

Clarke County Conservation Easement Authority

Meeting Minutes

Friday, April 12, 2024 – 10:00 AM

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

ATTENDANCE			
Randy Buckley (Chair)	✓	John Hedlund	✓
George L. Ohrstrom, II (Vice-Chair)	X	Michelle Jones	✓
Walker Thomas (Secretary/Treasurer)	✓	Bev McKay	✓
Rives Bacon	✓		

STAFF PRESENT: Alison Teetor, Lorien Lemmon

OTHERS PRESENT: Robin Couch-Cardillo, Tia Earman, David Bryant, Marti Bryant, Tom Cammack, Jack Hanson, Lori Bales, Jay Rudolph

CALL TO ORDER: Mr. Buckley, Chair called the meeting to order at 10:00 a.m.

Approval of the Agenda – April 12, 2024:

The Authority voted 6-0-0 to approve the Agenda with the movement of Item 8b. Bryant-McDonald easement to Item 2a and the addition of Item 2b. Rudolph/Stoneridge easement discussion

Motion to approve the Agenda as amended:			
Buckley (Chair)	AYE	Hedlund	AYE (seconded)
Thomas (Secretary/Treasurer)	AYE (moved)	Jones	AYE
Bacon	AYE	McKay	AYE

Easement Donation/Purchase

b. Bryant – McDonald – donation – update

Ms. Teetor stated that the existing dwelling on the Bryant property, historic Duck Pond, is approximately 3,600 square feet. Typically the Authority allows a 4,500 sq. ft. primary dwelling and a 2,000 to 2,500 sq. ft. secondary dwelling and in some cases, a 600 sq. ft. minor dwelling. The Bryant's originally asked for a 6,500 sq. ft. primary dwelling and a 2,500 sq. ft. secondary dwelling. They have 2 building envelopes, 1 that contains the current dwelling and structures and another that is for future use. A third building envelope is in the back field on the parcel with zero DURs and will be used only for agricultural buildings. Ms. Teetor explained that it would make sense for Duck Pond to be considered the secondary dwelling but given its current size and architecture, it would be difficult to reduce the square footage from 3,600 sq. ft. to the permitted 2,500 sq. ft. for the easement. Ms. Teetor relayed that she and Mr. Cammack, the real estate agent advising the Bryant's, had discussed allowing a 4,000 sq. ft. secondary dwelling (Duck Pond) and a 5,000 sq. ft. new dwelling. The total permitted square footage for the dwellings would still total 9,000 sq. ft. and this would help prevent any modifications to the historic house.

Mr. Hanson, attorney representing the Bryant's, discussed an alternate proposal that would allow for a 6,000 sq. ft. new dwelling if there was language in the deed specifying that Duck Pond could not be demolished. Mr. McKay questioned if the Authority focuses too much on dwelling size and Chair Buckley noted that that would be a policy discussion. Ms. Bacon commented that preserving historic structures is an important component of conservation easements. Ms. Teetor noted that the Authority has

historic preservation language in the deed template and that for other historic houses, additions or alterations to the house have been reviewed by the Authority. Mr. Bryant further explained that the 6,000 sq. ft. allowance for a new dwelling is to incentivize the next owner of the property to preserve historic Duck Pond and not demolish it in order to build a larger house that may better fit the family needs of the next landowner.

Ms. Teetor explained the riparian buffer for the pond on the property that is the headwaters for Roseville Run. Typically a riparian buffer of 100 feet around the pond is required but in this case a buffer that size would extend across the existing driveway. Ms. Teetor explained that a buffer that would end at the edge of the driveway and end at the shrub row to the road would be a compromise that would better fit the layout of the property. She noted that this buffer would only go into effect if there were cattle or livestock on the property.

Ms. Teetor also stated that Dr. McDonald would like an increase in permitted impervious surface square footage for the 8-acre parcel she plans to put into easement. The current policy allows 2% (or 6,960 sq. ft.) of the total acreage for a parcel of that size, but she would like an increase of up to 8,700 sq. ft.

The Authority voted 6-0-0 to approve the deed changes for the Bryant and McDonald easements as recommended in the staff report and grant final approval of the easement donations and recommend approval to the Board of Supervisors.

Motion to grant final approval of the Bryant and McDonald easements:			
Buckley (Chair)	AYE	Hedlund	AYE
Thomas (Secretary/Treasurer)	AYE	Jones	AYE (moved)
Bacon	AYE (seconded)	McKay	AYE

Discussion:

b. Rudolph request for Stoneridge easement

Ms. Lemmon explained that Mr. Rudolph had contacted her as a potential buyer for the Stoneridge easement on 846 Pierce Rd. He inquired about the possibility of being able to move the 5-acre building envelope approximately 600 feet north and 220 feet east. This new location for the building envelope would avoid the Washington Gas pipeline easement that runs through the current envelope, would encompass a historic stonewall that he would intend to protect, and would avoid sharing a border with the neighboring feed lot. He also asked about the possibility of increasing the allowable square footage of above-ground heated living space for the primary dwelling from 4,500 sq. ft. to 7,000 sq. ft. Due to the rock ledges observed on the property, Mr. Rudolph is unsure if a basement would be possible for the primary dwelling.

