



APPLICATION ACCEPTED:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

April 25, 2023
January 24, 2024
February 20, 2024 @ 4:00 PM

County of Fairfax, Virginia

January 10, 2024

STAFF REPORT
AF 2023-MV-00002

**HOLLY SPRING LOCAL AGRICULTURAL AND FORESTAL
DISTRICT**
MOUNT VERNON DISTRICT

APPLICANT: Gary and Charlotte Knipling

ZONING: Residential-Estate (R-E)

PARCEL(S): 118-1 ((3)) B; 118-2 ((5)) C, 1B, 2B, 7A

LOCATION: 11807, 11810, and 11824 Harley Rd

SITE ACREAGE: 26.22

**PLAN
RECOMMENDATION:** Residential (0.1-0.2 du/acre)

PROPOSAL: Establish a new Local Agricultural and Forestal District

Sophia S. Fisher, AICP



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

STAFF RECOMMENDATIONS:

Staff recommends that Appendix F of the Fairfax County Code be amended to approve the Holly Spring 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. The land use assessment value is based on rates recommended by the State Land Evaluation and Advisory Council (SLEAC). The SLEAC was established in accordance with Title 58.1 of the Code of Virginia with the mandate to determine and publish use-value estimates of eligible land for each jurisdiction participating in the use-value taxation program.

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.



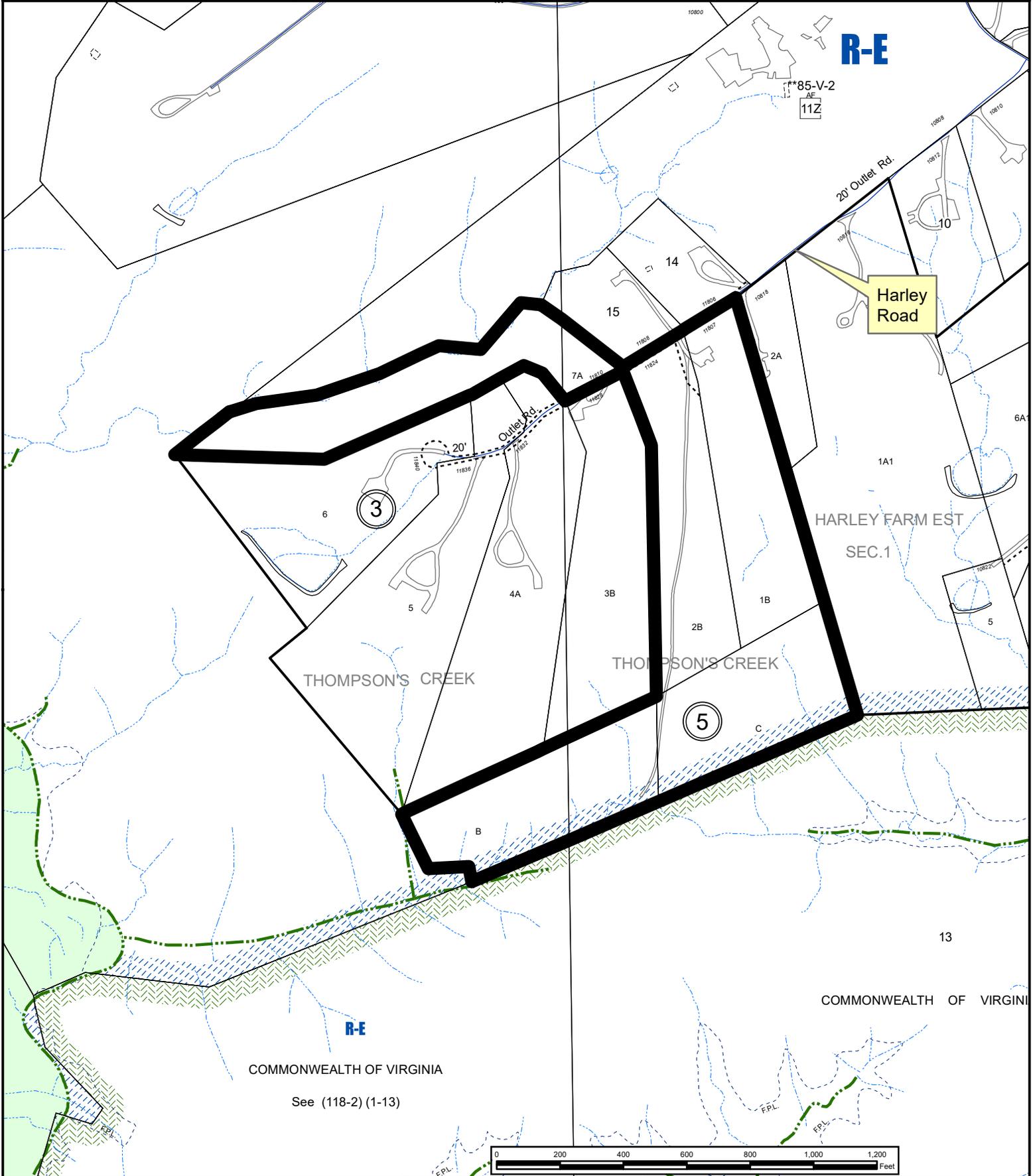
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



A&F District

AF-2023-MV-00002

KEITH KNIPLING:
HOLLY SPRING LOCAL AGRICULTURAL
AND FORESTAL DISTRICT



**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF APPLICATION

The applicant seeks to establish the Holly Spring Local Agricultural and Forestal (A&F) District for an 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. Removal of the district before the conclusion of the eight-year term is subject to a penalty and payment of roll back taxes, subject to the terms in Article 6 of Chapter 115. Staff's Proposed Ordinance Provisions are contained in Appendix 1. A copy of the applicant's Statement of Justification is contained in Appendix 2.

Applicant: Gary and Charlotte Knipling
Acreage: 26.22 acres
Uses: Residential: 1.8 acres
Forested: 24.42 acres
Agriculture: 0 acres



Figure 1. Aerial View of District, Source: Fairfax County GIS

BACKGROUND

The subject property was previously included in the Agricultural and Forestal Program as the Knipling Local Agricultural and Forestal District, which was originally established on April 11, 1988 on 26.22 acres. An additional 10.53 non-contiguous acres were added with the August 5, 1996 renewal of the district. The larger Knipling Local A&F District was renewed twice, on February 28, 2005 and November 19, 2013. The district expired on November 18, 2021. The applicant is now requesting to establish a new local A&F district that consists of the five parcels that were originally included in the previous Knipling Local A&F District.

LOCATION AND CHARACTER

The subject property is in the Lower Potomac Planning District, Mason Neck Community Planning Sector (LP3) of Area IV of the Comprehensive Plan. The property and surrounding area are zoned R-E and consist either of single-family detached houses on two or more acre lots or public parkland. Directly to the north and east is the adjoining Jarvis Local A & F District. To the west is a 120-acre parcel owned by George Mason University and used as a conflict resolution retreat center. To the south is Mason Neck State Park and Wildlife Refuge.



Figure 2. View of Surrounding Area, Source: Fairfax County GIS

The 26.22-acre property consists of five parcels. There is one residential structure on the property dating to 1980 along with a barn and shed that are used for storage, which were also constructed in the early 1980s. There is a small natural spring close to the house which shows some signs of potential historic use as it is lined with timbers of an uncertain age. The applicant has enhanced and stabilized the area around the spring with masonry. The remainder of the property is heavily wooded except for two fields located south and southeast of the residence. A tributary of Thompson’s Creek is located along the southern boundary of the western parcels. There are areas of Environmental Quality Corridors (EQC) and Resource Protection Areas (RPA) located on parcel 7A north of Harley Road and on the southwest corner of parcel B (see Figure 5 below).

Figure 3. Structures on the Property		
Structure	Year Built	Use
Main House	1982	Residential
Barn	1984	Storage/Workshop
Shed	1981	Storage

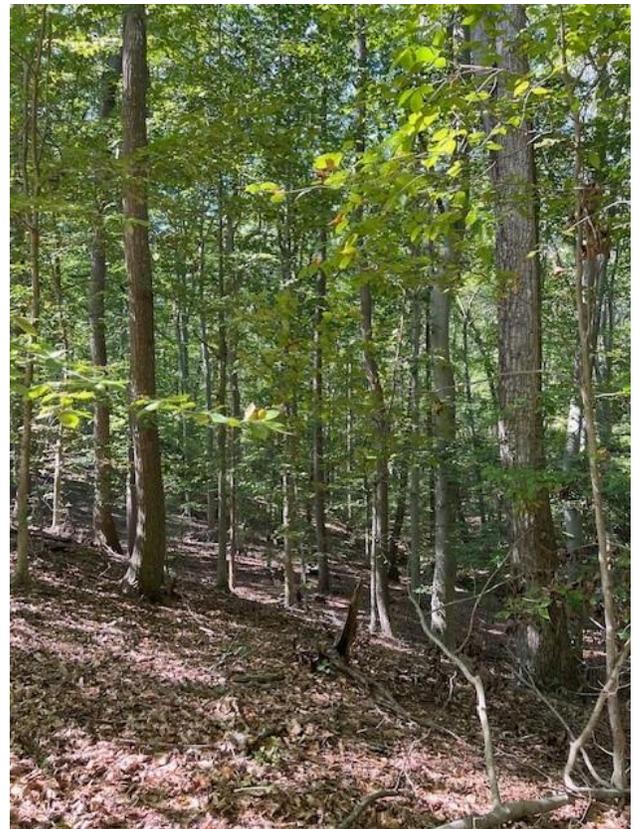


Figure 4. Views of the property. Source: Department of Planning and Development (DPD) Staff

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area IV
Planning District:	Lower Potomac
Planning Sector:	Mason Neck (LP3)
Plan Map:	Residential use at a density of 0.1-0.2 dwelling units per acre

ANALYSIS

Land Use/Environmental Analysis

Land Use

The subject property is in southeastern Fairfax County within the Kane Creek Watershed. The Comprehensive Plan for this area recommends low density residential, public park, public facilities, government and institutional uses, and private open space to maintain the rural character of the area and protect environmentally sensitive areas and historically significant sites. Agricultural and Forestal uses are specifically recommended by the Plan as opportunities to complement and enhance existing and planned uses of very low-density residential uses and parkland.

Staff finds that establishing this Agricultural and Forestal District would be compatible with the existing and planned low density residential character and would help preserve the rural and scenic character of the site and surrounding area.

Environmental

Approximately 24.42 of the 26.22 acres of the subject property consist of undeveloped forest and meadow land, of which approximately 4.4 acres have been used for firewood harvesting. The remaining 1.8 acres is devoted to residential uses. There are two areas with EQC and RPA, located north of Harley Road and in the southwest corner of the property. These areas have a combined 5.87 acres of EQC and 4.8 acres of RPA. A delineation of EQC and RPA is provided in Figure 5 and shows that the two areas are primarily coincident. The integrity of EQC's are an important component of the Plan for this area and preservation of these areas is seen as important to preserve steep slopes, sensitive soils, wildlife habitat, connectivity of green space, stream protection and water quality improvement. Best management practices discussed in the Soil and Water Quality Conservation Plan will help to maintain the site as discussed in greater detail below.

The Fairfax County Comprehensive Plan, Policy Plan, Environment Element contains guidance for the preservation and protection of these sensitive natural resources. Specific objectives call for preventing and reducing pollution of surface and groundwater resources; protecting the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land

AF 2023-MV-00002 – Holly Spring Local Agricultural and Forestal District

use in Fairfax County; identifying, protecting, and enhancing an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County; and conserving and restoring tree cover on developed and developing sites. (Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environmental, Amended through 6-28-2022, Objectives 2, 3, 9, and 10). Ordinance provisions are proposed which require the applicant to continue to use the boundary of the EQC as the limits of clearing and grading, for the life of the district.

The establishment of agricultural and forestal districts is in conformance with the Plan goals of preserving the rural and scenic character of the surrounding area and protecting water quality. Furthermore, placing the subject property in an agricultural and forestal district helps to achieve the environmental objectives outlined above by allowing the property to remain in an undeveloped state.

