

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 16 NOVEMBER 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 19 October 2017
3. Bank Account balances
4. Campaign for the Authority
5. Review of revised deed template
6. Easement Donation/Purchase
 - a. Shockey – easement donation – final approval
 - b. Callander Farm – easement donation – final approval
 - c. Walnut Hall Farm – easement donation – final approval
 - d. Stephanie Burgevin – easement donation - modification
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 December 21st 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 19 October 2017 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 19 October 2017, in the A/B Conference Room, 2nd Floor Government Center.

Present: R. Buckley, P. Engel, M. Jones, R. Bacon, G. Ohrstrom

Absent: W. Thomas, B. Byrd

Staff: A. Teetor, Robin Couch-Cardillo

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

Minutes On motion of Mr. Ohrstrom, seconded by Ms. Jones, the Authority unanimously voted to approve the minutes of September 21, 2017.

Bank Account: Ms. Teetor went over the spreadsheets and reviewed the expenditures. Current fund balances show a total fund balance of \$230,958 consisting of \$58,305 in the donations account, \$115,795 in stewardship, and \$56,857 in local funds. Ms. Teetor reported that expenditures were for Maral Kalbian to survey Fairfield and Ms. Cardillo's monthly fee.

Public Relations: Ms. Cardillo reported that donations continue are up to \$12,129 which is tracking with previous years at this time. She reminded members that most donations come in during the end of year appeal. The fall foliage media release was updated and printed in the Star. Ms. Cardillo, Ms. Teetor, and Mr. Buckley met with Clarke Monthly editor, David Lillard and thought it was a good meeting in that Mr. Lillard was interested in publishing some articles about the Authority and was particularly interested in the annual award. Ms. Cardillo will keep him informed of potential stories. Ms. Cardillo also asked members for ideas on the award recipient for this year. Mr. Ohrstrom suggested Mr. Mel Kohn who not only donated an easement on his 50+ acres off Ebenezer Road, but also gifted the property to the County for use as a passive recreation park. Members agreed he would be a good choice. The fall newsletter is scheduled to go to the printers' tomorrow. Ms. Cardillo interviewed the Johnston's for the main story and thought it will be a good article. Finally, she asked members to start thinking about compelling reasons why donors should continue to give to the Authority for the year-end newsletter.

Deed of Easement template review Members continued discussion about the easement template. Mr. Ohrstrom provided a template and example deed developed by the Piedmont Environmental Council. Of particular interest was the commercial/industrial section. In the PEC deed there is reference to the ALE template which was not provided. Members agreed to table the discussion to the next meeting in order to have time to review the new documents.

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. A site visit was conducted October 19th. On motion of Mr. Engel, seconded by Ms. Bacon members voted to give final approval for the easement donation.

b. 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. 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. The parcel fronts on Annfield Road a State scenic byway and it is within the groundwater recharge area. On motion of Mr. Ohrstrom, seconded by Mr. Engel members voted to give preliminary approval and schedule a site visit.

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

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

e. Greenhalgh – Fairfield – Ms. Teetor reported that Mr. Greenhalgh met with her after the last meeting to discuss the Authority's decision not to accept any of the applicants proposed changes. She has not heard from him since that discussion.

Adjournment There being no further business, Mr. Engel moved and Mr. Ohrstrom seconded that the Authority adjourn to the next meeting is scheduled for Thursday November 16th at 10:00 am. The motion was approved unanimously.

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

Fund 235 - Conservation Easement Balances

	Total Fund Balance	Donations	Stewardship Account	Local Funds
EOY 2017	226,970	58,503	96,584	71,883
Fiscal Year 2018				
July Rev/AR		909	79	17,913
July Exps/AP		-1,090	0	-1,408
July Exp Bill & Jane Johnston purchase				-30,471
Aug Rev/AR		25	80	1,740
Aug Exps/AP		-1,916	-2,097	-1,700
Sept Rev/AR		2,825	82	0
Sept Exps/AP		-2,410	0	0
Oct Rev/AR		3,634	21,055	
Oct Exps/AP		-1,992	0	-1,100
Nov Rev/AR				
Nov Exps/AP		-973	0	0
Dec Rev/AR				
Dec Exps/AP			0	
YTD Rev/AR	48,342	7,393	21,296	19,653
YTD Exps/AP	45,155	8,380	2,097	34,679
Adjustments	0			
YTD FUND BALANCE (AR & AP)	230,157	57,516	115,783	56,857

FY17 ending balances not final yet

Clarke County:

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

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

-15,912.50

-40,000.00 estimated

60,027.02 AVAILABLE Estimated YTD BALANCE-VDACS

Anticipated Easement Closings:

Bill & Jane Johnston-CLOSED- Actual EXPS above

Fairfield - Estimated

ESTIMATED YTD BALANCE

190,157 37,516 115,783 36,857

	Local	Funds/Donations	Actual Expenses	Appropriated Balance
FY18 Expenditure Appropriations				
General Expenses	45,000	14,684	30,316	
Fairfield / Greenhaugh	80,000	14,684	30,316	
	125,000	14,684	30,316	

Clarke County:

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

Conservation Easement Expense Detail - FY18

	Donations	Stewardship	Local Funds
July			
	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 sub-total
	<u>1,090.00</u>		550.00 Maral S Kalbian-CEA Services July 2017
			857.50 Hall, Monahan-Legal Svcs July 2017
			<u>1,407.50</u>
August			
	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	
	972.74 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		
	<u>1,915.74</u>	<u>2,096.84</u>	<u>1,700.00</u>
Sept			
	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		
	<u>2,409.66</u>	<u>0.00</u>	<u>0.00</u>
Oct			
	1,440.00 Robin Couch Cardillo - Services for CEA		
	1.82 Purchase Power-postage		
	550.00 Gloria Marconi Innustration-CEA Services		
	<u>1,991.82</u>	<u>0</u>	1,100.00 Maral S Kalbian
Nov			<u>1,100.00</u>
	972.74 Robin Couch Cardillo-Svcs for CEA Nov '17		
	<u>972.74</u>	<u>0</u>	<u>0.00</u>
YTD Totals	Donations <u>8,380</u>	Stewardship <u>2,097</u>	Local Funds <u>34,679</u>



ROBIN COUCH CARDILLO

November 9, 2017

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

Donor Statistics

See attached Master Report

- 2017 total: \$13,629.00 from 109 donors

Ongoing

-Media outreach

- Following up with *Clarke Monthly* on story about myths of easements (editor prefers nearly complete article)
- *Winchester Star* reported on grant for Cost of Services study

- Fourth Wingate Mackay-Smith Land Conservation Award

- Follow up with Melvin Kohn – availability
- Finalize venue: Millwood Country Club? (Randy has contact)
- Finalize date – potentially same date as January meeting with lunch to follow (Jan 18)

-End-of-Year appeal letter

- Using story of Waite property – families working together to protect historic properties on the mountain from development (will work with Randy and Alison)

Fundraising Results: Clarke County Conservation Easement Authority

As of November 9, 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	\$13,629.00
# Donations	115	161	208	209	203	195	181	200	169	158	164	109
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	\$425			\$425	\$40		\$1,650	\$104	\$25	
Prospect Respondents		24	7				1		3	2	1	
Winter Newsletter												
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
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
taxpayer Spring Newsletter: Dollar Amt		\$2,200	\$940	\$460	\$450	\$825	\$765	\$165	\$1,380	\$100	\$75	\$1,150
taxpayer Spring Newsletter: Respondents		16	19	10	4	11	5	4	9	1	3	8
Summer Newsletter												
Dollar Amount		\$2,370	\$2,020	\$1,330	\$1,883	\$2,735	\$1,580	\$5,040	\$3,215	\$1,927	\$2,115	\$3,110
Respondents		20	27	22	33	26	21	22	27	22	28	20
Fall Newsletter												
Donor: Dollar Amount		\$2,210	\$765	\$260	\$7,300	\$2,946	\$4,630	\$2,660	\$2,325	\$1,250	\$600	\$325
Donor: Respondents		12	5	7	25	26	30	27	14	3	6	4
Taxpayer Fall Newsletter Dollar Amt		\$1,430	\$90	\$1,405	\$65	\$605	\$715	\$240	\$760		\$325	\$1,175
taxpayer Fall Newsletter: Respondents		25	4	8	2	8	9	5	5		5	3
Over the Transom												
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
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	\$469			\$	\$304
Notecards												
Gift-in-Kind (admin work donated by Kate Petranec)						\$346	\$473					

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: November 9, 2017
SUBJECT: changes to Deed of Easement template – Industrial and Commercial Activities

The Authority has been discussing updates to the deed of easement template for many months. Most issues have been resolved, however questions regarding what commercial and industrial uses should be permitted on easement lands has not been determined. Most recommended changes have been based on the updated VOF template. At the last meeting staff provided copies of the easement template from PEC. The attached are the sections from the VOF template and the PEC template. The PEC section is similar but more detailed and staff recommends using this version, including references to the ALE plan when used with projects using ALE grant funds. Also attached are definition sections from PEC and a deed prepared by Tim Lindstrom. Highlighted areas are comments or staff insertions.

Recommendations

Adopt changes to Commercial and Industrial use section as outlined in the PEC template, using reference to ALE plan when appropriate. Adopt definitions section. Restrict uses that draw more than 5,000 gallons per day water. Restrict uses that exceed 150 persons attending an event more than 5 times in a calendar year.

VOF Template

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).]

v. 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.

vi. Natural resource-based educational, scientific, or recreational activities, provided that they are consistent with the conservation purposes of this Easement and do not impair the conservation values protected herein.

PEC Template

Section II.

7. ACTIVITIES AND USES:

- A. Residential Uses: permanent Residential Uses are permitted within the limitations set forth in Section II.2. (the Buildings and Structures sections)
- 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 II.8.D. BELOW), **except for agricultural uses requiring groundwater withdrawals in excess of 5,000 gallons per day.;**
 - (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. 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.

E. Uses that

Section II.8.D

Agricultural Land Easement Plan ("ALE Plan"): As required by 16 U.S.C. Section 3865a, agricultural production and related uses of the Property shall be subject to an ALE Plan, as approved by NRCS, to promote the long-term viability of the land to meet the Easement purposes. The ALE Plan shall also be approved by the Grantor and the Grantee. Grantor agrees the use of the Property shall be subject to the ALE Plan on the Property.

The ALE Plan is incorporated by reference and shall not include any provisions inconsistent with the conservation purposes of this Easement. The Grantee and Grantor agree to update the ALE Plan in the event the agricultural uses of the Property change. A copy of the current ALE Plan is kept on file with the Grantee.

The Grantee must take all reasonable steps to secure compliance with the ALE Plan. In the event of substantial or ongoing noncompliance with the ALE Plan or the requirement to update the ALE Plan, NRCS may notify the Grantee. NRCS will give the Grantee and Grantor a reasonable amount of time, not to exceed 180 days, to take corrective action. If Grantee fails to enforce the terms of the Easement, including, but not limited to compliance with the ALE Plan, the United States may exercise its right of enforcement.

13. INCONSISTENT ACTIVITIES OR USES: Grantor covenants that no acts or uses are currently being conducted or will be conducted on the Property which: (i) exceed 150 persons attending an event more than a total of five event days in a calendar year. (ii) inconsistent with the Conservation Values; or (iii) consistent with the Conservation Values, but are destructive of other significant conservation interests unless such acts or uses are necessary for the protection of the Conservation Values that are protected hereunder.

14. OTHER USES: Grantor reserves the right to make any other use of the Property that is consistent with the Conservation Purposes, provided that the Grantor shall obtain Prior Written Approval before undertaking such uses, which approval shall not be unreasonably withheld. Uses reserved pursuant to this paragraph shall not be deemed “expressly reserved” for any other purpose of this Easement.

Example Purpose of an ALE Plan

Purpose

The Berry General farm is subject to an agricultural land easement held by the Save The Farm Land Trust (Eligible Entity), recorded in the land records of Farmer County, and funded in part by the Agricultural Conservation Easement Program (ACEP), 16 U.S.C. Section 3865 et seq. and 7 CFR Part 1468. The purpose of the agricultural land easement is to protect the agricultural use, including grazing uses, and related conservation values and related resource concerns. In accordance with ACEP requirements, an agricultural land easement plan (ALE plan) has been developed and referenced documents. This ALE plan incorporates three component plans including a forest plan, a grassland plan, and a conservation plan.

The ALE plan and all attached component plans are intended to be a living document and may be revised or updated as necessary, through mutual agreement by NRCS, the eligible entity, and the landowner to reflect current management. This ALE plan was developed in partnership with the landowner, NRCS, and the easement holders and references the easement on NEST parcel ID #12345.

SECTION II – DEFINITIONS

For purposes of this Easement, the following terms shall have the meanings provided below, or as expressly provided in the body of the Easement. Any term that has not been expressly defined herein shall be defined in a manner consistent with the interpretation of contracts pursuant to the laws of the Commonwealth of Virginia.

Agricultural: Pertaining to Agriculture.

Agriculture: Includes the following activities: horticulture, floriculture, plant nurseries, Animal Husbandry, growing and harvesting hay, hops, grains and other crops on the Property, and Viticulture, mowing and clearing necessary to maintain open fields and fence lines, and access for farm equipment, together with such other activities as are necessary to the foregoing activities; and leasing the Property to others for such activities but subject to the terms of this Easement. The term “Agriculture” as used herein does not include activities that are expressly prohibited herein.

Animal Husbandry: the breeding, raising, and/ or caring for farm animals for non-commercial or commercial purposes.

Building: An assembly of materials having one (1) or more stories and roof, designed primarily for the shelter, support or closure of animals or property of any kind.

Commercial Use: Non-residential and non-Agricultural for profit uses (but excluding activities on the Property to protect or enhance the Conservation Values undertaken in exchange for grants from governmental or tax exempt organizations, or as part of a governmentally sponsored mitigation project for which Grantor may, or may not, receive payment).

Current/ Currently: Existing or occurring on the Effective Date.

Day or Days: Shall mean calendar days.

Effective Date: The date and time that this Easement is first recorded in the Office of the Clerk of the Circuit Court of Clarke County, Virginia.

Farm Buildings: Buildings used primarily to support Agricultural activity or Forestry permitted on the Property.

Forestry: The growing, planting, managing, and harvesting of trees.

Grantees: The original Grantees herein, or either of them, and any and all of Grantees' successors in title to this Easement.

Grantors: The original Grantors herein, or either of them, and any and all of Grantors' successors in title to the Property or any portion thereof or interest therein.

Ground Area: The square footage of a Building or Structure, as measured at the exterior of the foundation (perimeter load-bearing) walls and/or piers or, if there are no foundation or piers, the square footage of ground covered by such feature.

Industrial Use: Non-residential and non-commercial employment uses such as, but not limited to, mining, milling and manufacturing.

Road: A private way located on the Property for the movement of vehicles.

Structure: An assembly of materials forming a construction for use (other than Buildings, Roads and Utilities), including, among others, platforms, stagings, observation towers, water tanks, trestles, piers, open sheds, pipelines, and energy generators, but excluding Improvements.

Utility: A facility for the provision of infrastructure services including wells, water storage tanks; septic systems; electricity, telephone and internet transmission lines and cables; antennas for the transmission and reception of electro-magnetic energy; equipment used to harness natural renewable energy sources, such as sunlight, wind, water, or biomass.

NOW, THEREFORE, in consideration of the Recitals and of the mutual covenants set forth herein, and the acceptance of this Easement by the Grantee, and for no monetary consideration from the Grantee to the Grantor, the Grantor does hereby give, grant and convey to the Grantee this Easement in gross over, and the right in perpetuity to restrict the use and development of, the Property which is more particularly described in "Schedule A" attached hereto and made a part hereof (the "Property"). The Property tract is identified as PIN # 7002-21-9002-000 (portion) among the tax records of Fauquier County.

ARTICLE I
CONSERVATION PURPOSES AND DEFINITIONS

1.1 CONSERVATION PURPOSES. The purposes of this Easement (the "Conservation Purposes") are to retain, preserve, and protect the Conservation Values, and other significant conservation interests (to the extent it is not necessary to impair such other interests to protect the Conservation Values), in the public interest, in perpetuity, by imposing the restrictions on the activities on, and uses and development of, the Property set forth in Article II, "Restrictions and Permitted Uses", and by providing for their enforcement in Article III, "Enforcement", while allowing the Property to be used by the Grantor solely in a manner that is consistent with the Conservation Purposes as provided in Article II. By doing so, the Grantor and the Grantee have the common purpose of preventing, through the enforcement powers granted to the Grantee, any activities on, uses or development of the Property that will adversely affect, be inconsistent with, conflict with, diminish, impair, or interfere with the Conservation Values.

1.2 DEFINITIONS. For purposes of this Easement, the following terms shall have the definitions provided below, or as expressly provided in the body of the Easement. Any term that has not been expressly defined herein shall be defined in a manner consistent with the interpretation of contracts pursuant to the laws of the Commonwealth of Virginia.

1.2.1 Agricultural: Pertaining to Agriculture.

1.2.2 Agriculture: The following activities: agronomy, aquaculture, forestry, honey production, Viticulture (but not Viniculture, see definitions below) horticulture, floriculture, Silviculture (defined below), animal husbandry, equine and equestrian activities. The term "Agriculture" as used herein does not include activities that are expressly restricted herein.

1.2.3 Alcoholic Beverage Manufacturing Facilities and Activities: Commercial Activity which includes any of the following: (a) the commercial manufacturing or production on the Property of any alcoholic beverage; (b) the sale of any alcoholic beverage on or off the Property; (c) the shipment from the Property of any alcoholic beverage; (d) commercial alcoholic beverage or alcoholic product tasting and consumption on the Property open to the general public, or clubs or associations organized for the sale and distribution of alcoholic products.

1.2.4 Building: An assembly of materials having one (1) or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

1.2.4.1 Dwelling: A Building designed and/ or used for human habitation that contains cooking, sleeping and bathing facilities. A Dwelling may be either a Principal Dwelling, housing the Grantor and guests, tenants and/ or employees of the Grantor; or a Guest Dwelling housing the guests, tenants and/ or employees of the owner of the Property, and subordinate to a Principal Dwelling.

1.2.4.2 Accessory Residential Buildings: Buildings commonly and appropriately incidental to a Dwelling, and sized appropriately to serve as an amenity to a Dwelling, including but not limited to a garage (containing accommodations for one (1) or more vehicles but not used for commercial or residential purposes), storage sheds, and gazebos.

1.2.4.3 Farm Buildings: Buildings used primarily to support Agricultural activity permitted on the Property.

1.2.5 Commercial: Any use or activity undertaken for profit other than uses or activities falling within the definition of Non-Commercial below.

1.2.6 Current/ Currently: Existing or occurring on the Effective Date.

1.2.7 Day or Days: Shall mean calendar days.

1.2.8 Effective Date: The date and time that this Easement is first recorded in the Office of the Clerk of the Circuit Court of Fauquier County, Virginia.

1.2.9 Grantee: Land Trust of Virginia, Inc. and any and all successor holders of this Easement.

1.2.10 Grantor: The original Grantor herein and any and all successors in title to the Property or any portion thereof or interest therein.

1.2.11 Ground Area: The square footage of a roofed Building, Structure, or Improvement (including any combination thereof), as measured at the exterior of the foundation (perimeter load-bearing) walls and/or piers, or, if there are no such foundation walls or piers, the square footage of ground covered by such feature.

1.2.12 Improvements: Man-made additions to the Property and/ or man-made changes in topography, excluding Buildings, Structures, and Roads as defined herein, but including berms, ditches, ponds, fountains, pools (including swimming pools), tennis courts, fencing, mailboxes, gates, gate posts, permitted signs, decks, riding rings, and patios. Changes in topography resulting from normal agricultural activities, such as plowing, mowing, planting hay or crops, and the planting of trees and other vegetation, shall not be deemed "Improvements."

1.2.12.1 Accessory Residential Improvements: Improvements commonly and appropriately incidental to a Dwelling, and sized appropriately to serve as an amenity to a Dwelling.

1.2.13 No Build Zone: The area shown on the map attached as Exhibit A in which no new Building, Structure, and/ or Improvement may be located unless otherwise expressly provided for in this Easement.

1.2.14 Non-Commercial: (i) Activities or uses undertaken by tax-exempt public charities or foundations; (ii) activities or uses undertaken for the principal benefit of tax-exempt public charities or foundations; (iii) educational activities, including schools; (iv) corporate and/ or educational retreats, private parties and/ or weddings, provided that the frequency and/ or intensity of the uses or activities described in this proviso (iv) do not measurably impair the Conservation Values and that the primary purpose of such activities is not the generation of a profit.

1.2.15 Road: A private way located on the Property for the movement of vehicles.

1.2.16 Silviculture: The growing and cultivation of trees.

1.2.17 Structure: An assembly of materials forming a construction for use (other than Buildings, Roads and Utilities), including, among others, platforms, stagings, observation towers, water tanks, trestles, piers, open sheds, pipelines, and energy generators, but excluding Improvements.

1.2.17.1 Accessory Residential Structures: Structures commonly and appropriately incidental to a Dwelling, and sized appropriately to serve as an amenity to a Dwelling.

1.2.18 Utility: A facility for the provision of infrastructure services including wells, water storage tanks; septic systems; electricity and telephone transmission lines; antennas for the transmission and reception of electro-magnetic energy; equipment used to harness natural renewable energy sources, such as sunlight, wind, water, or biomass; but excluding wind generators.

1.2.19 Viniculture: The process or business of making and selling wine.

1.2.20 Viticulture: The cultivation of grapes and grapevines.

1.3 INCORPORATION OF RECITALS. The Recitals in this Easement are incorporated herein and by agreement, each one is made an integral part of this Easement.

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: November 6,, 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 final approval and recommend approval to the Board of Supervisors.

Exhibit B



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

Clarke County GIS
October 12, 2017

100 50 0 100 Feet



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



MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: November 6, 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 applicant would like to retire 2 of the remaining DUR's.

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.

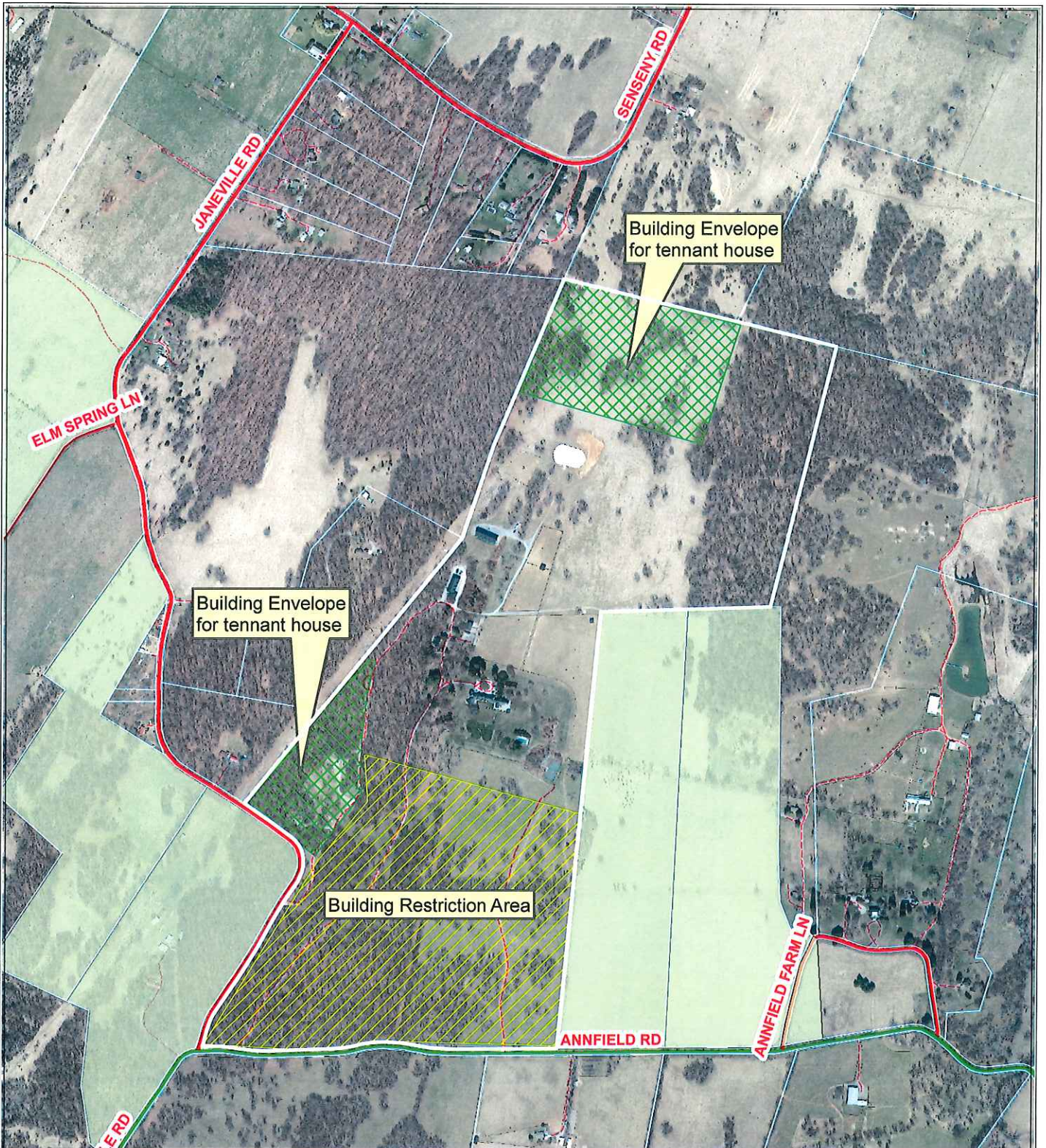
The Authority requires that a property meet at least two of the four guidelines for acceptance.

The property is primarily open pasture with scattered woodland. In reviewing the parcel all four of the criteria have been met, the Property Resource Score is 94.8, the applicant is retiring 2 of the remaining DURs, 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 final approval and recommend approval to the Board of Supervisors.

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



MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: November 6, 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 applicant would like to retire 5 of the remaining DURs, and has requested permission to subdivide into 3 parcels with no parcel less than 50 acres.

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.

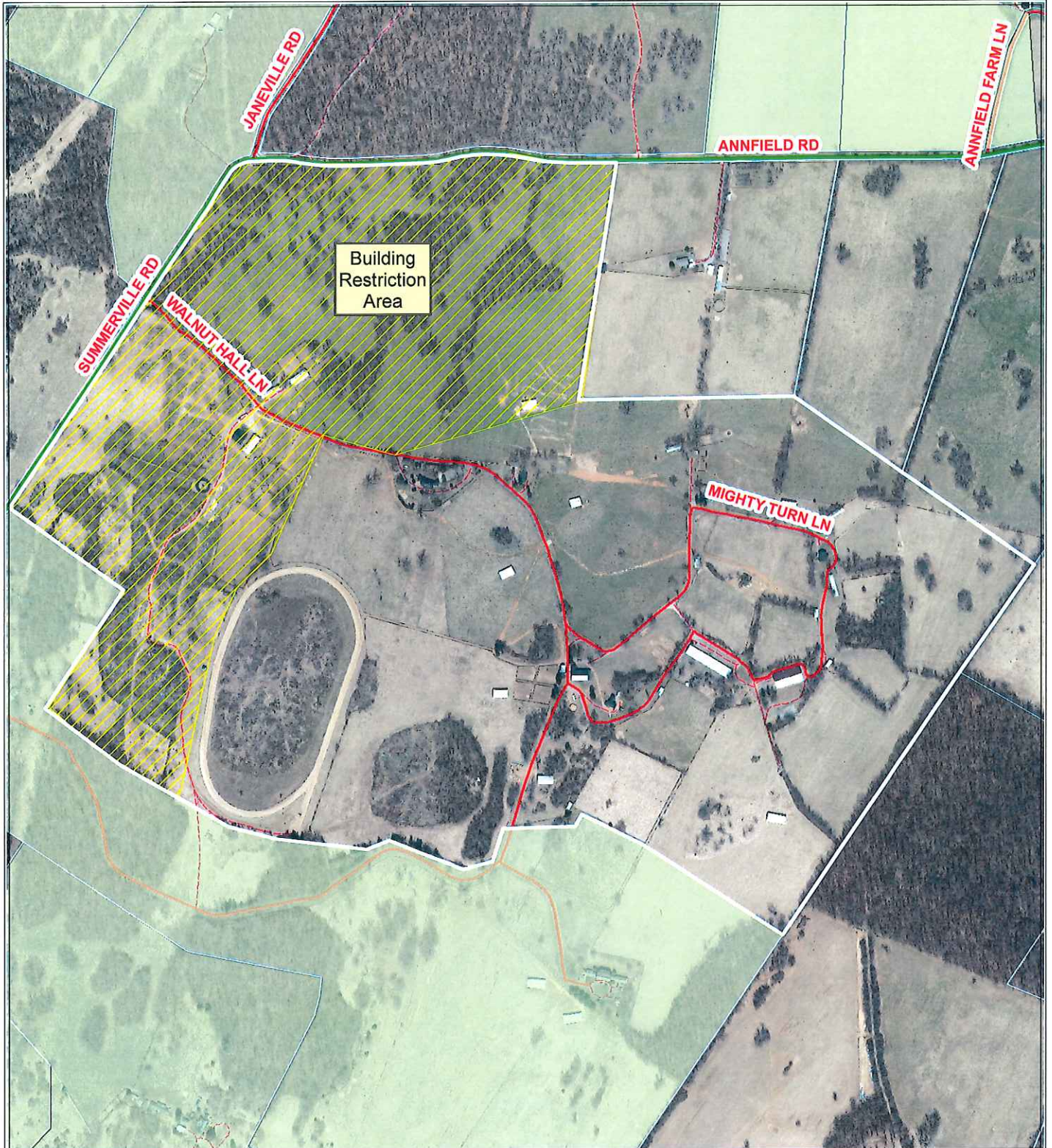
The Authority requires that a property meet at least two of the four guidelines for acceptance.

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, the Property Resource Score is 112.71, the applicant is retiring 5 DUR's, 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 final approval and recommend approval to the Board of Supervisors.

Exhibit B



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



Clarke County GIS
October 31, 2017

500 250 0 500 Feet



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



MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: November 9, 2017
SUBJECT: Application for Donation – Stephanie Burgevin - Revised

Stephanie Burgevin has submitted an application for an easement donation in October 2016. The property is located at 721 Kennel Road approximately 7/10 south of Route 50. The parcel is identified as Tax Map# 38-A-17, consisting of 87 acres. The parcel has a couple of outbuildings but is vacant consisting of primarily pasture with scattered woods. There are 4 DURs remaining on the parcel. The applicant originally wanted to retire 3 of the 4 DURs, however her appraiser wanted to confirm that the property could be subdivided and based on current zoning requirements she would need a 30' access easement to the property which she does not have. Therefore, she has revised her request to retire only one DUR leaving 3 on the property. Again under current zoning she would be permitted to build one primary dwelling and one tenant house but could not utilize the third dwelling unit right.

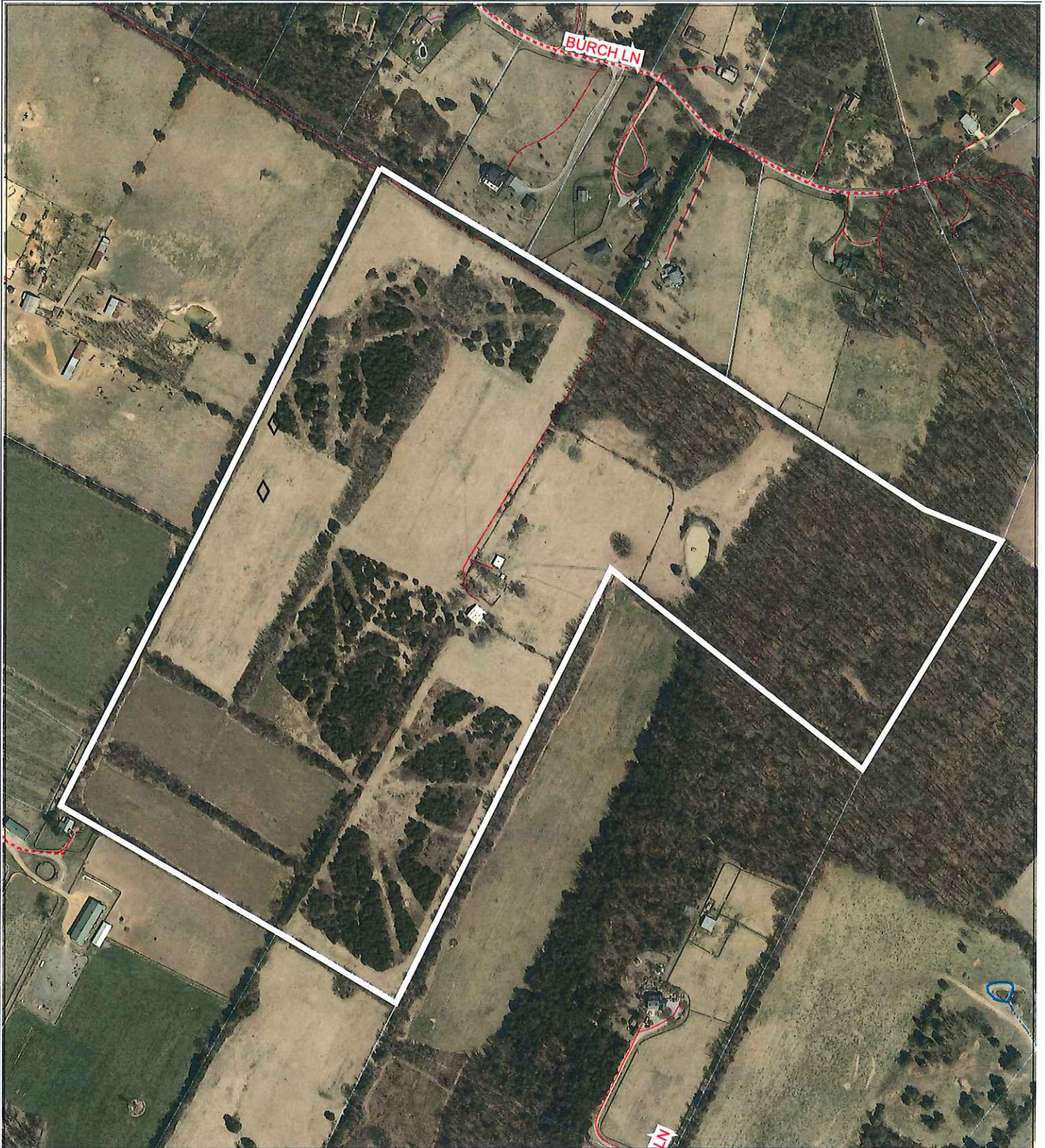
The parcels are zoned AOC and currently in landuse, in accord with the Commissioner of Revenue's requirements, therefore a donation may be considered if at least two of the following four guidelines are met:

- 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.

This property meets all 4 of the criteria. The revised Property Resource Score is 73.6, the parcel is over 40 acres, the applicant is interested in retiring 3 of the 4 DURs and it is adjacent to parcels already under permanent conservation easement. Points were given for retiring 1 DUR, being adjacent to existing easements, the parcel is within the Greenway Rural Historic District and has two sinkholes.

Recommendation

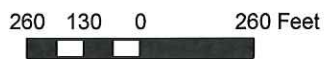
Give final approval for the revised request



Stephanie Burgevin
Tax Map# 38-A-17, 87 acres, 4 DURs

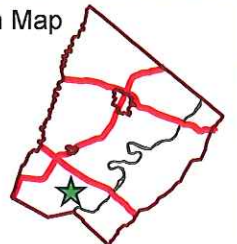


Clarke County GIS
 October 5, 2016



- Conservation Easements
- Parcel Boundary
- Public Road
- Private Road
- Scenic Byway

Location Map



Aerial Imagery 2015 Commonwealth of Virginia