



County of Fairfax, Virginia

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Department of Planning & Zoning

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Zoning Evaluation Division

October 15, 2015

**2015 Planning
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Andrew Painter
Walsh, Colucci, Lubeley & Walsh, PC
One East Market Street, Suite 300
Leesburg, Virginia 20176

**Re: AR 90-D-003-03 – JEWETT FAMILY CORPORATION, INC.
Dranesville District**

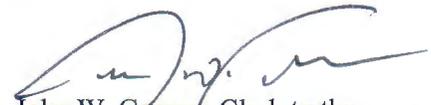
Dear Mr. Painter:

At its October 14, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Murphy were absent from the meeting) to **RECOMMEND APPROVAL** on the above referenced application to the Board of Supervisors, subject to proposed ordinance provisions dated September 30, 2015, as attached. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,


John W. Cooper, Clerk to the
Fairfax County Planning Commission

Attachments (a/s)

cc: John W. Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Michael H. Lynskey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning
Robert Harrison, ZED, DPZ
October 14, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
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Planning Commission Meeting
October 14, 2015
Verbatim Excerpt

AR 90-D-003-03 – JEWETT FAMILY CORPORATION INC.

After Close of the Public Hearing

Vice Chairman de la Fe: I'll close the public hearing and move to your motion, thank you.

Commissioner Ulfelder: This property, this will be I think the fourth time that we are going to be approving this for the Jewett property. It is literally within a stone's throw of Tysons Corner. You could stand on their road frontage and probably hit a couple of large buildings in Tysons Corner. In that sense, it's very unusual to have a property of this size, and in an A&F District, and one that's been in that kind of a district for so long. And people love it and people are happy to see it, and a lot of people drive by it on Lewinsville Road every morning and every evening. With that being said Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 90-D-003-03 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE JEWETT LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 30th, 2015, WHICH WERE CONTAINED IN THE STAFF REPORT.

Commissioner Migliaccio: Second.

Commissioner Ulfelder: Do we need to have them...

Vice Chairman de la Fe: I don't think they're in there.

Commissioner Ulfelder: I don't think we need to. So, if I move that –

Vice Chairman de la Fe: And if there are any, you know, development conditions, those are standards. Okay, Mr. Migliaccio seconded. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Murphy were absent from the meeting.)

TMW



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.