



APPLICATION ACCEPTED: July 12, 2013
PLANNING COMMISSION: November 13, 2013 @ 8:15 p.m.
BOARD OF SUPERVISORS: November 19, 2013 @ 3:30 p.m.

County of Fairfax, Virginia

October 30, 2013

STAFF REPORT

POTOMAC VEGETABLE FARM II LOCAL AGRICULTURAL AND FORESTAL DISTRICT AMENDMENT/RENEWAL

APPLICATION AA 01-H-001

HUNTER MILL DISTRICT

APPLICANTS: Hiu Newcomb Family LLC,
Mariette H., Sarah, Hana, Lani, and Charles
Newcomb, and Anna Newcomb Bradford

ZONING: PDH-1, R-A

PARCEL(S): 19-1((14))-Z, 20A, 20Z, 21A, 21Z, 22A, 22Z, 23A, 23Z,
19-3((1))-42Z2

ACREAGE: 27.19 acres

PLAN MAP: Residential use at 0.2-0.5, 0.5-1.0, and 1-2 du/ac and
Private Open Space

PROPOSAL: Amendment/renewal of a Local Agricultural and
Forestral District to restore 0.77 acres of previously
removed land area.

STAFF RECOMMENDATIONS:

Staff recommends the Board amend Appendix F of the Fairfax County Code to amend and renew the Potomac Vegetable Farm II Local Agricultural and Forestal District subject to the proposed Ordinance Provisions in Appendix 1.

Michael H. Lynskey, ASLA

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



It should be noted that 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 11.

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

It should be 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, Office of Comprehensive Planning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 or TTY 711 (Virginia Relay Center).

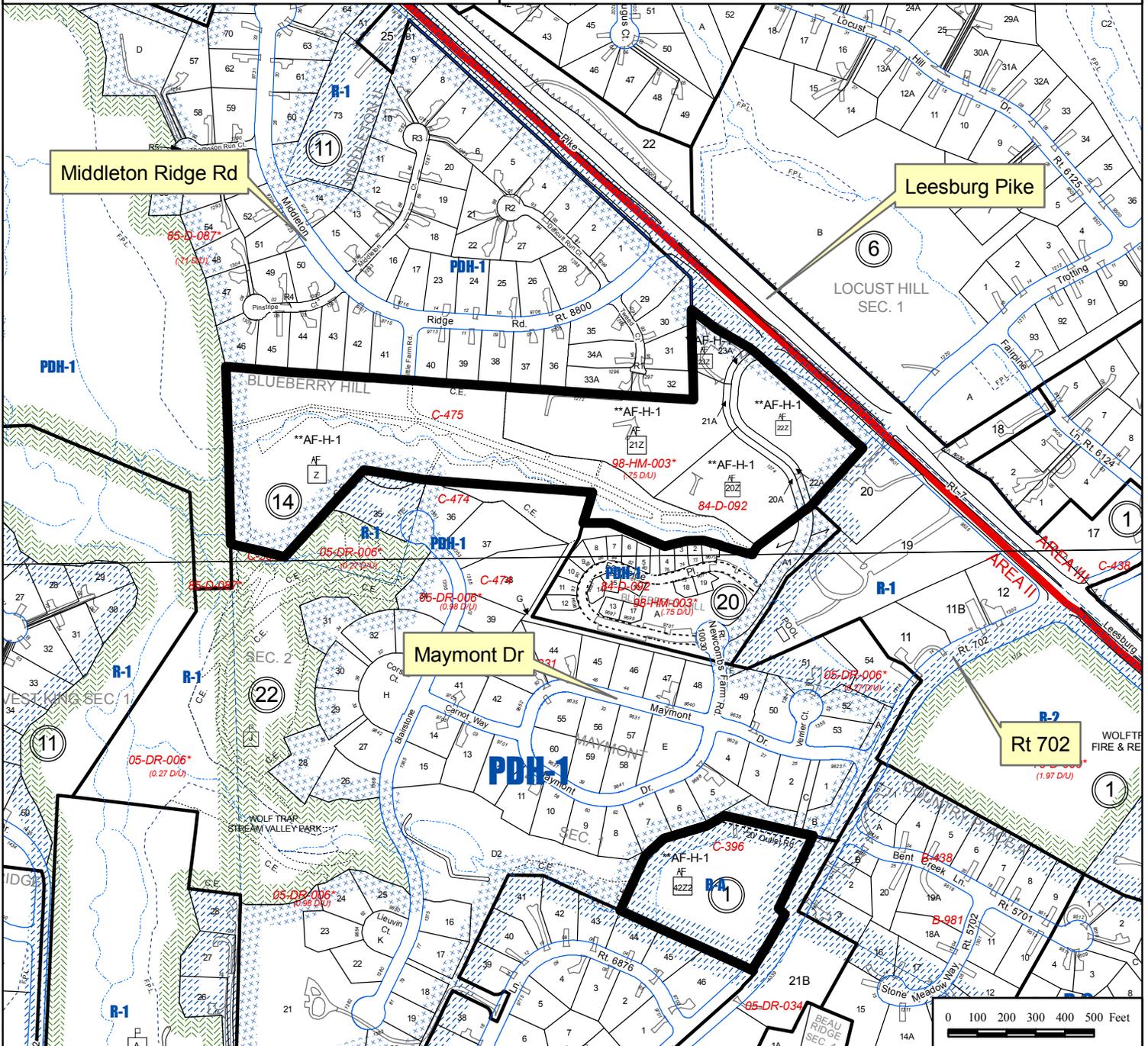


A&F District Amendment

AA 01-H-001



Applicant: HIU NEWCOMB FAMILY LLC, MARIETTE HIU NEWCOMB, SARAH NEWCOMB, HANA NEWCOMB, LANI NEWCOMB, ANNA NE
Accepted: 07/12/2013
Proposed: AGRICULTURAL AND FORESTAL DISTRICT AMENDMENT
Area: 27.19 AC OF LAND; DISTRICT - HUNTER MILL
Zoning Dist Sect:
Located: 9627 LEESBURG PIKE, VIENNA, VA 22182
Zoning: PDH- 1
Overlay Dist:
Map Ref Num: 019-1- /14/ / Z /14/ /0020A /14/ /0020Z /14/ /0021A /14/ /0021Z /14/ /0022A /14/ /0022Z /14/ /0023A /14/ /0023Z 019-3- /01/ /0042Z2



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

DESCRIPTION OF APPLICATION

Proposal: AA 01-H-001 is a request to amend and renew the Potomac Vegetable Farm II Local Agricultural and Forestal District, under the provisions of Chapter 115 of the Fairfax County Code, to restore 0.77 acres of land area to the district that had previously been removed for construction of an access road through the property. The subject property would now consist of a total of 27.19 acres in two tracts; 22.16 acres on Leesburg Pike (which is zoned PDH-1) and 5.03 acres on Beulah Road (which is zoned RA), all in the Hunter Mill District.

(Note: The subject property was redistricted from the Dranesville District to the Hunter Mill District on April 11, 2011, after having previously been redistricted from Hunter Mill to Dranesville on June 11, 2001)

Copies of the applicant's Statement of Justification and related application materials are contained in Appendix 2. Staff's Proposed Ordinance Provisions are contained in Appendix 1.

Applicant: Hiu Newcomb Family LLC,
Mariette H., Sarah, Hana, Lani, and Charles Newcomb,
and Anna Newcomb Bradford

Acreage: 27.19 acres

Use: Active agriculture: approx. 13.9 acres
Forested/Open space: approx. 12 acres
Residential/agricultural buildings: approx. 1.3 acres

BACKGROUND

Portions of the subject property have been owned by the Newcomb family since 1967, and the property has been in use as the Potomac Vegetable Farm since that time. The first Potomac Vegetable Farm Local Agricultural and Forestal District was established by AF 84-D-006 for an eight year period on December 3, 1984. The property was renewed for an additional eight year term on November 23, 1992.

On September 14, 1998, the land was withdrawn from the A&F program to allow the development of the Blueberry Hill Co-Housing Development (RZ/FDP 1998-HM-003) by the Newcomb Family. The larger, contiguous portion of the farm was rezoned to the PDH-1 (Planned Development Housing, one dwelling unit per acre) District at that time. This development was a proffered rezoning, with 10.82 acres preserved as permanent open space. The site of the farm stand was labeled for accessory commercial use.

Provisions of Chapter 115 of the Fairfax County Code require that, when land is withdrawn from an A&F District for the purpose of development, such land may not qualify for A&F District status for three years. With AF 01-H-001, approved on July 23, 2001, The Potomac Vegetable Farm II District returned the farm portions of the property to the A&F program, minus a 15-meter (49.21 ft) wide strip of land that was dedicated for a private paved road to serve the Blueberry Hill Cohousing community, which bisected the remaining farm property.

Parcel 42A (now Parcel 42Z2) was a portion of the Potomac Vegetable Farm II District that was not contiguous to the core of the district, but was able to receive the beneficial taxation because the parcel was considered connected to the core acreage through the neighboring Moutoux A&F District (AF 84-D-005). The Moutoux property was, however, rezoned to the PDH-1 District as a part of RZ 2005-DR-006, approved by the Board of Supervisors on October 17, 2005, which then “disconnected” Parcel 42A and left the parcel ineligible to receive the taxation benefits of the program, in accordance with the State Code provisions at the time.

The Potomac Vegetable Farm II District was renewed on November 16, 2009, for all parcels except parcel 42A. The State Code was amended in 2010, to include specific provisions for when a non-contiguous parcel could be included in an AF District. Based on that revision, Parcel 42A again qualified to receive beneficial taxation and the district was amended to re-include Parcel 42A, via application AR 01-H-001-02, approved on May 24, 2011. Since the time of the 2011 application, the County has revised its naming convention for A&F parcels and Parcel 42A has been renamed by the County as Parcel 42Z2.

One additional component of the neighboring Moutoux rezoning and development (now known as Maymont) was an associated proffer condition that required the developer to provide alternate access to the Blueberry Hill Cohousing Community, to remove the asphalt and road materials from the access road bisecting the Newcomb farm, and restore the fields to their former topography. The access road has now been abandoned and returned to farmland, and the current amendment application

would restore that land area (now consisting of four separate small parcels) to the Potomac Vegetable Farm II District.

LOCATION AND CHARACTER

The 27.19 acre site is located in the Wolf Trap Community Planning Sector (M7) of the McLean Planning District of Area II. The majority of the property is zoned PDH-1; Parcel 19-3 ((1)) 42Z2 is zoned R-A. The site is planned for private open space and residential development.

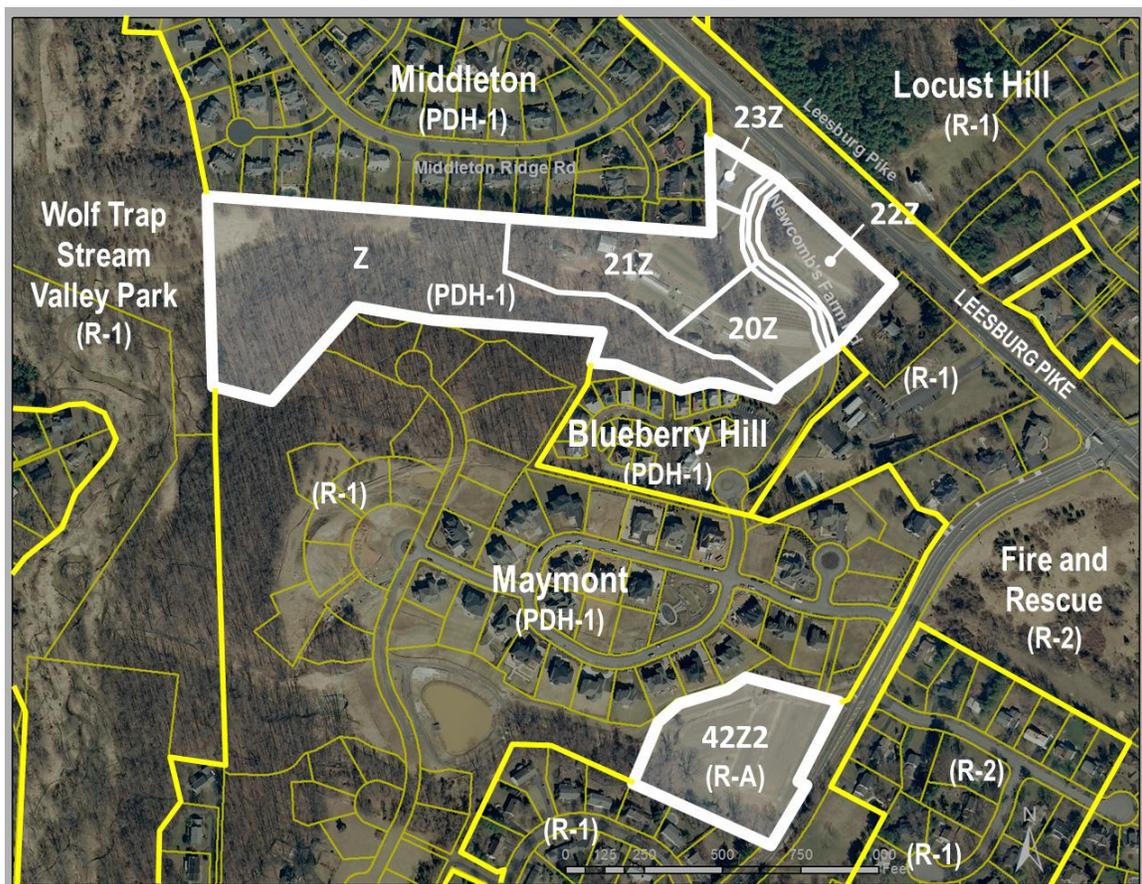


Figure 1: District parcels and surrounding development.

Surrounding uses largely consist of single-family homes on large lots, with exceptions being the Blueberry Hill cohousing community adjoining the District to the south, and Wolf Trap Stream Valley Park to the west. Access to the farm is directly from Leesburg Pike, which features a right-turn deceleration for safe ingress to the property. The non-contiguous parcel (42Z2) is accessed via a dedicated, paved access easement on the Maymont development.

	Use	Zoning	Plan
North	Single family detached residences (Middleton)	PDH-1	Res: .5-1 du/ac
South	Single family detached (Blueberry Hill and Maymont)	PDH-1	Res: .5-1 du/ac
East	Private school, Country Place Subdivision	R-1	Res: 1-2 du/ac
West	Wolf Trap Creek Stream Valley Park & Maymont	R-1, PDH-1	public park & private open space

Figure 1: Surrounding use table.



Figure 3: Dedicated access to the non-contiguous parcel.

The majority of the site is in active agricultural use, producing vegetables, berries, and flowers for sale at the farm stand, various farmers' markets in the area, and through a community-supported agriculture (CSA) program. The roadside stand is located on Leesburg Pike, with access provided from Newcombs Farm Road. The remainder of the site, primarily along the stream valleys in the western half, is forested open space and Environmental Quality Corridor (EQC) areas.



Figure 2: Agricultural crops on the property, including native corn species.

Structure	Year Built	Use
House / farm office	1950 (remodeled 2005)	Residence, farm office
Tenant houses (2)	1950, 1979	Rental
Greenhouses (3)	2000, 2004, 2008	Horticulture
Storage sheds	1967 – 2008	Equipment, supplies, animals
Roadside stand & packing sheds	1970-2012	Produce sales, storage, packing
Barn	early 1987	Equipment, shop supplies, storage
Open shed	2007	Tool storage, pressure tank & plumbing for new irrigation well.

Figure 4: Existing structures on site.



Figure 3: The roadside farm stand.

With the recent provision of an access drive to Blueberry Hill from the Maymont development, to the south, 0.77-acres of land area that had previously been dedicated as an access road to Blueberry Hill may now be “reclaimed” as productive farmland. The affected land area now consists of four individual parcels (tax map numbers 19-1((14))-20A, 21A, 22A and 23A).

The abandoned roadway has been removed, as proffered in the Maymont rezoning, and fill material brought in to restore the former topography of the site.

While the fill material is of low-quality and largely deficient in nutrients, the applicant has already begun the long process of creating nutrient-rich, productive soil, by adding amendments and planting interim cover crops.

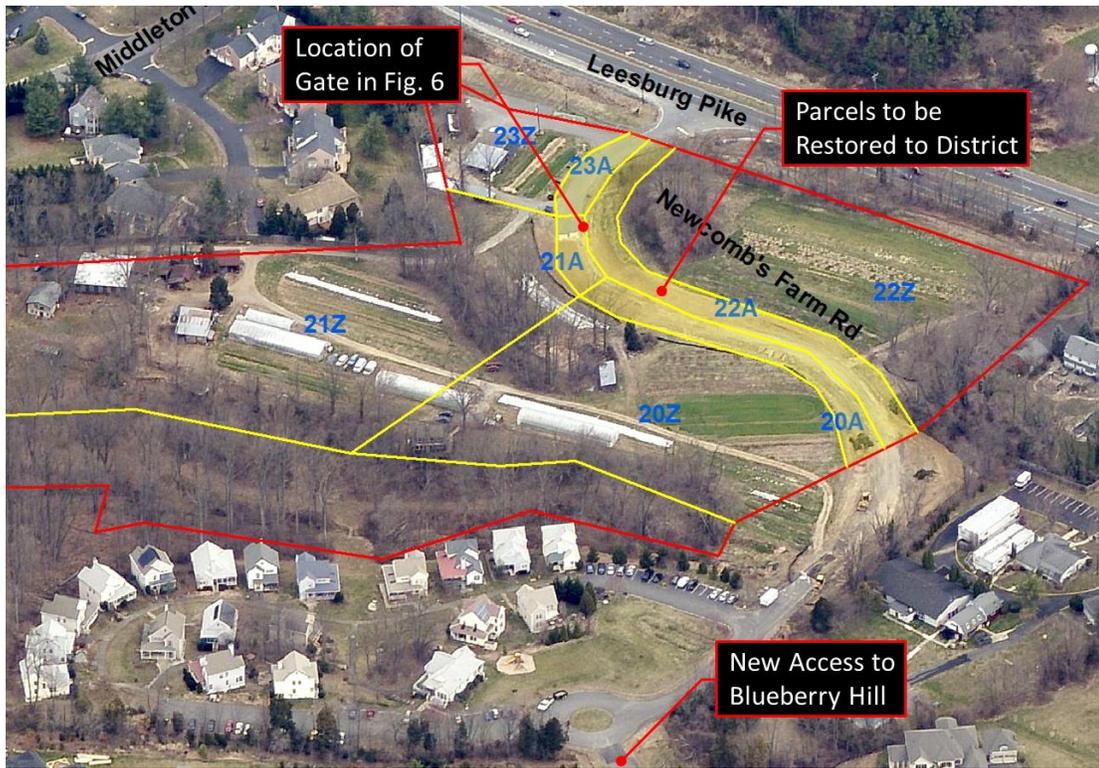


Figure 5: Detail of proposed addition to the District.



Figure 6: Gate marking new end of roadway. Restored topography can be seen in background.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area:	Area II
Planning District:	McLean
Planning Sector:	Wolf Trap Sector (M7)
Plan Map:	Residential use at 0.2-0.5, 0.5-1.0, and 1-2 du/ac and Private Open Space.

ANALYSIS**Land Use Analysis** (Appendix 4)

The Plan for the Wolf Trap Sector envisions primarily low-density single-family development, but also recommends protecting open-space and buffers adjacent to the highway to protect residential areas and maintain scenic attractiveness. Renewal of this Agricultural and Forestal District is compatible with the existing and planned low-density residential character of this site and the surrounding area.

Environmental Analysis (Appendix 4)

The integrity of Environmental Quality Corridors (EQC's) are an important component of the Plan for this area, as well, and preservation of these areas is seen as important to preserve wildlife habitat, connectivity of green space, stream protection and water quality improvement. The proposed continuation of this established Agricultural and Forestal District is consistent with environmental recommendations of the Comprehensive Plan.

Transportation Analysis (Appendix 5)

The 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. Transportation staff has no objections to approval of the application.

Soil and Water Conservation Analysis (Appendix 6)

A revised Soil and Water Quality Conservation Plan for this property was completed on September 5, 2013, and includes recommendations for ongoing management of soil nutrients, pest control, stream buffer vegetation, and drainage

area bank stabilization, for which the applicant will be required to comply as a condition of the District renewal.

Forestry Analysis (Appendix 7)

A Forest Management Plan, dated July 20, 2009, was completed with a prior renewal; an additional plan was deemed not necessary at the current time, due to the recent date of the previous report and the lack of any proposed changes to the forested areas of the property. The previous Forest Management Plan is included as Appendix 7.

Park Authority Analysis

The Park Authority supports the proposed renewal, while simply advising that there exists a high potential within the District of significant historic and Native American sites that have not yet been identified, and recommends that any ground disturbance be minimized to help preserve the historic landscape. The full memo is included as Appendix 8.

Agricultural and Forestal District Criteria Analysis

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 27.19 acres in size and is entirely in agricultural and forestal uses, with the exception of approximately 1.3 acres used for residential purposes and agricultural buildings. 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.*

Approximately 20 acres are zoned PDH-1; the remainder is zoned R-A. The portion of the property zoned PDH-1 is subject to a proffered development plan approved with RZ/FDP 1998-HM-003. As shown on that plan, the area of this A&F District is designated as forested open space and several large parcels, which contain both residential and agricultural uses, including the farm market. Blueberry Hill Cohousing has been developed, leaving only one potential future house site on the PDH-1 portion of the A&F, plus the two dwelling units and two tenant houses that currently exist. Therefore, the PDH-1 property in this District has a potential density of 0.22 dwelling units per acre. If those 20 acres were zoned R-A, the potential density would be not more than 0.2 du/ac, or five houses, comparable with the existing effective density. If the property was zoned R-E, the potential density

would be not more than 0.5, or 10 houses; twice as much as the existing effective density.

Though the PDH-1 district does not technically meet this criteria, staff believes that the intent of the criterion has been satisfied, since the development plan does restrict the effective density on the property to a comparable level as the required zoning designations.

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: .1-.2 dwelling unit per acre; .2-.5 dwelling unit per acre; .5-1 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 Comprehensive Plan shows that the subject property is planned for residential use at densities of .2-.5 dwelling unit per acre, .5-1 du/ac, 1-2 du/ac, and private open space. Staff believes 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 residential use at 0.5 to 1.0 du/ac, and private open space. Therefore, this criterion has been satisfied.

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

This property measures 27.19 acres in size, and is entirely owned by the applicant and immediate family members. The District does include one non-contiguous parcel (19-3 ((1)) 42Z2), which is located less than one half mile from the core acreage and is entirely in agricultural use. There is currently less than fifteen acres devoted to agricultural use (13.9 acres), however the property has been a commercial vegetable farm for more than 45 years and is identified, by all accounts, as a working farm. Though the property has slightly less than the required 15-acres in agricultural use, staff feels that the property does meet the intent of the farm definition.

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.*

Staff feels that the proposed district meets the intent of the farm definition (above), but the property would also meet the requirements of this criterion, with the exception of the one non-contiguous parcel.

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.*

Sixty-four percent (64%) of the site consists of soils of Capability Classes II, III and IV. Thirty-six percent (36%) of the site consists of soils of Capability Classes V and VI. All agricultural lands are improved and managed to reduce soil erosion and maintain soil nutrients organically. Therefore, this criterion is satisfied.

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.*

An ordinance provision would require the applicants to abide by the recommendations of the Soil and Water Conservation Plan for the life of the District. Therefore, this criterion is satisfied.

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 majority of the forested area in the District is protected as permanent open space, by a proffered condition of the RZ/FDP 1998-HM-003 rezoning. An ordinance provision would require that the applicants abide by the included Forest Management Plan for the life of the District. The EQC areas on this site, surrounding Wolftrap Run to the west, are to be maintained as permanent, naturally forested buffers, and are further protected through an included ordinance provision. Staff believes that this criterion is satisfied.

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

The property has been in the applicant's family since 1967 and has been continuously in agricultural production throughout that time. In the past ten years, the applicants have installed deer fencing around the vegetable fields, a trickle irrigation system for seasonal vegetable production, a new irrigation well on the Beulah Road property, installed additional equipment sheds, installed a geothermal rooting system in farm house, renovated tenant houses and farm house, constructed two unheated plastic greenhouses, upgraded produce packing sheds, and purchased approximately \$25-\$30,000 per year in equipment. They have practiced continuous soil improvement and erosion control in the vegetable production areas, and worked with the Soil and Water Conservation District on implementing water diversion, erosion control, grass strips and crop strips. Staff feels that the applicant has shown an extraordinary commitment to maintaining the agricultural uses on this property for the life of the District, and believes that 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 property has been a vegetable farm for 49 years. In the past year the Potomac Vegetable Farm has sold: fresh market vegetables, berries, and cut flowers, reaching approximately \$700,000 per year in sales. In addition, the applicants provide farm tours for about 3,000 schoolchildren each year. This criterion has been 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 open and forested lands of the subject property preserve scenic vistas and open space in an area of the county where such resources are in short supply. Therefore, staff believes this criterion has been satisfied.

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

The property does not contain any identified historic site; There is, however, high potential that the site may contain significant historic and Native American sites (see Appendix 8), and a proposed Ordinance provision would provide the limited ability for Park Authority personnel to survey and recover artifacts from the property, if requested in the future. Therefore, this criterion is satisfied.

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

The applicant practices “ecogonic” farming and is committed to conserving and improving soils. Erosion and runoff are controlled through the use of maintained grass strips, planting cover crops, using contour cultivation, planting perennial crops on steep slopes (blueberries), trickle irrigation rather than overhead irrigation, grassy water diversion areas, and maintaining high organic levels in the soils to maximize water percolation. Stream valleys and drainage swales are left in a natural state to further reduce erosion and buffer streams. As a recognition of these innovative farming practices, ongoing stewardship of the site, and their outreach and educational activities, the applicants were recently awarded a 2013 Environmental Excellence Award from the Fairfax County Board of Supervisors. Staff believes that this criterion has been met.

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

The majority of the subject property is zoned PDH-1; this criterion is not satisfied.

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

The subject property is not located within a permanent open space easement, however, the effect of the proffered development plan on RZ/FDP 1998-HM-003 permanently reserves 10.8 acres as open space, and reduces the development potential for the remaining PDH-1 portion of the District to a total of five dwelling units (two existing family houses, two existing tenant houses, and one potential house site). The intent of an open space easement is to permanently remove the further development potential of a property. Staff feels that the proffered

development plan has the same effect, as it permanently transferred the development potential of the property to the residential portion of the Blueberry Hill development (covered under RZ/FDP 1998-HM-003 but not under the requested A&F District). Therefore, staff believes that the intent of this criterion has been satisfied.

All of the applicable criteria in Group A and at least two criteria in Group B should be satisfied. These criteria are intended to serve as a guide in determining whether or not an agricultural district should be established; they are not a prerequisite for establishing a district. This application meets five criteria of Group B, and while two of the criteria in Group A are not fully met, it is staff's opinion that the *intent* of all Group A criteria has been satisfied with the application.

AFDAC Recommendation (Appendix 9)

On September 10, 2013, the Agricultural and Forestal Districts Advisory Committee voted to recommend that the Potomac Vegetable Farm II Local Agricultural and Forestal District be amended and renewed for an eight year term, subject to the Ordinance Provisions contained in Appendix 1 of this report.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The current application to amend and renew the Potomac Vegetable Farm II Local Agricultural and Forestal District proposes no changes to the District other than the reincorporation of land area previously removed from the District to accommodate an access road to the Blueberry Hill Cohousing development. Staff believes that the proposal continues to satisfy the *intent* of all of the applicable criteria in Group A and satisfies five of the criteria in Group B, contained in Sect. 115-5-1 of the County Code. The property exceeds the minimum acreage requirement of 20.0 acres, and is in conformance with the Comprehensive Plan for the area.

Staff recognizes the commitment of the applicants to retain an important agricultural presence in an increasingly urban environment, their commitment to using sustainable agriculture practices, and their ongoing educational programs that introduce local children to healthy food production and to nature.

Staff Recommendations

Staff recommends the Board amend Appendix F of the Fairfax County Code to amend and renew the Potomac Vegetable Farm II Local Agricultural and Forestal District subject to the proposed Ordinance Provisions in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Board, in amending Appendix F of the County Code to include the Ordinance Provisions listed in Appendix 1, relieve the applicant/owner from compliance with the provisions of any 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. Application Materials and Statement of Justification
3. Approval of AR 01-H-001
4. DPZ - Land Use and Environmental Memo
5. FCDOT - Transportation Memo
6. Soil and Water Quality Conservation Plan
7. 2009 Forest Management Plan
8. FCPA Park Authority Memo
9. Agricultural and Forestal District Advisory Committee Recommendation
10. Fairfax County Code, Chapter 115 – *“Local Agricultural and Forestal Districts”*
11. State of Virginia Code, Title 58.1, Chapter 32
12. Glossary of Terms

PROPOSED ORDINANCE PROVISIONS
October 30, 2013
AA 01-H-001

If it is the intent of the Board of Supervisors to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District, as proposed in Application AA 01-H-001, pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Maps 19-1((14))-Z, -20A, 20Z, 21A, 21Z, 22A, 22Z, 23A, 23Z and 19-3((1))-42Z2, the staff recommends that the approval be subject to the following Ordinance Provisions:

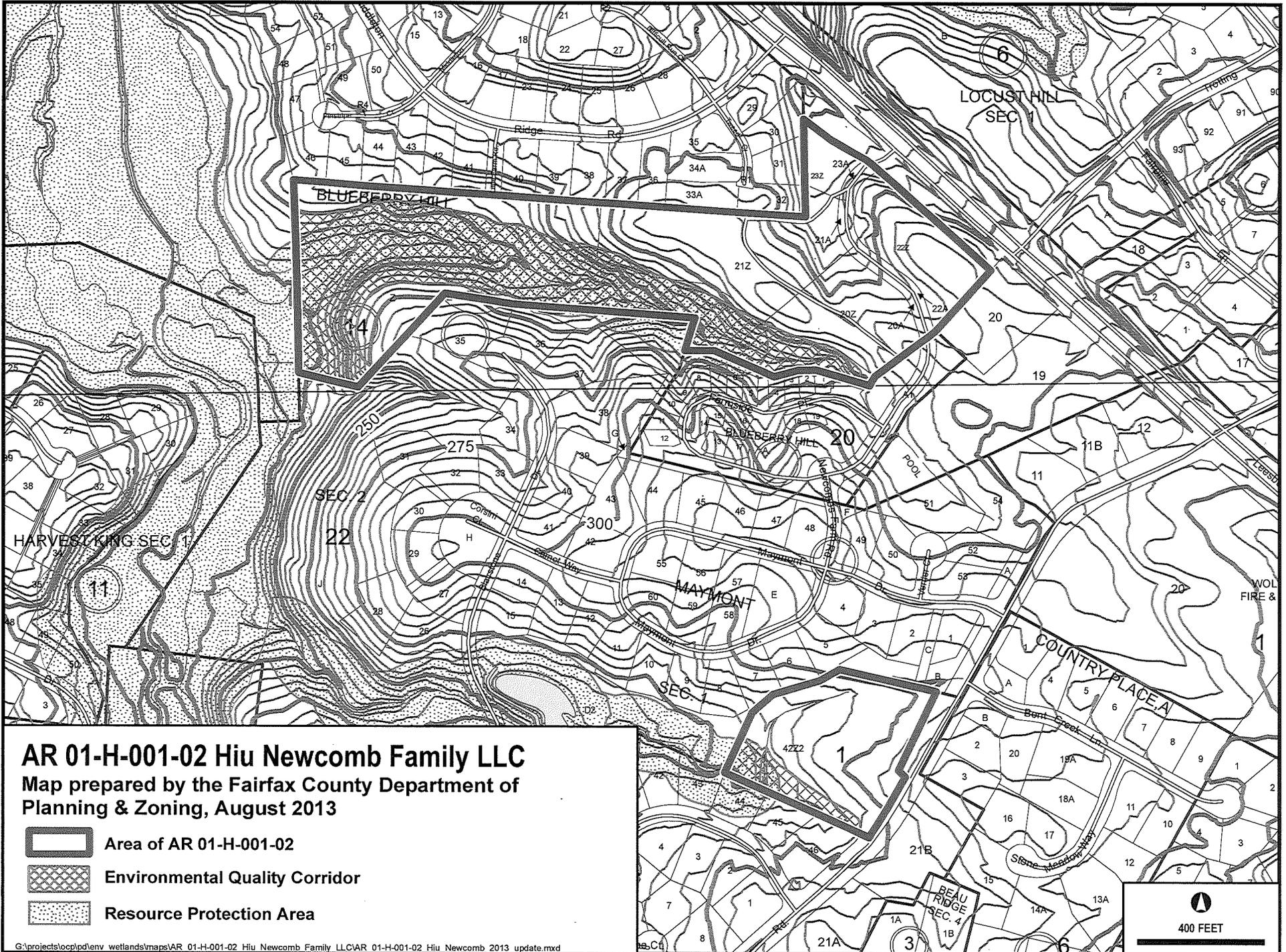
Standard Provisions (From Chapter 115)

- (1) That 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) That 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) That 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) That 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.

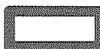
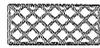
Additional Provisions

- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan which was prepared by the Northern Virginia Soil and Water Conservation District on September 5, 2013, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time, as

- determined necessary by the Northern Virginia Soil and Water Conservation District.
- (6) The applicant shall implement and abide by the recommendations of the Forest Management Plan, which was prepared by the Area Forester on July 20, 2009, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the Area Forester.
 - (7) Stock piles of organic nutrients that may contain animal manure shall be stored in a manner that prevents high concentrates of leachates from entering Wolftrap Creek. Such preventive measures may include diversion dikes, berms, increased buffers, filter trenches and/or BMP basins.
 - (8) Those areas delineated as 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, as approved by the Urban Forest Management Branch of Fairfax County. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District (see attached map).
 - (9) The Resource Management Division of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. Surveys and other similar activities of the Resource Management Division shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.
 - (10) 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, or upon the determination that the terms and conditions stated in this ordinance are not being implemented. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A&F District, as outlined in Section 115 of the County Code, and shall include an opportunity for the property owner(s) to demonstrate that any determination by a court or declaration or enactment by the General Assembly does not apply to the conditions of this district.



AR 01-H-001-02 Hiu Newcomb Family LLC
Map prepared by the Fairfax County Department of
Planning & Zoning, August 2013

-  Area of AR 01-H-001-02
-  Environmental Quality Corridor
-  Resource Protection Area



Application for Amended Potomac Vegetable Farms A&F II

Statement of Justification

We have been growing and selling vegetables in the Tysons Corner area of Fairfax County since the early 1960's. We market through our roadside stand on Leesburg Pike, four miles west of Tysons Corner; at producer-only farmers' markets in Northern Virginia and Takoma Park, Maryland; and a 500-plus member community supported agriculture subscription program.

A large part of our production for the first 25-30 years was on rented ground in the vicinity of Tysons, but by the early 1980's we had bought thirty acres where we are permanently established. We also grow vegetables and have a roadside stand on land we bought in 1975 in Loudoun County.

Each growing season, we hire 45-50 full and part-time people to help with the planting, cultivating, harvesting, and selling. These include children, grandchildren, students and recent graduates, and mid-career or retired folks interested in getting into market gardening.

Our business has grown as we have become more experienced and as demand for local and organically grown food has increased. Our large, devoted, and supportive customer base affirms our belief and commitment to raise wholesome, delicious food in an ecologically and sustainable manner.

Despite heavy pressures to give in to development over the years, our family has chosen to remain where we are. I believe our farm and our presence is a great asset to the County and community.

We have put our land into an A&F district since the mid 1980's and only withdrew when our family decided to create a small co-housing community, Blueberry Hill CoHousing, on a portion of the farm. The clustered development used most of the building credits and the fields were put back into Potomac Vegetable Farms II A&F District.

In late March and April of 2013, work has finally begun to recreate farmland that was lost to a required paved state road providing access to Blueberry Hill CoHousing. At the time we built Blueberry Hill, Fairfax County stipulated that when access was possible through Maymont (formerly Moutoux Orchard, our longtime neighbor), Newcombs Farm Road would be vacated. As a proffer, the developers of Maymont would remove the asphalt and road materials and replace the dirt and bring the fields back to their former topography. It will take a few years of cover crops and organic supplements to transform this imported dirt to soil that will produce good food. We're excited to have this land back, and it is the reason for filing this application.

I believe it's important to retain productive farmland close in to our metropolitan areas. The County's A&F program with its land use taxation benefits for the farmer helps us and others like us to stay where land values have made farming economically difficult.

The larger community in turn benefits from being able to get food that is fresh and delicious. They can bring their children to see how and where their food is grown. They can connect with the natural world and environment that needs their care.

RECEIVED
Department of Planning & Zoning

APR 05 2013

Zoning Evaluation Division

Application for Amended Potomac Vegetable Farms A&F II

Addendum to Statement of Justification

In June 2013, Maymont developers fulfilled the proffer to vacate Newcombs Farm Road and restore the fields that were eliminated to create the road in 2002 to provide access to Blueberry Hill CoHousing Community.

The small parcels of land that were part of the road and adjacent to the road were reattached to Lots 20, 21, 22, and 23. The square footage was calculated and are included on the front page of my application. I do not have, however, the metes and bounds of those additional parcels. I am including with my amended application a plat showing the road and temporary construction easements which are essentially the restored fields.

The Maymont contractor brought in fill dirt, presumably closer to topsoil than subsoil, graded it, and seeded it with annual rye grass. Once it was established, we spread compost and minerals and spaded it in and sowed it with a buckwheat covercrop. As we suspected, the imported dirt has little organic nutrients and the buckwheat is not growing as well as it does in our improved soils.

Our plan is to plant a few vegetables this year, plant more cover crops and spread more compost. Eventually, in a few years, we hope the reclaimed ground will develop a robust microorganism population and grow good food.

RECEIVED
Department of Planning & Zoning

JUL 01 2013

Zoning Evaluation Division

Application No. AA 01-11-001

APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT

RECEIVED
Department of Planning & Zoning

APR 05 2013

FAIRFAX COUNTY

Zoning Evaluation Division

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

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Hua Newcomb Family LLC	0191-14-0020A	2012		9.515 sf
Hua Newcomb Family LLC	0191-14-0020B	1978	PDH-1	2.3405
Mariette Hua Newcomb	0191-14-0021Z	1965	PDH-1	4.3209
9627 Leeburg Pike Vienna VA 22182	0191-14-0021A	2012	PDH-1	3994 sf
Hua Newcomb Family LLC	0191 14 0022Z	1975	PDH-1	2,1888
Hua Newcomb Family LLC	0191 14 0022A	2012	PDH-1	16261 sf
Hua Newcomb Family LLC	0191 14 0023Z	1968	PDH-1	5923
Hua Newcomb Family LLC	0191 14 0023A	2012	PDH-1	3658 sf
Hua Newcomb Family LLC	0191 14 Z	1967, 1989	PDH-1	11.9499
Sarah Newcomb 100 Westmont Place Brookline MA 02445	0193 01 0042A	1989	RA	5.032
Hana Newcomb 9877 Farmside Place Vienna VA 22182	"	"	"	"
Lauri Newcomb 33715 Sinterdownville Turnpike Bluemont VA 20135	"	"	"	"
Anna Newcomb Bradford 9684 Farmside Place Vienna VA 22182	"	"	"	"
Charles Newcomb 2360 Cherry Street Denver, CO 80207	"	"	"	"

- Total acreage in the proposed district: 27.19 acres.
- Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 9 forest 1.

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

Name: Mariette Hin Newcomb
Address: 9627 Leesburg Pike
Vienna VA 22182
Telephone: 703 759-2119

6. Signature of all property owners:

Mariette Hin Newcomb
Spina Robinson Newcomb
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

TO BE COMPLETED BY THE COUNTY

Date application accepted: July 12, 2013 Virginia Ruffner

Date of action by Board of Supervisors: _____

Approved as submitted Denied

Approved with modifications

MPC
7/12/13

APR 05 2013

Zoning Evaluation Division

ALL APPLICANTS

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

Structure	Year built	Use
Home, farm office	~ 1950 remodeled 2005	Home, farm office
Tenant House	~ 1950	Rental to farm worker
Tenant House	1979	Rental to farm worker
Greenhouse, plastic #1	2000	Horticultural
" #2	2004	
" #3	2008	
Storage sheds	1967-2008	Equipment, supplies, animals
Roadside stand and Packing sheds, coolers	1970-2012	Produce sales, storage, packing
Barn	1987	Equipment, shop, supplies storage
Open shed	2007	Tool storage, pressure tank + plumbing for new irrigation well on Beulah Road

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

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

Paving of Newcombs Farm Road
 Deer fencing around vegetable fields
 trickle irrigation system for seasonal vegetable production
 New irrigation well on Beulah Rd. 093 01 0042 A
 construction of equipment packing sheds
 Installation of geothermal heating + cooling system in farm house
 Renovation of tenant and farm houses
 construction of two high tunnels (unheated plastic greenhouses)
 Equipment purchases around \$25,000 - 30,000/year
 Upgrade of packing sheds behind stand.
 Wooden post and woven wire fence around Beulah Road parcel (093 01 0042 A)
 Improved drainage ditch to carry runoff from Beulah Rd + Maymont.
 Installed underground pipe + hydrants for irrigation in Beulah Rd field + 3-Route 7 fields in summer 2010
 March-April 2013 - Vacation of paved Newcombs Farm Road and Restoration of farmland!

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: 2009

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
Fresh market vegetables berries, cut flowers, herbs	Variable, good	\$700,000/yr in produce sales
laying Hens	20 dozen/week May-Nov.	incl. ↑
Farm Tours for school children	May-Oct	@\$5 person



County of Fairfax, Virginia

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

November 17, 2009

AMEMDED

Mariette "Hiu" Newcomb
9627 Leesburg Pike
Vienna, Virginia 22182

RE: Agricultural and Forestal District Renewal Application AR 01-H-001 (Dranesville District)

Dear Ms. Newcomb:

Agricultural and Forestal District Renewal Application AR 01-H-001, in the name of HIU Newcomb Family LLC, meeting all of the criteria and provisions pursuant to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal Districts), Appendix F, was renewed by ordinance by the Board of Supervisors at a regular meeting held on November 16, 2009, as the Potomac Vegetable Farm II Local Agricultural and Forestal District, subject to the attached ordinance provisions. The subject property is located at 9627 Leesburg Pike on approximately 21.39 acres of land zoned PDH-1 in the Dranesville District, [Tax Map 19-1 ((14)) Z, 20Z-23Z].

Sincerely,

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

cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville Vernon District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, DPZ
Angela Rodeheaver, Section Chief, Transportation Planning Division, DOT
Ellen Gallagher, Capital Projects and Operations, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
www.fairfaxcounty.gov/bosclerk

47-09-F-56

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, November 16, 2009, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Appendix F (Local Agricultural and Forestal Districts) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

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

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

F-56. Potomac Vegetable Farm II Local Agricultural and Forestal District
(AR 01-H-001)

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

Owner	Fairfax County Tax Map Parcel Number	Acreage
Hiu Newcomb Family LLC	19-1 ((14)) Z, 20Z, 21Z, 22Z, 23Z	21.39
	Total	21.39 acres

(b) The Potomac Vegetable Farm II Local Agricultural and Forestal District is established effective November 16, 2009, pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

(1) No parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight (8) years from the date of adoption of such ordinance. This provision shall not be constructed to restrict expansion of or improvements to the agricultural and forestal use of the land, 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 the 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 (8) years from the date of adoption of the original ordinance;

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

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

(5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated July 24, 2009, for the life of the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Soil and Water Conservation District;

(6) The applicants shall implement and abide by the recommendations of the Forest Management Plan dated July 20, 2009, for the life of the Potomac Vegetable Farm II 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 the Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized;

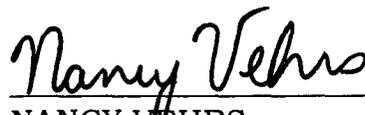
(7) Stock piles of organic nutrients that may contain animal manure shall be stored in a manner that prevents high concentrates of leachates from entering Wolftrap Creek. Such preventative measures may include diversion dikes, berms, increased buffers, filter trenches, and/or BMP basins;

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

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

This amendment shall become effective upon adoption.

GIVEN under my hand this 16th day of November, 2009.



NANCY VEHRIS

Clerk to the Board of Supervisors



County of Fairfax, Virginia

MEMORANDUM

Date: August 29, 2013

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis & Environmental Assessment for: AA 01-H-001
Newcomb Agricultural & Forestal District

This memorandum, prepared by Bernard Suchicital, 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 an amendment to an existing Agricultural and Forestal (A&F) District to increase in size to 27.19 acres. This district is comprised of nine parcels of land managed by Newcomb HIU Family LLC and Michael Lipsky Life Estate, and it is located in the Wolf Trap Community Planning Sector (M7) of the McLean Planning District of Area II within the Hunter Mill Magisterial District.

The parcels are owned and operated by members of the Newcomb family where they have grown and sold vegetables in the Tyson's Corner area since 1980's. Since then, some land was withdrawn from the district to create the neighboring Blueberry Hill Cohousing. At the time, Fairfax County required an access road through the remaining A&F District to serve the residential subdivision until when access was possible through the Maymont neighborhood. As a proffer, the developers of Maymont would remove the asphalt and road materials and replace the dirt and bring the fields back to their former topography. The Newcombs are in the process of transforming this right-of-way into tillable land, and it is this acreage that will be added to the A&F District.

Barbara Berlin
AA 01-H-001
Page 2

There is a residential house, two tenant houses for farm workers, a barn, three greenhouses, and sheds on the properties. Within the past 10 years the Newcomb family have installed new fencing, a trickle irrigation system, installation of geo-thermal heating and cooling systems for the greenhouses, and restoration of farmland from vacated Newcombs Farm Road.

The proposed district has 13.9 acres in agricultural use and 12 acres as forested or undeveloped. The remaining 1.3 acres of the district are for residential uses.

LOCATION AND CHARACTER

The subject property is located in northern Fairfax County within the Difficult Run Watershed, and is planned for private open space and residential use at .2-.5 dwelling units per acre (du/ac), .5-1 du/ac, and 1-2 du/ac. These parcels comprising this district are located southwest of Leesburg Pike (Route 7), north of the Maymont and Blueberry Hill neighborhoods, and south of the Middleton Ridge neighborhood. The district is surrounded by land which is planned for residential at .5-1 du/ac and public park. Wolf Trap Run is located along the western boundary of the A&F District.

This planning sector is primarily a stable area of low-density, single-family detached residential units. Public parkland is present within the Difficult Run Stream Valley and the Wolf Trap Stream Valley along the planning sector's western edge.

COMPREHENSIVE PLAN MAP

Private open space and residential use at .2-.5 du/ac, .5-1 du/ac, 1-2 du/ac

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, 2011 Edition, Area II Volume, McLean Planning District, as amended through June 4, 2013, M7-Wolf Trap Community Planning Sector, Recommendations, on pages 132-134:

Land Use

The Wolf Trap sector is largely developed as stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity... Where

substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan. . . .

2. Development west of Beulah Road, which is partly located in the Difficult Run and not sewerred, is planned for .2-.5, .5-1 and 1-2 dwelling units per acre shown on the Plan map. Developers should design with varying lot sizes corresponding to the planned land use densities on the map and existing development even if the area to be developed covers more than one residential density. Further guidance is found in the environmental section of the Area Overview for Area II.
3. Land along the south side of Leesburg Pike should maintain the pattern of an average density of 1-2 dwelling units per acre, but permit cluster development so that land immediately adjacent to the highway would remain as open space and provide a buffer for the residential area.
4. To maintain the present scenic attractiveness of Leesburg Pike in this area, site plans for all developments should be encouraged to feature greater than normal setbacks from the highway and natural buffering as many developments have done.
5. The Route 7 corridor is planned for and should continue to be reserved for residential development. Industrial, office, research and development (R&D), and retail commercial uses are not appropriate in the Route 7 corridor.”

Environment

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan Volume, Environment, as amended through February 12, 2013, on pages 7-9:

“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 d. Preserve the integrity and the scenic and recreational value of stream valley EQCs. . . .

Policy l. In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. To the extent feasible in consideration of overall site design, stormwater management needs and

opportunities, and other Comprehensive Plan guidance, establish boundaries of these buffer areas consistent with the guidelines for designation of the stream valley component of the EQC system as set forth in Objective 9 of this section of the Policy Plan. Where applicable, pursue commitments to restoration of degraded stream channels and riparian buffer areas.

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 Volume, Environment, as amended through February 12, 2013, on page 10:

“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 Volume, Environment, as amended through February 12, 2013, on pages 14 and 15:

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

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

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.

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

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

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the

flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.”

In the Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan Volume, Environment, as amended through February 12, 2013, on page 18:

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

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.”

LAND USE ANALYSIS

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

ENVIRONMENTAL ANALYSIS

The Newcomb Agricultural and Forestal District is a 27.19-acre tract of land. The property falls within the Difficult Run Watershed. Wolf Trap Run and associated Environmental Quality Corridor (EQC), and a Resource Protection Area (RPA) are located within the western and southern portions of the district. The extent of the EQC and RPA are identified on the attached map. In accordance with the Policy Plan, there should not be any new encroachments into the EQC.

Much of the property is undeveloped open space, forested and used for agricultural land at 26 acres. The remaining approximately one acre of land is used for residential purposes by the owners. The district is home to vegetable farming and selling.

The proposed continuation of this established Agricultural and Forestal District is consistent with environmental recommendations of the Comprehensive Plan.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan depicts a major paved trail along the property’s Leesburg Pike frontage. The Trails Plan also depicts a major regional trail system and a stream valley trail on the property.

PGN: BSS

Attachment



County of Fairfax, Virginia

MEMORANDUM

DATE: August 23, 2013

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

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation *AKR for ARR*

FILE: 3-4 (AF 01-H-001)

SUBJECT: Transportation Impact

REFERENCE: AA 01-H-001; Mariette Hiu Newcomb
Land Identification Map: 19-1 ((14)) Z, 20A, 20Z, 21A, 21Z, 22A, 22Z,
23A, 23Z; 19-3 ((1)) 42Z2

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



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: 703-324-1421

Soil and Water Quality Conservation Plan

Property Owners/Operators:

Potomac Vegetable Farm
 Hiu Newcomb Family, LLC
 9627 Leesburg Pike
 Vienna, VA 22182
 Tel: 703-759-2119

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

September 5, 2013

Summary of operation:

The Potomac Vegetable Farm property is approximately 27.2-acres, consisting of six parcels located on the south side of Leesburg Pike in Vienna. All parcels are within the Difficult Run Watershed (PL22). This plan is prepared in response to a renewal request of the Agricultural and Forestal District status of the property. Approximately 15 acres of the property is dedicated to growing produce, chickens and pigs, and the sale of produce such as vegetables, herbs, fruits and flowers. Five acres of the fifteen acres in agricultural land use is located west of Beulah Road, separated from the main parcel of land, by approximately 1,000 feet 'as the crow flies.' The method of farming at the Potomac Vegetable Farm is not technically classified as "Organic Farming," no commercial fertilizer or pesticide is used at any stage of plant growth. They maintain a soil rich in organic matter and beneficial soil microbes that support plant growth with sufficient nutrients in a healthy environment. By growing a wide variety of crops, rotating the types of crops planted in the various plots, and by using timely and appropriate practices, insect invasion and disease damages are kept to an acceptable minimum.

The remaining portion of the property is mainly wooded and undeveloped. An unnamed perennial stream flows in an east to west direction forming the core component of approximately 2,800 linear feet of RPA delineated within the property boundary.

Green houses are present onsite to provide early planting (nursery) opportunities and extended growing days. 45 chickens and three pigs are part of the farming activities. The

pigs are mainly for demonstrational purposes and for getting rid of excess vegetable waste. Eggs from the chicken are sold as free range eggs at the onsite stand.

Drip-irrigation and micro-sprinkler systems are used to bring water to the plants. Plastic culture and heavy mulching are practices implemented to help retain moisture and keep weed down at all stages of growth. In addition, the high organic nature of the planting soil goes a long way toward retaining moisture for the plants.

Practices:

1) Nutrient Management (590):

Planting a wide variety of crops in a rotational manner has provided a rich well-balanced soil for this operation over time. Operators do not need commercial fertilizer application recommendations. Soil samples collected and tested provides a snap-shot of soil nutrient and pH levels. The soil samples collected were from specific beds, to help determine what nutrients is lacking or whether there is a pH imbalance that is contributing to certain unexpected, observed growth/yield. Composted materials and rock minerals are incorporated into the soils to help adjust nutrient or pH levels. In beds/areas where Phosphorus (P) or Potash (K) accumulation is observed, garlic and onions known to use up a lot of such nutrients are planted for an extended period.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
Crop Production beds	15.0	9	2013	15	Sept. 2013
Total	15.0 acs.				

2) Pest Management (595)

Integrated pest management practice is being utilized at this operation. Rotational system implemented while planting a wide variety of crops keep insects and pests at a minimum. Also deer fence is erected around the entire farm. Other borrowing pests are controlled by timely trapping and relocation. Operators do not need recommendation on any pesticide.

In the isolated field, it is reported that deer would occasionally sneak in under the deer fence through the natural ditch opening. This can be fixed by installing a one-way flex-gate that will hinder deer from crawling in, while at the same time allows even bankful flows to exit undeterred. Further information on this device can be provided upon request

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
Crop Production & Sale Areas	15.0	9	2013	15	Sept. 2013
Residential Area	2.2	9	2013	2.2	Sept. 2013
Wooded Areas	10.0	9	2013	10.0	Sept. 2013
Total	27.2 acs.			27.2 acs.	

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

The shaded area on the site map is the county delineated Chesapeake Bay Resource Protection Area (RPA) - it is a 100-ft. wide buffer (wider in some areas where it encounters wider flood plains). Basically, by slowing down the runoff, this becomes the last area that provides opportunity for filtration and infiltration of pollutants contained in runoff from adjacent land before such polluted runoff enters state waters. This area is required to be kept vegetated. A buffer consisting of mix plant types has proved to be the best buffer for pollution extraction purposes.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
RPA Buffer	2,800	9	2013	2,800	Sept. 2013
Total	2,800 ft.			2,800 ft.	

4) Drainage Area Planting/Bank Stabilization

The steep banks of the storm water channel created in the vicinity of the isolated parcel can be further stabilized to minimize the chances of bank sloughing or bank erosion in the future. Grading the banks back and planting shrubs and grasses with massive root systems (not large trees) are the recommended types of vegetation for bank stabilization. Depending on the species, plant materials (live stakes, potted plants or seedlings) can be placed in staggered rows, two feet apart. Grasses and grass-like plants you may consider include: big bluestem, switch grass and deer tongue; Shrub species you may consider include: common alder, choke berry, button bush, red osier dogwood, silky dogwood, spice bush, viburnum, streamco willow and banker dwarf willow.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
Storm water channel banks	0.1	9	2013		
Total	0.1 ac.				

OCT 17 2013

4) Drainage Area Planting/Bank Stabilization

The steep banks of the storm water channel created in the vicinity of the isolated parcel, due to adjacent development can be further stabilized to minimize the chances of bank sloughing or bank erosion in the future. Shrubs and grasses with massive root systems rather than large trees are the recommended types of vegetation for bank stabilization. Depending on the species, plant materials (live stakes, potted plants or seedlings) can be placed in staggered rows, two feet apart. Grasses and grass-like plants you may consider include: big bluestem, switch grass and deer tongue; Shrub species you may consider include: common alder, choke berry, button bush, red osier dogwood, silky dogwood, spice bush, viburnum, streamco willow and banker dwarf willow.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
Storm water channel banks	0.1	9	2013		
Total	0.1 ac.				

SIGNATURES OF PARTICIPANTS – Hiu Newcomb Family

Landowner/Operator:
Mariette Hiu Newcomb
for Hiu Newcomb Family 10-15-13
Hiu Newcomb Family Date

Office
copy

Planner:
Wilfred D. Woode
Wilfred D. Woode 10/1/13
Date

District Authority:
Gean R. Pauley
Chairman 10/21/13
Date

Newcomb
A&F District
AA 01-H-001
9627 Leesburg Pike
Vienna

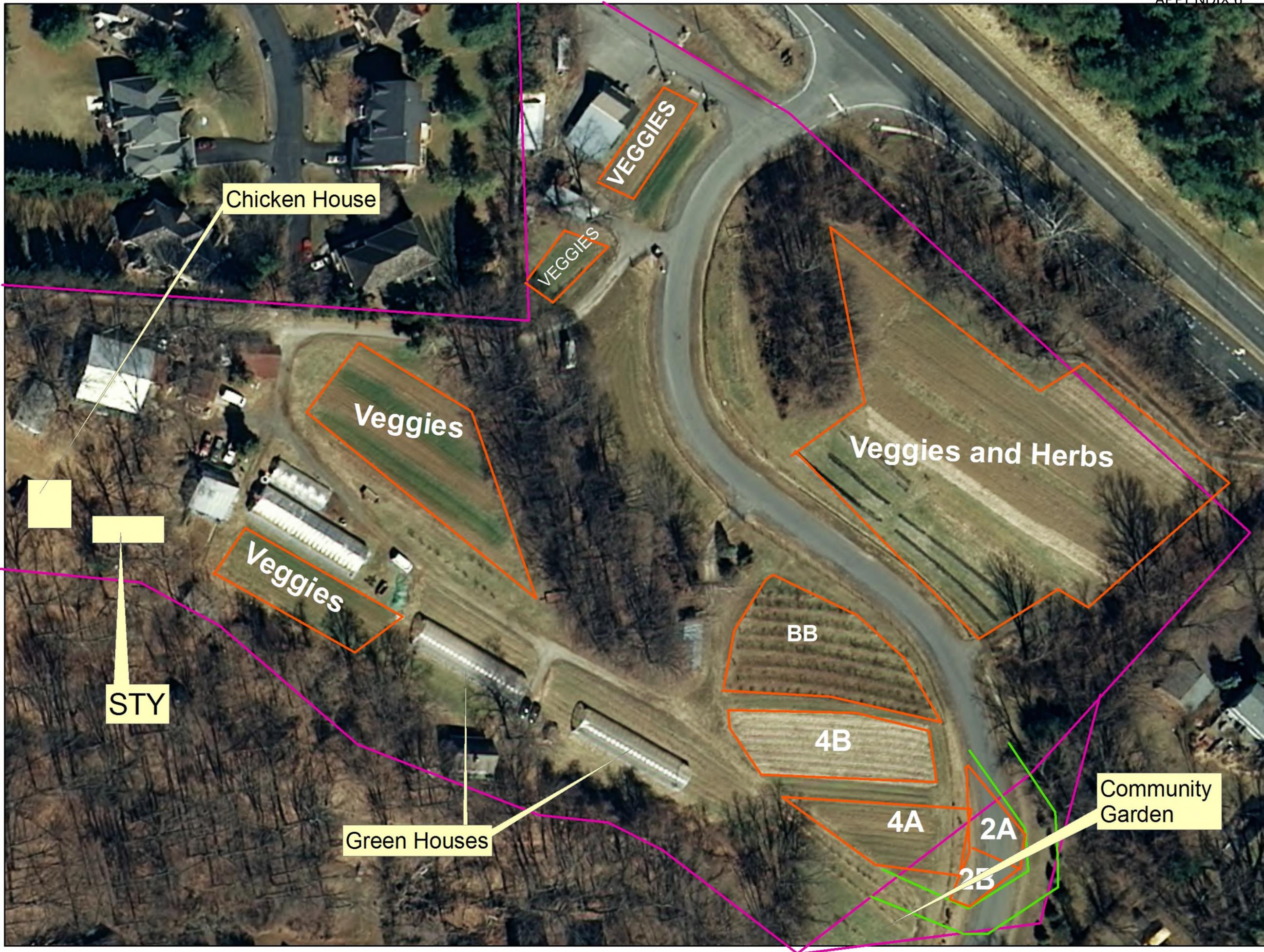
Northern Faming
Area

- Legend**
-  1993 RPAs
 -  2003 RPAs
 -  2003 (Rev) RPAs
 -  Resource Management Areas (RMAs)
 -  Stream



0 25 50 100 Feet

(Scale may not be accurate)



Newcomb
A&F District
AA 01-H-001
9627 Leesburg Pike
Vienna

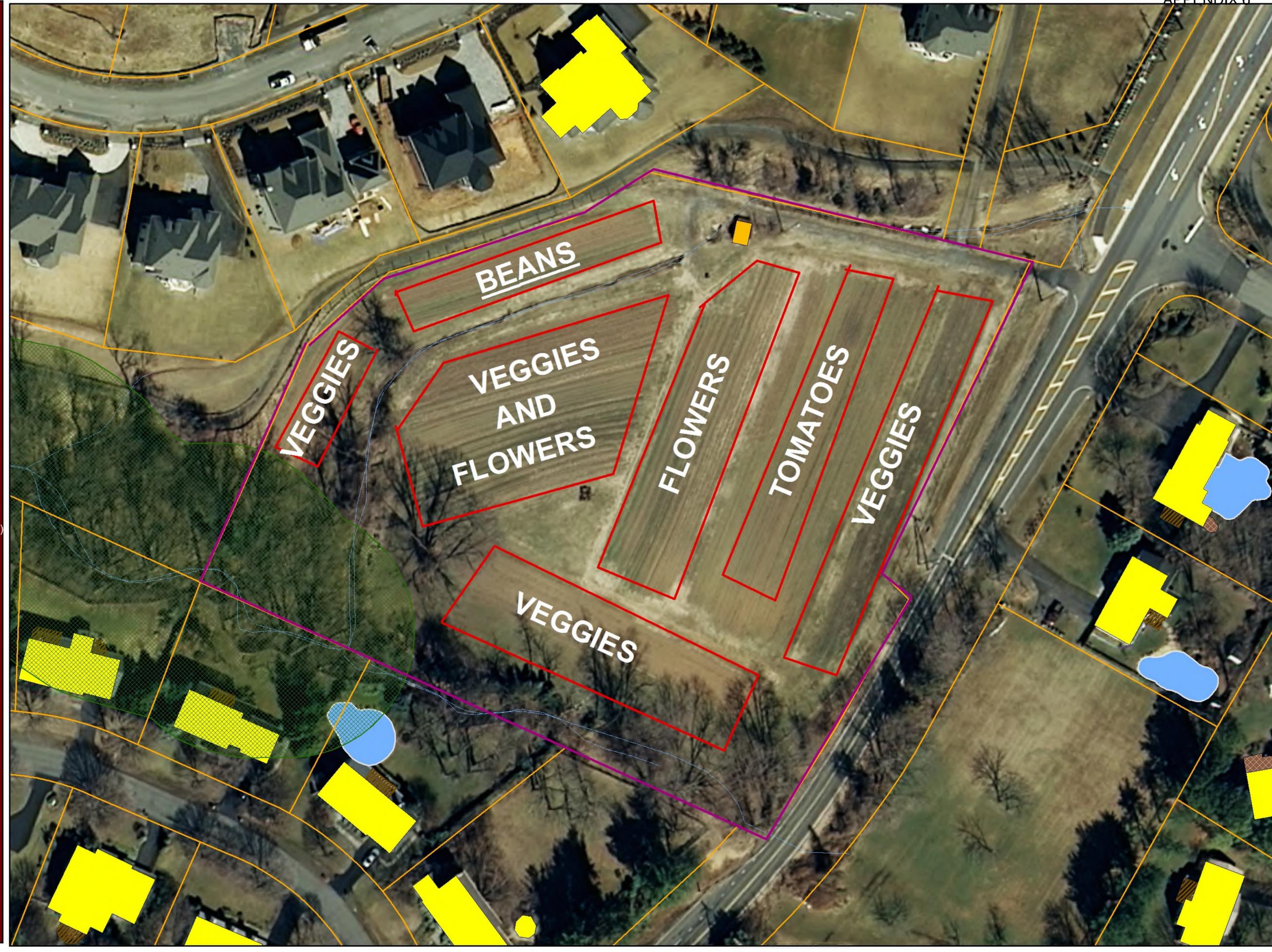
Southern Farming
Area

- Legend**
-  1993 RPAs
 -  2003 RPAs
 -  2003 (Rev) RPAs
 -  Resource Management Areas (RMAs)
 -  Stream



0 25 50 100 Feet

(Scale may not be accurate)



EDWARD H. ZIMMER
Regional Forester



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY

470 George Dean Drive
Charlottesville, VA 22903
(434) 977-5193
FAX (434) 296-3290

July 20, 2009

AR 01-H-001
DOF# FAX09004

Ms. Mariette Hiu Newcomb
9627 Leesburg Pike
Vienna VA 22182

Dear Ms. Newcombe,

It was a pleasure to meet you and walk your property.

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

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

I have included information on the Northern Virginia Conservation Trust and the tax benefits of conservation easements. I have also included information on invasive species we noted on the property. If you have any questions about this plan, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "James McGlone".

James McGlone
Urban Forest Conservationist



REPORT ON FORESTLANDS
OF

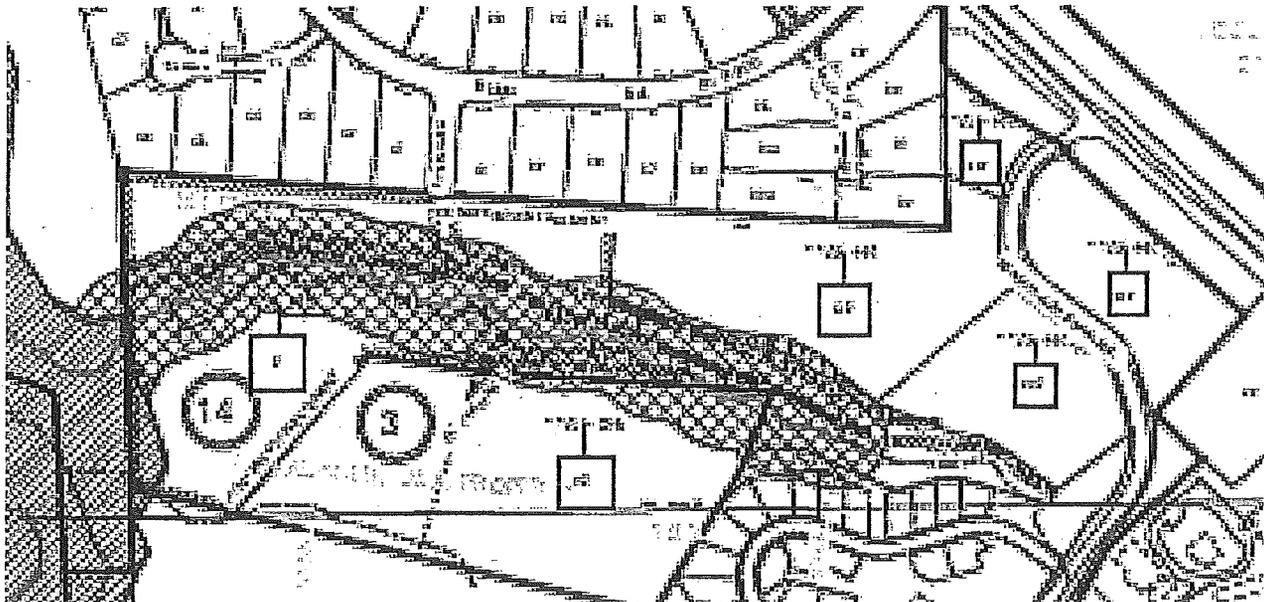
Mariette Hiu Newcomb
9627 Leesburg Pike
Vienna VA 22182

Location: The property is on the south side of Leesburg Pike, just west of the intersection of Leesburg Pike and Bulah Road. This property is A&F number AR-01-H-001 and DOF number FAX09004

Examined by: James McGlone, Urban Forest Conservationist

Landowner's Objectives: To maintain a healthy forest that supports wildlife including insect predators as part of an integrated pest management program for the farm.

Introduction: This is a 20.1 acre parcel that is mostly wooded, but contains some cropland, farm support buildings and a retail produce stand. The forested area is mostly bottomland riparian forest and does include two small meadows that were originally cleared for farm production. Much of the forest is designated as a resource protection area under the Fairfax County Chesapeake Bay Ordinance. This restricts the use of this land and the management of vegetation. See <http://www.fairfaxcounty.gov/dpwes/navbar/fags/rpa.htm> for more information.



Soils: The predominant soil type on the property is Glenelg Silt Loam. This soil is formed from weathering of micaceous schist and is deep, well to somewhat excessively well drained, acidic soil. (The 2008 soil survey has reclassified all Manor Silt Loam soils as Glenelg) Codorus and Meadowville loams are erosion products of Glenelg soils. The Wheaton complex soils are disturbed versions of the original soil types. These soil types are suitable for growing mixed hardwood and softwood species including oak (*Quercus* spp.), hickory (*Carya* spp.), tulip poplar (*Liriodendron tulipifera*), red maple (*Acer rubrum*), red cedar (*Juniperus virginiana*), Virginia pine (*Pinus virginiana*) and shortleaf pine (*Pinus echinata*).

Forest Type: Early successional forest composed mostly of tulip poplar. The poplar are beginning to give way to cheery (*Prunus serotina*) river birch (*Betula nigra*), oaks, [particularly pin oak (*Quercus palustris*) and northern red oak (*Quercus rubra*), and hickory (*Carya* spp.). In some parts of the floodplain American hornbeam (*Carpinus caroliniana*) are present. The shrub layer is sparse and dominated by spicebush (*Lindera benzoin*) and there is no evidence of recent regeneration of hardwoods. The herbaceous layer is dominated by dense patches of hay scented fern (*Dennstaedtia punctilobula*), a deer proof native fern.

Quality/Size: The timber quality of this area is good. The trees are mostly saw timber size.

Invasive species: A number of non-native invasive species were observed on the property. These include Japanese honeysuckle (*Lonicera japonica*); shrub honeysuckles (*Lonicers* spp.); oriental bittersweet (*Celastrus orbiculata*); mile-a-minute (*Polygonum perfoliatum*); multi-flora rose (*Rosa multiflora*); porcelain-berry (*Ampelopsis brevipedunculata*); wineberry (*Rubus phoenicolasius*); Japanese barberry (*Berberis thunbergii*); Johnson grass (*Sorghum halepense*); Japanese stiltgrass (*Microstegium vimineum*); and tree of heaven (*Ailanthus altissima*). The oriental bittersweet, porcelain-berry, and Japanese honeysuckle are particularly problematic because they can kill mature trees.

Wildlife Habitat: Deer were observed on the property. The eastern part of the forest, with canopy and shrubs provides possible nesting habitat for a variety of woodland birds. Unfortunately many of the shrubs in this part of the forest are non-native invasive species, which are no grazed by insects and therefore provide no foraging habitat for nesting birds. This may be a benefit to the farm, since nesting birds may be forced to forage in the crops, removing pest insects.

Deer: the prevalence of spice bush and hay scented fern on the property and the absence of tree regeneration are indicators of excessive deer browse. Deer management is currently be done on the property, with 30 or so deer taken per year.

Recreation / Aesthetics: this area is desirable for passive recreation such as walking, photography, bird and wildlife watching, and the general observation of nature.

Forest Health: Forest pests and diseases prevalent in the Northern Virginia area: Gypsy moth (oak trees), Woolly adelgid (hemlock trees), Anthracnose (dogwood and sycamore trees) and Emerald Ash Borer (ash trees). The best way to combat outbreaks of these diseases is to know your forest. Walk it frequently and note trees that are looking sickly. Different diseases/infestations manifest themselves in different ways, some of the common characteristics to note are: severe defoliation, curling discolored leaves (look moldy), masses of insects present in larval forms (worms) or insect fecal matter (masses of black or white droppings. Small holes in the trunk of a tree generally indicate borers and require immediate attention. If you suspect your trees are being attacked by disease or pests contact a certified arborist, the Fairfax County

Urban Forest Management Branch at 703-324-1770, the county extension agent at 703-324-5369 or this office at 703-324-1489.

Wildfire: Protection of this property from wildfire is essential. Wildfire destroys valuable timber and property. Should wildfire occur on this or adjacent property call 911 immediately to report it to the Fairfax County Fire and Rescue Department.

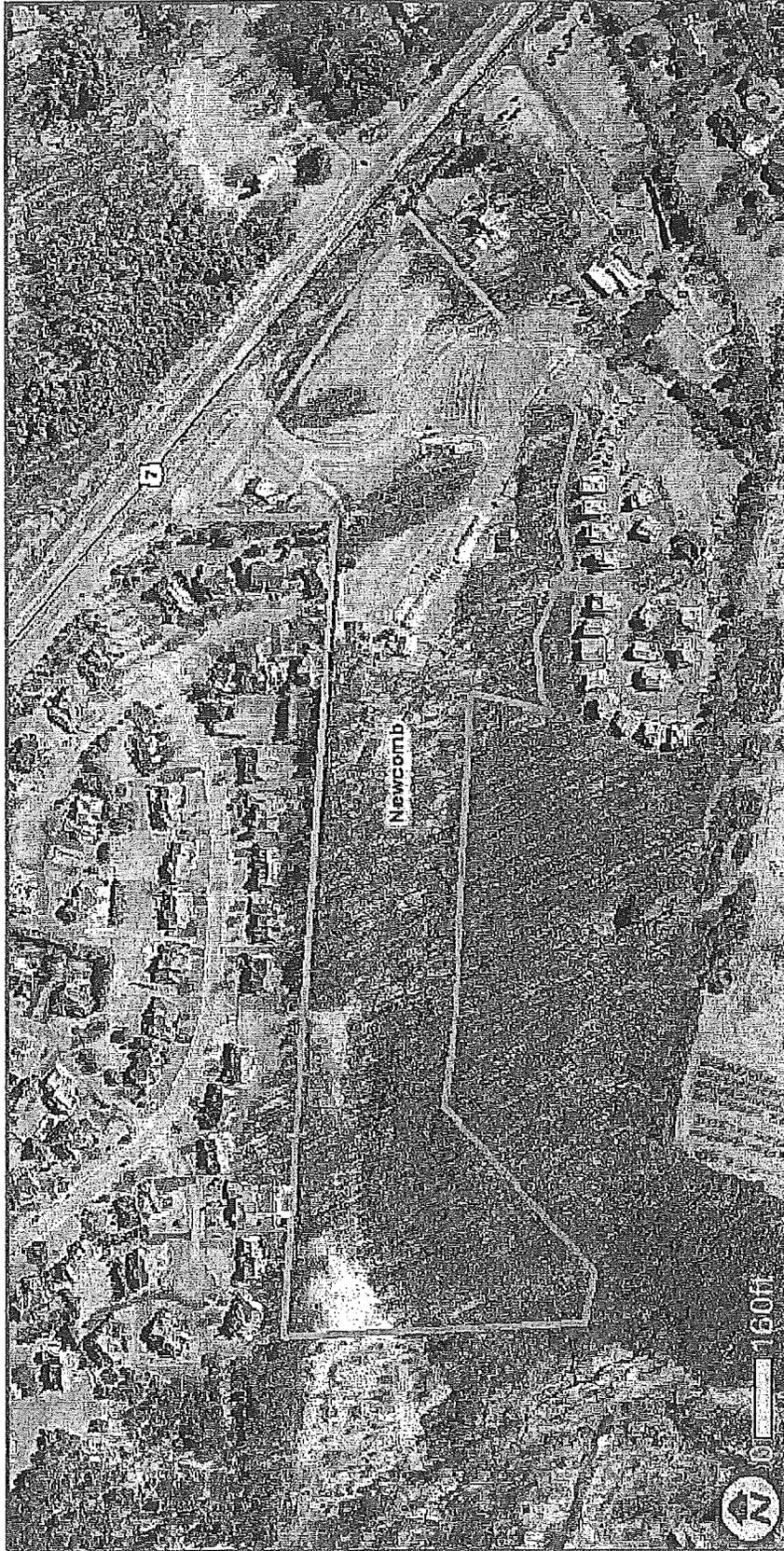
Recommendations: this area is currently meeting most of the landowners' objectives. I would advise attacking the invasive species particularly the vines and those near the crop fields. The vines should be cut at ground level and at eye level; this ensures that all vines are cut. This windowing treatment by itself will not eliminate the vines, but, if done periodically, it will protect the trees. Continue to manage the deer herd.



Virginia Department of Forestry
Protecting and Developing Healthy, Sustainable Forest Resources

Newcomb A&F District

AR 01-H-001 FAX09004



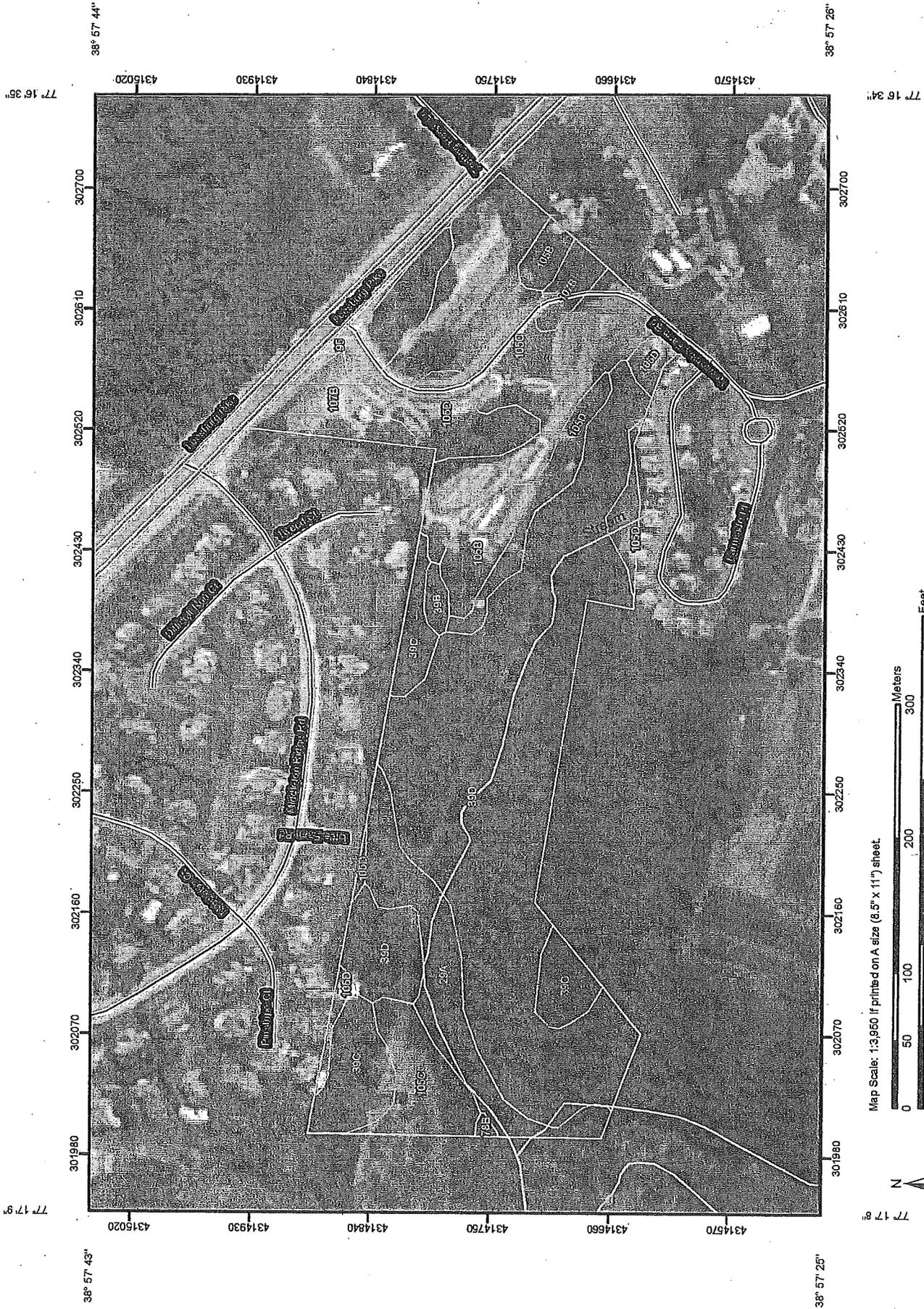
Map derived from aerial photography, not to be used for boundary determination.

Map By: James M. McGlone

Report Date: Monday, July 20, 2009

Generated by the Integrated Forest Resource Information System - Copyright 2006 Virginia Department of Forestry

Soil Map—Fairfax County, Virginia
(Newcomb A&F July 20, 2009)



Map Scale: 1:3,860 if printed on A size (8.5" x 11") sheet.



Web Soil Survey
National Cooperative Soil Survey

Map Unit Legend

Fairfax County, Virginia (VA059)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
29A	Codorus silt loam, 0 to 2 percent slopes, occasionally flooded	2.2	7.2%
39B	Glenelg silt loam, 2 to 7 percent slopes	0.2	0.6%
39C	Glenelg silt loam, 7 to 15 percent slopes	2.2	7.1%
39D	Glenelg silt loam, 15 to 25 percent slopes	12.6	41.5%
78B	Meadowville loam, 2 to 7 percent slopes	0.0	0.2%
95	Urban land	0.2	0.7%
105B	Wheaton-Glenelg complex, 2 to 7 percent slopes	1.1	3.5%
105C	Wheaton-Glenelg complex, 7 to 15 percent slopes	6.8	22.4%
105D	Wheaton-Glenelg complex, 15 to 25 percent slopes	3.7	12.4%
107B	Wheaton-Meadowville complex, 2 to 7 percent slopes	1.3	4.4%
Totals for Area of Interest		30.3	100.0%



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

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

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

DATE: September 25, 2013

SUBJECT: AA 01-H-001, Mariette Hiu Newcomb
Tax Map Number(s): 19-1((14))Z; ((14))20A; ((14))20Z; ((14))21A; ((14))21Z;
((14))22A; ((14))22Z; ((14))23A; ((14))23Z; 019-3((1))42Z2

The Fairfax County Park Authority supports Agricultural and Forestal Districts as they further objective 100 of the Park Authority's Policy Manual:

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

COMPREHENSIVE PLAN GUIDANCE

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

ANALYSIS & RECOMMENDATIONS

Cultural Resources Impact:

The parcels contain no known archaeological sites, however, there is high potential to contain significant historic and Native American sites. Ground disturbance should be kept to a minimum to help preserve the current historic landscape.

