STAFF REPORT  
AF 2021-SP-001  
CRUMP AGRICULTURAL AND FORESTAL DISTRICT APPLICATION  
SPRINGFIELD DISTRICT  

APPLICANT:  Rebecca Crump  
ZONING:  Residential Conservation (R-C); Water Supply Protection Overlay District (WSPOD)  
PARCEL(S):  95-3((1)) 2, 2A, and 2B  
LOCATION:  12000 Henderson Road  
SITE ACREAGE:  22.01 acres  
PLAN RECOMMENDATION:  Residential (0.1-0.2 du/acre) and Private Open Space  
PROPOSAL:  Establishment of a new Agricultural and Forestal District  

STAFF RECOMMENDATIONS:  
Staff recommends that Appendix F of the Fairfax County Code be amended to establish the Local Agricultural and Forestal (A&F) District subject to the proposed Ordinance Provisions contained in Appendix 1 of this report.  

It should be noted that approval of an A&F District application does not automatically qualify a property for land use value assessment. Upon application to the Department of
Tax Administration (DTA) for taxation on the basis of land use assessment, DTA must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines, including minimum acreage, for either use, as required by Title 58.1 of the Code of Virginia, which is found in Appendix 8.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any development conditions, relieve the applicant/owner from compliance with the provisions of any 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 A&F District does not interfere with, abrogate, or annul any easement, covenants, or other agreements between parties as they may apply to the property subject to this application.

For information, contact the Planning Division, Department of Planning and Development, 12055 Government Center Parkway, Suite 730, Fairfax, Virginia 22035-5505, (703) 324-1380.
Applicant: REBECCA CRUMP
Accepted: 02/04/2021
Proposed: ESTABLISHMENT OF AN AGRICULTURAL AND FORESTAL DISTRICT
Area: 22.01 AC; DISTRICT - SPRINGFIELD
Zoning Dist Sect: Located: 12000 HENDERSON ROAD, CLIFTON, VA 20124
Zoning: R-C
Overlay Dist: WS
Map Ref Num: 095-3-01/0002 01/0002A 01/0002B
DESCRIPTION OF APPLICATION

AF 2021-SP-001 is a request to establish the Crump Local Agricultural and Forestal (A&F) District in the Springfield District, for an initial eight-year term under the provisions of Chapter 115 of the Fairfax County Code. A&F Districts encourage the preservation of significant tracts of agricultural and forested land throughout the county by providing a reduced real estate tax assessment in exchange for a commitment to preserve the land for the length of the term. While certain exceptions are permitted, the land is expected to remain at its present use and development intensity for the extent of the eight-year term. Removal of the district before the conclusion of the term is subject to a penalty and payment of roll back taxes, per the terms in Article 6 of Chapter 115.

Applicant: Rebecca Crump
Acreage: 22.01 acres

Uses:
- Active agriculture: 9.01 acres
- Forest or Undeveloped: 11.00 acres
- Residential: 2.00 acre
Total Acreage: 22.01 acres

The proposed Ordinance Provisions are contained in Appendix 1; a copy of the application is contained in Appendix 2.

LOCATION

The subject property, composed of three parcels, is in the Clifton area of Fairfax County at 12000 Henderson Road, approximately 3 miles southeast of the Clifton town limits and 2.6 miles southwest of the intersection of Clifton Road and Wolf Shoals Road. Fountainhead Regional Park is approximately 400 feet south of the subject property. Two access points, located on opposite sides of the property, provide access from Henderson Road. The property is zoned R-C (Residential Conservation) and in the Water Supply Protection Overlay District (WSPOD); it is surrounded by properties similarly zoned. The Comprehensive Plan depicts the eastern portion of the property as planned for residential development at densities of 0.1-0.2 dwelling units per acre (du/ac); the western portion is planned for private open space. As seen in Figure 1 below, two other A&F Districts are in the immediate vicinity and range in size from 23 to 40 acres. The Ashleigh of Clifton subdivision, developed in the early 1990s, is northeast of the property and consists of single-family residences on lots of approximately one acre. The subject property is one of the larger properties in the area.
BACKGROUND AND CHARACTER

The three parcels constituting the 22.01-acres subject to this proposed A&F District were purchased by Donald and Chesley Crump in 1991. Donald Crump passed away in August of 2020, and the applicant, Rebecca Crump, is acting on behalf of Chesley Crump, Rebecca Crump’s mother, the remaining property owner, in filing the application to form the A&F District. The applicant has indicated that she and her husband, Brian Bennett, provided care for Mr. Crump in the Crumps’ home for the last several years of his life. Rebecca Crump and Brian Bennett currently live on the property.

Approximately 50-percent of the property is developed with residential and agricultural uses. This development includes a 7,360 square foot residence, swimming pool, tennis court, a 9,500 square foot riding arena/stables, barns, and chicken coops. The remainder of the developed portion consists of mown pasture framed by white wooden horse fencing. The remainder of the property is forested and undeveloped and consists of a Major Floodplain and Resource Protection Area (RPA) associated with Wolf Run and associated tributaries on the western portion (as further discussed below), and upland forested area on the eastern portion of the property. A small pond,
approximately 7,500 square feet, is located along the eastern property edge. Figure 2 depicts site features; the following table indicates the year they were built.

![Figure 2: Property Features, Source: Fairfax County GEM with added graphics by staff.](image-url)

<table>
<thead>
<tr>
<th>Structures on the Property (from application)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel</td>
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<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>Main dwelling</td>
</tr>
<tr>
<td>Barn</td>
</tr>
<tr>
<td>Stable/Riding Arena</td>
</tr>
<tr>
<td>Metal Barn</td>
</tr>
<tr>
<td>Chicken Coop</td>
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<tr>
<td>Woodshed</td>
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<tr>
<td>Gazebo</td>
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</tbody>
</table>
Other improvements made by the owners include two fountains, a circular pool and fountain jet at the front entry, and a hillside fountain and waterfall on an adjoining slope (see Figures 3-4). The owners also connected areas of the property with paved asphalt drives; just under a half mile of paved drives currently exists (See Figure 5 and 6). Previously, two horses were kept on site; however, there are no horses or other livestock currently on the property. A recent flood destroyed fencing and the horses were moved offsite; the applicants may return horses to the property in the future. Based on information provided by the applicants, staff understands that all previous equestrian uses have been for the owners only and is intended to remain that way.

Figure 3: Residence and circular pool/fountain at entry, Source: DPD Staff

Figure 4: Hillside fountain adjacent to residence, Source: DPD Staff
The property is in the Wolf Run Watershed of Fairfax County. The Fairfax County Watershed Masterplan includes areas of this property for stream restoration. Approximately 8.37 acres (38-percent) of the property is classified as RPA and
5.4 acres (25-percent) is classified as Major Floodplain, which surrounds the headwaters of Wolf Run, the major stream that traverses the western property boundary. Protecting RPA and Floodplain were critical in developing the Ordinance Provisions in Appendix 1, which delineate watershed protection areas to remain undeveloped and restore previously disturbed areas of RPA.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III
Planning District: Pohick
Planning Sector: P5-Dominion
Plan Map: Residential use at 0.1-0.2 du/ac and Private Open Space

STAFF ANALYSIS

Land Use Analysis (Appendix 3)
Designation of this property as an Agricultural and Forestal (A&F) District would be consistent with Comprehensive Plan guidance to develop this area at very low residential densities (0.1-0.2 dwelling units per acre) and to preserve it as Private Open Space to protect water quality. The Comprehensive Plan also encourages the use of A&F Districts to preserve the rural character of this environmentally sensitive area. The proposed A&F District and the recommended Ordinance Provisions, if approved, are in keeping with the goals and objectives of the Comprehensive Plan and the R-C zoning district to maintain the open, rural quality of area and to preserve water quality in the Occoquan Reservoir.

Environmental Analysis (Appendix 3)
The property lies within the Wolf Run Watershed, WSPOD, and is approximately 400 feet from Fountainhead Regional Park, which drains directly into the Occoquan River. Approximately thirty-eight percent of the site (the western portion adjacent to Wolf Run), is in Major Floodplain and RPA; approximately half of the RPA has been disturbed, as it predates the Chesapeake Bay Preservation Ordinance and is grandfathered as an existing encroachment.

As part of the formation of this district, 5.48 acres of Environmental Quality Corridor (EQC) as defined in Objective 9 of the Environment Element of the Policy Plan of the
Comprehensive Plan, has also been established, as shown on the Environmental Map included in Appendix 3. Although the proposed boundary is largely coterminous with the floodplain boundaries to the southern half of the site and RPA boundaries to the northern half, the boundary diverges so that it excludes the previously disturbed existing stable/indoor riding arena while incorporating the steep slopes in the wooded area to the north, resulting in additional protection of the headwaters of Wolf Run. All land area within the EQC should be undisturbed except for existing pasture, replacement of the fence, and enhancement/restoration efforts in the proposed buffer area as further discussed below. Restoration efforts should be limited to native plantings including grasses, shrubs, and trees. No further development should occur in the EQC. Preserving the additional land area will ensure that the streams, steep slopes, problem soil area, and wetlands are preserved and protected.

Wolf Run meanders along the southwest border of the property and continues west as it leaves the property. Tributaries from the north meet Wolf Run mid-way along the western border. A non-perennial stream crosses the site from east to west at its midsection, running across mown pasture before entering Wolf Run. Erosion and head cutting is occurring currently on Wolf Run; banks are eroding exposing tree roots and the stream is filled with fallen trees. Areas of erosion and periodic flooding also occur on site. Best management practices discussed in both the Soil and Water Quality Conservation Plan and the Forest Stand plan will help improve the site, as discussed in greater detail below.

Soil and Water Conservation Analysis (Appendix 4)

A Soil and Water Quality Conservation Plan (SWQCP) was prepared by Willie Woode, Senior Conservation Specialist from the Northern Virginia Soil and Water Conservation District (NVSWCD) dated February 12, 2021. A site assessment found a significant portion of field 1, previously used for equine pasture, within RPA and Major Floodplain. Equine areas within the RPA are grandfathered under the Chesapeake Bay Preservation Ordinance because their encroachments pre-date the ordinance. Perimeter fencing between the pasture and Wolf Run are missing, as they were damaged during a flood and had to be removed; consequently, horses were moved offsite. A critical recommendation of the SWQCP includes reinstalling perimeter fencing prior to the horses returning, using the alignment shown in the map attached to the report. Another critical recommendation of the SWQCP recommends the creation of a 35-foot vegetative buffer of native shrubs to provide a filter barrier to pollutants contained in the stormwater runoff from adjacent land.
The total list of critical and recommended items from the SWQCP are included below. The items identified as “critical” must be implemented within the first year of the establishment of the A&F District. The “other recommended items” must be implemented at the appropriate time as noted in the SWQCP. Proposed Ordinance Provision #5 requires conformance with the approved SWQCP, dated February 12, 2021, for the life of the District.

Critical recommendations:

- Nutrient Management
- Pasture establishment
- Fencing
- Integrated Pest Management
- Chesapeake Bay RPA Management
- Waste management

Other recommended items:

- Rotational grazing
• Record Keeping
• Channel repair upstream of Wolf Run where headcutting is occurring
• Pond repair (See Figure 8 below)

Forestry Analysis (Appendix 5)
Jim McGlone, Urban Forest Conservationist, for the Virginia Department of Forestry (VDOF), visited the subject property on December 2, 2020. Based on this site visit, several recommendations were made regarding eleven (11) acres of trees that consist of three distinct stands and are summarized below. Proposed Ordinance Provision # 6 requires conformance with the Forest Stand Plan.

