



Albemarle County

Legislation Text

File #: 18-419, **Version:** 1

AGENDA DATE: 9/12/2018

TITLE:

Ordinance to Amend County Code Appendix A.1 (Acquisition of Conservation Easements (ACE) Program)

SUBJECT/PROPOSAL/REQUEST: Public hearing to consider the adoption of an ordinance to amend County Code Appendix A.1 (Acquisition of Conservation Easements Program) by amending Sections A.1-108 (Ranking criteria) and A.1-109 (Easement terms and conditions)

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, Gast-Bray, Maliszewski, Goodall

PRESENTER (S): Andy Herrick

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Acquisition of Conservation Easements (ACE) Committee is charged with reviewing the program's ordinance and recommending any changes needed either to maintain the program's consistency with the County's Comprehensive Plan and policies, or to improve the administration, implementation and effectiveness of the program. The ACE ordinance was most recently amended in 2011.

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.

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

DISCUSSION: The ACE Committee's most recent review of the ACE ordinance has focused primarily on protecting water quality. The Committee specifically recommends excluding livestock from all perennial streams in future ACE easements.

The ACE ordinance is implemented primarily through two *County Code* sections:

1. § A.1-108 provides an objective scoring system for ranking properties during their application phase.
2. After the highest-scoring properties are selected for easements, § A.1-109 then requires deed protections corresponding to the property-specific conservation values identified and scored in § A.1-108.

Along those lines, the Committee recommends the following substantive amendments to these two *County Code* sections:

ACE ranking criteria (§ A.1-108):

° Point values for frontage on any perennial stream(s) -- § A.1-108(C)(8) would award one point per thousand feet of frontage along any perennial stream(s), up from one-half point along certain named streams.

° Voluntary stream buffers - The proposed amendment would delete the existing scoring bonus for voluntary stream buffers (§ A.1-108(C)(9)), as stream buffers would be mandatory going forward.

ACE deed terms and conditions (§ A.1-109):

° Stream buffers -- § A.1-109(B)(3) would require a minimum 35 foot wide buffer along all perennial streams in future ACE easements. The Committee recommended the minimum 35 foot stream buffer because farmers may be eligible for federal funding to install fencing at least 35 feet from their streams, and this standard would eliminate the need for farmers who had installed fencing under this federal standard to not be required to remove and relocate existing fencing. In addition, the proposed amendment would require livestock exclusion from streams (with certain exceptions) and define structures and uses not permitted in the stream buffers.

° Voluntary stream buffers - The proposed amendment would delete the existing deed provisions for voluntary stream buffers (§ A.1-109(B)(6)), as stream buffers would be mandatory going forward.

The Committee is also recommending certain other minor wording revisions throughout the ordinance.

BUDGET IMPACT: No budget impact is expected.

RECOMMENDATION:

Staff recommends that following a public hearing, the Board adopt the proposed amendments to the ACE Ordinance. (Attachment A).

ATTACHMENTS:

A - Proposed Ordinance