

Approved Minutes
Conservation Easement Authority
2005

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 12 January 2005

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 12 January 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; R. Buckley, M. Hobart, P. McKelvy, G. Ohrstrom, and J. Radford

Absent: No one

Staff: C. Johnston

Call to Order As clerk to the Authority, Mr. Johnston called the first meeting of the year to order.

Election of Officers Mr. Johnston opened the floor for the nominations for the office of Chair. On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, Ms. Mackay-Smith was nominated for Chair. The Authority unanimously elected Ms. Mackay-Smith as Chair. Mr. Johnston opened the floor for the nominations for the office of Vice-Chair. On motion of Ms. McKelvy, seconded by Ms. Mackay-Smith, Mr. Bieschke was nominated for Vice-Chair. The Authority unanimously elected Mr. Bieschke as Vice-Chair.

Agenda On motion of Mr. Ohrstrom, seconded by Mr. Bieschke, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the meeting of 15 December 2004 with corrections.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$45,328.31 in the Authority's account at the end of 2004. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously accepted the bank statement report.

Report on status of the Campaign for the Authority Mr. Johnston distributed Kate Petranec's monthly report. As of 7 January 05, \$13,800 has been received from 22 donors in responses to the year-end appeal (average donation: \$627.27). In her report, Ms Petranec outlined her activities for the next month to be reviewed at the Authority's next meeting. On motion of Ms. Radford, seconded by Mr. Bieschke, the Authority unanimously agreed to authorize the payment of Ms. Petranec's monthly bill of \$650 [third of ten].

Easement Donation The Chair opened the discussion of Donation Criteria. The Authority agreed that the primary basis for accepting a donated easement should be the conservation benefit of the donation. On motion of Ms. Radford, seconded by Mr. Bieschke, the Authority unanimously agreed to establish the following guidelines for accepting a donated easement: A donated conservation should 1. have a property criteria score of at least 65, 2. extinguish at least one dwelling unit right, and 3. should not be determined eligible for acceptance by an other easement holding entity. Mr. Johnston was requested to compile the scores on all parcels proposed for donations for review at the next Authority meeting. Mr. Hobart entered the meeting during the previous discussion.

Easement Purchase Mr. Johnston reported that the Round 2 purchase was partially complete with the easement on 39 ac. Parcel without a house recorded on 7 January and the easement on 32 ac. Parcel with house was awaiting approval from the owner's mortgage company. On motion of Ms McKelvy, seconded by Mr. Buckley, the Authority unanimously approved going into Closed Session pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property.

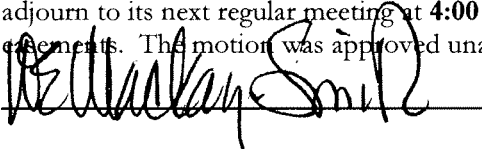
On motion of Ms. Radford, seconded by Mr. Bieschke, the Authority unanimously approved reconvening in Open Session. Ms McKelvy moved, seconded by Mr. Ohrstrom, to certify that to the best of the member's knowledge:

- (v) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (vi) only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, and considered in the meeting by the Authority. The vote on the above motion was:

Chair Mackay-Smith	-Aye	Mr. Buckley -Aye	Ms. McKelvy -Aye	Ms. Radford -Aye
Mr. Bieschke	-Aye	Mr. Hobert -Aye	Mr. Ohrstrom -Aye	

Status of Easement Properties - Greenway Court / Boyce Crossing Tree Preserve Mr. Johnston reported that members of the Authority met with Del. Joe May and his assistant Nancy Duke at Greenway Court to solicit General Assembly support for monies for structural rehabilitation and archeology for this site. He also reported that steps were taken to fortify the fence separating construction and the tree preserve area at Boyce Crossing.

Adjournment There being no further business, Mr. Bieschke moved, and Ms. McKelvy seconded, that the Authority adjourn to its next regular meeting at 4:00 pm, on Wednesday, 9 February 2005, with the main topic to be proposed donated easements. The motion was approved unanimously.



C. Johnston

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 9 February 2005

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 9 February 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; R. Buckley, M. Hobart, P. McKelvy, and G. Ohrstrom.

Absent: J. Bieschke, Vice-Chair; and J. Radford.

Staff: C. Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Buckley, the Authority unanimously approved the minutes of the meeting of 12 January 2005.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$46,908.24 in the Authority's account at the end of January 2005.

Campaign for the Authority Status The Chair said she was working with Ms. Petranec on developing a series of articles for the local newspapers on the easement program. On motion of Mr. Buckley, seconded by Ms. McKelvy, the Authority unanimously agreed to authorize the payment of Ms. Petranec's monthly bill of \$650 [fourth of ten].

Easement Donation The Authority discussed its criteria for accepting donated conservation easements, determined that specific properties should be discussed, and concluded that such discussion should be done in closed session. On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved going into Closed Session pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property. On motion of Mr. Hobart, seconded by Mr. Ohrstrom, the Authority unanimously approved reconvening in Open Session. Mr. Ohrstrom moved, seconded by Ms. McKelvy, to certify that to the best of the member's knowledge:

- (iii) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et seq., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (iv) only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, and considered in the meeting by the Authority. The vote on the above motion was:
- | | | | | | |
|--------------------|--------|--------------|-----|-------------|--------|
| Chair Mackay-Smith | Aye | Mr. Hobart | Aye | Ms. Radford | Absent |
| Mr. Bieschke | Absent | Ms. McKelvy | Aye | | |
| Mr. Buckley | Aye | Mr. Ohrstrom | Aye | | |

On motion of Ms. McKelvy, seconded by Mr. Buckley, the Authority unanimously approved the following guidelines for accepting a donated conservation easement on a parcel:

1. the parcel's Property Resource Score should be at least 35, or
2. at least one dwelling unit right should be extinguished by the donated conservation easement, or
3. the parcel should be adjacent to a parcel already under permanent conservation easement.

Mr. Johnston informed the Authority that Richard and Mary Dimmel propose to donate permanent conservation easements for five parcels of a recently approved subdivision between John Mosby Highway (Rt. 50) and Old Winchester Road (Rt. 723), west of Waterloo. Mr. Johnston stated that as a result of the subdivision each of the five parcels had one dwelling unit right. He stated that the Property Resource Scores for the parcels were: lot 3: 41, lot 4: 36, lot 5: 35, lot 6: 39, lot 8: 42. He further stated that three adjoining parcels in the subdivision were proposed for permanent conservation easement with the Virginia Outdoors Foundation. He stated that lots 7 and 9 had been approved by the VOF Board and that lot 1 had been recommended for approval by the VOF staff. The Chair recommended that the Authority agree to accept these donations as the five parcels had Property Resource Scores of 35 or greater and that they would be adjacent to the other parcels under permanent conservation easement. On motion of Mr. Hobart, seconded by Ms. McKelvy, the Authority unanimously authorized the Chair to sign the documents accepting a donated permanent conservation easement from Richard and Mary Dimmel that would preclude future subdivision of five parcels of their subdivision of Tax Map Parcels 20-A-38, 20-A-45, and 21-A-45 approved by the County Planning Commission on 4 February 2005 with the following conditions:

1. before the Chair signs the conservation easements for lot 6 (40.6 acres) and lot 8 (20 acres), the County Board of Supervisors is offered the opportunity to co-hold these conservation easements and the conservation easement with the Virginia Outdoors Foundation for the adjoining lot 7 (58.7 acres) be recorded, and
2. before the Chair signs the conservation easements for lot 3 (24.9 acres), lot 4 (29.7 acres), and lot 5 (23.7 acres), the County Board of Supervisors is offered the opportunity to co-hold these conservation easements and the conservation easement with the Virginia Outdoors Foundation for the adjoining lot 1 (199.5 acres) be recorded.

