

STAFFORD COUNTY
PURCHASE OF DEVELOPMENT RIGHTS
COMMITTEE MINUTES
October 27, 2009

The meeting of the Stafford County Purchase of Development Rights Committee for Tuesday, October 27, 2009, was called to order at 7:05 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Apicella, Clark, Kurpiel and McClevey

Members Absent: Ritterbusch

Staff Present: Neuhard, Lott, Smith, Keys and Knighting

1. Approval of Minutes – September 22, 2009

Mr. Coen: First item on the agenda is approval of the September 22nd minutes. Additions, deletions, corrections, questions? Then we must accept them.

Mr. Apicella: Moved

Mr. McClevey: Second

Mr. Coen: Any discussion on the minutes? Being none, all in favor of accepting the minutes say aye.

Ms. Kurpiel: Abstain – haven't read them.

The minutes passed 4-0 with one abstention.

3. Staff Update

- Progress of easement negotiations

Mr. Coen: Okay, next is the staff report on the progress of the easement negotiation.

Mr. Neuhard: I have two things to report tonight. First of all you all asked last time about applying for the latest grants from the state. We did that at \$100,000. However, we've been since notified by the state that our matching funds are not going to be allowed under the current rules at first they told us we could continue to use existing money that we had there. Now we're going to have to find new money and so we are looking for that but I don't know what that is going to mean because right now I have no new money. Originally they had indicated until we settle we could use existing money to cover that and everybody was okay with that but that has changed so that is where that stands. Regardless of the easement negotiations we have assigned an agreement to purchase. There are a number of conditions in that agreement including a final negotiation of the easement and also that we settle by the end of the year. That's largely for tax purposes. From a staff prospective we feel like we have to come to agreement pretty much on the easement with Mr. Silver. Now the attorneys are looking at it and are negotiating some final language around the easement. We expect that our plans are, barring any fowl-ups, short-cuts, back-ups, whatever may occur between now and then, we expect to be taking it to the Board on 17 November for ratification of the easement. At the very least we would have to go no later

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than the first meeting in December. But right now it is on the agenda for the 17th and we're hoping that the attorneys can reach agreement with the language by then. So that's where we are, pretty much.

Ms. Kurpiel: Tom can I ask, what is the upshot on the stream slopes issue that we raised?

Mr. Neuhard: Well, right now where we're at on that assuming nothing else changes is the four intermittent streams that come down to the wetlands are protected with no disturbance, 50 feet either side, and then when you get to the wetlands there's no disturbance along the stream beds and 50 feet out, either side.

Mr. Lott: But in the wetlands, the bottom forest wetlands, no silviculture should be allowed, and the 50 foot landward portion of the RPA from that, there will be no silviculture allowed and so the outer 50 foot of the RPA if you want to call it that, there would be some limited silviculture allowed in there, but the rest of the buffer...

Ms. Kurpiel: So in other words it's being rules from the Department of Forestry.

Mr. Lott: No, no, actually not.

Mr. Neuhard: It's much more strict than that.

Mr. Lott: The forestry rules allow Mr. Silver to selectively cut basically everything. Basically the rules there are 50 feet from the edge of the stream, the stream side management zone, that you can take 50 percent of the basal area, once you get beyond that it's really the steep slopes that they would probably limit. They gave Mr. Silver these but, it's not like his other property where he could convert it to a pine forest just because of the slopes and the soil and what not, really the only part of the land that's really suitable for that is where the crops are currently grown. So he's basically been told this, selectively harvested forever, basically, and keep it as a deciduous forest, not convert it to pine.

Mr. Coen: Elaborating on that.

Mr. Lott: I actually have a graphic downstairs if you want me to get it.

Mr. Neuhard: No, we can do this real quick.

Mr. Lott: This looks a lot like the drawing I made today.

Mr. Neuhard: Yeah. This is basically what it looks like. I don't remember the ways of these streams.

Mr. Lott: Also in addition to the buffer language there is also language in the easement that on steep slopes that are outside of buffers there are no skid trails, there are no logging roads, they're not allowed. Basically also details of methodology that can be used to harvest timber on slopes exceeding 25 percent.

Mr. Neuhard: All of them have to be under

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Mr. Lott: They basically have to use cable there are no skid trails, no logging roads within steep slopes, they have to use alternate methods to remove the timber. And that was the meeting with the Department of Forestry on the site. That was their recommendation.

Mr. Neuhard: This is basically what it ends up looking like. You might remember there were four intermittent streams in here. And these were some steep slopes in against these streams. And there were some steep slopes back here. I'm kind of off my map but there were no streams associated with them. So this is where you've got no disturbance in here; all these blue areas here. This was the original RPA down here. This is a little 50 foot swath that goes through here that selected cutting up to 50, under a management plan up to 50 percent of the basal area and the rest of this is all no disturbance in here on all the streams. And then the other slope information that you just subscribed to was put in the section right before that regarding all of that. So not only does he have to hear all the forestry regs and all the rules and whatever happens with that. We're putting in there, at least the agreement is right now, that we're going to put in there despite that we're going to have to rely on the plan that you're not harvesting or doing anything to these areas except for this little swath right here, pretty flat in there. Yeah, 50 percent of that little area, right? Not 25. So we hope that it holds. We think it will.

Mr. Coen: Alright, any other questions for Mike on the status of the negotiation? OK, thank you sir. So that will bring us to the new business which is a continuation of our review of the ranking criteria.

Mr. Neuhard: Did you want Mike to kind of review what he and Kathy have done with the chart? I don't know if you all got a chance to look at it or not, when you looked the last time.

Mr. Lott: And this basically just summarizes it when Kathy went through and tried to make changes based on our discussion last time. First question in section AA1. I think she was trying to, there was a recommendation to break down the size of the parcels into smaller increments, so that's basically what she is showing there. Breaking into ten acre increments, bringing it to .99 of an acre. You can see in the table. And in the second question A2, I basically have shown based on Patricia's recommendation of changing that question from how it was previously using the land capability classification system to wording it as a percentage identified as prime farm land. I had a question there and it doesn't have to be something we decide tonight. Is the table prime farmland soil, that I printed out, in addition to areas identified as having prime farmland soils there are also farmland of statewide importance soils?

Ms. Kurpiel: Should we include both?

Mr. Lott: You want to include both? I might have a table if you want to see it. My inclination was to include both if you want to do that.

Mr. Apicella: Is it and/or or do we have to reach both?

Mr. Lott: I think it would be really or, if you have any of these soils.

Mr. Apicella: Ok, I see the word and, that's all.

Mr. Neuhard: Clarify for me one more time.

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Mr. Lott: Basically it would be something like how it was before; you would look at the soils on a given property and if they had any of these soils that are listed on this table then they would be, you know, calculated as having prime farmland soils.

Mr. Neuhard: Then you take a percent of that particular type of soil or?

Mr. Lott: Well, a percentage of the entire parcel, what percentage of the soils on that parcel are either prime farmland or farmland of statewide importance.

Ms. Clark: Does Stafford County have their soil survey online?

Mr. Lott: Mr. Lott: Yes

Mr. Lott: If you would like I can send you the link. I can print out all sorts of reports. And these are all data fed I printed out from the NCRS web-page. They are all available.

Mr. Lott: Moving down to question number 3A3. I think basically what we did there was to remove the distinction between the A1 and A2 zoning so it just reads active farmland; it doesn't differentiate between those two zones. And Kathy did, writing the note about having two separate categories, one for agriculture and one for silviculture. So that question 4 beneath that is the part for continuing active farmland, I think we're still discussing how toward that question in terms of it as active timberland. Timberland that has an executed forestry commitment or approved for plan, so not just that it has timber but they've actually gone through something with the Department of Forestry and they're actually using this land for silviculture to get the points because otherwise it's really, they would be getting points twice. There's a question later on the environmental section about you get points for how many acres of forest you have. To get points under this they must be doing something active with the Department of Forestry.

Mr. Coen: One of the things we decided last meeting was we would go through what we learned on the broad categories then we would deal with the points value afterwards. So like we didn't look at question number one, what was the size of the property we had not gotten to breaking it down from 10 til five or whatever.

Mr. Lott: I think Kathy just kind of copied question 3 down. I think there was some discussion of trying to keep them sort of equivalent between farmland and silvicultural land.

Mr. Lott: Question 5, which as question 4 previously, I think the only thing that we had done was to strike out the words "agrees to implement". They are going to get points for this if they have already implemented these types of plans - not that they are willing to do them in the future since they are by law - and there was other conversation last time too about maybe changing these to...

Ms. Kurpiel: Or not including them at all. There's a law.

Mr. Lott: Right. There's a law. Having a conservation plan that's required under Chesapeake Bay law but that...

Ms. Kurpiel: I thought there were some more significant changes about that but I'll look it up in a minute.

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Mr. Lott: I think that was really what it was - changing the categories to maybe not just the one.

Ms. Kurpiel: There are three in the law, so probably all three of them.

Mr. Neuhard: Yeah we did have quite a... we might want to go back and look at our notes. I've got numbered notes around ...

Ms. Kurpiel: Kathy said she was going to research it, that was the upshot.

Mr. Neuhard: Yeah. So, we'll still have to hold that for some further discussion.

Mr. Lott: Moving on to Section B, the first question, we had discussed last time adding a line under this for the parcel having an approved preliminary subdivision plan.

Ms. Kurpiel: At least, and it had a discussion on...

Mr. Lott: Yeah, and it had on the side about ...

Mr. Coen: About it being marketed and what not.

Ms. Kurpiel: Well, if those are in some sort of order for points an approved preliminary plan needs to be up near the top.

Mr. Lott: I don't think we were thinking that's where it belonged in order.

