



Christopher E. Martino
Acting County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT

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September 13, 2016

TO: Board of County Supervisors

FROM: Christopher M. Price, AICP
Director of Planning

THRU: Christopher E. Martino
Acting County Executive

RE: Rural Preservation Study Implementation

I. Background is as follows:

- A. Rural Preservation History – Prince William County has a long rural preservation history. In 1964, Harland Bartholomew and Associates conducted a planning study for Prince William County and recommended a Comprehensive Plan that identified a significant portion of the County as “Large Estate and Agricultural.” The County’s 1972 Comprehensive Plan designates much of that area as Agricultural and Large Estate. The preservation goals for this area became more formalized through designation of the Rural Area in the 1998 Comprehensive Plan. At that time, the area was formally described with both a map and a series of policies and strategies. In addition to the Rural Area, the County has over time adopted various rural preservation measures including policies and strategies in several Comprehensive Plan Chapters (e.g. Environment, Parks, Open Space, and Trails, Long Range Land Use, Sanitary Sewer), zoning ordinance provisions (e.g. large lot zoning, cluster ordinance), and subdivision ordinance standards. Together, these measures constitute the County’s overall rural preservation vision, goals, policies, and strategies.
- B. Rural Preservation Tools – On November 22, 2011, through Directive 11-120, Preserve Open Space – Rural Areas, the Board of County Supervisors (BOCS) directed the Planning Office to conduct research on appropriate planning tools to help in the preservation of open space in rural areas and to report its recommendations to the Board. In addition, on March 20, 2012, the BOCS discussed the need to 1) evaluate whether the goals for the Rural Area have been effectively met through its implementation and 2) identify other rural preservation tools that may be effective and appropriate. Staff noted that this could be accomplished by conducting a policy analysis of the Rural Area to review what has happened since its implementation and a review of what other conservation tools may be available.

On April 26, 2012, in response to Directive 11-120, the Planning Office provided a summary of the rural open space preservation tools available to Virginia localities and detailed which tools were currently available within Prince William County (Attachment A – Open Space Planning Tools). Staff also noted that there are likely ways to improve upon several of our existing strategies, that additional rural preservation tools are available for use by Virginia localities but are not currently authorized or utilized in Prince William County, and that these tools warrant further study.

C. Planning Office Work Program – On May 8, 2012, the Planning Office presented a two year Work Program to the BOCS. This work program and the corresponding staff presentation noted that a variety of rural/open space preservation strategies identified in the Comprehensive Plan have been adopted by the BOCS, but have not yet been initiated and that staff does not have the resource capacity to develop and implement those strategies. Given the fact that there are several rural preservation strategies authorized for use within Virginia but not currently available within Prince William County, the Board’s discussion regarding the need to evaluate the effectiveness of the Rural Area in meeting its objectives, and the many uninitiated rural preservation strategies from the County’s adopted Comprehensive Plan, staff recommended that the County procure consulting services to determine the effectiveness of the Rural Area and to identify additional rural preservation strategies. The BOCS approved that request and the Planning Office prepared a scope of work and a request for proposals.

D. Rural Preservation Study - In April 2013 a consultant team lead by the consulting firm Environmental Resources Management was selected to complete the Rural Preservation Study. The purpose of the Rural Preservation Study was to provide an overview of the County’s rural preservation policies and an evaluation of their effectiveness, identify additional rural preservation tools that may be appropriate and effective, and make recommendations regarding possible amendments to the County’s land use planning policies. The scope of work addressed the need to evaluate the effectiveness of the County’s rural preservation policies in meeting stated goals and objectives, evaluate the County’s rural preservation tools with respect to best practices, assist the County in developing a clear rural preservation policy statement and measureable goals and objectives based on stakeholder input, identified needs, and best practices, identify and recommend tools including policies, ordinances, etc. to implement rural preservation policies, goals, and objectives as appropriate, prepare a policy guidance framework for evaluating future Comprehensive Plan amendments and rezoning requests consistent with identified rural preservation policies, goals, and objectives, conduct stakeholder interviews and workshops and provide a written summary of the process and input, and present the results to the Board of County Supervisors.

Community input was a key component of the Study. The stakeholder input process was broad and provided a variety of ways in which to participate including public meetings, focus groups, interactive workshops, surveys, etc. In addition, meetings were conducted at locations throughout the County and a

dedicated project web page was created to solicit input and keep stakeholders informed about the process. This process and the input received allowed the consultant to better understand the character of the area and the community's vision for rural preservation in Prince William County.

The consultant team prepared the Rural Preservation Study report and presented a summary of their findings at the May 6, 2014 Board of County Supervisors meeting (see Attachment B – Rural Preservation Study). The Study recommendations focused on suggested changes to the Comprehensive Plan, suggested changes to the County's Zoning Ordinance, and recommendations regarding opportunities to promote and advance the County's rural economy. Specific recommendations included the following:

- Adopt a Vision Statement for the Rural Area.
- Designate Rural Character Areas to recognize the different types of natural and man-made landscapes.
- Preserve 60 percent of the remaining undeveloped land in the Rural Area (17,000 acres) as open space. Explore Purchase of Development Rights (PDR), Transfer of Development Rights (TDR), and Rural Cluster programs as potential implementation strategies.
- Maintain the current residential density standards (A-1 zoning of one dwelling per ten acres), but create policy flexibility in locations where adjustments would advance the vision for the Rural Area.
- Promote environmental protection that will have direct environmental benefits especially those related to land preservation, sewer, and open space corridor creation.
- Enhance cultural resources and integrate them into a broad-ranging rural preservation strategy.
- Plan for public facilities and recognize that while public facilities must be located within the Rural Area to meet the needs of both Rural Area residents and residents throughout the County, steps should be taken to ensure that these facilities are compatible with the rural character.
- Support economic development (including farming and agribusiness) and recognize the contributions made by the County's farming, agribusiness, agritourism, recreation, and rural business development. Enhance the economic development potential of the rural economy.

- E. Board Directive – On July 8, 2014, through DIR 14-82, the Board directed staff to provide additional information regarding implementation of the Rural Preservation Study, review the Zoning Ordinance to look for opportunities to eliminate barriers or create new incentives for more rural economic development, look for remedies for farmers who raise and slaughter livestock specifically for religious events, and further investigate opportunities to purchase property development rights and how that relates to other elements of the Study's recommendations (e.g. cluster development).

II. Current Situation – The following is a brief status report regarding recommendations from the Rural Preservation Study and the individual elements from the aforementioned BOCS directive.

A. Rural Economic Development – One of the elements of the Rural Preservation Study involves promoting and advancing the County’s rural economy. Among the principal recommendations is to establish a committee to assist with reviewing development regulations in order to ensure that our land use planning tools do not negatively impact rural businesses. In January 2015, the BOCS reconstituted the Agricultural and Forestal District (AFD) Advisory Committee after a long dormant period and the Committee has begun to assist with this task, including reviewing proposed zoning text amendments (e.g. craft breweries, agribusiness/agritourism zoning text amendments, etc.) and participating in work sessions with the Planning Commission as part of the Comprehensive Plan Economic Development Chapter update. On September 22, 2016 the Planning Office is facilitating a work session with the AFD Committee to continue our review of the Zoning Ordinance for potential changes that can benefit the rural economy.

While the formation of the Committee is complete, the work of the Committee is ongoing. No additional BOCS actions are necessary, however any proposed changes to the Zoning Ordinance recommended by the AFD would require a vote by the BOCS and would be subject to public hearings before both the Planning Commission and the Board of County Supervisors.

B. Religious Slaughter of Livestock – The slaughter of livestock raised on a farm is generally part of an agricultural use that is not subject to zoning review. However, in the case of a religious event requiring the slaughter of livestock where the livestock is not raised on the property, zoning review is required. To address the impacts of these events while providing clarity with regards to permit requirements, such uses are now permitted through a temporary activity permit. As such, no changes to the Zoning Ordinance are necessary to address this use. Unless otherwise directed, this task is considered complete and no additional BOCS actions are necessary.

C. Comprehensive Plan Amendments – In addition to the land use planning tools described below which are the primary focus of this report (PDR, TDR, and Rural Cluster Development), the Rural Preservation Study also recommended certain revisions to the County’s land use policies. In particular, the Study recommended a review of the vision for the Rural Area and the incorporation of Rural Character Areas to recognize the particular goals and unique aspects of preservation efforts within the Rural Area (e.g. protection of Marine Corps Base Quantico from encroachment, expansion of the conservation areas surrounding Prince William Forest Park, preservation of the small town character of Nokesville and promotion of agribusiness opportunities, protection of the cultural resources in and around the Manassas National Battlefield, etc.). On August 3, 2016, the Board of County Supervisors accepted a scope of work to update the Comprehensive Plan which

included the consideration of recommendations from the Rural Preservation Study.

The Comprehensive Plan update is ongoing and no additional BOCS actions are necessary at this time. However, any proposed changes to the Comprehensive Plan (goals, policies, strategies, maps, etc.) would require a vote by the BOCS and would be subject to public hearings before both the Planning Commission and the Board of County Supervisors.

- D. Purchase of Development Rights – A PDR Program allows a landowner to voluntarily sell development rights from their land to a public body or land trust for the purpose of permanently protecting the land from being developed. The landowner retains the remaining ownership rights attached to their land, and can maintain the existing use, but they cannot develop the property for another use. A conservation easement is placed on their land, permanently protecting the land from development. In buying the development rights to the property, the purchasing body shall ensure, by conservation easement, that the property cannot be developed in the future. In selling the development rights to their property, the landowner receives proceeds from the sale and usually uses those proceeds to invest in their farming business, or to sell their property to another farmer at, presumably, a lower cost given that the property is no longer permitted to be developed.

To date, the Planning Office has conducted additional research on Purchase of Development Rights for the Board's consideration (see Attachment C) including examples of programs which have been established and financial resources that have been used to assist with program costs. A County Code amendment would be required to implement a Purchase of Development Rights Program in Prince William County. In addition, significant financial resources would be required to initially capitalize and to maintain such a program. Any proposed changes to the Code of Prince William County would require a vote by the BOCS and would be subject to public hearings before the Board of County Supervisors.

- E. Transfer of Development Rights – A TDR program features the creation of a development credits market by the County. Under such a program, the County assigns development credits to landowners in a designated sending area from which the development credits will be sent. The land is then preserved by a deed of easement (conservation easement). The development credits can be purchased by developers and landowners for use in designated receiving areas, and proposed developments are allowed to be built at a higher than normal density within those receiving areas. Sending areas should be the highest value agricultural, scenic, and culturally significant parts of the Rural Area. A TDR program enables a jurisdiction to preserve both working lands, such as farms and forest lands, as well as open space and natural areas, by restricting future development of the land while allowing the land's continued use in its current state. TDRs are a voluntary, incentive-based, market driven approach to preserve land and relocate development growth away from rural areas and into urban areas.

To date, the Planning Office has conducted additional research on Transfer of Development Rights for the Board's consideration (see Attachment D), however amendments to the County's Zoning Ordinance would be required to implement such a program and no zoning text amendments have been initiated. Any proposed changes to the Zoning Ordinance would require a vote by the BOCS and would be subject to public hearings before both the Planning Commission and the Board of County Supervisors.

- F. Rural Cluster Development – A rural cluster development is a zoning tool in which residential subdivisions are designed with dwelling units clustered together on smaller than average lots on a small portion of the subject tract. The remaining land serves as farmland, open space, or a similar use. Typically, depending on the cluster ordinance, the remaining open space within a cluster development may be held in common and/or be strictly an agricultural or environmental area with no development rights remaining on it. Rural cluster development zoning provisions are typically aimed at agricultural and forest conservation or open space preservation.

Prince William County has an existing voluntary rural cluster provision which allows a maximum density of one dwelling for every ten acres in the A-1, Agricultural zoning district. The current rural cluster development method in the County allows a minimum lot size of three acres, a maximum lot size of five acres, and does not have a density bonus. Further, there is an open space requirement of fifty percent (50%). A cluster development ordinance can be an effective preservation tool, but is not heavily used in Prince William County.

To date, the Planning Office has conducted additional research on Rural Cluster Development for the Board's consideration (see Attachment E), however amendments to the County's Zoning Ordinance would be required to implement any changes to existing standards and no zoning text amendments have been initiated. Any proposed changes to the Zoning Ordinance would require a vote by the BOCS and would be subject to public hearings before both the Planning Commission and the Board of County Supervisors.

III. Issues in order of importance are:

- A. Policy – Does the initiation of the proposed amendments further the purposes of the Zoning Ordinance?
- B. Fiscal Impact – Are there budget or financial impacts?
- C. Legal – What legal requirements should guide decisions to initiate or not initiate proposed amendments?
- D. Timing – Is there a timeframe for the BOCS to take action?

IV. Alternatives – As noted above, work involving the establishment of a committee to assist with promoting rural economic development and improvements to the permitting process for the religious slaughtering of animals have been completed, and work involving potential changes to the Comprehensive Plan is ongoing. As such, the focus of this section is on the items that have been recommended but have not yet been initiated (i.e. Purchase of Development Rights, Transfer of Development Rights, and Rural Cluster Development):

A. Initiate a PDR Amendment to County Code

1. Policy – The County’s adopted Comprehensive Plan includes Policies and Action Strategies aimed at rural preservation that are consistent with the establishment of a Purchase of Development Rights program. Such policies and strategies include the following:

OPEN SPACE POLICY 4: Retain existing open space in the county.

ACTION STRATEGIES:

1. *Review and implement programs, including the purchase of development rights (PDR), transfer of development rights (TDR), and outreach highlighting opportunities available through private conservation easements in order to protect existing open space.*
2. *Review and implement programs that provide incentives for landowners in the rural area to preserve agricultural land uses, protect prime soils, and prevent non-agricultural uses from negatively impacting the primary land use.*

OPEN SPACE POLICY 5: A minimum of 39 percent of the total area in the County, (exclusive of acreage of Marine Corps Base Quantico for all calculation purposes), should be retained as protected open space.

ACTION STRATEGIES:

2. *Review the open space development standards and definitions in the Zoning Ordinance, including the rural cluster component, and update them to reflect the goals and policies of this chapter.*
3. *In the Comprehensive Plan, identify and map existing open space and other areas where acquisition of additional protected open space should be prioritized.*
4. *Review opportunities, including the purchase of development rights (PDR) and transfer of development rights (TDRs) and implement appropriate programs in order to provide incentives for landowners to protect open space and to shift density to appropriate locations where infrastructure is planned or in place.*

5. *Actively seek to acquire easements or fee interest in property – through land purchases, grants, proffers, and donations – that is suitable for protected open space, including existing open spaces, or where an environmental constraints analysis shows that by-right development would result in substantial community impacts.*
6. *Acquire easements as authorized by the Virginia Open Space Land Act.*
7. *Update the Zoning Ordinance to ensure increased requirements for protected open space.*
8. *Consider open space acquisition as a regular component of the capital improvement program.*

EN-POLICY 3: To further support OS-Policy 5, a minimum of 39 percent of the total area in the County exclusive of acreage of Marine Corps Base Quantico for all calculation purposes, should be retained as protected open space, as defined in the Open Space Plan.

