

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 15 October 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 17 September 2020
3. Bank Account balances
4. Campaign for the Authority
5. Discussion
 - a. Criteria for parcels retaining zero DURs
 - b. Disclosure and Acknowledgement – building envelopes
6. Easement Donation/Purchase
 - a. Staley/Geisler – donation – new application
7. Adjournment - next meeting – Thursday October 15th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 17 September 2020 draft

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

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

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

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

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

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

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

Report on Applications for Easement Donation

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

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

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

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

Other

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

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

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

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

	Total Fund Balance	Donations	Stewardship/Restricted Funds Account	Local Funds
Fiscal Year 2020	278,893	83,736	195,156	1
July Rev/AR		1,025	0	0
July Exps/AP		0	0	0
Aug Rev/AR		325	-2,045	-2,058
Aug Exps/AP		-730		5,039
Sept Rev/AR		4,514	-675	0
Sept Exps/AP		-2,551		0
Oct Rev/AR				
Oct Exps/AP		0		0
Nov Rev/AR				
Nov Exps/AP		0		0
Dec Rev/AR				
Dec Exps/AP		0		0
YTD Rev/AR	10,903	5,864	0	5,039
YTD Exps/AP	8,678	3,281	2,720	2,678
Adjustments	0			
YTD FUND BALANCE (AR & AP)	281,118	86,319	192,436	2,363

Emily Johnson:
 Land Use Rollback Tax-
 \$5,039.31

Anticipated Easement Closings:
 None

VDACS
 75,738.77 Expires 12/31/2020 (FY2019)
 58,333.00 Expires 12/31/2021 (FY2020)
 134,071.77

ESTIMATED YTD FUND BALANCE 281,118 86,319 192,436 2,363

134,071.77 AVAILABLE Estimated YTD BALANCE-VDACS

FY21 Expenditure Appropriations	Appropriated	Actual Expenses	Appropriated Balance Remaining
General Expenses	45,000	8,678	36,322
	45,000	8,678	0

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

Conservation Easement Expense Detail - FY21

	Donations	Stewardship	Local Funds
July	0.00	0.00	0.00
August	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>730.00</u>	<u>2,045.38</u>	<u>2,057.50</u>
Sept	450.00 Gloria Marconi Summer newsletter 960.00 Robin Cardillo Services for CEA August 195.00 Winchester Printers - envelopes 936.07 Winchester Printers Summer printing newsletter 9.50 Purchase Power Postage	675.00 Dunn Land Surveys - Service	620.00 Hall, Monahan, Engle-Legal svcs for August 2020
	<u>2,550.57</u>	<u>675.00</u>	<u>620.00</u>
Oct			
Nov	0.00	0.00	0.00
Dec	0.00	0	0.00
	<u>0.00</u>	<u>0</u>	<u>0.00</u>
YTD Totals	Donations <u>3,281</u>	Stewardship <u>2,720</u>	Local Funds <u>2,678</u>



ROBIN COUCH CARDILLO

October 7, 2020

Clarke County Conservation Easement Authority
Fundraising Report
October 2020 meeting

Donor Statistics

See attached Master Report

- 2020 total: \$13,401.75 from 112 donations

Ongoing

-Fall Newsletter

- In the works (donor interview, PEC Dec 8 virtual workshop?, update on easement property – Rolling Ridge Foundation?)

-Snapshot in Time Photo Contest – Pandemic Photography

- Postcards and posters in production (ideas for spots to post?)
- Press release by Cathy Kuehner
- Deadline January 11, 2021
- Outreach 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 that restrict or eliminate the potential for development – for example, flood plain, steep slopes; OR
- 3) Other special facts and circumstances that make it appropriate to retire all DURs

UPDATE: Mr. Stidham suggested requiring a survey plat with DUR allocation identified to be recorded with deed of easement

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: October 6, 2020
SUBJECT: Application for easement donation – Gerald Staley & Margaret Geisler

Gerald Staley & Margaret Geisler have applied to the easement authority for approval of an easement donation. The property is located at 117 Bell Lane and is identified as Tax Map# 24-A-25A, 42 acres. The parcel has 1 existing pre-1980 and zero remaining DURs. The property is primarily used for pasture.

The parcel is zoned AOC and is currently in use value taxation, 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.

In reviewing the parcel, all 2 of the 4 criteria have been met. The parcel is over 40 acres and the property resource score is 50.9. Points were given being adjacent to an existing easement, having a perennial stream (Dog Run), and having a contributing structure in the Chapel Rural Historic District. There are no remaining DURs as the property has been subdivided.

Recommendation

Give preliminary approval and schedule a site visit.



Gerald Staley & Margaret Geisler

Tax Map# 24-A-25A

42 acres, 1 ext. dwl., 0 DURs

Clarke County GIS

October 6, 2020



250 125 0 250 Feet



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

Location Map



Aerial Imagery 2015 Commonwealth of Virginia