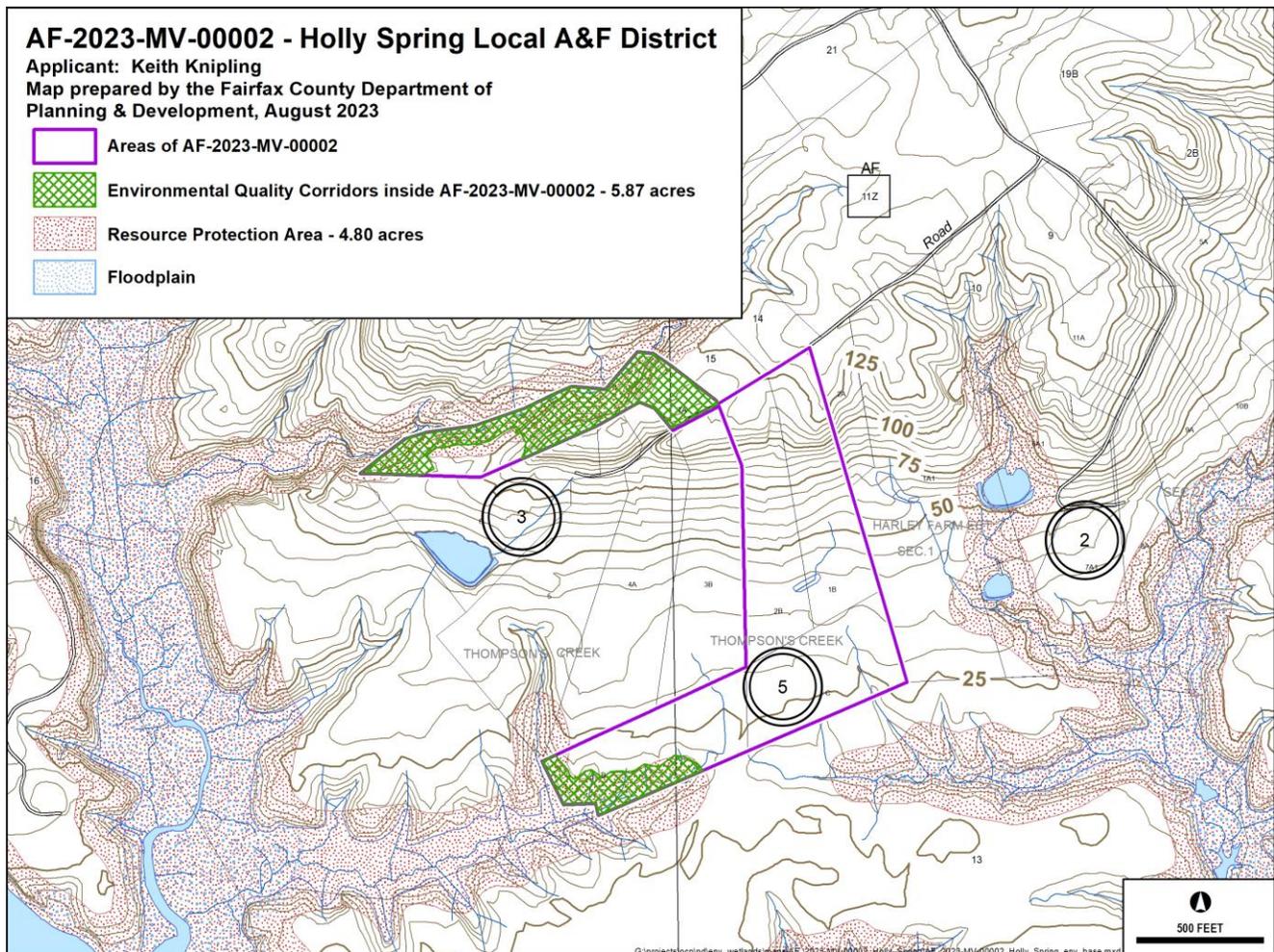


Figure 5. Environmental Resources Map, Source: Fairfax County GIS

Soil and Water Conservation District Analysis (Appendix 3)

A Soil and Water Quality Conservation Plan (SWQCP) was prepared by Heather Hunter-Nickels, Agricultural Water Quality and Conservation Specialist from the Northern Virginia Soil and Water Conservation District (NVSWCD) dated September 26, 2023. A site assessment found approximately 23 acres are forested and 3 acres are in open field to attract wildlife. There are two primary field areas, both south of the existing residence. The vegetated buffers around perennial streams have been kept intact which is a key best management practice for reducing erosion and non-point source pollution. NVSWCD also noted the presence of Japanese stilt grass as an invasive species of concern and provided recommendations for reducing and mitigating the grass. The full recommendations are summarized below.

Proposed Ordinance Provision #5 requires conformance with the approved SWQCP, dated September 26, 2023, for the life of the district.

Critical Recommendations:

- Nutrient Management
- Erosion Control
- Integrated Pest Management

Other Recommended Items:

- Pasture Management

Virginia Department of Forestry Analysis (Appendix 4)

The Area Forester inspected the property and prepared a Land Use Forest Management Plan, dated April 25, 2023. While the trees in the forest seem generally healthy, the forest itself is not. There is concern about the presence of invasive species, and a lack of regeneration of forest resources including a lack of an herbaceous layer– which is common to most forests in Fairfax County, likely due to deer browse. Recommendations were included to remove some invasives, as well as to further reduce the size of the deer herd on the property. Proposed Ordinance Provision #6 requires conformance with the Land Use Forest Management Plan for the life of the district.

Fairfax County Park Authority Analysis (Appendix 5)

The Fairfax County Park Authority (FCPA) supports the establishment of the Holly Spring Local Agricultural and Forestal District, which will be comprised of 26.2 contiguous acres. FCPA notes that A&F districts further Policy h of the Parks and Recreation element of the Fairfax County Comprehensive Policy Plan, which encourages “private landowners to preserve open space and protect ecological and cultural resources through the use of conservation easements, land use valuation, and other land use options, incentives, and programs.” FCPA Natural Resource Branch staff support this application, however, they note that the site contains a large amount of mowed grass beyond the yard surrounding the

home. Staff recommends that the areas of mowed grass not within close proximity of the existing house be left un-mowed, except one mowing per year in late March or early April, to reduce woody plants. Staff also recommend that these areas be supplemented with a native meadow seed mix and managed to help facilitate the existing mowed areas conversion and prevent the establishment of non-native invasive plants.

FCCA Archeology and Collections Branch also supports the Holly Spring application. However, it should be noted, that if the subject property should ever be considered for development, the property should be subject to archaeological review and potentially archaeological survey at such time.

Overall, FCCA notes no adverse impact on the land, resources, or service levels with this application.

Agricultural and Forestal District Criteria Analysis

Article 5 of Chapter 115 of the Fairfax County Code contains two sets of criteria which are designed to serve as a guide in the evaluation of proposed Local Agricultural and Forestal Districts. All of the applicable criteria in Group A, and least two criteria from Group B should be satisfied by the proposed district. It is important to note that these criteria are a guide to be applied when establishing, renewing or amending a District; they are not prerequisites. The following is an evaluation of the proposed district's conformance with these criteria:

Criteria Group A:

1. *All district acreage should be currently devoted to agricultural use or forestal use or should be undeveloped and suitable for such uses, except that a reasonable amount of residential or other use, related to the agricultural or forestal use and generally not more than five acres per district, may be included.*

The subject property is 26.22 acres in size and is entirely in forestal uses, including firewood production, except for approximately 1.8 acres used for residential purposes. This criterion has been satisfied.

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

The property is zoned R-E. This criterion is satisfied.

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

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

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

The Comprehensive Plan designates all of the surrounding land within one-quarter mile of the district for low-density residential use at 0.1 to 0.2 du/ac or Public Parks. Therefore, this criterion has been satisfied.

5. *All farms to be included in a district should be at least twenty (20) acres in size. A farm may include several parcels of land; however, all parcels must have the same owner or else owners must be members of the same immediate family or a family trust or family corporation. A farm must contain at least fifteen acres of land in agricultural use. A farm may include non-contiguous parcels within one mile of the core acreage (the largest parcel or group of contiguous parcels or the parcel where the farm buildings are located) as long as the non-contiguous parcels are predominately agricultural in use and as long as the total acreage of each individual farm (including contiguous and non-contiguous land) is at least twenty acres.*

This property does not qualify as a farm; therefore, this criterion does not apply and the property would be considered a mixed district, subject to criterion 6.

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

The district consists of 26.22 acres; approximately 24.42 acres are in forestal and open-space use. All of the parcels which comprise the district are owned by the Knipling family. Therefore, this criterion is satisfied.

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

This criterion is not applicable because this is a forestal district. Approximately 46% of the soils in the District are in Class II and III, and 54% are Class V, VII and VIII.

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

An updated Soil and Water Conservation Plan was prepared for the district on September 26, 2023 and the applicant has agreed to abide by the recommendations contained therein. An ordinance provision similarly requires conformance with the Soil and Water Conservation Plan for the life of the A&F District, as amended (if deemed necessary) by the Soil and Water Conservation District. Therefore, staff finds this criterion 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 Division of Forestry.*

A Land Use Forest Management Plan for the property was completed by the Virginia Department of Forestry on April 25, 2023. The applicant will be required to implement the Land Use Forest Management Plan for at least the life of the A & F District. A Proposed Ordinance Provision in Appendix 1 addresses this issue; this criterion is satisfied.

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

The applicant has owned the land since the mid-1980s. In the past 10 years, investment has included general maintenance of the buildings and property to provide habitats for wildlife to thrive. Therefore, staff finds this criterion 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.*

No farm or forest products have been regularly produced in the past five years; this criterion has not been satisfied.

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

The wooded and open lands of the subject property help maintain the rural character of Mason Neck. In particular, this property contains important EQC and RPA conservation areas, which link other protected open space areas, including Mason Neck State Park to the south, and other nearby A & F Districts. Therefore, staff finds this criterion has been 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.*

While no archaeological surveys have been done on the property, the Mason Neck Community Planning Sector text indicates that there is a high potential for prehistoric and historic archeological sites in the area. The applicant has agreed to an ordinance provision that would permit the County Archeologist to survey the property and to recover artifacts from the property for the life of the district. Therefore, staff finds this provision has been satisfied.

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

There are no unique farming or forestry operations on this site. Therefore, this criterion has not been met.

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

The property is zoned R-E. This criterion is not satisfied.

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

The subject property is not located within a permanent open space easement.

As previously noted, these criteria serve as a guide in determining whether or not an agricultural district should be established; they are not a prerequisite for establishing a district. All of the applicable criteria in Group A and at least two criteria in Group B should be satisfied. It is staff's opinion that this all of the applicable criteria in Group A and two of the applicable criteria in Group B (scenic vistas and historically significant sites) have been satisfied. It should also be noted that there have been no substantive changes to the district since the property was previously included in the program.

AFDAC RECOMMENDATION (Appendix 6)

The AFDAC reviewed this application on December 6, 2023 and voted to recommend approval of the Holly Spring Local Agricultural and Forestal District.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds that the application for to establish the Holly Spring Local Agricultural and Forestal District satisfies all of the applicable criteria in Group A and two of the criteria in Group B, thus meeting the guidelines outlined in Sect. 115 of the County Code. The property exceeds the minimum acreage requirement and is in conformance with the Comprehensive Plan.

