

CLARKE COUNTY  
Conservation Easement Authority  
THURSDAY – 15 NOVEMBER 2018 - 10:00 am  
A/B Conference Room, 2<sup>nd</sup> Floor Government Center

AGENDA

7. Approval of Agenda
8. Approval of Minutes of the meetings of 18 October 2018
9. Bank Account balances
10. Campaign for the Authority
11. Easement Donation/Purchase - update
  - a. Cabell Williams – deed revisions
  - b. Don & Mary Shockey – deed revisions
  - c. Randy Sprouse – DUR purchase
12. Report on Applications for Easement Purchase  
Possible Closed Session to discuss real estate  
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.
7. Other
8. Adjournment - next meeting – Thursday December 20<sup>th</sup> 10 am

**CLARKE COUNTY**  
**Conservation Easement Authority**  
**draft Minutes – 18 October 2018 draft**

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 18 October 2018, in the A/B conference room, 2<sup>nd</sup> Floor Government Center.

**Present:** M. Jones, R. Bacon, R. Buckley, B. Byrd, P. Engel  
**Absent:** G. Ohrstrom, W. Thomas  
**Staff:** A. Teetor  
**Other:** R. Couch-Cardillo

**Agenda** On motion of Ms. Jones, seconded by Ms. Bacon, the Authority unanimously approved the agenda.

**Minutes** On motion of Mr. Engel, seconded by Ms. Jones, the Authority unanimously voted to approve the minutes of September 20, 2018 with corrections.

**Bank Account:** Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$251,088 consisting of \$62,393 in the donations account, \$114,391 in stewardship, and \$74,304 in local funds. The expenses in September were for newsletter and donor reception invitation production expenses.

**Public Relations:** Ms. Cardillo reported that this is the time of year where donations are the strongest, the total to date is \$13,340 from 93 donors. She asked members who attended what they thought of the fall donor reception. Everyone agreed that it was a nice event and though not as well attended as the summer reception, those that came seemed to have a good time. Ms. Cardillo is working on the Fall Newsletter the main story will be the completion of the Cost of Community Services study. She also stated that she is continuing to work on the website revamping. She stated in order to have the most flexible package, word press charges \$8/month. On motion of Mr. Engel, seconded by Ms. Bacon, members approved the annual fee for word press. Ms. Cardillo also asked members to begin thinking about an annual award recipient, several names were discussed, this will be discussed further at the November meeting. Ms. Byrd asked staff if grants were available to complete a livestock study that would show the number of farms, livestock and economic contribution to the County, similar to the grant obtained for the COCS study. She stated that the Equine Alliance had requested funding from the Board of Supervisors several years ago but the request was not funded and she and others would like to see such a study completed.

**Easement Donation/Purchase**

a. Cabell Williams submitted an application for an easement donation for 2 parcels. The properties are vacant and are currently accessed through the driveway for 960 Bishop Meade Road (Apple Hill). The parcels are adjacent to Carter Hall and were recently purchased by Mr. Williams from Project Hope. The Authority reviewed the application at the September meeting and gave preliminary approval, a site visit was conducted on October 11<sup>th</sup>. The applicant has requested pre-approval to construct the two single family dwellings up to 6,000 square feet in size, the standard maximum size permitted is 4,500 sq. ft. without prior approval. He has provided four building envelopes where these structures could be located. The Authority reviewed these sites during the site visit. On motion of Ms. Jones, seconded by Mr. Engel members approved the increased structure size provided they are located within the identified

building envelopes. On motion of Ms. Jones, seconded by Ms. Bacon members gave final approval for the easement donation.

b. Randy Sprouse applied to the easement authority for approval of an easement DUR purchase. The property is located at 470 Dearmont Hall Lane off Gun Barrel Rd. approximately 2/10 of a mile south of John Mosby Highway (Route 50). The property is identified by Tax Map# 20-1-8A & 8B. Last month, staff reported that the 10.1 acre parcel had an existing pre-1980 house and 0 DURs, however after further review the parcel should have been allocated an additional DUR as the Dearmont Chase subdivision, of which these parcels were part, was recorded in 1980 prior to the adoption of sliding scale zoning. So the applicant would like to retire both DURs. Members agreed to discuss the payment offer in closed session.

