

Baseline Report

Property of George and Janice Vogt
Hampshire County, West Virginia

*A deed of conservation easement donated to
the Cacapon and Lost Rivers Land Trust and the Potomac Conservancy*

*Baseline documentation created by Potomac Conservancy
and the Cacapon and Lost Rivers Land Trust*



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THE POTOMAC CONSERVANCY

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Grantor's Initials GW J&V Grantee's Initials R NBA

PROPERTY SUMMARY

Site: Property of George and Janice Vogt

Contact Address: HC 78 Box 103-A, Augusta, WV 26704

Current Owner: George and Janice Vogt

Grantor: same

Grantee: Cacapon and Lost Rivers Land Trust
Route 1, Box 328
High View, WV 26808

Potomac Conservancy
19 West Cork Street, Suite 201
Winchester, VA 22601

Recorded: Current ownership recorded at Hampshire County Land Records:
Book 394 Page 797
Easement Recorded at Hampshire County Land Records:
Book: Page:

Acres: 93.5 acres

Easement Type: Conservation Easement

Property ID:

Access: The property is accessed via County Route 29 (Delray Road, also known as North River Road) just ^{4.25 mi} south of the hamlet of Delray. The driveway is on the east side of the road. Access to the property is across a low water bridge over the North River.

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EASEMENT SUMMARY

****The following constitutes a summary of the major provisions of the conservation easement. It is not intended as a comprehensive summary of the easement. All questions pertaining to the easement should be settled based on the document itself and not this summary.****

This is deed of conservation easement for the protection of the significant conservation values including the dominant water resources, wildlife habitat, scenic, cultural rural, agricultural, and woodland characteristics of the Property, especially the unbroken forest and vegetated riparian land which provides habitat for wildlife and helps to maintain and enhance water quality, and finally, to prevent the subdivision, use or development of the property for any purpose or in any manner that would jeopardize its natural characteristics or the maintenance of the Conservation Values intended to be protected by this Conservation Easement. The easement includes the following restrictions:

- Division or subdivision of the Property is prohibited.
- No buildings may be constructed except for
 - Permanent Residential Dwellings: Grantors may construct, replace, expand, place or enhance existing or new structures or improvements including (1) single family residential dwelling and associated accessory structures wholly contained within the designated Building Zone 1, which shall not exceed two (2) acres in size, and one (1) single family residential dwelling and associated structures, not to exceed two (2) acres in size, which shall be wholly contained within Building Zone 2.
 - Farm Buildings: Grantors may construct, place, replace, expand, move or enhance structures related to and used for agricultural purposes and maintaining agricultural viability, except that no single agricultural building or structure larger than 4,000 square feet shall be constructed without prior written approval.
 - Roads for reasonable access to the Property and Building Zones 1 and 2.
 - Fences for agricultural or conservation purposes.
 - Maintenance of existing ponds and structures for water related recreation, construction of new ponds in accordance with a plan approved by NRCS or equivalent agency, and construction of new water related structures that may not impair conservation values or be used in a residential manner or as overnight accommodations.
 - Utility lines for serving permitted structures.
 - Placement of windmills, solar panels, or other renewable energy sources for the purpose of providing energy to permitted structures.
- Development rights are extinguished.
- No public or private utility installations.
- Any timber harvest must be in accordance with a Forest Management Plan.
- A forested or vegetated Riparian Buffer extending one hundred (100) feet in each direction from the high water mark of the North River and thirty-five (35) feet to each side from the center of the small, unnamed stream identified in Exhibit C.
- Industrial and commercial activities are prohibited with limited exceptions.

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- Signs are prohibited.
- Dumping is prohibited.
- Excavation and mining is prohibited with limited exceptions.

SCENIC AND NATURAL FEATURES

The Vogt property lies in the Ridge and Valley Province of the eastern United States. This is located on both County Route 29 (Delray Road). The property contains an "Unnamed Tributary" that flows into the North River, and significant frontage along the North River itself. The 93-acre more or less property consists of three parcels and is partially forested with pastureland that is currently used for cattle. A large man-made pond is located on the southern portion of the property and is used for recreational purposes.

