

Chapter 22A PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Sec. 22A-1. Purpose.

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

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

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

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

The PDR program shall be directed toward property that lies outside the designated urban services area as depicted on the most recent land use map except in those areas under the ownership or control of the United States of America, or the Commonwealth of Virginia, or an

agency or instrumentality thereof. However, if property within the designated urban services area meets the intent of the program, the landowner may apply to the program and the board shall consider the merits of the application.

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

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

Sec. 22A-2. Applicability.

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

Sec. 22A-3. Definitions.

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

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

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

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

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

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

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

Board means the Board of Supervisors of Stafford County.

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

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

Conservation easement means a nonpossessory interest of the county in real property, whether easement appurtenant or easement in gross, acquired through gift, purchase, devise or bequest, perpetual in duration, imposing certain limitations or affirmative obligations, for the purposes of which include retaining or protecting natural or open space values of real property, assuring its availability for agricultural, forestall, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, or archeological aspects of real property pursuant to which the exercise of development and other specified rights on the subject property is prohibited. This definition shall not apply to any other chapter, section or part of the County Code, outside of this chapter, unless specifically stated otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

Wetlands means both vegetated and nonvegetated wetlands.

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

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

Sec. 22A-5. Agricultural and Land Conservation (ALC) Committee established; powers and duties.

- (a) *Establishment.* The committee is hereby established, as follows:
 - (1) The committee shall consist of seven (7) members appointed by the board. Each member shall reside in Stafford County. The committee should, but is not required to be, comprised of members who are knowledgeable in fields of conservation, conservation biology, planning, real estate, land appraisal, farming and/or forestry.

- (2) The members of the committee shall serve at the pleasure of the board. The terms of the members shall coincide with the terms of appointment for the board.
 - (3) The members of the committee shall serve without pay, but the board may, at its own discretion, reimburse members for actual and necessary expenses incurred in the performance of his/her duties.
 - (4) The committee shall elect a chairman, vice chairman and secretary at its first meeting each calendar year. The secretary need not be member of the committee.
- (b) *Power and duties.* The committee shall have the powers and duties to:
- (1) Promote the program in cooperation with and under the guidance of the administrator, by providing educational materials to the public and conducting informational meetings.
 - (2) Review rankings of applications recommended by the administrator and make recommendations to the administrator and the board as to which conservation easements should be purchased as determined by the property ranking system, and other applicable information.
 - (3) Annually review the program's eligibility and ranking criteria and recommend to the administrator any changes needed to maintain the program's consistency with the comprehensive plan, or to improve the administration, implementation, and/or effectiveness of the program.
 - (4) The presence of at least four (4) members of the committee at a regularly scheduled meeting shall constitute a quorum for purposes of conducting business and the committee shall make decisions on a "majority rule" basis.

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

- (a) Establishment. The appraisal review committee is hereby established, as follows:
- (1) An appraisal review committee shall be created by the committee and shall operate directly under its supervision.
 - (2) The appraisal review committee shall consist of three members comprised of at least one professional real estate appraiser, one member of the committee and the County Commissioner of the Revenue or his or her designee from the assessment office. The members shall be appointed by the committee.
 - (3) The members of the appraisal review committee shall serve at the pleasure of the committee. Each member, other than the County Commissioner of the Revenue, or his designee, shall serve a term of one year. The County Commissioner of the Revenue, or his designee, shall be a permanent member of the appraisal review committee.
- (b) Powers and Duties. The appraisal review committee shall have the power and duty to review appraisals to ensure they are consistent with appropriate appraisal guidelines and practices and make recommendations thereon to the committee and provide approved appraisal results to the committee and the administrator. This shall not include the authority to alter or make a substitution for an appraisal, but shall only include the

authority to evaluate appraisals for appropriateness under specific guidelines and practices.

Sec. 22A-7. Eligibility criteria.

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

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

Sec. 22A-8. Property ranking system.

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

- (a) The property ranking system is hereby adopted. The system shall be the sole means by which the priority of acquisition of development rights under the program is determined when available funding is insufficient to purchase the development rights on all property that is the subject of received applications for the sale of development rights. The number of property ranking system points assigned to a particular property shall not be used in determining the value of development rights or the amount of any offer to purchase such rights but used solely as a means for prioritizing the properties for further consideration.
- (b) There shall be five (5) categories of criteria for evaluation under the system. In each category, certain factors descriptive of the characteristics of property sought to be included in the purchase of development rights program are included. Each factor is stratified into a

range of possible point values ranging from zero (0) to thirty (30). To determine the total points assigned to such property, the values for all five (5) categories are added. Property having the highest total scores shall rank highest in priority of acquisition. The maximum total score is two hundred seventy-five (275) points. The categories, with their respective factors, are as follows:

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

SUBTOTAL POINTS—SECTION A		110	
PDR RANKING CRITERIA POINT SYSTEM—SECTION B		Possible Points	Total Points
(B)	Likelihood of parcel being threatened (development pressure) (70 Maximum Points)		
(1)	Urgency of circumstances favoring conversions	20	
	• Parcel has approved preliminary subdivision plan—10		
	• Parcel owner is older than average of the Stafford County farmers according to the most recent Ag Census—10		
(2)	Acreage suitability for residential conversion—Percentage of well or moderately well-drained soils on the parcel	30	
	• 80% or more—30		
	• 60 to 79%—24		
	• 40 to 59%—18		
	• 20 to 39%—9		
	• Less than 20%—0		
(3)	Amount of public road contiguous to parcel	10	
	• 1,000 linear feet or more—10		
	• 600 to 999 feet—8		
	• 300 to 599 feet—7		
	• 100 to 299 feet—4		
	• Less than 100 feet—0		
(4)	Landowners have agreed to any of the following restrictions (maximum of 10 points):	10	
	• No new dwellings may be located on the property—5		
	• Parcel shall not further be divided—5		
SUBTOTAL POINTS—SECTION B		70	

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

		• Contiguous—10		
		• Within 1/2 mile—8		
		• Within 1 miles—6		
		• Within 2 miles—1		
		• Greater than 3 miles—0		
SUBTOTAL POINTS - SECTION C			35	

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

PDR RANKING CRITERIA POINT SYSTEM—SECTION E			Possible Points	Total Points
(E)	Cultural resources (20 Maximum Points)			
	(1)	Proximity to historic or cultural features	15	

		• Property is located on or adjacent to feature designated or deemed eligible for listing on National or State historic registers, or within Stafford County Historic District—15		
		• Property is associated with or adjacent to property associated with an important historic place, event, person or activity (listed in Stafford County database, or through documentation presented to the county)—10		
		• Property is within or adjacent to an established or familiar visual feature that is part of an historic landscape (as confirmed by county)—5		
	(2)	Property is designated as or associated with a Century Farm—5	5	
SUBTOTAL POINTS—SECTION E			20	
TOTAL POINTS			275	

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

Each conservation easement shall comply with the requirements of the Virginia Open-Space Land Act (Code of Virginia, § 10.1-1700 et seq.) and this chapter. The deed of easement shall be in a form approved by the county attorney and shall contain, at a minimum, the following provisions:

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

property. The deed of conservation easement shall include provisions concerning establishing and/or maintaining reasonable signage/advertising related to agricultural activities located on the property.

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

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

- (1) *Application submission.* Applications to sell development rights shall be on a form prescribed by the administrator and shall be signed by the landowner and submitted to the administrator. An application fee may be required. The administrator may require supporting documentation, including, but not limited to, deeds, surveys, or other legal instruments, to be submitted with the application. A landowner may submit an application for each parcel or may submit a single application for more than one contiguous parcel. Applications for batched parcels shall follow the same procedure, but shall be signed by all landowners. Applications must be received in the county administrator's office by close of business on the last day of an open application period to be eligible for consideration during that open application period.
- (a) *Application form.* The application form shall require, at a minimum, that the owner provide:
- The names of all owners of the parcel;
 - The address and telephone number of all owners;
 - The acreage of the parcel;
 - The tax map and assessor's parcel number;
 - The zoning designation of the parcel;
 - A grant of permission to the administrator and such other staff as may be appropriate, and an independent, licensed and certified appraiser, to enter the property, after reasonable notice to the owner, to evaluate the property; and
 - The application form shall also include a space for the owner to indicate whether he/she volunteers to have his/her parcel subject to greater restrictions than those contained in the standard deed of easement, and to delineate those voluntary, additional restrictions.
- (b) *Additional application information required by administrator.* The administrator may require the owner to provide additional information deemed necessary to determine:
- (i) Whether the proposed easement is eligible for purchase; and
 - (ii) The ranking of the parcel; and
 - (iii) The value of such easement.

