

CLARKE COUNTY
Conservation Easement Authority
Friday – 13 October – 10:00 am
A/B & Main Conference Room, 2nd Floor Government Center

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes of the September 8, 2023 meeting
4. Bank Account balances
5. Campaign for the Authority
6. Discussion
 - a. Impervious Surface limits for parcels less than 10 acres – Guenther application
7. Easement Donation/Purchase
 - a. Summary of easement applications/inquiries
 - b. Joe & Tamara Myer – TM 23-A-55 – application – donation
 - c. Joan Fine - TM 30-A-104B – new application – donation
8. Adjournment – The next meeting is scheduled for **Thursday November 9th** at 10:00 am

Clarke County Conservation Easement Authority

Draft - Meeting Minutes

Friday September 8, 2023 – 10:00 AM

Berryville/Clarke County Government Center – A/B Meeting Room

ATTENDANCE	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Bev McKay	✓
Michelle Jones	x
John Hedlund	✓ (by phone)
George Ohrstrom (Vice-chair)	✓
Walker Thomas (Secretary/Treasurer)	✓

STAFF PRESENT: Alison Teetor, Lorien Lemmon

OTHERS PRESENT: Hallie Harriman (by phone)

CALL TO ORDER: Mr. Buckley, Chair called the meeting to order at 10:07 a.m.

Approval of the Agenda – September 8, 2023:

The Committee voted 6-0-0 to approve the Agenda with the addition of a discussion on PEC updates presented by Hallie Harriman under item 6.

Motion to approve the Agenda as amended :	
Randy Buckley (Chair)	✓
Rives Bacon	✓(moved)
Bev McKay	✓
Michelle Jones	x
John Hedlund	✓
George Ohrstrom (Vice-chair)	✓
Walker Thomas (Secretary/Treasurer)	✓ (seconded)

Approval of Meeting Minutes – August 11, 2023:

The Committee voted 6-0-0 to approve the August 11, 2023 meeting minutes as amended with minor changes requested by the Committee.

Motion to approve Meeting minutes for August 11, 2023:	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Bev McKay	✓
Michelle Jones	x
John Hedlund	✓
George Ohrstrom (Vice-chair)	✓(moved)
Walker Thomas (Secretary/Treasurer)	✓ (seconded)

Bank Account:

Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$566,620.18 consisting of \$145,617.53 in the donations account, \$237,223.19 in stewardship/restricted, and \$183,779.46 in local funds. Ms. Teetor explained that the expenditures for August include the stipend for the summer intern and funds toward the summer newsletter. Since the Authority has only been able to hire one instead of two interns for the summer lately, Ms. Teetor asked the Authority if it would make sense to pay the full \$2,000 to that intern instead of a percentage. Typically two interns receive \$1,000 each. The Authority agreed by consensus to pay the full amount (\$2,000) of the stipend to one intern if at least 50% of the total work was accomplished.

Mr. Ohrstrom requested that the Authority cover the upfront costs for the Donor Appreciation BBQ and in return, Mr. Ohrstrom would make a donation. He explained that certain vendors do not want to wait to be invoiced and would prefer to be paid same day. The Authority agreed by consensus to allow Mr. Ohrstrom to use money from the donations account to cover upfront costs for the Donor Appreciation BBQ.

Campaign for the Authority:

Ms. Teetor stated that donations in August totaled \$8,860.00 from 59 donations. The Authority discussed some of the details of the upcoming Donor Appreciation BBQ. Ms. Teetor explained that Ms. Couch-Cardillo is working on the summer newsletter and had sent a draft for Chair Buckley and Ms. Teetor’s review. Ms. Teetor stated that Ms. Couch-Cardillo is still working on the branded booklets and that there were no new donors for the month of August.

PEC updates from Hallie Harriman:

Ms. Harriman gave an update on the Clarke County Land Conservation Fund (Clarke Fund) and the goal to create a conservation easement assistance grant. The Clarke Fund has a meeting scheduled for September 13 to review and possibly approve a proposal for the grant. The goal is for the assistance grant to have funds available as soon as early 2024. Ms. Harriman also explained that PEC along with representatives from the Virginia Department of Forestry will be hosting a program at Blandly on October 11 focusing on cost-share programs available for riparian buffers.

Discussion:

a. Nutrient Trading Banks

Ms. Lemmon shared a draft policy on nutrient trading banks on easement properties with the Authority. She reviewed the proposed submission requirements which included: the review and approval of all planting and maintenance plans by the Authority and that the applicant must provide species list, site plan, and proposed maintenance schedule. The Authority agreed that the draft policy included the restrictions that they were in favor of which included: prohibition on soil designated as “prime farmland” by NRCS, a limit of 10% of the overall acreage of the easement property, and a requirement that 90% of the trees planted be hardwood trees typical of reference forests in the valley. The Authority agreed to table the discussion until the county attorney could review the policy.

Report on Easement Donations/Purchases

a. Joe Guenther – TM 30-A-17 & 30-A-29 – application – donation - Joe Guenther has applied to the easement authority for approval of an easement donation. The 31.4 acre property is located at 2862 Millwood Road at the intersection of Thornton Road. The property meets 3 of the 4 criteria to be considered for donation. The Property Resource Score is 54.2, it is adjacent to an existing easement, and

the applicant plans to retire 1 of the 2 remaining DURs. The property has 1 existing house that was built in 1988 and has frontage on Millwood Road, a state designated scenic byway.

The Committee discussed their findings during the site visit and staff recommended final approval. The Committee voted 6-0-0 to grant final approval for the Guenther easement donation.

Motion to grant final approval of the Guenther easement donation	
Randy Buckley (Chair)	✓
Rives Bacon	✓ (seconded)
Bev McKay	✓
Michelle Jones	x
John Hedlund	✓
George Ohrstrom (Vice-chair)	✓ (moved)
Walker Thomas (Secretary/Treasurer)	✓

Ms. Teetor explained that during the drafting of the deed of easement for the Guenther property, it was noted that the impervious surface for the 3 acre parcel would only be 2% of the acreage or 2,600 square feet. The Authority discussed reviewing the impervious surface and building envelope policies and perhaps setting a minimum for parcels less than 10 acres.

b. Joe and Tamara Myer – TM 23-A-55 – new application – donation - Joe and Tamara Myer have applied to the easement authority for approval of an easement donation. The property is located at 1689 Brigg Road and is identified by Tax Map# 23-A-55. It consists of 40.2 acres with 2 existing houses that were built prior to 1980, including the main house which is a contributing structure in the Greenway Rural Historic District. The applicant proposes to retire 2 or 3 remaining DURs.

Ms. Lemmon explained that the property resource score was 83.8, it is adjacent to 2 existing easements, contains a small stretch of Lewis Run, and has about 1 acre of steep slopes. Staff recommended preliminary approval for the Myer easement donation.

The Committee voted 6-0-0 to approve the preliminary application of the Myer donation and requested staff to schedule a site visit.

Motion to grant preliminary approval of the Myer easement donation	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Bev McKay	✓
Michelle Jones	x
John Hedlund	✓
George Ohrstrom (Vice-chair)	✓ (moved)
Walker Thomas (Secretary/Treasurer)	✓ (seconded)

c. Billy and Lorie Wallace - easement donation TM 6-A-45 – withdrawal – Ms. Lemmon reported that Billy and Lorie Wallace have decided against putting their land into easement at this time.

Adjournment

There being no further business, the Committee agreed to adjourn the meeting at 10:43 AM. The next Clarke County Easement Authority meeting is scheduled for October 13th, 2023 at 10 AM in the A/B conference room, Government Center, Berryville.

The Committee voted 6-0-0 to adjourn the September 8, 2023 meeting at 10:43 AM.

Motion to adjourn the September 8, 2023 meeting at 10:43 AM.	
Randy Buckley (Chair)	✓
Rives Bacon	✓(seconded)
Bev McKay	✓
Michelle Jones	x
John Hedlund	✓
George Ohrstrom (Vice-chair)	✓(moved)
Walker Thomas (Secretary/Treasurer)	✓

Randy Buckley, Chair

Lorien Lemmon, Clerk to the Authority

JAS - E Johnson
 AS OF 9/30/23

FY2024 - FY23 NOT FINAL

Fund 235 - Conservation Easement Balances

	Total Fund Balance	Donations (128)	Stewardship/Restricted Funds Account (210)	Local Funds (000)
SOY FY24	560,145	144,891	241,636	173,618
Fiscal Year 2024				
July Rev/AR		2,006	352	0
July Exps/AP		-500	-2,700	0
Aug Rev/AR		207	0	10,162
Aug Exps/AP		-929	-2,065	0
Sept Rev/AR		790	0	14,342
Sept Exps/AP		-1,644	0	-40
Oct Rev/AR				
Oct Exps/AP		0	0	0
Nov Rev/AR				
Nov Exps/AP		0	0	0
Dec Rev/AR				
Dec Exps/AP		0	0	0
Jan Rev/AR				
Jan Exps/AP		0	0	0
Feb Rev/AR				
Feb Exps/AP		0	0	0
Mar Rev/AR				
Mar Exps/AP		0	0	0
Apr Rev/AR				
Apr Exps/AP		0	0	0
May Rev/AR				
May Exps/AP		0	0	0
June Rev/AR				
June Exps/AP		0	0	0
YTD Rev/AR	27,858.46	3,002.85	351.51	24,504.10
YTD Exps/AP	7,837.69	3,073.01	4,764.68	40.00
Adjustments				
YTD FUND BALANCE (AR & AP)	580,166.23	144,821.25	237,223.19	198,081.79

Emily Johnson:
 \$10,161.77 Rollback tax

Emily Johnson:
 14,342.33 Rollback Tax

ESTIMATED YTD FUND BALANCE **580,126.23** **144,821.25** **237,223.19** **198,081.79**

FY24 Expenditure Appropriations	Appropriated	Actual Expenses	Appropriated Balance Remaining
General Expenses	90,000	7,838	82,162
	90,000	7,838	82,162

Clarke County:
 includes expenses not specifically designated to an easement (including donation, stewardship and monthly Hall, Monahan expenses).

Through 9/30/23

Conservation Easement Expense Detail - FY24

	<u>Donations (128)</u>	<u>Stewardship (210)</u>	<u>Local Funds (000)</u>
<u>July</u>	500.00 Clarke County Ruritans Sponser at Fair	2,700.00 CEA Landscape Govt subscription	
	<u>500.00</u>	<u>2,700.00</u>	<u>0.00</u>
<u>August</u>	190.47 Postage	444.68 Mileage Emma Coutts	
	178.98 Winchester Printers CEA mailing labels	1,620.00 Summer Intern CEA	
	560.00 Robin Couch Cardillo July 2023		
	<u>929.45</u>	<u>2,064.68</u>	<u>0.00</u>
<u>Sept</u>	233.56 Winchester Printers Envelopes		40.00 Legal Services August
	450.00 Gloria Marconi Summer CEA 2023		
	960.00 Robin Couch Cardillo August 2023		
	<u>1,643.56</u>	<u>0.00</u>	<u>40.00</u>
YTD Totals	<u><u>3,073.01</u></u>	<u><u>4,764.68</u></u>	<u><u>40.00</u></u>



ROBIN COUCH CARDILLO

October 6, 2023

Clarke County Conservation Easement Authority
Fundraising Report
October 2023 meeting

