

AC44 Comprehensive Plan Update: Strengthening Albemarle's Land Conservation Programs

K. Biasioli - 7/29/24

Albemarle County has been a leader in the Commonwealth in establishing and supporting its land conservation programs. This success is widely recognized in the Virginia conservation community, where they are regarded as exceptional local government programs and as a model for other localities.

The land conservation programs are a critically important tool for protecting Albemarle's open space, which includes working farms and forestland and important natural and cultural resources. By reducing land conversion in the Rural Area, they simultaneously work to reduce sprawl and encourage smart, compact growth within the designated Development Areas. The climate crisis and ever-increasing development pressures mean that proactive, intentional efforts to protect our land and water are needed now more than ever.

As part of the AC44 Comprehensive Plan update, the County has the opportunity to **increase support for and strengthen its land conservation programs, including reinstating its purchase of development rights (PDR) program**. Because this is of critical importance, we propose that the County make this a **catalyst project**, one of the highest priorities for implementation over the next five years.

What are the County's Land Conservation Programs?

The **Albemarle County Easement Authority (ACEA)** is a public body that holds open-space easements. An open-space (or conservation) easement is a voluntary legal agreement that limits development of rural land and permanently protects its natural and cultural resources.

The **Acquisition of Conservation Easements (ACE)** program is a ***purchase of development rights (PDR)*** program designed to provide a financial incentive for landowners of modest means to protect their farmland from future development.

What have the land conservation programs accomplished?

Key accomplishments of both the County's land conservation programs as of 2023 include:

- **Protecting** over 31,000 acres of **land and water** in the Rural Area, including:
 - >12,700 acres located within designated **Water Supply Protection Areas**;
 - >21,000 acres of **important agricultural soils**;
 - >5,300 acres within designated **Mountain Protection Areas**; and
 - >8,800 acres within designated **Rural Historic Districts**.
- Eliminating the potential for over 2,100 Rural Area dwellings, **reducing sprawl** by directing future growth to the Development Areas.

Key accomplishments of the ACE program alone include:

- **Leveraging** over \$3,000,000 in **state grant funding** to protect nearly 10,000 acres of 53 working farms;
- Incorporating a **strong focus on equity**, by providing financial support to landowners with the greatest need; and

AC44 Comprehensive Plan Update: Strengthening Albemarle's Land Conservation Programs

K. Biasioli - 7/29/24

- Protecting important Rural Area resources, including:
 - ~5,000 acres of **prime farm and forestland**;
 - 24 miles of **buffered streams**; and
 - 5 miles of frontage on state designated **Scenic Byways** and county-designated **Entrance Corridors**.

How do the land conservation programs benefit our community?

Conservation easements provide significant public benefits to our community, including:

- Improving **climate resiliency** by **retaining forest and farmland**, helping to maintain carbon sequestration capability and mitigate the impacts of major flood events. [Land conservation is climate action](#) and is widely recognized as a critical [natural climate solution](#);
- Ensuring the quality and quantity of **water resources** for drinking, recreation, and habitat;
- Protecting **public health** and minimizing climate impacts from vehicle congestion and emissions associated with sprawl;
- Enhancing **biodiversity conservation**, by protecting natural habitat and ecological connectivity across the landscape;
- Supporting our **local economy** through production of local farm and forest products and tourism that relies on maintaining **scenic and historic viewsheds**; and
- Reducing expenditure of public funds by minimizing the demand for suburban infrastructure and services in the Rural Area.¹

