

STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 26, 2012

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, March 26, 2012, was called to order at 7:18 p.m. by Vice-Chairman Jeff Adams in the County Administration Conference Room of the County Administration Building.

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

Members Absent: Coen and DeBernard

Staff Present: Baker, Lott, and Magwood

1. Call to Order

Mr. Adams called the meeting to order at 7:18. He asked Ms. Magwood to call the roll to see if there was a quorum. Five members and a quorum were present. (Mr. Coen and Mr. DeBernard were absent)

2. Approval of Minutes – February 28, 2012

Mr. Adams asked Mrs. Baker about getting the minutes sent out for the committee. Mrs. Baker replied they will be sent out with next month's agenda.

3. Staff Update

- Farmers Market Ordinance

Mr. Adams moved forward to the staff update on Farmers Market. Mrs. Baker stated that it went to the Planning Commission for a public hearing last Wednesday, the 21st, and there were two speakers, one being Mr. Adams, who spoke on behalf of the committee, and she stated that she forgot who the other speaker was. She went forward to ask Mr. Adams if he remembered who the speaker was, and he could not. Mrs. Clark asked if it was pro or con, and asked were they in favor of the Ordinance. Mr. Adams stated that he did not think it was anybody other than himself that spoke. Mrs. Baker proceeded with details of the brief discussion of the Planning Commission. She mentioned that the Planning Commission had some questions and the biggest issue that was brought up by Mr. Gibbons was putting too onerous of a process on an applicant coming forward. The request for the new information, the entrance requirements, and the parking lot requirements, came from the Planning Commission wanting a tighter restriction on someone setting up a Farmers Market. She stated that having an entrance that would be approved by VDOT, if there was not an existing entrance, was written into the Ordinance. She proceeded to say if someone in an A-1 property wanted to have it in the middle of a field, they could do that but they have to have a bona fide entrance into the property and then, at a minimum, a gravel parking area. She stated that the safety issue would be having someone able to pull off a road quickly, especially if it is a high category road. She stated that Mr. Gibbons asked the committee to

talk with VDOT and see what the process would be. She stated that VDOT has varying degrees of entrance requirements and some of them are strictly standard private driveway access into a property. She also stated that she had gone back and forth with VDOT for two days and had not touched base yet, so she will follow up again tomorrow and see if it is just a fairly minimum standard. Then they will keep it in the process and then if the Planning Commission still thinks it is too onerous, then they may look at revamping that Ordinance requirement. Mrs. Baker suggested saying at a minimum the gravel entrance needed to be so many feet wide or something similar for the Ordinance, instead of saying subject to VDOT standards. She suggested playing it by ear when it is presented at the Planning Commission on April 3, 2012, and wait to see what input they have and proceed from there. Mr. Adams stated that it is no given, but they tabled it at Mr. Gibbons' request, he thinks it would be passed, it is just a matter of getting to that stage. Mr. Adams also stated that Mrs. Hazard made reference that they must have a commercial entrance, but the Farmers Market is most likely going to go someplace where commercial entrance already exists. He stated that most people are going to try to place the market in the parking lot where there is already a commercial entrance. He stated that a Planning Commissioner asked the question, "What does this do with farm stands?" He stated that Mrs. Baker explained that it didn't affect that at all. Mrs. Clark gave thanks to Mr. Adams for attending the meeting. Mrs. Baker stated that a couple of the Planning Commission members just commented that it was a good idea but they just wanted to get the answers to the question Mr. Gibbons had, and that there should be no other road blocks as far as she knows.

4. Unfinished Business

- Development Rights Valuation

Mr. Adams proceeded to move forward to the development rights valuation under unfinished business. He stated that at the previous meeting, the valuation figures were discussed at \$30,000 per development right. After a brief discussion, Mrs. Baker and Mrs. Clark decided that it was best to wait until more members were present to take a vote, and Mr. Adams and Mr. O'Hara agreed to proceed next month. Mrs. Clark stated that after a month it would become hard to have everyone together because the summer activities may interfere. Ultimately, the decision was to defer to next month.

