

ADOPTED

DEC 11 2007

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 194A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16A, PURCHASE OF DEVELOPMENT RIGHTS PROGRAM, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 16A-4, DEFINITIONS; SECTION 16A-6, PURCHASE OF DEVELOPMENT RIGHTS COMMITTEE ESTABLISHED; POWERS AND DUTIES; SECTION 16A-9, RANKING SYSTEM; AND SECTION 16A-10, CONSERVATION EASEMENT TERMS AND CONDITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 16A, Purchase of Development Rights Program, is hereby amended and reordained by amending Section 16A-4, Definitions; Section 16A-6, Purchase of development rights committee established; powers and duties; Section 16A-9, Ranking system; and Section 16A-10, Conservation easement terms and conditions.

Chapter 16A. Purchase of Development Rights Program

**Section 16A-4. Definitions.**

*Purchase of development rights (PDR) guidelines. The current guidelines document as approved by the purchase of development rights committee, the county administrator, the manager of development management, and the community services manager.*

**Section 16A-6. Purchase of development rights committee established; powers and duties.**

(b) *Powers and duties.* The PDR committee shall have the powers and duties to:

(1) Promote the program, in cooperation and under the guidance of the administrator, by providing educational materials to the public and conducting informational meetings.

(2) Review the ranking of applications recommended by the administrator, and make recommendations to the administrator and the board as to which conservation easements should be purchased.

(3) 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.

(4) A quorum shall consist of three members present and the committee shall operate on a "majority rule" basis.

(5) *Develop and annually update a purchase of development rights guideline document which shall guide the purchase of development rights committee in its review.*

**Section 16A-9. Ranking system.**

In order to effectuate the purposes of this chapter, parcels for which conservation easement applications have been received shall be evaluated by utilizing a ranking system. The initial ranking system and changes to the ranking system shall be approved by the county administrator, and the ~~director~~ *manager* of

development management, *and the community services manager*. The ranking system may be used to prioritize the acquisition of conservation easements.

**Section 16A-10. Conservation easement terms and conditions.**

Each conservation easement shall conform with the requirements of the Open-Space Land Act of 1966 (Virginia Code § 10.1-1700 et seq.) and this chapter. The deed of easement shall be in a form approved by the county attorney, and shall contain, at a minimum, the following provisions:

(a) *Restriction on ~~new dwellings and subdivision~~*. ~~No new dwellings may be constructed on a parcel except as provided hereafter; the deed of easement may allow one new dwelling per 100 acres, with the dwelling location specified by plat on or before the conservation easement is established.~~ *The PDR Guidelines shall apply on matters involving dwellings and future subdivision.*

(b) *Conservation easement duration*. A conservation easement acquired under the terms of this chapter shall be perpetual.

(c) *Other restrictions*. In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to, restrictions pertaining to: (i) accumulation of trash and junk; (ii) ~~display of billboards, signs and advertisements;~~ (iii) grading, blasting or earth removal; ~~(iv)~~ *(iii)* conduct of industrial or commercial activities on the parcel *that would make its use inconsistent with the intent and purposes of this ordinance*; and ~~(v)~~ *(iv)* monitoring of the easement.

(d) *Designation of easement holders.* The county shall be the easement holder, and if designated by the board, one or more other public bodies, as defined in Virginia Code Section 10.1-1700, or one or more organizations then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, shall also be an easement holder.



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of December, 2007.