forest management.

The Virginia Department of Forestry (VDOT) has developed a Forestlands Report for this proposed agricultural forestal district with detailed descriptions of the subject forest which characterizes this district as well as excellent recommendations to maintain a healthy forest, such as invasive plant control and deer browse management.

The applicant should vigilantly implement the NVSWCD recommendations to enhance water quality within the district and the Virginia Department of Forestry's Forestlands Report recommendations to maintain a healthy forest. Approval of this Agricultural Forestal District would be compatible with the goals of the Comprehensive Plan to preserve this environmentally sensitive area of Fairfax County.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan depicts a major regional trail on the north side of Bull Run stream valley and a natural surface stone dust trail along Bull Run Post Office Road on a small segment of the proposed district's easternmost boundary.

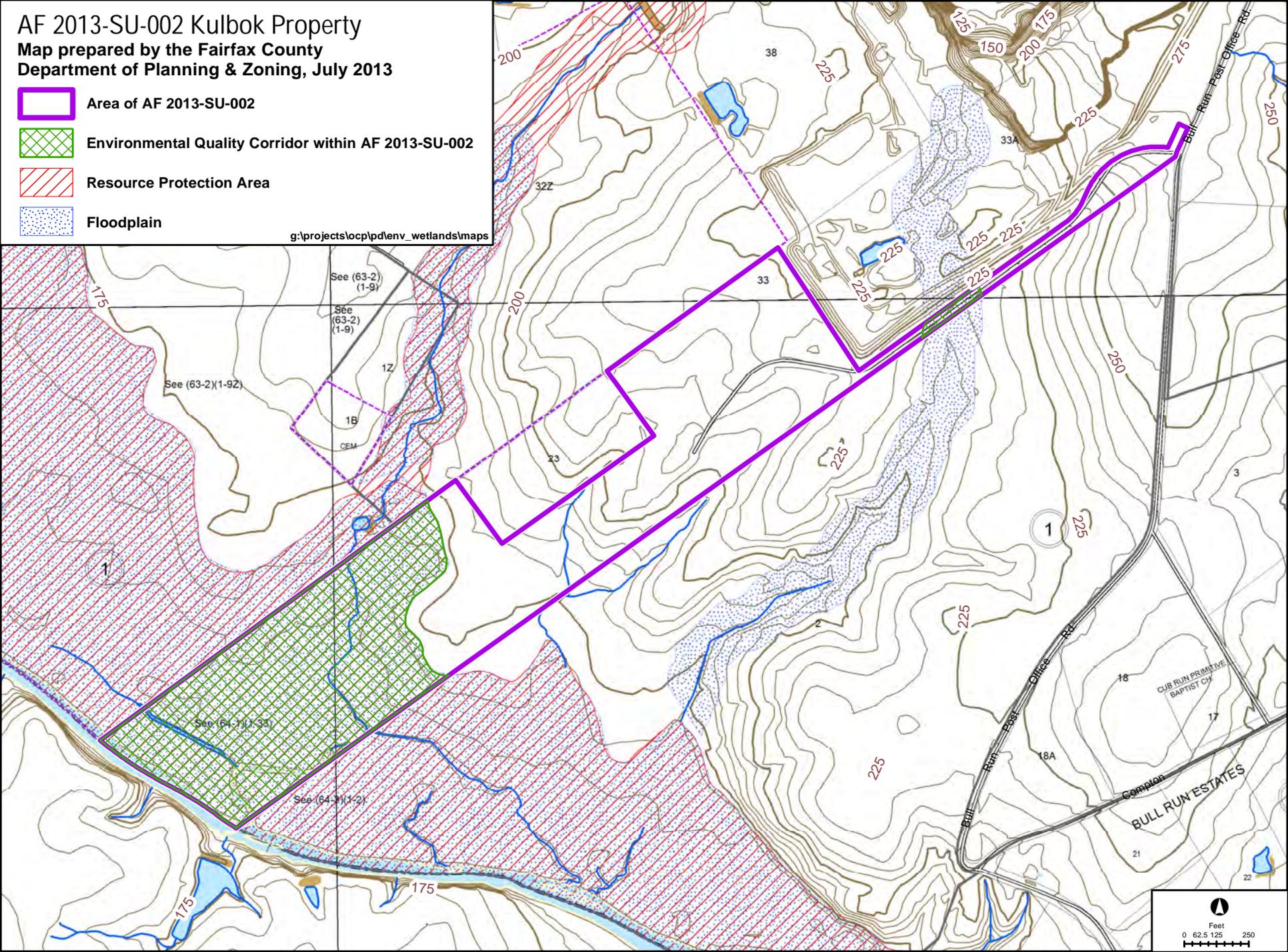
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Attachment

