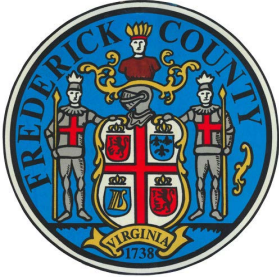




AGENDA
CONSERVATION EASEMENT AUTHORITY
THURSDAY, OCTOBER 29, 2026
9:00 AM
PLANNING DEPARTMENT CONFERENCE ROOM
FREDERICK COUNTY ADMINISTRATION BUILDING
WINCHESTER, VA

1. **Welcome and Introductions**
2. **Meeting Minutes**
 - 2.A. Meeting Minutes of August 27, 2026
[CEA10-29-26MeetingMinutesAugust27.pdf](#)
 - 2.B. Meeting Minutes of September 24, 2026
[CEA10-29-26MeetingMinutesSeptember24.pdf](#)
3. **Transmission Corridor Discussion**
 - 3.A. **Transmission Corridor Discussion and Resolution Review**
[CEA10-29-26_TransmissionCorr_Dsicussion_Resolution.pdf](#)
4. **Purchase of Development Rights (PDR) Ordinance**
 - 4.A. **Purchase of Development Rights (PDR) Ordinance**
[CEA10-29-26 PDR_DRRC_MeetingUpdate.pdf](#)
5. **Meeting Schedule**
 - 5.A. **Meeting Schedule**
6. **Other**



Conservation Easement Authority
Agenda Item Detail
Meeting Date: October 29, 2026
Agenda Section: Meeting Minutes

Title: Meeting Minutes of August 27, 2026

Attachments:

[CEA10-29-26MeetingMinutesAugust27.pdf](#)

MEETING MINUTES
OF THE
FREDERICK COUNTY CONSERVATION EASEMENT AUTHORITY

Held in the Planning Department Conference Room of the Frederick County Administration Building at 107 North Kent Street in Winchester, Virginia on August 27, 2026.

PRESENT: Diane Kearns, Chairman; Todd Lodge, Vice-Chairman; Patricia Scheulen-Ferrell, Leslie Spencer, Wendy Dorsey, Philip Haines and Albert Orndorff, Board of Supervisor Liaison

ABSENT: Elaine Cain and Charles Markert, Planning Commission Liaison

STAFF PRESENT: Wyatt Pearson, Deputy County Administrator; John Bishop, Director of Planning; Eric Bittner, Planner II and Andy Fox, County Attorney

PUBLIC MEETING

Welcome and Introduction:

The meeting was called to order by the Chairman Kearns at 9:00 a.m. and she determined there was a quorum.

Meeting Minutes:

Todd Lodge, Vice-Chairman made a motion to approve June 25, 2026, minutes and was seconded by Patricia Scheulen-Ferrell

Update:

Mr. Bishop gave an update that the Department has received several letters supporting the conservation easement program. Mr. Bishop handed out a draft resolution that was requested at the last meeting for the powerline easement support.

Chairman Kearns mentioned for the next meeting items to be discussed conservation easement application, overall program and a possibility of a website.

Comprehensive Plan Update:

In the agenda package are the citizens' comments from the public meetings survey feedback. The comments about the environmental and the conservation which are part of the comprehensive plan update. As the department begins to draft the new comprehensive plan, the comments will be

considered. The timeframe approximately for completion of a draft comprehensive plan will be 2027.

Other (Departmental Update)

Three hundred thousand dollars from the solar citing agreement has been earmarked for conservation easement authority. With the funds, the committee can pursue the PDR program which the Board of Supervisors authorized.

Mr. Bishop mentioned that if we combined the money with other organizations, state or federal funds the money would go further. Mr. Orndorff suggested the committee have a budget and projects or ideas to submit for the next fiscal year. The Planning Department could provide guidance as to how and when to present the budget to the Board. Mr. Orndorff stated that it takes resources up front before putting land into an easement. Maybe if a citizen is considering an easement but may need some financial assistance maybe the committee might help provide some funds.

Chairman Kearns said for the next meeting review the CEA application packet. The application now states that we co-hold easements. Discussion next month should the County co-hold or solely-hold the easements.

Chairman Kearns mentioned that Mrs. Spencer has been working on a website to promote the CEA. Clarification needs to be made to determine if we can work under the County or do we need to work separately on this website. The Board of Supervisors would need to approve the webpage. Discussion on how much money to move forward, what we are promoting and what's the design of the site.

Mr. Bishop stated the CEA is part of the County and concerns came up so Mr. Bishop contacted Wendy May the communication director for the County. Mr. Bishop stated that as long as we communicate with Wendy, he believes that a new website could be under the County umbrella but not 100 percent sure. Chairman Kearns wants more exposure for conservation easement authority and place where citizen could donate funds.

Mrs. Spencer suggests that CEA partner with the preserve Clarke County CEA. Mr. Bishop believes in time that will happen but that is an administration or Board of Supervisors decision. Staff continued by saying we have started because of the resolution that Chairman Kearns clarified at this point the presser Frederick County website is on hold.

Transmission Corridor Discussion:

Chairman Kearns suggested there are several different routes for the Valley North Transmission line. The proposed routes go through easements, and other routes go through farms. There are different types of entities that hold the easements. There are public and private entities. The eminent domain can go through an easement or land as long as it is for public use and can do good for the public. Chairman Kearns went further in depth with entities.

Mr. Bishop state the Board of Supervisors has set aside money for legal fees; a resolution was passed in supporting the citizen and to amend the Comprehensive Plan before October. The Plan would suggest a path for the powerlines.

Mr. Andy Fox gave his summary of what the County is doing about Valley North Transmission path. The County has hired outside counsel that specializes in this type of protected land and easements issues, and he will be working alongside the firm. This law firm has other counties that it also represents. This will be a battle on different levels of the request, but the County will get the best result we can for the citizen. Mr. Fox said several things need to be considered rather or not the easement is public or private easement and if the public decides to condemn a private easement and take it over, there are rules about that, which would be the best route without showing favoritism, historical properties, who owns the easement and if the request violates the easement.

Mr. Pearson stated that the Code of Virginia clearly points out that the Agricultural and Forestal District can't stop eminent domain if it is an FCC style project. The County still can express the concerns about the transmission route.

Mrs. Spencer suggested that the ADAC farmers be contacted and maybe a meeting with them or suggest a letter from the farmers stating how this would affect their farms. Mr. Pearson mentioned that the ADAC is a state program to protect land but with this size of this project he does not believe that it will matter but we can always oppose it. Mr. Pearson gave an example of the wording that could be put in a letter or resolution (The program was set up by the state to protect the land and now you are violating the program). Staff suggested that maybe we can ask the Board to write a letter.

A member mentioned the Frederick County is conversing with other Counties and supports the citizens. There has been talk with some elected state officials. Mr. Orndorff asked if there is any recourse when the decision is made. Mr. Fox replied to the case could be appealed to the court system. A concern was brought about if the transmission line takes over an easement and they have defaulted on the restitution or obligation who does the citizen contact. The outside counsel would direct us as to how to proceed. Is there a board we can turn to for questions. Mr. Bishop and Mr. Pearson was going to look into that request.

Mr. Bittner did give an update that a citizen is looking to putting two parcels into an easement. One parcel is 20 acres, and the other is 5 acres. Staff is looking into helping to find some financial assistance.

There being no further business, the meeting adjourned at 10:15.

Respectfully submitted,

Diane Kearns, Chairman

John A. Bishop, CEA Secretary



Conservation Easement Authority
Agenda Item Detail
Meeting Date: October 29, 2026
Agenda Section: Meeting Minutes

Title: Meeting Minutes of September 24, 2026

Attachments:

[CEA10-29-26MeetingMinutesSeptember24.pdf](#)

MEETING MINUTES
OF THE
FREDERICK COUNTY CONSERVATION EASEMENT AUTHORITY

Held in the Planning Department Conference Room of the Frederick County Administration Building at 107 North Kent Street in Winchester, Virginia on September 24, 2026.

PRESENT: Diane Kearns, Chairman; Todd Lodge, Vice-Chairman; Patricia Scheulen-Ferrell, Leslie Spencer, Wendy Dorsey, Philip Haines and Albert Orndorff, Board of Supervisor Liaison

ABSENT: Elaine Cain and Charles Markert, Planning Commission Liaison

STAFF PRESENT: Tyler Klein, Senior Planner and Pam Deeter

PUBLIC MEETING

Welcome and Introduction:

The meeting was called to order by the Chairman Kearns at 9:00 a.m. and she determined there was a quorum.

Update:

Mr. Orndorff made a motion to change the order of the agenda order moving #4 Other to #5. Mr. Orndorff suggested #4 be about the Bartonsville Solar Farms.

Transmission Corridor Discussion:

Chairman Kearns said the resolution is opposing the Valley North Transmission Line Project through Frederick County was in the agenda packet and she read the resolution. A member gave feedback and suggested a few comments be incorporated into the resolution. The whereas paragraphs 3 and 8 additions were added to the paragraphs and the be it further resolved area paragraphs 1 and 3 additions were added. Mr. Orndorff suggested the County Attorney look over the new resolution. Mr. Haines made a motion to approve the resolution with edits and seconded by Mrs. Spencer and unanimously approved the resolution. Chairman Kearns would like to review the final copy of the resolution.

