

Albemarle Conservation Easement Authority
Easement Donation Proposal Summary

Property Description

Owner(s)	Martin S. & Diane B. Silverman
Tax Map – Parcel Numbers	Tax Map 7 Parcel 21
Acreage	57.76 acres
Location	7499 Mission Home Rd

Minimum Standards

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

Table 1: Minimum Standards	
Standard	Response
Granted in perpetuity?	Yes
Consistent with Albemarle County Comprehensive Plan?	Yes
Only permits structures or other improvements in locations that avoid impacts to the resources to be protected.	Yes
Eliminates some residential development potential?	Yes – 5 potential dwellings eliminated
If property is 40 acres or more and proposed density is more than 1 unit per 40 acres, are new dwellings prohibited?	n/a
If property is under 40 acres, are 0-1 dwellings permitted (or no new dwellings if 2 or more already exist)?	n/a

Resource-protection Standards

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

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

Table A: Qualifying Standards for Resource Protection

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

Resource To Be Protected	Resources Present & Effects of Proposed Terms
Open Space: Farmland, Forest Land, Natural Resources	
Critical Slopes (areas of slopes of 25% or greater, particularly those uphill of important water resources such as water-supply areas or aquatic habitat)	The property includes 24.4 acres of critical slopes, the majority of which would remain vegetated due to “natural forest” management restrictions and riparian protection requirements.
Important Stream Valleys, 100-year Floodplain, Perennial Streams	Muddy Run is classified by the US Geological Survey as a perennial stream. Riparian buffer provisions would protect this stream.
Sensitive Soils	
Wetlands	
Virginia Scenic Rivers and County Scenic Streams	
Water Supply Impoundments	
Water Supply Protection Areas	The property is located in the watershed of the South Fork Rivanna Reservoir, the community’s largest public water supply. Protection of forest cover on steep slopes and of riparian areas would protect water quality.
Mountain Protection Areas	
Farmlands and Productive Soils (parcels of 40 acres or more only)	The property includes approximately 30.5 acres of soils recognized as important for agriculture in the Comprehensive Plan. Development restrictions would maintain this productive resource.
Forests (parcels of 40 acres or more only)	The property is wooded above approximately the 940 to 960-foot elevation line. “Natural forest”: management provisions are recommended to protect this area.
Important Wooded Areas	
State Scenic Highways, etc.	
Adjacency to existing conservation easements, parks, or other conserved land	The property shares approximate 2,170 feet of boundary with an existing conservation easement. Acceptance would help to create a large block of contiguous protected land.
Habitat Protection	
Natural Areas & Habitat	<ul style="list-style-type: none"> • The property is located within the watershed of Buck Mountain Creek, which has had multiple instances of the federally Endangered James Spiny mussel. Protection of wooded slopes and riparian areas would protect water quality for aquatic habitat. • The forested portions of the property were rated “High” or “Very High” by the Virginia Department of Forestry’s Forest Conservation Value analysis. “Natural forest” management provisions would protect this area and permit appropriate management. • The property lies within one of the three Focus Areas identified for priority conservation by the Natural Heritage Committee, and adopted into the Natural Resources chapter of the Comprehensive Plan. Forest protections and development restrictions would protect the biological value of the property.
Wetlands	
Historic Preservation	
Historic Sites and Districts	
Archaeological Sites	
Public Outdoor Recreation	
Trails and Greenway Corridors	
Parkland	

Summary of Restrictions

<input type="checkbox"/> Subdivisions permitted	<p>No subdivisions.</p> <p>* Note: <i>De minimis</i> parcel-size reductions or forest-area/riparian-buffer impacts necessary for minor road improvements shall not be considered divisions of the property or reductions of the natural forest area or riparian buffer.</p>
<input type="checkbox"/> Dwellings permitted, with sizes	<p>Existing 2,832-square-foot dwelling or its replacement, up to 4,500 square feet of finished above-ground living space.</p>
<input type="checkbox"/> Other structures permitted, with sizes	<p>Standard terms.</p> <p>Existing solar panels on the existing dwelling, which are visible from Mission Home Road, may remain and be maintained or replaced.</p>
<input type="checkbox"/> Agricultural uses	<p>Standard terms. No forest clearing for agriculture on critical slopes</p>
<input type="checkbox"/> Forestry uses	<p>Standard terms. Existing wooded areas above 960 subject to “natural forest” management provisions (see Attachment A).</p>
<input type="checkbox"/> Grading and earthmoving	<p>Standard terms. No ponds in the stream buffer.</p>
<input type="checkbox"/> Commercial uses	<p>Standard terms.</p>
<input type="checkbox"/> Riparian Buffers	<p>100-foot riparian protection zone on Muddy Run (see map)</p>

Attachment A: “Natural Forest” Management Restrictions

The following “natural forest” provisions were developed by the ACEA and staff in June, 2020. The language was based on VOF’s “Core Forest provisions,” with minor wording changes made to address the Authority’s concerns regarding their enforceability.

4. MANAGEMENT OF FOREST.

Provided that it is not prohibited or restricted by Section 5 below and does not occur on slopes of 25% or more, the cutting, clearing, or removal of trees on the Property shall be permitted if:

- (a) the cutting, clearing or removal trees is necessary for the construction or maintenance of permitted roads, trails, utilities, buildings or structures;
- (b) the trees are used for firewood for Grantor’s domestic use;
- (c) the trees are invasive species;
- (d) the trees pose a threat to the health or safety of persons, property or livestock;
- (e) the trees are dead, diseased, or dying; or
- (f) the cutting, clearing, or removal of trees takes place within 250 feet of the permitted dwellings; or
- (g) with Grantee’s prior approval, cutting of trees for wildlife habitat management, for the protection or enhancement of the natural heritage resources, or for conversion of monoculture plantations to natural forest. Approval or disapproval shall take into consideration the ecological importance of tree cover and avoidance of forest fragmentation.

In general, the forest shall be maintained in its natural state. Forest management practices conducted for any of the purposes listed above shall have the intent of restoring the ecological health and function of the forest. Best Management Practices (BMPs), as defined by the Virginia Department of Forestry, shall be used to control erosion and protect water quality when any material timber harvest is undertaken, such as may be required for (e) or (g) above. A pre-harvest plan shall be submitted for approval of any material timber harvest no later than one month before the proposed date of the harvest. Such plan must be consistent with the terms of this Easement. The pre-harvest plan shall describe the BMPs to be used in sufficient detail to ensure that water quality will be protected.