

F-39. Orchard Spring Nursery Local Agricultural and Forestal District  
(AR 91-D-004-02)

(a) The following parcel of land situated in the Dranesville District, and more particularly described herein, is hereby included in the Orchard Spring Nursery Local Agricultural and Forestal District:

Owners	Fairfax County Tax Map Parcel Number	Acreage
Durward and Tarry Faries	20-1 ((1)) 33Z	2.95
	20-1 ((1)) 34Z	0.34
	20-1 ((1)) 35Z	21.28
	20-1 ((1)) 36Z	1.20
	20-1 ((1)) 58Z	2.97
	20-1 ((1)) 77Z	5.00
	Total: 33.74	

(b) The Orchard Spring Nursery Local Agricultural and Forestal District is established effective June 22, 2009, pursuant to Chapter 44, Title 15.2 of the Code of Virginia and Chapter 115 of the Fairfax County Code and is therefore subject to the provisions of those Chapters and the following provisions:

- (1) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for eight years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land, 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 shall be developed to a more intensive use than its existing use at the time of addition to the district for eight years from the date of adoption of the original ordinance.
- (3) That land used in agricultural and forestal production within the agricultural and forestal district of local significance shall qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Section 58.1-3230 et seq. of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the eight-year period and it may, by ordinance renew the district or a modification thereof for another eight-year period. No owner(s) of land shall be included in any agricultural and forestal district of local significance without such owner's written approval.

- (5) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan dated April 9, 2009, for the life of the Orchard Spring Nursery 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 applicants shall implement and abide by the recommendations of the Forest Management Plan dated April 28, 2009, for the life of the Orchard Spring Nursery Local Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the State Forester. If the applicants choose to harvest the timber on the lands within the Orchard Spring Nursery Agricultural and Forestal District, such harvesting shall be in coordination with the State Forester so that special techniques designed to protect water quality may be utilized.
- (7) Those areas delineated as Environmental Quality Corridors (EQCs) shall be left undisturbed, with the exception of selective thinning operations performed to enhance existing vegetation and the removal of dead, dying and diseased vegetation in accordance with the Forest Management Plan and as approved by the Urban Forester. The boundaries of the EQC shall be the permanent limits of clearing and grading for the life of the Orchard Spring Nursery Local Agricultural and Forestal District (see Attachment A).
- (8) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration 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.