

Approved Minutes
Conservation Easement Authority
2008

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 16 January 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 16 January 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

Absent: No one

Staff: A. Teetor

Call to Order Alison Teetor, Clerk to the Easement Authority, called the meeting to order at 4:00 p.m.

Election of Chairman, Vice Chairman, and Treasurer

Ms. Teetor asked for nominations of Chairman to the Authority. Mr. Ohrstrom nominated Wingate Mackay-Smith for the position of Chairman for 2008. Ms. McKelvy seconded. Mr. Hobert requested the nominations be closed. The Authority voted unanimously to elect Wingate Mackay-Smith as Chairman of the Authority for 2008.

Ms. Teetor asked for nominations of Vice Chairman to the Authority. Ms. McKelvy nominated Mr. Bieschke for the position of Vice Chairman of the Authority for 2008. Ms. Radford seconded. Mr. Hobert requested that the nominations be closed. The Authority voted unanimously to elect Mr. Bieschke as Vice Chairman of the Authority for 2008.

Ms. Teetor asked for nominations of Secretary/Treasurer to the Authority. Mr. Hobert nominated Ms. McKelvy for the position of Secretary/Treasurer for the Authority for 2008. Mr. Ohrstrom seconded. Ms. Mackay-Smith requested that the nominations be closed. The Authority voted unanimously to elect Ms. McKelvy as Secretary/Treasurer of the Authority for 2008.

Agenda On motion of Ms. Radford, seconded by Mr. Ohrstrom, the Authority unanimously approved the agenda with the amendment to move discussion of the proposed easement donation of Georgetown University to item 6.

Minutes On motion of Mr. Bieschke, seconded by Mr. Ohrstrom, the Authority unanimously voted to approve the minutes with corrections.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$6,683.20 as of 31 December 2007. The Local Government Investment Pool (LGIP) account balance was \$20,533.89 as of November 30, 2007. Authority members approved payments of \$2,350 to Jack Conner for the Sours appraisal and payment of \$1,391.00 to Kate Petranech for the year end appeal mailing.

Easement Donation/Purchase

Georgetown University – Alan Brangman, University Architect, presented the Georgetown donation request to the Authority. He discussed the proposal to develop the site as a Contemplative Center for the University. Improvements to the site include construction of 13 cabins, a dining hall, meeting facilities, and other out buildings. As presented, the plan includes removal of the existing historic house. The easement application includes retirement of 5 of the 6 remaining DURs. The facility would accommodate a total of 84 persons with use mainly on weekends. The Center requires approval from the Planning Commission and Board of Supervisors for a Special Use Permit. The applicant is also requesting a variance from the Septic Ordinance so as to locate the drainfield more than 400 feet from the improvements. Members discussed the application and agreed to schedule a site visit.

Report on status of the Campaign for the Authority

Copies of Ms. Petranech's report are included in the packet. The report details the total fundraising success over the past four years. The Authority agreed that the amount of funds raised is impressive. Another newsletter to donors is scheduled to be sent in February. Ms. Radford and Ms. McKelvy have agreed to work on a draft with Ms. Petranech.

Community outreach for the Authority continues with a slide presentation to the Rotary on February 27th. Mr.

Buckley suggested that a presentation at the Farm Bureau's annual meeting in October would be good. Members discussed the importance of coordinating with other groups when scheduling presentations. For example, the Long Branch Lecture Series is hosting George Freeman to speak on Conservation Easements; it would have been nice to be able to co-sponsor the lecture. In addition, Ms. Radford suggested that the newsletter include a survey to see what donors might be interested in hearing.

Easement Donation/Purchase

Ms. Teetor report on preliminarily approved easements for donation as follows:

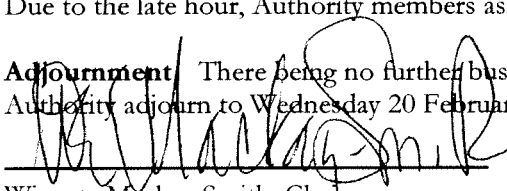
Clarke – the proposed easement donation is for a 95-acre parcel located in the northwest quadrant of the County off of Swimley Rd. The applicant would retire 2 of the 5 remaining DURs. After discussion members agreed to schedule a site visit for 4:00pm February 7th.

Hamilton/McCarthy- the applicant is requesting approval for donation. This is the remaining portion of the 64 "found" acres, off Lions Lane, of which the Philip Thomas tract was part. The easement donation is required as part of a court order. A site visit was completed last September when the Thomas tract was reviewed. One of the two remaining DURs will be retired. The Deed has been prepared and is ready for signature. On motion of Mr. Bieschke, seconded by Ms. Radford, the Authority voted to authorize the chair to sign the amended Deed of Easement. Mr. Hobert abstained from voting and any discussion regarding this donation.

Discussion of Easement Purchases

Due to the late hour, Authority members asked to discuss easement purchase at the next regular meeting.

Adjournment There being no further business, Mr. Buckley moved and Ms. McKelvy seconded that the Authority adjourn to Wednesday 20 February 2008 at 4:00 pm. The motion was approved unanimously.



Wingate Mackay-Smith, Chair



Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 27 February 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 27 February 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, M. Hobert, R. Buckley, G. Ohrstrom, P. McKelvy, J. Radford, J. Bieschke
Absent: No one
Staff: A. Teetor
Call to Order Ms. Mackay-Smith, Chair, called the meeting to order at 4:05 p.m.

Agenda On motion of Mr. Ohrstrom, seconded by Mr. Bieschke, the Authority unanimously approved the agenda with the amendments to move discussion of the proposed easement donation of Georgetown University to item 5, and to add two items, budget and Greenway Court, to Item 6, discussion.
Minutes On motion of Ms. McKelvy, seconded by Mr. Buckley, the Authority unanimously voted to approve the minutes with corrections.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$8,284.31 as of 31 January 2008. The Local Government Investment Pool (LGIP) account balance was \$20,617.29 as of December 31, 2007. On motion of Mr. Hobert, seconded by Mr. Bieschke, Authority members unanimously voted to approve payments of:

Jack Conner – appraisal Sipe \$3,000
Dunn Land Surveys – Mesilla - \$350.00
Kate Petranec – quarterly payment - \$1,800
Maral Kalbian –Hohenheim research \$157.50
Battletown Inn – Greenway Court - \$107.00
Never Enough Catering – Greenway Court - \$337.82

In addition, members approved purchase of 10 additional signs, approx - \$300. Mr. Ohrstrom generously agreed to purchase the signs for the Authority

Easement Donation/Purchase

Georgetown University – Alan Brangman, University Architect, was present to hear the Authority's discussion of the Georgetown donation request to place 55 acres under easement in Clarke County. Ms. Mackay-Smith summarized the efforts to date, which have included listening to a presentation by Mr. Brangman at the January meeting, in which he discussed the proposal to develop the site as a Contemplative Center for the University. The Authority conducted a site visit on January 31st. The Historic Preservation Commission along with Gary Pope, Building Inspector, completed a site visit on February 19th. Staff presented a report and a special report from Maral Kalbian related to the historical significance of the home, which improves the subject property.

Ms. Mackay-Smith then requested a roundtable discussion where each member would share his or her comments and concerns with the group. The following is a summary of this discussion.

Mr. Bieschke – expressed his concern regarding the potential demolition of the existing house, particularly since it is a contributing structure in the proposed Rural Historic District. He is also a member of the Historic Preservation Commission (HPC), and requested the HPC Board to conduct a site visit and provide their recommendation as to the feasibility of potential for reuse of the structure. Page Carter a member of the HPC, is an architect and has completed historic restoration on a building in Berryville, stated that adaptive reuse would be possible. The HPC voted to recommend to the Easement Authority that the house be retained. Mr. Pope also felt that reuse would be possible from a Building Code standpoint.

Mr. Ohrstrom – Referred to prepared notes, stating that he doesn't see much conservation value in accepting this parcel for a conservation easement and then having Georgetown University develop it as per their proposal. The 28 acres of woodland preserved and the 1200-foot buffer between the proposed retreat and the Appalachian Trail is important, but he wasn't sure that protection would be any different under a conventional subdivision proposal. Mr. Ohrstrom further stated that terminating 5 DURs is always a good thing, but the impact of the proposed 20,000 square foot of improvements is really no different than the impact of a subdivision, especially as the cleared area for drainfields and their necessary lines is probably very close to the same amount of cleared space necessary for individual house drainfields. Protecting 18 acres of steep slopes of greater than 25% incline is also a great thing, but it's difficult to build on slopes like that and Clarke County doesn't allow drainfields in that kind of terrain anyway. He also echoed Mr. Bieschke's concern regarding demolition of the house. In conclusion he stated that accepting this parcel for a donated easement would be a mistake as there is no conservation value being protected.

Ms. McKelvy – Also preferred to retain the house and agreed with Mr. Ohrstrom that considering the amount of proposed development, she doesn't see any significant conservation value.

Ms. Radford – Concerns include traffic, destruction of wildlife habitat, runoff, and lighting, in addition to the removal of the historic house.

Mr. Buckley – Stated that he is not necessarily against the proposed use, but is not sure that the Easement Authority should be a party to this type of change of use. He would also like to retain the house.

Mr. Hobert – Agrees with all the previous comments.

Ms. Mackay-Smith – Expressed concern regarding the overall layout stating that the proposed development would be no less intense and may actually be a more intense use than what current zoning allows. She also wondered if the Property Resource Score would be significantly reduced with the removal of points for the historic house (12) and the DURs (20).

General discussion followed. Mr. Bieschke wondered what the impact would be of the proposed institutional use versus the currently permitted residential. Mr. Jesse Russell, Zoning Administrator, urged the Authority to consider the impact of the Monastery, which is a similar use and to compare the proposal to the potential impact of the residential housing with regard to timbering, clearing, number of houses, and impact upon fire and rescue and the schools. Ms. Mackay-Smith countered that the role of the Easement Authority is to determine if the application has land conservation value. Mr. Brangman asked what the impact of a negative vote would be in relation to potential use of tax credits. A discussion of "enhancement" followed. Mr. Don Looock, from the Piedmont Environmental Council, stated that the Authority and applicant should be careful with regard to IRS enhancement rules. He explained that if a property or adjoining property (owned by the same person or family member) is enhanced (increased economic value) as a result of the parcel being placed in Conservation Easement, then no tax credit can be taken. Mr. Looock opined that the current proposal could be considered enhancement as the applicant may be placing the parcel in easement in part to gain the ability to apply for a septic variance that may enable the proposed development.

At the conclusion of the discussion, on motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority voted unanimously to decline acceptance of the easement based on the previous discussion concluding that conservation values are not being protected.

Report on status of the Campaign for the Authority

Copies of Ms. Petranec's report are included in the packet. The report details a summary of the past four years total fundraising success in relation to the expenditures. Ms. Petranec described the Authority's approach to fundraising as seeking funds from a broad base rather than just high-end donors. In 2006 there were two initiatives recognizing that you can go back to persons who have donated more than once. In 2007, over 40% of donors contributed more than once. Mr. Johnston pointed out that it costs one dollar for every two dollars raised. Members discussed the overall benefits of the fund raising efforts that include awareness building for the program.

Ms. Mackay-Smith detailed other potential fundraising initiatives that include donation of tax credits, providing 1% of land sales to the Authority, and business owner participation with dollar donations.

Ms. Petranech also provided a letter that could be sent to persons requesting additional information about the program.

Solicitation for Easement Donation

A memo was included in the packet for discussion purposes. Members discussed the need to develop a pool of potential purchase applications for use when grants become available. Staff suggested limiting the solicitation to properties that meet current donation criteria, including those zoned AOC or FOC, over 40 acres, and able to retire at least 1 DUR. Ms. Teetor suggested that this could be further refined to solicit to specific areas of the County such as those in the groundwater recharge area or parcels along the Shenandoah River. The Authority agreed to send to those meeting the criteria and then prioritize the applications received based on other factors. Members also requested staff to develop an ad for the Courier soliciting applications so as not to exclude any potential applicants. Ms. Petranech agreed to help staff with the wording for the letter and ad.

Septic Variance Criteria

Due to continual concerns by the Authority regarding applications for easements that provide opportunities for septic variances, staff suggested a possible text amendment that would place additional restrictions on the number and type of variance allowed. After discussion, members agreed to postpone any decision until more time could be spent researching the potential restrictions.

Greenway Court

Mr. Johnston updated the Authority with regard to grant application status for the rehabilitation and stabilization efforts at Greenway Court. Due to the late hour and need for considerable discussion on this topic, members agreed to hold a special meeting on Thursday March 6th at 3:00pm.

Budget

As the Supervisors are working on the FY09 County budget, and the Easement Authority has received several grants, Mr. Hobert wanted to insure that an adequate appropriation is made for the Authority. Ms. Mackay-Smith directed staff to work with Mr. Hobert to insure that all grants have budgeted matching funds.

Mr. Ohrstrom left the meeting at 5:55pm.

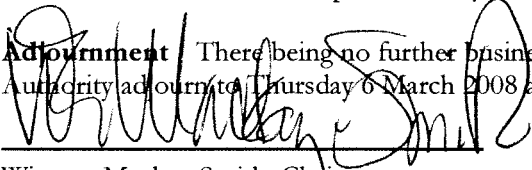
Easement Donation/Purchase

Clarke – A site visit was completed February 7th. The Authority is concerned with accepting an easement on this parcel for two reasons. First, the applicant has tried unsuccessfully to locate a conventional drainfield on the property. He would however be eligible for a septic variance to install an alternative system if the parcel was held in easement. Second, the applicant has requested the ability to subdivide the parcel into 3 lots, a 3-acre parcel and 2 46-acre parcels. After discussion, the Authority asked staff to contact the applicant and indicate that they would accept a donation for retiring 4 of the 5 DURs and no subdivision.

Mr. Hobert left the meeting at 6:05pm.

Morgan – This is a new application for a property located off Route 50 just east of the Waterloo intersection, on Iron Rail Lane. The applicant is currently in review with the Planning Commission for a 3-lot subdivision but has decided to apply for an easement and relinquish one of the DURs reducing the subdivision to 2 lots. Members scheduled a site visit for 2:30pm Thursday March 6th.

Adjournment There being no further business, Mr. Buckley moved and Ms. McKelvy seconded that the Authority adjourn to Thursday 6 March 2008 at 3:00 pm. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 6 March 2008

A special meeting of the Conservation Easement Authority was held at 3:00 pm on Thursday, 6 March 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

Absent: No one

Staff: A. Teetor, Chuck Johnston

Others Present: Jennifer Lee, Maral Kalbian, Julie Langan, DHR, (speaker phone)

Call to Order Ms. Mackay-Smith, Chair, called the meeting to order at 3:00 p.m.

Mr. Johnston opened the meeting by discussing the primary objectives, which are to prioritize what work is to be completed at Greenway Court, who will complete the work, and the need for a third party to obtain grants and oversee the project. Currently the Authority is struggling to secure matching funds for a \$50,000 General Assembly grant. The funds will be revoked June 30th if a match is not secured.

A charette was held February 21, 2008 to discuss the overall project. The general conclusions of the session pertinent to today's meeting were to:

1. Establish a new free-standing entity or a new entity affiliated with an existing organization that would be comprised of the property owner, reps of the co-holders of the easement, the County Historical Association, and possibly other interested parties (PEC, Clermont Trust, reps of other historic properties, etc.)
2. Make a concerted short-term effort to find \$47,500 to match the General Assembly grant.

Ms. Mackay-Smith reported that she had spoken with the Piedmont Environmental Council to determine if any of the land trust funds earmarked for Clarke County could be used as a loan to match the GA monies and then repaid through future fundraising. PEC stated that the funds could only be used for easement acquisition and therefore this was not a viable option. There is also the hope that a wealthy private donor may fund the project. One of the problems in securing funds is that the repairs will be completed on private property with very limited public access, unlike a museum or other such public site. Another consideration was to use County funds or Conservation Easement Authority funds, but this was also rejected because of the reasons stated above.

Ms. Kalbian asked Ms. Langan if a Certified Local Government (CLG) grant could be used to match the finds. Ms. Langan stated that they could but that there is not enough time to secure that funding source by June 30th. Ms. Kalbian also asked if a portion of the GA funds could be used if only a partial match were obtained. The answer was yes, and that using less than the full amount would not jeopardize future funding requests.

Ms. Petranec suggested that a special mailing could be sent to current donors to try to secure funds. Additional discussion was to ask the landowner, Jeff Digges, if he would be willing to obtain a home equity loan, or otherwise help financially. Ms. Kalbian stated that Mr. Digges might be eligible for tax credits should he help with the funding.

Mr. Johnston summarized that a three-pronged approach should be initiated. 1) requesting the owner to match the grant, 2) secure funds from the CEA, and 3) solicit donations from current donors; including donor lists from the Historic Preservation Commission, Conservation Easement Authority, and broader groups that may have an interest in Lord Fairfax. Ms. Mackay-Smith agreed to follow up on the potential private donation described in the beginning of the meeting; Mr. Johnston will speak with Mr. Digges, and Ms. Petranec will work on a solicitation letter.

In other business, the Authority approved payment to Ms. Kalbian for her work on this project.

A committee consisting of Mr. Digges, Ms. Radford, Mr. Bieschke, Mr. Howard Means, and Julie Langan, with Ms. Kalbian and Mr. Johnston as staff was identified to work on this project.

Adjournment There being no further business, Mr. Buckley moved and Ms. McKelvy seconded that the Authority adjourn to Wednesday March 19 2008 at 4:00 pm. The motion was approved unanimously.

Wingate Mackay-Smith
Wingate Mackay-Smith, Chair

Alison Teetor
Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 19 March 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 19 March 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

Absent: No one

Staff: A. Teetor

Call to Order Ms. Mackay-Smith, Chair, called the meeting to order at 4:05 p.m.

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

Minutes On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously voted to approve the minutes of February 27, 2008. On motion of Mr. Ohrstrom, seconded by Mr. Bieschke, the Authority unanimously voted to approve the minutes of March 6, 2008.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$8,781.48 as of 31 January 2008. The Local Government Investment Pool (LGIP) account balance was \$20,759.17 as of February 29, 2008. On motion of Mr. Hobert, seconded by Mr. Bieschke, Authority members unanimously voted to approve payments of:

Patton Martin & Assoc. – survey Russell - \$1,262.50

Kate Petranech – reimbursement for winter newsletter - \$587.71

Clarke Times Courier – ad for easement purchase - \$83

Report on status of the Campaign for the Authority

Ms. Petranech reported on donations received to date. Thank-you letters will be prepared for Ms. Mackay-Smith's signature. In regard to future presentations, Ms. Petranech provided a list of civic organizations that might want to hear a presentation. Members discussed additional opportunities including Blandy. In addition, Ms. Petranech reminded the group that she will be hosting a dinner meeting at her residence on Thursday April 3rd at 5:00 pm.

Presentation by Conservation Partners – Bill Funk

Mr. Funk presented the Authority with information about his organization, Conservation Partners. The organization is composed of easement specialists who work with landowners from start to finish on the easement recordation process. Specifically they will develop draft deeds, obtain appraisals, work to obtain tax credits and conduct inspections. Mr. Funk left the Authority with a binder detailing their forms and process. Mr. Hobert asked staff to scan the documents and provide them to members at the next meeting.

Discussion Items

- 7) Text amendment septic ordinance variance criteria - members agreed to table this discussion until the April meeting.
- 8) FY09 Budget – staff provided a copy of the FY09 budget, Mr. Hobert suggested that members may want to come to support the Authority's budget at the upcoming public hearing April 8th.
- 9) Easement Inspection Schedule – staff relayed that the annual inspection cycle would be starting this month, but suggested that inspections on parcels with no changes could be conducted less frequently. Mr. Hobert suggested that staff check with VOF to determine if annual inspections are required legally and what their process for inspection is.
- 10) Update Greenway Court – a meeting to discuss grant funds match efforts is scheduled for tomorrow at 2:00pm.

Easement Donation/Purchase

Staff reported that, thanks to several volunteers, approximately 300 letters soliciting easement purchase applications were mailed last week. In addition a newspaper ad was posted in the Courier. To date approximately 10 calls and several applications have been received. A full report will be made at the April meeting.

Applications for Easement Donation

Ms. Teetor report on preliminarily approved easements for donation as follows:

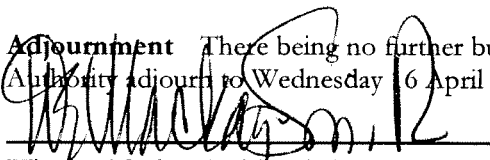
Morgan – the proposed easement donation is for two parcels totaling 15 acres located off Route 50 just east of the Waterloo intersection, on Iron Rail Lane. The applicant would retire 1 of the 2 remaining DURs. On motion of Mr. Bieschke, seconded by Ms. Radford, the Authority voted to authorize the chair to sign the amended Deed of Easement.

Report on Applications for Easement Purchase

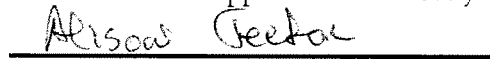
Sours – a site visit was scheduled for April 2nd at 3:30pm

Koon – a site visit was scheduled for April 2nd at 4:00pm

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority adjourn to Wednesday 6 April 2008 at 4:00 pm. The motion was approved unanimously.



Wingate Mackay-Smith, Chair



Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 16 April 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 16 April 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

Present: M. Hobert, R. Buckley, G. Ohrstrom, P. McKelvy, J. Radford, J. Bieschke

Absent: W. Mackay-Smith via phone

Staff: A. Teetor, Chuck Johnston, Maral Kalbian

Call to Order Mr. Bieschke, Vice-Chair, called the meeting to order at 4:00 p.m.

Agenda On motion of Mr. Ohrstrom, seconded by Mr. Buckley, the Authority unanimously approved the agenda with the additions of discussion of Greenway Court, a new application, and the budget.

Minutes On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously voted to approve the minutes of March 19, 2008.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$2,300.16 as of 31 March 2008. The Local Government Investment Pool (LGIP) account balance was \$20,815.65 as of 31 March 2008. On motion of Mr. Hobert, seconded by Mr. Bieschke, Authority members unanimously voted to approve payments of:

Julie Langdon –DHR, mileage and meals Greenway Court meeting - \$120

On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, Authority members agreed to keep the checking account at the Bank of Clarke County, but move to a transaction limit account rather than a minimum balance account to avoid finance charges.

Update Greenway Court

Mr. Johnston updated the Authority with regard to grant application status for the rehabilitation and stabilization efforts at Greenway Court. A grant for \$47,500 is available from the General Assembly provided the County can obtain a 50% match. The Save America Treasures (SAT) federal grant appears to be the best solution at present. The grant application is due May 20th. The SAT applications require a very specific outline of the proposed work including detailed cost estimates. Mr. Johnston stated that a meeting would be held April 29th from 12:00 p.m. to 3:00 p.m. to work on the application. Prior to the meeting a site visit with prospective contractors will be held at Greenway Court at 11:00 a.m.. Bids obtained from the contractors will be submitted with the application.

Report on status of the Campaign for the Authority

Ms. Petranec reported on the following items:

- 1) Donations: Since January 1st \$2,600 has been received from repeat donors. There were 6 new donors. The Spring Newsletter is ready and will be shipped for inclusion in the June tax bills. A separate mailing will be sent with a cover letter to donors.
- 2) The annual donor reception will be held June 20th at Greenwood from 5-7 p.m..
- 3) Presentations to continue outreach efforts will be held in May at the Kiwanis Club. Mr. Hobert will contact Mary Gott to see if the Hermitage Homeowners group would like to have a presentation.
- 4) Discussed working with artist Doug Pifer who would create original artwork for each donated property selected that could be given as thank you gifts for significant donations. The art could also be adapted to create lithographs, note cards, etc -- which we could sell, offer in exchange for a donor increasing the size of his/her donation, or both. Ms. Petranec asked members to begin thinking about what they would like to have Mr. Pifer provide.

Discussion Items

- 4) Text amendment septic ordinance variance criteria – a memo was distributed with proposed alternate text to limit alternative systems on easement parcels. After discussion, members asked staff to review the proposed text with Bob Mitchell and report back at the May meeting.
- 5) Easement Inspection Schedule – at the last meeting staff relayed that the annual inspection cycle would be starting this month, but suggested that inspections on parcels with no changes could be conducted less frequently. Mr. Hobert asked staff to check with VOF to determine if annual inspections are required legally and what their process for inspection is. Staff presented information and forms provided by VOF. Essentially they do an in depth inspection or monitoring every 2-3 years, and a phone call to the landowner if nothing has changed during off years. They verify the owners' statements by conducting a drive by. If there are changes, or a problem is discovered, then more in depth monitoring is completed. On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, Authority members approved use of VOF forms and inspection methods.
- 6) FY09 Budget – Ms. Mackay-Smith wished to discuss the problem associated with the way the budget depicts the Easement Authority budget. Currently all funding sources are compiled; making it appear as though local funds make up the majority of the funding, when in reality the majority of funds are from state and federal grant sources. Members agreed with her concerns but Mr. Hobert opined that this is a necessity of the budget format and efforts should be made to educate the public as to the sources for easement purchase funds.

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. Ms. Radford moved, seconded by Mr. Hobert, 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	Absent	Mr. Hobert	Aye	Ms. Radford	Aye
Mr. Bieschke	Aye	Ms. McKelvy	Aye	Mr. Buckley	Aye
Mr. Ohrstrom	Aye				

Report on Applications for Easement Purchase

Sours – a site visit was completed April 2nd, on motion of Mr. Ohrstrom, seconded by Ms. McKelvy, (Mr. Hobert abstained) the Authority voted to approve the purchase.

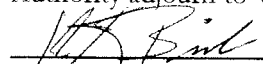
Koon – a site visit was rescheduled for April 23rd at 4:00pm

Applications for Easement Donation

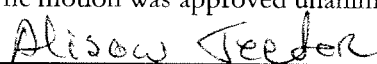
Ms. Teetor report on preliminarily approved easements for donation as follows:

Guariello – the proposed easement donation is for one parcel totaling 60 acres located off Bishop Meade Road on the northeast corner the intersection with Clay Hill Road. The applicant would retire 1 of the 3 remaining DURs. As the property is wooded and has a lot of frontage on two roads, members agreed to individually drive by the property rather than schedule a formal site visit.

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority adjourn to Wednesday, 21 May 2008, at 4:00 pm. The motion was approved unanimously.



 John Bieschke, Vice-Chair



 Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 21 May 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 21 May 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

Present: M. Hobert, G. Ohrstrom, P. McKelvy, J. Radford, W. Mackay-Smith (4:15pm), R. Buckley (4:50pm)

Absent: J. Bieschke via phone

Staff: A. Teetor

Call to Order Ms. McKelvy, Treasurer, called the meeting to order at 4:00 p.m.

Agenda On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously approved the agenda, with an amendment adding discussion of transfer fees.

Minutes On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously voted to approve the minutes of April 16, 2008.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$3,655.37 as of 30 April 2008. The Local Government Investment Pool (LGIP) account balance was \$20,864.18 as of 30 April 2008. On motion of Ms. Radford, seconded by Mr. Ohrstrom, Authority members unanimously voted to approve payments of:

Kate Petranech – reimbursement for spring newsletter – 1,299.76

Kate Petranech – Community Outreach Presentation – 150.00

On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, Authority members authorized the treasurer to transfer \$1,000 from the LGIP account to the checking account at the Bank of Clarke County.

Report on status of the Campaign for the Authority

Ms. Petranech submitted two reports, a recap of last years fundraising and public relations efforts and a contract renewal. After discussion on motion of Ms. McKelvy, seconded by Ms. Radford, Authority members unanimously voted to approve renewal of Ms. Petranech's contract for an additional year.

Applications for Easement Donation

Georgetown University – Alan Brangman, University Architect, presented a revised proposal for development of the 55-acre property. Included in the revision was retention of the existing house for use as meeting rooms and offices. He next presented a detailed analysis comparing the impact of the proposed development to the currently permitted residential development. At the conclusion of the presentation Ms. Radford suggested that the stone outbuildings should also be incorporated into the proposed development. Mr. Hobert asked Mr. Brangman to discuss with his attorneys the enhancement issue to insure that if an easement were accepted, that tax credits could be legally secured.

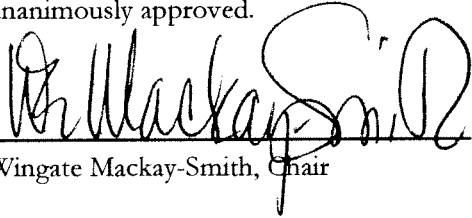
Raven Rocks Association - the proposed easement donation is for a 23.4-acre parcel located approximately 1.5 miles north of Route 7 off Ravens Rock Road. The applicant would retire 1 of the 2 remaining DURs. During discussion Mr. Ohrstrom asked staff to determine how the parcel is accessed. A site visit was scheduled for 5:00pm on June 3rd.

Discussion Items

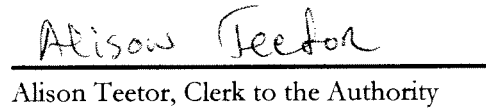
- 1) Summary of Easement Holdings – staff provided a document that includes a one-page summary of each easement held by the Authority. Members suggested that a summary table describing the number of acres, property resource score, and number of DUR's retired be included in the report.
- 2) Greenway Court – Mr. Bieschke reported that the Save America's Treasures application had been completed and submitted by Mr. Johnston and Ms. Kalbian.
- 3) Transfer Fees – At previous meetings the Authority has discussed fundraising options. Mr. Hobert was asked to look into potential of using transfer fees collected upon sale of easement properties to fund the Authority. At today's meeting, Mr. Hobert provided members with several examples of language from other States. He asked Mr. Mitchell to review the legality of enacting such a requirement in Virginia. Mr.

Mitchell reviewed the information provided and indicated that it would probably be acceptable. Members discussed making this a voluntary option by the owner, who would be required to sign a consent form indicating their approval of such fee. After discussion members directed staff to draft language that would include a 1% fee, transfer fee for parcels in easement, in addition to any adjacent properties that might be owned by the same person and sold.

Adjournment Due to the late hour, members agreed to continue the meeting until tomorrow at 2:00pm in the Board Room. The next regular meeting is scheduled for June 18th at 4:00pm. There being no further business, Ms. McKelvy moved and Mr. Ohrstrom seconded that the Authority adjourn until tomorrow, the motion was unanimously approved.



Wingate Mackay-Smith, Chair



Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 22 May 2008

A continuation of the regular meeting of the Conservation Easement Authority was held at 2:00 pm on Thursday, 22 May 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

Absent: M. Hobert

Staff: A. Teetor

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

Report on status of the Campaign for the Authority

The initial part of the meeting was previously scheduled to discuss the use of artist Doug Pifer, who has graciously offered to draw some sketches representing easement properties for use by the Authority. Kate Petranec initiated the discussion by asking Authority members to consider what features could be graphically described. Members highlighted conservation values including wildlife such as the Blue Herons at the Chandler property, historic homes, the River, and farms. Members also discussed how the artwork might be used as a fundraiser by selling note cards, or prints. Ms. Petranec closed the discussion by stating she would follow up with Mr. Pifer with some suggestions and see what he would be willing to do.

Ms. Petranec also reminded the group that the invitations for the donor reception needed to be addressed and mailed. Also scheduled was a presentation to the Kiwanis Club on Monday June 8th. Ms. Teetor also asked the group when in the fall they would like to present at Blandy. Members agreed October would be the best date. Staff will contact Mr. Steve Carroll at Blandy to see if that date is available.

New Easement Purchase Applications

On motion of 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. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved reconvening in Open Session. Ms. Radford 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:

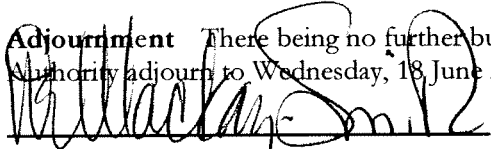
Chair Mackay-Smith	Aye	Mr. Hobert	Absent	Ms. Radford	Aye
Mr. Bieschke	Aye	Ms. McKelvy	Aye	Mr. Buckley	Aye
Mr. Ohrstrom	Aye				


Report on previous Applications for Easement Purchase

Staff reported that there is a potential problem with the appraisals that were completed for the Sours and Koon farms. Both are being considered for easement purchase using Farm and Ranchland Protection funds. The FRPP requires all appraisers to be certified in the Federal appraisal method known as "yellow book." Staff is trying to work with NRCS to determine if there are any options available, as the appraisals have already been paid for.

Koon – a site visit needs to be rescheduled.

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority adjourn to Wednesday, 18 June 2008, at 4:00 pm. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 18 June 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 18 June 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

Absent: J. Radford, G. Ohrstrom

Staff: A. Teetor

Call to Order Ms. Mackay-Smith called the meeting to order at 4:10 p.m.

Agenda On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously approved the agenda, with an amendment adding discussion a new application for donation.

Minutes On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously voted to approve the minutes of May 21, 2008 & May 22, 2008.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$2,578.95 as of 31 May 2008. The Local Government Investment Pool (LGIP) account balance was \$20,912.91 as of 31 May 2008. On motion of Mr. Buckley, seconded by Mr. Hobert, Authority members unanimously voted to approve payments of:

Kate Petranec – reimbursement for reception invitations – 134.20

Chuck Johnston – reimbursement for postage – 33.60

Report on status of the Campaign for the Authority

Ms. Petranec reported on the success of the donor reception. She stated that this year 53 persons attended while 37 came last year and 30 in 2006. In regard to community outreach she stated that the Kiwanis presentation will be rescheduled. A full report of the spring newsletter fundraising effort will be presented next month.

Applications for Easement Donation

Georgetown University – Alan Brangman, University Architect, submitted a letter to the Authority detailing a request for withdrawing their application for easement donation.

Raven Rocks Association - a site visit was conducted at 5:00pm on June 3rd. Ms. Teetor reported that she had met with a second owner, Mr. English to discuss the donation process. Based on that discussion it appeared as though the three owners of this parcel are not in complete agreement as to the number of DURs they are willing to retire. Members discussed the application and directed staff to send a letter to all property owners asking if they would like to meet with one or more of the Authority to discuss their options.

Linda Armbrust - Linda Armbrust has applied to the easement authority for approval of an easement donation. There are two parcels with a total of 29.73 acres located on the north side of Pyletown Road (Route 620) at 1886 Pyletown Road approximately 1.8 miles west of the intersection of Pyletown Road and Route 340. Parcel A, 21-((A))-4, contains 10 acres, and has one (1) unused Dwelling Unit Right (DUR), and one (1) Exception/Exemption, and Parcel B, 21-((A))-6, contains 19.73 acres, has two (2) unused Dwelling Unit Rights (DURs), and no existing dwellings. One DUR on each property is being retired. Zero (0) DURs, one (1) existing dwelling will remain with Parcel A; one (1) DUR will remain on parcel B. On motion by Ms. McKelvy, seconded by Mr. Hobert members preliminarily approved the application pending completion of a site visit.

Discussion Items

- 18) Transfer Fees – Staff provided a memo detailing the proposed language for the policy statement regarding transfer fees. This, in addition to a copy of the consent letter, was sent to Mr. Mitchell for review. No response from Mr. Mitchell was received prior to today's meeting. Mr. Hobert suggested that staff prepare a letter to provide to new applicants and existing easement holders describing the transfer fee concept and asking if anyone would be interested in participating.
- 19) Greenway Court – the committee working on obtaining funds for the preservation of Greenway Court has decided to work with the Association for the Preservation of Virginia Antiquities to establish a local branch

that would take on Greenway Court as a fundraising project. The first meeting will be held June 30th at the Museum of the Shenandoah Valley.

New Easement Purchase Applications

On motion of 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. McKelvy, seconded by Ms. Mackay-Smith, the Authority unanimously approved reconvening in Open Session. Ms. McKelvy moved, seconded by Ms. Mackay-Smith, 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				

Report on previous Applications for Easement Purchase

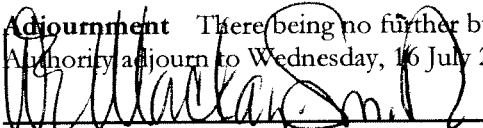
The appraisals for the parcels considered for easement purchase with Farm and Ranchland Protection Program funds will need to be redone by an appraiser certified in the Federal appraisal method know as "yellow book." Staff has contacted several appraisers, and one, Wesley Woods, is currently certified. Members discussed the potential for getting a bulk rate and a price reduction by sending the two appraisals that were previously completed by Mr. Conner. Staff will discuss these concerns with Mr. Woods.

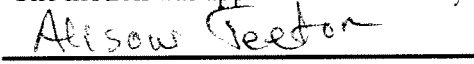
Koon – a site visit needs to be rescheduled.

Other

Ms. Mackay-Smith stated that she had learned that the cap on tax credits has been or may be reached shortly so those persons hoping to take advantage of the credits in 2008 should get their applications in as soon as possible or they may have to wait until next year.

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority adjourn to Wednesday, 16 July 2008, at 4:00 pm. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 16 July 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 16 July 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

Present: J. Bieschke, P. McKelvy, W. Mackay-Smith (arrived 4:10pm), R. Buckley, J. Radford, G. Ohrstrom
Absent: M. Hobert
Staff: A. Teetor
Call to Order Mr. Bieschke called the meeting to order at 4:05 p.m.
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. Bieschke, the Authority unanimously voted to approve the minutes of June 18, 2008.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$2,871.15 as of 30 June 2008. The Local Government Investment Pool (LGIP) account balance was \$20,957.38 as of 30 June 2008. On motion of Ms. Radford, seconded by Mr. Buckley, Authority members unanimously voted to approve payment of:

“Never Enough” At Locke Store – reimbursement for reception catering - \$1,265.34

Ms. Mackey-Smith suggested that members might want to make a financial donation to help offset the cost of the reception.

Report on status of the Campaign for the Authority

Ms. Petranec was not present but did include a report in the packet. Included in the report was a summary of the donations to date. She stated that the strategy of asking for donations several times a year is working, increasing both the number of donations made and the amount of money donated. She also requested members to suggest ideas for stories for the summer newsletter, which will be mailed to donors only. Members discussed ideas for stories including an update on the struggles of raising money to rehab Greenway Court; and/or a story discussing information on tax credits. Ms. Petranec also requested members to suggest ideas for speakers for the fall donor reception at Blandy. The theme for the talk is how conservation helps wildlife through habitat preservation. Ideas for speakers included Peggy Koonce, who works for the Wildlife Rehab Center, or someone from the Nature Conservancy. Bill McShea, who works for the World Wildlife Fund, was another suggestion.

Applications for Easement Donation

Raven Rocks Association - staff needs to send a letter to all property owners asking if they would like to meet with one or more of the Authority to discuss their options.

Linda Armbrust - A site visit was completed June 14th. The Armbrust's have indicated they would like to complete a boundary line adjustment between the two parcels prior to recording an easement so this application will be on hold until the BLA is recorded.

Discussion Items

- 17) Transfer Fees – Staff provided a draft letter and consent form detailing the transfer fee process. Ms. McKelvy offered some grammatical changes to the forms. Mr. Loock liked the concept of the fees but asked how far the Authority would be willing to go to collect them. Members discussed this concern and agreed to speak with Bob Mitchell regarding the enforceability of such a policy.

Virginia Land Conservation Foundation (VLCF) grant – staff described another grant opportunity. The next VLCF grant round is planned for late summer and fall of 2008. At the next VLCF Board meeting on Aug. 7, 2008, DCR staff will present a grant-round schedule for approval that tentatively starts in mid-August, with a proposed deadline for applications of Oct. 10, 2008. Grant awards will be authorized by the VLCF Board at a subsequent meeting in

early 2009. About \$3 million will be available for this grant round, to be divided among the four categories of Parks and Open Space, Historic Resources, Natural Areas, and Farms and Forestland.

New Easement Purchase Applications

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

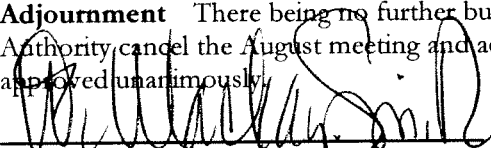
- (i) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (ii) only such public business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

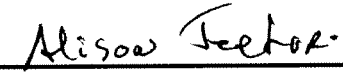
Report on previous Applications for Easement Purchase

Koon – a site visit was completed July 14th. A revised appraisal will be completed by Wesley Woods, who is certified in the “yellow book” federal appraisal method.

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority cancel the August meeting and adjourn to Wednesday, 17 September 2008, at 4:00 pm. The motion was approved unanimously.



 Wingate Mackay-Smith, Chair



 Alison Teetor, Clerk to the Authority

No August Meeting

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 2 September 2008

A special meeting of the Conservation Easement Authority was held at 4:30 pm on Tuesday, 2 September 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

Absent: J. Radford

Staff: A. Teetor, Chuck Johnston

Others Present: Bob Soonthornchia, Jeff Bolyard

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

Ms. Teetor opened the meeting by describing the primary objective, which is to develop a policy by which to equate nonprofit incomes (990 tax forms) with personal and corporate incomes (Adjusted Gross Income, 1040 tax forms) for the purpose of determining the amount paid by the Authority for easement purchases. The reason for the discussion was based on an application by the Holy Cross Monastery for easement purchase. In reviewing the 990 forms submitted by the monks, it quickly became clear that it would be difficult to equate these forms with 1040s. Therefore, staff requested assistance from Yount, Hyde, and Barbour to try to sort through the issue. In their analysis, Mr. Bolyard provided a written analogy that provided a larger than expected "income" level for the Monastery. Based on the correspondence, the Authority agreed to meet and discuss this issue.

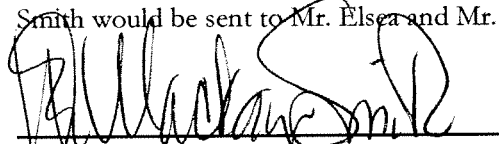
Mr. Bolyard had previously provided correspondence that described the methodology used to equate the income level. A discussion followed that led to the conclusion that equating income levels of nonprofits is complicated. Mr. Soonthornchia suggested that the Authority consider developing a different set of criteria for nonprofits. After consideration, several options were identified including:

- 1) Base income only on taxable income; or
- 2) Base on the net revenue stream; or
- 3) Develop a retained revenue scale based on a five-year average; or
- 4) Consider payment of a set % with a maximum spending cap.

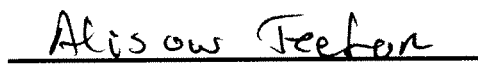
Staff agreed to ask various sources, such as the Federal Farm and Ranchland Protection Program, how they deal with nonprofits in easement purchase situations. Members agreed to consider the options and continue discussion at the regular meeting September 17th.

Mesilla Renovation

Staff described the current renovation project ongoing at Mesilla. Efforts include repointing the brick, replacing the porches, and repairing the soffits. At the suggestion of Mr. Johnston, Ms. Maral Kalbian, Architectural Historian, completed an inspection of the work to insure compliance with the terms of the Deed of Easement. She met with Co-owner, John Elsea, onsite August 19th. Ms. Kalbian determined the current work to be in substantial compliance with the Deed. During their discussion, Mr. Elsea, described the families' desire to replace the windows. Ms. Kalbian expressed concern that if done improperly this could have a negative affect on the historic integrity of the building. Authority members discussed how to determine if window replacement was necessary and agreed to ask Ms. Kalbian if she would be able to inspect the windows with the contractor. In addition, a letter from Ms. Mackay-Smith would be sent to Mr. Elsea and Mr. Gary Lantz, Trustees, requesting their cooperation with the inspection.



Wingate Mackay-Smith, Chair



Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 17 September 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 17 September 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, J. Bieschke, P. McKelvy, M. Hobert, R. Buckley, J. Radford, G. Ohrstrom
(arrived 4:25pm)

Absent: No one

Staff: A. Teetor

Call to Order Ms. Mackay-Smith called the meeting to order at 4:00 p.m.

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

Minutes On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously voted to approve the minutes of July 16, 2008. On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously voted to approve the minutes of September 2, 2008.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$1,130.81 as of 31 August 2008. The Local Government Investment Pool (LGIP) account balance was \$21,047.18 as of 31 August 2008. On motion of Ms. Radford, seconded by Mr. Buckley, Authority members unanimously voted to approve payment of:

Maral Kalbian – professional services, Mesilla - \$192.50
Kate Petranec – late summer newsletter – 658.00

Ms. Mackey-Smith noted that several Authority members made financial donations to help offset the cost of the donor's reception held last June.

Report on status of the Campaign for the Authority

Ms. Petranec was not present but did include a report in the packet. Included in the report was a summary of the donations to date. She reminded members that the fall newsletter would be the next mailing. This would be included in the December tax bills. Unfortunately, due to additional enclosures in those bills, the Authority would be charged additional postage amounting to approximately \$1,600. Members discussed the potential for the County to absorb all or part of the additional expense. An account was established for the Authority to pay for legal expenses; staff was asked to determine if these funds could also be used for postage and other expenses.

Applications for Easement Donation

Raven Rocks Association - staff reported that a letter was sent to all three property owners within the Raven Rocks Association asking if they would like to meet with one or more of the Authority to discuss their options. Ms. Teetor received a call from Cathryn Semerad, one of the partners, who indicated that she and the English family had agreed to go ahead with the easement, retiring both of the remaining DURs. Mr. Hobert stated that the organization should provide proof as to who is authorized to sign the Deed on behalf of the Association. On motion by Mr. Hobert, seconded by Mr. Ohrstrom, the Authority unanimously voted to approve the easement donation, subject to review of the legal documents.

Mesilla - Staff provided a copy of the letter sent by Ms. Mackay-Smith to John Elsea regarding the Authority's concerns about the recent renovation efforts. At the last meeting, members agreed to send the letter asking Mr. Elsea to consider working with Maral Kalbian to determine how best to address renovating or replacing the windows. Ms. Mackay-Smith stated that she received a call from Gary Lantz, one of the Trustees. Mr. Lantz stated that he had met with Mr. Elsea and Mr. Truban, their attorney, and agreed to work with the Authority on this issue. An auction is scheduled for the end of September and early October and any work would not be initiated until that was complete. Mr. Lantz agreed to contact Ms. Teetor when they were ready. Mr. Bieschke stated that he would be working with Ms. Kalbian during the evaluation.

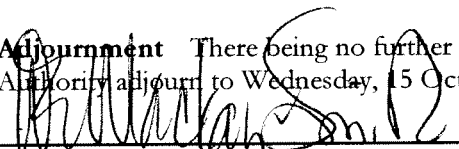
Discussion Items

- 14) Monitoring and Inspection – staff stated that she had sent a letter to all current easement holders reminding them of their easement restrictions and asking to call in with any changes that might have been made since the last inspection. Two calls were received, Dr. Houck and Ms. Wilson. Staff will be calling to clarify or correct any information. Mr. Hobert requested that a copy of the letter be included in the next packet.
- 15) Transfer Fee – Staff has not gotten any response from Mr. Mitchell regarding the transfer fee language. Mr. Mitchell is on vacation until the end of the month. Mr. Hobert also will be providing some changes to the original draft language.
- 16) Purchases from Nonprofits – A special meeting was held September 2 with Mr. Soonthornchia and Mr. Bolyard of Yount, Hyde and Barbour, to discuss the development of new criteria for establishing a purchase price for easements by nonprofit organizations. Four options were identified at that meeting. After discussion, members agreed that a new policy should be drafted that would provide up to 25% payment of the appraised value of the easement. Payment would come from state and local sources. Additional federal funds could be used if available. Staff was directed to draft the policy and provide a report to the Board of Supervisors explaining the proposed policy.

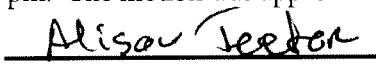
Report on previous Applications for Easement Purchase

Ms. Teetor reported that she is still waiting on the revised appraisals from Mr. Woods. The Sour easement is scheduled to close this month.

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority adjourn to Wednesday, 15 October 2008, at 4:00 pm. The motion was approved unanimously.



Wingate Mackay-Smith, Chair



Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 15 October 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 15 October 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, J. Bieschke, P. McKelvy, M. Hobert, R. Buckley, J. Radford, G. Ohrstrom
Absent: No one
Staff: A. Teetor
Call to Order Ms. Mackay-Smith called the meeting to order at 4:00 p.m.
Agenda On motion of Ms. McKelvy, seconded by Mr. Buckley, the Authority unanimously approved the agenda.
Minutes On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously voted to approve the minutes of September 17, 2008.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$2,358.31 as of 30 September 2008. The Local Government Investment Pool (LGIP) account balance was \$21,090.83 as of 30 September 2008.

Report on status of the Campaign for the Authority

Ms. Petranec presented information on the donations received to date from the recent late summer newsletter mailing to current donors. Twenty-seven donors donated \$2,085 or an approximate 10% return on the 250-piece mailing. This was down from last year's 14% return. The fall newsletter is complete and will be included in the tax bills sent to all landowners. The prospector mailing will be sent out in December to a random 20% of landowners. Mr. Hobert suggested that future correspondence could include email with perhaps an opportunity for online donations. Ms. Petranec suggested that that approach might be coupled with an updated web site.

A community outreach program is scheduled for November 12th at 7:00pm at the Bears Den Hostel off of Blue Ridge Mountain Road, to the Blue Ridge Mountain Civic Association. The next presentation is scheduled for November 20th at Blandy. A winter presentation was proposed for February with an invited guest speaker Timothy Beatley. Unfortunately Mr. Beatley was unavailable but told Ms. Petranec that he would provide suggestions for alternate speakers. Ms. Petranec then shared note cards that were produced by Berryville Main Street as an example of something the Authority could produce as a fundraiser.

Applications for Easement Donation

Millwood County Club - The Millwood Country Club has applied to the Easement Authority for approval of an easement donation. There are three parcels with a total of 53.4 acres located on the south side of Millwood Road (Route 723) on Country Club Lane approximately 1 mile west of Millwood. Parcel A, 29-((A))-14, contains 47 acres, has four (4) unused Dwelling Unit Rights (DUR's), Parcel B, 29-((A))-13, contains 2.25 acres, has zero (0) DUR's and one exemption (the Clubhouse), Parcel C, 29-((A))-12, contains 4.15 acres, and has one (1) DUR. Three of the 4 DURs on Parcel A would be retired. One item of discussion was a potential reverter clause on Parcel B, also a question of the parcels being merged and the total number of DURs being retired. Ms. Mackay-Smith also expressed concern that a buffer of some sort be established if possible along the stream where none exists. In addition staff was directed to work with Mr. Mitchell on wording within the Deed that would restrict future use as a public course and allow for renewable energy equipment such as solar panels or wind turbines to be permitted on the property. On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously voted to preliminarily approve the application for donation. A site visit was scheduled for Wednesday October 22 at 5:00 pm.

Raven Rocks Association - staff reported that a draft deed was sent to all three property owners within the Raven Rocks Association. Also included was a letter requesting verification of who is authorized to sign the Deed on behalf of the Association. To date no response from the applicant has been received.

Mesilla - Staff has not been contacted by the applicant regarding any additional work.

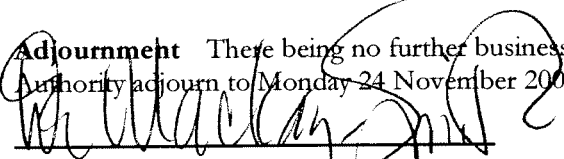
Report on Applications for Easement Purchase

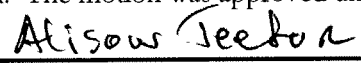
Ms. Teetor reported that she is still waiting on the revised appraisals from Mr. Woods. The Sour easement is scheduled to close this month.

Discussion Items

- 9) Grant applications – staff reported that two grants were submitted to the Virginia Land Conservation Foundation. One grant for \$145,000 to purchase an easement on the Koon Dairy Farm, and \$123,000 for purchase of an easement from the Monastery.
- 10) Amendment to Easement Value Policy – As discussed at the last meeting, staff provided draft documents detailing the proposed changes to the Easement Value Policy. Members reviewed the proposal and suggested additional language for clarifying the potential for easement donors to receive tax deductions or tax credits to the extent they are not compensated for the entire appraised value. Staff was directed to make the changes and email the revised documents to the Authority for final approval before placing on the Board of Supervisors agenda.
- 11) Application Checklist – staff prepared a document intended to simplify the application process for easement donors. The steps are modeled after a VOF document entitled 10 Steps to Easement Donation. It provides information to potential donors about the steps and forms involved in the donation process. Ms. Mackay-Smith suggested staff include copies of the IRS forms that donors are required to submit to get tax benefits. Members agreed to review the proposal and discuss in more detail at the next meeting.
- 12) Monitoring and Inspection – as requested, staff provided a copy of the letter that was sent to all current easement holders reminding them of their easement restrictions and asking to call in with any changes that might have been made since the last inspection.
- 13) Transfer Fee – Staff received comments from Mr. Mitchell regarding the transfer fee language. Staff was directed to ask Mr. Mitchell if the proposed language that includes the County of Clarke in the agreement could be removed, as the Authority would want to be the sole recipient of any fees. In addition, members suggested that two additional letters regarding the transfer fee should be drafted, one to existing easement donors and one for properties that have already transferred to new owners. Finally, the Authority suggested that language be included that would state that the Authority would be responsible for any fees associated with a Deed amendment or recordation. Staff was directed to make the changes and email the revised documents to the Authority for final approval.

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority adjourn to Monday 24 November 2008, at 4:00 pm. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 24 November 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Monday, 24 November 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, J. Bieschke, P. McKelvy, J. Radford, G. Ohrstrom

Absent: R. Buckley, M. Hobert

Staff: A. Teetor

Call to Order Ms. Mackay-Smith called the meeting to order at 4:15 p.m.

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

Minutes On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously voted to approve the minutes of October 15, 2008.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$2,185.31 as of 31 October 2008. The Local Government Investment Pool (LGIP) account balance was \$21,141.11 as of 31 October 2008. On motion of Ms. Radford, seconded by Mr. Ohrstrom, Authority members unanimously voted to approve payment of:

Approval of payments to: Wesley Woods – appraisal Sours \$2,500

Wesley Woods – appraisal Sours \$3,000

Kate Petranech for – Fall newsletter production \$1,115.90

Kate Petranech for – Year end prospect appeal \$691.68

Kate Petranech for – Quarterly payment \$1,890.00

On motion of Ms. McKelvy, seconded by Mr. Radford, Authority members unanimously voted to approve transfer of \$9,000 from the LGIP account to the Bank of Clarke County to cover the current expenses:

Report on status of the Campaign for the Authority

Ms. Petranech provided a written report describing last month's activities. She stated that the prospect mailing was complete and mailed to arrive on Friday. The Authority also discussed potential speakers for the January presentation at Blandy. Tim Beatly suggested several persons; Ms. Petranech will approach those individuals to see who might be available.

Applications for Easement Donation

Millwood County Club - The Millwood Country Club has applied to the Easement Authority for approval of an easement donation. Mr. Tom Cammack, president, was present to answer questions. One new item was the identification of an additional DUR on the Clubhouse parcel. Mr. Jesse Russell determined that the Clubhouse was part of a grandfathered Special Use Permit and that an additional DUR should have been allocated. Mr. Cammack agreed that this DUR would also be retired as part of the easement donation. As three of the five Authority members present are members of the Country Club they decided to defer the vote until a majority of nonclub members could be present to vote. A meeting will be scheduled with the nonclub members as soon as possible.

Longwood, Inc. – Ben Harrison has requested the Authority to review the potential for an easement donation on the family property. The parcel currently consists of 120 acres with 4 DURs and 2 exemptions. The family would like to divide the property into 3 parcels, one with 1 DUR, and 2 with 1 existing house and 1 DUR each. The remaining DUR will be retired. The property is located on the east side of Browntown Road just north of the intersection with Bishop Meade Rd. It has a property resource score of 65.8. It meets 3 of the 4 criteria established by the Easement Authority for donation – the parcel is over 40 acres, retiring 1 DUR, and scoring above 35. It is not adjacent to an existing easement.

The parcel has 6/10s of a mile frontage on scenic byways, nearly 3,000 feet on Browntown Road, and an additional 280 feet on Bishop Meade Road. The parcel contains three structures that are greater than 50 years old. The Harrisons have owned the parcel for more than 50 years. Although not a scoring criteria, the farm has 78% prime,

statewide, and locally important agricultural soils. The authority agreed to complete a site visit, which was scheduled for Friday December 5th at 12:00 pm.

Raven Rocks Association – Ms. Teetor was pleased to report that the Deed of Easement was recorded for this parcel.

Valerie Kitchens – The property is located in Calmes Neck on the north side of Calmes Neck Lane, adjacent to the Shenandoah River and across from Ellerslie Farm, a VOF easement. The applicant currently owns 4 lots. The 4 lots have a total of 3 DURs and an existing house. The applicant wishes to retire all 3 of the remaining DURs. This application was originally submitted in 2007. It is located adjacent to the Linda Thomas easement. A site visit was completed last year. On motion by Mr. Ohrstrom, seconded by Ms. Radford, Authority members unanimously voted to approve the easement donation and authorized the chair to sign the Deed and other documents as needed for recordation.

Report on Applications for Easement Purchase

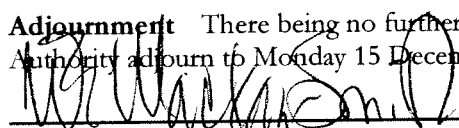
Sours - Ms. Teetor was pleased to report that the Deed of Easement was recorded for this parcel.

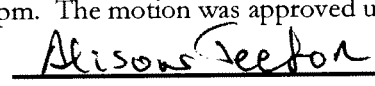
Koon – Ms. Teetor reported that the appraisal from Mr. Woods was completed but the value was much lower than the original appraisal. Mr. Koon is considering obtaining a third appraisal in order to obtain a higher value for the easement.

Discussion Items

- 4) Transfer Fee – Ms. Mackay-Smith asked the Authority to consider whether the Transfer Fee could be required for easement purchases. She stated that it seemed reasonable that if the Authority were paying for an easement that it would be reasonable to request that of the grantor. Members questioned if requiring the transfer fee would be legal. Staff was asked to discuss the issue with Mr. Mitchell. Another question was whether the language should be altered to indicate payment from the seller rather than the purchaser so as to avoid problems at closing.
- 5) Pamphlets – several boxes of pamphlets created in 2003 are residing in the basement office. Staff asked members if these were still needed as the office will be moving and unneeded items are being recycled. Members agreed that the pamphlets were still current and avenues for distribution should be identified.
- 6) Staff reported that the Board had approved the amendment to the Easement Value Criteria to include the policy for nonprofit organizations.
- 7) Application Checklist – staff prepared a document intended to simplify the application process for easement donors. Ms. McKelvy provided comments to enhance the handout.
- 8) Ms. Radford has been working on a new exhibit for the Museum; she has requested the Easement Authority donate a sign to be included in the exhibit. On motion by Mr. Ohrstrom, seconded by Mr. Bieschke, Authority members unanimously voted to approve the donation of the sign.

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority adjourn to Monday 15 December 2008, at 4:00 pm. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 5 December 2008

A special meeting of the Conservation Easement Authority was held at 10:30 am on Friday December 5, 2008, in the Law Library, Clarke County Circuit Courthouse.

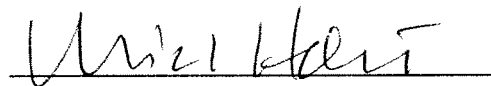
Present: M. Hobert, J. Radford, R. Buckley, J. Bieschke
Absent: W. Mackay-Smith, P. McKelvy, G. Ohrstrom
Staff: A. Teetor
Call to Order Mr. Hobert called the meeting to order at 10:30 a.m.
Agenda The purpose of the meeting was to consider approval of the language in the draft Deed of Easement for the Millwood Country Club.

Easement Donation/Purchase

At the meeting November 24th, Authority members discussed the proposed easement donation by the Millwood Country Club. As three of the five Authority members present at that meeting were members of the Country Club they decided to defer the vote until a majority of nonclub members could be present to vote. Those present at today's meeting are the nonclub members.

Mr. Hobert provided written comments regarding the wording of several sections of the draft Deed (attached). Members discussed the proposed changes and questions. Mr. Tom Cammack, president of the Country Club, was present to answer questions. The first comment was in regards to the Riparian buffer. Mr. Hobert questioned whether 4 feet was adequate. Ms. Teetor explained that it was not adequate but a compromise had been reached with the Club as the stream passes through the middle of a very active play area of the course. Mr. Cammack explained that the Club was concerned that if a larger buffer was not maintained with chemicals and fertilizer, that eventually it could become quite rough and in time potentially unavailable for play. Members agreed to retain the current language. A second issue involved the section describing the requirement for a Nutrient Management Plan (NMP). Mr. Hobert suggested that the language include a date by which the plan must be provided and that language require the plan to be implemented as well as updated. Members agreed to update the Deed to require the NMP to be provided to the Authority by April 30, 2009. Finally, members discussed inclusion of language in the Transfer Fee section to include transfer of the corporation. After discussion members agreed to leave the section as currently written.

On motion by Mr. Hobert, seconded by Ms. Radford, the Authority unanimously voted to approve the easement donation.



J. Michael Hobert



Alison Teetor, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 15 December 2008

A regular meeting of the Conservation Easement Authority was held at 4:00 pm on Monday, 15 December 2008, in the Board of Supervisors meeting room, Clarke County Circuit Courthouse.

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

Absent: no one

Staff: A. Teetor

Call to Order Ms. Mackay-Smith called the meeting to order at 4:00 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. Bieschke, the Authority unanimously voted to approve the minutes of November 24, 2008, Mr. Buckley and Mr. Hobert abstain. On motion of Mr. Bieschke, seconded by Mr. Buckley, the Authority unanimously voted to approve the minutes of December 5, 2008, Mr. Ohrstrom, Ms. McKelvy, and Ms. Mackay-Smith abstain.

Bank Account Ms. Teetor reported the monthly bank statement for the Bank of Clarke County showed a balance of \$12,085.31 as of 30 November 2008. The Local Government Investment Pool (LGIP) account balance was \$12,182.08 as of 30 November 2008.

Report on status of the Campaign for the Authority

Ms. Petranec gave a report on the donations received to date from the recent mailings. Approximately 240 pieces were mailed with 26 donations received or 20%. She will provide a more detailed update at the January meeting. Ms. Petranec suggested having another dinner meeting at her house in February to discuss goals and objectives for the coming year. Regarding the winter presentation, Ms. Petranec suggested that Clermont may be interested in a joint presentation regarding sustainable farming. She will work with Ms. Teetor to schedule a speaker and coordinate the details.

Applications for Easement Donation

Millwood County Club – The deed was recorded December 11, 2008.

Longwood, Inc. – A site visit was completed December 5th. As no application has been received, Authority members would not vote for final approval. Staff will stay in touch with the Harrison's to determine if they are interested in pursuing the Easement.

Report on Applications for Easement Purchase

Koon – Ms. Teetor reported that the appraisal from Mr. Woods was completed, but the value was much lower than the original appraisal. Mr. Koon is obtaining a third appraisal in order to obtain a higher value for the easement.

Discussion Items

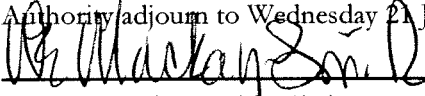
Transfer Fees – Ms. Mackay-Smith asked the Authority to consider whether the Transfer Fee could be required for easement purchases. She stated that it seemed reasonable that if the Authority were paying for an easement that it would be reasonable to request that of the grantor. Members questioned if requiring the transfer fee would be legal. Staff was asked to look into what other states are doing in this regard. Staff stated that letters have been prepared to send to current Easement holders asking if they would be willing to amend their Deeds to include the transfer fee option, these will be included in the January packet.

Other

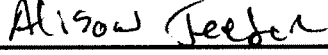
- 1) Pending Deeds of Easements – Mr. Hobert suggested that staff provide draft Deeds of Easement for review by the Authority as soon as they are available.
- 2) Staff reported that an addition \$49,000 grant was approved by the state Office of Farmland Preservation for the purpose of Easement purchase.

- 3) Two grants were submitted to the Virginia Land Conservation Fund for the Koon Dairy and the Monastery. Both have been preliminarily approved for funding of \$100,000+ each.

Adjournment There being no further business, Ms. McKelvy moved and Mr. Bieschke seconded that the Authority adjourn to Wednesday 21 January 2009, at 4:00 pm. The motion was approved unanimously.



Wingate Mackay-Smith, Chair



Alison Teetor, Clerk to the Authority