

**Approved Minutes**  
**Conservation Easement Authority**  
**2006**

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 18 January 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 18 January 2006, County Administrators Office, Clarke County Circuit Courthouse.

**Present:** M. Hobert, P. McKelvy, J. Radford  
W. Mackay-Smith, *Chair*, J. Bieschke, *Vice-Chair* - via conference call

**Absent:** R. Buckley, G. Ohrstrom

**Staff:** A. Teetor, C. Johnston

**Call to Order** Alison Teetor, Clerk to the Easement Authority, called the meeting to order at 4:40 p.m.

**Election of Chairman, Vice Chairman, and Treasurer**

Ms. Teetor asked for nominations of Chairman to the Authority. Ms. McKelvy nominated Wingate Mackay-Smith for the position of Chairman for 2006. Ms. Radford seconded. Mr. Hobert requested the nominations be closed.

The Authority voted unanimously to elect Wingate Mackay-Smith as Chairman of the Authority for 2006.

Ms. Teetor asked for nominations of Vice Chairman to the Authority. Ms. Radford nominated Mr. Bieschke for the position of Vice Chairman of the Authority for 2006. Ms. McKelvey seconded. Mr. Hobert requested that the nominations be closed.

The Authority voted unanimously to elect Mr. Bieschke as Vice Chairman of the Authority for 2006.

Ms. Teetor asked for nominations of Treasurer to the Authority. Ms. Radford nominated Mr. Hobert for the position of Treasurer for the Authority for 2006. Ms. McKelvey seconded. Ms. McKelvey requested that the nominations be closed.

The Authority voted unanimously to elect Mr. Hobert as Treasurer of the Authority for 2006.

**Agenda** On motion of Ms. McKelvey, seconded by Mr. Hobert, the Authority unanimously approved the agenda.

**Minutes** On motion of Ms. McKelvey, seconded by Ms. Radford, the Authority unanimously approved the minutes of the 21 December 2005 meeting with minor corrections.

**Bank Account** Ms. Teetor reported the monthly bank statement showed a balance of \$ 24,533.77 in the Authority's account as of 31 December 2005. The increase from last month reflects \$4,690 received from the donation mailing.

Authority members approved payment of \$318.50 to Attorney Bob Mitchell for Deed of Easement document review.

**Report on Donation Mailing** Ms. Teetor reported that since the donation mailing was sent in December, \$7,550 has been received from a total of 58 persons. Mr. Hobert requested that an analysis be conducted to compare last year's donations to this year's.

**Campaign for the Authority Status** At the last meeting Authority members reviewed the Public Relations and Fundraising Plan submitted by Kate Petranec 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 identify which components would require Ms. Petranec's assistance. Staff was directed to contact Ms. Petranec to see if she would be willing to help on a time and materials basis rather than an annual contract. Staff discussed this with Ms. Petranec and she stated that the Authority might be better served by a contract. At today's meeting members set up a subcommittee of Jane Radford and George Ohrstrom to summarize the Authority's goals for the coming year and meet with Ms. Petranec to discuss a new contract.

## **Easement Donation**

### **Report on Approved/Unrecorded easements**

Ms. Teetor reported on the potential easements where property owners have applied, met the criteria, and been approved for donation by the Authority. Mr. Hobert made the point that these properties should be described as approved subject to review of the Deed of Easement, and signatures of the Chair, and chair of the Board of Supervisors rather than approved unrecorded easements. This suggestion will be reflected on future reports. Members discussed and agreed to approve unrecorded easements with a resolution that would allow the Authority Chair to sign subject to the Board of Supervisors approval.

Another issue regarding easement recordation is requiring a title examination. The Virginia Outdoors Foundation (VOF) requires a 20-year title background check. On a motion by Mr. Hobert, seconded by Ms. McKelvy, the Authority agreed to require a title bring down for either 20 years or the length of time under current ownership, whichever is greater.

Ms. Teetor reported that Calhoun, Sullivan, and Harding are still unrecorded, with nothing additional to report. Melanie Marks has had difficulty having her lender, Wells Fargo, sign the deed. Authority members suggested that applicants should hire an attorney to obtain the lenders signature.

### **Easement Applications**

Two applications have been received that require site visits prior to Authority action. One is from Robert Chandler who has 54 acres along the Opequon, identified by Clarke County Tax Map # 11-((A))-6B. Mr. Chandler has agreed to retire 1 of the 2 DURs on the property. The second parcel is owned by Tom Wiseman and is located off Tilthammer Mill Road. Mr. Wiseman submitted a request to place a 22-acre parcel in easement. This parcel will be created through boundary line adjustment of the parent tract identified by Clarke County Tax Map # 30-((A))-75A. The 22 acres easement would retire 1 DUR and is adjacent to VOF easement property. Mr. Wiseman is pursuing an easement in order to obtain a septic variance to allow a drainfield further than 400 feet from a house. The Authority agreed to schedule a site visit for both properties prior to the next meeting

### **Status of Easement Properties**

*Greenway Court:* No report.

*Boyce Crossing:* No report.

*Bauban:* The Boundary Line Adjustment was approved and recorded.

*Zambanini:* Staff was asked to contact the Zambininis after January 15<sup>th</sup> to remove the billboard per the easement agreement.

*Dimmel:* No report.

*Hickey:* No report.

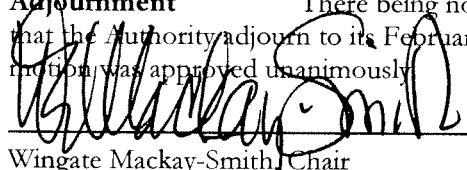
*Wilson:* No Report

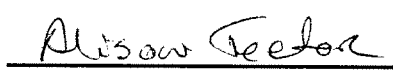
### **Other**

Mr. Hobert reiterated his concern regarding the organization of the Authority. He requested staff to provide an outline of the process for applicants wishing to participate in the easement process, as well as a booklet containing Authority policies for new and existing members. He suggested that the recently compiled Department of Historic Resources Conservation Easement Draft Policies could be used as a model.

### **Adjournment**

There being no further business, Ms. Radford moved and Ms. McKelvey seconded, that the Authority adjourn to its February regular meeting at 4:30 pm, Wednesday, 15 February 2006. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 15 February 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 15 February 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

**Absent:** R. Buckley, G. Ohrstrom, J. Radford

**Staff:** A. Teetor, C. Johnston

**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:30 p.m.

**Agenda** On motion of Ms. McKelvey, seconded by Mr. Hobert, the Authority unanimously approved the agenda.

**Minutes** On motion of Mr. Hobert, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the 18 January 2006 meeting with corrections.

**Bank Account** Ms. Teetor reported the monthly bank statement showed a balance of \$ 28,041.56 in the Authority's account as of 31 January 2006. Authority members discussed the potential for placing some of the savings in a high interest savings account or CD. Staff was directed to review potential options and report back at the next meeting.

**Report on Donation Mailing** Ms. Teetor reviewed the comparison of the last two years monetary donations to the Authority. Approximately 5,000 letters were mailed in 2005, 125 in 2004.

2004 - 21 donors \$13,900

2005 - 61 donors \$8,800

avg donation in 2004 - \$662

avg donation in 2005 - \$144

7 persons donated in both 2004 & 2005

75 total donors

**Campaign for the Authority Status** Ms. Teetor reported on the work of the subcommittee. Ms. Radford and Mr. Ohrstrom had a conference call with staff prior to meeting with Ms. Petranech. During the call members discussed Ms. Petranech's strengths as a fund raising advisor and determined that this might be the direction to head when discussing future contracts with her. Ms. Radford and Mr. Ohrstrom met with Ms. Petranech to discuss a plan and proposal for future fundraising. As neither subcommittee member was present at today's meeting, Authority members agreed to discuss this item in more detail at the March meeting.

