MOTION: LAWSON March 2, 2021
Regular Meeting

SECOND: VEGA Ord. No. 21-18

RE: AGRICULTURAL AND FORESTAL DISTRICT, #AFD2017-00001, 2017 REVIEW

OF AGRICULTURAL AND FORESTAL DISTRICTS - BRENTSVILLE MAGISTERIAL

**DISTRICT** 

ACTION: APPROVED

**WHEREAS**, the Prince William County Board of County Supervisors (Board) did approve and establish, pursuant to the provisions of Chapter 15.2, Chapter 43, titled the "Agricultural and Forestal Districts Act" (the Act), three Agricultural and Forestal Districts currently constituted of approximately 2,547 acres in the Brentsville Magisterial District and referenced as AFD#79-1, AFD#80-1, and AFD#91-1 (AFDs); and

**WHEREAS,** Section 15.2-4305, VA Code Ann., requires that each AFD must have a core of no less than 200 acres in one parcel or in contiguous parcels; and

WHEREAS, Section 15.2-4305, VA Code Ann., further provides that a parcel not part of the core maybe included in an AFD (i) if the nearest boundary of the parcel is within one mile of the core, (ii) if it is contiguous to a parcel in the AFD the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing 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; and

**WHEREAS,** Section 15.2-4311, VA Code Ann., authorizes the Board to conduct a review of the AFDs, if deemed necessary, no less than four years, but no more than ten years after the date each AFD is created and every four to ten years thereafter, to determine whether the AFDs should be continued, modified, or terminated; and

**WHEREAS**, Section 15.2-4311 also provides that when the AFDs are reviewed, landowners within the AFDs have the discretion to withdraw their property from the AFDs by filing a written notice with the Board at any time before it acts to continue, modify, or terminate the AFDs; and

**WHEREAS**, the last BOCS review of the AFDs was on March 20, 2001, at which time the BOCS established the ten-year expiration date by which the AFDs needed to be reviewed to be March 20, 2011, (Ord. No 01-23). On December 7, 2010, the Board considered whether to review the AFDs and determined that no review of the AFDs was necessary and that the next periodic review of the AFDs should be completed on or before March 20, 2021, (Res. No. 10-896); and

WHEREAS, March 20, 2021, will be the expiration date of the ten-year period since the last review of the AFDs, and § 15.2-4311, VA Code Ann, provides that if the Board determines a review is necessary, it shall begin the review at least 90 days before the expiration date; and

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**WHEREAS**, on April 4, 2017, the Board determined a review of the AFDs was appropriate at this time and authorized a review by Res. No. 17-150; and

WHEREAS, the Prince William County Agricultural and Forestal Districts Advisory Committee (AFD Advisory Committee), pursuant to § 15.2-4304, VA Code Ann., is appointed by the Board to advise the Planning Commission and the Board, and assist in creating, reviewing, modifying, continuing, or terminating the AFDs;

**WHEREAS**, the AFD Advisory Committee held public meetings on November 16, 2017, February 8, 2018, and April 11, 2018, to review the AFDs and the requests by landowners to have their land remain in the AFD or at their discretion to withdraw their land from the AFD; and

**WHEREAS**, twenty-eight (28) landowners, at that time, filed written notices with the County of their desire to withdraw their land from the AFD in which their land was located; and

**WHEREAS**, the AFD Advisory Committee, upon review of the requested withdrawals, determined that the requested withdrawals from the AFDs eliminated the ability of the AFDs to maintain the required core under § 15.2-4305, VA Code Ann., which is a minimum of 200 acres in one parcel or in contiguous parcels, and the AFD Advisory Committee recommended termination of the AFDs by adoption of Res. No. 18-013; and

**WHEREAS**, the Planning Commission held a public hearing on April 18, 2018, after which it adopted Res. No. 18-042, recommending the termination of the AFDs due to the requests for withdrawal resulting in the inability to maintain a required 200-core; and

**WHEREAS,** prior to the BOCS acting on this case two new applications requesting to be added to AFD91-1 were received: and

**WHEREAS**, these applications, AFD2019-0002, Farmview Enterprises, LLC and AFD2019-00003, TCB Land Management were reviewed by the AFD Committee who recommended approval by AFD Res. No. 1903 and Res. No.1904;

