

# Travis County Land Conservation Program Guidelines

## Public Benefits of Conservation Easements

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

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

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

## Purpose

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

## Program Administration

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

## Protection of Travis County Investments

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

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

## Project Threshold Criteria

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

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

**Criterion 2: Is the conservation easement perpetual?**

**Criterion 3: Will Travis County hold, co-hold, or hold the contingent rights<sup>1</sup> of the conservation easement? If the County does not hold the easement, is the holder or co-holder a qualified organization?**

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

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

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

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

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

## Project Selection Criteria

### 1: Purpose (0-10 points)

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

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

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

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

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

### 3: Access for Educational and Scientific Research Purposes (0-15 points)

Travis County generally prefers to invest county dollars in conservation easements that provide opportunities for access to the land for educational or scientific research purposes consistent with the conservation values of the easement. Projects that provide greater access for these purposes and are perpetual are prioritized over projects that provide less access. The county

particularly values programs that provide access to youth, at-risk youth, and other populations that have limited opportunities to visit farms, ranches, and natural areas for educational and scientific research purposes.

**4: Cost Effectiveness (0-20 points)**

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

- Bargain sales
- Donations
- Financial participation by others

**5: Site Characteristics (0-20 points)**

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

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

**6: Uniqueness (0-10 points)**

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

**7: Development Threat (0-10 points)**

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

**SUMMARY OF PROJECT SELECTION CRITERIA SCORES**

Criterion 1: Purpose	0 – 10 points
Criterion 2: Consistency with Planning Priorities	0 – 15 points
Criterion 3: Education and Scientific Research	0 – 15 points
Criterion 4: Cost Effectiveness	0 – 20 points
Criterion 5: Site Characteristics	0 – 20 points
Criterion 6: Uniqueness	0 – 10 points
Criterion 7: Development Threat	<u>0 – 10 points</u>
	0 – 100 points

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