

## MEMORANDUM

DATE: September 25, 2007

TO: The Board of Supervisors

FROM: Edward T. Overton, Jr., Administrator, Purchase of Development Rights Program

SUBJECT: Purchase of Development Rights Committee – Recommendations for PDR Guidelines

---

Attached for your consideration, is the Purchase of Development Rights (PDR) Committee report on issues impacting the PDR Program. The PDR Program Ordinance, in Section 16A-6(b).(3) charges the PDR Committee to “annually review the program’s eligibility and ranking criteria and recommend to the administrator any changes needed to maintain the program’s consistency with the Comprehensive Plan, or to improve the administration, implementation, and effectiveness of the program.”

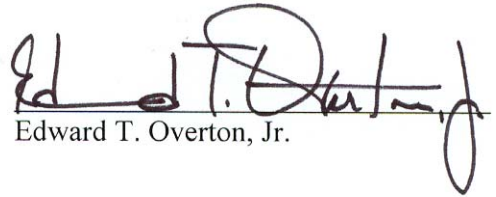
You will recall that when we met October 24, 2006, the PDR Committee reported that an analysis of feedback from previous applicants, most of whom withdrew their applications, identified two primary issues of concern - “additional dwellings” and “future uses” regarding PDR protected properties. Since that meeting, the PDR Committee and staff have met with several individuals familiar with the origins of the County’s PDR Program and knowledgeable of State requirements of PDR programs in general. Included among these individuals were Michael Drewry, Esq., the County’s first PDR Administrator; Allan Murphy, Zoning Administrator; and Adam Kinsman, Deputy County Attorney. Based on these interviews, a review of similar programs in Virginia and elsewhere, and support and feedback from staff, the Committee has prepared the attached documents. The first is the *Draft PDR Guidelines On Additional Dwellings, Subdivision and Future Uses*. The second document is a proposed revised template for the Deed of Easement, which addresses the “future uses” issue in a rather unique way.

The PDR Committee does not recommend a change in the goals of the PDR Program at this time. However, the Committee recommends Board consideration of a proposal to remove language in the Ordinance related to *Additional Dwellings* and *Subdivision* and transfer it to approved PDR Guidelines *on Additional Dwellings, Subdivision and Future Uses*. This would require a slight Ordinance revision that references the *Guidelines*. If approved as presented, a greater density of dwellings on some PDR parcels may result. As was stated in our October meeting, the Committee is confident that our citizens, in their extraordinary support of efforts to protect our remaining priority rural lands, are more flexible on this issue than the current Ordinance allows. The intent of these proposed guidelines is to better address the future needs of owners of protected properties as they may relate to housing for family, extended family, or farm-related housing. While the number of additional dwellings may increase, there is no recommendation to modify the current policy on “subdivision” of a protected property.

The proposed revised deed template is submitted for your consideration as being more easily understood, and much more transparent to the landowner in the “development rights” extinguishment process. You will see in Sec. 4. a. & b. FUTURE USES (pages 3 -6) of the draft template the complete list of *Permitted* and *Conditionally Permitted* land uses currently in the Zoning Ordinance. In practice, during the negotiations phase, the landowner will have the first opportunity to strike those uses they consider contrary to their desires in protecting their property. The County will do likewise. Once both parties are in agreement on future uses, they will be included in the actual deed. By starting the negotiations process with the complete list of what is permitted by ordinance, the landowner sees and understands clearly, which development rights are being extinguished. The expectation of the Committee is that the landowner will have a more clear understanding of the future uses of the property after the easement is in place than is currently possible using the original deed template. In addition, the proposed template includes Sec. 4.c. *Unlisted Uses* (page 6) that


gives the landowner the right to petition the Board for additional uses that may become of interest in the future. The Committee suggests that it will be difficult to make the process any clearer for the original Grantor in defining future uses of their property. An additional departure from the original template is the omission of a signage restriction. This allows the County Sign Ordinance to take precedent.

Following Board decisions on these recommendations, the Committee is prepared to announce the Fourth Open Application Period. Furthermore, the Committee has determined that contrary to past Open Application Periods, there will be no closing date. Given resources currently available, the Committee wants owners of rural lands to have the flexibility of time in which to consider and submit their application. Each application will be processed as in the past, including determination of eligibility and evaluation via the ranking process. It is anticipated that those properties that score above the minimum threshold of 45 points will be presented to the Board for approval for further negotiation.



Edward T. Overton, Jr.

CONCUR:



Doug Powell

ETO/gs

PDRguideline.mem

Attachments:

1. Draft PDR Guidelines on Additional Dwellings, Subdivision and Future Uses
2. Proposed Revised Template - Deed of Easement