

A rural landscape featuring a weathered wooden barn on the left, a large tree in the center, and two horses grazing in a green field on the right. The background shows a dense forest of trees under a cloudy sky.

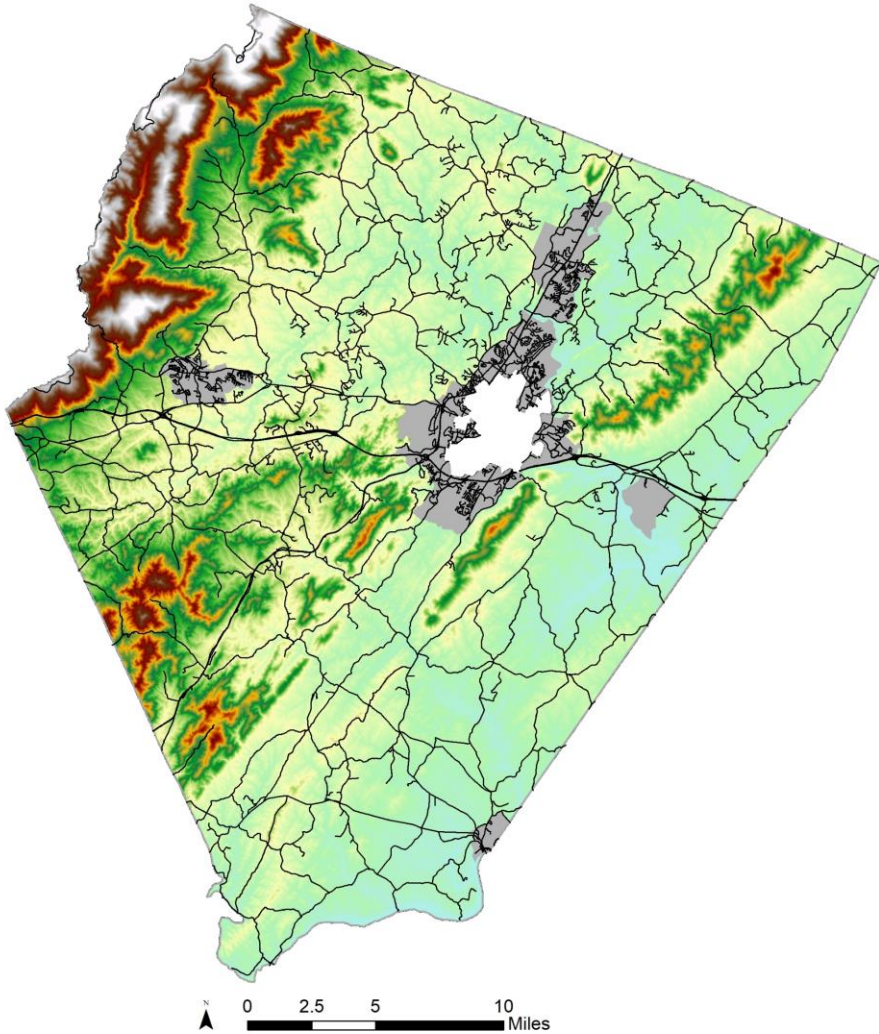
Albemarle County's Conservation Easement Programs

BOARD OF SUPERVISORS – SEPTEMBER 15, 2021

Conservation Easements:

- **What they are**
- **How they work**
- **How they help the County meet its goals for the Rural Area**
- **What the County's easement programs have achieved**

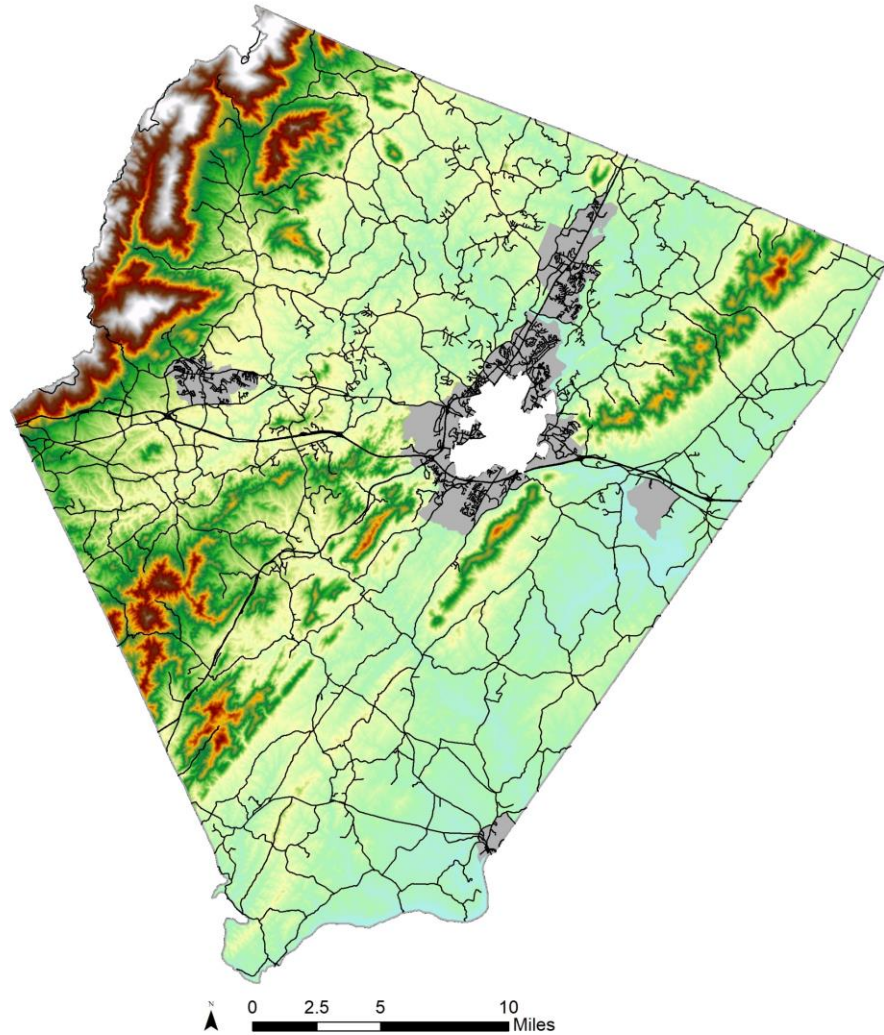
The Rural Area



- 690 square miles (441,000 acres)
- 20,000+ Dwellings

Development Areas:

35 square miles



Comprehensive Plan – Rural Area

GOAL: Albemarle’s Rural Area will have thriving farms and forests, traditional crossroads communities, protected scenic areas, historic sites, and preserved natural resources.

Objective 1: Support a **strong agricultural and forestal economy.**

Objective 2: Protect and preserve **natural resources**, which include mountains, hills, valleys, rivers, streams, groundwater, and continuous and unfragmented land for agriculture, forestry, biodiversity and natural resource protection.

Objective 3: Protect the County’s **historic, archeological, and cultural resources.**

Objective 4: Promote **rural and historic landscapes** that enhance visitors’ experience and give historic sites as authentic a setting as possible.

Objective 5: Recognize and support **crossroads communities**, which serve as rural-scale community meeting places and provide opportunities for residents to take part in community life.

Objective 6: Provide **distinct boundaries between the Rural Area and Development Areas.**

Objective 7: **Provide information to citizens** so they are well-informed and understand the cultural, economic, and ecological aspects of the Rural Area.

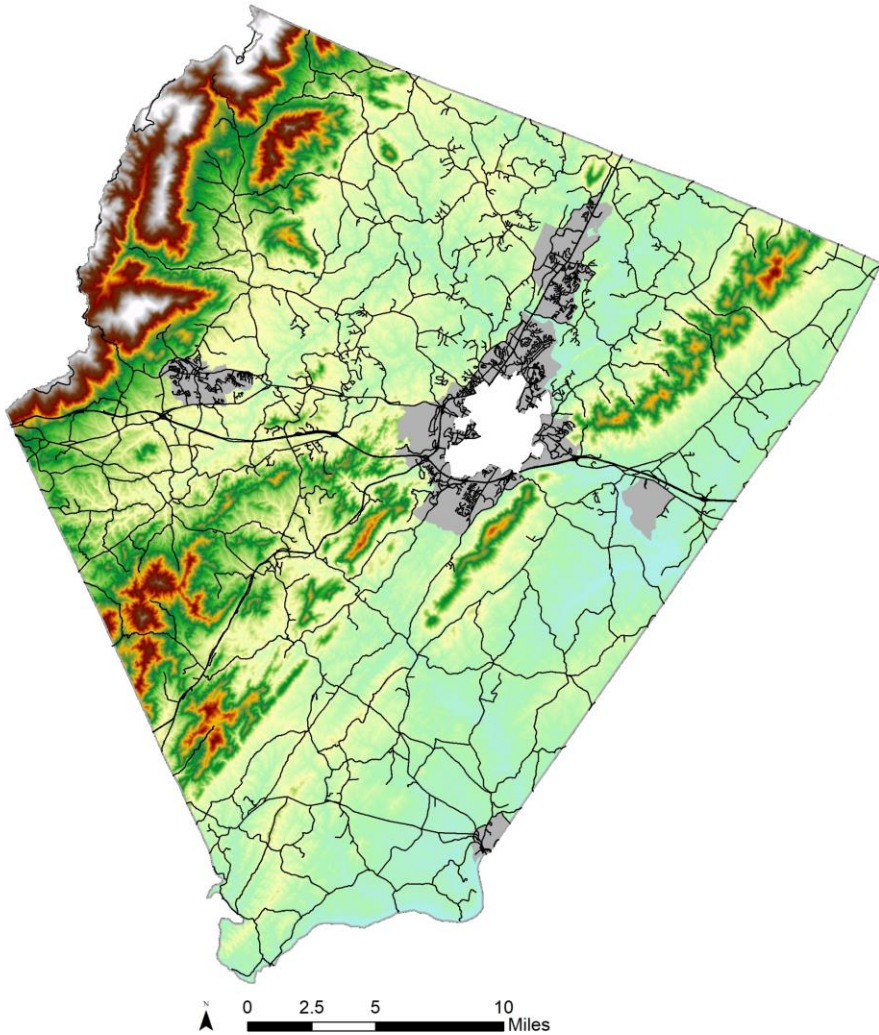
Rural Area Plan:

“New homebuilding is not desired in the County’s Rural Area because it undermines the preferred uses. It can also cause rural landowners to feel financial pressure to subdivide their land. The County is interested in helping property owners find ways to keep properties intact rather than subdividing.”

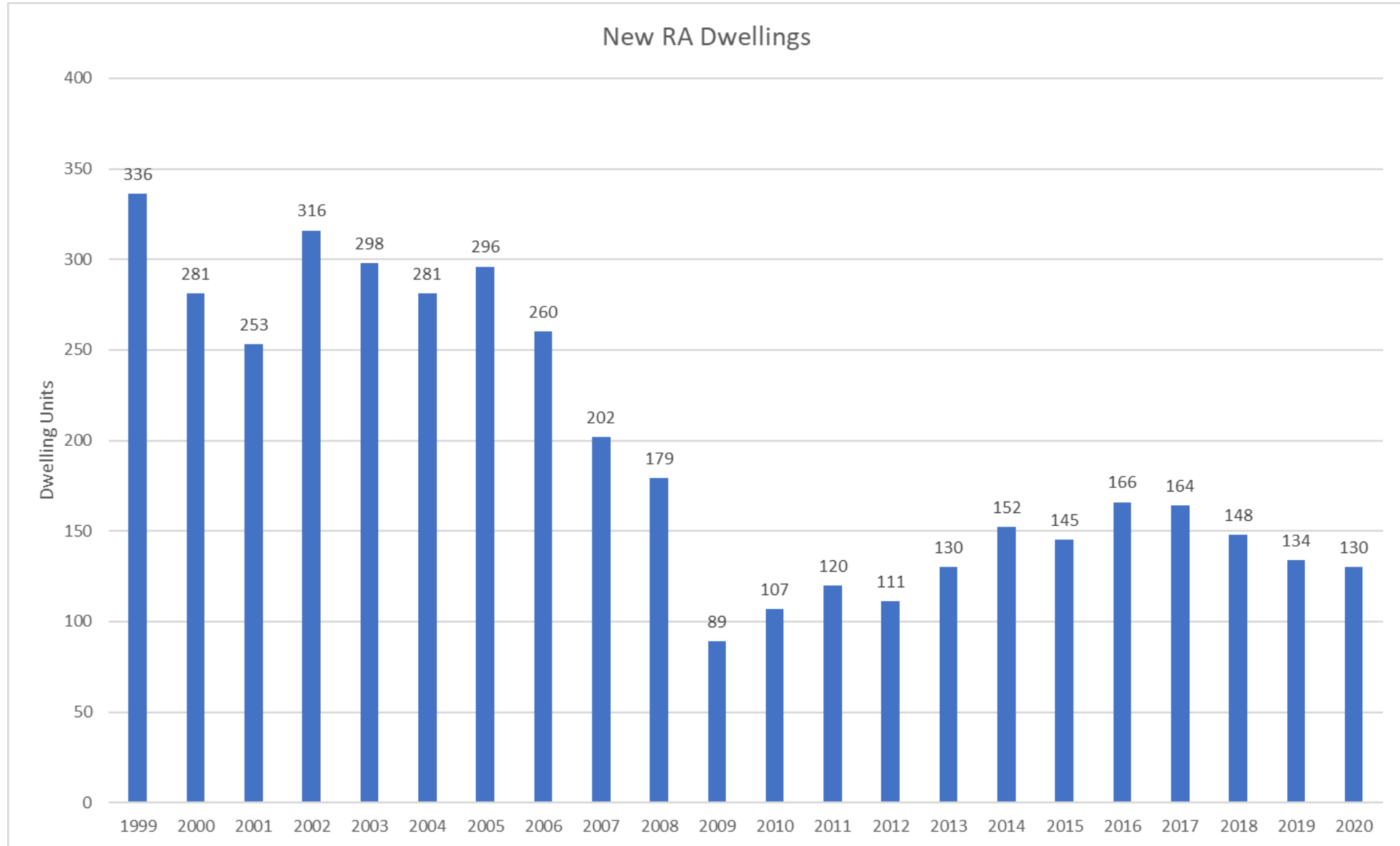
Strategy 2a: Direct residential development to and continue to make the Development Areas more livable, attractive places.

Strategy 2b: Provide information to property owners in the Rural Area on alternatives to subdividing their land, including donating conservation easements and use value taxation

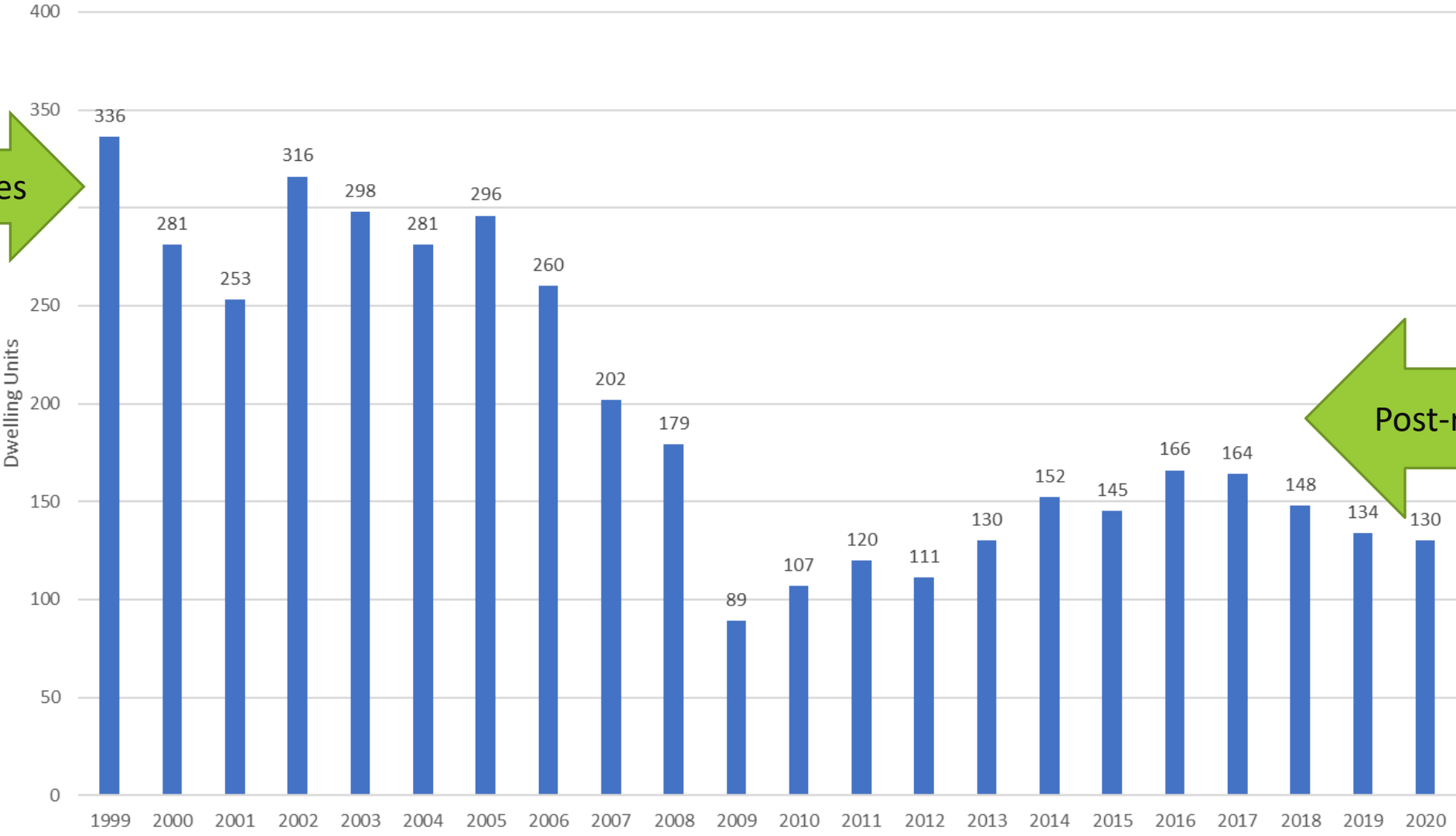
Strategy 2d: Continue to promote conservation easements to provide a financially attractive way for landowners to protect family farms in Albemarle County and their unique open space resources, to provide an opportunity for landowners to voluntarily sell a conservation easement to a public agency to be held in trust for perpetuity, and to preserve important features of the Rural Area for all.



Goals vs. Reality



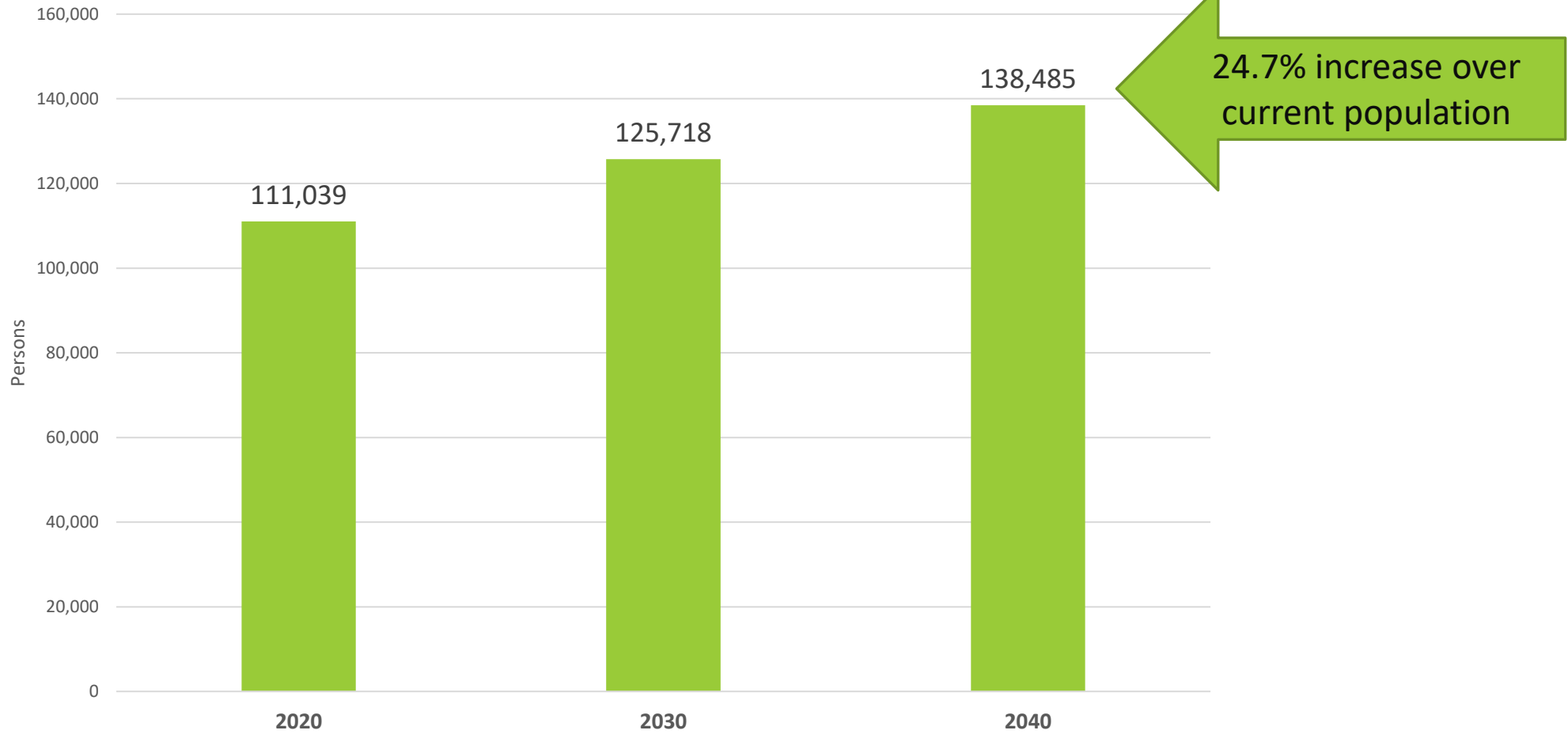
New RA Dwellings



Pre-recession Rates

Post-recession rates

Albemarle County Population Projections



Conservation Easements

What are they?
How do they work?
How do they help the County?

Conservation Easements

Voluntary, permanent agreements
to protect land and natural and
cultural resources



Landowner

Rights:

- Keeps ownership
- Keeps all rights not limited by easement

Responsibilities:

- Compliance with easement requirements

Easement Holder

Rights:

- Specific rights to restrict land uses
 - Limiting subdivision & construction
 - Requiring protection of important resources

Responsibilities:

- Permanent duty to monitor & ensure compliance

How Do Easements Help the County?



- **Growth Management**

- Protecting rural land from suburbanization
- Maintaining a rural land-use pattern
- Saving public funds by reducing the demand for suburban infrastructure & services where distances make them expensive



Example: Easements & School Funding

- **Growth Ma**
- Protectin
- Maintain
- Saving p
- for subur
- distances

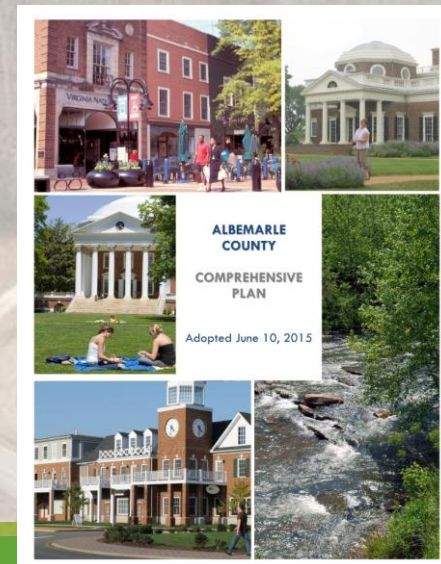
Counties' state school funding is affected by the "composite index" of its ability to pay. Land value is 50% of this index.

1. Easements reduce assessed land value
2. Lower land values reduce the locality's composite index
3. A lower composite index leads to a larger share of state education funds.



- **Rural Land Uses**

- Keeping rural land available for agriculture and forestry
- Maintaining large areas of land for a viable agricultural economy



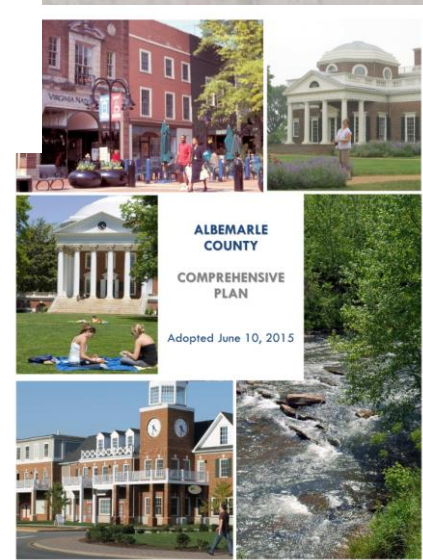
Quantifying the Benefits

Study: “Conservation Easements: Fiscal Impacts to Localities in the Middle Peninsula,” 2010. (Middle Peninsula Planning District Commission)

Table 7: Revenue-to-Expenditure ratios in Dollars for average costs of services to residential, commercial and industrial, and working and open land uses in Virginia (American Farmland Trust, 2006).

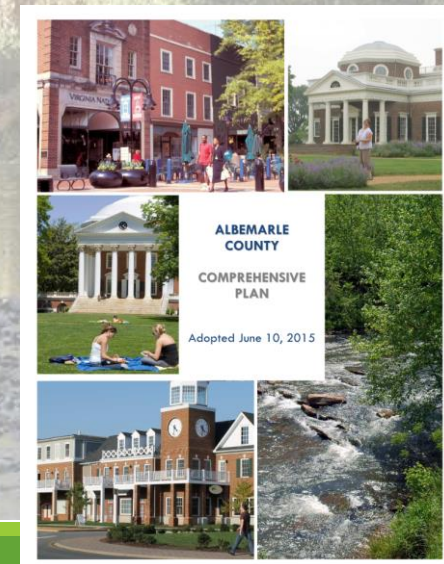
Residential including farm houses	Commercial & Industrial	Working & Open Land
\$1.00 : \$1.19	\$1.00 : \$0.29	\$1.00 : \$0.37
<i>For every dollar of revenue the county will spend “x” amount of money</i>		

Conservation easements lock in this benefit permanently



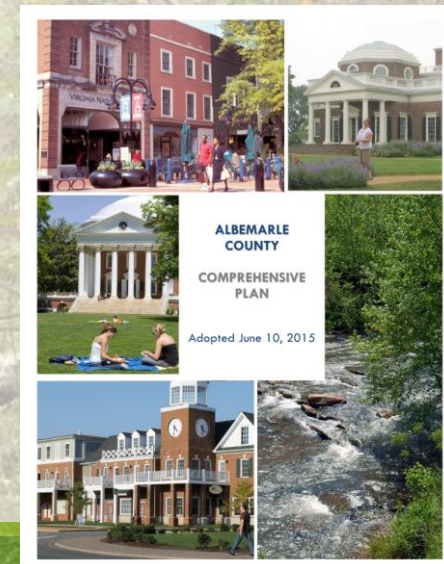
• Natural Resources

- Protecting drinking water from development impacts
- Protecting rivers and streams – less pollution & sedimentation, more vegetated stream buffers
- Protecting habitats for wildlife
- Reducing land clearing, erosion, and scenic impacts in mountain areas



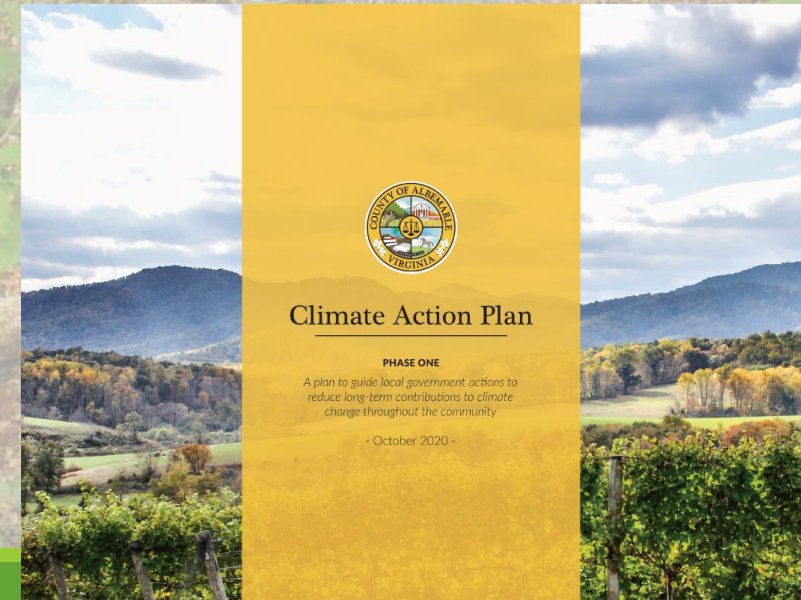
• Rural Landscapes

- Protecting the scenic character of the Rural Area
- Preserving the local rural landscape pattern (vs. generic suburbanization)
- Maintaining the scenic landscapes that attract tourists



• Climate Protection

- Carbon sequestration – maintaining and increasing carbon storage with rural landcover (forests, grasslands, etc.)
- Reducing future carbon emissions – less rural development means reduced carbon outputs from transportation



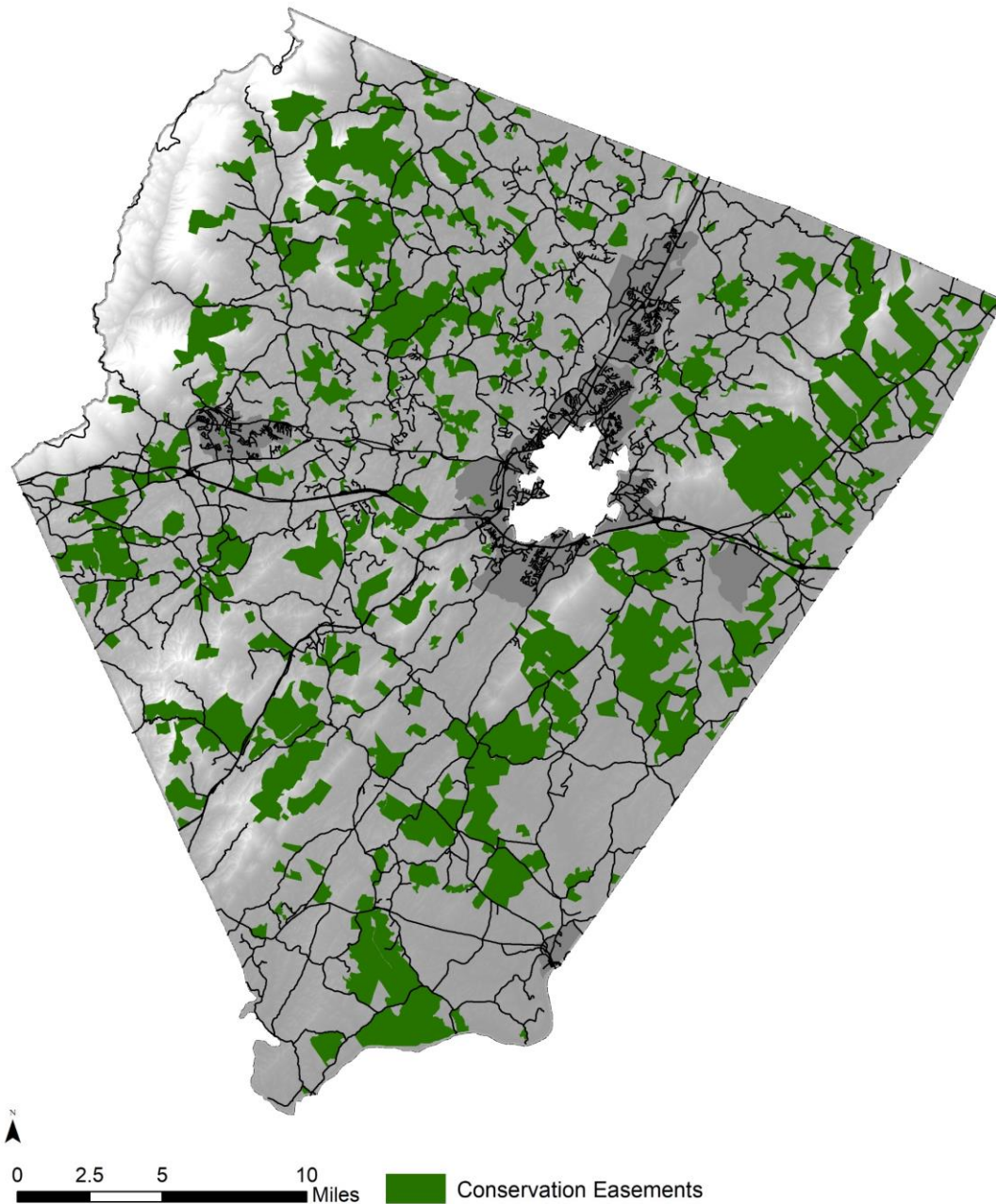
Albemarle's Easement Programs: What Have We Achieved?

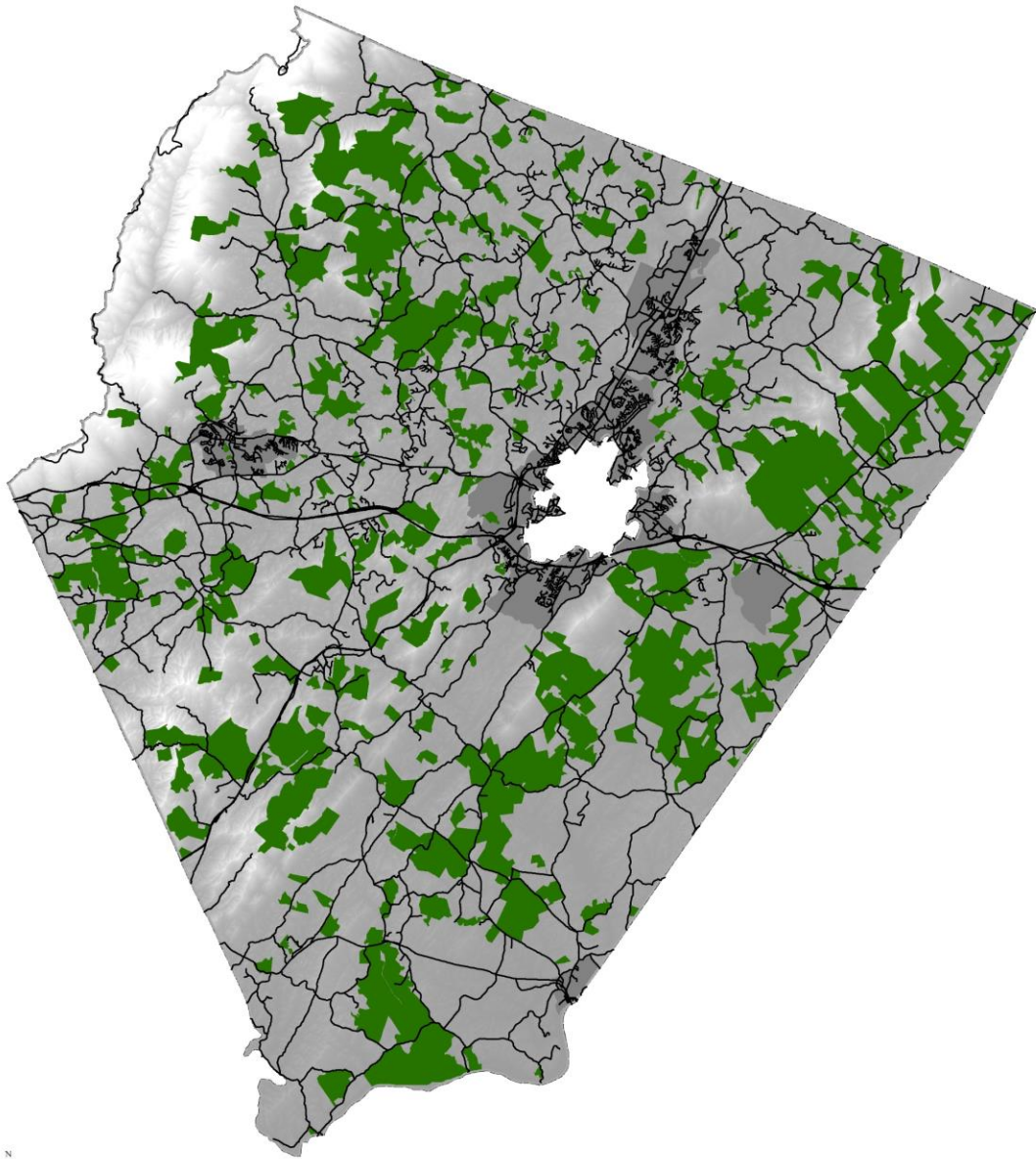
Several organizations hold conservation easements in Albemarle County:

- Virginia Outdoors Foundation
- Albemarle County & Albemarle Conservation Easement Authority
- The Nature Conservancy
- Virginia Dept. of Forestry
- Piedmont Environmental Council
- Thomas Jefferson Soil and Water Conservation District
- Virginia Department of Conservation and Recreation
- Virginia Department of Historic Resources
- Land Trust of Virginia

Together, these holders have protected:

- 107,959 acres
- 24.5 % of the Rural Area

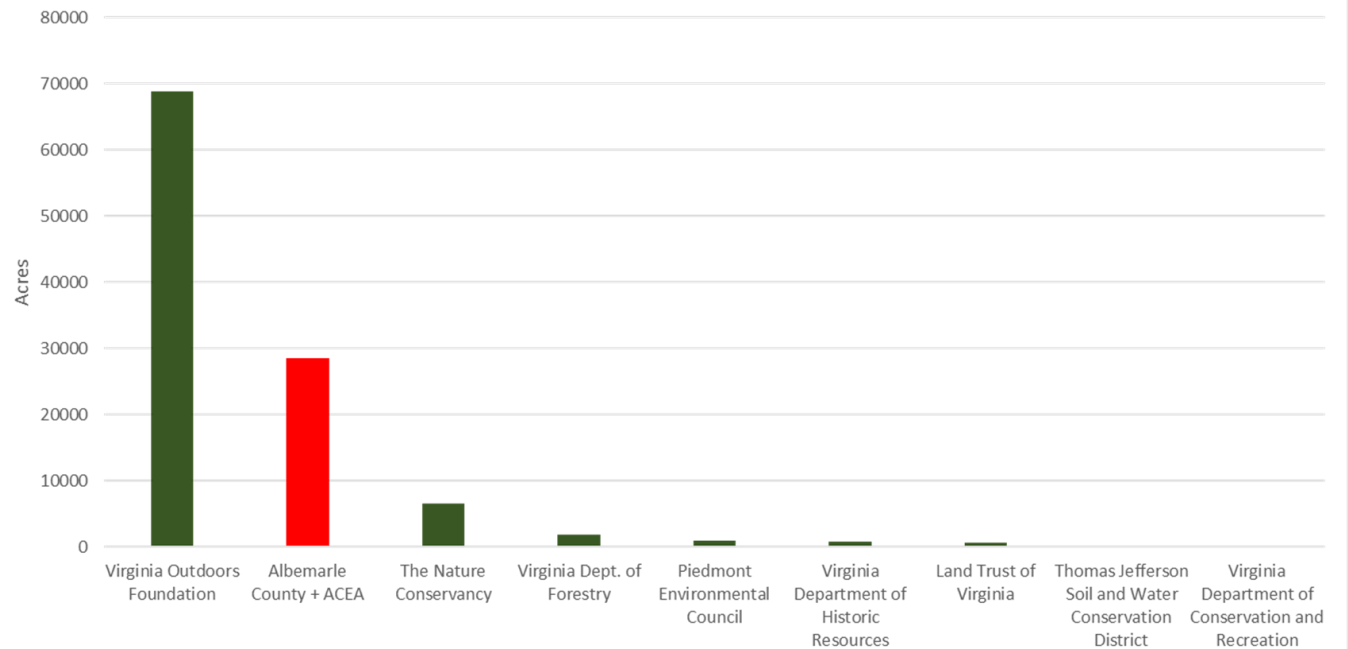




0 2.5 5 10 Miles Conservation Easements

The County is the second-largest easement holder in the County by acreage protected.

Conservation Easement Acreage by Holder



Albemarle's Three Easement Programs

Albemarle County created its conservation-easement programs to address three specific problems:

Problem

1. Farm owners with lower incomes are under pressure to sell land to meet expenses. Risk of farmland loss and rural development.



Solution

ACE – County purchase of development rights

Purchases are pro-rated by income to direct benefits to landowners most in need.

How ACE Works

ACE purchases development rights on farms at risk of development.

ACE participants keep their farms intact and can continue farming, forestry, etc.

By design, ACE directs County funding to:

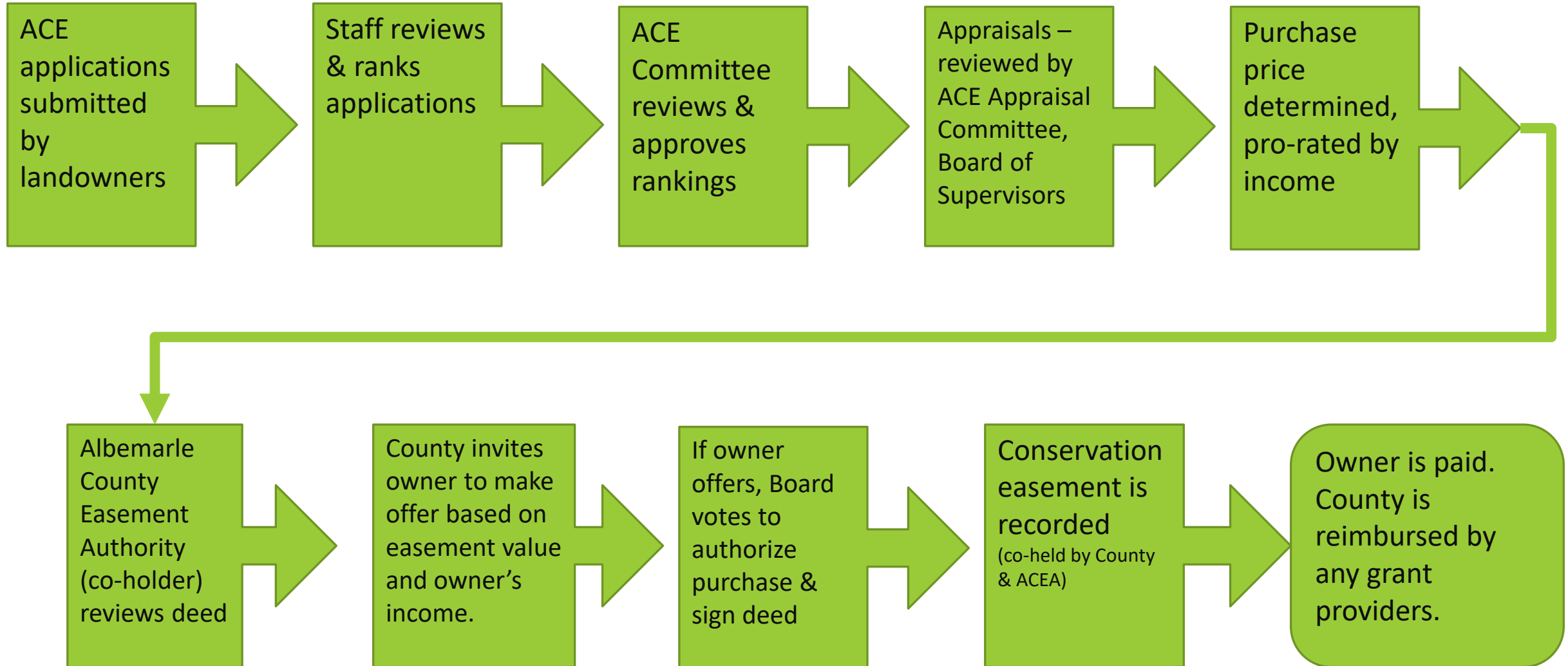
- Landowners most in need
- Farms with high conservation value (reflected by scoring system)

Our Core Values

Stewardship: We honor our role as stewards of the public trust by managing our natural, human and financial resources respectfully and responsibly.

Community: We expect diversity, equity and inclusion to be integrated into how we live our mission.

The ACE Easement Acquisition Process



Albemarle's Three Easement Programs

Problem

2. Many rural landowners with important small- to medium-sized properties couldn't meet minimum acreage requirements for existing easement programs.



Solution

Albemarle Conservation Easement Authority accepts donated easements on a range of property sizes, provided that significant resources are protected.

Problem

2. Many rural landowners with important small- to medium-sized properties couldn't meet minimum acreage requirements for existing easement programs.



Solution

Albemarle Conservation Easement Authority accepts donated easements on a range of property sizes, provided that significant resources are protected.

County Benefits:

More land and resources protected in the Rural Area

Landowner Benefits:

- State and Federal tax benefits
- Lower local property-value assessments

The County supports the Board-appointed ACEA with:

- CDD staffing
 - 0.25 to 0.5 FTE for planner - easement negotiation/acquisitions, ACEA liaison & support, easement monitoring, etc.
 - Recording Secretary for Zoom meeting support
- County Attorney's Office legal support
- CDD vehicles & equipment for site visits, monitoring

The Virginia Department of Conservation & Recreation supports the ACEA (& other holders statewide) with funding for easement monitoring & enforcement

- Amounts vary, based on previous year's number of new easements
- Funding permits occasional hiring of monitoring interns

Albemarle's Three Easement Programs

Problem

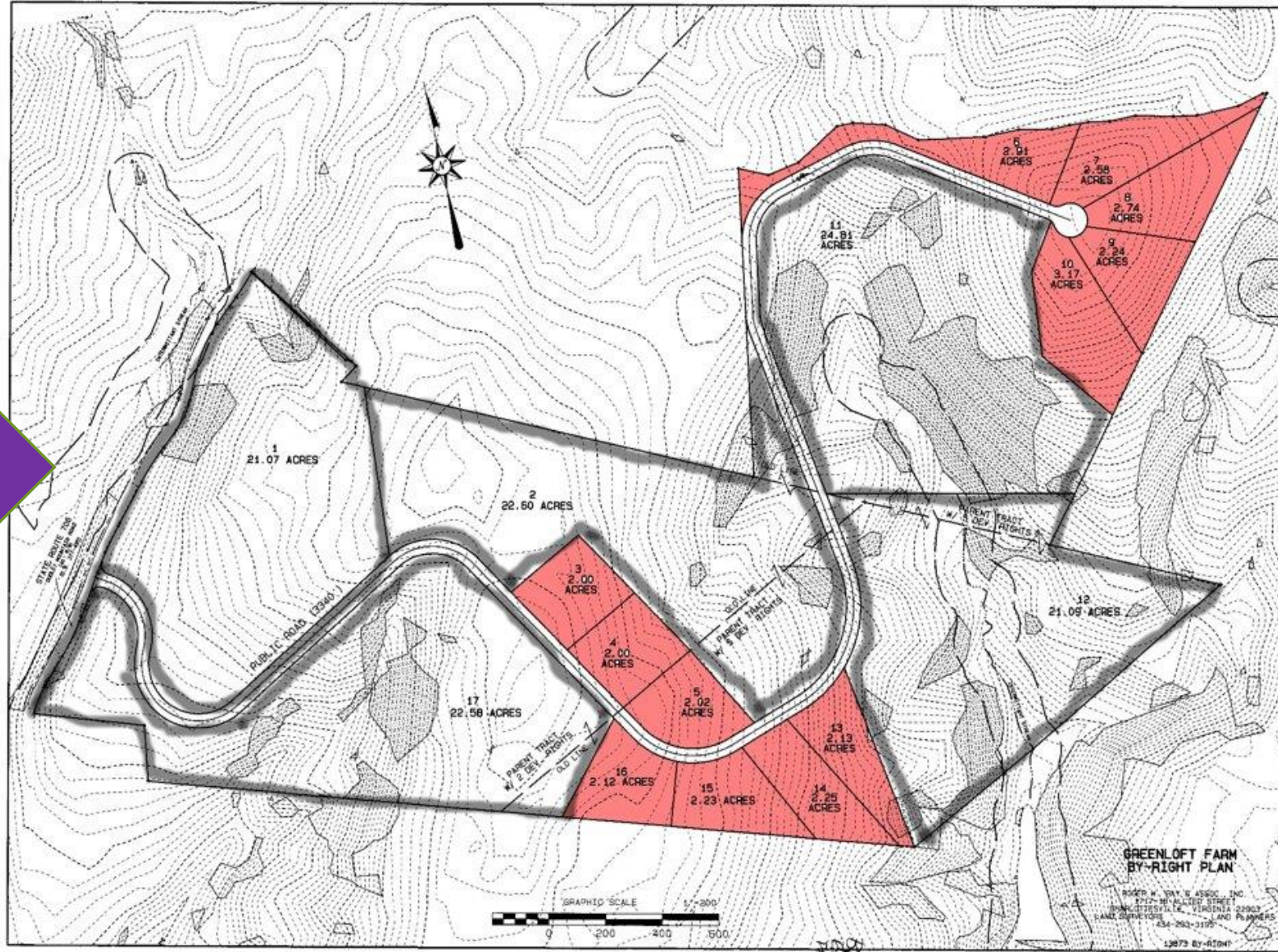
3. Under RA zoning, subdivisions tend to convert entire properties to residential lots.



Solution

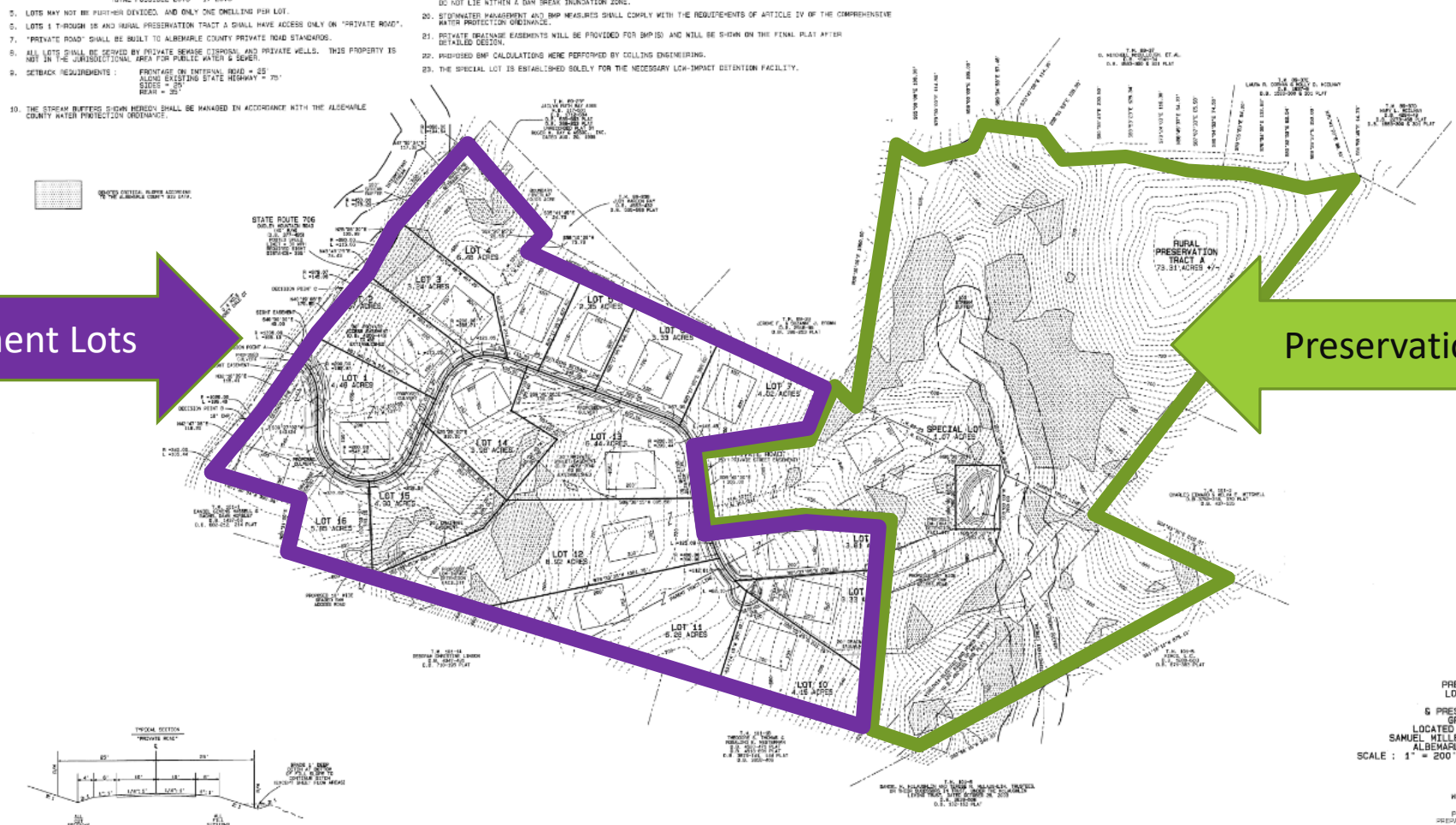
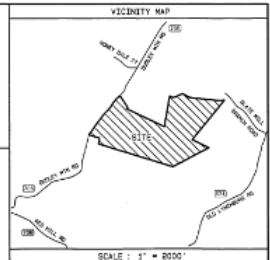
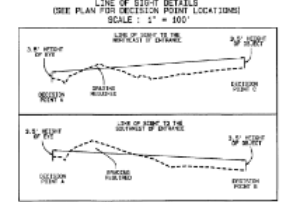
Clustered subdivisions – **“Rural Preservation Developments”**: An optional form of residential development that groups small lots together and place the residue of the property under a conservation easement.

All Development Lots



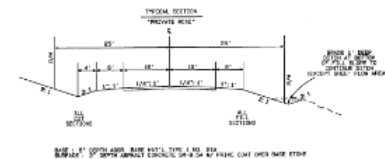
NOTES:
 1. OWNER(S): WRIGHT 104, LLC
 207 EAST HETTERSON STREET
 CHARLOTTEVILLE, VIRGINIA 22902
 2. LEGAL REFERENCES:
 T.M. 89-25
 T.M. 90-25
 T.M. 101-24
 T.M. 101-25
 T.M. 101-26
 T.M. 101-27
 T.M. 101-28 & 29
 T.M. 101-30
 T.M. 101-31
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 T.M. 101-99
 T.M. 101-100

11. A 20' PERMANENT DRAINAGE EASEMENT CENTERED OVER ALL STREAMS AND NATURAL DRAINAGE COURSES ARE TO BE DEDICATED FOR PURPOSES OF DRAINAGE AND MAINTENANCE PURPOSES. ALL DRAINAGE EASEMENTS SHALL BE SHOWN AND Labeled ON THE FINAL PLAN AFTER DETAILED DESIGN OF THE ROAD AND DRAINAGE PLANS ARE COMPLETED. DRAINAGE EASEMENTS SERVING THE PUBLIC SHALL BE SECTION 4.2.1 OF THE ALBERMARE COUNTY ZONING ORDINANCE. DRAINAGE EASEMENTS WILL BE DEDICATED TO THE HOME OWNERS ASSOCIATION.
12. BENCHMARK - 4' DOWNTON DATA (SHOWN HEREON) WAS TAKEN FROM ALBERMARE COUNTY GIS DATA. A PERMANENT BENCHMARK WILL BE SET ON LOCATION WHEN PLANNING IS STAGED.
13. BOUNDARY DATA FOR TAX MAP 101 PARCELS 2, 241, 28 & 29 WAS TAKEN FROM RECORDED PLATS BY THIS FIRM. BOUNDARY DATA FOR TAX MAP 89 PARCELS 241, 28 & 29 WAS TAKEN FROM RECORDED PLATS OF THE ADJACENT PROPERTIES RETIRED TO GRID NORTH.
14. TOTAL AREA = +/- 148.89 ACRES. DEVELOPMENT LOTS=74.51 AC. SPECIAL LOT=1.07 AC. PRESERVATION TRACT A= +/-73.31 AC.
15. ACCORDING TO THE ALBERMARE COUNTY GIS DATA, LOTS 1 THRU 16 AND PRESERVATION TRACT A, EACH CONTAIN A SITUATION TITLE THAT COMPLES WITH SECTION 4.2.1 OF THE ALBERMARE COUNTY ZONING ORDINANCE.
16. LOTS 1 THRU 16 AND PRESERVATION TRACT A DO NOT LIE IN THE 100 YEAR FLOOD PLAIN ACCORDING TO THE FIRM FLOOD INSURANCE RATE MAPS - COMMUNITY NUMBER 51005 0405 D, EFFECTIVE FEBRUARY 4, 2009.
17. TAX MAP 89 PARCEL 28 AND TAX MAP 101 PARCEL 2 ARE LOCATED IN THE NORTH FORK HANCOCK RIVER AND MOORES CREEK WATERSHEDS. TAX MAP 101 PARCELS 241, 28 & 29 ARE LOCATED IN THE NORTH FORK HANCOCK RIVER WATERSHED. THESE PARCELS DO NOT LIE WITHIN AN AGRICULTURAL/PRESERVE DISTRICT.
18. ACCORDING TO THE ALBERMARE COUNTY GIS WEBSITE, TAX MAP 89 PARCEL 28 AND TAX MAP 101 PARCELS 2, 241, 28 & 29 DO NOT LIE WITHIN A BAN BREAK FOUNDATION ZONE.
19. ACCORDING TO THE ALBERMARE COUNTY GIS WEBSITE, TAX MAP 89 PARCEL 28 AND TAX MAP 101 PARCELS 2, 241, 28 & 29 DO NOT LIE WITHIN A BAN BREAK FOUNDATION ZONE.
20. SITEWATER MANAGEMENT AND BMP NEARLINES SHALL COMPLY WITH THE REQUIREMENTS OF ARTICLE IV OF THE COMPREHENSIVE WATER PROTECTION ORDINANCE.
21. PRIVATE DRAINAGE EASEMENTS WILL BE PROVIDED FOR BMP(S) AND WILL BE SHOWN ON THE FINAL PLAN AFTER DETAILED DESIGN.
22. PROPOSED BMP CALCULATIONS WERE PERFORMED BY COLLINS ENGINEERING.
23. THE SPECIAL LOT IS ESTABLISHED SOLELY FOR THE NECESSARY LHM-IMPACT DETENTION FACILITY.



Development Lots

Preservation Tract - Easement



PRELIMINARY PLAT
 LOTS 1 THRU 16,
 SPECIAL LOT
 & PRESERVATION TRACT A
 GREENLOFT FARM
 LOCATED ON STATE ROUTE 706
 SAMUEL MILLER MAGISTERIAL DISTRICT
 ALBERMARE COUNTY, VIRGINIA
 SCALE: 1" = 200' DATE: OCTOBER 23, 2015
 REVISED: JANUARY 7, 2016

FOR
 WRIGHT 104, LLC
 PRELIMINARY PLAT
 PREPARED BY: BRIAN KAY
 ROGER N. KAY & ASSOCIATES, INC.
 1717-10 ALLISON STREET
 CHARLOTTEVILLE, VIRGINIA 22903
 LAND SURVEYORS AND PLANNERS
 634-293-3195

NOTES:
 1. OWNER(S): WRIGHT 104, LLC
 207 EAST LEBANON STREET
 CHARLOTTESVILLE, VIRGINIA 22902

2. LEGAL REFERENCES:
 T.M. 89-25
 T.M. 90-11
 T.M. 123-231
 T.M. 258-435
 T.M. 101-2 5 243
 T.M. 410-715
 T.M. 258-11973386 PLAT
 T.M. 101-28 & 2C
 T.M. 410-715
 T.M. 101-28 & 2C
 T.M. 101-28 & 2C
 T.M. 101-28 & 2C

3. TAX MAP 89 PARCEL 25 AND TAX MAP 101 PARCELS 2, 2A1, 2B & 2C ARE ZONED RA.

4. NUMBER OF POSSIBLE LOTS:
 T.M. 89-25 = 47 DEV. RIGHTS
 T.M. 90-11 = 1 DEV. RIGHT
 T.M. 123-231 = 25 DEV. RIGHTS
 T.M. 258-435 = 1 DEV. RIGHT
 T.M. 101-2 5 243 = 1 DEV. RIGHT
 T.M. 410-715 = 1 DEV. RIGHT
 T.M. 258-11973386 PLAT = 1 DEV. RIGHT
 T.M. 101-28 & 2C = 1 DEV. RIGHT
 T.M. 101-28 & 2C = 1 DEV. RIGHT
 T.M. 101-28 & 2C = 1 DEV. RIGHT

5. +/- 148.89 AC. +/- 12 DEV. RIGHTS = 12 DEV. RIGHTS + 5121 AC.
 TOTAL POSSIBLE LOTS = 57 LOTS

6. LOTS MAY NOT BE FURTHER DIVIDED, AND ONLY ONE DWELLING PER LOT.

7. LOTS 1 THROUGH 16 AND RURAL PRESERVATION TRACT A SHALL HAVE ACCESS ONLY ON "PRIVATE ROAD".

8. "PRIVATE ROAD" SHALL BE BUILT TO ALBERMARLE COUNTY PRIVATE ROAD STANDARDS.

9. ALL LOTS SHALL BE SERVED BY PRIVATE SEWER SYSTEMS AND PRIVATE WELLS. THIS PROPERTY IS NOT IN THE JURISDICTIONAL AREA FOR PUBLIC WATER & SEWER.

10. SETBACK REQUIREMENTS: FRONTAGE ON IMPERIAL ROAD = 25'
 ALONG EXISTING STATE HIGHWAY = 75'
 SIDES = 25'
 REAR = 25'

11. THE STREAM BUFFERS SHOWN HEREON SHALL BE MANAGED IN ACCORDANCE WITH THE ALBERMARLE COUNTY WATER PROTECTION ORDINANCE.

12. 20' PERMANENT DRAINAGE EASEMENTS CENTERED OVER ALL STREAMS AND NATURAL DRAINAGE COURSES ARE TO BE DEDICATED FOR PURPOSES OF DRAINAGE AND MAINTENANCE THEREON. ALL DRAINAGE EASEMENTS SHALL BE SHOWN AND Labeled ON THE FINAL PLAN AFTER DETAILED DESIGN OF THE ROAD AND DRAINAGE PLANS ARE COMPLETED. DRAINAGE EASEMENTS BEYOND THE PUBLIC ROW SHALL BE DEDICATED TO PUBLIC USE. ALL OTHER DRAINAGE EASEMENTS WILL BE DEDICATED TO THE HOME OWNERS ASSOCIATION.

13. BENCHMARK - 4. DONTOR DATA SHOWN HEREON WAS TAKEN FROM ALBERMARLE COUNTY GIS DATA. A PERMANENT BENCHMARK WILL BE SET ON LOCATION WHEN PLANNING IS STAGED.

14. BOUNDARY DATA FOR TAX MAP 101 PARCELS 2, 2A1, 2B & 2C WAS TAKEN FROM RECORDED PLATS BY THIS FIRM. BOUNDARY DATA FOR TAX MAP 89 PARCEL 25 WAS TAKEN FROM RECORDED PLATS OF THE ADJOINER PROPRIETARIES RETIATED TO GRID NORTH.

15. TOTAL AREA +/- 148.89 ACRES DEVELOPMENT LOTS=74.51 AC. SPECIAL LOT=1.07 AC. PRESERVATION TRACT A +/-73.31 AC.

16. ACCORDING TO THE ALBERMARLE COUNTY GIS DATA, LOTS 1 THRU 16 AND PRESERVATION TRACT A, EACH CONTAIN A SITUATION TITLE THAT COMPLES WITH SECTION 2.2.1 OF THE ALBERMARLE COUNTY ZONING ORDINANCE.

17. LOTS 1 THRU 16 AND PRESERVATION TRACT A DO NOT LIE IN THE 100 YEAR FLOOD PLAIN ACCORDING TO THE FIRM FLOOD INSURANCE RATE MAPS - COMMUNITY NUMBER 31005 0405 D, EFFECTIVE FEBRUARY 4, 2009.

18. TAX MAP 89 PARCEL 25 AND TAX MAP 101 PARCEL 2 ARE LOCATED IN THE NORTH FORK HANCOCK RIVER AND MOORES CREEK WATERSHEDS. TAX MAP 101 PARCELS 2A1, 2B & 2C ARE LOCATED IN THE NORTH FORK HANCOCK RIVER WATERSHED. THESE PARCELS DO NOT LIE WITHIN AN AGRICULTURAL/PRESERVATION DISTRICT.

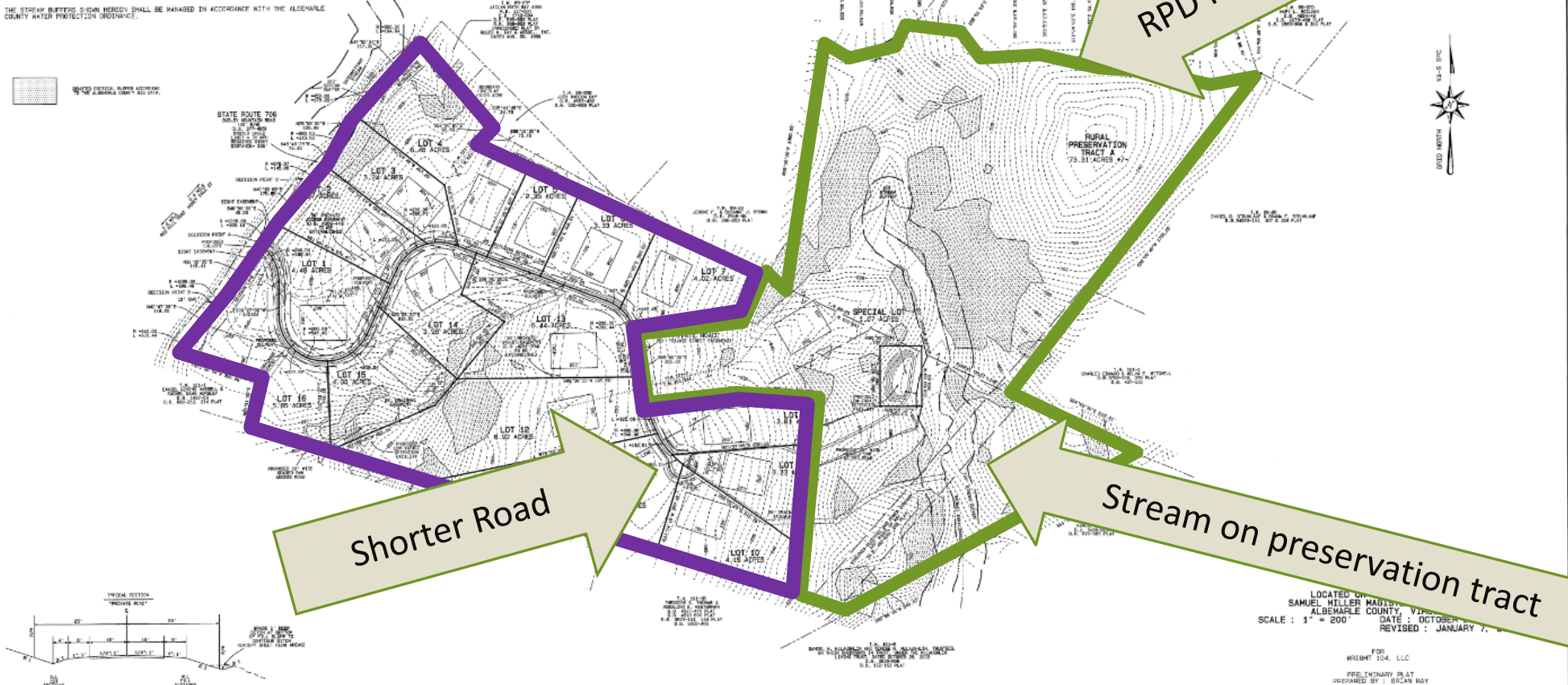
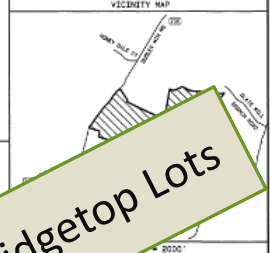
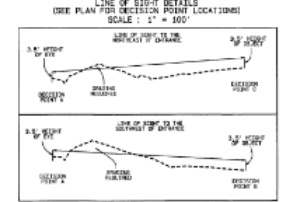
19. ACCORDING TO THE ALBERMARLE COUNTY GIS WEBSITE, TAX MAP 89 PARCEL 25 AND TAX MAP 101 PARCELS 2, 2A1, 2B & 2C DO NOT LIE WITHIN A BAN BREAK FOUNDATION ZONE.

20. STORMWATER MANAGEMENT AND BMP MEASURES SHALL COMPLY WITH THE REQUIREMENTS OF ARTICLE IV OF THE COMPREHENSIVE WATER PROTECTION ORDINANCE.

21. PRIVATE DRAINAGE EASEMENTS WILL BE PROVIDED FOR BMP(S) AND WILL BE SHOWN ON THE FINAL PLAN AFTER DETAILED DESIGN.

22. PROPOSED BMP CALCULATIONS WERE PERFORMED BY COLLINS ENGINEERING.

23. THE SPECIAL LOT IS ESTABLISHED SOLELY FOR THE NECESSARY LHM-IMPACT DETENTION FACILITY.



RPD Prevents Ridgetop Lots

Shorter Road

Stream on preservation tract

LOCATED ON SAMUEL MILLER MAINTENANCE ROAD ALBERMARLE COUNTY, VIRGINIA SCALE: 1" = 200' DATE: OCTOBER 2010 REVISED: JANUARY 7, 2011

FOR WRIGHT 104, LLC PRELIMINARY PLAT PREPARED BY: BRIAN KAY ROGER N. KAY & ASSOC., INC. 2717-10 ALLIES STREET CHARLOTTESVILLE, VIRGINIA 22903 LAND SURVEYORS AND PLANNERS 634-293-3192

3 Problems, 3 Voluntary Solutions

Problem	Solution
1. Farm owners with lower incomes are under pressure to sell land to meet expenses. Risk of farmland loss and rural development.	ACE – County purchase of development rights
2. Many rural landowners with important small- to medium-sized properties couldn't meet minimum acreage requirements for existing easement programs.	ACEA donated easements
3. Under RA zoning, subdivisions tend to convert entire properties to residential lots.	“Rural Preservation Developments”

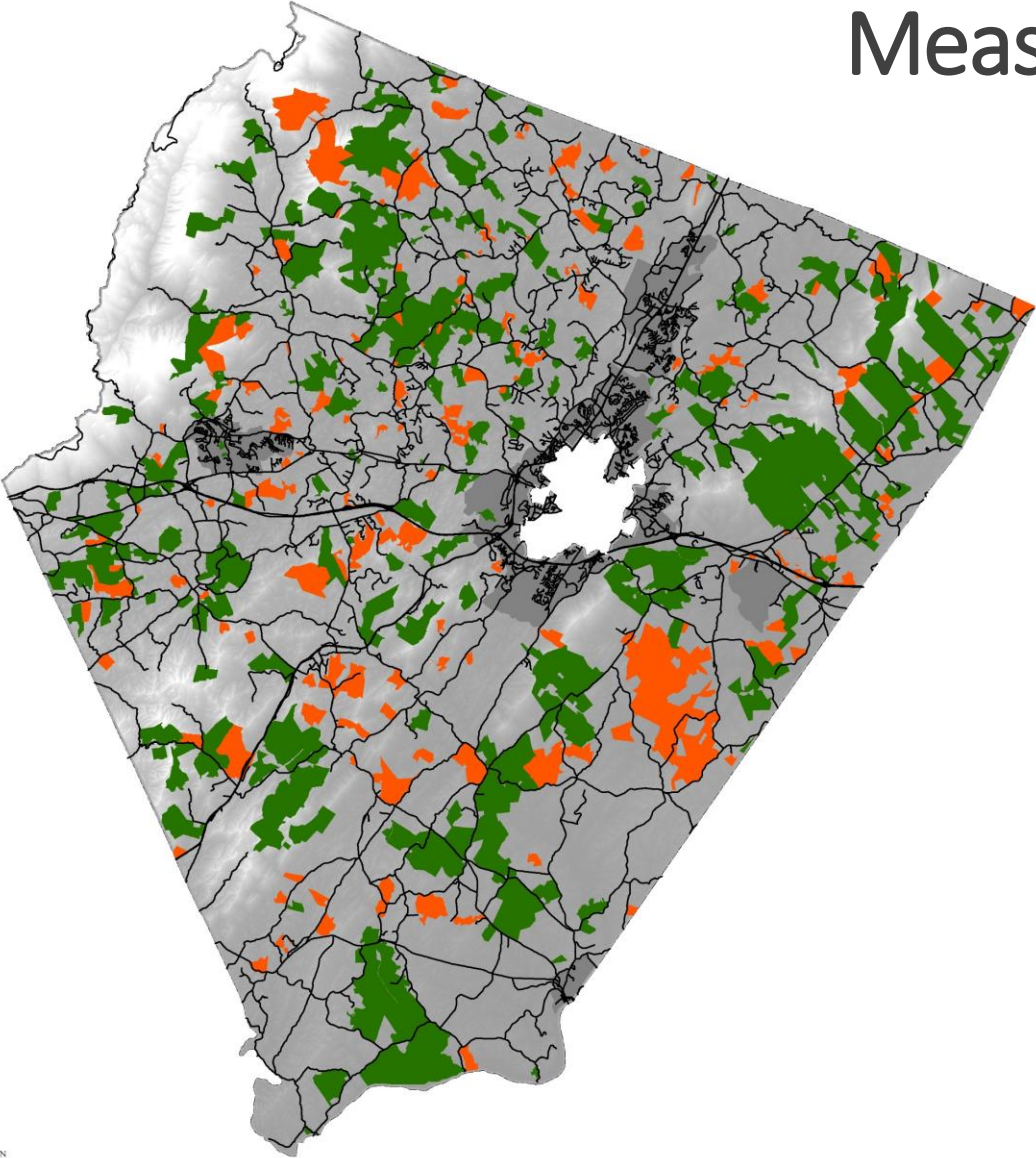
Monitoring & Enforcement

All conservation easement programs require monitoring and enforcement to remain effective.

CDD staff carries out:

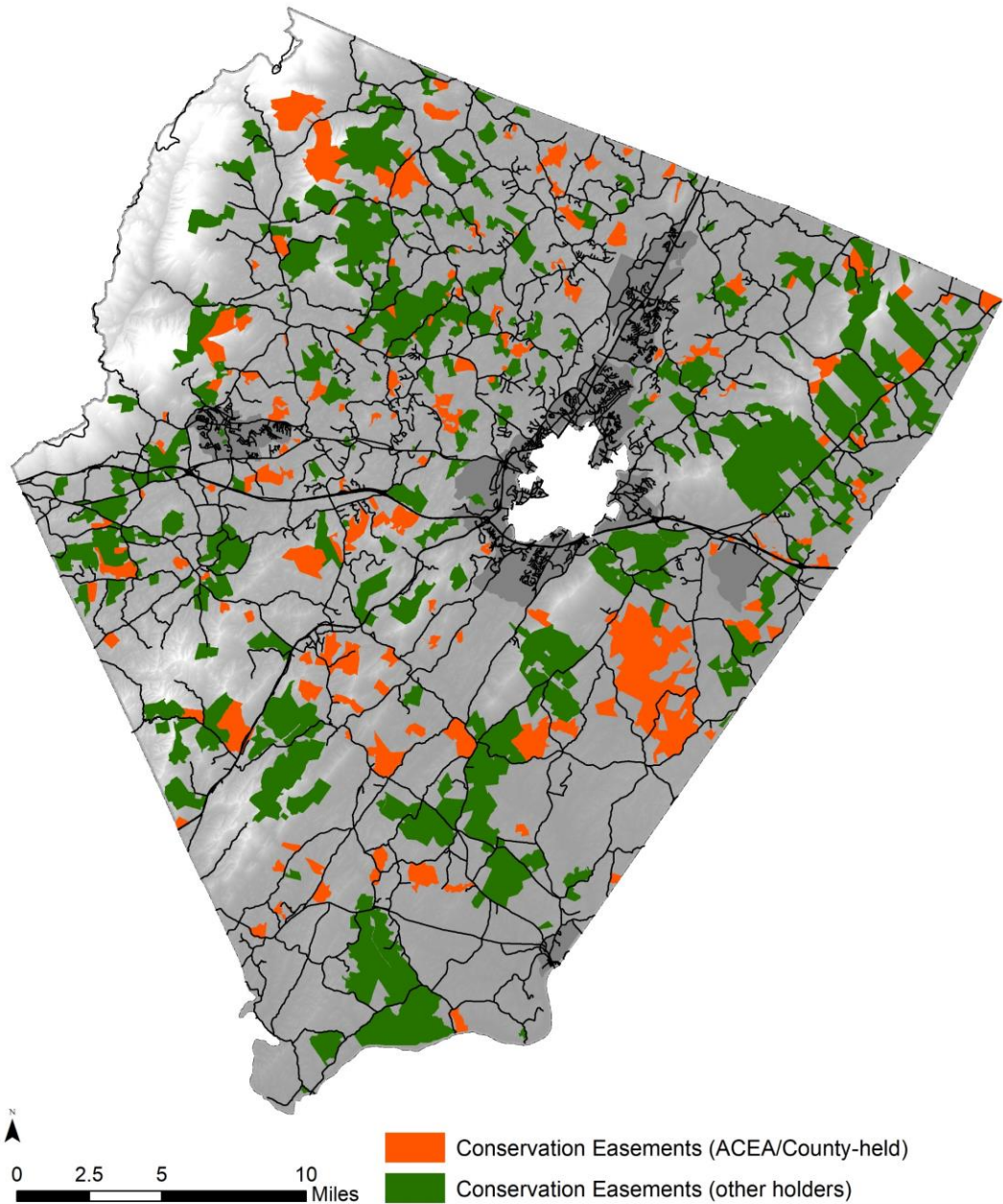
- Automated notification of building & development activity
- Field monitoring of easement properties (current target is once every two years)

Measures of Success



■ Conservation Easements (ACEA/County-held)
■ Conservation Easements (other holders)

Program	Acres Protected	RA Dwellings Prevented
ACE	9,623	572
ACEA Donated	15,948	1,408
RPDs	1,773	n/a
Total	27,345	1,980



1,980 dwellings are:

7.8 years' worth of RA dwellings at pre-recession rates,

or

10 years' worth at the 20-year average rate

(This is just for Albemarle's easements – we don't know the total number of dwellings eliminated by all easements.)

Measures of Success

Program	Acres Protected	RA Dwellings Eliminated
ACE	9,623	572
ACEA Donated	15,948	1,408
RPDs	1,773	0
Total	27,345	1,980



Resources Protected:

- Prime farm and forest land (over 4,799 acres)
- Buffered streams (24 miles)
- Scenic views (5 miles of frontages on scenic highways and Entrance Corridors)
- Mountain Protection Areas (1,100 acres)

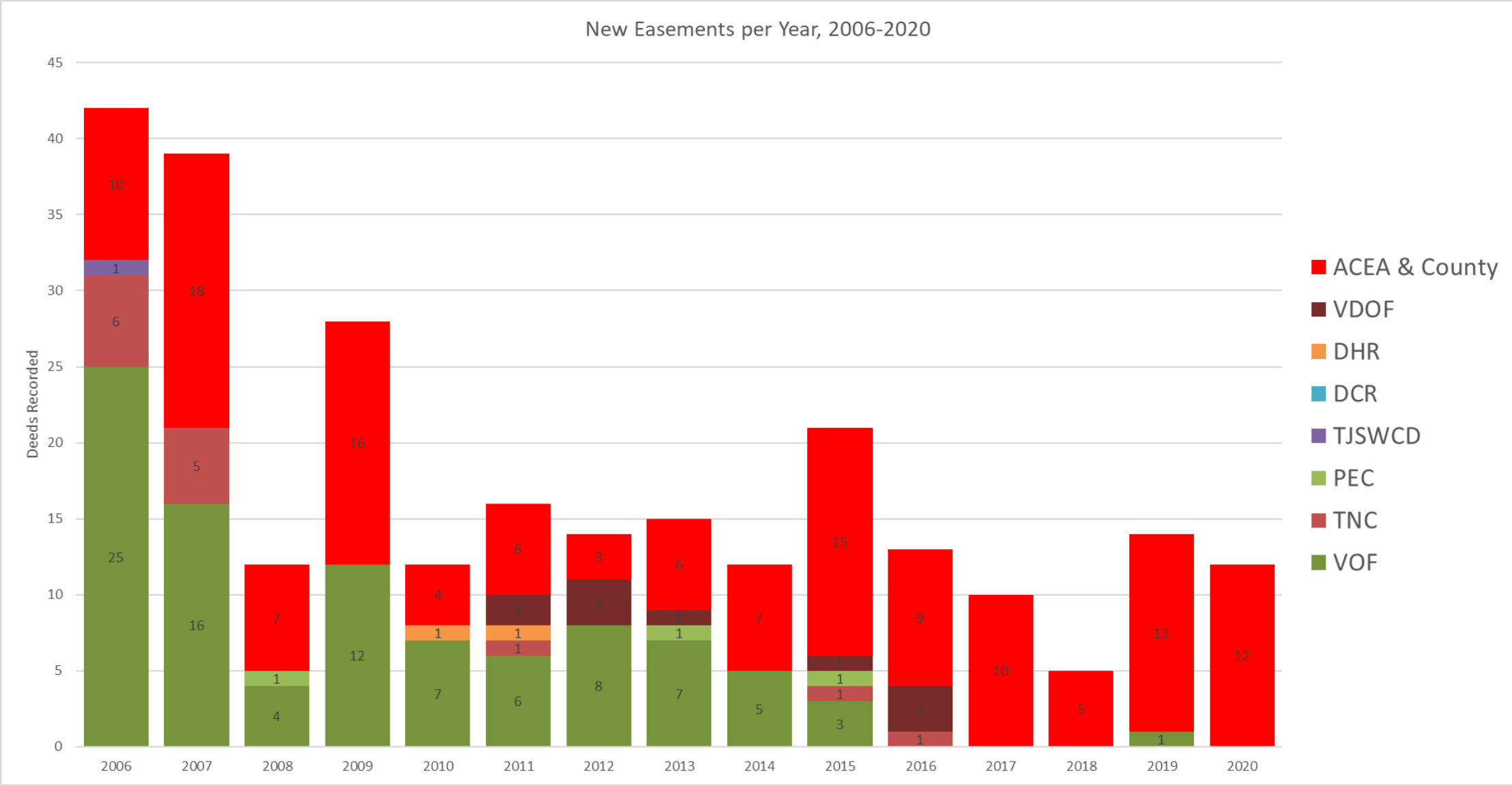
Measures of Success

Program	Acres Protected	RA Dwellings Eliminated
ACE	9,623	572
ACEA Donated	15,948	1,408
RPDs	1,773	0
Total	27,345	1,980



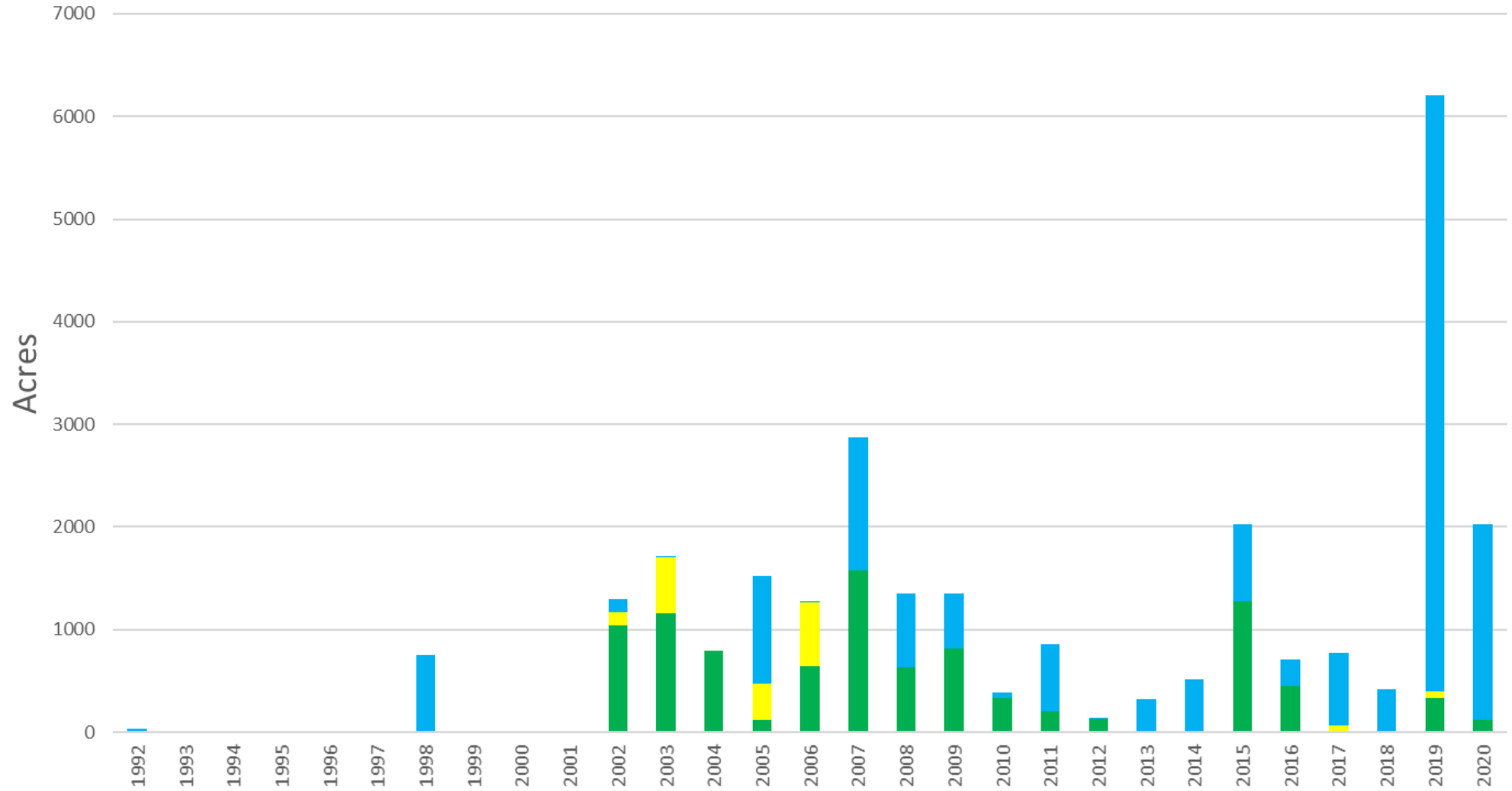
- Supporting working farms and landowners in need: (44/53 were paid at least 94% of easement value)
- Grants acquired: over \$3,000,000 to protect nearly 10,000 acres

In recent years, the ACEA-County program has become the most active holder of new easements in the County.



Acres Protected Per Year

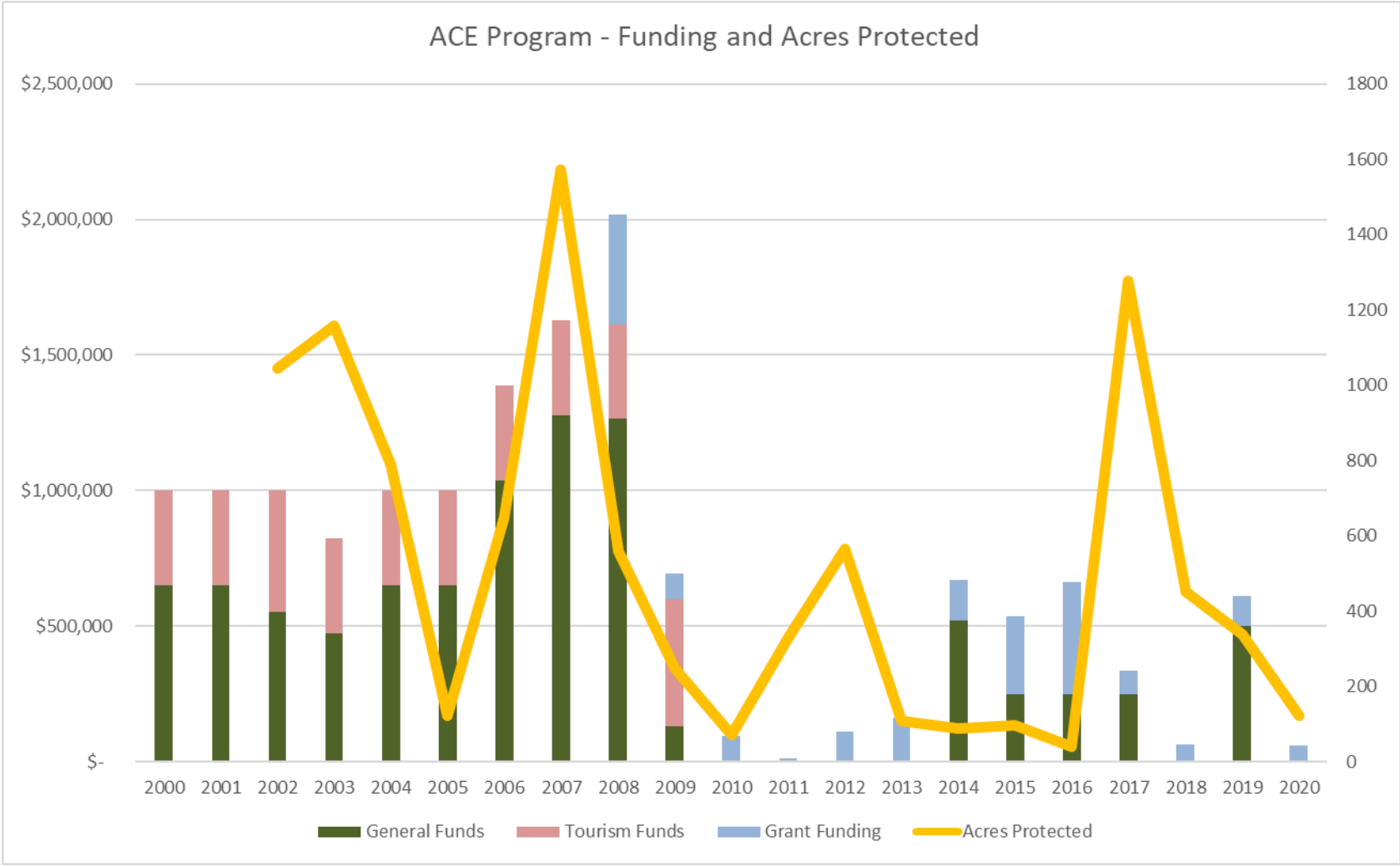
ACE RPD ACEA Donated



Emerging Issues

ACE Funding:

- Post-recession reduction or elimination of annual ACE funding has significantly reduced the program's ability to acquire easements.
- Funding has never been restored to pre-recession levels.
- Causes uncertainty for landowners, who can't easily plan to enter a program with unreliable funding.

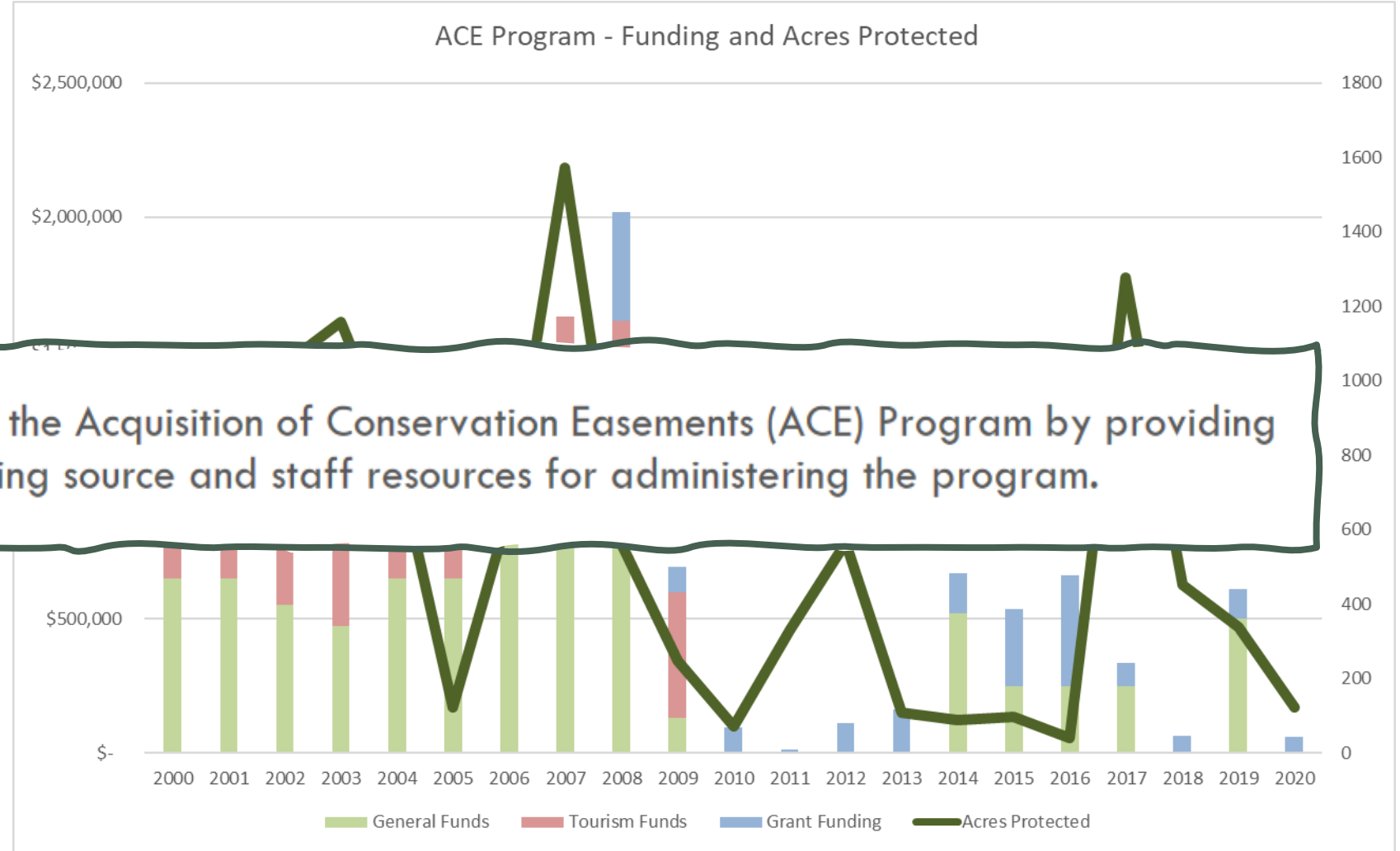


ACE Funding:

Post-recession reduction or elimination of annual ACE funding has significantly reduced the program's ability to acquire easements. Funding has never been re-

levels. This situation is uncertainly for landowners, who can't easily plan to enter a program with unreliable funding.

Strategy 2e: Strengthen the Acquisition of Conservation Easements (ACE) Program by providing a stable dedicated funding source and staff resources for administering the program.

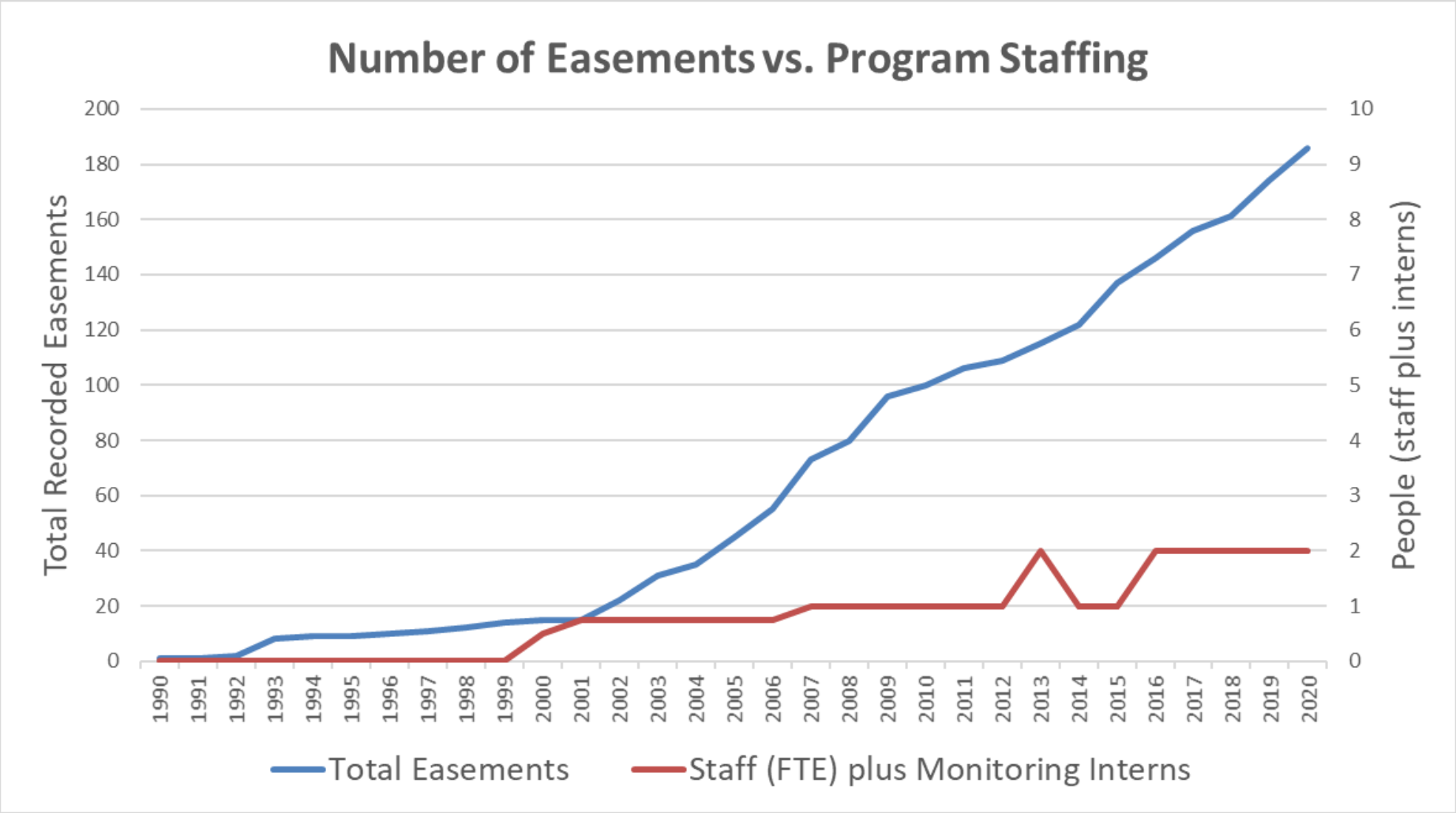


Staffing & Program Capacity

As the number of County-held easements increases, the monitoring workload also increases.

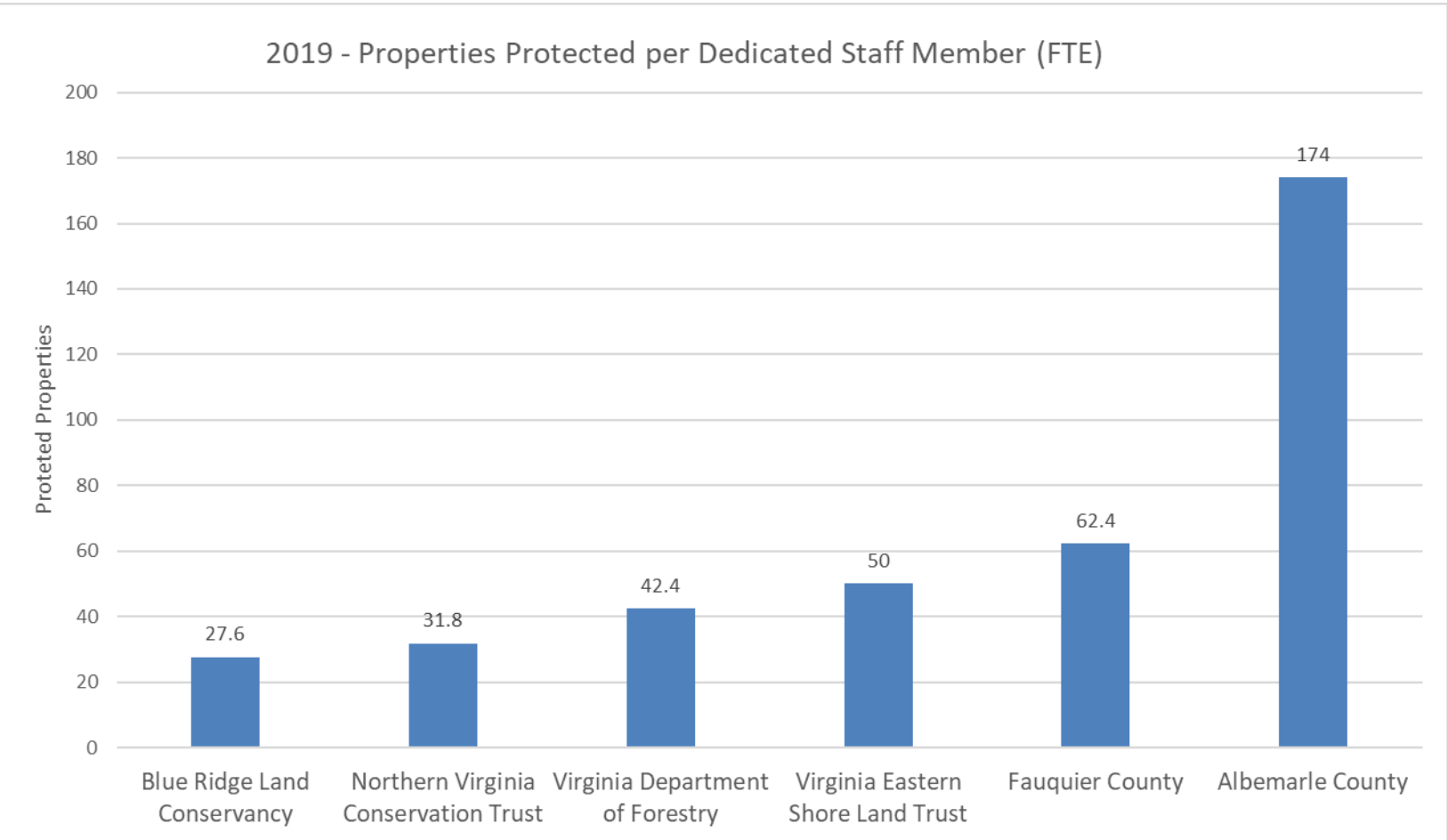
Current staffing includes:

- Half-time ACE coordinator
- 0.25 to 0.5 FTE of one planner
- In some years, CDD hires part- or full-time interns for monitoring.
- Note that these staff resources are not entirely dedicated to monitoring.



Emerging Issues

Albemarle County has more easements per program staff person than is typical for similarly-sized Virginia land trusts.



Where Do We Go From Here?

We have over 20 years of experience with these tools...

Problem	Solution
1. Farm owners with lower incomes are under pressure to sell land to meet expenses. Risk of farmland loss and rural development.	ACE – County purchase of development rights
2. Many rural landowners with important small- to medium-sized properties couldn't meet minimum acreage requirements for existing easement programs.	ACEA donated easements
3. Under RA zoning, subdivisions tend to convert entire properties to residential lots.	“Rural Preservation Developments”

...but we haven't comprehensively reviewed or updated the programs since they were created.

- Can we make our easement programs more effective?
- As activity increases, how does staff capacity compare to program workload?
- Are there new needs requiring new solutions?

New Opportunities

The County has adopted or is developing new high-priority conservation policies that could partly be implemented with easements:



Climate Action Plan

- Easements can protect existing forests/vegetation
- Easement programs can adopt language permitting on-the-ground carbon sequestration projects



Biodiversity Action Plan

- Plan recommends increasing options for biodiversity-focused land protection, including via easements



Stream Health

- Existing riparian-easement opportunities in the County are limited and can be costly for landowners.

Where Do We Go From Here?

From small beginnings, Albemarle County has built the equivalent of large, successful local land trust.

To continue our success, we need to:

- Identify potential updates to our programs that could meet new and existing needs
- Prepare for new opportunities

Where Do We Go From Here?

Recommendation: Staff proposes to research and recommend updates to the easement program as part of the upcoming Comprehensive Plan review:

- Conservation Funding Mechanisms
- Staffing & Program Capacity
- Goal-setting for Increased Effectiveness



AGENDA DATE: 9/15/2021

TITLE:

Acquisition of Conservation Easements (ACE) Property Appraisal Request for Fiscal Year 2020 (FY 20) Applicant Class

SUBJECT/PROPOSAL/REQUEST: Request approval to appraise the ACE Committee-recommended easements from the FY 20 ACE applicant class

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, DeLoria, Rapp, Maliszewski, Goodall

PRESENTER (S): Ches Goodall

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Pursuant to sections A.1-110(G) and A.1-110(H) of the ACE Ordinance, the Board of Supervisors reviews the list of parcels ranked by the ACE Committee and identifies parcels on which it desires to acquire conservation easements. Each conservation easement identified by the Board for purchase is appraised by an independent appraiser chosen by the County.

On October 31, 2019, three applicants enrolled in the FY 20 applicant class. Staff evaluated each property according to the ACE Ordinance ranking evaluation criteria. These criteria include: open space resources; threat of conversion to developed use; natural, scenic and cultural resources; and County fund leveraging from outside sources. An initial review of the applicant scoring and ranking resulted in only the Campbell property qualifying. This result was presented to the ACE Committee on March 9, 2020. The committee's work then paused due to the impacts of the COVID-19 pandemic. Subsequently, one of the Henley parcels (40-12A) became eligible with an amended application to donate a portion of the easement value - according to Criterion D.1 of the ACE Ordinance (*County fund leveraging*), an applicant may receive one point for each ten percent of the purchase price they donate or leverage. Consequently, staff finds that both the Campbell and Henley properties meet eligibility requirements and recommends that both properties be appraised. Staff will present this recommendation to the ACE Committee at its upcoming meeting, which is scheduled for September 13, 2021 and staff will present the Committee's recommendations at the September 15 Board meeting.

STRATEGIC PLAN: Rural Areas - Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

DISCUSSION: At its June 2, 2021 meeting, following a discussion on the FY 21 budget, the Board directed staff to conduct an "evaluation and analysis" of the Campbell and Henley properties to determine how much funding would be needed to acquire the two easements. This was not a directive to acquire the easements, just approval to scope and price them by means of an appraisal.

If acquired, the easements would provide or protect:

- 1) 200 acres of working farmland (Campbell is 180.48 acres; Henley is 19.10 acres)
- 2) approximately 8,000 feet of riparian buffers with new fencing to exclude livestock
- 3) 350 acres of "prime" farmland
- 4) over 6,000 feet of common boundary with 5 other easements (including 3 ACE easements)
- 5) nearly 4,000 feet of state road frontage
- 6) eliminate 12 potential dwelling sites

The Board must review the Committee's recommended list of ranked parcels and identify and rank those

parcels on which the Board desires conservation easements. The Board is not obligated to purchase any qualifying parcel and is not bound by staff or Committee recommendations. The ACE program is a non-exclusive means by which the County may purchase conservation easements, County Code Sec. A.1-113.

BUDGET IMPACT: The County currently has \$75,619 for the FY 20 applicant pool. The Virginia Department of Agriculture and Consumer Services (VDACS), through an Intergovernmental Agreement with the County, holds \$54,000 in reserve to match up to 50% of the County's eligible easement purchase expenses (i.e., purchase price, appraisal, title search, and title insurance). With approximately \$129,619 available to apply to purchase prices, there may be sufficient funds to acquire the Henley easement, but additional funding by the County would be needed to acquire either only the Campbell easement or both easements, if desired. The appraisals will determine how much each easement will cost. Funding for the purchase of these conservation easements would come from the existing Capital Improvement Plan's Community Development Conservation budget. Funds for the appraisal have been accounted for in the department budget and will have no additional budget impact.

RECOMMENDATION:

Staff recommends that the Board authorize appraisals of the Campbell (tax parcel 99-36D) and Henley (tax parcel 40-12A) properties.

ATTACHMENTS:

A – ACE Scorecard for FY 20

Acquisition of Conservation Easements (ACE) Program

Request approval to appraise the ACE Committee recommended easements from
the FY 20 ACE applicant class

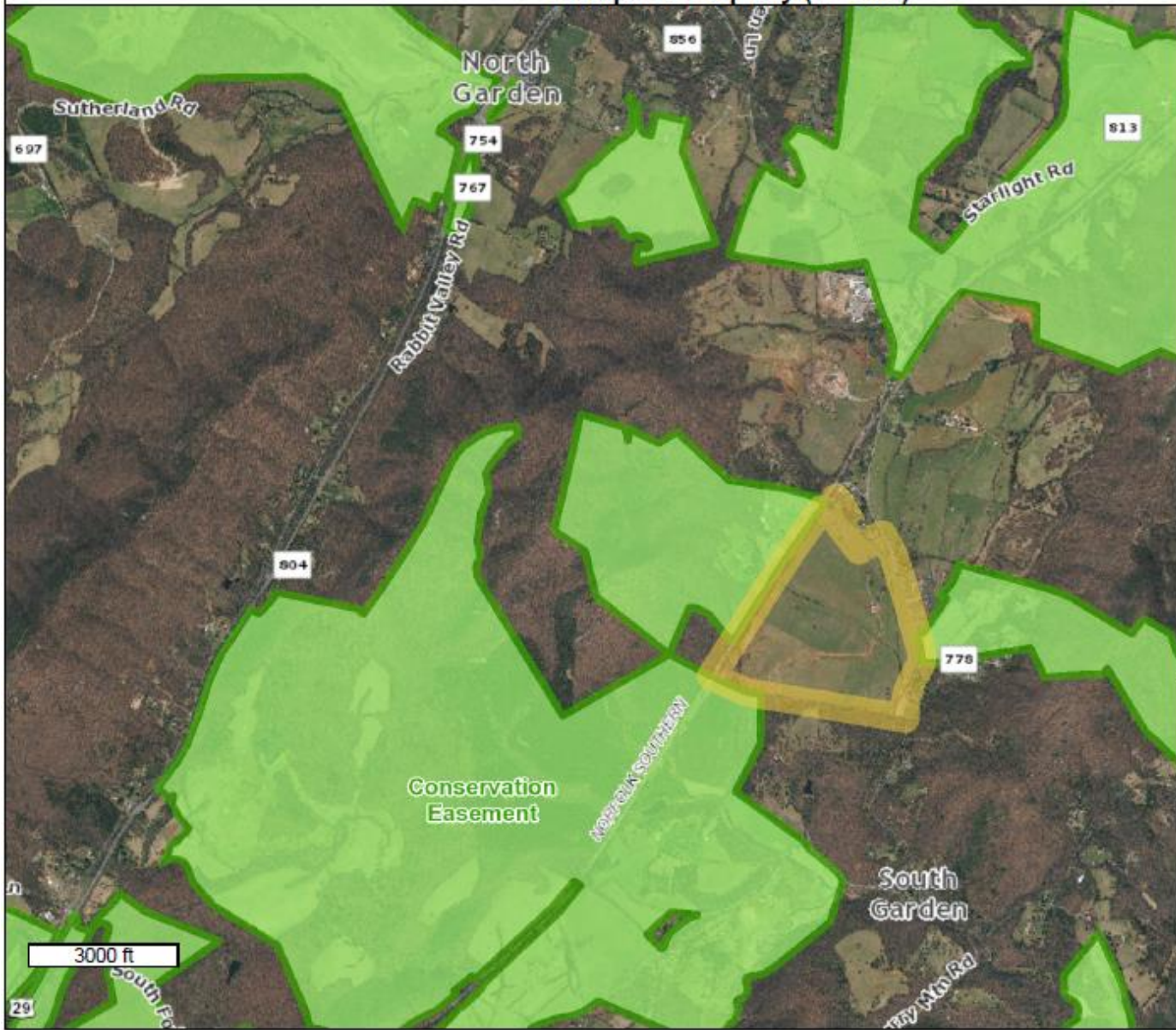
“...protecting open space & farmland through the voluntary
acquisition of conservation easements”.

Timeline

- In March 2020, staff presented ACE Committee with information about current applicant class (enrolled October 31, 2019) - preliminary scoring and ranking of applicants
- Next step for staff was to finalize scoring and ranking of applicants and obtain approval to have qualifying properties appraised
- COVID struck and ACE funding was paused
- On June 2, 2021, BOS directed staff to do an evaluation and analysis of current ACE class to “get some numbers” for possible special funding
- Staff asked Wesley Woods (County easement appraiser) to conduct preliminary appraisals of easement value for 2 qualifying properties – Campbell and Henley
- Staff received appraisals on September 13, 2021 and held ACE Committee meeting to consider appraisals and make recommendations to BOS

Owner Name - FY20 Applicant Pool	Campbell	Lanahan	Henley	Henley
Tax Map-Parcel #(s)	99-36D	51-18A, 51-19B, 51-20A	40-12A	40-50D
Acreage	180.48	97.64	19.10	24.11
Adjoins protected open space (A.1)	10.27	2.00	6.60	2.00
Size of parcel (A.2)	3.61	1.95		
Threatened with hardship? (B.1)				
Division rights eliminated (B.2)	4.00	7.00	2.00	0.50
Mountain protection (C.1)				
Working family farm (C.2)	3.00	3.00	3.00	3.00
Designated road frontage (C.3)	7.60		3.03	2.90
Historic resources (C.4)				
Natural heritage resources (C.5)				
Prime soils (C.6)	2.88	0.52	0.16	0.29
Watershed of reservoir (C.7)			3.00	3.00
Frontage of perennial stream or river (C.8)	7.83	3.99		
Designated state scenic river (C.9)				
Sensitive groundwater recharging area (C.10)				
Within AFD? (C.11)			1.00	1.00
Forestry Management Plan (C.12)				
County fund leveraging (D.1)			1.21	
Point Totals	39.19	18.46	20.00	12.69
Status	<i>eligible</i>	<i>withdrew</i>	<i>eligible</i>	<i>ineligible</i>
Fair Market Value (before easement)	1,221,500	<i>n/a</i>	390,700	<i>n/a</i>
Easement Value (estimate)	425,000	<i>n/a</i>	150,000	<i>n/a</i>
ACE Payment (estimate)	425,000	<i>n/a</i>	132,000	<i>n/a</i>

Campbell Property (99-36D)



Legend

(Note: Some items on map may not appear in legend)

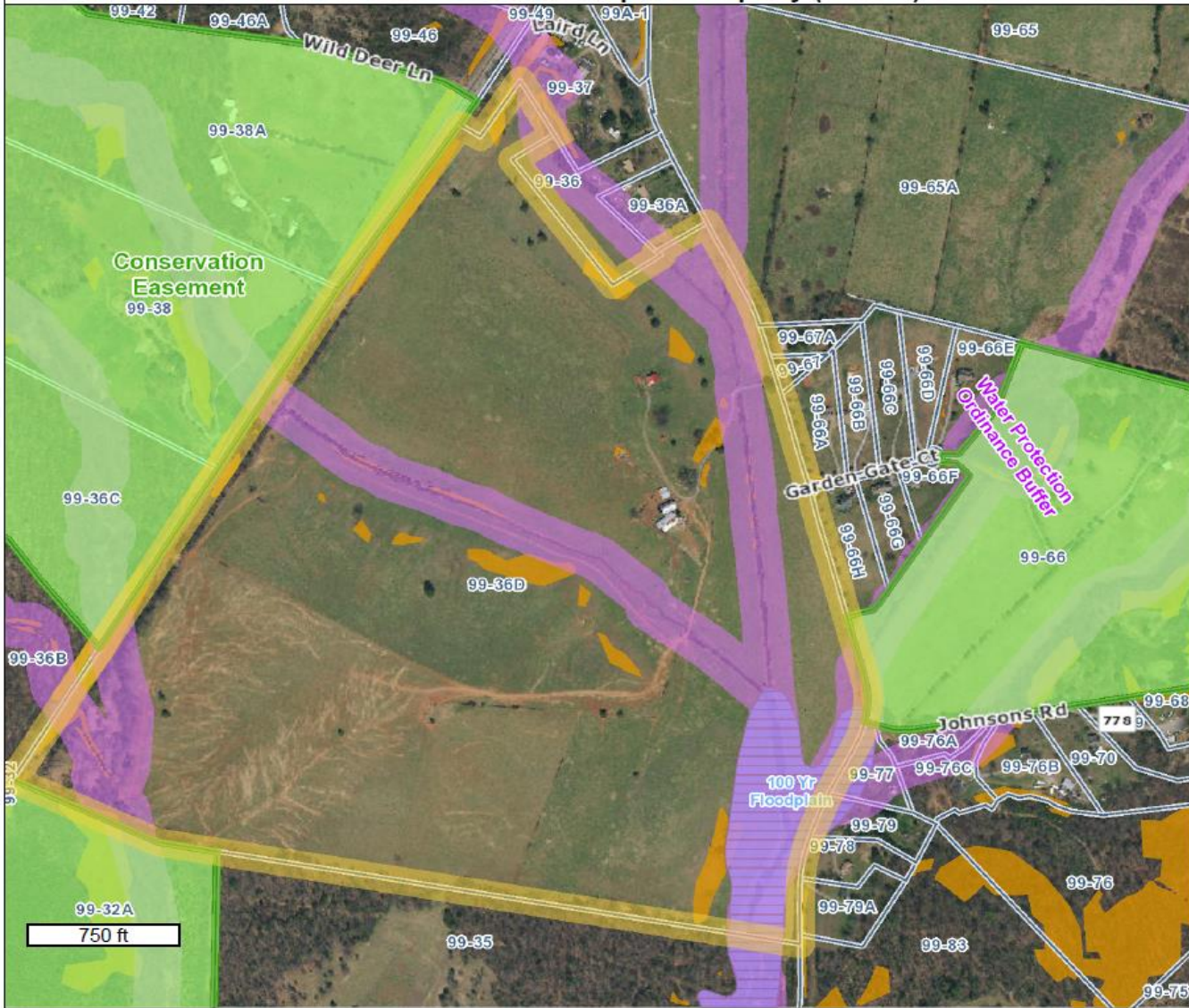
Overlays

- Conservation Easements
 - Partial
 - Full



GIS/Web
Geographic Data Services
www.alaska.gov/gis
(434) 266-6832

Campbell Property (99-36D)



- ### Legend
- (Note: Some items on map may not appear in legend)
- Overlays**
 - Conservation Easements
 - Partial
 - Full
 - Water Protection Ordinance Buffers
 - Parcel Info**
 - Parcels
 - Zoning Info**
 - Flood Hazard Overlay (100 Year Flo)
 - Steep Slopes Overlay
 - Critical Slopes
 - Steep Slopes - Managed
 - Steep Slopes - Preserved

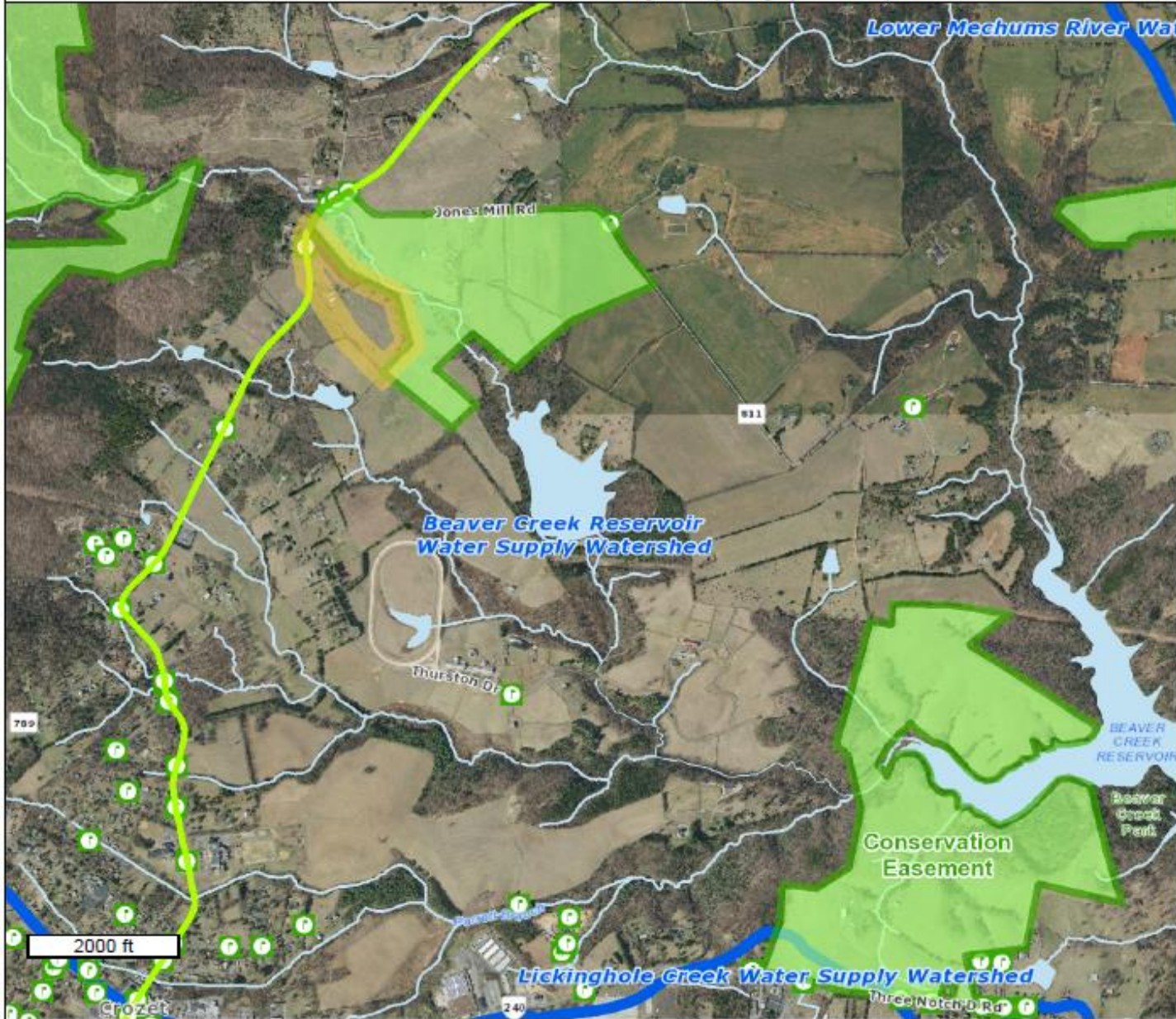


CAMPBELL PROPERTY

- 180.48 acres
- 3,400 feet of road frontage
- 12 development rights (4 and 8)



Henley Property (40-12A)



Legend

(Note: Some items on map may not appear in legend)

- Overlays
 - Conservation Easements
 - Partial
 - Full
 - Scenic Byways
 - NATIONAL SCENIC BYWAY
 - VIRGINIA BYWAY
 - RECOMMENDED VIRGINIA BYWAY
 - SCENIC ROAD
 - Road Signage
 - E911 Road Signs
 - Watch for Children Signs
 - No Parking Signs
 - Water Features
 - Major Water Bodies
 - Ponds
 - Other Streams
 - Watersheds
 - N
 - Y



Henley Property - Tax Parcel 40-12A (19.10 ac)



- Legend**
 (Note: Some items on map may not appear in legend)
- Overlays**
 - Water Protection Ordinance Buffers
 - Parcel Info**
 - Parcels
 - Water Features**
 - Major Water Bodies
 - Ponds
 - Other Streams
 - Zoning Info**
 - Steep Slopes Overlay
 - Critical Slopes
 - Steep Slopes - Managed
 - Steep Slopes - Preserved



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400 ft

Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination. Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

HENLEY PROPERTY

- 19.10 acres
- 620 feet of road frontage
- 5 development rights



New Information

RECOMMENDATIONS

Staff's Original Recommendation in Executive Summary:

Staff recommends that the Board authorize appraisals of the Campbell (tax parcel 99-36D) and Henley (tax parcel 40-12A) properties.

ACE Committee's Recommendation following 9/13/2021 Meeting:

1. Defer consideration of the Henley easement and
2. Pursue the purchase of the Campbell easement, subject to a final appraisal.

APPRAISALS

- Staff's guesstimate for Campbell was \$425,000 and for Henley was \$150,000 (based on comparison to other easements)
- Preliminary appraisals received 9/13/2021 for Campbell = \$722,000 and for Henley = \$133,500.

Considerations of Funding ACE Easements

- BOS has the discretion to fund either or both properties.
- BOS does not have to fund the entire easement value. Lesser amounts can be offered.
- Any amount paid that is below the appraised easement value may be used for state and federal tax deductions and/or sold as tax credits (40% of the unpaid amount).
- Current ACE budget = \$129,619.00

Suggested Motions

Campbell

Authorize an appraisal of the Campbell easement (tax parcel 99-36D) for consideration of the County purchasing a perpetual conservation easement

Henley

1. Authorize an appraisal of the Henley easement (tax parcel 40-12A) for consideration of the County purchasing a perpetual conservation easement **OR**
2. Defer an appraisal of the Henley easement (tax parcel 40-12A) for consideration of the County purchasing a perpetual conservation easement