STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
June 24, 2013

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, June 24, 2013, was called to order 7:04 p.m. by Chairman Jeff Adams in the County Administration Conference Room of the George L. Gordon, Jr. Government Center.

Members Present: Adams, Clark, Hunt, McClevey

Members Absent: O'Hara, DeBenard

Staff Present: Baker, Harbin, Knighting, Dyson

Guests Present: Yousra Neberai, Virginia Adams

1. Call to Order

Mr. Adams called the meeting to order and suggested that there would have to be an election for that night since he would have to abstain from parts of the meeting and the Vice-Chairman was not present. He asked for volunteers and Mrs. Clark made a motion for Mr. Hunt to act as Vice-Chairman for the meeting, which was seconded by Mr. McClevey. The motion passed 4-0.

2. Approval of Minutes – October 22, 2012, January 28, 2013 and March 25,2013

Mr. Hunt made a motion to approve. The motion was seconded by Mrs. Clark and passed 4-0.

3. Staff Update

Mrs. Baker stated that the rollback money so far in the current fiscal year was around $281,000 and that the actuals on the rollback amount should be available by the end of August. She pointed out that due to the number of applications the Committee may want to talk about how to proceed with the money that would be available in August.

Mrs. Clark asked if the money could be doubled at this point.

Mrs. Baker replied that state indicated that they would have about $130,000 for their next fiscal year. She pointed out that they could potentially get another $130,000 to add to the $281,000, but would have to apply for it.

Mrs. Clark asked if they had to close on the properties before December 31, 2013.

Mrs. Baker explained that they would only have to do that with the existing $462,000. The new rollback money could be used and there was no deadline on the $281,000. If they were to add the state's funding they would have two years to spend the state's funding plus the $281,000. She stated that the Committee would not have to make a decision on how to spend the money in this meeting but there should be a decision in the next meeting whether to add that money to this round or select a second property which would not have to be closed on by the end of the year.

Mr. Adams stated that the $462,000 equaled 18 lots with a little bit left over and that the $281,000 equaled 11 lots with also a little left over. The left over combined was $18,000.

Mrs. Baker reminded that they could also look at the FRPP funds. The process would be selecting a property first and then applying for funds. She also pointed out that they would probably have more funds available then the state. She stated that she would send out an email to everybody to recap.

4. New Business

- North Stafford Farmers Market – Additional Vendors

Mr. Adams pointed out that the applicant was not present.

Mrs. Clark asked if this had anything to do with the signage. She mentioned that she went out on June 16th and there had been no signs on Route 1. She stated she had spoken to the market manager who said that the signs had been put up so she was wondering if the signs had been taken down.

Mr. Harbin stated he was not aware of any signs being taken down. He stated that the applicant had submitted a draft permit for signage.

Mrs. Clark asked Mrs. Adams if she had seen any signs.

Mrs. Adams stated that she hadn't seen any the past Sunday but that there had been signs up previously. She pointed out that the sign on Route 1 southbound was on the northbound lane which was the same side the hospital was on.

Mr. Harbin stated that if the sign was on private property she would not need to apply for a permit. He asked if the Committee wanted to address temporary event signs at some point since the current sign permit did not have any specifics on temporary event signs. He also stated that zoning was currently reviewing the farmer's market application and that zoning could potentially review for signs as well.

Mrs. Adams stated that the signs usually get put up around 6:20 or 6:30 a.m. the day of the market.

Mrs. Clark asked if the signs were attached to two t-posts since she had seen two sets of t-posts on her way out with nothing on them. She stated that she just wanted to make sure they were not being taken down.

Mr. Adams stated since the applicant was not here they would move on to the next business.

Mrs. Clark asked what the additional vendor's piece was about.

Mr. Harbin explained that Ms. Griffin wanted to add additional vendors and that she was approved for more through zoning.

Mrs. Adams stated there were currently 19 vendors.

Mr. Adams asked if they had started out with 12 vendors and boosted it up to 20.

Mrs. Clark asked if Ms. Griffin wanted permission to have more vendors.

Mr. Harbin explained that Ms. Griffin had gotten permission to have more vendors but they weren't produce and meat vendors.

Mrs. Clark stressed the issue that the Board of Supervisors did not want the market to look like a flea market.

It was decided that this items would not be discussed in this meeting since Ms. Griffin was not present.

