

**STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
AUGUST 24, 2015**

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Thursday, August 24, 2015, was called to order 7:01 p.m. by Chairman Marty McClevey in the County Administration Conference Room of the George L. Gordon, Jr. Government Center.

Members Present: Marty McClevey, John Howe, Jeff Adams, Benjamin Rudasill, and Robin Long

Members Absent: Craig DeBenard

Staff Present: Kathy Baker, Sylvia Dyson

Guests Present: N/A

1. Call to Order

The Chairman, Mr. McClevey, called the meeting to order at 7:01 PM.

2. Welcome New Member

Mr. McClevey welcomed the new member, Robin Long, who was also the new owner of the North Stafford Farmer's Market. The Committee members as well as staff took the opportunity to introduce themselves to Mrs. Long. Ms. Baker explained that the Committee consisted of representatives from each district appointed by the respective district Supervisors and that Rock Hill was currently vacant. She further stated that she did not know when a new representative will be elected as the Rock Hill Supervisor will be resigning at the end of his term in December and may leave it up to the new Supervisor.

3. Election of Vice-Chair

With no other member coming forward Mr. Howe volunteered to serve as Vice-Chair. Mr. McClevey closed the nominations and called for the vote for Mr. Howe as Vice-Chair. The vote passed 5-0.

4. Public Presentations

There were no public presentations.

5. Approval of Minutes

The Chairman asked if there were any changes or comments on the minutes. Mr. Howe made a motion to accept the minutes as printed. Mr. Rudasill seconded the motion. The motion passed 5-0.

6. Staff Update

- PDR grant funds

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Mr. Adams declared that he had been contacted by Mr. Harris several times regarding PDR. He explained that Mr. Harris contacted him as an individual and not as a Committee member to get some contact information for an accountant and lawyer. Mr. Adams also inquired if Mrs. Baker was able to provide Mr. Harris with a copy of his deed to help Mr. Harris with drafting his own deed. Mrs. Baker explained that staff had already drafted a deed for Mr. Harris and sent it to him in a word file so he could make adjustments as needed.

Mrs. Baker stated that the Board of Supervisors authorized staff to proceed with the purchase of the Jones and Harris properties. She added that due to the rankings they would first be working on the Jones property. Mrs. Baker stated that there were enough county funds to proceed with both purchases, but it was a matter of matching funds needed in order to proceed. She explained that with last year's funds there were almost \$592,000 available, plus the estimated rollback funds of \$99,000 which brought the county funds total up to \$691,000 and only \$650,000 were needed to purchase both properties and still have a remainder of \$40,000. Mrs. Baker further explained that currently there was \$198,000 available in matching funds, but that the \$50,000 from Virginia Land Conservation Foundation (VLCF) were specific to the Jones property. She reminded that the VLCF application required a property to be preselected and that last year VLCF only approved partial funding due to the competition. She stated that staff resubmitted the new application the previous week to try to complete the match with VLCF. Mrs. Baker stated that the remaining \$148,000 were Virginia Department of Agriculture and Consumer Services (VDACS) funds. She further stated that another \$139,000 in matching funds was required to complete the Jones purchase and that she was confident that those funds would be made available through VDACS this year which would enable the county to complete the purchase possibly by the end of the year. According to Mrs. Baker the biggest hurdle would be to get an appraisal on the property as required by VLCF, but she did make contact with an appraiser out of Richmond who could possibly do it. She stated that the cost for an appraisal would probably be around \$5,000. She explained that the appraisal has already been built into the matching fund request to get a partial reimbursement.

Mrs. Baker stated that for the Harris property they still needed to get the full match, \$312,000 and that the property owner was aware that the purchase would probably not take place until next year.

Mrs. Baker explained that the left over county funds would roll over to the next fiscal year.

Mrs. Baker added that the grant money from VLCF would be dependent upon an appraisal, meaning that even though the County already had a set amount, the match would be dependent upon the appraisal. She explained that VLCF might not give the full match if the property didn't appraise as high as the County was suggesting. She explained that according to the Commissioner of Revenue (COR) the assessed value was currently \$100,000 less than the amount determined through development rights. She explained that the COR had not taken certain things into consideration, such as the property being zoned A-2 instead A-1, which meant more lots could be developed on the property. It was the COR's belief that the property would appraise higher than the current assessed value. Mrs. Baker stated that it

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was too soon to get the appraisal process started as the appraisal would have to be done within 6 month of closing.

Mr. Adams inquired whether there would be a 4-way negotiation between the owner, the County, VDACS, and VLCF. Mrs. Baker explained that VLCF would be deferring to VDACS as they were the ones overseeing the agricultural easements and would be accepting the county's deed as long as it was following certain standards. She explained that VLCF would be reviewing it to make sure that nothing stood out.

Mrs. Baker clarified that VLCF was a 4-part grant with a quarter of funds going to farmland and forestland, a quarter going toward historic, a quarter going to natural heritage, and a quarter going to parks and open space. She also explained that in order to qualify for the VLCF agricultural funds a PDR program would already have to be in place. Mr. McClevey added that he read up on VLCF and thought it was interesting that they also recognized view shed corridors under open space. Mrs. Baker stated that Jones property had added value due to historic resources adjacent to the property as well as the scenic value of farmland from the road which was spelled out in the Virginia Outdoors Plan.

➤ North Stafford Farmers Market Extension

Mrs. Baker stated that the market owner indicated that she wanted to extend the market through December. Mrs. Long stated that customers and vendors had expressed an interest in going a little longer for this season. Mrs. Baker explained that it was simply a matter of making that change on the zoning permit, which she believed had already been done. Mrs. Long confirmed that she just received confirmation and that the market would be running through December 27th, weather permitting.

Mr. Adams asked from administrative standpoint, what all could be changed regarding the farmer's market without needing further approval by the Committee. Mr. Adams was particularly interested in whether the days and hours of operation could be changed without needing further approval from the Committee. Mrs. Baker explained that things that were controlled by the zoning department, including days and hours of operation did not need further approval from the Ag Committee, and therefore the Committee did not have to take any action.

➤ Cluster Developments / Open Space

Mr. McClevey stated that due to recent reports in the newspaper he asked Mrs. Baker to bring everybody up to speed on the recent issues regarding cluster development. Mrs. Baker explained that agricultural clustering just came online in the last couple of years. She further explained that when it came online there were no specific state code requirements for useable open space. She stated that useable space referred to larger tracts of land which could be turned into playgrounds, gathering areas, clubhouses and such. She further stated that there was no designation in the stated code that excluded the areas along the resource protection areas, stormwater management areas, buffers, and other little strips of land to make up the required 50% of open space in agricultural zones. Mrs. Baker stated that the County attempted to take this issue to the General Assembly the previous year to get some

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standards and criteria established, but it did not make it on the agenda. She further explained that General Assembly later came back and informed the County that the authority had already been established in the state code. Mrs. Baker stated that at that point the County decided to add that to the county ordinance. She further explained that the new ordinance stated that the open space would have to be maintained by a Home Owners Association (HOA), or any kind of conservation group, individual, or an entity that was qualified to hold easements. She added that the open space would not necessarily have to be in an easement but could also be a designated parcel. Mrs. Baker also stated that the open space could no longer count towards buffer requirements, and that the use would have to comply with industry or county standards for minimum open space.

Mr. Adams inquired if the open space within the subdivisions could be leased to farmers. Mrs. Baker affirmed and stated that was part of the intent. Mr. Adams asked if the open space tracts could be considered land use so farmers could lease the land. Mrs. Baker stated they could if they met all of the land use program requirements. Mr. Adams inquired if the developer was able to prevent HOAs from leasing to farmers. Mrs. Baker explained it was dependent upon the timing, meaning when the plat goes to record there would have to be a designation on the plat stating who would be maintaining the open space. Mr. Adams inquired whether the Ag Committee could be responsible for the open space and try to find farmers themselves to farm the tracts. Mrs. Baker explained that the rules were very general. She stated that according to the ordinance the required open space land should be used as defined in the definitions and owned and maintained by (1) the HOA, (2) a conservation association, (3) an individual or an entity that can comply with the regulations of the zoning ordinance. She added that currently no one was ruled out. Mr. McClevey asked if the open space could also be turned into soccer fields and things of that nature. Mrs. Baker affirmed as long as it was a permissible use in the zoning district. She further pointed out there was nothing in the ordinance preventing it from converting from one use to another down the road.

Mr. McClevey inquired if developers would be open to input from the Ag Committee regarding the use of the open space. Mrs. Baker stated that if a need was identified and a recommendation was made it was certainly an option. Mr. Adams stated that that the properties would have to be of a certain size and the lease term would have to be at least 10 to 15 years for it to be feasible for a farmer.

Mrs. Baker further explained that the other part of the changes regarding open space was a Comprehensive Plan Amendment, which stated that viable areas and existing agricultural uses and natural resources should be avoided when possible as part of the development design, meaning if there was an active farm or agriculture in place already, and if it was the developers intent to maintain the agricultural as open space, then the developer would likely cut the development around the farmland and leave it intact.

Mr. McClevey asked whether the county would go back and look at developments that had already been approved under the old perimeters. Mrs. Baker explained that if they had already been approved prior to the adoption of the ordinance they could not be changed by the County.

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Mrs. Baker offered to send any cluster plans that come in to the County for approval to the committee for their input and suggestions. She further stated that there was a 4-6 month approval process which should give the Ag Committee enough time to approach a developer.

