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STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
MARCH 23, 2015

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, March 23, 2015, was called to order 7:00 p.m. by Marty McClevey, Chairman, in the Planning and Zoning Conference Room of the George L. Gordon, Jr. Government Center.

Members Present: Marty McClevey, Gail Clark, John Howe, Jeff Adams,
Benjamin Rudasill

Members Absent: Craig DeBenard

Staff Present: Kathy Baker, Sylvia Dyson

Guest Present: Mr. and Mrs. Kim

1. Call to Order

The Chairman, Mr. McClevey, called the meeting to order at 7:00 p.m.

2. Approval of Minutes

➤ February 9, 2015

Mr. Howe made a motion to approve the February 9, 2015 minutes as printed. Mr. Rudasill seconded the motion. The motion passed 5-0.

3. Staff Update

➤ PDR grant funds

Ms. Baker stated that there was currently no update on rollback as the minimum threshold of \$80,000 had not been met yet. She did remind the Committee that there were still \$588,000 in the County coffers, plus \$400,000 which were being contributed by the Courthouse Manor developer as part of a conditional use permit to be used for the Aquia District.

Ms. Clark inquired why Mr. Snellings, Ms. Sellers, and Ms. Bohmke had voted against the Courthouse Manor project. Ms. Baker explained that the Board of Supervisors had been trying to get some legislation to allow for cash contributions by developers as part of a rezoning application. She further explained that Courthouse Manor was a conditional use permit and the County was only allowed to impose conditions to offset impacts to neighbors, but not cash contributions. Ms. Baker also stated that the County Attorney had recommended not imposing that condition although it was a voluntary offer from the developer. She further explained that

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46 regarding rezonings the developer would have to proffer the contribution towards something in
47 the capital improvements program, which the PDR program was not part of. Ms. Baker stated
48 that Mr. Snellings, Ms. Sellers, and Ms. Bohmke main issue was that there was no legal
49 enforcement mechanism if the developer decided not to pay.

50 Ms. Baker explained that the \$400,000 would be available at such time when the developer had
51 approval of plans which could be as early as one year from now.

52 Ms. Baker stated that the Board of Supervisors had a Community and Economic Development
53 Committee consisting of 3 members of the Board to take on issues that affect land use,
54 community development, and economic development. She stated that there was a meeting on
55 May 5, 2015 and the PDR program would be on the agenda to discuss how to proceed. Ms.
56 Baker informed the Committee that at the moment there were partial matching funds for the
57 Jones property, and that the Harris was willing to wait for VDACS funds which should be
58 available around November. Ms. Baker was confident that there would be enough matching
59 funds available for both properties. She explained that Bob Thomas had inquired if the \$400,000
60 cash contribution for Aquia would bump anybody on the PDR list. Ms. Baker stated that she
61 had informed him that it was ultimately up to the Board to decide which property to proceed
62 with. Ms. Baker explained that she would present at the CEDC meeting that there had already
63 been discussions with both of those properties. Ms. Baker stated that she wanted the Board to
64 give their full commitment and authorize the PDR administrator to go forward with Jones and
65 Harris.

66 Ms. Clark asked if the \$400,000 could still be used for matching funds. Ms. Baker explained that
67 the only property from the 2013 PDR round that was in Aquia was the Wilson farm, but they
68 only had 8 development rights (worth about \$200,000) since 39 of the 49 acres hydro soils and
69 wet soils. She stated that the Board would be able to outright purchase the Wilson property if
70 they chose to.

71 Ms. Clark inquired if that would conclude the 2013 PDR round. Ms. Baker reminded that there
72 were two more properties, Tang (11 development rights) and Thacker (9 development rights),
73 which totaled to about \$500,00 and would probably be difficult to find matching funds for as
74 they did not have any significant agricultural uses on the property. She stated that she could
75 bring all that information back to the Committee to take another look. Ms. Baker further stated
76 that the PDR committee would have to decide whether they wanted to continue on with the
77 2013 list or start a new round. Ms. Baker invited the Committee to sit in on the CEDC meeting
78 on May 5.

79
80 ➤ Transfer of Development Rights

81
82 Ms. Baker handed out some information on the TDR program. Ms. Clark pointed out that the
83 TDR program was only targeting the Crow's Nest area and she was not pleased that even more
84 money was being put into this particular area. Ms. Baker explained that this was only a pilot
85 program but admitted that it was driven by one of the Supervisors. She further added that
86 Supervisor Bob Thomas was looking at trying to get it County-wide. She explained that
87 property owners in the sending area would be able to transfer their development rights into the
88 receiving area and selling it to developers. Ms. Baker added that once the development right

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89 was banked or sold, there would be an easement put on the sending property and it would no
90 longer be buildable, which was already the case for the Crow's Nest lots. She further explained
91 that the County's only involvement at this point was to track where the rights in the sending
92 areas were being severed.

