VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Historic Preservation Easement Program

POLICY #10

Policy and Procedure for Documenting New Easement Conformance with the Applicable Comprehensive Plan for the Area in which the Property is Located

POLICY

In determining whether a property is appropriate for an easement, the Virginia Department of Historic Resources (DHR) considers its designation within or identification in a statewide planning document such as the Virginia Landmarks Register, Virginia Outdoors Plan, or for the case of battlefield properties, its priority rating from the Civil War Sites Advisory Commission of the National Park Service. According to Section 10.1-1701 of the *Code of Virginia*, DHR must also make a determination that the use of the property as open-space land conforms to the official comprehensive plan for the locality in which the property is located. DHR also considers the current zoning of the property, its designation on the locality's future land use map, as well as its consistency with the VDOT 6-year statewide transportation plan. Section 10.1-1701 of the *Virginia Code* states:

> **"The use of the real property for open-space land shall conform to the official comprehensive plan for the area in which the property is located."**

Additionally, the following Virginia Counties currently require approval by their Planning Commission of all new open-space easements: Campbell, Floyd, Highland, Orange, Pittsylvania, Pulaski, and Surry. In order to demonstrate that easement staff have consulted with planning officials from the applicable Virginia County/Independent City and verified that the easement conforms to the Comprehensive Plan currently in effect for that locality, the Virginia Board of Historic Resources adopted this policy delineating the process easement staff must follow to obtain such confirmation. This document outlines the standard procedures for notifying locality planning staff about potential new easements within their jurisdiction.

PROCEDURE

For each new easement offer, DHR easement staff shall:

1. Review all relevant sections of the Comprehensive Plan for the applicable County/Independent City, including the following general categories: historic and/or cultural resources, land use, transportation, natural resources, and water resources. Pertinent sections or pages of the plan shall be printed and kept in the permanent easement file.

2. Send written correspondence in the form of a letter to the locality Planning Department that includes the parcel tax map number, address, acreage, ownership information, and a map of the proposed easement boundaries. Include any conflicts with comprehensive plan if known. Note: The locality may request a copy of the draft easement or easement terms. The proposed easement may be presented to the Planning Commission.
3. If no response is received, contact Planning Department again in writing and follow-up with a phone call.
4. Review all town or other local comprehensive plans as applicable. Note any potential transportation or other infrastructure related issues. Pertinent sections or pages of the plan shall be printed and kept in the permanent easement file.
5. If necessary, written correspondence in the form of a letter to the town or local Planning Department that includes the parcel tax map number, address, acreage, ownership information, and a map of the proposed easement boundaries.
6. Review the VDOT 6-year plan. Note any potential transportation related issues that may impact the property. Pertinent sections or pages of the plan shall be printed and kept in the permanent easement file.
7. If necessary, written correspondence in the form of a letter or email to VDOT that includes the parcel tax map number, address, acreage, ownership information, and a map of the proposed easement boundaries. Include any conflicts with VDOT 6-year plan if known.
8. A record of all written and verbal correspondence with planning staff and VDOT shall be kept in the permanent easement file.

[Adopted by the Virginia Board of Historic Resources on September 30, 2010.]