



APPLICATION ACCEPTED: December 9, 2015
PLANNING COMMISSION: April 20, 2016
BOARD OF SUPERVISORS: May 17, 2016 @ 3:30 p.m.

County of Fairfax, Virginia

April 6, 2016

STAFF REPORT
RICHARDSON LOCAL AGRICULTURAL
AND FORESTAL DISTRICT
AR 91-Y-001-03
SULLY DISTRICT



WS

APPLICANT: Tom V. and Joan J. Richardson
ZONING: R-C, WS
PARCEL: 042-4 ((1)) 15Z
LOCATION: 6001 Bull Run Post Office Road
Centreville, VA 20120
SITE AREA: 40.0 acres
PLAN MAP: Residential 0.1 to 0.2 du/ac and private open space
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 Richardson 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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Integrity * Teamwork * Public Service

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 9.

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.

A&F District Renewal

AR 91-Y-001-03



Applicant:
Accepted:
Proposed:

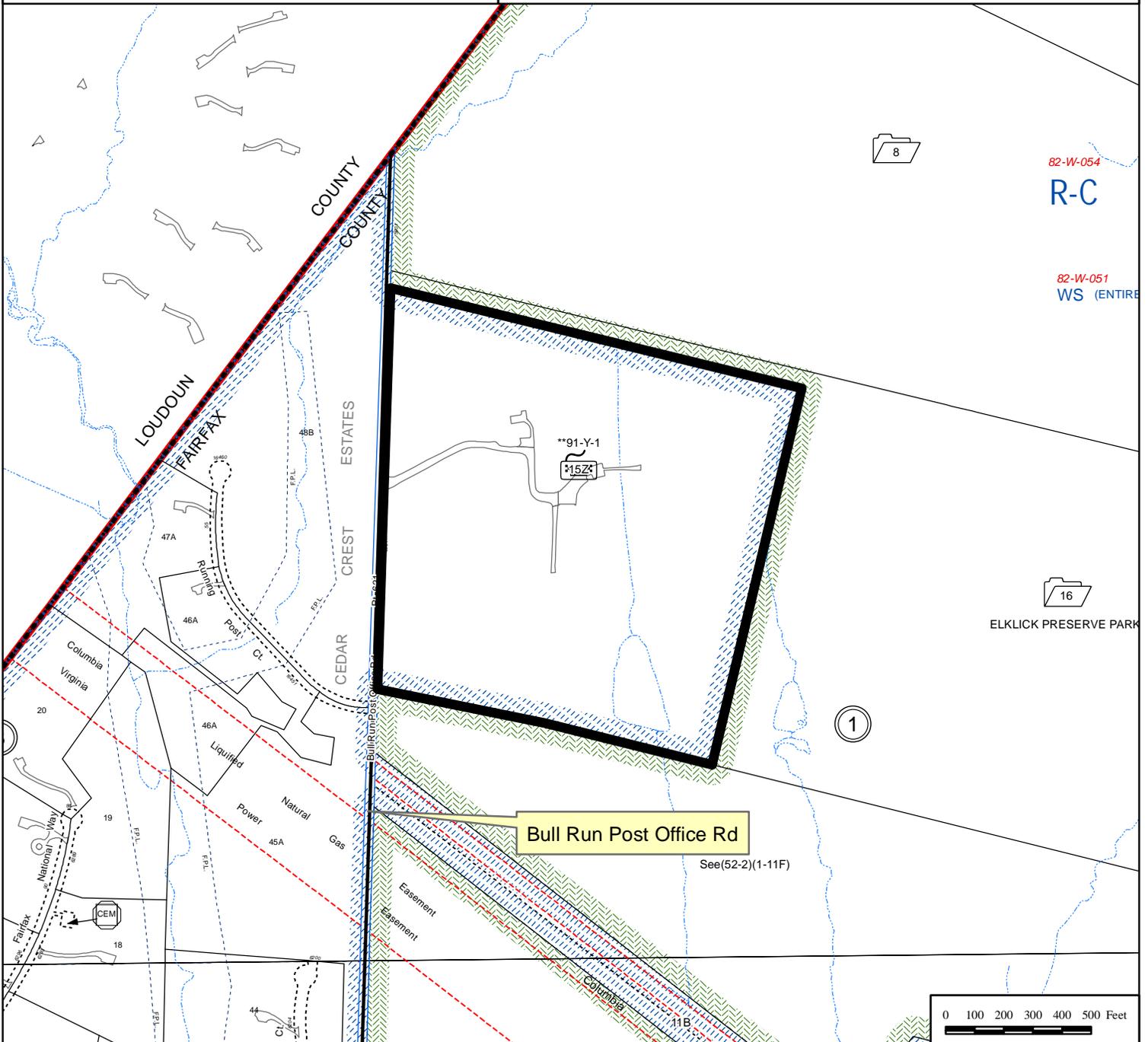
TOM V. RICHARDSON JOAN J. RICHARDSON
12/09/2015
AGRICULTURAL AND FORESTAL DISTRICT RENEWAL

Area:
Zoning Dist Sect:
Located:

40 AC OF LAND; DISTRICT - SULLY
6001 BULL RUN POST OFFICE ROAD,
CENTREVILLE, VA 20120

Zoning:
Overlay Dist:
Map Ref Num:

R- C
WS
042-4- /01/ /0015Z



DESCRIPTION OF APPLICATION

AR 91-Y-001-03 is a request to renew the Richardson 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: Tom V. and Joan J. Richardson
Acreage: 40.0 acres
Uses: Horse boarding/riding/pasture – 34 acres
Forested or undeveloped – 1 acre
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 Bull Run Thoroughbred Farm Local Agricultural and Forestal District (AF 83-S-010) was established in 1984 on approximately 100 acres, including the subject property. The land was automatically removed from the A&F program upon its subdivision and sale in 1990. Subsequently, the Sappington Local A&F District (AF 91 -Y-002) was established on the eastern sixty acres of the original district and a contiguous 324.34 acre parcel. At the same time, the western 40 acres of the original district was established as the Richardson Local A&F District (on September 16, 1991) for an eight year period. The District was renewed for additional eight year periods on October 11, 1999, and January 7, 2008. The current application is for the same parcel as the previous applications.

The applicants maintain a riding/boarding stable on the property, which is a Group 6 (Outdoor Recreation Use) Special Permit Use in the R-C Zoning District.

- **SP 91 -Y-035** was granted by the Board of Zoning Appeals on December 10, 1991. The Special Permit included conditions limiting the number of horses boarded on-site, the number of students who could bring their horses to the site daily, the number of employees and the number of schooling shows conducted yearly. In addition, the Special Permit included a condition to upgrade the farm pond to a Best Management Practices (BMP) facility.

- **SPA 91-Y-035-1** was granted by the BZA on May 5, 1992, renewing the Special Permit and deleting the 5 year time limit. The applicants also deleted the provision permitting horse shows on the property.
- **SPA 91-Y-035-2** was granted by the BZA on December 22, 1998. With this amendment, the conditions were amended to permit a maximum of six (6) horse shows or clinics a year, and the limit on the number of students allowed on the site at any one time was raised to 25.

