

**STAFFORD COUNTY**  
**AGRICULTURAL AND PURCHASE OF DEVELOPMENT**  
**RIGHTS COMMITTEE MINUTES**  
**January 24, 2011**

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, January 24, 2011, was called to order at 7:00 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

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

Members Absent: None

Staff Present: Baker, Neuhard, Lott and Knighting

1. Call to Order

Mr. Coen: Alright we did the call to order, so organization of Committee is next item on the agenda. So I will turn that item over to Mr. Neuhard, who technically is supposed to run this part, right?

2. Organization of Committee

- Election of Officers

Mr. Neuhard: I can. All I have to do it get a Chair and from there we are in business. You do need to elect the officers for the upcoming year. And the first point of order is to elect a new Chairman. Do we have any nominations from the floor for a new Chairman?

Mrs. Clark: I nominate Tom.

Mr. Neuhard: Any other nominations? Any other nominations? For the third time, are there any other...

Mr. O'Hara: Move to close nominations.

Mr. Neuhard: It has been moved to close nominations. Is there a second to that?

Mr. Adams: I will second that.

Mr. Neuhard: All in favor of closing nominations signify by saying aye.

Mr. O'Hara: Aye.

Mr. Adams: Aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

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Mrs. Clark: Aye.

Mr. Coen: Aye.

Mr. Neuhard: Alright. Well that is almost by affirmation. Is there is anyone that objects or would like to vote on that? All in favor of Mr. Coen for your Chairman for the upcoming year say aye.

Mr. O'Hara: Aye.

Mr. Adams: Aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

Mrs. Clark: Aye.

Mr. Coen: Aye.

Mr. Neuhard: Opposed? Okay Mr. Chairman.

Mr. Coen: Okay.

Mr. Neuhard: How many years is that?

Mr. Coen: Four, three. Three or four I forget. Okay so the next position is Vice-Chair. Are there any nominations?

Mr. McClevey: I would like to nominate Gail.

Mr. Coen: Okay we have a nomination of Gail, is there a second?

Mr. O'Hara: Second.

Mr. Coen: Okay. Any other nominations?

Mrs. Clark: Do I have to do anything?

Mr. McClevey: When I was Co-Chair, Tom was always here. So it's okay.

Mrs. Clark: Okay.

Mr. Coen: Okay, any other nominations? Seeing none I will close the nominations. All those in favor of Gail as serving as Chair, say aye.

Mr. O'Hara: Aye.

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Mr. Adams: Aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

Mrs. Clark: Aye.

Mr. Coen: Aye. Opposed?

Mrs. Clark: Vice Chair.

Mr. Coen: Vice Chair, Vice Chair. Okay. Against? Alright passed unanimously. And then for Secretary, in the past what we have done, hey, is just ask staff to fill that role. Okay, excellent. So now we move to approval of our November minutes. Any discussion, questioning, etcetera for our November meeting minutes?

3. Approval of Minutes – November 22, 2010 PDR minutes

Mrs. Clark: Well I don't know that this matters, but on page 25 at the bottom it says we were discussing the farmers market on Gordon Road and what Elizabeth Borst does and it was a reference made to the snack program, but it is SNAP, SNAP in capital letters.

Mr. Coen: Good eye Gail. Okay. Alright, any other additions or alterations? Okay is there a motion to accept the minutes as amended?

Mr. McClevey: I move that we accept the minutes as amended.

Mr. Coen: Okay, moved by Marty McClevey. Any second? I will second it. Alright all those in favor of adopting the minutes say aye.

Mr. Adams: Aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

Mrs. Clark: Aye.

Mr. O'Hara: Aye.

Mr. Coen: Aye. All opposed?

Mr. Hunt: I should probably abstain since I was not here.

Mr. Coen: Okay. Alright it passes with one abstention. Alright now staff update.

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Mrs. Baker: Did we skip over...I am sorry did you say...

Mr. Coen: Oh I did yeah I did 2011 work plan. We can do that now. The 2011 work plan.

- 2011 Work Plan

Mrs. Baker: That is just really for you all to determine what you may want to work on this year or to lay out at what point you want to incorporate anything from your Ag, the Ag Commission piece of it or if you want to continue monthly meetings. So it is just kind of your opportunity to set the stage for next year.

Mr. Coen: I guess I will assume the question of staff so we know what there is with the update to the ranking, when that is all copacetic we are going to have to go before the Board to get approval for all the changes that we have recommended.

Mr. Neuhard: You are actually going to update the ordinance.

Mr. Coen: Right.

Mr. Neuhard: This is all in the ordinance so you will actually go through the whole process including public hearing to update the ordinance.

Mr. Coen: And doesn't the Vice-Chair run that?

Everyone laughing,

Mr. Coen: Okay, is there anything else that you perceive?

Mr. Hunt: I think so. I think if we still...I want to pick my words correctly. I don't think anybody quite knows what is going to fall down on the County as an actual requirement from the Chesapeake, the new Chesapeake Bay laws and so I think unless there is another place in the County where a Commission ought to address that we should probably be that place to figure out.

Mr. O'Hara: Are you talking about the TMDL?

Mr. Hunt: Yes, well the TMDL and exactly what the jurisdictions, in this case Stafford County, has to do. I mean how do you...you know will they come down with percentage reductions? Will they come down with just needing conservation planning? Nobody quite knows how that is going to...unless you guys know something I don't.

Mrs. Baker: Well, we just...our environmental staff has been participating in what they call the Phase Three compliance. We presented information...well I will let Mike talk a little bit about that because he is directly involved in it.

Mr. Lott: More Amber than I have. Yeah we have done...with the Phase Three of the Ches Bay we have been involved in that and made presentations to the Planning Commission on that. But certainly

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this Board, as we get more involved in the... especially how it reflects with the agricultural community, this place would make some sense.

Mr. Hunt: I think where I was coming from is nobody knows quite yet what the requirements will actually be. What requirements will get levied.

Mr. Adams: I do know I heard two things about it Friday night. Virginia has submitted a plan to the EPA.

Mr. Hunt: Yes.

Mr. Adams: The American Farm Bureau has already filed suit to stop it. And the second thing is in Richmond there is a bill, now I don't know if it is on the Senate side the House side or both or whatever. But the way I understand it is places like Home Depot and Lowes and those types of places can no longer sell fertilizer with phosphate in it to people living essentially in subdivisions. Farmers would still be able to get to the way we have traditionally gotten it. You could not any longer just go into Home Depot and buy a hundred pounds...

Mr. Hunt: That is correct.

Mr. Adams: ...and start because they are going to take the phosphate out of it.

Mr. Lott: That is because ninety percent of the people's yard is saturated in phosphorus to begin with. So you are essentially throwing a nutrient on the ground that is just going straight into the water.

Mr. Hunt: That's right.

Mr. Adams: Well, what I am saying is there is legislation out that essentially those places can't even sell it anymore.

Mrs. Clark: Well, I have got to tell you from a farming point of view I like that because I feel like the finger has always been pointing at agriculture when in this area in this watershed I think it is the homeowner is at least are culpable.

Mr. Hunt: I did not mean to launch off in that discussion, but I will tell you. Do you know which county sells the most fertilizer in the State of Virginia?

Mrs. Clark: Fairfax.

Mr. Hunt: Anyway, I was just suggesting...

Mrs. Baker: I was going to make one more comment because the Comprehensive Plan was approved in December we are now working with the Planning Commission to do their implementation of the recommendations from the comprehensive plan. One of those pieces is going to be the environmental section in coming up with an overall Environmental Master Plan which would incorporate Chesapeake Bay Regulations and anticipating any of the new regulations that are coming on. So the Planning

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Commission will be dealing with that aspect of it over the next few months and possibly into the next year to two years. If they determine how long that goal is going to be and how long that master plan is going to take, they will be incorporating all aspects of it into one overall master plan. So that is just something to think about if you want to work in conjunction with them, make recommendations to them, if you want to look at it more from the agricultural side of it and how it is impacting farm land.

Mrs. Clark: Would it be appropriate for us to be able to review it or look at it and give them some input once they have something.

Mrs. Baker: Yes.

Mrs. Clark: I would like that.

Mr. Coen: Didn't we say we were going to look at that this year?

Mr. Hunt: I think we did. My only point was that if we are talking about...yeah. If we are talking about a work plan for next year...

Mr. Coen: Yes, that should be on there.

Mr. Hunt: ...yes, the Ches Bay implementation ought to be on there. I would be glad to be kind of a point of contact if nobody else wants to for this Commission. Because I honestly don't think anyone knows what the real requirement will be...but nobody knows what the requirement is going to be that comes down.

Mr. Coen: I know as part of the Comp Plan they had the famous TDRs and the first step, it goes to planning. Is there any idea where it is going to bounce from there?

Mrs. Baker: Right now there is a Committee with the Board of Supervisors. They just have not met yet to show what direction that is going to take yet. In fact there is a Sub-Committee that was established, it is a joint Committee between the Board and the Planning Commission.

Mr. Coen: Is that the same as the UDAs or a totally different? Okay, alright.

Mr. Neuhard: Remember the Board has an idea...perhaps I should brief you. The Board established a new committee structure. Basically there are four standing committees, Community and Economic Development, Infrastructure, Public Safety and Finance and Budget. They now meet between twelve and three o'clock the first and third Tuesday's of the month. They are meeting an hour and a half each on a schedule prior to the start of the Board meeting now which starts at three. Most of the issues have been divided into those sub-committees. There have been three other committees, maybe four now, depending on what happens. There is what you know of as the Committee of Four Thousand, which is about the redistribution of four thousand dwelling units. It will go away once that task is done, which that is supposed to be done by February 15<sup>th</sup>. Whether or not we will make it or not, I don't know but that is the goal. There is the joint school and Board of Supervisors committee, which you have been reading about in the paper recently, but it still stands on our record as being in place. And there is one other that I am forgetting right now, it will come to me in a moment. I am going to step out for a

