

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
March 27, 2017***

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, March 27, 2017, was called to order at 7:01 p.m. by Chairman John Howe in the County Administration Conference Room of the George L. Gordon, Jr. Government Center.

Members Present: Thomas Hale, John Howe, Robin Long, Marty McClevey, and Benjamin Rudasill

Members Absent: Jeff Adams

Staff Present: Kathy Baker, Melannie Egan, Joe Fiorello, Mohan Karki, Bart Stevenson, and Denise Knighting

Guests Present: Marshal Locklear and Vivian Chiodo

- Call to Order

Mr. Howe called the meeting to order and asked Ms. Egan to call roll.

Ms. Egan called roll.

Mr. Howe stated there was a quorum present. He then asked if there were any public presentations. Hearing none he moved on to approval of minutes.

- Public Presentations

None

- Approval of Minutes – February 27, 2017

Mr. Howe asked what was the probable open date of the University of Mary Washington Farmers Market on Route 17 would be.

Ms. Long stated May 17, 2017.

Mr. Howe stated he would entertain a motion to approve the minutes as submitted, if there were no other comments or concerned.

Ms. Long made the motion to approve.

Mr. Rudasill seconded the motion.

The motion passed 5-0 (Mr. Adams was absent).

- Staff Update
  - PDR program and PDR funds

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Ms. Baker stated the Board of Supervisors would be holding a public hearing on the budget on April 4, 2017. They typically vote on the budget at the second April meeting, unless they have things that need further discussion. This year they are looking to increase the PDR fund above and beyond the roll back tax. She explained currently there is a budgeted amount of \$80,000 dollars each year that goes to the general fund from the roll back tax, anything beyond the \$80,000 goes directly to the PDR program. This year they are discussing removing the \$80,000 minimum and all of the roll back funds would go to the PDR program. In addition they are talking about some year end excess funds up to \$250,000 which they would use as a ramp up this year as a onetime thing to add to the fund. They are also considering in future years tacking on an additional \$250,000 to make up the difference when roll back funds don't come in and we fall short. So potentially we could get between \$600,000 to \$700,000 if the majority of the Board members support it. She stated on the flip side there may not be much available in matching funds this year. She stated she would report after the Board takes action on the budget.

Mr. McClevey asked if the rollback funds could accumulate.

Ms. Baker stated yes, it could roll over each year.

Mr. McClevey asked if budget would have to be used within a fiscal year.

Ms. Baker stated no, it could all carry over as long as it is a dedicated budgeted line item going to the PDR program. She stated the County would apply for matching funds.

Mr. McClevey asked when application for matching fund could be made.

Ms. Baker stated typically VDACS funds are applied for in October and the Federal Farm and Ranch Land Program applications are all due in September this year, but, you have to have the properties identified in order to apply for those funds. Virginia Land Conservation should have about 3 million this year but again you have to have the property identified. She stated she was not sure of the application date and would verify and let the Committee know. She said that if a round was opened in June, allowing 2 months for application submittal. They by the first of August all properties would be in and ranked and presented to the Board to apply for the matching funds.

Mr. McClevey asked when the Board would vote on the budget.

Ms. Baker stated April 18, 2017.

Mr. McClevey stated the Committee would know how much money they had.

Ms. Baker stated yes and the latest would be in May 2, 2017 in order to have all the taxes set and notices out for June.

- New Business
  - PDR Valuation

Ms. Baker introduced Bart Stevenson.

Mr. Stevenson stated he was the County Assessor in the Commissioner of Revenue's office, and he was in charge of the appraisal staff. He stated they collect information on sales and value throughout the entire county. He handed out a spreadsheet of raw A-1 land sales for the Committee to review, and explained

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the spreadsheet shows what a raw lot transfers for, before it gets cut and platted before it becomes a finished lot. He stated it also shows what finished lots sell for to compare and contrast.

Ms. Baker stated for the first round applications in 2009, we paid \$30,000 per development right. That number dropped to \$25,000 for the 2013 round. She stated the Committee needed to decide if they were going to keep that \$25,000 or raise it or lower it. She said Mr. Stevenson was not going to make any recommendations, he was just giving information and the rest was up to the Committee to discuss and vote on it.

