

**Draft**

[Draft language for consideration for development of PDR Guidelines to be referenced by Chapter 16A, Purchase of Development Rights, in the JCC County Code.

[The recommendation is to have the *Guidelines* address the details of “dwellings” (existing and additional) and “future subdivision” and instead of the ordinance. ]

**PDR Guidelines on Dwellings, Subdivision and Future Uses of the Property**

**Statement of Intent:**

The Rural Lands of JCC are predominantly known for their important agricultural and forestal activities. They also contain lands that are vital to the broader environmental health of the County, such as Natural Areas, extensive Resource Protection Areas (RPAs), and the headwaters for important watersheds. Therefore, land preservation is of utmost importance in this area.

The Purchase of Development Rights (PDR) Program was established in 2001 as a tool for preserving important rural lands. In preserving rural lands and the rural character of the County, attention is directed to limiting future subdivision of the property, thus limiting the number of additional dwellings on the property and encouraging continuation of current uses of the property.

The PDR Program provides an alternative to owners of rural land. Therefore, upon a determination by the PDR Committee that a PDR applicant’s proposal includes attributes and agreements that further enhance and achieve the purpose of the PDR program as listed in section 16A-2 of the County Code, the Board of Supervisors may waive the requirements of the PDR guidelines on *additional dwellings* and *subdivision* as they may otherwise apply to the applicant’s property. The applicant’s proposal must mitigate the effects of such a waiver with additional conservation enhancements of the property that are voluntarily offered in writing.

**I. “Additional Dwellings” and the “Right to Subdivide”**

**Definitions:**

Footprint - The gross, one-dimensional surface space or area occupied by a structure or other improvement to the property. This definition is irrespective of “useable” area, “living space” or other descriptors of a structure or surface improvement.

Conceptual drawing – A basic drawing or sketch of a quality and clarity acceptable to the County that provides a visual interpretation of the thoughts and/or intent of the original Grantor relative to future decisions impacting the original property.

Primary dwelling - ≤ 4,500 square feet maximum exterior footprint.

Secondary dwelling - ≤ 2,000 square feet maximum exterior footprint. Additional secondary dwelling(s) are intended for the needs of the GRANTOR regarding the use of the property

Subdivision – existing definition in the code; HOWEVER, for the purpose of this Chapter, the definition shall include the following requirement: Grantors of PDR properties that retain a “by right” for one or more subdivisions shall, prior to closing, provide a conceptual drawing showing the Grantor’s intent for future subdivision of the original property. This document will be included as an exhibit in the recorded Deed of Easement for the purpose of documenting the wishes and desires of the Grantor and to serve as a guide in the event any future subdivision of the original property is initiated.

Undeveloped – the original property, as described in the PDR Application, includes no existing dwellings. Properties without existing dwellings that are improved with agricultural structures and/or other non-residential structures or improvements generally permitted on PDR protected properties shall not be considered to be developed.

Developed - The original property, as described in the PDR Application, includes one or more dwellings.

A GOAL of the PDR Program, as stated in the PDR Ordinance, is to limit residential dwelling density to no more than one dwelling per each 100 acres of a property protected by easement. Recognizing the restrictive nature of this goal and the community’s strong desire to protect our most important rural lands, the PDR Program GUIDELINES shall allow flexibility in addressing dwelling needs of the landowner, to wit:

#### 1. UNDEVELOPED Properties

Any undeveloped PDR parcel (at the time of the easement) shall be permitted a dwelling(s) according to the size of the original property as follows:

- A. Less than 50 acres - one primary dwelling; no right to subdivide.
- B. Parcels of at least 50 acres but less than 100 acres – one primary dwelling and one secondary dwelling; no right to subdivide.
- C. parcels 100 acres and larger – one primary and one secondary dwelling for the first 100 acres and each additional 100 acres with one subdivision right per each 100 acres, such that the cumulative result of all subdivisions shall create not more than one remainder parcel smaller than 100 acres.

Permitted dwellings on an undeveloped remainder parcel shall be determined by the size of the parcel.

## 2. DEVELOPED Properties

The established Goals of the PDR Program notwithstanding:

### A. EXISTING DWELLINGS and SUBDIVISION

1. The disposition of EXISTING dwellings shall be determined in the negotiations phase. When the deed of easement permits more than one existing dwelling to remain, the Grantor shall designate each as either primary or secondary. The goal is no more than one primary dwelling and no more than one secondary dwelling per each 100 acres in an easement.
2. The right to SUBDIVISION of a developed property will be addressed in the negotiations phase using the guidelines for undeveloped properties.

- B. ADDITIONAL dwellings on a developed property will be addressed in the negotiations phase using the guidelines for undeveloped properties. The goal is no more than one primary dwelling and no more than one secondary dwelling per each 100 acres in an easement.

## II. Future Uses of PDR Protected Properties

The PDR Committee proposes that the issue of “future uses” on PDR Protected properties be addressed by using the revised template for the Deed of Easement.

Section 4. Future Uses, (a). & (b)., pages 3 – 6, lists all uses contained in the Zoning Ordinance for property zoned A 1. In the negotiations process, the landowner will be accorded the first opportunity to strike all listed uses considered incompatible with the owner’s desires for the land. The County will do likewise. The edited list of uses will be included in the deed of easement. This approach with the landowner makes the process of extinguishing development rights as transparent as possible.

In addition, Sec. 4. (c)., Unlisted Uses, page 6, gives the landowner the future right to petition the Board for a permitted use that is not otherwise prohibited by the deed.

**Summary:**

These proposals on Additional Dwellings, Subdivision and Future Uses are recommended by the PDR Committee to:

- Add transparency and clarity to the “development rights” extinguishment process to benefit the Grantor in better understanding the program
- Encourage continuation of a number of diverse (including income generating) uses of the land currently found in the rural sector of JCC. While many, but not all of these uses relate to agriculture and forestry, they all are part of the County’s rural character that the PDR program is designed to protect. A goal of PDR is to enrich the County’s character and culture by fostering and encouraging rural working lands.
- Add flexibility: (1) to allow the PDR negotiation process to better design conservation easements that meet the needs of the Grantor while upholding the purposes of the PDR Program; (2) so that the PDR program is an attractive alternative to owners of rural land, specifically as agreements relate to additional dwellings, subdivision and future uses:
  - Permits one dwelling on any undeveloped PDR parcel (important for smaller properties)
  - Allows for one Primary and one Secondary dwelling for each 100 acres under easement. Subdivision is a separate issue.
  - Allows for one primary and one secondary dwelling on any original property or on one remainder parcel resulting from a subdivision, that is less than 100 acres but larger than 50. No right of subdivision
  - Subdivision of larger properties is based on a 100 acre minimum parcel size
  - When subdivision is permitted, only one remainder lot of < 100 acres shall be approved, irrespective of the number of “by right” subdivisions recorded in the easement.
  - Allows flexibility in negotiations on developed properties, keeping in mind the goals on dwelling density and subdivision limits proposed for undeveloped property of similar size & character.

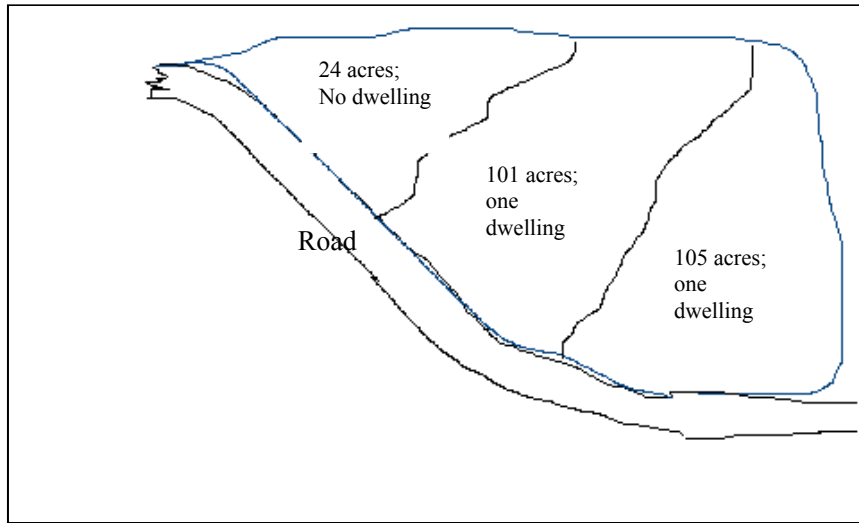
**Summary Table: Proposals on Additional Dwellings and Subdivision**

<i>Parcel Size</i>	<i>Additional Dwellings</i>		<i>“By Right”- Subdivision</i>	
	<b>Currently</b>	<b>Proposed</b>	<b>Currently</b>	<b>Proposed</b>
<50 Acres	0	1 primary	0 (Not specifically addressed in the ordinance; 1 per 100 acres implied)	0
50.0 - <100	0	1 primary + 1 secondary	0 (same)	0
100.0 +	1 per each 100 acres	1 primary + 1 secondary For each 100 acres; same for one remainder parcel ≥50 acres	1 per each 100 acres is implied (same)	1 for each 100 acres; only 1 remainder parcel < 100 acres is permitted

### Example

An undeveloped (but developable) 230 acre property with road frontage:

**Currently:** one dwelling per each 100 acres is permitted. The ordinance does not directly address subdivision, but in practice, one per each 100 acres would be considered.



**Proposed:** One primary dwelling and one secondary dwelling per each 100 acres, one subdivision per each 100 acres, one primary dwelling on one remainder parcel < 50 acres.

