

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

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, November 28, 2011, was called to order at 7:15 p.m. by Vice-Chairman Gail Clark in the County Administration Conference Room of the County Administration Building.

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

Members Absent: Coen and Hunt

Staff Present: Baker, Lott and Knighting

1. Call to Order

Mrs. Clark: I am going to call this meeting to order at 7:15 p.m.

Mr. McClevey: Thank you Gail.

Mrs. Clark: And I guess we need to do roll.

Ms. Knighting: Mr. Coen. Mr. Hunt. Mrs. Clark.

Mrs. Clark: Here.

Ms. Knighting: Mr. McClevey.

Mr. McClevey: Here.

Ms. Knighting: Mr. O'Hara.

Mr. O'Hara: Here.

Ms. Knighting: Mr. Adams.

Mr. Adams: Here.

Ms. Knighting: You have a quorum with four.

2. Approval of Minutes – October 24, 2011 PDR minutes

Mrs. Clark: Thank you. Did everybody read the minutes that Kathy sent out? The other... what was it last week, I think.

Mr. McClevey: Yes.

Mr. O'Hara: I was not here, so I will have to abstain.

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

Mrs. Clark: Does anybody want to...

Mr. Adams: Do you want to motion or do you want to second?

Mr. McClevey: Well, I read them.

Mrs. Clark: Were there any problems?

Mr. McClevey: No, I did not have any issues with them. Should we wait for the...

Mrs. Clark: To the next meeting?

Mr. McClevey: ... next meeting or something.

Mrs. Baker: You can just go right ahead with a motion if you so desire.

Mr. McClevey: I make a motion that we approve the minutes from the last meeting.

Mrs. Clark: Do I have a second?

Mr. Adams: I will second it.

Mrs. Clark: All in favor...

Mr. Adams: Aye.

Mr. McClevey: Aye.

Mrs. Clark: Aye. Okay, staff update.

3. Staff Update

Mrs. Baker: I really don't have anything to update at this point other than next... is next Wednesday the 7th? December 7th is the next quarterly PDR manager's meeting. Anybody is welcome to attend those if you have any desire. But Mike and I typically go and get the updates of what is going on around the State. So we will...

Mr. Adams: Where is the meeting at?

Mrs. Baker: Somewhere in Richmond. Sometimes it is at NRCS or various places. I can forward the email.

Mr. Adams: If we go are we allowed to ride with you?

Mrs. Baker: Sure, we... I have to be back early this time because I have another meeting in the afternoon. It usually takes a little over an hour to get there, but I will send an email. But other than that I

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

don't have anything to update at this time. Other than as I stated the Commissioner of the Revenue will be coming at a later meeting on the Development Right Valuations discussion.

4. Unfinished Business

- Development Rights Valuation

Mrs. Clark: So, they will be here in January?

Mrs. Baker: Yes.

Mrs. Clark: So, Development Rights Valuation moves to January. Alright, which then leads us to our TMDL. Which... oh, okay.

Mrs. Baker: I am sorry. I should have stated and I did check with Fauquier County and they are currently at twenty five thousand dollars.

Mrs. Clark: They have gone down then.

Mrs. Baker: It has been that way for a little while, a couple of years anyway. They were at thirty at one time and they dropped down and they don't have any proposals to change that any time in the near future.

Mrs. Clark: And that's per development unit?

Mrs. Baker: Yes.

Mrs. Clark: Is that what they...

Mrs. Baker: Yes. Just food for thought for when we get into that discussion.

Mrs. Clark: So then there is an update on our Total Maximum Daily Loads.

- Chesapeake Bay/Total Maximum Daily Loads

Mr. Lott: I have a handout that Steve Hubble had prepared that has been handed to all of you. Just briefly, as you know we are going through this process right now working with the State, DCR, to develop a Phase 2 Watershed Implementation Plan (WIP), which officially has to be done by spring of 2012. And what this basically is highlighting is there are five main things that DCR has requested the local counties to work on. One is the review of the existing BEST Management practices, both stormwater management BMPs as well as the agricultural BMPs. And we are hoping to work with Tri-County City Soil and Water Conservation District. They are supposed to be providing some information, so I was hoping Mr. Hunt would be here tonight and maybe could shed some information on that. But from what Steve has said and they did not have a Director for a while, we really don't know what we are going to get from them. I found old information from back in the 90's, when they used to be really good at sending us what they were doing. Like Mr. Adams, at your farm, what they would do out there. They would send us copies so we knew what everybody was doing. But since probably the early mid 90's that has stopped. So we really have no idea what any BMPs are out there. And this is as we will talk about in

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

a minute, what Steve is hoping maybe you guys could look at. Because you know the model that was developed by the EPA has some numbers in there some like 2009 assuming that there are these certain things in place out there. But we don't know if those are too low. We may be under estimating the BMP's that are out there on Ag land we just don't know. And that's one of those things that... you know one of the sheets in there kind of has these existing progress BMP's and then sort of what is the first version of the WIP and what is proposed to be out there by 2025. Obviously the more that is on the ground now the better off we are as a County from the expense step. You know because we have to develop a strategy of how we're going to meet the goals and then you'd have that idea of what's really on the ground so we can develop strategies and implementation plan. That might not... what we're really in is a sort of a data collection mode. One of the other steps is this review of the existing local land use data versus the data that's in the model that does not really affect you guys too much. We are sort of doing that in-house. Number 3 is to review the 2017 to 2025 BMP scenarios that were identified in the Phase I Watershed Implementation Plan. Then develop local studies that provide a similar level of treatment and again this is where working with you guys can sort of help us get a defense. If you guys have any ideas on what's out there because like I say we really don't. I don't think we're going to get much information.