- Purchase of Development Rights Applications

Since Mr. Adams was one of the applicants he recused himself and Mr. Hunt took over.

Mr. Hunt asked staff to give everybody a quick rundown on the applications.

Mrs. Baker stated that staff would give a PowerPoint presentation and that the papers handed out were the actual scoring sheets for each application. She explained that staff would introduce everything to the Committee before making the final ranking to make sure there were no questions on the Committee's part so the rankings could be sent out to the applicants. She also explained that according to the Ordinance the applicants would have 10 days to respond after receiving the ranking. The applicants' opinions would then also be taken into consideration to come up with the final ranking.

Mr. Hunt asked if the other applicants had been informed that the applications would be discussed in this meeting.

Mrs. Baker affirmed.

Mr. Harbin showed a map of the election districts to give a rough idea where the properties were located.

Mr. Harbin and Mrs. Baker proceeded to give the presentation on all nine applications (Adams, Harris, Holsinger, Jones, Major, Shelton, Tang, Thacker and Wilson). The individual presentations included general information on the properties, an aerial photo, a soil map, a hydrology map, historic resources map and images from the site visits.

The Adams property, located at 449 Kellogg Mill Road, was described as 38.48 acres of land, zoned A-1 and used for grazing and livestock. The property was scored at 129 points and could potentially provide 11 development units. Its significant features were the historic Blackburn Farm and two cemeteries. According to the ranking the cost for the purchase of development rights was estimated at $275,000.

The Harris property, 48 Spotted Tavern Road, was described as 100.48 acres of land, zoned A-1 and used for crops and timber. The property was scored at 114 points and could potentially provide 25.04 development units. Its significant feature was the Spotted Tavern. According to the ranking the cost for the purchase of development rights was estimated at $625,000.

Mrs. Clark asked if Harris would be willing to take a lesser amount if the Committee could not completely fund the application.

Mr. Baker explained that she did talk to them about that and they were willing to negotiate.

Mr. Harbin continued with the presentation.

The Holsinger property, located at the end of Camp Seldon Road, was described as 89 acres of land, zoned A-1 and used for timber. The property was scored at 142 points and could potentially provide 20.85 development units. Its significant feature was that the land is associated with Jerry Silver's Century Farm. According to the ranking the cost for the purchase of development rights was estimated at $520,000.

Mrs. Clark asked if there were two separate parcels in one batch application could they be sold separately.

Mrs. Baker confirmed.

Mrs. Clark asked if the Commissioner of Revenue would want the potential to put a dwelling on each one of the lots and if that hadn't been a sticking point in the last discussion.

Mrs. Baker stated that the sticking point was not so much the Commissioner of Revenue but more so overseeing the property and having someone who lives on the property.

Mrs. Clark's concern was that if there were two deeded pieces, even if they were in conservation easement, they could be sold. Mrs. Clark seemed to remember that in the last discussion there had been an issue with having a deeded piece of land without the possibility of ever putting a house on it.

Mrs. Baker stated that there were open space easements out there without homes.

Mrs. Clark wanted to clear up if you could put a house on each separate piece if in the future the two pieces were sold separately and they were in easement.

Mrs. Baker suggested putting a restriction on it to make sure it's not sold separately and that only one dwelling would be allowed. She would talk with the Commissioner of Review to see if they have concerns.

Mrs. Baker then asked for the Committee's input on the Century Farm.

Mr. Hunt stated that they would come back to that.

Mrs. Baker continued the presentation.

The Jones property, located at, 217 Forest Lane Road, was described as 43 acres of land, zoned A-2 and used for grazing, crops and timber. The property was scored at 118 points and could potentially provide 27.63 development units. Its significant feature was its location adjacent to Sherwood Forest Farm. According to the ranking the cost for the purchase of development rights was estimated at $690,000.

Since there had been questions regarding the cost of the properties from the Committee, Mrs. Baker explained the procedure. Staff and the Committee would make a recommendation based solely on the ranking and then it would be up to the Board to make a final decision. She explained that if there wasn't enough money for the highest ranking one, they will negotiate a lesser price with that person if possible, otherwise they would move to the person with the second highest ranking.

Mrs. Clark stated that she would like to address the A-1/A-2 difference before the first round. She explained that the problem was that if they save A-2 they would be saving many fewer acres for a lot more money since an A-2 development unit was only 1 acres while an A-1 was 3 acres.

