



**APPLICATION ACCEPTED:** February 11, 2015  
**PLANNING COMMISSION:** September 24, 2015  
**BOARD OF SUPERVISORS:** October 20, 2015 @ 3:30 pm

## County of Fairfax, Virginia

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September 9, 2015

**STAFF REPORT**  
**MOLLEDA LOCAL AGRICULTURAL**  
**AND FORESTAL DISTRICT**  
**AF 2015-SP-001**  
**SPRINGFIELD DISTRICT**



# WS

**APPLICANT:** Heather Scott-Molleda and Jose Maria Molleda

**ZONING:** R-C, WS

**PARCEL:** 75-1 ((1)) 0003

**LOCATION:** 6500 Clifton Road, Clifton, VA

**SITE AREA:** 23.17 acres

**PLAN MAP:** 0.1 to 0.2 du/ac

**PROPOSAL:** Establishment of Local Agricultural and Forestal District

### STAFF RECOMMENDATIONS:

Staff recommends that Appendix F of the Fairfax County Code be amended to establish the Molleda Local Agricultural and Forestal District subject to the proposed Ordinance Provisions contained in Appendix 1.

Michael H. Lynskey, ASLA

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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/)



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It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Upon application to the Department of Tax Administration (DTA) for taxation on the basis of land use assessment, DTA must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines, including minimum acreage, for either use, as required by Title 58.1 of the Code of Virginia, which is found in Appendix 11.

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

It should be further 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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

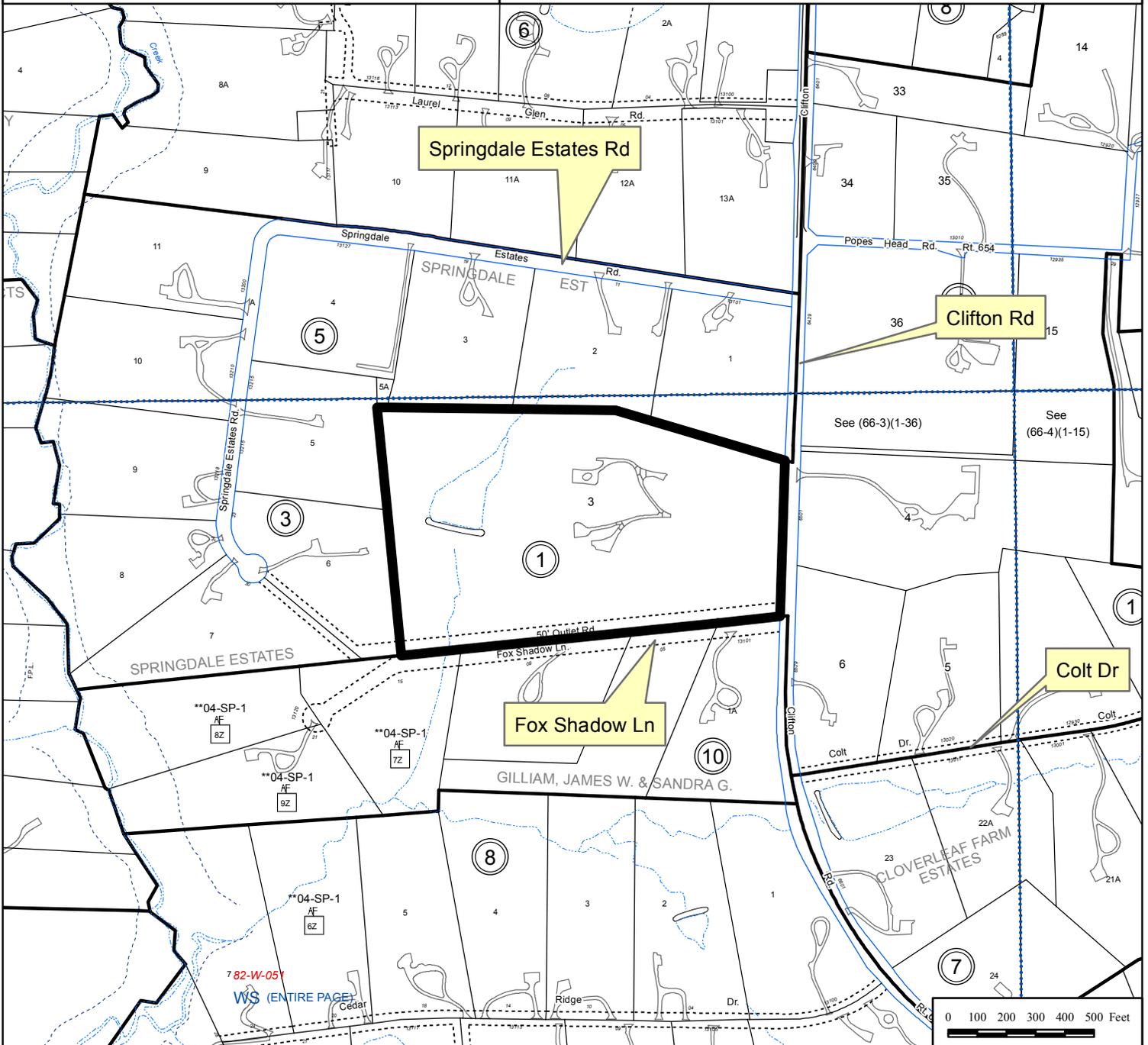


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A&F District**  
**AF 2015-SP-001**



Applicant: HEATHER SCOTT-MOLLEDA, JOSE MARIA MOLLEDA  
 Accepted: 02/11/2015  
 Proposed: ESTABLISHMENT OF AN AGRICULTURAL AND FORESTAL DISTRICT  
 Area: 23.17 AC OF LAND; DISTRICT - SPRINGFIELD  
 Zoning Dist Sect:  
 Located: 6500 CLIFTON ROAD, CLIFTON, VA 20124  
 Zoning: R- C  
 Overlay Dist: WS  
 Map Ref Num: 075-1- /01/ /0003



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

**DESCRIPTION OF APPLICATION**

AF 2015-SP-001 is a request to establish the Molleda Local Agricultural and Forestal (A & F) District for an initial eight-year term (under the provisions of Chapter 115 of the Fairfax County Code). A & F Districts encourage the preservation of significant tracts of agricultural and forested land throughout the County by providing a reduced real estate tax assessment in exchange for a commitment to preserve the land for the length of the term. While certain exceptions are permitted, the land is expected to remain at its present use and development intensity for the extent of the eight-year term. Removal of the district before the conclusion of the term is subject to a penalty and payment of roll back taxes, per the terms in Article 6 of Chapter 115.

**Applicant:** Heather Scott-Molleda and Jose Maria Molleda

**Acreage:** 23.17 acres

**Uses:** Active agriculture – 12 acres  
Forested or undeveloped – 9 acres  
Residential – 2 acres

A copy of the applicant's application is contained in Appendix 2; Proposed Ordinance Provisions are contained in Appendix 1.

**BACKGROUND**

The property has been owned by the applicants since 1993, and has been in agricultural use since at least the early 1800's, when the farm house and barn on the property were originally constructed.

**LOCATION AND CHARACTER**

The subject property is located approximately 3.5 miles north of the town of Clifton, on the west side of Clifton Road between Fox Shadow Lane and Springdale Estates Road.

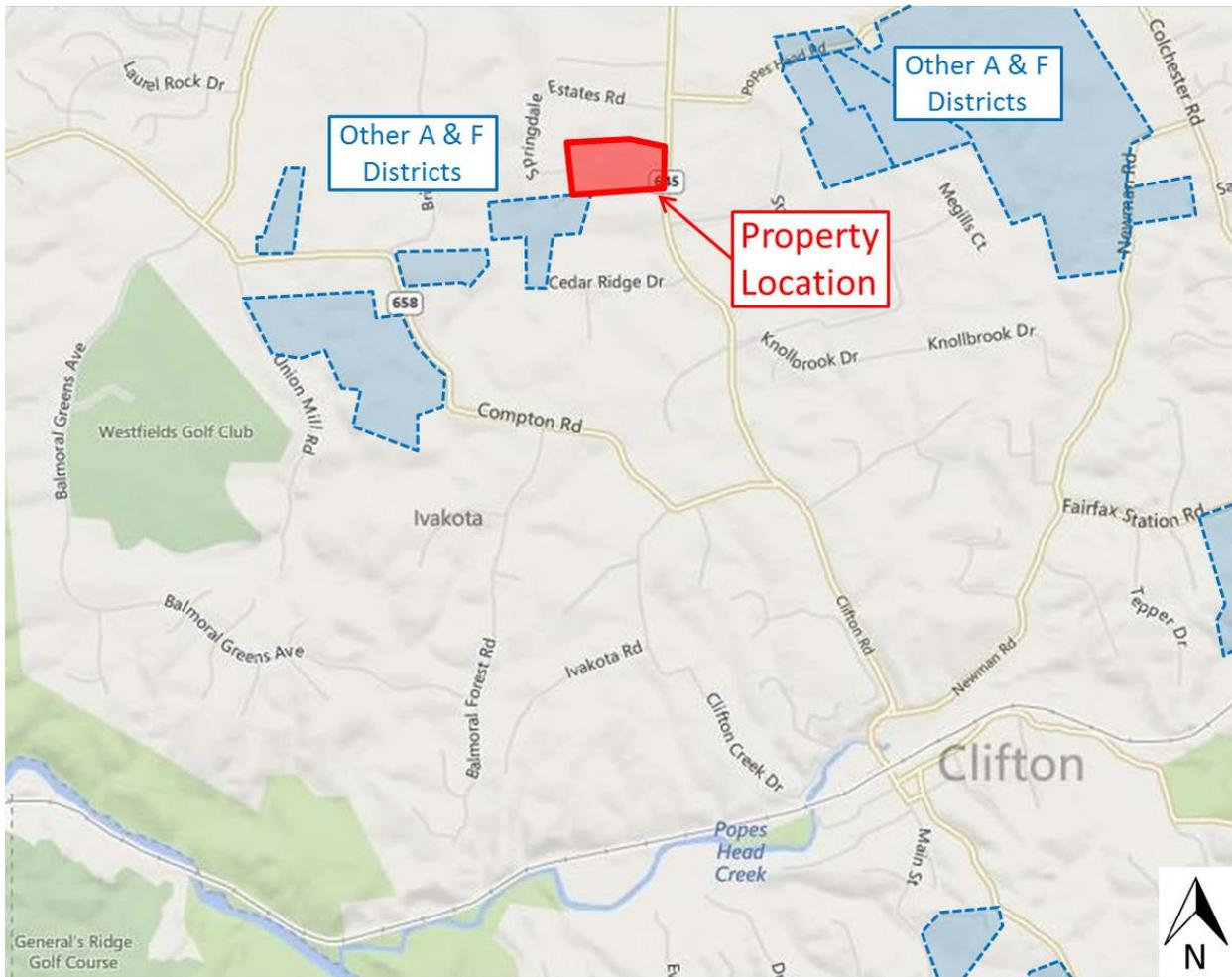


Figure 1: District location map.