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moment and grab the sheet and we can move on to the next subject. Those are the only committees. The other committees...oh and I am sorry, there is a Redistricting Committee now that has been appointed at the last Board meeting. All the previous committees went away. And so now we are kind of starting over. The idea was these standing committees...there will be an occasional ADHOC Committee, but the standing committee would get all the issues so that we weren't...so we had sixteen over the last year. It was wearing the Board members out in trying to get to these meetings and get things done. Now so we have compressed all the subject matters in those committees into four basically. So it is going to be interesting. To give you an example, Ches Bay and Stormwater is now under the Infrastructure Committee for the Board to be aware of and look at if there is a need for any work to be done prior to going to the Board itself. It does not mean they won't be sending things down to the Planning Commission, they won't be sending things down to their Commissions. But where there is a need to flush something out prior to going before the whole Board, the committees will continue to monitor those activities and provide input for staff to help them work through the different components. Community and Economic Development not only has the ten point plan and some of those traditional economic development, they have picked up the comp plan now and all of it's elements, they have picked of the development fees and process review committee's work, which is working with industry. And we just cut six or seven regulations off the books and on and on. So first, well, actually they have started some of the first meetings. Community and Economic Development has been working on the Form Based Code issue, which they just had a meeting last week in which they met with some industry folks from up in the northern area of the county where they are going to test the formed based code. They...all of the committees start their regular meetings next Tuesday, the first one being the Community and Economic Development which will be from noon to 1:30 followed by the Infrastructure Committee which will be 1:30 to 3:00 and then in to the Board meeting. So the first agendas are full. They are just very aggressive to see where this lies and falls out and see how these committees want to handle some of those issues. Then on the second Tuesday, they will pick up with Public Safety and the FAB meeting. FAB basically stays unchanged. There has been some movement of folks, for example Community Development picked up Paul Milde on there, and so... and then Infrastructure basically was the same as the old Road Bond Committee except they appointed Chairs to all of this. FAB stayed the same basically and Public Safety is a new group, which escapes me right now. So just to be aware they are experimenting with a new way of doing their committee business and...with the idea toward more efficiency and we will have to wait and see whether it holds or not. I mean we already had two ADHOC Committees since the county went to this structure. But redistricting will go away also in a matter of months because the job will have to be done. So more on that later and what I will try to do is get you a chart that kind of shows you those committees and where the issues rest.

Mr. Coen: Thank you. Anything else for our work plan? We got updating the Ordinance, the Chesapeake Bay laws, anything else?

Mr. McClevey: I don't know if this lies with new business or whatever, but I have been reading that the growth in Stafford County has been pretty much staying the same and so forth. Can you tell me how things are going in the Planning Office as far as development and growth and housing starts and such? Does anybody know how things are going?

Mr. Neuhard: Well we will be happy to give you a full report but just anecdotally, coming through the recession our commercial really held us up. Last year we saw a dip in that and this year we see

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housing coming back in terms of actual building permits. We are up ten or fifteen a month or so. We are pushing on the way after dropping. We can get you...we will be happy to come in maybe next meeting and give you a full brief on that if you want in terms of looking at all the numbers and where they stand and what they are doing and what the trends have been.

Mr. Coen: Anything else?

Mrs. Clark: I don't know do we...maybe we want to revisit the Farmer's Market again. I don't know. Since economically it may be a while before the County rebounds, I don't know if that is anything we want to look at or not.

Mr. Coen: I guess I will piggy back on that for whenever we come in with the development and watching the Board meeting last Tuesday, which was full of fun stuff. They had the gentleman from Germanna come and talking about how they wanted to do joint things and whatnot. And he said that the thought process was one that if they did sort of a town center mentality here, you know that that would be part of it. So I guess sort of an update on that. We did, remember when we had those conversations when we were talking about theoretical farmers market, of doing it here. So just sort of an update of where all this planning is. As far as, you know, sort of a...hey remember that where they had the discussion that showed theoretically what they would do and there was this wonderful statue in the middle of the intersection there. Is that ringing any bell?

Mr. Neuhard: Well, there are a couple of dynamics. First of all it is the visions that are in the redevelopment plans for four areas in the county and each one is very unique. That is what they are starting kind of right now with the form base code idea in the northern part at Boswell's Corner and trying to work through that. You have here at the Courthouse a UDA that is overlaid inside of the RDA. The RDA is actually larger than the UDA. You also have the same or similar kind of situation down on Route 17 and then of course Falmouth stands...Historic Falmouth stands by itself. So there is a development plan and that plan is going to be adopted ultimately as an element of the Comp Plan. The Board has directed staff to work with the Planning Commission, well actually right now to bring back to the Board by next month a...basically a Form Based Code Ordinance that they can refer to the Planning Commission. And what we focused on was up north. That is going to allow for a different approach for how you would engineer that area basically, how you would develop that area if you choose...and it would be a zoning category all on its own. Now the same thing is going to be happening as we work through this UDA thing with our consultant. You are going to find in the UDAs there is going to be a different way of handling development in there other than through the traditional types of zonings that we normally are used to. Along that lies the TND Ordinance that we have with some further alterations that will be unique to the areas that they are applied to. Now whether or not if that is how it ends of being, I don't know but that is how they are...it will be a unique form based code for up there, a unique one for here etcetera, etcetera. So, now up there, there is a lot of traction, a lot of traction from the industry. From the consulting industry, the defense industry and all that, so there is effort going in up there. Here, there is still a lot of thinking and planning and certainly the big impetus right now is the medical community more so, but we don't know when that is going to shift and a lot of it is waiting o where is this real footprint for this intersection out here. So things are kind of in limbo.