Mr. Rudasill inquired what kind of numbers they were looking at regarding the amount of open space. Mrs. Baker explained that that was dependent upon the size of the development, and that in the A-1 district there was a 50% open space requirement.

Mr. Adams asked for clarification on cluster developments. Mrs. Baker explained there were two different scenarios. She stated that a developer could go to the Board of Supervisors and ask for a Conditional Use Permit to get an increase in density, or going with a by-right cluster development to get a reduction in lot size. Typically, a developer can save money by not having to put in as many roads or other amenities to serve the lots.

Mr. Adams was concerned that a lot of septic fields and wells would have to be put in. Mrs. Baker stated that there would likely not be public sewer and water in the agricultural districts unless the lots were within the Urban Service Area. She added that the 1.5 acre lots would have to perk for a drainfield site, otherwise it wouldn't be approved. She also stated that the newer systems were much smaller and would allow for smaller lots.

Mr. Howe's concern was that there would have to be sufficient access points within the subdivisions to accommodate the size of equipment needed for farming.

7. New Business

➤ PDR Program - Next Steps

Mr. McClevey reiterated that there would be no further funds available until 2017. Mrs. Baker encouraged the Committee to take a look at the ranking before going into a new application round. She reminded that the Committee had previously discussed looking at target areas and this would be the time to reevaluate the past round.

Mr. McClevey suggested having a special meeting to go over the ranking criteria. Mrs. Baker suggested the Committee members take a look at the criteria and then come back with suggestions at the next meeting for possible improvements. Mr. McClevey asked the Committee member to do so. Mr. Rudasill asked Mrs. Baker to re-send the original criteria as well as related materials. Upon Mr. Adams' inquiry Mrs. Baker stated that Joe Fiorello would be working with the Committee in putting together any new criteria. Mrs. Baker offered to do a 30 minute overview at the next meeting before the Committee members started thinking about changes. The Committee agreed that it would be a good idea, especially since not all of the members were on the Committee when the original criteria was established. Mrs. Baker also offered for Committee members to come into the office during regular business hours to discuss this issue if needed.

Mrs. Baker reminded that there was still \$400,000 available that was designated towards the PDR program for Aquia Election District as part of a Conditional Use Permit. Mr. Adams felt

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that there weren't really any properties in that district to would even qualify for the PDR program. Mrs. Baker stated that she would bring in maps showing possible properties.

Mr. McClevey inquired whether the Committee could go back to the Board of Supervisors to try and see if the parameters that were put on that money could be changed. Mrs. Baker stated that the money was allocated to the Aquia district only as part of an agreement between the developer and the Board of Supervisors and could not be changed unless it went back to the Board. She further explained that there was no time limit on when the money would be made available for the PDR program. She further stated that it was at the Board's discretion to pick a lower ranked property from the Aquia district in order to take advantage of that money.

Mrs. Baker stated that the Board asked staff to look into the REPI program and submit applications although there was no funding source identified yet. She further stated that two properties had been submitted through Quantico, but that the REPI program was nationwide and was very competitive. She stated that one of the properties was the Stern property at the intersection of Mountain View and Poplar Road with 227 acres. She further stated that the property owners already expressed their interest in a conservation easement. Mrs. Baker explained that the purpose of this easement program was to buffer the area around the military base. According to Mrs. Baker the other application was for a small 8 acre property which abutted to the base. She stated that the property owner was interested in doing a conservation easement as well.

Mr. Rudasill inquired if the Stern property was even close enough to the base to qualify. Mrs. Baker explained that it was within the air space for the Base. She further stated that back in 2006 Quantico personnel went out and created a map of potential properties that could qualify and then prioritized the 105 properties that qualified. Mrs. Baker added that notices were sent out back then by Quantico to see if there were interested parties and they created a list of those interested parties. She explained that properties from Fauquier and Prince William County were approved for the program and that the base contacted Stafford County stating they would like to see Stafford County properties in the program.

➤ 2015 Work Plan Discussion

a) Farmers Market

Mr. McClevey stated that reviewing of the applications was an ongoing process, as well as reviewing rules and regulations. He reiterated that the dog issue had been take care of and could be removed from the work plan. Mr. McClevey felt that farmers markets should be promoted more on the county website. He also stated that the Fall Festival would be a great opportunity to promote the markets. Mr. McClevey was concerned that information that gets put on the website is too hard to find. Mrs. Baker explained that the Ag/PDR committee had their own separate section within the County website which could be found by clicking on Boards and Commissions found on the main page of the County's website. She further explained that there were links on the Ag/PDR site which would take you to a separate page which would show an overview of the PDR program, a list of properties, an updated progress report, as well as links to various other programs.

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Mr. McClevey stated that he would like to promote and encourage more farmers markets through the Ag/PDR page, but that he was concerned that the information would be rather difficult to find. Mrs. Baker agreed that the website was not the easiest to navigate through.