ACTION STRATEGIES:

EN3.8 The County shall review and implement opportunities for a Purchase of Development Rights (PDR) program.

EN3.9 Explore the use of available federal and state funding resources, including grants, foundations, and transportation related funds, to support green infrastructure planning initiatives and a PDR program.

EN3.11 Investigate the benefits of involving a private conservancy for the purpose of purchasing privately held lands for preservation purposes and seeking perpetual conservation easements to preserve open space.

If enacted, a Purchase of Development Rights program is a voluntary process which would extinguish development rights on participating parcels in perpetuity. This is a powerful conservation tool and the impact on land use is permanent and binding. As such, careful consideration should be given to the areas within which this tool is appropriate. If initiated, staff would review and make recommendations regarding areas appropriate for such a tool.

In addition, and as noted below, significant up front and ongoing financial and staff resources would be necessary to establish and maintain such a program. These are resources which would otherwise be available to

support a variety of programs, services, and capital facility needs and are described in more detail below.

2. Fiscal Impact – A Purchase of Development Rights program would require the allocation of financial capital and staff resources in order to purchase development rights and place the property in a permanent conservation easement. During the discussion regarding the Board’s directive, staff was requested to investigate ways to keep the general fund contribution for such a program as low as possible. As such, staff researched available program funding resources that, if secured, could reduce reliance on the general fund. As noted in the attached analysis, there are many federal and state funding sources for PDR programs, particularly given the unique preservation goals within Prince William County (e.g. protection of Marine Corps Base Quantico from encroachment, expansion of the conservation areas surrounding Prince William Forest Park, preservation of the small town character of Nokesville and promotion of agribusiness opportunities, protection of the cultural resources in and around the Manassas National Battlefield, etc.). Potential funding sources for a Prince William County PDR program include:

- Virginia Department of Agriculture and Consumer Services
- Virginia Land Conservation Foundation
- National Park Service
- Virginia Department of Conservation and Recreation
- U.S. Department of Defense Readiness and Environmental Protection Integration Program

While these programs could be utilized to augment local resources, such funding sources typically require local matching funds. The Rural Preservation Study noted that the most powerful preservation strategy is to utilize all of the tools referenced in the report (e.g. PDR, TDR, and Rural Cluster Development). As a way to link these tools, staff has also investigated the ability to utilize proffered open space funds to capitalize a program and serve as a source of local matching funds. However, it is unclear at this time whether or not recent changes to state law regarding the ability to negotiate proffer contributions has reduced or eliminated our ability to utilize proffer funds as a potential resource. If the BOCS chooses to initiate a PDR County Code amendment, staff would also continue to research sources of local and non-local funding to capitalize and maintain the program. However, it should be noted that regardless of potential funding sources, it is likely that there would be significant up front and on-going monetary contributions from the general fund to capitalize and maintain a program. In addition, creation and maintenance of such a program is beyond staff’s existing resource capacity. If the BOCS chooses to initiate a PDR program, staff will present a budget request as part of the FY18 budget process for both financial resources to

capitalize the program and staff resources (one new position) to administer the program. This position would also be utilized to support the ongoing work of the Agricultural and Forestal District Committee to promote the rural economy as outlined above and a Transfer of Development Rights Program should the BOCS choose to authorize such a program as further detailed below.

3. Legal – Initiation of a County Code amendment does not mean that the Board must approve the amendment after it is studied; it instead begins the process for consideration. Other legal issues are appropriately addressed by the County Attorney’s Office.
4. Timing – There is no requirement to take action within a certain amount of time for County Code amendment requests.

B. Initiate a TDR Zoning Text Amendment

1. Policy - The County’s adopted Comprehensive Plan includes Policies and Action Strategies aimed at rural preservation that are consistent with the establishment of a Transfer of Development Rights program. Such policies and strategies include the following:

OPEN SPACE POLICY 4: Retain existing open space in the county.

ACTION STRATEGIES:

1. *Review and implement programs, including the purchase of development rights (PDR), transfer of development rights (TDR), and outreach highlighting opportunities available through private conservation easements in order to protect existing open space.*
2. *Review and implement programs that provide incentives for landowners in the rural area to preserve agricultural land uses, protect prime soils, and prevent non-agricultural uses from negatively impacting the primary land use.*

OPEN SPACE POLICY 5: A minimum of 39 percent of the total area in the County, (exclusive of acreage of Marine Corps Base Quantico for all calculation purposes), should be retained as protected open space.

ACTION STRATEGIES:

2. *Review the open space development standards and definitions in the Zoning Ordinance, including the rural cluster component, and update them to reflect the goals and policies of this chapter.*

3. *In the Comprehensive Plan, identify and map existing open space and other areas where acquisition of additional protected open space should be prioritized.*
4. *Review opportunities, including the purchase of development rights (PDR) and transfer of development rights (TDRs) and implement appropriate programs in order to provide incentives for landowners to protect open space and to shift density to appropriate locations where infrastructure is planned or in place.*
5. *Actively seek to acquire easements or fee interest in property – through land purchases, grants, proffers, and donations – that is suitable for protected open space, including existing open spaces, or where an environmental constraints analysis shows that by-right development would result in substantial community impacts.*
7. *Update the Zoning Ordinance to ensure increased requirements for protected open space.*

ENVIRONMENT POLICY 3: To further support OS-Policy 5, a minimum of 39 percent of the total area in the County exclusive of acreage of Marine Corps Base Quantico for all calculation purposes, should be retained as protected open space, as defined in the Open Space Plan.

LONG RANGE LAND USE POLICY 2: Provide for a variety of land uses to allow a diversity of housing unit types and employment opportunities throughout the County.

ACTION STRATEGIES:

LU2.5 Direct new development to areas served by transit corridors; particularly designated centers of commerce, centers of community and Mass Transit Nodes.

LU2.6 Ensure that the primary function of the Rural Area as reflected by the Long-Range Land Use Plan Map is to maintain open space, protect native habitats, allow for large-lot residential development, allow for agricultural activities, and provide potential sites for community facilities.

LONG RANGE LAND USE POLICY 8 – To achieve centers of commerce at appropriate locations that promote high-density, mixed-use development near existing and planned multi-modal transit centers that will facilitate greater use of mass transit by County residents and bring new high-quality employment opportunities to Prince William County.

ACTION STRATEGIES:

LU8.4 Review and evaluate programs, including the purchase of development rights (PDR) and transfer of development rights (TDR), in accordance with OS-Policy 4, Action Strategy 1 to provide clear goals and policies when considering these opportunities for additional density in centers of commerce.

If enacted, a Transfer of Development Rights program is a voluntary process which would extinguish development rights on participating parcels in perpetuity. Similar in some ways to a PDR program, this is a powerful conservation tool and the impact on land use is permanent and binding. However, unlike a PDR policy, a TDR program would also require the designation of parcels within the County's Development Area to which severed development rights could be transferred. While such a transfer can ensure the efficient use of existing and planned capital facilities (e.g. VRE stations), it does require designated parts of the County to accept densities greater than present zoning would accommodate. As such, careful consideration should be given to the areas within which this tool is appropriate. If initiated, staff would review and make recommendations regarding areas appropriate for such a tool.

2. Fiscal Impact – Unlike a PDR program, TDRs involve private market transactions rather than public fund expenditures to protect rural lands. However, while no direct expenditure of public funds is necessary, staff resources are needed to manage the program. If the BOCS chooses to initiate a TDR zoning text amendment, staff will present a budget request as part of the FY18 budget process that includes the aforementioned staff position. As previously noted, this position would also be utilized to support the ongoing work of the Agricultural and Forestal District Committee to promote the rural economy and a Purchase of Development Rights Program should the BOCS choose to authorize such a program.
3. Legal – Initiation of a zoning text amendment does not mean that the Board must approve the amendment after it is studied; it instead begins the process for consideration. Other legal issues are appropriately addressed by the County Attorney's Office.
4. Timing – There is no requirement to take action within a certain amount of time for zoning text amendment requests.

C. Initiate a review of the County's Rural Cluster Development Provisions

1. Policy – The County's adopted Comprehensive Plan includes Policies and Action Strategies aimed at rural preservation that are consistent with the establishment of an incentive based Rural Cluster Development program. Such policies and strategies include the following:

OPEN SPACE POLICY 4: Retain existing open space in the county.

ACTION STRATEGIES:

- 2. Review and implement programs that provide incentives for landowners in the rural area to preserve agricultural land uses, protect prime soils, and prevent non-agricultural uses from negatively impacting the primary land use.*

OPEN SPACE POLICY 5: A minimum of 39 percent of the total area in the County, (exclusive of acreage of Marine Corps Base Quantico for all calculation purposes), should be retained as protected open space.

ACTION STRATEGIES:

- 2. Review the open space development standards and definitions in the Zoning Ordinance, including the rural cluster component, and update them to reflect the goals and policies of this chapter.*
- 3. In the Comprehensive Plan, identify and map existing open space and other areas where acquisition of additional protected open space should be prioritized.*
- 5. Actively seek to acquire easements or fee interest in property – through land purchases, grants, proffers, and donations – that is suitable for protected open space, including existing open spaces, or where an environmental constraints analysis shows that by-right development would result in substantial community impacts.*
- 7. Update the Zoning Ordinance to ensure increased requirements for protected open space.*

ENVIRONMENT POLICY 3: To further support OS-Policy 5, a minimum of 39 percent of the total area in the County exclusive of acreage of Marine Corps Base Quantico for all calculation purposes, should be retained as protected open space, as defined in the Open Space Plan.

ACTION STRATEGIES:

- EN3.1 Encourage cluster development to protect contiguous natural open space, as defined by the Zoning Ordinance.*
- EN3.2 Amend the cluster ordinance to ensure that open space is permanently protected.*

LONG RANGE LAND USE POLICY 2: Provide for a variety of land uses to allow a diversity of housing unit types and employment opportunities throughout the County.

ACTION STRATEGIES:

LU2.2 Review the effectiveness of planned development districts and cluster zoning districts.

LU2.3 Open space created as part of cluster developments shall be preserved as permanent open space.

LU2.4 The purpose of both cluster development and planned district / planned unit development is to:

- *Provide locations for town centers.*
- *Implement the development of centers of commerce and centers of community.*
- *Promote the efficient use of land and minimize or limit cut and fill.*
- *Preserve slopes and woodlands.*
- *Better manage stormwater run-off and water quality.*
- *Reduce the length of streets, utility lines, and stormwater piping.*
- *Provide design flexibility.*
- *Promote the most cost-effective provision of public services necessary to support the development.*
- *Preserve open space.*
- *Preserve cultural resources.*

LU2.5 Direct new development to areas served by transit corridors; particularly designated centers of commerce, centers of community and Mass Transit Nodes.

LU2.6 Ensure that the primary function of the Rural Area as reflected by the Long-Range Land Use Plan Map is to maintain open space, protect native habitats, allow for large-lot residential development, allow for agricultural activities, and provide potential sites for community facilities.

The Rural Preservation Study noted that our current land use planning tools generally promote large lot residential development rather than open space preservation and farming which are the stated goals of the Rural Area policies. Further, per the Study, continuation of our existing development patterns will not likely yield large contiguous conservation areas. Increased use of rural cluster development opportunities could yield larger tracts of contiguous open space (particularly if coupled with a

PDR and TDR program). However, an incentive based rural cluster option would likely result in increased residential densities within, and could necessitate the extension of public sewer into, the Rural Area. As such, this tool is not likely appropriate for a large portion of the Rural Area.

2. Fiscal Impact – Existing staff resources would be utilized as part of the development review process.
3. Legal – Initiation of a zoning text amendment does not mean that the Board must approve the amendment after it is studied; it instead begins the process for consideration. Other legal issues are appropriately addressed by the County Attorney’s Office.
4. Timing – There is no requirement to take action within a certain amount of time for zoning text amendment requests.

D. Take No Action

1. Policy – There would be no change to the existing County code to address the recommendations of the Rural Preservation Study.
2. Fiscal Impact – No fiscal impacts are identified if the Board of County Supervisors takes no action on the request.
3. Legal – Legal issues are appropriately addressed by the County Attorney’s Office.
4. Timing – There is no requirement to initiate County code amendment requests.

V. Next Steps:

As previously noted, certain recommendations from the Rural Preservation Study and certain elements of the Board’s subsequent directive have been implemented or are underway. If the BOCS chooses to continue implementing the recommendations from the Rural Preservation Study, staff recommends the following:

- A. Initiate PDR, TDR, and rural cluster development Code amendments (see attached initiating resolutions). If initiated, staff will seek input from citizens and stakeholder groups. Amendments to the County Code require a public hearing before the Board of County Supervisors. Any proposed changes to the Zoning Ordinance would be subject to public hearings before both the Planning Commission and the Board of County Supervisors.
- B. Begin to consider allocation of funds to capitalize and maintain a Purchase of Development Rights Program and to create a Rural Preservation Specialist position as part of the FY18 budget process in order to pursue funding for a

purchase of development rights program, manage such a program, manage a transfer of development rights program, and continue work with farmers, landowners, and stakeholders to promote rural economic development opportunities. While no additional funds are necessary to accommodate a Rural Cluster Development option, establishment and maintenance of the PDR and TDR programs are beyond staff's existing resources.

Staff: Chris Price, AICP

Attachments:

- A. Open Space Planning Tools
- B. Rural Preservation Study
- C. Purchase of Development Rights Summary
- D. Transfer of Development Rights Summary
- E. Rural Cluster Development Summary



Melissa S. Peacor
County Executive

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April 26, 2012

TO: Board of County Supervisors
FROM: Christopher M. Price, AICP
Director of Planning
THRU: Melissa S. Peacor
County Executive
RE: Open Space Planning Tools

I. Background is as follows:

- A. Board Directive – In Directive 11-120, Preserve Open Space – Rural Areas, Chairman Stewart requested that the Planning Office conduct research on appropriate planning tools to help in the preservation of open space in rural areas and to report its recommendations to the Board.
- B. Planning Office Research –
 1. Dillon Rule –The tools available to Prince William County are those specifically delegated to the County in State law.
 2. Virginia Chapter of the American Planning Association – The Virginia Chapter of the American Planning Association (APA-Virginia) publishes *Managing Growth and Development in Virginia: A Review of the Tools Available to Localities* which outlines the planning tools available to Virginia jurisdictions. A copy of the publication is provided as Attachment C.
- C. Review of Current Tools Used – Based on the APA Virginia publication and the County’s current use of these tools the Planning Office presents a summary of the current tools used and additional tools that could be used to encourage preservation of open space in rural areas. See table below.

