

**CLARKE COUNTY**  
**Conservation Easement Authority**  
Thursday – 10 November 2022 – 10:00 am  
A/B & Main Conference Room, 2<sup>nd</sup> Floor Government Center

**AGENDA**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes of the meeting of 14 October 2022
4. Bank Account balances
5. Campaign for the Authority
6. PEC updates from Hallie Harriman
7. Discussion Items
  - a. Policy development – large agricultural structures /Building Envelope requirement
  - b. Boyce Crossing Tree Preserve
8. Easement Donation/Purchase
  - a. Michael & Wendy Gregg – new application – donation Tax Map# 24-4-1
  - b. Stoneridge Investments, LLC – new application – donation – Tax Map# 6-A-40
  - c. Rod Hunter – new application – donation – Tax Map# 39-A-17
  - d. Dennis Pippy – new application – grant purchase Tax Map# 6-A-59
9. Adjournment – The next meeting is scheduled for Friday December 9<sup>th</sup> at 10 am.

# Clarke County Conservation Easement Authority

**DRAFT – Meeting Minutes**

**Friday, October 14, 2022 – 10:00 AM**

**Berryville/Clarke County Government Center – A/B Meeting Room**

<b>ATTENDANCE</b>	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓
John Hedlund	✓
George Ohrstrom	✓
Walker Thomas	✓

**STAFF PRESENT:** Jeffrey Feaga (Preservation Planner / GIS Coordinator)

**OTHERS PRESENT:** Hallie Harriman (PEC)

**Call to Order:** Chair Buckley called the meeting to order at 10:00 AM.

**Approval of Agenda:**

The Committee voted 7-0-0 to approve the October 14, 2022 meeting agenda.

<b>Motion to approve the October 14, 2022 Meeting Agenda as presented by Staff:</b>	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓
John Hedlund	✓ (SECONDED)
George Ohrstrom	✓ (MOVED)
Walker Thomas	✓

**Approval of Meeting Minutes – September 9, 2022:**

The Committee voted 6-0-1 to approve the September 20, 2022 Meeting Minutes as presented by Staff.

<b>Motion to approve the September 9, 2022 Meeting Minutes as presented by Staff:</b>	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓
George Ohrstrom	ABSTAINED
Walker Thomas	✓ (SECONDED)

**Bank Account:**

Bank Account: Mr. Feaga reviewed the financial spreadsheets. Current fund balances show a total fund balance of \$456,790.65 consisting of \$130,333.72 in the donations account, \$234,026.96 in stewardship/restricted, and \$92,429.97 in local funds. September expenditures from the Donations account

were for Monthly expenses and included the summer newsletter preparation and printing, printing for the (cancelled) workshop, and aluminum CEA signs for landowners. September expenditures from the Local Funds account were for DUR purchase funds for the Dupuy easement and associated legal services and postage.

**Public Relations:**

Ms. Cardillo was not present so Mr. Feaga reviewed her report. To date there have been \$13,932 in donations from 103 donors. Mr. Ohrstrom noted that we appear to be on track with donations to have an average year from that revenue.

Due to low registrations, the outreach event scheduled for Sept 22 was cancelled, a November rescheduling was suggested. Brook Middleton of the Virginia Easement Exchange offered to host a dinner to attract easement prospects, he suggested Carter Hall. Ms. Cardillo suggested a familiar format for an outreach event including and introduction to speakers by Randy Buckley, an overview of easements by Winkie, an overview of tax benefits by Brook Middleton, a discussion of appraisals by Norman Myers, and sharing of first hand easement experience by Jeff Murphy and Lowell Pratt. Ms. Cardillo will mail the fall newsletter along with county tax invoices in late October.

Mr. Ohrstrom had some difficulty finding tents for the easement donor appreciation event scheduled for October 21<sup>st</sup> and was forced to rent from Grand Rental. He paid for half of the tents already. Ms. Jones suggested that the CEA help pay for the tents out the Stewardship account. Mr. Feaga asked whether Stewardship was the right account to pay for such a costs, being that it is usually reserved for interns and monitoring. The CEA made a motion to pay the remainder of the tent costs out of the Stewardship account.

Motion to approve payment of portion of tent costs for October 21, 2022 donor event:

The Committee voted 7-0-0 to approve payment of portion of tent costs for October 21, 2022 event from the Stewardship account.

<b>Motion to approve payment of portion of tent costs for October 21, 2022 donor event</b>	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓
George Ohrstrom	✓
Walker Thomas	✓ (SECONDED)

Billing for food costs at the October 21, 2022 event will be sent to the CEA. Mr. Buckley offered to personally arrange provisions for alcohol for the October 21, 2022.

**PEC updates from Hallie Harriman:**

Ms. Harriman noted that she would wait until Ms. Cordillo contacted her about a new workshop date.

Mr. Feaga asked if there might be an opportunity to bring real estate agents to the workshop, as these agents typically call his office to ask easement questions. Ms. Harriman stated that Mike Kane of PEC used to present to the Realtors Association. Ms. Catlett mentioned the events for new citizens, and that they could be a target for easement education. Mr. Buckley suggested a document that should be handed out with the topic of everything you should know about buying a property that is under easement.

Ms. Harriman suggested Hugh Kenny of the PEC may be able to create a video that explains the easement process, understanding DURs, how easy is it to sell a property under easement, etc. A suggested length of the video is 5-6 minutes. Ms. Harriman asked for ideas about what a video should include and will follow up with CEA staff in the near future for more information. If necessary two videos could be produced, one for real estate agents, and one for the general public.

Ms. Harriman noted the Piedmont Grassland Initiative is now called the Virginia Grassland Initiative and will be headed up by October Greenfield, focusing on marginally productive agricultural lands. PEC will be completing two tree plantings, one at Clermont and one at Long Branch. The Long Branch planting on October 31<sup>st</sup> will be approximately 300 native understory trees and shrubs, and there is still the need for some volunteers. The Clermont planting will be November 12<sup>th</sup> and more volunteers are needed.

**Policy Development – large agricultural structures / building envelope requirement:**

Mr. Feaga started out by describing why we are developing an envelope policy and who the intended audience of the policy is. He stated that we want to provide the CEA guidelines for the maximum area of impervious surfaces and building envelopes in order to better conserve the value of easements and to ensure that the IRS does not challenge the CEA's development and administration of its easements. Mr. Hedlund suggested that Mr. Feaga make sure that the audience be kept in mind and that possibly some of the charts might be better as an addendum.

