



# Purchase of Development Rights Program

PDR Program Supplement to the January, 2000 Report of the  
PDR Design Subcommittee of the Open Space Advisory  
Committee

PDR Program policy recommendations made to  
the Board of Supervisors by the PDR Board  
(June 4, 2003)

## Cover Picture

### “Virginia Landscape ”

Original oil on canvas by Dagmar Wilson

Digital photograph by Richard G. Griffin, 1999

Dagmar Wilson is an accomplished artist and long-time social activist committed to preserving the natural and historic beauty of Loudoun County on paper and canvas. A resident of Mt. Gilead where she and her husband restored an old log cabin, Dagmar has won numerous awards at juried art shows in Washington and Virginia. Her paintings can be seen in the public collection of the executive offices of the Leesburg Courthouse and in over 200 private collections.

From an early age, Dagmar knew she wanted to be a painter. Her formal studies began at the Slade School of Art at London University, where in 1937 she won the summer art student award for a painting on canvas. She also studied under painter Karl Knath at the Phillips Gallery of Art in Washington, DC. During her long professional career as an artist, Dagmar worked as a commercial artist, painter, and illustrator of over 30 **children’s** books. Dagmar is also known for founding **Women’s** Strike for Peace, an international movement for world peace and disarmament.

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## I. BACKGROUND

On February 7, 2000, the Board of Supervisors established the Purchase of Development Rights (PDR) Program, passing a resolution adopting the program proposed in the report by the PDR Design Subcommittee of the Open Space Advisory Committee. Since adoption of the program, the PDR Design Subcommittee's report has served as the primary policy guide for the implementation of the PDR Program.

This document includes amendments to the policies in the PDR Design Subcommittee's report. The proposed amendments contained in the document were recommended by the PDR Board at its June 4, 2003 meeting.

With the adoption of the Revised General Plan in July 2001, the PDR Program formally became part of a larger strategy that is a key component of the County's Comprehensive Plan: the integration of Loudoun's natural, environmental, cultural and heritage resources into a unified Green Infrastructure. Notable policies in the Revised General Plan outlining the PDR Program's role include:

*"The County will use public funds to purchase easements on farms that have prime agricultural soils, historic buildings and sites in rural settings and other elements of the Green Infrastructure as part of a comprehensive open space preservation program." (Revised General Plan, Policy 7, p. 7-10)*

*"The County will identify those properties that are not conducive to development due to the sensitive environmental, cultural and historic characteristics, and promote their purchase through various programs (such as the County's PDR program, through land trusts, etc.)." (Revised General Plan, Policy 4, p. 7-17)*

*The County will seek the preservation of prime agricultural soil resources for agricultural, horticultural, and forestal use through regulatory and incentive programs such as the Purchase of Development Rights (PDR) program. (Revised General Plan, Policy 5, p. 5-16)*

*"Redevelopment and revitalization plans will include the recapture of the Green Infrastructure through methods such as the PDR program; the strategic purchase of infill sites for parks, athletic fields, and open space; and assisting homeowners associations to purchase open space." (Revised General Plan, Policy 9, p. 6-12)*

The PDR Program policies proposed in this document are intended to complement and/or incorporate—to a greater degree—the vision of the Revised General Plan. The document also includes new PDR Program policies recommended by the PDR Board based on the experience members have gained overseeing the program since November 2000.

The fundamental program purposes and structure in the PDR Report have proven to be successful and are consistent with the broad themes of the County Comprehensive Plan. Therefore, this document is intended to serve as a policy supplement to the initial PDR Report. A new PDR Program policy guidebook will be prepared incorporating existing and new elements should the PDR Board's recommendations be adopted by the Board of Supervisors.

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## II. **ELEMENTS AND PURPOSES**

The PDR Program is a land conservation tool that supports the Loudoun County Comprehensive Plan by promoting a key strategy of the Plan, the integration of Loudoun's natural, environmental, cultural and heritage resources into a unified Green Infrastructure. Four elements for inclusion in the PDR Program and an established purpose for each include:

### 1. **Agricultural Resources**

Purpose: To preserve farms for future farming;  
to preserve the rural nature of the County;  
to preserve farms, forests, and grassland; and  
to preserve contiguous tracts of such land.

### 2. **Natural Resources**

Purpose: To protect natural resources important to water quality and natural habitat.

### 3. **Historic and Scenic Resources**

Purpose: To protect and preserve scenic and historic values important to tourism, community identity, and quality of life.

### 4. **Character of Urban Development**

Purpose: To enhance the character of urban areas by preserving and protecting green buffers, and other natural areas in and around urban communities.

## III. **ELIGIBILITY REQUIREMENTS**

Conservation easements may be purchased only on parcels that meet all of the following criteria:

1. The property shall be located in Loudoun County;
  2. The property shall be capable of being subdivided or developed for non-agricultural uses without legislative approval;
  3. The proposed use of the property as permanent open space shall conform with the policies set forth in Loudoun County's Comprehensive Plan;
  4. No uses or structures other than those permitted by the conservation easement shall be located upon the parcel;
  5. The proposed easement terms shall be consistent with the requirements of Virginia Open Space Land Act (Title 10.1, Chapter 17 of the Code of Virginia of 1950, as amended)
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#### **IV. PROPERTY RANKING SYSTEM**

A Property Ranking System (PRS) is used to evaluate the characteristics of properties offered for purchase of development rights. In the event that the number of properties voluntarily offered to the PDR program in any given year exceeds the funding available for the purchase of development rights on such properties, the priority of acquisition shall be determined by relative ranking of a property.

The PRS consists of a number of factors and criteria descriptive of the characteristics of property. Each criterion is assigned a numerical weight signifying its importance relative to all other criteria in that area. To determine the total points assigned to a property or batch of properties, the values for all criteria within each category (see below) are added. Once the score for each property or batch of properties has been calculated, all properties or batches of properties shall be ranked. Those properties or batches of properties ranked the highest will be given PDR acquisition priority.

The number of points accrued by a property, based on its characteristics as defined by the PRS, shall not be used in determining the value of development rights or the amount of any offer to purchase such rights (see Section 5 – Nature of Development Rights Acquired).

The PRS is divided into two categories of criteria based on the program funding.

##### **(1) AGRICULTURAL RESOURCES CATEGORY – 60% of funds**

Any owner of property in Loudoun County which is agricultural in character and meets the eligibility requirements in Section 3 may apply for consideration in this category. Individual criteria have been weighted so that 51 percent of the total maximum points are based on agricultural characteristics and the remaining 49 percent of the points are based on natural, historic, and scenic resources as well as character of urban development. The total maximum points possible in this category is 344.

##### **(2) NATURAL AND HISTORICAL RESOURCES CATEGORY – 40% of funds**

Any owner of property in Loudoun County whose property exhibits natural, scenic, or historic resources or character of urban development characteristics, and meets the eligibility requirements in Section 3, may apply for consideration in this category. The total maximum points possible in this category is 135.3 points.

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**CATEGORY 1: AGRICULTURAL RESOURCES (344 Possible Points)**

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**Agricultural Criteria**

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1. Number of acres offered for easement

- |                         |           |
|-------------------------|-----------|
| (a) 200 acres or more   | 20 Points |
| (b) 100 to 199.99 acres | 15 Points |
| (c) 25 to 99.99 acres   | 10 Points |

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2. Type of soil

- |  |                 |
|--|-----------------|
| (a) Primary cropland (0.25 points per 1% of primary cropland up to 100%)     | Up to 25 Points |
| (b) Secondary cropland (0.12 points per 1% of secondary cropland up to 100%) | Up to 12 Points |

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3. Amount of property with active cropland, pastureland, or woodland uses  
(0.24 points per 1% of active cropland, pastureland, or woodland uses up to 100 %)

Up to 24 Points

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4. Farm infrastructure

- |  |           |
|--|-----------|
| (a) Property includes useable farm buildings in good repair, such as barns, machine sheds, storage bins, farm house, specialty structures like vineyard trellises, greenhouses, etc. | 20 Points |
| (b) Property includes some useable farm infrastructure in good repair, such as fencing, animal paddocks, storage bins, etc.  | 15 Points |

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5. Availability of water

- |  |           |
|--|-----------|
| (a) Contains a major stream draining more than 640 acres       | 24 Points |
| (b) Contains a minor stream draining between 100 and 640 acres | 19 Points |

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6. Proximity to land protected by a conservation easement and/or public parkland

- |  |           |
|--|-----------|
| (a) Contiguous with public parkland or land protected by an open space conservation easement.    | 12 Points |
| (b) Within a ¼ mile of public parkland or land protected by an open space conservation easement. | 5 Points  |
-

7. Proposed density under easement

- |   |           |
|---|-----------|
| (a) The entire property will be placed under easement and the easement will prohibit further subdivision and/or any additional principal dwelling units on the property.                              | 20 Points |
| (b) The entire property will be placed under easement and the easement will permit no more than one additional principal dwelling unit (and associated accessory and farm structures) on the property | 15 Points |
| (c) The easement will be placed on the entire property, but more than one residential development right will be retained by the owner.  | 10 Points |

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8. Estimated carrying capacity (based on County Zoning under the Comprehensive Plan)

- |  |                 |
|--|-----------------|
| One-half (.5) point awarded for each new principal dwelling that could potentially be constructed under the applicable zoning, including relevant cluster provisions | Up to 20 Points |
|--|-----------------|

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**Natural and Historic Criteria under the Agricultural Category**

9. Presence of Green Infrastructure Resources

- |  |           |
|--|-----------|
| (a) Property contains Green Infrastructure resources, as identified in the County Comprehensive Plan, not protected by the River and Stream Corridor Overlay District and the Mountainside Overlay District. These resources include steep slopes, forest cover, historic and archaeological resources, etc. | 10 Points |
| (b) Property contains resources within the River and Stream Corridor Overlay District and the Mountainside Development Overlay District.   | 3 Points  |

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10. Proximity to special natural habitat

- |   |          |
|---|----------|
| Property contains or is contiguous to endangered or threatened species habitat or is part of a designated wildlife refuge or corridor | 7 Points |
|---|----------|

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11. Amount of property with high ground water recharge potential

- |  |                |
|--|----------------|
| (0.06 points per one percent of property with high ground water recharge potential up to 100%) | Up to 6 Points |
|--|----------------|

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12. Provides buffer between distinct communities.

6 Points

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13. Property affords an opportunity to serve as a connection between recreational and/or Green Infrastructure resources :
- Preservation will (1) connect Green Infrastructure resources, facilitating the creation of an integrated network of natural and cultural elements and/or (2) connect open space and recreational resources within the County. 7 Points
- 
14. Proximity to priority trails corridors identified in the County’s Comprehensive Plan
- The property encompasses or is adjacent to priority trail corridors as identified in the County’s Comprehensive Plan. 7 Points
- 
15. Property is associated with an important historic place, event, person, or activity
- (a) The property is listed on the National or State Register of Historic Places, is a designated National or County Landmark, is located within a State Historic District, or is a designated County Historic District as defined in the Loudoun County Revised 1993 Zoning Ordinance. 10 Points
- (b) Property has national, state, or county significance (e.g. VHLC surveyed) 6 Points
- (c) Property is necessary to protect the viewshed and/or natural/historic setting of the resource. 4 Points
- 
16. Property contains an archaeological site
- (a) Designated archaeological site 6 Points
- (b) Archaeological site eligible for designation 3 Points
- 
17. Property is part of an historic landscape, containing elements of historic, natural, scenic, or archaeological value.
- (a) Symbol of the County’s identity or reflects the County’s settlement or development patterns (e.g the property may be within one or more Cultural Landscapes identified in the Preservation Plan) 6 Points
- (b) Symbol of a community or local area. 3 Points
- 
18. Proximity to designated Virginia Byway, State designated scenic river, or ridgeline (as defined in the County Comprehensive Plan).
- (a) Includes frontage along designated Virginia Byway, and/or portions of a ridgeline, scenic river, or the Potomac River. 7 Points
- (b) Is located within the viewshed of the Potomac River, scenic river, or Virginia Byway or is located within ¼ mile of a ridgeline. 4 Points

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19. Property contains a distinct scenic resource such as mature forest, stands of trees, open fields, waterways, hedgerows, stone fences, etc. 6 Points
- 
20. Proximity to JLMA, Transition Policy Area, town, or traditional village boundary (property may be located inside or outside of the relevant policy area, town, or village)
- (a) Contiguous with the boundary of a JLMA, Transition Policy Area, town, or traditional village. 6 Points
  - (a) Within  $\frac{1}{4}$  mile of a boundary of a JLMA, Transition Policy Area, town, or traditional village boundary 4 Points
- 
21. Located in the Transition Policy Area
- The property meets one of the two location requirements: 3 Points
- (a) The property is adjacent to Goose Creek or the Goose Creek and Beaverdam Reservoirs and would facilitate the creation of a 1,000-foot greenbelt in addition to the required 300 foot no build buffer; or
  - (b) The property is adjacent to Bull Run and would facilitate the creation of a 200 foot greenbelt in addition to the required 300 foot no-build buffer
- 
22. Located in a JLMA or town.
- The property would facilitate the creation of or protect the gateway to a town 3 Points
- 
23. Acquisition would include public access to the preserved property.
- (a) The acquisition will include a public access easement permitting uses, such as trails, that offer recreational and educational benefits to the general public. 10 Points
  - (b) Organized, guided tours of the property will be permitted for the purpose of historic and/or environmental education. Up to 5 Points
- 
24. Purchase price is leveraged using other funding sources including but not limited to state, federal foundation funding, or private donations
- (0.5 points for each one percent of purchase price leveraged up to 60%) Up to 30 Points
- 
25. Purchase price is below market value
- (0.5 points for each one percent below market value up to 80%) Up to 40 Points
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**CATEGORY 2. NATURAL AND HISTORIC RESOURCES (135.3 Possible Points)**  
**(NATURAL, HISTORIC, & SCENIC RESOURCES, AND CHARACTER OF URBAN DEVELOPMENT)**

1. Presence of Green Infrastructure resources

- (a) Property contains Green Infrastructure resources, as identified in the County Comprehensive Plan, not protected by the River and Stream Corridor Overlay District and the Mountainside Overlay District. These resources include steep slopes, forest cover, historic and archaeological resources, etc. 10 Points
- (b) Property contains resources within the River and Stream Corridor Overlay District and the Mountainside Development Overlay District. 3 Points

2. Proximity to special natural habitat

- Property contains or is contiguous to endangered or threatened species habitat or is part of a designated wildlife refuge or corridor 7 Points

3. Amount of property with high ground water recharge potential.

- (0.06 points per 1% of property with high ground water recharge potential up to 100%). Up to 6 Points

4. Provides buffer between distinct communities.

6 Points

5. Property affords an opportunity to serve as a connection between recreational and/or Green Infrastructure resources

- Preservation will (1) connect Green Infrastructure resources, facilitating the creation of an integrated network of natural and cultural elements and/or (2) connect open space and recreational resources within the County 7 Points

6. Proximity to priority trails corridors identified in the County's Comprehensive Plan

- The property encompasses or is adjacent to priority trail corridors as identified in the County's Comprehensive Plan 7 Points

- 
7. Property is associated with an important historic place, event, person, or activity
- (a) The property is listed on the National or State Register of Historic Places, is a designated National or County Landmark, is located within a State Historic District, or is a designated County Historic District as defined in the Loudoun County Revised 1993 Zoning Ordinance. 10 Points
  - (b) Property has national, state, or county significance (e.g. VHLC surveyed) 6 Points
  - (c) Property is necessary to protect the viewshed and/or natural/historic setting of the resource. 4 Points
- 
8. Property contains an archaeological site
- (a) Designated archaeological site 6 Points
  - (b) Archaeological site eligible for designation 3 Points
- 
9. Property is part of an historic landscape, containing elements of historic, natural, scenic, or archaeological value.
- (a) Symbol of the County’s identity or reflects the County’s settlement or development patterns (e.g the property may be within one or more Cultural Landscape identified in the Preservation Plan) 6 Points
  - (b) Symbol of the community or local area. 3 Points
- 
10. Proximity to designated Virginia Byway, State designated Scenic river, Potomac River and/or ridgeline (as defined in the County Comprehensive Plan)
- (a) Includes frontage along designated Virginia Byway, and/or portions of a ridgeline, scenic river, or the Potomac River. 7 Points
  - (b) Is located within the viewshed of the Potomac River, scenic river, or Virginia Byway or is located within ¼ mile of a ridgeline. 4 Points
- 
11. Property contains distinct scenic resource such as mature forest, stands of trees, open fields, waterways, hedgerows, stone fences, etc.
- 6 Points
- 
12. Proximity to JLMA, Suburban Policy Area, Transition Policy Area, town, or traditional village boundary (property may be located inside or outside of the relevant policy area, town, or village)
- (a) Contiguous with the boundary of a JLMA, Suburban Policy Area, Transition Policy Area, town, or traditional village. 6 Points
  - (b) Within ¼ mile of a boundary of a JLMA, Suburban Policy Area, Transition Policy Area, town, or traditional village boundary 4 Points
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13. Located within the Suburban Policy Area

The property meets one of the two location requirements: 18 Points

- (a) Preservation would serve as an infill site offering opportunities for parks, athletic fields, open space, and/or connect Green Infrastructure elements; or
- (b) The property is within 1,000 feet east from the Goose Creek and Beaverdam Reservoirs and would facilitate the creation of a 1,000-foot greenbelt in addition to the required 300 foot no build buffer

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14. Located in the Transition Policy Area

The property meets one of the two location requirements: 18 Points

- (a) The property is adjacent to Goose Creek or the Goose Creek and Beaverdam Reservoirs and would facilitate the creation of a 1,000-foot greenbelt in addition to the required 300 foot no build buffer; or
- (b) The property is adjacent to Bull Run and would facilitate the creation of a 200 foot greenbelt in addition to the required 300 foot no-build buffer

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15. Located within a JLMA or town

The property would facilitate the creation of or protect the gateway to a town. 18 Points

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16. Acquisition would include public access to the preserved property.

- (a) The acquisition will include a public access easement permitting uses, such as trails, that offer recreational and educational benefits to the general public. 10 Points
- (b) Organized, guided tours of the property will be permitted for the purpose of historic and/or environmental education. Up to 5 Points

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17. Purchase price is leveraged using other funding sources including but not limited to state, federal, foundation funding, or private donations

(0.1667 points for each one percent of purchase price leveraged, up to 60%) Up to 10 Points

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18. Purchase price is below market value

(0.1667 points for each one percent below market value up to 80%) Up to 13.3 Points

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## V. NATURE OF DEVELOPMENT RIGHTS ACQUIRED

A Purchase of Development Rights (PDR) Program compensates property owners who voluntarily agree to restrict the future use of their land. The ownership of property generally includes a bundle of rights, including the right to use the land, lease, sell, and bequeath it, borrow money using it as security, construct buildings on it and mine it, and the right to prevent trespass. Traditionally, when a property is sold, all the ownership rights associated with the property are also transferred to the buyer. A PDR program provides an alternative by enabling a landowner to separate and sell the development rights to a buyer while retaining ownership of the property and most other rights of ownership. In consideration of the sale of development rights, the landowner voluntarily agrees to allow a conservation easement to be placed on the property, which restricts certain future uses of the property.

Although a property may be developed at certain densities, or otherwise be used or disturbed under existing regulations, there may be important public values served in further limiting such activities. For example, a tract may be developed into a residential subdivision under zoning and subdivision regulations. The site may also possess important agricultural, scenic, historic, or open space values which would be lost or diminished if such development occurred. By purchase of an easement, the County could prohibit or further restrict residential development, commercial uses, grading or signs, among other things on the eased land to protect those values. The County could also acquire the entire fee simple interest in a property, protecting those values by becoming the owner in all respects.

### DURATION OF THE EASEMENT

The Open Space Land Act requires the term of restrictive easement be at least five years in duration. Va. Code § 10.1-1701, 1703. Once title or interest in open-space land has been acquired by the County, it may not be converted or diverted from open-space land use unless the County determines that conversion or diversion is essential to the orderly growth and development of the County and is in accordance with the comprehensive plan. In addition, there must be substitute property of at least equal fair market value, greater value as permanent open-space, and equivalent usefulness and location for use as permanent open-space. Va. Code § 10.1-1704.

The Conservation/Open Space Easements acquired under the PDR program shall be perpetual. A buy-back option shall not be contained in the terms of the easement as the conversion/diversion provisions of the Open-Space Land Act are sufficient to deal with unusual situations where it may be advisable to accept substitute open space in return for extinguishing an easement.

### EASEMENT HOLDER

The Open Space Land Act authorizes the County, park authorities, public recreational facilities authorities, soil and water conservation districts and certain state agencies or authorities to acquire and hold such interests in the form of easements. The Virginia Outdoors Foundation holds easements protecting over 100,000 acres in Virginia. The Virginia Board of Historic Resources also holds such easements under its particular charge from the General Assembly.

The Virginia Conservation Easement Act, Va. Code § 10.1-1009 et seq., authorizes certain private organizations to acquire and hold conservation easements. A holder under this law is defined as follows:

...a charitable corporation, charitable association, or charitable trust which has been declared exempt from taxation pursuant to 26 U.S.C.A.

§ 501(c)(3) and the primary purposes or powers of which include: (i) retaining or protecting the natural or open-space values of real property; (ii) assuring the availability of real property for agricultural, forestal, recreational, or open-space use; (iii) protecting natural resources; (iv) maintaining or enhancing air or water quality; or (v) preserving the historic, architectural or archaeological aspects of real property.

The County shall hold the easements as grantee. The County shall also seek an appropriate organization, such as a state agency or a private land trust, to co-hold easements with the County. Creation of an independent Authority to hold and administer easements is not recommended.

**OTHER RESTRICTIONS AND PROVISIONS OF THE EASEMENT**

The County has developed an open space/conservation easement for the PDR Program. In addition to the residential development restrictions, the easement bars or restricts commercial uses, and dumping and grading activities, except as associated with allowable agricultural uses. Where appropriate on particular properties, special provisions must be included to preserve prime agricultural soils, vistas or viewsheds that are part of the setting for an historic site, or unique natural features and environmentally- sensitive land.

**VI. ADMINISTRATION**

**PURCHASE OF DEVELOPMENT RIGHTS (PDR) BOARD**

The County shall create a board to oversee the administration of the PDR program, including the application and ranking process, the negotiation of purchases, and inspection and enforcement efforts. This board to be known as the PDR Board shall review applications and recommend purchases to the Board of Supervisors. The PDR Board shall also serve as an appeal board for determinations on whether proposed uses are consistent with eligibility requirements and easement restrictions. A subsequent appeal to the Board of Supervisors shall also be available.

The PDR Board shall consist of seven (7) individuals. The term of the PDR Board members shall be appointed to four-year terms, expiring concurrently with the term of the Board of Supervisors.

All members of the PDR Board will be subject to any applicable state conflict of interests laws. Further, in considering appointments to the PDR Board, the County should not select any person who intends to participate in the program as a seller or on behalf of a seller during his or her term.

**PDR BOARD COMPOSITION**

<b>Members*</b>	<b>Area of Knowledge or Expertise</b>
Citizen	Local real estate practice
Citizen	Land use planning
Citizen	Finance
Citizen	Historic, scenic, or natural resource protection
Citizen	Equine, agriculture, horticulture, or forestry
Citizen	At-large
Elected Official	Member of the Board of Supervisors

\*Must be Loudoun County Residents

The duties and responsibilities of the PDR Board shall include:

- Review scoring and ranking of PDR applications;
- Select top properties for PDR negotiation (based on scoring and ranking) and authorize staff to begin the negotiation process within certain parameters;
- Review staff recommendations for purchase of development rights and make final recommendation for purchase of development rights to the Board of Supervisors (Note: The PDR Board at its discretion, may recommend purchase of development rights on multiple properties or a single, high quality property requiring all funds from the funding cycle or cycles);
- Conduct an annual review of the PDR Program to ensure that the Program goals are being met, as well as to make recommendations to the Board of Supervisors regarding revisions to the Program as deemed necessary;
- Act as an appeal board on eligibility.

### **CALCULATING DEVELOPMENT RIGHTS AND NEGOTIATING PURCHASE**

There are various methods for estimating the potential number of development rights within a given property. The most straightforward method is to divide the gross tract size by the maximum density permitted by the zoning of the property. This method is appropriate for properties located within zoning districts that are subject to the Conservation Design Standards found in Section 6-2006 of the Revised General Plan adopted July 23, 2001. Under the Conservation Design Standards, gross acreage is appropriate because features such as floodplains or very steep slopes are not “netted out” of the calculation to determine the permitted density of a site. For example, in these districts, any land within any primary conservation area (i.e. land within the Mountainside Development Overlay District, the Limestone Conglomerate Overlay District, River and Stream Corridor Overlay District, Very Steep Slope Areas, or other areas required to be protected by applicable federal and state laws and regulations) shall be included as part of the total land area for the purpose of calculating the number of residential units permitted in the underlying zoning district.

For properties that may not subject to the Conservation Design Standards found in Section 6-2006, an estimate of the potential number of development rights will be calculated based on the density provisions of the underlying zoning district. Where appropriate, this calculation would use a methodology where the number of development rights purchased is based on (i) current zoning; (ii) the acreage of the tract less any primary conservation areas; and (iii) the acreage of the tract less any land already subject to an open space or conservation easement; and (iv) adjustments for acreage that may be needed for infrastructure, such as roads and other utilities.

The total estimated residential lots that could be created, less the residual number of such lots under the easement restrictions, would be the development rights purchased by the County.