



APPLICATION ACCEPTED: March 21, 2014  
PLANNING COMMISSION: September 10, 2014  
BOARD OF SUPERVISORS: September 23, 2014 @ 3:30pm

# County of Fairfax, Virginia

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August 25, 2014

## STAFF REPORT

### JASPER LOCAL AGRICULTURAL AND FORESTAL DISTRICT

#### APPLICATION AR 89-S-005-03

#### SPRINGFIELD DISTRICT

**APPLICANTS:** William Murray, Trustee of Trust u/w Jones D. Jasper  
John R. Jasper  
Christine Jasper

**ZONING:** RC, WS

**PARCEL(S):** 86-2 ((1)) 20Z and 21Z

**ACREAGE:** 80.84

**PLAN MAP:** Residential, 0.1-0.2 du/ac

**PROPOSAL:** Renewal of a Local Agricultural and Forestal District

#### STAFF RECOMMENDATIONS:

Staff recommends that the request to amend Appendix F of the Fairfax County Code to renew the Jasper Local Agricultural and Forestal District be approved subject to the Ordinance Provisions listed in Appendix I.

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 7.

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#### 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/](http://www.fairfaxcounty.gov/dpz/)

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).



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.  
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# A&F District Renewal

AR 89-S -005-03



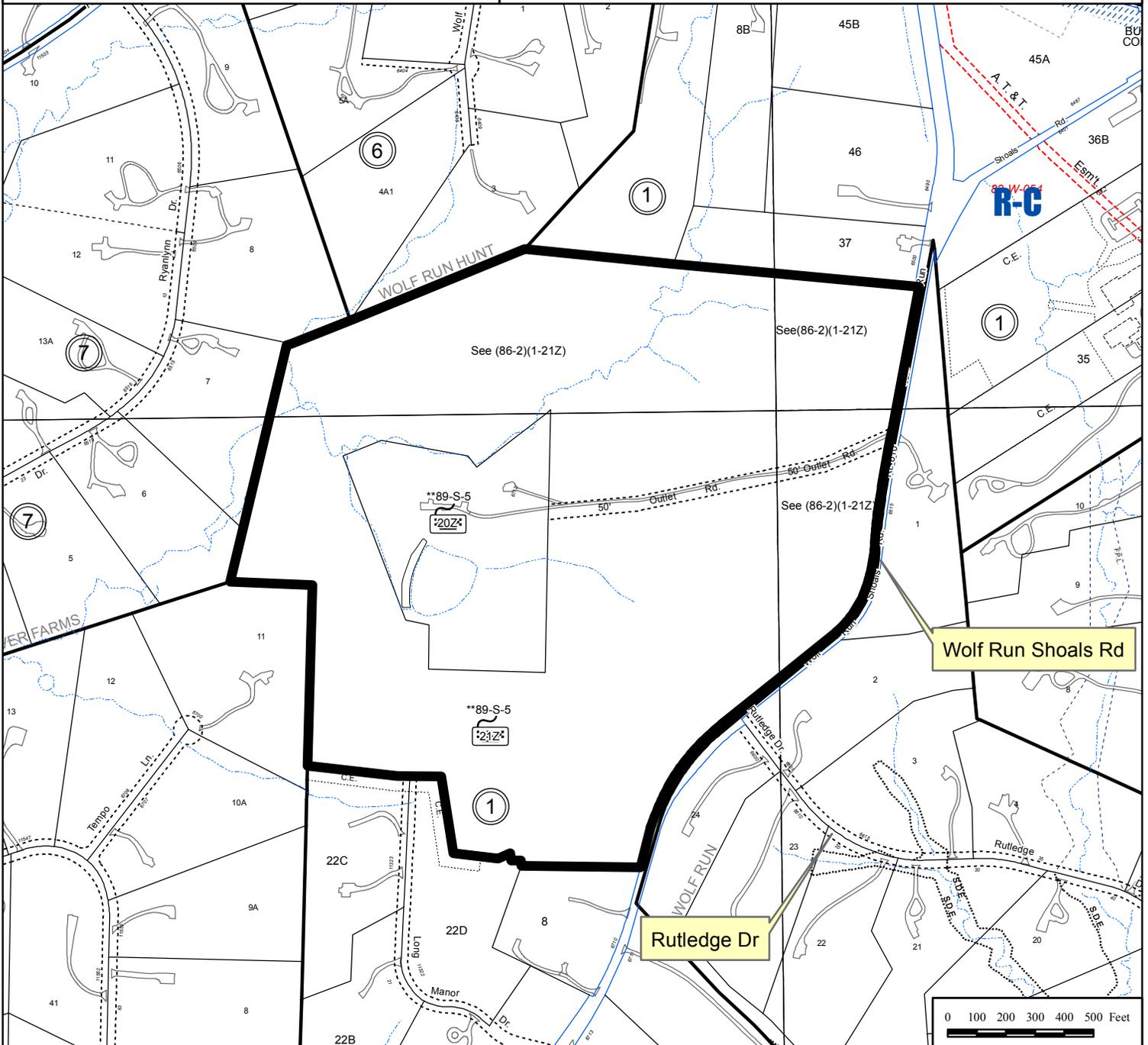
Applicant: WILLIAM G. MURRAY, TRUSTEE OF TRUST  
U/W OF JONES D. JASPER

Accepted: 03/21/2014  
Proposed: AGRICULTURAL AND FORESTAL DISTRICT RENEWAL

Area: 80.84 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:  
Located: 6712 WOLF RUN SHOALS ROAD, FAIRFAX  
STATION, VA 22039-1726

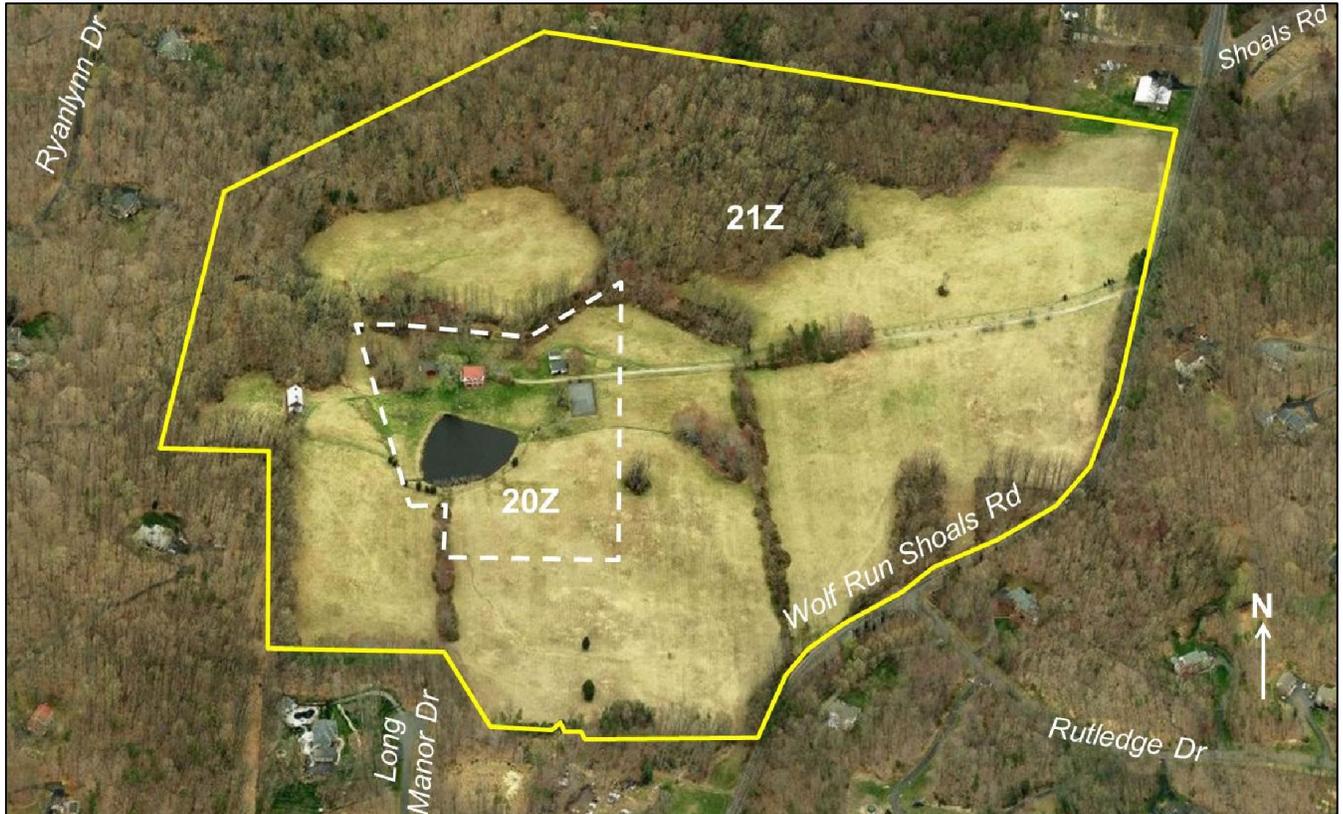
Zoning: R- C  
Overlay Dist: WS  
Map Ref Num: 086-2- /01/ /0020Z /01/ /0021Z



