

**CLARKE COUNTY**  
**Conservation Easement Authority**  
THURSDAY – 21 SEPTEMBER 2017 – 10:00 AM  
**A/B Conference Room, 2<sup>nd</sup> Floor Government Center**  
**AGENDA**

1. Approval of Agenda
2. Approval of Minutes of the meetings of 20 July 2017
3. Bank Account balances
4. Campaign for the Authority
5. Review of revised deed template
6. Easement Donation/Purchase
  - a. Waite – easement donation – preliminary approval
  - b. Arden – easement adjustment
  - c. Greenhalgh – DUR purchase – Fairfield deed review
7. Report on Applications for Easement Purchase
  - a. *Possible Closed Session to discuss real estate*
  - b. *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.*
8. Adjournment - next meeting – Thursday October 19<sup>th</sup> 10 am

**CLARKE COUNTY**  
**Conservation Easement Authority**  
**draft Minutes – 20 July 2017 draft**

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 20 July 2017, in the A/B Conference Room, 2<sup>nd</sup> Floor Government Center.

**Present:** R. Buckley, W. Thomas, M. Jones, L. Wallace, G. Ohrstrom, P. Engel  
**Absent:** B. Byrd  
**Staff:** A. Teetor, Brandon Stidham  
**Agenda** On motion of Ms. Wallace, seconded by Ms. Jones, the Authority unanimously approved the agenda.  
**Minutes** On motion of Ms. Jones, seconded by Mr. Ohrstrom, the Authority unanimously voted to approve the minutes of June 29, 2017 with minor corrections.

**Bank Account:** Ms. Teetor handed out the spreadsheets and reviewed the expenditures. Current fund balances show a total fund balance of \$231,771 consisting of \$63,346 in the donations account, \$96,542 in stewardship, and \$71,883 in local funds. Ms. Teetor reported that funds were appropriated for the DUR purchase of Fairfield at the Board meeting yesterday. In addition the Johnston easement should be recorded next month. She asked members if it would be helpful to have Brenda Bennett attend the next meeting to go over the spreadsheets and provide an explanation that would help in understanding the information. Members agreed this would be helpful and directed staff to invite Ms. Bennett to a future meeting.

**Public Relations:** Ms. Cardillo was not present but provided a report in the packet. Donations continue to trickle in stating that \$8,494 has been donated by 78 donors to date. At the last meeting, Ms. Cardillo then discussed reaching out to the Economic Development Advisory Committee. Mr. Ohrstrom spoke to the Chair, John Milleson, and stated that Mr. Milleson said the committee would probably start working in January, but would be open to including the Authority in their discussions. Ms. Cardillo is currently working on the summer newsletter; members agreed a story about the Bowen's who placed land in easement last February might be a good story. Ms. Cardillo also followed up on her idea of having coffee with supporters. She sent an email to Mr. Buckley with approximately 15 names of persons that could be invited. Mr. Buckley stated that it looked like a good opportunity to engage donors to get feedback and potentially new ideas. Ms. Cardillo intends to initiate the coffees in September. Other public relations topics included sponsorship of the Fair and School sports. On motion of Ms. Jones, seconded by Mr. Ohrstrom members approved purchasing \$400 package from the Fair which provides placing 2 banners on the fairgrounds, Facebook mentions and PA mentions during the Fair. On motion of Ms. Wallace seconded by Mr. Ohrstrom members approved purchasing the \$1,000 sponsorship for the sporting events which provides for banner display at all sporting events throughout the year. On motion of Mr. Engel, seconded by Mr. Ohrstrom members authorized staff to purchase an additional banner.

**Deed of Easement template review** Ms. Jones had generously agreed to review the current deed template and compare to the current Virginia Outdoors Foundation template. She presented her suggested changes and members discussed inserting new sections relating to alternative energy, and buildings and structures. After a lengthy discussion, members directed staff to work with Mr. Mitchell to review the proposed changes and report back to the Authority at the next meeting.

**Easement Donation/Purchase**

a. Arden - Frances Arden has applied to the easement authority for approval of an easement donation. The property is located on the west side of Old Chapel Road approximately 4/10 of a mile south of the intersection with Browntown Road. The property currently consists of two parcels Tax Map# 21-A-46, 10.47 acres, that has an existing house constructed in 1900 and 0 DURs, and Tax Map# 21-A-46A, 8.1 acres, vacant, with 1 DUR. A site visit was conducted on July 11<sup>th</sup>. On motion of Ms. Wallace, seconded by Mr. Engel the Authority gave final approval for the easement donation but asked staff to make sure the applicant understands there is a purchase option.

b. Armbrust - Linda Armbrust has applied to the easement authority for approval of an easement donation. The parcel consists of 18.9 acres located on the north side of Pyletown Road (Route 620) just east of her property located at 1886 Pyletown Road approximately 1.8 miles west of the intersection of Pyletown Road and Route 340. The property has two (2) unused Dwelling Unit Rights (DUR)s, and is vacant. The applicant would like to retire one DUR. A site visit was conducted on July 11<sup>th</sup>. On motion of Ms. Wallace, seconded by Mr. Engel the Authority gave final approval for the easement donation.

c. Greenhalgh – Fairfield – Ms. Teetor reported that Mr. Greenhalgh has submitted an application for a DUR purchase on Fairfield. The property is located on the east side of Lord Fairfax Highway (Route 34) approximately 1 mile south of the West Virginia line. The parcel is identified as Tax Map# 9-3-1B and consists of 35.87 acres, with 4 exemptions and 2 DURs. Ms. Teetor reported that she met with Mr. Greenhalgh to review the draft deed. In addition, Ms. Teetor asked Ms. Kalbian to review the deed to insure that the historic resources were properly described.

**Report on Applications for Easement Purchase**

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

There was no action was taken subsequent to the Closed Session.

**Adjournment** There being no further business, Mr. Ohrstrom moved and Ms. Thomas seconded that the Authority adjourn to the next meeting is scheduled for Thursday August 17<sup>th</sup> at 10:00 am. The motion was approved unanimously.

\_\_\_\_\_  
Randy Buckley, Chair

\_\_\_\_\_  
Alison Teetor, Clerk to the Authority

	Total Fund Balance	Donations	Stewardship Account	Local Funds
<b>EOY 2017</b>	229,723	61,003	96,837	71,883
Fiscal Year 2018				
July Rev/AR		909		2,000
July Exps/AP		-1,640	0	-858
July Exp Bill & Jane Johnston purchase				-30,471
Aug Rev/AR		25		1,740
Aug Exps/AP		-1,915	-2,097	-1,700
Sept Rev/AR		550		0
Sept Exps/AP		0		0
Oct Rev/AR		0		0
Oct Exps/AP		0		0
Nov Rev/AR		0		0
Nov Exps/AP		0		0
Dec Rev/AR				
Dec Exps/AP				
<b>YTD Rev/AR</b>	<b>5,225</b>	<b>1,484</b>	<b>0</b>	<b>3,740</b>
<b>YTD Exps/AP</b>	<b>38,681</b>	<b>3,555</b>	<b>2,097</b>	<b>33,029</b>
<b>Adjustments</b>	<b>0</b>			
<b>YTD FUND BALANCE (AR &amp; AP)</b>	<b>196,267</b>	<b>58,932</b>	<b>94,740</b>	<b>42,595</b>

FY17 ending balances not final yet

Clarke County:  
Land use rollback tax

Clarke County:  
Land use rollback tax=1,740.48

**VDACS**

28,989.52 Expires 12/31/2017 (FY2016)

86,950.00 Expires 12/31/2018 (FY2017)

**115,939.52**

**-30,471.00**

-40,000.00 estimated

45,468.52 AVAILABLE Estimated YTD BALANCE-VDACS

**Anticipated Easement Closings:**

Bill & Jane Johnston-CLOSED- Actual EXPS above

Fairfield - Estimated

ESTIMATED YTD BALANCE

156,267

-20,000

22,595

94,740

	Local	Funds/Donations	Actual Expenses	Appropriated Balance
<b>FY18 Expenditure Appropriations</b>				
General Expenses	45,000		8,210	36,790
Fairfield	80,000			36,790
	125,000		8,210	36,790

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

Through Sept. 13, 2017

**Conservation Easement Expense Detail - FY18**

	Donations	Stewardship	Local Funds
<u>July</u>	550.00 Maral S Kalbian-CEA Services July 2017		
	1,000.00 Clarke County HS-Athletic Program support		30,471.00 Hall, Monahan-Johnston easement purchase
	90.00 Clarke County Ruritan Club		30,471.00 <i>sub-total</i>
	<u>1,640.00</u>		<u>857.50</u>
<u>August</u>	400.00 Clarke County Fair-Blue Ribbon Sponsorship	1,000.00 B Herde-Intern work	1,700.00 Hall, Monahan-Legal Svcs Aug 2017
	25.00 Downstream Project	1,000.00 S Dorsey-Intern work	
	972.24 Robin Couch Cardillo-CEA Services Aug 2017	23.33 S Dorsey-mileage	
	68.00 Winchester Printers-CCEA Banner	73.51 B Herde-mileage	
	450.00 Gloria Marconi Illustration-CEA Services		
	<u>1,915.24</u>	<u>2,096.84</u>	<u>1,700.00</u>
<u>Sept</u>			
	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

**YTD Totals**

Donations 3,555  
 Stewardship 2,097  
 Local Funds 33,029

**Fund 235 - Conservation Easement Balances**

	Total Fund Balance	Donations	Stewardship Account	Local Funds
<b>EOY 2016</b>	259,959	161,083	86,478	12,398
<b>Fiscal Year 2017</b>				
July Rev/AR		400	33	
July Exps/AP		-50	0	0
Aug Rev/AR		1,340	33	
Aug Exps/AP		-2,115	-2,160	-8,248
Sept Rev/AR		714	32	82,427
Sept Exps/AP		-1,949	0	-208
Sept Exp Moore & Dorsey Inc purchase		-81,020		-81,020
Oct Rev/AR		432	12,093	1,589
Oct Exps/AP		-2,258	0	-453
Nov Rev/AR		1,025	32	4,456
Nov Exps/AP		-2,080	0	-3,310
Dec Rev/AR		5,516		147,822
Dec Exps/AP		-1,762	0	-2,195
Dec Exp Susan Digges & Digges Farm purchase		-32,225		-138,670
Jan Rev/AR		19,499		309,302
Jan Exps/AP		-1,560	0	-605
Jan Exp Cool Spring Farm purchase		-5,738		-311,262
Feb Rev/AR		9,165		400
Feb Exps/AP		-1,995	0	-1,073
Mar Rev/AR		2,150		58,095
Mar Exps/AP		-2,929	0	-415
Apr Rev/AR		1,278		2,823
Apr Exps/AP		-1,309	0	0
May Rev/AR		1,241		690
May Exps/AP		-1,311	0	-290
June Rev/AR		2,220		
June Exps/AP		-4,417	0	-373
<b>YTD Rev/AR</b>	<b>664,809</b>	<b>44,981</b>	<b>12,223</b>	<b>607,605</b>
<b>YTD Exps/AP</b>	<b>692,997</b>	<b>142,718</b>	<b>2,160</b>	<b>548,120</b>
<b>Adjustments</b>	<b>0</b>			
<b>YTD FUND BALANCE (AR &amp; AP)</b>	<b>231,771</b>	<b>63,346</b>	<b>96,542</b>	<b>71,883</b>

**Brenda Bennett:**  
Accts Rec for Moore & Dorsey easements (VDACS). Rec'd 12/21/16

**Brenda Bennett:**  
Land Use rollback tax

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Land Use rollback tax

**Clarke County:**

Land Use rollback tax - \$8,097

Accts Rec for Digges Farm- \$20,084.50 -Rec'd 01/2017

Accts Rec for Digges Farm-70,250.00-Rec'd 3/2017

Accts Rec for Susan Digges- \$12,140.50-Rec'd 01/2017

Accts Rec for Susan Digges-\$37,250.00-Rec'd 03/2017

**Clarke County:**

Land Use rollback tax - \$3,927

Est. Accts Rec for Cool Spring Farm - \$305,375-Rec'd

\$126,125 03/2017, Rec'd \$179,250 3/21/17

**Clarke County:**

Land Use rollback tax - \$400

**Clarke County:**

Land Use rollback tax=500+42,946.24+4648.44

Transfer from general fund-\$10,000

**Clarke County:**

Land Use rollback tax=2,823

**Clarke County:**

Land Use rollback tax=690

**VDACS**

101,322.82 Expires 12/31/2016 (FY2015)

42,319.18 Expires 12/31/2017 (FY2016)

86,950.00 Expires 12/31/2018 (FY2017)

**230,592.00**

-82,427.48

0.00

-20,084.50

-12,140.50

-15,080.00 estimated

100,859.52 AVAILABLE Estimated YTD BALANCE-VDACS

**Anticipated Easement Closings:**

Moore & Dorsey Inc (Approp 07/2016)-CLOSED-Actual EXPS above

Cool Spring Farm, Mike Cassidy-CLOSED-Actual EXPS above

Digges Farm LLC-CLOSED- Actual EXPS above

Susan Digges -CLOSED- Actual EXPS above

Bill & Jane Johnston-Estimated

ESTIMATED YTD BALANCE

231,771

63,346

96,542

71,883

JAS - B Bennett  
 Through 06/30/2017 - FY17 Books still open for adjusting entries

FY16 Expenditure Appropriations	Local Funds	Actual Expenses	Appropriated Balance	
				Remaining
General Expenses	30,000	43,062	-13,062	
Moore & Darsey Inc - closed in Sept	160,000	162,040	-2,040	
Cool Springs -closed in Jan	317,100	317,000	100	
Susan Digges - closed in Dec	70,500	65,010	5,490	
Digges Farm - closed in Dec	111,375	105,885	5,490	
Bill & Jane Johnston - Estimated	30,160		30,160	
	719,135	692,997		26,138

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

Through June 30, 2017

Conservation Easement Expense Detail - FY17

	Donations	Stewardship	Local Funds
July	25.00 Downstream Project-Domain Reg/Renewal 25.00 Downstream Project-Domain Reg/Renewal <u>50.00</u>		
<b>AUGUST</b>	9.08 Pitney Bowes 450.00 Gloria Marconi-Summer '16 Newsletter 640.00 Robin Cardillo-Svcs for CEA 300.00 Clarke Co Ruitan-Fair Sponsorship 580.00 Winchester Printers-Envelopes 136.00 Winchester Printers-CCEA Banner <u>2,115.08</u>	2,000.00 M. McGuigan-Inspection 45.90 M. McGuigan-Mileage 113.94 M. McGuigan-Mileage <u>2,159.84</u>	447.50 Hall, Monahan-Legal Svcs July 2016 3,000.00 Myers & Woods-Apprsl rpt-Cool Springs Farm 3,000.00 Dunn Land Surveys-Boundary Srvy Cool Springs 1,800.00 Boykin Realty Appraisal-Cool Springs Farm <u>8,247.50</u>
Sept	946.63 Robin Cardillo-Svcs for CEA 1,002.73 Winchester Printers-Newsletter & postage 81,020.00 Hall Monahan -Moore & Dorsey, Inc Purchase <u>82,969.36</u>	0.00	207.50 Hall, Monahan-Legal Svcs Aug 2016 81,020.00 Hall Monahan -Moore & Dorsey, Inc Purchase <u>81,227.50</u>
Oct	20.20 Postage 1,000.00 Donation to CCHS 720.00 Robin Cardillo-Svcs for CEA 68.00 Winchester Printers-CCEA Banner 450.00 Gloria Marconi-Fall '16 Newsletter <u>2,258.20</u>	0	452.50 2,815.00 Hall, Monahan-Legal Svcs Oct 2016 495.00 Maral Kalbian-Grnwy Court Consulting Svcs <u>3,310.00</u>
Nov	790.04 BMS Direct - Fall Newsletter 2016 1,290.00 Robin Cardillo-Svcs for CEA <u>2,080.04</u>	0	452.50 2,815.00 Hall, Monahan-Legal Svcs Oct 2016 495.00 Maral Kalbian-Grnwy Court Consulting Svcs <u>3,310.00</u>
Dec	200.00 Gloria Marconi - End of Yr-appeal letter 439.75 BB&T - PA & CEA Items 68.00 Winchester Printers-CCEA Banner 1,054.10 Robin Couch Cardillo-End of Yr appeal svcs 1,761.85 <i>Sub-total</i>	0	365.00 Hall, Monahan-Legal Svcs Nov 2016 300.00 Dunn Land Surveys-Susan Digges property 1,530.00 Hall, Monahan-Legal Svcs Dec 2016 <u>2,195.00 Sub-total</u>
	12,140.50 Hall, Monahan, Engle-Susan Digges purchase 20,084.50 Hall, Monahan-Digges Farm purchase <u>33,986.85</u>	0	52,869.50 Hall, Monahan, Engle-Susan Digges purchase 85,800.50 Hall, Monahan-Digges Farm purchase <u>140,865.00</u>
Jan	823.72 Winchester Printers-2016 Annual Appeal ltr 16.02 Postage 720.00 Robin Couch Cardillo-Services for CEA 1,559.74 <i>Sub-total</i> 5,738.00 Hall, Monahan, Engle-Cool Spring Farm purchase <u>7,297.74</u>	0	605.00 Maral Kalbian-Greenway Court 311,262.00 Hall, Monahan, Engle-Cool Spring Farm purchase <u>311,867.00</u>
Feb	1,413.62 Robin Couch Cardillo-Services for CEA 35.00 Crown Trophy - Engraved Plate 546.44 BB&T - Services for CEA <u>1,995.06</u>	0	1,072.50 Hall, Monahan-Legal Svcs Jan 2017 <u>1,072.50</u>
Mar	450.00 Gloria Marconi - Winter Newsletter 720.00 Robin Couch Cardillo-Services for CEA 63.17 BB&T - Services for CEA 25.00 Downstream Pjt - Domain Name Reg. 445.00 Winchester Printers-Remittance envelopes 215.00 Winchester Printers - Envelopes 1,011.10 Winchester Printers - Svcs for CEA newsletter <u>2,929.27</u>	0	415.00 Hall, Monahan-Legal Svcs Feb 2017 <u>415.00</u>
Apr	560.00 Robin Couch Cardillo-Services for CEA 250.00 Northern Virginia Conservation Trust 450.00 Gloria Marconi - CEA Srng Newsltr 2017 48.50 Purchase Power - postage <u>1,308.50</u>	0	0.00 290.00 Hall, Monahan-Legal Svcs Mar & Apr 2017 <u>290.00</u>
May	1,301.07 Robin Couch Cardillo-Services for CEA 9.73 Postage <u>1,310.80</u>	0	290.00 Hall, Monahan-Legal Svcs Mar & Apr 2017 <u>290.00</u>
June	847.25 BMS Direct - CEA Services 1024.02 Robin Couch Cardillo-Services for CEA 202.25 BB&T - HPC Awards Luncheon 2,015.00 Jordan Springs Market-Catering for CEA Reception 216.24 Robin Couch Cardillo-Services for CEA 86.92 Robin Couch Cardillo-Services for CEA 25.00 Downstream Pjt -Domain name renewal <u>4,416.68</u>	0	372.50 Hall, Monahan-Legal Svcs May thru June 2017 <u>372.50</u>
<b>YTD Totals</b>	<b>Donations</b> 142,718	<b>Stewardship</b> 2,160	<b>Local Funds</b> 548,120





ROBIN COUCH CARDILLO

September 15, 2017

Clarke County Conservation Easement Authority  
Fundraising and Public Relations Report  
September 2017 meeting

**Donor Statistics**

See attached Master Report

- 2017 total: \$9,779.00 from 87 donors

**Ongoing**

*- Wetlands exhibit*

- Debrief on event and partnership

*-Media outreach*

- Reworking media release on best spots in Clarke County to tailgate in fall foliage
- Arranging for sit-down with *The Observer* as a background meeting; tougher to schedule than originally thought

*-Donor cultivation*

- Series of "coffees" with supporters; first coffee scheduled for Oct 5; informal chats

*- Consequences from removing lapsed donors from newsletter*

- Two renewed donors thus far!

*- Fourth Wingate Mackay-Smith Land Conservation Award*

- Start thinking of potential honorees

*-Fall newsletter*

- Goes out in late October; any burning topics?

# Fundraising Results: Clarke County Conservation Easement Authority

As of September 15, 2017

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Amount	\$13,345	\$19,090	\$20,871	\$25,649	\$26,396	\$25,843	\$23,530	\$42,266	\$36,260	\$57,356.00	\$24,778.00	\$9,779.00
# Donations	115	161	208	209	203	195	181	200	169	158	164	87
<b>YE Donor Appeal</b>												
YE Donor Appeal Amount	\$8,465	\$8,310	\$8,477	\$10,134	\$8,376	\$12,815	\$7,250	\$15,706	\$17,635	\$47,003	\$15,665	
Donor Respondents	73	59	87	86	76	68	50	69	51	61	47	
YE Prospect Amount		\$2,115	\$425				\$40		\$1,650	\$104	\$25	
Prospect Respondents		24	7				1		3	2	1	
<b>Winter Newsletter</b>												
Dollar Amount			\$2,700	\$2,065	\$2,865	\$2,126	\$3,611	\$4,805	\$3,335	\$2,700	\$2,228	\$2,815
Respondents			23	27	32	21	32	39	26	25	29	39
<b>Spring Newsletter</b>												
Donor: Dollar Amount	\$3,775	\$455	\$2,074	\$5,320	\$2,810	\$2,520	\$3,415	\$1,975	\$3,705	\$3,420	\$2,725	\$2,810
Donor: Respondents	35	5	19	38	26	27	32	28	26	27	19	23
Donor: Spring Newsletter: Dollar Amt		\$2,200	\$940	\$460	\$450	\$825	\$765	\$165	\$1,380	\$100	\$75	\$1,050
Donor: Spring Newsletter: Respondents		16	19	10	4	11	5	4	9	1	3	7
<b>Summer Newsletter</b>												
Dollar Amount	\$2,370	\$2,370	\$2,020	\$1,330	\$1,883	\$2,735	\$1,580	\$5,040	\$3,215	\$1,927	\$2,115	\$960
Respondents	20	20	27	22	33	26	21	22	27	22	28	6
<b>Fall Newsletter</b>												
Donor: Dollar Amount	\$2,210	\$2,210	\$765	\$260	\$7,300	\$2,946	\$4,630	\$2,660	\$2,325	\$1,250	\$600	
Donor: Respondents	12	12	5	7	25	26	30	27	14	3	6	
Taxpayer Fall Newsletter Dollar Amt	\$1,430	\$1,430	\$90	\$1,405	\$65	\$605	\$715	\$240	\$760		\$325	
Taxpayer Fall Newsletter: Respondents	25	25	4	8	2	8	9	5	5		5	
<b>Over the Transom</b>												
Dollar Amount			\$3,380	\$4,175	\$1,900	\$868	\$1,457	10,500	\$1,550	\$257	\$362	\$1,230.00
Donor Respondents			17	11	5	6	2	2	2	3	12	6
<b>Donor Thank-You Party</b>												
Dollar Amount	\$1,105							\$1,175	\$705	\$595	\$638	\$710
Donor Respondents	6							4	6	14	14	6
<b>Photo Revenue</b>					\$747	\$57	\$67			\$	20	\$204
Notecards												
Gift-in-Kind (admin work donated by Kate Petranec)						\$346	\$473	\$469				

MEMORANDUM

TO: Easement Authority  
FROM: Alison Teetor  
SUBJECT: Deed Template comments from Bob Mitchell  
DATE: September 14, 2017

At the June meeting members discussed the changes recommended to the deed template by Ms. Jones. The proposed changes were based on changes to the Virginia Outdoors Foundation template in light of recent court cases involving conservation easements. The proposed changes were reviewed by Bob Mitchell. In general, the comments were related to formatting, grammar, and wording changes. The following is a summary of his recommendations.

2.2 DIVISION.

A. Division of the Property is prohibited. The Property shall not be sold, conveyed, or devised except as a whole. *[(alternate where appropriate: See VOF guidelines: The Property shall not be divided into, or separately conveyed as, more than \_\_\_\_\_ parcels. Grantor shall give Grantee written notice prior to making any division of the Property. In the event of a division of the Property as provided in this Paragraph 2, the grantor making the conveyance retains the right to make any further permitted division(s) of the Property unless permitted divisions are allocated by that grantor in the instrument creating the division or other recorded instrument.]* For purposes of this Easement, division of the Property includes, but is not limited to, creating a subdivision plat, judicial partitioning of the Property or testamentary partitioning of the Property.

**Commented [CC1]:** Bob Is this potentially problematic? For example – a mortgage lender takes a lien only on house site and immediate land around the house (May or not involve creation of a deed of trust lot)

**Commented [AT2R1]:** Mr. Mitchell stated that the mortgage company would have to subordinate to the deed of easement so it should not be a problem, also we could opt not to accept that condition and not take the easement

(iv) Buildings for the processing and sale of farm or forest products or certain animal-related uses. Buildings for the processing and sale of farm or forest products produced or partially produced on the Property. **Such buildings shall not exceeding 4,500 square feet of enclosed area in the aggregate and not individually exceeding 2,500 square feet of enclosed area.** ~~For purposes of this paragraph (iv), a building for the processing and sale of farm or forest products shall mean a building originally constructed and used for agricultural or forestal activities.~~ *[If applicable: In the event of division of the Property as provided in Section 2.2, Paragraph A, the grantor making the division retains all permitted rights to buildings for the processing and sale of farm or forest products unless the right to construct such building or buildings is allocated (between or among) the parcels in the instrument creating the division or other recorded instrument.]; and*

**Commented [AT3]:** Bobs comment – what difference does it make to the easement what the building was constructed for

(v) Subject to the written approval of Grantee, kennels, wildlife rehabilitation centers, veterinary clinics, or buildings used for similar enterprises (with the square footage limitations set forth in sub-paragraph (iv) above) ~~may be constructed~~; approval shall be contingent upon Grantee's determination that the construction of such buildings is consistent with the conservation purposes of this Easement and protective of the conservation values identified herein and that the buildings are located at sites on the Property not adversely impacting such conservation values; and

(vi) Buildings for the production and harvesting of agricultural products and the manufacturing of ~~alcoholic beverages~~ distilled spirits, wine or beer (with the square footage limitations set forth in sub-paragraph (iv) above) may be constructed; approval shall be contingent upon Grantee's determination that the construction of such buildings is consistent with the conservation purposes of this Easement and protective of the conservation values identified herein and that the buildings are located at sites on the Property not adversely impacting such conservation values; and

**Commented [CC4]:** Not sure whether county zoning ord definitions for farm winery, farm brewery, farm distillery should be referred to or state ABC license for these uses should be referenced

Bob's comment – State definition trumps us anyway so no need to reference

H. The collective footprint of all buildings and structures on the Property, including paved parking areas but excluding roads, shall not exceed 1% (*staff may recommend adjusting this percentage depending upon the characteristics of the Property*) of the total area of the Property, provided that if Grantor can demonstrate that an increase in the collective footprint would result in increased protection of the conservation values protected herein, Grantee may approve such increase. For the purpose of this paragraph the collective footprint is the ground area measured in square feet of the structures set forth in subsections (i) through (iv) above and all other impervious surfaces, excluding roads. (*Addition where appropriate:* In the event of division of the Property, the collective footprint of all structures and all other impervious surfaces on each parcel, including paved parking areas but excluding roads, shall not exceed 1% of the total area of such parcel unless otherwise allocated either in the instrument of transfer or in other recorded instrument.)

NB: the Court in the Wetlands America case permitted a parking lot of sufficient size to service the retail facility that was permitted. The Authority will need to make some policy recommendations on these types of uses of conservation properties. Are they permitted and if yes, are there any size restrictions other than the 1% footprint? I added parking lots to improvements that are restricted by the 1% footprint in this draft, but that might not be what the Authority ultimately decides.

**Commented [CC5]:** Bob – should parking areas be separated from structures?

**Commented [AT6R5]:** That is a policy question – Brandon suggests reviewing Zoning Ordinance list of permitted uses and special uses and decide which one should be permitted on eased land (attached)

One suggestion is to require parking to be gravel and therefore not counted toward the 1% or structural footprint

**2.4 INDUSTRIAL OR COMMERCIAL ACTIVITIES.** Industrial or commercial activities other than the following are prohibited:

- (i) Agriculture, livestock production (animal husbandry), equine activities, forestry, and related small-scale incidental commercial or industrial operations that Grantee approves in writing as being consistent with the conservation values of this Easement.
- (ii) Processing and sale of products produced on the Property.

**NB:** Wetlands America case had same language in easement as highlighted above. Court interpreted this as permitting retail establishment to sell products grown or processed on the subject property and an adjacent property as well as parking lot. Policy decision needed on this...

(iii) Temporary or seasonal outdoor activities that do not permanently alter the physical appearance of the Property and that do not diminish the conservation values herein protected.

(iv) Activities that can be and in fact are conducted within permitted buildings without material alteration to their external appearance. Activities to be conducted in buildings exceeding 10,000 square feet in ground area are subject to the written approval of the Grantee, which approval shall take into consideration the impact of the activities and any proposed associated infrastructure on the conservation values of the Property. Temporary outdoor activities involving 100 or more people shall not exceed 7 consecutive days in any 90-day period without prior written approval of the Grantee. [Optional: Notwithstanding any other provision of this easement, no commercial recreational use (except for *de minimis* commercial recreational uses) shall be allowed on the Property. NB: Per VOF notes, this language may enable Grantor to obtain an estate tax benefit under IRC 2031(c).]

Generally accepted agricultural activities shall not constitute a material alteration. Surface mining, subsurface mining, dredging on or from the Property, or drilling for oil or gas on the Property is prohibited. *[If mineral rights are retained, add a provision conditioning the exercise of such rights on Grantee's approval, 30 days prior to the exercise of any such rights, of a plan submitted by Grantor showing how the proposed activities will affect the conservation values of the Property both during and after completion of such activities.]*

**Commented [CC7]:** What if property owner puts land in easement but a mining company already has mineral rights – which deed would trump?

**Commented [AT8R7]:** Bob indicated that it would show up on the title search and if there was a deed – the mining company would have to subordinate to the deed of easement

5.17 **COST RECOVERY CHARGES.** Grantee reserves the right to recover its costs incurred in responding to requests initiated by Grantor involving matters such as boundary line adjustments, easement amendments, project reviews for ecosystem services, preparation of reports to facilitate sales, and access or utility easements over the Property. NB. I liked this but it looks like VOF's Board of Trustees has a published fee schedule for these types of cost and I am not sure how difficult it would be for us to do something similar.

**Commented [AT9]:** Fee schedule attached

3-A-2 Forestal-Open Space-Conservation District - FOC

(6/13/89) Intent: This district includes portions of the County that are located east of the Shenandoah River and that consist primarily of various open lands such as forests, mountains, farms, lakes and flood plains. The district is intended for forestal, agricultural, and low activity recreational and service uses that will facilitate the conservation and preservation of forestal, agricultural, open space and mountain lands; the protection of forestal and agricultural uses; the protection of water and clean air sheds; the conservation of water and other natural and ecological resources; the reduction of soil erosion and flood and fire hazards; and the enhancement of the aesthetic value of the district as a whole.

3-A-2-a Permitted Uses and Structures

(12/19/89) 1. Principal Uses and Structures

- (7/15/97) a. Agriculture
- (12/15/09) b. Forestry
- (07/21/15) c. Horticulture
- (10/18/16) d. Open Space
- e. Single-family Detached Dwellings (see Section 3-D)
- f. Wineries, Farm
- g. Breweries, Farm
- h. Distilleries, Farm

(7/15/97) 2. Accessory Uses and Structures

(8/21/01) Uses and structures that are customarily accessory and clearly incidental and subordinate to permitted uses and structure, including:

- (10/19/04) a. Home Occupations
- (4/18/06) b. Tenant Houses on premises of at least 20 acres, with not more than one such tenant
- (8/19/08) house for each 80 acres, and further provided that any such tenant houses constructed
- (11/18/08) subsequent to October 17, 1980, shall be in conformance with the provisions of
- (11/16/10) Section 3-D-2
- (10/18/11) c. One dwelling of less than 600 square feet heated area on properties of six acres or more. (see Section 3-C-2-h)
- d. Wind Turbine, Small (not more than two structures 100 feet in height or less for generating electrical energy primarily for on-site usage)
- e. Temporary Family Health Care Structure

(10/16/90) 3. Special Uses and Structures

- (5/17/94) a. Special Trade Contractors as defined by the North American Industry Classification
- (10/18/94) System #238
- (2/18/97) b. Campgrounds
- (10/17/00) c. Summer Camps
- (8/21/01) d. Cemeteries
- (11/20-01) e. Churches and other places of religious assembly (with a maximum seating capacity in
- (6/18/02) the main assembly area of 300 people)
- (6/15/04) f. Clubs (private)
- (5/15/07) g. Community Services
- (8/19/08) h. Country Inns
- (11/18/08) i. Historic Structure Museums
- (12/15/09) j. Monopoles greater than 50 feet in height for commercial communications antennae
- (3/16/10) k. Processing of Agricultural Products not totally produced in Clarke County (excluding
- (8/17/10)
- (11/16/10)

- (2/15/11) wineries, breweries, cideries, an distilleries)
- (10/18/11) l. Processing of Fruit and Vegetables
- (10/21/14) m. Public Utility Uses and Structure
- (07/21/15) n. Public Assemblies, Minor Commercial
- o. Retail and Services Businesses
- p. Sawmills
- q. Veterinary Services, Animal Hospitals, Breeding Kennels of more than 15 canine animals, Animal Shelters/Governmental
- r. Wind Turbine, Small (three or more structures 100 feet in height or less for generating electrical energy primarily for on-site usage)
- s. Wind Turbine, Small (structures greater than 100 feet in height or less for generating electrical energy primarily for on-site usage)

3-A-2-b Lot Requirements

- (7/20/93) 1. For Single Family Detached Dwellings:
  - (6/21/05) a. Minimum Area: 3 acres for each dwelling unit right
  - (2/19/08) b. Maximum Area: None
  - (2/16/16) c. Minimum Width: 200 feet
- 2. For Other Permitted Uses, except as otherwise specified in Section 3-C, Supplementary Regulations:
  - a. Minimum Area: 2 acres
  - b. Minimum Width: 200 feet
- 3. Required Residual Parcel

Each subdivision plat of a parcel of record as of June 21, 2005 encompassing 40 or more acres shall have one parcel that contains a defined percentage of the total acreage in the subdivision, as shown below, left in a residual parcel with only an existing dwelling or, if no existing dwelling, not more than one dwelling unit right.

Total acreage shown on subdivision plat	% in residual open space parcel
40 to 179.99	65%
180 to 329.99	50%
330 and greater	35%

The residual open space parcel shall not be reduced in size through boundary line adjustment by more than 10% of the total area and the dwelling unit right shall not be transferred to another property. The residual open space parcel may be increased in size through boundary line adjustment or merger without limitation; however no additional dwelling unit rights shall be transferred to the residual open space parcel.

- 4. Provision of area with slopes less than 25%. No lot shall be created unless it contains at least one (1) acre of area with slopes less than 25%.
- 5. Subdivisions. All minor and major subdivisions in the FOC District shall comply with Section 4N of the Subdivision Ordinance.

3-A-2-c Minimum Setback Requirements

	Parcels with less than 1 acre	Parcels with at least 1 but less than 4 acres	Parcels with at least 4, but less than 20 acres	Parcels with 20 acres and greater
(12/19/89) (10/16/90) (3/18/97) (12/21/99) (1/7/00) (1/16/01) (12/17/02) (11/16/04) (10/18/11)	25 feet	25 feet	50 feet	75 feet
From the centerline of a secondary highway (if state designated scenic highway, add 50 feet on parcels of 1 acre and	50 feet	50 feet	75 feet	100 feet

### 3 DISTRICT REGULATIONS

#### 3-A SCHEDULE OF DISTRICT REGULATIONS

(4/21/92) (7/20/93)

##### 3-A-1 Agricultural-Open Space-Conservation District - AOC

(6/13/89) Intent: This district includes portions of the County that are located west of the Shenandoah  
(7/15/97) River and that consist primarily of various open lands such as farms, fields, forests, parks, lakes and flood plains. The district is intended for agricultural, forestal, and low activity recreational and service uses that will facilitate the conservation and preservation of agricultural, forestal and open space lands; the protection of water and clean air sheds; the conservation of water and other natural and ecological resources; the reduction of soil erosion and flood and fire hazards; and the enhancement of the aesthetic value of the district as a whole.

##### 3-A-1-a Permitted Uses and Structures

(9/18/90)

###### 1. Principal Uses and Structures

(7/15/97)

a. Agriculture

(12/15/09)

b. Forestry

(7/21/15)

c. Horticulture

(10/18/16)

d. Open Space

e. Single-family Detached Dwellings (see Section 3-D)

f. Wineries, Farm

g. Breweries, Farm

h. Distilleries, Farm

(11/20/01)

###### 2. Accessory Uses and Structures

(10/19/04)

Uses and structures that are customarily accessory and clearly incidental and subordinate to permitted uses and structure, including:

(4/18/06)

a. Home Occupations

(8/19/08)

b. Tenant Houses on premises of at least 20 acres, with not more than one such tenant house for each 80 acres, and further provided that any such tenant houses constructed subsequent to October 17, 1980, shall be in conformance with the provisions of Section 3-D-2

(11/18/08)

c. One dwelling of less than 600 square feet heated area on properties of six acres or more. (see Section 3-C-2-h)

(11/16/10)

d. Wind Turbine, Small (not more than two structures 100 feet in height or less for generating electrical energy primarily for on-site usage)

(10/18/11)

e. Temporary Family Health Care

(5/17/94)

###### 3. Special Uses and Structures

(10/18/94)

a. Special Trade Contractors as defined by the North American Industry Classification System #235

(2/18/97)

b. Campgrounds

(3/16/99)

c. Summer Camps

(10/17/00)

d. Cemeteries

(6/19/01)

e. Churches and other places of religious assembly (with a maximum seating capacity in the main assembly area of 300 people)

(8/21/01)

f. Clubs (private)

(11/20/01)

g. Community Services

(6/18/02)

h. Country Inns

(6/15/04)

(5/15/07)

(8/19/08)

(11/18/08)



(12/16/08)  
(12/15/09)  
(1/20/09) (3/16/10)  
(8/17/10) (11/16/10)  
(2/15/11)  
(10/18/11)  
(10/21/14)  
(07/21/15)

- i. Day Care Centers (allowed only on parcels fronting on the business routes of Primary Highways as designated by the Virginia Department of Transportation)
- j. Extraction of Natural Resources – Limited
- k. Historic Structure Museums
- l. Livestock Auction Markets
- m. Monopoles greater than 50 feet in height for commercial telecommunications antennae
- n. Processing of Agricultural Products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries)
- o. Public Assemblies, Minor Commercial
- p. Public Utility Uses and Structures
- q. Sanitary Landfills
- r. Retail and Service Businesses
- s. Small Scale Processing of Fruit and Vegetables
- t. Solar Power Plant, Large Photovoltaic
- u. Veterinary Services, Animal Hospitals, Breeding Kennels of more than 15 canine animals, Animal Shelter/Governmental
- v. Wind Turbine, Small (three or more structures 100 feet in height or less for generating electrical energy primarily for on-site usage)
- w. Wind Turbine, Small (structures greater than 100 feet in height or less for generating electrical energy primarily for on-site usage)

### 3-A-1-b

(6/13/89)  
(6/13/89)  
(1/16/90)  
(2/20/90)  
(3/20/90)  
(3/20/90)  
(8/20/91)  
(3/24/92)  
(7/20/93)  
(4/18/95)  
(6/18/96)  
(3/20/01)  
(8/19/03)

### Lot Requirements

- 1. For Single Family Detached Dwellings:
  - a. The maximum lot size is four acres. The maximum average lot size is three acres. The minimum lot size is two acres; provided, however, the minimum lot size is one acre for lots created from the subdivision of parcels existing on 20 March 2001 that contain less than four acres. The minimum lot width is 150 feet. The calculation of the maximum average lot size in a subdivision shall not include parcels with a maximum average lot size exception or a single residual parcel remaining from the subdivision of lots meeting the maximum average lot size requirements. A lot or lots may qualify for a maximum average lot size exception by meeting one of the following four criteria:
    - (1) A new dwelling unit is to be located on a lot of record existing as of October 17, 1980, or;
    - (2) dwellings in existence and taxed as such or with a building permit issued before October 17, 1980, may be located on a lot larger than allowed in section 3-A-1-b. Such lots may be created so long as their size and location does not create low Quality Land Characteristics on any other parcel(s) created as a result of the division, or if the parcels created have zero dwelling unit rights remaining (excluding lot(s) for residential dwelling units that do not exceed the AOC Maximum Lot Area). This exception shall not be applied more than once per parcel existing on March 20, 2001 containing one or more such pre-1980 dwellings, or;
    - (3) the entire tract of land being divided, including, without limitation, any residual parcel(s) irrespective of area, has been placed under an easement granted to the Clarke County Conservation Easement Authority, the Virginia Board of Historic Resources, the Virginia Outdoor Foundation, and/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, and that all the parcels of land in the division are located in a

## **Easement Acquisition Fees and Services**

**Processing Fee for New Easements:** \$1,500. This fee covers VOF's due diligence review and analysis work and will be charged prior to the Board of Trustee's review of each easement proposal. Easement proposals already in progress prior to adoption of this fee on September 29th, 2016 will be exempt.

### **Baseline Documentation Report (BDR):**

- **VOF-Prepared BDR:** \$3,000 standard or \$3,500 for a property with more complex documentation needs such as many existing buildings or natural features to be documented.
- **3rd Party-Prepared BDR:** \$1,500 Review fee to VOF.

Treasury Regulation §1.170A-14(g)(5)(i) requires that the donor of a conservation easement provide documentation sufficient to establish the condition of the property going under easement at the time of the gift. To satisfy this requirement a baseline documentation report (BDR) setting forth the characteristics and condition of the donor's property must be prepared prior to recordation. The characteristics and condition of the property set forth in the BDR become the basis of comparison for future monitoring of the easement.

Preparing a BDR entails one or more visits to a property to document the existing features and values of the property such as buildings, roads, boundaries, water features, etc., with photos, maps, and verbal descriptions. Areas where future activities are permitted or prohibited must also be carefully shown. Most importantly, the BDR sets forth the conservation values that are defined and protected by the specific provisions in the deed of easement.

After Board approval of an easement proposal, the donor will be asked to decide whether to have VOF staff or a third party prepare the required BDR. If VOF prepares the BDR, a fee of \$3,000-\$3,500 will be charged at the time the report is completed; alternatively, if a third party prepares the report, VOF will charge a review fee of \$1,500 at the time the report is submitted to VOF for review.

If VOF prepares the BDR, the amount of the fee will be determined by the features on the property. Many properties will be charged a base fee of \$3,000, but a property with a complex existing built environment, such as a large number of buildings or natural features which require time-consuming documentation, such as a large number of karst features, will be charged a \$3,500 fee. If the BDR is prepared by a third party, it must meet technical and quality standards developed by VOF. There are detailed data specifications and other requirements for the BDR available to the third party preparing the BDR from the Easement Project Managers. The landowner will pay the third party directly, and VOF will charge a fee of \$1,500 to review the report and confirm that it meets all requirements. Whether VOF or a third party prepares the report, it must be reviewed and approved by the donor before an easement is recorded

**Reconsideration of Proposal by the Board after one-year lapse:** \$1,000 fee. This fee applies when an easement project is approved by the Board of Trustees but is not recorded within one year of approval.

**Assignment of Easement:** VOF shall consider proposed assignments of conservation or open-space easements not co-held by VOF on a case-by-case basis. If VOF in its sole and absolute discretion accepts such an assignment, VOF shall charge the assignor such fee as VOF deems to be sufficient to properly administer the assigned easement.

**Fee for certain complex Acquisitions: \$20,000.** For example:

- Easements involving grant funding from sources other than the Commonwealth of Virginia.
- Easements requiring third-party enforcement rights.
- Easements requiring co-holders.
- Easements requiring unique or special monitoring requirements.
- Acceptance of an easement associated with a state or federal program such as the Wetlands Mitigation Banking program.

The base fee of \$20,000 includes the Baseline Documentation Report (BDR) fee applied to donated easements. The fee may be decreased based on the extent that a project utilizes Commonwealth of Virginia funding sources such as the Open-Space Lands Preservation Trust Fund or the Virginia Land Conservation Fund (VLCF) or to the extent that a particular grant program limits this type of fee or other factors at the discretion of the Executive Director. The fee is due at the time of closing.

### **Stewardship Fees and Services**

**Easement Amendments:** \$1,500 fee with application. If a BDR is necessary for the amendment, the BDR fee will apply. An additional fee for staff hours may be charged if work exceeds 40 hours. This fee applies to amendments that are initiated as a result of an easement violation or compliance issue or that are initiated by a landowner to clarify ambiguities or improve conditions for the landowner. Amendments can't impart impermissible private benefit or inurement. VOF may in its discretion reduce this fee for amendments that dramatically improve the conservation values of an existing easement, for example, by adding significant new acres, reducing division and/or dwelling rights. In order to qualify for this reduced fee such amendments must substantially improve the conservation values and protections thereof.

**Boundary Line Adjustments:** \$1,500 fee with application; BDR fee does not apply. An additional fee for staff hours may be charged if work exceeds 40 hours. This fee applies to boundary adjustments between properties subject to two VOF easements, a boundary adjustment between a property subject to a VOF easement and an adjacent property subject to an easement held by another governmental entity, and any other kind of BLA that VOF is requested to review. The fee covers the review of documents and plats, as well as the deed of conveyance.

## **Easement Impact Services**

**Access or Utility Easements:** \$1,500 fee with application. An additional fee for staff hours may be charged if work exceeds 40 hours. This fee shall apply to requests for administrative or legal work related to access or utility easements through the open space easement. This does not include utility or access easements that serve permitted buildings or activities on the property.

**Ecosystem Service Request for review:** \$1,500 fee with application. An additional fee for staff time may be charged if work exceeds 40 hours. This fee applies to requests for review and evaluation of ecosystem function projects for commercial purposes on easement properties including, but not limited to, projects involving stream bank restoration, wetland and stream mitigation, biological carbon sequestration, or biodiversity mitigation.

**Oil and Gas drilling plan review:** \$10,000 fee with application. An additional fee for staff time may be charged if work exceeds initial fee.

**Request for conversion or diversion of Open Space (Virginia Code Section 10.1-1704):** \$10,000 fee with application for applicants other than public agencies. An additional fee for staff time may be charged if work exceeds initial fee. A Conversion or diversion of Open Space requires replacement or substitute land; in addition, a Stewardship Fund will be required to support VOF with the operation and management of the substitute property. The amount of the Stewardship Fund will be negotiated based on the property size and characteristics.

**Present Condition Report in conjunction with property sale:** \$3,000 fee with application.

**Request for Formal Acknowledgment of Easement Transfer:** \$500 fee with request. This fee applies when the owner of an easement property requests formal written acknowledgement from VOF of the transfer or sale of his or her property; the acknowledgment may be an official letter, affidavit or similar form.

**Share this:**

## MEMORANDUM

TO: Conservation Easement Authority  
FROM: Alison Teetor  
DATE: September 14, 2017  
SUBJECT: Application for Donation – Bill Waite

Bill Waite has applied to the easement authority for approval of an easement donation. The property is located on the east side of Blue Ridge Mountain Road approximately 2 miles south of the intersection with Harry Byrd Highway (Route 7). The property is identified as Tax Map# 26-A-133, 16.9 acres, that has an existing house constructed in 1900, 18983 Blue Ridge Mtn. Rd., and 2 remaining DURs. The applicant would like to retire the 2 remaining DURs.

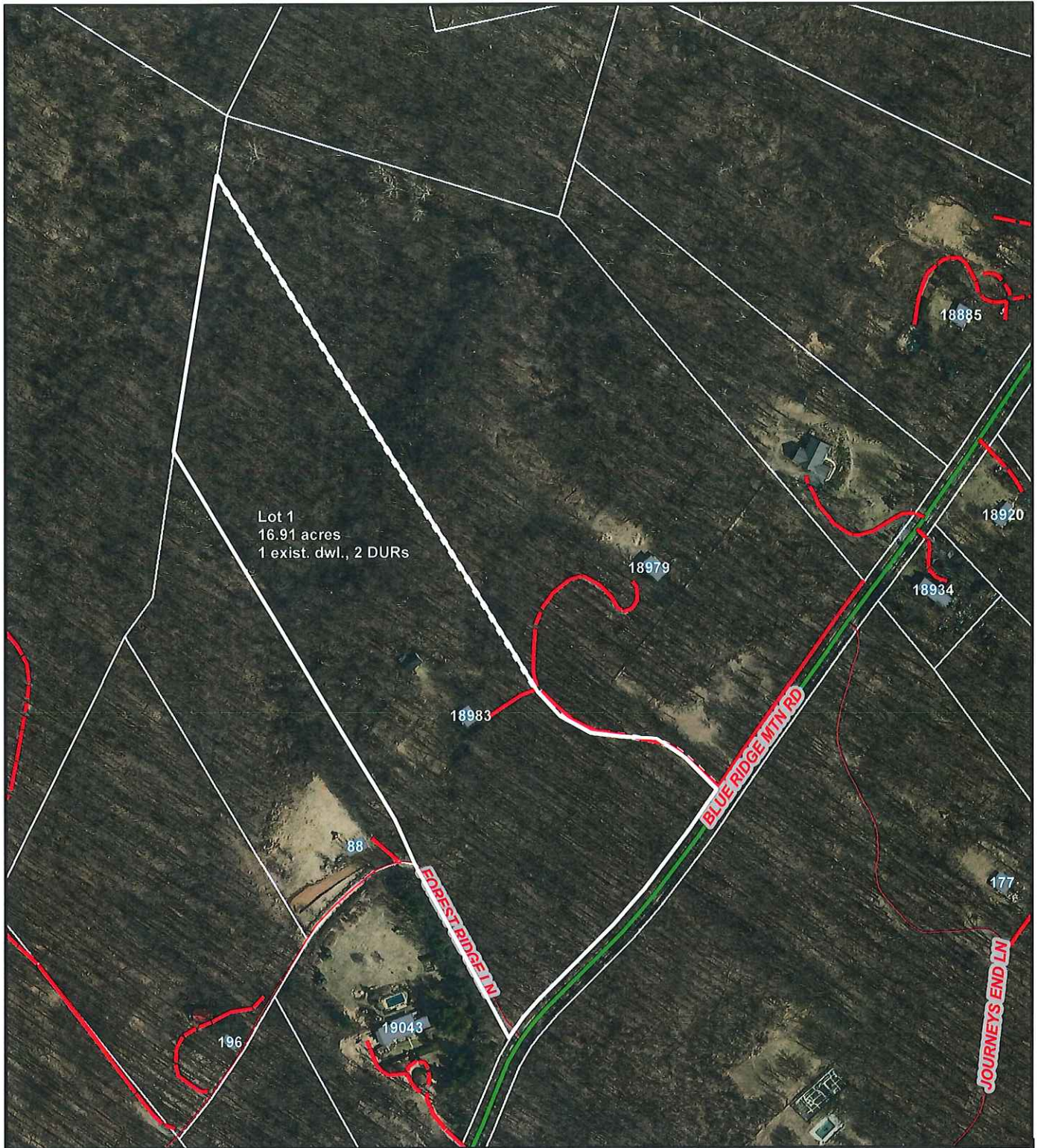
The parcel is zoned FOC and is currently in use value taxation, in accord with the Commissioner of Revenue's requirements, therefore a donation may be considered if at least two of the following four guidelines are met:

- 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.

The property meets 2 of the 4 criteria. The property resource score is 55.4. The applicant would retire the two remaining DURs. It is not next to an existing easement and it is less than 40 acres. Points were given for retiring 2 DURs, having frontage on the Blue Ridge Mtn. Rd. a state designated scenic byway, having 4 acres of slope > 25%, and having a house which is a contributing structure in the Bears Den Rural Historic District.

### Recommendation

Give preliminary approval and schedule a site visit.



Bill & Marcia Waite  
 Tax Map# 26-A-133  
 16.9 acres, 1 ext. dwlg., 2 DURs



200 100 0 200 Feet



Clarke County GIS  
 August 23, 2017



**Legend**

-  Parcel Boundary
-  Conservation Easements
-  Structures
-  Roads
-  Private Road

**Location Map**



## MEMORANDUM

TO: Conservation Easement Authority  
FROM: Alison Teetor  
DATE: June 23, 2017  
SUBJECT: Application for Donation – Frances Arden

Frances Arden has applied to the easement authority for approval of an easement donation. The property is located on the west side of Old Chapel Road approximately 4/10 of a mile south of the intersection with Browntown Road. The property currently consists of two parcels Tax Map# 21-A-46, 10.47 acres, that has an existing house constructed in 1900 and 0 DURs, and Tax Map# 21-A-46A, 8.1 acres, vacant, with 1 DUR. The applicant proposes to merge the 2 parcels and retire the 1 remaining DUR.

The parcel is zoned AOC and is currently in use value taxation, in accord with the Commissioner of Revenue's requirements, therefore 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.

The property meets 2 of the 4 criteria. The property resource score is 55.5. The applicant would retire the remaining DUR. It is not next to an existing easement and it is less than 40 acres. Points were given for retiring 1 DUR, have frontage on the railroad, being within the Prospect Hill Spring drainage basin, and having a structure that is potentially contributing to a rural historic district.

### Recommendation

Give preliminary approval and schedule a site visit.



Frances Carroll Arden  
 Tax Map# 21-A-46, 10.47 acres, 1 ext. dwl., 0 DURs  
 Tax Map# 21-A-46A, 8.1 acres, 1 DUR

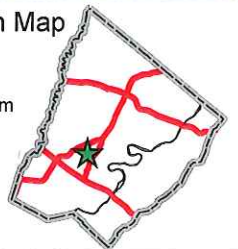


Clarke County GIS  
 June 22, 2017



- Conservation Easement
- Public Road
- Private Road
- Intermittent Stream
- Perennial Stream

Location Map



Aerial Imagery 2015 Commonwealth of Virginia



## **Summary of Deed Restrictions**

Retiring remaining 2 DURs

4 exceptions (pre-1980 houses) remain on property

Main house 8,448 sq ft

Stucco cottage – 1,248 sq ft

Brick house (Slave quarter) – 480 sq ft

Summer cabin – 480 sq ft not lived in

7 structures contributing to the historic district

Fairfield individually listed on National Register District

See attached map of structure location – Exhibit B

Because the main conservation value of the property are its historic resources section 2.3 of the deed outlines the historic significance and requires that maintenance and improvements be conducted to maintain the integrity of the historic features (pg 11)

Protection of Historic Landscape Features

Riparian buffer 100' along Long Marsh Run

Limit 4,500 sq ft for farm buildings

Limit 20,000 sq ft total – 13,565 sq ft currently exist so they would be permitted an additional 6,435 sq ft of new construction unless other buildings were demolished

## **Summary of requested Deed changes Fairfield**

Exclude summer cabin, garage/shop, and stone pump house from the maintenance/improvement paragraph and could be demolished.

They would like to be able to build an additional 600 sq ft apartment – zoning would allow the 2 “non-conforming” structures or if they were repurposed (kitchen removed) a new 600 sq ft apartment could be built

One greenhouse exists would like to include the ability to add additional ones

Establish a building restriction area outside of which structures up to 6,000 sq ft can be built (currently deed allows for 4,500 sq ft) (exhibit C)

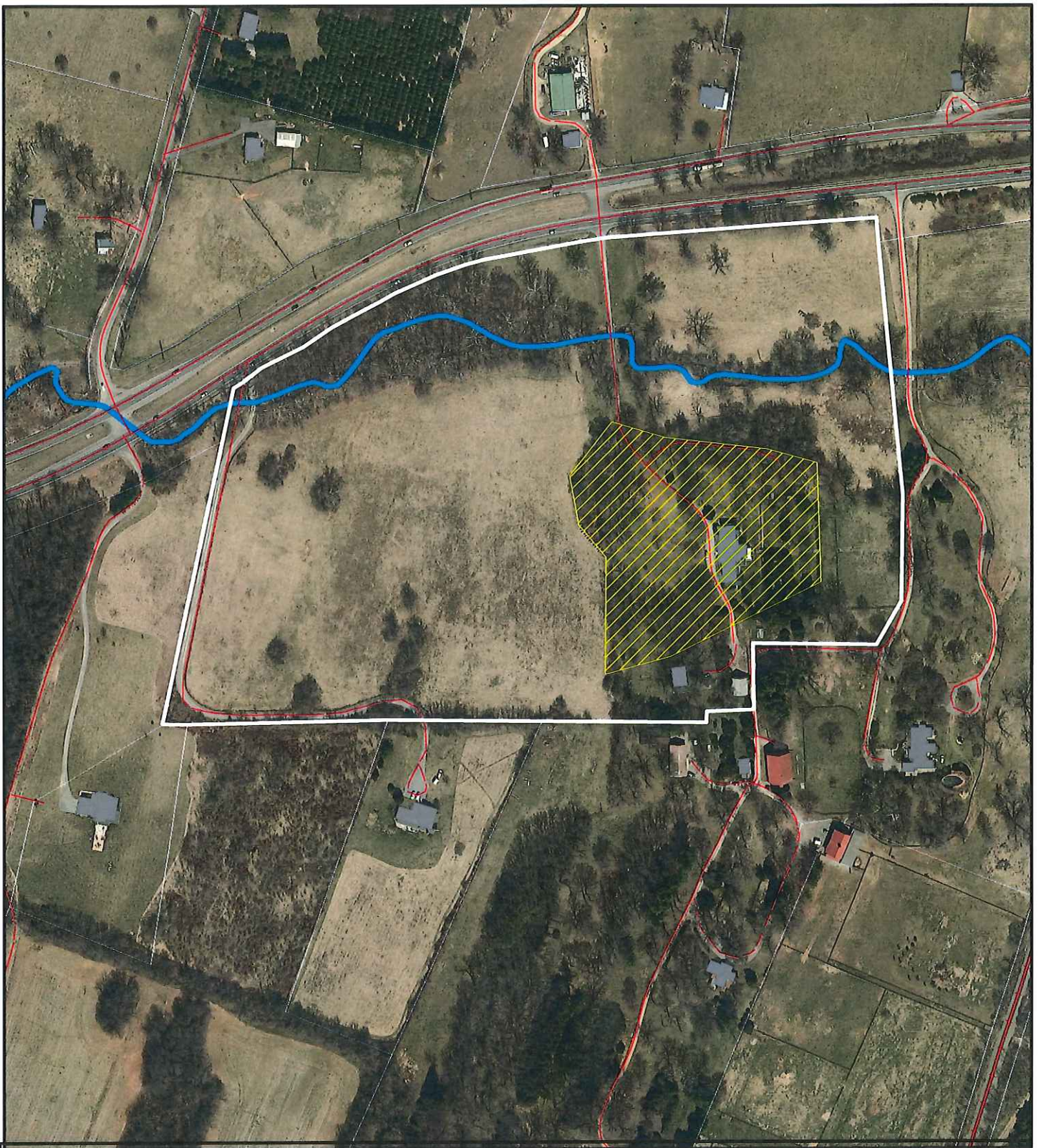
Would like the ability to use the property for wedding venues, winery, events – attached are the allowed uses in the Agricultural Open Space Conservation District (AOC) – current deed states:

“Temporary outdoor activities involving 100 or more people shall not exceed 7 consecutive days in any 90-day period without prior written approval of the Grantee”

Would like to reduce the riparian buffer from 100' to 25' – also wants to allow no limits on tree clearing > 6" dbh north of Fairfield Lane.

Remove provision to allow for underground utilities (sewer line)

Reduce Grantee approval time – from 30 days to 21 and 90 to 45 days



Fairfield Farm, LLC  
 Tax Map# 9-3-1B, 35.87 acres  
 3 ext. dwlgs, 2 DURs



180 90 0 180 Feet

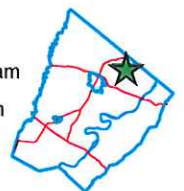


Clarke County GIS  
 February 21, 2017



**Legend**

- Conservation Easements
- Intermittent Stream
- Parcel Boundary
- Perennial Stream
- Roads
- Private Road





Fairfield Farm, LLC  
 Tax Map# 9-3-1B, 34.07 acres  
 4 ext. dwlgs, 2 DURs



100 50 0 100 Feet



Clarke County GIS  
 February 21, 2017



**Legend**

- Parcel Boundary
- Roads
- Private Road