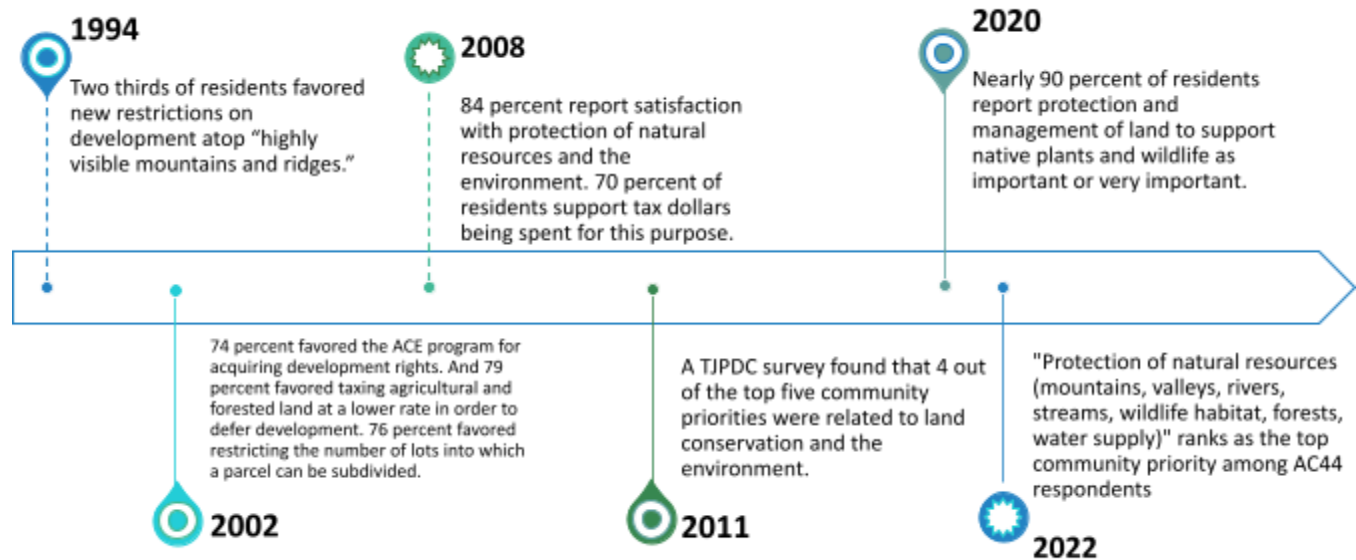
Direct support for conservation, such as through Albemarle's purchase of development rights (PDR) Program, also provides a **return on investment** to our community. [An economic analysis of the return on investment in land conservation in Virginia](#) found that every public \$1 invested in land conservation returned \$4 in natural goods and services.² These dollars also support key industries that depend on the availability of high-quality land and water.

[A recent summary by PEC of Albemarle County Community Surveys](#)³ shows that the public recognizes these benefits and has expressed strong support and a commitment to land conservation, consistently identifying it as a priority over the past 30 years, including in the most recent AC44 survey from 2022.

AC44 Comprehensive Plan Update: Strengthening Albemarle's Land Conservation Programs

K. Biasioli - 7/29/24

A commitment to land conservation in Albemarle County, Timeline of survey attitudes from 1994-2022



Source: Center for Survey Research (1994-2020); 1994 p. xiv; 2002 page 10, 2008 Table III-10: Natural and Historic Resources p25, 2020 Figure 8. Importance of tax allocation across various topic areas p19. TJPDC (2011) Community Priorities Questionnaire Findings. 2022 AC44 Plan for Growth Current Policy and Priorities Questionnaire p 36.

How does land conservation advance the County's goals and priorities?

Land conservation programs directly support many of the County's longstanding policies, goals, and priorities and are specifically recognized as an important tool in the County's Comprehensive Plan, Biodiversity Action Plan, and Climate Action Plan. They are also essential for achieving the current vision of Albemarle as a 'Green and Resilient Community', one of the four major elements of the new Framework for an Equitable and Resilient Future guiding the AC44 Comprehensive Plan update.

The County's current Comprehensive Plan, adopted in 2015, begins with its commitment to the overarching **Growth Management Policy**, which 'directs development into specific, identified areas for vibrant growth while **conserving the remainder of the County for rural uses, such as agriculture, forestry, and resource protection.**' The proposed AC44 update to the Growth Management Policy continues to support this approach, and states that **"The Development Areas and the Rural Area will have distinct boundaries, without low-density transition areas"**.

