

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
October 23, 2017***

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, October 23, 2017, was called to order at 7:02 p.m. by Chairman John Howe in the County Administration Conference Room of the George L. Gordon, Jr. Government Center.

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

Members Absent: Tom Hale

Staff Present: Kathy Baker and Melannie Egan

Guests Present: Cindy Shelton, David Secrest, Irene Secrest, Janet Littlejohn, and John Harris

- Call to Order

Mr. Howe called the meeting to order at 7:02 pm and asked Ms. Egan to call roll.

Ms. Egan called roll and stated that there was a quorum present.

Mr. Howe introduced and welcomed Chad Young the newest member of the PDR Committee from the George Washington District. He asked Mr. Young to tell a little about himself.

Mr. Young stated that he grew up on Dairy Farm on Ferry Road. His family had been in the county since the Civil War and his family had several farms around the county. He got out of the dairy business in 2003 and now raised beef cattle and hay along with a small landscaping business. He was President of Stafford County Farm Bureau for years and was currently Vice President. He was Chairman of the Southern States Petroleum Board, past President of the Fredericksburg Feeder Association.

- Public Presentations

Mr. Howe asked if the public had any statements.

Hearing none he moved onto the approval of minutes.

- Approval of Minutes – September 25, 2017

Mr. Howe asked if there were any comments or corrections of the minutes of September 25th meeting.

After hearing none, he asked for a motion to approval.

Ms. Long motioned to approve.

Mr. Rudasill seconded the motion.

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

*Agricultural and Purchase of Development
Rights Committee
October 23, 2017*

- Staff Update
 - PDR Program and PDR Funds

Ms. Baker started off the discussion by giving a synopsis of the last meeting and stating that she would be providing more detailed and accurate information in the PowerPoint Presentation at tonight's meeting. She started by giving an overview of all of the 12 properties stating that five of them were from the George Washington District, five from the Hartwood District, one from the Aquia District and one from Griffis-Widewater District. The total acreage is 658 and 179 Development Rights. The cost to purchase all of the easements would be \$4,400,000. She then reviewed each property individually.

Littlejohn- Ms. Baker stated that Ms. Janet Littlejohn was present and then proceeded to update the committee on the property. Littlejohn was a total of 3 parcels, 49 acres, 26 development rights totaling 650K. The property was split-zoned with 30 acres in the A-1 zone and 19 acres in A-2. It had one existing house and agricultural support buildings. The uses were growing soybeans, corn and raising horses. The property had 15% Ag soils and 100% well-drained soils. The property was near the Jones PDR easement and adjacent to the VOF easement.

The discussion continued regarding the civil war associations on the Littlejohn property and prior property owners holding public office. Points are given when a property had historical features on the property, because there is no clear cut answer and didn't fall in ranking criteria, this property will be taken to the historical commission on November 2nd, to get their concurrence on the resources. Fifteen points was the highest score if a property was within a county historic district or if it was deemed eligible to be listed on the National Historic Register, ten points for a property that was associated with or adjacent to a property that had a historical place, event, person or activity. Five points if it was adjacent to an established historical visual landscape feature.

Jones- Ms. Baker stated that the Jones property was a total of 4 parcels, 76 acres, 17 development rights totaling \$375k. Mr. Rudasill noted that he thought it was 15 development rights. Ms. Baker concurred that 17 was a typo, it should 15, and the total of \$375k was still correct. The property was zoned A-1, had 2 existing houses (1 on each of the larger parcels) and agricultural buildings. The uses were growing hay and raising cattle. The property had 25% prime Ag soils and 59% well-drained soils. The property was near the Jones PDR easement and adjacent to the VOF easement and had the CSX Railroad running through the front. The property had a Streambank Protection Plan, with environmental features of a DCR ecological core, National Heritage (NH) resource and a perennial stream that was adjacent to cultural resources.

Johnson- Ms. Baker stated that the Johnson property had been a 2009 PDR applicant and 6 development rights was determined at that time. The property was 1 parcel, 21 acres, 5 development rights totaling \$125k. The property was zoned A-1, private road with one existing house and an outbuilding. The use was primarily hay with 65% prime Ag soils and 83% well drained soils. The environmental features were DCR ecological core, wetlands and the perennial stream, Muddy Creek. The property was also near ODLC easement.

A discussion regarding the change from 6 development rights to 5 was due to recalculations of soils and slopes and the technology in GIS had improved so much since 2009 when the last study was conducted on this property. The committee discussed paying for 6 development rights like they would have in 2009 if the property had been chosen. Mr. Adams made a motion to keep the development rights at 6 as that was what the original application gave them. Mr. Rudasill seconded the motion. After further discussion, Mr.

*Agricultural and Purchase of Development
Rights Committee
October 23, 2017*

Howe asked the committee to defer further discussion until more information was received and reviewed. Mr. Adams withdrew his motion and agreed to wait for further information.

Secrest- Ms. Baker stated that the Secrest property was 1 parcel, 57 acres, 15 development rights, totaling \$375k. The property was zoned A-1 with no structures. The owner proposed to carve out a 3 acre parcel to be subdivided and given to their church. The 3-acre parcel had already taken out of the development rights calculations. The uses were growing beans and corn with 53% prime Ag soils and 87% well drained soils. The property had a conservation plan for no-till system and nutrient management plan and was adjacent to cultural resources. There was also an active purchase agreement from a developer in July 20, 2017 through September 20, 2018.

A discussion ensued regarding the urgency of development pressure and the potential of a forced sale of the property. 30 points was the maximum for a potential forced sale, 24 points if the property is subject to an estate settlement sale and then 18 points if it had subdivision land approved and 12 points if the owner is older than the standard age in Stafford County farmers. The Secrest property did not quite fit into any of the categories and would need to be discussed to see if it would fit into one of these circumstances.

Moore- Ms. Baker stated that the Moore property was 3 parcels, 82 acres, 19 development rights, totaling \$475k. The property was zoned A-1 with no structures. The uses were growing soybeans and corn and timber with 34% prime AG soils and 92% well-drained soils. This property had a forestry plan, and the environmental features included DCR ecological core, wildlife corridor designation, significant wetlands system and perennial stream, Potomac Creek. The property was adjacent to Holsinger PDR easement and wetland mitigation easement and the property was currently leased to Century Farm. This property had a main trunk power line easement for Dominion Power and was next to a lot of cultural resources.

Petley- Ms. Baker stated that the Petley property was 1 parcel, 54 acres, 12 development rights, totaling \$300k. The property was zoned A-1 with no structures. The primary uses were hunting and was 100% forested with 40% prime Ag soils and 91% well-drained soils. The environmental features are DCR ecological core, wetlands and perennial system, a tributary to Aquia Creek and had threatened & endangered (T&E) species habitat. There are no cultural resources.

Brent Point LLC- Ms. Baker explained that the LLC was for the family as the family owned the land. The Brent Point property was 2 parcels, 33 acres, 7 development rights totaling \$175k. The property was zoned A-2 with one existing house and detached residential garage. The property was forested with 39% prime Ag soils and 28% well-drained soils. The property was adjacent to Widewater State Park with environmental resources, DCR ecological core, NHC site, wildlife corridor, T&E species habitat and adjacent to Potomac River. No species had been identified but there was potential habitat. There was also a cemetery nearby.

Snyder- Ms. Baker stated that the Snyder property was 2 parcels, 45 acres, 9 development rights totaling \$225k. The property was zoned A-1 with 2 houses, 1 on each parcel, and a garage apartment. The property uses were growing hay and timber with 44% prime Ag soils and 64% well-drained soils. A forestry plan had been submitted. This property is near the Adams PDR easement and had a Civil War house and cultural resources.

Shelton- Ms. Baker stated that the Shelton property was 1 parcel, 81 acres, 19 development rights totaling \$475k. The property was zoned A-1 with 1 existing house and agricultural buildings. The property uses were growing hay and raising cattle with 31% prime Ag soils and 54% well-drained soils. The property

*Agricultural and Purchase of Development
Rights Committee
October 23, 2017*

had a USDA CREP plan. The environmental features are DCR ecological core, NHC site, perennial stream and T & E species habitat and are near a VOF easement.

Harris- Ms. Baker stated that the Harris property was 1 parcel, 122 acres, 36 development rights totaling \$900k. A 3-acre proposed lot near the main house had been deducted from acreage total. The property was zoned A-1 and the uses were growing corn, hay, soybeans, winter grain and forestry with 90% prime Ag soils and 95% well-drained soils. Forestry and conservation plans were in place and the environmental features were DCR ecological core, NHC site, and a perennial stream and T & E species habitat. This property was adjacent to Spotted Tavern Farm PDR easement has cultural resources and was a Century Farm.

Beach- Ms. Baker stated that the Beach property was 1 parcel, 32 acres, 9 development rights totaling \$225k. The property was zoned A-1 with no residential or agricultural buildings with 87% prime AG soils and 93% well-drained soils. The uses were growing hay, grazing and forest. A forestry plan was in place and the property was near a VOF conservation easement. This property was also a designated as Readiness Environmental Protection Initiative (REPI) target parcel, next to cultural resource and the environmental features were DCR ecological core, perennial stream. Because of the REPI this property may be qualified for 50% matching funds from Quantico and other funding. It would be possible for the County to pay only 25% for this property.

Caton- Ms. Baker stated that the property was 1 parcel, 30 acres, 7 development rights totaling \$175k. The property was zoned A-1 with 1 existing house and had agricultural buildings with 75% prime Ag soils and 75% well-drained soils. The uses were growing hay and raising horses. A forestry plan is in place and the property was near VOF conservation easement. This property was also a designated REPI parcel, and the environmental features were DCR ecological core, perennial stream and T & E species habitat and near VOF easement and included a 50 foot wide easement adjacent to Dunbar Drive. Because of the REPI this property may be qualified for 50% matching funds and other funding. It would be possible for the County to pay 25% for this property.

Ms. Baker then stated that the next steps were to have site visits with the owners. She and staff had set aside October 26, 31 and November 2. She would let owners know in the morning via email that they could set up an appointment with them but would also have other days set aside as backup to get the visits completed before the next meeting and to give them the 10 days to respond and provide additional information so preliminary scoring and ranking could begin at the November meeting and then the December meeting would be for more definitive scoring and ranking.

Ms. Baker stated that the VDACS grant applications are due next week, but there was only about 250K available for the state wide applicants. The county is also considering applying for US Department of Agriculture funds and they had an application round at the end of November and then they usually reopen their application round in February or March. They had the highest level of matching funds available. By the time all of this gets to the Board, it would be in the spring and we would know more about what the matching funds could be.

- Unfinished Business
 - Farmers Market Regulations

Mr. Howe started the conversation stating that the reason they were reviewing the rules of the Farmers Market was because Mr. Adams had some questions regarding the 80/20 rule and that Mr. McClevey had

*Agricultural and Purchase of Development
Rights Committee
October 23, 2017*

drafted a possible replacement language to help clarify its meaning. He opened the floor to committee members for comment.

Mr. Adams stated he had two issues. One was inspections, stating that the County Attorney said there could not be inspections and he wanted to push the county to inspect the farmers and the markets for legitimacy; and two was the 80/20 rule and he felt that the rule did not comply with the spirit of “know your farmer, know your food”.

Mr. McClevey stated that he now after research and drafting the new language had a good understanding of what the 80/20 rule meant. It allowed for other goods to be brought in and it was a good option to regulate it, yet have diversity. He understood that it was a grey area, but

Mr. Adams stated that one could get around the rule by purchasing 1% of a company and then they would be allowed to bring in coconuts. No one was going to New York or North Carolina to verify the legitimacy of the product.

Mr. McClevey did not feel it was an issue but agreed that there was no option to inspect and the accountability was not there, but was fine for the most part. He asked Ms. Long how many vendors use the 80/20 rule out of her 53 vendors and she stated that there were 2.

Ms. Baker stated that the County Attorney does not condone going out and inspecting, and the zoning officers could not go out unless they had received a complaint and a possible violation. The committee could go out and inspect and look for violations if they chose to, because it is a rule of the committee, it is not a zoning ordinance regulation, and the county cannot enforce. If they get a violation stating that they are not complying with an zoning ordinance that was one thing, not going out to see if they were within the 125 miles.

Mr. Adams proposed a motion to allow anyone to sell anything. The motion did not receive a second, and the motion died.

Mr. McClevey stated that Market Managers had the ability to do their own inspections to make sure their vendors were following the rules.

A discussion ensued regarding face painting. And it was brought up that it would be considered a craft just like making a basket would be considered a craft.

Mr. Adams stated that the last time he did go out to a market, the sheriff’s office was called.

Ms. Long stated she wanted on the record very clearly that that incident happened with the previous owners of the market and had nothing to the market now as the new owner of the market.

Mr. Long stated that they were doing their best to be the best market in Stafford County and they were not perfect, but no one was perfect and he believed that the farmers market was also a peoples market where people could enjoy, stay, eat and have fun. He wanted to hear about the good things that come from the market and not just the bad. He liked rules; he believed in rules and were doing their very best to follow them. The vendors work very hard, but he wanted things to be fair, be a team.

*Agricultural and Purchase of Development
Rights Committee
October 23, 2017*

Mr. Howe then stopped the discussion and stated that Mr. McClevey had proposed some changes to the language for clarity and asked for a motion to accept the proposal and move forward so all future vendors and Market Managers would know the rules.

Mr. Rudasill motioned to approve the amended language for the producer requirements proposed by Mr. McClevey.

Mr. McClevey seconded the motion and added that the new language will clarify and narrow in the rules to give Market Managers the ability to regulate and make decisions.

Mr. Howe asked if anyone had any other comments.

Mr. McClevey stated that he did not have further comments but wanted to have it done by the end of the year. Keep the spirit of it good and he would stand by it.

Ms. Long stated that she did not have any problems with the new language Mr. McClevey proposed.

Mr. Rudasill stated that he liked that the language put it into the hands of the Market Manager. He believed there may be possibly violators but there was no need to have a cop enforcing the rule and that was the Market Manager's job.

Mr. Young stated that he was fine with the new proposed language to stand with the farmer and hope all follow the rules to the best of their ability.

Mr. Howe restated that the motion was to replace Item 3 Producer requirement with the language with Mr. McClevey's approved language.

Motion passed 4-1 (Ms. Long abstained and Mr. Adams voted no)

- o A-1 Agricultural Zoning District Uses -

Ms. Baker began the discussion by stating that the Planning Commission had not yet established their subcommittee and they were the ones that are charged with creating and looking at the uses and either expanding, deleting or even moving some of current uses to the Conditional Use Permit category. At the last meeting she informed them that the committee asked Mr. Howe to participate and they are willing. They would not be setting up their committee until their November meeting. And this committee will be getting into that at the beginning of the new year.

Mr. Adams asked if all uses that were existing now would be grandfathered.

Ms. Baker answered yes that use could continue, unless the use was discontinued for 2 years, than the uses would not be able to be permitted by right.

Mr. McClevey suggested that the committee google Ann Arundel of Maryland and look at their A-1 uses.

Ms. Baker stated that the current county codes were limited in the definitions. Some state codes were more detailed than the county code.

*Agricultural and Purchase of Development
Rights Committee
October 23, 2017*

Mr. McClevey was impressed in one of the codes he was looking at, listed that a farm was exempt from fumes because it was a farm and the farm was protected from people who purchase land next to a farm. The discussion continued and Mr. McClevey stated that he would look into more.

Mr. Howe asked to have the A-1 Use discussion put on November's agenda.

- New Business

Mr. Adams stated that Tri-County was going to ask Stafford for an increase in funds. Currently Stafford County funds Tri-County less than any of the other jurisdictions and with all the Chesapeake Bay stuff coming down the pike, they could only do so much as they were only a four person staff. He asked the committee to support them in their request for additional funds.

Ms. Baker stated that the county had a list of recurring agencies that the county contributes to and during the budget process those would be taken into account along with any other requests from those agencies and would be considered and voted on by the Board of Supervisors.

- Next Meeting

November 27, 2017

- Adjournment

With no further business to discuss, declared the meeting adjourned at 8:56 p.m.