

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

June 7, 2011

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:00 p.m., Tuesday, June 7, 2011 in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Susan B. Stimpson; Cord A. Sterling and Robert “Bob” Woodson.

Also in attendance were: Anthony J. Romanello, County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Pamela L. Timmons, Deputy Clerk; associated staff, and interested parties.

Federal Emergency Management Association Presentation of the Community Rating System (CRS) Program Class 8 Rating Mr. Richard Sobota, with FEMA’s Philadelphia Office, presented a plaque and stated that only fourteen jurisdictions in the Commonwealth have qualified for the CRS Class 8 Rating which allows for premium discounts for both the County and its residents.

Legislative; Presentations by the Public: None

Legislative; Presentations by Members of the Board Board members spoke on the topics as identified:

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| Bob Woodson | - | Deferred |
| Harry Crisp | - | Infrastructure: funding available;
Enhancement Grant funding; |
| | - | Sidewalk and water supply plans;
Staffordboro parking. |
| Paul Milde | - | Infrastructure: Courthouse streetscape and
Falmouth parking |
| | - | Jt. School Board/BOS Committee meeting |
| | - | Civil War Site, thanked VDOT and CWPT |
| | - | PRTC Meeting. |
| Gary Snellings | - | Public Safety: charge for river rescue; |
| | - | Falmouth Beach parking problems; |
| | - | Fire and Rescue standards; |
| | - | Law Enforcement Services/report to the
Board November, 2011; |
| | - | Sheriff Jett appointed to State Criminal
Justice Services Board by Gov. McDonnell. |
| Cord Sterling | - | VDOT opening the CSX/Route 630 Bridge,
6/14/11 8:00 a.m. ribbon cutting; |
| | - | Construction on Rt. 610 intersection starting
this summer; |
| | - | Chichester Park |
| Susan Stimpson | - | Joint Schools Committee improving the
Board/Schools relationship;
Remarks in memory of Joanne Griggs. |
| Mark Dudenhefer | - | BOS welcomes citizen participation in
Standing Committee meetings; |
| | - | Requested Board feedback on effectiveness
of the standing committee meeting schedules; |
| | - | Hampton Park Blvd sidewalk construction. |

Legislative; Report of the County Attorney Mr. Charles Shumate, County Attorney, deferred his report.

Legislative; Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, reported the addition of Item 27. Discuss Transfer of Development Rights (TDR). A Civil War Park status handout was provided in the Add-On folder.

Mr. Woodson stated that he would be voting against the addition of TDR saying that in the spirit of full disclosure to citizens, it should have been included on the regular agenda and supporting documentation and materials should have been placed on the County's website. Mr. Woodson added that he felt that this was an effort to circumvent the public process. Mr. Dudenhefer said that was not the intent but rather, the TDR Committee had not met at the time the meeting agenda was finalized.

Legislative; Additions and Deletions to the Regular Agenda Mr. Sterling motioned to adopt the agenda with the addition of Item 27. Discuss Transfer of Development Rights (TDR). Note: There was no second to this motion before the vote was taken.

The Voting Board tally was:

Yea: (6) Sterling, Crisp, Dudenhefer, Milde, Snellings, Stimpson
Nay: (1) Woodson

Legislative; Consent Agenda Mr. Sterling motioned, seconded by Mr. Milde, to adopt the Consent Agenda, consisting of Items 5 thru 18, omitting Items 7 and 12 .

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson
Nay: (0)

Item 5. Approve Minutes of the May 17, 2011 Board Meeting

Item 6. Finance and Budget; Approve Expenditure Listing

Resolution R11-170 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED MAY 17, 2011 THROUGH JUNE 6, 2011

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June 2011 that the above-mentioned EL be and hereby is approved.

Item 8. Finance and Budget; Authorize Renewal of Annual Insurance Contracts

Resolution R11-164 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACT AMENDMENTS FOR LIABILITY, PROPERTY, WORKERS' COMPENSATION, VOLUNTEER FIRE & RESCUE, AND THE SHERIFF'S AUXILIARY GROUPS INSURANCE COVERAGE FOR FY2012

WHEREAS, the County has reviewed its insurance coverage and related costs;
and

WHEREAS, the Board has budgeted and appropriated funds for the County insurance needs for FY2012; and

WHEREAS, VACORP Risk Management Programs has submitted a policy renewal proposal to the County for liability, property, automobile, and workers' compensation insurance; and

WHEREAS, Provident Insurance Company through Welch, Graham and Ogden Insurance, Inc. have submitted policy proposals to the County for accident and sickness for the Volunteer Fire and Rescue personnel and the Sheriff's Auxiliary Groups;

WHEREAS, Selective Insurance Company through Wells Fargo Insurance Services USA, Inc. has submitted policy proposals to the County for liability, property and automobile for the Volunteer Fire and Rescue Services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that the County Administrator be and he hereby is authorized to:

1. Execute a contract amendment with VACORP Risk Management Programs for liability, automobile, property, and workers' compensation insurance coverage for FY2012.
2. Execute a contract with Welch, Graham and Ogden Insurance, Inc. for Volunteer Fire and Rescue and Sheriff's Auxiliary Groups for accident and sickness insurance coverage for FY2012.
3. Execute a contract with Wells Fargo Insurance Services USA, Inc. for Fire and Rescue, the Volunteer Fire and Rescue for liability, property, and automobile insurance for FY2012.

Item 9. Public Works; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Section 15-56, Entitled "Designation of Restricted Parking Areas" to Establish a Restricted Parking Area in Perry Farms Subdivision

Resolution R11-172 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS" TO ESTABLISH A RESTRICTED PARKING AREA IN PERRY FARMS SUBDIVISION

WHEREAS, Section 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorizes the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Perry Farms Homeowners Association approved a resolution dated May 2, 2011 requesting the establishment of a restricted parking area within Perry Farms Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the Perry Farms Homeowners Association resolution requests that the following streets be designated as a restricted parking area:

- (A) Chadwick Drive
- (B) Newbury Drive
- (C) Thaxton Court

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June 2011, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating a restricted parking area within Perry Farms Subdivision.

Item 10. Public Works; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Section 15-56 Entitled “Designation of Restricted Parking Areas” to Establish a Restricted Parking Area in Kings Crest Subdivision

Resolution R11-173 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS" TO ESTABLISH A RESTRICTED PARKING AREA IN KINGS CREST SUBDIVISION

WHEREAS, Section 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorizes the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Kings Crest Community Association approved a resolution dated April 14, 2011 requesting the establishment of a restricted parking area within Kings Crest Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the Kings Crest Community Association resolution requests that the following streets be designated as a restricted parking area:

- (D) Augusta Drive
- (E) Hermitage Drive
- (F) Seasons Lane

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June 2011, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating a restricted parking area within Kings Crest Subdivision.

Item 11. Public Works; Install Watch for Children Signs in Lansberry Park Subdivision

Resolution R11-174 reads as follows:

A RESOLUTION TO INSTALL WATCH FOR CHILDREN SIGNS ON LANSBERRY PARK DRIVE (SR-2134) AND CRESCENT VALLEY DRIVE (SR-1439) IN LANSBERRY PARK SUBDIVISION

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, on February 19, 2008, the Board adopted the Residential Traffic Management Plan (RTMP) to provide Stafford County citizens with various programs to address their traffic-related concerns; and

WHEREAS, the Lansberry Park Homeowners Association has requested the installation of *Watch for Children* signs along Lansberry Park Drive and Crescent Valley Drive; and

WHEREAS, the proposed locations meet the essential criteria for installation, based on the current Residential Traffic Management Plan, Watch for Children Sign Program because Lansberry Park Drive and Crescent Valley Drive meet the definition of a residential local road;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that the Board be and it hereby does approve the installation of two (2) *Watch for Children* signs at the following locations:

1. 3 Lansberry Park Drive (southbound)
2. 44 Crescent Valley Drive (westbound)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the VDOT Fredericksburg District Office.

Item 13. Authorize a Contract Amendment for Construction Management Services for the Rocky Pen Run Reservoir Excavation and Foundation Project

Resolution R11-176 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH SCHNABEL ENGINEERING TO CONTINUE TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE ROCKY PEN RUN DAM EXCAVATION AND FOUNDATION PREPARATION PROJECT – PHASE II

WHEREAS, the Board authorized the construction and construction management contracts for the Rocky Pen Run Dam Excavation and Foundation Preparation Project – Phase II; and

WHEREAS, the contractual completion date (March 5, 2011) for the construction has been extended; and

WHEREAS, additional construction management services are required as a result of the extended contractual completion date; and

WHEREAS, the construction management firm, Schnabel Engineering, has proposed to provide these services for \$355,000; and

WHEREAS, staff reviewed Schnabel Engineering’s proposal and determined that it is reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that the County Administrator be and he hereby is authorized to execute a contract with Schnabel Engineering in an amount not to exceed Three Hundred Fifty-five Thousand Dollars (\$355,000), unless modified by a duly authorized change order, for additional construction management services for the Rocky Pen Run Dam Excavation and Foundation Preparation Project – Phase II.

