

CLARKE COUNTY
Conservation Easement Authority
Friday – 9 February – 11:00 am
Millwood Country Club, Boyce

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes of the January 12, 2024 meeting
4. Bank Account balances
5. Campaign for the Authority
6. PEC updates from Tia Earman
7. Discussion
 - a. Summer Internship Resumes
 - b. January Solicitation Letter and Mailing Map
 - c. Building Envelope Update – Kerry Hutcherson
8. Easement Donation/Purchase
 - a. Summary of easement applications/inquiries
9. Adjournment – The next meeting is scheduled for Friday March 8 at 10:00

Clarke County Conservation Easement Authority

Draft - Meeting Minutes

Friday, January 12, 2024 – 10:00 AM

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

ATTENDANCE			
Randy Buckley (Chair)	✓	John Hedlund	✓
George L. Ohrstrom, II (Vice-Chair)	✓	Michelle Jones	✓
Walker Thomas (Secretary/Treasurer)	✓	Bev McKay	✓
Rives Bacon	✓		

STAFF PRESENT: Alison Teetor, Lorien Lemmon, Brandon Stidham (Planning Dept.), Christy Dunkle (Town of Berryville)

OTHERS PRESENT: Robin Couch-Cardillo, Tia Earman (PEC), Clarke County Ruritan Club Representatives: Brad Broy, Hope Cather, Phillip Shenk, Keith Troxell, Brook Middleton

CALL TO ORDER: Ms. Teetor called the meeting to order at 10:03 am.

ELECTION OF CHAIRMAN, VICE CHAIRMAN, AND TREASURER: Ms. Teetor asked for nominations of Chairman to the Authority.

Motion to nominate Randy Buckley as Chair for 2024:			
Buckley (Chair)	ABSTAINED	Hedlund	AYE
Ohrstrom (Vice-Chair)	AYE	Jones	AYE (moved)
Thomas (Secretary/Treasurer)	AYE (seconded)	McKay	AYE
Bacon	AYE		

Mr. Buckley asked for nominations of Vice Chairman to the Authority.

Motion to nominate George Ohrstrom as Vice-Chair for 2024:			
Buckley (Chair)	AYE	Hedlund	AYE
Ohrstrom (Vice-Chair)	ABSTAINED	Jones	AYE (seconded)
Thomas (Secretary/Treasurer)	AYE	McKay	AYE (moved)
Bacon	AYE		

Mr. Buckley asked for nominations of Secretary/Treasurer to the Authority.

Motion to nominate Walker Thomas as Secretary/Treasurer for 2024:			
Buckley (Chair)	AYE	Hedlund	AYE
Ohrstrom (Vice-Chair)	AYE (moved)	Jones	AYE (seconded)
Thomas (Secretary/Treasurer)	ABSTAINED	McKay	AYE
Bacon	AYE		

Approval of the Agenda – January 12, 2024:

The Authority voted 7-0-0 to approve the Agenda as presented.

Motion to approve the Agenda as presented:			
Buckley (Chair)	AYE	Hedlund	AYE
Ohrstrom (Vice-Chair)	AYE	Jones	AYE
Thomas (Secretary/Treasurer)	AYE (moved)	McKay	AYE
Bacon	AYE (seconded)		

Ruritan fairgrounds – application – easement donation – TM# 14-A-1 & 14-A-2

Ms. Teetor reviewed the application from the Ruritan Club to put the Fairgrounds into a conservation easement held by the Authority. She explained that the two parcels that make up the Fairgrounds are zoned institutional and opened the floor for the representatives of the Ruritan Club to present their vision for the Fairgrounds in conservation easement.

Ms. Cather, a volunteer with the Ruritan Club, explained the many programs and events geared towards agricultural education for children in the County that are supported by the Ruritan Club and take place at the Fairgrounds. She explained that the main purpose of these agricultural education programs is to teach children and future voters the value of agricultural lands, especially those that may be at risk for rezoning. She stated that she believed that protecting the Fairgrounds as the center of these agricultural educational programs follows the purpose of easements held by the Authority. She continued to explain that any subsequent funding from putting the Fairgrounds into easement would be put back into these educational programs.

Vice-Chair Ohrstrom asked if the Ruritan Club receives any funding from the County or state and Ms. Cather answered that the Club is funded by fundraising. Vice-Chair Ohrstrom asked how many educational events are presented a year at the Fairgrounds and Ms. Cather answered that the Club presents between 15-20 events annually. Phillip Shenk, past treasurer for the Ruritan Club, spoke about the recent success the Club has had with soliciting for donations and sponsorships in order to support events and programs at the Fairgrounds.

Chair Buckley stated that the Authority is supportive of the Fairgrounds being held in easement, but questioned whether the Authority would be the best easement holders for this property. Chair Buckley and Ms. Dunkle restated their concern that placing the Fairgrounds in easement may limit the commercial activities that are one of the most important economic development drivers for the town of Berryville and that help fund the programs supported by the Ruritan Club. Mr. Stidham noted that adding a conservation easement would be adding another layer of regulation to this property. He stated that complaints about some of the activities that occur at the Fairgrounds may, in part, become the responsibility of the Authority to resolve as the Authority would become an additional enforcement agency for the property.

Chair Buckley explained that the Authority is hesitant to hold this easement because they do not want any of the restrictions of an easement to undermine the activities that the Ruritan Club does at the Fairgrounds. Vice-Chair Ohrstrom asked if there was any way the Virginia Department of Conservation & Recreation (DCR) could pre-approve this easement. Brook Middleton, accountant for the Ruritan Club, stated that in Virginia, if an easement generates more than a million dollars in tax credits, as is predicted with an easement on the Fairgrounds, that DCR is required to review the application to ensure that it meets the guidelines and approve the easement.

Ms. Teetor stated that the Clarke County Conservation Easement Authority (CEA) is not set up to hold this type of easement and would need to make some significant policy changes in order to do so. On the request

of the Authority, Ms. Teetor contacted other potential easement holders for the Fairgrounds to see if the property would qualify for easement under their guidelines. She explained that Ashton Cole, executive director for the Land Trust of Virginia (LTV), stated that LTV would be interested in holding an easement on the Fairgrounds and that they have held easements on properties with similar activities.

