

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-3233 of the Code of Virginia, relating to the minimum acreage for*  
3 *real estate to qualify for use value assessment.*

4 [S 685]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 58.1-3233 of the Code of Virginia is amended and reenacted as follows:**

8 § 58.1-3233. Determinations to be made by local officers before assessment of real estate under  
9 ordinance.

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

12 1. Determine that the real estate meets the criteria set forth in § 58.1-3230 and the standards  
13 prescribed thereunder to qualify for one of the classifications set forth therein, and he may request an  
14 opinion from the Director of the Department of Conservation and Recreation, the State Forester or the  
15 Commissioner of Agriculture and Consumer Services;

16 2. Determine further that real estate devoted solely to (i) agricultural or horticultural use consists of a  
17 minimum of five acres, (ii) forest use consists of a minimum of twenty acres and (iii) open-space use  
18 consists of a minimum of five acres or such greater minimum acreage as may be prescribed by local  
19 ordinance; except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or  
20 public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a  
21 density of population greater than 5,000 per square mile, for any real estate in any county operating  
22 under the urban county executive form of government, or the unincorporated Town of Yorktown  
23 chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses  
24 consist of a minimum of ~~two acres~~ *one quarter of an acre*.

25 The minimum acreage requirements for special classifications of real estate shall be determined by  
26 adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after  
27 July 1, 1983, titled in the same ownership. For purposes of this section, properties separated only by a  
28 public right-of-way are considered contiguous; and

29 3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal,  
30 or an agricultural and forestal district entered into pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title  
31 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the  
32 open-space use classification, as defined in § 58.1-3230, or (iii) subject to a recorded commitment  
33 entered into by the landowners with the local governing body, or its authorized designee, not to change  
34 the use to a nonqualifying use for a time period stated in the commitment of not less than four years  
35 nor more than ten years. Such commitment shall be subject to uniform standards prescribed by the  
36 Director of the Department of Conservation and Recreation pursuant to the authority set out in  
37 § 58.1-3240. Such commitment shall run with the land for the applicable period, and may be terminated  
38 in the manner provided in § 15.1-1513 for withdrawal of land from an agricultural, a forestal or an  
39 agricultural and forestal district.

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