

ORDINANCE PROVISIONS

February 23, 2009

AR 80-D-001-03

If it is the intent of the Board of Supervisors to renew the Patowmack Farm Statewide Agricultural and Forestal District as proposed in Application AR 80-D-001-03 pursuant to Chapter 43 of Title 15.2 of the Code of Virginia and Chapter 114 of the Fairfax County Code on Tax Map Parcels 2-2 ((1)) 6A; 3-1 ((1)) 3Z, 4Z, and 5Z; 3-3 ((1)) 1Z; 3-4 ((1)) 2 and 3, staff recommends that the approval be subject to the following Ordinance Provisions:

- (1) The Patowmack Farm Statewide Agricultural and Forestal District shall be reviewed after a period of ten years from the date of action on this renewal by the Board of Supervisors.
- (2) The Conservation Plan (dated July 2, 2008) and the Forest Management Plan (dated August 1, 2008) shall be implemented during the life of the Patowmack Farm Statewide Agricultural and Forestal District. The Conservation Plan and Forest Management Plan shall not be deviated from and shall be amended by the applicant only when it is determined to be necessary by the Northern Virginia Soil and Water Conservation District and/or the Virginia Department of Forestry to incorporate any major changes in the farming operation, such as but not limited to: an increase in the land clearing, changes in crop production, and additional water impoundments. The Conservation Plan and the Forest Management Plan shall be submitted, including any revisions, with subsequent applications for renewal or amendment of the District for review by the Department of Planning and Zoning. The applicant shall, to the extent reasonably practicable, employ Best Management Practices (BMPs) as promulgated by the Northern Virginia Soil and Water Conservation District and/or the Virginia Department of Forestry.
- (3) No parcel included within the district shall be developed to a more intensive use than its existing use at the time of the adoption of the ordinance renewing such district for ten years from the date of adoption of the renewal of this district. This provision shall not be construed to restrict expansion of, or improvements to, the agricultural or forestal use of this land, or prevent the construction of additional houses within the district, where otherwise permitted by applicable law, for either land owner, a member of the owner's family or for a tenant who farms the land.
- (4) 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 ten (10) years from the date of adoption of the original ordinance to renew the district.

- (5) Land used in agricultural and forestal production within the agricultural and forestal district of statewide significance shall qualify for an agricultural or 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 requirement for such assessment contained therein are satisfied.
- (6) Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, except for agricultural and related activities consistent with the Conservation Plan and Forest Management Plan, and the boundaries of the EQC shall be the permanent limits of clearing and grading except for agricultural and related activities consistent with the Conservation Plan and Forest Management Plan for the life of the Patowmack Farm Statewide Agricultural and Forestal District (See Exhibit A). There shall be no new structures nor clearing and grading permitted in the EQC unless otherwise in conformance with the Forest Management Plan dated August 1, 2008. The boundaries of the EQC as depicted on Exhibit A are subject to field verification and may shift to accurately reflect the appropriate limits of the EQC. No further encroachment into the RPA as depicted on Exhibit A shall be permitted without prior approval from the Northern Virginia Soil and Water Conservation District.
- (7) 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 shall 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.