

MEMORANDUM

TO: Ann Mallek, Chair
Members, Board of Supervisors

cc: Members, PRFA
Andy Herrick
Scott Clark

FROM: Hamilton Moses, III, Chair
Public Recreation Facilities Authority

DATE: June 10, 2018

SUBJECT: Request for change of name

The PRFA approved a request to the Board of Supervisors that the authority's name be changed to the *Albemarle Conservation Easement Authority*. The rationale for the change is to reflect accurately the historical role of the authority, as well as to remove a source of confusion about its present purpose.

Background

The PRFA was created in the 1980s to hold easements under provisions of the Commonwealth's Open Space Land Act (OSLA) of 1966. Initially, the PRFA held easements on the preservation tracts of clustered subdivisions ("Rural Preservation Developments"). The Authority began co-holding ACE easements in 2002. Although there were a few scattered easement donations in the early years, the Authority did not begin to accept donated easements routinely until 2003, when guidelines were established to do so.

The public value of the conservation of open space, water, agriculture, forestry, scenic views, and property of historic or cultural significance has long been recognized by legislative bodies, including the Supervisors, state legislature, and Congress. As stated in the original OSLA in 1966 and reconfirmed many times subsequently, the rationale for a public body to promote conservation generally, and to accept conservation easements specifically, is that:

"The General Assembly finds that the rapid growth and spread of urban development are creating critical problems of service and finance for the State and local governments... that the provision and preservation of permanent open-space land are necessary to help curb urban sprawl and to prevent the spread of urban blight and deterioration, to encourage and assist more economic and desirable urban development, to help provide or preserve necessary park, recreational, historic and scenic areas, and to conserve land and other natural resources...and that the exercise of authority to acquire or designate interests and rights in real property to provide or preserve permanent open-space land and the expenditure of public funds for these purposes would be for a public purpose."

[<https://law.lis.virginia.gov/vacode/title10.1/chapter17/section10.1-1701>]

SUBJECT: PRFA Change of Name

It is often assumed that financial advantages are the primary motivation for conservation easements. Although such financial considerations are important for some, many in Albemarle County are motivated by a respect for the land and appreciation of the unique, essentially rural attributes of central Virginia. Moreover, widespread support for preservation of open space was reflected in findings from the poll of residents conducted by the County one year ago. The poll found that maintaining the county's unique rural character is a high priority among residents in both the county's urban ring and its rural areas, as well as among newcomers and those established alike.

As of mid-2018, the PRFA holds or co-holds 151 separate easements, encompassing 19,000 acres. This number and acreage is second only to the Virginia Outdoors Foundation (321 easements/69,000 acres) with The Nature Conservancy (27 easements/6600 acres) third. Together, the PRFA, VOF, and TNC hold 90% of easements by number and area.

Over the past decade the PRFA has become an active recipient of donated easements in Albemarle County, accepting between 5 and 15 new easements each year. The PRFA, VOF, and TNC have each worked with local attorneys and conservation-minded realtors to remain available for donations of all sizes, with the PRFA occupying a niche for those between 40 and 300 acres that create legitimate conservation value by protecting open space, agriculture, soil, or habitat, and that meet other qualifying criteria.

As a consequence of the accumulated number of easements, the PRFA staff and members have spent a growing proportion of their time on the monitoring and supervision of the terms of each agreement, visiting the properties regularly, and interacting with landowners. In the parlance of land trusts, those responsibilities are known as *stewardship*. Given trends, the PRFA and staff will need to adjust their priorities continually to meet the needs of both of the potential new donor and of stewardship of existing easements. How to meet its ongoing responsibilities is a topic currently under review by the Authority.

Rationale for A Change of Name

Although the Public Recreation Facilities Authority is a public body it is not concerned with recreation or facilities as the name would suggest. Some potential donors have misconstrued the name to suggest that an easement grants a right of public access (as to a park), increased risk of exercise of eminent domain, or that the authority operates athletic facilities, pools, or concert halls. The confusion has been furthered because entities in other parts of the Commonwealth having the same name do operate such facilities, as is permitted under the enabling legislation.

Our request is to change the Authority's name to more accurately reflect the mission and purpose of the Authority. After some debate of alternatives, the Authority voted to endorse the *Albemarle Conservation Easement Authority* as the most current and historically accurate description of its purpose and responsibilities.

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