Mrs. Clark: Just because you haven't gotten them from soil and water doesn't mean that they're not available. But I know that the staff there has just been cut and cut and cut...

Mr. Lott: It is like two people or something.

Mrs. Clark: ... for the last 10 to 12 years. But Etta, I'm sure, has got... and Ron and all of the guys they must have files that they can say this is a Stafford farm and we've done this.

Mr. Lott: I would like to think so, I've just struggled since I've been here to get any sort of information out of them.

Mrs. Clark: Well, I think you may just have to make an appointment and physically go down to the office is what I am afraid might have to happen.

Mr. Lott: I'll go down there and start pulling out files and going through it ourselves because I don't have much hope that they'll do it for us.

Mrs. Clark: Well, they might at least have a list of the farmers that they helped implement.

Mr. Lott: You'd like to think so.

Mrs. Baker: Mike really has tried to get down there and set meetings with them and set up appointments and they've been cancelled. He really has tried to get down there.

Mr. Lott: Now the person that... I interacted a little bit with Etta and Diane. But Diane is now sort of... she's left and gone to DCR in the Chesapeake Bay Local Assistance now she's sort of the one who is leading their charge to sort of get the County to start implementing what's in the State Code that no one has ever implemented before. This Stormwater stuff... or the Conservation Assessments that are supposed to be done on Ag land.

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

Mr. Adams: The first question I have, because I've always been open, I've got the BMP's on my property. It's actually a contract so my first question is, how much of that is actually public information that can be disclosed? And I'm not trying to say look here Sonny, can he say well, yes, we're working with this farm and these are the practices we're doing but you know nothing financial and stuff can be disclosed. But we wouldn't care about the financials, we would just care is this fifty acres in a plan?

Mrs. Clark: And it has got these elements.

Mr. Lott: And it has got these BMPs on it.

Mr. Adams: Because I'm wondering if... with the relationship that I have would it do me any good to try to set something up and go down there and talk to them informally? I mean would that be a... can I get with you and find out what information you would actually need?

Mr. Lott: I can certainly set the meeting with Steve Hubble and myself and any of you that would like to come in and discuss more of this in detail and what we're trying to do.

Mrs. Clark: Then the other issue is that there are some farms in the County that have never darkened the door with Soil and Water and yet they may have some of the practices.

Mr. Lott: Right. That is what we are worried being...

Mrs. Clark: There is no way to track them, zero way to track them unless you just start calling people. However, remember what we have been discussing before is wouldn't it make sense for Stafford County to put up the money to hire an additional soil and water person whose job it is to go around and do the management practice. Do the checklist and whatever the plan.

Mr. Lott: Yes.

Mrs. Clark: What do they call the plan? Well, I guess it's just the TMDL plans aren't they?

Mr. Lott: It is like sort of overriding conservation assessment plan and then from that you can do other kinds of plans that you've done in nutrient management, or whatever is recommended for what you are doing on your particular farm.

Mrs. Clark: My gut feeling is there are a lot more farms out there in Stafford that don't have plans.

Mrs. Baker: And if you recall, Bob is going to approach, in January, after he's off the Board.

Mrs. Clark: After he is...

Mrs. Baker: He's going to talk to the County Administrator and the Board.

Mrs. Clark: Okay.

Mr. Lott: I know Diane Buyer, when she was up here that was sort of her recommendation that maybe Stafford, maybe with Spotsylvania or something, you kind of look at hiring someone that maybe can be

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

shared between the counties. I don't know how you could fund or do something like that, but who can do these conservation assessments. We need to generate a list of who are the practicing farms in Stafford County first. We need to know who they are and then contact them and see what plans do they have in place. And that's just really for the Chesapeake Bay codes if the State really going to have us start enforcing what we thought all along Tri-County was doing.

Mrs. Clark: Spring of 2012...

Mr. Lott: No, this is going to take a long time. I envision, yes. I know I have got a lot of information.

Mrs. Clark: Having County Government involved in your place is very controversial.

Mr. Lott: Oh, I know it is.

Mrs. Clark: And like Jeff said I don't know about confidentiality. Obviously Soil and Water has the mailing list, obviously Extension has the mailing list. I mean...

Mr. Lott: TMDL...

Mrs. Clark: Extension...his list of Stafford people will probably be livestock people. And he knows all the crop stuff too though. So he might have the list but once again I don't know if he can divulge that list.

Mr. Lott: Yes, we don't even need to know names.

Mrs. Clark: Farm Bureau has a list of producer members, but they can't give that list out.

Mr. Lott: Yes, yes. I mean just for the TMDL... sort of going away from the Chesapeake Bay Act and all of that but it's really more of a numbers game. You know we need to know what's on the ground. I don't think we need to know necessarily who has them for this exercise so much as just that they're there and how many are there. Because we are under-recording, you know, what's there then to meet our goals it's going to make it that much more difficult you know for everyone not just stormwater but also to Ag, we have to then develop implementation plans to meet these goals.

Mrs. Clark: You need to know that this plot that has this. But you can't do it without...

Mr. Lott: It would be nice.

Mrs. Clark: ... to do it anonymously isn't going to work.

Mr. Lott: I would like to know who has what just because it would make it easier for us.

Mrs. Baker: We would probably at least have to know by watershed.

Mr. Lott: Right, we certainly need to know what is in... I mean this is...

