



County of Fairfax, Virginia

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Department of Planning & Zoning

MAY 04 2016

Zoning Evaluation Division

March 16, 2015

Edith E. Bierly
8833 Lake Hill Drive
Lorton, VA 22079-3210

RE: Agricultural and Forestal District Application AR 98-S-001-2

Dear Ms. Bierly:

Agricultural and Forestal District Application AR 98-S-001-02, in the name of Edith E. Bierly, meeting the required criteria and provisions pursuant to the Code of the County of Fairfax, Chapter 114 (Statewide Agricultural and Forestal Districts), and additional environmental provisions, was renewed by ordinance by the Board of Supervisors at a regular meeting held on March 15, 2016, as the Edith E. Bierly Statewide Agricultural and Forestal District, subject to the attached ordinance provisions. The subject property is located at 8833 Lake Hill Drive, on approximately 23.9 acres of land zoned R-1, WS in the Springfield District, [Tax Map 106-1 ((1)) 14Z and 16Z; 106-1 ((3)) 9Z, 10Z and 18Z].

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

- cc: Chairman Sharon Bulova
- Supervisor Daniel Storck, Mount Vernon District
- Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
- Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
- Diane Johnson-Quinn, Deputy Zoning Administrator, DPZ
- Michael Davis, Section Chief, Transportation Planning Division, DOT
- Department of Highways-VDOT
- Sandy Stallman, Park Planning Branch Manager, FCPA
- Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
- Jill Cooper, Executive Director, Planning Commission
- Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

*ADOPTION OF AN AMENDMENT TO APPENDIX F
(LOCAL AGRICULTURAL AND FORESTAL DISTRICTS)
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, March 15, 2016, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Appendix F (Local Agricultural and Forestal Districts) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA:*

That Appendix F (Local Agricultural and Forestal Districts), is amended, by adding the Bierly Local Agricultural and Forestal District, as follows:

F-51. Bierly Local Agricultural and Forestal District
(AR 98-S-001-02)

(a) The following parcels of land situated in the Springfield District, and more particularly described herein, are hereby included in the Bierly Local Agricultural and Forestal District:

Owners	Fairfax County Tax Map Parcel Number	Acreage
Edith Bierly	106-1 ((3)) 09Z	6.73 acres
	106-1 ((1)) 14Z	9.72 acres
	106-1 ((1)) 16Z	0.51 acres
	106-1 ((3)) 10Z	4.13 acres
	<u>106-1 ((3)) 18Z</u>	<u>2.80 acres</u>
Total:		23.89 acres

(b) The Bierly Local Agricultural and Forestal District is established effective March 15, 2016 pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

- (1) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, as remains in conformance with the approved Soil and Water Quality Management and Forest Management Plans for the property.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance, subject to continued conformance with the approved Soil and Water Quality Management and Forest Management Plans for the property.
- (3) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.
- (5) The applicants shall implement and abide by the recommendations of the Forest Management Plan, which was prepared by the Virginia Department of Forestry (VADOF) on September 25, 2007, for the life of the Bierly Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by VADOF.

- (6) Those areas delineated by the Department of Planning and Zoning as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation, and the removal of dead, dying and diseased vegetation, in accordance with the Forest Management Plan, and as approved by the VADOF. The boundaries of the EQC (see Exhibit A) shall be the permanent limits of clearing and grading for the life of the Bierly Local Agricultural and Forestal District.
- (7) The Cultural Resource Management and Protection Division (CRMP) of the Fairfax County Park Authority shall be permitted to survey the property and to recover artifacts from the property. Surveys and other similar activities of the CRMP shall be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.
- (8) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 115 of the County Code and shall include an opportunity for the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.
- (9) The establishment and continuation of this district depends upon the implementation of each of the terms and conditions stated in this ordinance. This district may, at the sole discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if such action is determined to be warranted by the Board of Supervisors upon determination that the terms and conditions stated in this ordinance are not being implemented. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 115 of the County Code.

This amendment shall become effective upon adoption.

GIVEN under my hand this 15th day of March, 2016.



CATHERINE A. CHIANESE
Clerk to the Board of Supervisors