



County of Shenandoah

DEPARTMENT OF PLANNING & ZONING

600 N. Main Street, Suite 107

WOODSTOCK, VA 22664

www.shenandoahcountyva.us

Conservation Easement Authority Meeting Agenda

Board Room

Shenandoah County Government Center

Woodstock, Virginia

September 16th, 2020

5:00 PM – 6:30 PM

The County has resumed the option of in-person public meetings.

While the threat of transmission of COVID-19 Coronavirus continues, remote participation remains an option and is encouraged. The Board meeting room will be limited in capacity to obtain physical distancing measures.

To have your comments read aloud during the "Public Comment" period please either utilize the dedicated email address: thinkle@shenandoahcountyva.us, or mail in or drop off comments via a physical letter to the County Government Center addressed to the Conservation Easement Authority. You can view the meeting through [GoToMeeting.com](https://www.gotomeeting.com). Please consider submitting comments by 4:00 pm, September 16th, 2020.

AGENDA

1. Welcome and Greetings
2. Approve or Amendment of the September 16th, 2020 meeting Agenda
3. Review of the Draft Minutes from August 12th, 2020 CEA Meeting
4. Public Comment
5. Discussion:
 - a. Letter Requesting An Easement On The Shenandoah County Farm
 - b. Letter Requesting Legislation On Roll Back Taxes
 - c. Review Draft Cost of Community Services Report
6. +/-
7. Other Discussion
8. Adjourn
9. Next Meeting October 14th, 2020 5pm

MINUTES OF MEETING OF THE SHENANDOAH COUNTY CONSERVATION EASEMENT AUTHORITY

August 12, 2020

Due to a national pandemic as a result of COVID-19, Coronavirus Disease 2019, the August 12, 2020 meeting of the Shenandoah County Conservation Easement Authority was held via electronic means using a GoToWebinar platform and, also in the Board Meeting Room, 600 North Main Street, Woodstock, Virginia at 5:00 pm EST, for those that wanted to appear in person.

CEA Members present: Chair Dee Hockman, Doug French, Bill Wine, Kelly Watkinson (Virtual), Commissioner Josh Stephens (Virtual), Steve Baker (Virtual).

CEA Members absent: None

Others Present: Tyler Hinkle County Planner, Kim Woodwell Alliance For The Shenandoah Valley, David Brotman Friends Of The North Fork, John Hutchinson Valley Conservation Council, Laura Thurman (Virginia Outdoors Foundation), Bobby Clark (Extension Office), Wade Hawkins, Chris Eye, and Shelley Eye

The meeting was called to order by Chair Dee Hockman at 5:30 PM with the understanding that due to a lack of quorum no decisions could be made.

1. Resolution Regarding Electronic Participation Of The Conservation Easement Authority

Tyler Hinkle informed the Authority that they would need to adopt the presented verbiage in order to allow members on the call to be able to vote. Mr. Hinkle noted that the Authority would still need to have a physical quorum when meeting in order to cover Virginia FOIA requirements. Chair Hockman asked the Authority to review the drafted legislation in front of them and asked if there was any comment or action requested. Doug French made a motion to adopt the presented Resolution, Bill Wine seconded the motion. All in favor. This motion carried.

2. August Agenda

The agenda for the August 12th meeting was reviewed. Chair Hockman asked how the Authority would like to act on this item. Commissioner Josh Stephens made a motion to approve and adopt the Agenda, Mr. French seconded the motion. All in favor. This motion carried.

3. December Minutes

The agenda for the December 11th meeting was reviewed. Mr. Hinkle noted that due to a lack of quorum at the February 19th meeting, the Authority had to delay action on this item until their next meeting, which was the meeting they were currently conducting. Chair Hockman asked how the Authority would like to act on this item. Mr. French made a motion to approve and adopt the Minutes, Commissioner Stephens seconded the motion. All in favor. This motion carried.

4. **February Minutes**

The agenda for the February 19th meeting was reviewed. Chair Hockman asked how the Authority would like to act on this item. Mr. French made a motion to approve and adopt the Minutes, Kelly Watkinson seconded the motion. All in favor. This motion carried.

5. **February Agenda**

The agenda for the February 19th meeting was reviewed. Mr. Hinkle noted that due to a lack of quorum at the February 19th meeting, the Authority had to delay action on this item until their next meeting, which was the meeting they were currently conducting. Chair Hockman asked how the Authority would like to act on this item. Mr. French made a motion to approve and adopt the Agenda, Commissioner Stephens seconded the motion. All in favor. This motion carried.

6. **Vote On New Chair And Vice Chair For 2020**

Mr. Hinkle updated members that they would need to elect their Chair and Vice Chair for 2020. Commissioner Stephens made a motion to nominate Doug French for the position of Vice Chair. Ms. Watkinson seconded the motion. All in favor. This motion carried.

Dee Hockman stated that she would agree to continuing to serve as the Chair. All in favor. This motion carried.

7. **Public Comment**

No comments.

8. **Alliance Update**

Kim Woodwell provided updates on the work being performed by the Alliance For The Shenandoah Valley. Ms. Woodwell also provided preliminary information on the potential of securing a conservation easement on the County Farm. Ms. Woodwell stated that she would continue discussion when the Authority reached the item on the agenda.

9. **Friends Update**

David Brotman provided updates on the work being performed by the Friends Of The North Fork, including a potential easement along the one river-mile of the Seven Bends and their work on developing a web application for mapping resources in the area as they relate to the watershed.

10. **Wade Hawkins Conservation Easement Amendment**

Mr. Hinkle provided members and guests an update on the proposal for an amendment to the Wade Hawkins Conservation Easement. Mr. Hinkle asked Mr. Hawkins to clarify the changes proposed. Mr. Hawkins explained that the intent was to protect more of the prime soils on the property and shift all of the buildable area to one easily accessible site. Mr. Hinkle asked if there were any neighbors present that had concerns about the proposal. Chris Eye stated he was confused why buildable area is proposed to be in front of his house. Mr. Hawkins explained that the intent was to ensure that the

buildable area was all at one easily accessible location in order to reduce the impact on the rest of the property. Seeing no further comment, Chair Hockman asked how the Authority would like to act. Vice Chair Doug French made a motion for the Shenandoah County CEA to approve and accept the proposed changes. Ms. Watkinson seconded the motion. All in favor. This motion carried.

Vice Chair French made a motion for Mr. Hinkle to draft and send a letter to VOF on behalf of the Shenandoah County CEA, expressing their support of the proposed changes. Mr. Stephens seconded the motion. All in favor. This motion carried.

11. Shenandoah County Farm Easement

Kelly Watkinson stated that she needed to leave, but asked that the minutes reflected her support of the letter on the County Farm as well as Roll Back Taxes.

Bobby Clark asked if there was funding available for a conservation easement on the County Farm. John Hutchinson explained that there were numerous potential sources of funding, including the potential of gaining a Core American Battlefield Protection grant due to the location of the property and its historic amenities. Mr. Hutchinson also stated that the funding that comes from the Virginia Land Conservation Fund is not a question of whether they would be able to garner funding, but rather it is a question of how much funding can be garnered. Mr. Hutchinson stated that the starting value is from \$3,000 to \$5,000 an easement.

Mr. Clark provided an update on the County Farm and its model for sustainable agricultural practices. Mr. Clark stated that there was room for adding a conservation easement on the Farm in the future and that their working group has considered the idea in the past.

Vice Chair French stated that the Authority should consider reaching out to the Board of Supervisors individually in order to garner support. Commissioner Stephens echoed this statement and agreed that this was a great idea for the County.

Mr. Clark asked if there would be room in the easement for there to be restorations performed on the streams on the Farm. Mr. Hutchinson stated yes, this would be possible. Vice Chair French asked if such restorations would improve the value of the easement, Mr. Hutchinson stated that yes such improvements would improve the easement value. Mr. Clark stated that he believes the County Farm, and the potential for a conservation easement on the property, could serve as a model for the rest of the County to look up to for guidance.

Vice Chair French made a motion for Mr. Hinkle to draft a letter for their next meeting. Bill Wine seconded the motion. All in favor. This motion carried.

12. Review Draft Cost Of Community Services Report

Mr. Hinkle presented the draft Cost of Community Services Report. In summary, Mr. Hinkle stated that the report provides two assessments: one where vacant properties are taken into account and left out of the dataset, and one where vacant properties are retained in the final dataset and these assessments are known as Assessments II and I respectively. In addition, Mr. Hinkle explained that the report contains three tests within each Assessment: the Twenty Test is run in the same fashion as the Weldon Cooper Center and considers all Agricultural and Conservation zoned land that is 20 acres or less to be residential, the Ten Test considers all Agricultural and Conservation zoned land that is 10 acres or less to be residential, and the Zero Test runs the assessment as the land is zoned.

Mr. Hinkle explained that in all cases residential land uses score the highest in terms of providing services to the uses, and agricultural lands scored either lowest or next to lowest. In short, the data reveals that agricultural land is not subsidized and rather, suburban residential and commercial land is subsidized. The data also revealed that urban and mixed use residential and commercial lands scored lower in the cost of services than suburban uses. Further information on the report can be found in the report itself.

Members of the Authority expressed their glee in seeing the in-depth nature of the report and its ability to cover the subject in a comprehensive manner. Mr. Hinkle asked for critiques and potential additions or changes. Mr. Brotman suggested verbiage on the importance of ecological landscapes and planning, as well as photo-shopped images to demonstrate the impact that development poses. Mr. Hinkle stated that he would prepare additional information on ecological cores, the cost of maintaining roads and houses, as well as photo-shopped images. Members suggest that the locations could include: Feitzer's Gap, Woodstock Tower, Deer Rapids, the Third Hill area from the Knob, mountainsides in Zepp, Signal Knob, and the view off of 640 towards the Vance easement. Mr. Hinkle stated that he would work on a few renderings for the final report.

13. Letter Requesting Legislation On Roll Back Taxes

Members reviewed the draft letter and stated that they would like to review the final Report and have it sent to the Board Of Supervisors by October so they can avoid conflicts with budget season.

14. Easement Packet And Web Application

Members expressed their interest in seeing more in terms of consolidating information on conservation easements in the County.

15. Other

Authority members requested a special meeting be held September 16th at 5:00 pm in order to review the final draft of the Cost of Community Services Report, as well as the letter on the County Farm Easement. All in favor. This motion carried.

Next meeting: September 16th, 2020. Meeting adjourned at 7:45 PM

Minutes recorded by Tyler Hinkle

Mission statement of the CEA: "To retain the rural character, ensure agricultural sustainability, and protect historic and natural resources in Shenandoah County by promoting, holding/co-holding and purchasing Voluntary Conservation Easements".

County of Shenandoah



Office of Community Development
Planning & Zoning
600 North Main Street, Suite 107
Woodstock, VA 22664
<https://shenandoahcountyva.us/community/>

Phone
540.459.6185
Fax
540.459.6193

Memorandum

To: Most Honorable Members of the Planning Commission and Board of Supervisors
From: Members of the Conservation Easement Authority and Tyler Hinkle – County Planner
CC: Evan Vass, Mandy Belyea, Jason Smith, Brenna Menefee
Date: October ##, 2020
Re: A Request For The Consideration Of Placing The County Farm Under A Conservation Easement

Most Honorable Members of the Planning Commission and Board of Supervisors:

The current 169 acres of the County Farm were once part of a 232 acre farm dedicated to supporting the Alms House, a place of refuge for those in hard times. In the colonial period the farm was owned by the Beckford Parish, a local organization of the Anglican Church, and was used to support church operations and their minister, one of which was Peter Muhlenberg. Following independence, the church was dissolved and in 1798 Shenandoah County citizens asked the state to turn the property over to the County for, "the sole use and benefit of the poor." The Glebe Farm, so named in 1829, served as the local Alms House until 1990, and was managed by local farmers who leased the land until April 13th, 2014, the day the Alms House burned.ⁱ

Following the loss of the Alms House, the property was split and transitioned into two uses: 63 acres to be used for the creation of a County Park, and 169 acres to remain in agriculture under the supervision of the Virginia Extension Service. The farm is currently being utilized to demonstrate sustainable agriculture through methods such as continuous no-till and grassed waterways to reduce the loss of top soil and sediment being washed into the watershed, pasture management, reclaiming overgrown pasture areas, and developing multi-year lease arrangements which aid in ensuring that the property is not only maintained but improved while being leased. The work accomplished by the Virginia Extension Office has set landmark examples to the rest of the County on how to farm in a more productive manner, while also protecting the environment.

In 2014 the County Farm Advisory Board (CFAB) recommended that the property be preserved under easement. In addition, the County adopted Toms Brook and Fishers' Hill Battlefield Preservation Plans and the County's Agricultural Task Force Committee recommended permanent protection of the County farm to ensure its legacy. Preserving farmland with easements is called for in both the Comprehensive Plan and in the Agricultural Task Force's 2009 report.

A conservation easement is a legal agreement between a landowner and a land trust to permanently limit future structural development of a property, such as the County Farm. Under a conservation easement, the County would continue to own, use and control the property. The farm could continue to be actively farmed as well as farmed in new and innovative fashions. The County would determine the level of public access. The land trust, a state agency or private nonprofit organization, would be responsible for seeing that the terms of the easement were upheld in perpetuity.

In addition to preserving the legacy of the property, significant financial benefits are available to the County for protecting the land with a conservation easement.

The conservation easement would likely be completed through a mix of donative value and grant funding, from state and federal sources, to compensate the County for giving up the development value of the easement. Since the property is part of the Toms Brook Battlefield, it is eligible for state and federal battlefield preservation grants which could bring additional funding to the County. After the easement is completed, the County would be eligible to receive a Virginia Land Preservation Tax Credit equal to 40 percent of any value of the easement donated by the County. The County would then be able to sell the tax credits and use the proceeds from the sale of the tax credits as the Board of Supervisors wished. One alternative would be to use the funds to support further land conservation in the County through the County's Conservation Easement Authority.

Precedent for other localities placing a conservation easement on public land:

Carvins Cove Natural Reserve: In 2009 the City of Roanoke donated a conservation easement over 11,363ⁱⁱ acres of Carvins Cove Natural Reserve to the Western Virginia Land Trust and the Virginia Outdoors Foundation. This donation was the first time a city in Virginia permanently protected its major source of drinking water with a conservation easement, while also protecting miles of Appalachian Trail viewshed and a recreation area revered by hikers and mountain bikers.

Fredericksburg Watershed Property: This 4,232-acre property along the Rappahannock and Rapidan rivers is owned by the City of Fredericksburg. It was placed under conservation easement in 2011.ⁱⁱⁱ The easement allows the land to remain in its natural state, to protect this critical source of drinking water as much as possible. As an added benefit, the natural integrity of this corridor provides exceptional recreational opportunities.

Most Honorable Members of the Planning Commission and Board of Supervisors, we respectfully submit this letter to you with the hope that you will make the best decision for Shenandoah County and allow for the Conservation Easement Authority to work with proper agencies to secure a conservation easement on Shenandoah County's Farm so it may be preserved for generations to come.

To a brighter tomorrow,

Members of the Conservation Easement Authority and Tyler Hinkle – County Planner

ⁱ <http://shenandoahstories.org/items/show/84>

ⁱⁱ <https://www.playroanoke.com/parks-facilities/carvins-cove-natural-reserve/>

ⁱⁱⁱ Fredericksburg Watershed Property Management Plan

Shenandoah County Farm: Possible easement and how it could work:

Background: Known as the Glebe Farm, this 230-acre property, was ceded to Shenandoah County by the Virginia General Assembly in 1798 for the sole use and benefit of the poor. A historic home on the property provided shelter for some of the County's neediest families until a fire consumed it in 2014. With just the barn standing, the surrounding land is leased for farming and used by the Virginia Cooperative Extension as a testing ground for best management practices.

How a conservation easement works: A conservation easement is a legal agreement between a landowner and a land trust to permanently limit future development of a property, such as the County Farm. Under a conservation easement, the County would continue to own, use and control the property. The farm could continue to be actively farmed. The County would determine the level of public access. The land trust, a state agency or private nonprofit organization, would be responsible for seeing that the terms of the easement were upheld in perpetuity.

It should be noted that the County Farm Working Group, the Tom's Brook and Fishers Hill Battlefield Preservation Plan (adopted by the County), and the Ag Task Force Committee all recommended permanent protection of the County Farm to ensure its legacy.

Benefits of a conservation easement: In addition to preserving the legacy of the property, significant financial benefits are available to the County for protecting the land with a conservation easement.

The conservation easement would likely be completed through a mix of donative value and grant funding, from state and federal sources, to compensate the County for giving up the development value of the easement. Since the property is part of the Toms Brook Battlefield, it is eligible for state and federal battlefield preservation grants which could bring additional funding to the County. After the easement is completed, the County would be eligible to receive a Virginia Land Preservation Tax Credit equal to 40 percent of any value of the easement donated by the County. The County would then be able to sell the tax credits and use the proceeds from the sale of the tax credits as the Board of Supervisors wished. One alternative would be to use the funds to support further land conservation in the County through the County's Conservation Easement Authority.

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ⁱ <https://www.playroanoke.com/parks-facilities/carvins-cove-natural-reserve/>

ⁱⁱ Fredericksburg Watershed Property Management Plan

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Memorandum

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From: Members of the Conservation Easement Authority and Tyler Hinkle – County Planner
CC: Evan Vass, Mandy Belyea, Jason Smith, Brenna Menefee
Date: September ##, 2020
Re: A Request For Roll Back Tax Funding To Be Used To Fund the Conservation Easement Authority

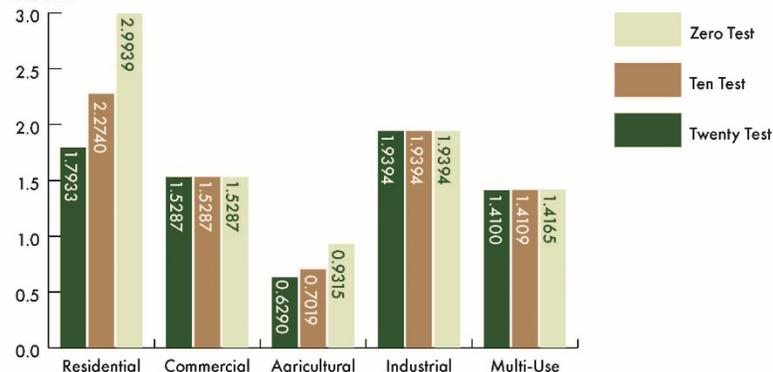
Most Honorable Members of the Planning Commission and Board of Supervisors:

Following your request for a study to be performed examining land use costs in Shenandoah County nearly a year ago, Tyler Hinkle, has completed the final report known as the Cost of Community Services Report. This report describes in greater detail than such reports seen in Clarke County as it specifies land use into 126 different uses in the County based on geography, size, zoning, use, and services provided. In short the report draws from 2019 real estate data as well as actual expenditures from Financial Year 2017-2018 in order to determine the amount of citizen taxes that are applied towards different uses in the County. This method of analysis split the costs of services by use and then divided the costs by the revenues from real estate taxes while also taking into account land use taxation classifications.

Aggregated data reveals that residential land use costs Shenandoah County tax payers the most in terms of providing additional services. The chart below clearly demonstrates the breakdown of service costs in Shenandoah County. Note that three tests were run as UVa's Weldon Cooper Center classifies all agricultural land under 20 acres as being residential, yet the average parcel size of agricultural land in the County is 11 acres. The 20 test runs the analysis assuming all A-1 and C-1 land under 20 acres is residential, the 10 test runs the analysis with 10 acres being the cut off for qualifying for agriculture, and the 0 test runs the analysis with the land as it is zoned. Each clearly demonstrate the same result: residential land costs the most.

Shenandoah County Actual Cost Of Community Services Assessment II By Use

Data Sources: Shenandoah County Commissioner Of Revenue Office, Shenandoah County GIS Department, Shenandoah County Financial Year 2017-2018 Budget Actual Expenditures, New Market Financial Year 2017-2018 Budget Actual Expenditures, Mount Jackson Financial Year 2017-2018 Budget Actual Expenditures, Edinburg Financial Year 2017-2018 Budget Actual Expenditures, Woodstock Financial Year 2017-2018 Budget Actual Expenditures, Tom's Brook Financial Year 2017-2018 Budget Actual Expenditures, Shenandoah County Financial Year 2017-2018 Budget Actual Expenditures, Shenandoah County Tax Rates, New Market Tax Rates, Mount Jackson Tax Rates, Edinburg Tax Rates, Woodstock Tax Rates, Tom's Brook Tax Rates, Shenandoah County Tax Rates.
Author: Tyler Hinkle
Date: June 11th, 2020



While we are positive that you are also curious as to why it has taken almost a year to develop these numbers, it should be known that the original proposal for the report to be contracted out to the UVa Weldon Cooper Center would have taken over a year due to interviews and other aspects they require, and they only provide three land uses: residential, commercial/industrial, and agriculture/open space. The report you hold in your hands not only was achieved in less than a year, but was also done in a manner that not only are five different land uses known, but 1,106 so that it can be said what exact locality, zoning, service area, real estate occupancy code, and the number of bedrooms can be examined to demonstrate which used are causing more costs upon the County and each of the six Towns. To add to that, this report was all performed by one Shenandoah County staff member rather than costing the County \$10,000 to run the analysis.

The purpose of this memorandum is to express the request of the Conservation Easement Authority to allocate funds from roll back taxes towards aiding Shenandoah County citizens in protecting their family farms and the landscape we hold dear. While the report itself helps to better inform changes in land use decisions in the County and where a focus may be placed in the future with the next comprehensive plan under development, the focus of this memorandum is the fact that the attached report demonstrates that residential development in Shenandoah County not only incurs more costs to tax payers than agricultural and other uses, but it also incurs more costs than residential development in the six Towns.

We hope that the data, findings, and summaries provided in the enclosed report as well as the additional datasets that are now publicly available, guides Shenandoah County to continue embracing its strongest assets: the land that we all share and the people who call it home.

In short, please take this report and the findings herein as proof that the work that you have done to protect the rural character of Shenandoah County has been very wise in terms of not only protecting the culture and way of life in the area, but also ensuring that the cost of services that Shenandoah County must provide remains low. Together with these facts, your determination, and the community vision arising with the 2045 comprehensive plan, we will have a bright future in Shenandoah County.

Most Honorable Members of the Planning Commission and Board of Supervisors, we respectfully submit this report to you with the hope that you will make the best decision for Shenandoah County and allow for funding from roll back taxes to support conservation and farmland protection in Shenandoah County.

To a brighter tomorrow,

Members of the Conservation Easement Authority and Tyler Hinkle – County Planner