Easement Purchase

Mr. Johnston reported that the Bauhan - Round 2 purchased easement on the 39 ac. without house was recorded on 7 January and the easement on the 32 ac. with house awaiting approval from the owner's mortgage company. Mr. Johnston reviewed the Battletown Appraisers Report on the Bauhan property, which stated that the value of the 39 ac. property dropped from \$396,200 to \$198,100 and the value of the 32 ac. property dropped from \$600,000 to \$450,000. Mr. Johnston stated bills in the amount \$2,627.45 from Robert Mitchell, attorney, and \$2,250.00 from Battletown Appraisers had been received for work on the Bauhan easements. Mr. Johnston said he needed direction as to which account would be paying these bills: the Authority's checking account, the Board of Supervisor's professional services account, or the Planning Department professional services account. Mr. Hobart stated that this matter should be deferred to the Board Finance Committee for a determination. Mr. Johnston agreed to present the issue to this Committee.

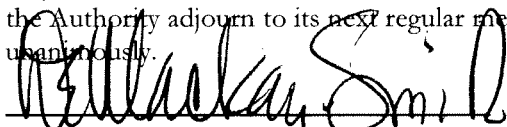
Status of Easement Properties

Mr. Johnston reported on the status of current easements:

- Greenway Court:* a General Assembly grant request was submitted for funds to develop a plan for and start archeological and rehabilitation work on the structures;
- Boyce Crossing:* work was proceeding on the adjacent subdivision and strengthening the protection fence accomplished;
- Bauhan:* see above,
- Zambanini:* nothing to report.

Adjournment

There being no further business, Mr. Buckley moved, and Ms. McKelvy seconded, that the Authority adjourn to its next regular meeting at **4:30** pm, on Wednesday, 23 March 2005. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 23 March 2005

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 23 March 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, *Chair*; J. Bieschke, *Vice-Chair*; R. Buckley, M. Hobart, P. McKelvy, G. Ohrstrom, J. Radford

Absent: No one.

Staff: C. Johnston; Kate Petranech, Fund Raising Consultant; Faye Cooper, Virginia Outdoors Foundation staff.

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously approved the minutes of the meeting of 9 February 2005.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$46,384.13 in the Authority's account at the end of February 2005.

Campaign for the Authority Status Ms. Petranech stated she was 1) developing a series of articles to be submitted to the Clarke Times-Courier by the Chair that would explain conservation easements and their benefits, 2) creating a brochure for general distribution, and 3) developing a target list for future solicitation. The Chair noted the impending completion of the easement purchase of the Bauhan property and suggested a social fund raising event highlighting this purchase. On motion of Mr. Bieschke, seconded by Ms. Radford, the Authority unanimously agreed to authorize the payment of Ms. Petranech's monthly bill of \$650 [fifth of ten].

Easement Donation Ms. Cooper reviewed the proposed joint conservation easement on the 224 acre property located on the east bank of the Shenandoah River and south side of John Mosby Highway. Authority members suggested several modifications to clarify the terms of the easement. On motion of Ms. Radford, seconded by Ms. McKelvy, the Authority unanimously gave preliminary approval of the proposed joint easement as revised conditioned on review of possible additional VOF Board modifications.

Mr. Johnston reported the Board of Supervisors agreed to co-hold the donated easements on the property of Richard and Mary Dimmel, approved at the last Authority meeting. He said they had been forwarded to VOF for their consideration as a co-holder.

Mr. Johnston said there were several other prospective donated easements, but due to the hour, he suggested they be discussed at the next Authority meeting.

Mr. Buckley left the meeting.

VOF Cooperative Agreement Ms. Cooper reviewed the proposed cooperative agreement between VOF and the Authority on the processing and management of co-held easements. The consensus of the Authority was to agree to the proposal, however, they had several suggested changes. Ms. Cooper agreed to revise the agreement for re-distribution and final consideration at the next Authority meeting.

Easement Purchase Mr. Johnston reported that the Board of Supervisors Finance Committee determined that professional services for the Authority should be paid from the Authority's account and the Board would ensure that there would be sufficient funds to cover purchase costs as well as professional service bills.

Status of Easement Properties Mr. Johnston reported on the status of current easements:

Greenway Court: The General Assembly approved a grant in the amount of \$12,500 to develop a use plan and complete an archeological and structure evaluation report. An additional \$10,000 has been determined necessary to complete this work and this addition amount is being requested from VDHR.

Boyce Crossing: Work continues on this project.

Bauhan: The easement on 39 ac. without house was recorded on 7 January. The owners use the proceeds from this sale to pay off the mortgage on the second parcel, therefore the easement on this 32 ac. parcel is just pending signatures by all parties.

Zambanini: Nothing to report.

Adjournment There being no further business, Mr. Bieschke moved, and Ms. McKelvy seconded, that the Authority adjourn to its next regular meeting at 4:30 pm, on Wednesday, 20 April 2005. The motion was approved unanimously.


 Wingate Mackay-Smith, Chair

C. Johnston
 Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 20 April 2005

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 20 April 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: J. Bieschke, *Vice-Chair*; R. Buckley, M. Hobart, P. McKelvy, G. Ohrstrom, J. Radford

Absent: W. Mackay-Smith, *Chair*

Staff: C. Johnston; Kate Petranech, Fund Raising Consultant.

Call to Order Vice-Chair Bieschke called the meeting to order. He noted that the Chair was present telephonically and that she would probably be ending her conference call before the conclusion of the meeting.

Agenda On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Buckley, the Authority unanimously approved the minutes of the meeting of 23 March 2005.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$45,605.44 in the Authority's account at the end of March 2005. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously accepted the bank statement report.

Campaign for the Authority Status Ms. Petranech distributed a draft of the text of a new brochure for comments and suggestions. The Authority discussed the purpose of the brochure. She said she would incorporate all comments, investigate the costs of printing, and present a complete package at the next meeting of the Authority. Ms. Petranech said she was working on a draft of the proposed monthly column by the Chair for the Clarke Times-Courier (tentatively scheduled to begin in May), that she would distribute this draft shortly, and that she was soliciting a name for the column. On motion of Ms. Radford, seconded by Ms. McKelvy, the Authority unanimously agreed to authorize the payment of Ms. Petranech's monthly bill of \$650 [sixth of ten].

Unresolved Easement Purchase and Donation Requests Mr. Johnston reviewed two unresolved proposed easement purchase requests. The Authority agreed by consensus that these owners should be informed of the limited budget of the Authority and say they will be considered when the Board of Supervisors provides the expected annual appropriation in June of this year. The Chair stated, by conference call, that she believed that the income of the owners of one of the parcels proposed for easement purchase probably exceeded the Authority's criteria and that Mr. Johnston should discuss the possibility of an easement donation in lieu of a sale. Mr. Johnston then reviewed the seven unresolved proposed easement donations. The Authority agreed by consensus that the first proposed donations should be declined because of its low property score, no dwelling unit rights were being terminated, and it was not adjacent to other property under easement. The Authority agreed that Mr. Johnston should pursue the second proposed easement because of its high property score and number of dwelling unit rights being terminated. Mr. Johnston stated that third proposed group of easements were adjacent to land proposed for VOF easements and that the Authority had previously agreed to accept these easements once the VOF easements were recorded. Mr. Johnston stated that the fourth proposed easement had been determined as more appropriate for VOF. The fifth, sixth, and seventh proposed easements, according to Mr. Johnston, were recent requests. All three had property scores over 35, two were adjacent to property under easement, and one would terminate a dwelling unit right. It was agreed that the Authority should visit three newest proposed easement properties. This site visit was scheduled for Saturday, May 7th, congregating at the Waterloo Park and Ride at 11 a.m.

Alternative Purchase Strategies The Chair presented the idea of soliciting the sale of easements for a modest dollar amount that would only allow the exercise of the dwelling unit rights currently assigned to a property. Authority members agreed this was an interesting idea that should be pursued.

State PDR Manger's Meeting Mr. Johnston reported that he attended a meeting of PDR managers in Virginia on Friday, 15 April, near Richmond and that there would another meeting on Friday, 17 June, also near Richmond and that one or two Authority members should attend, with him, to help develop a strategy to get state funds for local easement programs.

Status of Easement Properties Mr. Johnston reported on the status of current easements:

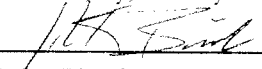
Greenway Court: A plan for the use of the \$12,500 state grant, plus the additional funds from the VDHR budget was being developed.

Boyce Crossing: Work continues on this project.

Bauhan: The easement on 39 ac. without house was recorded on 7 January. The easement on this 32 ac. parcel is pending signatures by the property owners.

Zambanini: Nothing to report.

Adjournment There being no further business, Mr. Buckley moved, and Ms. Radford seconded, that the Authority adjourn to a special site visit meeting at 11:00 pm, Saturday, 7 May, and to its next regular meeting at 4:30 pm, Wednesday, 18 May 2005. The motion was approved unanimously.



 John Bieschke, Vice-Chair



 Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 18 May 2005

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 18 May 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, *Chair*; J. Bieschke, *Vice-Chair*; R. Buckley, M. Hobart, P. McKelvy, G. Ohrstrom
Absent: J. Radford
Staff: C. Johnston; A. Teetor

Call to Order Chair-Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Buckley, the Authority unanimously approved the minutes of the meeting of 20 April 2005.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$ 20,259.23 in the Authority's account at the end of 30 April 2005. On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously accepted the bank statement report.

Campaign for the Authority Status Mr. Johnston said he was expecting, momentarily, an electronic version of the brochure from Ms. Petrnech. As soon as he receives it, he said he would forward it to all Authority members. The Authority agreed to try to give the go ahead for the brochure before the next meeting. The Chair noted that the first of her series of monthly articles was published in the Clarke Times-Courier and that she thanked Ms. Petranech for her work on this project. On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously agreed to authorize the payment of Ms. Petranech's monthly bill of \$650 [seventh of ten].

Easement Donation Mr. Johnston reviewed the easement donation applications:

1. Joseph, Joan, and Kristin Hickey request acceptance of a donated conservation easement for a 15 acre parcel located at 3826 Swift Shoals Road Tax Map Parcel 37-A-20, Greenway Magisterial District, zoned AOC. (EA-05-04)
 - Mr. Johnston noted that: 1) the applicant would forgo subdivision by the proposed easement terms, thereby forfeiting the use of one dwelling unit right; 2) the easement property score is 68.07; 3) parcels to the east and south are under conservation easements and 4) the proposed easement met all three of the criteria established for donated conservation easements. Ms. Teetor noted that the applicant had submitted a request for a variance from county septic ordinance regulations and that such a variance was possible for new construction only if the property was under conservation easement.

After discussion by the Authority, the Chair called for a motion. On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously agreed to accept a donated conservation easement forgoing subdivision, thereby forfeiting the use of one dwelling unit right, with the understanding the donor's attorney would draft the easement document for review and approval by the Authority's attorney and the Authority would pay all recordation costs, as the applicant has submitted income information showing that it was less than \$50,000 (the cut-off established for full payment of easement purchase).

2. Elizabeth Harding and Louise Critchfield request acceptance of a donated conservation easement for a 23 acre property located at 2855 Red Gate Road, Tax Parcel 37-A-3A, Greenway Magisterial District, zoned AOC (EA-05-05)
 - Mr. Johnston noted that: 1) the applicant would forgo subdivision by the proposed easement terms; however, there is no unused dwelling unit right that would be thereby forfeited; 2) the easement property score is 42.94; 3) property to the north is under conservation easement, and 4) the proposed easement met two of the three criteria established for donated conservation easements.

After discussion by the Authority, the Chair called for a motion. On motion of Mr. Ohrstrom, seconded by Mr. Buckley, the Authority unanimously agreed to accept a donated conservation easement forgoing subdivision, with the understanding the donor's attorney would draft the easement document for review and approval by the Authority's attorney and the Authority would pay all recordation costs, if the applicant submits income information showing that it was less than \$50,000 (the cut-off established for full payment of easement purchase).

3. Kevin and Kimberly Denison request acceptance of a donated conservation easement for a 25.4 acre property located adjacent to the 100 block of Old Charles Town Road, Tax Map Parcel 4-A-1, Longmarsh Magisterial District, zoned AOC (EA-05-06)
 - Mr. Johnston noted that: 1) the applicant would forgo subdivision by the proposed easement terms; however, there is no unused dwelling unit right that would be thereby forfeited; 2) the easement property score is 43.5; 3) no adjacent property is under conservation easement; and 4) the proposed easement met one of the three criteria established for donated conservation easements. Ms. Teetor noted that the applicant was considering a request for variances from

county septic ordinance regulations and that such a variance was possible for new construction only if the property was under conservation easement.

After discussion by the Authority, the Chair called for a motion. On motion of Mr. Hobert, seconded by Mr. Ohrstrom, the Authority unanimously agreed to table the request until the applicant determines whether they would actually need the contemplated variance.

Easement Purchase

Mr. Johnston said there was a suggestion that the Authority consider providing a modest financial incentive for property owners to propose easement agreements that would forgo future subdivision without surrendering any current dwelling unit rights. Authority members questioned whether this would mean that some level of compensation would be expected for all donated easements, would this divert funds from the purchase of current dwelling unit rights, and would these funds be available to all property owners regardless of income. The Chair appointed Mr. Bieschke, Mr. Buckley, and Mr. Hobert to discuss this matter further and report back to the Authority at their next meeting with a recommendation.

County Easement Signs

Mr. Johnston noted a suggestion that the Easement Authority create signs, similar to the VOF Easement Signs, to be placed on parcels under easement with the Authority. The Chair asked Ms. Radford to work with staff to identify costs/benefits and proposed a design for such signs for the next Authority meeting.

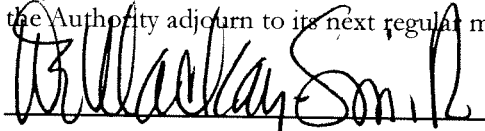
Status of Easement Properties

Mr. Johnston reported on the status of current easements:


- Greenway Court:* Due deterioration in the roofs of the three historic structures, the \$12,500 state grant, plus the additional funds from VDHR and the property owner will probably focus on their repair/replacement.
- Boyce Crossing:* Work continues on this project.
- Bauban:* The easement on 39 ac. without the house was recorded on 7 January. The easement on the 32 ac. parcel with the house recorded on 18 April.
- Zambanini:* It was noted that the existing billboard on the property may remain until the expiration of the current billboard lease in 2005. At the expiration of the billboard lease, and in no event later than January 31, 2006, Grantor shall remove the billboard from the Property.

Adjournment

There being no further business, Mr. Bieschke moved, and Ms. McKelvy seconded, that the Authority adjourn to its next regular meeting at **4:30** pm, Wednesday, 15 June 2005. The motion was approved unanimously.



W. Mackay-Smith, ~~Chair~~ Chair

by 
Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 15 June 2005

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 15 June 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: J. Bieschke, *Vice-Chair*; M. Hobert, P. McKelvy, J. Radford, R. Buckley (arrived 4:50 pm)

Absent: W. Mackay-Smith (by phone at 5:45), *Chair*; G. Ohrstrom

Staff: C. Johnston; A. Teetor

Call to Order Vice Chair-Bieschke called the meeting to order. He noted that Ms Teetor would be taking over staff responsibilities from Mr. Johnston.

Agenda On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously approved the agenda.

Minutes On motion of Ms. Radford, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the meeting of 18 May 2005.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$ 20,661.82 in the Authority's account at the end of 31 May 2005.

Campaign for the Authority Status Ms. Petranech made an appeal for continuing with the brochure to the design phase. She explained that she didn't see a conflict with having two brochures. The first brochure describes the easement program and purchase process where the second brochure is designed to describe the donation process. She felt that inserting a slip into the first brochure describing the donation option would be ineffective as the intent is different.

Mr. Johnston mentioned that the Bauhan property easements were both recorded as of the end of April. Ms. Petranech suggested that an event celebrating the donation would be important. She stated that there are enough persons participating in the County easement program that a constituency could be fostered.

With regard to the newspaper column, Ms. Petranech stated that since her contract ends in August, she is working with the Chair to bank extra columns to get through the end of the year. She also suggested that she could help the Authority to design a structure for presentations to groups describing the easement program. The group concurred that this would be helpful and will think about what they want to accomplish with such a presentation. Finally, as Ms. Petranech needed to leave to get to another meeting, the group skipped to item 9, County Easement Identification Signs, in order to get her input on the draft layout. She agreed to work with staff, but generally agreed with the proposed layout. She also suggested that the Authority create pins or paperweights to create tangible recognition for persons participating in the easement program.

Ms. Petranech left at 4:50 pm. On a motion by Mr. Hobert, seconded by Ms. Radford, the Authority unanimously agreed to authorize the payment of Ms. Petranech's monthly bill of \$650 [eight of ten].

Easement Donation At its 9 February 2005 meeting, the Authority unanimously approved the motion of Ms. McKelvy, seconded by Mr. Buckley, to establish the following guidelines for accepting a donated conservation easement on a parcel:

1. the parcel's Property Resource Score should be at least 35, or
2. at least one dwelling unit right should be extinguished by the donated conservation easement, or
3. the parcel should be adjacent to a parcel already under permanent conservation easement.

At its last meeting, the Authority discussed changing the guidelines for accepting a donated easement so that a property would have to meet at least two of the three criteria listed above.

After discussion the Authority agreed to add a fourth guideline: a property would have a minimum area of 40 acres and require that a property meeting at least two of the four guidelines for acceptance. On a motion by Ms. Radford, seconded by Ms. McKelvy, the Authority unanimously agreed to accept the revised guidelines.

Mr. Johnston described the request for a donated easement by Sylvia Wilson. The Authority tabled a decision until a site visit could be conducted to review the property. A site visit was scheduled for Saturday June 25th at 8:00 am. Members will meet at the High School parking lot.

Mr. Johnston reported on the status of the approved unrecorded donated easements of Dimmel, Hickey, and Harding. All three applicants were sent letters describing action by the Authority. Mr. Dimmel is working with Ben Butler, an attorney in Winchester to develop the necessary documents. One has been received and will be recorded when adjacent properties are placed in easement. Staff will work with Mr. Hickey and Ms. Harding by providing a sample easement document that their attorneys can work from to draft their agreements.

Easement Purchase Mr. Johnston described an upcoming meeting of the Statewide Managers Meeting on 17 June in Hanover. The Chair and staff will attend. Regarding the next purchase round, the Authority agreed to wait for the

Board of Supervisors to appropriate money so that they would know how much they had to work with before soliciting applications.

Alternative Purchase Strategies Mr. Johnston reviewed the discussion of the appointed subcommittee of Mr. Hobert and Mr. Bieschke who met on 24 May 2005 with Ms. Teetor. They discussed the potential for providing incentives for persons not otherwise inclined to donate land for easement. After discussion, the Authority requested staff to draft a letter to applicants describing that the Authority will provide assistance to applicants by providing easement documents that the Authority has approved, but that the applicant is responsible for getting legal advice regarding their interests. In addition, the Authority agreed that closing costs would be paid for applicants meeting the income criteria described for easement purchases, but would not pay closing costs for applicants who become eligible for a variance as a result of the easement. On a motion by Mr. Hobert, seconded by Mr. Buckley, the Authority unanimously approved the guidelines as described.

Status of Easement Properties Mr. Johnston reported on the status of current easements:
Greenway Court. The Vice-Chair and Mr. Johnston completed a site visit to review the extent of the roof deterioration. Based on the review it was determined that the best use of funds would be to repair the roof to prevent deterioration of the buildings. The owners have agreed to pay for the roof repair and are getting bids from area contractors. A scope of work for the remaining repairs will be developed and the State funds would then be applied to complete those repairs.

Boyce Crossing: Nothing to report.

Bauban: Nothing to report.


Zambanini: Nothing to report.

Other At 5:45, the Chair called in to discuss proposed new state easement requirements with the group. She stated that there may be two new requirements; 1) that every easement is monitored once/year, and that the report is available to the IRS; and 2) that each easement has a demonstrated public purpose as described by the IRS. The Chair suggested that the Authority begin monitoring so that it is prepared should these proposals be adopted. After discussion, the Authority directed to staff to mimic the monitoring procedures conducted by PEC.

Adjournment There being no further business, Ms. McKelvy moved, and Mr. Hobert seconded, that the Authority cancel its regular July meeting and adjourn to the previously scheduled site visit on 25 June and then to its August regular meeting at **4:30 pm**, Wednesday, 17 August 2005. The motion was approved unanimously.



 John Bieschke, Vice-Chair



 Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 17 August 2005

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 17 August 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, *Chair*, J. Bieschke, *Vice-Chair*, M. Hobert, P. McKelvy, R. Buckley
Absent: G. Ohrstrom, J. Radford
Staff: C. Johnston; A. Teetor

Call to Order Chair-Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously approved the agenda.

Minutes On motion of Mr. Bieschke, seconded by Mr. Hobert, the Authority unanimously approved the minutes of the 15 June 2005 meeting, with the correction of that the chair called in at 5:45 pm not 5:40.

Bank Account Ms. Teetor reported the monthly bank statement showed a balance of \$ 19,641.78 in the Authority's account at the end of 31 July 2005. On motion of Mr. Hobert, seconded by Mr. Bieschke, the Authority unanimously approved the bank statement.

Campaign for the Authority Status Ms. Petranech reported on the progress for the design of the brochure. She stated that the designer would need some additional photos to include as backdrop. In addition she suggested that the County easement map be included in the brochure. A draft will be available at the September meeting for review. With regard to the newspaper column, Ms. Petranech stated that she has completed columns that should provide coverage through October. As Ms. Petranech's contract expires in September, she stated that she would provide a wrap up report summarizing her accomplishments and thoughts on future needs of the Authority. On a motion by Mr. Buckley, seconded by Ms. McKelvy, the Authority unanimously agreed to authorize the payment of Ms. Petranech's monthly bill of \$650 [ten of ten].

Piedmont Environmental Council – Sarah Gannon

Ms. Gannon, at the request of the Authority presented a 20-minute power point presentation she designed to aid Authority members in describing the easement process to interested parties. Ms. Gannon described the program as an introduction to the easement purchase or donation process that could be presented to civic organizations or individuals interested in the easement program. After the presentation the Authority discussed the content and praised Ms. Gannon for developing the presentation. Ms. Petranech offered that the Authority should evaluate the level of knowledge of the audience, suggesting that the presentation might be hard to understand due to the level of detail and amount of material presented. The Authority members discussed ways to simplify the program. A few preliminary observations were that the presentation could include examples of actual Clarke County landowners who have participated in the program, and that perhaps two presentations could be developed, one to present to groups as an overview of the program, with a second program that would provide the detail to persons actually considering participation in the program. Ms. Petranech agreed to review the presentation in detail and report back at the September meeting.

Easement Donation

a. Donation Criteria

Based on several recent applications, Mr. Ohrstrom asked that the Authority discuss the issue of acceptance of donated easements based on the applicants desire to meet the criteria for a septic variance. After a brief discussion the Authority decided to table this item until the next meeting when Mr. Ohrstrom might be present to participate in the discussion.

b. Ms. Teetor described the request for a donated easement by Sylvia Wilson. The Authority conducted a site visit to review the property on Saturday June 25th at 8:00 am. Mr. Hobert, Ms. McKelvy, Mr. Buckley, Mr. Bieschke, and Ms. Teetor attended. Ms. Wilson was present to ask questions regarding the generic Deed of Easement. After discussion, on motion of Mr. Hobert, seconded by Mr. Buckley the Authority unanimously agreed to accept the donated easement from Ms. Wilson. The applicant was instructed to have an attorney prepare a Deed of Easement for the Authorities signature.

c. Ms. Teetor described the request for a donated easement by Kevin and Kimberly Dennison. After discussion, on motion of Mr. Hobert, seconded by Ms. McKelvy, the Authority unanimously decided to deny acceptance of the easement because the property does not meet the criteria. Staff was requested to call the applicant in addition to sending a letter to address any further concerns the applicant may have.

d. Ms. Teetor described the request for a donated easement by Jon and Peggy Duvall. A site visit of the property was conducted prior to today's meeting. After discussion, on motion of Ms. McKelvy, seconded by Mr. Buckley the Authority unanimously agreed to accept the donated easement from the Duvalls.

e. Ms. Teetor reported on the status of the approved unrecorded donated easements of Dimmel, Hickey, and Harding. All three applicants were sent letters describing action by the Authority. Mr. Dimmel has provided 2 easement documents but there are errors pertaining to the zoning ordinance reference. Mr. Hobert suggested that staff contact Mr. Butler, Mr. Dimmel's attorney to see if the page with the error could be corrected and included in signed document to avoid having the document resigned. Additional easement documents are pending. A sample easement was sent to Mr. Hickey who has a draft completed. He is expected to bring the draft to the office this week. Ms. Harding also was provided a sample easement document that she will take to her attorney. Mr. Hobert suggested that a list of "how to" complete an easement could be compiled by staff to provide to applicants.

The Authority also discussed a requirement for having easements recorded in a timely manner. On the motion of Mr. Hobert, seconded by Ms. McKelvy, the Authority approved the requirement that accepted easements must be recorded within 6 months of being signed by the chair of the Authority.

In addition, members discussed the need to clarify what defines closing costs; the assumption was that closing costs would include the recording fee only. Staff was directed to provide a definition and include this in a document detailing all easement policies.

Authority members asked staff the status of the Foster easement that was considered in 2004 by both the Authority and VOF. Staff was instructed to call Faye Cooper with VOF to determine the status of that application.

Easement Purchase

a. Ms. Teetor described the request for an easement purchase by John and Nancy Sullivan. After discussion the Authority requested staff to send the applicant a letter thanking them for the application, but that no decision will be made until the Board of Supervisors allocates money to the Authority for this fiscal year. The Authority anticipates that funding levels should be set within 30 to 60 days.

Randy Buckey left at 6:15 pm.

- b. Staff contacted Beverly and Hugh Hecllo to determine if they were still interested in pursuing an easement purchase and they are.
Staff was contacted by Rusty Russell who is also still interested.
- c. The next purchase round will likely be held in November or December after the budget is approved.
- d. Staff will be attending the Virginia Land Conservation Foundation Grant workshop on Friday August 19, 2005 and will report back at the September meeting.

County Easement Identification Signs

Three alternative sign designs were presented to the Authority. On a motion by Ms. McKelvy, second by Mr. Bieschke the language "This Property is Permanently Protected by the Clarke County Conservation Easement Authority" will be displayed in green letters on a white background with a green County seal, was unanimously approved by the Authority. Staff will work with a sign company to have a template created and cost estimate for approval by the chair.

Status of Easement Properties

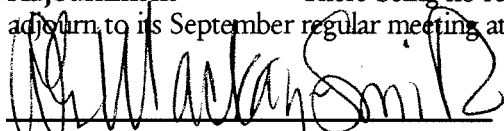
Ms. Teetor reported on the status of current easements:

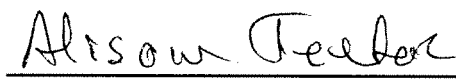
Greenway Court: Nothing to report
Boyce Crossing: Nothing to report.
Bauhan: Nothing to report.
Zambanini: Nothing to report.

Members discussed the need to conduct inspections of all properties approved for easement. Staff will work with VOF and PEC to establish methods and utilize existing forms for inspections. Mr. Hobert suggested that a binder be created for each property that contains all relevant forms pertaining to the easement, including deeds, documents, photos and inspection reports.

Adjournment

There being no further business, Ms. McKelvy moved, and Mr. Hobert seconded, that the Authority adjourn to its September regular meeting at 4:30 pm, Wednesday, 21 September 2005. The motion was approved unanimously.


 Winkie Mackay-Smith, Chair


 Alison Teetor, Clerk to the Authority

**CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 21 September 2005**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 21 September 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, *Chair*, J. Bieschke, *Vice-Chair*, M. Hobert, P. McKelvy, R. Buckley, G. Ohrstrom, J. Radford

Absent: No one

Staff: A. Teetor

Call to Order Chair-Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Buckley, seconded by Mr. Bieschke, the Authority unanimously approved the agenda.

Minutes On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the 17 August 2005 meeting.

Bank Account Ms. Teetor reported the monthly bank statement showed a balance of \$ 18,344.17 in the Authority’s account as of 31 August 2005.

Campaign for the Authority Status Ms. Petranech did not attend the meeting. A copy of the draft brochure was presented. After discussion, the Authority requested staff to contact Ms. Petranech to invite her to the next meeting to discuss the brochure layout, her final report, and comments on the presentation by Sarah Gannon.

Easement Donation

Donation Criteria

Based on several recent applications, Mr. Ohrstrom asked that the Authority discuss the issue of acceptance of donated easements based on the applicants desire to meet the criteria for a septic variance. Ms. Mackay-Smith discussed the different sections of the zoning ordinance that allow exceptions for properties under easement. These include: exceptions for maximum lot sizes in the Agricultural-Open Space-Conservation (AOC) zoning district; allowances for flexible placement of mother-in-law structures, and allowance to apply for variances to the well and septic ordinance. The purpose of the exceptions is in part to provide incentive for property owners to place land in easement. In addition, variances allowed for easement properties are less likely to be problematic as parcels under easement are less likely to be subdivided. Mr. Ohrstrom stated he understood the reasons for allowing variances, but was uncomfortable with persons placing property in easement solely for the purpose of obtaining a variance. After discussion the Authority decided to continue to accept donated easements where variances are considered. The Authority directed staff to insure that the minutes reflect specifically why a particular property was accepted or denied for donation based on the criteria adopted by the Easement Authority.

d. Unrecorded easements

Ms. Teetor discussed the status of the unrecorded easements for Hickey, Harding, Wilson, Duvall and Foster. Hickey’s attorney Michelle Jones has modified the standard easement agreement slightly. This modification has been forwarded to Bob Mitchell who is out of the office until September 29th. Ms. Harding is working with Scott Smalley to prepare the easement document; this should be completed by the end of this month. Ms. Wilson has not made any progress and expressed additional concerns that she will need to work out with her attorney. The Duvall’s were accepted for County easement, but also were accepted by VOF. The VOF Board was scheduled to meet September 20 & 21 and vote to accept this easement. If approved by VOF, the County easement would not be necessary. Mrs. Foster has two properties on the mountain. One, 386 acres is held in VOF easement; the second is 157 acres held in easement by the Appalachian Trail Conference. Mrs. Foster applied to the County easement authority for acceptance as a co-hold for the 157-acre parcel. The County contacted VOF to see if they would be willing to co-hold an easement on the 157-acre parcel, as it is large enough to qualify for VOF. Leslie Grayson, VOF Deputy Director, stated that it was a lower priority since it was already held in ATC easement. The Authority requested staff to provide a copy of the ATC easement deed to the Authority for review and discussion at the October meeting.

Easement Purchase

a. Board of Supervisors action September 20, 2005

Mr. Hobert reported on the action taken by the Board regarding the Easement Authority funding. He stated that the Board agreed to designate \$150,000 to the Easement Authority rather than appropriating the funds outright. Easement purchases are reviewed by the Board prior to purchase regardless of how funds are allocated, the designation provides Board members with an option should funds be needed for other requests. Mr. Hobert did state that the \$150,000 designation to the authority shows the supervisors are committed to supporting their work. He said that when a property becomes available and the authority applies for the funds, they would most likely get them.

b. Next Purchase Round

The Authority discussed past efforts to generate applicants for the purchase round. One effort was to include brochures in the December Tax bills. It was unclear how many brochures were still available, the cost to reprint if necessary, and the cost effectiveness of a blanket mailing approach. The members decided to table this discussion until the October meeting.

c. Virginia Land Conservation Foundation Grant Workshop August 19, 2005

Ms. Teetor attended the grant workshop. The Virginia Department of Conservation and Recreation (DCR) has a budget of \$10 million to distribute throughout the state for easement purchase. The funds are divided among 4 categories, Open Space, Historic, Forest and Farmland, and Natural Heritage preservation categories. Grant applications were due September 20th. In discussion with Chuck Johnston and Mrs. Mackay-Smith, staff was directed to submit two applications, one would be for reimbursement of moneys spent on Greenway Court, the other to purchase an easement which would extinguish two development rights on the Ashcroft Farm owned by Hugh and Beverly Hecllo. The Hecllo's had applied for an easement purchase in 2002 and staff determined that their farm offered the best potential for a successful grant application due to the diverse resources on the farm. In later discussions with DCR personnel it was determined that applications for fund reimbursement must be requested within one year of the expenditures and therefore Greenway Court was not eligible. Staff submitted a grant application for the Hecllo's farm, requesting \$65,250 of grant funds, to be matched by \$65,250 County funds as designated by the Board of Supervisors.

Mr. Hobert suggested that in the future the Easement Authority as a whole should discuss and agree on which properties would be considered for grants in order to allow for a full and fair process. The Authority discussed the need to prioritize future purchase applications so that when grant opportunities become available, the determination of which property to apply for is clear.

County Easement Identification Signs

A Sign Place in Winchester provided a cost estimate of \$267.75 to produce 10 easement signs. On a motion by Mr. Ohrstrom, seconded by Ms. McKelvey, the Authority voted to approve the expenditure for the signs.

Status of Easement Properties

Ms. Teetor reported on the status of current easements:

Greenway Court: Ms. Teetor reported that one firm responded to the request for qualifications for preparation of an historic structure assessment and use strategy for Greenway Court. Mr. Johnston will be soliciting proposals from additional firms in order to have more firms bidding on the project.

Boyce Crossing: Nothing to report.

Bauban: Nothing to report.

Zambanini: Nothing to report.

State PDR meeting – Update

Ms. Teetor reported that discussion at the last meeting revolved around strategies for generating support to obtain State funding for the Agricultural Vitality Program. A resolution was circulated and after discussion a motion was made by Mr. Ohrstrom and seconded by Mr. Bieschke, to send the resolution to the General Assembly, and to recommend that the Board of Supervisors adopt a similar resolution and encourage VACO to make funding the Program a legislative priority.

Monitoring and Inspection

Ms. Teetor provided copies of Monitoring and Inspection forms used by VOF and a draft monitoring form being developed by PEC. Authority members agreed to review and discuss use of the forms at the October meeting.

Policies, How to apply form

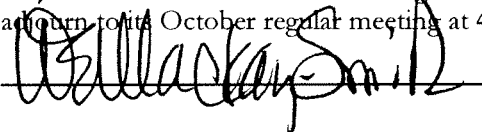
Ms. Teetor handed out copies of the forms provided to applicants that describe the easement process and criteria for both purchase and donation. The members agreed to review these forms to insure that what was being provided met with the goals and objectives of the Authority.

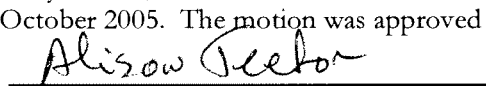
Other issues to be addressed

Staff was instructed to develop a calendar detailing deadlines for action items, upcoming events, and other issues pertaining to the Authority. In addition, it was suggested that a "To-Do List" be created that would track items that were discussed in meetings.

Adjournment

There being no further business, Ms. McKelvey moved, and Mr. Hobert seconded, that the Authority adjourn to its October regular meeting at 4:30 pm, Wednesday, 26 October 2005. The motion was approved unanimously.





Winkie Mackay-Smith, Chair
Wingate

Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 26 October 2005

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 26 October 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

- Present:** W. Mackay-Smith, *Chair*, M. Hobert, P. McKelvy, R. Buckley, G. Ohrstrom, J. Radford, J. Bieschke, *Vice-Chair* – via telephone.
- Absent:** No one
- Staff:** A. Teetor, C. Johnston
- Call to Order** Chair-Mackay-Smith called the meeting to order.
- Agenda** On motion of Mr. Buckley, seconded by Mr. Ohrstrom, the Authority unanimously approved the agenda.
- Minutes** On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the 21 September 2005 meeting.
- Bank Account** Ms. Mackay-Smith reported the monthly bank statement showed a balance of \$ 18,344.17 in the Authority's account as of 30 September 2005.

Campaign for the Authority Status Ms. Petranech presented the draft color brochure, stating that the only additional information needed was captions for the photos and names of individuals to attribute the quotes. Ms. Petranech then asked the Authority members for comments. Discussion followed with several suggested wording changes. Ms. Petranech agreed to incorporate the changes and prepare a final draft for approval.

At the August meeting, Ms. Petranech had offered to review the powerpoint presentation prepared by Sarah Gannon of PEC. As of this meeting, she had received the presentation but had not had time to formally review and comment. Ms. Petranech presented a summary of the Authority's accomplishments over the term of her contract and potential next steps. There was discussion regarding the column and Ms. Radford suggested that the Authority might want to think about the direction of the column content; one suggestion was to write a story on one of the easements that the Authority has purchased.

The Authority members thanked Ms. Petranech for her efforts and agreed to discuss which of the next steps might be implemented in the coming year. Ms. Petranech stated that she would be willing to prepare a proposal for a scope of work as identified by the Authority.

Easement Donation

b. Inquiries

Staff reported that there have been several inquiries regarding easement donation in recent weeks. Ms. Mackay-Smith suggested that there should be a follow-up phone call and offer to meet with anyone who was sent information. Also suggested was including a map of the current easements with the information packets.

c. Unrecorded easements

Ms. Teetor discussed the status of the unrecorded easements for Hickey, Harding, Wilson, Duvall and Foster. Hickey's attorney Michelle Jones is still working out the final language describing the restrictions on the existing apartment. This easement should be recorded by the next meeting. Ms. Harding is working with Scott Smalley to prepare the easement document; staff has contacted Mr. Smalley on two occasions, but he has indicated that he intends to complete the review within the next several weeks. Ms. Wilson has not made any progress; the Authority agreed to speak with her directly to address any further concerns she may have. The Duvall's easement was approved by the VOF Board and should be recorded by the end of the month. Mrs. Foster has two properties on the mountain. One, 386 acres is held in VOF easement; the second is 157 acres held in easement by the Appalachian Trail Conference. Mrs. Foster applied to the County easement authority for acceptance as a co-hold for the 157-acre parcel. Mr. Hobert reviewed the ATC easement and stated that it did not appear to contain any language describing the retiring of development rights, nor did it limit subdivision. He suggested contacting Mrs. Foster to discuss amending the easement to include specific language regarding those issues, and the potential for a co-hold of the easement by either the County or VOF. Staff was also requested to check with the Appalachian Trail Conference to discuss their opinion regarding a possible amendment.

Mr. Hobert left the meeting at 5:20.

Easement Purchase – Strategies for the next Purchase Round

The Authority directed staff to prepare a letter and information packet to send to all property owners with parcels greater than 40 acres. The letter would describe both the purchase and donation options to property owners. Ms. Mackay-Smith stated that she hoped the letter would include an offer for a personal visit by Authority members to anyone wishing to discuss their options in more detail.

County Easement Identification Signs

Ten signs were received and will be posted on properties held in easement by the Authority.

Status of Easement Properties

Ms. Teetor and Mr. Johnston reported on the status of current easements:

Greenway Court: Mr. Johnston reported a meeting with the State Department of Historic Resources and the firm being considered for preparation of the rehabilitation and stabilization plan met earlier today. Representatives of Tidewater Preservation discussed details of the potential contract. Mr. Johnston stated that this firm is well qualified, and he anticipates that they may be able to implement the strategies identified in this initial contract. Ms. Mackay-Smith suggested that a letter be sent to Delegate May thanking him for his support of the funding and keeping him up to date as to the status of the project.

Boyce Crossing: The Authority discussed placement of the easement sign on the property and agreed that it should be placed on the north side of the tree preserve so that residents leaving the subdivision are aware of the protected status.

Bauhan: Mr. Bauhan will be requesting approval of a boundary line adjustment between the two parcels. As described by the deed, the Authority will need to approve such an adjustment.

Zambanini: Nothing to report.

State PDR Resolution

Ms. Teetor reported that the Board had approved the resolution that encourages funding for the State Agricultural Vitality Program.

Monitoring and Inspection

Ms. Teetor provided copies of Monitoring and Inspection forms used by VOF. The Authority members agreed to use these forms when inspecting easements. Mr. Ohrstrom offered to provide a completed form to staff as an example of what the completed reports include.

Policies, How to apply form

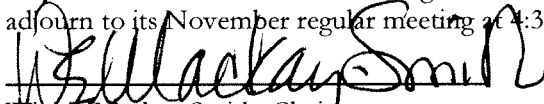
Authority members agreed with the content of the forms and suggested that the original brochure also be included with any packets.

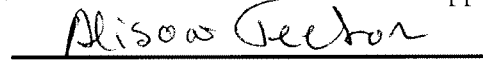
Other issues to be addressed

On a motion by Ms. McKelvey, seconded by Mr. Ohrstrom, the Authority members approved completing the draft brochure as soon as possible in order to mail it with the letter encouraging donation. Staff will call Ms. Petranech to encourage prompt delivery of the final draft for approval and printing.

Adjournment

There being no further business, Ms. McKelvey moved, and Mr. Ohrstrom seconded, that the Authority adjourn to its November regular meeting at 4:30 pm, Wednesday, 30 November 2005. The motion was approved unanimously.


Winkle Mackay-Smith, Chair
Wingate


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 30 November 2005

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 30 November 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, *Chair*, J. Bieschke, *Vice-Chair*, M. Hobert, P. McKelvy, R. Buckley, J. Radford

Absent: G. Ohrstrom

Staff: A. Teetor, C. Johnston

Call to Order Vice-Chair-Bieschke called the meeting to order at 4:40pm.

Agenda On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Hobert, the Authority unanimously approved the minutes of the 26 October 2005 meeting with minor corrections.

Bank Account Ms. Teetor reported the monthly bank statement showed a balance of \$ 18,773.80 in the Authority's account as of 31 October 2005.

Campaign for the Authority Status Ms. Teetor reported that the final brochure design was approved and submitted for printing. Total cost for printing 10,000 copies is \$854.00. The brochures should be available by next week. A direct mailing to all County residents will be prepared to solicit monetary donations to the Authority. Several Authority members volunteered to stuff envelopes. A bill of \$900.00 was submitted to pay the design and production costs. Therefore the total cost to produce the brochures is \$1,754.00. In addition, Ms. Petranech included charges associated with illustration of the SOS button (\$100) and easement sign (\$250). As the Authority had not approved these costs, Ms. Petranech paid them. The Authority directed staff to research the cost of producing the button.

The Authority then discussed the potential for entering into a new contract with Ms. Petranech. They agreed to discuss potential expectations of a future contract at the December meeting.

Tax Credit Information Sarah Gannon of the PEC provided staff with an update on legislative issues regarding tax credits for conservation easements. The Chair opined that it might be necessary to lobby on behalf of the tax credit program, as benefits to the easement programs are great, but a few persons have abused the system by inflating credit values. Ms. Mackay-Smith agreed to discuss the issue with Board of Supervisors Chair John Staelin to have it added to the list of County legislative priorities.

Easement Donation

a. Solicitation letter – purchase/donation

Staff reported that approximately 450 letters were mailed the week of November 21st to solicit easement applications for donation or purchase. To date no response has been received.

b. Calhoun – site visit/motion on application

Mr. Calhoun submitted an application for donation last month. The property, located at 1580 Chilly Hollow Rd., consists of 84 acres and scored 76.2. The applicant has agreed to retire his 2 remaining dwelling unit rights, there is house on the property. Mr. Ohrstrom made a site visit November 23rd, Ms. McKelvy, Ms. Radford, Ms. Mackay-Smith, and Mr. Bieschke visited the site on November 28th. As the Town's sewer line crosses the property and construction of a new line has been discussed, Mr. Buckley voiced the concern of how an easement might limit the potential for future utilities. After discussion, on motion by Mr. Bieschke, seconded by Ms. Radford, the Authority unanimously agreed to accept the donation based on review of the easement document by Council to insure that the easement will not preclude future public works projects.

c. Report on Approved/Unrecorded easements

Ms. Teetor discussed the status of the unrecorded easements for Harding, Wilson and Foster. Ms. Teetor was pleased to report that Mr. Hickey's easement was recorded in November. Ms. Harding is working with Scott Smalley to prepare the easement document; staff has contacted Mr. Smalley on numerous occasions, but he has not completed the work. Authority members suggested that Ms. Harding be contacted and encouraged to work with another attorney. Ms. Wilson spoke with Ms. Teetor in early November and stated that she has been working toward finalizing her easement document. With regard to the Foster property, staff contacted Bob Williams of the Appalachian Trail Conference to determine if the current easement document could be amended to include language describing the retiring of development rights, subdivision, and boundary line adjustments. Mr. Williams indicated that the ATC would allow any amendments that strengthen or enhanced the current easement. After review by Council, a letter was mailed to Mrs. Foster detailing the language that could be included in an amendment. As of the meeting she had not replied to the letter. Staff was instructed to call Mrs. Foster to insure that she received the information and determine if the County could offer any additional assistance.

d. Sullivan – easement donation/site visit

After the meeting packet was mailed, John Sullivan contacted staff and asked that his property be considered for easement donation. Mr. Sullivan had previously applied as a purchase easement. The property is located at 184 Eagle Rock Lane, off Route 601 approximately 1 mile north of Route 7. The parcel is 49.8 acres, with 2 exemptions and 4 remaining development rights. Mr. Sullivan would like to retire all 4 remaining DURs. The property is adjacent to the Appalachian Trail and scored 69.67 points. A site visit was scheduled for Wednesday December 7th at 8:00 am.

