



## QUESTIONS and ANSWERS

# Conservation Reserve Fund

Town of Essex

May 8, 2018

### 1) **What is the purpose of the Conservation Reserve Fund?**

The purpose of the Conservation Reserve Fund is to further the permanent protection of land in Essex for the public good. Section II of the Conservation Reserve Fund Policy identifies specific resources that the fund should be used to protect.

### 2) **Where can I see the Conservation Reserve Fund Policy?**

The policy is attached to this Q&A sheet. It is also available on the Town website, [www.essex.org](http://www.essex.org). Click on “Local Government” → “Boards & Committees” → “Conservation & Trails Committee.” Paper copies of the policy are available in the Community Development Office and the Manager’s Office at the Town Offices, 81 Main St., Essex Junction.

### 3) **Why do we need a Conservation Reserve Fund?**

The Conservation Reserve Fund can support landowners who want to protect natural and scenic resources valued by the community. The idea of a conservation fund in Essex dates back to at least 1990, when a Natural Resources/Open Lands Preservation Fund was proposed based on recommendations in the 1989 *Essex Open Lands Study*. The community has indicated a continued desire in recent years for an open land preservation fund: through the 2014 Heart & Soul of Essex project; the 2016 Town Plan; the 2016 Conservation Fund survey; and at Conservation and Trails Committee meetings and Selectboard meetings.

### 4) **Can I donate to the Fund?**

Yes! Section III of the Conservation Reserve Fund Policy specifies what types of contributions the fund can accept, including voluntary donations, which are tax-deductible. Contact the Town Clerks’ office at 81 Main St. or (802) 879-0413 to make a donation.

### 5) **In what ways can money from the Conservation Reserve Fund be used?**

Section IV of the Conservation Reserve Fund Policy specifies ways that money could be allocated. One key use of the fund is to cover a critical financial gap for landowners who want to donate land or conservation easements, but don’t have money for legal and stewardship fees involved in conservation projects. Once the fund accumulates over time, it could also be used to purchase land or easements for conservation or trails, as well as for ongoing stewardship efforts.

### 6) **What is a conservation easement?**

Conserving land does not always mean giving or selling it to a land trust, the town, or the state. Using a conservation easement, landowners transfer the legal right to develop their land entities while retaining ownership and use of the property, such as for a residence, forestry, or agriculture. This also means that property taxes are still assessed on the land (though sometimes at a lower value than if they were still available for development), so it can be beneficial for both the landowner and the town budget while working towards conservation goals.

**7) Does more conserved land in town create pressure for taller buildings in developable parts of Essex, in order to accommodate denser residential development?**

Not necessarily. Zoning regulations determine how tall buildings can be constructed. Changing the zoning regulations to allow for taller buildings would require a lengthy process that would include public input before the Planning Commission and Selectboard, as well as analysis of whether infrastructure – water pressure, for instance – could accommodate increased heights.

**8) How much did my taxes go up because of the Conservation Reserve Fund?**

Town voters approved a separate appropriation of \$15,000 at the 2018 Town Meeting when they also voted to create the Conservation Reserve Fund. This raised FYE 2019 taxes by approximately \$0.0006 on the dollar, which amounts to roughly \$1.68 for the average property assessed at \$280,000. Subsequent tax allocations for the Conservation Reserve Fund may be presented as a separate question, or included in the town budget proposal.

**9) What is the process to apply for money from the Conservation Reserve Fund?**

Section VI of the Conservation Reserve Fund Policy describes the project review process. Requests for funding must be submitted to the Selectboard, which must approve any expenditure from the Conservation Reserve Fund. The Conservation Reserve Fund Policy recommends that the Selectboard consult the Conservation and Trails Committee, and other boards, commission, departments, and residents. Before approving any use of the fund, the Selectboard must hold a duly-warned public hearing on the application.

**10) What are the criteria for evaluating applications?**

Funding requests are evaluated on a number of factors. Most importantly, a funding request should demonstrate the extent to which it will benefit the public good and specifically further protection of the resources listed in the Conservation Reserve Fund Policy. The Selectboard may also evaluate the amount of money requested against the amount available in the fund, any funding that might be leveraged in partnerships or grants, and competing needs for money from the Conservation Reserve Fund at present or in the future.

**11) Whom can I ask for more information about the Conservation Reserve Fund?**

You can contact Town Planner Darren Schibler by visiting the Community Development Office at 81 Main St., or by calling 802-878-1343 or emailing [dschibler@essex.org](mailto:dschibler@essex.org).

# **Town of Essex Conservation Reserve Fund Policy**

*Adopted by the Essex Selectboard January 2, 2018*

## **I. PURPOSE**

- (A) The Conservation Reserve Fund shall be used to further the permanent protection of land for the public good, particularly those parcels or portions thereof that prevent sprawl and contain or have the potential to support the resources identified below in Section II as particularly valuable to the Town. The Fund shall be adopted and administered by the Selectboard in accordance with 24 V.S.A. § 2804.

## **II. RESOURCES**

- (A) When considering proposals to use money from the Conservation Reserve Fund, the Selectboard shall ensure that the money will be used in furtherance of the conservation of land that contains or has the potential to support one of the following resources:

- |   |   |
|---|---|
| (1) Surface waters, including lakes, ponds, rivers, and streams | (6) Wetlands                            |
| (2) Wildlife habitat  | (7) Scenic views                        |
| (3) Public trails   | (8) Prevention of suburban/urban sprawl |
| (4) Neighborhood parks/green space                              | (9) Agriculture                         |
| (5) Floodplain areas  | (10) Forestry                           |
|   | (11) Historic features                  |

- (B) The Conservation and Trails Committee should undertake a survey of Town residents every five years for feedback on which resources the Conservation Fund should be used to protect. Following the survey, the Committee should produce a list of resources that may warrant Conservation Reserve Fund expenditures ("List").
- (C) The Selectboard may add or remove items to/from the List, at its discretion or upon a recommendation from the Conservation and Trails Committee.

## **III. CONTRIBUTIONS TO THE FUND**

- (A) Contributions to the Conservation Reserve Fund may be made through the following means:

- (1) An appropriation approved by voters at a town-wide meeting;
- (2) A line item transfer from the operating budget or general fund
- (3) A fund balance transfer
- (4) Voluntary contributions from residents or others;
- (5) Fund-raising activities organized by Town boards, commissions, or committees;
- (6) Grants from public or private sources;
- (7) Interest that accumulates on deposited funds.

#### **IV. USES**

The Fund may be used for the following purposes:

- (A) Grants to Essex landowners to help offset the legal costs of transferring permanently conserved land, permanent conservation easements, or multi-use non-motorized trail easements to the Town, an accredited land trust, a state or federal agency, or some other conservation organization; easements or conservation land required as a condition of Planning Commission development approvals shall not be eligible for Conservation Reserve Fund grants;
- (B) Matching funds or contributions to accredited land trusts, state or federal agencies, or other conservation organizations seeking to acquire land or easements for permanent conservation within the Town;
- (C) Purchases of land by the Town when the land will be permanently conserved for the public good;
- (D) Reimbursement for appraisals, surveys, or inventories of land that has been permanently conserved through one of the above methods, payable upon transfer of land or development rights;
- (E) Finance loans when a state, federal, or private foundation grant for a specific conservation project has been officially approved, but funds have not yet been received by the Town for the project;
- (F) Restoring a damaged natural resource on conserved or Town-owned land;
- (G) Preparing land management plans for conserved land;
- (H) Other land conservation opportunities deemed appropriate by the Selectboard.

## **V. ACCOUNT**

- (A) The Conservation Reserve Fund shall be held in an account separate from the General Fund per 24 V.S.A. § 2804.

## **VI. PROJECT REVIEW PROCESS**

- (A) Conservation Reserve Fund expenditures are within the discretion of the Selectboard. Proposals for the use of funds may be made in the form of Applications submitted by landowners and/or their agents. The Selectboard may also consider expenditures on its own initiative or on the recommendation of the Conservation and Trails Committee.
- (B) Applications for Conservation Reserve Fund monies shall be made to the Selectboard on an application form provided by the Town.
  - (1) The Conservation and Trails Committee, in conjunction with the Community Development Department, shall administer and maintain an application form for Conservation Reserve Fund requests.
- (C) The applicant shall submit a conservation plan map of the project to the Selectboard that shows the area(s) to be conserved.
- (D) The Selectboard should consult the Conservation and Trails Committee and may consult other Town boards, commissions, committees, departments, and residents when considering applications or other proposals. Comments from those parties shall be submitted to the Selectboard in writing and/or in person to help assess a project's suitability for Conservation Fund monies. Consideration should be given to the List when prioritizing Conservation Fund expenditures.
- (E) The Selectboard shall hold a duly-warned public hearing before approving any proposed use of the Fund, unless circumstances warrant an emergency hearing pursuant to 1 V.S.A. § 312(c)(3).

## **VII. CONFIDENTIALITY**

Nothing in this Policy shall be construed to limit the Selectboard's authority to protect confidentiality with regard to real estate transactions, and other protected matters, consistent with the Vermont's Open Meeting Law, 1 V.S.A. 310-314.