Ms. Kurpiel: Oh, it's just an observation.

Mr. Lott: To be honest I don't think there is exactly a subordination of mortgage issue. I think that's more to do on the application form rather than the check list. And I think this question carries on actually on the next page, about funds leveraging and it gets more into the conversation we had last time.

Mr. McClevey: I had a thought, if a person is not approved for a preliminary subdivision plan, has already portions of that property been designated as open space?

Ms. Kurpiel: Probably not if it's an A, because there is no open space requirement in the As.

Mr. Lott: I'm thinking of subdivisions I've looked at and it's generally true, most of it is on lots except for maybe areas that are designated for stormwater ponds aren't really open space as you think of it that way.

Mr. McClevey: Okay.

Ms. Clark: Funds leveraging, at the top of page 3, is that supposed to be like an item 3? A separate item, or the 2? There's one, two and four and finally sort of in the middle between 2 and 3. Is there supposed to be another?

Ms. Kurpiel: There is a line that talks about leveraging, this is a proposal to replace that.

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Mr. Lott: We also added at the very bottom if the applicant is willing to give up additional development rights that they can get points for that beyond, in this case Mr. Silver's vacating 22 and getting paid for 20, for doing that up front. Any other questions on that one? Looking at the next question down is about the public road being contiguous to the parcel, the only questions are, or issues we're working on that one still is about the issue of private road frontage and whether the Johnson parcel on this one was not on the public road. That all on its own, we just wanted to say, if you're not on a public road that you're not in it. I mean that was the conversation that was going on. I didn't know if we had made the decision on that or ... and it is still a sub-dividable parcel, but it's different.

Ms. Clark: Not immediately.

Ms. Kurpiel: The existing language says public road and I guess we ignore that.

Mr. Lott: They didn't get any points in that. It wasn't on a public road and we cut them off. This is more of a... something in the application, if you're not on a public road then you're not eligible.

Mr. Coen: Wait to get into that.

Mr. Neuhard: That's something that, how would you want to get into that? Consider that going forward. Should we reserve some time for detailed discussion on that or is there a consensus or sense among you all now about that?

Ms. Kurpiel: Well, I think it's fine the way it is from the point perspective, but I think another discussion is about that other document being handed out and I hope that a discussion of that will come after we finish all this ranking.

Mr. Neuhard: Okay.

Ms. Kurpiel: And that is the point which I think we should discuss; whether it should have been considered or not.

Mr. Neuhard: Okay. So, we'll hold it as a separate issue.

Mr. Lott: Are there any other questions on those first two sections?

Mr. Coen: Are there questions?

Ms. Clark: Are we still talking about number four there also?

Mr. Coen: Yeah.

Ms. Kurpiel: At least we didn't have to go through the whole thing of having gone through a discussion and then we would come back and fine tune it or tune it to the 10th degree.

Ms. Clark: No new dwellings be allowed on the property. Does that bring us to the discussion about all properties be allowed one development right or opportunity to have one house on it?

Mr. Neuhard: Oh, are you talking about now C?

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Mr. Coen: No, it's 4B.

Ms. Kurpiel: Let's finish B4.

Mr. Coen: We got all of B done and went broke.

Ms. Kurpiel: We didn't finish 4.

Mr. Lott: We started discussing about whether we wanted to look at these cumulatively; you know, if somebody is going through multiple ones, whether we wanted to look at one. Opinions are both ways on that. I guess we were also discussing whether it would be allowed - any applicant with no house on it - be allowed a house.

Ms. Kurpiel: I think these three things are three of the most important things. If they are going to be considered under one question and I don't think it's a good idea to consider it under one question because look at the trouble it got us into on the questionnaire. So I think the timber harvesting needs some definitivization. I thought I made a recommendation about that but I don't see it. Do you see that Marty?

Mr. McClevey: Let me look.

Mr. Neuhard: Okay. This used to be, I guess, 2E, landowners agree to certain restrictions.

Ms. Kurpiel: Right.

Mr. Neuhard: Should this be deleted since this would not be binding on the application? If this stays in, should points be made cumulative? Applicant is willing to agree to multiple restrictions, suggest all fill in blocks on D be put in application. These three are most important, should be included if applicant is high and reneges on written offer, move to the next high applicant that is treated as binding. Cumulative points need rewriting at three options; no timber harvest, no slopes above streams and no new dwellings will be located on a property. Six parcels shall not be further subdivided to three. This has to do with number 3A, number of non-farm rural residents. Should we increase the number of dwelling units or increase the distance recommended to keep these figures. It will be meaningless unless someone gets 8 or 6 points, is consistent.....

Ms. Kurpiel: Right. We're down into another one.

Mr. Neuhard: So, I guess you know whether or not you want to continue to treat them under one question if you want to break them out. I will tell you that we have been considering any obligation to be binding, although we need to make that clear. In other words if they told us that they were or weren't going to do something and we gave them points for it, well then, that's what we're making sure that we're addressing in a deed but it should be very clear. You agree to this and are chosen, there will be restrictions carried over to your deed.

Ms. Kurpiel: Because they can elect not to check off any of those.

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Mr. Neuhard: Yes. So I mean we could keep under one question and then put check boxes, make them do an affirmative mark in them but then we would have to decide, do we cumulatively add them up then, they agree to it. You want to handle the scoring then; cumulative rather than highest possible.

Ms. Kurpiel: These are really so important I think they should be cumulative. I would like to see us go through the whole deed of easement, make a list of all the blanks and ask the applicants when they come in, where they stand on all of these blanks.

Mr. Neuhard: That would be fairly easy to do.

Ms. Kurpiel: And then let's come back and look at this number 4 and see if there are any others that should be rolled in here.

Mr. Neuhard: Well, yeah, there's... I guess there's two different approaches in the deed. In the deed we have blanks that are in various places, some of those we could/would lend well to asking a question about.

Ms. Kurpiel: Right.

Mr. Neuhard: Other ones would be more difficult. But then we also have in there optional black bracketed language and it says, you know, we may consider going up to this, we may do this, or this may include this. One of the things that we found this time, and those are really adept at asking a question about... one of the things that we talked about doing after going through this process, we did a series of negotiations and a series of meetings on this and it was fairly easy. I would say, compared to what it could have been, should there be a different motive behind applying for and being accepted in the program, etc. So we became concerned and one of the things we said in the future we're going to go in and we're not going to have those blanks, we're not going to have those options. I mean they are on the deed. They're out there in public, that's fine, people know what's there, but we're going to go in, in essence with all that filled in the most conservative approach possible to that, in other words, it's out there so that it's clear that look we're starting here, we're starting with the most conservative deed. You're going to have to negotiate us down. Now in this case we were pretty much on track. For example, we looked at this property we had actually gone in and put some numbers in certain places that we found later that we had to back up a little bit from a practical sense. For example, distance from the road is one. We started looking at because it took us over a hill and down in the valley because we had a big distance in there so we backed it up like to a ridge, knocked off a couple hundred feet.

Mr. Lott: But not visible from the road.

Mr. Neuhard: The view shed is protected.

Ms. Kurpiel: This is for the placement of the house.

Mr. Neuhard: Right. But there we... fortunately we just kind of started with all the conservative approaches. We said it's all laid out there, okay, we want this and this and do you have a feeling about that and this; whereas, if it were someone else and somebody was a tough negotiator. We had a lawyer sitting across from us, we started without a lawyer and then we brought the lawyers in. Our view is we start from the toughest position we can be in on that because otherwise we wouldn't even have those

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options in our deed. In other words in some cases the most conservative position was in the brackets as an option for us in the deed.

Ms. Kurpiel: Yes and it shouldn't be.

Mr. Neuhard: No, it should just be out there and then negotiated back based on that property. I mean I think it's good you have some negotiating room. We're finding there are some unique things about a property that, well, it's nice but it's not necessary. In other cases, for example, we're finding that we're having to change some of the language because the language we have in there doesn't work, period. It's not going to work in the future. I was mentioning something to Tom today; there's some pieces in the ordinance. There's no such thing as that we have to go back and change the ordinance... but we'll get through it this time. So, those things you could do that but I think we could look at that and we could pull those, Patricia, make a list of them.

Ms. Kurpiel: I think I want to make a list.

Mr. Neuhard: Some of those things are still going to be open because of the nature of the property. But on the deed, we're not going to have them out there as options. We're going to negotiate them is our view from what we're kind of learning from this process. Then we'll decide which ones we want to put in here and which ones might not be...

Ms. Kurpiel: Thank You.

Mr. Coen: Are there any other questions on B before we move on?

Mr. Lott: Moving on. Mike hinted at the next one; I guess there was a question about the number of non-farm rural residences within a half mile of the property. I only brought this one up as a potential question because, I think, of the six applicants this time, nobody got more than two points. I think Patricia would like to keep it like this because those properties that would satisfy this requirement should deserve to, you know, get more than these couple of points.

Ms. Kurpiel: That is my position.

Mr. Lott: That's your feeling. Certainly open to discussion, I only brought it up because of the experience you had this time. I have not, I was hoping to, I just haven't had the time, as you go through the County find the most rural looking farm I could find or property period and see, you know, how many residences are nearest the most isolated property I could find. I just did not have a chance to do that.

Ms. Clark: Non-farm residences.

Mr. Lott: Right.

Ms. Clark: You're looking for residences that are... in this case, you're looking for the subdivision.

Mr. Lott: This current round we just finished, I looked at any... if it was a house and to me it didn't look like there was no, I guess, farm, there wasn't any land that didn't look like it was being farmed, I counted it. Obviously it was probably still zoned agricultural but I counted it if it didn't look like it

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had active agriculture. The other I wanted to bring up to this that we wrote in here this time was that, there was a question about... I didn't count them this time but say there was a subdivision next door that was platted but not built. Obviously those homes are going to be built. You don't know. There are obviously some subdivisions that may never get built.

