



Agenda Action Form Overview

The Board is requested to approve the County's purchase of a conservation easement from Robin Davis at 505 Mason Road, REID 188371, to use existing open space capital project funds to support 50% of the easement's cost, and to authorize the Manager to execute agreement documents related to this project.

Ms. Davis has lived on her farm for over 30 years and wants to ensure it is protected from further development. She values wildlife and nature and is committed to preserving her land. The parcel is in the Lake Michie/Little River Protected Area which, per current UDO, requires 150' buffers along streams, ponds, and lakes (Durham County UDO Section 8.5.4.B.1). The protection of this parcel will protect an *additional* 400 - 700' wide buffer and 15.7 acres of protected buffer along the stream and lake edge.

The eastern portion of this parcel has received a score of 7 out of 10 on the Natural Heritage Program's Biodiversity and Wildlife Habitat Assessment. The adjacent parcel to the east, Eden Lakes, is an eBird hotspot; Bald Eagles, Hooded Mergansers, and a wide variety of songbirds have been documented here within the past year. Protection of the Davis property will safeguard existing wildlife habitat from impacts of development. More than 88% of the property includes soils that are designated as prime or of state significance. It is productive farmland that Ms. Davis currently leases for hay production. The protection of this property provides:

- water filtration for downstream water supplies
- protection of 15.7 acres of undeveloped buffer along 1,940 feet of stream and lake frontage
- protection of existing early successional wildlife and water bird habitat
- scenic beauty along road frontage and adjacent to residential neighborhood
- protection of historic, rural, and cultural features

Background/Justification

Since the early 2000s Durham County has protected ecologically significant land and farmland by purchasing the developing rights through conservation easements that permanently protect the land. The land stays privately-owned, for farming, forestry, and conservation uses, but cannot be developed or subdivided. To date Durham County has permanently protected 2,698 acres of land, farmland and conservation lands, with 36 conservation easements. Eight additional easement projects are currently funded and will contribute an additional 245 acres of protected farmland.

Durham County has leveraged approximately \$2.23 in outside grants and donations for every \$1.00 that the County has spent on land protection. Funding is through several sources including USDA-NRCS programs, Army National Guard (ARNG) REPI funding, the North Carolina Land & Water Fund, and City of Raleigh's and Durham's watershed protection program funding. This project will be funded by the City of Durham's Water Supply Protection Program to protect water quality in the Little River Reservoir.

Policy Impact

Permanent conservation of land supports Durham County's continued protection of farmland, significant conservation land and their related scenic, water quality, habitat, and wildlife



connectivity values. These land protection efforts provide important community and environmental benefits and support several County policy goals.

The acquisition of conservation easements for permanent open space aligns with DCo Forward 2029 Strategic Plan Focus Area: Sustainable Infrastructure and Environment, Objective SI 3 – Preserve and restore the natural and built environment through Initiative SI 3c – Improve water quality through equitable and efficient use of resources and land protection and through Initiative SI 3d – Protect and restore natural resources, land, recreational, historical, and rural spaces.

The protection of this site supports wildlife habitat, water quality, scenic values, and soil conservation. Because protection will be via a conservation easement, no public access will be allowed. The protection of this site supports the implementation of the [Little River Open Space Corridor Plan](#), adopted by the Board of County Commissioners and Durham City Council in 2001.

Additionally, Durham’s 2023 adopted [Comprehensive Plan](#) includes policies to conserve significant natural areas, ecosystems, habitats, and wildlife corridors and safeguard drinking water sources for Durham and nearby communities:

Policy 78 Ensure that a minimum of 30% of the land area of Durham County is placed in permanent conservation by 2050. Encourage permanent conservation of land, especially publicly owned land, that is most suitable for permanent protection, such as natural heritage areas, forested tracts, and bottomlands.

Policy 79 Protect Durham’s most ecologically sensitive natural areas (including floodplains, wetlands, wildlife habitats, unique plant communities, hillsides, drinking water sources, critical watersheds, and natural heritage areas) from the impacts of development.

Policy 86 Protect Durham’s drinking water sources. Ensure that all residents have access to clean drinking water following equitable investment in water infrastructure. Protect water sources that provide drinking water for adjacent counties.

Policy 89 Protect, preserve, and support farmland, working land, and farmers, particularly among BIPOC communities and others who have been historically disadvantaged.

Policy 91 Encourage sustainable and biodiverse agricultural practices.

Policy 98 Encourage the creation and preservation of natural wildlife habitat and natural plant communities, particularly for pollinators and birds, on both public and private land.

Policy 141 Support local farmers, farmer’s markets, community gardens, and other food system infrastructure to provide reliable, accessible venues for healthy and affordable food. Prioritize BIPOC farmers in these efforts.

This work is part of the implementation of Durham’s [2009 adopted Agricultural Development and Farmland Preservation Plan](#) which acknowledges the value of farmland and the rapid transformation of Durham, and outlines recommendations for supporting farming, including “continuing current County efforts to acquire permanent conservation easements from interested farmers.”

The farm’s current land use is consistent with the Comprehensive Plan’s Place Type Map as “Rural & Agricultural Reserve” and rural residential (RR) zoning.



Procurement (Acquisition) Background

n/a

Fiscal Impact

In May 2025, Durham County was awarded funding from the City of Durham’s Water Supply Protection Program to support 50%, or \$117,500, of the easement value. The County’s estimated cost for this easement (including 50% of the easement value, survey, appraisal, and closing costs should not exceed \$128,000. The County’s open space and farmland capital project account has sufficient funds to pay the County’s portion, so no additional funding is needed for this conservation easement project. A final budget will be brought to the Board for approval prior to closing.

County Manager’s Recommendation: The Board is requested to approve the County’s purchase of a conservation easement from Robin Davis at 505 Mason Road, REID 188371, to use existing open space capital project funds to support 50% of the easement’s cost, and to authorize the Manager to execute agreement documents related to this project.



Durham County Farmland Protection Program



Determining the Value of a Conservation Easement

The value of a conservation easement is determined by a qualified appraiser who is hired by Durham County. The valuation process has the following steps:

1. First, the appraiser will determine his/her estimate of the likely value of the property if it was sold on the regular marketplace without restrictions, called “fair market value.” This analysis looks at recent land sales in the area, and factors in characteristics such as the property’s location, size, access, surrounding land uses, and development potential.
2. Next, the appraiser examines the same property and its likely value with the easement restrictions. The appraiser has a general list of easement restrictions, such as how many home sites are still possible, what uses can still be made of the property, etc. The appraiser will then use their educated judgment, and sales of land with existing easements, to estimate the property’s value with the easement restrictions. This value is typically substantially less than the unrestricted “fair market value” of the property and often called the “after value.”
3. The difference between the two values is the value of the conservation easement. If the property owner is willing to sell the conservation easement for less than its appraised value, the difference is called a “bargain sale” which can have advantages on federal and state taxes as it is considered a “charitable donation”. See the examples below:

Example of the Appraised Value of a Conservation Easement on a 50-acre farm:

1. Fair Market Value:	
Value of the farm without easement (50 acres @ \$10,000/acre)	\$500,000
2. Value after the Easement is conveyed:	
Value of the farm with easement restrictions in place (50 acres @ \$3,000/acre)	- \$150,000
3. Value of the Easement rights:	= \$350,000
Reduction in market value due to the easement restrictions	

Example of a “Bargain Sale”

1. Easement Value:	
As determined by the process above	\$350,000
2. Amount that the landowner wishes to receive:	- \$250,000
3. “Bargain Sale” Value:	= \$100,000
<i>(This donated value may be considered a charitable donation on federal taxes.)</i>	