



Albemarle County

Legislation Text

File #: 23-155, **Version:** 1

AGENDA DATE: 3/1/2023

TITLE:

Acquisition of Conservation Easements Program - Action on 2019 Class

SUBJECT/PROPOSAL/REQUEST: Request for Board direction on the ACE Program Henley proposal from the Acquisition of Conservation Easements Program 2019 round of applications

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Rosenberg, DeLoria, Filardo, McDermott, Maliszewski, Clark

PRESENTER (S): Scott Clark

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Albemarle County's Acquisition of Conservation Easements (ACE) program was created in 2001 to protect farmland and natural resources on rural properties that were vulnerable to development. The program purchases conservation easements, with prices pro-rated by income, to benefit rural landowners with the most financial need.

Of the applicants within the 2019 round of ACE applications, the ACE committee recommended purchase of the proposed easement on the Campbell property and recommended deferral of consideration of the Henley property (Parcel 40-12A; 19.1 acres -see Attachment A for a map). The ACE scoring sheet for the Henley property is included as Attachment B.

On June 15, 2022, the Board of Supervisors noted that the Henley property is located in a Water Supply Protection Area and directed staff to forward both the Campbell and Henley proposals to the ACE Appraisal Review Committee (ARC) for their review. Before the ARC met, the Campbell application was withdrawn by the owners, leaving only the Henley property under consideration. At its meeting on October 6, 2022, the ARC recommended that the Board invite an offer to sell the Henley easement, but at a reduced price, due to concerns over the useable development potential of the property (meeting minutes provided in Attachment C).

Following standard operating procedures, staff then presented the Henley easement to the Albemarle Conservation Easement Authority (ACEA) for their review. County Code Section A.1-109(E) requires that ACE easements be co-held by "[t]he county and one or more other public bodies," and confirmation of the co-holder's agreement to accept a given easement always precedes the Board's final decision on whether to invite an offer to sell an ACE easement. After review in December 2022 and January 2023, however, the ACEA voted to decline to hold the Henley easement, noting concern with the limited size and conservation value of the Henley property, as described in the draft minutes provided in Attachment D.

STRATEGIC PLAN: Natural Resources Stewardship - Thoughtfully protect and manage Albemarle County's

ecosystems and natural resources in both the rural and development areas to safeguard the quality of life of current and future generations.

DISCUSSION: As stated above, the County Code requires that all ACE easements be held by the County and by another public body - which has generally been the ACEA. Without a second public body to act as co-holder, the easement purchase cannot be completed.

As other easement holders are likely to share the concerns expressed by the ARC and ACEA, staff believes that it will be difficult, if not impossible, to find another co-holder for a parcel of this size.

BUDGET IMPACT: If another co-holder were to be found, acquisition of the Henley easement would require the appropriation of County funds. The ACE program currently has \$66,619 remaining, and the purchase price recommended for the Henley easement by the ARC was \$109,336.50, leaving a gap of \$42,717.50 without accounting for ancillary expenses. It is expected that 50% of the total expenditure could be reimbursed after the purchase by a grant from the Virginia Department of Agriculture and Consumer Services that is available through a standing intergovernmental agreement.

RECOMMENDATION:

Given the low probability of meeting the ordinance requirement for a co-holder, staff recommends that the Board of Supervisors close consideration of the 2019 ACE applicant class and direct staff to notify Mr. Henley that the County will not invite an offer to sell the easement.

ATTACHMENTS:

- A - ACE Henley Property Map
- B - ACE Henley Scoring Sheet
- C - Appraisal Review Committee Minutes, October 6, 2022
- D - Albemarle Conservation Easement Authority Draft Minutes - January 12, 2023