

Fairfax County tightens regulations to preserve history of George Washington's River Farm

Land that was once part of Mount Vernon has been put up for sale

By **Fredrick Kunkle**



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The Fairfax County Board of Supervisors on Tuesday approved new regulations to protect the historic nature of George Washington's River Farm, even if the property is sold.

By a 9-to-0 vote — with one abstention — the board drew what is known as a “historic overlay district” around River Farm. It cannot stop development, but it gives local officials more say in how the property can be used.

Supervisor Pat Herrity (R-Springfield), who abstained from casting a vote, said he was bothered that county staff had not consulted with the owner about a zoning change that could affect the property's value. Such a process amounted to a “taking,” he said.

The board's move comes as Virginia officials, neighbors and conservationists have sought to protect the manor and gardens, and their public access, since the owners, the American Horticultural Society, put the Potomac River property on the market last year for \$32.9 million.

A petition opposing the sale and calling for new AHS leadership has begun to circulate among the nonprofit group's approximately 18,000 members, while the powerful foundation whose gift allowed the AHS to purchase the land has called on the organization to heed the grant's terms, which called for the preservation of River Farm as green space for public use.

River Farm, which once formed part of Washington's Mount Vernon estate, has served as a local park since the AHS acquired the 27.6-acre site with the help of a \$1 million gift from philanthropist Enid Annenberg Haupt nearly 50 years ago.

But the AHS, saying its finances have suffered during the pandemic, plans to convert the sale's proceeds into an endowment to fund its horticultural programs on a national scale. It has spurned offers by the Northern Virginia Conservation Trust and the Northern Virginia Regional Park Authority to purchase River Farm for approximately \$17 million, a price close to the property's assessed value, according to county officials.

“The county’s interest in this is not just historical and environmental. It’s also financial,” Board of Supervisors Chair Jeff C. McKay (D-At Large) said in an interview before Tuesday’s hearing. “AHS got significant relief from county taxes.”

The nonprofit group, which has been listed on the county’s tax rolls as a “benevolent association” since 1975, saved approximately \$3.5 million in taxes over the past two decades through fiscal 2021, county officials said. The figure probably is higher because records were not available for 1975-1999, county officials said.

McKay said he wouldn’t rule out attempts to take the property through eminent domain if ultimately necessary, although he acknowledged that such discussion is premature, especially in a state such as Virginia that cherishes property rights.

“Obviously, it’s a nuclear option that’s used extraordinarily rarely,” he said.

Last year’s announcement of a possible sale prompted the supervisors to initiate the zoning change and an outpouring of public support for it. On Tuesday, all but two speakers spoke in favor of the new zoning regulations.

John C. McGranahan, Jr. an attorney representing the AHS, opposed the measure, saying it was unfair to an organization that had been a good neighbor in opening its property to the public for decades without any obligation to do so. None of the county’s other 13 historic overlay districts had been created without the property owner’s cooperation, he said.

“The precedent being set is both alarming and unnecessary,” he said.

McGranahan asked the board to defer action while assuring them that the AHS was not interested in selling to a developer. He said the organization hoped to find a new owner who also would allow some form of public access.

“I firmly believe there is a win-win-win here for AHS, the county and the surrounding community,” he said.

Meanwhile, the Annenberg Foundation, which carried out Haupt’s wishes to donate the money for AHS to buy River Farm, urged the AHS to preserve River Farm as public green space. The foundation’s executive director, Cynthia Kennard, wrote in an April 7 letter that Haupt’s gift had been predicated on the AHS using the site as its headquarters and keeping it open to the public. The stipulation was included in the sales contract drawn up on December 1972 and in grant specifications laid out in January 1973.

“The Grant Agreement and the Sales Contract do not provide for any alternate use of the Property, nor the right of the Society to sell the Property,” Kennard’s letter says. “The Foundation urges the Society to adhere to representations and directives made in both the Grant agreement and the Sales Contract.”

An earlier version of this story misspelled the name of John C. McGranahan, an attorney representing the American Horticultural Society.