Mr. Adams: Well, let me ask... with these TMDLs...

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

Mr. Lott: Yes.

Mr. Adams: At what point and who... like who and when could somebody go to Able Lake and say, okay, we know we've got this stream coming in we're going to test the water from this source. Okay, this is good, well, we're not going to worry about anything upstream from here because we got good results. Oh my God have we got a problem here! Does anybody go out and look at... or are they just going...

Mr. Lott: I honestly don't know.

Mr. Adams: ... at the end of... you know what I'm saying they go into just the back side of Able Lake and take a reading and just know that they've got a problem within the water shed and that's all they know.

Mr. Lott: I don't know how much and how frequently they test all the watersheds and streams in the County. I think they do a fair amount on the major... Potomac Creek, Accokeek...

Mrs. Clark: And who is they?

Mr. Lott: DEQ I think. And Friends of Stafford Creeks goes out and does some of it themselves. But how much of that is information that got fed into this model I really don't know.

Mrs. Baker: And DEQ doesn't necessarily identify the source. They have monitoring stations in certain areas and they'll monitor those every, what, two years then give you their results and then just say well, this monitoring station has determined that it's high in fecal coliform or whatever. But it doesn't specify where that's coming from. It might be in this point of the stream and another one's in this point and they're identifying the segments of the stream that are impaired but they know what the toxin is or the pollutant, but they don't identify where they're coming from.

Mr. Lott: E. coli or high nutrient load.

Mrs. Baker: Some of it could be natural, some of it could be human or animal created.

Mrs. Clark: See, this is a mess.

Mr. Lott: It's a lot to go on. And then number 5 is identify resource needs to implement the scenarios and strategies from... Tri County is supposed to assist for agricultural related activities. And again, part of this is to reach these goals and what is it going to take to reach them? How much money is it going to cost to reach these goals? It's kind of scary that we're supposed to have Phase 2 plans by this spring but in a whole it's a long term plan. You're supposed to reach certain goals by 2017 and then by 2025, so it's not like all of this is supposed to happen immediately. But the planning exercise is supposed to get started sort of now.

Mr. Adams: In my regards right now even if we're just blindly throwing darts at the dart board.

Mr. Lott: There's a lot of that going on.

Mrs. Clark: I don't even know what some of these abbreviations are standing for.

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

Mr. Lott: The other sheet is a sort of practice names on the back. I know I look at those...

Mrs. Clark: I am sorry.

Mr. Lott: I look at those and I don't know what these mean. I think this is just sort of information that you can go into this on line program that prints information out for you. But even that part I don't know what they are, like a loafing lot management system, I have no idea what that is.

Mrs. Clark: Well, that's any kind of a feed lot, any kind of a... well not just a feed lot. When horses... it says three horses on a half-acre around a barn, it's any kind of dry lot. Anything... any pasture, any animal containment area that isn't pasture.

Mr. Lott: Yes.

Mrs. Clark: And I would imagine in Stafford County the two kinds of places you may have that would be horses, definitely, high density horses and maybe some small chicken flocks.

Mr. Lott: Like I know what's going on out in the Wetland Mitigation out at that Crocker Farm will help with some of this, like that... call it stream restoration. Basically stream channel stabilization and stream bank stabilization. That is all what is going to be going on out at his property. So certain things like that, I don't... we need to be taking note of to pass along.

Mrs. Clark: I'm not sure what an OSW no fence is, on that list of BMPs.

Mr. McClevey: Where do you see that?

Mrs. Clark: On the BMP list.

Mr. Lott: I'm not sure if I see it on the second sheet.

Mrs. Clark: One... two... three... four... five... OSW something like maybe not fencing in of streams or waterways or something, I don't know. But that would be a BMP.

Mr. Lott: OSW no fence?

Mrs. Clark: Yes. See it is number one... two... three... four... five... down on the BMP list.

Mrs. Baker: Next to alternate water system.

Mr. Lott: Alternate water system... I don't.

Mrs. Baker: I guess we could get some clarification on what some of these abbreviations are.

Mr. Lott: I think we'll probably have to ask... track down... I know Steve Hubble doesn't know what all these mean. This is not something that we work with.

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

Mrs. Clark: Well, I mean it is something that you could include in your annual land use packet? I mean I know that's... annually you check off your land use taxing issues. That's not going to get everybody but that might get a lot of them. I just don't know if you could make it mandatory for them to fill it out and return it.

Mrs. Baker: We could talk to the Commissioner's Office.

Mr. Lott: Like I told you, I was trying and work with Mr. Mayausky about... you guys have these forms that you fill out saying what you... sort of boxes you check off. And all he could generate for me was this is a list of everybody in land use. And I'm looking at the computer screen and you can go to each one who is in land use and there's all this other information on the screen about whether it's Ag or it's in Forestry or whatever. I'm like, can't you generate a list or print out from this that just has... because I don't really care who is in Forestry. I want to know who has checked off box A and B. And I got I can't do that, I don't know how to do that. It's on the computer screen, there has to be a way to get it out of the computer into a printed form. So, that is something I am still working with him. At least we would have an idea of who is in land use and is stating there in agricultural property. I don't know if that's something that can be added to.

Mr. Adams: My contention has always been just like Albemarle County, if they actually put boots on the ground and went and checked every one of those properties, a good bit of them would come off of the land use roll.

Mr. Lott: That is sort of what DCR is pushing us towards.

Mr. Adams: That is a different story for a different day.

Mr. Lott: I don't see that happening any time soon.

