



APPLICATION ACCEPTED: May 18, 2016
PLANNING COMMISSION: October 5, 2016
BOARD OF SUPERVISORS: October 18, 2016 @ 3:30 p.m.

County of Fairfax, Virginia

September 21, 2016

**STAFF REPORT
HANTSLOT LOCAL AGRICULTURAL
AND FORESTAL DISTRICT
AR 83-S-007-04
SPRINGFIELD DISTRICT**



WS

APPLICANT: Mary E., Victoria Anna, Gifford Ray, and
Melissa V. Hampshire

ZONING: R-C, WS

PARCELS: 076-1 ((1)) 1Z, 26Z

LOCATION: 6295 Newman Road
Fairfax, VA 22030

SITE AREA: 25 acres

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

PROPOSAL: Renewal of Local Agricultural and Forestal District

STAFF RECOMMENDATIONS:

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

Michael H. Lynskey, ASLA

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



**Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service**

It should be noted that, 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-S -007-04



Applicant:

GIFFORD RAY HAMPSHIRE, MARY E HAMPSHIRE, VICTORIA ANNA HAMPSHIRE, MELISSA V. HAMPSHIRE

Accepted:

05/18/2016

Proposed:

AGRICULTURAL AND FORESTAL DISTRICT RENEWAL

Area:

25 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:

Located:

6295 NEWMAN ROAD, FAIRFAX, VIRGINIA, 22030

Zoning:

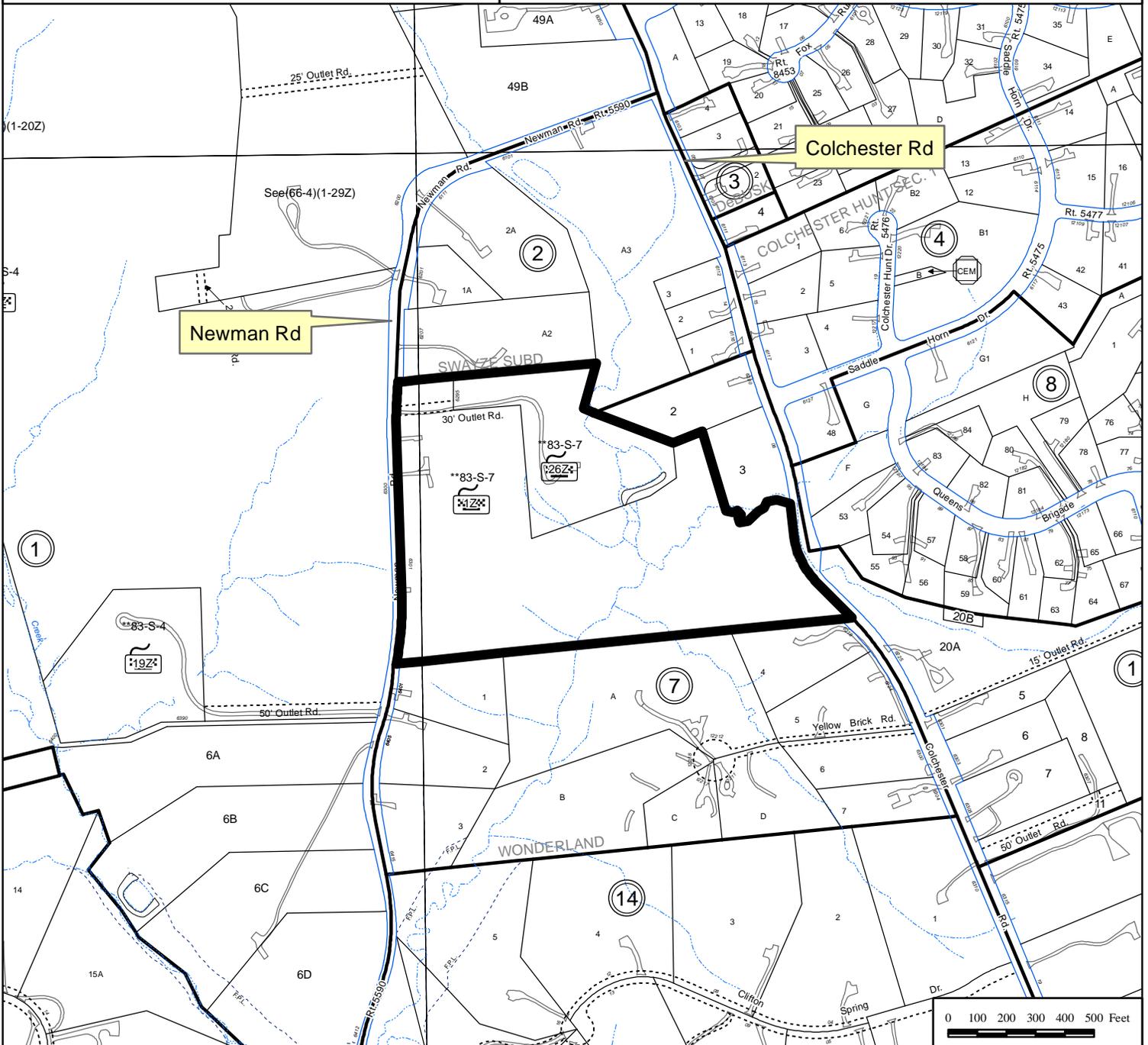
R- C

Overlay Dist:

WS

Map Ref Num:

076-1- /01/ /0001Z /01/ /0026Z



DESCRIPTION OF APPLICATION

AR 83-S-007-04 is a request to renew the Hantslot 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.

Applicants: Mary E., Victoria Anna, Gifford Ray, and Melissa V. Hampshire

Acreage: 25 acres

Uses: Active agriculture – 12 acres
Forested or undeveloped – 10 acres
Residential – 3 acres

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

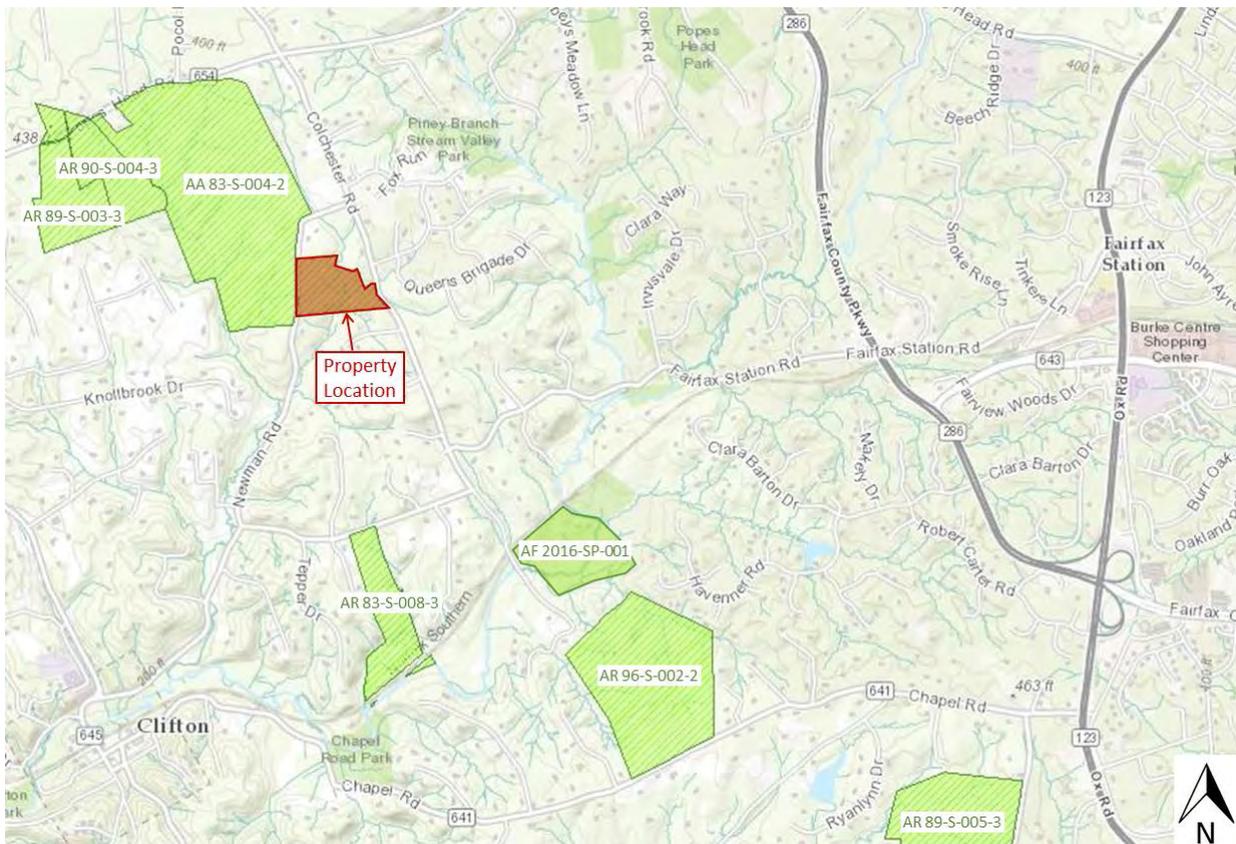


Figure 1: District location map, also showing other nearby A&F Districts.

BACKGROUND

The subject property has been owned by the applicant's family since 1955, and has been in use as a residential and agricultural property since that time. The Hantslot Local Agricultural and Forestal District was established on January 23, 1984, for an initial eight-year term, and has been renewed an additional three times; in 1992, 2000 and 2008. Since the inception of the District, the Hampshires subdivided a five-acre parcel (Parcel 26Z) for construction of a house for their son; otherwise, there have been no other substantial alterations to the property since the District was established.

LOCATION AND CHARACTER

The 25-acre property is located between Colchester Road and Newman Road, in the Clifton area, with access from Newman Road. The property lies directly across Newman Road from the 200+-acre Whitehall Statewide A&F District, as well as two other local districts (see Figure 1). The property and surrounding area are zoned R-C (Residential Conservation) and WS (Watershed Supply Protection Overlay), and are planned for the low-density residential uses that exist there today.



Figure 2: Aerial view of the property.

Approximately 12 acres of the property are in agricultural use (as pasture and flower gardens), while 10 acres remains forested or undeveloped, and 3 acres supports the use of the two residences on the site. Structures on the property include the 1880s farm house, and a newer 1995 home, which both serve as residences of family members, as well as several barns and agricultural outbuildings.



Figure 3: The residential portion of Parcel 1Z.

Figure 5: Structures on the Property (from Application Form)			
Structure:	Year Built:	Parcel:	Use:
7-room frame house	ca.1880	1Z	Residence
Attached guest quarters	1977		Guests
4-stall barn	ca.1940		Vacant
Shed	1992		Storage
8-room frame house	1995	26Z	Residence



Figure 4: The residential portion of Parcel 26Z.



Figure 5: Typical pasture conditions on the property.



Figure 6: Obscured view of the small pond on Parcel 26z.

STAFF ANALYSIS

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Pohick
Planning Sector:	P3 – Johnny Moore Sector
Plan Map:	Residential use at a density of 0.1 to 0.2 du/ac and private open space

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, and the Area Plan for this section of the County specifically recommends A&F uses as valid alternatives to residential uses, when they further support water quality goals of the Watershed Quality Protection Overlay District.

Environmental Analysis (Appendix 3)

The subject property is located within the Popes Head Creek watershed, which flows to the Occoquan River, and is situated entirely within County's Water Supply Protection Overlay District, which seeks to protect the water quality of such public water supply reservoirs. Castle Creek traverses the site and is associated with approximately 5.7 acres of Resource Protection Area (RPA), per the Chesapeake Bay Preservation Ordinance (CBPO), as well as an Environmental Quality Corridor (EQC), per County environmental policy, which extends beyond the RPA and includes steep slopes adjacent to the stream channel.

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 silvicultural 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 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 NVSWCD visited the property and prepared an updated Soil and Water Quality Conservation Plan for the District (dated September 12, 2016). The Plan contains recommendations for nutrient management, RPA management, waste disposal, prescribed grazing, pest management, and other Best Management Practices (BMPs).

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

Forestry Analysis (Appendix 5)

A Forester from the Virginia Department of Forestry (VADOF) visited the property and found no substantial changes to the site since the last renewal. Continued conformance with the previous Forest Management Plan (dated June 3, 2008) would be required by the Ordinance Provisions of this renewal.

Transportation Analysis (Appendix 7)

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 8)

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 either agricultural or forestal uses, with the exception of approximately three acres of residential use. Therefore, staff believes that this criterion has been satisfied.

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

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

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

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

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

The Comprehensive Plan designates a majority of the surrounding land within one-quarter mile of the district for low density residential use at 0.1 to 0.2 du/ac. 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 only 12 acres in agricultural use, so the district would not be considered a farm district, and this criterion does not apply (see Criterion 6, below).

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 district contains 25 acres, comprised of two contiguous parcels under ownership of one family; therefore this criterion is satisfied.

7. *Approximately 2/3 of the land (66%) in agricultural use in the district should contain Class I, II, III, or IV soils as defined by the USDA Soil Conservation Service. Districts having more than 1/3 of the land in agricultural use containing Class V-VIII soils may be considered if such lands have been improved and are managed to reduce soil erosion, maintain soil nutrients, and reduce non-point pollution.*

More than 2/3 of the western portion of the site (the area used for agricultural purposes) consists of Class II and IV soils; therefore, this criterion is satisfied. Fifty-seven percent of the total site contains soils of Classes II and IV.

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 Plan for the District, 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 District is subject to the recommendations of a Forest Management Plan prepared by the Virginia Department of Forestry (dated June 3, 2008), and would continue to be required to follow that plan with this approval; therefore this criterion is satisfied.

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

The applicants continue to maintain the District, by painting and repairing structures, purchasing farm equipment, and working to eliminate invasive species. Staff considers this criterion satisfied.

Criteria Group B:

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

The applicants continue to sell ornamental flowers, on a limited basis, although they no longer keep horses on the property. Staff considers this criterion satisfied.

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

The property provides scenic vistas and contributes to the rural, agrarian character of the area. Combined with the adjacent A&F Districts to the west, the District contributes to over 300 acres of contiguous preserved open space. The preservation of approximately 965 feet of frontage on Newman Road and 470 feet of frontage on Colchester Road serves to protect viewsheds from both transportation corridors. Staff feels that preservation of the District satisfies this criterion.

3. *The property contains an historically and/or archaeologically significant site which would be preserved in conjunction with the establishment of a district. A site that is listed on the Federal Registry of Historic Places, the State Registry of Historic Places and/or the County Inventory of Historic Places will be considered historically and/or archaeologically significant. A property which contains a site that is historically and/or archaeologically significant by the County Archaeologist, or is located in an area with a high potential for archaeological sites, provided that the property owner has agreed to permit the County Archaeologist access to the site, may also be considered historically and/or archaeologically significant.*

The 1880s 7-room farm house (on Parcel 1z) is listed as part of "Hantslot Farm" on the Fairfax Inventory of Historic Sites, but is not within the boundaries of a Fairfax County Historic Overlay District or listed in the National Register of Historic Places (see Appendix 6 for a Heritage Resources memo). Listing on the Fairfax Inventory of Historic Sites qualifies the property as being historically "significant" and worthy of continued preservation. Therefore, this criterion is satisfied.

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

There are no unique or particularly effective BMPs on the site. Staff does not consider this criterion satisfied.

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

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

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

The subject property is not entirely located within a permanent open space easement; therefore, this criterion is not satisfied.

As previously noted, these criteria serve as a guide in determining whether or not an agricultural district should be established; they are not a prerequisite for establishing a district. It is recommended that all of the criteria in Group A and at least two criteria in Group B should be satisfied. It is the opinion of Staff that this application satisfies all of the Group A criteria and four of the criteria in Group B. Staff considers the guidelines satisfied.

AFDAC RECOMMENDATION (Appendix 9)

The Agricultural 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 believes that the proposal to renew the Hantslot 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 Hantslot 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 11.

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. Soil and Water Quality Management Plan
5. Forest Management Plan (2008)
6. DPZ Heritage Resources Memo
7. FCDOT Transportation Memo
8. FCPA Park Authority 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 21, 2016
AR 83-S-007-04

If it is the intent of the Board of Supervisors to renew the Hantslot Local Agricultural and Forestal District, as proposed in AR 83-S-007-04 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 76-1 ((1)) 1Z and 26Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

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

Additional Provisions

- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Quality Management Plan, prepared by the Northern Virginia Soil and Water Conservation District (NVSWCD) on September 12, 2016 for the life of the Hantslot Local Agricultural and Forestal District. The Soil and Water Quality

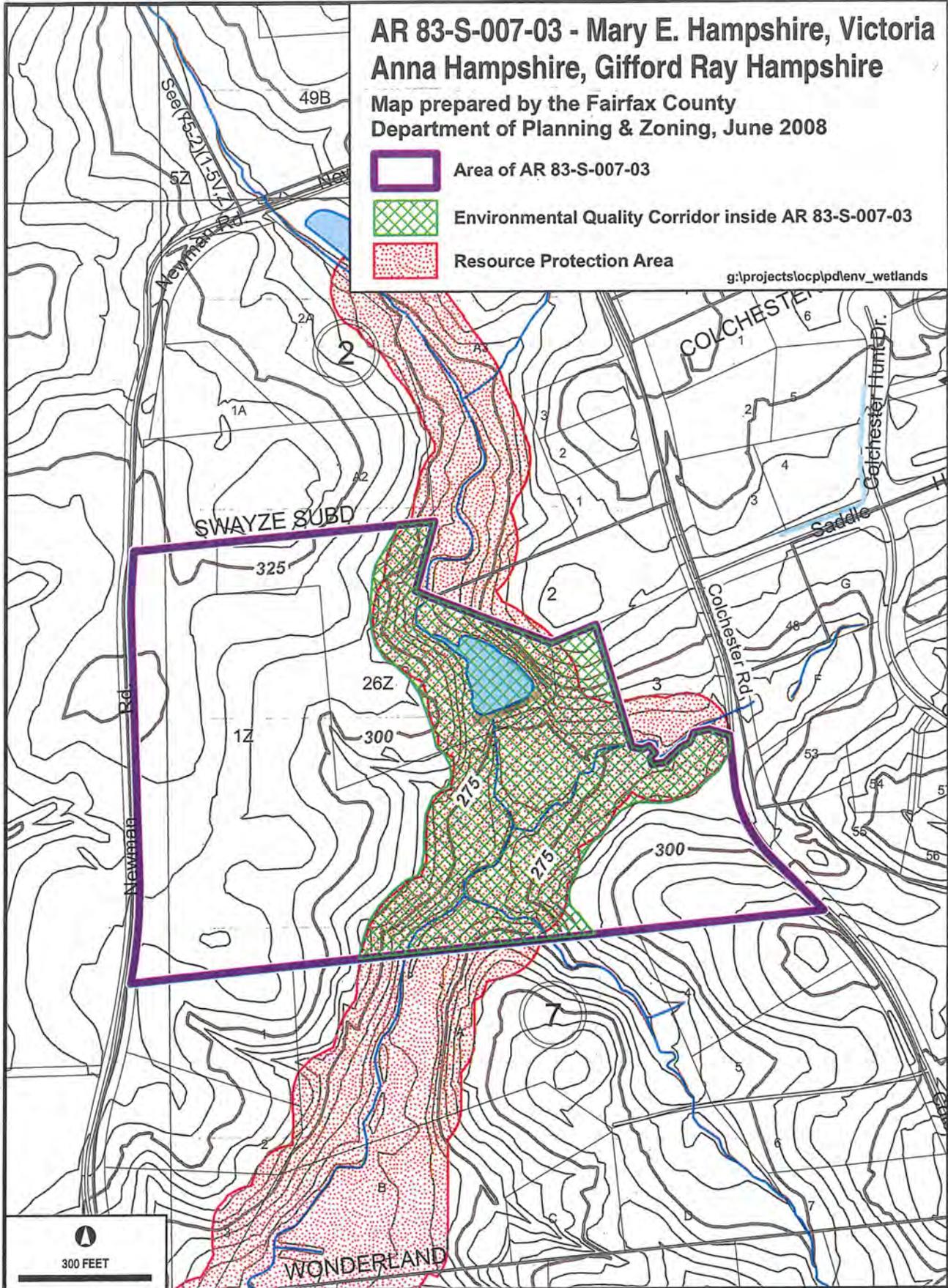
- Management Plan may be updated from time to time as determined necessary by NVSWCD. The applicants shall also, within one year of approval of this application, work with NVSWCD to develop supplemental plans to specifically address any recommendation designated as "critical" in said Soil and Water Quality Conservation Plan, to the satisfaction of NVSWCD.
- (6) The applicants shall continue to implement and abide by the recommendations of the Forest Management Plan, prepared by the Virginia Department of Forestry (VADOF) on June 3, 2008, for the life of the Hantslot Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by VADOF. If the applicants choose to harvest the timber on the lands within this Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester, to ensure that appropriate techniques designed to protect water quality are utilized.
 - (7) Those areas delineated by the Department of Planning and Zoning as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation, and the removal of dead, dying and diseased vegetation, in accordance with the Forest Management Plan, and as approved by the VADOF. The boundaries of the EQC (see Exhibit A) shall be the permanent limits of clearing and grading for the life of the Hantslot Local Agricultural and Forestal District.
 - (8) The establishment and continuation of this district depends upon the implementation of each of the terms and conditions stated in this ordinance. This district may, at the sole discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if such action is determined to be warranted by the Board of Supervisors upon determination that the terms and conditions stated in this ordinance are not being implemented. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 115 of the County Code.
 - (5) 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.

AR 83-S-007-03 - Mary E. Hampshire, Victoria Anna Hampshire, Gifford Ray Hampshire

Map prepared by the Fairfax County
Department of Planning & Zoning, June 2008

-  Area of AR 83-S-007-03
-  Environmental Quality Corridor inside AR 83-S-007-03
-  Resource Protection Area

g:\projects\locpl\pdenv_wetlands



Application No. AR 93-5-007-04

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

RECEIVED
Department of Planning & Zoning

MAY 09 2016

FAIRFAX COUNTY

Zoning Evaluation Division

- 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
1. Mary E. Hampshire 6295 Newman Road, Fairfax, Virginia 22030	76-1((1)) 1Z	1955	RC/WS	20 (70.15% share)
2. Victoria Anna Hampshire 7307 Nevis Road, Bethesda, Maryland 20817	76-1((1)) 1Z	various conveyances 1980-2007	RC/WS	20 (23.84% share)
3. Gifford Ray Hampshire 6295 Newman Road, Fairfax, Virginia 22030	76-1((1)) 1Z	various conveyances 1980-2007	RC/WS	20 (6% share)
Melissa V. Hampshire 4. Gifford Ray Hampshire 6295 Newman Road, Fairfax, Virginia 22030	76-1((1)) 26 Z		RC/WS	5 (100% share tenants by entirety)

- Total acreage in the proposed district: 25 acres.
- Using the definitions on the instruction sheet, indicate the number of properties included in this application: farm 2 forest _____.

AR 2016-0130

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

Name: Gifford R. Hampshire
Address: 6295 Newman Road
Fairfax, VA 22030
Telephone: (703) 901-4254

6. Signature of all property owners:

Gifford R. Hampshire
Mary E. Hampshire
Melissa K. Hampshire

TO BE COMPLETED BY THE COUNTY

Date application accepted: 5/16/16 [Signature]

Date of action by Board of Supervisors: _____

- Approved as submitted Denied
- Approved with modifications

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

Name: Gifford R. Hampshire
Address: 6295 Newman Road
Fairfax, VA 22030
Telephone: (703) 901-4254

6. Signature of all property owners:

Gifford R. Hampshire

TO BE COMPLETED BY THE COUNTY

Date application accepted: _____

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
6301 Newman Road 7-room frame house	ca 1880	Residential
Attached guest quarters office	1977	Guests
4-stall barn	ca 1940	Vacant
8-room frame house	1995	Residential
6295 Newman Road		

use additional page(s) if necessary

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

7-room frame house at 6301 Newman Road
 ca 1880 listed on Fairfax County Inventory of Historic Sites for Springfield District as "Hantslot Farm"

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

Painted house at 6301 Newman Road
 Rebuilt and painted various fences
 Purchased new John Deere 4005 tractor
 Painted house at 6295 Newman Road
 Worked on elimination of invasive species
 Purchased pick up truck
 Constructed memorial site Gifford D.Hampshire

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: 6/5/98

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
Flowers	\$1,200 gross receipts for 2015	
fields keep open and suitable for horses		

**HANTSLOT AIF DISTRICT
(AR 83-S-007-02)**

**Statement of Justification
2016 Application for Renewal**

Fairfax County Code, Article 5, Section 115-5-1, Criteria

Criteria Group A

1. All 25 acres are undeveloped, except for two residential areas: At 6301 Newman Road, a 7-room frame house, detached two-car garage with attached guest house and office, and four stall barn. At 6295 Newman Road, a more recently-constructed 8-room frame house.
2. This property is zoned R-C and has been designated as the HANTSLOT A/F District since January 23, 1984.
3. This property is consistent with the Comprehensive Plan in that: (a) there is one historic dwelling and one newer home constructed by and resided in by a member of the immediate family on the 25 acres (b) the property is used for private recreation, private open space, agriculture, and non-commercial equestrian use by the residents and neighbors. The property is in the Occoquan watershed, an Environmental Quality Corridor. The property is planned for residential use at a density of 0.1 to 0.2 dwelling units per acre (du/acre).
4. On the western border, across Newman Road, is the Whitehall A/F District. The southern border abuts on the Wonderland Development. To the north are single family dwellings on three, one, four and nine acres on Newman Road. Across Newman Road to the north is more of Whitehall A/F District.
5. This is a farm property in two contiguous parcels of 20 acres and 5 acres, all owned by immediate family members of the same family. As stated in the Staff report for the 2008 renewal of the HANTSLOT A/F District, this property qualifies as forestal and open space uses.
6. This district consists of 25 acres.
7. More than 2/3 of the western portion of the site, that area which is used for agricultural purposes, consists of soils of Capability Classes II and IV. Fifty Seven percent of the total site contains soils of Capability Classes II and IV.

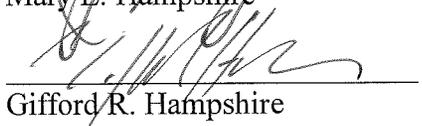
8. We continue to operate the property and maintain the pastures under an approved and signed agreement with the Northern Virginia Soil and Water Conservation District, dated July 2, 2008. We keep the fields mowed to minimize and eliminate woody growth and noxious weeds while maintaining woody growth protection along Castle Creek to prevent erosion and non-point pollution of the stream.
9. About 1/3 of the property is forestall and maintained as an industrial wooded conversation area. Preservation of this land is also part of our agreement with the Soil and Water Conservation District.
10. Since 1955, when we purchased this property, we have invested considerable time and money to improve and maintain the pastures and forested land for our enjoyment, as well as for the traveling public. We mow the fields to give them a park-like appearance as well as to control weeds, etc. We maintain the board fences, painting them along Newman Road so that they contribute to a distinguished rural atmosphere in Fairfax County.

Criterion, Group B

1. In the past four (4) years, an average yield of \$3,000 worth of cut flowers have been grown on and sold from the property. In addition, the fields are produce pasturage for horses.
2. The wooded and open lands of the property help to maintain the rural character of the Clifton area. The land provides scenic vistas, including an historic farm house, from Newman Road, and forested vistas from Colchester Road.
3. The main house on the property, a 7-room farm house, dates to 1880 and is listed as part of "Hantslot Farm" on the Fairfax Inventory of Historic Sites for the Springfield District
5. The land is zoned R-C.

Owners:

(signed)  Date: 5/1/16.
Mary E. Hampshire

(signed)  Date: 5/1/16
Gifford R. Hampshire

(signed) _____ Date: _____
Victoria A. Hampshire

(signed)  Date: May 1, 2016
Melissa V. Hampshire

8. We continue to operate the property and maintain the pastures under an approved and signed agreement with the Northern Virginia Soil and Water Conservation District, dated July 2, 2008. We keep the fields mowed to minimize and eliminate woody growth and noxious weeds while maintaining woody growth protection along Castle Creek to prevent erosion and non-point pollution of the stream.
9. About 1/3 of the property is forestall and maintained as an industrial wooded conversation area. Preservation of this land is also part of our agreement with the Soil and Water Conservation District.
10. Since 1955, when we purchased this property, we have invested considerable time and money to improve and maintain the pastures and forested land for our enjoyment, as well as for the traveling public. We mow the fields to give them a park-like appearance as well as to control weeds, etc. We maintain the board fences, painting them along Newman Road so that they contribute to a distinguished rural atmosphere in Fairfax County.

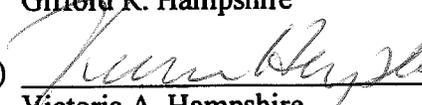
Criterion, Group B

1. In the past four (4) years, an average yield of \$3,000 worth of cut flowers have been grown on and sold from the property. In addition, the fields are produce pasturage for horses.
2. The wooded and open lands of the property help to maintain the rural character of the Clifton area. The land provides scenic vistas, including an historic farm house, from Newman Road, and forested vistas from Colchester Road.
3. The main house on the property, a 7-room farm house, dates to 1880 and is listed as part of "Hantslot Farm" on the Fairfax Inventory of Historic Sites for the Springfield District
5. The land is zoned R-C.

Owners:

(signed) _____ Date: _____
Mary E. Hampshire

(signed) _____ Date: _____
Gifford R. Hampshire

(signed)  _____ Date: 4/30/2016

(signed) _____ Date: _____
Melissa V. Hampshire



County of Fairfax, Virginia

MEMORANDUM

DATE: August 12, 2016

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

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

SUBJECT: Land Use and Environmental Assessment: AR 83-S-007-04
Mary, Victoria Anna, Gifford Ray and Melissa V. Hampshire

This memorandum, prepared by Zach Fountain, AICP, 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 25 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 25 acre Hampshire Agricultural and Forestal District within the Springfield Magisterial District is currently up for renewal. The district is located in the Johnny Moore Community Planning Sector (P3) of the Pohick Planning District. This agricultural and forestal district is comprised of two contiguous parcels owned by one family. Twelve acres are in agricultural use, ten acres are forested and three acres are in residential use.

LOCATION AND CHARACTER

The subject property is located in the southwestern portion of the County in the Popes Head Creek watershed as well as the Occoquan Watershed; and it is zoned R-C (Residential Conservation). This agricultural and forestal district is planned for residential use at 0.1 - 0.2 dwelling unit per acre (du/ac) or 5-10 acre lots and private open space. The district is surrounded by land which is planned for residential use at 0.1 - 0.2 dwelling unit per acre (du/ac) or 5-10 acre lots and private open space.

COMPREHENSIVE PLAN MAP: Residential use at 0.1 to 0.2 du/ac (5-10 acre lots) and private open space

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



Barbara C. Berlin
 AR 83-S-007-04
 Page 2

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, Pohick Planning District, as amended through October 20, 2015 under the heading, "District-wide Recommendations, Environment," on pages 5-9, the Plan states:

"The Pohick Planning District contains much of the wildlife habitat and rural landscape that remains in Fairfax County. Past actions taken by the governing body to protect water quality in the Occoquan Reservoir by restricting development to very low densities will help to perpetuate this character....

Land use controls have been used effectively throughout this district to maintain high water quality standards. Low densities, limited expansion of public facilities, and development designs that encourage preservation of water features and other sensitive lands will contribute to water quality protection. A land use approach to maintaining water quality should be continued and broadened throughout the district. The following guidelines are suggested to achieve this objective:

- Maintain very low density development in the portions of the district that drain into the Occoquan Reservoir...."

The Fairfax County Comprehensive Plan, 2013 Edition Area III, Pohick Planning District, as amended through October 20, 2015, P3-Johnny Moore Community Planning Sector, under the heading Land Use on pages 43-45, the Plan states:

- "1. The entire P3 Planning Sector is located within the watershed of the Occoquan Reservoir. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Land in this sector should be planned for residential use within a density range of .1-.2 dwelling unit per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant densities and the well-established character of existing development in this sector. . . .
3. Agricultural and forestal uses are alternatives to residential uses in Low Density Residential Areas. Such uses, depending upon the techniques used, can have positive impacts on water quality. Careful attention should be paid to insure that agricultural and forestal techniques are supportive of water quality goals for the Occoquan Reservoir watershed. . . ."

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through July 1, 2014, on pages 7-10, 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 pages 14-17, the Plan states:

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

- Policy a: Identify, protect and restore an Environmental Quality Corridor system (EQC). (See Figure 4.) Lands may be included within the EQC system if they can achieve any of the following purposes:
- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal

- agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.
- Connectivity: This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide enough to facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.
 - Hydrology/Stream Buffering/Stream Protection: The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
 - Pollution Reduction Capabilities: Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements (See Figure 4):

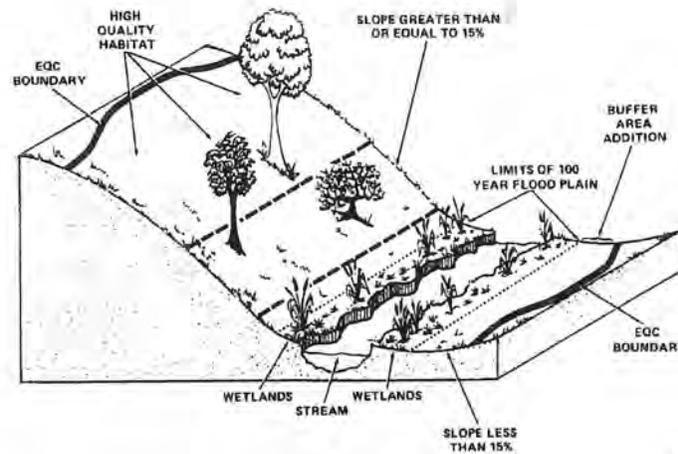


FIGURE 4

A TYPICAL ENVIRONMENTAL QUALITY CORRIDOR

Source: Fairfax County Office of Comprehensive Planning

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit any of the EQC purposes as described above. In addition, some disturbances that serve a public purpose such as unavoidable public infrastructure easements and rights of way may be appropriate. Disturbances for access roads should not be supported unless there are no viable alternatives to providing access to a buildable portion of a site or adjacent parcel. The above disturbances should be minimized and occur perpendicular to the corridor's alignment, if practical, and disturbed areas should be restored to the greatest extent possible...

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

When preservation of EQC land is achieved through the development process it is appropriate to transfer some of the density that would otherwise have been permitted on the EQC land to the non-EQC portion of the property to provide an incentive for the preservation of the EQC and to achieve the other objectives of the Plan. The amount of density transferred should not create an effective density of development that is out of character with the density normally anticipated from the land use recommendations of the Plan. For example, town homes should not normally be built adjacent to an EQC in an area planned for two to three dwelling units per acre. Likewise, an increase in the effective density on the non EQC portion of a site should not be so intense as to threaten the viability of the habitat or pollution reduction capabilities that have been preserved on the EQC portion of the site.

- Policy b. To provide an incentive for the preservation of EQCs while protecting the integrity of the EQC system, allow a transfer of some of the density from the EQC portion of developing sites to the less sensitive areas of these sites. The increase in effective density on the non-EQC portion of a site should be no more than an amount which is directly proportional to the percentage of the site that is preserved. Overall site yield will decrease as site constraints increase. Maximum density should be determined according to a simple mathematical expression based upon the ratio of EQC land to total land. This policy is in addition to other plan policies which impact density and does not supersede other land use compatibility policies.”

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.”

Barbara C. Berlin
AR 83-S-007-04
Page 7

LAND USE ANALYSIS:

The proposed renewal of this Agricultural and Forestal District is in conformance with the land use recommendation of the Comprehensive Plan which identifies agricultural and forestal uses as appropriate alternatives to low density residential uses in this area of the County.

ENVIRONMENTAL ANALYSIS

Water Quality Protection

This agricultural and forestal district is located within the County's Popes Head Creek Watershed and the County's Chesapeake Bay Preservation Area. The site is subject to the County's Chesapeake Bay Preservation Ordinance (CBPO). Castle Creek traverses the site in a north-south direction, and is associated with a Resource Protection Area (RPA) as well as an Environmental Quality Corridor (EQC). The area is characterized by a number of environmentally sensitive features including steep slopes, stream valley and densely vegetated hardwood forests. Since 2003, this segment of the stream valley is classified as a RPA. The RPA contains approximately 5.7 acres of land. The RPA and EQC are consistent with the attached map that was generated for the previous submittal (AR 83-S-007-03). The EQC extends beyond the RPA and includes steep slopes near the stream channel. The applicant should protect the EQC in order to be consistent with Comprehensive Plan guidance. Specifically, any agricultural and silvicultural activities should be conducted outside the limits of the EQC.

Agricultural activities within the County's Chesapeake Bay Preservation Area comply with the CBPO through the development and implementation of a Water Quality Management Plan in conjunction with the Northern Virginia Soil and Water Conservation District (NVSWCD). This application will be in conformance with the County's CBPO upon the acceptance, completion and implementation of a current Water Quality Management Plan.

Silvicultural activities may have adverse impacts on surrounding water bodies. Thus, such activities comply with CBPO through the development of a Forestry Management Plan as prescribed by the Virginia Department of Forestry's Best Management Practices Handbook for Forestry Operations and prepared in conjunction with the Virginia Department of Forestry. Staff encourages the applicant to submit an updated Forestry Management Plan. In an effort to enhance water quality in the district, the applicant should identify opportunities to reforest some of the existing grassland in conjunction with the Forestry Management Plan. This application will be in compliance with the County's Chesapeake Bay Preservation Ordinance upon completion of an updated Forestry Management Plan.

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

Barbara C. Berlin
AR 83-S-007-04
Page 8

COUNTYWIDE TRAILS MAP:

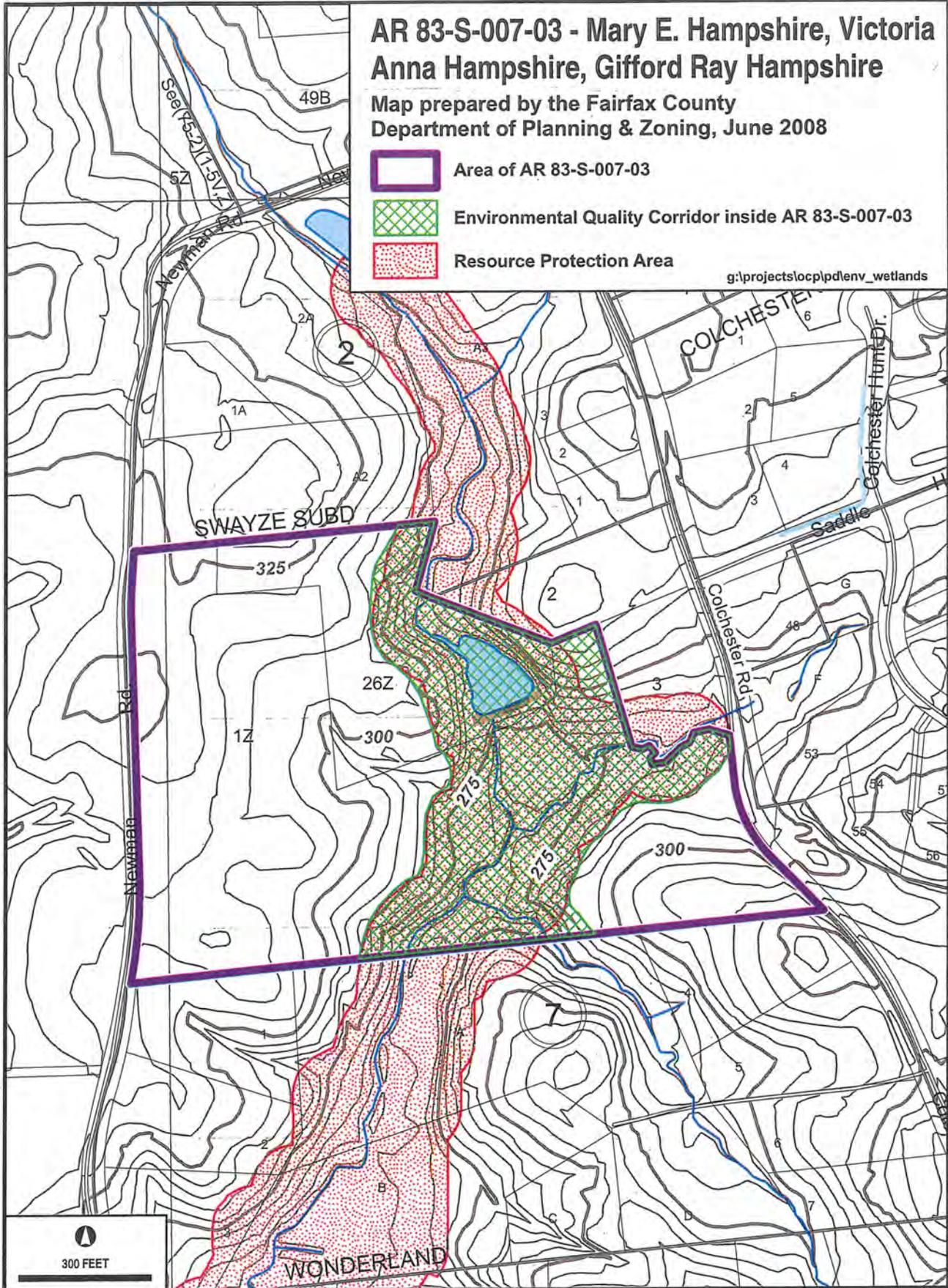
DMJ: ZMF

AR 83-S-007-03 - Mary E. Hampshire, Victoria Anna Hampshire, Gifford Ray Hampshire

Map prepared by the Fairfax County
Department of Planning & Zoning, June 2008

-  Area of AR 83-S-007-03
-  Environmental Quality Corridor inside AR 83-S-007-03
-  Resource Protection Area

g:\projects\locpl\pdenv_wetlands





Northern Virginia Soil and Water Conservation District

12055 Government Center Parkway, Suite #905

Fairfax, VA 22035

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

Tel: 703-324-1460

Fax: 703-423-1421

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

Property Owners/Operators:

Hantslot A&F District – AR 83-S-007-02
 Mary, Gifford, Victoria & Mellisa Hampshire
 6301 & 6295 Newman Road
 Fairfax, VA 22030
 Contacts: Gifford R. Hampshire – 703-901-4254
 Mary E. Hampshire – 703-631-1934

Plan Prepared by:

Willie Woode, Senior Conservation Specialist, NVSWCD

Date:

September 12, 2016

Assessment of operation:

This is a 25-acre property in the Popes Head Creek Watershed, located at 6301 & 6295 Newman Road in Fairfax. Approximately 8.5 acres of the property is in pasture for a two-horse operation. A small patch of land is dedicated to growing flowers for commercial purposes. About 10 acres of riparian and upland areas are kept undeveloped as wildlife refuge. An unnamed, perennial creek with a 0.5 acre in-line pond exists within the wooded area. Adjacent to these permanent water bodies and within the Hampshire property has been delineated 2,090 linear feet of Chesapeake Bay Resource Protection Area (RPA).

The Hampshire property is pending renewal of its Agricultural and Forestal District status. The current land use practices are well managed except for the manure management practice that needs some improvement.

Practices:**1) Nutrient Management (590):**

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

Landowner reserves the right to depend solely on recycled nutrients from properly composted horse waste. However, landowner's consideration to apply lime if 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	Amount	Planned		Applied	
		Month	Year	Amount	Date
1	6.0 ac.	9	2016		
2	1.0 ac.	9	2016		
3	0.5 ac.	9	2016		
4	1.0 ac.	9	2016		
Total	8.5 ac.				

2) Chesapeake Bay Resource Protection Area (RPA) management

Cross-hatch shaded area on your site map provided is the county delineated Chesapeake Bay Resource Protection Area. The RPA is the final barrier for filtering pollutants contained in runoff from adjacent land areas. RPAs are required to be kept vegetated to enhance surface filtration and soil infiltration. A portion of this area is in pasture (Fld. 1). This area must not be allowed to become over-grazed. Pesticide and fertilizer use within these areas should be under highly discretionary conditions.

Fields	Amount	Planned		Applied	
		Month	Year	Amount	Date
1	325 ft.	9	2016		
Residential	450 ft.	9	2016		
Wooded area	1,315 ft.	9	2016		
Total	2,090 ft.				

3) Pest Management (595)

Pest Management will be carried out to control agricultural pest infestation (weeds, insects, diseases) according to current recommendations from the Cooperative Extension Service. The Pest Management Guide is updated annually.

Fields	Amount	Planned Month	Year	Applied Amount	Applied Date
1	6.0 ac.	9	2016		
2	1.0 ac.	9	2016		
3	0.5 ac.	9	2016		
4	1.0 ac.	9	2016		
Sacrifice & Barn Areas	0.3 ac.	9	2016		
Historic Residence	1.0 ac.	9	2016		
Residence	3.0 ac.	9	2016		
Garage	0.7 ac.	9	2016		
Pond	0.5 ac.	9	2016		
Wooded Area	11.0 ac.	9	2016		
Total	25.0 ac.				

4) Prescribed Grazing (528)

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. The area next to the stalls can be converted into sacrifice area. See design (included) for constructing a sacrifice area.

Fields	Amount	Planned Month	Year	Applied Amount	Applied Date
1	6.0 ac.	9	2016		

2	1.0 ac.	9	2016		
3	0.5 ac.	9	2016		
4	1.0 ac.	9	2016		
Sacrifice area	0.3 ac.	9	2016		
Total	8.8 ac.				

5) Waste Storage Facility (313)

Waste is being stacked unprotected from excess water at the location shown in Field 3. Consider constructing a facility with an impervious base and cover as shown in the composter design provided. Until such time when such a facility can be constructed, consider covering the waste pile with a tarp to keep out rain water or snow melt.

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	Amount	Planned Month	Year	Applied Amount	Applied Date
3	1	9	2016		

6) Pond Management

Manage existing pond and its adjacent vegetated buffer areas for water quality improvement and wildlife enhancement purposes. Maintain vegetation stand in buffer areas to improve filtration of pollutants within the established RPA before runoff enters the water body. Additional management information can be provided upon request.

Fields	Amount	Planned Month	Year	Applied Amount	Applied Date
Pond	0.5 ac.	9	2016		

7) Record Keeping

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

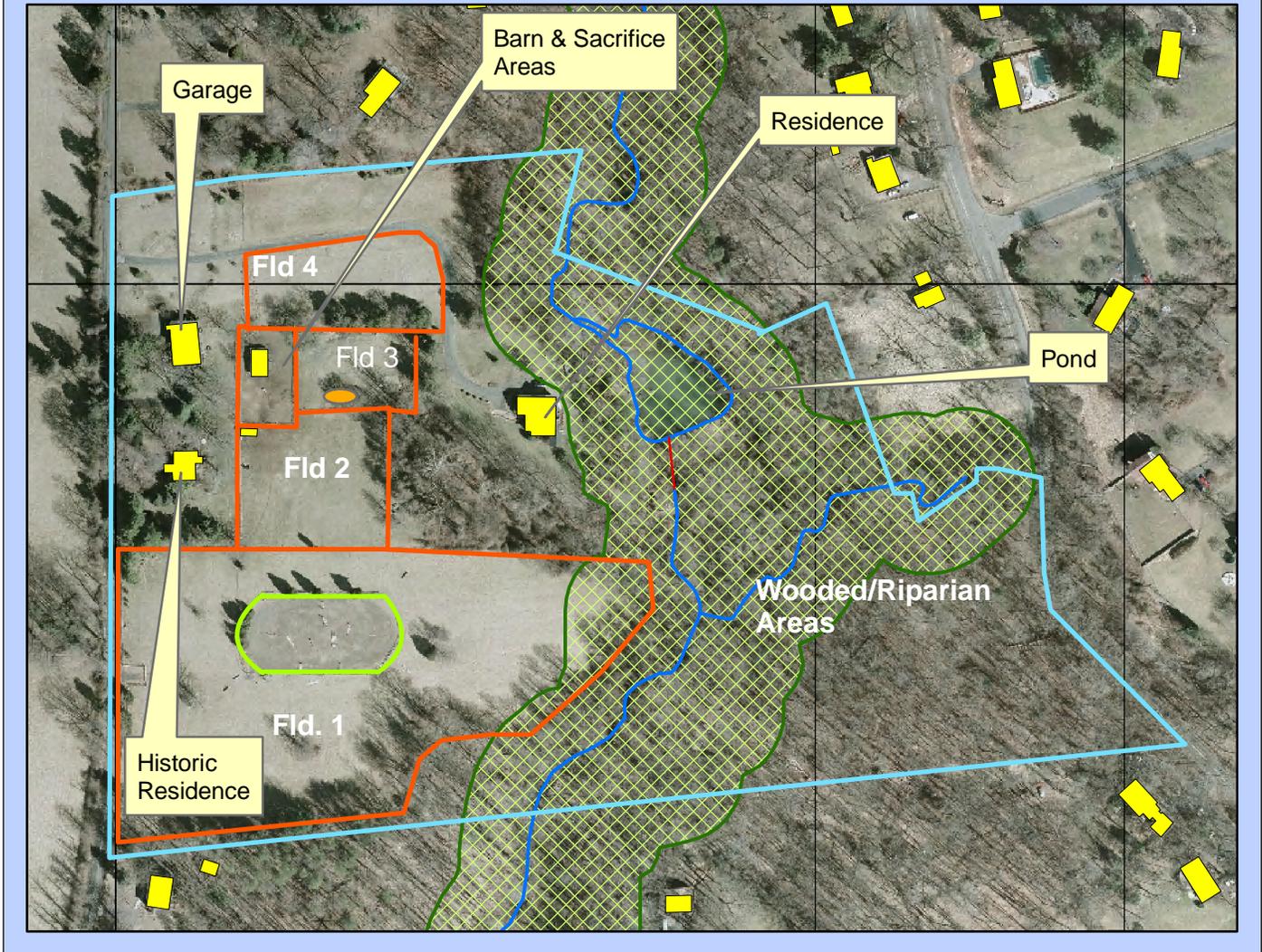
Fields	Amount	Planned Month	Year	Applied Amount	Date
1	6.0 ac.	9	2016		
2	1.0 ac.	9	2016		
3	0.5 ac.	9	2016		
4	1.0 ac.	9	2016		
Sacrifice & Barn Areas	0.3 ac.	9	2016		
Historic Residence	1.0 ac.	9	2016		
Residence	3.0 ac.	9	2016		
Garage	0.7 ac.	9	2016		
Pond	0.5 ac.	9	2016		
Wooded Area	11.0 ac.	9	2016		
Total	25.0 ac.				

**SIGNATURES OF PARTICIPANTS – Hantslot A&F District
AR 83-S-007-04**

Hampshire A&F District

6301 & 6295 Newman Road, Fairfax

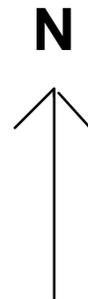
APPENDIX 4



Prepared by Willie Woode - NVSWCD
Using Fairfax County 2007 Ortho-photo and GIS layers

Legend

-  1993 RPAs
-  2003 RPAs
-  2003 (Rev) RPAs
-  Resource Management Areas (RMAs)
-  Property Limits
-  Field Limits
-  Perennial stream
-  Manure stacking area
-  Outdoor Riding Area



0 160 320 640 Feet
(Scale may not be accurate)

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

July 20, 2016

Gifford R. Hampshire
6295 Newman Road
Fairfax VA 22030

Dear Mr. Hampshire:

I visited your property early this morning and found it to be substantially the same as it was when I visited eight years ago. One thing I noted was the absence of hemlock wooly adelgid in the trees along Hampshire road. Although there is dead wood in the canopy of these trees the existing foliage looks very healthy.

Deer browse and invasive species continue to be the primary issues with your forest. There is one new threat for you to be aware of. Walnut twig beetles that carry a fungal disease of black walnuts called Thousand Canker Disease have been collected in Fairfax County. I have enclosed an information sheet to make you aware of the symptoms. You should keep an eye on the walnuts around the house for signs of decline. Unfortunately there is no treatment for Thousand Canker Disease at this time. Aside from being mindful of the threat to the walnut trees, there are no changes to the management plan I wrote for you in June 2008.

As always if you have any questions about managing your forest, please do not hesitate to contact me. For your convenience I will give a copy of this letter extending your existing forest management plan to the Fairfax County Department of Planning and Zoning to include in your re-enrollment application.

Sincerely,

A handwritten signature in cursive script that reads "James McGlone".

James McGlone
Urban Forest Conservationist
Virginia Department of Forestry
12055 Government Center Parkway
Suite 904
Fairfax VA 22035

enc

cc: DPZ, file



EVERETTE L. KLINE, JR.
Regional Forester

COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORESTRY

470 George Dean Drive
Charlottesville, Virginia 22903
(434) 977-5193
FAX (434) 296-3290

June 3, 2008

AR 83-S-007-03
DOF# FAX00004

Mr. Gifford R. Hampshire
6295 Newman Road
Fairfax VA 22030

Dear Mr. Hampshire

It was a pleasure to meet you and walk your property the other day

Enclosed is a forest management plan for your property, which has been prepared based on your objectives and sound forest management practices. Your property has many natural resource features and outstanding forest resources making it a valuable addition to the Agriculture and Forestal program in Fairfax County.

The aerial photo map accompanying this plan is intended to support the recommendations made and clarify the areas of your property discussed in the plan. They are not intended for determining property boundaries.

I have included information on the invasive species I observed on the property. If you have any questions about this plan, please contact me.

Sincerely,

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

James McGlone
Urban Forest Conservationist



REPORT ON FORESTLANDS
OF
The Hampshire Family
6295 Newman Road
Fairfax VA 22030

Location: The property is between Newman and Colchester Roads, approximately 1,200 feet south of the intersection of Colchester and Newman Roads.

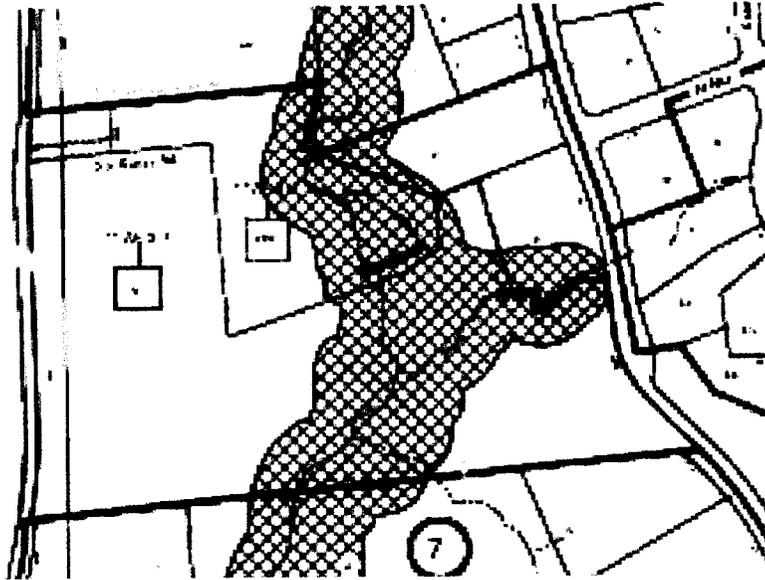
Examined by: James McGlone, Urban Forest Conservationist

Landowner's Objectives: To enhance wildlife habitat and maintain healthy trees for a quality forest.

Introduction: This property is 25 acres approximately 1/2 forested. It is bounded on the east by Colchester Road and on the west by Newman Road. On the north and south it is bounded by properties of varying levels of development. There is a small unnamed tributary of Castle Creek that bisects the property just east of the center line. The western part of the property is horse pasture and home sites. The trees on the property are generally in good health, but there is little regeneration, extensive evidence of deer browse and moderate to severe invasion by non-native plants. The Northern Virginia Soil and Water Conservation District will provide advice on managing the pasture and horses.

Soils: The entire property is underlain by 3 soil types – Glenelg, Manor and Meadowville silt loam. These soils are derived from weathering of micaceous schist and are deep, well to somewhat excessively well drained, acidic soils. These soil types are suitable for growing oak (*Quercus* spp.), hickory (*Carya* spp.), red maple (*Acer rubrum*), tulip poplar (*Liriodendron tulipifera*) and Virginia pine (*Pinus virginiana*) among others.

Resource Protection Areas: as the below map indicates about 1/3 of the property is in a resource protection area (RPA). RPAs are designated around perennial streams by the county pursuant to the state Chesapeake Bay Act. The purpose of the RPA is to protect water quality in the Chesapeake Bay. Under the county ordinance there can be no un-permitted disturbance of vegetation in the RPA. The state enabling legislation does provide for an exception for on going forestry, however Department of Forestry Best Management Practices, which are normally voluntary, are mandatory in RPAs.



Wildlife Habitat: Deer and coyote are reported on the property. The presence of upland forest, pasture and floodplain on the property suggests the possibility of considerable wildlife diversity. Unfortunately excessive deer browse has all but eliminated the shrub and herbaceous layer from the forested area and most of what is in these layers left is non-native vegetation. The loss of these layers significantly reduces the wildlife potential of the site.

Recreation / Aesthetics: this area is desirable for passive recreation such as walking, horse back riding, photography, bird and wildlife watching, and the general observation of nature.

Invasive non-native plants: some non-native species of plants have become aggressive spreaders that push out native plants or keep them from returning. These plants provide either no food for native wildlife or food that provides inferior nutrition relative to the native plants they displace. They may also provide inadequate nesting and resting cover. Shrub and herbaceous invasives displace the native lower levels of the forest and may interfere with the germination of tree seeds. The invasive vines have a draping habit and can smother adult trees. See the stand description below for the invasive plants observed. I have included fact sheets from the Virginia Department of Conservation and Recreation on the observed invasive plants.

Deer Management. The most pressing problem of sound forest management in Fairfax County is managing deer herds. Due to deer browsing we are missing an entire age class of trees throughout the County and the youngest canopy trees in most forest parcels are about 30 years old. That equates to more damage than gypsy moths (and probably all other mortality sources combined) have been able to inflict. While the deer do not threaten our existing trees, they do make regeneration of the forest impossible and lead to the prospect that forests will disappear from Fairfax County over the next hundred years.

There are two solutions. First the property can be fenced and the deer removed. The second is to reduce the number of deer on the property through hunting. Relocation is not possible since all white tail deer habitat is full, so there is nowhere to send them. Managing fertility has proven effective only in captive deer herds. I am enclosing a brochure on deer management in Fairfax County.

Any property owner can bowhunt on their property or allow bowhunting on their property anywhere in Fairfax County. There is no minimum acreage required. Fairfax County has a longer bow season than any other county in Virginia. Ours begins the third Saturday in September and continues through the last Saturday in March. As far as safety goes, the only people who get hurt in bowhunting are the hunters themselves. The Fairfax County Animal Control office reports they have not been able to find an example of a non-participant being injured. Not just here, but anywhere. The Virginia Department of Game and Inland Fisheries (www.dgif.virginia.gov) can provide citizens with details on seasons and other requirements. Property owners do not need a hunting license to hunt on their own property. In cases of extreme damage, the VDGIF can issue a kill permit, which allows taking of deer outside normal hunting seasons

There are organizations which cater to urban deer control on private property. You can contact the local sport hunting groups through the Virginia Bowhunters Association on the web <http://www.geocities.com/~vbarchers/>. Another local organization, Northern Virginia Suburban Whitetail Management (www.deerdamage.org), focuses on deer management rather than sport hunting and can help you work with the Department of Game and Inland Fisheries to control deer populations on your property.

Forest Health: Forest diseases and pests prevalent in the Northern Virginia area: Gypsy moth (oak trees), Woolly adelgid (hemlock trees), Anthracnose (dogwood and sycamore trees) and Emerald Ash Borer (ash trees). The best way to combat outbreaks of these diseases and pests is to know your forest. Walk it frequently and note trees that are looking sickly. Different diseases/ infestations manifest themselves in different ways, some of the common characteristics to note are: severe defoliation, curling discolored leaves (look moldy), masses of insects present in larval forms (worms) or insect fecal matter (masses of black or white droppings). Small holes in the trunk of a tree generally indicate borers and require immediate attention. If you suspect your trees are being attacked by disease or pests contact a certified arborist, the Fairfax County Urban Forest Management Branch at 703-324-1770, the county extension agent at 703-324-5369 or this office at 703-324-1489.

Wildfire: Protection of this property from wildfire is essential. Wildfire can destroy valuable timber and property. Should wildfire occur on this or adjacent property call 911 immediately to report it to the Fairfax County Fire and Rescue Department.

Fields and Home Sites

Forest Type: The trees here consist of landscape trees and hedgerows. Many black walnuts (*Juglens nigra*) have been planted or allowed to grow in the area. Screens of eastern hemlock (*Tsuga Canadensis*) and spruce (*Picea* spp.) have been planted in the western part of this area.

Quality/Size: Most of the trees here are doing well except the hemlock and spruce. The hemlock is infested with hemlock wooly adelgid and is dying. The spruce trees are also failing.

Recommendations: The Hemlock was planted along Newman road as a screen. It is possible to treat landscape hemlocks for wooly adelgid, however these trees are so far gone it is not likely to succeed and be costly. I would remove these trees so they cannot act as a breeding site that will create larger populations of adelgid that might infest other hemlocks on the site.

The spruces were planted along the south side of Mrs. Mary Hampshire's house. These trees provide a screen and buffer to the horse pasture to the south. As these trees fail and need to be removed, consider replacing them with fast growing deciduous trees like tulip poplar (*Liriodendron tulipifera*) or sycamore (*Plantus occidentalis*) and evergreen shrubs like mountain laurel (*Kalmia latifolia*) rhododendron, and azaleas (*Rhododendron* spp.). The shrubs will maintain the buffer and screen year round, while the trees will provide summer shade and allow winter sun; cooling the house in the summer and warming it in the winter.

Mr. Hampshire expressed concern over the amount of shade in the front yard of his house. The best way to increase sun in the yard would be to remove the tulip poplars and other large trees to the west of the house.

The east pasture is partly in the RPA and the eastern end of the pasture comes very close to the stream. Ideally the forest buffer between streams and upland uses like pasture should be 35 feet to protect water quality. As repairs on the pasture fence are needed consider shifting the fence line slightly west to achieve the 35 foot buffer between the stream and pasture.

Invasive plants Tree of heaven (*Ailanthus altissima*) and autumn olive (*Elaeagnus umbellate*) were observed in the forest margins around the pasture. These two invasive species will invade the grassy area if unchecked. Regular mowing will keep them contained, however they should be removed. Removal can be done using herbicide either with a foliar spray or by painting a systemic herbicide on freshly cut stumps. Since they are in the edges of the forest, mechanical removal using a tractor and a chain is also possible. The brush can be used as firewood or to create brush piles for wildlife.

Parcel A

Forest Type: Tulip poplar with some walnut, cherry (*Prunus serotina*) and red maple (*Acer rubrum*) and a few white oak (*Quercus alba*) in the canopy.

Quality/Size: The timber quality of this area is good. The trees are mostly saw timber size.

Recommendations: this area is bounded on the east by the creek that runs north to south through the property. It is heavily infested with invasive plants. In order to improve the quality of this forest both deer browse and invasive plants must be managed. At the very least the vines should be cut at ground level and eye level to create 'windows.' These windows will keep the vines from overwhelming and killing the trees.

Invasive plants Oriental Bittersweet (*Celastrus orbiculatus*) is prevalent in this stand, particularly in the southwest between the house and pasture. This vine completely covers the ground in some places and is beginning to over-drape and kill some trees. Mixed with the bittersweet is multi-flora rose (*Rosa multiflora*), Japanese honeysuckle (*Lonicera japonica*) and possibly Porcelain-berry (*Ampelopsis brevipedunculata*). All of these plants can be controlled using the same methods. Removal will be difficult and probably take several years. The first priority should be to contain these plants by cutting them out of trees and cutting new growth as it encroaches on new areas. Removal should be done in sections starting in the woodline to the east of the house. This will help keep invasive plants out of Parcel B, which has very few invasives at this time.

Parcel B

Forest Type: This area is predominantly oak forest with white oak, pin oak (*Q. palustris*), black oak (*Q. velutina*), northern red oak (*Q. rubra*) and southern red oak (*Q. falcata*) present. There are also a few beech (*Fagus grandifolia*) and red maple breaking into the canopy. The understory consists of American hophornbeam (*Carpinus caroliniana*) and young beech, maple, and American holly (*Ilex opaca*). There were a few small blueberries (*Vaccinium* spp.) present in the shrub layer as well.

Quality/Size: The timber quality of this area is good. The trees are mostly saw timber size measuring over 20 inches diameter at breast height.

Recommendations: this area is partly meeting the landowners' objectives. The landowner should manage the deer population on this property to improve habitat for ground nesting birds and mammals. Given that there are large parcels within one mile on which no deer management is practiced, the landowner may wish to investigate the Virginia Department of Game and Inland Fisheries Deer Management Assistance Program, which allows a larger take of antlerless deer.

The presence of holly, red maple and beech in the sub-canopy indicate this forest is succeeding to a climax holly-maple-beech forest. The wildlife value of the forest can be enhanced and this process arrested at the same time by girdling the larger beech and maple trees to create snags or standing dead trees. The smaller trees can be cut and used to create brush piles. Brush piles would be particularly useful if they incorporated some of the downed tree trunks. See enclosed information on building brush piles. The fallen dead wood has good wildlife value and should be left in place except as used for brush piles.

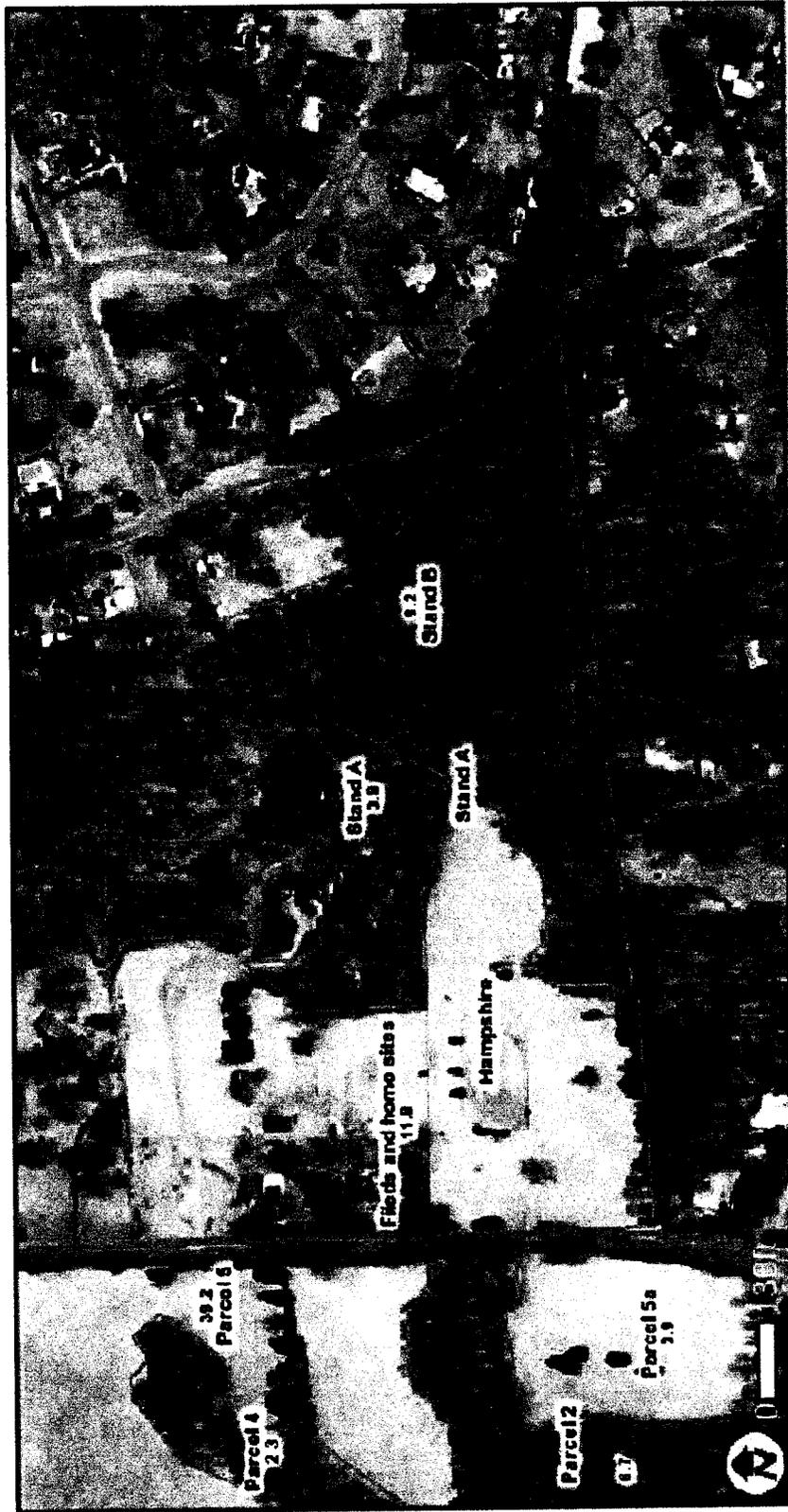
Invasive plants The only invasive plant noticed in this stand was Japanese Stilt Grass (*Microstegium vimineum*). This can be controlled with a 0.5% solution of glyphosate herbicide. This area should be walked frequently and invasive plants removed as they are found before they become established.



Virginia Department of Forestry
Protecting and Developing Healthy, Sustainable Forest Resources

Hampshire A&F District

Map for AR 63-S-007-03; FAX00004



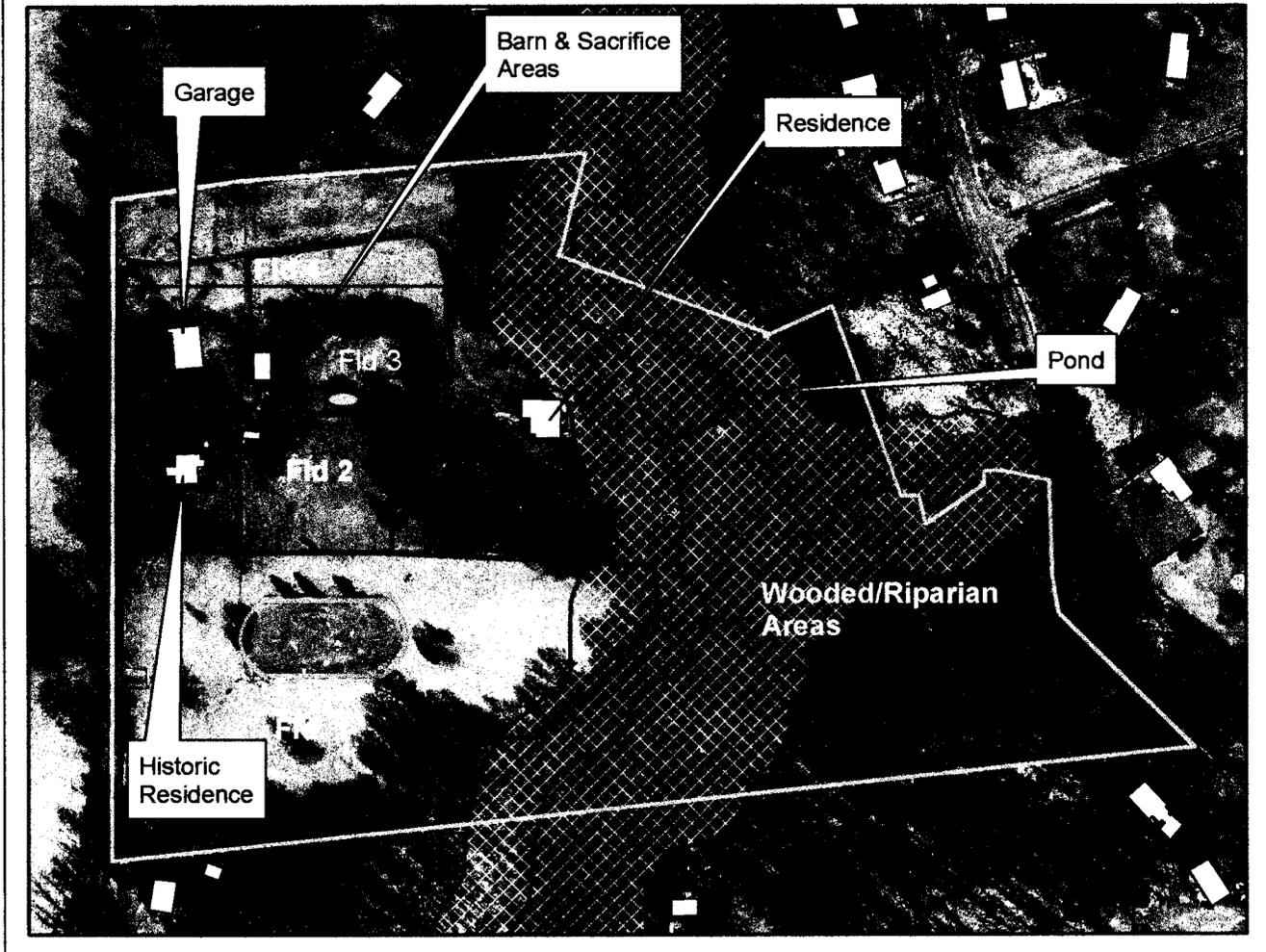
Parcel boundaries on the map are for the Vaaccuz A&F District. Map boundaries and acreage are approximate based on aerial photography.

Map By: James M. Voglione

Report Date: 06/03/2006

Generated by the Integrated Forest Resources Information System - Copyright © 2006 Virginia Department of Forestry

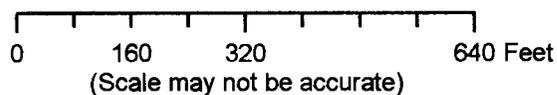
Hampshire A&F District 6301 & 6295 Newman Road, Fairfax



Prepared by Willie Woode - NVSWCD
Using Fairfax County 2007 Ortho-photo and GIS layers

Legend

-  1993 RPAs
-  2003 RPAs
-  2003 (Rev) RPAs
-  Resource Management Areas (RMAs)
-  Property Limits
-  Field Limits
-  Perennial stream
-  Manure stacking area
-  Outdoor Riding Area





County of Fairfax, Virginia

MEMORANDUM

DATE: 7/5/2016

TO: Michael Lynskey, ASLA, Zoning Evaluation Staff Coordinator

FROM: Stephanie Goodrich, Historic Preservation Planner

SUBJECT: Heritage Resource Comment

AR 83-S-007-04

6295 and 6301 Newman Road, Fairfax

Tax id #76-1 ((1)) 1Z, 76-1 ((1)) 26Z

Hampshire; Gifford R., Mary E., Melissa V., Victoria A.

Background: The subject parcel #76-1 ((1)) 1Z is listed in the Fairfax County Inventory of Historic Sites as "Hantslot," but is not within the boundaries of a Fairfax County Historic Overlay District or listed in *The National Register of Historic Places*.

Tax Map Parcel 76-1 ((1)) 26Z 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 in *The National Register of Historic Places*.

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

Findings:

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

Heritage Resource memo
AR 83-S-007-04
Page 2

COMPREHENSIVE PLAN CITATIONS:

Planning Location: Fairfax County Comprehensive Plan, 2013 Edition Area III Pohick Planning District, Amended through 10-20-2015 Overview, Heritage Resources, Page 12, The Plan States:

**FIGURE 4
INVENTORY OF HISTORIC SITES
POHICK PLANNING DISTRICT
(Inventory as of 2013)**

Name	Location	Planning Sector	Parcel Number	Date
Hantslot	6301 Newman Road Clifton	P3	76-1 ((1)) 1Z	1890/1891

Area Plan: Fairfax County Comprehensive Plan, 2013 Edition as amended through October 20, 2015, Area III, Pohick Planning District, P3 Johnny Moore Community Planning Sector, Overview, Heritage Resources Section, on page 45, the Plan states:

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

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

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

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



County of Fairfax, Virginia

MEMORANDUM

DATE: July 15, 2016

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

FROM: Michael A. Davis, Acting Chief *JCL for MAD*
Site Analysis Section
Department of Transportation

FILE: 3-4 (AF 83-S-007)

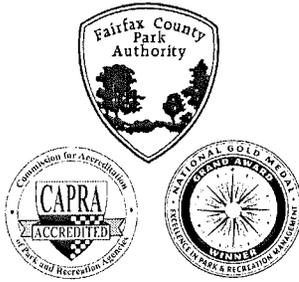
SUBJECT: Transportation Impact

REFERENCE: AR 83-S-007-04; Gifford Ray Hampshire, Mary E. Hampshire, Victoria Anna Hampshire, Melissa V. Hampshire
Land Identification Map: 076-1 ((1)) 0001Z, 0026Z

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



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

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

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

DATE: July 06, 2016

SUBJECT: AR 83-S-007-04, Mary, Victoria Anna, Gifford Ray, and Melissa V. Hampshire
Tax Map Numbers: 76-1((1)) 1Z, 26Z

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

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

-2-

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.

-3-

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.