Mr. Coen: Okay.

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Mr. Neuhard: So, there are a lot of things working. So in regards to the Farmer's Market and how it relates to all of that I don't think that there is anything that inhibits you from exploring the issues of a Farmer's Market further. You have places to do it and you could have potential places to do it because you have north, you got here. Of course we already have one working the parking lot up on 610 and you've got certainly the Falmouth area and your imagination, I don't know where the market is for it, but certainly...

Mrs. Baker: I was going to add the one thing you might consider is something we talked about during the Agricultural Commission was making it a little bit more...making it easier for someone to come in and say I want to do a farmer's market. We have no definition for farmer's market right now, it is called a flea market, which opens up a whole other category of what is allowed and it is only in certain districts. You all may want to consider strictly a farmer's market, determine what might be allowed within that farmer's market definition and determine what zones it might be allowed in. Because right now you are pretty much limited to a farmer's market on your own property selling your own vegetables or your own produce that you grew and picked and all that from your property. That just may be worth looking into because that was something that the Howell's came in last year, wanted to do it in a certain area, but we did not have...

Mr. Coen: Right, okay.

Mrs. Baker: ...it was not designated in the Ordinance, so that was something that they could not have done where they wanted to.

Mr. O'Hara: So it that an ordinance that we would propose that would have to go through the Planning Commission?

Mrs. Baker: And the Board of Supervisors.

Mr. Neuhard: Yes, and you would...there is some strategic thinking to be done about this and some strategic work to be done beyond just trying to plan one for next season. And that is where you can really make a difference. When we...when the Howell's came in we were looking for a way to make this thing happen, and so in doing that we collected Spotsy's, everybody else's ordinances. I am not saying you want to do it that way. The idea that you look at what has been done and what affect it has had or has not had on those communities and how you might make recommendations to the Board to do whatever it is you want to do with then would set the stage for the future particularly. Which they have already done that, how many page ordinance do they have, a sixteen page Ordinance or something on just the farmer's market. So there is work to be done and there is stuff...that collection has been done and it can be brought in to you and laid in front of you and talked about and even can bring people from those other places to talk about it with you.

Mrs. Clark: I do think that makes sense because if the time comes when somebody else, maybe the Howell's or whatever want to do it, it would make sense to have an ordinance already in place. And the next meeting Elizabeth Borst is coming and she is...I mean she is really talking about the local Buy Fresh Buy Local movement, but she does work obviously with the Gordon Road Farmer's Market. I don't know, she might have an update on anything else she knows about local farmer's markets.

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Mr. Coen: Okay.

Mr. Adams: The sad part about a farmer's market is there is no need on even working on it until July or August now because the meetings have already been going on for the sign up for 2011 year. And when you start, this is where I told Shannon Howell when she first started talking to me about it last year in May, it is the competition. You have got to start this time of year because you are competing for vendors. You know I can only be at one market on Saturday. I can't be at four places at once. So now is when I am committing to markets. So when you try to start in May or June time frame to actually start a market, like she was doing, the ship has already sailed. Everybody is already committed to what they are doing for that year.

Mr. Coen: Cool. Alright we have the update the ordinance, the Chesapeake Bay laws, development trends, farmer's market as far as trying to come up with codes and then if anything else gets graciously placed upon our plate. Alright anything else? Alright, so we have taken care of the 2011 work plan so now back to staff update.

4. Staff Update

- State PDR funding

Mrs. Baker: I did pass out, and I may have already emailed you, about the Governor's announcements on funding. And two pieces here, the one talks about the FY11 funding, which the application period was last October, and eight localities, out of that one hundred thousand dollars, were allotted twelve thousand five hundred each. Not a lot but it is a little bit to add to their coffers. So that was Albemarle, Clark, Fauquier, Isle of Wight, New Kent, Northampton, Spotsylvania and Virginia Beach. So they all received a piece of that. The Governor has put into the budget to add four hundred thousand dollars to that one hundred thousand, so that would be funds that would be available for the next application round which would be next fall. I know the Board has taken some steps toward funding, but at this point nothing has been proposed in our FY12 budget.

Mr. Hunt: Mr. Milde asked me to bring that up and I was going to do it under new business. But since you have kind of opened the door, he thinks he can get the Board's concurrence to have two years of the roll back tax set aside for us as opposed to what we asked for and wanted to know whether we would fall on our swords over that. I did not want to speak for the Board, but I assume something is better than nothing, even if it's minimal. He seems to think they will grant us two years as a start.

Mrs. Clark: On an ongoing basis?

Mr. Hunt: On an ongoing basis and depending on what happens, it may be more after that. I consider that a small victory.

Mrs. Clark: Well, I do too. I mean it's...given the number we have looked at a few months ago, it won't give us a huge amount, but it is better than looking at a zero.

