

MINUTES
VIRGINIA OUTDOORS FOUNDATION
QUARTELY MEETING OF THE BOARD OF TRUSTEES
THE NATURE CONSERVANCY'S VIRGINIA COAST RESERVE
BROWNSVILLE MANSION CONVERENCE ROOM
NASSAWADOX, VIRGINIA
APRIL 6, 2006 9:00 AM

Trustees present: Chairman, Ms. Kat Imhoff, presiding; Mr. Mark S. Allen; Mr. Frank M. Hartz; Mr. Charles H. Seilheimer, Jr.; and Mr. Jeffrey K. Walker. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Director of Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Anna Chisholm, Finance and Records Manager; Ms. Sherry Buttrick, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Estie Thomas, Easement Specialist; Mr. Bruce Stewart, Easement Specialist; Ms. Faye Cooper, Easement Manager; Ms. Laura Thurman, Easement Specialist; and Bill Wasserman, Stewardship/Easements. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General; Ms. Sarah Richardson, DCR Land Conservation Officer; Mr. Rex Linville, Piedmont Environmental Council; and Mr. Mike Struger, Conservation Resource Center.

Ms. Imhoff convened the meeting at 9:04 a.m. No persons appeared for the public comment portion of the agenda. It was determined that only agenda items 5, 6, and 12 would remain on the Consent agenda. Ms. Imhoff added that The Nature Conservancy would be presenting a short talk on its Eastern Shore restoration and preservation work. Mr. Hartz moved that the minutes of the January 17, 2006 Board meeting be approved as submitted. Mr. Allen seconded and the motion passed unanimously.

Ms. Imhoff then asked Mr. Lee to give the Executive Director's Report to the Board. Mr. Lee began his report by saying that 2006 would be the year of stewardship. He updated the Board on stewardship activities including Stewardship training on May 11th and 12th. He announced that the Abingdon office would be opened by May of 2006. He also reported that to celebrate VOF's 40th anniversary and honor conservation easement donors, Governor Kaine has agreed to attend a reception at a date to be determined. Mr. Lee added that the Board would be considering a change in the Preservation Trust Fund purchase program to a Purchase of Development Rights matching program with local governments. He pointed out that the 50% match would leverage VOF funds for land conservation and build stronger partnerships with local governments. He reported that staff has started the FY07 budget process and will have a budget for Board consideration in June. Mr. Lee also reported that the proposed transfer of the Aldie Mill to the Northern Virginia Regional Park Authority should be complete for consideration by the Board at the June meeting.

Ms. Imhoff asked for a brief update on the continuing General Assembly session. Mr. Lee said that the Senate land conservation tax credit bill (SB 93) had been written into the Senate Budget bill. The Speaker of the House of Delegates held a press conference and spoke enthusiastically in support of the land conservation tax credit program. Mr. Seilheimer joined Mr. Lee in

attending that press conference. The Governor also supported the conservation tax credit on one of his weekly “Ask the Governor” WTOP radio shows.

Ms. Imhoff then asked for consideration of the easements remaining on the Consent agenda. They were the Holland easement of 68.14 acres in Rockbridge County; the Jackson easement of + or – 404 acres in Wythe County; and the Strecker easement of 103 acres in Rockbridge County. Mr. Hartz moved that the three easements be approved as a block, Mr. Walker seconded, and the motion passed unanimously.

Ms. Imhoff then called for consideration of the remaining easements originally styled for the Consent agenda. Estie Thomas presented the Brent easement (#1) of 90 acres in Northumberland County. Ms Imhoff asked about the noncontiguous nature of the easement. Ms. Thomas explained that the parcel of land in the center (Hundley) is on the agenda in the Under 50 Acres category (#33). Mr. Hundley will sell the parcel to Mr. Brent after the easement is filed making the entire area contiguous and under easement with one owner. Ms. Thomas added that Mr. Brent would like to add language to allow the upkeep of an existing logging road for access to other property he owns. Mr. Seilheimer moved for approval as amended, Mr. Hartz seconded, and the motion passed unanimously.

Leslie Grayson presented the DF Properties I, LLC – Egypt Farm easement (#2) of 549.75 acres in Loudoun County. Mr. Lee explained that the reason this easement was pulled for discussion was that staff recommended that the house siting clause be changed to read “any primary dwelling that exceeds 6,500 square feet of living space *and* (instead of “or”) that would be located within 1,000 feet of the centerline of Watermill Road may not be constructed on the Property without the prior written approval of the Grantee . . .”. Ms. Imhoff expressed concern over the protection of the view from the designated scenic roads and requested that the language include secondary dwellings as well as dwellings over 6,500 square feet. The Board reviewed maps and photographs of houses in the area. After discussion, Mr. Seilheimer moved that the Board approve the easement with the additional language requiring VOF approval of any primary dwelling over 6,500 square feet or any secondary dwelling (secondary or primary) located within 1,000 feet of Route 731, a Virginia Byway. Mr. Walker seconded and the easement passed unanimously as amended.

Estie Thomas presented the Friends of Dragon Run – Revere Tract easement (#3) of 105.6 acres in King and Queen County. Mr. Lee explained that this property is owned by The Nature Conservancy and is being purchased, in part, with Virginia Land Conservation Fund money by the Friends of Dragon Run, Inc., a non-profit organization. Ms. Thomas reported that the language permitting agriculture, aquaculture, silviculture, and horticulture was being removed from the easement. Mr. Hartz moved that the easement be approved with the deletion of agriculture, aquaculture, silviculture, and horticulture language. Mr. Walker seconded and the easement was approved unanimously as amended.

Sherry Buttrick presented the Headquarters Farm, LLC property (#4) of 423.65 acres in Albemarle County. Mr. Lee questioned no size limits on any residential structures with the exception of existing dwellings which are allowed to be enlarged by 150% with no mention of current size. He pointed out that Section 11, Documentation, requires the Grantee to always give

the Grantor any additions to the easement file. He was concerned that this could become a Stewardship burden and VOF could be accused of nonfeasance if additional documentation is inadvertently not provided to the Grantor. Ms. Buttrick offered that the square footage of the existing secondary dwellings would be added to the easement language. She added that there is a 200 foot no-build setback from the Doyles River and no building above the 1,400 foot contour line. Ms. Imhoff expressed concern for the protection of the viewshed from Shenandoah National Park. Ms. Buttrick explained that she didn't think that was a problem due to the no build areas above the 1,400 contour and on 25% or greater slopes, both of which fall on the Park side of the property, although she has not viewed the property from the park. Mr. Seilheimer moved to approve the easement with the addition of the square footage of the existing dwellings and the removal of the language in the Documentation Section (11), "The grantee shall provide to the Grantor copies of all documentation retained by the Grantee and any subsequent additions thereto". Mr. Hartz seconded and the easement was approved unanimously as amended.

Ruth Babylon presented the McIver property (#7) of 196 acres in Carroll County. Mr. Lee presented concerns over the number of secondaries allowed and no size limits or siting restrictions on the primary dwellings. Ms. Babylon explained that the attorney had added VOF approval for primary dwellings over 4,500 square feet of livable space and for secondary dwellings over 2,000 square feet. Mr. Seilheimer moved to approve the easement with the additional provision that VOF have review and approval of any primary dwelling over 4,500 square feet and any secondary dwelling over 2,000 square feet. Mr. Walker seconded and the motion passed unanimously as amended.

Laura Thurman presented the Pleasant Grove of Botetourt County, LLC property (#) of 193.5 acres in Botetourt County. Ms. Thurman explained that there are two existing houses on the property that are eligible for the National Register of Historic Places and the easement contains language to protect the 1854 house from demolition or removal from the property without prior written approval from VOF. Ms. Imhoff asked Ms. Thurman if VOF had enough protection for the viewshed from the Blue Ridge Parkway. Ms. Thurman said that she thought the protection was sufficient since the property is not close to the Parkway. Mr. Seilheimer moved to approve the easement as presented contingent on receipt of title confirmation. Mr. Walker seconded and the motion passed unanimously.

Bruce Stewart presented the Paul D. Quinn & Greenwood, LLC/Cynthia J. Quinn property (#9) of 287.99 acres in Albemarle County. Mr. Lee expressed concerns that there were no size limitations on the three primary dwellings and although the viewshed of the Shenandoah National Park and Interstate 64 are mentioned in the "Whereas" recital clauses, no siting approval is required. Mr. Stewart explained that Interstate 64 is below the property and the Shenandoah National Park is not really visible from the property. It was suggested that the reference to Shenandoah National Park be removed from the "Whereas" clauses. Ms. Imhoff suggested that VOF require siting approval for all residential buildings and then asked if Mr. Stewart would like to consult the attorney for the property since significant changes were being suggested. The Board agreed to defer the easement until Mr. Stewart could talk to counsel or property owners.

Bruce Stewart presented a revised easement for the River Lawn Farm, LLC and APA Associated, LLC property (#10) of 1,018.45 acres in Albemarle County. The revised easement increases the size of the secondaries to 2,500 square feet but eliminates the docks and other non-residential structures on the James River. Mr. Seilheimer moved that the revised easement be approved as presented. Mr. Allen seconded and the motion passed unanimously.

Ruth Babylon presented the Rogers easement (#11) of 144 acres in Patrick County. Mr. Lee explained that there is an existing “one-room cottage” on the property and may exceed VOF adopted Guidelines with one primary and one additional secondary dwelling permitted. Ms. Babylon said that the cottage is small (400 to 600 square feet) and not historic. Ms. Imhoff asked if the owner would consider a no-build restriction above a certain elevation. Ms. Babylon said that she had asked the landowner about that and Ms. Rogers had rejected that idea because there is a level spot at the higher elevation that she would consider for a building site. Ms. Babylon said that the owner would probably accept “earth toned” language. Mr. Seilheimer suggested that a provision requiring “earth toned or as approved by VOF” with regard to house color. Mr. Seilheimer moved to approve the easement with the “earth toned or as approved by VOF” language added. Mr. Walker seconded and the easement was approved unanimously as amended.

Bruce Stewart presented the Trevillians Station Battlefield Foundation, Inc. property (#13) of 56.34 acres in Louisa County. Mr. Lee pointed out that under Paragraph 5.(b) the “Virginia Board of Historic Resources” should be changed to the “Virginia Department of Historic Resources”. Mr. Walker moved to approve the easement as with the suggested change from “Board” to “Department”, Mr. Allen seconded, and the easement was approved unanimously as amended.

Estie Thomas presented the Walters – Granvilla property (#14) of approximately 1,000 acres in King William County. Ms. Thomas reported that the landowner, Ms. Walters, contacted her on Wednesday, April 5th, and requested that the easement proposal be amended to allow the three parcels that will be the size permitted under the King William County Zoning/Subdivision Ordinance and the remainder of the property being a farm and forestry residual. Ms. Walters also requested three primary single family dwellings of 5,000 square feet, instead of two of 3,500 square feet, and no secondary dwellings. She also requested that the existing cottage be allowed for use by a hunt club. The cottage may never be used as a dwelling and may be repaired or renovated but never enlarged. Mr. Walker moved to approve the easement as amended. Mr. Allen seconded the motion and the easement was approved unanimously as amended.

Bruce Stewart presented the Carol Sue Whitehouse (Trustee of the Carol Sue Whitehouse Trust), Whitehouse Mariah II, LLC, and Ronald R. Whitehouse property (#15) of 151.2 acres in Albemarle County. Mr. Lee explained that the Board had previously seen this easement. It has no riparian buffers because a Rivanna Water and Sewer Authority easement on the property protects water quality. Mr. Lee suggested that VOF know what provisions exist in the 1985 riparian easement and clarify VOF’s responsibilities, if any, to enforce or monitor the Rivanna Water and Sewer Authority easement. Ms. Vance expressed concerns over the language in the easement requiring VOF to enforce the forestry terms of the Rivanna Water and Sewer Authority. Mr. Stewart agreed that the language “in compliance with the terms of the easement

granted to the Rivanna Water and Sewer Authority by deed dated January 5, 1985 of record in Deed Book 824, page 619 and” should be removed from the Paragraph 4. Management of Forest. Mr. Seilheimer moved to approve the easement as amended, Mr. Hartz seconded, and the easement was approved unanimously as amended.

Ms. Imhoff moved to the Non-consent section of the agenda. Faye Cooper presented the Bandy property (#16) of 76.8 acres in Highland County. Ms. Cooper explained that the provision to permit no more than 20% (15 acres) in forest was to maintain the agricultural aspect of their property. The owners contacted Ms. Cooper and expressed their very strong desire to maintain the farming land use and offered revised forestry language that states that “no more that 15% of the property may be *planted* in trees”. Ms. Cooper said that she would recommend the percentage be changed to acreage (12 acres) and allow for planting in the riparian buffer zone. Mr. Hartz asked if the “existing limited livestock river access” be better defined. Ms. Cooper agreed to adding exact location or linear measurements for the livestock access. Mr. Walker moved to approve the easement with the above clarifications, Mr. Hartz seconded, and the easement was approved unanimously as amended.

Ms. Imhoff noted that, Mr. Alex Long, representing the landowner of the Shannon property (#55) was present and the Board would consider that easement out of order to accommodate our visitor. Estie Thomas presented the Shannon property of 37.5 acres in Spotsylvania County. Mr. Lee pointed out that this easement was being presented for reconsideration. The questions regarding Spotsylvania County support have been answered by letters from the County Administrator, James R. Wheeler, and the Battlefield District Supervisor, Chris Yakabouski. A letter outlining the historical importance of the property has also been received from John Hennessy, Chief Historian for the National Park Service. Ms. Thomas explained that the easement contains a “no demolition” clause for the house and barn. There are no divisions allowed and the easement complies with VOF Guidelines. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Ruth Babylon presented Blair/Murphy property (#17) of approximately 144 acres in Wythe County. She explained that the easement was on the Non-consent agenda due to the landowners requesting two secondary dwellings on 144 acres which was within Guidelines when the easement was initiated. Ms. Imhoff asked if the owners would agree to a no-plow riparian buffer of 35 feet. Ms. Babylon said that she thought the landowners would agree to the 35 foot no plow zone. Ms. Vance said that there was also a mineral rights issue with the property but that the attorney thought it could be resolved. Ms. Babylon recommended approval of the easement as presented contingent on the mineral rights issue being resolved. Mr. Allen moved that the easement be approved subject to the mineral rights resolution and riparian restrictions, Mr. Walker seconded, and the motion passed unanimously.

Bruce Stewart presented the Fischer property (#18) of 123.72 acres in Greene County. Ms. Imhoff asked if the 1800s house needed to be protected with a “no willful demolition” clause and Mr. Stewart agreed that, while demolition was not a danger with the current owner, it may need to be protected for the future. Mr. Seilheimer moved to approve the easement with the “no willful demolition” language to protect the 1800s house, Mr. Hartz seconded, and the easement was approved unanimously as amended.

Tamara Vance presented the Hammond property (#19) of 88.53 acres in Roanoke County. Ms. Vance explained that the landowner has requested that VOF co-hold with the National Park Service (Blue Ridge Parkway) and a meeting to discuss the easement is scheduled for April 14, 2006. She also explained that the stretch of the Roanoke River that flow by the property has been documented as home of the Federally endangered Roanoke Logperch and the owners have provided for a 100 foot riparian buffer along the river. The owners had also provided for the protection of the views from the Blue Ridge Parkway and the entrance to Explore Park by limiting timber harvest on the property. Mr. Hartz moved that the easement be approved as submitted, Mr. Seilheimer seconded, and the motion passed unanimously.

Sherry Buttrick presented the Haney property (#20) of 288.5 acres in Greene County. Mr. Hartz asked if the buffer language could be simplified by deleting “by fencing cattle out of the rivers if and where cattle otherwise would have access to the river”. Ms. Imhoff asked if the building setbacks were adequate to protect the scenic public view. Ms. Buttrick felt that the setbacks were adequate without VOF siting approval. Mr. Seilheimer moved to approve the easement with the clarification of the riparian language and the deletion of the documentation language, “The Grantee shall provide to the Grantor copies of all documentation retained by the Grantee and any subsequent additions thereto”. Mr. Allen seconded and the easement was approved unanimously as amended.

Bruce Stewart reported that he had talked to the landowner of the Fischer property (#18) and she did not accept the “no demolition” clause of the existing house. Ms. Imhoff asked that Mr. Stewart talk to the property owners again and see if he can reach an agreement that the Board would approve with regard to setback and other issues.

Mr. Stewart also reported that he spoke with the Quinns (#9) and they agreed to siting approval and a total of six dwellings. Mr. Walker moved to approve the easement as amended, Mr. Hartz seconded, and the motion passed unanimously.

Sherry Buttrick presented the Hystad property (#21) of 71.83 acres in Greene County. Ms. Little asked that “other perennial streams” be changed to “streams designated as solid blue lines on USGS map” in the Riparian Buffer clause. Ms. Buttrick agreed to make that change. Ms. Imhoff asked that the property owners get prior VOF approval if the log cabin is to be enlarged. Mr. Allen moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

Ruth Babylon presented the Miller and Shiloh Partnership property (#22) of 228.89 acres in Pulaski County. Mr. Seilheimer moved that the easement be approved as presented, Mr. Allen seconded, and the motion passed unanimously.

Laura Thurman presented the Obenshain property (#23) of 146.1 acres in Botetourt County. Mr. Hartz asked that language restricting the harvest of old growth beech trees be clarified and the standard future public road improvement language be added. Mr. Hartz moved to approve the easement as amended, Mr. Allen seconded, and the easement was approved unanimously as amended.

Leslie Grayson presented the REVA Properties, LLC property (#24) of 193.75 acres in Loudoun County. Staff suggested that the house siting clause be changed, as in easement #2, to require VOF review and approval of any dwelling that exceeds 6,500 square feet of living space or (instead of “and”) located within 1,000 feet of the centerline of SR 662. She also explained that Dominion Virginia Power had a proposed power transmission line path through the property. Mr. Allen moved to approve the easement with staff’s recommended amendment and including language allowing the power line. Mr. Seilheimer seconded and the easement was approved unanimously with the amended language. Mr. Hartz abstained from voting on the easement due to his personal connection with Dominion Virginia Power.

Laura Thurman presented the Ring property (#25) of 942.22 acres in Botetourt County. She explained that the owner has decided to remove the 35 foot forested buffer from the riparian buffers on Catawba Creek and will add 100 foot buffers around two vernal pools on the property. Mr. Seilheimer moved to approve the easement with the changes in the riparian buffers and the removal of the “Whereas” clause recital referring to the “endangered mollusk”. Mr. Walker seconded and the motion passed unanimously.

Ruth Babylon presented the Rogers property (#26) of 84.69 acres in Floyd County. She explained that although the owners were requesting a secondary dwelling on 85 acres, because of the lay of the land and distance from the road, no dwellings on this property would ever be visible from the road. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Tamara Vance presented the Three Falls Farm, LLC property (#27) of 205 acres in Patrick County. Mr. Seilheimer moved to approve the easement as presented, Mr. Hartz seconded, and the motion passed unanimously.

Ms. Imhoff adjourned for lunch to reconvene at 1:00 p.m.

The Board reconvened at 1:00 p.m. and heard from Steve Parker of The Nature Conservancy’s Virginia Coast Reserve on conservation work on the Eastern Shore.

Ms. Imhoff then moved to the Under 50 Acres portion of the agenda. Sherry Buttrick presented the Adams property (#28) of 44.7 acres in Madison County. She pointed out that the property backs up to other VOF easements. There are no divisions, one single family dwelling, VOF approval of any farm buildings over 1,500 square feet, and 150 foot set back from the roads. Mr. Seilheimer moved for approval as presented, Mr. Walker seconded, and the motion passed unanimously.

Tamara Vance presented the Coyle property (#29) of 49.275 acres in Montgomery County. She reported that the easement would eliminate 9 division rights. There is also an old school house on the property that is being researched for inclusion on the Virginia Landmarks Register. The landowners want to retain the right for a small, one acre lot (or the smallest allowed by the County) at the back of the property for a relative to build. This division would not be visible to the public. Ms. Imhoff expressed concern that the school house could be converted to a

residential dwelling and asked that language be included in the easement to keep the school house non-residential. Mr. Seilheimer moved to approve the easement as amended, Mr. Walker seconded, and the easement was approved unanimously as amended.

Sherry Buttrick presented the Crowe property (#30) of 42.54 acres in Greene County. This property is adjacent to two other easements on the agenda. The easement contains no size limit on the primary dwelling but does contain a 300 foot setback from the centerline of State Route 667. She also reported that there is a 60 foot right away allowed in the title and the lawyers are working to clarify the terms. Ms. Imhoff expressed concern over no size limit on the primary dwelling since it is an easement under 50 acres. Ms. Imhoff asked if the owner would accept VOF approval of dwellings over 6,500 square feet or retention of the existing wooded buffer on the road. Ms. Buttrick said that the owner would not accept a size limitation and the “wooded buffer” was little more than scrub brush. She added that she might be able to get an agreement for VOF approval for dwellings over 6,000 square feet or visible from the road. Ms. Imhoff asked if the Board would defer this easement until Friday so Ms. Buttrick can contact the owner or lawyer. The Board agreed to defer.

Tamara Vance presented the Goette property (#31) of 30.3 acres on the New River in Giles County. She reported that the property sits on a heavily used section of the New River and contains unique rock formations that can be viewed from the river. The owners want the ability to convert the “artist studio” to a secondary dwelling or build a secondary dwelling for children or grandchildren. Mr. Walker asked the size of the residence that will be allowed to double in size. Ms. Vance said that she thought that doubling the house would equal about 5,000 square feet. Ms. Imhoff asked that the size in square feet be added to the easement. Ms. Vance said she would amend the proposed easement to read that the existing house cannot be enlarged to exceed 6,000 square feet without prior written approval of VOF and that the color selection of the addition’s exterior would also have to be approved by VOF to limit visual impact from the river. Mr. Walker moved to approve the proposed easement with the revisions, Mr. Hartz seconded, and the easement was approved unanimously as amended.

Sherry Buttrick presented the Grace Preservation Partners, LLC property (#32) of 11.234 acres in Albemarle County. Ms. Imhoff recused herself and gave the gavel to Mr. Seilheimer to lead the discussion of the Grace Preservation Partners, LLC explaining that she lived close to the property and has had many conversations with the members of Grace Church. Ms. Buttrick said the 11 plus acres is located in a rural historic district, on a Virginia Byway, and sits between two VOF easements. After discussion, Paragraph 7.(d) was amended to read “private roads and utilities that serve permitted buildings or structures may be constructed, including but not limited to, overflow parking *on permeable surface, preferably turf*, for events at Grace Church”. Mr. Walker moved to approve with the above change, Mr. Seilheimer seconded, and the motion passed with Mr. Hartz voting against.

Mr. Seilheimer returned the gavel to Ms. Imhoff. Estie Thomas presented the Hundley property (#33) of 25.7 acres in Northumberland County. Ms. Thomas reported that the easement would extinguish 18 lots. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Estie Thomas presented the Reed property (#34) of 30.86 acres in Richmond County. She said the owners had requested that the existing house be repaired, renovated, replaced, or enlarged to 5,000 square feet instead of the 3,500 square feet presented in the easement. Mr. Walker asked why the owners requested two private non-commercial piers and Ms. Thomas explained that both piers already exist. Mr. Seilheimer moved to approve the easement with the change to 5,000 square feet for the primary dwelling and VOF review of shoreline stabilization. Mr. Hartz seconded and the easement was approved unanimously as amended.

Laura Thurman presented the Spence property (#35) of 27.85 acres in Rockbridge County explaining that no riparian buffer is possible because the river shoreline is owned by Virginia Military Institute. Mr. Seilheimer moved to approve the easement as presented, Mr. Hartz seconded, and the motion passed unanimously.

Laura Thurman presented the Three Graces, LLC property (#36) of 39.6 acres in Rockbridge County. Ms. Imhoff pointed out that the easement contained “windmills for personal use” language. Mr. Seilheimer moved for approval as presented, Mr. Walker seconded, and the motion passed unanimously.

Estie Thomas presented the Welch property (#37) of 35.88 acres in Northumberland County. She reported that the property surrounds the historic Shiloh School where Jesse Ball DuPont taught. Shiloh School is on the National Register of Historic Places and the Virginia Landmarks Register. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Ms. Imhoff called for consideration of the Preservation Trust Fund section of the agenda. Mr. Lee reported that available balance for the Open Space Lands Preservation Trust Fund is \$3,064,879. Mr. Seilheimer pointed out that approximately \$600,000 will be added to the fund annually when the state FY07 budget passes. He added that the Fund is in great shape as far as reimbursement projects are concerned but if VOF starts purchasing easements, the funds could be depleted quickly. Ms. Imhoff thanked Mr. Seilheimer for the update and stated that the Board would discuss PTF projects today and policy tomorrow.

Faye Cooper presented the Davis/Moore property (#38) of 479.84 acres on the Cowpasture River in Bath County to be co-held with the Valley Conservation Council. She highly recommended the easement and reported that the owners are requesting \$5,750 to cover costs. She reported that the owners had changed their terms to allow one of the single family dwellings to be 6,000 square feet of livable space with VOF review and one of the secondary dwellings to be as large as 2,500 square feet of livable space. She pointed out that the easement contains a large no-build area along State Route 42 so that no buildings will be visible from a state highway. Mr. Seilheimer moved for approval, Mr. Hartz seconded, and the motion passed unanimously.

Ruth Babylon presented the Hale properties (# 39, the North property, and #40, the South property) of 272.7 acres and 200 acres respectively in Pulaski County, both to be co-held with Skyline Soil and Water Conservation District. She explained that the property owner was requesting three parcels on the 272 acre tract and had offered to keep the three primary dwellings under 2,500 square feet and the two secondary dwellings under 2,000 square feet. No buildings

are permitted above the 2,700 foot contour line or within 100 feet of the road. All dwellings must be constructed of earth-toned colors. She reported that the owner is requesting \$6,300 on #39 and \$5,000 on #40. Mr. Seilheimer questioned the reason for the difference in the two requests. Ms. Babylon said that she spoke with the appraiser and he said that he had not yet visited the properties but the owner had told him that the two properties were so different in nature that the appraiser may have to pull two separate comparables for the appraisals. Mr. Seilheimer said that he did not believe that doing two appraisals automatically doubled that appraiser's costs. Mr. Walker agreed. Mr. Seilheimer moved for approval of the North easement (#39), Mr. Walker seconded, and the motion passed with Ms. Imhoff voting against because of 5 dwellings on under 300 acres. Mr. Seilheimer then moved for approval of the South property (#40), Mr. Walker seconded, and the motion passed unanimously.

Leslie Grayson presented the Massie property, Meadow Grove, (#41) of 346.57 acres in Rappahannock County. This project represents the first purchased easement under the new county program and will be a co-held the easement with the County. She said the property was a Virginia Century Farm containing historic buildings, extensive forestland, and one mile of frontage on Battle Run. The easement provides a 50 foot no-plow, no degradation by livestock riparian buffer, two parcels, only one new single family dwelling, one new secondary, and protection for the historic dwellings. The easement also contains language for VDOT improvement of an existing bridge on State Route 729. She recommended approval of the easement and the requested \$200,000 for the purchase of the easement. She further explained that the VLCF has granted \$300,000, Piedmont Environmental Council granted \$81,000 toward the purchase and would also be covering some of the costs, and Rappahannock County granted \$100,000 PDR funds (its first) toward the \$700,000 purchase price. Ms. Imhoff suggested that the Board vote on the easement and funding at the same time for this easement as it is the only purchase request. Mr. Seilheimer moved to approve the easement and the funding. Mr. Walker seconded. Mr. Seilheimer said that he had visited the property and talked with Mr. Massey. He reported that the farm was "picture postcard" perfect and the Massies are a well respected one time farming family. He added that this farm is exactly the type of farm that the Board should preserve with the Preservation Trust Fund. Mr. Seilheimer amended his motion contingent upon a change in the language to reflect a "purchase" not "gift" of easement. Ms. Imhoff called for a vote and the easement and funding were approved unanimously.

Bill Wasserman presented the Partyka property (#42) of 238.695 acres in Tazewell County. He explained that the easement had already been approved by the Board and recorded. The Board had previously approved \$4,000 for costs and the owner was asking for an additional \$641. Ms. Imhoff said that sort of request could be handled administratively in the future. Mr. Hartz moved for approval of the additional funds, Mr. Seilheimer seconded, and the motion passed unanimously.

Mr. Hartz moved that the PTF Committee be authorized to approve any PTF project overage requests under \$1,000, Mr. Walker seconded, and the motion passed unanimously.

Laura Thurman presented the Riley properties (#43 and #44) of 320 and 84 acres respectively in Augusta County to be co-held with the Valley Conservation Council. She explained that the 320 acre property contains a tributary of Back Creek that is enrolled in CREP. Ms. Imhoff expressed

concern over the possibility of a 6,000 square foot farm building on the road. Ms. Thurman said she thought the owners would accept VOF siting approval on all buildings. Mr. Seilheimer moved for approval of both easements with VOF approval of building sites, Mr. Allen seconded, and the easements were approved as amended.

Bill Wasserman presented the Shelton property (#45) of 45.83 acres in Scott County just outside of the Town of Gate City to be co-held with Scott County Soil and Water Conservation District. He said that there are no divisions allowed, one primary dwelling, no secondary dwellings, and the property provides scenic views for a county park. He also distributed a letter from The Nature Conservancy supporting the easement. He clarified that the request for PTF funds is a total of \$5,000, \$4,000 for the appraisal and \$1,000 for attorney's fees. Mr. Walker moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Laura Thurman presented the Showalter – Cummins farm property (#46) of 151.2 acres in Rockbridge County to be co-held with the Valley Conservation Council. She explained that the owner of the property has two children who want to continue farming on the property. Her daughter, who just graduated from Virginia Tech, says, in order to survive as a farmer, she may need to put a poultry operation on this property. The donor offered to pull the easement if the poultry house was unacceptable. Ms. Thurman said that the easement gives VOF siting approval on the poultry house and the most likely site is far off the road and partially screened by trees from public view. Ms. Imhoff expressed concerns over a 40,000 square foot building on 151 acres. Ms. Cooper pointed out that VOF has approved poultry houses and that 151 acres can support the waste management of one poultry house. Mr. Seilheimer suggested that instead of the standard screening of a single row of evergreen trees that the easement be amended to require a double staggered row of evergreen trees. Ms. Imhoff asked about color selection. Ms. Thurman said that she would try to minimize the impact of color on the viewshed. Mr. Seilheimer moved to approve the easement with the change in the required screening of the poultry house to a double offset row of evergreen trees. Mr. Hartz seconded the motion. Ms. Imhoff again expressed concern over the visual impact on the public and called for the vote. The easement was approved unanimously as amended. The owner is asking for costs of \$4,000.

Laura Thurman presented the Showalter – Wolf farm (#47) of 171 acres in Rockbridge County to be co-held with the Valley Conservation Council. The easement allows no division, one single-family dwelling, one secondary dwelling, farm building review, and a 35 foot no-plow buffer on the unnamed spring. The owner is requesting \$4,000 from the PTF. Mr. Walker moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Ruth Babylon presented the Umberger property (#48) of 125 +/- acres in Wythe County to be co-held by the Big Walker Soil and Water Conservation District. The owner is requesting two parcels, one of which must exceed 100 acres. The owner would like a primary dwelling for each parcel and two secondary dwellings (already existing) with a combined total of 2,800 square feet. The owner is asking for \$6,200 in costs. Mr. Hartz moved for approval of the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Estie Thomas presented the Welch property (#49) of 42.5 acres in Northumberland County to be co-held by the Northern Neck Land Conservancy. The property is located on Dividing Creek, the easement allows no division, one single family dwelling no greater than 3,500 square feet, farm building review over 2,500 square feet, and a 100 foot riparian buffer on Dividing Creek. The owners are requesting \$5,000. Mr. Walker moved to approve the easement as presented, Mr. Hartz seconded, and the motion passed unanimously.

Estie Thomas presented the Welch property (#50) of 109.88 acres in Northumberland County to be co-held by the Northern Neck Land Conservancy. The easement allows no division, one single family dwelling no greater than 3,500 square feet, farm building review over 2,500 square feet, and a 100 foot riparian buffer on Sydnors Mill Creek. The owners request \$5,000. Mr. Walker moved to approve the easement as presented, Mr. Hartz seconded, and the motion passed unanimously.

Ms. Imhoff suggested that funding for the Hale requests be set at \$5,000 each to keep it in line with the other requests. The Board members agreed.

The PTF funds to be authorized and considered as a block are as follows:

| | |
|--------------------------------|---------|
| #38 Davis/Moore | \$5,750 |
| #39 Hale – North Property | \$5,000 |
| #40 Hale – South Property | \$5,000 |
| #43 Doris K. Riley | \$4,000 |
| #44 Robert K. Riley | \$3,500 |
| #45 Shelton | \$5,000 |
| #46 Showalter – Cummins Farm | \$4,000 |
| #47 Showalter – Wolf Farm | \$4,000 |
| #48 Umberger | \$6,200 |
| #49 Welch (Dividing Creek) | \$5,000 |
| #50 Welch (Sydnors Mill Creek) | \$5,000 |

Mr. Walker moved to approve the Preservation Trust Fund awards as a block, Mr. Hartz seconded, and the motion passed unanimously.

The \$200,000 in funds for the purchase of the Massie – Meadow Grove (#41) and the \$641.25 overage for Partyka (#42) had been approved during the PTF easement discussions.

Ms. Imhoff moved to the Reconsideration section of the agenda. Ruth Babylon presented the Gibson proposal (#53) of 64.1 acres in Montgomery for reconsideration because the owner wants to remove the riparian buffer language from the previously approved easement. She showed a photograph of the creek and explained that the creek is very small (3 feet wide) and shows up on the map as an intermittent stream. She added that the easement is not a water quality easement it is primarily to protect scenic views. Mr. Seilheimer moved for approval with minimum buffer language requiring a 35 foot no-plow buffer on the intermittent stream, Mr. Walker seconded, and the easement was approved as amended with Mr. Hartz voting against objecting to the weakening of the riparian language.

Estie Thomas presented Douglas properties (#51) of 228 acres and 254.5 acres in Westmoreland County. The easements are back for reconsideration due to the addition of language permitting the production of solar power and other energy sources for use on or off the property. Mr. Allen moved for approval of both easements with language allowing solar power only, Mr. Hartz seconded, and the easements were approved as amended.

Sherry Buttrick presented the Goodall Mountain LLC property (#54) of 270.14 acres in Greene County. Reconsideration of the easement proposal was necessary due to the property owner wanting three parcels with three primary dwellings and three secondary dwellings in addition to the existing dwelling known as “Mrs. Lamb’s house”. The revised proposal includes a setback from the road where no buildings larger than 1,000 square feet of ground area and no dwellings of any kind will be built within 250 feet of the centerline of State Route 230. It also contains a provision that one parcel would be limited to a maximum of 60 acres in size. “Mrs. Lamb’s house” will be considered one of the secondary dwellings if it remains under 2,500 square feet in size. Mr. Seilheimer moved to approve the easement as presented, Mr. Hartz seconded, and the easement was approved unanimously. Ms. Imhoff expressed concern over seven dwellings on 270 acres.

Leslie Grayson presented the West property (#56) of 208.52 acres in Caroline County. The easement allows one division and was previously approved with one of the parcels limited to 20 acres. The owner has requested that the two parcels be allowed with no size limits. Mr. Seilheimer moved to approve the revision as presented, Mr. Allen seconded, and the motion passed unanimously.

Faye Cooper presented the Belle Grove, Inc. property (#57), also known as Harmony Hall, of 94.845 acres in Shenandoah County to be co-held with the Virginia Department of Historic Resources. Harmony Hall is on the Virginia Landmarks Register and the National Register of Historic Places, and protects a portion of the Cedar Creek Battlefield. After a brief discussion, Mr. Seilheimer moved to approve the easement with additional language providing for a walking path and existing picnic area, Mr. Walker seconded, and the easement was approved unanimously as amended.

Faye Cooper presented the Dimmel Boundary Line Adjustment (#58). Richard and Mary Dimmel, donors of a 196 acre Clarke County easement, have requested the Board’s consideration of a boundary line adjustment between their easement and an adjoining 29 acre property owned by Donald Williams under easement with Clarke County. Mr. Williams wishes to purchase approximately 47 acres of the Dimmel tract for expansion of his equine operation. She explained that no development rights would transfer with the acres and the overall outcome would be that no dwellings could be built on the 47 acres that is highly visible from State Route 50. Mr. Seilheimer moved to approve the boundary line adjustment, Mr. Walker seconded, and the motion passed unanimously.

Tamara Vance presented the Lynchburg College amendment request (#59) to allow the College to add an observatory and visitor’s center. The visitor’s center building would be restricted to 30,000 square feet and the observatory to 1,600 square feet without prior VOF approval. She

added that the riparian language had been improved to a 100 foot buffer protected from degradation by livestock. Mr. Hartz moved for approval of the request with a limit on the total building size of 30,000 square feet, Mr. Seilheimer seconded, and the motion passed unanimously.

Sherry Buttrick presented the boundary line adjustment for the Woodruff property in Orange County. This request was noted to be one of the first of its type where the adjoining tract is not under easement. Ms. Buttrick presented several options for addressing this kind of request. Mr. Frederick S. Fisher, Special Assistant Attorney General, reviewed for the Board his view that the section of the Virginia Code §10.0-1704 governing release and substitution of land under easement was not pertinent to this kind of request as *de minimis* exchanged are not “essential to orderly growth of the locality”. The property owner, Mr. Woodruff, wanted to exchange approximately one to one and a half acres with his neighbor, Mr. Roberts. This would give Mr. Woodruff access to a side road that he does not now have. Mr. Roberts wishes to build a garage or shed on the transferred acre at the back of his property. Ms. Imhoff said that she did not see the benefit to the public of such an exchange. After discussion, Mr. Seilheimer moved to approve the adjustment if Mr. Roberts agreed to keep the exchanged property under easement, Mr. Allen seconded, and the motion passed unanimously.

Ms. Imhoff adjourned the meeting at 4:40 p.m. to be reconvened at 9:00 a.m. the following morning.

DRAFT MINUTES
VIRGINIA OUTDOORS FOUNDATION
QUARTELY MEETING OF THE BOARD OF TRUSTEES
THE NATURE CONSERVANCY'S VIRGINIA COAST RESERVE
BROWNSVILLE MANSION CONVERENCE ROOM
NASSAWADOX, VIRGINIA
APRIL 7, 2006 9:00 AM

Trustees present: Chairman, Ms. Kat Imhoff, presiding; Mr. Mark S. Allen; Mr. Frank M. Hartz; Mr. Charles H. Seilheimer, Jr.; and Mr. Jeffrey K. Walker. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Director of Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Anna Chisholm, Finance and Records Manager; Ms. Sherry Buttrick, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Estie Thomas, Easement Specialist; Mr. Bruce Stewart, Easement Specialist; Ms. Faye Cooper, Easement Manager; Ms. Laura Thurman, Easement Specialist; and Bill Wasserman, Stewardship/Easements. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General; Ms. Sarah Richardson, DCR Land Conservation Officer; and Mr. Rex Linville, Piedmont Environmental Council.

Ms. Imhoff called the meeting to order at 9:05 a.m. She asked if there was any public comment, there being none, she called for a report from Bruce Stewart on the Fischer property (#18). Mr. Stewart reported that the owner would not accept a size limit on the primary dwelling.

Ms. Buttrick reported that the Crowes (#30) would not accept a size limit and VOF approval of the primary dwelling but would agree to doubling the set back to 600 feet.

There was considerable discussion over concerns that easements in Green County be consistent and protect the visual integrity for the public.

Mr. Hartz moved to approve the Crowe easement (#30) with a 6,000 square feet limit if the dwelling is visible from the road, Mr. Allen seconded the motion. Further discussion resulted in Mr. Hartz withdrawing his motion with the agreement of Mr. Allen.

Mr. Seilheimer moved to approve the Fischer easement (#18) with a 400 foot set back for all structures, Mr. Walker seconded, and the motion easement was approved unanimously as amended.

Mr. Hartz moved to approve the Crowe easement (#30) with a 600 foot set back for the primary dwelling and a 300 foot set back for any structure with a footprint of 1,000 square feet. Mr. Allen seconded and the easement was approved unanimously as amended.

Ms. Imhoff asked if there were any changes to the order of business. There were none.

Sara Ensley presented the remaining Human Resources policies to be approved by the Board. She began with the Paid Time Off policy explaining that the proposed policy is similar to the

state's policy except that the annual leave carryover is lower than the state's carryover. She added that PTO will be allocated to VOF employees by depositing half of the annual hours on January 1st and half on July 1st of each year. Mr. Allen suggested VOF "grandfather" current employees and new hires would be governed by the new policy.

Employees hired before July 1, 2006 will follow the chart below.

Full-time Regular Employees:

| Years of Service | Annual PTO Hours | January/July PTO amounts | PTO hours which may be carried over |
|-------------------------|-------------------------|---------------------------------|--|
| Under 3 years | 192 hours (24 days) | 96 hours (12 days) | 200 hours |
| After 3 years | 216 hours (27 days) | 108 hours (13.5 days) | 200 hours |
| After 5 years | 256 hours (32 days) | 127 hours (16 days) | 200 hours |
| After 10 years | 296 hours (37 days) | 148 hours (18.5 days) | 200 hours |

Employees hired after July 1, 2006 will follow the chart below.

Full-time Regular Employees:

| Years of Service | Annual PTO Hours | January/July PTO amounts | PTO hours which may be carried over |
|-------------------------|-------------------------|---------------------------------|--|
| Under 5 years | 192 hours (24 days) | 96 hours (12 days) | 200 hours |
| 5 - 9 years | 224 hours (28 days) | 112 hours (14 days) | 200 hours |
| 10 - 14 years | 264 hours (33 days) | 132 hours (16.5 days) | 200 hours |
| 15 - 19 years | 288 hours (36 days) | 144 hours (18 days) | 200 hours |
| 20 - 24 years | 312 hours (39 days) | 156 hours (19.5 days) | 200 hours |
| After 25 years | 336 hours (42 days) | 1468 hours (21 days) | 200 hours |

Ms. Ensley presented the Standards of Conduct policy. No changes to the policy were suggested.

Ms. Ensley presented the Grievance Policy. After discussion it was decided to remove the grievance panel replacing the panel with the Executive Director, Chairman of the Board or both. It was also decided that the Formal Hearing process was unnecessary and the decision of the Executive Director and/or the Chairman of the Board is final and not subject to appeal.

Ms. Ensley presented the Cell Phone, Vehicle, and Educational Assistance policies with no edits from the Board.

Mr. Seilheimer moved to approve the human resource policies as amended, Mr. Allen seconded, and the policies were approved unanimously as amended. (See attachment #1.)

Anna Chisholm updated the Board of the Finance Policies and Procedures. The Audit and Personnel Committee has reviewed the payroll policy and will have more to report for the June 2006 meeting.

Mr. Lee reviewed the PTF PDR local government match proposal. VOF would match local government PDR funds dollar for dollar to leverage our conservation funds. The Audit and Personnel Committee presented the draft staff handbook. After considerable discussion, it was

determined that the PTF Committee had more work to do and will present revised information at the June 2006 meeting. The Committee will incorporate the following suggestions:

- Set “base” grant award at \$5,000,
- Remove “survey” from the list of reimbursed fees,
- Remove “accounting” from the list of reimbursed fees,
- Include a PTF brochure to all landowners interested in easements, and
- Revise the ranking sheet.

During a discussion on the proposed PTF/PDR program, Mr. Hartz suggested VOF target counties with little or no money for the purchase of development rights. The Board agreed to authorize staff to approach counties and request applications for matching funds. The PTF Committee will have recommendations for the Board in June 2006.

Martha Little, Director of Stewardship, presented a brief update on stewardship activities. Ms. Little reported that VOF has hired a full time stewardship specialist for the Charlottesville area and will be interviewing for another full time stewardship position to be located in Warrenton. She has been working to strengthen partnerships with state agencies and conservation organizations. Documentation and monitoring procedures are currently being developed and a two-day training session for staff will be held May 11th and 12th in Charlottesville.

Mr. Lee discussed the rationale for a one year moratorium on easements under 50 acres. Staff work load is very heavy and does not appear to be decreasing in the near future. After discussion it was agreed that staff would adhere to the newly adopted Guidelines.

The Resolution to adopt amended forestry language was deferred to the June meeting and no action was taken of the proposed Type B Boundary Line Adjustment.

Mr. Imhoff called for a closed session at 11:20 a.m. to discuss legal and personnel matters as provided for in the Code of Virginia §2.2-3711 A. 1. and 7. Mr. Seilheimer so moved, Mr. Walker seconded, and the motion passed unanimously. A roll call vote certifying that only exempted business was discussed during the closed session was taken at 12:15 p.m. Ms. Imhoff voted yes, Mr. Seilheimer voted yes, Mr. Walker voted yes, Mr. Allen voted yes, and Mr. Hartz voted yes. The meeting was adjourned.

Respectfully submitted,

Patricia A. Cleary
Executive Assistant

RESOLUTION

A RESOLUTION TO INCLUDE WITHIN THE VOF HUMAN RESOURCE POLICY MANUAL SIX ADDITIONAL PERSONNEL POLICIES.

WHEREAS, the Auditor of Public Accounts highly recommended in the 2003-04 VOF audit that VOF create a human resource policy manual; and

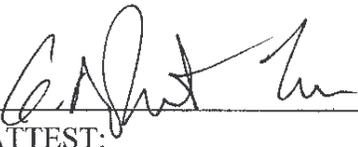
WHEREAS, the VOF Human Resource Policy Manual was adopted in January 2006; and

WHEREAS, since January six additional personnel policies have been written; and

WHEREAS, Paid Time Off, Standards of Conduct, Grievance, Cell Phone, Vehicle and Educational Assistance should be included in the VOF Human Resource Policy Manual; and now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 7th day of April 2006, That the above cited personnel polices be, and are hereby, adopted.

ADOPTED by a vote of 5 to 0.



ATTEST:

G. Robert Lee, Executive Director