

# 1999 SESSION

INTRODUCED

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## HOUSE BILL NO. 2172

Offered January 20, 1999

A *BILL to amend and reenact § 58.1-3233 of the Code of Virginia, relating to land use determinations by local officials prior to assessment of real estate.*

Patrons—Stump; Senator: Puckett

Referred to Committee on Finance

### Be it enacted by the General Assembly of Virginia:

#### 1. That § 58.1-3233 of the Code of Virginia is amended and reenacted as follows:

§ 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, (ii) forest use consists of a minimum of twenty acres *and such maximum acreage as may be prescribed by local ordinance*, 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 two acres.

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. For purposes of this section, properties separated only by a public right-of-way are considered contiguous. *The maximum acreage calculations for forest use, if adopted, shall be determined by adding together the total area of real estate titled in the same name whether or not the tracts or parcels are 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 36 43 (§ ~~15.1-1506~~ 15.2-4300 et seq.) of Title ~~15.1~~ 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~~ 15.2-4314 for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

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HB2172