

STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, March 28, 2011, was called to order at 7:02 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Adams, Clark, McClevey, Hunt and O'Hara

Members Absent: None

Staff Present: Neuhard, Hubble, Lott, Knighting and Schulte

1. Call to Order

Mr. Coen called the meeting to order and asked Ms. Knighting to call roll. After roll call it was determined a quorum was present.

2. Approval of Minutes – February 28, 2011 PDR Minutes

Mr. Coen stated the first topic was the approval of the minutes and asked if there were any comments or questions concerning the minutes of February 28, 2011 or if there was a motion to accept the minutes.

Mrs. Clark made the motion to accept the minutes.

Mr. Adams seconded.

Mr. Coen asked if there was any discussion and hearing none he called for the vote. The motion to approve the minutes as presented passed 4-0 (Mr. O'Hara and Mr. McClevey were absent).

3. New Business

Mr. Coen moved on to new business.

Mr. Neuhard asked the Committee if they would agree to make a change in the minute format for this particular meeting. He explained because there were going to be several presentations it would be somewhat difficult for staff to do verbatim minutes and asked if the Committee would allow staff to do action minutes.

Mr. Hunt made a motion that the minutes for this meeting be action.

Mr. Coen seconded the motion.

The motion passed 4-0 (Mr. O'Hara and Mr. McClevey were absent).

Mr. Neuhard stated Steve Hubble, Environmental Programs Manager from the Department of Public Works, would be making a presentation on Chesapeake Bay Regulations.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011***

- Chesapeake Bay Regulations

Mr. Hubble gave a very informative presentation concerning Chesapeake Bay Total Maximum Daily Load, commonly known as TMDL. He gave a brief history on the Chesapeake Bay Agreement signed between Virginia, Maryland, Pennsylvania and the District of Columbia. He stated Virginia adopted the Chesapeake Bay Preservation Act (CBPA) in the late 1980's. He stated Stafford County adopted the CBA Ordinance in 1991 and Stormwater Management Ordinance in 1994.

Mr. O'Hara arrived at 7:06 p.m.

Mr. Hubble stated in 1999 there was a lawsuit filed by a conglomeration of environmental groups against the Environmental Protection Agency (EPA) concerning cleanup of the Chesapeake Bay as well as other water bodies throughout the area and the nation. He stated the Judge established what was called a Consent Decree that required the Chesapeake Bay to be cleaned up under voluntary conditions by 2011 or a TMDL. He stated in 2000 a new agreement was signed and developed Voluntary Tributary Strategies which was a voluntary cleanup plan and was only pursued to a certain extent. As the time got closer to 2010, the President of the United States issued an Executive Order that required a deadline to be set for the development of the TMDL. He gave facts about the Chesapeake Bay Watershed stating it stretches north into upstate New York. It is the largest estuary in North America for a total of 64,000 square miles. He stated it was ecologically diverse and the shallow depth makes assimilation of pollutants more difficult. He stated the Chesapeake Bay Watershed had 11,684 miles of shoreline-longer than the West Coast of the United States. He stated the Commonwealth of Virginia sets water quality standards for designated uses which are generally related to recreational uses such as swimming and canoeing, aquatic life uses which address the health of the organisms and animals in the water and in certain areas there are shell fish standards, which deals with consumption of those products. He stated currently the Chesapeake Bay in Virginia does not meet the water quality standards for "Living Resources", which relates back to the aquatic life because of dissolved oxygen, chlorophyll-A, and water clarity standards not being met because of pollutants/nutrients. He stated the primary nutrients of concern are Nitrogen (N), Phosphorus (P) and Sediment which are two of the three core ingredients of fertilizer.

Mr. Adams asked about potassium.

Mr. Lott stated potassium was not as important a nutrient in the ecological system. He stated the only place it was currently causing problems was the Everglades.

Mr. Hubble stated TMDL was an acronym for Total Maximum Daily Load which is a numeric expression of the amount of a particular pollutant that a water body can receive and still meet water quality standards or was more commonly referred to as a "pollution diet". He explained what Waste Load Allocation (WLA), Load Allocation (LA) and Margin of Safety (MOS) were. He stated waste load allocations include permitted discharges from wastewater treatment plant or an industrial facility such as a power plant and any regulated stormwater system. Load allocations include other non-permitted discharges such as non-point source pollution, agriculture, septic systems and atmospheric deposition such as nitrogen and phosphorus that fall out of the sky also have an impact. He stated the TMDL will apply to Virginia, Maryland, Pennsylvania, New York, West Virginia, Delaware and the District of Columbia; and also establishes limits on the discharge of nitrogen, phosphorus and sediment in all Bay sub-watersheds. He stated some requirements were mandatory and some were voluntary or various sources or sectors of pollutants including wastewater treatment, industrial facilities, Urban Stormwater which is also referred to

