

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

WORK SESSION

October 24, 2006

4:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. BOARD DISCUSSIONS

1. Legislative Program
2. Purchase of Development Rights Committee
3. County Decal

D. ADJOURNMENT

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MEMORANDUM

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: Ed Overton, PDR Administrator

SUBJECT: Presentation on the Purchase of Development Rights Program

There will be a presentation on the Purchase of Development Rights Program (PDR) as part of the Board Work Session on October 24. The attached PowerPoint handout provides a review of the information that will be presented. The presentation will review the accomplishments of the program as well as some of the issues we are working on as a result of our experiences.



Edward T. Overton

CONCUR:



Doug Powell

ETO/gb
Present_PDR.mem

Attachment



Purchase of Development Rights: Retaining The Rural Character of James City County

**James City County
Board of Supervisors
Work Session**

October 24, 2006

**Ed Overton
PDR Administrator
James City County, VA**

Purpose

- Review County accomplishments in protecting rural land
- Review emerging issues and challenges facing the PDR Program

Accomplishments In Rural Land Preservation

- James City County
 - Purchase of Development Rights (PDR)
 - Greenspace
- Private not-for-profit organizations
 - Williamsburg Land Conservancy (WLC)
- Commonwealth of Virginia
 - The Virginia Outdoors Foundation (VOF)

James City County

A Selection of Protected Properties



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Accomplishments In Rural Land Preservation

PDR Properties

- Penland - 55 acres bordering Diascund Creek
- Hall*- 123 acres fronting Forge Rd
- Davis - 18 acres fronting Diascund Road
- Geddy -167 acres along Cranston Mill Pond

*This is the first PDR property to be sold (2006)

Accomplishments In Rural Land Preservation

Greenspace Program Properties (selected)

- Geddy - 32 acres, Whitehall Tavern
- Branch - 98 acre easement fronting Forge Rd
- Vermillion - 198 acres adjacent to Jamestown
- CW - 5 acres at Anderson's Corner
- Mainland Farm – 214 acres on Greensprings Rd

Accomplishments In Rural Land Preservation

Williamsburg Land Conservancy

- Green Swamp Farm – 168 acres on Centerville Rd
- Williamsburg Winery easement
- Vineyard/Conservancy – 44 acres
- Governors Land – 201 acres on the James River

PDR Path to Success

Three Open Application Periods

- 2002

- 2004

- 2005

2002 Open Application Period

- 13 of 14 applications Board approved for negotiation
- Top nine (9) ranked applications negotiated
- Four (4) conservation easements closed and recorded

2004 Open Application Period

- 4 of 7 applications Board approved for negotiation
- One (1) easement approved for purchase (Geddy/Whitehall Tavern; non PDR)

Summary of Experiences in 2002 & 2004

- 7 applicants withdrew after negotiations were initiated:
 - 3 Required the right for an additional dwelling(s)
 - 3 Due to insufficient offers
 - 1 withdrew after Board approval to purchase –
Additional dwellings + restrictive uses of land
- 1 parcel sold before negotiations were initiated

Situation in 2005

- Overwhelming voter support
- Interested landowners w/ needs / desires
vs.
- PDR Ordinance guidelines
- Staff & PDR Committee issue focused

How Much Development On Protected Properties?

Postulation

- In achieving protection of priority rural land, County citizens will support a negotiations process that may result in a level of development on a parcel that exceeds the goals of the PDR Ordinance.

2005 Open Application Period

A Tentative Approach

- 5 of 5 applications Board approved for negotiation
- 4 have required negotiations outside PDR guidelines
 - 1 (Branch) has closed; allows limited development; Easement covers entire 98 acre parcel; non-PDR
 - 3 may require additional dwellings and/or uses beyond PDR guidelines
- 1 is on track as a PDR easement

PDR Flexibility Issues

Land use limitations of note:

- # & type of allowed dwellings / residences
- Allowed uses
 - Commercial
 - other

PDR Program Guidelines

Easement imposed land use limitations:

- PDR Ordinance – Chapter 16 A
 - Influenced by:
 - JCC Comprehensive Plan
 - Federal, State & County Code
- Individually constructed Deeds of Conservation Easement

Dwellings on Protected Parcels

PDR Ordinance:

- Residential use of an undeveloped parcel not addressed
 - i.e., no “by-right” for a dwelling on a protected, undeveloped parcel, irrespective of size
- No special provision for farm labor housing
- On larger parcels, allows one “additional” dwelling / 100 acres
- Existing dwellings have been allowed to remain
- Additional ‘dwellings’ ± ‘right to subdivide’

Dwellings

VOF Easement Guidelines

- One "principal" single family residence per parcel
- "Secondary" dwellings are permitted as necessary
 - tenant houses, guest houses, pool cottages, & barn/garage apartments; ≤ 2000 sq. ft. living area;
 - usually permitted on a scale of one per 100 acres
- Right to subdivide a separate issue.
- 100 acre minimum target for subdivision

Dwellings

Albemarle County ACE Guidelines

- Easement covers the entire parcel
- One primary and two secondary dwellings per 100 ac.
 - Moving to VOF standard of one & one per 100 ac
- Subdivision allowed only if in the deed
- Dwelling(s) may be allowed on residual parcels

Dwellings

Virginia Beach ARP Guidelines

- Easement covers the entire parcel
- # of additional dwellings negotiated
 - Maximum lot size is 3 acres
- Subdivision allowed per the deed

Allowable Uses of Protected Parcels

■ Postulation

There is a distinction between protecting the County's rural land and protecting the rural character of the County. Rural character includes the land and what takes place on the land, culturally, physically and economically. The deed template places limits on all but the most basic uses of the land. Commercial uses designated as agricultural and forest uses are limited to their most fundamental levels. For owners of working farms and working forests, this is a concern.

Commercial Uses of Protected Parcels

- Comprehensive Plan
- Zoning Ordinance
- PDR Ordinance

Commercial Uses

PDR Deed Template

- Agricultural uses
- Forestal uses
- Seasonal activities

Commercial Uses

PDR Deed Template

■ Agricultural uses -

"...[allows] establishing, reestablishing, maintaining or using cultivated fields, orchards or pastures

- for the purpose of producing or maintaining crops, including horticultural specialties;
- livestock, including all domestic and domesticated animals; and livestock products."

"The processing of agricultural products is not an agricultural use, except as an accessory use with prior approval by the Grantee. "

Commercial Uses

Forestral uses

"consisting of

- reforestation,
- timber harvesting and
- forest management activities undertaken to
 - produce wood products and/or
 - improve the health and productivity of the woodland.

The processing of wood products is not a forestal use,
except as an accessory use with prior approval by the Grantee."

Commercial Uses

- **Seasonal activities**

"[activities] that do not permanently alter the physical appearance of the Property that are related to and consistent with an authorized use of the Property delineated."

Conundrum

Crafting a solution that

- Attracts interested landowners today
- Benefits current and future owners of protected properties
- Contributes to JCC quality of life as designed
- Meets Code
- Stands the test of time

The dialogue continues toward developing recommendations on these issues.

To Decal or Not to Decal

A Sticker Question

Where Are We Now

	James City	Neighboring Jurisdictions
Registration	One-Time	Annual
Fees Assessed	One-Time \$10.00	Annual \$23.00-31.00
Decal Required	Multi-Year	Annual or None

Proposed Changes

	Current	Proposed
Registration	Active by Taxpayer	Use DMV as Primary Source
Use Certification	Taxpayer Must Certify as Personal Use	Personal Use Unless Evidence Otherwise
Registration Fee	\$10.00	Eliminate
Decal	Required Multi-year	Eliminate

Other Considerations

- Foregone Revenue - \$150,000 Annually
- Reduced Mailing Costs @ \$.50/item
 - Commissioner – 8,000 Personal Property Returns Annually
 - Treasurer – 60,000 Decals in FY-08
 - 8,000 Annually
- Reduced Cost of Decals - \$13,000/100,000 decals
- Reduced Number of Citizen Requirements
 - Commissioner – 7,000 Fewer Direct Registrations
 - Treasurer – 15,000 Fewer Fee Transactions

Other Considerations

-cont.-

- Increased Need for Communication with Business Community for Reporting of Business Use Vehicles
- Increased Activity with Regard to Discovery Processes for Business Use Vehicles