Mr. McClevey asked the Committee for suggestions on how to promote the markets better. Mrs. Long stated that she was wondering herself why information regarding the markets was not on the website, or if it was, it was too hard to find. It was Mr. Adams' understanding that markets were private and could therefore not be promoted on a county website. Mr. McClevey stated that they would only be promoting markets in general to bring awareness that markets even exist. Mrs. Baker stated that previously all that could be found on the website regarding farmers markets was a link to "Buy Fresh, Buy Local" which provided a list of registered farmers markets. Mr. McClevey stated that he would like to talk about some ideas at a future meeting to try and get the information out.

b) PDR program

Mr. McClevey reiterated that the committee should definitely look at the criteria before the new round starts. Mrs. Baker stated that at the end of the fiscal year, which was July, she would have a better idea when funds would be available again.

c) Chesapeake Bay / TMDL

Mr. McClevey reiterated that the total maximum daily load (TMDL) was something that was important to the County. Mrs. Baker explained that this issue was currently still on hold from a logistical standpoint. She stated that she had not heard back from DCR yet.

Mr. Adams asked how it was determined when letters would be sent out to homeowners asking them to get their septic tank pumped. Mrs. Baker explained that it was determined by zone and had to be done every 5 years as per state law. Mr. Adams was not convinced that the 5 year rotation was the best solution.

Mr. McClevey felt that even though it was on hold, the committee should start thinking about coming up with a database for agricultural uses as well as best management practices utilized in the county. Mr. Howe stated that Soil & Water conservation district and NRCS did a survey of King George, Stafford, and Spotsylvania. He explained that the survey consisted of them driving down all roads and making note of agricultural practices on each side of the road as well as other roads in the county developing some sort of information data base. Mr. Howe felt that there might be some information there already that could be beneficial for the Committee in setting up their data base.

d) Education outreach

Mr. McClevey stated that he hadn't looked at the possibility any further and asked the committee if there was still a desire to create some sort of outreach program. Mrs. Baker stated that she thought the idea was to tie this in with the Chesapeake Bay efforts, once it was established what would be required for that. Mr. McClevey agreed.

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Mr. Adams inquired whether Soil & Water got moved over to DEQ or if it was still with DCR. Mr. Howe replied that it was unchanged. He further stated that in order for individuals to get certain cost shares with Soil & Water they would have to have a nutrient management plan, which was ultimately a farm plan. He further stated that the difficulty would be to get a count of what was already out there.

Mr. McClevey asked why the emphasis was on a nutrient management plan. Mrs. Baker stated that it was not. Mr. Howe explained that the nutrient plan was coordinated with soil sampling to determine the nutrient levels in the soil. Mr. Adams felt that the nutrient testing was more or less a paper exercise since no one followed up on it. Mrs. Baker agreed, but explained that Tri-County simply did not have the manpower to follow up. Mr. McClevey asked if it was safe to assume that the nutrient management plan was a basic plan that everyone wanted to see, since one of the main issues was the runoff that would get into Chesapeake Bay. Mr. Howe confirmed. Mrs. Baker added that there were different funds available for different kinds of nutrient management. She explained that the Jones farm as well as Shelton installed a self-watering system to keep the cattle and horses out of the creek which they were partially being reimbursed for.

Mrs. Baker explained that the goal of the Chesapeake Bay TMDL was to create a data base first and then down the road go out to the farms and create management conservation plans. Mr. McClevey felt that regardless of TMDLs the County needed to get farmers up to speed with planning and farm management. Mrs. Baker explained that farmers weren't required to have a bona fide management plan, it was simply a matter of filling out a form stating what kind of a practice they had on their property. Mr. McClevey felt it was the committee's role to be more proactive and involved as far as the educational piece of it by offering workshops. Mr. Howe felt that the most opportune time to have workshops was once the Chesapeake Bay requirements were established. Mrs. Baker suggested that NRCS, Tri-County, as well as Extension already had workshops in place and that it would be a good idea to work on announcing those from the County website.

The committee agreed that conservation workshops should be put off until a later time.

Mr. McClevey felt that since Mrs. Clark was no longer on the committee the efforts regarding a school farm day were probably off, at least for this year.

8. Unfinished Business

➤ Stafford County Fall Festival

Mr. McClevey, Mr. Rudasill and Mr. Howe all agreed to participate at the Fall Festival. Mrs. Long stated that she was already at the festival as a vendor. Mr. McClevey suggested putting up the Century Farms posters as well as the PDR posters, but was looking for ideas from the other members. Mr. McClevey stated he would contact Mrs. Clark to see if she had any giveaways from Farm Bureau.

9. Next Meeting

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September 28, 2015

10. Adjournment

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

The meeting adjourned at 8:47 p.m.