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011***

as MS4 (Municipal Separate Stormsewer System), onsite sewage treatment systems or septic systems, agriculture and forestry and atmospheric deposition. He stated through the TMDL process it was known how much pollution needs to be reduced but now it had to be determined how it would be reduced. He stated this TMDL was on a larger scale than most others and has specific requirements to develop Watershed Implementation Plans (WIP). He stated that was a two phase plan process, with phase 1 being completed in 2010 and phase 2 which is just beginning. He stated the WIPs identify strategies and goals to reduce nutrient pollution from sectors which are Best Management Practices (BMP). He stated the TMDL was approved by EPA on December 29, 2010 and forecasts a fifteen year implementation timeline. He stated each state wrote its own plan because there are different influences in each state. He stated Virginia's priorities were equity among the various sectors, cost effectiveness, high expectation for federal land and feasibility of implementation. He stated currently there would be no significant changes in Rappahannock or Potomac watershed, but for onsite systems or septic systems Virginia will be pursuing legislative changes to require new systems to have nitrogen reduction technology. He stated they were looking at possible tax credit/financial incentive for septic upgrade. Currently, Stafford requires the citizens to pump out their septic tanks every five years; that requirement may be extended to other localities in Virginia, not just CBPA localities; and promoting onsite community systems. He stated for stormwater in the county some requirements may be nutrient management plans for golf courses and municipal lands, and restrictions on phosphorus for lawn fertilizers. In terms of the development community, the TMDL and associated updates to the Virginia Stormwater Regulations will cause increased stormwater management requirements for new development and redevelopment projects. He stated the impact to the county could involve stormwater retrofits on existing development.

Mr. McClevey arrived at 7:47 p.m.

Mr. Hubble stated the focus for agriculture and forestry was on voluntary resource management plans for agricultural operations. He stated the five practices listed as priority practices were nutrient management plans, grass or forest buffers, conservation tillage, cover crops and livestock stream exclusion. He stated the implementation rates for these practices are currently in the range of 0-60%.

Mr. Hunt stated he thought the plans were written by the Soil and Water Conservation Board and perhaps the AG/PDR Committee working in concert with the Soil and Water Conservation Board could oversee those plans. He stated in his opinion it is not the AG sector that is responsible for runoff, it was more the urban sector. He stated he hoped the AG/PRD Committee and the Soil and Water Conservation Board could jump in and take the heat off the farmers and the AG providers.

Mr. Adams stated he did not think it would happen voluntarily without cost share money.

Mr. Hunt stated he was assuming someone other than the farmer would pay to have this done. He stated the Soil and Water Conservation Board would like the local jurisdictions to increase their contributions to the Soil and Water Conservation Board and the Department of Recreation and those organizations increase their cost share money and the county could hire a qualified program time person to write the plans. He stated in his opinion if a qualified person offered to write a reasonable plan most people would accept it.

Mr. Adams stated currently the plan is free.

AGRICULTURAL AND PURCHASE OF DEVELOPMENT

RIGHTS COMMITTEE MINUTES

March 28, 2011

Mr. Hunt stated most active agriculture operations have plans in place. He stated in his opinion it was the eight hundred to a thousand Ag identified properties that are not active farmers than don't have plans in place. He stated the environmental community tends to target the farmers who are visible and actively practicing good management and ignore those that are running small horse farms on ten acres that are under the radar. He stated in his opinion that was where the problem is and the voluntary resource management plan is targeted more for those people and not the active farmers.

Mr. Adams stated in his opinion that horses put more sediment into the Bay than cattle in Stafford County.

Mr. Hunt stated the AG/PDR could decide to not be involved because there was nothing to force the Committee to take that on. He stated a decision needed to be made by the Committee if they wanted to embrace that as part of their charter and asked Mr. Neuhard if it fell in the Charter of the Committee.

Mr. Neuhard in his opinion said it did from a couple of different points. He stated one function of the Committee was to promote healthy agriculture and this was certainly part of that. He stated from a County perspective this would be a huge project and would eventually turn into a battle between agriculture and the rest of the County.

Mr. Hunt stated currently Stafford County gives the Soil and Water Conservation Board somewhere between twenty-eight and thirty thousand dollars. He stated with a little bit more contribution from the County and a little bit more from the State a full time position could be funded for someone to write the plans for the Ag identified parcels of land.

