

MINUTES  
VIRGINIA OUTDOORS FOUNDATION  
QUARTELY MEETING OF THE BOARD OF TRUSTEES  
VIRGINIA DEPARTMENT OF FORESTRY, 2<sup>ND</sup> FLOOR BOARD ROOM  
CHARLOTTESVILLE, VIRGINIA  
NOVEMBER 14<sup>th</sup>, 2007 1:00 PM

Trustees present: Chairman, Mr. Frank M. Hartz, presiding; Mr. J. William Abel Smith; Dr. M. Rupert Cutler; Mr. Charles H. Seilheimer, Jr.; Mr. Jeffrey K. Walker; and Ms. Molly Joseph Ward. VOF staff attending: Mr. G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Deputy Director for Stewardship; Ms. Trisha Cleary, Executive Assistant/Records Manager; Ms. Anna Chisholm, Finance Manager; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Manager; Ms. Laura Thurman, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; Mr. Josh Gibson, Easement Specialist; Mr. Philip Reed, Easement Specialist; Ms. Kristin Ford, Easement Specialist; Ms. Sara Ensley, Human Resources Manager; Mr. Bruce Stewart, Staff Counsel; Mr. Kerry Hutcherson, Policy Analyst; Ms. Melissa Collier, Stewardship Specialist; Ms. Catherine Redfern, Stewardship Specialist; and Nancy Ambler, Development Coordinator. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General and Ms. Brett Ellsworth, Assistant Attorney General.

Mr. Hartz convened the meeting at 1:00 p.m. After introductions, Mr. Hartz called for public comments. Mr. George Beadles of Chesterfield County spoke pointing out several errors in VOF's website and offered his opinion on how it could be improved.

Mr. Hartz called for the approval of the minutes of the September Board meeting. Mr. Walker asked that agenda C7 on page 13 of the draft be corrected to state that the easement had been approved with a 1.5% impervious surface cap. Bruce Stewart asked that the resolution to transfer the Glenarvon easement be amended as written by Fred Fisher, Special Assistant Attorney General. Dr. Cutler moved to approve as amended. Mr. Walker seconded and the motion passed unanimously.

Mr. Hartz announced that Kerry Hutcherson had passed the State Bar exam and congratulated him. He asked Nancy Ambler to distribute copies of the Annual Report to the Board members and thanked her and staff for their hard work. Mr. Hartz reported that due to a meeting with the Attorney General's office, Brett Ellsworth, Assistant Attorney General, would be dedicating half of her time to VOF legal matters. Mr. Hartz also recommended that staff contact localities in writing notifying them of pending easements and requesting an opinion on compliance with the local comprehensive plan. He explained that there had been some dissatisfaction expressed at the Virginia Association of Counties Annual Conference. Mr. Hartz also announced that he had been approached by Jesse Richardson, a professor at Virginia Tech, to do a follow-up study on a survey of VOF easement donors first performed in 2003. Mr. Richardson had asked that he bring it to the Board for approval. After a brief discussion, it was agreed that Mr. Richardson should make his request in writing to Trisha Cleary, Records Manager. Mr. Hartz said that the

scheduled closed session for discussion of legal matters and consideration of the Columbia Gas proposals would be moved to the end of the day.

Mr. Hartz called on Bob Lee to give his Executive Director's Report. Mr. Lee began with a review of calendar year 2007 with the good news that the VOF Board may approve more easement acreage in 2007 than in any previous year. He went on to say that the bad news is that there are many good easements that will not be completed in 2007 because of human resource constraints. He said that he had anticipated the annual cap on tax credits would induce prospective easement donors to quickly record their approved easements in 2007. He reported that has not proven to be the case and that with less than two months left in the year, two thirds of the Board approved easements could remain unrecorded. He offered the shortage of qualified easement appraisers, problems in the mortgage industry, and caution over the new DCR review process as possible explanations for this. Mr. Lee announced that Kerry Hutcherson had recently passed the Virginia Bar and joined the VOF staff as a full-time employee. He said that VOF has always had, and continues to have, good legal services from the Office of the Attorney General, but asked all of the attorneys that work for VOF to collaborate to try to mold an effective and efficient legal services structure. He said he will report further on this in the coming months. Mr. Lee concluded by reporting that the General Fund appropriation for VOF has resulted in expanded staff capacities in the easement and stewardship divisions – the core VOF missions. He said State revenue issues suggest that a number of state programs may see reductions. Mr. Lee said he believes it is necessary and prudent for VOF to seek nongovernmental support as part of our public foundation charge. He, therefore, recommended the creation of a Resource Development Committee as the third VOF Board of Trustees Standing Committee. Mr. Lee asked the Deputy Directors if they had any items to report to the Board.

Leslie Grayson updated Board members on the waiting list status. She reported that there are 130 projects of less than 100 acres (7,773 acres) and 104 projects over 100 acres (38,434 acres) for a grand total of 234 projects and 46,207 acres waiting for VOF attention. Tamara Vance pointed out that some of the projects on the waiting list were shifted to 2008 by the landowners for a variety of reasons. She also said that VOF had never had anything like the 234 projects held over in one year. Dr. Cutler shared an email he received on September 13<sup>th</sup> that said, in part, "I have previously reported to various of you that I believe that VOF's 'small parcel' policy has in effect abandoned your constituents in Rappahannock County." Mr. Hartz said that the Board would consider the prioritization policy during this meeting.

Martha Little introduced Katherine Redfearn, a new stewardship assistant in the Charlottesville Office. She then invited all of the Board members to contact their closest regional VOF office to spend some time with stewardship staff learning how properties are monitored and how VOF interacts with landowners.

Mr. Hartz called on Anna Chisholm to lead the discussion on VOF financial services and Comprehensive Annual Financial Report (CAFR) report. Ms. Chisholm distributed the financial report for the year ended June 30, 2007. She introduced Wes Clark of Robinson, Farmer, Cox Associates, VOF's financial advisors, who spoke briefly about the report. Dr. Cutler asked that the Finance and Personnel Committee report to the Board at the January 2008 meeting.

Mr. Hartz called for a discussion of easement prioritization beginning the discussion by saying that everyone would like to be able to process every easement proposal that comes in the door but in light of the waiting list report given by Leslie Grayson, that is just not possible. Mr. Abel Smith commented that he has heard from several landowners who were furious because VOF could not work on their property. Mr. Hartz reported that VOF had suggested to the Piedmont Environmental Council (PEC) that it fund a position within VOF to work on the nine county PEC region. The same offer was made to Conservation Partners. He also said that he has asked for suggestions on how VOF can solve the problem of too many easement requests and not enough staff to accommodate the requests. Mr. Seilheimer suggested that the regional offices should be able to prioritize their own easement applications and not review them with the Easement Deputy Directors. After considerable discussion, the Board agreed by consensus that the system in place should continue with regular updates to the Board and no action was taken of the Resolution to Establish a Priority for Conservation Easements Larger than One Hundred (100) Acres.

Mr. Hartz called for a discussion on a Resource Development Committee. He said that state budget shortfalls make it necessary for VOF to explore outside funding sources. He proposed to form a committee to do just that and report at the January 2008 Board meeting.

Mr. Hartz called on Bob Lee to present the request for partial funding from the Mountain Heritage, Inc., a non-profit conservation organization based in St. Paul, Virginia, for an educational publication on the Big Sandy River. He pointed out that VOF helped with the publication of "The Clinch River: A World Class Treasure". The group is requesting \$1,500. Mr. Seilheimer moved to approve the donation, Mr. Walker seconded, and the motion passed unanimously. (See attachment #1.)

Mr. Hartz called for consideration of the 2008 Board meeting dates explaining that VOF had received requests from the Virginia Department of Taxation and the Department of Conservation and Recreation to end the easement year earlier to facilitate processing of easements through the DCR criteria and tax credit requests. After discussion, the following dates were proposed: January 24<sup>th</sup>, April 16<sup>th</sup> & 17<sup>th</sup>, July 9<sup>th</sup> & 10<sup>th</sup>, and October 22<sup>nd</sup> & 23<sup>rd</sup>. All meetings would consider policy and easement proposals with the possibility of an additional meeting added later. Mr. Walker moved to approve the proposed dates, Ms. Ward seconded, and the dates were approved unanimously. (See attachment #2.)

Mr. Hartz recognized John Ross of Trout Unlimited in Virginia. Mr. Ross distributed information and briefed the Board on his organization's project, I-81 Coldwater Area Restoration Effort (I<sup>81</sup>-CARE), to protect native trout headwaters. He also said that they are beginning to work with the Virginia Department of Game and Inland Fisheries to identify important watersheds for protection. His organization is working to educate landowners regarding the damage that nutrients and pollution have on cold water streams.

Mr. Hartz called for consideration of the easements with the Abingdon Office. Neal Kilgore presented the following easements.

A1 – Bell of 216.36 acres in Tazewell County – Protection of this property will contribute to the scenic, rural, and open-space character of the area. It borders the MoComp easement at one end and the Appalachian Trail at the other. The easement will contribute to the area’s water quality with riparian buffers. Mr. Kilgore reported that staff is working on better language to describe the allowed Industrial or Commercial Activities that will include restricting the selling of agricultural products to existing farm buildings. Dr. Cutler moved to approve the easement with the amended language, Mr. Walker seconded, and the easement was approved unanimously as amended.

A2 – Western Virginia Land and Timber Corp. of 310 or 401 acres in Russell County – Mr. Kilgore reported that the land owner had recently acquired two additional parcels of land and wants to add them to the proposed easement. There may be a problem with the survey as it appears that the parcels do not meet. Mr. Kilgore asked that the easement be approved contingent on an accurate survey and that if the survey proves that the parcels do not touch, two easements will be recorded. Protection of this property will protect the scenic and open-space character of the area with 200 foot building set-backs from State Routes 611 and 606 and a no-build restriction above the 2,400 foot contour line. The easement also provides 100 foot riparian buffers on the perennial stream on the property. Mr. Walker moved to approve the easement as one or as two separate easements with the same protections. Mr. Seilheimer seconded and the motion passed unanimously.

A3 – Harding of 207 acres in Russell County – Mr. Kilgore explained that while the terms do not meet guidelines, the conservation efforts of the landowners compensate. The Hardings have been recognized by the Clinch Valley Soil and Water Conservation District for the measures taken to protect the water quality of the Clinch River by fencing livestock out of the springs and caves on the property. They are requesting three parcels with one at least 175 acres and a total square footage of 13,000 square feet for all of the allowed dwellings. Mr. Kilgore said that language requiring prior written approval for design and location of any new dwellings will be included in the easement. Mr. Seilheimer moved to approve the easement with the 13,000 square feet for dwellings, Mr. Walker seconded, and the easement was approved as amended.

Preservation Trust Fund (PTF) easements and applications were considered.

PTF1 – Boyer of 380 acres in Shenandoah County requesting \$6,000 for reimbursements – Protection of this property will contribute to the scenic and rural character of the area, provide a 200 foot no-build buffer to the George Washington National Forest, and a 100 foot riparian buffer on Passage Creek that excludes livestock. The easement will protect the scenic views for the driving public on State Routes 678 and 771. Kristin Ford explained that language will be added to the riparian buffer section that will allow pasture improvement with no-till techniques and that the exact location of the building envelope will be refined. Mr. Hartz asked if the provision requiring that the additional primary dwelling be “located within the barn complex or out of view of the public roads in the summer months” protected the scenic views from the state roads. Ms. Ford replied that the scenic views would be protected and also asked that “unless prior written approval is given by VOF for another location” will be added to allow more flexibility on the location without compromising the scenic views. Ms. Ford also explained that staff is working on the industrial or commercial use language and will make sure that the size of

the permitted hunting cabins is limited. Kerry Hutcherson asked if the co-hold language had been corrected. Ms. Ford responded that all of the co-hold language would be corrected before the easement is recorded. Mr. Seilheimer reported that the PTF Committee recommended approval of the easement as amended and the \$6,000 in reimbursement funds. Mr. Walker moved to accept the easement as amended and \$6,000 PTF funds, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

PTF2/PTF3 – Brooking of 132 acres and 164 acres in Orange County requesting \$10,000 for reimbursements – Ms. Buttrick asked that PTF 2 and PTF3 be taken together since they are two halves of the same farm. She pointed out a typo on PTF2 explaining that Mildred B. Brooking is the sole owner of the 132 acre parcel. Ms. Buttrick told the Board that the 132 acre portion of the farm contained the historic house “Rockwood” and the easement will be co-held by the Virginia Board of Historic Resources. Protection of this farm will provide infill in an area of easements around Montpelier and further protect the area of President James Madison’s home. Ms. Buttrick explained that the 132 acre parcel will not need the 150 foot no timbering setback from the Landmark Forest at Montpelier in the management of forest section since it does not actually border the historic forest of Montpelier. Dr. Cutler asked that “by the Grantor” be removed from the accumulation of trash section. Tamara Vance asked that the Board approve the easement and allow staff to work out necessary changes in language. Mr. Hartz asked about the income documentation for the PTF application. Ms. Buttrick explained that the PTF application covered both projects. Mr. Seilheimer reported that the PTF Committee recommended approval of both easements and the requested \$10,000 in reimbursements with staff changes in language. The question was raised if the application requires the financial information of both landowners for approval. Mr. Seilheimer amended his motion to include approval contingent on the second landowner’s financial information and that information place him in the lower two categories of the Financial Need chart and if he does not qualify \$7,000 be awarded to Mrs. Brooking for the first easement. Mr. Walker seconded the amended motion and both easements as amended with \$10,000 in PTF funds was approved contingent on receiving the financial information of the second owner (\$7,000 if he does not qualify).

PTF4 - Brubaker Farm Tract of 260 acres in Franklin County requesting \$17,000 in reimbursements for both easements – Josh Gibson presented the properties that would have been contiguous except that the landowners donated a 12 acre parcel to the Franklin County Parks and Recreation Department for a canoe access point on the Blackwater River. He also reported that the co-holder had changed to the Western Virginia Land Trust because VOF did not have a co-hold agreement with the Blue Ridge Soil and Water Conservation District. Protection of these properties will contribute to the agricultural, natural, scenic, and water quality of the area. The riparian buffer and extensive no-build zones will contribute to the protection of two threatened vertebrate aquatic species. The easement provides a 35 foot forested riparian buffer that excludes livestock along the Blackwater River. The Farm Tract is directly across the river from another VOF easement. Mr. Seilheimer reported that the PTF Committee recommended approval of the easement as amended and an award of \$10,000 for both properties to be split 50/50. Mr. Seilheimer moved as recommended, Dr. Cutler seconded, and the easements and PTF funds as amended were approved unanimously.

PTF5 - Brubaker Mountain Tract of 189 acres in Franklin County – Josh Gibson presented the second property which will also be co-held by the Western Virginia Land Trust. Mr. Gibson said that the Management of Forest section of this easement will be amended to delete the references to the “pine plantation” and add language that will limit clear cutting. Mr. Seilheimer moved to approve the easement with the amended forestry language, Dr. Cutler seconded, and the easement was unanimously approved as amended.

PTF6 – Glendale Farms, LLC of 375.4 acres in Orange County requesting \$7,500 in reimbursements – Sherry Buttrick presented the amended easement which adds an additional 183.27 acres to the original easement of 192 acres. The amended easement will protect additional acreage within the Madison-Barbour National Rural Historic District that is listed on the Virginia Landmarks Register and the National Register of Historic Places. The amended easement allows three parcels with one of no smaller than 192 acres, three primary dwellings of no larger than 4,500 square feet without prior written approval, and three secondary dwellings of 2,500 square feet. Ms. Buttrick reported the landowner had requested the following changes to the easement: add horticulture to the permitted commercial activities, the removal of “*de minimus*” from the non-commercial language in the Management of Forest section, and change the riparian buffer from “forested” to “no-plow” and add “no degradation by livestock”. Ms. Buttrick recommended approval of the amended easement with one secondary dwelling of 2,500 square feet and two secondary dwellings of 2,000 square feet. She also said that the easement should be approved contingent on receipt of the full appraisal to assure that there is no impermissible private benefit to the landowner. The utilities and forestry language will also be corrected. Mr. Robert Bradford, the landowner, addressed the Board and made his case for needing 2,500 square feet for all of the secondary dwellings. He said that he wants to keep the property in the family as a working farm and the additional square footage will allow more flexibility into the future. Mr. Seilheimer suggested one secondary of 2,500 square feet and two secondary dwellings of 2,000 square feet with VOF approval for larger. Mr. Seilheimer also reported that the PTF Committee recommended awarding \$7,500 in reimbursements. After considerable discussion, Mr. Walker moved to approve the easement contingent on the appraisal showing no impermissible private benefit with the addition of “horticulture” to the allowed commercial activities, deletion of “*de minimus*” from the forestry language, changing the forested riparian buffer to no-plow buffer that excludes livestock, corrected utilities language, one parcel with a cumulative total square feet of 7,000 square feet for the primary and secondary dwellings, and two parcels with a cumulative total of 6,500 square feet for the primary and secondary dwellings. Dr. Cutler seconded the motion and the easement was approved unanimously as amended.

PTF7 Harris of 30.8 acres/PTF8 Harris of 44.81 acres/PTF9 Harris of 132 acres/PTF10 Harris of 158.94 acres all in Spotsylvania County - Kristin Ford presented the Harris family proposal that the PTF funds awarded at the September Board meeting be allocated across all eight of their approved easements. No additional dollars are requested. Ms. Ford said that the landowners wanted to clarify that no-till cultivation is allowed in the riparian buffers for all eight easements when applicable. Mr. Seilheimer moved to approve the request with the buffer clarification, Dr. Cutler seconded, and the motion passed unanimously.