An Equal Opportunity Employer

Open Space Planning Tools
 April 26, 2012
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Rural Open Space Preservation Tool	Currently Used?	Effective Tool?	Possibility for Use or Enhancement?
Comprehensive Plan	Yes	Yes	Yes
Large Lot Zoning	Yes	Yes with other tools	Yes
Rural Cluster Development	Yes	Yes, but not used often	Yes
Overlay Districts	Yes	Yes, but limited	No
Conditional Zoning	Yes	Not currently available in Rural Area	Yes
Capital Improvement Program	Yes	Yes, but requires funding	Yes
Use Value Assessment	Yes	Yes, but not permanent	No
Agricultural and Forestal Districts	Yes	Yes, but not permanent	No
Transfer of Development Rights (TDR)	No	Yes, but dependent on a market for rights	Yes
Purchase of Development Rights (PDR)	No	Yes, but requires funding	Yes
Lease of Development Rights (LDR)	No	Yes, but not permanent	No
Donation of Conservation Easements	Yes	Yes	Yes
Conservation Design	Yes	Yes	Yes

D. Comprehensive Plan – A comprehensive plan is the most important part of any open space preservation effort. State law mandates that every local government in Virginia prepare and adopt a comprehensive plan (Virginia Code, § 15.2-2223). A locality’s comprehensive plan may include items that can help guide open space preservation:

- Designated areas for various land uses including agricultural and conservation uses
- A system of community service facilities such as parks
- Historical areas
- Areas for the implementation of groundwater protection measures
- Areas for locating military bases, military installations, military airports and their adjacent safety areas

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The Prince William County Comprehensive Plan currently recognizes the importance of open space in the rural area. Attachment B includes all references to rural open space preservation and protection and are summarized below.

1. Land Use Designation – The Plan designates four types of land uses with goals of protecting open space: P&OS, AE, ER and CRHS. Definitions of these are provided in Attachment A.
 2. Parks, Open Space and Trails Plan – The Parks, Open Space and Trails Plan sets a goal of 39% open space and identifies recreational, cultural and environmental corridors to target for open space preservation. Excerpts from the Plan that reflect rural open space preservation and protection are included in Attachment A.
 3. Environment Plan – The Environment Plan identifies characteristics of the land that should be targeted for open space preservation. Relevant polices are identified in Attachment A.
 4. Land Use Policies – The Plan contains several policies protecting open space including targeting the peak noise zone of MCB Quantico and the south fork of Quantico Creek watershed for preservation efforts. These policies are presented in Attachment A.
- E. Implementation Tools – State code (V.C., § 15.2-2224) identifies tools communities can use to implement their comprehensive plans including, Zoning (V.C., § 15.2-2280) and the Capital Improvement Program (V.C., § 15.2-2239). In addition, other tools for open space preservation are specifically outlined in State code including Use Value Assessment (V.C., § 58.1-3231 through § 58.1-3244), Agricultural and Forestal Districts (V.C., §§ 15.2-4300 et seq), Transfer of Development Rights (§ 15.2-2316.1 and 2316.2) and Conservation Easements including Purchase of Development Rights (§10.1-1009 et seq.).
- F. Zoning – According to the Virginia Code (§ 15.2-2280) any locality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof, into districts of such number, size and shape as deemed important to needs of the community and for the general purpose of promoting the health, safety or general welfare of the public.
1. Large-Lot Zoning – “The American Farmland Trust defines a ‘large lot’ for the purposes of agricultural protection as being 20 acres or more. Many localities consider smaller minimum lot sizes such as five or 10 acres as being a ‘large lot’ measure. However, if lots less than 10 acres are permitted without a clustering provision, there is a risk that such development will create undue encroachment on agricultural areas and undermine the purpose of the tool.

In the words of one farmer, less than 10 acres is ‘too small to plow and too big to mow’. Thus, large lot zoning provisions are often combined with cluster zoning provisions within a given zoning district.” (Managing Growth and Development in Virginia, APA Virginia Chapter, October 2011, p. 28) The primary zoning designation in the rural area is A-1, Agricultural, which has a minimum lot size of 10 acres. Within the A-1 zoning district, rural cluster developments are permitted. The A-1 zoning provisions (Zoning Ordinance §32-301) are included in Attachment B.

2. Cluster Subdivisions – “Under cluster subdivision/zoning provisions, when a residential subdivision is created, it is designed so that the dwelling units are clustered together on smaller than average lots on only a portion of the tract, leaving the remainder available for open space or similar uses. Depending on the provisions of the specific cluster ordinance, the remaining open space within a cluster development may be held in common and/or be strictly an agricultural or environmental area with no ‘development rights’ remaining on it; or, the open space parcel(s) may be allowed to have a dwelling unit with a permanent easement that prohibits further subdivision or additional dwellings.” (Managing Growth, p. 30) The County’s Rural Cluster Development provisions (Z.O. §300-40) are included in Attachment B.
 - a) Cluster Provisions Voluntary – “Cluster provisions can be voluntary options within a zoning district, or they can be mandatory. Per §15.2-2286.1, a rezoning, use permit or special exception may not be required in order to create a cluster development, unless there is a density increase involved in the request.” (Ibid., p. 30) The County cluster provisions are voluntary and require a subdivision plan review. There is no option for a density increase.
 - b) Advantages – “One of the key advantages of rural cluster techniques is that the tool can help to preserve rural land resources while still meeting the desires of rural landowners to obtain a relatively high development value for their property. Typically, rural cluster provisions allow roads and dwellings to be sited with less disruption to views from the public road right-of-way and/or with greater buffer distances between neighboring properties. Thus, cluster provisions can protect “rural character” as viewed from the road and in some localities also allow for some continued agricultural use of the remaining land.” (Ibid., p. 30)

- c) Limitations – “Clustering is a middle ground between full preservation and full development, and thus doesn’t completely “solve the problem” of preserving agriculture or rural character. While each individual cluster development may be an improvement over conventional subdivision of the same property, in the aggregate, it still may create a sprawling development pattern across the locality and region and contribute to rural road congestion and other infrastructure capacity deficiencies. Also, additional design effort is usually required to create a cluster subdivision compared to a conventional, large lot subdivision.” (Ibid., p. 33)

- d) Variations – Several variations are in use on how clustering is achieved.
 - (i) Percent of Land Developed – One variation on rural clustering is to specify a maximum percentage of the parent parcel or tract that can be converted to nonagricultural or non-open space uses. Such a provision can be relatively simple and may permit a great deal of flexibility to the developer in terms of lot size and unit type on that portion of the land that is permitted to be converted.

 - (ii) Lot Size Averaging – Another variation on rural clustering is to specify the average minimum lot size for a rural subdivision, but permit the developer to achieve that average by creating some lots that are larger and some smaller. Again, the advantage of this variant is to provide more design flexibility in order to respond to unique site conditions and to the local market demand.

 - (iii) Maximum Size of Building Lots – Another variation is to set a maximum rather than minimum lot size for rural subdivisions, thereby forcing a clustered layout. The percentage of open space remaining will be determined by the actual maximum lot size required in relation to the maximum overall site density required.

 - (iv) Current Method – Currently, the Rural Cluster Development provisions specify a minimum lot size of 3 acres, a maximum lot size of 5 acres, a maximum density of one unit per 10 acres and a minimum of 50% open space.

3. Overlay Districts - The purpose of the special public interest overlay districts is to protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such overlay districts. Currently, the County maintains three overlay districts that would be relevant to rural open space preservation; however, their use is restricted to areas with special characteristics that warrant preservation.
 - a) Resource Protection Area - The purpose of the Chesapeake Bay Preservation Area Overlay District is to: (a) protect existing high quality state waters; (b) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (c) safeguard the clean waters of the Commonwealth from pollution; (d) prevent any increase in pollution; (e) reduce existing pollution, and (f) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Prince William County. This overlay district limits development on lands adjacent to water bodies with perennial flow. Authority for resource protection district zoning is provided in Virginia Code, § 10.1-2108.
 - b) Flood Hazard – Flood hazard areas of the County are subject to periodic inundation which results in the loss of life and/or property, health and safety hazards, disruption of commerce and other governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. As such, the Board has chosen to delineate this district in accordance with the areas of the County subject to inundation by the 100-year flood. This overlay district limits development on lands subject to periodic inundation. Authority for flood hazard district zoning is provide in Virginia Code, § 10.1-603.7.
 - c) Historic Districts – Historic overlay districts are created for the purpose of imposing special requirements in addition to the requirements pertaining to the underlying zoning in designated areas of the county, in order to protect and perpetuate those areas or structures which have been designated as being of significant historic, architectural or cultural interest. Regulations imposed in such districts are intended to protect against destruction of or encroachment upon such historic resources, to encourage uses which will continue to preserve them and to prevent the creation of adverse environmental influences.

This overlay district limits development on lands with significant historic, architectural or cultural interest. Authority for historic district zoning is provided in Virginia Code, § 15.2-2306.

4. Conditional Zoning – As designed, conditional zoning allows reasonable conditions, known as proffers, to be offered by the applicant during a rezoning process as a way of mitigating the impacts of the proposed rezoning. Proffers may include land, infrastructure, cash or other conditions/constraints on the use of the property. These proffers, if accepted by the governing body as part of the rezoning approval, become part of the zoning ordinance as it applies to that property (Virginia Code, § 15.2-2297). In theory, conditional zoning allows land to be rezoned that might not otherwise be rezoned because the proffers will protect the community or area affected by the rezoning. This tool, while very effective in protecting open space in the Development Area, does not help in the Rural Area where the highest density zoning district consistent with the Rural Area designation, A-1, is already mapped on land in the Rural Area.

G. Capital Improvement Program (CIP)

1. Park Land Acquisition – Acquisition of land for parks and recreation purposes provides protected open space (Virginia Code, § 15.2-5704).
2. Historic Preservation – Virginia Code, § 15.2-2306 – 4 allows any locality to acquire land for historical preservation. Acquisition of land for historic preservation purposes can often provide protected open space.

H. Other Tools

1. Use Value Assessment Program – Virginia Code, § 58.1-3231 through § 58.1-3244 allows any locality, which has adopted a land-use plan, to adopt an ordinance to provide for use value assessment and taxation in certain districts. The Use Value Assessment and Taxation Program provides tax relief to certain agricultural, forestal, horticultural, and open space property owners. The program allows qualifying land to be taxed according to its use value, rather than its market value. Buildings do not have use value assessments and are assessed at full market value. However, this program does not create permanently protected open space as the property owner may pull out of the program at any time. The County currently administers this program.

2. Agricultural and Forestal Districts - The Virginia Code provides for the voluntary creation of Agricultural and Forestal Districts (AFDs) in order to “provide a means for a mutual undertaking by landowners and localities to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and as an economic and environmental resource of major importance.” Virginia Code, §§ 15.2-4300 et seq. authorizes the adoption of Agricultural and Forestal Districts. However, this program does not create permanently protected open space as this is a voluntary program that must be re-evaluated every 4 to 10 years. The County currently maintains +/- 3,900 acres in three Agricultural and Forestal Districts.

3. Transfer of Development Rights – “TDR, or transfer of development rights (V.C., § 15.2-2316.1 and 2316.2), is a concept in which some or all of the rights to develop a parcel of land in one district (the sending district) can be transferred to a parcel of land in a different district (the receiving district). TDR is a tool used to preserve open space, farmland, water resources and other resources in areas where a locality wishes to limit or curtail development.” (Managing, p. 45)
 - a) TDR Mechanics – “In a classic TDR system one or more sending districts are identified as well as one or more receiving districts. “Development rights” are assigned to landowners in the sending district, typically on the basis of a certain number of permitted dwellings per acre. Owners of land in the sending district instead of developing at the full level of their development rights, may sell their development rights to owners of land in the receiving district, who may then use the newly acquired development rights to build at higher densities than normally allowed by existing zoning (without further legislative approval). TDR systems are intended to maintain designated land in open or non-developed uses and to compensate owners of the preserved land for the loss of their right to develop it (Ibid., p. 45).

 - b) Limitations – “TDR programs are technically complicated and will require a significant investment of time and local government resources to implement. Key questions for a locality include:
 - Which areas should be protected?
 - How should development rights be allocated?
 - To where should development be transferred and at what densities?
 - What mix of incentives should a locality use to encourage landowners to use TDR?

A major challenge associated with TDR involves predicting the likely supply of and demand for development rights in the real estate market. Indeed, the pace of transactions will depend on the private market for development rights.” (Ibid., p. 46)

4. Conservation Easements – Conservation easements are used in conjunction with many of the above preservation tools as well as being a main component of cluster developments and TDRs. “Conservation easements may be established through purchase, lease (short term), or through donation. In all of these easement programs, the easement is established through the voluntary cooperation or initiative of the landowner.” (Ibid., p. 65)
 - a) Definition – “A conservation easement (also known as an Open Space or Scenic Easement) is a legal agreement between a landowner and a land trust or government agency that limits the use of the land by recording deed restrictions that prohibit or severely restrict further development in order to protect the conservation value of the property, such as farmland, watersheds, wildlife habitat, forests, and/or historical lands. Each easement is unique in terms of acreage, description, use restrictions, and duration. These details are negotiated between the property owner granting the easement, and the organization that will be holding the easement.” (Ibid., p. 65)
 - b) Typical Provisions – “Conservation easements are typically established in perpetuity, but may be established for shorter periods. The easement allows a property owner to continue to own any underlying interest in the land that is not specifically limited by the easement, to use the land within the terms and restrictions of the easement, and to sell the land or pass it on to heirs (with the easement restrictions conveying with the land). Conservation easements do not permit public access unless specifically provided.” (Ibid., p. 65)
 - c) Authority – “Virginia Code, §§10.1-1009 et seq. allows any locality or land trust (defined in § 10.1-1700-5) to purchase or accept as a donation, and hold a conservation easement for periods of as little as five years, and for as long as perpetuity. In addition, § 10.1-1801.1, enacted in 1997, created a fund to assist landowners with the costs of preparing and conveying conservation easements. Virginia localities are authorized within their general powers (§15.2-1800) to acquire property to initiate a purchase of development rights program (PDR).” (Ibid., p. 66)

- d) Purchase of Development Rights (PDR) – “When conservation easements are purchased as part of a broad government program, it is typically called “Purchase of Development Rights” or PDR. In some other parts of the country it is also known as PACE or Purchase of Agricultural Conservation Easements. Purchasing “development rights” is the same as purchasing conservation easements or that portion of the “bundle of rights” that allows landowners to construct dwellings or non-farm commercial structures on the property. Thus, when a locality purchases a conservation easement from a landowner, it essentially “buys” the right to develop the land and “retires” that right by placing a permanent conservation easement on the property that restricts or prohibits further non-farm development. Typically, these easement restrictions run in perpetuity.” (Ibid., p. 65)
- e) Limitations of PDRs – “Purchase of Development Rights (PDR) programs require a dedicated source of stable revenues in order to be most effective. Most local governments simply do not have the funds required for such a program and counties are further restricted in that they cannot incur debt.” (Ibid., p. 68)
- f) Lease of Development Rights (LDR) – “Lease of Development Rights (LDR) is the same as Purchase of Development Rights except that the term of the easement can be as short as five years, under amendments to Virginia’s Open Space Land Act made in 1981. To date, no Virginia locality has enacted an LDR program, but the concept has the potential to be a good alternative to Use Value Assessment, because the locality can set the terms of eligibility, easement duration, restrictions, and compensation; whereas under the Use Value program, the state sets most of the rules. However, like Use Value Assessment, an LDR program is a temporary solution to the problem of farmland and open space conversion.” (Ibid., p. 65)
- g) Donation – “When conservation easements are accepted as donations from landowners, the donor property owner qualifies for certain tax incentives at the state and federal levels, instead of receiving payment from the locality. Localities may accept donations of conservation easements, and many private or semi-private institutions also accept easement donations. Easement donations can also be promoted by localities in conjunction with a PDR program. The Internal Revenue Service (IRS) code allows two principal forms of tax benefit – a federal income tax deduction and an estate tax exclusion. The amount of the deduction or exclusion is determined by an appraiser who calculates the

diminution in value resulting from the permanent restriction on the use of the land resulting from the placement of the easement on the land. Only easements granted in perpetuity are eligible for the tax benefit. The donation must be made to a qualified organization exclusively for ‘conservation purposes.’” (Ibid., p. 66)

- h) Advantages – “In general, conservation easements provide for a great deal of flexibility in implementation. Features include:
- Placing land under easement does not make it open to the public unless specifically provided
 - The property is maintained in private ownership
 - Segments or whole parcels may be placed under easement
 - Some or all of the property rights may be deed restricted
 - The easement may be held in perpetuity or for a set number of years
 - The financial benefits of conservation easements can be substantial in reduced real estate taxes and inheritance taxes if the conservation is donated” (Ibid., p. 67-68)
- i) Limitations – “A common limitation of conservation easement tools is the funding they require to administer the program, to publicize it, and often, to operate it. For example, lack of information limits the use of voluntary conservation easements.” (Ibid., p. 61)

5. Conservation Design – “Conservation design is a density neutral design system that takes into account the natural landscape and ecology of a development site and facilitates development while maintaining the most valuable natural features and functions of the site.” (An Introduction to Conservation Design (Part I), John Southard, P.E.). This approach develops subdivision design standards that focus on the design of building sites and infrastructure in a subdivision to minimize the impact on environmental features.

II. Current Situation is as follows:

- A. Tools Currently Being Implemented Effectively – Some of the rural open space preservation tools have no reasonable opportunity for enhancement. These are Overlay Districts, Use Value Assessment and Agricultural and Forestal Districts.
- B. Tools Currently being Implemented that Could be Enhanced – The following current rural open space preservation tools could be enhanced as follows:
1. Comprehensive Plan – The most effective policy guide in the Comprehensive Plan is the Long-Range Land Use Plan. By including

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policies that encourage more aggressive open space policies in the Rural Area, the Board could guide other programs that preserve open space. Additionally open space is more valuable if it is connected with other open space. The Comprehensive Plan helps identify corridors of open space and open space connections.

2. Large Lot Zoning – This tool could be enhanced by increasing the minimum lot size in the Rural Area to 20 acres as recommended by the American Farmland Trust. This could be paired with Rural Cluster Development – allowing density increases if Rural Cluster Development is utilized.
 3. Rural Cluster Development – Enhancement of this tool could include density bonuses for Cluster Development. This could be paired with Large Lot Zoning as described above.
 4. Conditional Zoning – Currently, there are no opportunities for rezoning within the Rural Area. Introduction of a new zoning district, i.e., A-2 that provides more density than A-1 may make this a useful tool. This could be paired with Large Lot Zoning and Rural Cluster Development to encourage open space preservation.
 5. Capital Improvement Program – Additional funding could be provided for land acquisition for parks or as part of a Purchase of Development Rights (PDR) program.
 6. Conservation Easements – The County could enhance the effectiveness of this tool by partnering with a land trust to help educate property owners on the value of donation and to maintain conservation easements.
 7. Conservation Design – The County could incorporate conservation subdivision design standards into the Subdivision Ordinance and/or Design and Construction Standards Manual.
- C. Develop New Tools – The tools that are not currently being used could be implemented. These are Transfer of Development Rights, Purchase of Development Rights and Lease of Development Rights.
- D. Tools for Further Study – The following rural open space preservation tools warrant further study in order to bring forward appropriate legislation for initiation:

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1. Comprehensive Plan – Identify additional policies to encourage open space preservation in the Rural Area and develop a policy framework for evaluating rural development projects.
 2. Rural Cluster Development – Review opportunities to enhance the Rural Cluster Development regulations in the Zoning Ordinance including possible density bonuses. Consider opportunities to pair this with Large Lot Zoning or Conditional Zoning.
 3. Conditional Zoning – Study the feasibility of creating a new zoning district that can be used in the Rural Area to allow rezoning to occur.
 4. Conservation Easements – Research possible land trusts that could partner with the County in conservation efforts.
 5. Conservation Design – Research possible design standards for rural development that would support rural open space preservation goals.
 6. Other – Other rural preservation tools as appropriate.
- E. Policy Support - The following policies in the Comprehensive Plan support further study of rural open space preservation tools:
1. Comprehensive Plan
 - a) EN1.3 – Identify and pursue opportunities for open space preservation that preserve unique habitats of special concern with an emphasis on connecting to existing natural resources conservation areas.
 - b) LU4.5 – Due to the collective environmental responsibilities of MCB, Quantico, Prince William Forest Park and Prince William County and in the best interests of preserving the pristine character of the entire south fork of the Quantico Creek watershed the County shall implement cooperative resource protection strategies. Such strategies shall employ measures that result in the conservation of that portion of the watershed (Figure 5) outside of MCB, Quantico and Prince William Forest Park. Such measures may include best management practices, public land acquisition and /or conservation easements.
 - c) OS5.3.3 – In the Comprehensive Plan, identify and map existing open space and other areas where acquisition of additional protected open space should be prioritized.

2. Rural Cluster Development

- a) EN3.1 – Encourage cluster development to protect contiguous natural open space, as defined by the Zoning Ordinance.
- b) LU2.3/EN3.2 – Amend the cluster ordinance to ensure that open space is permanently protected.
- c) OS5.2 – Review the open space development standards and definitions in the Zoning Ordinance, including the rural cluster component, and update them to reflect the goals and policies of this chapter.

3. Conditional Zoning

- a) OS4.2. – Review and implement programs that provide incentives for landowners in the rural area to preserve agricultural land uses, protect prime soils, and prevent non-agricultural uses from negatively impacting the primary land use.
- b) LU4.3 – Consider whether additional provisions are needed in the Zoning Ordinance to reduce potential use incompatibilities between MCB, Quantico training activities and uses located in the County.

4. Conservation Easements

- a) OS5.5 – Actively seek to acquire easements or fee interest in property through land purchases, grants, proffers, and donations that is suitable for protected open space, including existing open spaces, or where an environmental constraints analysis shows that by-right development would result in substantial community impacts.
- b) EN3.10 – Establish and continue partnerships with local agencies and organizations to initiate and provide public information programs aimed at conserving lands in the watershed through civic engagement community stewardship.
- c) EN3.11 – Investigate the benefits of involving a private conservancy for the purpose of purchasing privately held lands for preservation purposes and seeking perpetual conservation easements to preserve open space.

5. Conservation Design

- a) DES-Policy 9 – Preserve and enhance the unique architectural and landscape qualities of the County’s rural area.
 - (i) Action Strategy 3 – Provide site plans and building designs that protect the existing visual quality and natural resource values that make these areas distinctive.
 - (ii) Action Strategy 4 – a Encourage any new development in the Rural Area to preserve the visual character of the rural landscape by providing appropriate building setbacks, with landscaped/preserved open space occupying the setback area; and preserving important scenic resources— hedgerows, mature trees, farm buildings, walls and fences, and open fields.

- b) DES-Policy 12 – Fit new development into the natural landforms, particularly the existing woodland areas of the County.
 - (i) Action Strategy 1 – Recognize existing woodland areas as important features for protecting water quality, contributing to the overall beauty of the County, and promoting ecological diversity. Preserve and protect the natural terrain, drainage, and woodland areas in new development in accordance with EN-Policy 4, AS-1 and 2 of the Environment Plan. Preserve historic and champion trees and other specimen trees in cooperation with the County Arborist.
 - (ii) Action Strategy 2 – Encourage the integration of public open space areas with that of neighboring properties, to avoid fragmentation of open spaces and natural areas.
 - (iii) Action Strategy 3 – Minimize clearing and cut-and-fill operations. Encourage the placement of buildings so as to minimize the need for excessive grading. Avoid disturbance of steep slopes, particularly up-slope of important natural resource areas, such as perennial streams.
 - (iv) Action Strategy 4 – Align new roads to follow the natural contours of the land. Incorporate into the DCSM road standards that will allow greater preservation of the natural terrain and woodland areas.

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- (v) Action Strategy 5 – Encourage the preservation of existing natural woodland strips of 50 feet in width and greater along collector and higher classification streets to screen views of parking lots and building rears, to maintain a more uniform and continuous streetscape edge along a roadway corridor, and to blend development in with the natural setting of the surrounding areas.

III. Recommendation – This report is for information only.

Staff: David McGettigan, AICP x7189

Attachments:

- A. Comprehensive Plan Open Space Policies
- B. Zoning Ordinance A-1 & Rural Cluster provisions
- C. Managing Growth and Development in Virginia: A Review of the Tools Available to Localities

**Attachment A
Comprehensive Plan Open Space Policies**

INTRODUCTION

The Comprehensive Plan for Prince William County contains a clear strategy for responsible, fiscally-sound growth to produce a vibrant, prosperous, stable, “livable” community. The Plan encourages new opportunities for high-end housing and targeted economic development that will strengthen the County’s tax base and balance existing housing and economic activities. It seeks to ensure a high quality of life for all County residents and heighten the County’s image by:

- Providing large amounts of open space, particularly in preservation and conservation areas.
- Encouraging higher land use densities at transit locations.
- Maintaining planned levels of residential and non-residential development.
- Providing adequate and affordable public services to meet the needs of current and future residents, and meeting established levels of service.
- Improving the design of sites and buildings.

The goals, policies, and action strategies in the Comprehensive Plan have been shaped by citizen preferences, the County’s Strategic Plan, sound planning principles, and a need to balance the competing demands for development and the preservation of the County’s distinct, irreplaceable character. The following four general goals for the future development of Prince William County represent the vision within which the Comprehensive Plan was crafted:

- **Strong economic growth**
 - ◆ New and expanded employment opportunities.
 - ◆ An improved County tax base – higher ratio of jobs to houses, non-residential uses to residential uses.
 - ◆ Higher-income professional jobs and higher-income housing.
 - ◆ Greater number of targeted industries, and the development and expansion of certain existing County-based companies.
 - ◆ Public and private investment to encourage quality economic growth.
- **Affordable, practical, and fiscally sound residential and economic development**
 - ◆ Infill development, mixed-use, and development of already developed areas within the development densities indicated in the Long-Range Land Use Plan, to maximize efficiency of existing infrastructure.
 - ◆ Updated levels of public service standards.
 - ◆ Capital Improvements Program and operating budget reflective of Comprehensive Plan policies and action strategies.

Attachment A
Comprehensive Plan Open Space Policies

- **Prince William County as an attractive, “livable” community**
 - ◆ Good community design to ensure a high quality of life for County residents and to attract targeted businesses.
 - ◆ Preservation of areas of rural character and significant cultural/historical resources.
 - ◆ Revitalization of older commercial and residential areas of the County.
 - ◆ Sound environmental quality.
 - ◆ A variety of land use types and densities, to make the County an interesting place to live or visit.

- **Cost-effective and Plan-based transportation systems**
 - ◆ Roadway widths and locations determined by existing and planned densities.
 - ◆ Major new roadways to serve development.
 - ◆ Regional mass transportation “hubs” to develop at high-density mixed-use with transit-oriented land uses.

The Rural Area is that portion of Prince William County containing agricultural, open space, forestry, and large-lot residential land uses, as well as two federal parks. Large-lot residential clusters, providing large tracts of permanent open space, are an alternative residential pattern permitted in the Rural Area. The Rural Area designation helps preserve the County’s agricultural economy and resources, the quality of the groundwater supply, and the present open space and rural character of Prince William County. The Rural Area may be served by public water facilities but not by public sewer facilities, except under the emergency conditions identified in the Sewer Plan or to serve specific public facilities. Designation of the Rural Area and application of the development goals, policies, and action strategies for it are intended to help avoid the negative economic, social, and environmental characteristics of sprawl development.

**Attachment A
Comprehensive Plan Open Space Policies**

ENVIRONMENT

Intent

The intent of the Environment Plan is to ensure that in developing the County, the natural beauty is preserved, water quality is protected, property values and quality of life are enhanced, and ecological diversity is preserved. With sound protection measures, such as those presented herein, Prince William County’s citizens, business community, and visitors enjoy a healthy environment coexisting with a vibrant economy. In this regard, this Plan is to be used to address environmental issues, evaluate development proposals in their earliest stages, and develop ordinances.

Sustaining our environmental position is critical to the County’s capacity to ensure a high quality of life, provide for continued economic growth, and actively conserve and protect natural resources, including public drinking water supplies. To this end, it is critical for the County to establish clear measurable goals and environmental benchmarks in order to gauge its progress and plan for the future. Prince William County utilizes a sustainability approach in its planning and development policies. Prince William County embraces the environmental and economic benefits of its green infrastructure, considering emerging green technology, ensuring a multi-faceted decision-making approach that balances infrastructure needs, while balancing environmental, economic, and social issues.

GOAL: Preserve, protect, and enhance the significant environmental resources and features of the County including air quality, topography, soils, ground and surface water, biotic communities (stream corridors, forests, and wetlands), sensitive plant and animal species, and natural viewsheds.

EN-POLICY 1: Consider environmental concerns at all levels of land use related decision-making.

EN1.3 Identify and pursue opportunities for open space preservation that preserve unique habitats of special concern with an emphasis on connecting to existing natural resources conservation areas.

EN-POLICY 3: To further support OS-Policy 5, a minimum of 39 percent of the total area in the County exclusive of acreage of Marine Corps Base Quantico for all calculation purposes, should be retained as protected open space, as defined in the Open Space Plan.

EN3.1 Encourage cluster development to protect contiguous natural open space, as defined by the Zoning Ordinance.

EN3.2 Amend the cluster ordinance to ensure that open space is permanently protected.

EN3.3 Amend the DCSM to ensure that there is a defined buffer standard for public parks.

