

OFFICE OF THE CITY ASSESSOR

MEMORANDUM

To: Agricultural-Forestal Advisory Committee

From: Charles Haney, City Assessor

Date: September 27, 2023

RE: Agricultural-Forestal Committee Meeting

The Staunton Agricultural-Forestal Advisory Committee will hold a meeting on **Wednesday, September 27, at 5:30 P.M.** The meeting will be held in the Caucus Room located on the first floor of City Hall, 116 W Beverley Street.

AGENDA

		Action Taken
1.	Call to Order	
2.	Election of Officers Chair Vice Chair Secretary	
3.	New Business A. Consideration of a Request by LABREHAB AT WINDY OAKS, LLC, for addition of six parcels to be added to the M.O. Carr Agricultural-Forestal District. PID # 11544 PID # 9975 PID # 10047 PID # 101897 PID # 10046 PID # 101898 Total acres: 45.56	

4.	Old Business	
5.	Other Business	
6.	Adjournment	



**Application for the Creation of/Addition to an Agricultural,
Forestal, or Agricultural and Forestal District:**

Date of Application: 7/28/2023

Application Fee: \$300.00

_____ Paid (initial)

To Be Completed by Applicant

1. Name of Applicant: Lab Rehab @ Windy Oaks 96 Eric W. Daugh

2. Address of Applicant: PO Box 2648 Staunton, VA 24402

3. Telephone Number of Applicant: (H) _____

(C) (540) 294-8302 (W) _____

4. Email Address: eobaugh@charlieobaugh.com

4. General Location of the District: West of 262 along 250 West
Main address - 1650 Churchville Rd
containing 6 parcels

5. Type of District: (Check One)

☐ Agricultural

☐ Forestal

☒ Agricultural and Forestal

6. Proposed/Current Name of District:

Lab Rehab @ Windy Oaks

7. Total Acreage in the District or Addition: 45.56 ac

8. Proposed Period Before First Review: _____

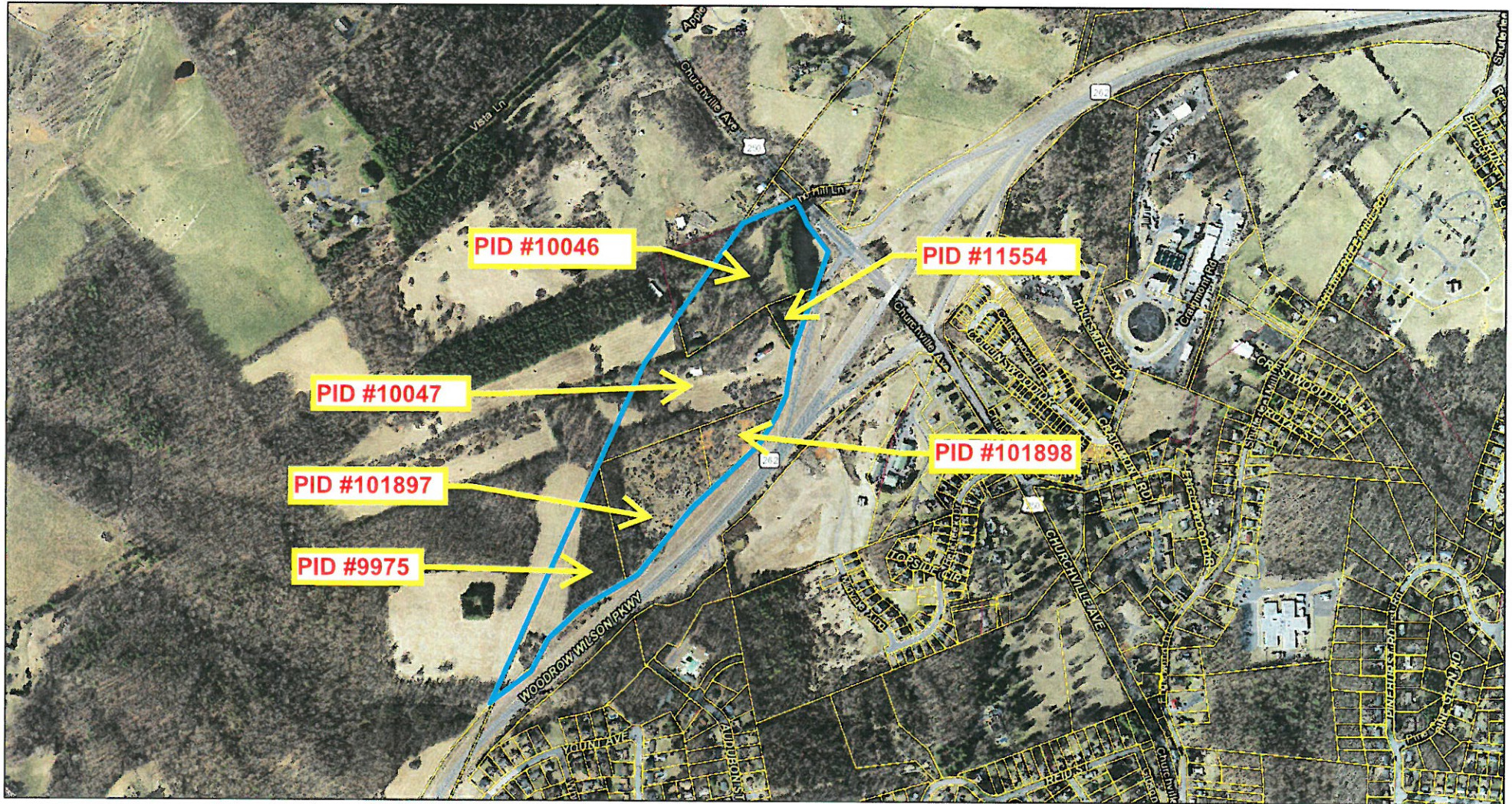
9. Required Exhibits that MUST be furnished with the application:

- A. A United States Geological Survey 7.5 Minute Topographic Map showing clearly the boundaries of the district or addition and the boundaries of properties owned by each applicant.
- B. A City of Staunton Real Property Map showing boundaries of the district or addition and the boundaries of properties owned by each applicant.
- C. A tabular listing of all parcels of land to be included in the district or addition showing the owner's name, address, telephone number, acreage of the parcel and the parcel number and current assessed value of the land, improvements and uses value.
- D. A tabular listing of all parcels, with the signature of each landowner applying for creation of the district or addition.
- E. All proposed conditions to create of the district pursuant to subsection D of Section 15.1-1511 of the Code of Virginia.

Signature of Applicant: _____

Date: _____

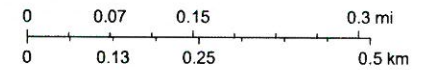
Addition to the Agricultural Forestal Districts



7/28/2023, 8:25:54 AM

- Lot_Lines
- Ag Forestal District
- Green: Band_2
- City Limits
- Road Centerline
- Blue: Band_3
- Tax Parcels
- 2022 Imagery
- Red: Band_1

1:7,106



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



CITY OF STAUNTON
Richard Johnson, Treasurer
P.O. Box 474
Staunton, VA 24402-0474
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IMPORTANT INFORMATION ON BACK

OFFICE OF THE TREASURER
City Hall, 1st Floor
116 West Beverley St
Staunton, VA 24401

Phone 540-332-3833

Fax 540-332-3836

Web: www.staunton.va.us

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LABREHAB AT WINDY OAKS, LLC
PO BOX 2648
STAUNTON VA 24402-2648

If you feel there is an error in your
assessment, please contact the City
Assessor's Office at 540-332-3827

Jackson

CITY OF STAUNTON TAX BILL - 2023 REAL ESTATE

INVOICE/BILL NUMBER	PARCEL ID
429808	101897

ACCOUNT NUMBER
1151028

STREET LOCATION AND DESCRIPTION	LAND VALUE	IMPROVEMENTS	ASSESS TOTAL	RATE PER \$100	ANNUAL TAX
1842 CHURCHVILLE AVE 8.715 ACS ON PLAT OF 13.836 AC ACREAGE 8.715	69,720.00	0.00	69,720.00	0.89	620.51
TOTAL TAX					620.51
** Tax relief/rehab (if applicable)					0.00
Net Tax					620.51
1ST INSTALLMENT 3/4 DUE 6/20/23					465.38
2ND INSTALLMENT 1/4 DUE 12/5/23					155.13
Payments received/applied					0.00

If amounts not paid by due date, 10% penalty
will be added. 10% annual interest will begin
starting Jan. 1st.

Payment options on back

RETAIN TOP PORTION FOR YOUR RECORDS

Detach and return this portion with your payment

CITY OF STAUNTON REAL ESTATE TAX - 2023

INVOICE NUMBER
429808

PARCEL	ACCOUNT#
101897	1151028

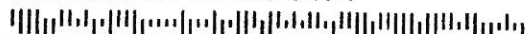
AMOUNT ENCLOSED

Code of Virginia 58.1-3913 Delinquent tax MUST be paid first

Make Check Payable and Remit To:

LABREHAB AT WINDY OAKS, LLC
PO BOX 2648
STAUNTON VA 24402-2648

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T. Jackson

CITY OF STAUNTON TAX BILL - 2023 REAL ESTATE

INVOICE/BILL NUMBER	PARCEL ID	ACCOUNT NUMBER
429810	11554	1151030

STREET LOCATION AND DESCRIPTION	LAND VALUE	IMPROVEMENTS	ASSESS TOTAL	RATE PER \$100	ANNUAL TAX
1848 CHURCHVILLE AVE RESIDUE OF LOT 28D-0.931 AC-(A ACREAGE 0.931	7,500.00	0.00	7,500.00	0.89	66.75
TOTAL TAX					66.75
** Tax relief/rehab (if applicable)					0.00
Net Tax					66.75
1ST INSTALLMENT 3/4 DUE 6/20/23					50.06
2ND INSTALLMENT 1/4 DUE 12/5/23					16.69
Payments received/applied					0.00

If amounts not paid by due date, 10% penalty
will be added. 10% annual interest will begin
starting Jan. 1st.

Payment options on back

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CITY OF STAUNTON REAL ESTATE TAX - 2023

INVOICE NUMBER
429810

PARCEL	ACCOUNT#
11554	1151030

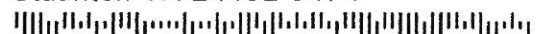
AMOUNT ENCLOSED

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CITY OF STAUNTON TAX BILL - 2023 REAL ESTATE

INVOICE/BILL NUMBER	PARCEL ID
429809	101898

ACCOUNT NUMBER
1151028

STREET LOCATION AND DESCRIPTION	LAND VALUE	IMPROVEMENTS	ASSESS TOTAL	RATE PER \$100	ANNUAL TAX
1844 CHURCHVILLE AVE 4.190 ACS ON PLAT OF 13.836 AC ACREAGE 4.190	33,520.00	0.00	33,520.00	0.89	298.33
TOTAL TAX					298.33
** Tax relief/rehab (if applicable)					0.00
Net Tax					298.33
1ST INSTALLMENT 3/4 DUE 6/20/23					223.75
2ND INSTALLMENT 1/4 DUE 12/5/23					74.58
Payments received/applied					0.00

If amounts not paid by due date, 10% penalty
will be added. 10% annual interest will begin
starting Jan. 1st.