Ms. Jones questioned how the building envelope was initially decided on given all of the issues of the location and Ms. Teetor explained that it was ultimately where the landowner at that time decided it would go. Ms. Teetor explained that she reached out to the landowners that originally put the land into easement and stated that they were focused on preventing a new dwelling from being placed near the existing 2 dwellings. She noted that a drain field had not yet been surveyed and that if Mr. Rudolph were to purchase this property, that a deed amendment would be required. She explained that only a current landowner can apply to the Authority for a change to the building envelope and request a larger primary dwelling, but that Mr. Rudolph was interested in a discussion about how feasible that would be if he were to purchase the property.

Mr. Rudolph explained that he comes from a farming background and while he is familiar with the aesthetics of cattle farms, he would appreciate the ability to build a house further downwind. He also mentioned that he has a large family and wants to think ahead about family needs before building a house.

The Authority voiced their support for moving the building envelope to the new location and discussed the size limit of the primary dwelling. Chair Buckley stated that 6,500 square feet has been the cap so far on dwelling size for easements and did not see any reason to increase it further. He inquired as to the opinion of the original landowners and Mr. Rudolph stated that the landowners had reached out to him and would send a letter stating their support of these changes. Ms. Teetor reiterated that this limit would be for above ground living space only and would not limit the square footage for a basement. The Authority agreed that, should Mr. Rudolph purchase the Stoneridge easement on 846 Pierce Rd., they would be amenable to moving the building envelope and increasing the allowable above-ground heated living space to up to 6,500 square feet.

Approval of Meeting Minutes – March 8, 2024:

The Authority voted 6-0-0 to approve the March 8, 2024 meeting minutes as presented.

Motion to approve Meeting minutes for March 8, 2024 as presented:			
Buckley (Chair)	AYE	Hedlund	AYE
Thomas (Secretary/Treasurer)	AYE (seconded)	Jones	AYE
Bacon	AYE (moved)	McKay	AYE

Bank Account:

Ms. Lemmon reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$616,559.09 consisting of \$169,474.58 in the donations account, \$245,801.15 in stewardship/restricted, and \$201,283.36 in local funds. Ms. Lemmon explained that the expenditures for March included the winter newsletter and expenses related to the annual awards ceremony.

Ms. Lemmon explained that due to the informational handouts about the new electronic system put into place by the Clarke County Treasurer’s Office that the spring newsletter would not be allowed to be included in the upcoming tax bill mailing. She stated that staff attempted to negotiate covering the extra cost of postage for including the newsletter but that the Treasurer’s Office declined the request.

Campaign for the Authority:

Ms. Couch-Cardillo stated that donations were \$4,455.00 from 34 donors. She stated that she is currently working on the spring newsletter with Joe and Tamara Myer as the profile landowner. She intends to include an article describing how conservation easements assist with lowering the Composite Index used to determine state funding for local schools. She also intends to promote Ms. Teetor’s conservation easement workshop scheduled for May 14 at Blandy Experimental Farm.

Ms. Couch-Cardillo described the expenses that would be associated with sending out the newsletter using a commercial printer. She stated that with an estimated mailing of 8,100 newsletters would cost the Authority about \$6,500, mostly due to postage. The Authority agreed that the cost of the newsletter was worth the gains and that it would be worth reaching out to other commercial printers to compare cost estimates. Ms. Couch-Cardillo voiced her preference for the newsletter to be mailed by a professional commercial printer in order to reduce errors in the process and noted that the newsletter is instrumental in drumming up support for the program.

Ms. Couch-Cardillo reported that the CEA had no new donors for the month of March.

PEC updates from Tia Earman:

Ms. Earman explained that one of the pathways considered for the NextEra Energy transmission line would run through western Loudoun County near the border with Clarke County. She described her prediction of a coordinated and well-funded anti-response to this pathway due to the location of Loudoun County’s wealthier wineries and how a transmission line would affect their operations. She noted that the company applied for National Interest Electric Transmission Corridor (NIETC) status and if approved, that would encompass the region of Northern Virginia, not just Loudoun County. She further explained that this designation is at the federal level and would override the authority of local governments regarding decisions about the electric grid. However, she did note that this designation is competitive and that other companies that have applied better meet the criteria in that they have higher energy demands and they are supplying cleaner, renewable energy.

