

MINUTES
VIRGINIA OUTDOORS FOUNDATION
QUARTELY MEETING OF THE BOARD OF TRUSTEES
VIRGINIA DEPARTMENT OF FORESTRY, 2ND FLOOR BOARD ROOM
CHARLOTTESVILLE, VIRGINIA
June 6, 2007 1:00 PM

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.; and Ms. Molly Joseph Ward. Virginia Outdoors Foundation (VOF) staff attending: 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; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Specialist; Ms. Laura Thurman, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; Ms. Kristin Ford, Easement Specialist; Mr. Philip Reed, Easement Specialist; Mr. Josh Gibson; Easement Specialist; Ms. Anna Chisholm, Finance Manager; Ms. Sara Ensley, Human Resources Manager; Mr. Doug Wetmore, Stewardship Specialist; and Mr. Bruce Stewart, Staff Counsel. 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 1:03 p.m. After introductions, Mr. Hartz called for public comment.

Catherine Scott of the Piedmont Environmental Council (PEC) commented on the VOF policy of prioritizing properties over 100 acres. Rex Linville distributed a map illustrating the number of properties within the PEC service area under 100 acres.

John Eckman, Executive Director of the Valley Conservation Council (VCC) reported that VCC had doubled the area of land under conservation in its service area last year and also commented on the VOF policy of prioritizing properties over 100 acres. He commented that he would hate to see the area lose momentum due to the policy.

George Beadles of Chesterfield County commented that he had been looking for VOF's new website, the Governor's appointments to the Board of Trustees, and the Spring newsletter. He also expressed his hope that the diversion/conversion request from the Wakefield School would include an accurate design for the proposed road. Jordan Monez of VOF reported that the website was in the final development stage and gave Mr. Beadles a copy of the Spring newsletter that had been mailed to VOF easement holders in May. (A press release from the Governor's office on Wednesday, June 6th, announced the VOF appointments.)

Mr. Hartz asked for approval of the order of business adding that if the day's business concluded early, he wanted to have background discussion on the Preservation Trust Fund (PTF) proposals to relieve some of the pressure on Thursday's agenda. Dr. Cutler moved to approve the Minutes

of the March 7th & 8th, 2007 Board meeting as submitted. Mr. Seilheimer seconded and the motion passed unanimously.

Mr. Hartz then asked Mr. Lee to give the Executive Director's Report to the Board. Mr. Lee reported that he and Dr. Cutler attended the Environment Virginia conference in Lexington. The keynote speaker, Pat Noonan, past President of The Nature Conservancy, warned that the only thing in land use planning worse than haphazard development is haphazard conservation, a sobering comment to those in attendance. Mr. Lee said that this was by no means a counterpoint to the comments made by our conservation partners, but a perspective on what VOF can accomplish in a calendar year. He offered that he felt a full time easement specialist could responsibly complete 40 easements in a calendar year. He reported that VOF would soon have ten (10) new easement specialists working on new easement projects under the supervision of the Deputy Directors for Easements. Mr. Lee then explained VOF's role as an executive agency in the administration of Governor Kaine. Governor Kaine intends to add 400,000 acres of additional perpetually protected cultural heritage land resources to Virginia's conservation lands inventory during his four year term because Virginia's population is growing at twice the national average. Mr. Lee pointed out that if we review the history of voluntary land conservation in Virginia over the recent past it appears that VOF will likely be required to comprise 75% of the Governor's goal or 300,000 acres. VOF would need to average 75,000 recorded acres in each year of Governor Kaine's tenure. Last year, VOF recorded 70,000 plus acres, a best ever record for the organization. Mr. Lee also pointed out that experience shows that the Board may need to approve as many as 100,000 acres in order for VOF to record 75,000 acres. Going back to the average of 40 easement projects per easement specialist, ten VOF easement specialist would have to produce easement averaging 250 acres each to yield the referenced 100,000 annual acres. If, however, the staff produces the 400 projects with an average of 100 acres then we would only have annual approved projects of 40,000 acres or 40% of the needed acres to meet the Governor's goal. Mr. Lee said that there is an old axiom in the business world that states, "what gets measured gets done". VOF needs to start measuring. We are approaching the half way mark in the 2007 calendar year with less than 6,000 acres of new VOF easements recorded. He exhorted all VOF easement specialists to adopt a new mantra for 2007 of bigger, better, much bigger.

Mr. Lee concluded by saying there were two other time sensitive matters for the Board's attention, the proposed FY08 Budget and title insurance for VOF easements, both to be discussed as a part of the day's business.

Mr. Hartz called for the Deputy Director's reports. Leslie Grayson reported to the Board on several matters affecting the template VOF easement deed. The June meeting has 79 easements on the agenda and represents the first meeting in which all easements were based on the new VOF template. She noted that several attorneys had made suggestions to template language after working with it on behalf of their clients.

- 1.) Ms. Grayson distributed proposed revision to the paragraph addressing Utilities contained within the Building and Structures clause. She explained that the current template language does not allow for VOF to approve a utility crossing an easement property even in the event that there is no impact to the easement property. See attached language

(Attachment #1) suggested to be revised in template. The board agreed to review the memo material and take action on the next day.

- 2.) Ms. Grayson noted that a number of easements on the agenda have language within the riparian buffer paragraph that had been discussed and deleted from the template. She noted that Dr. Cutler had questioned language that permits the removal of trees within the buffer “necessary to maintain an effective water-quality buffer”. This language has been struck from the template and is only used in site specific cases. She assured that it was a hold over from the previous template and would be removed in all the deeds proposed on this agenda.
- 3.) She also noted that all easements drafted by attorney Frank Thomas had included an additional paragraph. She suggested that it be discussed on the first easement on this agenda (#16) and the proposed edits, if accepted, would apply to all his easements.
- 4.) Finally she noted that easement #11 contained a change to the template regarding small scale commercial uses that would appear in several easements later in the agenda. She suggested that any action taken apply to other easements later in agenda with same issue.

Dr. Cutler said that he had a few suggestions for the new template. The first has to do with the order of restrictions, in prior templates the riparian buffer language came after the forestry management which seemed more logical than the new template order. His second concern was with mowing being allowed in the riparian buffers. He said that mowing can destroy nests, eggs, adult birds, and fawns. Ground-nesting females that are incubating eggs are extremely reluctant to leave their nests. He also pointed out that nests escaping damage by mowing machines are often conspicuous and are quickly located by predators. He asked that staff work with landowners to schedule mowing operations at times when it will be less harmful to wildlife. He also asked that staff work on a definition of “clear cutting” explaining that there are several different kinds of clear cutting such as regeneration cutting by shelterwood or seed tree methods and patch clearcuts.

Tamara Vance said that she wanted to address staff changes for the Board. She introduced new easement specialists Josh Gibson of the Blacksburg Office, Philip Reed of the Richmond Office, and Kristin Ford of the Charlottesville Office. Ms. Vance also introduced Melissa Collier, new Stewardship Manager of the Staunton Office. She also announced the departure of Doug Wetmore, Stewardship Specialist in the Charlottesville Office, who is moving to Colorado. Ms. Vance also told the Board that VOF had recorded a little over 5,000 acres in 2007 explaining that it is always slow at this time of year. She said that staff is working on improving the easement process so the workload won't be so hectic at the end of the year. She reported that she had canvassed the staff and it looked like we would have 123 projects to consider at the September Board meeting and some offices are already working projects for the November meeting. She reported that there are approximately 118 projects under 100 acres on a waiting list. She pointed out that there are 11 out of the 79 easements to be considered at this meeting that are smaller than 100 acres. She explained that every Thursday the easement staff have a conference call in which easement specialist can bring to the attention of the Deputy Directors properties under 100 acres for evaluation. Senior staff looks for multiple conservation values and strong protections in evaluating these properties. If they are exceptional and can be worked into the workload, staff is given the go ahead. Ms. Vance expressed gratitude to our conservation partners who have worked educating the public about our programs but pointed out that demand far exceeds

capacity at this time. Ms. Vance concluded by saying that Martha Little would not have a report at this meeting.

Mr. Hartz then called on Fred Fisher of the Attorney General's Office to explain §10.1-1704 (1704) of the Code of Virginia. Mr. Fisher explained that 1704 is the heart of Virginia's Open-Space Land Act and that the Open-Space Land Act is the heart of Virginia's land protection program which has received tremendous support through the tax credit and budget allocations. Mr. Fisher pointed out that Virginia's land protection program is a voluntary program not a regulatory program. The landowner voluntarily gives up some of his property rights to the Virginia Outdoors Foundation and VOF then holds and administers those rights under the terms of the Open-Space Land Act. The public body (VOF) may exercise its discretion in recognizing the other needs of the Commonwealth, the United States, and the interest of being a good neighbor but only in compliance with the provisions of section 1704. Mr. Fisher distributed copies of the Act and asked that the Board go to the third page. He also said that he was distributing a copy of the decision of the Virginia Historic Landmarks Board in 1998, one of the earliest decisions concerning the predecessor of §10.1-1704, which will be discussed later. He directed the Board to look at the actual language of §10.1-1704 pointing out that there are several tests that must be met for a diversion or conversion. "No open-space land, . . . , shall be converted or diverted from open-space land use unless (i) the conversion or diversion is determined by the public body to be (a) essential to the orderly development and growth of the locality and (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion", that is the first test. The second condition that has to be met is "(ii) there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted." He explained that each parcel of real estate is unique and you have to get as nearly as feasible usefulness and location. Mr. Fisher then discussed the requirement of the diversion being "essential to the orderly development and growth of the locality" by talking about the handout of the Virginia Historic Landmarks Board Decision regarding the Old Mansion Property in Bowling Green, Carline County, Virginia. He explained that the 100 acre Old Mansion property had been placed under historic easement under the authority of both the Open-Space Land Act and the Virginia Historic Landmarks Commission Act. The Old Mansion case came up in 1988 when the Virginia Department of Transportation (VDOT) determined there was a need for a bypass around the Town of Bowling Green and developed five routes the bypass could take. VDOT determined that the route going through the Old Mansion property was the most economical route and would impact the fewest other properties. The route was supported by the local government and the Town asked the Virginia Historic Landmarks Board to allow the road to go through the Old Mansion property. The finding of the Board states, "The Board took the position that a case could not be made that releasing a portion of the Old Mansion property for the bypass was essential for the orderly development and growth of Bowling Green. Furthermore, while VDOT's studies demonstrated that a bypass was desirable for the community, the Board could not accept the violation of a historic property that it was charged with the responsibility to preserve in perpetuity as long as there were feasible alternative routes, in this case four. The Board did not question the need for the bypass and does not oppose it." That was as far as they went because the Board determined that it was not essential. He continued to read the finding, "The Board recognized that while placing the bypass through the

Old Mansion property may be less costly in terms of right-of-way acquisition, it was not permitted to take economic factors into consideration. The Board also determined that it would be setting a dangerous precedent if properties held by the Commonwealth under conservation easement were ever to be regarded as the most expedient locations for public works projects merely because they were open spaces. Releasing any portion of an easement property for such projects as long as there were feasible alternatives, even though they may be more costly, would be violating the Board's mandate to protect irreplaceable historic resources since such action, in the Board's opinion, would place all easement properties, present and future, at risk." He explained that in the case of VOF, VOF is protecting open-space. He said that open-space lands do not earn a great deal of return, it is confronted by the forces of development, profits, and markets. VOF has a hard job in protecting open-space realizing that things are not static and that is why 1704 is in the Open-Space Act. If change is essential, 1704 provides the way it can be accommodated if the value of the replacement land is of greater open-space value. Mr. Fisher said that there is a problem in the statute in that it states "essential to the orderly development and growth of the locality". He pointed out that VOF is dealing with interstate pipelines and transmission lines. The statute also requires that the diversion must be "in accordance with the official comprehensive plan for the locality" and he doubted that local comprehensive plans address interstate facilities. He offered that the language of the law did not really speak to these specific situations, but VOF can interpret what the legislature was trying to accomplish and substitute "community" for "locality" depending on the situation. He asked the Board to look at §10.1-1704 that states "Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling. The powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law." He said that he felt that section of the Act indicated the importance the legislature has given to its determination of how Virginia's open-space is to be protected.

Mr. Fisher told the Board that during discussions on the upcoming requests an idea was presented that there was the easement and the underlying fee. The applicant suggested that they could have a fee estate, though the easement states "no subdivision". Because they did not want to acquire the entire property, the applicant proposed to condemn the fee and just the land that they needed. Mr. Fisher said he did not think that would work because, in effect, that would nullify the provision in the easement that says "no subdivision".

