

**VLCF Subcommittee Meeting
Ashland Town Hall, Council Meeting Room
Tuesday, October 3, 2006**

Subcommittee Members Present

R. Brian Ball, Subcommittee Chair
Nicole M. Rovner, Deputy Secretary of Natural Resources
Joseph H. Maroon, Director, Department of Conservation and Recreation
William C. Dickinson

DCR Staff Present

Rick Hill
Sarah Richardson

Others Present

Elizabeth Tune, DHR
Ridge Schuyler, The Nature Conservancy
Larry Durbin, Virginia Department of Taxation
John Josephs, Virginia Department of Taxation
Rex Linville, PEC
Brock Herzberg, Farm Bureau
Bob Lee, VOF
Phil Hocker

Mr. Ball called the meeting to order and welcomed attendees. He noted that because there was so many interested parties in attendance that he would conduct the meeting by allowing public comment.

Ms. Richardson, with input from Mr. Maroon and Mr. Hill, provided a general overview of the draft criteria and then led a detailed review of the criteria.

Subcommittee members and attendees provided the following comments for the subcommittee's and Department's consideration:

- Concerns were raised about historic properties that are not listed.
- It was noted that the standards set by the criteria were not deemed attainable.
- It was stated that protecting facades was not technically feasible in a deed of conservation easement in perpetuity.
- For very large properties, it was noted that they have intrinsic conservation value regardless if all the required protections are addressed.
- The importance of cooperating agency review was stressed, in particular for historic preservation.
- Questions about the way heritage resources are defined were raised.
- Concerns were expressed about what documentation would be required.
- Concerns were raised about major easements being denied after the fact.

- Pre-filing review was raised as a major issue and the subcommittee agreed to develop pre-filing processes.
- Related timing concerns associated with application filing were also raised.
- It was stated that it would not be possible to issue an advanced ruling but that some sort of pre filing review would be possible.
- The general statement was made that these criteria need to be flexible.
- The question of limiting the building footprint was discussed and concerns expressed. Square footage and height were suggested as alternatives.
- It was suggested that a statement should be included that no building should exceed a specific size.
- The comment was made that impervious surfaces were not a practicable alternative in every case.
- A question was raised about a better way to consider water quality. In other words, rather than specifying a buffer width use a performance based approach.
- A suggestion was made that urban forests or small forested areas be included.
- Questions were raised about whether all forests need to be managed.
- A concern was expressed about the need to have flexibility for internal road construction and that it was beyond the capacity of land trusts to monitor everything in the criteria.
- Some flexibility to allow driveways in buffers to access structures was requested.
- Several comments where expressed about the 100 foot buffer requirement.
- Requiring that livestock be fenced out of streams was stated to be to restrictive.
- The inclusion of karst protection in the Watershed Preservation category was requested.
- The comment was made that DOF should not be required to certify a forest management plan.

The subcommittee considered these comments and made revisions where appropriate.

Mr. Ball called for a vote on opening the amended draft criteria for public comment. Mr. Ball Ms. Rovner, Mr. Maroon, and Mr. Dickinson all voted in favor of moving the criteria, as amended, forward for public comment.

Ms. Richardson said the public comment period would be in the month of October and noted the location of scheduled public meetings.

With no further business the meeting was adjourned.