Stultz, Mark

From: Lou Canonico [loucanonico@ccl-eng.com]
Sent: Monday, December 13, 2010 1:35 PM
To: Sally Mann
Cc: Joe Paciulli; Stultz, Mark; Al Van Huyck; Beckwith Bolle; Bill Baker; Bill Fissel; Bruce McGranahan; Colleen Gillis Snow; Ed Gorski; Gem Bingol; Jane Pratt; Jim Christian; Joe Coleman; Linda Erbs; Michael Rolband; Sally Hankins; Carol Teigen; Cindy Trautz; Eric Egger; Ernest Mayer; Greg Branic; Greg Jones; Jack H. Merritt, Jr.; Jeff Long; Jeff Mach; Joe Lafiandra; Kevin Turner; Kimberly Spiegel; Maureen Burns; Phil Keller; Rick Stone; Robert E. Simanski; Roy Jacobsen; Stephen Collins; Steve Olekszyk; Steven M. Edwards; Theresa Whitmore; Will Stevens; Buckley, Susan; Burk, Kelly (Supervisor); Burton, Jim; Delgaudio, Eugene; Kurtz, Sally; McGimsey, Andrea; Miller, Stevens; Waters, Lori; York, Scott; Christine Windle; Dan Lucey; Doug Fabbioli; Jeanette Newton; John Wood; Michael Capretti; Ralph Buona; Stephen Mackey; Thomas Donegan; Tony Howard; Dan O'Shea; Ed Burrell; Eric DeJonghe; Lansdowne HOA; Ted Maschler; Wendy Taylor; Wolfgang Gruen; Blackburn, Alex; Howard, Alison; Bailey, Robyn; Boles, Kellie; Brown, Ron; Childs, Corey; Edmonds, Laura; Gorney, Joe; Martinez, Hector; Milt Herd; McCormick, Nancy; Neri, Linda; Pastor, Julie; Pete Holden; Roberts, Jack; Rubis, Glen; Schardein, Dan; Wharton, Terrance; Yudd, Charles
Subject: RE: Document Submitted by Stakeholder

Ms. Mann-

You are entitled to your opinions. As a 32 year resident and a business owner in the County for over 25 years, I am proud of what I have accomplished and what I have contributed to the community. I value all the relationships I have established with each segment of the Loudoun County population. I will not continue to debate this issue via e-mail. In my opinion, there is an issue with water quality in the streams in the County. I hope and believe that with all the necessary input from the various stakeholders our legislative body will find an effective and equitable way of dealing with this issue. Good luck to you as the stakeholders group moves forward with finalizing their recommendations on this specific item.

Lou Canonico

From: Sally Mann [mailto:salmann@rstarmail.com]
Sent: Monday, December 13, 2010 10:26 AM
To: Lou Canonico
Cc: Joe Paciulli; Stultz, Mark; Al Van Huyck; Beckwith Bolle; Bill Baker; Bill Fissel; Bruce McGranahan; Colleen Gillis Snow; Ed Gorski; Gem Bingol; Jane Pratt; Jim Christian; Joe Coleman; Linda Erbs; Michael Rolband; Sally Hankins; Carol Teigen; Cindy Trautz; Eric Egger; Ernest Mayer; Greg Branic; Greg Jones; Jack H. Merritt, Jr.; Jeff Long; Jeff Mach; Joe Lafiandra; Kevin Turner; Kimberly Spiegel; Maureen Burns; Phil Keller; Rick Stone; Robert E. Simanski; Roy Jacobsen; Stephen Collins; Steve Olekszyk; Steven M. Edwards; Theresa Whitmore; Will Stevens; Buckley, Susan; Burk, Kelly (Supervisor); Burton, Jim; Delgaudio, Eugene; Kurtz, Sally; McGimsey, Andrea; Miller, Stevens; Waters, Lori; York, Scott; Christine Windle; Dan Lucey; Doug Fabbioli; Jeanette Newton; John Wood; Michael Capretti; Ralph Buona; Stephen Mackey; Thomas Donegan; Tony Howard; Dan O'Shea; Ed Burrell; Eric DeJonghe; Lansdowne HOA; Ted Maschler; Wendy Taylor; Wolfgang Gruen; Blackburn, Alex; Howard, Alison; Bailey, Robyn; Boles, Kellie; Brown, Ron; Childs, Corey; Edmonds, Laura; Gorney, Joe; Martinez, Hector; Milt Herd; McCormick, Nancy; Neri, Linda; Pastor, Julie; Pete Holden; Roberts, Jack; Rubis, Glen; Schardein, Dan; Wharton, Terrance; Yudd, Charles
Subject: Re: Document Submitted by Stakeholder

Dear Mr. Canonico and members of the Stakeholder group,

Perhaps my use of the word "collusion" was a poor choice, however, I certainly did not mean to imply any criminal intent, as Mr. Pacuilli suggests. And I do apologize if Mr. Pacuilli thought I was accusing him of some crime. I was also offended by Mr. Pacuilli's use of the word "hijack" to describe the insistence of a vote on the 35 foot buffer width. We should be allowed to vote on what we want to vote on and not be accused of "hijacking" the meeting.

It is true that both you and Mr. Pacuilli have worked for decades with the County staff and that it is beneficial for you to try to stay on their good side, on large projects with development costs in the hundreds of thousands, if not millions of dollars. I appreciate your expertise, but at the same time, I am wary of your friendly relationships and your willingness to overlook the problems this poses for regular landowners, HOAs, small businesses operating with small margins, and farmers. The process was opened up so that HOAs could participate.

In my opinion, we are not here to make the staff, the moderator, or the Board happy, but to reach consensus on what **we think** should be done on this Ordinance. I think some are trying hard to make the Staff and Board happy, and that is not our job. We have had very little time to do this. You have opposed asking for more time, and we will not finish, in part because we continued to debate things like the 100 foot buffer after the group resoundingly voted it down.

As for an HOA, a regular homeowner or small business or farmer, not in your league, the costs associated with this Ordinance are potentially back breaking. And the liability is an issue. Also there are unintended consequences of making us a Chesapeake Bay Preservation Area, voluntarily--which are being ignored.

I do not agree that the "proper" process has been followed, and that this Ordinance can be fairly or properly adopted as a codified Ordinance--without the certified notice to all landowners affected with the specific terms of the proposed Ordinance before it is adopted. My understanding is the Board hopes to adopt "something" in January, and no one knows what that will be, no one has been notified, certainly not affected landowners by certified mail. If this were a zoning ordinance amendment, the process would not have been rushed, and proper advertising and certified notices would have been sent to all affected landowners.

Thank you for your work on this, even though I disagree with the position with NIOP, and your votes.

Sally Mann
On Dec 13, 2010, at 8:45 AM, Lou Canonico wrote:

Ms. Mann-

I am disappointed that you have personally attacked both the Mr. Paculli and Mr. Hurd in this e-mail. I am pleased to have known both of these fine gentlemen for many years. Both their honesty and diligent work ethics are unimpeachable. I believe you owe both of these gentleman an apology.

As is done at every meeting we are read specific charge given to the stakeholders by the Board of Supervisors. Mr. Hurd in doing the job he was hired to do has done a tremendous job of trying to keep the group on point and on task. The group set it's ground rules early in the process. Mr. Hurd has worked diligently to insure that the group adheres to it's own ground rules and done so in a professional and courteous manner.

Mr. Paculli has dedicated thousands of hours to the County through his participation in many different groups. His keen analytical mind and thoughtful attention to detail have resulted in many improvements to the County's land development processes and other economic development issues.

As I stated at the last meeting, the stakeholders group had a specific task assigned to it in a specified time frame. If any stakeholder disagreed with that task they had the option of not serving. The current ordinance before the group went through the normal legislative process. We all had our opportunity to participate in that process. If you, or any member of the stakeholders group, has broader issues outside the charge of the work group, then there are still avenues open to you to make these feelings known to the Board, either by contacting the Board members directly or by appearing in front of the Board at one of their regularly scheduled public input sessions before they take any further action on the ordinance.

Regardless of the outcome of the stakeholders group, I would like to thank each and every member for their hard work. It was tough assignment, in a very compressed schedule, at a very busy time of the year. While we came at this issue from very different directions and had many different points of view, I do believe we all had the best interests of the County at heart. Since I will not be participating in the last meeting in my alternate capacity let me wish you all a safe and happy holiday season.

Lou Canonico

-----Original Message-----
From: Joe Paciulli [mailto:JPaciulli@psaltd.com]
Sent: Saturday, December 11, 2010 2:32 PM
To: Sally Mann
Cc: Stultz, Mark; Al Van Huyck; Beckwith Bolle; Bill Baker; Bill Fissel; Bruce McGranahan; Colleen Gillis Snow; Ed Gorski; Gem Bingol; Jane Pratt; Jim Christian; Joe Coleman; Linda Erbs; Michael Rolband; Sally Hankins; Carol Teigen; Cindy Trautz; Eric Egger; Ernest Mayer; Greg Branic; Greg Jones; Jack H. Merritt, Jr.; Jeff Long; Jeff Mach; Joe Lafiandra; Kevin Turner; Kimberly Spiegel; Maureen Burns; Phil Keller; Rick Stone; Robert E. Simanski; Roy Jacobsen; Stephen Collins; Steve Olekszyk; Steven M. Edwards; Theresa Whitmore; Will Stevens; Buckley, Susan; Burk, Kelly (Supervisor); Burton, Jim; Delgaudio, Eugene; Kurtz, Sally; McGimsey, Andrea; Miller, Stevens; Waters, Lori; York, Scott; Lou Canonico; Christine Windle; Dan Lucey; Doug Fabbioli; Jeanette Newton; John Wood; Michael Capretti; Ralph Buona; Stephen Mackey; Thomas Donegan; Tony Howard; Dan O'Shea; Ed Burrell; Eric DeJonghe; Lansdowne HOA; Ted Maschler; Wendy Taylor; Wolfgang Gruen; Blackburn, Alex; Howard, Alison; Bailey, Robyn; Boles, Kellie; Brown, Ron; Childs, Corey; Edmonds, Laura; Gorney, Joe; Martinez, Hector; Milt Herd; McCormick, Nancy; Neri, Linda; Pastor, Julie; Pete Holden; Roberts, Jack; Rubis, Glen; Schardein, Dan; Wharton, Terrance; Yudd, Charles
Subject: RE: Document Submitted by Stakeholder

I was the target of Ms. Mann's last sentence of her message and I was going to ignore it and move on; but then I used the Merriam Webster online dictionary to look up the definition of collusion. It states collusion as a - secret agreement or cooperation especially for an illegal or deceitful purpose. I take my work and reputation in the community very seriously and while it may be an unfortunately poor choice of words on Ms. Mann's part I cannot accept my name and work being associated with accusations termed illegal or deceitful in such a widely distributed message. Ms. Mann, would you please retract this statement?

Joe Paciulli

Paciulli, Simmons & Associates, Ltd.
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-----Original Message-----
From: Sally Mann [mailto:salmann@rstarmail.com]
Sent: Saturday, December 11, 2010 1:25 PM
To: Joe Paciulli
Cc: Stultz, Mark; Al Van Huyck; Beckwith Bolle; Bill Baker; Bill Fissel; Bruce McGranahan; Colleen Gillis Snow; Ed Gorski; Gem Bingol; Jane Pratt; Jim Christian; Joe Coleman; Linda Erbs; Michael Rolband; Sally Hankins; Carol Teigen; Cindy Trautz; Eric Egger; Ernest Mayer; Greg Branic; Greg Jones; Jack H. Merritt, Jr.; Jeff Long; Jeff Mach; Joe Lafiandra; Kevin Turner; Kimberly Spiegel; Maureen Burns; Phil Keller; Rick Stone; Robert E. Simanski; Roy Jacobsen; Stephen Collins; Steve Olekszyk; Steven M. Edwards; Theresa Whitmore; Will Stevens; Buckley, Susan; Burk, Kelly (Supervisor); Burton, Jim; Delgaudio, Eugene; Kurtz, Sally; McGimsey, Andrea; Miller, Stevens; Waters, Lori; York, Scott; Canonico, Lou; Christine Windle; Dan Lucey; Doug Fabbioli; Jeanette Newton; John Wood; Michael Capretti; Ralph Buona; Stephen Mackey; Thomas Donegan; Tony Howard; Dan O'Shea; Ed Burrell; Eric DeJonghe; Lansdowne HOA; Ted Maschler; Wendy Taylor; Wolfgang Gruen; Blackburn, Alex; Howard, Alison; Bailey, Robyn; Boles, Kellie; Brown, Ron; Childs, Corey; Edmonds, Laura; Gorney, Joe; Martinez, Hector; Milt Herd; McCormick, Nancy; Neri, Linda; Pastor,

Julie; Pete Holden; Roberts, Jack; Rubis, Glen; Schardein, Dan; Wharton, Terrance; Yudd, Charles
Subject: Re: Document Submitted by Stakeholder

Dear Mr. Stulz,

I am not sure why the County has ignored my repeated requests for information on how many acres of land in Loudoun County are subject to conservation easements giving up subdivision or development rights.

My understanding that in advance of the last rural downzoning taking away subdivision rights and making the AR1 and AR2 districts Agricultural Rural (no longer residential zoning categories) that many large landowners placed conservation easements on their properties (and got significant tax credits based on the old zoning allowing
residential subdivision to 3 acre lot sizes.) These easements give
up rights to subdivide, in exchange for tax credits.

In evaluating the CBPO, it is important to assess what the true "development" risk is to Loudoun, and therefore it is important to have these figures.

I would also ask that you put a vested use/project issue up for discussion, after we discuss further buffer exemptions, IDA exemptions and clarify what seems to be an obvious implicit consensus based on other votes that the Stakeholders want NO RMA.

As to the vested right issue, many farmers and rural uses have expended great sums in things like fencing and other infrastructure that the proposed CBPO threatens. To change the buffer and require new setbacks/fencing could destroy many small businesses and farms in western Loudoun.

As for the RMA issue, contrary to the assertions of Ms. Bingol, we do not need to designate the whole County RMA to require a 5 year pump out. The State already allows us to regulate the number of years for pump out, and MANY mandated jurisdictions did not make the whole jurisdiction RMA, but included a 5 year pump out. I do not know if we will get to the 5 year pump out issue, but I believe there is consensus for NO RMA. I also believe that the 15 years, as proposed by the State in the Watershed Implementation Plan, would suffice and there would be consensus on this issue.

As a final issue, I would like to have a vote on whether there is
consensus that the Board should continue to consider the CBPO at all.
I think a vast majority of the Stakeholders think the CBPO is a misguided Ordinance in these economic times, where we should be encouraging economic growth, and not burdening existing established neighborhoods, existing lots or agriculture/rural uses. Right now, for some reason, the Board is rushing this through as an "emergency"
that does not exist, and adopting it as a "Codified Ordinance" with no notice to anyone affected. I believe there is consensus that this is very unfair to homeowners and others, who should have certified notice that the uses of their property will be significantly restricted, and that there will be additional liability to them (eg, must submit a plan prepared by a certified forester to just take down a dead tree or remove any vegetation, and seek approval to plant on their lots, off of the approved list, which does not include many of the most popular
plantings in yards, like dogwoods, ornamental trees, etc.) The Board
is planning on adopting a stand alone CBPO as a "codified" ordinance and THEN saying since we have this Ordinance we HAVE to amend our
zoning ordinance and comprehensive plan to bring them in conformance.
I think this is a poor way to do this and unfair. The public should have notice of the CBPO, in its exact final form, before it is adopted, and the notice should be by certified mail to anyone the proposed CBPO will affect. I would like this as separate issues.

I have been very disappointed that the moderator has refused to let us vote on issues that the some of the Stakeholders believed had consensus. We have spent sometimes 20 minutes debating on whether to vote (like on the exemptions in the 35 foot buffer) when it would have taken less time to just vote the individual issues up or down. We spent more time than that getting to a vote on the 35 foot buffer, because the moderator insisted we take a vote on the 100 foot buffer first, and wanted to explore options for exemptions in the 100 foot buffer. We were forced to debate the 100 foot buffer for almost a meeting and a half, when we were finally allowed to vote it down, and when we could have voted on the 35 foot buffer and had time to debate and vote on the exemptions we wanted to the 35 foot buffer. We will not be able to finish, because the moderator will not let the consensus guide the meeting, but insists on promoting the County staff's obvious positions and the PEC's position. The County staff has not presented any "worst case" scenarios, but always "best case" and I feel has mislead us on other issues, inappropriately. It has not made for a fair process. That, with the compressed schedule, where if you miss a meeting because you are delayed on a plane, or sick, and get no chance to vote, because only those present can vote, is very unfair. Many of the HOA stakeholders stopped coming to the meetings because the process seemed so rigged. Mr. Pacuilli's assertion that some of us who want truth are "hi-jacking" the meetings is self serving, given his attempts (in collusion with the moderator, the PEC and the Staff) to shut out or just not take the majority vote.

Thank you,

Sally Mann