



APPLICATION ACCEPTED: February 24, 2016
PLANNING COMMISSION: June 16, 2016
BOARD OF SUPERVISORS: July 12, 2016 @ 3:30 p.m.

County of Fairfax, Virginia

June 1, 2016

STAFF REPORT
DYER LOCAL AGRICULTURAL
AND FORESTAL DISTRICT
AF 2016-SP-001
SPRINGFIELD DISTRICT



WS

APPLICANT: Charles E. Dyer and Joanne L Dyer, Trustees,
Dyer Living Trust

ZONING: R-C, WS

PARCEL: 076-3 ((1)) 8

LOCATION: 6501 Colchester Road
Fairfax Station, VA 22039

SITE AREA: 39.22 acres

PLAN MAP: Residential 0.1 to 0.2 du/ac and private open space

PROPOSAL: Establishment of Local Agricultural and Forestal
District

STAFF RECOMMENDATIONS:

Staff recommends that Appendix F of the Fairfax County Code be amended to establish the Dyer 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/



Excellence * Innovation * Stewardship
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

AF 2016-SP-001



Applicant:

CHARLES E. DYER AND JOANNE L DYER, TRUSTEES

Accepted:

02/24/2016

Proposed:

ESTABLISHMENT OF AN AGRICULTURAL AND FORESTAL DISTRICT

Area:

39.22 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:

Located:

6501 COLCHESTER ROAD, FAIRFAX STATION, VA 22039-1202

Zoning:

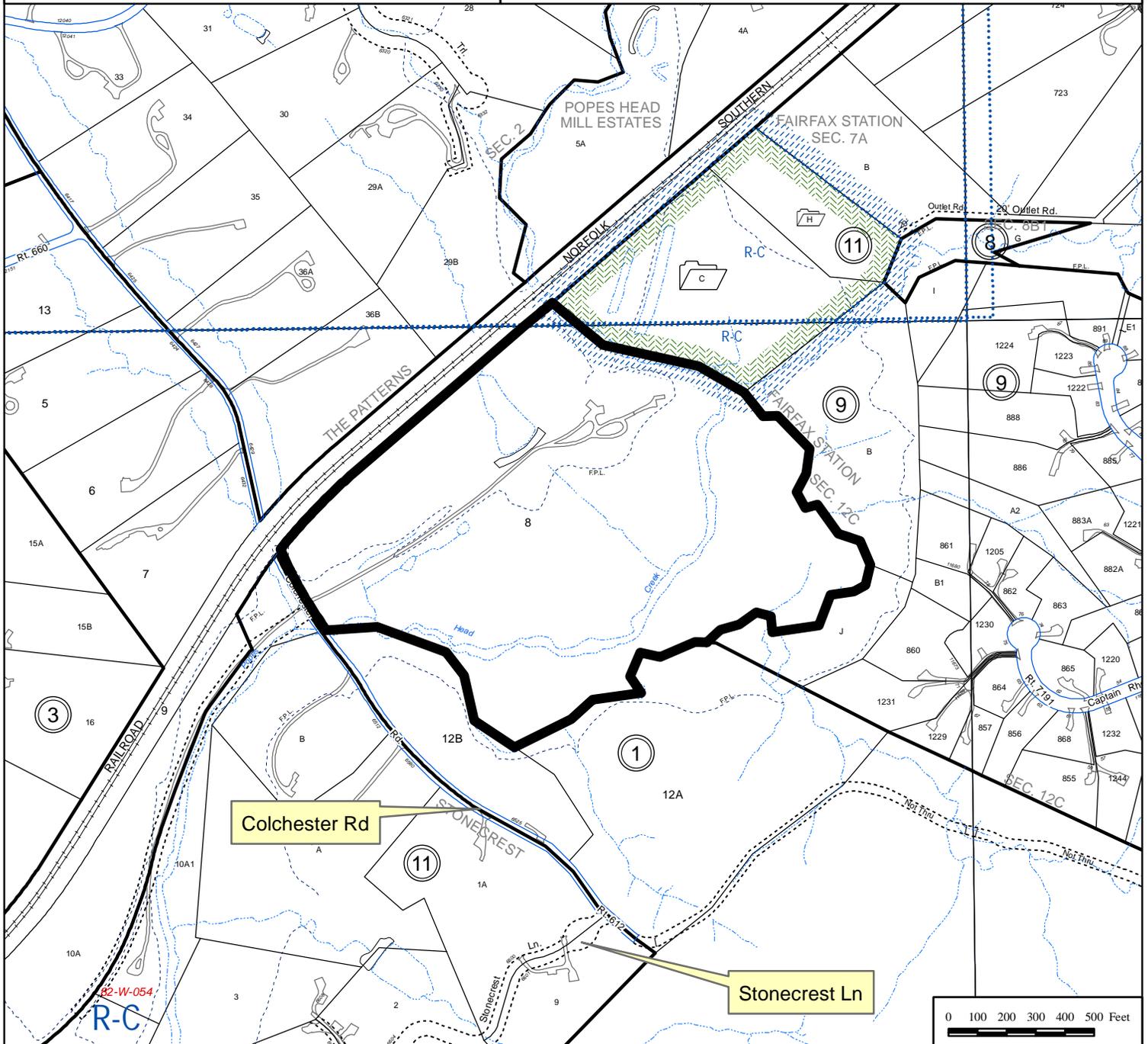
R- C

Overlay Dist:

WS

Map Ref Num:

076-3- /01/ /0008



DESCRIPTION OF APPLICATION

AF 2016-SP-001 is a request to establish the Dyer Local Agricultural and Forestal (A&F) District in the Springfield District, for an initial 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: Charles E. Dyer and Joanne L. Dyer, Trustees
Acreage: 39.22 acres
Uses: Active agriculture – 15 acres
Forested or undeveloped – 22 acres
Residential – 2 acres

A copy of the applicant's application is contained in Appendix 2; Proposed Ordinance Provisions are contained in Appendix 1.

LOCATION AND CHARACTER



Figure 1: District location map (other nearby A&F districts also shown).

The subject property consists of one 39-acre parcel located near the southern terminus of Colchester Road, in the Clifton area, sharing a northern boundary with the Norfolk Southern Railroad line. Pope's Head Creek traverses the property, from east to west, resulting in a large percentage of the site within floodplain and designated Resource Protection Areas. A small pond exists in the northern portion of the site, between the driveway and railroad bed.



Figure 2: Aerial view of the property.

The owners' home, garage and agricultural outbuildings are situated just outside of the boundary of the Resource Protection Area, with 10 acres of pasture and an outdoor riding ring also located in the northern portion of the property, suitable for up to seven horses.

Figure 3: Structures on the Property (from Application Form)		
Structure:	Year Built:	Use:
Owner's Residence	1984-5	Residence
Garage	1988	Three Vehicle Bays
Barn	1989	Tractor storage, equine stalls
Barn-Implement	1988	Tractor, implement storage
Chicken House	1990	Chickens



Figure 4: The owner's home and main barn.



Figure 5: Alternate view of the home and barn.



Figure 6: View of the floodplain/RPA area adjoining Pope's Head Creek.

BACKGROUND AND TIMELINE

The location of the property along Pope's Head Creek, Colchester Road (constructed prior to the Revolution) and the adjacent railway line (constructed in the 1850s as the Orange and Alexandria Railroad) has resulted in this site being utilized for a number of notable uses throughout the years. The original railroad alignment ran where the owner's driveway is today, and was later relocated to its current position. Remains of old bridge footings still exist just east of the owner's home, where the railroad crossed Pope's Head Creek.

The property was owned by the County Overseers of the Poor in the mid to late 1800s and was the site of the County alms house (or poor house). Also in the vicinity of the site was Sangster's Station, which was the site of a notable Civil War battle over control of the railroad. A monument to the fallen soldiers (the "tears and love" monument) was erected on the property in 1906, and later removed due to vandalism in the 1960's. The plaques from the monument now reside in the Fairfax Station Railroad Museum.

