Albemarle Conservation Easement Authority

Easement Donation Proposal Summary

Property Description

Owner(s)	Hamilton, Amanda Jane
Tax Map – Parcel Numbers	Tax Map 47 Parcel 38A
Acreage	35 acres
Location	3182 Burnt Mill Rd

Minimum Standards

In order for an easement to be considered by the ACEA, the answers to the questions in Table 1 must all be "yes" or "n/a."

Table 1: Minimum Standards	
Standard	**Response**
Granted in perpetuity?	Yes
Consistent with Albemarle County Comprehensive Plan?	Yes
Only permits structures or other improvements in locations that avoid impacts to the resources to be protected.	Yes
Eliminates some residential development potential?	Yes – four potential dwellings eliminated
If property is 40 acres or more and proposed density is more than 1 unit per 40 acres, are new dwellings prohibited?	n/a
If property is under 40 acres, are 0-1 dwellings permitted (or no new dwellings if 2 or more already exist)?	Yes

Resource-protection Standards

Any easement being considered by the ACEA should include ***at least*** the minimum number of protection standards listed in the table below. Easement that protect more resources, or that have stronger restrictions, will be stronger candidates. The standards are described in Table A.

Property Size	**Density**	**Minimum number of protection standards to be met (see Table A)**
40 acres +	1 unit/40 acres or less	1
40 acres +	More than 1 unit/40 acres	1
Under 40 acres		2

Table A: Qualifying Standards for Resource Protection

The table below identifies resources that the ACEA considers important for protection. The "proposed terms" column describes how those resources will be protected.

Resource To Be Protected	Resources Present & Effects of Proposed Terms
Open Space: Farmland, Forest Land, Natural Resources	
Critical Slopes (areas of slopes of 25% or greater, particularly those uphill of important water resources such as water-supply areas or aquatic habitat)	The property includes small areas of critical slopes. The most significant slopes near the stream would be protected by the riparian buffer requirements.
Important Stream Valleys, 100-year Floodplain, Perennial Streams	The streams on the property are marked as "intermittent," but have forested buffers and flow over a short distance to the North Fork Rivanna River, which is an important stream valley with designated floodplain.
Sensitive Soils	
Wetlands	
Virginia Scenic Rivers and County Scenic Streams	
Water Supply Impoundments	
Water Supply Protection Areas	
Mountain Protection Areas	
Farmlands and Productive Soils (parcels of 40 acres or more only)	
Forests (parcels of 40 acres or more only)	
Important Wooded Areas (Development Areas) – designated wooded areas from Open Space Plan only	
State Scenic Highways, Virginia Byways and Entrance Corridors	
Adjacency to existing conservation easements, parks, or other conserved land	
Habitat Protection	
Natural Areas & Habitat	• The property includes a wooded area of approximately 9.15 acres that is located along a stream flowing to the North Fork Rivanna River. • The importance of the wooded areas on this property has been rated as "Very High" and "High" by the Virginia Department of Forestry's Forest Conservation Value analysis. The wooded riparian buffer would protect the highest-scoring wooded areas of the property. • The northern portion of the property falls within one of the three Conservation Focus Areas (the "Rivanna River Corridor" area) established in the Comprehensive Plan. The wooded riparian buffer would protect terrestrial and aquatic habitat value in this focus area.
Wetlands	
Historic Preservation	
Historic Sites and Districts	
Archaeological Sites	
Public Outdoor Recreation	
Trails and Greenway Corridors	
Parkland	

Summary of Restrictions

• Subdivisions permitted	No subdivisions
• Dwellings permitted, with sizes	• Existing 2,324-square foot dwelling (3182 Burnt Mill Rd) or its replacement, up to 3,500 square feet of finished above-ground living space. • Existing 1,627-square-foot dwelling (3122 Burnt Mill Rd) or its replacement, up to 1,700 square feet of finished above-ground living space No new dwellings or other structures within 1,000 feet of Burnt Mill Road, except farm buildings of 500 square feet or less.
• Other structures permitted, with sizes	Standard terms. Two existing corn cribs on the site shall not be willfully demolished.
• Agricultural uses	Standard terms. No land clearing for agriculture in the riparian buffer or on critical slopes. The following agricultural uses are prohibited: • Confined Animal Feeding Operations (CAFOs) • Livestock feed lots • Commercial grape production
• Forestry uses	No commercial timber harvest. No material timber harvest in the riparian buffer or on critical slopes. See revised restrictions on page 4 below.
• Grading and earthmoving	Standard terms. No grading or earthmoving in riparian buffer.
• Commercial uses	Standard terms. No commercial solar power generation or wind power generation.
• Riparian Buffers	Existing wooded area to be preserved as riparian buffer area. See revised riparian-buffer restrictions on page 5 below. Front structure setback also limits water-quality impacts on existing pond.

Revised Forestry and Riparian-buffer Terms (showing changes from template):

4.MANAGEMENT OF FOREST. ~~**[NOTE: The following provisions are a standard base. Enhanced provisions may be indicated on properties with significant forestry conservation value.]**~~

(i) ~~Best Management Practices (BMPs), as defined by the Virginia Department of Forestry, shall be used to control erosion and protect water quality when any material timber harvest (whether of healthy or diseased trees) or land-clearing activity is undertaken. A pre-harvest plan shall be submitted to Grantee for approval no later than fourteen (14) days before the proposed date of a material timber harvest, which approval shall take into consideration whether the pre-harvest plan is consistent with the terms of this Easement. The pre-harvest plan shall describe the BMPs to be used in sufficient detail to ensure that water quality will be protected.~~

~~(ii)~~ No commercial timbering or tree clearing shall be conducted on the property. Provided that it is not prohibited or restricted by Section 5 below and does not occur on slopes of 25 percent or more, t~~T~~he cutting, clearing, or removal of trees on ~~less than ten (10) acres of~~ the Property ~~at any one time does not constitute material timber harvesting or land clearing, and does not require the use of BMPs or a pre-harvest plan,~~ shall be permitted if:

(a) the cutting, clearing or removal trees is necessary for the construction or maintenance of permitted roads, driveways, trails, utilities, buildings, structures, food plots, or ponds;

(b) the trees are used for firewood for Grantor's domestic use;

(c) the trees are invasive species;

(d) the trees pose a threat to the health or safety of persons, property or livestock;

(e) the trees are dead, diseased, or dying; or

(f) the cutting, clearing, or removal of trees is necessary for other permitted activities on the Property, except timber harvesting or land clearing, provided that the clearing of land to preserve or reclaim fields is permitted.

Revised Riparian Buffer Terms (showing changes from template):

5. RIPARIAN BUFFER.

A ~~100-foot~~ riparian buffer ~~strip~~ as shown on the attached exhibit shall be maintained along each edge of each ~~perennial~~ stream on the Property ~~as measured from the tops of the banks~~.

(i) Within the buffer ~~strips~~ there shall be:

(a) no buildings or other substantial structures constructed,

(b) no new ~~paved~~ roads or driveways ~~or paving of existing roads without Grantee's approval~~,

(c) no storage of compost, manure, fertilizers, chemicals, machinery or equipment,

(d) no removal of trees, except removal of invasive species, removal of dead, diseased or dying trees, removal of trees posing a threat to human or livestock health or safety or property, removal of trees for the purpose of maintaining existing roads or constructing new permitted ~~roads~~ trails, or minimal removal of individual trees, and

(e) no plowing, cultivation, filling, or other earth-disturbing activity, except as may be reasonably necessary for the activities set forth in Section II Paragraph 5(ii) below.

(ii) Permitted within the buffer ~~strips~~ are:

(a) erosion control or restoration, enhancement, or development of ecosystem functions on the Property as permitted and limited under Section II, Paragraph 3(i)(f) above,

(b) fencing along ~~or within~~ the buffer ~~strips~~,

(c) construction and maintenance of stream crossings (including improvements over the buffer strip(s) to access crossings) for pedestrians, ~~livestock and vehicles,~~ which crossings minimize obstruction of water flow,

(d) creation and maintenance of trails with unimproved surfaces,

(e) creation and maintenance of ~~wildlife plots and~~ natural heritage habitat,

(f) planting of trees, shrubs, grasses, or other vegetation, and

(g) harvest of the existing pine plantation (including clear cutting), provided that the area is replanted to hardwood forest according to a plan approved in writing by the Grantee.

~~(g) clearing, grading and dam construction to create ponds (but not storm water retention or detention ponds to serve other properties).~~

~~(iii) If the perennial streams meander or change course naturally, or as a result of the restoration, enhancement, or development of ecosystem functions on the Property as permitted and limited under Section II, Paragraph 3(i)(f) above, the buffer strips shall remain the same width, but move relative to the movement of the perennial streams. In such event, any buildings or structures that were outside of the original buffer strips and are determined to be within the new buffer strips shall not be considered in violation of these restrictions and may be maintained at such locations.~~