



MEMORANDUM

TO: Conservation Easement Authority

FROM: Eric R. Lawrence, CEA Secretary *ERL*

SUBJECT: June Meeting

DATE: June 14, 2011

The Frederick County Conservation Easement Authority will be meeting on **Thursday, June 23, 2011 at 8:00 a.m.** in the **Board of Supervisor's Executive Session Meeting Room** in the County Administration Building, 107 North Kent Street, Winchester, Virginia. The Conservation Easement Authority will discuss the following agenda items:

AGENDA

1. April 28, 2011 Meeting Minutes
2. Fundraising Efforts
 - a. **www.G1FT.org – Give \$1 for Frederick's Tomorrow**
 - b. Establishing matching fund source
 - c. Hill High Farm Conservation Easement effort
3. Other Conservation Easement Interests
4. CEA Membership
5. Next meeting date
6. Other

Please contact the Planning Department (540-665-5651) if you are unable to attend this meeting.

ERL/bhd

**MEETING MINUTES
OF THE
FREDERICK COUNTY CONSERVATION EASEMENT AUTHORITY**

Held in the Executive Session Room of the Frederick County Administration Building at 107 North Kent Street in Winchester, Virginia on April 28, 2011 at 8:00 a.m.

PRESENT: Diane Kearns, Chairman; Robert Solenberger; Elaine Cain, Treasurer; Ron Clevenger; and Gene Fisher, Board of Supervisors Liaison.

ABSENT: Ritchie Wilkins, Vice-Chairman; John Marker; Todd Lodge; and Charles Triplett, Planning Commission Liaison.

STAFF PRESENT: Eric R. Lawrence, CEA Secretary; and Bev Dellinger, Secretary III.

OTHER: Emily Warner of Potomac Conservancy.

PUBLIC MEETING:

1. February 24, 2011 Meeting Minutes

Chairman Kearns pointed out that Ms. Emily Warner was referred to as "Ms. Emily Watkinson" in the minutes and she requested the name be corrected. On a motion by Mr. Solenberger and seconded by Ms. Cain, the minutes of February 24, 2011 were approved with the correction.

2. Fundraising Efforts

a. GIFT – Give \$1 for Frederick's Tomorrow

Chairman Kearns stated that the marketing person she had contacted in Clarke County about helping us was not so eager to help without more support from the County. She was probably thinking she would be monetarily compensated and, of course, we are not in a position to do that.

Chairman Kearns asked Mr. Lawrence about putting something on the outside of the envelope when tax bills are mailed to residents. Mr. Lawrence said we have missed that window of opportunity because the Treasurer's Office bought a surplus of envelopes in January and that will probably be all they will need for this year. Mr. Lawrence will continue to speak with them so that when they do order the next batch of envelopes, the CEA will have the opportunity to print a request for a tax deductible donation.

b. Establishing matching fund source

Mr. Lawrence stated that the County has proffers for open space preservation and they have been used to help acquire battlefields in the Third Winchester/Red Bud Road area. Right now, the Red Bud Subdivision is really the only subdivision that's putting money into it; every time a building permit is issued, the County gets \$1,000. Mr. Lawrence feels we shouldn't try to ask for that money unless we have all the other funds lined up and we could get something closed. Chairman Kearns asked if there is any way to get the potential of other proffers if we have a

project higher on the visibility list. Mr. Lawrence stated that proffers come with rezonings and they're voluntary. Where the proposed rezoning is located determines whether or not there is historic interest. There have been discussions over time about trying to create an open space expectation. The only two projects that come to mind are along the Route 7 corridor/Berryville Canyon corridor. There is battlefield interest and those are the ones that have offered up some money for open space and historic preservation. There hasn't been a rezoning on that corridor for a while and Mr. Lawrence doesn't anticipate additional opportunities coming up any time soon.

Ultimately, if we find there is a property that might qualify and the Board of Supervisors agrees, and as the proffered funds are designated to go for open space preservation, the property could qualify if it's high enough on the list.

Mr. Fisher stated it could qualify if it has specific rezoning with an impact on an area of particular interest to the Conservation Easement Authority. Then you would want to mitigate whatever that impact was.

c. Hill High Farm Conservation Easement effort

Chairman Kearns gave a summary of what has taken place. Hill High owners have been approved for a \$260,000 preservation grant by Farm & Ranch Lands Protection Programs, which was to expire in April, 2011. FRPP actually extended that approval for one year. That means the CEA has another year to try to come up with matching funds in the amount of \$130,000.

Mr. Lawrence stated that we have found two funding sources that we will pursue over the next couple of months. One source is VDAC, which is a local match. Another source is excited to try to help us out, but they haven't opened up their grant period yet.

3. Potomac Conservancy update – Cedar Creek Watershed effort

Ms. Emily Warner of Potomac Conservancy spoke about petitioning Virginia Outdoors Foundation for special project area designations for the Cedar Creek and Passage Creek watersheds. In February, that petition was passed. That means that anyone who applies at VOF to donate an easement would have a higher ranking than someone with a similar property outside the special project area designation.

Ms. Warner and Chairman Kearns met and discussed doing something to let people know about the special project area designation. In deciding who they might target, they talked about landowners who probably hold the most land – farmers, horse land owners and orchardists. They found another segment of the population who tend to be most interested in land conservation and are people who started off with vacation property here or spent summers here. They tend to have less land but a little more interest and often more money and are more able to donate easements. Ultimately, they concluded that people with the most land were who they wanted to target. They haven't yet decided on a location. Ms. Warner further stated that the general idea would be to have current easement donors host the gathering. We can write up the invitation letters but have them be from people living in the community who have already gone through the process. Those same land owners will do the introductions, explaining they have protected their land through

conservation easements. It should be more of a land owner talking to a land owner event. The CEA and Potomac Conservancy will be available to answer any questions.

4. Discussion: CEA Holding of Easements

Chairman Kearns stated there is a County resident who is interested in donating an easement. Mr. Lawrence told members that the resident approached Potomac Conservancy for information and Ms. Warner advised that it's probably not going to meet Potomac Conservancy's criteria; however, the CEA might want to consider it. The CEA has never held an easement that's been donated. The property is located within the County's future Service & Water Service Area and is identified for future commercial and industrial use. It's approximately 60 acres and located on the east side of White Oak Road and north of Fairfax Pike – east of Sherando Park. Mr. Lawrence said this is a discussion only to see if it is something the CEA wants to pursue.

Ms. Warner stated there is a lot of development around the property, which is the downside, but it has quite a lot of stream frontage. The property owner wants to leave the property as it is with existing agricultural fields to be used for farming and the forest is to be left as it is. Ms. Warner stated that the forest on the White Oak Road side is pretty scrubby, but it's pretty nice on the east side of the property. Ms. Warner feels it is a very nice farm.

Mr. Lawrence added that this property is unique, because of all the stream preservation opportunity and the property owner's interest in not developing the land; we should work with her to get an easement on it.

Members discussed at length whether they thought the CEA should become an easement holder. It was decided that we and/or Potomac Conservancy give the landowner as much guidance as we can provide. Ms. Warner and a representative from the CEA will go talk to the landowner and find out exactly what she wants to see happen long term. From there, we can discuss with her what we see from a planning perspective.

5. Next Meeting Date

May 26, 2011

6. Other

Ms. Warner talked with someone from VDOT about mitigation funds and he said they are definitely looking for credits for wetland and stream mitigation projects - more so stream mitigation projects. Restoration and protection of a stream gives more credits and would more likely get money from VDOT. Ms. Warner thinks the formula they use is one acre of credit for every 40 acres protected. By restoring stream or wetland function on a property, that generates credits to mitigate damage which has been done somewhere else; VDOT will pay for that.

Also, a transportation enhancement program easement causes an 80% reimbursement of the project cost from VDOT. Twenty percent has to be matched and Ms. Warner thinks that can be some landowner donation and VDOT will accept some federal money. A minimum of 25% must be put up front for FRPP and it can't be matched with any other federal money.

There being no further business, the meeting adjourned at 9:00 a.m.

Respectfully submitted,

Diane Kearns, Chairman

Eric R. Lawrence, CEA Secretary



Frederick County
Conservation Easement Authority

MEMORANDUM

TO: Conservation Easement Authority

FROM: Eric R. Lawrence, AICP, CEA Secretary

SUBJECT: **Conservation Easement Authority
Request for Support of the Wright Property in the PDR Program
Virginia Land Conservation Fund Grant Program Application**

DATE: June 15, 2011

The Frederick County Conservation Easement Authority (CEA) continues to promote land conservation through the establishment of conservation easements, and the use of state and federal funding sources to secure easements as appropriate.

In 2009, Vernon and Wendy Wright submitted an application to the CEA to place a conservation easement on their property which is known as Hill High Farm located on Cedar Creek Grade. Over the past two years, the CEA has been working with the Wrights to secure funding for this conservation easement. In 2009, the CEA was awarded a grant in the amount of \$260,000 from the USDA's Farm and Ranch Lands Protection Program (FRPP). The CEA is now seeking additional grant funds from the Virginia Land Conservation Fund (VLCF) Grant Program, which is administered through the Virginia Department of Conservation and Recreation, to secure the additional funds necessary to purchase the conservation easement on the Wright property. It should be noted that the CEA is assisting the property owners to find and apply for grant funds, as these funding mechanisms are typically only available to local governments and nonprofit organizations.

The property owners request the CEA's endorsement at their June 23rd meeting to apply for grant funds from the VLCF to fund the Wright property conservation easement purchase. Through the grant funding partnerships, no County funding will be necessary to secure this easement. The Wright property's conservation easement would be secured utilizing FRPP and VLCF funding; and co-holding is proposed to be with the Potomac Conservancy. A future, formal CEA action will be necessary once all the documentation and funding have been finalized, prior to securing the development rights for this property.

Page 2
Conservation Easement Authority
Re: Wright Property PDR
June 15, 2011

Approval action from the CEA is sought at this time:

- 1) **Endorsement to apply for funding through the Virginia Land Conservation Fund Grant Program to help fund the purchase of a conservation easement on the Wright Property. No County funds necessary.**

ERL/bhd

Conservation Easement Purchase Proposal:

Easement purchase price - total of up to, but no more than, \$539,000.

- \$260,000 will come from the US Department of Agriculture's Farm and Ranchlands Protection Program (FRPP) – grant award pending
- Bargain Sale Donation by Owner: \$149,000
- VLCF Grant Requested: \$130,000

The final purchase price may be less if the certified appraisal indicates a lower value. The easement will be held by both Frederick County and the Potomac Conservancy.

Property Information

Owner: Vernon and Wendy Wright

Acreage: 98

Property ID: 61-A-17

Zoned: RA

Magisterial District: Back Creek

Current Use: Pasture

- If subdivided as traditional five acre lots, the property could produce 19 lots based on current County Density – not considering road right-of-way, drainfield, and other environmental constraints.
- The property joins the west side of Cedar Creek Grade, approximately 750 feet south of the intersection of Cedar Creek Grade and Barley Lane.
- The parcel is located within the Cedar Creek watershed, which is listed as impaired by the Virginia Department of Environmental Quality.
- The property is identified as having karst topography.
- The property contains prime soils for farming.
- The property qualifies for, and is currently in, Agricultural Land Use
- The site is a Virginia Century Farm, having been in the family for over 150 years.

The Wright's Vision for their land

With a long standing tradition of agricultural innovation and community involvement, the Wright family has owned and operated a working farm in Frederick County for over 150 years. The Wright's vision is to preserve the authentic farm operations and land "as is" and to continue to expand their community involvement through educational outreach via hands on and interactive agricultural education.

For the past 15 years, The Pumpkin Patch at the farm has successfully exposed almost 100,000 area children to the farm and agricultural life. Through this successful effort, they have developed and initiated plans to extend this seasonal activity to a year round interactive program. The program objectives would permit children to follow and participate in the year round activities of the farm through a cooperative and interactive agricultural curriculum. The Wright's ultimate goal is make this a free, no cost to student, program.

Through obtaining a purchased easement, they would be able to achieve three key objectives for the farm and community:

- secure the open space farm and land for future generations.
- obtain funds to invest in and accelerate the agriculture educational outreach program.
- preserve the rural character of Frederick County.

Purchase of Development Rights

Under a Purchase of Development Rights (PDR) program, a landowner voluntarily sells his/her rights to develop a parcel of land to a public agency or qualified conservation organization. The landowner retains all other ownership rights attached to the land, and a conservation easement is placed on the land and recorded on the title.

In this case, the buyers of the easement / development rights are: Frederick County and the Potomac Conservancy, with funding from the US Department of Agriculture's (USDA) Farm and Ranch Lands Protection Program (FRPP) and the Virginia Land Conservation Fund Grant Program.

Once the buyers establish the conservation easement and purchase the right to develop the land, they essentially extinguish that right permanently, thereby assuring that development will not occur on that particular property. In placing such an easement on their farm and/or forest land, participating landowners often take the proceeds from the sale of the development rights to invest in their farming operations or retire from the business, and may allow another farmer to purchase the land at lower rates (i.e., rates devoid of development rights).