**Co-holding of easements and legal effect of this technique** – Discussion of this item was postponed until the March meeting.

**Easement language – Utility easement** - At the last meeting, Authority members requested staff to include the specific language proposed by Mr. Mitchell regarding utility easements. The proposed language is: "*Easements for the location of underground utilities may be placed on the Property by voluntary conveyance by Grantors or by condemnation.*" Authority members discussed whether or not to include such language in all easements. On a motion by Mr. Hobert, seconded by Ms. McKelvy, the Authority unanimously approved the proposal to include the utility easement language in all future deeds of easement.

## Easement Donation

### Report on Preliminarily Approved/Unrecorded easements - Donation

Ms. Teetor reported on the potential easements where property owners have applied, met the criteria, and been preliminarily approved for donation by the Authority. Mr. Calhoun has been working in the General Assembly and intends to get back to the easement when the session ends in March. Ms. Marks is still waiting for the lenders signature on the Deed. Ms. Harding is waiting on Mr. Smalley to develop the Deed.

Mr. Wiseman presented a draft Deed of Easement. Authority members conducted a site visit prior to the meeting. On a motion by Mr. Hobert, seconded by Ms. McKelvy, the Authority voted to accept the proposed easement, pending approval by the lender, and authorized the Chair to sign and forward the easement to the Board of Supervisors for signature.

## Easement Purchase Applications

As of the meeting date, three applications for easement purchase had been received. Staffed was asked to query applicants as to their general income level in order to determine the potential purchase value for all applications. The deadline for receiving applications to be considered for this purchase round is February 28, 2006.

## Status of Easement Properties

*Greenway Court:* No report.

*Wilson:* No Report

*Boyce Crossing:* No report.

*Bauban:* No report.

*Hickey:* No report.

*Dimmel:* Mr. Dimmel contacted staff regarding the potential for locating a horse training track and associated barns on the VOF easement parcel identified by Clarke County Tax Map# - 20-((2))-1. VOF would approve this use as agricultural. The County would require an erosion and sediment control plan as more than 10,000 square feet of soil would be disturbed. To date no E&S Plan has been submitted.

*Zambanini:* The billboard was removed from the property.

## Guidelines and Procedures Handbook

Authority members reviewed a first draft Guidelines and Procedures Handbook that compiles enabling legislation, application materials, and policies for addressing amendments, violations, and inspection and monitoring. Members began reviewing and amending each section. This review will continue at the next meeting.

## Other

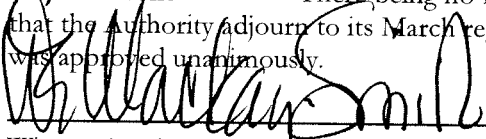
Mr. Hobert expressed concern that some actions taken by the Authority were not included in the Handbook, and requested staff to review all minutes of the Authority to insure that no policies were omitted.


Mr. Hobert left the meeting at 5:45 pm.

Ms. Mackay-Smith provided members and staff with a binder from PEC describing their approach toward "Strategic Planning for Land Conservation". Ms. Mackay-Smith specifically directed staff to review the section on hazardous materials that provides that parcels considered for acceptance into the program are reviewed and inspected to insure that hazardous materials are not present on the parcel.

## Adjournment

There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded, that the Authority adjourn to its March regular meeting at 4:30 pm, Wednesday, 15 March 2006. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 3 March 2006**

A special meeting of the Conservation Easement Authority was held at 2:00 pm on Friday, 3 March 2006, Greenway Court, White Post.

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

**Absent:** J. Radford, M. Hobert

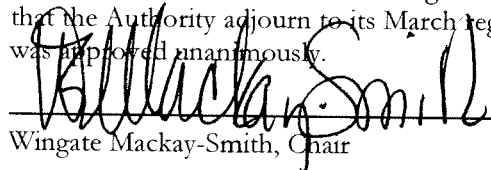
**Staff:** A. Teetor, C. Johnston

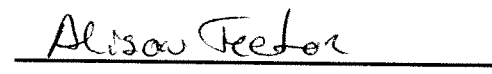
**Other:** John Sullivan, landowner Eagle Rock Farm

**Call to Order** Ms. Mackay-Smith called the meeting to order at 2:00 p.m.

**Purpose:** This meeting of the Easement Authority was called to discuss and vote on a proposed amendment to the Deed of Easement for John and Nancy Sullivan. The amendment was requested by the Sullivan's to clarify Paragraph 5, Buildings and Structures, which was poorly written by staff (attached is the original and amended language). Per Authority guidelines to amend Deeds, the Authority, Board of Supervisors, and the landowner must approved any proposed amendment. After discussion, on motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the Deed of Amendment. The landowner, Mr. Sullivan, also approved of the proposed language.

**Adjournment** There being no further business, Ms. McKelvy moved and Mr. Ohrstrom seconded, that the Authority adjourn to its March regular meeting at 4:30 pm, Wednesday, 15 March 2006. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 15 March 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 15 March 2006, Board of Supervisors meeting 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, C. Johnston

**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:35 p.m.

**Agenda** On motion of Ms. Radford, seconded by Ms. McKelvy, the Authority unanimously approved the agenda with the amendment that item 10 be moved to item 4.

**Minutes** On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously approved the minutes of the 15 February 2006 and 3 March 2006 meetings with corrections.

**Discussion - Guidelines and Procedures Handbook – continued review**

Easement donor Sylvia Wilson was present to discuss her ideas on how to improve, clarify and simplify the easement donation process. She provided written comments that the Authority reviewed. Ms. Mackay-Smith thanked Ms. Wilson for her input and stated that the Authority is currently updating its procedures and will incorporate her suggestions into the new document.

**Bank Account** Ms. Teetor reported the monthly bank statement showed a balance of \$28,944.85 as of 28 February 2006. At the last meeting, Authority members asked staff to review potential options for placing some of the savings in a high interest savings account or CD. Several options were presented. After discussion, on motion by Ms. Radford, seconded by Mr. Bieschke, the Authority unanimously approved transfer of \$20,000 to a high interest savings account. Ms. McKelvy and Mr. Ohrstrom will contact the Bank of Clarke County to determine if a better rate is available there, and based on their findings direct staff on where to open an account. Mark Seder of WorkSmart submitted a bill for \$400.00 for work on the Easement Authority website. The check was signed but Authority members suggested that it be held until the work is complete.

**Campaign for the Authority Status** Ms. Radford and Mr. Ohrstrom reported on the subcommittees meetings with Ms. Petranech. Mr. Ohrstrom distributed a memo from Ms. Petranech detailing her strategy for cultivating donors and her comparison and analysis of the past two years fund raising efforts. Mr. Ohrstrom stated that based on this information he would encourage the Authority to hire Ms. Petranech for \$7,200/year as proposed. Mr. Hobert wondered if there were other ways to generate contributions beyond the current proposal scope. After discussion, on motion by Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously approved signing a contract with Ms. Petranech to perform services as outlined in the proposal. In subsequent discussion Mr. Johnston suggested that future mailings or requests for donations include a notation of how the donated money is being used. Authority members agreed that staff should work out a concept for describing to possible donors how donations will be used to support the work of the Authority. Also suggested was for staff to provide an annual summary of Easement Authority activities. Members requested staff to invite Ms. Petranech to the next meeting to present a contract.

**Co-holding of easements and legal effect of this technique** – Mr. Ohrstrom opened discussion with the question of how can the Authority protect easements from being dissolved. After discussion, members asked staff to contact Bob Mitchell to determine if the Authority should take additional steps to insure that County easements are permanently protected.

**Easement Donation**

**Report on Preliminarily Approved/Unrecorded easements - Donation**

Ms. Teetor presented documentation received from Wells Fargo, the lender for Ms. Marks. Material from the lender included an application for modification to original mortgage document. After review, members asked Mr. Hobert to talk to the Wells Fargo representative to clarify their requirements and process to be followed.

Based on the number of outstanding preliminarily approved applications that have not yet submitted a Deed of Easement, members asked staff to talk to Bob Mitchell and determine if a clause should be included in the Deed to insure that Deeds are recorded within six months of approval.

### Status of Easement Properties

*Greenway Court.* Mr. Johnston reported on discussions with the Digges family to transfer development rights from an adjoining parcel onto Greenway Court. After consultation with Bob Mitchell it was determined that no alteration of the development potential of the Greenway Court easement would be permitted.

*Dimmel.* Mr. Dimmel is requesting a boundary line adjustment between a parcel held in County Easement and one held in easement by the Virginia Outdoors Foundation. In discussions with Faye Cooper of VOF, she stated that VOF would prefer that the County increase the acreage of its easement rather than either coholding or having VOF hold the revised parcel. The VOF Board is scheduled to meet April 6<sup>th</sup> to review the terms of the BLA and deed amendment. Authority members requested staff to invite Ms. Cooper to the April meeting to present the proposed BLA and Deed Amendment.

*Wilson:* No Report

*Boyce Crossing:* No report.

*Bauhan:* No report.

*Hickey:* No report.

*Zambanini:* No report.

### Guidelines and Procedures Handbook

At the last meeting, staff was requested to look at revising the average annual adjusted gross income chart to possibly increase the income amounts to reflect inflation. As the chart the Authority developed was based on one created by Albemarle County, staff was directed to contact Albemarle to determine if there had been revisions to their chart. Ms. Teetor spoke with Ches Goodall, director the of the Albemarle program. He stated that their revision consisted of increasing all income levels by \$5,000. Ms. Teetor presented a resolution to revise the Determination of Conservation Easement Value form reflecting a similar increase for Clarke County. Authority members postponed action on the resolution until the next meeting. In addition, further review of the Handbook was also postponed.

### Easement Purchase Applications

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

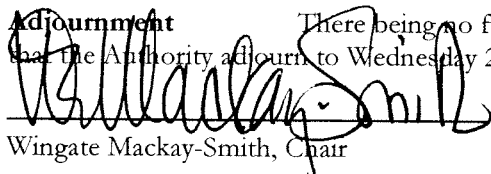
- (xi) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (xii) only such public business 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:

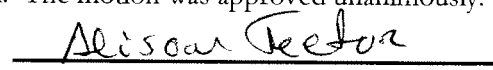
Chair Mackay-Smith	Aye	Mr. Hobert	Aye	Ms. Radford	Aye
Mr. Bieschke	Aye	Ms. McKelvy	Aye	Mr. Buckley	Aye
Mr. Ohrstrom	Aye				

As of the meeting date, four applications for easement purchase had been received. Staffed was asked to query applicants as to their general income level in order to schedule site visits to all parcels prior to the April meeting.

### Adjournment

There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded, that the Authority adjourn to Wednesday 26 April 2006 at 4:30 pm. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority



**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 4 April 2006**

A special meeting of the Conservation Easement Authority was held at 1:30 pm on Tuesday April 4 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

**Present:** W. Mackay-Smith, *Chair*, J. Bieschke, *Vice-Chair*, M. Hobert, P. McKelvy, G. Ohrstrom, J. Radford  
**Absent:** R. Buckley  
**Staff:** A. Teetor, C. Johnston  
**Call to Order** Ms. Mackay-Smith called the meeting to order at 1:30 p.m.

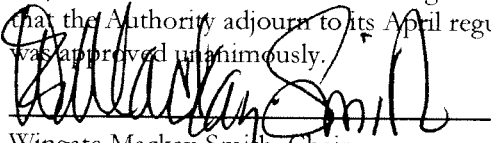
**Purpose:**


On motion of Mr. Bieschke, seconded by Ms. McKelvy, 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. Hobert moved, seconded by Ms. Ohrstrom, to certify that to the best of the member's knowledge:

- (xiii) 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
- (xiv) 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	Aye
Mr. Bieschke	Aye	Ms. McKelvy	Aye	Mr. Ohrstrom	Aye

**Adjournment** There being no further business, Ms. McKelvy moved and Mr. Ohrstrom seconded, that the Authority adjourn to its April regular meeting at 4:30 pm, Wednesday, 26 April 2006. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 26 April 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 26 April 2006, Board of Supervisors meeting 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

**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:35 p.m.

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

**Minutes** On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously approved the minutes of the 15 March 2006 and 4 April 2006 meetings with corrections.

**Bank Account** Ms. Teetor reported the monthly bank statement showed a balance of \$29,208.56 as of 31 March 2006. At the last meeting, Authority members authorized staff to open a high interest savings account online. Ms. Teetor reported that all online savings opportunities required personal information and could not be used for a local government account. She discussed the issue with Tom Judge, Joint Administrative Services Director, who suggested opening an account with the Local Government Investment Pool. On a motion by Mr. Bieschke, seconded by Mr. Buckley, the Authority unanimously approved opening an LGIP account and depositing \$25,000.

**Campaign for the Authority Status** Ms. Petranech presented the final scope of work for her contract. The contract is scheduled to start May 1 and extend through April 30, 2007. Total contract cost is \$7,200 payable in four quarterly installments of \$1800, due on May 1, August 1, November 1, and February 1. Authority members discussed the organization of an appreciation reception for financial donors. Ms. Mackay-Smith agreed to host the event at her home in June. Ms. Mackay-Smith reported to the group that the Piedmont Environmental Council will be having a dinner fundraiser at L'Auberge Provencale at the end of June to encourage donations for Clarke Conservation Fund. Ms. Mackay-Smith expressed concern that there may be confusion distinguishing between the two events. Authority members agreed to state clearly the intent and purpose of the Authority's reception on the invitations and further agreed that the purpose would be to thank those persons whom have given money to the authority over the past two years. Members hoped that this event and others would build a large base of constituents from throughout the community who understand and support the work of the Authority. Also discussed was the need to establish a budget for the reception and to decide on a gift for donors.

**Co-holding of easements and legal effect of this technique** – A copy of the draft cooperative agreement with the Virginia Outdoors Foundation prepared by Bob Mitchell was provided in the packet for review. Staff opined that co holding with VOF presented problems as easement properties would need to meet VOF standards and many of the ones accepted by the County Authority do not qualify for consideration by VOF. Members discussed the potential of having other co holders such as the Soil and Water Conservation District or Potomac Conservancy. The concern is that without a co holder the easement could be overturned should the Authority and Board of Supervisors change and decide to abolish the program. Mr. Hobert suggested that perhaps language could be inserted into the Deed that would require a unanimous decision by both the Authority and Board of Supervisors before an easement could be overturned. Staff was asked to discuss the issue with Bob Mitchell to identify options for strengthening the permanency of the easements.

**Easement Donation**

**Report on Preliminarily Approved/Unrecorded easements - Donation**

Ms. Teetor discussed the status of the properties that have submitted applications to be considered for donation. A site visit to the property owned by Bob Chandler was completed on March 29<sup>th</sup>. The property has two development rights. Mr. Chandler has agreed to extinguish 1. Members discussed protection of the riparian zone. Mr. Buckley opined that requiring fencing would be overly restrictive due to the maintenance and upkeep required to maintain a fence. Authority members agreed that language could be inserted to encourage fencing but that it would not be required. On a motion by Ms. Radford, seconded by Mr. Buckley, the Authority unanimously agreed to accept the donation subject to approval of the Deed by the Board of Supervisors, and with the added language describing the protection of the riparian area adjacent to the Opequon Creek.

Staff reported on three new applications that were received. The first was from The Willow Lake Home Owners Association who wishes to donate the common land surrounding the Lake. The Lake is located off Feltner Road. The parcel is approximately 14 acres and would retire 1 development right; the property resource score is 38.27. The property qualifies as it meets 2 of the 4 criteria as required. The second parcel is also on the mountain on Longwood Lane south of Route 7. Frank Buzzonni owns a 10-acre parcel with 1 existing house and 1 DUR. The property resource score is 40.54. This property also qualifies by meeting 2 of the 4 criteria. Robert and Susie Moberly own the third parcel. This parcel is 54 acres, has 1 existing house and 3 DURs; the score is 57.11. The Moberly's would retire 1 DUR. This parcel meets all 4 of the criteria. Site visits were scheduled for all three properties.

There was no report on the status of existing easement properties.

**Easement Purchase Applications**

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

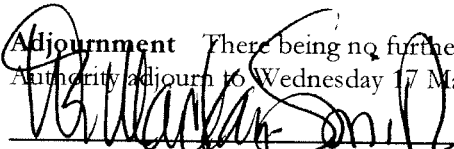
- (ix) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
  - (x) only such public business 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 | Aye |
| Mr. Bieschke       | Aye | Ms. McKelvy | Aye | Mr. Buckley | Aye |

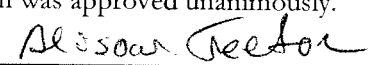
Farm and Ranchland Protection Program grant applications are being prepared for 2 of the 4 properties to be considered for purchase. The grant application deadline is May 11.

**Other**

Ms. Mackay-Smith discussed the potential for using volunteers to help with easement monitoring. Page Mitchell is willing to volunteer. On a motion by Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved accepting Page Mitchell's offer to volunteer. Members thanked Ms. Mitchell for her willingness to help.

**Adjournment** There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded, that the Authority adjourn to Wednesday 17 May 2006 at 4:30 pm. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 17 May 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 17 May 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

**Absent:** No one

**Staff:** A. Teetor, C. Johnston

**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:35 p.m.

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

**Minutes** On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously approved the minutes of the 17 May 2006.

**Bank Account** Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$3,639.53 as of 31 May 2006. The Local Government Investment Pool account balance was \$20,037.60. The average monthly yield on the LGIP account for May was 4.866%. Payments were authorized for Kate Petranech Jack Conners who completed the appraisals for the grant application (\$3,750) and Ms. Kate Petranech for public relations work (\$1,800).

**Campaign for the Authority Status** Ms. Radford reported that she is working with Ms. Petranech to organize the donor appreciation reception. They met with Bonnie Jacobs to choose a photo for inclusion on the invitation. Ms. Mackay-Smith stated that she had arranged for catering of wine and cheese. The reception is scheduled for Friday June 16<sup>th</sup> from 5-7pm at the Mackay-Smith's house.

**Co-holding of easements and legal effect of this technique** – At the last meeting staff was asked to discuss the issue with Bob Mitchell to identify options for strengthening the permanency of the easements. As of the meeting Mr. Mitchell had not provided any additional information. Mr. Ohrstrom reiterated his concern that this is very important. He agreed to contact Bud Nagelvoort, chair of the Lord Fairfax Soil and Water Conservation District to establish if they would be willing co holders. Staff was asked to identify how many of the Authority's current easements are co-held and by whom.

#### **Easement Donation**

##### **Report on Preliminarily Approved/Unrecorded easements - Donation**

Ms. Teetor discussed the status of the properties that have submitted applications to be considered for donation. Site visits were completed May 3<sup>rd</sup> and May 8<sup>th</sup> for Willow Lake, Frank Buzzoni, and Robert Moberly. Members postponed a vote on the Willow Lake parcel, directing staff to contact adjoining property owners to determine if they would be willing to donate easements. The Authority postponed action on Robert Moberly's request, asking staff to contact them to determine if they would be willing to limit the number of subdivisions on the parcel to 1. On a motion by Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously agreed to accept the donation subject to approval of the Deed by the Board of Supervisors, for the parcel owned by Frank Buzzoni.

One new application was received from Jim Lamphier. Mr. Lamphier owns a 15-acre parcel with one existing dwelling. He wishes to donate his two remaining DURs. The parcel had a property resource score of 46.27. Therefore the parcel meets two of the four criteria as outlined by the Authority. Members agreed to schedule a site visit prior to the next regular meeting.

There was no report on the status of existing easement properties.

**Easement Purchase Applications**

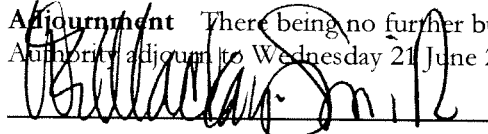
On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved going into Closed Session pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property. On motion of Ms. McKelvy, seconded by Mr. Buckley, the Authority unanimously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


- (vii) 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
  - (viii) 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 | Aye |
| Mr. Bieschke       | Aye | Ms. McKelvy | Aye | Mr. Buckley | Aye |
| Mr. Ohrstrom       | Aye |             |     |             |     |

**Guidelines and Procedure Handbook**

Due to the late hour, discussion of this item was postponed until the June meeting.

**Adjournment** There being no further business, Mr. Ohrstrom moved and Mr. Bieschke seconded, that the Authority adjourn to Wednesday 21 June 2006 at 4:30 pm. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 21 June 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 21 June 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

**Absent:** No one

**Staff:** A. Teetor, C. Johnston

**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:35 p.m.

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

**Minutes** On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously approved the minutes of the 17 May 2006.

**Bank Account** Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$3,639.53 as of 31 May 2006. The Local Government Investment Pool account balance was \$20,037.60. The average monthly yield on the LGIP account for May was 4.866%.

**Campaign for the Authority Status**

Authority members reviewed the memorandum submitted by Kate Petranec regarding the reception recap and next steps. All agreed that the reception was a success. Members discussed the schedule for a newsletter release and decided that it would be best to work toward a September mailing rather than printing one for summer distribution when many people might be on vacation. Ms. Mackay-Smith asked staff to invite Ms. Petranec to the next meeting. On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved payment to Kate Petranec for \$327.26 to cover the cost of the reception invitations.

**Report on PEC fund raising dinner**

Mr. Ohrstrom discussed the upcoming PEC fundraising dinner to be held June 25<sup>th</sup> at L'Auberge in Clarke County. The dinner represents the start of fundraising efforts for the Clarke County Conservation Fund (CCCF). He described the goal of raising \$2,000,000 over the next two years and indicated that the funds will be used to protect at-risk properties and preserve the natural resources, renowned beauty, and historic integrity specifically within Clarke County. To date over 70 persons are planning to attend the event.

**Co-holding of easements**

Information was provided in the packets describing Fauquier County's co holding agreement with their Soil and Water Conservation District. The Frederick County Easement Authority has asked Faye Cooper of VOF to attend their next meeting on June 27<sup>th</sup> at 1:30pm to discuss the co holding issue. They have invited the Clarke County Easement Authority members to attend. Additional discussion identified specific issues to research include 1) determining the cost of enforcement; 2) reviewing bylaws to determine what happens to easements if the Authority is dissolved; and 3) continued look at co holding potential.

**Easement Donation**

**Report on Preliminarily Approved/Unrecorded easements - Donation**

Ms. Teetor discussed the status of the properties that have submitted applications to be considered for donation. A site visit to the Lamphier parcel was completed June 20<sup>th</sup>. Members postponed a vote on the Lamphier parcel pending site visits by Mr. Hobert and Mr. Ohrstrom and determination of the status of the trailer as a dwelling. Conditions considered were 1) a statement in the Deed indicating that if the trailer was removed for any reason, it could not be replaced; and 2) that all trash would need to be removed from the property; and 3) that the existing perc holes be filled in.

Action on the Willow Lake parcel was postponed to allow more time to identify other adjoining property owners to determine if they would be willing to donate easements.

### **Status of Easement Properties**

Mr. Bieschke reported that the contract for a rehabilitation plan for Greenway Court is being extended until July 31 to give the contractor additional time to complete the work.

On May 12, 2005, the Clarke County Easement Authority agreed to sign and record an easement donation from Williams Construction Company. The parcel is identified by Clarke County Tax Map# 20-((2))-4, containing 29.78 acres. This was accepted as part of the Dimmel Subdivision, also known as the Our Lady of Good Success located off of Route 50. Mr. Dimmel requested approval of a Boundary Line Adjustment whereby 47.48 acres from the adjoining land known as Lot 1 will be added to the Williams Construction parcel, resulting in a 77.26 acre parcel, held in easement by the Clarke County Easement Authority. Currently, the Virginia Outdoors Foundation (VOF) holds Lot 1 in easement. VOF declined to co hold the 47.48 acres so the County Easement Authority will hold the Deed of Easement for the 77 acres. On a motion by Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved Mr. Dimmel's request.

### **Easement Purchase Applications**

Staff was pleased to report that the Authority was successful in the application for Farm and Ranch Land Protection grant funds. Both applications were approved and the Natural Resource Conservation Service (NRCS) will provide \$282,530 in grant funding for the purchase of 6 development rights and 150 acres on 2 farms. The County will contribute \$199,785. A site visit has been scheduled with Barry Harris of NRCS to review the farms prior to initiating the funding process.

### **Guidelines and Procedure Handbook**

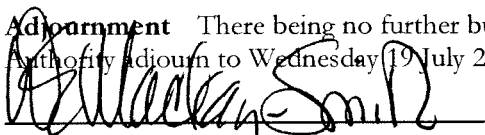
A draft revision of the Income Criteria was presented. The proposed changes include, 1) increasing the minimum income level to \$55,000 and all subsequent categories are increased by \$5,000; 2) clarification of the income basis requirements to indicate that the annual adjusted gross income is based on the three most recently filed tax returns. Discussion of adoption of the monitoring and inspection procedures was postponed to allow a subcommittee consisting of Ms. Radford and staff work on revising the forms. The subcommittee will report back to the Authority at the next regular meeting.

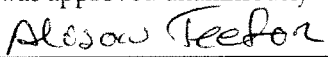
### **Other**

Mr. Buckley reported on proposed new legislation that could help farmers by providing for a capital gains tax break on agricultural real estate. He will keep the Authority members updated as to the standing of this legislation.

Ms. Teetor reported that a meeting to discuss financing options for conservation easements will be held in the Board of Supervisors room, Friday June 30<sup>th</sup> at 1:30pm. Representatives from Evergreen Capital, and the University of Maryland will be in attendance to discuss this issue.

**Adjournment** There being no further business, Mr. Ohrstrom moved and Mr. Bieschke seconded, that the Authority adjourn to Wednesday 19 July 2006 at 4:30 pm. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 19 July 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 19 July 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

**Present:** W. Mackay-Smith, *Chair*, J. Bieschke, *Vice-Chair*, M. Hobert (arrived 4:40pm), P. McKelvy, R. Buckley, J. Radford

**Absent:** G. Ohrstrom

**Staff:** A. Teetor, C. Johnston

**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:30 p.m.

**Agenda** Ms. Radford requested an amendment to the agenda so as to move item 10. Guidelines and Procedures Handbook to item 6. On motion of Ms. McKelvy seconded by Mr. Bieschke, the Authority unanimously approved the amended agenda.

**Minutes** On motion of Mr. Bieschke, seconded by Ms. Radford, the Authority unanimously approved the minutes of the 21 June 2006, with corrections.

**Bank Account** Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$4,215.01 as of 30 June 2006. The Local Government Investment Pool account balance was \$20,120.15.

An invoice from Never Enough Catering was submitted for payment approval. On motion of Mr. Buckley seconded by Ms. Radford, the Authority unanimously approved the payment request.

**Campaign for the Authority Status**

Authority members reviewed the memorandum submitted by Kate Petranech regarding the newsletter launch. The initial discussion centered on the size of the mailing list, how many people should the newsletter be mailed to, whether there should be an insert in the Courier, and how often to mail the newsletter to donors versus a broadbased, countywide mailing. In addition, Authority members discussed the layout of the newsletter and use of the Save our Open Space button as a prominent symbol in the masthead. Members agreed to have Ms. Radford contact Ms. Petranech to discuss these concerns.

**Guidelines and Procedure Handbook**

Ms. Radford presented a draft revision of the monitoring and inspections procedures. Members agreed that the format and content was good and that it would be best to get started with the current draft and amend it if necessary after working with it. Staff was directed to meet with Nancy Olin, Code Enforcer, and Page Mitchell, volunteer inspector, to go over the process and begin monitoring. On motion of Mr. Hobert, seconded by Mr. Bieschke, the Authority unanimously approved the monitoring and inspections procedures as presented. A preliminary meeting will be held with Ms. Mitchell and Ms. Olin in early August to go over the process and develop a schedule for site visits.

**Co-holding of easements**

Ms. Mackay-Smith, Mr. Ohrstrom, Ms. McKelvy, and Ms. Teetor attended a meeting of the Frederick County Easement Authority June 27<sup>th</sup>. Also in attendance was Faye Cooper of the Virginia Outdoors Foundation (VOF). The topic of discussion was co-holding of easements. Ms. McKelvy briefed Authority members on the content of the meeting. Clarke County and Frederick County Easement Authority Members began by discussing common issues. Co-holding small easements was the first issue discussed. Frederick County Authority members noted that co-holding could be beneficial to the County since the Virginia Outdoors Foundation (VOF) provides the legal backing of the Attorney General and enforcement assistance. Ms. Cooper remarked that any easement co-held with VOF would have to meet the criteria established by VOF. Clarke County representatives remarked that they currently hold 15 easements, many of which are too small



for the VOF to consider. Other organizations that co-hold easements were discussed, but not all have the backing of the Attorney General. Other options to strengthen easements may be inserting language into the Deed that would provide for VOF to become the default holder in the event that the CEA is dissolved or fails to maintain their easements. Mr. Hobert opined that although the co-holding issue should be pursued having a strong authority with good organization and adopted process would also help to strengthen easements.

**Financing Strategies for Local Land and Water Protection**

Mr. Bieschke and Ms. Teetor attended a meeting June 30<sup>th</sup> with representatives from Shenandoah RC&D Council, the University of Maryland Environmental Finance Center, and Evergreen Capital Advisors to discuss financing strategies for easement purchases and watershed protection. The representatives are meeting with communities throughout the Shenandoah Valley. Mr. Bieschke described the meeting as educational for all parties. Prior to the meeting the consultants appeared to lump Clarke in with the Northern Virginia communities who are experiencing rapid growth as opposed to the communities in the southern valley who are more agriculturally oriented. Available financing strategies discussed included low interest loans and installment purchase agreements. Follow-up meetings are anticipated later this fall to discuss the particular financing needs of the Shenandoah Valley as a region.

**Easement Donation**

**Report on Preliminarily Approved/Unrecorded easements - Donation**

Ms. Teetor discussed the status of the properties that have submitted applications to be considered for donation. The deed of easement for Ms. Harding is nearing completion. Action on the Willow Lake parcel was postponed again to allow more time to identify other adjoining property owners to determine if they would be willing to donate easements. In addition Authority members requested staff to look into provisions that could be included in the deed to insure proper maintenance and protection of the Lake. They suggested potentially co-holding with the Soil and Water Conservation District as a means to insure this protection. Action on the Lamphier donation was also postponed pending a site visit by Mr. Hobert.

**Status of Easement Properties**

No report.

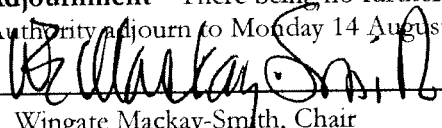
**Easement Purchase Applications**


Ms. Radford left the meeting at 5:30, prior to the closed session. On motion of Ms. McKelvy, seconded by Mr. Bieschke, 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. Hobert, seconded by Ms. McKelvy, the Authority unanimously approved reconvening in Open Session. Mr. Bieschke 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 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
  - (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. Hobert  | Aye | Ms. Radford | Absent |
| Mr. Bieschke       | Aye    | Ms. McKelvy | Aye | Mr. Buckley | Aye    |
| Mr. Ohrstrom       | Absent |             |     |             |        |

After reconvening, Mr. Hobert moved and was seconded by Ms. McKelvy, to request the Board of Supervisors to formally approve funding of the County's portion of the easement purchases involving the Farm and Ranchland Protection Program grant, the motion was unanimously approved. Staff was directed to prepare a resolution and present the funding request to the Board at their August meeting. An additional easement purchase with the Virginia Outdoors Foundation (VOF) was also discussed. On a motion by Mr. Bieschke, seconded by Mr. Buckley, the Authority approved funding an appraisal for the parcel in question. In order to use VOF funds toward the purchase, a Cooperative Agreement between the County Easement Authority and the VOF is needed. On motion by Mr. Hobert, seconded by Mr. Buckley, the Authority unanimously approved authorizing the Chair to sign the cooperative agreement.

**Adjournment** There being no further business, Mr. Hobert moved and Mr. Bieschke seconded, that the Authority adjourn to Monday 14 August 2006 at 4:30 pm. The motion was approved unanimously.

  
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Wingate Mackay-Smith, Chair

  
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Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 14 August 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Monday, 14 August 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

**Present:** W. Mackay-Smith, *Chair*, M. Hobert (arrived 4:40pm), P. McKelvy, R. Buckley, G. Ohrstrom, J. Bieschke (conference call)  
**Absent:** J. Radford  
**Staff:** A. Teetor, C. Johnston  
**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:40 p.m.

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

**Minutes** On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the 19 July 2006, with corrections.

**Bank Account** Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$2,777.94 as of 31 July 2006. The Local Government Investment Pool account balance was \$20,209.52.

Two invoices, one from Kate Petranech for second quarterly payment of contract for \$1,800 and a second for Jack Conner, appraisal for the Sipe Farm, for \$1,500, were submitted for approval. On motion of Mr. Ohrstrom seconded by Ms. McKelvy, the Authority unanimously approved the payment request. In addition, staff recommended funds transfer from the LGIP account to the Bank of Clarke County to cover the approved expenses.

#### **Campaign for the Authority Status**

Kate Petranech presented the two options for the newsletter format. Members reviewed the layouts and suggested modifications on wording and format. The Authority also agreed to print 10,000 copies to be included for distribution in the December tax bills. Ms. Petranech discussed in general her ideas for content of the newsletter, members agreed to appoint a subcommittee consisting of George Ohrstrom, Wingate Mackay-Smith, and Jane Radford to review and approve the final draft.

The Authority then discussed presenting four power point programs to various civic organizations. Members suggested that persons who have donated easements be asked to participate in the presentations.

#### **Balanced Growth Counties Conference**

Mr. Johnston presented information on the Balanced Growth workshop to be held in Warren County, October 19<sup>th</sup>. He requested that a member of the Authority attend and participate in a panel discussion on purchasing development rights and easements. Mr. Ohrstrom agreed to attend if Ms. Mackay-Smith cannot.

#### **Easement Donation**

##### **Report on Preliminarily Approved/Unrecorded easements - Donation**

Ms. Teetor discussed the status of the properties that have submitted applications to be considered for donation. The deed of easement for Ms. Harding is nearing completion; authority members reviewed the proposed Deed. Ms. Harding has inserted language allowing for construction of an indoor riding facility. Members suggested that language be inserted prohibiting the use of hoop barns or structures covered with tarps or plastic. Staff was directed to provide language to Mr. Smalley. Ms. Hardings attorney, for insertion in the Deed.

Action on the Lamphier parcel was postponed again to allow more time to research the status of the trailer as a dwelling. Members requested staff to work with Mr. Mitchell to develop language that would prohibit construction of a new house should the trailer be removed.

**Status of Easement Properties**

Ms. Teetor reported that she had met with Ken Digges who owns the property to the south of Greenway Court. Mr. Digges is considering a Boundary Line Adjustment between the two parcels to conform to existing fencerows. Members requested staff to set up a site visit to review the proposed adjustment.

Mr. Johnston reviewed the status of the consultants work to develop a video and report to identify the renovation needed for the Greenway Court structures. The report will be used to solicit money for performing the restoration. As of this date, the contractor has not fulfilled the requirements of the contract. In order to complete the work, the contractor will be paid 50% of the contract price and the contract will be terminated. The County will then work with Maral Kalbian to complete the report using locally available technical expertise.

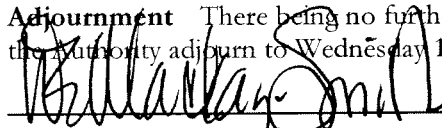
**Easement Purchase Applications**

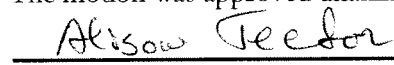
On motion of Mr. Hobert, the Authority unanimously approved going into Closed Session pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property. On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved reconvening in Open Session. Mr. Buckley moved, seconded by Ms. McKelvy, 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	Absent	Ms. McKelvy	Aye	Mr. Buckley	Aye
Mr. Ohrstrom	Aye				

**Adjournment** There being no further business, Ms. McKelvy moved and Mr. Ohrstrom seconded, that the Authority adjourn to Wednesday 18 October 2006 at 4:30 pm. The motion was approved unanimously.

  
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Wingate Mackay-Smith, Chair

  
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Alison Teetor, Clerk to the Authority

**NO SEPTEMBER 2006 MEETING**

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 18 October 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 18 October 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

**Present:** W. Mackay-Smith, *Chair*, M. Hobert, P. McKelvy, R. Buckley, G. Ohrstrom, J. Bieschke, J. Radford  
**Absent:** No one  
**Staff:** A. Teetor, C. Johnston  
**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:30 p.m.  
**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. Buckley, the Authority unanimously approved the minutes of the 14 August 2006, with corrections.

**Bank Account** Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$5,969.27 as of 30 September 2006. The Local Government Investment Pool account balance was \$14,347.74.

An invoice from Kate Petranec for payment of \$600 to Gloria Marconi for the newsletter design and layouts was submitted for approval. On motion of Mr. Ohrstrom seconded by Ms. McKelvy, the Authority unanimously approved the payment request.

