

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 15 July 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 17 June 2021
3. Bank Account balances
4. Campaign for the Authority
5. Easement Donation/Purchase
 - a. Diane Sheehey – new application – easement donation
 - b. Bradley Keister – new application – easement donation
 - c. Doris Stimpson – easement donation – deed signed on BOS agenda for final approval
 - d. Lizzie Moon – DUR purchase – on finance committee agenda
 - e. RSP Enterprises – on finance committee agenda
 - f. Lowell Pratt – donation – revised 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 August 19th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 17 June 2021 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Thursday 17 June 2021, in the A/B/Main conference room, 2nd Floor Government Center.

Present: R. Buckley, W. Thomas R. Bacon, M. Jones
Absent: P. Engel, Terri Catlett
Phone in: G. Ohrstrom
Staff: A. Teetor

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

Minutes On motion of Ms. Thomas, seconded by Ms. Jones, the Authority unanimously voted to approve the minutes of May 20, 2021.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$354,687 consisting of \$112,490 in the donations account, \$216,491 in stewardship/restricted, and \$25,706 in local funds. Ms. Teetor stated that the expenses were for the spring newsletter, and legal review of the Pratt deed and the second appraisal for RSP Enterprises, required as the survey showed a reduced acreage.

Public Relations: Ms. Cardillo was absent from the meeting so Ms. Teetor reviewed her report. Donations continue to increase, so far in 2021 there have been 63 donations totaling \$7,559.00. She continues to work with Matt Hannan at Long Branch to set up the photo exhibit of the pandemic photo contest in early July. Ms. Teetor will confirm the date of the reception and let members know. 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. Currently she is planning to include stories on an easement landowner, the policy on zero DURs, grant news, the photo exhibit at Long Branch, and the donor reception. As discussed at the last meeting Ms. Cardillo has ordered Save Open Space magnets as giveaways to donors. The donor reception is still tentatively scheduled for October 15th at George's farm. Joe Sipe complained about the access road but Mr. Ohrstrom said it had been repaired.

Report on Applications for Easement Purchase/Donation

a. James & Carmen Igoe – new application - 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. 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. 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. Ms. Teetor provided the applicant with information regarding the DUR purchase program and they were not aware of the income requirement so they are postponing any decision until a later time. As a result no action by the Authority is required.

Carlton Mallory – 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. The Authority gave preliminary approval at the last meeting. Ms. Teetor stated that they have ordered a preliminary appraisal and will likely move forward with the grant applications in the fall. Ms. Teetor has requested authorization for applying for both an ALE and VLCF grant. On motion Ms. Jones, seconded by Ms. Thomas members approved submittal of the grant applications.

b. Doris Stimpson – Ms. Stimpson received final approval for her easement donation two months ago. Ms. Teetor spoke with Ms. Stimpson, who seemed ready to proceed with signing the deed of easement, however, nothing has been received. Ms. Teetor will contact her again to determine if she needs any additional information.

c. Lizzie Moon – DUR purchase – the DUR purchase offer was approved two months ago. The lender is satisfied with the terms of the deed and the item will be placed on the finance committee agenda and Board agenda for final approval and funding appropriation. Once approved the closing should be able to take place in early August.

d. RSP Enterprises – Ms. Teetor stated that the revised appraisal is complete but unfortunately showed a lower value than the original appraisal. This item will be discussed in closed session.

e. Lowell Pratt – Staff continues to work with Mr. Pratt and his attorney to finalize the deed of easement. Ms. Teetor stated that she asked Mr. Mitchell to review the entire deed as there were so many changes proposed by Mr. Pratt's attorney. Mr. Mitchell had a few suggested changes to the deed but stated that most of the changes proposed by the attorney related to ensuring protection of Mr. Pratt's tax credits. Mr. Mitchell stated he had no issues with the proposed draft provided the Authority was comfortable with the w/b/d language. Mr. Pratt's attorney left in the references to the winery/brewery/distillery (w/b/d) but included language requiring all structures except for 5 <600 sq. ft. buildings be included in the building envelope. In addition, staff stated that they inserted a clause to prohibit clear cutting but are still allowing clearing for agricultural purposes. The attorney also requires Authority review and approval for all structures and activities. Mr. Ohrstrom stated he has reservation regarding the deed but as it is a donation, he was more comfortable with it. He stated he wanted to make sure the Authority could adequately explain why they would hold an easement with the potential for a commercial activity. Ms. Jones stated that she feels that the proposed use would be more intensive than 11 houses and she cannot approve the deed in its current form. Even though the Authority has authority to review and deny a proposed commercial activity the owner could say that the denial is unreasonable and the Authority could be sued. Mr. Ohrstrom added that wineries are considered a by right agricultural use but it is a fine line between agriculture and commercial use. Ms. Jones suggested either removing all language from the deed regarding w/b/d or leave the front parcel out of the easement. Mr. Ohrstrom agreed stating that the County's experience with Bear Chase Brewery highlights potential problems as it appears as though no one in Loudoun government looked at the potential cumulative impact. Staff was requested to relay the Authorities concerns and suggested changes to Mr. Pratt.

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 – Ms. Teetor spoke to Anne McIntosh, agent, for the Hunt, she stated that the deed is being reviewed by Bucky Slater, attorney, one change she noted was the need to include a building envelope. Ms. Jones explained that the IRS is requiring building envelopes because if the

location of a building envelope is not fixed at the time of the conveyance, the IRS may take the position that a charitable deduction should be denied based on a failure to protect the conservation purpose in perpetuity. It is usually a problem on large multi million dollar easements but unfortunately it impacts all easements.

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.

Report on Applications for Easement Purchase

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

Based on a required survey, the acreage of the property was reduced from 214 acres to 194 which caused the appraisal value of the easement to be reduced. On motion of Ms. Jones, seconded by Ms. Thomas members voted to approve a reduction in the amount to be donated by the Pritchard family to \$18,375.

Adjournment There being no further business, Ms. Bacon moved and Mr. Ohrstrom seconded that the Authority adjourn the meeting. The next meeting is scheduled for Thursday July 15th 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 -	278,893	83,736	195,156	1
Fiscal Year 2021				
July Rev/AR	1,025	166	0	0
July Exps/AP	0	0	0	0
Aug Rev/AR	325	166	0	0
Aug Exps/AP	-730	-2,045	-2,058	-2,058
Sept Rev/AR	4,562	121	5,039	5,039
Sept Exps/AP	-2,551	-675	0	0
Oct Rev/AR	1,060	190	0	0
Oct Exps/AP	-1,868	-2,625	-790	-790
Nov Rev/AR	6,303	47,096	803	803
Nov Exps/AP	-880	0	-208	-208
Dec Rev/AR	7,350	167	22,496.74	22,496.74
Dec Exps/AP	-1,983	-14,399	-1,150	-1,150
Jan Rev/AR	11,884	155	1,177	1,177
Jan Exps/AP	-320	-7,277	-4,000	-4,000
Feb Rev/AR	140	140	0	0
Feb Exps/AP	-705	0	0	0
Mar Rev/AR	1,175	155	7,537	7,537
Mar Exps/AP	-1,746	0	0	0
Apr Rev/AR	8,515	150	0	0
Apr Exps/AP	-2,359	0	-248	-248
May Rev/AR	1,595	0	0	0
May Exps/AP	-1,163	0	-2,275	-2,275
June Rev/AR	1,525	4,109	0	4,109
June Exps/AP	-423	0	-410	-410
YTD Rev/AR	135,126	45,459	48,506	41,161
YTD Exps/AP	53,507	14,728	27,021	11,758
Adjustments	0			
YTD FUND BALANCE (AR & AP)	360,512	114,467	216,641	29,405

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 360,512 114,467 216,641 29,405

	Appropriated	Actual Expenses	Appropriated Balance Remaining
FY21 Expenditure Appropriations			
General Expenses	45,000	53,507	-8,507
Smithfield Farm	569,029	569,029	569,029
	614,029	53,507	0

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

Through 06/30/21
Conservation Easement Expense Detail - FY21

	Donations	Stewardship	Local Funds
July			
August	<p>0.00</p> <p>250.00 Ellen Shepard - Annual VA Land Conservation</p> <p>480.00 Robin Cardillo Services for CEA July</p> <hr/> <p>730.00</p> <p>450.00 Gloria Marconi Summer newsletter</p> <p>960.00 Robin Cardillo Services for CEA August</p> <p>195.00 Winchester Printers - envelopes</p> <p>936.07 Winchester Printers Summer printing newsletter</p> <p>9.50 Purchase Power Postage</p> <hr/> <p>2,550.57</p>	<p>0.00</p> <p>1,400.00 Jessica Crandell-Inspections</p> <p>158.70 Jessica Crandell-Mileage</p> <p>136.68 Jessica Crandell-Mileage</p> <p>350.00 Larry Royston Septic Service - Labor</p> <hr/> <p>2,045.38</p> <p>675.00 Dunn Land Surveys - Service</p> <hr/> <p>620.00</p>	<p>0.00</p> <p>2,057.50 Hall, Monahan, Engle-Legal svcs for July 2020</p> <hr/> <p>2,057.50</p> <p>620.00 Hall, Monahan, Engle-Legal svcs for Aug 2020</p>
Sept	<p>560.00 Robin Cardillo Services for CEA September</p> <p>350.00 Gloria Marconi Design&Prod 2020 CEA Photo</p> <p>450.00 Gloria Marconi Fall newsletter</p> <p>507.71 Winchester Printers CEA printing services</p> <hr/> <p>1,867.71</p> <p>880.00 Robin Cardillo Services for CEA October</p> <hr/> <p>880.00</p>	<p>0.00</p> <p>1,550.00 Greenway Engineering Services</p> <p>1,075.00 Clarke County HD Permits</p> <hr/> <p>2,625.00</p>	<p>790.00 Hall, Monahan, Engle-Legal svcs for Sept 2020</p> <hr/> <p>790.00</p> <p>207.50 Hall, Monahan, Engle-Legal svcs for Oct 2020</p> <hr/> <p>207.50</p>
Oct	<p>200.00 Gloria Marconi end of year letter</p> <p>960.00 Robin Cardillo Services for CEA</p> <p>822.92 Winchester Printers CEA printing services</p> <hr/> <p>1,982.92</p> <p>320.00 Robin Cardillo Services for CEA</p> <hr/> <p>320.00</p>	<p>2,500.00 Martins Pumping Service Septic</p> <p>11,299.00 Sinhas and michael Corp Well</p> <p>600.00 Ben Sprouse Easement Insp</p> <hr/> <p>14,399.00</p> <p>7,276.51 Broy&son Pump Service-Water</p> <hr/> <p>7,276.51</p>	<p>1,150.00 Hall, Monahan, Engle-Legal svcs for Nov 2020</p> <hr/> <p>1,150.00</p> <p>4,000.00 Myers & Woods Appraisal RSP Enterprises</p> <hr/> <p>4,000.00</p>
Nov	<p>704.90 Robin Cardillo Services for CEA</p> <hr/> <p>704.90</p>	<p>0.00</p>	<p>0.00</p>
Dec	<p>400.00 Robin Cardillo Services for CEA</p> <p>18.00 CEA Birdhouse Postage</p> <p>110.00 CEA Birdhouse Postage</p> <p>168.48 Fly Home Birdhouses</p> <p>450.00 Gloria Marconi CEA services</p> <p>150.00 Warren Krupsaw prize winner</p> <p>200.00 Tim Farmer Prize winner</p> <p>250.00 Ellen Shepard Bronze Sponsor</p> <hr/> <p>1,746.48</p>	<p>0.00</p>	<p>0.00</p>
Jan	<p>320.00 Robin Cardillo Services for CEA</p> <hr/> <p>320.00</p>	<p>7,276.51</p>	<p>4,000.00</p>
Feb	<p>704.90 Robin Cardillo Services for CEA</p> <hr/> <p>704.90</p>	<p>0.00</p>	<p>0.00</p>
Mar	<p>400.00 Robin Cardillo Services for CEA</p> <p>18.00 CEA Birdhouse Postage</p> <p>110.00 CEA Birdhouse Postage</p> <p>168.48 Fly Home Birdhouses</p> <p>450.00 Gloria Marconi CEA services</p> <p>150.00 Warren Krupsaw prize winner</p> <p>200.00 Tim Farmer Prize winner</p> <p>250.00 Ellen Shepard Bronze Sponsor</p> <hr/> <p>1,746.48</p>	<p>0.00</p>	<p>0.00</p>
Apr	<p>445.00 Winchester Printers</p> <p>576.00 Winchester Printers</p> <p>960.00 Robin Couch Cardillo services for CEA</p> <p>365.80 Winchester Printers</p> <p>12.60 Postage</p> <hr/> <p>2,359.40</p>	<p>0.00</p>	<p>0.00</p>
May	<p>640.00 Robin Couch Cardillo services for CEA</p> <p>450.00 Gloria Marconi CEA Services</p> <p>73.40 Postage</p> <hr/> <p>1,163.40</p>	<p>0.00</p>	<p>247.50 Hall, Monahan, Engle-Legal svc</p> <hr/> <p>247.50</p> <p>1,075.00 Hall, Monahan, Engle-Legal Svc</p> <p>1,200.00 Myers & Woods Appraisal Rpt RSP Enterprise</p> <hr/> <p>2,275.00</p>
June	<p>320.00 Robin Couch Cardillo CCEA Prep</p> <p>18.00 Domain Registration</p> <p>84.81 CEA Photo</p> <hr/> <p>422.81</p>	<p>0.00</p>	<p>410.00 Hall, Monahan, Engle-Legal Services</p> <hr/> <p>410.00</p>
YTD Totals	<p>Donations</p> <p>14,728.19</p>	<p>Stewardship</p> <p>27,020.89</p>	<p>Local Funds</p> <p>11,757.50</p>



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

July 8, 2021

Clarke County Conservation Easement Authority
Fundraising Report
July 2021 meeting

Donor Statistics

See attached Master Report

- 2021 year-to-date total: \$9,059.00 from 72 donations

Ongoing

-Photo exhibit at Long Branch

- Proposed timing – start week of July 12 through August
- Displaying photo winners from two contests (2015 and 2020)
- Reception in July TBD (evening wine event?); send postcard invitations to mailing list

-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

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
DATE: July 7, 2021
SUBJECT: Application for easement donation – Diane Sheehey – TM# 29-A-35A

Diane Sheehey has applied to the easement authority for approval of an easement donation. The property consists of 22.64 acres. The property is located at 1260 Westfield Farm Lane adjacent to Blandy. The parcel has an existing house built in 1905 and 2 remaining DURs. The applicant would like to retire the remaining DURs.

The parcel is zoned AOC and is in land use. Therefore the following guidelines for accepting properties for easement donation are used:

- 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 Authority requires that a property meet at least two of the four guidelines for acceptance.

The property meets 2 of the 4 criteria by scoring over 35 and giving up 1 DUR. The parcel is less than 40 acres. The property resource score is 67.62, points were given for retiring 1 DUR, being adjacent to Blandy, being within a portion of the groundwater recharge area, and having several contributing structures in the Greenway Rural Historic District.

Recommendation: Give preliminary approval for the easement donation and ask staff to schedule a site visit.



Diane Sheehey and Matthew Jones
 TM# 29-A-35A
 22.64 acres, 1 ext. dwl., 2 DUR's



Clarke County GIS
 July 7, 2021

200 100 0 200 Feet



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

Location Map



MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Tector
DATE: July 7, 2021
SUBJECT: Application for easement donation – Bradley & Kathryn Keister – TM# 33-6-H

The Keisters have applied to the easement authority for approval of an easement donation. The property consists of 34.47 acres. The property is located at 240 Ashley Woods Lane, off of Blue Ridge Mountain Road approximately 7/10 mile north of Mt. Weather. The parcel has an existing house built in 2015 and 0 remaining DURs.

The parcel is zoned FOC and is in land use. Therefore the following guidelines for accepting properties for easement donation are used:

- 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 Authority requires that a property meet at least two of the four guidelines for acceptance.

The property meets 2 of the 4 criteria by scoring over 35 and being next to an existing easement. The parcel is less than 40 acres. The property resource score is 43.46, points were given for being adjacent to an existing easement and Appalachian Trail property.

Recommendation: Give preliminary approval for the easement donation and ask staff to schedule a site visit.



Bradley & Kathryn Keister
 TM# 33-6-H
 34.47 acres, 1 ext. house, 0 DURs

Clarke County GIS
 July 8, 2021

400 200 0 400 Feet



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

Location Map