A member suggested along with the resolution attach a cover letter. Mr. Klein stated that HRAB will have a resolution. A committee member inquired as to how this is presented. Mr. Klein noted that all the resolutions from each of the committees will be packaged and given to Andy Fox for

him to present. Mr. Orndorff mentioned that Mr. Jewell and Mr. Fox are working diligently on this project.

Davis Property Discussion:

Mr. Klein made a remark that a citizen on South side of Senseny Road which borders Clarke County approached John and is interested in preserving his property. As of today, we do not have any details on this property. The property owner needs to contact the County so we can have a discussion as to what his needs are and how to move forward. Chairman Kearns expressed interest that she would like to be included in the meeting.

Bartonsville Solar Farm

Mr. Orndorff stated that the finance committee and the Board approved the \$300,000.00 for the CEA. The finance committee stated this is one time allotment of funds which came from the agreement of the solar farm. The Committee inquired do we request the money. Mr. Klein said no that the money is earmarked for CEA but potentially if a large amount of money is needed the Committee might need to request the funds. A member inquired about Foxglove Solar Farm. Mr. Klein stated that project is defunct.

Mr. Orndorff suggested the committee have a budget and projects or ideas to submit to the Board of Supervisors for the next fiscal year along with a cover letter. Keep in mind that the Committee can't do everything with this money. The Committee needs to have a priority list. Do we want to concentrate on easements, education, help with legal fees etc. Now if we combined the money with other organizations, state or federal funds the money would go further.

Mr. Orndorff stated that it takes resources up front before putting land into an easement. Maybe if a citizen is considering an easement but may need some financial assistance maybe the committee might help provide some funds or find another agency that would partner with citizens.

Other (Departmental Update)

A citizen asked if a property owner puts an easement on a property do they get tax break. Yes, Chairman Kearns replied. Does the public have access to come onto your property. No, but again that depends on who holds that easement rather the public would have access or not.

Chairman Kearns and Mrs. Dorsey will be meeting with the CEA of Clarke County to get insight on the utilization on programs and matching grants.

Topic for October meeting.

Matching grants

Donate legal fee for agricultural or open space

Education outreach

Do we focus on co-holding easements (Potomac Conservancy & Battlefield Foundation)

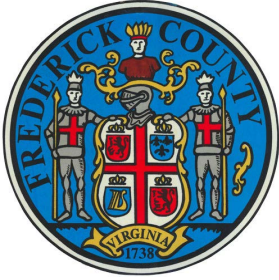
Application criteria

There being no further business, the meeting adjourned at 10:15.

Respectfully submitted,

Diane Kearns, Chairman

John A. Bishop, CEA Secretary



Conservation Easement Authority

Agenda Item Detail

Meeting Date: October 29, 2026

Agenda Section: Transmission Corridor Discussion

Title:

Transmission Corridor Discussion and Resolution Review

Attachments:

[CEA10-29-26_TransmissionCorr_Dsicussion_Resolution.pdf](#)

RESOLUTION OF THE FREDERICK COUNTY CONSERVATION EASEMENT AUTHORITY

OPPOSING THE PROPOSED VALLEY NORTH TRANSMISSION LINE PROJECT THROUGH FREDERICK COUNTY, VIRGINIA

WHEREAS, Valley Link, a joint venture involving Dominion Virginia Power, FirstEnergy Generation Corporation, and Transource Virginia, Inc., is studying routes for the proposed **Valley North Transmission Line Project**, an approximately 260-mile, 765-kilovolt electric transmission line extending from Putnam County, West Virginia, to Frederick County, Maryland; and

WHEREAS, proposed study segments and potential routes for the Valley North Transmission Line Project traverse Frederick County, Virginia, and could require the establishment of substantial new 200-foot right-of-way and the construction of large-scale transmission infrastructure through rural areas of the County; and

WHEREAS, the Frederick County Conservation Easement Authority was established under open space Land Act Chapter 17 title 15.2 10.1-170, and it's program outlined in Frederick County 68, to assist landowners in the protection and preservation of farm and forest land, open space, scenic resources, historic resources, water resources, environmentally sensitive lands, and other lands possessing significant conservation value; and

WHEREAS, conservation easements represent voluntary, long-term commitments by Frederick County landowners to preserve the rural and natural character of their properties and to protect important agricultural, environmental, historic, scenic, and open-space resources for the benefit of present and future generations; and

WHEREAS, Frederick County contains thousands of acres of land protected by conservation easements held by public agencies and private conservation organizations, reflecting substantial commitments by landowners and conservation partners to the permanent preservation of the County's rural landscape and natural and cultural resources; and

WHEREAS, the Valley North Transmission Line Project condemns open conservation easements without being essential to the orderly development and growth of Frederick County thereby violating the Open Space Land Act Chapter 17 Title 15.2 §10.1-1704; and

WHEREAS, the construction of a new 765-kilovolt transmission corridor, including associated towers, cleared rights-of-way, access roads, and related facilities, has the potential to significantly and permanently affect agricultural and forestal lands, conservation easements, scenic landscapes,

historic resources, waterways, wildlife habitat, and other environmentally sensitive lands within Frederick County; and

WHEREAS, such impacts may extend beyond the physical footprint of the transmission facilities negatively impacting watersheds by fragmenting agricultural and forestal lands, altering scenic viewsheds, affecting historic landscapes, and diminishing conservation values that landowners and conservation organizations have worked to protect and are working toward protecting in perpetuity; and

WHEREAS, the Frederick County Conservation Easement Authority recognizes and respects the substantial investment and commitment made by landowners who have voluntarily restricted the future development of their property for the purpose of preserving Frederick County's agricultural, rural, scenic, historic, and environmental resources; and

WHEREAS, the Authority believes that the placement of major new transmission infrastructure through conserved lands or other lands possessing significant conservation value should be avoided to the greatest extent practicable and that existing infrastructure corridors and alternatives having lesser impacts upon protected and environmentally sensitive lands should receive the fullest consideration; and

WHEREAS, the study areas and proposed routes for the Valley North project directly violate the intent of the Agricultural and Forestal Districts Act by impacting the County's adopted districts in an adverse manner; and

WHEREAS, at its July 8th, 2026 meeting, the Frederick County Board of Supervisors has unanimously adopted a resolution opposing the Valley North Transmission Line Project as proposed through Frederick County and has expressed its intent to protect the interests, resources, and quality of life of the citizens and landowners of Frederick County; and

WHEREAS, the Frederick County Conservation Easement Authority desires to express its support for the position taken by the Frederick County Board of Supervisors and to emphasize the particular threat that the proposed transmission project may pose to conservation easements, agricultural lands, open space, scenic resources, historic landscapes, natural resources, and the rural character of Frederick County.

NOW, THEREFORE, BE IT RESOLVED, that the **Frederick County Conservation Easement Authority hereby formally opposes the construction of the Valley North Transmission Line Project through Frederick County as currently proposed and studied**; and

BE IT FURTHER RESOLVED, that the Authority strongly urges Valley Link, the Virginia State Corporation Commission, the Federal Energy Regulatory Commission, PJM Interconnection, and all other agencies and entities involved in the planning, review, approval, or siting of the Valley North Transmission Line Project to recognize and give substantial consideration to the permanent conservation commitments already made by Frederick County landowners and to have conservation easements, agricultural lands, historic resources, scenic landscapes, environmentally

sensitive lands, and other significant conservation resources within Frederick County be treated as significant route constraints; and

BE IT FURTHER RESOLVED, that the Authority supports the Frederick County Board of Supervisors in its opposition to the proposed transmission line through Frederick County and encourages the County to continue advocating for alternatives that avoid or substantially reduce impacts upon Frederick County's rural lands, conservation resources, private property, and citizens; and

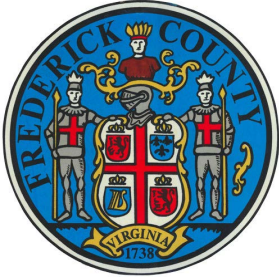
BE IT FINALLY RESOLVED, that a copy of this Resolution be transmitted to the Frederick County Board of Supervisors, Senator French, Delegate Wiley and Oates, Valley Link, SCC, PJM, Federal Energy Regulation Commission and to such state, federal, regional, and project representatives as the Authority deems appropriate to communicate its opposition to the proposed Valley North Transmission Line Project and its commitment to protecting the conservation values of Frederick County.

ADOPTED by the Frederick County Conservation Easement Authority this ____ day of _____, 2026.

FREDERICK COUNTY CONSERVATION EASEMENT AUTHORITY

By: _____
Chairman

Attest: _____
Secretary



Conservation Easement Authority

Agenda Item Detail

Meeting Date: October 29, 2026

Agenda Section: Purchase of Development Rights (PDR) Ordinance

Title:

Purchase of Development Rights (PDR) Ordinance

Attachments:

[CEA10-29-26 PDR_DRRC_MeetingUpdate.pdf](#)



COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

MEMORANDUM

TO: Frederick County Development Review and Regulations Committee

FROM: Department of Planning & Development Staff

SUBJECT: Ordinance Amendment – Purchase of Development Rights

DATE: October 14, 2026

Proposal:

This is a proposal to amend the Chapter 165 - Zoning Ordinance to add policies and procedures for a Purchase of Development Rights (PDR) program.

This ordinance amendment was authorized by the Board of Supervisors on April 23, 2025. Staff reviewed Clarke and Stafford County's PDR programs. Staff have prepared a draft ordinance modeled from the Clarke and Stafford County examples.

