

# CLARKE COUNTY

## Conservation Easement Authority

THURSDAY – 20 NOVEMBER 2014 - 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 meetings of 16 October 2014

4. Bank Account Report Balance as of  
30 September 2014                      \$74,385.35                      Bank of Clarke County  
+ Donations                                \$ 1,205.00  
Balance as of October 31, 2014        \$75,590.35

*Approval of payments:*

*Dunn Land Surveys for Pitta Plat of Merger - \$250*  
*Dunn Land Surveys for Masters Plat of Merger - \$250*  
*BMS Direct for Fall Newsletter printing, folding, and insertion in tax bills - \$943.50*  
*Robin Cardillo for newsletter production, farmers market - \$1,520*

5. Stewardship Fund – balance as of  
31 October 2014                      \$55,328.82                      Bank of Clarke County
6. Campaign for the Authority – see attached report
7. Discussion – Williams/Gallagher barn siting
8. Easement Donation/Purchase
  - a. Dietrich Westphal – easement donation recorded 10/27/14
  - b. Moore & Dorsey – Dorsey Orchard Properties – recorded 11/5/14
  - c. Playgarden – easement donation
  - d. Bill Dean – easement donation
  - e. Susan Digges – grant application
  - f. John Taylor – easement donation
  - g. Boyles – new application – DUR Purchase
  - h. McKenney – new application – DUR Purchase
  - i. Glen Masters – DUR Purchase
  - j. Ken Pitta – DUR purchase

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 December 18th 10 am

**CLARKE COUNTY**  
**Conservation Easement Authority**  
**draft Minutes – 16 October 2014 draft**

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday, 16 October 2014, in the A/B Conference Room, 2<sup>nd</sup> Floor Government Center.

**Present:** G. Ohrstrom, R. Buckley, D. Weiss, L. Wallace  
**Absent:** W. Thomas, M. Jones, P. Engel  
**Staff:** A. Teetor, B. Stidham  
**Call to Order :** Mr. Ohrstrom called the meeting to order at 10:00 a.m.

**Agenda** On motion of Mr. Weiss, seconded by Mr. Buckley, the Authority unanimously approved the agenda.  
**Minutes** On motion of Ms. Wallace, seconded by Mr. Buckley, the Authority unanimously voted to approve the minutes of September 25, 2014.

**Bank Account:** Ms. Teetor provided an updated bank statement. The general fund balance as of September 30, 2014 is \$74,385.35. There were a total of \$1,301.35 donations last month.

**Stewardship Fund:** The stewardship fund has a balance of \$55,310.03 as of September 30, 2014.

**Public Relations**

Ms. Cardillo provided an update regarding her activities; a report was included in the packet. She stated that in spite of bad weather and low turnout, the booth at the farmers market was very successful. Several persons stopped to get information and the Star did a follow-up newspaper article. The Fall newsletter will be mailed in the tax bills later this month and will include an update on the Greenway Court stabilization efforts. A new idea she had will establish an annual conservation award. A subcommittee was established and they will meet prior to the regular meeting next month to discuss guidelines.

**Easement Donation/Purchase**

**Donation**

- a. **Dietrich Westphal** – staff reported that the easement is on the consent agenda for approval by the Board of Supervisors October 21<sup>st</sup>.
- b. **Playgarden** – Mr. Will Robinson had asked for reconsideration of the easement donation for Playgarden. Ms. Teetor reported that the owners are still considering the square footage restrictions.
- c. **Bill Dean** – staff reported that the easement is on the consent agenda for approval by the Board of Supervisors October 21<sup>st</sup>.
- d. **John Taylor** – Mr. Taylor has applied to the easement authority for approval of an easement donation. The property is vacant and located on the east side of the railroad on Rock Gate Lane approximately ¾ mile south of White Post off White Post Road. The property is 22.6 acres, wooded, with 2 DURs.

**Purchase**

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

The following actions were taken subsequent to the Closed Session:

On motion of Ms. Wallace, seconded by Mr. Buckley, the Authority unanimously voted to give final approval, and directed staff to draft a purchase offer for the Chair's signature, for \$40,000, for the DUR purchase application of Glen Masters.

On motion of Ms. Wallace, seconded by Mr. Buckley, the Authority unanimously authorized staff to apply for FRPP funds for the two properties owned by Susan Digges and to schedule a site visit.

**Adjournment** There being no further business, Mr. Buckley moved and Ms. Wallace seconded that the Authority adjourn to the Thursday November 20<sup>th</sup> at 10:00 am. The motion was approved unanimously.

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George L. Ohrstrom, II, Chair

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Alison Teetor, Clerk to the Authority

Starting Tax Year: 5514 Ending Tax Year: 5514

Starting Date: 10/01/2014 Ending Date: 10/31/2014

DATE DEPT CL TICKET/SEQ. DISTRICT NO./NAME

DATE	DEPT	CL	TICKET/SEQ.	DISTRICT NO./NAME	TAX AMT	PEN. AMT	INT. AMT	ADJ. AMT
10/01/2014	CONEAD	650001		CONSERVATION EASEMENT	25.00	.00	.00	.00
10/01/2014	CONEAD	660001		CONSERVATION EASEMENT	25.00	.00	.00	.00
10/03/2014	CONEAD	670001		CONSERVATION EASEMENT	25.00	.00	.00	.00
10/08/2014	CONEAD	680001		CONSERVATION EASEMENT	500.00	.00	.00	.00
10/09/2014	CONEAD	710001		CONSERVATION EASEMENT	25.00	.00	.00	.00
10/15/2014	CONEAD	720001		CONSERVATION EASEMENT	175.00	.00	.00	.00
10/16/2014	CONEAD	730001		CONSERVATION EASEMENT	200.00	.00	.00	.00
10/21/2014	CONEAD	740001		CONSERVATION EASEMENT	100.00	.00	.00	.00
10/23/2014	CONEAD	750001		CONSERVATION EASEMENT	30.00	.00	.00	.00
10/27/2014	CONEAD	760001		CLARKE CO EASEMENT AU	100.00	.00	.00	.00

CLASS TOTAL 1,205.00 .00 .00 .00  
 DEPT TOTAL 1,205.00 .00 .00 .00  
 FINAL TOTAL 1,205.00 .00 .00 .00

TOTAL ITEMS BY YEAR  
 5514 10

ALL ITEMS 10





ROBIN COUCH CARDILLO

November 14, 2014

Clarke County Conservation Easement Authority  
Fundraising and Public Relations Report  
November 2014 meeting

**Donor Statistics**

See attached Master Report

- Total to date is \$15,000 from 106 donors

**Ongoing**

*-Fall Taxpayer Newsletter*

- Three new donors from taxpayer newsletter (one at \$500)
- Continuing to come in

*-Year-end appeal*

- Drafting hybrid letter/card for review mid-November; target mailing week of December 1
- Two versions: Current donors, lapsed donors (haven't given in last two years)
- Personal notes

*-Publicity*

- Recommendations from award subcommittee for rolling out Authority's 2014 Wingate Mackay-Smith Land Conservation Award

*-Speaking opportunities*

- Drafting 5 Myths About Land Conservation in Clarke County for review
- Pitching to venues: local civic org meetings, church groups

*-Other*

- Holiday activity – parking meter decorating?
- Outreach to schools to establish Student Conservation Clubs; Pete Engel as Authority liaison
- Developing 2015 thank you letter
- Reporting on 2014 progress for January media release
- Next newsletter – Anatomy of a site visit?

# Fundraising Results: Clarke County Conservation Easement Authority

As of November 14, 2014

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

## MEMORANDUM

TO: Clarke County Easement Authority  
FROM: Alison Teetor  
DATE: November 13, 2014  
SUBJECT: Request to construct barn or Donation – Williams/Gallegher

Nancy Talley placed Spout Run Farm in easement in 2007. The parcel is 29.37 acres and located on the south side of Clay Hill Road, at 598 Clay Hill Road, approximately ½ mile south of the intersection of Bishop Meade Road. This property is in the Greenway Rural Historic District and the existing house, built in 1838, is a contributing structure. It is across Clay Hill Road from VOF easements owned by Theodore Guarriello, and adjacent to VOF easements owned by Bill Cook.

The property was sold to Michael Williams and Susan Gallegher in 2012. The current owners would like to build a barn/stable with an apartment in the area shown on page 2. The barn would be approx. 40'x80' and built into the bank.

***The recorded Deed of Conservation Easement provides in Section II. Restrictions, Paragraph 3. Buildings and Structures, Item C. “ To protect the scenic values of the Property, no dwelling or other building shall be constructed above the 540-foot contour elevation.***

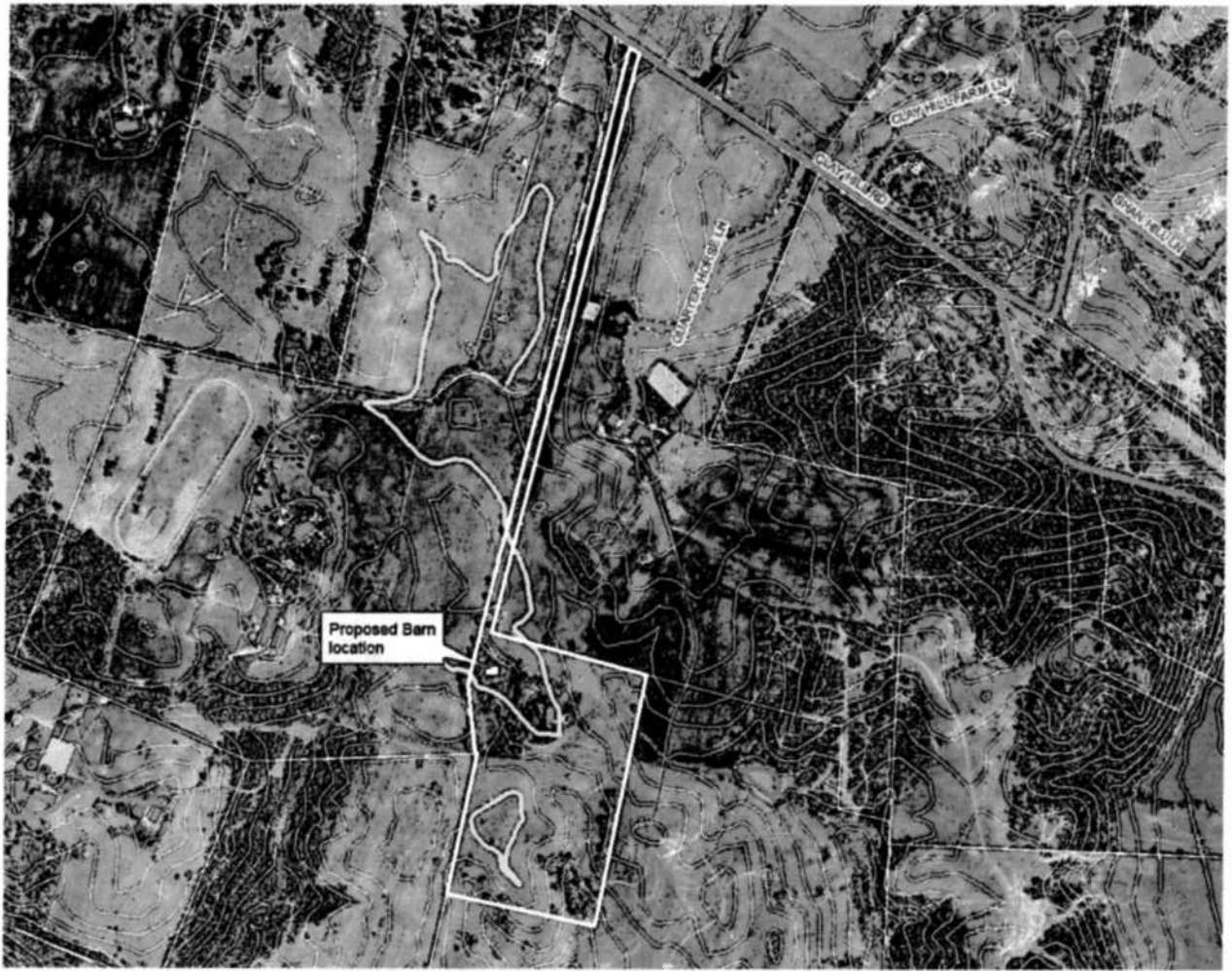
The location preferred by the owner is above the 540-foot contour elevation.

Staff contacted Bob Mitchell, County Attorney and Erika Richardson, Virginia Outdoors Foundation to discuss the feasibility of locating the barn in the proposed location. Ms. Richardson stated that the VOF Board reviews proposed alterations to the terms of the Deed in reference to the conservation values being protected. In this case the scenic values are the primary consideration. As of the writing of this report no opinion had been issued by Mr. Mitchell.





Proposed Barn  
location



MEMORANDUM

TO: Clarke County Easement Authority  
FROM: Alison Teetor  
DATE: November 13, 2014  
SUBJECT: Application for DUR purchase – Jerry Boyles  
Tax Map# 38-((A))-14

Jerry Boyles has reapplied to the easement authority for approval of a DUR purchase. He originally applied in 2010. A purchase offer of \$20,000 was made and Mr. Boyles declined the offer. The parcel is 10.35 acres located on the north side of Swift Shoals Road. In reviewing the parcel three of the four criteria have been met. The Property Resource Score is 71.71, the one remaining DUR would be extinguished, it is adjacent to existing easements, the parcel is under 40 acres in size. The parcel is within the Greenway Historic District and the existing house was built in 1897 and is a contributing structure. The parcel would qualify for DUR purchase.

The parcel is zoned AOC and is not in land use but would qualify for use value taxation, in accord with the Commissioner of Revenue's requirements, therefore a DUR purchase 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.

The property resource score was 71.71, points were given for retiring 1 DUR, being next to existing easements, being owned by the family for more than 20 years, and having a perennial stream (Long Branch). The property qualifies for purchase as it scored over 35, is retiring at least 1 DUR, and is next to existing easements. It is not over 40 acres.

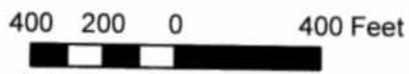
Based on the criteria adopted by the Authority, offers for parcels with Property Resource Scores greater than 52 shall be calculated by multiplying the number of development rights to be purchased by the value of the development right, as determined by the Easement Authority, not to exceed \$40,000 per development right.

**Recommendation**

Give preliminary approval for the easement purchase and schedule a site visit.



Jerry Boyles  
 Tax Map# 38-((A))-14, 10.35 acres  
 1 exempt., 1 DUR



Clarke County GIS  
 October 15, 2014



- Parcel Boundary
- Conservation Easement
- Roads
- Scenic Byway
- Intermittent Stream
- Perennial Stream
- Sinkhole



2011 Aerial Image, Commonwealth of Virginia

## MEMORANDUM

TO: Conservation Easement Authority  
FROM: Alison Teetor  
DATE: November 13, 2014  
SUBJECT: Request for Easement Purchase – Michael McKenney

Michael McKenney – Tax Map# 38-((A))-56, 15.05 acres, 2 DURs, 2 exemptions

The parcel is located on the corner of Rt. 50 and Swift Shoals Rd. The parcel has several significant features including 1,000 feet of frontage on a scenic byway, 1,000 feet frontage on a Scenic River, and 800 feet on a primary highway. The parcel also contains 2 historic structures, and is known locally as the River House. The applicant will retire both of the remaining DURs. The applicant has applied twice previously, once in 2007 for an easement donation. The second time was in 2009 for a DUR purchase but no funds were available at that time.

The parcel is zoned AOC and is not in land use but is eligible use value taxation, in accord with the Commissioner of Revenue's requirements, therefore a DUR purchase 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.

The property resource score was 70.59. Mr. McKenney would retain the 2 exemptions and retire the 2 remaining DURs. It meets 3 or the 4 criteria, adjacent to and existing easement, score above 35, and retiring at least 1 DUR. It is not over 40 acres.

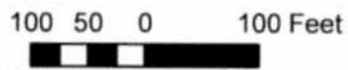
Based on the criteria adopted by the Authority, offers for parcels with Property Resource Scores greater than 52 shall be calculated by multiplying the number of development rights to be purchased by the value of the development right, as determined by the Easement Authority, not to exceed \$40,000 per development right.

### **Recommendation**

Give preliminary approval for the easement purchase and schedule a site visit.



Michael McKenney  
 Tax Map# 38-((A))-56, 15.05 acres  
 2 exemptions, 2 DURs



Clarke County GIS  
 October 27, 2014



- |                       |                     |
|-----------------------|---------------------|
| Conservation Easement | County Boundary     |
| Parcel Boundary       | Roads               |
| Shenandoah River      | Intermittent Stream |
|                       | Perennial Stream    |



2011 Aerial Image, Commonwealth of Virginia