

# CLARKE COUNTY

## Conservation Easement Authority

THURSDAY – 16 DECEMBER 2015 - 10:00 AM  
A/B Conference Room, 2<sup>nd</sup> Floor Government Center

### **AGENDA**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes of the meeting of December 16, 2015
4. Stewardship Fund – balance as of  
30 November 2015                      \$72,758.11              Bank of Clarke County
5. Campaign for the Authority – see attached report
6. Discussion – Policies
  - a. Submission requirements structures exceeding square foot limits
  - b. Adding Railroad to property resource scoring
7. Easement Donation/Purchase
  - a. Edith Thompson – easement donation – withdrawn
  - b. Elizabeth Langhorne – easement donation - final approval
  - c. George Greenhalgh – DUR purchase
  - d. Cool Spring Farm, LLC – grant application
  - e. Tavenner – easement donation, DUR purchase
  - f. Linda Armbrust – easement donation – recorded 12/2/15
  - g. Susan Digges – ALE grant application
  - h. Ken Bell – 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 January 21st 10 am

**CLARKE COUNTY**  
**Conservation Easement Authority**  
**draft Minutes – 19 November 2015 draft**

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 19 November 2015, in the A/B Conference Room, 2<sup>nd</sup> Floor Government Center.

**Present:** R. Buckley, G. Ohrstrom, M. Jones, L. Wallace, W. Thomas, P. Engel  
**Absent:** M. Hobert  
**Staff:** A. Teetor, B. Stidham  
**Others Present** Robin Couch Cardillo, Bob Lee, Ashton Cole, Carlen Emanuel  
**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 with an amendment to move Item 7 discussion to item 3.

**Minutes** On motion of Ms. Jones, seconded by Ms. Wallace, the Authority unanimously voted to approve the minutes of October 15, 2015 with corrections. On motion of Ms. Thomas, seconded by Ms. Jones the Authority voted to approve the minutes of November 4, 2015 with corrections.

**Discussion – Bob Lee Appalachian Trail Conservancy easement holdings** Mr. Lee was present to discuss land conservation matters involving Appalachian Trail Conservancy (ATC) properties. He stated that the ATC is interested in selling properties it owns, subject to an appropriate conservation easement held by a qualified easement holder, that are not significant to the ATC vision and mission. He focused his discussion on one particular property identified as Raven Rocks Estates that is located in Clarke County, Virginia and Jefferson County, West Virginia. He stated that the ATC has property in 13 states and is unable to effectively manage those not critical to the mission of protecting the trail. He stated that the advantages to the County for holding the easement include placing it back on the tax rolls, though in land use, and that the deal could include a payment to the Authority in the form of a stewardship fee that could be used to defray the costs of administering the easement. Ms. Carlen Emanuel, land steward for the ATC, described that there are approximately 4-6 additional parcels that could be transferred to the Easement Authority. On motion of Mr. Ohrstrom, seconded by Mr. Engel, members voted unanimously to examine the idea further and directed staff to work with Ms. Emanuel to identify the steps needed to transfer property.

Mr. Ohrstrom asked Mr. Lee what the Stewardship funds could be used for, as Mr. Lee was the individual responsible for drafting the legislation. Mr. Lee responded that there were not specific items listed in the legislation but that the funds are intended to be used for monitoring, legal defense, and other items directly related to stewardship of properties held in easement.

**Bank Account:** Ms. Teetor provided an updated bank statement. The general fund balance as of October 31, 2015 is \$109,666.62. There were a total of \$252.21 donations in October.

**Stewardship Fund:** The stewardship fund has a balance of \$72,734.20 as of October 31, 2015.

**Public Relations:** Ms. Cardillo reported that donations continue to be down from last year, she reiterated that the year-end appeal tends to be the biggest fund raising effort. Other outreach

efforts include setting up a spring photo exhibit at the Barns of Rose Hill. Ms. Cardillo and Ms. Teetor will meet with Kelli Hart, executive director, December 9<sup>th</sup>. Ms. Teetor asked if the photos could be framed for display in the Planning Department hallway at the Government Center. On motion of Ms. Wallace, seconded by Mr. Ohrstrom, members authorized expending \$1,000 to frame photo contest photos. Ms. Cardillo also provided samples of the note cards that will be sold at area gift shops. On motion of Ms. Thomas, seconded by Ms. Wallace members voted to authorize Ms. Cardillo to negotiate with store owners to sell the packets of 6 cards for a minimum of \$8.00. Ms. Cardillo also explained an idea for additional fundraising, where an individual donor gives a large donation and then other donors are encouraged to match the amount. She stated that this has been a successful approach for other entities she has worked with. She will try to set up a meeting with Adam Foster, who has donated significant amounts, to discuss the idea in early December. Ms. Cardillo also asked members to think about the recipient of the annual Land Conservation award. After discussion, members agreed that the Holy Cross Abbey should receive the award. The ceremony and luncheon will be scheduled for early February. With regards to the High School, Ms. Cardillo stated that there will be a Science, Technology, Engineering and Math education (STEM) event this winter and she suggested that the Authority might want to have a booth to display information at that event.

Ms. Jones left the meeting at 11:00 am.

#### **Easement Donation/Purchase**

- a. **Edith Thompson – easement donation-** a site visit was conducted November 4<sup>th</sup>. On motion of Mr. Ohrstrom, seconded by Mr. Engel, members gave final approval for the easement donation.
  
- b. **Elizabeth Langhorne – easement donation – new application -** Elizabeth Langhorne has submitted an application for an easement donation. Ms. Langhorne recently purchased 3 parcels on the corner of Browntown Rd and Old Chapel Road. The house is addressed at 1371 Old Chapel Road. The parcels are identified as Tax Map#'s 22-((A))-96 8.2 acres with an existing house (New Market) and a <600 square foot apartment, 22-((A))-96A, 2.6 acres is vacant with 1 DUR, and 22-((A))-96B, 5.4 acres is vacant with 1 DUR. She would like to merge the 3 parcels and retire the two remaining DURs. The parcel 96 by itself does not meet the guidelines as it meets 1 of the criteria, a score over 35. The other 2 parcels do meet as they are giving up a DUR and have a score over 35. As the parcels are intended to be merged as a result of the easement, the parcel in its entirety would meet, as it could be considered as giving up a DUR. Points were given for being adjacent to a scenic byway, Browntown Rd, retiring 2 DUR's, and have a contributing structure in the Chapel Historic Rural District. On motion of Ms. Wallace, seconded by Ms. Walker, members unanimously gave preliminary approval and requested staff to schedule a site visit.
  
- c. **George Greenhalgh – DUR purchase –** staff received the signed purchase agreement and is waiting for approval for the draft deed from the land owner and VDACS.
  
- d. **Cool Spring Farm, LLC grant application –** Ms. Teetor stated that the application for the state grant was approved. She is still waiting to hear if the federal grant will be funded.

- e. **Susan Digges – easement purchase, ALE grant** – Ms. Teetor reported that the ALE (formally FRPP) grant had been approved and the County has received the signed contract. An appraisal has been ordered and work will begin on preparing the draft deed.

**Report on Applications for Easement Purchase**

On motion of Mr. Engel, seconded by Mr. Ohrstrom 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 Mr. Engel, seconded by Mr. Ohrstrom, the Authority unanimously approved reconvening in Open Session. Mr. Ohrstrom moved, seconded by Mr. Engel, 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:

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

The following action was taken subsequent to the Closed Session:

On motion of Ms. Wallace, seconded by Mr. Ohrstrom, the Authority unanimously voted to give final approval for the DUR easement purchase of William Tavenner and authorized staff to prepare a purchase agreement for \$40,000 for the retirement of one DUR.

**Adjournment** There being no further business, Mr. Ohrstrom moved and Ms. Thomas seconded that the Authority adjourn to the Thursday December 17<sup>th</sup> at 10:00 am. The motion was approved unanimously.

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Randy Buckley, Chair

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Alison Teetor, Clerk to the Authority

Starting Tax Year: 5514 Ending Tax Year: 5514 Starting Date: 11/01/2015 Ending Date: 11/30/2015

DATE	DEPT	CL	TICKET/SEQ.	DISTRICT NO./NAME	TAX AMT	PEN. AMT	INT. AMT	ADJ. AMT
11/12/2015	CONRAD		1690001	CONSERVATION EASEMENT	50.00	.00	.00	.00
11/16/2015	CONRAD		1660001	CONSERVATION EASEMENT	100.00	.00	.00	.00
11/17/2015	CONRAD		1670001	MAPLES CARL	100.00	.00	.00	.00
11/23/2015	CONRAD		1680001	CONSERVATION EASEMENT	250.00	.00	.00	.00
11/24/2015	CONRAD		1690001	HOME PROPERTIES	30,016.77	.00	.00	.00
				CLASS TOTAL	30,516.77	.00	.00	.00
				DEPT TOTAL	30,516.77	.00	.00	.00
				FINAL TOTAL	30,516.77	.00	.00	.00
				TOTAL ITEMS BY YEAR				
				5514	5			
				ALL ITEMS	5			



2 East Main Street  
Berryville, VA 22611

**November 2015**

Reporting Activity 11/01 - 11/30

Page 1 of 4

**ADDRESS SERVICE REQUESTED**

>000284 5849056 0001 092332 10Z

COUNTY OF CLARKE VIRGINIA  
CONSERVATION EASEMENT STEWARDSHIP  
101 CHALMERS CT STE B  
BERRYVILLE VA 22611-1387



**Managing Your Accounts**

- Phone (540) 955-2510
- Toll-Free 1-800-650-8723
- EAGLE-24 Banking 1-888-378-1881
- Online Access [www.bankofclarke.com](http://www.bankofclarke.com)
- Mailing Address P.O. Box 391  
Berryville VA 22611

**Summary of Accounts**

Account Type	Account Number	Ending Balance
NOW-Public Fund	XXX2089	\$72,758.11

**"We are excited to announce our Leesburg branch at 504 E market Street is now open! Stop by and meet the staff today!"**

**NOW-Public Fund - XXX2089**

**Account Summary**

Date	Description	Amount
11/01/2015	Beginning Balance	\$72,734.20
	0 Debit(s) this period	\$0.00
	1 Credit(s) this period	\$23.91
11/30/2015	Ending Balance	\$72,758.11

**Interest Summary**

Description	Amount
Interest Earned From 11/01/2015 Through 11/30/2015	
Annual Percentage Yield Earned	0.40%
Interest Days	30
Interest Earned	\$0.00
Interest Paid This Period	\$23.91
Interest Paid Year-to-Date	\$265.78
Interest Withheld Year-to-Date	\$0.00
Minimum Balance	\$72,734.20

**Deposits**

Date	Description	Amount
11/30/2015	Accr Earning Pymt Added to Account	\$23.91

**Daily Balances**

Date	Amount	Date	Amount
11/01/2015	\$72,734.20	11/30/2015	\$72,758.11



2000/1000 140100 125000 9504495 48200



ROBIN COUCH CARDILLO

December 10, 2015

Clarke County Conservation Easement Authority  
Fundraising and Public Relations Report  
December 2015 meeting

**Donor Statistics**

See attached Master Report

- Total: \$40,110.77, 95 donors (one major benefactor with stock gift; deserves a thank you coffee/lunch)

**Ongoing**

*-Publicity*

- Media surrounding the upcoming Mackay-Smith Land Conservation Award
- Barns of Rose Hill – exhibit of photo contest winners in spring 2016; meeting with Kelli Hart, executive director, immediately following the Authority meeting

*-Notecards*

- Update on notecard sale/distribution

*-End-of-year appeal letter*

- Mailed
- Reporting any results

*- 2015 Wingate Mackay-Smith Clarke County Land Conservation Award*

- Contact Father Barnes at Holy Cross Abbey
- Confirm date and venue
- Confirm invitation list
- Confirm award/gift (birdbath?)

*-Feeding the pipeline*

- Are you comfortable launching “Bring 5 Names” in January?

*-Speaking engagements*

- Firing up the PowerPoint again; creating calendar of 2016 engagements

# Fundraising Results: Clarke County Conservation Easement Authority

As of December 10, 2015

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Amount	\$13,345	\$19,090	\$20,871	\$25,649	\$26,396	\$25,843	\$23,530	\$42,266	\$36,260	\$40,110.77
# Donations	115	161	208	209	203	195	181	200	169	95
<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	\$30,017
Donor Respondents	73	59	87	86	76	68	50	69	51	1
YE Prospect Amount		\$2,115	\$425				\$40		\$1,650	
Prospect Respondents		24	7				1		3	
<b>Winter Newsletter</b>										
Dollar Amount	\$2,700		\$2,700	\$2,065	\$2,865	\$2,126	\$3,611	\$4,805	\$3,335	\$2,700
Respondents	23		23	27	32	21	32	39	26	25
<b>Spring Newsletter</b>										
Donor: Dollar Amount	\$3,775	\$455	\$2,074	\$5,820	\$2,810	\$2,520	\$3,415	\$1,975	\$3,705	\$3,420
Donor: Respondents	35	5	19	38	26	27	32	28	26	27
Daypayer Spring Newsletter: Dollar Amt		\$2,200	\$940	\$460	\$450	\$825	\$765	\$165	\$1,380	\$100
Overpayer Spring Newsletter: Respondents		16	19	10	4	11	5	4	9	1
<b>Summer Newsletter</b>										
Dollar Amount	\$2,370	\$2,370	\$2,020	\$1,330	\$1,883	\$2,735	\$1,580	\$5,040	\$3,215	\$1,927
Respondents	20	20	27	22	33	26	21	22	27	22
<b>Fall Newsletter</b>										
Donor: Dollar Amount	\$2,210	\$2,210	\$765	\$260	\$7,300	\$2,946	\$4,630	\$2,660	\$2,325	\$1,250
Donor: Respondents	12	12	5	7	25	26	30	27	14	3
Daypayer Fall Newsletter Dollar Amt		\$1,430	\$90	\$1,405	\$65	\$605	\$715	\$240	\$760	
Overpayer Fall Newsletter: Respondents		25	4	8	2	8	9	5	5	
<b>Over the Transom</b>										
Dollar Amount	\$3,380		\$3,380	\$4,175	\$1,900	\$868	\$1,457	10,500	\$1,550	\$257
Donor Respondents	17		17	11	5	6	2	2	2	3
<b>Donor Thank-You Party</b>										
Dollar Amount	\$1,105									
Donor Respondents	6									
<b>Photo Revenue</b>					\$747	\$57	\$67			
Gift-in-Kind (admin work donated by Kate Petranech)						\$346	\$473	\$469		



## MEMORANDUM

TO: Easement Authority  
FROM: Alison Teetor  
DATE: December 10, 2015  
SUBJECT: Proposed change to Property Resource Score

At a recent site visit, several members suggested that additional points should be given for parcels that have frontage on railroads. Of particular interest is the Norfolk Southern Railroad which roughly parallels Route 340. Members were concerned that the track could be widened to two tracks which could increase train traffic. Attached is the current score sheet with the proposed amendment. Also attached are guidelines used by the Virginia Outdoors Foundation regarding infrastructure projects.

Staff recommendation is to add railroads to the Item 8 which gives 1 point per each 1/10<sup>th</sup> of frontage on Primary Highways and Scenic Byways.

### **Recommendation**

Approve the proposed amendment to add Railroads to the Property Resource Score.

**CLARKE COUNTY**  
**CONSERVATION EASEMENT AUTHORITY**  
**Property Resource Score**

June 2002, amended May 2007

The Authority evaluates parcel(s) proposed for conservation easement based on criteria that scores the property for its agricultural, natural, scenic, and historic resource value. Scoring is based on a scale of 0-100. 45% of score is derived from the Clarke County Land Evaluation & Site Assessment (LESA), which determines the agricultural (or forestry) potential of a property. 55% is based on natural, scenic, and historic resources.

**LESA Score**

*Maximum points: 45*

The Land Evaluation and Site Assessment (LESA) Score rates the agricultural value of a property based on:

1. Soils,
2. Property Size,
3. Consistency with County Land Use Plan,
4. Adjacent Land Uses,
5. Adjacency to water and sewer lines, roads, and utility easements and Zoning/Subdivision status,
6. Adjacency to areas protected for agriculture,
7. Distances to towns or villages, and
8. Availability of water.

The conventional maximum LESA score is 100. For the purposes of rating property for conservation easement, the score is divided by one half and comprises half the total score. For open land, the soils are rated based on their potential for grazing. For forested properties, the soils are rated based their potential for growing specific varieties of trees.

**Natural, Scenic, and Historic Resources Score**

*Maximum points: 55*

- |   |   |
|---|---|
| 1. Number of Dwelling Unit Rights   | 5 points for each extinguished DUR            |
| 2. Within Prospect Hill Spring drainage basin or a wetland identified by the National Wetlands Inventory  | 1 point per each 2 acres in area              |
| 3. Adjacent to the Shenandoah River, Opequon Creek or to parcels containing the Appalachian Trail, the State Arboretum of Virginia, or under permanent open space easement                              | 2 points per 1/10 mile of frontage            |
| 4. Adjacent to a perennial stream (other than the Shenandoah or Opequon)  | 1 point per 1/10 mile of frontage             |
| 5. Contains a perennial spring or sinkhole  | 10 points                                     |
| 6. Located within designated groundwater recharge area  | 5 points                                      |
| 7. Contains habitats of threatened or endangered species as identified by the Virginia Department of Conservation and Recreation or the U.S. Fish and Wildlife Service                                  | 15 points                                     |
| 8. Frontage on Primary Highways, <b>Railroads</b> , or Virginia Designated Scenic Byways  | 1 point per 1/10 mile of frontage             |
| 9. Ashby Gap and Snickers Gap Gateway Area or area of slopes greater than 25%   | 1 point per each 2 acres in area (or portion) |
| 10. Historic Resources  | (property can score in only one category)     |
| a. National Historic Landmark   | 20 points                                     |
| b. A structure (or site) listed on the National Register of Historic Places   | 15 points                                     |
| c. Contributing structure in a district listed on the National Register   | 12 points                                     |
| d. A structure determined eligible for listing on the National Register by the Virginia Department of Historic Resources  | 9 points                                      |
| e. A structure determined eligible for listing on the National Register by the Clarke County Historic Preservation Commission either individually or as a contributing structure in a possible district | 6 points                                      |
| 11. Preservation of Family Farm   |   |
| - Parcel has been owned by members of the same family,  |   |
| a. for over 50 years  | 10 points                                     |
| b. for 30 to 50 years   | 5 points                                      |
| c. for 20 to 30 years   | 3 points                                      |

**Public Infrastructure Expansion Provisions for RAIL and for  
ROADS**

**Five PIE Provisions approved by the board for roads  
9-2-10 and 10-28-10**

**1. For widening of roads or adding of a lane when such road projects are in the VDOT 6-year plan, the following optional (Cookbook) highway expansion paragraph should be inserted at the end of Section II Paragraph 1 Division.**

The parties acknowledge that the Virginia Department of Transportation ("the Department") may undertake the widening or improvement of Route \_\_\_\_\_ pursuant to the Department's current six year road improvement plan [*Add date:* ("\_\_\_\_\_ Six Year Plan")] which may require the use of a portion of the Property. Such use, and any sale of needed land for such use, shall not be considered a division or subdivision of the Property and shall not be prohibited by this easement provided that (i) such project includes all reasonable action, which may include landscaping and other topographic improvements, to minimize the project's impact on the Property and prevent harm to its conservation values, and (ii) the parties are consulted in planning such actions to minimize the project's impact on the Property and prevent harm its conservation values. Grantor reserves its separate rights to approve such acquisition. Use of the Property for such a project is limited to the improvement of Route \_\_\_\_\_ as described in the \_\_\_\_\_ Six Year Plan. Any portion of the Property acquired from Grantor pursuant to this paragraph shall remain subject to the terms and restrictions of this Easement.

**2. For widening of roads or adding of a lane when such road projects are in the locality's comprehensive plan or transportation plan, the following optional (Cookbook) highway expansion paragraph should be inserted at the end of Section II Paragraph 1 Division.**

The parties acknowledge that [*Select one:* the City of \_\_\_\_\_, \_\_\_\_\_ County, *or* the Virginia Department of Transportation] may undertake the widening or improvement of Route \_\_\_\_\_ pursuant to [*Select one:* the City of \_\_\_\_\_'s or \_\_\_\_\_ County's][*Add date(s)* and *select one:* \_\_\_\_\_ comprehensive plan *or* transportation plan], which may require the use of a portion of the Property. Such use, and any sale of needed land for such use, shall not be considered a division or subdivision of the Property and shall not be prohibited by this easement, provided that Grantee approves such conveyance or taking, which approval may be contingent upon the project including all reasonable actions, such as landscaping and/or topographic improvements, to minimize the project's impact on the Property and prevent harm to its conservation values. Grantor reserves its separate rights to approve such acquisition. Use of the

## Virginia Outdoors Foundation - Easement

Property for this public road project is limited to [*Select appropriate option: (1) the widening or improvement of Route \_\_\_\_\_ to a total right-of-way width of \_\_\_\_\_ feet, or (2) the addition of one lane of travelway, or (3) [Insert other language appropriate to the project.]*] Any portion of the Property acquired from Grantor pursuant to this paragraph shall remain subject to the terms and restrictions of this Easement.

**3. For widening of roads or adding of a lane for road projects set forth in VDOT long-range plans (such as the VTRANS 2035 plan, Rural Regional Long Range Plans, or other state highway plans), the following optional (Cookbook) highway expansion paragraph should be considered for insertion at the end of Section II Paragraph. Staff should use its discretion in whether to recommend the inclusion of a strip for widening of a road, even though it is set forth in a VDOT long range plan. If widening is recommended by staff, the easement should be put on the board's non-consent agenda, and staff should set forth on the proposal sheet the source of and reason for such recommendation. The more concrete the plan the more likely it should be accommodated. For instance, a vague plan to widen a road in any number of places is less likely to call for the use of the above expansion language than a specific plan identifying a need to increase the existing pavement width by 3 feet.**

The parties acknowledge that the widening or improvement of Route \_\_\_\_\_ may be necessary and may require expansion of the Virginia Department of Transportation's (VDOT's) current right-of-way over a portion of the Property. Such use, and any sale of land for such use, shall not be considered a division or subdivision of the Property and shall not be prohibited by this easement, provided that Grantee approves such conveyance or taking, which approval may be contingent upon the project including all reasonable actions, such as landscaping and/or topographic improvements, to minimize the project's impact on the Property and prevent harm to its conservation values. Grantor reserves its separate rights to approve such acquisition. Use of the Property for this public road project is limited to [*Select appropriate option: (1) the widening or improvement of Route \_\_\_\_\_ to a total right-of-way width of \_\_\_\_\_ feet, or (2) the addition of one lane of travelway, or (3) insert other language appropriate to the project.*] Any portion of the Property acquired from Grantor pursuant to this paragraph shall remain subject to the terms and restrictions of this Easement.

**4. Byrd Act Roads. For widening of a Byrd Act Road the following optional (Cookbook) highway expansion paragraph should be considered for insertion at the end of Section II Paragraph 1 Division. Before making a recommendation to the board, staff should take into consideration the advisability for such widening based, at least, upon the following factors:**

- (1) What is the Grantor's position with respect to such widening?**
- (2) Will any scenic or other features along the Property frontage be adversely impacted by such widening?**
- (3) What is the intensity of traffic on the road?**

**(4) Does the road dead-end near the Property?**

**(5) Is widening is recommended in a locality or VDOT plan?**

The parties acknowledge that the widening or improvement of Route \_\_\_\_ may be necessary and may require acquisition by the Virginia Department of Transportation of a portion of the Property. Such use, and any sale of land for such use shall not be considered a division or subdivision of the Property and shall not be prohibited by this easement, provided that Grantee approves such conveyance or taking, which approval may be contingent upon the project including all reasonable actions, such as landscaping and/or topographic improvements, to minimize the project's impact on the Property and prevent harm to its conservation values. Grantor reserves its separate rights with respect to such acquisition. Use of the Property for this public road project is limited to the portion of the Property no further than 25 feet from the center line of the road. Any portion of the Property acquired from Grantor pursuant to this paragraph shall remain subject to the terms and restrictions of this Easement.

**5. Provision being inserted into the template for all easements with road frontage.**

The acquisition of a *de minimis* portion of the Property adjacent to Route(s) \_\_\_\_\_ for minor road improvements shall not be considered a division or subdivision of the Property, and neither the acquisition of such a *de minimis* portion of the Property nor the use of the portion of the Property so acquired shall be prohibited by this Easement, provided that Grantee approves such conveyance or taking, which approval shall be contingent upon the project including all reasonable actions, such as landscaping and/or topographic improvements, to minimize the project's impact on the Property and prevent harm to its conservation values. Grantor reserves its separate rights to approve such acquisition. Use of the Property for such a project is limited to minor improvements to Route(s) \_\_\_\_\_ in its/their present alignment, including, but not limited to, maintenance, correction, repair, or upgrading of the existing public road(s). [*Such improvements could include, but are not limited to, the addition or renovation of ditches, box culverts, drainage swales, side slopes, curbing, regrading, or enhancements, such as pull-offs, bike lanes, and restoration projects.*] For the purpose of this paragraph, "minor road improvements" does not include the addition of new travel lanes. Any portion of the Property acquired from Grantor pursuant to this paragraph shall remain subject to the terms and restrictions of this Easement. [*This paragraph is not applicable if the Property has no road frontage.*]

**Rail PIE Provision adopted by Board on February 8, 2011**

**Provision to be inserted in easements that have existing rail line fronting or running through the Property and DRPT has recommended inclusion of provision. Use of the provision will only be considered if the Department of Rail and Public**

Virginia Outdoors Foundation - Easement

**Transportation recommends it based on statewide rail plans for future improvements to the rail system. When a rail line is adjacent to or traverses a proposed easement property, the recommendation of the Department of Rail and Public Transportation will be solicited by staff. Recommendations that have been received from the Department vary from stating that no widening will be necessary in the future to allowing for a strip of various widths for regrading, adding of a parallel track, or other improvement to the line. The rail expansion paragraph, if recommended by DRPT, would be inserted at the end of Section II Paragraph 1 Division**

**2-8-2011 Adopted Version:**

This Property is bordered by property of \_\_\_\_\_ (“the railroad”). [*Optional language:* Property of \_\_\_\_\_ (“the railroad”) traverses the Property.] The provisions of this Easement shall not prevent the railroad, or its successors, from acquiring and using a portion of the Property solely for the improvement or expansion of its rail line or the addition of a parallel rail line (which acquisition and use shall not constitute a division or subdivision of the Easement), provided that (i) the portion of the Property taken does not exceed a \_\_\_-foot strip parallel and adjacent to the current railroad property, (ii) the Virginia Department of Rail and Public Transportation advises Grantee that there is no prudent and feasible alternative to using a portion of the Property for such rail line improvement or expansion, (iii) Grantee determines that the proposed rail line improvement or expansion or addition of a parallel rail line includes all reasonable actions, such as landscaping and/or topographic improvements, necessary to minimize the project’s impact on the Property and prevent harm to its conservation values, and (iv) the strip or any portion of the strip acquired pursuant hereto is not used for the storage of railcars or other tangible personal property or the construction of above-ground structures or facilities other than those necessary for safe operation of trains, which structures or facilities cannot be located elsewhere.

Grantor reserves its separate rights to approve such acquisition. Any strip acquired from Grantor pursuant to this paragraph shall remain subject to all terms and restrictions of this Easement. Notwithstanding the foregoing, any limitations on a railroad are subject to any rights which the railroad may have under federal law.

**RESOLUTION**

**WHEREAS**, the Clarke County Board of Supervisors adopted ordinances in June 2002 establishing the Clarke County Conservation Easement Purchase Program and the Conservation Easement Authority with a purpose of “*protecting and preserving land with significant agricultural, natural, scenic, and historic resources*”;

**WHEREAS**, the ordinance creating the Conservation Easement Authority describes the purposes of the Authority to acquire and/or receive conservation easements, by purchase, gift, or other conveyance; to hold and enforce conservation easements conveyed to it;

**WHEREAS**, the ordinance describing the Conservation Easement Purchase Program called for the creation of selection criteria for property;

**WHEREAS**, at their 16 December 2015 meeting, the Conservation Easement Authority unanimously recommended a revision to the Property Evaluation Criteria to include points for parcels adjoining railroads;

**NOW THEREFORE, BE IT RESOLVED THAT** the Clarke County Board of Supervisors hereby establishes the attached Property Resource Score.

**Attest:**

\_\_\_\_\_  
**David L. Ash, Clerk to the Board**

## MEMORANDUM

TO: Easement Authority  
FROM: Alison Teetor  
DATE: December 10, 2015  
SUBJECT: Proposed submission requirements for structures exceeding square footage limitations

Based on a recent approval of large indoor riding arena on an eased property, members asked staff to draft a policy outlining submission requirements when landowners propose to build structures that exceed the size limitations outlined in the deed and therefore trigger review by the Easement Authority. The standard size limit is 4,500 square feet of above-ground enclosed living area without Grantee's prior review and written approval.

Attached are the guidelines VOF has established with regards to structures – also attached is the form and approval/denial letter template.

Proposed submission requirements:

- A 3D rendering of the proposed structure detailing the structures dimensions, height, length, width and the proposed materials and colors
- A site plan (may be provided by the landowner, not surveyed or engineered) showing the proposed location for the structure which includes measurements to property lines, well and septic system



# Current VOF Easement Guidelines

These guidelines are provided to inform landowners considering the donation of an open-space easement to the Virginia Outdoors Foundation (VOF). They are intended to describe the types of resources VOF strives to protect and the potential restrictions considered necessary to protect them. Each property is unique and will be considered on a case-by-case basis.

**Locations of Dwellings and other Large Buildings:** Location of dwellings or other large buildings can have a major impact on the view from public places as roads, rivers, parks, outlooks, etc. or a natural or historic resource particular to the property. Both the size and location of such a building can impact a property's natural and open-space resources. For this reason VOF will often suggest limitations on placement of dwellings or other large buildings.

The easement contains a threshold size for individual farm buildings and structures, generally 4,500 square feet in ground area (or if the property is less than 50 acres in size 2,500 square feet in ground area). On large working farms especially those retaining lower densities, the size threshold for review of new farm buildings or structures may be increased to up to 10,000 square feet in certain cases if conservation values are protected. Requests for individual larger farm buildings (such as riding arenas or poultry houses), will be considered on a case-by-case basis and will require siting limits. (An alternate easement form is available for commercial agricultural properties, which includes a relatively small defined farmstead area with unlimited farm buildings and related uses by right, and recommends half the usual density of retained division rights for the additional flexibility within the farmstead.)

Proposed submission requirements:

- A 3D rendering of the proposed structure detailing the structures dimensions, height, length, width and the proposed materials and colors
- A site plan (may be provided by the landowner, not surveyed or engineered) showing the proposed location for the structure which includes measurements to property lines, well and septic system

## **Recommendation**

Approve the proposed amendment to add Railroads to the Property Resource Score.

# Request For Review (RFR)



Staff Name	Property ID	Control Number	Landowner/Representative Name <small>Note interest in property if requestor is not landowner/representative</small>	Date

**PURPOSE OF REQUEST:** *(To be completed by Stewardship Staff)*

Notice	Approval	Interpretation
<input type="checkbox"/> As required by deed <input type="checkbox"/> Other: _____	<input type="checkbox"/> As required by deed <input type="checkbox"/> Upon request (not required by deed) <input type="checkbox"/> Other: _____	<input type="checkbox"/> Unique situation <input type="checkbox"/> Not addressed within deed <input type="checkbox"/> Other: _____

**SUMMARY OF REQUEST AND ANALYSIS:** *(To be completed by Stewardship Staff)*

Description of request:

Attachments (Including all applicable memos, emails, maps, photos, etc.):

Relevant deed language and analysis:

**STAFF RECOMMENDATION:** *(The request was reviewed and the following was recommended by Staff)*

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SUPERVISOR APPROVAL:** *(Staff recommendation was reviewed by management and the following determined)*

**Approved As Submitted** *(Include any comments below)*
                 
  **Approved With Changes** *(Include any comments below)*  
 **Denied** *(Include reasons below)*
                 
  **1704 is required** *(Include any comments below)*  
 **Additional Information Needed** *(List/describe additional information needed)*

Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



December 10, 2015

Mr. John Doe and Mrs. Jane Doe  
1234 Easement Road  
Conservationville, VA 90210

**RE: Open-Space Easement ABC-01234, PropID: 4321**  
**Instrument: #####**

Dear Mr. and Mrs. Doe:

On behalf of the Virginia Outdoors Foundation (VOF), I would like to thank you for your recent request concerning a proposal to (*general statement of the request/proposal*) on your Property in Specific County, which has been held in open-space easement with VOF since YYYY. The purpose of this letter is to provide a summary of your request as it relates to the specific terms of your Deed of Easement (DOE), as recorded in the Clerk's Office of Specific County under instrument number #####.

According to your proposal, [*describe the specific details of the request/proposal*].

Based on the language within your DOE, the following specific language applies to your request:

*[Include the relevant deed language here. Either type the deed language, use "snip tool," or include a copy (enclosure) of deed of easement with applicable text highlighted.]*

After careful consideration and analysis of the details of your request and the language within your DOE, VOF...

- approves/acknowledges your request as presented. VOF finds your request consistent with the protection of the conservation values and restrictions.

-or-

- finds your proposal inconsistent with the terms of the open-space deed of easement. Although such proposal/use is in conflict with the open-space deed of easement, VOF is willing to work with you to achieve a solution compatible within the limitations of the DOE.

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[virginiaoutdoorsfoundation.org](http://virginiaoutdoorsfoundation.org)

Specific Region | Mailing Address, VA Zip Code

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If you have questions or comments concerning this letter, please do not hesitate to contact me at (###) ###-#### or via e-mail at [name@vofonline.org](mailto:name@vofonline.org). I look forward to assisting you in the future. Thank you for your continued commitment to open-space preservation in Virginia.

Respectfully,

[Signature image]

First and Last Name  
*Position Title*

Enclosure(s):

CC: