

M E M O R A N D U M

DATE: November 27, 2001

TO: The Board of Supervisors

FROM: Michael H. Drewry, Administrator, Purchase of Development Rights Program

SUBJECT: Purchase of Development Rights Ordinance

Attached for the Board's consideration is an ordinance that would establish the Purchase of Development Rights ("PDR") Program in James City County. The ordinance has been modeled from similar ordinances used by other jurisdictions in Virginia. Establishing the PDR Program will enable the County to acquire conservation easements voluntarily offered by owners to serve as one means of assuring that James City County's community character and natural resources are protected.

This matter was last discussed with the Board of Supervisors on February 21, 2001, at a Board work session. At the work session, staff was directed to continue pursuing the creation of a PDR Program. Since that time, staff has engaged in internal meetings, held two public input meetings in which members of the James City County Board of Agriculture attended, communicated, met with numerous other jurisdictions in regard to the development of a PDR Program, and hired a program administrator.

Internal review and discussion of the proposed ordinance has included personnel from the Department of Development Management, the Department of Community Services, the Department of Financial and Management Services, the Virginia Cooperative Extension, the Planning Commission, and the County Attorney's Office. During public meetings, staff heard the concerns, comments and suggestions of interested citizens. Due to the varied input by staff, County departments and citizens, staff believes the proposed PDR ordinance addresses the desires of the James City County community.

When Board members review the proposed ordinance, they will note that the ordinance allows flexibility in the administration of the PDR Program. While the proposed ordinance will establish the PDR Program, the deed of easement will provide the detail of the property restrictions of the PDR Program. As such, the proposed deed of easement has been provided for informational purposes. The PDR Program will consist of other administrative documents, such as: administrative manual, ranking criteria sheet, application, invitation to sell, closing and baseline data checklists. Staff continues to develop and refine these documents. Staff has performed trials on the ranking criteria and appraisal portions of the PDR Program. Staff continues to refine the ranking criteria to achieve the overall PDR program goal, protecting open space, by focusing on preserving community character corridors, farmland, and environmentally sensitive areas in James City County. As required by the proposed ordinance, the initial ranking system and future changes to the ranking system will be approved by the County Administrator and the Manager of Development Management. In discussions with other jurisdictions, they have found it necessary to keep their programs flexible to accommodate administrative and citizen input on the programs. Staff anticipates the same in James City County. Oversight of the administration of the PDR Program will come from staff and the PDR committee comprised of citizens appointed by the Board of Supervisors. In addition, the Board of Supervisors will designate the parcels on which conservation easements are to be purchased and authorize final acceptance.

Programs of this nature are relatively new to the Commonwealth of Virginia. It is believed that the proposed PDR Program will keep James City County on the forefront of policies aimed at preserving the County's community character. In establishing the PDR Program, it will enable the County to acquire conservation easements voluntarily offered by owners to serve as one tool among several to efficiently use County resources to protect open space, community character and natural resources as outlined in the Comprehensive Plan.

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Staff recommends adoption of the attached ordinance to amend the Code of James City County by adding Chapter 16A, Purchase of Development Rights Program, Sections 16A-1 through 16A-13.

Michael H. Drewry

CONCUR:

Anthony Conyers, Jr.

John T. P. Horne

MHD/adw
dvrights.mem

Attachments:

1. Program Ordinance