



October 30, 2013

Mr. Scott Clark  
Senior Planner  
County of Albemarle  
Department of Community Development  
401 McIntire Road, North Wing  
Charlottesville, Virginia 22902-4596

RE: Special Use Permit Application and Easement Compliance

Dear Mr. Clark:

This is in response to your letter of October 4, 2013, regarding the application you have received from Trump Virginia Acquisitions, LLC and Trump Vineyard Estates, LLC for a special use permit for a public golf course proposed to be located on the Trump Winery property, a portion of which is covered by an open-space easement held by the Virginia Outdoors Foundation (VOF).

Enclosed with your letter was a copy of the application materials that the applicants supplied to the County of Albemarle's Department of Community Development. You asked that VOF review the information enclosed with your letter and let you know whether or not VOF considers the proposal to develop a public golf course, as described in those application materials, to be permissible under the terms of the easement held by VOF.

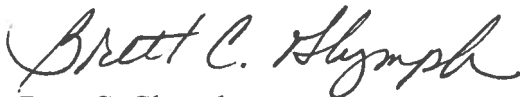
The application includes a variety of information, but lacks the specific information needed to support a definitive answer to your question. For example, the map showing a layout for the proposed golf course contains several disclaimers, including the following: "This layout is conceptual and for informational purposes," and the statement that the "roads [shown] may be altered with the final design of the golf course."

Certainly, any development of the winery property covered by the easement would have to comply with all the terms and conditions of the easement. While the easement document contains no explicit reference to a golf course, either to explicitly prohibit one or to explicitly permit one, the easement does contain a number of terms and conditions that are problematic for the proposed development. These terms and conditions include, among others, a prohibition of any grading or earth removal that will materially alter the current topography of the property, or materially diminish or impair the open space values of the property.

The application certainly does not provide information sufficient for VOF to conclude that a golf course can be developed on the winery property covered by the easement. Indeed, based on the information currently available and without more, VOF does not believe that the ground disturbance depicted on the concept plan or that would otherwise be necessary for a championship-style golf course would be permitted under the open space easement that we hold. Before this easement was donated to VOF, a previously existing nine-hole golf course was removed from the property, and the land that had been used for that purpose was regraded and re-naturalized. It is difficult for VOF to reconcile the proposal to develop an eighteen-hole golf course with the removal of the previous course and with the open space values embodied in the easement.<sup>1</sup>

VOF recognizes that Albemarle County has requested a final determination from VOF, based on definitive information, about the compliance of the golf course with its easement. The Virginia Outdoors Foundation is, unfortunately, not in a position to provide such a determination at this time. Should the County grant a special use permit for the development of the golf course, we will continue to monitor the property very closely to ensure that none of the terms and conditions of our easement are violated, and to ensure that the open space values in the easement remain fully protected. We will vigorously enforce this easement. If Trump Virginia Acquisitions, LLC and Trump Vineyard Estates, LLC receive a special use permit and proceed with their development, they do so at their own risk regarding compliance with our easement.

Sincerely,



Brett C. Glymph  
Executive Director

---

<sup>1</sup> It is the established policy of VOF not to accept open space easements on property where a golf course already exists.