Mr. Ohrstrom suggested that the CEA not take up a detailed discussion of the term “public” used in the definitions section of the policy because it will take too much time. He suggested that we should strike the reference to the term “public” in the policy. Others tended to agree, since zoning already deals with public gatherings, and therefore would limit activities on easements by default.

Ms. Rives questioned whether the word farmstead was needed, as it seemed redundant with building envelopes. Mrs. Jones noted the building envelope definition currently emphasizes dwellings, but that farm buildings are also sited within building envelopes. CEA suggested examples of Extra Large Agricultural Buildings be removed from the policy in order to keep the definitions general. Other minor comments on the draft policy were made and noted by Staff.

Mr. Feaga explained that the Envelope Policy has the purpose of limiting the number and size of envelopes, while attempting to maintain flexibility when needed. The committee discussed easement situations in which landowners might need multiple envelopes, or when individual envelopes might need to be larger than 5 acres. Ms. Harriman reiterated that PEC has similar envelope policies that serve as guidelines, yet PEC still has to deal with unique envelope issues or requests on a case-by-case basis. On PEC easements, any new construction needs to be within a building envelope. Despite the challenges and need for case-by-case judgements, the policy continues to help guide PEC during easement creation.

Ms. Harriman inquired about the envelope policy for when divisions are allowed from a parent parcel in easement. Mr. Feaga stated the new policy should account for the number of DURs remaining on an easement, and ideally envelopes would be drawn at the time of easement creation to account for future subdivisions. For large parcel subdivisions from the parent easement, an envelope may need to be developed for the new parcel if envelopes were not drawn sufficiently when the parent parcel went into easement. Ms. Harriman stated that PEC often defines more envelopes than are needed on new easements so that landowners can choose which envelope locations best meet their needs when they decide to build while retiring any unused envelopes. She also added that PEC's policy is to prefer an envelope size between three and five acres and to consider larger sizes when needed.

### **Policy Development Nutrient Credits – Land Conversion**

Mr. Feaga introduced a new draft policy for the development of nutrient credit banks on properties entering easements with the CEA. Overall, Staff's goal for the new policy was to create limitations for landowners in easement that intend to manage all or portions of their land in a nutrient credit bank. The limitations included criteria for planting primarily native hardwood trees and restrictions on the acreage of prime farmland soils that could be converted from non-forest to forest uses. These limitations were intended to simultaneously set a higher ecological standard for land conversion while also de-incentivizing nutrient bank projects on Clarke County easements by decreasing the potential profit margins realized by any investors.

Mr. Ohrstrom wondered whether the proportion of hardwood trees suggested by the draft policy was too high. Ms. Harriman suggested that the DOF develop the planting plan, but the CEA contested that the DOF allows loblolly and other inappropriate species to meet nutrient bank criteria. Ms. Bacon took a step back and asked why we (the CEA) would ever want to put a nutrient bank in an easement in the first place. Ms. Catlett pondered the tradeoff between having a CEA policy that reflected what the county said is important (working ag. lands) and having a CEA policy that allowed nutrient banks, even if under more stringent criteria. Ms. Jones asked if the CEA prevented participation on nutrient banks outright, would it cause the CEA to lose business. Mr. Feaga mentioned that nutrient banks are the same type of program as a wetland bank, so if the CEA made a rule disallowing nutrient banks on eased properties, would this set an unwanted or unplanned precedent.

Mr. Buckley stated that he is not against conversion to trees themselves, rather people getting paid for establishing the nutrient bank. The program is unfair to farming localities because it shifts problems from where development is occurring at an unsustainable rate to slower growing areas that still have farmland. This makes development more possible.

The committee continued to discuss the tradeoffs of nutrient banks and wetland banks, and wondered if perhaps an answer is to limit the acreage or proportion of an eased property allowed in a bank. Alternatively, perhaps not allowing banks at all is the best way to make a statement about Clarke County's agricultural values.

This discussion was couched for now and will be picked up on a later date.

### **Report on Easement Donation / Purchase**

**a. Ellen DuPuy – Purchase**

Closed on October the 6<sup>th</sup>.

**b. Stoneridge Investments, LLC – new application – donation – 6-A-40**

The Vanderwoude's continue to work on developing a building envelope, which is likely to occur on the southern end of the property.

**c. Rod and Maria Hunter – new application – donation – Tax Map# 39-A-17**

Rod and Maria Hunter are working with their legal counsel and CEA staff on the deed of easement. Staff are working with the Hunter's on locating building envelopes for future restored dwellings, solar panels, and agricultural buildings. Mr. Buckley asked if changes to the deed of easement were substantial enough to warrant a motion to review further. Mr. Feaga responded that the changes at this time did not appear so different from the standard deed of easement terms. In order to keep the Hunter easement on track for closing in 2022, the CEA made a motion for final approval of the Hunter easement upon the condition that Staff approve the final deed language and will seek legal counsel, if necessary.

Motion for final approval of the Hunter (Libery Hill) easement upon the condition that Staff approve the final deed language and will seek legal counsel, if necessary:

The Committee voted 7-0-0 to give final approval of the Hunter easement.

<b>Motion to give final approval of the Hunter easement.</b>	
Randy Buckley (Chair)	✓
Rives Bacon	✓ (SECONDED)
Terri Catlett	✓
Michelle Jones	✓
John Hedlund	✓
George Ohrstrom	✓ (MOVED)
Walker Thomas	✓

**Adjournment**

There being no further business, the Committee agreed to adjourn the meeting at 12:00 PM. The next Clarke County Easement Authority meeting is scheduled for November 10, 2022 at 10 AM.

The Committee voted 7-0-0 to adjourn the October 14, 2022 meeting at 11:53AM.

<b>Motion to approve the October 14, 2022 Meeting Agenda as presented by Staff:</b>	
Randy Buckley (Chair)	✓
Rives Bacon	✓
Terri Catlett	✓
Michelle Jones	✓ (MOVED)
John Hedlund	✓ (SECONDED)
George Ohrstrom	✓
Walker Thomas	✓

\_\_\_\_\_  
Jeffrey Feaga (Clerk)

**FY22 not FINAL yet**

**FY2023**

**Fund 235 - Conservation Easement Balances**

	Total Fund Balance	Donations (128)	Stewardship/Restricted Funds Account (210)	Local Funds (000)
<b>SOY FY22</b>	<b>428,702</b>	<b>131,142</b>	<b>235,018</b>	<b>62,541</b>
<b>Fiscal Year 2023</b>				
July Rev/AR		800	128	51,510
July Exps/AP		0	0	0
Aug Rev/AR		155	195	21,000
Aug Exps/AP		-1,554	-1,314	0
Sept Rev/AR		2,925	200	0
Sept Exps/AP		-3,419	0	-621
Dupuy Easement Purchase				-42,000
Oct Rev/AR		755	0	575
Oct Exps/AP		-2,813	0	-22
Nov Rev/AR		0	0	0
Nov Exps/AP		0	0	0
Dec Rev/AR		0	0	0
Dec Exps/AP		0	0	0
Jan Rev/AR		0	0	0
Jan Exps/AP		0	0	0
Feb Rev/AR		0	0	0
Feb Exps/AP		0	0	0
Mar Rev/AR		0	0	0
Mar Exps/AP		0	0	0
Apr Rev/AR		0	0	0
Apr Exps/AP		0	0	0
May Rev/AR		0	0	0
May Exps/AP		0	0	0
June Rev/AR		0	0	0
June Exps/AP		0	0	0
YTD Rev/AR	78,243.23	4,635.00	523.14	73,085.09
YTD Exps/AP	51,744.12	7,786.71	1,314.29	42,643.12
Adjustments	0		0	
<b>YTD FUND BALANCE (AR &amp; AP)</b>	<b>455,200.83</b>	<b>127,990.48</b>	<b>234,227.31</b>	<b>92,983.04</b>

**Emily Johnson:**  
Rollback taxes  
\$51,510.09

**Emily Johnson:**  
Dupuy Supplement

**Emily Johnson:**  
Conservation Easement  
refund Hall Monohan  
Closing Dupuy

**ESTIMATED YTD FUND BALANCE**                      **455,201**                      **127,990**                      **234,227.31**                      **92,983**

<b>FY23 Expenditure Appropriations</b>			Appropriated Balance
	Appropriated	Actual Expenses	Remaining
General Expenses	45,000	9,744	35,256
E. Dupuy	42,000	42,000	0
	87,000	51,744	0

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

Through 10/31/2022

Conservation Easement Expense Detail - FY23

	Donations (128)	Stewardship (210)	Local Funds (000)
<u>July</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>August</u>	240.00 Robin Cardillo Services for July 1,000.00 2022 Clarke County Fair Sponsor 300.00 Barns of Rose Hill ESMT Rental 14.08 Postage for CEA packets	1,259.56 Dorsey Mileage and Intern payment 54.73 Dorsey Mileage	
	<u>1,554.08</u>	<u>1,314.29</u>	<u>0.00</u>
<u>Sept</u>	825.00 Gloria Marconi Summer Newsletter 1,282.13 Winchester Printers Summer Newsletter 652.26 Winchester Printers Workshop 660.00 Vital Signs Plus-sign		610.00 Hall Monahan CEA legal services Aug 2022 11.19 Postage 42,000.00 Dupuy Closing Tax Map 24-A-25
	<u>3,419.39</u>	<u>0.00</u>	<u>42,621.19</u>
<u>Oct</u>	1,440.00 Robin Couch Cardillo Sept/Oct Services 585.00 Maral Kalbian Aug/Sept Services 649.24 Winchester Printers BBQ Invite 139.00 CEA Map printing Staples		21.93 Postage
	<u>2,813.24</u>	<u>0.00</u>	<u>21.93</u>
<b>YTD Totals</b>	<u><u>7,786.71</u></u>	<u><u>1,314.29</u></u> 1,314.29	<u><u>42,643.12</u></u>





ROBIN COUCH CARDILLO

November 4, 2022

Clarke County Conservation Easement Authority  
Fundraising Report  
November 2022 meeting

### **Donor Statistics**

See attached Master Report

- 2022 year-to-date total: \$14,802 from 110 donations

### **Ongoing**

#### *-Donor reception*

- Wonderful turnout for the reception – more than 100! – and a lovely evening
- Big thanks to George for once again hosting the event! And thanks to Authority members for all the help!
- Any suggestions for next year?

#### *-Conservation easement information workshop*

- Rescheduled for Wednesday, Nov 16, at Barns of Rose Hill, 6:30-8:00 pm
- All speakers and panelists are able to participate on new date: Brook Middleton (Virginia Easement Exchange) on tax benefits; Norman Myers of Norman Myers Appraisals on appraisal process; Winkie Mackay-Smith on community benefits; landowner panelists Jeff Murphy and Lowell Pratt; Randy welcomes all and introduces speakers

#### *-Fall newsletter*

- Went out with tax bills; new shorter format because Clarke County is printing all materials inhouse now
- Do we want to stick with new format for all four newsletters, omitting list of donor names?

#### *-Wingate Mackay-Smith Land Conservation Award -*

- Schedule for early next year
- Begin thinking of possible recipients
- 1<sup>st</sup> – Winkie Mackay Smith
- 2<sup>nd</sup> – Holy Cross Abbey
- 3<sup>rd</sup> – Sliding-scale zoning pioneers (Pete Dunning, Bob Mitchell, Bob Lee, Margaret Maizel)
- 4<sup>th</sup> – Melvin Kohn
- 5<sup>th</sup> – Joe and Denise Sipe
- 6<sup>th</sup> – Michael Hobert
- 7<sup>th</sup> – Cool Spring Battlefield/Shenandoah University
- 8<sup>th</sup> – Chuck Johnston

**Fundraising Results: Clarke County Conservation Easement Authority**

As of November 4, 2022

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Amount	\$13,345	\$19,090	\$20,871	\$25,649	\$26,396	\$25,843	\$23,530	\$42,266	\$36,260	\$57,356.00	\$24,778.00	\$26,101.00	\$34,815.28	\$38,230.00	\$36,822.80	\$37,739.00	\$14,802.00
# Donations	115	161	208	209	203	195	181	200	169	158	164	169	169	167	209	206	110
<b>YE Donor Appeal</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
YE Donor Appeal Amount	\$8,465	\$8,310	\$8,477	\$10,134	\$8,376	\$12,815	\$7,250	\$15,706	\$17,635	\$47,003	\$15,665	\$7,577	\$16,755	\$16,710	\$16,232	\$16,915	
Donor Respondents	73	59	87	86	76	68	50	69	51	61	47	48	58	52	73	73	
YE Prospect Amount		\$2,115	\$425				\$40		\$1,650	\$104	\$25	\$325	\$2,200	\$200	\$120	\$350	
Prospect Respondents		24	7				1		3	2	1	3	4	3	2	1	
<b>Winter Newsletter</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Dollar Amount			\$2,700	\$2,065	\$2,865	\$2,126	\$3,611	\$4,805	\$3,335	\$2,700	\$2,228	\$2,815	\$4,920	\$2,668	\$3,105	\$1,710	\$4,371
Respondents			23	27	32	21	32	39	26	25	29	39	29	32	43	22	28
<b>Spring Newsletter</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Donor: Dollar Amount	\$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	\$8,650	\$3,131
Donor: Respondents	35	5	19	38	26	27	32	28	26	27	19	23	15	23	18	44	27
taxpayer Spring Newsletter: Dollar Amt		\$2,200	\$940	\$460	\$450	\$825	\$765	\$165	\$1,380	\$100	\$75	\$1,150	\$550	\$2,045	\$615	\$130	\$250
taxpayer Spring Newsletter: Respondents		16	19	10	4	11	5	4	9	1	3	8	3	6	6	2	4
<b>Summer Newsletter</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Dollar Amount		\$2,370	\$2,020	\$1,330	\$1,883	\$2,735	\$1,580	\$5,040	\$3,215	\$1,927	\$2,115	\$3,110	\$4,480	\$2,135	\$5,260	\$6,445	\$4,088
Respondents		20	27	22	33	26	21	22	27	22	28	20	38	23	30	31	22
(new)																3	1
<b>Fall Newsletter</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Donor: Dollar Amount		\$2,210	\$765	\$260	\$7,300	\$2,946	\$4,630	\$2,660	\$2,325	\$1,250	\$600	\$3,870	\$220	\$2,925	\$6,244	\$1,380	
Donor: Respondents		12	5	7	25	26	30	27	14	3	6	11	4	11	16	11	
taxpayer Fall Newsletter: Dollar Amt		\$1,430	\$90	\$1,405	\$65	\$605	\$715	\$240	\$760		\$325	\$1,200	\$100	\$100	\$410	\$450	
taxpayer Fall Newsletter: Respondents		25	4	8	2	8	9	5	5		5	4	1	1	5	5	
<b>Over the Transom</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Dollar Amount			\$3,380	\$4,175	\$1,900	\$868	\$1,457	10,500	\$1,550	\$257	\$362	\$2,230.00	\$3,970	\$8,665	\$1,980	\$1,709	2,970
Donor Respondents			17	11	5	6	2	2	2	3	12	7	17	10	14	14	25
<b>Donor Thank-You Party</b>	<b>2006</b>							<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Dollar Amount	\$1,105							\$1,175	\$705	\$595	\$638	\$710					
Donor Respondents	6							4	6	14	14	6					
<b>Photo Revenue</b>					\$747	\$57	\$67				\$ 20						
Notecards												\$304		282 (6)	94.80 (2)		
Gift-in-Kind (admin work donated by Kate Petranech)						\$346	\$473	\$469									

## MEMORANDUM

TO: Conservation Easement Authority  
FROM: Alison Teetor, Jeff Feaga  
SUBJECT: Building Envelopes/Impervious surfaces/Large Agricultural Building policy  
DATE: November 1, 2022

The Clarke County Conservation Easement Authority (CEA) has been discussing the concept of allowing large agricultural buildings on easement properties. Also being considered is requiring building envelopes on all eased properties and updating the allowable impervious surface policy. These are separate issues but there is some overlap particularly with regard to siting new features. The following is a draft policy to guide easement development while accounting for these issues. The recommendations herein were based on a statistical analysis of the 25 existing easements held by the county that have building envelopes. In addition, recommendations from the Piedmont Environmental Council and other easement programs were considered and incorporated. It is recommended that any final language regarding this policy be reviewed and approved by Mr. Mitchell.

### **Draft Policy**

#### **Purpose of Policy**

The purpose of requiring building envelopes on easement properties is to prevent the random placement of structures throughout a property which could impact open space and other conservation values. The purpose of having a limit to impervious surfaces is to prevent excess runoff during storm events and retain open space. A related concern is that the IRS may not approve tax credits for easement donations without building envelopes and impervious surface limitations written into the deed of easement.

Being an agricultural community, the CEA recognizes that large agricultural buildings are required for certain types of agricultural operations. The size and location of these buildings must be considered in order to prevent degradation of the conservation values for which the easement is based.

The following draft guidelines are provided to inform landowners considering placing their property in an easement with the CEA. They are intended to describe the types of resources the CEA strives to protect, the conservation values, and the potential restrictions considered necessary to protect them. Each property is unique and will be considered on a case-by-case basis. Staff will use these guidelines to work with landowners in developing building envelope size(s) and location(s)

#### **Definitions**

“Agricultural building” means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, or where agricultural products are processed or treated or packaged.

“Building Envelope(s)” is defined as the areas depicted on a map of the property to be attached as an exhibit in the deed of easement which will contain future planned structures for residential or agricultural use.

“Conservation Area” is defined as the area depicted on a map, which contains unique or important resources and serves to protect the conservation values. The specific values are listed below.

“Extra Large Agricultural Buildings” Structures with ground area exceeding 10,000 square feet. All Extra Large Agricultural Buildings must be considered on a case-by-case basis with an expectation that conservation values of the easement are not impacted. These structures shall be located within a building envelope.

“Impervious Surface” Surface or material that does not allow water to percolate into the soil on the Property, including, but not limited to, buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or any area covered by overhanging roofs.

“Standard Large Agricultural Buildings” Structures with ground area between 4,500 and 10,000 square feet. All Large Agricultural Buildings must be considered on a case-by-case basis with an expectation that conservation values of the easement are not impacted. These structures shall be located within a building envelope.

“Structures permitted outside of building envelopes” Run in sheds, loafing sheds, open sided haysheds, and other similar small structures utilized for Agriculture may be located outside the Building Envelope. These 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 be consistent with the allowances and limitations of deed template sections 3.3. Buildings and Structures and 3.4. Activities and Uses. 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, materials, size and height of the Structure shall be subject to Grantees’ approval.

## **Building Envelope**

### Size and Number

Ideally, most landowners will choose to write easement terms that voluntarily limit the size and number of envelopes below the maximum allowed. The policy presented herein provides objective guidelines for the maximum allowable number of envelopes and their acreage. Individual properties entering into easement agreements will be considered on a case-by-case basis.

To avoid abrupt increases for allowable envelope acres as parcel size increases, staff recommends a different rate of increase for parcels  $\leq 50$  acres than for parcels  $> 50$  acres (see figure 1 and table 1 below). Staff also encourages individual envelopes to be  $\leq 5$  acres. In reality, many easements may require an individual envelope to be  $> 5$  acres, such as in the case of a planned dairy farm or properties expanding within a large existing farm complex. Once again, envelope size and arrangement will be considered individually for each easement.

Group	Parcel Size (acres)	# of building envelopes permitted*	Calculation of acres of building envelopes permitted	Acres of building envelopes permitted
1	≤50	2	0.1 x parcel size (rounded up)	1 acre – 5 acres
2	>50-150	2	0.05 x parcel size +2.5 (rounded up)	6 acres – 10 acres
3	>150-250	3	0.05 x parcel size +2.5 (rounded up)	11 acres – 15 acres
4	>250-350	4	0.05 x parcel size +2.5 (rounded up)	16 acres – 20 acres
5	>350-450	5	0.05 x parcel size +2.5 (rounded up)	21 acres – 25 acres

Table 1. Number of building envelopes and total envelope acreage for various ranges of parcel sizes. Calculations are based upon an assumption that an individual envelope size is ≤ 5 acres.

\*The IRS favors deciding the location of building envelopes and recording this information on the deed of easement. It is better to not use all planned envelope areas than to move envelopes after the easement is written. Given this IRS expectation, the number of building envelopes on a prospective easement may need to be increased to match the number of DURs retained on the eased property.

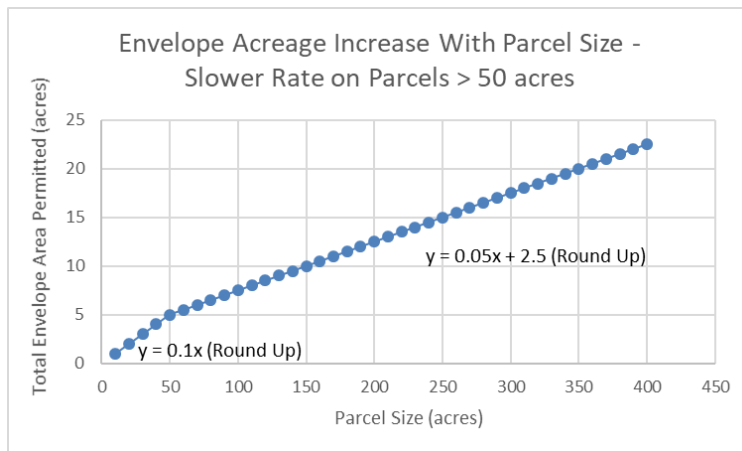


Figure 1. Total envelope acreage based on two different rates depending on parcel sizes ≤50 acres or >50 acres.

### Accounting for DURs and Future Divisions

In the event that a landowner retains the right to make property divisions on a Deed of Easement, building envelopes would ideally be shown on the Deed that identify the future location of any dwellings or clusters of agricultural buildings. Selecting a location for an envelope for future building is challenging, as features and site conditions that could limit development are not known at the time of easement closing. For example, soil and rock conditions can limit septic system construction.

In cases where future divisions are likely, the number of building envelopes should reflect the number of DURs that are retained by the landowner. In some cases, the number of building envelopes recommended by Table 1 may not accommodate the number of retained DURs, and should be increased accordingly. When the locations of future dwelling sites are uncertain, the CEA may want to allow up to twice as many envelopes as DURs with the expectation that the unused envelopes will be retired once the DURs are used. In this way, the envelope policy encourages the conservation of resource areas.

## Location

To protect the conservation values of the property, building envelopes shall be located so as to minimize impact to conservation areas.

## Conservation Areas

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. Sinkholes
- e. Property line setbacks
- f. Slopes >25%
- g. Limestone Ridge (Groundwater Recharge)
- h. Important farmland soils
- i. Other features as determined by the Authority

## Location Identification

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

## Relocation

Building envelopes can be relocated but only with approval from the CEA and only if the envelope is vacant. Relocating envelopes shall only be in response to validated issues with the original envelope location, for example limitations for constructing a septic system. In all cases building envelopes shall be located so as to minimize impacts on the conservation values.

## **Impervious Surface Permitted**

The impervious surface limit is 2% for parcels ≤50 acres and 1% + 0.5 acres for parcels >50 acres. This takes into account that the potential number of structures needed for a small farming operation may be similar to those on larger parcels.

The following table details a recommended policy for maximum amount of impervious surface permitted based on parcel size. Ideally, most landowners will choose to write easement terms that voluntarily limit the amount of impervious surface far below these numbers.

<b>Parcel Size (acres)</b>	<b>Max. amount of impervious surface permitted</b>
≤50	2%
>50	1% + 0.5 acres

*Table 2. Impervious surface permitted by parcel size*

The figure below shows the maximum square footage of impervious surface allowed using Table 2.

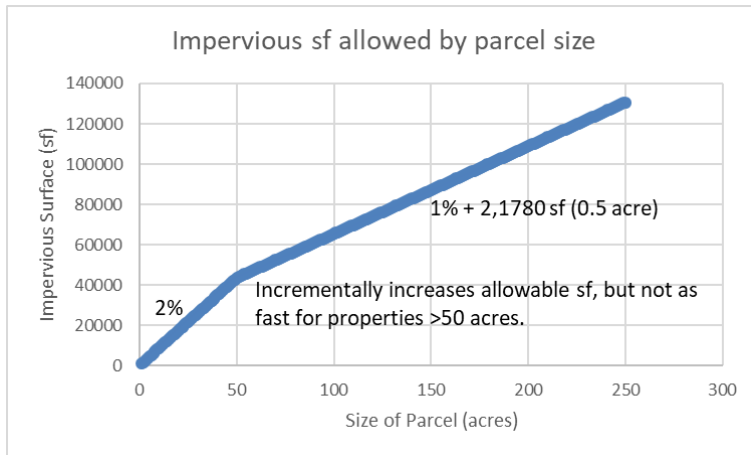


Figure 2. Maximum square footage of impervious surface with parcel size.

