

DRAFT

MINUTES
VIRGINIA OUTDOORS FOUNDATION
BOARD OF TRUSTEES MEETING
MARCH 13, 2013 10:00 AM
MONTPELIER LEWIS HALL – MONTPELIER STATION, VA

Attendees:

Board Members

Mr. Charles Seilheimer, Chair
Mr. Jeff Walker
Mr. Mark Allen
Mr. Childs Burden
Mr. Ben Chafin
Mrs. Suzanne Lacy
Mr. Peter Bance

Other Attendees

Rex Linville, Piedmont Environmental Council (PEC)
Ms. Nan Mahone, Conservation Partners
Ms. Brett Glymph, Office of the Attorney General
Ms. Georgie Herbet, Attorney
Mr. Pete Glubiak, Attorney
Mr. Fred Fisher, Office of the Attorney General
Ms. Suzan Bulbulkaya, Department of Conservation and Recreation
Ms. Heather Williams, VA Department of Transportation, VDOT, Staunton
Mr. Matt Dana, VA Department of Transportation, VDOT, Staunton
Mr. Peter Hujik, PEC
Mr. Wayne Chatfield Taylor, Interested public
Mrs. Susie Chatfield Taylor, Interested public
Ms. Maral Kalbian, Historic Preservation Consultant
Mr. Ryan Busari Loudoun County Water
Mr. Bill Greeleaf, Capital Land Conservancy
Mrs. Ann Freeman, Interested public
Mr. George Freeman, Attorney
Ms. Nancy Ambler – Wood Thrush Conservation

Staff Members

Mr. G. Robert Lee, Executive Director
Ms. Leslie Grayson, Deputy Director Policy
Ms. Tamara Vance, Deputy Director, Easements
Ms. Martha Little, Deputy Director Stewardship
Ms. Sherry Buttrick, Assistant Director Easements
Ms. Bobbie Cabibbo, Executive Assistant
Ms. Kristin Ford, Assistant Director Easements
Ms. Mr. Josh Gibson, Easement Project Specialist
Mr. Kerry Hutcherson, Staff Attorney
Mr. Neal Kilgore, Easement Project Manager
Mr. Jason McGarvey, Communications and Outreach Manager
Mr. Katherine McKinney, Stewardship Specialist
Mr. Dave Morton, IT/GIS Manager
Mr. Philip Reed, Easement Project Manager
Mr. Erika Richardson, Stewardship Specialist
Mr. Bruce Stewart, Staff Attorney
Ms. Laura Thurman, Easement Project Specialist
Mrs. Estie Thomas, Easement Project Specialist

The meeting was called to order by the Chair at 10:00. Introductions were made including the introduction of Mr. George Freeman who was one of the authors of the Virginia Open-Space Land Act.

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Public Comments

Chair opened the floor for comments from the public.

Mr. Rex Linville (PEC) read a statement from Mr. Mike Kane from PEC concerning the Loudoun County Water 1704 request. Mr. Kane (via Mr. Linville) requested we delay a decision today, to consider alternatives and to await a letter from Loudoun County, the owners of the property, supporting this solution. He asked that when we evaluate the options to please consider how the scenic value will be impacted.

Mr. Peter Glubiak – Attorney – Remarkd that although the legislation removing the transferable tax credit for land conservation did not pass this session the movement to do so will not go away. In addition, he urges that we as a Staff and Board please be flexible in accommodating late easement projects for 2013.

Ms. Maral Kalbian – Concerning the replacement of the low water Morgan Ford Bridge – Ms. Kalbian urged VOF to be sensitive to the important Rural Historical districts and how they are interconnected.

The Chair asked for changes to the ORDER OF BUSINESS and:

- Jurgelski withdrawn
- Tallent amendment withdrawn

A motion was made by Mr. Allen to approve the Order of Business with above changes; the motion was seconded by Mrs. Lacy, and passed unanimously.

APPROVAL OF MINUTES

A motion was made by Mr. Walker to approve the minutes as presented for the November 1, 2012 Board of Trustees Meeting and the Preservation Trust Fund of April 18 and Nov 2012; Ms. Lacy seconded the motion, and it passed unanimously.

Directors' Reports

Bob Lee – This is a year of opportunity as well as threat and we want landowners to recognize that. VaULT is having its annual meeting in April 17th & 18th if any Trustees want to go, please let us know we will make necessary reservations.

Mr. Seilheimer also noted that General Assembly members control whether or not we are going to have state credits and deductions. Many of those individuals don't know the full understanding what VOF is and what the tax credit program is all about.

Mr. Bance would like to see that we (VOF) undertake a professional publicity exercise especially to educate people that it is not a program for wealthy people, but farmers and smaller landowners.

Mr. Seilheimer and Mr. Lee will take charge of this endeavor.

Mr. Chafin – agribusiness is by far the largest business here in VA and we have a popular/powerful partner in the Virginia Agribusiness Council. We should get them involved.

Mr. Seilheimer – we also have the Farm Bureau as our ally.

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Mrs. Lacy – we are working on advisory group for Henry and Patrick counties to educate landowners about easements.

Leslie Grayson - The Creel House on Bull Run Mountain has been connected to George Washington. This was discovered in the research done by Wendy Wheatcraft, Preservation Planner for Fauquier County. President Washington was the auction executor for the land in 1774. Fauquier County has offered to sponsor a Phase IA archeological survey.

VDOT Presentation, Morgan Ford Low Water Bridge - Ms. Heather L. Williams

(The full presentation included in original board package materials)

Ms. Williams took questions from the Board and guests. Mr. Seilheimer then recognized attendees for comments.

Mr. Wayne Chatfield Taylor stated that it would cost only \$1.5 million to **fix** the bridge versus the \$8 million to build a new one. The neighbors want to make the bridge structurally sound. The signs restricting trucks are too small to be fully effective. He feels it is wrong to change this culturally important bridge simply for commuter convenience.

Ms. Georgia Herbert – asked the Board to consider not allowing this project to go forward if asked for a 1704 conversion /diversion because the building of this bridge affect many easements throughout this important historic area. There is a mechanism that will allow necessary incursions in our easements. VDOT is now saying, “Just so we don’t have to deal with you we’re going to build something no one will like to see”. The bridge being offered is totally unacceptable.

Mr. Seilheimer asked if there was a way VDOT can accommodate the rebuilding of this bridge as it is. There are roads and areas that should be preserved for posterity. If you build this bridge it would accommodate even more traffic. “If you build it they will come.”

Mr. Bance asked if there was a way to privatize the bridge. VDOT abandons roads why not this bridge?

Loudoun County Water 1704

Ms. Herbert asked that we remember the test for granting a 1704 “is it essential?”.

A letter dated 2/21/13 from Mr. Ryan Bucciari, *Loudon Water, Potomac Water Supply Program Manager*, (included in the board package) outlines how this request meets the § 1704 Conversion Diversion criteria. In addition, an appraisal (included with these minutes) for the value of the released land and the replacement land, shows the latter has a higher monetary value, again, satisfying the criteria for 1704.

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Motion made by Mr. Burden on the subject of the 1704 request by Loudoun County Water to approve and agree to this conversion diversion contingent upon endorsement by Loudoun County; motion seconded by Ms. Lacy and passed unanimously.

PRESERVATION TRUST FUND (PTF) LAND CONSERVATION PROJECTS

Buchanan Thomas & Bucky-Smyth County -588.08 acres Motion made by Mr. Burden to award \$6,500 in PTF monies and approve easement as presented; motion seconded by Mr. Bance, and passed unanimously.

Kevin & Nora Greer - Smyth County - 324 +/- acres Motion made by Childs Burden to grant \$10,000 of PTF monies for this project's costs to include a survey because of uncertainty of the legal description - with an increase to \$11,000 if approved by the Executive Director and approve the easement as presented; motion seconded by Mr. Walker, and passed unanimously.

Tom W. Jones "Foster Falls Property"- Wythe County - 420 +/- acres

Amend easement to include all land into this easement (versus the excerpted piece show on page 26 & 27 of packet) and allow the building of up to 8 cabins with an aggregate square footage total of 4,500. Motion made by Mr. Chafin to award \$6,500 of PTF monies and to approve easement as amended; motion seconded by Mr. Walker, and passed unanimously. AREN'T

Bacon's Castle Plantation Farm, LLC – Surry County - 1129.65 acres (TBD) NOTE: This is one of the most important easements this Board of Trustees has considered.

Motion made by Mr. Allen to approve easement with following contingency, permissions and amendment:

- Permission for Sr. Staff and Staff Attorneys to amend where the farmstead areas are situated
- Amend to add Public Infrastructure language for Bacon's Castle Trail allowing 25' from the center line and from Route 10, 75' from the center line as requested by Surry County.
- Contingent on clear title
- Permission for Senior Staff and Staff Attorneys will approve final language concerning FRPP and VARDIFF riparian buffers
- Amend to include that any non-dwelling outside farmstead requires permission from VOF and NCRS and to award \$16,000 of PTF monies which includes partial cost of a survey and to approve easement with notes above; motion seconded by Mr. Burden, and approved unanimously.

James Busick – Wythe County - 131 +/- acres Motion made by Mr. Burden to approve easement as presented and to award \$5,700 of PTF monies; motion seconded by Mrs. Lacy, and passed unanimously.

Pleasantdale Farm LLC NORTH-Shenandoah County - 116.352 acres SEE BELOW **.

Pleasantdale Farm LLC SOUTH-Shenandoah County - 189.893 acres Motion made by Mr. Burden to approve both easements**amending Pleasantdale Farm LLC South to include specific permission to allow waterlines for livestock and irrigation to battlefield language; and Pleasantdale

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Farm LLC North as presented and increasing the original award of PTF monies (given at the October 2012 meeting) by \$1,500 (for a total of \$20,000 for the properties combined); motion seconded by Mr. Allen and passed unanimously.

Elizabeth Zollman - Rockbridge County - 100.6 acres Motion made by Mr. Burden to award \$8,000 of PTF monies and to approve the easement as presented; motion seconded by Mr. Allen, and passed unanimously.

Land Conservation Projects

Minor Farms, LLC - King and Queen County - 981.803 acres Motion made by Mr. Chafin to approve easement as presented; motion seconded by Mrs. Lacy, and passed unanimously.

Winter Franklin & Kathy Parker “Enfield”-King William County - 838.08 acres NOTE: There is a change to the acreage it is 865.3 vs. 838.08 as noted in the packet. Motion made by Mr. Burden to approve easement with the change in acreage; motion seconded by Mrs. Lacy, and passed unanimously.

Martha Tallent-Northumberland County -4.5 acres added WITHDRAWN

Robert J. Crosby & Sherrill Toole-Orange County - 165.63 acres Motion made by Mrs. Lacy to approve easement as presented; motion seconded by Mr. Bance, and passed unanimously.

Rowland L. Girling, Speed the Plough – Amherst County - 293.84 acres Amend easement to change the language concerning dwellings to eliminate the size requirement of the barn (where apartment may be located) to requiring the apartment not be larger than 3500 sq. regardless of the size of the building in which it is located. Motion made by Mr. Walker to approve easement as amended; motion seconded by Mr. Allen, and passed unanimously.

HFG, LC(Haden)-Albemarle County - 324.682 acres Correction: There are 2 existing dwellings vs. the 3 noted on the Easement Summary Sheet. The Title Report has been received. Motion made by Mr. Chafin to approve easement as presented with the correction; motion seconded by Mr. Burden, and passed unanimously.

Jeraldine M. Tata Morris-Tata Farm Pioneer Haven-Greene County - 120.951 acres Amend the easement to ensure that the existing apartment is included in the count for dwellings. Motion made by Mrs. Lacy to approve easement as amended; motion seconded by Mr. Burden and passed unanimously.

Discussion and direction from the Board to the Staff: Easements must be on the new template at this point even if they began negotiation on a previous version. In order to urge attorneys and land owners to move things along, and it should be posted somewhere prominent that templates do change and landowners will be expected to use latest template.

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William Jurgelski-Tazewell County - 88.23 acres WITHDRAWN

Brian J. Williams – Dinwiddie County - 339.33 acres Motion made by Mr. Bance to approve easement as presented; motion seconded by Mr. Allen, and passed unanimously.

Barbara & Michael Link-Giles County - 68.797 acres Motion made by Mr. Walker to approve easement as presented; motion seconded by Mr. Allen, and passed unanimously.

Timothy Luper – Grayson County - 114 +/- acres Corrections: 1. The deed (which is correct) allows for dwellings **outside** the restricted Build Area with prior written approval but the Easement Summary Sheet says they are not which is incorrect. 2. Building restrictions are based on an elevation of 2640 ft. vs 2460 ft. as defined on the Easement Summary Sheet. Motion made by Mr. Bance to approve easement as corrected; motion seconded by Mr. Walker, and passed unanimously.

Amendment M.O.W., LLC – Grayson County - 250.32 acres Motion made by Mr. Bance to approve easement as presented, motion seconded by Mr. Walker, and passed unanimously.

Homer William Ferguson, Jr. – Botetourt County - 31.629 acres Motion made by Mr. Burden to approve easement as presented; motion seconded by Mrs. Lacy, and passed unanimously.

Coleman Lawrence, Jr. – Pittsylvania County – 179 acres Motion made by Mr. Bance to approve easement as presented with following contingencies: a better legal description, a clear title and a deeded Right of Way access, motion seconded by Mr. Allen, and passed unanimously.

Comment from the Board to the Staff: Congratulations to the staff for consistently doing their homework. There are many less split decisions of the Board because of the work done on the easement before coming to us; the work is reflected in the quality of the easements.

Glen & Rachel Zehr – Pittsylvania County - 349.816 acres Motion made by Mr. Walker to approve easement as presented; motion seconded by Mr. Bance, and passed unanimously.

James R. Arnold and Roberta D. Wiener – Rockbridge County - 71.957 acres Motion made by Mr. Walker to approve easement as presented; motion seconded by Mr. Chafin, and passed unanimously.

Janice L. Clem (owner & sons, John & Michael Clem – Shenandoah County -381 +/- acres Amend easement to include GPS points defining livestock exclusion area. Motion made by Mrs. Lacy to approve easement as amended; motion seconded by Mr. Walker, and passed unanimously.

Good Earth Too Family, LP (Goods)-Frederick County - 63.7 adding 8.2025 acres Motion made by Mrs. Lacy to approve easement as presented; motion seconded by Mr. Bance, and passed unanimously.

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J. Owen and Mary D. Long-Rockingham County - 178.3 acres Amend easement to require anything in the Restricted Build Area above the 1240 contour line, .requiring more than 500 sq. ft. in ground area, to require permission from VOF. Motion made by Mr. Chafin to approve easement as amended; motion seconded by Mrs. Lacy, and passed unanimously.

The Chair reiterated how important it is that we push this program this year. Governor McDonnell is counting on us to help accomplish the goal. In addition, the Board is relying on staff to come back with a marketing plan.

Director's Report Stewardship: In 2012 80% of our properties were monitored using many different methods. We continue to see that Stewardship's primary responsibilities are responding to land owners requests for review, questions and 3rd party requests. We currently have 85 active volunteers.

CLOSED SESSION FOR DISCUSSION AS PROVIDED FOR IN THE CODE OF VIRGINIA §2.2 - 3711

Motion made by Mr. Bance to go in to Closed Session in accordance with Code of Virginia §2.2 – 3711(a)(7) and Code of Virginia §2.2 – 3711(a)(1); motion seconded by Mr. Allen and passed unanimously.

Upon return from **Closed Session**, Executive Director, Mr. Lee certified by roll call that the Board of Trustees discussed only matters that convened the closed session and nothing else. Mr. Bance responded yes, Mr. Walker responded yes; Mr. Burden responded yes, Mr. Seilheimer responded yes and Mr. Allen responded yes, Mrs. Lacy responded yes, and Mr. Chafin responded yes.

Adjourn 4:15 p.m.

SUMMARY REPORT FORMAT

OF

**Proposed VOF Easement Swap
Goose Creek watershed
Loudoun County, Virginia**

VALUED AS OF

February 12, 2013

PREPARED FOR

**Ryan H. Bucceri, P.E., BCEE
Loudoun Water
Water Supply Program Manager
44865 Loudoun Water Way
Ashburn, VA 20146**

BY



**17 Culpeper Street
Warrenton, Virginia 20186**

SUMMARY APPRAISAL REPORT

CLIENT: Ryan H. Bucceri, P.E., BCEE
Loudoun Water
Water Supply Program Manager
44865 Loudoun Water Way
Ashburn, VA 20146

APPRAISER: A. William Chipman III
CRES Inc.
17 Culpeper Street
Warrenton, Virginia 20186

SUBJECT: Proposed VOF easement swap
Goose Creek Watershed
Loudoun County, Virginia

**ESTIMATED
MARKET VALUE
OF PROPOSED
ACQUIRED
LAND: \$2,600.00**

**ESTIMATED
MARKET VALUE
OF PROPOSED
SURRENDERED
LAND: \$3,900.00**

PURPOSE OF APPRAISAL: The purpose of this appraisal is to provide the appraiser's best estimate of the market value for the "As Is" market value of the subject property. This appraisal is intended to conform to the guidelines established Appraisal Standards Board as established by an Act of Congress and amended as of January 1, 2008. "Market Value" means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (a) Buyer and seller are typically motivated;
- (b) both parties are well-informed or well-advised, and each acting in what he considers his own best interest;
- (c) a reasonable time is allowed for exposure in the open market;
- (d) payment is made in terms of cash in US dollars or in terms of financial arrangements comparable thereto; and
- (e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

INTENDED USE AND USER OF REPORT: The intended user of this report is the client, Loudoun Water, in its acquisition of a parcel of land for utility purposes.

INTEREST VALUED: Fee Simple

EFFECTIVE DATE OF VALUE: The effective date of the report is February 12, 2013.

DATE OF REPORT: This report is dated February 27, 2013.

APPRAISAL DEVELOPMENT AND REPORTING PROCESS: In preparing this appraisal, the appraiser

- inspected the proposed acquisition property as well as the proposed surrendered property located along Goose Creek in the Ashburn area of Loudoun County, Virginia.
- gathered and confirmed information on unimproved parcel sales in Loudoun County and the and surrounding areas;
- applied the Sales Comparison to arrive at an indication of value.