Mr. Adams: When times were good, a lot of development and a lot of roll back could be rolling in. When times are bad there is nothing taking place.

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Mr. Hunt: Well, I guess...

Mr. Coen: We need a motion.

Mr. Hunt: Should we do a motion that says I would move that we support the Supervisors initiative to set two years aside as roll back for PDR.

Mr. Coen: Would it be the Supervisors initiative or would it be we support the initiative that the Supervisors should? I don't know which way. Does that make sense?

Mr. Hunt: Well, let me clarify. We support a Board initiative. That is what I was trying to say, a Board initiative.

Mrs. Clark: Could we say at least two years.

Mr. Hunt: I am not a wordsmith. That would be fine with me.

Mr. O'Hara: But didn't we just send a resolution up there? Let the Board as a whole speak.

Mr. Hunt: Yes, but our resolution was seven years, wasn't it?

Mr. O'Hara: Yes, but the Board hasn't taken action on it, so I don't see any reason to...

Mr. Hunt: I think they have had several discussion and they are kind of waiting for...can I go off the record?

Mrs. Baker: No.

Mr. Hunt: I was cornered in the health club in the weight lifting room and was asked if we would support two years.

Mr. Coen: I think it always is helpful, always when I was Chair of my department, it always was nice if I was going to bring something up, if I already knew I had people's support. So it would be helpful if the Board were to revisit this and they could say the PDR Committee is the one that looks at this and thinks this is a good idea too. I think it just would give more oomph to it rather than saying oh yeah a couple of months ago they said they were open to seven years. This would be, oh no, we talked about it and two years is acceptable.

Mrs. Clark: I still want to hold out for at least two years.

Mr. Hunt: So I will change my motion to say, if that is allowable, the AG/PDR Committee supports a Board initiative to use at least two years of roll back taxes for PDR funding.

Mr. Coen: Mike, is it better to say program or funding?

Mr. Neuhard: Purchase of Development Rights, just period.

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Mr. Coen: Okay. Alright so the motion is...

Mr. Hunt: Do you want me to read it again?

Mr. Coen: Yes. We have eight people taking notes and they are word for word.

Mr. Hunt: The AG/PDR Commission supports a Board initiative to use at least two years of the roll back tax for PDR.

Mr. Coen: Okay.

Mr. O'Hara: In perpetuity.

Mr. McClevey: ...two years roll back in the debt. I am just...

Mr. Hunt: Let's get a motion in.

Mr. Coen: Okay, I'll second the motion.

Mr. Hunt: For discussion? I think the Board could change the next election cycle and this could all be thrown out. This is just a resolution so I would just make it as simple as I could and try to get something rolling. I mean, I am not forecasting that anything will happen but I mean it's a fickle county.

Mr. Coen: Plus, I don't know that if we veered away from one word and stick on the perpetuity it might divert their eyes from the prize. Alright, is there any other discussion on the Hunt amendment, Hunt motion?

Mr. O'Hara: I'll just say it, before I vote no I just think that we spent a lot of time on fairly carefully crafted wording to go for the whole prize and all we do is sort of undercut ourselves by considering this.

Mr. Coen: Any other? Do you want to recess the thinking?

Mrs. Clark: No, but it does make a lot of sense. So we already have a proposal before the Board, and the question is do we wait for them to comment on that before we forward another?

Mr. Hunt: I think that if the minutes reflect that we had a robust discussion and passed on a non-unanimous basis, we actually sent the right message forward. I think this is a case where at least one no vote is helpful... not only... it's helpful I think.

Mr. O'Hara: I was just trying to be difficult.

Mr. Coen: And I agree. I would love to get more but if I had...if memory serves and I'm sure we could dig it up, but I think I was more for doing what I thought we could get rather than what would be ideal. And so, I went with what was ideal because the committee should, you know, go for the apple.

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And to me if there already is something on the ground, we might as well grab what we can on the ground. And so that's the only reason why I'm in favor of it because I think it's more doable and I'd rather get something we can get done. But I do prefer that we would go for more if that is feasible. So that's why I like yours at least. Alright, anybody else?

Mr. Adams: I want the whole pie but if I am offered a slice, I'll still take it.

Mr. O'Hara: Just remember that slice. You may have to put a lot of slices together before you can do anything meaningful.

Mr. Coen: Yes.

Mr. O'Hara: That's the problem.

Mrs. Clark: Well, the other thing is if they give us the two years, they'll say, oh we've done something or sort of sweep it under the carpet. Knowing that, like you're saying, I think a lot of... I mean, two years' worth of rollback is going to take a lot of years before you end up with a enough even with matching funds.

Mr. O'Hara: This is not a what is behind door number one or door number two kind of thing. It is not an or, that is all I am saying.

Mr. Coen: Do we have any idea when this would go back to the Board?

Mr. Hunt: I would assume if we pass this tonight he would use that as a...the Aquia District Supervisor would use that as an incentive to bring the issue back up. That is the way it was presented to me.

Mr. O'Hara: So it has been tabled?

Mr. Neuhard: No, it was presented and they left it on the legislative program, but there is nothing going on in General Assembly that I know of. It is sitting there.

Mr. O'Hara: But the Board has not taken an independent...they have not put a motion before the Board to approve using the existing years.

Mrs. Clark: I think that had we decided that asking the State Legislature for seven years that was a real long shot. So instead of that we would concentrate on just getting all of the years that were already allowed.

Mr. O'Hara: Well, nothing has gone to the General Assembly.

Mr. Neuhard: All of our legislative request program went forward to our delegation and they choose which ones they were going to put some Bills in and several members have put in some of our priorities and others were not put in. In regards to PDR, Supervisor Milde has been a voice at every point talking about this, but he was successful. We even got on the legislative issues paper that went

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forward, but has not been successful in the other components that you all had put forward. That is where it is set for now.

Mr. O'Hara: So the additional two years is not going anyplace?

Mr. Neuhard: Not without the Board discussion and application.

Mr. O'Hara: The General Assembly is probably out this legislative session.

Mr. Neuhard: Yes, in fact I was reviewing the Land Use today and I don't see anything like that at all.

Mr. Coen: I have a friendly amendment to add to the motion, "understanding that such a measure would not fully fund the PDR Program".

Mr. Hunt: I accept that friendly motion amendment.

Mr. Coen: And then I would go to what Mr. Hunt suggested which is at least two year. That sort of puts in the caveat that we know that this really is not going to give us a lot of money. I would guess and correct me if I am wrong, but it would mean that we could technically apply when there is money available from the State for matching. I know it is not a lot but in theory, it would free us so we could. Because if they have gone down to only eight, I think you said.

Mrs. Baker: That is just all that applied last year. There are still fourteen localities that have programs.

Mr. Coen: Right, but if it is dwindling down because they are not putting money into it, in theory we might be able to get a better shot.

Mrs. Baker: It just depends on the budget next year. We have all had about the same thing.

Mr. Coen: Any further discussion? Okay, I will call for the vote. Do we need to have the motion read again or do we understand what it is? Okay. All those in favor of the motion say aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

Mrs. Clark: Aye.

Mr. Adams: Aye.

Mr. Coen: Aye. Opposed?

Mr. O'Hara: No.

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Mr. Coen: Okay. I do have a minor question. I was watching the Board meeting when they reappointed all of us and I am being shared by Mr. Crisp and Mr. Dudenhefer. So does that mean I have two votes?

Mr. O'Hara: I think the motion still carries.

Mr. Coen: I know, I know.

Mr. Neuhard: Is it the Committee's desire that we transmit this to the Board as soon as possible? Okay. Alright, are there any other issues in the staff update? We had the funding, that was the first one that was brought up.

Mrs. Baker: No, it was just two pieces of that. The localities that received it for FY11 and then what is available, potentially what is available for FY12.

Mr. Coen: Okay. Alright we are done with the staff update?

Mrs. Baker: Yes.

Mr. Coen: Alright, so we will move to unfinished business, the ranking criteria.

5. Unfinished Business

- Ranking Criteria

Mrs. Baker: What we did after last month, or after November's discussion, we went back through and added some points to the categories. There was a lot of discussion on having the threatened properties more equally rated to the agricultural productivity capabilities to the quality of the agricultural parcel. So we tried to glean from your discussion where those points should have been applied and I apologize we did not get this out to you all sooner. But we went ahead and this is basically a clean copy showing you in category "A" a total of ninety points. In category "B" a total of ninety points and the three remaining sections "C" "D" and "E" have a total of ninety points for a grand total of two hundred and seventy points. We tried to apply...we increased, if you look on page one under a, we increased two through five from ten to twenty points. That is not right.

Mr. Lott: One of those was already twenty points.

Mrs. Baker: One of them already was twenty points.

Mr. O'Hara: Two and five.

Mr. Lott: Yes, two and five.

Mr. O'Hara: Three and four stayed the same.

Mr. Lott: Yes.

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Mrs. Baker: So that...those were changes. On the second page the likelihood of a parcel being threatened, the first two categories went up to thirty points. There was some discussion about having number four increasing from ten to either twenty or thirty and I got no concurrence after reading the minutes again on what we wanted to up that to. You had asked to have the second category total ninety points. So I was trying to determine where to put that if you did want another thirty you would have to lose points in the other to keep the total points at ninety. So you may want a little further discussion on that. Basically in section "C" we didn't change those a lot, we just made them round out to forty. Under "D" those points didn't change and under "E" that is where we changed the three categories, reworded the historic and cultural features. But those points remained the same at twenty. Really your first two categories under "C" changed just a little bit, but the total points is the same. So that is the gist of the changes.

Mr. O'Hara: We had a compelling argument for "B" four and having to do... just based on the parcels that are out there, but I forget the argument.

Mrs. Baker: Well the argument there is our Ordinance requires a lot to have a certain lot width. So in the A-1 zone, you basically have to have a three acre lot with eighty, no two hundred feet of road frontage more or less. So if you have a limited amount of road frontage, you have to create new roads into the property to be able to develop it. The one property that was served only by a private access easement that was in the application round was really limited in development because they had no state road frontage and by our Ordinance they would only be able to subdivide two lots unless they were going with a family subdivision. And you have certain restrictions for a family subdivision. So the more road frontage you have the higher develop ability of that parcel. If you have very limited, you are not going to be able to develop it to a large extent. So that was really the basis for that.