**Campaign for the Authority Status**

Kate Petranec recommended sending a letter with the newsletter to past donors ahead of the general tax bill mailing. She stated she would be willing to draft a letter to include with the newsletter and have it reviewed before mailing to prior donors. In addition she suggested that the Authority consider developing letterhead for future mailings. She will present the draft letterhead with pricing at the next meeting.

An additional mailing to solicit funds will be sent by December 1. Ms. Petranec will prepare a letter and have the subcommittee review it prior to mailing. A discussion of who to mail the letter to followed. A final draft and decision on the mailing will be discussed at the November meeting.

**Easement Donation**

**Report on new applications**

Ms. Teetor reported that she had received two new applications for easement donation. One was from Drew and Elizabeth Longerbeam. They own a 21-acre parcel off of Janeville Rd. In reviewing the parcel, none of the 4 criteria for donation were met. The Property Resource Score is 34.53, no DUR's are being extinguished, the parcel is close to easements but not adjacent to any, and is less than 40 acres in size. The Longerbeams wanted to be considered for easement in order to qualify for placement of a mother-in-law apartment further than 300 feet from the existing residence. Parcels in easement have no such limitation. After discussion Authority members agreed that the parcel does not meet the established criteria, and therefore cannot be accepted for donation. Staff was directed to draft a letter thanking the Longerbeams for their interest and explaining why the application was denied. On a motion by Mr. Ohrstrom, seconded by Mr. Hobert, the Authority unanimously denied the donation request.

The second donation request was received from Lisa Jett. She owns 67 acres off of Russell Road. This parcel is over 40 acres and scored 42.86, which is over the limit of 35. Therefore this property does qualify for donation. The reason for the application involves bank financing. The Ms. Jett also owns a 2-acre parcel that is surrounded by the 67 acres. She is currently financed by the prior owner and needs to refinance with a mortgage company. Due to the small size of the house parcel (2 acres), Ms. Jett does not qualify for

financing. In order to qualify she will need to complete a Boundary Line Adjustment (BLA) with the 67-acre parcel so as to create a 15-acre and 54-acre parcel. In order to qualify for a BLA of that size, the parcel has to be in Easement. Authority members agreed to schedule a site visit to preview the parcel. Staff was directed to work out the logistics of accepting the entire 69 acres in easement so as to make sure all of the criteria for accepting easements are met. On a motion by Mr. Buckley, seconded by Ms. Radford, the Authority unanimously agreed to postpone action on the donation request until the site visit can be completed.

#### **Preliminarily Approved/Unrecorded easements - Donation**

Ms. Teetor discussed the status of the properties that have submitted applications to be considered for donation.

*Willow Lake* - Ms. Teetor met with Larry Mohn of the Department of Game and Inland Fisheries at Willow Lake to discuss the potential inclusion of language in the Deed that would stipulate appropriate management of the Lake. Mr. Mohn suggested review by his Department prior to undertaking any activities that may impact the lake or habitat surrounding the Lake. Staff will work with the applicant to derive the appropriate language.

*Melanie Marks* – Easement approval from Wells Fargo was received, but they would not subordinate so those sections were removed from the Deed. The Deed was mailed to the Trustee for signature and should be completed this year.

#### **Easement Purchase Applications**

Additional work on the appraisals for Stenning and Russell was required by NRCS. In addition, a survey of the farmstead area for each farm was required. On a motion by Ms. Mackay-Smith, seconded by Ms. McKelvy, the Authority unanimously authorized use of Easement Authority funds to cover the fees associated with this additional work.

#### **Status of Easement Properties**

Mr. Johnston described a request by Jeff Digges to locate a power line behind the house to serve the barn. As proposed, the line would be very close to several of the historic structures on the property. The Authority agreed to conduct a site visit to review the request. A site visit was scheduled for Monday October 30<sup>th</sup> at 1:30pm.

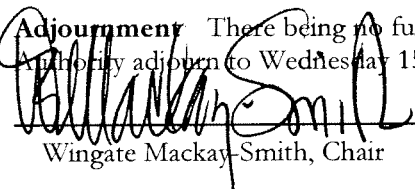
The report by Tidewater Preservation on the building renovation needs is complete. This report will be used to solicit grant funds to help pay for the restoration efforts. Mr. Johnston explained that his workload was such that he has no time to write grants for funding the work and suggested a grant writer could be hired to complete the applications. The Authority agreed by consensus to pursue finding a qualified person to complete the grants.

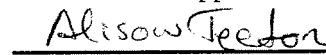
Ms. Teetor relayed that monitoring and inspection was complete for the Bauhan parcels. An inspection for the Zambinini's will be scheduled for November 9. Mr. Ohrstrom will accompany Ms. Olin and Ms. Mitchell on that inspection.

#### **Balanced Growth Counties Conference**

Mr. Johnston presented information on the Balanced Growth workshop held October 19<sup>th</sup> in Warren County. Ms. Kathy Smart of the Planning Commission was in attendance. Representatives from Stafford, Clarke, Albemarle, Loudoun, and Fauquier Counties presented information on their County's growth strategies.

**Adjournment** There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded, that the Authority adjourn to Wednesday 15 November 2006 at 4:30 pm. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 15 November 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 15 November 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

**Present:** W. Mackay-Smith, *Chair*, M. Hobert, P. McKelvy, G. Ohrstrom, J. Bieschke, J. Radford  
**Absent:** R. Buckley  
**Staff:** A. Teetor  
**Call to Order** Ms. Mackay-Smith called the meeting to order at 4:30 p.m.  
**Agenda** On motion of Mr. Ohrstrom seconded by Ms. Radford, the Authority unanimously approved the agenda.  
**Minutes** On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously approved the minutes of the 18 October 2006, with corrections.

**Bank Account** Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$5,620.03 as of 31 October 2006. The Local Government Investment Pool account balance was \$14,411.83.

Two invoices from Kate Petranech, one payment of \$923.76 for the newsletter printing and postage, and two Ms. Petranech's quarterly payment of \$1,800, and \$850 payment to Dunn Land Surveys, Inc., for surveying the Stenning farmstead area were submitted for approval. On motion of Mr. Ohrstrom seconded by Mr. Bieschke, the Authority unanimously approved the payment requests.

**Campaign for the Authority Status**

Ms. Radford provided an update on the fund raising efforts of Kate Petranech. Two mailings are anticipated prior to the end of the year. The first consists of a mailing to 1,000 randomly selected residents. This is considered a prospect mailing to build the donor base. This will be mailed by December 2. The second mailing is to the donors. Authority members will be asked to review the list of donors and select familiar names for sending personalized letters. Authority members also discussed providing a statement in the letters that describes how the money will be utilized. Uses discussed include surveys, appraisals, communication, purchasing development rights, and leveraging grants.

**Easement Donation**

**Report on new applications**

Ms. Teetor reported that she had received a new application for easement donation from Bill and Joan Houck. The Houcks have 2 parcels they would like considered. One consists of 259 acres with 7 DURs and 3 exemptions; the second consists of 161 parcels with 5 DURs and 1 exemption. After discussion the Authority agreed to hold the easements with the following conditions:

- 1) The 259-acre parcel would retire 6 DURs, leaving 1 DUR and 3 exemptions. The parcel could be subdivided into 3 lots, one of which would be 20 acres or less. One of the parcels would contain an exemption and a tenant house. The tenant house would be 2000 square feet in size or less. There would be no limit on the main house square footage.
- 2) The 161-acre parcel would retire 4 DURs, leaving 1 DUR and 1 exemption. The parcel could be subdivided into 2 lots.

The Authority directed staff to contact VOF to determine if these conditions would meet their criteria in the event a co hold was requested.

The second donation application was received from Lisa Jett. She owns 67 acres off of Russell Road. This parcel is over 40 acres and scored 42.86, which is over the limit of 35. Therefore this property does qualify for donation. The reason for the application involves bank financing. The Ms. Jett also owns a 2-acre parcel that is surrounded by the 67 acres. She is currently financed by the prior owner and needs to refinance with a mortgage company. Due to the small size of the house parcel (2 acres), Ms. Jett does not qualify for



financing. In order to qualify she will need to complete a Boundary Line Adjustment (BLA) with the 67-acre parcel so as to create a 15-acre and 54-acre parcel. In order to qualify for a BLA of that size, the parcel has to be in Easement. A site visit was conducted October 30<sup>th</sup>, Mr. Ohrstrom, Ms. Radford, and Ms. McKelvey attended. Staff was directed to work with Bob Mitchell to work out the logistics of accepting the entire 69 acres in easement to make sure all of the criteria for accepting easements are met. On a motion by Mr. Bieschke, seconded by Ms. Radford, the Authority unanimously agreed to postpone action on the donation request until the draft Deed is finalized.

### **Preliminarily Approved/Unrecorded easements - Donation**

Ms. Teetor discussed the status of the properties that have submitted applications to be considered for donation.

Willow Lake – waiting on revised language regarding lake management

Melanie Marks – Deed of Easement was mailed to the Trustee for signature.

Lamphier – Staff to work with Bob Mitchell on revising language regarding trailer

### **Easement Purchase Applications**

Staff is continuing to work with Stenning and Russell to complete the easement purchases.

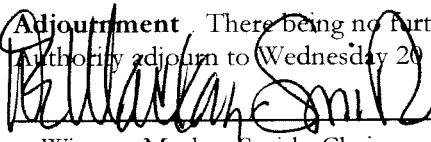
### **Status of Easement Properties**

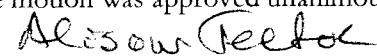
A site visit to review the proposed powerline addition, at Greenway Court, was conducted Monday October 30<sup>th</sup> at 1:30pm. A second site visit was completed November 7<sup>th</sup> where Authority members met with John Daley of Allegheny Power. It was tentatively agreed that the powerline could be relocated in the field behind the structures so as not to impede the view. An estimate for the cost of this relocation is pending.

Two grants were written by Maral Kalbian and submitted to the General Assembly and “Save our Treasures” for \$150,000 each to pay for the maintenance and renovation of the Greenway Court structures. An additional \$10,500 will be sought from private donations to cover the estimated project costs. Authority members discussed contacting Joe May and Russ Potts to champion the grant fund request in the General Assembly.

Ms. Teetor relayed that monitoring and inspection was complete for the Zambinini’s. The next inspection is scheduled for Greenway Court in December.

**Adjournment** . There being no further business, Ms. McKelvey moved and Mr. Bieschke seconded, that the Authority adjourn to Wednesday 20 December 2006 at 4:30 pm. The motion was approved unanimously.

  
Wingate Mackay-Smith, Chair

  
Alison Teetor, Clerk to the Authority

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Minutes – 13 December 2006**

A regular meeting of the Conservation Easement Authority was held at 4:30 pm on Wednesday, 13 December 2006, Board of Supervisors meeting room, Clarke County Circuit Courthouse.

**Present:** W. Mackay-Smith, *Chair*, M. Hobert, G. Ohrstrom, J. Bieschke, and R. Buckley  
**Absent:** P. McKelvy, J. Radford  
**Staff:** A. Teetor  
**Call to Order** Mrs. Mackay-Smith called the meeting to order at 4:30 p.m.  
**Agenda** On motion of Mr. Ohrstrom seconded by Mr. Buckley, the Authority unanimously approved the agenda.  
**Minutes** On motion of Mr. Ohrstrom, seconded by Mr. Bieschke, the Authority unanimously voted to table approval of the minutes until the next regular meeting.

**Bank Account** Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$5,272.17 as of 30 November 2006. The Local Government Investment Pool account balance was \$14,411.83.

**Report on status of the Campaign for the Authority**

Ms. Teetor briefly discussed the report submitted by Kate Petranech regarding the fund raising efforts. A donor mailing consisting of 111 pieces was sent out on December 8<sup>th</sup>, 860 letters were mailed to prospective donors. Ms. Petranech will provide staff with 2 versions of thank you notes to send to donors.

**Easement Donation/Purchase**

Houck

The primary purpose of today's meeting was to discuss the potential easement donation by Joan and Bill Houck. As of today's date the Houcks have agreed to the following:

1. The Houcks have decided to donate only the 259 acre parcel and not the 161.
2. They agree to retire 6 DURs leaving 1 DUR and 3 exemptions
3. They agreed to the 200 foot setbacks for new construction
4. They would like to be able to subdivide the parcel into 4 lots, one of which is 20 acres or less - we wanted 3, with one 20 acre
5. They would like a minimum of 7500 square feet for barns, riding rings, etc - we requested 4,500 sq. ft.
6. They have deleted paragraph H under section 17 which describes that the easement holder would have access to partial proceeds from condemnation; and changed 17F to provide for grantors approval for co holding. The County would prefer these paragraphs to remain as originally written.

After discussion Authority members agreed to have staff work with the Houcks to arrive at an agreement on the above terms. On a motion by Mr. Ohrstrom, seconded by Mr. Bieschke, the members authorized Mrs. Mackay-Smith to sign the agreed upon easement after legal review.

Chandler

The Chandlers own a 54-acre parcel adjacent to the Opequon Creek. A site visit was conducted and the application for donation preliminarily approved at the April 26, 2006 meeting. John Friant reviewed the Deed; the Chandlers are retiring 1 DUR and retaining 1 DUR. After discussion on a motion by Mr. Buckley, seconded by Mr. Ohrstrom, the Authority unanimously approved the Deed of easement and authorized signature by Mrs. Mackay-Smith.

Harding

Ms. Harding is working with her lender to sign the Deed of Easement. After discussion, the Authority decided that the Deed should be modified to include language providing for Authority review of the indoor

riding arena due to Ms. Hardings request for a larger building than is normally allowed.

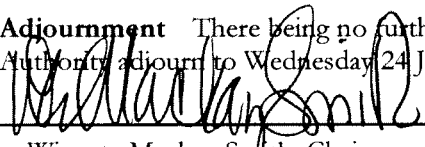
Stenning

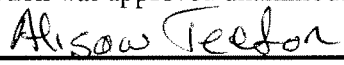
Staff reported on the status of the Stenning discussions. A letter from Scott Smalley, the Stenning's attorney, described the Stenning's desire to withdraw from the Farm and Ranchland Protection Program grant option. After review by Bob Mitchell, the Authority agreed to present the Stenning's with the original payment offer. As of the date of this meeting there was no response from the Stenning's. On a motion by Mr. Ohrstrom, seconded by Mr. Buckley, members authorized the Chair to sign a Deed of Easement should the Stenning's agree to the Authority's original offer.

**Report on new applications**

Ms. Teetor reported that she had received a new application for easement donation from Karen Ewbank, who owns Pigeon Hill, a 20 acre parcel located south of Berryville on the east side of Rt. 340. Staff described that the parcel did not meet any of the 4 needed criteria for acceptance. Members requested staff to send Ms. Ewbank a letter stating that the parcel could not be accepted at this time.

**Adjournment** There being no further business, Mr. Ohrstrom moved and Mr. Bieschke seconded, that the Authority adjourn to Wednesday 24 January 2007 at 4:30 pm. The motion was approved unanimously.

  
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Wingate Mackay-Smith, Chair

  
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Alison Teetor, Clerk to the Authority