Item 14. Utilities; Authorize a Contract for Purchase of Liquid Aluminum Sulfate

Resolution R11-177 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT AMENDMENT TO EXTEND THE
CONTRACT FOR THE PURCHASE OF LIQUID ALUMINUM SULFATE

WHEREAS, the Board has appropriated funds to be expended in FY2012 for the purchase of liquid aluminum sulfate for use at the wastewater treatment facilities and the Abel Lake Water Treatment Facility; and

WHEREAS, the current contract with General Chemical Performance Products, LLC contains a provision for an additional one-year contract renewal; and

WHEREAS, staff has reviewed the renewal price offered by General Chemical Performance Products, LLC and has found it to be reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that the County Administrator be and he hereby is authorized to execute a contract amendment with General Chemical Performance Products, LLC to extend the current contract for liquid aluminum sulfate for an additional one-year period in an amount not to exceed Five Hundred Seventy Thousand Eight Hundred Ten Dollars (\$570,810).

Item 15. Parks, Recreation and Community Facilities; Authorize a Renewal of a Contract for Mowing and Landscape Services

Resolution R11-178 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO RENEW A CONTRACT FOR LANDSCAPING AND MOWING
SERVICES AT VARIOUS COUNTY FACILITIES

WHEREAS, professional landscaping and mowing services are needed at various County facilities which are beyond the capabilities of County resources; and

WHEREAS, the County's current contract with Corner Garden Center for these services provides for four one-year renewal periods; and

WHEREAS, the current contract with Corner Garden Center is up for renewal; and

WHEREAS, Corner Garden Center has proposed to provide these services under the renewal for \$174,060 and staff has determined that this proposal is reasonable; and

WHEREAS, funds are available in the FY2012 budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that the County Administrator be and he

hereby is authorized to renew the contract with Corner Garden Center in an amount not to exceed One Hundred Seventy-four Thousand Sixty Dollars (\$174,060).

Item 16. Finance and Budget; Budget and Appropriate Proffer Funds for Porter Library for Self Checkout Stations

Resolution R11-179 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE PROFFER FUNDS AND TO AUTHORIZE PAYMENT TO THE CENTRAL RAPPAHANNOCK REGIONAL LIBRARY TO PURCHASE SELF-CHECKOUT STATIONS FOR THE PORTER LIBRARY

WHEREAS, the Central Rappahannock Regional Library continues to experience growth in usage by Stafford County residents; and

WHEREAS, the purchase of four (4) self-service checkout stations for Porter Library would enhance services to library patrons without increasing staffing levels at the Porter Library; and

WHEREAS, proffers in the amount of \$19,926 are available to be used for such library capital purchases; and

WHEREAS, sufficient funds remain in the FY2011 cash capital budget to provide the balance of the funds required for the purchase;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June 2010, that it hereby does budget and appropriate Nineteen Thousand Nine Hundred Twenty-six Dollars (\$19,926) in proffer funds; and

BE IT FURTHER RESOLVED that the Board hereby approves a payment in the amount of Sixty-six Thousand Four Hundred Dollars (\$66,400) to the Central Rappahannock Regional Library for the purchase of four (4) self-serve checkout stations for the Porter Library.

Item 17. Public Information; Recognize and Commend:

Proclamation P11-08 reads as follows:

A PROCLAMATION TO RECOGNIZE AND
COMMEND LAWRENCE ROBERTS, M.D.

WHEREAS, Dr. Lawrence Roberts is the operational medical director for the Stafford County Fire and Rescue Department; and

WHEREAS, under Dr. Roberts' leadership, Stafford County and the Rappahannock Region have gained better care for pre-hospital patients, not only for trauma but for all emergencies; and

WHEREAS, Dr. Roberts' involvement as an operational medical director serves as a benchmark for other physicians, and he is commended for numerous accomplishments including being instrumental in getting new legislation passed in the Commonwealth of Virginia that, following the H1N1 pandemic influenza outbreak, allows EMS providers to administer vaccinations; and implementing and directing the adoption of new medical protocols both locally and regionally; and

WHEREAS, Dr. Roberts was instrumental in adopting the use of new equipment by pre-hospital providers and pushing for the implementation of pre-hospital notification systems; and

WHEREAS, Dr. Roberts has been known to respond from his own home to scenes when requested, and his work as the Operational Medical Director exemplifies outstanding leadership and dedication to pre-hospital care and integrity; and

WHEREAS, for his devotion and endless service, Dr. Roberts was recognized by Mary Washington Hospital as the 2011 Regional Emergency Medical Services Award winner as an outstanding EMS physician; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the dedication and passion with which Dr. Roberts has performed his duties;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that it be and hereby does recognize Dr. Lawrence Roberts for his service to the County and citizens of Stafford.

Proclamation P11-09 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND TAMMI W. ELLIS

WHEREAS, Tammi W. Ellis began her career with Stafford County as a recreation program manager in October 1982. She was promoted to Parks and Recreation Assistant Director, then Parks and Recreation Director; named the Director of Human Resources, and then named Acting Deputy County Administrator, and eventually became Executive Director of Organizational Development in July 2009; and

WHEREAS, during her tenure as Director of Parks and Recreation, Ms. Ellis oversaw the opening of the County's first indoor/year-round facility at Woodlands Pool; the opening of the Gymnastics Center; and worked on the voter approved 2001 Parks Bond Referendum, resulting in the renovation of the Rowser Building into the new Rowser Senior Center. She oversaw the construction of Smith Lake Park and Autumn Ridge Park, the construction of the County's aquatic playground at Woodlands Pool, the

installation of the first athletic field lights at Duff Green Park, and the acquisition of the Musselman/Jones and Chichester tracts for future park development; and

WHEREAS, during her tenure as director of Human Resources and Executive Director of Organizational Development with the County, Ms. Ellis oversaw the development of the current employee salary structure and the development of the current performance management program. She was the driving force behind the development of B.E.S.T. University, and oversaw the transition to the County's current healthcare plan; and

WHEREAS, Ms. Ellis has served 30 members of the Board of Supervisors, three County Administrators, and worked with several Constitutional Officers; and

WHEREAS, Mrs. Ellis is known throughout the County government for her cheerful demeanor, positive attitude, and willingness to assist co-workers and the public; and

WHEREAS, Ms. Ellis' dedicated and long-term service with the County has made a major positive impact on the employees of the Stafford County Government and has improved the quality of life for many Stafford citizens; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the dedication and passion with which Ms. Ellis performed her duties, and to wish her well in her retirement;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that Tammi W. Ellis be and she hereby is recognized and commended for her service to the Stafford County Government and the citizens of Stafford.

Proclamation P11-10 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND RACHEL HUDSON

WHEREAS, Rachel Hudson began her career with Stafford County as a part-time clerical assistant in the Department of Code Compliance in January 1985, becoming a full-time employee in April 1985; and

WHEREAS, Ms. Hudson became the County's first female zoning inspector in 1986, helping to pave the way for other women to take on leadership roles in the organization; and

WHEREAS, Ms. Hudson was promoted to senior technician, chief zoning officer, assistant zoning administrator, deputy zoning administrator and then zoning administrator in 2007; and

WHEREAS, during her years of government service, Ms. Hudson trained new administrative personnel, inspectors and other staff members about zoning issues and code compliance, familiarize them with the functions of County government, and was always available to provide significant information that impacted issues on which Board members and staff were working; and

WHEREAS, Ms. Hudson helped to successfully incorporate the Zoning Division of the former Department of Code Administration into the Planning Department; and

WHEREAS, Ms. Hudson resolved community issues such as the removal of trash and illegal signs, and enforced the regulation of tall grass, all of which enhances the health, safety, and beauty of the community; and

WHEREAS, Ms. Hudson has served 30 Board of Supervisors members, three county administrators, and worked with several Constitutional Officers; and

WHEREAS, Ms. Hudson is known throughout the County government for her institutional knowledge, positive attitude, and willingness to go above and beyond in helping colleagues and citizens; and

WHEREAS, Ms. Hudson's dedicated and long-term service with the County has made a major positive impact on the employees of Stafford County Government and has improved the quality of life for many Stafford citizens; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the dedication and passion with which Ms. Hudson performed her duties, and to wish her well in her retirement;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that Rachel Hudson be and she hereby is recognized and commended for her service to the Stafford County Government and the citizens of Stafford.

Item 18. Parks, Recreation and Community Facilities; Authorize a Public Hearing for a Conservation Easement at Embrey Mill

Resolution R11-131 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONVEY A PRESERVATION EASEMENT ON COUNTY-OWNED PROPERTY IN THE EMBREY MILL DEVELOPMENT

WHEREAS, this property, Instrument #080011653 was conveyed to the County in June 2008 to fulfill a proffer requirement; and

WHEREAS, the U. S. Army Corps of Engineers Permit No. 03-V1324-45, which covers the entire Embrey Mill development, requires preservation easements to protect stream valley environments, including on the County-owned property; and

WHEREAS, this easement will not negatively impact future uses of the parcel; and

WHEREAS, a public hearing is required for conveyance of easements on County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that the County Administrator be and he hereby is authorized advertise a public hearing to convey a preservation easement on County-owned property in the Embrey Mill development.

Item 7. Human Resources; Opt Out of Self-Fund Line of Duty Act Claims with VRS and Authorize the County Administrator to Execute an Addendum with VACoRP Mr. Woodson asked questions about VRS, and payment of future claims, responded to by Mr. Joe Gilkerson, Director of Human Resources.

Mr. Woodson motioned, seconded by Mr. Snellings to adopt proposed Resolution R11-147.

Voting Board tally was:

Yea: (7) Woodson, Snellings, Crisp, Dudenhefer, Milde, Sterling, Stimpson

Nay: (0)

Resolution R11-147 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO OPT OUT OF THE VIRGINIA RETIREMENT SYSTEM LINE OF
DUTY ACT FUND AND GROUP SELF- FUND LINE OF DUTY ACT
CLAIMS

WHEREAS, the Commonwealth of Virginia created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 *et seq.* of the Code of Virginia; and

WHEREAS, the Commonwealth of Virginia has shifted the cost of paying past and present liabilities under the Line of Duty Act, from the State to local government entities through Item 258 of the 2011 Budget Bill; and

WHEREAS, Stafford County is automatically included in the Virginia Retirement System (VRS) Line of Duty Act Fund unless it opts out by June 30, 2012, and chooses to group self-fund its obligations under the Line of Duty Act; and

WHEREAS, Stafford County desires to opt out of the VRS Line of Duty Act Fund and Group self-fund all liabilities relating to its past and present covered employees under the Line of Duty Act;

NOW, THEREFORE, BE IT RESOLVED that the governing body of Stafford County hereby agrees to opt out of the Virginia Retirement System Line of Duty Act Fund effective June 30, 2011, and group self-fund all liabilities relating to its past and present covered employees under the Line of Duty Act effective July 1, 2011.

Mr. Woodson motioned, seconded by Mr. Snellings to adopt proposed Resolution R11-148.

Voting Board tally was:

Yea: (7) Woodson, Snellings, Crisp, Dudenhefer, Milde, Sterling, Stimpson

Nay: (0)

Resolution R11-148 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN ADDENDUM WITH VACoRP TO INCLUDE LINE
OF DUTY ACT COVERAGE

WHEREAS, the County has a contract with the Virginia Association of Counties Risk Pool (VACoRP); and

WHEREAS, the County Administrator is authorized to sign an addendum with VACoRP to include Line of Duty Act coverage; and

WHEREAS, funds are budgeted for the payments and premiums of this coverage;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that the County Administrator be and he hereby is authorized to execute an addendum for Line of Duty Act coverage with the Virginia Association of Counties Risk Pool.

Utilities: Authorize a Contract for Environmental Engineering Services Related to Environmental Mitigation for the Rocky Pen Run Reservoir Dam Project Mr. Milde

asked questions about engineering and environmental plans, responded to by Mr. Harry Critzer, Director of Utilities.

Mr. Milde motioned, seconded by Mr. Woodson to adopt proposed Resolution R11-175.

Voting Board tally was:

Yea: (7) Woodson, Snellings, Crisp, Dudenhefer, Milde, Sterling, Stimpson

Nay: (0)

Resolution R11-175 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR ENVIRONMENTAL ENGINEERING SERVICES RELATED TO ENVIRONMENTAL MITIGATION FOR THE DAM AT ROCKY PEN RUN RESERVOIR

WHEREAS, the Board authorized the design of the dam necessary to create the Rocky Pen Run Reservoir; and

WHEREAS, federal and state regulatory permits require environmental mitigation for construction impacts to the environment; and

WHEREAS, the Board approved Resolution R10-332 which authorized a list of Engineers to be used in support of the Utilities Department Capital Improvement Plan; and

WHEREAS, Williamsburg Environmental Group was one of the engineers selected and has proposed to provide these environmental engineering services in the amount of \$988,220; and

WHEREAS, staff reviewed Williamsburg Environmental Group's proposal and determined that it is reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that the County Administrator be and he hereby is authorized to execute a contract with Williamsburg Environmental Group in an amount not to exceed Nine Hundred Eighty-eight Thousand Two Hundred Twenty Dollars (\$988,220), unless modified by a duly authorized change order, for environmental mitigation engineering services for the Rocky Pen Run Reservoir Project.

Regarding Consent Agenda item Number 18, Mr. Sterling asked about possible developer advantage and requested that staff provide additional information in the agenda materials that will accompany the public hearing scheduled for June 21, 2011.

Utilities; Authorize a Public Hearing for Utility Finance Lease Revenue Bonds Mr. Harry Critzer, Utilities Director, gave an initial overview then introduced Ms. Deidre Jett, Financial Analyst with the Dept. of Utilities, who gave the presentation and answered Board members questions.

Ms. Stimpson talked about nutrient upgrades and inquired as to why the County was moving at such a fast pace. Mr. Romanello distributed a chart originally provided by the Utilities Department. Mr. Critzer responded that the County was moving at a pace necessary to keep in line with state and federal mandates and in order to avoid incurring a fine. Mr. Milde inquired about the possibility of nutrient exchange with neighboring localities and whether exchanges may be banked. Mr. Critzer said they could be banked but it is not profitable.

Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Resolution R11-184.

The Voting Board tally was:

Yea: (7) Crisp, Woodson, Dudenhefer, Sterling, Milde, Snellings, Stimpson

Nay: (0)

Resolution R11-184 reads as follows:

**A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER
A WATER AND SEWER SYSTEM REVENUE BOND FINANCING**

WHEREAS, the Board has determined that it may be necessary or desirable to contract a debt and to issue water and sewer system revenue bonds (the “Bonds”) of the County in an estimated maximum principal amount not to exceed \$69,800,000 which includes an amount sufficient to fund \$61,000,000 of project costs, plus the cost of issuance, possible discounts, and required reserves, to finance some or all of the costs of projects associated with the Department of Utilities Capital Improvement Plan (“Projects”); and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay costs of the Projects and to reimburse such advances with proceeds of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 7th day of June, 2011, that:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulation Section 1.150-2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of the Bonds to be issued in an estimated maximum principal amount not to exceed \$69,800,000 which includes an amount sufficient to fund \$61,000,000 of project costs, plus the cost of issuance, possible discounts, and required reserves.
2. The County Administrator is authorized to advertise a public hearing on the issuance of the Bonds.

Planning and Zoning; Reconsider Direction to the Planning Commission Regarding Wetlands Mitigation Banks Mr. Milde motioned, seconded by Mr. Sterling, to extend the Planning Commission’s time by ninety (90) days and to instruct them to not hold a public hearing regarding the matter. No vote was taken on proposed Resolution R11-186.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson
Nay: (0)

Discuss Civil War Park Status Mr. Tim Baroody, Deputy County Administrator, reported that the County was in a favorable position to begin construction this summer. There is still a shortage of approximately \$150,000 worth of erosion and soil control work to be done. If approved by the Board to front the cost, it could be fully reimbursed by the Civil War Trust. No vote was taken following the discussion.

Discuss Circuit Court Judicial Assistant Mr. Dudenhefer stated that he wanted to bring this issue to the Board to raise visibility and requested that the issue come back before the Board at its June 21st meeting to be considered. Mr. Sterling questioned by the County is being asked to fund a state position and said he would like to speak with the judge before voting on this request.

Legislative; Closed Meeting. At 4:20 p.m., Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Resolution CM11-10.

The Voting Board tally was:

Yea: (7) Milde, Woodson, Crisp, Dudenhefer, Snellings, Sterling, Stimpson

Nay: (0)

Resolution CM11-10 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting a Personnel Matter regarding the County Administrator's Annual Performance Review; and

WHEREAS, pursuant to Section 2.2-3711 A.1, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 7th day of June, 2011, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 4:49 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Dr. Crisp motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM11-10(a).

The Voting Board tally was:

Yea: (7) Crisp, Stimpson, Dudenhefer, Milde, Snellings, Sterling, Woodson

Nay: (0)

Resolution CM11-10(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 7, 2011

WHEREAS, the Board has, on this the 7th day of June, 2011 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 7th day of June, 2011, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 4:50 p.m., the Chairman declared a recess until 7:00 p.m.

Call to Order At 7:00 p.m., the Chairman called the meeting back to order.

Invocation Mr. Woodson gave the Invocation.

Pledge of Allegiance Mr. Dudenhefer led the Pledge of Allegiance to the United States of America

Legislative; Presentations by the Public

The following persons desired to speak:

Paul Waldowski	-	Trash/Dumpsters/Water Bills
Ruth Carlone	-	Truslow Road Improvements

Planning and Zoning; Consider Amendments to the Stafford County Comprehensive Plan 2010-2030 and Accompanying Land Use Map Dated December 14, 2010 to Allocate 4,000 Dwelling Units to Urban Development Areas (UDAs); Modify the Urban Services Area (USA) Boundary and Amend Land Use Designations on the Proposed Land Use Map; and Remove Several Planned Transportation Improvements as a Result of the Modifications Mr. Mike Zuraf, Principal Planner of Planning and Zoning, gave a presentation and answered Board members questions. Outside counsel, Mr. Pat Taves, answered questions regarding legal matters.

The Chairman opened the public hearing.

The following persons desired to speak:

Jim Ruitta	Preston Blaisdell	Ruth Carlone
Michele Copp	Betty Blaisdell	Beverly Blaisdell
Doug Brown	Dean Fetterolf	Jo Knight
Chris Wahler	Skip Causey	Paul Waldowski
Donna Hart	Vernon Blaisdell	Linda Muller
Eric Herr		

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt the proposed Resolution with the following change: Patawomeck Park should remain in the Urban Services Area (USA).

Mr. Woodson asked if he could vote against this and remain in compliance with the law. Mr. Taves responded that as an individual, a Board member could vote against this but as a group, the Board of Supervisors would be out of compliance. Mr. Woodson said that this was not the right time or place for the Brooke UDA and added that in December, he only voted for the Comprehensive Plan because he was assured that both the Brooke and Widewater UDAs would be dropped. At Mr. Milde's request, Mr. Shumate read a transcript from the December 10, 2010 meetings regarding the vote taken on that date.