Ms. Kurpiel: Well, there are some that have been on the books for 10 years.

Mr. Lott: Right. That was the other question that we had discussed. Do we consider that in this or just count the houses?

Ms. Clark: I would be in favor of counting, I think, houses that were platted but had not been built. But, having heard what Patricia just said about the ten years, then we may want to put a time limit on that. I don't know.

Ms. Kurpiel: No. There's a chance it will never get built.

Mr. Lott: It's all market driven.

Ms. Kurpiel: There are lots of other subdivisions that have been, too. Some may be on the books longer than that. So I don't think the fact that they're platted is relevant to this question.

Mr. Apicella: So what about the stage where it's pretty sure it's going to happen? What would that be?

Ms. Kurpiel: Well, it could be half built. Maybe there would be a house that just had a basement but didn't have a roof on it for example. I mean, I can't count that.

Mr. Lott: I don't know. There's a final platted subdivision with no houses built. Do you consider that different from one that is platted and they are probably still going through the process?

Ms. Kurpiel: Well, wait a minute. What is the purpose of this question? Let's start there.

Ms. Clark: I thought the purpose was to save the most remote pieces and, if it is, to save the most remote pieces. If that is your goal then you would count the most contiguous or close to it platted subdivisions.

Mr. Lott: I was not part of the conversation when it was put together, so you know...

Mr. Coen: Well, then it goes back to when we started this, or we alluded to it, the last meeting. We deferred it because people weren't here. It goes back when we were working on the goal of the program. Some people wanted it to be to save the rural area, to save the farmland, the silviculture, more agrarian areas and that's why this question is in there because it gets more points on the more remote the property. And there were others who wanted to have the program be geared and/or assist in taking already platted lots off of the books so that it would be enticing for developers to take it off the lots. And so again this question is more geared towards the first goal of saving the agricultural land. And so that's why it's sort of geared that way although the platting isn't on there.

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Mr. Neuhard: But why do we want to change just because there's only two points last time? Just because there was a low number of points?

Ms. Kurpiel: That's a good enough reason.

Mr. Lott: I was just interested in going to look at that. I just don't know.

Ms. Kurpiel: I'm sure you can find some that's in a half mile. Come on...

Mr. Lott: That's amazing how far it goes and how many subdivisions are out there.

Ms. Clark: Especially in the last couple years there have been several new subdivisions on Mountain View that used to have just a lot of farmland and now I bet every half mile or so there are new subdivisions which ...

Ms. Kurpiel: If they have houses then they don't get enough points.

Ms. Clark: Right. I know.

Mr. Lott: My thought was not to get rid of the question, it was whether you extend the distance to a mile instead of a half mile.

Mr. Apicella: You may not have houses but you got a bulldozer and you got tree clearing. I mean do you want to...to me that seems a very likely candidate that sometime in the near future it's going to start having some real construction.

Ms. Kurpiel: They can't do that until they have their preliminary plan approved.

Mr. Lott: They have to have either their construction plan or a grading plan approved before they can go in there and start building roads. That's what they would do. There's a subdivision in White Oak where they have not built any houses. I don't think they have actually platted the lots yet. They got the grading plan approved so they put the infrastructure in.

Mr. Apicella: You might not want to give somebody points under those circumstances because they're probably going to have some houses springing up.

Mr. Lott: That's Patricia's point - what is the near term it could be if...

Mr. Apicella: That's not unlike one that has a preliminary plan and this is ...

Mr. Lott: No. I mean all these have to be platted and they have to be gone beyond the preliminary plan and the lots have to be on the books, then platted, and the lot would get created. But there are a lot of lots that have been created and still haven't been built on.

Mr. Apicella: Right, I understand so I'm trying to get to the next step where there's going to be construction.

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Mr. Neuhard: An example would be up near next to I-95, where things are platted, they got the grading permit, they went in and they graded it, starting putting infrastructure in and quit, went bankrupt and left. It sat there. We had to go in and stabilize it. Now we're waiting for somebody to buy it out and it's torn up. There are trees that are down. There are roads cut back in there.

Ms. Kurpiel: And that shouldn't be counted.

Mr. Neuhard: But what's going to happen is, like Leeland Station is a real good example. In the next two years it's going to change, houses are going to pop out of the ground, but the issue is and the problem always is, where do you draw the line and how do you make a distinction. Because you would like to think you know it but evidence has shown that we don't know the timing of any of it, whether it's a 15 year platted lot or whether it's the construction plan with the grading permits there that's already cleared and suddenly it stops and sits for two to three to five years. It's a tough one to figure out when do you give the points? I'm repeating what we just discussed.

Mr. Apicella: Can we continue to explore? I just want to do something that makes sense. My idea is to not give somebody points when there's a pretty strong likelihood the property is going to be developed at some point.

Ms. Kurpiel: The property can be developed because they are all zoned. You know, everything in Stafford County is zoned.

Ms. Clark: Well, we are talking perpetuity here and if you've got a platted piece some where down perpetuity lane, I would think that the chances are higher that it would be developed than a place that isn't platted at the time of this easement. I don't know.

Ms. Kurpiel: I don't think you can make that assumption.

Mr. Neuhard: Well, this is certainly easy; they are either there or they're not.

Mr. McClevey: Well, I wanted to weigh in. I think we should change the title of the section on circumstances supporting conservation.

Ms. Kurpiel: Yeah, we said we would come back and change all these names toward the end too, because a lot of them might not apply and we might want to switch them around.

Mr. McClevey: I understand, but to give us direction – why are we asking this question about farm rural residences? Because there could be a circumstance in which we would really want a farm, we would really want a tract of land proximity to a watershed, that might be surrounded by subdivisions. In other words, just because there are no houses nearby doesn't make... I mean certainly fewer homes is good. I don't think we should penalize a tract simply because it is proximate to houses unless in this program we want to become more proactive in this program and start looking at areas we want to capture and programs like conservation easements and looking at tracts that are adjacent to conservation easements or corridors and so forth. You know what I'm saying?

Mr. Apicella: I'm not sure you're penalizing. I think that's a good point for circumstances that you're talking about but this is... if you agree with the concept that I think the Ag Commission originally had, which I think I heard Tom say, was look at the areas that are further out, more remote and those could

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be a higher priority versus ones that are next to, you know, an existing subdivision. It's just, what are you trying to get here, we're trying to create a different circumstance, in fact a whole bunch of different circumstances. You're going to get pluses and minuses based on a given tract of land because it has these set of qualities versus this tract of land that has a different set of qualities so if part of the ranking is to promote, you know, an area that has less sprawl already versus one that has sprawl next to it. I mean I can see some value in trying to give those situations some points. I agree with what you're saying, though, if there's another set of circumstances that we have to capture in this ranking criteria, and that's a goal of ours, then we ought to create something new to take advantage of those kind of situations.

Mr. McClevey: And I'm just suggesting that I don't see the relevancy of this question any more.

Ms. Kurpiel: I'll tell you what it has to do with... it is very desirable to have these properties be contiguous. In other words, to have overall a green infrastructure program for the County and the region. And the likelihood of being able to create that is greater when you have all these zero to three dwellings within a half mile of you. So that's why we want to give the most points for that. I mean that's really why because there's a higher likelihood that perhaps the neighboring area which is not so dense also be captured in an easement program.

Mr. McClevey: And I guess that was my question. What direction we wanted to go, and I agree with you.

Ms. Kurpiel: Yeah, and that's very desirable; that is what we want. I mean, it doesn't make sense to have, you know, one little parcel here and one there. I mean, you want this connectivity, that's the value. So I like this idea and I like the number of houses being kept. I don't think we should boost it up just because we don't have many of these or we didn't see many this time around.

Mr. McClevey: But then again, again I just add in my comments, if we don't have a plan like that we are kind of picking up tracts that we like. Well, then I wouldn't want a tract that was on the water and had a watershed, or lose points because it had a subdivision next to it or had larger...

Ms. Kurpiel: We need to cover that in another question perhaps. But I will tell you this. The George Washington Regional Commission is developing a green infrastructure plan for the region so, I mean, is it going to happen? Maybe ten years. But at least they're looking at it, OK? There's some interest.

Mr. McClevey: Thanks.

Mr. Neuhard: Do we have a comment or a standing on what a non-farm rural resident is? Do you have any problems?

Mr. Coen: No

Mr. Neuhard: Whatever Mike says it is? (laughing)

Mr. Coen: Well, no. He said he looks at property; if it doesn't look like a farm then it's not rural.

Mr. Lott: That's how I did it for this round. I don't know if it was the definition intended when this started but ...

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Ms. Kurpiel: Well, let's talk about those words - what does non-farm mean? Does it mean a subdivision, house, does it just mean...

Ms. Clark: That's what I thought.

Ms. Kurpiel: What about a rambler on ten acres? As far as I'm concerned, that should be counted as a house.

Mr. Lott: It was this time.

Ms. Kurpiel: Yeah, it should be.

Mr. Neuhard: So if you saw no obvious farm activity then you count it as a rural residence?

Mr. Coen: Yeah, that's right. I mean like Lou Whitefeather's house; she grows some type of peas and whatnot but you can see there's gardening going on that property so that would be... and she sells it... so that's being used, you know that's farm.

Ms. Kurpiel: It is? I wouldn't count it. I would count it as one of the houses. How can Mike know that? How can he know that from looking at a map? You want him to go out and walk a half mile?

Mr. Coen: It gets him out of the office. Well, I mean, how would you do it before that?