Mr. O'Hara: I will make a motion to approve the ranking as written by staff.

Mr. Hunt: I second.

Mr. Coen: Okay. Any discussion?

Mr. Hunt: I think we could tweak this forever, but we are not going to get it better.

Mrs. Baker: I will note, I am sorry, that Mike did run through using these points that we did. He ran through the properties. They really stayed in the same order except Mr. Wilson's property which was one with a lot of wetlands and such. That one basically dropped to the bottom, it was fourth.

Mr. Adams: Is that the one out by Marlboro Point?

Mrs. Baker: Yes.

Mrs. Baker: But we did just run the scenario just to take a look at how they were going to be...how it was going to change. Mike made a couple of notes just to let you know what he found when going through that. Do you want to hear it?

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Mr. Lott: I only did this today, so to be honest with you it was sort of a quick activity and I had to make a certain number of assumptions as well. For example like in question A5, I just assumed that the two applicants that received points for that category last time would have implemented them, so they had gone through the process so they got twenty points. The one question where we added points regarding the proximity to a farm, I just sort of looked at the GIS. I went on the Commissioner of Revenue and I made some guesses from what looked like a farm to me from an aerial photograph, I used it and I looked at the Commissioner of Revenue and if it was...or seemed to be hinting that they were still using it for an agricultural purpose, then I would do that. Like Kathy said, it did more or less stay the same. The one on the top is Mr. Silver's, it ended up at one forty five. You will notice that some did bump up, for example parcel 60...36-3 only had fifty three points the first round. The ones that did tend to bump up, bumped up because they received points for primarily for B 1 and 2. They can get twelve points now, they were at the Ag age. Older than the average Stafford County farmer and several of them did end of getting thirty points for having well bearing soil. So for example map 36-3, that was one of the main reasons that they got bumped up so much higher. Also they had a lot of prime farm land soils so it went from...

Mr. Adams: Is that the one on Poplar Road?

Mr. Lott: I guess, Druiett, yes, I think that was on Poplar Road. Yes the ones that definitely bumped up, but I guess when it comes down to it at the end of the day if you have a farm that is also at risk of development...the reason 48-15 did not...if it had been an active farm and it was at risk of development it probably would have gone past Jerry Silver's. It got no points for A-3 parcel being active farm land, so it got nothing there. Obviously...

Mr. Coen: Which one? Which one?

Mrs. Baker: Well, that is the second one.

Mr. Lott: It came in second last time. You know it also got a boost in points, but because it does not receive any points for being an active farm or having something with Tri-County, those are really...the two differences between the parcels were there. Another thing on Jerry's, he ended up really getting five points for being a century farm but I did not take the eight points away that he had gotten last time for resource...it was on the Scheel map for the county, historic resources, it showed a Union POW camp on his property. So, for that reason, maybe you'll able to give him points. I don't know but I did not take those eight points away and just give him five.

Mrs. Clark: I certainly thank you for running these. I know that this is a lot...

Mr. Lott: It was interesting to see how it played out.

Mr. Adams: The only change was fourth and fifth, right?

Mr. Coen: Four and six.

Mr. Lott: The top three remained the top three. The reason the one that, I guess 49-2A that was a little bit above 36-3 last time, that property has like sixty percent of it is wetland. So they got no bump in

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soils, so B2 they did not get any more points than they would have got last time. So they really did not get a lot of...nothing that we did really changed their points, they got fifteen more points. Most of that was because of the farmer over the Ag age, average age they got...

Mrs. Clark: Well I guess I like it because it looks like the farms are getting points. I can't believe this is coming out of my mouth and I really don't want to change this now because I really do think that we use the data that we had gotten last time and we have really hacked it to death here. I thank staff for all the work they have done on this.

Mr. Adams: But the new ranking compared to the old doesn't throw everything to the wind.

Mrs. Clark: We were very deliberate about the changes that we made.

Mr. Coen: Yes.

Mr. Lott: At the end of the day...

Mr. Coen: Productivity and threat are equal.

Mr. Lott: Mr. Silver's property had good soils to be developed even it...the thing is you are not asking yourself...if you did not get the points for the other property they got for being...they got eighteen because theirs was already going through a subdivision plan, so they got more points, six more points for that category. But their soils were not, at the end of the day the property is developable even though he does not intend to develop it.

Mr. Coen: Okay, alright. There is a motion and a second to adopt the ranking criteria as...did you actually have another line.

Mr. O'Hara: As presented by staff.

Mr. Coen: As presented by staff. Okay, any further discussion? Seeing none, alright, all those in favor of adopting the ranking criteria say aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

Mrs. Clark: Aye.

Mr. O'Hara: Aye.

Mr. Adams: Aye.

Mr. Coen: Aye. All opposed? And it passes unanimously. Thank you very much. That was an awful lot of work for you all to do. Thank you.

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Mr. Adams: If anybody wants to look at them, I do have a couple of plans. The nutrient management plan and a conservation plan we've got on our place.

Mrs. Clark: Thank you for bringing those in. I'd like to see that.

Mr. Coen: Okay. Any new business?

Mr. Neuhard: Mr. Chairman just to kind of give you the next step in the PDR piece, we will be bringing back the Ordinance in its entirety to take a look at. You might remember that early on the Assistant County Attorney was in with you and we had made a lot of changes and I think they were agreed upon. But you will get one last look at the whole body. So we will try to get that in here for the next meeting and if we can, I can't promise this but we will try to get the County Attorney to be here with us.

Mr. Coen: That would be useful.

Mr. Neuhard: Originally when we started the exercise of changing the criteria we also went in and did work on the Ordinance. Most of it was items that needed clean up because of changes that already occurred and through the experience we needed to just clean up and some terminology changes and things like that. We need you to check that again because I am not sure under the last change, for example, whether they took me off as a Committee member or not. The Board took me off as a Committee member last year, to serve only as staff and not to be an ex officio member of the Committee. So there are some little things like that we need to go back and make sure we caught. Those are the kinds of things we did...now evaluation section will change completely. This will...what you looked at will become the evaluation section. But...so you get a comprehensive look at what you have done and we will give it to you one more time and try to have the County Attorney here to answer any questions.

Mr. O'Hara: You are just not going to put us through another year of working...

Mr. Neuhard: No this should be just a quick glance. No it should be all there. You did look at all these once. We were in here once and I don't remember exactly when that was at this point sitting here tonight, but we were in here once with the changes.

Mr. Lott: Maybe September.

Mr. Neuhard: We are just going to bring it back in one piece.

Mr. Adams: Is that something that could be mailed to us about the time the minutes are mailed?

Mr. Neuhard: Yes, absolutely.

Mr. Coen: Okay.

Mr. Adams: Now we don't have to wait for that, you know Monday night to start reading it.

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Mr. Coen: And I...at the February meeting we have the lady coming and then we will have our agenda.

Mr. Neuhard: And you wanted the development brief?

Mr. Coen: Do you think that will be possible?

Mr. Neuhard: Yes, we should be able to do that. I think we have all the information you need it is just a matter of getting folks in here to...

Mr. Coen: Quite honestly we could wait to March on that part.

Mr. Adams: Out of courtesy, are you going to let Elizabeth go first?

Mr. Coen: Yes. I guess do you want to tell the staff to wait until March or do you want to just say...

Mr. Hunt: I say wait until March.

Mr. Coen: Wait until March on development. Could we look at, and I will defer to you, if you will let staff know if we could do in March the development aspect and then some sort of feel...some basic information on the Chesapeake Bay situation...

Mr. Hunt: Sure, yes.

Mr. Coen: In March or if that is not enough time...

Mr. Hunt: No.

Mr. Coen: ...to get the codes.

Mr. Hunt: March would be wonderful.

Mr. Coen: And in April look for the farmer's market issue. Does that make sense? So we are sort of targeting the next three months. And I am guesstimating that next month we say we love the Ordinance and we pass it, that will be the end of February and then it goes to the Board and the Board will schedule public hearings for us?

Mr. Neuhard: And they will be in the very middle of budget, so it may be depending on how it all falls. We will take it forward right away and get authorization for a public hearing but when that public hearing is scheduled might turn out to be May.

Mr. Coen: Okay.

Mr. Neuhard: Could be.

Mr. Coen: Don't you have the redistricting public hearing you have to deal with too?

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Mrs. Baker: Probably May.

Mr. Neuhard: Yes.

Mr. Coen: Yes.

Mr. Neuhard: Alright, remember during the budget session...the budget will be presented March 1<sup>st</sup> and then they will start working and in April we have the special meetings with the public hearing and so our schedule will get just kind of overrun by budgetary issues. We will be doing routine land use cases and things and things of that nature. We might work it in, it might be a fairly easy thing, but I don't want to promise it.

Mr. Coen: Okay.

Mr. Neuhard: We will try to get it authorized as soon as possible so we can stick it in at the appropriate point.

Mr. Adams: On the redistricting is there a date in the sand that has to be done by this date?

Mrs. Baker: Yes, we have got to have new lines in place by September 7<sup>th</sup>. That includes, we have to have sixty days of review by the Department of Justice. So we really have to have our information by July 7<sup>th</sup>. The Board has to have had their public hearing and make their recommendation before July 7<sup>th</sup>.

Mr. Adams: Are you just going to stick with the same number of people that they got?

Mrs. Baker: We have not heard anything to make it seem otherwise, but they have not really gotten the number yet from the Census Bureau. So until they do that they have not made any recommendations. But there has not been any discussion at this point to think about adding.

6. Next Meeting

- February 28, 2011 Regular Meeting

Mr. Coen: Alright, any other new business? Okay. So we meet again February 28<sup>th</sup>. Is there a motion to adjourn?

Mr. O'Hara: So moved.

7. Adjournment

With no further business to discuss the meeting was adjourned at 8:00 p.m.