

Stafford County Purchase of Development Rights Frequently Asked Questions

1. What is a “Purchase of Development Rights” program?

It is a program that permits a locality to pay a landowner to prevent land from being developed. The landowner retains ownership of the land and may maintain the existing use such as agriculture activities. An agreement would be required between the property owner and the County, and an easement would be placed on the property.

2. Who is eligible for the program?

Any landowner in the County with a minimum of 20 acres of rural land, zoned A-1 or A-2. The program is aimed at properties located outside of the Urban Service Area, but properties within the Urban Service Area would be eligible. Several parcels can be combined to reach the minimum acreage. The property must be capable of being subdivided or developed for non-agricultural uses without legislative approval. Other eligibility requirements may apply.

3. How is the program funded?

The Board of Supervisors uses funds from the County’s rollback taxes. In addition, Virginia Department of Agriculture and Consumer Services and Virginia Land Conservation Foundation have provided matching funds toward the program.

4. What restrictions will be placed on my property?

The owner continues to use the land as before, sell it, or exercise any other right of ownership with the exception of development.

5. Can my property be subdivided?

The property owner will be restricted to family subdivisions, or a predetermined number of subdivided lots based on the overall acreage.

6. Do I have to include my entire property in the program?

No. Certain areas could be excluded as long as they are determined at the onset of the program.

7. Will the development rights be held in perpetuity?

Yes. As currently stated in the PDR ordinance, the development rights will be held in perpetuity.

8. Is the program mandatory?

No. Interested property owners could voluntarily apply to the program at their discretion.

9. Will the County still implement the land use taxation program?

Yes. The PDR program will not replace the land use program. It is simply another option for landowners to consider.

10. What are the benefits to the property owner?

The program creates a financially competitive alternative to selling land for development and allows continued agricultural/silviculture activities. Additionally, there may be significant tax advantages. Property owners should contact their own tax advisor for more information regarding tax advantages.

11. What are the benefits to the County and/or the residents?

Infrastructure costs, such as schools, roads, water/sewer, and emergency services are reduced while open space areas are preserved. In addition, locally grown produce can be provided through support of farming operations.

12. What steps are necessary to apply to the program?

Once the County announces a new application round, an application would be submitted to the County's PDR Administrator. The applicant would need to provide information with the application, such as a boundary survey or plat of the property, and deed information. The application and other information, including a checklist is available on the County's website. Property owners should contact their own professional consultants such as tax advisor or attorney to determine whether this program meets their needs.

13. How would I get paid for the purchase of development rights.

The property owner currently would be paid cash up front.

14. How is the payment amount determined?

The PDR Committee has set a pre-determined amount of \$25,000 per development right, and has adopted a formula based on the development potential of the property. The formula for A-1 properties is as follows:

$$\text{Project Size} - (\text{ROW dedication} + \text{Hydric Soils} + 25\% \text{ slopes}) \div 3 \text{ (acres)} = \text{Number of Development Rights}$$

Basically, the number of development rights is determined by taking the size in acres of the property, and subtracting an average of 5% of right-of-way dedication* , any area of hydric (wet) soils, and slopes greater than or equal to 25% from the overall acreage. That number is divided by three, which is the minimum lot size acreage currently allowed in the A-1 zoning district. For A-2 properties, the minimum lot size is one acre, so the formula is not divided by three.

*Typically, property that is subdivided in agricultural areas has an average 5% of the property that is dedicated for road construction purposes.

15. Where do I find more information?

You may contact the following County staff:

Kathy Baker, PDR Administrator/Assistant Director of Planning and Zoning
kbaker@staffordcountyva.gov or 540-658-8668

Information is also found on the County's PDR Committee web page, including contact information for the PDR Committee members:

www.staffordcountnyva.gov under the Boards and Commission's link, PDR Committee.