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

**DESCRIPTION OF APPLICATION**

AR 89-S-005-03 is a request to renew the Jasper Local Agricultural and Forestal District under the provisions of Chapter 115 of the Fairfax County Code for another eight year term. A & F Districts encourage the preservation of significant tracts of agricultural and forested land throughout the County by providing a reduced real estate tax assessment in exchange for a commitment to preserve the land for the length of the term. While certain exceptions are permitted, the land is expected to remain at its present use and development intensity. Removal of the district before the conclusion of the eight year term is subject to a penalty and payment of roll back taxes, subject to the terms in Article 6 of Chapter 115. 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.



**Figure 1. Aerial View of District**

## **LOCATION AND CHARACTER**

### **District Location**

The district consists of two parcels totaling 80.84 acres in size located on the west side of Wolf Run Shoals Road, approximately ¼ mile south of Chapel Road and ½ mile west of Route 123, in the Fairfax Station (more precisely Butts Corner) section of the Springfield District.

### **Existing Conditions and Character of the District:**

The property has approximately 1,000 feet of frontage along Wolf Run Shoals Road. Approximately the southern two-thirds of the district is cleared and consists of hay fields and open land. The main house, a guest cottage, two garages and a barn are located towards the west side of the property down a long driveway. A small pond is located to the south of the main house. The northern portion of the district is wooded. An unnamed tributary to Wolf Run flows from east to west across the central portion of the district. Another drainage flows into the pond and then joins the tributary to the west of the barn. The applicant indicates approximately 54 acres of fields are in hay production. The remainder of the property outside the residential area is largely undeveloped wooded land.

### **Surrounding Area Description:**

The subject property and surrounding area are zoned RC (Residential Conservation) and planned for residential uses at 0.1-0.2 dwelling units per acre. The district is surrounded by single family houses on large lots generally in excess of 5 acres.

### **Background:**

The subject property has been owned by the applicant and members of the Jasper family for over 70 years. The district was first established on May 14, 1990 on 96.5 acres and then subsequently renewed by the Board of Supervisors on June 29, 1998, and July 31, 2006. The district was reduced by 15.7 acres in 2004 when land to the south of the present property was sold off for residential development. The district has remained at 80.84 acres since that time and is being used in essentially the same manner today as it was when the district was first established in 1990. The original house was taken down, and a new home was built on the same site in 1999. The owners of the property have indicated they wish to conserve the district in its present state for as long as possible.



**Figure 2. Surrounding Area**

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	Area III
<b>Planning District:</b>	Pohick
<b>Planning Sector:</b>	Dominion (P 5)
<b>Plan Map:</b>	Residential use at a density of 0.1 to 0.2 dwelling units per acre and private open space

## ANALYSIS

### Land Use/Environmental Analysis (Appendix 3)

The establishment of an agricultural and forestal district is in conformance with the Plan goals of preserving the rural and scenic character of the surrounding area. The property contains an unnamed tributary to Wolf Run. A Resource Protection Area (RPA) is mapped along this. This areas is also designated as an Environmental

Quality Corridor (EQC). A delineation of EQC and RPA may be found in the attachment to Appendix 3. Ordinance provisions are proposed which require the applicant to continue to use the boundary of the EQC as the limits of clearing and grading, for the life of the district

#### **Transportation Analysis** (Appendix 4)

This request does not represent any conflict with the Countywide Plan or transportation recommendations, and would not have an adverse traffic impact.

#### **Soil and Water Conservation District Analysis** (Appendix 5)

The updated Soil and Water Conservation Plan includes a series of recommendations to improve the health of the land. Most notable among these include minimizing erosion for the hay fields located within the RPA and pond management. Staff has included ordinance provisions requiring continued compliance with the updated recommendations of the soil Plan.

#### **VA Department of Forestry Analysis** (Appendix 6)

After conducting a site visit, the State Forester provided an updated forest management plan. The plan divides the site into three areas or stands:

**Stand A** includes the bulk of the wooded area at the northern end of the property and consists of mixed hardwoods like tulip poplar, white oak, and black walnut. The trees here are reported to be in good condition, however non-native species and heavy deer browse was observed. The forester recommends cutting vines, removing the autumn olive, and undertaking deer management.

**Stand B** consists of the narrow wooded corridor along Wolf Run Shoals Road and contains Virginia Pines, Red Maple, and oaks, among other species. The trees are in great condition, with only limited invasive species. The forester recommends that this area be allowed to expand by not mowing around it's edge.

**Stand C** is located at the center of the property along the driveway and is a mix of pine and hardwood species from the other stands. This stand contains several large, old Virginia Pines which are in decline as the stand transitions to predominantly hardwood. The pines should be monitored for signs of decline and removed before they fall across the drive.

A condition requiring continued adherence to the recommendations of the Forest Management Plan is included in the ordinance provisions.

## **Agricultural and Forestal District Criteria Analysis**

Article 5 of Chapter 115 of the Fairfax County Code contains two sets of criteria which are designed to serve as a guide in the evaluation of proposed Local Agricultural and Forestal Districts. All of the applicable criteria in Group A, and least two criteria from Group B should be satisfied by the proposed district. It is important to note that these criteria are a guide to be applied when establishing, renewing or amending a District; they are not prerequisites. The following is an evaluation of the proposed district's conformance with these criteria:

### Criteria Group A:

*1. All district acreage should be currently devoted to agricultural use or forestal use or should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use, related to the agricultural or forestal use and generally not more than five acres per district, may be included.*

This property contains both forested land suitable for forestal use and over 50 acres of hay fields suitable for continued agricultural uses. There are less than five acres devoted to residential purposes. Therefore, staff believes that this criterion has been satisfied.

*2. All lands in the district should be zoned to the R-P, R-C, R-A, or the R-E District.*

The property is zoned RC; therefore, this criterion is satisfied.

*3. In general, the district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: 0.1-0.2 dwelling units per acre; 0.2-0.5 dwelling units per acre; 0.5-1.0 dwelling units per acre; Private Recreation; Private Open Space; Public Park; Agriculture; Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least 3 of Criteria Group B.*

The property is planned for residential use at a density of 0.1 to 0.2 dwelling units per acre (du/ac) and private open space. Therefore, this criterion has been satisfied.

*4. A majority of the surrounding land within one-quarter mile of the district should be planned according to the Comprehensive Plan for uses identified in A(3) above. Exceptions may be made for lands located at the edge of a planned growth area or which meet at least three of the criteria of Criteria Group B, if no conflicts with surrounding uses, existing and planned, are evident or likely.*

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for low density residential use at 0.1 to 0.2 units per acre. 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.*

The property contains 54 acres of actively maintained hayfields. This criterion is satisfied.