The current Comprehensive Plan also emphasizes protection of the Rural Area. The central goal of the Rural Area chapter states **"Albemarle's Rural Area will have thriving farms and forests, traditional crossroads communities, protected scenic areas, historic sites, and preserved natural resources."**

AC44 Comprehensive Plan Update: Strengthening Albemarle's Land Conservation Programs

K. Biasioli - 7/29/24

To achieve this goal, the **Rural Area chapter** includes numerous objectives and strategies, many of which the land conservation programs directly help accomplish. Included among these are several strategies directly related to maintaining and increasing support for the County's own land conservation programs:

- **Strategy 2b:** Provide information to property owners in the Rural Area on alternatives to subdividing their land, including **donating conservation easements** and use value taxation.
- **Strategy 2d:** Continue to **promote conservation easements** to provide a financially attractive way for landowners to protect family farms in Albemarle County and their unique open space resources, to **provide an opportunity for landowners to voluntarily sell a conservation easement** to a public agency to be held in trust for perpetuity, and to preserve important features of the Rural Area for all.
- **Strategy 2e: Strengthen the Acquisition of Conservation Easements (ACE) Program** by providing a stable dedicated funding source and staff resources for administering the program.
- **Strategy 2f: Continue to provide staff support** to the Public Recreational Facility Authority (PRFA). (*renamed Albemarle County Easement Authority – ACEA)

The **Natural Resources and Historic, Cultural, and Scenic Resources chapters** also include numerous goals, objectives, and strategies related to the protection of water resources, riparian areas, biological diversity and ecological integrity, scenic resources, dark skies, and building climate resiliency, including:

- **Strategy 5d: Encourage voluntary measures, such as conservation easements**, agricultural and forestal districts, and use value taxation to protect mountain resources.
- **Strategy 2a:** Encourage landowners to pursue **voluntary methods** of preservation and conservation, including requesting landmark and district designations, **offering conservation easements**, and providing tax and other financial incentive programs, as outlined in the adopted 2000 Historic Preservation Plan and its updates.

The **Climate Action Plan (CAP)** and **Biodiversity Action Plan (BAP)** also include direct recommendations to increase land protection in the Rural Area through the County's land conservation programs:

- L.1.1. **Maintain and increase the County's land-conservation programs** and related efforts, with a focus on keeping large forested properties intact and in forested land cover, to protect and increase carbon sequestration, as well as to protect water quality and habitat. (CAP, noted as immediately actionable)
- L.1.13. **Incentivize and support the protection**, enhancement, and restoration of vegetated riparian buffers and wildlife habitat corridors for multiple benefits, including carbon sequestration. (CAP, noted as immediately actionable)

AC44 Comprehensive Plan Update: Strengthening Albemarle's Land Conservation Programs

K. Biasioli - 7/29/24

- **GOAL 2: Promote conservation easements** for areas of important biological resources or physical landscape conditions. (BAP)
- Recommendation 2.1. **Promote the county's ACE and PRFA conservation easement programs.** Promote and support conservation easement programs of other organizations. (BAP)

The AC44 Comprehensive Plan update has several related draft goals and objectives for the Rural Area and Environmental Stewardship, all of which rely on the County's land conservation programs for successful implementation:

- Rural Area Goal 1: Albemarle's Rural Area will have thriving farms and working forests, traditional crossroads communities, and protected scenic areas, historic sites and districts, and natural systems, ***with a land-use pattern based on large parcels that are suitably sized for agricultural and silvicultural production and unfragmented habitats.***
 - Objective 1.1: ***Reduce the rate of conversion of Rural Area land to residential uses*** and mitigate the impacts to natural systems from the residential development that does occur.
 - Objective 1.2: ***Improve the effectiveness of the County's land-conservation programs*** in implementing Rural Area and Environmental Stewardship Comprehensive Plan objectives.
- Rural Area Goal 2: Albemarle County will have a strong agricultural and silvicultural economy in the Rural Area.
 - Objective 2.2: ***Protect important soils*** for agriculture and forestry.
- Environmental Stewardship Goal 3: Albemarle County will have natural waters – including rivers, streams, wetlands, and groundwater – and riparian areas that are healthy, plentiful, diverse, and resilient and are able to provide the community with many benefits.
 - Objective 3.1: ***Enhance protections*** and advance restoration practices for wetlands, streams, floodplains, and forested riparian buffers.
 - Objective 3.2: ***Protect natural waters, stream channels, and riparian areas*** from unmanaged stormwater and other sources of pollution.
 - Objective 3.3: ***Protect the quality and quantity of groundwater*** supplies throughout the county
- Environmental Stewardship Goal 4: Albemarle County will achieve better local biological diversity, ecological integrity, and ecosystem resilience, including by implementing the Biodiversity Action Plan.
 - Objective 4.1: ***Protect*** and improve the network of native habitat blocks in the county, including forests, rock barrens, grasslands, and wetlands. The basis of this network is a

AC44 Comprehensive Plan Update: Strengthening Albemarle's Land Conservation Programs

K. Biasioli - 7/29/24

- pattern of **large, well-connected forest blocks** (with significant interior-forest area) that includes other types of native habitat patches.
- Objective 4.2: **Conserve and restore forested habitat corridors and riparian buffers** in the county, and remove barriers to wildlife movement, to improve habitat connectivity and to provide resilience for ecosystems and species affected by climate change.
 - Objective 4.3: **Protect and restore the quality and connectivity of river and stream habitats**, and of wetlands, in the county. Restore more natural floodplain topography for both habitat improvement and flood-control benefits.
 - Objective 4.4: **Use land conservation tools** to direct development away from priority areas identified in the Biodiversity Action Plan and from the Mountain Protection Areas, and to require appropriate management of important habitat areas that are protected by conservation easements.

Opportunities

Establish stability and consistency in the local land conservation programs.

Prior to the recession in 2008, the ACE program received annual funding from the General Funds and Tourism Funds. Post-recession reduction or elimination of these funds significantly reduced the program's ability to acquire easements.⁸ During the COVID-19 pandemic, resources allocated to the ACE program were redirected and have not yet been restored. Staff capacity for both land conservation programs has consistently been limited and is particularly low now that the ACE program is unstaffed. This instability and general uncertainty about the program has resulted in missed opportunities. Establishing a consistent and dedicated funding source for the County's land conservation programs would provide confidence for landowners to participate in the program and would greatly increase their effectiveness in addressing the County's policy priorities.

Leverage state and federal funding to accelerate conservation and bring resources to our community.

State funding is available to support PDR programs through the Virginia Department of Agricultural and Consumer Services and for specific projects through the Virginia Outdoors Foundation and the Virginia Land Conservation Foundation, which has grown since the County initiated its programs. Numerous federal funding opportunities are also currently available for land conservation. To date, the ACE program has leveraged over \$3,000,000 in state grant funding. However, without a PDR program in place, Albemarle County is currently not utilizing opportunities to leverage resources for conservation.

Improve the County's fiscal health by increasing land conservation efforts in the Rural Area.

Numerous studies in Virginia show that land conservation has **positive impacts** on a locality's fiscal health by reducing costs on infrastructure and other municipal services required by residential property owners.^{1,2, 4, 5,6} Research conducted in six Virginia counties shows that on average, residential lands require \$1.18 in services for every \$1.00 paid in local taxes. At the same time, working and open lands only require \$0.35 in services for every dollar contributed in property taxes.¹

AC44 Comprehensive Plan Update: Strengthening Albemarle's Land Conservation Programs

K. Biasioli - 7/29/24

Conservation easements, by lowering land values, also reduce a locality's composite index, *increasing* the amount of state funding for education.^{5,7}

Conservation easements do qualify land for a lower tax rate. However, most rural properties in agriculture and forestal uses are already enrolled in the use-value assessment program, so adding additional conservation easements will not significantly lower Albemarle's tax revenue.

Achieve local goals and priorities by enhancing local conservation programs.