- Chesapeake Bay/Total Maximum Daily Loads

Mr. Adams proceeded to the total maximum daily loads. Mrs. Baker refers to Mr. Lott for the update and discussion from the Commissioner of Revenue. Mr. Lott stated Steve Hubble, Amber Forestier, and himself had a discussion with Matt Carroll with Tri-County Soil and Water to rebuild the relationship that the County has had with Tri-County in the past. He stated that previously the Chesapeake Bay Board found Stafford County in noncompliance with the Ordinance for a couple of reasons. One was just a few notes that were supposed to be on plans, similar notes are present but not the required notes per ordinance, and the situation can be resolved with an ordinance amendment. The other issue was that the County was found in noncompliance for the Agricultural requirements of Chesapeake Bay. He stated that almost everyone is being found in noncompliance because it hasn't really been enforced. So, they discussed how to move forward with the process. Mrs. Clark corrected Mr. Lott by saying meaning how to deal with data collection? Mr. Lott stated that a year is given to essentially show that progress is being made towards rectifying the issue. Meetings have been held with Commissioner of the Revenue, Scott Mayausky and there was discussion about getting a list of properties that are identified as being in agriculture. In addition, staff will be essentially working to

rectify the participation as far as having the agriculture properties to have Conservation Plans. He stated that the idea was to determine who is listed as agriculture and to prioritize, and that a spreadsheet was sent to him with all of the parcels in land use listed. He stated that the list was not broken down into categories, but 1,300 parcels are listed in land use of which 628 were labeled as agriculture. He stated that the agriculture properties would have to be prioritized for the meeting because in order to be in compliance it just needs to be shown that progress is being made. He stated that there is a grant that Tri-County and Stafford County are looking to go after through GWRC, George Washington Regional Commission, to maybe get money to hire someone to write the plans because Tri-County does not have the staff to do so. Mrs. Clark asked the question of whether Tri-county was writing any plans. Mr. Lott replied that they are writing some, but they do not have the staff to complete a large task for plans. Mr. Lott stated that Steve Hubble probably would be the one that writes the proposal to GWRC in hopes that it will be funded. He stated that the issue is regional, not just Stafford County, and King George and Spotsylvania have similar issues, but Caroline is in better shape because they have a better relationship with their Soil and Water district. Mrs. Clark asked the question of who sent the ad around that Prince William would be hiring a part-time individual for creating the plans. Mrs. Clark suggested teaming up with someone who would be hiring a part-time for help. Mr. Hunt stated that Stafford gives the Tri-County about \$30,000 a year, and the money should be leveraged. Mr. Lott stated that in the past there was an understanding agreement and they would send out an annual report of what has been completed over the year, but they have not received a report since 2001. Mr. Lott stated that the relationship with the district is being rebuilt and they are moving forward to make progress over the next year. Mr. Lott stated that he hopes to get more information from Scott Mayauski over the next month and build the plan into the GIS system for easier access and visualization. Mr. Hunt stated that the Conservation Plan could be defined to be less complex. Mr. Adams stated that the challenge with the plans is that the farmer has to actively see someone out in order to have a plan written, no one is actively seeking to write a plan, and secondly whoever has the money, has the plan. He stated that by going through cost share through NRCS or the State, then NRCS or the State would actually write the plan. Mr. Adams suggested identifying the parcels and sending out a letter to have a detailed meeting with the farmers about cost and benefits. He stated that the other problem with the plan was the plan cannot be written without the cooperation of the farmers. Mr. Lott and Mr. Adams agreed that there cannot be trespassing on the property. Mr. Adams suggested having an informal meeting to explain Stafford County being in noncompliance with the Ordinance and what is involved. Mr. Hunt stated that the NRCS and the State have standards for their plans, but the Agriculture committee does not have to follow their standards, and therefore suggest adopting their own standard for a reduced Conservation Plan that would work for the TMDLs. Mr. Hunt suggested showing a plan that is in process for the landowner to manage phosphorus, nitrogen, and potassium. Mrs. Clark suggested prioritizing the properties by size and get the oversized properties under compliance by acreage. Mr. Lott stated that there are no specifics but suggests prioritizing by target size. Mr. Hunt stated that the problem is that Chesapeake Bay laws don't have specific criteria for prioritizing properties. Mrs. Clark stated that prioritizing by sensitivity would be considered the eastern portion of the County. Mr. Hunt stated that no information is documented and there are no plans. Mr. Lott stated there should be some emphasis towards properties that had RPA perennial streams and focus on those. Mr. Hunt suggested showing progress towards the goal to get Stafford in compliance by picking out 10 sensitive properties and commit to write Conservation Plans for those sensitive properties, as an example, because the law does not state any specific criteria, but a plan towards conservation has to be shown. Mr. Hunt stated that his philosophy is to get the County started and moving in the right direction in order to grow and expand the programs. Mr. O'Hara suggested finding 10 farmers that would like to participate. Mr. Adams stated that there are cases with

