

STAFFORD COUNTY
PURCHASE OF DEVELOPMENT RIGHTS
COMMITTEE MINUTES
August 25, 2009

The meeting of the Stafford County Purchase of Development Rights Committee for Tuesday, August 25, 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, Kurpiel, McClevey and Ritterbusch

Members Absent: Clark

Staff Present: Baker, Neuhard, Smith and Stinnette

1. Approval of Minutes

- May 26, 2009

Mr. Coen: The first order of business on the agenda is the approval of minutes which we deferred a couple of them from last meeting. Any discussion on the May meeting minutes?

Ms. Kurpiel: Is there an agenda?

Mr. Neuhard: Yes there is.

Ms. Kurpiel: And copies of the minutes?

Mr. Coen: Okay. Any discussion on the May minutes? Seeing none, is there a motion to accept them?

Mr. Ritterbusch: I submit that.

Mr. Coen: Okay, we have a motion. Is there a second to accept the May minutes?

Mr. McClevey: I second.

Mr. Coen: Okay. All in favor say aye.

Mr. Ritterbusch: Aye.

Mr. McClevey: Aye.

Mr. Coen: Aye.

Ms. Kurpiel: I abstain.

Mr. Coen: Okay. And we will go to June.

- June 23, 2009

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Ms. Kurpiel: Did you have a copy of the June minutes?

Mrs. Baker: I am sorry, I thought I gave you three sets.

Ms. Kurpiel: I am sorry, I thought this was all May. I got them.

Mr. Coen: Any discussion? I think at the last meeting, Patricia, you had some questions on May and I just wanted to make sure if you had any questions or what not. If not, we can move forward. Any comments? Questions? Concerns?

Ms. Kurpiel: Have we had a motion?

Mr. Coen: No, I was asking if you had a question. Is there a motion that we accept the June minutes or do anything with the June minutes?

Mr. Ritterbusch: I make a motion we accept them.

Mr. Coen: Okay.

Mr. McClevey: Second.

Mr. Coen: Okay.

Ms. Kurpiel: Discussion?

Mr. Coen: Okay.

Ms. Kurpiel: Thank you. I thought we had a discussion after we had a motion. I just want to say that there is still some material missing from these minutes. I was asked to bring in my tape of the minutes, which I did. I also made a note on that tape of where would be a good place to start to pick up all the missing material and it was not started there. So I would just like the minutes to reflect they are not entirely complete.

Mr. Neuhard: Where was that Patricia?

Mrs. Baker: I thought that the tape you brought was for the May minutes because that was the one that was incomplete. The June minutes...

Ms. Kurpiel: No, the tape I brought was for the June minutes.

Mrs. Baker: The June minutes were the ones that you had already typed out the three additional pages and you sent those to Aisha and she incorporated those into the June minutes.

Ms. Kurpiel: No. She asked me for the word copy of what I brought to the meeting which I gave her. And they called me the day after the meeting and they asked me to bring the June minutes. So I also brought the June minutes in. And when I brought them in I told them in addition to the material that I had noted, there was other missing material and if they would start at a certain point on the tape they would pick it all up. And that was not done. I just want the minutes to reflect that.

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Mr. Neuhard: Now, are we talking about the June minutes?

Mr. Coen: Yes sir.

Mr. Neuhard: I know we are discussing the June minutes but, Patricia, were your comments just regarding the June minutes?

Ms. Kurpiel: They were only about the June minutes.

Mr. Neuhard: Okay. Well, we will look into, regardless of what action you take tonight on the minutes, we will definitely look into what we should have on here. Do we still have a copy of that recording? Is that something that is in our possession?

Mrs. Baker: We have the recording of the June minutes. It was the May minutes that we did not have a copy of the recording for. The May minutes, the concern was that they were so short. If you look at the May minutes they were six pages and usually our minutes are twenty-eight pages. So that was the one we did not have the recording for. It was down in ABC and something happened with the tape down there. It was my understanding that was what your tape was, of May. The June minutes were, and again, as for June can I suggest you send that to us, she has that copy that way we can see the minutes that were omitted so we can defer on June.

Ms. Kurpiel: All I can do is send you the tape again because I did not type everything.

Mrs. Baker: You have three pages of minutes.

Ms. Kurpiel: And I sent that and that has been included. In addition to that there was additional material.

Mrs. Baker: Okay. Because I thought that they were verbatim and so I assumed that is what since you said they were as close to verbatim as you could have gotten...

Ms. Kurpiel: For my three pages yes. There were also two pages before that.

Mrs. Baker: That was our misunderstanding then. She added what you had on those three additional pages and that was incorporated in the June minutes.

Mr. Neuhard: So, at the pleasure of the Committee, we will be happy to go back and incorporate the initial pages from the tape if that is what you want us to look at; that is not a problem. As long as we have it we can go back and incorporate that in there and bring them back to you at your next meeting. In the meantime, we can show them as draft. Again, it is entirely up to you but we will be happy to do it, because we want as complete a record as we can for this.

Mr. Coen: So, do we want to change it to defer?

Mr. Ritterbusch: We will defer it.

Mr. McClevey: Second to defer to the next meeting.

Mr. Coen: Okay, so defer June until staff gets the two additional pages. All in favor?

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Mr. Apicella: Aye.

Mr. Ritterbusch: Aye.

Mr. McClevey: Aye.

Ms. Kurpiel: Aye.

Mr. Coen: Aye. All opposed? Okay, it is deferred.

- August 3, 2009

Mr. Coen: And August 3rd? Is there a motion so we can discuss it?

Mr. Apicella: Motion to accept.

