

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 17 September 2020 – 10:00 am
A/B & Main Conference Room, 2nd Floor Government Center

AGENDA

1. Approval of Agenda
2. Approval of Minutes of the meeting of 20 August 2020
3. Bank Account balances
4. Campaign for the Authority
5. Discussion – Criteria for parcels retaining zero DURs
6. Easement Donation/Purchase
 - a. Reuling - donation
 - b. Rolling Ridge Foundation – donation – final approval
 - 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 October 15th 10 am

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

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

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

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

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

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

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

Report on Applications for Easement Donation

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

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

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

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

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

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

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

	Total Fund Balance	Donations	Stewardship/Restricted Funds Account	Local Funds
SOY FY20 -	225,880	63,641	154,595	7,644
Fiscal Year 2020				
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		-5,813	0	
Nov Rev/AR		2,163	40,401	-40,376
Nov Exps/AP		-2,783	0	21,448
Dec Rev/AR		10,629	202	
Dec Exps/AP		-920	0	-910
Jan Rev/AR		8,568	250	3,125
Jan Exps/AP		-1,734	0	0
Feb Rev/AR		250	234	
Feb Exps/AP		-1,311	0	0
Mar Rev/AR		2,728	250	
Mar Exps/AP		-2,177	0	0
Apr Rev/AR		380	200	
Apr Exps/AP		0	0	0
May Rev/AR		2,025	207	
May Exps/AP		-1,170	0	0
June Rev/AR		778	160	
June Exps/AP		-560	-182	-4,338
YTD Rev/AR	125,084	42,754	42,757	39,573
YTD Exps/AP	72,071	22,659	2,291	47,121
Adjustments	0	0	95	-95
YTD FUND BALANCE (AR & AP)	278,893	83,736	195,156	1

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

ESTIMATED YTD FUND BALANCE 278,893 83,736 195,156 1

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

	Appropriated	Actual Expenses	Appropriated Balance Remaining
FY20 Expenditure Appropriations			
General Expenses	45,000	32,015	12,985
Alida Coleman easement	40,000	40,056	-56
	85,000	72,071	0

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

Through August 31, 2020

Conservation Easement Expense Detail - FY20

	Donations	Stewardship	Local Funds
<u>July</u>	90.00 Clarke County Ruritan Club-Ad for Fair catalog <u>90.00</u>	2,000.00 Sophia Dorsey-inspections 109.04 Sophia Dorsey-mileage <u>2,109.04</u>	500.00 Myers & Woods Appraisal Group <u>500.00</u>
<u>August</u>	480.00 Robin Couch Cardillo-summer newsltr & website 450.00 Gloria Marconi Illustration-summer newsltr 400.00 Clarke County Fair-sponsorship-pig scramble <u>1,330.00</u>	<u>0.00</u>	997.50 Hall, Monahan, Engle-Legal svcs for July 2019 <u>997.50</u>
<u>Sept</u>	2,500.00 Clarke County Treas-match for DHR CLG Grant 720.00 Robin Couch Cardillo-summer newsltr & fair 445.00 Winchester Printers-Remittance envelopes 1,011.38 Winchester Printers-Summer '19 newsletter 93.70 BB&T - Postage & Staples <u>4,770.08</u>	<u>0.00</u>	<u>0.00</u>
<u>Oct</u>	1,300.00 David Leroy - Appraisal 1805 Wrights Mill Rd 800.00 Robin Couch Cardillo-finalize website 537.52 Winchester Printers-Reception Invite mailing 100.00 Gloria Marconi Illustration-convert newsletter forms 1,625.17 Monks BBQ - Thank You Event 450.00 Gloria Marconi Illustration-Fall newsletter 1,000.00 CCHS - Donation to CCHS Athletic Dept <u>5,812.69</u>	<u>0.00</u>	320.00 David Leroy - Appraisal 1805 Wrights Mill Rd 40,056.00 CE Purchase - Alida Coleman <u>40,376.00</u>
<u>Nov</u>	1,000.00 Eric W. Wright - Tent rentals 960.00 Robin Couch Cardillo- Fall newsletter 823.47 BMS Direct <u>2,783.47</u>	<u>0</u>	<u>0.00</u>
<u>Dec</u>	720.00 Robin Couch Cardillo-CE svcs for year end 200.00 Gloria Marconi Illustration-EOY appeal letter <u>920.00</u>	<u>0</u>	910.00 Hall, Monahan, Engle-Legal svcs for Nov 2019 <u>910.00</u>
<u>Jan</u>	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 <u>1,734.36</u>	<u>0</u>	<u>0.00</u>
<u>Feb</u>	1,125.34 Robin Couch Cardillo-Jan services 186.00 BB&T-Svcs & postage <u>1,311.34</u>	<u>0</u>	<u>0.00</u>
<u>Mar</u>	450.00 Gloria Marconi Illustration-winter 2020 newsltr 720.00 Robin Couch Cardillo-winter newsltr & website 1,007.37 Winchester Printers-CEA winter newsletter <u>2,177.37</u>	<u>0</u>	<u>0.00</u>
<u>Apr</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>
<u>May</u>	450.00 Gloria Marconi Illustration-Spring 2020 newsltr 720.00 Robin Couch Cardillo-2020 Spring newsletter <u>1,170.00</u>	<u>0</u>	<u>0.00</u>
<u>June</u>	560.00 Robin Couch Cardillo-Various Svcs <u>560.00</u>	181.76 Mileage - Jessica Crandell FY20 <u>181.76</u>	4,130.00 Dunn Land Surveys-Smithfield Farm 207.50 Hall, Monahan, Engle-Legal svcs fo JCSM <u>4,337.50</u>

YTD Totals
Donations 22,659

Stewardship 2,291

Local Funds 47,121

Fund 235 - Conservation Easement Balances

SOY FY20 -

Fiscal Year 2020

	Total Fund Balance	Donations	Stewardship/Restricted Funds Account	Local Funds
	278,893	83,736	195,156	1
July Rev/AR		1,025	0	0
July Exps/AP		0	0	0
Aug Rev/AR		325		
Aug Exps/AP		-730	-2,045	-2,058
Sept Rev/AR		0	0	0
Sept Exps/AP		0	0	0
Oct Rev/AR		0	0	0
Oct Exps/AP		0	0	0
Nov Rev/AR		0	0	0
Nov Exps/AP		0	0	0
Dec Rev/AR		0	0	0
Dec Exps/AP		0	0	0
YTD Rev/AR	1,350	1,350	0	0
YTD Exps/AP	4,833	730	2,045	2,058
Adjustments	0			
YTD FUND BALANCE (AR & AP)	275,410	84,356	193,111	-2,057

VDACS

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

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

134,071.77

134,071.77 AVAILABLE Estimated YTD BALANCE-VDACS

Anticipated Easement Closings:

None

ESTIMATED YTD FUND BALANCE 275,410 84,356 193,111 -2,057

	Appropriated	Actual Expenses	Appropriated Balance Remaining
FY21 Expenditure Appropriations	45,000	4,833	40,167
General Expenses			0
	45,000	4,833	0

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

Through Sept 9, 2020, 2020
W O R K I N P R O G R E S S (FY20 NOT COMPLETE YET)

Conservation Easement Expense Detail - FY21

	Donations	Stewardship	Local Funds
<u>July</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>August</u>	250.00 Ellen Shepard - Annual VA Land Conservation 480.00 Robin Cardillo Services for CEA July	1,400.00 Jessica Crandell-Inspections 158.70 Jessica Crandell-Mileage 136.68 Jessica Crandell-Mileage 350.00 Larry Royston Septic Service - Labor	2,057.50 Hall, Monahan, Engle-Legal svcs for July 2020
<u>Sept</u>	<u>730.00</u>	<u>2,045.38</u>	<u>2,057.50</u>
<u>Oct</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Nov</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Dec</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>
<u>YTD Totals</u>	<u>730</u>	<u>2,045</u>	<u>2,058</u>



ROBIN COUCH CARDILLO

September 11, 2020

Clarke County Conservation Easement Authority
Fundraising Report
September 2020 meeting

Donor Statistics

See attached Master Report

- 2020 total: \$8,961.75 from 90 donations (two in memory of Bob Calhoun)

Ongoing

-Summer newsletter

- Mailed

-Fall newsletter

- Content - donor interview, update on easement property, photo contest reminder

-Snapshot in Time Photo Contest – Pandemic Photography

- Advertised in summer newsletter
- Developing postcard, posters
- Deadline January 11, 2021
- No student category but will reach out to high school art instructor

Criteria for allowing parcels in easement to retire all remaining DURs

The Clarke County Zoning Ordinance allows parcels to have zero DURs as follows:

- 3-D-10 Parcels with Zero Dwelling Unit Rights
- (4/18/95)
(11/24/98)
(8/19/03)
- a. No parcel may be created with zero dwelling unit rights in the AOC or FOC zoning district unless it meets one of the following criteria:
 1. contains an existing dwelling pursuant to Section 3-D-4; or,
 2. has an approved Special Use, has a use allowed as a Special Use, or
 3. is subject to a recorded permanent open-space, conservation, or historic easement granted to one or more of the following: the Clarke County Conservation Easement Authority, the Virginia Board of Historic Resources, the Virginia Outdoor Foundation, or any other entity authorized to hold an open-space easement pursuant to the Virginia Open-Space Land Act (§10.21-1700, Code of Virginia) and approved by the Clarke County Board of Supervisors.
 - b. The record subdivision plat creating a parcel with zero dwelling unit rights shall be accompanied by an affidavit signed by the property owner, that shall be recorded in the office of the Clerk of the Circuit Court with the subdivision plat, stating that the owner acknowledges that there are no dwelling unit rights assigned to the property, that no dwelling may be constructed on the property, and that these circumstances are binding on all subsequent owners.

The Conservation Easement Authority has expressed concerns for allowing vacant parcels being placed in easement to retire all remaining DURs as potential problems could arise in the future if a parcel is sold and the new owners purchased the vacant land assuming a single-family dwelling could be built.

Recently the Authority has received applications for vacant land where the landowners requested retirement of all remaining DURs. In one case, the applicant was encouraged to keep one remaining in the other case both DURs were permitted to be extinguished. This prompted members to suggest that criteria should be established that would provide an objective standard for situations where no DURs are retained.

Staff suggests the following situations where extinguishing all DURs would be permitted:

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

MEMORANDUM

TO: Board of Supervisors
FROM: Alison Teetor
DATE: November 4, 2019
SUBJECT: Application for easement donation – Rolling Ridge Foundation

The Rolling Ridge Foundation has applied to the easement authority for approval of an easement donation. The property is located on the north end of the Cool Spring Battlefield on the Shenandoah River. The property is identified by Tax Map# 17-A-2A. It consists of 22.97 acres with 2 DURs. The applicant proposes to retire the remaining DURs.

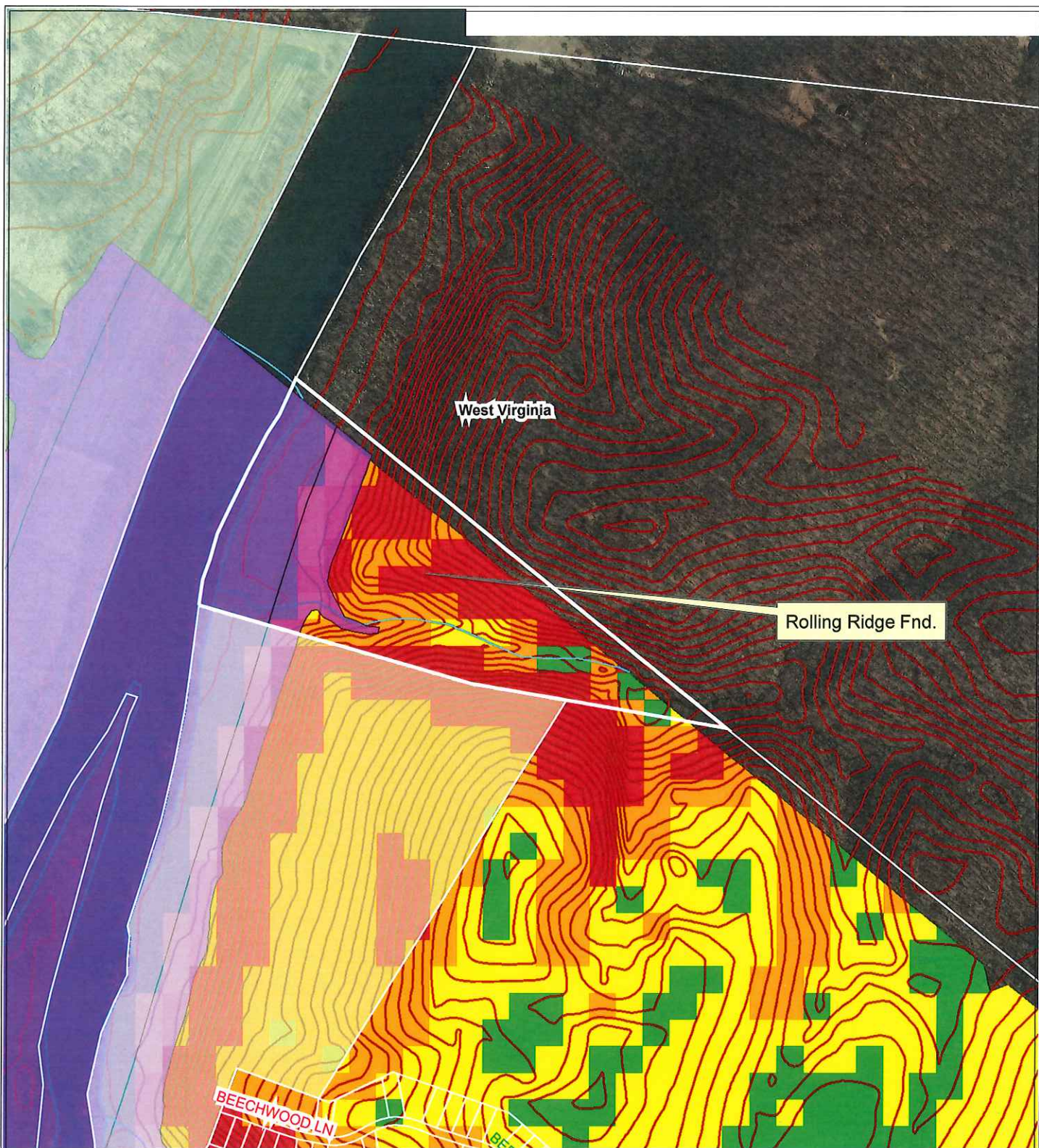
The parcel is zoned FOC and is not currently in use value taxation, but is eligible, in accord with the Commissioner of Revenue's requirements, then a donation may be considered if it meets at three of the four following criteria:

- 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) it is adjacent to another easement;
- 4) the parcel offers protection of a locally significant natural or historic feature, as determined by the Easement Authority.

The property meets 3 of the 4 criteria. The property resource score is 58.9. The applicant is retiring 2 DURs. It next to an existing easement (Cool Spring) and it is less than 40 acres. Points were given for retiring 2 DURs, having frontage on the Shenandoah River, being adjacent to an existing easement, having a perennial stream, and steep slopes. The easement authority gave preliminary approval at its September meeting and will give final approval on November 21st.

Recommendation

Approve the easement donation of the Rolling Ridge Foundation.



Rolling Ridge Foundation
 Tax Map# 17-A-2A
 22.97 acres, 2 DURs



Clarke County GIS
 June 24, 2020



- Slope <7%
- Slope 7-15%
- Slope 15-25%
- Slope > 25%
- 100 year flood plain

- Conservation Easement
- Public Road
- Private Road
- Parcel Boundary
- 10' Elevation Contour

Location Map



Aerial Imagery 2015 Commonwealth of Virginia

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: February 14, 2020
SUBJECT: Application for easement DUR purchase – PATC, Phil Paschall, agent

The Potomac Appalachian Trail Club (PATC), Phil Paschall, agent, has applied to the easement authority for approval of an easement DUR purchase. The property is on Hidden Hollow Lane, off Mount Carmel Road approximately 1.4 miles north of Route 50. The property is identified by Tax Map# 39-A-53. It consists of 59.7 acres with 3 DURs. The applicant proposes to retire the remaining DURs.

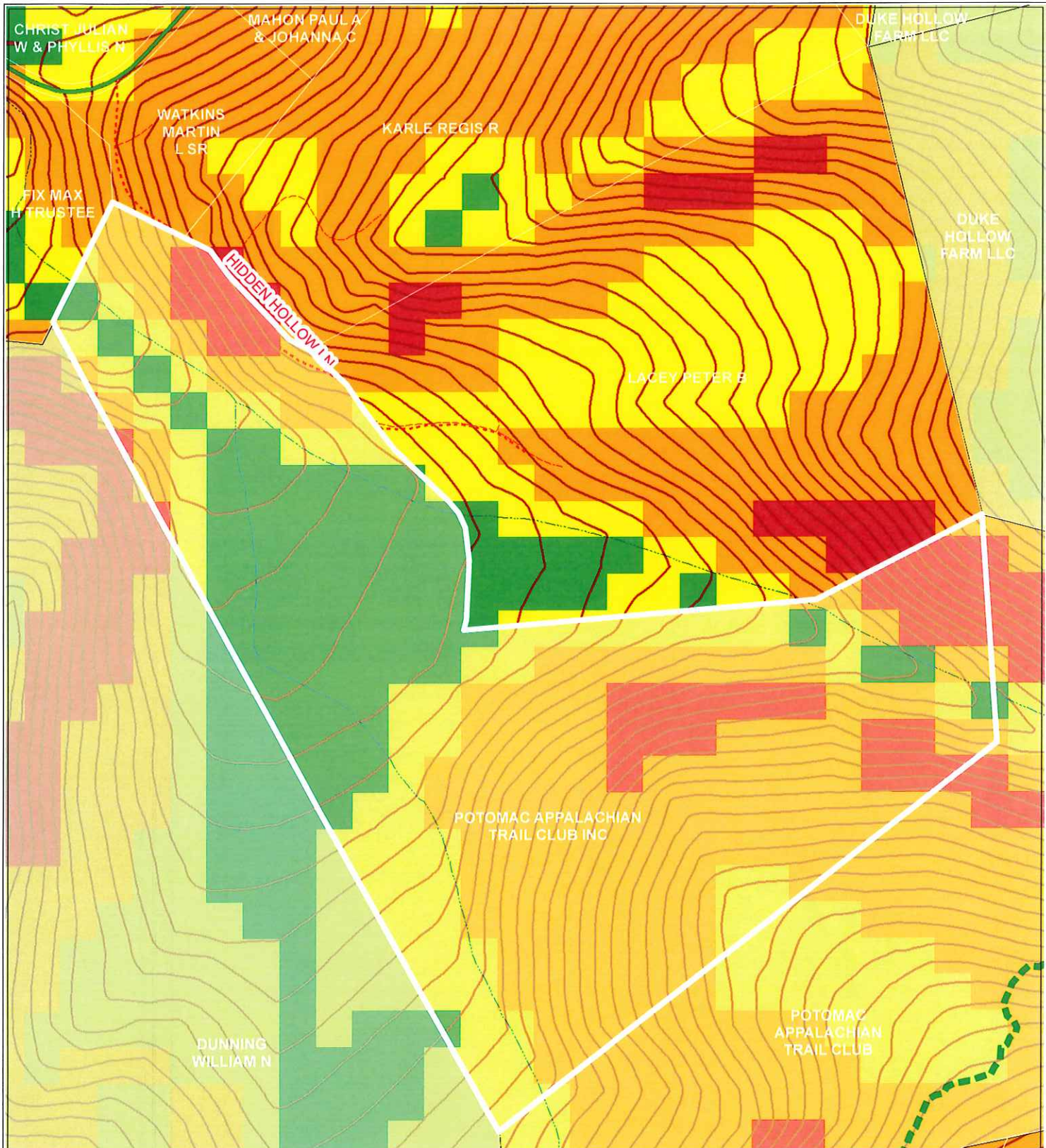
The parcel is zoned FOC and is not currently in use value taxation, but is eligible for use value taxation, in accord with the Commissioner of Revenue's requirements, then a purchase may be considered if at least two of the following four guidelines are met:

- 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.

The property meets all of the 4 criteria. The property resource score is 69.42. The applicant is retiring 3 DURs. It next to an existing easement and it is more than 40 acres. Points were given for retiring 3 DURs, being adjacent to Appalachian Trail property and an existing easement, and being owned by PATC for between 20 and 30 years.

At the last meeting members recommended a policy change to limit the amount offered to non-profits to a maximum of \$25,000 per DUR retired. The policy will be considered for adoption at the Board of Supervisors February 18th meeting.

Recommendation
Discuss in closed session.



Potomac Appalachian Trail Club
 Tax Map# 39-A-53
 59.7 acres, 3 DURs



Clarke County GIS
 November 14, 2019

260 130 0 260 Feet



- Slope <7%
- Slope 7-15%
- Slope 15-25%
- Slope > 25%
- Appalachian Trail properties

- Intermittent Stream
- Perennial Stream
- Appalachian Trail
- Public Road
- Private Road

Location Map