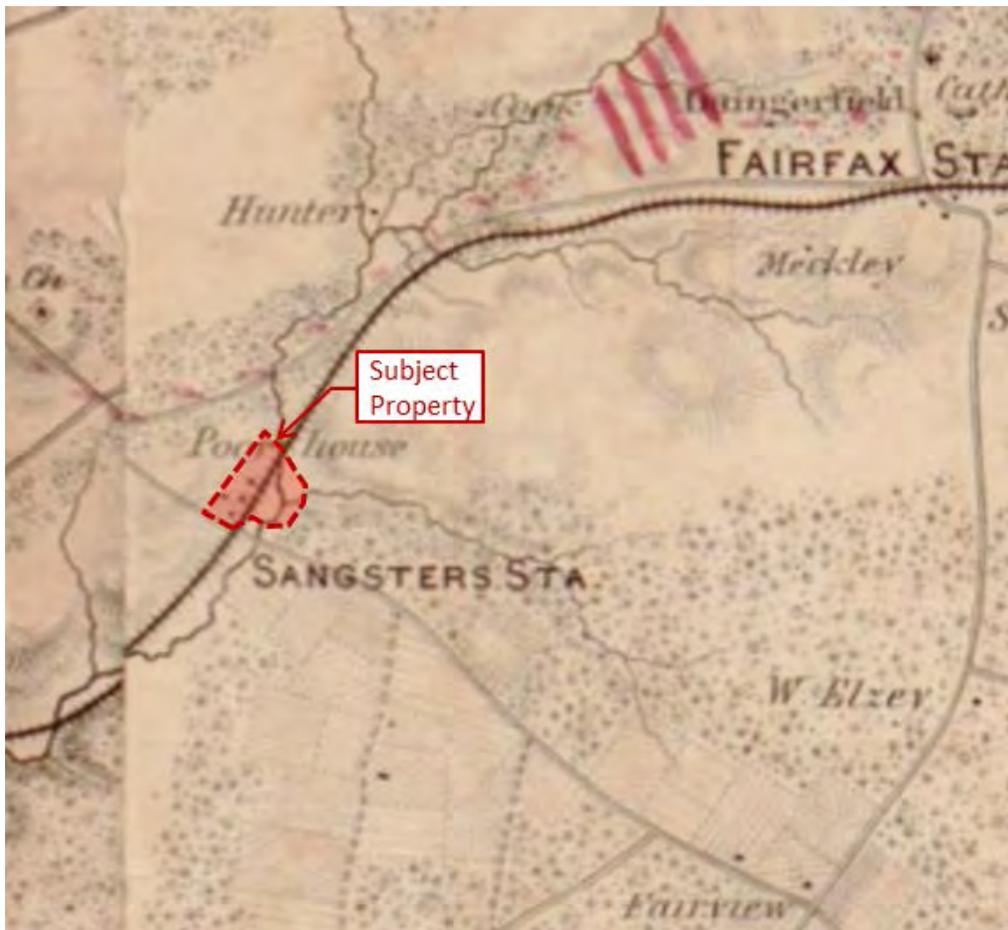


Figure 7: Civil War-era map of the area.

The Board of Supervisors sold the property at public auction in 1906, when it returned to private hands. As mentioned previously in the report, the current owners purchased the property in 1984 and constructed the existing structures shortly thereafter. No historic structures currently exist on the property, although there are depressions in the pasture that may suggest possible locations of previous structures. A historic (and somewhat notorious) one-lane bridge, along Colchester Road, is also located adjacent to the site.



Figure 8: Possible location of prior structures.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Pohick
Planning Sector:	P5 – Dominion 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)

Designation of this property as an Agricultural and Forestal District would be consistent with the existing and planned low-density residential uses in the area and would preserve its rural character, while further protecting sensitive environmental areas and helping to maintain the integrity of the County Water Supply.

Environmental Analysis (Appendix 3)

The 39.22-acre parcel is located in the Popes Head Creek watershed, with approximately 29 acres of the property (or 73 percent) located within areas designated as Resource Protection Area (RPA), as designated under the County's Chesapeake Bay Preservation Ordinance, Environmental Quality Corridor (EQC), as defined by the County Comprehensive Plan, and FEMA 100-year floodplain. A one-half-acre farm pond is also located just south of the railroad, in the north-central portion of the property.

County staff recommends that the property owners follow the recommendations of the prepared Soil and Water Quality Management Plan and Forest Management Plan (see analysis below), and feels that approval of this Agricultural and Forestal District is consistent with Comprehensive Plan goals to preserve and protect this environmentally sensitive area of the County, and support water quality goals for the Occoquan Reservoir.

Soil and Water Conservation Analysis (Appendix 4)

A Soil and Water Quality Assessment and Management Plan was prepared by the Northern Virginia Soil and Water Conservation District (NVSWCD) on January 19, 2016. The assessment found approximately 10 acres in use as established pasture for seven horses, with the majority of the remainder of the property in a wooded/conserved state. Approximately 3,060 linear feet of Chesapeake Bay Resource Protection Area (RPA) exist on the site, including most of the pasture areas.

The property has faced increasing erosion and siltation issues in recent years due to a VDOT project which elevated adjacent Colchester Road, increased flooding of the RPA area during times of heavy precipitation. The applicant constructed BMP measures in the floodplain to address the problem, and has been consulting with the Northern Virginia Soil and Water Conservation Service to identify other methods of erosion control that might be effective. The Soil and Water Quality Management Plan offers additional guidance regarding protection and stabilization of RPA areas, as well as recommendations regarding rotational grazing and relocation of a waste management area outside of the RPA limits.

A proposed Ordinance Provision requires conformance with the approved Soil and Water Quality Management Plan (as may be amended) for the life of the District.

Forestry Analysis (Appendix 5)

A Forester from the Virginia Department of Forestry also visited the site and prepared a Forest Management Plan (dated March 29, 2016) for the property, which contains an assessment of current forest conditions, as well as recommendations for proper management of the forest resources on the site.

A proposed Ordinance Provision also requires conformance with the approved Forest Management Plan (as may be amended) for the life of the District.

Transportation Analysis (Appendix 6)

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. No projects that would affect the site are included in current construction programs. There are no transportation-related concerns with the application.

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 is currently devoted to either agricultural use or is in a forested, conserved state, with the exception of approximately two acres of residential use. 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.*

All of the surrounding area is designated by the Comprehensive Plan for low density residential use at 0.1 to 0.2 du/ac, private open space, or 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 contains 10-15 acres of land in active agricultural use, but the majority of the land is in a forested/conserved state, so it would not be considered a farm district and this criterion does not apply. Criterion 6, below, would be applicable.

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

The property consists of one parcel, under the ownership of one family, and consists of 30.21 acres. Therefore, this criterion is satisfied.

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, or III. 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.*

A proposed Ordinance Provision requires the property to conform to the recommendations of the approved Soil and Water Quality Management Plan for the District (dated January 19, 2016), to be updated as necessary by the Northern Virginia Soil and Water Conservation District, for the life of the District. 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.*

A proposed Ordinance Provision requires the property to conform to the recommendations of the Forest Management Plan for the District (dated March 29, 2016), to be updated as necessary by the Virginia Department of Forestry, for the life of the District. Staff considers this criterion satisfied.

10. *There should be evidence of a history of investment in farm or forest improvements or other commitments to continuing agricultural or forestal use(s) in the district. In particular, districts with no history of investments in farm or forest improvements*

must evidence a firm commitment to agricultural or forestal uses for at least the life of the district.

The applicant has made many improvements to the property over the past several decades, most recently attempting to re-vegetate the RPA/EQC/Floodplain area and construct additional BMPs to address flooding issues. The applicant has also constructed wooden protection structures around many of the trees on the site to protect against horse/deer damage. 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.*

The owners have sold beef cattle raised on the property within the past five years, but no cattle currently reside on the property. Staff considers this criterion satisfied.

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

The property adjoins public parkland to the west, and Pope's Head Creek to the south, and serves to maintain a rural, agricultural setting in this historic portion of the County. Additionally, VRE trains pass the property on a daily basis, allowing commuters to enjoy the rural scenery, which likely provides a source of stress relief on their daily commute. Staff feels that this criterion is satisfied.

3. *The property contains an historically and/or archaeologically significant site which would be preserved in conjunction with the establishment of a district. A site that is listed on the Federal Registry of Historic Places, the State Registry of Historic Places and/or the County Inventory of Historic Places will be considered historically and/or archaeologically significant. A property which contains a site that is 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.*

There are no sites within the District which are listed on either the National Register of Historic Places or the County Inventory of Historic Sites but, as discussed previously in this report, the site has been the location of several notable events and there is potential for significant archaeological resources on the property. A proposed Ordinance Provision would allow the Cultural Resources Protection Branch of the Park Authority to access the site, for purposes of investigating and/or retrieving such historic resources, with prior consent of the landowner. Therefore, staff considers this criterion satisfied.

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

The property does not feature any unique or exceptional BMPs, so this criterion is not 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 Group A criteria and four of the criteria in Group B. Staff considers the guidelines satisfied.

AFDAC RECOMMENDATION (pending)

On June 7, 2016, The Agriculture and Forestal District Advisory Committee (AFDAC) will review the application and vote on a recommendation to the Planning Commission and Board of Supervisors.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposal to establish the Dyer 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 establish the Dyer 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 10.

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. Soil and Water Quality Management Plan
5. Forest Management Plan
6. FCDOT Transportation Memo
7. DPZ Heritage Resources 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
June 1, 2016
AF 2016-SP-001

If it is the intent of the Board of Supervisors to establish the Dyer Local Agricultural and Forestal District, as proposed in AF 2016-SP-001, 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 76-3 ((1)) 8, 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 remain in conformance with the approved Soil and Water Quality Management and Forest Management Plans for the property.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance, subject to continued conformance with the approved Soil and Water Quality Management and Forest Management Plans for the property.
- (3) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall automatically qualify for an agricultural and forestal value assessment on such land, pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and that it may, by ordinance, renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.

Additional Provisions

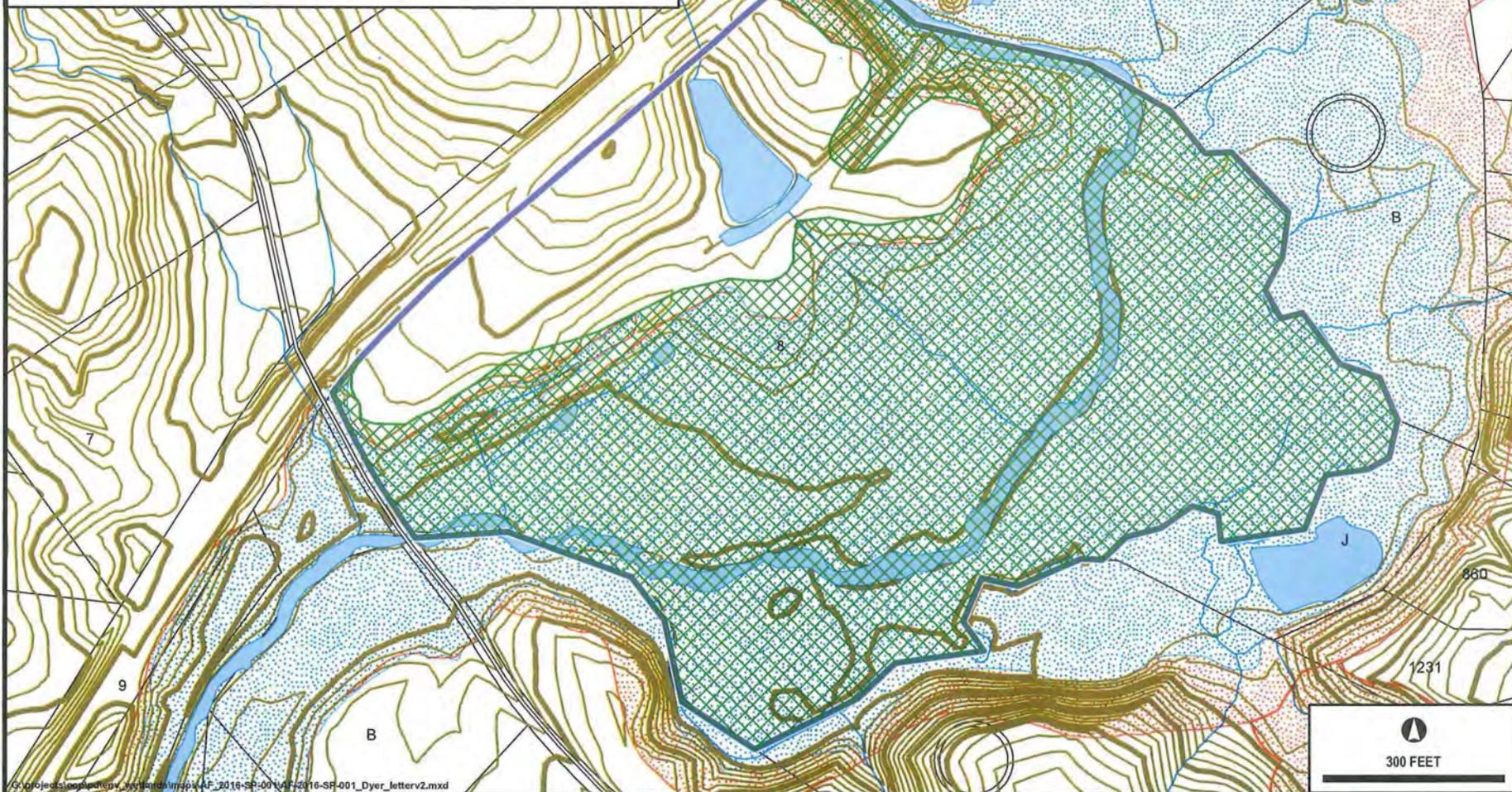
- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Quality Management Plan, prepared by the Northern Virginia Soil and Water Conservation District (NVSWCD) on January 19, 2016, for the life of the Dyer Local Agricultural and Forestal District. The Soil and Water Quality Management Plan may be updated from time to time as determined necessary by NVSWCD.

- (5) The applicants shall implement and abide by the recommendations of the Forest Management Plan, prepared by the Virginia Department of Forestry (VADOF) on March 29, 2016, for the life of the Dyer 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 recommendations of VADOF (and the approved Forest Management Plan), and measures recommended by NVSWCD (and the approved Soil and Water Quality Management Plan) to address erosion and sediment control within the RPA area. The boundaries of the EQC (see Exhibit A) shall otherwise be considered the permanent limits of clearing and grading for the life of the Dyer 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 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.
- (9) 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.

AF 2016-SP-001 - Dyer

Map prepared by the Fairfax County Department of Planning & Zoning, March 2016.

-  Area of AF 2016-SP-001
-  Environmental Quality Corridors inside AR 2016-SP-001
-  Resource Protection Area
-  Floodplain



Application No. AF 2016-SP-001

APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT

RECEIVED
Department of Planning & Zoning

FEB 17 2016

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
Charles E Dyer trustee	076301- 0008	1984	R-C WS Overlay	39.21758
Joanne L Dyer trustee				
Dyer Living Trust				

3. Total acreage in the proposed district: 39.21758 acres.
4. Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm forest .

AF 2016-0043

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

Name: Charles E. Dyer and Joanne L Dyer, trustees
Address: 6501 Colchester Road
Fairfax Station, VA 22039-1202

Telephone: 703-631-3593
703-507-2066
703-507-3329

6. Signature of all property owners:

Joanne L Dyer trustee
Charles E Dyer, trustee

TO BE COMPLETED BY THE COUNTY

Date application accepted: February 24, 2016

Date of action by Board of Supervisors: _____

- Approved as submitted Denied
- Approved with modifications

mpc
2/24/16
Deborah L. Subutan

ALL APPLICANTS

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

Structure	Year built	Use
House	1984-85	Residential, Family Dwelling
Barn-Implement	1988	Tractor, Implement Storage
Barn	1989	Tractor storage, equine stalls
Garage	1988	3 Bays - vehicles
chicken house	1990	chickens

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:

Four board oak fences, gates

Riding Equine Ring

Planting trees + constructing 4 board oak fence protectors
and wire protectors

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

If yes, date prepared: 1/19/2016

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

If yes, date submitted: 2/12/2016

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

Product	Past year's yield	Average yield for previous 4 years
a) Barn + Pasture Rent	\$8,250	Not applicable
b) Sale of Beef Cattle	None	849.54
	2015	

a) Rental of Barn + Pastures 2015 \$8,250

b) Beef cattle sold to Fauquier Livestock Exchange

2011	1,130.65
2012	1,075.20
2013	566.74
2014	625.60
<hr/>	
Total, 2011-2014	3,398.19
Average	849.54

FARM PROPERTY

1. Please check the appropriate description of the farm:

- Owner-operated, full-time.
- Owner-operated, part-time.
- Farm manager operated.
- Rented to another farmer
- Portion of farm rented: all acres.
- Other. Please describe:

2. List the acreage of the property which is in the following uses:

Active agricultural uses	<u> 15 </u>	acres.
Forested or undeveloped	<u> 22 </u>	acres.
Residential uses	<u> 2 </u>	acres.
Total acreage	<u> 39 </u>	acres.

3. Does the farm operation require that tractors or other slow moving vehicles use public roads: yes no

If yes, which roads will be used:

Colchester Road
Fairfax Station Road

4. Please estimate the number of vehicles entering or leaving your farm each day:

 5 cars, vans and pickup trucks 0 heavy trucks.

FOREST PROPERTY

1. List the acreage of the property which is in the following uses:

Future timber or pulpwood harvesting	<u> 0 </u>	acres
Christmas tree production and harvesting	<u> 0 </u>	acres
Firewood production and harvesting	<u> 0 </u>	acres
Conservation	<u> 0 </u>	acres
Residential uses	<u> 0 </u>	acres
Other: <u> </u>	<u> 0 </u>	acres
Total acreage	<u> 0 </u>	acres

2. If tree harvesting is planned, what roads or rights-of-way will be used for access:

Not Applicable

FEB 17 2016

Zoning Evaluation Division

February 15, 2016

**Justification for establishing 6501 Colchester Road, Fairfax Station, VA 22039
as an Agricultural and Forestal District**

A. Criteria Group A

- 1). All of the 39.2 acres at 6501 Colchester Road, tax map 076301-0008, are currently devoted to agricultural use(equine pastures and stalls) or forestal use(undeveloped woods) except for 2 acres devoted to residential use.
- 2). All lands in the district are zoned R-C.
- 3). The property is in an area designated as 1 dwelling per 5 acres. use of the property is: 2 acres for residential, 22 acres forest(woods) and 15 acres agricultural.
- 4). The adjacent properties are also in the one dwelling per 5 acres area.
- 5-6). The property is 39.2 contiguous acres, all of which have one owner(s), The Dyer Living Trust, Charles E Dyer trustee and Joanne L Dyer trustee.
- 7). The classes of soils on the property are I, II, and III.
- 8). We have a Soil and Conservation Plan, **Certification code 226**, from the Northern Virginia Soil and Water Conservation District.
- 9). The forested and undeveloped land at 6501 Colchester Road, Fairfax Station, VA, tax map 076301-0008 will be kept undisturbed except for practices to prevent soil erosion and maintain soil nutrients.
- 10). There are records proving investment in farm or forest improvements since 1986. We have constructed and maintained pasture fencing over the past 25 years.

B. Criteria Group B

- 1). Farm and or forest products have been regularly produced and "sold" during the last 5 years.

2011-2014.....	Sale of beef cattle
2015.....	Rental of equine stalls and pastures.
- 2). The land is contributing to the rural character of the area as visible from Colchester Road, state road 612.
- 3). The property is zoned R-C.

Charles E Dyer, trustee Charles E Dyer, trustee Date Feb 15, 2016

Joanne L Dyer, trustee Joanne L Dyer, Trustee Date Feb. 15, 2016



County of Fairfax, Virginia

MEMORANDUM

May 3, 2016

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: LAND USE ANALYSIS & ENVIRONMENTAL ASSESSMENT for:
Charles E. and Joanne L. Dyer **AF 2016-SP-001**

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain the applicable land use recommendations and environmental policies for this property. The extent to which the application conforms to the Comprehensive Plan guidance is noted.

DESCRIPTION OF THE APPLICATION

The applicant seeks approval to establish a 39.22-acre Agricultural and Forestal (A & F) District consisting of a single parcel located at 6501 Colchester Road in Fairfax Station. The property, which is used as a horse farm, includes a primary residence, garage and a barn with stalls and a barn for farm equipment storage.

LOCATION AND CHARACTER

The subject property is located in southwestern Fairfax County within the Pohick Planning District and the (P5) Dominion Community Planning Sector of the Pohick Planning District. The proposed district is planned for low density residential use at .1-.2 dwelling unit per acre (du/ac) or one dwelling unit per 5-10 acres, private open space and public park on the north. The boundaries of this irregularly-shaped parcel are formed by the Norfolk Southern Railroad/Virginia Railway Express which traverses southwest to northeast and it forms one boundary of the proposed district and Popes Head Creek which forms the other meandering property boundary. The district encompasses a Resource Protection Area (RPA), Environmental Quality Corridor (EQC) and 100 year floodplain. A ½ acre farm pond is located south of the railroad tracks in the north central section of the site. The remainder of the site is forest land.

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/



Barbara Berlin
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COMPREHENSIVE PLAN MAP: residential use at .1-.2 dwelling unit per acre, private open space and public park on the north

LAND USE ANALYSIS

Approximately 2 acres of this proposed district are in residential use and approximately 10 acres of the property are devoted to a horse operation which could accommodate up to seven horses. The remaining 22 acres are forested or undeveloped land. Approximately 29 acres or 73% of the property is environmentally sensitive RPA/EQC/100 year floodplain. Therefore, designation of this property as an agricultural forestal district is in keeping with the character of the area and helps to maintain the integrity of County's Water Supply. This request for an Agricultural and Forestal District is compatible with the existing and planned low density residential character for the site and the surrounding area.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

Water Quality Protection

The property is situated in the Popes Head Creek watershed. Popes Head Creek meanders around the subject property from the southwest to the northeast. The environmentally sensitive stream valley is RPA/EQC and 100 year floodplain. In light of the extensive EQC/RPA and floodplain on the site, protecting water quality and controlling stormwater runoff should be addressed as part of the establishment of a new A & F District. The Northern Virginia Soil and Water District (NVSWCD) has provided a detailed Soil and Water Quality Conservation (SWQC) Plan for the proposed district. Because the entire property is surrounded by Popes Head Creek, much of the land area devoted to the five horse grazing fields is situated within the RPA/EQC and 100 year floodplain. Given this fact, staff recommends that the property owners adhere to the Soil and Water Quality Conservation (SWQC) Plan. Staff encourages the applicant to vigilantly implement the NVSWCD recommendations to enhance water quality within the district. Some of the recommendations include the following measures:

- Ensure that animal waste is composted and stored outside of the RPA and stored in a facility that has an impervious base and is protected on all sides so that waste cannot leach into the stream and floodplain;
- Strictly adhere to the guidance provided in the nutrient management plan;
- Non-native invasive plant management;
- Enhance RPA/EQC buffer areas with appropriate native tree and shrub species;
- Rotation of horse grazing areas; and
- Pond maintenance.

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In addition, the applicant is encouraged to work with the Virginia Department of Forestry (VDOF) to complete a Forestry Management Plan as prescribed by the VDOF's Best Management Practices Handbook for Forestry Operations. Such a plan will provide appropriate recommendations for managing the existing forest in a manner which is sensitive to the RPA and EQC areas designated on the property.

Approval of this Agricultural Forestal District is consistent with the goals of the Comprehensive Plan to preserve and protect this environmentally sensitive area of Fairfax County, and supports the ... "water quality goals for the Occoquan Reservoir watershed."

DMJ: MAW

Attachment

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the land use and environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Land Use

The Fairfax County Comprehensive Plan, 2015 Edition Area III, Pohick Planning District, as amended through October 20, 2015, under the heading "District-wide Recommendations" page 9 states:

The Pohick Planning District remains one of the largest areas of wildlife habitat in the County. Unlike other areas, the possibility exists for this district to support an ecosystem that would include carnivores at the top of the food chain that need a large range in order to survive. Low density development goes far in maintaining this habitat; however, more controls may become necessary as the rest of the County continues to accommodate more people. Environmental Quality Corridor (EQC) boundaries should be defined and preserved not only to protect water quality, but for the preservation of valuable habitat."

The Fairfax County Comprehensive Plan, 2015 Edition Area III, Pohick Planning District, as amended through October 20, 2015, under the heading "Recommendations, Land Use" page 55 states:

1. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Land in the watershed of the Occoquan Reservoir should be planned for residential use within a density range of .1 .2 dwelling unit per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant

densities and the well-established character of existing development in this sector...

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 insure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan Reservoir watershed. . . .

Environment

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

- “Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**
- Policy 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 through, among other tools, the development, implementation and monitoring of integrated pest, vegetation and nutrient management plans.
- Policy d. Preserve the integrity and the scenic and recreational value of EQCs....
- Policy l. 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.”

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

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

- Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

In the Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through March 4, 2014, on pages 14-17, the Plan states:

“Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

- Policy a: For ecological resource conservation, identify, protect and restore an Environmental Quality Corridor system (EQC) Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.
- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.
- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements:

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or

greater slopes that begin within 50 feet of the stream channel;

- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical....

Preservation should be achieved through dedication to the Fairfax County Park Authority, if such dedication is in the public interest. Otherwise, EQC land should remain in private ownership in separate undeveloped lots with appropriate commitments for preservation. The use of protective easements as a means of preservation should be considered....”

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

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

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

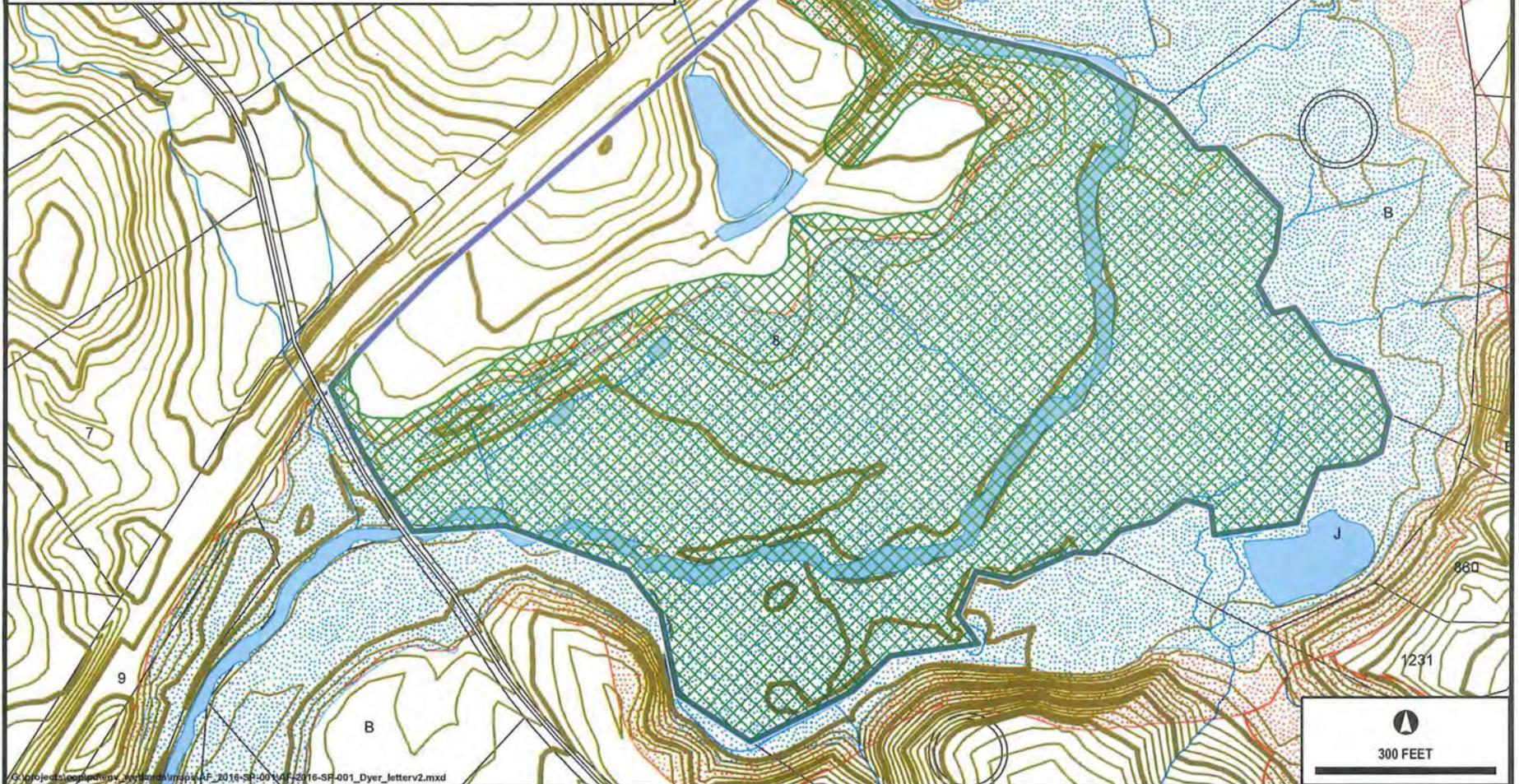
Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.

Policy c: Use open space/conservation easements as appropriate to preserve woodlands, monarch trees, and/or rare or otherwise significant stands of trees, as identified by the County.”

AF 2016-SP-001 - Dyer

Map prepared by the Fairfax County Department of
Planning & Zoning, March 2016.

-  Area of AF 2016-SP-001
-  Environmental Quality Corridors inside AR 2016-SP-001
-  Resource Protection Area
-  Floodplain





Northern Virginia Soil and Water Conservation District

12055 Government Center Parkway, Suite #905

Fairfax, VA 22035

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

Tel: 703-324-1460

Fax: 703-423-1421

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

Property Owners/Operators:

Charles Dyer – Horse Operation
 6501 Colchester Road
 Fairfax Station, VA 22039
 Tel: 703-507-2066
 Dyercharle@aol.com

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

January 19, 2016

Property Assessment:

This Soil and Water Quality Conservation Plan is for a 39-acre property located at 6501 Colchester Road in Fairfax Station, in the Popes Head Creek Watershed (PL-46). It consists of one parcel identified in the Fairfax County Tax Map System as 76-3 ((1)) – 8.

Approximately two acres of the property is in residential use, and about 10 acres is established pasture for a seven-horse operation. There is a 0.5-acre pond, and the rest of the property is in a wooded/wildlife conservation. This consists of areas with critical slopes (Environmental Quality Corridor) and flood plain created by Popes Head Creek which meanders through portions of the property.

Due to the meandering character of Popes Head Creek, 3,060 linear feet of Chesapeake Bay Resource Protection Area (RPA) exists within the property. Majority of the pasture areas lie within the RPA.

The current waste management site is within the limits of the RPA. Stacking of farm waste within the delineated RPA is not an acceptable practice. Until a more practical and environmentally sound location for stacking and composting farm waste is determined, waste pile should be protected (covered) from precipitation, runoff and flood-water that may cause leaching of pollutants into state waters.

Practices:**1) Nutrient Management (Required):**

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

Application of nutrient should be done under ideal conditions and a 10 – 15 foot wide buffer of no fertilizer application should be maintained along the lowest areas of the RPA within the pasture fields.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	2.2 ac.	8	2016		
2	1.2 ac.	8	2016		
3	3.6 acs.	8	2016		
4	2.0 acs.	8	2016		
5	1.0 ac.	8	2016		
Total	10.0 acs.				

2) Chesapeake Bay Resource Protection Area (RPA) Management (Required):

The green shaded area on your site map is the county delineated Chesapeake Bay Resource Protection Area (RPA). The RPA is the final barrier through which pollutants contained in runoff from adjacent land areas are filtered. RPAs are required to be kept densely vegetated to enhance surface filtration and soil infiltration.

Pasture areas within the RPA should not be overgrazed to avoid erosion.

Pesticide and nutrient application within this area should be done discretionally and label instructions must be followed.

RPA buffer areas of concern:

- i) The area of Pasture #1 closest to Popes Head Creek. Existing temporary fence should be replaced by permanent fences and moved inwards to maintain a 50 – 75-foot wide buffer. A permanent vegetated buffer needs to be established by planting the area outside the fence with shade-tolerant, deep-rooted shrubs (not trees).

- ii) Construct a permanent stream exclusion fence such that, auxiliary channels and wet, frequently flooded areas are kept out of the pasture area. Due to frequent flooding, shade tolerant grasses (not shrubs) should be considered for planting, to enhance the vegetative buffer of this section of your property. Grasses have the potential to lay-over during floods, thus providing a protective floodplain ‘mat’, and minimize potential micro turbulence that may trigger erosion. Fences will be best constructed in sections, i.e., lengths of fencing separated by 1 one foot gap. The benefit of a segmented fence line is, in case of a flood event carries a heavy floating log that hits the fence, the damage will only be on the section of fence that is hit, and not the whole length of fence.
- iii) Construct a cross-fence within field 3 (as shown) using temporary fencing (hot-wire fence) to control the grazing pattern of the horse within this sensitive field.

*Buffer areas within the RPA needs to be enhanced with mainly deer-resistant, native shrubs, grasses (non-grazing) and ground cover adapted for riparian (stream) zone areas. See list for native plants you may consider.

Depending on the species, plants can be placed in staggered rows, two feet apart. Grasses & grass-like plants you may consider include: big bluestem, sallow sedge, switch grass and deer tongue. Shrub species you may consider include: common alder, choke berry, button bush, red osier dogwood, silky dogwood, spice bush, viburnum, streamco willow and banker dwarf willow. Plants can be bought in bulk from commercial nurseries.

Permanent Fence	Planned		Applied	
	Amount	Month	Amount	Date
Field 1	1,100 ln. ft.	4	2016	
Field 3	1,000 ln. ft.	4	2016	
Total	2,100 ln. ft.			

3) Pest Management (595) (Required):

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.

Duck weed and water Chestnut were observed in the pond. Both are very prolific. Physical control includes *seining* (in the case of duckweed) or physically pulling-out the water chestnut plants before August when it starts seed production. Pulled-out plants can be best disposed of by

composting. If well established, plants can effectively be treated with *Floridone*. This is a systemic herbicide sold under the trade name SONAR.

Due to the long duration through which water chestnut seeds can remain viable in sediment, treatment generally is needed for up to 10 years to ensure complete eradication.

“Scouting” and “spot treatment” is effective in keeping pests from exceeding the threshold level.

A rosette-looking pasture weed of concern, was identified as *henbit*. This can choke out grasses in over-grazed or thin pasture fields. Preventing over-grazing is one way of keeping henbit from taking over. If it does, herbicides like Grazon P&D or Redeem R+P have proven to be effective in control this species of weed.

Fields	Planned	Month		Applied	Date
	Amount Year			Amount	
Field 1	2.2 ac.	3	2016		
Field2	1.2 ac.	3	2016		
Field 3	3.6acs.	3	2016		
Field 4	2.0 acs.	3	2016		
Field 5	1.0 ac.	3	2016		
Pond	0.6 ac.	3	2016		
Barn & Sacrifice Areas	0.5 acs.	3	2016		
Outdoor Riding Area	0.1 ac.	3	2016		
Manure management area	0.1 ac.	3	2016		
FloodPlain Areas	20.7 ac.	3	2016		
Residential	2.0 acs.	3	2016		
Wooded Areas	5.0 acs.	3	2016		
Total	39.0 acs.				

4) Prescribed Grazing (528) (Required):

Rotational grazing – Graze appropriate number of fields in a rotational manner, by adjusting the pasture recovery period through the grazing season. The grazing period may vary. Grazing heights and appropriate recovery periods will be

observed throughout the grazing season. Include your sacrifice area in your rotational process, especially in cases where pasture is too wet to hold horses, or when drought conditions demand getting the horses off the pasture.

To enhance rotational opportunity and better control the grazing habits of the horse, especially in pasture areas where over-grazing is prohibited especially within the RPA, consider installing cross-fences (hot-wire fences) as shown in fields 3, 4 & 5.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	2.2 acs.	4	2015		
2	1.2 acs.	4	2015		
3	3.6 acs.	4	2015		
4	2.0 acs.	4	2015		
5	1.0 ac.	4	2015		
Sacrifice Areas	0.5 ac.	4	2015		
Total	10.5 acs.				

Temporary Cross-Fence	Planned Amount Year	Month	Year	Applied Amount	Date
Field 3	400 ln. ft.	3	2016		
Field 4	1,000 ln. ft.	3	2016		
Field 5	300 ln. ft.	3	2016		
Total	1,700 ln. ft.				

5) Waste Management (Required)

Currently, farm waste is piled within the RPA. This is not an acceptable practice. Improvements required, include identifying a stacking and composting area outside of the RPA; incorporation of a management style should best be in the form of a composting facility with cover (e.g. a tarp), and an impervious base. Until such a structure is constructed, the existing three sided railroad tile structure can simply be moved to another area outside of the RPA. The pile should be kept covered with a tarp to keep precipitation/runoff from leaching pollutants out of the pile, especially before a rain or snow event. The pile should be turned regularly for aeration, and adequate amount of

water added when needed to enhance composting process. Composted material should be spread over the fields as recommended in the nutrient management plan.

A multi-cell composting facility should be considered based on the design criteria provided. Waste deposits in fields should be dragged at regular intervals to help with its dispersal and breakdown.

Area	Planned Amount	Month	Year	Applied Amount	Date
M	I unit	4	2015		
Total	I unit				

6) Pond Maintenance (Recommended):

Manage existing pond and its adjacent vegetated buffer areas for water quality improvement and wildlife enhancement purposes. See comments under the pest management practice that address observed aquatic weeds in pond.

Area	Planned Amount	Month	Year	Applied Amount	Date
Pond	0.6 ac.	4	2016		
Total	0.6 ac.				

7) Erosion control at Heavy Use/Sacrifice Areas (Recommended):

Existing Sacrifice area is within the RPA. This is not an acceptable practice, but since it appears to have been in place prior to the RPA delineations, it is allowed to remain, on condition it is properly maintained.

The sacrifice area shows signs of erosion due to lack of adequate protective ground cover. Consider reducing the degree of erosion by implementing the surface protection design provided, because of its location within the RPA.

Area	Planned Amount	Month	Year	Applied Amount	Date
Sacrifice Area	0.5 ac.	4	2016		
Total	0.5 ac.				

8) Record Keeping (Recommended):

A system of records indicating the dates and applications of nutrients, or pesticides should be developed and maintained.

Fields	Planned Amount Year	Month		Applied Amount	Date
Field 1	2.2 acs.	3	2016		
Field2	1.2 acs.	3	2016		
Field 3	3.6acs.	3	2016		
Field 4	2.0 acs.	3	2016		
Field 5	1.0 ac.	3	2016		
Pond	0.6 ac.	3	2016		
Barn & Sacrifice Areas	0.5 ac.	3	2016		
Outdoor Riding Area	0.1 ac.	3	2016		
Manure management area	0.1 ac.	3	2016		
Floodplain Areas	20.7 ac.	3	2016		
Residential	2.0 acs.	3	2016		
Wooded Areas	5.0 acs.	3	2016		
Total	39.0 acs.				

SIGNATURE OF PARTICIPANT – Charles Dyer –

Owner/Manager:

Charles Dyer *Chas Dyer* Date *2/11/16*

Planner:

Wilfred Woode *W. Woode* Date *2/11/16*

District Authority:

Chairman *Sanna J. Payne* Date *2/11/16*
on behalf of John Peterson

Dyer Horse Farm

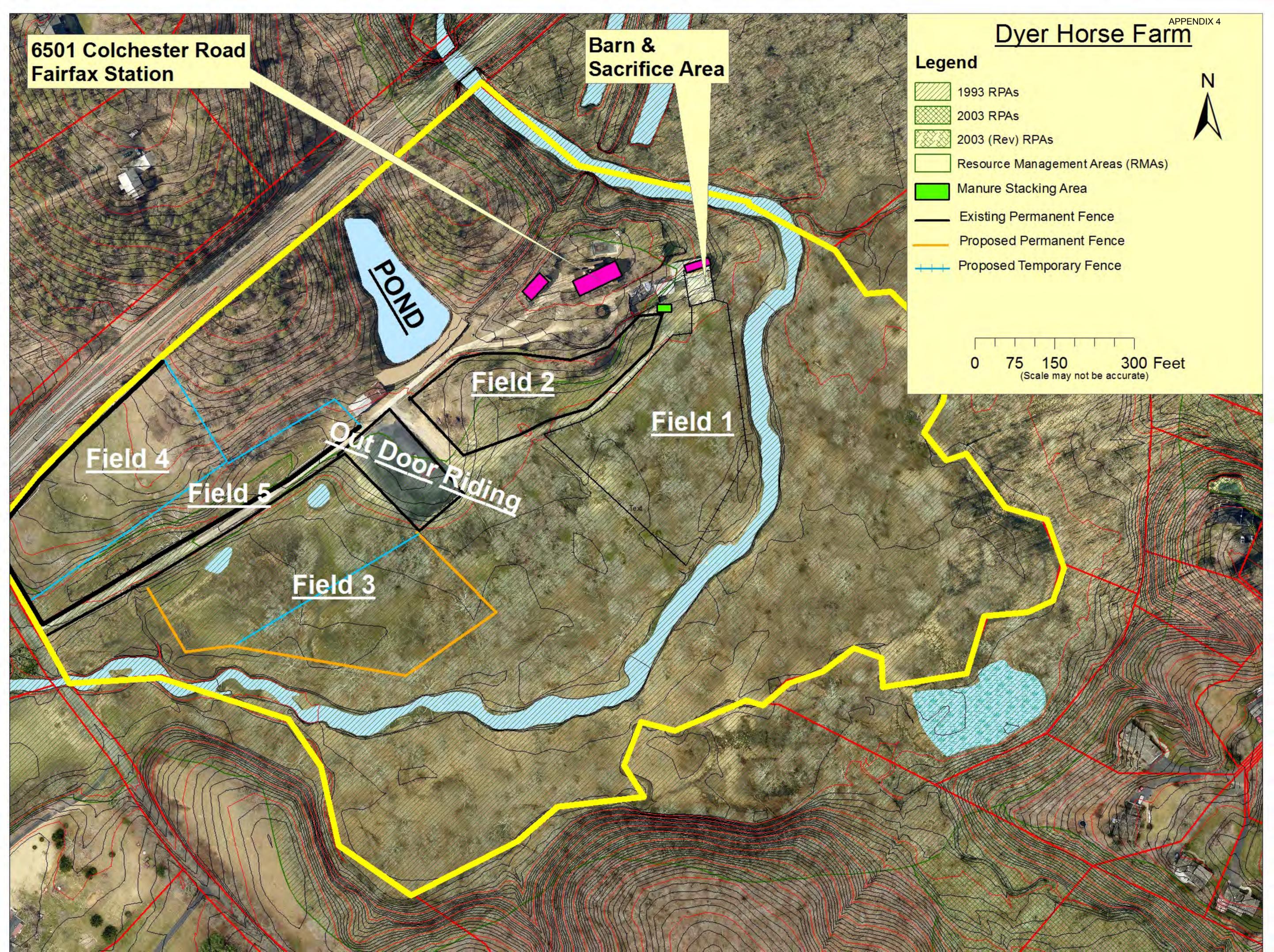
6501 Colchester Road
Fairfax Station

Barn &
Sacrifice Area

Legend

-  1993 RPAs
-  2003 RPAs
-  2003 (Rev) RPAs
-  Resource Management Areas (RMAs)
-  Manure Stacking Area
-  Existing Permanent Fence
-  Proposed Permanent Fence
-  Proposed Temporary Fence

0 75 150 300 Feet
(Scale may not be accurate)



Field 4

Field 5

Field 3

Out Door Riding

Field 2

Field 1

POND

Bettina Ring
State Forester



COMMONWEALTH of VIRGINIA

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

March 29, 2016

Mr. Charles E. Dyer
6501 Colchester Road
Fairfax Station VA 22039-1202

Dear Mr. Dyer,

It was very nice meeting you and walking your property last week. Enclosed is the forest management plan to support your Agricultural and Forestal District application. Your property is doing a good job of protecting Popes Head Creek and its confluence with a small tributary stream. As an A&F District it will continue to provide natural resource benefits to Fairfax County.

In addition to the plan you will find a stand map, the full Chesapeake Bay map for your tax page, information on the non-native invasive species I found on your property and information on building brush piles.

Per our discussion, I have provided the county with a copy of the plan for your application file.

If you have any questions about this plan or forest management, please don't hesitate to contact me.

Respectfully,

A handwritten signature in cursive script, appearing to read "James McGlone".

James McGlone
Urban Forest Conservationist

cc: DPZ; file
enc

Land form and Soils: The property is located in the piedmont portion of Fairfax County. This part of the piedmont is underlain by granitic rock. The upland portion is glenelg and rhodiss soil. These are deep, well drained, fairly fertile silt and sand loam soils that are similar but glenelg has a higher silt content. Both soils are suitable for pine, upland oaks and other hardwoods. The flood plain is codorus soil which is an alluvial descendant of typical upland piedmont soils, but is more of a straight loam with a higher clay content that increases its fertility. Codorus supports mixed bottom land hardwood forests.

Water Quality: The largely forested nature of the property does a good job of managing storm water that falls on the property, thereby protecting Popes Head Creek and the other stream that flows through the property. The bed and banks of these two streams are in fairly good condition, due to the low density of development upstream of the property. There is some potential for erosion at the outfall of the new larger pipe under the railroad that discharges into the pond.

The presence of duckweed in the pond indicates elevated levels of nitrogen, phosphorous, potassium and other nutrients in the pond. Duckweed is very good at harvesting and concentrating nutrients and has been used to increase nutrient levels in animal fodder and compost. Care should be taken though, as duckweed is also very good at concentrating metals that may be present; testing for metals should be performed before duckweed is used on food crops.

Invasive species: These plants and animals can alter the ecology of an area and crowd out native plants and animals. In general they represent a poor browse resource for native animals and insects and are often unpalatable to livestock. One management strategy for invasive species is Early Detection, Rapid Response (EDRR). This strategy consists of monitoring the property for invasive plants and removing them as they occur.

Deer: the absence of tree regeneration is an indicator of excessive deer browse. Deer management is currently being done on the property to reduce the size of the herd and affect its behavior. More aggressive management will be necessary to improve the condition of the forest. If you wish to increase management of the deer herd, contact my office. Note that bow season in Fairfax County runs from the last Saturday in September to the last Sunday in April.

Wildland Fire Risk: Fuel types, fuel arrangement and likelihood of ignition all play a part in fire risk. Fuel type and arrangement govern the ignitability and potential spread of a fire. Live conifers are more flammable than live hardwood trees; all dead trees are good fuels; leaf litter and other fuels on the forest floor are easily ignitable and generally arranged to spread fire well. However, there are few ignition sources on this property to start a fire. If a fire does start call 911 immediately.

Stand 1

Forest Type: mid-successional mixed hardwood with failing Virginia pine, lightly infested with invasive plants.

Species present:

Trees: Virginia pine (*Pinus virginiana*), tulip poplar (*Liriodendron tulipifera*), southern red oak (*Quercus falcata*), white oak (*Q. alba*), northern red oak (*Q. rubra*), red maple (*Acer rubrum*), American beech (*Fagus grandifolia*), pignut hickory (*Carya glabra*)

Understory: American holly (*Ilex opaca*)

Herbaceous: Christmas fern (*Polystichum acrostichoides*)

Non-native invasive (NNI) species: autumn olive (*Elaeagnus umbellata*), multi-flora rose (*Rosa multiflora*), wineberry (*Rubus phoenicolasius*) and Japanese barberry (*Berberis thunbergii*)

Forest Health: No signs of pests or disease were observed and the existing trees are generally healthy. There is little or no regeneration of the forest, especially oaks. The bigger forest health issue is the presence NNI species.

Fire Risk: this stand presents the highest fire risk due to the presence of pine and heavy leaf litter. However its risk rating is low and any fire that might start here is unlikely to spread to other areas of the property due to poor fuel continuity from the forest to maintained turf grass.

Management practices: Currently the stand is being used for firewood production from dead trees. When trees are cut, the smaller diameter branches are piled. Well-constructed brush piles can provide habitat for wildlife, but these piles are likely to damage tree roots as they decompose and deepen the soil profile where they occur.

Recommendations:

- Continue deer management.
- Remove NNI species already in the stand and practice EDRR.
- Scatter branches left over from firewood production (this will recycle nutrients without changing the soil profile and act a nursery to protect seedlings from deer browse) or build brush piles (see enclosed information on building brush piles).

Stand 2

Forest Type: Bottomland hardwood silvopasture

Species present:

Trees: Tulip poplar (*Liriodendron tulipifera*), red maple (*Acer rubrum*), pignut hickory (*Carya glabra*), black locust (*Robinia pseudoacacia*), black walnut (*Juglans nigra*), sycamore (*Platanus occidentalis*), mulberry (*Morus* spp.), black cherry (*Prunus serotina*), river birch (*Betula nigra*), hackberry (*Celtis occidentalis*)

Forest Health: The trees here are in generally good health.

Fire Risk: very low, maintained turf does not burn well or spread fire well.

Management practices: This stand has been managed as a wooded pasture since before the designation of the Resource Protection Area on the property. Any newly planted trees are protected from livestock by a fence.

Recommendation:

- Continue current management practices.
- Continue deer management.
- Practice EDRR.

Stand 3

Forest Type: Mixed bottom land hardwood forest.

Species present:

Trees: Tulip poplar (*Liriodendron tulipifera*), red maple (*Acer rubrum*), pignut hickory (*Carya glabra*), sycamore (*Platanus occidentalis*), black cherry (*Prunus serotina*), river birch (*Betula nigra*), sweetgum (*Liquidambar styraciflua*).

Understory: pawpaw (*Asimina triloba*)

Herbaceous: Virginia bluebells (*Mertensia virginica*), spring beauties (*Claytonia virginiana*), trout lily (*Erythronium americanum*), skunk cabbage (*Symplocarpus foetidus*)

Non-native invasive (NNI) species: multi-flora rose (*Rosa multiflora*), Japanese barberry (*Berberis thunbergii*)

Forest Health: the trees here are in good condition, but there is little or no regeneration of the forest.

Management Practices: The forest here is unmanaged. Given RPA restrictions, it should remain so.

Recommendation:

- Continue current management practices.
- Continue deer management.

Stand 4

Forest Type: planted landscape

Species present:

Trees: tulip poplar (*Liriodendron tulipifera*), southern red oak (*Quercus falcata*), white oak (*Q. alba*), northern red oak (*Q. rubra*), chestnut oak (*Q. prinus*), green ash (*Fraxinus pennsylvanica*)

Forest Health: The trees around the buildings are generally in good condition with the following exceptions:

- An ash tree north of the garage is infested with Emerald Ash Borer as indicated by the shaving of bark by woodpeckers and is too far gone to be saved.
- An ash tree in the second "vee" of the driveway is still in good condition and could be treated by a certified arborist to protect it from Emerald Ash Borer.
- A 12 inch diameter at breast height white oak west of the garage had a large wound in the base. It appears to be compensating for the wound, but is crowding a healthier white oak nearby. Consider removing it.
- A black locust north of the implement barn has die back in the crown and heart rot. It is still a viable tree, but dead limbs in the canopy and the proximity of the barn raises the risk of this tree to moderate. Removing the dead limbs will significantly lower the risk of the tree.

Fire Risk: Low, the managed turf in this stand buffers the buildings from any fire spread from Stand 1. Accumulation of leaves or other fine fuels in gutters, under porches or other places next to buildings could increase fire risk from flying embers.

Management Practices: The trees are being properly mulched and pruned. Trees and turf are antagonistic to each other and trees will benefit from as wide a mulch bed as possible.

Recommendations:

- Remove the ash tree north of the garage.
- Remove the white oak tree west of the garage.
- Crown clean or remove the black locust north of the implement barn.
- Expand mulch rings around trees to the extent possible.
- Do not mulch within six inches of any building.
- Engage a certified arborist to conduct periodic assessment and maintenance of trees around buildings.
- Monitor trees around buildings for dead branches, unusual sprouting, fungal growth, woodpecker activity and wounds. These are all signs of decline and reduced strength and vigor. Have trees showing these signs assessed by a certified arborist.

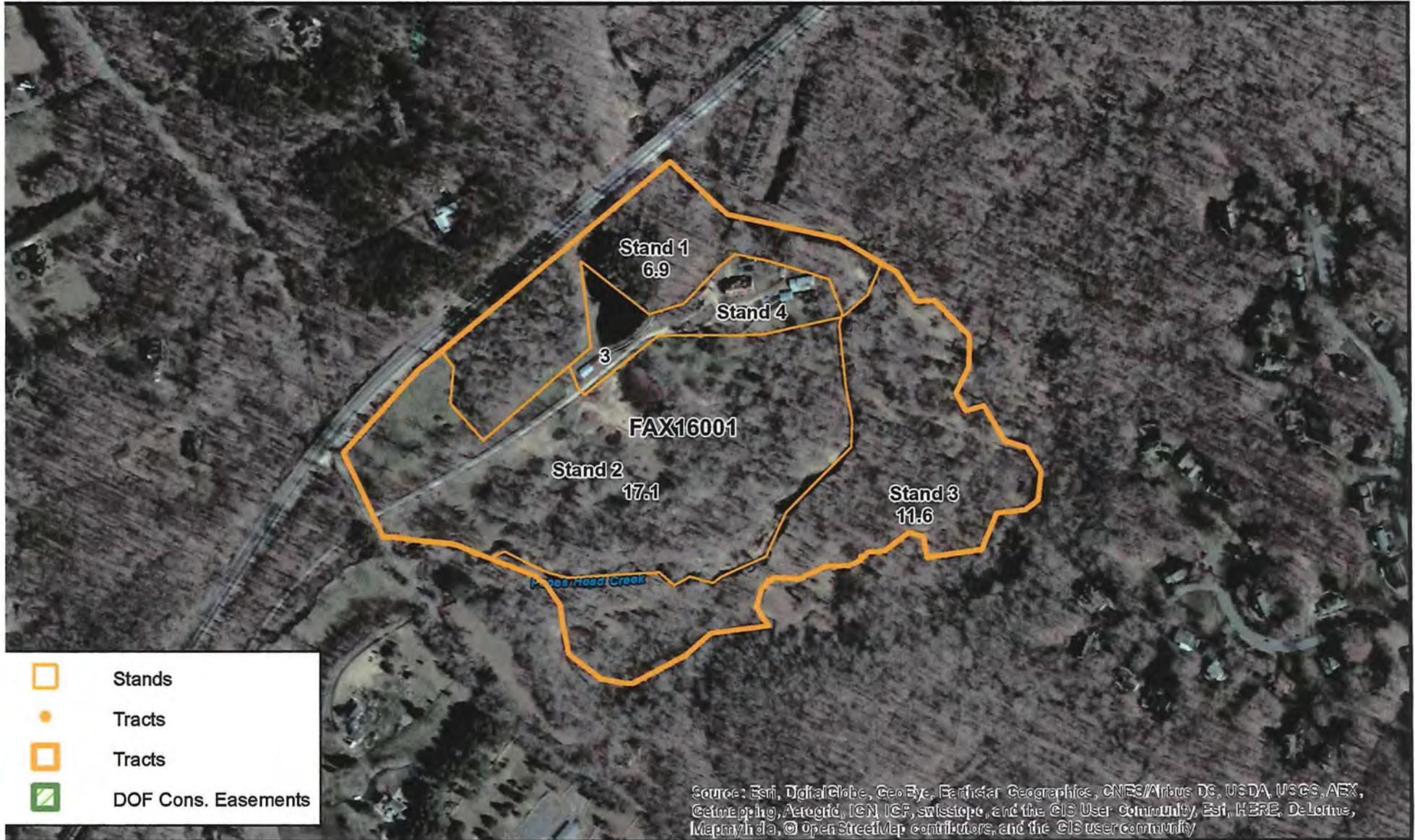


Dyer A&F District

AF 2016-SP-001

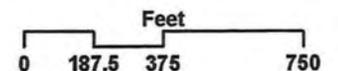
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APPENDIX 5
 James McGlone
 (703)324-1489
 jim.mcglone@dof.virginia.gov
 3/24/2016



Lines are approximate. To be used for plan reference only.

While VDOF has attempted to ensure that the features shown on this map are accurate, VDOF did not perform survey work or otherwise verify information provided to it in preparing this map and all features and acreages shown are approximate. VDOF expressly disclaims all warranties of any type concerning this map, and any use of the map assumes you understand and agree with this disclaimer.



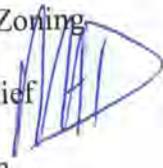


County of Fairfax, Virginia

MEMORANDUM

DATE: April 5, 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 2016-SP-001)

SUBJECT: Transportation Impact

REFERENCE: AF 2016-SP-001; Charles E. Dyer and Joanne L. Dyer, Trustees
Land Identification Map: 76-3 ((1)) 8

This application does not represent any conflict with the Countywide Plan transportation recommendations and would have no traffic impact. No projects that would affect the site are included in current construction programs. Therefore, this department has no objections to approval of this application.

MAD/lah

cc: Michael H. Lynskey



County of Fairfax, Virginia

MEMORANDUM

DATE: 3/28/2016

TO: Michael Lynskey, ASLA, Zoning Evaluation Staff Coordinator

FROM: Stephanie Goodrich, Historic Preservation Planner

SUBJECT: Heritage Resource Comment

AF 2016-SP-001

6501 Colchester Rd

Tax id #076-3 ((1)) 0008

Charles E and Joanne Dyer, Dyer Living Trust

Background: The subject parcel is not included within the boundaries of a Fairfax County Historic Overlay district and is not listed in the Fairfax County Inventory of Historic Sites or The National Register of Historic Places.

However; due to the low density development in the region, there is the potential for undisturbed heritage resources.

Findings:

1. The property owner is to be commended for the dedication to the ongoing stewardship of this property.
2. The low density of this sector means that significant undisturbed heritage resources can be expected anywhere in the sector. The Cultural Resource Management and Protection Branch (CRMPB) of the Park Authority may be able to provide the property owner with information as to whether these parcels have high potential for significant resources if the property owner has not had an opportunity to obtain this information.
3. If the property owner is interested in contacting CRMPB and finds that the property contains undisturbed and significant resources, they may want to consider investigating placing an easement on the property for protection of the significant resources and cultural landscape in perpetuity.

COMPREHENSIVE PLAN CITATIONS:

Area Plan: Fairfax County Comprehensive Plan, 2013 Edition as amended through October 20, 2015, Area III, Pohick Planning District, P5 Dominion Planning Sector, Overview, Heritage Resources Section, on page 61, the Plan states:

“Any development or ground disturbance in this sector, both on private and public land, should be preceded by heritage resource studies, and alternatives should be explored for the avoidance, preservation or recovery of significant heritage resources that are found. In those areas where significant heritage resources have been recorded, an effort should be made to preserve them. If preservation is not feasible, then, in accordance with countywide objectives and policies as cited in the Heritage Resources section of the Policy Plan, the threatened resource should be thoroughly recorded and in the case of archaeological resources, the artifacts recovered.”

Policy Plan: Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, as amended through April 29, 2014, Heritage Resources, page 4, the Plan states:

“Objective 3: Protect significant heritage resources from degradation, or damage and destruction by public or private action.

Policy g. Promote the use of open space/conservation easements to preserve heritage resources. Encourage property owners to place easements on their properties, working with the county, a local non-profit land trust and/or a state or national entity authorized to hold easements for the purpose of heritage resource preservation.”

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		