

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 19 OCTOBER 2017 – 10:00 AM
A/B Conference Room, 2nd Floor Government Center
AGENDA

1. Approval of Agenda
2. Approval of Minutes of the meetings of 21 September 2017
3. Bank Account balances
4. Campaign for the Authority
5. Review of revised deed template
6. Easement Donation/Purchase
 - a. Waite – easement donation – final approval
 - b. Shockey – easement donation
 - c. Callander Farm – easement donation
 - d. Walnut Hall Farm – easement donation
 - e. 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. Weldon Cooper grant approved
9. Adjournment - next meeting – Thursday November 16th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 21 September 2017 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 21 September 2017, in the A/B Conference Room, 2nd Floor Government Center.

Present: P. Engel, B. Byrd, M. Jones, R. Bacon, G. Ohrstrom
Absent: W. Thomas, R. Buckley
Staff: A. Teetor, Brandon Stidham, Robin Couch-Cardillo
Agenda On motion of Mr. Ohrstrom, 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 July 20, 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 \$196,267 consisting of \$58,932 in the donations account, \$94,740 in stewardship, and \$42,595 in local funds. Ms. Teetor reported that expenditures were related to the Johnston closing, sponsorship of the County Fair and the Clarke County High School Athletics.

Public Relations: Ms. Cardillo was not present but provided a report in the packet. Donations continue are up to \$9,779 which is better than last year at this time. She reminded members that most donations come in during the end of year appeal. The opening reception for the Wetlands Exhibit at the Barns was held September 9th. Mr. Buckley made an opening statement and several Authority members were present. In general members felt it was a good investment to provide exposure for general conservation. Ms. Cardillo is also working on a revision of the fall foliage media release that details places of interest to picnic and enjoy fall in Clarke County. It was not picked up last year but she is hopeful that it will be this year. She stated that removing lapsed donors from the list on the newsletter prompted 3 responses from persons donating and wanting their name returned to the list. Ms. Cardillo also asked members to start thinking about 2018 Land Conservation Award. She also asked members for ideas regarding stories for the fall newsletter. With the upcoming election, members suggested interviewing candidates about their position on conservation. Ms. Cardillo will send a request out to the current candidates and see if there is any response.

Deed of Easement template review Ms. Teetor reported that she had met with Mr. Mitchell to review the deed template and address policy questions that members had posed at the last meeting. Most changes Mr. Mitchell suggested were grammatical or format related. Members reviewed the additional policy issues. The main issue involves the industrial and commercial activity section. Mr. Stidham suggested reviewing the special uses allowed in AOC and FOC zoning districts to determine if excluding certain uses could be eliminated from eased properties. Mr. Ohrstrom suggested looking at the PEC template to see how they handled industrial and commercial uses. On motion of Mr. Ohrstrom, seconded by Ms. Bacon, members voted to table the discussion until the next meeting.

Easement Donation/Purchase

a. 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 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. On motion of Mr. Ohrstrom, seconded by Ms. Jones members voted to give preliminary approval and schedule a site visit.

b. Carroll - Arden Carroll 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 11th. Originally the applicant had indicated she would merge the 2 parcels but after discussion with staff she asked if she could retire the DUR on the 8-acre parcel and not merge the 2 pieces. On motion of Mr. Ohrstrom, seconded by Ms. Jones members voted to deny the request to retire the DUR on the 8-acre piece unless it was merged.

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 has met several times with Mr. Greenhalgh to review the draft deed. She provided a summary of the changes the Greenhalghs wanted to make. After reviewing the requested changes, on motion of Ms. Ohrstrom, seconded by Ms. Jones, members voted to accept the original deed of easement and not accept any changes proposed by the applicant.

Adjournment There being no further business, Mr. Ohrstrom moved and Ms. Jones seconded that the Authority adjourn to the next meeting is scheduled for Thursday October 19th at 10:00 am. The motion was approved unanimously.

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority



ROBIN COUCH CARDILLO

October 13, 2017

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

Donor Statistics

See attached Master Report

- 2017 total: \$12,129.00 from 102 donors

Ongoing

-Media outreach

- Easement/fall foliage release picked up by *Winchester Star*
- Randy, Alison, and Robin met with David Lillard, *Clarke Monthly*
 - Interested in several stories: Conservation Award, myths of easements, fall foliage
 - Established communication channel and offered Authority resources for *Clarke Monthly*

-Donor cultivation

- Rethinking "coffees"; only one rsvp; canceled first meeting on October 5

-Fourth Wingate Mackay-Smith Land Conservation Award

- Potential honorees mentioned thus far: Blandy, Powhatan

-Fall newsletter

- At printer to go with tax invoices by mid-October
- Replaced candidates' statements on easement/land conservation with profile

-End-of-Year appeal letter

- Illustrating compelling reason to give with a story, statistics, etc.

Fundraising Results: Clarke County Conservation Easement Authority

As of October 13, 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	\$12,129.00
# Donations	115	161	208	209	203	195	181	200	169	158	164	102
YE Donor Appeal												
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	\$2,115	\$425				\$40		\$1,650	\$104	\$25	
Prospect Respondents	24	24	7				1		3	2	1	
Winter Newsletter												
Dollar Amount	\$2,700	\$2,700	\$2,700	\$2,065	\$2,865	\$2,126	\$3,611	\$4,805	\$3,335	\$2,700	\$2,228	\$2,815
Respondents	23	23	23	27	32	21	32	39	26	25	29	39
Spring Newsletter												
Donor: Dollar Amount	\$3,775	\$455	\$2,074	\$5,820	\$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
payer Spring Newsletter: Dollar Amt	\$2,200	\$2,200	\$940	\$460	\$450	\$825	\$765	\$165	\$1,380	\$100	\$75	\$1,150
per Spring Newsletter: Respondents	16	16	19	10	4	11	5	4	9	1	3	8
Summer Newsletter												
Dollar Amount	\$2,370	\$2,370	\$2,020	\$1,330	\$1,883	\$2,735	\$1,580	\$5,040	\$3,215	\$1,927	\$2,115	\$3,110
Respondents	20	20	27	22	33	26	21	22	27	22	28	20
Fall Newsletter												
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	
payer Fall Newsletter: Respondents	25	25	4	8	2	8	9	5	5		5	
Over the Transom												
Dollar Amount	\$3,380	\$3,380	\$3,380	\$4,175	\$1,900	\$868	\$1,457	10,500	\$1,550	\$257	\$362	\$1,230.00
Donor Respondents	17	17	17	11	5	6	2	2	2	3	12	6
Donor Thank-You Party												
Dollar Amount	\$1,105							\$1,175	\$705	\$595	\$638	\$710
Donor Respondents	6							4	6	14	14	6
Photo Revenue					\$747	\$57	\$67			\$	\$	\$304
Notecards												
Gift-in-Kind (admin work donated by Kate Petranec)						\$346	\$473	\$469				

D R A F T

	Total Fund Balance	Donations	Stewardship Account	Local Funds
EOY 2017	229,723	61,003	96,837	71,883
Fiscal Year 2018				
July Rev/AR		909	0	17,913
July Exps/AP		-1,090	0	-1,408
July Exp Bill & Jane Johnston purchase				-30,471
Aug Rev/AR		25		1,740
Aug Exps/AP		-1,916	-2,097	-1,700
Sept Rev/AR		2,825		
Sept Exps/AP		-2,410	0	0
Oct Rev/AR		400	21,055	
Oct Exps/AP		-1,442	0	-1,100
Nov Rev/AR			0	
Nov Exps/AP		0	0	0
Dec Rev/AR			0	
Dec Exps/AP			0	
YTD Rev/AR	44,868	4,159	21,055	19,653
YTD Exps/AP	43,633	6,857	2,097	34,679
Adjustments	0			
YTD FUND BALANCE (AR & AP)	230,958	58,305	115,795	56,857

FY17 ending balances not final yet

Clarke County:
 Land use rollback tax- \$ 2,000
 Acts Rec VDACS (Johnston)- \$ 15,912.50 Rec'd
 9/22/17

Clarke County:
 Land use rollback
 tax=1,740.48

Anticipated Easement Closings:
 Bill & Jane Johnston-**CLOSED**- Actual EXPS above
 Fairfield - *Estimated*

VDACS

28,989.52 Expires 12/31/2017 (FY2016)
 86,950.00 Expires 12/31/2018 (FY2017)
115,939.52
-15,912.50
 -40,000.00 estimated

	ESTIMATED YTD BALANCE	Local	Actual Expenses	Appropriated Balance	AVAILABLE Estimated YTD BALANCE-VDACS
FY18 Expenditure Appropriations	190,958			115,795	60,027.02
General Expenses		Funds/Donations		Remaining	
		45,000	13,162	31,838	
Fairfield		80,000			
		125,000	13,162	31,838	

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

Through Oct. 13, 2017
 Conservation Easement Expense Detail - FY18

	Donations	Stewardship	Local Funds
<u>July</u>			
	1,000.00 Clarke County HS-Athletic Program support		30,471.00 Hall, Monahan-Johnston easement purchase
	90.00 Clarke County Rurrtan Club		30,471.00 <i>sub-total</i>
	1,090.00		550.00 Maral S Kalbian-CEA Services July 2017
<u>August</u>	400.00 Clarke County Fair-Blue Ribbon Sponsorship	1,000.00 B Herde-Intern work	857.50 Hall, Monahan-Legal Svcs July 2017
	25.00 Downstream Project	1,000.00 S Dorsey-Intern work	1,700.00 Hall, Monahan-Legal Svcs Aug 2017
	972.74 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		
	1,915.74	2,096.84	1,700.00
<u>Sept</u>	800.00 Robin Couch Cardillo-CEA Services		
	500.00 Drohn Design-Panel exhibit Wetland Exhibit		
	218.66 Winchester Printers-Newsletter & Postage		
	891.00 Winchester Printers Inc-Newsletter & Postage	0.00	
	2,409.66	0.00	0.00
<u>Oct</u>	1,440.00 Robin Couch Cardillo - Services for CEA		1,100.00 Maral S Kalbian
	1.82 Purchase Power-postage		1,100.00
	1,441.82	0	

YTD Totals

Donations
6,857

Stewardship
2,097

Local Funds
34,679

MEMORANDUM

TO: Easement Authority
FROM: Alison Teetor
SUBJECT: Deed Template comments to compare with PEC deed
DATE: October 13, 2017

At the September meeting members discussed the changes recommended to the deed template by Mr. Mitchell. Members discussed these changes and struggled with the section dealing with commercial and industrial uses and impervious surfaces. Mr. Ohrstrom suggested comparing the revised PEC template with the Authority revisions for that section. Attached are the pertinent sections.

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 [CC1]: Bob – should parking areas be separated from structures?

Commented [AT2R1]: 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).]

iv. Small-scale miscellaneous structures. Small-scale miscellaneous structures, the existence of which is consistent with the conservation purposes of this Easement and which will not impair the conservation values protected herein. Such structures shall be limited to fences, gates, mailboxes, and livestock feeding and watering troughs. Other small-scale miscellaneous structures may be permitted if Grantee in its sole discretion determines that such structures will not adversely impact the scenic and other conservation values of the Property and gives its Prior Written Approval of such structures.

C. GROUND AREA: The aggregate Ground Area of all Structures on the Property shall not exceed [REDACTED] square feet in Ground Area unless Prior Written Approval for the has been obtained from Grantee.

D. ALLOCATION: In the event of division of the Property as provided in Section II.1, the grantor making the division retains all rights to construct permitted Residences, as provided in Section II.2.B.i, unless such rights are allocated (between or among) the parcels in the instrument creating the division or other recorded instrument. In no event shall any allocated rights to construct Residences be permitted to exceed the Impervious Coverage limitations contained in Section II.6 below.

3. ROADS

A. Except for roads, driveways, or access easements currently existing on the Property and shown in the Baseline Documentation Report which may continue to be used as they existed on the Effective Date, no Roads, Driveways, or Access Easements shall be permitted on the Property except for the following:

- i. Private Roads to serve structures permitted under Section II.2.; Private Roads and access easements to parcels created by or in conjunction with the permitted divisions of the Property; and roads with Permeable Surfaces for Activities and Uses permitted under Section II.7 which are not located within the Building Envelope. Notwithstanding the foregoing or any other provision within this Section I.3.A., new roads may be constructed if they are approved in advance by Grantee, within impervious surface limits, and necessary to carry out the agricultural operations or other allowed uses on the Property.
- ii. Private Roads or driveways and access easements over same to serve adjacent properties, provided that such Private Roads, driveways or access easements have Grantee's Prior Written Approval. Notwithstanding the foregoing, the granting or modification of easements for roads is prohibited when the utility or road will adversely impact the agricultural use and future viability and related conservation values of the Protected Property as determined by the Grantee in consultation with the Chief of NRCS.
- iii. Private Roads or driveways and access easements over the same that serve Utilities permitted below in Section II.4.

B. All roads, driveways, and access easements on the Property shall be included in the Impervious Coverage limitations in accordance with Section II.6 below unless they are covered with permeable surfaces.

Public Roads required to be constructed in conjunction with (the) permitted division(s) of the Property, may be constructed provided that such roads have Grantee's Prior Written Approval.

- C. Maintenance of existing Private Roads documented on the Baseline Documentation Report is allowed; however, existing Private Roads may not be widened or improved unless widening and improving is within impervious surface limits, approved in advance by Grantee, and necessary to carry out the agricultural operations or other allowed uses on the Property. Creation, improvement or maintenance of Private Roads, driveways, or access easements must be done in accordance with applicable Best Management Practices for water quality as defined by the Virginia Department of Conservation and Recreation ("DCR").

Commented [4]: Question for Sarah Richardson when she reviews this deed for VLCF grant purposes: does DCR still define these BMPs? I thought DEQ had taken on that responsibility.

- 4. UTILITIES: Except for utilities and utility easements existing on the Property as of the Effective Date and as shown and described in the Baseline Documentation Report, no public or private utility or utility easement shall be permitted on the Property except for the following:
 - A. Utilities which are located within an existing utility easement and new utilities which are scaled to serve only the structures on the Property (including solar panels and wind generators) so long as they are consistent with the other terms of this Easement. New utilities or utility easements that do not exclusively serve the Property shall not be permitted on the Property unless Grantee gives its Prior Written Approval. Notwithstanding anything in this Section I.4.A to the contrary, the granting or modification of easements for utilities is prohibited when the utility or road will adversely impact the agricultural use and future viability and related conservation values of the Protected Property as determined by the Grantee in consultation with the Chief of NRCS.
 - B. Any utility that increases impervious surfaces by more than 100 square feet in ground area shall be included in the Impervious Coverage limitations as set forth in Section II.6 below.
 - C. To the extent financially feasible, all new utility lines shall be located underground.
 - D. **Alternative energy structures.** Alternative energy structures used to harness natural renewable energy sources, such as sunlight, wind, water, or biomass, and scaled to provide electrical energy or pump water for permitted buildings, structures, and activities on the Property, which limitation shall not be deemed to prohibit the sale of excess power generated incidentally in the operation of such structures and associated equipment, including, but not limited to, solar panels, wind turbines, and micro-hydro installations. In addition, solar panels not attached to a structure for residential use, and wind generators, shall be located to minimize their impacts upon the scenic view of the Property from any public vantage point. Renewable energy sources shall be built and maintained within impervious surface limits, with minimal impact on the conservation values of the Property and consistent with the purposes of this Easement;

and

5. HEIGHT RESTRICTIONS: No structure or utility on the Property shall exceed forty (40) feet in height as measured from the lowest point on the ground adjacent to the structure or utility to the highest point on the structure or utility.

6. IMPERVIOUS COVERAGE: Impervious Coverage shall not exceed two percent (2%) (343,300 square feet) of the total area of the Property, excluding NRCS-approved conservation practices. Impervious Coverage is the aggregate of all Impervious Surfaces, measured in square feet on the Property in its entirety. The current collective footprint on the Property is approximately 177,527 square feet (excluding silo, pole barns). In the event the Protected Property is subdivided as provided for in Section I.1, the total cumulative Impervious Coverage of the subdivided parcels shall not exceed the Impervious Coverage limitation referenced above. The Grantor, with Grantee approval, shall allocate the Impervious Coverage limit among the subdivided parcels and ensure said Impervious Coverage limitation is clearly defined in each subdivided parcel's recorded instrument. This limitation does not include roads, private or public, owned and controlled by parties with rights superior to those rights conveyed to Grantee by this Easement.

7. ACTIVITIES AND USES:
 - A. Residential Uses: permanent Residential Uses are permitted within the limitations set forth in Section II.2.

 - B. Industrial and/or Commercial Uses: – Industrial or commercial activities on the Property are prohibited except for the following:
 - (i) agricultural production and related uses conducted as described in the ALE Plan (described in Section I.8.E.);

 - (ii) renewable energy production for the purpose of generating energy for the agricultural and residential needs of the Property; the sale of excess power generated in the operation of renewable energy structures and associated equipment or other energy structures that Grantee approves in writing as being consistent with the conservation purposes of this Easement;

 - (iii) temporary or seasonal outdoor activities or events that do not harm the agricultural use, future viability, and related conservation values of the Property herein protected;

 - (iv) commercial enterprises related to agriculture or forestry including but not limited to processing, packaging, and marketing of farm or forest products, and farm machinery repair. Commercial enterprise activities related to interpretation of the Property's historic or archaeological resources.

(v) small-scale incidental commercial or industrial operations compatible with activities set forth in (A) or (B) for which Grantee provides its Prior Written Approval;

C. (vi) activities to restore or enhance wetlands or streams or restore, enhance, or develop other ecosystem functions on the Property including, but not limited to, stream bank restoration, wetland and stream mitigation, biological carbon sequestration and biodiversity mitigation, provided that such activities are not in conflict or inconsistent with the conservation purpose of or the restrictions set forth in this Easement and that prior written approval for same shall have been obtained from Grantee. Grantee is not responsible for monitoring any such activities and has no obligation to enforce the provisions of any permit(s), restriction(s), or easement(s) therefor. Subject to Grantee's approval, Grantor is free to participate in same in Grantor's discretion and to retain any remuneration derived therefrom; Notwithstanding any other provision of this Easement, no commercial recreational uses are permitted, except for de minimis commercial recreational uses.

D. The provisions of this Easement and associated exhibits shall not be interpreted to restrict the types of agricultural operations that can function on the Property, so long as the agricultural operations are consistent with the long-term viability of the Property, ALE Plan and Easement purposes, and do not violate Federal laws, including Federal drug laws. No uses shall be allowed that decrease the Easement's protection for the current agricultural use and future agricultural viability of the Property, as well as protection of related conservation values of the Property. Allowed uses of the Property include, the specific uses allowed in Section II.7.B.(i)-(v) and the following activities, subject to the qualifications stated below:

(i) Agricultural Production – The production, processing, and marketing of agricultural crops and livestock is allowed provided it is conducted in a manner consistent with the terms of the ALE Plan described in Section II.8.D.

(ii) Forest Management and Timber Harvest – Forest management and timber harvesting is allowed, provided it is carried out to the extent practicable, in accordance with current, generally accepted best management practices (defined by the Virginia Department of Forestry) for the sites, soils, and terrain of the Property.

8. MANAGEMENT OF FOREST AND AGRICULTURAL LAND

A. The forested area of the Property (as such may exist from time to time), excluding the Riparian Buffers/Wetlands which have their own limitations set out in Section II.12, shall not be converted to other uses except in the following cases:

i. to accommodate structures, roads and utilities permitted under Section II.;

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: October 13, 2017
SUBJECT: Application for Donation – Don Shockey

Don Shockey has applied to the easement authority for approval of an easement donation. The property is located on the south side of Annfield Road (Route 633) approximately 3/10 mile east of the intersection with Janeville Road (Route 652) at 1819 Annfield Road. The parcel consists of 29 acres, has 1 existing house and 1 remaining DUR. The applicant wishes to retire the remaining DUR.

The parcel is zoned AOC and is in land use. Therefore the following guidelines for accepting properties for easement purchase are used:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the donated 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 Authority requires that a property meet at least two of the four guidelines for acceptance.

In reviewing the parcel three of the four of the criteria have been met. The Property Resource Score is 56.06, the one remaining DUR is being extinguished, and it is next to an existing easement. It is less than 40 acres.

The property is primarily open pasture. It is within the groundwater recharge area. The parcel fronts on Annfield Road a State scenic byway and it is within the groundwater recharge area.

Recommendation

Give preliminary approval and schedule a site visit.



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

Clarke County GIS
 October 12, 2017



250 125 0 250 Feet



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



MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: October 13, 2017
SUBJECT: Application for Donation – Callander Farm Trust

Don Shockey, agent, has applied to the easement authority for approval of an easement donation. The property is known locally as Callander Farm, Tax Map# 13-A-29. It is located on the north side of Annfield Road (Route 633) on the corner of Annfield Road and Janeville Rd. (Route 652) at 2224 Annfield Road. The parcel consists of 198 acres, has 2 existing houses and 4 remaining DURs. The number of DUR's to be retired is yet to be determined.

The parcel is zoned AOC and is in land use. Therefore the following guidelines for accepting properties for easement purchase are used:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the donated 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 Authority requires that a property meet at least two of the four guidelines for acceptance.

The property is primarily open pasture with scattered woodland. In reviewing the parcel all four of the criteria have been met. Even without points for retiring DURs, the Property Resource Score is 84.8, as the parcel is within the Chapel Rural Historic District and includes several contributing structures, has frontage on a scenic byway, Annfield Road, is within the groundwater recharge area, is next to an existing easement, and is larger than 40 acres.

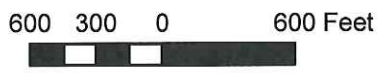
Recommendation

Give preliminary approval and schedule a site visit.



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

Clarke County GIS
 October 12, 2017



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



MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: October 13, 2017
SUBJECT: Application for Donation – Callander II, LLC

Don Shockey, agent, has applied to the easement authority for approval of an easement donation. The property is known locally as Walnut Hall Farm, Tax Map# 22-A-5A. It is located on the east side of Summerville Road (Route 652) approximately 8/10 mile north of the intersection with Pyletown Road (Route 620) at 1189 Walnut Hall Lane. The parcel consists of 271 acres, has 5 existing houses and 7 remaining DURs. The number of DUR's to be retired is yet to be determined.

The parcel is zoned AOC and is in land use. Therefore the following guidelines for accepting properties for easement purchase are used:

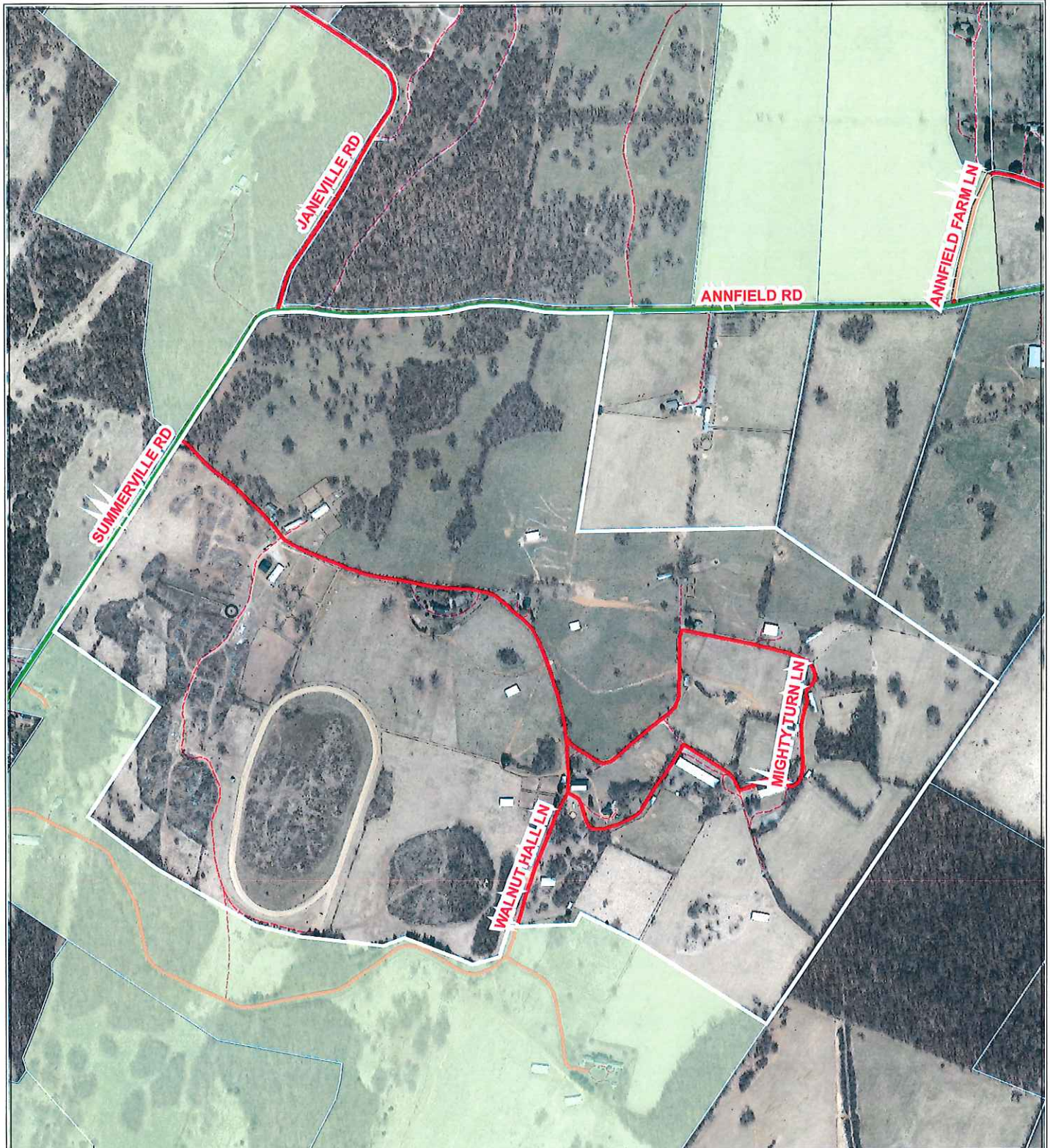
- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the donated conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

The Authority requires that a property meet at least two of the four guidelines for acceptance.

The property is being and has been used historically as a horse farm. It primarily open pasture with scattered woodland. In reviewing the parcel all four of the criteria have been met. Even without points for retiring DURs, the Property Resource Score is 87.71, as the parcel is within the Chapel Rural Historic District and includes several contributing structures, has frontage on two scenic byways, Summerville Road and Annfield Road, is within the groundwater recharge area, is next to an existing easement, the other portion of Walnut Hall, and is larger than 40 acres.

Recommendation

Give preliminary approval and schedule a site visit.



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

Clarke County GIS
 October 12, 2017



460 230 0 460 Feet



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

