



APPLICATION ACCEPTED: March 26, 2015
PLANNING COMMISSION: October 14, 2015
BOARD OF SUPERVISORS: October 20, 2015 @ 3:30 pm

County of Fairfax, Virginia

September 30, 2015

**STAFF REPORT
JEWETT LOCAL AGRICULTURAL
AND FORESTAL DISTRICT
AR 90-D-003-03
DRANESVILLE DISTRICT**



APPLICANT: Joan Lewis Jewett,
Jewett Family Corporation, Inc.

ZONING: R-1

PARCEL: 29-1 ((1)) 71Z, 72Z, 73Z, 74Z

LOCATION: 8700 Lewinsville Road, McLean, VA

SITE AREA: 25.19 acres

PLAN MAP: Residential at 1 to 2 du/ac

PROPOSAL: Renewal of Local Agricultural and Forestal
District

STAFF RECOMMENDATIONS:

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

Michael H. Lynskey, ASLA

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



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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.



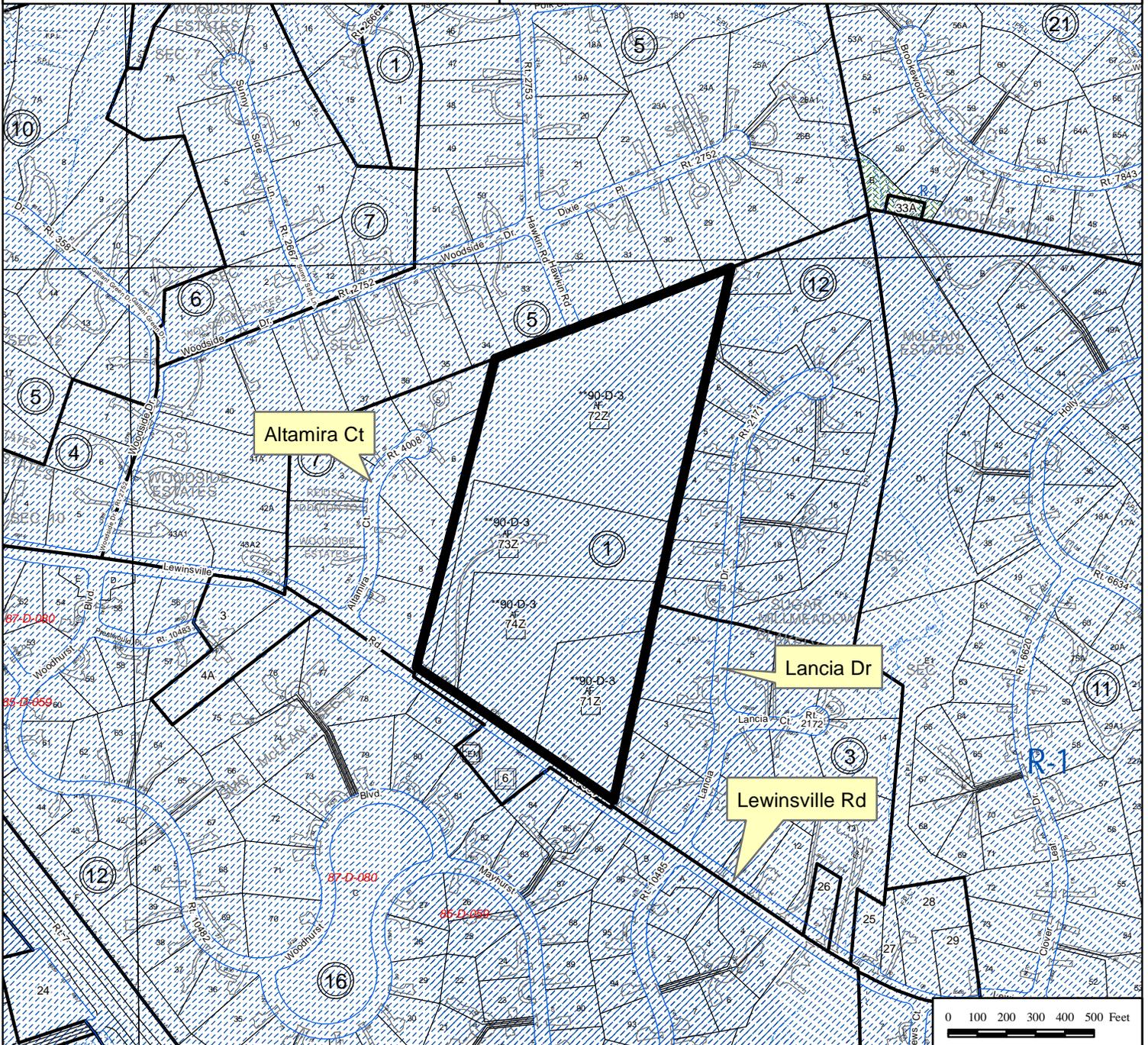
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

A&F District Renewal

AR 90-D-003-03



Applicant: JEWETT FAMILY CORPORATION, INC.
Accepted: 03/26/2015
Proposed: AGRICULTURAL AND FORESTAL DISTRICT RENEWAL OF AF 90-D-003
Area: 25.19 AC OF LAND; DISTRICT - DRANESVILLE
Zoning Dist Sect: Located: 8700 LEWINSVILLE ROAD, MCLEAN, VA 22102
Zoning: R-1
Overlay Dist:
Map Ref Num: 029-1- /01/ /0071Z /01/ /0072Z /01/ /0073Z /01/ /0074Z



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

DESCRIPTION OF APPLICATION

AR 90-D-003-03 is a request to renew the Jewett Local Agricultural and Forestal (A & F) District for an additional 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: Joan Lewis Jewett
Jewett Family Corporation, Inc.

Acreage: 25.19 acres

Uses: Active agriculture – 15 acres
Forested or undeveloped – 5 acres
Residential – 5 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 1960, and the Jewett Local Agricultural & Forestal (A & F) District was initially created on March 18, 1991, on the same acreage as the current application. The District was renewed on May 24, 1999, and again on August 6, 2007 for additional eight-year terms. One parcel of the District has been divided since the previous renewal (Parcel 70Z is now Parcels 73Z and 74Z); the property has not otherwise been altered since the inception of the District.

The primary agricultural use in the early years of the District was cattle grazing, though horses, geese, chicken and rabbits are now the predominant farm animals. Fruits and vegetables are grown on a small scale, and a commercial daffodil field occupies approximately 1/2 acre of the District.

LOCATION AND CHARACTER

The subject property is located just a short distance from Tysons Corner, on Lewinsville Road, just northeast of the intersection of Leesburg Pike and the Dulles Access Road. The site represents the only remaining undeveloped farmstead in this otherwise fully developed portion of the County, and provides connectivity with the nearby Rocky Run stream valley corridor.

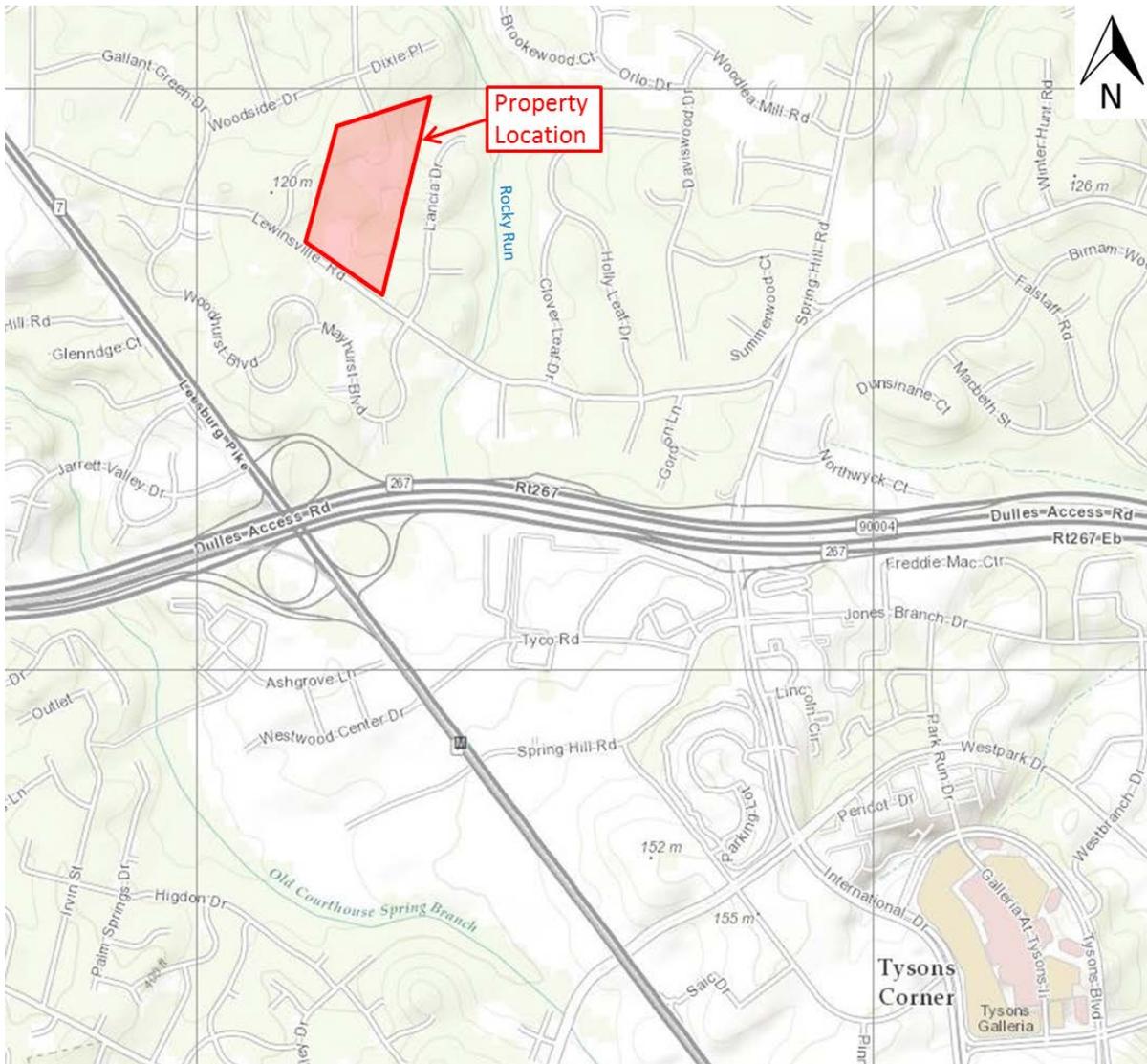


Figure 1: District location map.

Surrounding Area Description:

The property and surrounding area is zoned R-1, and is developed entirely by residential development in the 1-acre range, with the exception of the historic Pleasant Grove Methodist Church located directly across Lewinsville Road to the south. The development of Blakely Manor exists directly to the east, with Woodside Estates to the north and west.

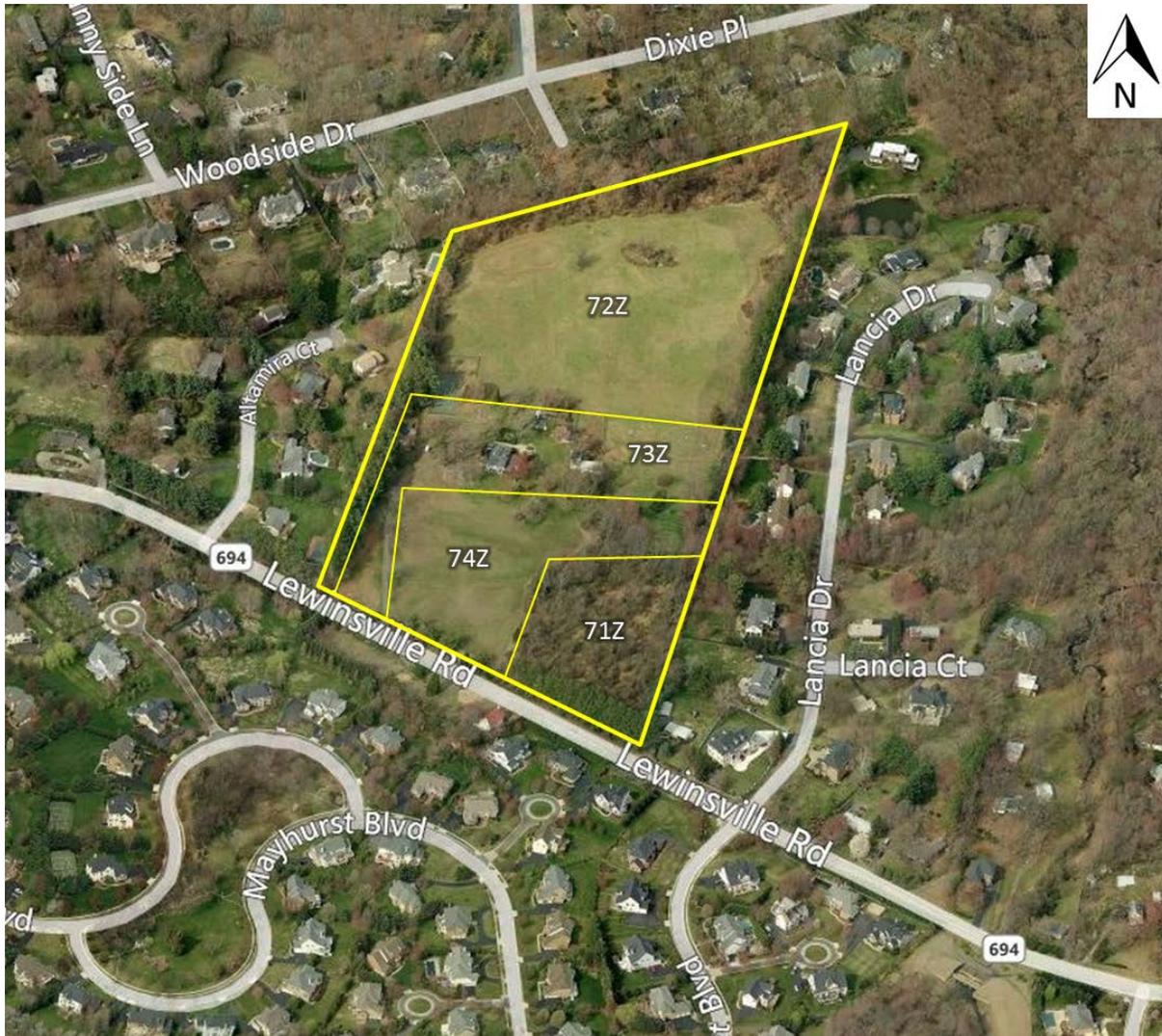


Figure 2: Aerial view of District.

Property Description:

The 25.19-acre property consists of four contiguous parcels, of which approximately five acres (on Parcel 73Z) is utilized for residential use, five acres (Parcel 71Z) is conserved as forested, undeveloped land, and the remaining 15 acres is cleared for agricultural use. The property includes approximately 800 feet of frontage along

Lewinsville Road. There are three residential structures on the property: a farmhouse and an overseer's house (both dating to 1870), as well as a barn used as a guest house (dating to 1930). Several other barns and outbuildings (dating to the early 1900's) also exist on the site, as listed on Figure 3, below. A small seasonal pond exists in the southeast, wooded portion of the property, and drains into a tributary to Rocky Run.

Figure 3: Structures on the Property		
Structure	Year Built	Use
Main Farmhouse	1870	Residential – Owner's Home
Overseer's House	1870	Residential – Tenant House
Cow Barn	1930	Residential - Guest House
Horse Barn	1900	Agricultural
Hay Barn	50+ years old	Agricultural
Chicken Barn	50+ years old	Agricultural
Shed	1930	Storage



Figure 4: Structures existing on the property.



Figure 5: View from driveway, north towards house.



Figure 6: Barn and outbuildings on the property.



Figure 7: Site frontage on Lewinsburg Rd., with view of Pleasant Grove church.

COMPREHENSIVE PLAN PROVISIONS

- Plan Area:** Area II
- Planning District:** McLean
- Planning Sector:** M6 – Spring Hill Sector
- Plan Map:** Residential use at a density of 1 to 2 dwelling units per acre.
- Plan Text:** *“9. Tax Map #s 29-1((1))70V, 70Z, 71V, 71Z, 72V, 72Z are currently planned at a density not to exceed 1 dwelling unit per acre. Due to the property’s size and convenient access, as an option, public park use may be appropriate.”*

STAFF ANALYSIS

Land Use Analysis (Appendix 3)

The current use of the subject property represents a residential density of approximately 0.08 du/ac, which remains far below the recommended maximum density of the Comprehensive Plan, and staff feels that the continuation of the Agricultural and Forestal use of the property is consistent with Comprehensive Plan recommendations to protect existing stable neighborhoods, preserve open space and protect environmental resources. The preservation of the District also protects scenic vistas to and from the adjacent historic Pleasant Grove Methodist Church, providing a larger historic context for that resource.

Environmental Analysis (Appendix 3)

The property is located in the Difficult Run Watershed and approximately 500 feet west of the Rocky Run stream valley. Approval of this A&F District renewal would be consistent with the goals of the Comprehensive Plan to preserve and protect this environmentally sensitive area of the County.

Transportation Analysis (Appendix 6)

The subject site is affected by recommendations of the County Transportation Plan Map, which provides for Lewinsville Road to be improved to a 4-lane arterial roadway in the vicinity of the site. To accommodate the planned improvements, the acquisition of additional right-of-way may be required in the future; however, no plan for such improvements have been funded, or are expected to occur within the currently proposed renewal period of eight years. Staff feels that current application would have no effect on the recommendations of the Transportation Plan.

Parks Analysis (Appendix 7)

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, facilities or service levels of the Park Authority.

Forestry Analysis (Appendix 5)

The Area Forester inspected the property and found that little had changed since the previous report (2007), and that the forest continued to meet the applicants' goals of screening and providing habitat. With the addition of a couple of minor recommendations included on the current memo (dated May 5, 2015) the Forester considers the previous Forest Management Plan still applicable. A proposed Ordinance

Provision requires that the applicant continue to follow the recommendations of that Forest Management Plan (dated April 9, 2007) as may be amended by the Department of Forestry, for the life of the District.

Soil and Water Conservation Analysis (Appendix 4)

A specialist from the Northern Virginia Soil and Water Conservation District (NVSWC) visited the property and prepared an updated Soil and Water Quality Conservation Plan, dated April 24, 2015. The Plan includes typical recommendations for nutrient and pest management practices, and provides guidance to improve rotational grazing and waste storage procedures on the site. A proposed Ordinance Provision requires that the applicant follow the recommendations of the plan, which may be amended, if deemed necessary, by the Soil and Water Conservation District during the life of the district.

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 five acres of residential use, the 25.19-acre property is wholly in either agricultural use, or forested/conserved. 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-1; therefore, this criterion is not 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 1 to 2 dwelling units per acre (du/ac), which is higher than the densities referenced by this criterion. The property, however, does satisfy 3 criteria of Group B. Therefore, staff considers this criterion 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.*

As per criterion A(3), above, the surrounding area is also planned for residential use at a density of 1 to 2 du/ac, which is higher than the densities referenced, but the property does satisfy 3 criteria of Group B. Staff considers this criterion satisfied.

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

The subject property consists of four contiguous parcels, under the ownership of the same family and/or family trust, totaling 25.19 acres - exceeding the 20-acre minimum specified. Approximately 15 acres of the property is in agricultural use, which also satisfies the minimum acreage requirement specified for a farm district. Since the minimum total acreage and the acreage for agricultural production is satisfied, this Criterion has been met.

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

The property is considered a farm (per criterion 5, above), so this criterion does not apply.

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.*

Approximately 84 percent of the site consists of soils of capability Classes II and III, which satisfies 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 24, 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 memo (dated May 5, 2015) was prepared by the Virginia Department of Forestry, which recommends that the previous Forest Management Plan (dated April 9, 2007) for the property continue to be in effect (Appendix 5). 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 lists many farm-related improvements made to the property over the years, including establishment of the pond, perimeter fencing, and maintenance of structures as pastures. Pursuant to recommendations from previous A & F renewals, the applicants have also made improvements to the pond to improve its water quality, as well as to recreational trails and walkways. Staff considers this criterion met.

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 grows fruits and vegetables on a small scale, in addition to the production of approximately 2,000 eggs a year, and daffodils for commercial sale. Up to 500 bales of hay are harvested from the fields each year. Staff considers this criterion satisfied.

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

The property is the last remaining farmstead in this portion of the County, and contains several historic structures. The 800 feet of frontage on Lewinsville Road, and the property's location directly across from the historic Pleasant Grove Methodist Church, provide the public with scenic views that recall the history of Fairfax County and retain a small portion of that rural character. Staff believes that the preservation of this site represents an important contribution towards preserving elements of our rural heritage within a highly-developed portion of the County. 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.

Though the structures on the site are not currently listed on the National Historic Register, or in the County Inventory of Historic Sites, there is documentation and preliminary research on the property in the County's historic structures survey file, and staff encourages the applicant to pursue nomination to the County Inventory, and to continue to preserve the structures and landscape (see Appendix 8). As mentioned in previous sections of this report, preservation of this farmstead serves an important role as a historic landscape, especially when considered in conjunction with the neighboring Pleasant Grove Methodist Church, which is currently listed on the National Historic Register.

There is also significant potential for archaeological resources on the site, and the applicant has previously allowed access to the County Archaeologist to survey for resources. An Ordinance Provision would be continued with this renewal, allowing the Cultural Resources Division of the Park Authority ongoing access to the site, for purposes of identifying and removing historic artifacts, if needed.

Staff considers this criterion satisfied.

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

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

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

The subject property is zoned R-1. Therefore, this criterion is not satisfied.

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

The subject property is not located within a permanent open space easement; therefore, this criterion is not 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 but one of the criteria in Group A and three (3) of the criteria in Group B.

The one Group A criteria that is not satisfied is the recommendation for all District acreage to be zoned *R-P, R-C, R-A, or R-E*. The subject property is zoned R-1, as a result of the 1978 adoption of the current Zoning Ordinance (not through any rezoning action of the property owner), but represents far lower residential density than what is planned for the area, and retains the historic agricultural use of the property. There have been no significant changes to the District since the previous renewal. Staff believes that the intent of the Code criteria has been satisfied.

AFDAC RECOMMENDATION (Appendix 9)

On June 6, 2015, The Agriculture and Forestal District Advisory Committee (AFDAC) voted to recommend approval of the application to renew the Jewett Local Agricultural and Forestal District for an additional eight-year term, subject to the Ordinance Provisions contained in Appendix 1 of the staff report.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

No significant changes have occurred to the Jewett Local Agricultural and Forestal District since its previous renewal, and staff believes that the application to renew the District continues to meet the intent of the criteria contained in Sect. 115-5-1 of Chapter 115 of the County Code; exceeds the minimum acreage requirement; and remains in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends that Appendix F of the Fairfax County Code be amended to renew the Jewett 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 11.

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. FCDOT Transportation Memo
7. FCPA Park Authority 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 30, 2015
AR 90-D-003-03

If it is the intent of the Board of Supervisors to renew the Jewett Local Agricultural and Forestal District as proposed in AR 90-D-003-03 pursuant to Chapter 36.1 of Title 15.1 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map Parcels 29-1 ((1)) 71Z, 72Z, 73Z, and 74Z, 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 (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.
- (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 (8) 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 or forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58-3230 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied;
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval;

Additional Provisions

- (5) The 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.

- (6) 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.
- (7) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan, dated April 24, 2015, for the life of the Jewett Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated, from time to time, as determined necessary by the Soil and Water Conservation District.
- (8) The applicants shall implement and abide by the recommendations of the Forest Management Memo, dated May 5, 2015, and the Forest Management Plan, dated April 9, 2007, for the life of the Jewett Local Agricultural and Forestal District. The Forest Management Plan may be updated, from time to time, as determined necessary by the Virginia Department of Forestry.
- (9) The Resource Management Division of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property. Surveys and other similar activities of the Resource Management Division shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.
- (10) All waste water resulting from the cleaning and draining of the swimming pool located on the property shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. Pool water shall be neutralized to a Ph level between 6.0 and 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a Ph approximately equal to that of the receiving stream.

FEB 19 2015

Zoning Evaluation Division

Application No. AR 90-P-003-03

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

FAIRFAX COUNTY

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

Owner's Name & Address Tax Map Number Year Acquired Zoning District Acres

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
Jewett Family Corporation, Inc. 8700 Lewinsville Rd., McLean VA 22102	29-1 ((1)) 71Z	2008	R-1	3.304 ac
Jewett Family Corporation, Inc. 8700 Lewinsville Rd., McLean VA 22102	29-1 ((1)) 72Z	2008	R-1	11.89 ac
Jewett Joan Lewis 8700 Lewinsville Rd., McLean VA 22102	29-1 ((1)) 73Z	2013	R-1	5 ac
Jewett Family Corporation, Inc. 8700 Lewinsville Rd., McLean VA 22102	29-1 ((1)) 74Z	2013	R-1	5 ac

3. Total acreage in the proposed district: 25.194 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 1 forest _____.

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

Name: Andrew Painter, Agent/Attorney
 Address: Walsh, Colucci, Lubeley & Walsh, PC
One East Market Street, Suite 300
Leesburg, VA 20176
 Telephone: 703 737 3633

6. Signature of all property owners:

Wey J. Walsh

Joan Lewis Tennant

TO BE COMPLETED BY THE COUNTY

Date application accepted: March 26, 2015

Date of action by Board of Supervisors: _____

Approved as submitted Denied

Approved with modifications

Deborah Lester
Secretary

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
Farmhouse	1870	Residential
Overseer's House	1870	Residential
Horse Barn (4 stalls)	1900	Animals
Haybarn	50+ years ago	Animals
Chicken Barn	50+ years ago	Animals
Cow Barn	1930	Guest House
Shed	1930	Tool Storage

use additional page(s) if necessary

2. List any historic sites, as listed on the Fairfax County Inventory of Historic Sites, located on the subject property:

N/A

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

Improvements to the property were completed in the 1960s, including the digging of a well, the establishment of a pond, and the expansion of the farmhouse. Perimeter fencing has been rehabilitated and maintained to keep in livestock, and maintenance has been performed on other structures and the pastures. Pursuant to prior A&F District approvals, the pond has been maintained to improve water quality; its banks have been cleared, and the dam has been maintained. The wildlife habitat is active, and a recreational trail and walkways have been maintained as recommended by the U.S. Soil Conservation Service. For the past ten years, overall maintenance and preservation have occurred.

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

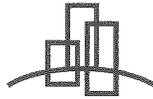
If yes, date prepared: June 26, 2007

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

If yes, date submitted: N/A

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

Product	Past year's yield	Average yield for previous 4 years
Eggs		1000
Daffodils		Thousands
Raspberries		Hundreds
Blueberries		Hundreds
Apples		Hundreds
Tomatoes		Hundreds
Figs		Hundreds



Andrew A. Painter, Esq.
(571) 209-5775
apainter@thelandlawyers.com

**WALSH COLUCCI
LUBELEY & WALSH PC**

APPENDIX 2
RECEIVED
Department of Planning & Zoning

FEB 19 2015
Zoning Evaluation Division

February 18, 2015

Via Hand Delivery

Barbara C. Berlin, Director
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

**Re: Joan Lewis Jewett and Jewett Family Corporation, Inc.
Application for Renewal of a Local Agricultural and Forestal District
8700 Lewinsville Road, McLean, Virginia 22102
Tax Map ##29-1 ((1)) 71Z, 72Z, 73Z & 74Z (jointly, the "Jewett Farm")**

Dear Ms. Berlin:

On behalf of Joan Lewis Jewett and Jewett Family Corporation, Inc. (jointly, the "Jewetts"), owners of the above-referenced Jewett Farm, please accept the following as a statement of justification for the renewal of the Jewett Local Agricultural and Forestal District for a term of eight years pursuant to the provisions of Chapter 115 of the Code of Fairfax County, Virginia, 1976 (the "Code").

The Jewett Farm comprises approximately 25.19 acres across four parcels located on the north side of Lewinsville Road (Route 694) approximately one-half mile east of Leesburg Pike in the Dranesville Magisterial District of Fairfax County. The Jewett Farm is zoned to the R-1 zoning district pursuant to § 3-100 et seq. of the Zoning Ordinance of Fairfax County, Virginia (the "Zoning Ordinance"). Zoning records do not indicate that the Jewett Farm is subject to any previously approved rezoning, special permit, or special exception applications.

The Jewett Farm is located in the Spring Hill Community Planning Sector of the McLean Planning District of Area III of the Fairfax County Comprehensive Plan (the "Plan"). The Plan recommends densities not to exceed one dwelling unit per acre, and surrounding properties are similarly zoned and are planned for residential uses at one to two dwelling units per acre. The proposed renewal is in conformance with Plan goals of preserving the rural and scenic character of the surrounding area.

Freeborn G. Jewett, Jr. and Joan Lewis Jewett purchased the Jewett Farm in September 1960. Although cattle grazed upon the property in the early years, horses, geese, chickens, and rabbits are now the predominant farm animals. Vegetables have been grown on a small scale, and the farm contains a commercial daffodil field of approximately one-half of an acre. Up to

ATTORNEYS AT LAW

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500 bales of hay have been harvested from fields on the Jewett Farm in a given year, and approximately 2,000 eggs are produced from the Jewett Farm's chickens. Approximately 50 pounds of honey were produced annually on the Jewett Farm until the early 2000s when the honey bees were killed by mites.

The Jewett Farm includes a circa-1870 farmhouse as well as barns and a converted tenant house. Although there are no sites within Jewett Farm which are listed on the Fairfax County Inventory of Historic Sites, the existing farmhouse is eligible for a listing. There is a significant potential for post-Civil War African American archaeological resources on the Jewett Farm, and the Jewett Farm has a strong visual relationship to the Pleasant Grove Methodist Church on the south side of Lewinsville Road. The Jewetts have previously permitted the County Archaeologist to access the site and survey the Jewett Farm.

The Jewett Farm was supplied with drinking water from a natural spring until 1965, when a well was installed to provide a more adequate supply of water. A spring-fed pond was later created to conserve water and provide a habitat for fish, birds, and other wildlife. The Jewetts planted five thousand loblolly and white pine trees in the early 1960s which have not been harvested. These five acres of forested land continue to be in conservation.

Vegetation on the Jewett Farm primarily consists of open fields, a farm paddock, maintained grassland, transitional screening, and a small area of natural woodland at the southeastern corner. Paths have been maintained through the Jewett Farm to provide access and different types of habitat. Several large silver maple and other specimen trees are distributed across the Jewett Farm. The fields have been grazed and managed for hay production in the past, and a majority of the fields have been left to re-vegetate.

The Jewett Farm is located within the Difficult Run Watershed and the Chesapeake Bay Watershed. Rocky Run, which is a Resource Protection Area, is located approximately 500 feet from the Jewett Farm. One small intermittent stream associated with Rocky Run is located within the boundaries of the Jewett Farm. Generally, runoff across the Jewett Farm flows in an easterly direction; a high point on the northwestern section of the Jewett Farm directs approximately one-third of the runoff to the northeastern corner where it enters an off-site pond prior to draining into Rocky Run. Runoff from the southwestern corner of the Jewett Farm flows in a northeasterly direction to a confluence with runoff from the center of the Jewett Farm, which drains towards the east to a tributary containing an on-site pond. No evidence of erosion is present on the Jewett Farm.

A Conservation Plan was previously agreed to between the Jewetts and the Northern Virginia Soil and Water Conservation District ("NVSWCD") on June 26, 2007. The Jewetts also received approval of an April 9, 2007 Forestry Management Plan prepared by the Virginia Department of Forestry. Upon information and belief, the Jewetts have complied with both the Conservation Plan and Forestry Management Plan, and the Jewetts propose to carry forward both plans with this request.

The Board of Supervisors (the "Board") created the Jewett Local Agricultural and Forestall District on March 18, 1991 pursuant to land development application AR 90-D-003. The Board subsequently renewed the district on May 24, 1999, and again on August 6, 2007 pursuant to land development application AR 90-D-003-02. The Jewett Farm has not been substantially altered since that time, and the current application is for the same land area as the original application and previous renewal. The Jewetts have complied with all conditions of approval imposed by the Board in conjunction with the prior approvals, and proposes to carry those imposed by the Board dated July 10, 2007 forward with this request.

Since the last renewal, Freeborn G. Jewett, Jr. and Joan Lewis Jewett have subdivided former Tax Map #29-1-((1)) 70Z into two parcels (Tax Map ##29-1 ((1)) 73Z and 74Z). For estate planning purposes. They have also established a family corporation, the "Jewett Family Corporation, Inc.," in which the six Jewett children are shareholders. Mr. and Mrs. Jewett subsequently conveyed Tax Map ##29-1 ((1)) 71Z, 72Z, and 74Z to the Jewett Family Corporation, Inc. Mrs. Jewett continues to own Tax Map #29-1 ((1)) 73Z.

Compliance with § 115-5-1 General Standards For All Uses

Section 115-5-1 of the Code contains two sets of criteria which are to designated to serve as a guide in the evaluation of proposed Local Agricultural and Forestal Districts. All of the criteria in Group A, and at least two criteria in Group B should be satisfied by the proposed district. Such criteria are to be used as a guide when establishing, renewing, or amending a district; they are not prerequisites. Each criterion is listed in bold below, followed by the Jewetts' response in italics:

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 (5) acres per district, may be included.**

The Jewett Farm is approximately 25.19 acres in size and consists of approximately 15 acres of pasture, five acres of woodland, and five acres for residential uses. The residential portion of the Jewett Farm includes gardens and extensive open lawn. Therefore, this standard is satisfied.

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

The Jewett Farm is zoned to the R-1 zoning district; the Jewetts note, however, that the Jewett Farm was previously zoned to the RE-1 zoning district pursuant to the Zoning Ordinance for Fairfax County Virginia (1959) before it was legislatively remapped by the Board of Supervisors to the R-1 zoning district in 1978 concurrent with the adoption of the Zoning Ordinance. The Jewett Farm has never been rezoned, and it is not uncommon

for an Agricultural and Forestal District in Fairfax County to be zoned or partially zoned to the R-1 zoning District. The Jewett Farm was zoned to the R-1 zoning district when the Jewett Local Agricultural and Forestal District was created. Therefore, the Jewetts believe they meet the intent of this standard.

- 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.**

The proposed district is in conformance with the Plan. The Jewett Farm is planned for residential use at a density of one dwelling unit per acre. Therefore, the proposed renewal is in conformance with the Fairfax County Comprehensive Plan, which also recommends preserving the rural and scenic character of the surrounding area. Therefore, this standard is 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 (3) of the criteria of Criteria Group B, if no conflicts with surrounding uses, existing and planned, are evident or likely.**

The Plan designates a majority of the surrounding land within one-quarter mile of the Jewett Farm for low-density residential uses at one to two dwelling units per acre. Therefore, this standard is not satisfied.

- 5. All farms to be included in a district should be at least twenty (20) acres in size. A farm may include several parcels of land; however, all parcels must have the same owner or else owners must be members of the same immediate family or a family trust or family corporation. A farm must 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.**

Approximately 15 acres of the Jewett Farm is used for active agricultural purposes including raising horses, geese, chickens, and rabbits. The Jewett Farm is also used for planting timothy hay, cultivating apples, grapes, raspberries, blueberries, and tomatoes, and the cultivation of a commercial daffodil field. The entire Jewett Farm is contiguous and owned by the Jewetts, who reside on the Jewett Farm. Therefore, this standard is satisfied.

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.**

The Jewett Farm contains a total of 25.19 acres and consists of four parcels owned by members of the same family corporation. Approximately five acres are currently forested. Therefore, this standard is satisfied.

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.**

Approximately 84 percent of the Jewett Farm contains Class II and III soils. Therefore, this standard is satisfied.

8. **Agricultural land in the district should be used in a planned program of soil management, soil conservation and pollution control practices which 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.**

The Jewetts have an approved Conservation Plan prepared by the NVSWCD dated April 9, 2007. The Jewetts propose to carry forward that plan with this request. Therefore, this standard is satisfied.

9. **Forest land and undeveloped land in the district should be kept in an undisturbed state, or if periodically harvested or experiencing erosion problems, shall be used in a planned program of soil management, soil conservation and pollution control practices which 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.**

The majority of the Jewett Farm is in agricultural uses, but there is a wooded conservation area which has been left partially undisturbed and partially managed as recommended in the Conservation Plan prepared by the NVSWCD. The Jewetts also received approval of an April 9, 2007 Forestry Management Plan prepared by the Virginia Department of Forestry. Upon information and belief, the Jewetts have complied with both the Conservation Plan and Forestry Management Plan, and the Jewetts propose to carry forward both plans with this request. Therefore, this standard is satisfied.

- 10. There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use 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.**

The Jewetts have owned the Jewett Farm since 1960 and have shown a history of farm improvements, including the establishment of a pond, digging a well, expansions of the farmhouse in the 1960s as well as the renovation of other buildings. In the past 15 years, the Jewetts have renovated and maintained the pond in accordance with the Conservation Plan prepared by the NVSWCD, and implemented walkways and wildlife habitat improvements as recommended by the same plan. Therefore, this standard is satisfied.

Criteria Group B:

- 1. Farm and/or forest products have been regularly produced and sold from the property during the last five (5) years.**

The Plan acknowledges the existence of stable, low-density residential neighborhoods and recommends residential development that is compatible with the use, type, and intensity of existing neighborhoods. Given the limited number of clients per day and the limited schedule of four work days per week, the proposed home professional office is in harmony with the Plan's recommendations and is in keeping with the low-density residential nature of the surrounding neighborhood. Therefore, this standard is 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.**

An average of 500 bales of timothy hay have been harvested from the Jewett Farm over the years, as have 2,000 eggs per year, thousands of daffodils, raspberries, blueberries, apples, tomatoes, and figs. Approximately 50 pounds of honey were produced annually on the Jewett Farm until the early 2000s when the honey bees were killed by mites. Therefore, this standard is 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 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.**

Although there are no sites within the district which are listed on the Fairfax County Inventory of Historic Sites, the existing farmhouse is eligible for a listing. There is a significant potential for post-Civil War African American archaeological resources on the Jewett Farm, and the Jewett Farm has a strong visual relationship to the Pleasant Grove Methodist Church on the south side of Lewinsville Road. The Jewetts have previously permitted the County Archaeologist to access the site and survey the Jewett Farm. Therefore, this standard is satisfied.

- 4. Farming or forestry operations practice unique or particularly effective water pollution control measures (BMP's).**

There are no unique farming or forestry operations on the Jewett Farm. Therefore, this standard is not satisfied.

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

The Jewett Farm is zoned to the R-1 zoning district; the Jewetts note, however, that the Jewett Farm was previously zoned to the RE-1 zoning district pursuant to the Zoning Ordinance for Fairfax County Virginia (1959) before it was legislatively remapped by the Board of Supervisors to the R-1 zoning district in 1978 concurrent with the adoption of the Zoning Ordinance. The Jewett Farm has never been rezoned, and it is not uncommon for an Agricultural and Forestal District in Fairfax County to be zoned or partially zoned to the R-1 zoning District. The Jewett Farm was zoned to the R-1 zoning district when the Jewett Local Agricultural and Forestal District was created. Therefore, the Jewetts believe they meet the intent of this standard.

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

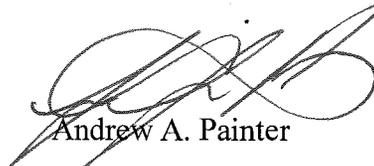
The Jewett Farm is not located within a permanent open space easement; therefore, this standard is not satisfied.

Renewal of the Jewett Local Agricultural and Forestal District is compatible with the goals of the Plan to preserve environmentally sensitive areas of Fairfax County. The Jewett Farm satisfies all of the applicable criteria in Group A with the exception of Number 4 and, the Jewetts assert they meet the intent of Group A Criteria Number 2. The Jewett Farm meets three criteria in Group B and the Jewetts assert they meet the intent of Group B Criteria Number 4. Therefore, the Group A and Group B criteria can be considered met.

I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Agricultural and Forestal District Advisory Board and the Fairfax County Planning Commission at your earliest convenience. Thank you for your time and consideration in this matter and please feel free to call me directly at (571) 209-5775 should you have any questions.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



Andrew A. Painter

Enclosures

cc: The Honorable John W. Foust, Dranesville District Supervisor
Fairfax Department of Tax Administration
Michael H. Lynskey, ASLA, Zoning Evaluation Division
Mr. Freeborn G. Jewett, Jr.
Mrs. Joan Lewis Jewett
Lynne J. Strobel, Esq., Walsh Colucci
Ms. Amy E. Friedlander, Walsh Colucci



County of Fairfax, Virginia

MEMORANDUM

August 14, 2015

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Denise James, Chief *DM James*
Environment and Development Review Branch, DPZ

SUBJECT: LAND USE ANALYSIS & ENVIRONMENTAL ASSESSMENT for:
Jewett Family Corporation, Inc. **AR 90-D-003-03**

This memorandum, prepared by Jennifer R. Bonnette, 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 to renew approval for an approximately 25 acre Agricultural and Forestal (A & F) District which encompasses four parcels located in the McLean Planning District. The application states that 15 acres are active agricultural uses, five acres are conserved as forestland or undeveloped, and five acres are used for residential purposes. The boundaries of the district have remained the same since the district was established in 1990.

LOCATION AND CHARACTER

The subject property is located within the Difficult Run Watershed and it is situated immediately north of Lewinsville Road and approximately 500 feet west of the Rocky Run stream valley. Generally, this agricultural and forestall district is surrounded by land which is planned and developed for residential use at 1 – 2 dwelling units per acre and zoned R-1 (Residential – 1 dwelling unit per acre).

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

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



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AR 90-D-003-03
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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 II, McLean Planning District, as amended through March 24, 2015, M6-Spring Hill Community Planning Sector, page 122 states:

“9. Tax Map #s 29-1((1))70V, 70Z, 71V, 71Z, 72V, 72Z are currently planned at a density not to exceed 1 dwelling unit per acre. Due to the property’s size and convenient access, as an option, public park use may be appropriate.”

Environment

The Fairfax County Comprehensive Plan, 2013 Edition Area II, McLean Planning District, as amended through March 24, 2015, pages 7 - 8 states:

Environment

The McLean Planning District has a variety of environmental contrasts. It has unique features such as the Potomac Palisades and contains within its boundaries all of five small watersheds: Bull Neck Run, Scotts Run, Dead Run, Turkey Run, and Pimmit Run. Despite the rapid development of Tysons Corner, the area remains ecologically significant, with extensive stream valleys and related steep slopes, large areas of undisturbed forestland, wetlands, and rugged terrain. The westernmost watersheds remain unsewered.

Policies for the McLean Planning District should account for the contrasts between intense urban development and the remaining open space. A two-fold approach is recommended: environmental mitigation and containment for Tysons Corner and environmental preservation and reclamation of natural areas outside Tysons Corner. The former approach will focus on ways to mitigate the impacts of intense development on the environment through structural means, such as innovative stormwater management controls. The latter approach will focus on land use measures, such as low density development, to preserve and reclaim ecological resources. . .

The McLean Planning District contains an extensive array of environmental resources. . . Outside the Tysons Corner area, development is heavily constrained by rugged terrain associated with the Potomac River, extensive EQCs, highly erodible soils, and areas of hardwood forests. Low density development and innovative subdivision designs should be used to maximize the preservation of these features. Policies should be addressed to maintaining these areas for the valuable habitat they support. The following are

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environmental objectives for the McLean Planning District:

- Ensure a diversity of habitat types through the provision of wetland, forestland and meadowland EQCs. . .”

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 c. Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas...
- Policy j. Regulate land use activities to protect surface and groundwater resources....
- Policy m. Support watershed management planning and consider any watershed management plans that are adopted or endorsed by the Board of Supervisors as a factor in making land use decisions.”

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

- “Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**
- Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

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.”

LAND USE ANALYSIS

The renewal of this Agricultural and Forestal District would continue to be 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 and Tree Preservation

The subject district is located within the Difficult Run Watershed specifically and the Chesapeake Bay Watershed generally. Rocky Run, which is a Resource Protection Area, is located approximately 500 feet to the east of the site. Only a small intermittent stream associated with Rocky Run is located within the boundaries of the agricultural and forestall district.

Of the approximately 25 acre property, approximately 5 acres located on the southeastern portion are forested; approximately 15 acres located primarily on the northern portion are pasture; and the remaining 5 acres are for residential uses.

An updated Soil and Water Conservation Plan was prepared by the Northern Virginia Soil and Water Conservation District (NVSWCD) in April 2015. The Virginia Department of Forestry determined in May 2015 that a Forestry Management Plan developed in 2007 does not need to be revised.

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

COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan Map depicts a minimum 8 foot wide major paved trail of asphalt or concrete along the north and south sides of Lewinsville Road. A trail does not along the north side of the road, and a trail and sidewalk exist on the south side.

DMJ: JRB

Barbara Berlin
AR 90-D-003-03
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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:

Jewett Family Corporation, Inc.
 Agricultural & Forestal District – AR 90-D-003-03
 8700 Lewinsville Road
 McLean, VA 22102
 Agent/Attorney: Andrew Painter
 Tel: 571-209-5775

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

April 24, 2015

Summary of operation:

This property is located at 8700 Lewinsville Road, McLean, in the Difficult Run Watershed (PL-22). It is pending renewal of its Agricultural and Forestal District status. It consists of four parcels that can be identified in the Fairfax County tax map system as 29-1 ((1)) – 71Z, -72Z, -73Z, & -74Z.

There is no Chesapeake Bay Resource Protection Area (RPA) within the limits of the property. A shallow pond exists on the eastern side of the property, next to a wet, low area that remains uncultivated.

Two horses and twelve chickens are kept onsite.

Field 1 has a good stand of grass providing good ground cover. Some areas need mowing to encourage a more uniform grazing pattern from the horses. Alternative this area can be subdivided into two parts to make for improved rotational grazing.

Field 2 consists of about 40% clover and other broad leaf weeds.

Field three is not grazed, but appears to be constantly mowed.

The daffodil field consists of rows of daffodil flowers that seems to have been established over the years, and is thriving on its own with little attention. Horse waste is piled unprotected near the chicken management area.

Practices:

1) Nutrient Management (590) (Required):

If needed, 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 on the attached Nutrient Management Plan. This plan was developed and signed by a Nutrient Management Planner, certified by the Commonwealth of Virginia's Nutrient Management Program.

Currently, stable waste is stored at location adjacent to field #5 and spread around the fields. The horses are out most of the time except in bad weather conditions. Therefore, minimal amount of waste is collected.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
1	8.0 ac.	4	2015		
2	1.5 ac.	4	2015		
3	5.0 ac.	4	2015		
Daffodil Field	0.5 ac.	4	2015		
Total	15.0 ac.				

2) Pest Management (595) (Required):

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

Management of broad leaf weeds in field 2 can be controlled through implementation of integrated pest management practices, such as allowing lush stand of grass to grow in pasture (i.e. minimizing over-grazing); mowing before weeds get to flowering stage. Should a threshold for the weeds be reached an appropriate herbicide can be recommend by this office after weed identification.

Treatments for controlling other pests may be recommended upon request.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	8.0ac.	4	2015		
2	1.5 ac.	4	2015		
3	5.0 ac.	4	2015		
Daffodil Field	0.5 ac.	4	2015		
Pond	0.1 ac.	4	2015		
Barn & Sacrifice Area	0.2 ac.	4	2015		
Chicken & Manure Management Area	0.1 ac.	4	2015		
Residential	2.3 acs.	4	2015		
Wooded Area	7.3ac.	4	2015		
Total	25.0ac.				

3) Prescribed Grazing (528) (Required):

With just two horses, maximizing pasture growth becomes the challenge more than over grazing. Although field 2 shows symptoms of over-grazing due to the abundance of weeds. If this is the field where the horses spent most of their winter, then the manager should consider utilizing the sacrifice area more often, or subdividing field 2 so that a much smaller portion would be subjected to the heavy use. Consider over-seeding field two this fall.

The grazing period may range from one half to several days. Grazing heights and appropriate recovery periods will be observed throughout the grazing season. Utilize existing sacrifice area when needed, such as, during drought or saturated soil conditions. Design details for improving sacrifice area can be provided upon request.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	8.0 ac.	4	2015		
2	1.5 ac.	4	2015		
3	5.0 ac.	4	2015		
Daffodil Field	0.5 ac.	4	2015		
Total	15.0 ac.				

4) Waste Storage Facility (313) (Required):

Current manure stacking area should be improved by providing a structured composteer with cover and impervious base. Until such a structure is built, manure should be cover with a tarp and a berm built on the uphill side to keep runoff from leaching pollutant out of the pile. Spreading should not be done on snow or frozen ground. Spreading should be on fields with established pasture.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Manure stack	1	5	2015		

5) Record Keeping:

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

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	8.0ac.	4	2015		
2	1.5 ac.	4	2015		
3	5.0 ac.	4	2015		
Daffodil Field	0.5 ac.	4	2015		
Pond	0.1 ac.	4	2015		
Barn & Sacrifice Area	0.2 ac.	4	2015		
Chicken & Manure Management Area	0.1 ac.	4	2015		
Residential	2.3 acs.	4	2015		
Wooded Area	7.3ac.	4	2015		
Total	25.0ac.				

Bettina Ring
State Forester



COMMONWEALTH of VIRGINIA

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

May 5, 2015

Mr. Freeborn G and Mrs. Joan Jewett
8700 Lewinsville Road
McLean VA 22102

Dear Mr. and Mrs. Jewett,

It was very nice seeing you again and viewing your property. After reviewing my notes from my visit in April 2007 I find that the forest resources on your property are relatively unchanged. The forest is still meeting your goals of providing habitat and screening. The plan I wrote for you in 2007 still reflects the condition of the property and meets your goals, so there is no need to revise it.

Two things that I did note in my visit that require your attention are the cherry trees that have volunteered along the edge of the large pasture and the large dead limb hanging over the electrical wire and parking area on the west side of the house.

As we discussed I will provide a copy of this letter to Fairfax County as part of your application for renewal of your Agricultural and Forestal District. If you have any questions regarding your existing plan or tree issues, 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; AP; file



County of Fairfax, Virginia

MEMORANDUM

DATE: May 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 90-D-003)

SUBJECT: Transportation Impact

REFERENCE: AR 90-D-003-03; Jewett Family Corporation, Inc.
Land Identification Map: 029-1 ((1)) 71Z, 72Z, 73Z, 74Z

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on information made available to this Department dated February 18, 2015.

The subject site is affected by recommendations of the Transportation Plan Map. The Plan provides for Lewinsville Road to be improved to a 2-lane arterial roadway in the vicinity of the site. To address the Plan element, the provision of 87 feet of right-of-way (43.5 feet from the design centerline) is generally sufficient.

Therefore, this Department would not object to the approval of the referenced application if the aforementioned right-of-way is excluded from this District. This Department is concerned that approval of agricultural and forestal districts may inhibit the ability of the County and/or VDOT to obtain rights-of way for needed transportation improvements. If this is the case, the land that would reasonably be needed for right-of-way during the eight year life of the approval should be excluded from the district.

MAD/lah

cc: Michael H. Lyskey, DPZ



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 *AS*
Park Planning Branch, PDD

DATE: 09 July 2015

SUBJECT: AR 90-D-003-03, Jewett Family Corporation, Inc.
Tax Map Numbers: 29-1((1)) 71Z, 72Z, 73Z, 74Z

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, facilities or service levels of the Park Authority.

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

Copy: Cindy Walsh, Director, Resource Management Division
Michael Lynskey, DPZ Coordinator
Chron File
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: 28 July 2015

TO: Michael Lynskey, ASLA, Zoning Evaluation Staff Coordinator

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

SUBJECT: AR 90-D-003-03; 8700 Lewinsville Rd., Jewett Family Corp., Inc.; tax id #29-1
(1) 71Z, 72Z, 73Z & 74Z; Heritage Resource comment

- **Planning Location:** Fairfax County Comprehensive Plan, 2013 Edition, Area II, McLean Planning District, M-6 Spring Hill Community Planning Sector, Amended through 3-24-2015, Overview, Heritage Resources, pages 8 and 15:

Heritage Resources

The McLean 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. . . .

Numerous known and potential heritage resources reflect the prehistory and history of the McLean Planning District. The prehistoric sites that exist in deeply buried contexts along the Potomac River shore are some of the most sensitive in the county. Other similar sites have been located in the Pimmit Run, Turkey Run, Dead Run, Scott Run, Bullneck Run and Difficult Run floodplains. Stratified prehistoric sites in upland areas may still exist and, if found, are significant. Historic resources have been identified throughout the District, and potential historic resources may be located in open spaces and within developed areas. . . .

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.

Heritage Resource memo

AR 90-D-003-03

Page 2

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:

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. However, there is documentation and preliminary research on this property in the historic structures survey file. These materials, from 2007 – 2008, indicate that confirming the construction date of the dwelling(s) required additional research; information indicates potential construction dates to range from 1854-1878.

Findings:

1. The Comprehensive Plan text states: The McLean 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.
2. The Policy Plan cited above stipulates the criteria used to evaluate heritage resources for listing in *The Fairfax County Inventory of Historic Sites*. The farmhouse located on the property, which is the subject of this application, has been identified by the applicant as being eligible for listing in the Inventory. Staff is not aware of this determination of eligibility. However, Staff welcomes and encourages the property owner to pursue nominating the property to the inventory based upon the criteria cited above.
3. The application indicates that the farmhouse and overseer’s house were built in 1870. If available, Staff would welcome receiving information from the property owners confirming this date as well as copies of any historical documentation they may have for placement in the historic structures survey file.
4. 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 parcel 29-1 ((1)) 73Z or on the entire property to protect it and its potentially significant buildings and cultural landscape in perpetuity.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: June 9, 2015

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendations on the Jewett Local Agricultural and Forestal District;
Application AR 90-D-003-03

The Agricultural and Forestal Districts Advisory Committee met on June 9, 2015 to review the application to renew the Jewett Local Agricultural and Forestal District (Application AR 90-D-003-03) for an additional eight-year term. The Committee found the following:

- The Jewett Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Jewett Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Jewett Local Agricultural and Forestal District fulfills all but one 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 be amended to renew the Jewett 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. All structures which are located on real estate in agricultural, horticultural, forest or open space use and the farmhouse or home or any other structure not related to such special use and the real estate on which the farmhouse or home or such other

structure is located, together with the additional real estate used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other real estate in the locality.

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

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

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

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

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

D. Liability to the roll-back taxes shall attach when a change in use occurs, or a change in zoning of the real estate to a more intensive use at the request of the owner or his agent occurs. Liability to the roll-back taxes shall not attach when a change in ownership of the title takes place if the new owner does not rezone the real estate to a more intensive use and continues the real estate in the use for which it is classified under the conditions prescribed in this article and in the ordinance. The owner of any real estate which has been zoned to more intensive use at the request of the owner or his agent as provided in subsection E, or otherwise subject to or liable for roll-back taxes, shall, within sixty days following such change in use or zoning, report such change to the commissioner of the revenue or other assessing officer on such forms as may be prescribed. The commissioner shall forthwith determine and assess the roll-back tax, which shall be assessed against and paid by the owner of the property at the time the change in use which no longer qualifies occurs, or at the time of the zoning of the real estate to a more intensive use at the request of the owner or his agent occurs, and shall be paid to the treasurer within thirty days of the assessment. If the amount due is not paid by the due date, the treasurer shall impose a penalty and interest on the amount of the roll-back tax, including interest for prior years. Such penalty and interest shall be imposed in accordance with §§ [58.1-3915](#) and [58.1-3916](#).

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

property is subsequently rezoned to agricultural, horticultural, or open space, it shall be eligible for consideration for assessment and taxation under this article only after three years have passed since the rezoning was effective.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GLOSSARY

This Glossary is 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		