



APPLICATION ACCEPTED: April 06, 2016
PLANNING COMMISSION: September 29, 2016
BOARD OF SUPERVISORS: October 18, 2016 @ 3:30 p.m.

County of Fairfax, Virginia

September 14, 2016

**STAFF REPORT
CAJOLL LOCAL AGRICULTURAL
AND FORESTAL DISTRICT
AR 83-D-006-04
DRANESVILLE DISTRICT**



APPLICANT: Cajoll Co. and the John W. Hanes III Settler Trust

ZONING: R-E

PARCEL: 8-3 ((1)) 45Z, 47Z1, 50Z, 51Z

LOCATION: 9809 Arnon Chapel Road
Great Falls, VA 22066

SITE AREA: 57.38 acres

PLAN MAP: Residential at 0.2 to 0.5 du/ac

PROPOSAL: Renewal of Local Agricultural and Forestal District

STAFF RECOMMENDATIONS:

Staff recommends that Appendix F of the Fairfax County Code be amended to renew the Cajoll Local Agricultural and Forestal District, subject to the proposed Ordinance Provisions contained in Appendix 1.

Michael H. Lynskey, ASLA

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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It should be noted that, while approval of an agricultural and forestal district application qualifies a property for land use value assessment, pursuant to Chapter 115-4-8.c of the County Code, the Department of Tax Administration (DTA) must independently determine, via a separate application filed directly with DTA, if the subject property meets the definition of either agricultural and/or forestal use, and meets the appropriate guidelines contained in Title 58.1 of the Code of Virginia, which is found in Appendix 10.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any Ordinance provisions, relieve the applicant/owner from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

A&F District Renewal

AR 83-D-006-04



Applicant: CAJOLL CO. AND THE JOHN W. HANES III SETTLER TRUST

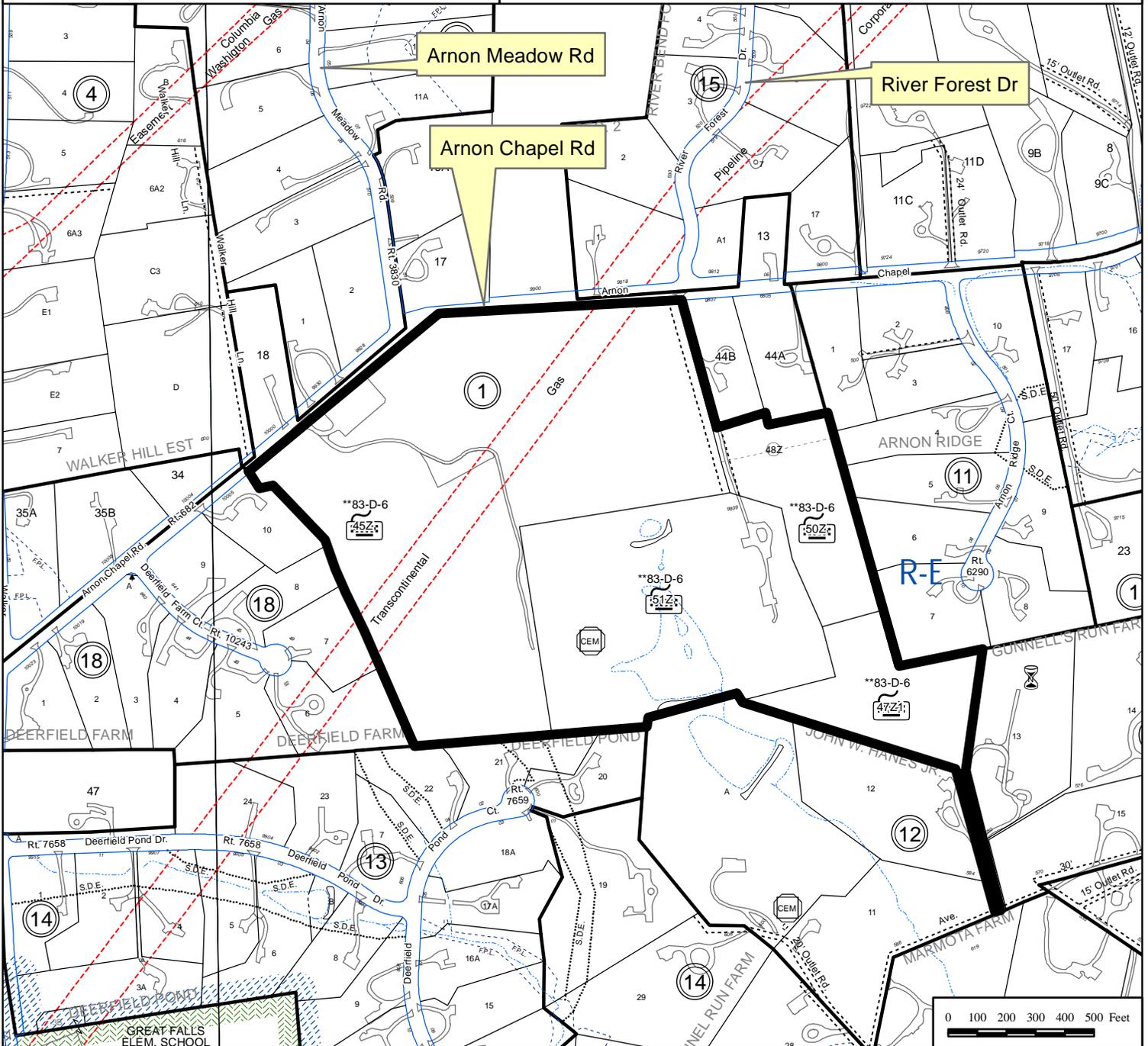
Accepted: 04/06/2016
Proposed: RENEWAL OF AGRICULTURAL AND FORESTAL DISTRICT AF 83-D-006

Area: 57.38 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 9809 ARNON CHAPEL ROAD, GREAT FALLS, VA 22066

Zoning: R- E

Overlay Dist: 008-3- /01/ /0045Z /01/ /0047 /01/ /0050Z /01/ /0051Z



DESCRIPTION OF APPLICATION

AR 83-D-006-04 is a request to renew the Cajoll Local Agricultural and Forestal (A&F) District for an additional eight-year term (under the provisions of Chapter 115 of the Fairfax County Code). A&F Districts encourage the preservation of significant tracts of agricultural and forested land throughout the County by providing a reduced real estate tax assessment in exchange for a commitment to preserve the land for the length of the term. While certain exceptions are permitted, the land is expected to remain at its present use and development intensity for the extent of the eight-year term. Removal of the district before the conclusion of the term is subject to a penalty and payment of roll back taxes, per the terms in Article 6 of Chapter 115.

Applicant: Cajoll Co. & James W. Hanes III Settler Trust

Acreage: 57.38 acres

Uses: Active agriculture – 56.88 acres
Residential – 0.5 acre

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

BACKGROUND

Portions of the subject property have been owned by the applicants since 1971 and the Cajoll local A&F District was originally established in 1983 on 66.82 acres of land. The District was amended in 1984 to add a 14.8-acre parcel, for a total size of 81.62 acres, and then was renewed for an additional 8-year period of February 10, 1992. The District was amended twice more: on January 1, 1996, to delete 9.1 acres, leaving a total district size of 72.52 acres, and again on April 24, 2000, to remove a 20-acre parcel, add a 5-acre parcel, and correct a 0.14-acre discrepancy from the recorded size of the parcels. The resulting total acreage was 57.38 acres, which remains the district acreage today. The District was subject to one additional eight-year renewal on October 20, 2008.

In addition to the A&F district, Stoneridge Farm operates a horse boarding and riding facility on Parcel 8-3 ((1)) 45Z, under a Special Permit approved on August 5, 1992 (SP 92-D-028).

LOCATION AND CHARACTER

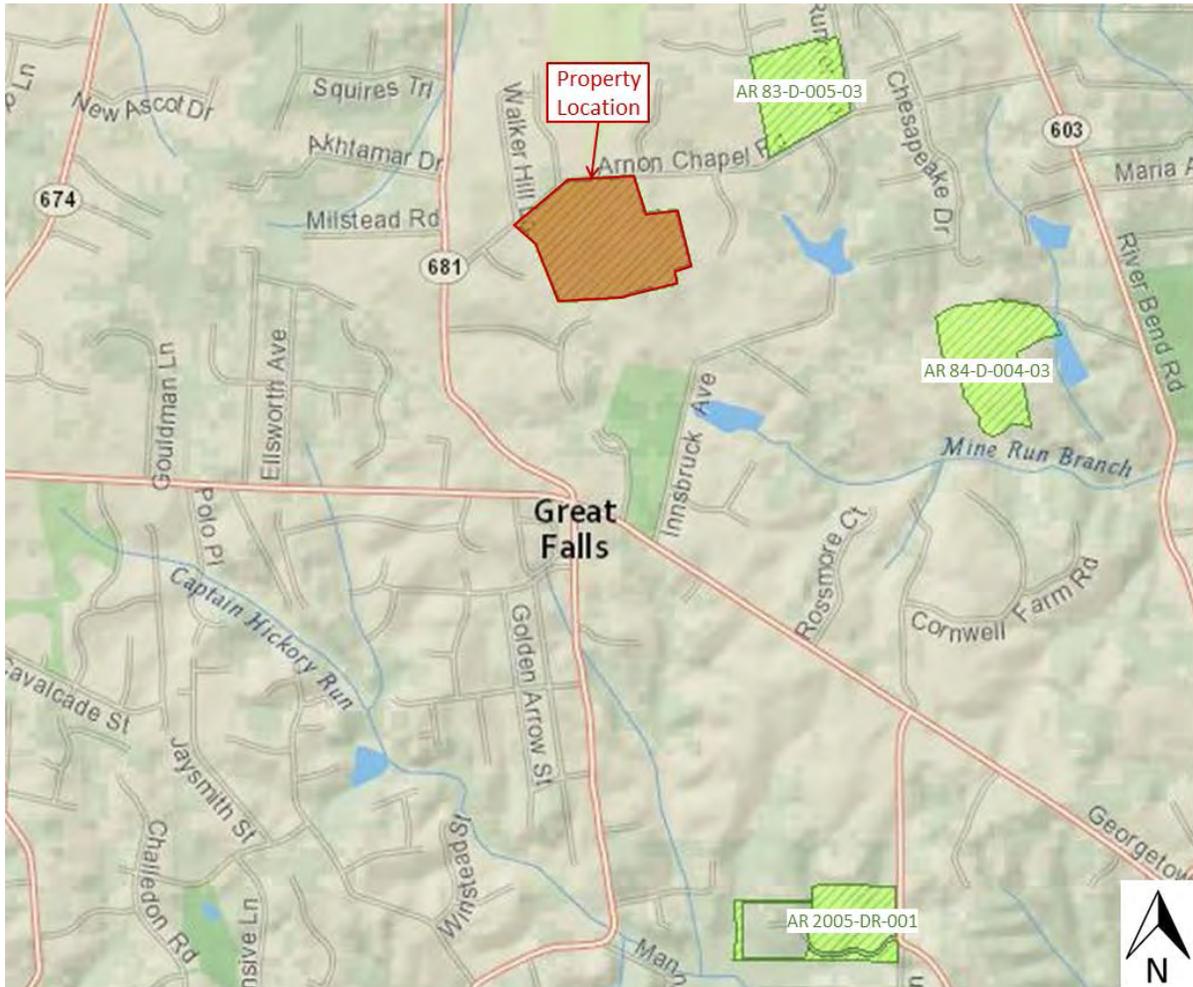


Figure 1: District location map, also showing other nearby A&F Districts.

The 57-acre property consists of four parcels in the Great Falls area, located along the south side of Arnon Chapel Road. The application parcels, and all surrounding properties are zoned to the R-E (Residential Estate) District, and are developed with large-lot residential uses.

The majority of the property consists of horse pasture, except for approximately one-half acre of residential use, a 2-acre manmade pond, and various small forested areas. The 32-acre northern portion of the District (Parcel 45Z) is leased by Stoneridge Farm, who has operated a horse-boarding and riding operation on the property since 1972. The Special Permit conditions governing the operation limit the number of horses maintained on site to 80; there are currently approximately 40 horses kept on the site. The remaining three parcels (Parcels 47Z, 50Z and 51Z) are leased by Gunnell's Run Farm, LLC, which is a family-owned residence/horse farm that also utilizes the land for equestrian riding, and currently maintains approximately 15 horses on the property.



Figure 2: Aerial view of the property.

Figure 3: Structures on the Property (from Application Form)			
Structure:	Year Built:	Use:	Parcel:
Barn/Indoor Ring	1970s	Stable/Indoor Ring/Office	45Z
Run-in Shed	1970s	Equipment	45Z
Two Run-in Sheds	1980s	Horses	50Z and 51Z
Equipment Shed	Pre-1950s	Equipment	51Z
Tool Shed	Pre-1950s	Tools	
Animal Shed	Pre-1950s	Horses/Chickens	
Barn	Pre-1950s	Horse Stalls	
Barn	1980s	Horse Stalls	
House	1980s	Residence	
Horse Waste Compost Facility	2008	Waste Composting	



Figure 4: The horse boarding and riding facilities on Parcel 45Z (Stoneridge Farm).

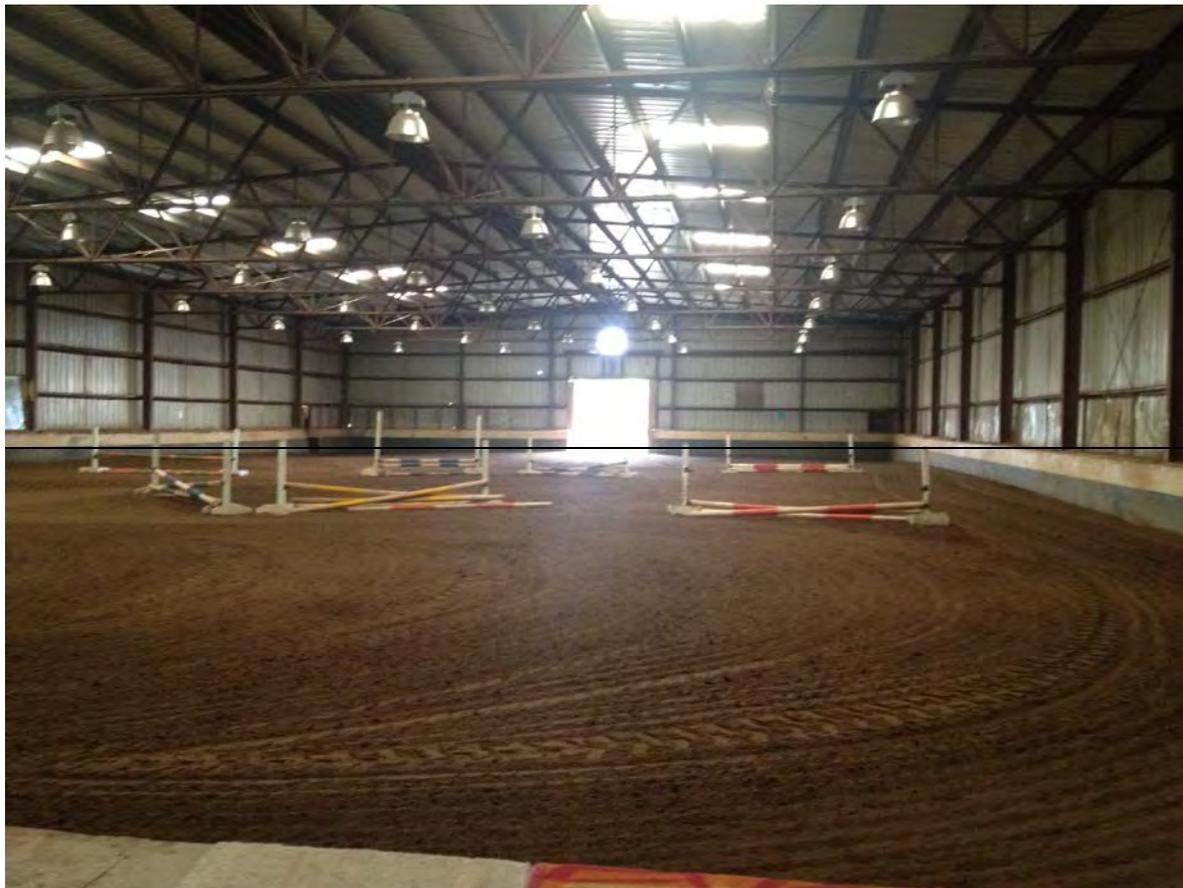


Figure 5: Interior of indoor riding ring (Parcel 45Z).



Figure 6: The residence/horse farm on Parcel 51Z (Gunnell's Run Farm).



Figure 7: Horse barn and pasture on Parcel 51Z

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Upper Potomac
Planning Sector:	UP2 - Springvale
Plan Map:	Residential use at a density of 0.2 to 0.5 du/ac

STAFF ANALYSIS**Land Use Analysis (Appendix 3)**

The Comprehensive Plan generally supports the establishment of agricultural and forestal districts, in order to further Plan goals of preserving the rural and scenic character of low-density areas of the County. The Area Plan for this section of the County calls for it to remain developed with large-lot residential properties and open space, to maintain its existing low-density residential character. Staff feels that continuation of this A&F District would help satisfy the goals of the Comprehensive Plan.

Environmental Analysis (Appendix 3)

The subject property is located at the headwaters of a tributary of Mine Run Branch. The tributary, which has been impounded in several places, is characterized as neither an Environmental Quality Corridor (EQC), nor a Resource Protection Area (RPA); however, the property is located within a Chesapeake Bay Preservation Area, per the Chesapeake Bay Preservation Ordinance (CBPO). Agricultural activities within Chesapeake Bay Preservation Areas comply with the CBPO through the development and implementation of a Soil and Water Quality Conservation Plan, in conjunction with the Northern Virginia Soil and Water Conservation District (NVSWCD), and forest management activities comply with the CBPO through development and implementation of a Forest Management Plan, in cooperation with the Virginia Department of Forestry (VADOF) (*see the following sections of this report for further analysis of the management plans*).

Ordinance Provisions associated with this application require continued conformance with the approved Soil and Water Quality Conservation Plan and Forest Management Plan for the life of the District, which ensures that the natural resources on the site are managed properly and support the environmental goals of the Comprehensive Plan.

Soil and Water Conservation Analysis (Appendix 4)

A Conservation Officer from the Northern Virginia Soil and Water Conservation District (NVSWCD) has prepared two updated Soil and Water Quality Conservation Plans for the property (both dated July 13, 2016); one for Parcel 45Z (Stoneridge Farm) and one for Parcels 47Z, 50Z and 51Z (Gunnell's Run Farm). The Plans contain recommendations for nutrient management, waste disposal, grazing, pest management, and other Best Management Practices (BMPs).

A proposed Ordinance Provision requires continued conformance with the approved Soil and Water Quality Conservation Plans (as may be amended over time) for the life of the District, and specifically requires that the applicants work with NVSWCD to further develop a program to address all recommendations labeled as "critical" in the Conservation Plans within one year of the approval of this application.

Forestry Analysis (Appendix 5)

There are no significant forestal uses on this property, so a detailed Forest Management Plan is not required; however, the Area Forester from the Virginia Department of Forestry (VADOF) visited the site and prepared a brief memo (dated June 1, 2016) providing guidance for the applicants on a few minor issues.

Transportation Analysis (Appendix 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. There are no transportation-related concerns with the application.

Parks Analysis (Appendix 6)

The Park Authority supports the renewal of this A&F district as it furthers the Park Authority objective *"to protect and preserve the physical, cultural and natural heritage of Fairfax County for the enjoyment and education of the citizenry"*.

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 agricultural use, with the exception of approximately one-half acre 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-E; 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 0.2 to 0.5 dwelling unit per acre (du/ac); therefore, this criterion has been satisfied.

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

The Comprehensive Plan designates most surrounding land within one-quarter mile of the district for low density residential use at 0.2 to 0.5 du/ac, with the exception of Great Falls Elementary School to the southwest, which is planned for public use, and River Bend Country Club to the north, which is planned for private recreation. 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 includes over 56 acres in active agricultural use, and consists of four parcels under the ownership members of the same family; therefore, this criterion is considered satisfied.

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

The property qualifies as a farm district (per Criterion 5, above), so this criterion does not apply.

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 Class I, II, III or IV soils. Therefore, 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.*

An Ordinance Provision would be carried forward requiring the District to continue to conform to the approved Soil and Water Quality Management Plans for the District (now dated July 13, 2016), which may be updated by the Northern Virginia Soil and Water Conservation District, as needed, 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.

The property is virtually all in agricultural use, and is subject to the Soil and Water Quality Management Plans mentioned above. No Forest Management Plan is required for this property.

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

There have been several improvements made to the site within the past eight years, including the addition of a covered horse waste composting facility, replacement of the roof of the indoor riding facility, maintenance of heated waterers to provide year-round sources of water for both horses and wildlife, and additional fencing throughout the site. Staff considers this criterion met.

Criteria Group B:

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

The property provides pasture, boarding, and riding areas for over 50 horses, which satisfies this criterion.

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 provides over 50 acres of scenic vistas, especially along its 1,700 feet of frontage on Arnon Chapel Road, and represents the last large, intact portion of the former farmland that once characterized the area. Continuation of the District serves to preserve the rural, agrarian character of the area, and 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.

Due to the low-density development in the region and the proximity to known heritage resources, there is the potential for undisturbed heritage resources on the site; however, there are no sites within the District which have currently been identified as historically or architecturally significant. The District is adjacent to Gunnell's Run, to the south (Parcel 8-3 ((12)) A), which is a known historic resource, and there is a possibility that Parcel 51Z of the application site may contain a slave cemetery associated with Gunnell's Run (see Appendix 7). An Ordinance Provision is proposed that would allow the Cultural Resource Management and Protection Division (CRMP) of the Fairfax County Park Authority access to the site, with prior consent of the owner, to survey the property and/or recover potential artifacts, which satisfies this criterion.

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

There is a 2-acre farm pond located on the site, and a newly-constructed indoor horse waste composting facility, both of which contribute to pollution control for the District. There are, however, no particularly unique or innovative pollution control measures on the site, so this criterion is not satisfied.

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

The subject property is zoned R-E. Therefore, this criterion is not 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 three of the criteria in Group B. Staff considers the guidelines satisfied.

AFDAC RECOMMENDATION

The Agriculture and Forestal District Advisory Committee (AFDAC) will meet on September 20 to review the current application and make a recommendation to the Planning Commission and Board of Supervisors.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

Staff finds that the proposal to renew the Cajoll Local Agricultural and Forestal District satisfies the criteria contained in Sect. 115-5-1 of Chapter 115 of the County Code; exceeds the minimum acreage requirement; and remains in conformance with the Comprehensive Plan.

Staff Recommendations

- Staff recommends that Appendix F of the Fairfax County Code be amended to renew the Cajoll Local Agricultural and Forestal District, subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that, while approval of an agricultural and forestal district application qualifies a property for land use value assessment, pursuant to Chapter 115-4-8.c of the County Code, the Department of Tax Administration (DTA) must independently determine, via a separate application filed directly with DTA, if the subject property meets the definition of either agricultural and/or forestal use, and meets the appropriate guidelines contained in Title 58.1 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. DPZ Land-Use/Environmental Analysis
4. NVSWCD Soil and Water Quality Conservation Plan
5. VADOF Forestry Memo
6. FCPA Park Authority Memo
7. DPZ Heritage Resources Memo
8. FCDOT Transportation Memo
9. Fairfax County Code, Chapter 115 – “Local Agricultural and Forestal Districts”
10. State of Virginia Code, Title 58.1, Chapter 32
11. Glossary of Terms

PROPOSED ORDINANCE PROVISIONS
September 14, 2016
AR 83-D-006-04

If it is the intent of the Board of Supervisors to renew the Cajoll Local Agricultural and Forestal District, as proposed in AR 83-D-006-04 and pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code, on Tax Map Parcels 8-3 ((1)) 45Z, 47Z1, 50Z and 51Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

- (1) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, as represented on the application materials associated with this approval and as remains in conformance with the approved Soil and Water Quality Management Plans for the property, or to prevent the construction of one (1) additional house within the district, where otherwise permissible by applicable law, for either an owner, a member of an owner's family, or for a tenant who farms the land.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance, subject to continued conformance with the approved Soil and Water Quality Management 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 Plans, prepared by the Northern Virginia Soil and Water Conservation District (NVSWCD) on July 13, 2016 for the life of the Cajoll Local Agricultural and Forestal District. The Soil and Water Quality Management Plans may be updated from time to time as determined necessary by NVSWCD. The applicant shall also, within one year of approval of this application, work with NVSWCD to develop supplemental plans to specifically address all recommendations designated as “critical” in said Soil and Water Quality Conservation Plans, to the satisfaction of NVSWCD.
- (6) The Cultural Resource Management and Protection Division (CRMP) of the Fairfax County Park Authority shall be permitted to survey the property for historic resources, upon request, and to recover artifacts from the property, subject to terms mutually acceptable to both parties and established before each occurrence.
- (7) 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.
- (8) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 115 of the County Code and shall include an opportunity for the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.

Application No. AR 83-D-006-4

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

RECEIVED
Department of Planning & Zoning

MAR 21 2016

Zoning Evaluation Division

FAIRFAX COUNTY

- Type of application: Local Statewide
Initial Amendment Renewal
- Please list the Tax Map number, the name and address of each owner and other information for each parcel proposed for this district:

Owner's Name & Address	Tax Map Number	Year Acquired	Zoning District	Acres
<u>CATJOLH CO</u> <u>9809 Arnon Chapel Rd</u>		<u>8-3 (C1) 452</u>		<u>31.9 acres</u>
<u>GREAT Falls VA 22066</u>		<u>8-3 (C1) 512</u>		<u>15.41 acres</u>
		<u>8-3 (C1) 502</u>		<u>5.0 acres</u>
<u>John W. Hanes III settlor Trust</u>				
<u>UIT 815188</u>		<u>- 8-3 (C1) 47</u>		<u>5.0 acres</u>

- Total acreage in the proposed district: 57.38 acres.
- Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 4 forest .

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

Name: Lucy H. Masemer
Address: 9809 Archon Chapel Rd
GREAT Falls Va 22066
Telephone: 703-759-4894

6. Signature of all property owners:

Lucy H Masemer (President Cayo II Co)
[Signature] TRUSTEE of John W. Hayes III
SETTLE TRUST
O/A DTID
08/05/1988

TO BE COMPLETED BY THE COUNTY

Date application accepted: April 6, 2016 [Signature]

Date of action by Board of Supervisors: _____

Approved as submitted Denied

Approved with modifications

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
Barn/Indoor ring	1970's	stabling / indoor ring, office
Run in shed	1970's	equipment
Equipment shed	Pne 1950's	equipment
Tool shed	Pne 1950's	Tools
animal shed	Pne 1950's	horses / chickens
Barn	Pne 1950's	horse stalls
Barn	1980's	horse stalls
House	1980's	residence
2 small run in sheds	1980's	horses
use additional page(s) if necessary		
Horse waste composting facility		- 2008

2. List any historic sites, as listed on the Fairfax County Inventory of Historic Sites, located on the subject property:

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

Horse waste composting facility
 built in conjunction with
 DUSWCD
 more fencing to create paddocks

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: 2/23/2008

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

If yes, date submitted: _____

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

Product	Past year's yield	Average yield for previous 4 years
<u>pasture for boarding horses</u>		

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>56.88</u>	acres.
Forested or undeveloped	_____	acres.
Residential uses	<u>.5</u>	acres.
Total acreage	<u>57.38</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:

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

20 cars, vans and pickup trucks 1 heavy trucks.

FOREST PROPERTY

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

Future timber or pulpwood harvesting	_____	acres
Christmas tree production and harvesting	_____	acres
Firewood production and harvesting	_____	acres
Conservation	_____	acres
Residential uses	_____	acres
Other: _____	_____	acres
Total acreage	_____	acres

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

February 2016

Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

RE: Statement of Justification - Renewal of Agricultural and Forestal District 83-D-006

Consistent with the requirements for Renewal of a local agricultural and forestal (A&F) district, the combined 57.38 acres of Cajoll Company's and the John W. Hanes III Trust's adjoining land parcels, comprising a farm, have been structured and formatted per Article 5, Section 115-5-1 of the Fairfax County Code (Criteria A and B). The entire 31.97 acre parcel 8-3-001-45Z is currently leased to Stoneridge Farm, a business whose employment of the land for equestrian riding purposes is justifiably considered an agricultural use. Stoneridge Farm has operated an equestrian riding facility on the property since 1972 and plans to continue operating well into the future. The remaining portions of the district are leased to Gunnell's Run Farm LLC, a family owned business that manages a small horse farm that also employs the land for equestrian riding. The majority of the farm's land is primarily used as pasture for the horses, except for a small portion of land allocated for a farm house and various fenced areas allocated for conservation purposes.

All parcels within the A&F district are zoned R-E and are consistent with the Upper Potomac (UP2) Comprehensive Plan which specifies low-density residential land uses. The comprehensive plan specifically identifies residential densities of 0.2 – 0.5 dwelling units per acre for the district area. The surrounding land within one-quarter mile is also planned for the same low-density residential uses identified above.

Per current Fairfax County Soil Maps, the soils within the A&F district are predominantly 39 Glenelg Silt Loam and 78 Meadowville Loam, which are classified as Class I and Class II respectively. All of the remaining soils on the properties are classified as Class I, II, III, or IV. The farm's soils have been managed with a current soil and water conservation plan.

The farm consists of contiguous parcels that are un-forested and used for pasture, riding, and support of wildlife. None of these functions tend to lead to pollution, erosion, nutrient loss, or further exploitation of the land. Both Stoneridge Farm and Gunnell's Run Farm have continued to invest in significant improvements, providing firm evidence of their continued commitment for maintaining and furthering the agricultural uses of the properties. In the last eight (8) years, these investments include the construction of a covered horse waste composting facility, replacement of the roof of the Stoneridge indoor riding facility, upkeep and replacement of many

fences throughout the 57.38 acre property, and maintenance of five (5) heated waterers which provide a year round water source for wildlife. Additionally, the district maintains various fenced off areas allocated for conservation purposes.

Beyond its physical attributes, the farm itself makes an incontestable contribution to the well-being of the Great Falls community. The combined properties provide scenic views of fields with horses, broken by hedgerows filled with natural wildlife that help to define character of the community. Great blue herons, red shouldered hawks, mallards, orioles, and many other birds and wildlife can be found raising their young around the ponds and pastures within the properties. The farm is a retreat that provides a brief respite from the rapidly developing Great Falls area and embodies the cultural identity of the area.

CAJOLL CO

BY Lucy K. Masema
(President)

DATE 3/11/16

Dave
(Trustee) of John W. Harvill
SETTLOR TRUST U/A DTD
08/05/1988

DATE March 9, 2016



County of Fairfax, Virginia

MEMORANDUM

September 8, 2016

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

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

SUBJECT: Land Use and Environmental Assessment: AR 83-D-006-04
Cajoll & Hanes Company

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced application and lists and explains land use guidance and environmental policies for this property. The application requests renewal of an Agricultural and Forestal District encompassing 57.38 acres. The extent to which the proposed use, intensity, and development plan are consistent with the land use and environmental guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The 57.38 acre Cajoll and Hanes Company Agricultural and Forestal District within the Dranesville Magisterial District is currently up for renewal. The district is located in the Springvale Community Planning Sector (UP2) of the Upper Potomac Planning District. This agricultural forestal district is comprised of five contiguous parcels used for horse boarding, training, riding and grazing which are leased by two different entities. The property is characterized as pastureland.

LOCATION AND CHARACTER

The subject property is located in the northern portion of the County in the Pond Branch watershed and it is zoned R-E (Residential-Estate). This agricultural and forestal district is surrounded by land which is predominantly planned for residential use 0.2 - 0.5 dwelling unit per acre (du/ac) or 2-5 acre lots.

COMPREHENSIVE PLAN MAP: Residential use at 0.2 to 0.5 du/ac (2 to 5-acre lots)

COMPREHENSIVE PLAN CITATIONS:

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

The Fairfax County Comprehensive Plan, 2013 Edition Area III, Upper Potomac Planning District, as amended through October 20, 2015, UP2-Springvale Community Planning Sector, under the heading Land Use on page 60 and 61, the Plan states:

- “2. This sector is planned for low density, single-family residential use at .2-.5 du/ac as shown on the Comprehensive Land Use Plan map. Cluster subdivisions may be appropriate in this sector if the following criteria are met and are rigorously applied: 1) Wherever possible the proposed open space should provide connections with existing or planned trails; 2) Individual lots, buildings, streets, utilities and parking areas are designed and situated to minimize the disruption of the site’s natural drainage and topography, and to promote the preservation of important view sheds, historic resources, steep slopes, stream valleys and desirable vegetation; 3) Site design and building location are done in a manner that is compatible with surrounding development; 4) Modifications to minimum district size, lot area, lot width or open space requirements of a cluster subdivision in the R-E and R-1 Districts are not appropriate, unless significant benefits can be achieved in the preservation of the natural environment, scenic view shed(s) or historic resources by permitting such modifications; and 5) Lot yield shall be limited to that which could reasonably result under conventional development. In addition, measures such as agricultural and forestal districts, conservation, open space and scenic easements should be encouraged to preserve the rural character of this environmentally sensitive area, provided that their use provides a public benefit and furthers the intent of the Plan.
9. Parcels 8-3((1)) 45V and 45Z, located on the south side of Arnon Chapel Road across from the intersection of Arnon Meadow Road, are planned for residential use at .2 - .5 dwelling units per acre. As an option, public park use may be appropriate. . . .”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through July 1, 2014, on pages 7-9, the Plan states:

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

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

- Policy c. Minimize the application of fertilizers, pesticides, and herbicides to lawns and landscaped areas through, among other tools, the development, implementation and monitoring of integrated pest, vegetation and nutrient management plans. . . .

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, on page 10, the Plan 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. . . .”

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

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

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

LAND USE ANALYSIS

The proposed renewal of this Agricultural and Forestal District conforms to the Comprehensive Plan recommendation for this area which encourages the use of Agricultural and Forestal Districts in order to maintain the rural character of this portion of the County.

ENVIRONMENTAL ANALYSIS

Water Quality Protection

The property is located in the County’s Pond Branch Watershed. The site is subject to the County’s Chesapeake Bay Preservation Ordinance (CBPO). A farm pond, which was created

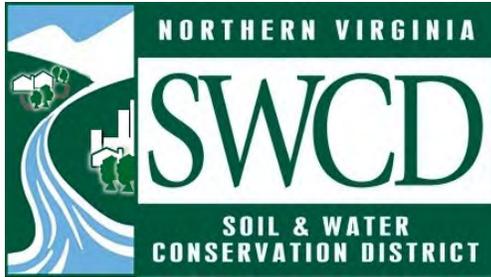
Barbara C. Berlin
AR 83-D-006-04
Page 4

from the impoundment of an unnamed tributary of Mine Branch, is located on the subject property. This impoundment is not a Resource Protection Area (RPA) as defined under the CPBO.

Horse boarding, training and grazing are considered agricultural use. Agricultural activities and nutrient management within the County's Chesapeake Bay Preservation Area comply with the CBPO through the development of a Water Quality Management Plan as implemented and administered by the Northern Virginia Soil and Water Conservation District (NVSWCD). The applicant has completed a current Water Quality Management Plan with NVSWCD. This agricultural forestal district conforms to the County's CBPO.

The proposed renewal of this Agricultural and Forestal District is consistent with the environmental goals and objectives of the Comprehensive Plan.

DMJ:JRB



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 Manager:

Harry Huber
Stoneridge Show Stable (Portion of Cajoll A&F District)
C/o 9809 Arnon Chapel Road
Great Falls, VA 22066
Contact: Lucy Masemer, President, Cajoll Company, 703-759-4894

Plan Prepared by: Willie Woode, Senior Conservation Specialist, NVSWCD

Date: July 13, 2016

Summary of operation:

This is a 36-acre portion of the 57.4-acre Cajoll Co. Property located on the south side of Arnon Chapel Road and south of its intersection with Arnon Meadow Road in Great Falls. It is pending renewal of its Agricultural and Forestal District status. Approximately forty horses are kept on site annually. No Chesapeake Bay Resource Protection Area (RPA) or Environmental Quality Corridor (EQC) is delineated within the property limits. Most of the land is used as pasture fields for rotational grazing purposes.

Practices:

1) Nutrient Management (590) (CRITICAL):

Nutrients will be applied based on soil test results for expected yield goals. All sources of available nutrients will be credited. The rate, timing and method of application are shown on the attached Nutrient Management Plan. This plan was developed and signed by a Nutrient Management Planner, certified by the Commonwealth of Virginia's Nutrient Management Program.

Fields	Planned Amount	Month	Year	Applied Amount	Date
B	4.0 acs.	8	2016		
C	12.5 acs.	8	2016		
D	2.0 acs.	8	2016		
E	12.0 acs.	8	2016		

F	1.5 acs.	8	2016		
Total	32.0 acs.				

2) Pest Management (595) (CRITICAL):

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.

Fields	Planned Amount	Month	Year	Applied Amount	Date
A	0.5 ac.	7	2016		
B	4.0 acs.	7	2016		
C	12.5 acs.	7	2016		
D	2.0 acs.	7	2016		
E	12.0 acs.	7	2016		
F	1.5 acs.	7	2016		
Outside Riding & Sacr. Area	1.0 ac.	7	2016		
Indoor Riding, Parking & offices	2.5 acs.	7	2016		
Total	36.0ac.				

3) Prescribed Grazing (528) (RECOMMENDED):

Intensive rotational grazing – Graze appropriate number of pasture fields in an intensive rotational system, by adjusting the pasture recovery period through the grazing season. The grazing period may range from one half to several days. Grazing heights and appropriate recovery periods will be observed throughout the grazing season. Existing escape or sacrifice areas are highly recommended to meet adverse weather conditions such as drought or saturated soil conditions.

Fields	Planned Amount	Month	Year	Applied Amount	Date
A	0.5 ac.	7	2016		
B	4.0 acs.	7	2016		
C	12.5 acs.	7	2016		
D	2.0 acs.	7	2016		
E	12.0 acs.	7	2016		
F	1.5 acs.	7	2016		
O/side Riding &					

Sacrifice Areas	1.0 ac.	7	2016		
Indoor Riding	1.0 acs.	7	2016		
Total	34.5 acs.				

4) Waste Storage Facility (313) (RECOMMENDED):

Maintain your current permanent waste storage practice (at location M) designed to temporarily hold solid farm waste until it is time to spread. Spreading should be scheduled at frequent enough intervals to prevent overflow of the stacking area. Surrounding pasture area acts as vegetative buffer to absorb pollutants in run off. Spreading should not be done on snow or frozen ground. Spreading should be on fields with established pasture.

Consider installing a composting facility that help combat waste volume problem through a 50% volume reduction process. A roofed, multi-celled composting/storage facility is recommended.

Fields	Planned Amount	Month	Year	Applied Amount	Date
M	1	7	2016	7	2016

5) Record Keeping (RECOMMENDED):

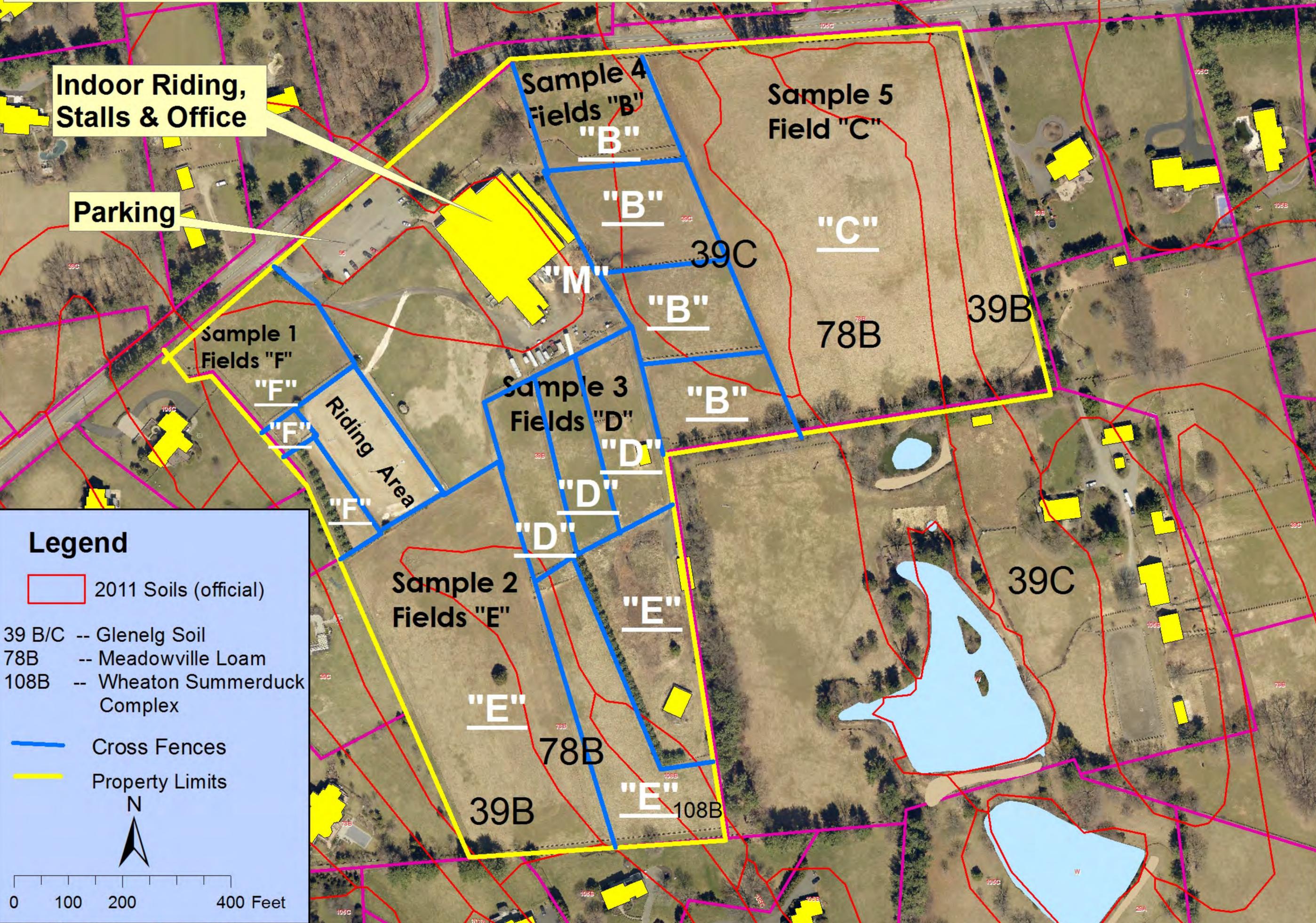
A system of records indicating the dates and applications of nutrients, or pesticides should be developed and maintained. A specimen record sheet is included.

Fields	Planned Amount	Month	Year	Applied Amount	Date
A	0.5 ac.	7	2016		
B	4.0 ac.	7	2016		
C	12.5 ac.	7	2016		
D	2.0 ac.	7	2016		
E	12.0 ac.	7	2016		
F	1.5 ac.	7	2016		
O/side Riding & Sacr. Area	1.0 ac.	7	2016		
Indoor Riding, Parking & offices	2.5 acs.	7	2016		
Total	36.0acs.				

CAJOLL Co. - Stoneridge Show Stable

Indoor Riding,
Stalls & Office

Parking



Legend

- 2011 Soils (official)
- 39 B/C -- Glenelg Soil
- 78B -- Meadowville Loam
- 108B -- Wheaton Summerduck Complex
- Cross Fences
- Property Limits

N



0 100 200 400 Feet



Northern Virginia Soil and Water Conservation District

12055 Government Center Parkway, Suite #905
Fairfax, VA 22035

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

Tel: 703-324-1460

Fax: 703-423-1421

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

Property Owner/Operator:

Lucy Masemer
Gunnel's Run Farm (Portion of Cajoll A&F District)
9809 Arnon Chapel Road
Great Falls, VA 22066

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

July 13, 2016

Summary of operation:

This is a 21.4-acre portion of the 57.4-acre property belonging to CAJOLL CO. AND THE JOHN W. HANES III SETTLER TRUST. This portion of the property is located at 9809 Arnon Chapel Road in Great Falls. The entire property is pending renewal of its Agricultural and Forestal District status. Varying number of horses, averaging 15 are usually kept on site. A farm pond (approx. 2 acres) is part of this portion of the Cajoll Property. No Chesapeake Bay Resource Protection Area (RPA) is delineated within the property limits. Most of the land is used as pasture fields for rotational grazing purposes.

Practices:

1) Nutrient Management (590) (CRITICAL):

Nutrients will be applied based on soil test results for expected yield goals. All sources of available nutrients will be credited. The rate, timing and method of application are shown on the attached Nutrient Management Plan. This plan was developed and signed by a Nutrient Management Planner, certified by the Commonwealth of Virginia's Nutrient Management Program.

Landowner reserves the right to depend solely on recycled nutrients from horse waste. However, landowners consideration to apply lime where recommended is encouraged. Attaining the recommended pH of 6.0-6.2 will help to chemically release available plant nutrients to the pasture grasses.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.5 ac.	8	2016		
2	0.5 ac.	8	2016		
3	4.0 ac.	8	2016		
4	0.5 ac.	8	2016		
5	1.5 ac.	8	2016		
6	2.0 ac.	8	2016		
7	1.0 ac.	8	2016		
8	1.0 ac.	8	2016		
9	1.0 ac.	8	2016		
10	4.0 ac.	8	2016		
Total	17.0ac.				

2) Pest Management (595) (CRITICAL):

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.

Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.5 acs.	8	2016		
2	0.5 ac.	8	2016		
3	4.0 acs.	8	2016		
4	0.5 ac.	8	2016		
5	1.5 acs.	8	2016		
6	2.0 acs.	8	2016		
7	1.0 ac.	8	2016		
8	1.0 ac.	8	2016		
9	1.0 ac.	8	2016		
10	4.0 acs.	8	2016		
Resid.& stalls	2.4 acs.	8	2016		
Pond	2.0 acs.	8	2016		
Total	21.4 acs.				

3) Prescribed Grazing (528) (RECOMMENDED):

Intensive rotational grazing – Graze appropriate number of pasture fields in an intensive rotational system, by adjusting the pasture recovery period through the

grazing season. The grazing period may range from one half to several days. Grazing heights and appropriate recovery periods will be observed throughout the grazing season. Existing escape or sacrifice areas are highly recommended to meet emergency situations such as drought or saturated soil conditions.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
1	1.5 ac.	7	20016	7	2016
2	0.5 ac.	7	2016	7	2016
3	4.0 ac.	7	2016	7	2016
4	0.5 ac.	7	2016	7	2016
5	1.5 ac.	7	2016	7	2016
6	2.0 ac.	7	2016	7	2016
7	1.0 ac.	7	2016	7	2016
8	1.0 ac.	7	2016	7	2016
9	1.0 ac.	7	2016	7	2016
10	4.0 ac.	7	2016	7	2016
Total	17.0ac.				

4) Waste Storage Facility (313) (CRITICAL):

Maintain your five-cell waste composting facility (at location M) designed to process waste from your horse operation. Spreading should be scheduled at such intervals so that the facility does not overflow. Spreading should not be done on snow or frozen ground. Spreading should be on fields with established pasture.

Fields	Planned			Applied	
	Amount	Month	Year	Amount	Date
M	1	8	2016	8	2016

5) Pond Management (RECOMMENDED):

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

Current design of the pond is such that the primary outlet and emergency spillway are the same. Consider additional reinforcement to reduce or prevent further erosion.

Fields	Planned Amount	Month	Year	Applied Amount	Date
Pond	2.0 ac.	8	2016	8	2016

6) Record Keeping (RECEMMENDED):

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

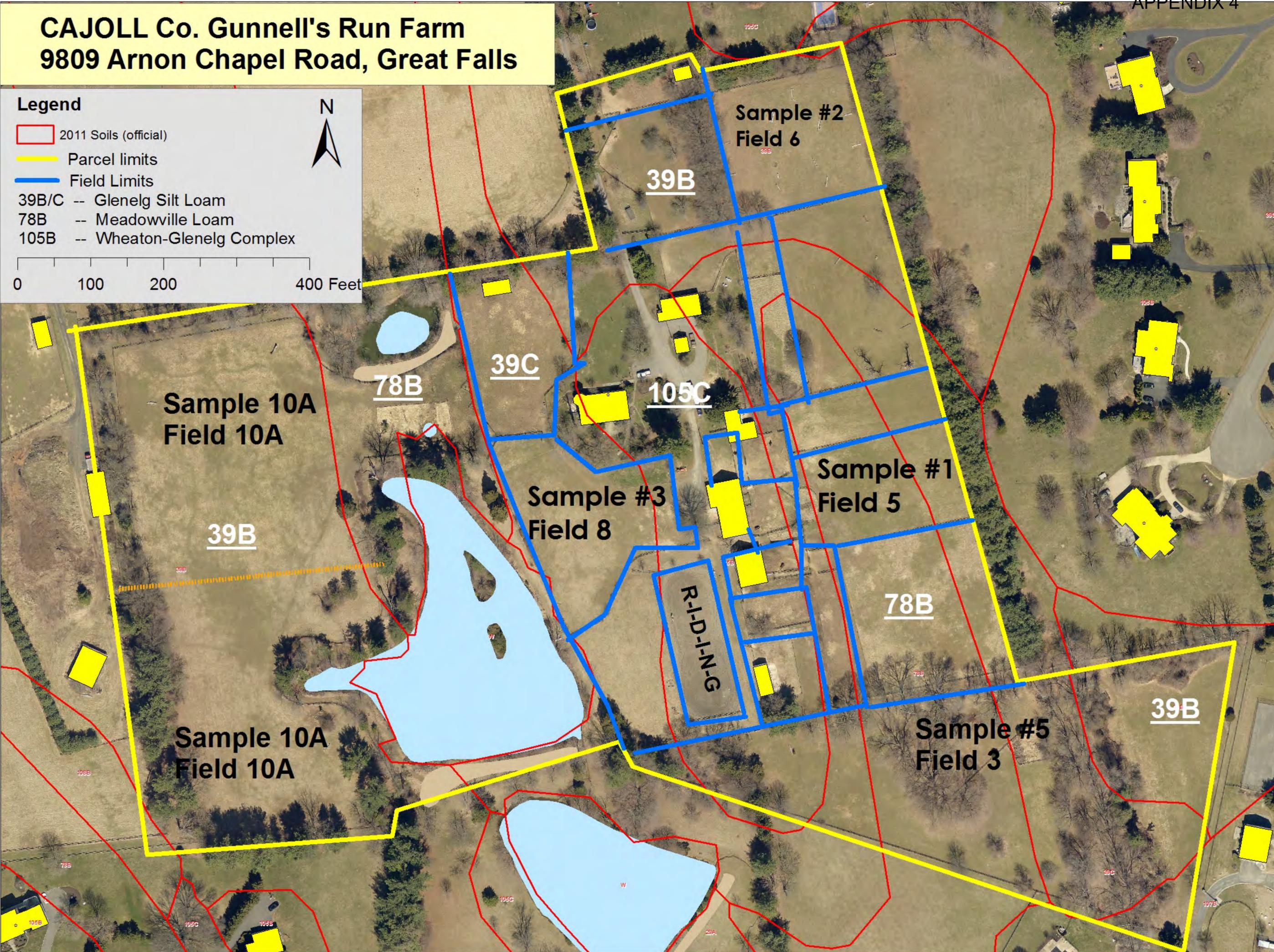
Fields	Planned Amount	Month	Year	Applied Amount	Date
1	1.5 acs.	7	2016		
2	0.5 ac.	7	2016		
3	4.0 acs.	7	2016		
4	0.5 ac.	7	2016		
5	1.5 acs.	7	2016		
6	2.0 acs.	7	2016		
7	1.0 ac.	7	2016		
8	1.0 ac.	7	2016		
9	1.0 ac.	7	2016		
10	4.0 acs.	7	2016		
Resid.& stalls	2.4 acs.	7	2016		
Pond	2.0 acs.	7	2016		
Total	21.4 acs.				

CAJOLL Co. Gunnell's Run Farm 9809 Arnon Chapel Road, Great Falls

Legend

- 2011 Soils (official)
- Parcel limits
- Field Limits
- 39B/C -- Glenelg Silt Loam
- 78B -- Meadowville Loam
- 105B -- Wheaton-Glenelg Complex

0 100 200 400 Feet

Bettina K. Ring
State Forester



COMMONWEALTH of VIRGINIA

Department of Forestry

900 Natural Resources Drive, Suite 800 • Charlottesville, Virginia 22903
(434) 977-6555 • Fax: (434) 296-2369 • www.dof.virginia.gov

June 1, 2016

Lucy H Masemer
9809 Aaron Chapel Rd.
Great Falls VA 22066

Dear Ms. Masemer:

I visited the property today. It was much as I remembered it from my previous visits. With the limited forest resources on the property, this letter will serve as my report and plan for the property. Most of the trees appear to be volunteers in the fence rows and are in good condition. You should monitor these trees for decline and/or disease and treat or remove them before they fail and compromise your fencing system.

I did note that a sycamore in a fenced area west of the house appears to have anthracnose. Given the cool wet spring we have had this is to be expected. The dead leaves should fall off and the tree should refoliate.

The other possible concern I noted was the presence of cherry trees in the fence lines. Other land owners with horse operations have indicated that these can harm horses if they browse on them. According to one extension publication that I read, horses only browse this plant if they are hungry. You may want to consider removing them.

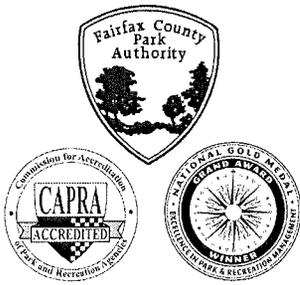
If you have any questions about the trees on your property, please contact me. For your convenience I am providing the county with a copy of this letter to support your application to renew you're A&F District

Sincerely,

A handwritten signature in black ink, appearing to read "James McGlone".

James McGlone
Urban Forest Conservationist
12055 Government Center Parkway
Suite 904
Fairfax VA 22035
703-324-1489

cc: DPZ; file



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

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

FROM: Sandy Stallman, AICP, Manager *NRD for SS*
 Park Planning Branch, PDD

DATE: May 25, 2016

SUBJECT: AR 83-D-006-04, Cajoll Co & John W. Hanes III Settler Trust
 Tax Map Numbers: 8-3((1)) 45Z, 50Z, 51Z

The Fairfax County Park Authority supports Agricultural and Forestal Districts as they further objective 100 of the Park Authority's Policy Manual:

“To protect and preserve the physical, cultural and natural heritage of Fairfax County for the enjoyment and education of the citizenry.”

FCPA Reviewer: Paul Ngo
 DPZ Coordinator: Michael Lynskey

Copy: Cindy Walsh, Director, Resource Management Division
 Michael Lynskey, DPZ Coordinator
 Chron File
 File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: 05-17-2016

TO: Michael Lynskey, ASLA, Zoning Evaluation Staff Coordinator

FROM: Stephanie Goodrich, Historic Preservation Planner

SUBJECT: Heritage Resource Comment

AR 83-D-006-04

9809 Arnon Chapel Road

Tax id #08-3((1))0045Z, 08-3((1))0047Z1, 08-3((1))0050Z, 08-3((1))0051Z

Cajoll Co & John W. Haynes III Settlers 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 and the proximity to known heritage resources, 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.
4. The subject property is adjacent to a known historic resource, Gunnel's Run. (tax id #08-3((12))A.)
5. The subject property (tax id # 08-3((1))51Z may contain the slave cemetery associated with Gunnel's Run. Further investigation of this area by the Cultural Resource Management and Protection Branch (CRMPB) of the Park Authority, should be requested before ground disturbing activity takes place.

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/



DEPARTMENT OF
**PLANNING
& ZONING**

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

COMPREHENSIVE PLAN CITATIONS:

Area Plan: Fairfax County Comprehensive Plan, 2013 Edition as amended through October 20, 2015, Area III, Upper Potomac Planning District, UP2 Springvale Community Planning Sector, Character, on page 36, the Plan states:

CHARACTER

“This planning sector is rural in character and consists of residential estates and large-lot subdivisions, undeveloped land and open space. Local-serving commercial uses are located on Leesburg Pike at Georgetown Pike, at the Great Falls Village area, at Georgetown Pike and Walker Road, and at Beach Mill and Springvale Road. This area is developed as and planned to maintain the very low density character through large-lot residential development. This planning sector is characterized by low-density residential development and open space. The sector has a high potential for significant heritage resources, and is rich in known historic sites. Great Falls Grange and Great Falls Post Office/Forestville School, as well as the John Gunnell House, Gunnell’s Run and Cornwell Farm, are listed in the county Inventory of Historic Sites, Virginia Landmarks Register and the National Register of Historic Places.”

Area Plan: Fairfax County Comprehensive Plan, 2013 Edition as amended through October 20, 2015, Area III, Upper Potomac Planning District, UP2 Springvale Community Planning Sector, Heritage Resources, on page 42, the Plan states:

Heritage Resources

“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, pages 3 & 4, the Plan states:

“Objective 1: Identify heritage resources representing all time periods and in all areas of the county.

Policy a. Identify heritage resources well in advance of potential damage or destruction.”

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

Heritage Resources Comment AR-83-D-006-04

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.”



County of Fairfax, Virginia

MEMORANDUM

DATE: June 13, 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 83-D-006)

SUBJECT: Transportation Impact

REFERENCE: AR 83-D-006-04; Cajoll Co. and The John W. Hanes III Settler Trust
Land Identification Map: 08-3 ((1)) 0045Z, 47, 50Z, 51Z

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

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 presented to assist the public in understanding the staff evaluation and analysis. It should not be construed as representing legal definitions.

AGRICULTURAL AND FORESTAL DISTRICT - 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.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE (AFDAC) - A committee composed of four farmers, four freeholder residents of Fairfax County, the Supervisor of Assessments and one member of the Board of Supervisors. AFDAC is formed to advise the Planning Commission and the Board of Supervisors regarding the proposed establishment, modification, renewal and/or the termination of an Agricultural and Forestal District and to provide expert advice on the nature of farming and forestry in the proposed district and the relation of such activities to the County.

AGRICULTURAL PRODUCTS - Crops, livestock, and livestock products which shall include but not be limited to the following:

- 1) Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts and dry beans.
- 2) Fruits, including apples, peaches, grapes, cherries, and berries.
- 3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- 4) Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers.
- 5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

AGRICULTURALLY SIGNIFICANT LAND - Land that has historically produced agricultural products, or land that AFDAC considers good agricultural land based on factors such as soil quality, topography, climate, agricultural product markets, farm improvements, agricultural economics and technology and other relevant factors.

AGRICULTURAL USE - Use for the production for sale of plants and animals; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery and floral products useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services of the State of Virginia, or when 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. Land or portions thereof used for processing of retail merchandise of crops, livestock products is not considered to be in agricultural use.

BEST MANAGEMENT PRACTICE (BMP) - 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 non-point sources in order to improve water quality.

CHESAPEAKE BAY PRESERVATION ORDINANCE - Regulations which the State has mandated to protect the Chesapeake Bay and its tributaries. See Fairfax County Code, Chapter 118, Chesapeake Bay Preservation Ordinance.

CLEARING - Any intentional or negligent act to cut down, remove all or a substantial part of or

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damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die.

COMMERCIAL FOREST - Land which is producing or is capable of producing forest products.

DEFERRED TAX - The difference between market tax value and use value tax is known as deferred tax. The deferred tax is still owed but is not due until the use of any part or the whole of the land in an A&F District is changed. The deferred tax plus the interest due on the deferred tax is known as rollback tax. Sixty days after the use of the land is changed, notice of the change must be filed with the County Department of Taxation.

DEVELOPED LAND - The total of all parcels containing permanent structures valued at \$2,500 or more, plus all parcels not generally available for development (e.g. tax exempt land, private rights-of-way, parcels owned in common by homeowner's associations, etc.).

EASEMENT - A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, scenic easement, utility easement, open space easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDOR (EQC) - An open space system designed to link and preserve natural resource areas, provide passive recreation and 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 Volume 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 EQCs. The 100 year floodplain drains 70 acres or more of land and has a 1% chance of flood occurrence in any given year.

FORESTAL PRODUCTS - Products for sale or for farm use, including but not limited to lumber, pulpwood, posts, firewood, Christmas trees and other wood products.

FORESTALLY SIGNIFICANT LAND - Land that has historically produced forestal products, or land that AFDAC considers good forest land based upon factors such as soil quality, topography, environmental quality and other relevant factors.

FORESTAL USE - Use for tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the Director of the Department of Conservation and Economic Development of the Commonwealth of Virginia pursuant to Section 58-769.12 of the Code of Virginia, including the standing timber and trees thereon.

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 by the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700.

QUALIFYING USE - A land use which is eligible for use value taxation under Section 4-19 of the Fairfax County Code.

RESOURCE MANAGEMENT AREA (RMA) -The 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, Chapter 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, Chapter 118, Chesapeake Bay Preservation Ordinance.

ROLLBACK TAX - Whenever an owner changes the acreage of an eligible tract by splitting off a parcel, or by changing the use of the land to a non-qualifying use, each applicable deferred tax plus annual simple interest at the rate annually applied to delinquent taxes becomes due and payable as a lump sum, known as the rollback tax. The rollback tax is applied to the year in which the use is changed and the previous five years the land was qualified for and assessed at use value rates.

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.

UNDEVELOPED LAND - Unimproved or under utilized land. Land containing no structures valued at \$2,500 or more.

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 Corp of Engineers.

WILDLIFE HABITAT - Areas which contain the proper food, water, and vegetative cover to support a diverse community of animals, birds and fish; some examples include floodplains, upland hardwoods, pinewoods, meadows and marshes.