Mrs. Clark: Okay, well several of these points have said maybe the Ag Commission can help us reach this endeavor. But I am looking at these... I'm not sure... does anybody have any ideas on how we can actually...

Mr. Lott: I think that was sort of assuming what... even though it would be the fellow farmers who are doing stuff...

Mrs. Baker: Connections you might have for groups or at least get a feel for the approach about a survey or anything.

Mr. Lott: And it's useful information even if it's not to know, you just don't know.

Mrs. Clark: Theoretically, you could give me a list of all of the BMPs that you needed to know about, except it would be described a little better. And Stafford County Farm Bureau... I could take a list of all my producer members and I could do a telephone survey and I could find out a total number of acres. But then if you go to Soil and Water or if you go to Extension, there is going to be some overlap, unless you really take names and sign off on these individual places. But I do think that Soil and Water and Extension and Farm Bureau each have lists, but are those overlapping list? Yes, yes, yes.

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

Mr. Lott: I am sure they are.

Mrs. Clark: But are any one of the three of those totally inclusive lists? And the answer is no, no, no. So...

Mr. Adam: And the problem with Extension is the Stafford list is not in Stafford.

Mrs. Clark: No, I mean Howe would have to get the Stafford ones out from all the other as Soil and Water would have to too because they are all multi-county data bases. So I don't know what to do.

Mrs. Baker: And that might even be... an approach may be going to the GWRC folks and see if they can have any influence on the area as a region and see what recommendations they might have for outreach because of this... we are not the only county that is having these issues.

Mr. Lott: Spotsy is too.

Mrs. Baker: If all the Tri-County City folks are within the same planning district then perhaps we can approach it that way too. Knowing... and I don't know if they can put pressure on anybody or not, but knowing that this is something that has to be done, somebody has to assist.

Mrs. Clark: I mean, we could mail something to all the Stafford County Farm Bureau producer members, that is something that we could do. If there was something that you... if you could create a document that is something that we could do. Extension probably could too except Extension has zero money for mailing and you don't either.

Mr. Adams: But even with Farm Bureau you would have to go to Fauquier or to Spotsy and some of the others and say can you pull out the Stafford members because I am not a Stafford member.

Mrs. Clark: I know you are not, I know you are not...

Mr. Adams: So even at that not everybody...

Mrs. Clark: I understand that. You would not catch everybody. That is what I mean. None of those lists are completely inclusive.

Mr. O'Hara: Do you have to do a hundred percent census or can you just do a sampling and extrapolate?

Mr. Lott: I have a feeling that is what is going to happen.

Mr. O'Hara: That just seems more reasonable and more affordable.

Mr. Lott: It is just not a lot of time before the spring of 2012, so some kind of sampling is going to have... to at least get a sense of what is in the model is just completely wrong.

Mr. Adams: I just realized another problem with the BMPs, which is their contracts tie to a calendar date.

Mr. Lott: Yes.

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

Mr. Adams: So if somebody had a ten year plan and their ten years was up in 2011, they could still be maintaining that water... in other words their contract ended last year, they are still maintaining that water system or that loafing lot or those riparian fences or whatever. But now there is no contract to say oh yeah, because the... I don't know what...

Mr. Lott: They are still on the ground and operational, I think you would want to know that.

Mr. Adams: But what I am saying... you know my property.

Mr. Lott: Yes.

Mr. Adams: That pond was put in as a BMP.

Mr. Lott: Yes.

Mr. Adams: And the waterer down below the pond, but that was over ten years ago, so that contract is expired so it is as if it doesn't exist.

Mrs. Baker: I am not sure how...

Mr. Adams: Does that make sense?

Mr. Lott: Yes.

Mr. Adams: I am still maintaining the pond and I am still waterer, but it is not part of a...

Mrs. Clark: Of a contract.

Mr. Adams: ... of a current BMP contract.

Mr. Lott: My feeling is a lot of them are going to be like that. A lot of them were not through any kind of cost share matching programs or NRCS or anything they are just something farmers chose to do.

Mr. McClevey: That is what we did, because we did not want to involve ourselves at the time.

Mrs. Clark: Exactly.

Mr. McClevey: It was easier. We just kept our cattle out and made buffers.

Mr. Lott: Right, and we need to know that. And that is what I am afraid is being under estimated. Obviously when they were doing this model they went to whatever information sources they had, they don't have any idea about places like yours where you have done this without any other government agency knowing about it.

Mrs. Clark: Did other... a question that I have is in a county like Stafford that is a fifth Quantico, you take that out and then you divide it between the agricultural and the urban issues, are the agricultural problems as big as the urban problems in Stafford? And I think you could make the case that this... that

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

you are going to be spinning your wheels doing an enormous amount of work that is going to have maybe negligible impact. And negligible might be too little but...

Mr. McClevey: I can give it a case... and example of that on our farm Meadow Branch runs through, we have Stonebridge subdivision adjacent to us and our stream has gone from a two foot wide eighteen inch stream to a six foot deep twelve foot wide channel in some areas...

Mr. Lott: Trenched.

Mr. McClevey: So no matter what we would do to... we have water running through our fields, our pasture what used to be maybe once a year we would get a few inches through, but we have had feet of water through.

Mr. Lott: When was that subdivision built?

Mr. McClevey: I don't know, 70s, 80s.

Mr. Lott: Yes. Those are the ones that give us great heartburn is how we are going... as a County I have a much greater fear for us than the Ag is how to deal with the older subdivisions and how to retrofit the stormwater. That is a huge issue and how to cope with that.

