

**March 11, 2015**



by Bryant Osborn | [Corvallis Farms](#), Va

Piedmont Environmental Council (PEC), which is a private 503(c) non-profit land trust, attracted a whole lot of unwanted attention by the General Assembly this year, and as a result, Gov. McAuliffe on Tuesday signed [HB 1488](#), known as The Conservation Dispute Resolution Act, into law. It takes effect July 1<sup>st</sup>.

[Martha Boneta](#) and Del. Brenda Pogge introduced the bill in the General Assembly in January. At its introduction, Dr. Bonner Cohen of the property rights group National Center for Policy Research said, “We are calling on the legislature to protect property owners from a program that has no transparency, no standards and no protection for land owners.”



The bill racked up landslide victories: 20-2 in the House Agriculture, Chesapeake and Natural Resources Committee, 87-9 in the full House, 12-2 (with one abstention) in the Senate Agriculture, Conservation and Natural Resources Committee, and 32-6, without any debate, by the full Senate.

The bill went through several modifications, but according to Martha, “It still has incredible protections. This is unprecedented. This is the first time in the history of the [Virginia] conservation program that there has ever been protection put in to protect the land owners – ever! This is a huge, huge step.”

Martha Boneta is now responsible for two Virginia laws that provide major property rights protections to farmers and land owners: last year’s HB 1430, which was appropriately nicknamed the ‘Boneta Bill,’ and this year’s HB 1488, which could have been just as appropriately nicknamed the ‘PEC Bill.’ That is quite some legislative record.

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In the end, PEC was nearly alone in its fight against HB 1488.

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January 4, 2013



# County says Lingamfelter wrong on Paris farm case

**Deputy County Administrator Katie Heritage issued this press release at 4:30 p.m. Thursday:**

This release is provided to summarize Fauquier County's official response to **Delegate Scott Lingamfelter's introduction of the "The Boneta Bill"** (per a press release dated January 2) and to address several statements made in that press release which the county believes are misleading and erroneous.

### Background

In April 2012, in response to complaints from neighboring landowners, Piedmont Agriculture Academy (PAA) — an operation

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Ms. Boneta was not cited for having a birthday party. Ms. Boneta was cited for having, and representing that her farm was available for, a variety of activities including parties, classes, festivals and other events. Any of these activities related to the agricultural products grown on site are allowed with the administrative permit referenced above. But non-agricultural-related events

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owned and managed by Ms. Martha Boneta — was sent a Notice of Zoning Violation and Corrective Order related to zoning violations on its property in Paris., PAA was informed that, if it did not comply, it could face fines of up to \$5,000 as prescribed by the Code of Virginia.

### require special permit/special exception approval.

— Fauquier County press release



It is important to note that no actual fines were imposed in this matter. Typically, after sending a notice of violation, county staff works with the property owner to resolve the issues amicably. If the issues are not resolved, the county can issue a civil summons, which carries a fine of \$200 to \$500, per violation, up to \$5,000.

PAA elected to challenge the Notice of Violation rather than comply and appealed the violation to the Fauquier County Board of Zoning Appeals (BZA). On August 2, the BZA heard PAA’s appeal and found that the zoning administrator’s determination was correct.

Under the county’s zoning ordinance, PAA may continue to farm the property by right and may sell its own farm goods, such as fruits and vegetables, and value-added farm goods produced on site, at its current location. PAA may also provide tours of the farm on a by-right basis. Neither of these activities has been disputed or prohibited by Fauquier County. In fact, PAA may continue these activities on site at its discretion.

The issue at hand, however, is that products not produced by PAA have been sold on site, as well as non-agricultural products. In addition, other activities have been held on site that are not incidental to the by-right farming operation that PAA has established. To sell agricultural products brought in from other properties, and to conduct workshops, educational classes, etc., PAA is required to obtain a one-time \$150 administrative permit for “Farm Sales.” This permit allows staff to confirm that safe public access is being provided into the property and that adequate parking is available to accommodate traffic generated. This permit also allows staff to ensure that there are adequate restroom facilities — especially in a case such as this where there is no residence on the site.

If PAA wishes to conduct activities and events that have no relationship to the agricultural products actually grown on site, a special permit or special exception is required. This would include commercial and/or for-profit events such as lectures on non-agricultural topics, yoga, wine tastings, and utilizing the barn for parties, receptions, etc.

### Inaccuracies

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- Delegate Lingamfelter’s indication that “unfortunately, Martha has had to close down her doors and put a disclaimer on her website that visitors are no longer welcome and that they are no longer able to purchase her farm fresh produce or handmade crafts” is inaccurate.

Ms. Boneta has always been allowed to sell the goods produced on the farm and has never been told she needed to shut down. Rather, Ms. Boneta was cited for expanding her sales to include other people’s farm products and “crafts” not produced on-site or from her own agricultural products. This expanded level of sales requires an administrative permit, a one-time \$150 permit issued once it is confirmed that there is safe ingress-egress with a safe area for parking off of the road.

- The following statement in Delegate Lingamfelter’s press release is erroneous: “In August of 2012, Martha received national media attention after she held a birthday party for eight 10-year-old girls, one of whom was the daughter of a close friend. County government officials informed Martha that local ordinances required a permit to be obtained prior to hosting such an event and that she would be fined \$5,000 for doing so. Martha was also charged with two additional violations with up to \$5,000 fines apiece — one for advertising a pumpkin carving and another for operating a small shop on her property that Martha used to sell her fresh produce and handmade crafts. County officials made these claims and levied fines without ever stepping foot on her property to actually see her operations.”

In point of fact, Ms. Boneta was not cited for having a birthday party. Ms. Boneta was cited for having, and representing that her farm was available for, a variety of activities including parties, classes, festivals and other events. Any of these activities related to the agricultural products grown on site are allowed with the administrative permit referenced above. But non-agricultural-related events require special permit/special exception approval.

Contrary to Delegate Lingamfelter’s press release, no fines were ever levied. Ms. Boneta was advised that if she did not comply with the zoning ordinance, additional actions would be taken to include legal actions or fines up to \$5,000.

- The following statement in Delegate Lingamfelter’s press release is also erroneous: “When Martha informed the county that she had obtained a business license to operate her farm store, local bureaucrats told her that the county regulations had been recently changed to require additional permits to sell items like handspun yarns and birdhouses.”

In fact, the regulations had been changed the prior year to give farmers such as Ms. Boneta more flexibility in selling their farm products. The change in regulations permits the sale of such products with a simple, one-time, \$150 administrative permit instead of the previously required (and more arduous and expensive) special permit or exception.




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## Conclusion

Fauquier County has a long history of fulfilling its strong commitment to the local farming community. Land-use regulatory authority is a resource which ensures the health and safety of the county's citizens. Such authority must be carefully balanced with personal rights and the promotion of local businesses. Fauquier County has worked long and hard to affect this balance.

For example, the county recently approved applications for a community farmers' market which will open in Bealeton in 2013. This process required the county to work hand in hand with the landowners and to change the county's regulations in a manner beneficial to all. In addition, the 2011 county code amendment, which has been widely discussed as part of the PAA case, actually removed a number of restrictions that were in place prior to its adoption. This was but one of the county's many efforts to promote and foster agriculture as an integral part of its culture and economic environment.

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Mike Hawkins · January 7, 2013 at 7:28 pm

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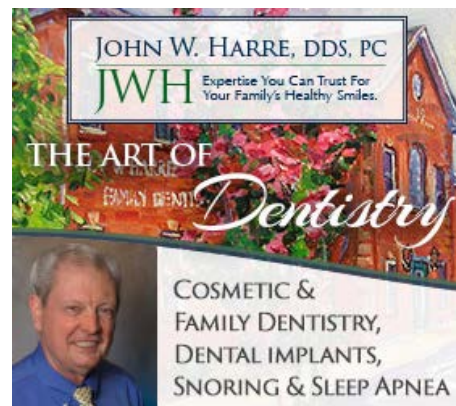


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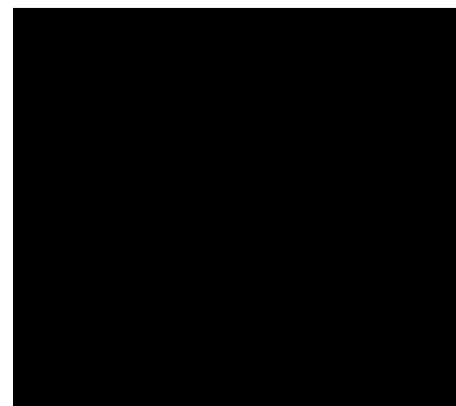
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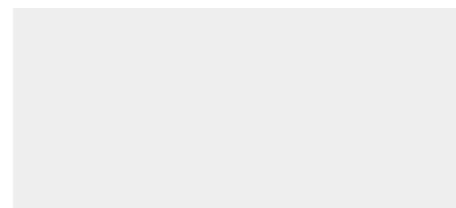



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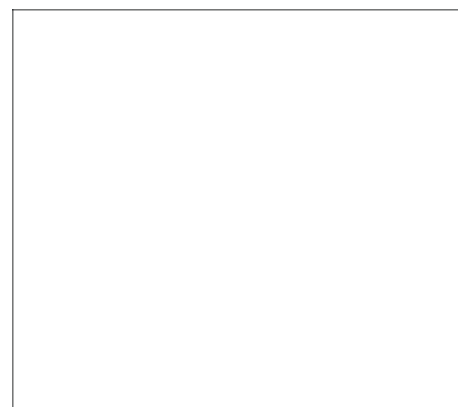
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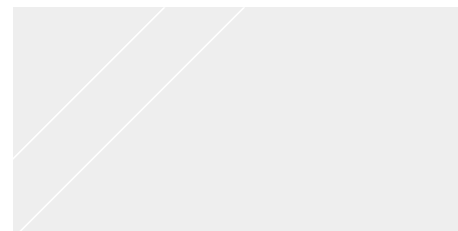


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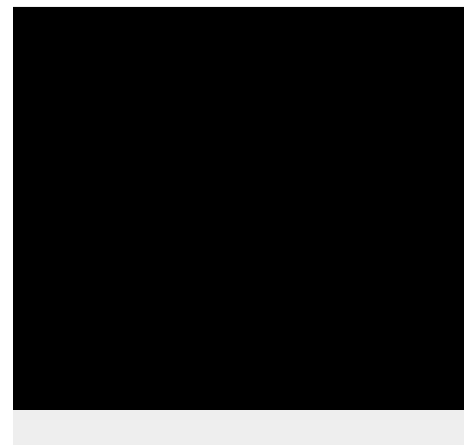
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# LETTER TO THE EDITOR IN THE CULPEPER STAR EXPONENT: PEC WORKING WITH BONETA TO RESOLVE ISSUES

Written by The Piedmont Environmental Council

Published: 11 February 2015



Every month, for the past five months, guest columnist Bryant Osborn has published an attack piece targeting our non-profit organization, The Piedmont Environmental Council. Free speech is amazing, rants disguised as journalism are not.

Following Mr. Osborn's repeated accusations, we feel an obligation to our members and supporters in Culpeper to respond.

Mr. Osborn has been writing about a conservation easement that PEC holds on a property in Fauquier County — a property that PEC worked hard to raise the money to purchase and protect back in 2000. It is part of one of the most scenic landscapes in Virginia, one that tens of thousands of people pass through each year. It's also visible from a highly visited section of the Appalachian National Scenic Trail, and is part of the open space that surrounds the village of Paris, one of the anchors of the Crooked Run Rural Historic District.

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Ms. Martha Boneta bought a piece of this property from PEC in 2006 with knowledge that the land was protected by a conservation easement. The specifics of the easement were acknowledged by Ms. Boneta in her purchase contract, and the easement itself was signed, accepted and acknowledged by the Virginia Outdoors Foundation. Everyone recognized the important conservation values protected by the easement, including the historic barn and shed located on the property. As recently as Nov. 2014, Ms. Boneta and her lawyers publically accepted the terms of the easement.

There's no truth to the claims that PEC has tried to shut down Ms. Boneta's farm or that we've entered her residence. We have not prevented her from farming, and there is no living residence currently on the property. Monitoring visits are required by the easement, and PEC has only been on her property (and within the historic structures) with notice and with Ms. Boneta's consent.

All of Ms. Boneta's allegations to the contrary have never been proven in court, and when given the opportunity to provide evidence, she voluntarily dropped her case.

We are currently working to resolve Ms. Boneta's issues with both her and her lawyers, and we hope to find a positive resolution. If you'd like to know more about The Piedmont Environmental Council and its mission, please take a look at [www.pecva.org](http://www.pecva.org). If you'd like to know more about the conservation easement that Mr. Osborn keeps writing about, please visit [www.pecva.org/ovoka-easement](http://www.pecva.org/ovoka-easement)



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# OUR CONSERVATION EASEMENT ON 64 ACRES IN PARIS, VA

Published: 06 May 2013



A number of stories have been circulating about an easement that The Piedmont Environmental Council co-holds with the Virginia Outdoors Foundation on a 64 acre property in Paris, VA. The property is owned by Piedmont Agriculture Academy, LLC (PAA). Martha Boneta is the managing member of PAA.

We want to take the opportunity to present facts that have been left out of many of the articles that we have seen. We also want to be clear that issues pertaining to the conservation easement are separate from [the issues this landowner has had with Fauquier County](#) over citations for zoning violations.

You might also be interested in reading our [Letter to the Editor: PEC Working with Boneta to Resolve Issues](#) that ran in 2015 in the Culpeper Star Exponent.

## PEC PURCHASED THE LAND IN 2000

In 2000, PEC purchased approximately 1232 acres of Ovoka Farm from Mr. Phillip S. Thomas. When PEC acquired

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Our Land Conservation Staff work throughout the Piedmont.

[Find the PEC staff person nearest you.](#)

For general questions, email [pec@pecva.org](mailto:pec@pecva.org).

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Important information about conservation easements -- including a sample PEC Easement and guidelines on how to proceed with donating a easement.



the property from Mr. Thomas, it was made up of 35 separate parcels of land. Over the next twelve years, PEC protected the property with conservation easements which limited the number of times it could be divided and specified permitted and prohibited uses of the land. PEC sold portions of the property (subject to easement) to public and private landowners, with a significant portion of it going to the National Park Service to realign and improve the Appalachian Trail as it passes through the area.



Easement Packet

As a non-profit, PEC received no tax or other financial benefits for the easements, but considers the protection of the iconic landscape surrounding Paris to be one of the organization's signature accomplishments in its 41 year history.

## CONSERVATION EASEMENT AND SALE OF 64 ACRES IN 2006

A 64-acre parcel, located between Route 50, Route 17 and Gap Run Road was sold by PEC to Mrs. Martha Malawer (now Mrs. Martha Boneta) in 2006. In 2007 she gave it to Piedmont Agriculture Academy, LLC, a Virginia limited liability company which she established. The property in question is part of one of the most visible landscapes in Virginia, one that tens of thousands of people pass through each year. It is also visible from one of the most visited sections of the Appalachian National Scenic Trail, and is part of the open space that surrounds the village of Paris, one of the anchors of the Crooked Run Rural Historic District. Historically, the parcel was part of a farm surrounding "Liberty Hall" a house which dates to the 1840's and stands today directly across Gap Run Road from the Boneta property.

In order to preserve the property's unique historic, scenic, and cultural values and to ensure its availability for agricultural use in future generations, the land was sold with a very protective conservation easement which allowed few changes to the exterior appearance of the property and allowed for just one residence: an apartment of no more than 1,600 square feet to be constructed in the large Barn Complex. The easement was intended to safeguard the historic and scenic values of the property, the farm soils, and historic structures and enhance water quality

in the streams running through the fields.

To protect the quiet, rural character of the Village of Paris, the easement also placed strict limits on the number of people who could visit the property each day in connection with the commercial or industrial activities permitted under the easement. The property was sold at well below market price due to the restrictions contained within the easement, and those restrictions were reviewed with and acknowledged by Mrs. Boneta, during the contract negotiations and again at the time of the sale.

By purchasing the property with this conservation easement in place, Mrs. Boneta agreed to be bound by those terms -- which included restrictions on the use of the property and a regular schedule of inspections to assure that the easement was adhered to.

## SINCE THE SALE

Since the sale of the property, PEC has attempted to work with Mrs. Boneta as she improved the property and developed her plans for the farm. We've engaged in a dialogue over which changes to the property are appropriate, given the significant scenic conservation values protected by the easement. At no time have we attempted to prohibit her from farming or keeping livestock on the property. One of the express purposes of the easement is the preservation of the property for agricultural uses.

Monitoring conservation easements is a standard procedure, required by the governmental agencies which oversee land trusts and easements. These visits are normally a friendly meeting between the landowner and land trust staff. Frequently, the land trust will take photographs while on-site to document the condition of the property at the time of the visit because staff can change from year to year and we need to know what the previous monitor had seen. We always make our best effort to respect the privacy of landowners, and make these visits as timely, efficient, and pleasant as possible.

Unfortunately, we did not see eye to eye with Mrs. Boneta in regards to the specific implementation of our easement monitoring and enforcement responsibilities, particularly with respect to any residential use of structures on the property. We ended up in court to clarify our right and responsibility to monitor the property to ensure the terms of the easement were being upheld. After over two years of litigation the case was settled in 2011, when all parties agreed to allow PEC to monitor the property consistent with the terms of the easement, including the right to enter both the Barn Complex, and another structure (known as The Smithy), several times a year to determine whether they had been converted for residential use.



The terms of the settlement were entered as a [Final Order by the Fauquier County Circuit Court](#) on October 11, 2011. At that time, Mrs. Boneta agreed, and the Court ordered, that the Smithy would not be used as a residence except during construction of the barn apartment, and then only with notice to PEC.

## OUR RESPONSIBILITY

As an accredited land trust, PEC and other land trusts across the country take our responsibility to uphold conservation easements in perpetuity seriously, and work hard to maintain positive relationships with landowners. We are saddened by the public misrepresentations about the terms of this conservation easement, the facts surrounding the court case and its [ensuing settlement](#), and our actions to monitor and steward the terms of the easement.

Since conservation easements are agreements between a land trust and the landowner, we would not typically discuss the details of our relationship publicly. However, given the significant amount of misinformation now in the public arena, we felt compelled to put forward some of the missing facts of the case.

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### Additional Details:

- During the Fall of 2013, Piedmont Agriculture Academy, LLC filed a lawsuit against The Piedmont Environmental Council (PEC) regarding this property. It voluntarily withdrew its case against PEC via a Nonsuit which was accepted and ordered by the Fauquier Circuit Court on September 5, 2014.
- During the summer of 2014, a series of online posts were made in regards to this particular property. [See PEC's response to those posts >>](#)
- As part of their November 2014 Board Meeting, VOF included an agenda item on the PAA easement. In preparation for that meeting, PEC provided the following memo to give background information to VOF Board members and to respond to misleading allegations that have been asserted in a number of different forums. [Read the memo >>](#)
- On November 5, 2014, in preparation for the VOF Board meeting and in response to a recent statement by Piedmont Agricultural Academy's counsel, PEC submitted a letter rebutting additional allegations. [Read the letter >>](#)

At the conclusion of the November 5, 2014 agenda item, VOF passed a resolution encouraging all parties to work together to find a practical solution. We are currently working to resolve Ms. Boneta's issues with both her and her lawyers, and we hope to find a positive resolution.



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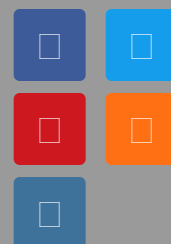
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# PEC RESPONSE TO THREATENING ONLINE POSTS

Published: 30 July 2014

In the last couple of weeks, The Piedmont Environmental Council (PEC) has been the subject of a number of articles published online. The articles relate to PEC's monitoring and enforcement of a conservation easement on real property owned by Piedmont Agriculture Academy, LLC ("PAA"), of which Martha Boneta is a member. The history of this easement has been posted on PEC's website for some time and can be found at this link: <http://www.pecva.org/land-conservation/conserving-your-land/855-easement-on-ovoka>

The recent online articles contain inaccuracies and omissions regarding PEC, PEC's employees, and the easement. These inaccuracies and omissions include, but, are not limited to, the following:

- The articles make little mention of the fact that Ms. Boneta purchased the property from PEC with full knowledge of PEC's easement and PEC's continuing property rights under the easement; likewise, the articles fail to mention that easement rights are in fact property rights of the easement holder.
- Contrary to the articles, it is not illegal for an entity holding a conservation easement to convey the easement to another qualified holder and to itself. This practice was upheld by the Fauquier County Circuit Court and Attorney General Cuccinelli.
- In the first lawsuit between PEC and Ms. Boneta/PAA, PEC alleged

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that Ms. Boneta/PAA had violated the easement. That litigation concluded when the parties entered into a Settlement Agreement and the Court entered an Agreed Final Order which confirmed, among other things, (a) the validity of PEC's easement over PAA's property, (b) PEC's rights to conduct interior inspections of the Barn and the Smithy four (4) times per year to determine "if improvements have been made to accommodate residential use," and (3) PEC's rights to conduct monitoring visits to inspect the exterior of the property.

- The articles fail to mention these key provisions of the Final Order to which Ms. Boneta agreed. Further, the articles failed to provide a link for readers to access the Final Order and thereby ascertain the facts for themselves. The document can be accessed [here](#). The articles fail to mention that all of PEC's inspections of PAA's property have been conducted with Ms. Boneta's prior knowledge, participation and consent.
- Contrary to the articles, the PEC employees who have conducted the inspections of PAA's property are very familiar with the terms of the easement, the Settlement Agreement and the Final Order.
- Contrary to one of the articles, neither PEC nor its employees have involvement with "Agenda 21".

The articles also contain inaccuracies and omissions regarding the current litigation pending between the parties, but it is PEC's general policy not to comment publicly on issues that are the subject of pending litigation.

PEC is committed to and appreciates a civil, open discourse regarding conservation policies and understands that there are those who disagree with PEC's conservation policies. Indeed, civil discourse and disagreement on matters of importance are hallmarks of a free society. Regrettably, some of the comments posted in response to these inaccurate and incomplete on-line articles contain vicious, highly offensive threats of physical violence and property damage directed at PEC employees. PEC is considering its options on how best to ensure its employees' safety and to deal with these threats. Threats of violence have no place in a free, open and democratic society. Consequently, PEC trusts that the online publishers will act responsibly, recognize that comments inciting or promoting violence are not protected speech under the United States Constitution, and take immediate action to remove such comments from their respective websites.

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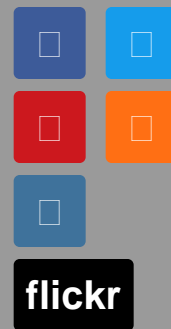
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### HOUSE JOINT RESOLUTION NO. 213

*Commending Martha Boneta.*

Agreed to by the House of Delegates, February 5, 2016  
Agreed to by the Senate, February 18, 2016

WHEREAS, Martha Boneta, the founder of the Small Family Farm Foundation and a passionate advocate for family farmers and property rights in the Commonwealth, was named one of America's 45 Most Amazing Women by *Country Woman Magazine*; and

WHEREAS, *Country Woman Magazine's* 45 Most Amazing Women in America award honors women who have made exceptional contributions to agrarian life in their communities and the country as a whole; and

WHEREAS, in 2014, Martha Boneta was the driving force behind the passage of what became known as the Boneta Bill, which provided more opportunities for farmers; and

WHEREAS, in 2015, Martha Boneta further strengthened conservation easements with the passage of the second Boneta Bill, which provided an opportunity for an alternative dispute resolution between land trusts and landowners; and

WHEREAS, Martha Boneta serves on the board of directors for Keep Virginia Beautiful, the mission of which is to unite Virginians to improve the Commonwealth's scenic, natural environment; and

WHEREAS, Martha Boneta also serves on a roundtable of the Private Property Rights Caucus in the United States House of Representatives; and

WHEREAS, the Property Rights Foundation of America named Martha Boneta a Property Rights Grassroots Leader, and an acclaimed documentary highlighting her passion for farming received the People's Choice Award at the Anthem Film Festival; and

WHEREAS, Martha Boneta is a positive inspiration to many farmers and fellow property rights activists throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Martha Boneta on being named one of America's 45 Most Amazing Women for her passionate advocacy for family farmers and property rights; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Martha Boneta as an expression of the General Assembly's admiration for her stellar achievements and great contributions to the Commonwealth.