

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF GOOCHLAND COUNTY, VIRGINIA, ESTABLISHING A CONSERVATION EASEMENT PURCHASE PROGRAM.**

WHEREAS, the Board of Supervisors of Goochland County, Virginia (“Board”) recognizes and has concerns about the rapidly declining acreage of agricultural, natural, scenic and historic resources within the county and throughout the state; and

WHEREAS, the Board of Supervisors has researched and evaluated plans which would enable the county to reserve such resources; and

WHEREAS, the Board believes that establishing a program of conservation easements would be a means by which the county could encourage such conservation efforts and enable the citizens to retain ownership of their land; and

WHEREAS, the Board recognizes the importance of conserving, and where appropriate, preserving those resources that it deems significant to retaining the rural and open space character of the county and in conformance with the 2003 Goochland County Comprehensive Plan, and consequently retaining all the benefits enjoyed by the citizens of Goochland in living in a rural community; and

WHEREAS, the Board’s position is shared by Governor Tim Kaine, as evidenced by his stated goal to preserve 432,535 acres of open space, farms and forests by the end of the decade, under the Chesapeake 2000 Agreement; and

NOW THEREFORE, BE IT RESOLVED, that the Goochland Easement Purchase (GEP) Program is established. The Director of Community Development, under the supervision of the County Administrator, shall administer the program in accordance with the policies and procedures set forth below, and in a manner that shall serve the interests of Goochland County and its citizens.

**GOOCHLAND EASEMENT PURCHASE PROGRAM (GEP PROGRAM)**

**1. Purpose.**

The general purpose of the Goochland Easement Purchase Program (GEP Program) is to protect and preserve land with significant agricultural, natural, scenic, and historic resources. In furtherance of the general purpose, the specific purposes of the GEP Program include, but are not limited to:

- (a) Protection of quality farmland;
- (b) Preservation of open-space and the rural character of Goochland County;
- (c) Protection of environmentally sensitive areas important to water quality, plant life, and wildlife;
- (d) Protection of historic resources;

- (e) Protection of natural and scenic resources;
- (f) Protection of present and future recreational resources;
- (g) Promotion of tourism; and
- (h) Protection of water resources.

**2. Conservation Easement Purchases – General.**

Conservation easements shall be acquired pursuant to the provisions of the procedures set forth herein and shall be in conformity with the Goochland County Comprehensive Plan. Any conservation easement acquired under this program shall be voluntarily offered by the owner.

**3. Conservation Easement – Definition.**

For purposes of this program, “conservation easement” shall mean a non-possessory interest in real property of one or more qualified easement holders as determined by the criteria outlined in item 6 (“Selection Criteria”) of the GEP program, imposing limitations or affirmative obligations for the purpose of retaining or protecting natural or open-space values of the parcel or parcels, assuring availability for agricultural, forestry, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, or archaeological aspects of the parcel or parcels.

**4. Administration.**

The GEP Program shall be administered by the Goochland County Director of Community Development, under the supervision of the County Administrator.

**5. Advisory Committee.**

A committee is hereby formed to advise the Department of Community Development, the County Administrator, and the Board of Supervisors on purchase and acquisition of easements, including evaluation of the criteria GEP Program items numbers 6 and 7, and assisting the Department of Community Development with item number 8 (a) through (f), and (q). The Advisory Committee membership shall consist of five (5) citizens of Goochland County, one from each voting district, appointed by the Board of Supervisors, and who have a working knowledge of and interest in the stated purpose of the GEP Program.

**6. Selection Criteria.**

Criteria for selecting easements for purchase (Selection Criteria) shall be established by the Board of Supervisors by resolution. The Selection Criteria shall include criteria addressing the following factors for each property:

- (a) agricultural value;
- (b) area;

- (c) number of dwelling unit rights;
- (d) location in regard to water resources or unique topographic features;
- (e) location in regard to significant publicly owned open space;
- (f) presence of threatened or endangered plant or animal species;
- (g) location in regard to primary and scenic highways;
- (h) location in regard to areas of scenic vistas; and
- (i) presence of historic or cultural resources.

**7. Income Criteria.**

Criteria for evaluating income of property owners (Income Criteria) shall be adopted by resolution by the Board of Supervisors to implement the purpose of focusing the expenditure of County funds in the GEP Program toward lower and middle-income property owners.

**8. Procedures.**

- (a) Any interested property owner may submit an application to offer a conservation easement for acquisition by the county. The application shall be submitted on a form provided by the Department of Community Development, and shall include the information and documents called for in the application. In addition, the property owner shall submit thereafter such additional information or documents deemed necessary by the Department of Community Development to consider the application.
- (b) The Department of Community Development shall rank the application in accordance with the Selection Criteria, with the assistance of the Advisory Committee.
- (c) Based on the ranking determined by the Selection Criteria, the Department of Community Development shall select proposed easements to be appraised and shall commission an appraisal of each selected proposed easement.
- (d) Using the appraised value of the proposed easement, the Income Criteria, the Selection Criteria score of a property, and such other factors that may be determined by the Department of Community Development, the Department of Community Development shall determine the maximum amount of county funds that would be offered to the property owner (Purchase Price) for the purchase of the easement.
- (e) For each easement which the Department of Community Development proposes to submit to the Board of Supervisors for consideration of purchase, the Department of Community Development shall invite the property owner to submit a written offer, on a form provided by the

- (f) After receipt of a written offer to sell, the Department of Community Development shall forward the offer to the Board of Supervisors for consideration and approval.
- (g) Upon formal approval by the Board of Supervisors of the purchase of an easement, the Department of Community Development shall arrange for a closing on the transaction and the recordation of the deed of easement in the Office of the Clerk of the Circuit Court of Goochland County.
- (h) The county shall pay all closing costs associated with the purchase of an easement to include, without limitation, site assessments, appraisals and surveys commissioned by the Department of Community Development, grantee's recording costs, and grantor's tax (if any); provided, however, the county shall not pay fees incurred by the property owner for independent appraisals, or legal, financial, or other professional advice or services to the property owner, or fees and costs in connection with the release and/or subordination of liens to the easement purchased.
- (i) A property owner whose proposed easement is not purchased may reapply in the next fiscal year.

**9. Duties of the Department of Community Development.**

In administering the GEP Program, the Director of Community Development's duties shall include, but not be limited to:

- (a) Develop and propose Selection Criteria for adoption by the Board of Supervisors;
- (b) Develop and propose Income Criteria for adoption by the Board of Supervisors;
- (c) Publicize the GEP Program in Goochland County;
- (d) Identify properties that would have high Selection Criteria scores and target information to the owners of those properties;
- (e) Solicit and receive voluntary applications from property owners;
- (f) Rank applications in accordance with the Selection Criteria;
- (g) Select proposed easements to be appraised and commission appraisals;
- (h) Determine the Purchase Price for selected parcels using the appraised value of the proposed easement and the Income Criteria;

- (i) Solicit written offers to sell for selected proposed easements;
- (j) Submit written offers to sell to the Board of Supervisors for approval;
- (k) Complete closings on purchases and record deeds of easement;
- (l) Apply for and pursue grants, other funding, and gifts from the Virginia Land Conservation Fund, other state or federal agencies, and private persons or entities;
- (m) Monitor properties to determine compliance with the terms of easements purchased, and take action to enforce compliance;
- (n) Have prepared application forms, written offer to sell forms, and other documents used in the administration of the GEP Program;
- (o) Have deeds of easement prepared;
- (p) Establish procedures consistent with the provisions of the GEP Program for the receiving and processing of applications and for the administration of the GEP Program;
- (q) Conduct periodic reviews of the GEP Program to determine if its purposes are being met; and
- (r) Provide training programs for the Department of Community Development staff and the Advisory Committee.

**10. Deeds of Easement.**

- (a) Each conservation easement shall conform with the requirements of the Virginia Open-Space Land Act and the GEP Program.
- (b) The Board of Supervisors shall be the holders of all easements acquired under the GEP Program. In addition, where advisable the Department of Community Development may seek an additional public body, as defined in the Virginia Open-Space Land Act, or, as permitted by law, other federal or state agency or private organization, to be an additional co-holder.
- (c) The deed of easement shall be perpetual.
- (d) The deed of easement shall be in a form approved by the county's attorney, shall include standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel, and shall include, without limitation, restrictions pertaining to: (1) the maximum number of dwelling unit rights which may be utilized on the parcel on which the easement is located; (2) a prohibition against the accumulation of trash and junk, mining, and commercial activities, but shall not prohibit agricultural, silviculture, horticulture, or home occupations; (3) the right of the county to conduct periodic inspections; and (4) the right of any one or more of the co-holders of the easement to enforce the easement.

- (e) In addition, the deeds of easement may include restrictions or provisions that deal with the specific public values (agriculture, water resources, historic resources, scenic resources, etc.) being protected by the easement.

**11. Funding.**

The GEP Program may be funded annually by the Board of Supervisors in the county budget or by special appropriation.

**12. Non-Exclusive.**

The GEP Program is a non-exclusive means for the county to acquire conservation easements, and shall not limit the county in acquiring, receiving, or holding conservation easements by other methods or under other programs. This article shall not limit the ability of property owners to establish conservation easements or other self-imposed limitations on land use or development, and shall not be construed in any way as a limitation on the county's authority to acquire land for public purposes.

**13. Five Year Review.**

On or about July 1, 2012, the Department of Community Development shall submit to the Board of Supervisors, through the County Administrator, a report of the Department of Community Development's review of the GEP Program and its effectiveness in fulfilling its purposes.

BE IT FURTHER RESOLVED that this action shall become effective August 7, 2007.

Approved this 7<sup>th</sup> day of August, 2007.

Ayes: Butler, Eads, Lacy, Pryor, Quarles

Nays: None

Abstentions: None

Absent: None

BOARD OF SUPERVISORS OF  
GOOCHLAND COUNTY, VIRGINIA

A copy teste:

By:

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Gregory K. Wolfrey, Clerk  
Goochland Board of Supervisors