Mr. Coen: Okay. Second?

Mr. McClevey: Second.

Mr. Coen: Okay, any discussion on the August minutes?

Ms. Kurpiel: Yes. I would just like to note that there were three roll call votes noted in the minutes and they were not roll call votes, they were just voice votes and I believe it was the last three votes that are shown. There was one or maybe two roll call votes, but there were also just three voice votes and it is shown as a roll call vote.

Mrs. Baker: What page are you on?

Ms. Kurpiel: I do not know, I looked at it this afternoon.

Mrs. Baker: Looking at page 25, for example, I think this one she was just showing who voted aye. If you look back on page 21 there is a place where it says Mrs. Hamock was asking the roll so that would have been...

Ms. Kurpiel: There was one roll call vote that was asked for. The rest, as far as I recall, were all just voice votes. I think when they are shown in the minutes with each individual thing, doesn't that imply a roll call vote or am I mistaken?

Mrs. Baker: Look on page 34, "just for the record we will do a roll vote. Mrs. Hamock: Okay. Tom Coen" and then it says "Mr. Coen: Yes." Then it says "Mrs. Hamock: Steven Apicella" and "Mr. Apicella: Yes", etcetera, etcetera. But if you go back to the one on page 25, "Mr. Coen: Is there a second...", "Ms. Clark: I will second that", "Mr. Coen: All in favor say aye" and she was just spelling out the affirmative ones in this case. She was not asking them, and we can revise that.

Ms. Kurpiel: That is alright, as long as it is understood that it was not a roll call vote. So I guess we understand that unless it says it is a roll call vote it is just a voice vote although each name might be listed. Is that the way we are going to do it?

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Mrs. Baker: Well, now that you point it out I think that perhaps it is up to you all how you want it done.

Mr. Neuhard: How are you doing it...

Ms. Kurpiel: I do not really care as long as it is clear.

Mr. Apicella: Can we do it as long as we indicate it is a voice vote?

Mrs. Baker: The third one does say it because these are kind of verbatim, the one where he says this is a roll vote so that is why it includes Mrs. Hamock asking Mr. Coen and then Mr. Coen aye. Where the others, she was just putting the names out there. How do you do it in the Planning Commission?

Mrs. Stinnette: That is the verbatim part. That is where you put down each person's name. It does not mean it is a roll call; it just means that is how they voted.

Mr. Coen: That is how they do it; okay. Any discussion on the August? Okay, all in favor of accepting the August minutes says aye.

Mr. Apicella: Aye.

Mr. Ritterbusch: Aye.

Mr. McClevey: Aye.

Ms. Kurpiel: Aye.

Mr. Coen: Aye. All opposed? Alright, so we have disposed of item number 2 so we move to number 3 which is the staff update.

2. Staff Update

- Virginia Outdoors Foundation deed of easement

Mrs. Baker: This will be fairly quick. I forwarded you all the new deed that was done and just for informational purposes the VOF has some formatting changes. This was approved July 22. So, they had been working on this for a little bit, but they did revise some of the language under the section about the building structures and utilities with regard to the number of single family dwellings. In their guidelines they do infer that their minimum preference on a parcel guideline is 100 acres but they only look at it on a case by case basis. While 100 is their minimum, if they find an exceptional property that they want that is less than 100 acres, they will consider that and take that forward and in that instance they would go below 100 acres and allow a dwelling on anything less than 100 acres. But they did revise this to make that a little bit more, I guess, for clarification, that they are allowing dwellings on a parcel by parcel basis and not necessarily a minimum size. So they take each property as it comes and look at it and determine of dwellings they would like to have for that property. So, that is really the reason that they changed that. I just wanted you all to be aware of that.

Mr. Coen: Any discussion or questions? We will go to the next item.

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- Northampton County land use tax program

Mrs. Baker: The Northampton County, we just forwarded that message to you that Northampton County is doing away with their land use taxation program. They are finding they are losing too much revenue. We just wanted to let you all be aware of that.

Ms. Kurpiel: In Stafford, I will just make a comment, the loss of revenue in land use taxation is \$8 million a year.

Mrs. Baker: So, that is it for the staff update.

Mr. Coen: Okay, thank you very much. Alright, we go to number 4, unfinished business, the pilot program.

3. Unfinished Business

- Pilot program applications
 - Issues for Board of Supervisors to consider

Mr. Neuhard: You have in front of you a copy of the background report minus the attachments for the Board package and presentation for next Tuesday. We do have the attachments here with us if you would like to look at them. As you can see, they are quite a thick collection. All of this material is the material that we used to brief you in each one of the sessions and we have combined it now by property into one package so that the Board, in essence, can see the same that they so desire that you saw during the presentations. We are also including a copy of the minutes. What we will have to do with the June minutes is we will keep those as drafts since those have not been accepted and we are including those in the package as well. And there is a resolution that basically authorizes us to negotiate in any order of ranking with the property owners. So, if the first one fails in negotiation we can immediately move without further authorization to the second. And what will happen if all of that happens if they authorize us do and we go forward is that we will have to bring this, once we negotiate out the deed of easement and everything is straight, we will have to come back to the Board for authorization to execute that deed and two, even though in here it is authorizing us to do everything to execute it if I remember it right, we will probably still come back because we will have to make sure that we have the appropriate appropriations and authorizations and all that. We are going to be very conservative this time and make sure we get authorization at every step so we do not miss anything since we are on such a time crunch. It will also allow us to reimburse; we will get the authorization to reimburse from the State at that same time when we come back for that. So, that is what we are hoping and anything you would like, any suggestions you would have on the background report we will more than gladly take it. As you can see when you read through it, it is a pretty standard approach to try to identify some of your issues as well as some of our issues just for their consideration. It does not change our basic recommendation although it may force questions on their part or they may have a different view of what we have done, I do not know.

