

No January meeting

CLARKE COUNTY
Conservation Easement Authority
Minutes – 11 February 2022

A regular meeting of the Conservation Easement Authority was held at 11:00 am on Friday 11 February 2022, at the Millwood Country Club, 340 Country Club Lane, Boyce, VA. The annual award luncheon follows at 12:00pm

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

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

Ms. Teetor reported that Pete Engle submitted his resignation from the Easement Authority effective January 1, 2022 for personnel reasons.

Election of Chairman, Vice Chairman, and Treasurer

Ms. Teetor asked for nominations of Chairman to the Authority. Mr. Ohrstrom nominated Mr. Buckley for the position of Chairman for 2022, Ms. Thomas seconded. The Authority voted unanimously to elect Mr. Buckley as Chairman of the Authority for 2022.

Mr. Buckley asked for nominations of Vice Chairman to the Authority. Ms. Jones nominated Mr. Ohrstrom for the position of Vice Chairman of the Authority for 2022, Ms. Thomas seconded. The Authority voted unanimously to elect Mr. Ohrstrom as Vice Chairman of the Authority for 2022.

Mr. Buckley asked for nominations of Secretary/Treasurer to the Authority. Ms. Jones nominated Ms. Thomas for the position of Secretary/Treasurer for the Authority for 2022, Mr. Ohrstrom seconded. The Authority voted unanimously to elect Ms. Thomas as Secretary/Treasurer of the Authority for 2022.

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

Approval of meeting dates and times for 2022 On motion of Mr. Ohrstrom, seconded by Ms. Jones, members approved the meeting schedule for 2022 as presented.

Minutes On motion of Mr. Jones, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of December 9, 2021. Mr. Buckley abstained.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of -\$82,654 consisting of \$130,912 in the donations account, \$238,572 in stewardship/restricted, and \$-452,139 in local funds. Ms. Teetor stated that the negative balances are the result of the RSP Enterprises closing. The reimbursement requests will be submitted later this month. Additional expenses relate to the production and mailing of the annual appeal letter.

Public Relations: Ms. Cardillo stated there was a total of \$37,739 in donations from 206 donors in 2021 which was one of the best years. In 2022 we have already received \$2,775 from 22 donors which is a great

start for the new year. She prepared a statement for Mr. Buckley for the awards luncheon honoring Charles Johnston. She has started work on the winter newsletter and will include stories on the Land Conservation Award, the RSP Enterprises easement recordation, and other topics as suggested. Ms. Teetor suggested an article about Jeff Feaga, the new Preservation Planner/GIS specialist, who will take on the responsibilities of the easement authority at some point in the future.

Another topic for discussion was the opportunity to work in partnership with other county organizations such as the Blue Ridge Wildlife Center, Bland, and the Shenandoah University River Campus at the Cool Spring Battlefield, to enhance the Take a Hike brochure. The brochure would be used in part, for an event proposed for June, the Great Outdoors month. The event would include contests for hiking all of the trails with small prizes and photos of participants posted on social media. It will encourage walking and outdoor activity along with promoting the various participant organizations. It would be spearheaded by the County's economic development/tourism director Felicia Hart. Members agreed this was a great idea and opportunity for increasing awareness of the easement authority and conservation easements. Ms. Cardillo will work with the other organizations and Ms. Hart to develop the program and revised hiking brochure.

Ms. Cardillo is also working on another brochure to be distributed in welcome wagon packets to explain the Clarke County easement program to new residents.

Report on Applications for Easement Purchase/Donation

a. Stephen Bathon – request for Boundary Line Adjustment - Ms. Teetor explained the request as follows: Stephen Bathon owns the property identified by Clarke County Tax Map# 31-1-74 located at 3444 Calmes Neck Lane. The property was placed in easement with the County by Linda Thomas in 2007. Mr. Bathon also owns an adjacent property Tax Map # 31-1-73. He purchased lot 73 with the intent that his daughter would build a house and live there. As a result of the family ownership, Mr. Bathon put his driveway across a portion of lot 73 as shown on the plat, included in the packet. Mr. Bathon has since sold the property as his daughter decided not to move here, and now would like to complete a boundary line adjustment to include the driveway on his existing lot 74, the area to be added is .178 acres. Ms. Teetor also explained that the new owners of lot 73 preferred a transfer of the property rather than a deeded access easement. The deed of easement allows for Boundary Line Adjustments if approved by the Authority. After discussion Ms. Bacon moved, Ms. Jones seconded to approve the boundary line adjustment as shown on the plat and prepare a deed of amendment to show the new acreage that will be added to the Conservation Easement.

b. Bruce and Debbie Anderson – request to increase square footage of structures This is a continued discussion from the last meeting. Bruce and Deborah Anderson have applied to the easement authority for approval of an easement donation. The property consists of two parcels, Tax Map# 30-A-74 consists of 30.76 acres with an existing house and a <600 square foot apartment, and Tax Map# 30-A74A consisting of 2.0 acres with 1 DUR.

The Andersons have requested an exception to the maximum square footage allotment for parcels between 30 and 40 acres of 20,000 sq ft.. At the December meeting members discussed the Anderson's proposal to allow for a covered riding arena (20,000 sq. ft.) and to preserve the difference between what they have now, 10,800 square feet, and the cap, 20,000 square feet, or 8,200 square feet, to allow for possibly improvements to existing structures, for a total of 40,000 square feet. Members discussed the request to exceed the 20,000 square foot cap for structures and determined that 1) it sets precedence for other future easements, 2) it isn't fair to others that have had to adhere to the requirement, and 3) that having over 2% impervious area detracts from the conservation value of the property. Based on these reasons the request was denied. Since the last meeting the Anderson's have revised their request to allow for a maximum of 31,200 square feet, which is

11,200 sq ft above the limit. The proposed covered area of the arena is 20,000 sq. ft. As the main feature that creates the exceedance is the covered riding arena, staff reviewed two other easements with approved covered riding arenas. One was recently approved in 2019, the property owned by Katherine Rowland located at 3264 Millwood Road. Ms. Rowland's property consists of 29.9 acres, the square footage limit is 15,000 sq. ft. for parcels between 20 and 30 acres. When recorded the parcel had a total of 28,427 sq. ft. exceeding the limit by 13,427sq. ft.. The riding arena is 18,000 sq. ft. in size. The second property is owned by Susan Molden and is located on Morning Star Lane. Ms. Molden's property is 40 acres and has an existing barn which she built. She requested and was approved to build a 14,400 sq. ft. indoor arena in 2015 prior to the size limitations being adopted. This arena was never built.

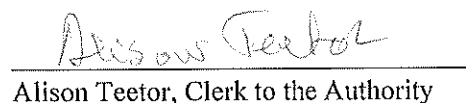
Members discussed the request. Ms. Jones opined that it might be better if they covered the arena first then put the property in easement. One benefit of having the arena covered after the easement is that the Authority would have full control over the materials and colors used in construction. The main question that was brought up is whether or not the exceedance is detrimental to the property. Some members felt it wouldn't be a problem as the purpose of easements is to protect agriculture uses, which includes horse activities. Others were concerned that since we have the policy we shouldn't just allow exceptions on a routine basis. Members agreed to conduct another site visit prior to the next meeting.

c. **Kohn well** – Ms. Teetor explained that the renovations for the Kohn cabin have been completed and the PATC has added it to their active rental list. One issue has been sediment in the well. It was first thought that running the well for a period of time would help to clear it up but this did not work. Mr. Chris Boies, County Administrator, met with PATC personnel and Powell's plumbing on site to determine possible solutions. Powell's stated that the geology in this area is prone to sedimentation and suggested the best way to solve the problem is to insert a PVC sleeve inside the well casing with a screen at the bottom to prevent sediment from entering the water line. The cost for this sleeve was \$5,000. Mr. Boies asked if the Authority would be willing to help pay for the improvement. After discussion Mr. Ohrstrom moved, seconded by Ms. Thomas to pay \$2,500 from the stewardship account to help with the cost of the sleeve, the motion was approved unanimously.

d. **Summer Interns** – Ms. Teetor stated that she received one application from David Dorsey for the summer internship. He is the son of Tupper Dorsey. Tupper's daughter Sophia was a summer intern, for 3 years in 2016-2018. David has contacted Ms. Teetor several times and is very interested in the position. Since there have been no other applicants, Ms. Teetor suggested that David be hired and then she and Mr. Feaga can complete the other half of the inspections as a way for Mr. Feaga to get familiar with the properties and for staff to meet with new landowners as several properties changed hands during the pandemic.

Adjournment There being no further business, Ms. Jones moved and Ms. Bacon seconded that the Authority adjourn the meeting to conduct the Annual Land Conservation Awards Luncheon. The next regularly scheduled meeting is Thursday March 10th in the Government Center at 10 am. The motion to adjourn was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 10 March 2022

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 10 March 2022, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, M. Jones, W. Thomas
Absent: T. Catlett
Phone in: G. Ohrstrom
Staff: A. Teetor, J. Feaga, R. Couch-Cardillo
Other: Hallie Harriman, Piedmont Environmental Council

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

Minutes On motion of Ms. Thomas, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of February 11, 2022 with corrections.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$35,913 consisting of \$131,816 in the donations account, \$234,709 in stewardship/restricted, and \$-330,611 in local funds. Ms. Teetor stated that the negative balances are the result of the RSP Enterprises closing. The reimbursement requests have been submitted and a positive fund balance should appear on next month's financial report. Additional expenses relate to the repair of the Kohn well, attorney fees, and the website annual fee.

Public Relations: Ms. Cardillo stated that so far in 2022 we have already received \$2,970 from 25 donors which is a great start for the New Year. She updated members on the Take a Hike project, which was discussed at the last meeting. She stated she is working with Felicia Hart to revise and update the Take a Hike brochure. Two hikes #3 and #10 were recommended for removal since there is limited parking for the hike.

She stated that the spring newsletter is at the printer. This is the newsletter that goes to donors. She hopes to highlight the Smithfield Farm easement closing for the next newsletter that will go out in the tax bills. She asked if the group had any interest in hosting another information session on conservation easements similar to the one we had at Camino Real several years ago. Mr. Buckley suggested it could be held at Long Branch. Dates were discussed and September was suggested but with the donor reception scheduled for October they might be too close together so no decision was made for the workshop date. This will be discussed at the next meeting. Another upcoming event is the Authority's 20th anniversary in June. Mr. Buckley suggested that a reception could be held at Long Branch with wine, and appetizers. Landowners who have donated land to the Authority could be invited.

With the recordation of Smithfield, Ms. Teetor asked if the group wanted to put out a press release recognizing the easement and the financial contributions of our partners, Natural Resource Conservation Service (ALE, Federal grant), Virginia Land Conservation Fund (VLCF, state grant) and the Virginia Department of Agriculture and Consumer Services (VDACS). Members discussed the idea and suggested that it only be done with permission from the property owner and that the amount of funding is not included in any articles.

Discussion a. Bruce and Debbie Anderson – request to increase square footage of structures This is a continued discussion from the last meeting. Bruce and Deborah Anderson have applied to the easement authority for approval of an easement donation. The property consists of two parcels, Tax Map# 30-A-74 consists of 30.76 acres with an existing house and a <600 square foot apartment, and Tax Map# 30-A74A consisting of 2.0 acres with 1 DUR.