Mr. Middleton explained that he strongly believed that the CEA was the right easement holder for the Fairgrounds and that they wish to exhaust the possibility for the CEA to hold it before moving on to a different easement holder. Keith Troxell, tax attorney for the Ruritan Club, stated while the CEA is familiar with the traditional conservation purposes tied to easements such as agricultural, forest, and open-space protection, there is a catch all category which is an easement of open space that is pursuant to a clearly delineated local government policy. Mr. Troxell explained that in order for this easement to be held by any holder, there must be a resolution from the Board of Supervisors stating that the Fairgrounds are open-space that is critical to the County's policy goals. Mr. Troxell further explained that this would be more of an open-space easement rather than a conservation easement as the Fairgrounds lack the traditional physical features of a conservation easement. He predicted that the open-space easement would only include use and building restrictions on the Fairgrounds. He reiterated that the CEA would need to be the holder in order to show that the County has determined that it is a critical piece of land that needs to be protected and that is what is required in order for the easement to satisfy federal, state, and DCR conservation purpose guidelines.

Ms. Jones posed the question about the potential restriction of commercial activities on the Fairgrounds to Mr. Troxell and asked him if those activities would still be allowed, regardless of who holds the easement. Mr. Troxell explained that the Ruritan is a non-profit 501-(c)3 organization and their activities would need to be assessed as to whether or not they would be considered commercial during discussions with DCR before putting the land in easement. Mr. Middleton further explained that a holder needs agree to hold the easement in order to open the discussion on what activities would be considered commercial with DCR. Mr. Troxell also mentioned his opinion that the Natural Resource Based Education category was not appropriate for the Fairgrounds because that category is commonly used for properties promoting hiking trails and kayaking and not agricultural education. He predicted that the Fairgrounds were more likely to get approval from DCR for an easement under the Conservation and Open Space Lands Designated by Federal, State, or Local Governments category.

Ms. Teetor voiced her opinion that the Authority may benefit from hearing from the executive director of the Land Trust of Virginia, Ashton Cole, who has experience with holding easements on properties similar to the Fairgrounds. She also explained that it would take about a year, likely longer, to have the conversations and get the necessary approvals from various county and town entities in order for the CEA to hold an easement on the Fairgrounds.

The Authority temporarily suspended the meeting at 11:02 and reconvened at 11:07.

Approval of Meeting dates and times for 2024:

The Authority voted 7-0-0 to approve the meeting dates and times with a change to move the July 12th meeting to July 19th at 10 am and the January 10th, 2025 meeting to January 17th, 2025 at 10 am in order to avoid conflicts with Planning Commission meetings.

Motion to approve the Meeting dates and time for 2024:			
Buckley (Chair)	AYE	Hedlund	AYE
Ohrstrom (Vice-Chair)	AYE	Jones	AYE
Thomas (Secretary/Treasurer)	AYE (moved)	McKay	AYE
Bacon	AYE (seconded)		

Approval of Meeting Minutes – December 8, 2023:

The Authority voted 7-0-0 to approve the December 8, 2024 meeting minutes as presented.

Motion to approve Meeting minutes for December 8, 2023:			
Buckley (Chair)	AYE	Hedlund	AYE
Ohrstrom (Vice-Chair)	AYE	Jones	AYE (moved)
Thomas (Secretary/Treasurer)	AYE (seconded)	McKay	AYE
Bacon	AYE		

Bank Account:

Ms. Lemmon reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$606,035.75 consisting of \$164,142.53 in the donations account, \$237,223.19 in stewardship/restricted, and \$204,422.53 in local funds. Ms. Lemmon explained that the expenditures for December included the End of Year Appeal letter and legal expenses related to updating the deed template.

Campaign for the Authority:

Ms. Couch-Cardillo stated that donations were \$32,966.00 from 180 donors. She discussed the logistics of the upcoming Land Conservation Award ceremony with the Authority and stated that since this is the 10th award that previous award winners would be invited to the ceremony. She mentioned that the winter newsletter is currently underway and that the lead article is about the award winner.

Ms. Couch-Cardillo asked about the possibility of an easement workshop in the spring. The Authority discussed the workshops in the past and noted that some were cancelled due to lack of interest. Ms. Teetor noted that a solicitation letter is due to be sent out this month and if enough interest is generated from that, then those potential applicants could be invited to a spring workshop. She explained that potential applicants generally like to hear from people who have already put their land into easement in order to determine if a conservation easement is what is right for their land.

Ms. Couch-Cardillo reported that there were no new donors for the month of December.

PEC updates from Tia Earman:

Ms. Earman stated that the PEC is working on a data center informational event for western Loudoun County. She explained that PEC is focusing on data centers and transmission lines in areas just outside of Clarke County and her organization is working to connect the public with NextEra, the company charged with planning the transmission lines across the western portion of Loudoun County.

Discussion:

a. VaULT Sponsorship

Ms. Lemmon included information about the conference and sponsorship levels in the packet. She stated that the Authority has sponsored the conference at the \$250 level in the past.

This year, the Authority voted 7-0-0 to approve the sponsorship of the VaULT conference at the \$500 Bald Cypress level.

Motion to approve sponsorship of \$500 for the 2024 VaULT conference:			
Buckley (Chair)	AYE	Hedlund	AYE (seconded)
Ohrstrom (Vice-Chair)	AYE (moved)	Jones	AYE
Thomas (Secretary/Treasurer)	AYE	McKay	AYE
Bacon	AYE		

Report on Easement Donations/Purchases:

a. Summary of easement applications/inquiries

Ms. Teetor gave a broad overview of the current status of active applications and inquiries for easements. She explained the updated map and table used to track easements that are in various stages.

She is still working with Ms. Fine on refining the building envelope for the easement and Mr. Barbehenn is considering other options for easement holders. Dr. McDonald has moved ahead with her subdivision application in order to eventually merge some of her land with her neighbors, Marti & David Bryant. Ms. Teetor mentioned that Ms. Brown decided to withdraw her application at this time.

She noted that the two grant applications for Mr. Fansler and Ms. Lilly have yet to be approved for funding. She asked Ms. Earman about the possibility of having PEC help fund the Lilly easement and Ms. Earman noted that it would need to be included as a discussion item for PEC’s next regular meeting scheduled for February in order to move forward with that process.

b. Bryant – new application – easement donation TM# 20-A-7

Marti & David Bryant have applied to the easement authority for approval of an easement donation. The property is located at 2092 Old Winchester Road on the northeast side of the intersection with Ginns Road. The parcel consists of 39.062 acres, there are 2 remaining DURs and an existing house, built in 1877. The property is locally known as Duck Pond, is within the Chapel Rural Historic District, and the existing house is a contributing structure.

The property resource score is 82.5, it is adjacent an existing easement, and 1 of the 2 remaining DURs will be retired, it is not over 40 acres DURs. Points were given for having frontage on Old Winchester Road, a state designated scenic byway, being in easement and adjacent to an existing easement, being within the groundwater recharge area, having a sinkhole, retiring 1 DUR, and having a contributing structure in the Chapel Rural Historic District.

Based on discussions with VOF staff, the best option would be for the Clarke County Easement Authority to assume the Bryant's current easement from VOF. This would allow for an update of the current easement to conform to current easement language, and merge with Dr. McDonald’s 60 acres. As a result, staff determined that the Bryant’s should go through the standard approval process with the Authority.

The Authority voted 7-0-0 to approve the preliminary application of the Bryant donation and request staff to schedule a site visit.

Motion to grant preliminary approval of the Bryant easement donation:			
Buckley (Chair)	AYE	Hedlund	AYE
Ohrstrom (Vice-Chair)	AYE (seconded)	Jones	AYE (moved)
Thomas (Secretary/Treasurer)	AYE	McKay	AYE
Bacon	AYE		

Adjournment

There being no further business, the Authority agreed to adjourn the meeting at 11:29 AM. The next Clarke County Easement Authority meeting is scheduled for Friday February 9, 2024 at 11 AM at the Millwood Country Club.

The Authority voted 7-0-0 to adjourn the January 12, 2024 meeting at 11:29 AM.

Motion to adjourn to the January 12, 2024 meeting at 11:29 AM.

Motion to adjourn to the January 12, 2024 meeting at 11:29 AM:			
Buckley (Chair)	AYE	Hedlund	AYE
Ohrstrom (Vice-Chair)	AYE	Jones	AYE (moved)
Thomas (Secretary/Treasurer)	AYE	McKay	AYE
Bacon	AYE (seconded)		

Randy Buckley, Chair

Lorien Lemmon, Clerk to the Authority

Fund 235 - Conservation Easement Balances

	Total Fund Balance	Donations (128)	Stewardship/Restricted Funds Account (210)	Local Funds (000)
SOY FY24	555,145	144,891	241,636	168,618
Fiscal Year 2024				
July Rev/AR		2,006	352	277
July Exps/AP		-500	-2,700	0
Aug Rev/AR		207	0	10,551
Aug Exps/AP		-929	-2,065	0
Sept Rev/AR		944	346	14,342
Sept Exps/AP		-1,644	0	-40
Oct Rev/AR		4,148	358	3,675
Oct Exps/AP		-2,024	0	0
Nov Rev/AR		16,946	0	2,419
Nov Exps/AP		-5,542	0	-208
Dec Rev/AR		12,810	0	4,788
Dec Exps/AP		-284	0	-2,620
Jan Rev/AR		1,085	0	134
Jan Exps/AP		-160	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	75,389.02	38,146.46	1,055.82	36,186.74
YTD Exps/AP	18,714.91	11,082.73	4,764.68	2,867.50
Adjustments				
YTD FUND BALANCE (AR & AP)	611,819.57	171,955.14	237,927.50	201,936.93

Emily Johnson:
\$10,161.77 Rollback tax

Emily Johnson:
14,342.33 Rollback Tax

Emily Johnson:
\$3,675.47 Rollback Tax

Emily Johnson:
\$2,418.76 Rollback Tax

Emily Johnson:
\$4,787.97 Rollback Tax

Emily Johnson:
134.40 Rollback Tax

ESTIMATED YTD FUND BALANCE **611,819.57** **171,955.14** **237,927.50** **201,936.93**

FY24 Expenditure Appropriations	Appropriated	Actual Expenses	Appropriated Balance Remaining
General Expenses	90,000	18,715	71,285
	90,000	18,715	71,285

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

Through 01/31/24

Conservation Easement Expense Detail - FY24

	Donations (128)	Stewardship (210)	Local Funds (000)
<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 178.98 Winchester Printers CEA mailing labels 560.00 Robin Couch Cardillo July 2023	444.68 Mileage Emma Coutts 1,620.00 Summer Intern CEA	
	<u>929.45</u>	<u>2,064.68</u>	<u>0.00</u>
<u>Sept</u>	233.56 Winchester Printers Envelopes 450.00 Gloria Marconi Summer CEA 2023 960.00 Robin Couch Cardillo August 2023		40.00 Legal Services August
	<u>1,643.56</u>	<u>0.00</u>	<u>40.00</u>
<u>Oct</u>	41.49 Postage 816.23 Winchester Printers 2023 CEA BBQ 1,166.15 Winchester Printers Summer 2023		
	<u>2,023.87</u>	<u>0.00</u>	<u>0.00</u>
Nov	2,725.00 Bank of America CEA Dinner 450.00 Gloria Marconi Fall CEA Newsletter 1,230.00 Winchester Printers Fall Newsletter 1,136.52 Robin Couch Cardillo CEA Newsletter		207.50 Hall, Monohan Sept/Oct Legal Fees
	<u>5,541.52</u>	<u>0.00</u>	<u>207.50</u>
Dec	84.33 Postage 200.00 Gloria Marconi CEA EOY 2023 Appeal letter		2,620.00 Hall, Monahan July-Nov Legal
	<u>284.33</u>	<u>0.00</u>	<u>2,620.00</u>
<u>Jan</u>	160.00 Robin Couch Cardillo December 2023		
	<u>160.00</u>	<u>0.00</u>	<u>0.00</u>
YTD Totals	<u><u>11,082.73</u></u>	<u><u>4,764.68</u></u>	<u><u>2,867.50</u></u>

VDACS

As of 1/26/24

Close Date	Project	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY2023	FY2024	TOTALS
		use by June 30, 2019	use by June 30, 2020	use by June 30, 2021	use by June 30, 2022	use by June 30, 2023	use by June 30, 2024	use by June 30, 2025	use by June 30, 2026	
		\$86,950.00	\$61,615.23	\$75,738.77	\$58,333.00	\$54,000.00	\$156,476.00	\$175,000.00	\$165,400.00	\$833,513.00
November 2018	Sprouse	-\$31,104.00								
February 2019	Opequon Cattle	-\$55,846.00	-\$696.00							
May 2019	Rowland		-\$38,148.50							
October 2019	Coleman		-\$21,448.00							
June 2020	Expired		-\$1,322.73							
July 2021	Moon			-\$40,717.75						
December 2021	RSP			-\$35,021.02	-\$48,435.98					
May 2022	Murphy				-\$9,897.02	-\$54,000.00	-\$17,519.05			
August 2022	Dupuy						-\$20,981.50			
June 2023	Pippy						-\$26,140.50			
TOTAL REMAINING		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$91,834.95	\$175,000.00	\$165,400.00	\$432,234.95



ROBIN COUCH CARDILLO

February 2, 2024

Clarke County Conservation Easement Authority
Fundraising Report
February 2024 meeting

Donor Statistics

See attached Master Report

- 2024 year-to-date total: \$1,810.00 from 14 donations

Ongoing

-Wingate Mackay-Smith Land Conservation Award

- Friday, February 9 at 12:00 pm, following 11:00 am regular Authority meeting, Millwood Country Club
- Celebrating Tupper Dorsey and Family as 10th honoree
- Catered by Love at First Bite; Authority doing setup and beverages
- Invited previous award winners; will recognize at the event
- Media invited by Cathy Kuehner

-Winter newsletter

- Topics: Award event with Dorseys and previous winners; round-up of 2023 easement activity; intern openings?

-Potential spring easement workshop

- Gauging interest in workshop (spring newsletter goes out late April with tax bills, if we want to market to all county property owners through newsletter)

-New donors

- No first-time donors this month

Fundraising Results: Clarke County Conservation Easement Authority

as of January 4, 2024

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
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	\$32,966.00	\$1,810.00
# Donations	200	169	158	164	169	169	167	209	206	201	180	14
YE Donor Appeal	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
YE Donor Appeal Amount	\$15,706	\$17,635	\$47,003	\$15,665	\$7,577	\$16,755	\$16,710	\$16,232	\$16,915	\$17,887	\$16,610	
Donor Respondents	69	51	61	47	48	58	52	73	73	83	78	
YE Prospect Amount		\$1,650	\$104	\$25	\$325	\$2,200	\$200	\$120	\$350	\$175	\$150	
Prospect Respondents		3	2	1	3	4	3	2	1	3	1	
Winter Newsletter	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
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	2024
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	
payer Spring Newsletter: Dollar Am	\$165	\$1,380	\$100	\$75	\$1,150	\$550	\$2,045	\$615	\$130	\$250	\$525	
yer 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	2024
Dollar Amount	\$5,040	\$3,215	\$1,927	\$2,115	\$3,110	\$4,480	\$2,135	\$5,260	\$6,445	\$4,088	\$4,625	
Respondents	22	27	22	28	20	38	23	30	31	22	31	
(new)									3	1	1	
Fall Newsletter	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Donor: Dollar Amount	\$2,660	\$2,325	\$1,250	\$600	\$3,870	\$220	\$2,925	\$6,244	\$1,380	\$3,095	\$1,721	
Donor: Respondents	27	14	3	6	11	4	11	16	11	8	9	
Taxpayer Fall Newsletter Dollar Am	\$240	\$760		\$325	\$1,200	\$100	\$100	\$410	\$450		\$1,000	
payer Fall Newsletter: Respondent	5	5		5	4	1	1	5	5		1	
Over the Transom	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Dollar Amount	10,500	\$1,550	\$257	\$362	\$2,230.00	\$3,970	\$8,665	\$1,980	\$1,709	\$2,970.00	\$2,485.00	\$1,810.00
Donor Respondents	2	2	3	12	7	17	10	14	14	25	21	14
Donor Thank-You Party	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
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											

Anna M. Spencer

P.O. Box 161 Millwood Road 540-323-4964 (cell)
Millwood, Virginia 22646 amspencer0306@gmail.com

Education: **Senior** *Clarke County High School, Berryville, VA*
Grade Average: 4.25 weighted
Anticipated Graduation Date: June 2024

Skills: Operation: Microsoft Word, Google Docs, Google Slides, and PowerPoint
Social Media: Twitter, Snapchat, LinkedIn, Facebook and Instagram

Activities/Interests:

Clarke County High School Activities:

- National Honor Society 2022-2023
- Student Leadership Council 2022-2023
- Girls Volleyball: Fall 2020, 2021, 2022, 2023
Varsity, 2023 (Captain)
Varsity, 2022 (Captain)
Varsity, 2021
Junior Varsity, 2020

Extracurricular Activities:

- Blue Ridge Volleyball Association Player 2019, 2020, 2021, 2022, 2023, 2024

Work Experiences:

Cashier March 2023 – August 2023

Dinosaur Land, White Post, VA 22663

- Handled sales transactions, assisted customers, and stocked and maintained merchandise

Referee August 2021 – Present

Frederick County Parks and Recreation, Winchester, VA 22601

- Referee volleyball ages 5 to 18, interacted with coaches and parents

References:

Ms. Sheri Forrest, Insurance Agent (family friend) (540)-336-8368
326 Morlyn Drive, Stephenson, VA 22656

Ms. Jeanette Gluszak, School Counselor (family friend) (716)-307-2379
342 W. Whitlock Road Winchester, VA 22601

Mr. David White, Volleyball Coach (540)-664-7624
Winchester, VA 22601

Eleanor “Ele” Smalley
1654 Castleman Road Berryville, Virginia 22611
efssmalley@gmail.com | (540) 535-6490 | www.linkedin.com/in/eleanor-smalley

EDUCATION

University of Virginia, College of Arts & Sciences, Charlottesville, VA

Expected Graduation: May 2026

3.589 GPA, Fall 2022 & Spring 2023 Dean’s List

Intended Major: Public Policy & Environmental Sciences

Relevant Coursework: Sustainability Economics, Introduction to Environmental Sciences, Ecology

Clarke County High School, Berryville, VA

Graduation: June 2022

4.617/5.0 Weighted GPA

Class Rank: 1 out of 160

PROFESSIONAL EXPERIENCE

Jim Barb Realty, Inc. Berryville, VA

Summer of 2023

Real Estate Intern

- Processed, verified, and finalized contracts for a variety of vendors and properties
- Routinely checked the properties managed by the firm
- Worked directly with the real estate broker to learn from her experiences

Clarke County Public Pool, Berryville, VA

June 2019 – August 2022

Lifeguard & Swim Instructor

- Red Cross CPR & First Aid Certified to scan the pool and look for drowning victims
- Enforced safety rules while maintaining an organized, fun pool environment
- Proficient in teaching swim strokes and techniques
- Helped children with a variety of ages and abilities gain confidence in their swimming abilities

LEADERSHIP ACTIVITIES

DECA, Berryville, VA

September 2018 – June 2022

Vice President of Communications (2020-2022)

- Managed social media accounts, websites, and webstore
- Recipient of 1st Place Winner Award at Districts for two years
- Inducted into the DECA Honors Society

Director of Sales (2019)

- Led fundraising activities and managed club finances

Student Council Association

Vice President

September 2021 – June 2022

COMMUNITY ENGAGEMENT

Volunteer at CCAP of Winchester

- Assisting members of the Winchester community with their food needs

Social Media Content Creator for Clarke County Education Foundation (CCEF)

- Created and managed Facebook posts and content for the foundation

INVOLVEMENT

Kappa Delta, Beta Alpha Chapter, 2023 Nominating Committee Member

University Dance Club

Rhapsody Ballet Ensemble

Global Problems, Local Solutions Club

Phi Alpha Delta Pre-Law Fraternity

Undergraduate Women in Law

SKILLS

Proficient experience with Word, PowerPoint, Excel, Photoshop, and Google Docs

Extremely organized

Able to effectively communicate with others

Experience with social media management as well as website management and creation

SARA N. MURRAY

Newport News, 23606, VA & Berryville, 22611, VA
571-442-0307
sara.murray.21@cnu.edu & saranmurray101@gmail.com

Motivated young mind, who demonstrates a strong work ethic and creative ability in leadership coursework, critical thinking, and entrepreneurship. A member of Christopher Newport University's Student Sustainability Commission and John Enders Fire Company. Seasonal working experience in management, environmental conservation, and healthcare. Seeking opportunities to further develop as a working professional in journalism and film. All the while promoting public awareness about Environment Sustainability, with hopes of opening my own medicinal day spa.

EDUCATION

Christopher Newport University, Newport News, VA Fall 2021- Spring 2022
Early Decision Acceptance, Environmental & Biological Science Studies Major, Leadership and Biology Minor,
Journalism/Film Minor

Advanced Studies Diploma, Clarke County High School, 2017 – 2021.
3.79 GPA. Consistent Honor Roll Student. Sports Participation in Track & Field (Lettered, Multi-event District, Regional & State Finalist 2018 – 2021), Basketball (Lettered, 2017) and Volleyball.

GROUPS

Christopher Newport University's *Student Sustainability Commission*
January 2022 - Present

The Student Sustainability Commission is committed to developing a campus where students care about the significance of environmental sustainability and strive to develop green practices at Christopher Newport University. We hope to inspire students to learn and practice sustainability in their daily lives, as well as instill them in our community.

"The Student Sustainability Commission of Christopher Newport University serves to build a community of environmentally conscious students, faculty, and staff through the development and funding of educational programs, university-wide initiatives, and outreach in the greater Newport News community. We aim to establish Christopher Newport University as a role model for our peer institutions and a leader for sustainable living everywhere."

WORK EXPERIENCE

Seasonal River Guide & Adventure Park Associate, River Riders, Harpers Ferry, WV
April 2021 – Present

- Created memorable outdoor experiences conducting guided group river tours on the Shenandoah River from Virginia to West Virginia.
- Conducted guided suspended rope course group activities.
- Adhered to mandated state and company safety protocols, mitigating risks to customers.

Lawn & Garden Associate, Walmart, Winchester, VA
November 2020 - June 2021

- Generate revenue through sales and providing positive customer experiences.
- Provide consumer product information and interpret store policies to walk-in customers.
- Maintain assigned department through merchandising and general housekeeping to store opening readiness.

CNA, Winchester Medical Center, Winchester, VA

August 2020 – December 2022

- Clean and bathe patients or residents.
- Maintain patient's hygiene and change bedding.
- Turn, reposition and move patients between wheelchairs, seats and beds.
- Serve meals and help patients eat their food.
- Taking patient Vitals
- Reporting changes to Head Nurse or RN
- EMT experience

Seasonal Support Staff Supervisor, River Riders, Harpers Ferry, WV

August 2019 – November 2020

- Supervised a support staff team responsible for equipment availability and maintenance.
- Ensured safety guidelines were followed.
- Effectively managed staffing schedules.
- Assisted in managing activity transportation and guided course assignments.

Hotel Maintenance and Groundskeeper, Clarion Inn, Harpers Ferry, WV

August 2020 – November 2020

- Maintained the grounds with extensive experience in landscaping, with knowledge of common groundskeeping equipment.
- Assisted Hotel Managers around buildings completing upkeeping tasks.
- Ensured customer satisfaction by answering questions about the facilities and advertising local tourism locations.
- Upkept indoor and outdoor walkways.

Grounds/Landscaping, Christopher Newport University, Newport News, VA

August 2022 – May 2023

- Maintained the grounds with extensive experience in landscaping, with knowledge of common groundskeeping equipment.
- Promote a trash free environment.
- Upkept outdoor walkways.

Outdoor Adventure Camp Assistant Director, River Riders, Harpers Ferry, WV

May 2023 – August 2023

- Guest service and safety representative
- Set a positive example at all times for other employees
- Promote a positive outlook on River Riders, Harpers Ferry, the camp and the adventure industry as a whole
- Develop and promote camp programming
- Greet campers and parents on the first day of camp, discuss details/concerns, and develop relationships
- Camp staff management including recruiting/hiring, training/retraining, conducting camp staff reviews on a monthly basis, disciplinary needs and termination (must consult other management prior to termination), and scheduling
- Create, maintain, keep current, and prepare all camper information such as medical forms and emergency contact information
- Help facilitate camp related issues relating to activities, communications, staff, parents and campers
- Assist the marketing coordinator in maintaining camp related social media sites
- Lead camper activities
- Update camp staff payroll daily and report to appropriate manager
- Coordinate and facilitate the Operations and Transportation Directors to get ALL the equipment and campers to/from the activity locations in a timely manner
- Keep camp staff employment records up to date on all employees
- Organize/obtain daily trip reports/staffing reports from camp staff trip leaders each day
- Meet with camp staff weekly, regularly to review upcoming itineraries
- Developing relationships, programming, and directing other camp groups and Parks and Recs

- Assure we adhere to River Riders and ACA guidelines for all camp activities

SKILLS

- Microsoft Office
- Customer Service
- Certified CPR/First Aid
- EMT Training
- Management
- Horticulture and Landscaping
- Florist Apprenticeship
- Leadership and Team Workshops

VOLUNTEER EXPERIENCES

- River Conservation/Sustainability cleanup experiences, Shenandoah and Potomac Rivers
- Animal Shelter care organized by Clarke County and the Clarke County Humane Foundation.
- College Event Staff, Grounds Crew Member, Christopher Newport University, Newport News, VA
- Tree Planting through Potomac River Conservation Services
- Certified Nursing Assistant assignments at Riverside Regional Medical Center, Newport News, VA
- Soup Kitchen hours for holidays through the Berryville Fire Department
- Current Volunteer Firefighter at Enders Fire Department, Berryville VA

Clarke County Conservation Easement Authority

540-955-5132 ♦ 101 Chalmers Court ♦ Berryville, Virginia 22611

January 24, 2024

RE: Clarke County Easement Program Information

Dear Clarke County Landowner,

I am contacting you to provide some information about the Clarke Conservation Easement Program. Periodically the Authority solicits landowners with property containing high conservation values, to determine if there is interest in protecting the land. These values include prime farmland soils, streams, or historic structures to name a few. This year we are sending to properties that adjoin existing conservations easements in hopes of extending the protected areas.

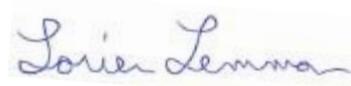
If you have building rights (DURs) to retire, the Authority may be willing to purchase them, for as much as \$40,000 per DUR. The funding comes jointly from the Virginia Department of Agriculture and Consumer Services and Clarke County. The final offer is determined by a combination of owner income level and the conservation value of your land. In addition, you may qualify for state tax credits as well as federal and state tax deductions through this program. Twenty-nine easements have been recorded using this option, with property sizes ranging from 10 to 288 acres. The smallest payment was \$13,000 for one DUR; the largest was \$240,000 for six DURs. Donating an easement for tax credits is another option. If you are already in easement and are receiving this letter please disregard.

Property owners can retire some or all of their DURs while still retaining the right to home construction. The land remains your property and you can sell or gift it just as you could if it were not in easement. In addition, if in easement, the property automatically qualifies for the landuse taxation under the open space category so submitting annual paperwork to the Commissioner of the Revenue is no longer necessary! There are additional state and federal tax benefits as well.

Please take this into consideration and if I am able to provide additional information or if you would like to consider placing your property in Conservation Easement please feel free to call, 540-955-5134 or email llemmon@clarkecounty.gov.

I look forward to hearing from you!

Sincerely,



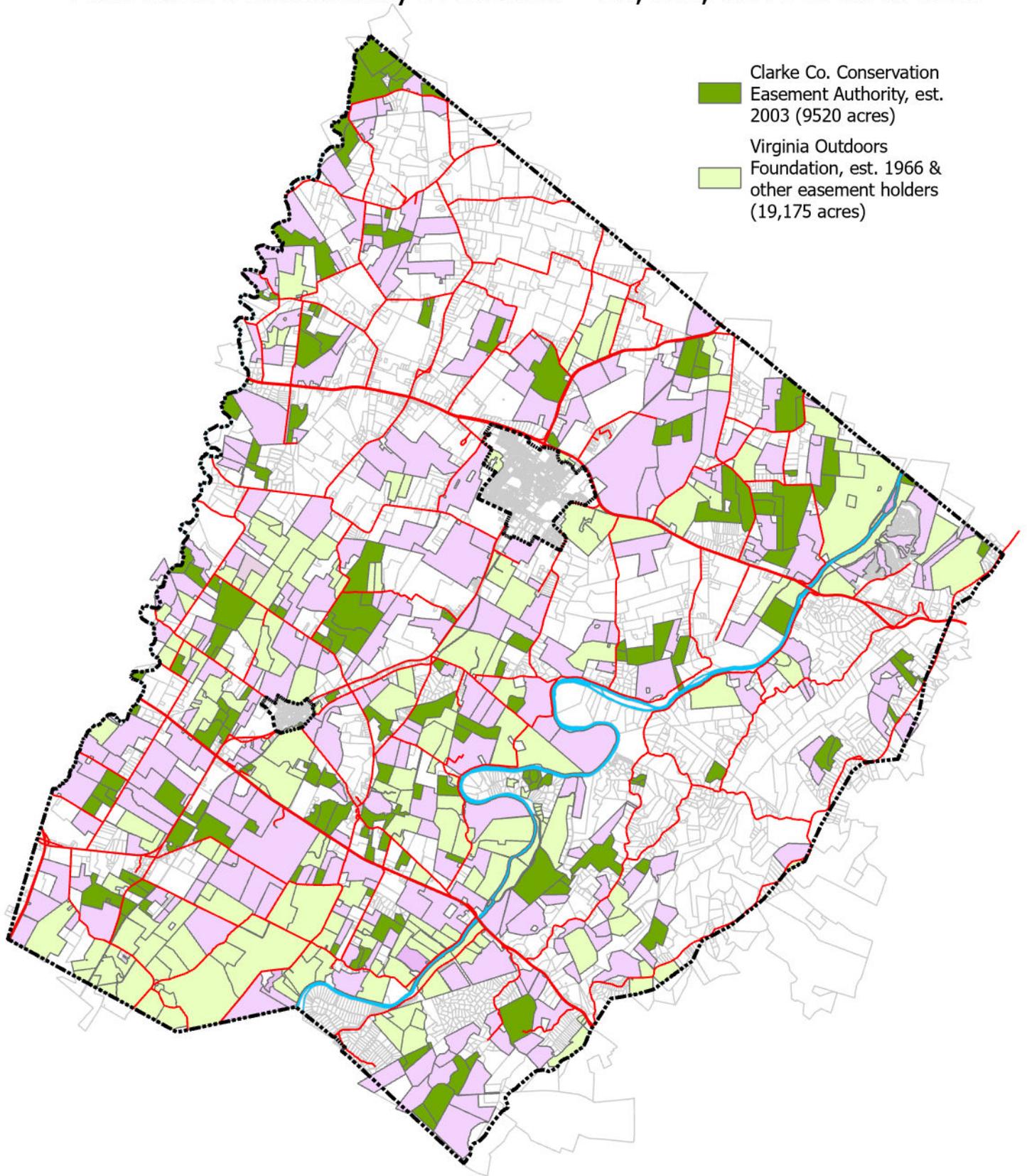
Lorien Lemmon
Conservation Planner | GIS Coordinator



Conservation Easements in Clarke County

Total Area Permanently Protected - 28,695, 25% of land area

- Clarke Co. Conservation Easement Authority, est. 2003 (9520 acres)
- Virginia Outdoors Foundation, est. 1966 & other easement holders (19,175 acres)



0 0.5 1 2 Miles

Clarke County GIS
January 23, 2024



- County Boundary
- Parcel Boundary
- Roads

- Shenandoah River
- CC_AFOC_AdjEas_2DUR

UPDATE¹: Building Envelopes, Conservation Easements², and Tax Law

Building Envelope: An area, delineated by a survey, GIS map, GPS points, metes or bounds, or some other boundary description, that lies within the boundaries of a conservation easement. Certain buildings and structures are required to be located within this area in order to prevent construction and maintenance of those buildings/structures from impacting areas within the easement boundary that have conservation value. The size, number, and location of building envelopes and the list of which buildings and structures are required to be located within a building envelope often varies depending on the identified conservation values of the easement, the landowner's goals for the property, and the easement holder's policies and practices.

Floating Building Envelope: A building envelope that a landowner may elect to modify (with respect to size, shape, and location) within the boundaries of the conservation easement. The deed of easement may specify that the easement holder must approve the landowner's selection and may specify other considerations or requirements in the easement holder's evaluation or in the landowner's selection.

Pine Mountain Preserve, LLP v. Commissioner and Carter v. Commissioner³:

- **Tax Court:** Ruled in both *Pine Mountain* and *Carter* that conservation easements that permitted floating building envelopes did not qualify for the federal deduction. The Tax Court's rulings stated that the easements failed to meet Internal Revenue Code § 170(h)(2)(C) (the "granted in perpetuity" requirement) and § 170(h)(5)(A) (the "protected in perpetuity" requirement) because the building envelopes were areas within the conservation easements that were essentially unprotected "holes" (like Swiss cheese), and if the holes could be modified, then the Tax Court concluded that there was no clearly-defined real property interest that was being granted or protected in perpetuity.⁴
- **U.S. Court of Appeals, 11th Circuit:** Reversed both *Pine Mountain* and *Carter*, in part, in ruling that the easements in both cases conveyed real property interests that were *granted* in perpetuity, and the 11th Circuit remanded both cases to the Tax Court to determine whether the relevant facts showed that the easements met the "*protected* in perpetuity" requirement.
- **Tax Court in *Carter*, on Remand:** Relying heavily on expert testimony related to the impact of the exercise of reserved building rights on conservation purposes and values, the Tax Court ruled that the easement met the *protected* in perpetuity. At the heart of this decision was the Tax Court's focus on the language in the deed of easement that allowed

¹ This paper is intended for informational purposes only and should not be construed as legal or tax advice. For advice pertaining to your specific facts and circumstances, please consult experienced legal or tax counsel.

² For the sake of brevity, this paper refers to both open-space easements granted via the Open-Space Land Act and conservation easement granted via the Virginia Conservation Easement Act as "conservation easements."

³ Both of these cases involved more than the building envelope issue, and *Carter* addresses some good questions about baseline documentation reports (e.g., what must be included, when the BDR must be provided to the holder, etc.)

⁴ For more information about these Tax Court decisions and the tax court decisions that paved the way for these decisions, contact Kerry Hutcherson at kerry@rudycovner.com and request a copy of a presentation that he made to VaULT in June 2019.

modifications to building envelopes only with the easement holder's approval and limited that approval to modifications that would have *no material adverse effect on conservation purposes*. Contrary to some previous rulings, the Tax Court's ruling in this case granted a great deal of deference to the limitations on the easement holder's approval and the easement holder's commitment to enforce the restrictions of the easement. The Tax Court also contrasted the easement in *Carter* to the easements in *Pine Mountain* by emphasizing that the *Pine Mountain* easements did not limit the easement holder's discretion to approve building envelope modifications and require that the modifications have no material adverse effect on conservation purposes.

- **Up Next in Tax Court...*Pine Mountain*:** The Land Trust Alliance has been closely tracking this issue and expects the Tax Court to rehear the *Pine Mountain* case sometime in 2024. The Tax Court's comments on *Pine Mountain* in the recent *Carter* decision seem to be telegraphing a contrasting decision to come, but some uncertainty remains.

Takeaway Points:

- **Are Building Envelopes Required?** There continues to be *no statute, regulation, court decision, or any other legal authority* that requires the use of building envelopes. Caveat: the IRS seems to still be hyper-focused on the use of building envelopes as a method of protecting conservation purposes and values, so using building envelopes may still help to reduce the risk of an IRS challenge.
- **What Modifications to Building Envelopes Are Permitted?** The *Carter* decision supports modifications to building envelopes, but only if the easement holder approves and only if the approval finds that the modifications will have no material adverse effect on conservation purposes. Caveat: The pending Tax Court decision in *Pine Mountain* may shed some more light on this question. Also take note that the *Carter* and *Pine Mountain* cases came from the region where the U.S. Court of Appeals, 11th Circuit has jurisdiction. Virginia is in the jurisdiction of the U.S. Court of Appeals, 4th Circuit, so it is possible (but probably not likely) that there could be a case involving floating building envelopes in that jurisdiction that reaches a conclusion that is different from the *Carter* decision.

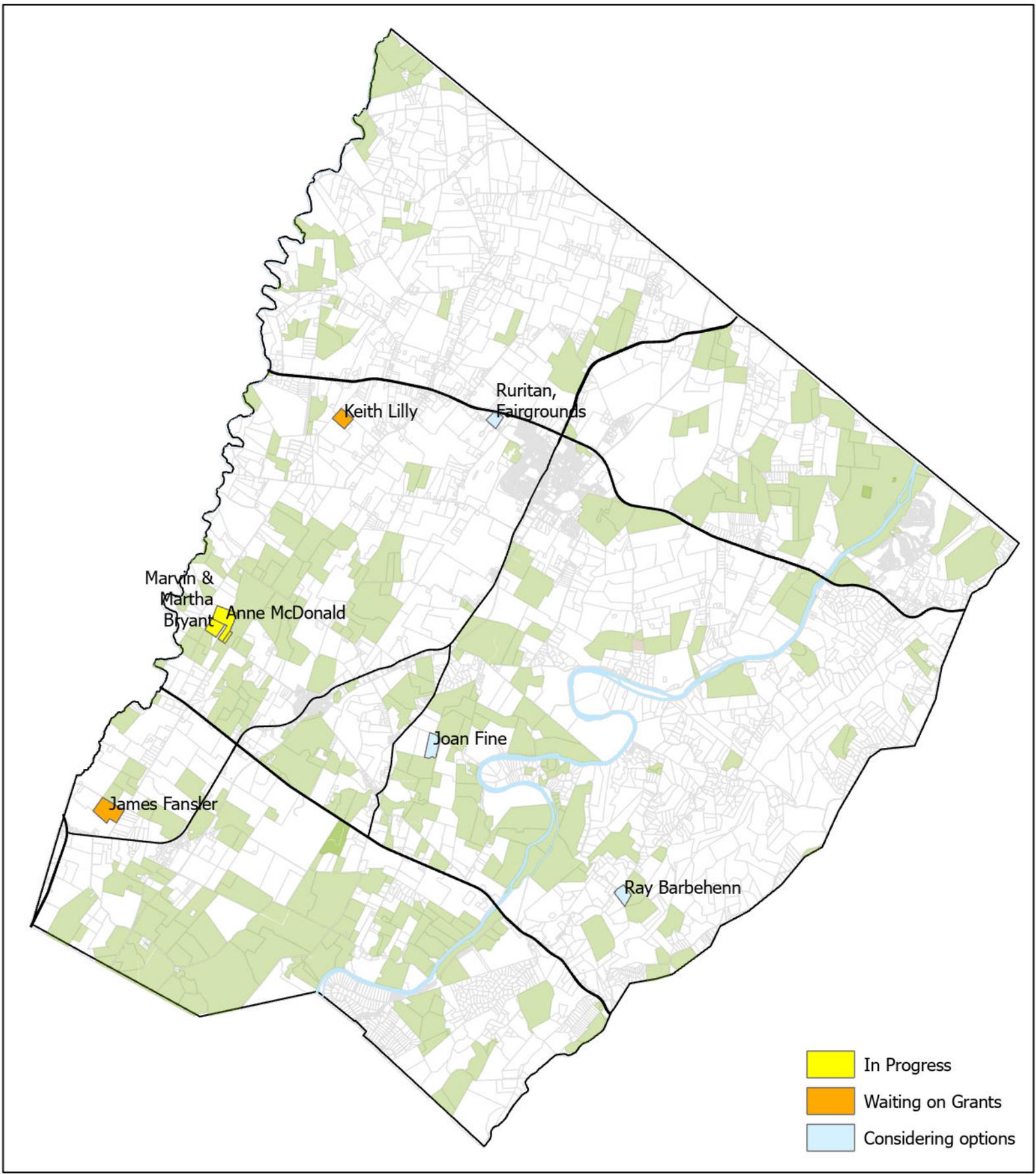
Interested in learning more?

- Keep abreast of new developments in this topic by following the Land Trust Alliance's Conservation Defense Network newsletter and the VaULT Listserv Recap.
- Check out the Land Trust Alliance's practical pointer paper on this topic (free for LTA members): <https://landtrustalliance.org/resources/learn/explore/balancing-risk-when-permitting-structures-on-deductible-conservation-easements?queryID=6c08d1a14a2820bdc06c7020c3fed589>
- Contact Diana Norris at LTA: dnorris@lta.org or 202-800-2219
- Kerry Hutcherson, VaULT Board Member: kerry@rudycoyner.com or 804-516-8910

Memorandum

To: Conservation Easement Authority
 From: A. Teetor, L. Lemmon
 Subject: Status update - active easement applications/inquiries
 Date: January 31, 2024

Active Applications						
Name	Tax Map#	Address	Acres	DURs retired	Type	status
Joan Fine	30-A-104B	516 Clay Hill Rd	40.58	0	donation	Applicant reviewing building envelope location
Ray Barbehenn	32-4-A	Mount Carmel Rd	38.39	3	donation	Considering options
Anne McDonald	20-A-5A 20-A-5B	Old Winchester Road	80 8	3	donation	Preliminary approval 11/9
Davis & Marti Bryant	20-A-7	2092 Old Winchester Road	39.06	1	donation	Preliminary approval requested for easement donation 1/12
Ruritan - Fairgrounds	14 A 1	890 W Main St	34.32	0	donation	pending town and legal discussions
James Fansler	27-A-3	225 Nations Spring Road	88.95	3	Grant purchase	Full ALE application submitted 10/31 NRCS site visit conducted 12/15
Keith Lilly	12-A-37B	Triple J Road-access	43	2	Grant purchase	Full ALE application submitted 10/31 NRCS site visit conducted 12/15



Clarke County GIS
January 31, 2024



	In Progress	Grants	Options	Total
Acres	127	132	120	379
Retired DURs	3	6	3	12
Donations	2	0	3	5
Purchases	0	2	23 of 25	2

WHEREAS, the Ruritan Club of Clarke County (the “Ruritans”) owns two parcels of land (Parcel Identification Numbers 14-A-1 and 14-A-2) at 850 West Main Street in Berryville (the “Fairgrounds”) on which the Ruritans hold year-round fairs, agricultural, educational and cultural programs open to the general public.

WHEREAS, the Fairgrounds provide recreational open-space opportunities to citizens of Clarke County, including a vibrant agricultural fair with year-round events, competitions and educational programs essential to the agricultural community of Clarke County. The fairgrounds are a critical element of the rural character of Clarke County, and promote rural and agriculturally-based tourism. Current zoning for the Fairgrounds allows for high density residential development subject to special use permit approval.

WHEREAS, the Fairgrounds represent an important recreational, agricultural, educational, and cultural resource for: (1) support for the agricultural community of the County, (2) maintenance of the rural character of the County, and (3) the promotion of County tourism and commerce.

WHEREAS, conservation and protection of the Fairgrounds as recreational open-space will further the County’s stated policies in the 2022 Comprehensive Plan:

Goal 1: Preserve and protect the agricultural, natural, and open-space character of unincorporated areas.

Objective 4 – Historic Resources

Preserve the County's historic character by protecting its historical and cultural resources for the aesthetic, social, and educational benefits of present and future citizens through the following policies and the Historic Resources Plan.

Policy 3. Encourage and assist property owners to place voluntary conservation easements on lands associated with historic buildings, sites, districts, and archaeological resources representing all historical time periods and cultures present in the County.

Objective 5 – Conservation Easements

Ensure the continued success of the Conservation Easement program by encouraging landowners to place County lands in voluntary permanent easement. Provide support and funding of the County’s Conservation Easement program and collaborate with other easement programs managed by State, Federal, and private entities.

Policy 3. Encourage and support the goals of the Conservation Easement Program to protect and preserve:

c. Historic resources, to maintain community character and identity, and encourage the tourism industry.

g. Lands that provide viewsheds for the County's gateways, main roads, and scenic byways.

Policy 4. Continue to support efforts pertaining to public education and outreach to expand the understanding and benefits of conservation easements.

Objective 10. Economic Development

Encourage economic growth that is compatible with the County's environmental quality, rural character, and residential neighborhoods, and that provides a healthy balance between revenues from residential and agricultural uses, and those from commercial and industrial uses.

Policy 11. Support a vigorous agricultural development program in the County that emphasizes promotion of Clarke County agricultural products, encourages cooperation with individual agricultural interests within the County and advocacy agencies, and establishes liaisons with counties in the area that have similar development programs.

WHEREAS, the Ruritans desire to place a conservation easement on the Fairgrounds to ensure the continued open-space use of the Fairgrounds in perpetuity, and a requirement for a qualified conservation contribution under federal and Virginia laws and regulations is that the easement be pursuant to a clearly delineated local government conservation policy and will yield a significant public benefit.

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors does hereby issue this resolution of support for the conservation and protection of the Fairgrounds through a Qualified Conservation Contribution, that the Fairgrounds are worthy of preservation and conservation and that such a Qualified Conservation Contribution is consistent with, and promotes, the agricultural and open space preservation policies of the County as provided in the 2022 Comprehensive Plan.

AND IT IS FURTHER RESOLVED, that conservation and preservation of the Fairgrounds will yield significant benefits to the citizens of Clarke County by: (1) preserving the unique character of the Fairgrounds as a recreational, educational, and cultural resource for County residents, (2) preventing loss of the Fairgrounds to residential development, (3) promoting Clarke County agricultural education and appreciation, (4) advocating the benefits of conservation easements, and (5) promoting Clarke County tourism and commerce.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors' members assembled on the ____ day of _____, 2024.