### Large Agricultural Building policy

#### Requirements for Locations of Dwellings and other Large Buildings:

Location of dwellings or other large buildings can have a major impact on the view from public places as roads, rivers, parks, outlooks, etc. or a natural or historic resource particular to the property. Both the size and location of such a building can impact a property's natural and open-space resources. For this reason the CEA will often suggest limitations on placement of dwellings or other large buildings.

The current deed of easement contains of a threshold size for individual farm buildings and structures of 4,500 square feet in ground area. On large working farms especially those retaining lower densities, the size threshold for review of new farm buildings or structures may be increased to up to 10,000 square feet in certain cases if conservation values are protected. Requests for most Standard Large Agricultural Buildings and all Extra Large Agricultural Buildings will be considered by the CEA on a case-by-case basis and will require siting within a building envelope.

#### Proposed submission requirements:

- The CEA shall review and approve all building design and materials. Applicant shall provide a 3D rendering of the proposed structure detailing the structures dimensions, height, length, width and the proposed materials and colors.
- A site plan showing the proposed location for the structure which includes measurements to envelope boundaries, property lines, well(s) and septic system(s). This site plan may be prepared by the landowner and does not need to be surveyed or engineered.

## MEMORANDUM

TO: Clarke County Conservation Easement Authority  
FROM: Alison Teetor  
SUBJECT: Boyce Crossing Tree Maintenance  
DATE: November 3, 2022

In 2003, Greystone Properties, LLC donated a conservation easement on 3.61 acres in front of the Boyce Crossing subdivision. It contains a grove of 200+ year-old oak trees on East Main Street in the Town of Boyce. This property was zoned residential in the Town and could have been developed with up to 13 additional homes. The property was proposed for easement primarily because of the grove of old oak trees, in addition land to the south of East Main Street, across from this property, is part of the farm known as Saratoga that is already under permanent open space easement.

In order to insure continued care and maintenance of the trees a Tree Preserve Maintenance Agreement was developed and recorded with the Deed of Easement (attached). The agreement requires establishment of a Boyce Crossing Conservation Easement Committee to oversee the maintenance of the trees. As outlined in the agreement, the committee shall consist of one or two members of the Home Owners Association, one Mid-Atlantic chapter of the International Society of Arboriculture Certified Arborist, who is independent and has no conflict of interest related to the tree(s), or one professional forester, who is independent and has no conflict of interest related to the tree(s) or the HOA, one representative of local government, and one representative of the Clarke County Easement Authority.

Until recently there was no established Home Owners Association and as a result monitoring inspections were conducted through Greystone Properties and no committee was established.

In August 2022, Ms. Teetor and Mr. Feaga conducted a monitoring inspection and met with the HOA President Tambra Lanham. She pointed out several dead trees and one in particular poses a potential hazard to the dwelling at 120 Grand Oaks Drive.

The HOA uses a property management agency The Coventry Group, Abby Lisk, manager, to handle contracts and other issues relating to the subdivision. None of the homeowners, nor Ms. Lisk, was aware of the conservation easement or their responsibilities for its maintenance.

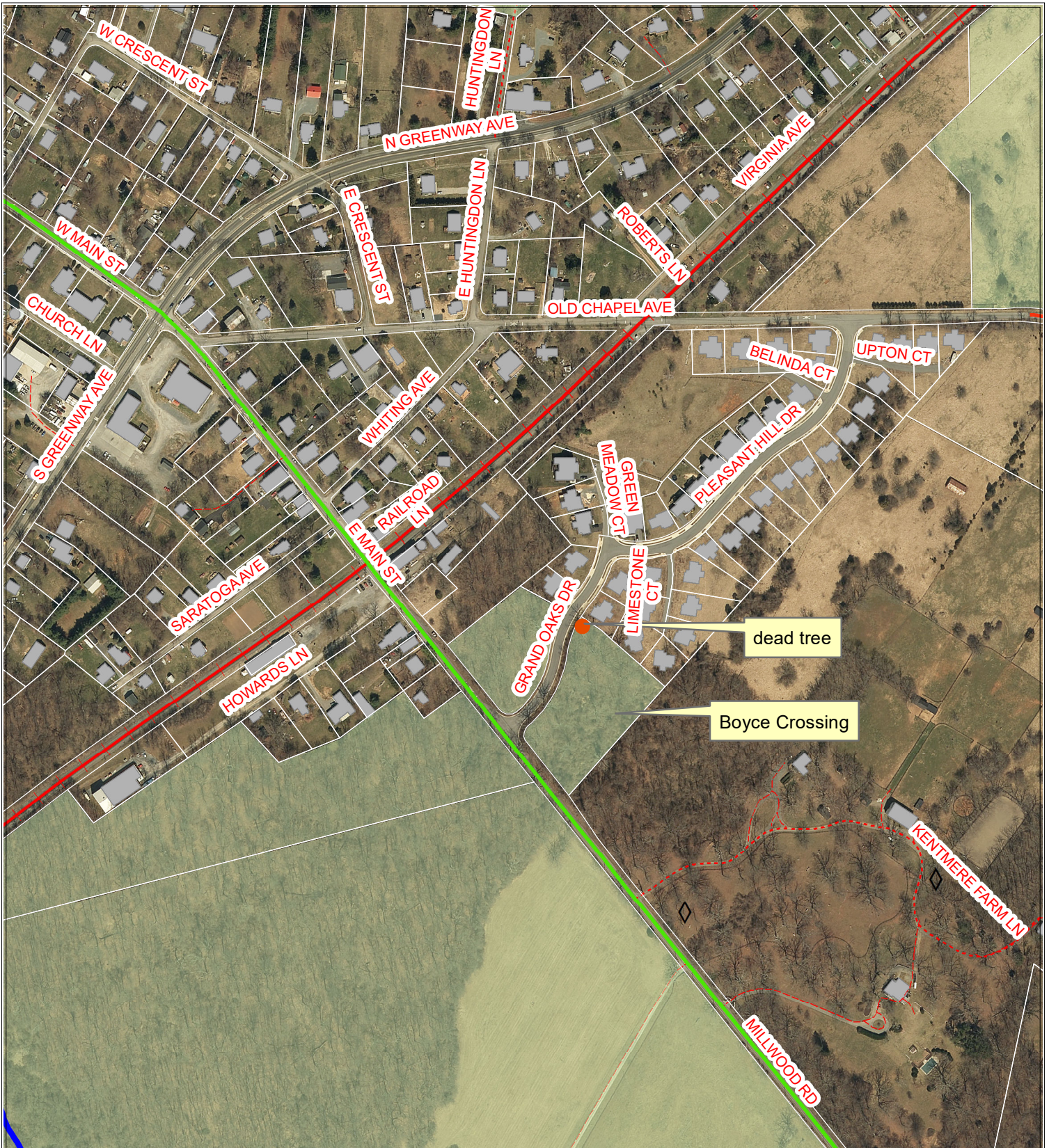
On November 2, 2022, Ms. Teetor met with Ms. Lisk, and 3 members of the HOA Board, Patrick Knight, Rick Eckersley, and Joe DeFrango. Gerald Crowell, retired Department of Forestry, employee, and a current Forestry Consultant, attended the meeting to provide professional advice regarding the trees health. The group, which staff opines constitutes the committee, discussed the immediate tree maintenance issues and the need for a long term plan moving forward. The group agreed that the tree closest to 120 Grand Oaks Lane should be removed as soon as possible. The tree removal company and arborist will be selected by Ms. Lisk in consult with the HOA members. The committee also agreed, with approval of the HOA, to hire Gerald Crowell to develop a forest management plan and identify individual trees within



the preserve which may need removal or maintenance in order to develop a priority of maintenance needs, in addition to a long-range plan for the overall health of the area. The HOA is responsible for all expenses related to tree removal and maintenance.

As outlined in the agreement no trees can be removed without approval from the Committee.

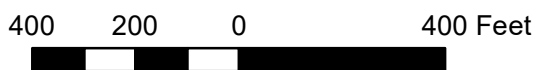
**Recommendation:** Approve the removal of the hazard tree and identify if a member of the Authority would like to serve on the Committee.



Boyce Crossing  
CEA-03-02



Clarke County GIS  
November 3, 2022

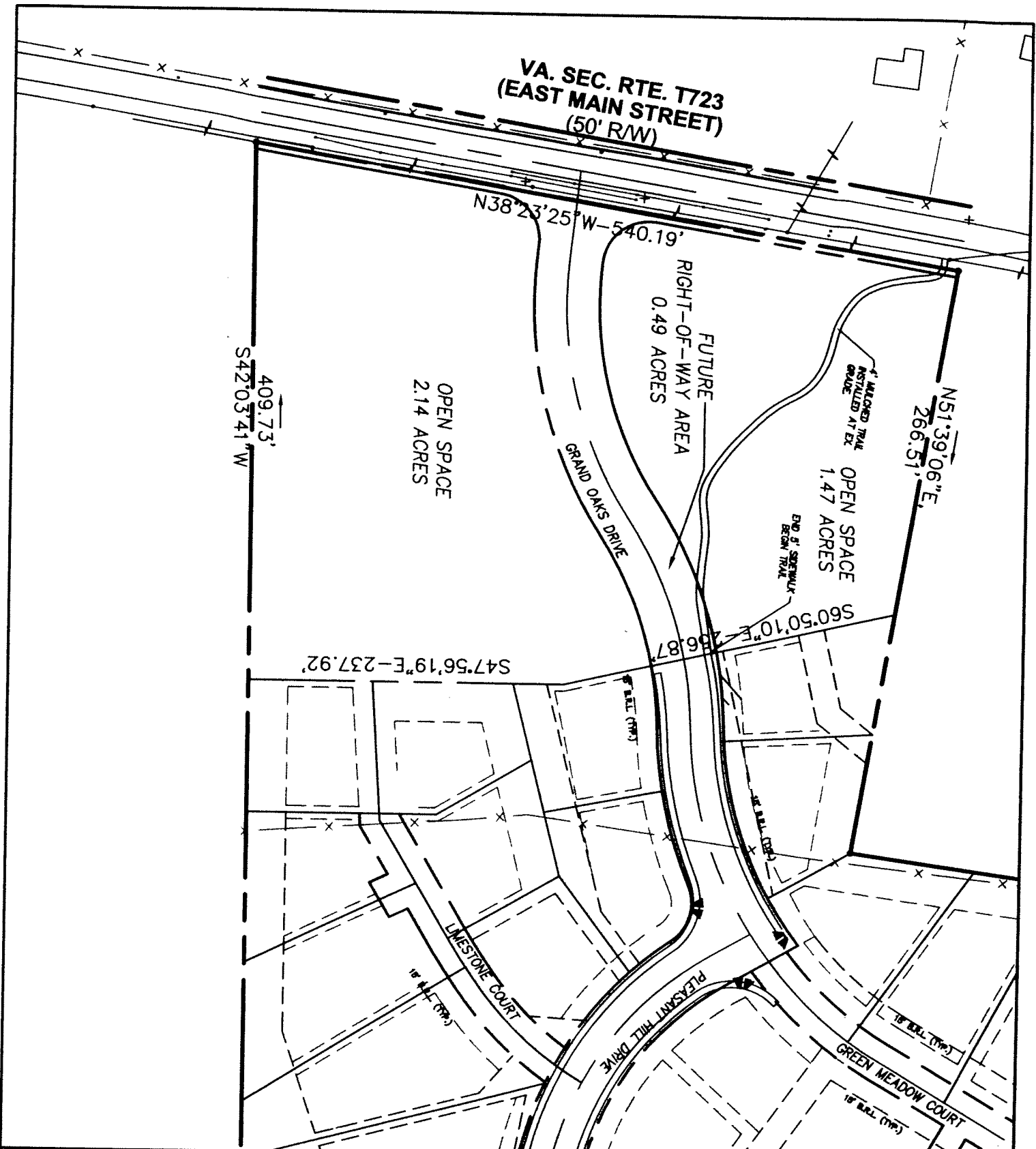


- parcels polygon
- Conservation Easements
- Scenic Byway
- Railroad
- Public Road
- Private Road

Location Map



Aerial Imagery 2015 Commonwealth of Virginia



<p>03/16/04 1 in. = 100 ft.</p>	<p><b>Boyce Crossing Conservation Easement</b> 3.61 Acres</p> <p>GREENWAY MAGISTERIAL DISTRICT    TOWN OF BOYCE, VIRGINIA</p>		<p><b>gilbert w. clifford &amp; associates, inc.</b></p> <p>Engineers    Land Planners    Water Quality</p> <p>117 E. Piccadilly St. - Suite 200    Winchester, Virginia 22601          VOICE: (540) 667-2139    FAX: (540) 665-0483    EMAIL: gwccross@earthlink.net</p>
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### Tree Preserve Maintenance Agreement

1. It shall be the responsibility of the Boyce Crossing Homeowners Association (the HOA) to manage the woodland and large tree(s) that are the subject of the conservation easement. All expenses related to the Boyce Crossing Conservation Easement shall be the responsibility of the Boyce Crossing Homeowners Association.
  - 1.1 This shall include the pathway as shown in Exhibit A.
2. The homeowners association shall form a standing committee to be known as The Boyce Crossing Conservation Easement Committee, or another name as determined by this committee once it has met.
  - 2.1 The purpose of The Boyce Crossing Conservation Easement Committee shall be to oversee management of the portion of the conservation easement that is on the HOA's property.
    - 2.1.1 The goal of The Boyce Crossing Conservation Easement Committee shall be to encourage preservation of the old growth trees, the rock outcroppings, and the stone wall, and to ensure that future generations have a healthy parcel of forested land in the community.
    - 2.1.2 The goal of The Boyce Crossing Conservation Easement Committee shall be to protect and promote health and longevity of the tree(s) in the Property, to provide for the removal of invasive exotic plant species as identified by the Virginia Department of Conservation and Recreation, and to protect the health, safety, and welfare of any people or property within the 50-foot right-of-way (Grand Oaks Drive) adjacent to the Property, the eight foot wide maintenance corridor established for the footpath described in paragraph #11, the right-of-way for East Main Street (Virginia Route 723) adjacent to the Property, and any parcel of land immediately adjacent to the Property
  - 2.2 Individual members of The Boyce Crossing Conservation Easement Committee and its members shall be held harmless for their decisions related to the area under the conservation easement.

- 2.3 The Boyce Crossing Conservation Easement Committee shall include:
  - A. One or two members of the Home Owners Association
  - B. One Mid-Atlantic chapter of the International Society of Arboriculture Certified Arborist, who is independent and has no conflict of interest related to the tree(s), or one professional forester, who is independent and has no conflict of interest related to the tree(s) or the HOA
  - C. One representative of local government
  - D. One representative of the Clarke County Easement Authority
  
- 2.4 The Boyce Crossing Conservation Easement Committee shall meet at least once a year to discuss issues related to the grove of old growth trees.
  
- 2.5 The Boyce Crossing Conservation Easement Committee can recommend an amendment to this agreement that protects the trees from arbitrary cutting or pruning or destruction of roots for approval by the Clarke County Easement Authority.
  - 2.5.1 No tree(s) within the conservation easement shall be cut down or severely pruned without approval of The Boyce Crossing Conservation Easement Committee.
  
- 2.6 The Boyce Crossing Conservation Easement Committee may be dissolved with a two-thirds vote of the HOA *and* approval of the Clarke County Easement Authority.
  - 2.6.1 Should the HOA default on provisions of this agreement, the conservation easement holders may assume or suspend management of the land as they see fit, and shall be held harmless for their decisions.
  
- 3. All maintenance activities related to the old growth trees and other tree(s) within the conservation easement shall be in accordance with the most up-to-date version of the American National Standards Institute (ANSI) *Standard Practices for Trees, Shrubs, and Other Woody Plant Maintenance ANSI A300*.
  
- 4. All tree care activities in the conservation easement area shall be under the direct supervision of a Mid-Atlantic chapter of the International Society of Arboriculture Certified Arborist.
  
- 5. No plant included on the Virginia Department of Conservation and Recreation list of invasive exotic species shall be used in landscaping Boyce Crossing.
  - 5.1 The Boyce Crossing Conservation Easement Committee, in concert with the HOA, may alter this provision as they see fit.

Clarke Co., SC1.  
This instrument of writing was produced to me on the 19<sup>th</sup> day of APRIL, 2024.  
at 3:45 P. M. and with certificate of acknowledgement thereto attached was admitted to record.

Teste: Helen Butler 21 of 23  
Clerk

## MEMORANDUM

TO: Conservation Easement Authority

FROM: Jeff Feaga

DATE: November 2, 2022

SUBJECT: Application for easement donation – Wendy and Michael Gregg – TM# 24-4-1

Wendy and Michael Gregg have applied to the easement authority for approval of an easement donation. The property consists of 21.49 acres with zero (0) remaining DURs or exemptions. The address is 2483 Parshall Road and is located approximately 2.5 miles south of Harry Byrd Highway. The property primarily consists of hayfield / pasture. A 1,672 square foot dwelling built in 1989 and a barn are located in the northeastern corner of the property.

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 two (2) out of the four (4) criteria. The property resource score is 57.7 and is adjacent to three (3) existing easements. Points were also given for having frontage on a scenic road and being owned by the current property owner for over 30 years. There is no lien on the property.

**Recommendation:** Give preliminary approval and schedule a site visit.



Clarke County GIS  
 Property Information:  
 Wendy and Michael Gregg  
 TM# 24-4-1; 21.49 acres

NAD 1983 StatePlane VA N. FIPS 4501



- Gregg Property Boundary
- County Parcels
- NHD Perennial Stream
- NHD Intermittent Stream
- Scenic Road
- Private Road
- Public Road
- 20ft Elevation Contour
- Existing Easement

Path: \\vd01giov\shareof\GIS\arcgis\_maps\CEN\CEA\_Template.aprx  
 Date Saved: 11/3/2022