6. *All other properties not included in a farm as defined in (5), that is, forested and partially forested properties, and properties with less than 15 acres in agricultural use, should be at least twenty acres in size. These properties may contain several parcels, but all parcels must be contiguous, and all must have the same owners or else owners must be members of the same family or a family trust or family corporation.*

The property qualifies predominantly as an agricultural property, but could also qualify as a forestal property as approximately 21.7 acres are forest land.

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.*

90% of the site consists of Class I-IV soils. This criterion is met

8. *Agricultural land in the district should be used in a planned program of soil management, soil conservation, and pollution control practices which are intended to reduce or prevent soil erosion, maintain soil nutrients, control brush, woody growth and noxious weeds on crop land, hay land, and pasture land, and reduce non-point source pollution. Exceptions to this criterion may be made only for those agricultural lands which, upon initial application for the establishment of a district are not used in such a program, but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District.*

A conservation plan has been prepared by the NVSWCD. Adherence to the plan is required as part of the proposed ordinance provisions. This criterion is met.

9. *Forest land and undeveloped land in the district should be kept in an undisturbed state, or if periodically harvested or experiencing erosion*

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

Continued compliance with the Forest Management Plan found at Appendix 6 is required by the proposed ordinance provisions. This criterion is met.

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

The applicant's family has owned this property for about 70 years and has participated in the A and F program since 1990. They are committed to keeping the property intact for as long as possible. It is staff's opinion that this criterion is met.

#### Criteria Group B:

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

Though hay is grown, it is not sold commercially. Therefore, this criterion is not met..

*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 property has a half-mile of frontage along Wolf Run Shoals Road which provides scenic views of the fields and wooded areas. Given the size of the district, it significantly contributes to the rural character of the area. Therefore, 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.*

There are no sites within the district which are listed on the "Fairfax County Inventory of Historic Sites". Therefore, this criterion is not applicable

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

There are no unique farming or forestry operations on this site. Therefore, this criterion is not met.

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

The subject property is zoned RC. Therefore, this criterion is satisfied.

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

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

All of the applicable criteria in Group A and at least two criteria in Group B should be satisfied. It is staffs opinion that this application currently satisfies all of the applicable criteria in Group A, and two of the criteria in Group B, namely, rural character and RC zoning.

#### **AFDAC RECOMMENDATION** (Appendix 8)

On June 24, 2014 the Agricultural and Forestal District Advisory Committee voted to recommend that the Jasper Local Agricultural and Forestal District be renewed for an eight year term, subject to the Ordinance Provisions contained in Appendix 1 of this report.

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **Staff Conclusions**

Staff believes that the application to renew the Jasper Local Agricultural and Forestal District satisfies the criteria contained in Sect. 115-5-1 of the County Code, and that commitments made by the applicant for agricultural improvements to the property are consistent with the intent of the program. Renewal of the district is consistent with the goals and objectives of the Comprehensive Plan and Zoning Ordinance.

**Staff Recommendations**

Staff recommends application AR 89-S-005-03, to amend Appendix F of the Fairfax County Code to renew the Jasper Local Agricultural and Forestal District, be approved subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board in adopting any 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 further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

**APPENDICES**

1. Proposed Ordinance Provisions
2. Statement of Justification and Application Material
3. Land Use and Environmental Analysis
4. Transportation Analysis
5. NVSWCD Soil Conservation Plan
6. Forest Management Plan
7. Virginia State Tax Code Provisions
8. AFDAC Memorandum
9. Glossary

**ORDINANCE PROVISIONS****June 13, 2014****AR 89-S-005-03****(William G. Murray, Trustee u/w of Jones D. Jasper)**

If it is the intent of the Board of Supervisors to renew the Jasper Local Agricultural and Forestal District as proposed in Application AR 89-S-005-03 pursuant to Chapter 36.1 of Title 15.1 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map Parcel 86-2 ((1)) 20Z and 21Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

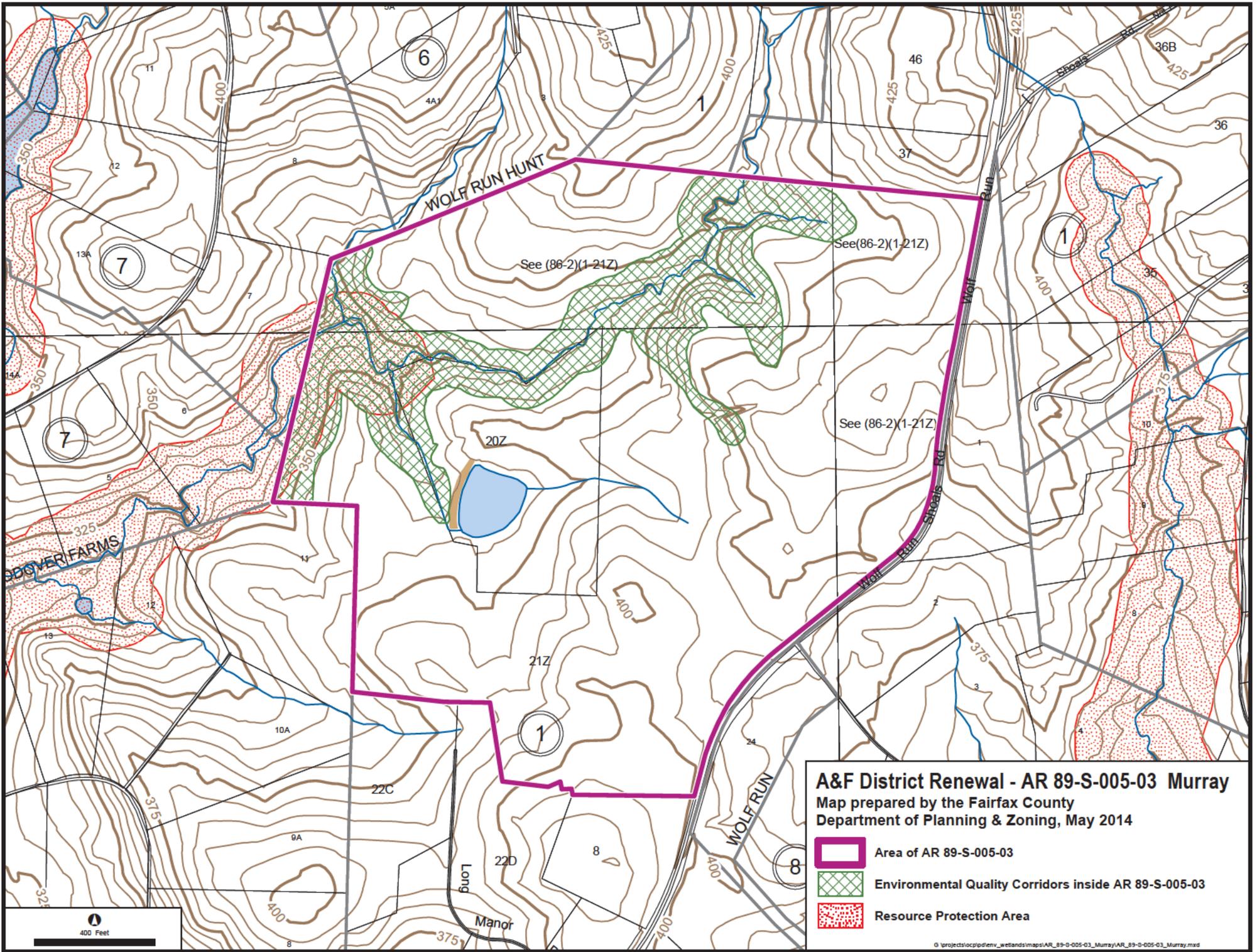
Standard Provisions (From Chapter 115)

- (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 applicant shall implement and abide by the recommendations of the Forest Management Plan which was prepared by the Area Forester dated June 10, 2014, for the life of the Jasper Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the Area Forester.

- (6) 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 Whitney Local Agricultural and Forestal District.
- (7) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated June 2, 2014, for the life of the Jasper 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.
- (8) 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.