State code allows for localities to operate PDR programs and 7 localities operate PDR programs by which they, the County, may purchase and then "extinguish" residential development rights from properties to preserve rural lands. There are numerous ways to fund or leverage funds to conduct such programs and thus reduce the impact of residential development on schools, roads and other elements of the County's rural infrastructure. At its September 23 meeting, the Board of Supervisors approved the establishment of a \$300,000 fund, which may be utilized for PDR's.

This ordinance amendment was initiated at the request of the Conservation Easement Authority (CEA).

Current Zoning Ordinance Standard:

The current zoning ordinance does not have an adopted PDR program. The County does operate a TDR program under §165-1001.

Staff Analysis:

A PDR program is contemplated as a strategy in the Rural Areas section of the Comprehensive Plan and is recommended as a means of promoting Goal 3 of the Rural Areas in the Comprehensive Plan.

The CEA is an already established committee with tenured members, and its purpose overlaps with the intent of the PDR program. For this reason, the Authority seems an ideal entity to oversee the program.

Requested Action:

Staff are seeking comments from the DRRC to forward to the Planning Commission and the Board of Supervisors for additional discussion on this proposed ordinance amendment.

Additionally, staff are seeking comments on if a new committee should be established to operate the PDR program or if through this ordinance amendment, operation of the program should be assigned to the CEA, and any comments on the management of the program by the County.

Attachments:

1. Proposed Changes – Purchase of Development Rights
2. PDR – Stafford County
- 3 PDR – Clarke County

ARTICLE X. Transfer of Development Rights (TDR) *and Purchase of Development Rights (PDR) Program*

§165-1004 Purchase of Development Rights.

§165-1004.01 Purpose

- A. The purpose of the Frederick County Purchase of Development Rights Program (PDR) includes, but is not limited to, the following:
- (1) Establishing a program that enables the county to acquire conservation easements voluntarily offered by property owners to serve as one means of assuring that Frederick County's resources are protected and efficiently used;
 - (2) Establishing and preserving open space and the continuing rural character of the county;
 - (3) Preserving farm and forest land;
 - (4) Conserving and protecting water resources and environmentally sensitive lands, waters and other natural resources;
 - (5) Conserving and protecting biodiversity, wildlife and aquatic habitat;
 - (6) Assisting in shaping the character, direction, and timing of development in the county;
 - (7) Improving the quality of life for the inhabitants of the county;
 - (8) Promoting recreation and tourism through the preservation of scenic and historical resources; and
 - (9) Working cooperatively with the federal government, state government, and/or non-profit organizations to locate funding and leverage financial and other resources.
- B. Goals of the county's comprehensive plan include to "preserve and enhance opportunities for agricultural uses, agribusiness, and silviculture operations", "continue emphasis on the Urban Development Area (UDA) concept and on the preservation of a rural character in areas outside of the UDA", and "preserve and enhance the county's natural resources." All three of these goals will be enhanced through the county's purchase of development rights (PDR) program.
- C. The PDR program shall be a program by which the county acquires, in accordance with the provisions set forth herein, and to the extent of available funding, the development rights on eligible parcels of rural land in areas of the county described in below. The purchase of development rights shall be accomplished by the acquisition of conservation easements upon such parcels.
- D. The PDR program shall be directed toward property that lies outside the designated urban development area (UDA) as depicted on the most recent land use map except in those areas under the ownership or control of the United States of America, or the Commonwealth of Virginia, or an agency or instrumentality thereof. However, if property within the designated UDA meets the intent of the program, the landowner may apply to the program and the board shall consider the merits of the application.
- E. Nothing in this chapter shall be construed as a limitation upon the county's authority to acquire land for public purposes other than those set forth in this chapter.

State law reference(s)—Code of Virginia, § 10.1-1700 et seq.

§165-1004.02 Applicability

- A. The PDR program shall be available for all qualifying lands in the county, except those lands under ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this program shall be voluntarily offered by the owner.

§165-1004.03 Designation of program administrator; power and duties.

- A. The program administrator shall be the Planning director or his/her designee.
- B. The administrator shall administer the program and shall have powers and responsibilities to:
 - 1) Establish reasonable and standard procedures and forms consistent with this program for the administration and implementation of the program.
 - 2) Promote the program, in cooperation with the committee, by providing educational materials to the public and conducting informational meetings.
 - 3) Investigate and pursue, in conjunction with county, state, federal and other programs, additional public and private resources to fund the program and maximize private participation.
 - 4) Evaluate all applications to determine their eligibility and their ranking score. Rank applications based on their ranking score as determined by the property ranking system and make recommendations thereon to the committee.
 - 5) Coordinate the contracting and delivery of appraisals for each property.
 - 6) Negotiate with the landowner relating to conservation easement terms.
 - 7) Provide staff support to the committee and the appraisal review committee.
 - 8) For each conservation easement accepted into the program, establish baseline data and assure that the terms and conditions of the easement are monitored and complied with by coordinating a monitoring program with each easement holder.

Conservation Easement Authority; powers and duties.

- (a) The Conservation Easement Authority shall be tasked with performing the assigned duties in the following section.
- (b) The committee shall have the powers and duties to:
 - (1) Promote the program in cooperation with and under the guidance of the administrator, by providing educational materials to the public and conducting informational meetings.
 - (2) Review rankings of applications recommended by the administrator and make recommendations to the administrator and the board as to which conservation easements should be purchased as determined by the property ranking system, and other applicable information.
 - (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/or effectiveness of the program.

§165-1004.05 Appraisal review committee

- A. The appraisal review committee shall be established by the Board of Supervisors and shall have the power and duty to review appraisals to ensure they are consistent with appropriate appraisal guidelines and practices and make recommendations thereon to the committee and provide approved appraisal results to the committee and the administrator. This shall not include the authority to alter or make a

substitution for an appraisal, but shall only include the authority to evaluate appraisals for appropriateness under specific guidelines and practices.

- B. The appraisal review committee shall consist of at least one (1) professional real estate appraiser, at least one (1) member of the Conservation Easement Authority, and the County Commissioner of the Revenue or his or her designee from the assessment office.
- C. Each member, other than the county commissioner of the revenue, or his designee, shall serve a term of one year. The county commissioner of the revenue, or his designee, shall be a permanent member of the appraisal review committee.

§165-1004.06 Eligibility criteria.

- A. In order for a parcel to be eligible for the program, it must meet the following criteria:
 - 1) The property(s) must be located in Frederick County within that portion of the county as described in County Code section;
 - 2) The property(s) must be no less than twenty (20) acres in area or be included in a batch in which the combined area of contiguous parcels is no less than twenty (20) acres in area;
 - 3) The property must be wholly located within the RA (Rural Areas) zoning district;
 - 4) The property must be capable of being subdivided or developed for nonagricultural uses without legislative approval;
 - 5) The proposed use of the property as permanent open space shall comply with the policies set forth in Frederick County's Comprehensive Plan;
 - 6) No uses or structures shall be located upon the parcel other than those permitted by the deed of conservation easement; and
 - 7) If any portion of the property being considered contains any land that is currently reserved or set aside for open space, recreation or similar purposes pursuant to the provisions of a conditional use permit, variance, or other action by the board, or any ordinance or regulation; that portion shall be excluded from the evaluation process.
- B. A property owner who has a parcel of land currently encumbered by a Frederick County PDR easement may apply through the PDR application process to add additional acreage to the current easement from directly adjoining property with the same owner. If the additional acreage meets all other criteria for inclusion in the PDR program, the board and the committee can waive the minimum twenty (20) acres requirement. The additional acreage must be capable of supporting at least one (1) development right.

§165-1004.07 Property ranking system

- A. In order to effectuate the purposes of this chapter, parcels for which conservation easement applications have been received shall be evaluated by using a ranking system. The initial ranking system and any changes to the ranking system shall be approved by the board.
- B. The system shall be the sole means by which the priority of acquisition of development rights under the program is determined when available funding is insufficient to purchase the development rights on all property that is the subject of received applications for the sale of development rights. The number of property ranking system points assigned to a particular property shall not be used in determining the value of development rights or the amount of any offer to purchase such rights but used solely as a means for prioritizing the properties for further consideration.
- C. There shall be five (5) categories of criteria for evaluation under the system;
 - 1) Quality of parcel;
 - 2) Likelihood of parcel being threatened (development pressure);

- 3) Circumstances supporting agriculture;
- 4) Environmental and aesthetic quality; and
- 5) Cultural resources;

D. In each category, certain factors descriptive of the characteristics of property sought to be included in the purchase of development rights program are included. Each factor is stratified into a range of possible point values ranging from zero (0) to thirty (30). To determine the total points assigned to such property, the values for all five (5) categories are added. Property having the highest total scores shall rank highest in priority of acquisition. The maximum total score is two hundred seventy-five (275) points.