Donor Statistics

See attached Master Report

- 2023 year-to-date total: \$9,315.00 from 67 donations

Ongoing

-Donor BBQ

- Friday, October 13, 6-8:00 pm, at George Ohrstrom's venue
- As of 10/6/23, 57 registered to attend
- Fun addition: Bourbon tasting, led by Bev M and John H
- Helpers to assist with set-up before the event and tear-down after

-Fall newsletter

- Goes out with county tax bills end of October
- Dennis and Lissette Pippy interview, donor BBQ reception

-New donors

- No first-time donors this month

Fundraising Results: Clarke County Conservation Easement Authority

as of October 6, 2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Amount	\$42,266	\$36,260	\$57,356.00	\$24,778.00	\$26,101.00	\$34,815.28	\$38,230.00	\$36,822.80	\$37,739.00	\$35,967.00	\$9,315.00
# Donations	200	169	158	164	169	169	167	209	206	201	67
YE Donor Appeal	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
YE Donor Appeal Amount	\$15,706	\$17,635	\$47,003	\$15,665	\$7,577	\$16,755	\$16,710	\$16,232	\$16,915	\$17,887	
Donor Respondents	69	51	61	47	48	58	52	73	73	83	
YE Prospect Amount		\$1,650	\$104	\$25	\$325	\$2,200	\$200	\$120	\$350	\$175	
Prospect Respondents		3	2	1	3	4	3	2	1	3	
Winter Newsletter	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Dollar Amount	\$4,805	\$3,335	\$2,700	\$2,228	\$2,815	\$4,920	\$2,668	\$3,105	\$1,710	\$4,371	\$1,875
Respondents	39	26	25	29	39	29	32	43	22	28	16
Spring Newsletter	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Donor: Dollar Amount	\$1,975	\$3,705	\$3,420	\$2,725	\$2,810	\$1,600	\$2,500	\$2,762	\$8,650	\$3,131	\$3,975
Donor: Respondents	28	26	27	19	23	15	23	18	44	27	16
taxpayer Spring Newsletter: Dollar Am	\$165	\$1,380	\$100	\$75	\$1,150	\$550	\$2,045	\$615	\$130	\$250	\$525
taxpayer Spring Newsletter: Respondent:	4	9	1	3	8	3	6	6	2	4	6
Summer Newsletter	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Dollar Amount	\$5,040	\$3,215	\$1,927	\$2,115	\$3,110	\$4,480	\$2,135	\$5,260	\$6,445	\$4,088	\$455
Respondents	22	27	22	28	20	38	23	30	31	22	8
(new)									3	1	
Fall Newsletter	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Donor: Dollar Amount	\$2,660	\$2,325	\$1,250	\$600	\$3,870	\$220	\$2,925	\$6,244	\$1,380	\$3,095	
Donor: Respondents	27	14	3	6	11	4	11	16	11	8	
Taxpayer Fall Newsletter Dollar Amt	\$240	\$760		\$325	\$1,200	\$100	\$100	\$410	\$450		
taxpayer Fall Newsletter: Respondent:	5	5		5	4	1	1	5	5		
Over the Transom	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Dollar Amount	10,500	\$1,550	\$257	\$362	\$2,230.00	\$3,970	\$8,665	\$1,980	\$1,709	2,970	2,485
Donor Respondents	2	2	3	12	7	17	10	14	14	25	21
Donor Thank-You Party	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Dollar Amount	\$1,175	\$705	\$595	\$638	\$710						
Donor Respondents	4	6	14	14	6						
Photo Revenue				\$ 20							
Notecards					\$304		282 (6)	94.80 (2)			
Gift-in-Kind (admin work donated by Kate Petranech)	\$469										

MEMORANDUM

TO: Clarke County Conservation Easement Authority
 FROM: Lorien Lemmon
 DATE: October 5, 2023
 SUBJECT: Impervious Surface limits for parcels less than 10 acres – Guenther application

When considering properties for conservation easement, one consideration is the amount of impervious surface permitted. The Authority recently approved a policy that included impervious surface limits for parcels based on acreage.

Parcel Size (acres)	Max. amount of impervious surface permitted	Calculation of square feet of impervious surface permitted
≤50	2%	0.02 x parcel size in acres x 43,560
>50	1% + 0.5 acres	(0.01 x parcel size in acres + 0.5 ac.) x 43,560

Table 1. Impervious surface permitted by parcel size.

Throughout the policy document, members emphasized the desire to have a flexible policy that allows for evaluation on a case-by-case basis.

The recent easement application from Mr. Guenther, which included a 3 acre parcel, brought to light how limiting a 2% maximum can be for parcels under 10 acres.

