

Dragon Run SAMP FY 2009 Final Report



Sara Stamp
Dragon Run SAMP Director
Middle Peninsula Planning District Commission

NA09NOS4190163 Task 95

This project was funded by the Virginia Coastal Zone Management Program at the Department of Environmental Quality through Grant # NA09NOS4190163, Task 95 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended



Virginia Coastal Zone
M A N A G E M E N T P R O G R A M



Middle Peninsula
Planning District Commission

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Executive Summary

Product 1: Report on Technical Assistance for Adoption and Implementation of Comprehensive Plan and/or Zoning Amendments

During the FY 2009 grant cycle, two of the four Dragon Run Watershed counties – Essex and Gloucester – are in the process of updating Comprehensive Plans. None of the four watershed counties were updating Zoning Ordinances impacting the Dragon Run Watershed during this time period. King and Queen County and Middlesex County adopted revised Dragon Run Zoning Ordinance or Comprehensive Plan language during previous grant cycles. MPPDC staff consulted with representatives from each of the remaining watershed counties regarding their Dragon Run land-use recommendations and offered assistance during their review and adoption processes. Both Essex and Gloucester confirmed their commitment to consider adopting and implementing Dragon Run land-use recommendations.

Product 2: Report on Technical Assistance and Education Programs

MPPDC staff continued to provide support to the citizen-based Dragon Run Steering Committee and its related sub-committees. Staff provided outreach materials to the general public via DVDs, brochures and the Dragon Run website (www.mppdc.com/dragon). Approximately 200 DVDs were distributed during this grant cycle. MPPDC staff assisted the Dragon Run Steering Committee as they sought nominations and awarded the annual Dragon Run Stewardship Award. MPPDC staff provided technical support to assist the Dragon Run Day Subcommittee in planning for the community-oriented Dragon Run Day to celebrate the natural, cultural, and historic heritage of the Dragon Run.

Product 3: Report on Dragon Run Conservation Impact Analysis

Conservation easements are useful tools to help preserve rural character, promote traditional industries and conserve water quality and natural resources. However, concerns by localities over fiscal impacts of easements spawned by tough economic times and a significant conservation land transaction drove the Dragon Run Steering Committee to request that the Middle Peninsula Planning District Commission make this subject a priority to find resources and study further to understand the actual impacts, both positive and negative. **The key finding of this study are that conservation easements and tax exempt land holdings fiscal impacts are actually a very small percentage of county budgets – mostly less than 0.5%.** Commissioners of Revenue are in the process of implementing recommendations from this study to help capture the maximum benefits of tax exempt holdings.

Product 1: Report on Technical Assistance for Adoption and Implementation of Comprehensive Plan and/or Zoning Amendments



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During the FY 2009 grant cycle, Dragon Run Watershed localities faced continuing difficult economic times, changing political representation and shifting priorities. These factors all contributed to delays in anticipated schedules to perform Comprehensive Plan and Zoning Ordinance updates.

During this cycle, two of the four Dragon Run Watershed counties – Essex and Gloucester – are in the process of updating Comprehensive Plans. None of the four watershed counties updated Zoning Ordinances impacting the Dragon Run during this time period. King and Queen County and Middlesex County adopted revised Dragon Run Comprehensive Plan or Zoning Ordinance language during a previous grant cycle. MPPDC staff consulted with representatives from each of the remaining watershed counties regarding their Dragon Run land-use recommendations and offered assistance during their review and adoption processes. Additionally, representatives (Ducey-Ortiz, Gloucester County Planning Director and David Whitlow, Essex County Administrator) from each of the two counties confirmed (either verbally or in writing at the end of October 2010) their intent to consider adopting and implement Dragon Run land-use recommendations (see Appendix A) at the time of the next update.

Gloucester County continues to work on its draft Comprehensive Plan and hopes to consider adoption in September 2010. According to the county's planning director, a section on the Dragon Run that reflects the recommendations developed in previous grant cycles will be included in the final draft, as will reference to the Dragon Run be included in the section on Natural Resources and other related sections. A draft version of the Dragon Run section can be found in Appendix B – no additional changes to the draft language have been made in this grant cycle.

Essex County initiated the Comprehensive Plan update right at the end of the FY2008 grant period. The Dragon Run recommendations developed in previous grant cycles have been included in the working draft. The County plans to present a draft to the Planning Commission in Fall 2010 and is hoping to adopt the Comprehensive Plan in Spring 2011. The language that has been included in the draft Comprehensive Plan can be found in Appendix C – no additional changes to the draft language have been made in this grant cycle.

Product 2: Report on Technical Assistance and Education Programs



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MPPDC staff provided support to the Dragon Run Steering Committee at two quarterly meetings as well as related sub-committee meetings, such as those for the Dragon Run Day Sub-committee and the Dragon Run Stewardship Award Sub-committee. Some topics that the Steering Committee focused on during the grant cycle included: Locality Government Priorities for the Dragon Run Watershed; Virginia Department of Transportation ditch cutting practices and negative impacts; and impacts of conservation easements on the local tax base. Appendix E includes meeting agenda, summaries and additional information.

The Dragon Run Steering Committee presents the Dragon Run Stewardship Award annually to individuals or entities who demonstrate an extraordinary commitment to the Dragon Run watershed. This year, the award was presented to Mr. Robert Gibson for his outstanding efforts to conserve the Dragon Run's unique character and pristine nature. Conducting environmentally sensitive business practices has always been one of Mr. Gibson's top priorities. A firm believer in preserving our environment, Mr. Gibson has been enrolled in a five-year Conservation & Security Program, a program administered through the United States Department of Agriculture. This program is voluntary and assists land owners in the conservation and improvement of soil, water, air, energy, plant and animal life, as well as, other conservation purposes. Mr. Gibson's interest and involvement in the Conservation & Security Program stems from his desire to maintain conservation stewardship on not only a holistic level, but more practically on a day-to-day basis., Mr. Gibson also implements best management practices in an effort to protect watershed health. He believes in and continues to conduct a one hundred percent "no-till" practice of farming. This method of farming helps to decrease the amount of topsoil that is blown or washed away, perhaps into the Dragon Run. Mr. Gibson has and continues to do his part in preventing soil erosion, among other things detrimental to our local waterways.

During the FY 2009 grant period, staff provided outreach materials to the general public via DVDs, brochures and the Dragon Run website (www.mppdc.com/dragon). Approximately 200 DVDs were distributed during this grant period.

Product 3: Report on Dragon Run Conservation Impacts Analysis



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Dragon Run SAMP Director
Middle Peninsula Planning District Commission

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Conservation easements are useful tools to help preserve rural character, promote traditional industries and conserve water quality and natural resources. However, concerns by localities over fiscal impacts of easements spawned by tough economic times and a significant conservation land transaction drove the Dragon Run Steering Committee to request that the Middle Peninsula Planning District Commission make this subject a priority to find resources and study further to understand the actual impacts, both positive and negative.

MPPDC staff worked with the Virginia Department of Taxation, to understand tax code requirements as they pertain to assessment of conservation easements, and the county Commissioners of Revenue, to understand how assessments are actually interpreted and applied.

MPPDC staff vetted the list of easements known by localities and provided updated information as necessary from information provided by easement holders. In most cases, the list of easements known by the Commissioner of Revenue was not inclusive. It was found that there is typically no procedure for flagging these holdings. MPPDC staff is working with the Commissioners to provide recommendations on how to improve their communication systems.

The key finding of this study are that conservation easements and tax exempt land holdings fiscal impacts are actually a very small percentage of county budgets – mostly less than 0.5%.

Additionally, MPPDC staff has been able to provide recommendations to land use localities and their Commissioners of Revenue to capture composite index benefits and thereby increase the amount of state education aid that will be received.

Under this current grant year, MPPDC staff has made great strides toward expanding the awareness of the Commissioners of Revenue in all six Middle Peninsula localities, including the four comprising the Dragon Run. Each of the four watershed locality Commissioners of Revenue is in the process of changing their policies with regard to the way they assess properties with easements.

Appendix A

Acknowledgement Letters from County Representatives

David S. Whitlow
County Administrator

Linda E. Lumpkin
Deputy County Administrator

205 Cross Street
Post Office Box 1079
Tappahannock, Virginia 22560
(804) 443-4331
Fax (804) 443-4157
www.essex-virginia.org



Established 1692

Essex County
Virginia

October 25, 2010

Board of Supervisors

Angelo S. "Jack" Stevens
North Election District

Margaret H. "Prue" Davis
South Election District

Edwin E. "Bud" Smith, Jr.
Central Election District

E. Stanley Langford
Greater Tappahannock
Election District

Sara Stamp
Dragon Run SAMP Director
Middle Peninsula Planning District Commission
PO Box 286
Saluda, Virginia 23149

Dear Ms. Stamp,

Thank you for your assistance in developing land-use policy recommendations for the Dragon Run watershed portion of Essex County. The draft comprehensive plan language and zoning ordinance recommendations will be considered for inclusion during upcoming adoption cycles. Your offer to provide further technical assistance during the adoption process is also appreciated.

MPPDC staff presented the Dragon Run land-use policy recommendations to the County Administrator as an array of potential options. With our input, MPPDC staff then tailored the selected options to fit the design of current comprehensive plan and zoning ordinance layouts.

Essex County is currently updating its comprehensive plan. The working draft plan includes the recommended Dragon Run Comprehensive Plan. It is anticipated that the comprehensive plan will be considered for adoption in Spring 2011. As the County Administrator, I do not foresee any complications in the adoption of the Dragon Run recommendations in the comprehensive plan. After adoption of the comprehensive plan, Essex County will review its zoning ordinances for consistency. At that time, the Dragon Run zoning recommendations will be considered for inclusion.

The recommendations will promote planning consistency across county boundaries, while meeting the vision and needs for each individual county. Thank you once again for your assistance with the development of these tools that will preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed.

Very truly yours,

David S. Whitlow
County Administrator

Appendix D

Dragon Run Steering Committee Meeting Summaries, Materials and Supporting Documentation



The Dragon Run Steering Committee
cordially invites you to attend their
Annual Picnic

Wednesday, May 12, 2010 at 6:00 pm

at

Robert and Caroline Major's Home

1229 Old Courthouse Road

Saluda, VA 23149

(Directions on reverse)

Come on out to eat, drink, mingle and discuss the latest priorities and initiatives
of the Dragon Run Watershed!

Family and friends are welcome!

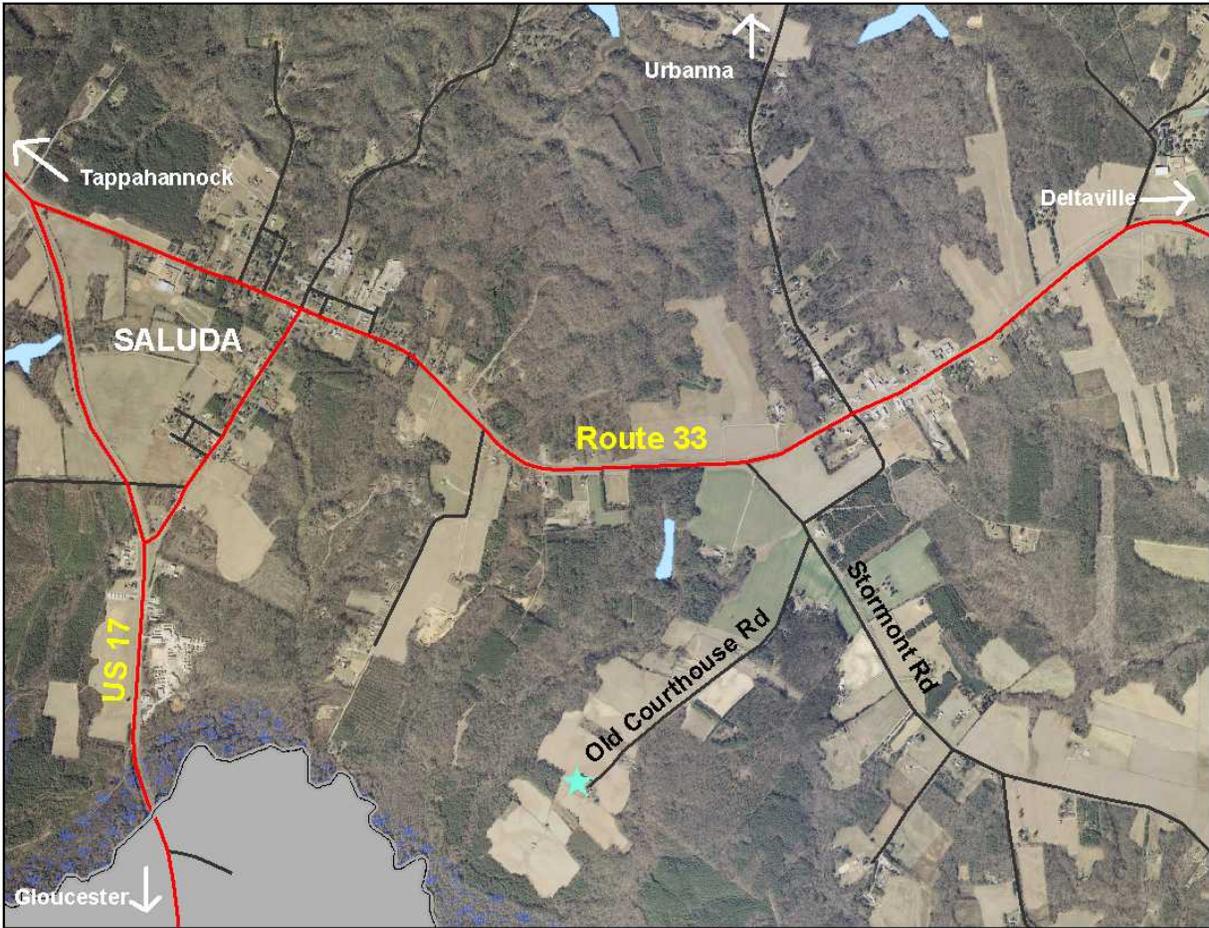
Please RSVP to Sara Stamp by May 11th

(804) 758-2311



Virginia Coastal Zone
MANAGEMENT PROGRAM





Directions
From Saluda: Route 33 East toward Deltaville <1.5 miles; turn right on Stormont Road; travel just over .25 miles and turn right on Old Courthouse Rd; home is at the end of the road.

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DRAGON RUN STEERING COMMITTEE

Saluda Professional Center
125 Bowden Street
P.O. Box 286
Saluda, Virginia 23149-0286
Phone: (804) 758-2311
FAX: (804) 758-3221
Toll Free : 1-888-699-1733
Email : dragon@mppdc.com
Website : www.mppdc.com/dragon/

Secretary/Project Director
Mrs. Sara Stamp

MEMBERS

Essex County
Hon. Margaret H. Davis
(Vice Chairman)
Mr. Fred Hutson
Ms. Dorothy Miller
Mr. M. Scott Owen

Gloucester County
Ms. Terry DuRose
Hon. John Northstein
Dr. William Reay
Mr. Larry Dame

King and Queen County
Mr. Robert E. Gibson
Mr. William F. Herrin
(Chairman)
Hon. J. Lawrence Simpkins

Middlesex County
Mr. William Bagby
Mr. John England
Mr. R. D. Johnson
Hon. Pete W. Mansfield

MEMORANDUM

TO: Dragon Run Steering Committee and Interested Parties

FROM: Sara Stamp

DATE: August 6, 2010

SUBJECT: August Dragon Run Steering Committee Meeting

Good morning,

This letter is to serve as a notice that our summer quarterly Dragon Run Steering Committee Meeting is scheduled for Wednesday, **August 11th at 7pm at the Regional Boardroom at the Middle Peninsula Planning District Commission office in Saluda.** I have attached an agenda for your review. Please let me know if you have any additions to the agenda. As always, if you have any questions, please feel free to contact me at 804-758-2311 or sstamp@mppdc.com.

Sincerely,

A handwritten signature in cursive script that reads "Sara E. Stamp".

Sara

Enclosure



Dragon Run Steering Committee Summer Quarterly Meeting August 6, 2010

Regional Boardroom - MPPDC office
Saluda
7:00 PM

AGENDA

1. Welcome and Introductions
2. Marcie Parker, Virginia Department of Transportation - VDOT ditch cutting practices policy overview
3. Conservation Impacts Project Update
4. Dragon Run Day 2010
5. Dragon Run Stewardship Award
6. Public Comment
7. Other Business
8. Adjourn

Dragon Run Steering Committee
Meeting Minutes
August 6, 2010

1. Welcome and Introductions - Steering Committee members in attendance included Robert Gibson, Prue Davis, Terry DuRose, RD Johnson, Pete Mansfield, and John England. Others in attendance included Frank Evans, Marcie Parker and Sara Stamp.
2. Marcie Parker, Virginia Department of Transportation - VDOT ditch cutting practices policy overview - Ms. Parker responded to concerns issued by the DRSC regarding erosion and sedimentation caused by VDOT ditch cutting practices on lands that were previously stable and draining well. Ms. Parker reported that the particular case in questions seems to be an anomaly and was not appropriately done. There should have been silt fencing to reduce sedimentation. The work may have been done by a contractor - some VDOT ditch work is contracted out with VDOT oversight. Training for crews include "responsible land disturbance." The Superintendent also reviews for environmental impact. Typically, ditches are cleaned out or cut on a 5-7 cycle, however, a ditch isn't cut if not needed. Addressing requests from landowners to maintain their own ROW on a case by case basis would be an "administrative nightmare." Land owners should report issues to the VDOT call center.

The best approach if someone is interested in LID systems is to do a neighborhood approach and to maintain drainage through the neighborhood entire system so that VDOT will not have to address it at all. They can also issue a joint request to VDOT not to maintain.

3. Conservation Impacts Project Update - Ms. Stamp reported that work was continuing with the quantitative assessment of the fiscal impact of conservation easements and tax exempt land holdings. She reported that many counties were changing their processes due to this project. Conservation stakeholder meetings will begin in November to discuss policy options to ameliorate these impacts.
4. Dragon Run Day 2010 - Ms. Stamp reminded the Steering Committee that Dragon Run Day is on October 9th, 2010 from 10 til 3pm at Thousand Trails. She reminded the group that volunteers were needed the day of the event. Mr. Hutson noted that he planned on attending.
5. Dragon Run Stewardship Award - Ms. Stamp reported that the Dragon Run Stewardship Award Sub-committee met and recommended that the Steering Committee recognize the nomination by the King and Queen Farm Bureau of

Mr. Robert Gibson by awarding him with the 2010 Dragon Run Stewardship Award. Ms. Davis made a motion to award the DRSA to Mr. Gibson; Mr. Hutson seconded. Motion carried.

6. Public Comment - Mr. Herrin announced that the Friends of Dragon Run has 13 acres under contract near the Mascot Bridge.
7. Other Business - The next meeting is scheduled for November 17th at 7pm.
8. Adjourn



Annual Dragon Run Stewardship Award

Dear Community Members,

The Dragon Run Steering Committee works to “support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed.” The Steering Committee achieves its mission through strong partnerships and collaborative action.

The most outstanding accomplishments are recognized through the Dragon Run Stewardship Award. The Award recognizes individuals, groups, organizations, businesses and projects that have made extraordinary contributions to protect, enhance, restore, and revitalize the Dragon Run Watershed’s cultural, historic or natural resources.

The Steering Committee is pleased to announce a call for nominations for the 2010 Dragon Run Stewardship Award. Potential nominations might include the following: watershed protection/restoration projects, education and/or outreach projects, grassroots and/or neighborhood association watershed projects, implementation of watershed-wise best management/business practices, implementation of sound planning tools, individuals with a strong commitment to the watershed and other volunteer activities.

Nominations can be made by anyone and must be submitted by Friday, April 30, 2010 at 4 pm.

Dragon Run Stewardship Award

This award is given to entities who demonstrate an extraordinary commitment to the Dragon Run watershed. Award recipients may reflect some or all of the following characteristics/focus areas:

- ongoing and sustained effort
- long range vision for the conservation of watershed resources
- protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
- environmentally sensitive business practices
- use of green technology or Low Impact Development practices
- implementing best management practices to protect watershed health
- education or outreach about the Dragon Run and/or its watershed
- volunteer organizations focused on protecting water quality through clean-ups

Who is eligible for an award: Any person, group, organization or project in the Watershed

Who can nominate: Anyone from Essex, Gloucester, King and Queen or Middlesex Counties

Nominations Deadline: Friday, April 30, 2010 at 4 pm

Submit to: Dragon Run Steering Committee, Award Sub-Committee

PO Box 286

Saluda, Virginia 23149

Email: sstamp@mppdc.com

Fax: 804.758.2311

Our mission:

To support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed

Dragon Run Stewardship Award Nomination Form

Nominee or Project Name

Name _____
Affiliation (if any) _____
Address _____ City _____ Zip _____
Phone _____ Fax _____
Email _____

Nominator Name

Name _____
Affiliation (if any) _____
Address _____ City _____ Zip _____
Phone _____ Fax _____
Email _____

Dragon Run Stewardship Award focus areas (please select one or more as appropriate):

- Ongoing and sustained effort to protect the Dragon Run watershed
- Long range vision for the conservation of watershed resources
- Protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
- Environmentally sensitive business practices
- Use of green technology or Low Impact Development practices
- Implementing best management practices to protect watershed health
- Education or outreach about the Dragon Run and/or its watershed
- Volunteer organizations focused on protecting water quality through clean-ups

Narrative:

Please describe in detail how the nominees' activities or project promotes the selected focus area(s). Be sure to include information such as the location, the specific action undertaken, the number of participants and benefits to the public and watershed, as applicable. Please submit a separate form for each nominee.

Please limit your nominations to **three pages maximum** including this coversheet.

*****Nominations must be received by 4pm on Friday, April 30, 2010.*****

Send to:

Dragon Run Steering Committee – Award Sub-Committee
PO Box 286 Saluda, Virginia 23149
Tel: 804.758.2311 Fax: 804.758.3221 Email: sstamp@mppdc.com

Dragon Run Stewardship Award Nomination Form

Nominee or Project Name

Name Mr. Robert E. Gibson

Affiliation (if any) _____

Address 26841 The Trail

City Mattaponi, VA

Zip 23110

Phone (804) 785-2484

Fax N/A

Email N/A

Nominator Name

Name King & Queen Farm Bureau Board of Directors

Affiliation (if any) _____

Address PO Box 488

City Shacklefords, VA

Zip 23156

Phone (804) 785-9431

Fax (804) 785-9456

Email Mcagan.Vickery@vafb.com

Dragon Run Stewardship Award focus areas (please select one or more as appropriate):

- Ongoing and sustained effort to protect the Dragon Run watershed
- Long range vision for the conservation of watershed resources
- Protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
- Environmentally sensitive business practices
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Please limit your nominations to three pages maximum including this coversheet.

*****Nominations must be received by 4pm on Friday, April 30, 2010.*****

Send to:

Dragon Run Steering Committee – Award Sub-Committee

PO Box 286 Saluda, Virginia 23149

Tel: 804.758.2311 Fax: 804.758.3221 Email: ssstamp@mppdc.com



KING AND QUEEN COUNTY FARM BUREAU

P.O. Box 488 • Shacklefords, Virginia 23156 • (804) 785-9431 • Fax (804) 785-9456

Dragon Run Stewardship Award Nomination: Mr. Robert Gibson

It is with great pleasure that the King & Queen Farm Bureau Board of Directors nominate Mr. Robert E. Gibson for the 2010 Dragon Run Stewardship Award. Mr. Gibson is a perfect example of just the kind of person the Friends of the Dragon Run would want to bestow such an honor on due to his unending commitment to the Dragon Run watershed, as well as his continued involvement with the Friends of the Dragon.

Mr. Gibson and his wife, Nettie, own 200 acres of land, much of which is on the Dragon Run. Much of the acreage has been planted with switch grass to help clean up run-off before it flows into the nearby streams. This has been an ongoing and sustained effort to protect the Dragon Run watershed, as well as many of the other area waterways.

Conducting environmentally sensitive business practices has always been one of Mr. Gibson's top priorities. A firm believer in preserving our environment, Mr. Gibson has been enrolled in a five-year Conservation & Security Program, a program administered through the United States Department of Agriculture. This program is voluntary and assists land owners in the conservation and improvement of soil, water, air, energy, plant and animal life, as well as other conservation purposes. Mr. Gibson's interest and involvement in the Conservation & Security Program stems from his desire to maintain conservation stewardship on not only a holistic level, but more practically on a day-to-day basis.

Lastly, Mr. Gibson implements best management practices in an effort to protect watershed health. He believes in and continues to conduct a one hundred percent "no-till" practice of farming. This method of farming helps to decrease the amount of topsoil that is blown or washed away, perhaps into the Dragon Run. Mr. Gibson has and continues to do his part in preventing soil erosion, among other things detrimental to our local waterways.

In 2002 the Three Rivers Stewardship Award was presented to Mr. Robert E. Gibson as a token of appreciation for all his devotion and efforts to preserve our environment for generations to come. In addition, Mr. Gibson is actively involved in the King & Queen Farm Bureau County Board of Directors, whose mission is to educate the local community and beyond of the importance of agriculture and the vital role it plays in everyone's life.

Mr. Gibson has a heart for preserving the Dragon Run and certainly puts in a great deal of time and effort to do so. It is our honor to serve the King & Queen County along with Mr. Gibson and we would appreciate your sincere consideration for this award. Thank you.



DATE: 4/30/10

Send to: Dragon Run Steering Committee
- Award Sub-Committee

Attention:

Office Location: Saluda, VA

Fax Number: (804) 758-3221

From: Meagan Vickery

Office Location: King & Queen, VA

Phone Number: (804) 785-9431

Number of Pages, Including Cover: 3

URGENT REPLY ASAP PLEASE COMMENT PLEASE REVIEW FOR YOUR INFORMATION

Good afternoon,

Enclosed is a nomination form for Mr. Robert Gibson to be considered for the 2010 Dragon Run Stewardship Award. Please let me know if you have any questions or need any further information. Thank you for your time and consideration.

Sincerely,

Meagan Vickery
Member Service Specialist

fax cover

King & Queen County Farm Bureau
6572 Lewis B. Fuller Highway, Mattaponi, Va. 23110
P.O. Box 488, Shacklefords, Va. 23156
Office: 804.785.9431 | Fax: 804.785.9456
Email: michael.pumo@vafb.com | VirginiaFarmBureau.com

APR 27 2010

Dragon Run Stewardship Award Nomination Form

Nominee or Project Name

Name MONTAGUE FARMS
Affiliation (if any) _____
Address _____ City CENTER CROSS Zip 22437
Phone 443-3536 Fax _____
Email _____

Nominator Name

Name _____
Affiliation (if any) _____
Address _____ City _____ Zip _____
Phone _____ Fax _____
Email _____

Dragon Run Stewardship Award focus areas (please select one or more as appropriate):

- Ongoing and sustained effort to protect the Dragon Run watershed
- Long range vision for the conservation of watershed resources
- Protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
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Please limit your nominations to **three pages maximum** including this coversheet.

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Tel: 804.758.2311 Fax: 804.758.3221 Email: sstamp@mppdc.com

APR 27 2010

(PART OF MONTAGUE FARMS)

SUNNYSIDE FARM LOCATED BETWEEN
RT 602 AND RT 610 GRASS WATER-
WAYS

MONTAGUE FARM LOCATED AT 17
POND. CATCHING RUNOFF FROM
FIELDS, THIS IS CLEANING UP WATER
BEFORE IT GOES TO DRAGON

MONTAGUE FARMS NO-TILL THEIR
LAND, USE COVER CROPS AND BUFFERS
THEY FARM MANY TRACTS IN ESSEX,
MIDDLESEX AND KING & QUEEN
COUNTIES



Annual Dragon Run Stewardship Award

Dear Community Members,

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PO Box 286

Saluda, Virginia 23149

Email: sstamp@mppdc.com

Fax: 804.758.2311

Our mission:

To support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed

Dragon Run Stewardship Award Nomination Form

Nominee or Project Name

Name __Teta Kain__
Affiliation (if any) __Friends of Dragon Run__
Address __7083 Caffee Creek Lane__ City __Gloucester, VA__ Zip __23061__
Phone __804-693-5246__ Fax _____
Email __teta@vims.edu__

Nominator Name

Name ____Andy Lacatell_____
Affiliation (if any) __The Nature Conservancy_____
Address __530 East Main Street, Suite 800__ City __Richmond, VA__ Zip __23219__
Phone __804-644-5800 x.118__ Fax __804-644-1685__
Email __alacatell@tnc.org__

Dragon Run Stewardship Award focus areas (please select one or more as appropriate):

- Ongoing and sustained effort to protect the Dragon Run watershed
- Long range vision for the conservation of watershed resources
- Protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
- Environmentally sensitive business practices
- Use of green technology or Low Impact Development practices
- Implementing best management practices to protect watershed health
- Education or outreach about the Dragon Run and/or its watershed
- Volunteer organizations focused on protecting water quality through clean-ups

Narrative:

Please describe in detail how the nominees' activities or project promotes the selected focus area(s). Be sure to include information such as the location, the specific action undertaken, the number of participants and benefits to the public and watershed, as applicable. Please submit a separate form for each nominee.

Please limit your nominations to **three pages maximum** including this coversheet.

*****Nominations must be received by 4pm on Friday, April 30, 2010.*****

Send to:

Dragon Run Steering Committee – Award Sub-Committee
PO Box 286 Saluda, Virginia 23149
Tel: 804.758.2311 Fax: 804.758.3221 Email: sstamp@mppdc.com

I heartily nominate Teta Kain of the Friends of Dragon Run for the 2010 Dragon Run Stewardship Award for a number reasons but for one reason in particular: There is no one who demonstrates a more outward love for Dragon Run than Teta. While she has given of her time in service to the Friends of Dragon Run and has been a significant partner with a number of conservation organizations in the watershed, it is her personal and individual commitment to preserving the Dragon for current and future generations to enjoy Dragon Run (specifically from a kayak) that makes her very deserving of this award.

Paddling Dragon Run is the singular best way to be introduced to and to understand the ecology and uniqueness of the Dragon. An experienced birder and naturalist, Teta is able to provide a comprehensive understanding of the plants, animals, insects and natural communities that inhabit the Dragon. Not only does Teta know “all things Dragon,” but she is able to communicate them well to any audience.

A typical paddle trip on the Dragon with Teta will start with a brief introduction to the Friends of Dragon Run and then a quick hurry and scurry, hustle and bustle to get on the water. I believe Teta and I share the opinion that the Dragon speaks for itself and it’s better to get folks on the water than to try to explain the wild and natural beauty of the Dragon with words.

But that doesn’t stop Teta. She loves to tell the story of the current and President of the Friends of Dragon Run and how he was initially suspect of the Friends and was “converted” to a significant supporter of the organization. It was likely the Friends’ and Teta’s stewardship ethic that impressed him. She teaches paddlers about featherfoil, resurrection fern, emerald jewel wings, Bald cypress and of course, the Prothonotary warbler (among other birds). Her trained ear identifies birds that are only later seen by amateurs. And she loves to tell the stories behind the protection and conservation of lands in the Dragon. To quote Teta, she gets “tickled” when the pieces of the Dragon Run conservation puzzle are put together. Teta’s own description of the Dragon shows her respect for the system: “Dragon Run is a serene paradise of water, flora and fauna that time and civilization has passed by.” At the same time, she notes that “groups are becoming increasingly aware of the efforts to protect the Dragon and the beauty of the system.”

One year, Teta decided to take a break from leading paddle trips. That didn’t last long. In her words, she “just had to be out there.” She enjoyed a wonderful year on the Dragon and was happy to be able to say she took all the groups down the Dragon that she could and didn’t miss any adventure. (In an average year, she’ll take 30 groups down the Dragon, paddling the Dragon herself another 20 times in the course of the year.)

While Teta is an experience world adventurer, having travelled to South Africa and Antarctica, among other places, she calls Gloucester and Dragon Run “home.” I truly believe she learns from her travels only to further bring alive the story of Dragon Run.

Recently, I was able to paddle the Dragon with Teta. It was apparent, because the trip was more recreational and with folks who know the Dragon, she just loved being able to paddle for fun enjoying the scenic vistas, abundant wildlife and the shades and changes in color in the Dragon. She enjoys the Dragon on her own and with groups equally.

Many birders keep “life lists,” tracking all the great and wonderful birds they identify. If there is such a thing as a “life list” for people, Teta Kain needs to be on everyone’s list. In my humble opinion, the Prothonotary warbler is only the second most charismatic creature on the Dragon next to Teta Kain. She is truly the “Queen of the Dragon.”



Annual Dragon Run Stewardship Award

Dear Community Members,

The Dragon Run Steering Committee works to “support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed.” The Steering Committee achieves its mission through strong partnerships and collaborative action.

The most outstanding accomplishments are recognized through the Dragon Run Stewardship Award. The Award recognizes individuals, groups, organizations, businesses and projects that have made extraordinary contributions to protect, enhance, restore, and revitalize the Dragon Run Watershed’s cultural, historic or natural resources.

The Steering Committee is pleased to announce a call for nominations for the 2010 Dragon Run Stewardship Award. Potential nominations might include the following: watershed protection/restoration projects, education and/or outreach projects, grassroots and/or neighborhood association watershed projects, implementation of watershed-wise best management/business practices, implementation of sound planning tools, individuals with a strong commitment to the watershed and other volunteer activities.

Nominations can be made by anyone and must be submitted by Friday, April 30, 2010 at 4 pm.

Dragon Run Stewardship Award

This award is given to entities who demonstrate an extraordinary commitment to the Dragon Run watershed. Award recipients may reflect some or all of the following characteristics/focus areas:

- ongoing and sustained effort
- long range vision for the conservation of watershed resources
- protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
- environmentally sensitive business practices
- use of green technology or Low Impact Development practices
- implementing best management practices to protect watershed health
- education or outreach about the Dragon Run and/or its watershed
- volunteer organizations focused on protecting water quality through clean-ups

Who is eligible for an award: Any person, group, organization or project in the Watershed

Who can nominate: Anyone from Essex, Gloucester, King and Queen or Middlesex Counties

Nominations Deadline: Friday, April 30, 2010 at 4 pm

Submit to: Dragon Run Steering Committee, Award Sub-Committee

PO Box 286

Saluda, Virginia 23149

Email: sstamp@mppdc.com

Fax: 804.758.2311

Our mission:

To support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed

Dragon Run Stewardship Award Nomination Form

Nominee or Project Name

Name _____ Friends of Dragon Run _____
Affiliation (if any) _____
Address _____ City _____ Zip _____
Phone _____ Fax _____
Email _____

Nominator Name

Name _____ Terry DuRose _____
Affiliation (if any) _____ Thousand Trails Camping Resort; Dragon Run Steering Committee _____
Address 12014 Trails Lane _____ City Gloucester _____ Zip 23061
Phone (804)693-9757 _____ Fax (804)693-0486 _____
Email _____ 1510cbmgr@equitylifestyle.com _____

Dragon Run Stewardship Award focus areas (please select one or more as appropriate):

- Ongoing and sustained effort to protect the Dragon Run watershed
- Long range vision for the conservation of watershed resources
- Protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
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- Education or outreach about the Dragon Run and/or its watershed
- Volunteer organizations focused on protecting water quality through clean-ups

Narrative:

Please describe in detail how the nominees' activities or project promotes the selected focus area(s). Be sure to include information such as the location, the specific action undertaken, the number of participants and benefits to the public and watershed, as applicable. Please submit a separate form for each nominee.

Please limit your nominations to **three pages maximum** including this coversheet.

*****Nominations must be received by 4pm on Friday, April 30, 2010.*****

Send to:

Dragon Run Steering Committee – Award Sub-Committee
PO Box 286 Saluda, Virginia 23149
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Appendix B
Gloucester Working Draft Comprehensive Plan Dragon Run

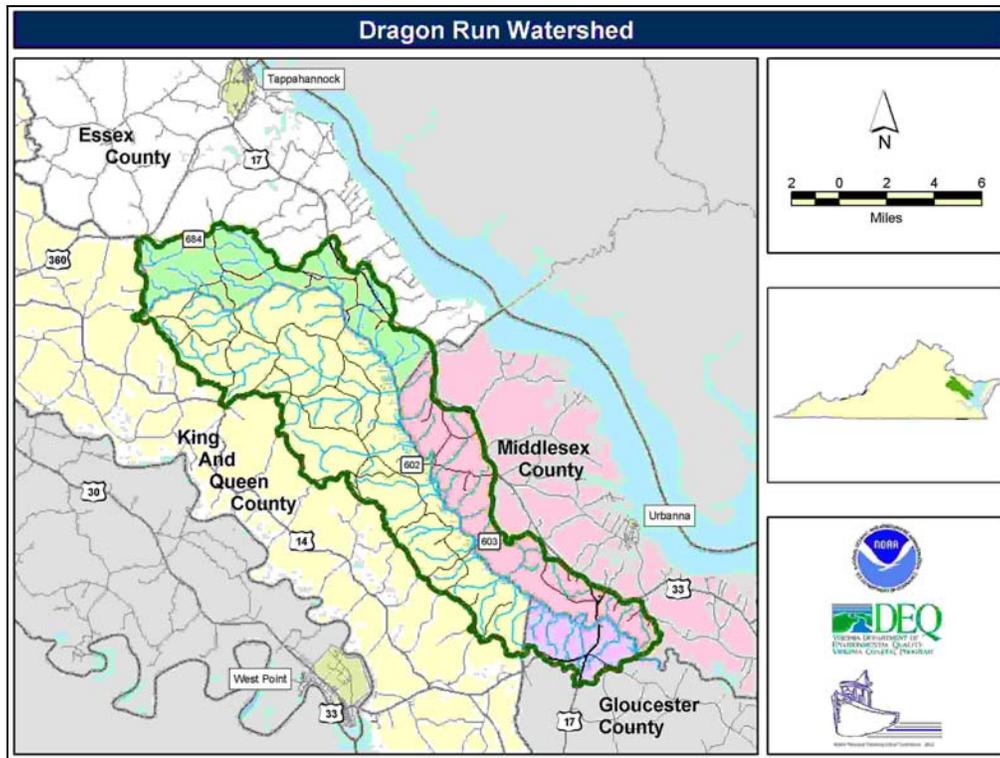
From the Working Draft Land-Use Section of the Draft Gloucester Comprehensive Plan:

Dragon Run Special Planning Area

As one of the Chesapeake Bay watershed's most pristine waterways, the Dragon Run "encompasses some of the most extensive and unspoiled swamp forest and woodland communities in Virginia"¹. Effectively bisecting Virginia's Middle Peninsula located between the York and Rappahannock Rivers, this fresh and brackish water stream (Figure ___) meanders forty miles along and through nontidal and tidal cypress swamp. The watershed is mainly undeveloped, almost entirely privately owned, and encompasses approximately 140 square miles (90,000 acres) of rural landscape – mostly forests, farms, and wetlands. The spring-fed Dragon Run flows through portions of Essex, King and Queen, Middlesex, and Gloucester Counties, emptying into the estuarine Piankatank River and ultimately the Chesapeake Bay.

¹ Belden, A. Jr., A.C. Chazal, G.P. Fleming, C.S. Hobson, and K.M. McCoy. 2001. A Natural Heritage Inventory of the Dragon Run Watershed. Second edition. Natural Heritage Technical Report 01-03. Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, VA.

Figure _____. The Dragon Run Watershed



The Dragon Run plays a central role in the Middle Peninsula's culture and identity. Its intriguing name is frequently borrowed by local enterprises and establishments. Since European settlement in the early 1600's and Native American inhabitation up to 10,000 years before that, natural resources have been the bedrock of the watershed's economy. For older generations, forestry, farming, hunting, trapping and fishing were the primary ventures. Today, forestry and farming continue to generate wealth and drive the watershed's economy. Hunters, many involved in organized hunt clubs continue to uphold this ancient tradition throughout land in the watershed. More than 46 percent of the land is leased by hunt clubs and it is estimated that \$300,000 is generated due to hunt club activity and over \$1.6 million in fishing activity². These land uses, together with extensive swamps, are the main reasons that the Dragon Run remains wild and secluded.

The watershed's wilderness is both expansive and unique. The Dragon Run contains the northernmost example of the Bald cypress-Tupelo Swamp natural community in Virginia and the best example north of the James River.³ Moreover, 14 rare species and 5 rare natural communities are found here. Based

² Dragon Run Watershed Plan, November 2003, Dragon Run Steering Committee, Middle Peninsula Planning District Commission

³ Belden, Jr. et al., 2001

on his investigations of the watershed's aquatic communities, one researcher observes that the Dragon Run is a "100 year old time capsule," resembling coastal plain streams in the Chesapeake Bay region at the turn of the 20th century⁴.

The Dragon Run's unique character evokes strong feelings to protect the pristine watershed in both long-time residents and first-time visitors alike. Although development pressure in the watershed is currently low, the potential for significant land ownership changes (>25% in 10 years due to aging and absentee corporate landowners) threatens to disrupt the rural character and fragment productive farm and forest land. Likewise, habitat fragmentation jeopardizes the Dragon Run's unique natural communities. Landowner opinions about how to address these threats vary widely, ranging from the belief that "the Dragon takes care of itself" by its wild nature and voluntary landowner stewardship to enacting and enforcing regulations with "teeth."

The difference in point of view between property rights advocates and conservationists centers on how to maintain a pristine watershed into the future. The Dragon Run Watershed Special Area Management Plan (SAMP), a partnership between the Virginia Coastal Program and the Dragon Run Steering Committee of the Middle Peninsula Planning District Commission, is a project designed to address both the differing viewpoints and the common ground that exist concerning the future of the watershed. The project began in January 2002 with a grant from the Virginia Coastal Program under authority of the National Oceanic and Atmospheric Administration (NOAA). Enabled by the federal Coastal Zone Management Act of 1972 as amended, SAMPs aim to protect significant coastal resources through a collaborative, multi-level planning process to develop and implement new enforceable policies.

One of the fundamental elements of a SAMP is that a strong regional entity must exist that is willing to sponsor the planning program. In the Dragon Run watershed's case, that regional entity is the Middle Peninsula Planning District Commission through its Dragon Run Steering Committee. Formed in 1985, the Dragon Run Steering Committee consists of landowners and local elected officials and is the key vehicle for cooperation and coordination among the four counties concerning watershed issues. The Steering Committee's approach to the SAMP is to stimulate and coordinate community involvement in the proactive development and implementation of goals, objectives, and action plans for a watershed management plan.

Another major element of a SAMP is that conflict exists concerning the area's proposed uses. The Steering Committee believed that the best approach is to

⁴ Garman, G. C. 2003. Aquatic Living Resources Inventories in the Dragon System: Virginia Commonwealth University on-going Activities. Dragon Run natural Resources Symposium, February 11, 2003, Virginia Institute of Marine Science, Gloucester Point, VA.

proactively head off conflict before it grows by enabling stakeholders to openly discuss the issues. Potential conflicts in the Dragon Run watershed are: 1) the differences between conservation and property rights advocates; and 2) the private use of land versus the public use of the water. The Steering Committee felt that the watershed approach was the most effective way to manage natural resources and traditional land uses.

The Dragon Run Watershed SAMP began with public planning forums in December 2001 and January 2002. These planning forums led to two primary outcomes: 1) the development and confirmation of common themes for watershed issues; and 2) the establishment of a SAMP Advisory Group representing a broad cross-section of the community. Building upon the foundation established by the planning forums, the SAMP Advisory Group developed a mission statement and developed a list of three goals, each with several objectives. With minor modifications, the Steering Committee approved the goals and objectives, which were incorporated into a Memorandum of Agreement. Each county – Essex, Gloucester, King and Queen, and Middlesex - and the Middle Peninsula Planning District Commission signed the Agreement during the late summer and fall of 2002 to consider the actions recommended by the Steering Committee.

Mission Statement for the SAMP

To support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed.

- **Goal 1 - Establish a high level of cooperation and communication among the four counties within the Dragon Run Watershed to achieve consistency across county boundaries.**
- **Goal 2 - Foster educational partnerships and opportunities to establish the communities' connection to and respect for the land and water in the Dragon Run.**
- **Goal 3 - Promote the concept of landowner stewardship that has served to preserve the Dragon Run Watershed as a regional treasure.**

With the help of staff, consultants and the Advisory Committee, the Steering Committee completed the “Dragon Run Watershed Management Plan” in November 2003 and recommended that each of the localities adopt the plan as an addendum to their comprehensive plan until specific language could be added to each of the communities' Comprehensive Plan. Gloucester County adopted the Watershed Management Plan as an addendum to its Comprehensive Plan on November 3, 2003.

Only 6% of the Dragon Run Watershed is within Gloucester County and it represents only 3% of the County's land areas. However, as “one of the Chesapeake Bay watershed's most pristine waterways” the Dragon Run is well worthy of individual attention, both from the County's perspective and from a

regional perspective. The purpose of adopting the Watershed Management Plan was to formally acknowledge that the Dragon Run Watershed deserves distinctive treatment.

The uniqueness of the SAMP is that it goes beyond the County's borders. It represents regional collaboration and cooperation in managing this resource. The SAMP process, and its implementation, represents, and requires, partnerships with other localities on the Middle Peninsula, other governmental agencies and non-profit groups as well as with the property owners along the Dragon Run and the hunters, fishermen, boaters, nature lovers and others who enjoy its beauty and abundance. It also sets the stage for regional cooperation in future planning and implementation. By adopting the Watershed Management Plan as part of their Comprehensive Plan, the county adopted the following policies:

- Recognize the overall value of maintaining the traditional rural character and forested and farmed landscape of the Dragon Run watershed.
- Preserve the ecological integrity of the Dragon Run Watershed.
- Acknowledge the community and economic benefits of the Dragon Run watershed: for the production of agricultural and forest products; as a valued natural resource; for wildlife habitat; for maintaining water quality; and for scenic and aesthetic values.
- Continue to fully enforce existing regulations and policies.
- Protect forested and farmed land from fragmentation due to conversion to more intensive development.
- Encourage low-density, clustered pattern of development for new residential development in the watershed to protect open space and natural resources.
- Seek techniques to protect open space in the watershed without infringing upon landowner rights to maintain an economic return from their property.
- Identify land uses that are incompatible or competitive with traditional resource-based land uses (e.g. forestry, farming, hunting, fishing) and consider limiting them within the watershed.
- Limit or deny future rezoning approvals from existing zoning (i.e. *Agricultural or Rural Business zoning*) to more intensive uses in order to protect the rural character and integrity of farming and forestry resources in the watershed.
- Limit the extension of public utilities and central water and sewer in the watershed.
- Explore the feasibility of limiting major residential development in the watershed by aligning the Comprehensive Plan and Zoning Ordinance with provisions in the Subdivision Ordinance that limit major subdivisions.
- Publish citizen stewardship materials that explain pertinent ordinances, policies, and regulations in easy-to-understand language.

Many of these policies are similar to those established to protect the rural areas and character of the County. The Watershed Plan further recommends that Gloucester Planning Commission and Board of Supervisors amend their Comprehensive Plan include a “Dragon Run Planning Area.” Once the Comprehensive Plan has been updated to include recommendations for the Dragon Run Planning Areas, the plan recommends implementation of Comprehensive Plan by changes to the Zoning Map and Ordinances to incorporate “Dragon Run Protection Zone.” Through the SAMP funding, the MPPDC hired a consultant to work with staff and commissioners from each of the four affected Counties to develop draft language to consider in the Comprehensive Plan and subsequent zoning ordinances.

In addition to land use recommendations, the Watershed Management Plan includes tools to preserve forest, farm and natural resources, recommendations to address concerns regarding public access, and suggestions for controlling invasive species in the watershed. Additional recommendations involve education and landowner stewardship, ideas to encourage and support sustainable economic development, and recommendations to monitor the implementation of the Watershed Management Plan. Many of these recommendations are meant to be carried out by other agencies or entities and therefore will not likely be incorporated into the Comprehensive Plan update. Adoption of the plan shows support for the other recommended actions that may not be in the purview of local government, but will help to achieve the goals and objectives agreed to by all the Counties.

Other SAMP-related tools in the Land-Use section of the draft Comprehensive Plan:

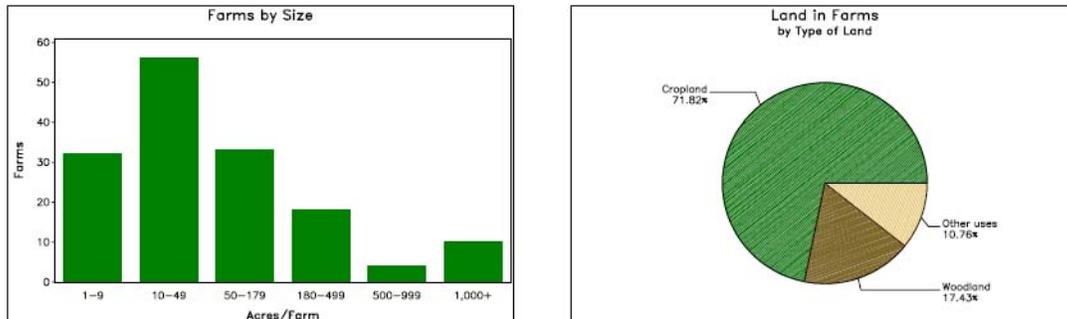
AGRICULTURAL/FORESTAL

A large percentage of land cover (approximately 88%) in the County can be classified as agricultural or forestal. This land use category also encompasses undeveloped shorelines, meadows, marshes, and similar lands associated with the natural environment. The vision for this rural landscape is important. As indicated in the previous section, while much of the land in the County is currently undeveloped, a substantial portion is either recommended or zoned for residential development. Results from the 2006 Citizen Survey for the Comprehensive indicate that preserving rural lands, including agriculture, forestry and wildlife habitat, is important to the citizens of Gloucester. As seen in the Land Cover/Existing Land Use Map, these rural areas are widespread and substantial throughout Gloucester.

Data from the U.S. Forest Service and Virginia Department of Forestry indicate that Gloucester contains 99,128 acres of forest land, which represents 70% of

the County's land area. Approximately 61% of Gloucester forests are hardwoods, 21% are pine, and mixed pine and hardwood comprise 18%. This breakdown has remained relatively unchanged in the last 10 years.