**Surrounding Area Description:**

The property is surrounded entirely by large-lot residential parcels, generally in the five-acre range, zoned Residential Conservation (R-C) to protect the water quality of the Occoquan Reservoir. The “Springdale Estates” development adjoins the north and west boundaries of the site; the properties to the south were developed as the “James W. & Sandra Gilliam Property”. Several other A & F Districts are located in close proximity, with the Kosters District adjoining the southwestern portion of the property.

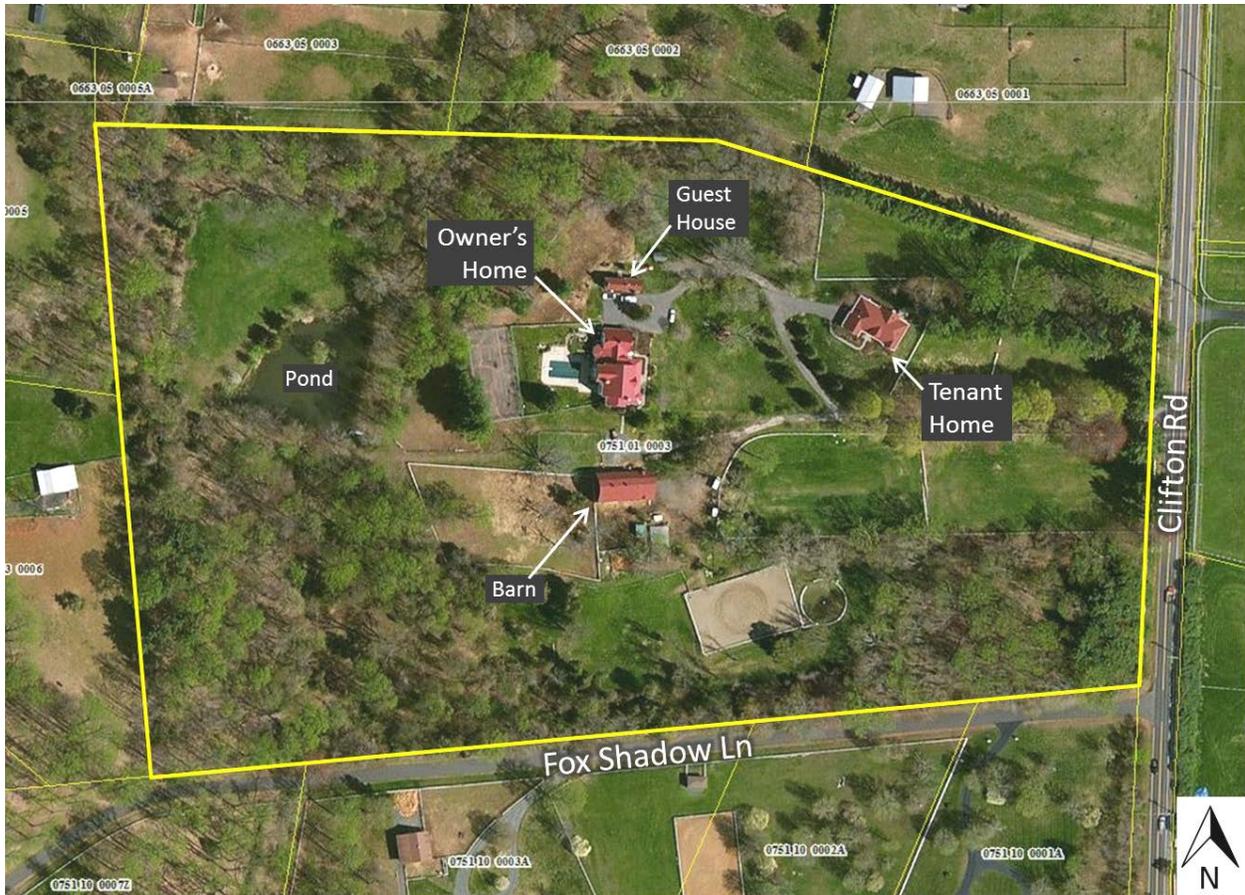


Figure 2: Aerial view of the property.

### Property Description:

The 23.17-acre property consists of one parcel. Approximately 12 acres has been cleared for agricultural use as a horse farm, featuring several fenced pastures and training facilities. There are three residential structures on the property: the main house (dating to 2003), a smaller tenant home (also dating to 2003), and an older home in use as a guest house (dating to 1820). A large barn on the property (also dating to 1820) has been restored and remains in agricultural use. An in-ground swimming pool and tennis courts are located to the rear of the main home.

The western 9-acres of the property features a perennial stream and man-made pond (constructed between 1950-60). The area surrounding the stream is designated as both Resource Protection Area and Environmental Quality Corridor, per County and State regulations (see the Environmental section of the report for further details). The property includes approximately 500 linear feet of frontage along Clifton Road, which is lined with white rail fencing, typical of the area.

Figure 3: Structures on the Property		
Structure	Year Built	Use
Main House	2003	Residential
Barn	+/-1820	Agricultural
Guesthouse	+/-1820	Visitors
Tenant House	2003	Residential

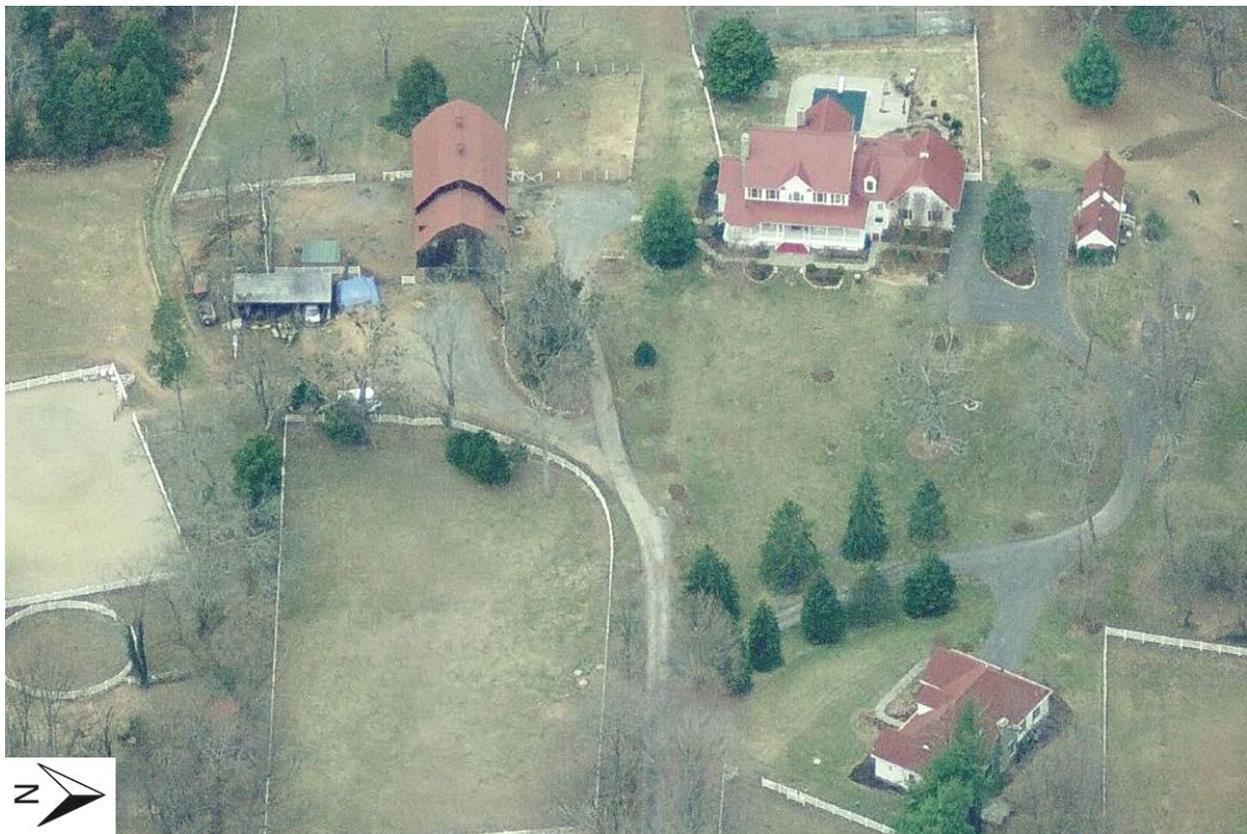


Figure 4: Current structures on the property.



*Figure 5: House dating to circa 1820, in use as a guest house.*



*Figure 6: Restored barn, dating to circa 1820.*



*Figure 7: Example of a pasture area on the property.*



*Figure 8: Property frontage along Clifton Road.*

**COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	Area III
<b>Planning District:</b>	Pohick
<b>Planning Sector:</b>	P3 - Johnny Moore
<b>Plan Map:</b>	Residential use at a density of 0.1 to 0.2 du/ac.

**STAFF ANALYSIS****Land Use Analysis** (Appendix 3)

The Comprehensive Plan for this area recommends low-intensity uses, including large-lot residential uses, private open space and public parks, in order to protect the water quality of the Occoquan Reservoir. Agricultural and Forestal uses are specifically recommended by the Plan as alternatives to residential uses in this area, and the Plan further directs such districts to utilize agricultural and forestal techniques that are supportive of area water quality goals.

Staff feels that the establishment of this Agricultural and Forestal District would be compatible with the existing and planned low density residential character, and would help preserve the rural and scenic character of the site and surrounding area.

**Environmental Analysis** (Appendix 3)

The subject property is characterized by a large expanse of rolling topography, sloping down to a stream valley traversing the western portion of the property. The stream valley is designated a Resource Protection Area (RPA), as stipulated under the Chesapeake Bay Preservation Ordinance, as well as an Environmental Quality Corridor (EQC), as defined by the Fairfax County Comprehensive Plan (see Appendix 3 for further description and a map of RPA/EQC areas).

A steeply-sloping pasture area (described as a “sacrifice area” in the Soil and Water Report) currently exists within the limits of the area designated as EQC, and shows signs of erosion that threaten the water quality of the onsite pond and connected stream. Staff recommends that the applicant relocate pasture areas outside of RPA/EQC limits, where possible, and work with the Northern Virginia Soil and Water District (NVSWCD) to develop a plan to enhance and stabilize the stream buffer with appropriate native plantings, in conformance with Comprehensive Plan guidance. An ordinance provision is proposed that would prohibit additional encroachment into designated EQC areas for the life of the district.

Subject to the proposed ordinance provisions, which require conformance with the recommendations in the Soil and Water Plan (discussed below), staff supports the proposed application.

#### **Soil and Water Conservation Analysis** (Appendix 4)

A Conservation Specialist from NVSWCD inspected the site and prepared a Soil and Water Quality Conservation Plan (dated April 20, 2015 and revised on June 23, 2015) for the property. As mentioned in the previous report section, there are water quality concerns related to the grazing and manure management of the site – most notably concerns with several “sacrifice areas”, used to graze horses during inclement weather, located on sloped areas directly adjacent to the pond and stream channel. A recommendation is included to relocate these areas out of the RPA/EQC areas, where possible, and to re-establish vegetative buffer areas within the RPA/EQC to minimize pollution contribution into the onsite pond and tributary. Recommendations are also included to improve waste management practices to further protect water quality on the site. Other standard recommendations concerning nutrient management, erosion control, pond management, and invasive species removal were also included in the report.