Mr. Lott: It was based off an aerial. I didn't... frankly, I didn't have one that looked that questionable. I guess if I saw something that I should go out and look. I guess if I saw it clearly had a large garden I wouldn't have any way of knowing if they were actually using that ... selling ...

Mr. Coen: In her area you can see the large farm and say if somebody was doing it - I mean there are houses on White Oak Road and you can count by aerial photograph and you're telling me by aerial photograph, if somebody has this humungous thing that looks like a garden - like my garden is a little tiny thing of a garden - that you would be able to see... you're saying that's what you use, right?

Mr. Lott: I didn't run into any of that.

Ms. Kurpiel: I hate to tell you, it should be counted. Even in the case of her house, it's not even in land use.

Mr. McClevey: Can we take out non-farm?

Ms. Kurpiel: Yes. I'm wasting my breath here.

Mr. Apicella: I'm hearing the same thing. A residence is a residence; why would we make a distinction? It's either a residence or it's not a residence. I mean, either people are living there, if it's not a barn with cows or horses...

Ms. Clark: I think you would have a hard time finding almost any house in Stafford County that wasn't within a half mile of another house.

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Mr. Coen: Right.

Ms. Clark: Even where you've got the huge farms, I'm thinking like Nelson Crocker's place and how it backs up to Park Farm, the old Greenlaw place. But even in those huge tracts I bet you there's a house within a half mile.

Mr. Apicella: I don't know... when we were working on the comp plan there were some big swaths of green land. I was shocked.

Ms. Clark: Okay, then I stand corrected.

Mr. Coen: I would say with the Greenlaw Farm... a half mile, isn't it? Or across the street at Route 3. Mike, why don't you take a look at it and see what you think?

Ms. Kurpiel: That would be practical from a perspective of ranking it.

Mr. Lott: There's also the question that we had when I was doing this. Like we said, Nelson Crocker has a huge piece of property that if you took that half mile and drew a circle around from the center of his property, sure. But we drew it from the edge.

Ms. Kurpiel: It should be on the road, that's where it draws from.

Mr. Coen: Why don't you look at that. I'll defer to you to figure out whether or not....

Ms. Kurpiel: I suggest we get rid of the non-farm, but I'll defer to...

Mr. Coen: When you think it through, if you wipe out the non-farms like the Greenlaw one on Route 3 right across his house, so therefore, I don't know.

Ms. Clark: I was thinking about the other Greenlaw Farm that is out west. From the back end from Crocker's place but maybe...

Mr. Coen: I just think if you think it through, if we wipe out the non-farm, what are the ramifications? Does it just negate the whole question though? Or does it make it better?

Mr. Apicella: It is a half mile, right? Or should it be something slightly less than a half mile to make it useful or practical?

Ms. Kurpiel: No, that's the same thing as upping the numbers, changing the point in my view.

Mr. Lott: I want to look at this a little bit before the next meeting.

Ms. Kurpiel: Does everybody agree this is a good question? I mean, I think it really is a good question.

Mr. Coen: I see what you're saying.

Ms. Clark: I see the value of it but it's not the right way to ask the question.

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Ms. Kurpiel: Look at the rest of the categories, maybe we'll get some other ideas. Mike, I'm sorry to say... do you have those notes I took from last month?

Mr. Neuhard: Yes, I do.

Ms. Kurpiel: Can I have a copy please?

Mr. Neuhard: I can loan you my copy and then if you would give them back.

Ms. Kurpiel: Oh, I have that, excuse me. I just didn't realize I had them. Thank you, I'm sorry.

Mr. Coen: Okay.

Mr. Lott: Next question is B2, Proximity of other parcels to the PDR. The perpetual easements. We had a lot of discussion about this as we went through this process in terms of comparative value of easements, you know, over the Department of Forestry (DOF), Corps related easements. I'm sure, and if we wanted to change this question, maybe add another question, different types of easements.

Ms. Kurpiel: I think it should be included in this. I mean, frankly I don't see any value at all to a Corps easement. So, I think we should stop considering this. I mean, the easements that are of value are the DOF easements.

Mr. Lott: Easements over an entire property.

Ms. Kurpiel: Easements that cover two things - development rights and protection of water quality - and both of those easements do that.

Mr. Apicella: Would we need anything out there? Could we just say conservation... I assume Corps easements are not necessarily conservation easements... so would that be a term that would give it a little bit more flexibility?

Ms. Kurpiel: I would prefer to see the names of the easements that we can consider and Mike, you might, in looking at these easements, you might run into some others. For example, Northern Virginia Conservation Trust holds an easement to Stafford and those are tough easements, too. They're along the lines of VOF and DOF. So when you run into those you would have to look; but you have to look anyway, don't you?

Mr. Apicella: I'm just concerned that even if he looks, we might not capture everything. So can we just say it again, conservation easements with some examples in parenthesis like DOF.

Ms. Kurpiel: DOF and not Corps.

Mr. Coen: If there's 10 or 20 and we get 15 and we didn't put in the other 5.

Mr. Lott: We do have a layer in our GIS but it doesn't have a map that has all parcels that have conservation easements on them. It comes up misleading because it shows a whole parcel as totally having an easement. The majority of them just have... portions of the property are along streams and are here or there.

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Mr. Coen: And to me that's one of the things that sort of makes it, I don't know, two questions or no. But to me if the whole parcel has an easement then it's a humongous difference than if it has a chunk of a parcel with easement. Let's just take that map for example. Not necessarily that property but that map and there's only an easement, the next door neighbor, I have all the... where the little finger things are going up. But the only thing on my entire property is the little thing down there that's way different than if I have 50 acres all in an easement then to me that I think is a difference, too.

Ms. Kurpiel: Those Corps easements, in my view, are useless. All they do is protect assets that are already protected under the Ches Bay Law and so there's absolutely no point in recognizing a Corps easement.

Mr. Lott: They do extend now, I mean we've had... five or six years ago the easements were often put on perennial streams. Corps doesn't allow that any more so they are no longer putting easements on RPAs which is what they used to do. I agree they're nowhere near as valuable as a VOF or a DOF, but now they are putting them on intermittent streams or they will put another hundred foot addition to the RPA. They are no longer allowing them to just put a buffer on something that's already protected anyway.

Ms. Clark: Would it be easier to include that one exclusion? Proximity parcel to a PDR, other perpetual easement, with the exception of...

Ms. Kurpiel: No, I think that anything that you're going to give credit for needs to be looked at. It's easy to look at right? He can pull it.

Mr. Lott: Yeah, I can pull the deeds for any easement.

Ms. Kurpiel: It's easy to pull. You just pull it and it's two minutes to look at it. What is in this easement?

Mr. Lott: No, I can do it from my desk. It's just that sometimes the way they're recorded they're not easy to find; sometimes they are, sometimes they're not.

Ms. Kurpiel: Well, Gail just made a good point; what's our easement going to be. Well, that's a good easement.

Ms. Clark: Right, and it would be included as a parcel contiguous to Silver's.

Mr. Neuhard: I agree. But we do need some language that qualitatively describes what it is we're talking about. We're not going to be sitting at this table forever.

Ms. Kurpiel: Yes, right, someone else will be.

Mr. Neuhard: So we need to make sure that it describes easements that we want, that they don't just have particular names to them.

Mr. Coen: And if the Corps has changed now, they are actually doing real stuff. Then to eliminate them completely may not... and I think I'm going back completely. Say my parcel of land has an easement on it that's only on one little sliver way over here and you're interested in a parcel over here

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and I have all this land that has no easement. To me that is way different than I have an easement that DOF has on my entire parcel.

Ms. Kurpiel: I'll tell you what it should stipulate. It should stipulate that development rights have been retired and water quality has been protected. Both of those features need to be present because that's what an easement is all about.

Mr. Apicella: I have a problem with the water quality part of it because there's got to be land that's been conserved, not necessarily for water quality, but still has some great merit to it.

Mr. Coen: Or maybe the language was more for one... I don't know, but take the one out on the Rappahannock or something. Does it say water quality or does it just say development rights or something? So if it doesn't say development and water quality then we wouldn't give it points.

Ms. Kurpiel: Well, what language would you suggest that we use to define what we're interested in protecting?

Mr. Apicella: I think we need to explore it.

Mr. Neuhard: Let us take a shot at it. I think we got a flavor of what it is that you're identifying here. So let us give a shot at that.

Mr. Apicella: No, I think Tom has some error too. No two parcels are the same size in the same way. One has 10 percent of an easement and one has 90 percent of an easement. That just wouldn't be fair. I know, I'm just saying... I don't know how to fix that or deal with it.

Ms. Kurpiel: Also, I think this is one where we need to double the points over-all. I know we're not going to talk about points now, but I just wanted to mention it.

Mr. Neuhard: I mean, could we do something with that in mind, where you split this question and you look at its proximity as A, and as B you look at the amount of the easement, the size that you have effectively doubled it.

Ms. Kurpiel: You could do that. That is actually a good idea. Look at proximity and quality but I would hate anybody that was contiguous to a DOF easement to get to get eight points.

Mr. Neuhard: Right.

Ms. Kurpiel: I mean, I'm sorry. I'm sorry, did I say DOF?

Mr. Lott: Number 3. What is the proximity to significant agricultural support services?

Mr. Coen: Gail, you've asked this 800 times.

Mr. Lott: As I mentioned, during this process I drove around the County looking for such things and people I've talked to, and you know better than I do, people use support services in Stafford or if they go elsewhere.

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Mr. Apicella: What is an agricultural support service?

Ms. Clark: Well, that was part of our problem.

Mr. Apicella: That was part of my problem.

Ms. Clark: And then we started talking about, well, any place you could buy feed, well of course he's got his little place up in the middle of nowhere, you know there's Booth's Feed up on 17. There might be something in White Oak but I don't know what's in White Oak.

Mr. Lott: Not much.

Ms. Clark: Well, there's Jerry's slaughter house.

Mr. Lott: That was one.

Ms. Clark: Yeah, that one is significant because that's the only one left in Stafford as far as I know.

Mr. Lott: That's one of about four I think that I used for this round was, Mr. Silver's, the slaughter house, a couple of supplies in White Oak.

Ms. Clark: Well, we thought about using the saw mills because we do go... we get a lot of lumber for a lot of building projects from the small saw mills at our rate. Tommy Cropp and Thompson.

Ms. Kurpiel: Because that was all that was going on in that development were the saw mills.

Mr. Lott: I did consider those. None of these were pre-applicants, none of them are within three miles of them.

Ms. Clark: I know this is not public opinion. I was not on the Ag Commission when they developed these. I don't know what the discussion was. My assumption is that they took this from another County's ...

Mr. Lott: Right. Fauquier or...?

Ms. Kurpiel: Here's the significance. To the extent that you have these agricultural support activities you're most likely to have agriculture. I mean the reason we don't have any is because you have to drive to Fauquier for fertilizer.

Mr. Apicella: Is the real measure that we're trying to get to proximity to other farms or is it proximity to other farm industry?

Ms. Clark: Infrastructure is valid like Patricia is saying. The problem is that it's already gone.

Ms. Kurpiel: So this isn't really in my view a good question for our...

Mr. Lott: Is the question relevant any more, I guess.

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Ms. Clark: This section was titled at one time circumstances supporting agriculture. And what we're doing is we're knocking it all down because there isn't any thing left in Stafford supporting agriculture.

Mr. Coen: I don't think there's a question here about proximity to other agriculture known farms and what not. I mean, so that's sort of what you were saying.

Ms. Kurpiel: The Allens, let's talk about that one for a minute.

Ms. Clark: Or proximity to land use. Is it under land use?

Ms. Kurpiel: Yeah, but just because it's under land use in our jurisdiction doesn't mean any thing because there are so many parcels in land use.

Mr. Neuhard: I got a reaction to that.

Ms. Clark: But by definition if you're in land use and you're not supposed to be, that's not our problem. The definition of land use is that it's being used for pasture or for crops or silviculture - that's the definition so if the county has allowed it to be in land use taxation - whether that's right or wrong, whether they are doing their job or not... then to me that would support the idea that, yes, a piece is being used for agriculture or is it close to those kinds of pieces?

Ms. Kurpiel: If we put that question in that will cause, in my point of view, all kinds of controversy. Because aren't you guys auditing your land use records now?

MK Yeah, I don't know what you're trying to get from me but it has a parcel as small as five acres of land and if they're doing farming practices on that five acres... but that kind of went back to the limited conversation about that very thing we're talking about - a non-farm property. Well, there could be a five acre piece of property that I would say 90 percent of the people would ride down the road and say that's not a farm. But they are in land use so is that a farm or is that not a farm?

Ms. Clark: Well, if they cutting hay off it or it's used for pasture... and I'll tell you right now, if you're intensively growing vegetables on it, you're making thousands and thousands of dollars off of five acres.

Mr. Coen: Yeah.

Ms. Kurpiel: Well, here's the thing... if we looked at a map... I've looked at a map of the land use parcels and basically it's almost the whole agricultural area in Stafford County. So in land use I don't think would really be a relevant question and I don't know how else we could modify this to mean what we want because then we would be making judgments about what is a farm. I mean, how many farms are within ten miles? Well, I mean, what if we had that as a question? Then how would Mike decide that? I mean, there really are very few farms in Stafford County. Really, there are a lot of parcels in land use.

Mr. Lott: I guess it needs some thought.

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Mr. Neuhard: The question is, is this question irrelevant and then the next question is, if it's irrelevant, do you need another question to replace it? If yes, then what is this is trying to get to? So, if you can answer the first one we take it off the board. If you want to then further contemplate this, we'll hold a place and it sounds like we're going to have to have quite a discussion about it to get to it.

Mr. Apicella: My perspective on discussion about it is not relevant so I can't see that in terms of one property higher than another property.

Mr. Coen: But I do think we need to go back and look at it and I'm not sure we're going to get to it, but the idea that if there are so few farms left, do we want to have part of the program a way to acknowledge that and continue that. So I think that that is a worthy goal to think of a better way of doing it. You know, if they're in proximity to a farm because, by doing this, you're keeping this green. The next thing you'll say, the Silver farm is green so you are doing the green infrastructure that you're talking about which is sort of what we're aiming at.

Ms. Kurpiel: So you're suggesting the number of farms within a certain area.

Mr. Coen: Something like that, yeah.

Ms. Kurpiel: We'll have to think about that one.

Mr. Coen: Or agricultural use. I mean, like in Hartwood there's the Hartwood Vineyards and, you know, that's agricultural use; it's not a farm.

Ms. Clark: Oh, yes it is.

Mr. Coen: I don't know if I agree with that, if it should fall into the farm category.

Ms. Kurpiel: Would it be the number of farms or would it be the size of...

Mr. Apicella: I think it would be the size of... there aren't a lot of farms but a prime example is a garden in the back yard - it's not going to be the same as a 20 acre lawn.

Ms. Clark: But what is the easiest way to pick those out?

Ms. Kurpiel: No, Mike can look at them; he knows.

Mr. Apicella: I know what Patricia is saying there is land use and there are real farms. If we're trying to look at real farms, land use doesn't necessarily fit that category.

Mr. Neuhard: You'll have to justify and articulate. We give them a parameter and then they'll have to articulate it.

Ms. Kurpiel: Like how many 50 acre farms are within two miles? And part of one counts. That's easy, just draw it.

Mr. Lott: It might require a little more field time.

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Ms. Clark: Their responsibility is to get like an FSA list. Although we farm, we don't have anything to do with it because my husband doesn't want anything to do with the government. But there are some possible, maybe, lists out there that you could get that would define what a farm is.

Ms. Kurpiel: But you're right; you don't necessarily pick them all up, Gail.

Ms. Clark: No, I know you don't.

Mr. Lott: Some field driving around will be required.

Ms. Kurpiel: I think we should think about the number that are 50 acres or more.

Mr. Coen: This is one of the things that I feel quite honestly about. They submit the application, the staff scores it, then they send the score before it comes to the committee. They send it back to the applicant and then the applicant looks at that and says "Okay, wait a minute. I have a 50 acre farm but you didn't give me credit for it." You can argue about it then, before it comes back.

Ms. Clark: I'm thinking about just our little road, there are probably 200 contiguous acres that is being farmed right now but only one plot is over 50. There's a 40, a 38, a 30 but they are contiguous.

Mr. Lott: I was thinking the same thing; you might have three or four 30 acre farms next to each other.

Mr. McClevey: I just want to make a couple comments. It's important to keep track going on distinguishing farmland because of the VDACS program, if that ever comes up. I mean, we always want our options open that would show any evidence that we're selecting agricultural farming units. Okay. The second thing is that could we, like, if we were concerned about the property, the farm, having nutrient plan and so forth. The question before has proximity parcel to other easements. Could we say proximity to farms with also agricultural plans, nutrient plan, NRCS plans and so forth.

Ms. Clark: There is the agricultural census that does... I mean, every year we fill out information that gets collated by the County. It does tend to have the number of farms that are this big, but I don't know if the information would be available to you for, like, an individual plot of the County. I mean, you know where they were.

Mr. Lott: They just give it to you in a summary form?

Ms. Clark: Right.

Ms. Kurpiel: So, look at size here is that what we're saying?

Mr. Lott: Yes. Okay.

Mr. Lott: Number 4. Batch applications.

Ms. Kurpiel: This is a hot one.

Mr. Lott: We obviously did not have any.

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Ms. Kurpiel: Because there's no money.

Mr. Lott: I guess Kathy said there were three or four adjacent properties that did not... they were less than 20 acres and wanted to batch together to try to protect their property.

Mr. Coen: Well, this was a big fight we had because one group wanted - 30, 30, 30 - either they all went together and/or one person had 30, 30, 30 and they wanted to put them all together because, say I had 5, 10... say 5 and I didn't hit the threshold, I could put my 5 together so I got over the threshold of how many.

Ms. Kurpiel: Then you could negotiate five contracts with five different people.

Mr. Coen: Well, say, for example, the big fight about contiguous was if, for example, I have five parcels but I don't have 25 acres or I don't have 20 acres, you know, total, but I have four parcels that are sort of close to each other but they sort of touch each other, then you would add them together. I'm one owner.

Mr. Neuhard: Yeah, if you got one owner, that's fine.

Mr. Coen: We would like to do that. Now there's a big fight because several of us were, like, if mine is over here and over here and over here and I could take my four parcels and get 25 acres or 30 acres, why not include me? And I lost that battle. No, they have to touch.

Ms. Kurpiel: They would have to touch, sure.

Mr. Neuhard: Why would you give additional points because somebody brought all of their properties together and they were contiguous? Why would that not be looked at as one offering, if you would?

Ms. Kurpiel: It is looked at.

Mr. Neuhard: I'm trying to understand why you would get points for that.

Ms. Clark: Well you get extra points if each piece is a minimum of 20 acres and you've got three neighbors. Okay, the thing I was talking about. We've got 200 contiguous acres, now it's owned by at least four or five people, but if all those five people... each individual piece is greater than 20 acres if that went together as a batch. You've been wanting contiguous pieces. Would that get more points, if they were one entry but each person has 20? I'm just trying to look at it another way.

Mr. Coen: The really big one was because we were thinking of the one person who has several acres and they don't come up to 20 acres or 25 acres. They got four, five, six whatever, but the argument is they are close, they do touch but it's not that it is one big thing. And the attitude was the whole point of this is if they have the acres but they are not just one big clump. You're just eliminating them and denying them that. That's where the whole fight went over.

