



APPLICATION ACCEPTED: March 12, 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

### WHITNEY LOCAL AGRICULTURAL AND FORESTAL DISTRICT

#### APPLICATION AR 2006-DR-001

#### DRANESVILLE DISTRICT

**APPLICANT:** John H. & Barbara Whitney

**ZONING:** R-E

**PARCEL(S):** 3-3 ((1)) 32Z

**ACREAGE:** 21.7

**PLAN MAP:** Residential, 0.2 -0.5 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 establish the Whitney 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 8.

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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).



# A&F District Renewal

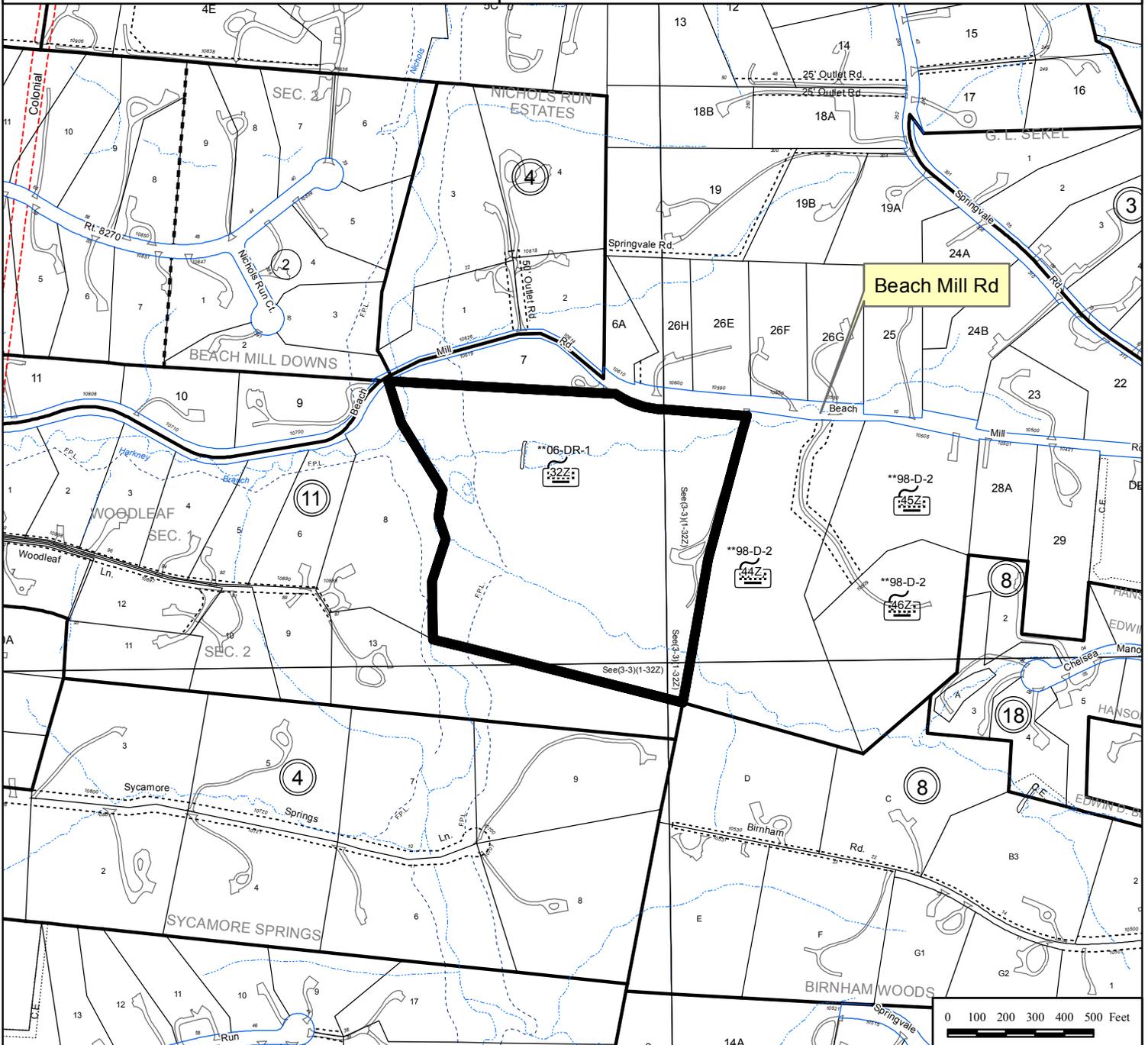
AR 2006-DR-001



Applicant: WHITNEY, JOHN H. AND BARBARA  
Accepted: 03/12/2014  
Proposed: RENEWAL OF AF 2006-DR-001  
Area: 21.7528 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: Located: 10607 BEACH MILL ROAD, GREAT FALLS, VA 22066

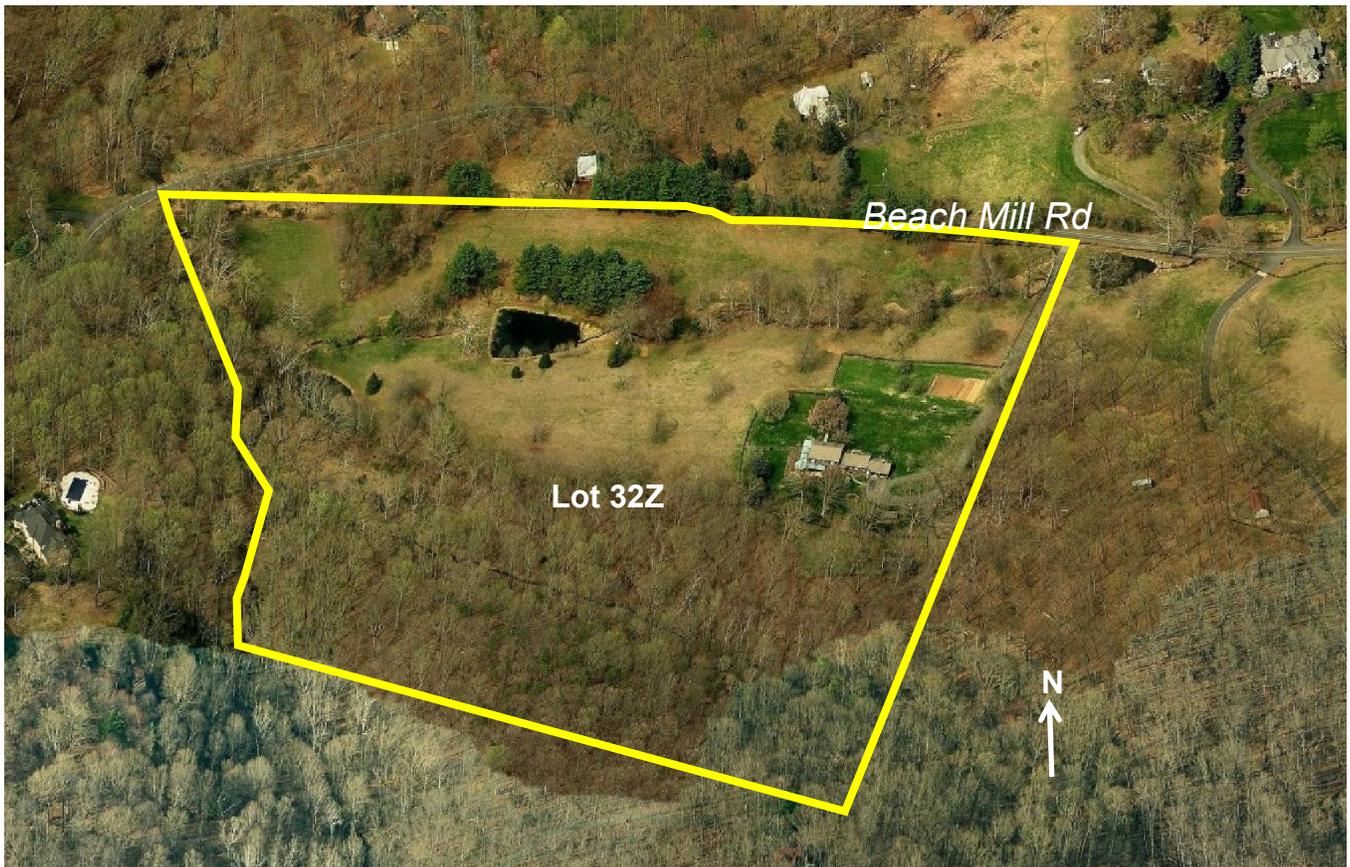
Zoning: R- E  
Overlay Dist:  
Map Ref Num: 003-3- /01/ /0032Z