a lot of farmers in Stafford County that have the funds available, but tells the Government to stay away. Mr. Adams and Mr. Hunt agreed that something on a County level is more doable, but to also bring the plan in and explain what is going to happen. Mr. Hunt stated that the landowners can get Stafford County into compliance by agreeing to work with the County and move forward to make progress. Mr. Hunt suggested getting a part-time individual to write the County Conservation Plans. Mrs. Baker suggested creating a template, and Mr. Hunt and Mrs. Clark concurred. Mrs. Clark suggested that the successor get a concise show to take on the road, for example Stafford County Farm Bureau has an annual meeting in October with 15 minutes on the agenda for someone to go forward and explain why they are not in compliance and present the plan and ask for participation by signing up with the templates. Mr. Hunt stated that he believes the committee could possibly draft the template, with the help of the landowners. Mrs. Clark questioned whether there are certain things that they want to see that the committee could put into a checklist. Mr. Hunt stated that the ones that they have had in last five years have been very inappropriate, and has caused conflict on the Board. Mr. Hunt stated that the State paid to have the plans written and they come back with wrong numbers on the plats and the fields changed. Mr. Hunt stated that they would spend \$20-\$30,000 to write a plan and 20,000 of the plans would be GIS surveys, land maps, and plats that were not correct. Mr. Lott and Mr. Hunt agreed that none of the BMP information was on the plans and the farmers were very unsatisfied. Mr. Adams suggested setting up an appointment with Mr. Lott and Mrs. Baker to bring in his plans and proceed with the process. Mrs. Clark suggested Mr. Adams and Mr. Hunt join together and come up with a plan. Mr. Hunt replied that he is confident that he and Mr. Adams could come up with a draft. Mrs. Baker questioned whether or not Chesapeake Bay has any recommendations. Mr. Lott stated that he would have to look further into that, because no official letter or report of the County being in noncompliance has been received. Mr. Adams stated that farmers go to shows such as the 4-H Show and Sell, the Farm Bureau Annual Meeting in Spotsylvania County, and recommends the committee manages an agricultural show at the County Fair. Mrs. Clark suggested getting a sheet that is easy enough for the farmer to fill out and place it with the land use forms. Mrs. Baker stated that she talked to Mr. Mayauski about that and he agreed to it. Mrs. Baker stated that Mr. Mayauski suggested putting the information on letterhead from the Agriculture Committee and explain what the purpose is and add the information into the land use forms, and the Commissioner of the Revenue may track the information for the land use forms and notices. Mrs. Clark questioned Mr. Lott about picking a successor, and whether or not the position will stay open. Mrs. Baker replied that they had not received an answer yet, but they are working towards getting the position filled. Mr. Adams questioned whether or not he will be able to keep the plans in his possession while running errands. Mrs. Clark suggested getting 50 plans done within the calendar year would make a significant difference, and Mr. Adams and Mr. Lott concurred. Mrs. Clark stated that there are places that have plans already, but they just have to figure out which individuals have them. Mr. Lott stated that within the next month he plans to create the list by the next meeting, which is April 23, 2012. Mrs. Baker suggested laying out a plan to get the word out, and have the PIO do a press release, put it on the web page to educate everyone, and also decide on templates. Mrs. Clark stated that they still should be able to help because it is a government issue. Mrs. Baker stated that Tri-County sends out newsletters. Mrs. Clark stated that they send them electronically. Mrs. Baker suggested doing that to determine all the avenues that they have in order to get the word out, and then send out forms. Mr. Adams suggested having a lunch or dinner meeting with the farmers. Mrs. Clark stated that the January and February window has already passed. Mrs. Baker stated that they have a game plan and will see what information is presented next month. Mrs. Clark questioned if having the parcel information by district would be helpful. Mr. Lott replied that he could break it up by parcels, and the numbers of acres are listed as being in land use, so it could be sorted by different categories. Mr. Adams

questioned the total number of acres in land use. Mr. Lott replied that he could add it up, but more than half of it would be forestry. Mr. Adams stated that some of it would be simple for him and Mrs. Clark to sit down and list names, but Widewater is a little more difficult to determine who is doing what. Mr. McClevey stated that there is no large scale of agriculture in Widewater, it is mostly forestry and cattle grazing. Mrs. Clark stated that cattle grazing counts. Mr. Hunt stated that they will be shocked to find that some of the 600 parcels are not from farmers, but they are in the tax map as agricultural property. Mr. Hunt stated that the properties are tagged as agriculture properties, and the Chesapeake Bay measures against agriculture properties not against farms. Mr. O'Hara agrees. Mr. Adams stated there is no agriculture use information, but the forms are being signed and sent in each year. Mr. Hunt concurred, and stated that as long as the forms are signed and sent in, it is in the Chesapeake Bay measurements. Mr. Hunt stated that there are three things that are happening, honest farmers that are working to make a living with active farms, then there are those that are raising horses but not selling anything, and then there is a group that is taking a tax advantage and are not doing any of the following, but the County is being measured out in the Chesapeake Bay criteria against all of those agriculture properties. Mr. Adams suggested checking with Fauquier County about who signs the affidavit to the County that qualifies the actual owner. Mr. Adams stated that ownership is one thing and farming is another. Mr. McClevey presented a couple of land use forms from Warren County that are filled in by the property owner, and if the land is leased or rented and lists the tenants address. Mr. Adams stated that in Falcure County there has to be an affidavit from the person that is listed as the tenant. Mr. Hunt suggested getting a map and see where the properties are before moving forward. Mr. O'Hara agrees. Mr. Lott suggested creating a spreadsheet and using GIS. Mrs. Clark stated that Mr. Lott would lose his expertise with GIS. Mr. Lott stated that he would let the GIS group do the editing because he does not have access to do that. Mr. Adams questioned Mr. Lott if he received that data could he identify the parcels with two colors, one for owner operated and one for the absentee owner or tenant. Mr. Lott replied that yes if he received the information it would not be hard to do, he would just have to ask for the information and see if they have it readily available. Mrs. Clark stated that they may have but they might not have it denoted in the spreadsheet. Mr. Hunt suggested getting the map and viewing the properties first to see what is there and what writing plan they are interested in. Mrs. Clark suggested seeing a sample of a less complex checklist that fulfills the obligations to Chesapeake Bay. Mr. Hunt concurred. Mr. Lott stated that hopefully he can get an example or suggested that Mr. Adams bring in his. Mr. Adams stated that he has no problem bringing in his plan, and he could give two plans from two different soil and water districts for comparison of land in Fauquier and Stafford. Mr. Hunt concurred. Mrs. Baker suggested having representatives from NRCS to assist and it could be a two- fold opportunity as part of an educational program for everyone. She also suggested putting the word out to the group to see what kind of help would be offered.

5. New Business

Mr. Adams proceeded to new business. Mrs. Clark stated that Monday, May 7, 2012 starts the FFA Plant Sales at North Stafford High School from 8:00 a.m. to 3:00 p.m. or until all of their plants are gone. Mrs. Clark stated that there still is an FFA and gave recognition to the staff and children that work in the Greenhouse at North Stafford. She also stated that there is a Generalized Livestock Show with the Fredericksburg Livestock Exchange, Wednesday, May 9, 2012 hosted by 4-H and FFA. Mr. Adams stated that the Central Rappahannock Regional Library will be having a Food Agriculture Focus, and at the England Run Library there will be videos shown. Mr. Adams stated that April 5, 2012 there will be a panel discussion on the book Animal Vegetable Miracle written by Barbara Kingsolver, and how she tried to eat everything within 100 miles. Mr. Adams also stated that on the

28th at the Porter Library, North Stafford High School and Walnut Hill Farm would be there selling plants and having other activities. Mrs. Clark stated that at Porter and England Run they are trying to put in Community Gardens, with the help of the FFA children and Master Gardeners. Mrs. Baker stated that the England Run Library Manager sent a request asking about the Farmers Market, and that they had an interest. Mrs. Clark stated that they are focusing on local foods for an entire year. Mrs. Baker questioned was there links or webpages where the announcements are available. Mrs. Clark responded not to her knowledge. Mr. Adams stated that he would pull up the brochure and see what he could find a link, but flyers were handed out at the Farmers Markets meetings. Mr. Adams stated that at the Spotsylvania Farmers Market meeting, Martha at the Porter Library gave a presentation. Mrs. Baker stated that she would contact the library and have them send the information. Mr. Adams stated that walnuthillfarmva.com is now online. Mr. Adams stated that the 4-H has their Show and Sell in May. Mrs. Clark indicated it is Wednesday, May 9, 2012. Mrs. Baker stated that at the next meeting there will be discussion about the Chesapeake Bay information and revamp the brochure for PDR. Mrs. Clark stated that the Development Rights Evaluation needs to be placed back on. Mrs. Baker suggested leaving it has unfinished for now. Mr. Adams asked Mrs. Baker could the Farmers Market Ordinance be passed by September or October. Mrs. Baker replied possibly June because the Board goes on cycles where they adopt Ordinances quarterly and June is the next Ordinance timeframe, and the Planning Commission has to take action by mid-May, so it should go to the Board of Supervisors either the first or second meeting in June and if there aren't any issues they could potentially pass it. Mr. Adams stated that if it is approved by the first of August, then they can actually start working on the Rules and Regulations. Mrs. Baker stated that if it got through the Planning Commission, a lot of the issues would be brought out and there should not be any additional information that the Board could bring up. Mr. Adams stated that if he wanted to proceed with something as a private citizen he should be able to start driving parking lots and talking to store owners. Mrs. Baker stated that it should not be a problem because most of the background work has been done for the Rules and Regulations and it should not take much to set up a standard one page application form.

6. Next Meeting

- April 23, 2012 Regular Meeting

7. Adjournment

Mr. Adams adjourned the meeting at 8:06 p.m.