

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 17 June 2021 – 10:00 am
A/B & Main Conference Room, 2nd Floor Government Center

AGENDA

1. Approval of Agenda
2. Approval of Minutes of the meeting of 20 May 2021
3. Bank Account balances
4. Campaign for the Authority
5. Easement Donation/Purchase
 - a. James and Carmen Igoe – donation or DUR purchase
 - b. Carlton Mallory – appraised purchase
 - c. Doris Stimpson – easement donation
 - d. Lizzie Moon – DUR purchase
 - e. RSP Enterprises – discuss in closed session
 - f. Lowell Pratt – donation – revised draft deed reviewed by Bob Mitchell
 - g. Wiseman – donation – approved by BOS
 - h. Blue Ridge Hunt – should close this year
 - i. Staley – attorney reviewing deed
6. Report on Applications for Easement Purchase
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.
7. Adjournment - next meeting – Thursday July 15th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 20 May 2021 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 20 May 2021, in the A/B/Main conference room, 2nd Floor Government Center.

Present: R. Buckley, W. Thomas, Terri Catlett R. Bacon, M. Jones
Absent: P. Engel
Phone in: G. Ohrstrom
Staff: A. Teetor, R. Couch Cardillo, C. Boies
Others: Robina Bouffault

Agenda On motion of Mr. Ohrstrom, seconded by Ms. Bacon, the Authority unanimously approved the agenda.

Minutes On motion of Ms. Thomas, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of April 15, 2021.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$356,375 consisting of \$112,058 in the donations account, \$216,336 in stewardship/restricted, and \$27,981 in local funds. Ms. Teetor stated that the expenses were for the spring newsletter, and legal review of Ms. Bouffaults complaint.

Public Relations: Ms. Cardillo stated that so far in 2021 there have been 49 donations totaling \$5,514, that is good for this time of year. The spring newsletter was mailed in the tax bills. She is starting to work on the summer newsletter, and is open to any suggestions for stories. She hopes at some point to highlight Smithfield but that may not close until later this year. Another idea she had talked about last month was ordering stickers or magnets with the Save Open Space logo, as giveaways to donors. She provided pricing, after discussion members agreed magnets would be great. Ms. Teetor reported that she received the annual request from the fair for sponsorship. On motion of Ms. Jones, seconded by Ms. Bacon Authority members approved a \$500 sponsorship for the 2021 Clarke County Fair. Ms. Cardillo suggested purchasing a rollup banner for the Fair display. Another item for discussion is the photo contest display at Longbranch. Ms. Teetor stated that the cost to frame the photos is approximately \$600 based on a previous purchase. Members suggested switching out the current photos so that new frames would not have to be purchased. Ms. Teetor stated that the current framed photos are being used to decorate the hallways of the Government Center and suggested that new frames might be a better option. On motion of Ms. Bacon, seconded by Ms. Thomas members approved the purchase of 15 new frames. Ms. Cardillo also asked if members thought an in person donor reception could be held this year. Mr. Ohrstrom stated that he would be willing to host again and felt like if the reception was held in October that most issues with the pandemic should be over. A tentative date of October 15th was approved.

Discussion – Easement Complaint

Mr. Buckley stated that a letter from Mr. Mitchell was included in the packet regarding the complaint filed by Ms. Bouffault. He summarized that Mr. Mitchell had found no violation regarding Airbnb activity on the County Conservation Easement recorded in Deed Book 622 at Page 584. He asked if members had any questions hearing none he asked staff to report on the easement applications. Ms. Bouffault stated that she thought Mr. Mitchell's determination was in error. Members disagreed and moved onto the next item on the agenda.

Report on Applications for Easement Purchase/Donation

a. Carlton Mallory – new application – Mr. Mallory has applied for an appraised easement purchase. The property consists of 3 parcels and is located on both sides of Kennel Road at the intersection with Swift Shoals Road. The property on the west side of Kennel Road is identified by Tax Map# 37-A-19, and consists of 43.5 acres with an existing house and zero remaining DURs. The property is listed under John W. Truban, Trustee, KHS Land Trust. The parcel was subdivided in 1981, the trust retains 2 - 2 acre parcels each with 1 DUR. One option is for Mr. Mallory to merge the 2 lots into one 4 acre parcel, retaining one of the DURs and retire 1 DUR with the easement. It is staff's preference that the 4 acres not be placed in easement so a boundary line adjustment maybe necessary to transfer the DUR to the larger tract. Another option discussed with Mr. Mallory is the option of merging the 2 acre lots back into the 43.5 acres. This is being considered by the applicant. On the east side of Kennel Road there are 2 tracts totaling 55 acres. The first is a 50 acre parcel with 1 exemption and 3 remaining DURs, identified as tax map# 38-A-7. The second tract is 5 acres, identified as Tax Map# 38-A-6 with 1 DUR. These parcels would be merged. The 43 acre and 50 acre tract are in landuse. The applicant would like to retire 3 of the 4 remaining DURs. It is likely that Mr. Mallory will agree to retain the existing house and 1 DUR on each parcel so that the end result will be a 55 acre tract with an existing house and 1 DUR, and a 47.5 acre tract with an existing house and 1 DUR.

Tax Map#	acres	DURs	ext. dwl	Property Res. Score	land use	#criteria
37-A-19	43.5	0	1	64	yes	4
38-A-7	50	3	1	87.23	yes	4
38-A-6	5	1	0	48.77	no	3

The properties meet at least 3 of the 4 criteria by scoring over 35, being next to an adjacent easement, and giving up at least 1 DUR. Except for the 5 acre parcel both are over 40 acres. Points were given for retiring 3 of the 4 remaining DURs, being next to existing easements, having a perennial stream (Long Branch), and having frontage on a scenic byway. Funding sources include the Federal ALE grant, Virginia Land Conservation Fund, and VDACS, in addition to local funding. A preliminary appraisal will be completed to determine the value for grant application purposes. On motion of Ms. Jones, seconded by Mr. Ohrstrom members gave preliminary approval for the easement purchase and requested staff to schedule a site visit.

b. Doris Stimpson – Ms. Stimpson received final approval for her easement donation last month. A draft deed and consent form was sent but no response has been received. Staff will continue to work with her to get the easement recorded.

c. Lizzie Moon – DUR purchase – the DUR purchase offer was approved last month. The lender had a concern over the use of the term subordination as opposed to release. Mr. Mitchell spoke with them and explained the difference and they seemed satisfied with use of the term subordination. Staff is waiting on return of the signed purchase agreement before moving forward with the appropriation of funds.

d. RSP Enterprises – Ms. Teetor stated that the revised appraisal is complete but unfortunately showed a lower value than the original appraisal. The revised appraisal has been sent to the Pritchards for review, no response has been received to date.

e. Lowell Pratt – Mr. Pratt submitted a revised deed of easement per his attorney, this was included in the packet as there were numerous changes. Most of the changes were rewording the existing language without substantive changes. A couple of paragraphs highlighted in yellow were reviewed by Mr. Mitchell and he was comfortable with the proposed language. Mr. Pratt has agreed to merge the properties into one. The main concern is that there is specific language included to allow for farm

wineries, breweries, and distilleries. Staff explained that these are by right agricultural uses, but is concerned that the size and potential land clearing for growing ingredients maybe excessive for an eased property. Ms. Teetor also stated she had spoken with Leslie Grayson and Erika Richardson of the Virginia Outdoors Foundation. They have several eased properties with these types of uses and recommended that the Authority focus only on the absolutes and be clear. No building bigger than x. no building site within x. Detail the amount of raw produce that must be grown on site or some percentage but that needs to be easily measured/observed/understandable. They also suggested that the Authority think as far out in future as possible and focus less on the use and more on the infrastructure required and the impact to the land.” Members agreed that this should be reviewed carefully to fully understand the potential impact to the property, including access, building locations, and potential amount of tree clearing. Ms. Bouffault added that these types of uses may also utilize substantial amounts of water in the processing phase. Based on these concerns Mr. Ohrstrom moved to table the application to allow more time to evaluate the potential impact, seconded by Ms. Thomas members approved the motion.

f. Tom Wiseman – Mr. Wiseman is working on closing his father’s estate. No action on the easement is anticipated until later this summer.

g. Blue Ridge Hunt – There has been no progress on this easement.

h. Staley – I spoke with the applicant and they haven’t had time to send the deed to their attorney so this is on hold.

Adjournment There being no further business, Mr. Ohrstrom moved and Ms. Thomas seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday June 17th at 10:00 am. The motion was approved unanimously.

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

Fund 235 - Conservation Easement Balances

	Total Fund Balance	Donations	Stewardship/Restricted Funds Account	Local Funds
SOY FY20 - Fiscal Year 2021	278,893	83,736	195,156	1
July Rev/AR		1,025	166	0
July Exps/AP		0	0	0
Aug Rev/AR		325	166	0
Aug Exps/AP		-730	-2,045	-2,058
Sept Rev/AR		4,562	121	5,039
Sept Exps/AP		-2,551	-675	0
Oct Rev/AR		1,060	190	0
Oct Exps/AP		-1,868	-2,625	-790
Nov Rev/AR		6,303	47,096	803
Nov Exps/AP		-880	0	-208
Dec Rev/AR		7,350	167	22,496.74
Dec Exps/AP		-1,983	-14,399	-1,150
Jan Rev/AR		11,884	155	1,177
Jan Exps/AP		-320	-7,277	-4,000
Feb Rev/AR		140	140	0
Feb Exps/AP		-705	0	0
Mar Rev/AR		1,175	155	7,537
Mar Exps/AP		-1,746	0	0
Apr Rev/AR		7,640	0	0
Apr Exps/AP		-2,359	0	-248
May Rev/AR		1,595	0	0
May Exps/AP		-1,163	0	-2,275
YTD Rev/AR	128,467	43,059	48,356	37,053
YTD Exps/AP	52,674	14,305	27,021	11,348
Adjustments	0	0	0	0
YTD FUND BALANCE (AR & AP)	354,687	112,490	216,491	25,706

Emily Johnson:
Land Use Rollback Tax- \$5,039.31

Emily Johnson:
CE Stewardship annual state funds \$46,937.95

Emily Johnson:
Land Use Rollback Tax- \$802.74

Emily Johnson:
Land Use Rollback Tax- \$22,496.74

VDACS
75,738.77 Expires 12/31/2021 (FY2019)
58,333.00 Expires 12/31/2021 (FY2020)
134,071.77
-61,827.10
72,244.67 AVAILABLE Estimated YTD BALANCE-VDACS

Anticipated Easement Closings:
Smithfield Farm TBD

ESTIMATED YTD FUND BALANCE 354,687 112,490 216,491 25,706

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

	Appropriated	Actual Expenses	Appropriated Balance Remaining
FY21 Expenditure Appropriations			
General Expenses	45,000	52,674	-7,674
Smithfield Farm	569,029	569,029	0
	614,029	52,674	0

Through 05/31/21

Conservation Easement Expense Detail - FY21

	Donations	Stewardship	Local Funds
July			
	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
August	250.00 Ellen Shepard - Annual VA Land Conservation 480.00 Robin Cardillo Services for CEA July	1,400.00 Jessica Crandell-Inspections 158.70 Jessica Crandell-Mileage 136.68 Jessica Crandell-Mileage 350.00 Larry Royston Septic Service - Labor	2,057.50 Hall, Monahan, Engle-Legal svcs for July 2020
	<u>730.00</u>	<u>2,045.38</u>	<u>2,057.50</u>
Sept	450.00 Gloria Marconi Summer newsletter 960.00 Robin Cardillo Services for CEA August 195.00 Winchester Printers - envelopes 936.07 Winchester Printers Summer printing newsletter 9.50 Purchase Power Postage	675.00 Dunn Land Surveys - Service	620.00 Hall, Monahan, Engle-Legal svcs for Aug 2020
	<u>2,550.57</u>	<u>675.00</u>	<u>620.00</u>
Oct	560.00 Robin Cardillo Services for CEA September 350.00 Gloria Marconi Design&Prod 2020 CEA Photo 450.00 Gloria Marconi Fall newsletter 507.71 Winchester Printers CEA printing services	1,550.00 Greenway Engineering Services 1,075.00 Clarke County HD Permits	790.00 Hall, Monahan, Engle-Legal svcs for Sept 2020
	<u>1,867.71</u>	<u>2,625.00</u>	<u>790.00</u>
Nov	880.00 Robin Cardillo Services for CEA October		207.50 Hall, Monahan, Engle-Legal svcs for Oct 2020
	<u>880.00</u>	<u>0.00</u>	<u>207.50</u>
Dec	200.00 Gloria Marconi end of year letter 960.00 Robin Cardillo Services for CEA 822.92 Winchester Printers CEA printing services	2,500.00 Martins Pumping Service Septic 11,299.00 Sinhas and michael Corp Well 600.00 Ben Sprouse Easement Insp	1,150.00 Hall, Monahan, Engle-Legal svcs for Nov 2020
	<u>1,982.92</u>	<u>14,399.00</u>	<u>1,150.00</u>
Jan	320.00 Robin Cardillo Services for CEA	7,276.51 Broys&Son Pump Service-Water	4,000.00 Myers & Woods Appraisal RSP Enterprises
	<u>320.00</u>	<u>7,276.51</u>	<u>4,000.00</u>
Feb	704.90 Robin Cardillo Services for CEA		
	<u>704.90</u>	<u>0.00</u>	<u>0.00</u>
Mar	400.00 Robin Cardillo Services for CEA 18.00 CEA Birdhouse Postage 110.00 CEA Birdhouse Postage 168.48 Fly Home Birdhouses 450.00 Gloria Marconi CEA services 150.00 Warren Krupsaw prize winner 200.00 Tim Farmer Prize winner 250.00 Ellen Shepard Bronze Sponsor		
	<u>1,746.48</u>	<u>0.00</u>	<u>0.00</u>
Apr	445.00 Winchester Printers 576.00 Winchester Printers 960.00 Robin Couch Cardillo services for CEA 365.80 Winchester Printers 12.60 Postage		247.50 Hall, Monahan, Engle-Legal svc for Apr 2021
	<u>2,359.40</u>	<u>0.00</u>	<u>247.50</u>
May	640.00 Robin Couch Cardillo services for CEA 450.00 Gloria Marconi CEA Services 73.40 Postage		1,075.00 Hall, Monahan, Engle-Legal Svc for May 2021 1,200.00 Myers & Woods Appraisal Rpt RSP Enterprise
	<u>1,163.40</u>	<u>0.00</u>	<u>2,275.00</u>
YTD Totals	Donations <u>14,305.38</u>	Stewardship <u>27,020.89</u>	Local Funds <u>11,347.50</u>



R O B I N C O U C H C A R D I L L O

June 11, 2021

Clarke County Conservation Easement Authority
Fundraising Report
June 2021 meeting

Donor Statistics

See attached Master Report

- 2021 year-to-date total: \$7,559.00 from 63 donations

Ongoing

-Photo exhibit at Long Branch

- Proposed timing – July 5 start, potentially through August; deliver framed photos July 1-2 (quick turnaround but space available at Long Branch)
- Discussed displaying photo winners from two to three contests (possibly use two rooms at Long Branch)
- Reception in July TBD (evening wine event?); send postcard invitations to mailing list
- We provide name cards for each photo and info about CCCEA and photo contest(s) for easel display; frames must be wired

-Summer newsletter

- Easement landowner feature, policy on zero DURs, grant news, photo exhibit, donor reception
- Publish in August

-Donor reception returns

- Mark your calendar for October 15, 6-8:00 pm, George's barn

As of June 11, 2021

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$13,345	\$19,090	\$20,871	\$25,649	\$26,396	\$25,843	\$23,630	\$42,266	\$36,260	\$57,356,00	\$24,778,00	\$26,101,00	\$34,815,28	\$38,230,00	\$36,622,80	\$7,569,00
115	161	208	209	203	195	181	200	169	158	164	169	169	167	209	63
# Donations															
YE Donor Appeal															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$3,465	\$6,310	\$6,477	\$10,134	\$6,376	\$12,815	\$7,250	\$15,706	\$17,636	\$47,003	\$15,665	\$7,577	\$16,755	\$16,710	\$16,232	
73	59	87	86	76	68	50	69	51	61	47	48	58	52	73	
YE Donor Appeal Amount															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$2,115	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25	\$4,25
7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
YE Prospect Amount															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700	\$2,700
23	23	23	23	23	23	23	23	23	23	23	23	23	23	23	23
Winter Newsletter Dollar Amount															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$3,775	\$455	\$2,074	\$5,820	\$2,810	\$2,520	\$3,415	\$1,975	\$3,705	\$3,420	\$2,725	\$2,810	\$1,600	\$2,500	\$2,762	\$4,110
35	5	19	38	26	27	32	28	26	27	19	23	15	23	18	26
Spring Newsletter Donor: Dollar Amount															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$2,200	\$940	\$940	\$460	\$450	\$825	\$765	\$165	\$1,380	\$100	\$75	\$1,150	\$550	\$2,045	\$615	\$30
16	19	19	10	4	11	5	4	9	1	3	8	3	6	6	1
Spring Newsletter: Dollar Amt															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$2,370	\$2,370	\$2,020	\$1,930	\$1,863	\$2,735	\$1,590	\$5,040	\$3,215	\$1,927	\$2,115	\$3,110	\$4,480	\$2,135	\$5,260	\$1,710
20	20	27	22	33	26	21	22	27	22	28	20	38	23	30	22
Summer Newsletter Dollar Amount															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$765	\$2,210	\$765	\$260	\$7,300	\$2,946	\$4,630	\$2,660	\$3,325	\$1,250	\$660	\$3,670	\$220	\$2,925	\$6,244	\$4,110
5	12	5	7	25	26	30	27	14	3	6	11	4	11	16	26
Fall Newsletter Donor: Dollar Amount															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$1,430	\$90	\$90	\$1,405	\$65	\$605	\$715	\$240	\$760	\$325	\$325	\$1,200	\$100	\$100	\$410	\$30
25	4	4	8	2	8	9	5	5	5	5	4	1	1	5	1
Expayer Fall Newsletter: Dollar Amt															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$3,380	\$3,380	\$3,380	\$4,175	\$1,900	\$868	\$1,457	10,500	\$1,550	\$257	\$362	\$2,230,00	\$3,970	\$8,665	\$1,960	\$1,709
17	17	17	11	5	6	2	2	2	3	12	7	17	10	14	14
Over the Transom Dollar Amount															
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105	\$1,105
6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Donor Thank-You Party Dollar Amount															
Photo Revenue															
NoteCards															
Gift-in-Kind (admin work donated by Kate Peirnech)															
\$304															
282 (6)															
94.80 (2)															

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Tector
DATE: June 9, 2021
SUBJECT: Application for easement donation or potential DUR purchase – James & Carmen Igoe

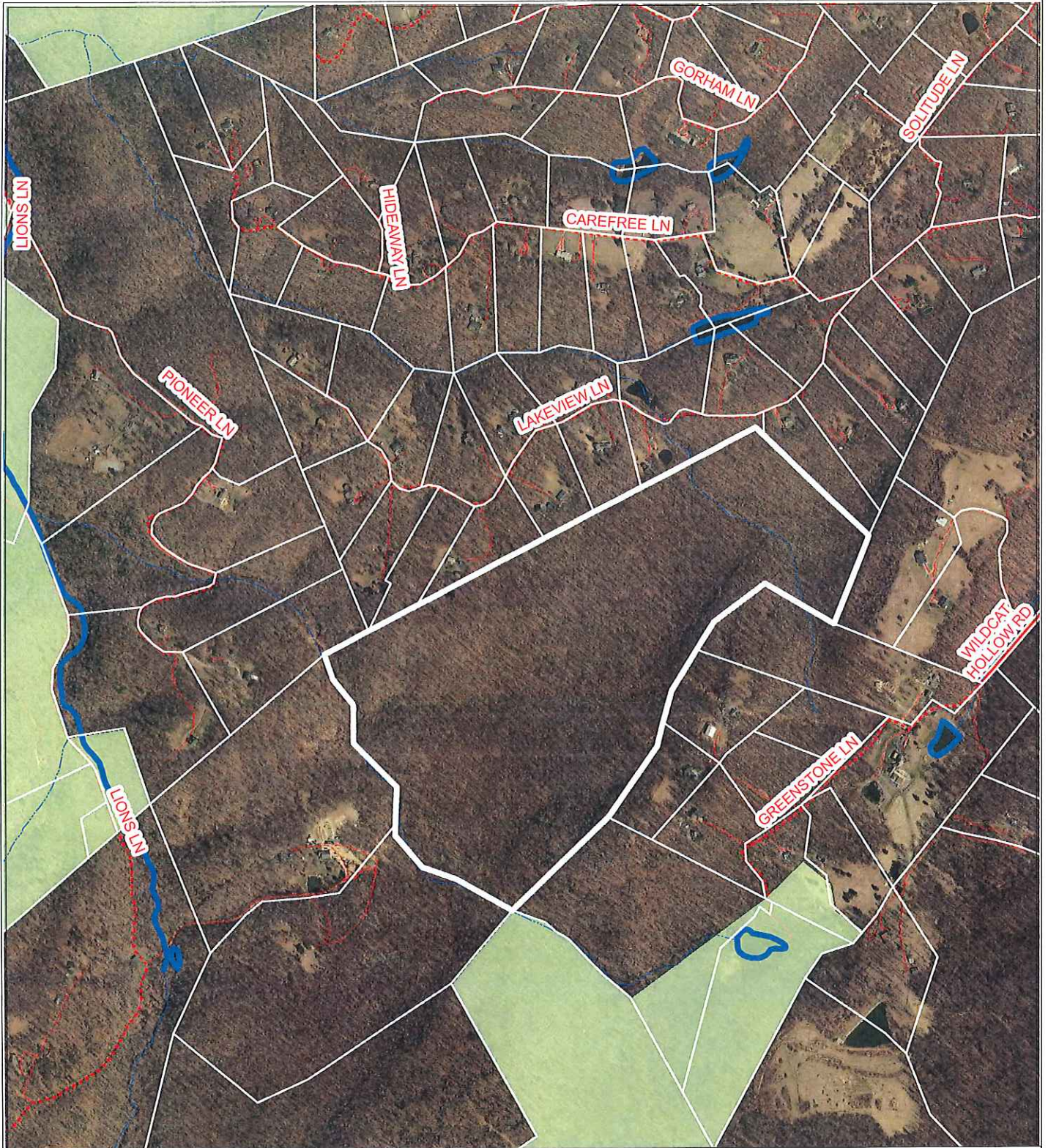
The Igoes have applied to the easement authority for approval of an easement donation or DUR purchase. The property is located on the mountain off Lions Lane, adjacent to Carefree Acres (see attached map). It is identified as Tax Map# 38-A-40, and consists of 102.6 acres with 6 remaining DUR's. The property is entirely forested and vacant.

The parcel is zoned FOC and are in use value taxation, therefore in accord with the Commissioner of Revenue's requirements, then a donation or 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.

In reviewing the parcel, it meets 3 of the 4 criteria. The parcel is over 40 acres, the property resource score was 62.53. Points were given for retiring 4 of the 6 DURs, and having 20 acres of slopes > 25%. The property touches the corner of an eased property but this was not considered adjacent.

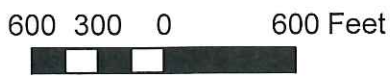
Recommendation: Give preliminary approval and schedule a site visit.



James & Carmen Igoe
 Tax Map# 38-A-40
 102.6 acres, 6 DURs



Clarke County GIS
 June 7, 2021



- Intermittent Stream
- Perennial Stream
- Scenic Byway
- Public Road
- Private Road
- Railroad

Location Map



MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: June 11, 2021
SUBJECT: Application for appraised easement purchase – Carlton Mallory – TM# 38-A-6, 38-A-7, & 37-A-19

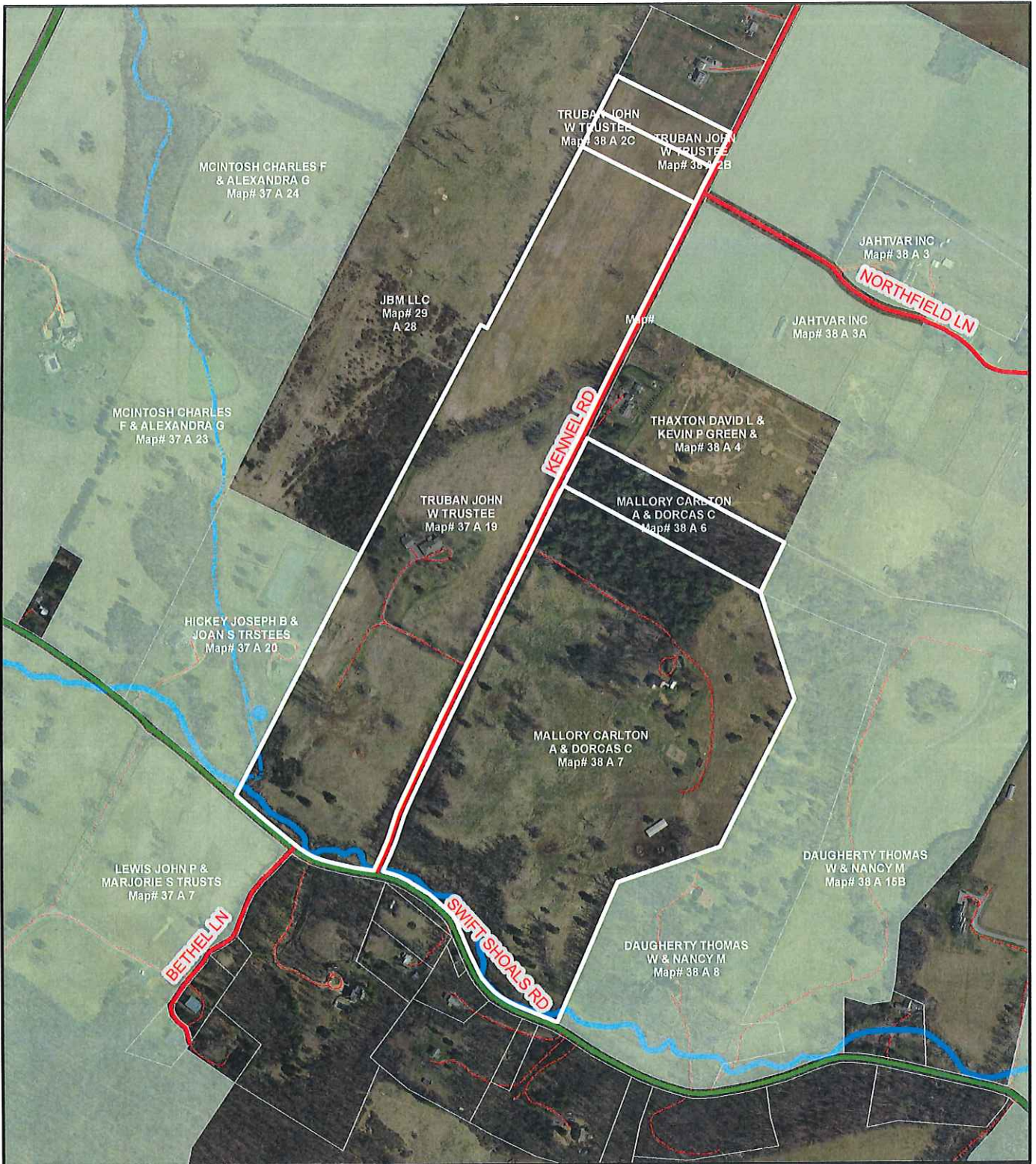
Carlton Mallory has applied to the easement authority for approval of an appraised easement purchase. The property consists of 5 parcels and is located on both sides of Kennel Road at the intersection with Swift Shoals Road (see attached map).

The property on the west side of Kennel Road is identified by Tax Map# 37-A-19, and consists of 43.5 acres with an existing house and zero remaining DURs. The property is listed under John W. Truban, Trustee, KHS Land Trust. The parcel was subdivided in 1981, the trust retains 2 - 2 acre parcels each with 1 DUR. On the east side of Kennel Road there are 2 tracts totaling 55 acres. The first is a 50 acre parcel with 1 exemption and 3 remaining DURs, identified as tax map# 38-A-7. The second tract is 5 acres, identified as Tax Map# 38-A-6 with 1 DUR.

Staff met with the Mallorys on June 10th to further discuss and finalize the proposed application. At that meeting the Mallorys tentatively agreed to the following:

- 1) the 50 acre parcel, 38-A-7 will be merged with the 5 acre parcel so as to create a 55 acre parcel with 1 existing house and 1 DUR, the applicant will retire 3 DURs.
- 2) the 43.5 acre parcel, 37-A-19, will be merged with the 2 - 2acre parcels so as to create a 47.5 acre parcel with an existing house and 1 DUR, 1 DUR will be retired.

Recommendation: Preliminary approval was given at the May meeting. Staff now requests approval to submit grant applications for the 2 parcels.



Properties owned by Carlton Mallory



April 20, 2021
Clarke County GIS



- Conservation Easement
- Public Road
- Scenic Road
- Private Road
- Intermittent Stream
- Perennial Stream

Location Map



MEMORANDUM

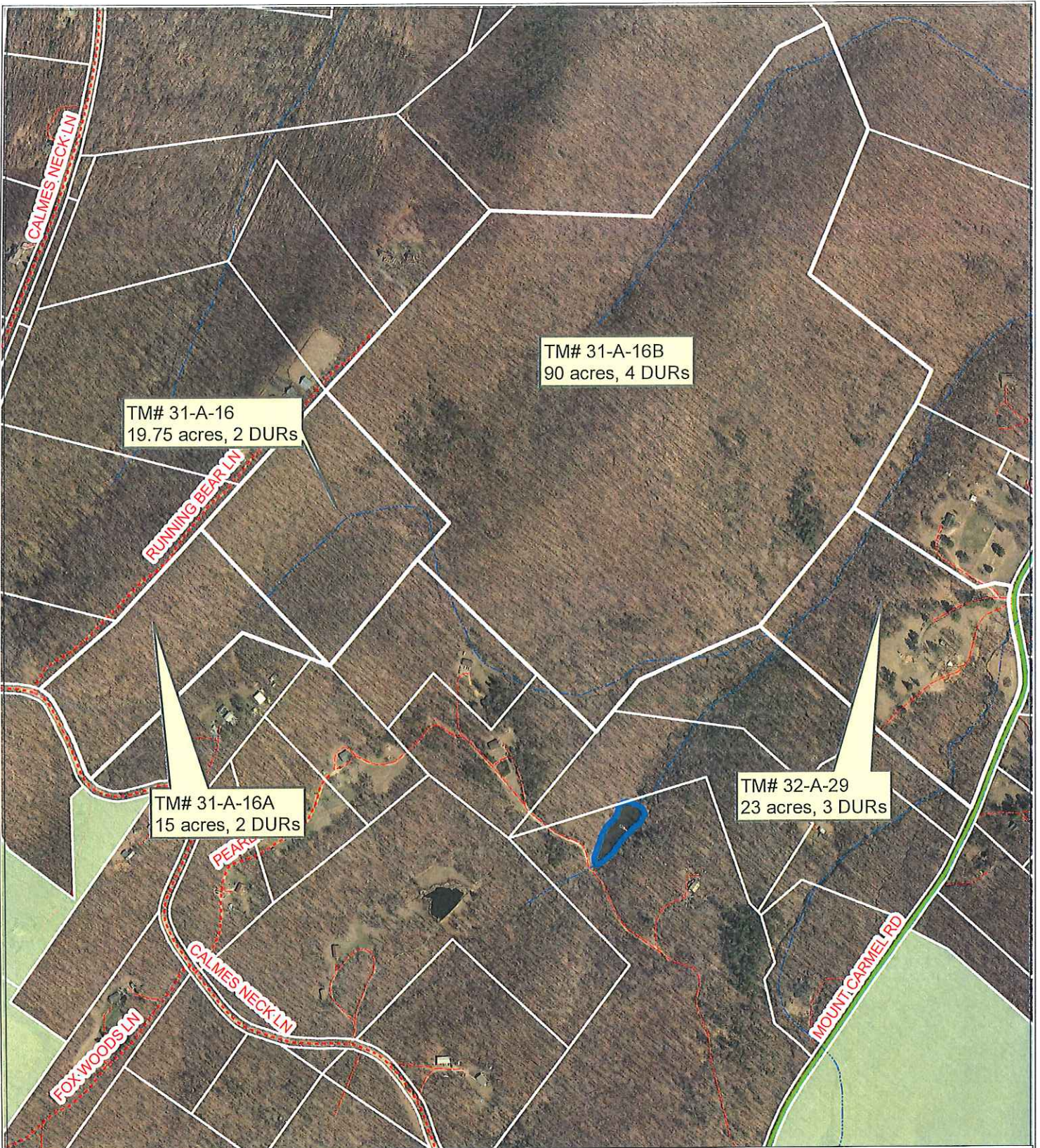
TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: June 11, 2021
SUBJECT: Application for easement donation – Lowell Pratt

Lowell Pratt has applied to the easement authority for approval of an easement donation. The properties are located at 2683 Mt. Carmel Road approximately 6/10 of a mile north of the intersection with Calmes Neck Lane. The County records show 4 parcels totaling 148 acres with 11 DURs. Please note that the deed of easement has a higher acreage – 180 acres so this needs clarification. The applicant would like to merge the parcels and retire 9 of the 11 remaining DURs. The parcels are primarily forested. At the May meeting members postponed action pending further review of the deed, as verbage inserted by Mr. Pratt's attorney.

The main concern was that there is specific language included to allow for farm wineries, breweries, and distilleries. Staff explained that these are by right agricultural uses, but is concerned that the size and potential land clearing for growing ingredients maybe excessive for an eased property. After the meeting staff relayed the Authorities concerns to Mr. Pratt. As a result the attorney revised the deed to include language that keeps all structures within the building envelope with the exception of "up to five (5) Agricultural Structures, each individually not exceeding six hundred (600) square feet of Ground Area, permitted under Section 3.2(A)(iii) may be permitted outside of the Building Envelope with the prior written approval of the Grantee." In addition, he inserted language to prohibit clear cutting, though clearing for agricultural purposes is permitted. Other concerns that remain include reference to allow 4,000 square feet of parking per lot, thought there will only be one lot and an allowance for up to 1% impervious surface that staff recommends reducing to ½%. There is still a reference to allowing wineries/breweries/distilleries but with the added restrictions for structures within the building envelope staff sees a significant reduction in the potential for excessive commercial activity. The attorney also included language stating "that Structures for Winery, Brewery, and distillery uses shall only be permitted upon Grantee's prior written determination that the construction of such Structures are consistent with the Conservation Purposes of this Easement and protective of the Open Space Values identified herein and that the Structures are located at sites on the Property not adversely impacting such Open Space Values". The revised deed was sent to Mr. Mitchell for a complete review. Comments should be received prior to the June meeting.

Recommendation

Based on Mr. Mitchell's review approve the deed as presented and give final approval for the easement donation.



Lowell Pratt Properties
147.75 acres, 11 DURs



Clarke County GIS
December 8, 2020

400 200 0 400 Feet



- Intermittent Stream
- Perennial Stream
- Scenic Byway
- Public Road
- Private Road
- Railroad

Location Map