Mr. Adams stated currently the person who writes the plan is in Tappahannock. He stated you could call today and would not get an appointment until July and possibly get the plan by December.

Mr. Hunt apologized to Mr. Hubble for interrupting but he stated he thought this was a meaningful and reasonable initiative that the AG/PDR Commission could pick up and do something with. He stated things may change in six months and stated the Farm Bureau suit against the EPA had more to do with the fact that the EPA has authority over the Ag producer than it does to with the TMDL program. He stated they could tell you how many cows to run on your land and how much corn to grow under the strictest interpretation of the current proposed law and that was what the suit was about.

Mrs. Clark stated there was not any reason to expect that the strictest application would not be applied at some point in time.

Mr. Hubble thanked Mr. Hunt for the great information. He stated the watershed plan discussed in detail the proposed implementation of the voluntary programs and focused on the cost share program. He explained that program would pay up to seventy-five percent of the cost to implement the facilities and gave an example. He stated they would actually pay seventy-five percent of the cost to install a fence to keep the cows out of the stream or some other practice. He stated other programs were tax credits, the Agricultural Stewardship Act which was an existing State Law in Virginia which allows the Department of Agriculture and Consumer Services to address an agricultural operation they feel is producing pollution. He stated if they found someone in that circumstance they would work with the farmer to implement some type of practice in an attempt to reduce the pollution over time. And the last one was the revolving loan fund for more large scale projects that require funding.

AGRICULTURAL AND PURCHASE OF DEVELOPMENT

RIGHTS COMMITTEE MINUTES

March 28, 2011

Mr. Adams stated the cost share program was misleading. He stated his largest complaint with voluntary compliance was, for example, you have a large farm and you qualify for one hundred thousand dollars of improvements with cost share. He stated you would get the money but you would have to have the money up front to do a hundred percent of the practice, wait for approval and you would receive a refund, sometimes taking as long as six months to a year. He stated in his opinion that is where there was a snag within the system. He stated if they ever found a way where things could be pre-funded there would be more voluntary compliance.

Mr. Hunt stated Mr. Adams was correct. Soil and Water Conservation Boards pay after the project is complete and has been verified. He stated it would be the end of the season at best.

Mr. Hubble stated the amount of money spent since 2006 was over eighty million dollars.

Mr. Hunt stated cost share money did go up and there was more for Stafford this year than in the past year.

Mr. Hubble stated in addition to the improvement discussed there was focus on development and resource management plans, but they were also looking at getting an improved accounting system for voluntary practices and improved implementation of best management practices during forestry operation, which are voluntary at this time. He stated on the regulated side they are looking at requirements for Concentrated Animal Feeding Operations (CAFO). He stated the regulation was based on how many animals that you could have. He stated moving forward the next steps were to work on more detailed Phase 2 plans, which was on a very tight timeframe. He stated in his opinion it would be interesting to see how much local involvement there would be. He stated the EPA and their scientists are constantly making changes to the Chesapeake Bay Model which was the software that drives this and that could change the goals that have to be met.

Mrs. Clark stated she felt the models were wishy-washy at best.

Mr. Hubble stated that was a concern of many of the various stakeholder groups and he agreed. He stated 2017 would be the half-way point and they would look at adjustments, progress and development of the third phase of the watershed plan, which was basically an update. There would be two year implementation milestones where they would be measuring the goals of all the different groups and they anticipated completing and meeting the goals by 2025. He stated the cost was one of the most challenging aspects to discuss, but in his opinion the bottom line was it would cost a lot of money to clean up the Chesapeake Bay. He stated the number that was thrown out just for Urban Stormwater was eight billion dollars for improvements needed to meet the goals. He stated that was just for one category and certainly did not account for the money that has been spent to upgrade wastewater treatment plants over the last fifteen to twenty years.

Mrs. Clark asked what had been proposed about Atmospheric Deposition. She stated she felt that was huge when you are on the I-95 corridor.

Mr. Hubble stated the only significant thing that was mentioned was restrictions on emissions through the clean air act.

Mr. Hunt stated there were so many inequities to try to figure out. He stated the air quality was not a direct influence of the Chesapeake Bay model so it was not being monitored as an output. He stated that

AGRICULTURAL AND PURCHASE OF DEVELOPMENT

RIGHTS COMMITTEE MINUTES

March 28, 2011

he would suspect that five years from now, you would find out that most municipal stormwater management operations were working pretty good and most responsible ag producers were doing a good job and the unmonitored urban side was the contributor to the problem. He stated the farmer gets the blame because of land size; if he wanted to cover as many acres in Aquia Harbour he would have to contact over two thousand people who vote.

Mr. Adams stated he agreed with that and added that to do twenty-five acres of fertilization would cost him five thousand dollars, whereas in a subdivision everybody buys a bag of fertilizer which should be good for ten years but they use it up in one and the excess has to go somewhere.

Mrs. Clark stated she thought that was why it made sense to limit the types of fertilizer homeowners could buy.

Mr. Hunt stated in his opinion that would happen over time but we would have to go through this to prove that it is not the responsible ag farmer that is causing the trouble before anyone would address the real source.

Mrs. Clark stated it has improved, because in the very beginning the only things that were looked at were wastewater treatment plants and agriculture.

Mr. Adams stated they would be doing themselves a service if they could find a way that Home Depot, Lowes and those types of places could not sell fertilizer unless they had a form from whomever that states you actually need fertilizer. He stated when you already have a lawn with very high levels phosphorus and potassium and you throw another ten pounds on, that ten pounds is going straight into the bay.

Mr. Hunt stated in his opinion that will take some time.

Mr. Hubble stated this information was very preliminary and asked everyone to keep that in mind. He stated he wanted to try to give the Commission an idea of what this means locally. He showed a map which broke Virginia down into individual segment-sheds, which basically showed the Phase 2 watershed plans and the goals for the areas. He presented a chart which showed the anticipated reduction goals for this area and explained Nitrogen should be reduced by 10.4 percent which would require a significant amount of work, Phosphorus should be reduced by 1.4 percent and he stated Statewide we were very close to our goals. And the TSS, which stands for Total Suspended Solids or sediment, which was our most significant challenge was at an 18.5 percent reduction.

Mrs. Clark asked if the TSS was high in this area partially because of the clay soils.

Mr. Lott stated the finer the sediment the longer it would stay in suspension.

Mr. Hubble stated he was not sure but it certainly seemed plausible. He stated that he would be glad to answer any questions the Committee may have and he appreciated the time to make the presentation and reminded the Committee the information was preliminary and subject to change.

Mrs. Clark asked which of the Tidal Potomac sheds in Stafford was in.

AGRICULTURAL AND PURCHASE OF DEVELOPMENT

RIGHTS COMMITTEE MINUTES

March 28, 2011

Mr. Hubble stated there were basically five in the Tidal Potomac and portions of Stafford fall into three of those. He stated the one he showed tonight was the most significant.

Mr. Coen thanked Mr. Hubble for giving the presentation to the Committee and asked if there were any questions. He stated he would ask Mr. Neuhard to answer Mr. Hunt's question concerning the possibility of the AG/PDR Committee taking this on.

Mr. Neuhard stated he thought there should be a position on the Chesapeake Bay Ordinances that relates to the agricultural charge. He stated Mr. Hunt suggested a couple of things the Committee could take up and stated there may be a list of concerns that the Committee has and a list of options to address those concerns. He stated he heard abdicating for additional funding for the positions, but there may be a need in general for the County to start addressing this issue more closely. He stated the Board has deflected this issue so far and they know it is coming but it was a difficult thing for them to get their arms around. They know it will cost a lot of money and they are getting pushed back from the urban constituents. He stated the agricultural community would have to abdicate for them to understand and start addressing some of the issues. He stated if there were positive ways to contribute to addressing it, staff would be willing to help frame the recommendations and help support the Committee.

Mr. Hunt stated he would assume the Soil and Water Conservation Board would carry some additional funding. He stated in his opinion the first thing the Committee would want to do was to be sort of a clearing house for information and questions and see where this goes. He stated there were lots of inconsistencies, if you were a horse farmer you would not qualify for any of this because horses are not sellable livestock and you would not qualify for cost share. They would pay to fence cows out of the streams, but they won't pay to fence horses out of the streams.

Mrs. Clark stated Stafford County could be pro-active and cutting edge. She stated she could see at times where they could put money up front thinking it is better to do a good job with the issues we have in Stafford than to pay the penalties later on. She stated maybe that would be a good way to use your money.

Mr. Hunt agreed and suggested they add money for horses. He stated there were lots of inconsistencies that you could get into and try to come up with something. He stated his goal was to have reasonable efforts to improve environmental quality in Stafford County.

Mr. Lott stated the Phase three of the Chesapeake Bay Compliance wants the local jurisdictions to interact with the soil and water conservation districts more. He stated how the State was going to ask the jurisdictions to comply was unclear at this time.

Mr. Hubble stated the Committee may want to be aware of the issue of nutrient trading, because that may become an economic opportunity for farmers on a long term basis. He stated eventually they could have options to take active land out of production and convert that into forest and there would be some credit in terms of nutrients and at some point in the future would have a value. He stated you kind of see a model for this in terms of wetlands creation and mitigation banking that is going on now.

Mr. Coen stated his feeling was this Committee has two main areas of concentration, one was PDR which was currently on hold due to funding and the Farmer's Market has a limited amount of things the Committee could do for that as well, because of the nature of what the farmers want to do. So there is

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011***

very little else on the Committee's plate and he thought this would be something that this Committee could look into.

Mr. Neuhard stated from a staff perspective he thought so. He stated the Committee would do more on the farmer's market and there was some stuff lined up for the budget for PDR. He stated the Committee could certainly monitor this matter; staff would be monitoring it closely because there were a number of issues. He stated Mr. Hubble and Mr. Lott could come back to the Committee and keep them informed. He stated the Committee would recognize opportunities to take positions on things or things to recommend the Board take position on. He stated he heard three items tonight that the Committee may want to take positions on as the phases flow out and be an advocate on the State or Federal level. He stated it would be easy from a staff position, but the Committee would have to decide how you would want to address it.

Mr. Coen stated it would be better to be pro-active. He asked Mr. Neuhard if he had knowledge of other Committees that were looking into this.

Mr. Neuhard stated no, staff is involved very closely and the individual Board members have talked to staff concerning this, primarily around stormwater management. He stated the Board's Infrastructure Committee has this on their agenda and would be receiving a very similar presentation that this Committee heard tonight.

Mr. Coen asked Mr. Hunt if he would be willing to serve on a sub-committee to look for a list of concerns and various options and bring it back to the Committee.

Mr. Hunt stated he did not have a problem with that as long as the Committee was okay with stepping into the pool one step at a time instead of jumping into the deep end.

Mr. Coen stated in his opinion it would be better to be pro-active instead of reactive.

- Land Development in the County

Mr. Neuhard introduced Brenda Schulte and stated there were two other items the Committee wanted to discuss. He stated the first was a briefing from the Walton Group, and they were trying to find a date that would be suitable. And the second item was to talk to you about the status of development. He stated he wanted to present four things tonight and if the Committee had additional questions he would bring the experts in to answer those questions if they could not be answered. He passed out information and maps and stated he would like to talk about the comp plan and the changes with land use, development numbers, residential development and active commercial projects. He stated he had information concerning land preservation policies and one of the most important pieces was PDR, which this Committee knew about, and TDR. He stated based on the meetings being held he did not know where it would end up, but he could tell the Committee where they thought they were going right now. He stated first he would talk about the comp plan and where the county was concerning land use. He reminded the Committee the Board adopted the amendments to the comprehensive plan in December 2010. He stated the open ended piece to the comprehensive plan was the issue around the Urban Development Areas (UDA). He stated the premise behind the Urban Development Area was because Stafford was a high growth community with a population between twenty and a hundred and thirty thousand and we were required to implement UDAs by July 2011. When the Board adopted the plan we were four thousand

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011***

units short of our ten year projected growth. He stated the land use map had two significant changes in the comp plan, with the first being they reduced the number of land use categories. He stated the zoning map still had a lot of zoning categories and the land use map was very similar. He stated it was simplified greatly and when they adopted the map two UDAs were removed. One was Widewater, which was known as Stafford Station and the other was Brooke, but the Urban Services Area (USA) remained and was outlined in red on the map. He stated the USA was the area that targeted growth and infrastructure was provided. He stated within the USA we have Urban Development Areas and there was where the next ten years of growth needed to be targeted. When the two UDAs were removed they left the USAs intact. He stated and the map that was passed out was the map sent to the Planning Commission that the Board desired. He stated the map showed the Urban Services Area had been removed from the Widewater peninsula and pulled back to its original shape prior to the adoption in December. He stated you would now see a UDA in Brooke and those four thousand units have been redistributed throughout the other UDAs and Brooke. He stated the development growth for Brooke is currently based upon Transferring of Development Rights from a specific area. He stated the remainder of the four thousand units was put into the other UDAs with a heavy amount in the Courthouse UDA. Now you have Urban Development Areas which are required under the law trying to address ten years of growth and throughout the remainder of the USA. He stated all the area outside of the USA is now known as agricultural/rural with the exception of the parks and the mining and mineral areas. He stated there are no provisions for multi-family dwellings now in the suburban land use category unless the underlying zoning is already there and you have an approved plan. He stated it still remains one dwelling per three acres in the agricultural and rural, so there is no big change there. He stated another thing he found interesting was the placement of commercial and retail nodes for adequate support for services to the residential communities, in targeted areas. He stated he also provided a chart that projects the net acreage, the existing and projected residential units and the square footage of commercial/industrial/business space that may end up in those areas for each of the land use categories. He stated the minimum density for Urban Development Areas is four dwelling units per acre single family, six for townhomes and twelve for multi-family, i.e. apartment or condos and the FAR (floor area ratio) is .4. He stated again trying to steer the growth into the USA specifically in the UDAs, but that does not have anything to do with the by-right developments that are already in place. He stated he wanted to talk about the residential and commercial status and showed a map which basically laid out all of the developments that are vested because they are older plans and State Law allows them to be vested through 2014.