Mr. McClevey: What was interesting... the part that I gleaned from this thing was that the bottom line to me was it was much more cost effective to create buffers and grass per cost effectiveness so PDR or putting in easements was a more cost effective thing than putting in a water control structure. We were looking at tens of thousands of dollars for such and such or we could... I forgot what the figure was, but it was much more cost effective to try to get buffers. Even if you bought them right out, put money toward buying up easements it would save you money in the long run because you are not maintaining these water control structures for perpetuity. That probably are ineffective now because of the loss... because of the impervious surfaces that you have that are now dumping into these streams and water channels.

Mr. Lott: Part of this is how to deal with these older subdivisions.

Mr. McClevey: But even the new subdivisions, I have gone around during these storm events and I look in there. I see where these things are filling or overflowing regularly. So a lot of the best management practices or water control structures in these water channels are not effective. In order to meet these things I think they would have to be drastically modified and so forth which would cost the County millions of dollars.

Mrs. Clark: Which is making pay one person to go around and write nutrient management plans to the farmers that are there, we could make it pretty cost effective, because you could get your percentage of compliance in maybe a little cheaper that way. So where do we go from here? This has been just sort of information but I am not sure what else we can do as a committee right now unless we have recommendations we want to...

Mr. Lott: Sit down with Steve I think...

Mrs. Baker: Yes, we will go back and sit with...

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

Mr. McClevey: Did I recall correctly the watershed report that we had on those tributaries and all, they were all exceeding the standards on TMDL or whatever.

Mr. Lott: I am not sure what... I don't think I was in here...

Mr. McClevey: I was going to say are we going to concentrate on the areas that are exceeding or are we going to concentrate on... are we going to look at areas that are high?

Mr. Lott: I think ultimately that is sort of what they hope to do. To sort of have sub-watershed plans within the county to work. Where we know at least it will help. I think that is the long term goal. I would have to talk to Steve to see... I know it would be... there were some people with the Army Corp of Engineers who were actually working with us on doing a sub-watershed plan for... I can't remember which one it was, maybe Austin Run or... no Whitsons Run, I think. They were working on... that whole watershed up there is probably in some ways the most impaired because a lot of that construction in around Austin Run was done pre-stormwater plans. Any rain in there goes straight into Whitsons Run and straight into Austin Run.

Mrs. Clark: Well, I guess what we will leave this as, if there are specific things that we can help you with...

Mr. McClevey: Right.

Mrs. Clark: ... please let us know.

Mr. Lott: I will tell Steve.

Mrs. Baker: I think he was just kind of putting the feelers out to say...

Mr. Adams: Was it last month or the month before last when we looked at the actual animal numbers when we talked about those and we said that they were nowhere near.

Mrs. Baker: And that is what kind of information they are... anything that you all have... better knowledge.

Mr. Lott: I will sit down again with Steve and come up with a strategy where you might be able to help. I really need to sit down with Tri-County as well and find what information they have. Diane made it out like they just don't... they do not have spread sheets. No simple data bases of what they do and where.

Mrs. Clark: Don't they?

Mr. Lott: You would think.

Mr. Adams: No.

Mr. Lott: Do you guys enter any information into anything? Or does it just get thrown into a file box.

Mrs. Clark: In triplicate.

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

Mr. Adams: I think it is thrown into a file box because there is a lot of times that I have to sign the same document three or four times because, well it was lost.

Mrs. Clark: It is disturbing. But you also have... as much as it would be beneficial to you just to have a list of names and be able to mandate that all these property owners report to you exactly what has been done. The reality is that can be seen as being very intrusive and putting the burden of this on the farmers. I don't know.

Mr. Lott: I fully understand that.

Mr. McClevey: You just have to look at each watershed, even with aerials and just kind of do a quick look over to see what... where there are problem areas and make an on the ground contact to see cattle or forestry operations. It seems like it could be streamlined and some way to make it easier. And I am sure NRCS information is incorrect. They have done plans for us and they have done... Ron has come out to the farm and said here is how to put a waterer in, we talked about waterers one time. But we never put the thing in because we changed our plans. We just moved it to a better location or something. So he does not know if we put it in. He assumes that we didn't do anything I guess.

Mr. Adams: And that is just it.

Mr. McClevey: We did not go back to him for money or anything.

Mr. Adams: Because sometimes they will give you the technical information.

Mr. McClevey: Correct.

Mr. Adams: And you do it and other time they give you the technical information and the money.

Mr. McClevey: And the money, correct.

Mr. Adams: And he is only going to follow up is there is and the money involved.

Mr. McClevey: I think so. I thought it was interesting on this report, I keep going back to it. But have all these water control structures and they show cost effectiveness of mitigations. But there is nothing in there about improving a watershed. It is all mitigating problems within the watershed of subdivision or farms whatever, but there is not look over the entire watershed to see how large is the watershed, what is the capacity of the watershed, where could a PDR program come into play in managing tracts or buying easements. There was nothing about that in it. It seems like that would be the first thing I would look at in a report from EPA, where are the problem areas at? And I would not just...

Mrs. Clark: By the watershed.

Mr. McClevey: I would not be sampling the stream and say, oh, you have got high loads. I would be saying you have got high loads here, but what is the problem? It is the subdivision or is it the farm?

Mr. Lott: Yes.

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

Mrs. Baker: But sometimes you don't know. If you have a tributary that and you don't know where the source is. The tributary may run, and we do have some in our locality that runs through urban and agricultural areas...

