

CLARKE COUNTY
Conservation Easement Authority
Friday – 8 July 2022 – 10:00 am
A/B & Main Conference Room, 2nd Floor Government Center

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes of the meeting of 10 June 2022
4. Bank Account balances
5. Campaign for the Authority
6. Discussion Items
 - a. Policy development – large agricultural structures /Building Envelope requirement
 - b. Update Kohn well
7. Easement Donation/Purchase
 - a. Ellen Dupuy – rev from donation to DUR purchase
8. 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.
9. Adjournment – The next meeting is scheduled for Friday July 8th 10 am

CLARKE COUNTY
Conservation Easement Authority
draft Minutes – 10 June 2022 draft

A regular meeting of the Conservation Easement Authority was held at 10:00 am on Friday 10 June 2022, in the A/B conference room, 2nd Floor Government Center.

Present: R. Buckley, R. Bacon, T. Catlett, and W. Thomas
Absent: G. Ohrstrom, M. Jones
Phone in: John Hedlund
Staff: A. Teetor, J. Feaga, R. Couch-Cardillo, Hallie Harriman, PEC (phone in)

Call to Order Mr. Buckley called the meeting to order at 10 am.

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

Minutes On motion of Mr. Hedlund, seconded by Ms. Bacon, the Authority unanimously voted to approve the minutes of May 13, 2022, with corrections. Ms. Catlett abstained. On motion of Ms. Bacon, seconded by Ms. Thomas, the Authority unanimously voted to approve the minutes of May 24, 2022 special meeting.

Bank Account: Ms. Teetor reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$288,078.44 consisting of \$132,757.65 in the donations account, \$235,122.88 in stewardship/restricted, and \$-79,802.09 in local funds. The Board of Supervisors did approve funding the Murphy DUR purchase out of the General Fund. The negative balance in the local funds account is because we have not received reimbursement from VDACS. We should receive those funds prior to the July meeting. Monthly expenses were for the production of the spring newsletter and the Murphy closing.

Public Relations: Ms. Cardillo stated that donations continue to come in and so far in 2022 we have received \$9,692 from 71 donors. She has been organizing the 20th Anniversary celebration schedule for June 16th from 5-7 pm at Long Branch. She told members that rather than printing photos, at considerable cost, she would like to project a revolving slide show of pictures from past events and newsletters. To date approximately 30 people have responded. Members discussed logistics of the celebration, Mr. Buckley agreed to get wine and beer, and Ms. Cardillo will pick up soft drinks and snacks. The plan is for Mr. Buckley to give some opening remarks around 5:30, followed by Mr. Weiss and Ms. Mackay-Smith. Ms. Harriman will bring maps showing easements throughout the region. Ms. Cardillo will bring some of the Take a Hike brochures. Regarding the Conservation Easement Information Workshop to be held this fall, Ms. Cardillo is still waiting on the Barns to provide possible dates. Ms. Teetor will contact Mr. Middleton once a date or dates has been selected.

Discussion

a. Powhatan School request for composting toilets – Mr. Feaga summarized the staff report provided in the packet. The school provided documentation regarding the size, type, location of the proposed composting toilet and the area for burying the composted material. The Health Department and Building Department have approved the installation. On motion of Ms. Thomas, seconded by Ms. Bacon the Authority unanimously approved the design and siting of the composting toilet and burial area.

b. **Policy Development – large agricultural structures/Building envelope requirement –** Staff provided additional material regarding the large agricultural structures and building envelopes. Ms. Teetor suggested that criteria could be developed that would apply to the siting of both. Mr. Buckley stated though it would be nice to avoid siting structures on prime soils, it is not always practical as most other areas are rocky. Ms. Thomas restated that each property should be looked at on a case by case basis. Others agreed that we don't want to scare landowners away from doing easements if they are too strict. Mr. Buckley stated that if a large structure is built on eased land, the Authority will at least have control over siting and construction materials. A question came up regarding the IRS as to whether or not amount of impervious surface was part of their concern or just building envelopes. Ms. Harriman stated that the primary concern of the IRS is insuring that buildings aren't located haphazardly. Mr. Buckley brought up the case of the "farm" road in outside of Warrenton that ended up being a go cart track. Ms. Harriman stated that the PEC deed template requires that landowners contact them prior to any construction or land disturbance. Members continued to discuss the proposed criteria and were concerned about the allowable uses in large buildings. Ms. Harriman said that PEC limits parking which essentially limits certain types of uses such as large event centers, breweries, or other such commercial enterprises. Ms. Harriman will provide staff with a copy of the section of their deed template that addresses these issues. Ms. Teetor stated that the County's current deed template also addresses these uses. Staff was asked to provide a draft policy at the July meeting.

c. **Kohn property well/lease –** Mr. Feaga provided an update on the status of the Kohn well. He stated that he had the well chlorinated and flushed before taking a second sample. Unfortunately the lab could not test the 2nd sample as it contained too much chlorine. There was no charge for the analysis. He will sample again later this month. At the last meeting members asked to see a copy of the lease describing the responsibilities for the Potomac Appalachian Trail Club (PATC) and the County. Page 10 of the lease states that PATC shall be responsible for all utilities. Member discussed whether or not this should include the well and agreed that utilities would include items like electric, phone or gas, not the well and septic systems.

Report on Applications for Easement Donation

a. **Ellen Dupuy – easement donation – new application.** Ms. Dupuy has applied for an easement donation for the property identified as Tax Map# 24-A-25 located at 264 Bell Lane. The property consists of 88.25 acres, with 4 remaining DURs, and an existing house built in 1900. The house is in poor condition and would likely be demolished. Ms. Dupuy would like to retire 3 DURs and keep 2, allowing for a primary and secondary dwelling with no subdivision. The property meets all of the 4 criteria. The property resource score is 65.04, the parcel is greater than 40 acres, is retiring 3 DURs, and is adjacent to two existing easements. On motion of Ms. Bacon, seconded by Ms. Thomas members gave preliminary approval to the easement donation and asked staff to schedule a site visit.

Adjournment There being no further business, Ms. Bacon moved and Mr. Hedlund seconded that the Authority adjourn to the next regularly scheduled meeting Friday July 8th in the Government Center A/B/Conference room at 10 am. The motion to adjourn was approved unanimously.

Randy Buckley, Chair

Alison Teetor, Clerk to the Authority

JAS - E Johnson
AS OF 06/29/2022

FY2022

Fund 235 - Conservation Easement Balances

	Total Fund Balance	Donations (128)	Stewardship/Restricted Funds Account (210)	Local Funds (000)	
SOY FY22	356,558	113,354	215,557	27,647	
Fiscal Year 2022					
July Rev/AR		1,350	92	116,799	Emily Johnson: Transfer from GF for easement purchases
July Exps/AP		-55	-250	0	
July Exp Moon Easement Purchase				-80,713	
Aug Rev/AR		240	92	40,855	Emily Johnson: Moon-VDACS reimbursement
Aug Exps/AP		-2,413	0	0	
Sept Rev/AR		5,165	89	82	Emily Johnson: Landuse Rollback Tax \$4,063.68
Sept Exps/AP		-2,760	0	-573	
Oct Rev/AR		3,255	92	4,163	
Oct Exps/AP		-2,558	-1,103	-245	Emily Johnson: Landuse Rollback Tax \$4,444.29
Nov Rev/AR		3,430	89	4,542	
Nov Exps/AP		-1,367	0	-924	Emily Johnson: Landuse Rollback Tax \$1,936.69
Dec Rev/AR		11,084	22,550	2,003	
Dec Exps/AP		-3,464	0	-165	Emily Johnson: CE Stewardship annual state funds \$22,456.99
Dec Exp Smithfield Farm Purchase				-570,070	
Jan Rev/AR		6,085	103	5,699	Emily Johnson: Landuse Rollback Tax \$5,699.11
Jan Exps/AP		0	-2,500	-750	
Feb Rev/AR		504	107	121,875	
Feb Exps/AP		-96	0	-495	Emily Johnson: Landuse Rollback Tax \$8,617.17
Mar Rev/AR		2,853	106	92,074	
Mar Exps/AP		-1,908	0	-7	Emily Johnson: Landuse Rollback Tax \$6,386.67
Apr Rev/AR		1,650	98	293,031	
Apr Exps/AP		-1,728	0	-19	
May Rev/AR		1,226	101	6,387	
May Exps/AP		-1,090	0	0	
Murphy Property Purchase				-141,000	Emily Johnson: VDACS-Murphy to be received in June
June Rev/AR		0	0	142,275	
June Exps/AP		-1,629	-306	-2,701	
YTD Rev/AR	890,147.00	36,841.82	23,519.35	829,785.83	
YTD Exps/AP	820,886.97	19,067.86	4,158.46	797,660.65	
Adjustments	0				
YTD FUND BALANCE (AR & AP)	425,818.52	131,128.13	234,918.08	59,772.31	

ESTIMATED YTD FUND BALANCE 425,819 131,128 234,918.08 59,772

FY22 Expenditure Appropriations	Appropriated	Actual Expenses	Appropriated Balance Remaining	
General Expenses	45,000	28,939	16,061	Clarke County: includes expenses not specifically designated to an easement (including donation, stewardship and monthly Hall, Monahan expenses).
Lizzie Moon Property	80,713	80,713	0	
Smithfield Farm	570,235	570,235	0	
Murphy	141,000	141,000	0	
	836,948	820,887		

Through 06/03/2022

Conservation Easement Expense Detail - FY22

	Donations (128)	Stewardship (210)	Local Funds (000)
July	55.00 Winchester Printers	157.89 Bradley Comeaux inspections 91.84 Bradley Comeaux Mileage	80,713.00 CE Purchase - Lizzie Moon Property
	<u>55.00</u>	<u>249.73</u>	<u>80,713.00</u>
August	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>	<u>0.00</u>	<u>0.00</u>
Sept	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		407.50 Hall, Monahan, Engle legal services July 165.00 Hall, Monahan, Engle legal services Aug
	<u>2,760.34</u>	<u>0.00</u>	<u>572.50</u>
Oct	126.35 A. Teetor Con. Easement Map 581.35 Winchester Printers - CCEA Reception Invite 1,850.55 Monks BBQ CCEA Donation Reception	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>2,558.25</u>	<u>1,103.09</u>	<u>245.00</u>
Nov	550.00 Gloria Marconi ESMT Fall'21 Newsletter 816.66 Robin Couch Cardillo Reports ESMT Meeting		287.50 Hall, Monahan, Engle legal services Oct 636.00 Purchase Power Postage
	<u>1,366.66</u>	<u>0.00</u>	<u>923.50</u>
Dec	560.00 Robin Couch Cardillo CEA Preprints/Meetings 200.00 Gloria Marconi Design/Prod. EOY letter 1,503.94 Winchester Printers Annual Appeal Printing 1,200.00 Eric Wright-Tent Rentals		165.00 Hall, Monahan, Engle RSP docs for closing 570,069.80 Hall, Monahan, Engle Smithfield Farm Property
	<u>3,463.94</u>	<u>0.00</u>	<u>570,234.80</u>
Jan		2,500.00 Singhas & Michael Kohn Well Repairs	750.00 Hall, Monahan, Engle legal services Dec
	<u>0.00</u>	<u>2,500.00</u>	<u>750.00</u>
Feb	96.00 WordPress.com Premium		495.00 Hall, Monahan, Engle legal services Jan
	<u>96.00</u>	<u>0.00</u>	<u>495.00</u>
Mar	538.00 Robin Couch Cardillo CEA services 450.00 Gloria Marconi Design/Prod. Winter 2022 90.00 Trust - CEA award 560.00 Robin Couch Cardillo CEA services 250.00 Vault - Annual Conf Sponsor 20.00 Crown Trophy Annual Awards		6.96 Purchase Power - Postage
	<u>1,908.00</u>	<u>0.00</u>	<u>6.96</u>
Apr	1,087.58 Winchester Printers winter newsletter 640.00 Robin Couch Cardillo CEA March		19.29 Purchase Power - Postage
	<u>1,727.58</u>	<u>0.00</u>	<u>19.29</u>
May	450.00 Gloria Marconi Design CEA Spring Newsletter 640.00 Robin Couch Cardillo CEA April 2022		141,000.00 Hall, Monahan, Engle Murphy Farm Property
	<u>1,090.00</u>	<u>0.00</u>	<u>141,000.00</u>
June	667.73 Winchester Printer-CEA Anniversary Celeb 320.00 Robin Cardillo Services for CEA 18.00 Doman Registration 609.36 Winchester Printers-Brochures 14.08 USPS CEA Packets	115.50 Coliform Bacteria Test Kohn Prop 75.00 Chlorinated Well Kohn Property 60.50 Coliform Bacteria retest Kohn Prop 54.64 D. Dorsey Mileage	2,700.60 Hall, Monahan, Engle legal services Mar-May
	<u>1,625.17</u>	<u>305.64</u>	<u>2,700.60</u>
YTD Totals	Donations 19,067.86	Stewardship 4,158.46	Local Funds 797,660.65



ROBIN COUCH CARDILLO

July 1, 2022

Clarke County Conservation Easement Authority
Fundraising Report
July 2022 meeting

Donor Statistics

See attached Master Report

- 2022 year-to-date total: \$10,067 from 79 donations

Ongoing

-Debrief on 20th anniversary celebration for Easement Authority

- More than 70 registered in advance; very good turnout
- Long Branch – lovely venue, easy to work with, helpful
- Other?

-Conservation easement information workshop

- Dates available at Barns of Rose Hill as of 6/22: Wed, Sept 14; Thurs, Sept 22; Wed, Sept 28, Thurs, Sept 29
- Potential speakers

-Summer newsletter

- Topics: 20th anniversary celebration, easement workshop, landowner profile?

MEMORANDUM

TO: Conservation Easement Authority
FROM: Alison Teetor
SUBJECT: Building Envelopes/Large Agricultural Building policy
DATE: June 13, 2022

The easement authority has been discussing the concept of allowing large agricultural buildings such as indoor riding arenas on easement properties. Also being considered is requiring building envelopes on all eased properties. These are two separate issues but there is some overlap particularly with regards to siting new features. The following items are presented to encourage continued discussion of these issues. It is recommended that any final language regarding this policy shall be developed by Mr. Mitchell.

Comments from Brandon Stidham:

I think you need to tie down what can be considered a large agricultural building a little tighter since they can be up to 20,000 square feet (which sounds HUGE to me). I think the building has to be for bona fide farming purposes supported by agricultural tax documents filed with Donna's office. I also think there could be a concern if the original property owner is allowed to build a large ag building for legitimate purposes and a subsequent purchaser uses it for other non-ag purposes.

And I don't think you should allow indoor riding rings. Not ag in my opinion.

Current Policy discussion - Building Envelopes

Mr. Mitchell provided an opinion stating that he finds the requirement of building envelopes on all conservation easements to be advisable. He provided several provisions for the Authority to consider; 1) excluding run in sheds from being required in the envelope, 2) whether or not to require the envelopes be surveyed and 3) that building envelope relocation can be permitted but only with approval from the Authority.

Commented [HH1]: To my knowledge, PEC does not require envelopes to be surveyed. However, approximate siting (size and location) are provided via GIS. The final plat map is included with the recorded easement.

Based on Mr. Mitchell's suggestions and subsequent discussion at the June meeting, members agreed in principle to the following draft policy statements regarding building envelopes, though did not go so far as mandating building envelopes on all easements.

1) Exclude certain types of structures from being required in the envelope:

Run in sheds, loafing sheds, open sided haysheds, and other similar small structures utilized for Agriculture may be located outside the Building Envelope, shall not be located in any setback area or defined viewshed easement, provided that: (i) each singular Structure shall not exceed a footprint of 500 square feet; (ii) the Structures and location of such Structures shall not materially and adversely affect the Conservation Purposes and Conservation Attributes, and (iii) said Structures shall not be used for those uses allowed by Section 3.4. Grantees may approve larger Structures for Agricultural use located outside of the Building Area for reasons the Grantees determine, in their sole discretion, are sufficient to justify an exception to the prohibition. In such cases the location, type, materials, color, size and height of the Structure shall be subject to Grantees' approval.

Commented [HH2]: Location, size, and height are key and I would recommend just highlighting those. The type of structure, materials, and color don't matter so-much as long as the structure itself supports an agricultural need.

2) Building envelopes shall be identified by GPS coordinates on an aerial GIS map or survey plat, no survey is required.

Commented [HH3]: Sounds good!

3) Building envelopes can be relocated but only with approval from the Authority and only if the envelope is vacant. In all cases building envelopes shall be located so as to minimize impacts on the conservation values.

Commented [HH4]: Good language to have

Current Policy discussion - Large Agricultural Buildings

One consideration regarding use of building envelopes is to require them when permitting large agricultural buildings:

In order to be granted approval for exceeding the collective square footage allowances the following conditions must be met:

- 1) Large agricultural buildings shall be located within building envelopes
- 2) Building envelopes must be located so as to minimize impact to identified conservation resource areas including, but not limited to:
 - a. Streams, wetlands, springs
 - b. Scenic roads
 - c. Hill tops or other visible locations
 - d. Prime farmland soils
 - e. Sinkholes
 - f. Groundwater recharge area
 - g. Property line setbacks
 - h. Slopes > 25%
 - i. Other features as determined by the Authority
- 3) The Authority shall review and approve all building design and materials
- 4) There is no impervious surface (square footage) limit within building envelopes, however under no circumstance shall any one building exceed 20,000 square feet.
- 5) If existing vegetation is screening the building envelope or large structure, this must be maintained in perpetuity through replanting.
- 6) The Property owner must comply with certain requirements/meet criteria
 - a) a DUR must be retired – new application
 - b) the landowner must provide some form of mitigation to offset the impact of the large building choose 1
 - i) create rain garden
 - ii) plant trees/buffer
 - iii) create wildlife habitat or develop a pollinator garden
 - iv) stream fencing/offsite watering
 - v) other

Commented [HH5]: Just as a note, sometimes it makes more sense to locate large agricultural buildings away from residential structures. Just make sure the language is loose enough that you don't lock yourself in.

Commented [HH6]: Maybe try this wording: "Future structures may be limited to preserve the view from such public places as roads, rivers, parks, outlooks, etc. or to protect a natural or historic resource particular to the property. Specifically, structures may be limited to specific "Building Envelopes" or prohibited from no-build areas on the property. CEA staff will work with you to determine the optimal configuration of these areas based on your property's geographic layout, the conservation values protected by the easement, and your needs as a landowner."

Commented [HH7]: What if the whole property is considered "prime farmland"?

Commented [HH8]: Is this referring to mitigation planting? Say if someone needs to cut down trees to build

Commented [HH9]: I think this type of mitigation should be on a case by case basis. It could also be difficult to enforce and might be distasteful for some landowners (re: property rights vs. how much control an easement holder should have)

Other Considerations:

- 1) Are there areas where large structures or building envelopes cannot be approved?
- 2) Each property is unique and must be looked at on a case by case basis
- 2) Should there be limits on the size and number of building envelopes or should that be case by case?

Commented [HH10]: I think there should be limits on the size and number of building envelopes, with the caveat that the CEA reserves the right to authorize anything additional (pending a proposal from the landowner)

3) Should large buildings be limited based on parcel size?

4) Is 20,000 sq ft large enough?

5) Should we use definitions for different areas on the property such as:

"Farmstead Area" is defined as area(s) depicted in Exhibit B, that centers on existing farm structures or future planned structures.

"Conservation Area" is defined as the area depicted in Exhibit B, which contains unique or important natural resources.

"Farm Area" is defined as the remaining area of the farm, depicted in Exhibit B.

Commented [HH11]: 20,000 sq. ft. is BIG. You may want to consider reducing it. PEC tries to keep residential structures at 3,000 sq. ft. and farm buildings up to 4,500 sq. ft. Working farms can request up to 10,000 sq. ft. for a structure.

Commented [HH12]: I would recommend keeping this section as simple as possible. Notate riparian zones, the building envelope, road setbacks, and no-build zones (as needed)

Activity and uses Section from Clarke County Deed Template

3.4 ACTIVITIES AND USES:

A. Residential Uses: permanent Residential Uses are permitted within the limitations set forth in Section 3.3.

B. Industrial and/or Commercial Uses: – Industrial or commercial activities on the Property are prohibited except for the following:

(i) agricultural production and related uses; (ii) renewable energy production for the purpose of generating energy for the agricultural and residential needs of the Property; (iii) the sale of excess power generated in the operation of such renewable energy structures and associated equipment or other energy structures that Grantee approves in writing as being consistent with the conservation purposes of this Easement; (iiiiv) temporary or seasonal activities or events that do not permanently alter the physical appearance of the Property and that do not harm the agricultural use, future viability, and related conservation values of the Property herein protected, upon review and prior written approval of Grantee., however such activities that exceed 150 persons attending an event for compensation occurring for more than a total of five event days in a calendar year, are prohibited; (viiiv) activities that can be and in fact are conducted within permitted buildings without material alteration to their external appearance. (viiiv) commercial enterprises related to agriculture or forestry including but not limited to processing, packaging, and marketing of farm or forest products, and farm machinery repair and commercial enterprise activities related to interpretation of the Property's historic or archaeological resources.

C. Activities to restore or enhance wetlands ~~or and/or riparian areas streams~~ or to restore, enhance, or develop other ecosystem functions on the Property including, but not limited to, stream bank restoration, wetland and stream mitigation, biological carbon sequestration and biodiversity mitigation shall be permitted, provided that such activities are not in conflict or inconsistent with the conservation purpose of or the restrictions set forth in this Easement and that prior written approval for same shall have been obtained from Grantee. Grantee is not responsible for monitoring any such activities and has no obligation to enforce the provisions of any permit(s), restriction(s), or easement(s) therefore. Subject to Grantee's approval, Grantor is free to participate in same in Grantor's discretion and to retain any remuneration derived therefrom.

Commented [HH13]: Yes, good language

D. Notwithstanding any other provision of this Easement, no commercial recreational uses are permitted, except for de minimis commercial recreational uses.

E. The provisions of this Easement and associated exhibits shall not be interpreted to restrict the types of agricultural operations that can function on the Property, so long as the agricultural operations are consistent with the long-term viability of the Property and Easement purposes, and do not violate Federal laws, including Federal drug laws. No uses shall be permitted that decrease the Easement's protection for the current agricultural use and future agricultural viability of the Property, as well as protection of related conservation values of the Property. Permitted uses of the Property include the specific uses allowed in Section 3.4.B.(i)-(v) and the following activities, subject to the qualifications stated below:

(i) Agricultural Production – The production, processing, and marketing of agricultural crops and livestock.

(ii) Forest Management and Timber Harvest – Forest management and timber harvesting, provided it is carried out, to the extent practicable, in accordance with current, generally accepted best management practices (defined by the Virginia Department of Forestry) for the sites, soils, and terrain of the Property.

Commented [HH14]: I recommend that you require landowners obtain an actual forest and timber management plan from VDOF if there is monetary gain involved. The removal of invasive species and dying/dead trees should also be addressed.

PEC Deed Template

2. BUILDINGS AND OTHER STRUCTURES:

No permanent or temporary Structure shall be constructed, placed, or erected on the Property other than:

A. RESTRICTIONS ON NUMBER AND SIZE OF PERMITTED STRUCTURES.

Grantor shall be permitted and limited to the following:

- i. Residences. One (1) Building containing a Residence, such as detached or attached dwellings, barn or garage apartments, which may be used by one or more persons or families.
 - a. Any Building containing such Residence or a portion thereof shall not individually exceed three thousand, five hundred (3,500) square feet of Ground Area without Grantee's Prior Written Approval.
 - b. Intentionally Blank
 - c. The one Existing Structure containing a Residence on the Property, located at 1234 Bird Lane, Purcellville, VA 30001 and having a Ground Area of approximately Two Thousand Three Hundred Forty (2,340) square feet and, further, described as the Main house and attached back deck in the Baseline Documentation Report, shall be counted as the one permitted Building containing a Residence and in the permitted square feet of Ground Area.
- ii. Structures Appurtenant to Residences. Structures commonly and appropriately incidental to the Residences permitted in Paragraph II.A.i and sized appropriately to serve as subordinate appurtenances to such Residences are permitted, provided that the aggregate Ground Area for all such Structures shall not exceed two thousand, five hundred (2,500) square feet in Ground Area.
- iii. Agricultural Structures. Agricultural Structures are permitted, except that an Agricultural Structure exceeding two thousand, five hundred (2,500) square feet in Ground Area shall not be constructed on the Property unless Prior Written Approval for the Agricultural Structure shall have been obtained from Grantee. For purposes of this paragraph (iii), an Agricultural Building or Structure shall mean a building or structure originally constructed and used for the activities specified in Sections (7)(A)(i), (iii), and (iv).

- iv. Small-Scale Miscellaneous Structures. Small-Scale Miscellaneous Structures (defined below), the existence of which is consistent with the Conservation Purposes of this Easement and which will not impair the Conservation Values protected herein are permitted. Such Structures shall be limited to stream crossings (including Structures over the Riparian Protection Zone to access crossings), fencing poles and/or trellising, walls, permitted signs, mailboxes, feeding and watering troughs, or other Structures that do not individually exceed three hundred (300) square feet in size (“Small-Scale Miscellaneous Structures”).
- v. Intentionally Blank.
- vi. Temporary Structures Temporary Structures on the Property, such as, but not limited to, tents, platforms, stages, and porta-potties are permitted, provided that such temporary structures (a) shall be used for no more than ten (10) days during each calendar year; (b) shall be removed from the Property, or stored within another permanent Structure permitted on the Property, and the area occupied by such structures is restored to the approximate condition of the surrounding undisturbed land within thirty (30) days of the completion of the event or activity for which such structures were provided, or within thirty (30) days of the end of the consecutive ten-day period allowed for use of such structures, whichever first occurs; and (c) are used only for an activity or use that is expressly permitted on the Property by another provision of this Easement.

Grantee shall be permitted to give its Prior Written Approval for Structures that exceed the Ground Area limitations provided above, but in all cases such Prior Written Approval shall be subject to the Impervious Coverage limitation provided below in Section II.6.

B. LOCATION OF STRUCTURES:

- i. Limited Building Area. One (1) Limited Building Area is hereby established on the Property, with said Limited Building Area containing approximately Two and eight-tenths acres (2.8) acres and its location shown on Exhibit 1: Sketch Plat for Conservation Easement.
- ii. Structures Permitted Outside Limited Building Area. Except as provided in Subparagraph B. iii following, no Buildings and Structures shall be permitted outside the Limited Building Area except for the following: (1) Small-Scale Miscellaneous Structures.

- iii. Existing Structures. Existing Structures may be used, maintained, and replaced in their current locations, as shown in the Baseline Documentation Report. Any Structure not shown in the Baseline Documentation Report shall be located in accord with the following Section II.2.B.iv. Existing Structures that are located within the Limited Building Area may be enlarged or replaced, subject to the limitations of Section II.2.A regarding the number and size of permitted Structures.
- iv. New Structures. Structures not shown in the Baseline Documentation Report shall be located within the Limited Building Area, except as provided in Section II.2.B.ii.
- v. Confirmation of Proposed Location for New Structures. Prior to construction of any new Structure subject to this Section II.2 that individually exceeds two thousand, five hundred (2,500) square feet in Ground Area, Grantor shall provide Notice to Grantee in the manner provided in Section V.8. to confirm that the proposed new Structure complies with this Section II.2.

3. ROADS

- A. Except for Roads or Access Easements currently existing on the Property and shown in the Baseline Documentation Report, which may continue to be used and maintained as they existed on the Effective Date, no Roads or Access Easements shall be permitted on the Property except for the following:
 - i. Private Roads to serve Structures permitted under Section II.2.; Private Roads and Access Easements exclusively serving property of the Grantor adjacent to the Property and owned by the Grantor on the Effective Date; and Roads for Activities and Uses permitted under Section II.7.
 - ii. Private Roads and Access Easements to serve adjacent properties, provided that such Private roads or Access Easements have Grantee's Prior Written Approval.
 - iii. Private Roads and Access Easements that serve Utilities permitted below in Section II.4.
 - iv. Parking Areas for vehicles including, but not limited to automobiles and farm equipment, to serve Activities and Uses permitted under Section II.7, provided that parking areas shall not be designed, constructed, or maintained to serve more than 10 vehicles, nor exceed 3,500 square feet of Ground Area, whichever is less,

MEMORANDUM

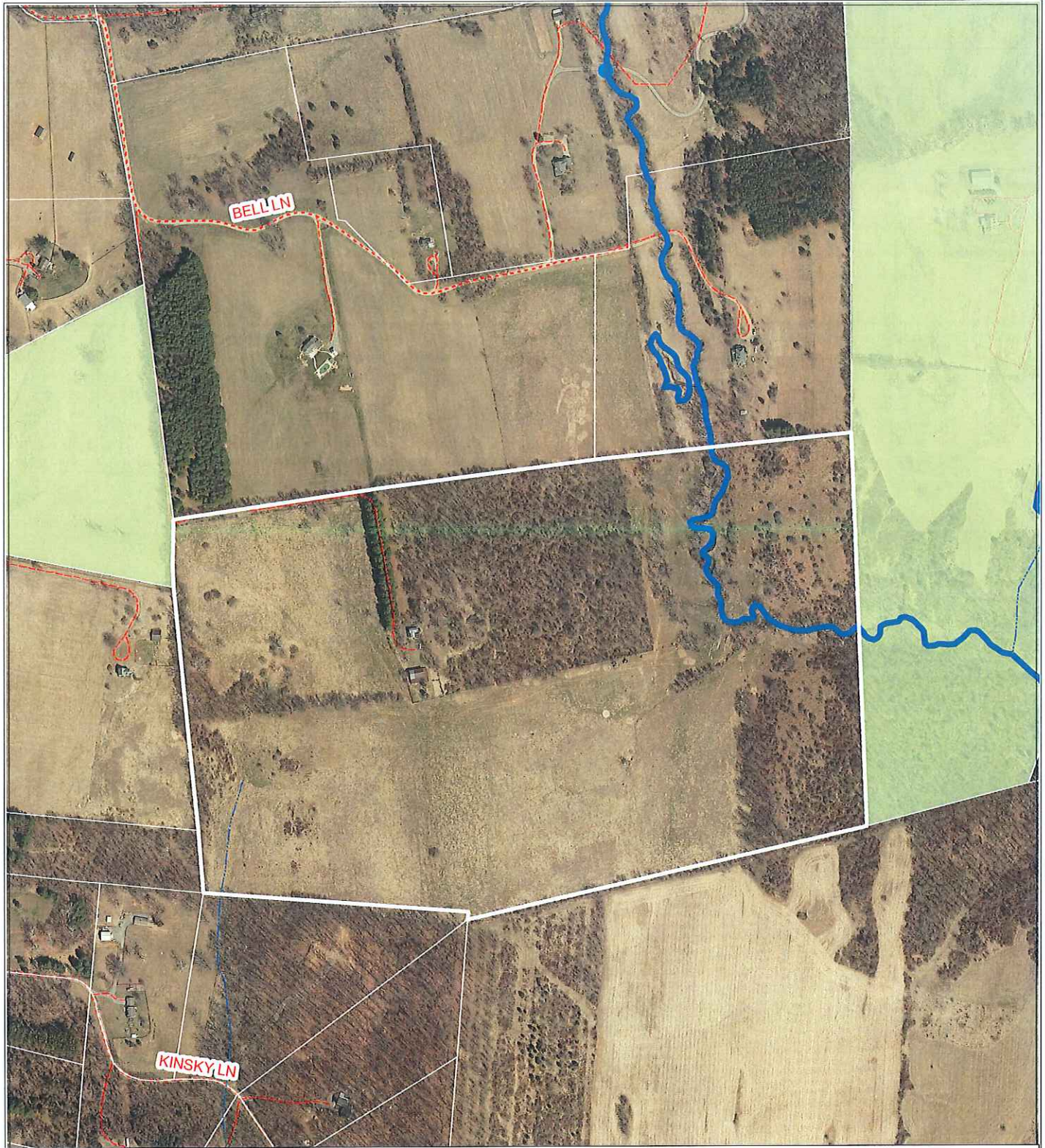
TO: Conservation Easement Authority
FROM: Alison Teetor
SUBJECT: Ellen Dupuy – revised application to request a DUR purchase rather than donation
DATE: June 29, 2022

Ellen Dupuy applied for an easement donation in May 2022 for the property identified as Tax Map# 24-A-25 located at 264 Bell Lane. The property consists of 88.25 acres, with 4 remaining DURs and 1 existing house built in 1900. The house is in poor condition and would likely be demolished. Ms. Dupuy would like to retire 3 DURs and keep 2, allowing for a primary and secondary dwelling with no subdivision. At the June meeting members gave preliminary approval and will conduct a site visit prior to the July meeting.

The property meets all of the 4 criteria. The property resource score is 65.04, the parcel is greater than 40 acres, is retiring 3 DURs, and is adjacent to an existing easement. It received points for retiring 3 DURs, having frontage on a perennial stream, being adjacent to existing two easements, and being owned by the current property owner for 27 years. There is no lien on the property.

Since the June meeting Ms. Dupuy asked staff what options there were to secure some financial gain from the retirement of the DURs without the need for an appraisal. Ms. Teetor explained the DUR purchase option which appealed to Ms. Dupuy.

Recommendation: Discuss DUR purchase for Ellen Dupuy in Closed session.



Ellen Dupuy
 Tax Map# 24-A-25
 88.25 acres, 1 ext. dwl., 4 DURs

Clarke County GIS
 May 31, 2022



280 140 0 280 Feet



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

Location Map

