

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 20 OCTOBER 2016 - 10:00 AM
A/B Conference Room, 2nd Floor Government Center

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes of the meetings of 22 September 2016
4. Bank Account balances
5. Campaign for the Authority
6. Discussion
 - a. Calmes Neck permanent easement
7. Easement Donation/Purchase – attached spreadsheet detail pending applications
 - a. Johnston – easement donation revised to DUR purchase
 - b. Martin – easement donation
 - c. Oakland Orchards – Peter Cook – easement donation
 - d. Burgevin – easement donation
8. Report on Applications for Easement Purchase
 - Possible Closed Session to discuss real estate*
 - Motion to go into Closed Session pursuant to Section 2.2-3711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property and Section 2.2-3711(A)(7) for consultation with legal counsel regarding specific legal matters requiring the providing of legal advice.*
9. Adjournment - next meeting – Thursday November 17th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 22 September 2016 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 22 September 2016, in the A/B Conference Room, 2nd Floor Government Center.

Present: R. Buckley, G. Ohrstrom, B. Byrd, M. Jones
Absent: P. Engel, W. Thomas, L. Wallace
Staff: A. Teetor, R. Couch Cardillo, Brandon Stidham
Others: Peter Cook

Call to Order : Mr. Buckley, Chair, called the meeting to order at 10:00 a.m.

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 August 18, 2016 with corrections.

Bank Account: Ms. Teetor handed out the spreadsheets and reviewed the expenditures. The local account had a deficit of \$17,043 due primarily to lack of appropriation for expenses related to easement closings, such as appraisals, for easements that are not due to close for several more months. The Finance Committee agreed to reimburse after the audit is completed. At the end of FY16 the total fund balance is \$165,637 consisting of \$77,376 in the donations account, \$84,318 in stewardship, and \$3,943 in local funds. These figures are subject to change after the audit. Major expenses related to appraisals, surveys and legal expenses related to grant easements that have not closed. Once the closings occur, the grants will reimburse 50% of these expenses.

Public Relations: Ms. Cardillo provided an update on the donations to date, so far a total of 91 donors have contributed \$7,294 in 2016, and she anticipates a large increase after the end of the year appeal. Next was a discussion on reuse of the banners used at the Fair. She provided information from the Schools regarding sponsoring the sporting events. On motion of Mr. Ohrstrom, seconded by Ms. Jones, members approved the Full Coverage option for \$1,000. This allows the banner to be displayed at every sporting event site throughout the entire school year. She asked the group for ideas as to where the other banner could be hung. She stated that she had talked to Ms. Ruth at Berryville Farm Supply who would be willing to have it on the outside of her building where the feed is loaded. Members agreed that would be an excellent site but Mr. Stidham suggested that we talk to the Town about any sign regulations. Ms. Cardillo also asked if anyone would be willing to set up a booth at the Farmers Market. Ms. Jones stated she would and Ms. Teetor mentioned that Mr. Engel had expressed an interest in the past. Another idea Ms. Cardillo had was to generate additional media release topics which might fit in with the changing seasons and fall leaf color. Members suggested several picnic spots such as the Burwell Mill, Blandy, Shenandoah University River Campus, and Bear's Den. Ms. Cardillo will work on putting something together. She also told members that the notecards were selling well and asked if more should be ordered. On motion of Mr. Ohrstrom, seconded by Ms. Jones, members authorized ordering 100 more packs. She also asked about a topic of urgency for the year end appeal the group opined that challenges facing the Authority and other land conservation organizations would be a good topic.

Discussion The Calmes Neck Home Owners Association is interested in locating a permanent parking area for their road maintenance equipment on a property owned by Sandra Bittner. The parcel, Tax Map# 31-1-91, is held in easement by Clarke County. Ms. Teetor provided a plat in the packet outlining an area off of Barred Owl Lane. She stated that due to a 100' building restriction line, no structure could be placed at the proposed location so a gravel pad and access road would be the only features constructed. The HOA would provide a draft permanent easement if approved. On motion of Ms. Jones, seconded by Mr. Ohrstrom, members agreed to schedule a site visit to review the proposed location.

Easement Donation/Purchase

Ms. Teetor provided a spreadsheet detailing the pending easements. She explained that a similar sheet was provided to the finance committee in order that they were aware of pending appropriation requests.

- a. **Bill and Jane Johnston** have requested a revision to their original request for an easement donation to a DUR purchase. Members agreed to discuss the request in closed session.
- b. **Peter Hitchen** has applied for an easement donation. There are two properties, located on the south side of the 4000 block of John Mosby Highway (Route 50) approximately ½ mile east of the intersection of Route 50 and Kennel Road. The parcels are identified as Tax Map# 30-A-65A, consisting of 60 acres and 30-A-65 consisting of 90 acres. Both parcels are vacant. 30-A-65A is entirely wooded, 30-A-65 is a combination of woods and pasture. There are 2 DURs remaining on the 60 acre tract and 3 on the 90 acres. The applicant is considering merging the parcels subdividing 4 of the 5 remaining DURs and placing the remaining 138 acres in easement. A site visit was conducted September 12, 2016. Members agreed to consider the request after the subdivision process is completed.
- c. **Idlewild River Farm, LLC, Tim Martin** owner – Mr. Martin has submitted an application for an easement donation. The property is located on the east side of the Shenandoah River approximately ¾ of a mile north of Route 50. It is accessed off of Slate Ridge Road from Mt. Carmel Road. The parcel is identified as Tax Map# 31-A-6, consisting of 254 acres, with 7 DURs. The property is wooded and vacant. The parcel has nearly a mile of river front and is nearly surrounded by adjacent easements, primarily the Burwell Van Lennep properties. The parcel meets all of the criteria, the score was 162.01 due to River frontage, steep slopes and adjacency to other easements. The owner would like to retire 6 of the 7 remaining DURs. On motion of Mr. Ohrstrom, seconded by Ms. Jones members gave preliminary approval for the easement donation and asked staff to schedule a site visit.
- d. **Oakland Orchards, Peter Cook** owner – Mr. Cook has submitted an application for an easement donation. There are four properties, located on the south side of Lord Fairfax Highway approximately ½ mile south of the West Virginia line on Oakland Orchard Lane. The parcels are identified as Tax Map# 9-A-60, consisting of 32 acres, and existing house and 1 DUR; 9-A-60A consisting of 112 acres with 2 DURs; and 9-A-60B consisting of 50 acres with 3 DURs, 9-A-59 is a 2 acre parcel with an existing pre-1980 house that will be merged with 9-A-60B (see attached plat). Current use of the parcels is for crops and Christmas trees. The parcels are within the Longmarsh Rural Historic District and the existing house and several outbuildings are contributing structures. Parcels 60A and 60B have a portion of Longmarsh Run which has been protected with riparian buffers. The railroad bounds the western side of parcel 60A. All of the properties meet the criteria, conservation values include being in the Longmarsh Rural Historic District, being owned by Mr. Cook for 30-50 years, being adjacent to an existing VOF easement (Cook), frontage on a primary highway and railroad, and having a perennial stream. A draft deed of easement was provided as prepared by Mr. Hobert, Mr. Cook's attorney. Particular changes from the typical deed template included an allowance for greenhouses and horticultural use. As the property has a large Christmas tree farm on site and is open to the public for tree and limited retail sales during the Christmas season, Mr. Cook is requesting that this activity be permitted to continue. Mr. Cook was present to answer questions; members discussed the proposed changes and agreed to review potential greenhouse sites during the site visit. On motion of Mr. Ohrstrom, seconded by Ms. Jones members gave preliminary approval and asked staff to schedule a site visit.
- e. **Moore and Dorsey** - Four parcels have previously been approved for DUR purchase and staff has been working with the applicant to finalize the deeds of easement. Mr. Dorsey has proposed several changes to the standard deed template which were included in the packet. The proposed changes are sections currently included in the Virginia Outdoors Foundation template. The first change is the option to add alternative energy structures such as solar or wind. Members discussed whether or not

this would include commercial solar farms and agreed that adding language to require Authority approval for a large facility would be warranted. Another section added would allow for activities such as wetlands banking or tree planting as nutrient trading areas, members agreed that adding language to evaluate the area to be converted based on the impact to important farmland soils should be added as criteria for the Authorities approval. The final change requested was to allow cultivation within the 100' riparian buffer provided that cultivation occurs no closer than 35', members agreed with this change as well.

Report on Applications for Easement Purchase

On motion of Mr. Ohrstrom, seconded by Ms. Jones the Authority unanimously approved going into Closed Session pursuant to Section 2.2-3711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property. On motion of Ms. Wallace, seconded by Ms. Thomas, the Authority unanimously approved reconvening in Open Session. Ms. Wallace moved, seconded by Ms. Thomas, to certify that to the best of the member's knowledge:

- (i) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.2-3711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (ii) only such public business matters as were identified in the motion by which the Closed meeting was convened were heard, discussed, and considered in the meeting by the Authority. The vote on the above motion was:

Ms. Byrd	Aye	Ms. Wallace	Absent	Mr. Buckley	Aye
Mr. Engel	Absent	Ms. Thomas	Absent	Mr. Ohrstrom	Aye
Ms. Jones	Aye				

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

Other Ms. Jones handed out a flyer advertising an event sponsored by the Frederick County Easement Authority on tax benefits, appraisals, and an overview of conservation easements in general. The event is scheduled for October 5th. She thought Clarke County might want to do something similar, members agreed to discuss it at a future meeting.

Adjournment There being no further business, Ms. Jones moved and Mr. Ohrstrom seconded that the Authority adjourn to the next regular meeting is scheduled for Thursday October 20th at 10:00 am. The motion was approved unanimously.

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority



ROBIN COUCH CARDILLO

October 14, 2016

Clarke County Conservation Easement Authority
Fundraising and Public Relations Report
October 2016 meeting

Donor Statistics

See attached Master Report

- 2016 total year to date: \$7,401 from 94 donors

Ongoing

-Publicity

- Three Easement Authority banners to hang in high-visibility areas
 - Clarke County High School: two banners for all sports (indoor/outdoor display)
 - Berryville Farm Supply – hanging on side of building
 - Media release being distributed: Seven Best-Kept-Secret Spots for Fall Picnics in Clarke County; linking beauty of season with land conservation principles

-Fall newsletter

- Finalizing; reporting to the printer by Oct 24

-Slide show: 9 Myths about Conservation Easements in Clarke County

- In the works

-End-of-year appeal

- Will mail after Thanksgiving

Fundraising Results: Clarke County Conservation Easement Authority

As of October 14, 2016

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016 YTD
Amount	\$13,345	\$19,090	\$20,871	\$25,649	\$26,396	\$25,843	\$23,530	\$42,266	\$36,260	\$57,356.00	\$7,401.00
# Donations	115	161	208	209	203	195	181	200	169	158	94
YE Donor Appeal											
Donor Appeal Amount	\$8,465	\$8,310	\$8,477	\$10,134	\$8,376	\$12,815	\$7,250	\$15,706	\$17,635	\$47,003	
Donor Respondents	73	59	87	86	76	68	50	69	51	61	
YE Prospect Amount	\$2,115	\$2,115	\$425				\$40		\$1,650	\$104	
Prospect Respondents		24	7				1		3	2	
Winter Newsletter											
Dollar Amount			\$2,700	\$2,065	\$2,865	\$2,126	\$3,611	\$4,805	\$3,335	\$2,700	\$2,028
Respondents			23	27	32	21	32	39	26	25	28
Spring Newsletter											
Donor: Dollar Amount	\$3,775	\$455	\$2,074	\$5,820	\$2,810	\$2,520	\$3,415	\$1,975	\$3,705	\$3,420	\$2,625
Donor: Respondents	35	5	19	38	26	27	32	28	26	27	18
Taxpayer Spring Newsletter: Dollar Amt		\$2,200	\$940	\$460	\$450	\$825	\$765	\$165	\$1,380	\$100	\$50
Taxpayer Spring Newsletter: Respondents		16	19	10	4	11	5	4	9	1	2
Summer Newsletter											
Dollar Amount		\$2,370	\$2,020	\$1,330	\$1,883	\$2,735	\$1,580	\$5,040	\$3,215	\$1,927	\$1,740
Respondents		20	27	22	33	26	21	22	27	22	23
Fall Newsletter											
Donor: Dollar Amount		\$2,210	\$765	\$260	\$7,300	\$2,946	\$4,630	\$2,660	\$2,325	\$1,250	
Donor: Respondents		12	5	7	25	26	30	27	14	3	
Taxpayer Fall Newsletter: Dollar Amt		\$1,430	\$90	\$1,405	\$65	\$605	\$715	\$240	\$760		
Taxpayer Fall Newsletter: Respondents		25	4	8	2	8	9	5	5		
Over the Transom											
Dollar Amount			\$3,380	\$4,175	\$1,900	\$868	\$1,457	10,500	\$1,550	\$257	\$300
Donor Respondents			17	11	5	6	2	2	2	3	9
Donor Thank-You Party											
Dollar Amount	\$1,105							\$1,175	\$705	\$595	\$638
Donor Respondents	6							4	6	14	14
Photo Revenue					\$747	\$57	\$67				\$
Gift-in-Kind (admin work donated by Kate Petranech)						\$346	\$473	\$469			

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: October 13, 2016
SUBJECT: Application for Donation – Stephanie Burgevin

Stephanie Burgevin has submitted an application for an easement donation. 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.

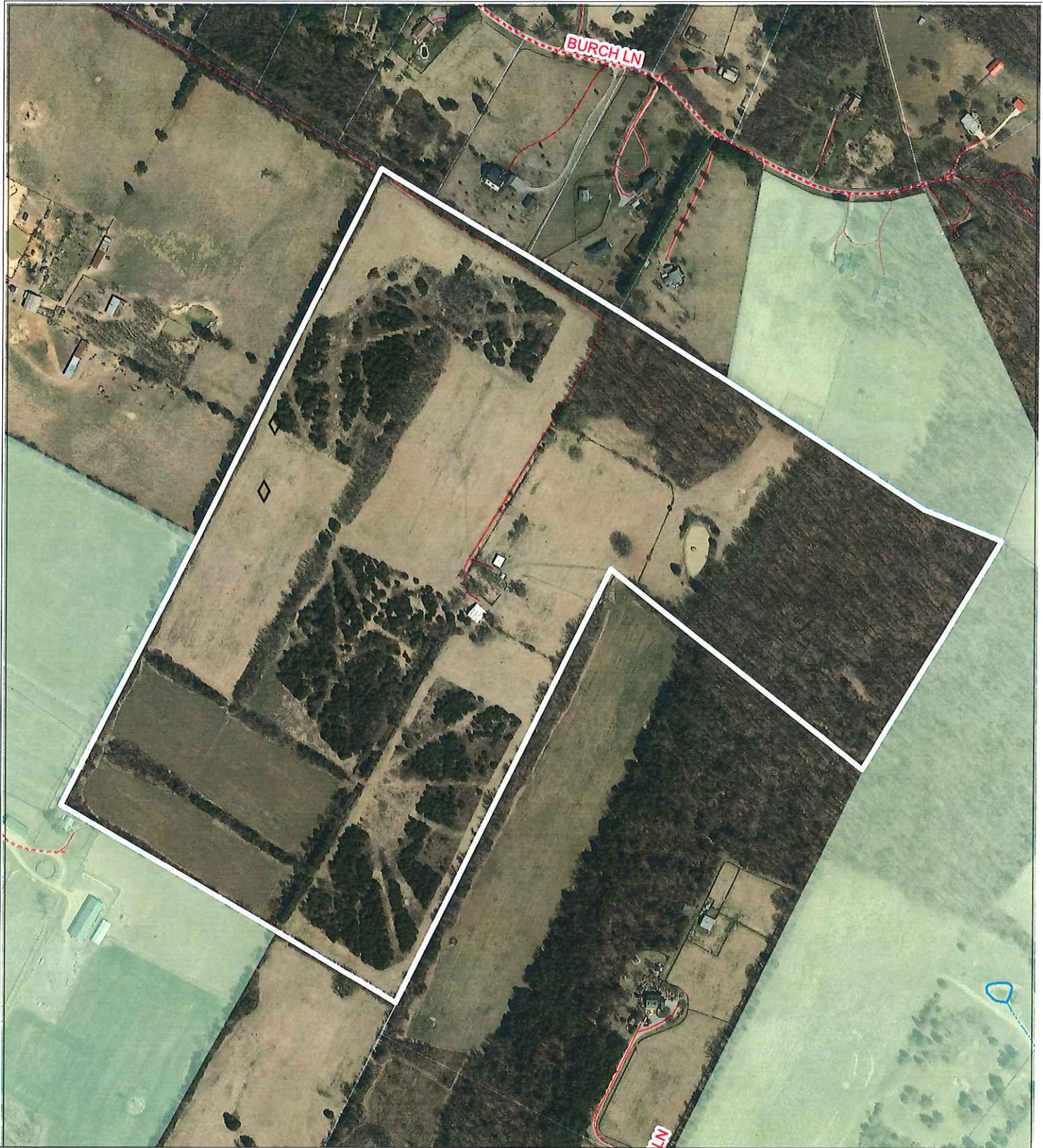
The parcels are zoned AOC and currently in landuse, in accord with the Commissioner of Revenue's requirements, therefore a donation may be considered if at least two of the following four guidelines are met:

- 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 Property Resource Score is 83.6, 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 3 DURs, being adjacent to existing easements, the parcel is within the Greenway Rural Historic District and has two sinkholes.

Recommendation

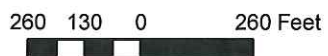
Give preliminary approval and schedule a site visit.



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



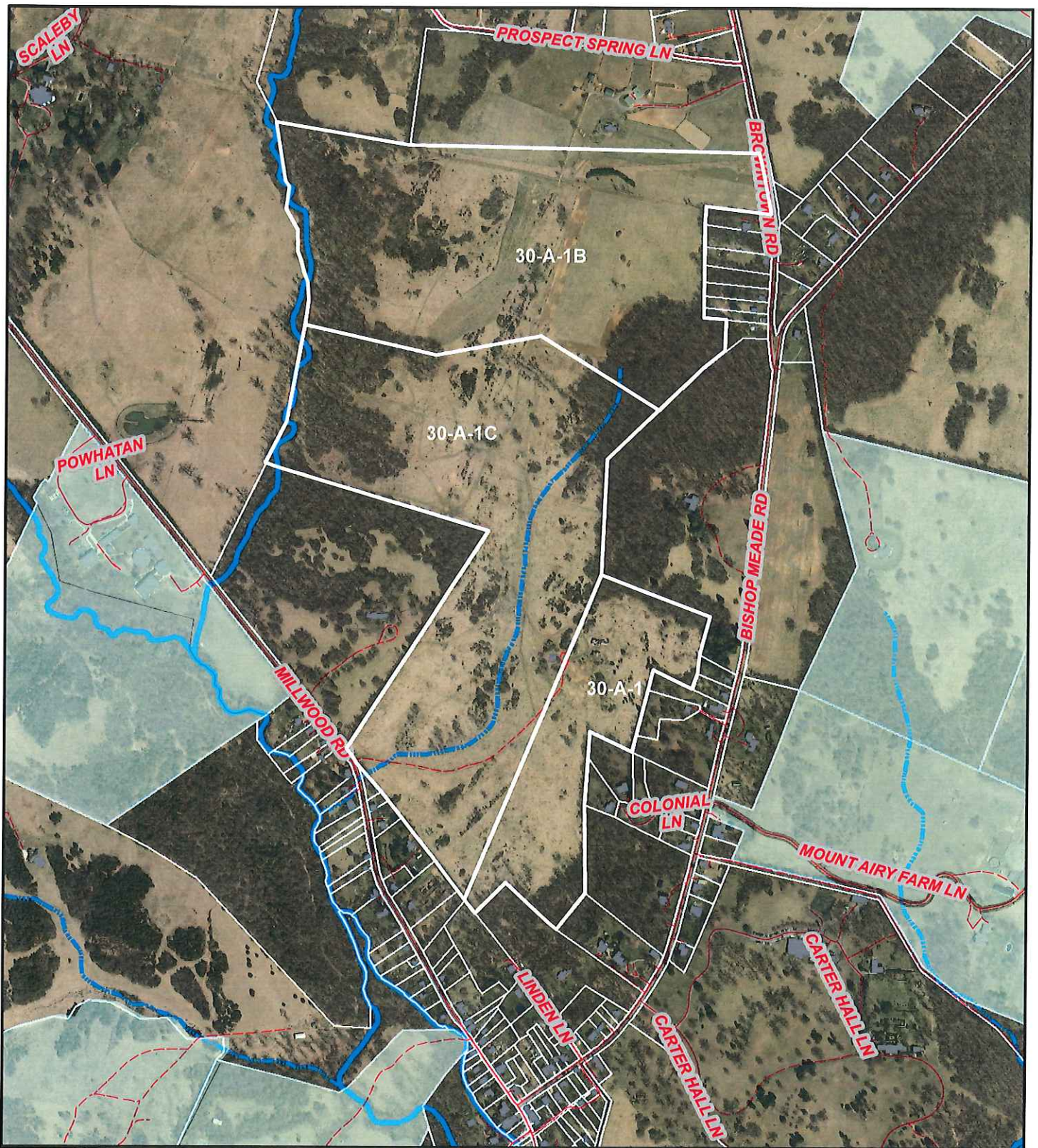
Aerial Imagery 2015 Commonwealth of Virginia

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: October 14, 2016
SUBJECT: Nutrient trading on future application for Donation – Tim Martin

Tim Martin is the contract purchaser for 3 properties owned by Richard Farland. See attached map. I met with Mr. Martin yesterday and he explained his interest in using the property as a tree planting area for nutrient trading. There is a 25+ acre piece, 86 acres and 78 acres for a total of 189 acres, he would retain 3 DUR's and extinguish 3 DURs.

Essentially all the open area, except for approximately 5 acres per homesite, would be planted in a mix of hardwoods and evergreens in perpetuity.



Richard Farland
 TM# 30-A-1, 25.7 ac., 1 exempt, 0 DURs
 TM# 30-A-1B, 78.15 ac., 2 DURs
 TM# 30-A-1C, 86.35 ac., 3 DURs



500 250 0 500 Feet



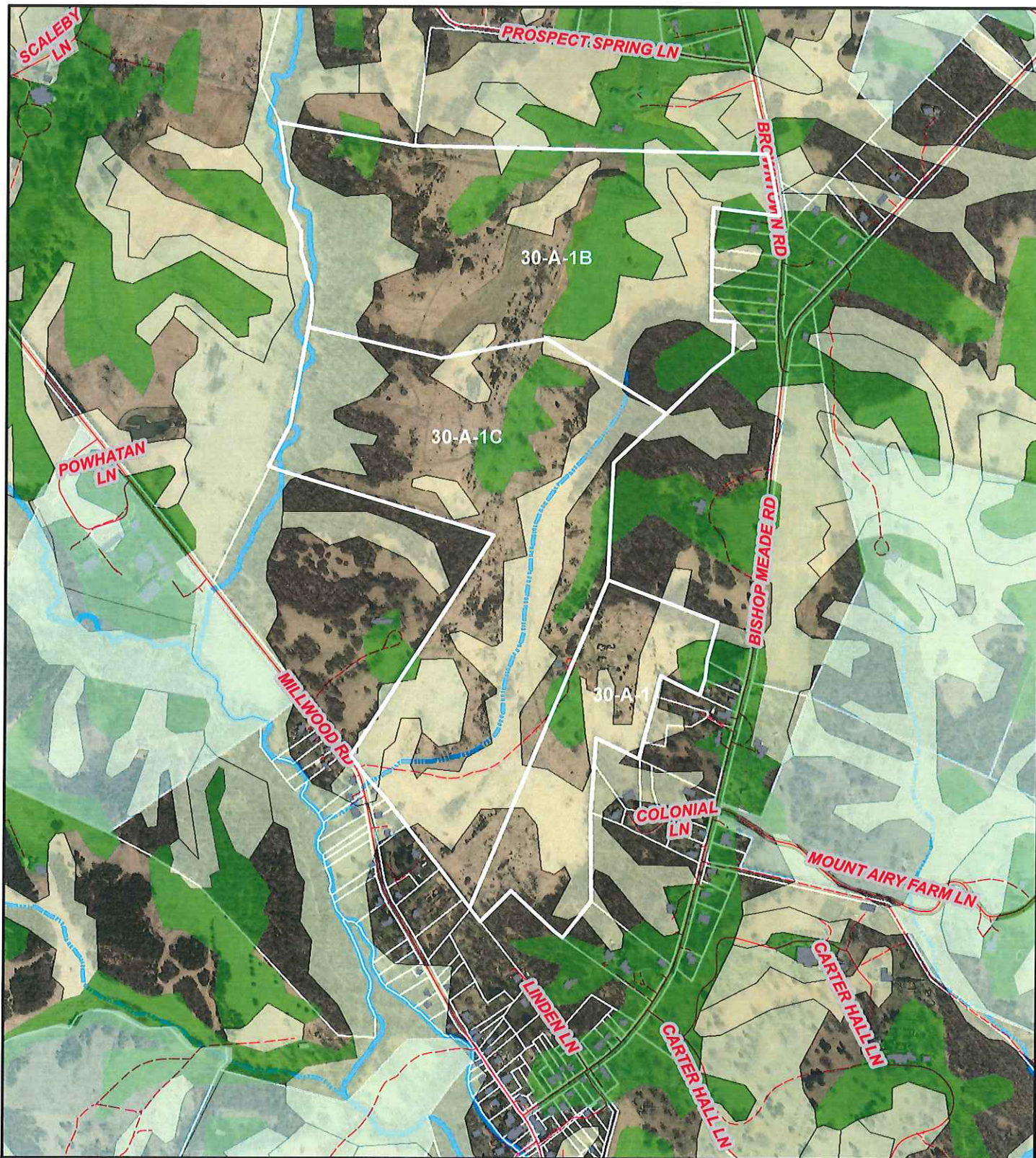
Clarke County GIS
 October 13, 2016



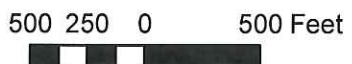
Legend

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





Richard Farland
 TM# 30-A-1, 25.7 ac., 1 exempt, 0 DURs
 TM# 30-A-1B, 78.15 ac., 2 DURs
 TM# 30-A-1C, 86.35 ac., 3 DURs



Clarke County GIS
 October 13, 2016

Legend

- Parcel Boundary
- Conservation Easements
- Prime
- Statewide
- Local
- Roads
- Private Road
- Sinkhole
- Structures



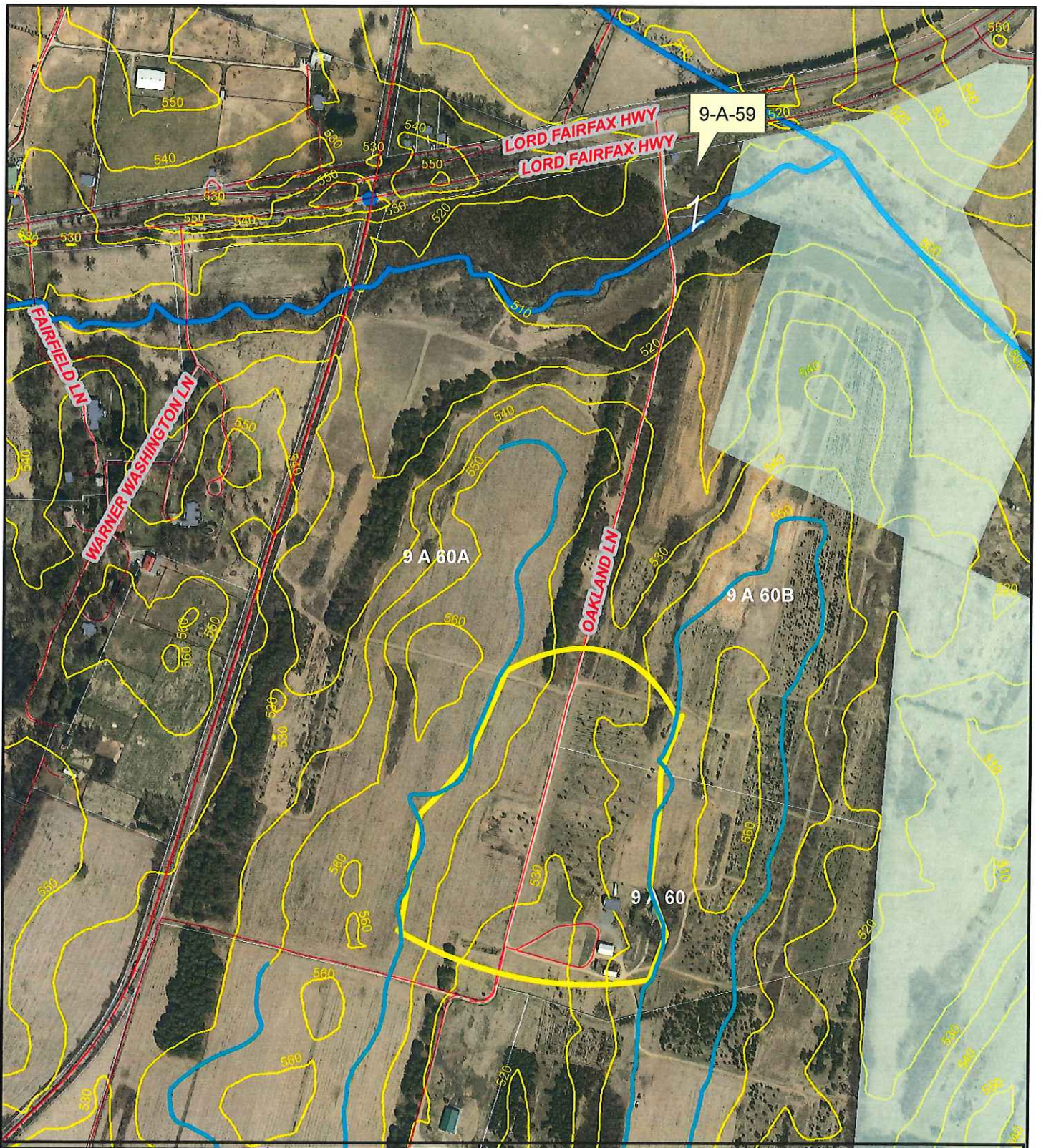
MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: October 14, 2016
SUBJECT: Application for Donation – Peter Cook, Oakland Orchard, L.P.

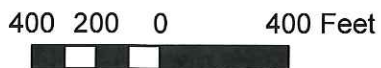
A site visit was conducted October 6th. Mr. Cook was present to show us the property. He also reiterated the request to be permitted structures up to 6,000 sq ft.. Members that were present stated that potentially these large structures could be permitted if located in the low area of the properties. Attached is a map that depicts areas below the 550' elevation where if approved large structures could be located. Mr. Cook agreed to identify the proposed area on the survey plat if approved.

Recommendation

Give final approval for the easement donation with the allowance of the building envelope for large structures below the 550' elevation as shown on the survey plat.



Oakland Orchard
 TM# 9-A-60 32 acres, 1 ext. dwl., 1 DUR
 TM# 9-A-60A 112 acres, 2 DURs
 TM# 9-A-60B 50 acres, 3 DURs



Clarke County GIS
 August 19, 2016

550' elevation contour

Legend

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

