

CLARKE COUNTY
Conservation Easement Authority
THURSDAY – 9 December 2021 – 3:00 pm
A/B & Main Conference Room, 2nd Floor Government Center

AGENDA

1. Approval of Agenda
2. Approval of Minutes of the meeting of 12 November 2021
3. Discussion
 - a. Mike Kane – Piedmont Environmental Council – building envelopes
 - b. Easement donation criteria
 - c. VaULT sponsorship
4. Bank Account balances
5. Campaign for the Authority
6. Easement Donation/Purchase
 - a. Bruce & Deborah Anderson – easement donation – square footage discussion, final approval
 - b. RSP Enterprises – closing early January
7. Adjournment - next meeting – Friday February 11th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 12 November 2021 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Friday 12 November 2021, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, M. Jones, W. Thomas, T. Catlett
Absent: P. Engel
Phone in: G. Ohrstrom
Staff: A. Teetor, R. Couch-Cardillo, B. Stidham

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

Minutes On motion of Ms. Jones, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of October 8, 2021, with minor corrections.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Two were included in the packet, one for the end of FY21 and one for the new FY22. The following summary is for the FY22 report. Current fund balances show a total fund balance of \$320,794 consisting of \$115,478 in the donations account, \$214,478 in stewardship/restricted, and \$-9,162 in local funds. The negative balance for the local funds is due to the New Moon Construction, LLC closing. The reimbursement from VDACS has been received but the appropriation from local funds has not yet been credited. Other expenses were for donor reception invitations, Monk's BBQ, and the updated laminated map.

Public Relations: Ms. Cardillo reported that donations continue to come in, to date there have been 116 donations totaling \$18,644. She stated that fund raising is going well but reiterated that the end of year request is usually when most donation are received. She also asked the group about nominations for the annual land conservation award. Mr. Buckley suggested Chuck Johnston, who was Planning Director at the time of the easement authority's inception and is largely responsible for development of the program. Members agreed he would be an excellent choice. Mr. Buckley will contact him to see if he would be interested in receiving the award.

Ms. Cardillo also asked for suggestions for the year end appeal letter, whether the group wants a general support letter or if they had any ideas for a specific project that donors could help fund. Members decided a general appeal is best at this time.

Discussion

a. review of easement donation criteria – This item was carried over from the last meeting based on an application for an easement donation of a 27 acre parcel that did not meet the current criteria for easement donation. The current criteria for donation for parcels eligible for landuse taxation include a property resource score over 35, retiring a DUR, being adjacent to an existing easement, and being over 40 acres. Applicants must meet 2 of the 4. Ms. Teetor had suggested that the acreage criteria could be reduced from 40 acres to 20 acres, which would make this property eligible. Members discussed the proposal. Ms. Catlett asked staff to determine how many properties would be affected if the acreage were reduced. Mr. Buckley was concerned that if smaller parcels were in easement and therefore eligible for landuse taxation, they would have no reason to continue farming. Members asked what other programs had for criteria, Ms. Teetor provide a summary at the next meeting. Mr. Stidham suggested that if the smaller acreage were allowed perhaps they could be required to be in the Agricultural-Forestal District. The item will be placed on the December agenda for further discussion.

b. Building Envelopes – Ms. Jones requested that the Authority renew its discussion on building envelopes. The concern is that the IRS may soon require building envelopes on all easement properties. The purpose of the requirement is to prevent the random placement of structures throughout a property which could impact the open space and other conservation values of a property. She stated that the Piedmont Environmental Council had hosted a workshop several years ago in Charlottesville that was very informative, there were representatives from the IRS. Mr. Ohrstrom suggested we see about having another workshop covering similar material. He also suggested that we could ask Mike Kane from PEC to come to a meeting to discuss this issue with the Authority. One important consideration when siting envelopes is why areas outside the envelope should be protected.

c. Virginia Tax Credit program – A report was issued earlier this year by Matthew Strickler, then Secretary of Natural Resources, stating that the Commonwealth's tax credit program was discriminatory towards people of color. The claims were rebuked by Conservation organizations but the issue of tax credit inequity is something that the Authority has had to deal with off and on over the years. In the County's case it has more to do with property tax than tax credits for easement donations but still has the impact of negatively portraying the program. Members agreed that it would be helpful to be proactive in explaining land use taxation and how it impacts residents overall. It was suggested that efforts could be made to educate new residents particularly in Berryville. Ms. Felicia Hart, the Director of Economic Development and Tourism is initiating a welcome wagon program for Shenandoah Crossing and members suggested that information about the Easement Authority be included. In addition members agreed that Matt Bass, Berryville Supervisor should be sent a copy of the Cost of Community Services Study that was completed in 2018.

Report on Applications for Easement Purchase/Donation

a. Bruce and Deborah Anderson - have applied to the easement authority for approval of an easement donation. The property consists of two parcels, Tax Map# 30-A-74 consists of 30.76 acres with an existing house and a <600 square foot apartment, and Tax Map# 30-A-74A consisting of 2.0 acres with 1 DUR. The property is located at 97 Tilthammer Mill Road at the intersection of Tilthammer Mill Road and Millwood Road. The applicant would like to retire the remaining DUR and merge the properties. A site visit was conducted on October 26th. The Andersons have a requested advance approval to cover their existing riding arena, an area of approximately 120x220 that equates to 26,400 square feet. The current policy for impervious surface for parcels consisting of between 30 and 40 acres is 20,000 square feet. The Andersons already have several barns and other accessory buildings in addition to the house so they will exceed that limit if permitted to cover the existing arena. Members agreed to postpone final approval to determine the actual square footage of the existing structures.

b. RSP Enterprises – Ms. Teetor stated that since the last meeting the state NRCS office has determined that a National level review will not be required so hopefully we are on tract to close on the easement this year.

c. Lowell Pratt – Ms. Teetor reported the easement was recorded on November 10th.

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

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
SUBJECT: Change to easement evaluation criteria
DATE: December 2, 2021

At the October meeting staff presented an application for easement donation for a 27 acre property that only met one of the criteria for donation, two are required. The current criteria are attached. At the November meeting members asked staff to determine how many parcels are between 20 and 40 acres. There are currently 416 parcels in that acreage range.

Attached are responses from other easement programs regarding acreage limits. Most seemed to agree that smaller parcels need to have exceptional conservation values in order to be placed in easement.

Summary of responses from VaULT members regarding easement acreage criteria

Ashton Cole – Land Trust of Virginia

We don't have a lower-end acreage limit, but the smaller a property is, the more knock-out its conservation values need to be. If we have an opportunity to protect 5 acres of special wetlands, or core battlefield, or some similarly important property, we'll definitely do it. We took one in Fredericksburg a few years ago that was 2.7 acres because it was publicly-accessible open space and a community garden (owned by a small, local non-profit).

Ever Green Team evaluates each proprietary separately without any acreage restrictions. We research and document the conservation values that will be protected or enhanced and then make our decision off of that. For example, a small 10 acre property without any dwellings that is next to a river or other important water source and has valuable habitat for T&E or migratory species may be worth protecting. Each piece of land is different from others when considering all variables such as proximity to water, habitat, # of dwellings, species composition, soil suitability, etc.... These variables present different conservation values for each property and EGT focuses heavily on that.

Joe Daigneau
Vice President
Ever Green Team (EGT)
[757.705.0412](tel:757.705.0412)

here are PEC's criteria:

All conservation easements accepted by PEC must have the following elements ...

- Preservation of the property will promote PEC's mission of safeguarding the landscapes, communities and heritage of the Piedmont.
- Conservation of the property is consistent with the local Comprehensive Plan.
- Preservation of the property must have a clear public benefit.
- The property contains significant natural, agricultural, recreational, educational, scenic or historical resources that meet the criteria of Section 170(h) (4)(A) of the IRS Code (Note: donated easements must meet the IRS code in order to be a qualified charitable contribution from the landowner).

Small properties present unique challenges for conservation and ongoing stewardship. Therefore, for properties of **30 acre or less**, at least one of the following criteria must be met:

- The property must be visible from a designated or eligible scenic Virginia Byway, state Scenic River or public park, publicly-owned conservation lands, a property either listed or eligible for listing on the Virginia Landmarks Register or the National Register of Historic Places, or
- Allow public access for uses consistent with a proposed conservation easement; or,
- Be substantially surrounded by other protected land; or,
- Contain significant natural heritage or historic resources; or
- The conservation values of the property are otherwise deemed critical by the PEC Board of Directors or Executive Committee.

Also from – Chris Miller PEC

Over time, PEC has come to recognize that size should be flexible, depending on the conservation values that are at issue. A small, half acre plot of land may be critical to a riparian area, a habitat, or historic/cultural resource. There may not be a significant economic loss (and therefore limited incentives) but the conservation value should be the primary concern.

That being said, the issue of efficacy and efficiency comes into play. Small properties and easements require potentially as much effort as larger properties. So size can matter, especially in prioritization of limited resources.

Bottom line, PEC has worked on properties of all sizes, The amount of retained division rights for a small property might be an issue, as well as the ability to protect the conservation values, and the allocation of limited resource.

Wesley Woods – easement appraiser

Suggested as Chris Miller stated above that small easements take as much work monitoring as large ones, so the conservation value needs to be readily apparent

When I was running the McLean Land Conservancy, we had no acreage requirements or limits. In fact, we acquired one for Fairfax County along Four Mile Run that was very small, but critical to the headwaters.

VESLT limits to 50 acres unless adjacent to another easement or unusually high conservation value of the property.

Faye Cooper – This is just my 2 cents via my experience. Bigger is certainly better however there have been many exceptions made in the Shenandoah Valley region. I think the first and most important question that has to be answered is what are the conservation values that have public benefits. Here are a few examples here in the Valley:

20-acre Waverley Hill, Staunton -- historic home surrounded by 20 acres of woodland that also has scenic value at a gateway to Staunton

10 acres on the top of Jack Mt. Highland Co. which is a "donut hole" in the middle of the Highland County WMA. Significant viewshed/scenic and wildlife habitat values.

Many riparian easements less than 20 acres held by VCC protecting several Valley streams. Have contributed greatly to water quality improvement by required livestock exclusion and forest buffers. In other words, conservation values are more important than number of acres.

VOF used to have an acreage limit when we were getting a lot of applications (too many for the staff at the time), but we don't now because we have a larger staff and we do a lot of easements with grants for small projects.

F. Bruce Stewart
Staff Attorney
Virginia Outdoors Foundation
402 W. Duke of Gloucester St.
Suite 218
Williamsburg, VA 23185
(757) 253-5508 (O)
(757) 508-6385 (M)

I can answer for both Potomac Conservancy (mostly VA, but also WV & MD), where I worked for ~ 10 years up until August, and the Cacapon & Lost Rivers Land Trust (WV) where I work now. Both typically aim for properties > 100 acres but do not have a hard rule at any acreage. The Conservancy accepted a 30 acre easement not long ago, for example, because it contained unique plant habitat, protected frontage along a priority waterway, and had a compelling recreation component.

VCC does not have acreage limits – however we tend to find that in our counties, easements less than 50 acres tend to cost the landowner more money than they will receive back in the form of tax credits should they choose to donate an easements. Unless a landowner is willing to make an investment in conserving their property, this tends to discourage smaller easements. We also like to see exceptional conservation values (riparian areas, historic resources, rare species) in smaller parcels.

Taylor Evans
Land Protection Specialist
Valley Conservation Council
[540-358-0215](tel:540-358-0215) (cell)

For us, acreage completely depends on the conservation values of the property. A five-acre parcel that has 1,500 feet of Roanoke River frontage might be a higher priority than a 100-acre parcel of generic pastureland with no outstanding conservation values. So, "it depends."

David C. Perry
Blue Ridge Land Conservancy | Central Virginia Land Conservancy | Southern Virginia Land Conservancy
The Lemon House
1305 Maple Ave. SW
Roanoke, VA 24016
(540) 985-0000 ext. 1

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Property Evaluation Criteria
June 2002, amended May 2007, August 2011

The Authority evaluates parcel(s) proposed for conservation easement based on the following criteria:

In order to be eligible for Easement donation or purchase the parcel must be located in the Agricultural-Open Space-Conservation (AOC) or Forestal-Open Space-Conservation (FOC) zoning district.

Easement Donation

If the parcel is currently in or eligible for use value taxation, in accord with the Commissioner of Revenue's requirements, then a donation may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

If the parcel is not eligible for use value taxation, then a donation may be considered if it meets at three of the four following criteria:

- 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) it is adjacent to another easement;
- 4) the parcel offers protection of a locally significant natural or historic feature, as determined by the Easement Authority.

Easement Purchase

If the parcel is currently in or eligible for use value taxation, in accord with the Commissioner of Revenue's requirements, then a 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.

If the parcel is not eligible for use value taxation, then a purchase may be considered if it meets at least three of the four following criteria:

- 1) the parcel's Property Resource Score is at least 50;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) it is adjacent to another easement;
- 4) the parcel offers protection of a locally significant natural or historic feature, as determined by the Easement Authority.

16th Virginia Land Conservation and Greenways Conference
April 27-29, 2022, Richmond Downtown Hilton



December 2, 2021

Alison Teetor
Clarke County Easement Authority
101 Chalmers Ct.
Berryville, VA 22611

Dear Alison,

Thank you for the Clarke County Easement Authority's prior support of the Land Conservation & Greenways Conference! We are writing to ask for your sponsorship for the 2022 Land Conservation & Greenways Conference.

This will be our 16th conference but the **first in-person conference in three years**. The VaULT conference is a key forum for land conservation professionals to advance land conservation and greenways policies and partnerships. And one important way VaULT delivers on our mission of providing education and training **to ensure we collectively have the knowledge and skills to achieve widespread protection of the Commonwealth's natural, cultural, and scenic resources, ensuring their long term benefits for all Virginians**.

Attendees include land conservation and greenway leaders including local planners; state and federal staffers; land trust staff and board members; appraisers, lawyers, and other practitioners; and local nonprofits and advocates. Cross-discipline participation, contemporary learning, and networking is what the conference is all about.

The 2022 conference theme is Thrive. Content will be covered in four tracks: Trails, Greenways, & Blueways; Plants, Trees, Water, & Wildlife; Community Partnerships; and Best Practices for Easement Holders (beginner and advanced sessions).

We hope we can count on your support! We are happy to speak with you further about the 2022 Virginia Land Conservation and Greenways Conference. Please reach out with any questions, eshepard@vaunitedlandtrusts.org, 540-529-1595. Looking forward to hearing from you!

Sincerely,

A handwritten signature in cursive script that reads 'Ellen P. Shepard'.

Ellen Shepard
VaULT Executive Director

*Contributions should be made payable to VaULT, and sent to 4308 Newport Dr., Richmond, VA 23227.
The Tax ID number for VaULT is 81-4763271.*



2022 Sponsor Levels and Benefits
16th Virginia Land Conservation & Greenways Conference
April 27-29, 2022, Richmond Downtown Hilton
Thank you for your support!!

\$5,000 Major Sponsor

Special Activity Sponsor

- ❖ Sponsor keynote speaker session or
- ❖ Sponsor offsite reception
- Time at the podium to introduce the keynote speaker or make comments at the reception.
- Listing on promotional materials including link to sponsor through VaULT website
- Recognition throughout the conference on conference materials
- Display table in the exhibit area, includes one draped six-foot table and two chairs
- 3 complimentary registrations

\$2,500 Diamond Sponsor

Special Activity Sponsor

- ❖ Field Trips Underwriter (supporting cost of transportation and equipment),
- ❖ Wednesday night social hour, or
- ❖ Friday morning breakfast roundtables
- Listing on promotional materials including link to sponsor through VaULT website
- Recognition throughout the conference on conference materials
- Display table in the exhibit area, includes one draped six-foot table and two chairs
- 2 complimentary registrations

\$1,250 Gold Sponsor

- Listing on promotional materials including link to sponsor through VaULT website
- Recognition throughout the conference on conference materials
- Display table in the exhibit area, includes one draped six-foot table and two chairs
- 1 complimentary registration

\$500 Silver Sponsor

- Listing on promotional materials including link to sponsor through VaULT website
- Display table in the exhibit area, includes one draped six-foot table and two chairs

\$250 Bronze Sponsor

- Listing on promotional materials including listing on VaULT website

*Contributions should be made payable to VaULT, and sent to 4308 Newport Dr., Richmond, VA 23227.
The Tax ID number for VaULT is 81-4763271.*

JAS - E Johnson
AS OF 12/2/2021

FY21 NOT FINAL
FY2022

Fund 235 - Conservation Easement Balances

SOY FY22 - ESTIMATED

Fiscal Year 2022

	Total Fund Balance	Donations	Stewardship/Restricted Funds Account	Local Funds
	356,559	113,355	215,557	27,647
July Rev/AR	1,350	1,350	92	0
July Exps/AP	-55	-55	-250	-80,713
Aug Rev/AR	240	240	92	40,778
Aug Exps/AP	-2,413	-2,413	0	0
Sept Rev/AR	5,165	5,165	89	0
Sept Exps/AP	-2,760	-2,760	0	-165
Oct Rev/AR	3,255	3,255	92	4,064
Oct Exps/AP	-2,558	-2,558	-1,103	-245
Nov Rev/AR	3,130	3,130	0	4,444
Nov Exps/AP	-1,367	-1,367	0	-288
Dec Rev/AR	0	0	0	0
Dec Exps/AP	0	0	0	0
Jan Rev/AR	0	0	0	0
Jan Exps/AP	0	0	0	0
Feb Rev/AR	0	0	0	0
Feb Exps/AP	0	0	0	0
Mar Rev/AR	0	0	0	0
Mar Exps/AP	0	0	0	0
YTD Rev/AR	62,791.61	13,140	366	49,286
YTD Exps/AP	92,323.99	9,153	1,353	81,818
Adjustments	0			
YTD FUND BALANCE (AR & AP)	327,026	117,341	214,570	-4,885

Emily Johnson: Moon Easement Purchase
 Emily Johnson: Moon-VDACS Reimbursement
 Emily Johnson: Landuse Rollback Tax \$4,063.68
 Emily Johnson: Landuse Rollback Tax \$4,444.29

VDACS
 75,738.77 Expires 12/31/2021 (FY2019)
 58,333.00 Expires 12/31/2021 (FY2020)
134,071.77
 -40,356.50
 -61,827.10
 31,888.17 AVAILABLE Estimated YTD BALANCE-VDACS

Anticipated Easement Closings:
 Moon Property CLOSED Actual Exp/Rev Above
 Smithfield Farm TBD

ESTIMATED YTD FUND BALANCE 327,026 117,341 214,570 -4,885

FY22 Expenditure Appropriations	Appropriated	Actual Expenses	Appropriated Balance Remaining
General Expenses	45,000	11,611	33,389
Lizzie Moon Property	80,713	80,713	0
Smithfield Farm	570,070	570,070	0
	695,783	92,324	0

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

Through 12/2/21

Conservation Easement Expense Detail - FY22

FY21 NOT FINAL

	Donations	Stewardship	Local Funds
<u>JULY</u>	55.00 Winchester Printers	157.89 Bradley Comeaux Inspections 91.84 Bradley Comeaux Mileage <u>249.73</u>	80,713.00 CE Purchase - Lizzie Moon Property <u>80,713.00</u>
<u>AUGUST</u>	55.00 500.00 Gloria Marconi - Banner 960.00 Robin Couch Cardillo 550.65 Photo Exhibit postcards 105.27 Banner 297.00 Magnets <u>2,412.92</u>	0.00	0.00 407.50 Hall, Monahan, Engle legal services July 165.00 Hall, Monahan, Engle legal services Aug
<u>SEPT</u>	450.00 Gloria Marconi Summer 21 Newsletter 955.34 Winchester Printers Summer 21 1,280.00 Robin Couch Cardillo-report prep 75.00 Gloria Marconi ESMT Revisions <u>2,760.34</u>	0.00	572.50
<u>OCT</u>	126.35 A. Teator Con. Easement Map 581.35 Winchester Printers - CCEA Reception Invite 1,850.55 Monks BBQ CCEA Donation Reception <u>2,558.25</u>	1,000.00 Benjamin Rogers Intern 103.09 Benjamin Rogers Mileage	162.50 Hall, Monahan, Engle legal services Sept 82.50 Hall, Monahan, Engle legal services Sept
<u>NOV</u>	550.00 Gloria Marconi ESMT Fall'21 Newsletter 816.66 Robin Couch Cardillo Reports ESMT Meeting <u>1,366.66</u>	1,103.09	245.00 287.50 Hall, Monahan, Engle legal services Oct
YTD Totals	<u>Donations</u> <u>9,153.17</u>	<u>Stewardship</u> <u>1,352.82</u>	<u>Local Funds</u> <u>81,818.00</u>



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

December 2, 2021

Clarke County Conservation Easement Authority
Fundraising Report
December 2021 meeting

Donor Statistics

See attached Master Report

- 2021 year-to-date total: \$20,474 from 132 donations

Ongoing

-Year-end appeal

- Being printed/mailed

-Wingate Mackay-Smith Land Conservation Award

- Finalize Chuck Johnston as 8th honoree?
- February 11, Millwood Country Club for award luncheon, 11:00 am meeting and 12:00 lunch/award
- Invite last year's winners (Cool Spring /Shenandoah University and American Battlefield Trust)

-General brochure on conservation easements

- In the works, similar style as *Nine Myths*

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
SUBJECT: Anderson building square footage
DATE: December 2, 2021

The Andersons have applied for an easement donation for their properties Tax Map#'s 30-A-74 & 30-A-74A. The total acreage is 32.76 acres. Based on policy developed by the Easement Authority, the maximum square footage of building footprint allowed on parcels between 30 and 40 acres is 20,000 square feet. The current square footage of structures on the property according to the assessment data is 10,793 sq. ft.. The Anderson's have submitted the following request:

Our uncovered arena is 120' x 220'. If we were to build a covered arena in the same place, it would probably be about 100' x 200'. Therefore, the covered area for the arena alone would be 20,000 square feet. We would want to have an exception to allow for this in addition to the 20,000 foot cap to allow for the possible extension of existing structures. As discussed, we are not considering any new structures on the property. The only other stand-alone structures we may build in the future would be run-in sheds for our horses which, of course, are covered.

I think it would be best to simply ask for an exemption to accommodate the entire arena (not to exceed 20,000 square feet of covered space) and to treat this as an exempted structure. We would like to preserve the difference between what we have now, 10,800 square feet, and the cap for a lot our size, 20,000 square feet, or 8,200 square feet, to allow for possibly improvements to existing structures. For example, we have considered extending the master bathroom in the main house and adding a covered porch. We do not want to be unduly constrained in making improvement to existing structures because of limits on total roof area.