Mrs. Baker acknowledged that there had been a previous discussion regarding this.

Mr. Hunt stated the Committee would not be able to change the criteria at this point.

Mrs. Clark agreed and suggested that the criteria could be changed between rounds.

The Major property, located at the western side of the County, adjacent to Rappahannock River, was described as 149 acres of land, zoned A-1 and used for timber. The property was scored at 119 points and could potentially provide 44.73 development units. Its significant features were its extremely good soils and being adjacent to Rappahannock River. The property did not currently have any public access but the access would be established through a future adjacent subdivision. According to the ranking the cost for the purchase of development rights was estimated at $1,090,000.

Mrs. Clark asked if the property came right up on the easement owned by Fredericksburg.

Mr. Harbin affirmed.

The Shelton property, located at 269 Bethel Church Road, was described as 76 acres of land, zoned A-1 and used for livestock. The property was scored at 132 points and could potentially provide 9.98 development units. Its significant feature was that it contained a historic, VDHR designated farmhouse from approximately 1890. According to the ranking the cost for the purchase of development rights was estimated at $249,000.

Mrs. Clark stated that there would be an issue there as well since there was one house on one side of the road and there were to parcels on the other side of the road, neither with a dwelling.

The Tang property, located at 1440 Hartwood Road, was described as 42 acres of land, zoned A-1 and used for timber. The property was scored at 104 and could potentially provide 11.32 development units. Its significant feature was the extensive, invasive plant population, some of which had been planted by the owner. According to the ranking the cost for the purchase of development rights was estimated at $280,000.

The Thacker property, located at 19 Tall Tree Lane, was described as 40.74 acres of land, zoned A-1 and A-2 (less than one acre) and used for timber and livestock. The property was scored at 96 and could potentially provide 9.28 development units. There were no significant features. According to the ranking the cost for the purchase of development rights was estimated at $230,000.

The Wilson property, located at 40 Marlboro Point Road, was described as 40.74 acres of land, zoned A-2 and used for livestock and grazing. The property was scored at 100 points and could potentially provide 11.35 development units. Its significant feature was its location contiguous to the Crows Nest. According to the ranking the cost for the purchase of development rights was estimated at $280,000.

Mr. Hunt asked what the timeline was and where they would go from here.

Mrs. Baker stated that, based on any further input from the Committee, staff would compile the final scores and submit them to each applicant hopefully by the end of the week but definitely before the July meeting. She reminded the Committee that the applicants would have 10 days to reply back.

Mr. Hunt asked if each individual applicant would see the other applicants' scores as well.

Mrs. Baker stated that it was public information.

Mr. Hunt asked what the Committee would see happen in the July meeting.

Mrs. Baker stated that staff will attempt to come back with the final rankings.

Mr. Hunt stated that it would be more likely for the Committee to make a decision in August.

Mrs. Baker stated that staff already expected that it would take at least two to three meetings before the final recommendation would go forward to the Board of Supervisors. Mrs. Baker estimated September time frame.

Mr. Hunt inquired at what point staff would know how much additional money would be available.

Mrs. Baker stated that they would know by August.

Mr. Hunt asked staff when they thought the Board of Supervisor would make their decision.

Mrs. Baker estimated that the Board of Supervisors would also likely take one or two meetings which would mean October timeframe.

Mr. Hunt asked to make sure that August time frame would be enough time since some of members were not present.

Mrs. Clark explained that the Committee couldn't wait too long since they had to get everything sewed up by the end of the year.

Mrs. Baker confirmed that the Committee would have to close on a property by the end of the year in order to keep the state money. She also explained that the state would allow for extensions if a property has already been identified and there were ongoing negotiations.

Mr. Hunt asked if Mrs. Baker could send out an email to the other Commissioners explaining that the July and August meeting were critical and they should participate.

Mrs. Baker pointed out that Mr. O'Hara would not be at the July meeting and asked if the Committee wanted to consider changing the date.

Mr. Hunt stated that he would rather not change dates but also pointed out that the Chairman would have to abstain from the vote.

Mr. Hunt asked for opinions on how to spend the money.

Mrs. Clark stated that if the Committee had more rollback money she would love to see it leverage the money in some way and that she was reluctant to put the extra rollback into this round. She suggested that if the nine properties are ranked they could go back and grab the other ones when they get more money over the next two or three years.

Mrs. Baker pointed out that there would probably some issues if they tried to go that route. One was that the property could change hands and the new owner may no longer be interested. She also suggested talking to the County Attorney.

Mr. McClevey explained that he would like to look the properties over again before deciding whether to use the rollback money on that or not. He stated that he would like for the Committee to look at the FRPP program.

Mrs. Clark asked that if they had a parcel selected and they decided to grab the rollback, could they try to apply for FRPP funds plus keep the money in the running for the next state matching funds to triple the money.

Mrs. Baker stated that she believed that other localities have used both means of funding.

Mr. Hunt asked how much money was actually available as of today.

Mrs. Baker stated that they had $462,000 as of today. She also stated that they could have another $281,000 by the end of the fiscal year and potentially another $130,000 in state matching later this year.

Mr. Hunt asked if they should plan for only the $462,000 for the time being.

Mrs. Clark explained that for now they should plan for the $462,000 but select another property that could be used for the additional rollback. She further explained that if they had a property selected they could leverage it with the new round of state funding plus the FRPP funds. She pointed out that there was a potential to add a couple of hundred thousand dollars to that.

Mr. Hunt asked if everything had to be done in this calendar year.

Mrs. Clark explained that the state round would start in October and that Committee would have two years from that date.

Mrs. Baker pointed out that the money would not be available till January.

Mr. Hunt stated that the Committee should make a decision in July on how spend the money.

Mrs. Clark asked if the Committee was obligated to use the $281,000.

Mrs. Baker explained that they wouldn't be obligated.

Mr. Hunt stated that he would rather try to spend all the money that was available while it was available.

Mrs. Clark insisted that she did not want to use the $281,000 unless it had been matched at least once or twice but that the funding wouldn't be released before January 1, 2014.

Mrs. Baker explained that the state funding would have to be applied for in October and the money would be available for two years as of January 1st.

Mrs. Clark added that the Committee could not apply for FRPP unless a property has already been selected.

Mr. Hunt stated that he was not sure if he agreed but he understood Mrs. Clark's point. He also stated that the Committee would have this discussion again in July.

Mr. Hunt asked if there was any more discussion. Hearing none, he turned the meeting back over to Mr. Adams.

- Farmers Market Signage

Mrs. Baker reminded the Committee that the question came up about three month ago whether the Committee wanted some kind of logo or established sign and that a decision kept getting deferred.

Mr. McClevey explained that there still hadn't been a decision on whether they were going to have an official designation on a market. He pointed out that personally he would like to see some sort of official designation, but he didn't believe that everybody agreed at the last meeting. He assumed that this issue would come back up somewhere down the road.

Mr. Adams asked if the Committee should even try to do anything regarding the temporary signage or leave well enough alone, since the signs would only be up for a couple of hours.

Mr. McClevey suggested that zoning would have to deal with the temporary signage issue. He asked the Committee if they wanted to talk more about having a designation for the farmers markets. He also spoke with Elizabeth Borst who runs the Fredericksburg market and she stated it made a huge difference to have a designation.

No recommendation was made regarding signage at this time.

5. Unfinished Business

- Farmers Market at Garrisonville Road and Barrett Heights Road

Mrs. Baker stated that she hadn't heard anything regarding this item.

6. Next Meeting

Mr. Adams stated that the next meeting was July 22, 2013.

Mr. McCleavey stated that he spoke to a farmer who was effected by the Truslow Road Project and was wondering what the Committee could do to support farmers who felt their livelihood was jeopardized by County projects. He stated he contacted Mrs. Clark to talk to the farmer and that he did some unofficial following up.

Mrs. Clark explained that Truslow Road was being reconfigured to where it will go right through the farm and split it in half.

Mr. Adams pointed out that when the road gets built the County would assess the farm as just land.

Mrs. Clark explained that due to the new amendment, regarding the eminent domain, to the state constitution the state would be obligated to pay a fair amount but she was not sure how it would be assessed.

Mr. Harbin stated that the amendment did not address this type of situation.

Mr. McClevey added that he attended a public meeting and pointed out that he was impressed how the project was presented to the public.

7. Adjournment

Mrs. Clark made a motion to adjourn.

Mr. Hunt seconded the motion.

The motion passed 4 to 0.

With no further business to discuss the meeting adjourned at 9:07 p.m.