Ms. Kurpiel: We don't want any three. I mean the minimum is already 20 and that is already too low in my view.

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Mr. Coen: But if I say I own 20 acres, 25 acres, but just spread out along the road, why is that not good for your program.

Ms. Kurpiel: Well, it's not going to be very good for you. Well, because it's not contiguous, that's the reason why it's not good for our program. It's probably also not going to be good for you because when we figure out how many development rights you're going to get on each one, you're going to not be happy.

Mr. Coen: This question can be thrown out because this was considered when we were doing the appraisal method. Now we're doing the unit method. I'm just giving you the history of it.

Mr. Neuhard: Yeah, I understand. I understand now what you're after. I don't see if you had 25 acres in this and 100 acres in this configuration and a combination of owners in this configuration why this wouldn't be a better piece.

Mr. Coen: Right. You're assuming you have that part. If you only have the one in the right hand and you don't have the one in your left hand... That's what the mentality was, you know, we may not get this developer who has a hundred acres.

Mr. Neuhard: You wouldn't need to give him extra points for that, because if they're the only one you got...

Mr. Smith: Was it the thought that we weren't going to have enough large property to encourage smaller properties to...

Mr. Coen: Yes, because this was done after our survey and the survey said the really big developer owned large chunks were not as interested. It was the smaller chunk people and some of the smaller chunk people said it's not all in one big clump.

Mr. Apicella: Well, let's get the big ones that are there and worry about the small ones down the road. You know, I don't know.

Mr. Coen: And you can eliminate it if that's the will of the economy.

Mr. Lott: I mean if they're eligible, they could still apply and they'll be scored appropriately. I mean the reality is the way this is set up they are not going to compete against the private parcel.

Mr. Coen: Okay, we move to D.

Mr. Lott: Environmental Quality. On this first question we were using the Virginia Conservation Land Needs Assessment Model which gives you these outputs. I think the only question we had was, going through this process, was if a large parcel had multiple parts.

Ms. Kurpiel: C1, it had some C1.

Mr. Lott: Yeah, it had some C1. We had some C3. We gave it the highest point total we had. Is that still the consensus? Are we generally happy with this question as it is?

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Ms. Kurpiel: Yeah, you just need to make a notation somewhere on your scoring sheet about, they'll have to get used to this.

Mr. Lott: Oh yeah. Question 2. Percentage of parcel and upland forest.

Ms. Clark: Does that mean contiguous forest?

Mr. Lott: Well, I'll tell you how I did it this time. To be honest, quite frankly, I did not differentiate between forest types. For example, all of them, I think, with the exception of one, had multiple types of forest. They had bottom land, wetland forest and they had upland forest. For this round, forest was a forest, put it that way.

Ms. Kurpiel: Great.

Mr. Lott: I treated it as a forest. I'll tell you why. The only way I could differentiate it was to use the National Inventory which is just a best guess and it wouldn't be I decided it wouldn't be hugely accurate.

Ms. Kurpiel: What is the significance of upland. I don't think it has any significance, I mean hey, wetland forest is the most valuable real estate out there.

Mr. Lott: I think I suggested just striking out the word forest.

Mr. McClevey: Other forest, other wet forest, they wouldn't be included anyway, they would be in reserve protection areas.

Mr. Coen: Wouldn't you just say trees.

Mr. Lott: That's how I did it. I looked at aerial photography and I measured the amount of parcel that was, of course, excluding a little tenth of an acre over here that had a few trees. It had to be a contiguous area.

Ms. Kurpiel: This is the one that I was going to suggest we rephrase to look like the one on the first page. You know the one on the first page that said 70 acres gets this many points. Is this duplicated now?

Mr. Lott: No, Kathy added that question about a parcel contains active timberland and then they get two points per 10 acres, or fraction thereof, somewhere to the ag but to get that they have to have done something for the Department of Forestry to get that. So now you have two forest questions in here but one is really geared towards you're actually using it to manage forest through the Department of Forestry, whereas this one you're sort of giving them points from an environmental standpoint.

Ms. Kurpiel: Let's change this from 80 percent or more, lets put this in acres like the other one. Can we do that?

Ms. Clark: Where the larger pieces get more points.

Ms. Kurpiel: Is that the way it works?

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Ms. Clark: Right now is 2 points per 10 acres or fraction thereof? So a larger parcel is going to get more points, is that right?

Ms. Kurpiel: Two points per ten acres or a fraction thereof.

Mr. Apicella: That's forestry, right? Because they can have a large parcel and only 10 percent of it has forest on it.

Ms. Kurpiel: It's the 10 acres of forest, right? It's not the 10 acres of the size. It's the forest that we give points for. So it will just be written like the ag question. Then there will be consistency, that's all I was suggesting. Two points for every ten.

Ms. Clark: Because the others say up to a maximum of 20 total points.

Ms. Kurpiel: Oh, no no no no no, because the DCR Safe Harbor for forest is a minimum of 20 acres.

Mr. Apicella: We're not talking about acres we're talking about points. At what point do you stop giving them points?

Ms. Clark: Because this goes up to 100 acres is what this does. Two points per 10 acres with a maximum of 20 points. So it's 10 times the 10 acres so it's up to 100 acres.

Ms. Kurpiel: Thank You.

Mr. Coen: Well, we've got 25 more minutes.

Ms. Kurpiel: Sorry guys.

Mr. Coen: That's Okay.

Mr. Lott: Okay, number 3. Proximity to areas identified as having environmental value, state parks etc. The issue I had this time revolved around definitions. You know, what was an exemplary wetland, what is a critical area?

Ms. Clark: This isn't the kind of question that we're also trying to find for agriculture and having a hard time with the definitions, right?

Mr. Lott: Yeah. These terms were put in here but never defined. This go round, I largely used again the DCR's web page, they had a natural heritage site, endangered species. I used that, that same Virginia model that identified corridors. I used that.

Ms. Kurpiel: I'd say if the property is adjacent to a drinking water reservoir with at least a 100 foot intact buffer, property has substantial wetlands for the national wetlands inventory.

Mr. Lott: Again, we need to find....

Mr. Coen: So what's in the DCR?

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Mr. Lott: This time I used the same model that identified conservation land needs assessment they have a different portion of that model that identified corridors. I looked to see if they identified a corridor on the applicant's property and in several of them they did. So they were getting the points for that if it was contiguous or however far it was away. Some of the properties had several of these things.

Ms. Kurpiel: The corridor would need to be on... oh, no it wouldn't.

Mr. Lott: Well, the way this is written it says within a half mile of its proximity.

Ms. Kurpiel: Think about the corridor, it would need to be on... wouldn't it, to be relevant?

Mr. Lott: I would think it would be more relevant.

Ms. Kurpiel: It's not relevant if it's two miles away. If the corridor is two miles away how does that help?

Mr. Lott: Again, I think it was how it was written this time around.

Ms. Kurpiel: A corridor can be covered in a separate question but it cannot be evaluated the way you just evaluated it because it's not relevant.

Mr. Coen: And I guess it sort of like I said about the other one, it being contiguous through my property, but that's not near it because it's not part of the corridor. The corridor is way over here but this property we're talking about is here. It's exactly what you're saying, it's almost like earlier where it should be two.

Ms. Kurpiel: Yeah, corridor needs to be on.

Mr. Coen: I agree with you about the definitions.

Ms. Kurpiel: National Wetlands Inventory, if we're near to that, does that add some value? How about a drinking water reservoir, that's relevant isn't it? Anymore, anything else?

Ms. Clark: I was just going to say we've been going round and round with Planning with the whole drinking water reservoir overlay district. If your land is included in that overlay district...

Ms. Kurpiel: No, because that's the whole watershed.

Ms. Clark: Well, but isn't that what you're trying to protect? That's what the County of Stafford is trying to protect.

Mr. Lott: You're mixing multiple zones within that ordinance.

Ms. Kurpiel: Yeah, but that ordinance might not go any place because it wasn't passed.

Mr. Lott: No, I understand that.

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Ms. Kurpiel: I think if it is contiguous to drinking water reservoir, that's relevant.

Mr. Lott: Out of the different categories, that is the most restrictive, was the one that was right on the water.

Mr. Apicella: So what are we losing from this, what's being taken out?

Ms. Kurpiel: Well, we're just trying to define what are high environmental value areas.

Mr. Apicella: The only ones I think we had problems with, definition wise, was exemplary wetlands and critical areas. We didn't know what those two terms meant. You've added proximity to drinking water areas, that's good. The wetlands, using what you just said about....

Mr. Lott: That's how I did it this time. Critical areas I didn't use at all because I didn't know what it was.

Ms. Kurpiel: What about designated wildlife refuge, we don't have any of those, do we?

Mr. Coen: I don't think we have any.

Mr. Lott: No.

Ms. Kurpiel: Should we x that out or leave it in, in case we ever get one?

Mr. Neuhard: Then, we had an issue about corridors. So, that is still on here, how are we going to deal with that?

Mr. Lott: Do we want to split that into another question?

Ms. Kurpiel: You can't put the corridor in here, Mike, in terms of evaluation because on it, yes, not, no, but you could just put a note in your ranking guidelines that if a corridor, the DCR corridor is on the property, it's in, it's not on it.

Mr. Apicella: Yeah, if I'm an applicant and I see this part here which is going to be an ordinance and you haven't said that, I'm going to take issue with it. We need to deal with it now rather than putting it in footnotes.

Ms. Kurpiel: I was going to make a suggestion about what goes in the ordinance. We put all these rankings in the ordinance and there is an alternative, you don't have to put them in the ordinance. You can keep them out of the ordinance and then when you have changes you don't have to go back to the Board with all this stuff. I would like to suggest that we consider that.