AF 2013-SU-002 Kulbok Property

Map prepared by the Fairfax County
Department of Planning & Zoning, July 2013

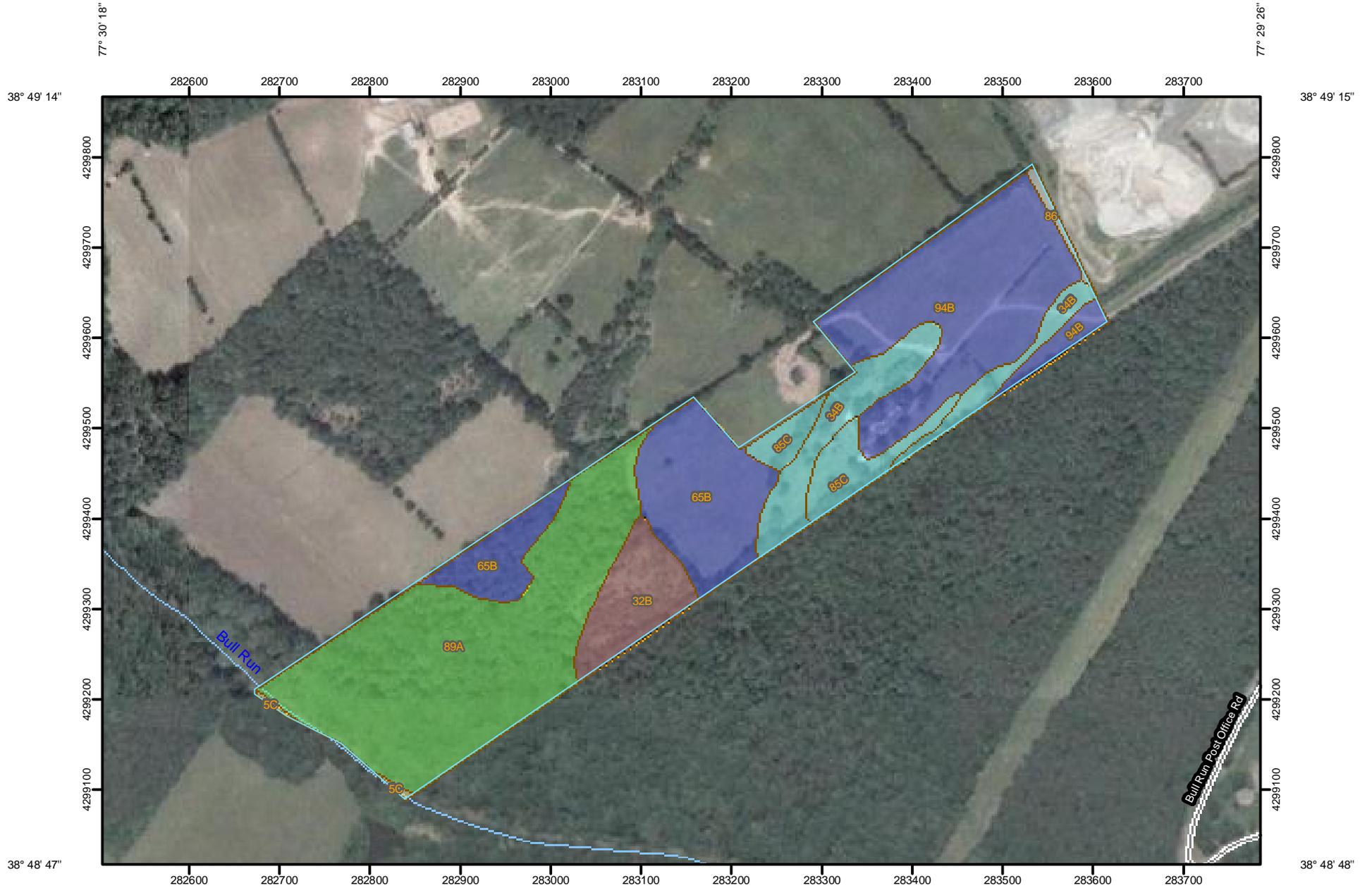
-  Area of AF 2013-SU-002
 -  Environmental Quality Corridor within AF 2013-SU-002
 -  Resource Protection Area
 -  Floodplain
- g:\projects\locpl\plenv_wetlands\maps



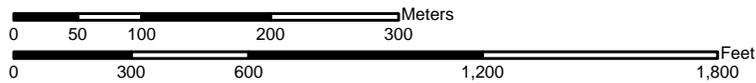


1962 photo with approximate current boundary imposed

Parent Material Name—Fairfax County, Virginia, and Prince William County, Virginia



Map Scale: 1:6,080 if printed on A size (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)		Local Roads
		Area of Interest (AOI)
Soils		
		Soil Map Units
Soil Ratings		
		alluvium derived from igneous, metamorphic and sedimentary rock
		alluvium derived from sandstone and shale
		residuum weathered from granulate and/or residuum weathered from hornfels
		residuum weathered from shale and siltstone
		Triassic residuum
		Not rated or not available
Political Features		
		Cities
Water Features		
		Streams and Canals
Transportation		
		Rails
		Interstate Highways
		US Routes
		Major Roads

MAP INFORMATION

Map Scale: 1:6,080 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at scales ranging from 1:12,000 to 1:15,840.

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

Soil Survey Area: Prince William County, Virginia
Survey Area Data: Version 11, Jan 25, 2010

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

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

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
32B	Delanco loam, 2 to 7 percent slopes	alluvium derived from igneous, metamorphic and sedimentary rock	2.9	6.7%
34B	Dulles silt loam, 2 to 7 percent slopes	residuum weathered from shale and siltstone	4.1	9.6%
65B	Kelly silt loam, 2 to 7 percent slopes	residuum weathered from granulite and/or residuum weathered from hornfels	7.2	16.7%
85C	Penn silt loam, 7 to 15 percent slopes	residuum weathered from shale and siltstone	2.4	5.5%
86	Pits, gravel		0.3	0.7%
89A	Rowland silt loam, 0 to 2 percent slopes, frequently flooded	alluvium derived from sandstone and shale	15.6	36.2%
94B	Sycoline-Kelly complex, 2 to 7 percent slopes	residuum weathered from granulite and/or residuum weathered from hornfels	10.5	24.4%
Subtotals for Soil Survey Area			43.0	99.7%
Totals for Area of Interest			43.1	100.0%

Parent Material Name— Summary by Map Unit — Prince William County, Virginia (VA153)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
5C	Arcola-Nestoria complex, 7 to 15 percent slopes	Triassic residuum	0.1	0.3%
Subtotals for Soil Survey Area			0.1	0.3%
Totals for Area of Interest			43.1	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.

