

**CLARKE COUNTY**  
**Conservation Easement Authority**  
**THURSDAY – 21 DECEMBER 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 16 November 2017
3. Bank Account balances
4. Campaign for the Authority
5. Review of revised deed template
6. Easement Donation/Purchase
  - a. Bell – easement donation revision
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 January 18<sup>th</sup> 10 am

**CLARKE COUNTY**  
**Conservation Easement Authority**  
**draft Minutes – 16 November 2017 draft**

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 16 November 2017, in the A/B Conference Room, 2<sup>nd</sup> Floor Government Center.

**Present:** R. Buckley, P. Engel, M. Jones, R. Bacon, W. Thomas  
**Absent:** G. Ohrstrom, B. Byrd  
**Staff:** A. Teetor, Robin Couch-Cardillo, Brandon Stidham  
**Agenda** On motion of Ms. Thomas, seconded by Ms. Jones, the Authority unanimously approved the agenda.  
**Minutes** On motion of Ms. Jones, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of October 19, 2017, with minor corrections.

**Bank Account:** Ms. Teetor went over the spreadsheets and reviewed the expenditures. Current fund balances show a total fund balance of \$230,157 consisting of \$57,516 in the donations account, \$115,783 in stewardship, and \$56,857 in local funds. Ms. Teetor reported that expenditures were for Ms. Cardillo's monthly fee.

**Public Relations:** Ms. Cardillo reported that donations in 2017 are up to \$13,629 with 3 new donors. She continues to work with the Clarke Monthly on a myths of easements article. The Winchester Star did publish an article about the upcoming cost of community services study. Ms. Cardillo has started work on the Land Conservation award. Members agreed that Mel Kohn would be a great choice for this year's award. Mr. Kohn not only donated an easement on his 50-acre property off of Ebenezer Rd. but also provided that it be donated to the County as a passive recreation park as part of his estate planning. Depending on Mr. Kohn's availability the awards luncheon will be held either at the Camino Real Restaurant in Berryville or the Millwood Country Club in January. For the year end appeal letter Ms. Cardillo suggested a story about the Waite's recent easement donation where two families worked together to preserve an historic property on the mountain. She will speak with Mr. Buckley about the specifics of the property.

**Deed of Easement template review** Members continued discussion about the easement template. The remaining issue is the section related to Industrial and Commercial activities. Staff provided sections from both the PEC template and VOF template. After discussion members agreed the PEC template provided a little more detail and should be considered. Staff also added suggested language to prevent large water users from locating on easement land. The proposed language would limit water withdrawals to less than 5,000 per day exclusive of watering livestock as defined by intensive livestock regulations. Also suggested was a paragraph that would identify inconsistent uses. These include events for compensation that exceed 150 persons per event for more than five events per year. Members agreed that in limited circumstances, with grantee approval, permission could be negotiated to allow additional events prior to deed recordation. In addition, members agreed to include a definition section. Staff will compile the recommended changes and present a final draft to members at the December meeting.

**Easement Donation/Purchase**

Ms. Teetor explained that the following easement donation applications for the Shockey's will move forward but not be recorded until 2018 for tax purposes.

a. 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 addition, the applicant would like to provide a no build zone fronting on Annfield Rd. Members asked if the no build area would exclude run in sheds, if existing structures could be rebuilt, or just nothing new. Staff will clarify what's intended prior to the next meeting. A site visit was conducted on November 9<sup>th</sup>. On motion of Mr. Engel, seconded by Ms. Bacon members voted to give final approval and recommend approval to the Board of Supervisors.

b. 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 4 DUR's. The property is primarily open pasture with scattered woodland. A no build zone similar to the one requested for parcel 22-A-2 is included and needs clarification. The Shockey's have also requested building envelopes for the 2 remaining DUR's which will be used as tenant houses. A site visit was conducted on November 9<sup>th</sup>. On motion of Mr. Engel, seconded by Ms. Thomas members voted to give final approval and recommend approval to the Board of Supervisors.

c. 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 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 applicant would like to retire 5 of the remaining 7 DUR's; they would also like the ability to subdivide two parcels of potentially 50 acres; and provide for a no build zone. Similar questions for the no build zone require clarification. A site visit was conducted on November 9<sup>th</sup>. On motion of Ms. Jones, seconded by Ms. Bacon members voted to give final approval and recommend approval to the Board of Supervisors.

d. Stephanie Burgevin - Ms. Burgevin submitted an application for an easement donation and was given final approval in November 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 would like to retire 3 of the 4 DURs. A site visit was conducted on November 3, 2016. Since the original application Ms. Burgevin has waited to move forward with the easement recordation for tax purposes. In the meantime, Ms. Burgevin hired an appraiser who would not value the DUR's being retired if a 30' width access easement was not available. The current access width is 20'. As a result, Ms. Burgevin would like to change her request to retire 1 DUR and have the easement allow for the creation of 2 five acre lots, with the intent of retiring 2 additional DUR's at a later date. After discussion, on motion of Ms. Jones, seconded by Ms. Thomas members denied the request to retire 1 DUR and allow for the future subdivision of 2 five acre lots.

**Adjournment** There being no further business, Mr. Engel moved and Ms. Bacon seconded that the

Through Dec 12, 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 Ruritan Club		30,471.00 <i>sub-total</i>
	<u>1,090.00</u>		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	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>
<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	0.00
	<u>2,409.66</u>		
<u>Oct</u>	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>	0	1,100.00 Maral S Kalbian
<u>Nov</u>	972.74 Robin Couch Cardillo-Svcs for CEA Nov '17		
	800.99 BMS Direct-Services	0	0.00
	<u>1,773.73</u>		500.00 Myers & Woods Apprsl-Arkfeld (Opequon Cattle Co)
<u>Dec</u>			
	<u>0.00</u>	0	<u>500.00</u>
	<u>Donations</u>	<u>Stewardship</u>	<u>Local Funds</u>
<u>YTD Totals</u>	<u>9,181</u>	<u>2,097</u>	<u>35,179</u>

JAS - B Bennett  
 Through 12/12/2017  
**Fund 235 - Conservation Easement Balances**

EOY 2017	Total Fund Balance	Donations	Stewardship Account	Local Funds
Fiscal Year 2018	226,970	58,503	96,584	71,883
July Rev/AR		909	79	32,913
July Exps/AP		-1,090	0	-1,408
<b>July Exp Bill &amp; Jane Johnston purchase</b>				<b>-30,471</b>
Aug Rev/AR		25	80	1,740
Aug Exps/AP		-1,916	-2,097	-1,700
Sept Rev/AR		2,825	82	
Sept Exps/AP		-2,410	0	0
Oct Rev/AR		3,634	21,140	-1,100
Oct Exps/AP		-1,992	0	500
Nov Rev/AR		2,100	82	0
Nov Exps/AP		-1,774	0	
Dec Rev/AR		3,320	0	-500
Dec Exps/AP		0	0	
YTD Rev/AR	69,428	12,813	21,462	35,153
YTD Exps/AP	46,456	9,181	2,097	35,179
Adjustments	0	0	0	0
<b>YTD FUND BALANCE (AR &amp; AP)</b>	<b>249,942</b>	<b>62,135</b>	<b>115,949</b>	<b>71,857</b>

**Anticipated Easement Closings:**

Bill & Jane Johnston-CLOSED- Actual EXPS above  
 Fairfield - Estimated

ESTIMATED YTD BALANCE 209,942 42,135 115,949 51,857 -20,000 60,027.02 AVAILABLE Estimated YTD BALANCE-VDACS

**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

FY18 Expenditure Appropriations	Funds/Donations	Actual Expenses	Appropriated Balance	Remaining
General Expenses	45,000	15,985	29,015	29,015
Fairfield / Greenhaugh	80,000	15,985	29,015	29,015
	125,000	15,985	29,015	29,015

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

**Clarke County:**  
 Transfer from Gen Fund-\$15,000  
 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

**Brenda Bennett:**  
 Land use rollback  
 tax=500.00

# Fundraising Results: Clarke County Conservation Easement Authority

As of December 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	\$17,199.00
# Donations	115	161	208	209	203	195	181	200	169	158	164	117
<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	\$425				\$40		\$1,650	\$104	\$25	
Prospect Respondents	24	7					1		3	2	1	
<b>Winter Newsletter</b>												
Dollar Amount Respondents	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
	\$3,775	\$455	\$2,074	\$5,820	\$2,810	\$2,520	\$3,415	\$1,975	\$3,705	\$3,420	\$2,725	\$2,810
Donor: Dollar Amount	35	5	19	38	26	27	32	28	26	27	19	23
Donor: Respondents		\$2,200	\$940	\$460	\$450	\$825	\$765	\$165	\$1,380	\$100	\$75	\$1,150
payer Spring Newsletter: Dollar Amt		16	19	10	4	11	5	4	9	1	3	8
per Spring Newsletter: Respondents												
<b>Summer Newsletter</b>												
Dollar Amount Respondents	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
	\$2,370	\$2,020	\$2,020	\$1,330	\$1,883	\$2,735	\$1,580	\$5,040	\$3,215	\$1,927	\$2,115	\$3,110
Donor: Dollar Amount	20	27	27	22	33	26	21	22	27	22	28	20
Donor: Respondents												
<b>Fall Newsletter</b>												
Donor: Dollar Amount	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
	\$2,210	\$765	\$765	\$260	\$7,300	\$2,946	\$4,630	\$2,660	\$2,325	\$1,250	\$600	\$3,870
Donor: Respondents	12	5	5	7	25	26	30	27	14	3	6	11
Taxpayer Fall Newsletter Dollar Amt		\$1,430	\$90	\$1,405	\$65	\$605	\$715	\$240	\$760		\$325	\$1,200
taxpayer Fall Newsletter: Respondents		25	4	8	2	8	9	5	5		5	4
<b>Over the Transom</b>												
Dollar Amount Donor Respondents	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
	\$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	11	17	11	5	6	2	2	2	3	12	6
<b>Donor Thank-You Party</b>												
Dollar Amount Donor Respondents	2006	2006	2006	2006	2006	2006	2006	2006	2014	2015	2016	2017
	\$1,105	\$1,105	\$1,105	\$1,175	\$705	\$705	\$705	\$1,175	\$705	\$595	\$638	\$710
Donor Respondents	6	6	6	4	6	6	6	4	6	14	14	6
<b>Photo Revenue</b>												
Notecards												
Gift-in-Kind (admin work donated by Kate Petranec)					\$747	\$57	\$67			\$	\$	\$304
						\$346	\$473	\$469				





ROBIN COUCH CARDILLO

December 13, 2017

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

**Donor Statistics**

See attached Master Report

- 2017 total: \$17,199.00 from 117 donors

**Ongoing**

*-Media outreach*

- Land Conservation Award media release/invitation
- Announce Shockey easement donations?
- Any grant or other news to report?

*- Fourth Wingate Mackay-Smith Land Conservation Award*

- Trying to track down Mel Kohn – left messages
- Thursday, January 18 – Authority meeting preceding luncheon

*-End-of-Year appeal letter*

- Used story of Waite property
- Distributed this week

*-Potential workshop on tax advantages of easement*

- Suggested by Bill Waite – “more people should know how this works”
- Invite select landowners – those with adjacent property? Other prospects?
- Perhaps Bill will join as example

## MEMORANDUM

TO: Conservation Easement Authority  
FROM: Alison Teetor  
DATE: December 12, 2017  
SUBJECT: Easement Donation revision - Bell

Mr. Bell originally applied for an easement donation which was reviewed and approved by the Authority in November 2011. The easement was never recorded. Mr. Bell reapplied in 2015. The current application is a request for easement donation for a 23.49-acre parcel with no existing dwelling and 3 DUR's. Mr. Bell would like to place the 23.49-acre parcel in easement, retiring 2 DURs.

The parcels are zoned FOC and are eligible for land use taxation. Therefore the following guidelines for accepting properties for easement donation 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. There is a small pond and intermittent stream on the property. The parcel meets 3 of the 4 criteria, the property resource score is 53.71, it is next to an existing easement and the 2 of the 3 remaining DUR's will be retired. Points were given for 10 acres of steep slopes, frontage on an existing easement, retiring the 2 DUR's and being owned by the Bell's for between 20 and 30 years.

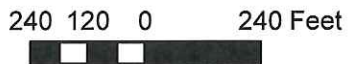
### Recommendation

Give final approval for the easement donation.





Kenneth & Susan Bell  
 TM 38-A-44  
 23.5 acres, 3 DUR's



Clarke County GIS  
 December 12, 2017



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

Location Map