PTF11 – Frank and Edith Harris of 190 acres in Appomattox County requesting \$38,329 in PTF funds – Sherry Buttrick presented the PTF application on a previously approved easement with the inclusion of exclusion of livestock from North Creek. Mr. Seilheimer reported that the PTF Committee recommended approval of the amended easement and \$6,615 in PTF funds and so moved. Dr. Cutler seconded and the motion passed unanimously.

PTF12 – Moore of 155 acres in Carroll County requesting \$4,000 in PTF funds for costs – Neal Kilgore presented the proposed easement that will contribute to the open-space and rural character of the area. Mr. Kilgore reported that the windmill language will be amended to assure domestic and farm usage with VOF approval on its design. He added that the easement provides a residential build zone on the road frontage to protect the important soils on the farm. Riparian buffers provide water quality protection. Mr. Seilheimer reported that the PTF Committee recommended approval of the easement as amended and \$4,000 for costs. Mr. Abel Smith moved to approve the easement as amended and \$4,000 PTF funds, Mr. Walker seconded, and the motion passed unanimously.

PTF13 – Moss of 1,327 acres in Tazewell County requesting \$9,000 in PTF funds for costs – Protection of this property contributes to the scenic, open-space, and rural character of the area. The proposed easement also protects area water quality with 35 foot riparian buffers on the perennial tributaries to Liberty Creek and fencing around three of the four sinkholes on the property. Neal Kilgore reported that template enforcement language has been reinstated in the easement and recommended approval of the easement with a 10-year period to protect the fourth sinkhole. Dr. Cutler moved to approve the easement with 10-years to protect the fourth sinkhole and \$9,000 in PTF funds (as recommended by the PTF Committee), Mr. Walker seconded, and the easement as amended and funds were approved unanimously.

PTF14 – Pratt of 167 acres in Smyth County requesting \$10,000 in PTF funds for costs – Protection of this property will contribute to the scenic, open-space, and rural character of the area and protect wildlife habitat and water quality. The easement provides a 20 foot right-of-way for the donor’s neighbor. Neal Kilgore recommended approval of the easement as presented. Mr. Seilheimer reported that the PTF Committee recommended approving \$7,000 in reimbursements based on a perimeter survey. Mr. Seilheimer moved to approve the easement as presented with \$7,000 in PTF funds, Mr. Walker seconded, and the motion passed unanimously.

PTF15 – Potter of 389 acres in Rockbridge County requesting \$4,400 in PTF funds for costs – Protecting this property contributes to the protection of Buffalo Creek and the underground aquifers fed by the sinkholes on the property. The easement will protect the scenic views for the driving public on State Route 251. Laura Thurman presented the proposal that allows one more parcel than guidelines but is mitigated by reduced dwelling sizes and the provision that one parcel can be no larger than 20 acres. Mr. Seilheimer reported that the PTF Committee recommended approving the easement and \$4,400 for costs. Mr. Walker moved to approve as recommended, Mr. Abel Smith seconded, and the motion passed unanimously.

PTF16 – Weddle of 451.75 acres in Floyd County requesting \$5,800 in PTF funds for costs – The proposed easement will protect over one mile of the Little River, a Stream Conservation Unit as designated by the Virginia Department of Conservation and Recreation’s Division of

Natural Heritage, containing a federally endangered fish and five rare invertebrate aquatic species. Josh Gibson presented the easement which fully meets VOF guidelines and recommended approval. Mr. Seilheimer reported that the PTF Committee recommended approval of the easement and \$5,800 and so moved. Mr. Walker seconded and the motion passed unanimously.

At 4:53 p.m. Mr. Hartz asked for a motion to go into closed session to discuss legal matters in accordance with Code of Virginia § 2.2-3711. Dr. Cutler so moved, Mr. Walker seconded, and the motion passed unanimously.

Mr. Hartz moved to conclude the closed meeting at 5:15 p.m., Mr. Seilheimer seconded, and the motion was approved unanimously. Upon resuming the public meeting, a roll call vote was taken certifying that only matters covered by § 2.2-3711 were discussed. Dr. Cutler voted yes, Mr. Walker voted yes, Ms. Ward voted yes, Mr. Hartz voted yes, Mr. Seilheimer voted yes, and Mr. Abel Smith voted yes.

Mr. Seilheimer move to approve the resolution allowing the amendment of two easements in Fauquier County, Mr. Walker seconded, and the motion passed unanimously. (See attachment #3.)

Mr. Hartz adjourned the meeting at 5:20 p.m. to be reconvened at 9:00 a.m. the following morning.



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Trustees present: Chairman, Mr. Frank M. Hartz, presiding; Mr. J. William Abel Smith; Mr. Mark S. Allen; Dr. M. Rupert Cutler; Mr. Charles H. Seilheimer, Jr.; Mr. Jeffrey K. Walker; and Ms. Molly Joseph Ward. VOF staff attending: Mr. G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Deputy Director for Stewardship; Ms. Trisha Cleary, Executive Assistant/Records Manager; Ms. Anna Chisholm, Finance Manager; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Manager; Ms. Laura Thurman, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Josh Gibson, Easement Specialist; Mr. Philip Reed, Easement Specialist; Ms. Kristin Ford, Easement Specialist; Mr. Bruce Stewart, Staff Counsel; Mr. Kerry Hutcherson, Policy Analyst; and Nancy Ambler, Development Coordinator. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General and Ms. Brett Ellsworth, Assistant Attorney General.

Mr. Hartz called the meeting to order at 9:00 a.m. He asked if there was any public comment. Rex Linville of the Piedmont Environmental Council (PEC) distributed a brochure "The Case for Conservation" that shows the effectiveness of the Land Preservation Tax Credit, Purchase of Development Rights (PDR), and Virginia Land Conservation Fund programs and briefed the Board on PEC's activities aimed at raising funds and awareness for conservation.

Brett Ellsworth, Virginia Office of the Attorney General, briefed the Board on the upcoming 1704 request from Norfolk Southern Corp. for diversion/conversion to increase capacity in the I-81 railway corridor. She said that she, Martha Little, and Kerry Hutcherson had met with Norfolk Southern and had told them that they would have to bring the full proposal to the Board in January of 2008. Kerry Hutcherson distributed copies of the Norfolk Southern presentation.

Mr. Hartz called for the Warrenton Office easement proposals.

W1 – Conquest "Oakham Farm" of 405.43 acres in Loudoun County – This property offers scenic views for the driving public on Virginia Byway Route 50. The easement will protect the view with a 450 foot building setback and contribute to the water quality of the Little River with 35 foot riparian buffers on the perennial tributary stream. The Little River is a principal tributary of Goose Creek, a State Scenic River and a source of public drinking water in the area. Jennifer Perkins presented the proposal saying that the easement provides for larger than usual primary dwellings and one additional secondary, VOF had siting review and approval on all of the new primary dwellings and the 450 foot setback from Route 50 will protect the views from the public road. She recommended approval of the easement as presented. Dr. Cutler moved to approve the easement, Mr. Seilheimer seconded, and the motion passed unanimously.

W2 – Dillon of 87.81 acres in Rappahannock County – This property is visible from Shenandoah National Park and has over 1,300 feet of frontage on Route 628, a designated Virginia Byway. Ms. Perkins presented the easement that provides an aggregate of 6,600 square feet for two primary dwellings and one secondary dwelling. She reported a change with the deletion of “in any deliberate way” from the Scientific and Educational Study section. Mr. Seilheimer moved to approve the easement as amended, Dr. Cutler seconded, and the motion passed unanimously.

W3 – Heatwole of 105 acres in Culpeper County – Protection of this property will contribute to the water quality of the Rapidan River and the Chesapeake Bay with 50 foot riparian buffers. The easement also contributes to the open-space and rural character of the area. Kristin Ford presented the easement that allows two parcels with one to be no larger than ten acres, two primary dwellings of no more than 2,200 square feet without prior written approval, and no secondary dwellings. Scenic views from the river are protected by a 200 foot building setback. She requested that language allowing dwellings within the 200 feet of the road by allowed with VOF siting approval as it may be necessary to accommodate a drainage fields for a dwellings. Mr. Seilheimer moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

W4 – Jackson of 92.14 acres in Rappahannock County – This property is visible from the Shenandoah National Park, Skyline Drive, and the Appalachian Trail. The easement will protect the views from those landmarks as well as from State Route 231, a Scenic Byway. Jennifer Perkins presented the easement that also contributes to the water quality of the Rappahannock River and the Chesapeake Bay with 35 foot riparian buffers. She recommended approval of the easement as presented. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

W5 – Markham Rock, LLC of 177.64 acres in Fauquier County – Ms. Perkins presented the proposal explaining that the landowners preferred setting an aggregate total of 10,000 square feet for the four dwellings to allow for more flexibility. The property is located within the John Marshall’s Leeds Manor Rural Historic District which is on the Virginia Landmarks Register. The easement provides protections for the water quality of the intermittent stream on the property that flows into Goose Creek with a 50 foot riparian buffer. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

W6 – Miller of 135.28 acres in Rappahannock County – Jen Perkins presented the proposed easement on the property that is visible from Shenandoah National Park, with over 1,300 feet on State Route 211, and containing a portion of Big Branch, a tributary of the Rush River. The easement will contribute to the scenic open-space lands around Little Washington already under easement. The water quality of Big Branch will be protected by a 35 foot riparian buffer and contribute to the water quality of the Chesapeake Bay. Ms. Perkins explained that the easement slightly exceeds guidelines as the landowner is requesting two parcels with two primary and two secondary dwellings. To compensate, the landowners provide a total cap on dwellings of 4,500 square feet for each parcel (3,500 square feet for a primary and 1,000 square feet for the secondary). She recommended approval as presented. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

W7 – Wallach of 184.64 acres in Fauquier County – Ms. Perkins presented the easement proposal on the property that surrounds the Warrenton reservoir on three sides. The property contains historic Hopefield house which will be protected with no willful demolition language and can be enlarged to no more than 8,000 square feet. The easement will protect the water quality of the reservoir with 50 foot riparian buffers along each bank of any perennial stream on the property. The easement allows two parcels (one not to exceed five acres), one additional primary dwelling, two existing secondary dwellings, one apartment in the existing garage, and 4,500 square foot farm building review. Mr. Abel Smith moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

C12 – The Barracks, LLC of 153 acres in Albemarle County – Kristin Ford presented the proposal that contributes to the open-space rural quality of the county and protects a house built in 1819 with no willful demolition language that can be enlarged to 7,700 square feet. The property also contains two existing secondary dwellings that can be enlarged to no more than 2,500 square feet. The landowners are requesting one additional primary dwelling of 4,500 square feet. The impervious surface of the property already exceeds 1% due to the large equestrian facilities and the landowners are requesting a larger impervious cap. The impervious surface cap would revert to 1% if the riding arena were ever willfully removed. Ms. Ford recommended determining the existing impervious surface and allowing an additional 5,000 square feet for new farm buildings on the larger parcel. Mr. Seilheimer moved to approve the easement as recommended, Mr. Abel Smith seconded, and the motion passed unanimously.

C1 – Covington of 400 acres in Fluvanna County – Sherry Buttrick presented the property that contains approximately a half mile of frontage on the Rivanna River and scenic views from State Routes 601 and 615 with all being protected by a 200 foot building setback. Ms. Buttrick reported that the landowner had requested a change in the 2,500 square foot secondary to 3,000 square feet. He has also requested an apartment within an existing barn. Ms. Buttrick said that language maintaining forested sections in the 200 foot setbacks would be added to the easement. VOF staff had also requested location limitations on the replacement of one of the main houses and the existing secondary should it be replaced to protect the scenic views. Ms. Buttrick said this could be accomplished with a building envelope. Dr. Cutler moved to approve the easement with the recommended changes, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

C3 – Field “Mickle Knox” of 358.63 acres in Buckingham County – Ms. Buttrick presented the proposed easement that allows for no division, two primary dwellings (one historic exists), no secondary dwellings except in the case of converting historic office into a dwelling, and 100 foot forested riparian buffers that exclude livestock along Willis River and Cattail Creek which will contribute to the water quality of the James River and the Chesapeake Bay. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

C2 – Eldon Farm Limited Partnership, LLP of 372.31 acres in Albemarle County – Ms. Buttrick presented the property has 2,500 feet of frontage on State Route 640 and lies within the Southwest Mountains Rural Historic District and the Chesapeake Bay watershed. The easement protects the scenic views from Route 640 with a 300 foot building setback and the water quality

of Mechunk Creek with a 35 foot riparian buffer. The easement exceeds guidelines due to the existing single-family dwelling has no size limitation but is not visible from the main road. The new primary dwelling allowed may be no larger than 6,000 square feet, two secondary dwellings are allowed at 2,000 square feet, and a garage apartment currently exists. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

C4 – Gray “River View Farm” of 109.67 acres in Louisa County – The proposed easement on this property will provide protection of the water quality and scenic views of North Anna River with a 100 foot riparian buffer. Ms. Buttrick pointed out that the landowner is requesting two small secondary dwellings not to exceed 1,200 square feet each with siting limitations instead of one secondary of 2,000 square feet. Mr. Allen moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

C5 – Henderson/Wood “Cherry Hill Farm” of 733 acres in Nelson County – Ms. Buttrick presented the Century Farm that contains a house and outbuildings dating from about 1758 that will be protected by no willful demolition language. The views for the driving public will be protected by 500 foot building setbacks on State Route 655, 300 foot building setback on State Route 653, and a no build zone above the 700 foot contour line. Water quality will be protected by a 35 foot riparian buffer on Edmond’s Branch which is within the Chesapeake Bay water shed. Ms. Buttrick reported that the language in the Industrial or Commercial Activities governing the operation of a farm museum would be moved into a separate section. Mr. Hartz commented that he had a problem with the Whereas clause citing water quality of the Chesapeake Bay and James River and then allowing cattle in the stream and buffer for watering and grazing. Staff recommended removing the Whereas clause citing the Chesapeake Bay and James River water sheds due to the livestock (cattle) grazing in the buffer and watering in the stream. Mr. Seilheimer moved to approve the easement with the deletion of the Chesapeake Bay Whereas clause and moving the provisions for a farm museum to a separate section. Ms. Ward seconded and the easement was approved by a vote of 4 to 3 with Mr. Hartz, Dr. Cutler, and Mr. Walker voting against due to the cattle in the riparian buffer.

C7 – Millview Farm, LLC of 300 acres in Orange County – Sherry Buttrick presented the proposed easement that provides significant infill to two other VOF easements and will contribute to the water quality with a 35 foot no-plow riparian easement on Riga Run. The easement allows three parcels, three primary dwellings, three secondary dwellings, farm buildings of 10,000 square feet unless the property is divided then 4,500 square feet on subdivided parcels. The easement also allows 4,500 square feet for kennels and catteries (cat kennels). Ms. Buttrick noted that there are two parcels not included in the easement. One is a 50 acre tract along the road and the other is a 100’ x 100’ parcel under contract for a cell tower executed by the previous owner of the property. She said that the cell tower has not been built and cannot be built without prior approval of the county. The county has no paperwork on a request to build a cell tower in that location and has just approved building another cell tower five to seven miles further down the same road. Ms. Buttrick recommended allowing three primary dwellings of 4,500 square feet with VOF approval for larger, one secondary dwelling of 2,000 square feet, add language in the forestry to limit timbering of existing trees in the riparian buffer, and correct the utilities language. Staff recommended including the 100’ x 100’ in the easement when the existing cell tower contract expires. Mr. Seilheimer asked why the 100’ x

100' parcel couldn't be included in the easement subject to staff's recommendation. Ms. Vance said that, in the past, it had been the practice to survey out existing cell towers. Mr. Hartz asked the applicant to speak. Mr. Caldwell said that the cell tower agreement with the previous owner was renewable at five year increments. He said that the previous owner had been notified by mail that Community Wireless was terminating the agreement. The previous landowner had just filed the notification and it had just recently come to light. Mr. Caldwell asked that the easement be approved as presented with the cell tower parcel left out. He also requested that the dwelling sizes be approved at 5,000 and 2,500 square feet for future flexibility and one primary and one secondary per parcel. Mr. Hartz asked that a building envelope for the kennels be identified to protect the neighbors from the noise. Mr. Hartz asked why the landowner held out the 50 acre parcel. Mr. Caldwell explained that he held out the 50 acres for financial flexibility. Mr. Seilheimer commented that he was concerned about the cell tower provision and had been under the impression that the current landowner had no choice in the matter. Mr. Seilheimer said that he wanted to see the small cell tower parcel included in the easement and for Mr. Caldwell to do everything in his power to see that the cell tower contract not be renewed. Mr. Allen asked Mr. Caldwell to call the previous landowner and/or the attorneys to find out what the notice said. The easement was tabled for further information and consideration. Mr. Fisher, Special Assistant Attorney General, reported that Mr. Caldwell is going to contact the previous owner and the attorney for Community Wireless to confirm the status of the cell tower contract. He reported that it appears the impediment to his title is dead by action of the cell tower company and recommended approving the easement including the 100' x 100' parcel contingent upon the landowner agreeing to terminate the cell tower contract as soon as he has a right to do that. After further discussion, Mr. Seilheimer moved to approve the easement with the 100' x 100' parcel included and providing that Mr. Caldwell agree to terminate the cell tower contract as soon as he is able and the landowner provides the cell company's release. Mr. Walker seconded and the easement was approved as amended by a vote of 5 to 2 with Mr. Hartz and Mr. Allen voting against due to the out parcel the landowner omitted from the easement.

C6 – Kilpatrick of 521 acres in Goochland County – Ms. Buttrick presented the proposed easement on the property that is home to the historic house Springdale, built around 1800, and is one of the few examples of Quaker residential architecture of the Federal period remaining in Goochland County. The easement protects the scenic views from Cardwell Road with a 800 foot building setback and provides 50 foot riparian buffers on the perennial and intermittent streams on the property contributing to the protection of the Chesapeake Bay water shed. The easement will be co-held with the Virginia Board of Historic Resources and the language will be reconciled. The easement allows four parcels, four primary dwellings, three secondary dwellings, no willful demolition protection on the historic dwellings, an existing garage apartment, and a provision for supervision of archaeological activities. Staff recommended approval with the reconciliation of VDHR template language and inclusion of VDCR criteria language if the value exceeds \$1 million. Mr. Seilheimer moved to approve the easement with the recommended changes, Mr. Walker seconded, and the motion passed unanimously.

C8 – Perrow of 529.88 acres in Amherst County – Sherry Buttrick presented the property with 1.65 miles of frontage on the James River, the source of public water for the City of Richmond. The proposed easement provides a 50 foot riparian buffer on the river and a 35 foot riparian buffer on Stovall's Creek contributing to the water quality of the Chesapeake Bay water shed.

The property provides scenic open-space for the driving public on Galts Mill Road and Becks Creek Road. The easement allows four parcels, four primary dwellings, four secondary dwellings, and no willful demolition of the historic brick mill, the attached general store, and miller's house. Ms. Buttrick recommended "when non-compliance with the terms of this Easement causes injury to the Property" be deleted from the Enforcement language reverting to VOF template language. Mr. Seilheimer moved to approved the easement with the recommended amendment, Dr. Cutler seconded, and the easement was approved unanimously as amended.

C9 – Pool of 131.3 acres in Halifax County – Ms. Buttrick presented the property of an active agricultural family farm. The property contributes to the scenic and open-space rural character of the area. The easement will protect the views for the driving public and contribute to the water quality of the John H. Kerr Reservoir with a 50 foot riparian buffer on the creeks and pond on the property. Staff recommended returning to the template language for the utilities. Mr. Seilheimer moved to approve the easement with VOF template utilities language, Mr. Allen seconded, and the easement was approved unanimously as amended.

C10 – Royster "Chance Farm" of 135.62 acres in Albemarle County – Sherry Buttrick presented the property that is in the Southwest Mountains Rural Historic District with 2,300 feet of frontage on Happy Creek Road and a section of Happy Creek. The scenic views of the property will be protected with a 300 foot building setback from Happy Creek Road and 35 foot riparian buffers on Happy Creek will contribute to the water quality of the Chesapeake Bay. Ms. Buttrick reported the utilities language will be corrected. Mr. Seilheimer moved to approve the easement with the corrected utilities language, Mr. Walker seconded, and the easement was approved unanimously as amended.

C11 – Schornberg "Keswick Vineyards/Edgewood" of 393.16 acres in Albemarle County – Ms. Buttrick presented the proposed easement on the property that fronts on State Route 231, a Virginia Byway, and contains a section of Daniel's Branch, an intermittent stream that will be protected by a 35 foot riparian buffer. The views from Route 231 will be protected by a 500 foot building setback. The property is located across from Castle Hill, a property listed on the Virginia Landmarks Register and the National Register of Historic Places. Ms. Buttrick reported that the winery buildings and structures will be moved from the Buildings and Structures section into a separate subparagraph. Mr. Seilheimer moved to approve the easement with the recommended amendment, Mr. Allen seconded, and the easement was approved unanimously as amended.

C13 – Spiers/Jensen/Wilkins of 108.5 acres in Buckingham County – Ms. Buttrick presented this forested property that contains a section of Mallory's Creek and provides wildlife habitat. Mallory's Creek will be protected by a 100 foot forested riparian buffer and contribute to the water quality of the James River and Chesapeake Bay. Mr. Abel Smith moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

C14 – Winston/Oliver of 130.1 acres in Orange County – Ms. Buttrick presented the proposed easement that provides two parcels (one of which shall be no larger than five acres), two primary dwellings, one secondary dwelling, farm buildings, and a 35 foot no-plow riparian buffer on the

unnamed stream. The scenic values of the property will be protected by no-build setbacks of 250 feet on State Route 669 and 500 feet on State Route 677. Ms. Buttrick reported that the utilities language will be changed to VOF template. Mr. Walker moved to approve the easement as amended, Mr. Allen seconded, and the motion passed unanimously.

C15 – Younger of 322.18 acres in Halifax County – The proposed easement will contribute to the water quality of Sandy Creek with a 35 foot riparian buffer. Sandy Creek flows into the Banister River and then into the Banister Reservoir, a source of water for the Town of Halifax. The forested property provides scenic views to the driving public on State Road 674. Mr. Allen moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

C16 – Reconsideration of Hellman of 144.37 acres in Orange County – Sherry Buttrick presented the request that the old barn be allowed to be renovated or reconstructed as a residence as long as it stays in the same location within its original footprint and adds a limit of 20,000 square feet to the indoor riding ring. Mr. Seilheimer moved to approve the changes, Dr. Cutler seconded, and the amended easement was approved unanimously.

R1 – Burke of 162.2 acres in Amelia County – Phillip Reed presented the property that provides wildlife habitat and scenic views from Cheathams Road. The proposed easement will contribute to the rural character of the area and the 100 foot riparian buffer along Smacks Creek will help protect the water quality of the James River and Chesapeake Bay. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

R2 – Foley of 510.5 acres in Amelia County – Mr. Reed presented the proposed easement that will protect one of the larger intact properties in Amelia County. The easement provides a 50 foot riparian buffer on Long Branch Creek that will contribute to the water quality of the Appomattox River, the James River, and the Chesapeake Bay. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

R3 – Lowry of 243.99 acres in Hanover County – Mr. Reed presented the property that is a fifth generation Century Farm that provides scenic views for the driving public on State Route 715 and contributes to the rural character of the area. The views will be protected by 200 foot no-build buffer along Beaverdam Road (Rt. 715) and Parsons Road. The landowner requires the ability to graze his cattle in the riparian buffer as he has no other water supply for livestock. Mr. Hartz said he could not support an easement that cites water quality as a purpose and allows cattle to graze in the riparian buffer. Mr. Seilheimer moved to approve the easement with the deletion of the water quality Whereas clause, Mr. Walker seconded, and the easement was approved as amended by a vote of five to two with Mr. Hartz and Dr. Cutler voting against due to permitted grazing.

R4 – Wilson of 352 acres in Prince George County – Mr. Reed presented the easement on this family farm that provides scenic open-space just outside of Hopewell, a highly industrialized city. This easement will protect significant frontage on State Route 10, a Scenic Road, with a 300 foot building setback. The 50 foot riparian buffers on Chappell Creek will contribute to the water quality of the James River and the Chesapeake Bay. Mr. Reed distributed a letter from the

County of Prince George saying that the easement would not be in accordance with the draft Comprehensive Plan for the county. They recommended reviewing the right of way width as identified in the draft Comprehensive Plan and provide language in the easement that would allow future widening of Route 156 By-pass (Ruffin Road) and Route 10. Mr. Reed reported that salubria language had been incorporated into the easement and he had written a letter to the county advising them of the amended language requesting notice if they had continuing concerns. He said he had not heard from the county at this time. After discussion, Mr. Seilheimer moved to approve the easement contingent upon county support, Mr. Walker seconded, and the motion passed unanimously.

R5 – Reconsideration of Chatham Farm, LLC of 277.53 acres in Northampton County – Bruce Stewart presented the easement that was approved at the September 2007 meeting for reconsideration because the owners were requesting that the 250 foot building setback from Church Creek be reduced to 150 foot setback. To compensate for the smaller setback from the Creek, the owner is offering a 500 foot building setback from Route 619. Mr. Seilheimer moved to approve the amended easement, Dr. Cutler seconded, and the motion passed unanimously.

B1 – Albert “Homeplace” of 93.2 acres in Floyd County – Ruth Babylon presented the first of three easements offered by the same landowner. The Homeplace is a working cow and calf operation that has been designated a Virginia Century Farm. The farm provides scenic views for the driving public on State Route 221 which will be protected by requiring the secondary to be built out of sight of the road. Riparian buffers will protect Howell Creek, a Class II wild trout stream. The landowner is requesting three years to fence the cattle out of one section of the riparian buffer. The landowner is also requesting a small (1,200 square foot) secondary dwelling and has added restrictions to keep it out of sight of Route 221 and at least 500 feet from Howell Creek. Ms. Babylon reported that language had been added to the buildings and structures for the demonstration farm/agricultural fair giving VOF siting approval of those buildings. Mr. Seilheimer moved to approve the easement as amended, Dr. Cutler seconded, and the motion passed unanimously.

B2 – Albert “Weddle Tract” of 69.3 acres in Floyd County – Ms. Babylon presented the seconded Albert property reporting that this easement has the same language regarding the demonstration farm/agricultural fair amended language because the landowner has not determined which parcel she will donate to the county. The property provides scenic open-space views for the driving public on State Route 807 (Canning Factory Road) and State Route 716 (Cox Store Road) and contributes to the rural character of the area. The landowner is requesting a small (1,200 square feet) secondary on 69 acres. Staff recommended approving the easement with the amended language and no secondary dwelling. Mr. Walker moved to approve with the staff recommendation, Dr. Cutler seconded, and the easement was approved unanimously with VOF siting approval of any agricultural fair buildings and no secondary dwelling.

B3 – Albert “Rakes Tract” of 84.5 acres in Floyd County – Ms. Babylon presented the third property offered by Nola Albert. Ms. Babylon explained that Mrs. Albert originally wanted to place 95 acres under easement but needed two parcels because she had promised 12 acres in the middle of the property to the family of the original owner. Mr. Hartz expressed concerns about future owners of the 12 acres left out of the easement who could build a condominium complex



on the 12 acres and spoil the purpose of the conservation easement on the 84 acres. He asked if the landowner would consider placing the whole parcel under easement if the Board approved two parcels. Ms. Babylon said the landowner would love to have a 95 acre easement with two parcels (one no larger than 12 acres) and two single-family dwellings and recommended approving the easement as amended. Mr. Seilheimer moved to approve the easement as recommended by staff, Dr. Cutler seconded, and the easement was approved unanimously as amended.

B4 – Hale of 340 acres in Wythe County – Ms. Babylon presented the property that contains productive forest on the side of Cove Mountain and extends to the top of the mountain at an elevation of 3,400 feet. DCR's Division of Natural Heritage has identified a rare habitat of small outcrops with acidic outcrop barrens in the property's upper elevations. The easement allows no division, no dwellings, non-residential buildings and structures or farm buildings only, and will protect the rare habitat with no commercial timbering, buildings, or earth-disturbing activities above the 3,000 foot elevation. Ms. Babylon reported that the Buildings and Structures language had been strengthened to prohibit the replacement of the existing primitive buildings if they are ever removed. Dr. Cutler moved to approve the easement as amended, Mr. Allen seconded, and the motion passed unanimously.

B5 – Hare of 668.43 acres in Bedford County – Josh Gibson presented the property located between State Routes 638 and 665. The scenic views of the property will be protected by 500 foot building setbacks on the state roads, a no-build zone above the 1,100 foot contour line, and a requirement that no new dwellings be visible from the state roads. A portion of the property is visible from the Blue Ridge Parkway and the Peaks of Otter. The easement allows four parcels, four primary dwellings, four secondary dwellings, and farm building siting approval for farm buildings over 2,500 square feet. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

B6 – Ingles Ferry Farm of 313 acres in Pulaski County – Ruth Babylon presented this historic property that has been continuously owned by the Ingles family since the mid-1700s. The actively managed farm contains prime farmland and woodlands lying along the New River for one mile. This American Heritage River will be protected with 100 foot riparian buffers on Hazel Hollow and New River. The property contains Ingles Ferry Tavern which is listed on the Virginia Landmarks Register and National Register of Historic Places. The easement may contain several Native American sites of archaeological interest and will be co-held with the Virginia Department of Historic Resources. The landowners are requesting four parcels so that the five acres surrounding Ingles Ferry Tavern may be donated to the county and leave one parcel for each of the three family members. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

B7 – King of 127 acres in Floyd County – Josh Gibson presented the property that provides scenic open-space views for the driving public on U.S. Route 221 and contains a section of the Little River that is known to contain two rare aquatic species. The easement will protect the water quality of the Little River with a 100 foot no-plow riparian buffer that excludes livestock from the river. Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

B8 – Moses of 229.42 acres in Giles and Craig Counties – Ruth Babylon presented the property that is bounded on three sides by the Jefferson National Forest and fronts on both sides of State Route 601 (Laurel Springs Road). The property is visible from the Appalachian Trail and the popular overlook “Kelly’s Knob”. The easement will protect the water quality of Clover Hollow Creek with 35 foot riparian buffers to exclude livestock within ten years of recordation. Ms. Babylon recommended approval with two parcels, four dwellings with an aggregate total of no more than 11,500 square feet with no individual dwelling larger than 4,000 square feet, no dwellings visible from the Appalachian Trail or Kelly’s Knob, and dwelling sites chosen to minimize visibility from Laurel Springs Road. Dr. Cutler moved to approve the easement amended to staff recommendations, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

B9 – Sizemore of 193 acres in Giles County – Ms. Babylon presented the mostly wooded property contains over a half mile of Little Stony Creek, a Class II Wild Trout Stream, that will be protected with a 100 foot riparian buffer. The landowner plans on developing the property as a religious retreat and has designated a building envelope for the dwellings, lodge, and chapel. He is requesting one division but has held out 26 acres for seven building lots and required green space. Staff recommended approving the easement with no divisions. Mr. Hartz expressed concerns over the hold out parcel saying that he could support the proposed easement if the landowner would donate the 193 acres with no division and no buildings. After discussion, Dr. Cutler moved to approve the 193 acre easement with no division and no buildings, Mr. Walker seconded, and the motion passed by a vote of six to one with Mr. Seilheimer voting against due to the possibility of dense development occurring on the property without an easement to protect it.

B10 – Terry of 590 acres in Roanoke and Montgomery Counties – Ruth Babylon presented the proposed easement on the entirely wooded property that extends to the top of Poor Mountain, the highest point in Roanoke County. The property is visible from the Blue Ridge Parkway from the “Poor Mountain Overlook”. The scenic values of the property will be protected with designated building zones and a no-build zone above the 3,500 foot contour line. The water quality of Big Laurel Creek, a pristine stream supporting native trout, will be protected with a 500 foot riparian buffer. Big Laurel Creek is designated one of Virginia’s “Exceptional State Waters” by the U.S. Environmental Protection Agency. Staff recommended approval with restoration of VOF template language. Dr. Cutler moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

B11 – Reconsideration of Milton 197.89 acres in Montgomery County – Josh Gibson presented the easement that had been approved at the June 2007 meeting contingent on an accurate survey. If the survey documented less than 200 acres one of the two secondary dwellings would be eliminated. The landowner is requesting that the two secondary dwellings be allowed. Dr. Cutler moved to approve the easement with two secondary dwellings, Mr. Allen seconded, and the motion passed unanimously.

B12 – Reconsideration of Moore of 894 acres in Botetourt County – Ruth Babylon presented the easement that was approved in June 2007 with the request of the landowner to allow one

additional aircraft hanger of no more than 12,000 square feet. The property currently has one aircraft hanger and the landowners don't want to tear down a perfectly useful building in order to have a larger aircraft hanger. To compensate for this request, the landowner will reduce the number of secondary dwellings from four to two and give VOF prior written approval on the site for any new dwelling and the new aircraft hanger. The provision of no new dwelling visible from Poor Farm Road will be removed. Mr. Walker moved to approve the easement with the proposed amendments, Dr. Cutler seconded, and the easement was approved unanimously as amended.

B13 – Reconsideration of Temeles of 219.94 acres in Bedford County approved at the September 2007 meeting – Ruth Babylon presented the reconsideration due to Wachovia's unwillingness to subordinate their interest in the existing dwelling. Wachovia insists that the existing house and one acre be removed from the easement. Staff recommends approving the easement with three parcels and only two dwellings. One parcel would have no dwelling but could be sold with the existing dwelling and surrounding one acre. Martha Little pointed out that the easement as recommended should be approved contingent on maintaining the right of way to the existing house. Dr. Cutler moved to approve with staff recommendation contingent on the right of way, Mr. Walker seconded, and the motion passed unanimously.

Dr. Cutler left the meeting at 1:00 p.m.

T2 – Cater's Grove of 400.93 acres in James City County – Estie Thomas presented the property currently owned by Colonial Williamsburg and listed on the Virginia Landmarks Register and the National Register of Historic Places. The easement will be co-held with the Virginia Department of Historic Resources. The historic property will be protected by defined building envelopes and recreational areas. The property contains 17<sup>th</sup> century archeological sites, a Native American ossuary, an 18<sup>th</sup> century Burwell cemetery, the site of 18<sup>th</sup> century slave quarters, the site of Wolstenholme (a 17<sup>th</sup> century town that was part of Martin's Hundred), over one mile of frontage on the James River, 25 acres of wetlands, 224.5 acres in the Carter's Grove Agricultural District, and Grices' Run Natural Area (designated by DCR's Division of Natural Heritage for its old growth southern forest). The easement will protect these resources and the historic core of the property. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

S1 – Aylor of 120.33 acres in Augusta County – Laura Thurman presented the property that is a working cattle farm and provides scenic open-space views from State Routes 681 and 679. The easement will protect the rural and agricultural character of the area. Ms. Thurman reported that the attorney for the donor had added language regarding multiple tax parcels and had changed "private utilities" to "utilities and private roads" in the Building and Structures section. Mr. Seilheimer moved to approve the easement as amended, Mr. Allen seconded, and the motion passed unanimously.

S2 – Bratton of 415.57 acres in Highland County – Ms. Thurman presented the proposed easement that will help preserve the rural and scenic qualities of Highland County, enhance the water quality of the Jackson River with 50 foot riparian buffers, and protect scenic views from State Route 220, a Virginia Byway. Ms. Thurman reported that the language permitting use of

the shale to maintain farm roads on the property had been removed. She also said that she had submitted the easement to Melissa Dowd, Attorney for Highland County, for review but had not heard from her. After discussion, the Board directed Fred Fisher, Special Assistant Attorney General for VOF, send copies of the easements approved in Highland County Attorney Mr. Seilheimer moved to approve the easement as amended contingent on receiving confirmation from the county that the easement complies with the comprehensive plan. Mr. Walker seconded and the motion passed unanimously.

S3 – Bullpasture, LP of 1,778 acres in Highland County – Ms. Thurman presented the proposed easement that contributes to the open-space and scenic views in the McDowell Battlefield area and State Routes 250 and 678. The protection of this property will contribute to the water quality of the Bullpasture River with 50 foot riparian buffers. Ms. Thurman reported that the use and extinguishment language had been restored to VOF template. Mr. Seilheimer moved to approve the easement as amended contingent on receiving confirmation from the county that the easement complies with the comprehensive plan, Mr. Allen seconded, and the motion passed unanimously.

S4 – Ford of 120 acres in Rockbridge County – Kristin Ford presented the easement that would provide scenic and open-space views for the driving public on State Routes 670 and 672. The property is currently used for agricultural production. The easement would contribute to the water quality of the Maury River, the James River, and the Chesapeake Bay with riparian buffers on Woods Creek. Ms. Ford reported that additional language in the riparian buffers section would be added to the easement to protect the most important spring and karst areas on the property by requiring that livestock continue to be fenced out of those areas. Mr. Walker moved to approve the easement as amended, Mr. Seilheimer seconded, and the motion passed unanimously.

S5 – Frankford Farm, LLC of 235 acres in Clarke County – Ms. Ford presented the proposed easement on a working cattle farm that provides scenic and open-space views for the driving public on Shepard's Mill Road. Ms. Ford said that the landowner is requesting two parcels, four primary dwellings of no more than 4,500 square feet, two cottages of no more than 600 square feet and offering a 200 foot building setback from Shepard's Mill Road and 100 foot no-plow buffers on Wheat Spring Branch. Staff recommended approving the easement with two primary dwellings, two secondary dwellings, and that the two cottages would be built within 200 feet of a primary dwelling or a 13,000 square foot cap on the four primary dwellings. After discussion, Mr. Walker moved to approve the easement with a 13,000 square foot total for the four dwellings, that the two 600 square foot cottages which must be located within 200 feet of one of the four dwellings, and with language that would return the mineral rights language to VOF template. Ms. Ward seconded and the easement was approved unanimously as amended.

S6 – Harris of 405 acres in Rockbridge County – Ms. Ford presented the property that is highly visible from State Routes 612, 611, and 644 and contains portions of North and South Buffalo Creeks. The scenic values of the property will be protected by defined building envelopes. The water quality of Buffalo Creek will be protected by a 50 foot riparian buffer and 100 foot buffers around the sinkholes on the property. After discussion, staff recommended approving the easement with the railroad tract and cars included in the .5% impervious cap and contingent on a

complete legal description. Mr. Seilheimer moved to approve with staff recommendations, Mr. Walker seconded, and the easement was approved unanimously as amended.

S7 – Kingfisher Farms, LLC of 174.62 acres in Rockbridge County – Laura Thurman presented the property that provides scenic and open-space views for the driving public on State Routes 717 and 622. To protect the scenic values of the property there will be no buildings allowed within 500 feet of the centerline of Route 717. The proposed easement will contribute to the water quality of Mill Creek with 50 foot no-plow buffer. The sinkholes on the property will also be protected by a 50 foot no build zones. Mr. Allen moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

S8 – Mason Simpson Trust “River Ridge Ranch, LLC” of 296.85 acres in Bath County – Ms. Thurman explained that this easement was originally presented at the September 2007 meeting and had been approved conditionally. She reported that the use, notice, extinguishment, and utilities language had been corrected and the easement now included the hole that was omitted in the September version. The house that stands in the hole has been added to the aggregate square footage for the permitted dwellings. Ms. Thurman recommended approval. Mr. Abel Smith moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

S9 – Swisher of 148 acres in Rockbridge County – Laura Thurman presented the property that contributes to the open-space, scenic, and rural character of the county. The proposed easement will protect the scenic views for the driving public with a 250 foot no build setback from State Routes 602 and 622. Along Mill Creek will be protected with a 50 foot riparian buffer and the sinkhole will be protected with a 50 foot no-build zone. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

S10 – Teague of 736.88 acres in Highland County – Ms. Thurman presented the proposed easement that allows only three parcels, three primary dwellings of no more than 7,500 square feet, three secondary dwellings of no more than 2,000 square feet, camp structures with an aggregate of 10,000 square feet, farm building review at 4,500 square feet, and a 300 foot setback from U.S. Highway 220 for dwellings. The easement will contribute to the water quality of the area with a 50 foot forested riparian buffer on Stony Run and a 35 foot no-plow buffer on Peaks Run. Mr. Seilheimer moved to approve the easement as presented contingent on receiving confirmation from the county that the easement complies with the comprehensive plan, Mr. Allen seconded, and the motion passed unanimously.

S11 – Whitmore of 295.54 acres in Rockbridge County – Ms. Thurman presented the property that is a working farm owned by the same family since 1868. The proposed easement will contribute to the scenic, open-space, and rural character of the area with a 500 foot dwelling setback from I-81 and a 250 foot dwelling setback from secondary roads. Water quality will be protected by 50 foot riparian buffers on Cedar Creek and its perennial and intermittent tributaries. The easement also protects the cave on the property with a 100 foot no-build zone. Protecting this property will contribute to the scenic views for the driving public on I-81 and State Route 609. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

S12 – Wincofa FRP & GGP, LLC was withdrawn from consideration.

S13 – Reconsideration of Martin 220.57 acres in Rockbridge County – Ms. Thurman presented the property that is a working dairy farm containing 80% soils classified as prime or of statewide importance by the county soil scientist. The landowners are requesting a 10,000 square foot agricultural building in a specific building envelope that will be approved before the easement is recorded. Staff has requested that the Boundary Line Adjustment (BLA) be amended to apply only to other VOF easements. Mr. Allen moved to approve the easement as amended, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

T1 – Bellows of 500 acres in Lancaster County and Kilmarnock – Estie Thomas presented the heavily wooded property that is one of the last large parcels of land adjacent to the town of Kilmarnock and provides scenic open-space views to the driving public on State Route 200. The easement will contribute to the water quality of the Chesapeake Bay with 100 foot no-plow riparian buffers on the creeks and gullies draining into the Eastern Branch of the Corrotoman River. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

T3 – Henley of 497 acres in King and Queen County – Ms. Thomas presented the property that is currently in agricultural use and contains “Hillsborough” which is listed on the Virginia Landmarks Register and the National Register of Historic Places. The property is situated on the banks of the Mattaponi River, a tributary of the Chesapeake Bay. The easement will contribute to the water quality of the Mattaponi River with 35 foot riparian buffers on the river and perennial streams on the property. “Hillsborough” is protected by no willful demolition language and may not be enlarged to more than 5,000 square feet. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

T4 – Mundy Point Farm, Inc. of 109 acres in Northumberland County – Ms. Thomas presented the property that has extensive shoreline on Wilkins Creek, Mill Creek, West Yeocomico River, and South Yeocomico River that will be protected by 100 foot riparian buffers which will contribute to the water quality of the Chesapeake Bay. The landowner is asking for changes in the Buildings and Structures, “(i) the existing single-family dwelling, or any replacement thereof which shall not exceed 5,000 square feet of above-ground enclosed living area at the same location or *at any one of the four alternate replacement manor house sites identified on the attached plat*; and (ii) one secondary dwelling or dwelling unit such as a guest house or garage or barn apartment of with none exist on the date of this easement, which such dwelling shall not exceed 2,000 square feet of above-ground enclosed living area, *but provided however, that if no such secondary dwelling or dwelling unit has been constructed at a alternative replacement manor house sites pursuant to 2 (i) above, the Grantor may also waive the right provided in this subparagraph (ii) to construct a secondary dwelling or dwelling unit and instead to use the existing single family dwelling referenced in the subparagraph (i) as a secondary dwelling, but in such event Grantor may not enlarge that building.*” (*Italics represents the changes.*) Mr. Seilheimer moved to approve the easement with the amended language, Mr. Able Smith seconded, and the easement was approved unanimously as amended.

T5 – O.D.R. LLC of 238 acres in King George County – Ms. Thomas presented the property that contains wetlands along Peppermill Creek and the historic rail bed of the original Dahlgren Railroad which was built during World War II to service the Navy Base at Dahlgren. The property is privately owned but is managed by a group called the Friends of the Dahlgren Heritage Railroad. The public may use the trail after receiving a use permit from the Friends group. The easement will protect the property with no division, no structures or facilities other than informational kiosks, a primitive camp site, parking, sanitation, water facilities, and a safety wall adjoining the Northern Virginia Shooting facility. Staff recommends approval of the easement with VOF prior written approval for the allowed structures and obtaining a memorandum of understanding with the Friends group for stewardship. After discussion staff recommended citing a minimum size for the riparian buffer due to the variability of the property. Mr. Abel Smith moved to approve the easement with staff recommendations, Mr. Allen seconded, and the easement was approved unanimously as amended.

T6 – Parson of 129 acres in Essex County – Ms. Thomas presented the easement that protects an active agriculture and forest use property that lies within the watershed of Occupacia Creek, a tributary of the Rappahannock River. The easement contributes to the water quality by ensuring best management practices are used in forestry and water resource management. Ms. Thomas reported that the easement's whereas clauses had been revised to better reflect the values of the property. Mr. Seilheimer moved to approve the easement as amended, Mr. Walker seconded, and the motion was passed unanimously.

T7 – Reconsideration of Franklin, LLC of 355 acres in Essex County – Ms. Thomas presented the property that is in agricultural use consisting of small grain production and mixed hardwoods and pine forest, with shoreline and wetlands on Farmer's Hall and Margaret Lee Swamp (tributaries of the Rappahannock River), and lies in the boundaries of the USFWS Rappahannock River National Wildlife Refuge. The easement allows three parcels, three primary dwellings, and three secondary dwellings. The protection of this property will contribute to the water quality of the Rappahannock River and the Chesapeake Bay with 100 foot riparian buffers along the edge of Farmer's Hall Creek. The easement will also help preserve the rural character of upper Essex County. Ms. Thomas reported that VOF template language had been restored to the Enforcement, Documentation, and General Provisions sections. Language has also been added giving VOF approval of any wetlands restoration done on the property. Mr. Walker moved to approve the easement as amended, Mr. Allen seconded, and the motion passed unanimously.

T8 – Reconsideration of Franklin of 146 acres in Essex County – Ms. Thomas presented the amended easement which will also protect the water quality of the Rappahannock River and Chesapeake Bay with 100 foot riparian buffers on Farmer's Hall Creek. The easement allows no division, one primary dwelling, one secondary dwelling, farm building review at 4,500 square feet, and exclude livestock from the riparian buffers. Ms. Thomas reported that VOF template language had been restored to the Enforcement, Documentation, and General Provisions sections. Language has been added giving VOF approval of any wetlands restoration done on the property. Mr. Seilheimer moved to approve the easement as amended, Mr. Abel Smith seconded, and the motion passed unanimously.

T9 – Reconsideration of Griffin of 100.56 acres in King George County – Ms. Thomas presented the request to amend an easement approved at the June 2007 meeting. The landowner is requesting an increase in the size of the permitted 2,000 square foot dwelling to 2,500 square feet so they can enclose a “sleeping porch”. Mr. Seilheimer moved to approve the amendment, Mr. Walker seconded, and the easement was approved unanimously as amended.

T10 – Reconsideration of Moore “Pleasant View” of 171 acres in Middlesex County – Ms. Thomas presented the request to increase the square footage of the primary dwellings from 4,500 to 6,000 square feet and add two secondary dwellings of 2,000 square feet. Mr. Seilheimer moved to approve the amended easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

T11 – Reconsideration of White Oak, LLC of 543 acres in Essex County – Ms. Thomas presented the easement that allows two parcels, two primary dwellings of 4,500 square feet, two secondary dwellings of 2,000 square feet, farm building review at 4,500 square feet, 100 foot riparian buffers with livestock excluded, and VOF approval of any wetlands restoration. Mr. Allen moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Mr. Seilheimer made the Board aware that he intended to donate an easement to the Piedmont Environmental Council and transfer that easement to VOF after he retires from the Board of Trustees.

Mr. Walker moved to adjourn at 2:35 p.m.

Respectfully submitted,

Patricia A. Cleary  
Executive Assistant



VIRGINIA OUTDOORS FOUNDATION  
RESOLUTION IN SUPPORT OF MOUNTAIN HERITAGE, INC.

WHEREAS, the Virginia Outdoors Foundation (VOF) supports environmental education;  
and,

WHEREAS, Mountain Heritage, Inc. is a non-profit conservation organization dedicated  
to the preservation and perpetuation of the social, cultural and natural resources of the  
Appalachian Mountains; and,

WHEREAS, Mountain Heritage, Inc. provides educational publications to local  
environmental and conservation groups; and,

WHEREAS, Mountain Heritage, Inc. provides educational publications to local school  
systems; now, therefore, be it;

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 14th day of  
November 2007, That the Board of Trustees authorizes a donation of \$1,500 to Mountain  
Heritage, Inc. for production of the Big Sandy publication.

ADOPTED by a vote of 6 in favor and 0 against.



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ATTEST:  
G. Robert Lee, Executive Director

RESOLUTION

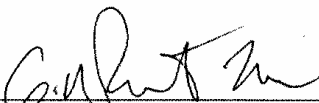
A RESOLUTION TO SET MEETING DATES FOR CALENDAR YEAR 2008 FOR  
THE BOARD OF TRUSTEES OF THE VIRGINIA OUTDOORS FOUNDATION

WHEREAS, The Virginia Outdoors Foundation (VOF) Board of Trustees typically meets at least four times a year to consider easement proposals and matters of land conservation policy; now, therefore be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 14<sup>th</sup> day of November 2007, That the following dates be, and are hereby, adopted for VOF Board of Trustee meetings in the calendar year 2008.

January 24 <sup>th</sup> , 2008 Policy/Legislation Coordination	Richmond
April 16 <sup>th</sup> & 17 <sup>th</sup> , 2008 Policy and Easement Consideration	Charlottesville or TBA
July 9 <sup>th</sup> & 10 <sup>th</sup> , 2008 Policy and Easement Consideration	Charlottesville or TBA
October 22 <sup>nd</sup> & 23 <sup>rd</sup> , 2008 Policy and Easement Consideration	Charlottesville or TBA

ADOPTED by a vote of 6 in favor to 0 against.

  
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ATTEST:  
G. Robert Lee, Executive Director

RESOLUTION TO AMEND TWO  
FAUQUIER COUNTY EASEMENTS

Whereas, Columbia Gas Transmission Corporation has applied to the Federal Energy Regulatory Commission ("FERC") for a Certificate of Public Convenience and Necessity to construct an additional underground natural gas pipeline facility (the "Proposed Improvements") within its existing 40' easement for expansion of its transmission and compression of natural gas facilities to meet the increased need of the eastern United States;

Whereas, pursuant to FERC requirements, an additional twenty feet of right-of-way ("Additional Right-of-Way") for access and maintenance will be required to construct the Proposed Improvements;

Whereas, Columbia Gas appeared at the June, 2007 Board of Trustees' to present its need for the Proposed Improvements and VOF staff met with representatives of Columbia Gas and FERC to review the impact of the Proposed Improvements and Additional Right-of-Way on those certain properties owned by Piedmont Environmental Council and Joseph Duncan and Shannon Stimson and subject to VOF open-space easements, located in Fauquier County;

Whereas, VOF staff has determined that the conservation values of each property will not be adversely impacted by the Proposed Improvements or the Additional Right-of-Way and will not result in a diversion or conversion of the land from open-space;

Whereas, the landowners and Columbia Gas have jointly asked the VOF Board of Trustees to amend the respective open-space easements relative to their properties to confirm that the Proposed Improvements and Additional Right-of-Way will not violate the terms of the open-space easements;

Whereas, in exchange for the grant of the Additional Right-of-Way, Columbia Gas' intends to subordinate its existing easement rights and Additional Right-of-Way rights to each of the VOF open-space easements covering the above-referenced properties and in doing so Columbia Gas will relinquish any rights it may have to construct above-ground facilities within its existing 40' easement, other than safety markers, and all of its activities within its 40' easement and the Additional Right-of-Way will be conducted in a manner consistent with the terms of the respective open-space easements;


Whereas, VOF staff has concluded that such amendments will result in a strengthening of the open-space easements and greater protection of the conservation values protected thereby;

Whereas, the VOF Board of Trustees has reviewed the proposed amendments and agreements for Additional Right-of-Way and determined that Proposed Improvements will not violate the open-space easements or constitute a diversion or conversion of open-

space as described in Section 10.1-1704 of the Code of Virginia and that the proposed amendments of the open-space easements will result in a strengthening of the easements and greater protection of the conservation values protected thereby; now, therefore, be it

RESOLVED, by the Board of Trustees of the Virginia Outdoors Foundation, this 14<sup>th</sup> day of November, 2007, that the open-space easements on the PEC property and the Duncan Stimson property and agreements for Additional Right-of-Way be approved as presented to this Board meeting with such revisions needed for clarification as approved by staff with the advice of the Attorney General's Office and to authorize a Deputy Director to sign the amended open-space easements and agreements for Additional Right-of-Way on the behalf of the Virginia Outdoors Foundation.

ADOPTED by a vote of 6 to 0.

  
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ATTEST:  
G. Robert Lee, Executive Director