**A&F District Renewal - AR 89-S-005-03 Murray**  
 Map prepared by the Fairfax County  
 Department of Planning & Zoning, May 2014

- Area of AR 89-S-005-03
- Environmental Quality Corridors inside AR 89-S-005-03
- Resource Protection Area

Application No. AR 89-S-005-03

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

FAIRFAX COUNTY

RECEIVED  
Department of Planning & Zoning  
MAR 07 2014  
Zoning Evaluation Division

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

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
<u>WILLIAM G. MURRAY</u>	<u>086-2-01-00212</u>	<u>1941</u>	<u>R-C</u>	<u>70.8372</u>
<u>TRUSTEE OF TRUST u/w OF JONES D. JASPER</u>				
<u>6045 WILSON BLVD #300</u>				
<u>ARLINGTON, VA 22205-1546</u>				
<u>JOHN R JASPER, 086-2-01-00202, 1998, R-C, 10.00</u>				
<u>CHRISTINE L JASPER</u>				
<u>6712 WOLF RUN STOKES RD</u>				
<u>FAIRFAX STATION, VA 22039-1726</u>				

3. Total acreage in the proposed district: 80.8372 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm \_\_\_\_\_ forest 2.

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

Name:

JOHN R JASPER

Address:

6712 Wolf Run Shoals RD  
FAIRFAX STATION VA 22039-1726

Telephone:

703 978 4166

6. Signature of all property owners:

John R Jasper  
Christine C. Jasper  
William M. Jasper, Trustee

TO BE COMPLETED BY THE COUNTY

\$50.00

Date application accepted:

March 21, 2014 Virginia Regnier

Date of action by Board of Supervisors: \_\_\_\_\_

Approved as submitted       Denied

Approved with modifications

**ALL APPLICANTS**

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

Structure	Year built	Use
HOUSE	1999	RESIDENCE
COTTAGE	1978	GUEST COTTAGE
GARAGE	1985	GUEST GARAGE
GARAGE	1960	MAIN GARAGE
BARN	c. 1880	VACANT

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:

NONE

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: 10-31-89

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

If yes, date submitted: 11-6-89

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

Product	Past year's yield	Average yield for previous 4 years
<u>NONE</u>		

FARM PROPERTY

MA

1. Please check the appropriate description of the farm:

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

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

- Active agricultural uses \_\_\_\_\_ acres.
- Forested or undeveloped \_\_\_\_\_ acres.
- Residential uses \_\_\_\_\_ acres.
- Total acreage \_\_\_\_\_ acres.

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

If yes, which roads will be used:

\_\_\_\_\_  
\_\_\_\_\_

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

cars, vans and pickup trucks  heavy trucks.

FOREST PROPERTY

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

- Future timber or pulpwood harvesting \_\_\_\_\_ acres
- Christmas tree production and harvesting \_\_\_\_\_ acres
- Firewood production and harvesting \_\_\_\_\_ acres
- Conservation ALL acres
- Residential uses \_\_\_\_\_ acres
- Other: \_\_\_\_\_ acres
- Total acreage \_\_\_\_\_ acres

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

\_\_\_\_\_



# County of Fairfax, Virginia

## MEMORANDUM

**Date:** June 9, 2014

**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: AR 89-S-005-03  
Murray 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 renew an approximately 80.8-acre Agricultural and Forestal (A & F) District. This district is comprised of two parcels of land managed by William Murray (Trustee) [Tax Map 86-2 ((1)) 21Z], and John and Christine Jasper [Tax Map 86-2 ((1)) 20Z], and it is located in the Dominion Community Planning Sector (P5) of the Pohick Planning District of Area III within the Springfield Magisterial District.

The parcels are operated by members of the Jasper family. The land has been operated as a conservation area, with no active farming. There is a residential house, a cottage, two garages, and a barn on the properties. The remainder of the property is maintained as open grass fields or forest land.

### LOCATION AND CHARACTER

The subject property is located in the southwestern quadrant of the county in the Wolf Run watershed of the Occoquan River and zoned R-C (Residential-Conservation). Generally, this Agricultural and Forestal District is surrounded by land which is also zoned R-C and planned for residential use at .1-.2 dwelling unit per acre (du/ac), or public or private park land. The property immediately to the south of the subject property

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



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**Integrity \* Teamwork \* Public Service**

**DEPARTMENT OF  
PLANNING  
& ZONING**

was formerly included in this Agricultural and Forestal District application for a total of 96.5 acres. This portion of the property was subdivided into four five-acre lots and is developed with single-family detached homes. The subject property is primarily open grass fields with some forested areas adjacent to a stream. The stream is surrounded by a wooded buffer as it traverses the northern portion of the property, with slopes extending alongside the stream as it enters the northeastern section of the property. The stream has been identified as a Resource Protection Area (RPA) as it enters the property on the west side.

## **COMPREHENSIVE PLAN MAP**

Residential use at .1-.2 dwelling unit per acre (5-10 acre lots), and private open space.

## **COMPREHENSIVE PLAN CITATIONS**

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

### **Land Use**

In the Fairfax County Comprehensive Plan, 2013 Edition, Area III Volume, Pohick Planning District, as amended through April 29, 2014, P5-Dominion Community Planning Sector, Recommendations, on pages 58-59:

#### “Land Use

Infill development in these neighborhoods 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.

1. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Land in the watershed of the Occoquan Reservoir should be planned for residential use within a density range of .1-.2 dwelling units per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant densities and the well-established character of existing development in this sector. . .
3. Agricultural and forestal uses are alternatives to residential uses in Low Density Residential Areas. Such uses, depending upon the techniques used, can have positive impacts on water quality. Careful attention should be paid to insure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan Reservoir watershed.”

In the Fairfax County Comprehensive Plan, 2013 Edition, Area III Volume, Pohick Planning District, as amended through April 29, 2014, on pages 7 and 9:

“The Pohick Planning District contains much of the wildlife habitat and rural landscape that remains in Fairfax County. Past actions taken by the governing body to protect water quality in the Occoquan Reservoir by restricting development to very low densities will help to perpetuate this character.

Land use controls have been used effectively throughout this district to maintain high water quality standards. Low densities, limited expansion of public facilities, and development designs that encourage preservation of water feature and other sensitive lands will contribute to water quality protection. A land use approach to maintaining water quality should be continued and broadened throughout the district. The following guidelines are suggested to achieve this objective:

- Maintain very low density development in the portions of the district that drain into the Occoquan Reservoir and in the area above Burke Lake...

The Pohick Planning District remains one of the largest areas of wildlife habitat in the county. Unlike other areas, the possibility exists for this district to support an ecosystem that would include carnivores at the top of the food chain that need a large range in order to survive. Low density development goes far in maintaining this habitat; however, more controls may become necessary as the rest of the county continues to accommodate more people. Environmental Quality Corridor (EQC) boundaries should be defined and preserved not only to protect water quality, but for the preservation of valuable habitat.”

## **Environment**

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan Volume, Environment, as amended through March 4, 2014, 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 March 4, 2014, 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 March 4, 2014, 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, 2013 Edition, Policy Plan Volume, Environment, as amended through March 4, 2014, 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 very low density residential character of this site and the surrounding area.

## **ENVIRONMENTAL ANALYSIS**

The property is subject to the County’s Chesapeake Bay Preservation Ordinance (CBPO), and a portion of the site contains a RPA as defined under the CBPO and is depicted on the attached map. An EQC as defined under the Policy Plan is also located on the subject property and depicted on the attached map. The RPA/EQC is associated with a tributary of Wolf Run. The EQC extends beyond the RPA and includes areas with steep slopes near the stream channel. The applicant is encouraged to protect and enhance the EQC in order to be consistent with Comprehensive Plan guidance. Specifically, any agricultural and silvicultural activities should be conducted outside the limits of the EQC. If any prior disturbance has occurred in the EQC, the applicants are encouraged to restore this area in accordance with guidelines for restoration of the RPA established by the Northern Virginia Soil and Water Conservation District.

