

FAUQUIER COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM



April 2020

WHAT IS A PDR PROGRAM?

A Purchase of Development Rights (PDR) Program allows a landowner to voluntarily sell the development potential on farm and forest land (by way of a permanent conservation easement) to a governmental agency or land trust. The landowner receives compensation in return for the restrictions being placed on the land. The landowner retains title to the land and has the ability to sell or pass on the farm to others. PDR programs are also known as Purchase of Agricultural Conservation Easement (PACE) programs.

WHAT ARE DEVELOPMENT RIGHTS?

Development Rights are one of the so-called “bundle of rights” associated with land ownership.

A locality may acquire or restrict development through a purchase, leaving possession and other use with the fee simple owner.

LEGAL AUTHORITY

In Virginia, the legal authority for local PDR programs is provided by the Open Space Land Act (Virginia Code § 10.1-1700 et seq.)







Fauquier County Program Goals & Purpose

- *To preserve and enhance the county's agricultural industry.*
- *To implement the County Comprehensive Plan, which recommended a PDR Program as one tool to preserve farmland.*

Fauquier County Agricultural Production Statistics

2017 U.S. Census of Agriculture

- *Cash Receipts: \$54.8 million*
- *Equine Industry: \$54 million annual revenue*
- *Acres in Farms: 216,666*
- *No. of Farms: 1,154*
- *Total Economic Impact: \$308 million (Weldon Cooper Center/UVA (2014))*

Fauquier County, Virginia



Farmland Preservation Program Purchase of Development Rights

Application period
April 1, 2020 – June 30, 2020

PDR Eligibility Criteria

1. *Land is used for a bona fide agricultural operation.*
2. *Parcel is greater than 50 acres, or comprises a combined area of contiguous parcels to total at least 50 acres.*
3. *Parcel is zoned Rural Agricultural (RA) or Rural Conservation (RC).*
4. *Parcel is not under conservation easement or otherwise restricted from development.*

Scoring Process

When reviewing a PDR Application, the following are considered:

- *Parcel Size*
- *Maximum Potential Residential Density*
- *Strategic Value*
 - *Parcel risk of development and road frontage*
 - *Proximity to Service District and proximity to sewer*
 - *Proximity to protected (eased) property*
 - *Suitability of soils for standard and alternative waste disposal systems.*
- *Quality of Soils*
- *Agricultural Economic Viability*
 - *Property is actively farmed by the landowner or his/her immediate family member;*
 - *If the property is not farmed by the landowner or his/her family, the property is leased to and actively farmed by another farmer;*
 - *The farm/property has substantial infrastructure improvements such as barns, bins, specialty structures, fencing, drainage, ditches, waterway improvements, etc.*
- *Historic, Scenic and Environmental Qualities*

*This Deed is Exempt from Taxation under Virginia
Code §§58.1-811(A)(3) and 58.1-811(C)(4)
[no retention of dwelling unit rights]*

PIN _____

DEED OF EASEMENT

THIS DEED OF EASEMENT made this _____ day of _____, 2009, by and between _____ and _____, husband and wife, Grantors (hereinafter "Grantor"); and the **COUNTY OF FAUQUIER**, a political subdivision of the Commonwealth of Virginia (hereinafter the "County" and sometimes "Grantee"), whose address is 10 Hotel Street, Warrenton, Virginia 20186.

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of the property located in Fauquier County, Virginia, consisting of _____ acres more accurately described in "**Exhibit A**" attached hereto and hereinafter referred to as the "Property"; and

WHEREAS, under the County's Purchase of Development Rights ("PDR") Program, the County is authorized to acquire conservation easements over qualifying properties in order to accomplish the purposes of the PDR Program and the Open-Space Land Act (Virginia Code §10.1-1700 *et seq.*); and

WHEREAS, the purpose of the Fauquier County Purchase of Development Rights Program is to protect the

critical mass of farmland which is necessary for the continued vitality of production agriculture by acquiring

conservation easements for the purpose of conserving lands for farming and to provide open space that ameliorates the impact of development in the County as stated in the February 19, 2002 Resolution of the Board of Supervisors and the April 19, 2004 Ordinance amending Chapter 8 of the Code of Fauquier County; and

WHEREAS, the Grantor has voluntarily agreed to convey this easement and have the Property subject to

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[retention of dwelling unit rights]*

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WHEREAS, the purpose of the Fauquier County Purchase of Development Rights Program is to protect the critical mass of farmland which is necessary for the continued vitality of production agriculture by acquiring conservation easements for the purpose of conserving lands for farming and to provide open space that ameliorates the impact of development in the County as stated in the February 19, 2002 Resolution of the Board of Supervisors and the April 19, 2004 Ordinance amending Chapter 8 of the Code of Fauquier County; and

PDR Payment

- *The current payment under the PDR Program is \$25,000.00 per residential development right.*
- *The number of development rights for each parcel are determined by the Fauquier County Department of Community Development, according to the County Zoning Ordinance.*

Compatibility with State and Federal Tax Programs

BARGAIN SALES:

- *Virginia Land Preservation Tax Credit*
- *Federal Charitable Deduction*

Status of Fauquier County PDR Program

April 2020

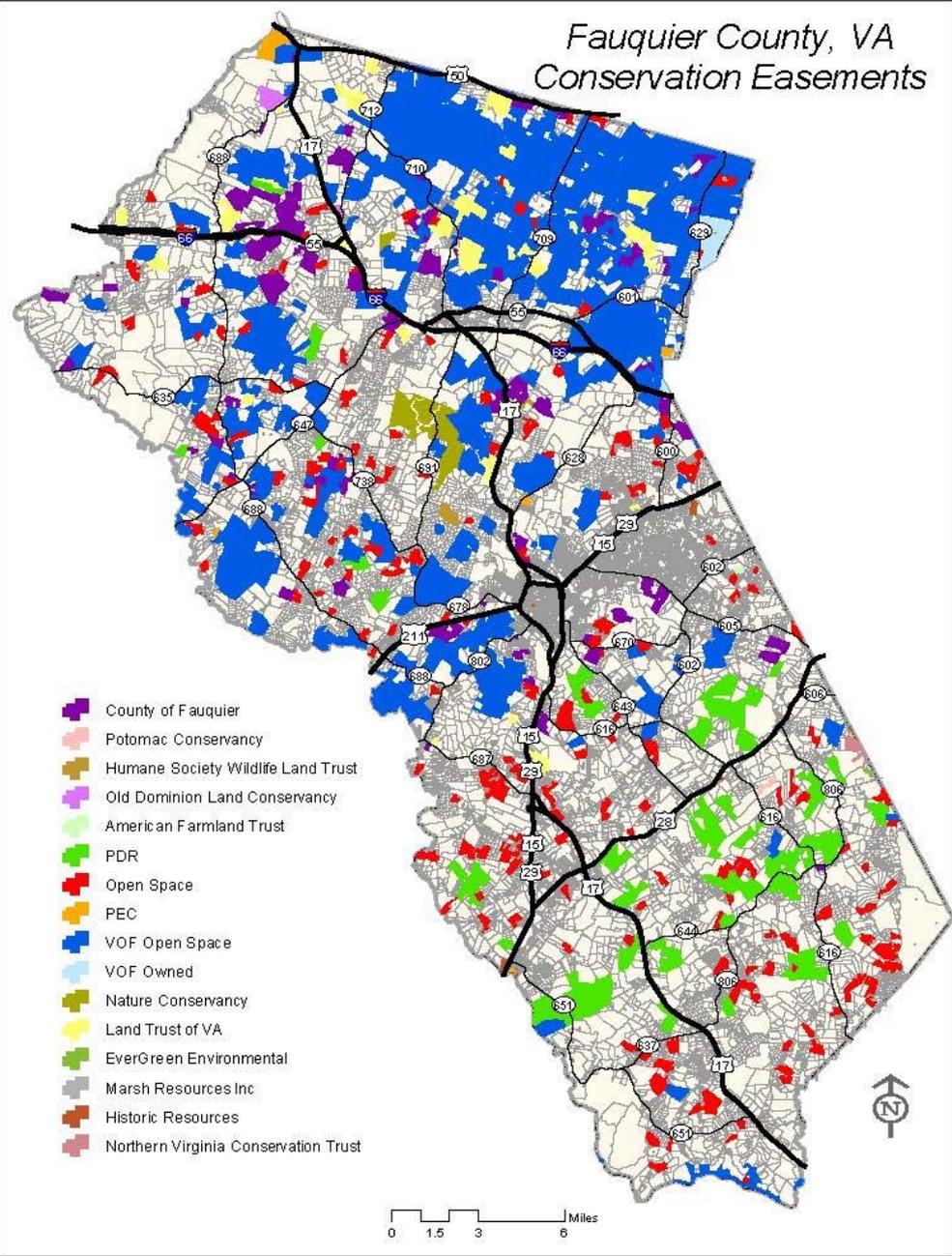
PDR Easements currently in place or pending settlement are protecting:

- *74 farms*
- *13,090 acres*
- *665 development rights*

Donated Conservation Easements currently in place are protecting:

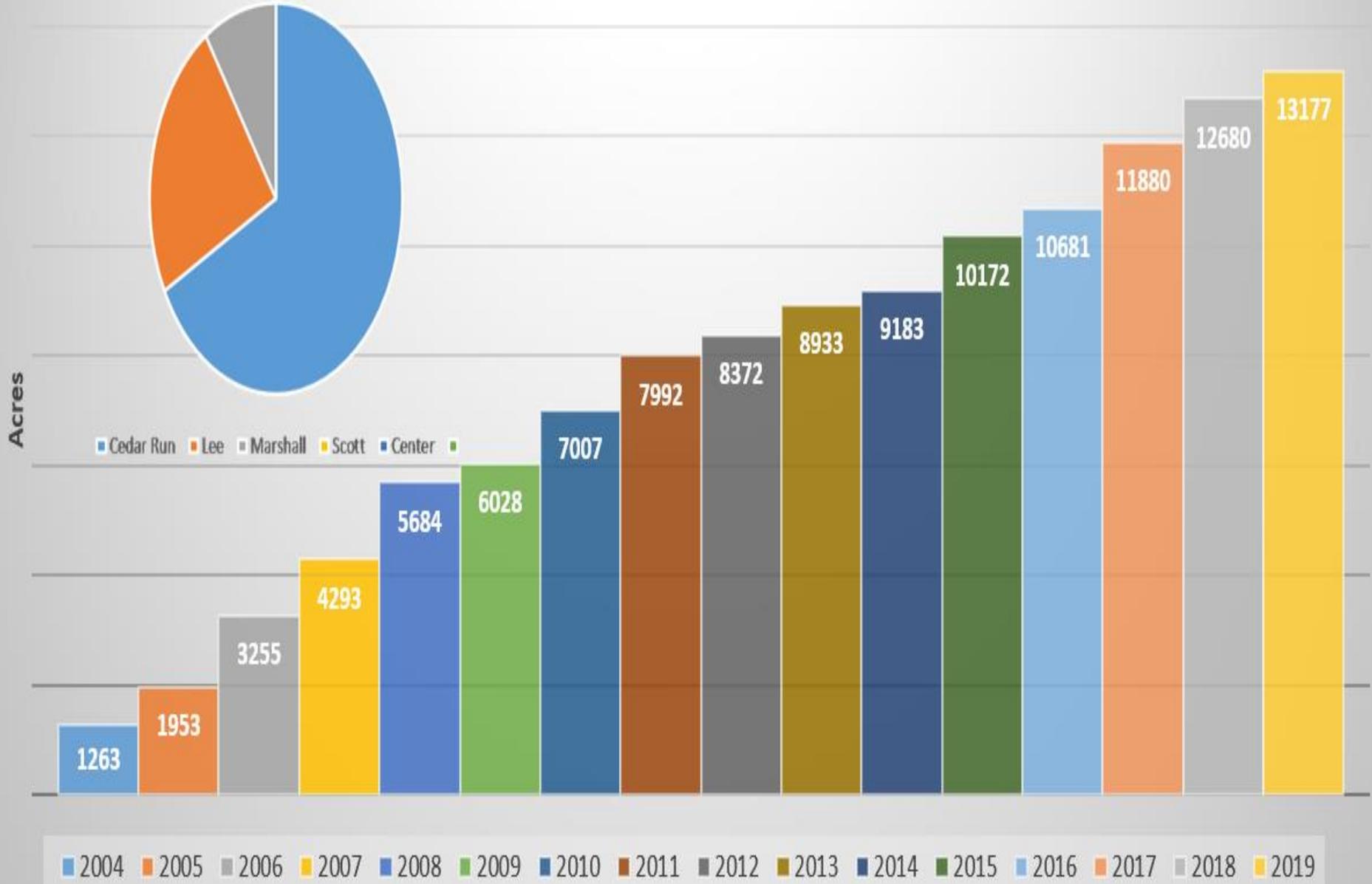
- *Approximately 8,000 acres*

Fauquier County, VA Conservation Easements



April 2, 2020

Purchase of Development Rights History



Fauquier County Purchase of Development Rights Program

“A tool for preserving and enhancing the agricultural industry”











Fauquier County Board of Supervisors

Mary Leigh McDaniel, Chairman (Marshall District)

R. Holder Trumbo, Jr., Vice Chairman (Scott District)

Christopher T. Butler (Lee District)

Christopher N. Granger (Center District)

Richard R. Gerhardt (Cedar Run District)

Fauquier County PDR Committee Members

John Schied, Chairman (Cedar Run District)

Ike Broaddus, Vice Chairman (Scott District)

Daron Culbertson (Lee District)

Doug Larson (Center District)

Ann McCarty (Marshall District)

**For more information on the Fauquier County PDR
Program, please contact the Agricultural
Development Department**

Ray Pickering, Director

Raquel Kines, PDR Associate

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www.fauquierag.com



**THIS FARMLAND IS
PERMANENTLY PROTECTED
THROUGH
FAUQUIER COUNTY'S
PDR PROGRAM**

It's Not Farmland Without Farmers.™

American Farmland Trust

www.farmland.org