Mr. McClevey: And it varies seasonally.

Mr. Lott: Potomac Creek.

Mr. McClevey: And that is where I would have to go back and say okay, here is the problem tributary, where is the source. I would go back up the stream and I would have to go up and so some more sampling and all.

Mr. Lott: I certainly think some of that is and hopefully will be built into what we are trying to do.

Mr. McClevey: I am saying the County is going to have to dump some money into this program.

Mr. Lott: There is no question about that.

Mr. McClevey: Absolutely, and so I am saying that again we are looking at a very cost effective means of getting money for a PDR program by changing our perspective to looking at watersheds as well as farms.

Mr. Adams: Even if they get money to test, there is still... it seems to me... like Abel Lake where they either own an easement or own the property. They could go to each tributary where it comes into the lake and test it right there.

Mr. McClevey: Right.

Mr. Adams: But they can't come on my farm and test it without permission, right?

Mrs. Baker: Correct, without your permission.

Mr. Adams: So, in a lot of cases you can maybe test each tributary coming into Abel Lake and say alright this one we really don't need to look at, but we have got to find out what is going on here. But like you say if everybody says no, well you have a problem because you can only test it at certain points, where it maybe crosses a public road or...

Mr. Lott: That is usually where it happens.

Mr. McClevey: Yes, that is what they did. But still you can find... you could say... you could rule out certain things. You could say okay there are a large number of farms along the tributary and none of these have buffers. So, we could say well we suspect that could be part of it and that would be a good point for putting money toward mitigation for buffers. But it could be beaver dams and it could be the subdivision with the fertilizers and all. I just think more sampling needs to be done to narrow it down.

Mr. Adams: In the urban areas, the county is more or less got to bear all the burden, right?

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

Mr. Lott: Yes.

Mr. Adams: Can you go to the homeowners association and say hey guys, you have got to pony up seven million dollars to fix this?

Mr. Lott: That is not going to happen.

Mr. Adams: That is what I am saying.

Mr. McClevey: They need some alternatives in their plan too about...

Mr. Lott: We talked about developing a stormwater utility...

Mr. McClevey: Correct, tax.

Mr. Lott: People pay into that, the county would use to do a lot of the stormwater retro-fits in subdivision like near yours and stuff like that.

Mr. McClevey: Right.

Mr. Lott: How much political will is there to make that happen?

Mrs. Clark: Well, I was going to say and then the other side of that is, but then do you ask the farmer to foot the bill to pay for his BMP?

Mr. Lott: Right.

Mrs. Clark: And the inequity there?

Mr. Lott: And that is why DCR is looking at how to fund that, you know because obviously it is not going to fall on one... the Ag community to pay for all of that either.

Mrs. Baker: And in the rural areas it is not just the farmland either. You have got septic tanks out in the rural areas and, you know, how do you identify if that is where the problem is coming from?

Mr. Adams: Boy, did I just hear an interesting article on the... about septic tanks today down in Florida. That they bilked old people out of millions of dollars saying the EPA had all these regulations and this was the only toilet paper you could use in your septic system and this is the only detergent you could use and they say some of those old people were so concerned, that some of them had bought seventy years' worth of toilet paper.

Mrs. Baker: Well, Maryland had a flush tax or whatever for those properties on septic tank. If you are on a septic tank you are paying extra in taxes.

Mr. Lott: A lot to be done by the spring there is a lot more information, the way this is all hitting.

Mr. McClevey: I am willing to come down for a day and help you out.

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

Mr. Lott: Okay.

Mr. McClevey: Dig through papers or something if you want.

Mr. Lott: That may be helpful if that is the only way we can look for stuff at Tri-County, is to start digging through boxes. I don't know how we are going to do this. I have got to sit down with Steve and figure out where he wants to go with all of this. This is all information we are supposed to be getting together to go back to DCR as they start developing this Phase 2 plan.

Mrs. Clark: Well, I can't believe that this is the only county that has got this issue.

Mr. Lott: No. A lot of them do. Especially the ones that don't have better funded and more active soil and water conservation districts. Some seem to be far better than ours.

Mrs. Clark: Anything else to say on this topic? Are we just going to say poor babies and...

Mrs. Baker: We will keep you informed.

Mrs. Clark: And truly if there are ways that you think that we can generate lists or whatever.

Mr. Lott: And I only really saw this this afternoon.

Mrs. Clark: Right. Okay, the last topic of business pretty much is farmer's market committee. Jeff, do you want to for the record discuss a little about what went on at that meeting?

- Report from Farmers Market Committee

Mr. Adams: Well, we met...was it the 18th when we met or is this the day... I don't remember what day we actually met.

Mrs. Baker: November 8th or 9th.

Mr. Adams: It was a Wednesday. Anyway we met on a Wednesday. There were... Gail and I were there, Kathy was there and then Holly and Pete Fields from the Planning Commission were there. We had about an hour and a half meeting. It went pretty well. It looked like we were both on the same page as what we were trying to accomplish as far as the difference between rules and an ordinance to allow it to happen. So we had that established. We talked about, because I deal with how different areas do different farmer's markets...And Pete, to my surprise, said the fire station over here by the Lutheran Church... He said let's just put down some gravel and open up a farmer's market right there. The County owns the land and they are not using it right now. And it was not a permanent fix but until they decide what they may do, he was interested in moving forward. And I think we got an email from Kathy that, I don't remember the name, but somebody from Economic Development has agreed to...

Mrs. Baker: David Beiler.

