

DRAFT version 2

Land Conservation Trust Easement Policy

Land trust conservation easements requesting and potentially involving commitment of county resources will be evaluated in compliance with this policy.

1. All proposed land conservation trust easements must be located in areas the county has identified as strategic conservation areas as defined in Jackson County Comprehensive Plan.
2. Land trust organizations involved in any easement requesting public funds must be accredited by Land Trust Alliance.
3. Transactions must comply with the following sections of the most recent version of "Land Trust Standards and Practices, Ethical and Technical Guidelines for the Responsible Operation of a Land Trust," The Land Trust Alliance.¹
 - a. Standard 4, Conflicts of Interest Part C.
 - b. Standard 8, Evaluating and Selecting Conservation Projects
 - c. Standard 9, Ensuring Sound Transactions
 - d. Standard 10, Tax Benefits and Appraisals
 - e. Standard 11, Conservation Easement Stewardship
 - f. Standard 12, Fee Land Stewardship

When county policy applies stricter criteria than the referenced criteria, the county policy will apply.

In addition to Standard 10.C.4, the county will decline to participate financially in any transaction with an appraisal or pre-negotiated sales price greater than 1.5 times to most recent tax appraisal if the tax appraisal was completed less than 2 years prior. For tax appraisals over two years old the criteria for refusing to participate is 2 times the tax appraisal.

Copies of documentation indicating all referenced guidelines have been fulfilled will be provided to the county.

4. If grant funding will be pursued for any portion of the transaction, the county will be provided with a copy of the grant application early enough in the transaction process that the county could consider and recommend alternate methods of county participation other than financial.
5. County staff will offer opinion if proposed conservation easement is consistent with county goals and land use plan. This potentially involves input from multiple departments including but not limited to planning and recreation.
6. Beneficiaries:
 - a. Names of beneficiaries of the transaction must be provided. If beneficiaries include corporate entity(ies), corporate contact information will be provided. Names of CEO, president, all vice presidents and board of directors will be provided.

¹ The title of the referenced document could change over time. The intent is for transactions to comply with the Land Trust Alliances most up to date standards relating to transactions and the appropriate section. Staff shall review documents annually to verify the proper sections are referenced.

In addition, names of any regional (WNC including Jackson County) managers will be provided. Names of any managers who reside in or own property in Jackson County will be provided. L

- b. For non-corporate beneficiaries, name of owner(s) will be provided. Names of individuals associated with any LLC, trust or other entity recorded as current owner will be provided.
 - c. In both a and b above, information related to individuals will include name, primary address, phone number and PIN numbers for any property owned by the individual in Jackson County. Land ownership of people filling those positions that abuts the subject land trust or is located within 1 mile of the closest boundary of the potential conservation easement will be clearly identified as such.
7. Valuation: In addition to appraisals required by any organization as part of the land trust easement transaction, the county has the option to have its own independent appraisal performed on subject property.
8. Loss of future tax revenues will be given consideration as part of the contribution provided by the county. These revenues will be calculated as a growing perpetuity using the following formula:

$$\text{PV of Foregone Tax Revenue} = \frac{\text{Current annual tax revenue}}{(r - g)}$$

Where: r = Current 10 year US Treasury rate + 50 basis points

g = 1 percent (assumed annual growth rate in tax revenues)

Resulting amount will be considered part of any matching funds paid by county and will be subtracted from any match requested from county.

9. The named after transaction easement holder will be evaluated by county staff. Items to be considered include if the easement holder is reputable and capable of maintaining the property in perpetuity and enforcing legal restrictions on the land. County staff will provide opinion of the ability of the easement holder to fulfill easement requirements in perpetuity. If county is to be easement holder, cash payment to county equivalent to 2 times the PV calculated in number 8 will be made to offset expenses related to maintenance and enforcement of the easement. Those funds would be held in a separate account and used for the necessary maintenance.

10. *Any other steps necessary?*

All items shall be addressed and report addressing the proposed trust agreement will be provided to County Manager. County Manager shall review the report for completeness, verify all required items have been addressed and have staff address any issues outstanding requirements. Once staff has addressed any edits suggested by County Manager, final report will be provided to Board of Commissioners. At a minimum, said report will address all issues related to the above policy. Other supporting documentation may be beneficial.

Board of Commissioners shall review report and schedule public hearing. At next regular Board of Commissioners meeting held at least one week after the public hearing, the Board of Commissioners will take action related to approving or not approving the subject land trust agreement.