



# Fiscal and Legal Responsibilities

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*Presented by*

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Buncombe Soil and Water Conservation District



# Buncombe SWCD Farmland Preservation Program

- Farmland Preservation Program is housed within the SWCD in the Dept. of Ag & Land Resources
- SWCD budget and easement budget funded by the County
- Agricultural Advisory Board oversees easement process & project approval process



# JOB RESPONSIBILITIES

- **Farmland Preservation Program job duties:**
  - Conservation easements acquisition
  - Conservation easement annual monitoring
  - Grant applications for easement funding
  - Coordinate Agricultural Advisory Board
  - Coordinate Land Conservation Advisory Board
  - Facilitate VAD/EVAD program
  - Agritourism programs
- **2 full-time staff members devoted to program**
  - Ariel Zijp, Farmland Preservation Manager
  - Avni Naik, Farmland Preservation Coordinator



# FISCAL RESPONSIBILITY

- Buncombe finances managed within the County Finance department
- Two types of costs: Transaction costs & Easement Purchase costs
- Timeline of Financial Progress
  - **2005-2016** – no budgeted amount – requests were from the general fund typically \$60,000/board.
  - **2017** – \$120,000 on a first come first serve basis (planning department's budget)
  - **2018–2019** - \$150,000/year (split between two boards)
  - **2020** – \$240,000 (split between two boards held in special project fund)
  - **2021** – \$750,000 (between two boards held in special project fund)
  - **2022** – projected increase



# TRANSACTION COSTS

## Typical Transaction Costs

- **Appraisal** – needed to determine funding
- **Survey** - boundary survey, planning future uses on property
- **Baseline Documentation Report** – snapshot in time of conditions on property
- **Environmental Assessment**- Phase I or II studies
- **Legal Fees** – deed work, title search/insurance, closing agent
- **Closing Costs** – cost of recording the easement deed





See the chart below for the ADFP Trust Fund maximum reimbursements by region.

Grant Cycle XV Cost Estimates	Appraisal	Survey	BDR	EA	Legal Fees	Closing Costs
1-Mountains	\$7,400.00	\$15,900.00	\$3,100.00	\$2,200.00	\$4,300.00	\$1,400.00
2-Northwest	\$4,900.00	\$10,100.00	\$2,900.00	\$2,200.00	\$4,300.00	\$1,300.00
3-Southwest	\$4,900.00	\$10,100.00	\$2,900.00	\$2,200.00	\$5,800.00	\$1,300.00
4-North Central	\$4,900.00	\$10,100.00	\$2,900.00	\$2,200.00	\$6,500.00	\$1,300.00
5-South Central	\$4,900.00	\$10,100.00	\$2,900.00	\$2,200.00	\$4,300.00	\$1,300.00
6-Northeast	\$4,900.00	\$10,100.00	\$4,300.00	\$3,600.00	\$6,200.00	\$2,300.00
7-Southeast	\$4,900.00	\$10,100.00	\$3,400.00	\$2,200.00	\$4,300.00	\$1,600.00



# STEWARDSHIP & MONITORING

- Annual Monitoring Visits – no cost other than employee time
- Drone Monitoring – allows you to see entire property in reduced time
- Stewardship Fund – fund set up to ensure district can defend legal disputes into perpetuity



# COUNTY LIABILITY

- Buncombe County has no stewardship fund
  - County-wide Contingency Fund for financial costs
  - County Attorney for legal representation
- Liability of non-compliance of the district to easements
- County Attorney Discussions to ensure management and county attorney understands the responsibilities of holding easements.
- Backup holder – local land trust





# QUESTIONS?

**Contact:**

Buncombe Farmland Preservation Program

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