



Travis County Commissioners Court Agenda Request

Meeting Date: April 24, 2012

Prepared By: Wendy Scaperotta **Phone #:** 854-7655

Division Director/Manager: Randy Nicholson, Comprehensive Planning Manager

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: County Judge Samuel T. Biscoe

AGENDA LANGUAGE: Consider and take appropriate action on the proposed Travis County Land Conservation Program Guidelines, Conservation Easement Program Application, and Resolution Supporting Conservation of Natural and Cultural Resources in Travis County.

BACKGROUND/SUMMARY OF REQUEST:

Staff has drafted a process and associated documents for implementing Travis County's new program to conserve land through conservation easement agreements with willing landowners and in partnership with other agencies and land trusts. This public hearing allows the court to receive comments on the proposed process and associated documents.

STAFF RECOMMENDATIONS:

Receive comments regarding Travis County Land Conservation Program Guidelines, Conservation Easement Program Applications, and Resolution Supporting Conservation of Natural and Cultural Resources in Travis County.

ISSUES AND OPPORTUNITIES:

Public input will help improve and/or validate the proposed process and associated documents.

FISCAL IMPACT AND SOURCE OF FUNDING:

None

ATTACHMENTS/EXHIBITS:

Exhibit A: Travis County Land Conservation Program Guidelines

Exhibit B: Conservation Easement Program Applications

Exhibit C: Resolution to Conserve Natural and Cultural Resources

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429

CC:

Tom Nuckols	County Attorney	Cty Attorney's Office	854-9415
Rose Farmer	Nat Res Program Mgr	TNR NREQ	854-7214
Wendy Scaperotta	Planning Project Mgr	TNR Planning	854-7655

: :
0101 - Administrative -

Exhibit A: Land Conservation Program Guidelines

Travis County Land Conservation Program Guidelines (Draft 3-23-12)

Public Benefits of Conservation Easements

Travis County initiated its Land Conservation Program (conservation program) because of the public benefits derived from acquiring development rights from willing land owners through gifts or purchase of conservation easements. As stated in the order calling for 2011 bond election, BOND PROPOSITION 2, conservation easements "...retain or protect natural, scenic, or open-space values of real property...or assure its availability for agricultural, recreational, or open-space use, protect natural resources, maintain or enhance air or water quality, or conserve water quantity or quality". More specifically, conservation easements can provide the following public benefits:

- Protect our water resources and drinking water supply;
- Mitigate storm water damage by reducing the intensity of runoff entering waterways;
- Preserve working farms and ranches, particularly prime agricultural lands;
- Protect natural areas and wildlife habitat;
- Preserve rural character, cultural resources, and scenic views;
- Protect critical environmental features such as bluffs, canyon rim rock, sinkholes, and springs;
- Protect woodlands, native prairies, grasslands, and riparian areas;
- Buffer different land uses;
- Promote more efficient use of infrastructure dollars;
- Protect land more cost effectively than fee simple acquisition of properties;
- Keep property on the tax rolls (County-owned properties are not taxed);
- Enhance desirability of properties adjacent to conserved land; and
- Leverage Travis County's investments in the transactions through matching contributions from other public and private entities.

The County will work to secure these benefits for the citizens of Travis County by encouraging landowners to donate or sell conservation easements that provide these benefits to Travis County or to qualified non-profit land conservation organizations working in Travis County.

Purpose

The purpose of these guidelines is to set the parameters of the land conservation program, to define the respective roles of Travis County and partnering entities, and to identify criteria for selecting projects for county funding. These guidelines are also intended to encourage and facilitate the donation of easements that provide the public benefits identified in these guidelines.

Program Administration

The conservation program is administered by Travis County Natural Resources and Environmental Quality (NREQ). Applications will be reviewed and ranked by a panel of NREQ, Development Services, Parks, and Planning staff for recommendation to the Travis County Commissioners Court for receipt of county contributions. Projects must score a minimum of 70 points out of possible 100 to be considered for county participation. Calls for applications will be made quarterly.

Protection of Travis County Investments

Conservation easements shall protect the County's interest in real estate and soundness of the public's investment.

Conservation easements shall define conservation values to be protected and shall state clearly how the terms of the easements will be administered and enforced.

Project Threshold Criteria

The following threshold criteria will be used to determine whether an application meets the minimum requirements of the conservation program:

Criteria 1: Does the candidate project have an identifiable benefit for Travis County?

Criteria 2: Is the conservation easement perpetual?

Criteria 3: Will Travis County hold, co-hold, or hold the contingent rights¹ of the conservation easement? If the County does not hold the easement, is the holder or co-holder a qualified organization?

The criteria for determining whether an organization meets Travis County's "qualified organization" standards can include but are not limited to the following:

- Is it a 501(c)(3) land trust? Is some, or part, of its mission to protect the conservation values of land in perpetuity?
- If the organization is not a 501 (c)(3) land trust, is it a governmental agency?
- Does it hold any conservation easements in Texas? If not, does the organization own land that is managed for conservation purposes to protect its natural, recreational, scenic, historic, or agricultural value?

¹A "holder" is the person or entity primarily responsible for overseeing the landowner's compliance with the terms of the conservation easement and enforcing those terms if necessary. A "contingent rights holder" is a person or entity that steps in to oversee or enforce compliance with the terms of the conservation easement only when the holder is either unable or unwilling to do so. The County prefers to be a "contingent rights holder" but will consider holding or co-holding a conservation easement on a case-by-case basis, for example, in the case where the proposed conservation project is adjacent to a Travis County park or BCP property.

- Is it accredited, or is it planning to apply for accreditation? If not, has it adopted the Land Trust Alliance's Standards and Practices?
- Does it demonstrate the capability for easement monitoring and stewardship with good policies and procedures and/or dedicated staff?

Criteria 4: Is the land owner or partnering entity willing to pay the cost of the appraisal and other transaction costs? (Prior to closing, Travis County may require an appraisal. This appraisal will be done by an appraiser accepted by Travis County using accepted appraisal standards to determine the value of the conservation easement).

Project Selection Criteria

1: Purpose (0-10 points)

Projects that serve multiple conservation purposes are prioritized over land that does not. Valued purposes include but are not limited to the following:

- Protects water resources
- Protects working farms and ranches
- Protects prime agricultural lands
- Protects natural areas and wildlife habitat
- Protects cultural resources
- Protects rural character and scenic landscapes (as viewed from public places)
- Protects critical environmental features such as bluffs, canyon rim rock, sinkholes, and springs
- Protects woodlands, native prairies, grasslands, wetlands, and riparian areas

2: Consistency with Planning Priorities (0-15 points)

Projects that fulfill priorities set in Travis County plans and policies or plans and policies by other entities are prioritized over projects that do not. Such plans are as follows:

- *Travis County Parks and Natural Areas Master Plan*
- *Travis County Conservation Development Ordinance*
- *Colorado River Corridor Plan (to be completed)*
- *Travis County Comprehensive Plan 2035 (to be completed)*
- *SOUTHWEST TRAVIS COUNTY GROWTH DIALOG, Advisory Panel Final Report*
- Other Travis County adopted plans and policies (to be specified as developed)
- The Trust for Public Land's *The Travis County Greenprint for Growth*
- City of Austin's *Imagine Austin Preferred Growth Scenario*
- *CAMPO 2035 Regional Transportation Plan (e.g., Environmental Justice Area)*
- Other non-Travis County plans and policies (to be specified as developed)

3: Limited Access (0-15 points)

Projects that provide greater access for educational, scientific, and education of the general populace purposes and are perpetual are prioritized over projects that provide less access and/or are not perpetual. The target audience, frequency of scheduled events, number of people to be accommodated, and consistency with county investment will be considered. The

County particularly values projects that provide access to the general population, youth, at-risk youth, and other populations that have limited opportunities to visit farms, ranches, and natural areas.

4: Cost Effectiveness (0-20 points)

Projects that are a more cost effective use of County dollars are prioritized over projects that are less so. Cost effective strategies include but are not limited to the following:

- Bargain sales
- Donations
- Financial participation by others

5: Site Characteristics (0-20 points)

Projects that have the following site characteristics are prioritized over projects that do not:

- Meets the minimum size requirement of partnering land trust or governmental agency
- Buffers park land
- Buffers endangered species habitat
- Extends boundary of conserved areas and/or connects to other conserved areas
- Beneficially buffers different land uses
- Is part of a clearly-defined, larger conservation project

6: Uniqueness (0-10 points)

Projects that have unique natural or cultural value are prioritized over those that do not.

7: Development Threat (0-10 points)

Projects that are more threatened by development if not conserved are prioritized over projects that are less threatened by development.

SUMMARY OF PROJECT SELECTION CRITERIA SCORES

Criteria 1: Purpose	0 – 10 points
Criteria 2: Consistency with Planning Priorities	0 – 15 points
Criteria 3: Controlled Public Access	0 – 15 points
Criteria 4: Cost Effectiveness	0 – 20 points
Criteria 5: Site Characteristics	0 – 20 points
Criteria 6: Uniqueness	0 – 10 points
Criteria 7: Development Threat	<u>0 – 10 points</u>
	0 – 100 points

At its discretion, the review panel may award a maximum of 5 bonus points to projects that provide benefits – such as ecological restoration work – that are not addressed in the above scoring criteria

Exhibit B: Conservation Easement Program Application



Step 1 - Conservation Easement Program Application

Application No. _____

Procedural Note:

The County will send you written confirmation of its receipt of your application within one week after the conservation easement applications are due. County staff will then review your application to determine whether it meets all of the Conservation Easement Threshold Criteria in the *Travis County Land Conservation Program Guidelines*. If staff determines that your application meets all of the Conservation Easement Threshold Criteria, you will be asked to submit a Step 2 Application for further staff review. After staff members complete the review of all Step 2 Applications, staff will make a recommendation to the Travis County Commissioners Court as to whether to begin negotiations on any of the proposals. Whether chosen or not, you will be notified of the status of your application as soon as that decision has been made. Notwithstanding any provision to the contrary, the Travis County Commissioners Court has complete discretion as to whether to approve a conservation easement project on behalf of the County. (Please note that all information you submit is subject to the Public Information Act).

I. APPLICANT/PROJECT INFORMATION

Applicant Name: _____

Individual or Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ **Contact Title:** _____

Daytime Phone # (____) ____ - ____ Fax # (____) ____ - ____

Email: _____

Property Owner(s): _____

(As listed on deed - If multiple owners, attach a sheet listing the name, mailing address, and percent ownership interest of each owner.)

Contact Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone # (____) ____ - ____ Fax # (____) ____ - ____

Email: _____

Property Name: _____

Street Address or Location: _____

Legal Description:

Subdivision _____ Lot(s) _____

Block _____ Phase _____ Section _____

Acres _____ Out of _____ Survey # _____

Tax Parcel ID #(s) _____

Acquisition Costs:

What is the approximate value of the proposed conservation easement? \$ _____

How much is Travis County being requested to contribute? \$ _____

How much are other partners contributing?

Name/Contribution of Partner 1: _____ \$ _____

Name/Contribution of Partner 2: _____ \$ _____

Name/Contribution of Partner 3: _____ \$ _____

Name/Contribution of Partner 4: _____ \$ _____

If your proposal includes other contributions as part of this project, describe the source and amount of those contributions:

Describe any mortgages or liens on the property. (Lenders will need to subordinate the mortgage, making it subject to the conservation easement prior to closing).

II. THRESHOLD CRITERIA INFORMATION

1. Briefly describe site characteristics and how the conservation easement benefits Travis

County: (attach additional pages if needed)

a) Site characteristics (including existing land use and ecological and cultural features): _____

b) Benefits to Travis County: _____

2. Will the proposed conservation easement be perpetual? (Proposals will not be considered if they do not provide for perpetual conservation) **Yes No**

3. Who will hold the conservation easement and what are the qualifications of the holder ?

Describe the capabilities of each holder to hold, manage, and enforce conservation easements. _____

4. If Travis County agrees to participate in this conservation easement project, is the property owner or partnering entity willing to pay transactional costs for:

a) Appraisal? Yes No

(Prior to closing, an appraisal will be done by an appraiser acceptable to Travis County using accepted appraisal standards to determine the value of the conservation easement).

b) Baseline Document Report? Yes No

c) Other transaction costs such as Phase One Environmental Site Assessment, Survey, etc.

Yes No

d) If you answered "No" to any of the items listed above, describe other contributions you are willing to make to offset the cost to the county for this project: _____

III. ADDITIONAL INFORMATION

Attach to this application:

- A recent Travis Central Appraisal District Map with the subject parcels highlighted
- Any aerial map showing location, boundaries, land uses, structures and adjacent properties.
- Any diagram showing features of the property such as buildings, agricultural areas, creeks or rivers, springs, cultural sites, etc.
- Any photographs of unique natural, agricultural or cultural features of the property.

Additional comments:

I certify that all statements on this application and all information attached to it are true and correct to the best of my knowledge.

SIGNATURE (Person Responsible for Submitting Application)

DATE Signed

PRINTED NAME of Person Signing

Owner or Organization

Submit application to:

Rose Farmer

Travis County Conservation Easement Program

Travis County –TNR

PO Box 1748

Austin, Texas 78767

Office: (512) 854-7214

Fax: (512) 854-6474

Email: rose.farmer@co.travis.tx.us

FOR OFFICE USE

Date Received: _____ Staff initials: _____ Application complete? _____

Additional information needed: _____

Comments: _____

Step 2 - Conservation Easement Application

Procedural Note: If County staff has determined that the project proposed in your Step 1 Conservation Easement Application meets all of the Conservation Easement Threshold Criteria set forth in in the *Travis County Land Conservation Program Guidelines*, you will be asked to complete this Step 2 Application so that County staff can further evaluate your proposal. In addition to the information specifically requested in the Step 2 Application, you may submit any additional information that you think would be relevant to County staff's evaluation of your proposal. After staff members complete the review of all Step 2 Applications, staff will make a recommendation to the Travis County Commissioners Court as to whether to begin negotiations on any of the proposed projects. Scoring point information is provided here for information purposes only. Scoring will be completed by staff according to the criteria points listed here. Whether chosen or not, you will be notified of the status of your application as soon as that decision has been made. Notwithstanding any provision to the contrary, the Travis County Commissioners Court has complete discretion as to whether to approve a conservation easement project on behalf of the County. (Please note that all information you provide is subject to the Public Information Act).

A. Partnerships

Describe any proposed or anticipated easement partnerships for cost sharing and/or land management. Describe the capabilities of each partner to hold, manage, and enforce conservation easements. Describe any existing conservation easements with which each partner is involved. Discuss the general terms of any existing or proposed conservation easement documents.

B. The Seven Evaluation Criteria

1: Describe the conservation purposes that the conservation easement will serve:

(0-10 points)

Projects that serve multiple conservation purposes will be prioritized over projects that do not. Conservation purposes include but are not limited to the following:

- Protects water resources
- Protects working farms and ranches
- Protects prime agricultural lands
- Protects natural areas and wildlife habitat
- Protects cultural resources
- Protects rural character and scenic landscapes (as viewed from public places)
- Protects critical environmental features such as bluffs, canyon rim rock, sinkholes, and springs
- Protects woodlands, native prairies, grasslands, wetlands, and riparian areas

2: Describe how the proposal is consistent with the County's planning priorities:

(0-15 points)

Projects that fulfill priorities set forth the plans and policies listed below will be prioritized over projects that do not.

Such plans are as follows:

- *Travis County Parks and Natural Areas Master Plan*
- *Travis County Conservation Development Ordinance*
- *Colorado River Corridor Plan* (to be completed)
- *Travis County Comprehensive Plan 2035* (to be completed)

- *SOUTHWEST TRAVIS COUNTY GROWTH DIALOG, Advisory Panel Final Report*
- Other Travis County adopted plans and policies (to be specified as developed)
- Other non-Travis County plans and policies (to be specified as developed)
- The Trust for Public Land's *The Travis County Greenprint for Growth*
- City of Austin's *Imagine Austin Preferred Growth Scenario*
- *CAMPO 2035 Regional Transportation Plan* (e.g., Environmental Justice Area)

3: Describe how the proposal allows for controlled public access where compatible: (0-15 points)

Projects that provide greater public access for educational and recreational purposes will be prioritized over projects that provide less. The target audience, frequency of scheduled events, and number of people to be accommodated will be considered. The County particularly values projects that provide access to the general population as well as youth, including at-risk youth, and other populations that have limited opportunities to visit farms, ranches, and natural areas.

4: Describe how the proposal is cost effective for the County: (0-20 points)

Projects that are a more cost effective use of County dollars will be prioritized over projects that are less so. Cost effective strategies include but are not limited to the following:

- Bargain sales
- Donations
- Financial participation by others

5: Describe the desirable site characteristics of the property: (0-20 points)

Projects that have the following desirable site characteristics will be prioritized over projects that do not:

- Meets the minimum size requirement of partnering land trust or governmental agency
- Buffers park land
- Buffers endangered species habitat
- Extends boundary of conserved areas
- Buffers different land uses
- Is part of a clearly-defined, larger conservation project

6: Describe the unique natural or cultural values of the property: (0-10 points)

Projects that have unique natural or cultural value will be prioritized over those that do not.

7: Describe how the property is threatened by development: (0-10 points)

Projects that are more threatened by development if not conserved will be prioritized over projects that are less threatened by development.

Bonus Points may be added for a pledge of future habitat enhancement projects:

(0-5 points)

Describe any planned restoration projects such as planting/management of native tall grass prairie, vegetation restoration project along a creek, erosion restoration projects, etc.

Exhibit C: Resolution to Conserve Natural Resources

RESOLUTION SUPPORTING CONSERVATION OF NATURAL AND CULTURAL RESOURCES IN TRAVIS COUNTY

WHEREAS, Travis County has a wealth of natural and cultural resources including its lakes, rivers, creeks, springs, and seeps; working farms and ranches; historic places and structures; rural landscapes and scenic views; canyons, bluffs, and rolling hills; woodlands, prairies, grasslands, wetlands, and riparian areas; and wildlife habitat; and

WHEREAS, the quality of the water and the lands in Travis County is an integral part of the quality of life enjoyed by Travis County residents and enhances the attractiveness of the County for business investments; and

WHEREAS, the population of Travis County is forecasted to increase by 51% to approximately 1.5 million people by 2035; and

WHEREAS, as this growth occurs, our natural and cultural resources need to be conserved in order to maintain a strong sense of place and continued access to nature for the well-being of the residents of Travis County; ensure the availability of vital resources such as water; and to protect the attractiveness of our community for economic investment;

NOW, THEREFORE, BE IT RESOLVED THAT the Travis County Commissioners Court shall promote and encourage the protection of natural and cultural resources in Travis County by:

1. Acquiring parkland through fee simple purchase or public or private donations of such land;
2. Promoting conservation development as an alternative to standard development practices;
3. Completing acquisition of endangered species habitat for the Balcones Canyonland Preserve through fee simple purchase or public or private donation of such land; and
4. Acquiring or accepting donations of conservation easements, from willing landowners, in partnership with public, non-profit, and private entities.

BE IT SO ORDERED ON THIS _____ DAY OF _____, 2011.

By: _____
Samuel T. Biscoe, County Judge

Ron Davis, Commissioner
Precinct One

Sarah Eckhardt, Commissioner
Precinct Two

Karen Huber, Commissioner
Precinct Three

Margaret Gómez, Commissioner
Precinct Four