County Easement Identification Signs

Signs have been posted on Dimmel, Boyce Crossing, and Digges. The remaining signs will be posted next month.

Status of Easement Properties

Ms. Teetor and Mr. Johnston reported on the status of current easements:

Greenway Court: Mr. Johnston reported that work continues with Tidewater Preservation to prepare the rehabilitation and stabilization plan. Ms. Mackay-Smith suggested that Delegate May be kept abreast of the process due to the funding he supported.

Boyce Crossing: No report.

Bauhan: Mr. Bauhan is requesting approval of a boundary line adjustment between his two parcels, so as to create a 20 acre parcel and a 51.62 acre parcel. On a motion by Mr. Hobert, seconded by Ms. McKelvey, the Authority voted unanimously to approve the proposed adjustment. In addition, the Authority requested staff to call VOF to determine what process the follow when approving BLA's for easements.

Zambanini: Nothing to report.

Dimmel: Nothing to report.

Hickey: Nothing to report.

Monitoring and Inspection

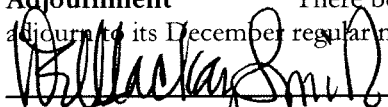
Monitoring and Inspection should begin in December.

Other issues to be addressed

- a. Community Financing Charette for Local Land and Water Protection: Ms. Teetor reported that she attended a meeting in Woodstock sponsored by the Shenandoah Resource Conservation and Development Council to discuss opportunities for financing PDR and water quality protection programs. Representatives of Counties located throughout the Shenandoah Watershed attended the meeting. The next step is to discuss a plan to develop finance strategies. The next meeting of the group has not been scheduled.
- b. Mini Grant from the Alliance for the Chesapeake Bay: The County received a \$1,000 mini-grant for participating in the Bay Partnership Program. Staff submitted a proposal that in part would be used to develop a web site for the Authority. As part of the site, an online donation portal could be developed similar to the one used by PEC.
- c. Staff received a letter indicating that the Authority was not selected to receive grant funds from the Virginia Land Conservation Fund. An application was submitted in September for the Ashcroft Farm owned by Hugh and Beverly Hecló. Staff was instructed to contact the Hecló's to determine if they want to be considered for County funding in the next purchase round.

Adjournment

There being no further business, Ms. McKelvey moved, and Mr. Bieschke seconded, that the Authority adjourn to its December regular meeting at 4:30 pm, Wednesday, 21 December 2005. The motion was approved unanimously.


Winkie Mackay-Smith, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 21 December 2005

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 21 December 2005, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, *Chair*, J. Bieschke, *Vice-Chair*, M. Hobert, P. McKelvy, R. Buckley, G. Ohrstrom

Absent: J. Radford

Staff: A. Teetor, C. Johnston

Call to Order Chair-Mackay-Smith called the meeting to order at 4:30pm.

Agenda On motion of Mr. Ohrstrom, seconded by Mr. Buckley, the Authority unanimously approved the agenda.

Minutes On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the 30 November 2005 meeting with corrections.

Bank Account Ms. Mackay-Smith reported the monthly bank statement showed a balance of \$ 20,476.15 in the Authority's account as of 30 November 2005. The increase from last month reflects a donation of \$350 by Kate Petranech, and a deposit of \$1,000 mini-grant from the Chesapeake Bay Alliance. Five hundred of the grant will go to the Sanitary Authority for web site development. Mr. Hobert suggested that the deposit slips be labeled to indicate the source of the deposit.

Campaign for the Authority Status Authority members reviewed the Public Relations and Fundraising Plan submitted by Kate Petranech at the end of her contract last year. The goal was to determine which components the Authority would like to accomplish in the coming year and if a new contract with Ms. Petranech would be needed. The first item discussed was the newspaper columns; all members agreed that they were helpful and a good public relations tool. Mr. Hobert suggested that writing quarterly columns instead of monthly might be adequate. He also suggested that the columns could be written by several members thus providing different perspectives on easements and the easement authority. Secondly, authority members discussed the recently mailed donation brochure. It was agreed that the brochure should be mailed out earlier and perhaps Ms. Petranech could help with writing or updating the solicitation letter that was included in the mailing. Members then discussed the potential for a newsletter and decided to check with PEC to determine if a part of their newsletter, *The Clarion*, could include information about the Clarke County Easement Authority. Discussion then led to identifying venues for presentations. Staff was asked to get a copy of PEC's PowerPoint presentation that was developed by Sarah Gannon. This presentation would be used when speaking to groups. The Authority identified the Ruritans and a joint Town Planning Commission/Berryville Area Development Authority/Downtown Berryville Incorporated meeting as groups that initial presentations would be given to. Members asked staff to talk to Ms. Petranech to see if she would be willing to help on a time and materials basis rather than an annual contract. In addition, staff was asked to have "Save Open Space" buttons produced for mailing with thank you letters to financial donors.

Easement Donation

On motion of Mr. Bieschke, seconded by Mr. Ohrstrom, the Authority unanimously approved going into Closed Session pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property. On motion of Mr. Bieschke, seconded by Mr. Ohrstrom, the Authority unanimously approved reconvening in Open Session. Mr. Bieschke moved, seconded by Ms. Ohrstrom, to certify that to the best of the member's knowledge:

- (i) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (ii) only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, and considered in the meeting by the Authority. The vote on the above motion was:

Chair Mackay-Smith	Aye	Mr. Hobert	Aye	Ms. Radford	Absent
Mr. Bieschke	Aye	Ms. McKelvy	Aye		
Mr. Buckley	Aye	Mr. Ohrstrom	Aye		

Report on Approved/Unrecorded easements

Ms. Teetor discussed the status of the unrecorded easements for Harding, Wilson and Foster. Ms. Harding is working with Scott Smalley who will have the deed ready early next year. Ms. Wilson is working with Joan Fine and is nearing completion. Ms. Foster has declined to donate an easement stating personal reasons related to family.

Status of Easement Properties

Mr. Johnston reported on the status of current easements:

Greenway Court: Mr. Johnston reported that a site visit with Delegate May was held Tuesday December 20th at Greenway Court with Tidewater Preservation. Preparation of the rehabilitation and stabilization plan continues.

Boyce Crossing: No report.

Bauhan: The Boundary Line Adjustment plats have not been submitted but will include a signature line for the Easement Authority Chair indicating authorization of the BLA by the Authority.

Zambanini: Staff was asked to contact the Zambininis after January 15th to remove the billboard per the easement agreement.

Dimmel: Mr. Johnston reported that Mr. Dimmel had contacted him regarding one property owner's desire to build a training track on the parcel. Staff was asked to call Mr. Dimmel to determine if all easement requirements are being met.

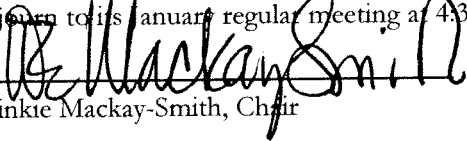
Hickey: Nothing to report.


Online Donation form for WEB page

Ms. Teetor reported that costs for providing an online donation page for the Easement Authority web site would be approximately \$2,000. Members postponed action to see how many donations are received from the direct mailing and to allow staff time to research how other localities are using on line donation.

Adjournment

There being no further business, Mr. Bieschke moved and Mr. Buckley seconded, that the Authority adjourn to its January regular meeting at 4:30 pm, Wednesday, 18 January 2005. The motion was approved unanimously.


Winkie Mackay-Smith, Chair


Alison Teetor, Clerk to the Authority