Dr. Crisp said that the Board has been down a long, difficult and frustrating path to get to this point. He added that the Blaisdell property would be a definite benefit that could not be considered because the boundaries were not included by the Planning Commission nor advertised in the public hearing ad, saying that he hopes it will be considered in the future. Dr. Crisp talked about the original intention being the develop areas where people would live, work, and play and that transportation needs and traffic demands were to have been taken into consideration when formulating UDAs. Dr. Crisp said that he believed that the Brooke UDA was not necessary.

Mr. Snellings apologized to the Blaisdell family for being led to believe that their property would be included but that since no one on the Planning Commission brought it up, it could not legally be included. Mr. Snellings added that he has not choice to vote

but said that he is very uncomfortable with the process, adding that he has serious reservations about the Brooke UDA and stating that TDR pays no proffers, not one dime. He concluded his comments saying that he was confused, disappointed and upset with the entire process.

Mr. Sterling commented on the public process that had been put in place allowing several focus groups and town hall meetings so that citizens could offer ideas, opinions and suggestions regarding the UDA process. He said that the Board has no option but to go with what the Planning Commission provided and that the Board is responsible for upholding State law. Mr. Woodson said that the public did not support Brooke at several meetings and that Brooke only became competitive when other Board members called in “reinforcements.” Mr. Dudenhefer said that only three of the sixteen speakers at the public hearing were against the Brooke UDA.

Ms. Stimpson said it was not by accident that the Board was where it was adding that it was the responsibility of the Board to meet the requirements of the law and that she was disappointed in the Planning Commission, and does not accept that the Planning Commission was ignorant of the issue at hand.

Mr. Milde said that three times, by majority vote, the Board has supported the Brooke UDA proposal. The Planning Commission supported Brooke at one vote then had two split votes. He added that there were a total of 181 meetings at which the public had an opportunity to speak, they were held over the course of the several years.

Mr. Dudenhefer said that it has been beaten to death and that there is no perfect document or solution adding that the document may be changed even after it has been voted on by the Board. The Planning Commission knew what they were doing when they made their mistakes and it is the responsibility of the Board to play the hand they were dealt.

The Voting Board tally was:

Yea: (5) Sterling, Milde, Dudenhefer, Snellings, Stimpson

Nay: (2) Crisp, Woodson

Resolution R11-151 reads as follows:

A RESOLUTION TO AMEND THE STAFFORD COUNTY COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 15.2-2229 OF THE CODE OF VIRGINIA (1950), AS AMENDED, BY ADOPTING THE PROPOSED AMENDMENTS, AS ADVERTISED, TO THE TEXTUAL DOCUMENT ENTITLED “STAFFORD COUNTY, VIRGINIA, COMPREHENSIVE PLAN, 2010-2030,” AND ITS ACCOMPANYING LAND USE MAP, BOTH DATED DECEMBER 14, 2010.

WHEREAS, under Va. Code § 15.2-2229, the Board may amend its Comprehensive Plan; and

WHEREAS, under Va. Code § 15.2-2229 the Planning Commission (“Commission”) has been directed by the Board pursuant to the Board’s Resolution R11-94 to conduct a public hearing on, and provide recommendations to, the Board on certain Comprehensive Plan amendments proposed by the Board (“the proposed Comprehensive Plan amendments”); and

WHEREAS, in accordance with Resolution R11-94, the proposed Comprehensive Plan Amendments propose, among other things, to amend the Comprehensive Plan by amending the textual document entitled “Stafford County, Virginia, Comprehensive Plan, 2010–2030,” and its accompanying Land Use Map, to: allocate 4,000 additional dwelling units to Urban Development Areas (“UDAs”) in five existing UDAs and one new UDA; create a new UDA named the Brooke Station UDA;

expand the boundaries of five of the existing UDAs; modify the Urban Services Area (“USA”) boundary in the Widewater area of the County; amend the land use designations on the land to the east of the proposed USA in the Widewater area on the proposed Land Use Map; and delete from the Plan several planned transportation improvements in the Widewater area; and

WHEREAS, the Commission duly advertised and held a public hearing on May 4, 2011, on the proposed Comprehensive Plan Amendments, received a recommendation from County staff supporting approval of the proposed Comprehensive Plan Amendments, received public testimony, decided on a 4-2 vote to recommend approval of the proposed Comprehensive Plan Amendments, with modifications, and has forwarded its recommendation to the Board; and

WHEREAS, the Board duly advertised and held a public hearing on the proposed Comprehensive Plan Amendments on June 7, 2011, at which time public testimony was received and the proposed Comprehensive Plan Amendments were considered by the Board; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission, the recommendations of County staff, and the public testimony at the public hearing; and

WHEREAS, the Board concludes that the adoption of the proposed Comprehensive Plan Amendments, as advertised, will guide and accomplish a coordinated, adjusted, and harmonious development of Stafford County, Virginia, which will, in accordance with the present and probable future needs and resources of Stafford County, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of Stafford County, Virginia, including the elderly and persons with disabilities; and

WHEREAS, the Board concludes that the adoption of the proposed Comprehensive Plan Amendments, as advertised, is consistent with good planning practices;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 7th day of June 2011, hereby adopts the proposed Comprehensive Plan Amendments, as advertised and that Patawomeck Park not be removed from the Urban Services Area.

Recess At 9:07 p.m., the Chairman declared a recess.

Call to Order At 9:24 p.m., the Chairman called the meeting back to order.

Planning and Zoning; Amend and Reordain The Zoning Ordinance by Amending Proffered Conditions at 454 Cambridge Street Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Rick Furnival, Sullivan, Donahue and Ingalls, also answered Board members questions.

Mr. Woodson asked about the number of vehicle trips per day and how that number was arrived at, also asking about a traffic impact analysis and whether one was required. Mr. Furnival answered that it was based on estimates of the number of staff and usage of the property.

The Chairman opened the public hearing.

The following persons desired to speak:

Brenda Gibbs Frances Dillard Paul Waldowski

The Chairman closed the public hearing.

Ms. Stimpson motioned, seconded by Mr. Crisp, to defer this item for 30 days.

The Voting Board tally was:

Yea: (7) Stimpson, Crisp, Dudenhefer, Milde, Snellings, Sterling, Woodson

Nay: (0)

Planning and Zoning; Amend Chapter 22A of the Stafford County Code Entitled “Purchase of Development Rights” Mr. Michael Neuhard, Deputy County Administrator, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Snellings to adopt proposed Ordinance O11-30.

The Voting Board tally was:

Yea: (6) Milde, Snellings, Crisp, Dudenhefer, Sterling, Stimpson,

Nay: (1) Woodson

Ordinance O11-30 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 22A, ENTITLED “PURCHASE OF DEVELOPMENT RIGHTS”

WHEREAS, in 2007, the Board established Stafford County Code, Chapter 22A, entitled “Purchase of Development Rights”; and

WHEREAS, the Agricultural/Purchase of Development Rights Committee is recommending amendments to Chapter 22A to facilitate the process of purchasing easements for properties in exchange for severed development right; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of June, 2011, that Stafford County Code, Chapter 22A, entitled “Purchase of Development Rights,” be and it hereby is amended and reordained as follows:

Chapter 22A. PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Sec. 22A-1. Purpose

The purpose of the Stafford County Purchase of Development Rights Program (PDR) includes, but is not limited to the following:

- (1) Establishing a program that enables the county to acquire conservation easements voluntarily offered by property owners to serve as one means of assuring that Stafford County's resources are protected and efficiently used;
- (2) Establishing and preserving open space and the continuing rural character of the county;
- (3) Preserving farm and forest land;
- (4) Conserving and protecting water resources and environmentally sensitive lands, waters and other natural resources;
- (5) Conserving and protecting biodiversity, wildlife and aquatic habitat;
- (6) Assisting in shaping the character, direction, and timing of development in the county;
- (7) Improving the quality of life for the inhabitants of the county;
- (8) Promoting recreation and tourism through the preservation of scenic and historical resources.;
- (9) Working cooperatively with the federal government, state government, and/or non-profit organizations to locate funding and leverage financial and other resources; and

(10) Working cooperatively with Quantico Marine Corps Base to promote their encroachment control program for lands located near the Base that meet the intent of the County's PDR Ordinance and program.

Goals of the county's comprehensive plan include to "preserve and enhance opportunities for agricultural uses, agribusiness, and silviculture operations", "continue emphasis on the Urban Services Area concept and on the preservation of a rural character in areas outside of the Urban Services Area", and "preserve and enhance the county's natural resources." All three of these goals will be enhanced through the ~~development and implementation of a~~ County's purchase of development rights (PDR) program.

The PDR program shall be a program by which the county acquires, in accordance with the provisions set forth herein, and to the extent of available funding, the development rights on eligible parcels of rural land in areas of the county described in section 22A-3 below. The purchase of development rights shall be accomplished by the acquisition of conservation easements upon such parcels.

The PDR program shall be directed toward property that lies outside the designated Urban Services Area as depicted on the most recent land use map except in those areas under the ownership or control of the United States of America, or the Commonwealth of Virginia, or an agency or instrumentality thereof. However, if property within the designated Urban Services Area meets the intent of the program, the landowner may apply to the program and the board shall consider the merits of the application.

The County should work cooperatively with Quantico Marine Corps Base to promote their encroachment control program for lands located near the Base that meet the intent of the County's PDR Ordinance and program.

Nothing in this chapter shall be construed as a limitation upon the county's authority to acquire land for public purposes other than those set forth in this chapter.

Sec. 22A-2. Applicability.

The PDR program shall be available for all qualifying lands in the county, except those lands under ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this program shall be voluntarily offered by the owner.