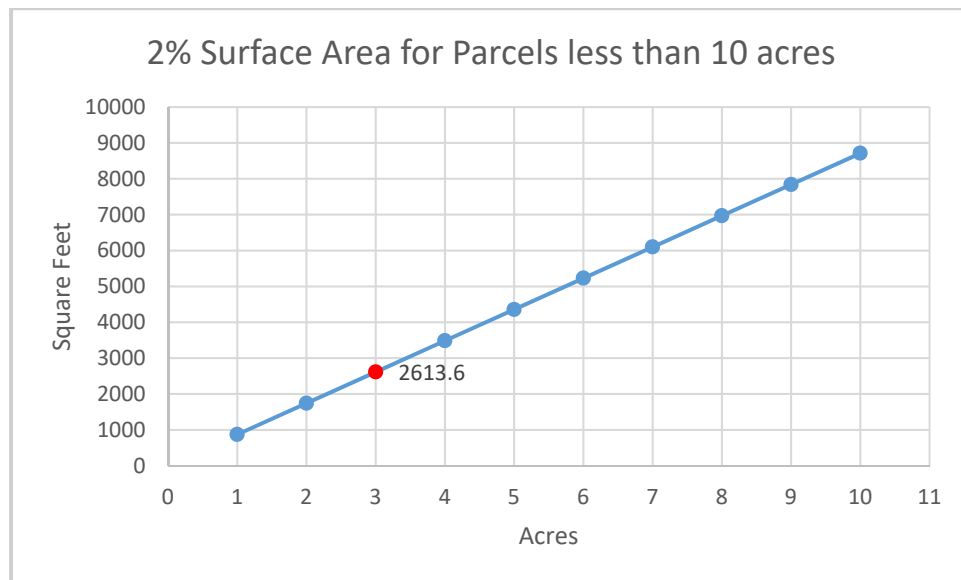


Figure 1 2% Impervious surface area for parcels <10 acres

Staff propose considering new guidelines for calculating impervious surface limitations for deeds of easement for parcels that are less than 10 acres.

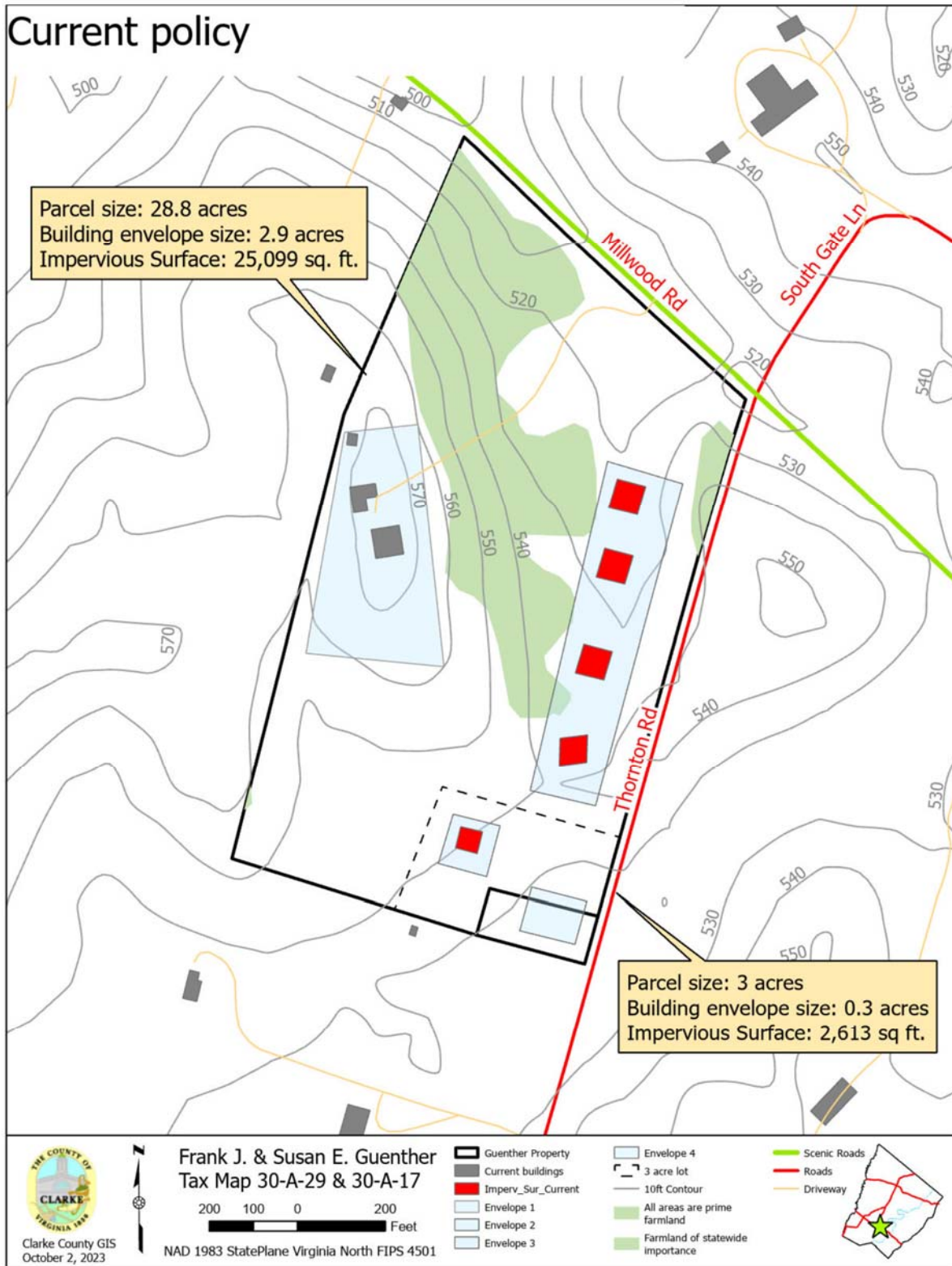


Figure 2 Building Envelope and Potential Impervious Surface Map - Current Policy

When DURs are still available, the current deed template allows for the construction of a single family dwelling of up to 4,500 sq ft. Agricultural structures up to 4,500 sq ft are allowed as well. For parcels 5 acres or less, the impervious surface limitation prevents structures of this size.

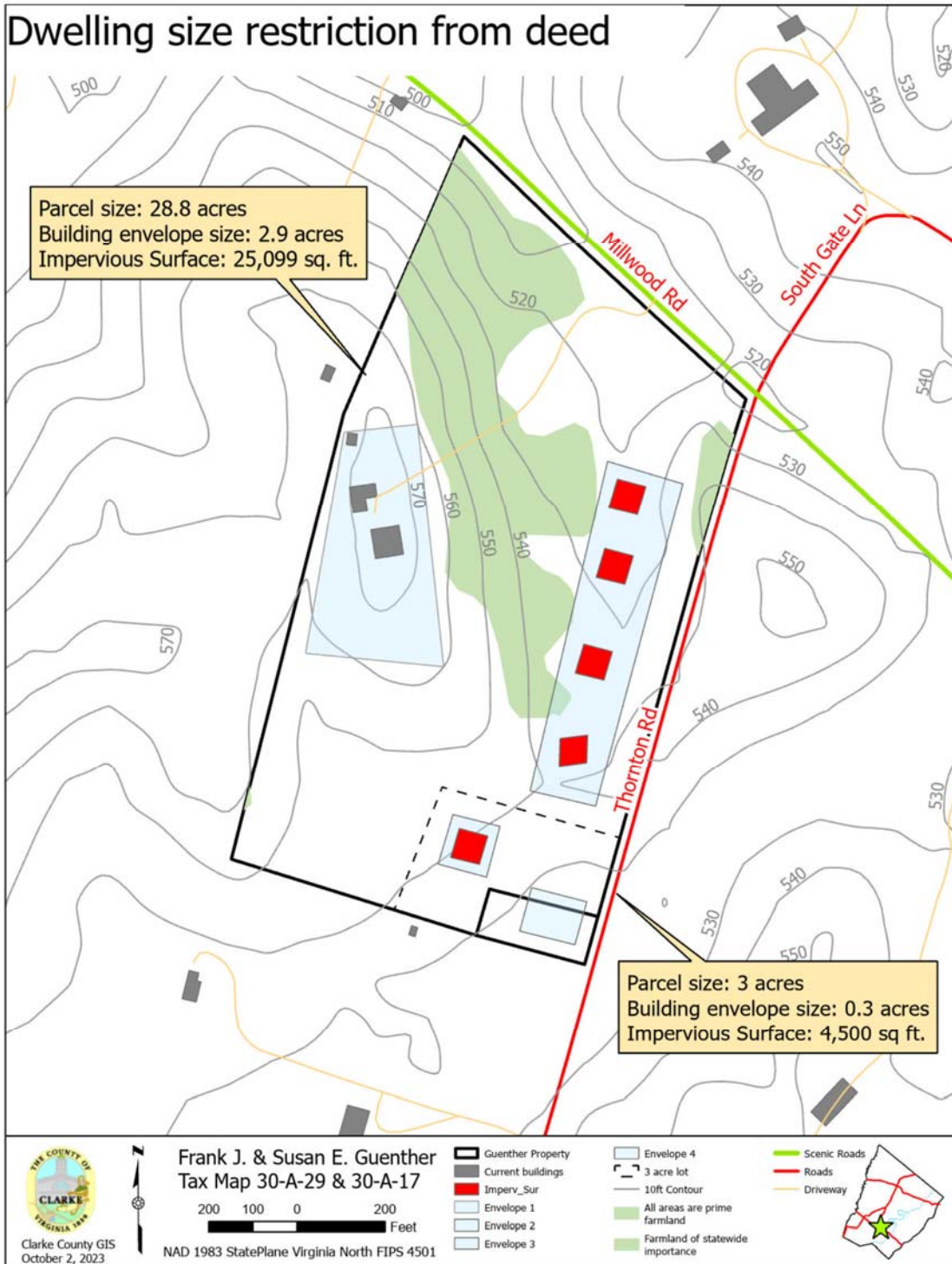


Figure 3 Building Envelope and Potential Impervious Surface Map - 4,500 sq. ft. minimum

Another option would be to propose a flat minimum of 8,712 square feet for anything under 10 acres. This satisfies the NRCS requirement of no more than 10% of the easement may be covered by impervious surfaces for parcels as small as 2 acres.

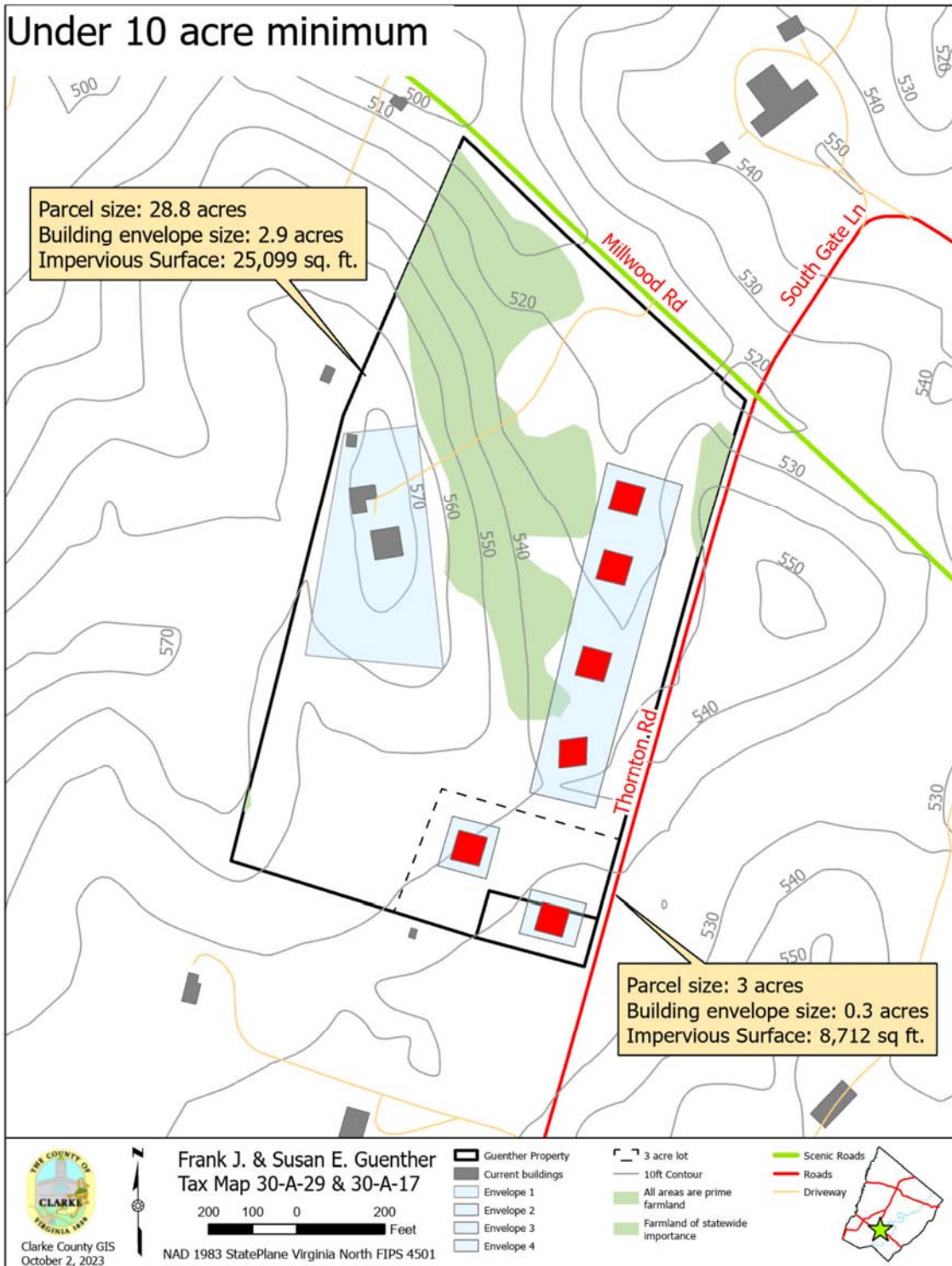
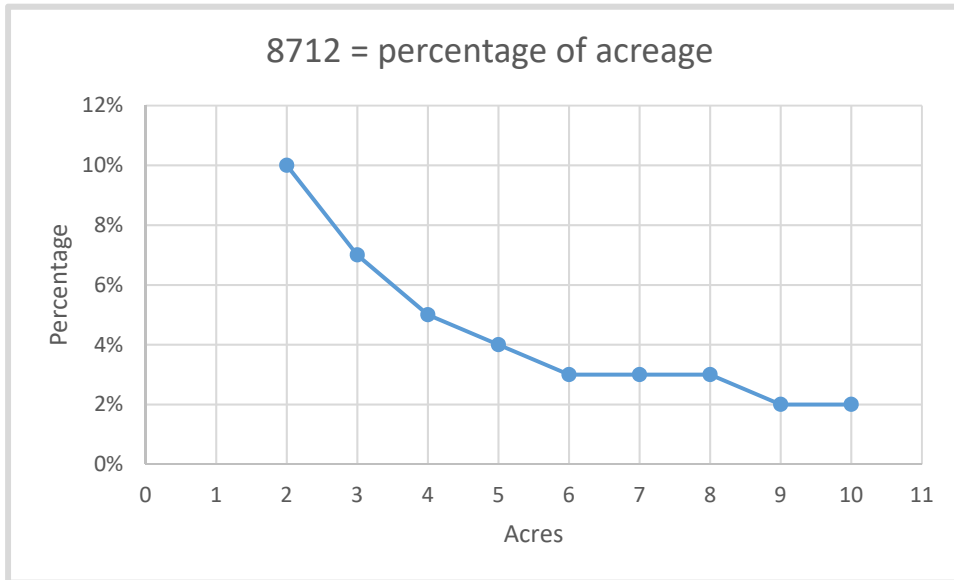


Figure 4 Building Envelope and Potential Impervious Surface Map - 8712 sq. ft. minimum

In researching waivers to the impervious surface limits, the Natural Resource Conservation Service (NRCS) allows for impervious surface limits up to 10% easement area based on an Impervious Surface Waiver Determination. NRCS is the funding agency for all of our Federal Grants including Farm & Ranchland Protection Program (FRPP) and the Agricultural Conservation Easement Program (ACEP) Agricultural Land Easement (ALE).



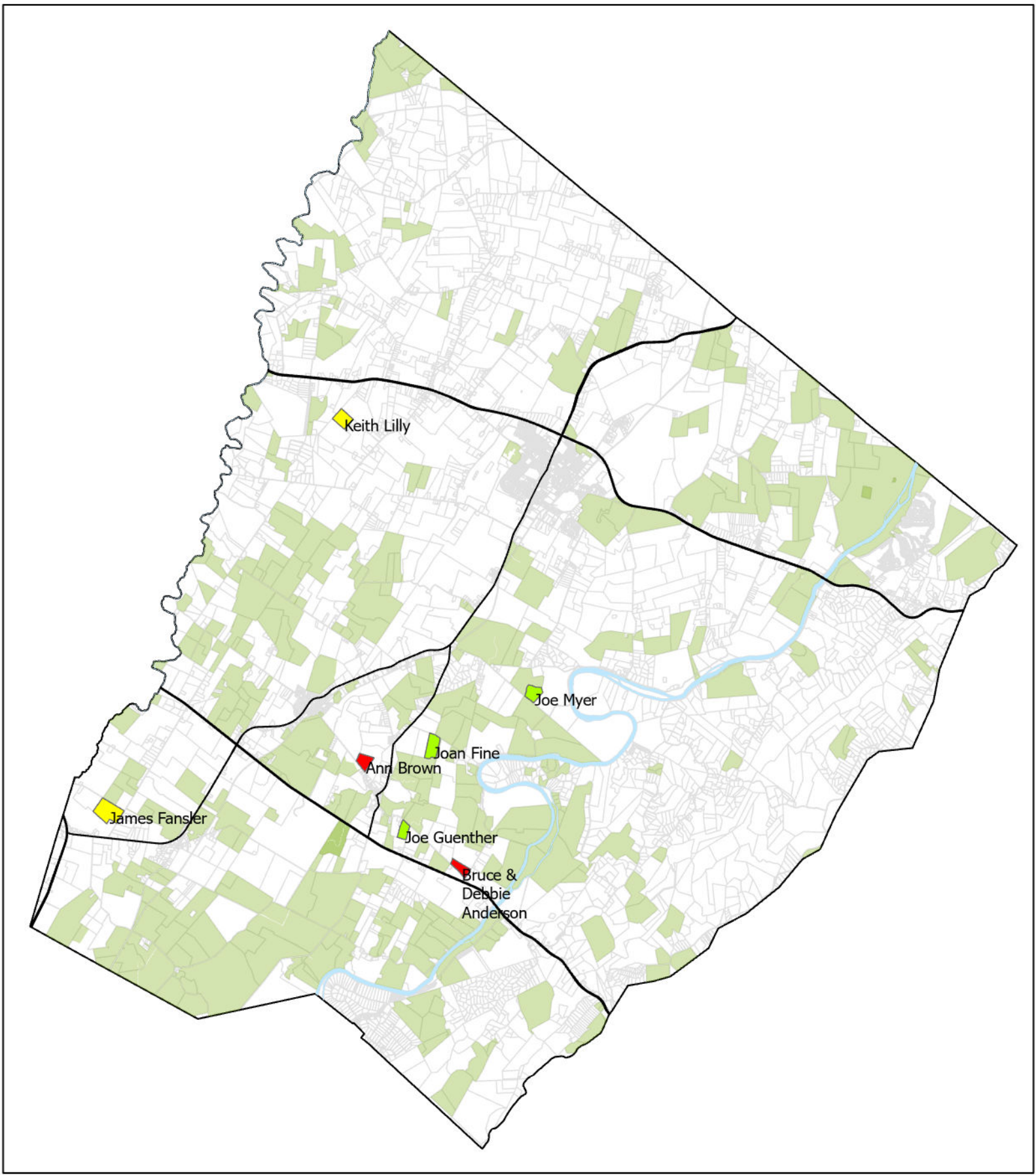
Staff is requesting guidance on calculating impervious surface maximums that are to be included in recorded deeds for parcels less than 10 acres. Options include:

- a) Continue with current policy and only adjust maximum at the request of the landowner.
- b) Set new minimums based on building restrictions in the deed language (4,500 sq ft) for parcels under 5 acres.
- c) Employ a flat minimum of 8,712 sq ft (2% of 10 acres) for parcels under 10 acres.
- d) Additional thoughts?

Memorandum

To: Conservation Easement Authority
 From: A. Teetor, L. Lemmon
 Subject: Status update - active easement applications/inquiries
 Date: September 28, 2023

Active Applications						
Name	Tax Map#	Address	Acres	DURs retired	Type	status
Joe Myer	23-A-55	1689 Briggs Rd.	40.21	2	donation	final approval
Joan Fine	30-A-104B	516 Clay Hill Rd	40.58	0	donation	preliminary approval
Joe Guenther	30-A-17 30-A-29	Millwood Road	31.43 .5	1	donation	on Oct. 19 th BOS agenda for approval
Ann Brown, Poulshot	29-A-17A	Millwood Road	34	2	DUR purchase	purchase offer approved by CEA, applicant reviewing draft deed
James Fansler	27-A-3	225 Nations Spring Road	88.95	3	Grant purchase	applications submitted to VLCF 8/18 & NRCS 9/1
Keith Lilly	12-A-37B	Triple J Road-access	43	2	Grant purchase	applications submitted to VLCF 8/18 & NRCS 9/1
Bruce & Debbie Anderson	30-A-74 30-A 74A	Millwood & Tilthammer Mill Road	30.76 2	0 1	Donation	on hold due to boundary line issue



1 0.5 0 1 Miles

Clarke County GIS
September 28, 2023



- Active
- Waiting on Grants
- Waiting on Owner

	Active	Grants	Owner	Total
Acres	123	132	67	322
Retired DURs	3	5	3	11
Donations	3	0	1	4
Purchases	0	2	1 ¹⁶	3

MEMORANDUM

TO: Conservation Easement Authority
FROM: Lorien Lemmon
DATE: October 4, 2023
SUBJECT: Application for easement donation – Joe and Tamara Myer

Joe and Tamara Myer have applied to the easement authority for approval of an easement donation. The property is located at 1689 Brigg Road and is identified by Tax Map# 23-A-55. It consists of 40.2 acres with 2 existing houses that were built prior to 1980, including the main house which is a contributing structure in the Greenway Rural Historic District. The applicant proposes to retire 2 of the 3 remaining DURs.

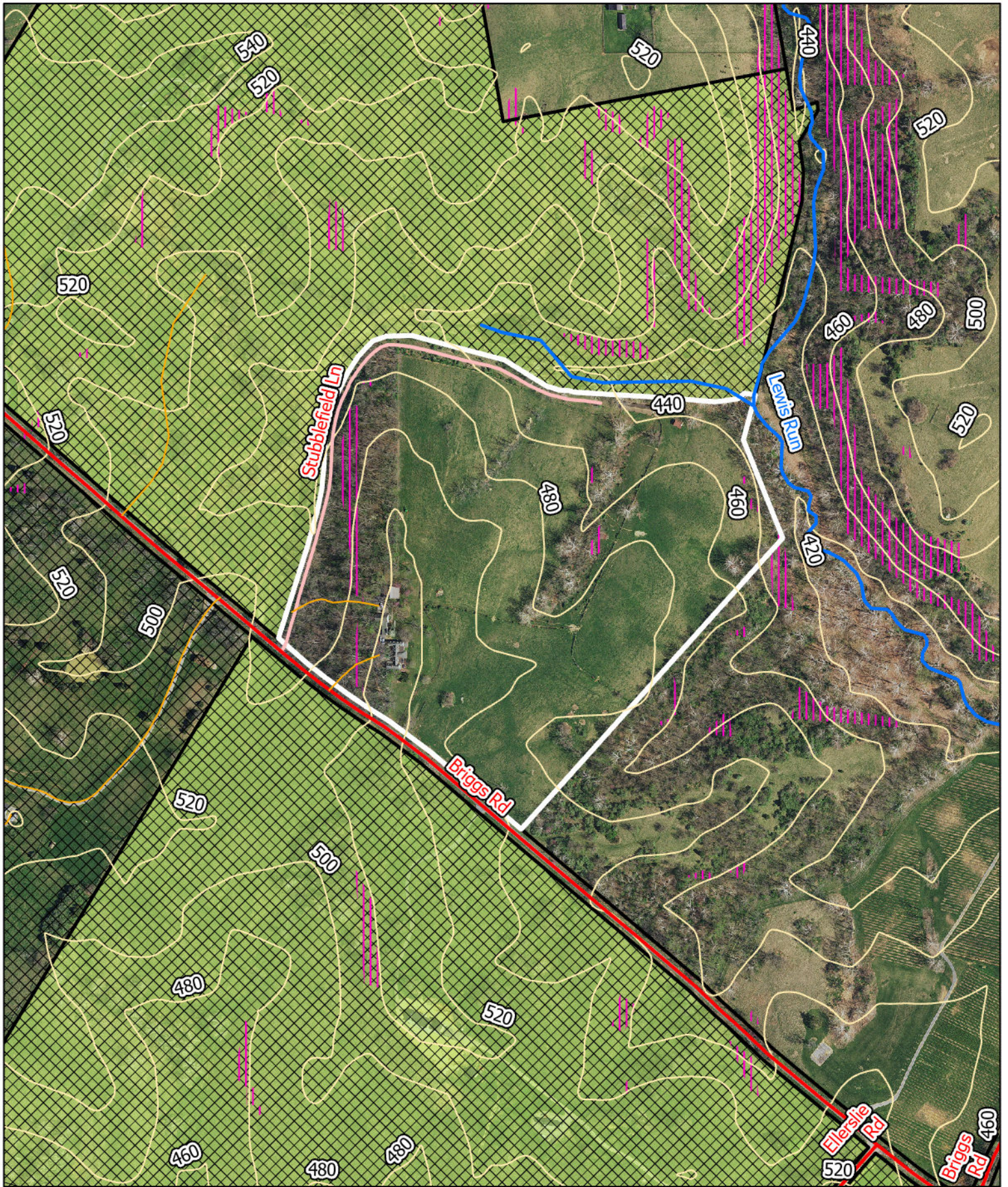
The parcel is zoned AOC and is currently in use value taxation, therefore in accord with the Commissioner of Revenue's requirements, then a donation may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

The property meets all 4 of the criteria. The property resource score is 78.8, the applicant is retiring 2 DURs, it is adjacent to 2 existing easements and it is just over 40 acres. Points were given for retiring 2 DURs, being within the Greenway Rural Historic District, being adjacent to 2 existing easements, containing a small stretch of Lewis Run and about 1 acre of steep slopes. Site visits occurred on September 19th and September 27th.

Recommendation

Give final approval to the easement donation for Joe and Tamara Myer, Tax Map# 23-A-55 and recommend approval to the Board of Supervisors.



Joe Myer
 Tax Map #23-A-55
 40.2 acres, 2 exist dwl, 3 DURs

350 175 0 350 Feet



Aerial Imagery 2022 Commonwealth of Virginia

- Myer Property
- County Parcels
- Ag and Forestal District
- Existing Easement
- 20ft Elevation Contour

- Public Road
- Private Road
- Driveway
- Perennial Stream
- >25% Slope

Location Map w/
Greenway
Historical
District



Clarke County GIS
August 28, 2023

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: September 26, 2023
SUBJECT: Application for easement donation – Norman & Joan Fine

Norman and Joan Fine have applied to the easement authority for approval of an easement donation. The property is located at 516 Clay Hill Road ½ mile east of the intersection with Bishop Meade Road. The property is identified by Tax Map# 30-A-104B. It consists of 40.58 acres with 1 DUR and a <600 square foot minor dwelling. No DURs will be retired, one DUR and the minor dwelling remain with the property. The property is primarily open pasture for hay and horses.

The parcel is zoned AOC and is currently in use value taxation, therefore in accord with the Commissioner of Revenue's requirements, then a donation may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

The property meets 3 of the 4 criteria. The property resource score is 62.1, it is adjacent to 2 existing easements, and it is over 40 acres, zero DURs will be retired. Points were given for having frontage on Clay Hill Road, a state designated scenic byway, being adjacent to existing easements, and being in the same ownership for 34 years. There is no lien on the property.

Recommendation

Give preliminary approval to the easement donation of Norman & Joan Fine, Tax Map# 30-A-104B and ask staff to schedule a site visit.




Joan & Norman Fine
Tax Map# 30-A-104B, 40.58 acres
1 DUR

Date: 9/26/2023
Clarke County GIS



200 100 0 200 Feet



-  Fine Property Boundary
-  Public Roads
-  Scenic Roads
-  Parcel Boundary