Mr. Adams: ... be at the next meeting.

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

Mrs. Clark: So the idea is to meet again before the end of the year, and I don't know if we are actually going to be ordinance ready but I think that we will probably take a stab at it.

Mrs. Baker: And I think just one other thing that was talked about, and I am still waiting on some feedback from the County Attorney's Office, is whether or not the Agricultural/PDR Committee would have a part in the process. As of now we are... your means are going through either the Board of Zoning Appeals for a Special Exception or going through the Board of Supervisors and Planning Commission for a Conditional Use Permit. And both are time consuming and costly applications. But it allows the public input on projects that may be going adjacent to them. So by looking at creating a potential new process just coming through this Committee, you all have the knowledge of what is going on out there and what conditions might need to be set and such. So we are still exploring that option and hopefully before we meet again we will be able to have some input from the County Attorney's Office. So I don't know what your thoughts would be on actually including you as part of that process. Where maybe somebody actually submits an application for a farmer's market and comes to you and you all could think about setting certain standards or conditions on a property by property basis.

Mrs. Clark: It would be outside of the Ordinance?

Mrs. Baker: It could be written into the Ordinance that you all would be part of the process and...

Mr. O'Hara: In addition to those other two bodies?

Mrs. Baker: No, no, no. This would be instead of.

Mr. O'Hara: Instead of. So not making it more complicated, we would actually be looking to streamline it.

Mrs. Baker: Yes. And bringing it into the knowledge base.

Mrs. Clark: And right now what is the timeline that is required... isn't there a date that the Planning Commission has to forward to the Board of Supervisors?

Mrs. Baker: Yes, we have advertisement requirements and everything else. You have to have a public hearing with the Planning Commission and the Board for a Conditional Use Permit. It is typically a six month process.

Mrs. Clark: I meant for the farmer's market ordinance right now.

Mrs. Baker: Oh, I am sorry.

Mrs. Clark: Are we on a timeline or not?

Mrs. Baker: We really are not. Well, the Planning Commission has a hundred and twenty days to send a recommendation back to the Board.

Mrs. Clark: Just a recommendation? It does not have to be any more?

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

Mrs. Baker: It can be if they decide to create an ordinance. But it could be going back to them and saying we don't think an ordinance is necessary or here are what our thoughts are and here is... they might submit a draft ordinance as to what they are trying to... but they may need more feedback.

Mrs. Clark: If the sub-committee creates or starts trying to work on ordinance wording, could that draft come back to this committee?

Mrs. Baker: Yes.

Mrs. Clark: Okay.

Mrs. Baker: Well...

Mrs. Clark: Or does it go to Planning?

Mrs. Baker: I am just looking at timing. Because if we don't meet until the end of January... and I forget the date they have to respond.

Mrs. Clark: That is what I was...

Mrs. Baker: So they probably have to act before you all meet. I think the 18th or 19th is the Planning Commission meeting.

Mr. O'Hara: But all they have to do is say they think there is merit in an ordinance.

Mrs. Baker: And give us more time.

Mr. O'Hara: You are going to the Board anyways, right?

Mrs. Baker: Right.

Mr. O'Hara: So there is no big rush.

Mrs. Baker: No, the request could be; give us six more months to work this out.

Mr. McClevey: What role would Economic Development play in talking about this?

Mrs. Baker: In discussion, the Economic Development Authority, of course is a separate piece of this. And I think having David Beiler on that can give that some more thought on that. As far as the Economic Development Department, they have indicated that they are not... they don't have the expertise or the... it is not in part of their structure plan right now to work on that piece.

Mr. Adams: Marty, if I recall, the way that came about is the night that I spoke on behalf of the Committee that I think it was kind of... wasn't it Pete Fields that brought it up? Was anybody from Economic Development on this Committee or whatever?

Mrs. Baker: But he specified Economic Development Authority.

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

Mr. Adams: Oh, okay.

Mrs. Baker: Which is a different body than our Economic Development Department.

Mr. McClevey: Well the...

Mr. Adams: So that is where it came about. You know he just said shouldn't somebody...

Mr. McClevey: Because traditionally when I look on the internet and look at all of these farmers' market ordinances, they are all put out by Economic Development Authority of the City of Seattle or some town or something like that. They all seem to link to that. I did not know what roll they would play.

Mrs. Clark: Pete Fields was mentioning this, because... well, at the sub-committee meeting he was saying that the EDA had put all kinds of money into bringing in wonderful people that are associated with military and a lot of government sort of add on kind of businesses. But he just thought that anything agricultural had been completely ignored and he thought that it would sort of balance some of the kinds of economic opportunities that the EDA was working on.

Mr. McClevey: There is some wisdom in that.

Mrs. Clark: But we also know that in some counties there are some... that counties do run farmers markets and like Jeff has said sometimes it is through Parks and Rec...

Mr. McClevey: Like Prince William.

Mrs. Clark: Right, or it could be through some kind of economic development or whatever. So I think that was one of the reasons that it made sense to...

Mr. Adams: Well, see...

Mrs. Clark: They also have ties to grants and they have marketing and sort of an overall vision for economics within the county and if we see this as a two pronged step. One for agriculture producers and one for consumers, I think it would be a good fit.

Mr. Adams: Here is what is happening in Dale City and Manassas. We as vendors asked for a winter farmers market. And at the end of the day, what it boils down to is Jeff, you are the rabble-rouser. If you want to run the market this winter and not get paid, you can have a market. But there is not going to be any... they have paid people there from April to Thanksgiving. But now, Jeff, it is your baby, whatever you want to do. And somehow they just... well, whatever I want to do. But it is... and how they did it, I don't know. They just said...

Mr. Lott: Go do your thing.

Mr. Adams: Yes.

Mr. McClevey: And there is a distinction between a county run farmers market and farmers market by anybody. So we have to determine if we want to get...

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

Mrs. Clark: If we want to allow...

Mr. McClevey: If we want to do a county run specifically.

Mr. Adams: I want, and I am speaking for myself, I want the ordinance to be set up so whoever decides to run with a farmers market. Be it the County Planning Commission, the Parks and Recs, the Board of Supervisors or I decide to do it as an individual. I can do it as an individual and if the County wants to compete, that's fine. But not... I am interested in setting it up so that only the County can run it and then find out there is no interest in the County running it. And at the end of the day we have got an ordinance and there is still no farmers market. But I am speaking for myself.

Mrs. Clark: So that is where we stand right now, with one more meeting before the end of the year. And maybe an ordinance will come out of that or even a draft for an ordinance will come out of the meeting. I am not sure, because I think it will be interesting to see what the EDA benefit can be. See what their interest is.

Mr. McClevey: Especially if they can get a grant to hire a manager or an overseer of this market that would be great.

Mrs. Clark: It might end up a little different.

Mr. McClevey: Absolutely.

Mrs. Baker: But the USDA grants do have some of the folks that have applied for them. That was the purpose to get or pay for, at least, a part time manager. That was kind of for areas that have determined that, yes, we are going to do a farmers market here. We just need someone to do it.

Mr. McClevey: Right.

Mrs. Baker: Someone to run it because there are responsibilities.

Mrs. Clark: Well, there is a lot to be said for a farmer's market right at a courthouse base. There has been a big push throughout the decades to try to get this to be a destination, a town feel. And Stafford Courthouse, which is not even an entity, but has failed miserably and I think the idea of having a farmer's market at this location might have some merit that the EDA might be interested in. I don't know, we will see. Does anybody have anything else about farmer's markets right now?

Mr. Adams: A good one can draw a crowd.

Mrs. Clark: That is true.

Mr. Adams: I have seen seven to ten thousand people a day come through a farmers market.

Mrs. Clark: Please don't say those kinds of numbers right now. They will run.

Mr. Adams: But those are old established markets.

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

Mrs. Clark: Right. And it does mean sales tax for the County.

Mrs. Baker: And the County is not going to have one that turns into a success overnight. We have to look at both the short and long term on that.

Mr. Adams: I just looked at... ran some numbers here from where I know some numbers. I mean they are estimates but... the Dale City market in sales tax brings in about thirteen thousand dollars a year to the county for sales tax. And you are talking about something that is five hours, twenty-six weeks a year.

Mrs. Clark: And that is not even particularly long... I mean twenty-six weeks...

Mr. Adams: Twenty-six weeks a year for five hours...

Mrs. Clark: That is enough to pay somebody part-time. And it shows a benefit to their residents.

Mr. Adams: That is just sales tax fees. That is not the fee the vendor pays to be in the market. This is just the sales tax coming back.

5. Next Meeting

- December 26, 2011 Regular Meeting (Cancel?)

Mrs. Clark: Okay, anything else? Alright, traditionally we do not have a meeting in December and especially since our meeting date would be December 26th, which is a legal holiday for the Courthouse folks. Is that right?

Mr. Lott: It is.

Mrs. Clark: So I am assuming... do we have to make a motion to cancel that meeting?

Mrs. Baker: Yes, I would.

Mr. O'Hara: So moved.

Mrs. Clark: Okay. Do we have a second?

Mr. McClevey: Second.

Mrs. Clark: Okay. All those in favor signify by saying aye.

Mr. O'Hara: Aye.

Mr. McClevey: Aye.

Mr. Adams: Aye.

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

Mrs. Clark: Aye. Alright I guess... you know I don't have another calendar with me, I have a 2011 calendar with me. Does anybody know what the January date would be? I am very unprepared.

Mrs. Baker: It won't take me too long to look that up.

Mr. O'Hara: What is it the last...

Mrs. Clark: It would be... is it the last or the fourth?

Mr. Lott: The fourth.

Mrs. Clark: It is usually the fourth Monday. I don't know in January.

Mr. O'Hara: It would be the 23rd.

Mrs. Clark: January 23rd.

Mr. Adams: When is the King Holiday? It is not that week is it?

Mr. Lott: It is the Monday before that.

Mrs. Clark: Okay.

Mr. Adams: Okay. So it would not affect this meeting. Okay.

Mrs. Clark: And I guess at that meeting though we will revisit the valuation of the... and we probably will be looking at all three of these items to tell you the truth.

Mrs. Baker: We can bring them back.

Mrs. Clark: Farmers market committee. Alright, any other business?

Mr. Adams: You are going to let us know by email... kind of like last time you are going to come up with two or three dates to see who can come?

Mrs. Baker: Yes. I will use the dates that Gail gave and send out a...

Mr. Adams: Are you still looking at 10 o'clock?

6. Adjournment

Mr. O'Hara: Move to adjourn.

Mrs. Clark: Do I hear a second?

Mr. Adams: I will second it.

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

Mrs. Clark: Alright. All those in favor...

Mr. O'Hara: Aye.

Mr. McClevey: Aye.

Mr. Adams: Aye.

Mrs. Clark: Aye. Okay thank y'all.

With no further business to discuss the meeting was adjourned at 8:13 p. m.