Mr. Stevenson stated the three lowest sales in the dollars per raw lot were by Eastern Virginia Land, Alex McCallister, who gets great deals on his land. He stated he did use those figures to find the average dollars per lot. He explained the lots with higher cost had great road frontage and were ready to go with little to no improvements needed. He stated in his opinion the typical market value was \$35,000 to \$50,000 for raw lots. He explained cluster subdivisions keep half the property open and cluster the smaller lots together. He stated they were also noted in the report. The cluster subdivisions seem to be the way to go for most of the developers now, when they consider developing a piece of property.

Mr. Howe asked if the lot yield was after it had been platted and approved.

Mr. Stevenson answered yes, that was what they ended up getting for that sale, bought it raw and transformed it to lots for that particular subdivision.

Mr. Howe asked if the properties were in any particular part of the county.

Mr. Stevenson stated in Hartwood or White Oak areas.

Mr. McClevey asked if current sales were included when looking at reassessments.

Mr. Stevenson stated they look at the last 2 years of sales to come up with new values for reassessments. He stated from 2014 to 2016, they saw a 7 or 8 percent increase in overall values. He stated the Commissioner of Revenues values were close to what you could get for a property now that things have stabilized or at least close to stable.

A discussion ensued regarding the spreadsheet and the sales numbers, they talked about undeveloped lots, and the sale prices, septic, water and road features. They discussed the Urban Service Area and that upscale neighborhoods were going to get more money for lots than standard neighborhoods. A-1 properties inside the Urban Service Area could change the value because of the services were already there.

Ms. Baker asked if there were any sales with conservation/preservation easements in general.

Mr. Stevenson stated that Eastern Virginia Land sold 2 lots within a cluster development. He explained they cluster the lots on half of the property, and preserved the other half. He then sold the preserved piece to a buyer that may own one of the cluster lots.

Mr. Rudasill asked if the lots were 1.5 acres.

Mr. Stevenson clarified that were in a cluster subdivision. The minimum lot size was 1.5 acres in an A-1 area instead of the 3 acres by right. Each cluster lot had to have its own septic on their lot and a reserve site.

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Ms. Baker stated community drainfields were allowed, but the Board of Supervisors had to approve it. By having a cluster subdivision it leaves 50 percent of the property as open space and that allows the lots to be smaller.

Mr. Stevenson stated out of the last new cuts of land, 4 or 5 have been cluster subdivisions, which saves the developer some money because the roads are not as long. He stated Hartwood Landing actually transferred that open space to the HOA and the lot owners shared the open space.

Ms. Baker suggested they go back to 2013 and look at those similar figures.

Mr. Rudasill asked Ms. Baker what was the equation she used.

Ms. Baker stated they remove hydric soils, which were generally where streams or wet soils are located, any steep slopes 25 percent or greater, and they take an average of 5 percent for potential right-of-way. If someone develops a lot, it just averages out that 5 percent of their total development is going to right-of-way dedication, either to install roads or the dedication you have to do on a state frontage according to the ordinance. Those are the three things subtracted out of the overall acreage. She stated they were averaging 1 house per 3.9 acres in the past. Based on those environmental factors sometimes you are going to get a little more or a little less. But with the cluster, you are removing some of those environmental features because they are going to be in your open space area. So you may be getting a larger lot yield in some instances.

Mr. Howe stated you could take the more developable area and maximize it as long as; in the case of 100 acres you don't exceed the 33 lots.

Ms. Baker stated she would provide the 2013 numbers to gain more information and compare and even go back to 2009 and see how they did when the lots were going for \$30,000.

Mr. Howe stated they didn't need to make a decision tonight, but they needed to be reasonably consistent. He stated if the thinking process in the valuation was the same then it really didn't matter whether they end up at \$15,000 or \$35,000 as long as they were following a similar thought process, and one, that could be defended how we historically came up with the number and there was no right or wrong.

Mr. McCleavy asked Mr. Stevenson what was the average cost per lot on clusters.

Mr. Stevenson stated it would be close to \$115,000. He stated a good comparison was Bridlewood, those were 3-acre lots that were sold in the \$130,000 to \$140,000 range, and the very next property was Saddle Ridge which was a cluster and the developer was getting an average of \$120,000 per lot. The developer was getting slightly less, but he was not spending nearly as much on development and putting the roads in.

Mr. Howe pointed out that he actually grossed more.

Mr. McCleavy stated that when someone approaches a land owner, they were not going to discuss that it was going to be a cluster.

Mr. Stevenson agreed. The land owner would get a fair market value for it, and the developer would sell for slightly less per building site because they are slightly smaller, but he would get more of them on the cluster typically and he was spending less on the road, clearing and grading so that was a win for the developer. The developer for Saddle Ridge was able to get 2 more lots in that cluster subdivision. The lay

of the land had a lot to do with it obviously, but they would rather do the cluster and that was what we were seeing. The developer in Saddle Ridge bought the lots for \$33,000 and sold them after he put the road in and laid the electricity, for \$120,000. So he made roughly \$90,000 dollars, per lot minus his development costs. To cut a road through for the lots it costs in the ball park of about \$25,000 per lot, so it isn't cheap. Mr. Stevenson stated this information was the same thing they do at the Commissioner's Office, same kind of studies when they start looking at reassessments. He stated he wanted to put everything out there so the Committee could see what they were all seeing.

Mr. Howe asked if there were any additional discussions or ideas on the PDR valuations.

Mr. Rudasill stated that he did not, right now.

Mr. Howe stated Fauquier County also has a purchase of development rights program and asked if they would be a comparable scenario to look at.

Ms. Baker stated they were the only other locality that does the PDR program with a pre-determined set amount. All the other localities do it by appraised value and the difference between the highest and best use verses when it was encumbered with an easement. She stated Fauquier was used as a comparison last time, but they have larger lot sizes in their agricultural area, they are 10-acre lot sizes. So it was a little bit different and they have differences in higher priced land. They were at \$30,000 in the past are now down to \$25,000, so it is comparable to what they were paying per development right.

Mr. Howe asked that this item be on the agenda for the April meeting. He stated he would like to move to Chapter 22, Purchase of Development Rights within the County Code.

- PDR Ordinance Revisions

No discussion.

- Chapter 22 Purchase of Development Rights

Mr. Howe stated he knew the Commission had looked at this a couple of times and we could go by section or we can go straight to areas that people might have questions on.

Ms. Baker stated that the Committee had already gone through it section by section. The biggest change was the one Mr. Adams came up with as far as waiving the 20 acre minimum. She stated if you are next to an adjoining, or you own a property here that was already enrolled in the PDR program, even if you are just adding 5 acres to that, the Committee and Board can waive the minimum 20 acres only under that scenario.

Mr. McClevey suggested the language which he emailed out to everyone a couple of weeks ago with what the proposed change. Unless there were any additional thoughts, that was the only thing we needed to finalize.

Mr. Howe stated it was always dangerous to re-read something. One thing he noticed was that Craig DeBernard was no longer on the Commission so they are one potential member short. He asked if there was anything being done to swell our ranks back up to maximum.

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Ms. Baker stated it was up to the Board of Supervisor for the George Washington District. He was aware, and she had not heard of any prospects so if anyone knows of anyone who would be willing to serve, let her know and she will forward any names.

Mr. Howe stated that he wanted to know if everyone was comfortable with the language of Section A-6 on page 5 and 6 that they were proposing.

Ms. Long stated that she was comfortable with the language that was forwarded to her, it seemed clear.

Mr. Howe read the section out loud to see if everyone was okay with it.

Mr. Rudasill stated that he was good with the language.

Mr. McClevey stated that he was good, if it filled the purpose and it looked like it did.

Mr. Hale stated he was fine with the language. He did have a couple of questions on definitions. Commissioner, it states "he" five times in the document and asked if that be his/her designee. He then stated it also defines "bio-diversity" which he thought everyone knew what that was and then talked about silviculture, horticulture and a word that he had never heard of before, appetence. Those are not defined. Just worth a thought.

