




MEMORANDUM

TO: Conservation Easement Authority

FROM: Eric R. Lawrence, CEA Secretary 

SUBJECT: April Meeting

DATE: April 15, 2010

The Frederick County Conservation Easement Authority will be meeting on **Thursday, April 22, 2010 at 8:00 a.m.** in the **Board of Supervisor's Executive Session Meeting Room** in the County Administration Building, 107 North Kent Street, Winchester, Virginia. The Conservation Easement Authority will discuss the following agenda items:

AGENDA

1. February 4, 2010 Meeting Minutes
2. March 25, 2010 Meeting Minutes
3. Fundraising Efforts
 - a. GIFT – Give \$1 for Frederick's Tomorrow
4. Agricultural and Forestal District Renewal Update
5. Transfer of Development Rights Update
6. Next meeting date May 27, 2010
7. Other

Please contact the Planning Department (540-665-5651) if you are unable to attend this meeting.

**MEETING MINUTES
OF THE
FREDERICK COUNTY CONSERVATION EASEMENT AUTHORITY**

Held in the Planning Department Conference Room of the Frederick County Administration Building at 107 North Kent Street in Winchester, Virginia on February 4, 2010 at 8:00 a.m.

PRESENT: Diane Kearns, Chairman; Ritchie Wilkins, Vice-Chairman; Robert Solenberger; John Gavitt; John Marker; and Gene Fisher, Board of Supervisors Liaison.

ABSENT: Jim Lawrence, Treasurer; Todd Lodge; and Charles Triplett, Planning Commission Liaison.

STAFF PRESENT: Eric R. Lawrence, Secretary; and Bev Dellinger, Secretary III.

OTHER: Emily Warner, Potomac Conservancy.

PUBLIC MEETING:

1. Annual Organization Meeting:

a. Election of Officers

Mr. Solenberger made a motion to re-elect the same officers who served in 2009. Mr. Gavitt seconded the motion and it passed unanimously. The officers for 2010 are: Diane Kearns, Chairman; Ritchie Wilkins, Vice-Chairman; Jim Lawrence, Treasurer; and Eric Lawrence, Secretary.

b. Adoption of Bylaws

Mr. Gavitt suggested an insertion to Article II – Purpose, 2-1 as follows in bold print: “to hold and enforce conservation easements conveyed to it; **to facilitate the acquisition or receipt of conservation easements by other qualified organizations; to disseminate information concerning conservation easements to landowners and other interested parties**”. Secretary Lawrence suggested that, due to the fact the Bylaws were not changed in November, 2009 and there is a minor change now, the Bylaws can be adopted today, with the amendment, as this is the first meeting of the year. Mr. Fisher made a motion to adopt the Bylaws with the amendment. Mr. Solenberger seconded the motion and the vote was unanimous to adopt the Bylaws with the amendment.

c. Selection of Meeting Dates and Times

Chairman Kearns stated that currently the CEA meets on the fourth Thursday of the month at 8:00 am in the First Floor Conference Room of the Frederick County Administration Building at 107 North Kent Street in Winchester, Virginia. Members felt this was appropriate and decided that the meeting date and time will remain the same.

2. Minutes

On a motion made by Mr. Gavitt and seconded by Mr. Wilkins, the minutes of the November 19, 2009 meeting were approved.

3. Fundraising Efforts

a. GIFT – Give \$1 for Frederick’s Tomorrow

Chairman Kearns felt CEA members need to define the purpose for money collected from GIFT and make that disclosure known on a card for participating businesses. Chairman Kearns further stated that people could donate whatever amount they choose into a CEA container or they could add it on to their purchase.

Mr. Gavitt suggested it may be beneficial if the sales person asks the patron if they would like to help protect conservation in Frederick County. Mr. Gavitt feels that if we ask sales people to add a percentage on to a purchase, it may become too complicated – just asking for a dollar in cash would be simpler. Chairman Kearns stated that educating the participating business owner would be helpful and he or she could then educate their sales people.

Mr. Gavitt suggested using the contributions for the distribution of information. Mr. Solenberger suggested donating the contributions to a certain area like the Cedar Creek watershed. Chairman Kearns suggested dedicating some money to stewardship, such as staff looking after the annual monitoring. Mr. Fisher suggested talking to a PR person who could write up something about preservation of watersheds and natural environment - something that’s general in nature. Secretary Lawrence feels that Mr. Fisher’s idea is good; you don’t want to set up an account that you can’t use for what you think is important at the time.

Mr. Solenberger suggested sending a one-page sheet about our conservation program with the real estate tax bills. Secretary Lawrence stated that we couldn’t include a sheet of paper because it adds to the postage, but we could probably put a two to three sentence conservation promotion on the tax bill. Secretary Lawrence will work with the Treasurer’s Office to find out what we can do. Members agreed that preserving rural land and waters in Frederick County is a good tag-line. Chairman Kearns, Mr. Gavitt and Mr. Lawrence will begin the start-up process for the GIFT program.

b. Roll-back Taxes

Chairman Kearns stated that she hasn’t been able to get in touch with Board of Supervisors’ Chairman Shickle yet. When she meets with BOS Chairman Shickle, Chairman Kearns is planning on asking for 10% of the roll-back taxes. Mr. Fisher advised Chairman Kearns that with the current economy, she should talk with BOS Chairman Shickle about this concept for the future, but not push too hard.

4. Agricultural and Forestal District Renewal Update

Chairman Kearns stated that January 29th was the cut-off for people to send in their renewal applications. She further stated that Fruit Hill is going to create two new Ag Districts, the Albin District and the Apple Pie Ridge District. Hopefully, this will encourage other land owners to do the same thing. Secretary Lawrence stated that the additional benefit we may have this year, or in coming years, is with the TDR Ordinance. The way it’s drafted, if you’re in an Ag District, you get bonus density to transfer. Secretary Lawrence informed the members that we also have Timber Ridge coming in as a new Ag District.

4. Local Easement Activity Update

Mr. Solenberger asked about the Wright's application. Ms. Warner stated that nothing has occurred. The FRPP time limit is generally 18 months and the Wright's application was received last June, eight months ago. Ms. Warner has been trying to come up with some type of financing, but everything she can find is federally-funded and we can't use federal money as a match.

5. Next Meeting Date March 25, 2010

6. Other

Chairman Kearns stated that Ms. June Wilmot is hoping that revamping the Comp Plan can be accomplished this year. One of the areas is rural lands and Chairman Kearns will be participating with that. Also, there is a natural resources section to the Comp Plan which mentions the CEA as a resource.

Secretary Lawrence stated that there is a work session with the Planning Commission and the Board on TDRs scheduled for February 17th. This will be a continuation of the Retreat that was cut short because of snow. Staff hopes to come away with a format that can go to public hearing. The target date is mid-April to have an approved TDR Ordinance.

There being no further business, the meeting adjourned at 9:15 a.m.

Respectfully submitted,

Diane Kearns, Chairman

Eric R. Lawrence, Secretary

**MEETING MINUTES
OF THE
FREDERICK COUNTY CONSERVATION EASEMENT AUTHORITY**

Held in the Executive Session Room of the Frederick County Administration Building at 107 North Kent Street in Winchester, Virginia on March 25, 2010 at 8:00 a.m.

PRESENT: Diane Kearns, Chairman; Todd Lodge; and Gene Fisher, Board of Supervisors Liaison.

ABSENT: Jim Lawrence, Treasurer; Ritchie Wilkins, Vice-Chairman; Robert Solenberger; John Gavitt; John Marker; and Charles Triplett, Planning Commission Liaison.

STAFF PRESENT: Eric R. Lawrence, Secretary; and Bev Dellinger, Secretary III.

PUBLIC MEETING:

1. February 4, 2010 Meeting Minutes

There was not a quorum present to vote on the minutes.

2. Fundraising Efforts

a. GIFT – Give \$1 for Frederick’s Tomorrow

Chairman Kearns showed members a copy of a rack card she made up as a means of soliciting donations for the CEA. The concept is to make people think of forest land, water, farm land and hunting. The next step is to find someone to lay it out and see what it might cost to print. Chairman Kearns stated the bigger issue is the web site - GIFT.com. Secretary Lawrence stated that the County does web pages internally so the County can host the web page. You have to purchase the “GIFT.com” and the County’s IT Department doesn’t have the funds to pay the annual registration fee. If someone else paid the registration fee, they will maintain the web page. The IT Department can create a web page for us, but we’ll have to adhere to their template. Secretary Lawrence further stated that IT is not ready at this time to have the Treasurer’s Office collect any of our donations by using Pay Pal; they’re still fine-tuning the Treasurer’s Office payment process. Chairman Kearns said the rack card and the web page should say something simple like “Funds are used to preserve rural lands and waters in Frederick County”. Secretary Lawrence suggested we tell people donations are tax deductible. We can also add a sentence stating that Frederick County is working toward permanently protecting our rural community. Secretary Lawrence stated we already have a CEA web page so we can keep updating information and creating new information on that web page. At some point, if we want to purchase the domain name, people can type in GIFT.com and it can direct them to the County web page. Secretary Lawrence said that in the future, we can have something printed on the back of the tax bill envelope.

3. Agricultural and Forestal District Renewal Update

Secretary Lawrence stated that the Ag and Forestal Districts update and renewal went to the Agricultural Districts Advisory Committee (ADAC) on March 18, 2010 and is scheduled for public hearing at the Planning Commission and Board of Supervisors during the month of April. We have three renewal districts, Double Church, Red Bud and South Frederick, and three new districts being created. Two of the districts, Albin and Apple Pie Ridge, contain parcels owned by Chairman Kearns and one district, South Timber Ridge, is owned by Mr. Cordell Watts.

4. Transfer of Development Rights Update

Secretary Lawrence stated that the TDR Program is getting ready to go through the public hearing process. The way it's being drafted is we are creating layers or bonus densities, depending on where the property is and the quality of the farm. The way we're writing it up puts the highest quality farm in an Ag District. The Program gives the ability to sell density rights that are twice as much as can actually be developed, and we hope that's an incentive for people in the Ag Districts to be open to selling their density rights as well as an incentive to the development community. The Ag Districts are the top priority as far as getting density, then we move to the better soils, which is basically west of Interstate 81 and east of Great North Mountain, and then the balance of the County. To qualify to sell your TDR rights, the land has to be outside of the Sewer and Water Service Area (SWSA), the Urban Development Area (UDA) and the rural community centers. And then you have to apply those rights in the receiving area, which is the UDA or the defined rural community centers.

Secretary Lawrence stated that the County just adopted a new health system ordinance referred to as "Chapter 161", which consists of a 100% drainfield and it also has maintenance expectations. The State Health Department is supposed to be implementing a maintenance requirement for new alternative systems. If they fail to implement that new maintenance requirement, the County will tell them to do it. There's a concerted effort to make sure people in the future, as they put alternative systems in, know what it is and they have a maintenance obligation.

5. Local Easement Activity Update

Chairman Kearns stated that Emily Warner of Potomac Conservancy performed the annual easement monitoring on the Snapp Farm. Mr. Fisher thinks rotating monitoring yearly is a good idea; Potomac Conservancy one year and CEA members the next year.

6. Next Meeting Date April 22, 2010

7. Other

Chairman Kearns asked Secretary Lawrence the status of the stormwater management revisions. Secretary Lawrence stated he hasn't heard anything recently. Mr. Fisher stated that enough localities did issue some serious concerns over the phosphorous level and they modified it by increasing it three times.

There being no further business, the meeting adjourned at 9:00 a.m.

Respectfully submitted,

Diane Kearns, Chairman

Eric R. Lawrence, Secretary