Dragon Run SAMP FY 2008 Final Report

Sara Stamp
Dragon Run SAMP Director
Middle Peninsula Planning District Commission

NA08NOS4190466 Task 95

This project was funded by the Virginia Coastal Zone Management Program at the Department of Environmental Quality through Grant # NA08NOS4190466, Task 95 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended

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Executive Summary

Product 1: Report on Technical Assistance for Adoption and Implementation of Comprehensive Plan and/or Zoning Amendments

During the FY 2008 grant cycle, three of the four Dragon Run Watershed counties – Essex, Middlesex and Gloucester – were in the process of updating Comprehensive Plans. None of the four watershed counties were updating Zoning Ordinances during this time period. King and Queen County, adopted revised Dragon Run Zoning Ordinance language during a previous grant cycle. MPPDC staff consulted with representatives from each of the remaining watershed counties regarding their Dragon Run land-use recommendations and offered assistance during their review and adoption processes.

Middlesex County adopted a Comprehensive Plan that includes some of the Dragon Run land-use recommendations. Additionally, Middlesex County also recognized the importance of other land-use tools recommended by the SAMP in its revised Comprehensive Plan, such as Purchase of Development Rights Programs, Conservation Easements, Transfer of Development Rights Programs and Agricultural and Forestal Districts.

Gloucester County continued to work on its draft Comprehensive Plan and is hoping to consider adoption in September 2010. According to the county's planning director, a section on the Dragon Run that reflects the recommendations will be included in the final draft, as will reference to the Dragon Run be included in the section on Natural Resources.

Essex County initiated the Comprehensive Plan update right at the end of the FY2008 grant period. The Dragon Run recommendations have been included in the working draft. The County plans to present a draft to the Planning Commission in Fall 2010 and is hoping to adopt the Comprehensive Plan in Spring 2011.

Product 2: Report on Technical Assistance and Education Programs

MPPDC staff continued to provide support to the citizen-based Dragon Run Steering Committee and its related sub-committees. Staff provided outreach materials to the general public via DVDs, brochures and the Dragon Run website (www.mppdc.com/dragon). Approximately 1,150 DVDs were distributed during this grant cycle. MPPDC staff provided technical support to assist the Dragon Run Day Subcommittee in planning for the community-oriented Dragon Run Day to celebrate the natural, cultural, and historic heritage of the Dragon Run. The festival serves as an opportunity to increase citizen awareness of watershed issues and features results of projects undertaken and partnerships created during the course of the Dragon Run SAMP.

Two action-oriented outcomes from this Task were the submission of a letter to the Virginia Department of Transportation regarding altering ditch cutting practices to reduce environmental impacts and the development of a resolution to study the fiscal and land-use impacts of conservation easements and land holdings by tax-exempt entities.

Product 3: Report on Dragon Run Estate Planning Network Initiative

The Dragon Run Conservation Estate Planning Network Initiative has been quite successful. Currently, 20,645 acres (or 23% of the Dragon Run Watershed) is protected. The majority of that acreage has been protected since the SAMP started focusing on conservation planning in early 2006. During this grant cycle, two landowner education events on conservation estate planning, land protection and land asset management have been conducted with a total of 45 attendees. Additionally, eleven attorneys and CPAs received training to help increase the awareness of conservation easements as estate planning tools via two continuing education courses

While MPPDC staff was educating themselves about the conservation easement process, it was discovered that there are inconsistencies and potentially misunderstandings about how to assess lands with conservation easements. As a result of a dialog about the assessment process initiated by MPPDC staff, at least one Commissioner of Revenue has changed his assessment process. Additionally, the MPPDC has directed staff to seek resources to study the fiscal and land-use impacts of conservation easements and land holdings by tax-exempt entities and develop policy recommendations to mitigate the impacts to local governments.

Product 1: Report on Technical Assistance for Adoption and Implementation of Comprehensive Plan and/or Zoning Amendments

Sara Stamp
Dragon Run SAMP Director
Middle Peninsula Planning District Commission

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During the FY 2008 grant cycle, Dragon Run Watershed localities faced difficult economic times, changing political representation and shifting priorities. These factors all contributed to delays in anticipated schedules to perform Comprehensive Plan and Zoning Ordinance updates.

During this cycle, three of the four Dragon Run Watershed counties – Essex, Middlesex and Gloucester – were in the process of updating Comprehensive Plans. None of the four watershed counties were updating Zoning Ordinances during this time period. King and Queen County, adopted revised Dragon Run Zoning Ordinance language during a previous grant cycle. While Essex County had originally intended to perform Comprehensive Plan updates during 2008-2009, the county is currently anticipating that updates will commence when the 2010 census data becomes available. MPPDC staff consulted with representatives from each of the remaining watershed counties regarding their Dragon Run land-use recommendations and offered assistance during their review and adoption processes. Additionally, representatives (either Planning Directors or County Administrators) from each of the three counties confirmed intent to adopt and implement Dragon Run land-use recommendations (see Appendix A) at the time of the next update.

In January 2010, Middlesex County adopted a Comprehensive Plan that includes the Dragon Run land-use recommendations. Additionally, in its updated Comprehensive Plan Middlesex County also recognizes the importance of other land-use tools recommended by the SAMP, such as Purchase of Development Rights Programs, Conservation Easements, Transfer of Development Rights Programs and Agricultural and Forestal Districts. The related sections for the Comprehensive Plan can be found in Appendix B.

Gloucester County continues to work on its draft Comprehensive Plan and hopes to consider adoption in September 2010. According to the county's planning director, a section on the Dragon Run that reflects the recommendations will be included in the final draft, as will reference to the Dragon Run be included in the section on Natural Resources and other related sections. A draft version of the Dragon Run section can be found in Appendix C.

Essex County initiated the Comprehensive Plan update right at the end of the FY2008 grant period. The Dragon Run recommendations have been included in the working draft. The County plans to present a draft to the Planning Commission in Fall 2010 and is hoping to adopt the Comprehensive Plan in Spring 2011. The language that has been included in the draft Comprehensive Plan can be found in Appendix D.

Product 2: Report on Technical Assistance and Education Programs

Sara Stamp
Dragon Run SAMP Director
Middle Peninsula Planning District Commission

NA08NOS4190466 Task 95

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MPPDC staff provided support to the Dragon Run Steering Committee at six quarterly meetings as well as related sub-committee meetings, such as those for the Dragon Run Day Sub-committee and the Dragon Run Stewardship Award Sub-committee. Some topics that the Steering Committee focused on during the grant cycle included: Dragon Run Watershed Management Plan Implementation Action Items; Virginia Department of Transportation ditch cutting practices and negative impacts; Purchase of Development Rights/Transfer of Development Rights Programs; developing a Dragon Run Watershed-based curriculum with the Chesapeake Bay National Estuarine Research Reserve Program; the Middle Peninsula Chesapeake Bay Public Access Authority; and impacts of conservation easements on the local tax base. Appendix E includes meeting agenda, summaries and additional information, as well as the brochure for Dragon Run Day.

MPPDC staff manned a Dragon Run SAMP table with representatives from the Dragon Run Steering Committee at Dragon Run Day. Dragon Run Day is the community-oriented celebration of the natural, cultural, and historic heritage of the Dragon Run. The festival serves as an opportunity to increase citizen awareness of watershed issues and features results of projects undertaken and partnerships created during the course of the Dragon Run SAMP. The Dragon Run Day Event was held Saturday, October 10, 2010. Due to the weather forecast, a number of exhibitors bowed out the last few days prior to the event. A decision was made Friday morning at the time of tent delivery, to relocate exhibitors from the beach to the campground pavilion in case of heavy rain. The day itself, however, was better than predicted. Still a number of additional exhibitors did not show in the morning. This did provide plenty of space for those in attendance. A total of 14 out of the original 20 exhibitors were in attendance. In addition to the static exhibits, several tree walks and marsh tours were offered throughout the day all with good attendance. The Dragon Run Steering Committee presented Andy Lacatell with the Dragon Run Stewardship Award for his support of efforts to preserve and protect the Dragon. There were approximately 900 campers on site and 165 people were documented entering at the gate for a total attendance of 1,065. This number is down a little from the previous years, most likely due to the weather.

During the FY 2008 grant cycle, staff provided outreach materials to the general public via DVDs, brochures and the Dragon Run website (www.mppdc.com/dragon). Approximately 1,150 DVDs were distributed during this grant period.

At its November 2008 Dragon Run Steering Committee meeting, the Committee requested that a letter be sent to the Virginia Department of Transportation requesting that ditch digging practices be altered to reduce negative impacts, such as sedimentation, especially within the Dragon Run Watershed. The Steering Committee recommended that the traditional V-shaped ditching practices be replaces with swales. The letter to VDOT can be found in Appendix F. The Dragon Run Steering Committee is still continuing to further this issue and a VDOT representative has been asked to attend the next Steering Committee meeting to discuss this item and potential policy changes further.

Since the exploring conservation estate planning in more depth during the last year of the SAMP program, a recurring discussion of the Dragon Run Steering Committee is the impact of conservation

easements and holding by tax exempt entities both on the local tax base and on the land-use of the region. The Steering Committee considers conservation easements and similar tools supportive of the SAMP, Dragon Run Watershed and Steering Committee missions. These tools help to keep the land in farming and forestry, protect rural character, often assist farmers with keeping their lands in their families and help provide for the long-term stewardship of natural resources, while preserving property rights. As a result of Task 3 of the FY 2008 program, the Dragon Run Steering Committee requested that the Middle Peninsula Planning District Commission direct staff to find resources to study these issues further. The resulting resolution adopted by the MPPDC can be found in Appendix G.

Product 3: Report on Dragon Run Estate Planning Network Initiative

Sara Stamp
Dragon Run SAMP Director
Middle Peninsula Planning District Commission

NA08NOS4190466 Task 95

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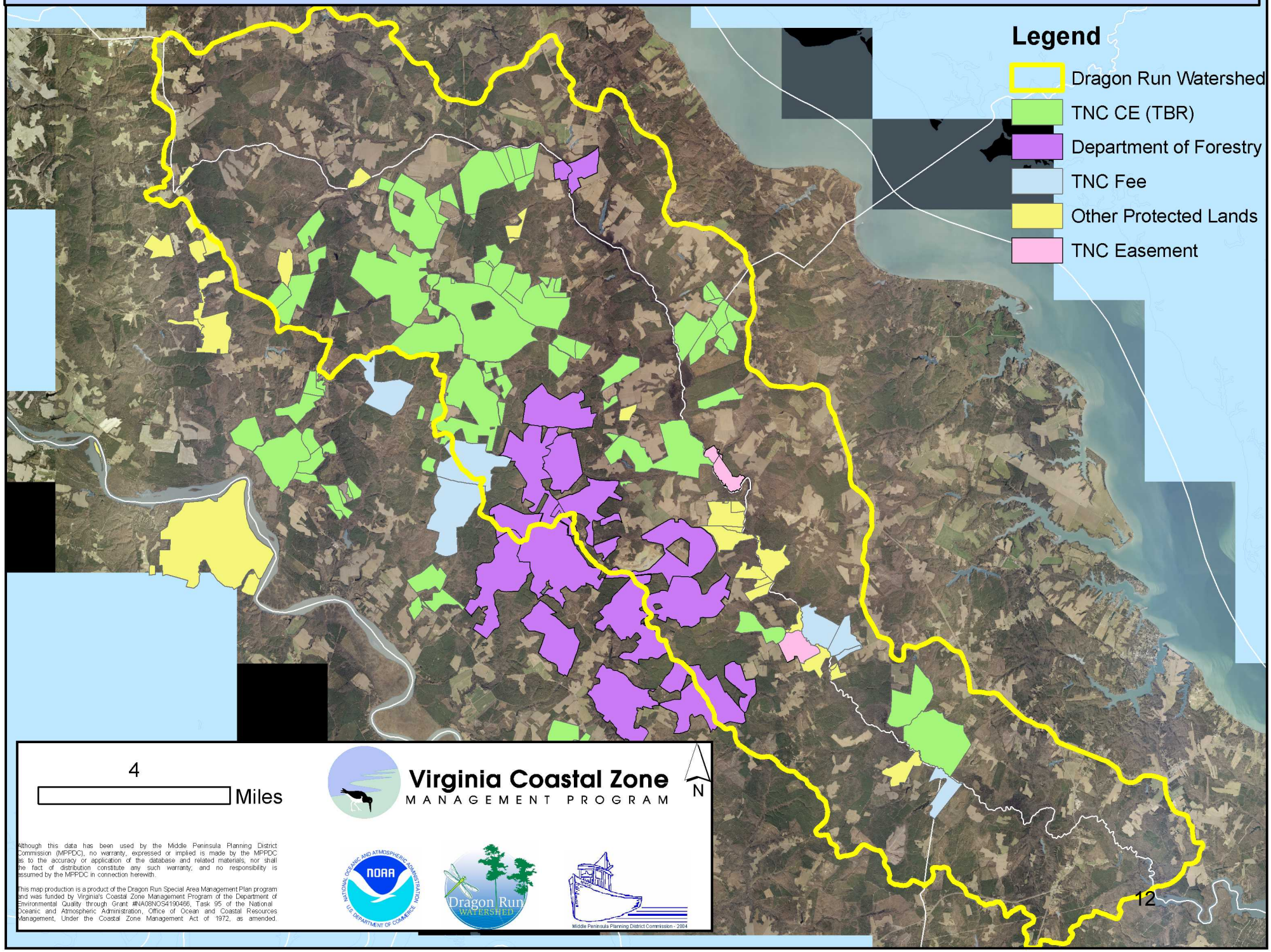
The Dragon Run Conservation Estate Planning Network Initiative has been quite successful. Currently, 20,645 acres (or 23% of the Dragon Run Watershed) are protected. The majority of that acreage has been protected since the SAMP started focusing on conservation planning in early 2006. During this grant cycle, eleven attorneys and CPAs received training to help increase the awareness of conservation easements as estate planning tools via two continuing education courses (Appendix H). Additionally, two landowner education events (Appendix I) focusing on conservation estate planning, land protection and land asset management have been conducted with a total of 45 attendees.

During this project, future needs in this field were uncovered. Several of our Middle Peninsula localities are expressing significant displeasure with scale and scope of conservation easements. Localities are questioning the value of easements (short term and long term), especially the short term fiscal impact from easements related to the devaluation of land and the direct loss of taxable real-estate. King and Queen in particular had thousands and thousands of acres of land go under easement or acquired by tax exempt units of government. The King and Queen Commissioner of Revenue advised the locality that the taxable revenue loss associated with this land annually is between $30,000- $50,000. The locality has to make up the lost revenue or the locality has to cut costs, which in this economy equates to laying off staff like a deputy or teacher. We are also learning that many Commissioners of Revenue are not as familiar as to how to value the easements and or devalue the encumbrance placed on the deed to determine what is taxable. In fact, one Commissioner of Revenue has changed his practices of assessing eased lands based on a dialog initiated by MPPDC staff.

There is also great confusion and inconsistencies between how the Commissioners of Revenue report land values, less easements, for composite index calculations. Some localities believe easements help the composite index; some believe it hurts the index. All of these factors contribute to the need to continue to work on this issue to maintain a favorable climate for landowners in the Dragon Run to continue to use conservation easements as tools to protect the traditional uses of their land. To this end, the MPPDC has directed staff to find resources to study the fiscal and land-use impacts of conservation easements and land holdings by tax-exempt entities and develop policy recommendations to mitigate the impacts to local governments.

Dragon Run Protected Lands February 2010



Appendix A

Acknowledgement Letters from County Representatives

David S. Whitlow
County Administrator

Linda E. Lumpkin
Deputy County Administrator

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Established 1692

Essex County
Virginia

APR 19 2010

Board of Supervisors

Angelo S. "Jack" Stevens
North Election District

Margaret H. "Prue" Davis
South Election District

Edwin E. "Bud" Smith, Jr.
Central Election District

E. Stanley Langford
Greater Tappahannock
Election District

April 15, 2010

Sara Stamp
Dragon Run SAMP Director
Middle Peninsula Planning District Commission
PO Box 286
Saluda, Virginia 23149

Dear Ms. Stamp,

Thank you for your assistance in developing land-use policy recommendations for the Dragon Run watershed portion of Essex County. The draft comprehensive plan language and zoning ordinance recommendations will be considered for inclusion during upcoming adoption cycles. Your offer to provide further technical assistance during the adoption process is also appreciated.

MPPDC staff presented the Dragon Run land-use policy recommendations to the County Administrator as an array of potential options. With our input, MPPDC staff then tailored the selected options to fit the design of current comprehensive plan and zoning ordinance layouts.

Essex County is currently updating its comprehensive plan. The working draft plan includes the recommended Dragon Run Comprehensive Plan. It is anticipated that the comprehensive plan will be considered for adoption in Spring 2011. As the County Administrator, I do not foresee any complications in the adoption of the Dragon Run recommendations in the comprehensive plan. After adoption of the comprehensive plan, Essex County will review its zoning ordinances for consistency. At that time, the Dragon Run zoning recommendations will be considered for inclusion.

The recommendations will promote planning consistency across county boundaries, while meeting the vision and needs for each individual county. Thank you once again for your assistance with the development of these tools that will preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed.

Very truly yours,

David S. Whitlow
County Administrator

APR 16 2010

Department of Planning

County Building Three
PHONE (804) 693-1224
FAX (804) 693-7037

6582 Main Street
P. O. Box 329
Gloucester, Virginia 23061

April 14, 2010

Sara Stamp, Dragon Run Special Area Management Plan (SAMP) Director
Middle Peninsula Planning District Commission
P.O. Box 286
Saluda, VA 23149-0286

Re: Dragon Run SAMP Implementation

Dear Ms. Stamp,

Thank you for your assistance in developing land-use policy recommendations for the Dragon Run watershed portion of Gloucester County. The draft comprehensive plan and zoning ordinance language will be considered for inclusion during upcoming adoption cycles. Your offer to provide further technical assistance during the adoption process is also appreciated and will likely be used as we work through these updates.

MPPDC staff presented the Dragon Run land-use policy recommendations to the county planning staff and the Comprehensive Plan Steering Committee (SC) as an array of potential options. With input from our planning staff, MPPDC staff then tailored the selected options to fit the design of current comprehensive plan and zoning ordinance layouts.

Gloucester County is currently updating its Comprehensive Plan and is working to incorporate these recommendations in its working draft plan (please see the attached working draft language regarding the Dragon Run). It is anticipated that the Comprehensive Plan will be considered for adoption by September 2010. As the Planning Director, I do not foresee any significant complications in the adoption of the Dragon Run recommendations in the Comprehensive Plan. The Steering Committee seemed receptive to the presentation offered by the MPPDC staff and County staff will continue to ensure that the County's commitment made in the Memorandum of Agreement will be honored to our best ability. After adoption of the Comprehensive Plan, Gloucester County intends to review its zoning and subdivision ordinances for consistency. At that time, the Dragon Run recommendations will be considered for inclusion.

The recommendations will promote planning consistency across county boundaries, while meeting the vision and needs for each individual county. As you are aware, each of these processes involves public participation and no individual can predict the outcome. However, the SAMP has laid substantial groundwork for these recommendations including input from a variety of stakeholders and we hope the overall community will also support them as part of this most recent Comprehensive Plan update and subsequent code amendments.

Thank you once again for your assistance with the development of these tools that will preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed. If you have any questions, please do not hesitate to contact me by phone (804-693-1216) or email (aducey@gloucesterva.info).

Sincerely,

Anne Ducey-Ortiz

Anne Ducey-Ortiz, AICP
Planning Director

Cc: File - Comprehensive Plan Update 2010

Established 1673

County of Middlesex, Virginia

Department of Planning and Community Development
Matt Walker, Director

APR 21 2010

April 20, 2010

Sara Stamp
Dragon Run SAMP Director
Middle Peninsula Planning District Commission
PO Box 286
Saluda, Virginia 23149

Dear Ms. Stamp,

Thank you for your assistance in developing land-use policy recommendations for the Dragon Run watershed portion of Middlesex County. MPPDC staff presented the Dragon Run land-use policy recommendations to county planning staff as an array of potential options. Your offer to provide further technical assistance during the adoption process is also much appreciated.

As a result or MPPDC guidance, Middlesex County has adopted an updated comprehensive plan which incorporated many of the Dragon Run land use policy recommendations, including the preservation of farming, forestry uses and natural heritage areas. Middlesex County is in the process of reviewing its zoning and subdivision ordinances for consistency with the comprehensive plan in 2010 and 2011. Throughout that time, the Dragon Run policy recommendations will be considered should revision or amendment of our zoning districts that predominant the Dragon Run Watershed be entertained.

It is my intention to promote planning consistency across county boundaries, while meeting the vision and needs of Middlesex County. Thank you once again for your assistance with the development of these tools that will preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed.

Sincerely,

Matt Walker, Director of Community Development

Middlesex County

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Appendix B

Middlesex Comprehensive Plan – Related References

<u>From the Middlesex County Adopted Comprehensive Plan</u>

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Dragon Run Watershed

The Dragon Run is a special regional resource worthy of protection in Middlesex County. The Dragon Run and its surrounding landscape owe their extraordinary state of preservation to the landowners in the area that have pursued for generations the compatible land uses of farming and forestry on their land. Recent scientific study of the stream has also highlighted its critical ecological importance, including the purity of the water, the wealth of rare and unusual natural species it harbors, and the rural character of its watershed that has helped to keep it pristine. The rural way of life and traditional landscape in the Dragon Run area are valued by the residents of the area and are worthy of preservation.

The County has worked alongside the other counties in the Dragon Run Watershed with the Middle Peninsula Planning District Commission's Dragon Run Steering Committee to protect the natural resources and rural qualities of the area by participating in the Dragon Run Watershed Special Area Management Plan. In particular, one of the objectives of this cooperative effort was to "Achieve consistency across county boundaries among land use plans and regulations in order to maintain farming and forestry and to preserve natural heritage areas by protecting plants, animals, natural communities, and aquatic systems."

Within this Comprehensive Plan, the overall goal for the Dragon Run Watershed is for it to remain largely rural, with low intensity uses, and to protect its key natural areas and its water quality.

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Dragon Run Watershed

The Dragon Run is a special regional resource worthy of protection in Middlesex County. The Dragon Run and its surrounding landscape owe their extraordinary state of preservation to the landowners in the area that have pursued for generations the compatible land uses of farming and forestry on their land. Recent scientific study of the stream has also highlighted its critical ecological importance, including the purity of the water, the wealth of rare and unusual natural species it harbors, and the rural character of its watershed that has helped to keep it pristine. The rural way of life and traditional landscape in the Dragon Run area are valued by the residents of the area and are worthy of preservation.

Within Middlesex County, the Dragon Run Watershed's Existing Land Use is mainly Rural Open Space with limited areas designated as Rural Communities, Residential Communities, Commercial, and Industrial. The Future Land Use for the Dragon Run Watershed will continue to remain primarily Rural Open Space, but also includes Hamlet/Farmstead-Like Developments, a Transitional Development Commercial Center, Light Industrial, and Scenic Tourist Corridor along State Route 33. The Future Land Use Map also identifies two Industrial Opportunity Areas and one Water & Sewer Study Area that include portions of the Dragon Run Watershed.

The County has worked alongside the other counties in the Dragon Run Watershed with the Middle Peninsula Planning District Commission's Dragon Run Steering Committee to protect the natural resources and rural qualities of the area by participating in the Dragon Run Watershed Special Area Management Plan. In particular, one of the objectives of this cooperative effort was to "Achieve consistency across county boundaries among land use plans and regulations in order to maintain farming and forestry and to preserve natural heritage areas by protecting plants, animals, natural communities, and aquatic systems."

Within this Comprehensive Plan, the overall objective for the Dragon Run Watershed is for it to remain largely rural, with low intensity uses, and to protect its key natural areas and its water quality. Specifically, the goals for the Watershed are to:

• Maintain the health and quality of the Dragon Run stream system and associated natural areas.

• Achieve the objectives of the Dragon Run Watershed Special Area Management Plan and reinforce the existing shared values for protecting the Dragon Run.

• Support the compatible economic base of the Dragon Run area and its rural businesses such as farming and forestry that are compatible with protecting the natural health of the stream system.

• Support new rural economic development and businesses that are compatible with the traditional pattern of rural land uses in the Dragon Run area.

The following policies are intended to apply to the entire watershed of the Dragon Run. The intent of these policies is for the area to remain largely rural, with low intensity uses, and to protect its key natural areas and its water quality. The following policies will guide the development of the Dragon Run Watershed:

• The Dragon Run Watershed should maintain its rural character through integrating new development with the existing rural economy and settlement patterns.

• Low intensity land uses that are consistent with the conservation of the area's natural resources should be the dominant land uses in the Watershed and new development should be compatible with surrounding rural areas as well as incorporate development standards and management practices that ensure protection of the area's natural resources.

• The extension of central sewer and water is not considered consistent with preserving the area's rural character and land uses.

• The County should enact policies, economic development plans, and ordinances that support the cornerstone rural businesses in the Watershed, such as farming and forestry, and that encourage compatible new supportive businesses such as value-added farming and timber products, local specialties, handicrafts, small-scale workshops, and craft industries, while ensuring that these businesses are practiced in ways that are compatible with protecting the health of the natural resources.

• The County should protect the key natural resources in the Watershed, including the ground and surface water quality, wetlands, and sensitive environmental features; native plant and animal species and their natural habitats; and the productive soils that support farming and forestry uses.

• The County should discourage the extensive use of the Watershed for public recreation and large-scale tourism and encourage small scale and controlled tourism and recreation uses that conserve natural areas, respect property rights, and limit opportunities for trespassing on private properties in the Watershed such as bed and breakfasts, private hunt clubs and preserves, and private tours.

• The County should implement programs and exhibits that interpret the natural and cultural heritage of the Dragon Run for both residents and visitors, without encouraging intense or incompatible recreational use of the Watershed's sensitive resources.

• The County should consider implementation strategies that preserve existing land uses and protect the natural resources in the Watershed such as conservation zoning and subdivision approaches, additional stream buffers and setbacks, the purchase of development rights, donation of private easements, landowner compacts, and land use taxation.

It should be noted that these policies are in concert with Middlesex County's priority on preserving its rural character, including its shoreline.

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Future Land Use Map

Agricultural/Conservation This category includes land in the rural portions of the County where agricultural and forestal uses are, and should be, the dominant land use. Large lot single family development now exists within some of these areas. Most of these areas are zoned low density residential (LDR). This zoning district allows a 2.5 acre minimum lot size. Major subdivisions (over six lots) are prohibited in LDR zoning districts. Future residential development of these properties is not encouraged. Although LDR zoning restricts major subdivision activity, the County should adopt and or promote additional methods of land conservation.

Agricultural/Conservation areas are the appropriate location for the application of the land conservation tools presented in this chapter. However, if the land conservation goals contained in this plan are to be achieved, one or more conservation - oriented zoning districts need to be incorporated into the county's zoning ordinance and applied to properties that due to their size or location are most appropriate for conservation. These new zoning districts would have one or more of the following characteristics:

• Lower densities– densities equivalent to a minimum lot size of 10 acres or greater should be considered for agricultural conservation areas and densities equivalent to a minimum lot size of 20 acres or greater should be considered for forestal conservation areas

• A limitation on the number of new lots that can be created from a parent tract through the minor subdivision process during a specified period of time – a maximum of 1 – 3 lots should be considered per 1-3 year period.

• A requirement that all new major subdivisions within this area be rezoned for development as "residential clusters". Sometimes called "conservation subdivisions", this technique clusters allowable densities on one portion of the original parent tract, reducing development costs, and leaving large portions of the parent tract to continue functioning as a farms or forests. This technique of land development was originally popularized by Randall Arendt and his colleagues in "Rural by Design" and "Conservation Design for Subdivisions". The county should consider a new zoning district for this form of subdivision with Agricultural/Conservation Areas.

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Agricultural / Rural Preservation Tools

Zoning, subdivision standards, use value assessments and taxation, and public facility decisions are the tools most commonly used by counties to influence the timing and location of growth.

Other tools and programs are available to agricultural and rural property owners who wish to take steps to preserve their land holdings while hopefully obtaining a desired rate of return on their equity. These programs are voluntary and generally involve a partnership between the landowner and a governmental agency. A brief description of four such programs is presented below. The four are:

Agricultural and Forestal Districts

Agricultural and forestal districts are rural zones reserved for the production of agricultural and forestry products. At the request of a property owner, they are established by a local governing body according to state guidelines. In essence, a district constitutes a voluntary agreement between landowners and the government that no new, nonagricultural uses will take place in the district. An agricultural/forestal district provides much stronger protection for farmers and farmland than does traditional zoning. Districts are established for a set period of time, and can be renewed. During the life of a district, a land owner is prohibited from subdividing or developing the land for non agricultural or forest uses. Similarly, a local governing body is prohibited from rezoning land in a district to a non-agricultural classification, or from making capital or community facility decisions that endanger the landowner's ability to maintain the land for agriculture or forestry use.

Conservation Easements

A conservation easement is a legal agreement in which a landowner retains ownership of his/her property while conveying certain specified rights to the easement holder. Conservation easements are usually given to a non-profit, charitable land conservation organization or a public entity. Easements can be tailored to meet the owner's wishes regarding the future use of his/her land. They can be for a specific time period, or can be granted in perpetuity. Typically a conservation easement restricts development or uses that would destroy natural, scenic, or historic areas while at the same time allowing other traditional uses such as farming.

Depending upon the terms and timing of the easement, significant tax savings can accrue to the property owner granting the easement.

Purchase of Development Rights (PDR)

This program is essentially the same as a conservation easement (previously described), except that the easement value (i.e. the development rights) is purchased from the landowner, rather than the landowner donating the easement and taking advantage of the tax benefits. Each landowner needs to determine whether selling an easement or donating one and taking advantage of the tax benefits better fits his/her financial situation.

This option has been used extensively in Maryland, Pennsylvania, and other states. Virginia has prepared a model PDR program guide, and twenty-two Virginia jurisdictions have adopted local PDR programs. Some jurisdictions have dedicated funding sources associated with the program. These funding sources include collected roll back tax revenues, transient occupancy taxes, real estate transfer taxes and cellular telephone taxes.

Transfer of Development Rights

TDR, or transfer of development rights, is a concept in which some or all of the rights to develop a parcel of land in one district (the sending district) can be transferred to a parcel of land in a different district (the receiving district). TDR is a tool used to preserve open space, farmland, water resources and other resources in areas where a locality wishes to limit or curtail development.

In a classic TDR system one or more sending districts are identified as well as one or more receiving districts. “Development rights” are assigned to landowners in the sending district, typically on the basis of a certain number of permitted dwellings per acre. Owners of land in the sending district are not allowed to develop at the full level of their development rights, but instead may sell their development rights to owners of land in the receiving district, who may then use the newly acquired development rights to build at higher densities than normally allowed by existing zoning (without further legislative approval). TDR systems are intended to maintain designated land in open or non-developed uses and to compensate owners of the preserved land for the loss of their right to develop it.

In 2006, the Virginia General Assembly authorized any Virginia locality to provide for transfer of development. The Virginia statute, as crafted, contains many of the characteristics associated with TDR provisions used elsewhere in the country. For example, when development rights are transferred from a sending parcel, a permanent conservation easement must be placed on the land. In addition, the decision to use TDR is voluntary. The Virginia statute does not mandate its use.

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Environment Goals:

EN-G-1 To encourage the protection and stability of the natural and man-made environment of Middlesex County by encouraging growth to occur in accordance with the Comprehensive Plan.

EN-G-2 To preserve existing shorelines to the maximum extent possible through the use of best management practices.

Objectives:

EN-O-1 Protect and enhance the County’s surface and ground water resources.

EN-O-2 Protect and enhance the County’s air quality.

EN-O-3 Protect the natural and rural character of the County by encouraging the retention of forests, agricultural lands, and open-space areas.

EN-O-4 Protect rivers, marshes, wetlands, and other bodies of water, e.g. the Dragon Run System, from pollution, disturbance, and destruction.

A**ction Steps**

1. Amend the zoning and subdivision ordinances to provide incentives for the use of low impact development techniques.

2. Participate in the overall state program to protect the waters of the Chesapeake Bay through the administration and enforcement of applicable zoning, subdivision, and erosion and sediment control, floodplain, and wetlands

land use development ordinance and the periodic review and amendment of said ordinances when required.

3. Evaluate all new development partially on the basis of its impact on air quality and water resources

4. Explore ordinance changes pertaining to appropriate standards for alternate energy systems

5. Promote mixed use developments as a strategy to promote live- work relationships.

6. Support the continued update of shoreline mapping and conditions for Middlesex County by the Middle Peninsula PDC.

7. Adopt ordinance provisions which will result in parking areas in commercial and industrial zoning districts being obscured year round from the view of adjacent rights-of-way by means of buildings, earthen berms, landscaping, or any combinations thereof.

8. Develop and adopt an ordinance pertaining to property and structure maintenance regulating structures deemed non-habitable and consequently a hazard to the safety of the community as well as an eyesore to our County be improved or razed.

9. Participate in the overall state program to protect the waters of the Chesapeake Bay through the administration and enforcement of applicable zoning, subdivision, and erosion and sediment control, floodplain, and wetlands land use development ordinance and the periodic review and amendment of said ordinances when required.

10. Encourage the Health Department to identify and inspect malfunctioning septic systems and to initiate appropriate action to repair such systems.

11. Work with the Soil and Water Conservation District in the review of soil conservation and water quality plans and nutrient management plans for agricultural operations.

12. Coordinate County permitting of development with applicable state and federal regulatory agencies and continue to make state and federal permitting a condition of local permit issuance.

13 Support local initiatives to clean up county creeks and tributaries and seek innovative ways to reduce non-point source pollution discharges.

14. Institute proceedings to condemn and remove dilapidated structures when safety issues are identified.

Land Use Goals:

LU-G-1 To achieve a balanced land use system that provides sufficient and compatible land areas for all community land use needs, while protecting sensitive natural environments and important local historic and cultural resources.

LU-G-2 To encourage the preservation of areas and properties of historic and cultural significance in Middlesex County.

LU-G-3 To encourage the character, appearance, and image of Middlesex County is perpetuated in new development and redevelopment proposals.

Objectives:

LU-O-1 Promote a strong and diversified industrial and commercial base which does not create significant adverse impacts on residential areas, prime agricultural lands or public facilities.

LU-O-2 Discourage development patterns which are incompatible with the County's ability to provide adequate and cost effective public services and facilities.

LU-O-3 Enhance the rural and environmental character of the County through the preservation of agricultural and forestal lands, wetlands, flood hazard areas, and Chesapeake Bay Resource Protection Areas.

LU-O-4 Develop new zoning districts that preserve open space, promote the clustering of development, allow a range of housing and lot area choices, protect ground and surface water resources, protect wetlands and other sensitive environmental features, and reduce stormwater runoff.

LU-O-5 Adopt and maintain appropriate land use ordinances designed to guide and implement the provisions of this comprehensive plan.

Action Steps

1. Use the future land use map contained in this plan as a general guide for all future land use decisions.

2. Limit new commercial and industrial areas to locations as shown on the future land use map.

3. Consider zoning and subdivision ordinance amendments that would further limit subdivision activity in the Conservation and Resource Husbandry zoning districts.

4. Ensure new water line and wastewater line extensions are designed to serve designated growth areas.

5. Ensure that all planned capital facilities are evaluated on the basis of consistency with the growth objectives of this plan.

6. Amend the County's zoning and subdivision ordinances to provide density bonuses for developments that demonstrate conservation site design principles and/or incorporate low impact development techniques.

7. Consider requiring central water and sewer for all new major subdivisions within the county**.**

8. Consider amending the zoning and subdivision ordinances to adopt provisions for low impact development, conservation design subdivisions, and new urbanist developments.

9. Adopt a local agricultural and forestal district ordinance as a first step in establishing agricultural and forestal districts in the County.

10. Support efforts of local conservation organizations and the Virginia Outdoors Foundation to acquire and provide stewardship for locally obtained conservation easements.

11. Initiate a purchase of development rights program for the County, and identify a funding source for the program.

12. Amend the County zoning and subdivision ordinances to provide enhanced standards for landscaping, signage, noise, buffering, and lighting.

13. Develop a highway corridor design plan and standards.

14. Amend the zoning and subdivision ordinances to require applications to include identification of significant and sensitive historic, scenic, and natural resources as a part of any Plan of Development submittal.

15. Request a matching grant from the Virginia Department of Historic Resources to undertake an historic reconnaissance survey of Middlesex County. Using the survey results as a basis, support the creation of one or more historic overlay districts

16. Develop standards for animals in residential districts.

17**.** Develop cellular communications tower standards and incorporate same into the zoning ordinance.

18. Identify prime agricultural land and forestland and protect such areas from development through the zoning ordinance.

19. Develop new zoning districts and subdivision ordinance standards necessary to implement the growth management objectives contained in this plan.

20. Examine current allowable densities in the rural/agricultural areas of the county. Based upon this examination, consider the need to lower current allowable densities so that bonus/incentive zoning have more relevance and attractiveness.

Appendix C
Gloucester Draft Comprehensive Plan Dragon Run Section

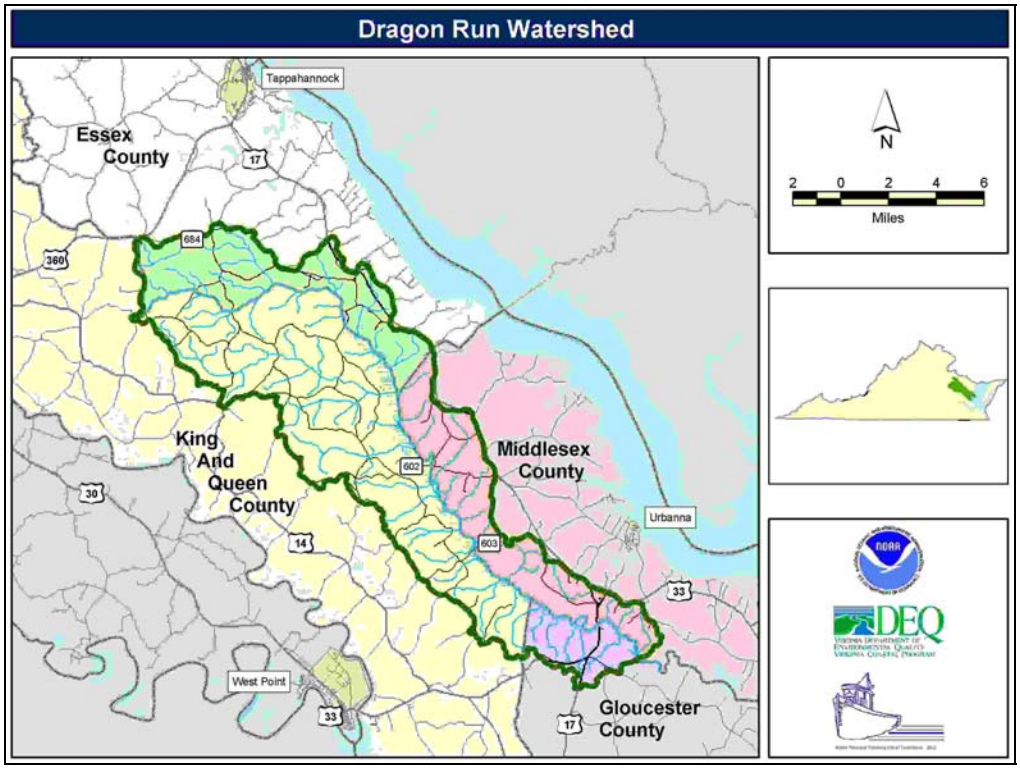
<u>From the Land-Use Section of the Gloucester Comprehensive Plan:</u>

Dragon Run Special Planning Area

As one of the Chesapeake Bay watershed's most pristine waterways, the Dragon Run "encompasses some of the most extensive and unspoiled swamp forest and woodland communities in Virginia"[1]. Effectively bisecting Virginia's Middle Peninsula located between the York and Rappahannock Rivers, this fresh and brackish water stream (Figure ___) meanders forty miles along and through nontidal and tidal cypress swamp. The watershed is mainly undeveloped, almost entirely privately owned, and encompasses approximately 140 square miles (90,000 acres) of rural landscape – mostly forests, farms, and wetlands. The spring-fed Dragon Run flows through portions of Essex, King and Queen, Middlesex, and Gloucester Counties, emptying into the estuarine Piankatank River and ultimately the Chesapeake Bay.

[1] Belden, A. Jr., A.C. Chazal, G.P. Fleming, C.S. Hobson, and K.M. McCoy. 2001. A Natural Heritage Inventory of the Dragon Run Watershed. Second edition. Natural Heritage Technical Report 01-03. Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, VA.

Figure ___. The Dragon Run Watershed



The Dragon Run plays a central role in the Middle Peninsula's culture and identity. Its intriguing name is frequently borrowed by local enterprises and establishments. Since European settlement in the early 1600's and Native American inhabitation up to 10,000 years before that, natural resources have been the bedrock of the watershed's economy. For older generations, forestry, farming, hunting, trapping and fishing were the primary ventures. Today, forestry and farming continue to generate wealth and drive the watershed's economy. Hunters, many involved in organized hunt clubs continue to uphold this ancient tradition throughout land in the watershed. More than 46 percent of the land is leased by hunt clubs and it is estimated that $300,000 is generated due to hunt club activity and over $1.6 million in fishing activity[2]. These land uses, together with extensive swamps, are the main reasons that the Dragon Run remains wild and secluded.

The watershed's wilderness is both expansive and unique. The Dragon Run contains the northernmost example of the Bald cypress-Tupelo Swamp natural community in Virginia and the best example north of the James River. [3] Moreover, 14 rare species and 5 rare natural communities are found here. Based

[2] Dragon Run Watershed Plan, November 2003, Dragon Run Steering Committee, Middle Peninsula Planning District Commission
[3] Belden, Jr. et al., 2001

on his investigations of the watershed's aquatic communities, one researcher observes that the Dragon Run is a "100 year old time capsule," resembling coastal plain streams in the Chesapeake Bay region at the turn of the 20th century[4].

The Dragon Run's unique character evokes strong feelings to protect the pristine watershed in both long-time residents and first-time visitors alike. Although development pressure in the watershed is currently low, the potential for significant land ownership changes (>25% in 10 years due to aging and absentee corporate landowners) threatens to disrupt the rural character and fragment productive farm and forest land. Likewise, habitat fragmentation jeopardizes the Dragon Run's unique natural communities. Landowner opinions about how to address these threats vary widely, ranging from the belief that "the Dragon takes care of itself" by its wild nature and voluntary landowner stewardship to enacting and enforcing regulations with "teeth."

The difference in point of view between property rights advocates and conservationists centers on how to maintain a pristine watershed into the future. The Dragon Run Watershed Special Area Management Plan (SAMP), a partnership between the Virginia Coastal Program and the Dragon Run Steering Committee of the Middle Peninsula Planning District Commission, is a project designed to address both the differing viewpoints and the common ground that exist concerning the future of the watershed. The project began in January 2002 with a grant from the Virginia Coastal Program under authority of the National Oceanic and Atmospheric Administration (NOAA). Enabled by the federal Coastal Zone Management Act of 1972 as amended, SAMPs aim to protect significant coastal resources through a collaborative, multi-level planning process to develop and implement new enforceable policies.

One of the fundamental elements of a SAMP is that a strong regional entity must exist that is willing to sponsor the planning program. In the Dragon Run watershed's case, that regional entity is the Middle Peninsula Planning District Commission through its Dragon Run Steering Committee. Formed in 1985, the Dragon Run Steering Committee consists of landowners and local elected officials and is the key vehicle for cooperation and coordination among the four counties concerning watershed issues. The Steering Committee's approach to the SAMP is to stimulate and coordinate community involvement in the proactive development and implementation of goals, objectives, and action plans for a watershed management plan.

Another major element of a SAMP is that conflict exists concerning the area's proposed uses. The Steering Committee believed that the best approach is to

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[4] Garman, G. C. 2003. Aquatic Living Resources Inventories in the Dragon System: Virginia Commonwealth University on-going Activities. Dragon Run natural Resources Symposium, February 11, 2003, Virginia Institute of Marine Science, Gloucester Point, VA.

proactively head off conflict before it grows by enabling stakeholders to openly discuss the issues. Potential conflicts in the Dragon Run watershed are: 1) the differences between conservation and property rights advocates; and 2) the private use of land versus the public use of the water. The Steering Committee felt that the watershed approach was the most effective way to manage natural resources and traditional land uses.

The Dragon Run Watershed SAMP began with public planning forums in December 2001 and January 2002. These planning forums led to two primary outcomes: 1) the development and confirmation of common themes for watershed issues; and 2) the establishment of a SAMP Advisory Group representing a broad cross-section of the community. Building upon the foundation established by the planning forums, the SAMP Advisory Group developed a mission statement and developed a list of three goals, each with several objectives. With minor modifications, the Steering Committee approved the goals and objectives, which were incorporated into a Memorandum of Agreement. Each county – Essex, Gloucester, King and Queen, and Middlesex - and the Middle Peninsula Planning District Commission signed the Agreement during the late summer and fall of 2002 to consider the actions recommended by the Steering Committee.

Mission Statement for the SAMP

To support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed.

- **Goal 1 - Establish a high level of cooperation and communication among the four counties within the Dragon Run Watershed to achieve consistency across county boundaries.**
- **Goal 2 - Foster educational partnerships and opportunities to establish the communities' connection to and respect for the land and water in the Dragon Run.**
- **Goal 3 - Promote the concept of landowner stewardship that has served to preserve the Dragon Run Watershed as a regional treasure.**

With the help of staff, consultants and the Advisory Committee, the Steering Committee completed the "Dragon Run Watershed Management Plan" in November 2003 and recommended that each of the localities adopt the plan as an addendum to their comprehensive plan until specific language could be added to each of the communities' Comprehensive Plan. Gloucester County adopted the Watershed Management Plan as an addendum to its Comprehensive Plan on November 3, 2003.

Only 6% of the Dragon Run Watershed is within Gloucester County and it represents only 3% of the County's land areas. However, as "one of the Chesapeake Bay watershed's most pristine waterways" the Dragon Run is well worthy of individual attention, both from the County's perspective and from a

regional perspective. The purpose of adopting the Watershed Management Plan was to formally acknowledge that the Dragon Run Watershed deserves distinctive treatment.

The uniqueness of the SAMP is that it goes beyond the County's borders. It represents regional collaboration and cooperation in managing this resource. The SAMP process, and its implementation, represents, and requires, partnerships with other localities on the Middle Peninsula, other governmental agencies and non-profit groups as well as with the property owners along the Dragon Run and the hunters, fishermen, boaters, nature lovers and others who enjoy its beauty and abundance. It also sets the stage for regional cooperation in future planning and implementation. By adopting the Watershed Management Plan as part of their Comprehensive Plan, the county adopted the following policies:

- Recognize the overall value of maintaining the traditional rural character and forested and farmed landscape of the Dragon Run watershed.
- Preserve the ecological integrity of the Dragon Run Watershed.
- Acknowledge the community and economic benefits of the Dragon Run watershed: for the production of agricultural and forest products; as a valued natural resource; for wildlife habitat; for maintaining water quality; and for scenic and aesthetic values.
- Continue to fully enforce existing regulations and policies.
- Protect forested and farmed land from fragmentation due to conversion to more intensive development.
- Encourage low-density, clustered pattern of development for new residential development in the watershed to protect open space and natural resources.
- Seek techniques to protect open space in the watershed without infringing upon landowner rights to maintain an economic return from their property.
- Identify land uses that are incompatible or competitive with traditional resource-based land uses (e.g. forestry, farming, hunting, fishing) and consider limiting them within the watershed.
- Limit or deny future rezoning approvals from existing zoning (i.e. *Agricultural or Rural Business zoning)* to more intensive uses in order to protect the rural character and integrity of farming and forestry resources in the watershed.
- Limit the extension of public utilities and central water and sewer in the watershed.
- Explore the feasibility of limiting major residential development in the watershed by aligning the Comprehensive Plan and Zoning Ordinance with provisions in the Subdivision Ordinance that limit major subdivisions.
- Publish citizen stewardship materials that explain pertinent ordinances, policies, and regulations in easy-to-understand language.

Many of these policies are similar to those established to protect the rural areas and character of the County. The Watershed Plan further recommends that Gloucester Planning Commission and Board of Supervisors amend their Comprehensive Plan include a "Dragon Run Planning Area." Once the Comprehensive Plan has been updated to include recommendations for the Dragon Run Planning Areas, the plan recommends implementation of Comprehensive Plan by changes to the Zoning Map and Ordinances to incorporate "Dragon Run Protection Zone." Through the SAMP funding, the MPPDC hired a consultant to work with staff and commissioners from each of the four affected Counties to develop draft language to consider in the Comprehensive Plan and subsequent zoning ordinances.

In addition to land use recommendations, the Watershed Management Plan includes tools to preserve forest, farm and natural resources, recommendations to address concerns regarding public access, and suggestions for controlling invasive species in the watershed. Additional recommendations involve education and landowner stewardship, ideas to encourage and support sustainable economic development, and recommendations to monitor the implementation of the Watershed Management Plan. Many of these recommendations are meant to be carried out by other agencies or entities and therefore will not likely be incorporated into the Comprehensive Plan update. Adoption of the plan shows support for the other recommended actions that may not be in the purview of local government, but will help to achieve the goals and objectives agreed to by all the Counties.

Other SAMP-related tools in the Land-Use section of the draft Comprehensive Plan:

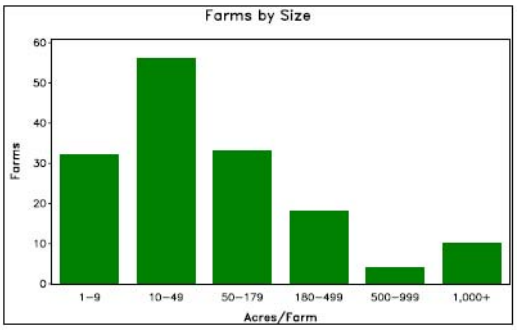
AGRICULTURAL/FORESTAL

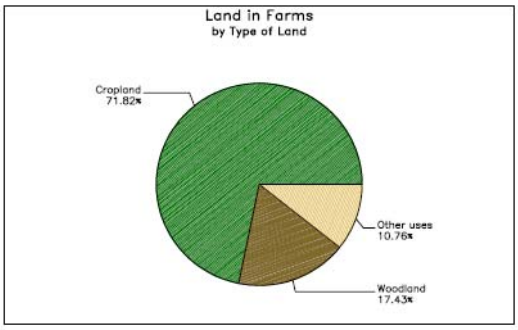
A large percentage of land cover (approximately 88%) in the County can be classified as agricultural or forestal. This land use category also encompasses undeveloped shorelines, meadows, marshes, and similar lands associated with the natural environment. The vision for this rural landscape is important. As indicated in the previous section, while much of the land in the County is currently undeveloped, a substantial portion is either recommended or zoned for residential development. Results from the 2006 Citizen Survey for the Comprehensive indicate that preserving rural lands, including agriculture, forestry and wildlife habitat, is important to the citizens of Gloucester. As seen in the Land Cover/Existing Land Use Map, these rural areas are widespread and substantial throughout Gloucester.

Data from the U.S. Forest Service and Virginia Department of Forestry indicate that Gloucester contains 99,128 acres of forest land, which represents 70% of

the County's land area. Approximately 61% of Gloucester forests are hardwoods, 21% are pine, and mixed pine and hardwood comprise 18%. This breakdown has remained relatively unchanged in the last 10 years.

Data from the 2002 Agricultural Census indicate that the County contains 25,699 acres of farmland, comprising 18% of the total land area in the County. The primary crops were corn, soybeans, wheat and barley.





Source: 2002 Census of Agriculture, County Profile, United States Department of Agriculture, Virginia Agricultural Statistical Service

As shown in the Table below, the general long term trend has been a decline in the amount of farmland in Gloucester County. Since 1940, the acreage of land in farms has decreased by 60%. From 1982 to 2002, the acreage of land in farms decreased from 32,895 acres to 25,699 acres—a 22% decrease. The number of farms and acreage of farmland increased slightly from 1997 to 2002, most likely due to an increase in hobby farmers. According to the Farm Service Agency, there is an increase in people keeping horses in this region, and many timbered tracks of land have been converted into pastures. However, long term trends in the decline of farmland, coupled with more recent development trends of increased residential development in more rural areas of the County, indicate that the acreage of land in farms will continue to decline if current development trends continue.

Table ___
Farm Data & Land Use
Gloucester County of Gloucester

Land in Farms[5] Cropland[6] Number of

[5] "Land in Farms" is defined by the U.S. Census of Agriculture as primarily agricultural land used for crops, pasture or grazing. It also includes small areas of woodland and wasteland, provided it was part of the farm's total operation. Large acreages of woodland or wasteland are not included in this category.

Year	(Acres)	(Acres)	Farms
1940	64,175	30,494	1,253
1945	61,091	23,009	1,078
1950	57,468	21,333	842
1954	52,458	20,130	596
1959	49,355	21,668	455
1064	44,963	19,167	314
1969	35,206	18,249	201
1974	30,736	18,521	179
1978	30,459	19,003	157
1982	32,895	20,982	162
1987	25,831	18,315	130
1992	24,478	17,925	111
1997	24,697	17,451	136
2002	25,699	18,456	153

Source: U.S. Census of Agriculture, Virginia Agricultural Statistics Service

The average market value of production per farm in Gloucester County has decreased from $38,242 in 1997 to $30,056 in 2002, a 21 percent decrease. Most farmers say that the best way to protect farmland is to keep farming profitable. As land is converted from agricultural uses to non-farming impacts to the agricultural industry can be significant. An increase in the level of residential and commercial development in a community nearly always means that the agricultural industry in is decline within that community.[7]

Increased residential development also represents a loss of timber lands which provide not only opportunities for economic benefits from forestry but also environmental benefits for the community. Large tracts of forest provide higher quality wildlife habitat, water quality benefits by filtering run-off and groundwater and scenic and recreational opportunities.

Economic Benefits

A significant presence of agricultural and other rural-based economic activities exist on these lands, including forestry, traditional and specialty crop cultivation, equestrian facilities, aquaculture, and other similar uses. Agriculture is a huge economic generator for the County, with an annual market value of **$4,599,000** for agricultural products according to the 2002 Agricultural Census. When considering indirect and induced economic impacts of agriculture, such as

[6] "Cropland" is categorized by the U.S. Census of Agriculture as cropland harvested, cropland used for pasture or grazing, cropland idle or used for cover crops but not harvested, cropland where crops failed or were abandoned, and cropland in cultivated summer fallow.
[7] Dickinson, Keith, "Selling the Farm to Save the Business?", Farm Business Management Update, April/May 2006.

agricultural support businesses and spending, the total economic impact to the County is much higher. Unfortunately specific data on indirect and induced impacts of the agricultural industry in Gloucester is not currently available.

Virginia Department of Forestry prepared an Economic Study of the Forests in Virginia. As shown in Table ___ below, forestry is a significant economic generator in the County, with a total economic impact of almost $27 million[8]. Forestry is Virginia's number one manufacturing industry, and contributes $25.5 billion annually to the State's economy and accounts for 183,898 jobs[9].

[8] Based on 1999 Implan data

[9] Becker, Charles III, 2006, Virginia Department of Forestry, "Virginia's Forests, Our Common Wealth, 2006: An Economic Study of the Forests in Virginia"

Table ___
Forest Economic Impact
Gloucester County

Direct Economic impact: Primary/secondary manufacturing & production	**$15,451,996**
Indirect economic impact: Services to Industry, i.e. trucking, supplies, maintenance, construction, etc.	**$4,530,643**
Induced economic impact: Employee spending	**$6,939,030**
Total Annual Economic Impact:	**$26,921,669**

Source: Virginia Department of Forestry

Tourism and outdoor recreation are other economic generators closely tied to rural land uses. Historic and natural resources are two leading factors for tourism, and rural lands in Gloucester encompass vast areas of exceptional environmental and historic resources. The varied topography and interesting patterns created by open farmland and rural landscapes creates a valuable aesthetic quality appealing to both tourists and residents alike. In respect to outdoor recreation, data from the U.S. Fish & Wildlife Service indicates that hunting, freshwater fishing and wildlife watching have an annual economic impact of almost $93 million in this 10-county region of the Middle Peninsula and Northern Neck.

~~Loss of farm and forest land to development decreases the economic vitality of the County.~~ Rural lands generate more in taxes than they require in services. As stated in an earlier section, based on an average of Cost of Community Services Studies done in Virginia[10], every dollar of tax revenue generated for forest, agricultural and open space lands requires only $.35 in services, while every dollar of tax revenue generated from residential development costs $1.18 in services. These studies are performed by the American Farmland Trust for individual counties to determine the fiscal contribution of existing local land for long term planning, land use and policy decisions.

[10] Cost of Community Services Study, August 2006, The Farmland Information Center, a public/private partnership between USDA's Natural Resources Conservation Service and American Farmland Trust

The economic benefits of agriculture and forestry are significant from a state perspective as well as locally. Agriculture and forestry combined make up the #1 industry in Virginia. However, the rate of loss for these working lands has accelerated rapidly, with an average rate of 70,000 acres of rural land converted to development annually; the impact is compounded by the trend throughout Virginia toward larger lot sizes for homes. This rapid loss is causing concern for the changing dynamics of land use in the State and the huge losses of Virginia's valuable economic and environmental resources. Economists at Virginia Tech expect that more than 70% of Virginia farmland, and a significant percentage of farm businesses, will be transitioned over the next 10 years. The State recognizes the significance of the loss of agricultural land and forests, and has established the Office of Farmland Preservation within the Department of Agriculture and Consumer Services, and recently set aside funding, for the goal of preserving rural lands. However, these funding resources are limited, so the importance of planning locally for the future of agricultural and forest resources is critical.

Fragmentation

In order to support rural lands as practical resource-based industries, it is important that the tracts of lands remain large enough so that they can function as working landscapes. Fragmentation and subdivision of the land into smaller pieces can result in parcels which are too small to manage agriculture and forestry as profitable industries, resulting in a loss of valuable rural economic resources.

Historically, a significant amount of the forested land in the region was owned by the Chesapeake Corporation for timbering; however, in the last five years, the majority of that land was sold to John Hancock Life Insurance for investment purposes, and some of that land is again being sold and fragmented. A recent example is The Meadows—a 372-acre land area which was sold by John Hancock Life Insurance to a developer for a proposed 180-lot subdivision. The Villages of Cow Creek is another recent example, where 522 acres of land previously owned by Ashley Logging Company was sold to a developer for a proposed 182-lot subdivision. Poor soils in the County and the emergence of alternative septic systems impact a high percentage of these mentioned timber tracts. Divestment of these large tracts of land by corporations provides opportunities for developers to develop in areas previously used by hunt clubs and managed for timber productions. Conversion of these properties to residential lands not only changes the landscape but also changes aspects of the rural lifestyle that many residents desire to protect.

Large areas of forested and agricultural land cover in Gloucester have been lost to development over the past several decades, and recent trends indicate development pressure will continue to increase. A substantial amount of these rural lands are located in zoning districts which allow major subdivisions as by-

right development. As discussed in the previous section, the areas facing the strongest market pressures for development are in the SC-1 zoning district—a by-right, 2-acre lot size residential district which encompasses approximately 1/3 of the County's land area. Because traditional farming and forestry activities are no longer as profitable as selling farms and woodlands to developers, the rural land cover is rapidly being converted into residential land uses, permanently taking substantial amounts of land out of forestry and agricultural uses. Since such vast amounts of agricultural and forestry resources exist in this residential district, a vision for the future of this area is important. Of particular importance is a future land use goal for preserving forestry and farming, and preserving rural character, coupled with the County's growth management strategy of a development district with public water and sewer.

Approximately 43% of the land in the County is zoned RC-1 and RC-2, both of which are 5-acre minimum lot size agricultural zones which do not allow major subdivisions (more than 3 lots). The majority of this agriculturally zoned land is located in the northern part of the County.

A portion of this undeveloped area north of Route 33 is part of in the Dragon Run Watershed. The Dragon Run is a stream that flows through the Middle Peninsula and empties into the Piankatank River. The Dragon Run has been identified as a unique and ecologically significant resource because of its pristine, largely undeveloped state and because it's tidal and non-tidal cypress swamps support numerous habitats for rare and endangered plant and animal species. The Smithsonian Institute ranked the Dragon Run the second (out of 232) most ecologically significant area in the Chesapeake Bay region. The Dragon Run Watershed was part of a regional planning process to address issues in the watershed. The Dragon Run Watershed Plan was adopted by three of the four counties as an addendum to the Comprehensive Plan. Many of the issues and opportunities facing the Dragon Run Watershed may also be applied to other rural areas of the County where the community desires to maintain the current rural land uses and characteristics.

The northern portion of the County may face increased development pressure in the future due to its close proximity to Interstate 64 and to Richmond—a one-hour commute. Upon completion of the new four-lane bridge in the town of West Point, which is replacing the existing two-lane bridge, the potential for a more convenient commute to Richmond may increase the demand for residential development in the northern reaches of the County.

Recent land use trends have shown that the greatest competitive threat to farming and forestry uses in rural areas is from residential development. Gloucester County permits limited residential development in its agricultural districts with a minimum lot size of five acres. However, major subdivisions, (3 acres or more) are prohibited in these agricultural districts; therefore the effective density in the agricultural districts is much lower than one unit per five acres.

This has been relatively effective in protecting farms and forest lands in areas where development pressures are low; however, it may not be sufficient in the future when market forces make rezoning to a higher density worth the additional costs.

The 5-acre minimum lot size requirement in the RC-1 and RC-2 agricultural zones may not be the optimal size for maintaining agriculture and forestry as viable industries. This size has generally not been effective historically for preserving forest and agricultural working lands, especially the type of agricultural commodities most prevalent in Gloucester where the majority of farm acreage produces soybeans and corn. The 5-acre minimum size tends to contribute to large house lots being created, consuming more land than is reasonably considered necessary for residential use. This results in large lawns that are no longer suitable for farming or forestry, thereby accelerating the amount of working lands being converted to residential use. It also creates a pattern of sprawl in which the remaining rural landholdings become carved up incrementally into minor subdivisions and residential lots.

The 5-acre minimum lot size is more a function of a low density residential district that has a more rural appearance than other suburban scale development. On land characterized by poor soils, it also spreads out residences on lands that cannot support higher densities. This 5-acre lot size may also serve as a transition area in rural areas with sub areas of existing suburban scale development zoned SC-1, and poor soils. Transition areas are areas located between viable farming/forestry and suburban/urban scale development, often characterized by larger lots of 5 to 10 acres or more, and private country lanes. These areas can still promote limited agricultural/forestry production and a rural farmland atmosphere and character.

It is important to point out that agricultural zoning districts tend to function as holding areas until a future time when the land may be rezoned for more intensive development, subject to politics. The agriculture zone designation is not absolute, but sometimes acts as “land in the bank” which can be chipped away and converted into other uses over time. Therefore, it is important to have land use preservation tools in addition to agricultural protection zoning to ensure the preservation of rural lands.

~~Explicit density policies or zoning standards should be adopted that are consistent with the intent of~~ Agricultural protection zoning (APZ) is a zoning technique intended to ~~preserving~~ preserve agricultural and forestal land uses~~.~~ By designating areas where farming and forestry are the primary land use, and other land uses are discouraged through maximum densities. APZ zoning may result in the reduction of permitted residential densities previously allowed, resulting in less land taken out of agricultural use and converted to residential use. Counties throughout Virginia have adopted a variety of density policies in their agricultural

districts in an attempt to preserve open space for farming, ranging from one unit per ten acres to up to one unit per 50 acres.

It is difficult to determine an absolute standard for densities that will protect sufficient open space to maintain a viable farming use. The average size of a farm in Gloucester is 168 acres[11] however most working farm operators lease or own a patchwork of land that adds up to a great deal more. Rules of thumb for grain farming suggest land assemblages of 750 to 3000 acres are needed to support a family by farming alone. However, specialty farms, such as fruit and vegetable farms, located close to appropriate markets, can support a family farming operation on 20-25 acres or less.

Generally, 20 acres is considered the minimum area necessary for agricultural protection zoning, according to the Farmland Information Center, a public/private partnership between American Farmland Trust and the USDA Natural Resources Conservation Service that provides technical information about farmland protection. This size is large enough to maintain a critical mass of agricultural land to be managed effectively, while limiting land speculation, keeping land affordable to farmers, and avoiding the trend of farms becoming isolated islands in residential areas. This will work toward ensuring that there will be enough farms to support local agricultural service businesses, which are needed for local farming to remain competitive.

Similarly, parcel sizes for forestry practices are also variable. In times of poor timber markets, larger tracts are more economically viable. However, in poor timber markets, tracts as small as five acres can provide good return if they have valuable timber and are next to larger tracts. In either case, contiguous tracts of forest land improves their ability to be managed for timber production.[12]

It is as important to plan for agricultural and forestry land uses as it is to plan for future development. Planning for these uses provides a framework for economically and environmentally sustainable industries. Productive agricultural and timber land are finite and irreplaceable natural resources. Agricultural land is desirable for building because it tends to be flat, well drained and generally more affordable to developers than land within the development district with County provided services. Once this land is converted to other uses, it is no longer available for farming. It is also important to identify and preserve the *productive* farmland since you cannot preserve everything and not all open space is good for agriculture or timber production.

Prepare soils map – identify production soils for farming and poor soils for septic.

[11] 2002 USDA Census of Agriculture
[12] Dragon Run Land Use Policy Audit, 2003, Paradigm Design,

An incentive that the County utilizes for preserving working farms and forests is the land use-value taxation program—a tax assessment program authorized by the State which enables the County to assess agricultural, forested and horticultural land at its current use value instead of its fair market value. This is an important tool for preserving rural lands because the current use value is generally lower than the fair market value, which lowers property taxes for rural property owners and shifts the tax burden to those who use more services. Land ownership becomes more affordable for future generations, and the economic pressure to sell off farms and forests for development is reduced. Also, the land use exemption encourages land to stay in agricultural, horticultural or forestry since roll back taxes apply when land changes from a qualifying use to a non-qualifying use.

Minimum land areas are a requirement of this program; 20 acres is the minimum requirement for forestry, and 5 acres is the minimum for agricultural and horticultural uses. These minimum areas are exclusive of other uses; if a house exists on a 5-acre tract of farmland, it wouldn't qualify because it would fall below the minimum 5-acre area requirement. Therefore, It is important to consider these minimum area requirements so that they work in concert with other land preservation policies and incentives, such as agricultural protection zoning, and the Purchase of Development Rights program discussed below.

The Purchase of Development Rights (PDR) program is an incentive program that the County may want to utilize for preserving working farms and forest lands. This program allows landowners to voluntarily sell the development rights of their property to the County. The landowner is paid the difference between the fair market value and the agricultural value while still owning the land, and a conservation easement is applied to the property. The State has recently funded, for the first time, $4.25 million to provide PDR matching funds to localities with certified local PDR programs. Factors that the State considers for certification include consistency with the comprehensive plan, as well as other locally implemented preservation techniques such as protective agricultural zoning and land use-value taxation.

Smaller tract sizes and subdivision of rural lands into smaller parcels can have a disabling effect on the rural economics of the County. Therefore, when devising long term planning policies it is important to realize the need for a minimum core size of land area in order to utilize incentive programs such as those described above, and to maintain forestry and agricultural as viable industries.

Rural lands provide many other benefits besides economic value; including wildlife habitat, scenic landscapes and aesthetic value, recreation, and environmental quality protection. It is difficult to put dollar amounts on these benefits; however, they have immeasurable intrinsic value as quality of life factors and the attraction of the County as a place to live, work and visit.

The ability of forests to remove carbon dioxide from the atmosphere is especially critical in relation to global climate change. Scientific consensus on global warming as a genuine threat heightens the importance of the critical role that forests perform in absorbing greenhouse gases. The conversion of rural lands into other uses also results in tremendous loss of prime wildlife habitat. A current example of this is the decline of prime bald eagle habitat in the Chesapeake Bay region. Biologists are concerned that the eagle population is threatened by rapid development. Approximately 80% of eagles nest on private property, consisting of rural areas near large creeks. Unprecedented increases in the real estate value of waterfront property are leading to dramatic losses in prime eagle habitat. Since less than 4% of eagles nest near developed areas, biologists predict that their numbers will plummet over the next several decades if development trends continue.

Conclusion

Given these factors, it is logical to conclude that preservation of agricultural and forestal lands is an important economic and land use issue. Rural planning principles and effective economic strategies are needed if forestal and agricultural uses are to continue. A vision for the rural lands in the County is important in order to protect and maintain valuable environmental, scenic and agricultural/forestal resources against inappropriate activities and intense growth pressures. Sound planning policy can ideally balance the need for reasonable rural growth against its impact on the surrounding natural environment, and maintain a reasonable overall level of rural development potential.

Tools for Protecting and Maintaining Forestal and Agricultural Lands

This section isn't intended to be included as text of the Comprehensive Plan, but is inserted at this point for discussion of alternative scenarios for preserving rural areas; as a step in determining goals, objectives and strategies

The **Comprehensive Plan** can influence forest and farmland preservation by:

- Designating land uses, densities, standards and characteristics—identify areas of the County to be protected for agricultural/forest use; areas where growth will be encouraged, and areas of transitions of land uses, between urban, suburban, and rural/agricultural, forestry.

- Defining the location of future water and sewer service (urban growth boundaries) i.e. Gloucester's Development District, which can lower or limit development pressure; adopt agricultural protection zoning outside of growth boundaries

- Defining rezoning standards and criteria for increased densities; it is important to balance land conservation with private market demand; regulatory powers can balance and limit the market

- Define changes to be made to development regulations

- Define where roads are built and improved

Subdivision Ordinance--a tool for implementing the Comprehensive Plan, but shouldn't be the main conservation tool because does not control land use or density; rather it is for managing orderly subdivision and insuring basic onsite infrastructure

Downzoning-to reduce the permitted residential densities

Agricultural Zone – The intent is to maintain open and rural character
Large lot zoning is good at preserving rural character but not always effective for preserving working farms and forests; frequently takes land out of agricultural use and converts to residential use; land is consumed by rural development at a faster rate—for example:
700 homes x 1 acre lots = 700 acres
700 homes x 5 acre lots = 3,500 acres

Agricultural zone frequently functions as a holding zone until later rezonings to increased density

Agricultural Protection Zoning (APZ)—designates areas where farming/forestry are primary land use and discourages other land uses in those areas through maximum densities ranging from 1 house per 20 acres in the east to 1 house per 640 acres in the western United States

APZ zoning usually results in the reduction of permitted residential densities previously allowed (downzoning);

Cluster zoning
Grouping houses close together on small lots to protect open land. The open space parcel may be restricted by a conservation easement. Generally not designed to support commercial agriculture, but owned by homeowners association. More successful at preserving open space/providing transition areas between residential and farm uses, than at protecting farmland.
Reasons why it doesn't support agriculture use:
- open space parcel may not be large enough to farm efficiently
- access to open space may be difficult
- homeowners object to noise, dust, odor from farming the open space

Randall Arendt's 6 step process for open space/conservation subdivision design—a zoning technique that can be implemented in subdivision process:

1. Identify primary conservation areas
2. Identify secondary conservation areas (steep slopes, etc.)
3. Identify potential development areas
4. Locate potential house sites
5. Design road alignments
6. Draw lot lines

Areas of Rural Character - Transition areas between viable farming/forestry and suburban/urban scale development, often characterized by larger lots and private country lanes. These areas can still promote limited agricultural/forestry production and a rural farmland atmosphere and character.

Zoning is in control of politics; it is important that conservation of rural lands is not in complete control of politics; so the following tools/strategies are important to have conservation tools other than zoning:

Land Use-Value tax assessment- In use by the County; local program doesn't include classification of "open space"; consider this category as an added incentive

[As an incentive to preserving agricultural and forested lands, the County utilizes land use-value taxation—a tax assessment program authorized by the State which enables the County to assess agricultural, forested and horticultural land at its current use value, instead of its fair market value. This program is beneficial for preserving rural lands because the current use value is generally lower than

the fair market value, which lowers property taxes for rural property owners and shifts the tax burden to those who use more services. Land ownership becomes more affordable for future generations, and the economic pressure to sell off farms and forests for development is reduced which helps to keep resource based industries viable. The minimum acreage required is 5 acres for agricultural and horticultural uses, and 20 acres for forestry. Excludes houses, so a 20-acre tract with a house on it wouldn't qualify.]

Conservation easements: permanent agreement between landowner and holder which is usually a land trust of government agency

PDR-Purchase of Development Rights
-development rights are purchased; conservation easements applied to land
-landowner is paid difference between fair market value and agricultural value
-the landowner still owns the land, but the easement stays with the property
-money may become available by the State for localities to use for PDR-localities can fund a PDR program in a variety of ways, including additional tax on real estate transfers, bonds, or other methods
-If locality has model PDR program approved, then it will be ready to implement when state money becomes available (the governor has goal of conserving 400,000 acres statewide; has 4.25 million for PDR matching funds program) - Fauquier County has 50-acre minimum;

TDR-Transfer of Development Rights
-enabled by Virginia in 2006
-no localities are using it
-transfers the development potential from one area to another
-sending areas and receiving areas; credits purchased from land owners in sending areas and developers apply credits for higher density in receiving areas
-it is hard to sell the concept of receiving areas-the residents of these areas may not want the higher density

Economic Viability - **measures to keep farming profitable**
-Agricultural Economic Development programs
-Build relationships with non-agricultural stakeholders
-Broker Farmlands for lease
-Agricultural Tourism
-Specialty, niche marketing
-Direct marketing to schools, hospitals, farmers markets
-Sustainable development is good for business, good for the environment and community

Sliding Scale Zoning
- As parcel size increases, the number of homes allowed decreases. The intent is to preserve larger parcels of land for farming and forestry and develop smaller parcels of land which can not be used for agriculture at a higher rate.

Appendix D

Essex Draft Comprehensive Plan Language

"Dragon Run Conservation District" and Other Amendments for the Essex County Comprehensive Plan:

<To be inserted after the "Chesapeake Bay Preservation Areas" section on page 99>

Dragon Run Conservation District

The Dragon Run is a special resource worthy of protection in Essex County. The Dragon Run Watershed and its surrounding landscape owe their extraordinary state of preservation to the landowners in the area that have pursued for generations the compatible land uses of farming and forestry on their land. Recent scientific study of the stream has also highlighted its critical ecological importance, including the purity of the water, the wealth of rare and unusual natural species it harbors, and the rural character of its watershed that has helped to keep it pristine. The rural way of life and traditional landscape in the Dragon Run area are valued by the residents of the area and are worthy of preservation.

Within the Dragon Run Watershed, 98% of the watershed is in the Countryside District and the remaining 2% is located in the Rural Residential District. Additionally, the Center Cross and Miller's Tavern Rural Service Centers are on the edge of the Dragon Run Watershed as are portions of the U.S. Route 360 and U.S. Route 17 Highway Corridor Enhancement Districts.

In 2002, the County signed a Memorandum of Agreement, in concert with the other counties in the Dragon Run Watershed, to protect the natural resources and rural qualities of the area by participating in the Dragon Run Watershed Special Area Management Plan. In particular, one of the objectives of the Memorandum was to "Achieve consistency across county boundaries among land use plans and regulations in order to maintain farming and forestry and to preserve natural heritage areas by protecting plants, animals, natural communities, and aquatic systems."

The overall intent for the Dragon Run Conservation District in this Comprehensive Plan is for it to remain largely rural, with low intensity uses, and to protect its key natural areas and its water quality. Specifically, the intent of this District is to:

- Maintain the health and quality of the Dragon Run stream system and associated natural areas.
- Achieve the objectives of the Memorandum of Agreement and reinforce the existing shared values for protecting the Dragon Run.
- Support the compatible economic base of the Dragon Run area and its rural businesses such as farming and forestry that are compatible with protecting the natural health of the stream system.
- Support new rural economic development and businesses that are compatible with the traditional pattern of rural land uses in the Dragon Run area.

The boundaries of the Dragon Run Conservation District are generally defined as the boundaries of the watershed of the Dragon Run. The watershed of the Dragon Run is the area where precipitation collects and funnels to end up in the Dragon Run stream. Conditions throughout the watershed affect the quality of the Dragon Run.

The following policies are intended to apply to the entire watershed of the Dragon Run. However, recognizing that the Essex County Comprehensive Plan has previously identified Center Cross and Miller's Tavern as Rural Service Centers and U.S. Route 360 and U.S. Route 17 as Highway Corridor Enhancement Districts, the following District policies should be applied to Center Cross and Miller's Tavern in concert with the policies for Rural Service Centers and those portions of the U.S. Route 360 and U.S. Route 17 corridors within the District in concert with the policies for Highway Corridor Enhancement Districts. The intent of the policies for this District is not to prevent development of those areas, but to ensure that they are developed in ways that are compatible with the basic intent of protecting the Dragon Run's natural resources and low-intensity rural character. The following policies will guide the development of the District:

"Dragon Run Conservation District" and Other Amendments for the Essex County Comprehensive Plan:

- The District should maintain its rural character through integrating new development with the existing rural economy and settlement patterns.
- Low intensity land uses that are consistent with the protection of the area's natural resources should be the dominant land uses in the District and the County should promulgate zoning ordinances, residential and non-residential development standards, performance standards, and management practices that ensure compatibility with the natural resources and rural surroundings.
- The extension of central sewer and water is generally not considered consistent with preserving the area's rural character and land uses.
- The County should enact policies, economic development plans, and ordinances that support the cornerstone rural businesses in the District, such as farming and forestry, and that encourage compatible new supportive businesses such as value-added farming and forestry, local specialties, handicrafts, small-scale workshops, and craft industries, while ensuring that these businesses are practiced in ways that are compatible with protecting the health of the natural resources.
- The County should protect the key natural resources in the District, including the ground and surface water quality, wetlands, and sensitive environmental features; native plant and animal species and their natural habitats; and the productive soils that support farming and forestry uses.
- The County should discourage the extensive use of the District for public recreation and large-scale tourism and encourage small scale and controlled tourism and recreation uses that conserve natural areas, respect property rights, and limit opportunities for trespassing on private properties in the District such as bed and breakfasts, private hunt clubs and preserves, and private tours.
- The County should implement programs and exhibits that interpret the natural and cultural heritage of the Dragon Run for both residents and visitors, without encouraging intense or incompatible recreational use of the District's sensitive resources.
- The County should consider implementation strategies that conserve existing land uses and protect the natural resources in the District such as conservation zoning and subdivision approaches, additional stream buffers and setbacks, the purchase of development rights, donation of private easements, landowner compacts, and land use taxation.
- As an additional tool for protecting the Dragon Run, the County should also consider changing the Dragon Run Watershed's land use designation to Agricultural Preservation District in its Land Use Plan Map.

It should be noted that these policies for the Dragon Run Conservation District are generally in concert with Essex County's existing policies for the Countryside District, Rural Residential District, Rural Service Centers, and Highway Corridor Enhancement Districts.

<To be inserted in the "Growth Management & Land Use" goals section on page 71>

- Allow only low intensity rural land uses that are consistent with the conservation of the area's natural resources in the Dragon Run Conservation District.

<To be inserted in the "Natural Resources & Environmental Quality" goals section on page 74>

- Protect the key natural resources in the Dragon Run Conservation District, including the ground and surface water quality; wetlands and sensitive environmental features; native plant animal species and their natural habitats; and the productive soils that support farming and forestry use.

“Dragon Run Conservation District” and Other Amendments for the Essex County Comprehensive Plan:

<To be inserted in the “Parks, Recreation, & Open Space” goals section on page 77>

- Encourage small-scale and controlled tourism and recreational uses of the Dragon Run Conservation District that conserve natural areas, respect property rights, and limit opportunities for trespassing on private properties in the area.

<To be inserted in the “Rural Character & Agricultural Preservation” goals section on page 78>

- Utilize strategies that conserve existing agricultural and forest land uses in the Dragon Run Conservation District and that protect the environmental resources of the stream system, such as conservation zoning and subdivision approaches, additional stream buffers and setbacks, the purchase of development rights, donation of private easements, landowner compacts, and land use taxation.

<To be inserted in the “Historic & Cultural Preservation” goals section on page 79>

- Implement programs and exhibits that interpret the natural and cultural heritage of the Dragon Run for both residents and visitors, without encouraging intense or incompatible recreational use of the area’s sensitive resources.

Appendix E

Dragon Run Steering Committee Meeting Summaries, Materials and Supporting Documentation

DRAGON RUN STEERING COMMITTEE

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Secretary/Project Director
Mrs. Sara Stamp

MEMBERS

Essex County
Hon. Margaret H. Davis (Chairman)
Ms. Dorothy Miller
Mr. M. Scott Owen
Mr. Fred Hutson

King and Queen County
Hon. Pete McDuff
Mr. Robert E. Gibson
Ms. Anne Pollard
Mr. William F. Herrin (Vice Chairman)

Gloucester County
Hon. Michelle Ressler
Ms. Terry DuRose
Dr. William Reay
Mr. Kenny Richardson

Middlesex County
Hon. John D. Miller
Mr. R.D. Johnson
Mr. William Bagby
Mr. John England

MEMORANDUM

TO: Dragon Run Steering Committee and Interested Parties

FROM: Sara Stamp

DATE: October 29, 2008

SUBJECT: November Dragon Run Steering Committee Meeting

Good morning,

This letter is to serve as a notice that our fall quarterly Dragon Run Steering Committee Meeting is scheduled for Wednesday, **November 12th at 7pm at the Regional Boardroom at the Middle Peninsula Planning District Commission office in Saluda.** I have attached an agenda for your review. Please let me know if you have any additions to the agenda. As always, if you have any questions, please feel free to contact me at 804-758-2311 or sstamp@mppdc.com.

Sincerely,

Sara E. Stamp

Sara

Enclosure

Dragon Run Steering Committee
Summer Quarterly Meeting
November 12th, 2008

Regional Boardroom – Middle Peninsula PDC
Saluda
7:00 PM

AGENDA

1. Welcome and Introductions
2. Dragon Run Day in Review and Planning for 2009
3. VDOT letter
4. The Dragon Run Special Area Management Plan: Action Items
5. Public Comment
6. Other Business
7. Adjourn

Dragon Run Steering Committee
Middle Peninsula Planning District Commission
November 12, 2008 7:00pm
Saluda, Virginia
Meeting Minutes

Agenda

1. Welcome and Introductions
2. Dragon Run Day in Review and Planning for 2009
3. VDOT letter
4. The Dragon Run Special Area Management Plan: Action Items
5. Public Comment
6. Other Business
7. Adjourn

Attendance

Dragon Run Steering Committee members in attendance: Prue Davis (Chair), Frank Herrin (Vice Chair), Pete McDuff, Michelle Ressler, Kenny Richardson, RD Johnson, Fred Hutson, Robert Gibson, Willy Reay, and Dorothy Miller.

Others in attendance: Sara Stamp and Lynn Groover (Essex County)

Welcome and Introductions

Prue Davis called the meeting to order and welcomed the group. Those in attendance introduced themselves.

Dragon Run Day in Review and Planning for Dragon Run Day 2009

Sara Stamp provided a slideshow featuring highlights from Dragon Run Day.

Overview:

Dragon Run Day is an annual event celebrating the natural, cultural and historic heritage of the Dragon Run Watershed, while increasing watershed awareness. The 2008 event was co-hosted by the Dragon Run Steering Committee, Friends of Dragon Run and Thousand Trails Camp Resort.

The event was held on Saturday, October 13th from 10am to 4pm at the Thousand Trails Camp Resort in Gloucester County. The venue is situated on the Piankatank River just below the mouth of the Dragon Run. This was our

second year partnering with Thousand Trails, which has combined its Seafood Festival (previously considered an event without a cause) with Dragon Run Day.

This year's event was a success with more than twenty exhibitors and/or demonstrators and attendance by approximately 1,800 individuals, which makes this the largest Dragon Run Day yet.

The event was paid for by eight sponsors who contributed more than $2,000 in cash and in-kind services and by past year residual Dragon Run Day funds. Volunteers were utilized during Dragon Run Day to facilitate the event. These volunteers were primary from Friends of Dragon Run.

Dragon Run Day Advertising:

Thanks to Virginia Coastal Zone Management Program sponsorship, the event received enhanced advertising. CZMP funds were used to advertise the event on a billboard in the community. The billboard complemented the distribution of 2,500 bookmarks to all of the watershed middle schools.

Members of the Dragon Run Day Planning Committee also hung about 60 posters throughout the four watershed counties and posted fliers in public places for individuals to take.

Banners. Brochures and Marketing Materials at Dragon Run Day:

Coastal Zone Management Program funds were used to produce two banners at Dragon Run Day. One banner welcomed visitors to Dragon Run Day, while the other banner promoted the Dragon Power biodiesel program. Brochures were also distributed to attendees of Dragon Run Day 2008.

Dragon Power pencils were also distributed to visitors to Dragon Run Day. The Dragon Power biodiesel program was a highlight of the 2008 Dragon Run Day. The event included an exhibit from Virginia Clean Cities, a Gloucester County school bus, which runs on biodiesel, an exhibit from VA biodiesel refinery and a biodiesel fuel seed crusher. During the event, Virginia House of Delegates representative, Harvey Morgan, presented "I Saved a Dragon Awards" to three members of the Dragon Run Biodiesel Partnership Program.

Dragon Run Day 2009

Sara Stamp inquired whether the Steering Committee would like to continue with Dragon Run Day in 2009. She noted that more participation would be required from the Steering Committee if the growing event were to continue.

The Steering Committee decided to continue with the annual event in 2009 and requested that the Chair appoint members to a planning committee.

VDOT Letter

The Steering Committee reviewed and discussed the letter to VDOT regarding the use of V-cut ditches and the practices water quality impacts. Sara Stamp will send the letter to VDOT upon receipt of photos from Willy Reay. The Steering Committee also requested that the county planning commissions and boards of supervisors be copied on the letter and asked for support if there is no response or action from VDOT.

The Dragon Run Special Area Management Plan: Action Items

As requested at the August Dragon Run Steering Committee meeting, Sara Stamp prepared a spreadsheet of action items from the Dragon Run Watershed Management Plan and distributed it to the Steering Committee. The Steering Committee reviewed the action items and discussed progress on various components of the plan.

Recommended Actions
Land Use and Resource Preservation
a. Designate a Unified "Dragon Run Planning Area"
i. Adoption of Watershed Management Plan
ii. Amend Comprehensive Plan
iii. Amend Zoning Ordinanace
b. Implement Tools to Preserve Forest Farm and Natural Resources
i. Conservation Easements
ii. Purchase of Development Rights (PDR)
iii. Transfer of Development Rights (TDR)
iv. Purchase of Agricultural Conservation Easements
v. Enforcement of Chesapeake Bay Preservation Act and Other Ordinances
vi. Agricultural and Forestal Districts
vii. Land Use Assessment
viii. Utilize Farm Programs and Forest Stewardship Plans
ix. Sliding Scale Property Tax Rate
x. Sliding Scale Zoning
xi. Local "Right-to-Farm"
xii. State Forest

xiii. Virginia Natural Area Preserve System
xiv. Virginia Estuarine and Coastal Research Reserve System
xv. Public Access Authority Site
c. Address Public and Landowner Access Issues
i. Erect signage notifying boaters/recreationists of trespassing issues and the physical dangers of boating in a wilderness area
ii. Provide land-based access as an alternative to boat-based access
iii. Supervise or manage public access sites
iv. Assess recreational carrying capacity/access to determine appropriate recreational "load"
d. Control Invasive Species
i. Form Dragon Run Invasive Species Initiative with scientific and policy experts
ii. Assess status of existing invasive species or potential for new invasive species
iii. Encourage the creation of state-level policies by seeking representation on the Virignia Invasive Species Council's Advisory Committee
iv. Establish education program to reduce the potential for species introduction
v. Establish monitoring and control program
Education and Landowner Stewardship
a. Hands-on Experiences
b. Community Watershed Festival
c. Watershed Stewardship Awards
d. Watershed Boundary Signs
e. Promote Use of Forest Stewardship Plans
f. Promote Use of Farm Programs
i. Conservation Reserve Program (CRP)
ii. Conservation Reserve Enhancement Program (CREP)
iii. Environmental Quality Incentives Program (EQIP)
iv. Farm and Ranch Lands Protection
v. FarmLink Program
vi. Forest Land Enhancement Program (FLEP)
vii. Wetlands Reserve Program (WRP)

viii. Wildlife Habitat Enhancement Program (WHIP)
g. Promote Action-based Projects
i. Trash pick-up (eg Adopt-A-Highway, Adopt-A-Stream)
ii. Development of Nature Trails
iii. Construction of rain gardens to capture roof run-off
iv. Stream bank stabilization
v. Stream restoration
Encourage and Support Sustainable Economic Development
a. Support Sustainable Forestry and Farming
b. Encourage Sustainable Nature-based Tourism and Agritourism
Monitor the Implementation of the Watershed Management Plan

Public Comment

No comments

Other Business

The Dragon Run Steering Committee continued its discussion of providing stewardship awards. The projected timeline is as follows: At the February DRSC meeting, the notice will go out. Nominations must be put forth by the May DRSC meeting. Awards will be presented at Dragon Run Day. The characteristics of the award recipient are:
-ongoing and sustained effort
-environmentally sensitive
-green technology or Low Impact Development
-Implementing BMPs
-Education or outreach about the Dragon Run watershed

Adjourn

Actions Underway or Completed at time of Management Plan Adoption	Responsibility	Status
Memorandum of Agreement		complete
Establish Baseline Watershed Information		complete
SAMP Project Awareness Campaign		ongoing - DVD, website
Recommended Actions		
Land Use and Resource Preservation		
a. Designate a Unified "Dragon Run Planning Area"		underway
i. Adoption of Watershed Management Plan	local govt	3 of the 4 counties adopted mangement plan
ii. Amend Comprehensive Plan	local govt	Essex, Gloucester and Middlesex currently underway
iii. Amend Zoning Ordinanace	local govt	King and Queen revised their language; Essex plans on doing with comp plan
b. Implement Tools to Preserve Forest Farm and Natural Resources		
i. Conservation Easements	landowner, non-profits, state and local governments	initiative underway to coordinate conservation hub in watershed
ii. Purchase of Development Rights (PDR)	local govt	no localities currently interested
iii. Transfer of Development Rights (TDR)	local govt	not currently pioneered in VA, although state has authorized
iv. Purchase of Agricultural Conservation Easements	non-profits and federal, state and local govt	
v. Enforcement of Chesapeake Bay Preservation Act and Other Ordinances	local govt	all counties compliant with CBPA P1; P2 underway
vi. Agricultural and Forestal Districts	local govt	
vii. Land Use Assessment	local govt	Essex and Gloucester
viii. Utilize Farm Programs and Forest Stewardship Plans	state and federal agencies; local govt, landowners	
ix. Sliding Scale Property Tax Rate	local govt	
x. Sliding Scale Zoning	local govt	
xi. Local "Right-to-Farm"	local govt	
xii. State Forest	Department of Forestry	
xiii. Virginia Natural Area Preserve System	Landowners, Natural Heritage Program	
xiv. Virginia Estuarine and Coastal Research Reserve System	Chesapeake Bay National Estuarine Research Reserve	
xv. Public Access Authority Site	**Middle Peninsula Chesapeake Bay Public Access Authority**	
c. Address Public and Landowner Access Issues		
i. Erect signage notifying boaters/recreationists of trespassing issues and the physical dangers of boating in a wilderness area	Dragon Run Steering Committee	
ii. Provide land-based access as an alternative to boat-based access	Middle Peninsula Chesapeake Bay Public Access Authority, Virginia Coastal Reserve (Virginia Institute of Marine Science), Virginia Dept of Forestry, local govt, non-profit orgs	
iii. Supervise or manage public access sites	Middle Peninsula Chesapeake Bay Public Access Authority, Virginia Coastal Reserve (Virginia Institute of Marine Science), Virginia Dept of Forestry, Virginia Dept of Transportation, local govt, non-profit orgs	
iv. Assess recreational carrying capacity/access to determine appropriate recreational "load"	Dragon Run Steering Committee	

d. Control Invasive Species		
i. Form Dragon Run Invasive Species Initiative with scientific and policy experts	Dragon Run Steering Committee staff, state and federal agencies, univerisities, non profit conservation organizations	
ii. Assess status of existing invasive species or potential for new invasive species	Dragon Run Invasive Species Initiative	
iii. Encourage the creation of state-level policies by seeking representation on the Virignia Invasive Species Council's Advisory Committee	Virginia Invasive Speices Council, Dragon Run Invasive Species Initiative	
iv. Establish education program to reduce the potential for species introduction	Dragon Run Invasive Species Initiative	
v. Establish monitoring and control program	Dragon Run Invasive Species Initiative	
Education and Landowner Stewardship		
a. Hands-on Experiences	Dragon Run Steering Committee	
b. Community Watershed Festival	Dragon Run Steering Committee	
c. Watershed Stewardship Awards	Dragon Run Steering Committee	
d. Watershed Boundary Signs	Dragon Run Steering Committee	
e. Promote Use of Forest Stewardship Plans	Dragon Run Steering Committee, local govt, Dept of Forestry	
f. Promote Use of Farm Programs	Natural Resources Conservation Service, Virginia Cooperative Extension, Soil and Water Conservation Districts, Farm Service Agency, Virginia Farm Bureau	
i. Conservation Reserve Program (CRP)	Natural Resources Conservation Service	
ii. Conservation Reserve Enhancement Program (CREP)	Natural Resources Conservation Service, Soil and Water Conservation Districts, Farm Service Agency	
iii. Environmental Quality Incentives Program (EQIP)	Natural Resources Conservation Service	
iv. Farm and Ranch Lands Protection	Natural Resources Conservation Service	
v. FarmLink Program	Virginia Farm Bureau, Virginia Department of Agricultural and Consumer Services	
vi. Forest Land Enhancement Program (FLEP)	Natural Resources Conservation Service, Department of Forestry	
vii. Wetlands Reserve Program (WRP)	Natural Resources Conservation Service	
viii. Wildlife Habitat Enhancement Program (WHIP)	Natural Resources Conservation Service	
g. Promote Action-based Projects	Dragon Run Steering Committee, local govt, citizens	
i. Trash pick-up (eg Adopt-A-Highway, Adopt-A-Stream)		
ii. Development of Nature Trails		
iii. Construction of rain gardens to capture roof run-off		
iv. Stream bank stabilization		
v. Stream restoration		
Encourage and Support Sustainable Economic Development		
a. Support Sustainable Forestry and Farming		
b. Encourage Sustainable Nature-based Tourism and Agritourism		
Monitor the Implementation of the Watershed Management Plan		

Dragon Run Steering Committee
Winter Quarterly Meeting
February 11th, 2009

Regional Boardroom – Middle Peninsula PDC
Saluda
7:00 PM

AGENDA

1. Welcome and Introductions
2. Purchase of Development Right/Transfer of Development Rights – Kevin Schmidt, Virginia Department of Agricultural and Consumer Services, Division of Farmland Preservation
3. Review and Approval of November Minutes
4. Legislative Update
5. Dragon Run Day
6. Dragon Run Award
7. VDOT Letter
8. Adopt Scope of Work 2009
9. Adopt Meeting Schedule for 2009
10. Public Comment
11. Other Business
12. Adjourn

Understanding Purchase and Transfer of Development Rights Programs

Kevin Schmidt

Coordinator, Office of Farmland Preservation

Virginia Department of Agriculture and Consumer Services

February 11, 2009

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Land Use Tools Are Available for Local Governments

- Local comprehensive plans
- Agricultural zoning
- Land use assessment/sliding scale property tax rate
- Agricultural and forestal districts
- Purchase of Development Rights (PDR) programs
- Transfer of Development Rights (TDR) programs
- Agricultural economic development efforts

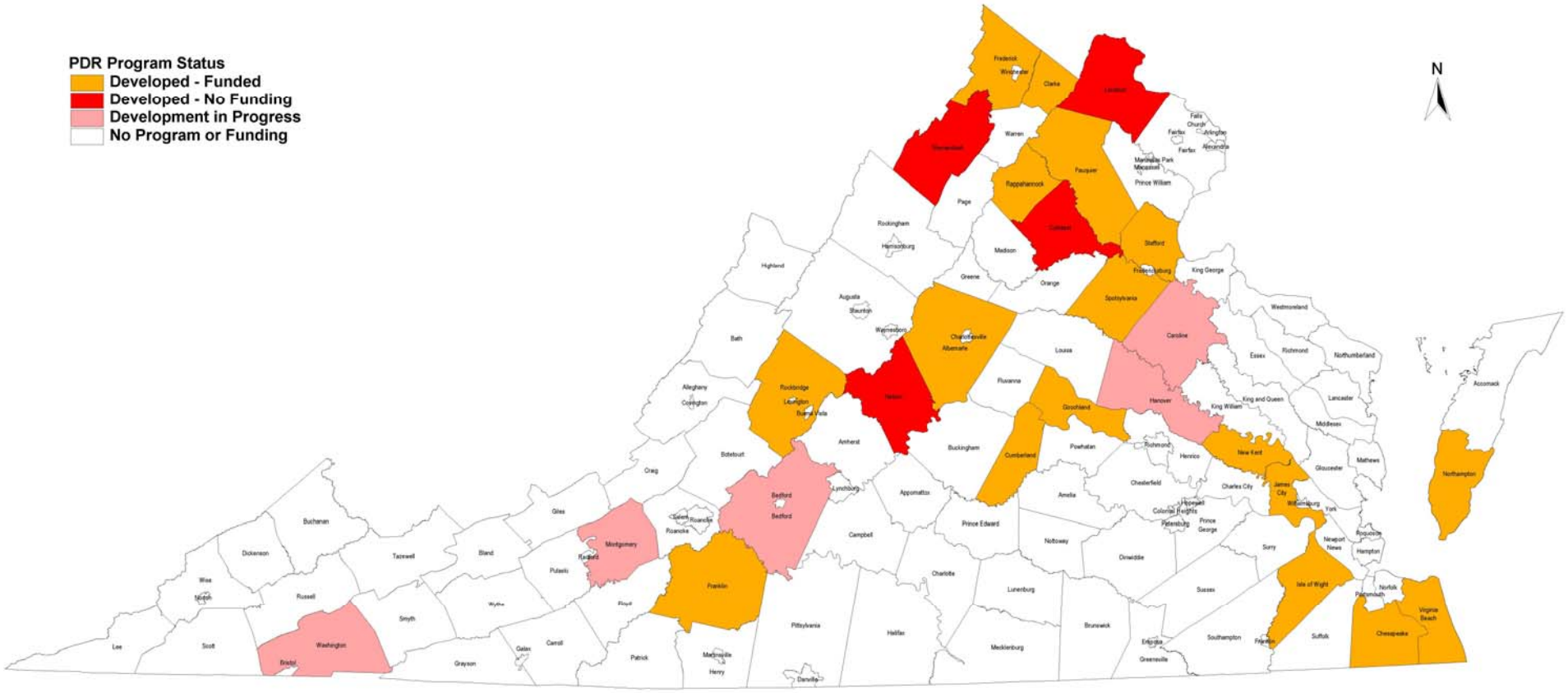
Conservation Easements

- Legal agreements designed to permanently protect a desired conservation purpose
- Between landowners and a qualified conservation organization or public agency
- Deed of easement recorded locally and runs with the land
- Landowner retains all other ownership rights
- Allow for continued use of the property
- These are voluntary programs!

Conservation Easements (cont.)

- Easements can be donated
  - Federal tax benefits
    - Income tax deduction
    - Estate tax deduction
  - State tax benefits
    - Virginia Land Preservation Tax Credit (transferable)
- Easements can be sold
  - Purchase of Development Rights (PDR) programs
  - Transfer of Development Rights (TDR) programs

STATUS OF LOCAL PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAMS



Map Prepared on 6/12/08 by:

DCR
Virginia Department of Conservation & Recreation

State Matching Funds for PDR Programs

- In 2007, Governor and General Assembly approved $4.25 million for state matching funds to local PDR programs for FY 2007 and FY 2008
- Fifteen localities applied by first deadline, with almost $45 million available in non-state PDR program funding
- Fourteen localities were certified for FY 2008 allocation round
- Award letters and intergovernmental agreements were released February 26, 2008

Allocation of State PDR Matching Funds

- Fund distribution:
  - Available funds divided equally by certified programs
  - Available on a $1 to $1 match
  - Remaining funds redistributed
- Other program mechanics:
  - Two years to use funds
  - Actual funds received upon closing of approved easement
  - Up to 50 percent reimbursement of easement purchase price and other reimbursable costs
  - Other state funds cannot be used as local match

State Matching Funds- FY 2009 and FY 2010

- Total of $1.5 million in state matching funds for local PDR programs in current biennium
  - $500,000 in FY 2009
  - $1 million for FY 2010 (Governor has proposed $500,000 reduction)
- FY 2009 deadline for fiscal and program certification was October 17, 2008
- Eleven localities applied, with more than $43 million available in non-state PDR funding
- Award letters and intergovernmental agreements were released December 30, 2008

Transfer of Development Rights (TDR) Programs

- Allows landowners to transfer the right to develop one parcel (sending) to a different parcel (receiving)
- Established through local zoning
- Can protect working farm and forest land by shifting development

Transfer of Development Rights (TDR) Programs

- Landowner places restriction on property and is compensated by the market
- Generally results in additional benefits for development in the receiving areas
- Authorized for local governments in 2006 but has not been used to date
- Joint subcommittee examined legislative changes to TDR program and introduce HB 2055 in 2009 session

For Additional Information

- (804) 786-1346
- Kevin.Schmidt@vdacs.virginia.gov
- www.vdacs.virginia.gov/preservation

Dragon Run Steering Committee
Middle Peninsula Planning District Commission
February 11, 2009 7:00pm
Saluda, Virginia
Meeting Minutes

1. Welcome and Introductions – Chair Prue Davis called the meeting to order. Dragon Run Steering Committee members in attendance included: Fred Hutson, John England, Dorothy Miller, William Bagby, R.D. Johnson, Terry DuRose, Frank Herrin, andAnnie Pollard. Others in attendance included Sara Stamp, Dave Whitlow (Essex County Administrator), Marilyn South (Middlesex County PC), Teta Kain (FODR), Pat Tyrrell (Tidewater RC&D), Anne Ducey-Ortiz (Gloucester County), and Phil Olekszyk (Gloucester County Comp Plan Comm).

2. Purchase of Development Right/Transfer of Development Rights – Kevin Schmidt, Virginia Department of Agricultural and Consumer Services, Division of Farmland Preservation – see attached presentation.

3. Review and Approval of November Minutes - Ms. Davis requested a motion to approve the November meeting minutes as submitted. Fred Hutson made a motion, Dorothy Miller seconded, motion carried.

4. Legislative Update – Sara Stamp distributed a list of current bills in the General Assembly that may be of relevance or interest to the Dragon Run Steering Committee. Some of these include: SB1276 (Alternative on-site sewage systems; no locality shall prohibit use thereof), HB 1699 (Biofuels; broadens Right to Farm Act to allow farmers to engage in small-scale production, and HB 1891 (Land preservation tax credit; reduces amount that may be claimed for taxable years 2009 and 2010) among others.

5. Dragon Run Day – Sara Stamp provided an update on the Dragon Run Day planning process and reminded the DRSC that their assistance was necessary to undertake the event.

6. Dragon Run Award – Sara Stamp distributed the Dragon Run Stewardship Award Nomination Form and reminded the DRSC that submissions were due no later than April 30, 2009. She noted that the Dragon Run Stewardship Award Committee anticipated selecting awardees prior to the May DRSC meeting.

7. VDOT Letter – Sara Stamp informed the DRSC that the letter to VDOT had been submitted (with the counties copied), however no response had been received.

8. Adopt Scope of Work 2009 – Ms. Davis requested a motion to adopt the scope of work for 2009 as submitted. Fred Hutson made a motion, Dorothy Miller seconded, motion carried.

9. Adopt Meeting Schedule for 2009 - Ms. Davis requested a motion to adopt the meeting schedule for 2009 as submitted. Frank Herrin made a motion, Fred Hutson seconded, motion carried.

10. Public Comment - None

11. Other Business - None

12. Adjourn – Ms. Davis requested a motion to adjourn. Fred Hutson made a motion, Terry DuRose seconded, motion carried.

The Dragon Run Steering Committee

cordially invites you to attend their

Annual Picnic

Wednesday, May 13, 2009 at 6:00 pm

at

Frank Herrin's Home

1814 Coldwater Road

Mascot, Virginia 23108

(Directions on reverse)

Come on out to eat, drink, mingle and discuss the latest priorities and initiatives of the Dragon Run Watershed!

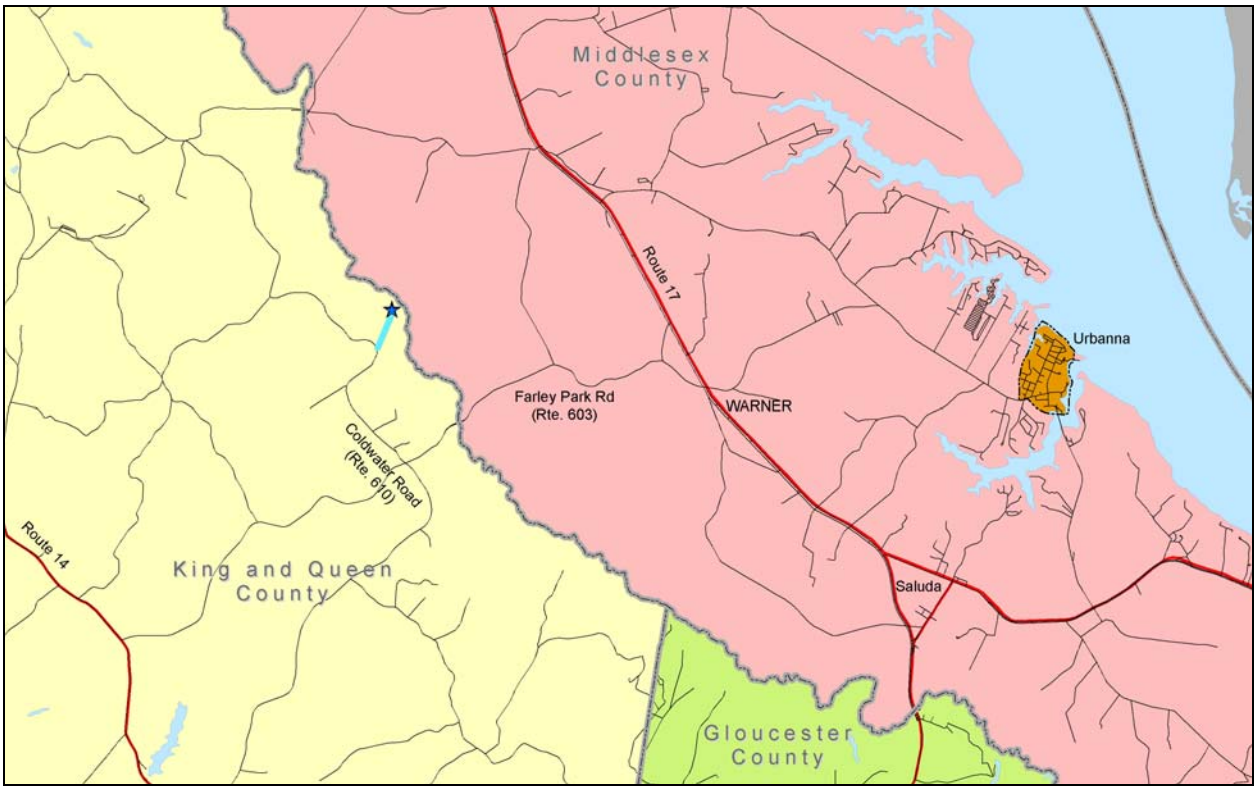
Family and friends are welcome!

Please RSVP to Sara Stamp by May 12th

(804) 758-2311

Virginia Coastal Zone

MANAGEMENT PROGRAM



Directions

From Route 17 at Warner: Go west on Farley Park Rd (Rte. 603). Go about 3 miles and cross the Dragon Run. Go approximately 1 more mile and turn right on Coldwater Road (Rte. 610). Go approximately 1.7 miles and turn right on driveway with Herrin on the mailbox. Pass trailer home on right and continue down driveway for approximately 1 mile. Continue through white gate - driveway ends at Frank's house!

Dragon Run Steering Committee
Spring Quarterly Meeting
May 13th, 2009

Annual Picnic – Frank Herrin's House
6:00 PM

AGENDA

1. Welcome and Introductions
2. Andy Lacatell, The Nature Conservancy: Conservation Priorities in the Dragon Run Watershed
3. Joe Schumacher, Representative for Congressman Rob Wittman: Federal Stimulus Funding and Potential Local Conservation Benefits
4. Dragon Run Award Nominations
5. Adopt Amended Scope of Work 2009
6. Public Comment
7. Other Business
8. Adjourn

* Members of the Dragon Run Day Planning Committee will meet after the Dragon Run Steering Committee business meeting.

DRAGON RUN STEERING COMMITTEE

Saluda Professional Center
125 Bowden Street
P.O. Box 286
Saluda, Virginia 23149-0286
Phone: (804) 758-2311
FAX: (804) 758-3221
Toll Free : 1-888-699-1733
Email : sstamp@mppdc.com
Website : www.mppdc.com/dragon/

Secretary/Project Director
Mrs. Sara Stamp

MEMBERS

Essex County
Hon. Margaret H. Davis (Chairman)
Ms. Dorothy Miller
Mr. M. Scott Owen
Mr. Fred Hutson

King and Queen County
Hon. Pete McDuff
Mr. Robert E. Gibson
Ms. Anne Pollard
Mr. William F. Herrin (Vice Chairman)

Gloucester County
Hon. Buddy Rilee
Ms. Terry DuRose
Dr. William Reay
Mr. Kenny Richardson

Middlesex County
Hon. John D. Miller
Mr. R.D. Johnson
Mr. William Bagby
Mr. John England

MEMORANDUM

TO: Dragon Run Steering Committee and Interested Parties

FROM: Sara Stamp

DATE: June 22, 2009

SUBJECT: July Dragon Run Steering Committee Meeting

Good morning,

This letter is to serve as a notice that our summer quarterly Dragon Run Steering Committee Meeting is scheduled for Wednesday, **July 8th at 7pm at the Regional Boardroom at the Middle Peninsula Planning District Commission office in Saluda.** I have attached an agenda for your review. Please let me know if you have any additions to the agenda. As always, if you have any questions, please feel free to contact me at 804-758-2311 or sstamp@mppdc.com.

Sincerely,

Sara E. Stamp

Sara

Enclosure

Dragon Run Steering Committee
Summer Quarterly Meeting
July 8, 2009

Regional Boardroom – MPPDC office
Saluda
7:00 PM

AGENDA

1. Welcome and Introductions
2. Thomas Blackwell, Essex County Commission of the Revenue: Discussion on impacts of conservation easements on local tax base
3. Dragon Run Day 2009
4. Dragon Run Stewardship Award
5. Public Comment
6. Other Business
7. Adjourn

Dragon Run Steering Committee
Middle Peninsula Planning District Commission
July 8, 2008 7:00pm
Saluda, Virginia
Meeting Minutes

Agenda

1. Welcome and Introductions
2. Thomas Blackwell, Essex County Commissioner of the Revenue: Discussion on impacts of conservation easements on local tax base
3. Dragon Run Day 2009
4. Dragon Run Stewardship Award
5. Public Comment
6. Other Business
7. Adjourn

Attendance

Dragon Run Steering Committee members in attendance: Prue Davis (Chair), Frank Herrin (Vice Chair), John England, RD Johnson, Fred Hutson, Robert Gibson, Willy Reay, Terry DuRose and Dorothy Miller.

Others in attendance: Sara Stamp and Thomas Blackwell (Essex County Commissioner of the Revenue)

Welcome and Introductions

Prue Davis called the meeting to order and welcomed the group.

Thomas Blackwell, Essex County Commissioner of the Revenue: Discussion on impacts of conservation easements on local tax base

Sara Stamp provided some background information on the regional drive to increase the amount of land protected by conservation easements in the Dragon Run Watershed. She reminded the Steering Committee that there are a number of entities, including the Steering Committee, promoting conservation easements as a tool for private landowners to protect their lands in perpetuity. She also noted that a dialog to discuss implications of the increased abundance of easements due as concerns on impacts to local tax base seemed to be mounting.

Chairwoman Davis introduced Thomas Blackwell, Essex County Commissioner of the Revenue. Mr. Blackwell provided some information on how Essex County assessed properties with a conservation easement on them compared to a similar property without an easement. He noted that there was no guidance as to how to appropriately discount the assessed

value for eased lands and that he had to make a best judgment that he applied consistently to all holdings with conservation easements, unless there was a special circumstance. He noted that there was currently no communication or collaboration between localities, so there are likely inconsistencies between how each locality in the watershed assessing properties with conservation easements.

Ms. Stamp noted that perhaps the Regional Assessment Committee may perhaps be interested in forming a sub-committee to address the inconsistencies between county assessments of easements. Mr. Blackwell agreed that this may be a potential venue to have this discussion and that he would inquire at the Committee's next meeting.

Mr. Blackwell and Ms. Stamp reviewed a sample assessment comparing two properties – one with an easement and one without an easement – to demonstrate the change in the value of the properties. They also reviewed alternatives to show what would happen in different scenarios (partial easements, future development of non-eased land on the property, etc). See attached scenarios.

Dragon Run Day 2009

Sara Stamp reminded the Steering Committee that Dragon Run Day 2009 is on October 10th at Thousand Trails Campground. She requested volunteers from the Steering Committee to participate in the event. She noted that she especially needed volunteers to man the DRSC/SAMP booth with her throughout the day.

Dragon Run Stewardship Award

The Steering Committee discussed the nominations for the Dragon Run Stewardship Award – The Middle Peninsula Chesapeake Bay Public Access Authority and Andy Lacatell from The Nature Conservancy. The Committee discussed the merits and history of both nominees and their impacts in the watershed. The Steering Committee voted to issue the award to Andy Lacatell. The award will be presented at Dragon Run Day.

Public Comment

No comments

Other Business

Willy Reay requested that Sarah McGuire be added to the November meeting agenda to discuss the Dragon Run Watershed Curriculum grant that was received by the Chesapeake Bay

Adjourn

The next meeting is scheduled for November 4th at 7pm.

Parcel 1 (no easement)

Description	Size	Rate	Value
Wood/Paved	50 acres	$ 2,500	$125,000
Timber/Mixed	50 acres	$ 200	$ 10,000
Homesite	1 acre	$40,000	$ 40,000
Total	51 acres		$175,000

Parcel 2 (All 51 acres eased)

Description	Size	Rate	Value
Wood/Paved	50 acres	$ 2,500-25%	$ 93,750
Timber/Mixed	50 acres	$ 200	$ 10,000
Homesite	1 acre	$40,000	$ 40,000
Total	51 acres		$143,750

Forward 10 Years

2 kids→ 1 acre each for homesites ----------

Homesite #1	1 acre	$40,000
Homesite #2	1 acre	$40,000

No reduction for easement

(*Only 45 acres eased)

Description	Size	Rate	Value
Wood/Paved	5 acres	$ 2,500	$ 12,500
Wood/Paved(eased*)	45 acres	$ 2,500-25%	$ 84,375
Timber/Mixed	50 acres	$ 200	$ 10,000
Homesite	1 acre	$40,000	$ 40,000
Total	51 acres		$146,875

DRAGON RUN STEERING COMMITTEE

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Ms. Terry DuRose
Dr. William Reay
Mr. Kenny Richardson

Middlesex County
Hon. John D. Miller
Mr. R.D. Johnson
Mr. William Bagby
Mr. John England

MEMORANDUM

TO: Dragon Run Steering Committee and Interested Parties

FROM: Sara Stamp

DATE: October 22, 2009

SUBJECT: JNovember Dragon Run Steering Committee Meeting

Good afternoon,

This letter is to serve as a notice that our fall quarterly Dragon Run Steering Committee Meeting is scheduled for Wednesday, **November 4th at 7pm at the Regional Boardroom at the Middle Peninsula Planning District Commission office in Saluda.** I have attached an agenda for your review. Please let me know if you have any additions to the agenda. As always, if you have any questions, please feel free to contact me at 804-758-2311 or sstamp@mppdc.com.

Sincerely,

Sara E. Stamp

Sara

Enclosure

Dragon Run Steering Committee
Fall Quarterly Meeting
November 4, 2009

Regional Boardroom – MPPDC office
Saluda
7:00 PM

AGENDA

1. Welcome and Introductions
2. Dragon Run Day 2009 and 2010
3. Dragon Run Watershed Curriculum Development – Sarah McGuire, Chesapeake Bay National Estuarine Research Reserve
4. Continued discussion on impacts of conservation easements on local tax base and review and/or adoption of resolution
5. Public Comment
6. Other Business
7. Adjourn

DRAGON RUN DAY

is HOSTED by

The Dragon Run Steering Committee

Friends of Dragon Run, Inc.

Thousand Trails
America's Finest Family Camping

Middle Peninsula Planning District Commission

Thanks To Our Event Sponsors, Including:

Virginia Coastal Zone MANAGEMENT PROGRAM

Thousand Trails
America's Finest Family Camping

Chesapeake Bay National Estuarine Research Reserve in Virginia

Additional Support Provided By:

FARM BUREAU VIRGINIA

Chesapeake Bay Program
A Watershed Partnership

Delta Welding

NOAA

Clean Cities
U.S. Department of Energy

DCR
Virginia Department of Conservation & Recreation

Tappahannock-Essex Chamber of Commerce

WELCOME

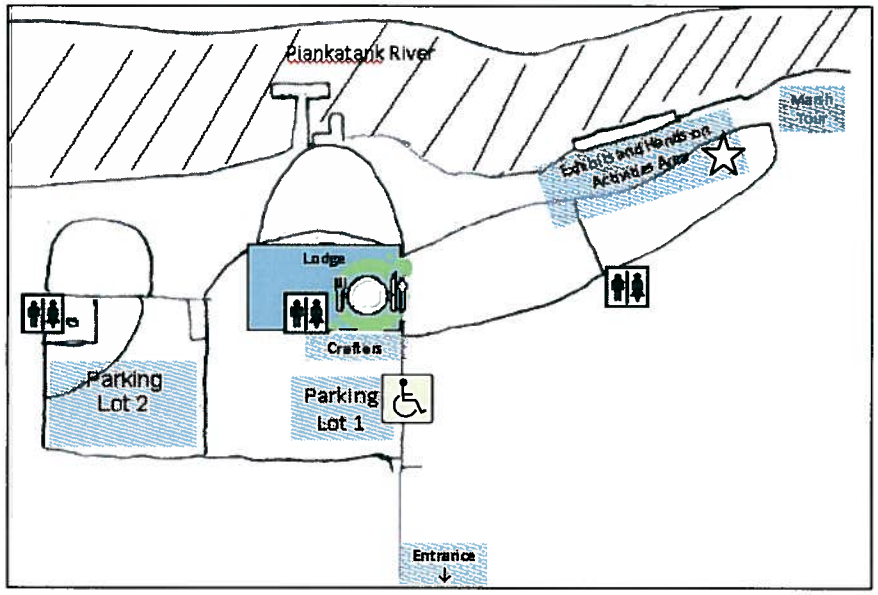
TO THE

5th ANNUAL

Dragon Run DAY

A celebration of the Dragon Run watershed's natural, cultural, and historic heritage

October 10, 2009
10 am – 4 pm
Thousand Trails Campground



Hop on the **hayride** at the Lodge to bring the kids on down to the **Exhibits and Hands-on Activities Area** at the beach to learn about the natural, cultural and historic features of the Dragon Run watershed. You will find everything from **fish printing and live exhibits to antique tractors**! Come learn how biodiesel goes from crop to the tank of a school bus. Also, be sure to catch at least one of the **presentations or tours,** including the Marsh Tour and Tree Walk, at the Presentation Area!

When you are ready for a break, **delicious seafood consessions** will be available inside the **Lodge** from 12 – 4 pm. Come try oysters, crab, fish, shrimp and other delectable samples from the Rivah. Barbeque, hot dogs and other non-seafood fare is also available.

The Lodge is also a great place to listen to live music while you sit back and relax under the pavilion. Also, visit our various **crafters** to do a little early Christmas shopping. Be sure to join in one of the cake walks during the day for a chance to take home a scrumptious dessert.

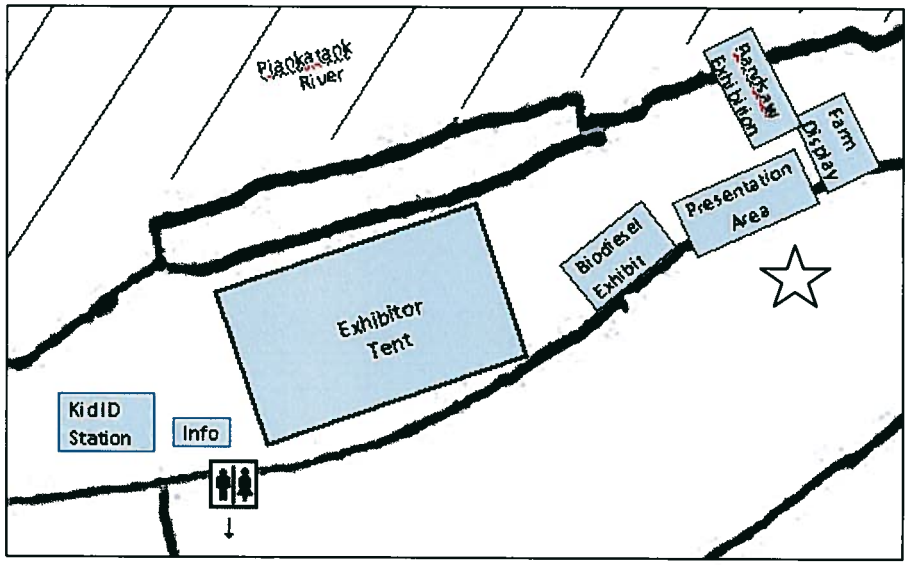


Exhibit and Hands-on Activities Area - Enlarged

Presentations and Tours - **All tours and presentations meet at the Presentation Area Stage (☆).**

10:30 AM	Marsh Tour
11:15 AM	Poetry of Carolyn Kreiter-Foronda
12:15 PM	Marsh Tour
12:45 PM	Tree Walk
1:00 PM	Stewardship Award
1:15 PM	Stories & Poems for Children-Dorothy Holmes
2:00 PM	Tree Walk

*Hayrides will be running all day between the Lodge and the Exhibits/Hands-on Activities Area and the parking lot.

THANK YOU FOR VISITING DRAGON RUN DAY!!

For more information about the Dragon Run watershed, please visit our website, www.mppdc.com/dragon.

Dragon Run Steering Committee
Middle Peninsula Planning District Commission
November 4, 2009 7:00pm
Saluda, Virginia
Meeting Minutes

Agenda

1. Welcome and Introductions
2. Dragon Run Day 2009 and 2010
3. Dragon Run Watershed Curriculum Development – Sarah McGuire, Chesapeake Bay National Estuarine Research Reserve
4. Continued discussion on impacts of conservation easements on local tax base and review and/or adoption of resolution
5. Public Comment
6. Other Business
7. Adjourn

Attendance

Dragon Run Steering Committee members in attendance: Prue Davis (Chair), Frank Herrin (Vice Chair), RD Johnson, Robert Gibson, Willy Reay, Terry DuRose and Dorothy Miller.

Others in attendance: Sara Stamp and Sarah McGuire (Chesapeake Bay National Estuarine Research Reserve)

Welcome and Introductions

Prue Davis called the meeting to order and welcomed the group.

Dragon Run Day 2009 and 2010

Ms. Stamp reported that approximately 1100 people attended Dragon Run Day 2009, which was a decrease of about 300 from the previous year. She noted that inclement weather may have contributed to the decline. The Committee discussed holding the event in 2010 and decided to proceed with hosting it on October 9, 2010. The Planning Sub-Committee requested that more members of the Steering Committee attend the event next year, primarily to assist in manning the DRSC booth and assist with raising sponsorship funds.

The Planning Sub-Committee reported that there was more foot traffic at the exhibits though because the educational tent was closer to everything else.

Mr. Herrin noted that the Kid ID station needed to be better advertised, perhaps with a banner.

During the discussion, the Committee entertained the idea of holding the event every other year, but decided that it would confuse things with the Seafood Festival component and would cause the event to lose momentum.

The Planning Sub-Committee discussed the need for better advertising, such as utilizing more free PSAs and also hitting the Richmond media outlets.

Mr. Reay discussed that the date of the 2010 event may conflict with a NERRS mandatory meeting and that they may not be able to attend.

Ms. DuRose reported that she would like to do it again if there is extra help the day of and extra help raising sponsorship funding.

Based on past years' attendance rates during the day, the Committee discussed that the 2010 event should be from 10am to 3pm instead of 4pm. The consensus was to change the time of the event to 10am-3pm.

Dragon Run Watershed Curriculum Development – Sarah McGuire
Ms. McGuire provided an overview of the Dragon Run Watershed Curriculum project. She discussed that grant funds had been received to incorporate the Dragon Run into an educational curriculum targeting 6-8 grade SOL requirements.

Mr. Herrin provided that Big Island may be used for teacher training and youth education. For the teacher kayak trip in the spring to support the SOL-based curriculum training, FODR will guide the group and Mr. Herrin offered to let the group stop at his property for part of the program.

It was discussed that instead of individual classes coming on field trips that whole schools would come and break into stations. A potential location that may be pursued is the Browne Tract for such a large group.

Ms. Stamp and Ms. McGuire are going to coordinate for Ms. McGuire to utilize the Dragon Run library to develop the curriculum.

The curriculum and outings will also be an opportunity to market Dragon Run Day to the children.

Continued discussion on Impacts of Conservation Easements on Local Tax Base and Review and/or Adoption of Resolution

Ms. Stamp provided an addition to the discussion at the previous DRSC on conservation easement impact on tax base. She applied the tax rate to the example provided at the previous meeting to show the actual tax revenue change (as opposed to leaving it at only showing the assessed property change).

The Committee discussed some of the findings during the development of the dialog on conservation easement impacts, primarily the finding that localities could benefit from standardized guidance on assessing eased lands. Upon this discussion, the Committee reviewed a motion to seek support from the MPPDC to prioritize this need for the DRSC to pursue. Frank Herrin made a motion to adopt the resolution, Dorothy Miller seconded. Motion carried.

Public Comment

Regarding conservation easements, Mr. Gibson requested more information about who is doing easements in the region and thought a landowner education event would be beneficial. Ms. Stamp reported that she was in the process of setting up such an event in early 2010. The event will involve the varies groups working on easements (land trusts, attorneys, CPAs and appraiser trained in conservation easements) and will be a good opportunity for landowners to find a good fit for their needs.

Other Business

No other business

Adjourn

The next meeting is scheduled for February 10th at 7pm. * later changed to February 17th.

Dragon Run Steering Committee
Winter Quarterly Meeting
February 17th, 2010

Cooks Corner Office Complex

7:00 PM

AGENDA

1. Welcome and Introductions
2. Election of Officers
3. Review and Approval of November Minutes
4. Lewie Lawrence - Middle Peninsula Chesapeake Bay Public Access Authority Update
5. Dragon Run Conservation Initiative Update
6. Adopt Work Plan 2010
7. Adopt Meeting Schedule for 2010
8. Dragon Run Day 2010 Sub-committee formation
9. Dragon Run Stewardship Award Sub-committee formation and Nomination Forn
10. Public Comment
11. Other Business
12. Adjourn

MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

Saluda Professional Center, 125 Bowden Street, P.O. Box 286, Saluda, VA 23149-0286
Toll Free: 1-888-699-1733 Phone: (804) 758-2311 FAX: (804) 758-3221
E-mail: mppdc@mppdc.com Webpage: www.mppdc.com

COMMISSIONERS

Essex County
Hon. Margaret H. Davis
Hon. Edwin E. Smith (Vice Chairman)
Mr. David S. Whitlow

Town of Tappahannock
Hon. Roy M. Gladding

Gloucester County
Ms. Brenda Garton
Dr. Maurice P. Lynch
Hon. John Northstein
Hon. Louise D. Theberge

King and Queen County
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Dr. David Litchfield
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Town of West Point
Hon. Charles D. Gordon

Mathews County
Mr. Billy Bowden
Hon. Janine F. Burns
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Middlesex County
Hon. Wayne H. Jessie, Sr.
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Mr. Kenneth W. Williams

Town of Urbanna
Mr. Lewis Filling
Hon. Janet S. Smith

Secretary/Director
Mr. Dan Kavanagh

January 27, 2010

Resolution to Request that the Dragon Run Steering Committee Develop a Project to Address Land Ownership Patterns that May Be Impacting Local Tax Base

WHEREAS the Middle Peninsula Planning District Commission created the Dragon Run Steering Committee to provide policy recommendations to support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed (including agriculture, forestry, and wildlife habitat); and

WHEREAS the Dragon Run Steering Committee has facilitated discussion between stakeholder groups including local governments, on various policy issues; and

WHEREAS the region would benefit from a consistent approach regarding the assessment and taxation of conservation easements in the watershed, from an understanding of the impact on local tax revenues and quantifying the cost of public services of conservation easements, and from an understanding of the impact on local tax revenues of fee simple acquisitions by political subdivisions and tax-exempt organizations, reduction to the cost of public services, and

WHEREAS addressing these issues may provide benefit by engaging in a dialog between the Commissioners of Revenue and other county officials from each of the watershed counties, developing guidance to promote consistency across county boundaries, quantifying conservation easement fiscal impacts, seeking state participation in a dialog on composite index and tax base implications, and developing Memoranda of Agreement to guide policy development for consideration by the four Dragon Run Watershed Counties (Essex, Gloucester, King and Queen, and Middlesex).

NOW, THEREFORE, BE IT RESOLVED that the Middle Peninsula Planning District Commission requests that the Dragon Run Steering Committee seek resources and develop a project to address these issues.

COPY TESTE:

_____	_____
Chairman	**Secretary**
_____	_____
Date	**Date**

DRAGON RUN STEERING COMMITTEE
DRAFT OVERALL PROGRAM DESIGN

2010: January 1, 2010 – December 31, 2010

PROGRAMS WILL BE OPERATED IN THE FOLLOWING GENERAL AREAS:

(1) DRSC ADMINISTRATION and DRAGON RUN WATERSHED TECHNICAL ASSISTANCE
(2) LAND USE PLANNING (COMP PLANS AND ZONING ORDINANCES)
(3) CONSERVATION ESTATE PLANNING INITIATIVE
(4) DRAGON RUN DAY 2010
(5) DEVELOP A PROJECT TO ADDRESS LAND OWNERSHIP PATTERNS THAT MAY BE IMPACTING LOCAL TAX BASE

DRAFT

(1) Program: General DRSC Administration and Watershed Technical Assistance $5,723
(CZMP FY08 - $823; FY09 - $4900)

Description: This program allows the Overall Program to function by supporting the individual projects and operation of the Dragon Run Steering Committee, as well as by responding to daily requests for assistance from watershed government staff and the general public interested in the Dragon Run. In order to properly manage the workload, requests should be channeled through Steering Committee members to DRSC staff.

Activities: SAMP program and project administration; financial management; administrative grant reporting; and other general functions. Consultation on Dragon Run related issues; review of watershed projects; GIS and other watershed technical assistance provision as necessary.

Responsibility: SAMP Director

Support: DEQ Coastal Zone Management Program

(2) Program: Land Use Planning (Comp Plans and Zoning Ordinances) $4,595
(CZMP FY08 - $3695; FY09 - $9100)

Description: This program continues the effort to assist the watershed localities in adopting and implementing comprehensive plan and zoning ordinance language to protect the natural, cultural and historic values of the Dragon Run watershed.

Activities:

a. Essex County Comprehensive Plan and Zoning Ordinance update
b. Gloucester County Comprehensive Plan and Zoning Ordinance update
c. Middlesex County Comprehensive Plan and Zoning Ordinance update
d. King and Queen County assistance as requested

Responsibility: SAMP Director

Support: DEQ Coastal Zone Management Program

(3) Program: Conservation Estate Planning Initiative $ 3,695
(CZMP FY08 - $3695)

Description: The aim of this initiative is to implement a network resulting in the formation of a Dragon Run conservation hub. The network will better coordinate the efforts of conservation entities, target landowners in the Dragon Run Watershed, secure the land base for long term natural resource management and use, and direct local wealth to support sustainable local development. Additionally, the network will provide training and informational opportunities to family attorneys and accountants who may be in a position to advise landowners.

Activities:

a. Discuss barriers with families who may be interested in using estate planning tools, but haven't to date
b. Provide landowner education
c. Provide continuing education opportunities for the professionals
d. Continue to coordinate between conservation estate planning partners

Responsibility: SAMP Director

Support: DEQ Coastal Zone Management Program

(4) Program: Dragon Run Day 2010 $4,500

Description: Dragon Run Day is the community festival celebrating the natural, cultural and historic aspects of the Dragon Run Watershed. It is an opportunity to provide education to the public.

Activities:

a. Materials/logistical costs associated with hosting Dragon Run Day

Responsibility: Dragon Run Steering Committee

Support: Local and/or state sponsorship

(5) Program: Develop a Project to Address Land Ownership Patterns that May Be Impacting Local Tax Base $0

Description: The Dragon Run region would benefit from a consistent approach regarding the assessment and taxation of conservation easements in the watershed, from an understanding of the impact on local tax revenues of conservation easements, and from an

understanding of the impact on local tax revenues of fee simple acquisitions by political subdivisions and tax-exempt organizations. Addressing these issues may provide benefit by engaging in a dialog between the Commissioners of Revenue and other county officials from each of the watershed counties, developing guidance to promote consistency across county boundaries, quantifying conservation easement fiscal impacts, seeking state participation in a dialog on composite index and tax base implications, and developing Memoranda of Agreement to guide policy development for consideration by the four Dragon Run Watershed Counties (Essex, Gloucester, King and Queen and Middlesex)

Activities:

a. Engaging in a dialog between the Commissioners of Revenue and other county officials from each of the watershed counties
b. Developing guidance to promote consistency across county boundaries
c. Quantifying conservation easement fiscal impacts
d. Seeking state participation in a dialog on composite index and tax base implications
e. Developing a Memoranda of Agreement to guide policy development for consideration by the four Dragon Run Watershed Counties (Essex, Gloucester, King and Queen and Middlesex)

Responsibility: TBD

Support: None currently, MPPDC staff is seeking funding for this project

DRAFT

Annual Dragon Run Stewardship Award

Dear Community Members,

The Dragon Run Steering Committee works to "support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed." The Steering Committee achieves its mission through strong partnerships and collaborative action.

The most outstanding accomplishments are recognized through the Dragon Run Stewardship Award. The Award recognizes individuals, groups, organizations, businesses and projects that have made extraordinary contributions to protect, enhance, restore, and revitalize the Dragon Run Watershed's cultural, historic or natural resources.

The Steering Committee is pleased to announce a call for nominations for the 2010 Dragon Run Stewardship Award. Potential nominations might include the following: watershed protection/restoration projects, education and/or outreach projects, grassroots and/or neighborhood association watershed projects, implementation of watershed-wise best management/business practices, implementation of sound planning tools, individuals with a strong commitment to the watershed and other volunteer activities.

Nominations can be made by anyone and must be submitted by Friday, April 30, 2010 at 4 pm.

Dragon Run Stewardship Award

This award is given to entities who demonstrate an extraordinary commitment to the Dragon Run watershed. Award recipients may reflect some or all of the following characteristics/focus areas:

-ongoing and sustained effort
-long range vision for the conservation of watershed resources
-protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
-environmentally sensitive business practices
-use of green technology or Low Impact Development practices
-implementing best management practices to protect watershed health
-education or outreach about the Dragon Run and/or its watershed
-volunteer organizations focused on protecting water quality through clean-ups

Who is eligible for an award: Any person, group, organization or project in the Watershed
Who can nominate: Anyone from Essex, Gloucester, King and Queen or Middlesex Counties
Nominations Deadline: Friday, April 30, 2009 at 4 pm
Submit to: Dragon Run Steering Committee, Award Sub-Committee
PO Box 286
Saluda, Virginia 23149
Email: sstamp@mppdc.com
Fax: 804.758.2311

Our mission:
To support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed

Dragon Run Stewardship Award Nomination Form

Nominee or Project Name
Name _____
Affiliation (if any) _____
Address _____ City _____Zip _____
Phone _____ Fax _____
Email_____

Nominator Name
Name _____
Affiliation (if any) _____
Address _____ City _____Zip _____
Phone _____ Fax _____
Email_____

Dragon Run Stewardship Award focus areas (please select one or more as appropriate):

- ☐ Ongoing and sustained effort to protect the Dragon Run watershed
- ☐ Long range vision for the conservation of watershed resources
- ☐ Protection of rural character and/or the traditional uses of the Dragon Run watershed (ie farming, forestry, hunting, fishing, outdoor recreation)
- ☐ Environmentally sensitive business practices
- ☐ Use of green technology or Low Impact Development practices
- ☐ Implementing best management practices to protect watershed health
- ☐ Education or outreach about the Dragon Run and/or its watershed
- ☐ Volunteer organizations focused on protecting water quality through clean-ups

Narrative:

Please describe in detail how the nominees' activities or project promotes the selected focus area(s). Be sure to include information such as the location, the specific action undertaken, the number of participants and benefits to the public and watershed, as applicable. Please submit a separate form for each nominee.

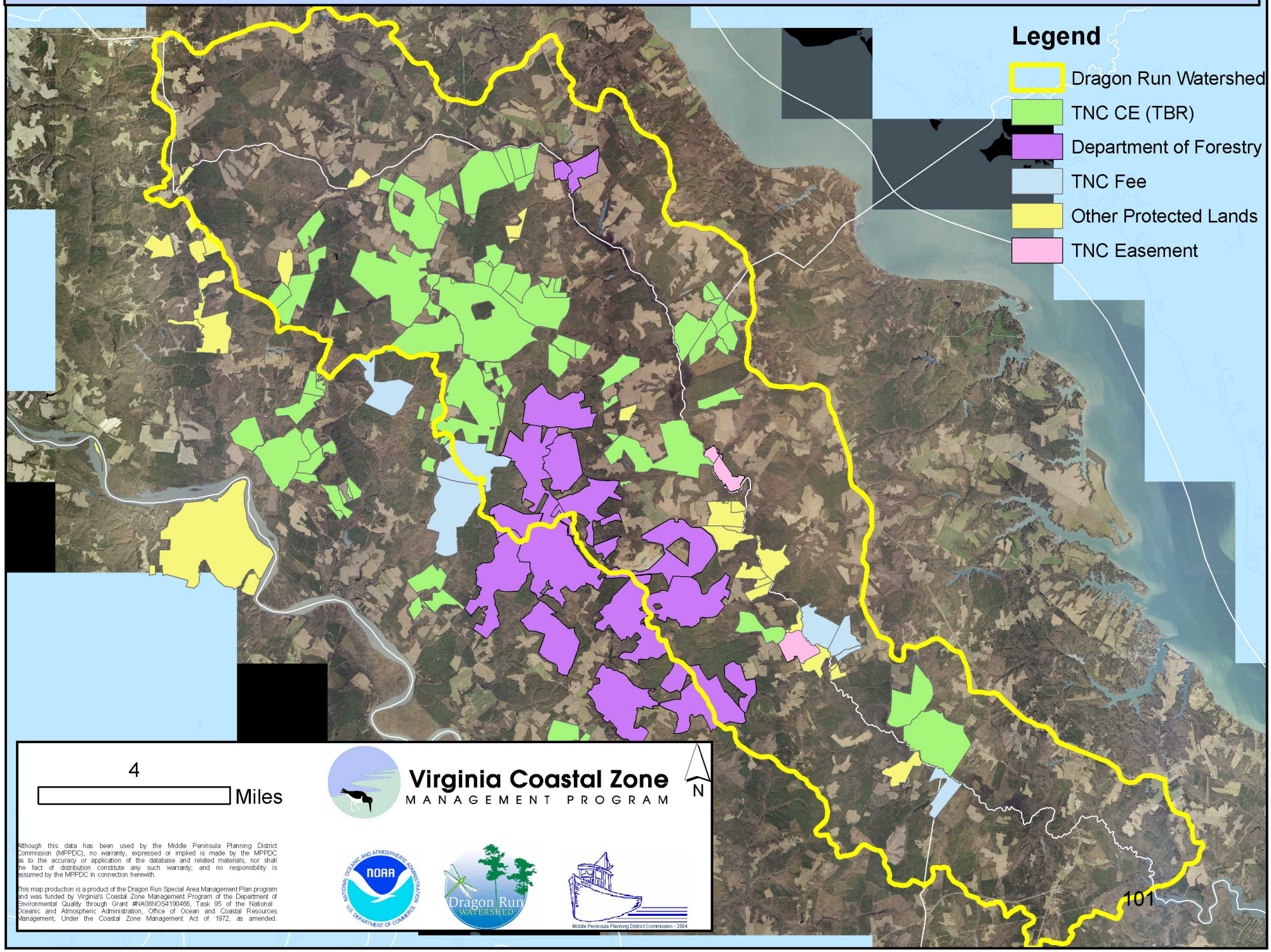
Please limit your nominations to **three pages maximum** including this coversheet.

******Nominations must be received by 4pm on Friday, April 30, 2009.******

Send to:

Dragon Run Steering Committee – Award Sub-Committee
PO Box 286 Saluda, Virginia 23149
Tel: 804.758.2311 Fax: 804.758.3221 Email: sstamp@mppdc.com

Dragon Run Protected Lands February 2010



Dragon Run Steering Committee
Middle Peninsula Planning District Commission
Feb 17, 2010 7:00pm
Saluda, Virginia
Meeting Minutes

Agenda

1. Welcome and Introductions
2. Election of Officers
3. Review and Approval of November Minutes
4. Lewie Lawrence - Middle Peninsula Chesapeake Bay Public Access Authority Update
5. Dragon Run Conservation Initiative Update
6. Adopt Work Plan 2010
7. Adopt Meeting Schedule for 2010
8. Dragon Run Day 2010 Sub-committee formation
9. Dragon Run Stewardship Award Sub-committee formation and Nomination Form
10. Public Comment
11. Other Business
12. Adjourn

Attendance

Dragon Run Steering Committee members in attendance: Prue Davis (Chair), Frank Herrin (Vice Chair), Lawrence Simpkins, John Northstein, Pete Mansfield, RD Johnson, Robert Gibson, Willy Reay, Scott Owen, Terry DuRose and Dorothy Miller.

Others in attendance: Sara Stamp

Welcome and Introductions

Prue Davis called the meeting to order and welcomed the group.

Election of Officers

Ms. Davis requested nominations for Chair and Vice-chair of the Steering Committee. Terry DuRose made a motion to elect Frank Herrin for Chair and Frank Herrin nominated Prue Davis for Vice Chair. Dorothy Miller seconded. Motion carried. Mr. Herrin assumed the duties of the Chair position immediately.

Review and Approval of November Minutes
Mr. Herrin requested a motion to approve the November minutes with the amendment of changing the date typo. Terry DuRose made a motion, Prue Davis seconded. Motion carried.

Lewie Lawrence - Middle Peninsula Chesapeake Bay Public Access Authority Update
Mr. Lawrence provided an update on the activities of the Middle Peninsula Chesapeake Bay Public Access Authority. Some of the projects the PAA is/has been working on include: the VDOT road ending project, the Dragon Run CELCP acquisition project, and tidal wetlands mitigation banking. In addition to fee simple purchases, the PAA has received lands donations from lands owners in the region. He reported that approximately $3 million has been brought in to fund the PAA programs, $0 is local dollars. For more information visit the PAA website:
http://www.mppdc.com/project/access.shtml

Dragon Run Conservation Initiative Update
Ms. Stamp provided a PowerPoint presentation providing an overview of some of the issues associated with conservation easements and land holdings by tax exempt entities.

Ms. Stamp reported that the Middle Peninsula Planning District Commission adopted a resolution directly staff to seek resources to study the fiscal and land-use impacts of conservation easements and land holdings by tax-exempt entities and develop policy recommendations to mitigate the impacts to local governments. Mr. Lawrence reported his findings of additional potential local government impacts on the composite index.

The Steering Committee discussed the fact that several of our Middle Peninsula localities are expressing significant displeasure with scale and scope of conservation easements. Localities are questioning the value of easements (short term and long term), especially the short term fiscal impact from easements related to the devaluation of land and the direct loss of taxable real-estate. King and Queen in particular had thousands and thousands of acres of land go under easement or acquired by tax exempt units of government. The King and Queen Commissioner of Revenue advised the locality that the taxable revenue loss associated with this land annually is between $30,000- $50,000. The locality has to make up the lost revenue or the locality has to cut costs, which in this economy equates to laying off staff like a deputy or teacher. We are also learning that many Commissioners of Revenue are not as familiar as to how to value the

easements and or devalue the encumbrance placed on the deed to determine what is taxable.

All of these factors contribute to the need to continue to work on this issue to maintain a favorable climate for landowners in the Dragon Run to continue to use conservation easements as tools to protect the traditional uses of their land.

Adopt Work Plan and Schedule 2010
The Steering Committee reviewed the Draft Work Plan and Schedule for 2010. The schedule for 2010 is as follows: May 12th (annual picnic) at 6pm, August 11th at 7pm, November 10th at 7pm, Terry DuRose made a motion to adopt the plan and schedule. Dorothy Miller seconded. Motion carried.

Dragon Run Day 2010 Sub-Committee Formation
Frank Herrin appointed RD Johnson, Lawrence Simpkins, John Northstein and Dorothy Miller to join Terry DuRose, Willy Reay and himself on the Sub-Committee.

Dragon Run Stewardship Award Sub-Committee Formation
Mr. Herrin requested that Prue head the committee and inform Ms. Stamp as to who she would like represented.

Public Comment

None

Other Business

Willy Reay informed the Steering Committee that the VDOT ditch cutting is still an issue and requested that the Committee continue to try to address it. Ms. Stamp will invite the resident engineer to attend the next meeting (the annual picnic) to discuss this issue further.

The Steering Committee also discussed that Chesapeake Alliance is now teaching citizen groups about water testing and will consider that the Steering Committee may look into water quality monitoring again in the future.

Adjourn
The next meeting is scheduled for May 12th at 6pm and is the annual picnic.

Appendix F

Virginia Department of Transportation Ditch Cutting Practices Letter

DRAGON RUN STEERING COMMITTEE

Saluda Professional Center
125 Bowden Street
P.O. Box 286
Saluda, Virginia 23149-0286
Phone: (804) 758-2311
FAX: (804) 758-3221
Toll Free : 1-888-699-1733
Email : sstamp@mppdc.com
Website : www.mppdc.com/dragon/

Secretary/Project Director
Mrs. Sara Stamp

MEMBERS

Essex County
Hon. Margaret H. Davis (Chairman)
Ms. Dorothy Miller
Mr. M. Scott Owen
Mr. Fred Hutson

Gloucester County
Hon. Michelle Ressler
Ms. Terry DuRose
Dr. William Reay
Mr. Kenny Richardson

King and Queen County
Hon. Pete McDuff
Mr. Robert E. Gibson
Ms. Anne Pollard
Mr. William F. Herrin (Vice Chairman)

Middlesex County
Hon. John D. Miller
Mr. R.D. Johnson
Mr. William Bagby
Mr. John England

Dear (Marcie Parker)/ (Charles Stunkle)

A recent meeting of the Dragon Run Steering Committee, an advisory committee of the Middle Peninsula Planning District Commission, included a discussion of the need to educate state and local bodies, as well as the general public, about the value of Low Impact Development designs and practices. Specifically, with regard to the Virginia Department of Transportation, the Steering Committee recommends that the use of traditional V-cut ditches is replaced by the encouragement of swales.

Swales help to **control peak discharges** by reducing runoff velocity, lengthening flow paths, and increasing time of concentration. Infiltration through the natural substrate helps to **reduce total stormwater runoff volume.** Swales **provide effective pretreatment** for downstream BMPs by trapping, filtering and infiltrating particulates and associated pollutants. Swales **accent the landscape** and may help to satisfy landscaping and greenspace requirements. Swales can **provide a location for snow storage** during winter months. Roadside swales also effectively **keep stormwater flows away from street surfaces**.

Figure 1. A swale

In addition to these significant stormwater and ecological values, a swale is easier and safer to maintain by landowners than a V-cut ditch. Many landowners find V-cut ditches to be too steep to safely and properly maintaining, thereby decreasing the effectiveness of the entire drainage system.

There are many resources available to provide guidance on the use or development of a swale system. Even if the Virginia Department of Transportation is not currently able to institute the use of swales, it should be aware that some landowners have installed these Low Impact Design features and that they should be recognized and not be replaced with a V-cut ditch. Enclosed is an example of the negative impacts of a V-cut ditch on stormwater run-off and erosion. The location in the example is located in Gloucester County and previously had an effective swale system.

Please contact Sara Stamp if you would like more information about the use of swales as an alternative design that helps to protect our waterways of the Commonwealth of Virginia, particularly within the Dragon Run Watershed.

Sincerely,

Margaret Davis
Dragon Run Steering Committee Chair

Enclosure
Copy:

DRAGON RUN STEERING COMMITTEE

Saluda Professional Center
125 Bowden Street
P.O. Box 286
Saluda, Virginia 23149-0286
Phone: (804) 758-2311
FAX: (804) 758-3221
Toll Free : 1-888-699-1733
Email : sstamp@mppdc.com
Website : www.mppdc.com/dragon/

Secretary/Project Director
Mrs. Sara Stamp

MEMBERS

Essex County
Hon. Margaret H. Davis
(Chairman)
Ms. Dorothy Miller
Mr. M. Scott Owen
Mr. Fred Hutson

King and Queen County
Hon. Pete McDuff
Mr. Robert E. Gibson
Ms. Anne Pollard
Mr. William F. Herrin
(Vice Chairman)

Gloucester County
Hon. Michelle Ressler
Ms. Terry DuRose
Dr. William Reay
Mr. Kenny Richardson

Middlesex County
Hon. John D. Miller
Mr. R.D. Johnson
Mr. William Bagby
Mr. John England

Essex County Planning Commission
Essex County Board of Supervisors
Gloucester County Planning Commission
Gloucester County Board of Supervisors
King and Queen County Planning Commission
King and Queen County Board of Supervisors
Middlesex County Planning Commission
Middlesex County Board of Supervisors

Appendix G

Resolution to Request that the Dragon Run Steering Committee Develop a Project to Address Land Ownership Patterns that May Be Impacting Local Tax Base

MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

Saluda Professional Center, 125 Bowden Street, P.O. Box 286, Saluda, VA 23149-0286
Toll Free: 1-888-699-1733 Phone: (804) 758-2311 FAX: (804) 758-3221
E-mail: mppdc@mppdc.com Webpage: www.mppdc.com

COMMISSIONERS

Essex County
Hon. Margaret H. Davis
Hon. Edwin E. Smith (Vice Chairman)
Mr. David S. Whitlow

Town of Tappahannock
Hon. Roy M. Gladding

Gloucester County
Ms. Brenda Garton
Dr. Maurice P. Lynch
Hon. John Northstein
Hon. Louise D. Theberge

King and Queen County
Hon. Sherrin C. Alsop (Treasurer)
Dr. David Litchfield
Hon. James M. Milby, Jr.
Mr. Thomas J. Swartzwelder

King William County
Mr. Robert F. Brake
Mr. Frank A. Pleva
Hon. Cecil L. Schools
Hon. Otto O. Williams

Town of West Point
Hon. Charles D. Gordon

Mathews County
Mr. Billy Bowden
Hon. Janine F. Burns
Hon. O. J. Cole, Jr.

Middlesex County
Hon. Wayne H. Jessie, Sr.
Hon. Carlton Revere (Chairman)
Mr. Kenneth W. Williams

Town of Urbanna
Mr. Lewis Filling
Hon. Janet S. Smith

Secretary/Director
Mr. Dan Kavanagh

January 27, 2010

Resolution to Request that the Dragon Run Steering Committee Develop a Project to Address Land Ownership Patterns that May Be Impacting Local Tax Base

WHEREAS the Middle Peninsula Planning District Commission created the Dragon Run Steering Committee to provide policy recommendations to support and promote community-based efforts to preserve the cultural, historic, and natural character of the Dragon Run, while preserving property rights and the traditional uses within the watershed (including agriculture, forestry, and wildlife habitat); and

WHEREAS the Dragon Run Steering Committee has facilitated discussion between stakeholder groups including local governments, on various policy issues; and

WHEREAS the region would benefit from a consistent approach regarding the assessment and taxation of conservation easements in the watershed, from an understanding of the impact on local tax revenues and quantifying the cost of public services of conservation easements, and from an understanding of the impact on local tax revenues of fee simple acquisitions by political subdivisions and tax-exempt organizations, reduction to the cost of public services, and

WHEREAS addressing these issues may provide benefit by engaging in a dialog between the Commissioners of Revenue and other county officials from each of the watershed counties, developing guidance to promote consistency across county boundaries, quantifying conservation easement fiscal impacts, seeking state participation in a dialog on composite index and tax base implications, and developing Memoranda of Agreement to guide policy development for consideration by the four Dragon Run Watershed Counties (Essex, Gloucester, King and Queen, and Middlesex).

NOW, THEREFORE, BE IT RESOLVED that the Middle Peninsula Planning District Commission requests that the Dragon Run Steering Committee seek resources and develop a project to address these issues.

COPY TESTE:

_____	_____
Chairman	**Secretary**
_____	_____
Date	**Date**

Appendix H

Outreach Materials, Certifications and Contact List for Attorneys and CPA Continuing Education Events

Conservation Estate Planning and Tax Reduction Continuing Education Course

Please join us!

The Dragon Run Steering Committee invites you to attend a continuing education seminar for attorneys and certified public accountants on using conservation easements as a tool to reduce estate taxes to allow land to remain in a family through succession planning. The 2 hour presentation will cover the basics of conservation easements, planning for a conservation easement during the donor's lifetime and as a post mortem tool to reduce estate taxes owed on a decedent's assets. Issues related to land held in a trust or estate will be addressed as well as ownership of the Virginia Land Preservation Tax Credit related to the conservation easement. The seminar will address recent developments in conservation easements and the Virginia Land Preservation Tax Credit programs.

Presenter:
Rebecca E. McCoy, CPA
President
Rebecca E. McCoy, CPA, P.C.

Friday, December 18, 2009
1pm – 3pm

Regional Boardroom
Middle Peninsula Planning District Commission
125 Bowden Street
Saluda, Virginia 23149

Cost: **FREE!** (A fully refundable deposit of $30 is required to hold your place and will be returned upon your completion of the course)

Register by December 17th with Sara Stamp
Phone: (804) 758-2311
Fax: (804) 758-3221

Conservation Estate Planning and Tax Reduction Continuing Education Course Registration Form

Name: _____

Firm: _____

Address: _____

Email: _____

Phone: _____

Fax: _____

Please Return before December 17th to:

Sara Stamp
PO Box 286
Saluda, Virginia, 23149

Please make check for fully refundable (upon completion of course) deposit of $30 to:

Middle Peninsula Planning District Commission

Conservation Estate Planning and Tax Reduction Continuing Education Course

Please join us!

The Dragon Run Steering Committee invites you to attend a continuing education seminar for attorneys and certified public accountants on using conservation easements as a tool to reduce estate taxes to allow land to remain in a family through succession planning. The 2 hour presentation will cover the basics of conservation easements, planning for a conservation easement during the donor's lifetime and as a post mortem tool to reduce estate taxes owed on a decedent's assets. Issues related to land held in a trust or estate will be addressed as well as ownership of the Virginia Land Preservation Tax Credit related to the conservation easement. The seminar will address recent developments in conservation easements and the Virginia Land Preservation Tax Credit programs.

Presenter:
Rebecca E. McCoy, CPA
President
Rebecca E. McCoy, CPA, P.C.

Tuesday, February 2, 2010
1pm – 3pm

Regional Boardroom
Middle Peninsula Planning District Commission
125 Bowden Street
Saluda, Virginia 23149

Cost: **FREE!** (A fully refundable deposit of $30 is required to hold your place and will be returned upon your completion of the course)

Register by February 2nd by noon with Sara Stamp
Phone: (804) 758-2311
Fax: (804) 758-3221

Conservation Estate Planning and Tax Reduction Continuing Education Course Registration Form

Name: _____

Firm: _____

Address: _____

Email: _____

Phone: _____

Fax: _____

Please Return before February 2nd at noon to:

Sara Stamp
PO Box 286
Saluda, Virginia, 23149

Please make check for fully refundable (upon completion of course) deposit of $30 to:

Middle Peninsula Planning District Commission

Conservation Easements – Update on Virginia Land Preservation Tax Credits & The Use of Conservation Easements as Estate Planning Tools

I. Introduction to Conservation Easements – overview of federal requirements (15 minutes)
II. Update on Virginia Land Preservation Tax Credits (15 minutes)
III. Recent Tax Court Cases & IRS Activity (30 minutes)
   a. Valuation/Appraisal issues (Kiva Dunes, Hughes & Whitehouse Hotel Ltd. Partnership)
   b. Trust not entitled to deduction for payments to charities (ILM 200848020)
   c. Historic Easement Deduction, Valuation & Substantiation (INFO 2009-0128)
   d. Qualified Appraiser (INFO 2009-0036)
   e. Deduction for Transfer of Tax Credits to State (ITA 200126005)
   f. Proposed Regulations for Substantiation of Charitable Contribution (REG-140029-07)
IV. Estate Tax Benefits of Conservation Easements (60 minutes)
   a. Overview of estate tax law for transfer of assets at death
   b. Election under IRC §2032A for qualified agricultural use land – benefits and drawbacks
   c. Election under IRC §2031(c) for additional exclusion for conservation easement property
   d. Post-mortem conservation easements and Virginia Land Preservation Tax Credits
   e. Land owned by trusts
   f. Gifting during lifetime (Pierre V. Commissioner)
   g. Looking at the future of estate taxes and conservation easements – proposed federal legislation

Virginia Mandatory Continuing Legal Education

Virginia State Bar
707 East Main Street, 15th Floor
Richmond, VA 23219-2800
Phone: (804) 775-0577 Fax: (804) 775-0544
Web site: www.vsb.org

January 19, 2010

Via E-Mail
Sara Stamp
Dragon Run Steering Committee
P.O. Box 286
Saluda, VA 23149

RE: NX0424

Dear Ms. Stamp:

The course entitled "Conservation Easements as a Tool in Estate Planning & Reduction of Estate T" has been approved for 2.0 credit hours including (0) credit hours for Ethics by the Virginia Mandatory Continuing Legal Education Board.

Accreditation of this program is approved through October 31, 2010. Enclosed are the applicable certification forms for your course. These forms should be made available to Virginia attorneys attending the course. ***Virginia attorneys may now certify their attendance at our website upon receipt of this form.*** You are no longer required to but may continue to collect and return these forms to the MCLE office following completion of the course. *Course attendance lists are not processed as certification of attendance*.

Please contact the MCLE Department if you have any questions.

Sincerely,

Gale M. Cartwright

Gale M. Cartwright
Director of MCLE

Dragon Run Steering Committee

PO Box 286 Saluda, Virginia 23149

Certificate of Completion

This certificate is presented to

_____

for successfully completing

Conservation Easements as a Tool in Estate Planning and Reduction of Estate Taxes

Field of Study: Taxation

Number of CPE credits ____2.4_____

Date/Location __Saluda, Virginia____

CPE credits have been granted based on a 50-minute hour.
Instructional delivery method: Speaker in Room

Signature of CEO or individual responsible for administration of continuing education

_____

ATTORNEYS

Robert John Barlow
P.O. Box 8
Fredericksburg, VA 22404
Phone: F: 540-548-4123, 540-548-4120
800-352-7771

Bowen Law Office, PLLC
6512 Main Street
P.O. Box 607
Gloucester, VA 23061
Phone: 804-694-1171, F: 804-694-1172

Virginia Elise Brown
Virginia E. Brown, P.C.
Suite 7
303 34th Street
Virginia Beach, VA 23451
Phone: 757-965-9210, F: 757-425-9020

Raymond Louis Britt, Jr.
P. O. Box 207
Irvington, VA 22480
Phone: 804-438-5077, F: 804-438-5003

Andrew George Bury, Jr.
Andrew G. Bury, Jr., Esquire, P.C.
3rd Floor, 40 Cross Street
P.O. Box 386
Urbanna, VA 23175
Phone: 804-758-0488, F: 804-758-2003

James Alfred Butts, IV
Rumsey & Bugg
4421 Irvington Road
P.O. Box 720
Irvington, VA 22480
Phone: F: 804-438-5599, 804-438-5588

Joseph Thomas Buxton, III
PO Box 247
Urbanna, VA 23175
Phone: 804-758-2244, F: 804-758-0406

Christina Cuckovic Balaban
1700 George Wash. Mem. Hwy.
Suite D

Yorktown VA 23693
(757)898-0898

Daniel Rilee
Edward Jones
P O BOX 908
913 Main St
West Point, VA 23181 Map
(804) 843-6100

Jack Sydner II
Edward Jones
236 Prince St
PO BOX 2657
Tappahannock, VA 22560

- (804) 443-2453

DAN ZARUBA
Edward Jones
7194 Chapman Dr
Hayes, VA 23072 Map

- (804) 684-2121

Edwards Bay & River Properties LLC
17355 General Puller Hwy
PO Box 844
Deltaville, VA 23043 Map

- (804) 776-8494

Environmental Law Group, PLLC - David S Bailey, General Manager & Senior Counsel
P.O. Box 6236
Richmond, Virginia 23230
16397 Triple Creek Ln
Beaverdam, VA 23015 Map

- (804) 227-3122

Foard & Dias PC
6530 Main Street
PO Box 2378
Gloucester, VA 23061
Phone: F: 804-693-5686, 804-693-5665

Peggy Evans Garland
PO Box 905
Montross, VA 22520
Phone: 804-493-8324

John E. Hamilton, Jr.
198 Crowder Point Drive
Reedville, VA 22539
Phone: 804-453-4054, F: 804-453-4703

Richard Herndon Harfst
10604 Buckley Hall Road
P.O. Box 686
Mathews, VA 23109-0686
Phone: 804-725-7166, F: 804-725-3244

Kimbell F. M. Harvey, P.C.
P.O. Box 1045
Montross, VA 22520
Phone: 804-493-8515, F: 804-493-8943

Benjamin H. B. Hubbard, III
293 Steamboat Road
P.O. Box 340
Irvington, VA 22480-0340
Phone: 804-438-5522, F: 804-438-5003

Thomas Hughes D. IV PC
14 Main St
Reedville, VA
453-9204

Thomas L. Hunter
7166 Main St
Post Office Box 327
Gloucester, VA
694-0560

Michael Taylor Hurd
Commonwealth's Attorney
Middlesex County
PO Box 457
Saluda, VA 23149
Phone: 804-758-4506, F: 804-758-4602

John Clifford Hutt, Jr.
15885 Kings Highway
P.O. Box 39
Montross, VA 22520
Phone: 804-493-9700, F: 804-493-8116

Susan Infield Jean
Susan I. Jean & Associates, LLC

Suite D
1700 George Washington Memorial Highway
Yorktown, VA 23693
Phone: 757-898-0898, F: 757-898-4099

William Latane Lewis
William L. Lewis, P.C.
300 Duke Street
P.O. Box 366
Tappahannock, VA 22560-0366
Phone: 804-443-3373, F: 804-443-9303

Susan English Luscomb
Jones Blechman Woltz & Kelly P.C.
Suite 800
701 Town Center Drive
Newport News, VA 23606
Phone: 757-873-8071, F: 757-873-8103

Michael M. Maguire
6515 George Washington Mem Highway
Yorktown, VA 23692
Phone: (757) 898-7700

Susan Gedney Moenssens
P.O. Box 160
Kilmarnock, VA 22482-0160
Phone: F: 804-435-2691, 804-435-3986

Wayne Painter
279 North Main Street
P.O. Box 1933
Kilmarnock, VA 22482

Dexter C. Rumsey, III
Rumsey & Bugg, P.C.
P.O. Box 720
Irvington, VA 22480
Phone: 804-438-5588, F: 804-438-5599

James Spencer Sease
10458 Buckley Hall Road, Suite 200
P.O. Box 715
Mathews, VA 23109-0715
Phone: F: 804-725-4704, 804-725-4700

Herbert L. Sebren, Jr.
P.O. Box 1031
Tappahannock, VA 22560-1031
Phone: F: 804-443-4810, 804-443-4297

John Albert Singleton
PO Box 1388
Gloucester, VA 23061
Phone: 804-824-9489, F: 804-824-9491

Barney Smith
104 Main St
Mathews, VA 23109 Map

- (804) 725-9101

Jan C. Smith
15381 Kings Highway
Montross, VA 22520
Phone: 804-493-9556, F: 509-756-9363

John Brooke Spotswood
PO Box 5
Mathews, VA 23109
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Paul Christian Stamm, Jr.
P.O. Box 2015
Kilmarnock, VA 22482-2015
Phone: F: 804-435-2628, 804-435-2626

Matson Cady Terry
P.O. Box 340
Irvington, VA 22480-0340
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Appendix I

Outreach Materials and Contact List for Landowner Education Events

The Dragon Run Steering Committee cordially invites you to attend

Land Conservation, Estate Planning and tax benefits: An Evening with the Experts

January 21, 2010

6 PM

Old Beale Memorial Church

202 Church Lane

Tappahannock, Virginia 22560

Please join us for dinner and discussion with the experts in the field of conservation estate planning! Easement holding organizations, certified public accountants, attorneys, appraisers, and tax credit professionals will be present at this open house to answer your questions. This is a great opportunity to learn more about the conservation estate planning process and tax benefits available!

Please feel free to invite interested friends and family in the Dragon Run area to this event!

Please RSVP to Sara Stamp by Tuesday, January 20th at (804) 758-2311.

The Dragon Run Steering Committee cordially invites you to attend

Land Conservation and Land Asset Management for Dragon Run Landowners

March 31, 2010

6:30 PM

Old Beale Memorial Church

202 Church Lane

Tappahannock, Virginia 22560

Please join us for dinner and discussion with the experts in the fields of land conservation and land asset management! Easement/fee simple land holding organizations, certified public accountants, attorneys, appraisers, and tax credit professionals will be present at this open house to answer your questions about such topics as conservation easements, innovative forest management practices and estate planning. This is a great opportunity to learn more about the land conservation and land asset management processes and tax benefits available!

Please feel free to invite interested friends and family in the Dragon Run area to this event!

Please RSVP to Sara Stamp by Tuesday, March 30th at (804) 758-2311.

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