

Ranking Order of ACE Applicants from FY 2016

(20 points are needed to qualify for ACE Funding)

Enrollment Date: October 31st, 2015

Applicant	Tax Map	Acres	Tourism	Points	Status
BRIGISH, Dina (Schuyler)	TM 126, Parcel 32	(158.21 acres)	yes	38.09	<i>Acquired</i>
	<u>TM 126, Parcel 32B</u>	<u>(3.00 acres)</u>			
	Total	(161.21 acres)			
MOON, Gary (Walnut Creek)	TM 112, Parcel 1	(121.00 acres)	no	32.82	<i>Acquired</i>
	<u>TM 112, Parcel 1A</u>	<u>(10.00 acres)</u>			
	Total	(131.00 acres)			
EVANS, Helen (Dudley Mtn. Road)	TM 89, Parcel 63	(170.72 acres)	yes	30.76	<i>Rejected</i>
CLARKE, Gladys (Crozet)	TM 55, Parcel 11A	(65.35 acres)	no	27.54	<i>Appraised</i>
CLARKE, Paul (Crozet)	TM 54, Parcel 27B	(4.70 acres)	no	21.32	<i>Appraised</i>
	TM 54, Parcel 27C	(5.00 acres)			
	TM 54, Parcel 29A1	(0.20 acres)			
	<u>TM 55, Parcel 7</u>	<u>(45.00 acres)</u>			
	Total	(54.90 acres)			
Totals	5 applicants	583.18 acres			

Easement Costs – FY 2016

Brigish:	\$ 314,500	<i>(acquired 12.19.2016)</i>
Moon:	\$ 65,000	<i>(acquired 12.19.2016)</i>
Evans:	\$ 405,000	<i>(rejected offer 11.17.2016)</i>
G. Clarke:	\$ 555,000	<i>(appraised, acquisition pending)</i>
<u>P. Clarke</u>	<u>\$ 357,000</u>	<u><i>(appraised, acquisition pending)</i></u>
Total	\$1,696,500	<i>(net value of all easements)</i>

Note: Though we no longer use tourism funds (the hotel tax), tourism value is determined by the presence of specific elements from the ranking evaluation criteria that have tourism value, including: contains historic resources or lies in a historic district; lies in the primary Monticello viewshed; adjoins a Virginia scenic highway, byway or entrance corridor; lies on a state scenic river; provides mountaintop protection.

ACE Ranking Evaluation Criteria & Points Determination

Owner:	BRIGISH, Dina		
Property:	TM 126, Parcel 32 (158.21 acres)	7 DivR's + 5 DevR's =	12 DR's (2 dwelling)
	TM 126, Parcel 32B (3.00 acres)	0 DivR's + 1 DevR's =	1 DR's (0 dwelling)
	Total (161.21 acres)	7 DivR's + 6 DevR's =	13 DR's (2 dwellings)

<u>Ranking Criteria</u>	<u>Determination</u>	<u>Source for Points</u>	<u>Points</u>
Criteria A.1	none	plats/County overlay maps	0.00
Criteria A.2	161.21 acres	RE Assessor's Office	3.22
Criteria B.1	no	landowner	0.00
Criteria B.2	11 usable DR's eliminated	Zoning & Planning Departments	5.50
Criteria C.1	no	County overlay maps	0.00
Criteria C.2	yes (hay)	landowner	3.00
Criteria C.3	4,000 feet on Rte. 6 (EC & SH)	County tax map/plats	8.67
Criteria C.4	Southern Albemarle RHD	DHR	3.00
Criteria C.5	no	DCR Division of Natural Heritage	0.00
Criteria C.6	65 acres of "prime" forestland	County Soil Survey	1.30
Criteria C.7	no	County overlay maps	0.00
Criteria C.8	no	plat/survey/County overlay maps	0.00
Criteria C.9	6,200 feet on 2 perennial streams (>100 feet wide buffers)	landowner	12.40
Criteria C.10	n/a	County Engineering Department	0.00
Criteria C.11	no	County overlay maps	0.00
Criteria C.12	yes	landowner/DOF	1.00
Criteria D.1	100% income	based on AGI & income grid	0.00
Point Total			38.09

EC = Entrance Corridor; SH = Scenic Highway; SR = State Road; RHD = Rural Historic District; SFRRR = South Fork Rivanna River Reservoir watershed; DHR = Dept. of Historic Resources; DCR = Dept. of Conservation & Recreation; DOF = Dept. of Forestry; AGI = Adjusted Gross Income.

DRs: DivR's = 21 acre lots; DevR's = 2 acre by-right lots

ACE Ranking Evaluation Criteria & Points Determination

Owner:	MOON, Gary		
Property	TM 112, Parcel 1 (121.00 acres)	5 DivR's + 5 DevR's = 10 DR's	(0 dwelling)
	<u>TM 112, Parcel 1A (10.00 acres)</u>	<u>0 DivR's + 5 DevR's = 5 DR's</u>	<u>(1 dwelling)</u>
	Total (131.00 acres)	5 DivR's + 10 DevR's = 15 DR's	(1 dwelling)

<u>Ranking Criteria</u>	<u>Determination</u>	<u>Source for Points</u>	<u>Points</u>
Criteria A.1	2,600 feet on Walnut Creek Park	plats/County overlay maps	7.20
Criteria A.2	131.00 acres	RE Assessor's Office	2.62
Criteria B.1	no	landowner	0.00
Criteria B.3	13 usable DR's eliminated	Zoning & Planning Departments	6.50
Criteria C.1	not in mountains	County overlay maps	0.00
Criteria C.2	yes (timbering)	landowner	3.00
Criteria C.3	no state road frontage	County tax map/plats	0.00
Criteria C.4	no	DHR	0.00
Criteria C.5	no	DCR Division of Natural Heritage	0.00
Criteria C.6	50 acres of "prime" forest	County Soil Survey	1.00
Criteria C.7	3,800 feet on South Fork Hardware	County overlay maps	1.90
Criteria C.8	no	plat/survey/County overlay maps	0.00
Criteria C.9	3,800 feet on Hardware River (>100 feet wide buffer)	landowner	7.60
Criteria C.10	n/a	County Engineering Department	0.00
Criteria C.11	yes (Carter's Bridge Ag-For)	County overlay maps	2.00
Criteria C.12	yes	landowner/DOF	1.00
<u>Criteria D.1</u>	<u>100% income</u>	<u>based on AGI & income grid</u>	<u>0.00</u>
Point Total			32.82

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DRs: DivR's = 21 acre lots; DevR's = 2 acre by-right lots

ACE Ranking Evaluation Criteria & Points Determination

Owner: **EVANS, Helen**
 Property: TM 89, Parcel 63 (170.72 acres) 7 DivR's + 3 DevR's = 10 DR's (1 dwelling)

<u>Ranking Criteria</u>	<u>Determination</u>	<u>Source for Points</u>	<u>Points</u>
Criteria A.1	3,950 feet on tax parcels 89-15 & 89-18E	County GIS	9.91
Criteria A.2	170.72 acres	RE Assessor's Office	3.41
Criteria B.1	no	landowner	0.00
Criteria B.2	7 usable DR's eliminated	Zoning & Planning Departments	3.50
Criteria C.1	Dudley Mountain (119 acres)	County overlay maps	3.38
Criteria C.2	yes (timber & hay)	landowner	3.00
Criteria C.3	340 feet on Route SR 706	County tax map/plats	1.34
Criteria C.4	none	DHR	0.00
Criteria C.5	yes (plants on Mafic outcrop)	DCR Division of Natural Heritage	5.00
Criteria C.6	61 acres "prime" farm/forestland	County Soil Survey	1.22
Criteria C.7	no	County overlay maps	0.00
Criteria C.8	no	plat/survey/County overlay maps	0.00
Criteria C.9	no stream buffers	County GIS/landowner	0.00
Criteria C.10	n/a	County Engineering Department	0.00
Criteria C.11	no	County overlay maps	0.00
Criteria C.12	no	landowner/DOF	0.00
Criteria D.1	100% income	based on AGI & income grid	0.00
Point Total			30.76

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DRs: DivR's = 21 acre lots; DevR's = 2 acre by-right lots

ACE Ranking Evaluation Criteria & Points Determination

Owner: **CLARKE, Gladys**
 Property: TM 55, Parcel 11A (65.35 acres) 2 DivR's + 5 DevR's = 7 DR's (3 dwellings)

<u>Ranking Criteria</u>	<u>Determination</u>	<u>Source for Points</u>	<u>Points</u>
Criteria A.1	w/in ¼ mile of TM 55-12	plats/County overlay maps	2.00
Criteria A.2	65.35 acres	RE Assessor's Office	1.31
Criteria B.1	yes	landowner	3.00
Criteria B.2	4 usable DR's eliminated	Zoning & Planning Departments	2.00
Criteria C.1	not in mountains	County overlay maps	0.00
Criteria C.2	yes (peach orchards)	landowner	5.00
Criteria C.3	2,150 feet on Greenwood Road	County tax map/plats	4.15
Criteria C.4	Greenwood-Afton RHD	DHR	3.00
Criteria C.5	no	DCR Division of Natural Heritage	0.00
Criteria C.6	54 acres "prime" orchardland	County Soil Survey	1.08
Criteria C.7	yes - SFRRR	County overlay maps	3.00
Criteria C.8	no	plat/survey/County overlay maps	0.00
Criteria C.9	2,000 feet on 2 perennial streams (>50 feet wide buffer)	landowner	3.00
Criteria C.10	n/a	County Engineering Department	0.00
Criteria C.11	no	County overlay maps	0.00
Criteria C.12	no	landowner/DOF	0.00
Criteria D.1	100% income	based on AGI & income grid	0.00
Point Total			27.54 points

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DRs: DivR's = 21 acre lots; DevR's = 2 acre by-right lots

ACE Ranking Evaluation Criteria & Points Determination

Owner:	CLARKE, Paul		
Property:	TM 54, Parcel 27B (4.70 acres)	0 DivR's + 2 DevR's =	2 DR's 0 dwellings
	TM 54, Parcel 27C (5.00 acres)	0 DivR's + 2 DevR's =	2 DR's 0 dwellings
	TM 54, Parcel 29A1 (0.20 acres)	0 DivR's + 1 DevR's =	0 DR's 0 dwellings
	TM 55, Parcel 7 (45.00 acres)	1 DivR's + 5 DevR's =	6 DR's 2 dwelling
	Total (54.90 acres)	1 DivR's + 10 DevR's =	11 DR's

<u>Ranking Criteria</u>	<u>Determination</u>	<u>Source for Points</u>	<u>Points</u>
Criteria A.1	w/in ¼ mile of TM 55-12	plats/County overlay maps	2.00
Criteria A.2	54.90 acres	RE Assessor's Office	1.10
Criteria B.1	no	landowner	0.00
Criteria B.2	9 usable DR's eliminated	Zoning & Planning Departments	4.50
Criteria C.1	not in mountains	County overlay maps	0.00
Criteria C.2	yes (farming, apple/peach orchards)	landowner	3.00
Criteria C.3	2,000 feet on Greenwood Road	County tax map/plats	4.00
Criteria C.4	Greenwood-Afton RHD	DHR	3.00
Criteria C.5	no	DCR Division of Natural Heritage	0.00
Criteria C.6	36 acres "prime" orchardland	County Soil Survey	0.72
Criteria C.7	yes - SFRRR	County overlay maps	3.00
Criteria C.8	no	plat/survey/County overlay maps	0.00
Criteria C.9	no stream buffers	landowner	0.00
Criteria C.10	n/a	County Engineering Department	0.00
Criteria C.11	no	County overlay maps	0.00
Criteria C.12	no	landowner/DOF	0.00
Criteria D.1	100% income	based on AGI & income grid	0.00
Point Total			21.32 points

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Sec. A.1-103. Definitions and construction.

A. The following definitions shall apply in the interpretation and implementation of the ACE program:

(5) *Family member.* The term “family member” means a great grandparent or any natural or legally defined descendant of a great grandparent of an owner, or any spouse of a great grandparent or of any natural or legally defined descendant of a great grandparent of an owner.

Sec. A.1-108. Ranking criteria.

In order to effectuate the purposes of the ACE program, parcels for which conservation easement applications have been received shall be ranked according to the criteria and the point values assigned as provided below. Points shall be prorated and rounded to the first decimal.

A. *Open-space resources.*

1. The parcel adjoins an existing permanent conservation easement, a national, state or local park, or other permanently protected open-space: two (2) points, with one (1) additional point for every five hundred (500) feet of shared boundary; or the parcel is within one-quarter (1/4) mile of, but not adjoining, an existing permanent conservation easement, a national, state or local park, or other permanently protected open-space: two (2) points.

2. Size of the parcel: zero (0) points for parcels of less than fifty (50) acres; one (1) point for parcels of at least fifty (50) acres; one (1) additional point for each fifty (50) acres over fifty (50) acres; one (1) additional point for each fifty (50) acres over two hundred (200) acres.

B. *Threat of conversion to developed use.*

1. The parcel is threatened with forced sale or other hardship: three (3) points.

2. The number of division rights to be eliminated on the parcel: one-half (1/2) point for each division right to be eliminated, which shall be determined by subtracting the number of retained division rights from the number of division rights.

C. *Natural, cultural and scenic resources.*

1. Mountain protection: one (1) point for each fifty (50) acres in the mountain overlay district, as delineated in the Comprehensive Plan; an additional one (1) point may be awarded for each twenty (20) acres within a ridge area boundary. For purposes of this section, the term “ridge area boundary” means the area that lies within one hundred (100) feet below designated ridgelines shown on county mountain overlay district elevation maps. The deed restriction set forth in section A.1-109(B)(1) shall apply if the parcel is eligible for points under this criterion.

2. Working family farm, including forestry: five (5) points if at least one family member’s principal occupation and income (more than half) is farming or foresting the parcel; three (3) points if at least one family member has as a secondary occupation farming or foresting the parcel so that it is eligible for or subject to land use taxation as land devoted to agriculture, horticulture or forest use under Albemarle County Code § 15-800

et seq.; one (1) additional point if the parcel is certified as a Virginia Century Farm by the Virginia Department of Agriculture and Consumer Services.

3. The parcel adjoins a road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points, with one (1) additional point for each six hundred (600) feet of road frontage if the parcel is subject to a deed restriction as provided herein; otherwise, one (1) point for each one thousand (1000) feet of road frontage; the parcel adjoins a public road: two (2) points, with one (1) additional point for each one thousand (1000) feet of road frontage; or, the parcel is substantially visible from, but is not contiguous to, a public road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points. The deed restriction set forth in section A.1-109(B)(2) shall apply if the parcel is eligible for points for adjoining a Virginia scenic highway or byway.

4. The parcel contains historic resources: three (3) points if it is within a national or state rural historic district or is subject to a permanent easement protecting a historic resource; two (2) points if the parcel is within the primary Monticello viewshed, as shown on viewshed maps prepared for Monticello and in the possession of the county; two (2) points if the parcel contains a site of archaeological or architectural significance as determined by a qualified archaeologist or architectural historian under the United States Department of Interior's professional qualification standards. The deed restriction set forth in section A.1-109(B)(4) shall apply if the parcel is eligible for points under this criterion.

5. The parcel contains an occurrence listed on the Virginia Natural Heritage Inventory or a qualified biologist submitted documentation of an occurrence of a natural heritage resource to the program administrator and the Virginia Division of Natural Heritage on behalf of the owner: five (5) points.

6. The parcel contains capability class I, II or III soils ("prime soils") for agricultural lands or ordination symbol 1 or 2 for forest land, based on federal natural resources conservation service classifications found in the United States Department of Agriculture Soil Survey of Albemarle County, Virginia: one (1) point for each fifty (50) acres containing such soils to a maximum of five (5) points.

7. The parcel is within the South Fork Rivanna Reservoir Watershed, the Chris Greene Lake Watershed, the Ragged Mountain Reservoir Watershed, or the Totier Creek Reservoir Watershed: three (3) points; or the parcel adjoins the Ivy Creek, Mechums River, Moormans River, Rocky Creek (of the Moormans River), Wards Creek (of the Moormans River), Buck Mountain Creek, South Fork Rivanna River, North Fork Rivanna River, Swift Run (of the North Fork Rivanna River), Lynch River (of the North Fork Rivanna River), Hardware River, Rockfish River, James River, any waters designated as "Exceptional Waters" by the Virginia Water Control Board, any public water supply reservoir or emergency water supply reservoir: one-half (1/2) point for each one thousand (1000) feet of frontage.

8. The parcel adjoins a waterway designated as a state scenic river: one-half (1/2) point for each one thousand (1000) feet of frontage. The deed restriction set forth in section A.1-109(B)(3) shall apply if the parcel is eligible for points under this criterion.

9. If the owner voluntarily offers in his application to place the parcel in a permanent easement that establishes or maintains buffers adjoining perennial or intermittent streams, as those terms are defined in Chapter 17 of the Albemarle County Code or if the parcel is subject to such an existing permanent easement: one (1) point for each one thousand (1000) linear feet of buffer that is between at least thirty-five (35) and fifty (50) feet wide; one and one-half (1 ½) points for each one thousand (1,000) linear feet of buffer that is at least fifty (50) feet but less than one hundred (100) feet wide; two (2) points for each one thousand (1000) linear feet of buffer that is at least one hundred (100) feet wide.

10. The parcel is within a sensitive groundwater recharging area identified in a county-sponsored groundwater study: one (1) point.

11. The parcel is within an agricultural and forestal district: two (2) points.

12. The parcel is subject to a professionally prepared Forestry Stewardship Management Plan approved by the Virginia Department of Forestry: one (1) point.

D. *County fund leveraging.* State, federal or private funding identified to leverage the purchase of the conservation easement: one (1) point for each ten (10) percent of the purchase price for which those funds can be applied.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 04-A.1(1), 10-6-04; Ord. 07-A.1(1), 12-5-07)

Sec. A.1-109. Easement terms and conditions.

Each conservation easement shall conform with the requirements of the Open-Space Land Act of 1966 (Virginia Code § 10.1-1700 *et seq.*) and of this appendix. The deed of easement shall be in a form approved by the county attorney, and shall contain, at a minimum, the following provisions:

A. *Restriction on division.* The parcel shall be restricted from division as follows: (i) if the parcel is less than one hundred (100) acres, it shall not be divided; (ii) if the parcel is one hundred (100) acres or larger but less than two hundred (200) acres, it may be divided into two (2) lots; (iii) if the parcel is two hundred (200) acres or larger, it may be divided into as many lots so as to maintain an average lot size of at least one hundred (100) acres, plus one additional lot for any acres remaining above the required minimum average lot size (*e.g.*, an eight hundred fifty (850) acre parcel may be divided into as many as nine (9) parcels, eight (8) of which maintain an average lot size of at least one hundred (100) acres, and the ninth of which consists of the remaining acres).

B. *Protection of mountain, scenic and historic resources.* The deed of easement shall include the following restrictions if the owner is eligible for points under section A.1-108 for the resources identified therein:

1. *Mountain resources.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(1) for mountain protection, the deed of easement shall prohibit establishing all primary and accessory structures and other improvements, provided that one or more farm buildings or agricultural structures may be permitted within the mountain overlay district with the prior written approval from each grantee; the deed of easement also shall assure that the parcel is used and maintained in a manner consistent with the Comprehensive Plan as it pertains to mountain resources and, in particular, the Mountain Design Standards in the Natural Resources and Cultural Assets Component of the Comprehensive Plan.

2. *Scenic highways and byways.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(3) for adjoining a Virginia scenic highway or byway, the deed of easement shall require that each new dwelling (a) have a two hundred fifty (250) foot setback from the edge of the right-of-way of the scenic highway or byway or (b) if within two hundred fifty (250) feet of the edge of the right-of-way of the scenic highway or byway, be sited in a location approved by each grantee prior to issuance of a building permit to assure that the dwelling is not visible from the scenic highway or byway at any time of the year.

3. *Stream Buffers.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(7) for being located within a watershed named therein or adjoining a stream named therein, the deed of easement shall require a stream buffer along any perennial stream, as that term is defined in Chapter 17 of the Albemarle County Code.

4. *Scenic rivers.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(8) for adjoining a Virginia scenic river, the deed of easement shall require that each new dwelling (a) have a two hundred fifty (250) foot setback from the top of the adjoining stream bank or (b) if within two hundred fifty (250) feet of the top of the adjoining stream bank, shall be sited in a location approved by each grantee prior to issuance of a building permit to assure that the dwelling is not visible from the scenic river at any time of the year.

5. *Historic resources.* If the parcel is eligible for points in the evaluation process under section A.1-108(C)(4) for sites of archaeological or architectural significance, the deed of easement shall require that no such site shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by each Grantee.

6. *Voluntary Stream Buffers.* If the owner voluntarily requested in his application that the parcel be awarded points in the evaluation process under section A.1-108(C)(9) for a voluntary stream buffer, the deed of easement shall require a stream buffer along any perennial or intermittent streams, as those terms are defined in Chapter 17 of the Albemarle County Code.

C. *No buy-back option.* The owner shall not have the option to reacquire any property rights relinquished under the conservation easement.

D. *Other restrictions.* The parcel also shall be subject to standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to, restrictions pertaining to: (i) the accumulation of trash and junk; (ii) the display of billboards, signs and advertisements; (iii) the management of forest resources; (iv) grading, blasting or earth removal; (v) the number and size of primary and secondary dwellings, non-residential outbuildings and farm buildings or structures; (vi) the conduct of industrial or commercial activities on the parcel; and (vii) monitoring of the easement.

E. *Designation of easement holders.* The county and one or more other public bodies, as defined in Virginia Code § 10.1-1700, and designated by the board of supervisors shall be the easement holders of each easement. The public body or bodies who may be designated by the board shall include, but not be limited to, the Albemarle County Public Recreational Facilities Authority and the Virginia Outdoors Foundation.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 07-A.1(1), 12-5-07)