

CLARKE COUNTY  
Conservation Easement Authority  
THURSDAY – 23 July 2020 – 10:00 am  
A/B/C Conference Room, 2<sup>nd</sup> Floor Government Center

AGENDA

1. Approval of Agenda
2. Approval of Minutes of the meeting of 18 June 2020
3. Bank Account balances
4. Campaign for the Authority
5. Discussion
  - a. application solicitation – forest land, Cool Spring Battlefield
  - b. interns
6. Easement Donation/Purchase
  - a. Brengle - donation
  - b. Blue Ridge Hunt – donation
  - c. Potomac Appalachian Trail Club Kohn Property
7. Report on Applications for Easement Purchase  
*Motion to go 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 and Section 2.2-3711(A)(7) for consultation with legal counsel regarding specific legal matters requiring the providing of legal advice.*

Adjournment - next meeting – Thursday August 20<sup>th</sup> 10 am

**CLARKE COUNTY**  
**Conservation Easement Authority**  
**draft Minutes – 18 June 2020 draft**

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

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

**APPROVAL OF ELECTRONIC MEETING RESOLUTION AND POLICY**

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

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

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

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

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

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

**Discussion**

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

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

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

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

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

### **Report on Applications for Easement Donation**

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

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

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

### **Report on Applications for Easement Purchase**

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

(i) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.2-3711-A3 of the Code of

Virginia, as amended, to discuss the Acquisition or Sale of Property, and  
(ii) only such public business matters as were identified in the motion by which the Closed meeting was convened were heard, discussed, and considered in the meeting by the Authority. The vote on the above motion was:

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

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

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

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Randy Buckley, Chair

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Alison Teetor, Clerk to the Authority

	Total Fund Balance	Donations	Stewardship/Restricted Funds Account	Local Funds
<b>SOY FY20 - Fiscal Year 2020</b>	<b>225,880</b>	<b>63,641</b>	<b>154,595</b>	<b>7,644</b>
July Rev/AR		2,034	230	15,000
July Exps/AP		-90	-2,109	-500
Aug Rev/AR		10,270	231	
Aug Exps/AP		-1,330	0	-998
Sept Rev/AR		1,920	194	
Sept Exps/AP		-4,770	0	
Oct Rev/AR		1,010	198	
Oct Exps/AP		-4,513	0	-41,676
Nov Rev/AR		2,163	40,401	21,448
Nov Exps/AP		-2,783	0	0
Dec Rev/AR		10,629	202	-910
Dec Exps/AP		-920	0	
Jan Rev/AR		8,568	250	3,125
Jan Exps/AP		-1,734	0	0
Feb Rev/AR		250	234	0
Feb Exps/AP		-1,311	0	0
Mar Rev/AR		2,728	250	0
Mar Exps/AP		-2,177	0	0
Apr Rev/AR		380	200	0
Apr Exps/AP		0	0	0
May Rev/AR		2,025	0	0
May Exps/AP		-1,170	0	0
June Rev/AR		778	0	-4,338
June Exps/AP		-560	0	
YTD Rev/AR	124,717	42,754	42,390	39,573
YTD Exps/AP	71,889	21,359	2,109	48,421
Adjustments	0	0	95	-95
<b>YTD FUND BALANCE (AR &amp; AP)</b>	<b>278,707</b>	<b>85,036</b>	<b>194,971</b>	<b>-1,299</b>

Brenda Bennett: Transfer from Gen Fund

Brenda Bennett: CE Stewardship annual state funds

Brenda Bennett: Coleman-VDACS reimbursement-21,448

Brenda Bennett: Land Use Rollback Tax-\$3,125.02

Brenda Bennett: adjustment for previous year transaction

VDACS 22,770.73 Expires 12/31/2019 (FY2018)

75,738.77 Expires 12/31/2020 (FY2019)

58,333.00 Expires 12/31/2021 (FY2020)