93 Ms. Baker stated that K&M and Marriott both owned 130 lots in Crow's Nest Harbour at this
94 point, plus an additional 100 lots were owned by various individuals. She stated that the goal
95 was to get the 260 lots to transfer out. She further explained that the zoning in the receiving
96 area would determine how many units could be incorporated. Ms. Baker also stated that
97 development rights could also be converted into commercial square footage on B-2 properties,
98 and that it was not all unit for unit dwelling.

99 Mr. McClevey asked if there was any evaluation similar to the PDR evaluation. Ms. Baker
100 stated that steep slopes, hydric soils, and easements would have to be subtracted, but the
101 formula was similar to the PDR formula.

102

103 4. New Business

104

105 ➤ Produce and More Farmers Market

106

107 Ms. Baker handed out a copy of the application to the Committee members as well as an aerial
108 photograph of the site. Mr. Kim handed out a detail drawing of the subject parcel 12-8, located
109 at 3845 Jefferson Davis Highway, zoned B-2, Urban Commercial which allows for a farmers
110 market by-right, as well as a printout of the general rules and requirements of the farmers
111 market. Mr. Kim explained that the property used to be an amusement park but had been
112 vacant for some time. Mr. Kim further stated that the parcel had a little less than 1 acre of open
113 space. Mr. Kim explained that having a farmers market at that location would not only be a
114 great service for the community, but would also bring more business to his wife's coffee shop
115 which was also located on the parcel. Mr. Kim stated that he would be providing a minimum of
116 28 parking spaces for customers, but could do up to 50 if needed, and each vendor space would
117 be 12' x 34' (18 feet for parking plus another 16 feet for setting up tables and tents). Mr. Kim
118 stated that he had planned for about 10-14 vendors, but was looking for suggestions and advice
119 from the Committee.

120 Mr. Rudasill inquired about the opening days and hours. Mr. Kim suggested Fridays from 2
121 p.m. to 6 p.m., Saturdays from 8 a.m. to 1 or 2 p.m., and likewise on Sundays.

122 Ms. Clark pointed out that most of the vendors were already committed at this point and that it
123 would be difficult to find any vendors at this point. Mr. Howe stated that he knew of at least 6-
124 7 vendors that the Spotsylvania market manager could not place in the Spotsylvania market,
125 and he provided Mr. Kim with the market manager's contact information. The Committee
126 further suggested contacting Guy Mussey at Stafford County extension office, as well as Prince
127 William Parks and Rec.

128 Ms. Clark inquired whether Mr. Kim would be providing water and electric, and how much the
129 vendor fee would be. Mr. Kim stated that he would consider providing water and electric next
130 year, but was unable to do so this year. Mr. Howe recommended providing restroom facilities
131 for the vendors. Mr. Kim stated that he could possibly provide portable toilets. Mr. Kim further

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132 stated that he was uncertain on how much to charge vendors and was looking for guidance
133 from the Committee. Mr. Howe stated that fees ranged to up to 400 dollars a year. Ms. Clark
134 stated that some market managers waive the fee the first year as an incentive for farmers to
135 come to the new market.

136 The committee agreed that the location had great potential as it was getting a lot of traffic with
137 people getting off work and driving by.

138 Mr. McClevey inquired about the name of the farmers market "Produce & More" as the name
139 implied that vendors would be selling more than just produce. Mr. Kim explained that his
140 wife's coffee shop was called "Coffee & More" and that's why he picked that particular name,
141 he did however mention that he intended to offer things like baked goods and crafts as well.
142 Mr. McClevey pointed out to Mr. Kim that if he wanted to offer crafts as well he would have to
143 make sure that the market didn't turn into a flea market type situation. Mr. Kim stated that for
144 now he would concentrate on produce. The committee informed Mr. Kim that there were
145 certain temperature requirements for items like eggs and dairy products, but that the vendors
146 were generally required to bring their own coolers.

147 Mr. McClevey inquired were the application was in the process. Ms. Baker explained that once
148 the PDR committee will take action the Zoning Department will have to issue the permit. She
149 explained that Zoning would look at things like parking and making sure the market meets all
150 requirements. She further explained that it was the PDR committee's responsibility was to
151 approve the markets rules and regulations, and requiring the applicant to provide a vendor list
152 once established. She added that the Committee would not have to limit the number of days
153 and hours of operation. The Committee agreed that the days and hours of operations would
154 probably depend on when the vendors would be available. Ms. Clark added that Mr. Kim
155 would need a minimum of 5-6 vendors in order for customers to come to the market. Mr. Howe
156 also suggested that the market should be visible from the street. Mr. Kim stated that he would
157 also like to put up temporary signs to make it more even more visible.

158 Ms. Clark made a motion to approve the application on condition that a vendor list and definite
159 days and hours of operation be provided to the Committee. Mr. Howe seconded the motion.
160 The motion passed 5-0.

161
162 ➤ Mt. View Road Farmers Market

163
164 According to Ms. Baker, the applicant was still working on putting the application together and
165 would provide it as soon as she did so.

166 Ms. Baker stated that the property was located at the intersection of Kellogg Mill Road and
167 Mountain View Road and was zoned A-1. She stated that the applicant was planning on having
168 5 or 6 of her acquaintances sell small amounts of produce. Ms. Baker stated that the property
169 consisted of about 10 acres with a house with a drive way, and a garage with another paved
170 driveway and a small parking area on it.

171
172 ➤ Ag/PDR Committee Vacancies

173
174 Mr. McClevey stated that he contacted Mr. DeBenard via email to see if he was interested in

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175 continuing on the Committee but hadn't heard back from him. Mr. McClevey suggested letting
176 Ms. Sellers and Mr. Thomas know that there were vacancies in their districts, Garrisonville and
177 George Washington. Ms. Baker stated that Mr. DeBenard's slot was not actually vacant until he
178 confirmed. Mr. McClevey stated he would attempt to call Mr. DeBenard. Ms. Baker stated that
179 she received a message from the Clerk of the Court informing her that Ms. Sellers had a person
180 that was interested, Ms. Baker however had not received the application yet. Ms. Baker
181 informed Mr. McClevey that he could still send Ms. Sellers a reminder that the position was still
182 vacant.

183

184 5. Unfinished Business

185

186 ➤ Farmers Market Regulations regarding dogs

187

188 Mr. McClevey stated that he contacted the Health Department, however the local Health
189 Department did not cover issues related to food management. Mr. McClevey stated that he
190 then contacted the County Environmental Health Office, but they only dealt with mobile
191 vendors and restaurants, which is why they referred him to VDACS. Mr. McClevey explained
192 the VDACS had a food safety and security program, and that he was able to get in contact with
193 Rick Barham, the regional manager. Mr. McClevey stated that he had been made aware of the
194 Virginia Food Law which stated "No animal shall be permitted in any area used for the
195 manufacture or storage of food products. A guard or guide animal may be allowed in some
196 areas if the presence of the animal is unlikely to result in contamination of food, food contact
197 surfaces, or food packaging materials." Mr. McClevey stated when asking Mr. Barham whether
198 this food law was a voluntary prohibition or a regulatory prohibition across the board for all
199 markets, he stated that it was a regulatory prohibition. According to Mr. McClevey Mr. Barham
200 stated that in general terms they required for dogs to be restrained at the market and kept away
201 from food sales booths where the opportunity existed for the animal to contaminate the food.
202 Mr. McClevey stated that he felt the best approach was to adopt a prohibition of pets at all
203 markets, and suggested that at a minimum the market rules should state that animals may not
204 be permitted to access the produce according to Virginia Food Law. He further pointed out that
205 Stafford County's leash laws were only in effect April through September, which meant it
206 would have to be mentioned separately that dogs had to be on a leash at all times on the market.
207 Ms. Clark felt that it was easiest to not allow dogs at the markets. Mr. Adams consequently
208 made a motion to ban dogs, except for service dogs, from farmers markets. Mr. Howe seconded
209 the motion. After a brief discussion the Chairman called for a vote. The motion passed 5-0.

210

211 ➤ 2015 Work Plan

212

213 Comments on item 3.

214 Mr. Howe stated that at the last Soil & Water Board meeting there had been a discussion
215 regarding a survey that NRCS and Soil & Water were going to do on behalf of the federal
216 government. He explained that they would be driving using a road map and every 10th of a
217 mile they would be recording the type of tillage method that was being used and extrapolate

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218 the data to all crop land in the counties. Mr. Howe

219

220 Comments on item 4. b. Pursue a Farm Day with Stafford County Public Schools:

221 Ms. Clark stated that she contacted Alyssa, the 4-H point of contact, who agreed to work with
222 the committee on having a farm day. Ms. Clark further stated that she was able to find out who
223 the Supervisor and Coordinator of Math and Science were, but hadn't contacted anybody yet as
224 she was uncertain were to start. Ms. Clark asked Mr. Howe for advice as there was a program
225 in place in Spotsylvania. Mr. Howe explained that the program evolved outside of the school
226 system and was then brought to the school system. Ms. Clark agreed that that would probably
227 be the best way to go and suggested looking what was being offered in Spotsylvania, King
228 George, and Caroline and then sitting down with Alyssa from 4-H, Isabella from Soil & Water,
229 and Ron from the National Resources Conservation Service.

230

231 There were no updates regarding the other items on the work plan.

232

233 6. Next Meeting

234

235 April 27, 2015 Regular Meeting

236

237 7. Adjournment

238

239 Mr. Rudasill made a motion to adjourn which was seconded by Mr. Howe. The motion passed
240 5-0.

241

242 The meeting adjourned at 8:55 p.m.