Ms. Earman further described the discussions about the approval and building envelopes for data centers in Loudoun County. She also explained the debate over prime soils and how a single business entity is using easements to actually contest prime soils protection. She explained the speculative practices this entity is using to inflate initial easement evaluation and how the cluster zoning rules in Loudoun County intersect. She also noted that many of these easements are put into land conversion nutrient banks, which makes them no longer farmable. She explained the policy for prime soils protection simply states that, in cluster zoning, the rural economy lot preserved must remain farmable.

Discussion:

a. Summer Internship – second iPad

Ms. Lemmon explained that this year the Authority expects to have two interns for summer easement inspections. Since inspections have been recorded using Landscape software on iPads, there is a need for an additional iPad for the second intern. She explained the pricing of the different options provided by the Clarke County Information Technology department and gave a recommendation. She did note that the one iPad currently in use is about 10 years old and asked if the Authority would be interested in replacing the older one as well.

Ms. Jones asked if there is a monthly service fee and Ms. Lemmon confirmed that there is a monthly fee for the cellular data required for the use of GPS capabilities on the iPads. Ms. Teetor mentioned that the service could be turned off once the summer inspections concluded. Ms. Lemmon also noted that the battery life seems to be declining quickly and Mr. McKay suggested investigating if the battery could be replaced. The Authority requested staff to determine if replacing the battery in the old iPad was cost-effective and voted 6-0-0 to approve the purchase of a second iPad.

Motion to approve purchase of second iPad for easement inspections:			
Buckley (Chair)	AYE	Hedlund	AYE
Thomas (Secretary/Treasurer)	AYE	Jones	AYE (moved)
Bacon	AYE (seconded)	McKay	AYE

Report on Easement Donations/Purchases:

a. Summary of easement applications/inquiries

Ms. Lemmon gave a broad overview of the current status of active applications and inquiries for easements. She explained the updated map and table used to track easements that are in various stages. She stated that she is still working with Robin Greenhalgh on the final parcel size and configuration for her easement application. This is required in order to move forward with building envelopes and impervious surface limits to be included in the deed. She also reached out to Kim Craig about her past inquiry about the program and she was still considering her options. The Authority discussed how beneficial it would be to have more

easements in that part of the county. Ms. Teetor explained that the Agricultural Land Easement (ALE) grant funding for the Fansler easement was approved and the Lilly easement closing date is set for May 15th. She stated that the reimbursement request for the Lilly easement must be submitted to the Virginia Department of Consumer and Agricultural Services (VDACS) by May 15th since the office of farmland preservation that administers the money is moving to the Department of Forestry. Chair Buckley questioned if funds for the Lilly easement were coming from Piedmont Environmental Council (PEC) and Ms. Teetor confirmed that the funding request was on the PEC board agenda for April 29th.

c. Williams – new application – easement purchase TM# 14-A-37B

George Williams has applied to the easement authority for approval of a DUR purchase. The property is currently vacant and located on the west side of Kennel Rd, approximately 1700 feet from the intersection of Kennel Rd and John Mosby Highway. The property is identified by Tax Map #30-A-47B, is 22.22 acres, and has 2 DURs. The applicant would like to retire 1 of the 2 remaining DURs and the parcel is enrolled in use value taxation

The parcel meets 3 of the 4 criteria. The property resource score was 50.6, the applicant is retiring 1 DUR, and the parcel is adjacent to existing easements. The property is less than 40 acres. Points were given for retiring 1 DUR, being within the Agricultural and Forestal District, and being adjacent to existing easements.

The Authority voted 6-0-0 to approve the preliminary application of the Williams easement purchase and request staff to schedule a site visit.

Motion to grant preliminary approval of the Williams easement purchase:			
Buckley (Chair)	AYE	Hedlund	AYE
Thomas (Secretary/Treasurer)	AYE (seconded)	Jones	AYE (moved)
Bacon	AYE	McKay	ABSTAIN

Adjournment


There being no further business, the Authority agreed to adjourn the meeting at 11:00 AM. The next Clarke County Easement Authority meeting is scheduled for May 10, 2024 at 10 AM in the A/B conference room, Government Center, Berryville.

The Authority voted 6-0-0 to adjourn the April 12, 2024 meeting at 11:00 AM.

Motion to adjourn to the April 12, 2024 meeting at 11:00 AM.

Motion to adjourn to the April 12, 2024 meeting at 11:00 AM:			
Buckley (Chair)	AYE	Hedlund	AYE
Thomas (Secretary/Treasurer)	AYE (seconded)	Jones	AYE (moved)
Bacon	AYE	McKay	AYE


Randy Buckley, Chair


Lorien Lemmon, Clerk to the Authority