• Stand A: Mixed bottomland hardwood composed of river birch, sycamore, American hornbeam, tulip poplar, and red maple. Recommendations include the following:
  o Establishing a stream management zone 50 feet on either side of the stream.
  o Removing non-native invasive species, particularly Oregon Grape.
  o No tree cutting or removal should occur from June 1 to July 31 due to possible pupping of bat species in this forest stand.

• Stand B: Acidic oak hickory, composed of multiple oak species, black gun, black walnut, American holly, American beech, hemlock, and flowering dogwood, tulip poplar. Recommendations include the following:
  o No tree cutting or removal should occur from June 1 to July 31 due to
possible pupping of bat species in this forest stand.

- Treat hemlock for adelgids according to recommendations provided by VDOF.

- **Stand C:** Scattered volunteer and planted trees composed of red maple, river birch, Virginia pine, and mistletoe. Recommendations include the following:
  - Expanding riparian stream buffer to a minimum width of 35 feet by planting trees listed in Stand A.
  - Consult with the Virginia Cooperative Extension regarding boxwood decline.
  - Implement improvements to the pond (shown in Figure 8), which include regrading and installing a new pipe and stone line pool.
  - Manage dead and dying trees in the pasture.
  - Removing and managing invasive, non-native plants, specifically burning bush and Japanese barberry.
    - The winged burning bush hedge should be managed to prevent seed setting by hedging it after flowering. Alternatively, it can be removed.
    - Japanese barberry should be removed.

**Park Authority Analysis (Appendix 6)**

The Fairfax County Park Authority (FCPA) 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.”

The property has been subjected to archival cultural resources review and has high potential to contain significant archaeological sites. The FCPA has requested that the applicant agree to perform a Phase I archeological study if ground disturbance is to occur in the future. This has been included as an Ordinance Provision.

**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 A&F 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.**

   Slightly over half of the property (11 of the 22 acres) is currently undeveloped, with the remainder of the property developed. Developed areas include the residence, equine related and farming structures (including a 9,500 square foot stables/indoor riding area), recreational features (including a tennis court and swimming pool), and decorative foundations, including a rock waterfall. While the property currently has no equestrian use, the applicant has indicated that it will likely return in the future, consistent with past use. Therefore, this standard is satisfied.

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

   The property is zoned to the R-C zoning district. Therefore, this standard 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 proposed district is in conformance with the Comprehensive Plan which recommends a density of 0.1-0.2 dwelling units per acre, Private Open Space, agriculture, and Environmental Quality Corridor as appropriate uses within an A&F District. A&F Districts are also encouraged in the Dominion Planning Sector of the Comprehensive Plan to preserve the rural character of environmentally sensitive areas. Therefore, this standard is 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 subject property for low-density residential uses at 0.1 to 0.2 dwelling units per acre and Private Open Space. Therefore, this standard is 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.

The three parcels included in the proposed Crump Local A&F District are contiguous and contain 22.01 acres. Of the 22.01 acres, approximately nine acres are in active agriculture use while 11 acres are currently undeveloped. Therefore, this standard is generally satisfied.

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

The subject property exceeds 20 acres in size and is made up of (3) contiguous parcels that are owned by the same family. Therefore, this standard is satisfied.

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

The applicant has indicated that over two thirds of the site is Class I soil. Therefore, this standard is satisfied.

8. **Agricultural land in the district should be used in a planned program of soil management, soil conservation, and pollution control practices which are intended to reduce or prevent soil erosion, maintain soil nutrients, control brush, woody growth and noxious weeds on crop land, hay land, and pasture land, and reduce non-point source pollution.** Exceptions to this criterion may be made only for those
agricultural lands which, upon initial application for the establishment of a district are not used in such a program, but for which a conservation plan is being prepared or has been requested from the Northern Virginia Soil and Water Conservation District.

The applicants have agreed to implement the Soil and Water Quality Conservation Plan prepared by NVSWCD, dated February 12, 2021, and signed by the applicants on March 31, 2021, as noted in the Ordinance Provisions. Therefore, this standard is 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 Department of Forestry.

Erosion is currently occurring on the property. Both the NVSWCD and the VDOF recommend the establishment of buffers along Wolf Run. The applicant has agreed to these conditions and would be expected to establish the vegetated buffer and remove invasive species as specified in Appendices 4 and 5. Therefore, this standard 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. 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.

This property was established for equestrian use when the applicant purchased the property. While the property does not currently contain horses, the applicant has stated their intent to return horses to the property in the future upon completion of fence repairs. Therefore, this standard is 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 applicant has not produced or sold any farm or forest products from the property in the last five years; therefore, this standard has not been met.
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 contributes to the scenic vistas and aesthetic quality of view from Henderson Road and contributes to maintaining the existing rural character of the area. Therefore, this standard is satisfied.

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

As noted, the property has been subjected to archival cultural resources review and has high potential to contain significant archaeological sites. The FCPA has requested that the applicant agree to perform a Phase I archeological study if ground disturbance is to occur in the future. This has been included as an Ordinance Provision. Therefore, this standard is satisfied.

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

This property is experiencing erosion in several locations, which is partially attributable to stormwater runoff from properties upstream. As previously discussed, recommendations have been made to remediate current conditions and are included as Ordinance Provisions. With acceptance of the Ordinance Provisions, this standard is satisfied.

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

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

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

The property is not located within a permanent open space easement; therefore, this standard is not satisfied. Staff suggested the applicant consider the creation of a permanent open space easement independent of this process.

As previously noted, these criteria serve as a guide in determining whether an agricultural district should be established; they are not a prerequisite for establishing a
district. 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

On May 18, 2021, the Agricultural and Forestal District Advisory Committee (AFDAC) met to review the current application and voted to recommend to the Planning Commission and Board of Supervisors that the Crump Local Agricultural and Forestal District be approved, subject to the Proposed Ordinance Provisions contained in Appendix 1 of this report.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

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

Staff Recommendations

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

It should be noted that approval of an Agricultural and Forestal District application does not automatically qualify a property for land use value assessment. Following Board action on an application, the Department of Tax Administration must independently determine if the subject property meets the definition of either agricultural and/or forestal use, as well as the appropriate guidelines for either use, as required by Chapter 58 of the Code of Virginia, which is found in Appendix 7.

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

2. Application Form / Statement of Justification
3. 2021 DPD Land-Use/Environmental Analysis
4. Soil and Water Quality Conservation Plan
5. Forest Management Plan
6. Park Authority Analysis
7. Site Development and Inspections Division Analysis (SDID)
8. Fairfax County Code, Chapter 115 – “Local Agricultural and Forestal Districts”
9. State of Virginia Code, Title 58.1, Chapter 32
10. AFDAC Recommendations
11. Glossary of Terms
If it is the intent of the Board of Supervisors to establish the Crump Local Agricultural and Forestal District as proposed in application AF 2021-SP-001 pursuant to Chapter 36.1 of Title 15.1 of the Code of Virginia and AF 2021-SP-001 Chapter 115 of the Fairfax County Code on Tax Map Parcels 95-3 ((1)) 2, 2A, and 2B, staff recommends the approval be subject to the following Ordinance Provisions:

**Standard Provisions (From Chapter 115)**

1. That no parcel included within the district will 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 will not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, as represented in the application materials associated with this approval and as remains in conformance with the approved Soil and Water Quality Conservation 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 will 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 Conservation Plan for the property.

3. That land used in agricultural and forestal production within the agricultural and forestal district of local significance will 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 will be reviewed by the Board of Supervisors at the end of the
eight-year period and that the Board may by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land will be included in any agricultural and forestal district of local significance without such owner's written approval.

**Additional Provisions**

(5) The Applicant will implement and abide by all recommendations of the Soil and Water Quality Conservation Plan, prepared by the Northern Virginia Soil and Water Conservation District (NVSWCD) dated February 12, 2021, for the life of the Crump Local Agricultural and Forestal District, until such time when the plan may be revised. All Best Management Practice recommendations designated as “critical” in the Plan will be implemented within the first year of establishment of the District. Per the recommendations, the Applicant will provide a minimum 35-foot-wide vegetative buffer adjacent to Wolf Run. Requests for inspections to ensure the success of the buffer or for recommendations to improve its survivability can be made to NVSWCD by the landowner/management. Prior to the return of horses, the Applicant will also install fencing as recommended by the NVSWCD. It will be the responsibility of the landowner/manager to contact the NVSWCD for plan revisions. Revisions may be done when the nutrient management plan expires, agricultural land use practices change, and/or facilities and operations are modified. Funding and technical assistance may be available through the Virginia Conservation Assistance Program (VCAP), or the Virginia Agricultural Best Management Practice Cost Share Program.

(6) The Applicant will implement and abide by all recommendations from the Virginia Department of Forestry (VDOF) dated December 2, 2020 for the life of the Crump Local Agricultural and Forestal District. The recommendations may be updated from time to time as determined necessary by VDOF.

(7) Wooded areas delineated as Environmental Quality Corridors (EQCs) on a map dated June 1, 2021 will be left undisturbed, with the exception of selective thinning operations and removal of noxious weeds and invasive species performed to enhance existing vegetation and the removal of dead, dying and diseased
vegetation, in accordance recommendations from the Virginia Department of Forestry. No new clearing of RPA shall take place beyond the limits of previous disturbance that has been grandfathered in.

(8) Horses will be prohibited outside fenced areas delineated on the Soil and Water Quality Conservation Plan prepared by the Northern Virginia Soil and Water Conservation District.

(9) The parcel has been subjected to archival cultural resources review and has high potential to contain significant archaeological sites. The Applicant agrees to do a Phase I archeological study if ground disturbance is to occur in the future.

(10) 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 will 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.

(11) 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 will 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 will include an opportunity for the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.
APPLICATION FOR THE ESTABLISHMENT OF A
AGRICULTURAL AND FORESTAL DISTRICT

FAIRFAX COUNTY

1. Type of application: Local (X)  Statewide ( )
   Initial (X)  Amendment ( )  Renewal ( )

2. Please list the Tax Map number, the name and address of each owner and other
   information for each parcel proposed for this district:

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</tbody>
</table>

   Rebecca Crump
   Brian Bennett
   Chesley Crump
   12000 Henderson Rd
   Clifton VA 20124

3. Total acreage in the proposed district: 22.01 acres.

4. Using the definitions on the instruction sheet, indicate the number of properties
   included in this application: farm ____  forest ____
5. Name, address and telephone number of the property owner or representative who will act as a contact person for this application:

Name: REBECCA CRUMP
Address: 12000 HENDERSON RD
          CLIFTON VA 20124
Telephone: 703-250-7004 OFFICE
          703-909-2120 CELL

6. Signature of all property owners:

[Signatures]

TO BE COMPLETED BY THE COUNTY

Date application accepted: 2/4/2021
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:

<table>
<thead>
<tr>
<th>Structure</th>
<th>Year built</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAIN DWELLING</td>
<td>1976</td>
<td>RESIDENCE</td>
</tr>
<tr>
<td>BARN</td>
<td>1978</td>
<td>HORSE</td>
</tr>
<tr>
<td>STABLE</td>
<td>1988</td>
<td>HORSE</td>
</tr>
<tr>
<td>METAL BARN</td>
<td>1976</td>
<td>STORAGE</td>
</tr>
<tr>
<td>CHICKEN COOP</td>
<td>1976</td>
<td>EMPTY</td>
</tr>
<tr>
<td>WOOD SHED</td>
<td>1976</td>
<td>STORAGE</td>
</tr>
<tr>
<td>GAZEBO</td>
<td>1988</td>
<td>NO USE</td>
</tr>
</tbody>
</table>

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:

________________________________________________________________________
________________________________________________________________________
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________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

- 3 -
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: 

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

If yes, date submitted: CONTACTED WILLIS WOOD ON 11-9-20

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

<table>
<thead>
<tr>
<th>Product</th>
<th>Past year’s yield</th>
<th>Average yield for previous 4 years</th>
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</table>
FARM PROPERTY

1. Please check the appropriate description of the farm:
   - [ ] Owner-operated, full-time.
   - [x] Owner-operated, part-time.
   - [ ] Farm manager operated.
   - [ ] Rented to another farmer
     Portion of farm rented: ___all ________ acres.
   [ ] Other. Please describe: ______________________________

2. List the acreage of the property which is in the following uses:
   - Active agricultural uses _______ acres.
   - Forested or undeveloped _______ acres.
   - Residential uses _______ acres.
   - Total acreage _______ acres.