§165-1004.07 Property ranking system

A. The categories, with their respective factors, are as follows:

PDR RANKING CRITERIA POINT SYSTEM—SECTION A			Possible Points	Total Points
(A)	Quality of the parcel (productivity capability) (110 Maximum Points)		20	
	(1)	Size of property		
		• 100 acres or more—20		
		• 90 to 99.99 acres—18		
		• 80 to 89.99 acres—16		
		• 70 to 79.99 acres—14		
		• 60 to 69.99 acres—12		
		• 50 to 59.99 acres—10		
		• 40 to 49.99 acres—8		
		• 30 to 39.99 acres—6		
		• 20 to 29.99 acres—4		
		• Less than 20 acres (if eligible)—1		
	(2)	Soils—Percentage Identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance?	20	
		• 80% or more—20		
		• 60 to 79%—16		
		• 40 to 59%—12		
		• 20 to 39%—6		
		• Less than 20%—0		
	(3)	Parcel contains active farm land <i>(Active farm land: Cropland or pastureland that has been harvested or grazed during the proceeding year or in 3 of the previous 5 years)</i>	20	
		• 2 points per 10 acres or fraction thereof with a maximum of 20 total points		
	(4)	Parcel contains active timber land <i>(Active timber land: timber land that has an executed forestry commitment or an approved professional forest plan)</i>		
		• 2 points per 10 acres or fraction thereof with a maximum of 20 total points	20	
	(5)	Soil and Water Quality Conservation Assessment (Maximum of 30 points)	30	

		• Owner has a plan through Soil and Water Conservation District, or other applicable agency—10		
		• Owner has a farm management plan to include applicable BMPs to protect water quality, either voluntarily or through a state or federal conservation program—10		
		• Owner has a nutrient management plan through Soil and Water Conservation District, or other applicable agency—10		
SUBTOTAL POINTS—SECTION A			110	

PDR RANKING CRITERIA POINT SYSTEM—SECTION B			Possible Points	Total Points
(B)	Likelihood of parcel being threatened (development pressure) (70 Maximum Points)			
	(1)	Urgency of circumstances favoring conversions	20	
		• Parcel has approved Master Development Plan—10		
		• Adjacent to areas protected for conservation—10		
	(2)	Preservation of family farm – duration the parcel has been owned by members of the same family	30	
		• Over 100 years—30		
		• 51-100 years —24		
		• 31 to 50 years—18		
		• 20 to 30 years—9		
		• Less than 20 years—0		
	(3)	Amount of public road contiguous to parcel	10	
		• 1,000 linear feet or more—10		
		• 600 to 999 feet—8		
		• 300 to 599 feet—7		
		• 100 to 299 feet—4		
		• Less than 100 feet—0		
	(4)	Landowners have agreed to any of the following restrictions (maximum of 10 points):	10	
		• No new dwellings may be located on the property—5		
		• Parcel shall not further be divided—5		
SUBTOTAL POINTS—SECTION B			70	

PDR RANKING CRITERIA POINT SYSTEM—SECTION C			Possible Points	Total Points
(C)	Circumstances supporting agriculture (35 Maximum Points)			
	(1)	Number of nonfarm rural residences within one-half mile of the property boundary	15	
		• 0 to 7 dwelling units—15		
		• 8 to 12 dwelling units—10		
		• 13 to 18 dwelling units—7		
		• 19 to 24 dwelling units—3		
		• More than 25 units—0		

	(2)	Proximity of parcel to other properties with PDR, TDR, or other perpetual easements	10	
		• Contiguous—10		
		• Within ¼ mile—8		
		• Within ½ mile—6		
		• Within 1 mile—4		
		• Greater than 1 mile—0		
	(3)	Proximity to another existing farm of 20 acres or greater	10	
		• Contiguous—10		
		• Within ½ mile—8		
		• Within 1 miles—6		
		• Within 2 miles—1		
		• Greater than 3 miles—0		
SUBTOTAL POINTS - SECTION C			35	

PDR RANKING CRITERIA POINT SYSTEM—SECTION D			Possible Points	Total Points
(D)	Environmental and aesthetic quality (40 Maximum Points)			
	(1)	Virginia Department of Conservation and Recreation Ranking (as identified in the Ecological Cores portion of the Virginia Conservation Land Needs Assessment model and scored as a weighted average)	10	
		• C-1 Outstanding Conservation Significance—10		
		• C-2 Very High Conservation Significance—8		
		• C-3 High Conservation Significance—6		
		• C-4 Moderate Conservation Significance—4		
		• C-5 General Conservation Significance—2		
	(2)	Percentage of parcel in forest	5	
		• 80% or more—5		
		• 50 to 79%—3		
		• 20 to 49%—1		
		• Less than 20%—0		
	(3)	Proximity to areas identified as having high environmental value, such as state or federal parks, designated wildlife refuge, wildlife corridor or threatened or endangered species habitat	5	
		• Contains or is contiguous—5		
		• Within ½ mile—3		
		• Within 1 mile—1		
	(4)	Water Quality Value	20	
		• Parcel includes perennial waterway—5		
		• Parcel includes wetlands—5		
		• Parcel includes intermittent stream—5		
		• Waterway includes vegetative buffer of at least 100 feet (perennial and associated wetlands) or 50 feet (intermittent stream)—5		
SUBTOTAL POINTS—SECTION D			30	

PDR RANKING CRITERIA POINT SYSTEM—SECTION E			Possible Points	Total Points
(E)	Cultural resources (20 Maximum Points)			
	(1)	Proximity to historic or cultural features	15	
		• Property is located on or adjacent to feature designated or deemed eligible for listing on National or State historic registers,—15		
		• Property is associated with or adjacent to property associated with an important historic place, event, person or activity (through documentation presented to the county)—10		
		• Property is within or adjacent to an established or familiar visual feature that is part of an historic landscape (as confirmed by county)—5		
	(2)	Property is designated as or associated with a Century Farm—5	5	
SUBTOTAL POINTS—SECTION E			20	
TOTAL POINTS			275	

§165-1004.08 Purchase development terms and conditions.

- A. Each conservation easement shall comply with the requirements of the Virginia Open-Space Land Act (Code of Virginia, § 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:
- 1) No new dwellings may be constructed on a parcel except as provided in this section. The deed of easement may allow for one dwelling, either existing or new, per one hundred (100) acres. For properties less than one hundred (100) acres in size, one dwelling, either existing or new, would be allowed. The location of the dwelling and all appurtenances must be specified on a plat of record approved by the county and recorded before or contemporaneously with the execution and recordation of the deed of conservation easement.
 - 2) A conservation easement acquired under the terms of this chapter shall be perpetual and shall run with the land.
 - 3) In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to the 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) The accumulation of trash, debris, inoperable motor vehicles, and other junk;
 - (ii) Grading or clearing, blasting or earth removal for purposes unrelated or not connected with the bona fide agricultural use of the property;
 - (iii) Conducting of industrial or commercial activities on the parcel other than specified limited commercial activities associated with the bona fide agricultural use of the property and/or;
 - (iv) The display of billboards, signs, and modes of advertisement upon the property unrelated to bona fide agricultural activities located on the property. The deed of conservation easement shall include provisions concerning billboards, signs, and modes of advertisement located on the property at the time that an application is submitted that are unrelated to agricultural activities located on the existing property. The deed of conservation easement shall include

provisions concerning establishing and/or maintaining reasonable signage/advertising related to agricultural activities located on the property.

- 4) Frederick County shall be the easement holder, and, at its discretion, one or more additional public bodies, one or more organizations then qualifying as an eligible done as defined by section 170(h)(3) of the Internal Revenue Code of 1986, as amended, or the federal government may also be an easement coholder.

§165-1004.08 Application

- A. Applications to sell development rights shall be on a form prescribed by the administrator and shall be signed by the landowner and submitted to the administrator. An application fee may be required. The administrator may require supporting documentation, including, but not limited to, deeds, surveys, or other legal instruments, to be submitted with the application. A landowner may submit an application for each parcel or may submit a single application for more than one contiguous parcel. Applications for batched parcels shall follow the same procedure, but shall be signed by all landowners. Applications must be received in the county administrator's office by close of business on the last day of an open application period to be eligible for consideration during that open application period.
- B. The application form shall require, at a minimum, that the owner provide:
- 1) The names of all owners of the parcel;
 - 2) The address and telephone number of all owners;
 - 3) The acreage of the parcel;
 - 4) The tax map and assessor's parcel number;
 - 5) The zoning designation of the parcel;
 - 6) A grant of permission to the administrator and such other staff as may be appropriate, and an independent, licensed and certified appraiser, to enter the property, after reasonable notice to the owner, to evaluate the property; and
 - 7) The application form shall also include a space for the owner to indicate whether he/she volunteers to have his/her parcel subject to greater restrictions than those contained in the standard deed of easement, and to delineate those voluntary, additional restrictions.
- C. The administrator may require the owner to provide additional information deemed necessary to determine:
- 1) Whether the proposed easement is eligible for purchase;
 - 2) The ranking of the parcel; and
 - 3) The value of such easement.
- D. The submission of an application shall not be deemed to constitute a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of a conservation easement agreement, without penalty.