- (c) The submission of an application shall not be deemed to constitute a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of a conservation easement agreement, without penalty.
- (2) *Evaluation by administrator.*
- (a) The administrator shall review each application to determine whether the eligibility criteria set forth in county code section 22A-8 are met. In the event a parcel, or portion thereof, fails to meet the eligibility criteria set forth in county code section 22A-7, such parcel, or portion thereof, shall not be considered for inclusion in the program. In the event the ineligibility of a parcel or portion thereof, renders the remaining property which is the subject of the application ineligible, none of the property shall be considered for inclusion.
 - (b) The administrator shall evaluate each application received and determine whether the application is complete. If the application is incomplete, the administrator shall inform the owner of the information that must be submitted in order for the application to be deemed complete.
 - (c) When the application is deemed complete, and the administrator has determined that the parcel satisfies the eligibility criteria set forth in county code section 22A-7, the administrator shall determine the number of points to be attributed to the parcel by applying the ranking system in accordance with section 22A-8. The administrator shall notify each applicant of the total number of points attributed to their respective property.
 - (d) The administrator shall rank each parcel with the parcel scoring the most points being the highest ranked and descending in order therefrom. The administrator shall submit the list of ranked parcels to the committee after each open application period.
 - (e) In the event available funding is insufficient to purchase the development rights on all properties which are the subject of pending applications under this chapter, the director shall evaluate each application, using the criteria of the property ranking system set forth in county code section 22A-8, and shall ascertain all necessary facts and information for ranking the priority of acquisition of the lands included in the application. In performing such evaluation, the administrator may request the assistance of the commissioner of revenue or his designee and such other county departments as may be appropriate and beneficial. The evaluation shall include a recommendation for the number of agricultural ranking system points to be assigned to the application.
 - (f) The administrator shall notify each applicant of the evaluation of their property(s). An applicant shall have ten (10) business days from the date of the administrator's notice to respond to the administrator's evaluation of their property(s), including, but not limited to, correcting and/or supplementing their application. Within the ten-business-day period, an applicant may request, in writing, a meeting with the administrator and/or other county staff to discuss the administrator's evaluation.
- (3) *Evaluation by committee.* The committee shall review the list of ranked parcels submitted by the administrator. The committee shall forward to the administrator and to the board its

recommendations as to which conservation easements should be purchased under the provisions of this chapter.

- (4) *Evaluation by board.* The board shall review the list of ranked parcels submitted by the committee and identify by resolution which conservation easements should be purchased and their priority of purchase. Nothing in this chapter shall obligate the board to purchase a conservation easement on any property that is deemed eligible for purchase and that the board identifies for purchase under this subsection.
- (5) *Appraisal of conservation easement value.* Each conservation easement identified by the board to be purchased shall be appraised by an independent qualified appraiser contracted by the County for such purpose. Each completed appraisal shall be submitted to the program administrator and the owner. The program administrator shall forward each appraisal to the appraisal review committee, which shall review each appraisal and make recommendations thereon to the committee.
- (6) *Requirements and deadlines may be waived.* Any requirement or deadline set forth in this chapter may be waived by the board if, for good cause, it is shown that exigent circumstances exist that warrant consideration of an otherwise untimely application or it is shown that the requirements of this chapter unreasonably restrict the purchase of an easement. Under such circumstances, the board may authorize purchase of a conservation easement at any time it deems necessary so long as the purchase meets the intent of the program as identified in the comprehensive plan and the purchase complies with the specific purposes and applicability of this ordinance as set out herein.
- (7) *Reapplication.* An owner of a parcel not selected by the board for purchase of a conservation easement may reapply in any future open application period.

Sec. 22A-11. Outreach.

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

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

Sec. 22A-12. Inspection and enforcement.

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

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

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