Attachment A
Comprehensive Plan Open Space Policies

- EN3.4** Amend the Zoning Ordinance and/or DCSM to prohibit the establishment of proffered conservation and preservation areas on residential lots.
- EN3.5** Develop and publish guidelines for homeowner associations that detail how to manage conservation areas while providing information on responsibilities and a checklist of standard management measures and benefits.
- EN3.6** Make information on conservation easements available to landowners, including distribution points at the Tax Assessment Department and other relevant County offices, to encourage the use of open space/conservation easements as tools to preserve environmental resources.
- EN3.7** Encourage the use of open space/conservation easements or fee simple dedication to preserve open space in already developed areas in order to provide natural areas, protect environmentally sensitive resources, preserve wildlife habitat and ensure a scenic appearance over time. Consider development at the high end of the density range for those projects that preserve sensitive features, identified in the ECA, beyond the minimum preservation requirements such as buffers, RPA and floodplain.
- EN3.8** The County shall review and implement opportunities for a Purchase of Development Rights (PDR) program.
- EN3.9** Explore the use of available federal and state funding resources, including grants, foundations, and transportation related funds, to support green infrastructure planning initiatives and a PDR program.
- EN3.10** Establish and continue partnerships with local agencies and organizations to initiate and provide public information programs aimed at conserving lands in the watershed through civic engagement community stewardship.
- EN3.11** Investigate the benefits of involving a private conservancy for the purpose of purchasing privately held lands for preservation purposes and seeking perpetual conservation easements to preserve open space.
- EN3.12** Support initiatives promoted by the County’s Trails and Blueways Council to establish a Countywide trails and corridors system through the voluntary donation of land and conservation easements from interested property owners as a means of environmental protection.
- EN3.13** To protect the biological diversity, processes, and functions of natural habitats, identify and prioritize a network of preservation corridors or large woodland areas to be incorporated into an overall habitat protection network.

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LONG-RANGE LAND USE

Intent

Prince William County, as a locality within the Washington metropolitan region, recognizes that growth and change will occur, and embraces the belief that change is vital to the well-being of the community. Specifically, Prince William County recognizes that smart long-range land use planning can help create sustainable transportation networks and encourage development that is environmentally and fiscally sound. Concentrating population, jobs, and infrastructure within vibrant, walkable, mixed-use centers served by transit will help ease road congestion by providing options for a range of transportation modes. This type of development will also ease development pressure on less developed or rural portions of the County. Furthermore, this type of development creates vibrant destinations with a strong sense of place, which foster business and provide housing and job opportunities. Thus, the County seeks to follow guidance from a number of nationally recognized smart growth principles regarding the long-range development of land within its boundaries, so that open space and cultural resources are preserved, business is supported and expanded, the County's financial health is strengthened, and an exceptional quality of life is provided to County Residents.

The United States Environmental Protection Agency defines smart growth as a range of development and conservation strategies that help protect our natural environment and make our communities more attractive, economically stronger, and more socially diverse. The ten principles of Smart Growth, as adapted specifically to the County, provide a sound basis by which the County can plan for its long-term future:

1. Mix land uses in the Development Area.
2. Take advantage of compact, environmentally friendly and energy efficient building design.
3. Create a range of housing opportunities and choices.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, cultural resources, natural beauty, and critical environmental areas.
7. Strengthen and direct development towards existing communities and infrastructure.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost-effective.
10. Encourage community and stakeholder collaboration.

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Observing these principles will allow for the County’s long-term success. Smart growth recognizes connections between development and quality of life. It leverages new growth to improve the community. The features that distinguish smart growth in a community vary from place to place, but in general, smart growth invests time, attention, and resources in restoring and creating vitality to communities. Smart growth is town-centered, is transit and pedestrian oriented, and has a mix of housing, office and retail uses. It also creates open space, and preserves environmental amenities and cultural resources. Additionally, because of quality architecture and site planning, these communities are generally attractive and desirable.

The Long Range Land Use Plan contains six distinct goals, the achievement of which, along with the remaining chapters of the Comprehensive Plan, guides a land use pattern consistent with the principles of smart growth. This plan provides a framework of land use and infrastructure that will improve the quality of life for citizens by creating self-sustaining communities where it is possible to live, work and play. Centers of commerce and community within Prince William County will encourage future growth to be concentrated in vibrant, safe, mixed-use centers that will accommodate a range of housing and transportation choices. These compact, walkable, and transit-friendly areas should develop with attractive design themes to foster a sense of place. Centers are generally located in areas that already have significant investment in public facilities.

Focusing growth in centers will ease development pressures on existing communities. This policy complements the goal of preserving existing communities and ensuring appropriately scaled in-fill development. Protection of cultural resources, open space, and environmentally sensitive areas is also integral to the preservation goals. The pedestrian orientation of these centers provides opportunities for adequate open space and trails. Parks and recreation facilities should be integrated into development to increase accessibility of parks to communities.

Developing processes that further the land use vision will ensure success in implementing the plan. Providing the tools necessary to achieve the vision establishes a pathway to success. Review of public facilities to ensure investment in public infrastructure furthers the vision is a critical component of plan implementation.

LAND USE GOAL: To promote a Countywide pattern of land use that encourages fiscally sound development and achieves a high-quality living environment.

LU-POLICY 2. Provide for a variety of land uses to allow a diversity of housing unit types and employment opportunities throughout the County.

- LU2.3** Open space created as part of cluster developments shall be preserved as permanent open space.
- LU2.4** The purpose of both cluster development and planned district/planned unit development is to:
 - Provide locations for town centers.

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- Implement the development of centers of commerce and centers of community.
- Promote the efficient use of land and minimize or limit cut and fill.
- Preserve slopes and woodlands.
- Better manage stormwater run-off and water quality.
- Reduce the length of streets, utility lines, and stormwater piping.
- Provide design flexibility.
- Promote the most cost-effective provision of public services necessary to support the development.
- Preserve open space.
- Preserve cultural resources.

LU2.5 Direct new development to areas served by transit corridors; particularly designated centers of commerce, centers of community and Mass Transit Nodes.

LU2.6 Ensure that the primary function of the Rural Area as reflected by the Long-Range Land Use Plan Map is to maintain open space, protect native habitats, allow for large-lot residential development, allow for agricultural activities, and provide potential sites for community facilities.

LU-POLICY 4: To recognize Marine Corps Base (MCB), Quantico as a valuable asset deserving protection and to ensure that future development adjacent to or near MCB Quantico does not negatively affect the mission of the military base.

LU4.2 When evaluating proposed rezonings and/or special use permits that involve property potentially impacted by MCB, Quantico consider measures to reduce potential use incompatibilities between the proposed use and the MCB, Quantico training activities.

LU4.3 Consider whether additional provisions are needed in the Zoning Ordinance to reduce potential use incompatibilities between MCB, Quantico training activities and uses located in the County.

LU4.4 Retain the existing boundary and the 1 unit per 10 acre density of the Rural Area where it presently exists near MCB, Quantico.

LU4.5 Due to the collective environmental responsibilities of MCB, Quantico, Prince William Forest Park and Prince William County and in the best interests of preserving the pristine character of the entire south fork of the Quantico Creek watershed the County shall implement cooperative resource protection strategies. Such strategies shall employ measures that result in the conservation of that portion of the watershed (Figure 5) outside of MCB, Quantico and Prince William Forest Park. Such measures may include best management practices, public land acquisition and /or conservation easements.

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LU-POLICY 11: Encourage a land use pattern that respects environmental features in accordance with the goals and objectives of the Environment Plan.

LU11.3 Ensure that the primary function of the Rural Area as reflected by the Long-Range Land Use Plan Map is to maintain open space, protect native habitats, allow for large-lot residential development, allow for agricultural activities, and provide potential sites for community facilities.

PARKS AND RECREATION GOAL: To provide adequate recreational, park, open space and trail amenities that contribute to a high quality of life for County residents.

LONG RANGE LAND USE PLAN MAP AND CLASSIFICATIONS

The Long-Range Land Use Plan serves as a guide to the physical development of the County and reflects the spatial distribution of various urban, suburban and rural land use classifications. While this plan is a generalized document, it can be looked at on a site-specific basis, in consideration of approved zonings or other Board of County Supervisors' action that clearly states County planning policy for a site or area. The plan is implemented by the Zoning Ordinance, the Subdivision Ordinance and/or the Design and Construction Standards Manual. The Long-Range Land Use Plan can only be interpreted in conjunction with the rest of the Comprehensive Plan.

Previously approved projects shall be considered when new projects are being evaluated.

THE RURAL AREA

The Rural Area. This is the area of Prince William County in which are contained agricultural, open space, forestry and large-lot residential land uses, as well as occasional small-scale convenience retail centers and community facilities. Large-lot residential cluster development contained within or abutted by large tracts of permanent open space is an alternative residential pattern permitted in the Rural Area. Unlike the 10-acre lots permitted by right, however, these clusters require subdivision approval by the County. The purpose of the Rural Area designation is to help preserve the County's agricultural economy and resources, the County's agricultural landscapes and cultural resources, the quality of the groundwater supply, and the open space and rural character presently found there. The Rural Area also protects Prince William Forest Park and Manassas National Battlefield County Registered Historic Sites, which serve as key anchor points within the Rural Area classification. While it is intended that the Rural Area be served by public water facilities, the Rural Area is not intended to be served by public sewer facilities, except under emergency conditions as identified in the Sewer Plan. Protecting the Rural Area from higher density is the key to furthering the intent of this plan and achieving the ten smart growth principles throughout the County including the Development Area. Designation of the Rural Area and application of the development Goals, Policies, and Action Strategies relative to the Rural Area are intended to help avoid the negative economic, social and environmental characteristics of sprawl development.

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Agricultural or Estate (AE). The purpose of the Agricultural or Estate classification is to protect existing agricultural lands, cultural resources, and open space, as well as other important rural environmental resources, and to provide areas within the County where large lot residential development is appropriate. The maximum density is one dwelling per 10 gross acres.

COUNTYWIDE CATEGORIES

Environmental Resource (ER). This classification is explained in detail within the Environment Plan. Therein are located goals, policies, action strategies, and other Plan components designed to protect the sensitive nature of the identified resources. Environmental Resources include all 100-year floodplains as determined by the Federal Emergency Management Act (FEMA), Flood Hazard Use Maps or natural 100-year floodplains as defined in the Design and Construction Standards Manual, and Resource Protection Areas (RPAs) as defined by the Chesapeake Bay Preservation Act. In addition, areas shown in an environmental constraints analysis submitted with a rezoning or special use permit application with wetlands; 25 percent or greater slopes; areas with 15 percent or greater slopes in conjunction with soils that have severe limitations; soils with a predominance of marine clays; public water supply sources; and critically erodible shorelines and stream banks are considered part of the Environmental Resource Designation.

Parks and Open Space (POS). The purpose of this classification is to designate existing and projected parks and recreational areas of the County. The Parks, Open Space, and Trails Plan contains a complete inventory of existing federal, state, and local parks, and of planned parks within the County.

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PARKS, OPEN SPACE AND TRAILS

INTENT

The quality of life for residents of Prince William County is linked closely to the development and management of a well-maintained system of parks, trails, and open space. Prince William County contains a diversity of park, open space, and trail resources. These parklands, open spaces and recreational facilities play a key role in shaping both the landscape and the quality of life of Prince William County residents through the conservation of natural and cultural resources, protection of environmental quality, and provision of recreational facilities. Prince William County's parks and open spaces have evolved into a diversified mosaic of public parks, public open space and recreation facilities, ranging from smaller local parks to extensive, regionally and nationally significant land holdings. Privately managed parks, open space, and facilities provide additional components of the open space and recreation system serving County residents. The integrated park system serves as the primary public mechanism for accomplishing two equally important purposes: (1) to protect and preserve environmentally sensitive land, habitat connectivity, and water resources, and areas of archaeological, historical and/or cultural significance; and (2) to provide opportunities for residents, workers and visitors to pursue leisure activities in safe, accessible, and enjoyable parks and community recreational facilities.

OPEN SPACE PLAN

INTENT

A system of open space and corridors will protect water quality in streams and ultimately the Chesapeake Bay (including sources of public drinking water); enhance the ability of wildlife to find food, water, and shelter; minimize environmental damage from development on excessively steep slopes, floodplains, resource protection areas (RPAs), or inappropriate soils; conserve cultural sites and scenic vistas; and enhance connections between neighborhoods.

These open spaces and corridors can be used for recreation; wetlands and forests supply storm-water drainage and wildlife habitat; and farms and forests provide aesthetic benefits to surrounding residents. In rapidly growing urban and suburban areas, any preserved land can offer relief from congestion and other negative effects of development.

Open space provides a range of economic, aesthetic, environmental, and recreation benefits to the citizens of a community. Open space enhances property values and attracts businesses, homebuyers, and workers.

This open space plan provides policy guidance for the future of Prince William's open space. The plan includes objectives, strategies, and recommended actions designed to ensure the

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provision of an adequate supply of beneficial open space to satisfy the needs of this and future generations in the county.

The plan also includes minimum open space and recreation facility principles and identifies criteria to evaluate acquisition sites and implementation strategies.

DEFINITIONS

Open Space: Land that is not dominated by man-made structures. It preserves natural or cultural resources, provides for passive recreation, is used for cultivated fields or forests, or exists in a natural and undeveloped state. Open space may include nature preserves, historic sites, farms, parks, forests, floodplains, wetlands, etc., and may include some structures, parking areas, roads, trails and facilities that support the use of the land.

Protected Open Space: Land that is protected from development with perpetual conservation or open space easement or fee ownership, held by federal, state, or local government or nonprofit organization for natural resource, forestry, agriculture, wildlife, recreation, historic, cultural, or open space use, or to sustain water quality and living resources values.

OPEN SPACE GOAL: Preserve existing protected open space, maintain high quality open space, and expand the amount of protected open space within the County.

OS- POLICY 1: Complete and maintain an up-to-date inventory of protected open space in Prince William County.

1. Periodically prepare and publish a comprehensive inventory of existing protected open space.
2. Define and publish guidelines for calculating changes to the inventory of protected open space.
3. Maintain an open space inventory map showing parcel-specific boundaries of protected open space and make this information available as a geographic information system (GIS) layer on the County Mapper.

OS- POLICY 2: Partner with other government agencies, businesses, and non-government organizations, including nonprofit organizations and home owner associations to permanently protect open space and increase public access to open space areas.

1. Coordinate land use planning with the recommendations of the Virginia Outdoors Plan, the Virginia Wildlife Plan, the Virginia Natural Heritage Resources Assessment, and the Virginia Department of Historic Resources' Cultural Resources Inventory.

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2. Coordinate county land use planning efforts with federal, state, regional, and local public and private open space providers.
3. Coordinate open space planning efforts with adjoining counties, the cities of Manassas and Manassas Park, and the towns of Occoquan, Quantico, Dumfries, and Haymarket.

OS- POLICY 3: Identify county-owned land and designate such land for open space, where suitable.

1. Review county-owned properties and determine what county-owned lands should be protected as open space, and ensure such designation is made in official management plans of the Park Authority, Service Authority, Department of Public Works, Transportation Department, and other county agencies.
2. Consider using future "surplus" county rights-of-way or other county-owned lands for trails, parks, and open space, prior to determining if other disposition is more appropriate.

OS- POLICY 4: Retain existing open space in the county.

1. Review and implement programs, including the purchase of development rights (PDR), transfer of development rights (TDR), and outreach highlighting opportunities available through private conservation easements in order to protect existing open space.
2. Review and implement programs that provide incentives for landowners in the rural area to preserve agricultural land uses, protect prime soils, and prevent non-agricultural uses from negatively impacting the primary land use.

OS-POLICY 5: A minimum of 39 percent of the total area in the County, (exclusive of acreage of Marine Corps Base Quantico for all calculation purposes), should be retained as protected open space.

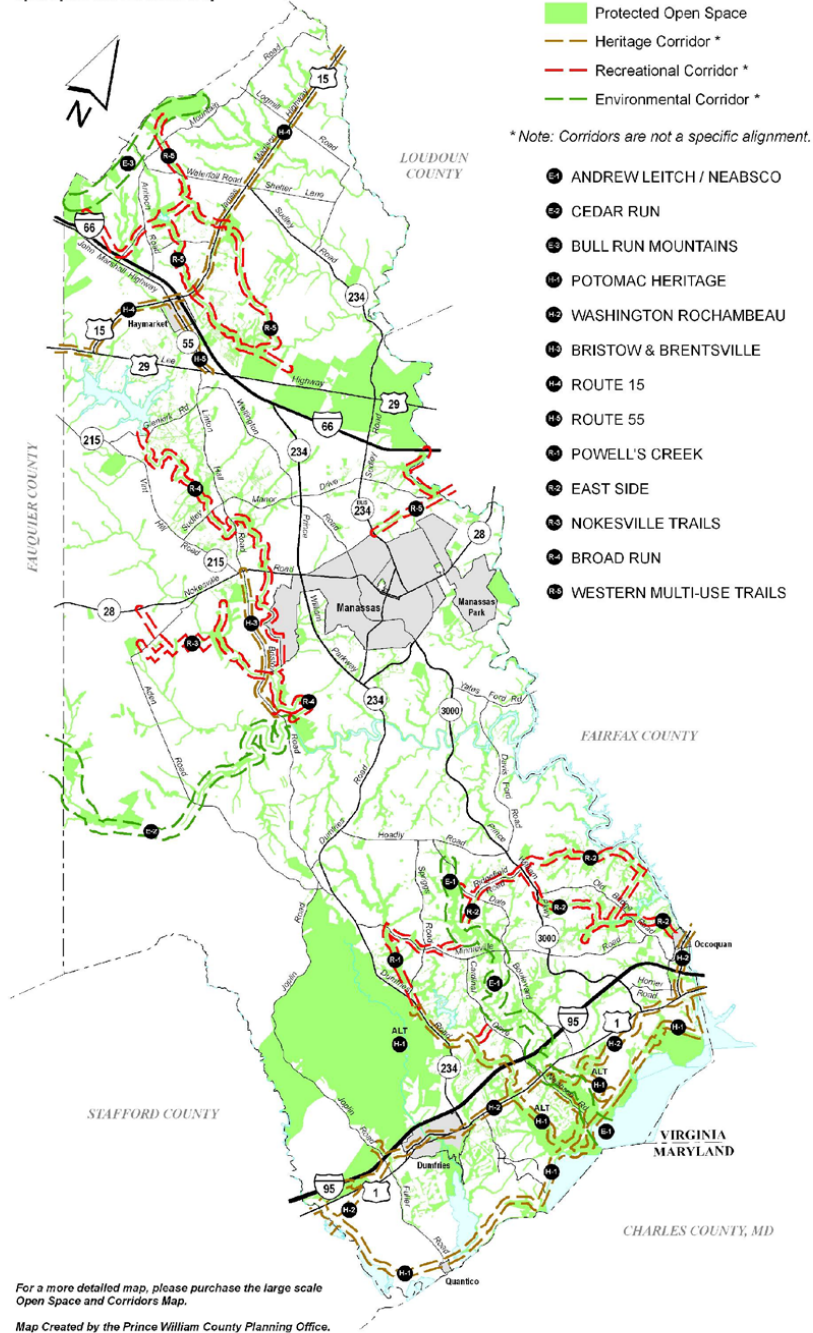
1. When and where possible and appropriate, work with home owner associations, utility companies, and other private property owners to obtain appropriate easements and covenants that ensure permanent protection of open space.
2. Review the open space development standards and definitions in the Zoning Ordinance, including the rural cluster component, and update them to reflect the goals and policies of this chapter.
3. In the Comprehensive Plan, identify and map existing open space and other areas where acquisition of additional protected open space should be prioritized.

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4. Review opportunities, including the purchase of development rights (PDR) and transfer of development rights (TDRs) and implement appropriate programs in order to provide incentives for landowners to protect open space and to shift density to appropriate locations where infrastructure is planned or in place.
5. Actively seek to acquire easements or fee interest in property – through land purchases, grants, proffers, and donations – that is suitable for protected open space, including existing open spaces, or where an environmental constraints analysis shows that by-right development would result in substantial community impacts.
6. Acquire easements as authorized by the Virginia Open Space Land Act.
7. Update the Zoning Ordinance to ensure increased requirements for protected open space.
8. Consider open space acquisition as a regular component of the capital improvement program.

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Open Space and Corridors Map



Attachment B
Zoning Ordinance – A-1 And Rural Cluster provisions

Sec. 32-301.01. - A-1, Agricultural, zoning district; purpose and intent.

The A-1, Agricultural zoning district is intended to implement the agricultural or estate classification of the comprehensive plan. The district is designed to encourage conservation and proper use of large tracts of real property in order to assure available sources of agricultural products, to assure open spaces within reach of concentrations of population, to conserve natural resources, prevent erosion, and protect the environment; and to assure adequate water supplies. The intent is to encourage private land owners to protect these values and thereby create an environment favorable for the continuation farming and other agricultural pursuits; to preserve prime agricultural land, forest land and/or open space; and to reduce the demand for costly public facilities and services that are inconsistent with the character of the rural areas within Prince William County.

(Ord. No. 99-26, 4-20-99; Ord. No. 11-30, Atch., 7-19-11)

Sec. 32-301.02. - Uses permitted by right.

The following uses shall be permitted by right in the A-1 district:

1. Except for the keeping of domestic fowl as regulated in Part 508, agricultural uses, the keeping of livestock and fishery uses, on lots two acres or greater. For lots principally used for agricultural purposes, the limits on the number of horses and other domesticated equines provided for in subsection 32-300.02.6 shall not apply for lots ten acres or larger in size. Accessory structures such as, but not limited to, barns, sheds and stables shall be permitted as required for bona-fide agricultural uses.
2. Group home, as defined by Code of Virginia, § 15.2-2291, including group residences for ambulatory elderly persons, whether or not special accommodations are required, but shall not include nursing homes or hospitals.
3. Home employment, subject to standards in section 32-300.16
4. Home occupation, subject to standards in section 32-300.07.2.
5. Home sales office, subject to standards in section 32-300.07.1.
6. Lodging house, on lots ten acres or greater in size.
7. Noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs), pursuant to the standards of section 32-300.02.8.
8. Nursery, greenhouse, selling only produce, flowers or other plant life raised to a mature state for harvest or through several growing seasons, on lots ten acres or greater in size; limited retail sales of incidental products and the storage and use of equipment to maintain plant life shall be permitted, however, landscaping businesses and garden centers shall be permitted only by a special use permit.
9. Stables, private or commercial; for lots principally used as stables, the limits for the number of horses and other domesticated equines established by subsection 32-300.02.6. shall not apply provided such lots are ten acres or greater in size.
10. Temporary sawmill.

Open Space Planning Tools

B-1

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Zoning Ordinance – A-1 And Rural Cluster provisions

11. One-family dwelling, and manufactured homes on a permanent foundation and subject to all requirements of this chapter applicable to one-family dwellings, one per lot. One-family dwellings and manufactured homes on nonconforming lots, including those allowed by subsection 12. following, shall be governed by the provisions of subsections 32-601.33.2. and 32-601.40.2. of this chapter.
12. One-family dwelling, and manufactured homes on a permanent foundation and subject to all requirements of this chapter applicable to one-family dwellings, (one per lot) on a lot created under the provisions of section 25-6 of the Prince William County Code.
13. Rural cluster developments, with lots of less than ten acres, created under the provisions of sections 32-300.40 et seq.
14. Timbering, subject to the restrictions contained in Part 504, sections 32-250.53 et seq., and any other applicable provisions of this chapter.

(Ord. No. 94-1, 1-11-94; Ord. No. 95-76, 9-5-95; Ord. No. 99-26, 4-20-99; Ord. No. 99-64, 9-7-99; Ord. No. 04-78, 12-21-04; Ord. No. 11-22, 4-19-11)

Sec. 32-301.03. - Secondary uses.

The following uses shall be permitted by right in the A-1 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Community operated parks, clubhouses, swimming pools, racquet ball and tennis courts, health and fitness facilities, and other recreational or civic facilities, as secondary uses to a principal residential development for the exclusive use of the residents of the development and their guests.
2. Dwelling unit for farm employees. One dwelling unit shall be permitted as an accessory use for every ten acres of lot area, for lots ten acres or greater in size.
3. Satellite parking, secondary to a religious institution or place of religious worship only, with a special use permit, subject to standards in section 32-300.07.8.
4. Tack shop, secondary to a stable use only.

Editor's note—

Section 301-03 adopted Dec. 21, 2004, pursuant to Ord. No. 04-78, and includes provisions relocated from §§ 32-300.02 and 32-300.07. Former §§ 32-301.03—32-301.06 renumbered accordingly.

Sec. 32-301.04. - Special uses.

The following uses shall be permitted in the A-1 district on existing lots of any size with a special use permit:

1. Adaptive reuse of a historic building, subject to the standards of section 32-300.07
2. Adult day care facility.
3. Airport, heliport, private airstrip.
4. Bed and breakfast, subject to the standards of section 32-300.15
5. Cemetery.

Attachment B
Zoning Ordinance – A-1 And Rural Cluster provisions

6. Child care facility.
7. Civic club.
8. Commercial kennels.
9. Commercial recreation facility, outdoor, excluding laser tag facilities.
10. Commercial riding facility, equestrian center, polo club, or recurring horse show or equestrian events.
11. Community operated parks, clubhouses, swimming pools, racquet ball and tennis courts, health and fitness facilities, and other recreational or civic facilities, as secondary uses to a principal residential development, for the use of the residents of the development and others.
12. Country club.
13. Extraction of mineral resources (mining, quarrying, etc.).
14. Farmer's market/flea market.
15. Garden center.
16. Horse racetrack (excluding training tracks for horses, which are permitted by right).
17. Home business
18. Landscaping service.
19. Lodging house (on lots smaller than ten acres in size).
20. Mortuary, funeral home, crematory accessory to a cemetery which is a minimum size of 20 acres and which is operated as a commercial enterprise or associated with a religious institution.
21. Paintball facilities, including all land devoted to shooting ranges, as well as any accessory buildings or structures, shall be permitted in the A-1 district with a special use permit, and shall meet the following minimum standards:
 - (a) Facilities shall be located entirely within areas designated AE, Agricultural or Estate in the comprehensive plan.
 - (b) Minimum lot size for the use shall be 50 acres.
 - (c) Facilities shall not be located within 500 feet of any occupied dwelling.
22. Petting farm.
23. Private camp.
24. Private school.
25. Recovery home, subject to the standards of section 32-300.07.9.
26. Religious institution or place of religious worship, subject to the standards of section 32-300.07.7.
27. Retail sales/breeding of exotic birds and miniature animals (other than dogs)

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Zoning Ordinance – A-1 And Rural Cluster provisions

28. Rifle, pistol, skeet, trap, archery range, turkey shoots; indoor shooting ranges.
29. Rural home business, subject to the standards of section 32-300.14
30. Satellite parking lot for religious institution subject to the standards of section 32-300.07.8.*
31. Shelters for the homeless.
32. Travel trailer and camp park.
33. Veterinary hospital.

The requirement for an SUP is set out in * section 32-300.07. It is repeated here for ease of reference and consistency with all other special uses indicated in section 32-300.07.

(Ord. No. 92-70, 7-7-92; Ord. No. 94-1, 1-11-94; Ord. No. 94-41, 7-5-94; Ord. No. 98-49, 6-2-98; Ord. No. 99-64, 9-7-99; Ord. No. 04-78, 12-21-04; Ord. No. 05-41, 6-7-05; Ord. No. 05-65, 9-6-05; Ord. No. 09-30, 5-19-09; Ord. No. 11-30, Atch., 7-19-11)

Editor's note—

Former § 32-301.03 entitled "Special Uses" was renumbered as § 32-301.04 pursuant to Ord. 04-78, adopted Dec. 21-2004, and includes uses relocated from section 32-300.07

Sec. 32-301.05. - Development standards.

1. Minimum lot size for new lots shall be ten acres, except that for a lot created under the provisions of section 25-6 of the Prince William County Code, the minimum lot size shall be one acre and except as otherwise provided for in section 32-300.40 or Part 301
2. Lots shall have a minimum lot width of 100 feet or shall have at least 100 feet of width at the setback line and be served by a private road. Lots created after November 21, 1991, shall have access to a street via an exclusive and unobstructed easement not less than 18 feet in width unless served by a public or private road. If served by a private road, the following conditions shall be met:
 - a) The road shall be of a width and design as required by the design and construction standards manual.
 - b) The road shall be used only to serve permitted A-1 uses and the road right-of-way shall be zoned A-1. In the event such road is accepted by the state for maintenance, the provisions of this subsection shall not apply, provided that such road is consistent with the comprehensive plan.
3. The height limitations identified in section 32-300.05 shall not apply to structures for secondary uses to bona fide agricultural uses on lots ten acres or greater.

(Ord. No. 94-1, 1-11-94; Ord. No. 94-67, 10-4-94; Ord. No. 99-26, 4-20-99; Ord. No. 04-78, 12-21-04)

Editor's note—

Former § 32-301.04 entitled "Development Standards" renumbered as § 32-301.05 pursuant to Ord. No. 04-78, adopted Dec. 21, 2004.

Attachment B
Zoning Ordinance – A-1 And Rural Cluster provisions

Sec. 32-301.06. - Setbacks.

1. All buildings, including accessory structures, shall be set back at least 35 feet from the front lot line, all streets, and all private access easements or rights-of-way.
2. An agriculturally-related accessory structure shall be located no closer than five feet from the right-of-way on lots greater than three acres. The lot shall be within the rural area as defined by the Comprehensive Plan and the right-of-way shall be a category I or II residential local street per Section 600 of the Design and Construction Standards Manual. Additionally, the structure shall not be permitted unless adequate sight distances are met in accordance with Section 600 of the Design and Construction Standards Manual.
3. The minimum rear setback shall be 25 feet.
4. The minimum side setback shall be 15 feet, except the side setback may be reduced to ten feet when properties of similar acreage within the vicinity have a ten-foot sideyard setback.

(Ord. No. 04-78, 12-21-04; Ord. No. 05-41, 6-7-05; Ord. No. 05-65, 9-6-05; Ord. No. 06-50, 5-2-06)

Editor's note—

Former § 32-301.05 entitled "Yards and Setbacks" amended and was renumbered as § 32-301.06 pursuant to Ord. No. 04-78, adopted Dec. 21, 2004.

Sec. 32-301.07. - Site plans required for commercial uses.

No commercial use, except for agricultural, fishery or forestry uses, shall be commenced in the A-1 district without approval of a site plan therefor, in accordance with the requirements of Part 800 of this chapter.

Ord. No. 04-78, 12-21-04)

Editor's note—

Former § 32-301.05 entitled "Yards and Setbacks" amended and renumbered as § 32-301.06 pursuant to Ord. No. 04-78, adopted Dec. 21, 2004.

Attachment B
Zoning Ordinance – A-1 And Rural Cluster provisions

Sec. 32-300.40. - Rural cluster development.

1. Rural cluster developments shall be permitted in the rural area, as designated in the comprehensive plan, on land in the A-1, agricultural zoning district. Rural cluster development shall be subject to subdivision plan review in accordance with the subdivision ordinance and the Design and Construction Standards Manual. The subdivision plan shall include provisions for establishment of a homeowner's association or recorded covenants and restrictions that shall be responsible for the maintenance and/or use of the required open space area in accordance with this section.
2. Within rural cluster developments, the permitted uses shall be as follows:
 - (a) One-family dwellings.
 - (b) Home occupations.
 - (c) Home employment.
 - (d) Agricultural uses and their accessory uses and buildings and structures, as permitted in the A-1 agricultural zoning district and as determined under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42
 - (e) Special uses as determined under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42
3. If the property contains an existing farm house and associated buildings and structures, a single-family dwelling that is a designated cultural resource in the comprehensive plan, or other single-family dwelling that is determined eligible for listing in the National Register of Historic Places, that farm or historic resource may be part of the required open space area of the rural cluster development, as established under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42. The use of the farm or the historic resource other than for farming and dwelling purposes shall require a special use permit pursuant to section 32-300.42. If a separate lot is created for the farm buildings or the historic building, it shall be a minimum of three acres. The farm dwelling or historic dwelling shall not count as one of the dwellings that would otherwise be allowed pursuant to section 32-400.41.5 and a separate lot created for such features shall be allowed to count toward the required open space.

(Ord. No. 99-26, 4-20-99; Ord. No. 06-30, 3-7-06)

Sec. 32-300.41. - Design standards.

1. Any proposed rural cluster development shall be designed so as to foster the preservation of open space or existing farmland; to protect the distinct visual quality and the natural landscape, topographic, and natural resource features of the rural area; to provide landowners in the rural area an alternative use of their property; and to uphold the general intent of the A-1, agricultural zoning district.

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Zoning Ordinance – A-1 And Rural Cluster provisions

2. A minimum rural cluster development area of 50 acres shall be required. Additions to existing rural cluster developments may be less than 50 acres but must meet all other provisions of sections 32-300.40 through 32-300.43
3. No rural cluster development shall be further divided or otherwise redeveloped, except in accordance with sections 32-300.40 through 32-300.43
4. The minimum size of lots for residential use shall be three acres and the maximum size of lots for residential use shall be five acres, except that some lots may exceed five acres in size to accommodate topographic features, fit within a particular road layout, or address other design considerations.
5. The total number of dwellings within a rural cluster development shall not exceed one dwelling for each ten acres of land, except that a farm dwelling or historic dwelling is allowed in addition to the cluster subdivision lots, pursuant to section 32-400.40.3.
6. The rural cluster development shall have no more than one access to a public street external to that development, except for the following:
 - (a) More than one access is required pursuant to section 600 of the Design and Construction Standards Manual;
 - (b) A second or separate entrance is needed for a use located in the open space area;
 - (c) A topographic or other environmentally sensitive feature would be avoided or protected with a second entrance.

The access shall be consistent with the minimum state entrance requirements contained in section 600 of the Design and Construction Standards Manual.
7. All buildings, including accessory structures, shall be set back a minimum of 35 feet from the front lot line.
8. A 100-foot wide buffer shall be created and maintained between any external street and the edge of the rural cluster development. This buffer shall be used for the purpose of partially screening the view of a cluster-lot subdivision from the public right-of-way external to the rural cluster development and from an existing farm or a historic house on the property. If an existing farm or historic house is to remain on the property along the frontage of the external street, the buffer shall be placed between the farm or historic house and the cluster lots. This screening shall be achieved in one of the following ways:
 - (a) Where the 100-foot wide buffer already contains existing healthy trees, shrubs, or other vegetation adequate to provide the equivalent of a 100-foot wide rural buffer, the existing vegetation shall be retained during the development process and maintained in perpetuity.
 - (b) Where the buffer does not already contain vegetation, native landscaping in accordance with Table I-2 of the Design and Construction Standards Manual shall be provided adequate to screen the development from the external street, existing farm, or

Attachment B
Zoning Ordinance – A-1 And Rural Cluster provisions

historic house, appropriate to a rural location and maintained in perpetuity. Landscaping shall be appropriate to a rural location and may include vegetation types such as old field successional trees and shrubs, flowering meadows, and meadow grasses. The provisions of the DCSM 802.12C and D shall not apply to rural cluster buffers.

(c) Only stone walls, brick walls, split-rail fences, and board rail fences are allowed, in the required buffer in conjunction with plantings or tree preservation areas

9. The maximum lot coverage for lots containing dwellings shall be 25 percent.
10. No fence or wall over four feet high shall be permitted along the frontage of the rural cluster development or each lot within that development, provided that such fences that are needed to contain permitted animals may exceed four feet.
11. Ponds, meeting the requirements of section 700 of the Design and Construction Standards Manual, may be used as stormwater management facilities.
12. A subdivision sign, when provided, shall be integrated into the landscape and be in accordance with sections 32-250.20 et. seq. Internally illuminated subdivision signs are prohibited.

(Ord. No. 99-26, 4-20-99; Ord. No. 04-78, 12-21-04; Ord. No. 06-30, 3-7-06)

Sec. 32-300.42. - Open space.

1. That portion of the gross acreage of a rural cluster development that is not developed as residential lots and as internal street(s) shall be provided as open space. The open space shall not be less than 50 percent of the gross acreage of the rural cluster development. The buffer required under section 32-300.41(7) shall be included in the open space calculation.
2. The open space shall be maintained in its natural, scenic, open and/or wooded condition and/or planted and maintained in perpetuity with indigenous species and/or species appropriate to rural locations. Agricultural use of all or a portion of this open space is permitted, as well as uses allowed in subsection 3. below.
3. The open space shall be conveyed to one or a combination of the following:
 - (a) An authorized public or private grantee, as described in the Conservation Easement Act, Code of Virginia, ch. 10.1, §§ 10.1-1009, et seq.
 - (b) A homeowners' association.
 - (c) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in an existing farm dwelling and operate a farm.
 - (d) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in and maintain an existing historic building.
 - (e) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to obtain a special use permit for one of the following uses:

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Zoning Ordinance – A-1 And Rural Cluster provisions

- (1) Adaptive reuse of a historic building, subject to the standards of section 32-300.07
 - (2) Bed and breakfast.
 - (3) Cemetery.
 - (4) Commercial riding facility, equestrian center, polo club, or recurring horse show or equestrian events.
 - (5) Community operated park.
 - (6) Farm winery.
 - (7) Garden center.
4. The open space shall be governed by recorded restrictive covenants that shall reaffirm and provide notice of, at a minimum, the development restrictions set forth in this section. The restrictive covenants shall be achieved through a deed conveying the land to one of the entities identified in this section. This deed must be binding upon the party to which this open space is conveyed and that party's successors and assigns, unless modified with approval from the director of planning.
 5. Except with a formal public facility review under Code of Virginia, § 15.2-2232, no portion of any land provided as open space may be used or disturbed for any public use. Such open space may, however, be permitted to contain any required stormwater management facilities.
 6. Maintenance of the open space shall be the responsibility of the party or parties identified above.
 7. Open space in rural cluster developments shall be laid out so as to provide adequate setbacks and other appropriate transitions to and from surrounding land uses.

(Ord. No. 99-26, 4-20-99; Ord. No. 04-78, 12-21-04; Ord. No. 06-30, 3-7-06)

Sec. 32-300.43. - Internal streets.

1. Streets internal to the rural cluster development shall be public or private and shall be platted in accordance with section 600 of the Design and Construction Standards Manual. Pipestem lots leading from such private streets are prohibited. Common driveways serving a maximum of two lots are, however, permitted if constructed in accordance with the standards contained in the Design and Construction Standards Manual. All internal streets shall be built to the RL-1 standards contained in the Design and Construction Standards Manual, unless a higher standard is required to accommodate traffic generated by a permitted special use.
2. All cluster lots within a rural cluster development shall have direct access on internal streets. No cluster lots shall have direct access to a street that is external to the rural cluster development.

(Ord. No. 99-26, 4-20-99; Ord. No. 06-30, 3-7-06)

[Bound and Attached Separately]

Purchase of Development Rights

A Purchase of Development Rights (PDR) Program is a voluntary program that allows a landowner to sell their development rights from their land to a locality or land trust for the purpose of permanently protecting the land from being developed. In buying the development rights to the property, the locality or land trust, has purchased the rights to develop the land and will ensure that the property cannot be developed in the future by placing the property in a conservation easement. In selling the development rights to their property, the landowner receives proceeds from the sale and usually uses those proceeds to invest in their farming business, and can sell their property to another farmer at a lower cost (the property is no longer allowed to be developed and so the property's resale value has lessened making it more affordable for another farmer to buy the property). A conservation easement is a legal agreement between a landowner and a public body or land trust that limits the use of the land by recording deed restrictions that prohibit or severely restrict further development in order to protect the conservation value of the property, such as farmland, watersheds, wildlife habitat, forests, and/or historical lands. Each easement is unique in terms of acreage, description, use restrictions, and duration. These details are negotiated between the property owner granting the easement and the organization that will be holding the easement.

Virginia Code, §§10.1-1700 et seq. allows any locality or land trust (defined in § 10.1-1009) to purchase development rights through recordation of an open space easement. In addition, § 10.1-1801.1 created a fund to assist landowners with the costs of preparing and conveying conservation easements. Virginia localities are authorized within their general powers (§15.2-1800) to acquire property to initiate a purchase of development rights program (PDR).” Purchase of Development Rights (PDR) programs require a dedicated source of stable revenues in order to be most effective. Counties may appropriate funds and issue general obligation bonds to purchase land and development rights for open space preservation.

To assist localities in the preservation of farmland, Virginia has established the Office of Farmland Preservation in the Virginia Department of Agricultural and Consumer Services (VDACS). The Office of Farmland Preservation is charged with working with other governmental and private organizations to help establish local purchase of development rights (PDR) programs by creating model policies and practices, establishing criteria to certify programs as eligible to receive funds from public sources, and determining methods and sources of funding for localities to purchase agricultural conservation easements. In addition, the Office of Farmland Preservation administers a matching grant program to help localities purchase development rights.

The Model PDR Program that the VDACS has developed for localities includes the following recommendations:

- Ensure that the PDR Program is voluntary, in that the landowner is volunteering to participate in the Program.
- Determine specific areas of farmland or forestland that will be targeted for being preserved, and these specific areas should be carefully selected to ensure that they are the areas that are more likely to be successfully preserved.

- Create and maintain other preservation strategies, like protective zoning and land use taxation, to ensure that the Program will be successful.
- Follow the model program to help qualify for federal and state funding.
- Ensure that the Local PDR Program has clearly defined goals as well as a set purpose.
- Create a plan that contains various methods for educating the public on the local PDR Program
- Adopt an ordinance to establish a PDR Program.

The purposes of the ordinance are to create fixed standards for the process involved in determining the values of the development rights, to ensure that the deed of easement is a consistent document that contains particular content, to define forestland and agricultural areas to target purchases, to create a required monitoring program, and to establish a review program to evaluate the PDR Program.

A successful PDR Program can leverage federal and state funding to substantially advance open space, historic preservation and farmland preservation goals. An example of a successful program is the Acquisition of Conservation Easements (ACE) Program in Albemarle County.

Albemarle County’s Acquisition of Conservation Easements (ACE) Program

Albemarle County is located in central Virginia, and is known for its rural countryside, natural beauty, and agricultural heritage. Albemarle County’s PDR Program, the Acquisition of Conservation Easements (ACE) Program, was one of the first three PDR Programs that was created in Virginia, and it is also one of the first PDR Programs to be established in the southeast. From 2000-2015, Albemarle County received over \$2,225,000 in grants and donations for their ACE Program. During this time frame Albemarle County’s ACE Program protected 8,508 acres, eliminated 484 development lots, and acquired easements on 44 properties.

Albemarle County’s “Open Space and Critical Resource Plan” was adopted as an amendment to their Comprehensive Plan in 1992. This Open Space Plan stated clear goals and objectives related to protecting open spaces throughout Albemarle County. Albemarle County’s Open Space Plan also recognized that purchase of development right (PDR) programs are a critical tool for protecting open space from development pressures and fragmentation. Albemarle County’s Board of Supervisors (BOS) created a committee in 1997 to oversee the development of a PDR Program, and ensuring that it was aligned with their Comprehensive Plan. In 1998 the Albemarle BOS directed this committee to gather public input on creating a PDR Program. This exploratory committee created and tested the ranking evaluation criteria that is now used to determine if a property is appropriate to be preserved through their PDR Program. The Albemarle BOS passed an ordinance in 2000, which established their PDR Program, also known as the ACE Program. Albemarle County has an ACE Program Coordinator whose main focus is monitoring the ACE Program.

Albemarle County’s BOS provided initial funding for their PDR Program by using transient lodging tax money and sources from their General Fund. Albemarle County’s Code discusses funding for their ACE Program. Albemarle County’s BOS may provide annual funding in the County Budget for the ACE Program, but the County should be seeking other means of funding, like state, federal, or

private funding. From 2000-2015, Albemarle County received over \$2,200,000 in grant money for their ACE Program from preservation groups like the Virginia Outdoors Foundation, the Office of Farmland Preservation, and the Virginia Land Conservation Fund. The Piedmont Environmental Council (PEC) also donated \$22,500 to the Albemarle County's ACE Program during this same fifteen year time frame. Albemarle County also receives private funding through their ACE Contribution Fund, which only uses these donations to purchase conservation easements under their ACE Program. Currently, Albemarle County no longer utilizes transient lodging or tourism tax money as a funding source for their PDR Program, but they do continue to use sources from their General Fund. Albemarle County mostly obtains state funding from the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR) to supplement the local funding sources for their PDR Program.

Rural Preservation Study Recommendations

Consultants from Environmental Resources Management (ERM) conducted the Rural Preservation Study and produced the final report which included some recommendations for improving Prince William County's current rural preservation policies. One of these recommendations was to create a PDR Program.

This Rural Preservation Study Report included several recommendations to develop a PDR Program that is specifically tailored for Prince William County. According to the study, the Rural Area contains approximately 28,000 acres of privately held land that has not been developed or preserved, and about 20,000 acres within this undeveloped, unpreserved area have an agricultural use. The Study recommended that the County's PDR Program contain an obtainable preservation goal, and it was suggested to aim to preserve 10,000 acres.

The County could fund a PDR Program with the help of state and federal funding and partnering with private land trusts or other preservation related non-profit organizations; however, a dedicated source of local funding must be identified.

Next Steps

To create the PDR Program, the following steps would be needed:

1. Amend the Comprehensive Plan to identify targeted areas for use of the PDR program.
2. Adopt an amendment to the Zoning Ordinance to establish the PDR Program processes and procedures.
3. Appropriate funding for the PDR Program and pursue a combination of state, federal, and private funding sources.
4. Add staff resource to administer the PDR Program.

5. Carry out an educational/outreach plan to inform the public about the Program.

The Purchase of Development Rights program as an open space preservation tool provides the locality with the most control over the locations to be preserved, but requires the most in financial resources to implement.

Transfer of Development Rights

A transfer of development rights (TDR) program features the creation of a market in development credits through the county government. The county gives development credits to landowners in a designated sending area from which the development credits will be sent and the land is preserved by a deed of easement (conservation easement). The development credits can be purchased by developers and landowners for use in designated receiving areas, and proposed developments are allowed to be built at a higher than normal density. Sending areas should be the highest value agricultural, scenic, and culturally significant parts of the Rural Area. Receiving areas would be: appropriate locations in the Comprehensive Plan's Development Area such as within Sector Plans, mixed-use districts, areas designated for high density development, and areas appropriate for transit-oriented development. A TDR program enables a jurisdiction to preserve both working lands, such as farms and forest lands, as well as open space and natural areas, by restricting future development of the land while allowing the land's continued use in its current state. TDRs are a voluntary, incentive-based, market driven approach to preserve land and relocate development growth away from rural areas and into urban areas. TDRs use private, rather than public funds, to protect rural lands.

Virginia Transfer of Development Rights Legislation

The Virginia General Assembly adopted statewide enabling legislation for local zoning ordinances permitting the transfer of development rights ("TDRs") in 2006. Virginia Code §§15.2-2316.1 and 15.2-2316.2 defines terms and procedures for development of a TDR program. The law focuses on the mechanisms for transferring development rights including establishing sending and receiving areas, severing rights, taxing development rights, and the provision of density bonuses for the receiving property.

A Model Transfer of Development Rights Ordinance for Virginia Localities

To facilitate implementation of TDRs, a usable model ordinance was developed. When setting up their programs, local governments need to determine several critical design features including:

- Designation of sending areas: Land from which development rights can be transferred
- Designation of receiving areas: Land to which development rights can be transferred to get additional density
- TDR allocation rate: Number of TDRs that landowners in sending area are permitted to sell, usually expressed per acre
- Density bonus in receiving areas: Additional density allowed above the baseline with TDRs, usually expressed as dwelling units per acre
- TDR requirement in receiving areas: Number of TDRs required for an additional dwelling unit

Economic opportunities for land parcels in undeveloped or in developed uses are key in the functioning of TDR markets. Because the TDR program is added to existing zoning rules, the supply and demand for TDRs will depend on the profitability of development under existing zoning, and the demand (or lack thereof) for higher density in some areas. As an example, if local zoning rules have set density limits in receiving areas that reflect the current market demand, there may not be much demand for additional density and thus little demand for TDRs.

Setting a high density bonus will do nothing to spur demand. Similarly, if sending areas have high potential values in development, few properties will be offered to the program even if TDR allocation rates are high, and little land will be preserved.

TDRs cannot be expected to achieve all of a community's land use goals. TDRs work best when they are used in conjunction with other policies, such as PDRs, land purchase programs for public open space, and zoning. TDRs can help attain land preservation goals at little public cost, but they cannot be used to preserve particular properties or to achieve spatial patterns of preservation that a community may consider important. They also retain land in private ownership and are thus not a substitute for public lands such as parks and recreation areas. Communities should consider a well-designed and implemented TDR program as one tool in their land conservation kits.

Prince William County Rural Preservation Study

Consultants from Environmental Resources Management (ERM) conducted the Rural Preservation Study and produced the final report which included some recommendations for improving Prince William County's current rural preservation policies. One of these recommendations was to create a TDR Program for Prince William County.

Sending areas should be the highest value agricultural, scenic, and culturally significant parts of the Rural Area, including two character areas; the Valley Agriculture and Forests rural character area and the Route 15 (Journey through Hallowed Ground) rural gateway corridor character area.

Receiving areas would be:

- Appropriate locations in the Comprehensive Plan's Development Area such as Centers of Commerce and Centers of Community.
- Metropolitan Washington Council of Governments Regional Activity Centers. There are five in the County: Gainesville, Innovation, Potomac Shores, Potomac Town Center/Potomac Mills, and North Woodbridge.
- Nokesville Village – Sector Plan Core Area only.

Most TDR programs fail for lack of market demand. While the County would want to conduct a market assessment before adopting a program, ERM's preliminary observation is that Prince William County's strong real estate market is a good candidate for a functioning TDR program. A successful TDR program would help the County meet both its rural preservation goals (by helping preserve rural land) and its urban development goals (by increasing development density in appropriate locations in the Development Area). The prior designation of the Rural Area and Development Area should facilitate establishing sending areas and identifying receiving areas.

Next Steps

Below are the next steps for creating a successful TDR program for Prince William County:

1. Utilize the Model Transfer of Development Rights Ordinance for Virginia Localities as a basis for creating Prince William County's TDR program.

Attachment D – Transfer of Development Rights Summary

2. Conduct a market assessment before adopting a program.
3. Add a staff resource to manage the TDR program. TDR programs can be complicated to design and implement, and take a good deal of ongoing analysis and management to be successful.
4. Designate receiving areas in areas with demand for density above the baseline zoning. Virginia code requires TDR development densities to be by-right, which is best to encourage use of the program.
5. Promote the program by providing information, periodically participating in the market, and collecting and analyzing data from the program.

The Transfer of Development Rights program as an open space preservation tool provides the locality with less control over the locations to be preserved than a PDR program, but requires less in financial resources to implement.

Rural Cluster Development

A rural cluster development/subdivision is a zoning tool in which residential subdivisions are designed with dwelling units clustered together on smaller than average lots only on a portion of the tract. The remaining land would then serve as open space or similar uses. Typically, depending on the cluster ordinance, the remaining open space within a cluster development may be held in common and/or be strictly an agricultural or environmental area with no development rights remaining on it. The open space parcel may be permitted to have a dwelling unit with a permanent easement that prohibits further subdivision or additional dwellings. Rural cluster subdivision/zoning provisions are typically aimed at agricultural and forest conservation. There are a number of variations of the cluster subdivision/zoning technique which includes the following:

- a) **Percent of land Developed:** Specifies a maximum percentage of the parent parcel or tract can be converted to non-agricultural or non-open space uses. Such provision can be relatively simple and may permit a great deal of flexibility to the developer in terms of lot size and unit type on that portion of the land that is permitted to be converted.
- b) **Lot Size Averaging:** Specifies the average by creating some lots that are larger and some smaller. The advantage of this particular variation is to provide more design flexibility in order to respond to unique site conditions and to the local market demand.
- c) **Maximum Size of Building Lots:** Set a maximum number rather than minimum lot size for current subdivision, thereby forcing a clustered layout. The percentage of open space remaining will be determined by the actual maximum lot size required in relation to the maximum overall site density required.

Virginia Cluster Subdivision Legislation

Virginia Code §15.2-2286.1 authorizes and requires zoning ordinances to incorporate provisions for cluster subdivisions. The cluster provisions must be permitted by right and allow the same density. Virginia Code §15.2-2286.1.C states, “Additionally, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance.” It continues, “To implement and approve such increased density development, the locality may, at its option, (i) establish and provide, in its zoning or subdivision ordinances, standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions, and criteria, it shall be permitted by right and approved administratively by the locality's staff in the same manner provided in subsection A, or (ii) approve the increased density development upon approval of a special exception, special use permit, conditional use permit, or rezoning.”

Prince William County Rural Cluster Subdivision

Prince William County has a voluntary cluster provision which allows a maximum density of one dwelling for every ten acres in the A-1, Agricultural zoning district. The current rural cluster subdivision/zoning method in the County allows a minimum lot size of three acres, a maximum lot size of five acres, and does not have a density bonus. Further, there is an open space requirement of fifty percent (50%). The cluster tool can be an effective tool, but is not heavily used in Prince William County.

Other jurisdictions that have included density bonuses for rural cluster subdivision include Howard County, MD, Hanover County, VA, and Loudoun County, VA. The following is a summary of their rural cluster subdivision provisions.

Howard County Rural Cluster Subdivision

With the creation of rural clustering in 1992, the Howard County was able to obtain dedicated preservation easements through the land development process. The purpose of rural cluster provisions in Howard County was to provide a form of subdivision that would conserve farmland and preserve the rural and scenic quality of the landscape, while creating attractive rural residential developments.

One of the goals outlined in Howard County's Comprehensive Plan aims to protect the land and character of the Rural West. The Rural West is considered the area of the County outside the Planned Service Area for public water and sewer through strategies to enhance the farm economy and to balance agricultural, residential, and commercial uses. Howard County permits rural cluster development in the Rural Conservation (RC) District and the Rural Residential (RR) District. The Rural Conservation and Rural Residential districts in the Rural West allow low density, clustered residential development to protect natural resources and agricultural lands. This type of clustering may also be appropriate to enhance environmental protection in other residential zoning districts.

Howard County's rural cluster subdivision allows clustered residential lots, by right, at a maximum density of one dwelling unit per 4.25 gross acres in the Rural Conservation (RC) District and the Rural Residential (RR) District. The remaining area of the parcel being subdivided is placed in one or more preservation parcels. A preservation parcel is considered the residual area after the residential lots, roads, and stormwater management facilities are created which is then protected by permanent easements that prohibit further development. In the RC and RR districts where the size of a parcel is twenty or more acres, cluster subdivision is required. Howard County's rural cluster provision also provides density incentives. If a preservation parcel is larger than 25 acres, one additional dwelling unit is permitted for every 25 acres of area within that preservation parcel.

Hanover County Rural Cluster Subdivision

Prior to 1996 Hanover County permitted rural cluster with a base development of one unit for every 6.25 acres which would yield four lots for every twenty-five acres by right. In 1996 the Board of County Supervisors revised the requirements of the Agricultural (A-1) zoning district to change base development density to one unit for every ten (10) acres. In order to address the issue of lost density for agricultural property owners, two new zoning districts were created—agricultural-residential district and a rural conservation district. The years between 1996 and 2010 Hanover County approved thirty-seven (37) Rural Conservation cluster applications which has preserved over 5,700 acres of rural land.

Rural clusters are permitted in the Rural Conservation Area and are mandatory in order to obtain the maximum permitted density required. The permitted density allows one dwelling unit for every ten acres. Sixteen clustered lots are permitted for each 100 acres with a minimum of 70% of open space required.

Loudoun County Rural Cluster Subdivision

In 1984, the Loudoun County Board of Supervisors adopted the Rural Land Management Plan (RLMP) to “guide future rural land use changes, increase the opportunities and choices of farm-land owners, establish a healthy and affordable pattern of growth in the rural areas, and conserve irreplaceable agricultural and environmental resources”. It established Urban Growth Areas (UGAs) around the County’s seven incorporated Towns in the hope that new residents and public facilities would locate there and theoretically enable large amounts of open land to be preserved for farming and for maintaining the area’s rural character. The plan offered landowners a variety of voluntary conservation measures that included clustering development, leasing of easements, and transferring development density but none were used extensively. Within four years of the adoption of the Rural Land Management Plan, one-third of the countryside had been re-platted into lots smaller than 12 acres. In July 1988, the Board of Supervisors adopted a “Vision for Rural Loudoun” that introduced the concept of clustered development in a traditional pattern of small hamlets and new rural villages surrounded by farms and forests, similar to the pattern of Loudoun’s historic settlements. It was hoped the clustered development pattern would replace 3-acre lot subdivisions and accommodate residential development that would not eradicate the County’s treasured landscape and rural heritage.

Rural Cluster is voluntary in Loudoun County and is permitted in the Agricultural Rural – 1 (AR-1) and Agricultural Rural – 2 (AR-2) district. In the AR-1 district, a minimum lot size of twenty (20) acres is required unless it the lots are clustered. In this case a lot yield of one lot per 5 acres is permitted, with cluster lots at least 20,000 square feet (with off-site sewer) and not more than four acres in size, with at least one lot of at least 15 acres, and at least 70% of the land in the cluster subdivision is common open space. AR-2 requires a minimum lot size of forty (40) acres unless lots are clustered. In this case a lot yield of one lot per fifteen (15) acres is allowed with cluster lots at least 20,000 square feet and not more than four acres in size, with at least one lot of at least 25 acres, and at least 70% of the land in the cluster subdivision is common open space.

Prince William County Rural Preservation Study

Prince William County completed their Rural Preservation Study earlier this year and the *Prince William County Rural Preservation Study Report* was developed with the findings of this Study. Consultants from Environmental Resources Management (ERM) conducted the Study and produced the final report which included some recommendations for improving Prince William County’s current rural preservation policies. Below are recommendations for the existing rural cluster provisions for Prince William County.

- Provide incentives for rural clusters to allow an increase density in areas dominated by farming such as the Valley and Forestry rural character areas while increasing the open space requirements for the development.
- Maintain current sewer policies except in specific rural character areas where cluster would be consistent with their rural character, in order to advance the preservation of open space and help protect the environment.
- Create a Rural Cluster Committee to oversee the Program.
- Dedicate a staff position to maintain and evaluate the effectiveness of the Rural Cluster zoning tool.
- Carry out an educational/outreach plan to inform the public about the Program.

Prince William County should adopt additional rural preservation tools in combination with Rural Clusters such as Purchase Development Rights and Transfer Development Rights for an effective rural preservation program. According to the Center for Rural Virginia, cluster provisions, can protect “rural character” as viewed from the road and in some localities also allow for some continued agricultural use of the remaining land, but because development still occurs in the rural part of the locality, cluster provisions do not completely protect agricultural land from encroachment of potentially conflicting land uses. However, if a locality implements a combination of the programs available that are most appropriate to the community and its farmers, agriculture can remain viable, even while accommodating additional development.

Next Steps

Below are the next steps for promoting rural cluster development:

1. Amend the Comprehensive Plan to identify targeted areas for use of the Rural Cluster program.
2. Adopt an amendment to the Zoning Ordinance to provide for additional density in rural cluster development in the Rural Area.

3. Carry out an educational/outreach plan to inform the public about the Program.

The Rural Cluster program as an open space preservation tool provides the locality with less control over the locations to be preserved than a PDR program, but requires less in financial resources to implement. However, the rural cluster subdivision process may not allow the County to protect the most productive or strategically located farms. Even with improved design requirements, preservation parcels created within cluster subdivisions will be smaller and more fragmented than most purchased easements. Thus, this tool is not as effective in preserving agriculture or rural character, but it is preferable to conventional subdivision.