

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-3233 of the Code of Virginia, relating to special assessment for*
3 *land preservation.*

4 [H 2056]

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; *except that for real estate used for purposes of engaging in aquaculture as*
18 *defined in § 3.1-73.6 or for the purposes of raising specialty crops as defined by local ordinance, the*
19 *governing body may by ordinance prescribe that these uses consist of a minimum acreage of less than*
20 *five acres*, (ii) forest use consists of a minimum of ~~twenty~~ 20 acres and (iii) open-space use consists of
21 a minimum of five acres or such greater minimum acreage as may be prescribed by local ordinance;
22 except that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public
23 property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a
24 density of population greater than 5,000 per square mile, for any real estate in any county operating
25 under the urban county executive form of government, or the unincorporated Town of Yorktown
26 chartered in 1691, the governing body may by ordinance prescribe that land devoted to open-space uses
27 consist of a minimum of one quarter of an acre.

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

32 3. Determine further that real estate devoted to open-space use is (i) within an agricultural, a forestal,
33 or an agricultural and forestal district entered into pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title
34 15.2, or (ii) subject to a recorded perpetual easement that is held by a public body, and promotes the
35 open-space use classification, as defined in § 58.1-3230, or (iii) subject to a recorded commitment
36 entered into by the landowners with the local governing body, or its authorized designee, not to change
37 the use to a nonqualifying use for a time period stated in the commitment of not less than four years
38 nor more than ~~ten~~ 10 years. Such commitment shall be subject to uniform standards prescribed by the
39 Director of the Department of Conservation and Recreation pursuant to the authority set out in
40 § 58.1-3240. Such commitment shall run with the land for the applicable period, and may be terminated
41 in the manner provided in § 15.2-4314 for withdrawal of land from an agricultural, a forestal or an
42 agricultural and forestal district.

ENROLLED

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