3. Does the farm operation require that tractors or other slow moving vehicles use
   public roads: ___ yes ___ no
   If yes, which roads will be used:
   ______________________________

4. Please estimate the number of vehicles entering or leaving your farm each day:
   ___ cars, vans and pickup trucks ___ heavy trucks.

FOREST PROPERTY

1. List the acreage of the property which is in the following uses:
   - Future timber or pulpwood harvesting _______ acres
   - Christmas tree production and harvesting _______ acres
   - Firewood production and harvesting _______ acres
   - Conservation _______ acres
   - Residential uses _______ acres
   - Other: _______ acres
   - Total acreage _______ acres

2. If tree harvesting is planned, what roads or rights-of-way will be used for access:
   ______________________________
JUSTIFICATION FOR ESTABLISHING A LOCAL AGRICULTURAL AND FORESTAL DISTRICT

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.

The entire property has been an Equestrian Farm since we purchased it. The total acreage would be just under 21 acres not counting 1 acre for the primary residence therefore the criteria has been met.

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

The property is listed as an RC District therefore the criteria has been met.

(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.

The majority of the subject property is identified on the Comprehensive Plan as Private Open Space with a small portion identified as .1-.2 dwelling units per acre.

(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.

Within 500 feet of our property a forty acre property is already an A&F designated parcel. We are also surrounded by multi acre parcels, therefore this meets the criteria.

(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.

The property is just under 22 acres therefore it meets the criteria.

(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.

There are no other properties included in this application that do not meet the criteria.

(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.

The property contains over two thirds of class 1 soils therefore it meets the criteria.

(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.

A conservation plan was requested and Mr. Willy Woode inspected the property and is preparing his findings, therefore it meets the criteria.

(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.

Both the Northern Virginia Soil and Water Conservation District and the Virginia Division of Forestry are completing their reports for this application therefore it meets the criteria.
(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.

*The evidence of investment is overwhelming with this property. Two barns, A Riding Stable, and thousands of feet of Agricultural Rated Composite Four Board Fencing have been constructed therefore the criteria has been met.*

(b) **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.
   *This criteria has not been met*

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, improves the aesthetic quality of views from Henderson Road, while maintaining a rural character of the area, therefore it meets the criteria.*

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.
   *This criteria has not been met*

4. Farming or forestry operations practice unique or particularly effective water pollution control measures (BMP's).
   *This property has always exercised a successful BMP program therefore the criteria has been met.*

5. The land is zoned R-A, R-P or R-C.
   *The property is zoned RC therefore the criteria has been met.*

6. The land is entirely in a permanent open space easement. (13-83-115; 21-95-115.)
   *This criteria has not been met.*
Written Statement of Justification

Local Agricultural and Forestal Districts
12000 Henderson Road
Clifton, Va. 20124

The above residence meets the criteria group A presented in Article 5 of the Chapter 115 of the Fairfax County Code, “Local Agricultural and Forestal Districts” by:
Total Acreage 22.0086:
(16.0086 acres for conservation, 5 acres for Equestrian / Agricultural, and 1 acre for residential use)
There are no development plans for this property in the next eight years
(a home, a Stable, 2 barns and 2 sheds currently reside on the land.
Land is zoned in the R-C District.

The above residence meeting the criteria group B presented in Article 5 of Chapter 115 of the Fairfax County Code, “Local Agricultural and Forestal Districts” by:
Total Acreage: 22.0086
(16.0086 acres for conservation, 5 acres for Equestrian / Agricultural and 1 acre for residential use).

All equestrian uses and facilities are for personal use only and no commercial activity has ever taken place or is intended in the future. The presence of horses in the pastures have always created a warm and welcome response both from the neighborhood and people passing by on Henderson Road. This land provides scenic vistas, improves aesthetic quality of the views from Henderson Road and contributes to maintaining the existing rural character of the area.
Land is zoned to the R-C district

Signature __________________________ Date 11-9-2020
Rebecca Crump

Signature __________________________ Date 11-9-2020
Brian Bennett
DATE: June 1, 2021

TO: Tracy D. Strunk, AICP, Director
    Zoning Evaluation Division, DPD

FROM: Kelly M. Atkinson, AICP, Chief KMA
      Environment and Development Review Branch, DPD

SUBJECT: Land Use and Environmental Analysis: AF 2021-SP-001, Crump

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

Note: The applicable Comprehensive Plan citations may be found at the end of this report.

Description of the Application

Rebecca Crump, on behalf of the property owner, Chesley Crump, is seeking approval to establish a 22.01-acre Agricultural and Forestal (A&F) District, located at 12000 Henderson Road in Clifton. The district is comprised of three parcels located on Tax Map 95-3 ((1)) Parcels 2, 2A, and 2B, within the Dominion Community Planning Sector (P5) of the Pohick Planning District and within the Springfield Magisterial District. There are approximately 8.37 acres of Resource Protection Area (RPA), 5.4 acres of Major Floodplain and 5.48 acres of Environmental Quality Corridor (EQC) on site.

Location and Character

This subject property is located within the Wolf Run Watershed and Water Supply Protection Overlay District (WSPOD). The proposed district is surrounded by land which is planned for low density residential use at 0.1-0.2 dwelling units per acre (du/acre) and Private Open Space. The property contains a 7,360 SF residence, two barns, a stable/indoor riding area, a chicken coop, a woodshed, a gazebo, a swimming pool, two decorative fountains, and a tennis court. The property is currently surrounded by residential development on large lots zoned to the Residential Conservation (R-C) district. The property is also 400 feet north of Fountainhead Regional Park and the Occoquan River.
Comprehensive Plan Map: Residential 0.1-0.2 dwelling units per acre and Private Open Space

Land Use Analysis

Plan text for P5-Dominion Community Planning Sector says the following:

- “Protection of the Occoquan Reservoir water quality is the primary objective for this area. Land in the watershed of the Occoquan Reservoir should be planned for residential use within a density range of 0.1 to 0.2 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.

- 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. “

The proposed establishment of this A&F District, if approved, is in keeping with the goals and objectives of the Comprehensive Plan to both maintain the open, rural quality of the area and support the water quality goals of the Occoquan Reservoir watershed. The implementation of improved agricultural and forestal techniques, included in the recommended Ordinance Provisions, will further advance water quality goals for the Occoquan Reservoir watershed.

Environmental Analysis

Watershed and Onsite Tributaries

The subject property is located within the Wolf Run Watershed and is characterized both by low areas subject to frequent flooding on the western portion of the property as well as areas of steep slopes on the eastern portion of the property. Wolf Run meanders along the west side of the property and drains directly to Fountainhead Regional Park and into the Occoquan River; an unnamed tributary of this watershed branches off heading northeast through RPA and Floodplain. Wolf Run is characterized by highly eroded banks and fallen trees as a result of instability due to erosion (See Figures 1 through 4 on pages 3 and 4).
Figure 1: Erodible soil along banks of Wolf Run. View looking towards Henderson Road, Source: DPD Staff

Figure 2: Fallen tree trunks and eroding stream banks. View looking north on Wolf Run, Source: DPD Staff
Two unnamed perennial streams flow into Wolf Run from the northern edge of the property. The northern most unnamed tributary once fed a previously wet, but now dry, pond. This tributary is deeply incised and has a significant head cut approximately 50 feet from Wolf Run. Where Wolf Run meanders to the south by the indoor riding structure, staff observed that a portion of the field perimeter fencing along the northwestern side was missing (See Figure 3). The applicant noted it was damaged during a flood event, and the stream had eroded the land underneath the fence, which resulted in the fence instability. This area also exhibits invasive bamboo that is spreading from the neighboring property to the edge of the property boundary (See Figure 4).
A non-perennial stream runs east to west through the middle of the property, originating from the adjoining Ashleigh of Clifton subdivision. This stream traverses the property before entering Wolf Run.

![Non-perennial stream](image)

Figure 5: Non-perennial stream, originating from Ashleigh of Clifton subdivision, traverses east-west across the property, Source: DPD Staff

Resource Protection Area, Major Floodplain and Environmental Quality Corridor

There are 8.37 acres of Resource Protection Area (RPA) on the property per Fairfax County’s Chesapeake Bay Preservation Ordinance maps dated 1993 and 2003. RPA encompasses the entirety of Wolf Run on the west side of the property, including 3.4 acres that have been previously developed. The developed portion includes a portion of the stable/indoor riding arena, fenced pasture, and the entry drive. It should be noted that the 3.4 acres of development within mapped RPA occurred prior to the effective date of the Chesapeake Bay Preservation Ordinance and is therefore grandfathered.

Based on the definition for Environment Quality Corridor (EQC) found in Objective 9 of the Environment Element of the Policy Plan of the Comprehensive Plan, staff finds the property contains 5.48 acres of EQC within the RPA area, as shown on the Environmental Map included at the end of this memorandum. Although the proposed boundary is largely coterminous with the floodplain boundaries to the southern half of the site and RPA boundaries to the northern half, the boundary diverges so that it excludes the previously disturbed existing stable/indoor riding arena while incorporating the steep slopes in the wooded area to the north, resulting in additional protection of the headwaters of Wolf Run. All land area within the EQC should be undisturbed.
except for existing pasture, replacement of the fence, and enhancement/restoration efforts in the proposed buffer area as further discussed below. Restoration efforts should be limited to native plantings including grasses, shrubs, and trees. No further development should occur in the EQC. Preserving the additional land area will ensure that the streams, steep slopes, problem soil area, and wetlands are preserved and protected.

The applicant is encouraged to remove non-native invasive species in the EQC area, as outlined in the Forest Stand Plan by the Virginia Department of Forestry (discussed in greater detail below) and as referenced in the draft Ordinance Provisions. Approval of the requested A&F District would result in the protection and/or restoration of this ecological resource, as noted in the draft Ordinance Provisions.

Forest Stand Plan and Soil and Water Quality Conservation Plan

The applicant received forest management recommendations for the approximately 11 acres of wooded property from the Virginia Department of Forestry (VDOF), which are included in the Forest Stand Plan dated December 2, 2020. The applicant is encouraged to adhere to and implement the specific recommendations for this site outlined in the Forest Stand Plan, including maintenance of a stream side management zone, which would encompass an area that is within 50 feet of either side of Wolf Run.

The applicant also received comments from the Northern Virginia Soil and Water Conservation District (NVSWCD) and has agreed to abide by and implement the Soil and Water Quality Conservation Plan (SWQCP) created by NVSWCD dated February 12, 2021 for the life of the district. The plan recommends that a minimum average buffer width of 35 feet is provided during reinstatement of the horse pasture fence along Wolf Run and enhanced using native plants. If land uses intensify or additional facilities are added, it is the responsibility of the Applicant to contact the NVSWCD for an updated plan. The Applicant is encouraged to adhere to and implement the specific recommendations for this site. Funding sources to further these goals is available from both the NVSWCD and VDOF and is referenced in Appendices 4 and 5.

Both the SWQCP and the Forest Stand Plan also identifies the pond on the eastern portion of the property as an area requiring improvement. Currently there is no protection at the outlet pipe, with erosion at the outfall extending across the length of the adjacent mown field (see Figure 6). Per Objective 2 of the Environment Element of the Policy section of the Comprehensive Plan (page 8):

- “Where practical and feasible, retrofit older stormwater management facilities to perform water quality functions to better protect downstream areas from degradation.
- Protect water resources by maintaining high standards for discharges from point sources.”

Page 5 of the SWQCP recommends regrading this area and installing a new pipe, with the water level in the pond located below the level of pipe replacement activity. The plan recommends installing a stone lined pool at the discharge point of the new pipe to dissipate energy during storm events. Soil should be compacted around the upper end of the pipe and tamped down to
prevent erosion. The Forest Stand plan also notes that the applicant could work with the Fairfax County Fire Department to install a dry hydrant in the pond to improve its usefulness as a water source for fire-fighting.

Figure 6: Erosion occurring at pond outfall pipe, Source: DPD Staff

Conclusion

With the approval of the recommended Ordinance Provisions, approval of this Agricultural and Forestal District is compatible with the goals of the Comprehensive Plan to preserve this environmentally sensitive area of Fairfax County.

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.

In the Fairfax County Comprehensive Plan, 2017 Edition, Area III, Pohick Planning District, Amended through 11-20-2018, Pohick Planning District Overview, Page 1, the Plan states:

“...The Comprehensive Plan for the area of the Pohick Planning District located within the watershed of the Occoquan Reservoir provides for a rural character by maintaining a very low density planned development recommendation of .1-.2 dwelling unit per acre or five- to ten-acre lots. This very low density pattern provides reasonable use of the property and serves as a land
use Best Management Practice (BMP). When used in conjunction with stormwater management facilities (structural BMPs), the water that ultimately enters the Occoquan Reservoir is managed in a way that positively contributes to the quality of water in the reservoir. The reservoir is a major source of drinking water for the county and other jurisdictions, and the reservoir is an environmentally important feature and source of recreation for the public.

Preservation of the water quality is of significant value to the public health and welfare.”

In the Fairfax County Comprehensive Plan, 2017 Edition, Area III, Pohick Planning District, Amended through 11-20-2018, P5-Dominion Community Planning Sector, Page 55-56 the Plan states:

"Land Use

A portion of the Dominion Planning Sector is developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed efficient manner and provides for the development of unconsolidated parcels in conformance with the Area Plan.

Figure 24 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

1. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Land in the watershed of the Occoquan Reservoir should be planned for residential use within a density range of .1-.2 dwelling unit per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant densities and the well-established character of existing development in this sector. [Not shown]

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. [Not shown]"

In the Fairfax County Comprehensive Plan, 2017 Edition, Area III, Pohick Planning District, Amended through 11-20-2018, -Page 9 the Plan states:

“Environment

The Pohick Planning District remains one of the largest areas of wildlife habitat in the county. Unlike other areas, the possibility exists for this district to support an ecosystem that would include carnivores at the top of the food chain that need a large range in order to survive. Low density development goes far in maintaining this habitat; however, more controls may become necessary as the rest of the county continues to accommodate more people. Environmental Quality Corridor (EQC) boundaries should be defined and preserved not only to protect water quality, but for the preservation of valuable habitat.”
In the Fairfax County Comprehensive Plan, 2017 Edition, Area III, Pohick Planning District, Amended through 11-20-2018, P5 Dominion Community Planning Sector, Page 60-61, the Plan states:

“CHARACTER

The Dominion Community Planning Sector is generally bounded by the Norfolk Southern Railway right-of-way to the north, Ox Road (Route 123) and Silverbrook Road to the east, Hooes Road to the south, the Occoquan River to the southwest, and Yates Ford Road and Henderson Road to the west.

The majority of the sector is located within the watershed of the Occoquan Reservoir. The county has committed to maintain much of this area as very low density residential development to protect the Occoquan Reservoir water quality. This commitment is reflected in the distribution of land uses in the sector, with predominant uses being large lot residential, private open space, and public parks. While some housing in the sector consists of subdivisions with lots smaller than one acre, the predominant land use is houses on five acre lots or larger, reflecting the area's rural character.

The entire Ox Road corridor within the sector dates from the mid-1700s and is reputed to have been an Indian trail. There is a possibility that there may be buildings from before this time and archaeological sites along the road. There are also known Civil War period sites in this sector. Quailwood and Stoneleigh are significant heritage resources listed in the Fairfax County Inventory of Historic Sites. A list and map of heritage resources are included in the Pohick Planning District Overview section, Figures 4 and 5. Additional historic sites in this sector are also included in the inventory.

Extensive heritage resource survey work was completed in this planning sector. These have identified significant archaeological resources spanning the full 12,000 years of human activity in Fairfax County. The survey work is intended to be updated as part of a countywide heritage resources survey. The low density of this sector means that significant undisturbed heritage resources can be expected anywhere in the sector.

CONCEPT FOR FUTURE DEVELOPMENT

The land in this sector is classified as either Low Density Residential Areas or Suburban Neighborhoods. Generally, the area west of Ox Road is a Low Density Residential Area and the area east of Ox Road is classified as Suburban Neighborhood.

...  

RECOMMENDATIONS

Land Use

...  

1. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Land in the watershed of the Occoquan Reservoir should be planned for residential use within a density range of .1-.2 dwelling unit per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant densities and the well-established character of existing development in this sector. [Not shown]
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.”

In the Fairfax County Comprehensive Plan, 2017 Edition, Area III, Pohick Planning District, Amended through 11-20-2018, P5 Dominion Community Planning Sector, Page 67-70, the Plan states:

“Heritage Resources

...

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

In the Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, as amended through March 14, 2017, on pages 7-9, the Plan states:

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

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

Policy f. Where practical and feasible, retrofit older stormwater management facilities to perform water quality functions to better protect downstream areas from degradation.

Policy j. Regulate land use activities to protect surface and groundwater resources.

Policy l. In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. To the extent feasible in consideration of overall site design, stormwater management needs and opportunities, and other Comprehensive Plan guidance, establish boundaries of
these buffer areas consistent with the guidelines for designation of the stream valley component of the EQC system as set forth in Objective 9 of this section of the Policy Plan. Where applicable, pursue commitments to restoration of degraded stream channels and riparian buffer areas.

In the Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, as amended through March 14, 2017, 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 b. Support the analysis and recommendations contained in the Chesapeake Bay Supplement to the Comprehensive Plan

In the Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, as amended through March 14, 2017, 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):
- 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.

In general, stormwater management facilities should not be provided within EQCs unless they meet one of the following conditions:

- They are consistent with recommendations of a watershed management plan that has been adopted by the Fairfax County Board of Supervisors; or
- They will:
  - Either:
    - Be more effective in protecting streams and better support goals of watershed management plans than stormwater management measures that otherwise would be provided outside of EQCs; or
    - Contribute to achieving pollutant reduction necessary to bring waters identified as impaired into compliance with state water quality standards or into compliance with a Municipal Separate Storm Sewer System (MS4) permit in a manner that would be more effective and/or less environmentally-disruptive than approaches that would be pursued outside of EQCs;
and

- Replace, enhance and/or be provided along with other efforts to compensate for any of the EQC purposes, as described above, that would be affected by the facilities.

When stormwater management facilities within the EQC are determined to be appropriate, encourage the construction of facilities that minimize clearing and grading, such as embankment-only ponds, or facilities that are otherwise designed to maximize pollutant removal while protecting, enhancing, and/or restoring the ecological integrity of the EQC.

The following efforts within EQCs support the EQC policy and should be encouraged:

- Stream stabilization and restoration efforts where such efforts are needed to improve the ecological conditions of degraded streams. Natural channel design methods should be applied to the greatest extent possible and native species of vegetation should be used.

- Replanting efforts in EQCs that would restore or enhance the environmental values of areas that have been subject to clearing; native species of vegetation should be applied.

- Wetland and floodplain restoration efforts.

- Removal of non-native invasive species of vegetation from EQCs to the extent that such efforts would not be in conflict with county ordinances; such efforts should be pursued in a manner that is least disruptive to the EQCs.

Other disturbances to EQCs should only be considered in extraordinary circumstances and only where mitigation/compensation measures are provided that will result in a clear and substantial net environmental benefit. In addition, there should be net benefits relating to most, if not all, of the EQC purposes listed above that are applicable to the proposed disturbances.

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.”

In the Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, as amended through March 14, 2017, 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.”

KMA/EH
Soil and Water Quality Conservation Plan

Property Owners/Operators:

Betsy Crump, Brian Bennett, and Chesley Crump A&F District
12000 Henderson Road
Clifton, VA 20124
Email: Belmontbay@Verizon.net
Betsy’s Tel: 703-250-7004 (Work); 703-909-2120 (Mobile)

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

Date: February 12, 2021

Property Assessment:
This is approximately, a 22-acre residential property in the Occoquan River Watershed (PL-47), located at 12000 Henderson Road in Clifton. It consists of three parcels, that can be identified in the Fairfax County tax map system as: 095-3 ((1)), -0002; -0002A; -0002B.

It is being considered for enlistment into Fairfax County’s Agricultural and Forestal (A&F) District status. This conservation plan is part of the pre-requisite for consideration as an A&F District property. It is being developed for the keeping of two horses. There are onsite features suggesting the presence of horses onsite in the recent past. However, at the time of the assessment no horse or signs of horse-droppings were observed.

The property has two residential structures on approximately 9.5 acres, a tennis court, swimming pool, and an approximately 1.8-acre wooded strip that provides a buffer between them and the neighbors on the southeast side. A 0.2-acre amenity pond also exists next to the wooded area. This pond has only one 12-inch corrugated zinc outflow pipe. Erosion was observed around both inflow and out flow ends of the outflow pipe.
Of significance, is a 5-acre conservation area along the north-western side of the property, through which an unnamed tributary feeds Wolf Run. An upstream migrating erosive trend (head-cutting) was observed to be taking place a short distance from the confluent of the unnamed channel and Wolf Run, along the feeder channel.

Between the larger residential area and the conservation area are the equine-related features, such as an indoor riding arena with four built-in stalls, a separate six-stall barn, and pasture fields. Flood Plain and Chesapeake Bay Resource Protection Areas (RPA) overlay the Conservation area and some of the pasture fields. The total RPA length within the entire property is about 1,050 feet.

A significant portion of field 1 is within the RPA and floodplain. Equine management features within the RPA are grandfathered under the Chesapeake Bay Preservation program, because they had been in existence before the C/Bay Preservation implementation. During the assessment, it was observed that the field perimeter fencing along the north-western side of field 1 was missing. It was explained to me that it got ruined during a flood event, and that was the reason why the horses had to be temporarily moved to an offsite location.

Soil tests results for the fields show generally acidic soil of pH 5.6 – 5.9 range. The Phosphorus and Potash levels were in the low to moderate range. Appropriate quantities of lime and fertilizer will be recommended. Since the soil magnesium level is very high, the use of calcitic lime (as opposed to dolomitic) will be recommended. Timing for both fertilizer and lime applications will also be provided in the nutrient management plan.

**Plan Contents:**
1. Nutrient Management (Critical)
2. Pasture Management (Critical)
3. Rotational Grazing (Recommended)
4. Fencing (Critical)
5. Drainage and Erosion Improvements (Recommended)
6. Integrated Pest Management (Critical)
7. Chesapeake Bay Resource Protection Area (RPA) Management (Critical)
8. Waste Management (Critical)
9. Record Keeping (Recommended)

**Practices:**

**1) Nutrient Management (Critical):**
Nutrients will be applied based on soil test results for expected yield goals. The rate, timing and method of application are provided 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.
2) **Pasture Management (CRITICAL):**
A good pasture management practice prevents overgrazing and suppresses weeds. Effective pasture management starts with providing conditions under which the grazing habits of the animals can be control, as a result of fenced-off areas for intensive rotational grazing purposes.

When your horses return, waste on the fields can be “Dragged" as necessary to help disperse the piles, enhance organic breakdown, and achieve an even grazing pattern, and discourage unwanted pests from completing their life cycles within the pile. Dragging is best done on hot days, so that the interior of waste piles can be exposed to heat, dry-up, and kill potentially harmful organisms (bacteria, larvae, etc.).

Use a pasture mix of your choice to over-seed the fields, especially along areas where grazers habitually stand or pace. The district can provide pasture seed-mix recommendations at your request. For best results over-seeding should be done in the fall. Animals should be kept out of newly seeded areas until the grass is mature enough to cope with grazing stress.

Core-aerate pasture fields annually to enhance infiltration rate, increase root penetration and support forage growth. Core aeration can be done at any time of the year except in winter when the ground is frozen. Aeration is best done in the spring and fall, during the growing season of cool season grasses.

Since you only plan on having two horses, a formal Sacrifice/Heavy-use area may not be necessary. However, if it becomes obvious that one is needed an area next to the six-stall barn can be converted into one. More information on construction of a sacrifice/heavy-use area can be provided upon request.

If necessary, mow pasture to encourage new and vigorous grass growth and suppress weed growth. Mowing improves animal grazing habits, and also keeps weeds from getting to seeding stage.
3) Rotational Grazing (RECOMMENDED):
Graze appropriate number of pasture fields in an intensive rotational manner. Adjust pasture recovery period according to the growing season. Grazing periods may range from one half to several days. Grazing heights and appropriate recovery periods will be observed throughout the grazing season.

If a sacrifice/heavy-use area is developed, you must use it as an essential component in your rotational program. This area must be cleaned routinely and maintained to provide a safe and healthy use, during drought or saturated soil conditions or during pasture ‘rest’ periods.

<table>
<thead>
<tr>
<th>Fields</th>
<th>Planned Amount</th>
<th>Month</th>
<th>Year</th>
<th>Applied Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field 1</td>
<td>2.7 acs.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field 2</td>
<td>1.3 acs.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field 3</td>
<td>0.1 ac.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4.1 acs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4) Fencing (CRITICAL):
Install suitable, secure, permanent perimeter fences along the length of field 1 where the fence had failed – see map.

Cross fences, using “temporary fences”, are recommended to provide efficient rotational grazing opportunity.

<table>
<thead>
<tr>
<th>Fields</th>
<th>Planned Amount</th>
<th>Month</th>
<th>Year</th>
<th>Applied Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perm. Fence Field 1</td>
<td>500 lin. ft.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5) **Drainage and Erosion (RECOMMENDED):**

a) **Head-cutting (upstream trending erosion) along channel that feeds Wolf Run:** This eroding channel is active and is within the RPA. Head-cutting is a result of sudden elevation changes within a channel. The eroding trend can be stabilized by installing a series of rock-lined pools, referred to as “Step-Pools” – accompanying documentation titled “Practice 3.4: STEP POOLS. Grade areas of sudden changes into uniform and less steep slopes. Spread non-woven geotextile fabric on the graded bed and banks of the channel. Carefully place adequately sized rocks (angular rocks) on the fabric to act as a protection layer from the erosive forces of runoff.

Rip-rap sizes that match **VDOT Class II** may be considered. Excavate the area before placing the large rocks to ensure that the carrying capacity of the current channel is not significantly altered. Smaller rocks can be used in the “pool” area of the structure, as shown in the illustration. Such instream feature must be designed by an experienced Professional Engineer and the design approved by the appropriate government authorities, especially that the entire project is within an RPA. Alternately, the situation may be left in a “Do nothing” mode, but monitored as time goes by to see if it eventually heals itself.

b) **Eroding pond outlet pipe:** The water level in the pond should be dropped below the elevation of pipe replacement activity. The pipe should be removed, and the area graded to accommodate new pipe. The new pipe should be put in place and tightly packed to keep in place and prevent leaking. Soil should also be packed around the upper end of the pipe and tamped down to prevent erosion. All disturbed areas should be seeded. A stone-lined pool should be installed at the discharge point of the new pipe to dissipate energy during storm events.

6) **Integrated Pest Management (Critical):**
Pest Management will be carried out to control agricultural pest infestations (e.g., weeds, insects, diseases) according to current recommendations from the Cooperative Extension Service. Its Pest Management Guide is updated annually. Weeds of concern should be correctly identified, in order to have them appropriately treated.

The following integrated pest management practices are just guidelines that could be considered in controlling weeds in pasture fields:
i) **Scout regularly** for new weed growth and remove.
ii) **Mow frequently**, especially before weeds reach flower and seed producing stages.
iii) **Dig or uproot weeds** to eliminate them, especially after a long soaking rain, when the soil would be moist and relatively loose. Involving volunteer or inexpensive labor in this exercise should drastically reduce the weed population.
iv) **Prevent over-grazing of pastures** – weeds tend to show-up in “idle” soil!

If the weed population gets beyond a tolerable threshold, the use of an appropriate herbicide may be considered at the recommendation of a certified professional. Chemical treatment approach should not be considered if the weed species is almost at the end of its life cycle. Mowing the stand of weeds low at this time is acceptable.

Assistance identifying and addressing specific weeds and other pests can be provided upon request.

<table>
<thead>
<tr>
<th>Fields</th>
<th>Planned Amount</th>
<th>Month</th>
<th>Year</th>
<th>Applied Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field 1</td>
<td>3.0 acs.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field 2</td>
<td>1.5 acs</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field 3</td>
<td>0.1 ac.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Area</td>
<td>5.0 acs.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wooded Area</td>
<td>2.0 acs.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Area</td>
<td>9.9 acs.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amenity Pond</td>
<td>0.2 ac.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor Arena</td>
<td>0.3 ac.</td>
<td>3</td>
<td>2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>22.0 acs.</td>
<td></td>
<td></td>
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</tbody>
</table>
7) **Chesapeake Bay Resource Protection Area (RPA) Management (Critical)**

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

In cases where pasture fields are permitted within the RPA as in this operation, every effort should be made to prevent over grazing, or pasture areas getting grazed no more than 3 inches short.

Perimeter fence should be reinstalled before horses return. New fence should provide a minimum average buffer width of 35 ft. from the creek’s edge. See new fence path recommendation in the map. It is recommended that the created buffer area near field (approximately 0.4 ac.) within the meander bend and the 35ft wide buffer (areas to be fenced off) be enhanced using native, shrubs.

Native shrub species that may be considered include: Black Willow, Silky Dogwood, and Black Alder. These are plants that can be introduced via “Live Stakes” i.e., 2 – 3 ft. long branch cuttings, that can simply be pushed into the soil, creating minimal soil disturbance.

<table>
<thead>
<tr>
<th>Field</th>
<th>Planned Amount Year</th>
<th>Month</th>
<th>Applied Amount Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ches. Bay Resource Prot. Area (RPA)</td>
<td>500 lin. ft.</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Total</td>
<td>500 lin. ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8) Waste Management (CRITICAL):
An environmentally sound waste handling and composting procedure must be established before the horses return. Waste deposited in the pasture fields should be “dragged” when necessary - preferably on hot days. Waste collected from the stalls is best composted and spread over the fields. Appropriate location for a composter can be in the vicinity of the six-stall barn. A multi-cell composting facility can be constructed (see photo below). Spreading of composted waste should be scheduled at such intervals as not to allow the facility to overflow. Spreading should not be done on snow-covered or frozen fields. Spreading should be on fields with established pasture, and are best done in spring and fall.

Until a permanent composting facility is constructed, consider stacking the waste in a pile, and constantly covered with a tarp. Build a soil diversion berm around the uphill side of the waste pile to keep runoff from trickling through the pile.

<table>
<thead>
<tr>
<th>Fields</th>
<th>Planned Amount Year</th>
<th>Month</th>
<th>Applied Amount Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manure Handling Area</td>
<td>1</td>
<td>3</td>
<td>2021</td>
</tr>
</tbody>
</table>
9) **Record Keeping (Recommended):**

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

<table>
<thead>
<tr>
<th>Fields</th>
<th>Planned Amount Year</th>
<th>Month</th>
<th>Applied Amount Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field 1</td>
<td>3.0 acs.</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Field 2</td>
<td>1.5 acs</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Field 3</td>
<td>0.1 ac.</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Conservation Area</td>
<td>5.0 acs.</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Wooded Area</td>
<td>2.0 acs.</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Residential Area</td>
<td>9.9 acs.</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Amenity Pond</td>
<td>0.2 ac.</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Indoor Arena</td>
<td>0.3 ac.</td>
<td>3</td>
<td>2021</td>
</tr>
<tr>
<td>Total</td>
<td>22.0 acs.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SIGNATURES OF PARTICIPANTS –The Crump and Bennett A & F District

Owners

Betsy Crump

Brian Bennett

Chesley Crump

3/31/21

3/31/21

3/31/21

Date

Date

Date

Planner

Wilfred Woode

4/8/21

Date

District Authority

Chairman/Representative

4/8/2021

Date
December 2, 2020

Tract Number: FAX20009

Mr. Brian Bennett
Ms. Betsy Crump
12000 Henderson Road
Clifton Va 20124*

Dear Mr. Bennett and Ms. Crump:

Please find within your Forest Stand Plan for your property located in Fairfax County. It was my pleasure to prepare this plan for you knowing that you have a true interest in active management of your natural resources.

This plan is based upon your forest management objectives for your property. All of the recommendations within this plan are for your consideration, but I believe that they will help you achieve your long- and short-term goals for your property.

The first step you should take in managing your forest resources is to remove non-native invasive species as resources allow.

I trust that you will find this plan to be informative and useful as you actively manage your natural resources. If you have any questions or comments please feel free to contact me at any time.

Sincerely,

James McGloine
Urban Forest Conservationist
12055 Government Center Pkwy., Suite 904
Fairfax VA 22035
(703) 324-1489
Jim.mcglone@dof.virginia.gov
Virginia Forest Stand Plan

ABOUT THIS PLAN

This Forest Stand Plan was developed to help guide you in the active management of the natural resources on your property. The plan is based upon the objectives you identified as being important to you. All of the management recommendations are for your consideration.

PRIMARY GOALS THAT YOU IDENTIFIED FOR MANAGING THE PROPERTY

1. Maintain a healthy forest
2. Maintain a scenic forest

INTRODUCTION

This forest management plan covers the examination of approximately 11 acres of forestland in Fairfax County, Virginia. The management recommendations were developed for a specific parcel on your property. Boundaries and acres are only estimates derived from aerial photographs. A tract map is attached allowing you to see the map as you read your plan.

TRACT LOCATION

The property is located at 12000 Henderson Road in Clifton Virginia. It is in the southwestern piedmont of Fairfax County. The upland is part of an oak heath/acidic oak forest that dominates the piedmont uplands between the coastal plain and Triassic basin of Fairfax County.

PROPERTY OVERVIEW

This plan covers approximately 11 acres of forest on a 21.5 acre tract. The remaining acreage is developed with a house and outbuildings or in grass. The current land use pattern on property has been consistent since the 1937 aerial photograph, which showed the same pattern of field and forest.

The property is a microcosm of the Fairfax County piedmont. The higher elevations are dominated by less fertile Glenelg silt loam that supports chestnut/white oak forests. The stream bottoms are in more fertile Cordorus/Hatboro soils that support mixed hardwood forests. In the wider floodplains are intermediate soils like the Sumerduck soil found here. The Cordorus and Sumerduck soils are usually too wet for crops and were probably cleared for hay or pasture in the past. I have divided the property into three stands that reflect the different forest types and land uses associated with the different soils.

There is a Resource Protection Area along the streams on the northern border of the property. In general you are not allowed to disturb or alter vegetation within the RPA. State code does allow timber harvesting within the RPA, provided allow Virginia Department of Forestry Best Management Practices for Water Quality are observed. In particular you must maintain a stream side management zone of 50 feet along the streams where no more than 50 percent of the basal area may be removed. County code requires that you prepare and submit a pre-harvest plan before a timber harvest is conducted on your property.
Parcels A

**Descriptions and Recommendations:** This is the flood plain of wolf run and is an open bottom land mixed hardwood forest. The stand is heavily invaded by Non-native Invasive species that threaten the health of the forest. They should be removed as resources allow.

**Acres:** 4.7  
**Forest Type:** *Mixed Bottomland hardwood*  
**Species Present:** *River birch (Betula nigra), sycamore (Platanus occidentalis), American hornbeam (Carpinus caroliniana), tulip poplar (Liriodendron tulipifera), red maple (Acer rubrum)*  
**Age:** 100 + years  
**Stand History:** This stand was mature hardwood forest in 1937. There was a farm pond in the north center of the stand that was installed between 1980 and 1990 and abandoned before 1997 (the berm can be seen in the water features map)  
**Tree Quality:** Generally healthy  
**Stocking/Density:** Low  
**Site Quality & Soils:** The Cordorus/Hatboro soils in this stand are typical riparian soils in Fairfax. Because they are frequently flooded and saturated they host trees adapted to low oxygen soils. These soils are moderately productive for forest growth  
**Water Resources:** Wolf Run runs along the western edge of the stand. There is an unnamed tributary that runs across the northern point of the stand and fed the 1990s era pond. The tributary is deeply incised and has a significant head cut about 50 feet from Wolf Run.  
**Invasive Species:** Autumn olive (Elaeagnus umbellata), multiflora rose (Rosa multiflora), Japanese barberry (Berberis thunbergii), wineberry (Rubus phoenicolasius), Japanese honeysuckle (Lonicera japonica), Oregon grape (Mahonia spp.)  
**Wildlife Habitat:** Fair. One of the problems with non-native species is that they support fewer insects, particularly caterpillars, which are a critical food resource for nestling birds and turkey poults.  
**Recreation/Aesthetics:** Access across the un-named stream is difficult and the stand has thickets of thorny rose, barberry and wineberry making walking in the northern part of the stand unpleasant.  
**Threatened & Endangered Species Present:** None observed, but the stand is good pupping and roosting habitat for northern long-eared bat (Myotis septentrionalis), little brown bat (Myotis lucifugus), and tri-colored bat (Perimyotis subflavus) from late spring to early fall. These are small bats that roost under loose bark or in clumps of leaves in hardwood trees. The Northern Long-eared Bat is Federally listed as endangered.  
**Fire Risk:** Low.
Recommendations: *

1) The bat pupping season is June 1 to July 31 and no tree cutting should occur during that time period, unless a professional survey is undertaken to determine that the bats are not present.

2) Remove non-native invasive species as resources allow.

3) Remove Oregon Grape by grubbing it out or cutting and immediately painting stump with undiluted glyphosate (~ 50% concentrate) solution. (Cut stump method)
Parcel B

**Descriptions and Recommendations:** This stand is an upland oak forest that has no regeneration due to over browsing by deer.

**Acres:** 6.4

**Forest Type:** Acidic oak-hickory

**Species Present:** White oak (Quercus alba), Chestnut oak (Q. rubra), post oak (Q. stellata), northern red oak (Q. rubra), southern red oak (Q. falcata), tulip poplar, red maple, black gum (Nyssa sylvatica), black walnut (Juglans nigra), American holly (Ilex opaca), American beech (Fagus grandifolia), hemlock (Tsuga canadensis), flowering dogwood (Corus florida).

Putty root orchid (Aplectrum hyemale) Partridgeberry (Mitchella repens), Striped wintergreen (Chimaphila maculate), Christmas fern (Polystichum acrostichoides). These herbaceous plants are indicative of this forest type.

**Age:** 100 + years

**Stand History:** This stand was mature hardwood forest in 1937. Soils are generally infertile and not used for farming.

**Tree Quality:** Good

**Stocking/Density:** Good

**Site Quality & Soils:** The Glenelg soils in this stand are very well drained and low in fertility, which reduces the quality of this site. Trees on these soils typically grow slowly.

**Aspect & Topography:** Moderate to steep slopes facing west or north.

**Water Resources:** There is an intermittent stream that feeds the pond behind the house.

**Invasive Species:** Japanese honeysuckle that is not thriving. Hemlock wooly adelgid (Adelges tsugae), an insect

**Wildlife Habitat:** Poor. The normal shrub layer in the un-mowed part of the stand is almost completely missing.

**Recreation/Aesthetics:** Good. Much of the stand is open and easily accessed for walking or other passive recreation.

**Threatened & Endangered**

**Species Present:** None observed, but the stand is good pipping and roosting habitat for northern long-eared bat (Myotis septentrionalis), little brown bat (Myotis lucifugus), and tri-colored bat (Perimyotis subflavus) from late spring to early fall. These are small bats that roost under loose bark or in clumps of leaves in hardwood trees. The Northern Long-eared Bat is Federally listed as endangered.

**Fire Risk:** Low.

**Recommendations:** *
1) The bat pupping season is June 1 to July 31 and no tree cutting should occur during that time period, unless a professional survey is undertaken to determine that the bats are not present.

2) Hemlock is not usually treated for adelgids in a forest setting, but you have only a few small trees in the understory east of the pond. If you wish to keep them, you will need to treat them according to the recommendations on attached fact sheet.
Parcel C

**Descriptions and Recommendations:** This stand consists of the residence and horse habitat. There are few trees in the stand.

**Acres:** 10.7

**Forest Type:** Scattered volunteer and planted trees

**Species Present:** Red maple, river birch, Virginia Pine, mistletoe (Phoradendron leucarpum)

**Stand History:** This stand has been cleared since at least 1937.

**Site Quality & Soils:** The soils here are floodplain soils that are subject to periodic flooding. They are moderately productive for tree growth

**Water Resources:** Wolf Run forms the northwestern boundary of the stand, which has been cleared to the edge of the stream. There is a pond fed by an intermittent stream behind the house.

**Invasive Species:** Winged burning bush (Euonymus alatus) hedge, Japanese barberry in a landscape bed near garage, bamboo in woods across stream

**Threatened & Endangered Species Present:** None observed

**Recommendations:** *

1) Maintain winged burning bush hedge by pruning every year to prevent seed set.

2) Remove Japanese barberry

3) Expand the riparian buffer along the stream to a minimum of 35 feet by planting trees listed in stand A.

4) The boxwood are showing signs of decline. The symptoms do match boxwood blight (see attached information sheet). Consult with the Fairfax office of Virginia Cooperative Extension’s Master Gardeners to diagnose and treat them ([https://fairfaxgardening.org/](https://fairfaxgardening.org/))

5) There appears to be a problem with the overflow pipe for the pond. Follow advice from Northern Virginia Soil and Water Conservation District on managing this. If this requires construction on the berm, consider working with the Fairfax County Fire Department to install a dry hydrant in the pond to improve its usefulness as a water source for fire fighting. ([https://ffxfirerescue.wordpress.com/tag/dry-fire-hydrant/](https://ffxfirerescue.wordpress.com/tag/dry-fire-hydrant/))

6) Manage dead and dying pine tree in the pasture
COST-SHARE ASSISTANCE PROGRAMS HAVE THE OPTION TO DELETE, MODIFY THESE SECTIONS

Financial Incentive assistance programs may be available to help defray forest management project costs. Administering Agencies must be approved prior to the start of any management work. Please check with your local Virginia Department of Forestry representative for availability of programs and funds.

THREATENED OR ENDANGERED SPECIES

No endangered or protected species were observed on the property. Three bat species may use the property seasonally for breeding and roosting. Information in this plan concerning the presence of Threatened and Endangered (T&E) species has been determined through observation and/or review of T&E species maps. This information does not substitute for a through exam completed by trained T&E specialists. For more information regarding threatened and endangered species or any regulations involved with them, please contact your local Virginia Department of Game and Inland Fisheries office (https://vafwis.dgif.virginia.gov/fwis/) or the Department of Conservation and Recreation, Natural Heritage office. (https://www.dcr.virginia.gov/natural-heritage/dbsearchtool)

FOREST HEALTH AND PROTECTION

A healthy forest is a forest that possesses the ability to sustain the unique species composition and processes that exist within it. Active management of the forest helps to maintain and improve its productive capacity, taking into account all the factors that influence the resource elements addressed in the Forest Stand Plan. Silviculture harvest practices and the use of prescribed fire as a tool can reduce risk from wildfire, pests and invasive species, and ensure long-term forest health and vigor. Forest health protection issues are often directly related to the active management of insects and diseases, invasive plants and wildfire. Annual inspections for signs of insects, diseases or invasive plant infestations should be completed by the landowner.

FIRE

Prescribed fire, also known as “controlled burn,” refers to the controlled application of fire by a team of fire experts under specified weather conditions that help restore health to fire-adapted environments to obtain specific management objectives. Prescribed burning is a critical management tool that enhances and benefits forests, grasslands and wildlife habitats. Prescribed fire is an effective tool in site preparing harvested areas for replanting tree seedlings as well as reducing excessive amounts of hazardous fuel build up and catastrophic damage of wildfire on our lands and surrounding communities. Prescribed fire is one of the most effective tools we have in preventing the outbreak and spread of wildfires.