WHEREAS, the AFD Committee also rescinded Res. No. 18-013 that recommended termination of all three AFD districts to allow for the continuation of AFD91-1 due to the new submittals that allow for the establishment of a viable core of 200-acres, and the AFD Committee recommended reinstating the original resolution from February 8, 2018, meeting that recommended all parcels, except those specifically requesting to be removed remain in the AFD by Res. No. 19-005; and

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**WHEREAS**, on February 5, 2020, the Prince William County Planning Commission held a public hearing on these applications and recommended approval of the request to modify #AFD91-1 and add  $\pm 80.17$  acres as requested in the application #AFD2019-00003, TCB Land Management, LLC, as stated in Resolution Number 20-005; and

**WHEREAS,** on February 5, 2020, the Prince William County Planning Commission also recommended approval of the request to modify #AFD91-1 and add ±4.05 acres as requested in the application #AFD2019-00002, Farmview, LLC, contingent upon approval of companion case #AFD2019-00003, TCB Land Management, LLC, which is necessary to maintain a 200-acre core as stated in Res. No. 20-006; and

**WHEREAS**, the Prince William County Board of County Supervisors duly ordered, advertised, and held a public hearing on April 28, 2020, at which time public testimony was received and the merits of adding these two properties, of AFD2019-00002, Farmview LLC and AFD2019-00003, TCB Land Management, to Agricultural and Forestal District, #AFD91-1, were considered and approved by Ord 20-13 and Ord 20-14; and

**WHEREAS**, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on January 27, 2021, to review the changed circumstances, at which time public testimony was received and the merits of the Periodic Review case were re-considered; and

WHEREAS, the Prince William County Planning Commission believes that based on the new circumstances, that public general welfare as well as good planning practices are served by the approval of this request, as provided below, to conserve and protect prime farm land and environmentally sensitive resources and protect and enhance land for agricultural and forestal production uses; and

**WHEREAS**, the Prince William County Planning Commission recommended approval of Agricultural/Forestal District #AFD2017-00001, 2017 Review of Agricultural and Forestal Districts (AFD) with the following recommendations:

• Modify #AFD91-1 and terminate #AFD79-1 and #AFD80-1 providing that all parcels requesting to be removed from the Agricultural/Forestal District, be removed; all parcels requesting to remain as well as parcels that did not provide a written response, as yet, remain as provided by VA Code 15.2-4305 which include the following parcels who have confirmed their desire to remain identified by County GPINs 7591-59-0389, 7591-55-7774, 7592-36-4052, 7492-78-9292, 7591-56-2799, 7592-63-4122, 7492-87-6880, 7591-56-5723, 7592-74-3371, 7492-88-2267, 7591-56-6474, 7592-74-5221, 7492-88-4841, 7591-74-8042, 7592-75-7419, 7492-97-1120, 7591-75-4887, 7593-22-7641, 7492-97-7568, 7591-83-9207, 7593-24-4640, 7493-17-8304, 7592-06-3045, 7593-27-5251, 7493-24-4694, 7592-19-2066, 7593-27-8289, 7493-35-9065, 7592-26-1259, 7593-52-7325, 7591-28-4223, 7592-30-1306, 7593-61-9933, 7593-70-1574; 7591-38-6428, 7592-19-0535, 7592-55-4574, 7592-84-0592,

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- 7593-00-5498, 7593-27-3093, and 7492-97-6828, and the following parcels, who have not provided a written notice to be removed as identified by GPINs 7591-55-1139, 7591-59-0121, 7591-59-9760, 7591-75-0470, 7591-76-2858, 7591-83-1024, 7591-83-1950, 7592-30-6419, 7592-40-4802, 7592-64-9758, 7592-84-0746, 7492-98-1113, 7592-06-4096, 7592-06-7437, 7592-17-9702, 7592-36-5613, 7592-54-9996, 7592-69-3845, 7592-69-7488, 7593-00-3362, 7593-03-7246, 7593-11-5868, 7593-26-4959, 7593-50-0379, 7593-53-9460, 7593-60-6752, and 7593-71-5983.
- The Periodic Review period would occur in four years for the modified AFD91-1 with the above opt out option.

WHEREAS, County staff recommends the modification of #AFD91-1 and the termination of #AFD79-1 and #AFD80-1 to allow for the withdrawal of the parcels that requested to do so, removal of properties that have not responded to requests to confirm their desire to remain or withdraw (this is a voluntary program) and allow for the properties, that requested in writing to remain, to be permitted to do so as part of #AFD91-1, that now has a viable core of 200 acres; and that the periodic review period for this district be conducted every four years. This recommendation is based on Virginia Code §15.2-4305 that further provides that a parcel not part of the core may be included in a district "... (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."

**WHEREAS,** the Board duly ordered, advertised, and held a public hearing on March 2, 2021, at which time public testimony was received and considered, and the merits of the periodic review of the existing AFDs were considered; and

WHEREAS, the Board finds that it is required to accept the landowners' request to withdraw their land from the AFDs during the review under § 15.2-4311, VA Code Ann., and such landowner withdrawals result in the #AFD 79-1 and #AFD80-1 being unable to maintain the required 200-acre core per § 15.2-4305, VA Code Ann.; and

WHEREAS, the Board finds that the parcels identified in #AFD79-1 and #AFD80-1 that are not part of the core or within one mile of the boundary of the core in #AFD91-1 (Significant Land Parcels), but that the Planning Commission has recommended be included in #AFD91-1 to conserve and protect prime farm land and environmentally sensitive resources and protect and enhance land for agricultural and forestal production uses does contain agriculturally and forestally significant land as set forth in § 15.2-4305, VA Code Ann., such that those Significant Land Parcels should be included in #AFD91-1; and

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**WHEREAS**, the BOCS finds that modifying and continuing #AFD91-1 serves to provide a means for a mutual undertaking by landowners and the County 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;

**NOW, THEREFORE, BE IT ORDAINED** that the Prince William Board of County Supervisors hereby:

- (i) accepts all landowner requests to withdraw their land from the AFDs as set forth in the attached AFD Parcel Analysis Chart;
- (ii) terminates #AFD 79-1 and #AFD 80-1 based on property owner withdrawals of land from the two AFDs that eliminated the districts' ability to maintain the required minimum 200-acre core in one parcel or contiguous parcels within the districts;
- (iii) modifies #AFD91-1 to include the properties listed in the attached List of Properties Located in AFD91-1 As Modified; and
- (iv) establishes there will be a review of #AFD91-1 and any subsequently created AFDs in four years after March 2, 2021, the effective date of this ordinance adoption, but no later than ten years after March 2, 2021, in compliance with § 15.2-4311, VA Code Ann.

ATTACHMENTS: Map of Modified AFD 91-1 Map

List of Properties Located in AFD91-1 as Modified

AFD Parcel Analysis Chart

Votes:

Ayes: Angry, Bailey, Boddye, Candland, Franklin, Lawson, Vega, Wheeler

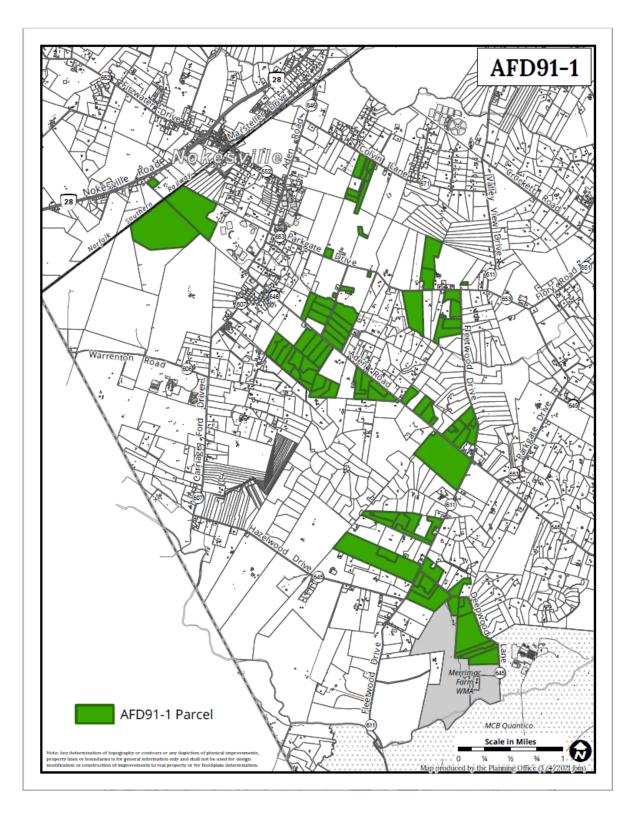
Nays: None

**Absent from Vote:** None **Absent from Meeting:** None

ATTEST: andrea P. Madden

Clerk to the Board

### **MAP**



# #AFD2017-00001 2017 REVIEW OF AGRICULTURE AND FORESTAL DISTRICTS LIST OF PROPERTIES LOCATED IN AFD91-1 AS MODIFIED

AFD 91-1	Formerly 80-1	Formerly 79-1
7493-17-8304	7593-27-5251	7591-28-4223
7493-24-4694	7593-27-8289	7591-38-6428
7493-35-9065	7593-50-0379	7591-55-7774
Formerly 80-1	7593-52-7325	7591-56-2799
7492-78-9292	7593-61-9933	7591-56-5723
7492-87-6880	7593-70-1574	7591-56-6474
7492-88-2267	7593-71-5983	7591-74-8042
7492-88-4841	7593-53-9460	7591-75-4887
7492-97-1120	7492-98-8780	7591-83-9207
7492-97-6828	7492-99-5108	7592-30-1306
7492-97-7568	7493-90-6880	7592-63-4122
7492-98-1113	7592-08-1853	7592-64-9758
7592-06-3045	7592-08-4324	7592-74-3371
7592-19-0535	7592-09-8903	7592-74-5221
7592-19-2066	7592-19-3697	7592-75-7419
7592-26-1259	7592-46-8231	7592-84-0592
7592-36-4052	7593-00-1524	7591-75-0470
7592-55-4574	7593-10-5942	7592-30-6419
7592-55-7436	7592-06-4096	7591-75-5040
7592-69-7488	7592-06-7437	7591-59-0389
7593-00-5498	7592-17-9702	7591-59-0121
7593-11-0435	7592-36-5613	7591-83-1024
7593-11-5868	7592-54-9996	7591-76-2858
7593-22-7641	7592-69-3845	7591-83-1950
7593-24-4640	7593-00-3362	7591-59-9760
7593-26-4959	7593-03-7246	7592-84-0746
7593-27-3093		7592-40-4802

## **AFD79-1 - REQUEST TO REMOVE**

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7591-55-1139	AFD79-1	14701	FLEETWOOD	31.65	REMOVE	YES
7591-59-5571	AFD79-1	11700	MEADOW GREEN	14.40	REMOVE	NO

### **AFD79-1 - REQUEST TO REMAIN**

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7591-28-4223	AFD79-1	14550	FLEETWOOD	90.00	REMAIN	YES
7591-38-6428	AFD79-1	14506	FLEETWOOD	10	REMAIN	YES
7591-55-7774	AFD79-1	14650	DEEPWOOD	48.76	REMAIN	YES
7591-56-2799	AFD79-1	14501	FLEETWOOD	5.00	REMAIN	YES
7591-56-5723	AFD79-1	14505	FLEETWOOD	10.00	REMAIN	YES
7591-56-6474	AFD79-1	14610	DEEPWOOD	10.00	REMAIN	YES
7591-74-8042	AFD79-1	14920	DEEPWOOD	49.88	REMAIN	YES
7591-75-4887	AFD79-1	14714	DEEPWOOD	3.07	REMAIN	NO
7591-75-5040	AFD79-1	14900	DEEPWOOD	10.00	REMAIN	NO
7591-83-9207	AFD79-1	15008	DEEPWOOD	20.00	REMAIN	YES
7592-30-1306	AFD79-1	11851	MEADOW GREEN	10.00	REMAIN	NO
7592-30-6419	AFD79-1	11850	MEADOW GREEN	10.06	REMAIN	NO
7592-63-4122	AFD79-1	13710	ADEN	99.38	REMAIN	YES
7592-64-9758	AFD79-1	13595	ADEN	2.19	REMAIN	NO
7592-74-3371	AFD79-1	13605	ADEN	13.75	REMAIN	YES
7592-74-5221	AFD79-1	13655	ADEN	10.00	REMAIN	NO
7592-75-7419	AFD79-1	13500	FLEETWOOD	10.07	REMAIN	NO
7592-84-0592	AFD79-1	13550	FLEETWOOD	2.19	REMAIN	NO
7591-75-0470	AFD79-1	14712	DEEPWOOD	10.00	NONE	NO

## AFD79-1 - NO REPLY

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7591-59-0121	AFD79-1	14240	FLEETWOOD	10.26	NONE	NO*
7591-59-0389	AFD79-1	11750	MEADOW GREEN	11.93	NONE	YES
7591-59-9760	AFD79-1	14198	FLEETWOOD	11.73	NONE	NO
7591-76-2858	AFD79-1	14671	DEEPWOOD	10.00	NONE	NO

<sup>\*</sup>Farm Conservation Plan on File

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7591-83-1024	AFD79-1	14980	DEEPWOOD	10.00	NONE	NO
7591-83-1950	AFD79-1	14970	DEEPWOOD	10.00	NONE	NO
7592-40-4802	AFD79-1	11800	MEADOW GREEN	10.66	NONE	NO
7592-84-0746	AFD79-1	13580	FLEETWOOD	10.00	NONE	NO

<sup>\*</sup>Farm Plan on File

## AFD80-1 - REQUEST TO REMOVE

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7492-89-7636	AFD80-1	12808	ADEN	48.34	REMOVE	YES
7492-99-4883	AFD80-1	12958	ADEN	1.01	REMOVE	NO
7592-09-0282	AFD80-1	12967	ADEN	10.00	REMOVE	NO
7592-17-0368	AFD80-1	13104	ADEN	36.40	REMOVE	YES
7592-17-7006	AFD80-1	13118	ADEN	31.21	REMOVE	NO
7592-33-3270	AFD80-1	13350	HERSHEY	106.52	REMOVE	YES
7592-35-8165	AFD80-1	13320	HERSHEY	26.39	REMOVE	YES
7592-55-1199	AFD80-1	13425	ADEN	10.00	REMOVE	NO
7592-64-6283	AFD80-1	13585	ADEN	10.01	REMOVE	NO
7592-65-2214	AFD80-1	13525	ADEN	10.02	REMOVE	NO
7593-02-6112	AFD80-1	12602	BROOKFIELD	122.21	REMOVE	YES
7593-05-5532	AFD80-1	12212	PARKGATE	71.28	REMOVE	YES
7593-11-1974	AFD80-1	12604	BROOKFIELD	1.10	REMOVE	NO
7593-14-8572	AFD80-1	12206	PARKGATE	96.16	REMOVE	YES
7593-27-1412	AFD80-1	12011	COLVIN	10.00	REMOVE	NO
7593-33-8669	AFD80-1	11904	PARKGATE	63.00	REMOVE	YES
7593-34-2014	AFD80-1	12106	PARKGATE	69.00	REMOVE	YES
7593-42-5994	AFD80-1	11704	PARKGATE	59.31	REMOVE	YES
7593-82-0646	AFD80-1	11350	PARKGATE	15.76	REMOVE	NO
7593-60-6752	AFD80-1	12850	FLEETWOOD	10.03	REMOVE	NO

**AFD80-1 - REQUEST TO REMAIN** 

GPIN	LEGEND	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7492-78-9292	AFD80-1	12776	ADEN	10.00	REMAIN	NO
7492-87-6880	AFD80-1	12788	ADEN	10.01	REMAIN	NO
7492-88-2267	AFD80-1	12780	ADEN	10.00	REMAIN	NO
7492-88-4841	AFD80-1	12784	ADEN	10.02	REMAIN	NO
7492-97-1120	AFD80-1	12796	ADEN	10.06	REMAIN	NO
7492-97-6828	AFD80-1	12800	ADEN	10.46	REMAIN	NO
7492-97-7568	AFD80-1	12804	ADEN	10.00	REMAIN	NO
7492-98-1113	AFD80-1	12792	ADEN	10.01	REMAIN	NO
7592-06-3045	AFD80-1	13060	ADEN	10.01	REMAIN	NO
7592-19-0535	AFD80-1	12951	BROOKFIELD	10.00	REMAIN	NO
7592-19-2066	AFD80-1	12901	BROOKFIELD	10.00	REMAIN	NO
7592-26-1259	AFD80-1	13204	ADEN	13.02	REMAIN	YES
7592-36-4052	AFD80-1	13000	ADEN	8.00	REMAIN	YES
7592-55-4574	AFD80-1	13435	ADEN	10.01	REMAIN	YES
7592-55-7436	AFD80-1	13465	ADEN	10.00	REMAIN	NO
7592-69-7488	AFD80-1	12900	FLEETWOOD	10.70	REMAIN	NO
7593-00-5498	AFD80-1	12800	BROOKFIELD	10.00	REMAIN	NO
7593-11-0435	AFD80-1	12710	BROOKFIELD	1.00	REMAIN	NO
7593-11-5868	AFD80-1	12705	BROOKFIELD	3.25	REMAIN	NO
7593-22-7641	AFD80-1	12001	PARKGATE	1.03	REMAIN	NO
7593-24-4640	AFD80-1	12150	PARKGATE	2.71	REMAIN	NO
7593-26-4959	AFD80-1	11929	COLVIN	10.00	REMAIN	NO
7593-27-3093	AFD80-1	12097	COLVIN	10.00	REMAIN	NO
7593-27-5251	AFD80-1	11969	COLVIN	10.00	REMAIN	NO
7593-27-8289	AFD80-1	11949	COLVIN	10.00	REMAIN	NO
7593-50-0379	AFD80-1	11605	PARKGATE	40.00	REMAIN	YES
7593-52-7325	AFD80-1	11508	PARKGATE	14.84	REMAIN	YES

7593-53-9460	AFD80-1	11520	PARKGATE	25.64	REMAIN	NO
7593-61-9933	AFD80-1	11409	PARKGATE	10.02	REMAIN	NO
7593-70-1574	AFD80-1	12800	FLEETWOOD	10.01	REMAIN	NO
7593-71-5983	AFD80-1	11312	PARKGATE	3.05	REMAIN	NO

#### AFD80-1 - NO REPLY

GPIN	LEGEND	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7492-98-8780	AFD80-1	12994	ADEN	12.00	NONE	NO
7492-99-5108	AFD80-1	12976	ADEN	14.84	NONE	NO
7493-90-6880	AFD80-1	12881	ADEN	10.00	NONE	NO
7592-06-4096	AFD80-1	13050	ADEN	10.01	NONE	NO
7592-06-7437	AFD80-1	13070	ADEN	10.01	NONE	NO
7592-08-1853	AFD80-1	13012	ADEN	12.00	NONE	NO
7592-08-4324	AFD80-1	13030	ADEN	10.00	NONE	NO
7592-09-8903	AFD80-1	13033	ADEN	10.00	NONE	NO
7592-17-9702	AFD80-1	13160	ADEN	10.43	NONE	YES
7592-19-3697	AFD80-1	12851	BROOKFIELD	10.00	NONE	NO
7592-36-5613	AFD80-1	13020	ADEN	12.90	NONE	YES
7592-46-8231	AFD80-1	13351	GREEN MEADOWS	10.00	NONE	NO
7592-54-9996	AFD80-1	13509	ADEN	2.20	NONE	NO
7592-69-3845	AFD80-1	12950	FLEETWOOD	17.00	NONE	NO
7593-00-1524	AFD80-1	12900	BROOKFIELD	10.00	NONE	NO
7593-00-3362	AFD80-1	12850	BROOKFIELD	10.00	NONE	NO
7593-03-7246	AFD80-1	12210	PARKGATE	4.00	NONE	NO
7593-10-5942	AFD80-1	12805	BROOKFIELD	18.48	NONE	NO

## AFD91-1 - REQUEST TO REMOVE

GPIN	DISTRICT	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7493-31-5998	AFD91-1	13204	WARRENTON	331.01	REMOVE	YES
7492-25-8724	AFD91-1	13520	CARRIAGE FORD	128.00	COUNTY OWNED	NO
7492-34-8902	AFD91-1	13600	CARRIAGE FORD	10.00	COUNTY OWNED	NO

## **AFD91-1 - REQUEST TO REMAIN**

GPIN	DISTRICT	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7493-24-4694	AFD91-1	13250	WARRENTON	125.84	REMAIN	YES

#### **AFD91-1 - ADDITIONS**

GPIN	DISTRICT	ST_NO	ST_NAME	ACREAGE	ADDITION	USE VALUE
7493-35-9065	AFD91-2	13063	HICKERSON LN	80.17	NEW	YES
7493-17-8304	AFD91-3	13209	FARMVIEW RD	4.01	NEW	NO

**UPDATED 3-2-21**