

CLARKE COUNTY
Conservation Easement Authority
Minutes – 16 January 2020

A regular meeting of the Conservation Easement Authority was held at 11:00 am on Thursday 16 January 2020, at the Millwood Country Club, 340 Country Club Lane, Millwood, Virginia.

Present: P. Engel, R. Buckley R. Bacon, B. Byrd, M. Jones, W. Thomas, Terri Catlett
Absent: G. Ohrstrom
Staff: A. Teetor, R. Couch Cardillo

Call to Order: Alison Teetor, Clerk to the Easement Authority, called the meeting to order at 11:00 a.m.

Election of Chairman, Vice Chairman, and Treasurer

Ms. Teetor asked for nominations of Chairman to the Authority. Ms. Thomas nominated Mr. Buckley for the position of Chairman for 2020, Ms. Jones seconded. The Authority voted unanimously to elect Mr. Buckley as Chairman of the Authority for 2020.

Mr. Buckley asked for nominations of Vice Chairman to the Authority. Ms. Thomas nominated Mr. Ohrstrom for the position of Vice Chairman of the Authority for 2020, Mr. Engel seconded. The Authority voted unanimously to elect Mr. Ohrstrom as Vice Chairman of the Authority for 2020.

Mr. Buckley asked for nominations of Secretary/Treasurer to the Authority. Ms. Bacon nominated Mr. Engel for the position of Secretary/Treasurer for the Authority for 2020, Ms. Thomas seconded. The Authority voted unanimously to elect Mr. Engel as Secretary/Treasurer of the Authority for 2020.

Agenda On motion of Ms. Thomas, seconded by Ms. Bacon, the Authority unanimously approved the agenda.

Minutes On motion of Ms. Jones, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of November 21, 2019 with corrections. Ms. Catlett abstained.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$279,620 consisting of \$83,137 in the donations account, \$193,349 in stewardship/restricted, and \$3,134 in local funds. Ms. Teetor stated that the attorney's fees and the publication of the year end news appeal letter were the major expenses in December. In addition, Ms. Teetor asked members if they would like to sponsor the VaULT conference again this year. On motion of Mr. Engel, seconded by Ms. Thomas members agreed to sponsor the conference at the \$250 level.

Public Relations: Ms. Cardillo stated that 2019 was a very good year for donations, 167 donors contributed \$38,230 and indicates continued success with the program. The end of year appeal alone garnished \$16,910 from 55 donors. The award luncheon honoring Michael Hobert will follow the meeting. Ms. Cardillo is also working on the winter newsletter, top stories will be the year in review and the award winner. She will also be cleaning up the mailing list to remove deceased, add salutations, etc.

Report on Applications for Easement Purchase/Donation

a. Blue Ridge Hunt, Anne Mcintosh, agent has applied to the easement authority for approval of an easement donation. The property is located at 1040 Kennel Road approximately 6/10 of a mile south of the intersection with Route 50. The property is identified by Tax Map# 28-A-24A. It consists of 10

acres with an existing pre-1980 house (built in 1961) and 1 DUR. The applicant proposes to retire the remaining DUR.

The property meets 3 of the 4 criteria. The property resource score is 60.61. The applicant is retiring 1 DUR. It is across the road from a VOF easement (Northfield Farm) it is less than 40 acres. Points were given for retiring 1 DUR, being adjacent to an existing easement, having a house built in 1961 that is within the Greenway Rural Historic District and could be a contributing in the future, and being owned by the Hunt for over 50 years. The members discussed the application and asked if the Hunt was a non-profit. They suggested that the applicant may want to consider a DUR purchase to help raise funds. Ms. Teetor will contact Ms. McIntosh to see if they would be interested in the purchase. On motion of Mr. Engel, seconded by Ms. Bacon, members gave preliminary approval to the Blue Ridge Hunt application and asked staff to schedule a site visit. Ms. Jones and Ms. Catlett abstained.

b. Potomac Appalachian Trail Club (PATC) - The PATC, Phil Paschall, agent, has applied to the easement authority for approval of an easement DUR purchase. The property is on Hidden Hollow Lane, off Mount Carmel Road approximately 1.4 miles north of Route 50. The property is identified by Tax Map# 39-A-53. It consists of 59.7 acres with 3 DURs. The applicant proposes to retire the remaining DURs. The property meets all of the 4 criteria. The property resource score is 69.42. The applicant is retiring 3 DURs. It is next to an existing easement and it is more than 40 acres. Points were given for retiring 3 DURs, being adjacent to Appalachian Trail property and an existing easement, and being owned by PATC for between 20 and 30 years. The applicant is a non-profit organization requesting a DUR purchase. Members also discussed what the applicant intended to do with the property and why they want to retire all of the remaining DUR's. Staff was requested to ask the property owner if they would consider retaining 1 DUR.

At the last meeting, members discussed creating a policy for non-profits that would limit DUR purchase offers to \$25,000/DUR. On motion of Mr. Engel, seconded by Ms. Thomas members approved the policy and recommend placing the policy on the next Board of Supervisors meeting for approval.

Adjournment There being no further business, Ms. Thomas moved and Mr. Engel seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday February 20th at 10:00 am. The motion was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 20 February 2020 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 20 February 2020, 10:00 am in the A/B conference room, 2nd Floor Government Center.

Present: G. Ohrstrom, R. Buckley R. Bacon, B. Byrd, M. Jones, W. Thomas, Terri Catlett, P. Engel (arr. 10:15)

Absent: No one

Staff: A. Teetor, R. Couch Cardillo

Agenda On motion of Ms. Jones, seconded by Ms. Bacon, the Authority unanimously approved the agenda.

Minutes On motion of Ms. Bacon, seconded by Ms. Jones, the Authority unanimously voted to approve the minutes of January 16, 2020 with corrections.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$279,145 consisting of \$83,015 in the donations account, \$193,941 in stewardship/restricted, and \$2,189 in local funds.

Public Relations: Ms. Cardillo stated that donations continue to trickle in; so far, in 2020 we have received \$1,590 from 12 donors. Some of these maybe a result of the year end campaign. She also discussed topics for the upcoming winter newsletters, she will highlight 2019 easement statistics, the award luncheon, and suggested somewhat of a flashback topic – how the easement authority compares to VOF in terms of criteria for parcel selection and other topics.

Report on Applications for Easement Purchase/Donation

a. Blue Ridge Hunt, Anne McIntosh, agent has applied to the easement authority for approval of an easement. The property is located at 1040 Kennel Road approximately 6/10 of a mile south of the intersection with Route 50. The property is identified by Tax Map# 28-A-24A. It consists of 10 acres with an existing pre-1980 house (built in 1961) and 1 DUR. The applicant proposes to retire the remaining DUR. The property meets 3 of the 4 criteria. The property resource score is 60.61. The applicant is retiring 1 DUR. It is across the road from a VOF easement (Northfield Farm) it is less than 40 acres. Points were given for retiring 1 DUR, being adjacent to an existing easement, having a house built in 1961 that is within the Greenway Rural Historic District and could be a contributing in the future, and being owned by the Hunt for over 50 years. A site visit was conducted on February 19th.

At the last meeting, members discussed the application and since the Hunt is not a non-profit, they suggested that the applicant may want to consider a DUR purchase to help raise funds. Ms. Teetor contacted Ms. McIntosh and they are interested in a purchase. Next, Ms. Teetor asked if she could provide the 3 most recent tax returns in order to determine the Adjusted Gross Income (AGI). Ms. McIntosh did provide the returns but upon review it was determined that in order to equate the S-Corp return form 1120 to a personnel tax return 1040 AGI that each person with an interest in the Hunt as an entity would need to provide their individual tax returns for the past 3 years. As this maybe cumbersome and not result in a favorable easement value, members suggested a donation might be better for the Hunt.

On motion of Ms. Thomas, seconded by Mr. Ohstrom, the Authority unanimously voted to approve an easement donation for the Blue Ridge Hunt property. Ms. Jones and Ms. Catlett abstained.

b. Potomac Appalachian Trail Club (PATC) - The PATC, Phil Paschall, agent, has applied to the easement authority for approval of an easement DUR purchase. The property is on Hidden Hollow Lane, off Mount Carmel Road approximately 1.4 miles north of Route 50. The property is identified by Tax Map# 39-A-53. It consists of 59.7 acres with 3 DURs. The applicant proposes to retire the remaining DURs. The property meets all of the 4 criteria. The property resource score is 69.42. The applicant is retiring 3 DURs. It is next to an existing easement and it is more than 40 acres. Points were given for retiring 3 DURs, being adjacent to Appalachian Trail property and an existing easement, and being owned by PATC for between 20 and 30 years. The applicant is a non-profit organization requesting a DUR purchase. Members also discussed what the applicant intended to do with the property and why they want to retire all of the remaining DUR's. Staff was requested to ask the property owner if they would consider retaining 1 DUR. A site visit was conducted on February 19th. This item will be discussed in closed session.

On motion of Mr. Ohrstrom, seconded by Ms. Thomas the Authority unanimously approved going into Closed Session pursuant to Section 2.2-3711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property. On motion of Mr. Ohrstrom, seconded by Ms. Thomas, the Authority unanimously approved reconvening in Open Session. Mr. Ohrstrom moved, seconded by Ms. Thomas, 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 2.2-3711-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:

Ms. Bacon	Aye	Mr. Buckley	Aye	Mr. Engel	Aye
Ms. Thomas	Aye	Mr. Ohrstrom	Aye	Ms. Jones	Aye
Ms. Catlett	Aye				

On motion of Mr. Ohrstrom, seconded by Thomas members voted to approve a DUR purchase of 2 of the remaining 3 DURs for \$20,000/DUR.

Adjournment There being no further business, Ms. Thomas moved and Mr. Engel seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday March 19th at 10:00 am. The motion was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

**No March Meeting
Corona Virus Pandemic**

**No April Meeting
Corona Virus Pandemic**

**No May Meeting
Corona Virus Pandemic**

CLARKE COUNTY
Conservation Easement Authority
Minutes – 18 June 2020

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 18 June 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center.

Present: G. Ohrstrom, R. Buckley R. Bacon, W. Thomas, T. Catlett, P. Engel
Absent: M. Jones
Staff: A. Teetor, R. Couch Cardillo, C. Boies, County Administrator

APPROVAL OF ELECTRONIC MEETING RESOLUTION AND POLICY

Ms. Teetor explained that each Board or Commission in the County is being asked to adopt a written policy allowing for participation of members by electronic communication. He stated that the Boards would still be required to have a quorum in attendance, but that members unable to attend would be permitted to participate and vote.

On Motion of Mr. Ohrstrom, seconded by Mr. Engel, the Conservation Easement Authority approved the resolution adopting the Electronic Meeting Policy as included in Attachment A.

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

Minutes On motion of Ms. Bacon, seconded by Mr. Ohrstrom, the Authority unanimously voted to approve the minutes of February 20, 2020.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$283,035 consisting of \$85,026 in the donations account, \$194,971 in stewardship/restricted, and \$3,039 in local funds. Expenses relate to the newsletter publication.

Public Relations: Ms. Cardillo stated that donations are up to almost \$8,000 due in part to the spring newsletter. Of note was that there were 7 new donors. She thought maybe the article on the reduced funding from VDACS motivated donors. She stated that the summer newsletter will go out in August and asked members for ideas. Mr. Engel suggested an article related to the impact of Covid. Mr. Buckley stated that Cary Embry's son is taking land out of crop production to enhance wildlife habitat. Mr. Ohrstrom stated that he does not support the practice of land conversion but that it might be a good article. Other members asked if any eased property conducted bee keeping as that is a positive for agriculture. Ms. Cardillo will contact Branson McKay and also reach out to the Bee Keeping Society. Ms. Cardillo also suggested revamping the Take a Hike brochure as more and more people are getting out during the pandemic. She also asked if members were comfortable setting a date for the Donor Reception. The date could be announced in the newsletter with a caveat to cancel by September 1st in case of a resurgence of the virus. Members agreed that October 16th would work. Coincidentally that is the 40th anniversary of the adoption of Sliding Scale Zoning. Mr. Boies stated he would like to see a celebration when the eased land in the County hits 25% or 28,480 acres. The County is currently close to 27,000 so this could happen next year.

Discussion

a. application solicitation – Ms. Teetor stated that 2 new grant opportunities are approaching, the Virginia Battlefield Preservation Fund, and the Forest Legacy Program. Targeted areas would include the mountain and parcels in the Cool Spring Battlefield Historic District.

b. interns – Ms. Teetor stated that the two interns, Jessica Crandell and Ben Sprouse are off to a

good start.. In all there were 7 applicants, 6 from Clarke County, and 5 that were qualified.

c. email preference – Ms. Teetor stated that the County has implemented a policy that all committee and board members use a clarkecounty.gov email. The purpose is to maintain a work email in case of FOIA requests. Members were asked if they wanted to receive emails exclusively on the clarkecounty.gov or continue to utilize their personal emails. Most preferred that staff send emails to both accounts. In addition, they requested that the instructions for setting up the email be resent.

d. VaULT donation – Ms. Teetor stated that the annual VaULT conference would be held virtually this year. Previously members had agreed to a \$250 donation. Organizers have asked if the donation would still be valid for the virtual conference. On motion of Mr. Engel, seconded by Mr. Ohrstrom members approved the donation.

Report on Applications for Easement Donation

a. Brengle – Andrew Brengle has applied to the easement authority for approval of an easement donation. The property is located in the 1600 Block of Millwood Road adjacent to the Crocker Conservancy (Powhatan School). This property was actually subdivided off of the Crocker Conservancy property prior to gifting that parcel to Powhatan School. The family originally wanted to retain the 27 acres to build a house but now they would like to gift the remainder of the parcel to the School. The property is identified by Tax Map# 29-A-17. It consists of 27 acres with 2 DURs. The parcel is completely wooded with no road frontage. Mr. Mitchell is the attorney for Mr. Brengle and is working out the details of the terms of the easement. It is unclear at this time if the property will retain any DURs. Based current information, the property meets 2 of the 4 criteria. The property resource score is 48.57 and it is adjacent to an existing easement, Powhatan. It is less than 40 acres. Points were given being adjacent to an existing easement, having frontage on a perennial stream, Spout Run, and being owned by the same family for over 50 years. Members discussed the donation. Concerns were raised regarding use of the DUR's, property buffers for adjoining property owners, and potential for community trails on the property. After discussion members determined that there was not enough information to give preliminary approval so the item was tabled until the next regular meeting.

b. Blue Ridge Hunt, Anne McIntosh, agent has applied to the easement authority for approval of an easement donation. The donation was approved at the February meeting. The Hunt is reviewing the deed and obtaining an appraisal.

c. Kohn property – Ms. Teetor reported that the Potomac Appalachian Trail Club is interested in utilizing the Kohn property as one of their rental cabins. This would allow for public use of the property while the County develops a Master Plan for a passive recreation park. The house currently utilizes a spring as the water supply and this has proved to be unreliable so a well needs to be drilled. Ms. Teetor asked if the Authority would be willing to provide funding for a portion of the cost of the well. On motion of Mr. Engel, seconded by Mr. Ohrstrom members approved paying for installation of a well in full provided that stewardship funds could be used as payment. Members asked staff to check with Mr. Mitchell regarding the legality of using the funds for this purpose.

Report on Applications for Easement Purchase

On motion of Mr. Engel, seconded by Mr. Ohrstrom the Authority unanimously approved going into Closed Session pursuant to Section 2.2-3711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property. On motion of Mr. Ohrstrom, seconded by Ms. Thomas, the Authority unanimously approved reconvening in Open Session. Mr. Engel moved, seconded by Mr. Ohrstrom, to certify that to the best of the member's knowledge:

(i) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.2-3711-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:

Ms. Bacon	Aye	Mr. Buckley	Aye	Mr. Engel	Aye
Ms. Thomas	Aye	Mr. Ohrstrom	Aye	Ms. Jones	Absent
Ms. Catlett	Aye				

On motion of Mr. Ohrstrom, seconded by Mr. Engel members voted to approve a 12 ½ % increase in payment for the appraised value easement purchase of Smithfield Farm, in consideration of the unique conservation values of this property.

Adjournment There being no further business, Mr. Engel moved and Ms. Bacon seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday July 16th at 10:00 am. The motion was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 23 July 2020

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 23 July 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center.

Present: R. Buckley R. Bacon, W. Thomas, M. Jones
Phone in: G. Ohrstrom
Absent: P. Engel, T. Catlett
Staff: A. Teetor, R. Couch Cardillo

Agenda On motion of Ms. Thomas, seconded by Ms. Jones, the Authority unanimously approved the agenda.

Minutes On motion of Ms. Bacon, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of June 18, 2020.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$278,707 consisting of \$85,036 in the donations account, \$194,971 in stewardship/restricted, and \$-1,299 in local funds. Expenses were for the Smithfield Farm survey.

Public Relations: Ms. Cardillo stated that donations are over \$8,000 with 80 donations. She is working on the summer newsletter. A couple of potential stories are the impact of the coronavirus and bee keeping. She is hoping that the newsletter will prompt additional donations. She also asked members about the status of the banners. Ms. Teetor stated that there is one in the office, the one at the feed store was removed when the renovation took place, she will ask if they still have it. There is one at the fairgrounds and one at the school. Members suggested that one could be placed at the Burwell Morgan Mill when Art at the Mill resumes. Ms. Cardillo also asked members about the donor reception. After discussion members agreed to cancel the 2020 event. Ms. Cardillo will put a notification in the newsletter.

Discussion

a. application solicitation – Ms. Teetor stated she sent out letters to approximately 35 residents that appeared to meet the grant criteria. To date no response has been received.

b. interns – Ms. Teetor stated that the two interns, Jessica Crandell and Ben Sprouse are nearing completion of the inspections.

Report on Applications for Easement Donation

a. Brengle – Andrew Brengle has applied to the easement authority for approval of an easement donation. The property is located in the 1600 Block of Millwood Road adjacent to the Crocker Conservancy (Powhatan School). It consists of 27 acres with 2 DURs. The parcel is completely wooded with no road frontage. Mr. Bryan, attorney for Powhatan provided a letter detailing that the School would like to be able to build a 3,000 square foot indoor/outdoor classroom on the property and retain the 2 remaining DURs. They plan to access the property via a deeded access easement and new bridge off of Millwood Rd.. The Authority discussed the request and determined that they would like to conduct a site visit in order to identify where the building would be located. Mr. Ohrstrom expressed concern that the parcel backs up to a number of small lots in the Village of Millwood and classroom and student activities could impact neighbors. In addition, members agreed that it is preferable to upgrade the existing bridge rather than construct a new bridge. Finally they were adamant that the easement retire the two remaining

DURs as these would not be needed for the structure and the Authority would not want any single family dwellings located on the property.

b. Blue Ridge Hunt, Anne McIntosh, agent has applied to the easement authority for approval of an easement donation. The donation was approved at the February meeting. The Hunt is reviewing the deed and obtaining an appraisal.


c. Kohn property – Ms. Teetor reported that the Potomac Appalachian Trail Club is interested in utilizing the Kohn property as one of their rental cabins. This would allow for public use of the property while the County develops a Master Plan for a passive recreation park. The house currently utilizes a spring as the water supply and this has proved to be unreliable so a well needs to be drilled. Since the last meeting, Ms. Teetor identified that the septic system will need to be expanded. Members agreed that stewardship funds could be used for the drainfield in addition to the well installation.

d. Smithfield Farm – On motion of Ms. Bacon, seconded by Ms. Thomas, members authorized payment for the survey completed by Stuart Dunn.

Adjournment There being no further business, Ms. Thomas moved and Ms. Bacon seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday August 20th at 10:00 am. The motion was approved unanimously.



Randy Buckley, Chair



Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 20 August 2020

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 20 August 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center.

Present: R. Buckley R. Bacon, W. Thomas, M. Jones, P. Engel, T. Catlett
Phone in: G. Ohrstrom
Absent: No one
Staff: A. Teetor, R. Couch Cardillo

Agenda On motion of Ms. Bacon, seconded by Mr. Engel, the Authority unanimously approved the agenda.

Minutes On motion of Ms. Jones, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of July 23, 2020, Ms. Catlett abstained.

Bank Account: No report as Ms. Bennett was on vacation and unable to update the spreadsheets. Ms. Teetor stated that there had been no significant expenditures since the last report.

Public Relations: Ms. Cardillo reported that a few more donations have trickled in and she expects to see more after the summer newsletter goes out later this month. The leading story is a request for photos that depict life in Clarke County with COVID. She asked Mr. Ohrstrom if he thought Ken Garrett would judge the contest. Mr. Ohrstrom said he would ask him. Ms. Cardillo stated that the photos should be taken in Clarke during 2020. Mr. Ohrstrom also suggested that Ms. Cardillo include a link to the PEC website that highlights Clarke County with some very nice aerial photos.

Report on Applications for Easement Donation

a. Reuling - Hank & Tressa Reuling have applied to the easement authority for approval of an easement donation. The property is located at 494 Llewelyn Lane as is identified as Tax Map# - 23-A-2, Llewelyn Farm, 260 acres. The parcel has 4 existing dwellings and 6 remaining DURs. The property is primarily used for crops and pasture. In reviewing the parcel, all 4 of the criteria have been met. The Property Resource Score is 117.81, the owner will retire three of the remaining DURs, it is larger than 40 acres, and adjacent to existing easements. Points were given being adjacent to an existing easement, having a perennial spring, having frontage on a primary highway, Route 340, having frontage on the railroad, having structures contributing to the Chapel Rural Historic District, and being owned by the same family for between 30 and 50 years. On motion of Mr. Engel, seconded by Ms. Thomas the Authority gave preliminary approval for the donation and asked staff to schedule a site visit.

b. Brengle – Andrew Brengle has applied to the easement authority for approval of an easement donation. The property is located in the 1600 Block of Millwood Road adjacent to the Crocker Conservancy (Powhatan School). At the last meeting members asked staff to schedule a site visit in order to review the access and potential location of the indoor/outdoor classroom. Ms. Teetor stated that she has spoken to the interim Head of Powhatan and he asked if the site visit could be postponed as the School was grappling with opening the School year during the Pandemic. Members agreed to postpone any action until the applicant and the School were ready to proceed.


c. Rolling Ridge Foundation – This application was reviewed and given preliminary approval at the September 2019 meeting. The transaction has taken a long time as the property is being transferred from the Appalachian Trail Conservancy to the Rolling Ridge Foundation then placed in easement with the County. The documents have been prepared and closing should occur within the next couple of months. The Board of Supervisors approved the donation at their November 19, 2019 meeting. Ms. Teetor stated that the property is land locked and will be used for recreational purposes as it adjoins a much larger tract owned by the Foundation in West Virginia. Both of the remaining DURS are being retired. This led to a larger discussion of whether the Authority should develop criteria to provide guidance as to when a parcel can be left with zero DURS. In February this year members requested that the PATC retain 1 of 3 remaining DURS on a parcel so as not to render it unbuildable. The County Ordinance allows properties to have zero DURS if under easement, there is an existing dwelling on the parcel or it is subject to a Special Use Permit. As leaving a parcel with no building rights can be problematic members asked staff to work with Ms. Jones to develop draft criteria as to when a property could be left without DURS for review at the next meeting.

d. Kohn property – Ms. Teetor updated the Authority on the status of the Kohn property. The past month she has been meeting with soil scientists to upgrade the existing drainfield and site a well. The PATC is completing their approval process and will provide lease conditions for the Boards review later this month. Ms. Teetor also met with the committee overseeing the use of the property and stated they were supportive of the PATC lease.

e. Stephen Bathon – Mr. Bathon owns an eased property in Calmes Neck that was part of the property gifted by Linda Thomas. It is an unusual area as the bedrock is limestone which predominates west of the River but only a few areas on the mountain have this type of bedrock. The property fronts on the Shenandoah River and half way down a steep grade from the house is a small cave. Mr. Bathon has requested permission to build steps from the house down to the cave in order to provide access. He will use natural materials and does not plan to do any land disturbance. Ms. Teetor conducted a site visit August 14th and recommended approval. On motion of Mr. Ohrstrom, seconded by Ms. Thomas members approved the step construction.

Adjournment There being no further business, Ms. Thomas moved and Ms. Bacon seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday September 17th at 10:00 am. The motion was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 17 September 2020

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 17 September 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center.

Present: R. Buckley R. Bacon, M. Jones, P. Engel, T. Catlett
Phone in: G. Ohrstrom
Absent: W. Thomas
Staff: A. Teetor, R. Couch Cardillo

Agenda Ms. Teetor asked to add 2 items to the agenda 1) a discussion of an upcoming PEC workshop, and 2) The Disclosure and acknowledgement form requiring building envelopes for all easements. On motion of Ms. Jones, seconded by Ms. Bacon, the Authority unanimously approved the agenda as amended.

Minutes On motion of Ms. Jones, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of August 20, 2020.

Bank Account: Ms. Teetor reported that there are two reports in the packet. One for the end of FY20 and one for FY21. The most current balances from the FY21 report are a total fund balance of \$275,410 consisting of \$84,356 in the donations account, \$193,111 in stewardship, and \$-2,057 in the local funds. Expenses include paying the summer interns and septic expenses for the Kohn property.

Public Relations: Ms. Cardillo reported that donations are up to \$8,961.75 for the year from 90 donations. There were two new donations made in memory of Bob Calhoun who passed earlier this summer. She stated that the summer newsletter had been mailed and she is working on the fall newsletter. The proposed content includes a spotlight on a donor. Ms. Teetor suggested John Paul Rankin, a 30 something Clarke County native who recently set up a recurring \$10/month donation. She would also like to include a story on an easement property and remind folks to submit photos for the photo contest.

Discussion – Criteria for parcels retaining zero DUR's At the last meeting members discussed the need for a policy governing when parcels could retire all remaining DURs as it can be problematic to leave a parcel with no potential for building a single family dwelling. Ms. Teetor explained that she and Ms. Jones worked on a potential policy that was included in the packet. Conditions included 1) No public road or known private easement access; OR 2) Site conditions that restrict or eliminate the potential for development – for example, flood plain, steep slopes; OR 3) Other special facts and circumstances that make it appropriate to retire all DURs. Members discussed the issue and on recommendation by Ms. Catlett agreed to table the idea for one month to allow her to discuss the issue with other Board members and to ask Mr. Stidham his opinion. Members agreed to postpone action for one month.

Report on Applications for Easement Donation

a. Reuling – Ms. Teetor was sorry to report that the Ruelings have decided not to place their property in easement at this time and have withdrawn their application.

b. Rolling Ridge Foundation – Ms. Teetor reported preliminary approval was given last September. This application was reviewed and given preliminary approval at the September 2019 meeting. The transaction has taken a long time as the property is being transferred from the Appalachian

Trail Conservancy to the Rolling Ridge Foundation then placed in easement with the County. The documents have been prepared and closing should occur within the next couple of weeks. The Board of Supervisors approved the donation at their November 19, 2019 meeting. Ms. Teetor asked for final approval from the Authority. On motion of Mr. Engel, seconded by Ms. Cattlett members gave final approval for the easement donation.

c. Kohn property – Ms. Teetor updated the Authority on the status of the Kohn property. A draft lease was discussed at the last Board worksession, and Board members tentatively agreed that renting to the PATC was a reasonable short term solution for maintaining the property while a master plan for a park could be developed. Staff will forward the lease to Mr. Mitchell for review and to ensure compliance with the terms of the Deed of Easement and Deed of Transfer.

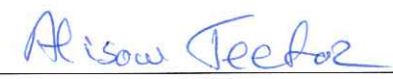
Other

a. Land Trust of Virginia/Piedmont Environmental Council Workshop – Ms. Teetor was approached by the Land Trust of Virginia and PEC to partner on a virtual workshop for landowners to learn more about conservation easements. The format is very similar to the workshop the Easement Authority conducted in 2018. Members agreed it would be good to be included in the planning efforts.

b. Disclosure and Acknowledgement Form – Ms. Teetor passed out copies of a new Disclosure and Acknowledgement form developed by the Virginia Outdoors Foundation to require identification of building envelopes on all new easement properties for new construction. Ms. Jones suggested that this form could be made into more of a general disclosure statement but suggested that the document be sent to Mr. Mitchell for legal review. Mr. Ohrstrom suggested that the requirement could be a topic for discussion at the workshop.

Adjournment There being no further business, Mr. Engel moved and Ms. Bacon seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday October 15th at 10:00 am. The motion was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 22 October 2020

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 22 October 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center.

Present: R. Buckley R. Bacon, P. Engel, T. Catlett W. Thomas
Phone in: G. Ohrstrom
Absent: M. Jones
Staff: A. Teetor, R. Couch Cardillo, B. Stidham
Others: Mary Ivie, Clarke County Resident

Agenda Ms. Teetor asked to move the discussion of the Criteria for zero DURs to item 2 in order for Mr. Stidham to speak about the issue. On motion of Ms. Thomas, seconded by Ms. Catlett, the Authority unanimously approved the agenda as amended.

Discussion – a. Criteria for parcels retaining zero DUR's Mr. Stidham was present to provide Planning guidance to the continued discussion. He stated that the primary concern appears to be leaving a parcel with zero DURs that someone in the future thinks is buildable. Requiring a survey with a distinct statement saying that this is not a legal building lot and has zero DURs should suffice, as this would be picked up in a title search. Members agreed that this should be a requirement. In addition, they discussed the criteria that would allow all DURs to be retired. These include:

- 1) No public road or recorded private easement access; OR
- 2) Site conditions that restrict or eliminate the potential for development -- for example, flood plain, steep slopes; OR
- 3) Other special facts and circumstances that make it appropriate to retire all DURs. Such as viewsheds, historic features.

Mr. Stidham opined that number 3 was a little open ended and basically nullifies the need for criteria. Members asked staff to send this to Mr. Mitchell for review. They stated that Number 3 should either include some sort of legal terminology or be left out.

Minutes On motion of Mr. Ohrstrom, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of September 17, 2020.

Bank Account: Ms. Teetor reported that the primary expenses have been for the newsletter and Kohn property. The current total fund balance is \$281,118 consisting of \$86,319 in the donations account, \$192,436 in stewardship, and \$2,363 in the local funds.

Public Relations: Ms. Cardillo reported that donations are up again \$13,401.75 for the year from 112 donations. She is working on the fall newsletter and will do stories on an easement property, Rolling Ridge. She will also highlight the upcoming virtual workshop on Conservation Easements hosted by the Land Trust of Virginia and the Piedmont Environmental Council. Another idea is to interview a financial donor. She also reported that Cathy Kuehner did a nice article that was published in the Winchester Star. She has also contacted the High School Art Teacher, Jennifer Angiulli, who has made the contest part of her lesson plan. The deadline for entry is January 11, 2021.

Report on Applications for Easement Donation


a. Staley/Geisler – this is a new application for easement donation. Gerald Staley & Margaret Geisler have applied to the easement authority for approval of an easement donation. The property is located at 117 Bell Lane and is identified as Tax Map# 24-A-25A, 42 acres. The parcel has 1 existing pre-1980 and zero remaining DURs. The property is primarily used for pasture. In reviewing the parcel, all 2 of the 4 criteria have been met. The parcel is over 40 acres and the property resource score is 50.9. Points were given being adjacent to an existing easement, having a perennial stream (Dog Run), and having a contributing structure in the Chapel Rural Historic District. There are no remaining DURs as the property has been subdivided. Ms. Teetor explained that there is an existing dwelling in poor condition that the applicants intend to convert into a 600 square foot apartment with an office on the second floor. This would allow a new house to be built, as the DUR would no longer be used by the old house. On motion of Mr. Engel, seconded by Mr. Ohrstrom members gave preliminary approval and asked staff to schedule a site visit.

Discussion

b. Disclosure and Acknowledgement – building envelopes Ms. Teetor explained that she had sent the form to Mr. Mitchell for his review but had not heard back. Mr. Ohrstrom stated that more research on the subject needs to be done and that the issue is not likely to go away.

Adjournment There being no further business, Mr. Ohrstrom moved and Mr. Engel seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday November 19th at 10:00 am. The motion was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 19 November 2020

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 19 November 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center.

Present: R. Buckley R. Bacon, T. Catlett W. Thomas, M. Jones
Phone in: G. Ohrstrom
Absent: P. Engel
Staff: A. Teetor, R. Couch Cardillo

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

Minutes On motion of Mr. Ohrstrom, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of October 22, 2020 with corrections.

Bank Account: Ms. Teetor reported that the primary expenses have been for the newsletter and Kohn property. The current total fund balance is \$276,895 consisting of \$85,511 in the donations account, \$189,811 in stewardship, and \$1,573 in the local funds.

Public Relations: Ms. Cardillo reported that donations are up again \$17,076.75 for the year from 119 donations, this does not include any donations from the fall newsletter, which was distributed the end of October. She is also working on promoting the photo contest. Ms. Teetor will ask Ms. Kuehner to repost the contest information of the community page. Ms. Cardillo is also working on the year end appeal letter she asked members to consider who might provide a matching gift to enhance fund raising. She also asked members to consider a recipient for the annual conservation award. Members discussed Smithfield Farm but that may not close until next year. Another suggestion was Eric Arkfeld who has put over 350 acres in easement. Members will discuss further at the December meeting.

Discussion

a. Criteria for parcels retaining zero DUR's - Mr. Mitchell has not responded to requests for review. Members agreed to wait an additional month, but questioned if there was another attorney that could help with these sorts of questions.

b. Disclosure and Acknowledgement -- building envelopes Ms. Teetor explained that she had sent the form to Mr. Mitchell for his review but had not heard back.

Report on Applications for Easement Donation

a. Staley/Geisler – The property is located at 117 Bell Lane and is identified as Tax Map# 24-A-25A, 42 acres. The parcel has 1 existing pre-1980 and zero remaining DURs. The property is primarily used for pasture. In reviewing the parcel, all 2 of the 4 criteria have been met. The parcel is over 40 acres and the property resource score is 50.9. Points were given being adjacent to an existing easement, having a perennial stream (Dog Run), and having a contributing structure in the Chapel Rural Historic District. There are no remaining DURs as the property has been subdivided. A site visit was conducted November 2nd. On motion of Ms. Jones seconded by Ms. Thomas, members gave final approval for the easement donation and recommended approval to the Board of Supervisors.

- b. **Rolling Ridge Foundation** – the deed of easement was recorded on November 9th.
- c. **RSP Enterprises** – deed sent to NRCS for final approval
- d. **Blue Ridge Hunt** – Anne McIntosh continues to get the documents ready for closing.

e. **Kohn property update** – Ms. Teetor reported that the lease has been signed by both parties. The septic repair work has been completed and the well should be on schedule to be drilled in December. To date approximately \$13,000 has been spent on the well and septic improvements.

Adjournment There being no further business, Ms. Bacon moved and Ms. Jones seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday December 17th at 10:00 am. The motion was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 22 December 2020

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 22 December 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center. This meeting was scheduled for December 17th but was rescheduled due to snow.

Present: R. Buckley R. Bacon, T. Catlett W. Thomas, M. Jones, P. Engel
Phone in: G. Ohrstrom
Absent: No one
Staff: A. Teetor, R. Couch Cardillo

Agenda Mr. Ohrstrom has an appointment at 10:30 and requested that action items be moved to the beginning of the agenda. On motion of Ms. Jones, seconded by Mr. Ohrstrom, the Authority unanimously approved the agenda as amended.

Minutes On motion of Ms. Jones, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of November 19, 2020.

Report on Applications for Easement Donation

a. Lowell Pratt – Mr. Pratt has applied to the easement authority for approval of an easement donation. The properties are located at 2683 Mt. Carmel Road approximately 6/10 of a mile north of the intersection with Calmes Neck Lane. There are 4 parcels totaling 148 acres with 11 DURs. The applicant would like to merge the parcels and retire 10 of the 11 remaining DURs. The parcels are primarily forested.

Tax Map#	acres	DURs	ext. dwl	Property Res. Score	land use	#criteria
31-A-16	19.75	2	0	39.49	no	2
31-A-16A	15	2	0	39.46	no	2
31-A-16B	90	4	0	54.33	no	3
32-A-29	23	3	0	43.51	no	2

In reviewing the parcels, all meet at least 2 of the 4 criteria. As indicated above, the applicant will merge the parcels into 1 with 1 DUR remaining that will be placed on the property identified by Tax Map# 32-A-29 off of Mt. Carmel Rd. Points were primarily given for retiring the DURs. Mr. Ohrstrom suggested that the applicant may want to keep 2 of the DURs to allow for a tenant house. On motion of Mr. Ohrstrom, seconded by Mr. Engel members gave preliminary approval for the easement donation on condition that staff encourage the applicant retain 2 DURs.

b. Tom Wiseman – has applied to the easement authority for approval of an easement donation. The property consists of approximately 29 acres. The property is the point of land where Millwood Road meets Route 50. The parcel has an existing house built in 2007 and 1 remaining DUR. The applicant would like to retire the remaining DUR. The property meets all 3 of the 4 criteria by scoring over 35, being next to an adjacent easement, and giving up 1 DUR. The parcel is less than 40 acres. On motion of Mr. Ohrstrom, seconded by Ms. Thomas members gave preliminary approval for the easement.

Bank Account: Ms. Teetor reported that the primary expenses have been for the newsletter and attorney fees. The current total fund balance is \$283,031 consisting of \$90,886 in the donations account, \$188,977 in stewardship, and \$2,168 in the local funds.

Public Relations: Ms. Cardillo reported that donations are up again \$20,335.50 for the year from 135 donations, this does not include any donations from the year end appeal, which went out last week. She also asked members about the annual land conservation award. After discussion the group agreed that Shenandoah University would be a good choice for their stewardship and protection of the Cool Spring Battlefield. Members thought it a good choice as it was one of a few areas open to the public during COVID. She is also working on promoting the photo contest and has reached out to the High School, Blandy, and other photographers. The deadline for submission is January 11th.

Discussion

a. Criteria for parcels retaining zero DUR's - Mr. Mitchell responded to requests for review and suggested some wording changes which were incorporated into the final draft. On motion of Mr. Engel, seconded by Ms. Jones members approved the draft policy and recommended approval to the Board of Supervisors.

b. Debrief Blue Ridge Civic Association webinar – Introduction to Conservation Easements - Ms. Teetor stated that she and resident Eric Arkfeld had participated in a webinar December 8th organized by the Piedmont Environmental Council, Land Trust of Virginia, and the Potomac Appalachian Trail Club. In all approximately 85 person attended.

Report on Applications for Easement Donation (continued)

c. Staley/Geisler – Their attorney is reviewing the deed. They plan to record in 2021. The application will be placed on the January Board of Supervisors consent agenda.

d. RSP Enterprises – deed sent to NRCS for final approval

e. Blue Ridge Hunt – Anne McIntosh stated that they plan to record in 2021.

e. Kohn property update – Ms. Teetor reported that well has been installed and Broy and Son will complete the waterline installation and connection. To date approximately \$13,000 has been spent on the well and septic improvements.

Adjournment There being no further business, Ms. Bacon moved and Ms. Jones seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday January 21st at 10:00 am. The motion was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority