

**AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
February 22, 2016**

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, February 22, 2016, was called to order 7:02 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, Tom Gregory and Robin Long (7:04)

Members Absent: Craig DeBernard

Staff Present: Kathy Baker, Joe Fiorello and Denise Knighting

Guests Present: Claudia Wright, Tom Hale, Cathy Hale, Ruth Carlone and Lester Long

1. Call to Order

Mr. McClevey called the meeting to order at 7:02 p.m. He asked Ms. Knighting to call roll, a quorum was present with 4 of the 6 members in attendance. Mr. McClevey passed the meeting over to Ms. Baker for the Organization of Committee.

2. Organization of Committee

- Election of Officers

Ms. Baker opened the floor for nominations. Mr. Adams nominated Mr. McClevey for Chairman. Mr. McClevey declined as he wanted to give other members the opportunity.

Mrs. Long arrived at 7:04 p.m.

Mr. Adams nominated Mrs. Long for Chairperson, which was seconded by Mr. Gregory. The vote passed 6-0.

Mrs. Long opened the floor for nomination of Vice-Chairman. Mrs. Long nominated Mr. Gregory as Vice-Chair. Mr. McClevey nominated Mr. Rudasill as Vice-Chair. Mr. Rudasill seconded Mr. Gregory's nomination, and Mr. Gregory seconded Mr. Rudasill's nomination. Mrs. Long called for the vote on Mr. Gregory's nomination. The motion passed 5-1 (Mr. Howe voted nay).

Ms. Baker reiterated that staff has been acting as Secretary and asked if the any Committee member would like to take over. The Committee agreed for staff to continue to act as Secretary.

Mr. Adams made a motion to move on to the By-laws discussion. Mr. Gregory seconded the motion. The motion passed 6-0.

- 2016 Work Plan

Discussed after By-laws.

- By-laws

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Ms. Baker reiterated that the Board of Supervisors (BOS) directed all Boards, Commissions, and Committees to limit the term for Chair and Vice-Chair to two years. She explained that this change would be added under Section A of the By-laws.

Mr. Adams made a motion to accept the changes to the By-laws. Mr. Gregory seconded the motion. The motion passed 6-0.

- *2016 Work Plan*

Ms. Baker suggested briefly reviewing the 2015 work plan to see which items had or had not been accomplished and make a decision whether the plan should remain as is or if it needed to be revised.

1. Farmers Market

- a. Review application(s) for Farmers Markets

Ms. Baker stated that applications were reviewed.

- b. Review rules and regulations for Farmers Markets, modify if necessary

Ms. Baker reiterated that changes had been made in 2015 regarding the pet policy for farmers markets.

- c. Create outreach materials for farmers markets

Ms. Baker felt that the markets did not get promoted on the website as much as she would have liked. She explained that the County was making changes to the website to make it more user friendly, which was the reason for holding off on it. Ms. Baker asked the Committee to provide any suggestions on how to further promote the markets.

2. Purchase of Development Rights Program

- a. Work toward purchase of Jones and Harris properties
- b. Review ranking criteria, modify if necessary
- c. Identify target PDR zones
- d. Discuss future next application round

Ms. Baker suggested changing this item to “Work towards purchase of additional properties”. She further explained that the County was getting close to closing on the Jones property. She stated that the deed had been worked out and both Virginia Land Conservation Foundation (VLCF) as well as Department of Agriculture and Consumer Services (VDACS), had approved the deed and the grant money. Ms. Baker explained that staff was still working with Harris on the terms of the deed. There was some disagreement regarding some of the terms.

Mr. Adams inquired whether he should if there would be a conflict of interest since he had been contacted by Mr. Harris privately.

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Ms. Baker suggested abstaining from any voting or discussion as it related directly to Mr. Harris's property.

Mr. Adams agreed.

Ms. Baker stated that matching funds for the Harris property were available. She added there was a 2 year time limit for closing on the property. Ms. Baker stated that the property owner would meet with staff again in 30 days.

Mr. Rudasill inquired what the disagreement was about.

Ms. Baker explained that staff was using the template which was approved by the Committee and was looking at specifics as how it was written in the Ordinance such as the division and the number of residential dwellings. She added that the issue they were currently working on where the buildings and structures that were allowed on the property.

Ms. Baker stated that currently there were about 300,000 dollars in FY2016 rollback funds and that she would have the final numbers around June 30th. Ms. Baker further stated that the Board's Community and Economic Development Committee (CEDC) would have a discussion the following week regarding the possibility of using this year's rollback funds towards two properties which had been approved through Quantico's Readiness and Environmental Protection Initiative (REPI) program, rather than opening a new application round. She added that the two properties were the Sterne Farm at the intersection of Mountain View and Poplar Road, as well as a small property (less than 20 acres) which wouldn't have qualified under the Purchase of Development Rights (PDR) program, but was adjacent to the base, which is the reason Quantico was interested.

Ms. Baker explained that the Committee would have to discuss whether or not they wanted to open a new application round later this year. She added that target zones needed to be discussed as well and whether or not the Committee still wanted to pursue.

3. Chesapeake Bay/TMDL

- a. Create database for agricultural uses in County and use of Best Management Practices
- b. Assist staff with assessment of new Chesapeake Bay regulations

Ms. Baker stated that staff had not received direction from the state as well as a Tri-County on where this was going. She added that this has been going on for the last 4 years and that it was based on state mandate. She suggested disregarding it for now until staff gets direction from the state.

Mr. Adams stated he attended training with Amy Walker, where he found out that certain information like farm numbers and such were exempt from the Freedom of Information Acts (FOIA), which left him unsure which type of information the Soil & Water Committee was allowed to give out.

Ms. Baker agreed that this was one of the issues they had been dealing with. She added that according to the state that only certain pieces of information, such as farm ownership, were proprietary.

4. Education/Outreach

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- a. Host Conservation Plan workshops with NRCS
- b. Pursue a Farm Day with Stafford County Public Schools
- c. Educate land owners on conservation easements and tax benefits

Ms. Baker stated the CEDC would have a discussion the following Tuesday about formalizing a partnership with the Northern Virginia Conservation Trust (NVCT). She added that NVCT was proposing a memorandum of understanding with the county. Ms. Baker stated that the agreement may include the County providing a NVCT employee with office space and computer equipment to help the County in reaching out to property owners and creating a type of outreach program as well as assisting with workshops, and the monitoring of easements.

Mr. Adams stated that during the training it was also mentioned that the state had mandated that each school child needed to have a meaningful watershed education experience.

Ms. Baker suggested working with Extension. Ms. Baker suggested the Committee take a look at the current work plan and come back with any revisions or changes at the next meeting.

3. Approval of Minutes

- November 30, 2015

Mr. Howe made a motion to approve the minutes as printed.

Mr. McClevey seconded the motion.

The motion passed 6-0.

4. Staff Update

- PDR program and PDR grant funds

Ms. Baker stated that the County had about 42,000 dollars remaining and about 90,000 dollars from the state.

Mr. Adams inquired what the state match was since he felt it was more than was initially expected.

Ms. Baker confirmed and explained there had been fewer localities applying for those funds.

Mr. Howe asked if there was a possibility that the state would take the money back.

Ms. Baker stated they could, if the funds were not used within a 2 year period, which for Stafford County meant 2017.

- REPI applications

Mr. Adams inquired about the negotiation process.

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Ms. Baker stated this program was different from the PDR program and had different requirements and regulations. She added that there was no real application process from the County's perspective. She reiterated that the properties had previously identified by the County in conjunction with Quantico, the Economic Development Department and NVCT. She explained that about 6 years ago property owners in the vicinity of the base had been contacted to see if they were interested. She added that this program was specifically targeting encroachment areas to help protect the base. Ms. Baker stated the biggest drawback of the REPI program, according to other localities, was the time frame. She added that applications were submitted back in July and the County just received confirmation that the two properties had been accepted for funding. She stated that now the negotiations and all the leg work would start.

5. New Business

Mr. Adams suggested discussing "Bees in Agricultural Zones" first since there were guest present for that particular reason. The Committee agreed.

- Bees in Agricultural Zones

Ms. Baker introduced Ms. Wright who had brought this issue to staff's attention.

Ms. Wright stated that she had been living in Lake Arrowhead since 2002 and that recently a large bee keeping farm "Rock Hill Honey Bee Farm" opened in that area. She added that her concern was that the back of the owner's property was adjacent to a very busy neighborhood road, which was where he kept his bees. Ms. Wright stated this road was being used by residence for running and biking. She added that a lot of neighbors are starting to get annoyed with the bees, especially because of the children playing outside. Ms. Wright stated since she was uncertain if the business owner was allowed to keep bees in that particular area, she started doing research and found out that there were regulations in Prince William County or Fairfax and was wondering if there were any in Stafford County and if there was anything that could be done. Ms. Wright brought photographs showing the location of the bees and presented them to the Committee.

Mr. Adams asked Ms. Baker if there was a bee ordinance.

Ms. Baker stated that there was not and that there was not a lot of direction from the state.

Mr. Gregory stated that although the bees were a concern to Ms. Wright, Stafford County did allow for bees by-right. He added that he was sympathetic to Ms. Wright, but he felt that this matter needed to be addressed to the BOS so they could create a regulation to deal with bees as opposed to the Ag/PDR Committee, which had no jurisdiction over this issue.

Ms. Baker explained that the Director of Planning, Mr. Harvey, had recommended starting with the Ag/PDR Committee, as the BOS would probably seek input from the Committee. Ms. Baker stated that it was up to the Committee if they chose to refer this matter to the BOS.

Mr. Gregory made a motion to do so.

Mr. Adams seconded the motion.

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Mr. Howe felt that this might infringe upon state law relative to a person's right to farm as bees were part of agriculture. He added that the City of Fredericksburg did allow for bees and that he had been involved in preparing the ordinance for that purpose.

Ms. Baker stated that other localities established setbacks from property lines as a measure.

Ms. Long agreed that the matter should be referred to the BOS and asked for the vote.

The motion passed 4-2 (Mr. Howe and Mr. McClevey were opposed).

- North Stafford Farmers Market

Mr. Gregory asked if any of the Farmers Market applications were approved prior to any regulation changes, would the changes still apply. He further explained that his reason for bringing this up was that he noticed there were no restroom facilities within 500 feet of either one of the markets and that he had every intention of making a recommendation to adopt a requirement that there be some kind of restroom facility, temporary or otherwise, as part of granting a market. Mr. Gregory felt that the requirement needed to be adopted prior to approving the markets so it would take effect immediately as opposed to the next year.

Mr. Adams stated that VDOT did not allow for "Porta-Potties" on their lots within the state of Virginia.

Ms. Baker asked if the Committee wanted to revise the farmers market rules.

With no one coming forward, Mr. Gregory made a motion to approve the rules as they existed.

Mr. Rudasill seconded the motion. The motion passed 4-0 (Mr. Adams and Mrs. Long abstained).

At this point Mrs. Long, Mr. Adams, and Mr. Gregory refrained from the conversation due to conflict of interest. The Committee voted 6-0 for Mr. Howe to temporarily act as Chairman.

Mr. Howe asked for a motion to approve the market.

Mr. Rudasill made a motion to accept the application.

Mr. McClevey seconded the motion.

Mr. Adams asked for clarification regarding the sale of art and craft items as a special event as mentioned under item 2 of the application.

Mrs. Long explained that the intent was to sell Christmas items in December such as wreaths, Christmas tree, and decorations.

With no further discussion, Mr. Howe asked for the vote.

The vote passed 3-0 (Mrs. Long, Mr. Adams, and Mr. Gregory abstained).

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- Stafford Farmers Market Cooperative

Mr. Rudasill made a motion to approve the Stafford Farmers Market Cooperative.

Mr. McClevey seconded the motion.

Mr. Gregory inquired what Mr. Adams intended to do about vendors that were not approved or part of this market.

Mr. Adams stated if the vendors had a permit to be there, there was nothing that he could do. Mr. Adams reiterated that the previous year there had been two independent vendors with permits.

With no further discussion Mr. Howe called for the vote.

The motion passed 3-0 (Mrs. Long, Mr. Adams, and Mr. Gregory abstained).

- Stafford Farmers Market

Ms. Baker stated that staff had not received the application as of yet, but it could still be discussed. She stated that this market, which was run by Marshall Locklear, had been operating out of the VDOT commuter lot for 8-9 years, which was longer than the farmers market ordinance was adopted. She added that Mr. Locklear had obtained approval by VDOT. Ms. Baker stated that staff informed Mr. Locklear that he would have to go through the same process as all other markets from here on out. Ms. Baker added that Mr. Locklear would be contacted by the Zoning Department as he was currently in violation of zoning as his VDOT permit expired December 31 and he had not come in front of the Committee to go through the proper application process.

Mr. Gregory added that Mr. Locklear has been operating a non-compliant market for a number of years. He pointed out that the produce was being obtained from third parties outside of the state of Virginia. Mr. Gregory stated that he has been frequently visiting the location and the vendor continued to sell his produce. Mr. Gregory presented photographs as proof.

Mr. Adams stated that Mr. Locklear did come before the Committee years ago and that he had been operating under a peddler's license and not a farmers market and that his market had been "grandfathered" up until now.

Mr. Gregory felt that Mr. Locklear was casting a negative light upon the farmers market concept in Stafford County and that the Committee should ask the Zoning Department to take action against him.

Mr. Adams asked Ms. Baker whether Mr. Locklear was able to obtain another peddler's license.

Ms. Baker stated that he did not have a peddler's license in the first place. She explained that he had been operating on the VDOT lot and the County did not have any jurisdiction over VDOT lots since they were state properties. She added that since the ordinance had come along for farmers markets, VDOT started accepting applications from the county only, rather than from individuals. Ms. Baker stated that staff would continue to work with the owner. She added that as a result of the application not having been submitted, the notice of violation could be issued asking the owner to comply within 30 days. She explained in case of non-compliance after the 30 days the issue could be taken to court.

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Following the farmers market discussion, Mrs. Long resumed as Chair.

6. Unfinished Business

- PDR properties – next steps

Ms. Baker stated this was discussed under the work plan.

- PDR Ordinance updates

Ms. Baker stated that staff did start discussing the ordinance and went over what the changes were going to be. She stated that she would now have to talk with the Committee regarding some outstanding items, like the cluster regulations for example.

- A-1 cluster regulations

Ms. Baker reiterated that there had been a question whether the cluster regulation would affect how the number of development rights would be calculated. She stated that there was a formula in place based on certain criteria. She reiterated that hydric soils and steep slopes were deducted from the total acreage and the remainder was then divided by 3, if A-1 property, to get to the number of development rights. Ms. Baker further explained that the cluster ordinance allowed for 1.5 acre lots, but also called for 50% open space, which would result in the same number of lots and would therefore not impact the number of development rights.

Mr. Howe inquired if hydric soils and such were also deducted from the total acreage when dealing with clusters.

Ms. Baker stated that generally those would probably be in the open space area and would therefore not get deducted.

Ms. Carlone, former Planning Commissioner, introduced herself and stated that she had questions about the PDR and whether lots within the PDR easement could still be built on.

Ms. Baker stated that under the ordinance there could be only one division per 100 acres, or up to 100 acres, meaning that there was a 40 acre property, there would be only one house allowed on it with 40 acres.

Mr. McClevey stated since property taxes went up, he felt that the dollar amount per development right should probably be looked at again too and possibly reconsidered for future purchases.

Ms. Baker stated that with each new application round that number would be reevaluated by the Committee.

7. Next Meeting

- March 28, 2016

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8. Adjournment

Mr. Gregory made a motion to adjourn.

The motion was seconded by Mr. Rudasill.

The motion passed 6-0.

With no further business to discuss the meeting adjourned at 8:45 p. m.