§165-1004.09 Submittal and administrator review

- A. The administrator shall evaluate the application for:
- 1) Whether the eligibility criteria set forth in County Code section are met. In the event a parcel, or portion thereof, fails to meet the eligibility criteria set forth in County Code section, such parcel, or portion thereof, shall not be considered for inclusion in the program. In the event

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- the ineligibility of a parcel or portion thereof, renders the remaining property which is the subject of the application ineligible, none of the property shall be considered for inclusion.
- 2) Whether the application is complete. If the application is incomplete, the administrator shall inform the owner of the information that must be submitted in order for the application to be deemed complete.
 - 3) The number of points to be attributed to the parcel by applying the ranking system in accordance with section 22A-8. The administrator shall notify each applicant of the total number of points attributed to their respective property.
- B. The administrator shall notify each applicant of the evaluation of their property(s). An applicant shall have ten (10) business days from the date of the administrator's notice to respond to the administrator's evaluation of their property(s), including, but not limited to, correcting and/or supplementing their application. Within the ten-business-day period, an applicant may request, in writing, a meeting with the administrator and/or other county staff to discuss the administrator's evaluation.
 - C. The administrator shall submit the list of ranked parcels to the committee after each open application period.
 - D. In the event available funding is insufficient to purchase the development rights on all properties which are the subject of pending applications under this chapter, the director shall evaluate each application, using the criteria of the property ranking system set forth in County Code section, and shall ascertain all necessary facts and information for ranking the priority of acquisition of the lands included in the application. In performing such evaluation, the administrator may request the assistance of the commissioner of revenue or his designee and such other county departments as may be appropriate and beneficial. The evaluation shall include a recommendation for the number of agricultural ranking system points to be assigned to the application.
 - E. Any requirement or deadline set forth in this chapter may be waived by the board if, for good cause, it is shown that exigent circumstances exist that warrant consideration of an otherwise untimely application or it is shown that the requirements of this chapter unreasonably restrict the purchase of an easement. Under such circumstances, the board may authorize purchase of a conservation easement at any time it deems necessary so long as the purchase meets the intent of the program as identified in the comprehensive plan and the purchase complies with the specific purposes and applicability of this ordinance as set out herein.
 - F. An owner of a parcel not selected by the board for purchase of a conservation easement may reapply in any future open application period.

§165-1004.10 Committee and Board Procedures

- A. The committee shall review the list of ranked parcels submitted by the administrator. The committee shall forward to the administrator and to the board its recommendations as to which conservation easements should be purchased under the provisions of this chapter.
- B. The board shall review the list of ranked parcels submitted by the committee and identify by resolution which conservation easements should be purchased and their priority of purchase. Nothing in this chapter shall obligate the board to purchase a conservation easement on any property that is deemed eligible for purchase and that the board identifies for purchase under this subsection.
- C. Each conservation easement identified by the board to be purchased shall be appraised by an independent qualified appraiser contracted by the county for such purpose. Each completed appraisal shall be submitted to the program administrator and the owner. The program administrator shall forward each appraisal to the appraisal review committee, which shall review each appraisal and make recommendations thereon to the committee.

Art. IX Definitions Pt 1104 **Transfer of Development Rights** *and Purchase of Development Rights* **Terms.**

§165-1104.01 Transfer of development rights program

Administrator means that person placed in the managerial capacity over the daily operations of the PDR program. The administrator shall serve as a direct liaison for the program.

Agricultural uses means those land uses including farms (and farm residences), the tilling of soil, the bona fide growing and production of crops, horticulture, silviculture, aquaculture, forestry, orchards, vineyards, nursery operations, and truck farming; the raising of livestock, fowl, dairy cattle, horses or poultry. Nursery operations are considered agricultural uses. The term also includes the repair, expansion or replacement of no more than one bona fide dwelling occupied by the landowner or tenant as of the date of application for entry in the PDR program, as permitted by section 28-35 of the zoning ordinance; accessory uses directly related to agricultural activities conducted on the same property, including the sale of agricultural products; equestrian uses; recreational activities; feed lots; and septic tanks and drain fields approved by the health department and which cannot be located within an area not encumbered by an agricultural land preservation easement. The term does not include the processing of agricultural, silvicultural, horticultural or aquacultural products, except as an accessory use.

Appraisal means a written statement or report independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property, or any such portion or interest therein, as of a specific date, supported by the presentation and analysis of relevant market information.

Open space means any land which is provided or preserved for:

- (i) Park or recreational purposes,
- (ii) Conservation of land or other natural resources,
- (iii) Historic or scenic purposes,
- (iv) Assisting in the shaping of the character, direction, and timing of community development, or
- (v) Wetlands as defined in Code of Virginia, § 28.2-1300.

Chapter 22A PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Sec. 22A-1. Purpose.

The purpose of the Stafford County Purchase of Development Rights Program (PDR) includes, but is not limited to, the following:

- (1) Establishing a program that enables the county to acquire conservation easements voluntarily offered by property owners to serve as one means of assuring that Stafford County's resources are protected and efficiently used;
- (2) Establishing and preserving open space and the continuing rural character of the county;
- (3) Preserving farm and forest land;
- (4) Conserving and protecting water resources and environmentally sensitive lands, waters and other natural resources;
- (5) Conserving and protecting biodiversity, wildlife and aquatic habitat;
- (6) Assisting in shaping the character, direction, and timing of development in the county;
- (7) Improving the quality of life for the inhabitants of the county;
- (8) Promoting recreation and tourism through the preservation of scenic and historical resources.
- (9) Working cooperatively with the federal government, state government, and/or non-profit organizations to locate funding and leverage financial and other resources; and
- (10) Working cooperatively with Quantico Marine Corps Base to promote their encroachment control program for lands located near the Base that meet the intent of the County's PDR Ordinance and program.

Goals of the county's comprehensive plan include to "preserve and enhance opportunities for agricultural uses, agribusiness, and silviculture operations", "continue emphasis on the Urban Services Area concept and on the preservation of a rural character in areas outside of the Urban Services Area", and "preserve and enhance the county's natural resources." All three of these goals will be enhanced through the county's purchase of development rights (PDR) program.

The PDR program shall be a program by which the county acquires, in accordance with the provisions set forth herein, and to the extent of available funding, the development rights on eligible parcels of rural land in areas of the county described in section 22A-3 below. The purchase of development rights shall be accomplished by the acquisition of conservation easements upon such parcels.

The PDR program shall be directed toward property that lies outside the designated urban services area as depicted on the most recent land use map except in those areas under the ownership or control of the United States of America, or the Commonwealth of Virginia, or an agency or instrumentality thereof. However, if property within the designated urban services area meets the intent of the program, the landowner may apply to the program and the board shall consider the merits of the application.

The county should work cooperatively with Quantico Marine Corps Base to promote their encroachment control program for lands located near the base that meet the intent of the county's PDR ordinance and program.

Nothing in this chapter shall be construed as a limitation upon the county's authority to acquire land for public purposes other than those set forth in this chapter.

(Ord. No. 007-02, § I, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 011-30, 6-7-11)

State law reference(s)—Code of Virginia, § 10.1-1700 et seq.

Sec. 22A-2. Applicability.

The PDR program shall be available for all qualifying lands in the county, except those lands under ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this program shall be voluntarily offered by the owner.

(Ord. No. 007-02, § II, 2-20-07)

Sec. 22A-3. Definitions.

For the purpose of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section:

Administrator means that person placed in the managerial capacity over the daily operations of the PDR program. The administrator shall serve as a direct liaison for the program.

Accessory use means a use which is clearly incidental to, and customarily found in connection with, the principal use of the same parcel or group of contiguous parcels under common ownership and operated as an agricultural enterprise.

Agricultural uses means those land uses including farms (and farm residences), the tilling of soil, the bona fide growing and production of crops, horticulture, silviculture, aquaculture, forestry, orchards, vineyards, nursery operations, and truck farming; the raising of livestock, fowl, dairy cattle, horses or poultry. Nursery operations are considered agricultural uses. The term also includes the repair, expansion or replacement of no more than one bona fide dwelling occupied by the landowner or tenant as of the date of application for entry in the PDR program, as permitted by section 28-35 of the zoning ordinance; accessory uses directly related to agricultural activities conducted on the same property, including the sale of agricultural products; equestrian uses; recreational activities; feed lots; and septic tanks and drain fields approved by the health department and which cannot be located within an area not encumbered by an agricultural land preservation easement. The term does not include the processing of agricultural, silvicultural, horticultural or aquacultural products, except as an accessory use.

Appraisal means a written statement or report independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property, or any such portion or interest therein, as of a specific date, supported by the presentation and analysis of relevant market information.

Batch means a grouping of contiguous parcels for purposes of making application for the sale or transfer of development rights.

Biodiversity means the interconnectedness of all life forms on Earth, diversity of plant and animal life in a particular habitat.

Board means the Board of Supervisors of Stafford County.

Commissioner means the Commissioner of the Revenue of Stafford County or his designee.

Committee means the Stafford County Agricultural and Land Conservation (ALC) Committee.

Conservation easement means a nonpossessory interest of the county in real property, whether easement appurtenant or easement in gross, acquired through gift, purchase, devise or bequest, perpetual in duration, imposing certain limitations or affirmative obligations, for the purposes of which include retaining or protecting natural or open space values of real property, assuring its availability for agricultural, forestall, recreational or

open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, or archeological aspects of real property pursuant to which the exercise of development and other specified rights on the subject property is prohibited. This definition shall not apply to any other chapter, section or part of the County Code, outside of this chapter, unless specifically stated otherwise.

County administrator means the County Administrator of Stafford County or his designee.

County attorney means the County Attorney of Stafford County or his designee.

Development rights means the rights to develop agriculturally zoned property for use other than an agricultural use. The term includes, but is not limited to, the right to develop property for any commercial, industrial or residential use except as expressly permitted by this chapter.

Director means the director of the department of planning and zoning or his designee.

Dwelling means a structure which is designed and used for residential purposes.

Landowner means the equitable owner of the fee simple title to a parcel of land or, with respect to a parcel not encumbered by a deed of trust or mortgage, the legal owner of such title. Where more than one person or entity is the legal and/or equitable owner, the term refers to all such persons or entities jointly.