LOCATION AND CHARACTER

The subject property is located along the east frontage of Bull Run Post Office Road, just south of the boundary of Loudoun County. The District is adjacent to Park Authority Property to the North, East, and South.

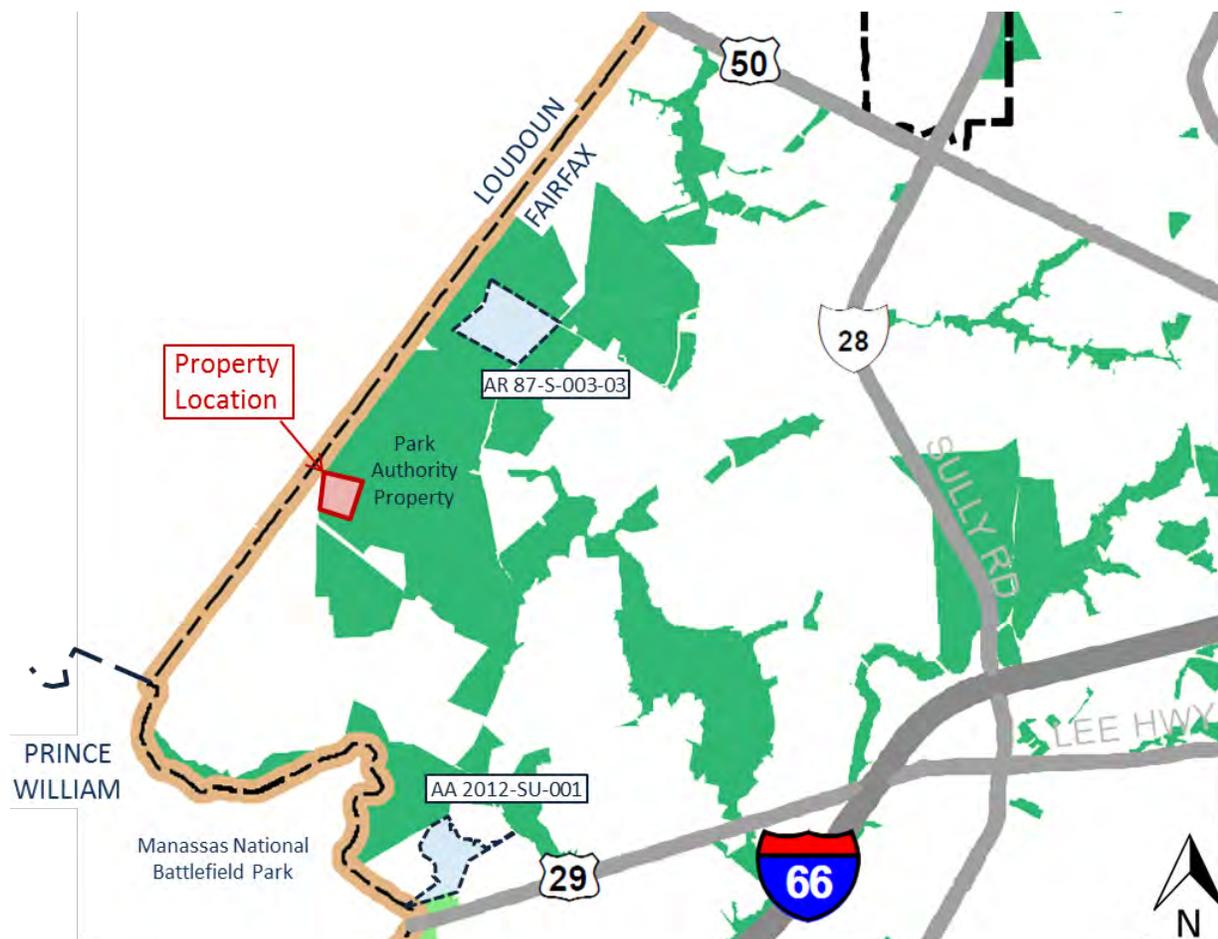


Figure 1: District location map.



Figure 2: Aerial view of the property.

With the exception of a five-acre home site and a one-acre conservation easement, the property is devoted to open space/recreational use – as a commercial horse riding/boarding stable. The majority of the open space consists of pasture, with various farm buildings and facilities also included. An outdoor riding ring is located to the east of the residence, and an intermittent stream traverses the center of the parcel leading to a manmade farm pond. Structures on the property include the owner’s residence, one tenant house, and numerous barns and outbuildings associated with the horse facilities.

Figure 3: Structures on the Property (from Application Form)		
Structure:	Year Built:	Use:
Owner’s Residence	1986	Residence
Tenant House	1940	Storage
Main Barn	1987	Horse Stables
Second Barn	1940	Equipment Storage
Three Run-In Sheds	1986	Horse Shelters
Five Run-In Sheds	1999	Horse Shelters



Figure 4: The residential portion of the property.



Figure 5: The owner's residence.



Figure 6: Barns and outbuildings for the use of the horse boarding/riding facility.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Bull Run
Planning Sector:	BR5 - Stone Bridge Community Planning Sector
Plan Map:	Residential use at a density of 0.1 to 0.2 du/ac and private open space

STAFF ANALYSIS

Land Use Analysis (Appendix 3)

The Comprehensive Plan supports the establishment of agricultural and forestal districts, in order to further Plan goals of preserving the rural and scenic character of low-density areas of the County, and specifically recommends A&F uses as valid alternatives to residential uses in this planning sector, to further support water quality goals of the Watershed Quality Protection Overlay District.

Environmental Analysis (Appendix 3)

The Richardson Agricultural and Forestal District is situated entirely within County's Water Supply Protection Overlay District, the Bull Run watershed and the County's Chesapeake Bay Preservation Area. An intermittent stream which terminates in a farm pond traverses the site from north to south in the eastern portion of the district. No Resource Protection Area (RPA) or Environmental Quality Corridor (EQC) exists within this district. However, because the property falls within the County's Chesapeake Bay Preservation Area, the applicants should continue to comply with the Soil and Water

Quality Management Plan for the site, prepared by the Northern Virginia Soil and Water Conservation District (NVSWCD), as described below.

Soil and Water Conservation Analysis (Appendix 5)

A Conservation Specialist from the Northern Virginia Soil and Water Conservation District (NVSWCD) visited the site and prepared an updated Soil and Water Quality Management Plan (dated March 10, 2016). The site was found in good condition, and the Plan includes only routine recommendations, addressing elements such as nutrient management, pest control, prescribed grazing and information on additional incentive programs that might be applicable to the site.

An Ordinance Provision requiring conformance with the approved Soil and Water Quality Management Plan (as may be amended over time) would be carried forward with the current renewal.

Forestry Analysis

There is no forestal use of the subject property, so a Forest Management Plan is not required.

Transportation Analysis (Appendix 6)

The application parcel has frontage on Bull Run Post Office Road, which is identified in the Comprehensive Plan as a potential alignment of the Tri-County Parkway. This improvement to a four-lane divided arterial facility could potentially impact the application parcel; however, VDOT's currently-preferred alignment would locate the parkway entirely within Loudoun and Prince William Counties, and no funding is currently allocated for the project. There are no projected impacts from the project within the lifespan of this District renewal, and no other transportation-related concerns with the application.