Ms. Baker stated some of those words may already be defined in the Zoning Ordinance so they did not define them, or the definitions may be listed in another ordinance such as forestry, it all depends on where and how the word was used and what it was pertaining to, in order to see where it was already defined. But if there was a specific thing that needed a definition they would have to create them. She asked for recommendations.

Mr. Howe stated that horticulture is a standard forestry term and no need to define it in the section.

Ms. Baker said she would edit his/her in the document.

Mr. McClevey stated that he was comfortable with the definitions.

Mr. Howe asked about Sec. 22-A4, the Board shall appoint an administrator, and asked for clarification was the administrator Ms. Baker.

Ms. Baker verified that it was her.

Mr. Howe asked under the first criteria in Item 2, the percentage identified as prime farmland or farmland of state wide importance, he asked if there was a further definition. He asked how do we define prime farm land.

Ms. Baker stated that came from the State definitions. She would look it up, but it was based on the soils the soil percentages, drainage and the whole productivity factor. There are a series of explanation of what that means. It was in the survey manual and it will identify what the prime soils are and/or the statewide importance.

Mr. Howe then asked about Item 4, an executed forestry commitment. In all of his 44 years he had never heard that before.

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Mr. McClevey stated it may be for a tree farm, a state forester.

Mr. Howe then replied that perhaps for an approved forest plan, a professional forest plan, to include when a thin cutting took place or a harvest of the pine and replant with an acceptable species.

Mr. McClevey agreed that it doesn't designate what was in the plan.

Ms. Baker stated there are guidelines if you go to the Department of Forestry. DHR also has the same information, but as far as the commitment she would go back to find out where that language came from. There was a reason for it being there, and she will check.

Mr. Howe stated that he had nothing else to discuss and said he would go around the table to see if anybody else had anything.

Mr. Hale stated no.

Mr. McClevey stated that there was a typo in D-1, Virginia Division of Conservation and Recreation, and it should be Virginia Department of Conservation and Recreation.

Ms. Long stated she was good.

Mr. Rudasill stated he was good.

Mr. Howe asked the scribes to go over the changes that were discussed.

Ms. Knighting stated there were questions on some of the definitions and Ms. Baker had explained they were found in other places. A question about how prime farmland was described and Ms. Baker stated it was based on the soils and the soil survey manual was a place to go to look up that information. Changing his to his/her and changing DCR to the Department of Conservation.

Mr. Howe stated that he would entertain a motion to approve the PDR Chapter 22 with the following changes. Under the definitions, change his designee to his/her. Section D, change to the Department of Conservation, instead of Virginia Division of Conservation. And third, change building criteria under 22-A6.

Mr. McClevey made a motion to update and amend the PDR Ordinance as discussed with the corrections, with no other revisions necessary.

Mr. Rudasill second.

The motion passed 5 - 0 (Mr. Adams was absent).

- Unfinished Business

None

- Next Meeting

April 24, 2017

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Mr. Howe stated the next meeting would be April 24<sup>th</sup> at which time the Commission would review the PDR evaluation,

Ms. Baker stated she would add on the next application round.

Mr. McClevey asked if there was any further business on Microbreweries.

Mr. Howe stated Ms. Long spoke to the microbreweries and it seems they are sourcing local products wherever they can.

Ms. Baker asked about tractor safety.

Ms. Long stated she spoke with Shelton at the Farm Bureau and he said they have a new initiative this year to work on tractor safety. He was going to check to see if they had any additional signs available that the Commission could distribute on their behalf. VDOT would have to be involved if other signs were needed and the Farm Bureau had the information on which roads they want to post. Ms. Long stated she was waiting for more information. She also clarified that she was not on the Farm Bureau Board but she was on the Women's Committee and Agriculture School Committee.

- Adjournment

Mr. McClevey made a motion to adjourn.

Ms. Long seconded.

The motion to adjourn passed 5-0 (Mr. Adams was absent).

With no further business to discuss the meeting was adjourned at 8:15p.m.