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CITY OF STAUNTON REAL ESTATE TAX - 2023

INVOICE NUMBER
429809

PARCEL	ACCOUNT#
101898	1151028

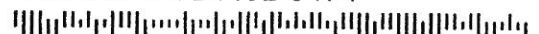
AMOUNT ENCLOSED

Code of Virginia 58.1-3913 Delinquent tax MUST be paid first

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CITY OF STAUNTON TAX BILL - 2023 REAL ESTATE

INVOICE/BILL NUMBER	PARCEL ID	ACCOUNT NUMBER
429811	9975	1150627

STREET LOCATION AND DESCRIPTION	LAND VALUE	IMPROVEMENTS	ASSESS TOTAL	RATE PER \$100	ANNUAL TAX
1900 CHURCHVILLE AVE (045-27) SPLIT PARCEL-7.464 AC ACREAGE 7.464	59,710.00	0.00	59,710.00	0.89	531.42
TOTAL TAX					531.42
** Tax relief/rehab (if applicable)					0.00
Net Tax					531.42
1ST INSTALLMENT 3/4 DUE 6/20/23					398.57
2ND INSTALLMENT 1/4 DUE 12/5/23					132.85
Payments received/applied					0.00

If amounts not paid by due date, 10% penalty
will be added. 10% annual interest will begin
starting Jan. 1st.

Payment options on back

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CITY OF STAUNTON REAL ESTATE TAX - 2023

INVOICE NUMBER
429811

PARCEL	ACCOUNT#
9975	1150627

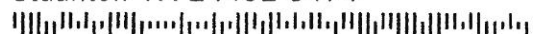
AMOUNT ENCLOSED

Code of Virginia 58.1-3913 Delinquent tax MUST be paid first

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STAUNTON VA 24402-2648

City of Staunton Treasurer
PO Box 474
Staunton VA 24402-0474





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CITY OF STAUNTON TAX BILL - 2023 REAL ESTATE

INVOICE/BILL NUMBER	PARCEL ID	ACCOUNT NUMBER
429806	10046	1150627

STREET LOCATION AND DESCRIPTION	LAND VALUE	IMPROVEMENTS	ASSESS TOTAL	RATE PER \$100	ANNUAL TAX
1850 CHURCHVILLE AVE (045-28A) W SIDE 250-POR J JA ACREAGE 10.869	148,690.00	567,800.00	716,490.00	0.89	6,376.76
TOTAL TAX					6,376.76
** Tax relief/rehab (if applicable)					0.00
Net Tax					6,376.76
1ST INSTALLMENT 3/4 DUE 6/20/23					4,782.58
2ND INSTALLMENT 1/4 DUE 12/5/23					1,594.18
Payments received/applied					0.00

If amounts not paid by due date, 10% penalty
will be added. 10% annual interest will begin
starting Jan. 1st.

Payment options on back

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CITY OF STAUNTON REAL ESTATE TAX - 2023

INVOICE NUMBER	PARCEL	ACCOUNT#	AMOUNT ENCLOSED
429806	10046	1150627	

Code of Virginia 58.1-3913 Delinquent tax MUST be paid first

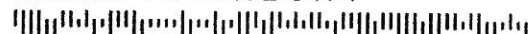
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STAUNTON VA 24402-2648

City of Staunton Treasurer

PO Box 474

Staunton VA 24402-0474





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CITY OF STAUNTON TAX BILL - 2023 REAL ESTATE

INVOICE/BILL NUMBER	PARCEL ID
429807	10047

ACCOUNT NUMBER
1150627

STREET LOCATION AND DESCRIPTION	LAND VALUE	IMPROVEMENTS	ASSESS TOTAL	RATE PER \$100	ANNUAL TAX
1846 CHURCHVILLE AVE (045-28C) TRACT 3 ON PLAT-W ST ACREAGE 13.389	107,120.00	24,100.00	131,220.00	0.89	1,167.86
TOTAL TAX					1,167.86
** Tax relief/rehab (if applicable)					0.00
Net Tax					1,167.86
1ST INSTALLMENT 3/4 DUE 6/20/23					875.89
2ND INSTALLMENT 1/4 DUE 12/5/23					291.97
Payments received/applied					0.00

If amounts not paid by due date, 10% penalty
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starting Jan. 1st.

Payment options on back

RETAIN TOP PORTION FOR YOUR RECORDS

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CITY OF STAUNTON REAL ESTATE TAX - 2023

INVOICE NUMBER
429807

PARCEL	ACCOUNT#
10047	1150627

AMOUNT ENCLOSED

Code of Virginia 58.1-3913 Delinquent tax MUST be paid first

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City of Staunton Treasurer
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PROPERTIES TO BE ADDED TO THE AGRICULTURAL-FORESTAL DISTRICT

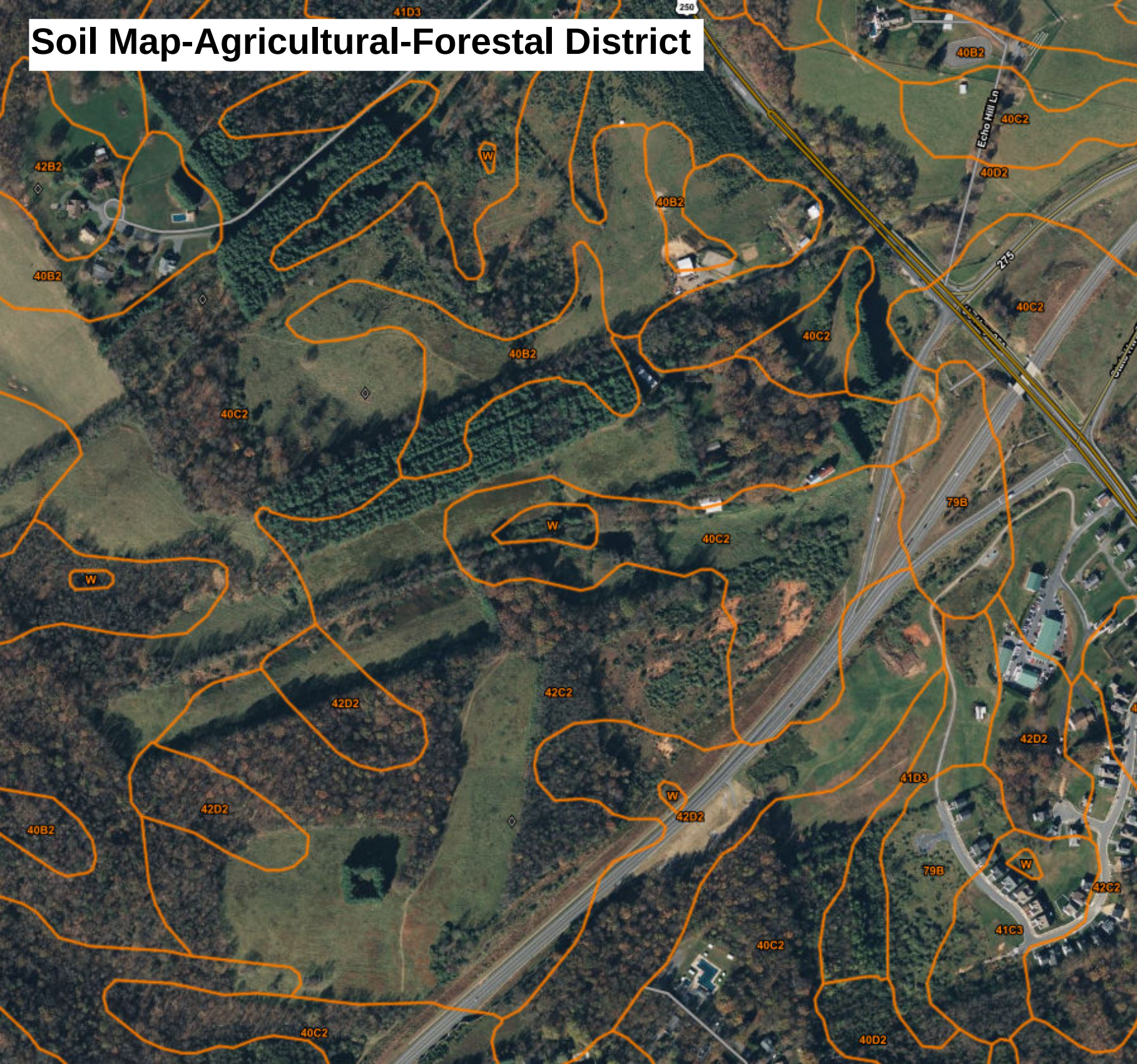
Parcel #	Acerage	Parcel Address	Owner Name	STREET	CITY STATE ZIP	Phone #
11544	0.931	1848 CHURCHVILLE AVE	LABREHAB AT WINDY OAKS, LLC	P.O. BOX 2648	STAUNTON, VA, 24402	(540) 294-8302
10047	13.389	1846 CHURCHVILLE AVE	LABREHAB AT WINDY OAKS, LLC	P.O. BOX 2648	STAUNTON, VA, 24402	(540) 294-8302
10046	10.869	1850 CHURCHVILLE AVE	LABREHAB AT WINDY OAKS, LLC	P.O. BOX 2648	STAUNTON, VA, 24402	(540) 294-8302
9975	7.464	1900 CHURCHVILLE AVE	LABREHAB AT WINDY OAKS, LLC	P.O. BOX 2648	STAUNTON, VA, 24402	(540) 294-8302
101897	8.715	1842 CHURCHVILLE AVE	LABREHAB AT WINDY OAKS, LLC	P.O. BOX 2648	STAUNTON, VA, 24402	(540) 294-8302
101898	4.19	1844 CHURCHVILLE AVE	LABREHAB AT WINDY OAKS, LLC	P.O. BOX 2648	STAUNTON, VA, 24402	(540) 294-8302
Total Acerage	45.56					

Eric Obaugh, Owner
Labrehab At Windy Oaks, LLC

Date

7/28/2023

Soil Map-Agricultural-Forestal District



Augusta County, Virginia

42C2—Frederick-Christian gravelly silt loams, 7 to 15 percent slopes, eroded

Map Unit Setting

National map unit symbol: kcsw

Elevation: 1,100 to 2,180 feet

Mean annual precipitation: 29 to 38 inches

Mean annual air temperature: 43 to 64 degrees F

Frost-free period: 138 to 192 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Frederick and similar soils: 45 percent

Christian and similar soils: 35 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Frederick

Setting

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Residuum weathered from dolomitic and cherty limestone

Typical profile

H1 - 0 to 7 inches: gravelly silt loam

H2 - 7 to 14 inches: silty clay loam

H3 - 14 to 50 inches: clay

H4 - 50 to 70 inches: clay

Properties and qualities

Slope: 7 to 15 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Medium

Capacity of the most limiting layer to transmit water

(Ksat): Moderately high to high (0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Moderate (about 8.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3e

Hydrologic Soil Group: B

Ecological site: F147XY003PA - Mixed Limestone Upland

Hydric soil rating: No

Description of Christian

Setting

Landform: Hills

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Residuum weathered from limestone or
interbedded limestone and sandstone

Typical profile

H1 - 0 to 7 inches: gravelly silt loam

H2 - 7 to 13 inches: clay loam

H3 - 13 to 40 inches: clay

H4 - 40 to 70 inches: clay

Properties and qualities

Slope: 7 to 15 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Medium

Capacity of the most limiting layer to transmit water

(Ksat): Moderately high to high (0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Moderate (about 8.1
inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3e

Hydrologic Soil Group: B

Ecological site: F147XY003PA - Mixed Limestone Upland

Hydric soil rating: No

Data Source Information

Soil Survey Area: Augusta County, Virginia

Survey Area Data: Version 18, Aug 23, 2022

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4301. Declaration of policy findings and purpose.

It is the policy of the Commonwealth to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes. It is the purpose of this chapter to provide a means for a mutual undertaking by landowners and localities to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and as an economic and environmental resource of major importance.

1977, c. 681, § 15.1-1507; 1987, c. 552; 1997, c. 587.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

9/5/20:

Virginia Law Library

The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in both EPub and MOBI eBook formats. 

Helpful Resources

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[Virginia Register of Regulations](#)
[U.S. Constitution](#)

For Developers

The Virginia Law website data is available via a web service. 

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Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels.

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. 833; 2011, cc. 344, 355.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

9/6/201

Virginia Law Library

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Helpful Resources

Virginia Code Commission
Virginia Register of Regulations
[U.S. Constitution](#)

For Developers

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Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4306. Criteria for evaluating application.

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System or, if one has been developed, a local LESA System. The following factors should be considered by the local planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to § 15.2-4303 is being considered:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
4. Local developmental patterns and needs;
5. The comprehensive plan and, if applicable, the zoning regulations;
6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
7. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

9/5/201

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Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4310. Additions to a district.

Additional parcels of land may be added to an existing district at any time by following the process and application deadlines prescribed for the creation of a new district.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 2011, cc. 344, 355.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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State Land Evaluation Advisory Council / (SLEAC)

Introduction

In 1971, the Virginia General Assembly enacted a law permitting localities to adopt a program of special assessments for agricultural, horticultural, forest and open space lands (Sections 58.1-3229 through 58.1-3244 of the *Code of Virginia*). While the purpose language originally outlined in Section 58.1-3229 has since been removed, as established at that time, the purpose of the program was stated as the following:

- To encourage the preservation and proper use of such real estate in order to assure a readily available source of agricultural, horticultural and forest products and of open spaces within the reach of concentrations of population,
- To conserve natural resources in forms which will prevent erosion and to protect adequate and safe water supplies,
- To preserve scenic natural beauty and open spaces,
- To promote proper land-use planning and the orderly development of real estate for the accommodation of an expanding population, and
- To promote a balanced economy and ameliorate pressures which force conversion of such real estate to more intensive uses and which are attributable in part to the assessment of such real estate at values incompatible with its use and preservation for agricultural, horticultural, forest or open space purposes.

The Code sets out some basic prerequisites for a landowner wishing to qualify for use-value assessments. At the same time, the Code also assigns responsibility for prescribing uniform standards for qualification to the Commission of Agriculture and Consumer Services (agricultural and horticultural lands), the State Forester (forest lands), and the Director of the Department of Conservation and Recreation (open space lands). Further, to aid the localities in arriving at use-value assessments, the law has established the State Land Evaluation Advisory Council (SLEAC), composed of these three departments plus the Tax Commissioner, and the Dean of the College of Agriculture and Life Sciences of Virginia Polytechnic Institute and State University.

Each year the Council determines and publishes ranges of suggested values for several classes of agricultural, horticultural, forest and open space land in the localities having such a program. The local assessing officer uses these ranges along with his personal knowledge of use values in the area and the other available evidence of land capability in arriving at the official use-value assessment of any parcel of land.

The purpose of this manual is to bring together background information needed by local officials involved in or considering a use-value assessment program. Further information is available upon request from the SLEAC members and their staff listed on the opposite page.

Part 1

Law and General

Synopsis

CODE OF VIRGINIA

GENERAL SYNOPSIS BY SECTIONS

Chapter 32 of Title 58.1, Article 4
(Includes amendments by the 1998 General Assembly)

Special Assessments for Agricultural, Horticultural, Forest,
Open Space, or Newly Annexed Real Estate

§ 58.1-3229. Declaration of policy.

An expanding population and reduction in the quantity and quality of real estate devoted to agricultural, horticultural, forest and open space uses make the preservation of such real estate a matter vital to the public interest. It is, therefore, in the public interest (a) to encourage the preservation and proper use of such real estate in order to assure a readily available source of agricultural, horticultural and forest products and of open spaces within reach of concentrations of population, to conserve natural resources in forms which will prevent erosion, to protect adequate and safe water supplies, to preserve scenic natural beauty and open spaces and to promote land-use planning and the orderly development of real estate for the accommodation of an expanding population, and (b) to promote a balanced economy and ameliorate pressures which force the conversion of such real estate to more intensive uses and which are attributable in part to the assessment of such real estate at values incompatible with its use and preservation for agricultural, horticultural, forest or open space purposes.

It is the intent of this article to provide for the classification, and permit the assessment and taxation, of such real estate in a manner that will promote the preservation of it ultimately for the public benefit.

Policy:

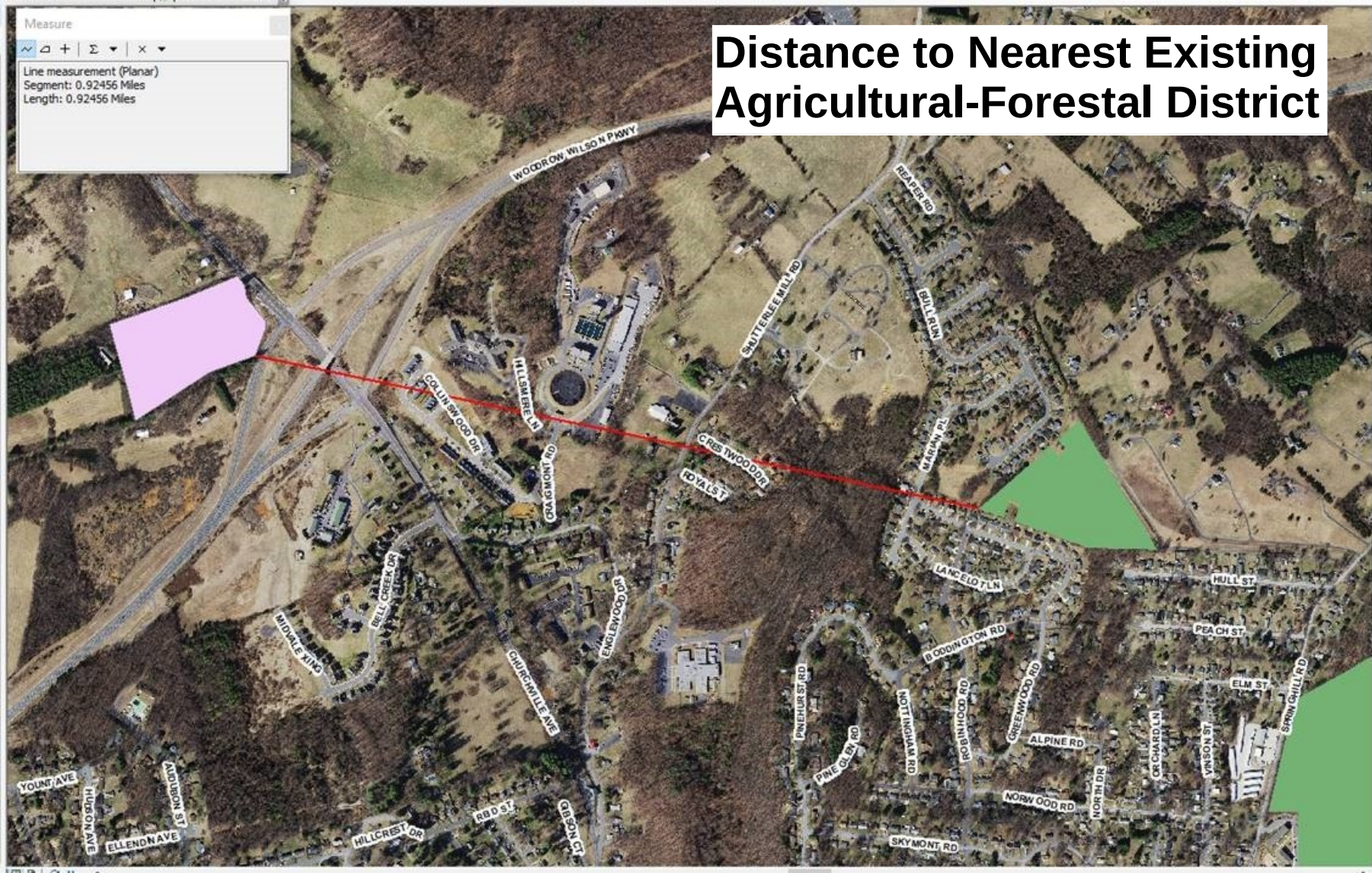
A declaration that the preservation of real estate for agricultural, horticultural, forest and open space use is in the public interest and that the classification, special assessment and taxation of such property in a manner that promotes its preservation help foster long term public benefits.

Measure

Line measurement (Planar)

Segment: 0.92456 Miles
Length: 0.92456 Miles

Distance to Nearest Existing Agricultural-Forestal District



Chapter 18.95

A-1 AGRICULTURAL-FORESTAL DISTRICT

Sections:

- 18.95.005 Definitions.
- 18.95.010 Districts continued.
- 18.95.020 Districts designated and described – Additions to districts.
- 18.95.030 Required and permitted uses.
- 18.95.040 Overlay.
- 18.95.050 Private roads.
- 18.95.060 Other conditions.
- 18.95.070 Term review.
- 18.95.080 Severability.

18.95.005 Definitions.

For purposes of this chapter, the following definitions apply unless otherwise provided herein:

“Agricultural production” means the production for commercial purposes of crops, livestock and livestock products, and other agricultural products, including the processing or retail sales by the producer of such products which are produced on the parcel or in the district.

“Agricultural products” means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

“Application” means the set of items an owner of land or owners of land, landowner or landowners must submit to the local governing body when applying for the creation of a district or an addition to an existing district.

“District” means an agricultural-forestal area comprised of one or more parcels as designated for inclusion in a district as specified herein.

“Forestal production” means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district.

“Forestal products” means, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

“Intensive agriculture facility” means any building or structure housing more than 10 animals or any dead animal disposal facility.

“Owner or owners of land” means any person who holds a direct or indirect fee simple interest in property or a direct or indirect controlling or other interest in an entity that holds a direct or indirect fee simple interest in land and other property but does not include the holder of an easement.

“Person” means any individual, corporation, limited liability company, partnership, association, cooperative, trust, business trust, joint venture, or any other entity and any successor, representative, agent, agency, or instrumentality thereof. (Ord. 2010-29).

18.95.010 Districts continued.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, there are hereby continued agricultural-forestal districts, subject to the terms, conditions, and restrictions set forth in this chapter and as otherwise provided by Sections 15.2-4300 through and including 15.2-4314 of the Code of Virginia, as amended, the provisions of which, except as specifically modified herein, to the extent permitted by law, are adopted and incorporated herein by reference. (Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.020 Districts designated and described – Additions to districts.

(1) Districts. The agricultural, or sometimes referred to as agricultural and forestal or agricultural-forestal, districts designated and the land included within the districts are the following:

(a) The Bell's Lane Agricultural and Forestal District shall consist of the following land, to wit:

(i) 1,662.34 acres of land, more or less, situated in the city of Staunton, Virginia, bounded generally on the west by Commerce Road, on the north by State Route 262 (formerly State Route 275), on the east by Interstate 81, and on the south by Route 254, which includes the land identified by the city of Staunton assessor as parcel numbers 10140, 10143, 10146, 10149, 10152, 10169, 10176, 10182, 10187, 10369, 10375, 10410, 10413, 10418, 10420, 10423, 10430, 10438, 10442 and 11121, and as further shown on the map entitled "Ag-Forestal Districts" made by the engineering department of the city of Staunton, dated October 25, 2004, a copy of which map shall be on file with the department of planning and inspection and the city assessor's office.

(ii) 26.19 acres of land, more or less, situated in the city of Staunton, Virginia, bounded generally on the east by Interstate 81 and on the south, west and north by the land of Lewis W. Moore, lying along the southeastern margin of Lewis Creek and encompassing the land identified by the city of Staunton as parcel number 10484.

(b) The Merrifield Agricultural and Forestal District shall consist of the following land, to wit:

(i) 218.441 acres of land, more or less, situated in the city of Staunton, Virginia, at the northwest quadrant of the intersection of U.S. Route 11 and State Route 262 (formerly State Route 275), and identified by the city of Staunton assessor as parcel number 10329 and shown on the aforementioned map as "Hereford," and more particularly shown and described as Parcel A-2 on the "Survey Plat of Property of E. Monroe Bonfoey and Sarah D. Witz Bonfoey," a copy of which plat is recorded in the clerk's office of the circuit court of the city of Staunton, Virginia, in Deed Book 305, Page 858.

(ii) 147.202 acres of land, more or less, situated in the city of Staunton, Virginia, adjoining the land described in subsection (1)(b)(i) of this section and shown on the map aforementioned as "Bonfoey," and more particularly shown and described on the plat, aforesaid, as Parcel A-1 (excluding 2.999 acres shown on said plat as Parcel B) and identified by the city of Staunton assessor as parcel number 10881.

(iii) 196.13 acres of land, more or less, situated in the city of Staunton, Virginia, known as "Cobble Hill," identified by the city of Staunton assessor as parcel numbers 10007, 10008 and 10010 and shown on the map aforementioned as "Craske."

(c) The M.O. Carr Agricultural and Forestal District shall consist of the following land, to wit:

(i) 40.67 acres of land, more or less, and shown on the map aforementioned as "Hardy" and identified by the city of Staunton assessor as parcel number 10012.

(ii) 35.167 acres of land, more or less, and shown on the map aforementioned as "Johnson" and identified by the city of Staunton assessor as parcel number 10472.

(iii) 10.54 acres of land, more or less, known as the "Thompson" property and consisting of two parcels identified and shown by the city as parcel number 9996, containing approximately 0.950 acres, and parcel number 10824, containing approximately 9.404 acres.

(d) The Middlebrook Agricultural and Forestal District shall consist of the following land, to wit:

221.266 acres of land, more or less, situated in the city of Staunton, Virginia, fronting approximately 6,500 feet along the southwestern city limits at the northwest corner of the intersection of Middlebrook Avenue and State Route 262 (formerly State Route 275), adjoining Montgomery Hall Park on the northeast, Augusta County on the southwest, CSX Railroad on the northwest and Middlebrook Avenue on the southeast, which includes the lands identified by the city of Staunton assessor as parcel numbers 10098, 10126, 10311, 10099, 10103, 10510

and 10097, and as further shown on the map entitled “Exhibit D.1. – Boundary Map,” a copy of which map shall be on file with the department of planning and inspection and the city assessor’s office.

(2) Additions to Districts. No additional district shall be established and no land shall be added to a district unless the land as a parcel for which application is made totals at least 20 acres and the district already has a core of not less than 200 acres in one parcel or in contiguous parcels. The assessor for the city of Staunton shall specify an application form and, as necessary, other forms related to any proposed additional district and for proposed land to be added to a district consistent with the provisions of this chapter. (Ord. 2020-16; Ord. 2020-01; Ord. 2015-02; Ord. 2010-29; Ord. 2009-06; Ord. 2009-05; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.030 Required and permitted uses.

(1) Required Uses. Land included within the districts under this chapter shall be used solely for agricultural products, agricultural productions, forestal products, and forestal production, except as otherwise specifically limited or permitted, and shall continuously be so used to manifest active, bona fide agricultural and forestal production of a significant nature and degree. Not later than July 1st of each year, each owner of land in a district shall file with the assessor for the city of Staunton a fully complete affidavit as to each such parcel of land as identified separately within the district in SCC 18.95.020, in a form specified by the assessor, that verifies the use of the land within the district satisfies these conditions. Owners shall be permitted a 30-day period extension to file the affidavit as to each such parcel as identified separately within the district in SCC 18.95.020 upon satisfactory proof of payment within such 30-day extension period to the Staunton city treasurer of a late filing fee of \$100.00 or 10 percent of the tax savings, whichever is greater, as to each separately identified parcel within the district. Owners shall be permitted an immediately successive 30-day period filing extension as to each such separately identified parcel within the district upon satisfactory proof of payment within such 30-day extension period to the Staunton city treasurer of a late filing fee of an additional \$100.00 or 10 percent of the tax savings, whichever is greater, as to each. In no event, however, shall the total extension exceed two immediately successive 30-day periods, totaling 60 days. Absent timely filing of a properly completed affidavit and timely payment of late filing fee(s), if applicable, land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for an agricultural or forestal use-value assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia.

(2) Other Permitted Uses. Construction and placement of dwellings for persons who earn a substantial part of their livelihood from farm or forestry operations on the same property, or for members of the immediate family of the owner, and divisions of parcels for dwellings of such immediate family members shall be permitted subject to the following limitations and regulations:

- (a) Any new dwelling permitted hereunder must be located on a platted lot approved in accordance with the provisions of SCC 17.10.070, Minor subdivision plats.
- (b) Minimum lot area: one acre.
- (c) Maximum lot coverage: 10 percent.
- (d) Lots must abut at least 30 feet on a public or private street.
- (e) All buildings on a lot must be set back at least 100 feet from the front lot line, 50 feet from the rear lot line, and 50 feet from the side lot lines.
- (f) Dwellings shall not exceed 35 feet or two and one-half stories, whichever is greater. All other buildings or structures, unless exempted by Chapter 18.115 SCC, shall not exceed one story or 15 feet, whichever is greater.

(3) Nothing herein shall prohibit the carrying out of agritourism activities, as defined in Section 3.2-6400 of the Code of Virginia, or other activities in accordance with Section 15.2-2288.6 of the Code of Virginia, on the land within these districts, except to the extent such activities substantially impact the health, safety, or general welfare of the public as further identified by the city council in this code, or constitute a nuisance as defined in this code or in Section 15.2-900 of the Code of Virginia. (Ord. 2020-01; Ord. 2018-26; Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.040 Overlay.

These districts are overlay districts and upon termination of any of the districts or withdrawal of any parcel from a district, when permitted, the underlying zoning with its rules and regulations shall continue to be in effect. (Ord. 2020-01; Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.050 Private roads.

If, in the creation of a lot pursuant to SCC 18.95.030(2)(a), a private road is created, no city services such as, but not limited to, snow and ice removal and trash collection will be provided to such lot. In addition, emergency services such as fire and rescue may be limited. (Ord. 2020-01; Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.060 Other conditions.

(1) Land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for agricultural or forestal use-value assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia if, as of June 30th or December 31st, any owner of land is delinquent as to any amounts, including but not limited to taxes, fees, and charges, or any other sum for which the person has been determined to be liable to the city of Staunton even though the matter may be in contest. The city director of finance, treasurer, and commissioner of revenue shall certify to the assessor the name of any such person and shall, together with the city assessor, regard the land as suspended from inclusion in the corresponding district for the following calendar year for this purpose, to the fullest extent permitted by law.

(2) No land within a district shall be removed from the district except with the approval of the council of the city of Staunton, upon a showing of good and reasonable cause.

(3) During the term of the districts, no parcel of land within the districts shall, without the prior approval of the council of the city of Staunton, be developed to any more intensive use than existed at the date of the creation of these districts, other than uses resulting in more intensive agricultural or forestal production, and no parcel of common or related ownership within the districts may have thereon, at any particular time, more than 10 turkeys, 10 hogs, and 20 chickens.

(4) By having land in an existing or in an added district, any owner of land in a district accordingly deems and stipulates that the value of such land shall, for all purposes related to the acquisition of any easement interest in the land for a public use for water and/or sewer utility facilities or ingress and egress right-of-way to such facilities by the city of Staunton or its authorities as authorized by law, be the same value used for assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, to the fullest extent permitted by law.

(5) No intensive agriculture facility shall be closer than 500 feet from a nonagricultural district and 100 feet from any property line or street right-of-way line. (Ord. 2020-01; Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.070 Term review.

(1) A review of the Bell's Lane Agricultural and Forestal District, the Merrifield Agricultural and Forestal District, the M. O. Carr Agricultural and Forestal District, and the Middlebrook Agricultural and Forestal District as identified in SCC 18.95.020, including any additions to any district, may be made by the council of the city of Staunton on the date 10 years measured from the effective date of the continuation of those districts as provided by, and in accordance with, Section 15.2-4311 of the Code of Virginia, as amended; except, however, a review is and shall be unnecessary prior to a new 10-year period which shall commence January 1, 2021, and expire December 31, 2030, with the next review, therefore, to occur in the year 2030 consistent with Section 15.2-4311 of the Code of Virginia.

(2) *Repealed by Ord. 2020-16.*

(3) Each district created hereunder shall be so reviewed on an individual basis, and the continuation of one or its termination shall not automatically continue or terminate any other district. (Ord. 2020-16; Ord. 2015-03; Ord. 2010-29; Ord. 2009-05; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.080 Severability.

If any of the provisions of any subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of the chapter. (Ord. 2010-29).