The Andersons have requested an exception to the maximum square footage allotment for parcels between 30 and 40 acres of 20,000 sq ft.. At the December meeting members discussed the Anderson's proposal to allow for an exceedance of 20,000 sq ft. for a total amount of 40,000 sq ft.. Members discussed the request to exceed the 20,000 square foot cap for structures and determined that 1) it sets precedence for other future easements, 2) it isn't fair to others that have had to adhere to the requirement, and 3) that having over 2% impervious area detracts from the conservation value of the property. Based on these reasons the request was denied.

At the February meeting members discuss a revised request submitted by the Andersons to allow for a maximum of 31,200 square feet, which is 11,200 sq ft above the limit. The main question that was brought up is whether or not the exceedance is detrimental to the conservation values of the property. Some members felt it wouldn't be a problem as the purpose of easements is to protect agriculture uses, which includes horse activities. Others were concerned that since we have the policy we shouldn't just allow exceptions on a routine basis. A second site visit was held on March 1st. The purpose of the visit was to look at the location of the arena in relation to Millwood Road, a designated scenic byway, and determine if options were available to reduce the potential visual impact of the proposed covered arena. The site visit was attended by Mr. Buckley, Ms. Bacon, and Ms. Jones from the Authority and Ms. Teetor and Mr. Feaga, staff.

Several issues were discussed at the site visit were reviewed by the full membership. These included:

- 1) using evergreens to screen the arena from the road. Mr. Feaga opined that this might be difficult and there is already a forest of oak that might preclude growth of evergreens due to shade and other factors.
- 2) looking at the Property Resource Score as points were given for frontage on a scenic byway, how would this impact the score. Ms. Teetor reviewed the scoring, the original score is The property resource score is 60.1, points were given for retiring 1 DUR, having a house that is a contributing structure in the Greenway Rural Historic District (12 points), and having frontage on 2 scenic byways Millwood Road and Tilthammer Mill Road. The score sheet is attached. Removing points for the frontage on Millwood Road reduces the score by 4 points. Bringing it down to 56.1, which would not impact the parcels meeting the criteria.
- 3) Seeing if the easement could be held by another entity such as the Land Trust of Virginia or Old Dominion Land Conservancy, who might have different criteria for easement acceptance. Ms. Teetor sent an email to the Anderson's to see if they would be open to this idea but no response was received prior to the packet being completed.

Members discussed the options and added two other considerations 1) put the roof on before taking the easement and 2) leaving the arena out of the eased area. They directed staff to see if any other easement holders would be interested in taking the easement. The item will be revisited at the next meeting.

b. Building envelope requirement

The Authority has been discussing the potential for requiring building envelopes for all conservation easements. The concern is that the IRS may not approve tax credits for easement donations without building envelopes on all easement properties. The purpose of the requirement is to prevent the random placement of structures throughout a property which could impact the open space and other conservation values. At the December meeting, Mike Kane, Director of Conservation, Piedmont Environmental Council (PEC), was

present to discuss building envelopes on conservation easements and whether or not they should be required. The Authority has been discussing this informally for several months and invited Mr. Kane as he has a great deal of experience through his work with PEC and Loudoun County. He provided documents developed by the Land Trust Alliance, Conservation Defense Initiative. The Initiative is aimed at identifying potential legal issues regarding conservation easements that might make them more susceptible to extinguishment or to have issues with Internal Revenue Service tax laws. One document titled "Pointers for Balancing Risk When Permitting Structures on Deductible Conservation Easements After the Tax Court Decisions in Pine Mountain Preserve and Carter" speaks specifically to the need for requiring building envelopes, reasoning that if structures are permitted to be built anywhere on the property it could detract from the conservation values that were valued in the appraisal. Mr. Kane described the Pointers for Balancing Risk on Permitted Structures that provides a spectrum of risk for various options. The lowest risk includes requiring building envelopes. He suggested reviewing the current PEC deed template, as well as the Virginia Outdoors template. In addition to the building envelope issue he also discussed boundary line adjustments, stating that current recommendations from the Land Trust Alliance are to not allow any change to the easement boundaries after an easement has been recorded. Almost all of the current easements held in Clarke allow for boundary line adjustments under certain circumstances. Attached is the handout provided by Mr. Kane discussing the "Pointers for Balancing Risk on Permitted Structures. Ms. Bacon opined that the requirement could be at our discretion based on the individual property. Mr. Ohrstrom asked Ms. Harriman to provide a copy of the PEC deed template, and see what the Virginia Outdoors Foundation requires. After discussion members asked staff to get an opinion from Mr. Mitchell as to whether or not building envelopes should be required for every easement.

Report on Applications for Easement Purchase/Donation a. Jeff Murphy – new application – DUR purchase

Jeff Murphy has applied to the easement authority for approval of an easement DUR purchase. The property consists of two parcels 3-A-55C, 121.12 acres, with 1 existing house and 5 remaining DURs. The second parcel 3-A-55D consists of 1.8 acres with 1 DUR. The property is located at 2486 Longmarsh Rd. approximately .4 miles south of the intersection with Old Charlestown Road. The large parcel has an existing house built in 1984. The current land use is for hay and pasture. Mr. Murphy is planning to run a race horse training facility on the property. The applicant would like to retire 4 of the remaining 6 DURs and merge the 2 parcels.

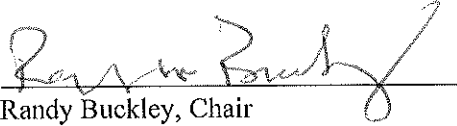
The property meets 3 of the 4 criteria by scoring over 35, being over 40 acres, and giving up 4 DURs. It is not next to an adjacent easement. The property resource score is 62.8, points were given for retiring 4 DURs, and having about an acre of wetlands. There is an intermittent stream feeding a small pond and Mr. Murphy has expressed interest in creating a riparian buffer around the area. Mr. Feaga stated that he was working on developing a riparian buffer and other plantings around the existing pond and intermittent stream. He has set up a meeting with staff from the Lord Fairfax Soil and Water Conservation District and Piedmont Environmental Council to see what cost share and grant opportunities might be available to Mr. Murphy. On motion of Ms. Jones, seconded by Ms. Thomas, members gave preliminary approval and asked staff to schedule a site visit.

b. Bradley and Kathryn Keister – easement donation – update

Ms. Teetor stated that the Kester's had applied in July of 2021 and were given final approval in August 2021 by the Authority, and final approval by the Board of Supervisors on September 21, 2021 for the easement donation. The property is located at 240 Ashley Woods Lane on the west side of Blue Ridge

Mountain Road approximately 1.1 miles north of the intersection with Morgans Mill Road. The property has an existing house build in 2015 and consists of 34.47 acres. There are no remaining Dwelling Unit Rights (DURs). The parcels are primarily forested. The Keisters had delayed closing on the easement until 2022 so that they could pay off the mortgage.

Adjournment There being no further business, Ms. Jones moved and Ms. Bacon seconded that the Authority adjourn to the next regularly scheduled meeting Friday April 8th in the Government Center A/B/Conference room at 10 am. The motion to adjourn was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 8 April 2022

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Friday 8 April 2022, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, T. Catlett, and John Hedlund
Absent: M. Jones, W. Thomas
Phone in: G. Ohrstrom
Staff: A. Teetor, J. Feaga, R. Couch-Cardillo
Other: Hallie Harriman, Piedmont Environmental Council

Call to Order Mr. Buckley called the meeting to order at 10 am. He took a minute to introduce the newest appointment to the Authority, John Hedlund. Mr. Hedlund will represent the Berryville District.

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

Minutes On motion of Mr. Ohrstrom, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of March 10, 2022 as presented.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$420,437.27 consisting of \$131,541.83 in the donations account, \$234,918.80 in stewardship/restricted, and \$53,976.64 in local funds. Ms. Teetor stated that the positive balances reflect receipt of all reimbursement requests for the RSP Enterprises, LLC grant purchase. Monthly expenses were for production and mailing of the winter newsletter, sponsorship of the VAULT conference, and expenses related to the awards luncheon. Revenues from rollback tax were reviewed. Ms. Teetor will present a summary of the March rollback at the May meeting. Members also discussed the funds available from VDACS. Ms. Teetor will provide a summary of the remaining VDACS funds at the May meeting.

Public Relations: Ms. Cardillo stated that so far in 2022 we have already received \$5,691 from 45 donors which is 20 more donors than last month indicating the impact of the winter newsletter. She is working on the spring newsletter that will go out in the tax bills. She stated that the Pritchards, who own Smithfield Farm are not interested in being featured, so Ms. Cardillo asked for other suggestions. Ms. Teetor mentioned Mr. Pratt who placed 180 acres off of Mt. Carmel Road into easement last year. Mr. Ohrstrom stated that the story could expand to include benefits of spending local funds on easements. Another suggestion was to interview Tony and Donna Koon who placed their 216 acre farm in easement in 2009 as part of a grant purchase. They have reinvested the easement purchase funds to expand into a high tech milking operation and are working on establishing a creamery on the farm. Members agreed this would be a great feature story. Ms. Cardillo also brought up the 20th anniversary celebration. Members agreed on either June 15th or 16th from 5-7pm depending on the availability of Long Branch. The event will include a small reception highlighting the accomplishments and future goals of the Authority. Another upcoming event is the Conservation easement information workshop. Ms. Teetor had been contacted by Brook Middleton, a tax credit broker, who organized a similar workshop in Loudoun County. Ms. Teetor will get the agenda and other information for member consideration at the next meeting. Ms. Cardillo also updated members on the

Take a Hike Project. The event maybe delayed until November as the Blue Ridge Wildlife Center, a principal organizer, has been shut down due to avian influenza. Other activities include development of information to include in the welcome wagon to new residents. Ms. Catlett attended the first new resident welcome event held at the Barns of Rosehill. She stated that for a first time event she thought it was well attended. More events are anticipated later this year.

Discussion

a. Bruce and Debbie Anderson – request to increase square footage of structures This is a continued discussion from the last meeting. Bruce and Deborah Anderson have applied to the easement authority for approval of an easement donation. The property consists of two parcels, Tax Map# 30-A-74 consists of 30.76 acres with an existing house and a <600 square foot apartment, and Tax Map# 30-A74A consisting of 2.0 acres with 1 DUR.

The Andersons have requested an exception to the maximum square footage allotment for parcels between 30 and 40 acres of 20,000 sq ft.. At the December meeting members discussed the Anderson's proposal to allow for an exceedance of 20,000 sq ft. for a total amount of 40,000 sq ft.. Members discussed the request to exceed the 20,000 square foot cap for structures and determined that 1) it sets precedence for other future easements, 2) it isn't fair to others that have had to adhere to the requirement, and 3) that having over 2% impervious area detracts from the conservation value of the property. Based on these reasons the request was denied.

Staff presented a summary of the Anderson's request and how it adheres to the County's easement policies. The properties meet the criteria for consideration by the Authority for an easement donation. The applicant's request to exceed the square footage in order to construct a cover over the existing riding arena does not meet with the Authority's policy of a maximum of 20,000 square feet for properties between 30 and 40 acres. The Andersons would prefer not to have the easement held by a private land trust, and the 2 acre property could not be considered on its own as it doesn't meet the criteria for zero DURs.

Members discussed the potential of allowing large agricultural buildings so long as their use and visual impact is not contrary to the terms of the easement. Ms. Harriman suggested that the Authority consider a provision regarding outdoor lighting. Mr. Feaga suggested that criteria for donations could be less strict than easement purchases. Mr. Hedlund opined that uses and structure size are not necessarily one size fits all. Mr. Buckley stated that it is a tough decision and needs to be discussed thoroughly. After further discussion, members asked staff to develop a draft policy that would address the conditions where large buildings would be permitted, for what uses, and of what materials and siting conditions.

b. Building envelope requirement

Staff contacted Mr. Mitchell to get his opinion as to whether or not building envelopes should be required on every easement. Mr. Mitchell has had two trials this month for the County has not had time to review the material. A report will be submitted at the May meeting.

c. Powhatan School request for composting toilets

The Crocker Conservancy is a property that was donated to the Powhatan School and placed in Conservation Easement with the Authority in 2011, Tax Map# 29-A-16. The property is being used for outdoor education. The school has made several permitted improvements including construction of a covered outdoor pavilion, wetlands boardwalk and trails. *On motion of Ms. Wallace, seconded by Ms. Thomas, members voted to approve the use of property for the cross country meet and conservation fair, to not approve the donation for the speaker, and to approve use of the composting toilets on condition that the footprint be included as*

part of the allowable square footage, and that Mr. Mitchell reviews the Deed to insure that this type of structure could be permitted.

There is no record of Mr. Mitchell being contacted to review the deed. Therefore on motion of Mr. Hedlund, seconded by Ms. Bacon, members gave preliminary approval for the use of composting toilets at the Crocker Conservancy pending Mr. Mitchell's approval.

Report on Applications for Easement Purchase/Donation


On motion of Ms. Bacon, 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 Ms. Bacon, seconded by Mr. Ohrstrom the Authority unanimously approved reconvening in Open Session. Mr. Ohrstrom moved, seconded by Ms. Bacon, 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	Abstain	Mr. Hedlund	Aye
Ms. Thomas	Absent	Mr. Ohrstrom	Aye	Ms. Jones	Absent
Ms. Catlett	Aye				

On motion of Mr. Ohrstrom, seconded by Mr. Hedlund members voted to approve a DUR purchase of \$40,000/DUR, multiplied by the income factor of 88%, for a total of \$140,800 for the purchase of 4 DURs on the property owned by Jeff Murphy, Tax Map#'s 3-A-55C & 3-A-55D.

Adjournment There being no further business, Ms. Catlett moved and Ms. Bacon seconded that the Authority adjourn to the next regularly scheduled meeting Friday May 13th in the Government Center A/B/Conference room at 10 am. The motion to adjourn was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 13 May 2022

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Friday 13 May 2022, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, M. Jones, T. Catlett, and John Hedlund
Absent: W. Thomas
Phone in: G. Ohrstrom
Staff: A. Teetor, J. Feaga, R. Couch-Cardillo

Call to Order Mr. Buckley called the meeting to order at 10 am.

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

Minutes On motion of Ms. Catlett, seconded by Mr. Hedlund, the Authority unanimously voted to approve the minutes of April 8, 2022, with corrections. Ms. Jones abstained.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$422,395.02 consisting of \$132,621.65 in the donations account, \$235,025.27 in stewardship/restricted, and \$54,748.10 in local funds. Monthly expenses were for the mailing of the winter newsletter. Revenues from rollback tax were reviewed. Ms. Teetor provided a summary of the March rollback with an explanation from the Commissioner of Revenue on when rollback taxes are applied and how they are calculated. Members also discussed the funds available from VDACS. Ms. Teetor provided a summary of the remaining VDACS funds, showing an approximate remaining balance of \$149,800 after the Murphy closing, these funds need to be used by June 30th, 2024. The number is approximate as the closing costs for Murphy have not been calculated. Ms. Teetor also handed out a spreadsheet detailing all of the easement purchases using VDACS funds to show how the landowner income factors into the purchase price. Ms. Teetor also updated members on the funding for the Murphy purchase. In an effort to use remaining FY2020 VDACS funds before they expire, Ms. Teetor asked the finance committee for a recommendation to approve the appropriation for the purchase. As the Authority has used it's appropriated \$150,000 for FY22, it is hoped that the Board will agree to cover the local expense of \$70,500 from the general fund at their May 17th meeting.

Public Relations: Ms. Cardillo stated that donations continue to come in and so far in 2022 we have received \$7,341 from 53 donors. She has been organizing the 20th Anniversary celebration schedule for June 16th from 5-7 pm at Long Branch. Invitations will be sent within the next couple of weeks. She asked for suggestions regarding any special guests that should be included. Members suggested inviting past Authority members. The invitation will also go out to all easement property owners. Ms. Cardillo suggested that it might be nice to have pictures of some of the eased properties along with the stories of how the land was protected. A second event in the works is the Conservation Easement information workshop to be held in September potentially at the Barns of Rose Hill. Ms. Cardillo will contact the coordinator to see what dates are available. Potential speakers include Brook Middleton, panel of easement landowners and the Piedmont Environmental Council. Ms. Teetor included an agenda and powerpoint presentation from a similar workshop held earlier this month in Loudoun County. Ms. Cardillo also stated that the Spring

Newsletter has been delivered for inclusion in the June tax bills. The featured article is about the Edgewood Dairy easement, owned by Tony and Donna Koon.

Discussion

f. **Building envelope requirement** – At the March meeting, members asked staff to get an opinion from Mr. Mitchell regarding whether or not building envelopes should be required on all new easement properties. His opinion was included in the packet. He stated that he finds the requirement of building envelopes on all conservation easements to be advisable. He provided several provisions for the Authority to consider; 1) excluding run in sheds from being required in the envelope, 2) whether or not to require the envelopes be surveyed and 3) that building envelope relocation can be permitted but only with approval from the Authority. Members discussed these issues and opined that run in sheds should be excluded but that a size limit should be established. They also agreed that providing GPS coordinates on a map is adequate to define the location and size of the envelopes rather than requiring a survey. Members stated that they agreed building envelopes could be moved with approval from the authority. In all cases building envelopes shall be located so as to minimize impacts on the conservation values. Staff provided excerpts from deed templates from Virginia Outdoors Foundation (VOF), Land Trust of Virginia (LTV), and the Piedmont Environmental Council, as examples of what other easement holders require. Members asked staff to do additional research and provide a draft policy at the June meeting.

b. **Powhatan School request for composting toilets** - The Authority requested staff to contact Mr. Mitchell regarding his opinion on whether or not composting toilets are permitted on the Crocker Conservancy easement. Mr. Mitchell provided suggested language, included in the packet, for a motion permitting the installation of up to two composting toilets provided that the footprint of the toilets be included as part of the total 3,000 square feet permitted in the deed. On motion of Ms. Bacon, seconded by Ms. Jones the motion was unanimously approved. Staff will provide more detailed information on size, materials, and location when Powhatan submits their plans.


c. **Kohn property well** – Ms. Teetor provided background stating that the Clarke County well ordinance requires all new wells to be tested for nitrates and bacteria prior to receiving an operations permit. The new well at the Kohn property was never tested and so Mr. Feaga has been working to bring the water supply into compliance. His report is included in the packet. As the well failed the total coliform test, we are required to chlorinate the well in order to try and eliminate the bacteria, this process and a second test cost \$300. Members expressed concern that the expenses related to the well and septic on the Kohn property have been extensive and other funding sources should be considered besides the Authority, including potentially developing a friends of Kohn Cabin group. They also asked to see a copy of the lease agreement to better understand the County's versus Potomac Appalachian Trail Club responsibilities. On motion of Ms. Bacon, seconded by Mr. Hedlund, the easement authority agreed to pay the \$300 for the chlorination and re-testing provided it comes out of the stewardship account, and that if additional work is needed the County should provide funding.


d. **VAULT Conference** – Mr. Feaga attended the VAULT Greenways conference in Richmond. He provided a summary that is included in the packet. He stated that it was a great opportunity to meet representatives from other land trusts and state agencies involved in conservation easements.

e. **Policy development – large agricultural structures** – Ms. Teetor provided background material from deed templates from the Virginia Outdoors Foundation, Land Trust of Virginia, and the Piedmont Environmental Council. Members discussed the excerpts from the NERD Farm deed of easement held by the Land Trust of Virginia. It is a 165.73 acre farm with up to 70,000 square feet or < 1%

impervious surface allowed, 56,000 are existing. The Authority suggested developing criteria as to how much, where and what can be constructed, recognizing that every situation is a little bit different, and there may need to be exceptions to the amount of structural footprint permitted. Staff will continue to research what other easement programs are doing to allow large agricultural structures.

Adjournment There being no further business, Ms. Bacon moved and Mr. Hedlund seconded that the Authority adjourn to the next regularly scheduled meeting Friday June 10th in the Government Center A/B/Conference room at 10 am. The motion to adjourn was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 24 May 2022

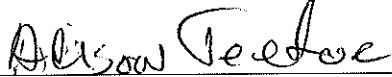
A special meeting of the Conservation Easement Authority was held at 9:00 am on Tuesday May 24, 2022, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, M. Jones and John Hedlund
Absent: W. Thomas, T. Catlett,
Phone in: G. Ohrstrom
Staff: A. Teetor, J. Feaga

The purpose of the special meeting was to review and give final approval to the subdivision potential and permitted building and structures for the property identified by Tax Map#'s 3-A-55C and 3-A-55D owned by Jeff Murphy. Ms. Teetor provided excerpts from the deed of easement. Mr. Murphy has an existing 1.8 acre lot and a 121+ acre lot – each would retain 1 DUR. He has requested the ability to expand the existing lot to 3 acres and subdivide off another 3 acre lot in the future.

Members reviewed the pertinent paragraphs and recommended the following changes: 1) The location of the second three (3) acre lot must be approved by the Authority; 2) the two 3 acre lots are not permitted a 600 square foot apartment as the zoning requirement is that a parcel must be at least 6 acres in size in order to qualify for one. On motion of Mr. Ohrstrom, seconded by Ms. Jones, members approved the revised language for the deed of easement. Mr. Buckley abstained.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 10 June 2022

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Friday 10 June 2022, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, T. Catlett, and W. Thomas
Absent: G. Ohrstrom, M. Jones
Phone in: John Hedlund
Staff: A. Teetor, J. Feaga, R. Couch-Cardillo, Hallie Harriman, PEC (phone in)

Call to Order Mr. Buckley called the meeting to order at 10 am.

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

Minutes On motion of Mr. Hedlund, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of May 13, 2022, with corrections. Ms. Catlett abstained. On motion of Ms. Bacon, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of May 24, 2022 special meeting.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$288,078.44 consisting of \$132,757.65 in the donations account, \$235,122.88 in stewardship/restricted, and \$-79,802.09 in local funds. The Board of Supervisors did approve funding the Murphy DUR purchase out of the General Fund. The negative balance in the local funds account is because we have not received reimbursement from VDACS. We should receive those funds prior to the July meeting. Monthly expenses were for the production of the spring newsletter and the Murphy closing.

Public Relations: Ms. Cardillo stated that donations continue to come in and so far in 2022 we have received \$9,692 from 71 donors. She has been organizing the 20th Anniversary celebration schedule for June 16th from 5-7 pm at Long Branch. She told members that rather than printing photos, at considerable cost, she would like to project a revolving slide show of pictures from past events and newsletters. To date approximately 30 people have responded. Members discussed logistics of the celebration, Mr. Buckley agreed to get wine and beer, and Ms. Cardillo will pick up soft drinks and snacks. The plan is for Mr. Buckley to give some opening remarks around 5:30, followed by Mr. Weiss and Ms. Mackay-Smith. Ms. Harriman will bring maps showing easements throughout the region. Ms. Cardillo will bring some of the Take a Hike brochures. Regarding the Conservation Easement Information Workshop to be held this fall, Ms. Cardillo is still waiting on the Barns to provide possible dates. Ms. Teetor will contact Mr. Middleton once a date or dates has been selected.

Discussion

a. **Powhatan School request for composting toilets** – Mr. Feaga summarized the staff report provided in the packet. The school provided documentation regarding the size, type, location of the proposed composting toilet and the area for burying the composted material. The Health Department and Building Department have approved the installation. On motion of Ms. Thomas, seconded by Ms. Bacon the Authority unanimously approved the design and siting of the composting toilet and burial area.

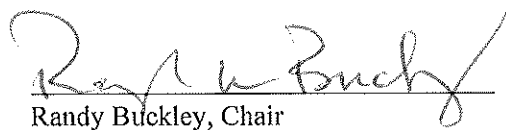
d. **Policy Development – large agricultural structures/Building envelope requirement –** Staff provided additional material regarding the large agricultural structures and building envelopes. Ms. Teetor suggested that criteria could be developed that would apply to the siting of both. Mr. Buckley stated though it would be nice to avoid siting structures on prime soils, it is not always practical as most other areas are rocky. Ms. Thomas restated that each property should be looked at on a case by case basis. Others agreed that we don't want to scare landowners away from doing easements if they are too strict. Mr. Buckley stated that if a large structure is built on eased land, the Authority will at least have control over siting and construction materials. A question came up regarding the IRS as to whether or not amount of impervious surface was part of their concern or just building envelopes. Ms. Harriman stated that the primary concern of the IRS is insuring that buildings aren't located haphazardly. Mr. Buckley brought up the case of the "farm" road outside of Charlottesville that ended up being a go cart track. Ms. Harriman stated that the PEC deed template requires that landowners contact them prior to any construction or land disturbance. Members continued to discuss the proposed criteria and were concerned about the allowable uses in large buildings. Ms. Harriman said that PEC limits parking which essentially limits certain types of uses such as large event centers, breweries, or other such commercial enterprises. Ms. Harriman will provide staff with a copy of the section of their deed template that addresses these issues. Ms. Teetor stated that the County's current deed template also addresses these uses. Staff was asked to provide a draft policy at the July meeting.

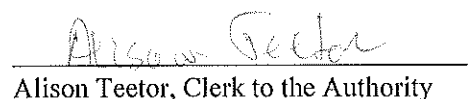
e. **Kohn property well/lease –** Mr. Feaga provided an update on the status of the Kohn well. He stated that he had the well chlorinated and flushed before taking a second sample. Unfortunately the lab could not test the 2nd sample as it contained too much chlorine. There was no charge for the analysis. He will sample again later this month. At the last meeting members asked to see a copy of the lease describing the responsibilities for the Potomac Appalachian Trail Club (PATC) and the County. Page 10 of the lease states that PATC shall be responsible for all utilities. Member discussed whether or not this should include the well and agreed that utilities would include items like electric, phone or gas, not the well and septic systems.

Report on Applications for Easement Donation

a. **Ellen Dupuy – easement donation – new application.** Ms. Dupuy has applied for an easement donation for the property identified as Tax Map# 24-A-25 located at 264 Bell Lane. The property consists of 88.25 acres, with 4 remaining DURs, and an existing house built in 1900. The house is in poor condition and would likely be demolished. Ms. Dupuy would like to retire 3 DURs and keep 2, allowing for a primary and secondary dwelling with no subdivision. The property meets all of the 4 criteria. The property resource score is 65.04, the parcel is greater than 40 acres, is retiring 3 DURs, and is adjacent to two existing easements. On motion of Ms. Bacon, seconded by Ms. Thomas members gave preliminary approval to the easement donation and asked staff to schedule a site visit.

Adjournment There being no further business, Ms. Bacon moved and Mr. Hedlund seconded that the Authority adjourn to the next regularly scheduled meeting Friday July 8th in the Government Center A/B/Conference room at 10 am. The motion to adjourn was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

CLARKE COUNTY
Conservation Easement Authority
Minutes – 8 July 2022

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Friday 8 July 2022, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, M. Jones, J. Hedlund, and W. Thomas
Absent: G. Ohrstrom, T. Catlett
Staff: A. Teetor, J. Feaga, R. Couch-Cardillo, Hallie Harriman, PEC

Call to Order Mr. Buckley called the meeting to order at 10 am.

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

Minutes On motion of Mr. Hedlund, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of June 10, 2022, with corrections. Ms. Jones abstained.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$425,818.52 consisting of \$131,128.13 in the donations account, \$234,918.08 in stewardship/restricted, and \$59,772.31 in local funds. Monthly expenses were for the 20th Anniversary celebration, well testing at the Kohn cabin, and legal expenses related to the Murphy closing. Ms. Teetor also asked for approval to purchase additional easement signs. The last order from A Sign Place was approximately \$400 for 20 signs. On motion of Ms. Jones, seconded by Ms. Bacon, members approved an expenditure of up to \$1,000 for new signs that are pre-drilled. Ms. Teetor will get quotes from A sign Place and Vital Signs in Charles Town, WV.

Public Relations: Ms. Cardillo stated that donations topped \$10,000 from 79 donors, up 8 donors from last month. She provided a debriefing of the 20th Anniversary celebration. She stated that approximately 75 persons attended which was a very good turnout. Everyone agreed that Long Branch was a great venue and Matt Hannah very easy to work with. She stated that she received several comments on the maps and members thanked Ms. Harriman for bringing the PEC regional maps. Ms. Cardillo also suggested that the revolving slide show could be used again at future events. She will have a story about the event in the next newsletter, members suggested acknowledging patrons of the event in the article. The next event will be the Conservation easement information workshop scheduled for September. She suggested several dates that are available at the Barns of Rosehill and hopes to finalize a date in the next week or so. Ms. Harriman indicated she was not available on September 14th. Ms. Teetor will contact Mr. Middleton once a date or dates has been selected. Ms. Cardillo asked members for other potential speakers. Members discussed landowners like Jeff Murphy, and others involved in a donation or grant purchase for a similar panel as the last workshop, in addition to an appraiser and lawyer. Ms. Cardillo asked Ms. Teetor to provide some background material on Mr. Murphy. The other upcoming event is our sponsorship of the Clarke County Fair. Members agreed to sponsor the Fair, in particular the Pig Scramble where we would have a banner on the tower, and Public Service announcements throughout the fair. The Authority would also be able to set up a booth in the Horticulture Building as we have done in years past.

Discussion

a. Policy Development – large agricultural structures/Building envelope requirement –

Staff provided a summary of what members discussed at the last meeting and tentatively agreed upon policies regarding building envelopes and the large agricultural structures. Also included in the staff report were comments from Ms. Harriman, the current County deed template, PEC deed template, and a proposed definition of an agricultural structure, which was handed out at the meeting. Members reviewed the material and agreed that a large agricultural building should be defined as a structure not to exceed 10,000 square feet. Other discussion included determining the number and size of building envelopes permitted on any given parcel. Staff was asked to develop a chart detailing different options. Members discussed including definitions, agreeing that it may be important to allow different envelopes for barns and agricultural buildings verses residential structures. Ms. Jones reiterated that the Authority should require building envelopes per advice from our attorney. Mr. Buckley suggested we tie use of large buildings to agricultural production. He provided a couple of examples for consideration. Members agreed that it should be included in the definitions. Ms. Harriman suggested that there be limits on the number of building envelopes. At PEC they allow 2 potential sites but the owner can only choose one. In many cases the size of the building envelope is limited by the amount of allowable impervious surface. Staff will develop options for size and number of building envelopes per parcel, taking into consideration parcel size and amount of allowed impervious surface, develop a definition section and codify the currently agreed upon sections, for review at the next meeting.

c. Kohn property well/lease –

Mr. Feaga provided an update on the status of the Kohn well. He stated that after the June meeting he resampled the well and it passed the required bacteria test. Next he will be working to get the permit for operating a short-term rental business.

Report on Applications for Easement Donation

a. Ellen Dupuy – revised application to request a DUR purchase rather than a donation.

Ms. Dupuy has applied for an easement donation for the property identified as Tax Map# 24-A-25 located at 264 Bell Lane. The property consists of 88.25 acres, with 4 remaining DURs, and an existing house built in 1900. The house is in poor condition and would likely be demolished. Ms. Dupuy would like to retire 3 DURs and keep 2, allowing for a primary and secondary dwelling with no subdivision. The property meets all of the 4 criteria. The property resource score is 65.04, the parcel is greater than 40 acres, is retiring 3 DURs, and is adjacent to two existing easements. At the last meeting members gave preliminary approval and conducted a site visit on Thursday July 7th. Since the June meeting Ms. Dupuy asked staff what options were available to get some financial gain from the retirement of the DURs without having to obtain an appraisal. Ms. Teetor explained the DUR purchase option which Ms. Dupuy is interested in pursuing. The request will be considered in closed session.

Report on Applications for Easement Purchase/Donation

On motion of Mr. Hedlund, 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. Hedlund, seconded by Ms. Bacon the Authority unanimously approved reconvening in Open Session. Ms. Jones moved, seconded by Mr. Hedlund 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. Hedlund	Aye
Ms. Thomas	Aye	Mr. Ohrstrom	Absent	Ms. Jones	Aye
Ms. Catlett	Absent				

On motion of Ms. Jones, seconded by Ms. Bacon members voted to approve a DUR purchase of \$40,000/DUR, multiplied by the income factor of 34%, for a total of \$40,800 for the purchase of 3 DURs on the property owned by Ellen Dupuy, Tax Map# 24-A-25.

Adjournment There being no further business, Ms. Jones moved and Mr. Hedlund seconded that the Authority adjourn to the next regularly scheduled meeting Friday August 12th in the Government Center A/B/Conference room at 10 am. The motion to adjourn was approved unanimously.


Randy Buckley, Chair


Alison Teetor, Clerk to the Authority

No August Meeting

CLARKE COUNTY
Conservation Easement Authority
Minutes – 9 September 2022

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Friday 9 September 2022, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, M. Jones, J. Hedlund, T. Catlett, and W. Thomas
Absent: G. Ohrstrom,
Staff: A. Teetor, J. Feaga, H. Harriman, PEC (by phone)

Call to Order Mr. Buckley called the meeting to order at 10 am.

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

Minutes On motion of Ms. Bacon, seconded by Mr. Hedlund, the Authority unanimously voted to approve the minutes of July 8, 2022, with corrections. Ms. Catlett abstained.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$499,426.19 consisting of \$130,543.11 in the donations account, \$233,831.92 in stewardship/restricted, and \$135,051.16 in local funds. Ms. Johnson from Finance also provided a spreadsheet detailing the VDACS remaining balance with the total remaining funds of \$128,873.02. Monthly expenses were for the summer intern, the fair sponsorship, and the Barns of Rose Hill rental payment for the workshop.

Public Relations: Ms. Cardillo was not present so Ms. Teetor reviewed her report. To date there have been \$10,722 in donations from 84 donors. She provided a debriefing of the Fair Sponsorship, stating that the group is very easy to work with and grateful for the support. She has been working on the workshop scheduled for Thursday September 22nd from 6:30-8:00pm. She has lined up the speakers and is working with Ms. Mackay-Smith for the introduction to easements. Members discussed taping the presentations for display on the website. Mr. Feaga stated he could do the taping. Postcards have been sent out and publicity initiated for the event. Ms. Harriman agreed to put together easement folders that describe the process and tax benefits for distribution at the workshop. The summer newsletter will be heading to the printer soon. Featured stories are the easement purchase for Jeff Murphy, the 20th Anniversary celebration and the upcoming workshop. She also stated that the annual Donor Reception is scheduled for Friday October 21st at Camden courtesy of Mr. Ohrstrom.

Discussion

a. **Policy Development – large agricultural structures/Building envelope requirement –**
Staff provided a draft policy for consideration. The policy is based on a statistical summary of 25 current Clarke County easements that have building envelopes, and a summary of tentatively agreed upon policies regarding building envelopes and the large agricultural structures as previously discussed by the Authority.

Staff went through the proposed sections. For Definitions members discussed combining the two Agricultural Building definitions and agreed on the following wording “Agricultural building” means a structure used solely for agricultural purposes in which the use is exclusively in connection with the

production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, or where agricultural products are processed or treated or packaged. It shall not be a place used by the public.

The remaining definitions were approved as submitted. Mr. Feaga analyzed 25 County held easements that have required building envelopes in an attempt to determine if any patterns could be identified. The general trends are as follows:

1. The total acres of building envelope tends to go up with the size of total farm acres. There are some easements with many acres of envelope that are outliers from the trend.
2. Impervious surface allowed goes up with farm acreage, usually dependent on whether 2% or 1% rate. It looks like some of the smaller easements are allowing 2%, which would allow more construction.
3. The number of envelopes appears to go up with farm acreage. No easement under 50 acres had more than one envelope. No obvious trend for easements > 50 acres.
4. The acres of impervious surface allowed goes up with total acres of building envelopes, but not quickly for the properties with large building envelopes. Perhaps the properties with many building envelopes are created to maximize flexibility as opposed to allow for more development of structures.

Mr. Feaga explained that reducing the impervious surface to 1% for properties over 50 acres is unreasonably restrictive, as it is too abrupt of a transition - allowing up to 50 acres 2% then cutting the amount in ½ for a 51 acre parcel. Mr. Feaga suggested adding 0.5 acres to the 1% cap for any parcel over 50 acres. This would allow for an incremental increase in the square footage but not increase the amount as quickly as a percentage amount. It is also easy to calculate and objective. Ms. Catlett asked if the IRS had any concerns over the number of building envelopes. Ms. Harriman stated that in general the IRS prefers fewer envelopes that are static rather than floating but the primary objective is to limit structure sprawl. She stated that this is why PEC allows for a property owner to have 2 envelopes but ultimately choose 1. Ms. Jones described her understanding of the process for determining building envelope size and location; the landowner selects the site or sites for the building envelopes based on the guidelines, staff reviews the location to determine if there is any infringement on conservation areas, and then the Authority would review and approve the final proposed locations and size prior to the deed recordation. Members agreed this was a good approach that meets the objectives of the IRS while still providing some flexibility. Ms. Teetor went on to reiterate that building envelopes shall be located to minimize impacts on conservation areas. Conservation areas are generally described as features identified in the Property Resource Score. Staff briefly summarized the other sections that had previously agreed upon including structures permitted outside of building envelopes, building envelope location identification, the ability to relocate an envelope with Authority approval and submission requirements. Discussion went back to the building envelope Size and Number chart, members expressed a desire to avoid choppy increases for allowable envelope acres between 50 acres and 100 acres, preferring a more ramped (continuous) approach. Mr. Feaga stated he could review the data and provide an alternative chart for review at the next meeting. Mr. Hedlund questioned whether it was clear as to what should be required in a building envelope, including single family dwellings. Members agreed that this could be clarified by stating that any structure not described in "Structures permitted outside of building envelopes" are required to be within a designated building envelope unless existing prior to the recordation of the deed of easement. The section describing Requirements for Location of Dwellings and other Large Buildings was discussed and Mr. Feaga commented that it needed to be clarified what buildings would be required within building envelopes.

b. **Nutrient Credits – Land Conversion** – Mr. Feaga stated that he had been approached by Chris Boies, County Administrator, to discuss with the easement authority the potential for limiting land conversion for tax credits on easement land. He suggested that members consider attaching certain criteria to where and what type of tree plantings could be permitted. This could ultimately be considered as a model for future County policy. Members agreed to discuss the concept at the October meeting. Mr. Feaga will prepare an email detailing potential criteria.

Report on Applications for Easement Donation

a. **Ellen Dupuy – DUR purchase – requested deed wording changes**

Ms. Dupuy has applied and been approved for a DUR purchase for the property identified as Tax Map# 24-A-25 located at 264 Bell Lane. Ms. Dupuy reviewed the draft deed of easement and had several requests regarding wording changes. She stated that she was surprised at how extensive the draft is and how many circumstances require prior approval from the authority. She stated further that she understands there's a balance needed between protecting the land and respecting the rights of the landowner to use the land without interference. She also said that there were some places in the wording that are confusing or subject to interpretation. Ms. Teetor asked Mr. Mitchell to review her requests prior to the meeting as he is going out of Town and Ms. Dupuy would like to close prior to the October meeting. Staff reviewed the proposed changes. Mr. Mitchell had no issues with any of the requests with the exception of the following: Ms. Dupuy requested that the term "agricultural products" be removed from the start of Section 3.3.vii stating that this suggests the need for approval to build a barn for hay, could require approval from the Authority.

Mr. Mitchell stated that this paragraph should not be changed, because "buildings for the production of agricultural products" are more than a place to store hay. Hay can be stored in a barn as a matter of right and is not produced in the barn.

Ms. Jones suggested Ms. Dupuy's editions of section 3.4Bii be changed to say: "renewable energy production for the purposes of generating energy for the agricultural and residential needs of the Property; the sale of greater than incidental excess power (as described above in paragraph 3.3 E) generated in the operation of such renewable energy structures and associated equipment shall require prior written approval of the Grantee and must be consistent with the conservation purposes of this Easement;"

Based on Mr. Mitchell's recommendations, on motion of Ms. Jones, seconded by Mr. Hedlund, members approved the deed wording changes requested by Ms. Dupuy with the exception of the change to Section 3.3.vii.

b. **Stoneridge Investments, LLC – new application – donation – 6-A-40**

Stoneridge Investments, LLC, Elaine Cain, agent, has applied to the easement authority for approval of an easement donation. The property is located at 846 Pierce Road approximately 8/10 of a mile north of Route 7. The Vandewoude family owns 4 properties and are completing a boundary line adjustment (BLA) and DUR transfer so that the final parcel boundary for the easement will be 130 acres with 2 existing houses, built in 1900 and 4 remaining DURs. The applicant intends to retire 3 of the 4 remaining DURs and will establish a building envelope. The property meets 3 of the 4 criteria by scoring over 35, being over 40 acres, and giving up 3 DURs. It is not next to any other easements. The property resource score is 68.1, points were given for retiring 3 DURs, having a sinkhole and being owned by the same family for between 30 and 50 years. On motion of Ms. Jones, seconded by Mr. Hedlund, members gave preliminary approval for the easement donation and asked staff to schedule a site visit.

c. Dennis Pippy - new application – grant purchase – Tax Map # 6-A-59

Dennis Pippy has applied to the easement authority for approval of an appraised easement purchase. The property is vacant and located at the end of Barbour Lane approximately 8/10 mile west of Moose Road. It is identified by County Tax Map# 6-A-59, consisting of 67 acres with 3 DURs. Mr. Pippy owns an adjacent property 1320 Barbour Lane, Tax Map# 12-A-1C, consisting of 49 acres with an existing house and no remaining DURs. Mr. Pippy intends to complete a boundary line adjustment between the two properties later this year so that parcel 12-A-1C would enlarge by 8 acres to 57 acres and the easement property would be reduced by 8 acres from 67 to approximately 59 acres. This would allow TM# 12-A-1C access to the Opequon. Mr. Pippy would like to retire 2 of the 3 remaining DURs. The property meets 3 of the 4 criteria by scoring over 35, being over 40 acres, and giving up 2 DURs. It is not next to an existing easement. The property resource score is 49.8, points were given for retiring 2 DURs, and having approximately ½ mile frontage on Opequon Creek. Mr. Pippy is interested in an appraised value grant purchase. A Virginia Land Conservation Fund (VLCF) grant round application deadline was September 6, 2022. Staff contacted DCR regarding eligibility and was encouraged to apply. An estimated value for the purchase is \$250,000. The VLCF grant would cover 50% or \$125,000, the applicant would provide 25% or \$62,500, the County and VDACS would each be responsible for \$31,250. Due to the grant deadline staff submitted the application prior to approval by the Authority. Mr. Pippy decided only recently to pursue the grant option, and the VLCF grant rounds are typically only open once a year. On motion of Ms. Jones, seconded by Mr. Hedlund, members gave preliminary approval for the easement grant appraisal purchase and grant application, and asked staff to schedule a site visit.

d. Rod and Maria Hunter – new application – donation – Tax Map# 39-A-17

Rod and Maria Hunter have applied to the easement authority for approval of an easement donation. The property for consists of 230 acres with 3 exemptions (pre-1980 houses) 2 of which exist, 1 burned down, and 6 remaining DURs. The address is 1118 Liberty Hill Lane and it is located approximately 1 mile south of the intersection of Liberty Hill Lane and Route 50/17. The property consists primarily of forest land with approximately 34 acres in open field. The views to the west and south are amazing. There are several intermittent streams on the property. There is also a second access from Wildcat Hollow. Mr. Hunter explained that this was originally built as a subsistence farm with cattle and other livestock in addition to an apple orchard. There is a barn on the property that also dates to the 1700's. The Hunter's purchased the property in 2015. They would like to enlarge the existing house, rebuild the burned out exemption, and potentially turn the existing barn into a residence. This would allow use of the exemptions and still allow retirement of all 6 of the remaining DURs. The property meets 3 of the 4 criteria by scoring over 35, being over 40 acres, and giving up 6 DURs. It is not next to an existing easement. The property resource score is 95.3, points were given for retiring 6 DURs, having a perennial spring, having 25 acres of slopes > 25%, and having historic structures that are potentially contributing in a future historic district. Staff stated that the property had never had an historical survey completed even though the structures are thought to date to the 1700's. Ms. Teetor requested that the authority consider paying Ms. Kalbian to complete a survey. Members agreed to have the survey completed provided that the cost is split with the Historic Preservation Commission. On motion of Ms. Bacon seconded by Ms. Thomas members gave preliminary approval for the easement donation and asked staff to schedule a site visit.

Adjournment There being no further business, Ms. Jones moved and Mr. Hedlund seconded that the Authority adjourn to the next regularly scheduled meeting Friday October 14th in the Government Center A/B/Conference room at 10 am. The motion to adjourn was approved unanimously.



Randy Buckley, Chair



Alison Teetor, Clerk to the Authority

Clarke County Conservation Easement Authority

Meeting Minutes

Friday, October 14, 2022 – 10:00 AM

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

ATTENDANCE	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓
John Hedlund	✓
George Ohrstrom	✓
Walker Thomas	✓

STAFF PRESENT: Jeffrey Feaga (Preservation Planner / GIS Coordinator)

OTHERS PRESENT: Hallie Harriman (PEC)

Call to Order: Chair Buckley called the meeting to order at 10:00 AM.

Approval of Agenda:

The Committee voted 7-0-0 to approve the October 14, 2022 meeting agenda.

Motion to approve the October 14, 2022 Meeting Agenda as presented by Staff:	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓
John Hedlund	✓ (SECONDED)
George Ohrstrom	✓ (MOVED)
Walker Thomas	✓

Approval of Meeting Minutes – September 9, 2022:

The Committee voted 6-0-1 to approve the September 20, 2022 Meeting Minutes as presented by Staff.

Motion to approve the September 9, 2022 Meeting Minutes as presented by Staff:	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓
George Ohrstrom	ABSTAINED
Walker Thomas	✓ (SECONDED)

Bank Account:

Bank Account: Mr. Feaga reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$456,790.65 consisting of \$130,333.72 in the donations account, \$234,026.96 in stewardship/restricted, and \$92,429.97 in local funds. September expenditures from the Donations account

were for Monthly expenses and included the summer newsletter preparation and printing, printing for the (cancelled) workshop, and aluminum CEA signs for landowners. September expenditures from the Local Funds account were for DUR purchase funds for the Dupuy easement and associated legal services and postage.

Public Relations:

Ms. Cardillo was not present so Mr. Feaga reviewed her report. To date there have been \$13,932 in donations from 103 donors. Mr. Ohrstrom noted that we appear to be on track with donations to have an average year from that revenue.

Due to low registrations, the outreach event scheduled for Sept 22 was cancelled, a November rescheduling was suggested. Brook Middleton of the Virginia Easement Exchange offered to host a dinner to attract easement prospects, he suggested Carter Hall. Ms. Cardillo suggested a familiar format for an outreach event including and introduction to speakers by Randy Buckley, an overview of easements by Winkie, an overview of tax benefits by Brook Middleton, a discussion of appraisals by Norman Myers, and sharing of first hand easement experience by Jeff Murphy and Lowell Pratt. Ms. Cardillo will mail the fall newsletter along with county tax invoices in late October.

Mr. Ohrstrom had some difficulty finding tents for the easement donor appreciation event scheduled for October 21st and was forced to rent from Grand Rental. He paid for half of the tents already. Ms. Jones suggested that the CEA help pay for the tents out the Stewardship account. Mr. Feaga asked whether Stewardship was the right account to pay for such a costs, being that it is usually reserved for interns and monitoring. The CEA made a motion to pay the remainder of the tent costs out of the Stewardship account.

Motion to approve payment of portion of tent costs for October 21, 2022 donor event:

The Committee voted 7-0-0 to approve payment of portion of tent costs for October 21, 2022 event from the Stewardship account.

Motion to approve payment of portion of tent costs for October 21, 2022 donor event	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓
George Ohrstrom	✓
Walker Thomas	✓ (SECONDED)

Billing for food costs at the October 21, 2022 event will be sent to the CEA. Mr. Buckley offered to personally arrange provisions for alcohol for the October 21, 2022.

PEC updates from Hallie Harriman:

Ms. Harriman noted that she would wait until Ms. Cordillo contacted her about a new workshop date.

Mr. Feaga asked if there might be an opportunity to bring real estate agents to the workshop, as these agents typically call his office to ask easement questions. Ms. Harriman stated that Mike Kane of PEC used to present to the Realtors Association. Ms. Catlett mentioned the events for new citizens, and that they could be a target for easement education. Mr. Buckley suggested a document that should be handed out with the topic of everything you should know about buying a property that is under easement.

Ms. Harriman suggested Hugh Kenny of the PEC may be able to create a video that explains the easement process, understanding DURs, how easy is it to sell a property under easement, etc. A suggested length of the video is 5-6 minutes. Ms. Harriman asked for ideas about what a video should include and will follow up with CEA staff in the near future for more information. If necessary two videos could be produced, one for real estate agents, and one for the general public.

Ms. Harriman noted the Piedmont Grassland Initiative is now called the Virginia Grassland Initiative and will be headed up by October Greenfield, focusing on marginally productive agricultural lands. PEC will be completing two tree plantings, one at Clermont and one at Long Branch. The Long Branch planting on October 31st will be approximately 300 native understory trees and shrubs, and there is still the need for some volunteers. The Clermont planting will be November 12th and more volunteers are needed.

Policy Development – large agricultural structures / building envelope requirement:

Mr. Feaga started out by describing why we are developing an envelope policy and who the intended audience of the policy is. He stated that we want to provide the CEA guidelines for the maximum area of impervious surfaces and building envelopes in order to better conserve the value of easements and to ensure that the IRS does not challenge the CEA's development and administration of its easements. Mr. Hedlund suggested that Mr. Feaga make sure that the audience be kept in mind and that possibly some of the charts might be better as an addendum.

Mr. Ohrstrom suggested that the CEA not take up a detailed discussion of the term "public" used in the definitions section of the policy because it will take too much time. He suggested that we should strike the reference to the term "public" in the policy. Others tended to agree, since zoning already deals with public gatherings, and therefore would limit activities on easements by default.

Ms. Bacon questioned whether the word farmstead was needed, as it seemed redundant with building envelopes. Mrs. Jones noted the building envelope definition currently emphasizes dwellings, but that farm buildings are also sited within building envelopes. CEA suggested examples of Extra Large Agricultural Buildings be removed from the policy in order to keep the definitions general. Other minor comments on the draft policy were made and noted by Staff.

Mr. Feaga explained that the Envelope Policy has the purpose of limiting the number and size of envelopes, while attempting to maintain flexibility when needed. The committee discussed easement situations in which landowners might need multiple envelopes, or when individual envelopes might need to be larger than 5 acres. Ms. Harriman reiterated that PEC has similar envelope policies that serve as guidelines, yet PEC still has to deal with unique envelope issues or requests on a case-by-case basis. On PEC easements, any new construction needs to be within a building envelope. Despite the challenges and need for case-by-case judgements, the policy continues to help guide PEC during easement creation.

Ms. Harriman inquired about the envelope policy for when divisions are allowed from a parent parcel in easement. Mr. Feaga stated the new policy should account for the number of DURs remaining on an easement, and ideally envelopes would be drawn at the time of easement creation to account for future subdivisions. For large parcel subdivisions from the parent easement, an envelope may need to be developed for the new parcel if envelopes were not drawn sufficiently when the parent parcel went into easement. Ms. Harriman stated that PEC often defines more envelopes than are needed on new easements so that landowners can choose which envelope locations best meet their needs when they decide to build while retiring any unused envelopes. She also added that PEC's policy is to prefer an envelope size between three and five acres and to consider larger sizes when needed.

Policy Development Nutrient Credits – Land Conversion

Mr. Feaga introduced a new draft policy for the development of nutrient credit banks on properties entering easements with the CEA. Overall, Staff's goal for the new policy was to create limitations for landowners in easement that intend to manage all or portions of their land in a nutrient credit bank. The limitations included criteria for planting primarily native hardwood trees and restrictions on the acreage of prime farmland soils that could be converted from non-forest to forest uses. These limitations were intended to simultaneously set a higher ecological standard for land conversion while also de-incentivizing nutrient bank projects on Clarke County easements by decreasing the potential profit margins realized by any investors.

Mr. Ohrstrom wondered whether the proportion of hardwood trees suggested by the draft policy was too high. Ms. Harriman suggested that the DOF develop the planting plan, but the CEA contested that the DOF allows loblolly and other inappropriate species to meet nutrient bank criteria. Ms. Bacon took a step back and asked why we (the CEA) would ever want to put a nutrient bank in an easement in the first place. Ms. Catlett pondered the tradeoff between having a CEA policy that reflected what the county said is important (working ag. lands) and having a CEA policy that allowed nutrient banks, even if under more stringent criteria. Ms. Jones asked if the CEA prevented participation on nutrient banks outright, would it cause the CEA to lose business. Mr. Feaga mentioned that nutrient banks are the same type of program as a wetland bank, so if the CEA made a rule disallowing nutrient banks on eased properties, would this set an unwanted or unplanned precedent.

Mr. Buckley stated that he is not against conversion to trees themselves, rather people getting paid for establishing the nutrient bank. The program is unfair to farming localities because it shifts problems from where development is occurring at an unsustainable rate to slower growing areas that still have farmland. This makes development more possible.

The committee continued to discuss the tradeoffs of nutrient banks and wetland banks, and wondered if perhaps an answer is to limit the acreage or proportion of an eased property allowed in a bank. Alternatively, perhaps not allowing banks at all is the best way to make a statement about Clarke County's agricultural values.

This discussion was couched for now and will be picked up on a later date.

Report on Easement Donation / Purchase

k. Ellen DuPuy – Purchase

Closed on October the 6th.

l. Stoneridge Investments, LLC – new application – donation – 6-A-40

The Vanderwoude's continue to work on developing a building envelope, which is likely to occur on the southern end of the property.

m. Rod and Maria Hunter – new application – donation – Tax Map# 39-A-17

Rod and Maria Hunter are working with their legal counsel and CEA staff on the deed of easement. Staff are working with the Hunter's on locating building envelopes for future restored dwellings, solar panels, and agricultural buildings. Mr. Buckley asked if changes to the deed of easement were substantial enough to warrant a motion to review further. Mr. Feaga responded that the changes at this time did not appear so different from the standard deed of easement terms. In order to keep the Hunter easement on track for closing in 2022, the CEA made a motion for final approval of the Hunter easement upon the condition that Staff approve the final deed language and will seek legal counsel, if necessary.

Motion for final approval of the Hunter (Liberty Hill) easement upon the condition that Staff approve the final deed language and will seek legal counsel, if necessary:

The Committee voted 7-0-0 to give final approval of the Hunter easement.

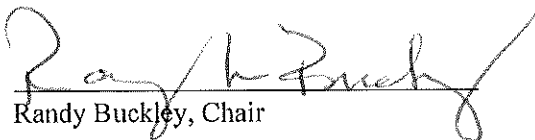
Motion to give final approval of the Hunter easement.	
Randy Buckley (Chair)	✓
Rives Bacon	✓ (SECONDED)
Terri Catlett	✓
Michelle Jones	✓
John Hedlund	✓
George Ohrstrom	✓ (MOVED)
Walker Thomas	✓

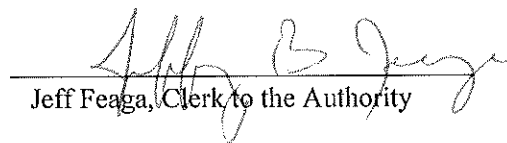
Adjournment

There being no further business, the Committee agreed to adjourn the meeting at 12:00 PM. The next Clarke County Easement Authority meeting is scheduled for November 10, 2022 at 10 AM.

The Committee voted 7-0-0 to adjourn the October 14, 2022 meeting at 11:53AM.

Motion to adjourn the October 14, 2022 Meeting:	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓ (SECONDED)
George Ohrstrom	✓
Walker Thomas	✓


Randy Buckley, Chair


Jeff Feaga, Clerk to the Authority

Clarke County Conservation Easement Authority

Meeting Minutes

Friday, November 10, 2022 – 10:00 AM

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

ATTENDANCE	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	x
Michelle Jones	✓
John Hedlund	✓
George Ohrstrom	x
Walker Thomas	✓

STAFF PRESENT: Jeffrey Feaga, Alison Teetor

OTHERS PRESENT: Hallie Harriman (PEC)

Call to Order: Chair Buckley called the meeting to order at 10:00 AM.

Approval of Agenda:

The Committee voted 5-0-0 to approve the November 10, 2022 meeting agenda.

Motion to approve the November 10, 2022 Meeting Agenda as presented by Staff:	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓ (SECONDED)
Walker Thomas	✓

Approval of Meeting Minutes – October 14, 2022:

The Committee voted 5-0-0 to approve the October 14, 2022 Meeting Minutes as amended with minor changes requested by the Committee.

Motion to approve the October 14, 2022 Meeting Minutes as amended:	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Michelle Jones	✓ (SECONDED)
John Hedlund	✓ (MOVED)
Walker Thomas	✓

Bank Account:

Bank Account: Mr. Feaga reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$455,200.83 consisting of \$127,990.48 in the donations account, \$234,227.31 in stewardship/restricted, and \$92,983.04 in local funds. October expenditures from the Donations account were for the historical report on Liberty Hill prepared by Maral Kalbian, printing for the donor's appreciation BBQ, map materials for the BBQ, and Ms. Cardillo's services. November revenue in the Local Funds account were for a refund for overpayment on the Dupuy closing; expenditures were for postage.

Public Relations:

Ms. Cardillo stated that donations are on track to match the expected amount based on previous years. Most of the donations come at the end of the year. The end of year appeal letter will go out soon.

The committee thought that the donor's appreciation BBQ went very well. In future events, it may be a good idea to have a bonfire, bourbon, and apple cider to fight the cold. Committee noted that it was better not having an auction at the event, as the auction is both distracting and potentially in bad taste because the auction asks donors to give more than they already have.

The previously cancelled conservation easement outreach event is now scheduled for Wednesday November 16. Advertisements for the event have gone out widely. Only 7 people have sent an RSVP to date. Notices were sent out to a list of approximately 50 landowners that have previously shown interest in easements. Committee was encouraged to make personal phone calls to anyone they think would benefit from the outreach event. Mr. Feaga offered to record video and audio. Microphones will be provided for the event to improve audio. Ms. Cardillo said that she would look at options for how to have beer and wine service.

The fall newsletter went out with the tax bill. This version had to be reformatted without donor names, unfolded, and measuring 8.5 x 11 inches. Ms. Cardillo suggested that moving forward she would use the original folded format listing the donors on the 2 newsletters that don't accompany the tax bill. The new format will be required on the 2 newsletters accompanying tax bills because the treasurer requires paper to be unfolded and 8.5 x 11 inches.

The committee discussed the land conservation award, which happens in January or February. This event is tied to a regular CEA meeting. Ideas for who might receive the award were discussed, with Pru Anderson being mentioned as the best candidate. The day for regular CEA meetings was discussed, with Thursday or Friday in the mornings being the most likely. The decision about which day to have the land conservation award and regular meeting will be put off until December.

PEC updates from Hallie Harriman:

Ms. Harriman described the successful tree plantings event at Long Branch on October 31st. Another planting will take place at Clermont on Saturday November 12th. Tia Earman will be the new land use representative for Clarke and Loudoun Counties. She is very involved in agriculture and is a member of numerous organizations related to agriculture. Ms. Harriman will soon facilitate a discussion with Ms. Teetor and Mr. Feaga about ways that PEC can help the CEA by creating a promotional video directed toward interested landowners that discusses the authority and conservation easements in general.

Discussion Item a: Policy Development – large agricultural structures / building envelope requirement

Mr. Feaga reviewed the editions made since the last meeting on the policy for large agricultural structures and building envelopes. Ms. Jones noted that the word "Standard" needs to be added to the definition for "Large Agricultural building." Ms. Jones also noted that the definition of building envelope needed to be reworded as it was awkward.

Ms. Bacon asked about the definition of the limestone ridge. The definition of this geologic feature was discussed in detail. Mr. Feaga commented that while the limestone ridge is an important feature to protect through conservation easements, the ridge should be removed from the building envelope criteria. This is because the limestone ridge is very large and covers thousands of acres. Many easements are located entirely within the limestone ridge, and so it is nonsensical to use the feature to guide envelope locations within an easement.

The committee recommended that the final changes be made to the large agricultural structures / building envelope policy so that it could go to a motion for approval at the December CEA when all of the committee members are present.

Discussion Item b: Boyce Crossing Tree Preserve

Ms. Teetor shared the status of the Boyce Crossing Tree Preserve easement. Until recently, the residents in the neighborhood did not realize that the HOA was responsible for upholding the tree maintenance agreement for the easement. The tree maintenance agreement requires the establishment of a Boyce Crossing Tree Preserve Committee that would consist of members of the HOA, an arborist or forester, a member of the easement authority, and a staff member from the county. Several of the large white oaks on the small easement are dying, including one that is rotten and threatening to fall onto the home at 120 grand oaks drive. Ms. Teetor met with the Abby Lisk, the Coventry Group property manager, Gerald Crowell, a consulting forester, and three members of the Boyce Crossing Community. Mr. Crowell will be hired to write a forest management plan that includes recommendations on dead or dying large trees. The HOA will move toward contracting someone to immediately remove the dead oak threatening 120 grand oaks drive, but needs approval from the tree committee before they begin. Ms. Bacon volunteered to be the CEA member on the tree committee. It is possible that some other dead trees could be requested for removal if they are deemed risky by the tree committee, but input from the forester is needed to determine. There may be a Boyce Crossing HOA meeting in January that requests attendance of the tree committee.

The Committee voted 5-0-0 to approve the removal of the primary hazard tree at Boyce Crossing and appointing Rives Bacon as a member of the Boyce Crossing Tree Committee.

Motion to approve the tree removal and appoint Ms. Bacon to the tree committee.	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Michelle Jones	✓
John Hedlund	✓ (SECONDED)
Walker Thomas	✓ (MOVED)

Report on Easement Donation / Purchase

g. Wendy and Michael Gregg - New Application - Donation (TM# 24-4-1)

Wendy and Michael Gregg have applied to the easement authority for approval of an easement donation. The property consists of 21.49 acres with zero (0) remaining DURs or exemptions. The address is 2483 Parshall Road and is located approximately 2.5 miles south of Harry Byrd Highway. The property primarily consists of hayfield / pasture. A 1,672 square foot dwelling built in 1989 and a barn are located in the northeastern corner of the property. The property meets two (2) out of the four (4) criteria. The property resource score is 57.7 and is adjacent to three (3) existing easements. Points were also given for having frontage on a scenic road and being owned by the current property owner for over 30 years. There is no lien on the property.

The Committee voted 5-0-0 to give preliminary approval of the Gregg easement donation and request staff to schedule a site visit.

Motion to give preliminary approval of the Gregg easement.	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓
Walker Thomas	✓ (SECONDED)

h. Stoneridge Investments, LLC – donation – 6-A-40

The Vanderwoude’s continue to work on finalizing their easement donation. The 130+ acre property will retire 3 of 4 DURs. The dwelling associated with the remaining DUR will be sited within a building envelope. This envelope will be shown on the plat and discussed in the deed of easement once decisions are finalized. All of the other materials needed to close the easement are prepared. The Vanderwoude’s want to close before the end of the year. Ms. Teetor asked for conditional final approval so that the easement could be put on the Board of Supervisor’s agenda later this month.

The Committee voted 5-0-0 to give final approval of Stoneridge Investments, LLC Donation easement upon the condition that Staff approve the final deed language, the plat, and will seek legal counsel, if necessary.

Motion to give final approval of the Stoneridge Investments, LLC easement.	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Michelle Jones	✓
John Hedlund	✓ (MOVED)
Walker Thomas	✓ (SECONDED)

i. Rod and Maria Hunter – donation – Tax Map# 39-A-17

The Rod and Maria Hunter are still working on finalizing their easement. The parcel was allocated six DURs in 1980 when the lot of record was shown as 215 acres. A recent survey shows the property as 230 acres, which would have allotted the property 7 DURs. The Hunter’s have made an appeal to the zoning administrator to have the additional DUR added to the lot. They plan to retire all 7 DURs if added. All other aspects of the easement are moving forward and the plan is to close the easement in 2022.

j. Dennis Pippy – Grant easement – Tax Map# 6-A-59

The Pippy easement is at the end of Barbour Lane along Opequon Creek. Ms. Teetor explained that the Pippy easement has been given preliminary approval for a Virginia Conservation Land Fund (VCLF) grant. The value of the grant is expected to be \$110,000. The existence of wood turtles along the Opequon in that vicinity helped the Pippy grant application rank well enough to be funded.

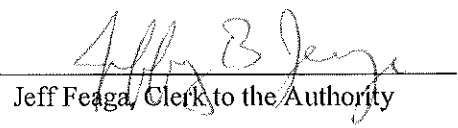
Adjournment

There being no further business, the Committee agreed to adjourn the meeting at 11:01 AM. The next Clarke County Easement Authority meeting is scheduled for December 9, 2022 at 10 AM.

The Committee voted 5-0-0 to adjourn the November 10, 2022 meeting at 11:01AM.

Motion to adjourn the November 10, 2022 Meeting:	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Michelle Jones	✓
John Hedlund	✓ (SECONDED)
Walker Thomas	✓ (MOVED)


Randy Buckley, Chair


Jeff Feaga, Clerk to the Authority

Clarke County Conservation Easement Authority

Meeting Minutes

Friday, December 9, 2022 – 10:00 AM

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

ATTENDANCE	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓ (Attendance by phone)
Michelle Jones	✓
John Hedlund	✓
George Ohrstrom	✓
Walker Thomas	✓

STAFF PRESENT: Jeffrey Feaga, Alison Teetor

OTHERS PRESENT: Hallie Harriman (PEC)

Call to Order: Chair Buckley called the meeting to order at 10:00 AM.

