

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
April 24, 2017***

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, April 24, 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

Guests Present: Marshal Locklear, Vivian Chiodo and Lester Long

- 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.

- Public Presentations

Mr. Locklear introduced himself and stated he had been through many changes over the years with Farmer's Markets and the rules within Stafford County. Many in the public have not liked the changes and the new restrictions. He would like to see some of the new rules changed or and even some omitted. He stated many people would like the meeting to be more open and they were looking for clarity but were afraid to speak up. He appreciated the time to talk and asked the Committee to think about what the people wanted. He had been encouraging people to get involved and to speak out.

- Approval of Minutes – March 27, 2017

Mr. Howe thanked Mr. Locklear for his comments and moved on to the March 27, 2017 meeting minutes and asked if there were any additions or questions on them. Hearing no comments he asked for a motion.

Mr. Howe stated he but would like to strike "if they" on line 61.

Mr. Rudasill mad a motion to approve the minutes as amended.

Ms. Long seconded the motion.

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

- Staff Update

- PDR Program

Ms. Baker stated Mr. Mohan Karki and Mr. Joe Fiorello had been going out looking at the properties for monitoring purposes and all was going well so far. Annual monitoring was needed to make sure the properties were in compliance with the restrictions that were listed in their deed. The question was raised if a house could be built on those properties and Ms. Baker clarified that every easement either had an existing house or the ability to build a future house. If someone wanted to build a house, the building permit would flag the property as an easement property in our systems and it would be sent to planning and zoning to make sure that they were in compliance. She stated the Silver Properties were a great example; the daughter and son in law were currently building their house. Planning and Zoning had to make sure that the square footage and location of the house complied with what was written in the deed.

- PDR Funds

Ms. Baker told the Committee that the Board of Supervisors approved the \$80,000 PDR budget, along with removing the cap, so all of the roll back taxes would go directly into the PDR fund, but that would not go into effect until July 1<sup>st</sup> for the next fiscal year, so the total would be unknown until next June. The Board designated another \$250,000 year end funds that was a contingency, it depends on how much year end funds were available. Another fund that would be available at the beginning of July was a \$360,000 in ramp-up funds that were not being utilized from another fund. Those funds would move over as a one-time occurrence to incentivize the program and should be ready by July 2017. She did not have a total to date of the year roll back funds available so far and she would let everyone know as soon as she found out. The increase of rollback to include the additional \$80,000 would be a steady amount and would not change unless a new Board changed it. Ms. Baker stated staff was ready to move into the new round as soon as the Committee determined when they were ready to proceed. She stated the Ordinance was going to public hearing May 16<sup>th</sup>. The County Attorney did reword it a bit, but the intent that was approved by the Commission did not change.

- New Business - Farmers Market Application- M&K Market

Mr. Howe asked if there were any more questions. Hearing none he proceeded to New Business. He stated he was ready to entertain questions on the new farmer's market application for M&K Market.

Mr. Rudasill began by asking Mr. Locklear what were the top three selling products at his market.

Mr. Locklear stated that it would be tomatoes, corn and squash. Watermelon and cabbage were next and sweet potatoes were becoming a big item.

Ms. Baker asked if the information she sent to the Committee had the rules and regulations included.

Mr. Howe stated they were not included.

Mr. Rudasill stated these were supposed to be farmer's markets, so the items are raised and sold by the vendors. Currently tomatoes are not being raised in Stafford County. If you are not selling locally farmed products at this time, the vendors probably were not selling local products either.

Mr. Locklear stated the vendor from the Northern Neck will come out in May. He stated he was a year-round market and has been since 2003. He stated it has changed many cities such as Dale City and

*Agricultural and Purchase of Development  
Rights Committee  
April 24, 2017*

Spotsylvania. He would have a guy that would start selling in May. His hours of operation would be from 7:00 am to 4:30 pm, and would be year-round.

Mr. McClevey stated 80 percent of the produce sold, would have to be locally grown within 125 miles of Stafford. He asked Mr. Locklear if he was willing to commit to and follow that rule.

Mr. Locklear stated he does a lot of business with a producer in Hanover, which is within that 125 mile range. He stated it was difficult to get produce from local markets in December.

Mr. McClevey stated it was a violation of the ordinances if he couldn't.

Mr. Howe said it would be considered a produce stand and not a true Farmers Market.

Mr. McClevey continued and said from April to October it would be viable, and outside of those months it was nothing more than a produce stand.

Mr. Rudasill reiterated that a legitimate Farmers Market was produce or items that were produced in the area.

Mr. Locklear stated he did sell collards and kale in January but they ran out.

The conversation continued, trying to determine whether Mr. Locklear had a Farmers Market or a produce stand.

Ms. Long asked if there was a different type of permit or application that he could use during those months.

Ms. Baker stated a produce stand would have to be on someone's property that was producing. The Clark farm was a good example; they produced their items and had a farm stand on their own property.

Mr. Locklear then stated he could purchase locally through December and was told that he could buy and pick up and not pay him, but have a family member at the stand to collect monies or pay them after.

Mr. McClevey stated that the point of the Farmers Market was to stimulate local farmers and that Mr. Locklear was just a middle person.

Mr. Locklear stated he had a vendor who was producing growing 75 plants and he would like to expand. He had found a new vendor who wanted to get involved and sell his eggs and other things.

Mr. Rudasill stated those were the types of people, growers that the Farmers Market were designed for, the grower that had excess.

Mr. Howe stated he could find and bring in vendors that had meats, coffees, baked goods, jams and jellies during the periods when vegetables were not available, as outside of the regular season, there are zero local producers selling tomatoes.

Mr. McClevey agreed.

*Agricultural and Purchase of Development  
Rights Committee  
April 24, 2017*

The conversation continued regarding the rule being 80 percent local products and 20 percent could be from outside of the area. Purchasing vegetables in Georgia and bringing them to Stafford to sell would be a violation.

Mr. Locklear acknowledged that he understood.

Ms. Baker handed out copies of the regulations from last year that was submitted with Mr. Locklear's application so they could review and discussed what was approved from last year.

Mr. Locklear asked if there were any changes from last year.

Mr. Rudasill stated he did not want to hurt Mr. Locklear but also did not want it to be a mockery of the rules of the Farmers Market and be nothing more than a vegetable stand. The concern was in the off season Mr. Locklear would not have any items to sell unless he got vendors that could sell what they produce, but, Mr. Locklear continued to use the word "purchased" on several occasions throughout the discussion.

Mr. Howe stated he did not believe that Mr. Locklear was abiding by the spirit of the rules and it concerned him.

Mr. McClevey stated he believed the spirit was, "I am a farmer within 125 miles of Stafford and I grow corn and I would like to sell it at your market." Mr. McClevey recommended they change the rules to clearly state that the Farmers Market was a Stafford produced only Market and the vendor knew and understood that they must be within the 125 miles.

Ms. Long wanted clarification as to what would be approved to be in the market. The owner of the property happened to grow something outside of the 125 miles and he wanted to sell it in the market. As long as the producer could prove it was their land, their farm, which was where the other 20 percent could come from, but it must be clearly labeled that the item was not from the area, and the customer was well aware that the product was from outside the area. Ms. Long stated they have had that discussion painstakingly line by line and thought it was clear. Ms. Long stated they wanted Mr. Locklear to be successful but he does not grow much of anything and then stated that resales were not allowed.

Mr. McClevey agreed and Mr. Rudasill was at a loss as what to do.

Ms. Long stated if Mr. Locklear had relationships with vendors they had to be a contracted producer, not just items for resale.

Mr. Howe stated there were no allowances at all, for items to be resold.

Ms. Baker read the definition of Producer/Vendor and stated it means the persons including immediate family members, legal partners and employees who produced items for potential sale.

Mr. McClevey recapped that a vendor can sell an item that is grown or produced in his market area or was from a legal partner.

Mr. Howe commented that they have had a lively discussion and asked the Committee for individual thoughts.

*Agricultural and Purchase of Development  
Rights Committee  
April 24, 2017*

Mr. Rudasill stated he had no expectations, that 80 percent would be grown by Mr. Locklear. He did not think it was the spirit of the program and stated he would lean towards voting “no”.

Mr. McClevey stated he hoped Mr. Locklear would sign the agreement and comply with all of the rules and regulations.

Ms. Baker stated all zoning applications are on a complaint basis, so if the zoning office received a complaint, the permit could be revoked, and an option, if they are not complying. There is a process, if there is a violation, they would go out and acknowledge the violation, report it and give the vendor 30 days to correct it. If they do not then they can officially begin proceedings that would revoke the permit and possibly become a court issue.

Mr. McClevey would like to revise the rule, The Producer Only Requirement, number 3, to see clarity that all fresh produce sold, to revise it in such a way for vendors to know and understand the 80/20 rule of producing and no resale, which would protect Mr. Locklear if a vendor receives a complaint. He would like to approve the application, establish the start date for the zoning permit that would be for one year, and then approve the market application based upon the revisions of the market rules to restate “producer only” and the rest would be in compliance.

Ms. Baker stated it could be conditionally approved with the stipulation that they bring back the revisions within 3 days, then staff would look it over, and then the zoning permit would be released.

Mr. Hale agreed with the discussion and liked the idea of giving the applicant the 3 days to revise and submit the changes discussed.

Mr. McClevey made a motion to approve Mr. Locklear’s application, conditionally, based upon resubmission of rules and regulations, changes made reflecting the ordinance of a Producer’s Only Market #3, dates and Name Change.

Mr. Hale seconded the motion.

The motion passed 3-1 (Mr. Rudasill voted no, Ms. Long abstained with a conflict, and Mr. Adams, was absent).

**Unfinished Business**

○ PDR Valuation

Mr. Howe stated the information that Mr. Bart Stevenson provided from the last meeting included two key points, one being the value of the raw lots when they are sold to developer and then the value of lots after the developer has completed the site work and created the lots.

Ms. Baker stated the value of the lots sold to the developer was what was important to the Board. They looked at Fauquier County and their lot value was established at \$30,000. Stafford County per raw lot values for 2015 through 2017 averaged around \$37,000, but that number was low. They had to throw out certain numbers because they were not the norm, and then they were able to come up with approximately \$47,000. The last application round was between \$45,000 and \$50,000. Also they were looking at about 50 percent of that value due to encumbering it with a conservation easement. Which then made the value between \$25,000 and \$30,000, and that was a good basis to go by and it also took into consideration what

*Agricultural and Purchase of Development  
Rights Committee  
April 24, 2017*

the land owners are willing to accept. Property values are coming back up and you have to weigh whether you want to increase the amount based on that. When it comes to cluster subdivisions they were selling for a little bit more, so there were a lot of factors involved and there was no real formula, other than comparing all of comparable land sales. Also that amount would be encumbered by 50 percent; she believed the \$25,000 to \$30,000 was again a good number to go with.

Mr. Rudasill asked how many lots have been retired in the last two years under the PDR Program

Ms. Baker stated under the PDR program Stafford County has retired 115 developmental rights or lots, including 6 properties and 450 acres. Land sales were increasing; however the numbers could be revisited any time a new application round is being opened. \$25,000 was a good justified number for an owner who wants to keep his land and take advantage of the tax benefits also.

Mr. Howe stated the land owners really do not know how much the land was worth and also thought the range of \$25,000 to \$30,000 was a good number.

Ms. Baker agreed and stated that larger lots, the ability to live there, and the ability to farm there the land still had a good resale value. Ms. Baker asked if the Committee wanted to raise it back up to the \$30,000, it would be up to them to decide.

Mr. Howe asked if anyone had ever complained about the current \$25,000.

Ms. Baker said no, that no one had specifically complained or backed out based on that number.

Mr. Rudasill asked about taxing and would it be considered a capital gains tax.

Ms. Baker replied yes, and she stated that some land owners reinvested in other lands or purchase equipment to offset the taxes.

Mr. Howe suggested that the owner would have to talk to a tax person to help them manage that money. He asked the Committee if they had any other thoughts on the dollar amount for development rights.

Mr. Rudasill stated that \$30,000 was a good number, but the \$25,000 was working, and stated that he wanted to leave it at \$25,000. He believed they would not be able to reach out to as many folks if it were to be raised.

Ms. Long agreed with Mr. Rudasill and stated she felt good with that number.

Mr. Hale also agreed with the \$25,000 amount.

Mr. McClevey stated he needed to step out of the discussion as he had a farm and he may want to consider his farm at a later date.

Mr. Howe agreed and stated he wanted to keep the number at \$25,000 also. He wanted to open a round and see what would happen. He stated that for every dollar that the valuations were raised, it would eat into the resources that were available for other possible properties. The discussion continued regarding if the next round did not go well with the \$25,000 number, they could revisit and change it before they go on to another round.

*Agricultural and Purchase of Development  
Rights Committee  
April 24, 2017*

Mr. Howe asked for a motion on the amount of valuation to continue at \$25,000.

Mr. Rudasill motioned to keep the amount at \$25,000.

Ms. Long seconded the motion.

The motion passed 4-0 in favor of continuing the amount at \$25,000 (Mr. McClevey abstained, Mr. Adams was absent).

Ms. Baker stated when the Committee was ready she would come back with a time frame and would lay out the agenda or they could just get started and open a round now.

Mr. Howe stated the option was to instruct staff to format and open a round now or wait until May 22 to open the round. The advantage of starting the round now would be that the committee gained 30 days into the process.

Ms. Baker stated she would quickly lay out the steps to open a round to inform the Committee of the process. First, she stated staff would begin to notify all eligible A1 and A2 property owners that have over 20 acres, and let them know there would be a public information hearing that they would be able to attend. Then the Committee would set an application deadline from 2 to 3 months, which would give applicants time to speak to their lawyers, etc. It would not cost anything to submit an application and it does not bind them to anything. Then it would take staff a couple of months to arrange everything, get the properties ranked and get it back to the Committee. It would take a total of 4 to 5 months for the entire process and then there would be more meetings such as the Board of Supervisors. Everything was in place and ready to start when they were. Ms. Baker also stated that if the Committee wanted to attend the May 16<sup>th</sup> Public Hearing they could and it would start at 7:00pm.

Ms. Long motioned to have staff move forward with all steps necessary to open a new round for the purchase of Development Rights at \$25,000 per development right.

Mr. Rudasill seconded the motion.

The motion passed 4-0 to move forward on opening a new round (Mr. McClevey abstained and Mr. Adams was absent).

Ms. Baker stated that she would keep everyone informed, send details, establish a date and start the process.

Mr. McClevey told the Committee that he had spoken to Virginia State Department of Forestry, Karen Snape, and they could look up and see properties in Stafford by going to [forestasyst.org](http://forestasyst.org) and he encouraged all to do that as it was a great tool to use.

- Next Meeting

May 22, 2017

- Adjournment

With no further business to discuss, Mr. Howe declared the meeting adjourned at 8:55p.m.