156,842.50

-20,000.00

-21,448.00

115,394.50 AVAILABLE Estimated YTD BALANCE-VDACS

Anticipated Easement Closings:  
 Sam & Elizabeth Conrad (estimated)  
 Alida Coleman-CLOSED-Actual Exp/Rev above

ESTIMATED YTD FUND BALANCE	278,707	85,036	194,971	-1,299
<b>FY20 Expenditure Appropriations</b>	<b>45,000</b>	<b>31,833</b>	<b>13,167</b>	<b>0</b>
General Expenses	40,000	40,056	-56	0
Alida Coleman easement				
	85,000	71,889		

Clarke County:  
 Includes expenses not specifically designated to an easement (including donation, stewardship and monthly Hall, Monahan expenses).

Through July 17, 2020  
 Conservation Easement Expense Detail - FY20

	Donations	Stewardship	Local Funds
July	90.00 Clarke County Ruritan Club-Ad for Fair catalog	2,000.00 Sophia Dorsey-inspections 109.04 Sophia Dorsey-mileage	500.00 Myers & Woods Appraisal Group
August	90.00 480.00 Robin Couch Cardillo-summer newstr & website 450.00 Gloria Marconi illustration-summer newstr 400.00 Clarke County Fair-sponsorship-pig scramble	2,109.04	500.00 997.50 Hall, Monahan, Engle-legal svcs for July 2019
Sept	1,330.00 2,500.00 Clarke County Treas-match for DHR CLG Grant 720.00 Robin Couch Cardillo-summer newstr & fair 445.00 Winchester Printers-Remittance envelopes 1,011.38 Winchester Printers-Summer '19 newstr 93.70 BB&T - Postage & Staples	0.00	997.50
Oct	4,770.08 800.00 Robin Couch Cardillo-finalize website 537.52 Winchester Printers-Reception Invite mailing 100.00 Gloria Marconi illustration-convert newstr forms 1,625.17 Monks BBQ - Thank You Event 450.00 Gloria Marconi illustration-Fall newstr 1,000.00 CCHS - Donation to CCHS Athletic Dept	0.00	0.00 1,620.00 David Leroy - Appraisal 1805 Wrights Mill Rd 40,056.00 CE Purchase - Alida Coleman
Nov	4,512.69 1,000.00 Eric W. Wright - Tent rentals 960.00 Robin Couch Cardillo- Fall newsletter 823.47 BMS Direct	0.00	41,676.00
Dec	2,783.47 720.00 Robin Couch Cardillo-CE svcs for year end 200.00 Gloria Marconi illustration-Eoy appeal letter	0	0.00 910.00 Hall, Monahan, Engle-legal svcs for Nov 2019
Jan	920.00 34.75 Crown Trophy-engraved plates 400.00 Robin Couch Cardillo-prepare land conservation 944.61 Winchester Printers-Annual appeal letter 355.00 Locke Store-CEA Award Luncheon	0	910.00
Feb	1,734.36 1,125.34 Robin Couch Cardillo-Jan services 186.00 BB&T-Svcs & postage	0	0.00
Mar	1,311.34 450.00 Gloria Marconi illustration-winter 2020 newstr 720.00 Robin Couch Cardillo-winter newstr & website 1,007.37 Winchester Printers-CEA winter newstr	0	0.00
Apr	2,177.37	0	0.00
May	0.00 450.00 Gloria Marconi illustration-Spring 2020 newstr 720.00 Robin Couch Cardillo-2020 Spring newstr	0	0.00
June	1,170.00 560.00 Robin Couch Cardillo-Various Svcs	0	0.00 4,130.00 Dunn Land Surveys-Smithfield Farm 207.50
	560.00	0	4,337.50
	Donations	Stewardship	Local Funds
YTD Totals	21,359	2,109	48,421



ROBIN COUCH CARDILLO

July 17, 2020

Clarke County Conservation Easement Authority  
Fundraising Report  
July 2020 meeting

**Donor Statistics**

See attached Master Report

- 2020 total: \$8,238.00 from 80 donations

**Ongoing**

*-Summer newsletter*

- in the works; August mailing

*-Donor reception October 16*

- including in newsletter with caveat (Sept 1 for go/no-go decision)

*-Placement of Authority's banners*

- status of existing banners





**BRYAN & COLEMAN, P.L.C.**  
**ATTORNEYS AT LAW**

116 SOUTH BRADDOCK STREET  
WINCHESTER, VIRGINIA 22601  
TELEPHONE: (540) 545-4130  
FAX: (540) 545-4131

MICHAEL L. BRYAN, ESQUIRE

EMAIL: mbryan@michaelbryanlaw.com

July 8, 2020

Robert T. Mitchell, Jr., Esquire  
9 East Boscawen Street  
Winchester, Virginia 22601

Re: Clarke County Conservation Easement

Dear Bob:

Powhatan School has expressed a serious interest in enhancing key aspects of its experiential and outdoor education program known as Nature Enhanced Approach to Learning ("NEAL"). The purpose of the program is to integrate the indoor and outdoor classrooms in mutual support of one another. The NEAL Program is rooted in Powhatan's 72 year old mission of nurturing life-long learners and energized citizens who are aware of and respect and care for our natural surroundings.

Powhatan respectfully requests that the School be accorded the flexibility to construct a structure on the 27.22456 acre parcel that will be used for educational purposes. The building would contain approximately 3,000 square feet and may have some enclosed and open areas. The structure would provide spaces for demonstrations, collaborative projects, the sharing of research and other related matters. The structure would also serve as a place for shelter for students and faculty working in the Crocker Conservancy during inclement weather.

Powhatan School would like to have the option of serving the structure with water, sewer, electricity and other utilities.

Powhatan also respectfully requests that the two DUR's located on the 27.22456 acre remain in place.

I look forward to hearing from you in this matter.

Very truly yours,



Michael L. Bryan

MLB/smb

## MEMORANDUM

TO: Conservation Easement Authority  
FROM: Alison Teetor  
DATE: July 23, 2020  
SUBJECT: Application for easement donation – Andrew Brengle

Andrew Brengle has applied to the easement authority for approval of an easement donation. The property is located in the 1600 Block of Millwood Road adjacent to the Crocker Conservancy (Powhatan School). This property was actually subdivided off of the Crocker Conservancy property prior to gifting that parcel to Powhatan School. The family originally wanted to retain the 27 acres to build a house but now they would like to gift the remainder of the parcel to the School. The property is identified by Tax Map# 29-A-17. It consists of 27 acres with 2 DURs. The parcel is completely wooded with no road frontage. Mr. Mitchell is the attorney for Mr. Brengle and is working out the details of the terms of the easement.

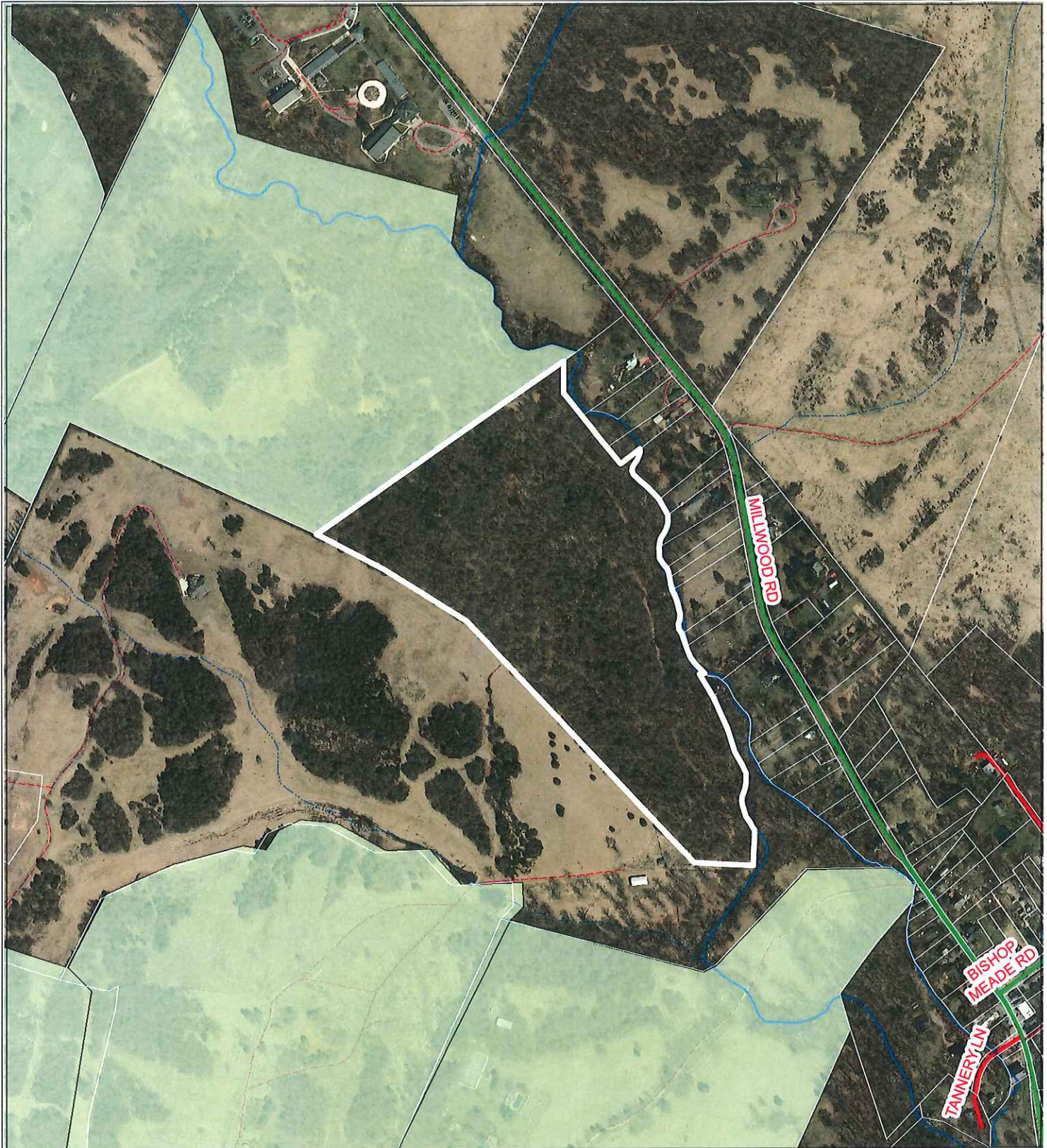
The parcel is zoned AOC and is currently eligible for use value taxation, but is not enrolled, therefore in accord with the Commissioner of Revenue's requirements, then a donation may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

It is unclear at this time if the property will retain any DURs. Based current information, the property meets 2 of the 4 criteria. The property resource score is 48.57 and it is adjacent to an existing easement, Powhatan. It is less than 40 acres. Points were given being adjacent to an existing easement, having frontage on a perennial stream, Spout Run, and being owned by the same family for over 50 years.

### Recommendation

Give preliminary approval and schedule a site visit.

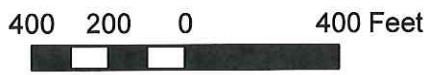


Andrew Brengle  
 Tax Map# 29-A-17  
 27 acres, 2 DURs

Location Map



Clarke County GIS  
 June 12, 2020



- Parcel Boundary
- Intermittent Stream
- Perennial Stream
- Public Road
- Private Road
- Scenic Byway



Aerial Imagery 2015 Commonwealth of Virginia