Mr. Coen: Any discussion?

Mr. Apicella: Any chance of adding the first names?

Mr. Neuhard: You are talking about where?

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Mr. Coen: On page 2, on the chart.

Mr. Apicella: Attachment 1, as owner.

Mrs. Baker: We were pressed for time... I mean space.

Mr. Apicella: I hear you but, not seeing the rest of the documentation, people may come to certain conclusions right off the bat.

Mr. Coen: You have got a good point.

Mrs. Baker: The attachment is going to have the property report...

Mr. Apicella: I realize that a lot of people might not go...

Mr. Neuhard: So what are you suggesting, let me just make sure I am clear...

Mr. Apicella: The applicant...

Mrs. Baker: Edward and Victoria Silver.

Mr. Apicella: Right.

Mr. Neuhard: You are just worried about Silver properties, that kind of thing?

Mr. Apicella: Yes, people may make the wrong assumptions.

Mr. Neuhard: Yes, okay, we can certainly do that.

Mr. Coen: Patricia, you had your hand up.

Ms. Kurpiel: I did not have my hand up. I would have liked to have gotten this before I sat down tonight, but I guess it is too late for that. There were some other things I mentioned that I do not see here, in a quick peruse through, it might be here. In regards to the SE property, I mentioned at the last meeting that there was probably some flexibility in ownership, that was a plus and there was probably some flexibility in use. I specifically pointed out that perhaps limited public access was a plus. I think I also pointed out that half of the property, one side of it, is up against one thousand three hundred and eleven acres of VOF conservation easement.

Mr. Ritterbusch: We have got that on there, not the quantity but the VOF...

Ms. Kurpiel: Where do you see that?

Mr. Ritterbusch: The bottom of page two.

Ms. Kurpiel: Thank you.

Mr. Coen: Okay.

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Ms. Kurpiel: I think there is some... I think there is one other thing that we really did not discuss at all that maybe we should have a discussion about. Tom you jogged my memory, before we started the meeting, by mentioning there is a group of people in your group that developed a criteria that we are actually in favor of, by pulling properties out of development and there was another faction that was interested in preserving agricultural properties. I think that is really an important point here, the SE property already has a development plan on it. So I think it is highly likely that when the market improves, that property will be developed. I am not sure when the Silver property might ever be developed particularly the Century farm. I would like to know what you all think about that. Do you think that is an important factor?

Mr. Coen: Well, I think it mentions in here about a proposed subdivision. My point is, and what I said beforehand, Patricia at the last meeting kept saying when we made the ranking criteria etcetera, etcetera. I said how I went back and looked and thought about it and basically in the committee that did the ranking criteria, there were two basic points of view. One point of view was that it should be used...the program should be used to preserve open space farm land, silvaculture, etcetera. Another point of view was that the program should be created in such a way that it would entice developers to take their land out of development. I thought it was rather fitting that the top two properties met basically the views of both sides of the people who were making the program. It was sort of like there was not one mentality in creating this program, it was many different view points and as we went through this pilot it just seemed to mirror exactly where we were going from and the two different views on this. There was not one particular point of view that this is what we want the committee to do other than create a program that would give the landowners an opportunity to enter into a voluntary program to preserve open space, whether it be the developers or whether it be a landowner trying to preserve their farm.

Mr. Neuhard: Well, I think there are a couple of opportunities here. The first thing is that we tried in this report and will continue to try to add additional thoughts or considerations around the property selections. We have an Ordinance, an Ordinance came out of the work of those committees and the philosophies that reflected in the schedules and that is what we are subject to using at this point in our decision processes. The Board has a little bit more flexibility, because they are not tied beyond as only considering that as we are. But we also, i.e. the committee, has the ability to put these additional considerations in front of the Board, which I think we are trying to do and we should do as a part of this. The next opportunity is that if we need to reopen, which I think we kept a list of all the issues that we saw when we were scoring and the philosophical issues that were born out from some of those, some were technical clarifications, some were clearly philosophical questions that came up. I think that we need to go back after this and we need to see is this pilot and everything we learned from it, does it express the philosophy, is the philosophy still the same or does there need to be a shift in the way the Ordinance was written in regards to what we are trying to do here. Very clearly there has been that discussion during these deliberations and there were those discussions apparently when this Ordinance was being drafted. Again, that is part of PDR Committee's charge, to look at this and cause it to evolve and we are going to have an opportunity to do it. I think you have two opportunities, the first one is before you now, in that you have tested this Ordinance, we are at a point of decision and we are taking it to the Board. Think about this when you are making your final decision Board, we need to do that here. We need to come back and we need to have this debate over again in terms of changing the Ordinance, the purpose, how the scoring is done so it is weighted differently, then you will have the opportunity to do it and it is part of what you should be considering in the long run for the program in the future. We certainly have seen that in this exercise. So what I would say, for example, some of the additional comments like those being made by Patricia tonight, if the Committee wants us to include that in the report we will certainly be happy to do that and any other place we will try to bring clarity to it, to the extent that we can. At least it will be on paper and at least we would have read it and at least the

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considerations will be there and I think you have done your duty at that point. By the way that is the purpose for us bringing it back to you tonight so we can get those last clarifications in there. I have heard a couple things already, we can add in a little bit. There are a couple of places we have talked about SE Estates, we need to add in just a couple of those points, if there is no objection by the Committee we can certainly do that.

