

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 17 December 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 19 November 2020
3. Bank Account balances
4. Campaign for the Authority
5. Discussion
 - a. Criteria for parcels retaining zero DURs
 - b. debrief Blue Ridge Civic Association
Introduction to Conservation Easements webinar
6. Easement Donation/Purchase
 - a. Lowell Pratt – new application - donation
 - b. Staley/Geisler – donation
 - c. RSP Enterprises – deed sent to NRCS for final approval
 - d. Blue Ridge Hunt – should close this year
 - e. Kohn property update
7. Adjournment - next meeting – Thursday January 21st 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 19 November 2020 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 19 November 2020, 10:00 am in the A/B/Main conference room, 2nd Floor Government Center.

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

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

Minutes On motion of Mr. Ohrstrom, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of October 22, 2020 with corrections.

Bank Account: Ms. Teetor reported that the primary expenses have been for the newsletter and Kohn property. The current total fund balance is \$276,895 consisting of \$85,511 in the donations account, \$189,811 in stewardship, and \$1,573 in the local funds.

Public Relations: Ms. Cardillo reported that donations are up again \$17,076.75 for the year from 119 donations, this does not include any donations from the fall newsletter, which was distributed the end of October. She is also working on promoting the photo contest. Ms. Teetor will ask Ms. Kuehner to repost the contest information of the community page. Ms. Cardillo is also working on the year end appeal letter she asked members to consider who might provide a matching gift to enhance fund raising. She also asked members to consider a recipient for the annual conservation award. Members discussed Smithfield Farm but that may not close until next year. Another suggestion was Eric Arkfeld who has put over 350 acres in easement. Members will discuss further at the December meeting.

Discussion

a. Criteria for parcels retaining zero DUR's - Mr. Mitchell has not responded to requests for review. Members agreed to wait an additional month, but questioned if there was another attorney that could help with these sorts of questions.

b. Disclosure and Acknowledgement – building envelopes Ms. Teetor explained that she had sent the form to Mr. Mitchell for his review but had not heard back.

Report on Applications for Easement Donation

a. Staley/Geisler – 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. 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. A site visit was conducted November 2nd. On motion of Ms. Jones seconded by Ms. Thomas, members gave final approval for the easement donation and recommended approval to the Board of Supervisors.

- b. **Rolling Ridge Foundation** – the deed of easement was recorded on November 9th.
- c. **RSP Enterprises** – deed sent to NRCS for final approval
- d. **Blue Ridge Hunt** – Anne McIntosh continues to get the documents ready for closing.

e. **Kohn property update** – Ms. Teetor reported that the lease has been signed by both parties. The septic repair work has been completed and the well should be on schedule to be drilled in December. To date approximately \$13,000 has been spent on the well and septic improvements.

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

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

JAS - E Johnson
 Through 11/30/20
WORK IN PROGRESS - FY2021

Fund 235 - Conservation Easement Balances

SOY FY20 - Fiscal Year 2021

	Total Fund Balance	Donations	Stewardship/Restricted Funds Account	Local Funds
	278,893	83,736	195,156	1
July Rev/AR		1,025	166	0
July Exps/AP		0	0	0
Aug Rev/AR		325		
Aug Exps/AP		-730	-2,045	-2,058
Sept Rev/AR		4,964		5,039
Sept Exps/AP		-2,551	-675	0
Oct Rev/AR		610		
Oct Exps/AP		-1,868	-2,625	-790
Nov Rev/AR		6,255		803
Nov Exps/AP		-880	0	-208
Dec Rev/AR		0	0	0
Dec Exps/AP		0	0	0
YTD Rev/AR	19,187	13,179	166	5,842
YTD Exps/AP	15,049	6,028	5,345	3,675
Adjustments	0			
YTD FUND BALANCE (AR & AP)	283,031	90,886	189,977	2,168

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

VDACS
 75,738.77 Expires 12/31/2020 (FY2019)
 58,333.00 Expires 12/31/2021 (FY2020)
134,071.77
 -61,827.10
 72,244.67 AVAILABLE Estimated YTD BALANCE-VDACS

Anticipated Easement Closings:
 Smithfield Farm January 2021

ESTIMATED YTD FUND BALANCE

ESTIMATED YTD FUND BALANCE	283,031	90,886	189,977	2,168
FY21 Expenditure Appropriations	45,000	Actual Expenses	Appropriated Balance Remaining	
General Expenses	45,000	15,049	29,951	
	45,000	15,049	0	
		15,049	0	

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

Through 11/30/20
W O R K I N P R O G R E S S (FY20 NOT COMPLETE YET)

Conservation Easement Expense Detail - FY21

	Stewardship		Local Funds
July	Donations		
	<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 <u>2,045.38</u>	2,057.50 Hall, Monahan, Engle-Legal svcs for July 2020
<u>Sept</u>	730.00 450.00 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 <u>2,550.57</u>	675.00 Dunn Land Surveys - Service <u>675.00</u>	620.00 Hall, Monahan, Engle-Legal svcs for August 2020
<u>Oct</u>	560.00 Robin Cardillo Services for CEA September 350.00 Gloria Marconi Design&Prod 2020 CEA Photo 450.00 Gloria Marconi Fall newsletter 507.71 Winchester Printers CEA printing services <u>1,867.71</u>	1,550.00 Greenway Engineering Services 1,075.00 Clarke County HD Permits <u>2,625.00</u>	790.00 Hall, Monahan, Engle-Legal svcs for Sept 2020
Nov	880.00 Robin Cardillo Services for CEA October		207.50 Hall, Monahan, Engle-Legal svcs for October 2020
Dec	880.00	0	207.50
	<u>0.00</u>	<u>0</u>	<u>0.00</u>

YTD Totals
 Donations 6,028
 Stewardship 5,345
 Local Funds 3,675



ROBIN COUCH CARDILLO

December 11, 2020

Clarke County Conservation Easement Authority
Fundraising Report
December 2020 meeting

Donor Statistics

See attached Master Report

- 2020 total: \$20,335.50 from 135 donations

Ongoing

-Year-end appeal

- Mailed and generating donations

-Wingate Mackay-Smith Land Conservation Award

- Finalize honoree
- Discussed Eric Arkfeld, Smithfield Farm (perhaps next year); other possibilities?
- Virtual recognition

-Update on Snapshot in Time Photo Contest – Pandemic Photography

- Reached out to Blandy Photo Club, Shenandoah Photographic Society, Pam Lettie and her photo network, Jennifer Anguilli at CCHS, Bonnie Jacobs
- Deadline January 11, 2021
- Posters up around the county

Criteria for allowing parcels in easement to retire all remaining DURs

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.

Mr. Mitchell was asked to review the proposed policy. His response is as follows:

You advised that the proposed provisions for zero DUR lots are policy provisions to be applied by the Authority for property being placed in a conservation easement with the Authority meeting the requirements of §3-D-10(a)(3) of the Zoning Ordinance.

My suggestions for some of the wording in the policy provisions are:

- 1) Add the word "access" after the word "road".
- 4) Revise the beginning of the sentence to read: "Any parcel placed in a conservation easement with zero DURs shall . . ."

Based on Mr. Mitchell's comments the following is the proposed final policy:

Any parcel placed in a conservation easement with zero DURs shall meet the following criteria:

- 1. No public road access or recorded 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. Such as viewsheds, historic features.**
- 4. Any parcel placed in easement with zero DURs shall provide a survey plat that includes a statement saying that this is not a legal building lot and has zero DURs**

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: December 8, 2020
SUBJECT: Application for easement donation – Lowell Pratt

Lowell Pratt has applied to the easement authority for approval of an easement donation. The properties are located at 2683 Mt. Carmel Road approximately 6/10 of a mile north of the intersection with Calmes Neck Lane. There are 4 parcels totaling 148 acres with 12 DURs. The applicant would like to merge the parcels and retire 10 of the 11 remaining DURs. The parcels are primarily forested.

The parcels are zoned FOC and are not in use value taxation but are eligible, 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.

Tax Map#	acres	DURs	ext. dwl	Property Res. Score	land use	#criteria
31-A-16	19.75	2	0	39.49	no	2
31-A-16A	15	2	0	39.46	no	2
31-A-16B	90	4	0	54.33	no	3
32-A-29	23	3	0	43.51	no	2

In reviewing the parcels, all meet at least 2 of the 4 criteria. As indicated above, the applicant will merge the parcels into 1 with 1 DUR remaining that will be placed on the property identified by Tax Map# 32-A-29 off of Mt. Carmel Rd. Points were primarily given for retiring the DURs.

Recommendation

Give preliminary approval and schedule a site visit.



Lowell Pratt Properties
147.75 acres, 11 DURs

Location Map



Clarke County GIS
December 8, 2020

400 200 0 400 Feet



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



Aerial Imagery 2015 Commonwealth of Virginia