Staff Recommendations

Staff recommends the Board amend Appendix F of the Fairfax County Code to establish the Holly Spring Local Agricultural and Forestal District subject to the proposed Ordinance Provisions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board in adopting any conditions proffered by the owner, 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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Ordinance Provisions
2. Statement of Justification
3. Soil and Water Quality Conservation Plan
4. VA Department of Forestry Land Use Forest Management Plan
5. FCPA Memo
6. AFDAC Recommendation
7. Fairfax County Code, Chapter 115 – *“Local Agricultural and Forestal Districts”*
8. State of Virginia Code, Title 58.1, Chapter 32
9. Glossary of Terms

APPENDIX 1: ORDINANCE PROVISIONS

January 10, 2024

AF 2023-MV-00002- Holly Spring A&F District

If it is the intent of the Board of Supervisors to establish the Holly Spring Local and Forestal District, as proposed in Application AF 2023-MV-00002 pursuant to Chapter 44 of Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code on Tax Map Parcels 118-1 ((3)) B; 118-2 ((5)) C, 1B, 2B, 7A, staff recommends that the approval be subject to the following Ordinance Provisions:

Standard Provisions (From Chapter 115)

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

Additional Provisions

- (5) The applicants must implement and abide by the recommendations of the Soil and Water Conservation Plan which was prepared by the Northern Virginia Soil and Water Conservation District on September 26, 2023, for the life of the Holly Spring Local Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time, as determined necessary by the Northern Virginia Soil and Water Conservation District.

- (6) The applicant must implement and abide by the recommendations of the Forest Management Plan, which was prepared by the Area Forester on April 25, 2023, for the life of the Holly Spring Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the Area Forester.
- (7) If the applicants choose to harvest the timber on the lands within the Holly Spring Local Agricultural and Forestal District, such harvesting must be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.
- (8) Those areas delineated as Environmental Quality Corridors (EQCs) must be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation and the removal of dead, dying and diseased vegetation, as approved by Forest Conservation of Land Development Services of Fairfax County. The boundaries of the EQC will be the permanent limits of clearing and grading for the life of the Holly Spring Local Agricultural and Forestal District (see Figure 5).
- (9) The Resource Management Division of the Fairfax County Park Authority will be permitted to survey the property and to recover artifacts from the property for the life of the Holly Spring Local Agricultural and Forestal District. Surveys and other similar activities of the Resource Management Division will be conducted only with prior permission of the property owner and at terms mutually acceptable to both parties and established before each occurrence.
- (10) 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 will be in accordance with procedures established by the Board of Supervisors and communicated to 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.

FROM THE DESK OF

Gary and Charlotte Knipling

June 8, 2023

Statement of Justification and Commitment for establishing a Agricultural and Forestal (A&F) District program

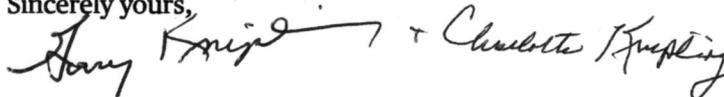
Dear Fairfax County Agricultural and Forestal District Advisory Committee:

My wife and I own four contiguous parcels, each approximately five acres, on Mason Neck in southern Fairfax County. Our primary residence, Holly Spring (built in 1980), and two outbuildings are located on Parcel 118-2((5))-1Z. The remainder Parcel 1Z, as well as the entirety of the other four contiguous parcels, consists of mature forest and meadow areas which we maintain to provide habitats for wildlife to thrive. Also on our property is a small natural spring, the namesake of our home, as well as an active and maintained bluebird box trail.

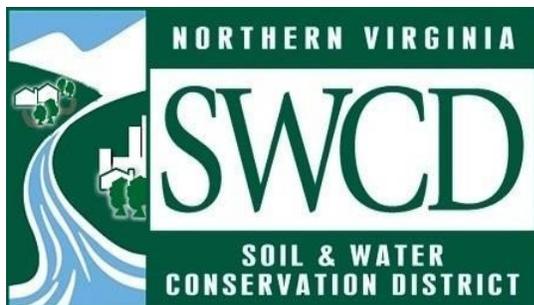
The ***Knipling Local Agricultural and Forestal District*** was originally established on April 11, 1988, on 26.22 acres that includes the primary residence. An additional 10.53 noncontiguous acres were added with the August 5, 1996 renewal of the District. Subsequent renewals were approved on February 28, 2005, and again on October 30, 2013, consisting of the same acreage. In 2022 the 10.53 acre noncontiguous lots were sold, and **we now wish to reinstate the 26.22 contiguous acres that we originally established in 1988.**

My wife and I are dedicated to the continued environmentally responsible stewardship of our land, maintaining it in its current undeveloped and mostly forested state for the benefit of wildlife, native plant species, and maintaining and improving water quality. We have done this for 35 years and will commit to doing so into the future.

Sincerely yours,

Handwritten signatures of Gary Knipling and Charlotte Knipling. Gary's signature is on the left, and Charlotte's is on the right, with a small '+' sign between them.

Gary Knipling and Charlotte Knipling



Northern Virginia Soil and Water Conservation District

12055 Government Center Parkway, Suite #905

Fairfax, VA 22035

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

Tel: 703-324-1460

Soil and Water Quality Conservation Plan

Property Owner/Operator:

Gary and Charlotte Knipling, Holly Spring

AF-2023-MV-00002

11807 Harley Rd., Lorton, VA 22079

Tel: (703) 946-1032; Email: G.Knipling@gmail.com

Plan Prepared by:

Heather Hunter-Nickels, Agricultural Water Quality and Conservation Specialist

Willie Woode, Executive Director, NVSWCD

Date: September 26, 2023

Objectives

If properly implemented, this soil and water quality conservation plan:

1. Minimizes Non-Point Source (NPS) pollution to waterways through the implementation of appropriate Best Management Practices (BMP's).
2. Provides a nutrient management plan for pasture management.

Assessment of operation:

Holly Spring A&F District is being reestablished with a portion of the previous district having been sold. It is 26.22 acres total with one residence, two open fields (see map) and two perennial streams that transect the northern and southern portions of the property. There are approximately 2,500 linear feet of Resource Protection Area (RPA), a 100ft perennial stream buffer, on the property. The streams are part of the Kane Creek watershed (PL48). About 23 acres are forested and about 3 acres are in open field to attract wildlife.



Figure 1: Holly Springs property boundary with upper and lower fields as well as the residence marked. The RPA is delineated in green cross hatches, though it is easier to see on other maps.

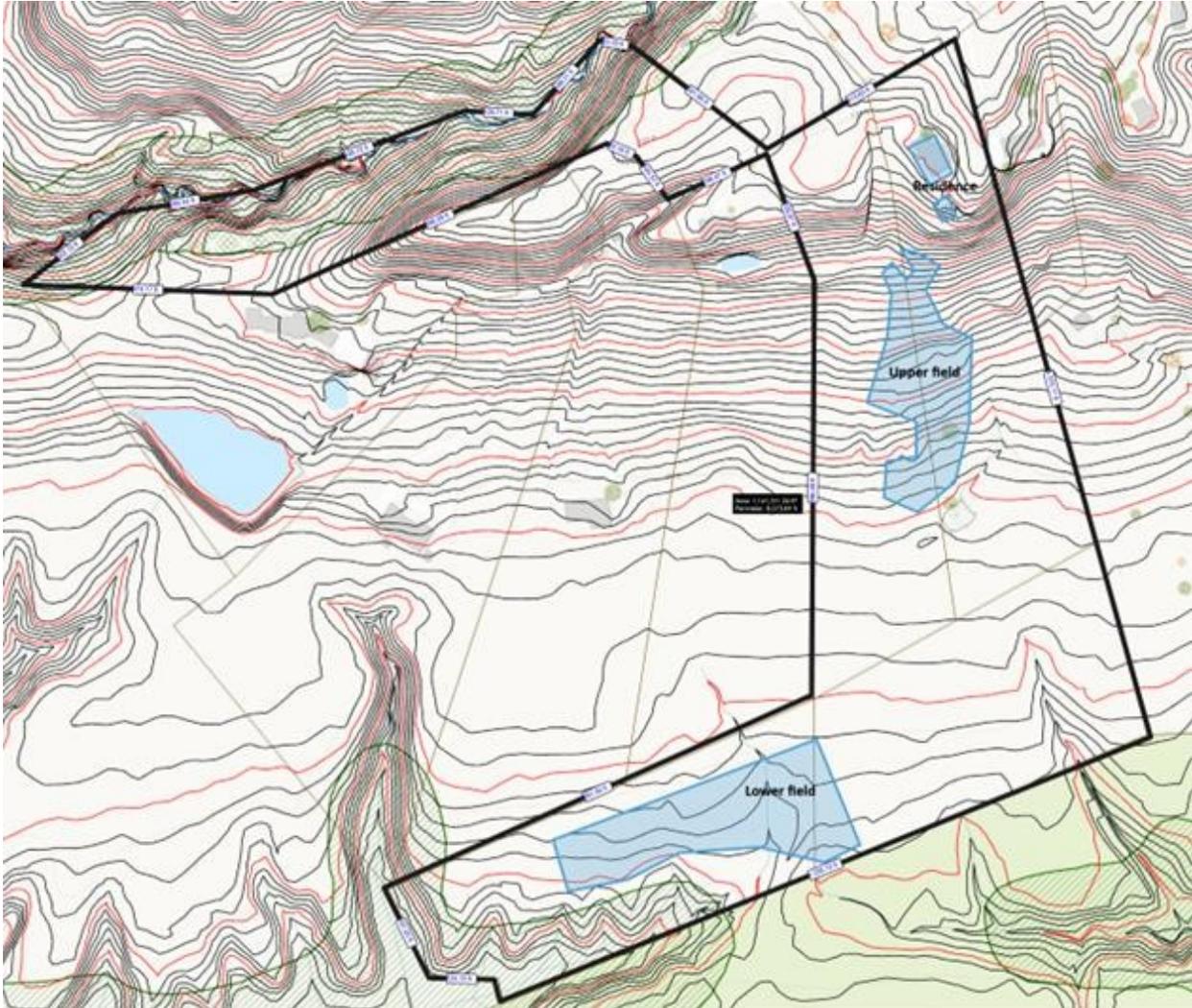


Figure 2. shows 2ft contour lines, the RPA and the field locations as well as the location of the residence.

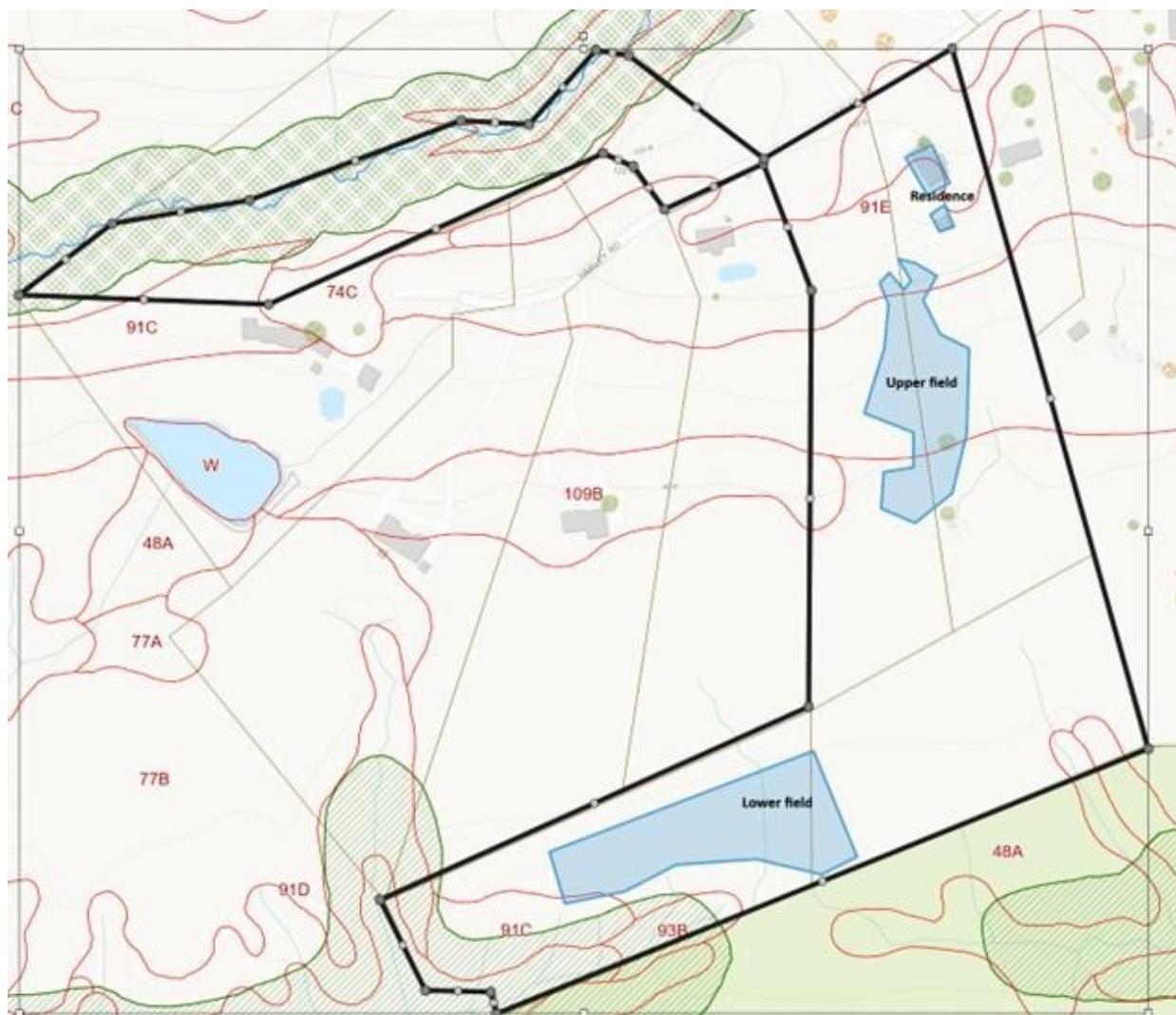


Figure 3. Highlights the soil types on the property, the RPA, the residence, and the open fields.

The lower field and about 50% of the entire property is 48A, Gunston. Gunston soils have high water tables with silty and clayey soil. The main soil type in the northern most parcel is 91E and the upper field is primarily 91D, Sassafras-Marumsko Complex. This soil occurs along steeper slopes. It has dry, sandy and gravelly Sassafras material which is stratified with layers of thick, highly plastic marine clays. Water perches on top of the clay layers and springs can form where the clay strata come to the surface.

Soil type is used to make recommendations for the nutrient management plan. When understanding the soil type classifications, it's important to know the letter after the number indicates the slope class.

- A – 0-2% slope
- B – 2-7% slope
- C – 7-15% slope
- D – 15-25% slope
- E – 25+ % slope

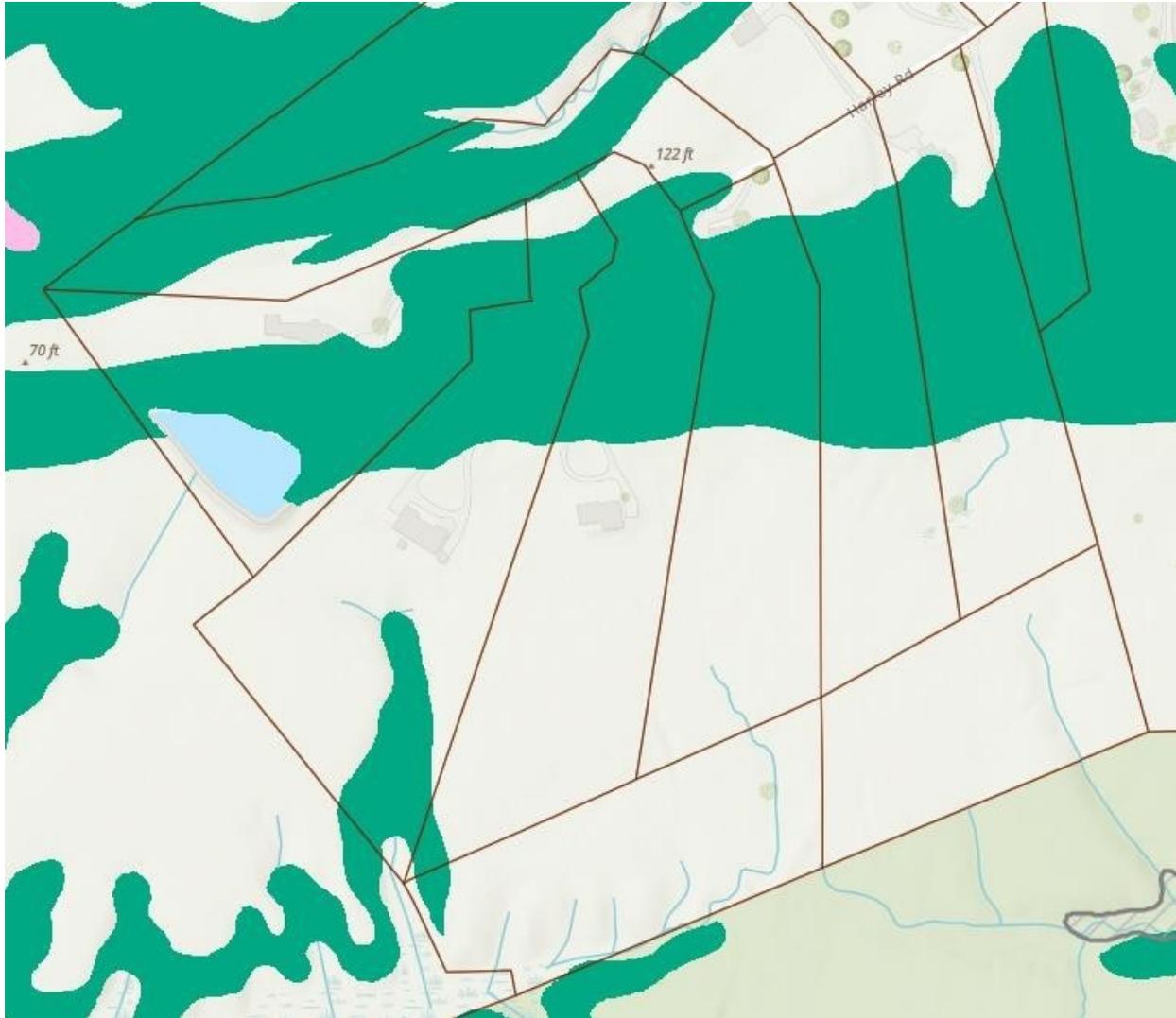


Figure 4. highlights the Environmental Quality Corridor.

The Environmental Quality Corridor (EQC) consists of areas with slopes greater than 15% and sensitive soils. The upper field is within this zone. Disturbance of soil in this area is not recommended.

Recommended Best Management Practices:

Vegetated buffers around perennial streams have been kept intact on this property which is a key best management practice for reducing erosion and non-point source pollution. Other practices we recommend include the following.

	PRACTICE NAME	IMPORTANCE	REFERENCE SHEET	TIME FRAME	DATE IMPLEMENTED
1	Nutrient management	Critical	Nutrient Management Plan	2023, 2024, 2025, 2026	
2	Erosion control	Critical	N/A	ongoing	
3	Integrated Pest Management	Critical	N/A	ongoing	
4	Record keeping	Recommended	N/A	ongoing	

1) Nutrient Management (Critical)

A Nutrient Management Plan is provided as an attachment. If the property owner decides to start applying fertilizer, it is important not to exceed the commercial fertilizer application rates recommended in the plan as that can lead to nutrient runoff and leaching into ground water.

2) Erosion Control (Critical)

No significant erosion issues were identified on the property. Erosion prevention measures should continue to be exercised when they appear. Bare and disturbed soil should be revegetated once the approved disturbing activity is completed.

3) Integrated Pest Management (Critical):

Pest Management will be carried out to control agricultural pest infestation (e.g., weeds, insects, diseases) according to current recommendations from the Cooperative Extension Service. The Pest Management Guide is updated annually. Weeds of concern should be correctly identified to have them properly treated.

The following integrated pest management guidelines are recommended:

- Scout regularly for new weed growth and remove.
- Mow frequently, especially before weeds reach flower and seed producing stages.
- Dig or uproot weeds to eliminate them, especially after a long soaking rain, while the soil is moist and relatively loose. Getting volunteer or paid labor involved in this exercise should drastically reduce the plant population.

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. If the weeds are almost at the end of their life cycles, the use of chemical treatment is not recommended. Nonetheless, mowing the stand of weeds down currently is acceptable.

Options to address specific weeds and other pests can be provided upon request.

Japanese stilt grass was a species of concern. Their seeds are viable for ten years but if you regularly cut them back right before they seed, their populations will decrease. Adding other vegetation that can compete will be beneficial. Suggestions from master gardener Carol Papas in Allegheny County include the following plants:

“In shaded areas, try ferns that will naturalize including ostrich fern (*Matteuccia struthiopteris*) or sensitive fern (*Onoclea sensibilis*). Shrubs that colonize and may outcompete the grass include Carolina allspice (*Calycanthus floridus*) and bottlebrush buckeye (*Aesculus parviflora*).”

An example of how to keep records for pest management is as follows.

Date	Location	Pest identified	Quantity or sq ft of area encompassed	Action taken	Product label name (and EPA registration # if it's an herbicide)	Method of application	Quantity applied (include unit)

4) Record Keeping (Recommended):

A system of records indicating on-farm activities such as dates and applications of nutrients or pesticides should continue to be maintained. The following format can serve as a guide.

Date	Location and target pest if applicable	Area (ac)	Product label name (and EPA registration # if it's an herbicide)	Method of application	Quantity applied (include unit)

Table 2. Example record keeping format.

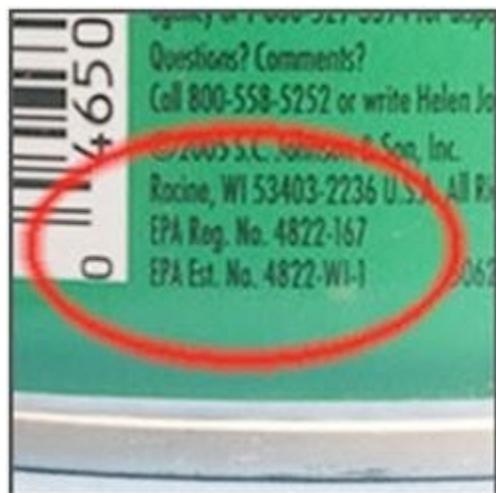
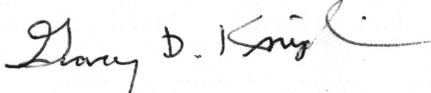
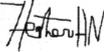
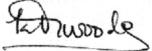
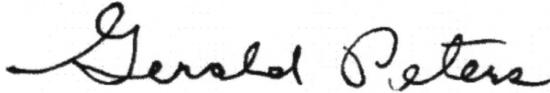


Figure 6. This image shows where on the back of pesticide or herbicide product labels you can find the EPA registration number. It is important to know exactly what products you are using in case of an emergency or for reference purposes. Source: kyu.edu

SIGNATURES OF PARTICIPANTS – Knipling AF-2023-MV-00002

Landowners/Operators Rep: Gary Knipling
Date: 
October 12, 2023

Planner: Heather Hunter-Nickels 
Reviewer: Willie Woode 
Date: October 9, 2023

District Authority: Jerry Peters

Date: October 9, 2023

NUTRIENT MANAGEMENT PLAN IDENTIFICATION

Operator

Gary Knipling
11807 Harley Rd.
Lorton, VA 22079
703-946-1032

Integrator: None

Farm Coordinates

Easting: 0, Northing: 0, zone: 17

Watershed Summary

watershed: PL48
county: Fairfax

Nutrient Management Planner

Heather Hunter-Nickels
Heather.Hunter-Nickels@fairfaxcounty.gov
Reviewer: Willie Woode

Northern VA Soil and Water Consvrn. Dist.

12055 Gov't Cntr. Pky Ste. 905

Fairfax, VA 22035

Certification Code: 226

Certification Code: 226

Acreage Use Summary

Total Acreage in this plan: 3.2

Cropland: 0.

Hayland: 3.2

Pasture: 0.

Specialty: 0.

Livestock Summary

Beef Cattle 0

Dairy Cattle 0

Poultry 0

Swine 0

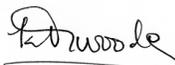
Other 0

Manure Production Balance

	Imported	Produced	Exported	Used	Net
kgals	0.	0.	0.	0.	0.
tons	0.	0.	0.	0.	0.

Plan written 9/26/2023

Valid until 9/26/2026



October 9, 2023

Signature: _____ date _____
Planner date

Knipling Narrative

The 26.2 acre property known as Holly Spring has two open fields used to attract wildlife. The fields are surrounded by hardwood forest. The lower field briefly overlaps with a 100ft stream buffer known as a Resource Protection Area (RPA). For agricultural land adjacent to an RPA, hay or pasture can make up 75ft of the buffer. 25ft of buffer, stream side, must be maintained as undisturbed vegetation.

The upper and lower fields recieved soil tests. This plan addresses the maximum amount of fertilizer inputs that can be considered to enhance grass growth and suppress weeds.

pH levels on the upper field were acidic enough (5.7) to recommend adding lime. Lime neutralizes the soil to a more ideal environment for common unmanaged hay grasses, such that more nutrients are available. The lime recommendation is meant to be a one time application and is expressed in tons per acre. After three years, soils should be tested again to adjust recommendations.

The lower field is optimized and would likely not benefit from additional fertilizer inputs but the upper field indicated lower levels of available nutrients. The recomendations we make for phosphorus (P) and potassium (K) are for annual application in the early fall, should the Kniplings wish to increase grass growth. The fertilizer applications are expressed in pounds per acre.

Due to compaction of soils, core aeration could also be beneficial in both fields.

Soil Test Summary

Tract	Field	Acre	Date	P205	K20	Lab	Soil pH	Lime Date	rec. lime tons/Ac
Knipling AF	Lower field	2	2023-Fa	M- (14 P lbs/acre)	M- (94 K lbs/acre)	Virginia Tech	6		
Knipling AF	Upper field	1	2023-Fa	L+ (9 P lbs/acre)	M+ (173 K lbs/acre)	Virginia Tech	5.7	2023Fa	1.75

Field Productivities for Major Crops

Tract Name	Tract/ Field	Field Name	Acres	Predominant Soil Series	Corn	Small Grain	Alfalfa	Grass Hay	Environmental Warnings
Knipling AF	0/0	Lower field	2	Gunston	V	V	Not Suited	Not Suited	
	0/0	Upper field*	1	Sassafras	IVa	II	Not Suited	III	High Slope

* Do not apply manure or biosolids more than 30 days prior to planting. Apply commercial fertilizer nitrogen to row crops in split spring applications.

Yield Range

Field Productivity Group	Corn Grain Bu/Acre	Barley/Intensive Wheat Bu/Acre	Std. Wheat Bu/Acre	Alfalfa Tons/Acre	Grass/Hay Tons/Acre
I	>170	>80	>64	>6	>4.0
II	150-170	70-80	56-64	4-6	3.5-4.0
III	130-150	60-70	48-56	<4	3.0-3.5
IV	100-130	50-60	40-48	NA	<3.0
V	<100	<50	<40	NA	NA

Application Summary Report

2023: Fescue grass-Ladino clover (hay), maint.

Tract	Field	Acres	Manure Rate and Type (Season)	Broadcast Commercial	Banded Commercial	Topdress Commercial	Lime (tons)
Knipling AF	Upper field	1.4		0-70-85(Fa)			1.8 (Fa)

2024: Fescue grass-Ladino clover (hay), maint.

Tract	Field	Acres	Manure Rate and Type (Season)	Broadcast Commercial	Banded Commercial	Topdress Commercial	Lime (tons)
Knipling AF	Upper field	1.4		0-70-85(Fa)			

2025: Fescue grass-Ladino clover (hay), maint.

Tract	Field	Acres	Manure Rate and Type (Season)	Broadcast Commercial	Banded Commercial	Topdress Commercial	Lime (tons)
Knipling AF	Upper field	1.4		0-70-85(Fa)			

2026: Fescue grass-Ladino clover (hay), maint.

Tract	Field	Acres	Manure Rate and Type (Season)	Broadcast Commercial	Banded Commercial	Topdress Commercial	Lime (tons)
Knipling AF	Upper field	1.4		0-70-85(Fa)			

2027: Fescue grass-Ladino clover (hay), maint.

Tract	Field	Acres	Manure Rate and Type (Season)	Broadcast Commercial	Banded Commercial	Topdress Commercial	Lime (tons)
Knipling AF	Upper field	1.4		0-70-85(Fa)			

**Nutrient Management Plan Balance Sheet
(Fall, 2023-Winter, 2027)
Knipling
Planner: Heather Hunter-Nickels (cert. No. 226)**

Tract: Knipling AF Location: Fairfax
(N = N based, 1P = P based, 1.5P = P based at 1.5 removal, 0P = No P allowed)

Field CFSA No. /Name	Size (ac) Total/Used	Yr.	Crop	Needs N-P-K (lbs/ac)	Leg /Man Resid	Manure/Biosld Rate & Type (season)	IT (d)	Man/Bios N-P-K (lbs/ac)	Net = Needs - appld N-P-K (lbs/ac)	Sum P rem cred	Commercial N-P-K (lbs/ac)	Notes
0/Lower field(N)	2/2	2023	Fes-grass/clover hay	0-0-0	0/0				0-0-0	N/A		
		2024	.....	0-0-0	0/0				0-0-0	N/A		
		2025	.....	0-0-0	0/0				0-0-0	N/A		
		2026	.....	0-0-0	0/0				0-0-0	N/A		
		2027	.....	0-0-0	0/0				0-0-0	N/A		
0/Upper field(N)	1/1	2023	Fes-grass/clover hay	0-70-85	0/0				0-70-85	N/A	0-70-85(br)	1,2
		2024	.....	0-70-85	0/0				0-70-85	N/A	0-70-85(br)	
		2025	.....	0-70-85	0/0				0-70-85	N/A	0-70-85(br)	
		2026	.....	0-70-85	0/0				0-70-85	N/A	0-70-85(br)	
		2027	.....	0-70-85	0/0				0-70-85	N/A	0-70-85(br)	

Commercial Application Methods:
br - Broadcast ba - Banded sd - Sidedress

Notes:
1 Fertilizer applications (lb/ac) can be made annually. After three years the soil should be tested again to adjust recommendations.
2 Lime applications (t/ac) are to be made once every three years. After three years the soil should be tested again to adjust recommendations.

Rob Farrell
State Forester



COMMONWEALTH of VIRGINIA

Department of Forestry

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

April 25, 2023

Tract Number: FAX95002

Dr. Gary Knipling
11807 Harley Road
Lorton VA 22079

Dear Dr. Knipling:

It was nice meeting you again and walking your woods with you.

Enclosed is your *Land Use Forest Management Plan* for your property located in Fairfax County. Thank you for your interest in the good management of your property.

The recommendations in this plan are for your consideration.

The primary emphasis that you should take in managing your forest is to control wisteria and continue to manage the deer herd.

I hope you find this plan interesting and informative. The Department also offers a more comprehensive management planning service if you would like to receive more detailed management information and recommendations. This program is known as the Forest Stewardship program. If you are interested in this program or have any questions or comments about the enclosed plan please, feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink that reads "James McGlone".

James McGlone
Urban Forest Conservationist
12055 Government Center Pkwy., Suite 904
Fairfax VA 22035
571-512-8525
Jim.mcglone@dof.virginia.gov

FOREST MANAGEMENT
Land-Use Management Plan
TRACT #: FAX95002



LAND-USE PLAN on Timberlands of

Dr. Gary Knipling
11807 Harley Road
Lorton VA 22079

Date: April 25, 2023

Location: 11807 Harley Road

Examined by: James McGlone, Urban Forest Conservationist.

Landowner's

Objective: Maintain a healthy forest

Parcel ID #s: House: 1182050001B (5.366 acres)
Lot 3: 1182050002B (5.308 acres) (11824 Harley Rd)
Lot 7: 1182050007A (5.287)
Lower Field East: 118205C (5.003)
Lower Field West: 118103B (5.256)

This report covers the examination of approximately 26 acres of forest land in Fairfax County. A sketch map (not a survey or plat) is included showing the tract location and estimated acres.

Forested Acres: 26

General Forest

Types on Property: The forest on the property consists of a mixed hardwood forest.

Tree Species

Present: Southern Red Oak, Beech, Sweetgum, Tulip Poplar, Red Maple, White Oak, Northern Red Oak, Willow Oak, Chestnut Oak, Virginia Pine, Black Cherry, Black Locust, American Holly

Shrubs: American Euonymus, Highbush Blueberry

Anomalous spot in Lot 3: Sycamore, Black Walnut, Sweetgum & Tulip poplar

Age Range: The hardwoods were already established in 1937.

General Tree Size: Most of the trees are of sawtimber size, > 16 inches diameter at breast height.

General Forest Health

and Quality: While the trees in the forest seem generally healthy, the forest itself is not. Due to excessive deer browse there is no regeneration and very little herbaceous layer, except for skunk cabbage and Japanese stiltgrass.

Forest Stocking: Good. There are not so many trees that there is too much competition.

Forest Pest/Invasive

Plant Concerns: Chinese Wisteria is becoming established in the north part of Lot 3 near the labeled point.

There are scattered strands of Japanese Honeysuckle and Japanese stiltgrass is well established.

General Soil

Information: The dominant soil types are Sassafras at the top of the hill and Gunston at the bottom. These are acidic soils derived from river deposits. There are Marumsc deposits in the Sassafras soil. These are clay lenses that used to be called marine clay. These deposits can create perched water tables and explain the anomalous stand west of the house and Holly Spring.

Forest Management

Recommendations: *

1. Treat the wisteria with a systemic herbicide, such as Roundup® or Brush-B-Gon®, after May 15. Where the wisteria is growing among or near desirable plants use several sheets of newspaper to form a barrier and prevent spraying non-target plants.
2. Continue to manage the deer herd.
3. Allow fallen wood and sticks to lay in the forest. Brush piles do provide habitat to some woodland wildlife, but scattered woody debris provides habitat for others.
4. There are Resource Protection Areas associated with the stream north of Lot 7 and the wet area in the southwest corner of the property. Vegetation in these areas should not be disturbed without first consulting Fairfax County Land Development Services. This includes removing dead or downed trees. In particular, do not expand the mowed grass in the southwest parcel.

FIRE

Protection of your property from wildfire is essential. Wildfire rapidly destroys valuable timber, wildlife, and property. Open burning is not permitted in Fairfax County without a permit from the fire marshal. 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 inflammable material between midnight and 4:00 p.m., even with a permit. Any uncontrolled fire should be immediately reported to your local fire dispatch (911).

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. 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.

No disease or insect problems were identified on the property. Continued monitoring is the best preventative measure to ensuring forest health. If any unusual problems are found, please contact the Virginia Department of Forestry for an examination.

BEST MANAGEMENT PRACTICES

The major detriments to water quality in the forest environment are the sediments carried by precipitation runoff. This has generally been labeled non-point source pollution (NPS) due to its diffuse nature. Best Management Practices (BMPs) are an extensive set of physical practices that have been developed to prevent sediment pollution from forestry activities. Research has shown that BMPs are very effective at preventing sediment pollution from silvicultural practices when they are implemented properly. Landowner should contact their local Department of Forestry office prior to conducting harvesting activities or other silvicultural practices.

THREATENED OR ENDANGERED SPECIES

No endangered or protected species were observed on the property. No such species are known to exist that would be found on your property. 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 Wildlife Resources office or the Department of Conservation and Recreation, Natural Heritage office.

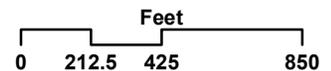


Knipling A&F District

APPENDIX A
James McGlone
(703)324-1489
jim.mcglone@dof.virginia.gov
4/26/2023



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.





Southeast Exotic Pest Plant Council Invasive Plant Manual

Common Name: Japanese Wisteria

Scientific Name: *Wisteria floribunda* (Willd.) DC.

Japanese wisteria is one of several members of its genus that are popular ornamentals. It is hardy and aggressive, capable of forming thickets so dense that little else grows. It constricts the stems of trees and kills them by girdling or over-topping. Wisteria belongs to the Fabaceae (Pea or Bean) family.

Height: Wisteria can climb trees and shrubs to 20 m (65 ft).

Stem: White-barked wisteria vines twine clockwise around its host. Stems are stout, up to 16 cm (15 in) and woody. Buds are solitary and appressed.

Leaves: Alternate, pinnately compound leaves are 20-30 cm (7.8-11.8 in) long with 13-19, ovate-elliptic to oblong, 4-8 cm (1.6-3.1 in) long leaflets.

Flowers: Very showy, fragrant pea-like flowers 1.5-2.0 cm (0.5 -0.75 in) long, grow in pendulous racemes 20-50 cm (8-20 in) in length. Flowers are purple, blue-purple, or lilac-blue in color. They have five-toothed calyxes. The two upper teeth are often more or less united and shorter than the others. The standard or banner petal is large and reflexed, while the wing petals are sickle-shaped. Blooms April-July.

Fruits: The fruits are flattened pods 10-15 cm (4-6 in) long, narrowed toward the base, and more or less constricted between the seeds. Matures July-November.



Life History

Wisteria is a perennial vine that may live for over 50 years. Vegetative reproduction is the primary means of expansion; numerous stolons develop new roots and shoots at short intervals. Wisteria can also produce abundant seeds if conditions are favorable, but flower buds produced in the fall are susceptible to winter kill. In riparian habitats, seeds may be dispersed downstream in water for great distances.

Origin and Distribution

Japanese wisteria was introduced from Japan around 1830 as an ornamental. It was popular in the southern U.S. as a decorative addition to porches, gazebos, walls, and gardens. Wisteria is hardy enough to be found in New England, and a few areas farther north.

Similar Species

There are 10 species of wisteria; only two are native to the United States while the others are native to Asia. *W. frutescens* (L.) Poir. and *W. macrostachya* (T. & G.) Small. are native to the southeastern United States. It is similar to Japanese wisteria in height, leaf, and flower structure. Japanese wisteria is hardier and more invasive than the native species. Identification must be made carefully, especially with hybrids. One distinctive quality of Japanese wisteria is its fragrant flowers. Consult detailed reference material before taking treatment action.

Habitat

Ideal habitat for wisteria is in full sun, but established vines will persist and reproduce in partial shade. Often they climb surrounding vegetation toward sunlight. Twining wisteria vines may reduce the vigor of competing vegetation by strangling the stems or shading the crown. Wisteria tolerates a variety of soil and moisture regimes but prefers loamy, deep, and well-drained soil. Populations often spread from neglected gardens but are commonly found along forest edges, roadsides, ditches, and rights-of-way.

Management Recommendations

Mechanical Control

Cutting: Cut climbing or trailing vines as close to the root collar as possible. This technique is feasible on small populations, as a pretreatment on large impenetrable sites, in areas where a herbicide cannot be used, or if labor resources are not sufficient to adequately implement herbicidal control. This treatment will prevent seed production and strangulation of surrounding woody vegetation. Wisteria will resprout unless cut so frequently that its root stores are exhausted. Treatment should begin early in the growing season and be repeated at two-week intervals until autumn.

Grubbing: This method is appropriate for small initial populations or environmentally sensitive areas where herbicides cannot be used. Using a pulaski or similar digging tool, remove the entire plant, including all roots and runners. Juvenile plants can be hand pulled depending on soil conditions and root development. Any portions of the root system not removed may resprout. All plant parts, including mature fruit, should be bagged and disposed of in a trash dumpster to prevent reestablishment.

Herbicidal Control

Cut Stump Treatment: Use this method in areas where vines are established within or around non-target plants or where vines have grown into the canopy. This treatment is effective as long as the ground is not frozen.

Glyphosate: Cut the stem 5 cm (2 in) above ground level. Immediately apply a 25% solution of glyphosate and water to the cross-section of the stem. This procedure may require a subsequent foliar application of glyphosate.

Triclopyr: Cut the stem 5 cm (2 in) above ground level. Immediately apply a 25% solution of triclopyr and water to the cross-section of the stem. A subsequent foliar application may be necessary to control new seedlings.

Foliar Spray Method: Use this method to control large populations. It may be necessary to precede foliar applications with stump treatments to reduce the risk of damaging non-target species.

Glyphosate: Apply a 2% concentration of glyphosate and water plus a 0.5% non-ionic surfactant to thoroughly wet all foliage. Do not apply so heavily that herbicide will drip off leaves. Glyphosate is a non-selective systemic herbicide that may kill non-target partially-sprayed plants. Ambient air temperature should be above 65°F.

Triclopyr: Apply a 2% concentration of triclopyr and water to thoroughly wet all foliage. Do not apply so heavily that herbicide will drip off leaves. A 0.5% concentration of a non-ionic surfactant is recommended in order to penetrate the leaf cuticle. Ambient air temperature should be above 65°F.

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Invasive.org is a joint project of
The Bugwood Network, USDA Forest Service & USDA APHIS PPQ.
The University of Georgia - Warnell School of Forest Resources and
College of Agricultural and Environmental Sciences - Dept. of Entomology
Last updated on Wednesday, November 05, 2003 at 01:20 PM
Questions and/or comments to the [Bugwood Webmaster](#)



FAIRFAX COUNTY PARK AUTHORITY



APPENDIX 5



----- MEMORANDUM -----

TO: Sophia Fisher, Planner II
 Planning Division
 Department of Planning and Development

FROM: Randall Farren, Manager,
 Park Planning Branch, PDD *RF*

DATE: September 28, 2023

SUBJECT: AF 2023-MV-00002, Holly Spring
 Tax Map Number(s): 1181 03 B, 1182 05 0001B, 1182 05 0002B,
 1182 05 0007A, 1182 05 C

The Fairfax County Park Authority supports the new Agricultural and Forestal District of 26.2-acres that was originally created April 11, 1988 (AF 87-V-001) that previously expired. The Park Authority staff has reviewed the case documents and have provided recommendations. Agricultural and Forestal Districts further Policy h of the Parks and Recreation section of the Fairfax County Comprehensive Policy Plan:

“Encourage private landowners to preserve open space and protect ecological and cultural resources through the use of conservation easements, land use valuation, and other land use options, incentives, and programs.”

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

Natural Resources Impact:

The Park Authority Natural Resources Branch (NRB) supports the applicant’s request to re-establish the 26.22 contiguous acres into Agricultural and Forestal District. Staff reviewed the applicant provided photos of the site, and it appears that the site contains a large area of mowed grass beyond the yard surrounding the home. In order to reduce impacts from the burning of fossil fuels as well as support the establishment of a native warm season grass meadow and the associated natural community, FCPA NRB staff recommends that the areas of mowed grass not

within close proximity of the existing house be left unmowed, except one mowing/year in late March or early April to reduce woody plants. It is also suggested that these areas be supplemented with a native meadow seed mix and managed to help facilitate the existing mowed areas' conversion and prevent the establishment of non-native invasive plants.

Cultural Resources Impact:

The Park Authority Archaeology & Collections Branch supports the *Holly Spring* Agricultural and Forestal District designation. The applicant's plan conserves existing and/or potential resources. However, if the subject areas should ever be considered for development, the property should be subject to archeological review and potentially archaeological survey at such time.

Recommendation:

The Park Authority staff has reviewed the above-referenced plan. Based on that review, staff has determined that this application bears no adverse impact on the land, resources, or service levels of the Park Authority. FCPA staff supports the establishment of the Agricultural and Forestal District as proposed.

eCopy:

Liz Crowell, Manager, Archaeology & Collections Branch
John Burke, Manager, Natural Resources Branch
Brendon Hanafin, Director, Planning & Development Division
Samantha Hudson, Assistant Division Director for Planning & Real Estate, PDD
Chris Blough, Development Review Section Supervisor, Park Planning Branch
Katie Hermann, Chief, Environmental Policy and Plan Development Branch, DPD
Dilan Henne, Senior Park Planner, Park Planning Branch
Lynne Johnson, Planning Tech, Park Planning Branch
File Copy

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

DATE: December 6, 2023

TO: Members, Planning Commission
Members, Board of Supervisors

FROM: Agricultural and Forestal District Advisory Committee

SUBJECT: Recommendations on the Holly Spring Local Agricultural and Forestal District Application AF 2023-MV-00002

The Agricultural and Forestal District Advisory Committee met on December 6, 2023, to review the application to establish the Holly Spring Local Agricultural and Forestal District (Application AF-2023-MV-00002). The Committee found the following:

- The Holly Spring Local Agricultural and Forestal District meets the minimum district size contained in Section 115-3-2;
- The Holly Spring Local Agricultural and Forestal District conforms with the Policy and Purpose of Chapter 115 of the Fairfax County Code;
- The Holly Spring Local Agricultural and Forestal District fulfills all the applicable Group A criteria and two of the criteria in Group B, namely, scenic vistas and historically significant sites.

The Agricultural and Forestal District Advisory Committee unanimously recommends that Appendix F of the Fairfax County Code be amended to establish the Holly Spring Local Agricultural and Forestal District for an eight-year term. The Advisory Committee further recommends that the renewal of this District be subject to the Ordinance Provisions which are contained in Appendix 1 of the staff report.

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.)

ARTICLE 4. - Process for Review of Application.

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:

Former Section	New Section
115-4-1	115-4-1
115-4-2	115-4-4

115-4-3	115-4-5
115-4-4	115-4-6
115-4-5	115-4-7
115-4-6	115-4-8
115-4-7	115-4-9

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 as 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.)

APPLICABLE SECTIONS OF THE CODE OF VIRGINIA,
TITLE 58.1, CHAPTER 32 – REAL PROPERTY TAX
(current as of January 28, 2016 –
refer to online version of the Code for up-to-date information)

§ 58.1-3230. Special classifications of real estate established and defined.

For the purposes of this article the following special classifications of real estate are established and defined:

"Real estate devoted to agricultural use" shall mean real estate devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.), or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for a profit or otherwise shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to agricultural use. In determining whether real property is devoted to agricultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to horticultural use" shall mean real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.), or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit or otherwise shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to horticultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to horticultural use. In determining whether real property is devoted to horticultural use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to forest use" shall mean land, including the standing timber and trees thereon, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.). Prior, discontinued use of property shall not be considered in determining its current use. Real estate upon which recreational activities are conducted for profit, or otherwise, shall still be considered real estate devoted to forest use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it no longer constitutes a forest area under standards prescribed by the State Forester pursuant to the authority set out in § [58.1-3240](#). Real property that has been designated as devoted to forest use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to forest use. In determining whether real property is devoted to forest use, zoning designations and special use permits for the property shall not be the sole considerations.

"Real estate devoted to open-space use" shall mean real estate used as, or preserved for, (i) park or recreational purposes, including public or private golf courses, (ii) conservation of land or other natural resources, (iii) floodways, (iv) wetlands as defined in § [58.1-3666](#), (v) riparian buffers as defined in § [58.1-3666](#), (vi) historic or scenic purposes, or (vii) assisting in the shaping of the character, direction, and timing of community development or for the public interest and consistent with the local land-use plan under uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#) and in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) and the local ordinance. Prior, discontinued use of property shall not be considered in determining its current use. Real property that has been designated as devoted to open-space use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or is otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to open-space use. In determining whether real property is devoted to open-space use, zoning designations and special use permits for the property shall not be the sole considerations.

(Code 1950, § 58-769.5; 1971, Ex. Sess., c. 172; 1973, c. 209; 1984, cc. 675, 739, 750; 1987, c. 550; 1988, c. 695; 1989, cc. 648, 656; 1996, c. [573](#); 1998, c. [516](#); 2006, c. [817](#); 2009, c. [800](#); 2012, c. [653](#).)

§ 58.1-3231. Authority of counties, cities and towns to adopt ordinances; general reassessment following adoption of ordinance.

Any county, city or town which has adopted a land-use plan may adopt an ordinance to provide for the use value assessment and taxation, in accord with the provisions of this article, of real estate classified in § [58.1-3230](#). The local governing body pursuant to § [58.1-3237.1](#) may provide in the ordinance that property located in specified zoning districts shall not be eligible for special assessment as provided in this article. The provisions of this article shall not be applicable in any county, city or town for any year unless such an ordinance is adopted by the governing body thereof not later than June 30 of the year previous to the year when such taxes are first assessed and levied under this article, or December 31 of such year for localities which have adopted a fiscal year assessment date of July 1, under Chapter 30 (§ [58.1-3000](#) et seq.) of this subtitle. The provisions of this article also shall not apply to the assessment of any real estate assessable pursuant to law by a central state agency.

Land used in agricultural and forestal production within an agricultural district, a forestal district or an agricultural and forestal district that has been established under Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, shall be eligible for the use value assessment and taxation whether or not a local land-use plan or local ordinance pursuant to this section has been adopted.

Such ordinance shall provide for the assessment and taxation in accordance with the provisions of this article of any or all of the four classes of real estate set forth in § [58.1-3230](#). If the uniform standards prescribed by the Commissioner of Agriculture and Consumer Services pursuant to § [58.1-3230](#) require real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural use or horticultural use, then such ordinance may waive such prior use requirement for real estate devoted to the production of agricultural and horticultural crops that require more than two years from initial planting until commercially feasible harvesting.

In addition to but not to replace any other requirements of a land-use plan such ordinance may provide that the special assessment and taxation be established on a sliding scale which establishes a lower assessment for property held for longer periods of time within the classes of real estate set forth in § [58.1-3230](#). Any such sliding scale shall be set forth in the ordinance.

Notwithstanding any other provision of law, the governing body of any county, city or town shall be authorized to direct a general reassessment of real estate in the year following adoption of an ordinance pursuant to this article.

(Code 1950, § 58-769.6; 1971, Ex. Sess., c. 172; 1973, c. 209; 1974, c. 34; 1975, c. 233; 1977, c. 681; 1978, c. 250; 1984, cc. 92, 675; 1987, c. 628; 1988, c. 695; 1999, c. [1026](#); 2000, c. [410](#); 2001, c. [705](#).)

§ 58.1-3232. Authority of city to provide for assessment and taxation of real estate in newly annexed area.

The council of any city may adopt an ordinance to provide for the assessment and taxation of only the real estate in an area newly annexed to such city in accord with the provisions of this article. All of the provisions of this article shall be applicable to such ordinance, except that if the county from which such area was annexed has in operation an ordinance hereunder, the ordinance of such city may be adopted at any time prior to April 1 of the year for which such ordinance will be effective, and applications from landowners may be received at any time within thirty days of the adoption of the ordinance in such year. If such ordinance is adopted after the date specified in § [58.1-3231](#), the ranges of suggested values made by the State Land Evaluation Advisory Council for the county from which such area was annexed are to be considered the value recommendations for such city. An ordinance adopted under the authority of this section shall be effective only for the tax year immediately following annexation.

(Code 1950, § 58-769.6:1; 1976, c. 58; 1984, c. 675.)

§ 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance.

Prior to the assessment of any parcel of real estate under any ordinance adopted pursuant to this article, the local assessing officer shall:

1. Determine that the real estate meets the criteria set forth in § [58.1-3230](#) and the standards prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an opinion from the Director of the Department of Conservation and Recreation, the State Forester or the Commissioner of Agriculture and Consumer Services;
2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a minimum of five acres; except that for real estate used for agricultural purposes, for purposes of engaging in aquaculture as defined in § [3.2-2600](#) or for purposes of raising specialty crops as defined by local ordinance, the governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than five acres; (ii) forest use consists of a minimum of 20 acres and (iii) open-space use consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses consist of a minimum of one quarter of an acre.

The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. *However, for purposes of adding together such total area of contiguous real estate, any noncontiguous parcel of real property included in an agricultural, forestal, or an agricultural and forestal district of local significance pursuant to subsection B of § [15.2-4405](#) shall be deemed to be contiguous to any other real property that is located in such district.* For purposes of this section, properties separated only by a public right-of-way are considered contiguous; and

3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ [15.2-4300](#) et seq.) of Title 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the open-space use classification, as defined in § [58.1-3230](#), or (iii) subject to a recorded commitment entered into by the landowners with the local governing body, or its authorized designee, not to change the use to a nonqualifying use for a time period stated in the commitment of not less than four years nor more than ten years. Such commitment shall be subject to uniform standards prescribed by the Director of the Department of Conservation and Recreation pursuant to the authority set out in § [58.1-3240](#). Such commitment shall run with the land for the applicable period, and may be terminated in the manner provided in § 15.1-1513 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

(Code 1950, § 58-769.7; 1971, Ex. Sess., c. 172; 1973, c. 209; 1980, c. 75; 1984, cc. 675, 739, 750; 1987, c. 550; 1988, cc. 462, 695; 1989, c. 656; 1990, c. 695; 1991, cc. 69, 490; 2002, c. [475](#); 2003, c. [356](#); 2010, c. [653](#); 2015, c. [485](#).)

§ 58.1-3234. Application by property owners for assessment, etc., under ordinance; continuation of assessment, etc.

Property owners must submit an application for taxation on the basis of a use assessment to the local assessing officer:

1. At least sixty days preceding the tax year for which such taxation is sought; or

2. In any year in which a general reassessment is being made, the property owner may submit such application until thirty days have elapsed after his notice of increase in assessment is mailed in accordance with § [58.1-3330](#), or sixty days preceding the tax year, whichever is later; or

3. In any locality which has adopted a fiscal tax year under Chapter 30 (§ [58.1-3000](#) et seq.) of this Subtitle III, but continues to assess as of January 1, such application must be submitted for any year at least sixty days preceding the effective date of the assessment for such year.

The governing body, by ordinance, may permit applications to be filed within no more than sixty days after the filing deadline specified herein, upon the payment of a late filing fee to be established by the governing body. An individual who is owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application shall be submitted whenever the use or acreage of such land previously approved changes; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. The governing body of any county, city or town may, however, require any such property owner to revalidate annually with such locality, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the locality, any applications previously approved. Each locality which has adopted an ordinance hereunder may provide for the imposition of a revalidation fee every sixth year. Such revalidation fee shall not, however, exceed the application fee currently charged by the locality. The governing body may also provide for late filing of revalidation forms on or before the effective date of the assessment, on payment of a late filing fee. Forms shall be prepared by the State Tax Commissioner and supplied to the locality for use of the applicants and applications shall be submitted on such forms. An application fee may be required to accompany all such applications.

In the event of a material misstatement of facts in the application or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of value determined under § [58.1-3236](#) D. Except as provided by local ordinance, no application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this section.

Continuation of valuation, assessment and taxation under an ordinance adopted pursuant to this article shall depend on continuance of the real estate in a qualifying use, continued payment of taxes as referred to in § [58.1-3235](#), and compliance with the other requirements of this article and the ordinance and not upon continuance in the same owner of title to the land.

In the event that the locality provides for a sliding scale under an ordinance, the property owner and the locality shall execute a written agreement which sets forth the period of time that the property shall remain within the classes of real estate set forth in § [58.1-3230](#). The term of the written agreement shall be for a period not exceeding twenty years, and the instrument shall be recorded in the office of the clerk of the circuit court for the locality in which the subject property is located.

(Code 1950, § 58-769.8: 1971, Ex. Sess., c. 172; 1973, cc. 93, 209; 1974, c. 33; 1976, c. 478; 1977, c. 213; 1978, cc. 250, 644, 645; 1979, cc. 180, 632; 1980, cc. 493, 508; 1982, c. 624; 1984, cc. 92, 675; 1988, c. 695; 1993, c. 102; 1999, c. [1026](#); ~~§ 58.1-3235~~) **Removal of parcels from program if taxes delinquent.**

If on April 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this article are delinquent, the appropriate county, city or town treasurer shall forthwith send notice of that fact and the general provisions of this section to the property owner by first-class mail. If, after the notice has been sent, such delinquent taxes remain unpaid on June 1, the treasurer shall notify the appropriate commissioner of the revenue who shall remove such parcel from the land use program. Such removal shall become effective for the current tax year.

(Code 1950, § 58-769.8:1; 1980, c. 508; 1984, c. 675; 1994, c. [199](#).)

§ 58.1-3236. Valuation of real estate under ordinance.

A. In valuing real estate for purposes of taxation by any county, city or town which has adopted an ordinance pursuant to this article, the commissioner of the revenue or duly appointed assessor shall consider only those indicia of value which

such real estate has for agricultural, horticultural, forest or open space use, and real estate taxes for such jurisdiction shall be extended upon the value so determined. In addition to use of his personal knowledge, judgment and experience as to the value of real estate in agricultural, horticultural, forest or open space use, he shall, in arriving at the value of such land, consider available evidence of agricultural, horticultural, forest or open space capability, and the recommendations of value of such real estate as made by the State Land Evaluation Advisory Council.

B. In determining the total area of real estate actively devoted to agricultural, horticultural, forest or open space use there shall be included the area of all real estate under barns, sheds, silos, cribs, greenhouses, public recreation facilities and like structures, lakes, dams, ponds, streams, irrigation ditches and like facilities; but real estate under, and such additional real estate as may be actually used in connection with, the farmhouse or home or any other structure not related to such special use, shall be excluded in determining such total area.

C. All structures which are located on real estate in agricultural, horticultural, forest or open space use and the farmhouse or home or any other structure not related to such special use and the real estate on which the farmhouse or home or such other structure is located, together with the additional real estate used in connection therewith, shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable structures and other real estate in the locality.

D. In addition, such real estate in agricultural, horticultural, forest or open space use shall be evaluated on the basis of fair market value as applied to other real estate in the taxing jurisdiction, and land book records shall be maintained to show both the use value and the fair market value of such real estate.

(Code 1950, § 58-769.9; 1971, Ex. Sess., c. 172; 1984, c. 675.)

§ 58.1-3237. Change in use or zoning of real estate assessed under ordinance; roll-back taxes.

A. When real estate qualifies for assessment and taxation on the basis of use under an ordinance adopted pursuant to this article, and the use by which it qualified changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes. Such additional taxes shall only be assessed against that portion of such real estate which no longer qualifies for assessment and taxation on the basis of use or zoning. Liability for roll-back taxes shall attach and be paid to the treasurer only if the amount of tax due exceeds ten dollars.

B. In localities which have not adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on such roll-back taxes at a rate set by the governing body, no greater than the rate applicable to delinquent taxes in such locality pursuant to § [58.1-3916](#) for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value.

C. In localities which have adopted a sliding scale ordinance, the roll-back tax shall be equal to the sum of the deferred tax from the effective date of the written agreement including simple interest on such roll-back taxes at a rate set by the governing body, which shall not be greater than the rate applicable to delinquent taxes in such locality pursuant to § [58.1-3916](#), for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year and based on the highest tax rate applicable to the real estate for that year, had it not been subject to special assessment. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value and based on the highest tax rate applicable to the real estate for that year.

D. Liability to the roll-back taxes shall attach when a change in use occurs, or a change in zoning of the real estate to a more intensive use at the request of the owner or his agent occurs. Liability to the roll-back taxes shall not attach when a change in ownership of the title takes place if the new owner does not rezone the real estate to a more intensive use and continues the real estate in the use for which it is classified under the conditions prescribed in this article and in the ordinance. The owner of any real estate which has been zoned to more intensive use at the request of the owner or his agent as provided in subsection E, or otherwise subject to or liable for roll-back taxes, shall, within sixty days following such change in use or zoning, report such change to the commissioner of the revenue or other assessing officer on such forms as may be prescribed. The commissioner shall forthwith determine and assess the roll-back tax, which shall be assessed against and paid by the owner of the property at the time the change in use which no longer qualifies occurs, or at the time of the zoning of the real estate to a more intensive use at the request of the owner or his agent occurs, and shall be paid to

the treasurer within thirty days of the assessment. If the amount due is not paid by the due date, the treasurer shall impose a penalty and interest on the amount of the roll-back tax, including interest for prior years. Such penalty and interest shall be imposed in accordance with §§ 58.1-3915 and 58.1-3916.

E. Real property zoned to a more intensive use, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time such zoning is changed. The roll-back tax shall be levied and collected from the owner of the real estate in accordance with subsection D. Real property zoned to a more intensive use before July 1, 1988, at the request of the owner or his agent, shall be subject to and liable for the roll-back tax at the time the qualifying use is changed to a nonqualifying use. Real property zoned to a more intensive use at the request of the owner or his agent after July 1, 1988, shall be subject to and liable for the roll-back tax at the time of such zoning. Said roll-back tax, plus interest calculated in accordance with subsection B, shall be levied and collected at the time such property was rezoned. For property rezoned after July 1, 1988, but before July 1, 1992, no penalties or interest, except as provided in subsection B, shall be assessed, provided the said roll-back tax is paid on or before October 1, 1992. No real property rezoned to a more intensive use at the request of the owner or his agent shall be eligible for taxation and assessment under this article, provided that these provisions shall not be applicable to any rezoning which is required for the establishment, continuation, or expansion of a qualifying use. If the property is subsequently rezoned to agricultural, horticultural, or open space, it shall be eligible for consideration for assessment and taxation under this article only after three years have passed since the rezoning was effective.

However, the owner of any real property that qualified for assessment and taxation on the basis of use, and whose real property was rezoned to a more intensive use at the owner's request prior to 1980, may be eligible for taxation and assessment under this article provided the owner applies for rezoning to agricultural, horticultural, open-space or forest use. The real property shall be eligible for assessment and taxation on the basis of the qualifying use for the tax year following the effective date of the rezoning. If any such real property is subsequently rezoned to a more intensive use at the owner's request, within five years from the date the property was initially rezoned to a qualifying use under this section, the owner shall be liable for roll-back taxes when the property is rezoned to a more intensive use. Additionally, the owner shall be subject to a penalty equal to fifty percent of the roll-back taxes due as determined under subsection B of this section.

The roll-back taxes and penalty that otherwise would be imposed under this subsection shall not become due at the time the zoning is changed if the locality has enacted an ordinance pursuant to subsection G.

F. If real estate annexed by a city and granted use value assessment and taxation becomes subject to roll-back taxes, and such real estate likewise has been granted use value assessment and taxation by the county prior to annexation, the city shall collect roll-back taxes and interest for the maximum period allowed under this section and shall return to the county a share of such taxes and interest proportionate to the amount of such period, if any, for which the real estate was situated in the county.

G. A locality may enact an ordinance providing that (i) when a change in zoning of real estate to a more intensive use at the request of the owner or his agent occurs, roll-back taxes shall not become due solely because the change in zoning is for specific more intensive uses set forth in the ordinance, (ii) such real estate may remain eligible for use value assessment and taxation, in accordance with the provisions of this article, as long as the use by which it qualified does not change to a nonqualifying use, and (iii) no roll-back tax shall become due with respect to the real estate until such time as the use by which it qualified changes to a nonqualifying use.

(Code 1950, § 58-769.10; 1971, Ex. Sess., c. 172; 1973, c. 209; 1974, c. 34; 1977, c. 323; 1979, c. 179; 1980, c. 363; 1984, cc. 92, 222, 675, 676, 681; 1985, c. 478; 1988, cc. 422, 695; 1990, c. 841; 1992, Sp. Sess., c. 3; 1998, c. [274](#); 1999, c. [1026](#); 2013, c. [269](#).)

§ 58.1-3237.1. Authority of counties to enact additional provisions concerning zoning classifications.

A. Albemarle County, Arlington County, Augusta County, James City County, Loudoun County, and Rockingham County may include the following additional provisions in any ordinance enacted under the authority of this article:

1. The governing body may exclude land lying in planned development, industrial or commercial zoning districts from assessment under the provisions of this article. As applied to zoning districts, this provision applies only to zoning districts established prior to January 1, 1981.

2. The governing body may provide that when the zoning of the property taxed under the provisions of this article is changed to allow a more intensive nonagricultural use at the request of the owner or his agent, such property shall not be eligible for assessment and taxation under this article. This shall not apply, however, to property that is zoned agricultural and is subsequently rezoned to a more intensive use that is complementary to agricultural use, provided such property continues to be owned by the same owner who owned the property prior to rezoning and continues to operate the

agricultural activity on the property. Notwithstanding any other provision of law, such property shall be subject to and liable for roll-back taxes at the time the zoning is changed to allow any use more intensive than the use for which it qualifies for special assessment. The roll-back tax, plus interest, shall be calculated, levied and collected from the owner of the real estate in accordance with § [58.1-3237](#) at the time the property is rezoned.

B. Goochland County may include additional provisions specified in subdivisions A 1 and 2 in any ordinance enacted under the authority of this article, but only in service districts created after July 1, 2013, pursuant to Article 1 (§ [15.2-2400](#) et seq.) of Chapter 24 of Title 15.2.

(1987, c. 628; 1992, Sp. Sess., c. 3; 1993, c. 584; 2007, c. [813](#); 2011, c. [12](#); 2013, c. [677](#).)

§ 58.1-3238. Failure to report change in use; misstatements in applications.

Any person failing to report properly any change in use of property for which an application for use value taxation had been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for such penalties and interest thereon as may be provided by ordinance. Any person making a material misstatement of fact in any such application shall be liable for all such taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the locality, he shall be further assessed with an additional penalty of 100 percent of such unpaid taxes.

For purposes of this section and § [58.1-3234](#), incorrect information on the following subjects will be considered material misstatements of fact:

1. The number and identities of the known owners of the property at the time of application;
2. The actual use of the property.

The intentional misrepresentation of the number of acres in the parcel or the number of acres to be taxed according to use shall also be considered a material misstatement of fact for the purposes of this section and § 58.1-3234.

(Code 1950, § 58-769.10:1; 1971, Ex. Sess., c. 172; 1982, c. 624; 1984, cc. 675, 681.)

§ 58.1-3239. State Land Evaluation Advisory Committee continued as State Land Evaluation Advisory Council; membership; duties; ordinances to be filed with Council.

The State Land Evaluation Advisory Committee is continued and shall hereafter be known as the State Land Evaluation Advisory Council. The Advisory Council shall be composed of the Tax Commissioner, the dean of the College of Agriculture of Virginia Polytechnic Institute and State University, the State Forester, the Commissioner of Agriculture and Consumer Services and the Director of the Department of Conservation and Recreation.

The Advisory Council shall determine and publish a range of suggested values for each of the several soil conservation service land capability classifications for agricultural, horticultural, forest and open space uses in the various areas of the Commonwealth as needed to carry out the provisions of this article.

On or before October 1 of each year the Advisory Council shall submit recommended ranges of suggested values to be effective the following January 1 or July 1 in the case of localities with fiscal year assessment under the authority of Chapter 30 of this subtitle, within each locality which has adopted an ordinance pursuant to the provisions of this article based on the productive earning power of real estate devoted to agricultural, horticultural, forest and open space uses and make such recommended ranges available to the commissioner of the revenue or duly appointed assessor in each such locality.

The Advisory Council, in determining such ranges of values, shall base the determination on productive earning power to be determined by capitalization of warranted cash rents or by the capitalization of incomes of like real estate in the locality or a reasonable area of the locality.

Any locality adopting an ordinance pursuant to this article shall forthwith file a copy thereof with the Advisory Council.

(Code 1950, § 58-769.11; 1971, Ex. Sess., c. 172; 1976, c. 55; 1979, c. 152; 1984, cc. 675, 739, 750; 1985, c. 448; 1987, c. 550; 1989, c. 656.)

§ 58.1-3240. Duties of Director of the Department of Conservation and Recreation, the State Forester and the Commissioner of Agriculture and Consumer Services; remedy of person aggrieved by action or nonaction of Director, State Forester or Commissioner.

The Director of the Department of Conservation and Recreation, the State Forester, and the Commissioner of Agriculture and Consumer Services shall provide, after holding public hearings, to the commissioner of the revenue or duly appointed assessor of each locality adopting an ordinance pursuant to this article, a statement of the standards referred to in § [58.1-3230](#) and subdivision 1 of § [58.1-3233](#), which shall be applied uniformly throughout the Commonwealth in determining whether real estate is devoted to agricultural use, horticultural use, forest use or open-space use for the purposes of this article and the procedure to be followed by such official to obtain the opinion referenced in subdivision 1 of § [58.1-3233](#). Upon the refusal of the Commissioner of Agriculture and Consumer Services, the State Forester or the Director of the Department of Conservation and Recreation to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth in the statements filed pursuant to this section, the party aggrieved may seek relief in the circuit court of the county or city wherein the real estate in question is located, and in the event that the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this article.

(Code 1950, § 58-769.12; 1971, Ex. Sess., c. 172; 1973, c. 209; 1984, cc. 675, 739, 750; 1987, c. 550; 1989, c. 656.)

§ 58.1-3241. Separation of part of real estate assessed under ordinance; contiguous real estate located in more than one taxing locality.

A. Separation or split-off of lots, pieces or parcels of land from the real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article, either by conveyance or other action of the owner of such real estate, shall subject the real estate so separated to liability for the roll-back taxes applicable thereto, but shall not impair the right of each subdivided parcel of such real estate to qualify for such valuation, assessment and taxation in any and all future years, provided it meets the minimum acreage requirements and such other conditions of this article as may be applicable. Such separation or split-off of lots shall not impair the right of the remaining real estate to continuance of such valuation, assessment and taxation without liability for roll-back taxes, provided it meets the minimum acreage requirements and other applicable conditions of this article.

B. 1. No subdivision, separation, or split-off of property which results in parcels that meet the minimum acreage requirements of this article, and that are used for one or more of the purposes set forth in § [58.1-3230](#), shall be subject to the provisions of subsection A.

2. The application of roll-back taxes pursuant to subsection A shall, at the option of the locality, also not apply to a subdivision, separation, or split-off of property made pursuant to a subdivision ordinance adopted under § [15.2-2244](#) that results in parcels that do not meet the minimum acreage requirements of this article, provided that title to the parcels subdivided, separated, or split-off is held in the name of an immediate family member for at least the first 60 months immediately following the subdivision, separation, or split-off.

For purposes of this subdivision, an "immediate family member" means any person defined as such in the locality's subdivision ordinance adopted pursuant to § [15.2-2244](#).

C. Where contiguous real estate in agricultural, horticultural, forest or open-space use in one ownership is located in more than one taxing locality, compliance with the minimum acreage shall be determined on the basis of the total area of such real estate and not the area which is located in the particular taxing locality.

(Code 1950, § 58-769.13; 1971, Ex. Sess., c. 172; 1978, c. 385; 1984, c. 675; 1988, c. 695; 2006, c. [221](#).)

§ 58.1-3242. Taking of real estate assessed under ordinance by right of eminent domain.

The taking of real estate which is being valued, assessed and taxed under an ordinance adopted pursuant to this article by right of eminent domain shall not subject the real estate so taken to the roll-back taxes herein imposed.

(Code 1950, § 58-769.14; 1971, Ex. Sess., c. 172; 1984, c. 675.)

§ 58.1-3243. Application of other provisions of Title 58.1.

The provisions of this title applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including, without limitation, provisions relating to tax liens, boards of equalization and the correction of erroneous assessments and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

(Code 1950, § 58-769.15; 1971, Ex. Sess., c. 172; 1980, c. 241; 1983, c. 304; 1984, c. 675.)

§ 58.1-3244. Article not in conflict with requirements for preparation and use of true values.

Nothing in this article shall be construed to be in conflict with the requirements for preparation and use of true values where prescribed by the General Assembly for use in any fund distribution formula.

(Code 1950, § 58-769.15:1; 1971, Ex. Sess., c. 172; 1984, c. 675.)

GLOSSARY

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

AGRICULTURAL AND FORESTAL DISTRICT - A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

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

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

- 1)F ield crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts and dry beans.
- 2)F ruits, including apples, peaches, grapes, cherries, and berries.
- 3)V egetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- 4)H orticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers.
- 5)L ivestock 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.