Mrs. Schulte stated there was a sheet that was handed out which showed the total number of lots that were approved, the total number of lots built upon, the total number of lots vacant and the final number is the acreage in all of those cumulative.

Mrs. Clark asked if she was right in thinking that if the proposed subdivision are vested through 2014, if someone has been sitting on a plan but has not acted on it because of the downturn in the economy, they need to start rolling it out now or they lose their subdivision plan. Is that the idea?

Mrs. Schulte stated not until 2014, they are vested until that date. She stated if they do not act on that then they could have to go back through the processes again and have preliminary plan approval, which would go before the Planning Commission.

Mr. Neuhard stated they would basically have to start over.

Mrs. Clark asked if it would automatically be denied if it was in an agricultural area.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011***

Mrs. Schulte stated no, and these are by-right developments.

Mr. Adams asked what would constitute acting on it.

Mrs. Schulte stated if they were to complete the planning process. She stated they have all gone through the preliminary process at minimum as well as submitting a plat. Depending on how large the subdivision is, ten lots or more, if they have submitted a plat that vests them. But in the meantime they also need to submit construction plans for infrastructure, and plat the subdivision which is creating the individual lots. She stated that is what would bring them to finishing the planning process.

Mrs. Clark stated they don't actually have to build the road they just have to do the paperwork on building the road.

Mrs. Schulte stated yes.

Mr. Neuhard stated that also costs them a lot of money.

Mrs. Clark stated she was just wondering if there would be a flurry of getting things on the market as 2014 approaches.

Mrs. Schulte stated there could be, but in her opinion the flurry we would see is just getting to the plans to be approved. Getting things created, not necessarily built.

Mr. Neuhard stated later he would show what the current activity was and the Committee could see where things were going. He stated that is residential and he handed out information concerning commercial and stated he would start with rezoning and then active commercial projects which was anything that has had activity on it within the last two years.

Mrs. Schulte stated the first list, which was the smaller sheet, was a list of the current rezoning and conditional use permit applications that have been submitted. She stated these were the ones that are still active and currently working their way through different parts of the process. She stated they are in different stages of activity and they range in different types of uses from hotels to a minor change in a proffer.

Mr. Neuhard stated another list is also kept which was a confidential list maintained by Economic Development of people that are talking and looking which is about eight pages. He stated before this people are looking and talking and trying to figure things out and this is the next step. They decided to take action and that is what is on this sheet.

Mrs. Schulte stated the comp plan is a guide for Supervisors to evaluate these proposals because they are not by-right and they need to go through the public hearing process. The Planning Commission will forward their recommendation to the Board. She stated the small exception to that is some of these are just amendments to update proffers because in some cases the proffer has been out there for many, many years and is not valid anymore and it could be something as small as that on this list. She stated if there were no questions on the small list she would move on the great big list which was coordinated with a map that was presented. She stated these were spread throughout the county, not in any one area, but mostly in the corridors of Routes 17, 610, 1 and I-95. She stated they were all commercial projects that

AGRICULTURAL AND PURCHASE OF DEVELOPMENT

RIGHTS COMMITTEE MINUTES

March 28, 2011

have had some form of activity over the last two years, whether it was a planning process, environmental process or an actual building permit submitted. She stated there were a lot of projects going on right now. She explained the chart to the Committee and gave a brief history of the marking system.

Mr. Neuhard explained there were some projects that were considered priority projects and those were projects that usually were bringing jobs to the County or supporting national security efforts or related issues such as buildings for government contractors to go in or businesses that support our military institutions.

Mr. Adams asked how you track something like Borders closing.

Mrs. Schulte stated some business parks or commerce parks have tenants and are not fully built out. She stated when something comes up where the property is vacant and application is submitted for a change of use under commercial use it could be put on this list.

Mr. Neuhard stated Economic Development has a Business Retention Manager, who went right out there to try and understand what was going on and now she is looking at the options to fill that space with a new business coming in. He said they would get back in the development process if they have to change the building or a new use. He asked if there was anything in the information that the Committee sees that they want to ask questions about. He said there was important activity around the Marine Corps Base and Boswell's Corner. There is an important project in the mid part of the county around Eskimo Hill Road where they are building some large warehouse space which has some operations in it. There have been a couple of important projects along Route 17 that may have left those pages.

Mrs. Schulte stated Sumner Retail, which is number 80 on the list. She stated that was a proposal that we only know the basic infrastructure, we don't have an actual site plan, so we can't tell you how that is going to build out but we do know there is grading out that way.

Mr. Adams asked if that was the project across from the College.

Mrs. Schulte stated yes, the large area that they have been clearing. She stated we currently don't have a specific plan identifying what the square footage of build-out will be at this time because they have only submitted it as infrastructure and grading.

Mrs. Clark asked where Stafford Business Park was located.

Mrs. Schulte stated approximately the next intersection on Route 17 past the University of Mary Washington.

Mr. Adams asked about the new bank that opened.

Mrs. Schulte stated it was a little bit to the east of there, and asked if he was talking about First Union.

Mr. Adams stated yes.

Mr. Coen asked about the big green park by the recycling center.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011***

Mrs. Schulte stated she thought it was the Civil War Park.

After a brief discussion between the Committee and staff, Mr. Neuhard stated he would have to do some research and find out.

Mr. Neuhard handed out some information from the February Planning Report. He stated it would give the Committee an idea of what they were actively working on, the submissions they have, the description of them and what is going on with them. He stated depending on what you are interested in, it showed what is active out there in all the different places in regards to planning; what is coming or what is getting ready to be built. He stated there was a lot going on and a lot moving that we did not have a year or two ago. He stated it was starting to ramp up again and we were starting to see some of the fees coming back. He stated the next handout was for Public Works, which was the building of the homes and all of the other permitting. He explained the forms to the Committee and stated this was by calendar year and would show when we were in the boom times. He stated we were currently going in the right direction. He stated the final page was a combination of all the permits and asked the Committee to not pay much attention to the dollar amounts because those were claimed by the applicant. He stated they may or may not be accurate, but the number of total permits which included new construction, additions and alterations and occupancy showed we were definitely going in the right direction on all of these. He stated that was a quick view of the development situation.

Mr. Adams asked if A-1 and A-2 did not exist anymore.

Mr. Lott stated it still existed in zoning.

Mr. Neuhard stated after everything goes through they will go back and look at the zoning and make sure everything is still compatible with the land use designation. He stated the Committee should be good with the regulations around that in PDR. He stated zoning was much more specific about what you can do. He stated the last thing he just handed out was for land conservation. He stated it was in three parts, one being policies in the comprehensive plan with the goals and objectives, the next page is the Purchase of Development Rights Program and finally the Transfer of Development Rights Program. As you know, there is a Joint Committee of the Planning Commission and the Board and they are currently reviewing, debating language and working on an ordinance. He stated what they have decided so far is that the land outside of the USA is going to be their recommended sending area. They have not decided on the receiving area yet, but that is the topic of their discussion coming up. He stated they are going to be talking about bonus density and they are moving pretty fast because something has to be decided before they adopt the final UDA prior to July 1. He stated in his opinion that was good news for land preservation because it would make sense that you would transfer your by-right development rights in the urban area and preserve in perpetuity the land the development right comes off of and that was another important piece.

Mr. Adams stated he has a few questions. He stated the way he understands it, the transfer is to the developer, and asked if the county had to approve that.

Mr. Neuhard stated yes and there will be rules set up about how it will work. He stated the ordinance will address under what conditions, what the criteria will be and anything, for example, the bonus density. Is there bonus density and if there is bonus density under what circumstances would that be? He stated there was a lot of administrative detail for taxing purposes and other things that have to be addressed. And that

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011***

would all be defined in the ordinance. He stated once those are transferred for another location or if it allows for banking then that is recorded in the deed just like we do with conservation easements those are extinguished and no longer available for development. He stated he did not know if they were going to allow banking or not.

Mr. Adams stated the county would definitely be involved with determining the number of units, just like with the PDR.

Mr. Neuhard stated absolutely. He stated he did not know who would have responsibility for that or who would maintain the records. He stated the Commissioner of Revenue has a big stake in this because he assesses the value of the property. He stated it is the same issue the Committee gets into with PDR, but bigger because there is more money moving. He stated in his opinion it was a great program for conserving land and encouraging development to go where you want it to.

Mr. Adams asked if Montgomery County, Maryland used this program.

Mr. Neuhard stated yes, they have a TDR program.

Mrs. Clark asked about multi-family projects. She stated according to the chart there were several years with no applications.

Mr. Neuhard stated all that was market driven.

Mr. Coen stated there were apartments behind Bloom on Route 1 behind the Post Office. He asked if they wanted to change over from apartment to condo, did they have to go through the process or do it on their own.

Mr. Neuhard stated they could do that on their own.

Mrs. Schulte stated they were already built.

Mr. Neuhard stated they were just changing the type of ownership.

Mr. Coen stated he was just curious if it went through the county.

Mrs. Schulte stated Mr. Mayausky may get involved because of assessment, but we would not.

Mr. Coen asked if the Committee had any additional questions for Mr. Neuhard.

Mr. Neuhard stated if any of the members were truly interested in following any of this information it is included in the Board package the first Tuesday of the month. He stated there is a full monthly report on all county-wide activities; what he presented tonight was just a little sub-set out of that. He stated that information is on the web and it was the monthly report and it had a lot of detail about what was going on in all departments and all the projects.

AGRICULTURAL AND PURCHASE OF DEVELOPMENT

RIGHTS COMMITTEE MINUTES

March 28, 2011

Mr. Coen thanked Mr. Neuhard for the presentation and stated he had just a couple other new business items which were sort of an update. He stated the Committee as a body voted for something to go before the Board of Supervisors and he was wondering the status.

Mr. Neuhard stated he needed to distribute it. He stated his intent was to send it directly to the Board. He stated the Board did have the rollback tax issue currently in the budget. He stated it was active in their budget and was presented to them as all rollback above budgeted, not two years. So the Committee may do much better.

Mr. Hunt stated he spoke with Mr. Milde and he indicated he was very happy with the way this was going.

Mr. Neuhard stated the budget hearing was scheduled for April 12th, a special meeting at Colonial Forge followed by the adoption on the 19th.

Mr. Coen asked if they were still shooting for May/June for the changes to the Ordinance.

Mr. Neuhard stated yes, he stated it is anticipated that would be on in the May timeframe.

Mr. Coen asked if there was any other new business.

Mrs. Clark stated she had a phone call from another potential producer. She stated he has three acres and he wants to sell tomatoes and he was asking about farmer's markets. She stated his idea was Hartwood Presbyterian which is right across from Hartwood Elementary. She stated they have a nice big parking lot and it was located right off of Route 17 and they pretty much only use the parking lot on Sundays, so it might be available if the Committee tried for a mid-week market. She stated he sort of wanted to go ahead and do it himself but she told him the Committee was still thinking about it. She stated she emailed Art Hart and asked if he was doing community gardening this year, but he has not had a chance to respond but she would report at the next meeting.

Mr. Coen asked if the Committee or someone else needed to sit down and look at all the ordinances and see what is needed to be done.

Mr. Neuhard stated in his thought the Committee wanted to do that in May, and staff is prepared to do that. He stated there would not be an April meeting so that was targeted for the May meeting.

Mrs. Clark asked if there was currently a market on Route 610.

Mr. Neuhard stated there is the market that has continued to operate there.

Mrs. Clark asked if they had a permit on file with the County.

Mr. Neuhard stated the permit was on file with VDOT.

Mr. Adams stated he just paid his fees in Dale City. They have eighty spaces at two hundred dollars a space. He stated that is sixteen thousand dollar of potential profit for Parks and Rec.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2011***

Mr. Neuhard asked who managed that one.

Mr. Adams stated there was a Rec center on Minnieville Road; he did not remember the name, but they managed it. He stated that was a six month market and that was what they were charging in fees, that was not the volume of sales tax. He stated the little Town of Warrenton was forty spaces at a hundred dollars apiece, which is four thousand dollars the Town gets for essentially renting the parking lot on Saturday.

4. Next Meeting

- May 23, 2011 Regular Meeting (April 25 meeting cancelled)

Mr. Coen stated May 23rd was the next meeting. He stated if there was no other business he would entertain a motion to adjourn.

5. Adjournment

Mr. Adams made a motion to adjourn.

Mr. Coen seconded. He asked for all in favor to say aye.

The motion to adjourn passed 6-0.

With no further business to discuss the meeting was adjourned at 8:55 p.m.