Data from the 2002 Agricultural Census indicate that the County contains 25,699 acres of farmland, comprising 18% of the total land area in the County. The primary crops were corn, soybeans, wheat and barley.



Source: 2002 Census of Agriculture, County Profile, United States Department of Agriculture, Virginia Agricultural Statistical Service

As shown in the Table below, the general long term trend has been a decline in the amount of farmland in Gloucester County. Since 1940, the acreage of land in farms has decreased by 60%. From 1982 to 2002, the acreage of land in farms decreased from 32,895 acres to 25,699 acres—a 22% decrease. The number of farms and acreage of farmland increased slightly from 1997 to 2002, most likely due to an increase in hobby farmers. According to the Farm Service Agency, there is an increase in people keeping horses in this region, and many timbered tracks of land have been converted into pastures. However, long term trends in the decline of farmland, coupled with more recent development trends of increased residential development in more rural areas of the County, indicate that the acreage of land in farms will continue to decline if current development trends continue.

Table ____
Farm Data & Land Use
Gloucester County of Gloucester

Land in Farms⁵ Cropland⁶ Number of

⁵ "Land in Farms" is defined by the U.S. Census of Agriculture as primarily agricultural land used for crops, pasture or grazing. It also includes small areas of woodland and wasteland, provided it was part of the farm's total operation. Large acreages of woodland or wasteland are not included in this category.

Year	(Acres)	(Acres)	Farms
1940	64,175	30,494	1,253
1945	61,091	23,009	1,078
1950	57,468	21,333	842
1954	52,458	20,130	596
1959	49,355	21,668	455
1064	44,963	19,167	314
1969	35,206	18,249	201
1974	30,736	18,521	179
1978	30,459	19,003	157
1982	32,895	20,982	162
1987	25,831	18,315	130
1992	24,478	17,925	111
1997	24,697	17,451	136
2002	25,699	18,456	153

Source: U.S. Census of Agriculture, Virginia Agricultural Statistics Service

The average market value of production per farm in Gloucester County has decreased from \$38,242 in 1997 to \$30,056 in 2002, a 21 percent decrease. Most farmers say that the best way to protect farmland is to keep farming profitable. As land is converted from agricultural uses to non-farming impacts to the agricultural industry can be significant. An increase in the level of residential and commercial development in a community nearly always means that the agricultural industry in is decline within that community.⁷

Increased residential development also represents a loss of timber lands which provide not only opportunities for economic benefits from forestry but also environmental benefits for the community. Large tracts of forest provide higher quality wildlife habitat, water quality benefits by filtering run-off and groundwater and scenic and recreational opportunities.

Economic Benefits

A significant presence of agricultural and other rural-based economic activities exist on these lands, including forestry, traditional and specialty crop cultivation, equestrian facilities, aquaculture, and other similar uses. Agriculture is a huge economic generator for the County, with an annual market value of **\$4,599,000** for agricultural products according to the 2002 Agricultural Census. When considering indirect and induced economic impacts of agriculture, such as

⁶ "Cropland" is categorized by the U.S. Census of Agriculture as cropland harvested, cropland used for pasture or grazing, cropland idle or used for cover crops but not harvested, cropland where crops failed or were abandoned, and cropland in cultivated summer fallow.

⁷ Dickinson, Keith, "Selling the Farm to Save the Business?", Farm Business Management Update, April/May 2006.

agricultural support businesses and spending, the total economic impact to the County is much higher. Unfortunately specific data on indirect and induced impacts of the agricultural industry in Gloucester is not currently available.

Virginia Department of Forestry prepared an Economic Study of the Forests in Virginia. As shown in Table ___ below, forestry is a significant economic generator in the County, with a total economic impact of almost \$27 million⁸. Forestry is Virginia's number one manufacturing industry, and contributes \$25.5 billion annually to the State's economy and accounts for 183,898 jobs⁹.

⁸ Based on 1999 Implan data

⁹Becker, Charles III, 2006, Virginia Department of Forestry, "Virginia's Forests, Our Common Wealth, 2006: An Economic Study of the Forests in Virginia"

Table ____
Forest Economic Impact
Gloucester County

Direct Economic impact: **\$15,451,996**
Primary/secondary manufacturing & production

Indirect economic impact: **\$4,530,643**
Services to Industry, i.e. trucking, supplies,
maintenance, construction, etc.

Induced economic impact: **\$6,939,030**
Employee spending

Total Annual Economic Impact: \$26,921,669

Source: Virginia Department of Forestry

Tourism and outdoor recreation are other economic generators closely tied to rural land uses. Historic and natural resources are two leading factors for tourism, and rural lands in Gloucester encompass vast areas of exceptional environmental and historic resources. The varied topography and interesting patterns created by open farmland and rural landscapes creates a valuable aesthetic quality appealing to both tourists and residents alike. In respect to outdoor recreation, data from the U.S. Fish & Wildlife Service indicates that hunting, freshwater fishing and wildlife watching have an annual economic impact of almost \$93 million in this 10-county region of the Middle Peninsula and Northern Neck.

~~Loss of farm and forest land to development decreases the economic vitality of the County.~~ Rural lands generate more in taxes than they require in services. As stated in an earlier section, based on an average of Cost of Community Services Studies done in Virginia¹⁰, every dollar of tax revenue generated for forest, agricultural and open space lands requires only \$.35 in services, while every dollar of tax revenue generated from residential development costs \$1.18 in services. These studies are performed by the American Farmland Trust for individual counties to determine the fiscal contribution of existing local land for long term planning, land use and policy decisions.

¹⁰ [Cost of Community Services Study, August 2006, The Farmland Information Center, a public/private partnership between USDA's Natural Resources Conservation Service and American Farmland Trust](#)

The economic benefits of agriculture and forestry are significant from a state perspective as well as locally. Agriculture and forestry combined make up the #1 industry in Virginia. However, the rate of loss for these working lands has accelerated rapidly, with an average rate of 70,000 acres of rural land converted to development annually; the impact is compounded by the trend throughout Virginia toward larger lot sizes for homes. This rapid loss is causing concern for the changing dynamics of land use in the State and the huge losses of Virginia's valuable economic and environmental resources. Economists at Virginia Tech expect that more than 70% of Virginia farmland, and a significant percentage of farm businesses, will be transitioned over the next 10 years. The State recognizes the significance of the loss of agricultural land and forests, and has established the Office of Farmland Preservation within the Department of Agriculture and Consumer Services, and recently set aside funding, for the goal of preserving rural lands. However, these funding resources are limited, so the importance of planning locally for the future of agricultural and forest resources is critical.

Fragmentation

In order to support rural lands as practical resource-based industries, it is important that the tracts of lands remain large enough so that they can function as working landscapes. Fragmentation and subdivision of the land into smaller pieces can result in parcels which are too small to manage agriculture and forestry as profitable industries, resulting in a loss of valuable rural economic resources.

Historically, a significant amount of the forested land in the region was owned by the Chesapeake Corporation for timbering; however, in the last five years, the majority of that land was sold to John Hancock Life Insurance for investment purposes, and some of that land is again being sold and fragmented. A recent example is The Meadows—a 372-acre land area which was sold by John Hancock Life Insurance to a developer for a proposed 180-lot subdivision. The Villages of Cow Creek is another recent example, where 522 acres of land previously owned by Ashley Logging Company was sold to a developer for a proposed 182-lot subdivision. Poor soils in the County and the emergence of alternative septic systems impact a high percentage of these mentioned timber tracts. Divestment of these large tracts of land by corporations provides opportunities for developers to develop in areas previously used by hunt clubs and managed for timber productions. Conversion of these properties to residential lands not only changes the landscape but also changes aspects of the rural lifestyle that many residents desire to protect.

Large areas of forested and agricultural land cover in Gloucester have been lost to development over the past several decades, and recent trends indicate development pressure will continue to increase. A substantial amount of these rural lands are located in zoning districts which allow major subdivisions as by-

right development. As discussed in the previous section, the areas facing the strongest market pressures for development are in the SC-1 zoning district—a by-right, 2-acre lot size residential district which encompasses approximately 1/3 of the County's land area. Because traditional farming and forestry activities are no longer as profitable as selling farms and woodlands to developers, the rural land cover is rapidly being converted into residential land uses, permanently taking substantial amounts of land out of forestry and agricultural uses. Since such vast amounts of agricultural and forestry resources exist in this residential district, a vision for the future of this area is important. Of particular importance is a future land use goal for preserving forestry and farming, and preserving rural character, coupled with the County's growth management strategy of a development district with public water and sewer.

Approximately 43% of the land in the County is zoned RC-1 and RC-2, both of which are 5-acre minimum lot size agricultural zones which do not allow major subdivisions (more than 3 lots). The majority of this agriculturally zoned land is located in the northern part of the County.

A portion of this undeveloped area north of Route 33 is part of in the Dragon Run Watershed. The Dragon Run is a stream that flows through the Middle Peninsula and empties into the Piankatank River. The Dragon Run has been identified as a unique and ecologically significant resource because of its pristine, largely undeveloped state and because it's tidal and non-tidal cypress swamps support numerous habitats for rare and endangered plant and animal species. The Smithsonian Institute ranked the Dragon Run the second (out of 232) most ecologically significant area in the Chesapeake Bay region. The Dragon Run Watershed was part of a regional planning process to address issues in the watershed. The Dragon Run Watershed Plan was adopted by three of the four counties as an addendum to the Comprehensive Plan. Many of the issues and opportunities facing the Dragon Run Watershed may also be applied to other rural areas of the County where the community desires to maintain the current rural land uses and characteristics.

The northern portion of the County may face increased development pressure in the future due to its close proximity to Interstate 64 and to Richmond—a one-hour commute. Upon completion of the new four-lane bridge in the town of West Point, which is replacing the existing two-lane bridge, the potential for a more convenient commute to Richmond may increase the demand for residential development in the northern reaches of the County.

Recent land use trends have shown that the greatest competitive threat to farming and forestry uses in rural areas is from residential development. Gloucester County permits limited residential development in its agricultural districts with a minimum lot size of five acres. However, major subdivisions, (3 acres or more) are prohibited in these agricultural districts; therefore the effective density in the agricultural districts is much lower than one unit per five acres.

This has been relatively effective in protecting farms and forest lands in areas where development pressures are low; however, it may not be sufficient in the future when market forces make rezoning to a higher density worth the additional costs.

The 5-acre minimum lot size requirement in the RC-1 and RC-2 agricultural zones may not be the optimal size for maintaining agriculture and forestry as viable industries. This size has generally not been effective historically for preserving forest and agricultural working lands, especially the type of agricultural commodities most prevalent in Gloucester where the majority of farm acreage produces soybeans and corn. The 5-acre minimum size tends to contribute to large house lots being created, consuming more land than is reasonably considered necessary for residential use. This results in large lawns that are no longer suitable for farming or forestry, thereby accelerating the amount of working lands being converted to residential use. It also creates a pattern of sprawl in which the remaining rural landholdings become carved up incrementally into minor subdivisions and residential lots.

The 5-acre minimum lot size is more a function of a low density residential district that has a more rural appearance than other suburban scale development. On land characterized by poor soils, it also spreads out residences on lands that cannot support higher densities. This 5-acre lot size may also serve as a transition area in rural areas with sub areas of existing suburban scale development zoned SC-1, and poor soils. Transition areas are areas located between viable farming/forestry and suburban/urban scale development, often characterized by larger lots of 5 to 10 acres or more, and private country lanes. These areas can still promote limited agricultural/forestry production and a rural farmland atmosphere and character.

It is important to point out that agricultural zoning districts tend to function as holding areas until a future time when the land may be rezoned for more intensive development, subject to politics. The agriculture zone designation is not absolute, but sometimes acts as “land in the bank” which can be chipped away and converted into other uses over time. Therefore, it is important to have land use preservation tools in addition to agricultural protection zoning to ensure the preservation of rural lands.

Explicit density policies or zoning standards should be adopted that are consistent with the intent of Agricultural protection zoning (APZ) is a zoning technique intended to preserving preserve agricultural and forestal land uses. By designating areas where farming and forestry are the primary land use, and other land uses are discouraged through maximum densities. APZ zoning may result in the reduction of permitted residential densities previously allowed, resulting in less land taken out of agricultural use and converted to residential use. Counties throughout Virginia have adopted a variety of density policies in their agricultural

districts in an attempt to preserve open space for farming, ranging from one unit per ten acres to up to one unit per 50 acres.

It is difficult to determine an absolute standard for densities that will protect sufficient open space to maintain a viable farming use. The average size of a farm in Gloucester is 168 acres¹¹ however most working farm operators lease or own a patchwork of land that adds up to a great deal more. Rules of thumb for grain farming suggest land assemblages of 750 to 3000 acres are needed to support a family by farming alone. However, specialty farms, such as fruit and vegetable farms, located close to appropriate markets, can support a family farming operation on 20-25 acres or less.

Generally, 20 acres is considered the minimum area necessary for agricultural protection zoning, according to the Farmland Information Center, a public/private partnership between American Farmland Trust and the USDA Natural Resources Conservation Service that provides technical information about farmland protection. This size is large enough to maintain a critical mass of agricultural land to be managed effectively, while limiting land speculation, keeping land affordable to farmers, and avoiding the trend of farms becoming isolated islands in residential areas. This will work toward ensuring that there will be enough farms to support local agricultural service businesses, which are needed for local farming to remain competitive.

Similarly, parcel sizes for forestry practices are also variable. In times of poor timber markets, larger tracts are more economically viable. However, in poor timber markets, tracts as small as five acres can provide good return if they have valuable timber and are next to larger tracts. In either case, contiguous tracts of forest land improves their ability to be managed for timber production.¹²

It is as important to plan for agricultural and forestry land uses as it is to plan for future development. Planning for these uses provides a framework for economically and environmentally sustainable industries. Productive agricultural and timber land are finite and irreplaceable natural resources. Agricultural land is desirable for building because it tends to be flat, well drained and generally more affordable to developers than land within the development district with County provided services. Once this land is converted to other uses, it is no longer available for farming. It is also important to identify and preserve the *productive* farmland since you cannot preserve everything and not all open space is good for agriculture or timber production.

Prepare soils map – identify production soils for farming and poor soils for septic.

¹¹ 2002 USDA Census of Agriculture

¹² Dragon Run Land Use Policy Audit, 2003, Paradigm Design,

An incentive that the County utilizes for preserving working farms and forests is the land use-value taxation program—a tax assessment program authorized by the State which enables the County to assess agricultural, forested and horticultural land at its current use value instead of its fair market value. This is an important tool for preserving rural lands because the current use value is generally lower than the fair market value, which lowers property taxes for rural property owners and shifts the tax burden to those who use more services. Land ownership becomes more affordable for future generations, and the economic pressure to sell off farms and forests for development is reduced. Also, the land use exemption encourages land to stay in agricultural, horticultural or forestry since roll back taxes apply when land changes from a qualifying use to a non-qualifying use.

Minimum land areas are a requirement of this program; 20 acres is the minimum requirement for forestry, and 5 acres is the minimum for agricultural and horticultural uses. These minimum areas are exclusive of other uses; if a house exists on a 5-acre tract of farmland, it wouldn't qualify because it would fall below the minimum 5-acre area requirement. Therefore, it is important to consider these minimum area requirements so that they work in concert with other land preservation policies and incentives, such as agricultural protection zoning, and the Purchase of Development Rights program discussed below.

The Purchase of Development Rights (PDR) program is an incentive program that the County may want to utilize for preserving working farms and forest lands. This program allows landowners to voluntarily sell the development rights of their property to the County. The landowner is paid the difference between the fair market value and the agricultural value while still owning the land, and a conservation easement is applied to the property. The State has recently funded, for the first time, \$4.25 million to provide PDR matching funds to localities with certified local PDR programs. Factors that the State considers for certification include consistency with the comprehensive plan, as well as other locally implemented preservation techniques such as protective agricultural zoning and land use-value taxation.

Smaller tract sizes and subdivision of rural lands into smaller parcels can have a disabling effect on the rural economics of the County. Therefore, when devising long term planning policies it is important to realize the need for a minimum core size of land area in order to utilize incentive programs such as those described above, and to maintain forestry and agricultural as viable industries.

Rural lands provide many other benefits besides economic value; including wildlife habitat, scenic landscapes and aesthetic value, recreation, and environmental quality protection. It is difficult to put dollar amounts on these benefits; however, they have immeasurable intrinsic value as quality of life factors and the attraction of the County as a place to live, work and visit.

The ability of forests to remove carbon dioxide from the atmosphere is especially critical in relation to global climate change. Scientific consensus on global warming as a genuine threat heightens the importance of the critical role that forests perform in absorbing greenhouse gases. The conversion of rural lands into other uses also results in tremendous loss of prime wildlife habitat. A current example of this is the decline of prime bald eagle habitat in the Chesapeake Bay region. Biologists are concerned that the eagle population is threatened by rapid development. Approximately 80% of eagles nest on private property, consisting of rural areas near large creeks. Unprecedented increases in the real estate value of waterfront property are leading to dramatic losses in prime eagle habitat. Since less than 4% of eagles nest near developed areas, biologists predict that their numbers will plummet over the next several decades if development trends continue.

Conclusion

Given these factors, it is logical to conclude that preservation of agricultural and forestal lands is an important economic and land use issue. Rural planning principles and effective economic strategies are needed if forestal and agricultural uses are to continue. A vision for the rural lands in the County is important in order to protect and maintain valuable environmental, scenic and agricultural/forestal resources against inappropriate activities and intense growth pressures. Sound planning policy can ideally balance the need for reasonable rural growth against its impact on the surrounding natural environment, and maintain a reasonable overall level of rural development potential.

Tools for Protecting and Maintaining Forestal and Agricultural Lands

This section isn't intended to be included as text of the Comprehensive Plan, but is inserted at this point for discussion of alternative scenarios for preserving rural areas; as a step in determining goals, objectives and strategies

The **Comprehensive Plan** can influence forest and farmland preservation by:

- Designating land uses, densities, standards and characteristics—identify areas of the County to be protected for agricultural/forest use; areas where growth will be encouraged, and areas of transitions of land uses, between urban, suburban, and rural/agricultural, forestry.
- Defining the location of future water and sewer service (urban growth boundaries) i.e. Gloucester's Development District, which can lower or limit development pressure; adopt agricultural protection zoning outside of growth boundaries
- Defining rezoning standards and criteria for increased densities; it is important to balance land conservation with private market demand; regulatory powers can balance and limit the market
- Define changes to be made to development regulations
- Define where roads are built and improved

Subdivision Ordinance--a tool for implementing the Comprehensive Plan, but shouldn't be the main conservation tool because does not control land use or density; rather it is for managing orderly subdivision and insuring basic onsite infrastructure

Downzoning-to reduce the permitted residential densities

Agricultural Zone – The intent is to maintain open and rural character
Large lot zoning is good at preserving rural character but not always effective for preserving working farms and forests; frequently takes land out of agricultural use and converts to residential use; land is consumed by rural development at a faster rate—for example:

700 homes x 1 acre lots = 700 acres

700 homes x 5 acre lots = 3,500 acres

Agricultural zone frequently functions as a holding zone until later rezonings to increased density

Agricultural Protection Zoning (APZ)—designates areas where farming/forestry are primary land use and discourages other land uses in those areas through maximum densities ranging from 1 house per 20 acres in the east to 1 house per 640 acres in the western United States

APZ zoning usually results in the reduction of permitted residential densities previously allowed (downzoning);

Cluster zoning

Grouping houses close together on small lots to protect open land. The open space parcel may be restricted by a conservation easement. Generally not designed to support commercial agriculture, but owned by homeowners association. More successful at preserving open space/providing transition areas between residential and farm uses, than at protecting farmland.

Reasons why it doesn't support agriculture use:

- open space parcel may not be large enough to farm efficiently
- access to open space may be difficult
- homeowners object to noise, dust, odor from farming the open space

Randall Arendt's 6 step process for open space/conservation subdivision design—a zoning technique that can be implemented in subdivision process:

1. Identify primary conservation areas
2. Identify secondary conservation areas (steep slopes, etc.)
3. Identify potential development areas
4. Locate potential house sites
5. Design road alignments
6. Draw lot lines

Areas of Rural Character - Transition areas between viable farming/forestry and suburban/urban scale development, often characterized by larger lots and private country lanes. These areas can still promote limited agricultural/forestry production and a rural farmland atmosphere and character.

Zoning is in control of politics; it is important that conservation of rural lands is not in complete control of politics; so the following tools/strategies are important to have conservation tools other than zoning:

Land Use-Value tax assessment- In use by the County; local program doesn't include classification of "open space"; consider this category as an added incentive

[As an incentive to preserving agricultural and forested lands, the County utilizes land use-value taxation—a tax assessment program authorized by the State which enables the County to assess agricultural, forested and horticultural land at its current use value, instead of its fair market value. This program is beneficial for preserving rural lands because the current use value is generally lower than

the fair market value, which lowers property taxes for rural property owners and shifts the tax burden to those who use more services. Land ownership becomes more affordable for future generations, and the economic pressure to sell off farms and forests for development is reduced which helps to keep resource based industries viable. The minimum acreage required is 5 acres for agricultural and horticultural uses, and 20 acres for forestry. Excludes houses, so a 20-acre tract with a house on it wouldn't qualify.]

Conservation easements: permanent agreement between landowner and holder which is usually a land trust or government agency

PDR-Purchase of Development Rights

- development rights are purchased; conservation easements applied to land
- landowner is paid difference between fair market value and agricultural value
- the landowner still owns the land, but the easement stays with the property
- money may become available by the State for localities to use for PDR-
- localities can fund a PDR program in a variety of ways, including additional tax on real estate transfers, bonds, or other methods
- If locality has model PDR program approved, then it will be ready to implement when state money becomes available (the governor has goal of conserving 400,000 acres statewide; has 4.25 million for PDR matching funds program) - Fauquier County has 50-acre minimum;

TDR-Transfer of Development Rights

- enabled by Virginia in 2006
- no localities are using it
- transfers the development potential from one area to another
- sending areas and receiving areas; credits purchased from land owners in sending areas and developers apply credits for higher density in receiving areas
- it is hard to sell the concept of receiving areas-the residents of these areas may not want the higher density

Economic Viability - measures to keep farming profitable

- Agricultural Economic Development programs
- Build relationships with non-agricultural stakeholders
- Broker Farmlands for lease
- Agricultural Tourism
- Specialty, niche marketing
- Direct marketing to schools, hospitals, farmers markets
- Sustainable development is good for business, good for the environment and community

Sliding Scale Zoning

- As parcel size increases, the number of homes allowed decreases. The intent is to preserve larger parcels of land for farming and forestry and develop smaller parcels of land which can not be used for agriculture at a higher rate.

Appendix C
Essex Draft Comprehensive Plan Dragon Run Section

“Dragon Run Conservation District” and Other Amendments for the Essex County Comprehensive Plan:

<To be inserted after the “Chesapeake Bay Preservation Areas” section on page 99>

Dragon Run Conservation District

The Dragon Run is a special resource worthy of protection in Essex County. The Dragon Run Watershed and its surrounding landscape owe their extraordinary state of preservation to the landowners in the area that have pursued for generations the compatible land uses of farming and forestry on their land. Recent scientific study of the stream has also highlighted its critical ecological importance, including the purity of the water, the wealth of rare and unusual natural species it harbors, and the rural character of its watershed that has helped to keep it pristine. The rural way of life and traditional landscape in the Dragon Run area are valued by the residents of the area and are worthy of preservation.

Within the Dragon Run Watershed, 98% of the watershed is in the Countryside District and the remaining 2% is located in the Rural Residential District. Additionally, the Center Cross and Miller’s Tavern Rural Service Centers are on the edge of the Dragon Run Watershed as are portions of the U.S. Route 360 and U.S. Route 17 Highway Corridor Enhancement Districts.

In 2002, the County signed a Memorandum of Agreement, in concert with the other counties in the Dragon Run Watershed, to protect the natural resources and rural qualities of the area by participating in the Dragon Run Watershed Special Area Management Plan. In particular, one of the objectives of the Memorandum was to “Achieve consistency across county boundaries among land use plans and regulations in order to maintain farming and forestry and to preserve natural heritage areas by protecting plants, animals, natural communities, and aquatic systems.”

The overall intent for the Dragon Run Conservation District in this Comprehensive Plan is for it to remain largely rural, with low intensity uses, and to protect its key natural areas and its water quality. Specifically, the intent of this District is to:

- Maintain the health and quality of the Dragon Run stream system and associated natural areas.
- Achieve the objectives of the Memorandum of Agreement and reinforce the existing shared values for protecting the Dragon Run.
- Support the compatible economic base of the Dragon Run area and its rural businesses such as farming and forestry that are compatible with protecting the natural health of the stream system.
- Support new rural economic development and businesses that are compatible with the traditional pattern of rural land uses in the Dragon Run area.

The boundaries of the Dragon Run Conservation District are generally defined as the boundaries of the watershed of the Dragon Run. The watershed of the Dragon Run is the area where precipitation collects and funnels to end up in the Dragon Run stream. Conditions throughout the watershed affect the quality of the Dragon Run.

The following policies are intended to apply to the entire watershed of the Dragon Run. However, recognizing that the Essex County Comprehensive Plan has previously identified Center Cross and Miller’s Tavern as Rural Service Centers and U.S. Route 360 and U.S. Route 17 as Highway Corridor Enhancement Districts, the following District policies should be applied to Center Cross and Miller’s Tavern in concert with the policies for Rural Service Centers and those portions of the U.S. Route 360 and U.S. Route 17 corridors within the District in concert with the policies for Highway Corridor Enhancement Districts. The intent of the policies for this District is not to prevent development of those areas, but to ensure that they are developed in ways that are compatible with the basic intent of protecting the Dragon Run’s natural resources and low-intensity rural character. The following policies will guide the development of the District:

“Dragon Run Conservation District” and Other Amendments for the Essex County Comprehensive Plan:

- The District should maintain its rural character through integrating new development with the existing rural economy and settlement patterns.
- Low intensity land uses that are consistent with the protection of the area’s natural resources should be the dominant land uses in the District and the County should promulgate zoning ordinances, residential and non-residential development standards, performance standards, and management practices that ensure compatibility with the natural resources and rural surroundings.
- The extension of central sewer and water is generally not considered consistent with preserving the area’s rural character and land uses.
- The County should enact policies, economic development plans, and ordinances that support the cornerstone rural businesses in the District, such as farming and forestry, and that encourage compatible new supportive businesses such as value-added farming and forestry, local specialties, handicrafts, small-scale workshops, and craft industries, while ensuring that these businesses are practiced in ways that are compatible with protecting the health of the natural resources.
- The County should protect the key natural resources in the District, including the ground and surface water quality, wetlands, and sensitive environmental features; native plant and animal species and their natural habitats; and the productive soils that support farming and forestry uses.
- The County should discourage the extensive use of the District for public recreation and large-scale tourism and encourage small scale and controlled tourism and recreation uses that conserve natural areas, respect property rights, and limit opportunities for trespassing on private properties in the District such as bed and breakfasts, private hunt clubs and preserves, and private tours.
- The County should implement programs and exhibits that interpret the natural and cultural heritage of the Dragon Run for both residents and visitors, without encouraging intense or incompatible recreational use of the District’s sensitive resources.
- The County should consider implementation strategies that conserve existing land uses and protect the natural resources in the District such as conservation zoning and subdivision approaches, additional stream buffers and setbacks, the purchase of development rights, donation of private easements, landowner compacts, and land use taxation.
- As an additional tool for protecting the Dragon Run, the County should also consider changing the Dragon Run Watershed’s land use designation to Agricultural Preservation District in its Land Use Plan Map.

It should be noted that these policies for the Dragon Run Conservation District are generally in concert with Essex County’s existing policies for the Countryside District, Rural Residential District, Rural Service Centers, and Highway Corridor Enhancement Districts.

<To be inserted in the “Growth Management & Land Use” goals section on page 71>

- Allow only low intensity rural land uses that are consistent with the conservation of the area’s natural resources in the Dragon Run Conservation District.

<To be inserted in the “Natural Resources & Environmental Quality” goals section on page 74>

- Protect the key natural resources in the Dragon Run Conservation District, including the ground and surface water quality; wetlands and sensitive environmental features; native plant animal species and their natural habitats; and the productive soils that support farming and forestry use.

“Dragon Run Conservation District” and Other Amendments for the Essex County Comprehensive Plan:

<To be inserted in the “Parks, Recreation, & Open Space” goals section on page 77>

- Encourage small-scale and controlled tourism and recreational uses of the Dragon Run Conservation District that conserve natural areas, respect property rights, and limit opportunities for trespassing on private properties in the area.

<To be inserted in the “Rural Character & Agricultural Preservation” goals section on page 78>

- Utilize strategies that conserve existing agricultural and forest land uses in the Dragon Run Conservation District and that protect the environmental resources of the stream system, such as conservation zoning and subdivision approaches, additional stream buffers and setbacks, the purchase of development rights, donation of private easements, landowner compacts, and land use taxation.

<To be inserted in the “Historic & Cultural Preservation” goals section on page 79>

- Implement programs and exhibits that interpret the natural and cultural heritage of the Dragon Run for both residents and visitors, without encouraging intense or incompatible recreational use of the area’s sensitive resources.

Appendix E
Conservation Impact Report



Conservation Easements: Fiscal Impacts to Localities in the Middle Peninsula

Middle Peninsula Planning District Commission
2010

While Conservation Easements and land holdings by tax-exempt entities and political subdivisions for conservation purposes support the protection of water quality, traditional uses (farming, forestry, etc), and preservation of rural character, there are unintended fiscal impacts to localities.

Conservation Easement Initiative:
PROJECT SNAPSHOT

Problems:

- How are properties with conservation easements assessed and taxed in the Middle Peninsula?
- How do conservation easements impact local tax revenues?
- How do fee simple acquisitions by political subdivisions and tax-exempt organizations impact local tax revenues?
- How does the cost of public services for eased lands compare to those that are developed (ie. residential, commercial)?
- What are the changes to land ownership patterns and what is their impact?

Key Findings:

1. The tax revenue impact of conservation easements is less than about 0.5% of any given Middle Peninsula locality's annual budget.
2. Easements lower land value and help the composite index.
3. Schools receive more state aid funding because of easements.
4. Commissioners of Revenue are inconsistent when addressing conservation easements.
5. Commissioners of Revenue have changed reporting practices because of this work.

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Report Abbreviations:

CBF – Chesapeake Bay Foundation
CoR – Commissioner of Revenue
DCR – Virginia Department of Conservation Recreation
DGIF – Virginia Department of Game and Inland Fisheries
DOF – Virginia Department of Forestry
FEMA – Federal Emergency Management Agency
FMV – Fair Market Value
FODR – Friends of Dragon Run
MPCBPAA – Middle Peninsula Chesapeake Bay Public Access Authority
MPLT – Middle Peninsula Land Trust
MPPDC – Middle Peninsula Planning District Commission
NOAA – National Oceanic and Atmospheric Administration
SLEAC – State Land Evaluation and Advisory Council
TNC – The Nature Conservancy
TVP – True Value of Property
TVLB – Total Value of Land Book
USFWS – United States Fish and Wildlife Service
VaTAX – Virginia Department of Taxation
VIMS – Virginia Institute of Marine Sciences
VDOE – Virginia Department of Education
VOF – Virginia Outdoors Foundation



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I. Executive Summary

During the past several years the Dragon Run Steering Committee has recognized a conservation easement as a useful tool for private landowners to preserve rural character and promote natural resource-based economies, while protecting the natural resources that enable this way of life. As interest in conservation easements and conservation land holdings expanded in and around the Dragon Run Watershed, Middle Peninsula localities started to be concerned about intended tax revenue impacts and their effects on local economies.

As a result, Commissioners of the Middle Peninsula Planning District Commission (MPPDC) initiated a two-pronged project (Grant #NA09NOS4190163 Task 97.01 and Task 95) to address these issues. Officially kicking off the project in April 2010, Phase I of this project focused on gaining a quantitative understanding of the current fiscal impacts of conservation easements and conservation land holding by tax-exempt entities in Middle Peninsula localities. MPPDC staff met with the Commissioners of Revenue (CoR) from each County to discuss the methodology used to process conservation easements - from recordation of a conservation easement, to reducing the property's fair market value to reporting the total land book value the Virginia Department of Taxation (VaTAX).

In particular, MPPDC staff worked to understand county approaches to conservation easements, particularly as it relates to Virginia Tax Code requirements. Taking into consideration the differences between those counties that have adopted "land use assessment" and those localities that have not, **MPPDC staff found that each county could improve current approaches in handling conservation easements within their county that could provide fiscal benefits through the Composite Index, and therefore aid State received for education.** Through the accounting of all conservation easements and the consistent devaluing of the conservation easements within their jurisdiction, each county has an opportunity to improve current practices.

II. Introduction

Within the Middle Peninsula member localities pride themselves on their rural character and heritage, which has been fundamentally rooted in the region's open-space, agricultural lands and forests, as well as the region's waterways. However as populations migrate toward the coast to enjoy the amenities of a rural and coastal lifestyle, local governments begin to grapple with how to hold onto their rural character, while balancing growth, new public service costs, and therefore county budgets and revenues.

To articulate the county vision, specific to growth and development, the County's Comprehensive Plan provides general, long-range, policy, and implementation guidelines for decisions related to land use. Within the Middle Peninsula, each county's comprehensive plan has seemingly similar visions to preserve rural character through the preservation/conservation of open space, agricultural land, and forest land (Appendix 1). In recent years, and in congruence with County Comprehensive Plans, non-profit organizations (i.e. The Nature Conservancy and local land trusts), as well as political subdivisions have focused conservation efforts within the Middle Peninsula. These entities have accomplished their conservation goals through the utilization conservation easements and fee simple land ownership as tools to protect and conserve the natural, scenic, and historic resources of the region.

A conservation easement is a legal agreement made between a landowner (grantor) and a public body (grantee) that places restrictions on both the present and the future use

Chapter Focal Points:

- *All comprehensive plans of Counties in the Middle Peninsula focus on preservation of rural character through the conservation of open space, agricultural land and forest land, especially within the Dragon Run Watershed.*
- *Economic downturn has forced local budgets to tighten, therefore drawing attention to changes in land ownership patterns (ie. conservation easement and tax exempt land holdings) and their fiscal impacts.*
- *Conservation easements are a legally binding instrument to protect natural or open space, assuring its availability for agricultural, forestal, recreation, or open-space use*
- *Assessed value of a property is the taxed value. This is value is initially determined by a real estate assessor.*
- *Commissioner of Revenue's prime objective is to maintain a land book and generate a total land book value (TVLB). This value is ultimately used as a factor in the composite index.*

of a property. While capturing the rural quality of the region in perpetuity, conservation easements also offer tax incentives to property owners.

Conservation easements have been considered regional conservation successes and few questions arose with regard to the fiscal impacts of conservation easements. However, with the economic downturn in 2008, county budgets have tightened and fiscal resources have dwindled, while local government's responsibilities have remained the same or have expanded. Therefore, in February 2010 when The Nature Conservancy's (TNC) purchased 13,350 acres of forestland within the Dragon Run and Mattaponi watersheds and then immediately sold it to The Forestland Group subject to a permanent conservation easement on the property, local elected officials began to question the impacts of conservation easements to the county revenues.

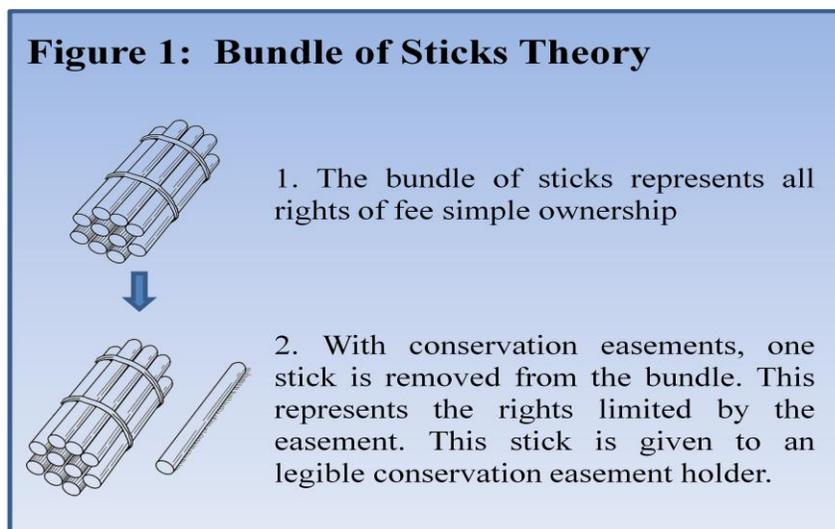
To address these concerns, MPPDC staff conducted extensive research and worked closely with Middle Peninsula Commissioners of Revenue to gain an understanding of the following:

1. The impact of conservation easements on local tax revenue.
2. The loss of local tax revenue due to fee simple conservation acquisitions by political subdivisions and tax-exempt organizations.
3. The cost of public services for eased lands compared to those that are developed (ie. residential, commercial)
4. The impact of changes to land ownership patterns.

III. Property Ownership and Conservation Easements

In general there are two categories of property, (1) real property and (2) personal property. However, for the purpose of this report real property will be the focus. Thus real property may be defined as land, including the surface, whatever is attached to the surface such as buildings or trees, and whatever is beneath the surface, such as minerals, and the area above the surface.

Through ownership of real property, one gains a variety of inherent rights. To explain, ownership rights may be compared to a bundle of sticks (Figure 1). Each stick represents a distinct and separate right, which may be the



right to sell, lease, subdivide, enter, or give away the property. If an individual or entity owns all rights to a parcel (ie. all the sticks) this is known as fee simple ownership. But with the discretion to choose to exercise more than one or none of these rights, a fee simple owner may voluntarily limit or restrict partial interests that are created by selling, leasing or transferring specific sticks from the bundle of rights. In the case of fee simple owners who have an interest in retaining

Chapter Focal Points:

- *Fee simple property owners have rights, including the ability to voluntarily limit or restrict interests of the property.*
- *Conservation easements perpetually protect and conserve land*
- *Property owners enjoy the tax exempt status of a conservation easement*
- *The rights restricted by the conservation easements are voluntarily sold or transferred to a qualified conservation easement holder.*
- *The assessed value is the value that is taxed.*
- *The CoR's main objective is to maintain a land book to generate a total value of land book to report to the VaTAX.*
- *The VaTAX sends the DOE a copy of the annual sales ratio study and the TVLB which will be used in calculating the composite index which reflects a county's ability to pay education costs.*
- *Conserved lands lower the composite index*
- *The lower the composite index the more state aid is received for education*

or protecting natural or open space values of real property, assuring its availability for agricultural, forestal, recreation, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving historical architectural or archaeological aspects of real property (VA Code §10.1-1009), conservation easements may be used as a tool to conserve their land in perpetuity. When a property owner chooses to place his/her land in a conservation easement, one stick from the bundle, particularly the right to subdivide and/or develop, is voluntarily sold or transferred to a qualified conservation easement holder (ie. political subdivision or eligible non-profit organization). As a conservation easement places encumbrances on a property, how is the property's fair market value impacted?

Property Assessment and Land Book and Impacts to the Composite Index

Assessment of real property throughout the Commonwealth is calculated at 100% of the fair market value as required by the Constitution of Virginia. Real estate assessors are hired by the counties, with the exception of Gloucester County which has an in-house assessment office, to establish a fair market value/assessment value each property (ie. improvements or buildings and the land or site). This assessed value is then the value that the county applies the tax levy to in order generate local tax revenues.

Real estate assessment values may increase or decrease due to a variety of reasons, including changes in economic conditions, structural changes or land rezoning as well as encumbrances on property, including those set by a conservation easement and a county's participation in the Virginia's Use Value Assessment Program. Yet, regardless of the factor contributing to the change in fair market/assessed value of the property, as a real estate record keeping tool and, in accordance with VA Code 58.1-3310, the Commissioner of Revenue (CoR) from each county is to maintain a land book that documents all fair market values of properties within their jurisdiction. As the premier objective, each county's CoR will generate a total value of land book (TVLB), which is the total of fair market values of all parcels within the county. Once the TVLB is calculated a completed land book is sent to the County's Treasurers Department as well as the Virginia Department of Taxation (VaTAX).

To fulfill agency missions, VaTAX will extract the TVLB value from each county's land book and send it to the Virginia Department of Education (VDOE) in conjunction with a copy of an annual sales ratio study. With this information VDOE will calculate the True Value of Property (TVP) that is needed to generate a composite index value for each county. The composite index determines a school division's ability to pay education costs based on the true value of property (weighted 50%), adjusted gross income (weighted 40%) and the taxable retail sales (weighted 10%) within the county. These three elements are computed per pupil and per capita for each school. The lower the composite index the more education State aid the county will receive.

Table 1: Regional Relevance –
Composite index: What does this mean?

Every two years a composite index value is calculated for each county. This value is ultimately the percentage that each county is expected to contribute to funding the cost of education within their county. Below are a list of the Middle Peninsula Counties and their associated composite index for 2008-2010.

County	Composite Index	Percentage that County is to spend of their education costs
Essex	.4071	40.71%
King William	.2918	29.18%
King & Queen	.3868	38.68%
Gloucester	.3456	34.56%
Mathews	.5337	53.37%
Middlesex	.6777	67.77%

As the fair market values of properties within the Middle Peninsula are reduced due to conservation easements, the county's total land book value reported to the VaTAX is also reduced. This reduction will thereby decrease the composite index. **To take advantage of the composite index benefits, the Commissioners of Revenue need to report the total fair market value of all properties, including the reduced assessed value of lands with conservation easements.** If the CoR does not report the total land book value in a way that accounts for the reduced fair market value of lands with conservation easements, then this will not be beneficial to the composite index score; and therefore will ultimately decrease the amount of State aid for education.

It is also important to mention that although Virginia Tax Code dictates that the

property under easement shall reflect a reduction in fair market value of the land that results from the inability of the owner to use the property for uses terminated by the easement, the market demand is ultimately what drives the value in the property. In other words, although the value of the right(s) given up is reduced, the value of the parcel itself may decrease, stay the same, or increase depending on the demand of the market.

IV. Land Use Counties vs. Non-land Use Counties

As a legally binding instrument that restricts the actions of present and future landowners, conservation easements may be considered an encumbrance on the property. Thus, in accordance with Virginia State Tax Code § 10.1-1011 (Appendix 3), a property owner is to enjoy the tax-exempt status of a conservation easement. **Consequently the property shall reflect a reduction in fair market value of the land that results from the inability of the owner to use the property for uses terminated by the easement.** A county's participation within the Virginia Use Value Assessment Program will determine the approach to reducing in fair market value of properties under conservation easement.

Land Use Counties

Within the Commonwealth of Virginia each county has the option to adopt a land use program. This program supports the assessment and taxation of agriculture, horticulture, forest and /or open-space lands based on its use value, or the value for what the land produces, instead of the market value. To determine land use rates, the State Land Evaluation and Advisory Council (SLEAC) estimates the use value of eligible lands for each jurisdiction participating in the land use program. The SLEAC contracts annually with the Department of Agricultural and Applied Economics at Virginia Tech to develop an objective methodology for estimating the use value of land in *agricultural and horticultural uses*, with the Virginia Department of Forestry (DOF) for the use value of land in *forestry*, and with the Department of Conservation

Chapter Focal Points:

- *Virginia's Use Value Assessment Program is voluntary for counties to support the assessment of agriculture, horticulture, forest and/or open space lands based on its use value, which is below the regular assessed value.*
- *Gloucester, Middlesex, King William and Essex Counties have adopted the land use program.*
- *According to the Virginia Use Value Assessment Program properties in the program will be taxed upon the use value, yet the CoR cannot report this reduced value in the land book.*
- *VA Tax Code 10.1-1011 requires that properties with conservation easements in land use counties are taxed and assessed with the county's land use value.*
- *However, because the easement is perpetual in nature, the CoR should report this reduced value as the value of the easement in the land book.*
- *Once a reduction in value is given to an eased property, the total value of land books in non-land use counties inherently reflect this reduction*

and Recreation (DCR) for the use value of land in *open space*. Although the SLEAC values are distributed to each county, these values do not have to be used by the county. Hence a county may consider the SLEAC values, but in accordance with VA Code 58.1 -3236, the CoR or duly appointed assessor shall ultimately determine the land use rates for the county (ie. agricultural, horticultural, forestal or open space).

Counties within the Middle Peninsula that currently participate in the Land Use program include Essex, King William, Middlesex, and Gloucester. Of these counties only the Gloucester County CoR utilizes the SLEAC land use rates. In Essex and Middlesex County the CoRs use SLEAC numbers as guidance, but adjust values based on a neighborhood approach to calculate a county specific land use rate. On the contrary, King William utilizes a “budget plug” approach to generate land use rates. In other words, King William will close the county’s budget gap by adjusting the land use rates as needed.

Although the land use program allows agricultural, horticultural, forestal and/or open space to be **taxed** upon the land's *use* value, this value cannot be reported by the CoR in the land book. Since VaTAX considers the land use program as voluntary and revocable at any time, the CoR must report the full assessed value/fair market value of the property in the land book to generate the total land book value (TLBV) which is then sent to VaTAX (Figure 2- Scenario #1). In conjunction with being considered a voluntary and revocable program, the CoR from land use counties do not consider the reduction of the collected taxed revenues a loss, but rather a tax deferral.

Within land use counties, and according to VA Code 10.1-1011, land subject to a perpetual conservation or open-space easements **shall be assessed and taxed** at its open space use value in jurisdictions that have adopted the land use program. Therefore, since conservation easements are perpetual, not only is the land taxed at a reduced land use value, but the CoR is to report this reduced use value in the land book (Figure 1- Scenario #2). **Consequently, by reporting a lower fair market value to the VaTAX for lands with conservation easements, the composite index should be lowered and the county should receive more State aid toward education.** Furthermore, CoR will consider the reduced taxes due to the devaluation of the fair market value based on a conservation easement as a permanent loss to the county rather than a deferral.

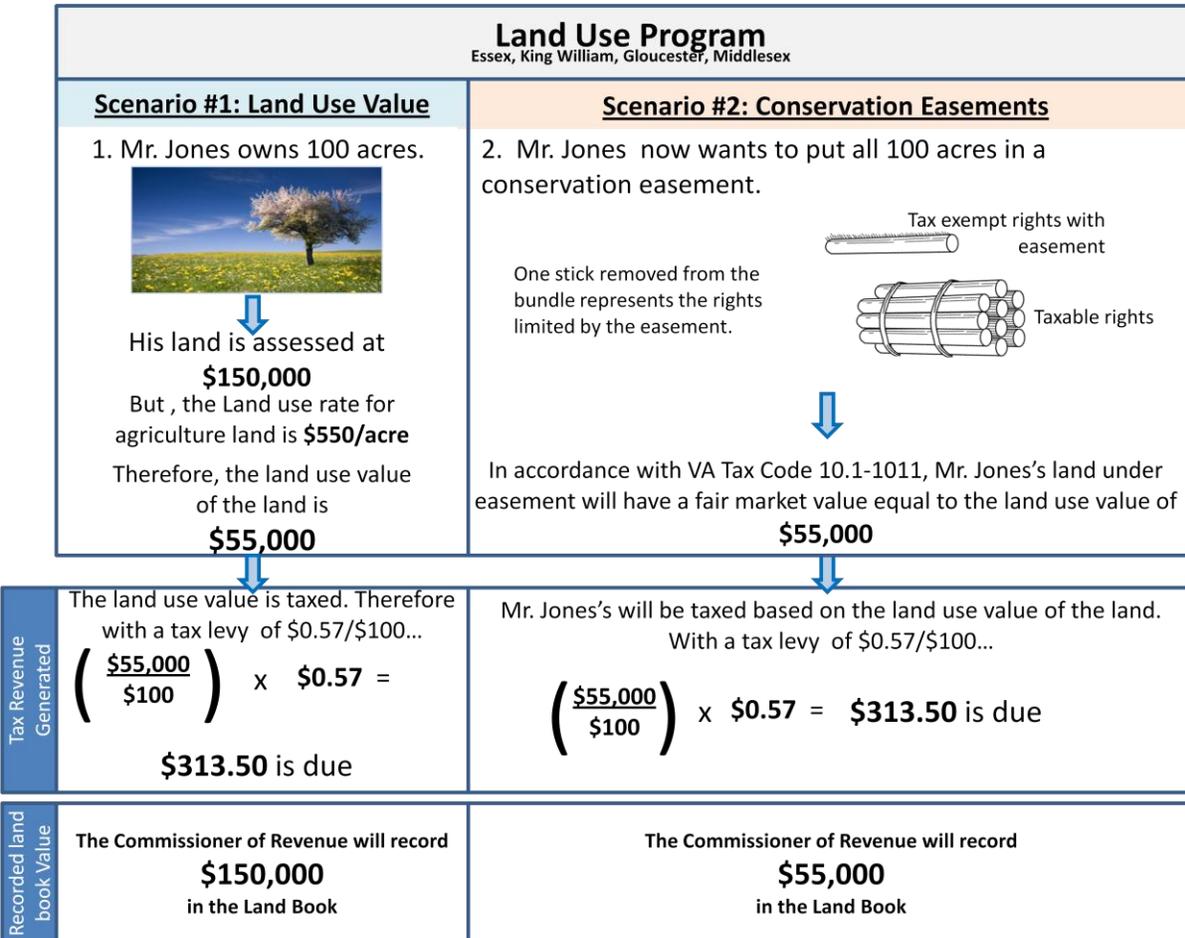


Figure 2: Scenarios within land use counties that attribute to local taxation and conservation easements.

Non-Land Use Counties

Unlike land use counties, there is no legislation that prescribes how an eased property within a non-land use county should be devalued. Yet, according to Virginia State Tax Code § 10.1-1011 (Appendix 3):

*Assessments of the fee interest in land that is subject to a perpetual conservation easement held pursuant to this chapter or the Open-Space Land Act shall reflect the **reduction in the fair market value** of the land that results from the inability of the owner of the fee to use such property for uses terminated by the easement.*

In other words the fair market value of the property will be reduced due to uses terminated by the easement. Thus, in non-land use counties the reduced value of a

property with a conservation easement may be determined by a qualified assessor, who establishes a "before value & after value", while the 'remainder value' is the value usually accepted by the locale as the assessed value. If that does not occur, then the assessor, if there is one, would establish a fair market value as permitted and the CoR would then have the final word as to the fair market value (Figure 3: Scenario #2).

Due to the perpetual nature of a conservation easement the taxes lost due to this transaction will be a permanent loss to the county. However the reduced fair market value of the property due to the conservation easement will lower the county's TLBV and therefore the composite index.

Non Land Use Program <small>King & Queen, Mathews</small>	
Scenario #1: Assessment Value	Scenario #2: Conservation Easements
<p>1. Ms. Smith owns 100 acres.</p>  <p style="text-align: center;">↓</p> <p style="text-align: center;">Her land is assessed at \$150,000</p>	<p>2. Ms. Smith now wants to put all 100 acres in a conservation easement.</p> <p>One stick removed from the bundle represents the rights limited by the easement. According to VA Tax Code 10.1-1011, the CoR shall reduce the fair market value (FMV) of a property with an easement.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>If a CoR chooses to reduce the FMV by 25% then...</p> <ol style="list-style-type: none"> 1. Tax exempt rights with easement will be valued at \$37,500 2. The taxable rights, the remaining bundle of sticks, will have a value of \$112,500  </div>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Tax Revenue Generated</p> <p>The assessment value is taxed. Thus, with a tax Levy of \$0.57/\$100...</p> $\left(\frac{\$150,000}{\$100} \right) \times \$0.57 =$ <p style="text-align: center;">\$855.00 is due</p>	<p>Mr. Jones's will be taxed based on the land use value of the land. With a tax Levy of \$0.57/\$100...</p> $\left(\frac{\$112,500}{\$100} \right) \times \$0.57 = \mathbf{\$641.25}$ is due
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Recorded land book Value</p> <p>The Commissioner of Revenue will record \$150,000 in the Land Book</p>	<p>The Commissioner of Revenue will record \$112,500 in the Land Book</p>

Figure 3: Scenarios within non land use counties that attribute to local taxation and conservation easements.

V. Analysis of Conservation Easements and Tax-exempt Land holdings in the Region

In April 2010, MPPDC staff began to work closely with the Commissioners of Revenue from each county within the Middle Peninsula to understand the fiscal impacts of conservation easements as well as fee simple land holdings by tax-exempt entities in the counties. Specifically, the CoRs helped to generate a list of properties which are under conservation easement or owned by tax-exempt organizations for conservation purposes. In addition to the list of parcels provided by the CoR, MPPDC staff researched grantee public records to identify additional parcels that are held by eligible conservation easement holders, including The Nature Conservancy (TNC), Virginia Outdoors Foundation (VOF), Middle Peninsula Land Trust (MPLT), Friends of Dragon Run (FODR), Virginia Department of Forestry (DOF), Chesapeake Bay Foundation (CBF), Natural Resources Conservation Service (NRCS), Virginia Department of Game and Inland Fisheries (DGIF), as well as U.S. Fish and Wildlife Services (USFWS). Finally MPPDC staff consulted with conservation easement holders (ie. TNC and VOF) and Virginia Department of Conservation and Recreation (DCR) to obtain lists of land holdings to verify research and information gathered from each CoR.

MPPDC staff also used public records to identify parcels owned by tax-exempt entities for conservation purposes. Within the Middle Peninsula, MPPDC staff focused on fee simple ownership by federal, state, and local political subdivisions (ie. USFWS, DOF, DCR, DGIF, Middle Peninsula Chesapeake Bay Public Access Authority), educational institutions (ie. VIMS), and non-profit organizations (ie. TNC). *Tax-exempt legislation may be found in Appendix 4 &5.*

The remainder of this chapter will review how each county in the Middle Peninsula considers conservation easements. From recordation, to property devaluation, to the property value reported to the VaTAX, MPPDC staff will share information gathered from each county – right, wrong, or indifferent this is the information that is known.

A. Middlesex County

Upon recordation of a conservation easement in Middlesex County, an attorney or landowner will enter the clerk's office with prepared easement documents. The clerk will scan all documents provided into the County's computer database. The attorney/landowner will then pay a recordation fee, however tax-exempt entities (ie. political subdivisions, TNC, VIMS, etc) do not pay a recordation fee. Once the recordation fee is paid, then the attorney/ landowner will receive a receipt for the transaction. The information and documents scanned into the computer will appear on the monthly land transaction sheet generated by the clerk for the CoR to review.

On the transaction sheet conservation easements are currently not flagged for special consideration by the CoR. However, along with the transaction sheet, the Middlesex CoR will receive copies of the deed and plat. According to the CoR, properties with conservation easements are automatically entered into the land use program and devalued based upon the land use program rates adopted by the County during the review of the transaction sheet. Yet, this reduced value and new tax liability will not become effective until the following January 1st. However, the landowner is informed of this change in tax liability through a validation process. In other words, an application will be filled out with the available deed information and will be sent to the landowner to make appropriate changes. The landowner is then asked to sign the application and return the completed application to the CoR.

Once all monthly land transactions are reviewed, the CoR will file the copies of the conservation easement records

Chapter Focal Points:

- *Middlesex is a land use county.*
- *CoR becomes aware of a conservation easement during the monthly review of the transaction sheet from the clerk.*
- *Devaluation of fair market value of properties with conservation easements has been inconsistent.*
- *Middlesex has approximately 4,291 acres of land with conservation easements equivalent to \$37,778 in total lost tax revenue.*
- *Middlesex can change the process by which they report the TVLB to increase the amount of state aid for education. Currently the CoR working to make appropriate adjustments.*
- *Middlesex has approximately 521 acres of parcels owned by tax exempt entities which equates to \$5,428 in total lost tax revenue.*
- *Middlesex has a total of 4,812 acres of conserved lands which equates to a loss of approximately \$43,206 in tax revenues. This represents 0.18% of the county's budget for 2009-2010.*

into a cabinet dedicated to land use. While Middlesex County has two databases for property records, following the review of a monthly transaction sheet the CoR will update one of the property databases with changes to the property value. Currently, the two databases are separate and are unable to be used together. Also the current databases do not have a query to identify conservation easements, however the CoR is planning to complete this task in the near future.

Local Findings

As a land use county, the Middlesex County CoR is to tax and assess eased lands based upon the use value of the property, as well as report the reduced value of land with the conservation easement to VaTax – according to tax code. Currently, however, this is not the case. Though taxed at the reduced value, the CoR reports the total fair market value in the total value of landbook rather than the reduced value due to the conservation easement. Therefore it can be said that the CoR treats lands with conservation easements identical to properties in land use. As a result this directly increases the TVLB, the composite index, and ultimately reduces State aid for education to the County.

In addition to reporting the improper value to the VaTAX, MPPDC staff also found that the approach to devaluing conservation easements in Middlesex County is inconsistent. The CoR is working to correct inconsistencies.

Consequently it was found that Middlesex County has approximately **4,291 acres** of land with conservation easements, and in using the current fair market value devaluation methods, Middlesex County is **losing approximately \$37,778 in tax revenue due to easements.**

In conjunction with assessing the fiscal impacts of conservation easements, MPPDC staff also considered the fiscal impacts of fee simple land ownership by tax-exempt organizations for conservation purposes. With approximately **521 acres** of land in the county owned by tax-exempt organizations, this equates to approximately **\$5,428 loss of tax revenue.**

Therefore when conservation easements and lands owned by tax-exempt organization are looked at together, the county consists of approximately **4,812 acres of conserved lands** which equates to a **loss of approximately \$43,206 in total tax revenues** annually. This represents **only 0.18%** of the county's \$24,183,505 budget for 2009-2010.

Quantitative Summary of results from Middlesex County

This provides a summary of the county's recognition of conservation easements as well as tax-exempt conservation land holdings and their fiscal impacts to the county.

Acres under Conservation Easements	4,291.00
Acres held by Tax-exempt Conservation Entities	521.00
Acres Conserved Total	4,812.00
Devaluation due to Conservation Easements	\$10,793,682
Devaluation due to Tax-exempt Conservation Land Holdings	\$1,550,832
Total Devaluation	\$12,344,514
Tax Revenue Loss due to Conservation Easements	\$37,778
Tax Revenue Loss due to Tax-exempt Conservation Land Holdings	\$5,428
Total Tax Revenue Loss	\$43,206
Percentage of the County's Budget	0.18%

B. Gloucester County

Upon recordation of a conservation easement within the Gloucester County, an attorney or the landowner will go to the clerk's office with prepared easement papers. The clerk will then scan all documents, including the easement and plat provided into the county's computer system. Once the documents are scanned, the easement documents will be stamped with an instrument number and the date of recordation. Once the recordation fee is paid (tax-exempt entities do not pay this fee), the attorney/landowner will receive a receipt for the transaction. This transaction will then appear on the monthly transaction sheet generated by the clerk's office which is sent to the CoR for further review. On the transaction sheet conservation easements are not flagged by the clerk for special consideration by the CoR.

Through conversations with the Gloucester County CoR, to-date, conservation easements are not accounted for. They are treated as any other land. Also according to the Gloucester County's Real Estate Assessment Department properties with conservation easements are not assessed differently.

Therefore to gather information with regards to conservation easements and fee simple land holding by tax-exempt entities in Gloucester County, MPPDC staff utilized the County's records office as well as the Department of Conservation and Recreation (DCR) and other easement holder data.

Chapter Focal Points:

- *Gloucester is a land use county.*
- *CoR does not currently track or account for conservation easements within the county.*
- *Gloucester County Real Estate Assessment Department does not currently assess property with conservation easements differently.*
- *According to DCR there are approximately 1028,961 acres of conservation easements within the County. If accounted for the County may loss approximately \$32,406 in tax revenues*
- *Gloucester has approximately 3,114.95 acres of land owned by tax exempt entities for the purposes of conservation. This equates to approximately \$16,779 of lost tax revenue.*
- *Gloucester consists of approximately 4,124.97 acres of conserved lands which equates to a loss of \$49,185 in total tax revenues annually. This represents 0.0005% of the county's budget for 2009-2010.*
- *Gloucester will benefit in composite index if the CoR/assessor devalues the fair market value of lands with conservation easements.*

Local Findings

It was found that Gloucester County has approximately **1,010.02 acres** of land with conservation easements, and in using their current land use rates for lands, Gloucester County would lose approximately **\$32,406 in tax revenue due to easements**. Keep in mind, that Gloucester County is not currently seeing fiscal impacts due to conservation easements since the fair market value of lands with conservation easements are not being reducing. **This suggests that with a change Gloucester's approach to accounting for conservation easements within the County, and therefore becoming compliant with VaTAX code, Gloucester will see an increase in the total tax revenue loss, but will most likely benefit in the composite index due to a reduction of fair market value.**

In conjunction with assessing the fiscal impacts of conservation easements, MPPDC staff also considered the fiscal impacts of fee simple land ownership by tax-exempt organizations for conservation purposes. With approximately **3,114.95 acres** of land in the county owned by tax-exempt organizations, this equates to approximately a **\$16,779 loss of tax revenue**.

Therefore when conservation easements and lands owned by tax-exempt organization are looked at together, the county consists of approximately **4,124.97 acres** of conserved lands which equates to a **loss of approximately \$49,185 in total tax revenues** annually. This represents **only 0.0005%** of the county's **\$107,165,062** budget for 2009-2010.

Quantitative Summary of results from Gloucester County

This provides a summary of the county's recognition of conservation easements as well as tax-exempt conservation land holdings and their fiscal impacts to the county.

Acres under Conservation Easements	1,010.02
Acres held by Tax-exempt Conservation Entities	3,114.95
Acres Conserved Total	4,124.97
Devaluation due to Conservation Easements	\$5,587,222
Devaluation due to Tax-exempt Conservation Land Holdings	\$2,893,000
Total Devaluation	\$8,480,222
Tax Revenue Loss due to Conservation Easements	\$32,406
Tax Revenue Loss due to Tax-exempt Conservation Land Holdings	\$16,779
Total Tax Revenue Loss	\$49,185
Percentage of the County's Budget	0.0005%

C. Essex County

Recordation of a conservation easement within Essex County begins when prepared easement papers are presented by an attorney or other interested party to the Clerk of the Circuit Court. The clerk then validates the document by stamping recording information (ie. date) and writing the instrument number on the original document. If applicable, a recordation fee and tax are paid, the clerk makes a copy of the original (which is kept for scanning), and the original and a receipt for the transaction are returned to the presenter. After the easement documents are scanned into the county's computer system, the transaction will appear on a monthly transfer sheet generated by the clerk and placed in the CoR's mailbox. In Essex, the clerk flags conservation easements on the monthly transfer sheet, which assists the CoR in pulling associated electronic files.

In Essex County the CoR may become aware of a conservation easement prior to recordation through minutes from Virginia Outdoors Foundation meetings or through word of mouth from the County Administrator or other interested parties. Once the documents are recorded, the CoR reviews the transfer sheet and downloads complete copies of the easement to the local computer network.

With the adoption of land use assessment and taxation in 2008, agricultural, horticultural, forest, and open space lands with conservation easements in Essex County are to be assessed using the land use values established during each reassessment year. The CoR received

Chapter Focal Points:

- *Essex is a land use county.*
- *The Clerk flags easements on the monthly transaction sheet given to the CoR.*
- *Essex CoR has made changes to his approach in devaluing conservation easements within the county. Such charges will lower the TVLB reported to the VaTAX and will therefore benefit through State aid for education.*
- *Essex County has approximately 12,343.81 acres under conservation easement. This equates to a \$115,288 loss of tax revenue.*
- *Essex County has approximately 1,170.18 acres of land held by tax exempt entity for conservation purposes. This equates to approximately \$14,790 in lost tax revenue.*
- *Essex consists of approximately 13,514 acres of conserved lands which equates to a loss of \$130,078 in total tax revenues annually. This represents 0.44% of the county's budget for 2009-2010.*

guidance about devaluing fair market assessments for conservation easements through a certification course “Land Use Taxation” presented through the University of Virginia Weldon Cooper Center for Public Service and sponsored by the Commissioners of the Revenue Association of the Commonwealth of Virginia. The CoR also used other sources of information such as the International Association of Assessing Officers (IAAO), as well as the publication *Appraising Easements – Guidelines for Valuation of Land Conservation and Historic Preservation Easements*, Third Edition, published by the Land Trust Alliance in cooperation with the National Trust for Historic Preservation.

Local Findings

Essex County’s CoR has recently documented all open-space easements, including both conservation and historic easements, and has systematically lowered the fair market values of those properties using open space use values. Because the majority of these properties were already in the land use program, the annual tax loss does not change much – it simply goes from being tax deferred to being a perpetual loss. Using the land use values significantly lowers the fair market values of perpetually eased property and has a direct influence on the total true value of the land book and hence the Composite Index. Therefore, conservation easements lower assessed values and ultimately increase the level of state aid for K-12 school funding to a locality.

It was found that Essex County has approximately **12,343.81 acres** of land with conservation easements, and in using their current land use rates for lands, Essex County would **lose approximately \$115,288 in tax revenue due to easements.**

In conjunction with assessing the fiscal impacts of conservation easements, MPPDC staff also considered the fiscal impacts of fee simple land ownership by tax-exempt organizations for conservation purposes. With approximately **1,170.18 acres** of land in the county owned by tax-exempt organizations, this equates to approximately a **\$14,790 loss of tax revenue.**

Therefore when conservation easements and lands owned by tax-exempt organization are looked at together, the county consists of approximately **13,514 acres** of

conserved lands which equates to a **loss of approximately \$130,078 in total tax revenues** annually. This represents **only 0.44%** of the county's \$29,289,038 budget for 2009-2010.

Quantitative Summary of results from Essex County

This provides an overview of the county's recognition of conservation easements as well as tax-exempt conservation land holdings and their fiscal impacts to the county.

Acres under Conservation Easements	12,343.81
Acres held by Tax-exempt Conservation Entities	1,170.18
Acres Conserved Total	13,514.00
Devaluation due to Conservation Easements	\$18,594,806
Devaluation due to Tax-exempt Conservation Land Holdings	\$2,385,480
Total Devaluation	\$20,980,286
Tax Revenue Loss due to Conservation Easements	\$115,288
Tax Revenue Loss due to Tax-exempt Conservation Land Holdings	\$14,790
Total Tax Revenue Loss	\$130,078
Percentage of the County's Budget	0.44%

D. King William County

Upon recordation of a conservation easement in King William County, an attorney or landowner will go to the clerk's office with prepared easement papers. The clerk will then enter and scan information into the county's computer system. Depending on how the easement papers are prepared, the clerk will label it accordingly (ie. Deed of Easement; Deed of Gift; Deed of Bargain Sale). The landowner/attorney will also provide a copy of the plat at the time of recordation which must be sign-off by the King William County Planning Department. Once signed, the plat will be recorded by the clerk. After recording, the plat is returned to the landowner but the landowner/attorney is then expected to provide one copy of the recorded plat to the planning department and another copy of the recorded plat to the CoR.

The attorney/landowner will pay a recordation fee, if applicable. The clerk will then create a receipt for the attorney/landowner. The information scanned into the computer will appear on the monthly transaction sheet generated by the clerk and is then given to the CoR. Conservation easements are not flagged on this sheet.

The CoR will review the monthly transaction sheet as well as a copy of the plat from the landowner/attorney. Reviewing the transaction sheet is typically the first time that the CoR will know that a property is going into a conservation easement and even then the transaction sheet did not give the CoR any indication of an easement. On rare occasions a landowner may call with questions

Chapter Focal Points:

- *King William is a land use county.*
- *King William requires a plat signed by the county's planning department with easement documents.*
- *The transaction sheet is the first time the CoR becomes aware of a conservation easement.*
- *Upon review of the transaction sheet the CoR will reduce the fair market value of the property and inform the landowner of changes.*
- *King William has approximately 6,729.3 acres of land with conservation easements, which equates to a tax revenue loss of \$59,893 due to easements.*
- *King William has approximately 2,630.09 acres of land in the county owned by tax exempt organizations, this equates to approximately \$53,500 loss of tax revenue.*
- *King William consists of approximately 9359.39 acres of conserved lands which equates to a total tax revenue loss of \$113,393 annually. This represents 0.54% of the county's budget for 2009-2010.*

regarding tax benefits of conservation easement which provides some notification of a conservation easement prior to recordation.

Local Findings

The majority of lands currently under conservation easement were previously in the use program, so there is no change in the assessed value and therefore no change in tax liability. However, when a property is in the land use program the reduced land use value is considered a deferral of tax revenues, while with conservation easements this reduction is considered a permanent loss to the county due to its perpetual nature.

As a land use county, King William reduces the fair market value of a property of the easement based on the land use rates of the county (Figure 4). The land use rates are based on the values established by SLEAC (State Land Evaluation and Advisory Council), however are adjusted through a “Budget Plug Approach.” In other words the county will generate land use values that will allow King William County to meet the budgetary needs for the fiscal year.

Property Identification		Run Dt: 6/08/2010	Owner Name/Address		Legal Description 01 of 01
Map #:	5 29E		LATANE WILLIAM C		PARCEL A
Acct #:	000011487-001		73 POLAND STREET		CONSERVATION EASEMENT
Address:			MONTROSS, VA 22520		
City/St:					
					Inst#: 800 0003382
Occupancy:			Year Built:		Acreage: 488.000
Dwl Type:		MH/Type: /	Year Rmld:		Land Use:
Use/Class:	/AGRICULTURAL 100 AC & UP		Year Effrt:		Total Mineral:
Year Assd:			Condition:		Total Land: 367000
Zoning:			On Site Date: ()		Total Imp:
Dist: 01	DISTRICT-MANGOHICK		Review Date: ()		Total Value: 367000

Land Valuation								
M	Cls	Desc	G	Size	Dpth	Rate	FV/Pct	Value
A	800	WOODLAND	A	488.00		1600.00	.53	366976
Total Land Value								488.000

Comments	
OUT OF 1-2 IN 2009 CONSERVATION EASEMENT	
Total Property Value	367000

Fair Market Value Prior to Conservation Easement:

488 acres x \$1,600 = \$780,800

A 53% reduction is the amount that the unleased FMV needs to be reduced by in order to be equivalent to the land-use value for this land classification

\$780,800 x .53 = \$413,824 (reduction)

\$780,800 - \$413,824 = \$366,976 (new FMV)

Sec	Type	Str	Description	Area	
			Cur. Value	Prev. Value	%Chg.
Land			367000		
Improvements					
Total			367000		
Average Price Per Acre				1600	

Figure 4: Property Card for King William Parcel under conservation easement. The reduced fair market value of the land is documented on the card, however the original fair market value is not. In the blue box above a simple calculation may be complete to gather the original fair market value of the property. In this particular example there was a 53% reduction in FMV, however this percentage may vary between lands with conservation easements.

The reduction in fair market value occurs upon notice of the conservation easement through the transaction sheet, while tax liabilities due to the changes become effective the following year. The only time a landowner is informed about the change in tax liability is during the reassessment period. To date, notices have not been sent to inform landowners with conservation easements of the change in tax liability since the Commissioner believed that all these lands are in the land use program – therefore there are no changes made with regard to the reduction of fair market value. According to the CoR, she received guidance for devaluing the fair market value through a Land Use Class sponsored by the Commissioner of Revenue Association as well as from the VA Code.

Consequently it was found that King William County has approximately **6,729.3 acres** of land with conservation easements, and in using the current fair market value devaluation methods, King William County is **losing \$59,893 in tax revenue due to easements.**

In conjunction with assessing the fiscal impacts of conservation easements, MPPDC staff also considered the fiscal impacts of fee simple land ownership by tax-exempt organizations for conservation purposes. With approximately **2,630.09 acres** of land in the county owned by tax-exempt organizations, this equates to approximately **\$53,500 loss of tax revenue.**

Therefore when conservation easements and lands owned by tax-exempt organization are looked at together, the county consists of approximately **9359.39 acres** of conserved lands and a total tax revenue loss of approximately **\$113,393 in total tax revenues** annually. This represents **only 0.54%** of the county's \$20,851,240 budget for 2009-2010.

Quantitative Summary of results from King William County

This provides a summary of the county's recognition of conservation easements as well as tax-exempt conservation land holdings and their fiscal impacts to the county.

Acres under Conservation Easements	6,729.3
Acres held by Tax-exempt Conservation Entities	2,630.09
Acres Conserved Total	9,359.39
Devaluation due to Conservation Easements	\$7,394,152
Devaluation due to Tax-exempt Conservation Land Holdings	\$6,604,942
Total Devaluation	\$13,999,094
Tax Revenue Loss due to Conservation Easements	\$59,893
Tax Revenue Loss due to Tax-exempt Conservation Land Holdings	\$53,500
Total Tax Revenue Loss	\$113,393
Percentage of the County's Budget	0.54%

King & Queen County

Upon recordation of a conservation easement in King & Queen County, an attorney or landowner will go to the clerk's office with prepared easement papers. The clerk will then enter and scan easement documents into the computer. On occasion, a plat of the property being eased will supplement the conservation easement documents, but it is not required for recordation. The attorney/landowner will then pay a recordation fee, if applicable. Next the clerk will provide a receipt to the attorney/landowner for the transaction. The information scanned into the computer will appear on the monthly transaction sheet generated by the clerk. The clerk does not specifically flag conservation easements.

The CoR will receive a copy of the transaction sheet along with a folder of deeds associated with the transactions that occurred that month. In addition to the deed of easement, a survey of the property is typically included. Currently, the Commissioner has a folder dedicated to conservation easements in her office. Although this folder is not accessible by the public, it is used specifically for her own records as well as the Board of Supervisors.

The CoR reduces the fair market value of the property during the review of the transaction sheet each month. Once adjustments are made to the fair market value the CoR will send a letter to the landowner that explains the tax liability changes. To date there have been no contests.

As a non-land use county, VA Code does not prescribe an approach to reducing the fair market value of land under

Chapter Focal Points:

- *King & Queen is a non-land use county.*
- *CoR becomes aware of an easement during her review of the monthly transaction sheet.*
- *CoR reduces the FMV of lands with conservation easements by 25%. However there are some inconsistencies.*
- *King & Queen County has approximately 14,906.45 acres of land with conservation easements, which equates to a \$14,953 loss in tax revenue due to easements.*
- *King & Queen has approximately 12,971.25 acres of land in the county owned by tax exempt organizations, which equates to \$64,161 loss of tax revenue.*
- *King & Queen consists of approximately 27,877.7 acres of conserved lands which equates to a loss of approximately \$79,114 in total tax revenues annually. This represents 0.39% of the county's budget for 2009-2010.*

conservation easement. Therefore in King & Queen County CoR has chosen to consistently and equitably reduce the fair market value of lands under conservation easement **25%**. This 25% reduction is clearly shown on the property card. The CoR explained that a 25% reduction is used since this was the approach utilized by the assessor during the last reassessment in King & Queen.

Local Findings

Consequently it was found that King & Queen County has approximately **14,906.45 acres** of land with conservation easements, and in using the current fair market value devaluation methods, King & Queen County is **losing \$14,953 in tax revenue due to easements.**

In conjunction with assessing the fiscal impacts of conservation easements, MPPDC staff also considered the fiscal impacts of fee simple land ownership by tax-exempt organizations for conservation purposes. With approximately **12,971.25 acres** of land in the county owned by tax-exempt organizations, this equates to approximately **\$64,161 loss of tax revenue.**

Therefore when conservation easements and lands owned by tax-exempt organization are looked at together, the county consists of approximately 27,877.7 acres of conserved lands which equates to a **loss of approximately \$79,114 in total tax revenues** annually. This represents **only 0.39%** of the county's \$20,194,124 budget for 2009-2010.

Quantitative Summary of results from King & Queen County

This provides a summary of the county's recognition of conservation easements as well as tax-exempt conservation land holdings and their fiscal impacts to the county.

Acres under Conservation Easements	14,906.45
Acres held by Tax-exempt Conservation Entities	12,971.25
Acres Conserved Total	27,877.7
Devaluation due to Conservation Easements	\$3,115,224
Devaluation due to Tax-exempt Conservation Land Holdings	\$13,334,709
Total Devaluation	\$16,449,933
Tax Revenue Loss due to Conservation Easements	\$14,953
Tax Revenue Loss due to Tax-exempt Conservation Land Holdings	\$64,161
Total Tax Revenue Loss	\$79,114
Percentage of the County's Budget	0.39%

E. Mathews County

Upon recordation of a conservation easement in Mathews County, an attorney or landowner will go to the clerk's office with prepared easement papers. The clerk will then enter and scan information into the computer. The attorney/landowner would then pay a recordation fee, however never if the entity is tax-exempt a recordation fee is not paid. The clerk will then create a receipt for the attorney/landowner.

Since a conservation easement is not a transfer of title, it does not appear on the monthly transaction sheet from the Clerk's office. Therefore Mathews County currently does not track right-of-ways and/or easements. Prior to recordation of the easement, appraisers typically come into the CoR's office to conduct property research and at that time the CoR becomes aware that a conservation easement is being prepared. However the CoR only truly becomes aware of a conservation easement if the landowner or representative informs the CoR of the recordation. Due to the small volume of conservation easements within the county, it is more economically feasible for taxpayer to provide information for an assessment adjustment rather than the CoR to take his time to reconcile the public record.

Once CoR is informed of the recordation of a conservation easement he will look to see if a before and after appraisal was complete. He will then use this appraisal to make adjustments to the assessed value of the property. As a small community, the Mathews County CoR has a close relationship with most of the appraisers within the county

Chapter Focal Points:

- *Mathews is a non-land use county.*
- *According to the CoR, the impacts of conservation easements are negligible to Mathews.*
- *Monthly transaction sheet does not include conservation easements.*
- *Land owners with conservation easements must apply for tax incentives. This responsibility is placed on the landowner due to the small volume of easements within the county. CoR will inform the land owner of all changes to owner of the change to tax liability.*
- *Mathews County has approximately 341 acres of land with conservation easements, which equates to a \$1,107 loss in tax revenue due to easements.*
- *Mathews has approximately 257.97 acres of lands in the county owned by tax exempt organizations, this equates to an approximate \$1,836 loss of tax revenue.*
- *The county consists of approximately 598.97 acres of conserved lands which equates to a loss of \$2,942 in total tax revenues annually. This represents 0.01% of the county's budget for 2009-2010.*

and in most cases he personally knows the appraiser. Thus he trusts the appraisals and considers them legitimate. If an appraisal comes in from unknown appraiser, outside of his knowledge base, the CoR will do some research to judge the validity of the appraisal. If the CoR does not have a copy of the appraisals he will call the easement holder/ land holder and ask for a copy of the appraisal if the landowner has requested a reduction in the tax liability. After the landowner requests a reduction in tax liability, the CoR will reduce the fair market value and will inform the landowner of the change to tax liability. To date there have been no contests.

According to the CoR, he has received limited guidance for devaluing the fair market value of a property with a conservation easement, however the current methodology for reducing the fair market value is consistent and works for Mathews County; therefore it is supported by the VaTAX.

Local Findings

According to the CoR, the impacts of conservation easements are negligible to Mathews. Since most of the currently eased lands are wetlands this does not have a significant impact to county revenues. Eased lands may, however, have an impact on future revenues if the ability to develop marginal lands changes.

Consequently it was found that Mathews County has approximately **341 acres** of land with conservation easements, and in using the current devaluation methods, Mathews is **losing approximately \$1,107 in tax revenue due to easements.**

In conjunction with assessing the fiscal impacts of conservation easements, MPPDC staff also considered the fiscal impacts of fee simple land ownership by tax-exempt organizations for conservation purposes. With approximately **257.97 acres** of land in the county owned by tax-exempt organizations, this equates to an approximate **\$1,836 loss of tax revenue.**

Therefore when conservation easements and lands owned by tax-exempt organization are looked at together, the county consists of approximately **598.97 acres** of conserved lands which equates to a **loss of approximately \$2,942 in total tax revenues** annually. This represents **only 0.01%** of the county's \$22,206,678 budget for 2009-2010.

Quantitative Summary of results from Mathews County

This provides a summary of the county's recognition of conservation easements as well as tax-exempt conservation land holdings and their fiscal impacts to the county.

Acres under Conservation Easements	341.00
Acres held by Tax-exempt Conservation Entities	257.97
Acres Conserved Total	598.97
Devaluation due to Conservation Easements	\$197,600
Devaluation due to Tax-exempt Conservation Land Holdings	\$327,800
Total Devaluation	\$525,400
Tax Revenue Loss due to Conservation Easements	\$1,107
Tax Revenue Loss due to Tax-exempt Conservation Land Holdings	\$1,836
Total Tax Revenue Loss	\$2,942
Percentage of the County's Budget	0.01%

VI. Regional Summary

Overall, each county within the Middle Peninsula had a different approach to addressing conservation easements – from recordation, to reducing the property’s fair market value to reporting the total land book value to the VaTAX. In working with each CoR, MPPDC staff were able educate CoRs as to the implications of current practices and presented opportunities to fiscally benefit from conservation easements.

Middle Peninsula localities that have adopted the land use program, including Gloucester, Middlesex, King William and Essex Counties, are prescribed by Va Code to assess and tax lands under conservation easements based on county land use rates. While non land use counties, including Mathews and King & Queen Counties have less guidance regarding the assessment of eased lands and seem to utilize practices that are applied consistently (eg. such as using land use value in an adjacent county with a land use program or using the value determined in the appraisal conducted during the easement process, or doing a flat 25% reduction).

During the first phase of this project to understand how counties consider conservation easements, MPPDC staff found that each county could improve in two areas:

1. Accounting for all conservation easements within their jurisdiction, and
2. Consistently reduce the fair market value of conservation easements.

Table 2 provides a comprehensive overview of conservation easements, tax-exempt land holdings for conservation purposes and their fiscal impacts to each county within the Middle Peninsula.

In working with each CoR, each county has either made changes in the manner they address conservation easements, or are aware of the changes that need to be made that will benefit the county in the composite index and therefore State aid for education.

Table 2: This provides a summary of the all the Middle Peninsula counties' recognition of conservation easements as well as tax-exempt conservation land holdings and their fiscal impacts to the county.

	Acres under Conservation Easements	Acres held by Tax-exempt Conservation Entities	Acres Conserved Total	Devaluation due to Conservation Easements	Devaluation due to Tax-exempt Conservation Land Holdings	Total Devaluation	Tax Revenue Loss due to Conservation Easements	Tax Revenue Loss due to Tax-exempt Conservation Land Holdings	Total Tax Revenue Loss	Percentage of the County's Budget
Middlesex	4,291.00	521.00	4,812.00	\$10,793,682	\$1,550,832	\$12,344,514	\$37,778	\$5,428	\$43,206	.18%
Gloucester	1,010.02	3,114.95	4,124.97	\$5,587,222	\$2,893,000	\$8,480,222	\$32,406	\$16,779	\$49,185	.0005%
Essex	12,343.81	1,170.18	13,514.00	\$18,594,806	\$2,385,480	\$20,980,286	\$115,288	\$14,790	\$130,078	.44%
King William	6,729.3	2,630.09	9,359.39	\$7,394,152	\$6,604,942	\$13,999,094	\$59,893	\$53,500	\$113,393	.54%
King and Queen	14,156.45	12,971.25	27,127.70	\$3,115,224	\$13,334,709	\$16,449,933	\$14,953	\$64,007	\$78,960	.39%
Mathews	341.00	257.97	598.97	\$197,600	\$327,800	\$525,400	\$1,107	\$1,836	\$2,942	.01%
Regional Total	38,872	20,665	59,537	\$45,959,290	\$27,096,763	\$73,056,053	\$262,974	\$156,340	\$419,313	-

VII. Fiscal Impacts and Community Benefits of Conservation Efforts

Within the Middle Peninsula, each county's comprehensive plan has seemingly similar visions to preserve rural character through the preservation/conservation of open space, agricultural land, and forest land (Appendix 1). To promote this goal conservation easements and fee simple land acquisitions become a viable land management tool. Although such tools have fiscal impacts to localities, conservation efforts and preservation of rural character have social, economic and environmental benefits to the region.

Social Benefits

Historically the Middle Peninsula has had a rich natural resource based economy, focused on silviculture and agriculture. However through recent decades, as the region transitions from being rural to more suburban, development threatens agriculture fields and timber lots. Therefore conservation efforts have preserved regionally significant lands ideal to continue forestry and agriculture practices, thus supporting traditional natural resource based industries. In particular conservation easements, which provide landowners tax benefits, also afford farmers the opportunity to keep family farms within the family. Residents of the region may also enjoy the assets of conservation efforts, including scenic vistas and outdoor spaces, which have been known to contribute to the physical and mental well-being of individuals, and the development of social communities.

Environmental Benefits

In maintaining open space and conserving agriculture and forestry lands, the ecological integrity is preserved. Besides providing wildlife habitat, these lands are buffers to the waterways (ie. Dragon Run and the Chesapeake Bay) throughout the region, thereby acting as a best management practice in helping to promote water quality.

Economic Benefits

As previously discussed in this report, the amount of state aid for education that a locality receives is highly dependent upon the total fair market value of its real estate.

Commissioners of Revenue that begin to account and consistently reduce the fair market value of all lands under conservation easements within their jurisdictions will observe a reduction in the true value of land book (TVLB) reported to VaTAX which will directly impact and reduce the True Value of Property (TVP) for the Composite Index. Consequently with a reduction of the TVP the composite index will decrease which represents an increase in the amount of state aid received for education by the locality. Specifically when considering the Middle Peninsula localities have reduced their true value of land book due to comprehensively accounting and consistently reducing the total fair market value of land under conservation easements (Table 4). In conjunction with conservation easements impacting the true value of land book, Table 4 also shows that King and Queen County was able to reduce their true value of land book by an additional \$645,359 upon the recognizing a reporting error.

Table 4: Reductions in the Total Value of Land book (TVLB) due to conservation easements and tax-exempt land holdings, and the impact to True Value of Property for Middle Peninsula Localities.

County	TVLB Devaluation due to easements	TVLB Devaluation of tax-exempt land holdings	TVLB Total Devaluation	VaTAX Sales Study Ratio ¹	True Value of Property
				<i>* NOTE: the VaTAX Sales Study Ratio is applied to the TVLB in order to generate the True Value of Property</i>	
Essex	\$18,594,806	\$0	\$18,594,806	95.23%	\$19,526,206
Gloucester	\$5,587,222	\$0	\$5,587,222	85.11%	\$6,564,707
King and Queen	\$2,241,784	\$645,359	\$2,887,143	70.00%	\$4,124,491
King William	\$4,747,218	\$0	\$4,747,218	89.89%	\$5,281,142
Mathews	\$0	\$0	\$0	62.56%	\$0
Middlesex	\$10,520,755	\$0	\$10,520,755	79.53%	\$13,228,662

¹ In accordance with Section 207 of Title 58.1 of the Code of Virginia, the Virginia Department of Taxation conducts an annual real property assessment/sales ratio study covering every city and county in the Commonwealth. The study estimates the existing assessment/sales ratio for each locality by comparing assessed values to the selling prices of bona fide sales of real property. A locality's total fair market value of real estate, divided by its assessment/sales ratio, produces an estimate of the locality's total true value of real estate. The local true values developed in this study are used as a factor in Virginia's basic school aid distribution formula.

Local government may also receive "Payments in Lieu of Taxes" (or PILT) are Federal payments that help offset losses in property taxes due to nontaxable Federal lands within their jurisdiction. The payments are made annually for tax-exempt Federal lands administered by the BLM, the National Park Service, the U.S. Fish and Wildlife Service (all agencies of the Interior Department), the U.S. Forest service (part of the U.S. Department of Agriculture), and for Federal water projects and some military installations. PILT payments may be used for any governmental purpose relative to public safety, environment, housing, social services and transportation. According to the formula established by the PILT law, there are three categories of entitlement lands:

- Federal lands in the National Forest System and the National Park System, lands administered by BLM, lands in Federal water resource projects, dredge areas maintained by the U.S. Corps of Engineers, inactive and semi-active Army installations, and some lands donated to the Federal government (section 6902 payments)
- Federal lands acquired after December 30, 1970, as additions to lands in the National Park System or National Forest Wilderness Areas (section 6904 payments)
- Federal lands in the Redwood National Park or lands acquired in the Lake Tahoe Basin near Lake Tahoe under the Act of December 23, 1980, (Section 6904 or 6905 payments).

For example Essex County receives approximately \$7,000 annually in PILT from US Fish and Wildlife Services for the Rappahannock River Valley Natural Wildlife Refuge. In addition to the federal government, within the Commonwealth of Virginia the Virginia Department of Forestry (DOF) will make payments in lieu of taxes to counties. Every 10 years DOF inventories forests throughout the state and develops plans that establish harvest levels, which determine income. Twenty-five percent of the gross income is returned to the county where the forest is located. More specifically in 2009-2010 King & Queen County received \$11,317.93 from DOF, while King William County received

\$31,101.84. Now when taking into consideration the tax revenue losses accrued due to the fee-simple land ownership of lands by tax-exempt entities for conservation purposes, DOF revenues to the county reduces the overall loss of taxes due to conserved lands (Table 6).

Table 6: Revenues received by King & Queen and King William County from DOF for timber sales (DOF, 2009).

County	Taxes lost due to fee simple land ownership by tax-exempt entities	Revenues Received from DOF	Net Tax Loss
King & Queen	\$64,161	\$11,317.93	\$52,843.07
King William	\$53,500	\$31,101.84	\$22,398.16

Furthermore when considering a community’s future land use, local elected official must weigh the social, fiscal and environmental implications of their choices that fit best into their community. Yet with each type of land use there is a price of public services that must be provided (Table 7). In 2006, the American Farmland Trust Conducted a study that focused on the cost of community services to three types of land uses: (1) residential including farm houses, (2) Commercial and Industrial, and (3) Working and open land. According to the study,

“While it is true that an acre of land with a new house generates more total revenue than an acre of hay or corn, this tells us little about a community’s bottom line. In areas where agriculture or forestry are major industries, it is especially important to consider the real property tax contribution of privately owned working lands. Working and other open land may generate less revenue than residential, commercial or industrial properties, but they require little public infrastructure and few services.”

Overall working lands generate more public revenues over a 20 year period than they receive back in public services, whereas on average residential and land uses do not cover their costs, and must be subsidized by other community land uses. Therefore conserving farms and forest is one of the strategies a county can use to reduce the pressure on their budget and tax rate from the increasing costs of resident development. Table 7 presents average costs of services to residential (ie. farm houses), commercial and industrial, and

working and open land uses in Virginia. These numbers suggest that the cost of servicing residential land uses is 69% higher than servicing working and open land.

Table 7: Revenue-to-Expenditure ratios in Dollars for average costs of services to residential, commercial and industrial, and working and open land uses in Virginia (American Farmland Trust, 2006).

Residential including farm houses	Commercial & Industrial	Working & Open Land
\$1.00 : \$1.19	\$1.00 : \$0.29	\$1.00 : \$0.37
<i>For every dollar of revenue the county will spend "x" amount of money</i>		

Other Easements and Public Holdings

Beyond conservation easements localities may be fiscally impacted by a variety of other easements. Through the Virginia Historic Preservation Easement Program landowners have the option of utilizing historic easements to protect historic landmarks to enjoy long-term legal protection while remaining in private ownership. Private landowners that take advantage of this program are provided the same tax benefits as landowners with conservation easements. For instance, in King William County is one particular 581.56 acre historic easement that had its fair market value reduced by 52%, which equates to a loss of \$5,922 in tax revenue annually. Table 6 lists the total number of acres with historic easements in each Middle Peninsula County.

Table 3: Total number of acres under historic easements within each Middle Peninsula County (Department of Historic Resources, 2010).

County	Acreage
Gloucester	442.55
Mathews	.85
King & Queen	.11
King William	2120.2
Middlesex	25.70
Essex	525.8
Total Acreage	3115.21

Another example of an easement that may impact the value of a property is a utility easement. Utility easements are strips of land used by utility companies to construct and maintain overhead electric, telephone and cable television lines and underground

electric, water, and sewer, telephone, and cable television lines. The type of use and frequency of this right-of-way use will determine the impact to property value, if at all.

Additionally many of the tax-exempt entities that own lands for conservation purposes are external to the county, including DCR, TNC, DGIF, etc, each county has its fair share of exempt entities that ultimately have an impact on county revenues. For example county buildings, including the courthouses, schools, office buildings and post offices, are all exempt from taxes. Also churches and civic groups are tax-exempt. Additionally since much of the Tidewater, Virginia area is flat and borders the Chesapeake Bay, numerous rivers, inlets, marshes, and creeks as well as located in the floodplain. It is important to help provide protection from the flooding. Therefore the Federal Emergency Management Agency (FEMA) offer financial assistance to qualified local governments to acquire parcels of lands that will help mitigate local flooding. For instance in Gloucester County owns approximately 62.1266 acres of multiple parcels. As a political subdivision, Gloucester County is tax-exempt and therefore fiscally impacts the county. For a complete list of tax-exempt entities please refer to Article X. Sec, 2, Par. 6 of Virginia Constitution (Appendix 4). Within each county however, a community group/entity may also request tax-exempt status through the County's Board of Supervisors who has ability to grant tax exemption to a group they deem qualified.

VIII. Reported Needs

Through phase I of this project, MPPDC staff were able to work with Middle Peninsula Commissioners of Revenue to develop recommendations that (1) promote consistency between counties regarding assessment of easements/land holdings by tax-exempt organizations and (2) promote consistency between counties regarding easements/land holdings by a tax-exempt organization and their impact to the composite index. Consistent methodologies between counties present an equitable opportunity to receive appropriate state educational funding by accurately accounting for all land management tools (ie. conservation easements) and transactions utilized within their jurisdiction as well as their fiscal impacts. Additionally localities will gain a uniform understanding and knowledge base pertinent to address conservation easements and tax-exempt land holdings for conservation in the future.

Recommendations and Considerations:

1. To promote consistency between counties regarding assessment of easements/land holdings by a tax-exempt organization:
 - When localities are hiring an assessment firm, a locality should require a provision within the assessment firm's contract that focuses on how easements will be addressed and valued during reassessment of the property.
 - The Commissioners of Revenue recommend that continuing education classes to introduce and educate elected officials, county staff, and Commissioners of Revenues about Conservation Easements. Particularly, describe what are they, their fiscal impacts, relationship to State Funding for education (ie. composite index), and relative legislation;
 - Commissioners of Revenue need information on various types of easements and associated encumbrances that will aid to streamline property assessment approaches across the region and/or throughout the Commonwealth;
 - This report has provided a list of all easements through September 30, 2010, however there is a need to maintain and update this list in order to provide to county assessors. This list will inform the assessment of the encumbered property and aid in the consistent accountability and devaluation of lands with conservation easements.

- Local conservation organizations should work closely the with Commissioners of Revenue to become aware of local conservation easement initiatives or fee simple acquisitions that have fiscal impacts. This will assist in future fiscal planning and budgeting for the locality.
 - The Virginia State Supreme Court should consider adding Conservation Easements to the transaction category list for recording purposes that will improve accountability and searchability of easement documents throughout the Commonwealth;
 - Clerk of the Circuit Court from localities should flag conservation easements on monthly transaction sheets to inform the Commissioner of Revenue of this transaction and to reduce the fair market value of the property due to the encumbrance. Once flagged the Commissioner and the Clerk of Court should develop and/or improve the tracking/labeling of digital records that clearly identifies easements to improve accountability and searchabilty of easement documents for county staff and constituents;
2. To promote consistency between counties regarding easements/ land holdings by a tax-exempt organization and their impact on the composite index:
- The Virginia Association of Assessing Officers should develop educational activities for Commissioner of Revenue to address the fiscal impacts of easements and land holdings by tax-exempt organizations. Particular with regards to the composite index;
 - The Virginia Association of Assessing Officers should develop outreach material directed to Commissioners of Revenues and County Administrators that focus on how the total value of land book reported to the VaTAX impacts the Composite Index generated by Virginia Department of Education to provide consistent information.

IX. Conclusions

As land conservation efforts, through the utilization of conservation easements and/or fee simple land acquisitions become more commonly used, localities need to refine approaches and methodologies in handling these land management/ownership changes. MPPDC staff continues to work with Middle Peninsula Commissioners of Revenue to improve current practices in approaching conservation easements –from recordation of a conservation easement, to reducing the property’s fair market value to reporting the total land book value the Virginia Department of Taxation. Finding of this project will become the foundation for phase II of this project.

During phase II, which will begin in October 2010, MPPDC staff will focus on the generating dialog and facilitating discussion amongst a variety of stakeholders on the relationship between land conservation, land use policy, and fiscal impacts to the localities. The quantitative results generated during Phase 1 will supplement and support the discussions during Phase 2 with hopes of developing a matrix of policy options and recommendations to address land conservation and its local fiscal impact.

PROJECT FINDINGS -

- The tax revenue impact of conservation easements is less than 0.54% of any given Middle Peninsula locality’s annual budget.
- Easements lower land value and help the composite index.
- Schools receive more state aid funding because of easements.
- Localities receive revenues from timbered lands on state forests.
- Working and other open land may generate less revenue than residential, commercial or industrial properties, but they require little public infrastructure and few services.
- Rural character is preserved through the conservation of open space, forestal, and agricultural lands that also support the region’s traditional natural resource based economy.
- Commissioners of Revenue are inconsistent when addressing conservation easements.
- Commissioners of Revenue have changed reporting practices because of this work.

**Appendix 1 - County Comprehensive Plan Language Relevant to land
conservation and preservation**

MIDDLESEX County

County Wide:

-The citizens will continue to place high priority on maintaining the rural nature of the territory while accommodating desirable new development. (pg. 17)

-The rural nature of the County, which combines watercourses, forests, and fields, provides ideal circumstances for quality wildlife habitats and biological diversity (pg. 55)

-to preserve agricultural/open space land or release it to unrestrained development. Agriculture is a land use activity which has supported Middlesex economically for generations. Furthermore, it may be even more important to recognize that agricultural lands are a major element of the open space which defines the rural nature of the County. This particularly visible component of the country scene contributes directly to the quality of life and satisfaction its residents enjoy.(pg.104)

-First, highest priority must be placed on the preservation of the rural character of the County. As defined, the rural character includes natural and open spaces between concentrations of activities. (pg. 105)

-the County should adopt and or promote additional methods of land conservation.(pg. 123)

-Enhance the rural and environmental character of the County through the preservation of agricultural and forestall lands, wetlands, flood hazard areas, and Chesapeake Bay Resource Protection Areas (pg. 136)

Within the Dragon Run Watershed:

-Low intensity land uses that are consistent with the conservation of the area's natural resources should be the dominant land uses in the Watershed and new development should be compatible with surrounding rural areas as well as incorporate development standards and management practices that ensure protection of the area's natural resources (pg.111)

*- The County should consider implementation strategies that preserve existing land uses and protect the natural resources in the Watershed such as conservation zoning and subdivision approaches, additional stream buffers and setbacks, the purchase of development rights, donation of private **easements**, landowner compacts, and land use taxation (pg. 112)*

-The County should protect the key natural resources in the Watershed, including the ground and surface water quality, wetlands, and sensitive environmental features; native plant and animal species and their natural habitats; and the productive soils that support farming and forestry uses. (pg.112)



GLOUCESTER County

-To protect the unique character and identity of Gloucester County careful management of the natural resources (pg. 17)

-To project and enhance the environmental quality and the Chesapeake Bay for present and future residents (pg. 17)

-To conserve and manage Gloucester's natural resources and community assets. Objectives: (3)to conserve prime agricultural and forested land sand guide residential, commercial and industrial development to areas suitable for urban growth, (4) to cooperate and actively work with local, regional, state, and federal environmental agencies to implement safe and effective programs and policies to protect Gloucester's natural resources and (5) to update and revise local ordinances as needed in order to protect and enhance the County's natural resources (pg.20)

- To place high priority on selective acquisition, preservation, and recreational uses of areas with natural resources.(pg. 21)

-special emphasis should be placed on the preservation of natural resources, sensitive natural areas, and waterfront areas (pg. 45)

-To protect our wetlands and natural resources from unnecessary destruction due to increased drainage, filling or construction that would hamper vegetation, water storage, erosion control, or support for plant and wildlife (pg. 71)

- balance population growth with the ability or capacity of the County to provide adequate public facilities and services while maintaining the rural nature and quality of the County. inherent to the quality of life in Gloucester county is its abundant natural environmental assets including an extensive shoreline, broad estuarine rives, forested areas, rural landscapes and waterfront vistas. (Appendix B- pg.3)

-Protect open space and groundwater recharge areas through use of existing ordinances, development and implementation of an open space plan, consideration of conservation subdivisions and incentives for open space preservation through the land use tax assessment program. (Appendix B- pg. 69)

-Use existing land use regulations and incentives to protect existing habitat for wildlife and preserve potential habitat areas for future use to preserve biodiversity in technologies and protect the County's recreation opportunities for hunting, fishing and wildlife observation. (Appendix B – pg. 71)

-Prepare a Countywide open space inventory and evaluation as baseline for an open space plan. The concept of the plan would be to evaluate as baseline for an open space plan. The concept of the plan would be to evaluate existing open space resources and provide the basis for to develop future County goals for preservation of environmentally sensitive lands and planning for the sustainable development use of the County's existing land resources consistent with the County's growth management goals. Preserve and protect open space resources as ground water recharge areas and to reduce non-point source pollution. (Appendix B – pg. 71)



ESSEX County

- Conserve farmland, forested areas, open space and rural character (pg. 71)

-Protect and enhance the natural resources and environmental quality of the County through measures which protect the County's natural resources and environmentally sensitive lands and waters (pg. 74):

- *Conserve forest resources while supporting the timber harvesting industry as an important component of the County economy*
- *Protect the important natural function of floodplains within the County by limiting disturbances caused by development activity*
- *Protect important plant and wildlife habitats within the county*
- *Coordinate environmental quality protection efforts with future opportunities to establish public parks, natural recreation areas, and open spaces*

-Protect the land resources necessary to support the County's agricultural and timber harvesting industries and maintain and enhance its rural character (pg. 78):

- *Preserve the land base of productive agricultural soils in rural areas for a farming*
- *Manage and maintaining forestland resources in the County*
- *Minimize the conflicts which can occur between farm activities and residential development. Establish provisions in the Zone Ordinance which support the farmers "right to farm" in the Agricultural Preservation and country-side plan districts*
- *Encourage the implementation of soil conservation and water quality management plans, nutrient management plans and integrated pest management on all farms in the county*

-Preserve and enhance the County's rich cultural and historic heritage (ie. significant and important historic sites, properties, and structures) (pg. 79)

-Two guiding objectives of the Essex County Land Use Plan are the preservation of the County's rural character and protection of its natural resources. (pg. 87)

-The County's natural environment, its wildlife, steep slopes, masses of forest cover, riverfront and tributaries all literally define the county. As such they reflect the character and culture of the County. (pg. 118)



KING WILLIAM County

- The preservation and protection of the County's forests are of prime concern based on survey responses and comments made by citizens at public meetings. (pg. II-9)*
- To minimize the reduction of vegetative cover caused by development (pg. VIII-4)*
- To preserve the large forested areas of the County (pg. VIII-5)*
- To maintain and preserve rural, agricultural, environmental and historic qualities of the County (pg. VIII-5)*
- To ensure that sound land use and development practices are employed and guide future development in an efficient and serviceable manner which is protective of King William County's predominantly rural and ecologically sensitive character. (pg. VIII-5)*
- To ensure the continuation of forestry as an industry and the preservation and establishment of woodlands for their aesthetic and ecological value. (pg. VIII-10)*
- Support programs and efforts to protect the County's prime agricultural lands from conversion to non-compatible land uses (pg. VIII-10)*
- Evaluate alternative tax structures such as land use taxation as tools to promote agricultural land preservation. (pg. VIII-11)*
- Support programs and efforts to promote woodlands as one of the best preventions of soil and pollutants from entering the Bay. (pg. VIII-11)*
- Support programs and efforts to preserve woodlands. (pg. VIII-11)*
- Establish incentives which encourage sensitive areas to be avoided while preserving the owner's development rights of the property. Some tools that may be pursued include cluster development, protective **easements**, and limited density transfers.(pg. VIII-23)*
- To protect natural wetlands and habitat areas and other environmentally-sensitive areas from loss or degradation as a result of development.(pg. VIII-27)*
- To ensure that critical and unique environmental areas are protected and preserved for the general welfare of King William County citizens and marine and wildlife populations, and the enjoyment of visitors (pg. VIII-27)*
- Study incentives to encourage conservation **easements**. (pg. VIII-28)*



KING & QUEEN County

Countywide:

*-Rural Atmosphere: It is the general policy of the County to maintain and preserve the rural atmosphere and scenic beauty of the County while allowing moderate and carefully managed growth. The preservation of existing agricultural and forest lands by protecting them from excessive fragmentation, development, and incompatible uses is essential, as is innovative and attractive design and thoughtful placement of both residential and commercial development. Cluster housing, village development, open space requirements, attractive landscaping, vegetative buffers, conservation **easements**, and effective outdoor lighting and sign policy are among the tools and concepts which can make this possible. Preservation of the rural atmosphere and beauty was a major theme of both the citizen survey responses and the citizen committee reports. (pg. 2)*

- Continuation of land uses customarily associated with farming and forestry is to be permitted and encouraged in these areas. (pg.3)

*- The use of conservation or similar **easements** to preserve open spaces and limit fragmentation is encouraged. Land use taxation or a program for purchase of development rights would be helpful in preserving farm and forest land if economically feasible, and should be investigated.(pg.3)*

- This [Cluster and Planned Unit Development] method of development enables the owner of a large tract of agricultural or woodland to use only part of the land for development as residential lots while preserving the majority of the land for agriculture, woodland, or conservation areas. (pg.6)

Within the Dragon Run Watershed

-Adoption of Dragon Run Special Area Management Plan (Appendix C)

-The Mission of the Plan is to support and promote community-based efforts to preserve the cultural, historic and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed (Appendix A – pg. 13)

*-A variety of tools (ie. Conservation **easements**, PDR, Agricultural and Forestall Districts, etc) exist with which to preserve forest and farmland (Figure 3) and unique natural resources within the Dragon Run watershed. (Appendix C - pg. 18)*



MATHEWS County

-Committed leadership to managing future growth and development in a way that balances development, jobs, revenues, and public services while sustaining the rural character and special natural features of Mathews County (pg. 2)

-Increased conservation and management of large tract agriculture and forests (pg. 4)

-Preserve and protect the natural environment and resources of Mathews County, which are fundamental to the community's quality of life and prosperity. (pg. 7)

- Environmental conservation - wetlands, forests, water, soils, etc.; rising sea levels (pg. 14)

-Encourage grouped development for new housing subdivisions to preserve open space and the environment.

-Of particular importance worthy of greater conservation efforts are the maritime forests of Mathews County. These forests are important coastal habitats that are now challenged by climate change and rising sea levels (pg. 104)

*- Protect the environment by promoting and encouraging the use of best management practices and riparian buffers in agriculture and forestal operations. Promote environmental stewardship among landowners and operators by actively working with them in educational efforts and incentive or recognition programs. Tie reduced land use taxation to use of effective environmental practices. Encourage landowners to consider conservation **easements** for their properties. (pg. 144)*

-Where possible, conservation measures should be employed to protect natural communities and prevent investment losses in the future. (pg. 146)

*-In addition, Mathews County supports preservation of land through conservation or open-space **easements** (pg.151)*

-Rural Preservation/Conservation areas include public open space, natural preserves, and areas that should have carefully managed development or be conserved because of special ecosystems or natural conditions. (pg. 156)

-Amend the County Zoning Ordinance to increase lot sizes for rural agriculture and forested lands. Consider using agricultural and forestal districts to preserve the lands for production. (pg. 208)



**Appendix 2 – Cumulative List of Conservation Easements and Tax-exempt
Land Holdings within each Middle Peninsula County**

Middlesex County *(through September 2010)*

Conservation Easements		
Tax Map Number	Easement Holder	Acres
6 12	The Nature Conservancy	325.611
6 15	The Nature Conservancy	30
6 56	The Nature Conservancy	134
11 1	The Nature Conservancy	45.1
11 2	The Nature Conservancy	141.1
11 2A	The Nature Conservancy	5.8
11 29A	Virginia Outdoors Foundation-Friends of Dragon Run	203
13 6 1	Middle Peninsula Land Trust	30.91
13 6 2	Middle Peninsula Land Trust	6.8
13 6 3	Middle Peninsula Land Trust	9.6
13 6 4	Middle Peninsula Land Trust	8.9
13 6 5	Middle Peninsula Land Trust	8.5
13 6 6	Middle Peninsula Land Trust	11.5
17 53	Friends of Dragon Run	6.38
17 54	Chesapeake Bay Foundation	32.4
25 4	The Nature Conservancy	1052.87
26 75	Virginia Outdoors Foundation	399
27 63	Virginia Outdoors Foundation	171.187
27 71A	Virginia Outdoors Foundation	95.8311
29 135	Middle Peninsula Land Trust /VOF	399.79
30 128	Virginia Outdoors Foundation	37.9
30 52, 50, 51 and 47	Virginia Outdoors Foundation	32.3
35 3 and 35 3A	Virginia Outdoors Foundation	202
37 39	Middle Peninsula Land Trust	120.47
37 60	Virginia Outdoors Foundation	727.608
40 8C	Middle Peninsula Land Trust	52.38
Tax-exempt Land Holdings <i>(lands held without easement)</i>		
Tax Map Number	Holder	Acres
17 7	The Nature Conservancy	110
17 8	The Nature Conservancy	222.57
17 9	The Nature Conservancy	57.64
17 10	The Nature Conservancy	71.05
17 10B	The Nature Conservancy	186.055
17 51	The Nature Conservancy	42
42 2	The Nature Conservancy	70.1

Gloucester County *(through September 2010)*

Conservation Easements		
Tax Map Number	Easement Holder	Acres
19F(1)-A	Gloucester County - Pinebrook	2.79
19F(1)-B	Gloucester County - Pinebrook	3
19F(1)-C	Gloucester County - Pinebrook	15.28
19F(1)-D	Gloucester County - Pinebrook	58.39
19F(1)-E	Gloucester County - Pinebrook	0.31
19F(1)-F	Gloucester County - Pinebrook	7.21
19F(1)-G	Gloucester County - Pinebrook	1.28
19F(1)-H	Gloucester County - Pinebrook	47.64
19F(1)-I	Gloucester County - Pinebrook	2.68
19F(1)-J	Gloucester County - Pinebrook	3.21
19F(1)-K	Gloucester County - Pinebrook	8.8
19F(1)-L	Gloucester County - Pinebrook	0.33
19F(1)-M	Gloucester County - Pinebrook	12.29
19F(1)-N	Gloucester County - Pinebrook	1.8
19F(1)-O	Gloucester County - Pinebrook	8.11
19F(1)-p	Gloucester County - Pinebrook	1.06
19F(1)-Q	Gloucester County - Pinebrook	1.69
26(D)1-A	Gloucester County - Patriots Walk Preservation	4.82
26(D)1-B	Gloucester County - Patriots Walk Preservation	4.67
26(D)1-C	Gloucester County - Patriots Walk Preservation	16.7
26(D)1-D	Gloucester County - Patriots Walk Preservation	21.11
26(D)1-E	Gloucester County - Patriots Walk Preservation	2.77
26(D)1-F	Gloucester County - Patriots Walk Preservation	4.13
26(D)1-G	Gloucester County - Patriots Walk Preservation	4.24
26(D)1-H	Gloucester County - Patriots Walk Preservation	1.1
26(D)1-I	Gloucester County - Patriots Walk Preservation	6.07
26(D)1-J	Gloucester County - Patriots Walk Preservation	16.23
26(D)1-K	Gloucester County - Patriots Walk Preservation	108.66
26(D)1-L	Gloucester County - Patriots Walk Preservation	5.86
26(D)1-M	Gloucester County - Patriots Walk Preservation	25.44
26-96	Middle Peninsula Land Trust	10.983
26-96A	Middle Peninsula Land Trust	4.17
26-96B	Middle Peninsula Land Trust	6.84
32 92A	Virginia Outdoors Foundation	2.33
33 240	Virginia Outdoors Foundation	3.33
33 241	Virginia Outdoors Foundation	7.38
33 243	Virginia Outdoors Foundation	342.57
37-32	Virginia Outdoors Foundation	23.57
37-32A	Virginia Outdoors Foundation	1.03
37H(1)-5	Virginia Outdoors Foundation	5.07
37H(1)-6	Virginia Outdoors Foundation	5.07
37H(2)10	Virginia Outdoors Foundation	3
37H(2)9	Virginia Outdoors Foundation	5.18
40 46	Middle Peninsula Land Trust	37.24
40 48	Middle Peninsula Land Trust	28.35

40 49	Middle Peninsula Land Trust	2
40 51	Middle Peninsula Land Trust	0.25
40 52	Middle Peninsula Land Trust	5
40 53	Middle Peninsula Land Trust	2
40 54	Middle Peninsula Land Trust	3.37
40-43	Middle Peninsula Land Trust	3
40-48A	Middle Peninsula Land Trust	62.73
40-55	Middle Peninsula Land Trust	1.91
44-14	Virginia Outdoors Foundation	15.42
44-8D	Virginia Outdoors Foundation	5.52
44-9	Virginia Outdoors Foundation	4.04
53 63	Virginia Outdoors Foundation	15.34
53 63A	Virginia Outdoors Foundation	5.66
Tax-exempt Land Holdings (<i>lands held without easement</i>)		
Tax Map Number	Holder	Acres
17 32	Gloucester County - Beaver Dam Reservoir	1472.14
38 87	Department of Conservation and Recreation	173.3
38 87A	Department of Conservation and Recreation	97.59
44 3	Department of Conservation and Recreation	159.92
45 515	Gloucester County- Woodville park	100
45 65; -64 and 44 90; -89; -88; -87	College of William & Mary - CATLETTS ISLAND	1033
46 128	Middle Peninsula Chesapeake Bay Public Access Authority	14
53 258	Virginia Institute of Marine Science (Oak Island)	30
54 2	The Nature Conservancy	194.25

Essex County *(through September 2010)*

Conservation Easements		
Tax Map Number	Easement Holder	Acres
1-1 (portion)	Virginia Outdoors Foundation	1809.46
3-30	Virginia Outdoors Foundation	90.6
4-1F	Virginia Outdoors Foundation	54.26
4-2	Virginia Outdoors Foundation	1402.3
4-2A	Virginia Outdoors Foundation	133.3
4-2B	Virginia Outdoors Foundation	165.02
4-2C	Virginia Outdoors Foundation	92.15
4-2D	Virginia Outdoors Foundation	301
4-2E	Virginia Outdoors Foundation	5
4-2F	Virginia Outdoors Foundation	110
4-2G	Virginia Outdoors Foundation	852
4-2H	Virginia Outdoors Foundation	10.092
4-3	Virginia Outdoors Foundation	954.02
4-3 (portion)	Virginia Outdoors Foundation	0
6-1F	Department of Historic Resources	46.89
9-38	Virginia Outdoors Foundation	57.5
9-40	Virginia Outdoors Foundation	19.33
9-46	Virginia Outdoors Foundation	57.5
9-28	Virginia Outdoors Foundation	59.22
10-17	Virginia Outdoors Foundation	0.52
11-17	Virginia Outdoors Foundation	173.58
12-1	Virginia Outdoors Foundation	249.76
12-1A	Virginia Outdoors Foundation	65.3
12-1-E	Virginia Outdoors Foundation	449.497
12-1-E (portion)	Virginia Outdoors Foundation	0
12-1-E (portion)	Virginia Outdoors Foundation	0
12-1-E (portion)	Department of Historic Resources	0
12-25A	Department of Historic Resources	2.614
12-25B	Department of Historic Resources	60.503
13-1C (portion)	Virginia Outdoors Foundation	98
13-1D	Virginia Outdoors Foundation	31.5
13-1E	Virginia Outdoors Foundation	76.09
13-11	Virginia Outdoors Foundation	148.25
13-18	Virginia Outdoors Foundation	278.838
13-28	Virginia Outdoors Foundation	261.85
14-1 (portion)	Virginia Outdoors Foundation	911.4
14-1A	Virginia Outdoors Foundation	393
14-1B	Virginia Outdoors Foundation	84.3
14-1C	Virginia Outdoors Foundation	80.9
14-1D (portion)	Virginia Outdoors Foundation	42
14-1E	Virginia Outdoors Foundation	249
14-3	Virginia Outdoors Foundation	419.2
14-4	The Nature Conservancy	208.5
14-4A	The Nature Conservancy	12.5
17-30	Virginia Outdoors Foundation	173.5

18-9	Virginia Outdoors Foundation	189
19-1	Virginia Outdoors Foundation	129
19-2	Virginia Outdoors Foundation	548.132
19-2A	Virginia Outdoors Foundation	123.5
19-79	Virginia Outdoors Foundation	76.67
19-80	Virginia Outdoors Foundation	136.7
20-3	Virginia Outdoors Foundation	454.79
20-3C	Virginia Outdoors Foundation	9.4
20-5 (portion)	The Nature Conservancy	177.5
42-16	Virginia Outdoors Foundation	56.43
42-17	Virginia Outdoors Foundation	37.7
42-21	Virginia Outdoors Foundation	41.25
42-22	Virginia Outdoors Foundation	20
42-34	Virginia Outdoors Foundation	269.6
43-6	Department of Historic Resources	95.095
43-11A	Virginia Outdoors Foundation	53.5
48-1	Middle Peninsula Land Trust	51.694
55-1-1	Friends of Dragon Run	32.02
57-3	Virginia Outdoors Foundation	46.54
61-26	US Fish and Wildlife Service	117
61-5	US Fish and Wildlife Service	101
63-2	The Nature Conservancy	35.23
63-3	The Nature Conservancy	26.18
63-5	The Nature Conservancy	342
63-6	The Nature Conservancy	16.95
Tax-exempt Land Holdings (<i>lands held without easement</i>)		
Tax Map Number	Holder	Acres
31-5	US Fish and Wildlife Service	7.545
31-61	US Fish and Wildlife Service	719.8
37-168	US Fish and Wildlife Service	244.57
37G-1-12	US Fish and Wildlife Service	1.273
37G-1-13	US Fish and Wildlife Service	1.473
37G-1-14	US Fish and Wildlife Service	1.323
59 1	Middle Peninsula Chesapeake Bay Public Access Authority	65.6
59 1B	Department of Forestry	128.6

King William County *(through September 2010)*

Conservation Easements		
Tax Map Number	Easement Holder	Acres
52 7, 52 8, 52 9; 52 67	Virginia Outdoors Foundation	907.3
1 2	Virginia Outdoors Foundation	1070
12 24A	Virginia Outdoors Foundation	151.95
12 24G	Virginia Outdoors Foundation	10
12 24H	Virginia Outdoors Foundation	68.9
12 27A	Virginia Outdoors Foundation	5
12 28	Virginia Outdoors Foundation	25
14 11 1	Virginia Outdoors Foundation	5
14 11 3	Virginia Outdoors Foundation	5.64
14 25 and 26	Virginia Outdoors Foundation	496.51
14 25A	Virginia Outdoors Foundation	12.28
14 26A	Virginia Outdoors Foundation	15
3 2A	The Nature Conservancy	72.5
30 22	Virginia Outdoors Foundation	136.96
34 18E	Virginia Outdoors Foundation	117.3
34 8	Virginia Outdoors Foundation	378.87
37 63	Middle Peninsula Land Trust/ Chesapeake Bay Foundation	1.63
44 129A; 52 15; 52 1A-6-22-67	Virginia Outdoors Foundation	1567.24
48 32, -32A, &11A	Department of Forestry	122.71
48 33 &33B	Department of Forestry	61.92
48 34A	Department of Forestry	4.84
48 4	Department of Forestry	408.64
48 4A	Department of Forestry	1.43
5 29E	Virginia Outdoors Foundation	488
52 1A	Virginia Outdoors Foundation	46.54
53 2	The Nature Conservancy	20.64
7 24	Department of Historic Resources	581.56
7 32 A	The Nature Conservancy	97.52
part of 32 4	Natural Resource Conservation Services	430
Tax-exempt Land Holdings <i>(lands held without easement)</i>		
Tax Map Number	Holder	Acres
15 2A	Department of Forestry - Zoars	51.5
15 6	Department of Forestry - Zoars	311.5
22 51	Department of Forestry (Zoar)	3.25
22 55	Department of Forestry (Zoar)	1
38 30	The Nature Conservancy	12.5
39 10	Department of Forestry	34.37
39 14	Department of Forestry	18.75
39 18	Department of Forestry	75
39 21	Department of Forestry/The Nature Conservancy	1090.02
39 21A	Department of Forestry	143.1
39 21B	Department of Forestry	300.9
39 7	Department of Forestry	412.9
39 9	Department of Forestry	20.3
47 42	Department of Forestry	155

King & Queen County *(through September 2010)*

Conservation Easements		
Tax Map Number	Easement Holder	Acres
1623-138L 1357	PHASE II_ The Nature Conservancy	210.5
1623-158L 765	PHASE II_ The Nature Conservancy	420
1623-158L 767	PHASE II_ The Nature Conservancy	77.75
1623-158L 771	PHASE II_ The Nature Conservancy	22.5
1623-158L 773A	PHASE II_ The Nature Conservancy	17
1623-159L 760A	PHASE II_ The Nature Conservancy	50
1623-159L 762	PHASE II_ The Nature Conservancy	91.5
1623-159L 813	PHASE II_ The Nature Conservancy	100
1623-159R 748A	PHASE II_ The Nature Conservancy	30.5
1623-159R 749	PHASE II_ The Nature Conservancy	209.25
1623-160R 706	PHASE II_ The Nature Conservancy	844.5
1623-160R 713	PHASE II_ The Nature Conservancy	12.25
1623-162L 921	PHASE II_ The Nature Conservancy	71.25
1623-162L 929	PHASE II_ The Nature Conservancy	177
1624-31L 7	PHASE II_ The Nature Conservancy	49.25
1624-31L 944	PHASE II_ The Nature Conservancy	198.75
1624-31L 961	PHASE II_ The Nature Conservancy	115.2
1624-32L 918	PHASE II_ The Nature Conservancy	58.5
1624-33L 1057	PHASE II_ The Nature Conservancy	53.5
1624-33L 1059	PHASE II_ The Nature Conservancy	23
1624-33R 809	PHASE II_ The Nature Conservancy	51.75
1624-33R 822	PHASE II_ The Nature Conservancy	68.5
1624-34L 349	PHASE II_ The Nature Conservancy	3,928.25
1624-34R 783	PHASE II_ The Nature Conservancy	151.5
1624-34R 789	PHASE II_ The Nature Conservancy	98
1624-34R 794	PHASE II_ The Nature Conservancy	102.5
1624-34R 795	PHASE II_ The Nature Conservancy	102.75
1624-35L 318A	PHASE II_ The Nature Conservancy	38.25
1624-35L 600	PHASE II_ The Nature Conservancy	624.75
1624-35L 608	PHASE II_ The Nature Conservancy	81.5
1624-35L 610	PHASE II_ The Nature Conservancy	86
1624-35R 616	PHASE II_ The Nature Conservancy	482.5
1624-35R 627	PHASE II_ The Nature Conservancy	103.5
1624-35R 628	PHASE II_ The Nature Conservancy	90
1624-35R 629	PHASE II_ The Nature Conservancy	102
1624-35R 630	PHASE II_ The Nature Conservancy	50
1624-35R 801A	PHASE II_ The Nature Conservancy	3.5
1624-50R 309	PHASE II_ The Nature Conservancy	223
1624-51R 404	PHASE II_ The Nature Conservancy	97.75
1624-51R 405	PHASE II_ The Nature Conservancy	267
1624-51R 411B	PHASE II_ The Nature Conservancy	45.75

1624-52R 547	PHASE II_ The Nature Conservancy	83.5
1624-52R 548	PHASE II_ The Nature Conservancy	25.5
1624-52R 570	PHASE II_ The Nature Conservancy	122
1624-52R 991	PHASE II_ The Nature Conservancy	242
1624-53L-72	PHASE II_ The Nature Conservancy	750
1624-53R 1000	PHASE II_ The Nature Conservancy	101.25
1624-53R 1016A	PHASE II_ The Nature Conservancy	29.5
1624-53R 547A	PHASE II_ The Nature Conservancy	48.75
1624-53R 571	PHASE II_ The Nature Conservancy	115.75
1624-53R 998	PHASE II_ The Nature Conservancy	30.25
1624-53R 999	PHASE II_ The Nature Conservancy	45
23-138L-1289	Virginia Outdoors Foundation	59.75
23-138L-1291A	Virginia Outdoors Foundation –Friends of Dragon Run	73.75
23-138L-1292	Virginia Outdoors Foundation	105.5
23-138R 1284	Virginia Outdoors Foundation –Friends of Dragon Run	47
23-138R-1281	<i>Transferred- current holder unknown</i>	251
23-139L-1302	Virginia Outdoors Foundation	54.75
23-159R-748	Virginia Outdoors Foundation	52.5
24-35R-625A	Virginia Outdoors Foundation	101
24-50L-470	Department of Game and Inland Fisheries	52
24-51L 473	Department of Game and Inland Fisheries	89.75
24-51L 475	Department of Game and Inland Fisheries	85.5
24-51L-441	Department of Game and Inland Fisheries	66.5
24-51L-441C	Department of Game and Inland Fisheries	16.75
24-51L-482A	Department of Game and Inland Fisheries	66
24-51L-489	Department of Game and Inland Fisheries	2.75
24-51L-490	Department of Game and Inland Fisheries	47
24-51L-491	Department of Game and Inland Fisheries	10
24-51L-492	Department of Game and Inland Fisheries	68
24-51L-493	Department of Game and Inland Fisheries	5.5
24-51L-494	Department of Game and Inland Fisheries	22
24-51L-495	Department of Game and Inland Fisheries	35.5
24-51L-496	Department of Game and Inland Fisheries	5
24-51L-497	Department of Game and Inland Fisheries	53.5
24-51L-498	Department of Game and Inland Fisheries	2
24-51R-372	Department of Game and Inland Fisheries	123.5
25-41R 175	Virginia Outdoors Foundation	123.25
25-41R-483	Department of Game and Inland Fisheries	369.5
25-41R-485A	Department of Game and Inland Fisheries	20
25-42L-207B	Virginia Outdoors Foundation	152.75
25-42L-313	Virginia Outdoors Foundation	192.5
25-42L-313A	Virginia Outdoors Foundation	20
25-42R-458	Department of Game and Inland Fisheries	151.5
25-44L-341	Middle Peninsula Land Trust	5.5
32-11R-244B	Virginia Outdoors Foundation	32.5

32-11R-527A	Virginia Outdoors Foundation	37.5
32-11R-528	Virginia Outdoors Foundation	35
32-11R-528A	Virginia Outdoors Foundation	21.25
32-12L-246B	Virginia Outdoors Foundation	3.5
32-12R-244	Virginia Outdoors Foundation	181.5
32-12R-245A	Virginia Outdoors Foundation	75
32-52R 145	The Nature Conservancy	50
32-58L 1060	Middle Peninsula Land Trust/Chesapeake Bay Foundation - Indian neck	113.5
32-76R-1160	<i>Transferred- current holder unknown</i>	32.75
32-76R-1161	<i>Transferred- current holder unknown</i>	35
32-76R-1162	Virginia Outdoors Foundation	156
32-76R-1162A	Virginia Outdoors Foundation	3
32-7R-1005	Virginia Outdoors Foundation	115
32-7R-1016	Virginia Outdoors Foundation	60
32-7R-1020	Virginia Outdoors Foundation	199
Tax-exempt Land Holdings (<i>lands held without easement</i>)		
Tax Map Number	Holder	Acres
23 133L 411	Department of Forestry	120
23 133L 412	Department of Forestry	200
23 137L 1247	Department of Forestry- Dragon Run State Forest	115.5
23 137L 1249	Department of Forestry- Dragon Run State Forest	45.2
23 137L 1360	Department of Forestry- Dragon Run State Forest	159.25
23 137R 1263	Virginia Institute of Marine Sciences	121.5
23 139L 1302A	Middle Peninsula Chesapeake Bay Public Access Authority	1
23 139L 1302A1	Middle Peninsula Chesapeake Bay Public Access Authority	1
23 159L 836	Department of Forestry	24.75
23 159L 841	Department of Forestry	130.5
23 160L 1313	Department of Forestry- Dragon Run State Forest	25.75
23 160L 1314	Department of Forestry- Dragon Run State Forest	20
23 160L 1315	Department of Forestry- Dragon Run State Forest	51.75
23 160L 1372	Department of Forestry- Dragon Run State Forest	43
23 161L 1321	Department of Forestry- Dragon Run State Forest	79.75
23 161L 1427	Department of Forestry- Dragon Run State Forest	861.25
23 161L 1437	Department of Forestry- Dragon Run State Forest	220
23 161L 1437A	Department of Forestry	16.75
23 161L 1467	Department of Forestry- Dragon Run State Forest	69.75
23 161L 1468D	Department of Forestry	10.25
23 161R 1296A	Department of Forestry- Dragon Run State Forest	1616.5
23 161R 1303	Department of Forestry- Dragon Run State Forest	790.5
23 162L 1436	Department of Forestry- Dragon Run State Forest	149.75
23 162R 1241	Department of Forestry- Dragon Run State Forest	402.25
23 162R 1244	Department of Forestry- Dragon Run State Forest	162.5

23 162R 1366	Department of Forestry- Dragon Run State Forest	182.5
23 162R 1377	Department of Forestry- Dragon Run State Forest	794.25
23 32L 933	The Nature Conservancy	104.5
23 32R 828	Department of Forestry	415.25
23 63L 1147C	The Nature Conservancy	51
23 63L 1147D	The Nature Conservancy	57.25
23-139L 1297	Virginia Outdoors Foundation - Middle Peninsula Chesapeake Bay Public Access Authority	232
23-139L 1302B	Middle Peninsula Chesapeake Bay Public Access Authority	212.11
23-157L-645	Middle Peninsula Chesapeake Bay Public Access Authority -Brown Tract	62.75
23-160L 861	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	17.5
23-160L 871	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	37.25
23-160L-1468C	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	40.5
23-160L-731	Department of Forestry- Dragon Run State Forest	42
23-160L-853	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	167
23-160L-854	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	273
23-160L-858	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	360.25
23-160L-860	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	14.75
23-63L 1138	Middle Peninsula Chesapeake Bay Public Access Authority	167.19
24 31R 1451	Department of Forestry- Dragon Run State Forest	142.5
24 31R 1452	Department of Forestry	23
24 31R 1453	Department of Forestry- Dragon Run State Forest	89
24 31R 1455	Department of Forestry- Dragon Run State Forest	279
24 31R 1457	Department of Forestry	23
24 31R 1459	Department of Forestry- Dragon Run State Forest	30
24 31R 1460	Department of Forestry- Dragon Run State Forest	91
24 31R 1462	Department of Forestry	10.5
24 31R 1463	Department of Forestry	9
24 31R 1465	Department of Forestry- Dragon Run State Forest	69
24 31R 1468A	Department of Forestry- Dragon Run State Forest	93.75
24 31R 944A	Department of Forestry	5
24 31R 961	Department of Forestry- Dragon Run State Forest	118
24 31R 969	Department of Forestry- Dragon Run State Forest	143.75
24 32R 1458A	Department of Forestry	20
24 32R 877	Department of Forestry	197.5

24 32R 933A	Department of Forestry	21
24 33R 827	Department of Forestry	37.5
24 32R 882	The Nature Conservancy	27.5
24 33L 576	The Nature Conservancy	67.25
24-32R 880	The Nature Conservancy	479
24-32R 916	The Nature Conservancy	537
24-32R -921	The Nature Conservancy	62
24-32R -924	The Nature Conservancy	12.5
24-32R -925	The Nature Conservancy	102
24-32R-863	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	700
24-32R-865	Department of Forestry- Dragon Run State Forest	2.75
24-32R-868	Virginia Outdoor Foundation- Department of Forestry- Dragon Run State Forest	85.5
24-33L -1062	The Nature Conservancy	210
24-33L-975	The Nature Conservancy	175
25 41R 484A	Department of Forestry	325
25- 41R 486	Department of Game and Inland Fisheries - Fish Hatchery	111.75
32-52X 137B	The Nature Conservancy	2

Mathews County *(through September 2010)*

Conservation Easements		
Tax Map Number	Easement Holder	Acres
24 A 112	Virginia Outdoors Foundation	36.25
24B 5 2	Virginia Outdoors Foundation	1.01
3 1 A	Middle Peninsula Land Trust	38.08
31 A 116B; 31 A 200	Middle Peninsula Land Trust	21
35 8 18	Middle Peninsula Land Trust /The Nature Conservancy	39.33
35 A 40	Virginia Outdoors Foundation	17.29
36 16 1	Middle Peninsula Land Trust /The Nature Conservancy	4.7
36 16 2	Middle Peninsula Land Trust /The Nature Conservancy	18.65
36 16 3	Middle Peninsula Land Trust /The Nature Conservancy	14.85
40 A 119	Middle Peninsula Land Trust /Chesapeake Bay Foundation	40
40 A 120	Middle Peninsula Land Trust /Chesapeake Bay Foundation	40
40 A 121	Middle Peninsula Land Trust /Chesapeake Bay Foundation	12.6
40 A 125	Middle Peninsula Land Trust /Chesapeake Bay Foundation	28
40 A 125A	Middle Peninsula Land Trust /Chesapeake Bay Foundation	6.7
40B 1 2	Middle Peninsula Land Trust /Chesapeake Bay Foundation	8.5
40B 1 3	Middle Peninsula Land Trust /Chesapeake Bay Foundation	3.7
40B 1 4	Middle Peninsula Land Trust /Chesapeake Bay Foundation	2.4
40B 1 5	Middle Peninsula Land Trust /Chesapeake Bay Foundation	1.6
43 A 42	Middle Peninsula Land Trust	9.6
43 A 43	Middle Peninsula Land Trust	14.94
Tax-exempt Land Holdings <i>(lands held without easement)</i>		
Tax Map Number	Holder	Acres
13 10 1	Mathews County Land Conservancy	8.1
31 A 167	Department of Conservation and Recreation - Bethel Beach	21.25
31 A 205	Department of Conservation and Recreation - Bethel Beach	43
31 A 207	Department of Conservation and Recreation - Bethel Beach	35.62
36 14 3	Middle Peninsula Land Trust	2.52
36 14 4	Middle Peninsula Land Trust	2.53
44 A 16	The Nature Conservancy	78.45
44 A 19	The Nature Conservancy	16.5
44 A 28; 44 A 30; 44 1 3; 44 A 9	The Nature Conservancy	35.28
44 A 28; 44 A 30; 44 1 3; 44 A 9	The Nature Conservancy	35.28
44B 6 5 65, to -68	The Nature Conservancy	3.25
44B 6 5 72	The Nature Conservancy	0.5
44B 6 5 72	The Nature Conservancy	0.5
44B 6 6 59 to -62	The Nature Conservancy	2
44B 6 8 100, -101, -102	The Nature Conservancy	3.25
44B 6 8 100, -101, -102	The Nature Conservancy	3.25
44B 6 A 1 A; 44 B 6 7 76, to -81 and -84 to -90, -91, -93, -94; 44B 6 6 66, -55, -54, -57, -58; 44B 610 127, -128, -130; 44B 6 9 120, - 119, -118, -106, -107, - 108, -115; 44B 611 135, to -139	The Nature Conservancy	10.25

44B 6 A 1 A; 44 B 6 7 76, to -81 and -84 to -90, -91, -93, -94; 44B 6 6 66, -55, -54, -57, -58; 44B 610 127, -128, -130; 44B 6 9 120, - 119, -118, -106, -107, - 108, -115; 44B 611 135, to -139	The Nature Conservancy	10.25
45 A 2; -3	Mathews County	50

Appendix 3 – Virginia Conservation Easement Act: Taxation Code

§ 10.1-1011. Taxation.

A. Where an easement held pursuant to this chapter or the Open-Space Land Act (§ [10.1-1700](#) et seq.) by its terms is perpetual, neither the interest of the holder of a conservation easement nor a third-party right of enforcement of such an easement shall be subject to state or local taxation nor shall the owner of the fee be taxed for the interest of the holder of the easement.

B. Assessments of the fee interest in land that is subject to a perpetual conservation easement held pursuant to this chapter or the Open-Space Land Act (§ [10.1-1700](#) et seq.) shall reflect the reduction in the fair market value of the land that results from the inability of the owner of the fee to use such property for uses terminated by the easement. To ensure that the owner of the fee is not taxed on the value of the interest of the holder of the easement, the fair market value of such land (i) shall be based only on uses of the land that are permitted under the terms of the easement and (ii) shall not include any value attributable to the uses or potential uses of the land that have been terminated by the easement.

C. Notwithstanding the provisions of subsection B, land which is (i) subject to a perpetual conservation easement held pursuant to this chapter or the Open-Space Land Act (§ [10.1-1700](#) et seq.), (ii) devoted to open-space use as defined in § [58.1-3230](#), and (iii) in any county, city or town which has provided for land use assessment and taxation of any class of land within its jurisdiction pursuant to § [58.1-3231](#) or § [58.1-3232](#), shall be assessed and taxed at the use value for open space, if the land otherwise qualifies for such assessment at the time the easement is dedicated. If an easement is in existence at the time the locality enacts land use assessment, the easement shall qualify for such assessment. Once the land with the easement qualifies for land use assessment, it shall continue to qualify so long as the locality has land use assessment.

(1988, cc. 720, 891; 1993, c. 390; 1998, c. [487](#).)

Appendix 4 – Tax-exempt Legislation

VIRGINIA CONSTITUTION, Article X

§ 6. Exempt property

(a) Except as otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes: (1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth or any political subdivision thereof exempt by law. (2) Real estate and personal property owned and exclusively occupied or used by churches or religious bodies for religious worship or for the residences of their ministers. (3) Private or public burying grounds or cemeteries, provided the same are not operated for profit. (4) Property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily used for literary, scientific, or educational purposes or purposes incidental thereto. This provision may also apply to leasehold interests in such property as may be provided by general law. (5) Intangible personal property, or any class or classes thereof, as may be exempted in whole or in part by general law. (6) Property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes, as may be provided by classification or designation by an ordinance adopted by the local governing body and subject to such restrictions and conditions as provided by general law. (7) Land subject to a perpetual easement permitting inundation by water as may be exempted in whole or in part by general law. (b) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate and personal property designed for continuous habitation owned by, and occupied as the sole dwelling of, persons not less than sixty-five years of age or persons permanently and totally disabled as established by general law who are deemed by the General Assembly to be bearing an extraordinary tax burden on said property in relation to their income and financial worth. (c) Except as to property of the Commonwealth, the General Assembly by general law may restrict or condition, in whole or in part, but not extend, any or all of the above exemptions. (d) The General Assembly may define as a separate subject of taxation any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth or for the purpose of transferring or storing solar energy, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation. (e) The General Assembly may define as a separate subject of taxation household goods, personal effects and tangible farm property and products, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation. (f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth. (g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments. (h) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of real estate whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement. (i) The General Assembly may by general law allow the governing body of any county, city, or town to exempt or partially exempt from taxation any generating equipment installed after December thirty-one, nineteen hundred seventy-four, for the purpose of converting from oil or natural gas to coal or to wood, wood bark, wood residue, or to any other alternate energy source for manufacturing, and any co-generation equipment installed since such date for use in manufacturing. (j) The General Assembly may by general law allow the governing body of any county, city, or town to have the option to exempt or partially exempt from taxation any business, occupational or professional license or any merchants' capital, or both.

CODE OF VIRGINIA

§ 58.1-3606. Property exempt from taxation by classification

A. Pursuant to the authority granted in Article X, Section 6 (a) (6) of the Constitution of Virginia to exempt property from taxation by classification, the following classes of real and personal property shall be exempt from taxation: 1. Property owned directly or indirectly by the Commonwealth, or any political subdivision thereof. 2. Buildings with land they actually occupy, and the furniture and furnishings therein owned by churches or religious bodies and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such building. 3. Nonprofit private or public burying grounds or cemeteries. 4. Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto and shall not apply to industrial schools which sell their products to other than their own employees or students. 5. Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit but exclusively as charities (which shall include hospitals operated by nonstock corporations not organized or conducted for profit but which may charge persons able to pay in whole or in part for their care and treatment). 6. Parks or playgrounds held by trustees for the perpetual use of the general public. 7. Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes. 8. Property of any nonprofit corporation organized to establish and maintain a museum. B. Property, belonging in one of the classes listed in subsection A of this section, which was exempt from taxation on July 1, 1971, shall continue to be exempt from taxation under the rules of statutory construction applicable to exempt property prior to such date.

§ 58.1-3607. Property exempt from taxation by designation

A. Pursuant to the authority granted in Article X, Section 6 (a) (6) of the Constitution of Virginia to exempt property from taxation by designation, and notwithstanding the provisions of § 30-19.04, the real and personal property of the following organizations, corporations and associations shall be exempt from taxation: 1. Property of the Association for the Preservation of Virginia Antiquities, the Association for the Preservation of Petersburg Antiquities, Historic Richmond Foundation, the Confederate Memorial Literary Society, the Mount Vernon Ladies' Association of the Union, the Virginia Historical Society, the Thomas Jefferson Memorial Foundation, Incorporated, the Patrick Henry Memorial Foundation, Incorporated, the Stonewall Jackson Memorial, Incorporated, George Washington's Fredericksburg Foundation, Home Demonstration Clubs, 4-H Clubs, the Future Farmers of America, Incorporated, the posts of the American Legion, posts of United Spanish War Veterans, branches of the Fleet Reserve Association, posts of Veterans of Foreign Wars, posts of the Disabled American Veterans, Veterans of World War I, USA, Incorporated, the Society of the Cincinnati in the State of Virginia, the Manassas Battlefield Confederate Park, Incorporated, the Robert E. Lee Memorial Foundation, Incorporated, the Virginia Division of the United Daughters of the Confederacy, the General Organization of the United Daughters of the Confederacy, the Memorial Foundation of the Germanna Colonies in Virginia, Incorporated, the Lynchburg Fine Arts Centers, Incorporated, Norfolk Historic Foundation, National Trust for Historic Preservation in the United States, Historic Alexandria Foundation, and the Lynchburg Historical Foundation. 2. Property of Colonial Williamsburg, Incorporated, used for museum, historical, municipal, benevolent or charitable purposes, as long as such corporation continues to be organized and operated not for profit. 3. Property owned by the Virginia Home (previously Virginia Home for

Incurables), incorporated by Chapter 533 of the Acts of Assembly of 1893-4, approved March 1, 1894. 4. The property owned by the Waterford Foundation, Incorporated, so long as it continues to be a nonprofit corporation to encourage and assist in restoration work in Waterford and to stimulate the revival of local arts and crafts. 5. Property of Historic Fredericksburg, Incorporated, and of the Clarke County Historical Association, used by such organizations for historical, benevolent or charitable purposes, as long as such corporation continues to be organized and operated not for profit.

6. Property of the Westmoreland Davis Foundation, Inc., so long as it continues to be a nonprofit corporation. 7. Property owned by the Women's Home Incorporated, in Arlington County and used for the rehabilitation of alcoholic women, so long as it continues to be operated not for profit. B. Property designated to be exempt from taxation in subsection A of this section which was exempt on July 1, 1971, shall continue to be exempt under the rules of statutory construction applicable to exempt property prior to such date.

§ 58.1-3609. Post-1971 property exempt from taxation by classification

A. The real and personal property of an organization classified in §§ 58.1-3610 through 58.1-3621 and used by such organization for a religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purpose as set forth in Article X, Section 6 (a) (6) of the Constitution of Virginia, the particular purpose for which such organization is classified being specifically set forth within each section, shall be exempt from taxation, so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization is classified. The real and personal property of an organization classified in § 58.1-3622 and used by such organization for charitable and benevolent purposes as set forth in Article X, Section 6 (a) (6) of the Constitution of Virginia shall be exempt from taxation so long as the local governing body in which the property is located passes a resolution approving such exemption and the organization satisfies the other requirements in this subsection. B. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

§ 58.1-3610. Volunteer fire departments and rescue squads

Volunteer fire departments and volunteer rescue squads which operate exclusively for the benefit of the general public without charge are hereby classified as charitable organizations.

§ 58.1-3611. Certain boys and girls clubs

Boys clubs affiliated with the Boys Clubs of America, Inc., and girls clubs affiliated with the Girls Club of America, Inc., are hereby classified as charitable organizations.

§ 58.1-3612. Auxiliaries of the Veterans of World War I

Auxiliaries of the Veterans of World War I, USA, Incorporated, are hereby classified as patriotic, historical and benevolent organizations.

§ 58.1-3613. Societies for the Prevention of Cruelty to Animals

Societies for the Prevention of Cruelty to Animals are hereby classified as charitable organizations.

§ 58.1-3614. Boy Scouts and Girl Scouts of America

The Boy Scouts of America, Girl Scouts of the United States of America, and their subsidiaries are hereby classified as charitable and benevolent organizations.

§ 58.1-3615. Home Demonstration Clubs, 4-H Clubs and Future Farmers of America, Inc

The Home Demonstration Clubs, 4-H Clubs, and the Future Farmers of America, Incorporated, are hereby classified as patriotic and benevolent organizations.

§ 58.1-3616. American National Red Cross

The American National Red Cross and local chapters thereof are hereby classified as charitable organizations.

§ 58.1-3617. Churches, religious associations or denominations

Any church, religious association or religious denomination operated exclusively on a nonprofit basis for charitable, religious or educational purposes is hereby classified as a religious and charitable organization. Notwithstanding § 58.1-3609, only property of such association or denomination used exclusively for charitable, religious or educational purposes shall be so exempt from taxation. Motor vehicles owned or leased by churches and used predominantly for church purposes, are hereby classified as property used by its owner for religious purposes. For purposes of this section, property of a church, religious association or religious denomination owned or leased in the name of a duly designated ecclesiastical officer or of a trustee shall be deemed to be owned by such church, association or denomination.

§ 58.1-3618. College alumni associations and foundations

Incorporated alumni associations operated exclusively on a nonprofit basis for the benefit of colleges or other institutions of learning located in Virginia, and incorporated charitable foundations conducted not for profit, the total income from which is used exclusively for literary, scientific or educational purposes, are hereby classified as charitable and cultural organizations.

§ 58.1-3619. The State Future Farmers of America, Future Homemakers of America and Future Business Leaders of America

A. The Future Farmers of America, the Future Homemakers of America, and local affiliates or subsidiaries thereof, located throughout the Commonwealth, are hereby classified as benevolent organizations. The tax exemption provided in this subsection shall be limited to the J. R. Thomas Camp, located in Chesterfield County and owned by the Future Farmers of America, the Future Homemakers of America and the local affiliates or subsidiaries thereof. B. The Future Business Leaders of America, the Future Homemakers of America, and local affiliates or subsidiaries thereof, located throughout the Commonwealth, are hereby classified as benevolent organizations. Except as otherwise may be provided by this article, the tax exemption provided herein shall be limited to property owned by either the Future Business Leaders of America or the Future Homemakers of America which is located in Fairfax County.

§ 58.1-3621. Farm club associations

Incorporated associations operated for the purpose of sponsoring and operating a county fair for the display of agricultural products, the display and grading of farm animals and the enjoyment of the general public in Virginia are hereby classified as charitable associations.

§ 58.1-3622. Habitat for Humanity and local affiliates or subsidiaries thereof

Habitat for Humanity and local affiliates or subsidiaries thereof are hereby classified as charitable and benevolent organizations.

§ 58.1-3650. Post-1971 property exempt from taxation by designation

A. The real and personal property of an organization designated by a section within this article and used by such organization exclusively for a religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purpose as set forth in Article X, Section 6 (a) (6) of the Constitution of Virginia, the particular purpose for which such organization is classified being specifically set forth within each section, shall be exempt from taxation so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization is classified. In addition, such exemption may be revoked in accordance with the provisions of § 58.1-3605. B. Exemptions of property from taxation under this article shall be strictly construed in accordance with the provisions of Article X, Section 6 (f) of the Constitution of Virginia.

§§ 58.1-3650.1 through 58.1-3650.1000

NOTE: These sections, which exempt various individually designated properties from taxation, are not set out.

§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003 [as amended; 2004]

A. Pursuant to subsection 6 (a) (6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town where the real property is located. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property. The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption. Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to § 501 (c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;
5. Whether the organization provides services for the common good of the public;
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
7. The revenue impact to the locality and its taxpayers of exempting the property; and
8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in

the county, city, or town. The public hearing shall not be held until at least five days after the notice is published in the newspaper.

D. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ 58.1-3606 et seq.), 3 (§ 58.1-3609 et seq.) or 4 (§ 58.1-3650 et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ 58.1-3650 et seq.) of this chapter may be revoked in accordance with the provisions of § 58.1-3605.

**Appendix 5 - Middle Peninsula Chesapeake Bay Public Access Authority
(MPCBPAA) Enabling Legislation: Tax Liability**

§ 15.2-6617. Taxation.

The exercise of the powers granted by this act shall in all respects be presumed to be for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their health, safety, welfare, convenience and prosperity, and as the operation and maintenance of any project that the Authority is authorized to undertake will constitute the performance of an essential governmental function, the Authority shall not be required to pay any taxes or assessments upon any facilities acquired and constructed by it under the provisions of this act and the bonds issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any political subdivision thereof. Persons, firms, partnerships, associations, corporations, and organizations leasing property of the Authority or doing business on property of the Authority shall be subject to and liable for payment of all applicable taxes of the political subdivision in which such leased property lies or in which business is conducted including, but not limited to, any leasehold tax on real property and taxes on hotel and motel rooms, taxes on the sale of tobacco products, taxes on the sale of meals and beverages, privilege taxes and local general retail sales and use taxes, taxes to be paid on licenses in respect to any business, profession, vocation or calling, and taxes upon consumers of gas, electricity, telephone, and other public utility services.