

CLARKE COUNTY
Conservation Easement Authority
WEDNESDAY – 14 DECEMBER 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 17 November 2016
4. Bank Account balances
5. Campaign for the Authority – report to be provided next week
6. Easement Donation/Purchase – attached spreadsheet detail pending applications
 - a. Dillon – New application easement DUR purchase
 - b. Bowen – new application easement donation
7. 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.
8. Adjournment - next meeting – Thursday January 19th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 17 November 2016 **draft**

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 17 November 2016, in the A/B Conference Room, 2nd Floor Government Center.

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

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

Agenda On motion of Ms. Wallace, seconded by Mr. Engel, the Authority unanimously approved the agenda as amended to add Oakland Orchard as item 7.d.

Minutes On motion of Ms. Wallace, seconded by Mr. Engel, the Authority unanimously voted to approve the minutes of September 22, 2016, with corrections.

Bank Account: Ms. Teetor handed out the spreadsheets and reviewed the expenditures. Current fund balances show a total fund balance of \$174,583 consisting of \$75,906 in the donations account, \$96,411 in stewardship, and \$2,265 in local funds. Major expenses relate to appraisals, surveys and legal expenses for grant purchase 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 107 donors have contributed \$8,383 in 2016, in all there are more donors but each is giving less than in previous years. Ms. Cardillo stated that she, Mr. Engel, and Ms. Jones had a booth at the Farmers Market but it was the last weekend of the season and attendance was down. She thought next year we should try for a weekend in September. Next was a discussion on the annual award. Members agreed that an award should be given to the pioneers of Sliding Scale zoning. These included Bob Lee, Margaret Maizel, and A.R. 'Pete' Dunning. They would each be awarded a framed statement describing the significance of the innovating approach to zoning. Ms. Cardillo suggested January 19th for the award ceremony to be held at Camino Real. Ms. Teetor will reserve the room. Ms. Teetor and Mr. Buckley will invite the awardees. MS. Cardillo also asked members what they thought of trying to get a matching gift as a fundraising effort. Members thought the idea should be discussed with Mr. Ohrstrom. Ms. Teetor then stated that she had been approached by Ralph Ambrosia who is the fundraising chair for the Ruritan Club about having a banner hung at on the fairground fence across from the entrance to the Park. On motion of Ms. Wallace, seconded by Mr. Engel members approved purchasing another banner for that location.

Discussion

a. Weldon Cooper study – Ms. Teetor provided a copy of the proposal and the potential grant from the Agriculture and Forestry Industries Development Fund (AIFD) which Fauquier County was able to use to pay for approximately 50% of their study. Members suggested talking with Mike Legge to make sure procurement procedures are followed. Also suggested was that a study of this sort should be updated periodically. MS. Teetor will check with Mr. Legge and report back. The study would be conducted in May if approved.

Easement Donation/Purchase

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. **Ken Bell** – Mr. Bell has requested additional wording changes for the deed of easement. The changes are included in the packet. Members had no problem deleting the paragraph on the towers. With regards to paragraph 3.(iii) - non-residential outbuildings, members suggested Mr. Bell should choose either a) that a larger footprint is permitted considering the purpose of this Easement and the

scale of the proposed outbuilding or structure in relation to the surrounding area; or b) which approval shall be limited to consideration of the visual impact of the size, height, purpose, and siting of the proposed structure on the conservation values of the Property

c. 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. A site visit was conducted on November 3. On motion of Ms. Wallace, seconded by Mr. Engel members gave final approval for the easement donation of Stephanie Burgevin.

d. Oakland Orchard – Ms. Teetor explained that an additional revision to the deeds has been requested. There is a reference to access to public road which staff felt was too general and suggested that verbage referencing access to Rt. 340 from Oakland Orchard Lane be added to clarify the intent.

Report on Applications for Easement Purchase

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

The following action was taken subsequent to the Closed Session:

On motion of Mr. Ohrstrom, seconded by Ms. Byrd, the Authority unanimously voted to give final approval to Bill and Jane Johnston for a DUR purchase on the parcel identified by Tax Map# 14-A-103 for the DUR purchase offer to \$26,000/DUR which when factored in with their 58% income bracket equates to \$30,160.

Adjournment There being no further business, Ms. Jones moved and Mr. Ohrstrom seconded that the Authority adjourn to the next meeting is scheduled for Wednesday December 14th at 10:00 am. The motion was approved unanimously.

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

JAS - B Bennett
 Through 12/07/2016
Fund 235 - Conservation Easement Balances

	Total Fund Balance	Donations	Stewardship Account	Local Funds
EOY 2016	259,135	160,259	86,478	12,398
Fiscal Year 2017				
July Rev/AR		400	0	0
July Exps/AP		-50	0	0
Aug Rev/AR		1,340	-2,160	-8,248
Aug Exps/AP		-2,115		
Sept Rev/AR		618		81,020
Sept Exps/AP		-1,949	0	-208
Sept Exp Moore & Dorsey Inc Purchase		-81,020		-81,020
Oct Rev/AR		432	12,093	1,589
Oct Exps/AP		-2,258	0	-453
Nov Rev/AR		1,025	0	4,456
Nov Exps/AP		-790	0	-2,815
Dec Rev/AR		16	0	-665
Dec Exps/AP		0		
YTD Rev/AR	102,990	3,831	12,093	87,066
YTD Exps/AP	183,750	88,183	2,160	93,408
Adjustments	0			
YTD FUND BALANCE (AR & AP)	178,375	75,907	96,411	6,056

These beginning balances not final yet

Brenda Bennett:
 Accts Rec Rev for Moore & Dorsey purchase (VDACS)

Brenda Bennett:
 Land Use rollback tax

VDACS
 101,322.82 Expires 12/31/2017 (FY2015)
 42,319.18 Expires 12/31/2018 (FY2016)

Anticipated Easement Closings:
 Moore & Dorsey Inc (Approp 07/2016)-ACTUAL EXPS above
 Cool Spring Farm, Mike Cassidy - Not Appropriated
 Digges Farm LLC - Not Appropriated
 Susan Digges - Not Appropriated

ESTIMATED YTD BALANCE

138,224 75,907 96,411

(34,095) 22,471.00 AVAILABLE Estimated YTD BALANCE-VDACS

FT16 Expenditure Appropriations	Local Funds	Actual Expenses	Appropriated Balance Remaining
General Expenses	30,000	13,910	16,090
Moore & Dorsey Inc - closed in Sept	160,000	162,040	-2,040
Cool Springs Appraisal	0	7,800	-7,800
Susan Digges Appraisal	0	0	0
Digges Farm Appraisals	0	0	0
	190,000	183,750	6,250

Brenda Bennett:
 Includes expenses not specifically designated to an easement (including stewardship and monthly Hall, Monahan Invoices).

143,642.00

-5,838
 -20,563
 -13,750.00 estimated

Through Dec 07, 2016
 Conservation Easement Expense Detail - FY16

	Donations	Stewardship	Local Funds
July	25.00 Downstream Project-Domain Reg/Renewal 25.00 Downstream Project-Domain Reg/Renewal 50.00		
August	9.08 Pitney Bowes 450.00 Gloria Marconi-Summer '16 Newsletter 640.00 Robin Cardillo-Svcs for CEA 300.00 Clarke Co Ruitan-Fair Sponsorship 580.00 Winchester Printers-Envelopes 136.00 Winchester Printers-CCEA Banner 2,115.08	2,000.00 M. McGuigan-Inspection 45.90 M. McGuigan-Mileage 113.94 M. McGuigan-Mileage 2,159.84	447.50 Hall, Monahan-Legal Svcs July 2016 3,000.00 Myers & Woods-Apprsl rpt-Cool Springs Farm 3,000.00 Dunn Land Surveys-Boundary Srvy Cool Springs 1,800.00 Boykin Realty Appraisal-Cool Springs Farm 8,247.50
Sept	946.63 Robin Cardillo-Svcs for CEA 1,002.73 Winchester Printers-Newsletter & postage 81,020.00 Hall Monahan -Moore & Dorsey, Inc Purchase 82,969.36		207.50 Hall, Monahan-Legal Svcs Aug 2016 81,020.00 Hall Monahan -Moore & Dorsey, Inc Purchase 81,227.50
Oct	20.20 Postage 1,000.00 Donation to CCHS 720.00 Robin Cardillo-Svcs for CEA 68.00 Winchester Printers-CCEA Banner 450.00 Gloria Marconi-Fall '16 Newsletter 2,258.20		452.50 Hall, Monahan-Legal Svcs Aug 2016 452.50
Nov	790.04 790	0	2,815.00 Hall, Monahan-Legal Svcs Oct 2016 2,815
Dec			365.00 Hall, Monahan-Legal Svcs Nov 2016 300.00 Dunn Land Surveys-Susan Digges property 665

YTD Totals 88,183 Donations 2,160 Stewardship 93,408 Local Funds

Pending Easement Purchases FY17 as of 11/9/16

SELLER	TAX MAP	ACRES	DUR'S TERMINATED	APPRAISED VALUE	DUR PURCHASE VALUE	OWNER SHARE	COUNTY SHARE	VDACS	ALE	ABPP	VBPF	Estimated closing costs/other*	Total cost	Estimated Total Cost to County**
Cool Spring Farm, Mike Cassidy	16-A-55	109	3	\$410,000	NA	\$102,500	\$11,675	\$0	\$0	\$126,175	\$179,250	\$9,600	\$419,600	\$16,475
Susan Digges	36-A-1	21.5	3	\$86,000	NA	\$21,500	\$10,750	\$10,750	\$43,000	\$0	\$0	\$6,000	\$92,000	\$13,750
Digges Farm LLC	28-A-48	35.2	2	\$140,500	NA	\$35,125	\$17,563	\$17,562	\$70,250	\$0	\$0	\$6,000	\$146,500	\$20,563
Bill Johnston	14-A-23	23	2											
Rebecca & Neal Dillon	8-A-9	28	1											

*other costs include appraisals, for grant purchases 1/2 reimbursed by

** Column O = Col H and 1/2 of Col M

scheduled for appropriation 12/20/16

VDACS - Virginia Department of Agriculture and Consumer Services - State
 ALE - Agricultural Land Easement (Formerly FRPP) - Federal
 ABPP - American Battlefield Protection Program - Federal
 VBPF - Virginia Battlefield Preservation Fund - State

Pending Easement Donations FY17 as of 9/2/16

	Record date
Kenneth Bell	28
Kenneth Bell	23
Oakland Orchard	32
Oakland Orchard	112
Oakland Orchard	52
Stephanie Burgevin	87
Idlewild River Farm, LLC	254
Peter Hitchens	90
Peter Hitchens	60
William Bowen	20.08

recorded

MEMORANDUM

TO: Clarke County Easement Authority
FROM: Alison Teetor
DATE: December 9, 2016
SUBJECT: Request for DUR purchase – Dillon

Neal and Rebecca Dillon have requested the easement authority to consider acceptance of their property for easement purchase. The Dillon's have applied previously in 2007 and 2009. A purchase offer in 2009 of \$25,000 was not accepted by the applicant. The parcel is 28.1 acres and located off of Kimble Rd. between Stringtown and Crums Church Roads (see attached map)

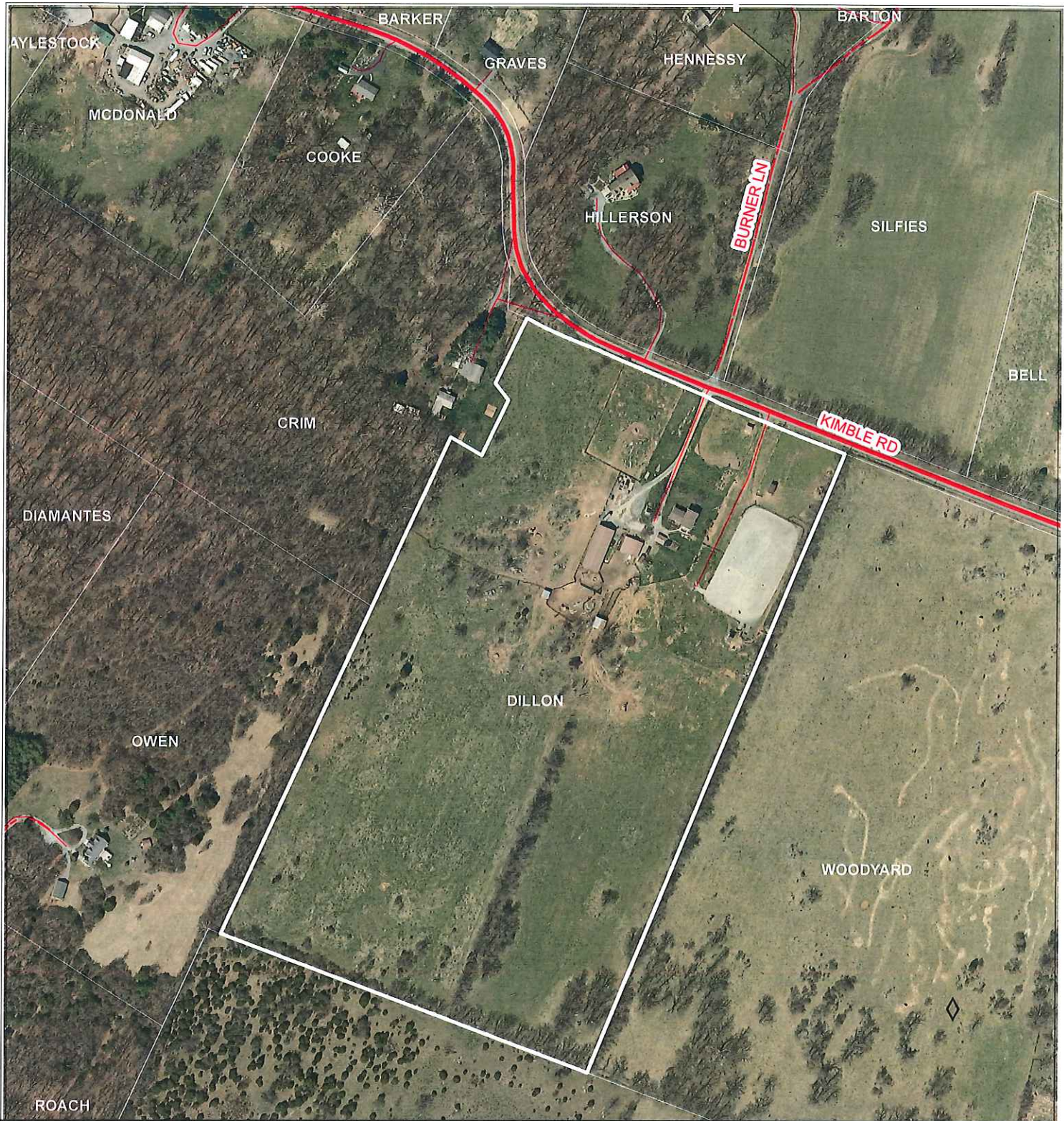
The parcel is zoned AOC and currently in landuse, in accord with the Commissioner of Revenue's requirements, therefore a donation may be considered if at least two of the following four guidelines are met:

- 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.

In reviewing the parcel, two of the criteria have been met. The Property Resource Score is 46.47, the one remaining DUR is being extinguished, the parcel is close to the Holscher parcel but not adjacent to any existing easement, and is less than 40 acres in size. The parcel is within the groundwater recharge area.

Recommendation

Give preliminary approval and schedule a site visit.









Neal & Rebecca Dillon
 Tax Map 8-((A))-9
 28.1 acres, 1 DUR, 1 ext. house



December 6, 2016
 Clarke County GIS

200 100 0 200 Feet



-  Parcel Boundary
-  Intermittent Stream
-  Perennial Stream
-  Public Road
-  Private Road
-  River/Lake/Pond

Location Map



MEMORANDUM

TO: Clarke County Easement Authority
FROM: Alison Teetor
DATE: December 9, 2016
SUBJECT: Request for Donation – William Bowen

William Bowen has requested the Easement Authority to consider acceptance of his property for easement donation. The parcel is 20 acres and located on the north side of Nelson Road approximately 3/10's of a mile north of the intersection with Berrys Ferry Road (see attached map).

The following guidelines for accepting properties for easement donation were established by the Easement Authority:

- 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 4 criteria have been met. The Property Resource Score is 57.78, the parcel is adjacent to an existing easement, the owner would like to retire the one remaining DUR, the parcel is not larger than 40 acres in size.

The property is adjacent to land held in VOF easement on two sides. The property is in landuse, and is primarily open pasture. It shares 1,700 feet of property boundary with Blandy Farm. Nelson Road is a scenic byway and the parcel has approximately 1/10th of a mile frontage on the Road. It is also within the Greenway Historic District.

Recommendation - Vote to preliminarily approve, set site visit.












William & Heather Bowen
Tax Map# 29-((3))-4, 20.1 acres
1 ext. house, 1 DUR



Clarke County GIS
 December 6, 2016

200 100 0 200 Feet



-  Agricultural District
-  Conservation Easement
-  Parcel Boundary
-  Intermittent Stream
-  Perennial Stream
-  Public Road
-  Private Road
-  Railroad
-  Sinkholes



Aerial Imagery 2011 Commonwealth of Virginia