Sec. 22A-3. Definitions.

~~The following definitions shall apply in the interpretation and implementation of this chapter.~~ For the purpose of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section:

~~(a)~~ *Administrator*, ~~for purposes of this article, shall~~ means that person placed in the managerial capacity over the daily operations of the PDR program. The administrator shall serve as a direct liaison for the program.

~~(b)~~ *Accessory use* means a use which is clearly incidental to, and customarily found in connection with, the principal use of the same parcel or group of contiguous parcels under common ownership and operated as an agricultural enterprise.

~~(c)~~ *Agricultural uses* means those land uses including farms, (and farm residences), the tilling of soil, the bona fide growing and production of crops, horticulture, silviculture, aquaculture, forestry, orchards, vineyards, nursery operations, and truck farming; the raising of livestock, fowl, dairy cattle, horses or poultry. Nursery operations are considered agricultural uses. The term also includes the repair, expansion or replacement of no more than one bona fide dwelling occupied by the landowner or tenant as of the date of application for entry in the PDR program, as permitted by section 28-35 of the zoning ordinance; accessory uses directly related to agricultural activities conducted on the same property, including the sale of agricultural products; equestrian uses; recreational activities; feed lots; and septic tanks and drain fields approved by the health department and which cannot be located within an area not encumbered by an agricultural land preservation easement. The term does not include the processing of agricultural, silvicultural, horticultural or aquacultural products, except as an accessory use.

~~(d)~~ *Animal unit*, ~~as used in the property ranking system, means a unit of measurement equal to one thousand (1,000) pounds of live body weight of livestock.~~

~~(e)~~ *Appraisal* ~~means a written statement or report independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property, or any such portion or interest therein, as of a specific date, supported by the presentation and analysis of relevant market information.~~

~~(f)~~ *Batch* means a grouping of contiguous parcels for purposes of making application for the sale or transfer of development rights.

~~(g)~~ *Biodiversity* means the interconnectedness of all life forms on Earth, diversity of plant and animal life in a particular habitat.

~~(h)~~ *Board* means the Board of Supervisors of Stafford County.

~~(i)~~ *Conservation easement* ~~means (for the purposes of this chapter)~~ a nonpossessory interest of the county in real property, whether easement appurtenant or easement in gross, acquired through gift, purchase, devise or bequest, perpetual in duration, imposing certain limitations or affirmative obligations, for the purposes of which include retaining or protecting natural or open space values of real property, assuring its availability for agricultural, forestall, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, or

archeological aspects of real property pursuant to which the exercise of development and other specified rights on the subject property is prohibited. This definition shall not apply to any other chapter, section or part of the County Code, outside of this chapter, unless specifically stated otherwise.

~~(j)~~ *County attorney* means the County Attorney of Stafford County or his designee.

~~(k)~~ *County administrator* means the County Administrator of Stafford County or his designee.

~~(l)~~ *Commission Committee* means the Stafford County Agricultural/Purchase of Development Rights Committee ~~Commission of Stafford County.~~

~~(m)~~ *Commissioner* means the Commissioner of the Revenue of Stafford County or his designee.

~~(n)~~ *Dwelling* means a structure which is designed and used for residential purposes.

~~(o)~~ *Director* means the director of the department of planning and zoning ~~community development~~ or his designee.

~~(p)~~ *Development rights* means the rights to develop agriculturally zoned property for use other than an agricultural use. The term includes, but is not limited to, the right to develop property for any commercial, industrial or residential use except as expressly permitted by this chapter.

~~(q)~~ *Landowner* means the equitable owner of the fee simple title to a parcel of land or, with respect to a parcel not encumbered by a deed of trust or mortgage, the legal owner of such title. Where more than one person or entity is the legal and/or equitable owner, the term refers to all such persons or entities jointly.

~~(r)~~ *"Open space"* ~~as defined in Code of Virginia, § 10.1-1700,~~ means any land which is provided or preserved for:

- (i) Park or recreational purposes,
- (ii) Conservation of land or other natural resources,
- (iii) Historic or scenic purposes,
- (iv) Assisting in the shaping of the character, direction, and timing of community development, or
- (v) Wetlands as defined in Code of Virginia, § 28.2-1300.

~~(s)~~ *Parcel* means a lot or tract of land, lawfully recorded in the clerk's office of the Circuit Court of the County of Stafford.

~~(t)~~ *PDR program or pProgram* means the purchase of development rights program established by this chapter.

(u) *Property ranking system or system* means the ~~formula matrix~~ by which applications for the sale of development rights are ranked and prioritized for in order of priority of acquisition of such rights.

Public body or public bodies means any state agency having authority to acquire land for a public use, or any county or municipality, any park authority, any public recreational facilities authority, any soil and water conservation district, any community development authority formed pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 21 of Title 15.2, or the Virginia Recreational Facilities Authority.

(v) *Timber harvest* means a merchantable harvest for the commercial market. The term does not include minor harvests for such things as firewood, poles, posts, blind material or greenery.

Wetlands means both vegetated and non-vegetated wetlands.

Sec. 22A-4. Designation of program administrator; power and duties.

(a) *Designation.* The board shall appoint a ~~PDR~~ program administrator.

(b) *Power and duties.* The administrator shall administer the ~~PDR~~ program and shall have powers and responsibilities to:

(1) Establish reasonable and standard procedures and forms consistent with this program for the administration and implementation of the program.

(2) Promote the program, in cooperation with the ~~PDR~~ committee, by providing educational materials to the public and conducting informational meetings.

(3) Investigate and pursue, in conjunction with county, state, federal and other programs, ~~available to provide~~ additional public and private resources to fund the program and maximize private participation.

(4) Evaluate all applications to determine their eligibility and their ranking score. Rank applications based on their ranking score as determined by the property ranking system and make recommendations thereon to the ~~PDR~~ committee.

(5) Negotiate with the landowner relating to conservation easement terms.

(6) Provide staff support to the ~~PDR~~ committee.

(7) For each conservation easement accepted into the program, establish baseline data and assure that the terms and conditions of the easement are monitored and complied with by coordinating a monitoring program with each easement holder.

Sec. 22A-5. Agricultural/Purchase of development rights committee established; powers and duties.

(a) *Establishment.* The ~~PDR~~ committee is hereby established, as follows:

(1) The committee shall consist of seven (7) members appointed by the board (~~one from each election district~~). Each member shall ~~be a property owner and~~ reside in Stafford County. The committee should, but is not required to be comprised of members who are knowledgeable in fields of conservation, conservation biology, planning, real estate, land appraisal, farming and/or forestry.

(2) The members of the committee shall serve at the pleasure of the board. The terms of the members shall coincide with the terms of appointment for the board.

(3) The members of the committee shall serve without pay, but the board may, at its own discretion, reimburse members for actual and necessary expenses incurred in the performance of his/her duties.

(4) The committee shall elect a chairman, vice chairman and secretary at its first meeting each calendar year. The secretary need not be member of the committee.

~~(5) The administrator shall be an ex-officio member of the committee.~~

(b) *Power and duties:* The ~~PDR~~ committee shall have the powers and duties to:

(1) Promote the program in cooperation with and under the guidance of the administrator, by providing educational materials to the public and conducting informational meetings.

(2) Review rankings of applications recommended by the administrator and make recommendations to the administrator and the board as to which conservation easements should be purchased as determined by the property ranking system, and other applicable information.

(3) Annually review the program's eligibility and ranking criteria and recommend to the administrator any changes needed to maintain the program's consistency with the comprehensive plan, or to improve the administration, implementation, and/or effectiveness of the program.

(4) The presence of at least four (4) members of the committee at a regularly scheduled meeting shall constitute a quorum for purposes of conducting business and the committee shall make decisions on a "majority rule" basis.

Sec. 22A-6. Eligibility criteria.

In order for a parcel to be eligible for the ~~purchase of development rights~~ program, it must meet the following criteria:

- (a) The property(s) must be located in Stafford County within that portion of the county as described in county code section 22A-1 ~~above~~.
- (b) The property(s) must be no less than twenty (20) acres in area, or be included in a batch in which the combined area of contiguous parcels is no less than twenty (20) acres in area.
- (c) The property must be wholly located within an agricultural or rural residential zoning district, including A-1 or A-2, or any combination of such zoning districts;
- (d) The property must be capable of being subdivided or developed for nonagricultural uses without legislative approval;
- (e) The proposed use of the property as permanent open space shall ~~conform~~ comply with the policies set forth in Stafford County's Comprehensive Plan;
- (f) No uses or structures shall be located upon the parcel other than those permitted by the deed of conservation easement ~~shall be located upon the parcel; and~~
- (g) If any portion of the property being considered contains any land that is currently reserved or set aside for open space, recreation or similar purposes pursuant to the provisions of a conditional use permit, variance, or other action by the board, or any ordinance or regulation; that portion shall be excluded from the evaluation process.

Sec. 22A-7. Property ranking system.

In order to effectuate the purposes of this chapter, parcels for which conservation easement applications have been received shall be evaluated by using a ranking system. The initial ranking system and any changes to the ranking system shall be approved by the board ~~of supervisors~~.

- (a) The property ranking system is hereby adopted. The system shall be the sole means by which the priority of acquisition of development rights under the program is determined when available funding is insufficient to purchase the development rights on all property that is the subject of received applications for the sale of development rights. The number of property ranking system points assigned to a particular property shall not be used in determining the value of development rights or the amount of any offer to purchase such rights but used solely as a means for ~~establishing a means of~~ prioritizing the properties for further consideration.
- (b) There shall be five (5) categories of criteria for evaluation under the system. In each category, certain factors descriptive of the characteristics of property sought to be included in the purchase of development rights program are included. Each factor is

stratified into a range of possible point values ranging from zero (0) to ~~twenty (20)~~ thirty (30). To determine the total points assigned to such property, the values for all five (5) categories are added. Property having the highest total scores shall rank highest in priority of acquisition. The maximum total score is ~~one hundred seventy five (175)~~ two hundred seventy (270) points. The categories, with their respective factors, are as follows:

TABLE INSET:

RANKING CRITERIA POINT SYSTEM		Possible Points	Total Points
—	Quality of the parcel (productivity capability) (50 Maximum Points)		
A.	Size of property	10	
—	100 acres or more—10 80 to 99 acres—7 50 to 79 acres—4 20 to 49 acres—2		

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B.	Soils—Percentage in United States Department of Agriculture Natural Resources Conservation Service Land Capability Classification System Land Capability Class 1, 2E, 2W, 3W, and 4W undrained	10	
—	80% or more—10 60 to 79%—8 40 to 59%—6 20 to 39%—3 Less than 20%—0		
C.	Parcel contains active farmland with a majority zone A-1. (<i>Active agricultural land: Cropland or pastureland that has been harvested or grazed during the proceeding year or in 3 of the previous 5 years</i>) 2 points per 10 acres or fraction thereof with a maximum of 20 total points	20	
D.	Owner has implemented or agrees to implement any of the following Soil and Water Conservation Plan Categories approved by the Tri-County Soil and Water District (2 points for each category) —Nutrient Management Plan —Conservation Tillage	10	

	–Grazing Land Protection –Cover Crops –Stream bank Protection–		
	SUBTOTAL POINTS–	50–	
–	Likelihood of parcel being threatened (development pressure) (50 Maximum Points)–		
A.– -	Urgency of circumstances favoring conversions–	10–	
–	Parcel subject to potential forced sale–10 Parcel subject to estate settlement sale–8 Parcel actively marketed for voluntary sale–6 Parcel owner is older than average of the Stafford County farmers according to the most recent Ag Census–4–		
B.– -	Acreage suitability for residential conversion–Percentage of well or moderately well drained soils on the parcel–	10–	
	80% or more–10 60 to 79%–8 40 to 59%–6 20 to 39%–3 Less than 20%–0		

C.– -	Purchase price is leveraged or below market value using other funding sources including, but not limited to, state, federal, foundation funding, or private, landowner donations–	10–	
–	–One point for each five percent of the purchase price leveraged or below market value–		
D.– -	Amount of public road contiguous to parcel–	10–	
–	1,000 linear feet or more–10 600 to 999 feet–8 300 to 599 feet–7 100 to 299 feet–4 Less than 100 feet–0–		
D.– -	Landowners have agreed to any of the following restrictions:–	10–	
–	–Timber harvesting restrictions or timber buffers – 10 pts. –No new dwellings may be located on the property = 6 pts. –Parcel shall not further be divided = 3 pts.		

	—		
SUBTOTAL POINTS—		50—	
Circumstances supporting agriculture (32 Maximum Points)—			
Number of nonfarm rural residences within one-half mile of the property boundary—		8—	
0 to 3 dwelling units—8 4 to 7 dwelling units—6 8 to 12 dwelling units—4 13 to 18 dwelling units—2 More than 18 units—0—			
Proximity of parcel to other properties with PDR or other perpetual easements—		8—	
Contiguous—8 Within 1/4 mile—6 Within 1/2 mile—4 Within 1 mile—2 Greater than 1 mile—0—			
Proximity to significant or unique agricultural support services—		8—	

Contiguous—8 Within 1 mile—6 Within 2 miles—4 Within 3 miles—2 Greater than 3 miles—0—			
Batch application with contiguous parcels—		8—	
Contiguous—8 Not contiguous—0—			
SUBTOTAL POINTS—		32—	
Environmental quality (24 Maximum Points)—			
Virginia Division of Conservation and Recreation Ranking (Virginia Conservation Land Needs Assessment)—		10—	
C-1 Outstanding Conservation Significance—10 C-2 Very High Conservation Significance—8 C-3 High Conservation Significance—6 C-4 Moderate Conservation Significance—4 C-5 General Conservation Significance—2—		10—	

—	A-	Percentage of parcel in upland forest—	8—	
—	—	80% or more—8 60 to 79%—6 40 to 59%—4 20 to 39%—2 Less than 20%—0—		
—	B-	Proximity to areas identified as having high environmental value, such as state or federal parks, exemplary wetlands, critical areas, designated wildlife refuge or corridor, or threatened or endangered species habitat—	8—	
—	—	Contains or is contiguous—8 Within 1/2 mile—6 Within 1 mile—4 Within 1 1/2 miles—2 Greater than 1 1/2 miles—0—		
—	C-	Proximity of parcel to perennial stream or waterway—	4—	
—	—	Parcel either includes or is adjacent to perennial waterway—4 All other—0—		

SUBTOTAL POINTS—	30—	
Cultural Resource (Maximum 8 Points)—		
Proximity to historic or cultural features—	13—	
Property contains or is contiguous to important historic structure of National, state or local significance, archaeological site—13 Property is associated with an important historic place, event, person or activity—8 Property is an established or familiar visual feature that is part of a historic landscape—6—		
SUBTOTAL POINTS—	13—	
TOTAL POINTS—	175—	

<u>PDR RANKING CRITERIA POINT SYSTEM – SECTION A</u>	<u>Possible Points</u>	<u>Total Points</u>
(A) Quality of the parcel (productivity capability) (90 Maximum Points)		

<p>(1) <u>Size of property</u></p> <ul style="list-style-type: none"> • <u>100 acres or more – 10</u> • <u>90 to 99.99 acres - 9</u> • <u>80 to 89.99 acres – 8</u> • <u>70 to 79.99 acres - 7</u> • <u>60 to 69.99 acres – 6</u> • <u>50 to 59.99 acres – 5</u> • <u>40 to 49.99 acres – 4</u> • <u>30 to 39.99 acres - 3</u> • <u>20 to 29.99 acres – 2</u> 	<u>10</u>	
<p>(2) <u>Soils— Percentage identified as Prime Farmland or Farmland of Statewide Importance?</u></p> <ul style="list-style-type: none"> • <u>80% or more – 20</u> • <u>60 to 79% - 16</u> • <u>40 to 59% - 12</u> • <u>20 to 39% - 6</u> • <u>Less than 20% - 0</u> 	<u>20</u>	
<p>(3) <u>Parcel contains active farm land</u> <i>(Active farm land: Cropland or pastureland that has been harvested or grazed during the proceeding year or in 3 of the previous 5 years)</i></p> <ul style="list-style-type: none"> • <u>2 points per 10 acres or fraction thereof with a maximum of 20 total points</u> 	<u>20</u>	

<p>(4) <u>Parcel contains active timber land</u> <i>(Active timber land: timber land that has an executed forestry commitment or an approved professional forest plan)</i></p> <ul style="list-style-type: none"> • <u>2 points per 10 acres or fraction thereof with a maximum of 20 total points</u> 	<u>20</u>	
<p>(5) <u>Soil and Water Quality Conservation Assessment (Maximum of 20 points)</u></p> <ul style="list-style-type: none"> • <u>Owner has implemented a plan through Tri-County/City Soil and Water Conservation District, NRCS or other applicable agency – 20</u> • <u>Owner has filed a plan through Tri- County/City Soil and Water Conservation District, NRCS or other applicable agency – 10</u> • <u>No plan developed - 0</u> 	<u>20</u>	
<u>SUB-TOTAL POINTS - SECTION A</u>	<u>90</u>	

<u>PDR RANKING CRITERIA POINT SYSTEM –SECTION B</u>	<u>Possible Points</u>	<u>Total Points</u>
(B) Likelihood of parcel being threatened (development pressure).		

(90 Maximum Points)		
(1) <u>Urgency of circumstances favoring conversions</u>	<u>30</u>	
<ul style="list-style-type: none"> • <u>Parcel subject to potential forced sale - 30</u> • <u>Parcel subject to estate settlement sale - 24</u> • <u>Parcel has approved preliminary subdivision plan - 18</u> • <u>Parcel owner is older than average of the Stafford County farmers according to the most recent Ag Census – 12</u> 		
(2) <u>Acres suitability for residential conversion—</u> <u>Percentage of well or moderately well-drained soils on the parcel</u>	<u>30</u>	
<ul style="list-style-type: none"> • <u>80% or more - 30</u> • <u>60 to 79% - 24</u> • <u>40 to 59% - 18</u> • <u>20 to 39% - 9</u> • <u>Less than 20% - 0</u> 		
(3) <u>Fund Leveraging –</u> <u>Additional development rights received through funding sources provided by the applicant or through a donation (maximum of 10 points):</u>	<u>10</u>	
<ul style="list-style-type: none"> • <u>5 points for each ten (10) percent of the total purchase price of the easement for which those funds can be applied.</u> • <u>2 points for each additional number of development rights to be donated</u> 		

(4) <u>Amount of public road contiguous to parcel</u>	<u>10</u>	
<ul style="list-style-type: none"> • <u>1,000 linear feet or more - 10</u> • <u>600 to 999 feet - 8</u> • <u>300 to 599 feet - 7</u> • <u>100 to 299 feet - 4</u> • <u>Less than 100 feet - 0</u> 		
(5) <u>Landowners have agreed to any of the following restrictions (maximum of 10 points):</u>	<u>10</u>	
<ul style="list-style-type: none"> • <u>Timber buffers along streams - 10</u> • <u>No new dwellings may be located on the property - 6</u> • <u>Parcel shall not further be divided - 3</u> 		
<u>SUB-TOTAL POINTS - SECTION B</u>	<u>90</u>	