Mrs. Baker: Can I ask a question for clarification? When you talk about the limited public access, can you explain a little bit more of what you are wanting us to say with regard to that?

Ms. Kurpiel: Well, if SE were to eventually turn this over to a homeowners association, which is one of the alternatives that they would have, they have three or four alternatives that they would have. One is to turn this parcel over to the homeowners association, when they do that development. And the homeowners association could choose to develop that property in such a way, for example, they could go in CIS and they could fill that meadow with warm season grasses, they could set up like a birding or wildlife area in all of those acres. That house sits on the property, could be developed, for example, as some sort of a community gathering place for birders, for example. That is what I mean by limited public access. They could limit it to the homeowners or they might even want to invite the public in, which is a big plus in the Federal and States Regs. And that is just one alternative, I think that there are lots of alternatives, lots of ways that could go.

Mr. Apicella: On the other had they could choose to do nothing with it and leave it as is. Right?

Ms. Kurpiel: Yes, they could. But, we need...

Mr. Apicella: But, then would the owner of the property would bind the future property association to these commitments or potential...

Ms. Kurpiel: Absolutely, if it is in the deed of easement, they are bound.

Mrs. Baker: At this point, we do not even know if there is even going to be any future homeowner association. They may do something different than develop...

Ms. Kurpiel: The owner could do that himself, for example.

Mrs. Baker: I know, I am just saying that there is nothing definite, so there may not be a homeowners association. At this point that would be speculative.

Mr. Coen: That is awful speculative. One thing I noticed was, we have the issues the committee raised. It identified the other properties, but never identifies the Silver. Were there things about the Silver that would be worthy of noting? It goes Adams, Druitt, Johnson, SE and then Wilson.

Mrs. Baker: That was our additional comment on the Silver property.

Mr. Coen: Okay.

Mr. Neuhard: We can format this so the property stands out on the committee comments. It is a matter of editing or combining comments so it stands out.

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Mr. Apicella: I think that all the properties that are active working farms, that ought to be something, another bullet. That to me, most closely resembles the matching grant money that we are getting.

Ms. Kurpiel: Although you have checked with the grantor, have you not Kathy? Even though these parcels may not be active farm that they are still eligible?

Mrs. Baker: Yes, I have spoken with the State.

Ms. Kurpiel: So it is not a question of eligibility.

Mr. Apicella: But I still think it is more of the intent that they be active working farms. If you look back at the documentation they gave us, that is the preferred... If we had one that is an active farm verses a non-active farm, which would the State prefer? One or the other?

Ms. Kurpiel: I do not think the State would try to tell us, I think they would leave it up to our ranking criteria. Would they not?

Mrs. Baker: Well it does need to be suitable for an agricultural or silvacultural use.

Mr. Apicella: Those that are active farms should say so.

Mr. Coen: Yes, I agree with that.

Ms. Kurpiel: I would like to make a comment about that. The sixth property is not what I would call and active farm, they cut hay once a year.

Mr. Neuhard: Which one is that?

Ms. Kurpiel: Johnson.

Mr. McClevey: Are they in land use?

Ms. Kurpiel: I do not know.

Mr. Ritterbusch: Was that the Wilson property?

Ms. Kurpiel: No, the Johnson property, Wilson had cows.

Mrs. Baker: That is what Druiett does as well, hay.

Ms. Kurpiel: It looks like Druiett really cuts hay. You all really needed to visit these properties, trust me there were some real distinctions out there and on the ground in my view.

Mr. Apicella: I do not mean to change the subject, but when you have the staff comments if you could put them in the order of the rankings. Wilson is the last one here, but not the last one.

Mr. Neuhard: I think that what we will probably do is, yes, we will do that and then probably combine the comments. We will have Committee and staff comments by property, in their ranking and have them all in one. I think that may work better.

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Ms. Kurpiel: About Wilson, on the second bullet it says, note half of the property is tidal wetlands and has limited development potential. Well the development potential is stated in the number of development units. The fact that is wetlands, some people would not think that is a plus, but in actually it really is a plus because it is contiguous to Crows Nest. I would strike out has limited development potential. We already know what the development potential is from the chart in the background report.

Mrs. Baker: I think the reason we were making that as a point that if half of that property was not in tidal wetlands, they would be getting double the amount of lots. The fact that it is A-2 makes it a little bit different from the others, just by looking at the property sizes verses the development units.

Mr. Apicella: Patricia, that sounds a little pejorative to state that point. It is what it is.

Mr. Ritterbusch: You could easily change that and say the entire wetlands, which limits development.

Mr. Smith: It just says it limits, more descriptive than looking like it is pejorative. That is just explaining why...

Mr. Neuhard: Why does the third biggest property only have eight development units? Just make it more descriptive.

Mr. Apicella: Is that another column you want to add? A-1 verses A-2 in the matrix?

Mr. Neuhard: Do we have that in our attached charts, in the detail chart? We definitely have it in the summary pieces.

Mr. Smith: Yes.

Mr. Apicella: I am just saying again, people not look at the additional information, if you could provide it in the summary or when you give the description here, the Edward Silver property parenthesis zoned A-2 or A-1, it just helps give the context.

Mr. Neuhard. We might be able to put it down in this chart.

Mr. Coen: Even just a one line thing, A-2, we have got one right? So you could just say all properties are A-1 except for...

Ms. Kurpiel: On SE Estates first bullet, I would appreciate it if you would show the size of the conservation easement that it is next to. Thirteen hundred acres, actually it is thirteen hundred and eleven plus another couple of hundred.

Mrs. Baker: Well, that one that specifically touches that property, I do not think is that large.

Ms. Kurpiel: Yes it is. Well, it is a VOF easement, it is actually four hundred and sixty eight acres and that is contiguous to thirteen hundred acres. So the total acreage of VOF easements is seventeen hundred acres.

Mr. Ritterbusch: Is the thirteen hundred acres along the river?

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Ms. Kurpiel: The thirteen hundred acres is a Fredericksburg easement.

Mr. Ritterbusch: Then you can count only the little piece there. I live on that easement too and it is only fifty feet wide.

Ms. Kurpiel: In some places, in other places it is a couple thousand feet wide. It depends on where it is.

Mr. Coen: I thought when...he was saying at that spot from where you were talking it is actually up a little bit it was not actually contiguous.

Ms. Kurpiel: I will show you exactly, I have the map. It is contiguous to 42-2 which is Lands End Holding Company it is one hundred and eighty one acres. It is also contiguous to another forty three acres, 42-5 which is Newman and those two parcels are contiguous to the Fredericksburg easement which is one thousand three hundred and eleven acres.

Mr. Coen: You said you would show me. Because if your are saying they are contiguous, it means they are on the other side, it does not necessarily mean that...

Ms. Kurpiel: I think I know what contiguous means. Lands End is here and the Fredericksburg easement is here. Newman is here and the Fredericksburg easement is here. The river is down here.

Mr. Coen: So they touch these parcels and how wide are those parcels where they touch this other one?

Ms. Kurpiel: They are one hundred and eighty one acres and forty three acres, I do not know how wide they are. And then there is thirteen hundred acres that go all the way down the Rappahannock River.

Mr. Coen: I think, the same is sort of true with the Silver, it sort of touches something else which touches another thing which touches another.

Ms. Kurpiel: No, Silver is not contiguous to, nor is the quality of the easement nearly the quality of this easement. We went over that last time, don't you remember. The Silver easement is not contiguous to the Corp easement and the Corp easement is, for all practical purposes, not an easement that we should be giving value to.

Mr. Coen: I remember you said that at the last meeting. If memory serves, the Silver one does touch something that is contiguous to something, so it is the same premise of what you are saying. It is just a question of which easements you want and how close to the easement it is.

Mr. Ritterbusch: It is maybe a couple hundred feet of easement from the road to the river, because I am down here and I have got fifty feet from the edge of my property to the river.

Ms. Kurpiel: Here is what Mike's report says, within one quarter mile from the conservation easement recorded on Woods Landing, which is a Corp easement, within one quarter mile. That is not contiguous. Right?

Mr. Coen: Okay.

Ms. Kurpiel: That is what he says and I actually did look it up. And on the third bullet under SE, did you say that you did look up that this property is suitable for agriculture and silvaculture, we do not have

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to ensure that the property is suitable. Because that has already been done, otherwise we would not be considering this property.

Mrs. Baker: By saying that, we would need to ensure that if we were to go with that property, that when we would draft a deed, that some grammar is in there that it would be used for agricultural purposes.

Ms. Kurpiel: Or silvaculture.

Mrs. Baker: Or silvaculture purposes, that is the only reason we mentioned that. Right now there is construction, there are overgrown fields, there are wooded areas, but nothing is being done with it. The purpose of the reimbursement from the State is for suitable for agricultural or silvacultural purposes. I think it needs to be written in the deed either under the monitoring section or the maintenance section or something so they will insure that. Perhaps that could be reworded to say that it is clear in the deed that would happen.

Ms. Kurpiel: But be suitable for is different than having activity on the parcel.

Mrs. Baker: Correct.

Ms. Kurpiel: Which are you saying is need?

Mrs. Baker: We need to ensure that in the deed we may state that there could be agricultural activity on this property. Because when it goes to the State for their reimbursement, they are going to want some type of confirmation that this property is suitable for agricultural purposes.

Ms. Kurpiel: Well you are going to make that statement about any property that we take, so I do not see that it is any different here. I think this is really pejorative, it suggests there is some black cloud that is hanging over this property that I do not think is hanging over this property.

Mrs. Baker: I think our only point is that it is not being actively farmed or timbered and we want...

Ms. Kurpiel: I think that is covered in the first line, it says this property is not currently farmed or timbered.

Mr. McClevey: Which...

Mr. Coen: This one, on the back page of number three.

Ms. Kurpiel: Also, on the Adams property, do you think we need to mention that it could not be developed for seven years? It sort of suggests that it could be developed into a family subdivision right now and that is really not true.

Mr. Smith: They are permitted to do a family subdivision at this point. They are restricted in their ability to do other types of subdivisions.

Ms. Kurpiel: Well, I thought the Ordinance said that you had to be the owner of the parcel for fifteen years for a family subdivision. They have only owned this for seven, so they are not eligible to do a subdivision until that time lapses.

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Mr. Smith: Okay, you are correct. Sorry.

Mr. Apicella: Is that true? You have to have a piece of property for fifteen years before you can put in lots for your family? I thought you could not sell it to anybody else prior to fifteen years.

Ms. Kurpiel: No, they changed that. As part of the package, is the rating sheet included?

Mr. Neuhard: Yes.

Ms. Kurpiel: What form is that in? Is it the same form that we received it? Could I see that?

Mr. Neuhard: These are the actual attachments here.

Ms. Kurpiel: There is not a summary tabulation?

Mr. Neuhard: There is at the end, each sheet that was actually done plus a summary tabulation.

Ms. Kurpiel: I think that should be closer to the front. I think that is actually one of the most important documents in the package. I am actually surprised it is not included with your background report.

Mr. Neuhard: This is typical that we left it as an attachment so that people on the dais that want the details can get it. The basics of the parcels and the rankings, if they want the underlying piece they can find it there. But we can move it up to the first attachment before we do the individual properties, we can put the summary first. Because all these attachments are part of the official record or part of the official record or part of our background report. We will change that organization so that is the first thing you look at.

Mr. Coen: Okay, any other suggestions or comments? Okay seeing and hearing none we will move on. Is there anything else you need from us in regards to going to the Board next week?

Mr. Neuhard: We will be working on the slide show that we will use to present it and you will be there right, so you can address the Committee's comments.

Mr. Coen: Yes sir. And as you said earlier it will be during the day, there is no night session.

Mr. Neuhard: There is no night session, they are going to start at one and go until they finish. It is a full agenda and I suspect it should go to...at least the public part should go to five or five thirty. It could go quicker though, it just depends. There are a number of reports on that day that they did not get done the last time and they moved to include the Road Bond Report and the Emergency Action Plan Report. They were not scheduled to be on it but were deferred because of time last time.

Mr. Coen: Okay, any new business?

Ms. Kurpiel: Yes I have some. This is maybe on the old business. When I was reading through the minutes today, I noticed a comment, I can not remember who it was from perhaps from you Mike, saying that we want to know if you do not think the scores are correct. There was a particular reference to that is if we had an issue with the way it was scored. I do want to say that I do have two issues. You brought a number of issues to our attention and I appreciate that. There were two issues that you did not bring to our attention that were scored on the basis of what the scorer thought was appropriate. The first

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issue was about upland forest. Mike actually did not look at upland forest, he looked at all forest and the second is the one that I raised last week, but I had not done all of my research on and that was about conservations easements. It was sort of throw off last week by Kathy's comment that there could be no roads built in the conservation easements. Well, I think that is probably not of very much importance because you see the roads in a subdivision are already built. So I just want to say that I do not think the scores are correct and now I have some things for new business.

Mr. Coen: Okay.

Mr. Neuhard: I believe the context of my comments was to the Committee in that we see that as your role, and that is what we want to know where the Committee believes where the scores are not correct, so I continue to believe that is your role. It is much like the Board, we have tried to...as staff we try to consider all of your comments as we hear them, as the Committee and than you have your official comments that you all collectively tell us as a group. We have tried to listen to both and incorporate that and I think you can see that in many of the things we have done. We will certainly listen to that and how we react to...the Committee has its official positions and we listen to all of it and try to learn and grow from that from a staff prospective. We always appreciate those comments. But what we heard based on the votes and the direction of the Committee was that y'all last week agreed on these scorings after the comments and deliberations of the three meetings and that you left the one scoring up to us, which we did. That is where we stand and I appreciate the continued input on that and we will continue to listen.

Mr. Coen: Okay.

Ms. Kurpiel: I would like to ask of staff if they have heard from any of the applicants or if they have contacted any of the applicants?

Mr. Neuhard: Thank you Patricia. We have not heard from any of the applicants that I am award of, but we have sent a letter to every one of the applicants explaining that we have completed the ratings and where they were ranked at this point and there is a Board meeting at which this will be presented coming up on September 1st. We also included with that letter their individual scoring sheet so they have all their scores and we also included the links to the website so they could see everything else they wanted to see about the program and everything else we put up.

Ms. Kurpiel: Including the scoring of the other applicants, those sheets are on the website?

Mr. Neuhard: Yes.

Ms. Kurpiel: And the composite scoring sheet is also on the website?

Mr. Neuhard: Did we put that on the website?

Mrs. Baker: I believe.

Mr. Neuhard: We will double check. We did make sure all the collective scoring went up so they can have access to it. Yes, we have officially communicated with them in that manner at this point.

Ms. Kurpiel: So none of the staff has talked to any of the applicants?

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Mr. Neuhard: No, not since the scorings were finalized. I have not, have any of you?

Mrs. Baker: I was trying to think if Mike Lott talked to anybody, but I do not believe so.

Ms. Kurpiel: Then I have one other thing. I do have some other comments about the negotiations with who ever is going to be the applicant. I would like to know, what is the appropriate time to bring that up?

Mr. Coen: What do you mean by...I guess...that is so vague.

Ms. Kurpiel: We are going to negotiate a conservation easement document with each applicant. I have some comments about the terms and conditions that I would like to see in those negotiations and I am asking, what is the proper time for me to tell you and staff what my concerns and issues are?

Mr. Neuhard: From a staff perspective, we are ready to hear those at any time. Absolutely. Timeliness would be important to us.

Ms. Kurpiel: What I am afraid of is this could go really quickly and we might not have another meeting and all of a sudden we could be down to number three or number four and this has not been discussed. If you want me to, I will run through it quickly. On the Silver property, I have gone and read the best management practices for water quality that the Department of Forestry imposes. I am very concerned about these best management practices. The Silver property has three very, very steep stream valleys on the property. I think there are a total of eleven acres that were in excess of twenty five percent slopes. All that VOF required on that property or will require on that property is a fifty foot buffer on each side of the perennial stream and that will not nearly take us to the top of those slopes. I am really afraid that if they log down the slopes to the fifty feet and then they can also log selectively inside the fifty feet, that those stream valleys will basically be destroyed. So I am asking that the property be walked with the applicant to discuss the possibility of bringing that logging back to the top of the slopes so we will not be talking about mud and nutrients and everything else in those streams. That stream is a rural agricultural stream, I expected it to be pristine, it is not even pristine now and it is not because of the development that occurred where the conservation easement is. I am asking that you do that on the Silver property. The same would be true for the SE property. There are a lot of things I would really like to see on the SE property, if you get to that point. I would like them to consider the full twenty development units. I would like to see no logging on the slopes. I actually do not have a preference of how title was held. Whether it is fee simple or whether it is going to be in someone's name. Moving on to the third property, which is the Adams property. Mr. Adams had a forest on this property and he cut that forest down, right to the creek. To a perennial stream, so right now there is no buffer at all to that stream. He is entering into an agreement within our CS, I understand, and I do not know what the setbacks are there. I am also very concerned about run off into that stream, which is right above our reservoir. I just want to say this, in case you think this is just nonsense and we should not be concerned about it. All the soils in Stafford are rated as highly erodible and this is a scientific rating, this is not just bologna. They have run what is called a Russell Equation on it and anything that comes up with a factor greater than eight is considered highly erodible soil and that is all of Stafford soils, so this is really serious. I think that is all I have on Mr. Adams, besides the fact that it is not developable at present. Then the fourth property, I think is Mr. Wilson. When I was out to Mr. Wilson's property, it looked to me like I saw cattle hoof prints in the soil right beside the stream. Certainly we do not want our cattle near our wetlands and streams. I think that is probably one of the practices that he would have to sign up for, but I want to make sure that gets in there. Also, Mr. Wilson said to us when we were out there that the site he wanted to preserve for his house was on the bluff overlooking the wetlands. Well

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folks, that is the most sensitive part of the whole property and that is not were I think we should allow a house to be placed. Getting down to Mr. Drueitt. Mr. Druiett has a field, there are absolutely no conservation resources to be protected out there. It is a field of hay. So actually I feel like Mr. Druiett's property is, while it is highly developable into a field of houses, there are no resources to protect and I guess that I would like to see us get both the elimination of the development rights and to also be able to protect some resources. They are not there so basically I am saying I would step over Mr. Druiett's application. Finally, the last application. Again he has the steep slopes and I would not like to see any logging on any of those slopes all the way up to the top. No matter how wide it is, I do not think it is probably more that fifty or sixty feet. I have already stated my objection to that going to easement with him because I really do not think that property is developable. Or to put it another way, I am skeptical. I do not think the only way...the family subdivision...it should be more developable than just a family subdivision. That is the end of my comments.

Mr. Coen: Any other new business?

Mr. McClevey: I agree with Patricia. That now is the time for us to make comments if we have ideas or suggestions to be placed into the Deed of Easement. We should make those to the property owner. I agree with what she said about the properties that all that has to be negotiated, it could be a factor with the property owner withdrawing his application or something. I think if we have concerns we should make them known and place those in the deed.

Ms. Kurpiel: Also, I will just say I think it was a great benefit on going on the tours and I hope you all will be able to do that the next time. I think it was really very informative, very eye opening and...

Mr. McClevey: A picture is worth a thousand words.

Mr. Apicella: I also agree that this was an opportune time for comments. The only comment I have a little bit of a reservation on is stepping over the parcel. The rankings are the rankings. You saw the criteria that was adopted and utilized. This is a Purchase of Development Rights Committee, not necessarily a Conservation Preservation Committee. I think they are not mutually exclusive, I think they can be beneficial if we have both and that is why I think the ranking pushes this in the direction of including these other factors, two parcel that may be of the same size but have different characteristics. One being of higher value verses one being of lower value, beyond just development units that occur to a specific parcel. I do not think just because a particular parcel does not have other attributes that it should be excluded from the program since this is also about retiring development units.

Ms. Kurpiel: I can see that point of view.

Mr. Ritterbusch: How much latitude does the Committee have as far as dictating to the landowner what he will or will not do on the property?

Mr. Neuhard: The Committee has no latitude. Patricia's comments are valid, but we really do not have any status to go in there and slide. But we do.

Ms. Kurpiel: Someone sitting at this table does.

Mr. Neuhard: Staff has that ability and we are going to be doing it and we are going to be...again if you look at the charge of the Committee in the Ordinance, it is appropriate for you to provide us guidance and thoughts and direction on that and ultimately while we are going to be doing the negotiating, the

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Board ultimately is going to make the decision on all of this. We are just their agent and what we try to do, as we have done with the Ordinance, as we have done with the ranking, we are trying...and from a staff perspective I think it has worked very well. More heads have been more valuable and has developed...look at all that we have learned. Look at all we have done. Look at all we have changed. I do not know where this is going to go after this but as we talked before we went into the pilot we knew we were going to learn a lot even from the discussion that we had while developing the Ordinance. All of this is important and it is taken into consideration by us and I hope by the Board. They ultimately have the final decision. We are doing everything we can, you and us to make sure the information is there for them to...obviously they will not have the benefit of the same discussion we have had, but at least it is there for their consideration. So that is why it is important. The next meeting, after you have left here and thought, we certainly continue to take input, and the next meeting you may want to have a discussion again to add until we have a property. It is not in vain, from staff's point of view it is not irrelevant and we will listen to everything you have got to say. Now where it goes from there, I can make no guarantees, but we are trying to make sure we do the fairest job with this that we can. Knowing that there are points in which decisions have to be made and a determination has to be made. Every comment tonight is important and we will be taken into consideration in our negotiations, plus additional ones I am sure by the time we get there. That is why I say it is timely because I am hoping next Tuesday we get authorization to move forward and then I hope that we are into really doing things we have to do to negotiate this out. I am hoping we do not meet a lot of obstacles so we have a successful end to this pilot as well and we can move on. These things that Patricia mentioned, each one of you mentioned has to be taken into consideration. If there are other things and you think of them, we want to know that so we will have the benefit of that as well. I personally thank you all for the time you are putting in, for the work you are putting in and for your willingness to come back to the table to debate these things and to go through this. It is important. I do not know how to show our appreciation for that, but it is and that is why we keep coming back to the table. Some of you have been with this since it started, others have not but it is important. Everything that you say within the scope of what we are doing here is important to us and I hope and we will see how the Board handles the information. It is a pilot for them too.

Mr. Coen: I will echo. I think the issue that Patricia raised about the logging was certainly valid and sensible especially for the steeper slopes. If memory serves, at one of our previous meetings we raised the issue of...as part of all this, if the person wanted to put a home on their property they were supposed to come forward with the information up front. We were really, I think the majority of the Committee liked the idea of when ever possible no additional...if was not a requirement, but sort of a feel from us that if you did not want to put a house in we sort of liked that better, but we understood if you needed to or if you were going to do it, to do it in the most environmentally and land conscious way. I think that is something that we talked about before and Patricia did not raise, but I will bring it up again ,to keep that in the back of your mind if they are sort of waffling, well I don't know if I want one, the okay we like the idea not. I think that was one of our goals.

4. Next Meeting

- September 22, 2009 Regular Meeting

Mr. Coen: The issues for the next meeting, is primarily we want to start going over and revamping, with a critical eye, everything. It was talked about if you put it in the letter that you sent to them, but at some point getting feedback from the applicant of what they thought worked and did not work to help us. If the members of the Committee will let staff know things that they remember, I know I have been keeping some sort of a list, they were keeping a list. What I would like to do, if Kathy can get with me

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in the middle of September, we can sort of like start grouping it and maybe in September we can start talking about one topic. If it is just the ranking criteria or the process or something, we will sort of group comments. That way we can have a...not that things will be definitive or decided on the 22nd as to what, but it is just when we go to...if people, if you, have any comments or questions send the along and we can group them and organize the so we can deal with one per meeting rather than sort of going hodge-podge, like for five minutes we talk about the ranking criteria element then we move to the process and then we go back to the ranking thing. If just would make sense if we could do it in an organized fashion. Does that work with you, Kathy? For example, one of the things that jumped at me way back when, when we first started this, there was a procedural thing that I think got dropped and that has been stuck in my head and I think could have smoothed a lot of questions along the way. If people could let Kathy know, before the middle of the month, that way you can email her with "these are my thoughts or concerns" and we can sort of group them. If you do not think of any and you come to the meeting, you certainly can bring them up and deal with them then, it would just be easier, I think logically if we are going to deal with ranking criteria to do it all at one time. Does anybody have any other feeling on that? Okay.

Mr. McClevey: I think to make sure Mike Lott is aware of that because he was a key role and he saw some quirks.

Mr. Coen: Thank you. Okay.

Ms. Kurpiel: What was the date that the letter was sent to the applicant?

Mrs. Baker: It was actually mailed out, I have got it here somewhere.

Ms. Kurpiel: I would not mind having a copy of one of them. I do not need to see all of them, but I would like to see one of them please.

Mrs. Baker: The 21st.

Ms. Kurpiel: The 21st of July?

Mrs. Baker: August. We mailed then after...

Mr. Neuhard: We can send copies of the letter by email.

Ms. Kurpiel: Thank you.

Mr. Coen: Okay, any other new business? Seeing none, is there a motion to adjourn?

Ms. Kurpiel: I do have one more question. Mike, are you saying that the Board is going to be consulted again? In other words you will hopefully get their decision on the 1st and then are you saying that after you handle the negotiations that we will have to go back to them again for a second approval?

Mr. Neuhard: What we will do is, we will end of going back to them to approve the Deed of Easement and to authorize and appropriate the expenditure of money.

Mr. Apicella: They will also be authorizing the terms of the easement.

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Mr. Neuhard: Well, that is what we are doing.

Mr. Coen: That procedure, will that be in closed session or open?

Mr. Neuhard: Most likely, the action will be taken to in public, but there could be discussion about the terms in closed session, if there were any problems or issues. The actual action to accept the Deed, or whatever it would be, will be in open session.

Mr. Coen: Thank you, I was just curious.

Ms. Kurpiel: I hope they will not go into closed session to consider this line item.

Mr. Neuhard: You mean on Tuesday? We do not have it on the agenda...I do not believe we have it on the agenda and we have no intention of doing it. Whether or not they...there are questions that once they start asking the questions that Joe or someone feel like it would be more appropriate, that could in any way impact our negotiations, then they would probably...he would probably recommend that they go into closed session. We are not doing any separate briefings, any more information, we are going at this straight with what you got. What you see is what you got. It has all been out there, and you see what the recommendation is. That is our position right now. The only thing that I think could be eligible for closed session would be terms of negotiations, the expenditure of the money, the transfer of the money. That kind of stuff at this point, we have not run across anything yet. We have gone...do we need to talk about this in closed session and we have gone through your deliberations. Is it something that is going to impact us when we come done to negotiations? When the program was changed to buying development units, in the manner that we did, it took a lot of that off the table. It took the whole issue of how you negotiate price off the table, which are closed session items when you are talking about negotiating final terms of money. If we got into something, I do not know how we could, but we are out there, we are going to pay twenty for development units, here is what we are agreeing to, boom. We are going to learn if there is some subtlety in there when we go through this that might make us go into closed session, but right now we do not see it at all.

Mr. Coen: Okay. Anything else?

Mr. Ritterbusch: Do we have a date for the next meeting?

Mr. Coen: Yes, September 22nd, it is our regular meeting date. Is there a motion to adjourn?

5. Adjournment

The meeting was adjourned at 8:22 pm.