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

On motion of Mr. Engel 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. Engel, seconded by Ms. Bacon, the Authority unanimously approved reconvening in Open Session. Mr. Engel moved, seconded by Ms. Bacon, 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. Byrd	aye	Ms. Bacon	Aye	Mr. Buckley	Aye
Mr. Engel	Aye	Ms. Thomas	Absent	Mr. Ohrstrom	Absent
Ms. Jones	Aye				

On motion of Ms. Bacon, seconded by Ms. Jones members approved offering Mr. Spouse \$55,000 for the retirement of 2 DUR's with a maximum amount of \$60,000, on condition that language to protect the historic house be included in the Deed of Easement.

**Adjournment** There being no further business, Ms. Jones moved and Mr. Engel seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday November 15<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

**Fund 235 - Conservation Easement Balances**

**FY18 NOT FINAL YET**

**SOY FY19 - Estimated**

Fiscal Year 2019

	Total Fund Balance	Donations	Stewardship Account	Local Funds
	260,067	69,237	116,526	74,304
July Rev/AR		1,425	85	
July Exps/AP		-1,115	0	0
Aug Rev/AR		125	85	
Aug Exps/AP		-1,200	-2,220	0
Sept Rev/AR		1,300		
Sept Exps/AP		-6,242	-207	0
Oct Rev/AR		2,760		
Oct Exps/AP		-2,998	0	-2,019
Nov Rev/AR		150	44,759	
Nov Exps/AP		0	0	-328
Dec Rev/AR		0	0	0
Dec Exps/AP		0	0	0
<b>YTD Rev/AR</b>	<b>50,689</b>	<b>5,760</b>	<b>44,929</b>	<b>0</b>
<b>YTD Exps/AP</b>	<b>16,328</b>	<b>11,555</b>	<b>2,427</b>	<b>2,347</b>
<b>Adjustments</b>	<b>0</b>			
<b>YTD FUND BALANCE (AR &amp; AP)</b>	<b>294,428</b>	<b>63,443</b>	<b>159,028</b>	<b>71,958</b>

**VDACS**

86,950.00 Expires 12/31/2018 (FY2017)  
 61,615.23 Expires 12/31/2019 (FY2018)  
**148,565.23**

**Anticipated Easement Closings:**

ESTIMATED YTD BALANCE 294,428 63,443 159,028 71,958 AVAILABLE Estimated YTD BALANCE-VDACS 148,565.23

FY19 Expenditure Appropriations	Local		Appropriated Balance	
	Funds/Donations	Actual Expenses	Remaining	
General Expenses	45,000	16,328	28,672	
	45,000	16,328	28,672	

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

Through Nov. 09, 2018 NOT FINAL 2018 YET  
 Conservation Easement Expense Detail - FY19

	Donations	Stewardship	Local Funds
<u>July</u>	25 Downstream Pit = Domain name renewal CEA 90 Clarke County Ruritan Club 1,000.00 CCHS -Program Ad, Athletic Dept <u>1,115.00</u>		
<u>August</u>	800.00 Robin Couch Cardillo - Svcs for July 400.00 Clarke County Fair - Sponsorship/Pig Scramble <u>1,200.00</u>	1,000.00 Robert Bayne Gordon-inspections 1,000.00 Sophia Dorsey-inspections 220.18 Robert Bayne Gordon-mileage <u>2,220.18</u>	0.00
<u>Sept</u>	1,740.00 Robin Couch Cardillo - Svcs for CEA photo contest 1,800.00 Ace Photo-Gift Certificates for photo contest 500.00 Gloria Marconi Illustration & Design 750.00 Rick Elrod-Reimbursement of commercial appraisal 136.00 Winchester Printers-CEA Banner 411.31 Winchester Printers-process mailing and postage 120.00 Winchester Printers-reception invite 1,084.53 Winchester Printers-Summer 2018 newsletter <u>6,241.84</u>	206.99 Sophia Dorsey-mileage <u>206.99</u>	0.00
<u>Oct</u>	1,587.79 Robin Couch Cardillo - CEA Services 450.00 Gloria Marconi Illustration-Fall '18 Newsltr 960.00 Robin Couch Cardillo-CEA Services <u>2,997.79</u>	0.00 <u>0.00</u>	175.00 Samuel D Shumate-Title Exam 1,694.00 Winchester Title Co-Title Exam 150.00 John R Friant-Title Search <u>2,019.00</u>
Nov			327.50 Hall, Monahan, Engle-Legal Svcs Nov '18 <u>327.50</u>
Dec			<u>0.00</u>
<b>YTD Totals</b>	<b>Donations</b> <u>11,555</u>	<b>Stewardship</b> <u>2,427</u>	<b>Local Funds</b> <u>2,347</u>



ROBIN COUCH CARDILLO

November 9, 2018

Clarke County Conservation Easement Authority  
Fundraising and Public Relations Report  
November 2018 meeting

**Donor Statistics**

See attached Master Report

- 2018 total to date: \$15,840.28 from 107 donations

**Ongoing**

*-Fall newsletter mailed*

- Starting to receive donations

*-New notecards from recent "Savor the Seasons" photo contest*

- At printer now; three categories – winter, flora, fauna – bundled as packs of six photos
- Ordered 50 packs of each category; selling for \$10/pack (confirm) = \$1,500 (\$505 to print)

*-Year-end appeal in process*

- Letter to go out after Thanksgiving

*-5<sup>th</sup> Wingate Mackay-Smith Land Conservation Award*

- Potential honorees discussed: The Shockeyes, Cabell Williams
- Determine date and place (this past year – Thursday, January 18, Millwood Country Club, lunch by Locke Store, gift/award?)

*-Website*

- Continuing to work on site copy and graphics

# Fundraising Results: Clarke County Conservation Easement Authority

As of November 9, 2018

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b># Donations</b>	115	161	208	209	203	195	181	200	169	158	164	169	107
<b>Amount</b>	\$13,345	\$19,090	\$20,871	\$25,649	\$26,396	\$25,843	\$23,530	\$42,266	\$36,260	\$57,356.00	\$24,778.00	\$26,101.00	\$15,840.28
<b>YE Donor Appeal</b>													
<b>Donor Appeal Amount</b>	\$8,465	\$8,310	\$8,477	\$10,134	\$6,376	\$12,815	\$7,250	\$15,706	\$17,635	\$47,003	\$15,665	\$7,577	\$2018
<b>Donor Respondents</b>	73	59	87	86	76	68	50	69	51	61	47	48	
<b>YE Prospect Amount</b>		\$2,115	\$425				\$40		\$1,650	\$104	\$25	\$325	
<b>Prospect Respondents</b>		24	7				1		3	2	1	3	
<b>Winter Newsletter</b>													
<b>Dollar Amount</b>			\$2,700	\$2,065	\$2,865	\$2,126	\$3,611	\$4,805	\$3,335	\$2,700	\$2,228	\$2,815	\$4,920
<b>Respondents</b>			23	27	32	21	32	39	26	25	29	39	29
<b>Spring Newsletter</b>													
<b>Dollar Amount</b>	\$3,775	\$455	\$2,074	\$5,820	\$2,810	\$2,520	\$3,415	\$1,975	\$3,705	\$3,420	\$2,725	\$2,810	\$1,600
<b>Donor Respondents</b>	35	5	19	38	26	27	32	28	26	27	19	23	15
<b>payer Spring Newsletter: Dollar Amt</b>		\$2,200	\$940	\$460	\$450	\$625	\$765	\$185	\$1,380	\$100	\$75	\$1,150	\$550
<b>yer Spring Newsletter: Respondents</b>		16	19	10	4	11	5	4	9	1	3	8	3
<b>Summer Newsletter</b>													
<b>Dollar Amount</b>		\$2,370	\$2,020	\$1,330	\$1,883	\$2,735	\$1,580	\$5,040	\$3,215	\$1,927	\$2,115	\$3,110	\$4,480
<b>Respondents</b>		20	27	22	33	26	21	22	27	22	28	20	38
<b>Fall Newsletter</b>													
<b>Donor: Dollar Amount</b>		\$2,210	\$765	\$260	\$7,300	\$2,946	\$4,630	\$2,660	\$2,325	\$1,250	\$600	\$3,870	\$220
<b>Donor: Respondents</b>		12	5	7	25	26	30	27	14	3	6	11	4
<b>Taxpayer Fall Newsletter: Dollar Amt</b>		\$1,430	\$90	\$1,405	\$65	\$605	\$715	\$240	\$780		\$325	\$1,200	\$100
<b>prayer Fall Newsletter: Respondents</b>		25	4	8	2	8	9	5	5		5	4	1
<b>Over the Transom</b>													
<b>Dollar Amount</b>			\$3,380	\$4,175	\$1,900	\$688	\$1,457	10,500	\$1,550	\$257	\$362	\$2,230.00	\$3,970
<b>Donor Respondents</b>			17	11	5	6	2	2	2	3	12	7	17
<b>Donor Thank-You Party</b>													
<b>Dollar Amount</b>	\$1,105												
<b>Donor Respondents</b>	6												
<b>Photo Revenue</b>					\$747	\$57	\$67				\$		\$304
<b>Notecards</b>													
<b>Gift-in-Kind (admin work donated by Kate Petranec)</b>						\$346	\$473	\$469					



MEMORANDUM

TO: Conservation Easement Authority  
FROM: Alison Teetor  
SUBJECT: Restrictions on Boundary Line Adjustments – Cabell Williams  
DATE: November 6, 2018

Cabell Williams has applied and been approved for an easement donation for two properties. Tax Map# 30-A-16A, consisting of 22.98 acres, and Tax Map# 30-A-30, consisting of 71.22 acres.

Mr. Williams and his attorney Tim Lindstrom have requested the following change to the Boundary Line Adjustment section of the Easement Authority’s deed template:

*3.2 DIVISION.*

*A. The Property current consists of two (2) separate but adjoining parcels of land, Parcel 30-A-30 and Parcel 30-A-16A. Further division of the Property is prohibited. The Property shall not be sold, conveyed, or devised except as two (2) parcels. However; and notwithstanding the provisions of Paragraph 3.2.B, Grantors reserve the right, in their sole discretion, to adjust the existing common boundaries of Parcels 30-A-30 and 30-A-16A that comprise the Property, provided that such boundary-line adjustment complies with the requirements of applicable Clarke County ordinances.*

**Conservation Easement Authority Deed template**

**3.2 DIVISION.**

B. Boundary line adjustments with adjoining parcels of land are permitted provided that the following conditions are met:

(i) The entire adjacent parcel is subject to a recorded open-space easement and any portion of the Property transferred and incorporated into the adjacent parcel remains expressly subject to the restrictions set forth in this Easement or a more restrictive conservation easement approved by Grantee; and

(ii) The proposed boundary line adjustment shall have been reviewed and approved in advance by the Authority.

**Mr. Lindstrom has provided the following reasoning behind the proposed change:**

1) In most easements (including the VOF easement) when easement property is comprised of more than one adjoining parcel, the easement expressly states that, even though the property may be comprised of more than one parcel, for purposes of the easement it shall be considered as one parcel. In the context of that language, these easements then allow division without regard to the interior boundaries of the existing parcels.



The intent in adding the provision that expressly allows a reconfiguration of the boundaries of the two parcels comprising the Williams easement is to replicate the outcome that is allowed by most all other easement forms I have worked with. The provision I drafted does not allow an adjustment of the boundaries of the two parcels with other parcels, only with each other.

If a boundary adjustment between two parcels owned by the same landowner requires some sort of County review, I have no problem providing for that review in the provision I have proposed. What I am trying to avoid is a discretionary right in the County and Authority, in their capacities as easement holders, to deny a reconfiguration of the common boundaries of Parcels 30-A-16A and 30-A-30.

It may be your position that we shouldn't be concerned about such a discretionary right in the easement holders. But, if the reconfiguration complies with the County's ordinances, and does not in any way change the uses of the two parcels allowed by the easement, why would the easement holders need the right to deny? If we shouldn't worry, then there is no reason for the easement holders to have this discretion because the assurance justifying allowing it is that it won't be exercised.

2) In reading the ordinance provisions governing boundary line adjustments, it appears that section 10-D-1-c would allow an adjustment between the boundaries of Parcel 30-A-30 and 30-A-16A so long as the adjustment does not result in either parcel having less than 20 acres.

Can we not simply let the ordinance govern a potential boundary adjustment in the case of this conservation easement and eliminate the review and approval provision for the grantees? We can expressly reference the ordinance provision in the easement.

Staff reached out to VOF to determine how they handle these issues . Their comments are listed below.

*Every easement is different as far as required subdivision parcel sizes so internal boundary line adjustments (internal – meaning existing lot lines (i.e. tax parcels) within the easement boundary as a whole) may not be allowed depending on the DOE. However, if there are no pre-existing conditions for divisions (for example, any new lot has to be at least 50 acres), then internal BLA's would be allowed and VOF doesn't necessarily need to review. That being said...several counties and lawyers like us to not only review but to sign an internal BLA to ensure compliance with DOE. One of the biggest issues with internal BLA's is determining how zoning rights and DOE restrictions interplay. For instance, we had an issue where the DOE was silent on lot size but zoning required a minimum acreage to accommodate the 2 existing dwellings.*

### **VOF Deed template – has no BLA language**

The Property is shown as Tax Map No. [or PIN] \_\_\_\_\_ among the land records of the County of \_\_\_\_\_, Virginia. [Use if one tax parcel: **Even if the Property may have been acquired previously as separate**

**parcels, it shall be considered one parcel for purposes of this Easement, and the restrictions and covenants of this Easement shall apply to the Property as a whole. Use if more than one tax parcel: Even though the Property consists of \_\_\_\_\_ parcels for real estate tax purposes and it may have been acquired previously as separate parcels, it shall be considered one parcel for purposes of this Easement, and the restrictions and covenants of this Easement shall apply to the Property as a whole.] [If the Property is a portion of or contains a portion of a tax parcel, revise the language above accordingly.]**

1. DIVISION.

(i) Separate conveyance of a portion of the Property or division of the Property is prohibited. [Alternate language where division rights are retained: The Property shall not be divided into, or separately conveyed as, more than \_\_\_\_\_ parcels (\_\_\_\_\_ division(s) permitted)]. For purpose of this Easement, division of the Property includes, but is not limited to, recordation of a subdivision plat, judicial partitioning of the Property, testamentary partitioning of the Property, or pledging for debt of a portion of the Property.

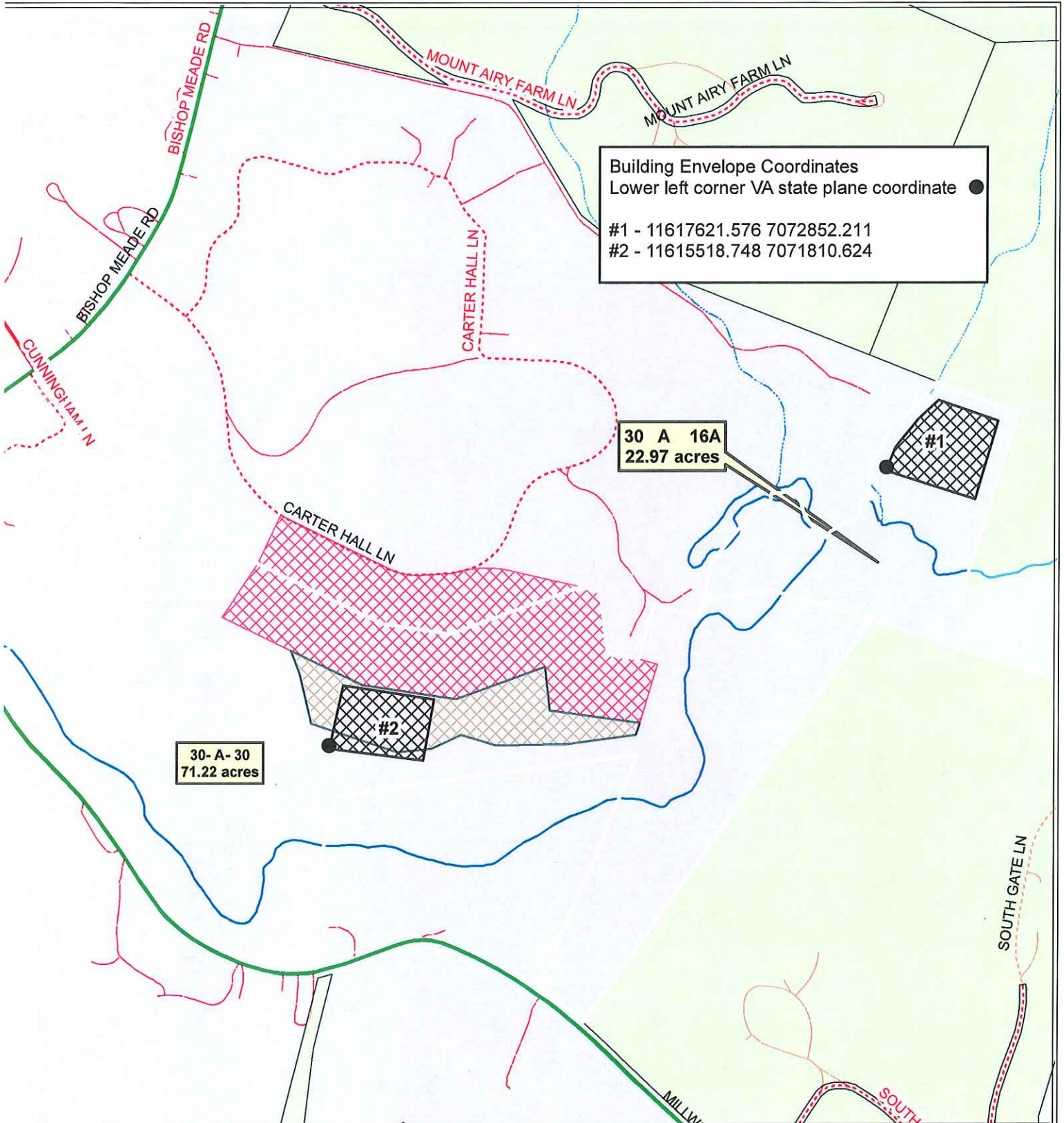
Staff has reviewed 5 cases where boundary line adjustments have been completed on eased property with Authority approval. In 2 of the cases (McDonald, Williams Construction) all property was in easement but one parcel was held by VOF and the other by the County. Both were reviewed and approved by both entities. Three involved BLA's where one of the parcels was not in easement (Chandler, Bittner, and Powhatan). All were reviewed and approved by the Authority and the Board of Supervisors. In no case has there been an adjustment between parcels in easement that are covered by the same Deed of Easement.

**Recommendation**

Allow BLA's without Easement Authority review so long as no parcel is reduced in size below 20 acres.



# EXHIBIT A Building Envelopes



Building Envelope Coordinates  
Lower left corner VA state plane coordinate ●

#1 - 11617621.576 7072852.211  
#2 - 11615518.748 7071810.624

30 A 16A  
22.97 acres

30-A-30  
71.22 acres

George C. Williams



October 30, 2018  
Clarke County GIS

200100 0 200 Feet



- |                        |                     |
|------------------------|---------------------|
| No Build Zone          | Intermittent Stream |
| 28' height restriction | Perennial Stream    |
| Conservation Easement  | Public Road         |
| Parcel Boundary        | Private Road        |
| Building Envelope      | Scenic Byway        |

Location Map



## MEMORANDUM

TO: Conservation Easement Authority  
FROM: Alison Teetor  
SUBJECT: Requested changes to Deeds of Easement – Don & Mary Shockey  
DATE: November 8, 2018

Don and Mary Shockey have applied and been approved for an easement donation for three properties. Tax Map# 13-A-29 (Callander I), consisting of 198.1 acres, Tax Map# 22-A-5A (Callander II/Walnut Hall), consisting of 271 acres and Tax Map# 22-A-2, consisting of 29.2 acres.

I met with Mr. Shockey November 7<sup>th</sup> to discuss additional and final changes to the Deeds of Easement. The requests are as follows:

### TM#13-A-29

1) an increase in the tenant house size from 2,000 square feet to 2,500 square feet. There are 2 DURs remaining for the proposed tenant houses. The tenant houses are to be located within the building envelopes identified on Exhibit B.

2) The ability to construct agricultural building such as hay storage and indoor riding arena such that no individual structure may exceed 15,000 square feet with a maximum aggregate of 25,000 square feet.

### TM# 22-A-5A

1) A pre-approval of a building envelope as shown on Exhibit B for a primary dwelling up to 10,000 square feet.

2) The ability to construct agricultural building such as hay storage and indoor riding arena such that no individual structure may exceed 15,000 square feet with a maximum aggregate of 20,000 square feet per parcel.

3) an increase in the tenant house size from 2,000 square feet to 2,500 square feet. There are 5 DURs remaining for the proposed tenant houses. There is no restriction on where the tenant houses are to be located other than there are large building restriction areas along both Summerville and Annfield Roads.

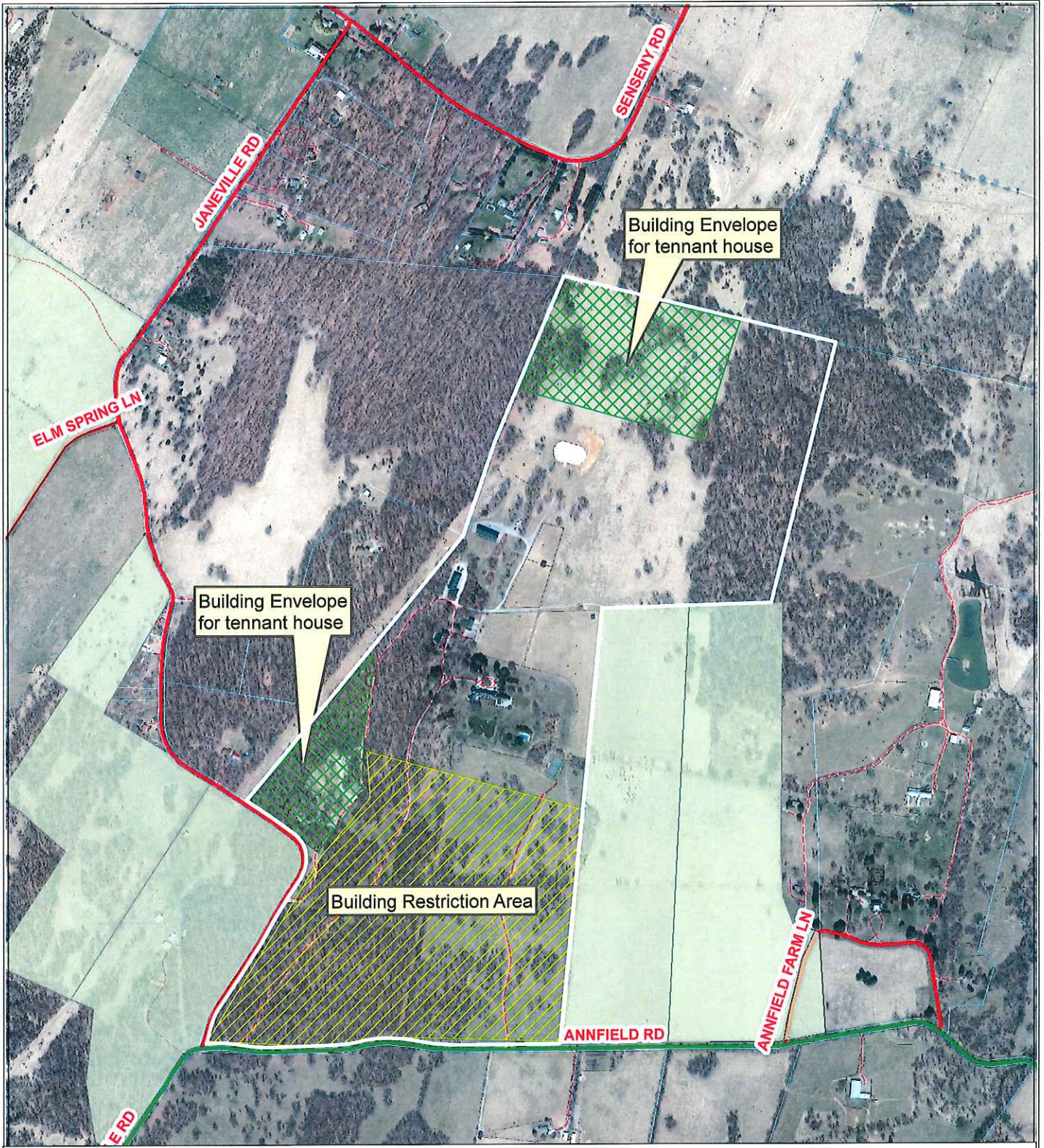
### TM# 22-A-2

1) an increase in the agricultural building size from 4,500 sq. ft. to 8,000 sq. feet with a maximum aggregate of 10,000 sq. ft.. Total square footage of all structures cannot exceed 15,000 sq. ft.

2) That an access easement be granted through this property to 22-A-5A



# Exhibit B



**Callander Farm Trust**  
**Tax Map# 13-A-29, 198.1 acres**  
**2 ext. dwlgs., 4 DURs**

Clarke County GIS  
 October 12, 2017

600 300 0 600 Feet

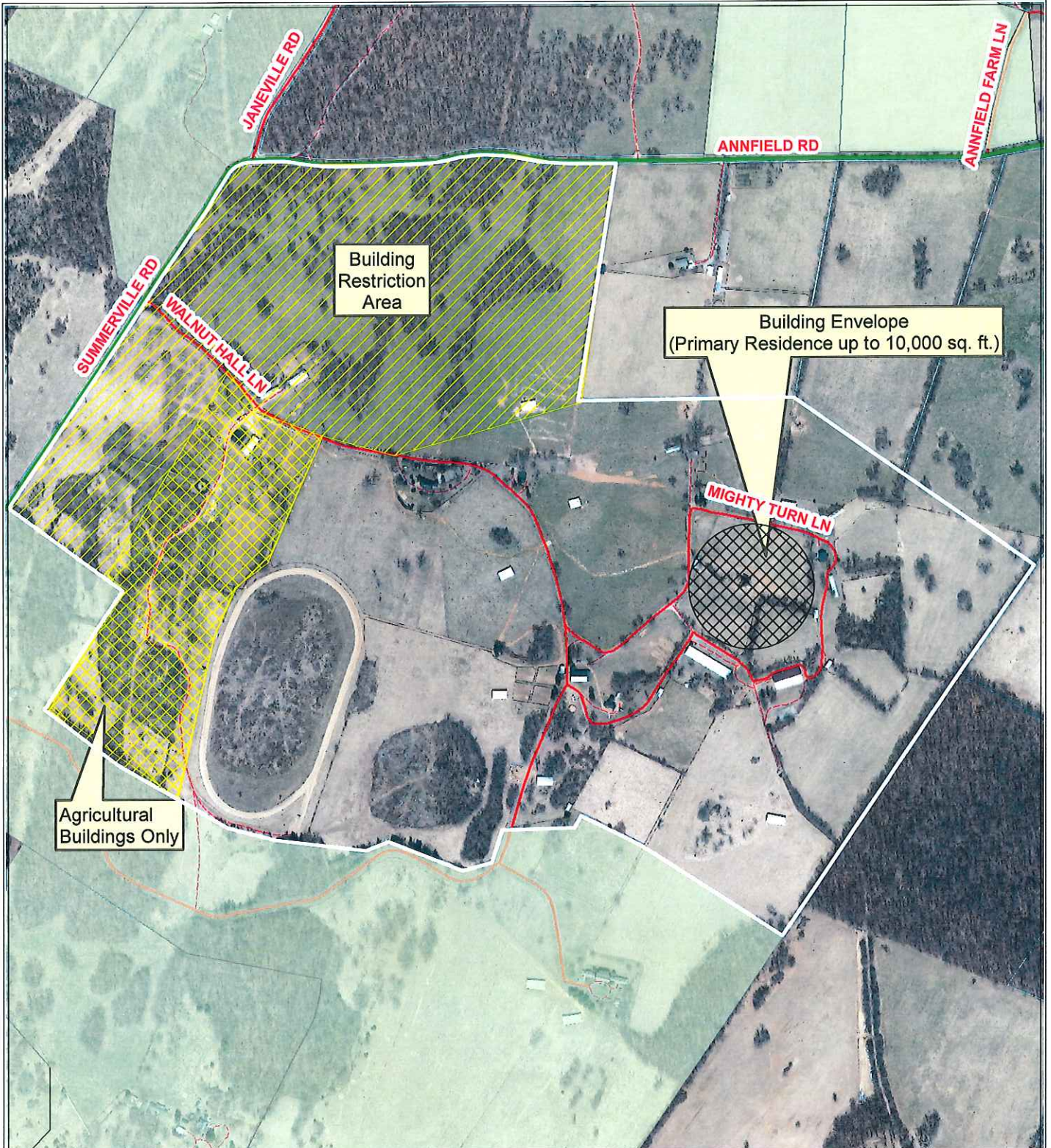


- Conservation Easement
- Roads
- Scenic Road
- Railroad
- Parcel Boundary





# Exhibit B



**Callander II LLC**  
**Tax Map# 22-A-5A, 271 acres**  
**6 ext. dwlgs., 7 DURs**

Clarke County GIS  
 November 9, 2018

500 250 0 500 Feet



-  Conservation Easement
-  Roads
-  Scenic Road
-  Railroad
-  Parcel Boundary

-  Building Restriction Area
-  Agricultural Buildings Only





# Exhibit B



**Donald Shockey**  
**TM# 22-A-2, 29.2 acres**  
**1 ext. dwl., 1 DUR**

Clarke County GIS  
August 28, 2018

100 50 0 100 Feet



- Conservation Easement
- Roads
- Scenic Road
- Railroad
- Parcel Boundary

