



Agenda Action Form Overview

The Board is requested to approve the donation of a conservation easement on a 22 acre addition to the Herndon Farm Conservation Easement and approve Capital Project Amendment No. 20CPA000013 decreasing the Open Space & Farmland Preservation Capital Project up to \$14,000 and Budget Amendment No. 20BCC000033 transferring an equal amount to the General Fund to support the owner’s transaction costs related to the donation of an easement.

Background/Justification

The County has had an active program of farmland protection since 2001, with the Durham County Farmland Protection Advisory Board providing oversight and guidance. The County presently has permanently protected 2131 acres of farmland with conservation easements on fifteen farms, as shown on Attachment 2. There are five additional farms totaling 256 acres approved by the Board of County Commissioners with 2016 -2018 federal funds awarded that are in process.

The Herndon family previously conveyed a conservation easement in 2001 on 55 acres of their farm in southern Durham. The Herndon’s run Herndon Hills Farm, a popular pick-your-own farm with blueberries, blackberries and grapes on the north side, and cattle on the south side. The family is interested in donating an easement on an additional 22-acre parcel that adjoins the south side of the current easement, as shown on Attachments 1 and 2. Both the current and proposed easements are located in a rapidly urbanizing portion of southern Durham. While the vast majority of the surrounding area is urban or will become urban, retaining some areas in active farmland provide an opportunity for southern Durham residents to have access to locally convenient farmland. Without a permanent easement in place, it is unlikely there would be any remaining farms in this part of Durham.

The Farmland Protection Board reviewed and recommended acceptance of the conservation easement at their meeting on October 17, 2019. A resolution passed by that Board in support of the Herndon easement is attached (Attachment 3).

The Herndon’s are donating the easement based on their desire to see the property remain in agricultural use. The easement allows for one homesite on the property. The owners are responsible for obtaining an appraisal for the easement for tax purposes. They also will have expenses related to the legal review of the easement. While they are very generous in their commitment and desire to donate the easement, they would like to be reimbursed for their out-of-pocket costs related to the donation, estimated at no more than \$14,000. This money would be paid to them at closing. The transfer of \$14,000 from the Open Space and Farmland capital project account to the General fund is a technical transfer that provides the Finance Department with a more concise end of year accounting of assets acquired by the County in each fiscal year for projects that have used capital project funds.

Policy Impact

The protection of the Herndon Farm with a conservation easement specifically helps to advance the Durham County Strategic Plan, Goal 4. Environmental Stewardship and Strategy 4.1C “Number of total acres of open space and farmland that have been protected/influenced by Durham County.”



In addition, protection of farmland through conservation easements was a recommendation in the Durham County Agricultural Development and Farmland Preservation Plan, adopted by the Board of County Commissioners in 2009. Protection of farmland with permanent conservation easements also supports the adopted Durham Comprehensive Plan “Conservation and Environment” element, which has a specific objective regarding the County funding an active program of acquisition of farmland conservation easements and seeking grants to assist with these purchases

Procurement (Acquisition) Background

n/a

Fiscal Impact

The County’s Open Space and Farmland capital project account has sufficient funds to pay for the County’s repayment of the Herndon’s out-of-pocket costs, estimated at no more than \$14,000.

Recommendation

The County Manager recommends that the Board approve the acceptance of a conservation easement for 7000 Herndon Road from the Herndon Family and approve Capital Project Amendment No. 20CPA000013 decreasing the Open Space & Farmland Preservation Capital Project up to \$14,000, and Budget Amendment No. 20BCC000033 transferring the same amount to the General Fund to reimburse the family for their transaction costs associated with the conveyance of the conservation easement.