Dr. Cutler asked about the final outcome of the Old Mansion decision. Mr. Fisher said that VDOT selected another route and built the bypass there so the Old Mansion easement remained inviolate.

Mr. Hartz asked Martha Little to introduce the next three agenda items. She said the first request came from the Chesapeake Airport Authority and introduced Mr. Bob Powell, attorney representing the Authority. She explained that the Federal Aviation Administration (FAA) has informed them that they must acquire more property for a Runway Protection Zone. Mr. Powell stated that he represented a small regional airport in Chesapeake that operates mostly on grants from the Virginia Department of Aviation, the City of Chesapeake, and, primarily from the FAA. He explained that due to changes in security requirements, the FAA has required them to acquire property and an aviation easement at the end of their runway for a Runway Protection Zone. He said that the Airport needs to cut trees within this zone which falls on the property under

VOF easement. He said that he was requesting the Board to violate the easement's provision against subdivision and the forestry restriction in order to allow the Airport to acquire the land and develop the Runway Protection Zone. He also stated that just recently the FAA had stated that they may not need fee simple ownership of the entire zone and that it is possible they would accept another easement instead since the property would already be protected. Ms. Ward asked if he had any documentation from the FAA showing that this property was essential to the operation of the airport. He replied that he did not have anything with him but the FAA said that if the airport could not acquire the land, the FAA grants would be cut off. Mr. Hartz asked Mr. Fisher if the Board would require FAA documentation to go forward with the request. Mr. Fisher said that the Board could determine what kind of evidence it would need to prove the acquisition was essential. Mr. Powell argued that the airport's request did not constitute a diversion since the area in question would still be in an open-space easement. Mr. Hartz asked Mr. Fisher if it was his opinion that the division of the property for the acquisition by the airport did, in fact, violate the easement. Mr. Fisher said that was, in fact, his opinion and that he thought that the easement could be amended to satisfy the FAA requirements without a diversion. Mr. Powell gave the FAA language required for an aviation easement to Mr. Fisher for his review. Mr. Hartz suggested that the FAA, the Chesapeake Airport Authority, Conservation, Inc., and VOF get together to work out the details and come back in September with an easement proposal that the Board can then act on. Mr. Powell agreed. Mr. Seilheimer moved to defer the issue until the September meeting of the Board of Trustees. Dr. Cutler seconded and the motion passed unanimously.

Mr. Hartz called for the next item on the agenda. Martha Little introduced Lloyd "Moe" Mckee, Business Manager for Marketing, with NiSource Gas Transmission and Storage to present Columbia Gas Transmission's request for an additional 20 feet of right-of-way across VOF easements for Eastern Market Expansion. Mr. Mckee gave a brief history of the project and the reasons for the request. He explained that Columbia Gas Transmissions was an interstate provider for the transportation and temporary storage of natural gas. He also said that 98% of this project will serve the state of Virginia, 2% will go to the Eastern Shore of Maryland. He then introduced Scott Burnsworth, environmental lead for Columbia Gas. Mr. Burnsworth explained that they needed an additional 20 feet of right-of-way for seven miles to maintain pressure for the delivery of gas to Northern Virginia. He explained the process of submitting the application to the Federal Energy Regulatory Commission (FERC). He explained that they chose the route with the existing pipelines to minimize environmental impact and still meet the needs of their customers. Mr. Hartz asked if there would be any above ground structures associated with the pipeline. Mr. Burnsworth said that there would be no more above ground structures than currently exist which are mostly markers to show that there is a pipeline below ground. Mr. Hartz asked Mr. Fisher if this was a conversion/diversion where Columbia Gas would have to replace the land as explained earlier. Mr. Fisher said that it would be a true diversion/conversion because the easement(s) in place do not allow for timbering or commercial activities. Mr. Hartz asked if that was the only corridor that Columbia Gas could use. Mr. Burnsworth replied that FERC required them to use the route that has the least impact on the environment and through the studies of the areas involved, FERC agreed that this was the best route to take. Ms. Ward said that, as before, she would require independent evidence that this market expansion was essential for the communities' development and growth. Mr. Hartz thanked the Columbia Gas representatives for their time and presentation. Mr. Fisher said that

Columbia Gas will need to return in September with specific proposal of what they will need to take and how they plan on replacing the affected acreage.

After a short break, Mr. Hartz called for the next agenda item. Mr. Seilheimer recused himself from the Wakefield School matter due to having been once been a trustee and signatory on the original deed of easement affected by this request. Leslie Grayson distributed a letter from the County of Fauquier Administrator, Paul S. McCulla, stating the County understands this diversion “is necessary to permit safety improvements to the access road into the school and that such improvements will facilitate easier and more timely access by public safety vehicles to the school site.” Ms. Grayson then explained the location and topography of the area in question and that the diversion was requested due to the school’s growth and safety issues relating to bus and safety of internal vehicle traffic. Dr. Cutler moved to approve the diversion as requested and Mr. Abel Smith seconded. Mr. Hartz asked if there was additional information from the engineer to prove the case of necessity. Dr. Cutler thought the case was made in the information provided in the Board book. Mr. Fisher said that he felt this was somewhat a case of being a good neighbor and somewhat a question of scale. The school needs a small piece of land to build a road which would be a tremendous benefit to the safety of its operation. He also said that the alternative would place huge scars on the landscape and attempt to build a road where there is a question of being able to construct the required grading for the road. He offered the opinion that by diverting 0.3981 acres, VOF would gain 4.4460 acres and thereby improve the value of the easement. Ms. Georgia Herbert spoke representing The Plains Redevelopment Corporation saying that the donor of the easement was concerned with the integrity of the open-space easement program and had offered the strongest proposal they could and would respect the decision of the Board. Mr. Hartz asked that the engineer’s drawings to substantiate the essential need for the diversion be resubmitted with his stamp. Ms. Ward agreed that she believed everyone when they said the diversion was necessary but felt a responsibility to follow the statute and see the documentation in order to make an informed decision. She worried that approving the diversion without complete and compelling evidence would set a bad precedent for the future. Mr. Hartz said that he would support the motion amended to require a letter from the engineer quantifying the necessity of that piece of land. (See Attachment #2.) Dr. Cutler agreed to the amendment. Ms. Herbert said that she had forwarded the drawings attached to the email from the engineer. Mr. Hartz said that if VOF has those drawings to add to the permanent record, he would be satisfied. Mr. Hartz asked Mr. Fisher if he thought VOF had sufficient evidence to approve the diversion and Mr. Fisher said that he thought there was enough evidence in the Board book to support the diversion. The amended motion passed with Ms. Ward voting against the motion due to the precedent it set. Mr. Seilheimer returned to the meeting.

Mr. Fisher asked that the Board return to the Columbia Gas request. He said that Georgia Herbert had suggested that if additional land was not available to substitute in a 1704 diversion would a strengthening of the easement be compensation enough for the diverted acres. Mr. Fisher wanted the Board to know that idea had been offered.

Mr. Lee introduced the next agenda item, the Memorandum of Understanding (MOU) between the Virginia Department of Forestry (DOF) and the Virginia Outdoors Foundation, saying that the two agencies had a longstanding working arrangement and MOU but it needed to be updated to reflect new alignments of staff and organizational priorities. He said that Doug Wetmore,

VOF Stewardship Specialist, had been working with DOF staff for about a year to update the existing MOU. Doug Wetmore introduced Brad Williams, Assistant State Forester for Administration, and Mr. Williams introduced Dean Cumbia and Rob Ferrell of DOF. Doug Wetmore explained the updates and changes in the proposed MOU. Mr. Wetmore said that the new MOU updated all of the statistics, clarified confusing language defining Forest Stewardship Management Plans, added language defining how DOF uses funding to provide reviews of Forest Stewardship Plans for forest under 200 acres; added provision for the review of Pre-harvest Plans; and added language about the consistency of all of these plans to the conservation goals for the properties. He also said that the new MOU strengthens the language defining the role of DOF in developing appropriate language for VOF's template easement. The new MOU also defines referral and data sharing capabilities for the two organizations. He suggested that a procedural flow chart be developed to define working processes. Dr. Cutler moved for the adoption of the resolution approving the MOU and thanked staff for their hard work. Mr. Abel Smith seconded and the motion passed unanimously. (See Attachment #3.) Dr. Cutler also asked Martha Little to take the lead in developing a consistent response to the question, "How are the easement programs at VOF and DOF different?"

Mr. Hartz turned the meeting over to Brett Ellsworth, Assistant Attorney General, for a discussion on title insurance for VOF conservation easements. She explained that through discussion with VOF staff, the question of title insurance for VOF easements had come up. She presented the Attorney General's Office opinion. She said that as VOF's inventory of properties expands, the value represented by the properties associated tax credits has also grown. She said that once the procedures are developed, title insurance would provide evidence of ownership, a good legal property description, and proper recording, all benefits that would save staff time. The legal benefits of title insurance protects VOF's claim to titles and would have a company to defend those rights. She concluded by saying that it was advisable for the Commonwealth to protect its investment. She recognized that there were practical considerations that needed to be worked out such as who pays and the timing of the insurance policies, appraisals and valuation of the easements. Mr. Lee said that he had discussed the issue with Trustees Mark Allen and Molly Ward and they both agreed that title insurance lends added integrity to the Commonwealth's interest in the easements. Mr. Allen added that he had discussed the issue with a colleague and the question came up of how the value of a gift of easement would be determined. Jeremy Stone of the Department of Conservation and Recreation (DCR) offered that they had purchased title insurance on a tract of land that was a gift of easement to DCR based on the county assessment. Mr. Lee pointed out that once the Attorney General's Office has recommended the purchase of title insurance, if the organization does not follow that advice, the organization cannot rely on the Attorney General's Office to represent VOF's interests. Mr. Hartz asked Bruce Stewart, Staff Counsel, to take staff lead on the issue and report back to the Board at the September meeting.

Mr. Hartz called on Anna Chisholm to present the proposed FY08 budget. Ms. Chisholm said that the proposed budget increases full time staff by five and part time staff by two. The budget also included equipment for new employees. It also includes a new office in Southern Virginia and a solution to the overcrowding in the Warrenton Office. Mr. Lee added that he was looking at the possibility of going to the community that supports VOF and asking for a viable office in

Fauquier County. After discussion, Ms. Ward moved to approve the FY08 Budget as presented, Dr. Cutler seconded, and the motion passed unanimously. (See Attachment #4.)

Ms. Chisholm presented a resolution to approve five full time staff positions for the Board's consideration. Dr. Cutler moved to approve the addition of five additional full time staff positions, Mr. Allen seconded, and the motion passed unanimously. (See Attachment #5.)

There was a brief discussion on the Preservation Trust Fund proposals to be considered the next day.

Mr. Hartz adjourned the meeting at 4:45 p.m. to be reconvened at 9:00 a.m. the following morning.

MINUTES
VIRGINIA OUTDOORS FOUNDATION
QUARTELY MEETING OF THE BOARD OF TRUSTEES
VIRGINIA DEPARTMENT OF FORESTRY, 2ND FLOOR BOARD ROOM
CHARLOTTESVILLE, VIRGINIA
June 7, 2007 9:00 AM

Trustees present: Chairman, Mr. Frank M. Hartz, presiding; Mr. J. William Abel Smith; Mr. Mark S. Allen; Dr. M. Rupert Cutler; and Mr. Charles H. Seilheimer, Jr. VOF staff attending: 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; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Specialist; Ms. Laura Thurman, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; Ms. Kristin Ford, Easement Specialist; Mr. Philip Reed, Easement Specialist; Mr. Josh Gibson, Easement Specialist; Ms. Anna Chisholm, Finance Manager; Ms. Sara Ensley, Human Resources Manager; Mr. Doug Wetmore, Stewardship Specialist; and Mr. Bruce Stewart, Staff Counsel. 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. After introductions, Mr. Hartz announced that LTA Rally 2007 had been announced for October 3 through 6 in Denver, Colorado, and asked Board members to make arrangements to attend. Mr. Hartz then asked the Board to consider the proposed language change discussed by Leslie Grayson the day before. Dr. Cutler moved to adopt the language with a change in the language of the last sentence to “if Grantee gives its prior written approval” and make the amended language apply to all easements under consideration at this meeting as well as available to the easements approved at prior board meetings but still not recorded. Mr. Allen seconded and the motion passed unanimously.

Mr. Hartz asked if there was any public comment, there being none, he called for approval of the order of business announcing that agenda items numbered 21 through 24, 63 through 66, 33, 41, 55, and 56 would be taken out of order to accommodate land owners and other interested parties.

Mr. Hartz then explained that if proposed easements had been ranked a category 1, staff will report that the easement meets guidelines, employs the new template, and answer any questions. If the easement is a category 2, staff will explain the reason for exceptions and answer any questions. If the easement is a category 3, full discussion may be required by the Board.

Mr. Hartz asked Kristin Ford to begin with the Harris easements. Leslie Grayson explained that the Harris easements were written by Frank A. Thomas, III and presented alternative language for his paragraph 9. GENERAL. Bruce Stewart worked with Mr. Thomas on the alternative language. The proposed change is in the second sentence of paragraph 9 and changes it to read, “This paragraph shall not be construed to prevent any matter permitted under the Restrictions set forth in Paragraphs 1 through 8 of this Section II, as the Grantee has determined that the Restrictions will limit use of the Property to those uses consistent with, and not adversely

affecting , the conservation values of the Property and the governmental conservation policies furthered by the Easement.”

#21 – Pauline and Samuel Harris of 44.81 acres in Spotsylvania County – Ms. Ford explained that the Harris family owns approximately 1,100 acres in Spotsylvania and Orange counties and they are bringing a total of eight easement proposals to the Board at this time. She said that the first proposal is on Lake Anna with no division but requesting one primary dwelling and one secondary dwelling. The easement provides a 100 foot no-plow buffer on Lake Anna. The proposal does not meet guidelines for dwelling and Ms. Ford recommended approval of the easement with a smaller secondary. This property could be divided into 10 lots. Mr. Hartz invited the landowners to address the request for a secondary. Mrs. Ellen Harris explained that they would like to have a secondary dwelling to retire to when they give the primary to one of their children. Ms. Ford reviewed the dwellings being requested on all eight proposals, 10 primary dwellings and 10 secondary dwellings. After discussion, Dr. Cutler moved to approve the easement allowing one secondary of 2,000 square feet within 200 feet of the primary dwelling and the deletion of the language “or removal of trees necessary to maintain an effective water quality buffer” and removal of DOF approval in the Riparian Buffer clause. Mr. Seilheimer seconded and the motion passed unanimously. (This easement will contain the revised GENERAL paragraph.)

#22 – Ellen and Samuel Harris of 30.8 acres in Spotsylvania County – This property borders the property considered in #21 and is essentially the same proposal. Dr. Cutler moved to approve the easement allowing one primary dwelling and one secondary dwelling of 2,000 square feet within 200 feet of the primary dwelling. Mr. Seilheimer seconded and the motion passed unanimously. (This easement will contain the revised GENERAL paragraph.)

#23 – W. D. and Samuel Harris of 117 acres in Spotsylvania County – This property is also located on Lake Anna and the proposed easement allows no division, one primary dwelling of under 4,500 square feet, a secondary dwelling of under 2,000 square feet (no restriction on location), and a 100 foot no-plow buffer on Lake Anna. Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously. (This easement will contain the revised GENERAL paragraph.)

#24 – WDH, LLC and W. D. Harris of 146.94 acres in Spotsylvania County – This easement proposal allows for no subdivision, one primary dwelling, one secondary dwelling (no restriction on location), and a 100 foot no-plow buffer on Lake Anna. These four easements represent 339.55 acres on Lake Anna that will be protected from development and provide open-space values for the boating and driving public. Dr. Cutler moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously. (This easement will contain the revised GENERAL paragraph.)

#63 – AG LAND LLC of 299 acres in Orange County – Ms. Ford explained to the Board that this property does not have perennial streams so the riparian buffer language will be deleted from the easement. The proposed easement allows three parcels with a primary and secondary dwelling each. Protecting this property will preserve productive agricultural land and provide open-space scenic views for the driving public on Monrovia Road. (This easement will contain

the revised GENERAL paragraph.) The easement will be co-held the Orange County Soil and Water Conservation District. The PTF Committee recommended approving \$8,750 in reimbursement for costs. Mr. Seilheimer moved to approve the easement as amended and \$8,750 in PTF funds, Dr. Cutler seconded, and the motion passed unanimously.

Dr. Cutler asked that the Riparian Buffer language be placed directly after the Management of Forest language in all easements and suggested that if properties had no perennial streams, leave the title of “5. Riparian Buffer” and note that it is “not applicable”.

#64 – W. D. and Samuel Harris of 54.28 acres in Orange County – The easement allows no division, one primary dwelling and one secondary dwelling. Protection of this property will preserve productive agricultural land and provide open-space scenic views for the driving public on Ellisville Road. Ms. Ford explained that the request of the landowner for a secondary dwelling on this property is for farm worker housing and would be best located away from the main dwelling. (This easement will contain the revised GENERAL paragraph.) This easement will also be co-held by the Orange County Soil and Water Conservation District. The PTF Committee recommended awarding \$8,750 for costs. Mr. Hartz suggested that this secondary should be no larger than 1,500 square feet. Dr. Cutler moved to approve the easement with a secondary dwelling of no larger than 1,500 square feet and \$8,750 in PTF funds. Mr. Allen seconded and the easement was approved unanimously as amended.

#65 – W. D. and Samuel Harris of 176.79 acres in Spotsylvania County – This property contains productive pastureland and open-space views from Route 653. The easement allows no division, one primary dwelling, one secondary dwelling, and 4,500 square foot farm building with VOF review. Ms. Ford explained that there is no good survey on this property and may require a boundary line adjustment to create a contiguous property. (This easement will contain the revised GENERAL paragraph.) Tri-County Soil and Water Conservation District will co-hold. The PTF Committee recommended awarding \$8,750 for costs. Mr. Seilheimer moved to approve the easement as amended and \$8,750 in PTF funds, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#66 – W. D. Harris of 227.15 acres in Spotsylvania County – An easement on this property will protect rolling crop land, wooded areas, and Beverly Run with a 100 foot no-pow buffer. (This easement will contain the revised GENERAL paragraph.) The easement allows no division, one primary dwelling, one secondary dwelling, and 4,500 square foot farm building with VOF review. Ms. Ford explained that the Riparian Buffer language will be changed as approved by the Board and with the forest stewardship management plan approved by the Grantee. This easement will be co-held by the Tri County Soil and Water Conservation District. The PTF Committee recommended awarding \$8,750 for costs. Dr. Cutler moved to approve the easement as amended and \$8,750 in PTF funds, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

#33 – Litchfield of 123.2 acres in King and Queen County – Estie Thomas presented the easement proposal saying that it meets guidelines and follows the VOF template. The easement will protect “Oakland”, an 18th century house, with no willful demolition language. The easement also protects the open-space values of the property with no division allowed and

wetlands on the property will be protected with 100 foot riparian buffers on Market Swamp. Mr. Seilheimer moved to approve the easement as submitted, Mr. Abel Smith seconded, and the motion passed unanimously.

#41 – Parker/Enfield of 838.8 acres in King William County – Estie Thomas presented the easement explaining that it exceeds guidelines for divisions and number of dwellings and follows the VOF template. Ms. Thomas recommended 10,000 square feet for agricultural buildings due to the property being used as a working farm. The easement provides for division into four parcels with a primary and a secondary dwelling each and protects the Mattaponi River with 100 foot riparian buffers that exclude livestock. Mr. Seilheimer moved to approve the easement amended to allow 10,000 square feet for agricultural buildings, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#55 – Watkins Farm of 385 acres in King William County – Estie Thomas presented the proposal on a property that contains farmland operated as a family-run dairy. The easement will contribute to the water quality of the Pamunkey River and the Chesapeake Bay with 100 foot riparian buffer on Monquin Creek that excludes livestock. The easement allows four parcels with a primary dwelling and a secondary dwelling each. She explained that the proposal exceeds guidelines for divisions and number of dwellings allowed but recommended approval of the easement with the addition of VOF siting approval on all new dwellings. As a working farm, the landowners need housing for their farm workers. Mr. Seilheimer moved to approve the easement with the addition of VOF siting approval of dwellings, Mr. Allen seconded, and the easement was approved unanimously as amended.

#56 – Woolford/Cownes of 452 acres in King William County – Estie Thomas presented the proposals saying that the easement meets the guidelines as to the number of parcels, dwellings, and dwelling sizes. The easement allows four parcels with a primary and a secondary dwelling on each. The easement will contribute to the water quality of the Mattaponi River and the Chesapeake Bay with a 100 foot riparian buffer that excludes livestock. Mr. Seilheimer moved for approval as submitted, Dr. Cutler seconded, and the motion passed unanimously.

#1 – David and Teresa B. Aker of 70.79 acres in Wythe County – Ruth Babylon presented the proposal explaining that agenda items 1 through 4 are owned by the same family and #1, #3, and #4 are contiguous for a total of 585 acres known as Wolfpen Farm. The easement on this portion of the property allows no division with one primary dwelling and one secondary dwelling. This is a working dairy farm. Protection of these properties will contribute to the open-space and rural agricultural character of the county. Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

#2 – Thomas M, Teresa A, David, and Teresa B. Aker “Cripple Creek” of 152.7 acres in Wythe County – This property contains the cow and calf operation of the dairy farm as well as cropland. The property lies on Cripple Creek, a stocked trout stream, which will be protected by 75 foot fenced riparian buffers on both sides of the creek that exclude livestock. Ms. Babylon explained that the easement allows two parcels, two single family dwellings with a hard cap of 3,500 square feet, no secondary dwellings, and no buildings visible from Virginia Scenic Byway 619.

Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

#3 - Thomas M, Teresa A, David, and Teresa B. Aker of 158.11 acres in Wythe County – Ms. Babylon presented the easement saying it allows for two parcels, two single family dwellings with a hard cap of 3,500 square feet each, and no secondary dwellings. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

#4 – Helen Aker “Wolfpen Farm” of 356.89 acres in Wythe County – Ms. Babylon presented the proposal explaining that this property is the main portion of the family dairy farm with pastures and cropland. The easement allows three parcels, three single family dwellings with a hard cap of 3,500 square feet each, and no secondary dwellings. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

#5 – Bibb/Komarnitzki of 204.325 acres in Amherst County – Sherry Buttrick presented the proposal saying that the easement allows two parcels, two primary dwellings, one secondary dwelling, outbuildings less than 2,500 square feet per dwelling, farm buildings not greater than 4,500 square feet, no building above the 1,240 foot contour elevation, and a 50 foot no-plow/no timbering riparian buffer on both banks of Miller Creek. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

#6 – Carithers of 72.61 acres in Shenandoah County – Laura Thurman presented the proposed easement saying it would allow no division, one single family dwelling (limited to 3,500 square feet), no secondary dwelling, farm buildings with VOF review if over 4,500 square feet and a cumulative cap of 15,000 square feet, 100 foot vegetated riparian buffer on one seasonal stream and 50 foot buffer on the other, and a no-plow buffer on the spring and pond. Protection of this property will contribute to the rural character of the area and provide scenic views for the driving public along Alonazville Road. The riparian buffers help protect the headwaters of Pughs Run, a major tributary of the North Fork of the Shenandoah River. Ms. Thurman also told the Board that the owners have restored a former hay field to a Shenandoah Valley Prairie. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

#7 – Chalk Mountain Farm, LLC of 293 acres in Albemarle County – Sherry Buttrick presented the proposal stating that the landowners wanted three parcels, three primary dwellings with no size limitations, three secondary dwellings not to exceed 2,000 square feet each, one barn apartment, and a 100 foot no-plow riparian buffer on the perennial streams. Since the easement does not meet guidelines, Ms. Buttrick recommended either a size limit on the primary dwellings or a provision that no dwelling should be visible from the road that exceeds 5,000 square feet without prior written approval, the secondary dwellings be reduced to 1,600 to 1,800 square feet and/or the size of the cottage located within the 600 foot setback from the road be reduced to 1,500 square feet, and add a maximum size of 1,000 square feet to the barn apartment. Ms. Buttrick said that template language requiring notification of any forest clearing over 10 acres would be restored to the easement. Mr. Hartz said that he had multiple concerns with the easement and could not support the easement as written. After discussion, Mr. Seilheimer moved the easement be approved with the following amendments: secondary dwellings no larger

that 2,000 square feet with only one secondary dwelling, no larger than 1,600 square feet, allowed in the 600 foot setback from Route 697, no dwellings visible from the road exceeding 5,000 square feet without VOF approval, and language requiring notice if clearing over 10 acres of forest. Dr. Cutler seconded the motion. The easement was approved as amended with Mr. Abel Smith abstaining from voting and Mr. Hartz voted against.

#8 – Clark of 202.436 acres in Orange County – Sherry Buttrick presented the easement that allows for no division, one primary dwelling not visible from Route 636, three secondary dwellings of no larger than 2,400 square feet each (also not visible from Route 636), farm buildings of no more than 10,000 square feet, and a 35 foot and 13 foot vegetated riparian buffer on Downey’s Mill Run. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

#9 – Collins “Merriewood Farm” of 332.99 acres in Orange County – Sherry Buttrick presented the proposed easement that allows three parcels, three primary dwellings with no size limits (two primary dwellings exist), four secondary dwellings of no larger than 2,000 square feet each, an indoor riding ring no larger than 20,000 square feet without prior approval (and not visible from the road), 200 foot setback from Route 644 for two of the parcels and a 500 foot setback for the third, and a 50 foot forested riparian buffer on Marsh Run that excludes livestock. Ms. Buttrick added that the bank wanted to add to the sub-ordination clause, “for so long as the Bank retains its lien on any portion of the Property, division or subdivision of the Property as permitted in this Easement may only be made with the approval in writing of the Bank.” Ms. Buttrick recommended that the fourth secondary be located in a farm building or garage, add a provision that the buffer that is forested along the road be maintained in forest, and Forest Stewardship Management Plan approved by Grantee. Mr. Seilheimer moved to approve the easement amended as recommended, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#10 – Cox of 85 acres in King William County – Estie Thomas presented the easement which allows for no division, one single family dwelling no larger than 4,500 square feet, farm buildings of 4,500 square feet, no timbering except for domestic consumption, and 100 foot riparian buffer on Aquinton Creek with livestock excluded. Protection of this property will contribute to open-space values and the water quality of the Pamunkey River and the Chesapeake Bay. Mr. Allen moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

#11 – Crowe of 154 acres in Greene County – Sherry Buttrick presented the Crowe proposal which allows for no division, one primary dwelling of no larger than 6,500 square feet, two secondary dwellings of no larger than 2,000 square feet, farm buildings of not greater than 7,500 square feet total, 200 foot setbacks from the roads, and a 35 foot no-plow buffer on the intermittent stream with mowing and livestock allowed. Ms. Buttrick recommended approval due to the restrictions placed on the Farmstead area and size of the existing secondary cottage. She added that template language governing Industrial or Commercial Activities would be added to the easement. After discussion, Mr. Abel Smith moved to approve the easement as presented with the template Industrial or Commercial Activities language and contingent on clear title, Mr. Seilheimer seconded, and the motion passed unanimously.

#12 – Cushman of 160 acres in Augusta County – Laura Thurman presented the easement that allows one division right reserved for the current owner only, a right of way to a land locked parcel co-owned by the donor, two single family dwellings (the primary dwelling is limited to 4,500 square feet and the other can be no larger than 2,500 square feet), one secondary dwelling no larger than 1,000 square feet, no willful demolition of the existing historic dwelling, farm building review, and a 50 foot no-plow buffer on Otts Creek that allows mowing and crazing. Dr. Cutler objected to the mowing and grazing allowed in the riparian buffer saying that both are harmful to water quality. Mr. Hartz agreed. Ms. Thurman explained that the division on this property just meets guidelines but is mitigated by the smaller size of the dwellings and the restriction that single family dwelling be built out of sight of Route 726. She added that the heavily timbered portion of the property would be protected by a no commercial timbering provision. After discussion, Ms. Thurman said she would have the owner include best management practices language to the Management of Forest provision. Mr. Allen moved to approve the easement with the amended Forestry language, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

#13 – Donald W. Firebaugh Living Trust of 81.92 acres in Rockbridge County – Ms. Thurman presented the easement that allows no division, an existing single family dwelling which cannot be enlarged to greater than 1,000 square feet, an additional single family dwelling of no larger than 3,500 square feet located out of sight of Route 623 within one of the designated building envelopes, 4,500 square foot farm building review, a 50 foot vegetated riparian buffer on Ford Run, and a restriction on conversion of forest to farm land above a designated line (shown on map included in the BDR). Mr. Lee pointed out that he did not see a provision for the second dwelling. It was discovered that the section (ii) allowing a 3,500 square foot dwelling was missing in the easement submitted for review. Ms. Thurman said it would be corrected before recordation. Mr. Allen moved to approve the easement as corrected, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

#14 – Dunnottar Farm Incorporated of 449.6539 acres in Fauquier County – Leslie Grayson presented the proposal explaining that while the easement does not technically meet guidelines for secondary dwellings, three of the secondary dwellings exist and are tied to their current locations clustered around one of the existing primary dwellings. She said that all of the new dwellings are sited at pre-determined locations to keep the visible open pasture land clear. Protection of this property will provide open-space and scenic views from three public roads very close to Warrenton and protect the forested ridgeline of Viewtree mountain as well as contribute to the Rappahannock watershed with a 50 foot buffer on Great Run. Mr. Abel Smith moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

#15 – Eagle Hill Investment, LLC of 202.4 acres in Albemarle County – Sherry Buttrick presented the easement proposal which has existing VOF easements on two side. The easement allows one existing primary dwelling, two existing secondary dwellings, two apartments to be located in barn structures, 4,500 square foot farm building review, 5,700 square foot indoor riding ring, a 600 foot building setback from Route 601, and riparian buffers of 100 feet in the forested areas and 35 feet of no-plow in the open areas of the property. Ms. Buttrick

recommended approve the easement as presented because all parties had worked very hard to balance the protection of open-space values and the needs of a young family. Ms. Vance asked if the donor would take “recreation” out of the WHEREAS clause listing the purposes for the easement. Mr. Seilheimer moved to approve the easement with “recreation” removed, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

Ms. Vance asked if the Board could give staff leeway to develop consistent Farm Management Plan language for the VOF template. She was concerned that there were multiple versions in the day’s easement proposals and wanted to insure consistency. Mr. Hartz agreed, and with the consensus of the other Board members present, that staff should develop language and bring it to the Board for approval.

#16 – Edgerton “Timbercreek Farm” of 128.45 acres in Albemarle County – Sherry Buttrick presented this proposal with no division, one primary dwelling with no limit on size as long as it stays “in the same approximate location on the Property” (this is a change), one secondary dwelling of no larger than 2,000 square feet, non-residential outbuildings of no more than 2,500 square feet per dwelling, 4,500 square feet in farm buildings, scenic protection setback of 1,200 feet from Route 614, and a 50 foot no-plow buffer on the intermittent stream. Ms. Buttrick recommended approval with the revised GENERAL paragraph and the change for the primary dwelling. Mr. Abel Smith moved to approve the easement with the recommended changes, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

#17 – Eggleston of 205.2366 acres in Highland County – Laura Thurman presented the easement that provides for two parcels, two primary dwellings that will not collectively exceed 7,000 square feet, one secondary dwelling no larger than 2,000 square feet, farm building review of 3,500 square feet with aggregate cap on farm buildings of 20,000 square feet, building setback from Route 250, and 100 foot no-plow riparian buffer on the seasonal streams. The proposed easement will preserve the scenic views from the McDowell Battlefield and U.S. Route 250 with designated building envelopes above the 2,600 foot contour line or VOF siting review. Ms. Thurman recommended approving the easement as presented as it exceeds guidelines in total area for the primary dwellings, only one secondary dwelling, and smaller farm building review. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

#18 – Thomas M. Fulcher Trust of 800.433 acres in Amherst County – Sherry Buttrick presented the easement that allows three parcels, six single family dwellings no larger than 4,500 square feet (of which four exist), three secondary dwellings no larger than 2,000 square feet, no building above the 1’600 foot contour line, and 35 foot no-plow riparian buffer on Indian Creek. Ms. Buttrick told the Board that the landowner was requesting the inclusion of the standard windmill language and an increase in the airplane hanger to 4,500 square feet. Ms. Buttrick recommended approval as the easement meets or is better than VOF guidelines and provides protection of locally important scenic vistas. Mr. Seilheimer moved to approval with the requested changes, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

#19 – Griffin of 100.556 acres in King George County – Estie Thomas presented the proposal which would allow no division of the property, two single family dwellings (one no larger than

4,500 square feet and the other no larger than 2,000 square feet), the permitted dwellings must be within 300 feet of each other, one repair shop no larger than 2,500 square feet, farm structures of 4,500 square feet, and 120 foot no-plow riparian buffer on the Potomac River that excludes livestock. Protection of this property will contribute to the water quality of the Chesapeake Bay and preserve open-space views for the driving and boating public. Ms. Thomas recommended approval of the easement with a limitation on the repair shop of 1,000 square feet or VOF approval if larger. Mr. Seilheimer moved to approve the easement with the amended repair shop language, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#20 – Grills “Rapidan River Farm” of 380.82 acres in Culpeper County – Sherry Buttrick presented the easement that will protect extensive shoreline on the north shore of the Rapidan River and the perennial stream with 50 foot riparian buffers. The scenic views from Route 647 will be protected by a 200 foot building setback. The easement allows four parcels (one of which cannot have any buildings and no clear cutting of timber to protect unique habitat and potential rare species), three primary dwellings, three secondary dwellings, non-residential outbuildings of no more than 2,500 square feet, and farm buildings of 4,500 square feet. Ms. Buttrick recommended approval as presented. Mr. Seilheimer moved to approve the easement as submitted, Dr. Cutler seconded, and the motion passed unanimously.

#25 – Hat Creek Farm, LLC of 200 acres in Nelson County – Sherry Buttrick presented the easement proposal for a property that is in the immediate vicinity of other VOF easements. The easement allows two parcels, two primary dwellings of 4,500 square feet with VOF approval for larger, two secondary dwellings no larger than 2,000 square feet, 4,500 square feet in farm buildings, 300 foot building setback from Route 151, a no build zone above 2,000 feet elevation, and 100 foot riparian buffer on Hat Creek that excludes livestock. Ms. Buttrick recommended approval as presented. Mr. Seilheimer moved for approval, Mr. Allen seconded, and the motion passed unanimously.

#26 – High Meadow Land Co. of 200.02 acres in Rockbridge County – Laura Thurman presented the easement saying that the property contains three significant sinkholes and lies within the drainage area of four known caves. The easement allows for two parcels, two primary dwellings no larger than 4,500 square feet, two secondary dwellings no larger than 2,000 square feet, 4,500 farm building review, 300 foot building setback from Bethany Road, and 100 foot no build buffer around the sinkholes. Ms. Thurman said that the Grading, Blasting, Mining restriction should be changed to read, “Grading, blasting or earth removal shall not materially alter the topography of the Property except for (i) dam construction to create ponds, (ii) wetlands or stream bank restoration pursuant to a government permit, (iii) erosion and sediment control pursuant to a government-required erosion and sediment control plan, or (iv) as required in the construction of permitted buildings, structures, roads, and utilities. *Grading or blasting activities shall not damage the sinkholes on the Property. . . .*” Mr. Allen moved to approve the easement with the amended language, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#27 – Hyatt of 330.13 acres in Albemarle County – Sherry Buttrick presented the proposed easement that allows the existing 10 buildings in three building envelopes: in building envelope #1 there is a farm manager’s house; in building envelope #2 there is the main residence with

garage and storage building, a carriage house with residential apartment, a two-story log house, and a stable, an equipment storage and maintenance building, and a greenhouse just to the north (but not in building envelope #2); in building envelope #3 contains a guest house. In addition, the easement allows one additional secondary dwelling no larger than 2,500 square feet, other non-residential outbuildings appropriate to the dwellings, and farm buildings no larger than 4,500 square feet without VOF approval. The easement will contribute to the water quality of the Chesapeake Bay with 35 foot riparian buffers on both sides of any perennial or intermittent streams on the property with no grazing of livestock but mowing allowed. Ms. Buttrick recommended approval as presented due to only one primary dwelling, strict siting of secondary dwellings, and no subdivision allowed. Mr. Seilheimer moved to approve as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

#28 – Irvine and Irvine, LLC of 977.281 acres in Rockbridge County – Laura Thurman presented the easement which allows four parcels. Scenic views will be protected by 300 foot building setback from Route 646 and a no build zone above the 2,300 foot elevation. The existing primary dwelling is larger than VOF guidelines permit but is mitigated location and no secondary allowed on the parcel containing the dwelling. This property is adjacent to an existing easement on House Mountain. Ms. Thurman recommended approval as presented. Mr. Seilheimer moved for approval, Mr. Allen seconded, and the motion passed unanimously.

#29 – Francis Irvine et al. of 236 acres in Rockbridge County – Laura Thurman presented the proposal for this property that is adjacent to another VOF easement donated by the land owners. This proposed easement would allow for no division, four dwellings of no larger than 2,500 square feet, farm building review at 4,500 square feet, 450 foot no build setback from the George Washington and Jefferson National Forests, and 50 foot riparian buffers on each edge of the intermittent streams on the property. Ms. Thurman recommended approval as presented. Mr. Seilheimer moved for approval, Dr. Cutler seconded, and the motion passed unanimously.

#30 – James of 402.55 acres in Culpeper and Madison Counties – Jennifer Perkins presented the James proposal which allows no division, one single family dwelling no larger than 4,500 square feet, farm building review at 5,000 square feet, and 100 foot no-plow riparian buffers on all perennial streams. Protection of this property will preserve over 11,000 feet of frontage along three public roads and contribute to the water quality of Devil’s Run. (This easement will have the revised GENERAL language.) Ms. Perkins recommended approval with the updated Utility and General language. Mr. Seilheimer moved to approve the easement with the recommended changes, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

#31 – Johnson of 79.149 acres in Albemarle County – Sherry Buttrick presented the easement allowing no division, an 1885 single family dwelling protected with “no willful demolition” language, one secondary dwelling of no larger than 1,200 square feet with VOF approval for larger, 400 foot building setback from Route 250 and I-64, and 50 foot riparian buffers on perennial and intermittent streams. The property has an existing cell tower that will be removed when lease expires in 2018. Ms. Buttrick recommended approval as presented. Mr. Seilheimer moved for approval, Mr. Allen seconded, and the motion passed unanimously.

#32 – Lightsey of 100.767 acres in the City of Staunton, Augusta County – Laura Thurman presented the proposed easement that allows for no division, one single family dwelling of no larger than 3,000 square feet, no secondary dwelling, farm building review at 4,500 square feet with an aggregate cap of 7,000 square feet, and a 300 foot building setback from Route 262 which will preserve the scenic views of the driving public. The easement will also protect a large open space in the City of Staunton. Ms. Thurman recommended approval as presented. Mr. Abel Smith moved for approval, Dr. Cutler seconded, and the motion passed unanimously.

#34 – Mack of 189.44 acres in Orange County – Sherry Buttrick presented the easement which allows two parcels, two primary dwellings of no larger than 4,500 square feet, two secondary dwellings of no larger than 2,000 square feet, specific restrictions on the locations of dwellings to protect the scenic views from Route 615 and Route 600, and a 35 foot no-plow riparian buffer on the perennial stream. The views of the driving public are protected by a 500 foot building setback on Route 615 and a 200 foot building setback on Route 600. Ms. Buttrick recommended approval as presented. Mr. Seilheimer moved for approval, Dr. Cutler seconded, and the motion passed unanimously.

#35 – McIntosh of 103.445 acres in Albemarle County – Sherry Buttrick presented the property reporting that the easement had been completely rewritten over the past days. Mr. Hartz suggested that, since the Board did not have an opportunity to review the revised easement, consideration of this proposal be deferred to the September Board meeting. Dr. Cutler moved to defer, Mr. Allen seconded, and the motion to defer consideration of this easement to the September Board meeting passed unanimously.

#36 – Merrill of 108 acres in Greene County – Sherry Buttrick presented the easement which allows no division, one primary dwelling and one secondary dwelling that together may not exceed 7,500 square feet, farm building review at 4,500 square feet, 200 foot building setback from Route 638, and 35 foot no-plow riparian buffer on the stream. Ms. Buttrick reported that the donor has agreed to include VOF template language governing small scale commercial activities. She also said that the easement would have to be approved contingent on clear title. Mr. Hartz asked that the number of square feet comprising 1% of the total property area be defined in the Buildings and Structures restriction. Dr. Cutler moved to approve the easement with the inclusion of VOF approval of small scale commercial activity language, the number of square feet comprising 1%, the determination of the type of stream on the property, and subject to clear title. Mr. Seilheimer seconded and the easement was approved unanimously as amended.

#37 – Merrill “Teel Mountain Farm” of 307 acres in Greene County – Sherry Buttrick presented the easement which allows three parcels of: 1) 100 acres with one primary dwelling and one secondary dwelling not to exceed 7,500 square feet together unless approved by VOF; 2) 170 acres with two secondary dwellings, one reproduction farm house, and a stone house that together cannot be greater than 10,000 square feet; and 3) 32.67 acres with one primary dwelling that cannot exceed 5,000 square feet without VOF written approval. The easement also allows farm building review at 4,500 square feet, no-build zone above the 960 foot elevation, and 100 foot riparian buffers along each bank of the perennial stream. Ms. Buttrick recommended approval of the easement with the inclusion of the small scale commercial language as above and

subject to clear title. Mr. Seilheimer moved to approve the easement with the recommended changes, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#38 – Middlebrook Farms, LLC of 577.423 acres in Augusta County – Laura Thurman presented the easement that allows for five parcels, five primary dwellings of no larger than 4,500 square feet, five secondary dwellings of no larger than 2,000 square feet located within 300 feet of each primary, and VOF siting review for all new dwelling. The easement also contains language protecting the 1855 dwelling and will preserve the scenic views for the driving public with 500 foot building setbacks on all public roads. Ms. Thurman recommended approval as presented. Mr. Abel Smith moved to approve, Mr. Allen seconded, and the motion passed unanimously.

#39 – Moore of 894 acres in Botetourt County – Ruth Babylon presented the easement with one correction. She explained that the summary sheet states that livestock will be excluded from Catawba Creek but the language was not in the deed. The language had been taken out in error. Ms. Babylon recommended approving the easement with the livestock excluded language restored. The easement allows for four parcels, four primary dwellings, four secondary dwellings, no new dwellings visible from Poor Farm Road, and a 100 foot riparian buffer along Catawba Creek. This easement fully meets VOF guidelines. Dr. Cutler moved to approve the easement with the restoration of the livestock excluded from the creek language, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

#40 – Nuckolls “Foggy Bottom Farm” of 461.74 acres in Grayson County – Ruth Babylon presented the proposed easement allowing five parcels, five primary dwellings no larger than 4,500 square feet, five secondary dwellings no larger than 1,200 square feet, with the provision that no new dwellings be constructed with 500 feet of the New River. The easement also provides a 100 foot riparian buffer on the New River except for a section that drops to 35 feet due to existing house, guest house, and barn. The riparian buffer excludes livestock from grazing and will help protect several rare aquatics identified by DCR’s Division of Natural Heritage. Two of the aquatics are ranked S1 - “extremely rare or critically imperiled”.. A provision in the Building and Structures restriction prohibits cutting trees of greater than eight inches in diameter at chest high between new dwellings and the river. This property is adjacent to another parcel owned by the donor of 438 acres that has been approved for the Forest Legacy Program and cannot be divided. Ms. Babylon recommended approval as presented. Mr. Seilheimer moved for approval, Dr. Cutler seconded, and the motion passed unanimously.

#42 – Rose Hill Farm Limited Partnership of 321.39 acres in Loudoun and Fauquier Counties – Jennifer Perkins presented the easement that provides for four parcels with one being at least 50 acres surrounding the historic Rose Hill house and associated outbuildings. The proposal allows for more parcels or house density than the guidelines but staff believes the very restrictive provisions for siting of all new dwellings adequately protect the significant scenic and historic values of the property. The easement also provides 50 foot forested riparian buffers that exclude livestock on Pantherskin Creek and Plum Run, both of which are major tributaries to Goose Creek. Rose Hill is surrounded on three sides with existing easements and is adjacent to an historic public access site. Ms. Perkins recommended approval of the easement as presented. Mr. Seilheimer moved for approval, Mr. Abel Smith, and the motion passed unanimously.

Mr. Hartz broke for lunch and reconvened the meeting at 12:35 p.m.

#43 – Shifflett of 116.907 acres in Augusta County – Laura Thurman presented the proposal that allows no division, one existing single family dwelling that can be enlarged to no more than 4,500 square feet, one secondary dwelling no larger than 2,000 square feet, farm building review at 4,500 square feet, a 50 to 35 foot riparian no-plow buffer on the South River that excludes livestock, and a 50 foot no-plow buffer on Laurel Run. Ms. Thurman recommended approval as the easement meets VOF guidelines. Mr. Allen moved for approval, Dr. Cutler seconded, the motion passed unanimously.

#44 – Robert and Garnett Smith of 418.94 acres in Hanover County – Estie Thomas presented the proposal for this property that is listed on the Virginia Landmarks Register and the National Register of Historic Places. The property is home to “Springfield” which was built in 1820 for Lucy Grimes Nelson, the widow of Thomas Nelson, a Signer of the Declaration of Independence and 4th Governor of the Commonwealth of Virginia. The easement allows one division into two parcels, existing single family dwelling “Springfield” which may not be willfully demolished, three secondary dwellings no larger than 2,000 square feet each, agricultural building review of 10,000 square feet due to the active operation, and 100 foot riparian buffer on New Found River excluding livestock. Ms. Thomas recommended approving the easement as presented. Dr. Cutler moved for approval, Mr. Allen seconded, and the motion passed unanimously.

#45 – Walter and Alexis Smith of 199.5 acres in Orange County – Sherry Buttrick presented the proposal which allows no division, one primary dwelling no larger than 4,500 square feet without VOF approval, one secondary dwelling no larger than 2,000 square feet, 200 foot building setback, and 100 foot no-plow riparian buffer on Pamunkey Creek. (This easement will have the revised GENERAL paragraph.) Ms. Buttrick recommended approval as presented. Mr. Seilheimer moved for approval, Mr. Abel Smith seconded, and the motion passed unanimously.

#46 – Southern Pines Investment, LLC of 603.1 acres in Fluvanna County – Sherry Buttrick presented the proposal for this property. The easement would allow three parcels, three primary dwellings no larger than 4,500 square feet, three secondary dwellings of no larger than 2,000 square feet, farm building review at 4,500 square feet, building setback of 300 feet from each shoulder of Route 630, and 100 foot riparian buffer on Phils Creek. Ms. Buttrick recommended approval as presented. Mr. Seilheimer moved for approval, Dr. Cutler seconded, and the motion passed unanimously.

#47 – Reid and Betty M. Swisher of 187.8 acres in Rockbridge County – Laura Thurman presented the easement that allows for two parcels, two primary dwellings no larger than 4,500 square feet, one secondary dwelling no larger than 2,000 square feet, farm building review at 4,500 square feet, 100 foot buffers for the sinkholes, and 35 foot riparian buffers for the unnamed intermittent stream. Ms. Thurman reported a change to the Grading, Blasting, Mining restriction as in agenda item #26. Mr. Seilheimer moved to approve the easement with the Grading, Blasting, Mining change, Mr. Allen seconded, and the easement was approved unanimously as amended.

#48 – Betty and Reid Swisher of 196.922 acres in Rockbridge County – Laura Thurman presented this easement with the same change in the Grading restriction as above. The easement will allow two parcels, two primary dwellings no larger than 4,500 square feet, two secondary dwellings no larger than 2,000 square feet, farm building review at 4,500 square feet, building setback of 300 feet from public roads, 100 foot buffer for sinkholes, and 35 foot no-plow buffers for the ponds on the property. Ms. Thurman recommended approval as amended. Dr. Cutler moved to approve the easement with the amended Grading language, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

#49 – Keith and Frances Swisher of 203.852 acres in Rockbridge County – Laura Thurman presented the proposal that allows two parcels, two primary dwellings of no larger than 4,500 square feet (one exists), two secondary dwellings no larger than 2,000 square feet, building setback of 200 feet from the public roads, 100 foot buffers for sinkholes, 35 foot no-plow buffer for the seasonal stream. This easement will also contain the amended Grading language as above. This farm is currently managed by a NRCS Conservation Plan. Mr. Seilheimer moved to approve the easement as amended, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#50 – Thompson of 358.867 acres in Henry and Franklin Counties – Tamara Vance presented the proposed easement that allows three parcels, three primary dwellings (one no larger than 5,500 square feet and two no larger than 4,500 square feet), three secondary dwellings no larger than 2,000 square feet, and 100 foot no-plow riparian buffer on the tributary to Reed Creek. The easement contains specific restrictions on the siting of new dwellings designed to protect the scenic views of the driving public. Ms. Vance recommended approval with a slight change to Residential Buildzone A. Dr. Cutler moved to approve with the recommended change, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

#51 – Tucker “Four Locust Farm” of 264.67 acres in Charlotte County – Sherry Buttrick presented the easement explaining that the landowner wanted three primary dwellings (one existing) for his children. The existing primary is 5,000 square feet and the two additional could only have an aggregate total of 7,500 square feet and cannot be located in view of Route 15. The property already has three small secondary dwellings for farm workers. The easement also provides for no demolition or enlargement of historically significant structures, farm building review at 4,500 square feet, and 100 foot riparian buffers with fences at 35 feet from the stream to exclude livestock from the streams. Mr. Abel Smith moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

#52 – Urla Row Trust of 304.99 acres in Spotsylvania County – Estie Thomas presented the proposal clarifying that the total acres covered by the easement would be 304.99 acres and meets VOF guidelines with three parcels, three primary dwellings not to exceed 4,500 square feet, three secondary dwellings not to exceed 2,000 square feet, farm building review at 4,500 square feet, and 100 foot riparian buffers that exclude livestock. She recommended approval with the inclusion of VOF siting approval of new structures because the property borders the Chancellorsville Battlefield. Dr. Cutler moved to approve the easement amended as recommended, Mr. Seilheimer seconded, and the easement was approved unanimously with the inclusion of VOF siting approval.

#53 – Voss/Milan of 105 acres in Rockbridge County – Laura Thurman presented the easement that allows no division, one primary dwelling no larger than 4,500 square feet, one secondary garage or barn apartment no larger than 1,000 square feet, farm building review at 4,500 square feet with one 40,000 agricultural building with VOF siting approval and screening provisions, a 200 foot building setback from public roads, and a 50 foot no-plow riparian buffer on Harrison Run and a seasonal tributary. The easement will protect the scenic views of the driving public, water quality of Harrison Run and the Maury River, and help maintain the rural quality of the locality. Ms Thurman also told the Board that the billboard currently on the property will be removed at the end of the current lease. She recommended approval as presented. After discussion, Dr. Cutler moved to approve the easement with a change in the screening language to *ten* feet apart on center in the Buildings and Structures restriction. Mr. Allen seconded and the easement was approved unanimously as amended.

#54 – Ware Farm, LLC of 408.343 acres (corrected) in Essex County – Estie Thomas presented the easement with a new data sheet distributed to the Board. She reported the changes as follows: 408.343 acres, no division, three single family dwellings not to exceed 6,500 square feet, one secondary dwelling not to exceed 2,500 square feet, defined building envelope for dwellings, 1,000 foot setback from the Rappahannock River, 100 foot riparian buffers that excludes livestock on Belleview and Tuscarora Creeks, and farm building review at 4,500 square feet. These changes bring the easement into compliance with VOF guidelines and recommended approval with the restoration of VOF template enforcement and inspection language. Mr. Seilheimer moved to approve the easement as amended, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

#57 – Yawars of 173.77 acres in Rockbridge County – Laura Thurman presented the proposal that allows for two parcels, two primary dwelling one of no larger than 5,500 square feet and the other no larger than 4,500 square feet, two secondary dwellings of no larger than 2,000 square feet, no build buffer along Route 612, and a forested riparian buffer along North Buffalo Creek and a 50 foot riparian buffer along the unnamed seasonal stream. Ms. Thurman recommended approval as presented. Mr. Seilheimer moved for approval, Mr. Allen seconded, and the motion passed unanimously.

#79 – Biophilia Foundation of 1,477 acres in Wythe County - Mr. Hartz announced that the Board would consider agenda item #79 next. Neal Kilgore presented the easement with no division, one primary dwelling no larger than 5,500 square feet to be located in a building envelope of four acres, two secondary dwellings no larger than 1,500 square feet each with their own building envelope, at least 100 foot riparian buffers on all perennial streams. Mr. Kilgore recommended approval as presented due to strict siting criteria for all allowed dwellings. He pointed out that of the 1,477 acres only six will be developed. Dr. Cutler moved for approval, Mr. Abel Smith seconded, and the motion passed unanimously.

Mr. Hartz called for consideration of the Preservation Trust Fund proposals.

#58 – Bolgiano of 100.375 acres in Rockingham County requesting \$6,000 for costs – Laura Thurman presented the proposal with several changes. The easement had been changed as follows: on page 3 – the addition of whereas clause, “WHEREAS, the Grantor and Grantees

recognize that the Property is almost entirely forested and is not compatible with commercial agricultural uses; and”; on page 5, Section I – Purpose to read, “. . . The conservation values of the Property are its open-space, scenic, natural values and its values as land preserved for open-space and rural uses including small-scale [removed “agricultural and”] forestry.” Also on page 5, in the Section II – Restrictions, 1. Division, (i) remove “or VCC” and (ii) remove “and the Board of Directors of VCC”. On page 6 in 2. Buildings and Structures, change the allowed area of outbuildings and structures to 2,500 square feet and add, “(iii) farm buildings or structures, except that a farm building or farm structure exceeding 500 square feet in ground area may not be constructed on the Property unless prior written approval for the building or structure shall have been obtained from Grantee, which approval shall be limited to consideration of the impact of the size, height and siting of the proposed structure on the conservation values of the Property. The aggregate footprint of all farm buildings shall not exceed 1,500 square feet in ground area. For purposes of this subparagraph, a farm building or structure shall mean a building or structure originally constructed and used for the activities specified in paragraph 3 (i).” On page 7, in paragraph 3. Industrial or Commercial Activities, (i) changed to read, “forestry and related small-scale incidental commercial operations that VOF approves . . . “ and change the last sentence to read, “Notwithstanding any other provision of this easement, no other commercial use (except for *de minimis* recreational or agricultural uses) shall be allowed on the Property.” The easement allows no division, one single family dwelling, farm buildings as amended, and 100 foot forested riparian buffer on both seasonal streams. Ms. Thurman recommended approval as amended. Mr. Seilheimer reported that the PTF Committee recommended rewarding \$6,000. Dr. Cutler moved to approve the easement as amended and the \$6,000 for costs. Mr. Allen seconded and the easement and funding was approved unanimously.

#59 – Clemmer of 145 acres in Augusta County requesting \$18,500 for costs– Laura Thurman presented the proposal for two parcels, two single family dwellings of no larger than 3,000 square feet, farm building review, and a building setback of 200 feet from Route 602. She felt the restrictions on dwelling size and location would protect the open-space and rural values of the property. Ms. Thurman recommended approval as presented. Dr. Cutler reported that the PTF Committee recommended an award of \$14,000. Dr. Cutler moved to approve the easement and \$14,000 PTF funds, Mr. Seilheimer seconded, and the motion passed unanimously.

#60 – Davis of 143 acres in Clarke and Frederick Counties requesting \$7,500 for costs – Kristin Ford presented the easement that allows no division, one primary dwelling no larger than 4,500 square feet, one secondary dwelling no larger than 2,000 square feet, a defined residential building area, and 50 foot riparian buffer with livestock excluded. Ms. Ford said that the landowners have included no willful demolition language that will need to be revised to say no demolition of the *original* house as they plan to remove and rebuild a 1930’s addition. She recommended approval with the change. Dr. Cutler reported that the PTF Committee recommended awarding the requested \$7,500. Mr. Able Smith moved to approve the easement as amended and the \$7,500 of PTF funds, Mr. Allen seconded, and the motion passed unanimously.

#61 – Dowell/Coleman “Strawberry Hill” of 329.92 acres in Albemarle County requesting \$567,145 for partial purchase and costs – Sherry Buttrick presented the easement proposal that had been approved by the Board in November 2006 for no funding. In order to obtain substantial

funding, the landowner had revised the easement to allow only two parcels with a primary and secondary each instead of the approved three parcels with primary and secondary each. Mr. Seilheimer reported that the PTF Committee recommended funding of \$565,645 for purchase and \$1,500 for costs for a total of \$567,145. Mr. Seilheimer moved for approval of the amended easement and an award of \$567,145, Dr. Cutler seconded, and the motion passed unanimously.

#62 – Faulconer of 303 acres in Orange County requesting \$277,900 for partial purchase and costs – Sherry Buttrick presented the easement that allows for three parcels, three primary dwellings of no larger than 4,500 square feet, three secondary dwellings of no larger than 2,000 square feet, building setback from Route 522, and 100 foot no-plow riparian buffer on the unnamed tributary of Mountain Run. She also said that the landowners have agreed to add siting language for all new dwellings to minimize impact on the open-space values of the property. She recommended approval with the siting amendment. Mr. Seilheimer reported that the PTF Committee recommended awarding \$277,900. Mr. Seilheimer then moved to approve the easement with VOF siting approval for new dwellings and the requested \$277,900 in PTF funds. Dr. Cutler seconded and the motion passed unanimously.

#67 – Heyl “Ridge Haven Farm” of 139 acres in Madison County requesting \$6,800 for costs – Sherry Buttrick presented the easement that will allow no division, one primary dwelling (exists) with no willful demolition and enlarged to no greater than 4,500 square feet, one secondary dwelling no larger than 2,000 square feet, farm building review at 4,500 square feet, building setback from Route 615 and no-build zone above 1,300 foot contour elevation, and 100 foot no-plow buffer on Kinsey Run that excludes livestock. Ms. Buttrick explained that this easement will have the approved Utilities language and revised General language. She recommended approval of the easement as presented. Mr. Seilheimer reported that the PTF Committee recommended awarding \$6,800. Dr. Cutler moved to approve the easement as amended and \$6,800 PTF funds, Mr. Abel Smith seconded, and the motion passed unanimously.

#68 – Hundley of 855 acres in Botetourt County requesting \$358,000 in purchase and costs – Laura Thurman presented the proposal that would allow five parcels, five primary dwellings of no larger than 4,500 square feet, three secondary dwellings of no larger than 2,000 square feet, two cabins or one lodge that may be constructed in the eastern half of the property, farm building review at 4,500 square feet on parcels greater than 50 acres and at 2,500 square feet on parcels under 50 acres, 50 foot riparian buffer for the section of Sinking Creek not covered by current riparian easement held by the Mountain Castles Soil and Water Conservation District. Sinking Creek is a designated trout stream by the Department of Game and Inland Fisheries. Mr. Seilheimer reported that the PTF Committee recommended awarding \$358,000. Mr. Seilheimer moved to approve the easement as presented and the PTF funds as requested. Dr. Cutler seconded and the motion passed unanimously.

#69 – Martin (Brian and Barbara) of 25 acres in Washington County requesting \$5,000 in costs – Neal Kilgore presented the easement that allows no division, one primary residence no larger than 4,000 square feet (two dwellings exist and the existing mobile home must be removed from the property within 48 months of easement recordation), one new barn of no larger than 2,500 square feet, and a 100 foot riparian buffer with livestock fenced out at a minimum of 25 feet from the Holston River. He said that he would work with the landowner to work in language to

scheduling mowing to minimize impact on wildlife. Mr. Kilgore explained that the current landowner granted the previous owner a life estate allowing him to live in the primary dwelling for life. The previous owner passed recently and the Martins plan on renovating the primary dwelling before moving into it. Mr. Martin also serves in the Air Force Reserves and is scheduled to be deployed to Iraq in September 2008, his third overseas tour, which is the reason for the 48 month grace period for the removal of the mobile home. Mr. Kilgore recommended approval as presented. Mr. Seilheimer reported that the PTF Committee recommended awarding \$5,000 for costs. Mr. Seilheimer moved to approve the easement as presented and \$5,000 PTF funds, Dr. Cutler seconded, and the motion passed unanimously.

#70 – Martin (Walter L.) of 220 acres (corrected) in Rockbridge County requesting \$356,500 for purchase and costs – Laura Thurman presented the proposed easement that provides for no division, one primary dwelling of no larger than 4,500 square feet, one secondary of no larger than 2,000 square feet, farm building review at 4,500 square feet, and a 35 foot vegetated no-plow buffer on the unnamed perennial stream with exclusion of livestock. The property contains soils classified as prime or of statewide importance by the County and lies in an area threatened by development. Ms. Thurman recommended approval as presented. Mr. Seilheimer reported that the PTF Committee recommended awarding \$300,000 toward the purchase and \$6,500 toward costs for a total of \$306,500 which represents 46% of the value of the most recent appraisal. Mr. Seilheimer moved for approval of the easement as presented and \$306,500 in PTF funds. Dr. Cutler seconded and the motion passed unanimously.

#71 – Milton of 263.15 acres in Montgomery County requesting \$13,500 for costs (includes costs for survey)– Tamara Vance distributed special condition maps for both Milton properties. Ms. Vance explained that the County had requested that a nine acre portion of this property be excluded from the easement for town access and the landowner agreed. She further explained that the landowner had agreed to establish no-build zones for the open fields and “Back Hill” to protect the scenic views for the public. Ms. Vance said that the easement allows two parcels, two primary dwellings of no larger than 4,500 square feet, two secondary dwellings of no larger than 2,000 square feet, and a 100 foot vegetated buffer on Brake Branch. Dr. Cutler reported that the PTF Committee recommended full funding. Dr. Cutler moved to approve the easement with the recommended no-build zones and the \$13,500 in PTF funds. Mr. Abel Smith seconded and the motion passed unanimously.

#72 – Milton of 375.593 acres in Montgomery County requesting \$13, 500 for costs (includes costs for survey) – Tamara Vance presented the proposed easement asking that the easement be approved contingent on the earlier distributed special conditions map. The no-build area contains a special ecological site identified by DCR’s Division of Natural Heritage and is near Den Hill Woodlands, a Nature Conservancy preserve. The easement allows three parcels, three primary dwellings of no larger than 4,500 square feet, and three secondary dwellings of no larger than 2,000 square feet. Ms. Vance said that the owner would like to include right of way language for an access road for a neighbor with VOF approval and located to minimize impact on the special ecological site. She recommended approval as amended. Mr. Seilheimer moved to approve the easement with the no-build zones recommended by staff and the right of way for a private road to serve the neighbor and the \$13,500 in PTF funds as requested. Dr. Cutler seconded and the motion passed unanimously.

#73 – Norton Family, LLC “Norfields Farm” of 274.84 acres in Louisa County requesting \$9,000 for costs – Sherry Buttrick presented the easement that allows two parcels, two primary dwellings of no larger than 4,500 square feet, one secondary dwelling of no larger than 2,000 square feet, building setback of 500 feet from Route 15, and 100 foot riparian buffer on the South Anna River that excludes livestock. Ms. Buttrick recommended approval as presented. Dr. Cutler moved for approval of the easement as presented and an award of \$9,000 PTF funds, Mr. Abel Smith seconded, and the motion passed unanimously.

#74 – Snapp of 151 acres in Frederick County requesting \$155,750 for partial purchase and costs – Kristin Ford presented the easement on a working farm that allows no division, one existing primary dwelling, one secondary dwelling of no larger than 2,600 square feet, one existing cabin of 600 square feet, farm building review at 4,500 square feet, and 100 foot riparian buffer on Cedar Creek with livestock excluded. The riparian buffer will also protect a spring that feeds Cedar Creek. Ms. Ford recommended approval as presented. Mr. Seilheimer reported that the PTF Committee recommended awarding the requested amount because it represents only 18% of the value of the appraised value. Mr. Seilheimer moved to approve the easement as presented and the \$155,750 in PTF funds, Dr. Cutler seconded, and the motion passed unanimously.

#75 – Denhoff of 90.702 acres in Botetourt County requesting an additional \$2,608 for costs (previously awarded \$4,000) – Laura Thurman explained that costs had come in higher than expected and the landowner is requesting additional funds. Mr. Seilheimer reported that the PTF Committee recommended approval of the request and so moved. Dr. Cutler seconded and the motion passed unanimously.

Two additional items were reported out of the PTF Committee and recommended for approval: Hodges, approved at the September 2006 meeting, requesting an additional \$4,354.53; and Copeland, approved at the March 2007 meeting, requesting an additional \$82,000.

Ms. Vance explained that there was real financial need in the Hodges request. Dr. Cutler moved to approve the \$4,354.53 for Hodges, Mr. Seilheimer seconded, and the motion passed unanimously.

Estie Thomas explained that the Copeland purchase had been approved in March 2007 for 50% and awarded \$200,000. Ms. Thomas said that the Copelands did not receive the full amount requested from the Virginia Land Conservation Fund and, therefore, were requesting additional PTF funds to make up 50% purchase and the landowners will donate the other 50%. Mr. Seilheimer moved to approve the additional \$82,000, Dr. Cutler seconded, and the motion passed unanimously.

#76 – Reconsideration of Chilton Trust of 7.451 acres in Lancaster County – Estie Thomas presented the request for reconsideration of the property which is in the Lancaster Court House Historic District and the muster site of the Virginia Colonial Militia. The property is also the site of the town’s 18th century gallows and shoreline and wetlands of the Corrotoman River. Ms. Thomas explained that this easement had been previously approved by the Board but before it could be recorded, the owner, Mrs. Chilton, died. Her estate would like to see her wishes

fulfilled and are amending the easement to include her house. Dr. Cutler moved to approve the amended easement, Mr. Abel Smith seconded, and the motion passed unanimously.

#77 – Reconsideration of the Fulton, Higgins, Switzer, and Huff property of 197.76 acres in Cumberland County – Sherry Buttrick said that this easement had been approved about two years ago and since that time the ownership of the property had been slightly reconfigured. The current proposal provides for two parcels, two primary dwellings of no larger than 2,500 square feet, no secondary dwellings, farm buildings of 2,500 square acres, forestry language protecting the oak trees on the property, and 100 foot riparian buffers on all streams excluding livestock. Ms. Buttrick explained that the language regarding Bay Act regulations will be removed. Mr. Seilheimer moved to approve the easement with the removal of the Chesapeake Bay Act language removed, Mr. Allen seconded, and the easement was approved unanimously as amended.

#78 – Reconsideration of Woodruff of 80.4 acres in Orange County – Sherry Buttrick explained that the landowner has divided a parcel for a son and is presenting the easement with 80.4 acres, with no division, one primary dwelling of no larger than 4,500 square feet without VOF review, one secondary dwelling of no larger than 2,000 square feet, farm building review at 4,500 square feet, and 35 foot no-plow riparian buffers on Hen and Bacon Run. Dr. Cutler moved to approve the easement as presented, Mr. Hartz seconded, and the motion passed unanimously.

There being no further business before the Board, Mr. Hartz adjourned the meeting at 2:47 p.m.

Respectfully submitted,

Patricia A. Cleary
Executive Assistant

Building and Structures Utilities Language

6/4/07

Proposed change to VOF easement template document.

Language occurs in clause 2. Buildings and Structures and addresses the construction of roads and utilities on the property. The current language only permits utilities that serve the easement property itself. This proposed language change would allow for VOF to approve an above ground or underground utility to cross the easement property to serve an adjacent property if there was no impact to the conservation values on the easement property.

CURRENT LANGUAGE:

Private roads and utilities to serve permitted buildings or structures, (*if applicable*: private roads and utilities to parcels created by permitted divisions of the Property) and roads with permeable surfaces for other permitted uses, such as farming or forestry, may be constructed and maintained. Underground public and private utilities whose construction and maintenance will not significantly impair the Property's conservation values may be constructed and maintained if Grantee, in its sole and absolute discretion, should give its prior written approval.

PROPOSED LANGUAGE (showing changes):

Private roads and utilities to serve permitted buildings or structures, (*if applicable*: private roads and utilities to parcels created by permitted divisions of the Property) and roads with permeable surfaces for other permitted uses, such as farming or forestry, may be constructed and maintained. ~~Underground~~ Public ~~and~~ or private utilities crossing the Property, whose construction and maintenance Grantee determines will not ~~significantly~~ impair the Property's conservation values may be constructed and maintained if Grantee, ~~in its sole and absolute discretion,~~ should give its prior written approval.

PROPOSED LANGUAGE (clean):

Private roads and utilities to serve permitted buildings or structures, (*if applicable*: private roads and utilities to parcels created by permitted divisions of the Property) and roads with permeable surfaces for other permitted uses, such as farming or forestry, may be constructed and maintained. Public or private utilities crossing the Property, whose construction and maintenance Grantee determines will not impair the Property's conservation values may be constructed and maintained if Grantee gives (replaces “should give”) its prior written approval.



June 12, 2007

Ms. Leslie H. Grayson
Deputy Director
Virginia Outdoors Foundation
324 Waterloo Street
Warrenton, VA 20186

RE: VOF Easement Transfer
The Plains Redevelopment Corporation
Wakefield School Eastern Access Road

Dear Ms. Grayson:

This letter is in support of discussions regarding the VOF Board consideration of the requested modification and exchange to the VOF easement on the property of The Plains Redevelopment Corporation. The purpose of this request is to deal with safety problems currently experienced with the access to the facilities on the upper end of the school. The existing access provides only one means to get to these upper facilities and channels buses and other vehicles right through the middle of student access ways from the academic buildings to the gymnasium which has created several close calls. There is also no secondary means to access the upper portions of the site for emergency vehicles. To create a safe environment for a segment of our community's children a new site access plan is necessary that will provide better separation of students conducting school activities from vehicular traffic and also provide a secondary access to the upper facilities.

Alternate points of access are proposed to address these safety concerns that include replacing the existing internal access route with an eastern and western alignment which will ultimately provide a perimeter loop access road around the campus for fire and emergency services vehicles and normal vehicular traffic.

The design of the western alignment was able to be routed with a suitable length that would fall within state and local standards for maximum slopes. However, in designing the eastern access road, it was found that the vertical elevation differences could not be accommodated within the on-site property limits. Section 5 of the Fauquier County Standards for Streets, General Standards of Design: 5-6 stipulates the maximum grade is limited to 10%. Grades in excess of 8% should be avoided.

In the design of the Eastside Assess Road, several alternatives were explored. All of these prior to having to resort to the idea of going off property onto The Plains Redevelopment Corporation property. These included extending the road through the guest parking area straight up the hill directly adjacent to the administration building and through the children's play area including several significant wall structures toward the existing round-a-bout. This option was not feasible because of

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4154 Weeks Drive
Warrenton, Virginia 20187

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the 40-ft change in vertical elevation over a distance of 382-ft. Taking into account vertical curve transitions at each landing the grades would exceed 12%.

Each subsequent trial lead to slopes, landings and turning radii that was unacceptable.

The fourth and final trial added some curves in the road and extended it through a small portion of the adjacent property. Only through this were acceptable resultant slopes achieved.

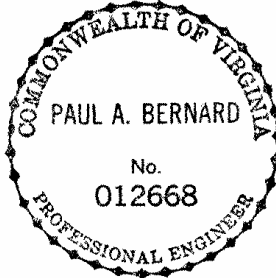
It is my professional opinion that the design standards of Fauquier County and the Commonwealth of Virginia regarding maximum road slopes can not be met without extending the eastern access alignment off the existing property as shown in the attached exhibit.

Attached are exhibits that further help to illustrate this situation. They show the proposed eastern access road alignment and the profile of that alignment that illustrates the slope transitions. I hope these help. If you have any further questions, please do not hesitate to contact me.

Sincerely,

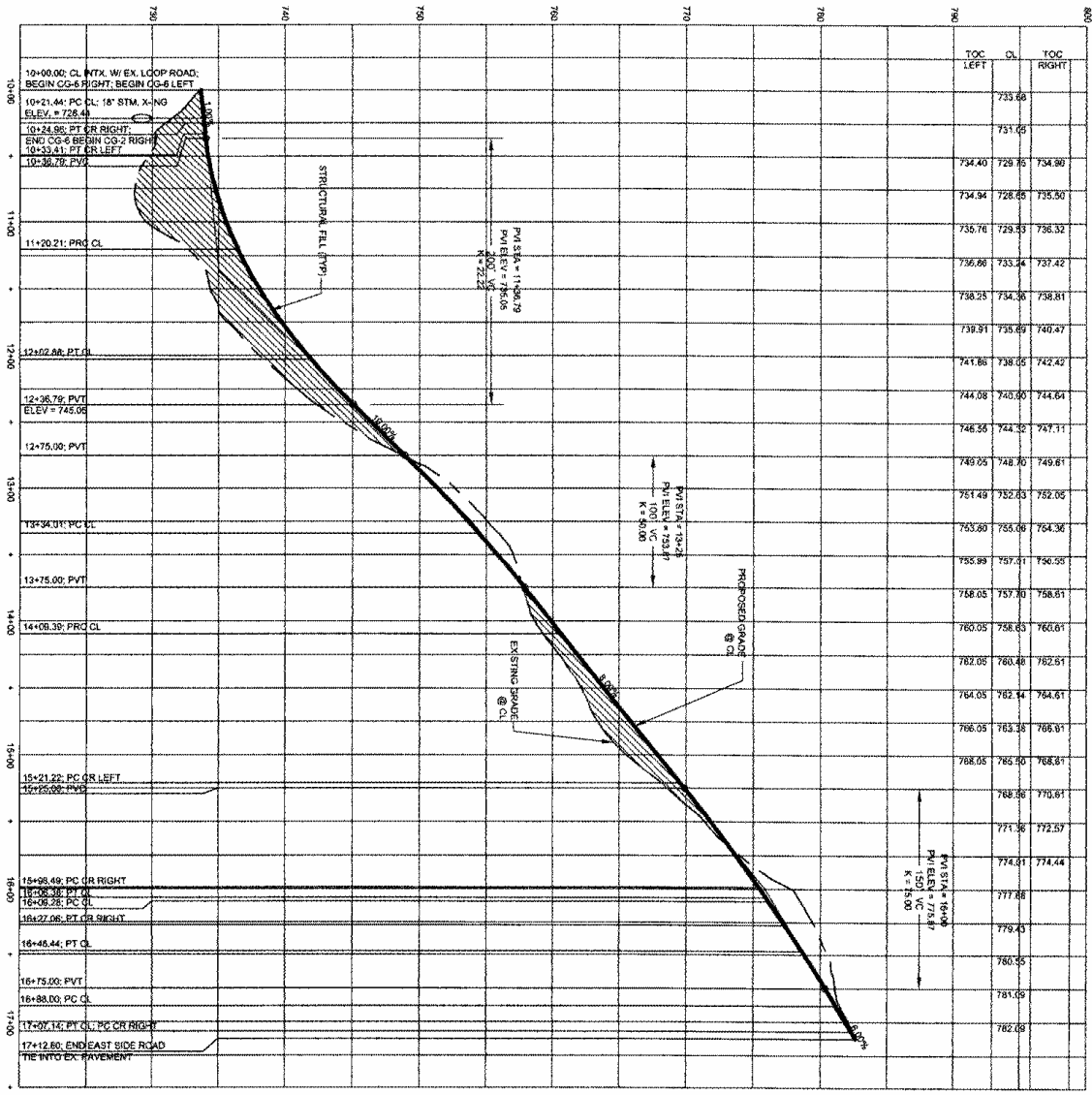
BURY+PARTNERS, Inc.

Paul A. Bernard, P.E.
Principal



Attachments: 2 – Exhibit Sheets

Cc: J. Randolph Parks, Esq.
The Plains Redevelopment Corporation
Peter Quinn, Headmaster, Wakefield School



VIRGINIA OUTDOORS FOUNDATION
RESOLUTION

A RESOLUTION TO APPROVE AN UPDATE TO THE MEMORANDUM OF
UNDERSTANDING WITH THE VIRGINIA DEPARTMENT OF FORESTRY

WHEREAS, the mission of VOF is to “use private philanthropy and public support to conserve and protect Virginia’s scenic, natural, historic, recreational, and open-space areas for the benefit of the public;”

WHEREAS, VOF owns forested lands in fee for the purpose of preserving open space;

WHEREAS, VOF holds open-space easements in gross which include provisions for management of timber and forest resources and require submittal of a Forest Stewardship Management Plan (Stewardship Plan) by the Grantor of the easement to VOF;

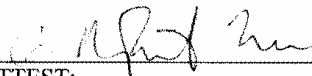
WHEREAS, the mission of the Virginia Department of Forestry is to protect the Commonwealth’s forest land from fire, insects and disease; to manage State Forests and other state lands for timber, recreation, water, research, wildlife and biodiversity; and to assist non-industrial private forest landowners through professional forestry advice and technical management programs;

WHEREAS, well-managed forests provide clean air and water, wildlife habitat, recreation, wood products and scenic beauty;

In view of these mutual objectives, VOF and the Virginia Department of Forestry desire to maintain an enduring basis for cooperation and assistance; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 6th day of June 2007, That the revised Memorandum of Understanding between VOF and the Virginia Department of Forestry be approved.

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



ATTEST:
G. Robert Lee, Executive Director

RESOLUTION

A RESOLUTION TO ADOPT THE FISCAL YEAR (FY) 2008 VIRGINIA
OUTDOORS FOUNDATION BUDGET

WHEREAS, the fiscal year for the Virginia Outdoors Foundation (VOF) is 1 July through 30 June; and

WHEREAS, a fiscal year Budget is developed and adopted to provide planning and program guidance to the VOF Board of Trustees and the VOF Management Team; and

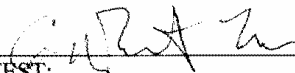
WHEREAS, Budget calculations are developed from the best available information before the commencement of a new fiscal year; and

WHEREAS, line items in the budget are for planning and program allocation purposes and actual expenditures may vary from adopted Budget projections as long as total expenses do not exceed available funds; and

WHEREAS, the Executive Director, in consultation with other members of the VOF Management Team and the Audit and Personnel Committee, has prepared and submitted a Proposed Budget for Fiscal Year 2008; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 6th day of June 2007, That the VOF Budget for Fiscal Year 2008 be, and is hereby, adopted as follows:

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



ATTEST:
G. Robert Lee, Executive Director

**Virginia Outdoors Foundation
Proposed FY08 Budget**

	Approved FY07 Budget	FY07 3rd Qtr Totals	Estimate to End of FY07	Budget to Actual Variance Total (by Year)	PROPOSED FY08
Income					
40000 Land Conservation Program (LCP)					
40010 Contributions & Grants	65,000	29,660	33,000	-49.23%	50,000
40020 Restricted Grants	20,000	14,850	14,850	-25.75%	0
40040 Recordation Fees	900,000	625,790	829,790	-7.80%	750,000
40050 Interest Income					
40051 LGIP - VOF	100,000	106,930	142,930	42.93%	130,000
40052 LGIP-PTF	100,000	100,000	100,000	0.00%	100,000
Total 40050 Interest Income	200,000	206,930	242,930	21.47%	230,000
40080 General Fund Appropriation	1,300,000	975,000	1,300,000	0.00%	2,250,000
40100 Rental Income - Cabins	12,000	7,500	10,250	-14.58%	9,000
40110 Miscellaneous Income		1,180	1,500		1,500
Total 40000 Land Conservation Program (LCP)	2,497,000	1,860,910	2,432,320		3,290,500
Total Income	2,497,000	1,860,910	2,432,320	-2.59%	3,290,500
Expenses					
5100 Personal Services	1,914,100	1,272,025	1,829,820	-4.40%	2,577,000
5300 Professional Services	159,000	16,220	131,220	-17.47%	263,000
5400 IT Goods and Services	339,900	57,600	154,600	-54.52%	373,000
5500 Program Expenses					
5510 Utilities	6,500	6,010	8,500	30.77%	16,000
5512 Postage & Delivery	12,800	7,570	12,800	0.00%	15,000
5520 Telephone	31,100	26,160	36,100	16.06%	44,000
5530 Insurance	1,200	320	6,000		10,000
5540 Rent	65,200	49,240	65,000	-0.31%	123,000
5550 Travel Expenses	75,000	40,630	65,000	-13.33%	82,000
5560 Staff Training	18,200	12,470	15,000	-17.58%	22,000
5565 Monitoring Services					30,000
5570 Publications	13,000	0	5,500	-57.69%	27,000
5580 Miscellaneous	23,000	21,760	25,000	8.70%	35,000
Total 5500 Program Expenses	246,000	164,160	238,900	-3%	404,000
5600 Materials & Supplies	65,000	42,190	59,000	-9%	94,000
5610 Tracked Sml Equipment	5,000	10,840	13,000	160%	0
Total 5600 Materials & Supplies	70,000	53,030	72,000	3%	94,000
6000 Restricted Grant Expense					
6010 VEE Grant	20,000	28,534	28,026	40%	0
6020 NRTCF	10,894	10,894	10,894	0%	0
Total 6000 Restricted Grant Expense	30,894	39,427	38,920	26%	0
Total Expenses	2,759,894	1,602,462	2,465,460	-11%	3,711,000
Net Operating Income	-262,894	258,448	-33,140	-87%	-420,500
Other Expenses					
9800 Fixed asset purchases					
9840 Capital purchases - vehicles	25,000	19,265	19,265	-23%	88,000
9830 Capital Purchases- Equipment	40,000		36,000	-10%	0
Total 9800 Fixed asset purchases	65,000	19,265	55,265	-15%	88,000
Total Other Expenses	65,000	19,265	55,265	-15%	88,000
Total Expenses:	2,824,894	1,621,727	2,520,725	-11%	3,799,000
Non-Revenue or Expense Adjustments:					
Prev. Yr Oper. Reserve Applied to Current FY	586,068	586,068	586,068	0%	508,500
Restricted Fund Disbursed (NRTCF)		10,894	10,894		
Net Operating Surplus	258,174	825,251	508,500	97%	0

RESOLUTION

A RESOLUTION TO AUTHORIZE NEW FULL TIME EASEMENT AND STEWARDSHIP POSITIONS FOR THE VIRGINIA OUTDOORS FOUNDATION

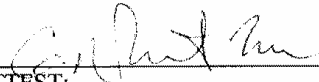
WHEREAS, the Virginia Outdoors Foundation (VOF) holds more conservation easements than any public land trust in the United States; and

WHEREAS, the FY08 Budget for VOF including an increased General Fund Appropriation will allow VOF to hire additional staff for at least one year; and

WHEREAS, it is vital to the progress of VOF and to the efficiency of programs to have adequate staff to handle the workloads; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 6th day of June, 2007, That five additional full time positions are hereby authorized.

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



ATTEST:

G. Robert Lee, Executive Director

JUNE PROPOSALS:

Cost Only


Landowner	County	Acres	Request:	Staff Recommendation:
Boigiano, Ralph	Rockingham	100	(6,000)	(6,000)
Clemmer, Timothy	Augusta	147	(18,500)	(14,000)
Davis, Bill	Frederick/Clarke	143	(7,500)	(7,500)
Harris, Samuel	Orange	299	(17,500)	(8,750)
Harris, Samuel and WD	Spotsylvania	54	(17,500)	(8,750)
Harris, Samuel and WD	Spotsylvania	176	(17,500)	(8,750)
Harris, WD	Spotsylvania	227	(17,500)	(8,750)
Heyl, Daniel	Madison	139	(6,800)	(6,800)
Martin, J. Brian	Washington	25	(5,000)	(5,000)
Milton, Julia	Montgomery	375	(13,500)	(13,500)
Milton, Julia	Montgomery	263	(13,500)	(13,500)
Norton, Robert	Louisa	475	(9,000)	(9,000)
Reconsiderations:				
Denhoff, Rebecca	Botetourt	90	(2,608)	(2,608)
Hodges, Daniel	Franklin	325	(4,357.53)	(4,357.53)
			(156,766)	(117,266)
Subtotal:				
Partial Purchase				

	Costs	% of total esmt value	Purchase	VOF related costs (appraisal & title):	Total Request:	Staff Recommendation:
Dowell/Coleman	330	50%	(565,645)	(1,500)	(567,145)	(567,145)
Faulconer, Robert	(2,000)	25%	(270,000)	(5,900)	(277,900)	(277,900)
Hundley, Raymond	(7,000)	63%	(350,000)	(1,000)	(358,000)	(358,000)
Martin, Walter	(5,500)	46%	(350,000)	(1,000)	(356,500)	(306,500)
Snapp, R. Wayne		18%	(150,000)	(5,750)	(155,750)	(155,750)
Reconsideration:						
Copeland	89				(82,000)	(82,000)
					(1,685,645)	(1,747,295)
Subtotal:						

JUNE PROPOSALS:

Available:		Requests:	Recommended:
Funds Available (6/07)	1,545,752	(156,766)	(117,266)
Plus FY08 VLCF App:	750,000	(1,685,645)	(1,747,295)
Total:	2,295,752	(1,842,411)	(1,864,561)
		Total:	
		Difference:	\$431,192

Trustees voted to approve all funding as recommended by staff, June 7, 2007.
 ADOPTED by a vote of 6 in favor and 0 against.



 ATTEST:
 G. Robert Lee, Executive Director