Approval of Agenda:

The Committee voted 7-0-0 to approve the December 9, 2022 meeting agenda.

Motion to approve the December 9, 2022 Meeting Agenda as presented by Staff:	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓
George Ohrstrom	✓ (SECONDED)
Walker Thomas	✓

Approval of Meeting Minutes – November 10, 2022:

The Committee voted 5-0-2 to approve the November 10, 2022 Meeting Minutes as amended with minor changes requested by the Committee.

Motion to approve the October 14, 2022 Meeting Minutes as amended:	
Randy Buckley (Chair)	✓
Rives Bacon	✓ (MOVED)
Terri Catlett	ABSTAINED
Michelle Jones	✓
John Hedlund	✓
George Ohrstrom	ABSTAINED
Walker Thomas	✓ (SECONDED)

Bank Account:

Bank Account: Mr. Feaga reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$473,497.86 consisting of \$125,849.05 in the donations account, \$234,475.91 in

stewardship/restricted, and \$113,172.90 in local funds. November expenditures from the Donations account were for the development and printing of the CEA fall newsletter, printing for the CEA workshop announcement, and Ms. Cardillo's services. November expenditures in Local Funds were for legal services and postage. November revenue in the Local Funds account were for VDACS reimbursement for the Dupuy easement.

Ms. Jones inquired about the \$13,672 listed as Actual Expenses on the financial sheet provided by Emily Johnson, and wondered how that amount was calculated since Stewardship Funds were restricted and legal expenditures are infrequent. Mr. Buckley correctly pointed out that the total expenses to date over this fiscal appeared to add up to the \$13,672 and that the figure represents all expenditures minus those going directly for easement purchases (DuPue). Mr. Feaga confirmed Mr. Buckley's math that the total expenditures were cumulative over the fiscal year and all accounts.

Campaign for the Authority:

Ms. Cardillo stated that end of year donations are arriving. The end of year appeal letter is being mailed and should result in increased donations.

Ms. Cardillo asked for feedback about the easement workshop held at the Barns of Rose Hill. Mr. Hedlund noted that some of the workshop announcements that were mailed with the tax bill arrived after the date of the workshop. The treasurer should be contacted in advance to ensure that timing is correct before any large mailers are sent with tax bills. The committee liked the workshop venue and the refreshments. Mr. Feaga thought that the speakers provided information with an appropriate amount of detail for the audience. Committee members thought that the two panelist (Jeff Murphy and Lowell Pratt) provided a good contrast and range of experiences for demonstrating the value of easements. Mr. Feaga hopes to put the recording of the event on the internet so that it can be shared with others.

Ms. Cardillo inquired about the Land Conservation Award. Ms. Teetor agreed that the January 13th luncheon and meeting is the best timing to give the award. Pru Anderson will be given the award for all of her former efforts promoting the authority.

The winter newsletter will go out in February. Ms. Cardillo asked about the content of the letter. Besides an announcement of the Land Conservation Award, Ms. Teetor asked for a request for applications for summer easement monitoring interns.

The committee suggested that some of the prints from the previous photo contests would look good hung up in the public meeting room. The BOS and building committee should be approached to see if the idea would be supported and to inquire if there is any funding for frames.

PEC updates from Hallie Harriman:

Ms. Harriman described PEC's successful tree planting events at Long Branch and Clermont, where 300 trees were planted at each venue. In the spring, PEC will plant a riparian area located on Andy Ferrari's property which is located to the west of Long Branch.

Ms. Harriman explained that PEC has National Fish and Wildlife Foundation funding that can help pay for appraisals on easement properties that have water resources in buffers. The funding may or may not be intended only for those showing financial need. The financial need is established by providing the landowners income from the last year. Ms. Teetor suggested that the Dennis Pippy easement may be a candidate since the County's agreement requires the County to pay for the appraisal. Ms. Harriman will follow up to see if the Pippy Easement would qualify given PEC's criteria.

Discussion Item a: Policy Development – large agricultural structures / building envelope requirement

Mr. Ohrstrom suggested that the definition of “Agricultural building” be updated use the phrase “raising and training of livestock” as opposed to the former phrasing “raising of livestock”. This addition to the definition will provide more flexibility for horse-related agriculture. Mr. Hedlund noted the example calculation of envelope acreage on page 3 had an error by incorrectly referencing four envelopes as opposed to three.

The Committee had a general discussion of the positive and negative aspects of having an envelope policy and what outside factors are driving the need for envelope policies on easements. One primary risk of creating easements without envelopes is that the IRS could start scrutinizing all easements held by a particular easement holder that is deemed to create easements that are not truly giving up any monetary value for conservation. The permanence of easement programs and the federal recognition of easements as a legal means of protecting land from development was contemplated. The concept of an all-or-nothing envelope policy was discussed. The amount of flexibility and case-by-case assessment that the CEA will allow was discussed. Mr. Buckley voiced his opinion, supported by other Committee members, that the CEA does not want to create a one size fits all easement policy going forward. Ms. Jones reminded the committee of the previous discussions about envelope policy and the various legal opinions of others that has brought the CEA to this point where it needs to implement a policy. Mr. Feaga pointed out all the areas where the draft envelope policy uses terms such as “guidelines” and “case-by-case basis” in an attempt to give the CEA the flexibility to individually craft each easement for each landowner and particular site-specific situation. Ms. Teetor noted two new easements that have created building envelopes for future dwellings, but with caveats that allow for moving the envelope if the initially chosen envelope location was later deemed inappropriate for a building site.

Ms. Teetor asked directly whether the CEA will interpret the envelope policy in such a way as to make an exception where it could take a new easement without a designated building envelope. Mr. Buckley and Mr. Ohrstrom indicated that they don't think that there are situations that would allow for these type of exceptions. Ms. Jones indicated that more and more lawyers are not preparing deed of easements unless an envelope is designated. Mr. Buckley stated the envelope policy draft appears to be written with about as much flexibility as possible.

Motion for final approval of Building Envelopes / Impervious surfaces / Large Agricultural Building Policy that includes change of the definition of Agricultural Building to include training of livestock:

The Committee voted 7-0-0 to give final approval to the Building Envelopes / Impervious surfaces / Large Agricultural Building Policy.

Motion to give final approval of the Building Envelopes / Impervious surfaces / Large Agricultural Building Policy.	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (SECONDED)
John Hedlund	✓
George Ohrstrom	✓ (MOVED)
Walker Thomas	✓

Ms. Teetor reminded the CEA that they should revisit the possibility of holding an easement on the Anderson parcel now that a new envelope policy has been passed. As part of this, she would calculate the impervious surface totals once again.



Discussion Item b: Boyce Crossing Tree Preserve

Mr. Feaga provided to the Committee the Forest Management Plan for the Boyce Crossing HOA conservation easement. Ms. Teetor noted that no dead trees have been removed to date from the conservation easement.

Report on Easement Donations / Purchases

a. Philip and Victoria Hughes – New Application – Donation (TM# 30-A-37)

Philip and Victoria Hughes have applied to the easement authority for approval of an easement donation. The owners want to complete the closing of the easement by the end of 2022. The property consists of a little over 15 acres and has two (2) remaining DUR's. The property is primarily forested. A small approximate 0.9 acre parcel containing a small dwelling is adjacent to the property and is also owned by the Hughes, but is not proposed to be part of the easement. Given the limited timeframe available to close the easement within the year, Ms. Teetor asked for preliminary and final approval of the easement as it meets three of the four criteria for easements (property failed to meet the 40 acre criterion).

The Committee voted 7-0-0 to give preliminary final approval of the Philip and Victoria Hughes donation easement upon the condition that Staff approve the final deed language, the plat, and will seek legal counsel, if necessary.

Motion to give preliminary and final approval of the Philip and Victoria Hughes easement.	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓
John Hedlund	✓ (MOVED)
George Ohrstrom	✓
Walker Thomas	✓ (SECONDED)

b. Wendy and Michael Gregg - Donation (TM# 24-4-1)

Mr. Feaga has been working with Wendy and Michael Gregg on writing a deed of easement for their 21.49 acre donation easement. The Greggs have agreed to have a three acre building envelope in the northeastern portion of the property that surrounds their existing buildings. The owners are not in a rush to close on the easement as they have no existing DURs and will not be seeking an appraisal for their donation.

c. Stoneridge Investments, LLC – Donation – 6-A-40

The Vanderwoude's continue to work on finalizing their easement donation in order to close at the end of the year. The BLA has been finalized and recorded. The deed of easement will include a 5 acre building envelope at the southwestern portion of the property. All of the other closing documents are complete.

d. Rod and Maria Hunter – Donation – Tax Map# 39-A-17

The Rod and Maria Hunter are still working on finalizing their final deed of easement. Building envelopes have still not been finalized. The Hunters want to reduce the size of the building envelope around the existing house and expand the size of the envelope in the middle of the property. The Hunters and Staff expect to have everything sorted out in time to close in 2022.

e. Dennis Pippy – Grant easement – Tax Map# 6-A-59

The Pippy property is at the end of Barbour Lane along Opequon Creek. A BLA has been surveyed and will be recorded very soon that reduces the size of TM# 6-A-59 (the parcel that will go into easement) from 67 acres to 59 acres and adds that acreage to parcel TM# 12-A-1C (The parcel where the Pippy's dwelling and farmstead are located). Bob Jolly, the state archaeologist, visited the Pippy property to investigate potential

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remnants of cannon earthworks from the battle of Winchester. The earthworks may simply be an old fence row. Some civil war era bullets and an old iron horseshoe were found.

f. Poulshot Properties LLC – Donation – Tax Map# 29-A-16A

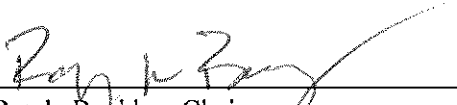
Ann Brown and Steve Woodward inquired about a donation easement for their 34 acre property with 2 remaining DURs. They have already contacted an appraiser to determine the value of the easement. The owners had contacted the CEA in 2019 and a site visit was made at that time, but COVID disrupted the easement negotiation process. Mr. Feaga helped the owners determine that a donation was a better fit for them than a DUR purchase, given their income. Staff will follow up with the owners in the coming months.

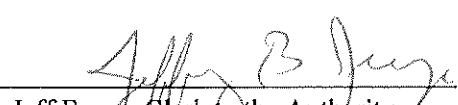
Adjournment

There being no further business, the Committee agreed to adjourn the meeting at 11:16 AM. The next Clarke County Easement Authority meeting is scheduled for January 13th, 2023 at 11 AM at the Millwood Country Club.

The Committee voted 7-0-0 to adjourn the December 9, 2022 meeting at 11:16AM.

Motion to adjourn the December 9, 2022 meeting at 11:16AM.	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓
George Ohrstrom	✓ (SECONDED)
Walker Thomas	✓


 Randy Buckley, Chair


 Jeff Feaga, Clerk to the Authority