



Albemarle County

Legislation Text

File #: 19-534, **Version:** 1

AGENDA DATE: 11/20/2019

TITLE: Acquisition of Conservation Easements (ACE) Appraisals and Purchases for FY 2019 Applicant Class

SUBJECT/PROPOSAL/REQUEST: Request approval of appraisals and purchases of two properties from FY 2019 ACE applicant class

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, DeLoria, Filardo, 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 April 9, 2019, the Board adopted the ACE Committee's recommendation to approve the final ranking order for the FY 2019 applicant pool and appraise the top three eligible properties: Edelberg, Harlow, and JD Land Holdings. See Attachment A for ranking evaluations and criteria scoring. If the County purchases these three (3) easements, the County will have acquired easements on fifty-four (54) properties and protected open-space resources on 10,442 acres through the history of the ACE program. Due to title issues that must first be resolved, however, the acquisition of JD Land Holdings will be delayed until such time as these issues are satisfactorily resolved. Therefore, the current plan is to acquire Edelberg and Harlow.

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

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:

All 3 properties under consideration scored enough points to be eligible for ACE funding. With the FY 2020 appropriation of \$500,000, pending November re-appropriation of FY 2019 carryover funds (\$527,713), and re-appropriated and pending Office of Farmland Preservation re-imbursements (\$221,941), the County will have

\$1,249,654 in gross funds available for easement acquisitions. Subtracting \$184,628 for the recent Walker easement acquisition, appraisal fees, advertising, and closing costs will leave the County with \$1,065,027 to acquire easements on all 3 properties. See Attachment B for the Projected ACE Budget.

Each of the 3 appraisals submitted was reviewed and approved by the Appraisal Review Committee (ARC) on October 3. The determination of how much an individual applicant is paid is based on the average adjusted gross income from the past 3 years calculated pursuant to County Code § A.1-111(B). Staff uses the income grid (found in the ACE Ordinance) to determine whether a landowner is paid the full (100%) appraised easement value or a lower, adjusted value. The threshold for full payment is an average annual adjusted income of \$55,000 per year or less. Edelberg and Harlow qualified to receive 100% of easement value.

The acquisition of easements from Edelberg and Harlow will eliminate 11 development rights and protect:

- 1) 121 acres of farm and forestland
- 2) over 6,000 feet of riparian buffers
- 3) 120 acres of "prime" farm and forestland
- 4) 1 property is within ¼ mile of land currently under easement
- 5) 1 property is in a Rural Historic District
- 6) 2 properties are working family farms or forestland
- 7) 1 property faces economic hardship and threat of development
- 8) approximately 5,000 feet of frontage on a state road

BUDGET IMPACT: If the County acquires the Edelberg and Harlow easements, it will still have approximately \$766,527 to acquire JD Land Holdings and other new easements from next year's FY 2020 pool. Grants awarded from the VDACS Office of Farmland Preservation (OFP) are held by OFP until the County submits for re-imbursement for 50% of the acquisition, appraisal, and closing costs. Funding for the purchase of these conservation easements would come from the CIP-Community Development-Conservation budget (line-item 4 -9010-81010-481020-580409-1240).

RECOMMENDATION: The ACE Committee and staff recommend that the Board:

- 1) Authorize staff to invite Edelberg and Harlow to make written offers to sell conservation easements to the County for no more than:
 - * full value of \$142,000 for the Edelberg easement
 - * full value of \$154,000 for the Harlow easement;
- 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 both easements once such documents are approved by the County Attorney as to substance and form.

ATTACHMENTS:

- A - ACE Scorecard for FY 2019 Applicant Class
- B - Projected ACE Budget