The application indicates that a Soil and Water Conservation Plan was filed with the Northern Virginia Soil and Water Conservation District on November 6, 1989. The applicant should provide a current Water Quality Management Plan for the renewal of this district.

Barbara Berlin  
AR 89-S-005-03  
Page 7

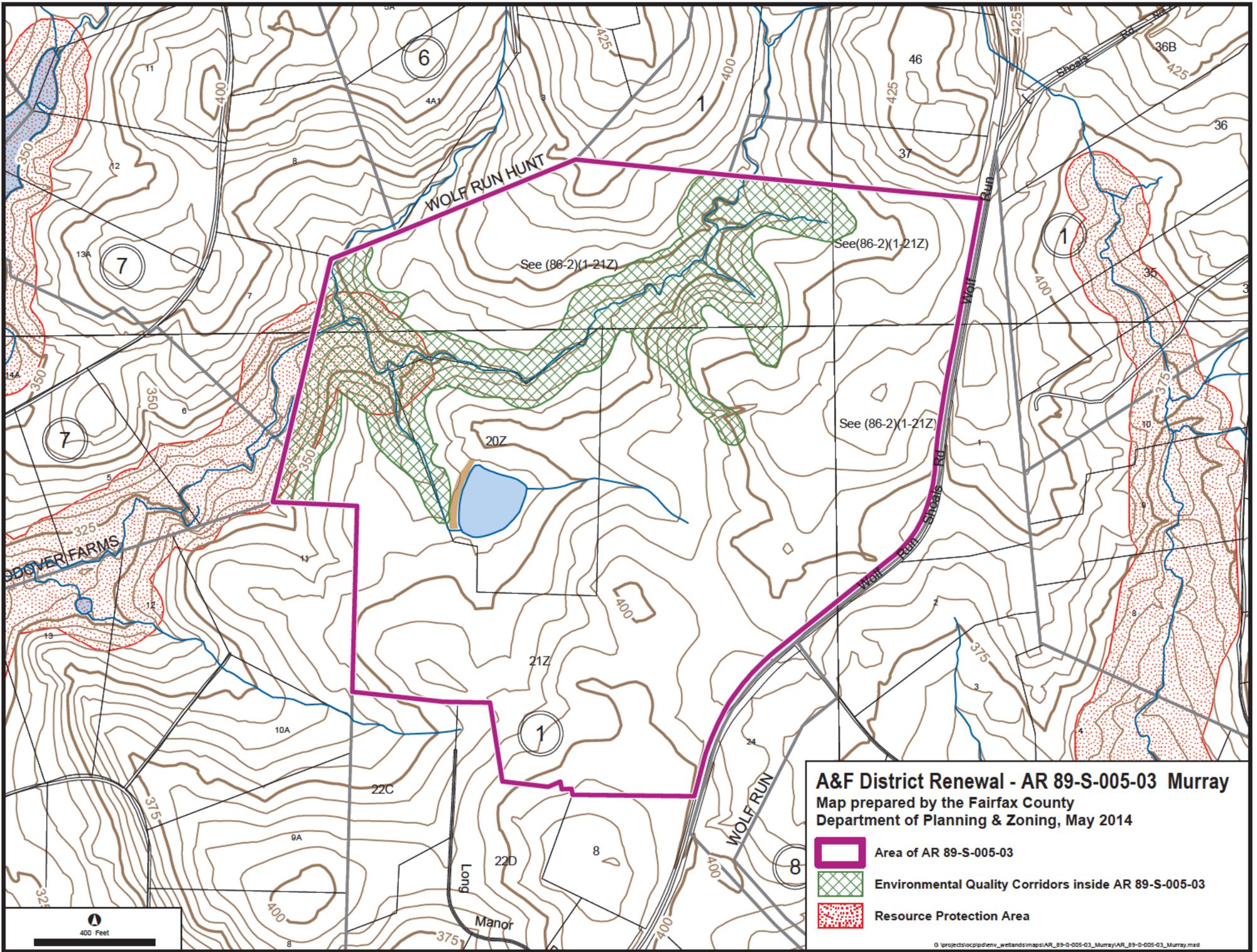
While it does not appear that any significant changes are proposed with this application, staff would strongly encourage the applicant to develop an updated Forestry Management Plan for the subject property which is sensitive to the RPA and EQC areas designated on the property.

**COUNTYWIDE TRAILS MAP:**

The Countywide Trails Plan depicts a Natural Surface or Stone Dust Trail (defined as typically six feet to eight feet in width) on the subject property's Wolf Run Shoals Road frontage.

PGN: BSS

Attachment



**A&F District Renewal - AR 89-S-005-03 Murray**  
 Map prepared by the Fairfax County  
 Department of Planning & Zoning, May 2014

- Area of AR 89-S-005-03
- Environmental Quality Corridors inside AR 89-S-005-03
- Resource Protection Area



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** April 25, 2014

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

**FROM:** Michael A. Davis, Acting Chief   
Site Analysis Section  
Department of Transportation

**FILE:** 3-4 (AF 89-S-005)

**SUBJECT:** Transportation Impact

**REFERENCE:** AR 89-S-005-3; William G. Murray, Trustee of Trust U/W  
of Jones D. Jasper  
Land Identification Map: 086-2 ((1)) 0020Z, 0021Z

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.

MAD/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 Owner/Operator:**

William G. Murray, Trustee of Trust U/W of Jones D. Jasper  
 Agricultural and Forestal District – AR 89-S-005-03  
 6712 Wolf Run Shoals Road  
 Fairfax Station, VA 22039-1726  
 Tel: 703-978-4166 (H)

**Plan Prepared by:** Willie Woode, Senior Conservation Specialist, NVSWCD

**Date:** June 2, 2014

**Background and summary of operation:**

This is an approximately 81-ac. property in the Occoquan River Watershed (PL47). It consists of two parcels, and is located at 6712 Wolf Run Shoals Road, in Fairfax Station. The property is pending renewal of its Agricultural and Forestal District status.

About 54 acres (greater than 60%) of the property is in hay production. These fields were observed to be in generally good condition.

Another 20 acres of the property is forested. A one-acre pond exists toward the center of the property, adjacent to approximately 6 acres in residential use.

An estimated 1,378 linear feet of Chesapeake Bay Resource Protection Area (RPA) is delineated within the property. The RPA overlays a portion of field #6 (see map) and a wooded area.

**Plan Content:** This plan contains recommendations for:

Nutrient management

Resource Protection Area (RPA) management

Integrated Pest Management

Pond management

Hayland Management

Recommendations for Converting portions of the hayland into hardwood forest  
Upland and riparian zone Management,

**Practices:**

**1) Nutrient Management:**

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

The nutrient management plan shows recommended nutrient application based on soil test results. Soil test results show pH levels and nutrient needs

A soil pH of 6.0-6.2 is ideal for cool season grasses. This range makes plant macro- & micro-nutrients become readily available for uptake by the grasses. Lime application recommendations are also shown in the spreadsheet.

Areas	Planned Amount	Month	Year	Applied Amount	Date
Field 1&2	8.0 acs.	6	2014		
Field 3	18.0 acs.	6	2014		
Field 4	11.0 acs.	6	2014		
Field 5	10.0 acs.	6	2014		
Field 6	5.0 acs.	6	2014		
Total	54.0 acs.				

**2) Chesapeake Bay Resource Protection Area (RPA) management:**

The shaded area on the site map shows the Fairfax County delineated Chesapeake Bay Resource Protection Area (RPA). RPAs are required to be kept densely vegetated to enhance surface filtration and soil infiltration of pollutants contained in surface runoff before they enter state waters. A portion of field 6 is within the delineated RPA. Areas that are within the RPA and in use as hay field should be treated with special care to minimize erosion. They can only be exposed to chemical use if it becomes absolutely necessary. Even in such conditions, chemical applications should be done strictly according to the label, and by/under the supervision of an experienced, certified, chemical applicator.

Maintenance of existing vegetative buffer is required through improved forest management practices that meet the Chesapeake Bay Buffer management standards, or as recommended by the VA Department of Forestry..