In order to ensure that several of the recommendations of the report, which were deemed of “critical” importance, are addressed in a timely manner, a proposed Ordinance provision requires the applicant to address those “critical” issues within two years, to the satisfaction of DPZ, or face possible reconsideration of the A&F approval prior to the normal eight-year review period. A standard Ordinance Provision requiring general conformance with the recommendations of the Soil and Water Quality Conservation Plan is also included. Staff is satisfied that the proposed Ordinance Provisions will ensure improvement of the issues identified.

#### **Forestry Analysis** (Appendix 5)

The Area Forester inspected the property and prepared a Forest Management Plan, dated March 16, 2015. The existing forest canopy was found to be in generally good condition, though there is concern about the presence of invasive species, and a lack of regeneration of forest resources – which is common to most forests in Fairfax County, likely due to deer browse. Recommendations were included to remove some invasives, as well as to further reduce the size of the deer herd on the property.

The stream channel was found to be incised and eroded, most likely due to increased conversion of forestland to other uses within the larger watershed, and not directly attributable to the applicant. The Forester also voiced water quality concerns, due to pasture and manure management issues – as have been addressed in the Soil and Water Conservation Plan (described previously).

An Ordinance provision is proposed that would require the applicant to conform to the recommendations of the Forest Management Plan, which may be amended if deemed necessary, for the life of the district.

### **Transportation Analysis** (Appendix 6)

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. There are no transportation-related concerns with the application.

### **Parks Analysis** (Appendix 6)

The Park Authority supports the establishment of A&F districts as they further goals of the FCPA policy manual. Furthermore, Park Authority staff has determined that this application bears no adverse impact on the land, resources or service levels of the Park Authority.

### **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.*

With the exception of two acres of residential use, the 23-acre property consists entirely of either agricultural use (12 acres) or forested/undeveloped uses (9 acres). Therefore, staff believes that this criterion has been satisfied.

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

The property is zoned R-C; 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: .1-.2 dwelling unit per acre; .2-.5 dwelling unit per acre; .5-1 dwelling units per acre; Private*

*Recreation; Private Open Space; Public Park; Agriculture; Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least 3 of Criteria Group B.*

The property is planned for residential use at a density of 0.1 to 0.2 dwelling unit 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.*

All surrounding land is also planned for low-density residential uses, at a density of 0.1 to 0.2 du/ac, which satisfies this criterion.

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 subject property contains only 12 acres in agricultural use, which does not satisfy the 15-acre minimum specified for a farm district. Therefore, this criterion does not apply and the property would be considered a mixed district, subject to criterion 6.

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 subject property exceeds the 20-acre minimum size requirement and consists of only one parcel, under ownership of a single family – which satisfies the requirements of this criterion.

7. *Approximately 2/3 of the land (66%) 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.*

According to the 2011 County Soils Map, the site contains approximately 27 percent Class I soils, nine percent Class II soils, eight percent Class III soils, and 56 percent Class IV soils, all of which satisfy the requirements of this criterion.

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 Soil and Water Conservation Plan was prepared by the Northern Virginia Soil and Water Conservation District for the subject property on April 20, 2015 and revised on June 23, 2015 (Appendix 4). The applicant will be required to implement the Soil and Water Conservation Plan for at least the life of the A & F District. A Proposed Ordinance Provision in Appendix 1 addresses this issue.

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.*

A Forest Management Plan for the property was completed by the Virginia Department of Forestry on March 16, 2015. The applicant will be required to implement the Forest Management Plan for at least the life of the A & F District. A Proposed Ordinance Provision in Appendix 1 addresses this issue.

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 restored the historic barn on the property for agricultural use, and installed extensive fencing on the property to divide pasture areas for rotational grazing purposes. In addition, the applicant actively measures and manages soil conditions, and manages the forest resources by planting additional trees and habitat plantings. Staff considers this criterion satisfied.

#### Criteria Group B:

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

The applicant produces only eggs and honey for personal use, so this criterion has not 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 continued agricultural use of this property represents a continuation of its historic use, and serves to protect the rural character of the area and maintain scenic vistas along Clifton Road. 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.*

According to the applicant, the site is the last remaining portion of the 300-acre Springdale Farm. The property contains both a farm house and barn dating to the early 1800s, but neither are listed on the National Historic Register or the Fairfax County Inventory of Historic Places. Further historical information about the property is included in the applicant's statement of justification (Appendix 2).

The Comprehensive Plan recommends that any development or ground disturbance in this area of the County be preceded by a heritage resource study, due to a high probability of historic archaeological resources. A proposed ordinance provision requires that the Cultural Resources Division of the Park Authority be notified prior

to any major land disturbance on the site, and be allowed to investigate for and/or recover any historic resources on the property prior to their disturbance.

Due to the applicant's continued preservation of the architectural resources and commitment to allow future archaeological investigation, this criterion has been satisfied.

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

While the applicant has obtained training in sustainable farming techniques and employs techniques to proactively manage the health of the soil and vegetation on the site, there remain water quality challenges on the property that may be addressed. Therefore, this criterion has not yet been satisfied.

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

The subject property is zoned R-C. Therefore, this criterion is satisfied.

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

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

As previously noted, these criteria serve as a guide in determining whether or not an agricultural district should be established; they are not a prerequisite for establishing a district. As previously stated, all of the criteria in Group A and at least two criteria in Group B should be satisfied. It is the opinion of Staff that this application satisfies all Group A criteria and three (3) of the criteria in Group B.

#### **AFDAC RECOMMENDATION** (Appendix 9)

On Sept 1, 2015, The Agriculture and Forestal District Advisory Committee (AFDAC) voted to recommend that the Board of Supervisors approve establishment of this district subject to the Ordinance Provisions included as Appendix 1 of this report.

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **Staff Conclusions**

- Staff believes that the proposal to establish the Molleda Local Agricultural and Forestal District satisfies the applicable criteria contained in Sect. 115-5-1 of Chapter 115 of the County Code; exceeds the minimum acreage requirement; and is in conformance with the Comprehensive Plan.

**Staff Recommendations**

- Staff recommends that Appendix F of the Fairfax County Code be amended to establish the Molleda Local Agricultural and Forestal District, subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that approval of an agricultural and forestal district application does not automatically qualify a property for land use value assessment. Following Board action on an application, the Department of Tax Administration must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines for either use, as required by Chapter 58 of the Code of Virginia, which is found in Appendix 10.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any Ordinance Provisions associated with this case, relieve the applicant/owner from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

**APPENDICES**

1. Proposed Ordinance Provisions
2. Application Form / Statement of Justification
3. DPZ Land-Use/Environmental Analysis
4. Soil and Water Quality Conservation Plan
5. VA Department of Forestry Memo
6. UFMD Park Authority Memo
7. FCDOT Transportation Memo
8. DPZ Heritage Resources Memo
9. Agricultural and Forestal District Advisory Committee Recommendation
10. Fairfax County Code, Chapter 115 – *“Local Agricultural and Forestal Districts”*
11. State of Virginia Code, Title 58.1, Chapter 32
12. Glossary of Terms

**PROPOSED ORDINANCE PROVISIONS**  
**September 9, 2015**  
**AF 2015-SP-001**

If it is the intent of the Board of Supervisors to establish the Molleda Local Agricultural and Forestal District as proposed in AF 2015-SP-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 75-1 ((1)) 3, 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.
- (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 58-769.4 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.

Additional Provisions

- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan (SWCP), which was prepared by the Northern Virginia Soil and Water Conservation District on April 20, 2015 and revised on June 23, 2015, for the life of the Molleda Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to

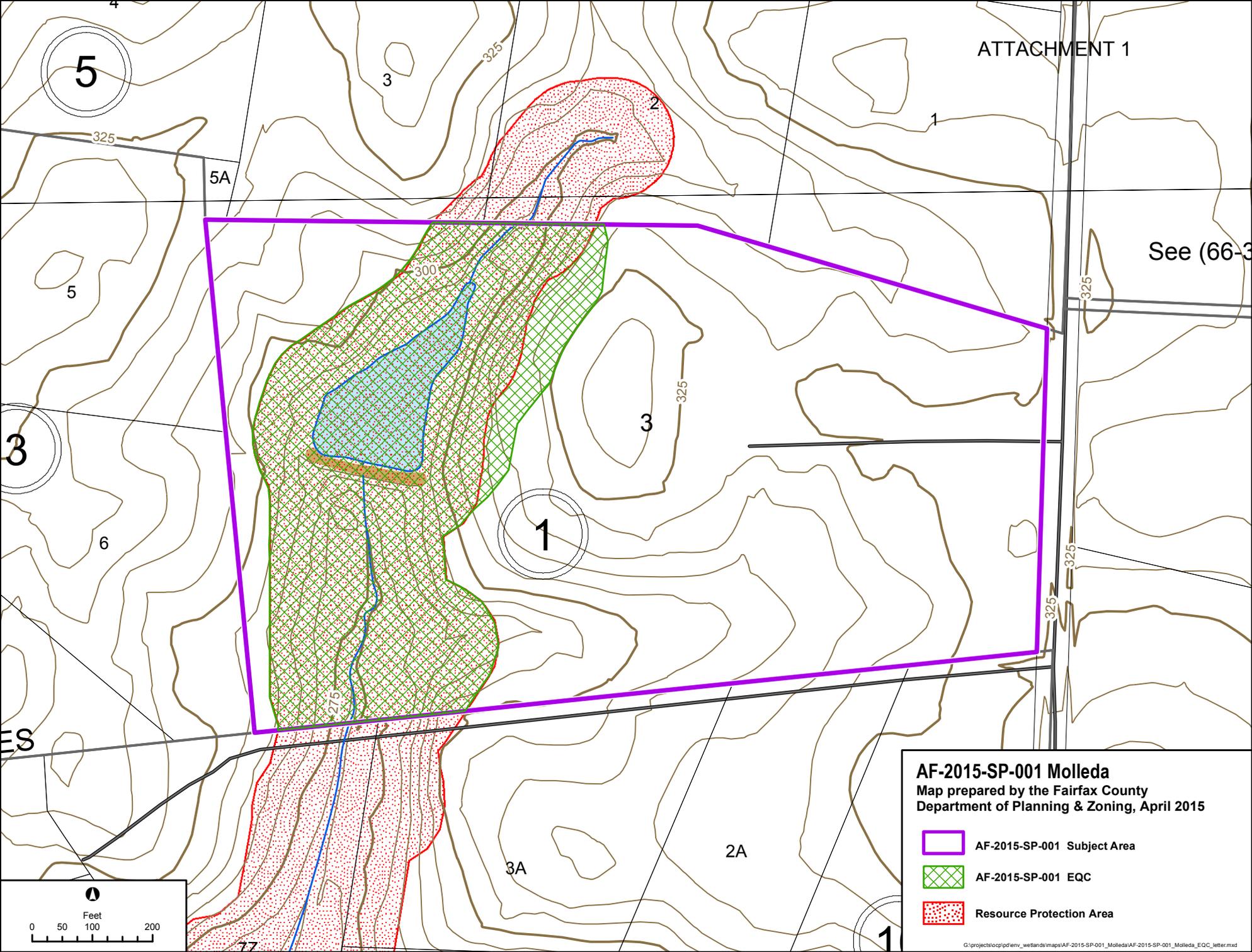
time as determined necessary by the Northern Virginia Soil and Water Conservation District.

Those elements of the SWCP which are identified as “critical” shall be corrected within two (2) years of the establishment of the A&F District, to the satisfaction of DPZ. An annual inspection shall be performed by staff to ensure that improvements have been implemented to effectively address such issues, until such time as the identified “critical” conditions have been corrected. Failure to satisfactorily address those conditions may result in Board of Supervisors reconsideration of the District, per Ordinance Provision Number 8 (below).

- (6) The applicants shall implement and abide by the recommendations of the Forest Management Plan, dated March 16, 2015 for the life of the Molloda Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the Area Forester.
- (7) 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/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 115 of the County Code and shall include an opportunity for the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.
- (8) The establishment and continuation of this district depends upon the implementation of each of the terms and conditions stated in this ordinance. This district may, at the sole discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if such action is determined to be warranted by the Board of Supervisors upon determination that the terms and conditions stated in this ordinance are not being implemented. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 115 of the County Code.

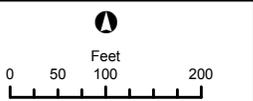
- (9) Those areas delineated by the Department of Planning and Zoning as Environmental Quality Corridors (EQCs) (see Attachment 1) shall be left undisturbed, with the exception of any establishment of additional buffer vegetation (as recommended in the Soil and Water Conservation Plan), selective thinning operations performed to enhance existing vegetation, and the removal of dead, dying and diseased vegetation. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Molleda Local Agricultural and Forestal District.
- (10) The Cultural Resource Management and Protection (CRMP) Division of the Fairfax County Park Authority shall be notified prior to any land-disturbing activity on the site that requires a permit, or prior to the demolition of any structures on the site that are greater than 50 years old, and shall be permitted to survey the property and to recover artifacts, subject to prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.

See (66-3



**AF-2015-SP-001 Molleda**  
Map prepared by the Fairfax County  
Department of Planning & Zoning, April 2015

-  AF-2015-SP-001 Subject Area
-  AF-2015-SP-001 EQC
-  Resource Protection Area



Application No. AF 2015-SP-001

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

FAIRFAX COUNTY

RECEIVED  
Department of Planning & Zoning  
AUG 22 2013  
Zoning Evaluation Division

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:

*Jose  
2/9/15*

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Heather Scott-Molleda	<del>75-1 lot 3</del>	2000	R-C WS	23.17
Jose Maria Molleda	75-1 (17) 0003			
6500 Clifton Rd, Clifton, VA 20124				

3. Total acreage in the proposed district: 23.17 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm x forest   .

AF 2013-0228

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

Name: Heather Scott-Molleda

Address: 6500 Clifton Rd.  
Clifton, VA 20124

Telephone: 703-786-9246 / 703-988-0260

6. Signature of all property owners:





\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

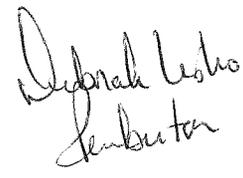
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TO BE COMPLETED BY THE COUNTY

Date application accepted: February 11, 2015

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

- Approved as submitted       Denied
- Approved with modifications



RECEIVED  
 Department of Planning & Zoning  
 AUG 22 2013  
 Zoning Evaluation Division

ALL APPLICANTS

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

Structure	Year built	Use
main house	2003	residence
barn	circa 1820	barn (horses, chickens, hay storage)
guesthouse	circa 1820	visitors
tenant house	2003	mother's residence

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:

farmhouse (now the guesthouse) & barn are historic but have not been listed; there also is the remains of a barn & smokehouse

---



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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:

-extensively restored historic barn which was beginning to rot & lean

---

-fenced pastures, divided w/electrical tape to allow rotational grazing

---

-improved drainage to reduce erosion

---

-compost manure to use as fertilizer

---

-soil analysis to improve nutrients & pasture quality to reduce overgrazing & erosion

---

-planted 4 American chestnuts, 4 oak, 25 fruit trees (apple, pear, peach, plum, fig)

---

-planted aquatic plants in pond to improve water quality & habitat

---

4. Is a Soil and Water Conservation Plan on file with the Northern Virginia Soil and Water Conservation District (NVSWCD):  yes  no

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If yes, date prepared: \_\_\_\_\_

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

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

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

Product	Past year's yield	Average yield for previous 4 years
eggs, honey (for personal use)		
_____		
_____		
_____		
_____		
_____		

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FARM PROPERTY

1. Please check the appropriate description of the farm:

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

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

Active agricultural uses	<u>  12  </u>	acres.
Forested or undeveloped	<u>   9   </u>	acres.
Residential uses	<u>   2   </u>	acres.
Total acreage	<u>  23  </u>	acres.

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

If yes, which roads will be used:

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

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

  4   cars, vans and pickup trucks   0   heavy trucks.

FOREST PROPERTY

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

Future timber or pulpwood harvesting	<u>          </u>	acres
Christmas tree production and harvesting	<u>          </u>	acres
Firewood production and harvesting	<u>          </u>	acres
Conservation	<u>          </u>	acres
Residential uses	<u>          </u>	acres
Other: _____	<u>          </u>	acres
Total acreage	<u>          </u>	acres

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

  N/A

Heather Scott-Molleda  
Jose M. Molleda  
6500 Clifton Rd.  
Clifton, VA 20124

July 18, 2013

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To Whom It May Concern:

Enclosed please find the application materials to establish an Agricultural and Forrestral District at our farm in Clifton, located at 6500 Clifton Rd., on the west side between Springdale Estates Rd. and Fox Shadow Lane, tax map reference number 0751 01 0003. The farm is used for pasture for grazing horses, raising chickens and other fowl, and rabbits, as well as an open space preserve for wildlife, which is largely forested.

We have made a concerted effort to ensure the farm is managed in a sustainable way, with vegetation buffers between the pastures and the creek and pond, to protect water quality from runoff; composting of horse and chicken manure; and rotational grazing to ensure the pastures remain healthy and eliminate soil erosion. We have attended seminars on best practices, including those held by the Prince William County and Northern Virginia Soil and Water Conservation Districts, that promote the concept of "grass farming" to eliminate overgrazing which creates erosion. Our pastures have grass year round and very little mud, which is testament to success of this management.

In addition to maintaining a large portion of the land in its natural forested state - over 10 acres - to protect the scenic beauty and natural habitats the trees provide, we have planted numerous fruit trees, and on multiple occasions have planted American Chestnut trees as part of the program to recover the species. To protect and help improve the water quality in our pond, which is on the Johnny Moore Creek, we planted numerous water plants, and keep the creek clear of debris. The creek is also fed by two natural springs on our property.

We also have done our best to provide a habitat for pollinators of all kinds. We keep honey bees (*apis mellifera*) and constructed living space for solitary bees (*Osmia*), planted butterfly bushes, and protected bat nesting areas in and around our barn - and we have a lovely though small colony of small and large brown bats.

The farm, which had previously been granted an A&F district under the previous owners, continues to meet the criteria. We have made improvements with fencing around the pasture areas, divided into smaller sections to allow rotational grazing and prevent soil erosion, as well as ensuring runoff from properties east of Clifton Rd. are channeled properly and pass through vegetation buffers, again to prevent soil erosion and contamination as much as possible.

The farm measures 23 acres, zoned R-C. There are two residences in permanent use on the property, the main residence and a tenant house. In addition there is a guesthouse -- the original historic farmhouse -- that is used occasionally. Total acreage used for residential purposes amount to 0.75 acres.

The soil has been analyzed by the Northern Virginia Soil and Water Conservation District to ensure we have the right fertilizers, weed control, and grass seeding. We follow the principles in this document: <http://www.fairfaxcounty.gov/nvswcd/horse.htm>

The farm meets the criteria set in the comprehensive plan for area III, Johnny Moore Community, which states:

***Agricultural and forestal uses are alternatives to residential uses in Low Density Residential Areas. Such uses, depending upon the techniques used, can have positive impacts on water quality. Careful attention should be paid to insure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan Reservoir watershed.***

The scenic beauty of the farm is unquestioned. In addition to pasture for horses, which is shared by deer, the fields and wooded areas are left undisturbed -- other than to clear trees downed by storms -- to provide natural habitat for fox, rabbit, wild turkeys, snakes (we do not have barn cats in order to allow the snakes free rein to address the mouse population), possums, groundhogs, coyotes and occasionally a visiting bear.

(An interesting historical side note about the woods, is that there are only two oak trees remaining on the property. All the hardwood trees apparently were harvested in the 1800s when there were five sawmills operating in the town of Clifton.)

The pond provides habitat for fish, frogs, snakes and snapping turtles, in addition to ducks, geese and heron, which often can be seen roosting in the trees around the pond. An island created in the center of the pond provides safe nesting for waterfowl, where they are protected from the fox and snakes.

The farm, which is the last remaining portion of the 300-acre Springdale Farm, also has historical significance, although we have not had the buildings listed on the Fairfax County inventory as yet. The barn and original farm house (restored and now used as a guesthouse) were built in the early part of the last century and the barn once housed at stud an Arabian stallion belonging to former President Ulysses S. Grant a noted horseman, which was given to him during his world tour (see attached copy of advertisement). This link to history is remarkable enough but the horse, Linden Tree, along with his companion Leopard, went on to become foundations stallions for American Arab and the Colorado Rangerbred breeds.

That buildings of this era are still standing is a rare occurrence in Fairfax County, not only because of development, but because historians say many such farms were burned down by Union Troops occupying the area -- at the time known as Deveraux Station -- during the Civil War. Apparently the farm was spared because the Wright family, who were originally from New York, convinced the soldiers they were loyal. Fortunately for the family, and for us, the Union

troops never discovered that at least one son of the owners rode with Mosby's Rangers. Had that fact been discovered the barn surely would not have survived – as was the case with other families in Clifton who found they lost the special protection they were granted when soldiers discovered their sons' role in the Confederate cause.

The barn is the jewel in the crown of this property and why we wanted to buy it. We spent well over \$50,000 to restore the barn using a well-known firm recommended to me by Karen Washburn of the Fairfax County History Commission. Fortunately the farm was continuously occupied which meant that the barn at least received minimal maintenance, including painting the metal roof and replacing rotting pillars. However the roof did develop leaks which created rot in the beams and rafters that caused the entire building to begin to lean. Without restoration it would have collapsed before long.

We opted for a restoration process that used historic materials, but with modern fixes – such as metal plates and bolts rather than pegs, and sistering old, weak beams for with new boards – so that it would be obvious what parts were original and which were modern. In its restored state the barn should be able to last another 150 years.

We made significant investment in restoring the farmhouse as well, including removing a modern addition that detracted from the character of the building, restoring the original ship-lap siding, and ensuring that required improvements to the electrical and HVAC did not damage the original construction.

There are remnants of two other historic buildings: one wall of a stone barn near the old wooden barn, and another structure that may have been a smokehouse. I have a copy of a picture showing the stone barn from 1910; all that remains now is the back wall, upon which previous owners built a large three-sided shed.

Beyond the history of the farm, which we are very proud to have had a hand in preserving, there is simply nothing that can match the beauty of the entrance in the Fall when the maple trees that line the avenue have changed colors to a brilliant red. The scenic vista is so dramatic it has been captured more than once for use in a calendar. Springdale Farm is truly a valuable part of the Clifton community.

Thank you in advance for your consideration of our request to be granted designation as an Agricultural and Forrestral District. We would be happy to answers any questions you may have.

Sincerely,



Heather Y.D. Scott-Molleda



Jose Maria Molleda



# County of Fairfax, Virginia

## MEMORANDUM

May 6, 2015

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

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

**SUBJECT:** LAND USE ANALYSIS & ENVIRONMENTAL ASSESSMENT for:  
Heather Scott-Molleda **AF 2015-SP-001**

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

### DESCRIPTION OF THE APPLICATION

The applicant seeks approval for a 23.17-acre Agricultural and Forestal (A & F) District which includes a single parcel located in the Johnny Moore Community Planning Sector of the Pohick Planning District. A tributary associated with Johnny Moore Creek traverses the western portion of the proposed district. This stream system is Resource Protection Area (RPA) as designated under the County's Chesapeake Bay Preservation Ordinance (CBPO), and Environmental Quality Corridor (EQC) as defined by the Comprehensive Plan. The property owner has eight horses which reside on the property. In addition, the applicant raises chickens and honey for personal use. Several structures exist on the property including a barn and guest house which were constructed circa 1820. In addition, a primary residence and a tenant house were constructed in 2003.

### LOCATION AND CHARACTER

The subject property is located in southwestern Fairfax County within the Pohick Planning District and the (P3) Johnny Moore Community Planning Sector. The proposed district is primarily planned for low density residential use at .1-.2 dwelling unit per acre (du/ac) or one dwelling unit per 10-5 acres. The proposed district is bounded to the south and west by Springdale Estates which consist of large amounts of private open space. The

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site and surrounding residential properties are planned for residential for up to 0.1-0.2 dwelling unit per acre. The subject property is primarily open grass field with some forested areas, primarily near the stream.

**COMPREHENSIVE PLAN MAP:** residential use at .1-.2 dwelling unit per acre

### **COMPREHENSIVE PLAN CITATIONS**

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

#### **Land Use**

The Fairfax County Comprehensive Plan, 2013 Edition Area III, Pohick Planning District, as amended through March 24, 2015, under the heading “District-wide Recommendations” pages 9 and 10 state:

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

The Fairfax County Comprehensive Plan, 2013 Edition Area III, Pohick Planning District, as amended through March 24, 2015, under the heading “Recommendations, Land Use” pages 45 and 46 state:

1. The entire P3 Planning Sector is located within the watershed of the Occoquan Reservoir. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Land in this sector should be planned for residential use within a density range of .1 .2 dwelling unit per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant densities and the well-established character of existing development in this sector.
2. Agricultural and forestal uses are alternatives to residential uses in Low Density Residential Areas. Such uses, depending upon the techniques used, can have positive impacts on water quality. Careful attention should be paid to insure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan

Reservoir watershed. . . .”

## Environment

The Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through July 1, 2014, pages 7-10, state:

- “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.”

The Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through July 1, 2014, pages 10 and 11 state:

- “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. . . .”

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The Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through July 1, 2014, pages 14-17 state:

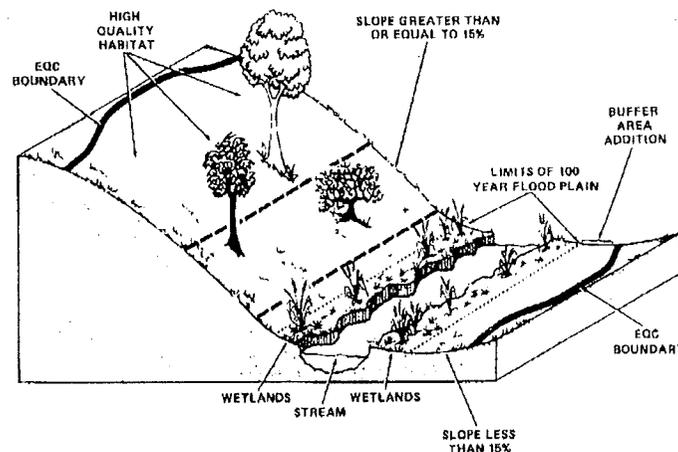
**“Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.**

Policy a: Identify, protect and restore an Environmental Quality Corridor system (EQC). (See Figure 4.) Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.
- Connectivity: This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide enough to facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.
- Hydrology/Stream Buffering/Stream Protection: The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
- Pollution Reduction Capabilities: Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils

and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams.

The core of the EQC system will be the county's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements (See Figure 4):



A TYPICAL  
 ENVIRONMENTAL QUALITY CORRIDOR

Source: Fairfax County Office of Comprehensive Planning

**FIGURE 4**

- 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 any of the EQC purposes as described above. In addition, some disturbances that serve a public purpose such as unavoidable public infrastructure easements and rights of way may be appropriate. Disturbances for access roads should not be supported unless there are no viable alternatives to providing access to a buildable portion of a site or adjacent parcel. The above disturbances should be minimized and occur perpendicular to the corridor's alignment, if practical, and disturbed areas should be restored to the greatest extent possible. . . .”

The Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through July 1, 2014, page 18 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

This application requests approval for an Agricultural and Forestal District which encompasses 23.17 acres of land located in the County’s Occoquan watershed as well as the Johnny Moore Creek watershed. The statement of justification indicates that 9 acres or 39% of total land are maintained as conservation; approximately 12 acres or 52% of total land are used for active agriculture uses; and 2 acres or 9% of total land are used for residential purposes. Retaining these parcels in an agricultural use is in keeping with the character of the area and helps to maintain its integrity. This request for an Agricultural

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and Forestal District is compatible with the existing and planned 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**

The subject property is characterized by a large expanse of rolling topography in the central portion of this district and it slopes down to the stream valley which traverses the western portion of the property. The stream valley is a Resource Protection Area (RPA) as stipulated under the Chesapeake Bay Preservation Ordinance and Environmental Quality Corridor (EQC) as defined under the Comprehensive Plan; however, the EQC is more extensive than the RPA because the EQC includes steeply sloping pasture land which is immediately adjacent to the stream valley. The extent of the EQC and RPA are identified on the attached map.

The steeply sloping pasture is currently disturbed land which has become excessively eroded because it is used as pasture by the horses during inclement weather. Staff recommends that the applicants work closely with the Northern Virginia Soil and Water District (NVSWCD) to develop a plan to enhance and stabilize the buffer with appropriate native species along this slope because it is EQC. Stabilization of the EQC could be achieved if the applicants considered providing different grazing areas on the property which have more level terrain and which are not immediately adjacent to the RPA/EQC. Alternating or rotating the use of grazing areas is also recommended. Measures to stabilize and enhance the EQC buffer will achieve important water quality improvements in the larger stream system.

The applicant is encouraged to identify suitable measures for containing, storing and disposing of animal waste so it does not degrade water quality. On a site visit, staff noted random, unprotected mounds of manure scattered at the top of the embankment south of the main home.

Staff recommends that the property owners enhance RPA/EQC buffer areas with appropriate native tree and shrub species, as recommended by NVSWCD in order to be in harmony with the Comprehensive Plan guidance which recommends the use of "agricultural and forestal techniques" as a means to support ... "water quality goals for the Occoquan Reservoir watershed."

The Soil and Water Quality Conservation (SWQC) Plan proposes very detailed recommendations for this future agricultural and forestal district including the following:

- buffer re-vegetation and restoration with native species;

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- outfall, stream and stream bank restoration;
- appropriate application of nutrients and pesticides;
- appropriate containment, management and disposal of animal waste;
- management and control measures of the invasive water chestnut species which has invaded the pond.

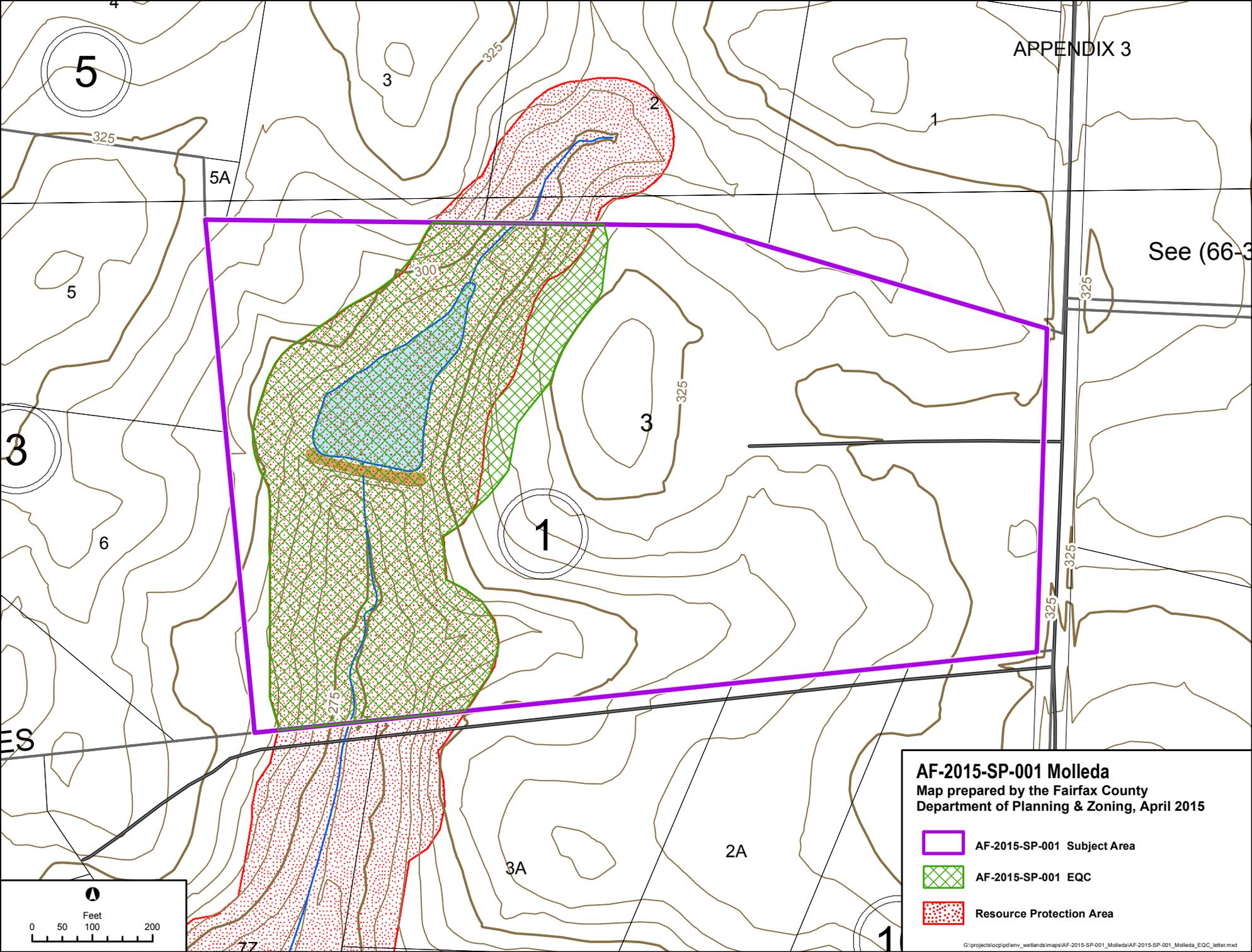
The statement of justification identifies a number of unique tree specimens which exist on the subject property including 4 American Chestnuts, 4 oaks, and 25 fruit trees – apple, pear, peach, plum, and fig. For this reason, the applicant is encouraged to work with the Virginia Department of Forestry (VDOF) to complete a Forestry Management Plan as prescribed by the VDOF's Best Management Practices Handbook for Forestry Operations. Such a plan will provide appropriate recommendations for cultivating trees in a manner which is sensitive to the RPA and EQC areas designated on the property.

The proposed Agricultural Forestal District is consistent with the goals of the Comprehensive Plan to preserve and protect this environmentally sensitive area of Fairfax County.

PGN: KE

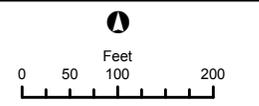
Attachment

See (66-3



**AF-2015-SP-001 Molleda**  
 Map prepared by the Fairfax County  
 Department of Planning & Zoning, April 2015

-  AF-2015-SP-001 Subject Area
-  AF-2015-SP-001 EQC
-  Resource Protection Area





**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 Owners/Operators:**

Heather Scott-Molleda and Jose Molleda  
 Planned Agricultural and Forestal District – AF-2015-SP-001  
 6500 Clifton Road  
 Clifton, VA 20124  
 Tel: 703-786-9246/703-988-0260  
 HScottmolleda@gmail.com

**Plan Prepared by:**

Willie Woode, Senior Conservation Specialist, NVSWCD

**Date:** April 20, 2015

**Revised and Approved: June 23, 2015** (All revisions are shown in red)

**Property Assessment:**

The Molleda Property being considered for enlistment into the Fairfax County Agricultural and Forestal District status is approximately 23 acres in size, located at 6500 Clifton Road in Clifton, in the Popes Head Creek Watershed (PL-46). It consists of one parcel identified in the Fairfax County Tax map as 75-1 ((1)) – 3.

The property is primarily residential. It is currently used as a farm for grazing eight horses, raising 32 chickens plus other birds and two rabbits. It has preserved wooded areas for wildlife enhancement purposes.

The horse-keeping aspect of the farming operation already has five fields and three sacrifice areas for rotational grazing purposes. Sacrifice areas can be improved in structure and maintenance standards to minimize pollution contribution into the onsite pond and into an onsite tributary that feeds Johnny Moore Creek.

The current waste management site is ideally located on high ground. An innovative “Moat” (ditch) was dug to hold runoff leaching from the unprotected waste pile. However, an improved waste management practice is required considering the environmental sensitivity of the watershed.

1,777 linear feet of Chesapeake Bay Resource Protection Area (RPA) overlay portions of some fields and wooded areas.

Steep slopes are a common feature on both sides of the pond, as well as along the banks of the Johnny Moore Creek tributary. For this reason, the Fairfax County Department of Planning and Zoning has delineated that zone as an Environmental Quality Corridor, in addition to the RPA delineation.

A 0.5-ac. in-line farm pond exists within the RPA, adjacent to field #5. The above mentioned tributary flows through the pond in a north-south direction. Vegetative buffer enhancement is needed within certain portions of the RPA.

The pond's physical feature shows normal erosion. However, vegetative buffer between the pond and field #5, as well as, the steep slope below the heavy-use/sacrifice area #2 and the pond, needs to be enhanced using native shrubs and ground cover. Mature trees were observed to have established themselves on the dam. Water lily that was introduced into the pond must be closely monitored and controlled to prevent establishment of a mono-culture within the pond system.

Of concern to the owners, was the emergence of Water Chestnut (*Trapa natans* L.) aquatic weed.

**Practices:**

**1) Nutrient Management (Required):**

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

Application of nutrient should be done under ideal conditions and a 10 – 15 feet wide buffer of no fertilizer application maintained along the lowest areas of the RPA within the pasture fields.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.0 ac.	8	2015		
2	1.0 ac.	8	2015		
3	2.0 acs.	8	2015		
4	2.7 acs.	8	2015		
5	1.0 ac.	8	2015		
Total	7.7 acs.				

**2) Chesapeake Bay Resource Protection Area (RPA) Management (Required):**

The RPA is the final barrier through which pollutants contained in runoff from adjacent land areas are filtered. RPAs are required to be kept densely vegetated to enhance surface filtration and soil infiltration. The green shaded area on the site map is the county delineated Chesapeake Bay Resource Protection Area (RPA).

Pasture areas within the RPA should not be overgrazed to **minimize** erosion – **Critical.**

Pesticide and nutrient application within this area should be done discretionally.

RPA buffer areas of concern:

i) The section of Field #3 closest to tributary provides access to the creek as a source of water for the horses. Construction of a hardened access should be considered to minimize bank erosion. Design specification can be provided for construction of this feature upon request from the district. **Alternatively, water can be brought to the horses in troughs as is being done for fields 1, 2, & 4 – Critical.**

In addition to the established brush barrier, an additional 50-foot wide buffer of non-grazing vegetation is recommended, to be planted on the field-side of the brush barrier. This will improve water quality through infiltration and exfiltration of pollutants contained in runoff – **Critical.**

ii) Buffer areas on both sides of the pond need to be enhanced with mainly deer-resistant, native shrubs and ground cover adapted for riparian (stream) zone areas – **Critical.**

Depending on the species, plants can be placed in staggered rows, two feet apart. Grasses & grass-like plants you may consider include: big bluestem, sallow sedge, switch grass and deer tongue. Shrub species you may consider include: common alder, choke berry, button bush, red osier dogwood, silky dogwood, spice bush, viburnum, streamco willow and banker dwarf willow. Plants can be bought in bulk from commercial nurseries.

Fields	Planned		Applied	
	Amount	Month	Amount	Date
	Year			
3	140 ln. ft.	4	2015	
5	150 ln. ft.	4	2015	
S/A #2	100 ln. ft.	4	2015	

Total	390 ln. ft.				
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### 3) Pest Management (595) (Required):

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.

**Pond weed of concern was identified as Water Chestnut (*Trapa natans* L.).** Physical control includes pulling plants out before August when they go into the seeding stage. Pulled-out plants can be properly disposed of by composting. If well established, plants can only best be treated with 2,4-D a selective systemic herbicide. Due to the long duration through which seeds can remain viable in sediment, treatment generally is needed for up to 10 years to ensure complete eradication.

Other pests can be addressed if they begin to reach the threshold level.

Fields	Planned Amount Year	Month		Applied Amount	Date
1	1.0 ac.	4	2015		
2	1.0 ac.	4	2015		
3	2.0 acs.	4	2015		
4 & 4A	2.7 acs.	4	2015		
5	1.0 ac.	4	2015		
Pond	0.5 ac.	4	2015		
Sacrifice Areas	1.3 acs.	4	2015		
Chicken Area	0.1 ac.	4	2015		
Barn and Manure management areas	0.1 ac.	4	2015		
Outdoor Riding areas	0.35 ac.	4	2015		
Residential	4.2 acs.	4	2015		
Wooded	8.75 acs.	4	2015		
Total	23.0 acs.				

**4) Prescribed Grazing (528) (Required):**

Prevent “overgrazing” by implementing a Rotational Grazing Practice. Overgrazing in this case, is exposing a pasture area to more grazing before it has time to fully recover from the previous grazing event. This is a factor of time and not animal species or size. Overgrazing can be damaging to grass growth and to the environment, by causing water pollution due to erosion.

This can be prevented by grazing the appropriate number of fields in a rotational manner, and by observing and adjusting the pasture recovery period throughout the grazing season.

Fields S/A1, S/A2 & S/A3 were observed to have been severely overgrazed during the winter months. Because of their proximity to environmentally sensitive features like the RPA and EQC, these fields should no longer be overgrazed to the extent that they become a potential source of significant pollution for the environment – **Critical**.

Consider including your sacrifice area (next to the Barn) in your rotational process, especially in cases where pasture conditions may be too wet to hold horses, or when drought conditions demand getting the horses off the pasture fields.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.0 acs.	4	2015		
2	1.0 ac.	4	2015		
3	2.0 acs.	4	2015		
4	2.7 acs.	4	2015		
5	1.0 ac.	4	2015		
Sacrifice Areas	1.3 acs.	4	2015		
Total	9.0 acs.				

**5) Waste Management (Required)**

Construct and utilize a structured waste management facility within which farm waste will be managed, to minimize non-point source (NPS) pollution of surface and ground water – **Critical**.

Currently, your farm waste is piled unprotected in an area shown on the plan as “M,” with a moat on the downhill side to catch and hold leachate. Improvement required

should be in the form of a composting facility with cover and an impervious base. Until such a structure is constructed, it is recommended that a berm be built around the uphill side of the waste pile to divert runoff around the pile. The pile should be kept covered with a tarp to keep pollutants from leaching out during rain or snow events. The pile should be turned regularly to enhance aerobic decomposition and to maintain its internal temperature. Adequate amount of water added when necessary to enhance composting process. Composted material should be spread over the fields as recommended in the nutrient management plan.

A multi-cell composting facility should be considered based on the design criteria provided. Waste deposits in fields should be dragged at regular intervals to help with its dispersal and breakdown.

Area	Planned Amount	Month	Year	Applied Amount	Date
M	I unit	4	2015		
Total	I unit				

#### 6) Pond Maintenance (Required):

Manage existing pond and its adjacent vegetated buffer areas for water quality improvement and wildlife enhancement purposes.

Maintain fencing around pond area to keep horses out. Enhance vegetative stand in buffer areas to improve filtration of pollutants within the established Environmental Quality Corridor (EQC) and RPA before runoff enters the water body - **Critical**.

Area	Planned Amount	Month	Year	Applied Amount	Date
Pond	0.8 ac.	4	2015		
Total	0.8 ac.				

#### 7) Erosion control at Heavy Use/Sacrifice Areas (Recommended):

Define and treat specific areas that are Heavy Use/Sacrifice Areas, such that erosion processes from these areas do not make significant water pollution contribution. Specifically fields S/A1, S/A2 & S/A3 need to be clearly defined as either pasture fields or Heavy Use areas. If they are pastures then overgrazing should be prevented at any time of the year, due to their proximity to sensitive areas like RPA and EQC. If they are meant to be Heavy Use areas, then protective measures must be implemented to minimize the potential of them becoming sources of significant pollution. See surface treatment provided for Heavy Use Areas.

Because field S/A2 is totally (or almost totally) within the delineated RPA and EQC, it is recommended that NPS pollution contribution into state waters from that specific source, be reduced by either eliminating its use, or by implementing one or both of the practices listed below:

A) Stabilizing the surface of S/A2 using the layered aggregate design provided in the attachment.

B) Significantly enhancing the vegetation on the steep slope between S/A2 and the pond using a combination of plant species as provided in practice #2 above.

Area	Planned Amount	Month	Year	Applied Amount	Date
Sacrifice Areas (S/A 1, 2 & 3)	1.3 acs.	4	2015		
Total	1.3 acs.				

#### 8) Record Keeping (Recommended):

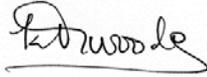
A system of records indicating the dates and applications of nutrients, or pesticides should be developed and maintained.

Fields	Planned Amount Year	Month	Year	Applied Amount	Date
1	1.0 ac.	4	2015		
2	1.0 ac.	4	2015		
3	2.0 acs.	4	2015		
4 & 4A	2.7 acs.	4	2015		
5	1.0 ac.	4	2015		
Pond	0.5 ac.	4	2015		
Sacrifice Areas	1.3 acs.	4	2015		
Chicken Area	0.1 ac.	4	2015		
Barn and Manure management areas	0.1 ac.	4	2015		
Outdoor Riding areas	0.35 ac.	4	2015		
Residential	4.2 acs.	4	2015		
Wooded	8.75 acs.	4	2015		
Total	23.0 acs.				

**SIGNATURES OF PARTNERS – Molleda Farm –  
A&F District - AF-2015-SP-001**

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Molleda Farm Owners:	
Heather Scott-Molleda _____	Date _____
Jose Molleda _____	Date _____

Planner:	
Wilfred Woode 	Date: June 23, 2015

District Authority:	
Chairman _____	Date _____

Bettina Ring  
State Forester



# COMMONWEALTH of VIRGINIA

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

March 16, 2015

Jose Molleda  
Heather Scott-Molleda  
6500 Clifton Road  
Clifton VA 20124

Dear Mr. Molleda,

I enjoyed meeting you and walking your property last Thursday. I especially enjoyed the passion you have for caring for your property. Enclosed you will find the forest management plan I have written in support of your A&F application as well as some information that you may find useful in implementing the plan. I think your property would make a good addition to the county's A&F program. For your convenience I have provided the county with a copy of the plan.

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

Respectfully,

A handwritten signature in black ink, appearing to read "James McGlone".

James McGlone  
Urban Forest Conservationist

cc: DPZ; file  
encl.



REPORT ON FORESTLANDS  
OF  
Jose Molleda and Heather Scott-Molleda  
6500 Clifton Road  
Clifton VA 20124

**Location:** The property is the northwest corner of the intersection of Clifton Road and Fox Shadow Lane. Fairfax County AFD AF-2015-SP-001 DOF number FAX15001

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

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

**Introduction:** This is a 23.2 acre property that is less than half forest. The property includes pastures, a large pond, and a residence and guest house with attendant landscaping and out-buildings. The property is bounded on three sides by 5 acre residential properties. There is a large horse farm across Clifton Road to the east. There is a perennial stream that runs north to south through the western half of the property. There is a Resource Protection Area (RPA) associated with this stream (see attached map). The age and composition of the forest suggest that until the late 1950s the land was in more intensive agricultural use as pasture or crop fields.

**Land form and Soils:** The property is located in the piedmont uplands of Fairfax County. The dominant soil types are Glenelg and Wheaton-Glenelg complex. A soil complex occurs where two soil types are mixed in a geographic area. Wheaton soil is a disturbed soil that arises from the same type of rock that Glenelg does. Both are deep, well-drained soils suitable for production of hardwood forest. Other soils on the property are generally alluvial descendants of Glenelg and are also suitable for hardwood forest.

**Water Quality:** The main water quality concerns with this property's current management lay with manure and pasture management. The recommendations on manure and pasture management from the Northern Virginia Soil and Water Conservation District should be followed to reduce water quality issues.

The stream that runs through the property is deeply incised and the banks are eroding. The stream degradation seen here is most likely the result of historical conversion of forestland to cropland and the more recent conversion of regrown forest to residential property throughout the watershed. The stream is adjusting to new storm water flows associated with the changing land use and there is little the landowner can do to affect this process.

**Resource Protection Area:** RPAs are established by Fairfax County under authority of the Virginia Chesapeake Bay Act. The purpose of the RPAs is to protect water quality by providing

a vegetative buffer to all streams. In general, a citizen may not disturb vegetation in an RPA without permission from the county. There is an exception for maintained landscape established prior to the RPA designation. This means that in areas of the RPA that have been maintained as fields, maintenance may be continued without reporting to the county.

**Invasive species:** Non-native invasive species are a general resource management concern because they crowd out native plants and do not integrate well into the ecology of the area. The most problematic invasive plants are not eaten by any native wildlife, including insects. Since insect grazers are food for approximately 96% of all bird species nestlings, these plants fail to support our native birds and other wildlife. Additionally many of the vines kill mature trees. Recent studies have shown that pollen and nectar from non-native plants can provide suitable food resources for native bees and other pollinators.

There are several invasive plant species on the property and they are found throughout the property. I noted Japanese honeysuckle vine (*Lonicera japonica*), Asian honeysuckle shrubs (*Lonicera* spp.), porcelain berry (*Ampelopsis brevipedunculata*), multi-flora rose (*Rosa multiflora*) and oriental bittersweet (*Celastrus orbiculata*), I have included fact sheets on all of these plants, explaining the issues with them and control strategies. For more information on invasive plants visit: [http://www.dcr.virginia.gov/natural\\_heritage/invspinfo.shtml](http://www.dcr.virginia.gov/natural_heritage/invspinfo.shtml).

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

### Stand A

This stand encompasses most of the forest on the property, and includes the entire southern, western and most of the northern boundary of the property.

**Forest Type:** The dominant species is tulip poplar (*Liriodendron tulipifera*); there are also beech (*Fagus grandifolia*), black walnut (*Juglens nigra*), black gum (*Nyssa sylvatica*), red maple (*Acer rubrum*), and black cherry (*Prunus serotina*) present. There are also planted white pine (*Pinus strobus*) along Clifton Road

**Quality/Size:** Mature trees.

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

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

**Recommendation:** This stand suffers from the same thing most forests in Fairfax County suffer from: non-native invasive species and excessive deer browse. While visiting the property I saw many deer tracks.

Removal of non-native invasive species would be ideal, but focus should be on cutting vines growing on trees, which will kill mature trees.

Reducing the size of the deer herd will not only benefit this property, but also surrounding properties. For more information about deer management in a suburban setting visit:

[www.greenfireweb.com](http://www.greenfireweb.com).

### Other Notes

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

A small ornamental cherry in the yard has black knot, a fungal disease of plums and cherries genera. A large black cherry along the north side of the driveway also is infected. The small cherry is heavily infested and should be removed and the wood either burned or sent to the landfill. Do not stack or compost as this may spread the fungal spores. The large cherry should be monitored and considered for removal.

I also noted the crepe myrtle next to the house had not been topped. Although this is a common management practice for this species and it is more accepting of topping than most trees, it is not a good practice and I encourage you to never top these or any trees.



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

## Molleda Agricultural and Forestal District

FAX15001 AF 2015-SP-001



Boundaries approximate, based on aerial photographs

Map By: James M. McGlone

Report Date: Monday, March 16, 2015



# 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:** April 14, 2015

**SUBJECT:** AF 2015-SP-001, Heather Scott-Molleda & Jose Maria Molleda  
Tax Map Number(s): 75-1((1)) 3

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.”

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on the land, resources or service levels of the Park Authority.

### COMPREHENSIVE PLAN GUIDANCE

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

### ANALYSIS & RECOMMENDATIONS

#### Cultural Resources Impact:

The Property has not been surveyed for archaeological sites. The review indicates that the upland landforms have a moderate potential for prehistoric and historic archaeological sites, and according to the application, structures that date back to the 1820s. However, the application is for conservation rather than development and therefore, is friendly to the conservation of any sites that exist on the Property.

The Park Authority supports the application. However, should the property ever come under development pressure, it should be subjected to an archaeological survey followed by appropriate significance assessments of significant sites and structures.

FCPA Reviewer: Andrea L. Dorlester / Paul Ngo  
DPZ Coordinator: Michael Lynskey

Copy: Cindy Walsh, Director, Resource Management Division  
Liz Crowell, Manager, Cultural Resource Management & Protection Section  
Michael Lynskey, DPZ Coordinator  
Chron File  
File Copy



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** March 20, 2015

**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 2015-SP-001)

**SUBJECT:** Transportation Impact

**REFERENCE:** AF 2015-SP-001; Heather Scott-Molleda  
Land Identification Map: 75-1 ((1)) 3

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. It should be noted that the Countywide Trails Plan shows a 6'-8' secondary trail along this side of Clifton Road and the Bicycle Plan shows Clifton Road as a Shared Roadway with Safety Treatments for bicycles. However, 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

cc: Michael H. Lynskey, DPZ



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** 29 June 2015

**TO:** Michael Lynskey, ASLA, Zoning Evaluation Staff Coordinator

**FROM:** Linda Cornish Blank, Historic Preservation Planner

**SUBJECT:** AF 2015-SP-001; 6500 Clifton Rd., property owners Heather Scott-Molleda and Jose Maria Molleda; tax id #75-1 ((1)) 3; Heritage Resource comment

**Planning Location:** Fairfax County Comprehensive Plan, 2013 Edition, Area III, Pohick Planning District, P-3 Johnny Moore Community Planning Sector, Amended through 3-24-2015, Overview, Heritage Resources, pages 9 and 10:

“Heritage Resources

The Pohick Planning District contains both known and potential heritage resources. A list of those historic resources included on in Fairfax County's Inventory of Historic Sites is shown on Figure 4, and a map of those resources is shown on Figure 5. The Inventory is open-ended and continues to grow. . . .

Large portions of the Pohick Planning District have not been surveyed to determine the presence or absence of heritage resources. It is desirable that these areas be examined before they are developed and appropriate action taken to record, preserve and/or recover significant heritage resources. . . .

The county Inventory of Historic Sites includes properties which meet certain eligibility criteria and are officially designated by the county's History Commission. In addition to historic, architectural and archaeological significance, property that serves as a focus of community identity and pride may also be recognized. The benefits of designation include public recognition of the structure's significance and enhanced support for preservation. . . .

In those areas where significant heritage resources have been recorded, an effort should be made to preserve them for the benefit of present and future generations. If preservation is not feasible then the threatened resources should be thoroughly recorded and, in the case of archaeological resources, the data recovered in accordance with countywide policies.”

**Policy Plan:** Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Amended through 4-29-2014, Heritage Resources, pages 3-4:

**“Objective 2: Maintain a county Inventory of Historic Sites to recognize the value of significant heritage resources for preservation.**

Policy b. Evaluate heritage resources for listing in the county Inventory of Historic according to established public significance criteria. A heritage resource is significant to the public if it meets one or more of the following criteria:

## Heritage Resource memo

AF 2015-SP-001

Page 2

1. it possess information on or represents any aspect of heritage considered important by a discrete population, ethnic group, or community; or
2. it has the potential to serve, or already serves, as a focus of community density and pride; or
3. it retains characteristics that are potentially useful in educating the public about the past and how it is studied; or
4. it enables the exhibit and display of objects, ruins, or stabilized restored structures for public education and enjoyment. . . . “

**Objective 3: Protect significant heritage resources from degradation, or damage and destruction by public or private action.**

Policy g. Promote the use of open space/conservation easements to preserve heritage resources. Encourage property owners to place easements on their properties, working with the county, a local non-profit land trust and/or a state or national entity authorized to hold easements for the purpose of heritage resource preservation.

**Background:** The subject parcel is not included within the boundaries of a Fairfax County Historic Overlay District, is not listed in the Fairfax County Inventory of Historic Sites or the National Register of Historic Places or documented in the historic structures survey file. However, the application indicates that this 23 acre parcel is the “last remaining portion of the 300-acre Springdale Farm” and has historic significance. The property owner cites the barn and original farm house, events reported as occurring on the property and remains of historic buildings along with early 20<sup>th</sup> century photographic documentation of the property. In addition, the applicant states, that they “have not had the buildings listed on the Fairfax County inventory as yet”.

**Findings:**

1. The Comprehensive Plan text states: The Pohick Planning District contains both known and potential heritage resources and that the Fairfax County Inventory of Historic Sites is open-ended and continues to grow. The property which is the subject of this application has been identified by the property owner as historically significant although not officially recorded as a heritage resource.
2. The Policy Plan cited above stipulates public significance criteria used to evaluate heritage resources for listing in *The Fairfax County Inventory of Historic Sites*. The Molleda property/Springdale Farm potentially meets the public significance criteria. Staff encourages the property owner to evaluate the property for possible listing in the county inventory.
3. The Policy Plan cited above further stipulates the use of open space/conservation easements to preserve heritage resources. Staff encourages the property owner to investigate placing an easement on the property to protect the property and its significant buildings and cultural landscape in perpetuity.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

**DATE:** September 1, 2015

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

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

**SUBJECT:** Recommendations on the Molleda Local Agricultural and Forestal District;  
Application AF 2015-SP-001

The Agricultural and Forestal Districts Advisory Committee met on September 1, 2015 to review the application to establish the Molleda Local Agricultural and Forestal District (Application AF 2015-SP-001). The Committee found the following:

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

The Agricultural and Forestal Districts Advisory Committee unanimously recommends that Appendix F of the Fairfax County Code establish the Molleda 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.

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

## **ARTICLE 1.**

### **In General.**

#### **Section 115-1-1. Short title.**

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

#### **Section 115-1-2. Policy and purpose.**

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

#### **Section 115-1-3. Authority.**

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

## **ARTICLE 3.**

### **District Applications.**

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

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

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

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

- a) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight (8) years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land or to prevent the construction of one (1) additional house within the district, where otherwise permitted by applicable law, for either an owner, a member of an owner's family, or for a tenant who farms the land;
- b) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight (8) years from the date of adopting of the original district ordinance;
- c) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural or forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to *Code of Virginia*, Section 58-769.4 et seq., if the requirements for such assessment contained therein are satisfied;
- d) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may by ordinance renew the district or a modification thereof for another eight-year period. No owner of land shall be included in any agricultural and forestal district of local significance without such owner's written approval; and
- e) Any other provisions to the mutual agreement of the landowner and the Board of Supervisors that further the purpose of this Chapter. (21-95-115.)

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

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

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

## **ARTICLE 5.**

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

#### **Section 115-5-1. Criteria.**

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

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

- 1) All district acreage should be currently devoted to agricultural use or forestal use or should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use, related to the agricultural or forestal use and generally not more than five (5) acres per district, may be included.
- 2) All lands in the district should be zoned to the R-P, R-C, R-A or R-E District.
- 3) The district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1-.2 dwelling unit per acre, .2 dwelling unit per acre, .2-.5 dwelling unit per acre, .5-1 dwelling unit per

acre, Private Recreation, Private Open Space, Public Park, Agriculture, Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least three (3) of Criteria Group B.

- 4) A majority of the surrounding land within one-quarter mile of the district should be planned according to the Comprehensive Plan for uses identified in (a)(3), above. Exceptions may be made for lands located at the edge of a planned growth area or which meet at least three (3) of the criteria of Criteria Group B, if no conflicts with surrounding uses, existing and planned, are evident or likely.
- 5) All farms to be included in a district should be at least twenty (20) acres in size. A farm may include several parcels of land; however, all parcels must have the same owner or else owners must be members of the same immediate family or a family trust or family corporation. A farm must include at least fifteen (15) acres of land in agricultural use. A farm may include noncontiguous parcels within one (1) mile of the core acreage (the largest parcel or group of contiguous parcels or the parcel where the farm buildings are located) as long the noncontiguous parcels are predominately agricultural in use and as long as the total acreage of each individual farm (including contiguous and noncontiguous lands) is at least twenty (20) acres.
- 6) All other properties not included in a farm as defined in (a)(5), that is, forested and partially forested properties, and properties with less than fifteen (15) acres in agricultural use, should be at least twenty (20) acres in size. These properties may contain several parcels; but all parcels must be contiguous, and all must have the same owner, or else owners must be members of the same family or a family trust or family corporation.
- 7) Approximately two-thirds of the land in agricultural use in the district should contain Class I, II, III or IV soils as defined by the USDA Soil Conservation Service. Districts having more than one-third of the land in agricultural use containing Classes V--VIII soils may be considered if such lands have been improved and managed to reduce soil erosion, maintain soil nutrients, and reduce nonpoint source pollution.
- 8) Agricultural land in the district should be used in a planned program of soil management, soil conservation and pollution control practices which is intended to reduce or prevent soil erosion, maintain soil nutrients, control practices which is intended to reduce or prevent soil erosion, maintain soil nutrients, control brush, woody growth and noxious weeds on crop land, hay land and pasture land, and reduce nonpoint source pollution. Exceptions to this criterion may be made only for those agricultural lands which upon initial application for the establishment of a district are not used in such a program but for which a

conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District.

- 9) Forest land and undeveloped land in the district should be kept in an undisturbed state, or if periodically harvested or experiencing erosion problems, shall be used in a planned program of soil management, soil conservation and pollution control practices which is intended to reduce or prevent soil erosion, maintain soil nutrients and reduce nonpoint source pollution. Exceptions to this criterion may be made only for those lands which upon initial application for the establishment of a district are not used in such a program but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District or the Virginia Division of Forestry.
- 10) There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use in the district. In particular, districts with no history of investments in farm or forest improvements must evidence a firm commitment to agricultural or forest use for at least the life of the district.

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

- 1) Farm and/or forest products have been regularly produced and sold from the property during the last five (5) years.
- 2) The land provides scenic vistas, improves the aesthetic quality of views from County roads or contributes to maintaining the existing rural character of an area.
- 3) The property contains an historically and/or archaeologically significant site which would be preserved in conjunction with the establishment of a district. A site that is listed on the Federal Registry of Historic Places, the State Registry of Historic Places and/or the County Inventory of Historic Places will be considered historically and/or archaeologically significant. A property which contains a site that is considered to be archaeologically significant by the County Archaeologist, or is located in an area with a high potential for archaeological sites, provided that the property owner has agreed to permit the County Archaeologist access to the site, may also be considered historically and/or archaeologically significant.
- 4) Farming or forestry operations practice unique or particularly effective water pollution control measures (BMP's).
- 5) The land is zoned R-A, R-P or R-C.
- 6) The land is entirely in a permanent open space easement. (13-83-115; 21-95-115.)

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

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

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

"Real estate devoted to agricultural use" shall mean real estate devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.), or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for a profit or otherwise shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to agricultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to horticultural use" shall mean real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.), or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit or otherwise shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to horticultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to horticultural use. In determining whether real property is devoted to horticultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to forest use" shall mean land, including the standing timber and trees thereon, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.). Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit, or otherwise, shall still be considered real estate devoted to forest use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it no longer constitutes a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#). Real property that has been designated as devoted to forest use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to forest use. In determining whether real property is devoted to forest use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, including public or private golf courses, (ii) conservation of land or other natural resources, (iii) floodways, (iv) wetlands as defined in § [58.1-3666](#), (v) riparian buffers as defined in § [58.1-3666](#), (vi) historic or scenic purposes, or (vii) assisting in the shaping of the character, direction, and timing of community development or for the public interest and consistent with the local land-use plan under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) and the local ordinance. Prior, discontinued use of property shall not be considered in determining its current use. Real property that has been designated as devoted to open-space use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to open-space use. In determining whether real property is devoted to open-space use, zoning designations and special use permits for the property shall not be the sole considerations.

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

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

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

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

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

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

The council of any city may adopt an ordinance to provide for the assessment and taxation of only the real estate in an area newly annexed to such city in accord with the provisions of this article. All of the provisions of this article shall be applicable to such ordinance, except that if the county from which such area was annexed has in operation an ordinance

hereunder, the ordinance of such city may be adopted at any time prior to April 1 of the year for which such ordinance will be effective, and applications from landowners may be received at any time within thirty days of the adoption of the ordinance in such year. If such ordinance is adopted after the date specified in § [58.1-3231](#), the ranges of suggested values made by the State Land Evaluation Advisory Council for the county from which such area was annexed are to be considered the value recommendations for such city. An ordinance adopted under the authority of this section shall be effective only for the tax year immediately following annexation.

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

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

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

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

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § [58.1-3230](#), or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than 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.

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

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

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

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

A. Albemarle County, Arlington County, Augusta County, James City County, Loudoun County, and Rockingham County may include the following additional provisions in any ordinance enacted under the authority of this article:

1. The governing body may exclude land lying in planned development, industrial or commercial zoning districts from assessment under the provisions of this article. As applied to zoning districts, this provision applies only to zoning districts established prior to January 1, 1981.

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

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

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

Any person failing to report properly any change in use of property for which an application for use value taxation had been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for such penalties and interest thereon as may be provided by ordinance. Any person making a material misstatement of fact in any such application shall be liable for all such taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the locality, he shall be further assessed with an additional penalty of 100 percent of such unpaid taxes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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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### GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** 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.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** 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 nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

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

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect 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 Vol. 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 environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**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 of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That 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, Ch. 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, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**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 Corps of Engineers

**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.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		