<u>PDR RANKING CRITERIA POINT SYSTEM - SECTION C</u>	<u>Possible Points</u>	<u>Total Points</u>
(C) <u>Circumstances supporting agriculture.</u> (40 Maximum Points)		

(1) <u>Number of non-farm rural residences within one-half mile of the property boundary</u>	<u>13</u>	
<ul style="list-style-type: none"> • <u>0 to 7 dwelling units – 13</u> • <u>8 to 12 dwelling units – 9</u> • <u>13 to 18 dwelling units – 6</u> • <u>19 to 24 dwelling units – 3</u> • <u>More than 25 units – 0</u> 		
(2) <u>Proximity of parcel to other properties with PDR or other perpetual easements</u>	<u>10</u>	
<ul style="list-style-type: none"> • <u>Contiguous – 10</u> • <u>Within 1/4 mile – 8</u> • <u>Within 1/2 mile – 6</u> • <u>Within 1 mile – 4</u> • <u>Greater than 1 mile – 0</u> 		
(3) <u>Proximity to another existing farm of 20 acres or greater</u>	<u>12</u>	
<ul style="list-style-type: none"> • <u>Contiguous – 12</u> • <u>Within 1 mile – 9</u> • <u>Within 2 miles – 6</u> • <u>Within 3 miles – 3</u> • <u>Greater than 3 miles – 0</u> 		
(4) <u>Batch application with contiguous parcels</u>	<u>5</u>	
<ul style="list-style-type: none"> • <u>Contiguous – 5</u> • <u>Not contiguous – 0</u> 		
<u>SUB-TOTAL POINTS – SECTION C</u>	<u>40</u>	

<u>PDR RANKING CRITERIA POINT SYSTEM –SECTION D</u>	<u>Possible Points</u>	<u>Total Points</u>
(D) <u>Environmental and aesthetic quality.</u> <u>(30 Maximum Points)</u>		
(1) <u>Virginia Division of Conservation and Recreation Ranking (as identified in the Ecological Cores portion of the Virginia Conservation Land Needs Assessment model and scored as a weighted average)</u>	<u>10</u>	
<ul style="list-style-type: none"> • <u>C-1 Outstanding Conservation Significance – 10</u> • <u>C-2 Very High Conservation Significance – 8</u> • <u>C-3 High Conservation Significance – 6</u> • <u>C-4 Moderate Conservation Significance – 4</u> • <u>C-5 General Conservation Significance - 2</u> 		
(2) <u>Percentage of parcel in forest</u>	<u>6</u>	
<ul style="list-style-type: none"> • <u>80% or more – 6</u> • <u>50 to 79% - 4</u> • <u>20 to 49% - 2</u> • <u>Less than 20% - 0</u> 		

(3) <u>Proximity to areas identified as having high environmental value, such as state or federal parks, wetlands, designated wildlife refuge, or threatened or endangered species habitat</u>	<u>8</u>	
<ul style="list-style-type: none"> • <u>Contains or is contiguous – 8</u> • <u>Within 1/2 mile – 6</u> • <u>Within 1 mile – 4</u> • <u>Within 1-1/2 miles – 2</u> • <u>Greater than 1-1/2 miles – 0</u> 		
(4) <u>Proximity of parcel to perennial stream or waterway</u>	<u>4</u>	
<ul style="list-style-type: none"> • <u>Parcel either includes or is adjacent to Perennial waterway with an intact buffer or compliant with the Chesapeake Bay Code - 4</u> • <u>Other perennial water ways - 2</u> • <u>All other – 0</u> 		
(5) <u>Contiguous to a wildlife corridor as identified in either the VCLNA model or in the Stafford County Comprehensive Plan - 2</u>	<u>2</u>	
<u>SUB-TOTAL POINTS – SECTION D</u>	<u>30</u>	

<u>PDR RANKING CRITERIA POINT SYSTEM – SECTION E</u>	<u>Possible Points</u>	<u>Total Points</u>
(A) <u>Cultural Resource</u> (20 Maximum Points)		

(1) <u>Proximity to historic or cultural features</u>	<u>15</u>	
<ul style="list-style-type: none"> • <u>Property is located on or adjacent to feature designated or deemed eligible for listing on National or State historic registers, or within Stafford County Historic District –15</u> • <u>Property is associated with or adjacent to property associated with an important historic place, event, person or activity (listed in Stafford County database, or through documentation presented to the County)- 10</u> • <u>Property is within or adjacent to an established or familiar visual feature that is part of an historic landscape (as confirmed by County) – 5</u> 		
(2) <u>Property is designated as or associated with a Century Farm – 5</u>	<u>5</u>	
<u>SUB-TOTAL POINTS – SECTION E</u>	<u>20</u>	
<u>TOTAL POINTS</u>	<u>270</u>	

Sec. 22A-8. Purchase development terms and conditions.

Each conservation easement shall ~~conform~~ comply with the requirements of the Virginia Open-Space Land Act of 1966 (Code of Virginia Code, § 10.1-1700 et seq.) and this chapter. The deed of easement shall be in a form approved by the county attorney and shall contain, at a minimum, the following provisions:

(a) *Restrictions on ~~new~~ dwellings.* No new dwellings may be constructed on a parcel except as provided ~~hereafter in this section~~. The deed of easement may allow for one ~~new~~ dwelling, either existing or new, per one hundred (100) acres. For properties less than one hundred (100) acres in size, one dwelling, either existing or new, would be allowed. ~~with~~ the location of the dwelling and all appurtenances must be specified on a plat of subdivision record approved by the county and recorded before or contemporaneously with the execution and recordation of the deed of conservation easement.

(b) *Conservation easement duration.* A conservation easement acquired under the terms of this chapter shall be perpetual and shall run with the land.

(c) *Other restrictions.* In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to the uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to restrictions pertaining to:

- (i) The accumulation of trash, debris, inoperable motor vehicles, and other junk;
- ~~(ii) The display of billboards, signs and modes of advertisement upon the property;~~
- ~~(iii) Grading or clearing, blasting or earth removal for purposes unrelated or not connected with the bona fide agricultural use of the property blasting or earth removal;~~
- ~~(iv) Conducting of industrial or commercial activities on the parcel other than specified limited commercial activities associated with the bona fide agricultural use of the property and/or;~~
- (iv) The display of billboards, signs, and modes of advertisement upon the property unrelated to bona fide agricultural activities located on the property. The deed of conservation easement shall include provisions concerning billboards, signs, and modes of advertisement located on the property at the time that an application is submitted that are unrelated to agricultural activities located on the property that existing. The deed of conservation easement shall include provisions concerning establishing and/or maintaining reasonable signage/advertising related to agricultural activities located on the property.

(d) *Designation of easement holder.* Stafford County shall be the easement holder, and, at its discretion, one or more additional public bodies, ~~as defined and provided for in Code of Virginia, § 10.1-1700,~~ or one or more organizations then qualifying as an eligible donee as defined by section 170(h)(3) of the Internal Revenue Code of 1986, as amended, or the federal government may also be an easement coholder.

Sec. 22A-9. Application and evaluation procedure.

Each application for a conservation easement shall be processed and evaluated as follows:

~~(a) *Application; programs materials to be provided to owner.* The application materials provided by the administrator to an owner shall include, at a minimum, a standard application form and information about the PDR program.~~

~~(b) *Application form.* Each application shall be submitted to the administrator on the standard form prepared by the administrator. The application form shall require, at a minimum that the owner provide:~~

- ~~• The names of all owners of the parcel;~~
- ~~• The address and telephone number of all owners;~~
- ~~• The acreage of the parcel;~~
- ~~• The tax map and assessor's parcel number;~~
- ~~• The zoning designation of the parcel;~~
- ~~• A grant of permission to the administrator, and such other staff as may be appropriate, to enter the property, after reasonable notice to the owner, to evaluate the property;~~
- ~~• The application form shall also include a space for the owner to indicate whether he/she volunteers to have his/her parcel subject to greater restrictions than those contained in the standard deed of easement, and to delineate those voluntary, additional restrictions.~~

~~(c) *Additional application information required by administrator.* The administrator may require the owner to provide additional information deemed necessary to determine:~~

- ~~(i) Whether the proposed easement is eligible for purchase;~~
- ~~(ii) The ranking of the parcel; and~~
- ~~(iii) The value of such easement.~~

~~(d) *Submittal of application.* Applications shall be submitted to the administrator. An application fee may be required. An application may be submitted at any time during an open application period. However, applications received after an open application period deadline shall be held by the administrator until the next open application period.~~

~~(e) *Evaluation by administrator.* The administrator shall evaluate each application received and determine whether the application is complete. If the application is incomplete, the administrator shall inform the owner in writing of the information that must be submitted in order for the application to be deemed complete. When the application is deemed complete, the administrator shall determine whether the parcel satisfies the eligibility criteria set forth in section 22A-6 and if it does, shall determine the number of points to be attributed to the parcel by applying the ranking system in accordance with section 22A-7. The administrator shall then rank each parcel with the parcel scoring the most points being the highest ranked and descending in order therefrom. The administrator shall submit the list of ranked parcels to the PDR committee after each open application period.~~

~~(f) *Evaluation by PDR committee.* The PDR committee shall review the list of ranked parcels submitted by the administrator. The PDR committee shall forward to the administrator and to the board its recommendations as to which conservation easements should be purchased under the provisions of this chapter.~~

~~(g) *Evaluation by board.* The board shall review the list of ranked parcels submitted by the PDR committee and identify by resolution, which conservation easements should be purchased and their priority of purchase. Nothing in this chapter shall obligate the board to purchase a conservation easement on any property that is deemed eligible for purchase and that the board identifies for purchase under this subsection.~~

~~(h) *Requirements and deadlines may be waived.* Any requirement or deadline set forth in this chapter may be waived by the board if, for good cause, it is shown that exigent circumstances exist that warrant consideration of an otherwise untimely application or it is shown that the requirements of this chapter unreasonably restrict the purchase of an easement. Under such circumstances, the board may authorize purchase of a conservation easement at any time it deems necessary so long as the purchase meets the intent of the purchase of development rights program as identified in the comprehensive plan and the purchase complies with the specific purposes and applicability of this ordinance as set out herein.~~

~~(i) *Reapplication.* An owner of a parcel not selected by the board for purchase of a conservation easement may reapply in any future open application period.~~

Sec. 22A-10 9. Purchase of development rights procedure.

(1) Application Submission.

Applications to sell development rights shall be on a form prescribed by the administrator and shall be signed by the landowner and submitted to the administrator. An application fee may be required. The administrator may require supporting documentation, including, but not limited to, deeds, surveys, or other legal instruments, to be submitted with the application. A landowner may submit an application for each parcel or may submit a single application for more than one contiguous parcel. Applications for batched parcels shall follow the same procedure, but shall be signed by all landowners. Applications must be received in the County Administrator's Office by close of business on the last day of an open application period to be eligible for consideration during that open application period.

(a) *Application form.* The application form shall require, at a minimum that the owner provide:

- The names of all owners of the parcel;
- The address and telephone number of all owners;
- The acreage of the parcel;

- The tax map and assessor's parcel number;
- The zoning designation of the parcel;
- A grant of permission to the administrator and such other staff as may be appropriate, to enter the property, after reasonable notice to the owner, to evaluate the property; and
- The application form shall also include a space for the owner to indicate whether he/she volunteers to have his/her parcel subject to greater restrictions than those contained in the standard deed of easement, and to delineate those voluntary, additional restrictions.

(b) Additional application information required by administrator. The administrator may require the owner to provide additional information deemed necessary to determine:

- (i) Whether the proposed easement is eligible for purchase; and
- (ii) The ranking of the parcel;

(c) The submission of an application shall not be deemed to constitute a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of a conservation easement agreement, without penalty.

(2) Evaluation by administrator.

(a) The administrator shall review each application to determine whether the eligibility criteria set forth in county code section 22A-6 are met. In the event a parcel, or portion thereof, fails to meet the eligibility criteria set forth in county code section 22A-6, such parcel, or portion thereof, shall not be considered for inclusion in the program. In the event the ineligibility of a parcel or portion thereof, renders the remaining property which is the subject of the application ineligible, none of the property shall be considered for inclusion.

(b) The administrator shall evaluate each application received and determine whether the application is complete. If the application is incomplete, the administrator shall inform the owner of the information that must be submitted in order for the application to be deemed complete.

(c) When the application is deemed complete, and the administrator has determined that the parcel satisfies the eligibility criteria set forth in county code section 22A-6, the administrator shall determine the number of points to be attributed to the parcel by applying the ranking system in accordance with section 22A-7. The administrator shall notify each applicant of the total number of points attributed to their respective property.

(d) The administrator shall rank each parcel with the parcel scoring the most points being the highest ranked and descending in order therefrom. The administrator shall submit the list of ranked parcels to the committee after each open application period.

(e) In the event available funding is insufficient to purchase the development rights on all properties which are the subject of pending applications under this chapter, the director shall evaluate each application, using the criteria of the property ranking system set forth in county code section 22A-7, and shall ascertain all necessary facts and information for ranking the priority of acquisition of the lands included in the application. In performing such evaluation, the administrator may request the assistance of the commissioner of revenue or his designee and such other county departments as may be appropriate and beneficial. The evaluation shall include a recommendation for the number of agricultural ranking system points to be assigned to the application.

(f) The administrator shall notify each applicant of the evaluation of their property(s). An applicant shall have ten (10) business days from the date of administrator's notice to respond to the administrator's evaluation of their property(s), including, but not limited to, correcting and/or supplementing their application. Within the ten (10) business day period, an applicant may request, in writing, a meeting with the administrator and/or other county staff to discuss the administrator's evaluation.

(3) *Evaluation by committee.*

The committee shall review the list of ranked parcels submitted by the administrator. The committee shall forward to the administrator and to the board its recommendations as to which conservation easements should be purchased under the provisions of this chapter.

(4) *Evaluation by board.*

The board shall review the list of ranked parcels submitted by the committee and identify by resolution which conservation easements should be purchased and their priority of purchase. Nothing in this chapter shall obligate the board to purchase a conservation easement on any property that is deemed eligible for purchase and that the board identifies for purchase under this subsection.

(5) *Requirements and deadlines may be waived.* Any requirement or deadline set forth in this chapter may be waived by the board if, for good cause, it is shown that exigent circumstances exist that warrant consideration of an otherwise untimely application or it is shown that the requirements of this chapter unreasonably restrict the purchase of an easement. Under such circumstances, the board may authorize purchase of a conservation easement at any time it deems necessary so long as the purchase meets the intent of the program as identified in the comprehensive plan and the purchase complies with the specific purposes and applicability of this ordinance as set out herein.

Reapplication. An owner of a parcel not selected by the board for purchase of a conservation easement may reapply in any future open application period.

~~Applications to sell development rights shall be on a form prescribed by the administrator and shall be signed by the landowner and submitted to the director. The director may require supporting documentation, including deeds, surveys or other legal instruments, to be submitted with the application. A landowner may submit an application for each parcel or may submit a single application for more than one contiguous parcel. Applications for batched parcels shall follow the same procedure, but shall be signed by all landowners. Applications must be received by the deadline date established by the PDR Administrator to be eligible for consideration during that open application period.~~

~~(a) The administrator shall review each application to determine whether the eligibility criteria set forth in section 22A-3 are met and all required information is provided, and shall notify the landowner of his determination. Incomplete or otherwise deficient applications shall be rejected and returned to the landowner with a statement of reasons for the rejection.~~

~~(b) In the event a parcel, or portion thereof, fails to meet the eligibility criteria set forth in section 22A-3, such parcel, or portion thereof, shall not be considered for inclusion in the program. In the event the ineligibility of a parcel or portion thereof, renders the remaining property which is the subject of the application ineligible, none of the property shall be considered for inclusion.~~

~~(c) In the event available funding is insufficient to purchase the development rights on all properties which are the subject of pending applications under this chapter, the director shall evaluate each application, using the criteria of the property ranking system set forth in section 22A-7, and shall ascertain all necessary facts and information for ranking the priority of acquisition of the lands included in the application. In performing such evaluation, the administrator may request the assistance of such other county departments and agencies as may be appropriate and beneficial. The evaluation shall include a recommendation for the number of agricultural ranking system points to be assigned to the application. No later than ninety (90) days after receipt of the completed application, the director shall forward a copy of the evaluation to each member of the commission and to the county administrator and the landowner.~~

~~(d) The submission of an application shall not be deemed to constitute a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of a conservation easement agreement, without penalty.~~

Sec. 22A-11 10. Outreach.

The PDR committee envisions an ~~annual~~ regular process to solicit applications for the sale of development rights to the county. As part of that process, an effective outreach effort to the public would inform those who may be interested in the program of the goals and benefits of the program, the application process, the nature of the rights to be purchased, the requirements, criteria and ranking system, and other program details. The

effort ~~would~~ should be aimed at encouraging applications and making the process user friendly.

An ongoing outreach effort shall be a part of the program in order to solicit interest and assist those participating in the program and for the purposes of promoting the program.

Sec. 22A-12 11. Inspection and enforcement.

An effective easement program involves periodic inspection to ensure that the rights acquired are protected. The county also has the ability to coordinate this effort with its land development process for approving subdivisions and building permits. In the event enforcement action is necessary, the staff responsible for administration of the program and inspection of property ~~would~~ will work with the county attorney. Staff may assist landowners in determining whether proposed uses or activities are consistent with easement restrictions on particular properties. In the event that an easement ~~is~~ held jointly by the county and another organization, these inspection and enforcement efforts would need to be coordinated.

The local soil and water conservation district may be able to provide assistance in this regard. The district currently helps landowners to prepare and implement soil and water conservation plans required by grant program criteria or the state or county guidelines in conjunction with its land use tax program. It also assists in the design and cost sharing of best management practices and verified compliance with BMPs and farm management plans.

The county should fund a periodic inspection program but seek as much assistance as possible in this regard from any organizations holding easements jointly in the county. In addition, the inspection program should be closely coordinated with, and seek the assistance of the soil and water conservation district where applicable.

Legislative; Authorize Stafford County to Join the George Washington Toll Road Authority Mr. Michael Neuhard, Deputy County Administrator, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

No action was taken on this item because it requires two public hearings. It will be brought before the Board for a second public hearing on June 21st.

Discuss Transfer of Development Rights (TDR) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde motioned, seconded by Mr. Sterling to defer this item to the July 5th meeting.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Adjournment At 10:10 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman