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Minutes
Virginia Outdoors Foundation
Meeting of the Board of Trustees
Tuesday March 18, 2003
The Jefferson Library on Kenwood Farm at Monticello

Trustees present: Mr. Frank Kilgore, Chairman, Dr. Rupert Cutler, Ms. Katherine Imhoff, Ms. Jill Holtzman, and Mr. Charles Seilheimer. Trustee absent: Dr. Charles Rowley and Mr. Paul Ziluca.

VOF Staff Present: Tamara Vance, Executive Director, Sherry Buttrick, Faye Cooper, Kristin Ford, Leslie Grayson, Leslie Trew, and Estie Thomas. Also in attendance were Mr. Fred Fisher, Senior Assistant Attorney General, Ms. Rachel Morris from the Farm Bureau, Mr. Matt Bley from the Office of Land Conservation in DCR, Ms. Carrie Hagan from the James River Association, Mr. Bill Funk, Director and Ms. Melanie Griffiths from the Valley Conservation Council, Ms. Babbette Thorpe, Mr. Gray Coyner and Mr. John Moore from the Piedmont Environmental Council, Mr. Joe Lurch from the Chesapeake Bay Foundation, Mr. Charlie Moss from the Cave Conservancy of the Virginias (CCV), Mr. Will Orendorf from the Natural Resources Division of DCR, Ms. Terry Brown from the CCV, Mr. Leon App from DCR and Mr. Phil Hocker.

Chairman Kilgore convened the meeting at 10:20am. He appointed Ms. Vance as Secretary of the Meeting and she confirmed that there was a quorum present.

Ms. Imhoff made a motion to approve the Order of Business. The motion was approved unanimously.

Ms. Imhoff made a motion to approve the minutes from the December meeting with the following modifications. On page two, easement #33 at the end of the paragraph, insert "Dr. Cutler made a motion to accept the easement." On page four, easement #67, insert "Ms. Imhoff indicating a personal connection with and dissatisfaction for the terms of the proposal" at the end of the paragraph. Also on page four, easement #72, insert "because the proposal did not meet the Guidelines". Ms. Imhoff requested that future minutes include reasons for all abstentions or vetoes. The motion was approved unanimously.

Mr. Kilgore opened the floor to questions and/or corrections to any of the easements included in the consent agenda. Mr. Rupert Cutler made a motion to approve the full consent agenda of 1-8 as presented. The motion was approved unanimously.

Easement Proposals, Non-Consent Agenda

Ms. Trew presented the Bayview Easement (#9) of 130 acres in Northampton County. Ms. Trew indicated that the property owners may wish to apply for an OSLPTF grant at a later date. Ms. Imhoff made a motion to accept the easement with the deletion of paragraph five on page four. The motion was approved unanimously.

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Ms. Vance presented the Fellers Easement (#10) of 226 acres in Bedford County. Although, the proposed easement exceeded VOF Guidelines regarding allowable division, Ms. Vance recommended acceptance of the easement because of the larger parcels, the reduced number of dwellings, and the “no-build” zones that would protect the view of the Peaks of Otter from the public road. Mr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Jamestown Compact Easement (#11) of 68 acres in Loudoun County. Ms. Grayson indicated that the proposal followed the terms approved for use in other Loudoun County PDR projects. She recommended acceptance of the easement due to its importance to another local historic site, “Oatlands” and the public funding involved in the project. Mr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Thomas presented the Krentz easement (#12) of 211 acres in Northumberland County. Ms. Thomas indicated the unusual terms allowing rental boat slips on the property and recommended acceptance of the proposal because of the small size and number of piers which are already existing, and because no other commercial activities are permitted. Mr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Lone Oak LLC easement (#13) of 1,382 acres in Albemarle County. Ms. Buttrick pointed out that the proposal allows 3,000 sq. ft secondary dwellings while the Guidelines recommend 2,500 sq.ft. Ms. Buttrick recommended acceptance of the proposed terms because of the reduced number of secondary dwellings. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Ford presented the Petite easement (#14) of 29 acres in Loudoun County. Though the proposal was less than 50 acres, Ms. Ford recommended acceptance of the easement because of the extra protection provided to Beaver Creek and because all of the requested dwellings will be located in existing buildings. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Piper Enterprises LTD easement (#15) of 449 acres in Fauquier County. Although, the proposed easement exceeded VOF Guidelines regarding allowable parcels, Ms. Grayson recommended acceptance of the easement because of the existing well serving the Town of Marshall, the extinguishment of 326 development rights, and the proximity of several older easements. Ms. Imhoff made a motion to accept the easement with the deletion of paragraphs A and B on page six. The motion was approved unanimously.

Ms. Grayson presented the Roland Farms Inc. easements (#16 and #17) of 18 acres and 162 acres respectively in Fauquier County. Ms. Grayson indicated that neither proposal exactly met the Guidelines, but recommended acceptance of the easements because of “no-build” zones and the special importance of the area to the nearby State Natural Area Preserve. Mr. Seilheimer made a motion to accept both easements #16 and #17 with the deletion of paragraphs A and B. The motion was approved unanimously.

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Ms. Buttrick presented the Town of Orange easement (#18) of 5.67 acres in the Town of Orange. Though the proposal was less than 50 acres, Ms. Buttrick recommended acceptance of the easement because of its importance to the scenic entrance corridor to the town. She indicated that “Salubria” language would be inserted related to State Route 20. Mr. Seilheimer recused himself from the vote due to personal involvement with the proposal and Ms. Imhoff recused herself because a family member was involved in the proposal. Mr. Cutler made a motion to accept the easement as presented. The motion carried with two abstentions.

Ms. Buttrick presented the Weidman easement (#19) of 111.9 acres in Nelson County. Ms. Buttrick indicates that the proposal was on the “non-consent” agenda because of more stringent restrictions than usual on farm buildings. Ms. Imhoff made a motion to accept the easement as presented. The motion was approved unanimously.

Mr. Kilgore recessed the meeting for a 30 minute lunch break at 12 noon.

After lunch, Mr. Kilgore invited any comments from the public. Ms. Carrie Hagan of the James River Association announced a series of workshops for landowners and invited any VOF staff to participate or publicize the series. Mr. John Moore of the Piedmont Environmental Council announced another landowner workshop in Culpeper and thanked Sherry Buttrick for her participation.

Preservation Trust Fund Proposals

Mr. Cutler made a motion to accept the staff recommendations detailing the requested OSLPTF grant applications. The motion was approved unanimously.

#20- Hill/Neale- requested \$4275, approved for \$2800

#21- Irvin- requested \$3800, approved for \$2800

#22- Neale- requested \$1300, approved for \$1000

#23- Wilkins- requested \$1000, not approved

The above easements were all approved at earlier meetings.

Cave Protection Presentation and Discussion

Mr. Charlie Moss and Ms. Terry Brown from the Cave Conservancy of Virginia, along with Mr. Will Orendorf of DCR made a presentation on Karst land forms and educated the VOF staff and Trustees on incorporating cave protection language into easements where applicable.

Co-Holding Policy Discussion

Ms. Vance updated the Trustees on the background of co-holding easements with other entities and presented the staff paper and recommendations on the subject. Mr. Fisher discussed the differences between easements taken under the Open Space Lands Act and the Land

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Conservation Act. Ms. Imhoff made a motion to accept the staff recommendations from the second paragraph to the end and requested that the staff work further on the description of the policy. The motion was approved unanimously. Ms. Imhoff also requested that the staff produce a fact sheet explaining the difference between easements taken under the two different sections of the law.

Reconsideration of Easement Proposals

Ms. Thomas presented the Chesapeake Bay Foundation easement (#24) of 74 acres in Northumberland County. This easement was originally accepted in June 2002 and then revised in December 2002. At this current meeting, CBF requested to be included on the deed as a co-holder of the easement due to proposed extensive involvement with wetlands restoration on the property. Dr. Cutler made a motion to accept the easement as presented. The motion carried with four votes. Ms. Imhoff abstained from the vote as she was not involved in the original votes.

Ms. Thomas presented the Civil War Preservation Trust Easement (#25) of 282 acres in Orange County. Ms. Imhoff recused herself from the following discussion citing a personal connection to the project. Ms. Thomas indicated that the easement was previously approved in December 2002 and that CWPT was now asking for additional division and building rights. The VOF staff recommended against the request due to possible incompatibility with the original project. Dr. Cutler suggested that the proposal could return to the Trustees after further study.

Ms. Thomas presented the Gwathmey Easement (#26) of 535 acres in King William County. The easement was originally approved in December 2000 and was approved again in December 2002 to extend the time allowed for recordation. At this time, the parties were requesting the addition of wetlands restoration language. Ms. Thomas recommended approval of the request as it strengthened the protection provided by the easement. Ms. Imhoff made a motion to accept the proposal as presented. The motion was approved unanimously.

Boundary and Easement Adjustments

Ms. Buttrick presented a boundary line adjustment request (#27) from the Arrowhead Corporation (ALB-VOF-463) and an adjacent landowner, Mr. Bird Woods, in Albemarle County. Ms. Buttrick recommended approval of the request. Mr. Seilheimer made a motion to approve the adjustment as presented. The motion was approved unanimously.

Ms. Buttrick presented a request from Mr. and Mrs. Darby (#28) to clarify the dwelling language in their easement (ALB-VOF-608). VOF Staff recommended approval to file a Deed of Clarification which would include language allowing “one main dwelling and one secondary dwelling”. Mr. Cutler made a motion to approve the recommendation as presented. The motion was approved unanimously.

Ms. Buttrick presented a request from Mr. and Mrs. John Grisham (ALB-VOF-1044) to quit claim to the adjacent landowner of 2.3 acres of disputed land identified in a recent survey as belonging to the neighbor. Ms. Buttrick recommended approval of the request with support of

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the completed survey. Mr. Seilheimer made a motion to approve the correction as presented. The motion was approved unanimously.

Request for Interpretation of Easement

Ms. Grayson presented the Hill School/ Skinkertown Easement (#30) of 12.74 acres in Fauquier County. The Hill School is the current owner of the easement, which was originally donated in 1976 (FAU-VOF-039). At this time, the Hill School has requested approval to build additions onto two of the four existing dwellings on the property. Ms. Grayson recommended approval of a Deed of Amendment which would allow the requested additions, but restrict any additional buildings which would have been allowed under the current easement. Mr. Seilheimer made a motion to approve the Deed of Amendment as presented by Ms. Grayson. The motion was approved unanimously.

Authorization to Add Parcel to Bull Run Mountains Partition Suit, Leslie Grayson.

Ms. Grayson gave an update on the status of the previously approved partition suit concerning disputed ownership of land in the Bull Run Mountain area. The title work completed thus far uncovered an additional land owner and Ms. Grayson recommended that approval be given to involve this new landowner in the current partition suit in order to save time and money. Ms. Holtzman made a motion to approve the addition of the newly discovered landowner. The motion was approved unanimously.

Report of Executive Director (Budget, General Assembly, Fee Structure Discussion, Administrative Approvals)

Ms. Vance gave an update on the state of the budget and the anticipated additional cuts to the state funding provided to VOF. Total state funding for FY2003 will amount to \$450,000, down from \$600,000 originally approved. She explained the legislation for a \$1 recordation fee to benefit VOF proposed by Delegate Joe May. The proposal was not approved this year, but was gaining support.

Dr. Cutler made a motion to form a committee for the purpose of expediting the Strategic Plan goals related to the transfer of Aldie Mill and to specifically seek partners and/or investors in the project. The motion was approved unanimously. Mr. Kilgore appointed Ms. Vance, Ms. Holtzman, Mr. Seilheimer and Mr. Ziluca (upon his agreement) to the committee.

Confirm Next Meeting Date, Adjourn.

Ms. Vance confirmed the date of the next Trustee meetings as June 24 in Charlottesville, Sept. 30 and Oct. 1 in Breaks Interstate Park and then Dec. 4, location to be determined.

Mr. Kilgore adjourned the meeting at 3:45 pm.