



County of Fairfax, Virginia

March 3, 2016

**2016 Planning
Commission**

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John W. Cooper
Clerk to the Commission

Edith Bierly
8833 Lake Hill Drive
Lorton, VA 22079

**Re: AR 98-S-001-02 – EDITH E. BIERLY
Springfield District**

Dear Ms. Bierly:

At its March 2, 2016 meeting, the Planning Commission voted 11-0 (Commissioner Lawrence was absent from the meeting) to **RECOMMEND APPROVAL** on the above referenced application, subject to the proposed ordinance provisions dated February 17, 2016. A copy of the proposed ordinance provisions and 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
Fairfax County Planning Commission

Attachments (a/s)

cc: Pat Herrity, Supervisor, Springfield District
Peter Murphy, Planning Commissioner, Springfield District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Michael Lynskey, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
March 2, 2016 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.



PROPOSED ORDINANCE PROVISIONS**February 17, 2016****AR 98-S-001-02**

If it is the intent of the Board of Supervisors to renew the Bierly Local Agricultural and Forestal District as proposed in AR 98-S-001-02, pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code, on Tax Map Parcels 106-1 ((1)) 14Z, 16, 106-1 ((3)) 9Z, 10Z and 18Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

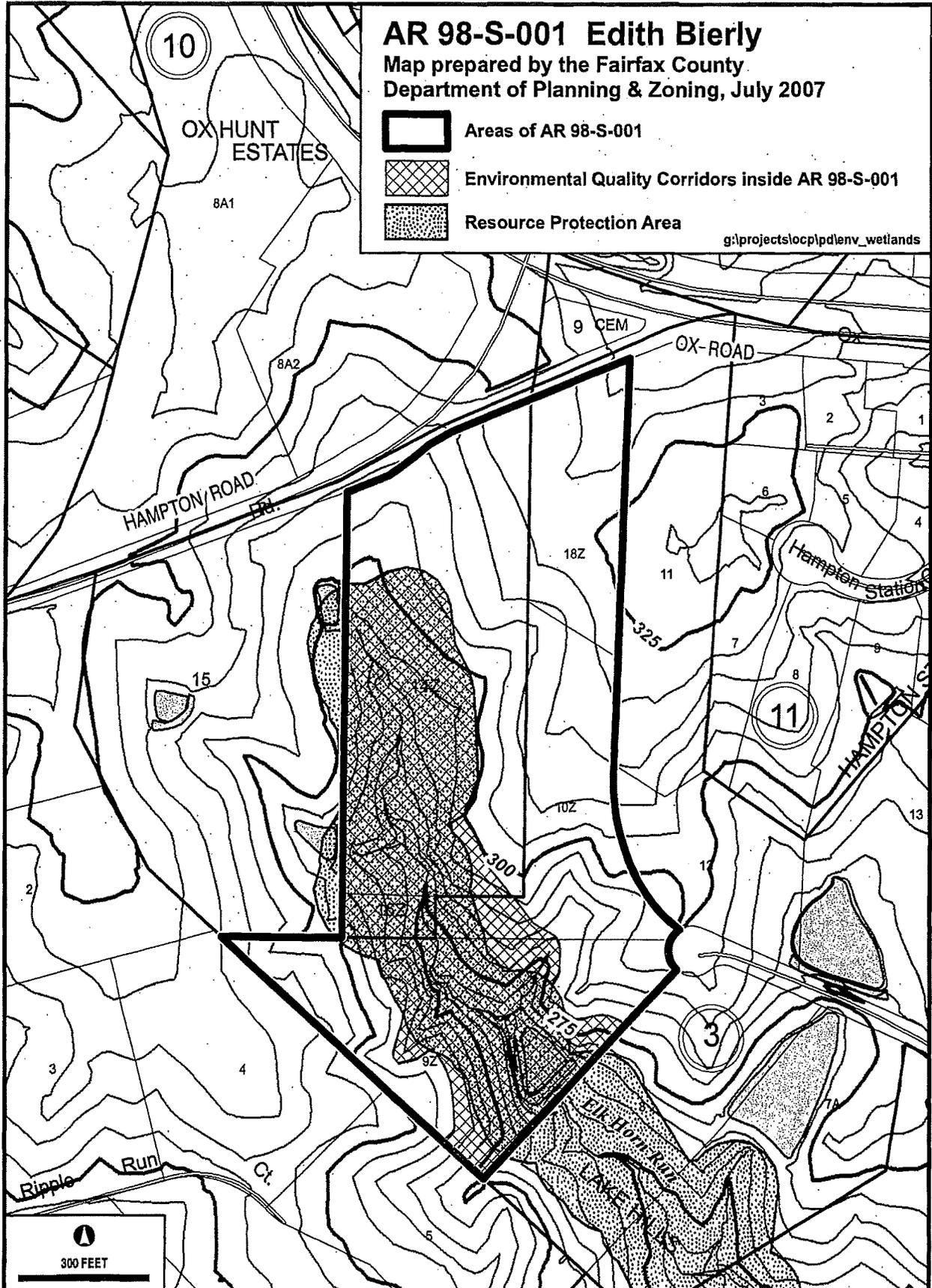
- (1) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, as remains in conformance with the approved Soil and Water Quality Management and Forest Management Plans for the property.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance, subject to continued conformance with the approved Soil and Water Quality Management and Forest Management Plans for the property.
- (3) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.

Additional Provisions

- (5) The applicants shall implement and abide by the recommendations of the Forest Management Plan, which was prepared by the Virginia Department of Forestry (VADOF) on September 25, 2007, for the life of the Bierly Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time

as determined necessary by VADOF.

- (6) Those areas delineated by the Department of Planning and Zoning as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation, and the removal of dead, dying and diseased vegetation, in accordance with the Forest Management Plan, and as approved by the VADOF. The boundaries of the EQC (see Exhibit A) shall be the permanent limits of clearing and grading for the life of the Bierly Local Agricultural and Forestal District.
- (7) The Cultural Resource Management and Protection Division (CRMP) 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 CRMP shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.
- (8) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration/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.
- (9) 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.



Planning Commission Meeting
March 2, 2016
Verbatim Excerpt

AR 98-S-001-02 – EDITH E. BIERLY

After Close of the Public Hearing

Vice Chairman de la Fe: And if there no Commission questions, I will close the public hearing.

Commissioner Murphy: Thank you, Mr. Chairman. This is a straightforward application of an Agricultural and Forestal renewal in the Springfield District of 23.9 great acres on Lake Hill Drive in the Lorton part of the Springfield District. They meet all the criteria established for an Agricultural and Forestal District. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE AMENDMENT OF APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE BIERLY LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE PROPOSED ORDINANCE PROVISIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Ms. Hedetniemi and Mr. Hart. 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. Thank you very much.

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(The motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

JLC