

## **Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands (HJR 692/SJR 401 - 2007)**

August 30, 2007

The Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands (HJR 692/SJR 401 - 2007) held its second meeting on August 30 at Algonkian Regional Park in Sterling.

The members of the Joint Subcommittee are: Senator Emmett W. Hanger, Jr. (Chairman); Senator John Watkins; Senator Mark R. Herring; Delegate Robert D. Orrock, Sr.; Delegate Thomas C. Wright, Jr.; Delegate Benjamin L. Cline; Delegate Edward T. Scott (Vice-Chairman); Delegate Lynwood W. Lewis, Jr.; and Delegate Albert C. Eisenberg.

The meeting began with a tour of the Park grounds that abut the Potomac River. It was disclosed that future parkland acquisitions by the Northern Virginia Regional Park Authority (NVRPA) could include additional open space land that abuts the Potomac River.

### **Presentations**

Mr. Paul Gilbert, Executive Director, NVRPA -

Mr. Gilbert reviewed the results of a parks survey conducted in the spring. In all, 1,094 households were surveyed in Loudoun County, the City of Fairfax, and the City of Falls Church. Sixty-eight percent of the respondents had visited a park in the prior year. Surveyed respondents listed their preferences for park facilities as follows: (1) paved walking and biking trails (71%); (2) small community parks (69%); (3) large regional parks (60%); (4) historical sites and museums (59%); (5) nature centers and natural areas (59%); and (6) indoor pools for recreational swimming (54%). With regard to the use of taxes for land preservation and conservation, respondents approved of funding for the following: (1) the purchase of land to preserve open space and natural areas (44%); (2) the development of new walking and biking trails (37%); (3) the upgrading of older parks/recreational buildings and facilities (32%); (4) the purchase of land for athletic fields and recreational facilities (24%); and (5) the development of new indoor fitness facilities (23%).

Mr. Gilbert stated that the National Park Service is not currently buying any new land and little resources are left to purchase parkland under the Commonwealth of Virginia Park and Recreational Bond Act of 2002 (House Bill No. 1144; Senate Bill No. 672). In addition, capital contributions from the member jurisdictions comprising NVRPA are inadequate to purchase much additional land. He also mentioned that state appropriations to the Virginia Land Conservation Foundation for the acquisition of parks and open space are inconsistent from year to year and much competition exists for the scarce dollars that are available. Using 10 acres per 1,000 people as a measure for parkland sufficiency, projections by NVRPA show that by 2010 there will be a shortfall of 19,420 acres in Planning District 8 under this standard.

Mr. Gilbert put forth four park funding proposals for the joint subcommittee to consider. First, he suggested that state bonds could be issued for park acquisitions with the proceeds of the bonds to be used as the Commonwealth's match in a partnership with local governments to acquire parks. Second, he suggested that the Commonwealth could use a portion of its annual revenues generated from tourism to develop or expand parks or historical sites that would attract visitors and revenues from nonresidents as well as residents. Third, Mr. Gilbert asked the joint subcommittee to consider a higher land preservation tax credit (60% in lieu of the current 40%) for land donations, such as parks, that grant public access. Lastly, Mr. Gilbert suggested that local water and sewer authorities could be authorized to charge a "watershed protection" fee or premium, the proceeds of which could be used to acquire parks abutting public drinking water sources.

Mr. G. Robert Lee, Executive Director, Virginia Outdoors Foundation -

Mr. Lee spoke to the joint subcommittee in regard to elements of conservation easements and provisions of the Virginia Open-Space Land Act and the Virginia Conservation Easement Act. Most of Virginia's preserved land has been preserved through the use of conservation easements, which are agreements by landowners to limit or restrict development of land. The Virginia Open-Space Land Act, enacted in 1966, authorizes public bodies to acquire open-space lands through the use of conservation easements and other means. The Virginia Conservation Easement Act, enacted in 1988, authorizes certain nonprofit organizations to hold conservation easements. The nonprofit organization must have a principal office in the Commonwealth for at least five years, or be a national organization in existence for at least five years that has an office in the Commonwealth. In comparison to the Virginia Conservation Easement Act, the Virginia Open-Space Land Act contains provisions that make it more difficult for a public body to extinguish a conservation easement. Mr. Lee also noted that easements held by state agencies are less likely to be subject to eminent domain.

All agencies of the Commonwealth may hold conservation easements. Among state agencies, the Virginia Outdoors Foundation by far holds the majority of open-space easements. The Virginia Department of Historic Resources, the Virginia Department of Conservation and Recreation, and the Virginia Department of Forestry are other state agencies holding open-space easements. Some of the funding sources for purchasing conservation easements include state and local bond issuances, appropriations to the Virginia Land Conservation Foundation and the Virginia Open-Space Lands Preservation Trust Fund, federal, state, and local grants, grants from private parties and nonprofit organizations, and court orders and decrees.

### **Question and Answer Session**

As part of the meeting, the joint subcommittee was afforded the opportunity to ask questions of a panel consisting of several Northern Virginia park directors and representatives of the Virginia Resources Authority (VRA). It was learned that the park directors have targeted certain parcels for future parks, but NVRPA lacks the capital needed to make any significant land acquisitions. The cost of real estate in Northern Virginia is extremely expensive. As an example, the joint subcommittee was told that a small lot in Arlington could cost as much as \$5

million. The VRA representatives recommended a statutory change that would allow VRA to raise capital for parks and park facilities. Currently, VRA can issue debt with the proceeds to fund land conservation programs, but it is at least questionable whether or not VRA can issue debt with the proceeds to be used for acquiring parks or park facilities.

**Joint subcommittee web page**

The joint subcommittee's Internet web page is at:  
<http://dls.state.va.us/land.htm>.