FCPA Reviewer: Andy Galusha
DPZ Coordinator: Brent Krasner

Copy: Cindy Walsh, Director, Resource Management Division
Brent Krasner, DPZ Coordinator
Chron Binder
File Copy

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: September 10, 2013

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Potomac Vegetable Farm II Local Agricultural and Forestal District; Application AA 01-H-001

The Agricultural and Forestal Districts Advisory Committee met on September 10, 2013, to review the application to amend and renew the Potomac Vegetable Farm II Local Agricultural and Forestal District (Application AA 01-H-001). The Committee found the following:

- The Potomac Vegetable Farm II Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Potomac Vegetable Farm II Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Potomac Vegetable Farm II Local Agricultural and Forestal District fulfills all but two of the applicable criteria in Group A, and fulfills four (4) of the criteria in Group B, 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 amend and renew the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Advisory Committee further recommends that the amendment and renewal of this district be subject to the Ordinance Provisions which are contained in Appendix 1 of the staff report. (AFDAC recognized that, due to a minor discrepancy in the agricultural acreage requirement, the property does not entirely meet the County definition of a "farm", per criteria 5 of Group A, but considers the property as meeting the *intent* of that definition, as well as meeting the *intent* of criteria 2 of Group A. The Committee also notes that there are no proposed changes to the District, except for the reclamation to the District of the land previously dedicated as an access road, which restores the functional contiguity of the farm, as well as the scenic vistas onsite, and restores valuable acreage to productive farmland use. The Committee recommends that the Board approves the amendment and renewal of this District, as submitted.)

FAIRFAX COUNTY, VIRGINIA

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TO: Members, Planning Commission
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- The Potomac Vegetable Farm II Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Potomac Vegetable Farm II Local Agricultural and Forestal District fulfills all but two of the applicable criteria in Group A, and fulfills five (5) of the criteria in Group B, 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 amend and renew the Potomac Vegetable Farm II Local Agricultural and Forestal District. The Advisory Committee further recommends that the amendment and renewal of this district be subject to the Ordinance Provisions which are contained in Appendix 1 of the staff report. (AFDAC recognized that, due to a minor discrepancy in the agricultural acreage requirement, the property does not entirely meet the County definition of a "farm", per criteria 5 of Group A, but considers the property as meeting the *intent* of that definition, as well as meeting the *intent* of criteria 2 of Group A. The Committee also notes that there are no proposed changes to the District, except for the reclamation to the District of the land previously dedicated as an access road, which restores the functional contiguity of the farm, as well as the scenic vistas onsite, and restores valuable acreage to productive farmland use. The Committee recommends that the Board approves the amendment and renewal of this District, as submitted.)

Selected provisions from the Fairfax County Code, Chapter 115. For the full, unabridged, code please visit the website of the Fairfax County Planning and Zoning Department or view a copy in person at the Fairfax County Planning and Zoning office.

ARTICLE 1.

In General.

Section 115-1-1. Short title.

This chapter may be referred to as to "Local Agricultural and Forestal Districts Ordinance" of the County of Fairfax and is to become effective June 30, 1983. (13-83415.)

Section 115-1-2. Policy and purpose.

It is the policy of Fairfax County to conserve and protect and to encourage the development and improvement of its important agricultural and forest lands for the production of food and other agricultural and forest products. It is also Fairfax County policy to conserve and protect agricultural and forest lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, aesthetic quality, and other environmental purposes. It is the purpose of this Chapter to provide a means by which Fairfax County may protect and enhance agricultural and forest lands of local significance as a viable segment of the Fairfax County economy and as an important economic and environmental resource. (13-83-115.)

Section 115-1-3. Authority.

The authority for the establishment of a program of local agricultural and forestal districts in Fairfax County is derived from Title 15.1, Chapter 36.1 of the *Code of Virginia*, entitled the "Local Agricultural and Forestal Districts Act." (13-83-115.)

ARTICLE 3.

District Applications.

Section 115-3-2. Minimum district size, district boundaries.

An agricultural and forestal district shall be comprised of no less than twenty (20) acres, all of which shall be located in Fairfax County. (13-83-115; 21-95-115.)

Section 115-4-8. Provisions of local district ordinances.

Any district ordinance adopted by the Board in order to establish or renew an agricultural and forestal district shall include the following provisions:

- a) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight (8) years from the date of adoption of such ordinance. This provision shall not be 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;
- b) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight (8) years from the date of adopting of the original district ordinance;
- c) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural or forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to *Code of Virginia* , Section 58-769.4 et seq., if the requirements for such assessment contained therein are satisfied;
- d) That 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 of land shall be included in any agricultural and forestal district of local significance without such owner's written approval; and
- e) Any other provisions to the mutual agreement of the landowner and the Board of Supervisors that further the purpose of this Chapter. (21-95-115.)

Section 115-4-9. Renewal of local districts.

- a) Local districts may be renewed by the adoption by the Board of Supervisors of a district ordinance as described in Section 115-4-8.
- b) No land may be included in a renewed district without the written approval of all the owners of such land. Notice of such approval shall be given by the completion, signing and submission of an application as provided in Article 8 of this Chapter. Such application should be submitted at least six (6) months before the expiration date of the existing district which is to be considered for renewal, but in no case shall it be submitted later than sixty (60) days before such expiration date.

- c) When a renewal application has been submitted and accepted, the procedures outlined in Article 4 of this Chapter shall be used to review such application.
- d) If no renewal application is submitted and accepted by the deadline required in Section 115-4-9(b), the district shall not be renewed; however, owners formerly in a district may reapply pursuant to Section 115-3-1 at any time.
- e) If a renewal application signed by all owners of parcels proposed for inclusion in a renewed district is submitted and accepted by the deadline required in Section 115-4-9(b), but the Board of Supervisors fails to act on the application by the expiration date of the district, such district, including only those parcels proposed for renewal, shall continue; and all provisions of the district ordinance and this Chapter shall apply until such time as the Board of Supervisors makes its decision whether or not to renew the district as proposed.
- f) If a district is not renewed, the lands that were formerly in the district shall no longer be restricted in use as required by the district ordinance, shall no longer qualify for an agricultural or forestal value assessment, nor shall other provisions of the district ordinance any longer apply to such lands. (21-95-115.)

ARTICLE 5.

Criteria for Establishment, Modification, Renewal or Termination of a District.

Section 115-5-1. Criteria.

The following criteria shall be used as a guide in recommendations and decisions on whether to establish, modify, renew, continue or terminate local agricultural and forestal districts:

Criteria Group A: All the following criteria should be met by all proposed districts:

- 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 (5) acres per district, may be included.
- 2) All lands in the district should be zoned to the R-P, R-C, R-A or R-E District.
- 3) The district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1-.2 dwelling unit per acre, .2 dwelling unit per acre, .2-.5 dwelling unit per acre, .5-1 dwelling unit 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 three (3) of Criteria Group B.

- 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 (3) of the criteria of Criteria Group B, if no conflicts with surrounding uses, existing and planned, are evident or likely.
- 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 include at least fifteen (15) acres of land in agricultural use. A farm may include noncontiguous parcels within one (1) mile of the core acreage (the largest parcel or group of contiguous parcels or the parcel where the farm buildings are located) as long the noncontiguous parcels are predominately agricultural in use and as long as the total acreage of each individual farm (including contiguous and noncontiguous lands) is at least twenty (20) acres.
- 6) All other properties not included in a farm as defined in (a)(5), that is, forested and partially forested properties, and properties with less than fifteen (15) acres in agricultural use, should be at least twenty (20) acres in size. These properties may contain several parcels; but all parcels must be contiguous, and all must have the same owner, or else owners must be members of the same family or a family trust or family corporation.
- 7) Approximately two-thirds 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 one-third of the land in agricultural use containing Classes V--VIII soils may be considered if such lands have been improved and managed to reduce soil erosion, maintain soil nutrients, and reduce nonpoint source pollution.
- 8) Agricultural land in the district should be used in a planned program of soil management, soil conservation and pollution control practices which is intended to reduce or prevent soil erosion, maintain soil nutrients, control practices which is 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 nonpoint 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.

- 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 is intended to reduce or prevent soil erosion, maintain soil nutrients and reduce nonpoint 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.
- 10) There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use in the district. In particular, districts with no history of investments in farm or forest improvements must evidence a firm commitment to agricultural or forest use for at least the life of the district.

Criteria Group B: In addition to meeting all of Criteria Group A, all properties in the district should meet as well at least two (2) of the following criteria:

- 1) Farm and/or forest products have been regularly produced and sold from the property during the last five (5) years.
- 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.
- 3) The property contains an historically and/or archaeologically significant site which would be preserved in conjunction with the establishment of a district. A site that is listed on the Federal Registry of Historic Places, the State Registry of Historic Places and/or the County Inventory of Historic Places will be considered historically and/or archaeologically significant. A property which contains a site that is considered to be 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.
- 4) Farming or forestry operations practice unique or particularly effective water pollution control measures (BMP's).
- 5) The land is zoned R-A, R-P or R-C.
- 6) The land is entirely in a permanent open space easement. (13-83-115; 21-95-115.)

APPLICABLE SECTIONS OF THE CODE OF VIRGINIA,
TITLE 58.1, CHAPTER 32 – REAL PROPERTY TAX
(current as of September 12, 2013 –
refer to online version of the Code for up-to-date information)

§ 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 (§ [2.2-4000](#) 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. Prior, discontinued use of property shall not be considered in determining its current use. 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 property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to agricultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"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; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) 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. Prior, discontinued use of property shall not be considered in determining its current use. 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 property that has been designated as devoted to horticultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to horticultural use. In determining whether real property is devoted to horticultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"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 (§ [2.2-4000](#) et seq.). Prior, discontinued use of property shall not be considered in determining its current use. 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 property that has been designated as devoted to forest use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to forest use. In determining whether real property is devoted to forest use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, including public or private golf courses, (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 (§ [2.2-4000](#) et seq.) and the local ordinance. Prior, discontinued use of property shall not be considered in determining its current use. Real property that has been designated as devoted to open-space use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to open-space use. In determining whether real property is devoted to open-space use, zoning designations and special use permits for the property shall not be the sole considerations.

§ 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; 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 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.

The roll-back taxes and penalty that otherwise would be imposed under this subsection shall not become due at the time the zoning is changed if the locality has enacted an ordinance pursuant to subsection G.

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.

G. A locality may enact an ordinance providing that (i) when a change in zoning of real estate to a more intensive use at the request of the owner or his agent occurs, roll-back taxes shall not become due solely because the change in zoning is for specific more intensive uses set forth in the ordinance, (ii) such real estate may remain eligible for use value assessment and taxation, in accordance with the provisions of this article, as long as the use by which it qualified does not change to a nonqualifying use, and (iii) no roll-back tax shall become due with respect to the real estate until such time as the use by which it qualified changes to a nonqualifying use.

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

A. Albemarle County, Arlington County, Augusta County, James City County, Loudoun County, and Rockingham County 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. As applied to zoning districts, 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 that is zoned agricultural and is subsequently rezoned to a more intensive use that 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.

B. Goochland County may include additional provisions specified in subdivisions A 1 and 2 in any ordinance enacted under the authority of this article, but only in service districts created after July 1, 2013, pursuant to Article 1 (§ [15.2-2400](#) et seq.) of Chapter 24 of Title 15.2.

§ 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.

B. 1. No subdivision, separation, or split-off of property which results in parcels that meet the minimum acreage requirements of this article, and that are used for one or more of the purposes set forth in § [58.1-3230](#), shall be subject to the provisions of subsection A.

2. The application of roll-back taxes pursuant to subsection A shall, at the option of the locality, also not apply to a subdivision, separation, or split-off of property made pursuant to a subdivision ordinance adopted under § [15.2-2244](#) that results in parcels that do not meet the minimum acreage requirements of this article, provided that title to the parcels subdivided, separated, or split-off is held in the name of an immediate family member for at least the first 60 months immediately following the subdivision, separation, or split-off.

For purposes of this subdivision, an "immediate family member" means any person defined as such in the locality's subdivision ordinance adopted pursuant to § [15.2-2244](#).

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

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

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

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

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

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

CLEARING - Any intentional or negligent act to cut down, remove all or a substantial part of or

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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.