Protection of your property from wildfire is essential. Wildfire rapidly destroys valuable timber, wildlife and property. From February 15 through April 30, open air fires are not permitted within 300 feet of woodland, brushland or field containing dry grass or other flammable material between midnight and 4:00 p.m. The number one cause of wildland
fire in Virginia is debris burning. In other words, MOST of the fires that occur could have been prevented. In the case of an emergency, please report all woods fires to your local County Fire Dispatch Center at 9-1-1.

**CONSERVATION – BASED ESTATE PLANNING**

**YOUR LAND LEGACY**

Owning forestland is a privilege. Whether you are a first generation owner or part of a long line of family owners, your decisions have lasting impacts. Perhaps the greatest opportunity you have to impact the future is by answering this question; “What will happen to this land after my tenure?” Will it become one of the thousands of properties sold each year and subsequently developed, never to return to woodland, or will it remain intact, in forest and family owned?

Most landowners desire to pass their land forward to the next generation of family members, yet few take the next steps to insure that exchange will happen. The plan you now hold helps to guide your management decisions to reach certain property management goals. Likewise, a legacy, or succession plan helps to guide you and your family along a path to successfully transferring not only land, but also values & ethics, to your next generation.

Do you need to consider developing a legacy plan? Consider these questions:

1. Do you know what you want to have happen to you land?
2. Are the people who need to know this answer aware of your desires?
3. Do you know what other members of the family want to have happen?
4. Is there strong agreement within the family on these matters?
5. Have you considered various ownership tools like Limited Liability Company (LLC) & Trusts?

If you answered “NO” to any of these questions, it may be worthwhile to learn more about this topic. Many estate planning resources exist both in print and online.

A good place to start for Virginia landowners is this Virginia Forest Landowner Education Program (http://www.ext.vt.edu/topics/environment-resources/legacy-planning/index.html). On this website is a list of resources that have been critically reviewed for accuracy by VDOF, Virginia Tech (VT) and Virginia Cooperative Extension (VCE).
Streamside Management Zones (SMZs)

- All perennial and intermittent streams should have an SMZ.
- SMZs should be at least 50 feet in width.
- Harvesting is allowed within the SMZ, 50 percent of the crown cover may be removed.
- Minimize ground disturbance within the SMZ.
- Locate all decks, roads and trails outside the SMZ.

Proper SMZs protect stream temperature.
SMZs provide a filter for water leaving the harvest site.
SMZs create corridors for wildlife.
Wider SMZs may be necessary for trout streams or steeper topography.

$ Savings $

Leaving proper SMZs could result in a tax credit for the landowner. Under the Riparian Buffer Tax Credit, qualifying landowners may earn a tax credit for each acre of SMZ left on the property. Please contact your local Virginia Department of Forestry representative to discuss qualifications and procedures.
While VDOF has attempted to ensure that the features shown on this map are accurate, VDOF did not perform survey work or otherwise verify information provided to it in preparing this map and all features and acreages shown are approximate. VDOF expressly disclaims all warranties of any type concerning this map, and any use of the map assumes you understand and agree with this disclaimer.
TO: Leanna O’Donnell, Director
Planning Division
Department of Planning and Development

FROM: Andrea L. Dorlester, Development Review Section Chief
Park Planning Branch, PDD

DATE: April 30, 2021

SUBJECT: AF 2021-SP-001, Rebecca Crump - REVISED
Tax Map Number: 95-3 ((1)) 2, 2A, and 2B

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.”

COMPREHENSIVE PLAN GUIDANCE

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

ANALYSIS & RECOMMENDATIONS

Cultural Resources Impact:

The parcel has been subjected to archival cultural resources review. While the property has high potential to contain significant archaeological sites, there are no activities proposed on the application that would cause potential threats to any sites that may be present. Therefore, staff has no cultural resources concerns and no archaeological work is warranted.

eCopy: Aimee Vosper, Deputy Director/CBD
Stephanie Leedom, Director, Park Planning & Development Division
Anna Bentley, Manager, Park Planning Branch
Liz Crowell, Manager, Archaeology & Collections Branch
Kelly Atkinson, Chief, Environment & Development Review Branch
Ellen Alster, Senior Planner, DPD
Lynne Johnson, Planning Tech, Park Planning Branch
File Copy
P:\Park Planning\Development Plan Review\DPZ Applications\AR-AF\AF 2021-SP-001\AF 2021-SP-001 FCPA REVISED.docx
DATE: March 22, 2021

TO: Ellen Alster, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Development

FROM: Prutha Rueangvivatanakij, P.E., Senior Engineer III (Stormwater)
Central Branch, Site Development and Inspections Division (SDID)
Land Development Services (LDS)

SUBJECT: Zoning Application No.: AF 2021-SP-001 (Rebecca Crump); 12000 Henderson Road, Application form and supporting documents, received November 13, 2020
LDS Project No.: 003566-ZONA-001-1
Tax Map No.: 095-3-01-0002, 2A, & 2B; Springfield District

The subject application has been reviewed and following stormwater management comments are offered at this time:

Chesapeake Bay Preservation Ordinance (CBPO)
There is Resource Protection Area (RPA) located on the subject properties. The request does not indicate either there will be an additional impervious area in or encroachment to the RPA boundary. An approval of a separate site-specific RPA delineation study is required for any land disturbance activity within the RPA boundary (PFM 6-1701.3).

Floodplains
There are regulated floodplains, FEMA and major floodplain, located on the subject properties. There is no proposed disturbance activity submitted with the request.

Downstream Drainage Complaints
There are no significant, contemporary downstream drainage complaints on file.
Ellen Alster, Staff Coordinator
Zoning Application No.: AF 2021-SP-001
Page 2 of 2

**Water Quality**
There is no proposed disturbance activity submitted with the request. Therefore, Stormwater management regulations (contained in the County Code Chapter 124) do not apply to this request.

**Water Quantity - Detention**
There is no proposed disturbance activity submitted with the request. Therefore, Stormwater management regulations (contained in the County Code Chapter 124) do not apply to this request.

**Water Quantity - Outfalls**
There is no proposed disturbance activity submitted with the request. Therefore, Stormwater management regulations (contained in the County Code Chapter 124) do not apply to this request.

**Watershed Management Plan Comments**
This site is located in the Wolf Run Watershed. There is a stream restoration planned project along the existing stream (WR9201). It is recommended to coordinate with the Stormwater Planning Division (SPD) for other specific comments.

**Dam Breach**
The property is not located within a dam breach inundation zone.

Please contact me at 703-324-1720 or Prutha.Rueangvivatanakij@fairfaxcounty.gov, if you have any questions or require additional information.

cc: Dipmani Kumar, Chief, Watershed Planning and Evaluation Branch, SPD, DPWES
Shannon Curtis, Chief, Watershed Assessment Branch, SPD, DPWES
Jeffrey Vish, Chief, Central Branch, SDID, LDS
Zoning Application File
CHAPTER 115. - Local Agricultural and Forestal Districts.

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. (13-83-115.)

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 2. - Definitions.

Section 115-2-1. - [Definitions.]

(a) **Advisory committee** shall mean the Agricultural Forestal Districts Advisory Committee.
(b) **Agricultural and forestal district** shall mean a district created under this Chapter which contains land in agricultural use, or forestal use, or both uses.
(c) **Agricultural products** shall mean 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, potatoes 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.
(d) **Agricultural production** shall mean the production for commercial purposes of crops, livestock and livestock products, but not land or portions thereof used for processing or retail merchandising of such crops, livestock or livestock products.
(e) **Agriculturally significant land** shall mean land that has historically produced agricultural products, or land that an advisory committee considers good agricultural land based upon factors such as soil quality, topography, climate, agricultural product markets, farm improvements, agricultural economics and technology, and other relevant factors.
(f) **Agricultural use** shall mean all agricultural and horticultural uses as defined in Chapter 4, Article 19, Section 4-19-2, of the Fairfax County Code.

(g) **District** shall mean an agricultural and forestal district.

(h) **Forestal products** shall include, but are not limited to, lumber, pulpwood, posts, firewood, Christmas trees and other wood products for sale or for farm use.

(i) **Forestally significant land** shall mean land that has historically produced forestal products, or land that an advisory committee considers good forest land based upon factors such as soil quality, topography, climate, forest product markets, forest improvements, forestry economics and technology, environmental quality and other relevant factors.

(j) **Forestal use** shall mean forestal use as defined in Chapter 4, Article 19, Section 4-19-2, of the Fairfax County Code.

(k) **Freeholder** shall mean a person holding a fee simple title to real property.

(l) **Landowner or owner of land** shall mean any person holding a fee simple interest in property but shall not include the holder of an easement.

(m) **Person** shall mean any individual person, administrator or executor of an estate, partnership, association, corporation or other legal entity. (13-83-115.)

ARTICLE 3. - District Applications.

Section 115-3-1. - Application initiation.

(a) Any owner or owners of land may submit an application to the Board of Supervisors for the establishment of local agricultural and forestal district within Fairfax County.

(b) All owners shown on the deed of any parcel proposed for inclusion in the district must sign the application form and thereby evidence their desire for that parcel to be included in the district. (13-83-115.)

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.)


Footnotes:

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1. Editor's note—Ord. No. 21-95-115 effected major changes in Art. 4 through the process of redesignation and amendment. For the convenience of the user, the following table will illustrate the former designation and the new disposition:
Formerly, Art. 4 consisted of §§ 115-4-1—115-4-7 and was derived from Ord. Nos. 13-83-115 and 16-85-115.

Section 115-4-1. - Submittal of district applications, referral to Planning Commission.

(a) The application shall be submitted to the Board of Supervisors in such form as prescribed in Sections 115-8-2 of this Chapter.

(b) Upon the acceptance of such application, it shall be referred to the Planning Commission. (21-95-115.)

Section 115-4-2. - Initial notice required upon receipt of application.

(a) The Planning Commission or its designee shall, within thirty (30) days after acceptance of an application, provide initial notice of the filing of a district application by publishing a notice in a newspaper having general circulation within Fairfax County and by posting such notice in three (3) conspicuous places within Fairfax County, at least one (1) of which is located within or at the boundary of the proposed district.

(b) Such notice shall state:

(1) That an application for an agricultural and forestal district of local significance has been submitted to the Fairfax County Board of Supervisors;

(2) That a copy of the application is on file and open to public inspection in the office to the Clerk to the Board;

(3) That any proposals for modifications of the district shall be filed within thirty (30) days of the date of the notice;

(4) That any owner included in the application may withdraw his land, in whole or in part, at any time, until the Board of Supervisors makes a final decision as to the establishment of the district;

(5) That the Agricultural and Forestal Districts Advisory Committee shall review the application and shall submit a report, with recommendations, to the Planning Commission. If known at the time the initial notice is published and posted, such notice shall also include the date, time and location where the Advisory Committee shall review the application; and

(6) That the dates, times and location of the public hearing before the Planning Commission and Board of Supervisors are as stated therein, or, if not so stated in the notice, such information shall subsequently be published and posted in three (3) conspicuous places within Fairfax County, at least one (1) of which is located within or at the boundary of the proposed district, within thirty (30) days after the date of initial notice.
(c) A copy of the application shall be on file and open to public inspection in the office to the Clerk to the Board on or prior to the date that the initial notice is published. (21-95-115.)

Section 115-4-3. - Modifications to proposed districts.

(a) Once an application has been accepted pursuant to Section 115-3-1, any proposed modifications to the proposed district, including additions, shall be filed within thirty (30) days after the date the initial notice is published pursuant to Section 115-4-2; provided, however, that any owner included in the application may withdraw his land, in whole or part, at any time until the Board of Supervisors makes a final decision as to the establishment of the district pursuant to Section 115-4-6.

(b) Modifications to add land area may be proposed by submitting an application and payment of the fee as prescribed under Sections 115-8-2 and 115-8-3 of this Chapter. Withdrawals from the application will be effectuated upon submission of a written notice signed by at least one (1) owner of each parcel to be withdrawn.

(c) After a district has been established, a separate application for the addition of contiguous qualifying lands to be including in the established district may be submitted. (21-95-115.)

Section 115-4-4. - Referral to the Advisory Committee.

(a) After thirty (30) days have passed following the date the initial notice is published pursuant to Section 115-4-2, the application shall be referred to the Advisory Committee established by the Board under Article 7 of this Chapter.

(b) The Advisory Committee shall review the application and shall submit a report, including recommendations, to the Planning Commission.

(c) In preparing the recommendation, the Advisory Committee shall consider the criteria set forth under Article 5 of this Chapter and any proposal for modification which may have been submitted pursuant to Section 115-4-3. (21-95-115.)

Section 115-4-5. - Public hearing and review by the Planning Commission.

(a) After receiving the report of the Advisory Committee, and a report from the County staff, the Planning Commission shall hold a public hearing as prescribed in Section 115-4-7.

(b) After the public hearing, the Planning Commission shall review the application and shall submit a recommendation to the Board of Supervisors.

(c) In preparing the recommendation, the Planning Commission shall consider the criteria set forth under Article 5 of this Chapter. (21-95-115.)

Section 115-4-6. - Public hearing and decision by the Board of Supervisors.

(a) The Board of Supervisors, after receiving the reports and recommendations of the County staff, the Planning Commission and the Advisory Committee shall hold a public hearing as prescribed in Section 115-4-7, and after such public hearing may approve the application or a modification of the application to establish a district by the adoption of a district ordinance as described below, or deny the application, as it deems appropriate.

(b) In making its decision, the Board shall consider the criteria set forth under Article 5 this Chapter.

(c) In adopting a modification of an application, the Board may subtract lands from the application that has been subject to the review process prescribed in this Article. Any additional lands proposed for inclusion in a district shall be included in a separate application subject to the full review process prescribed in this Article.

(d) No district ordinance shall be adopted establishing a local district which does not meet the minimum requirements as set forth in Section 115-3-2 of this Chapter.
(e) The Board shall act to adopt or deny the application no later than one (1) year from the date the initial application was accepted. (21-95-115.)

Sec. 115-4-7. - Public hearing procedures.

Public hearings required to be held by the Planning Commission and Board of Supervisors shall be conducted in the following manner:

(a) No public hearing as required by the provisions of this Chapter shall be held unless documented evidence can be presented that the following notice requirements have been satisfied.

(b) The subject of the public hearing need not be advertised in full but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the County where copies of the subject hearing may be examined.

(c) The hearing shall be held where the Board usually meets or at a place otherwise readily accessible to the proposed district.

(d) Public notice of any hearing held shall be published once a week for two (2) successive weeks in a local newspaper having general circulation in the County. Such notice shall be published not less than six (6) days nor more than twenty-one (21) days before the date of the hearing, and shall specify the date, time and place of hearing, a description of the application, and any available recommendations of the Advisory Committee and/or Planning Commission. If such recommendations are not available at the time of notice, the notice shall specify where such recommendations may be obtained when they are available. Such notice shall be the responsibility of the hearing body.

(e) The hearing body shall submit written notice to the property owner(s) of each parcel involved such to be postmarked at least twenty (20) days before the day of the hearing. Such written notice shall be by certified mail, return receipt requested, delivered to the last-known address of such owner(s) as shown on the current real estate tax assessment books.

(f) The Zoning Administrator shall, at least fifteen (15) days before the date of the first hearing, post on the land involved in any application a notice of the public hearing. Said notice(s) shall be removed no later than seven (7) days after the conclusion of the last hearing to which they pertain.

(1) Said notice shall be posted at reasonable intervals along every street abutting the subject property, or, if there is no abutting street, then along the exterior boundary lines of the subject property and within a distance of three hundred (300) feet along every street providing access thereto.

(2) Said notice shall contain the date, location, and time of the public hearing, a description of the application, and such other information as may be necessary to provide adequate identification of the application, and additionally, where further information on the application may be obtained.

(g) The applicant(s) shall send written notice to all owners of the property abutting and immediately across the street from the subject property. If such property owners total less than ten (10), then written notice shall be given to other property owners in the immediate vicinity so that notices are sent to not less than ten (10) owners.

(1) Such written notice shall state the date, time and place of the public hearing, a description of the application, the location and size of the district, and the name of the applicant(s).

(2) Such written notice shall be sent by certified mail, return receipt requested, and postmarked not less than fifteen (15) days prior to the hearing, to the last-known address of the owner(s) as shown on the current real estate assessment books. (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.

(b) 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.)

ARTICLE 6. - Discontinuance of Association in a District.

Section 115-6-1. - Discontinuance of association during initial review of district application.

Any owner included in a district application may withdraw his land, in whole or in part, at any time during the initial application review process until the Board makes a final decision as to the constitution of the district pursuant to Article 4, Section 115-4-6 of this Chapter. Notice of such termination shall be made in written form and shall be submitted to the Zoning Administrator.

Section 115-6-2. - Discontinuance of association after the creation of a district.

(a) At any time after the creation of a district, any owner of land lying in such district may file with the Zoning Administrator a written notice of termination. Upon filing of such notice, the termination shall be effective.

(b) Upon termination of an owner’s association with any district created pursuant to this Chapter, the real estate previously included in such district shall be subject to roll-back taxes, as are provided in Section 58-769.10 of the Code of Virginia, and also a penalty in the amount equal to two (2) times the taxes determined in the year following the withdrawal from the district on all real estate previously included in the district.
(c) Upon termination of an owner's association with a district, no provisions of the ordinance which established the district shall any longer apply to the lands previously in the district which were withdrawn.

(d) The termination of any owner's association in a lawfully constituted district shall not itself serve to terminate the existence of the district. Such district shall continue in effect and be subject to review as to whether it should be terminated, modified or contained pursuant to Article 4 of this Chapter. (13-83-115; 16-85-115.)

ARTICLE 7. - Agricultural and Forestal Districts Advisory Committee.

Section 115-7-1. - Establishment of an Advisory Committee.

The Agricultural and Forestal Districts Advisory Committee established by the Board pursuant to Section 15.1-1510 of the Code of Virginia shall also serve as the Agricultural and Forestal Districts Advisory Committee for local districts. (13-83-115.)

Section 115-7-2. - Committee organization and terms.

(a) The advisory Committee shall meet and organize itself by electing a chairman, a vice-chairman and electing or appointing a secretary, who need not be a member of the Committee.

(b) Advisory Committee members shall serve at the pleasure of the Board. (13-83-115.)

Section 115-7-3. - Committee payment.

The Advisory Committee shall serve without pay, but the Board may reimburse each member for actual and necessary expenses incurred in the performance of his or her duties. (13-83-115.)

Section 115-7-4. - Committee duties.

The Advisory Committee shall advise the Board and the Planning Commission regarding the proposed establishment, modification, renewal, continuation and termination of agricultural and forestal districts. In particular, the Advisory Committee shall render expert advice relating to the desirability of such actions including advice as to the nature of farming and forestry and farm and forest resources within the proposed district and surrounding area and the relation of such activities in the district to the entire County. (13-83-115.)

ARTICLE 8. - Administration, Forms and Fees.

Section 115-8-1. - Administration.

All applications and fees shall be submitted to the Zoning Administrator. (13-83-115.)

Section 115-8-2. - Application forms and submission requirements.

(a) Initial, amendment and renewal applications shall not be accepted until the following items have been submitted in proper form:

(1) An application form which provides such information as the total district acreage, the tax map parcel numbers for all parcels included in the application, the acreage of each parcel, the names and addresses of all owners, affidavits, signatures of all owners, date of application acceptance.

(2) The most recently published County 500-scale zoning map(s) showing all parcels in the application and indicating the location of the farmhouse(s), outbuildings, cropland, pastureland, forest land, and access points to public roads.

(3) A metes and bounds description of any partial parcel(s).
(4) A plat of any partial parcel(s) included in the application.

(5) A written explanation of how the district meets the criteria for districts listed in Section 115-5-1.

(b) When a district is being reviewed as to whether it should be continued after one (1) or more property owners have terminated their participation in a district, no application is required to be submitted by landowners remaining in the district; except in cases where part of a parcel is to be removed, and in such cases, a metes and bounds description and a plat of each remaining partial parcel must be submitted by the owner of the parcel(s). (13-83-115; 16-85-115.)

Section 115-8-3. - Fees.

A fee of Fifty Dollars ($50.00) will be required for initial, amendment and renewal application. (13-83-115.)

ARTICLE 9. - Districts Established Under This Chapter.

Section 115-9-1. - District ordinances.

Ordinances establishing specific local agricultural and forestal districts are listed as Appendix F. Any references to the Department of Planning and Zoning, or DPZ are deemed to mean the Department of Planning and Development or DPD, on or after July 1, 2019. (13-83-115; 31-19-115.)
§ 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.


§ 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 accordance 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.


§ 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.


§ 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 acres 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.


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
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.


§ 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.


§ 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.


§ 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.
§ 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.


§ 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.


§ 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.

§ 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.


§ 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.)
The Agricultural and Forestal Districts Advisory Committee met on May 18, 2021 to review the application to establish the Crump Local Agricultural and Forestal District (Application AF 2021-SP-001). The Committee found the following:

- The Crump Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Crump Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Crump Local Agricultural and Forestal District fulfills all of the applicable criteria in Group A and fulfills four (4) of the criteria in Group B, found in Chapter 115 of the Fairfax County Code.

The Agricultural and Forestal Districts Advisory Committee unanimously recommends that Appendix F of the Fairfax County Code establish the Crump Manor Local Agricultural and Forestal District for an initial eight-year term. The Advisory Committee further recommends that the establishment of this district be subject to the Ordinance Provisions which are contained in Appendix 1 of the staff report.
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
damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die.

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

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

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

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

ENVIRONMENTAL QUALITY CORRIDOR (EQC) - An open space system designed to link and preserve natural resource areas, provide passive recreation and wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Volume 1 of the Comprehensive Plan.

ERODIBLE SOILS - Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN - Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with EQCs. The 100 year floodplain drains 70 acres or more of land and has a 1% chance of flood occurrence in any given year.

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

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

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

OPEN SPACE EASEMENT - An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request by the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700.
QUALIFYING USE - A land use which is eligible for use value taxation under Section 4-19 of the Fairfax County Code.

RESOURCE MANAGEMENT AREA (RMA) - The component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Chapter 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA) - That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Chapter 118, Chesapeake Bay Preservation Ordinance.

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

TIDAL WETLANDS - Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

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

WETLANDS - Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corp of Engineers.

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