Open space means any land which is provided or preserved for:

- (i) Park or recreational purposes,
- (ii) Conservation of land or other natural resources,
- (iii) Historic or scenic purposes,
- (iv) Assisting in the shaping of the character, direction, and timing of community development, or
- (v) Wetlands as defined in Code of Virginia, § 28.2-1300.

Parcel means a lot or tract of land, lawfully recorded in the clerk's office of the Circuit Court of the County of Stafford.

PDR program or *program* means the purchase of development rights program established by this chapter.

Property ranking system or *system* means the matrix by which applications for the sale of development rights are ranked and prioritized for acquisition of such rights.

Public body or *public bodies* means any state agency having authority to acquire land for a public use, or any county or municipality, any park authority, any public recreational facilities authority, any soil and water conservation district, any community development authority formed pursuant to [Code of Virginia] article 6 (§ 15.2-5152 et seq.) of chapter 21 of title 15.2, or the Virginia Recreational Facilities Authority.

Timber harvest means a merchantable harvest for the commercial market. The term does not include minor harvests for such things as firewood, poles, posts, blind material or greenery.

Wetlands means both vegetated and nonvegetated wetlands.

(Ord. No. 007-02, § III, 2-20-07; Ord. No. 011-30, 6-7-11; Ord. No. 022-17, 7-5-22)

Sec. 22A-4. Designation of program administrator; power and duties.

- (a) *Designation.* The board shall appoint a program administrator.
- (b) *Power and duties.* The administrator shall administer the program and shall have powers and responsibilities to:

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- (1) Establish reasonable and standard procedures and forms consistent with this program for the administration and implementation of the program.
 - (2) Promote the program, in cooperation with the committee, by providing educational materials to the public and conducting informational meetings.
 - (3) Investigate and pursue, in conjunction with county, state, federal and other programs, additional public and private resources to fund the program and maximize private participation.
 - (4) Evaluate all applications to determine their eligibility and their ranking score. Rank applications based on their ranking score as determined by the property ranking system and make recommendations thereon to the committee.
 - (5) Coordinate the contracting and delivery of appraisals for each property.
 - (6) Negotiate with the landowner relating to conservation easement terms.
 - (7) Provide staff support to the committee and the appraisal review committee.
 - (8) For each conservation easement accepted into the program, establish baseline data and assure that the terms and conditions of the easement are monitored and complied with by coordinating a monitoring program with each easement holder.

(Ord. No. 007-02, § IV, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 011-30, 6-7-11; Ord. No. 022-17, 7-5-22)

Sec. 22A-5. Agricultural and land conservation (ALC) committee established; powers and duties.

(a) *Establishment.* The committee is hereby established, as follows:

- (1) The committee shall consist of seven (7) members appointed by the board. Each member shall reside in Stafford County. The committee should, but is not required to be, comprised of members who are knowledgeable in fields of conservation, conservation biology, planning, real estate, land appraisal, farming and/or forestry.
- (2) The members of the committee shall serve at the pleasure of the board. The terms of the members shall coincide with the terms of appointment for the board.
- (3) The members of the committee shall serve without pay, but the board may, at its own discretion, reimburse members for actual and necessary expenses incurred in the performance of his/her duties.
- (4) The committee shall elect a chairman, vice chairman and secretary at its first meeting each calendar year. The secretary need not be member of the committee.

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

- (1) Promote the program in cooperation with and under the guidance of the administrator, by providing educational materials to the public and conducting informational meetings.
- (2) Review rankings of applications recommended by the administrator and make recommendations to the administrator and the board as to which conservation easements should be purchased as determined by the property ranking system, and other applicable information.
- (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/or effectiveness of the program.

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- (4) The presence of at least four (4) members of the committee at a regularly scheduled meeting shall constitute a quorum for purposes of conducting business and the committee shall make decisions on a "majority rule" basis.

(Ord. No. 007-02, § V, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 011-30, 6-7-11; Ord. No. 022-17, 7-5-22)

Sec. 22A-6. Appraisal review committee established; powers and duties.

(a) *Establishment.* The appraisal review committee is hereby established, as follows:

- (1) An appraisal review committee shall be created by the committee and shall operate directly under its supervision.
- (2) The appraisal review committee shall consist of three (3) members comprised of at least one (1) professional real estate appraiser, one (1) member of the committee and the county commissioner of the revenue or his or her designee from the assessment office. The members shall be appointed by the committee.
- (3) The members of the appraisal review committee shall serve at the pleasure of the committee. Each member, other than the county commissioner of the revenue, or his designee, shall serve a term of one year. The county commissioner of the revenue, or his designee, shall be a permanent member of the appraisal review committee.

(b) *Powers and duties.* The appraisal review committee shall have the power and duty to review appraisals to ensure they are consistent with appropriate appraisal guidelines and practices and make recommendations thereon to the committee and provide approved appraisal results to the committee and the administrator. This shall not include the authority to alter or make a substitution for an appraisal, but shall only include the authority to evaluate appraisals for appropriateness under specific guidelines and practices.

(Ord. No. 022-17, 7-5-22)

Sec. 22A-7. Eligibility criteria.

In order for a parcel to be eligible for the program, it must meet the following criteria:

- (a) The property(s) must be located in Stafford County within that portion of the county as described in County Code section 22A-1.
- (b) The property(s) must be no less than twenty (20) acres in area or be included in a batch in which the combined area of contiguous parcels is no less than twenty (20) acres in area. A property owner who has a parcel of land currently encumbered by a Stafford County PDR easement may apply through the PDR application process to add additional acreage to the current easement from directly adjoining property with the same owner. If the additional acreage meets all other criteria for inclusion in the PDR program, the board and the committee can waive the minimum twenty (20) acres requirement. The additional acreage must be capable of supporting at least one (1) development right.
- (c) The property must be wholly located within an agricultural or rural residential zoning district, including A-1 or A-2, or any combination of such zoning districts;
- (d) The property must be capable of being subdivided or developed for nonagricultural uses without legislative approval;
- (e) The proposed use of the property as permanent open space shall comply with the policies set forth in Stafford County's Comprehensive Plan;

- (f) No uses or structures shall be located upon the parcel other than those permitted by the deed of conservation easement; and
- (g) If any portion of the property being considered contains any land that is currently reserved or set aside for open space, recreation or similar purposes pursuant to the provisions of a conditional use permit, variance, or other action by the board, or any ordinance or regulation; that portion shall be excluded from the evaluation process.

(Ord. No. 007-02, § VII, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 011-30, 6-7-11; Ord. No. 017-22, 5-16-17; Ord. No. 022-17, 7-5-22)

Editor's note(s)—Ord. No. 022-17, adopted July 5, 2022, added § 22A-6 and renumbered the remaining sections, 22A-6 through 22A-11, as 22A-7 through 22A-12.

Sec. 22A-8. Property ranking system.

In order to effectuate the purposes of this chapter, parcels for which conservation easement applications have been received shall be evaluated by using a ranking system. The initial ranking system and any changes to the ranking system shall be approved by the board.

- (a) The property ranking system is hereby adopted. The system shall be the sole means by which the priority of acquisition of development rights under the program is determined when available funding is insufficient to purchase the development rights on all property that is the subject of received applications for the sale of development rights. The number of property ranking system points assigned to a particular property shall not be used in determining the value of development rights or the amount of any offer to purchase such rights but used solely as a means for prioritizing the properties for further consideration.
- (b) There shall be five (5) categories of criteria for evaluation under the system. In each category, certain factors descriptive of the characteristics of property sought to be included in the purchase of development rights program are included. Each factor is stratified into a range of possible point values ranging from zero (0) to thirty (30). To determine the total points assigned to such property, the values for all five (5) categories are added. Property having the highest total scores shall rank highest in priority of acquisition. The maximum total score is two hundred seventy-five (275) points. The categories, with their respective factors, are as follows:

PDR RANKING CRITERIA POINT SYSTEM—SECTION A			Possible Points	Total Points
(A)	Quality of the parcel (productivity capability) (110 Maximum Points)			
	(1)	Size of property	20	
		• 100 acres or more—20		
		• 90 to 99.99 acres—18		
		• 80 to 89.99 acres—16		
		• 70 to 79.99 acres—14		
		• 60 to 69.99 acres—12		
		• 50 to 59.99 acres—10		
		• 40 to 49.99 acres—8		
		• 30 to 39.99 acres—6		
		• 20 to 29.99 acres—4		

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		• Less than 20 acres (if eligible)—1		
	(2)	Soils—Percentage Identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance?	20	
		• 80% or more—20		
		• 60 to 79%—16		
		• 40 to 59%—12		
		• 20 to 39%—6		
		• Less than 20%—0		
	(3)	Parcel contains active farm land (Active farm land: Cropland or pastureland that has been harvested or grazed during the proceeding year or in 3 of the previous 5 years)	20	
		• 2 points per 10 acres or fraction thereof with a maximum of 20 total points		
	(4)	Parcel contains active timber land (Active timber land: timber land that has an executed forestry commitment or an approved professional forest plan)	20	
		• 2 points per 10 acres or fraction thereof with a maximum of 20 total points		
	(5)	Soil and Water Quality Conservation Assessment (Maximum of 30 points)	30	
		• Owner has a plan through Tri-County/City Soil and Water Conservation District, NRCS or other applicable agency—10		
		• Owner has a farm management plan to include applicable BMPs to protect water quality, either voluntarily or through a state or federal conservation program—10		
		• Owner has a nutrient management plan through Tri-County/City Soil and Water Conservation District, NRCS or other applicable agency—10		
SUBTOTAL POINTS—SECTION A			110	

PDR RANKING CRITERIA POINT SYSTEM—SECTION B			Possible Points	Total Points
(B)	Likelihood of parcel being threatened (development pressure) (70 Maximum Points)			
	(1)	Urgency of circumstances favoring conversions	20	
		• Parcel has approved subdivision plan—10		
		• Parcel owner is older than average of the Stafford County farmers according to the most recent Ag Census—10		
	(2)	Acreage suitability for residential conversion—Percentage of well or moderately well-drained soils on the parcel	30	
		• 80% or more—30		
		• 60 to 79%—24		

		• 40 to 59%—18		
		• 20 to 39%—9		
		• Less than 20%—0		
	(3)	Amount of public road contiguous to parcel	10	
		• 1,000 linear feet or more—10		
		• 600 to 999 feet—8		
		• 300 to 599 feet—7		
		• 100 to 299 feet—4		
		• Less than 100 feet—0		
	(4)	Landowners have agreed to any of the following restrictions (maximum of 10 points):	10	
		• No new dwellings may be located on the property—5		
		• Parcel shall not further be divided—5		
SUBTOTAL POINTS—SECTION B			70	

PDR RANKING CRITERIA POINT SYSTEM—SECTION C			Possible Points	Total Points
(C)	Circumstances supporting agriculture (35 Maximum Points)			
	(1)	Number of nonfarm rural residences within one-half mile of the property boundary	15	
		• 0 to 7 dwelling units—15		
		• 8 to 12 dwelling units—10		
		• 13 to 18 dwelling units—7		
		• 19 to 24 dwelling units—3		
		• More than 25 units—0		
	(2)	Proximity of parcel to other properties with PDR or other perpetual easements	10	
		• Contiguous—10		
		• Within ¼ mile—8		
		• Within ½ mile—6		
		• Within 1 mile—4		
		• Greater than 1 mile—0		
	(3)	Proximity to another existing farm of 20 acres or greater	10	
		• Contiguous—10		
		• Within ½ mile—8		
		• Within 1 miles—6		
		• Within 2 miles—1		
		• Greater than 3 miles—0		
SUBTOTAL POINTS - SECTION C			35	

PDR RANKING CRITERIA POINT SYSTEM—SECTION D			Possible Points	Total Points
(D)	Environmental and aesthetic quality (40 Maximum Points)			
	(1)	Virginia Department of Conservation and Recreation Ranking (as identified in the Ecological Cores portion of the Virginia Conservation Land Needs Assessment model and scored as a weighted average)	10	
		• C-1 Outstanding Conservation Significance—10		
		• C-2 Very High Conservation Significance—8		
		• C-3 High Conservation Significance—6		
		• C-4 Moderate Conservation Significance—4		
		• C-5 General Conservation Significance—2		
	(2)	Percentage of parcel in forest	5	
		• 80% or more—5		
		• 50 to 79%—3		
		• 20 to 49%—1		
		• Less than 20%—0		
	(3)	Proximity to areas identified as having high environmental value, such as state or federal parks, designated wildlife refuge, wildlife corridor or threatened or endangered species habitat	5	
		• Contains or is contiguous—5		
		• Within ½ mile—3		
		• Within 1 mile—1		
	(4)	Water Quality Value	20	
		• Parcel includes perennial waterway—5		
		• Parcel includes wetlands—5		
		• Parcel includes intermittent stream—5		
		• Waterway includes vegetative buffer of at least 100 feet (perennial and associated wetlands) or 50 feet (intermittent stream)—5		
SUBTOTAL POINTS—SECTION D			30	

PDR RANKING CRITERIA POINT SYSTEM—SECTION E			Possible Points	Total Points
(E)	Cultural resources (20 Maximum Points)			
	(1)	Proximity to historic or cultural features	15	
		• Property is located on or adjacent to feature designated or deemed eligible for listing on National or State historic registers, or within Stafford County Historic District—15		
		• Property is associated with or adjacent to property associated with an important historic place, event, person or		

		activity (listed in Stafford County database, or through documentation presented to the county)—10		
		Property is within or adjacent to an established or familiar visual feature that is part of an historic landscape (as confirmed by county)—5		
	(2)	Property is designated as or associated with a Century Farm—5	5	
SUBTOTAL POINTS—SECTION E			20	
TOTAL POINTS			275	

(Ord. No. 007-02, § VIII, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 011-30, 6-7-11; Ord. No. 017-22, 5-16-17; Ord. No. 022-17, 7-5-22; Ord. No. 022-22, 8-16-22)

Editor's note(s)—See the editor's note following § 22A-7.

Sec. 22A-9. Purchase development terms and conditions.

Each conservation easement shall comply with the requirements of the Virginia Open-Space Land Act (Code of Virginia, § 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) *Restrictions on dwellings.* No new dwellings may be constructed on a parcel except as provided in this section. The deed of easement may allow for one dwelling, either existing or new, per one hundred (100) acres. For properties less than one hundred (100) acres in size, one dwelling, either existing or new, would be allowed. The location of the dwelling and all appurtenances must be specified on a plat of record approved by the county and recorded before or contemporaneously with the execution and recordation of the deed of conservation easement.
- (b) *Conservation easement duration.* A conservation easement acquired under the terms of this chapter shall be perpetual and shall run with the land.
- (c) *Other restrictions.* In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to the 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) The accumulation of trash, debris, inoperable motor vehicles, and other junk;
 - (ii) Grading or clearing, blasting or earth removal for purposes unrelated or not connected with the bona fide agricultural use of the property;
 - (iii) Conducting of industrial or commercial activities on the parcel other than specified limited commercial activities associated with the bona fide agricultural use of the property and/or;
 - (iv) The display of billboards, signs, and modes of advertisement upon the property unrelated to bona fide agricultural activities located on the property. The deed of conservation easement shall include provisions concerning billboards, signs, and modes of advertisement located on the property at the time that an application is submitted that are unrelated to agricultural activities located on the existing property. The deed of conservation easement shall include provisions concerning establishing and/or maintaining reasonable signage/advertising related to agricultural activities located on the property.
- (d) *Designation of easement holder.* Stafford County shall be the easement holder, and, at its discretion, one or more additional public bodies, 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, or the federal government may also be an easement coholder.

(Ord. No. 007-02, § IX, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 011-30, 6-7-117; Ord. No. 022-17, 7-5-22)

Editor's note(s)—See the editor's note following § 22A-7.

Sec. 22A-10. Purchase of development rights procedure.

- (1) *Application submission.* Applications to sell development rights shall be on a form prescribed by the administrator and shall be signed by the landowner and submitted to the administrator. An application fee may be required. The administrator may require supporting documentation, including, but not limited to, deeds, surveys, or other legal instruments, to be submitted with the application. A landowner may submit an application for each parcel or may submit a single application for more than one contiguous parcel. Applications for batched parcels shall follow the same procedure, but shall be signed by all landowners. Applications must be received in the county administrator's office by close of business on the last day of an open application period to be eligible for consideration during that open application period.
 - (a) *Application form.* The application form shall require, at a minimum, that the owner provide:
 - The names of all owners of the parcel;
 - The address and telephone number of all owners;
 - The acreage of the parcel;
 - The tax map and assessor's parcel number;
 - The zoning designation of the parcel;
 - A grant of permission to the administrator and such other staff as may be appropriate, and an independent, licensed and certified appraiser, to enter the property, after reasonable notice to the owner, to evaluate the property; and
 - The application form shall also include a space for the owner to indicate whether he/she volunteers to have his/her parcel subject to greater restrictions than those contained in the standard deed of easement, and to delineate those voluntary, additional restrictions.
 - (b) *Additional application information required by administrator.* The administrator may require the owner to provide additional information deemed necessary to determine:
 - (i) Whether the proposed easement is eligible for purchase;
 - (ii) The ranking of the parcel; and
 - (iii) The value of such easement.
 - (c) The submission of an application shall not be deemed to constitute a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of a conservation easement agreement, without penalty.
- (2) *Evaluation by administrator.*
 - (a) The administrator shall review each application to determine whether the eligibility criteria set forth in County Code section 22A-8 are met. In the event a parcel, or portion thereof, fails to meet the eligibility criteria set forth in County Code section 22A-7, such parcel, or portion thereof, shall not be considered for inclusion in the program. In the event the ineligibility of a parcel or portion thereof, renders the remaining property which is the subject of the application ineligible, none of the property shall be considered for inclusion.

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- (b) The administrator shall evaluate each application received and determine whether the application is complete. If the application is incomplete, the administrator shall inform the owner of the information that must be submitted in order for the application to be deemed complete.
 - (c) When the application is deemed complete, and the administrator has determined that the parcel satisfies the eligibility criteria set forth in County Code section 22A-7, the administrator shall determine the number of points to be attributed to the parcel by applying the ranking system in accordance with section 22A-8. The administrator shall notify each applicant of the total number of points attributed to their respective property.
 - (d) The administrator shall rank each parcel with the parcel scoring the most points being the highest ranked and descending in order therefrom. The administrator shall submit the list of ranked parcels to the committee after each open application period.
 - (e) In the event available funding is insufficient to purchase the development rights on all properties which are the subject of pending applications under this chapter, the director shall evaluate each application, using the criteria of the property ranking system set forth in County Code section 22A-8, and shall ascertain all necessary facts and information for ranking the priority of acquisition of the lands included in the application. In performing such evaluation, the administrator may request the assistance of the commissioner of revenue or his designee and such other county departments as may be appropriate and beneficial. The evaluation shall include a recommendation for the number of agricultural ranking system points to be assigned to the application.
 - (f) The administrator shall notify each applicant of the evaluation of their property(s). An applicant shall have ten (10) business days from the date of the administrator's notice to respond to the administrator's evaluation of their property(s), including, but not limited to, correcting and/or supplementing their application. Within the ten-business-day period, an applicant may request, in writing, a meeting with the administrator and/or other county staff to discuss the administrator's evaluation.
- (3) *Evaluation by committee.* The committee shall review the list of ranked parcels submitted by the administrator. The committee shall forward to the administrator and to the board its recommendations as to which conservation easements should be purchased under the provisions of this chapter.
 - (4) *Evaluation by board.* The board shall review the list of ranked parcels submitted by the committee and identify by resolution which conservation easements should be purchased and their priority of purchase. Nothing in this chapter shall obligate the board to purchase a conservation easement on any property that is deemed eligible for purchase and that the board identifies for purchase under this subsection.
 - (5) *Appraisal of conservation easement value.* Each conservation easement identified by the board to be purchased shall be appraised by an independent qualified appraiser contracted by the county for such purpose. Each completed appraisal shall be submitted to the program administrator and the owner. The program administrator shall forward each appraisal to the appraisal review committee, which shall review each appraisal and make recommendations thereon to the committee.
 - (6) *Requirements and deadlines may be waived.* Any requirement or deadline set forth in this chapter may be waived by the board if, for good cause, it is shown that exigent circumstances exist that warrant consideration of an otherwise untimely application or it is shown that the requirements of this chapter unreasonably restrict the purchase of an easement. Under such circumstances, the board may authorize purchase of a conservation easement at any time it deems necessary so long as the purchase meets the intent of the program as identified in the comprehensive plan and the purchase complies with the specific purposes and applicability of this ordinance as set out herein.
 - (7) *Reapplication.* An owner of a parcel not selected by the board for purchase of a conservation easement may reapply in any future open application period.

(Ord. No. 007-02, § XI, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 011-30, 6-7-117; Ord. No. 022-17 , 7-5-22)

Editor's note(s)—See the editor's note following § 22A-7.

Sec. 22A-11. Outreach.

The committee envisions a regular process to solicit applications for the sale of development rights to the county. As part of that process, an effective outreach effort to the public would inform those who may be interested in the program of the goals and benefits of the program, the application process, the nature of the rights to be purchased, the requirements, criteria and ranking system, and other program details. The effort should be aimed at encouraging applications and making the process user friendly.

An ongoing outreach effort shall be a part of the program in order to solicit interest and assist those participating in the program and for the purposes of promoting the program.

(Ord. No. 007-02, § XII, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 022-17 , 7-5-22)

Editor's note(s)—See the editor's note following § 22A-7.

Sec. 22A-12. Inspection and enforcement.

An effective easement program involves periodic inspection to ensure that the rights acquired are protected. The county also has the ability to coordinate this effort with its land development process for approving subdivisions and building permits. In the event enforcement action is necessary, the staff responsible for administration of the program and inspection of property will work with the county attorney. Staff may assist landowners in determining whether proposed uses or activities are consistent with easement restrictions on particular properties. In the event that an easement is held jointly by the county and another organization, these inspection and enforcement efforts would need to be coordinated.

The local soil and water conservation district may be able to provide assistance in this regard. The district currently helps landowners to prepare and implement soil and water conservation plans required by grant program criteria or the state or county guidelines in conjunction with its land use tax program. It also assists in the design and cost sharing of best management practices and verified compliance with BMPs and farm management plans.

The county should fund a periodic inspection program but seek as much assistance as possible in this regard from any organizations holding easements jointly in the county. In addition, the inspection program should be closely coordinated with, and seek the assistance of the soil and water conservation district or other appropriate agency, where applicable.

(Ord. No. 007-02, § III, 2-20-07; Ord. No. 009-02, 1-6-09; Ord. No. 011-30, 6-7-11; Ord. No. 022-17 , 7-5-22)

Editor's note(s)—See the editor's note following § 22A-7.

Article VII Special Assessment for Land Preservation⁵⁰

[Adopted 01-19-1988 as § 11-23 of the 1987 Code]

§ 165-42. Findings; tax imposed.

[2007-07-19]

The county finds that the preservation of real estate devoted to agricultural, horticultural, forest and open space uses within its boundaries is in the public interest and, having adopted a land use plan, hereby taxes such real estate in accordance with the provisions of 58.1 Taxation, Chapter 32 Real Property, Article 4 Special Assessment for Land Preservation of the Code of Virginia and of this article.

§ 165-43. Filing of application; fee.

[2007-07-19]

- A. The owner of any real estate meeting the criteria set forth in § 58.1-3230 Special classifications of real estate established and defined and § 58.1-3233(2) Determinations to be made by local officers before assessment of real estate under ordinance of the Code of Virginia may, on or before November 1 of each year, apply to the Commissioner of the Revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in § 58.1-3236. Valuation of real estate under ordinance of the Code of Virginia. Such application shall be on forms provided by the State Department of Taxation and supplied by the Commissioner of the Revenue and shall include such additional schedules, photographs and drawings as may be required by the Commissioner of the Revenue.
- B. The owner of any real estate meeting the criteria set forth in § 58.1-3230. Special classifications of real estate established and defined in § 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance (2) of the Code of Virginia may, between November 2 and December 31 of each year, apply to the Commissioner of the Revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in § 58.1-3236. Valuation of real estate under ordinance of the Code of Virginia provided a late filing fee of \$100 per parcel is paid in addition to any application fees otherwise imposed. Such application shall be on forms provided by the State Department of Taxation and supplied by the Commissioner of the Revenue and shall include such additional schedules, photographs and drawings as may be required by the Commissioner of the Revenue.
- C. Applications received by the Commissioner of the Revenue after November 1 of each year without the required late filing fee and all applications received by the Commissioner of the Revenue after December 31 of each year shall not be accepted.

- D. A separate application shall be filed for each use for which qualification is sought.
- E. A fee payable to the Treasurer of the county shall be charged and collected for each application filed hereunder.
- F. The owner of qualifying property shall file an annual proof of qualification form with the Commissioner of the Revenue.

§ 165-44. Qualification of property.

[2007-07-19]

- A. Promptly upon receipt of any application, the Commissioner of the Revenue shall determine whether the subject property meets the criteria for taxation hereunder. If the Commissioner of the Revenue shall determine that the subject property does meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value.
- B. In determining whether the subject property meets such criteria, the Commissioner of the Revenue may request an opinion from the Director of the State Department of Conservation and Historic Resources or the State Commissioner of Agriculture and Consumer Services. Upon the refusal of such State Director or Commissioner to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth by him, the Commissioner of the Revenue may seek relief from any court of record wherein the real estate in question is located. If the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this section.

§ 165-45. Use value and fair market value.

[2007-07-19]

The use value and fair market value of any qualifying property shall be placed on the landbook before delivery to the Treasurer, and the tax for the next succeeding tax year shall be extended from the use value.

§ 165-46. Rollback tax.

[2007-07-19]

- A. There is hereby imposed a rollback tax in such amount as may be determined under Code of Virginia, § 58.1-3237. Change in use or zoning of real estate assessed under ordinance; roll-back taxes, upon any property as to which the use changes to a non-qualifying use.
- B. The owner of any real estate liable for rollback taxes shall report to the Treasurer, on forms to be prescribed, any change in the use of such property to a non-qualifying use

and shall pay the rollback tax then due. On failure so to report and pay within 60 days following such change in use, such owner shall be liable for an additional penalty equal to 10% of the amount of the rollback tax, which penalty shall be collected as a part of the tax. In addition to such penalty, there is hereby imposed interest of 1/2% of the amount of the rollback tax for each month or fraction thereof during which the failure continues.

§ 165-47. Penalty for misstatement of fact.

[2007-07-19]

Any person making a material misstatement of fact in any application filed pursuant hereto shall be liable for all such taxes in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the county, he shall be further assessed with an additional penalty of 100% of such unpaid taxes.

§ 165-48. Application of state tax law.

[2007-07-19]

The provisions of Title 58.1 Taxation of the Code of Virginia applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis, including, without limitation, provisions relating to tax liens, boards of equalization and the correction of erroneous assessments, and for such purposes the rollback taxes shall be considered to be deferred real estate taxes.

Amendments Chapter 165-Article VII

2000-10-17

§ 165-41. Filing of application; fee. Add new B, C providing for filing of land use taxation applications for a 30-day period after 11/01 deadline upon payment of a late filing fee and renumber D,E,F

2010-03-16

§ 165-43. Filing of application; fee. so to extend the late filing date for land use taxation from between November 2 and December 1 to between November 2 and December 31 as allowed by State Code 58.1-3234.



Conservation Easement Authority
Agenda Item Detail
Meeting Date: October 29, 2026
Agenda Section: Meeting Schedule

Title:

Meeting Schedule

Attachments: