

**Albemarle Conservation Easement Authority**  
Easement Donation Proposal Summary

**Property Description**

Owner(s)	Albert L & Jeanne S Huber
Tax Map – Parcel Numbers	Tax Map 109 Parcel 56
Acreage	51.5 acres
Location	5341 Cove Garden 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.”

<b>Table 1: Minimum Standards</b>	
<b>Standard</b>	<b>Response</b>
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 – five 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.

<b>Property Size</b>	<b>Density</b>	<b>Minimum number of protection standards to be met (see Table A)</b>
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.

<b>Resource To Be Protected</b>	<b>Resources Present &amp; Effects of Proposed Terms</b>
<b>Open Space: Farmland, Forest Land, Natural Resources</b>	
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 has 26.2 acres of critical slopes, the majority of which are forested. Forestry restrictions would water quality by maintaining forested cover on steep slopes.
Important Stream Valleys, 100-year Floodplain, Perennial Streams	Riparian protection zone would protect water quality in streams on the property.
Sensitive Soils	
Wetlands	
Virginia Scenic Rivers and County Scenic Streams	
Water Supply Impoundments	
Water Supply Protection Areas	
Mountain Protection Areas	The portion of the property above 900 feet elevation is within the Mountain Protection Area. Forestry restrictions would protect the scenic and habitat quality of this area.
Farmlands and Productive Soils (parcels of 40 acres or more only)	The property has 26.4 acres of soils rated as Prime or Locally Important for agriculture in the Comprehensive Plan. These soils are located in the most developable portion of the property, so development restrictions would protect these productive soils.,
Forests (parcels of 40 acres or more only)	All of the property’s soils are rated highly for hardwood production in the Comprehensive Plan. Development restrictions would protect these soils at the lower elevations of the property. Forestry restrictions would protect forests with biological and scenic importance at higher elevations.
Important Wooded Areas (Development Areas)	
State Scenic Highways, Virginia Byways and Entrance Corridors	
Adjacency to existing conservation easements, parks, or other conserved land	
<b>Habitat Protection</b>	
Natural Areas & Habitat	The property is located within one of the three Priority Areas identified for priority conservation by the Natural Heritage Committee and adopted into the Comprehensive Plan. The upper elevations of the property are within a forest block designated in the “Medium” size class by the NHC’s GIS landscape analysis. Development restrictions and forestry restrictions would protect habitat value on the property.
Wetlands	
<b>Historic Preservation</b>	
Historic Sites and Districts	
Archaeological Sites	
<b>Public Outdoor Recreation</b>	
Trails and Greenway Corridors	
Parkland	

**Summary of Restrictions**

<input type="checkbox"/> Subdivisions permitted	No subdivisions.
<input type="checkbox"/> Dwellings permitted, with sizes	Existing 2,942-square-foot dwelling or its replacement, up to 4,500 square feet of finished above-ground living space.  No dwellings or other structures above the 900-foot elevation line.
<input type="checkbox"/> Other structures permitted, with sizes	Standard terms
<input type="checkbox"/> Agricultural uses	Standard terms, but no clearing for agriculture above the 900-foot elevation line.
<input type="checkbox"/> Forestry uses	Standard terms, but natural-forest management (see Exhibit A) required above 900-foot elevation line.
<input type="checkbox"/> Grading and earthmoving	Standard terms.
<input type="checkbox"/> Commercial uses	Standard terms
<input type="checkbox"/> Riparian Buffers	35-foot riparian protection zone (see map)

## **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.