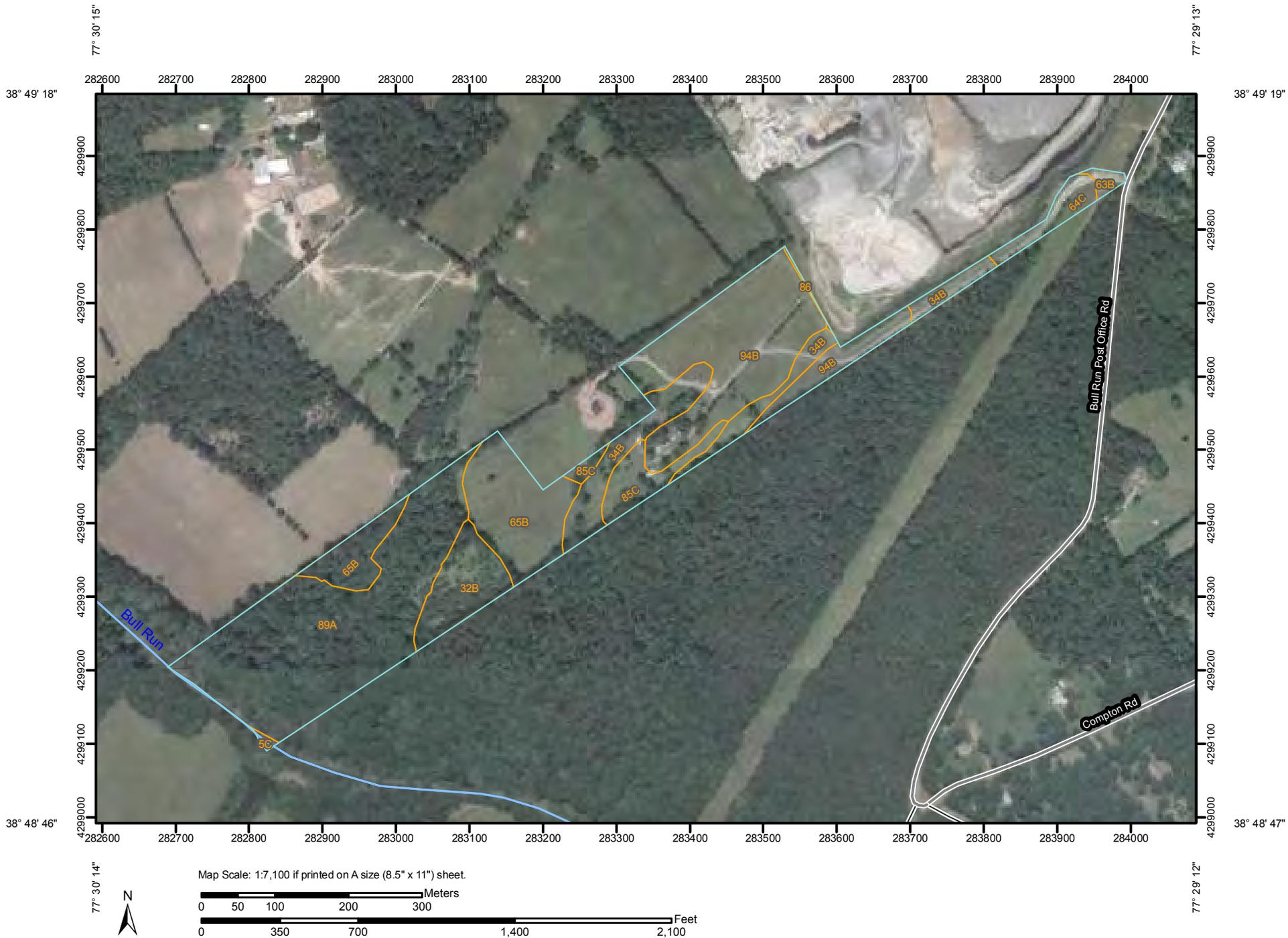
Rating Options

Aggregation Method: Dominant Condition

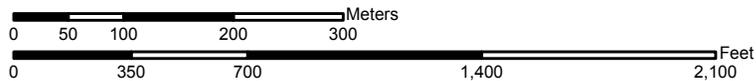
Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Soil Map—Fairfax County, Virginia, and Prince William County, Virginia
(Kulbok A&F District)



Map Scale: 1:7,100 if printed on A size (8.5" x 11") sheet.



Soil Map–Fairfax County, Virginia, and Prince William County, Virginia
(Kulbok A&F District)

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: 1:7,100 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at scales ranging from 1:12,000 to 1:15,840.

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

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Soil Survey Area: Fairfax County, Virginia
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Soil Survey Area: Prince William County, Virginia
Survey Area Data: Version 11, Jan 25, 2010

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

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
32B	Delanco loam, 2 to 7 percent slopes	2.7	6.5%
34B	Dulles silt loam, 2 to 7 percent slopes	4.5	10.8%
63B	Jackland and Haymarket soils, 2 to 7 percent slopes	0.3	0.7%
64C	Jackland and Haymarket soils, 7 to 15 percent slopes, very stony	1.1	2.7%
65B	Kelly silt loam, 2 to 7 percent slopes	6.3	15.0%
85C	Penn silt loam, 7 to 15 percent slopes	1.9	4.5%
86	Pits, gravel	0.1	0.2%
89A	Rowland silt loam, 0 to 2 percent slopes, frequently flooded	14.6	34.7%
94B	Sycoline-Kelly complex, 2 to 7 percent slopes	10.4	24.8%
Subtotals for Soil Survey Area		41.9	99.8%
Totals for Area of Interest		42.0	100.0%

Prince William County, Virginia (VA153)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5C	Arcola-Nestoria complex, 7 to 15 percent slopes	0.1	0.2%
Subtotals for Soil Survey Area		0.1	0.2%
Totals for Area of Interest		42.0	100.0%



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:

Charles Kulbok – Agricultural and Forest District (AF 2013-SU-002)
7100 Bull Run Post Office Road
Centreville, VA 20120
Contact: 571-722-7993

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

July 15, 2013

Summary of operation:

This is a 41.2-acre property located at 7100 Bull Run Post Office Road in Centreville, in the Lower Bull Run Watershed (PL 44). It consists of a single parcel, which can be identified in the Fairfax County tax map system as 64-1 ((1)) - 33. Approximately, 15 acres of the property is kept in hay production, 5 acres in residential use, and the rest remains wooded.

A request for this property to be enlisted in Fairfax County's Agricultural and Forestal District is being considered by the Department of Planning and Zoning

Along the south-western boundary of this parcel flows Cub Run in a NW-SE direction. A quarry exists in the NE corner of the parcel. Waste water from this operation drains toward this parcel and cuts through its lower SW corner. The drainage and Cub Run together, have 840 linear feet of delineated Chesapeake Bay Resource Protection Areas (RPA) that goes through this property. The areas in RPA are mostly wooded.

Soil types consist of soils with high plastic content and display high shrink-swell characteristics. Generally, all the soils have poor drainage due to high plasticity and in some cases shallow depth to bed rock.

Practices:

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

The cross-hatched (shaded) areas on the site map are the Fairfax County delineated Chesapeake Bay Resource Protection Areas (RPA) - it is a 100-ft. wide buffer (wider in

some areas where they encounter other environmentally sensitive features such as major flood plains). These are the last areas/barriers that provide opportunities for filtration of pollutants contained in runoff from adjacent lands before such polluted water enter state waters. These areas are required to be kept vegetated.

If at all there is need for Pesticide use within these sensitive areas, such applications should be done discretionally, and the label instructions must be followed prescriptively.

Permitted modifications to the buffer area include those that will aid in maintaining its core functional value. For instance: i) creating access paths to provide general woodlot management as provided by the VA Department of Forestry, ii) Pruning or removal of **approved** potentially destructive or deceased trees, or invasive plants, on condition that where such plants are removed, they will be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

Areas	Amount	Planned		Applied	
		Month	Year	Amount	Date
Woodland Management	580 ft.	8	2013		
TOTAL	580 ft.				

2) Nutrient Management:

In case the owners decide to implement fertilizer treatments, such chemicals will be applied based on the nutrient management plan provided. This was prepared using soil test results from a recognized laboratory.

Areas	Amount	Planned		Applied	
		Month	Year	Amount	Date
Field #1	3.0 acs.	8	2013		
Field #2	6.0 acs.	8	2013		
Field #3	2.5 acs.	8	2013		
Field #4	3.0 acs.	8	2013		
TOTAL	14.5 acs.				

3) Pest Management

An Integrated Pest Management (IPM) approach to pest control should be implemented. A pest tolerance threshold should be set and continuous scouting performed to keep pest

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

Areas	Amount	Planned Month	Year	Applied	
				Amount	Date
Field #1	3.0 acs.	8	2013		
Field #2	6.0 acs.	8	2013		
Field #3	2.5 acs.	8	2013		
Field #4	3.0 acs.	8	2013		
Residential Area	5.0 acs.	8	2013		
Wooded Areas	21.7 acs.	8	2013		
TOTAL	41.2 acs.				

4) Riparian Forest Management

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

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

Areas	Amount	Planned Month	Year	Applied	
				Amount	Date
Woodland Management	21.7 acs.	8	2013		
TOTAL	21.7 acs.				

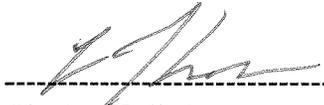
5) Record Keeping

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

Areas	Amount	Planned Month	Year	Applied	
				Amount	Date
Field #1	3.0 acs.	8	2013		
Field #2	6.0 acs.	8	2013		
Field #3	2.5 acs.	8	2013		
Field #4	3.0 acs.	8	2013		
Residential Area	5.0 acs.	8	2013		
Wooded Areas	21.7 acs.	8	2013		
TOTAL	41.2 acs.				

SIGNATURE OF PARTICIPANTS – Charles Kulbok A&F District Establishment

Representative Landowner:



 Charles Kulbok

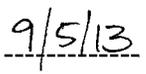


 Date

District Authority:



 Chairman



 Date

Planner:

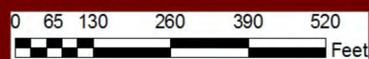


 Wilfred D. Woode



 Date

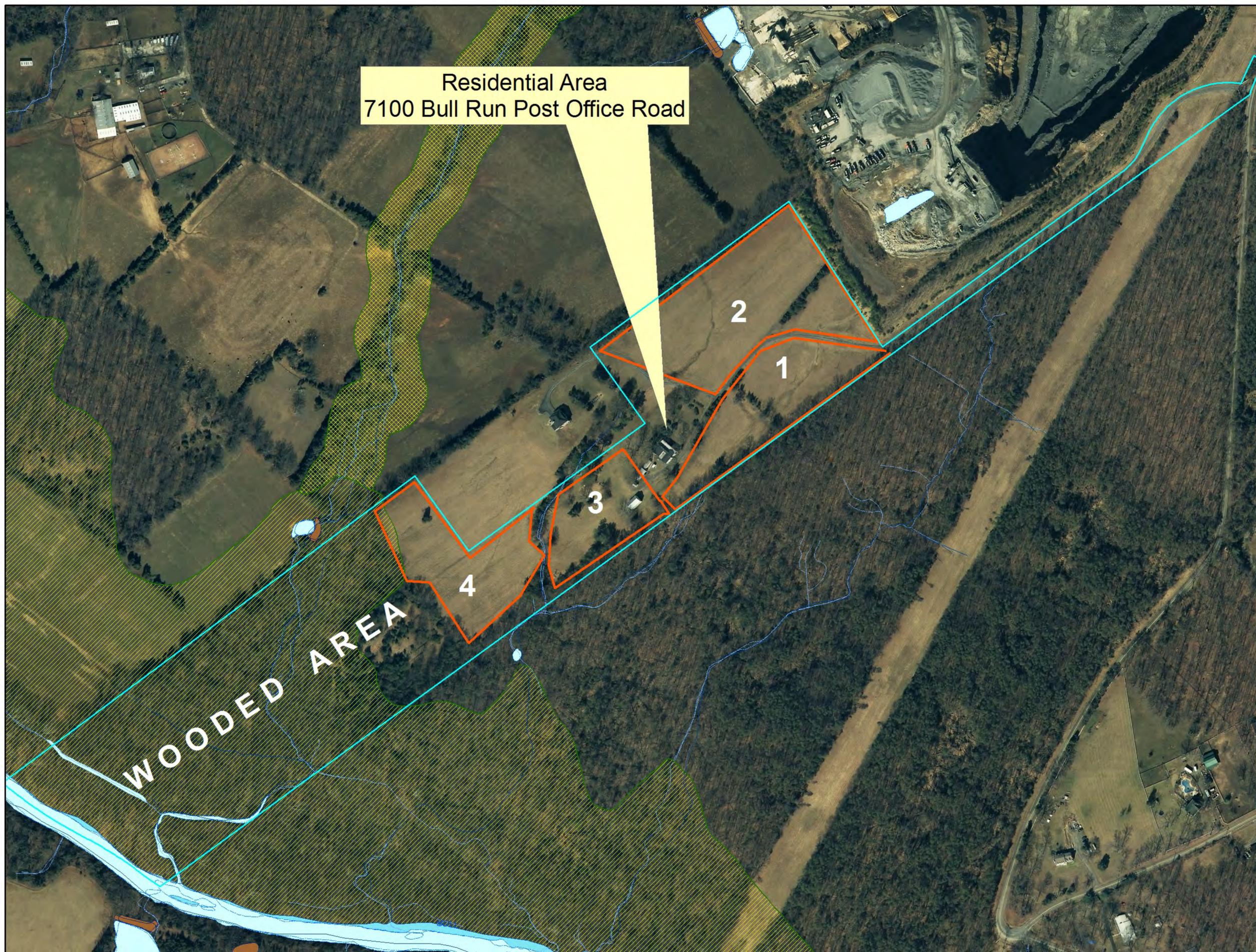
Charles Kulbok - A & F District



(Scale may not be accurate)

Legend

-  1993 RPAs
-  2003 RPAs
-  2003 (Rev) RPAs
-  Parcel Boundaries
-  Field Boundaries



Carl E. Garrison III
State Forester



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY
12055 Government Center Parkway
Suite 904
Fairfax VA 22035
703-324-1489

July 18, 2013

Mr. Charles Kulbok
7100 Bull Run Post Office Rd.
Centreville VA 20120

Dear Mr. Kulbok,

It was very nice meeting you and walking your property last week. You have a very nice forest and your property will make a good addition to the county's Agricultural and Forestal District program. Enclosed is the management plan I have written for you. As with most forests in Fairfax County, yours lacks regeneration, so my main recommendation is to reduce the deer herd on the property.

I have also enclosed information on the Northern Virginia Conservation Trust. They can more competently advise you about the benefits and costs of a permanent conservation easement.

As we discussed at our meeting, I have transmitted a copy of the plan to the County Department of Planning and Zoning for your convenience.

If you have any questions about the plan or forest management, please do not hesitate to call me.

Respectfully,

James McGlone
Urban Forest Conservationist



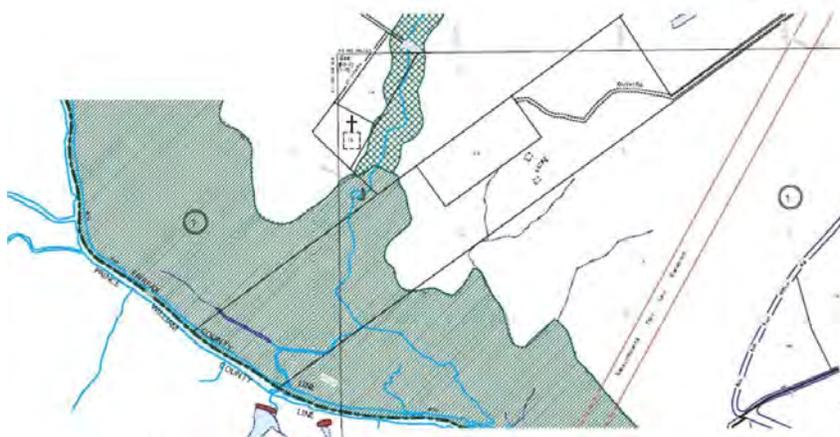
REPORT ON FORESTLANDS
OF
Charles Kulbok
7100 Bull Run Post Office Rd.
Centreville VA 20120

Location: The property is a rough rectangle running southwest from the southwest corner of the Luckstone quarry south of where U.S. 29 crosses the Fairfax –Prince William county line. This property is A&F number AF 2013-SU-002 and DOF number FAX13002

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 47 acre tract that is partly wooded, but includes grass fields and a homesite. The forested area is mainly bottomland hardwood forest with a few fencerows. The property is in the Culpeper Triassic basin, is rectangular in shape and slopes from the northeast to Bull Run at the southwestern boundary. 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/faqs/rpa.htm> for more information.



Kulbok 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 igneous 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 mainly by Kelly silt loam and Sykoline-Kelly complex soils. These soils all weathered from the metamorphic hornfels and differ in that Sykoline-Kelly soils are a bit rockier than the pure Kelly soils. There is a saddle of Penn and Dulles soils near the homesite. All these soils have slowly drained subsoils.

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.

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

History: A review of aerial photographs from 1962 (attached), 1969 and 1974 shows that land use on the property has been relatively stable over the last 50 years. Although ownership patterns cannot be determined from the photos, the northeastern field and the entrance road extended into areas that are now part of the quarry. The trees around the house and along the fencerows have grown over the past fifty years and the area that is now stand B was cleared until at least 1974.

Water Quality: almost no erosion was observed on the property. The upland areas are well vegetated and the forest is doing a very good job of protecting water quality by protecting riparian areas along Bull Run. There is an incised channel in the flood plain, which was identified as the outflow from the pumping operations of the nearby quarry.

Invasive species: Overall this forest is generally free of non-native invasive species, but some areas are heavily invaded. The floodplain in stand A is covered in Japanese stiltgrass (*Microstegium vimineum*), and also contains some garlic mustard (*Alliaria petiolata*). Stiltgrass is an annual plant that seems to be more of an opportunist than an invader and takes advantage of forest sites that are browsed clean of native plants. Garlic mustard is a more aggressive biennial invader. Since both plants are short lived, infestations are best attacked by preventing seed production and exhausting the seed bank, this make take several years. Garlic mustard is most easily identified and attacked in the spring of its second year when its spike of white flowers are highly visible in the forest. 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. If you wish to increase management of the deer herd, contact my office, or the Department of Game and Inland Fisheries at (540) 899-4169.

Wildland Fire: The fire danger on this property is fairly low. Maintaining a minimum of 10 feet of mowed turf grass between the house and out buildings and the fields should provide adequate defensible space to protect the buildings from wildfire. If a fire should start call 911.

Developed Area and Grass Fields

This area consists of the house grounds, outbuildings, road, fencerows and fields.

The trees in this area are in generally good condition. There is on walnut (*Juglans nigra*) northwest of the house that is in decline, but it represents no threat to the structures on the property. There is also a Norway maple (*Acer platanoides*) at the southeast corner of the house that is in decline and should be removed.

There are two invasive tree species noted around the house: Norway maple and mimosa (*Albizia julibrissin*). There is clump of Norway maple near the northeast corner of the house that should be removed. Maples will resprout when cut, so application of a herbicide like RoundUp concentrate to the stumps immediately will help kill the plant completely. The mimosa is small and growing by the back door.

Recommendation: The trees around the house are a valuable asset as long as they remain healthy. Hiring a certified arborist to periodically assess the health of these trees is a good investment in protecting this asset. You should monitor the trees and look for signs of declining health: die back in the crown of the tree; cracks, breaks, cavities and other deformities in the trunk or major branches; woodpecker activity, indicating borers or other insects living in the tree; mushrooms or shelf fungus on the branches, trunk, at the base of the tree or radiating out from the tree, which may indicate fungus infecting major roots; or dead wood in the trunk or major branches. Prune any dead or broken branches back to the branch color at the base of the branch to help the tree seal these wounds.

Winter creeper (*Euonymus fortune*) and Japanese honeysuckle (*Lonicera japonica*) were also observed around the house. These invasive plants can kill mature trees and should be removed before they spread to the forest. Native coral or trumpet honeysuckle (*Lonicera semipervans*) is a good substitute for both these plants.

Stand A

Forest Type: Mixed bottom land hardwood forest. This stand is predominantly pin oak (*Quercus palustris*), box elder (*Acer negundo*) tulip poplar (*Liriodendron tulipifera*), green ash (*Fraxinus pennsylvanica*), hack berry (*Celtis occidentalis*), sycamore (*Platanus occidentalis*) and pawpaw (*Asimia triloba*). This stand is in the Resource Protection Area along Bull Run.

Quality/Size: Saw timber size of good to poor quality, 18+ inches diameter at breast height.

Forest Health: the trees here are in good condition, but there is little or no regeneration of the forest. The stand is heavily infested with stiltgrass and has some garlic mustard, but few other non-native invasive species.

Discussion: The forest here is currently in generally good shape and meeting the landowner's goals. The lack of regeneration is an indication of overabundant deer, and suggests that in the future the stand will be in poorer shape

Recommendation: reduce deer browse in this stand.

Stand B

Forest Type: This is a transitional forest where pioneer species Virginia pine (*Pinus virginiana*) and eastern red cedar (*Juniperus virginiana*) are being replaced by pin oak, black cherry (*Prunus serotina*), and green ash (*Fraxinus pennsylvanica*). The forest here is about 40 years younger than in Stand A. Part of this stand is in the RPA.

Quality/Size: Pole timber size 6 to 15 inches diameter at breast height.

Forest Health: the trees here are in good condition, but there is little or no regeneration of the forest. Very 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.



Kulbok Agricultural and Forestal District

FAX13002 AF 2013-SU-002



Boundaries are approximate

Map By: James M. McGlone

Report Date: Thursday, July 18, 2013

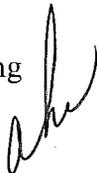


County of Fairfax, Virginia

MEMORANDUM

DATE: July 17, 2013

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 2013-SU-002)

SUBJECT: Transportation Impact

REFERENCE: AF 2013-SU-002; Charle Kulbok
Land Identification Map: 64-1 ((1)) 33

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. No projects that would affect the site are included in current construction programs. Therefore, this department has no objections to approval of this application.

AKR/lah



County of Fairfax, Virginia

MEMORANDUM

DATE: July 10, 2013

TO: Brent Krasner, Senior Staff Coordinator:
Zoning Evaluation Division, Department of Planning and Zoning

FROM: Laurie Turkawski, Heritage Resource Specialist:
Planning Division, Department of Planning and Zoning

SUBJECT: AF 2013-SU-002

DPZ heritage resource staff commends the owner of the property in the above-referenced application for his interest in the history of the site and his retention of the historic buildings. We would like to encourage the owner to consider nominating the property to the Fairfax County Inventory of Historic Sites. Being listed in the Inventory is honorific and does not impose any restrictions on a property. Information on the Inventory and the nomination process can be found on the county website at <http://www.fairfaxcounty.gov/dpz/historic/ihs/>. DPZ heritage resource staff is available to help guide the owner through the process. If the owner is not able to complete a nomination, we would ask that he at a minimum agrees to allow DPZ heritage resource staff to document the heritage resources on the property, especially prior to any major building changes or demolition.

§ 58.1-3230. Special classifications of real estate established and defined.

For the purposes of this article the following special classifications of real estate are established and defined:

"Real estate devoted to agricultural use" shall mean real estate devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [9-6.14:1](#) et seq.), or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Real estate upon which recreational activities are conducted for a profit or otherwise, shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner.

"Real estate devoted to horticultural use" shall mean real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [9-6.14:1](#) et seq.); or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Real estate upon which recreational activities are conducted for profit or otherwise, shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner.

"Real estate devoted to forest use" shall mean land including the standing timber and trees thereon, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [9-6.14:1](#) et seq.). Real estate upon which recreational activities are conducted for profit, or otherwise, shall still be considered real estate devoted to forest use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it no longer constitutes a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#).

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, (ii) conservation of land or other natural resources, (iii) floodways, (iv) wetlands as defined in § [58.1-3666](#), (v) riparian buffers as defined in § [58.1-3666](#), (vi) historic or scenic purposes, or (vii) assisting in the shaping of the character, direction, and timing of community development or for the public interest and consistent with the local land-use plan under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#), and in accordance with the Administrative Process Act (§ [9-6.14:1](#) et seq.) and the local ordinance.

§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § [58.1-3230](#) and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;
2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres; except that for real estate used for purposes of engaging in aquaculture as defined in § [3.2-2600](#) or for the purposes of raising specialty crops as defined by local ordinance, the governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than five acres, (ii) forest use consists of a minimum of 20 acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of one quarter of an acre.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § [15.2-4405](#) shall be deemed to be contiguous to any other real property that is located in such district. For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § [58.1-3230](#), or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than 10 years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#). Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § [15.2-4314](#) for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

§ 58.1-3232. Authority of city to provide for assessment and taxation of real estate in newly annexed area.

The council of any city may adopt an ordinance to provide for the assessment and taxation of only the real estate in an area newly annexed to such city in accord with the provisions of this article. All of the provisions of this article shall be applicable to such ordinance, except that if the county from which such area was annexed has in operation an ordinance hereunder, the ordinance of such city may be adopted at any time prior to April 1 of the year for which such ordinance will be effective, and applications from landowners may be received at any time within thirty days of the adoption of the ordinance in such year. If such ordinance is adopted after the date specified in § [58.1-3231](#), the ranges of suggested values made by the State Land Evaluation Advisory Council for the county from which such area was annexed are to be considered the value recommendations for such city. An ordinance adopted under the authority of this section shall be effective only for the tax year immediately following annexation.

§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § [58.1-3230](#) and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;
2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres, (ii) forest use consists of a minimum of twenty acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of two acres.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. *However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § [15.2-4405](#) shall be deemed to be contiguous to any other real property that is located in such district.* For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § [58.1-3230](#), or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than ten years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#). Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § 15.1-1513 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.

Property owners must submit an application for taxation on the basis of a use assessment to the local assessing officer:

1. At least sixty days preceding the tax year for which such taxation is sought; or
2. In any year in which a general reassessment is being made, the property owner may submit such application until thirty days have elapsed after his notice of increase in assessment is mailed in accordance with § [58.1-3330](#), or sixty days preceding the tax year, whichever is later; or
3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ [58.1-3000](#) et seq.) of this Subtitle III, but continues to assess as of January 1, such application must be submitted for any year at least sixty days preceding the effective date of the assessment for such year.

The governing body, by ordinance, may permit applications to be filed within no more than sixty days after the filing deadline specified herein, upon the payment of a late filing fee to be established by the governing body. An individual who is owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application shall be submitted whenever the use or acreage of such land previously approved changes; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. The governing body of any county, city or town may, however, require any such property owner to revalidate annually with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the locality, any applications previously approved. Each locality which has adopted an ordinance hereunder may provide for the imposition of a revalidation fee every sixth year. Such revalidation fee shall not, however, exceed the application fee currently charged by the locality. The governing body may also provide for late filing of revalidation forms on or before the effective date of the assessment, on payment of a late filing fee. Forms shall be prepared by the State Tax Commissioner and supplied to the locality for use of the applicants and applications shall be submitted on such forms. An application fee may be required to accompany all such applications.

In the event of a material misstatement of facts in the application or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of value determined under § [58.1-3236](#) D. Except as provided by local ordinance, no application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this section.

Continuation of valuation, assessment and taxation under an ordinance adopted pursuant to this article shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as referred to in § [58.1-3235](#), and compliance with the other requirements of this article and the ordinance and not upon continuance in the same owner of title to the land.

In the event that the locality provides for a sliding scale under an ordinance, the property owner and the locality shall execute a written agreement which sets forth the period of time that the property shall remain within the classes of real estate set forth in § [58.1-3230](#). The term of the written agreement shall be for a period not exceeding twenty years, and the instrument shall be recorded in the office of the clerk of the circuit court for the locality in which the subject property is located.

§ 58.1-3235. Removal of parcels from program if taxes delinquent.

If on April 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this article are delinquent, the appropriate county, city or town treasurer shall forthwith send notice of that fact and the general provisions of this section to the property owner by first-class mail. If, after the notice has been sent, such delinquent taxes remain unpaid on June 1, the treasurer shall notify the appropriate commissioner of the revenue who shall remove such parcel from the land use program. Such removal shall become effective for the current tax year.

§ 58.1-3236. Valuation of real estate under ordinance.

A. In valuing real estate for purposes of taxation by any county, city or town which has adopted an ordinance pursuant to this article, the commissioner of the revenue or duly appointed assessor shall consider only those indicia of value which such real estate has for agricultural, horticultural, forest or open space use, and real estate taxes for such jurisdiction shall be extended upon the value so determined. In addition to use of his personal knowledge, judgment and experience as to the value of real estate in agricultural, horticultural, forest or open space use, he shall, in arriving at the value of such land, consider available evidence of agricultural, horticultural, forest or open space capability, and the recommendations of value of such real estate as made by the State Land Evaluation Advisory Council.

B. In determining the total area of real estate actively devoted to agricultural, horticultural, forest or open space use there shall be included the area of all real estate under barns, sheds, silos, cribs, greenhouses, public recreation facilities and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities; but real estate under, and such additional real estate as may be actually used in connection with, the farmhouse or home or any other structure not related to such special use, shall be excluded in determining such total area.

C. All structures which are located on real estate in agricultural, horticultural, forest or open space use and the farmhouse or home or any other structure not related to such special use and the real estate on which the farmhouse or home or such other structure is located, together with the additional real estate used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other real estate in the locality.

D. In addition, such real estate in agricultural, horticultural, forest or open space use shall be evaluated on the basis of fair market value as applied to other real estate in the taxing jurisdiction, and land book records shall be maintained to show both the use value and the fair market value of such real estate.

§ 58.1-3237. Change in use or zoning of real estate assessed under ordinance; roll-back taxes.

A. When real estate qualifies for assessment and taxation on the basis of use under an ordinance adopted pursuant to this article, and the use by which it qualified changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes. Such additional taxes shall only be assessed against that portion of such real estate which no longer qualifies for assessment and taxation on the basis of use or zoning. Liability for roll-back taxes shall attach and be paid to the treasurer only if the amount of tax due exceeds ten dollars.

B. In localities which have not adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on such roll-back taxes at a rate set by the governing body, no greater than the rate applicable to delinquent taxes in such locality pursuant to § [58.1-3916](#) for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value.

C. In localities which have adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax from the effective date of the written agreement including simple interest on such roll-back taxes at a rate set by the governing body, which shall not be greater than the rate applicable to delinquent taxes in such locality pursuant to § [58.1-3916](#), for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year and based on the highest tax rate applicable to the real estate for that year, had it not been subject to special assessment. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value and based on the highest tax rate applicable to the real estate for that year.

D. Liability to the roll-back taxes shall attach when a change in use occurs, or a change in zoning of the real estate to a more intensive use at the request of the owner or his agent occurs. Liability to the roll-back taxes shall not attach when a change in ownership of the title takes place if the new owner does not rezone the real estate to a more intensive use and continues the real estate in the use for which it is classified under the conditions prescribed in this article and in the ordinance. The owner of any real estate which has been zoned to more intensive use at the request of the owner or his agent as provided in subsection E, or otherwise subject to or liable for roll-back taxes, shall, within sixty days following such change in use or zoning, report such change to the commissioner of the revenue or other assessing officer on such forms as may be prescribed. The commissioner shall forthwith determine and assess the roll-back tax, which shall be assessed against and paid by the owner of the property at the time the change in use which no longer qualifies occurs, or at the time of the zoning of the real estate to a more intensive use at the request of the owner or his agent occurs, and shall be paid to

the treasurer within thirty days of the assessment. If the amount due is not paid by the due date, the treasurer shall impose a penalty and interest on the amount of the roll-back tax, including interest for prior years. Such penalty and interest shall be imposed in accordance with §§ 58.1-3915 and 58.1-3916.

E. Real property zoned to a more intensive use, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time such zoning is changed. The roll-back tax shall be levied and collected from the owner of the real estate in accordance with subsection D. Real property zoned to a more intensive use before July 1, 1988, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time the qualifying use is changed to a nonqualifying use. Real property zoned to a more intensive use at the request of the owner or his agent after July 1, 1988, shall be subject to and liable for the roll-back tax at the time of such zoning. Said roll-back tax, plus interest calculated in accordance with subsection B, shall be levied and collected at the time such property was rezoned. For property rezoned after July 1, 1988, but before July 1, 1992, no penalties or interest, except as provided in subsection B, shall be assessed, provided the said roll-back tax is paid on or before October 1, 1992. No real property rezoned to a more intensive use at the request of the owner or his agent shall be eligible for taxation and assessment under this article, provided that these provisions shall not be applicable to any rezoning which is required for the establishment, continuation, or expansion of a qualifying use. If the property is subsequently rezoned to agricultural, horticultural, or open space, it shall be eligible for consideration for assessment and taxation under this article only after three years have passed since the rezoning was effective.

However, the owner of any real property that qualified for assessment and taxation on the basis of use, and whose real property was rezoned to a more intensive use at the owner's request prior to 1980, may be eligible for taxation and assessment under this article provided the owner applies for rezoning to agricultural, horticultural, open-space or forest use. The real property shall be eligible for assessment and taxation on the basis of the qualifying use for the tax year following the effective date of the rezoning. If any such real property is subsequently rezoned to a more intensive use at the owner's request, within five years from the date the property was initially rezoned to a qualifying use under this section, the owner shall be liable for roll-back taxes when the property is rezoned to a more intensive use. Additionally, the owner shall be subject to a penalty equal to fifty percent of the roll-back taxes due as determined under subsection B of this section.

F. If real estate annexed by a city and granted use value assessment and taxation becomes subject to roll-back taxes, and such real estate likewise has been granted use value assessment and taxation by the county prior to annexation, the city shall collect roll-back taxes and interest for the maximum period allowed under this section and shall return to the county a share of such taxes and interest proportionate to the amount of such period, if any, for which the real estate was situated in the county.

§ 58.1-3237.1. Authority of counties to enact additional provisions concerning zoning classifications.

Any county not organized under the provisions of Chapter 5 (§ [15.2-500](#) et seq.), 6 (§ [15.2-600](#) et seq.), or 8 (§ [15.2-800](#) et seq.) of Title 15.2, which is contiguous to a county with the urban executive form of government and any county with a population of no less than 65,000 and no greater than 72,000 may include the following additional provisions in any ordinance enacted under the authority of this article:

1. The governing body may exclude land lying in planned development, industrial or commercial zoning districts from assessment under the provisions of this article. This provision applies only to zoning districts established prior to January 1, 1981.
2. The governing body may provide that when the zoning of the property taxed under the provisions of this article is changed to allow a more intensive nonagricultural use at the request of the owner or his agent, such property shall not be eligible for assessment and taxation under this article. This shall not apply, however, to property which is zoned agricultural and is subsequently rezoned to a more intensive use which is complementary to agricultural use, provided such property continues to be owned by the same owner who owned the property prior to rezoning and continues to operate the agricultural activity on the property. Notwithstanding any other provision of law, such property shall be subject to and liable for roll-back taxes at the time the zoning is changed to allow any use more intensive than the use for which it qualifies for special assessment. The roll-back tax, plus interest, shall be calculated, levied and collected from the owner of the real estate in accordance with § 58.1-3237 at the time the property is rezoned.

§ 58.1-3238. Failure to report change in use; misstatements in applications.

Any person failing to report properly any change in use of property for which an application for use value taxation had been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for such penalties and interest thereon as may be provided by ordinance. Any person making a material misstatement of fact in any such application shall be liable for all such taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real

estate in the taxing jurisdiction, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the locality, he shall be further assessed with an additional penalty of 100 percent of such unpaid taxes.

For purposes of this section and § [58.1-3234](#), incorrect information on the following subjects will be considered material misstatements of fact:

1. The number and identities of the known owners of the property at the time of application;
2. The actual use of the property.

The intentional misrepresentation of the number of acres in the parcel or the number of acres to be taxed according to use shall also be considered a material misstatement of fact for the purposes of this section and § 58.1-3234.

§ 58.1-3239. State Land Evaluation Advisory Committee continued as State Land Evaluation Advisory Council; membership; duties; ordinances to be filed with Council.

The State Land Evaluation Advisory Committee is continued and shall hereafter be known as the State Land Evaluation Advisory Council. The Advisory Council shall be composed of the Tax Commissioner, the dean of the College of Agriculture of Virginia Polytechnic Institute and State University, the State Forester, the Commissioner of Agriculture and Consumer Services and the Director of the Department of Conservation and Recreation.

The Advisory Council shall determine and publish a range of suggested values for each of the several soil conservation service land capability classifications for agricultural, horticultural, forest and open space uses in the various areas of the Commonwealth as needed to carry out the provisions of this article.

On or before October 1 of each year the Advisory Council shall submit recommended ranges of suggested values to be effective the following January 1 or July 1 in the case of localities with fiscal year assessment under the authority of Chapter 30 of this subtitle, within each locality which has adopted an ordinance pursuant to the provisions of this article based on the productive earning power of real estate devoted to agricultural, horticultural, forest and open space uses and make such recommended ranges available to the commissioner of the revenue or duly appointed assessor in each such locality.

The Advisory Council, in determining such ranges of values, shall base the determination on productive earning power to be determined by capitalization of warranted cash rents or by the capitalization of incomes of like real estate in the locality or a reasonable area of the locality.

Any locality adopting an ordinance pursuant to this article shall forthwith file a copy thereof with the Advisory Council.

§ 58.1-3240. Duties of Director of the Department of Conservation and Recreation, the State Forester and the Commissioner of Agriculture and Consumer Services; remedy of person aggrieved by action or nonaction of Director, State Forester or Commissioner.

The Director of the Department of Conservation and Recreation, the State Forester, and the Commissioner of Agriculture and Consumer Services shall provide, after holding public hearings, to the commissioner of the revenue or duly appointed assessor of each locality adopting an ordinance pursuant to this article, a statement of the standards referred to in § [58.1-3230](#) and subdivision 1 of § [58.1-3233](#), which shall be applied uniformly throughout the Commonwealth in determining whether real estate is devoted to agricultural use, horticultural use, forest use or open-space use for the purposes of this article and the procedure to be followed by such official to obtain the opinion referenced in subdivision 1 of § [58.1-3233](#). Upon the refusal of the Commissioner of Agriculture and Consumer Services, the State Forester or the Director of the Department of Conservation and Recreation to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth in the statements filed pursuant to this section, the party aggrieved may seek relief in the circuit court of the county or city wherein the real estate in question is located, and in the event that the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this article.

§ 58.1-3241. Separation of part of real estate assessed under ordinance; contiguous real estate located in more than one taxing locality.

A. Separation or split-off of lots, pieces or parcels of land from the real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article, either by conveyance or other action of the owner of such real estate, shall subject the real estate so separated to liability for the roll-back taxes applicable thereto, but shall not impair the right of each subdivided parcel of such real estate to qualify for such valuation, assessment and taxation in any and all future

years, provided it meets the minimum acreage requirements and such other conditions of this article as may be applicable. Such separation or split-off of lots shall not impair the right of the remaining real estate to continuance of such valuation, assessment and taxation without liability for roll-back taxes, provided it meets the minimum acreage requirements and other applicable conditions of this article.

No subdivision of property which results in parcels which meet the minimum acreage requirements of this article, and which the owner attests is for one or more of the purposes set forth in § [58.1-3230](#), shall be subject to the provisions of this subsection.

B. Where contiguous real estate in agricultural, horticultural, forest or open-space use in one ownership is located in more than one taxing locality, compliance with the minimum acreage shall be determined on the basis of the total area of such real estate and not the area which is located in the particular taxing locality.

§ 58.1-3242. Taking of real estate assessed under ordinance by right of eminent domain.

The taking of real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article by right of eminent domain shall not subject the real estate so taken to the roll-back taxes herein imposed.

§ 58.1-3243. Application of other provisions of Title 58.1.

The provisions of this title applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including, without limitation, provisions relating to tax liens, boards of equalization and the correction of erroneous assessments and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

§ 58.1-3244. Article not in conflict with requirements for preparation and use of true values.

Nothing in this article shall be construed to be in conflict with the requirements for preparation and use of true values where prescribed by the General Assembly for use in any fund distribution formula.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: September 12, 2013

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on Kulbok Local Agricultural and Forestal District;
Application AF 2013-SU-002

The Agricultural and Forestal Districts Advisory Committee met on September 10, 2013, to review the application to renew the Kulbok Local Agricultural and Forestal District (Application AF 2013-SU-002). The Committee found the following:

- The Kulbok Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Kulbok Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Kulbok Local Agricultural and Forestal District fulfills 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 establish the Kulbok Local Agricultural and Forestal District. The Advisory Committee further recommends that the renewal 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.