Four main soil types characterize the property. The relatively flat area running through the center of the property contains the Clarksburg series. This consists of very deep, moderately well drained soils formed in colluvium, glacial till, or residuum from limestone, shale and sandstone. They are located on uplands with slopes ranging from 0 to 25%. The Laidig series covers about 30% of the property and consists of very deep, well-drained soils formed in colluvium from sandstone, siltstone and some shale. Slope ranges from 0 to 55%. The Philo series stretches the length of the flood plain in western portion of the property. This series consists of very deep, moderately well drained soils on flood plains. The soils are derived mainly from sandstone and shale and are located in relatively flat areas. The eastern portion of the property consists of the Schaffemaker series, which is a moderately deep, and a somewhat excessively drained soil found on upland sideslopes and ridges.

The property is partially forested, with the steeper slopes along the east side of the property covered in a mix of hardwood and softwood species. Mixed oaks and hickories dominate, with several stands of white pine (*Pinus alba*) and Virginia pine (*Pinus virginiana*) also existing throughout the woodland. The mature forested riparian buffer along the North River contains some oaks, sycamores (*Platanus occidentalis*) and tulip poplars (*Liriodendron tulipifera*). Large rock outcroppings, often reaching 40-50 feet high, are located in the wooded portion of the property, just as the slope increases from the large river floodplain. These rock outcroppings are unique to the area and often provide important wildlife habitat.

A small floodplain wetland exists in the more northern pasture and the landowner is currently working to enlarge the size of his riparian buffer on the North River through the Conservation Reserve Enhancement Program (CREP). This project will result in the planting of additional trees and shrubs in the area adjacent to the North River and will exclude livestock from the area for 15 years.

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An abundance of wildlife has been observed on the property. Terrestrial mammals include white-tailed deer, black bear, red fox, skunk, squirrels, chipmunks, rabbits, raccoons, opossum, and groundhogs. The Property is also utilized by a variety of bird species including great crested flycatchers, Baltimore orioles, osprey, great blue heron, wild turkey, a variety of woodpeckers, chipping sparrows, hummingbirds, red wing blackbirds, and a variety of raptor species including bald eagles. The rock outcroppings are thought to be potential habitat for wood rats, a state species of concern.

The Property can be viewed from County Route 29 (Delray Road).

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STRUCTURES AND OTHER MANMADE ITEMS

Structures on the property at the time of this easement include a house, three bay machine shed, barn, small-detached garage and a pole shed. All of these structures, with the exception of the pole shed, are located within the Building Zone. There are several river crossings, including a low water bridge and a swinging bridge across the North River and a small bridge over the unnamed tributary to the North River. The pasture is fenced for cattle, and the pond is fenced to exclude cattle. At the time of the easement, there is a small dock on the pond. A limited network of roads provides access to the wooded hillside all the way to the eastern boundary of the property.

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SURROUNDING COMMUNITY

Political and Development Context

Hampshire County, West Virginia currently does not have zoning regulations in place. However, rapid second home development in this area has led to the parcelization of many large tracts of land into parcels of 20-50 acres. More than 50% of landowners in the Cacapon and Lost Rivers watershed are not permanent residents of West Virginia. This land ownership pattern coupled with continuing demand and a lack of planning and zoning within Hampshire County has led to rampant development in many areas of the county and fragmentation of formerly large (2,000 acres +) tracts of forestland. Adding to the land fragmentation, particularly in this northeastern portion of Hampshire County, is the increasing demand for low cost housing for families who work in the Winchester, Virginia area. The Field Property is adjacent to several small developments, which have fragmented land within the County.

Protection of the Vogt Property is consistent with the Hampshire County Comprehensive Plan (adopted August 20, 2003) which specifies that the goal of the Plan is to "retain the rural character of the County by preserving natural, scenic, and open space resources," and identifies the following objectives: "[to] protect and retain water resources within the County to assure the quantity and quality of surface and groundwater for recreational use, wildlife habitats, fire protection and water supply. Of particular concern will be the...Cacapon River, [its] tributaries, wetlands, floodplains, and the steep slopes draining into the rivers and creeks," and "[to] encourage proper utilization of creek valleys, open areas and steep slopes as open space."

Proximity to Parkland

While not directly adjacent to any protected parkland, the Vogt property is located within 3 miles of the Short Mountain Wildlife Management Area. This is an 8005-acre park owned and managed by West Virginia Division of Natural Resources. In addition, the property is located about 10 miles from George Washington National Forest boundaries.

Proximity to Other Protected Land

In addition to the protected parkland previously mentioned, the Vogt property is located near many other important protected lands. Potomac Conservancy and the Cacapon and Lost Rivers Land Trust co-hold conservation easements on over 5000 acres of farm and forestland in Hampshire County, West Virginia. This land is in addition to properties held in easement solely by the Cacapon and Lost Rivers Land Trust and other organizations in the area.

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