Parks Analysis (Appendix 4)

The Park Authority supports the renewal of this A&F district as it furthers the Park Authority objective *"to protect and preserve the physical, cultural and natural heritage of Fairfax County for the enjoyment and education of the citizenry"*, as well as providing a buffer to the sensitive resources of the Sully Woodlands property, to the north. Furthermore, Park Authority staff has determined that this application bears no adverse impact on the land, resources or service levels of the Park Authority.

Agricultural and Forestal District Criteria Analysis

Article 5 of Chapter 115 of the Fairfax County Code contains two sets of criteria which are designed to serve as a guide in the evaluation of proposed Local Agricultural and Forestal Districts. All of the applicable criteria in Group A, and least two criteria from Group B should be satisfied by the proposed district. It is important to note that these

criteria are a guide to be applied when establishing, renewing or amending a District; they are not prerequisites. The following is an evaluation of the proposed district's conformance with these criteria:

Criteria Group A:

1. *All district acreage should be currently devoted to agricultural use or forestal use or should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use, related to the agricultural or forestal use and generally not more than five acres per district, may be included.*

All district acreage, with the exception of approximately five acres of residential use, and one forested acre that is undeveloped and under a conservation easement, is utilized as horse pasture and remains undeveloped. Therefore, staff believes that this criterion has been satisfied.

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

The property is zoned R-C; therefore, this criterion is satisfied.

3. *In general, the district should be consistent with the Comprehensive Plan. The following land uses identified in the Plan are appropriate for a district: .1-.2 dwelling unit per acre; .2-.5 dwelling unit per acre; .5-1 dwelling units per acre; Private Recreation; Private Open Space; Public Park; Agriculture; Environmental Quality Corridor. Lands not planned as such may be considered for a district if they meet at least 3 of Criteria Group B.*

The property is planned for residential use at a density of 0.1 to 0.2 dwelling unit per acre (du/ac) and private open space; therefore, this criterion has been satisfied.

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

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for low density residential use at 0.1 to 0.2 du/ac, private open space, and public park land. Therefore, this criterion has been satisfied.

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

core acreage (the largest parcel or group of contiguous parcels or the parcel where the farm buildings are located) as long as the non-contiguous parcels are predominately agricultural in use and as long as the total acreage of each individual farm (including contiguous and non-contiguous land) is at least twenty acres.

This property consists of a single parcel consisting of 40.0 acres, 34 of which are used primarily for a horse boarding/riding facility and pasture. Staff considers this criterion satisfied.

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 proposed district qualifies as a farm; therefore this criterion is not applicable.

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.*

The entire site consists of soils of Class I, II, III, or IV. This criterion 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 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.*

The property continues to conform to the approved Soil and Water Quality Management Plan for the District (now dated March 10, 2016), as required by an Ordinance Provision that would be carried forward with this approval. Staff considers this criterion 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 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.

The proposed district qualifies as a farm; therefore this criterion is not applicable.

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.*

There is a long history on the site of farm and equestrian-related improvements, including equestrian equipment, fencing, BMP pond, tree planting, and others. The applicants have provided an itemized list of such improvements in their application materials (Appendix 2). Staff considers this criterion satisfied.

Criteria Group B:

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

No agricultural products from the property are currently sold, although hay is grown for the grazing of approximately 20 horses. This criterion is not 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 adjoins hundreds of acres of public parkland, and maintains a rural setting in an area of the County largely untouched by development. The 1,383 feet of frontage along Bull Run Post Office Road provides open views of the pastures and grazing horses. Staff feels that preservation of the rural character of this area satisfies this criterion.

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.

This criterion is not applicable, as there are no sites within the District which have been identified as historically or architecturally significant, but there is potential for historic resources within this entire section of the County, especially due to its proximity to the Civil War activity at Bull Run.

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

The property features a wet pond and a 1-acre forested conservation easement, which act as BMPs, and the property was recognized with a “Bay Friendly Clean Water Farm Award” from the Virginia Department of Conservation and Recreation in 1999. Staff considers this criterion satisfied.

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

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

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

The subject property is not entirely 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. It is recommended that 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 of the applicable Group A criteria and three of the criteria in Group B. Staff considers the guidelines satisfied.

AFDAC RECOMMENDATION (Appendix 7)

On February 23, 2016, The Agriculture and Forestal District Advisory Committee (AFDAC) reviewed the application and voted unanimously to recommend approval, subject to the proposed Ordinance Provisions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposal to renew the Richardson Local Agricultural and Forestal District satisfies 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 Richardson 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 9.

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. 2007 DPZ Land-Use/Environmental Analysis
4. FCPA Park Authority Memo
5. Soil and Water Quality Management Plan
6. FCDOT Transportation Memo
7. AFDAC Recommendation Memo
8. Fairfax County Code, Chapter 115 – “Local Agricultural and Forestal Districts”
9. State of Virginia Code, Title 58.1, Chapter 32
10. Glossary of Terms

PROPOSED ORDINANCE PROVISIONS

April 6, 2016

AR 91-Y-001-03

If it is the intent of the Board of Supervisors to renew the Richardson Local Agricultural and Forestal District as proposed in AR 91-Y-001-03, pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code, on Tax Map Parcel 42-4 ((1)) 15Z, 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 represented on the application materials associated with this approval and as remains in conformance with the approved Soil and Water Quality Management Plan for the property, or to prevent the construction of one (1) additional house within the district, where otherwise permissible by applicable law, for either an owner, a member of an owner's family, or for a tenant who farms the land.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance, subject to continued conformance with the approved Soil and Water Quality Management Plan 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 Soil and Water Quality Management Plan, prepared by the Northern Virginia Soil and Water Conservation District (NVSWCD) on March 10, 2016, for the life of the Richardson Local Agricultural and Forestal District. The Soil and Water Quality Management Plan may be updated from time to time as determined necessary by NVSWCD.
- (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 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.

Application No. AR 91-Y-001-03

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

RECEIVED
Department of Planning & Zoning

NOV 24 2015

Zoning Evaluation Division

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
<u>Tom Van Richardson</u>	<u>42-4-1/15Z</u>	<u>1990</u>	<u>RC + WS</u>	<u>40</u>
<u>Joan Johnson Richardson</u>				
<u>6001 Bull Run Post Office Road, Centreville, Virginia 20120</u>				

- 3. Total acreage in the proposed district 40 acres.

- 4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 1 forest 0.

AR-2015-0376

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

Name: Tom Van Richardson
Address: 6001 Bull Run Post Office Rd
Centreville, Virginia 20120
Telephone: _____

6. Signature of all property owners:

Jean Johnson Richardson
Tom Van Richardson

TO BE COMPLETED BY THE COUNTY

Date application accepted: December 9, 2015

Date of action by Board of Supervisors: _____

- Approved as submitted Denied
 Approved with modifications

Debra L. Subitton

ALL APPLICATIONS

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

Structure	Year built	Use
<u>Main house</u>	<u>1986</u>	<u>Residence</u>
<u>Tenant house</u>	<u>1940 Approx</u>	<u>Storage</u>
<u>Main barn</u>	<u>1987</u>	<u>Horse stables</u>
<u>Second barn</u>	<u>1940 approx</u>	<u>Equipment storage</u>
<u>Three run-in sheds</u>	<u>1986</u>	<u>Horse shelters</u>
<u>Five run-in sheds</u>	<u>1999</u>	<u>Horse shelters</u>

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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:

NONE

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

Conservation easement created during 1998

BMP pond for 40 acres built and fenced during 1999

110 leyland cypresses planted 1998

Fencing has been replaced or repaired as necessary

Drive and parking area improved with 6" of gravel during 1998

Roof replaced on main barn during 1998

"Continued next page"

ALL APPLICATIONS

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

Structure	Year built	Use
<u>Riding facility</u>	<u>1999</u>	<u>Indoor arena</u>
<u>Garage</u>	<u>1940 Approx</u>	<u>Storage</u>
<u>Shop</u>	<u>1940</u>	<u>Shop & storage</u>

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:

NONE

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

<u>Riding facility built during 1999</u>
<u>Electric and telephone lines placed underground during 1999</u>
<u>New tractor, generator, seeder and bush hog mower purchased</u>
<u>Main house re-modeled during 2003</u>

Con't.

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

If yes, date prepared: May 15, 1991

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

If yes, date submitted: _____

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

Product	Past year's yield	Average yield for previous 4 years
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Hay which was cut and bailed in the past is still grown. However, it is no longer harvested, but left for grazing for approximately 20 horses. Our experience has shown us that cutting hay and grazing horses on the same fields produces less hay and can erode the soil. Fields are rotated. On fields which are resting, hay is cut and left on the ground to stabilize the soil and for re-seeding. Pastures are undeveloped, except for open pole sheds, and are suitable for agricultural uses.

*** For year 1999, the Virginia Department of Conservation and Recreation recognized the farm with the "Bay Friendly Clean Water Farm Award." Our BMP pond, conservation easement, fencing, rotation and condition of fields, limited number of horses, and waste management were certainly key factors.

PURCHASES AND IMPROVEMENTS IN THE LAST 10 YEARS

2005

Country Home	\$ 836	D R Trimmer
Lawn and Leisure	\$ 304	Hedge Trimmer
Smith & Sons	\$2,100	Bush Hog Cutter
Sears	\$ 262	Edger

2006

Smith & Sons	\$2,101	Wallenstein Generator
Bull Run Stables		Improved Wash Stall

2007

Titan Restoration	\$2,625	Upgraded roof on arena
Culligan	\$2,768	Water Filtration System

2008

Blue Ridge Fencing	\$4,480	Replaced fencing on out- door arena
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2009

Nothing

2010

Strathmoore	\$758	Wheel for Rotary Harrow
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2011

Dixie Electric	\$7,447	Installed 5 Nelson Horse Waterers
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Bull Run Stables		Improved Pond Spillway
------------------	--	------------------------

Bull Run Stables		Installed GFI for Water In Pump House
------------------	--	---------------------------------------

Bull Run Stables		Installed snow guards and gutters on indoor Arena and barn
------------------	--	--

2012

Bull Run Stables		Replaced storm doors On Tenant House
------------------	--	--------------------------------------

Bextel	\$ 603	Replaced parts for PA system
--------	--------	------------------------------

Vamac

\$ 600

APPENDIX 2
Air Pump for utility rm

2013

Bull Run Stables

Control Box and well
pump

Bull Run Stables

Installed rubber mats
in all run-in-sheds ex-
cept fields 1 & 2

2014

Bull Run Stables

Replaced deck on tenant
house

Bull Run Stables

repainted run-in-sheds
Fields 4,5,6,7

2015

Bull Run Stables

Reroofed and repaired
run-in-shed, field 9

Bull Run Stables

Improve arena footing
with 40 tons of
sand

RENEWAL OF RICHARDSON LOCAL AGRICULTURAL AND FORESTAL DISTRICT

STATEMENT OF JUSTIFICATION

I INTRODUCTION:

Tom Van Richardson and Joan Johnson Richardson (hereinafter jointly the "Applicant") are the owners of certain property identified as Fairfax County Tax Map Parcels 42-4((1)) 15Z (hereinafter, the "Subject Property") which presently constitutes the Richardson Local Agricultural and Forestal District approved by the Fairfax County Board of Supervisors on October 11, 1999 in Application AR 91-Y-001. As allowed under the Fairfax County Code, the Applicant desires to renew its Local Agricultural and Forestal District and obtain Board of Supervisors approval before the upcoming October 11, 2007 expiration date. This Application with its supporting documentation is filed pursuant to Section 115-4-9 of the Fairfax County Code.

II Conformance with Criteria Set Forth in Article V of Chapter 115 of the Fairfax County Code:

Section 115-5-1 of the Fairfax County Code lists certain criteria, which is used as a guide in the renewal of the existing Local Agricultural and Forestal District. These criteria are listed as "*Criteria Group A*" and "*Criteria Group B*".

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.

Response:

All district acreage is personally devoted to the Applicant's agricultural and equestrian uses with exception of approximately 5 acres in the center of the Subject Property, which contains the main residence, a tenant house, and all the main farm buildings, and one acre in a conservation easement. Open sheds for horses are located in the pastures, which are otherwise undeveloped and available for agriculture.

- (2) All land in the district should be zoned to the R-P, R-C, R-A or R-E District.

Response

The Subject Property is zoned to the RC Zoning 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.

Response:

The Richardson Local Agricultural and Forestal District and its existing agricultural/equestrian uses are consistent with the Comprehensive Plan and are in an area planned for residential uses at a density not to exceed 0.1-0.2 dwelling units per acre. All of the uses are conducted in conformance with the R-C and WSPOD Overlay District requirements.

- (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.

Response:

All of the surrounding land adjacent to the Subject Property, including those parcels across Bull Run Post Office Road, are planned and utilized in accordance with the Comprehensive Plan for low density residential and agricultural purposes.

- (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 as 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.

Response:

The Subject Property is 40 acres in size.

- (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.

Response:

The Richardson Local Agricultural and Forestal District contains only one (1) 40-acre parcel although it is indexed in the Fairfax County tax assessment records as two (2) parcels. The Applicant is the sole owner of the property.

- (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.

Response:

One hundred percent of the site consists of class I, II, III, or IV soils.

- (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 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.

Response:

A Conservation Plan prepared by the Northern Virginia Soil and Water Conservation District was initiated during 1991. The most significant achievement in this area has been the construction of a BMP pond to support 40 acres and the improvements thereon.

- (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.

Response:

Except for the harvesting and raising of hay and the establishment of ancillary farm and equestrian buildings, the Subject Property has not been disturbed. The only significant portion of the site which is wooded is in a Conservation Easement.

- (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.

Response:

In addition to the BMP pond mentioned above, a Conservation Easement of approximately one acre was established during 1998. A copy of that deed is attached. Furthermore, to enhance the agricultural/equestrian use conducted on the Subject Property, over the course of the past 16 years, the Applicant has invested considerably in farm and equestrian equipment, fencing, and in improving the grounds, to include the planting of more than 100 lleyland cypress. As noted in the Application, for year 1999, the Virginia Department of Conservation and Recreation recognized the farm with the "Bay Friendly Clean Water Farm Award." A copy of the certificate is attached.

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:

- (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.

Response:

The setting is perhaps the most rural of any open land remaining in Fairfax County. A frontage of 1383 feet along Bull Run Post Office Road is backed by open pastures rising to a crest 350 feet from and paralleling the Road. Atop that crest is an attractive home and a modern indoor riding facility. When occupied, the foreground contains horses flanking a 24-foot gravel entrance. From the crest, the land falls gently to a stream bisecting the property from north to south and feeding a pond located on its southern boundary. The Subject Property contains scenic vistas of predominantly rural western Fairfax area. The rural character of the Subject Property is a critical attribute to the Applicant and will be aggressively maintained.

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

Response:

The BMP pond and the Conservation Easement have been mentioned.

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

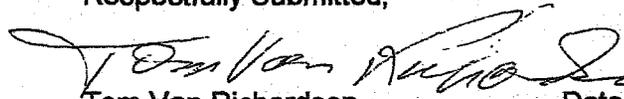
Response:

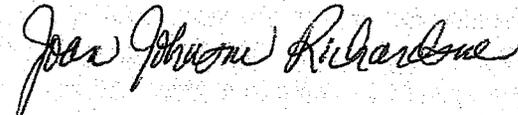
The Subject Property is entirely zoned R-C.

III Conclusion:

The proposed renewal of the Richardson Local Agricultural and Forestal District conforms with all ten (10) criteria set forth in "Criteria Group A" and meets three (3) out of six (6) of the criteria contained in "Criteria Group B". In light of the foregoing, the Applicant asks that the Richardson Local Agricultural and Forestal District approved in AF 91-Y-001 be renewed.

Respectfully Submitted,


Tom Van Richardson Date November 15, 2015


Joan Johnson Richardson Date Nov. 15, 2015

PERSONAL JUSTIFICATION

Once a farm is lost to development, it is lost forever. You can never get it back. Another very important consideration is the conservation aspect. Farm land offers a different habitat that parkland doesn't necessarily have. Open farm land that has open fields, provide food for the monarch butterfly with the wild growth of milkweed and thistles for finches and other birds.

The migratory Purple Martin and Barn Swallow need open spaces without trees to seek out the mosquitoes. And we certainly need all the help we can get to control mosquitoes.

Farm land generally controls light pollution. So many of the clients who come to our farm remark how bright the stars are. Coming from a heavy populated area or even subdivisions where there are street lights, the brightness of the stars are diminished.

Most importantly from the equine perspective, horses are not only important as a form of recreation but also as a vehicle for mental and physical rehabilitation.

Joan Richardson



County of Fairfax, Virginia

MEMORANDUM

DATE: March 8, 2016

TO: Barbara C. Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Denise M. James, Chief, Environment and Development Review *DMJ*
Planning Division, DPZ

SUBJECT: LAND USE ANALYSIS & ENVIRONMENTAL ASSESSMENT for:
AR 91-Y-001-03
Tom V. Richardson and Joan J. Richardson

The memorandum, prepared by Michael Burton, includes citations from the Comprehensive Plan that provides land use guidance and environmental policies for this application. The extent to which the proposed use, intensity and development plan are consistent with the land use guidance contained in the Comprehensive Plan, is noted. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development.

DESCRIPTION OF THE APPLICATION

The applicants request a renewal for the 40 acre Richardson Agricultural Forestal District. The subject property is located at Tax Map Parcel 42-2((1)) 15Z. There are 6 structures on the property. The application proposes to maintain approximately 85% of the district in active agricultural use and approximately 13% (5 acres) will continue to be maintained as residential use with both residential and agricultural structures. The remaining 1 acre will continue as conserved forested land.

LOCATON AND CHARACTER

The subject property is located in the westernmost portion of Fairfax County within the Occoquan Reservoir watershed immediately east and adjacent to Bull Run Post Office Road. This agricultural and forestal district is surround by land which is planned for residential use at 1-2 dwelling units per acre (du/ac) or 5-10 acre lots, private open space and public park.

Plan Map: Residential use at 0.1 - 0.2 du/ac (5-10 acre lots) and private open space

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-653-9447
www.fairfaxcounty.gov/dpz/



Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

DEPARTMENT OF
**PLANNING
& ZONING**

Barbara C. Berlin
AR 91-Y-001-03
March 8, 2016

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:

The Fairfax County Comprehensive Plan, 2013 Edition Area III, Bull Run Planning District, Amended through 11-17-2015, BR5-Stone Bridge Community Planning Sector, page 69 states:

Land Use

“Occoquan Reservoir Watershed – The entire BR5 Sector is located within the watershed of the Occoquan Reservoir.

1. The land on the southwest perimeter of the County, adjacent to Loudon County ... lying generally along Bull Run and the public parkland associated with Bull Run has remained for the most part open and undeveloped and has a rural character. It is planned for residential development at .1-.2 du/ac and public parkland. This is in conformance with the findings of the Occoquan Basin Study. The present very low density development which characterizes this area should remain intact to protect its natural wildlife and water quality ...
3. Agricultural and forestal uses are alternatives to residential uses in Low Density Residential Areas. Such uses, depending upon the techniques used, can have positive impacts on water quality. Careful attention should be paid to ensure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan Reservoir watershed.”

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

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

- | | |
|-----------|---|
| Policy a. | Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . . |
| Policy c. | Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas ... |
| Policy j. | Regulate land use activities to protect surface and groundwater resources. . . . |

Barbara C. Berlin
AR 91-Y-001-03
March 8, 2016

- Policy 1. In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors....

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

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate 'Chesapeake Bay Preservation Areas,' within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations."

The Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, page 10, 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, as applied to Chesapeake Bay Preservation Areas adopted by the Board of Supervisors as generally depicted in Figure 5 of the Chesapeake Bay Supplement to the Comprehensive Plan, as may be amended by the Board of Supervisors"

The Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, on page 18, the Plan states:

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

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

Barbara C. Berlin
AR 91-Y-001-03
March 8, 2016

Policy c. use open space/conservation easements as appropriate to preserve woodlands, monarch trees, and/or rare or otherwise significant trees, as identified by the county.”

LAND USE ANALYSIS

The proposed renewal of this Agricultural and Forestal District conforms to the land use recommendation of the Comprehensive Plan which seeks to maintain the rural character of this portion of the County.

ENVIRONMENTAL ANALYSIS

The Richardson Agricultural and Forestal District lies entirely within the County’s Chesapeake Bay Preservation Area, the Bull Run Watershed and County’s Water Supply Protection Overlay District. The applicant’s statement of justification identifies 34 acres to be maintained as agricultural use, an additional 5 acre portion maintains residential and agricultural structures, and a remaining 1 acre portion to remain as undeveloped forested land. An intermittent stream traverses the property from north to south on the eastern portion and an intermittent stream crosses the northwestern corner of the subject property. Neither stream is considered to be in an Environmental Quality Corridor or Resource Protection Area.

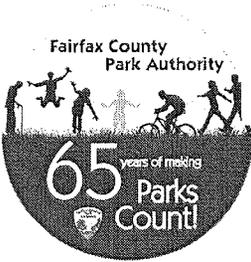
Agricultural activities within the County’s Chesapeake Bay preservation Area can comply with the Chesapeake Bay Preservation Ordinance (CBPO) through the development of a Water Quality Management Plan as administered by the Northern Virginia Soil and Water Conservation District. Silvicultural activities accommodate for the CBPO through the development of a Forestry Management Plan as prescribed by the Virginia Department of Forestry’s Best Management Practices handbook for Forestry Operation prepared in conjunction with the Virginia Department of Forestry.

Upon completion of a current Water Quality Management Plan and a current Forestry Management Plan, this application will be in compliance with the County’s CBPO.

Renewal of this Agricultural Forestal District is compatible with goals of the Comprehensive Plan to preserve this environmentally sensitive area of Fairfax County.

COUNTYWIDE TRAILS PLAN MAP

The countywide Trails Plan depicts a major paved trail (defined as asphalt or concrete, 8 feet or more in width) and a natural surface or stone dust trail, 6’ – 8’ wide along the east side of Bull Run Post Office Road immediately adjacent to the subject property.



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

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

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

DATE: January 19, 2016

SUBJECT: AR 91-Y-001-03, Tom and Joan Richardson
Tax Map Number: 42-4((1)) 15Z

The Fairfax County Park Authority supports this application for an Agricultural and Forestal District as it furthers 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.”

COMPREHENSIVE PLAN GUIDANCE

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

ANALYSIS & RECOMMENDATIONS

Natural Resources Impact:

The Applicant's property is directly adjacent to a portion of the Sully Woodlands park holdings, and their land use and management is important as a buffer to help protect the sensitive resources on the park property.

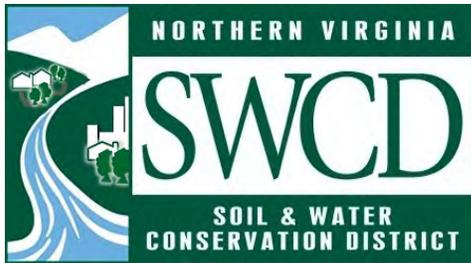
Cultural Resources Impact:

The parcel was subject to archival review. This application proposes no significant ground disturbance that would negatively affect cultural or archaeological resources. For any archaeological work done, please forward reports the CRMPB of the Fairfax County Park Authority at 2855 Annandale Road Falls Church, VA 20110 for review and concurrence. The Applicant should submit one hard copy report as well as a digital copy on disc. The applicant should also provide individual shape files for any cultural resources found during its survey,

including archaeological sites and significant architectural sites. For artifact catalogues, please include your data base in Access™ format, as well as digital photography, architectural assessments, including line drawings.

FCPA Reviewer: Ryan J. Stewart
DPZ Coordinator: Michael Lynskey

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



Northern Virginia Soil and Water Conservation District

12055 Government Center Parkway, Suite #905

Fairfax, VA 22035

<http://www.fairfaxcounty.gov/nvswcd/>

Tel: 703-324-1460

Fax: 703-423-1421

---Soil and Water Quality Conservation Plan ---

Property Owner/Operator:

Joan & Tom Van Richardson
6001 Bull Run Post Office Road
Centreville, VA 20120
Tel: 703-817-0232

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

March 10, 2016

Assessment:

This is a 40-acre property located at 6001 Bull Run Post Office Road, Centreville, in the Cub Run Watershed. It is pending renewal of its Agricultural and Forestal District status. It is currently used as an equine boarding and riding operation. The number of horses has been down-sized from about 15 to six horses.

Approximately, 5 acres are in use as pasture, and 25 acres as hay fields.

No Chesapeake Bay Resource Protection Area (RPA) is delineated within the property limits.

A 2-acre pond exists at the southern most portion of the property. It functions as an effective Best Management Practice, in treating runoff from significant portion of the operation. As well as, from other upstream areas, outside of the property. The pond is protected with a good stand of vegetated buffer and exclusion fences.

All pasture and hay fields are kept in good condition.

Farm waste (manure) is managed in an environmentally sound manner.

Recommended best management practices in this plan include:

- 1) Nutrient Management Plan.
- 2) Integrated Pest Management (IPM) techniques, including specific management for an emerging Red Cedar Pine in some grassy areas.
- 3) Financial Incentive Program recommendations for converting hay fields into timber/pine production fields or wildlife habitat.
- 4) Record keeping recommendation.

Practices:

1) Nutrient Management (590):

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.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	5.0 ac.	8	2016		
2	8.0 ac.	8	2016		
3	0.5 ac.	8	2016		
4	0.5 ac.	8	2016		
5	0.5 ac.	8	2016		
6	1.5 ac.	8	2016		
7	1.5 ac.	8	2016		
8	5.0 ac.	8	2016		
9	3.0 ac.	8	2016		
10	2.5 ac.	8	2016		
11	2.0 ac.	8	2016		
Total	30.0 ac.				

2) Pest Management (595)

Pest Management will be carried out to control agricultural pest infestation (weeds, insects, diseases) according to current recommendations from the Cooperative Extension Service. The Pest Management Guide is updated annually. A weed of concern that was becoming prevalent in the lawn areas was identified as Eastern Red Cedar Pine. These can be seen as clumps among the grass, even though they are frequently mowed down. Tordon is a liquid herbicide that can be used as a spot treatment on the exposed foliage of the seedlings. When using herbicides, always read and follow label instructions.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	5.0 ac.	3	2016		
2	8.0 ac.	3	2016		
3	0.5 ac.	3	2016		
4	0.5 ac.	3	2016		
5	0.5 ac.	3	2016		
6	1.5 ac.	3	2016		
7	1.5 ac.	3	2016		
8	5.0 ac.	3	2016		
9	3.0 ac.	3	2016		

10	2.5 ac.	3	2016		
11	2.0 ac.	3	2016		
Resid.	5.0 ac.	3	2016		
Out/Rdng	1.0 ac.	3	2016		
Barn&In/Rdng.	1.0 ac.	3	2016		
Pond	2.0 ac.	3	2016		
Con. Easement	1.0 ac.	3	2016		
Total	40.0 ac.				

3) Prescribed Grazing (528)

Intensive rotational grazing – Maintain the grazing capacity of your pasture fields by frequently adjusting grazing periods to ensure adequate recovery period through each season. The grazing period will range from one half to several days. Grazing heights and appropriate recovery periods should be kept under close monitoring. During adverse weather conditions such as drought or excessive precipitation “escape” areas such as barns, or sacrifice areas should be utilized.

Fields	Planned Amount	Month	Year	Applied Amount	Date
4	0.5 ac.	3	2016		
5	0.5 ac.	3	2016		
6	1.5 acs.	3	2016		
10	2.5 acs.	3	2016		
Total	5.0 acs.				

4) Conservation Incentive Programs

If your future plan is not to significantly increase the number of horses, you may wish to consider enrolling some of your hay fields into state conservation programs that provide financial incentives to cover conversion costs and pay the land owner a certain amount per acre/year. Initially, hay fields 1 & 2 may be ideal for enrollment considerations into one of the following:

A) The VA Department of Forestry’s program, in which hay fields can be converted into Pine or timber production fields. For more information, you may contact Mr. Jim McGlone – 703-324-1480 or Jim.McGlone@dof.virginia.gov .

B) USDA Natural Resources Conservation Services’ Program such as Wildlife Habitat Incentive Program (WHIP), wherein your fescue hay fields will be converted into a field of warm season grasses know to attract species such as Bob White Quails. For more information you may contact Mr. Roger Flint at 1-540-460-2594 or Roger.Flint@Va.usda.gov .

5) Waste Storage Facility (313)

Maintain your current permanent waste storage structure (at location M) designed to temporarily hold solid animal waste. Spreading should be scheduled at such

intervals so that the facility does not overflow. 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
M	1	8	2016		

6) Pond Management

Manage existing pond and its adjacent vegetated buffer areas for water quality improvement and wildlife enhancement purposes. Maintain fencing around pond area to keep horses out. Enhance vegetation stand in buffer areas to improve filtration of pollutants within the established Environmental Quality Corridor (EQC) before runoff enters the water body.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Pond	2.0 ac.	3	2016	3	2016

7) Record Keeping

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

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	5.0 ac.	3	2106		
2	8.0 ac.	3	2016		
3	0.5 ac.	3	2016		
4	0.5 ac.	3	2016		
5	0.5 ac.	3	2016		
6	1.5 ac.	3	2016		
7	1.5 ac.	3	2016		
8	5.0ac.	3	2016		
9	3.0 ac.	3	2016		
10	2.5 ac.	3	2016		
11	2.0 ac.	3	2016		
Resid.	5.0 ac.	3	2016		
Out/Rdng	1.0 ac.	3	2016		
Barn&In/Rdng.	1.0 ac.	3	2016		
Pond	2.0 ac.	3	2016		
Con. Easement	1.0 ac.	3	2016		
Total	40.0 ac.				

**SIGNATURES OF PARTICIPANTS –
Richardson’s A & F District – Equine Operation**

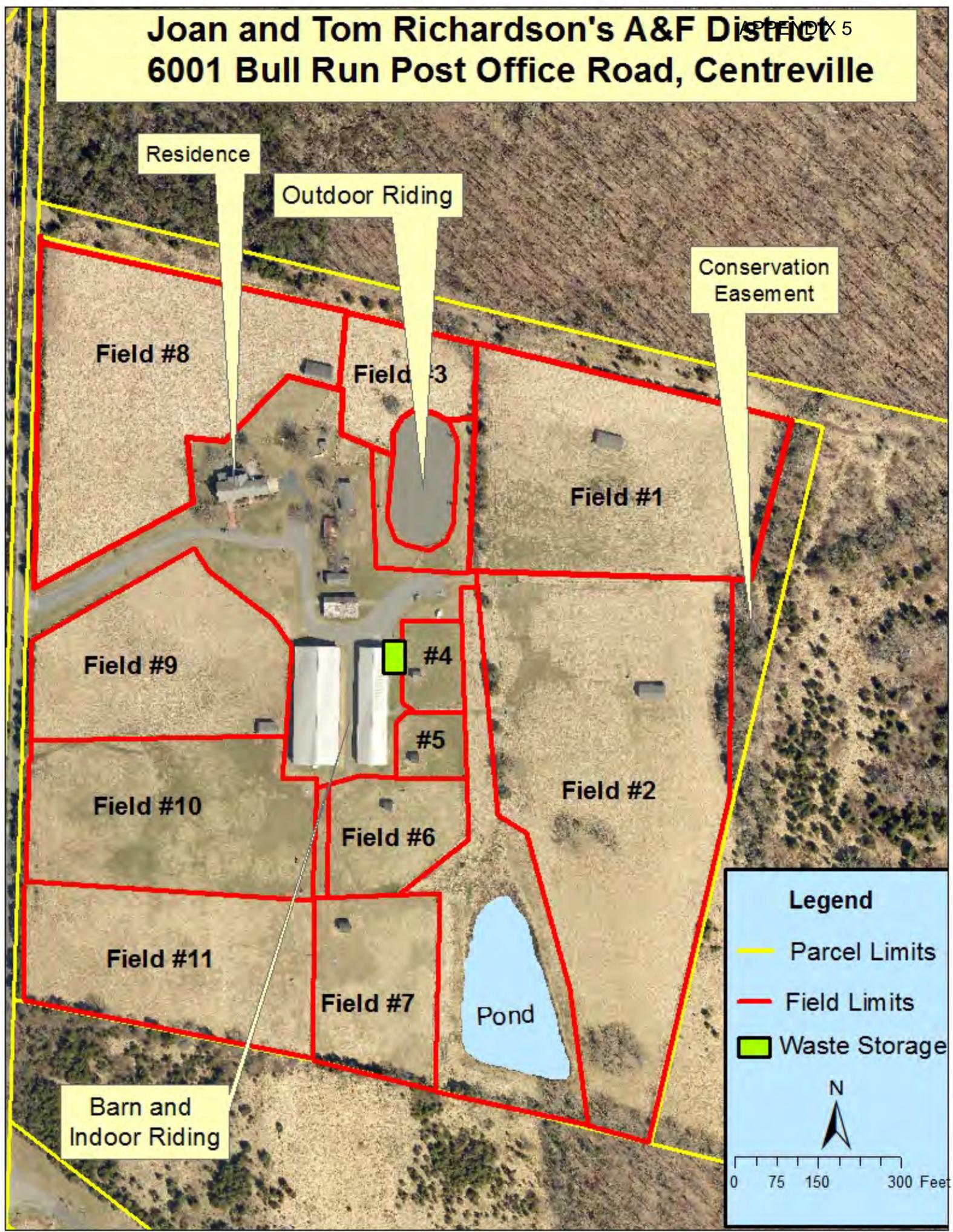
Landowner/Operator:	
-----	-----
Joan Johnson Richardson	Date
-----	-----
Tom Van Richardson	Date

Planner:	
-----	-----
Wilfred D. Woode	Date

District Authority:	
-----	-----
Chairman	Date

Joan and Tom Richardson's A&F District 6001 Bull Run Post Office Road, Centreville

APPENDIX 5



Residence

Outdoor Riding

Conservation Easement

Field #8

Field #3

Field #1

Field #9

#4

#5

Field #2

Field #10

Field #6

Pond

Field #11

Field #7

Barn and Indoor Riding

Legend

- Parcel Limits
- Field Limits
- Waste Storage

N

0 75 150 300 Feet



County of Fairfax, Virginia

MEMORANDUM

DATE: February 4, 2016

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 91-Y-001)

SUBJECT: Transportation Impact

REFERENCE: AR 91-Y-001-03; Tom V. Richardson / Joan J. Richardson
Land Identification Map: 42-4 ((1)) 15Z

The subject application seeks to renew an Agricultural/Forestral District for a parcel which has frontage on Bull Run Post Office Road. Bull Run Post Office Road in this area is identified in the Comprehensive Plan as the alignment of the Tri-County Parkway. This improvement to a four-lane divided arterial facility with substantial open space between the north and south bound travel lanes per the Plan could require right-of-way width of 180 feet. However, this northerly portion of the Bypass will not be implemented unless the section south of I-66 has been implemented and no construction funds are currently available for that section.

MAD/lah

cc: Michael H. Lynskey

FAIRFAX COUNTY, VIRGINIA
MEMORANDUM

DATE: February 24, 2016

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal Districts Advisory Committee

SUBJECT: Recommendation on the Richardson Local Agricultural and Forestal District;
Application AR 91-Y-001-03

The Agricultural and Forestal Districts Advisory Committee met on February 23, 2016 to review the application to renew the Richardson Local Agricultural and Forestal District for an additional eight-year term. The Committee found the following:

- The Richardson Local Agricultural and Forestal District continues to meet the minimum district size contained in Section 115-3-2;
- The Richardson Local Agricultural and Forestal District continues to conform with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Richardson Local Agricultural and Forestal District fulfills all of the applicable Group A evaluation criteria, and fulfills three of the Group B criteria (fulfilling at least two is recommended), as specified in Chapter 115 of the Fairfax County Code. The Committee considers the criteria satisfied.

The Agricultural and Forestal Districts Advisory Committee recommends unanimously that application AR 91-Y-001-03 be approved and Appendix F of the Fairfax County Code be amended to renew the Richardson Local Agricultural and Forestal District for an additional eight-year term. The Advisory Committee further recommends that the renewal 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 January 28, 2016 –
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.

(Code 1950, § 58-769.5; 1971, Ex. Sess., c. 172; 1973, c. 209; 1984, cc. 675, 739, 750; 1987, c. 550; 1988, c. 695; 1989, cc. 648, 656; 1996, c. [573](#); 1998, c. [516](#); 2006, c. [817](#); 2009, c. [800](#); 2012, c. [653](#).)

§ 58.1-3231. Authority of counties, cities and towns to adopt ordinances; general reassessment following adoption of ordinance.

Any county, city or town which has adopted a land-use plan may adopt an ordinance to provide for the use value assessment and taxation, in accord with the provisions of this article, of real estate classified in § [58.1-3230](#). The local governing body pursuant to § [58.1-3237.1](#) may provide in the ordinance that property located in specified zoning districts shall not be eligible for special assessment as provided in this article. The provisions of this article shall not be applicable in any county, city or town for any year unless such an ordinance is adopted by the governing body thereof not later than June 30 of the year previous to the year when such taxes are first assessed and levied under this article, or December 31 of such year for localities which have adopted a fiscal year assessment date of July 1, under Chapter 30 (§ [58.1-3000](#) et seq.) of this subtitle. The provisions of this article also shall not apply to the assessment of any real estate assessable pursuant to law by a central state agency.

Land used in agricultural and forestal production within an agricultural district, a forestal district or an agricultural and forestal district that has been established under Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, shall be eligible for the use value assessment and taxation whether or not a local land-use plan or local ordinance pursuant to this section has been adopted.

Such ordinance shall provide for the assessment and taxation in accordance with the provisions of this article of any or all of the four classes of real estate set forth in § [58.1-3230](#). If the uniform standards prescribed by the Commissioner of Agriculture and Consumer Services pursuant to § [58.1-3230](#) require real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use, then such ordinance may waive such prior use requirement for real estate devoted to the production of agricultural and horticultural crops that require more than two years from initial planting until commercially feasible harvesting.

In addition to but not to replace any other requirements of a land-use plan such ordinance may provide that the special assessment and taxation be established on a sliding scale which establishes a lower assessment for property held for longer periods of time within the classes of real estate set forth in § [58.1-3230](#). Any such sliding scale shall be set forth in the ordinance.

Notwithstanding any other provision of law, the governing body of any county, city or town shall be authorized to direct a general reassessment of real estate in the year following adoption of an ordinance pursuant to this article.

(Code 1950, § 58-769.6; 1971, Ex. Sess., c. 172; 1973, c. 209; 1974, c. 34; 1975, c. 233; 1977, c. 681; 1978, c. 250; 1984, cc. 92, 675; 1987, c. 628; 1988, c. 695; 1999, c. [1026](#); 2000, c. [410](#); 2001, c. [705](#).)

§ 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.

(Code 1950, § 58-769.6:1; 1976, c. 58; 1984, c. 675.)

§ 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 agricultural purposes, for purposes of engaging in aquaculture as defined in § [3.2-2600](#) or for 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.

(Code 1950, § 58-769.7; 1971, Ex. Sess., c. 172; 1973, c. 209; 1980, c. 75; 1984, cc. 675, 739, 750; 1987, c. 550; 1988, cc. 462, 695; 1989, c. 656; 1990, c. 695; 1991, cc. 69, 490; 2002, c. [475](#); 2003, c. [356](#); 2010, c. [653](#); 2015, c. [485](#).)

§ 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.

(Code 1950, § 58-769.8; 1971, Ex. Sess., c. 172; 1973, cc. 93, 209; 1974, c. 33; 1976, c. 478; 1977, c. 213; 1978, cc. 250, 644, 645; 1979, cc. 180, 632; 1980, cc. 493, 508; 1982, c. 624; 1984, cc. 92, 675; 1988, c. 695; 1993, c. 102; 1999, c. [1026](#); 2001, c. [50](#).)

§ 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.

(Code 1950, § 58-769.8:1; 1980, c. 508; 1984, c. 675; 1994, c. [199](#).)

§ 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.

(Code 1950, § 58-769.9; 1971, Ex. Sess., c. 172; 1984, c. 675.)

§ 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.

(Code 1950, § 58-769.10; 1971, Ex. Sess., c. 172; 1973, c. 209; 1974, c. 34; 1977, c. 323; 1979, c. 179; 1980, c. 363; 1984, cc. 92, 222, 675, 676, 681; 1985, c. 478; 1988, cc. 422, 695; 1990, c. 841; 1992, Sp. Sess., c. 3; 1998, c. [274](#); 1999, c. [1026](#); 2013, c. [269](#).)

§ 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.

(1987, c. 628; 1992, Sp. Sess., c. 3; 1993, c. 584; 2007, c. [813](#); 2011, c. [12](#); 2013, c. [677](#).)

§ 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.

(Code 1950, § 58-769.10:1; 1971, Ex. Sess., c. 172; 1982, c. 624; 1984, cc. 675, 681.)

§ 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.

(Code 1950, § 58-769.11; 1971, Ex. Sess., c. 172; 1976, c. 55; 1979, c. 152; 1984, cc. 675, 739, 750; 1985, c. 448; 1987, c. 550; 1989, c. 656.)

§ 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.

(Code 1950, § 58-769.12; 1971, Ex. Sess., c. 172; 1973, c. 209; 1984, cc. 675, 739, 750; 1987, c. 550; 1989, c. 656.)

§ 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.

(Code 1950, § 58-769.13; 1971, Ex. Sess., c. 172; 1978, c. 385; 1984, c. 675; 1988, c. 695; 2006, c. [221](#).)

§ 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.

(Code 1950, § 58-769.14; 1971, Ex. Sess., c. 172; 1984, c. 675.)

§ 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.

(Code 1950, § 58-769.15; 1971, Ex. Sess., c. 172; 1980, c. 241; 1983, c. 304; 1984, c. 675.)

§ 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.

(Code 1950, § 58-769.15:1; 1971, Ex. Sess., c. 172; 1984, c. 675.)

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		