Areas	Planned Amount	Month	Year	Applied Amount	Date
Field 6	270 ft.	6	2014		
Wooded Area	1,108 ft.	6	2014		
Total	1,378 ft.				

**3) Pest Management:**

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

Areas	Planned Amount	Month	Year	Applied Amount	Date
Field 1 & 2	8.0 acs.	6	2014		
Field 3	18.0 acs.	6	2014		
Field 4	11.0 acs.	6	2014		
Field 5	10.0 acs.	6	2014		
Field 6	5.0 acs.	6	2014		
Pond	1.0 ac.	6	2014		
Resid. Area	6.0 acs.	6	2014		
Wooded Area	21.8 acs.	6	2014		
Total	80.8 acs.				

**6) Farm Pond Management (399):**

Continue to maintain the onsite pond (one acre), to keep a balanced fish population and keep aquatic weeds under control. Pond management needs can be provided upon request.

Areas	Planned Amount	Month	Year	Applied Amount	Date
Pond	1.0 ac.	6	2014	6	2014
Total					

**7) Upland Wildlife Management (645):**

**Upland and Flood Plain Riparian Forest Management**

Natural resource preservation practices must be implemented to preserve trees, wildlife and their habitats that are within these forested zones. The forest management plan provided by VA Department of Forestry provides most of the basic practices to protect and enhance forested areas.

Regarding riparian zone management, the stream corridor must be inspected at frequent intervals; especially after major storm events to be sure a fallen tree or other drifted objects are not lodged such that they create erosive conditions within the channel. If such an occurrence is observed, the fallen tree or lodged object should be removed as soon as possible before the next major storm event. Prompt measures should be taken to address any actively eroding bank area. The NSWCD has trained staff to provide basic bank stabilization techniques upon request.

<b>Area</b>	<b>Planned Amount</b>	<b>Month</b>	<b>Year</b>	<b>Applied Amount</b>	<b>Date</b>
<b>Wooded Area</b>	<b>21.8 acs.</b>	<b>6</b>	<b>2014</b>	<b>6</b>	<b>20014</b>
<b>Total</b>	<b>21.8 acs.</b>				

**8) Record Keeping (991):**

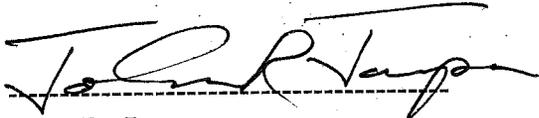
A system of records indicating on-farm activities such as dates and applications of nutrients or pesticides should be developed and maintained. A specimen record sheet is included.

<b>Areas</b>	<b>Planned Amount</b>	<b>Month</b>	<b>Year</b>	<b>Applied Amount</b>	<b>Date</b>
Field 1 & 2	8.0 acs.	6	2014		
Field 3	18.0 acs.	6	2014		
Field 4	11.0 acs.	6	2014		
Field 5	10.0 acs.	6	2014		
Field 6	5.0 acs.	6	2014		
Pond	1.0 ac.	6	2014		
Resid. Area	6.0 acs.	6	2014		
Wooded Area	21.8 acs.	6	2014		
Total	80.8 acs.				

SIGNATURE THE PARTICIPANTS OF THE

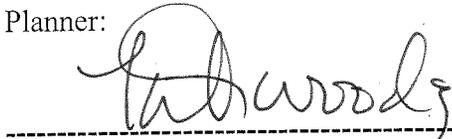
William G. Murray, Trustee of Trust U/W of Jones D. Jasper  
Agricultural and Forestal District – AR 89-S-005-03

Contact/Representative:

  
-----  
John R. Jasper

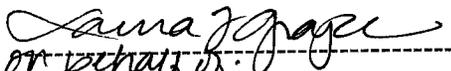
7-10-14  
Date

Planner:

  
-----  
Wilfred Woode

6/24/14  
Date

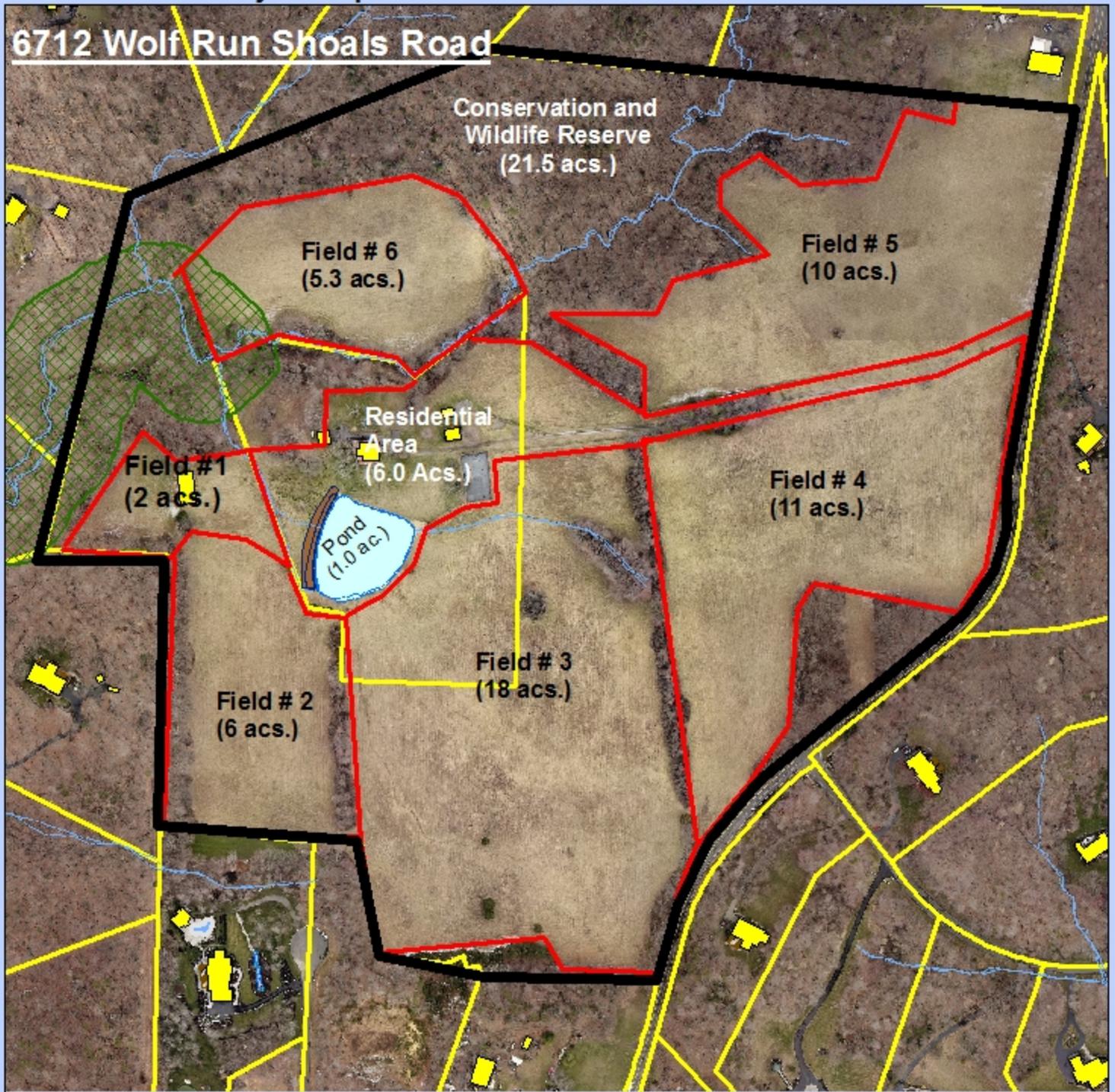
District Authority:

  
on behalf of: -----  
Chairman

7/3/14  
Date

# Murray/Jasper A&F District - AR-S-005-03

6712 Wolf Run Shoals Road



## Legend

- 1993 RPAs
- 2003 RPAs
- 2003 (Rev) RPAs
- Resource Management Areas (RMAs)
- PARCELS
- Property Limits
- Field Limits
- Stream Channels

Prepared by Willie Woode- NVSWCD  
Using Fairfax County's 2013 Orthophoto and GIS Layers

410 205 0 410 Feet

(Scale may not be accurate)



Bettina Ring  
State Forester



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY  
12055 Government Center Parkway  
Suite 904  
Fairfax VA 22035  
703-324-1489 (o)  
571-512-8525 (c)

June 10, 2014

Mr. John R. Jasper  
6712 Wolf Run Shoals Rd.  
Fairfax Station VA 22039-1726

Dear Mr. Jasper,

I visited your property on May 14, 2014 and have written up my findings in the enclosed land use plan. One pleasant surprise of my visit was finding a small patch of healthy forest along Wolf Run Shoals Road just south of your drive way. You will see that I have written it up as a separate stand in the plan. In addition to the written plan, I have included a stand map, an RPA map and several documents relating to non-native invasive species.

For your convenience I have provided a copy of my report to the Fairfax County Department of Planning and Zoning as part of your application to renew you Agricultural and Forestal District. If you have any questions about this plan or forest management, please call or e-mail me.

Respectfully,

James McGlone  
Urban Forest Conservationist

cc: DPZ; file



REPORT ON FORESTLANDS  
OF  
John and Christine Jasper  
6712 Wolf Run Shoals Road  
Fairfax Station VA 22039-1276

**Location:** The property is on Wolf Run Shoals Road, northwest of the intersection with Rutledge Drive. Fairfax County AFD AR-89-S-005-03 DOF number FAX14003

**Examined by:** James McGlone, Urban Forest Conservationist

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

**Introduction:** This is an 80.8 acre property that is less than half forest. The property includes mowed fields, a large pond, and a residence with attendant landscaping and out-buildings. The property is bounded on all sides by large, forested residential properties. There are two intermittent drainages that run generally east to west through the property. One runs through the fields south of the drive and feeds the pond; the other is north of the residence. The drainages join north of the barn to form an unnamed first order perennial stream. There is a Resource Protection Area (RPA) associated with this stream (see attached map).

**Land form and Soils:** The property is located in the piedmont uplands of Fairfax County. The dominant soil type is Glenelg, a deep, well drained soil suitable for production of hardwood forest. Other soils on the property are generally alluvial descendants of Glenelg and are also suitable for hardwood forest.

**Water Quality:** No active erosion was observed along the southern drainage, which rises in the fields on the property. The northern drainage and stream exhibit channel erosion and incision, and are disconnected from their flood plain. This drainage system extends to the north off the property all the way to Chapel Road; this larger drainage area with more impervious surface explains the poorer condition of this stream. The land use on this property generally protects the stream and contributes little to the erosion of the stream channel.

**Resource Protection Area:** RPAs are established by Fairfax County under authority of the Virginia Chesapeake Bay Act. The purpose of the RPAs is to protect water quality by providing a vegetative buffer to all streams. In general, a citizen may not disturb vegetation in an RPA without permission from the county. There is an exception for maintained landscape established prior to the RPA designation. This means that in areas of the RPA that have been maintained as fields, maintenance may be continued without reporting to the county.

**Invasive species:** Non-native invasive species are a general resource management concern because they crowd out native plants and do not integrate well into the ecology of the area. The most problematic invasive plants are not eaten by any native wildlife, including insects. Since insect grazers are food for approximately 96% of all bird species nestlings, these plants fail to support our native birds and other wildlife. Additionally many of the vines kill mature trees, as evidenced in the eastern fence row where oriental bittersweet and porcelain berry are smothering and will eventually pull down the trees.

There are several invasive plant species on the property and they are found throughout the property. I noted Japanese honeysuckle (*Lonicera japonica*), porcelain berry (*Ampelopsis brevipedunculata*), multi-flora rose (*Rosa multiflora*) oriental bittersweet (*Celastrus orbiculata*), and Japanese barberry (*Berberis thunbergii*) on the property. Autumn olive (*Elaeagnus umbellata*) is growing along most of the forest edges and is a particular problem, as it readily invades fields. There is one autumn olive tree growing in the line of dogwoods along the drive, which I flagged with orange tape and have noted with a dot on the enclosed map. I have included fact sheets on all of these plants, explaining the issues with them and control strategies. For more information on invasive plants visit:

[http://www.dcr.virginia.gov/natural\\_heritage/invspinfo.shtml](http://www.dcr.virginia.gov/natural_heritage/invspinfo.shtml).

**Wildland Fire:** The fire danger on this property is fairly low. The current landscape should provide adequate defensible space to protect the buildings from wildfire. The pond provides a good water source for fighting fire. If a fire should start, call 911.

## Stand A

This stand encompasses most of the forest on the property, and includes the entire northern woodland, the fencerows and most of the woods along the perimeter of the property.

**Forest Type:** Upland mixed hardwood forest. The dominant species is tulip poplar (*Liriodendron tulipifera*); there are also white oak (*Quercus alba*), red oak (*Q. rubra*), beech (*Fagus grandifolia*), black walnut (*Juglens nigra*), black gum (*Nyssa sylvatica*), red maple (*Acer rubrum*), American hornbeam (*Carpinus carolinana*), and black cherry (*Prunus serotina*) present.

**Quality/Size:** Mature trees.

**Forest Health:** the trees here are mostly in good condition.

**Discussion:** The forest canopy here is currently in generally good shape and meeting the landowner's goals. However, the presence of non-native invasive species and the total lack of regeneration suggests the forest in this stand is in poor overall health and will not exist beyond the current generation of canopy trees. The lack of regeneration is likely due to heavy deer browse.

**Recommendation:** This stand suffers from the same thing most forests in Fairfax County suffer from: non-native invasive species and excessive deer browse. While visiting the property I saw at least eight deer browsing in the far southwest corner at 12:41 pm, an unusual time for animals that are most active at dawn and dusk.

Removal of non-native invasive species would be ideal, but focus should be on cutting vines growing on trees and removal of autumn olive. The vines will kill mature trees and autumn olive will spread into the fields.

Reducing the size of the deer herd will not only benefit this property, but also surrounding properties. A tree stand in the woods north of the barn indicated that some herd management is taking place, this should be continued and expanded. For more information about deer management in a suburban setting visit: [www.greenfireweb.com](http://www.greenfireweb.com).

## Stand B

**Forest Type:** Mid-successional mixed pine and hardwood. Tree species present: Virginia pine (*Pinus virginiana*), red maple, black gum, tulip poplar, American beech, white oak, southern red oak (*Quercus falcate*), pin oak (*Q. palustris*) and flowering dogwood (*Cornus florida*). I also noted green briar (*Smilax* spp.), early lowbush blueberry (*Vaccinium pallidum*) and arrowwood (*Viburnum dentatum*) as understory species and regeneration of the canopy species in the woods and the field edge.

**Quality/Size:** up to 16 inches diameter at breast height.

**Forest Health:** This forest patch is in exceptional health, both in terms of the individual trees present and as a system.

**Discussion:** I set this small stand apart from the rest of the forest on the property because it is a good example of what a Fairfax County forest should look like. The only issue is that there is some multi-flora rose and autumn olive invading the stand. If no other work is done on the property, this small stand is worth protecting and expanding.

**Recommendation:** Remove autumn olive and multi-flora rose from the stand. Allow the stand to expand by not mowing near the edge; there are already tree and shrub seedlings established in the field.

## Stand C

**Forest Type:** mixed pine and hardwood similar in composition to other stands.

**Quality/Size:** mature

**Forest Health:** The trees here are mostly in good shape, but the forest is in the end of transition from pine to hardwood, so the pines are in decline.

**Discussion:** This stand was set apart because of the large, old Virginia pines on either side of the drive. These trees are suffering from competitive stress from the surrounding hardwoods and are a potential hazard to the drive way.

**Recommendation:** Monitor the Virginia pines in the stand, as they begin to show signs of significant decline through die back in the crown or splitting bark, consider removing or felling them before they fall across the drive.

### **Other Notes**

I did a level one risk analysis of the trees around the house. This consists of a ground based visual observation of the trees. I saw no obvious defects in the trees, but you should continue to monitor the trees for health. Look for signs of excessive insect activity, unusual curling or discoloration of leaves, bark cracks or unusual peeling, and/or dead branches in the top of the crown. You should also engage a certified arborist to manage the health of these trees; they are a valuable asset and need regular professional health care to remain so.



## Jasper Landuse Plan

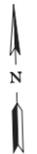
DOF Tract: FAX14003; AFD# AR 89-S-005-03



Boundaries are approximate from aerial photography

Map By: James M. McGlone

Report Date: Tuesday, May 20, 2014



Map file is 50' X 75' based on USGS 1:24,000 scale 7 1/2 minute Quad. Virginia Coordinate System values are of 1983 North Zone in U.S. feet based on NAD 83/93 High Precision GPS Network adjustment. National Geodetic Vertical Datum 1929

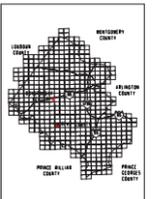
**GENERAL NOTES**

AGRICULTURAL AND FOREST:  
\*\*A&F  
Expiration:  
S-5 Jul. 29, 2006

**CHESAPEAKE BAY PRESERVATION AREAS**

- LEGEND
- Resource Protection Areas (RPAs)
  - 1993 RPAs
  - 2003 RPAs
  - 2003 (Rev) RPAs
  - Resource Management Areas (RMAs)
- 07/12/2005

The information contained on this page is NOT to be construed or used as a "legal description". It is not a survey product and not to be used for the design, modification or construction of improvements to real property or for flood plain determination. Fairfax County does not provide any warranty of accuracy or completeness regarding the map information. Any errors or omissions should be reported to the Fairfax County Geographic Information Services Branch of the Department of Information Technology. In no event will Fairfax County be liable for any damages, including but not limited to loss of data, lost profits, business interruption, loss of business information or any other pecuniary loss that might arise from the use of this map or information it contains.



**ADMINISTRATIVE INDEX**

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86-1	86-2	87-1
86-3	86-4	87-3

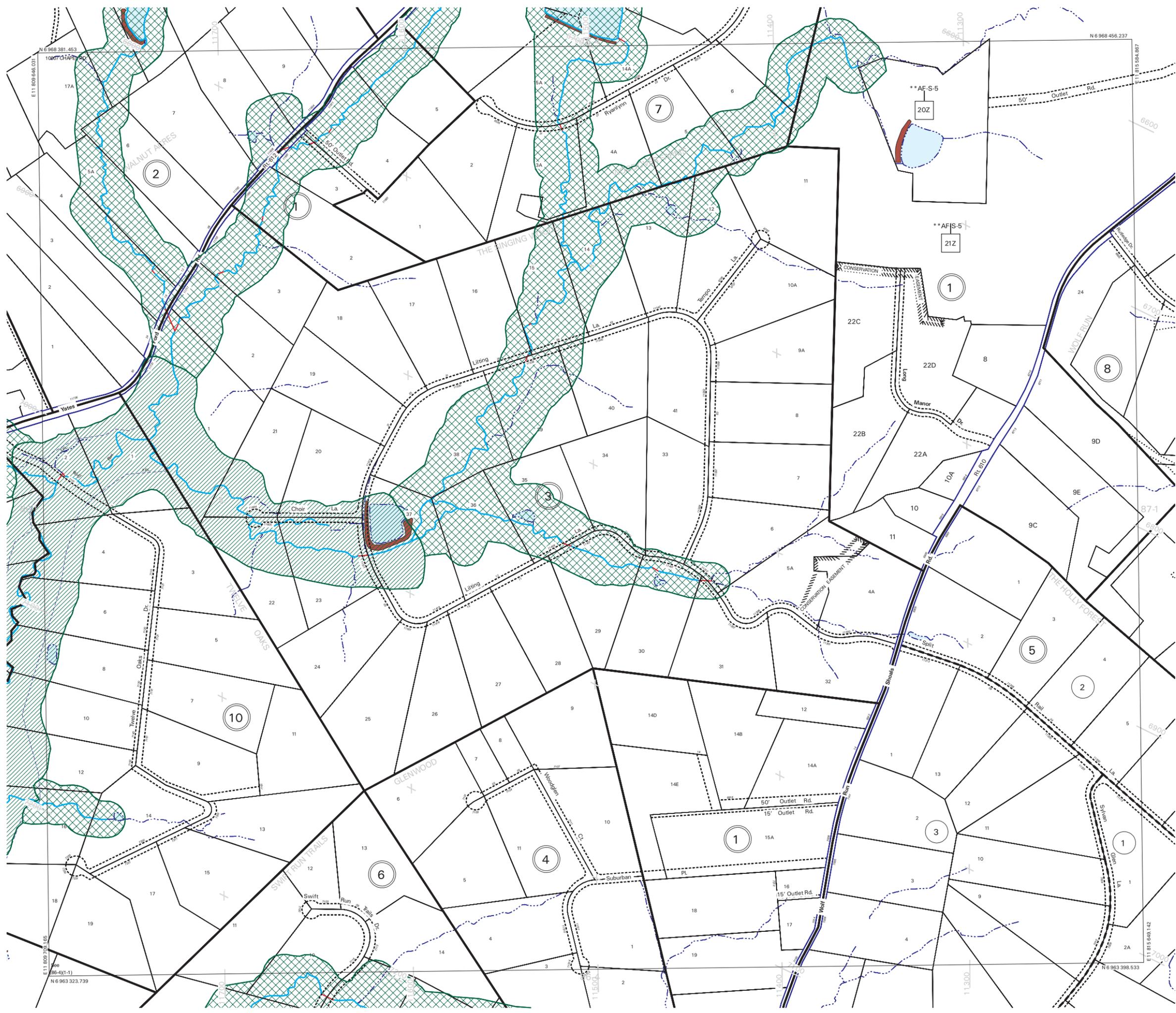
**SHEET INDEX**

**PROPERTY MAP**

**86-2**

Revised to: 08/01/05

Prepared by:  
DEPARTMENT OF INFORMATION TECHNOLOGY  
Enterprise Services Division  
Geographic Information Services  
12000 Government Center Parkway, Suite 117  
Fairfax, Virginia 22035-0010  
(703) 324-2712  
FAX (703) 324-3937



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

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

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

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

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

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

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**§ 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.

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**§ 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.

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

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

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

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

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

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**§ 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.

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**§ 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.

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**§ 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.

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

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

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

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

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

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

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

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

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

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

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

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

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**§ 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.

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**§ 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.

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**§ 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.

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

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

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

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

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

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**§ 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.

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**§ 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.

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**§ 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.

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**FAIRFAX COUNTY, VIRGINIA**

**MEMORANDUM**

**DATE:** June 26, 2014

**TO:** Members, Planning Commission  
Members, Board of Supervisors

**FROM:** Agricultural and Forestal Districts Advisory Committee

**SUBJECT:** Recommendations on the Jasper Local Agricultural and Forestal District;  
Application AR 89-S-005-03

The Agricultural and Forestal Districts Advisory Committee met on June 24, 2014, to review the application to renew the Reed Local Agricultural and Forestal District (Application AR 89-S-005-03 and made the following findings:

- The Jasper Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Jasper Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Jasper Local Agricultural and Forestal District fulfills all of the applicable criteria in Group A, and two (2) of the criteria in Group B (found in Chapter 115 of the Fairfax County Code).

The Agricultural and Forestal Districts Advisory Committee therefore unanimously recommends that Appendix F of the Fairfax County Code be revised to renew the Jasper Local Agricultural and Forestal District. The Advisory Committee further recommends that the establishment of this district be subject to the Ordinance Provisions which are contained in Appendix 1 of the staff report.

## GLOSSARY

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

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

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

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

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

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

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

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

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

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

damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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