Other state and nonprofit land conservation programs do operate in Albemarle County, but they have limited capacity and/or tend to focus efforts on statewide priorities. A local program focused on local priorities is essential to accelerate the pace of land conservation in Albemarle County, and to focus those efforts on Albemarle's goals as identified in the Comprehensive Plan, such as biodiversity conservation, climate action, and water resource protection, as well as continuing to ensure the focus on equity that has long been employed by the ACE program.

Recommendations & Action Steps

PEC recommends the County identify strengthening the land conservation programs as a catalyst project, to include the following action steps:

1. Restore the County's purchase of development rights (PDR) program (ACE). Establish a stable and dedicated funding source and allocate permanent staff resources for the program.
2. Establish an **Albemarle Conservation Fund**, in addition to a stable and consistent funding source for the PDR program. The fund should be structured to receive payments from other sources; one example from a nearby County is the [Conservation Easement Program Fund recently established by Culpeper County](#). A Conservation Fund would allow Albemarle's conservation programs the flexibility to receive additional support through other channels, including through siting agreements and mitigation payments, in order to offset unavoidable impacts of major land use projects in the Rural Area.
3. Enhance the County's existing PDR program with a newly updated approach, focused on continuation of equitable farmland protection, while also addressing co-benefits of climate, biodiversity, and stream health.
4. Implement the two land conservation proposals designed as part of the [Stream Health Initiative](#), both of which were endorsed by the BOS in a work session on December 1, 2021. These are proposal #6 (Land Conservation for Water Quality) and proposal #7 (Riparian Conservation Assistance Program).

AC44 Comprehensive Plan Update: Strengthening Albemarle's Land Conservation Programs

K. Biasioli - 7/29/24

Ways to Get Involved

- Submit comments in writing: Public comments should be sent to the Albemarle County Board of Supervisors at BOS@albemarle.org and the Planning Commission at PlanningCommission@albemarle.org. Note that when sending an email to the Board of Supervisors, the County Executive is also receiving your email.
- Attend a work session or meeting: Showing up in person demonstrates to elected officials that their citizens are paying attention to the decisions that impact them.
- Speak up: Citizens can speak for three minutes at the start of every Board of Supervisors and Planning Commission meetings to have their voice heard.
- Stay informed and engaged: This is a long process that has the potential to impact every facet of life in Albemarle County for the next 20 years. [Sign up for PEC's AC44 email alerts](#), the [County's Engage updates](#), and review PEC's [AC44 Comprehensive Plan Policy Platform](#) and [Climate Action Plan](#) at pecva.org/ac44-comp-plan/.

Citations

1. American Farmland Trust, Farmland Information Center. 2016. Fact Sheet: Cost of Community Services Studies. Washington D.C.
2. Trust for Public Land. 2016. Virginia's Return on Investment in Land Conservation. Accessed February 21, 2024. tpl.org
3. Piedmont Environmental Council. 2023. Community Surveys in Albemarle County: Perspectives on Planning, Preservation, and Natural Resources from 1994 to 2023. Charlottesville, Virginia.
4. Clower, Terry L., PhD and Dean D. Bellas, PhD. 2017. Socioeconomic impacts of conserved land on Virginia's Eastern Shore. Report prepared for Virginia Coastal Zone Management Program (VZCMP) and Virginia Department of Environmental Quality (DEQ). Richmond, Virginia.
5. Middle Peninsula Planning District Commission. 2010. Conservation Easements: Fiscal Impacts to Localities in the Middle Peninsula. Report prepared for Virginia Coastal Zone Management Program (VZCMP) and Virginia Department of Environmental Quality (DEQ). Richmond, Virginia.
6. Rephan, Terance J. 2018. Clarke County, Virginia Cost of Community Services Study. Weldon Cooper Center for Public Service. University of Virginia, Charlottesville, Virginia.
7. Piedmont Environmental Council. 2022. Impact of Land Under Conservation Easement on the Local Composite Index in Albemarle County. Charlottesville, Virginia.
8. Albemarle County. 2021. Albemarle County's Conservation Easement Programs. Presentation to the Albemarle Board of Supervisors on September 15, 2021.