



VALLEY CONSERVATION COUNCIL

Promoting land use that sustains the farms, forests, open spaces, and cultural heritage of the Shenandoah Valley region

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Purchase of Development Rights

What: A purchase of development rights (PDR) program is another 'arrow' in a quiver of voluntary land conservation tools. Like a donated conservation easement, a PDR agreement ensures that land will be protected in perpetuity. The essential difference is that PDR programs buy conservation easements. The goal of a PDR program is to protect lands from development in order to preserve their agricultural and forestal uses, and their scenic and historic values.

Why: PDR programs make conservation easements a viable option for landowners who cannot, due to income limitations, take full advantage of tax benefits presented by donating easements. Landowners can sell development rights to a PDR program and use the money as they wish—to reinvest in their farm, set aside for retirement, or put their children through college, among other options.

Regulations: Like a donated conservation easement, the restrictions placed on a property depend on the landowner's and the easement holder's desires. Typically, the landowner agrees not to subdivide his or her land for development beyond what is permitted by Virginia Outdoors Foundation guidelines. He or she *does* retain the right to live on the land and continue traditional uses such as farming and forestry. Easement terms are negotiated between the easement holder and the landowner.

Eligible Land: For local PDR programs, eligible properties are usually prioritized by a locally-developed set of ranking criteria that award points for acreage, farm productivity, and stream frontage, among other criteria. Properties must conform to the conservation easement requirements specified in the Open Space Act of 1966 (Virginia Code § 10.1-1700 *et seq*) and receive a certain number of ranking points to be eligible. The Federal Farm and Ranchland Protection Program is an example of federal purchase of development rights programs that have its own criteria.

How: Typically, landowners apply to their locality's program once or twice a year. The Program Administrator and the County Board of Supervisors, usually in conjunction with a citizen's advisory committee, have the authority to decide which properties' development rights they will offer to buy according properties' score on the ranking criteria and the county's priorities. County programs can sometimes leverage PDR dollars by matching federal purchase programs such as FRPP and Forest Legacy.

Term: Development rights sold to a PDR program result in conservation easements that are protected in perpetuity.

Where: PDR programs operate in twenty-two states and five Virginia localities. The City of Virginia Beach has led the way statewide with their Agriculture Reserve Program, established in 1995. Albemarle, Clarke, James City, and Loudoun Counties have also established programs. Several other counties including Fauquier, Henrico, and Rockbridge are all in the process of developing PDR programs.

More Information: Contact the Valley Conservation Council, 17 Barristers Row, Staunton, VA 24401; (540) 886-3541, www.valleyconservation.org.