



Albemarle County

Legislation Text

File #: 19-110, **Version:** 1

AGENDA DATE: 1/9/2019

TITLE:

Acquisition of Conservation Easements (ACE) Appraisals and Purchases for FY 2018 Applicant Class

SUBJECT/PROPOSAL/REQUEST: Request approval of appraisals and purchases of three properties from FY 2018 ACE applicant class

ITEM TYPE: Consent Action Item

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

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Under County Code § A.1-111(A), the Board determines which open-space easements to purchase under the County's Acquisition of Conservation Easements (ACE) program: "From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B)." If any applicants withdraw from consideration, other applicants may be substituted until the eligible applicants or available funding is exhausted.

On June 13, 2018, the Board adopted the ACE Committee's recommendation to approve the final ranking order for the FY 2018 applicant pool and appraise the top four eligible properties: Dollard, Walker, Ruddock and Pulliam. (See Attachment A for the criteria scoring). Because it was anticipated that Mr. Pulliam might acquire some adjoining land to push his application above the eligibility threshold, staff and the ACE Committee obtained preliminary Board approval to appraise his property in the event that it reached the eligibility threshold. Since this has not yet occurred, an appraisal has not been ordered for the Pulliam tract.

If the County purchases the three (3) remaining easements, the County would have acquired easements on 51 properties and protected the open-space resources on 9,621 acres. The County has acquired these 51 easements at a cost that is 20% less than the appraised easement value due to the use of grants and donations, and adjustments to price based on owner income.

STRATEGIC PLAN: Natural Resources: 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; and

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: All 3 properties under consideration scored enough points to be eligible for ACE funding. With \$946,419 of County funding available for this class (carry-over and reimbursements from Virginia Department of Agriculture and Consumer Services' (VDACS" Office of Farmland Preservation), plus \$109,893 left over from a 2018 VDACS Farmland Preservation grant, and \$250,000 from the FY18 appropriation, the County has \$1,306,312 in available ACE funding, enough funds to acquire easements on all 3 properties. The large carry-over resulted when applicants from last year's class withdrew after rejecting the County's invitations to sell the County an easement.

Each of the 3 appraisals submitted was reviewed by the Appraisal Review Committee (ARC) in mid-September and approved in early December. Once the appraisals were accepted, staff calculated the average adjusted gross income from the previous 3 years for each landowner, as required by the ordinance. Payment to landowners earning more than the minimum adjusted gross income threshold of \$55,000 is adjusted according to a sliding scale found in the ACE Ordinance.

The acquisition of easements on these 3 properties would eliminate 24 development rights and protect:

- 1) 337 acres of farm and forest land
- 2) approximately 5,400 of state road frontage
- 3) approximately 13,000 feet of riparian buffers (with mandatory livestock exclusion)
- 4) 219 acres of "prime" farm and forest land
- 5) 2 working family farms
- 6) 1 property in the Southern Albemarle Rural Historic District
- 7) 1 property in the watershed of the Totier Creek Reservoir

BUDGET IMPACT: Funding for the purchase of these conservation easements would be paid from existing funds in the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and grants received from the VDACS Office of Farmland Preservation (see Attachment B).

RECOMMENDATION:

The ACE Committee and staff recommend that the Board:

- 1) Authorize staff to invite the owners of Dollard, Walker, and Ruddock properties to make written offers to sell conservation easements to the County for no more than:
 - \$170,100 for the Walker easement (representing 70% of full easement value after the required adjustment for income)
 - full value of \$178,500 for the Dollard easement
 - full value of \$225,500 for the Ruddock easement; and
- 2) Accept offers from any or all of these owners to sell conservation easements for no more than the above amounts; and
- 3) Authorize the County Executive to sign on behalf of the County the Deeds of Easement and related forms for all three easements once such documents are approved by the County Attorney.

ATTACHMENTS:

Attachment A - ACE Scorecard for FY 2018 Applicant Class

Attachment B - ACE Budget for FY 2018