Mr. Apicella: I hear ya. I'm just saying again if I'm an applicant I need to have something whether it's in the ordinance or on the website. Here's the criteria, we're trying to eliminate some subjectivity and so I would say as an applicant you're being arbitrary because you're defining this in a different way than I'm reading it so we can deal with it now in a verbiage. Maybe we should deal with it rather than just leaving it to Mike to....

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Ms. Clark: If the wildlife corridor is back, important, then maybe it needs a separate question.

Mr. Smith: While the other ones can be awarded for proximity this particular criteria must – can only be awarded if it's located on.... clarify it in the ordinance.

Ms. Kurpiel: And can you please call it a DCR corridor so people don't think it's a wildlife corridor which is what it says it is here.

Mr. Lott: If we look through our comp plan or our green infrastructure we actually identify these types of corridors in the County, but so far we haven't done it.

Ms. Kurpiel: DCR has done all the work for us if we would just adopt what they did.

Mr. Coen: I guess to me, I just would feel better if the parcel is right next door to the thing as opposed to being – I want to make sure it's clear that this is my parcel we're talking about and Steven's parcel way over on that side or that he owns this whole hundred acres, that's where it is. I want to know where the line is, where we're making the division. You know, is it contiguous? Is it contiguous to this parcel next to me? Is this corridor or is this refuge or whatever, you know, that to me makes a big difference.

Ms. Clark: In other words, you want him to start counting from, like, the side of your property to the actual site.

Mr. Lott: And that's how I did it.

Mr. Coen: Cool.

Mr. Lott: I would measure from the edge of your property to that actual resource, not to the parcel that contains it.

Mr. Coen: It needs to be clear that it starts at that.

Mr. Lott: Yeah, I measure to the resource.

Ms. Kurpiel: And Alan's point, we'll say the DCR corridor runs across the property for a point award, is that what you recommended?

Mr. Smith: Something like that.

Ms. Kurpiel: Are there any other features that would be worthy of some points?

Ms. Clark: What makes a wetland exemplary?

Ms. Kurpiel: We're going to x out exemplary.

Mr. Coen: We're going with mediocre.

Mr. Lott: The degraded, nearly dry wetland.

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Ms. Kurpiel: The degraded wetland, yeah.

Mr. Coen: Anybody else?

Ms. Kurpiel: I can't think of any other.

Mr. Lott: Number 4. Want to move on to number 4?

Mr. Coen: Yeah.

Mr. Lott: Proximity of parcel to perennial stream or waterway. My suggestion on this one was more since it in the environmental section... was to break this up with a perennial waterway. With an impact 100 foot RPA, they would get x number of points. If there is a perennial stream in the buffer that was left, was legal either within ag or silviculture regulations, they would get this number of points, and less than that they would get this number of points.

Ms. Kurpiel: There is a problem. First of all, Ches Bay regulations, as to buffer about agricultural properties, say that it shall be 100 feet. Not only it shall be 100 feet but it shall be restored to 100 feet. Now the only time that buffer is less is if you have a nutrient management plan upland and they run the numbers using the TR-50 or whatever it is and they can show that buffer. That nutrient management plan does as much good as you are having a 100 foot buffer then you can take it down to 50. And if you implement two plans you can take it down to 35. But, so, how are you going to know that? Well, actually, you probably will need to call Tri-County and ask them what they've got over there in the way of plans. But you can't assume because that's what they have on the property that they get the point. You need to call Tri-County and say "show me" with the justification for no 100 foot buffer out here.

Mr. Lott: That was my thought with this one, not treating all perennial streams the same, equal. From an environmental standpoint it isn't necessarily true.

Ms. Kurpiel: I agree with that. But you want to do all that work, it's really not that much work. Tri-County is getting organized so they are going to be able to tell you that.

Mr. Lott: That would be nice.

Mr. Coen: I guess the question, the way the rights are worded here, are they include or are adjacent to the waterway. Would it be just that they are included into the waterway and if they are using one of those plans then they get the points and if they're not then they don't?

Ms. Kurpiel: I think Tom is sort of right. Either they're in compliance with the law or they're not. There's a perennial stream on the property and they're either in compliance with the law or they're not. If they're in they get some points if they're not they don't get any.

Mr. Coen: Well, what if they're doing what we want them to do?

Ms. Kurpiel: I don't see where we should give them points just because they have a stream if they're not following the law.

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Ms. Clark: We don't have any of the plans because we don't take any government money. I don't know. I don't have an opinion right here.

Mr. McClevey: The way I worded that one was I stated as the percent of perennial stream watershed, 0-5 percent of the watershed up to 25 or 25, 50 and 50 graded.

Mr. Lott: That's another way to think of it. I hadn't even thought about that. What portion of the stream do you have on your property?

Ms. Kurpiel: That's a good way, Marty.

Ms. Clark: But once again do you get points for just having the stream on your property?

Mr. Lott: Well, in this case, yeah, you did, points but based on the percentage of that watershed.

Ms. Clark: Or do you have protected watershed on that property, which is what you were saying.

Mr. Lott: That's two completely different ways of looking at that question.

Mr. Coen: Or you can do both. You can give them points for how much of the water, the stream that's on the property and then, so, Gail would get points for that and since she's not doing all those plans would she get the other points would be the question.

Ms. Kurpiel: That's sort of consistent with another question we divvied up that way. I don't remember which one it was.

Mr. Coen: Are we okay with that idea?

Ms. Kurpiel: How difficult is it to determine the percentage of watershed that's on this parcel, Mike?

Mr. Lott: That's something I would work with the GIS people to do. The reality is there are only going to be large parcels that have them, a perennial watershed anyway. Generally speaking, the rule of thumb seems to be you need at least a hundred acres of a watershed before a stream even becomes perennial. That's not always true because in some places where a spring pops out of the ground, from then on it's a perennial spring.

Ms. Kurpiel: My first choice would be to look at the quality of the buffer, the first question. I'm not sure about the watershed.

Mr. Lott: I can look at it between now and the next meeting and see if that's even something that we could do.

Mr. Coen: Okay, then let's just keep this as our last category and we have eight minutes left.

Mr. Lott: Cultural Resources.

Mr. Coen: I did give you some of the history behind this one. A large part of this was that we were doing the comp plan at the same time and somebody that's on the comp plan committee leads the

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historical commission aspect and really felt this should be part of the plan and so we included it sort of because of that person into the idea that if we were going to preserve land in the County, there's agricultural land, there's environmentally sensitive land and if we're going to try to do a program let's preserve some historical land at the same time. That's why this sort of came up by itself.

Ms. Clark: On the applications we got, it was real obvious if you had a historical survey done on the place in preparation for having a subdivision or whatever, or just because you were interested in it you got a lot better chance of getting points there than if you're just a normal land owner who has never gone to that expense or the time involved to do that survey. So I do think that's definitely a skewed point toward the people that had actually had their place investigated. I'm not saying that's good or that's bad or you should or shouldn't.

Mr. Lott: There is a potential for there being a property that has historic resources, you're not capturing, and that is a possibility.

Ms. Kurpiel: Well, let's just eliminate those then and let's just nail it down to Q, that properties individually listed on the Virginia Landmark Register and the National Register of Historic Places. You can look that up, right Mike?

Mr. Lott: Yes.

Ms. Kurpiel: And properties that have been determined by the Department of Historic Resources to be eligible for listing. Do we know what those are or are those the ones Gail's referring to that are in the plans? Properties that have been determined by the Virginia Department of Historic Resources to be eligible for listing on the Virginia Landmark's Listing.

Mr. Lott: It isn't my area of expertise, I would have to run that by Brenda. You're trying to find a more subjective way than how it's written now.

Ms. Kurpiel: Yes.

Mr. Coen: I was on the Ag Commission, I was not in favor of putting this in. I went along with it but I don't see where it fits into the other two main categories with what the program's doing, neither environmentally or agriculturally, I'm not sure where an abandoned mine thing or a dilapidated house has any bearing on, you know, what we're trying to do and to me, as much as I love history, for the record. To me the whole thing about saving Stafford's historical land thing to be a different program, there is funding in the federal government to do that. I don't think that will necessarily fit into this program so my feeling is to eliminate the whole question.

Mr. Apicella: And I'm going to disagree with you because I think that is actually very important criteria, again, when you're weighing the relative merits of different properties. Some have higher values, some have lower values, on each one of the big criteria like environmental issues historical significance may be the arbitrary choosing factor that makes us choose one property over another. Look at the historical significance for Crow's Nest and I think Patricia has articulated a higher threshold so I am good about getting away from subjective kinds of features that we can't validate. But if it does meet a certain threshold then it could be something that has a high value, high merit and we often, in the broadest scheme of things, consider saving that piece of property compared to another piece of property that doesn't have any historical significance.

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Ms. Kurpiel: You know, the other thing is, it's in the tax law, in the federal law and the state tax law, so I think if we ignore an important part of what is in the codes. I just don't think we're doing justice to our potential clients.

Ms. Clark: If we do decide to keep it and go with something like a list like Patricia has offered, I would include either "contains" or "is contiguous to" a centennial farm.

Mr. Lott: I was going to bring that up if that's something we want to continue here. I was thinking of putting it in with the supporting agriculture because to me if there's a farm that has been farmed by a family for a hundred years, there's a chance it will continue to be farmed by that family.

Ms. Kurpiel: Why are we paying for it though?

Ms. Clark: That might be one of those proximity questions that you could answer fairly easily.

Ms. Kurpiel: I think proximity is irrelevant. I mean, it either is or it isn't.

Ms. Clark: You wanted to go contiguous for all your trees.

Ms. Kurpiel: Well, that's different. What does contiguous to a century farm have to do with the farmer or the farm? Nothing. What does 100 years of not being a farm have anything to do with a parcel that we're evaluating that is not? Nothing.

Mr. Apicella: Well, I'm not going to answer that question. Ferry Farm, let's just say, if that wasn't in private hands and needed to be saved someone was going to put a Wal-Mart over there, to me that would be pretty important we would want to try and save the land right next to Ferry farm just as much as we would want to save the property that's Ferry Farm itself. So, at least in that context, I'm not going to answer to a centennial farm because I don't know enough about it. But "contiguous to" would be important at least to me in terms that it's property that has historical value.

Ms. Kurpiel: See, I don't think contiguous should be considered.

Mr. Apicella: You wouldn't want to save that property right next to Ferry Farm if that was...

Ms. Kurpiel: No, but wait a minute, explain the situation to me again, are we considering putting an easement on the property next to Ferry Farm or on Ferry Farm itself?

Mr. Apicella: No, we would rank a piece of property right next to Ferry Farm because it's right next to it. Hey, maybe George Washington was hanging out at the next parcel as well.

Ms. Kurpiel: Because it was contiguous, that was the issue.

Mr. Apicella: Right.

Mr. Coen: I also think if you are going to do a historical one, if it's recognized by the state or the federal government in some way for historical value. I just think if you're going to do it then make sure it stays recognized or ... but then that gets us to the whole thing I know our Historical

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Commission is looking at, trying to recognize certain things. So, if they recognize certain things, are we going to just ignore it?

Ms. Kurpiel: We have to get someone with more expertise than us.

Mr. Apicella: Anita Dodd could tell us.

Mr. Coen: She's the one that wrote this stuff and put it in. I mean, I'll go along. I went along last time with it, but I think it needs to be some type of recognition not just by... I forget what the phraseology you used with the national... this that and the other. I mean, if the Commonwealth of Virginia said ...

Ms. Kurpiel: I actually pulled this language from the Commonwealth's safe harbor, I think.

Mr. McClevey: I want to add in that I think it's significant. I think it's relevant and every time I look at a County document, the 2020 plan from way back and so forth, it talks about preserving the real character of Stafford and so forth. So, it could be a County objective, as you said, the Historical Commission, or it could be part of the comp plan or something to enhance something relative to culture and whatever that we would want to give this property credit for contiguous or containing it. I think it's very relevant and, for example, let's say there's a property in the Brooke area with a proximity to a Civil War site and at some point in time the National Park Service might be interested in setting aside a Civil War encampment site and we want to protect a view shed or we want to protect a proximity to it. What if there was a grant available... funding. We want to tap into the grant segment or something.

Mr. Coen: That's why I would say, because quite honestly if there was a grant available for historic and they went through this, in large part if it's for historical they probably wouldn't get many points. But if it was a separate ordinance going after those grants it would be better and we would be more likely to get it and to do it. That's why my argument is saying, you know, put it in an ordinance or a plan to go after those. Can we do it that way. That being said, you know, if it's the feeling of the committee that this is good way to waive back and forth, that's fine I'll support it because what are we going to say at this phase? I suggest we contact Anita and see if she wants to help tweak this.

Ms. Kurpiel: I think we should look at the language the state uses and consider that. She proposed this. Maybe if we went with language that is more loose, that she could come along and help us evaluate this question for the parcels that come in because she would have that expertise.

Mr. Apicella: Yeah, but then we go back to this issue and subject and the nature of it where somebody says "well, I think it's historical because this group calls it historical" but that's not a generally accepted notion of what's historical as far as the significance. I think we have to strike a balance between getting something that makes sense and is truly of historical significance versus something that's minimally of historic prominence because somebody says so. Do you understand what I'm trying to say?

Ms. Kurpiel: Not particularly.

Mr. Apicella: Do we not want to ask Anita to take a look at the idea of maybe typing it a little bit so that it makes some sense.

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Ms. Kurpiel: Send her the language at this stage and ask her what she thinks of the language. Let's not give her too much.

Mr. McClevey: We did discuss proximity to other conservation easements, but we didn't discuss proximity to cultural resource or something. I know we said we were protecting forestry and so forth but... we can put a question in there on that.

Mr. Coen: And it certainly could it doesn't have to be one thing, you can make it two. You know is it registered in the proximity question. That's not that difficult to do either.

Ms. Kurpiel: And on the question of the farms, the century farms, if that was to be included, I suggest that be put in the first section, page 1. Or it could be put in the... Mike, you suggested this section that...

Mr. Lott: Maybe in the quality of the parcel, or C, the circumstances of agriculture, eliminating questions right out of there.

Mr. Coen: Well, I don't have it in front of me but looking at the state language... if the state makes this determination, if the language is what they declare a century farm is, blah blah blah blah, and it would fit better under the cultural and historical, then that would make more sense.

Ms. Kurpiel: Then it's not cultural historical, it's a farm.

Mr. Coen: Well, farming is a culture. The agricultural culture is, you know, a way of life in this County and, da da da, as much as the you know the celebrated hippy day and I got chewed out because I was dismissive of the hippy culture because it would be called culture. Well, it is... agriculture is a culture.

Mr. Lott: I can bring in the language and decide whether...

Mr. Coen: To me, if you're going to shove it in a different section, it would be a separate question, a separate thing.

Ms. Kurpiel: Yeah, a separate question for it.

Mr. Lott: Wherever it goes, I guess it can be its own question.

5. Next Meeting

- November 24, 2009 Regular Meeting

Mr. Coen: Okay, it is 9:06; so we've been longer but we've gotten through. If you do the same thing you did last time for this one, send it through that way. Comments on the side. That was helpful. So the big question, as we go forward, is besides little questions that we dump on staff, do we try to meet the week of Thanksgiving, which is November 24th?

Ms. Clark: I know we'll be out of town.

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Ms. Kurpiel: Do we want to make it the week before.

Mr. Coen: That's the Board meeting. Unless we do it a different night but I don't know how that fits your other nights.

Ms. Kurpiel: This is the 23rd. Is that what we're saying, we're not going to meet the 23rd?

Mr. Coen: The 24th is a Tuesday.

Mr. Apicella: I'm going out of town, so...

Ms. Kurpiel: Well, let's try the week before. How about Monday the 16th?

Mr. Coen: How bad does that look?

Ms. Kurpiel: Anything?

Mr. Neuhard: We're going to be opposed to being out every night of the week, that's what we'll be opposed to.

Mr. Apicella: Well, is there an urgency for us to meet in November?

Mr. Neuhard: What's the week after it?

Mr. Coen: Well, the week after it is December 1st which is probably...that's the Board meeting.

Mr. Neuhard: We can do the week before if we have to, I guess, Monday night.

Mr. Coen: Or do we just want to have one meeting in December, like December 8th?

Ms. Kurpiel: Well, I would like to see this wrapped up. I will not be on this Commission next time. I would like to see this wrapped up before I leave. And I think it's going to take two meetings. We should be able to wrap up these criteria, I think.

Mr. Lott: We still have to go through the points.

Mr. Coen: Oh yeah, the whole point thing.

Ms. Kurpiel: I also have another suggestion we haven't looked at, which is scenic preservation, which is also in the tax law.

Mr. Coen: Well, yeah, we have a couple big issues besides that to deal with; the road issue.

Ms. Clark: Well, just because Steve and I won't be here doesn't mean you won't have a quorum.

Mr. Neuhard: What about November 10th?

Mr. Coen: Well, that only gives you two weeks.

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Ms. Kurpiel: I can't do it on the 10th.

Mr. Neuhard: Do we have a quorum on the 24th?

Mr. Coen: Right now we have a quorum; we'll have three and if Rod shows up we'll have four. So go on the 24th hoping nobody else drops.

Mr. Neuhard: Okay, we'll need to confirm with him that he'll be here. But you all are gone the whole week, everybody that's gone.

Mr. Coen: The Thanksgiving people.

Ms. Clark: Yeah, well, I may be here on the 23rd but I don't know.

Mr. Coen: Do we want to shoot for the 23rd then? The other thing we can do is... theoretically the 4th Tuesday in December is December 22nd. So it is possible to have two meetings in December. If we ended up not being able to do the 23rd if Rod definitely can't go and we don't have a quorum. We could do something like the 8th and then either the week before or the week after Christmas.

Mr. Neuhard: What would your preference be? The preference would be to go ahead on the 23rd or 24th if possible.

Mr. Apicella: I can be here on the 23rd.

Mr. Neuhard: Monday would be fine that week or Tuesday would be fine.

Mr. Coen: We'll go Monday because we know we have Steven. And if you'll ask Kathy to get things to us, particularly Gail because she may or may not be here, try to get everything to us by the 17th or 18th so we have time to look at it before the 23rd.

Ms. Kurpiel: May I write something about the scenic vista to be included for your consideration? No it's not written yet, it's just a discussion. But I'll write something. You think you and I can get together and write something about the scenic vista?

Mr. Lott: Sure.

Mr. McClevey: As another criteria question? I thought that's what we were discussing under cultural? I mean, I agree with you; I'm a vista person.

Mr. Neuhard: If there are any additions or questions, go ahead and send it to us. Go ahead and send it so we can get it on the chart.

Mr. Coen: With the idea that we deal with that.

Ms. Kurpiel: I'll write something and you can either nix it or like it.

4. New Business

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- Review of Pilot Program
 - Ranking Criteria

Mr. Coen: Okay, is there any other new business?

6. Adjournment

Mr. Apicella: Motion to adjourn.

Ms. Kurpiel: Second.

With no further business to discuss the meeting adjourned at 9:11 p. m.