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

**DESCRIPTION OF APPLICATION**

AR 2006-DR-001 is a request to renew the Whitney 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 specified 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, per 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 one 21.7 acre parcel located on the south side of Beach Mill Road, approximately 1,250 ft. west of Springvale Road, in the Springvale section of the Dranesville District. The property has approximately 200 feet of frontage along Beach Mill Road.

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

The front half of the property is mostly open pasture land (grass and hay fields) and contains the main house, stable, and shed that are accessed by a long driveway off Beach Mill Road. There are also two small ponds near the northwest corner of the property. The southern portion of the lot is heavily wooded with mature deciduous trees. Just south of Beach Mill Road, the driveway crosses a bridge over an unnamed tributary to Nichol Run. Another unnamed tributary to Nichol Run runs west through the wooded portion of the site. Both of these streams flow into Nichol Run itself, which runs along the district's western boundary line. The applicant indicates six acres are used for Christmas tree cultivation and firewood harvesting. The remainder of the property, outside the residential area, is kept in a natural state.

### **Surrounding Area Description:**

The subject property and surrounding area are zoned R-E (Residential Estate) and are planned for residential uses at 0.1-0.2 or 0.2-0.5 dwelling units per acre. The surrounding lot sizes are generally in the 5 to 20 acre range. The Jenkins Local Agricultural and Forestal District is directly abutting to the east.

### **Background:**

The subject property has been owned by the applicant's family for over 40 years. The applicant built the present residence in 1973 and barn structure in 1975. Within the past eight years the applicant has continued to maintain the property and harvest firewood. A new spillway was constructed for the larger pond and rip-rap was installed along the stream banks for erosion control. Christmas trees have also been planted on about 0.5 acre of the property.

## **COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	Area III
<b>Planning District:</b>	Upper Potomac
<b>Planning Sector:</b>	Riverfront Sector (UP1)
<b>Plan Map:</b>	Residential use at a density of 0.2 to 0.5 dwelling units per acre.

## **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 abuts Nichol's Run and contains two unnamed tributaries to that stream. Resource Protection Areas (RPA) are mapped along all of these creeks. These areas are also designated as Environmental Quality Corridors (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.

### **Parks Analysis (Appendix 5)**

The Park Authority supports the establishment of A&F districts as they further goals of the FCPA policy manual. The FCPA recommends that if the site is ever disturbed, that it be subject to an archeological survey and any appropriate assessments. An ordinance provision to this effect is proposed.

### **Soil and Water Conservation District Analysis (Appendix 6)**

Although this application is for a forestal district with Christmas tree and firewood production a conservation plan has been prepared for pasture areas. The plan notes that erosion is a problem along both of the tributary streams, though evidence of past stabilization measures was observed. Key recommendations for the property include nutrient management and pest management for the Christmas tree operation and erosion stabilization improvements for the ponds and streams banks. Full descriptions of the NVSWCD recommendations are contained in Appendix 5. A condition requiring conformance to these recommendations is contained in the proposed ordinance provisions.

### **VA Department of Forestry Analysis (Appendix 7)**

After conducting a site visit, the State forester concluded that the wooded areas have not changed substantially since 2006, and noted that deer browse continues to be the most significant problem. As such, the recommendations from the 2006 plan continue to be applicable and no new forest management plan is necessary at this time. That 2006 plan is provided in Appendix 6 for reference. A condition

requiring continued adherence to the 2006 recommendations 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.*

Approximately 2.0 acres of the property are used for residential purposes, with the remainder undeveloped or devoted to Christmas tree and firewood production. Therefore, it is staff's evaluation that this criterion is satisfied.

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

The property is zoned R-E; 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 0.2 to 0.5 dwelling units per acre (du/ac). Therefore, this criterion has been satisfied.

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

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for low density residential use at 0.1 to 0.2 or 0.2 to 0.5 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 qualifies as a forestal district, Therefore, this criterion is not applicable.

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

The district contains a total of 21.7 acres and consists of one parcel under a single owner. The State Forester has determined that approximately 11 acres are forested. Therefore, this criterion has been satisfied.

*7. Approximately 2/3 of the land in agricultural use in the district should contain Class I, II, III, or IV soils as defined by the USDA Soil Conservation Service. Districts having more than 1/3 of the land in agricultural use containing Class V-VIII soils may be considered if such lands have been improved and are managed to reduce soil erosion, maintain soil nutrients, and reduce non-point pollution.*

The property qualifies as a forestal district. The only agricultural use on the site is Christmas tree production in addition to grass and hay production, and therefore this use is more appropriately controlled by a forest management plan. The Forest Management Plan prepared by the Virginia Department of Forestry will be used as a guide for the applicant to control soil erosion.

*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 more than 40 years and there is a long history of improvements. During the last eight years the applicant indicates that the following improvements were made:

- Construction of extensive wood fencing to replace an existing barbed wire fence.
- Installation of two ponds and appropriate spillway protection for water and soil erosion control.
- Purchase of farm equipment
- Installation of rip-rap to prevent soil erosion on the northern stream
- Planting trees in the pasture area
- Continued planting of Christmas trees

Criteria Group B:

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

Firewood has regularly been harvested for the past forty years. In addition, Christmas trees have been planted. Therefore, this criterion has been satisfied.

2. *The land provides scenic vistas, improves the aesthetic quality of views from County roads or contributes to maintaining the existing rural character of an area.*

The property has over 200 feet of undeveloped frontage along Beach Mill Road and contributes to the rural character of this section of Great Falls. 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).*

The BMP practices present on the property include appropriate spillway protection to prevent erosion for the ponds, protection of the chute connecting the stable with the pasture and the planting of trees to prevent soil erosion. Therefore, this criterion has been met.

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

The subject property is zoned R-E. Therefore, this criterion is not satisfied.

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

The subject property is not located within a permanent open space easement; 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 three of the criteria in Group B, namely, history of forest cultivation, rural character, and effective BMP measures..

**AFDAC RECOMMENDATION** (Appendix 9)

On June 24, 2014, the Agricultural and Forestal District Advisory Committee voted to recommend that the Whitney 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 Whitney 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 2006-DR-001, to amend Appendix F of the Fairfax County Code to renew the Whitney 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. Park Authority Analysis
6. Northern Virginia SWCD Plan
7. Forest Management Plan
8. Virginia State Tax Code Provisions
9. AFDAC Memorandum
10. Glossary

## ORDINANCE PROVISIONS

June 13, 2014

AR 2006-DR-001

If it is the intent of the Board of Supervisors to establish the Whitney Local Agricultural and Forestal District as proposed in Application AR 2006-DR-001 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 3-3 ((1)) 32Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

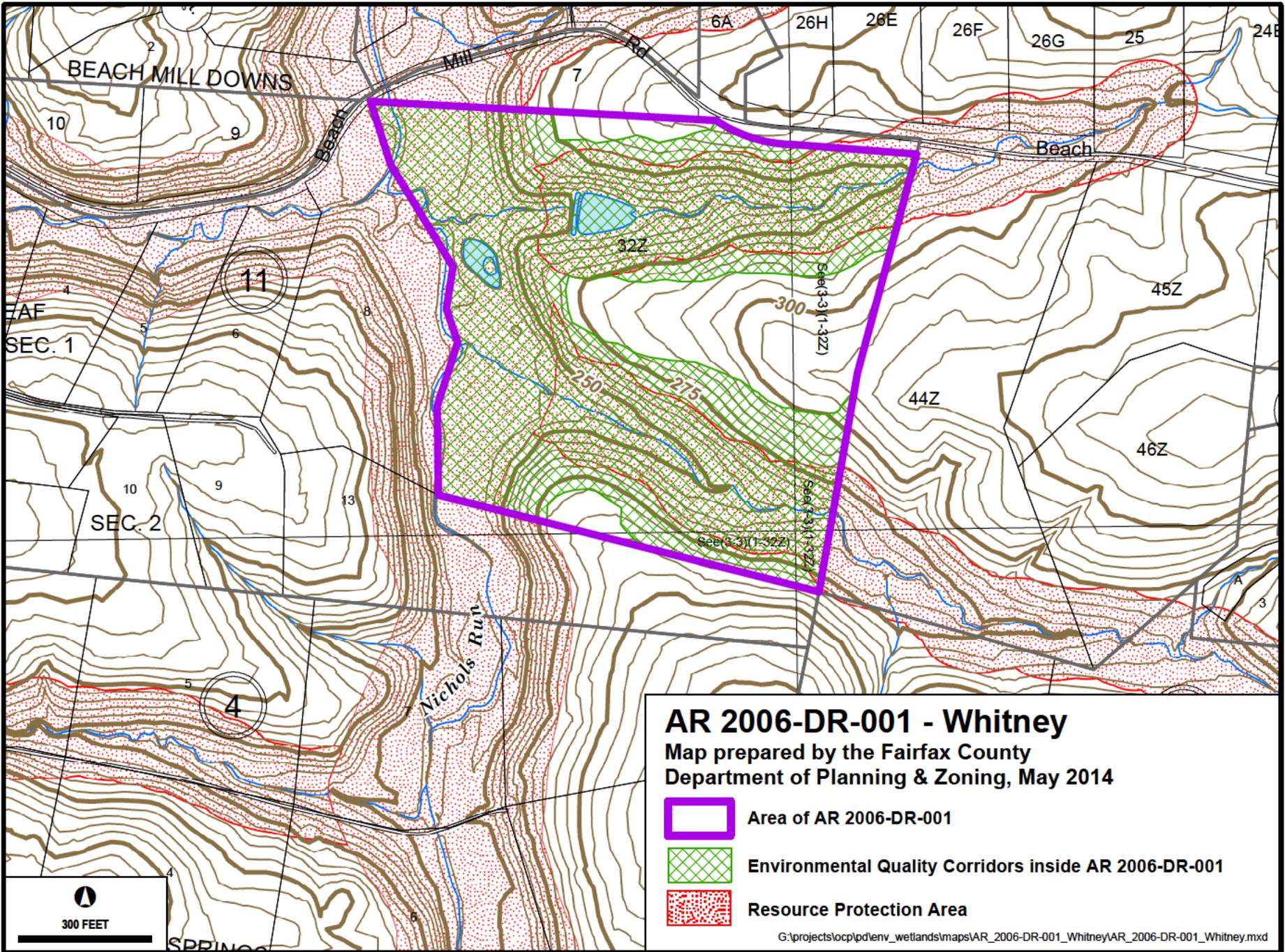
### Standard Provisions (From Chapter 115)

- (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 22, 2006, for the life of the Whitney 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 (see attached map).
- (7) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated May 23, 2014, for the life of the Whitney 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) If land disturbing activity is undertaken in the district, the Cultural Resource Management and Protection (CRMP) Section of the Fairfax County Park Authority shall be permitted to survey the property and recover artifacts. Surveys and other similar activities of the CRMP shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties established before each occurrence.
- (9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration shall be in accordance with procedures established by the Board of Supervisors and communicated to the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.



## AR 2006-DR-001 - Whitney

Map prepared by the Fairfax County  
Department of Planning & Zoning, May 2014

-  Area of AR 2006-DR-001
-  Environmental Quality Corridors inside AR 2006-DR-001
-  Resource Protection Area

Application No. AR 2006-DR-001

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

**FAIRFAX COUNTY**

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

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Whitney, John H. and Barbara				
10607 Beach Mill Road				
Great Falls, VA 22066				
	003-3-01-00322	1971	R-E	21.75

3. Total acreage in the proposed district: 21.75 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm        forest 1.

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

Name: John H Whitney  
Address: 10607 Beach Mill Road  
Great Falls, VA 22066  
Telephone: (703) 759-2098

6. Signature of all property owners:

John H Whitney  
Barbara Whitney  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO BE COMPLETED BY THE COUNTY

*Virginia Ruffner*

Date application accepted: 3/12/14

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
MAin Dwelling	1973	Residence
BARn	1975	Stable
Shed	Not known	Equipment Storage

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:

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

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Spillway construction for large pond

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Overflow repair for two ponds

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Christmas tree planting

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Erosion protection (rip rap) along creek banks

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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: October 1997

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

If yes, date submitted: \_\_\_\_\_

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

Product	Past year's yield	Average yield for previous 4 years
<u>Firewood</u>	<u>2-4 Cords</u>	<u>1-3 Cords</u>



## Statement of Justification

The property proposed for a Forestal District renewal provides for the development and improvement of the County conservation and forest lands. In addition, there is a demonstrated record of enhancing the natural and ecological resources by providing an open space for clean air shed, watershed protection and wildlife purposes.

The property is proposed as a Forestal District since it meets the Category A and Category B requirements of the County as described below.

### Category A Criteria

The property meets all of the Criteria Group A as described below:

(1) The proposed district is presently devoted to conservation and forestal use and is undeveloped. The proposed district consists of 21.7 acres. Approximately 2 acres are presently devoted to residential use.

(2) The proposed district is presently zoned R-E.

(3) The land use is consistent with the Comprehensive Plan and the present dwelling density for the proposed district is less than 0.05 dwelling per acre.

(4) The land within one-quarter mile of the proposed district is planned according to the Comprehensive Plan for a dwelling density of 0.2 to 0.5 dwellings per acre.

(5) and (6) The proposed district is 21.7 acres in size, consists of a single parcel of land and is owned by John and Barbara Whitney.

(7) No land in the proposed district is in major agricultural use.

(8) No land in the proposed district is in major agricultural use.

(9) The wooded and undeveloped land is maintained in an undisturbed state except for wood removal and walking trails in the forest area.

(10) There has been a continuing effort to maintain the proposed district by investing in farm and forest improvements. Some of these include:

- Construction of extensive wood fencing to replace barbed wire fencing in poor condition.
- Installation of two ponds for water control. This includes appropriate spillway protection to prevent soil erosion.
- Building a stable with protected chute to pasture again to prevent soil erosion.
- Purchase of needed farm equipment including a tractor with mower and front end loader and chain saws.
- Installation of considerable rip rap to prevent soil erosion on the creek on the north side of the property. This has been necessary along the creek both above and below the large pond.

- Planting hardwood trees in the pasture to provide shade.
- Planting Christmas trees.

In addition to the direct investments, the proposed district is well maintained. The pasture is mowed approximately every two weeks, the brush in the pasture is cleaned up annually and the wooded trails are cleaned and maintained about once a year.

### **Category B Criteria**

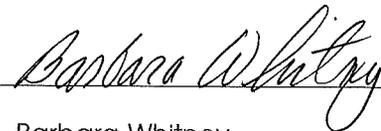
The property in the district meets three of the criteria as described below:

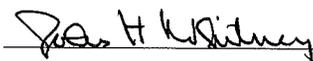
(1) Firewood has regularly been harvested from the proposed district for the past thirty years. In addition, Christmas trees have recently been planted.

(2) The proposed district provides a scenic vista and improves the aesthetic quality of the County. It also provides a wildlife habitat and preserves the rural character of the area.

(4) The proposed district has been developed following Best Management Practices for the agricultural operation. Although they may not be unique, they are partially effective. Specific examples are:

- Appropriate spillway protection to prevent soil erosion for the ponds.
- Protecting the chute connecting the stable with the pasture to prevent soil erosion.
- Installation of rip rap to prevent soil erosion along the creek both above and below the large pond.
- Planting trees to prevent soil erosion.

  
\_\_\_\_\_  
Barbara Whitney

  
\_\_\_\_\_  
John H. Whitney

12/27/2013

Date:



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 20, 2014

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** **Land Use and Environmental Assessment: AR 2006-DR-001**  
John and Barbara Whitney

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed agricultural and forestal district renewal. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### DESCRIPTION OF THE APPLICATION

The applicant seeks to renew approval for a 21.75-acre Agricultural and Forestal (A & F) District which encompasses one parcel located in the Riverfront Community Planning Sector UP1 within the Upper Potomac Planning District. The statement of justification indicates that approximately 2 acres are in residential use, 11.5 acres are devoted to forestal use and 8.2 acres are designated for conservation.

### LOCATION AND CHARACTER

The subject property is located in the northernmost part of Fairfax County within the Nichols Run Watershed. The proposed district is bounded to the north by land which is planned for residential use at .1-.2 dwelling unit per acre (du/ac) or 5-10 acre lots and on the south, east and west by land which is planned for residential use at .2-.5 du/ac or 2-5 acre lots. Nichols Run traverses the district from north to south on the west and two unnamed tributaries branch off from the main stream in an easterly direction. The majority of the 21.75 acre district is an environmental quality corridor.

**COMPREHENSIVE PLAN MAP:** residential use at .2-.5 dwelling unit per acre

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/)



Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

DEPARTMENT OF  
**PLANNING  
& ZONING**

## COMPREHENSIVE PLAN CITATIONS

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

In the Fairfax County Comprehensive Plan, Area III Volume, 2013 Edition, Upper Potomac Planning District, UP2-Springvale Community Planning Sector, as amended through March 3, 2014 on page 147, the Plan states:

- “1. Land use in this sector should continue to reflect and support the established low density residential character of one dwelling unit per two and five acre lots. Public parkland and low density residential uses at .1-.2 dwelling unit per acre and .2-.5 dwelling unit per acre are planned for the area as shown on the Plan map. Several older residential areas along Georgetown Pike are planned at a density of 1-2 dwelling units per acre as a reflection of the typical densities that exist in these areas....
2. This sector is planned for low density, single-family residential use at .2-.5 du/ac as shown on the Comprehensive Land Use Plan map. Cluster subdivisions may be appropriate in this sector if the following criteria are met and are rigorously applied: 1) Wherever possible the proposed open space should provide connections with existing or planned trails; 2) Individual lots, buildings, streets, utilities and parking areas are designed and situated to minimize the disruption of the site’s natural drainage and topography, and to promote the preservation of important view sheds, historic resources, steep slopes, stream valleys and desirable vegetation; 3) Site design and building location are done in a manner that is compatible with surrounding development; 4) Modifications to minimum district size, lot area, lot width or open space requirements of a cluster subdivision in the R-E and R-1 Districts are not appropriate, unless significant benefits can be achieved in the preservation of the natural environment, scenic view shed(s) or historic resources by permitting such modifications; and 5) Lot yield shall be limited to that which could reasonably result under conventional development. In addition, measures such as agricultural and forestal districts, conservation, open space and scenic easements should be encouraged to preserve the rural character of this environmentally sensitive area, provided that their use provides a public benefit and furthers the intent of the Plan....”

## Environment

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through March 4, 2014, on pages 7-9, the Plan states:

**“Objective 2:                    Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy a.                    Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and

- redevelopment complies with the County's best management practice (BMP) requirements. . . .
- Policy c. Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas through, among other tools, the development, implementation and monitoring of integrated pest, vegetation and nutrient management plans.
- Policy d. Preserve the integrity and the scenic and recreational value of EQCs....
- Policy 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....

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

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through March 4, 2014, on page 10, the Plan states:

**“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

- Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through March 4, 2014, on pages 14-17, the Plan states:

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

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

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.
- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.
- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

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

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

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure

easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical....

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

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through March 4, 2014, on page 18, the Plan states:

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

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

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.

Policy c: Use open space/conservation easements as appropriate to preserve woodlands, monarch trees, and/or rare or otherwise significant stands of trees, as identified by the County.”

## **LAND USE ANALYSIS**

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

## **ENVIRONMENTAL ANALYSIS**

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County’s remaining natural amenities.

### **Water Quality Protection and Tree Preservation**

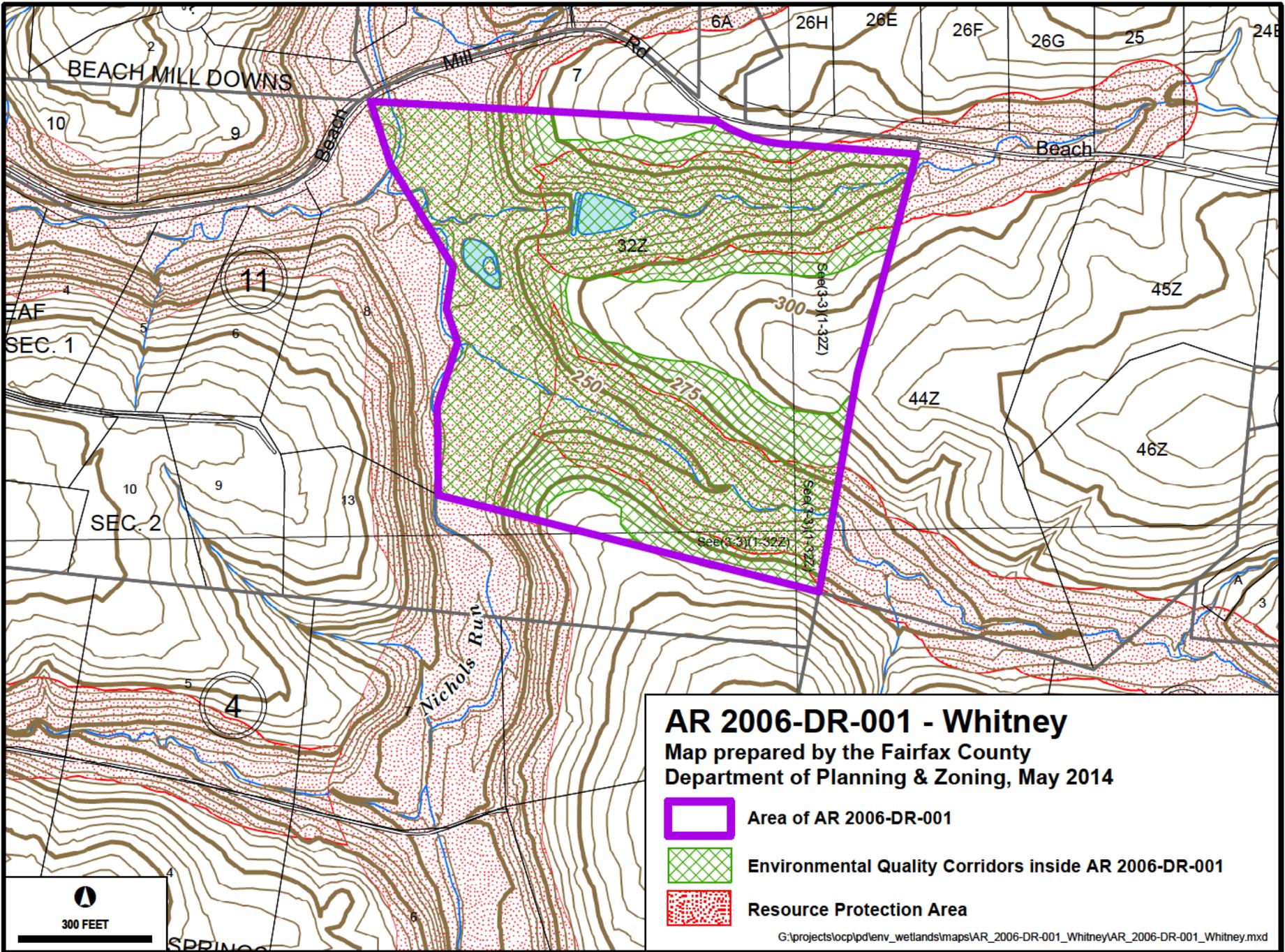
This 21.75 acre district is located south of Beach Mill Road within the Nichols Run watershed. A significant portion of the district is environmentally sensitive stream valley which is defined as Resource Protection Area (RPA) as governed by the County's Chesapeake Bay Preservation Ordinance (CBPO). An even greater amount of land area, or 17.2 acres, is designated Environmental Quality Corridor (EQC) as defined by the Fairfax County Comprehensive Plan. The applicant is encouraged to work with the Virginia Department of Forestry (VDOT) to develop a current Forestry Management Plan in order to improve the health of the forest within the district, as well as to implement appropriate reforestation techniques, particularly in areas where stream valley buffers should be augmented.

Agricultural activities within the County's Chesapeake Bay Preservation Area comply with the CBPO through the development of a current Soil and Water Quality Conservation Plan as implemented and administered by the Northern Virginia Soil and Water Conservation District (NVSWCD). This application will be in compliance with the County's Chesapeake Bay Preservation Ordinance upon acceptance, completion and implementation of a current Soil and Water Quality Conservation (SWQC) Plan.

The proposed renewal of this Agricultural District is consistent with the environmental goals and objectives of the Comprehensive Plan.

PGN: MAW

Attachment



BEACH MILL DOWNS

Beach Mill Rd

Beach

Nichols Run

FAF  
SEC. 1

SEC. 2

300 FEET

SPRING

**AR 2006-DR-001 - Whitney**  
 Map prepared by the Fairfax County  
 Department of Planning & Zoning, May 2014

- Area of AR 2006-DR-001
- Environmental Quality Corridors inside AR 2006-DR-001
- Resource Protection Area

G:\projects\loc\p\den\env\_wetlands\maps\AR\_2006-DR-001\_Whitney\AR\_2006-DR-001\_Whitney.mxd



## County of Fairfax, Virginia

**MEMORANDUM****DATE:** April 10, 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 2006-DR-001)

**SUBJECT:** Transportation Impact

**REFERENCE:** AR 2006-DR-001; Whitney, John H. and Barbara  
Land Identification Map: 003-3 ((1)) 0032Z

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



# FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

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

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

**DATE:** May 15, 2014

**SUBJECT:** AF 2006-DR-001, Whitney Property  
Tax Map Number: 3-3((1))32

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

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

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

### ANALYSIS & RECOMMENDATIONS

#### Cultural Resources Impact:

This site has a moderate potential for prehistoric and historic archaeological sites on the upland landforms. However, the application is for conservation rather than development and is, therefore, friendly to the conservation of any sites that may be there. The Park Authority supports the application, however, should the property ever be subject to land disturbing activities, such as tilling, timber harvesting, or development, it should be subjected to an archaeological survey followed by appropriate significant assessments and data recoveries, under the guidance of the Park Authority. For more information, please contact the Park Authority's Resource Management Division at 703-534-3881.

FCPA Reviewer: Andy Galusha  
DPZ Coordinator: Brent Krasner

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



**Northern Virginia Soil and Water Conservation District**  
12055 Government Center Parkway, Suite #905  
Fairfax, VA 22035  
<http://www.fairfaxcounty.gov/nvswcd/>  
Tel: 703-324-1460  
Fax: 703-423-1421

## **---Soil and Water Quality Conservation Plan ---**

**Property Owner/Operator:**

John H. and Barbara Whitney  
Agricultural & Forestal District – AR 2006-DR-001  
10607 Beach Mill Road  
Great Falls, VA 22066  
Tel: 703-759-2098; Email: [jhw.mail@verizon.net](mailto:jhw.mail@verizon.net)

**Plan Prepared by:**

Willie Woode, Senior Conservation Specialist, NVSWCD

**Date:**

May 23, 2014

**Summary of operation:**

The property is approximately, 22 acres in size, located at 10607 Beach Mill Road in Great Falls. It is pending renewal of its agricultural and forestal district status. The tract is kept mainly as grass/hay fields, wildlife preserve and two plots in newly planted Christmas Trees for commercial purposes. Other miscellaneous landuse includes a subsistent vegetable garden. The property once had horses, but not any more. Its watershed address is Nichols Run (P-23). A total of 3,433 linear feet of Chesapeake Bay Resource Protection Area (RPA) is delineated within the property limits, bordering Nichols Run which flows in a south-north direction, and two other un-named perennial tributaries feeding Nichols Run, both flowing in a general east to west direction.

The unnamed tributary on the northern side of the property is buffered by mainly open grassy areas, with some trees within its buffer area. It flows through a 0.2-ac. in-line amenity pond. Additionally, there is a 0.1-ac. off-line pond next to Nichols Run. These are separate ponding facilities within the same property.

The second unnamed tributary on the southern side of the property flows through the wooded section of the property.

Both tributaries show evidence of active erosion. Some stabilization measure had been taken. Additional recommendations are contained in this plan.

**Practices:**

**1) Nutrient Management (590):**

Nutrients will be applied based on soil test results to provide balanced nutrition for best health and growth.

All nitrogen (N) applications should be completed two or three months before the onset of freezing weather. This ensures that the trees have adequate time to “harden-off” before freezing weather occurs. A tree that has had lush growth late in the season is often more likely to suffer low temperature damage than one that has not. In addition to the N rate, Phosphorus (P) and Potash (K) levels must also be maintained according to the soil test results and recommendations.

The Norway Spruce growth rate was observed to be non-uniform. Tree growth can be boosted by applying the appropriate amount of fall/spring split applications of N. Spring applications about two weeks prior to bud break allow for adequate movement of the fertilizer into the rooting zone. Fertilizer should be uniformly applied in 2- to 3- foot band widths between trees along planted rows. **Recommended N rate of 50lb/ac. is equivalent to about half an ounce of nitrogen per tree assuming 5 ft. X 5 ft. spacing.** See attached chart showing corresponding quantities of split applications for various species and ages of trees.

Nutrient applications for the hay (grassy) section of the fields are also provided, based on soil test results.

This plan was developed and signed by a Nutrient Management Planner, certified by the Commonwealth of Virginia’s Nutrient Management Program.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Xmas Tree Field #1 (Flood Plain)	0.6 ac.	8	2014		
Xmas Tree Field #2 (highland)	0.2 ac.	8	2014		
Hay Field #1	4.0 acs.	8	2014		
Hay Field #2	1.6 acs.	8	2014		
Total	6.4 ac.				

**2) Pest Management (595)**

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.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Xmas Tree Field #1 (Flood Plain)	0.6 ac.	5	2014		

Xmas Tree Field #2 (highland)	0.2 ac.	5	2014		
Hay Field #1	4.0 acs.	5	2014		
Hay Field #2	1.6 acs.	5	2014		
Residential	2.7 acs.	5	2014		
Wooded, Wildlife Reserve	12.3acs.	5	2014		
Pond 1	0.2ac.	5	2014		
Pond 2	0.1 ac.	5	2014		
Total	21.7 acs.				

**3) Chesapeake Bay Resource Protection Area (RPA) Management:**

The green shaded area on the map is the county delineated Chesapeake Bay Resource Protection Area (RPA). The RPA is the final barrier through which pollutants contained in runoff from adjacent land areas are filtered. RPAs are required to be kept vegetated to enhance surface filtration and soil infiltration of pollutants. The use of pesticides and nutrient within this zone is not recommended. If any such chemicals must be utilized, it is recommended that the application must be done by a qualified and experienced applicator, under ideal weather conditions.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Xmas Tree Field #1 (Flood Plain)	150 Ln. ft.	5	2014		
Hay Field #1	960 Ln. ft.	5	2014		
Hay Field #2	650 Ln. ft.	5	2014		
Wooded Wildlife Reserve	1,673 Ln. ft.	5	2014		
Total	3,433 Ln. ft.				

**4) Upland and Flood Plain Riparian Forest Management**

Natural resource preservation practices for trees, wildlife and their habitats within these zones must be implemented. 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 a major storm event to be sure a fallen tree or other drifted objects are not lodged such that they enhance 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 training staff to provide basic bank stabilization techniques upon request.

Area	Planned Amount	Month	Year	Applied Amount	Date
Wooded Wildlife Reserve	12.3 acs.	5	2014		
Total	12.3 acs.				

**5) Pond Maintenance:**

Manage existing ponds and its adjacent vegetated buffer areas for water quality improvement and wildlife enhancement purposes. Maintain vegetation stand in buffer areas to improve filtration of pollutants before runoff enters the water body, and to reduce erosion.

Areas	Planned Amount	Month	Year	Applied Amount	Date
Pond 1	0.2ac.	5	2014		
Pond 2	0.1 ac.	5	2014		
Total	0.3 ac.				

**6) Stream bank Stabilization**

Good attempts have been made to stabilize some areas of your streams showing signs of active erosion. Stone reinforcements have been used to shore –up steep banks.

Additionally, native riparian zone, deer-resistant shrubs should be introduced that can grow dense root masses to further reduce soil loss.

Native shrubs can be planted along your natural drainage using the “live Stakes” propagation method. This is done by simply pushing lengths of stems (called live-stakes) into the openings between the rock pieces already placed along the banks. Species you may consider include:

- Red Osier Dogwood – full and partial sun
- Grey Dogwood - full and partial sun
- Pussy Willow – full sun

Other shrubs that can be planted as seedlings or potted plants include: Silky Dogwood, Inkberry, Witch Hazel, Sweet Pepper Bush, and Black Haw.

Areas	Planned Amount	Month	Year	Applied Amount	Date
Unnamed Tributary (North)	1,176 ft.	5	2014		

Unnamed Tributary (South)	955 ft.	5	2014		
Nichols Run	1,058 ft.	5	2014		
Total	3,189 ft.				

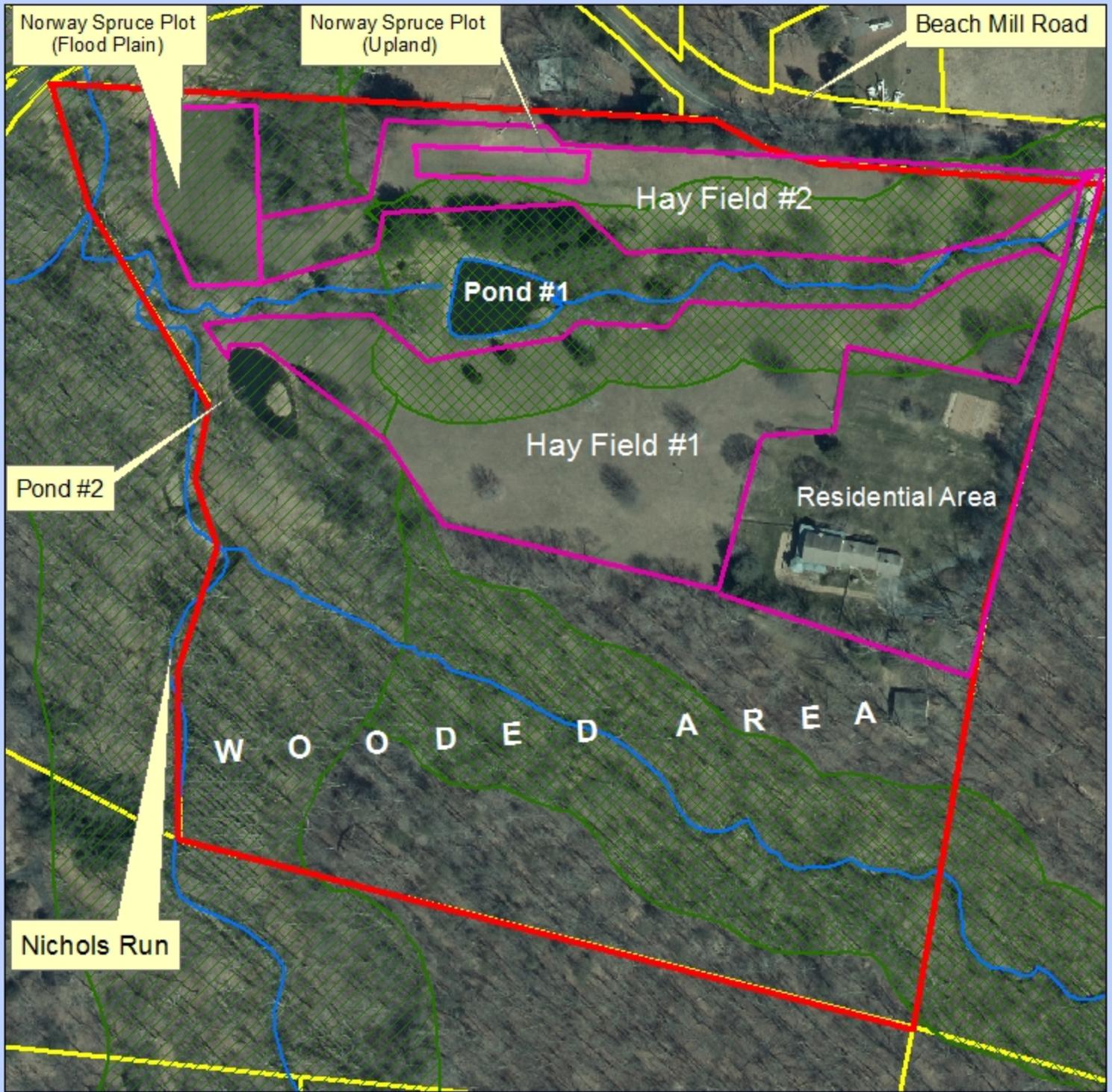
**7) Record Keeping:**

A system of records indicating the dates and applications of nutrients, or pesticides should be developed and maintained. A specimen record sheet is included.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Xmas Tree Field #1 (Flood Plain)	0.6 ac.	5	2014		
Xmas Tree Field #2 (highland)	0.2 ac.	5	2014		
Hay Field #1	4.0 acs.	5	2014		
Hay Field #2	1.6 acs.	5	2014		
Residential	2.7 acs.	5	2014		
Wooded Wildlife Reserve	12.3acs.	5	2014		
Pond 1	0.2ac.	5	2014		
Pond 2	0.1 ac.	5	2014		
Total	21.7 acs.				



# Whitney's A& F District - 10607 Beach Mill Road, Great falls



## Legend

- 1993 RPAs
- 2003 RPAs
- 2003 (Rev) RPAs
- Resource Management Areas (RMAs)
- PARCELS
- Property Limits
- Perennial Streams
- Field Boundaries

Plan prepared by Willie Woode - NVSWCD  
Using Fairfax County 2013 orthophoto and GIS layers

200 100 0 200 Feet

(Scale may not be accurate)



Robert Farrell  
Acting State Forester



# COMMONWEALTH of VIRGINIA

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

April 2, 2014

AF 2006-DR-001  
FAX06504

Mr. John H. and Barbara Whitney  
10607 Beach Mill Road  
Great Falls, VA 22066

Dear Mr. Whitney,

It was nice seeing you again and revisiting your property. I was glad to see that the Christmas trees were coming along. As we discussed during my visit, the woods have not changed since my visit in 2006, except the trees are a little bigger. Deer browse continues to be the biggest forest management challenge on the property and I encourage you to continue working on reducing the size of the herd. The other recommendations I made in the 2006 plan continue to be applicable, and you should continue to follow that plan in managing your forest.

If you have any questions about forest management, please do not hesitate to contact me.

Respectfully,

James McGlone  
Urban Forest Conservationist

cc: BK DPZ



REPORT ON FORESTLANDS  
OF  
Mr. John H. and Barbara Whitney  
10607 Beach Mill Road  
Great Falls, VA 22066

**Location:** The property is approximately 2000 feet west of the intersection of Springvale and Beach Mill Roads. This property is a new A&F AF 2006-DR-001.

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

**Landowner's Objectives:** To establish the property as an Agriculture and Forestal District; to enhance wildlife habitat; to maintain healthy trees for a quality forest; and the production of Christmas trees and firewood.

**Introduction:** This property is approximately 21.7 acres. About 11 acres in forestland and 0.5 acres are in Christmas trees. The rest is pasture and home site. Nichol's Branch runs along the west side of the property and two unnamed tributaries run through the property from east to west; one bisects the pasture and the other bisects the forested area. All three streams are designated as perennial streams and are with Chesapeake Bay Resource Protection Areas



**Forest Type:** Mixed hardwood forest with white oak and tulip poplar dominating. Also present are red oak, red maple, sycamore, Virginia pine, black walnut, hickory and a single American chestnut sprout.

**Quality/Size:** The timber quality of the property is good. The trees vary in size from 8" to 32" a good saw timber size. In general the area is not overstocked, though there are some areas that could use thinning. The Virginia pine is in decline and dying out.

**Wildlife Habitat:** The acorns and hickory nuts provide good food for deer, wild turkey and squirrels. Spicebush and blueberry in the understory provide soft mast for birds and other species. There are a few dead standing trees that provide food for woodpeckers and possible nesting cavities for birds and small mammals. The fallen pines also provide food for insect eaters and habitat for small mammals, snakes and other reptiles.

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

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**Recommendations:** The understory is sparse and there is little regeneration of the canopy species. First year sprouts and the lack of regeneration suggest this can be related to the heavy deer browse and, in some areas, shade. Firewood harvesting can create gaps in the canopy and allow light onto the forest floor this may help with the regeneration process. However, lack of regeneration in natural opening on the property makes this doubtful. The best chance of success is in the bottomland in the southeast corner of the property which is stocked with only tulip poplar. Tulip poplar is an abundant seed producer and a fast growing species. This combination may overwhelm the deer's ability to browse down new growth.

Successful oak regeneration in the face of heavy deer browse has been achieved by the use of fencing and shelter woods. Shelter woods are a thinning practice that preserves select mature trees to provide a seed source, block wind and filter sunlight. Best results in oak regeneration have been achieved by fencing the stand five years before cutting. Presumably this allows the shade tolerant oak seedlings to get a head start on other plants that will attempt to fill the area when the canopy is opened.

The best solution to the regeneration problem is to reduce the deer browse pressure by reducing the number of deer. The property owner is currently allowing hunting on the property and 2 tree stands were noted. One issue is that permanent foot rungs have been driven into the trunk of the tree to allow access to the stands. This practice should be avoided. Driving foot rungs or anything into a tree provides an avenue for the entrance of disease or pests.

There are organizations which cater to urban deer control on private property. Any property owner can bowhunt on their property or allow bowhunting on their property anywhere in Fairfax County. There is no minimum acreage required. Fairfax County has a longer bow season than any other county in Virginia. Ours begins the third Saturday in September and continues through the last Saturday in March. As far as safety goes, the only people who get hurt in bowhunting are the hunters themselves. The Fairfax County Animal Control office reports they have not been able to find an example of a non-participant being injured. Not just here, but anywhere. The Virginia Department of Game and Inland Fisheries ([www.dgif.virginia.gov](http://www.dgif.virginia.gov)) can provide citizens with details on seasons and other requirements. Property owners do not need a hunting license to hunt on their own property. A deer management brochure produced by Fairfax County has been included with this report.

**Christmas Trees:** a small plot of Christmas trees has been established on the property. Some of the seedlings appear to be dead. It should be noted that seedlings sometimes transplant shock and otherwise viable seedlings appear dead because the needles all turn brown. To improve the commercial value of the trees, additional plots could be established over the next four years to allow a five year rotation thereafter. Follow recommendations from the soil and water conservation district for fertilizing the plot.

**Resource protection areas:** the stream that runs through the pasture has recently been designated a permanent stream by Fairfax County. A 100 foot wide strip on either side of this stream has been declared a Resource Protection Area (RPA) to protect water quality in the Chesapeake Bay. Although not required the functioning of the RPA could be improved by allowing at least a 35 foot buffer to regenerate naturally by establishing it as a no-mow zone. This area may also qualify for cost-share payments under the Conservation Reserve Enhancement Program if it restored to a forested buffer. Visit [www.state.va.us/dcr/sw/crep.htm](http://www.state.va.us/dcr/sw/crep.htm) for more information.

**Invasive Species:** In general invasive species are a problem through out the wood lands of Fairfax County. These non-native species are also a threat to forest regeneration as they compete with new seedlings for nutrients, water and growing space. They are also a threat to wildlife habitat, creating monocultures of plants often with little or no wildlife value. The only invasive species noted on the property was Japanese stiltgrass. Stiltgrass can be controlled mechanically by pulling or raking, or with a highly dilute glyphosphate herbicide. I have included a print out from the Virginia Department of Conservation and Recreation on Japanese stiltgrass.

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**Forest Health:**

Forest diseases prevalent in the Northern Virginia area: Gypsy moth (oak trees), Woolly adelgid (hemlock trees), Anthracnose (dogwood and sycamore trees) and Emerald Ash Borer (Green ash trees). The best way to combat outbreaks of these diseases is to know your forest. Walk it frequently and note trees that are looking sickly. Different diseases/ infestations manifest themselves in different ways, some of the common characteristics to note are: severe defoliation, curling discolored leaves (look moldy), masses of insects present in larval forms (worms) or insect fecal matter (masses of black or white droppings). Small holes in the trunk of a tree generally indicate borers and require immediate attention. If you suspect your trees are being attacked by disease or pests contact a certified arborist, the Fairfax County Urban Forest Management Branch at 703-324-1770, the county extension agent at 703-324-5369 or this office at 703-324-1489.

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

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

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

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

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

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

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

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

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

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

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

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

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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 Japer Local Agricultural and Forestal District;  
Application AR 2006-DR-001

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

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