

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
June 25, 2018***

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, June 25<sup>th</sup>, 2018, was called to order at 7:00 p.m. by Chairman John Howe in the County Administration Conference Room of the George L. Gordon, Jr. Government Center.

Members Present: John Howe, Jeff Adams, Robert Broxton, Marty McClevey, Joshua Pepper and Benjamin Rudasill

Members Absent: Chad Young

Staff Present: Kathy Baker, Joe Fiorello, Ben Foster and Denise Knighting

Guests Present: Lester Long, Robin Long, and Gordon Silver

1. Call to Order

Roll was called by Ms. Knighting. A quorum was determined with six members present.

2. Public Presentations

Mr. Howe asked if there were any public comments. With no one coming forward he moved on to approval of minutes.

3. Approval of Minutes – April 23, 2018

Mr. Adams made a motion to approve the minutes as presented.

Mr. Rudasill seconded the motion.

The motion passed 6-0 (Mr. Young was absent).

4. Staff Update

- Purchase of Development Rights Program Applications

Ms. Baker stated the Board of Supervisors authorized this Committee to proceed with four easements, which were the Beach and Harris properties in the Hartwood District and Moore and Secrest properties in the George Washington District. She stated the Board opted to go forward in the order of ranking except for the Shelton property, which was number four. This property fronts on Warrenton Road and entailed more money than available, so they opted to move to number five at this time. She stated as money continued to be added to the program, the number four property would be eligible as well as the remaining properties in the order of ranking. She stated there was approximately \$900,000 in the 2018 budget and June 30<sup>th</sup> was the cut off for the rollback funds, but it would be August before the exact total was available. She stated the deadlines for the matching funds for the four easements was coming up quick and she met with Mr. Beach today and they were moving forward with the REPI money for that property, because he was in that area, and everything Quantico needs has been sent to they could get moving on that application, as the federal deadline was July 31, 2018. She stated the best option for the other three properties was going through the U. S. Department of Agriculture, which one of the matching

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sources that we have not used before. They do not have a designated amount of money, but their deadline is August 31, 2018. The County has to be a recognized entity which means we have to go through a process as do each of the three application properties. The owners have to go through the process of being eligible for those matching funds. She stated Virginia Land Conservation Foundation through the Department of Conservation received no funding this year. She stated she would apply for the Virginia Department of Agriculture matching funds, but they have a limited pool of money. We received \$61,000 last year and the potential for the same amount this year. Those funds are required to be expended within two years and we are a year into last year's application. She stated she was meeting with the applicants and trying to move forward.

Mr. Adams stated the USDA application was a multi-year process.

Ms. Baker agreed and stated she has indicated that to the applicants. She advised the Commission she would keep them informed of the milestones, but it would be closer to the end of the year before she knew about receiving the federal funds.

Mr. McClevey asked if the Board gave any indication concerning their perspective on the program in general.

Ms. Baker stated no. The vote was 4-3 to move forward with the existing funds for these properties. She stated some of the Board members have said publically that they were not in favor of the program.

- Chesapeake Bay Agricultural Compliance

Ms. Baker stated this Committee has been talking about the Chesapeake Bay Agricultural compliance for a couple of years. The five year audit by DEQ on the Chesapeake Bay program was done and the Chesapeake Bay agricultural compliance was one of the eight conditions that we need to meet or bring into compliance. She stated staff has been meeting with Tri-County to discuss the plan of action. Basically all of the agricultural properties in the land use program need to have best management practices on the property showing that they have some form of soil erosion and nutrient control. They have to do an assessment of these properties which allows them to determine whether the practices they're using are in compliance with DEQ regulations. If they are found to be non-compliant the next step is to come up with a conservation plan. She stated that they have come up with 500 total properties and that they would have to work with Tri-County to complete the assessments. She stated they would come back to the Committee for assistance when the time was closer.

Mr. Adams stated Tri-County has resignations from 50% of the staff.

Ms. Baker stated this meant they would not be able to conduct site assessments very quickly.

Mr. Adams stated even if they complete the assessments, they don't have any money to correct any issues they might find.

Ms. Baker posed the question of the county or the state putting money in to the program to keep it going.

Mr. McClevey stated the Committee had voted to ask the Board for more money for Tri-County. He asked what their response was.

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Ms. Baker replied the Board raised Tri-County's budgeted amount from the County from \$21,000 to \$25,000. She mentioned talking to Spotsylvania County to see if this item was on their to-do list.

Mr. Adams mentioned articles that state the Chesapeake Bay can be given a low "C", and that was a slight improvement.

Mr. McClevey stated if the Tri-County leads, then they will know what the BMPs will be.

Mr. Howe stated DEQ has a notebook of BMPs.

Mr. Adams stated to keep in mind that many of the BMPs have a lifetime to them.

Ms. Baker stated this was part of the problem with the database, Tri-County still has to go out to the various sites to confirm that the BMPs are still in place.

Mr. Adams stated Tri-County gets paid by the state to do these spot checks and that's why they agree to do them.

Ms. Baker stated the Tri-County MOU was in the process of being updated. It will have to be general because at this point they don't know how much funding they'll need.

Mr. Adams explained the predicament of hiring new people, it takes two years to become a qualified candidate and candidates that are already qualified would want more money than we can pay them.

Mr. McClevey suggested the idea of contracting the work out.

Mr. Adams stated Tri-County couldn't contract it out because they have no money to pay the contract.

Mr. Fiorello mentioned the number of certified individuals is low.

Mr. Howe introduced Mr. Silver.

Mr. Silver stated that he was attending the meeting to see what he could learn.

5. New Business

- Purchase of Development Rights Program Policies

Ms. Baker stated that the BOS brought up a couple of policies they would like to see addressed. One was a written policy that the County will only put up 50% matching funds for any PDR easement. While we practice that policy, it is not formally in writing. She mentioned that the PDR program doesn't have separate written policies; we follow the Ordinance.

Mr. Adams asked if that would require a change to the Ordinance.

Ms. Baker replied that new written policies would not affect the Ordinance. She stated they have a similar process for each new program; they've just never formalized it and written it down. She felt that because the Board brought up some of these unwritten policies it was a good time for the Committee to take a look

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at their processes and procedures and formalize them. She mentioned making a minimum point cut-off as an example.

Mr. Adams stated ever since they purchased the Silver easement the Committee has always had the precedent that the County only funds 50% and the rest of the money comes from somewhere else. He stated he has no problem making a motion to make that a formal policy. He stated his agreement with the minimum point cut off, but said he was not sure what the number should be.

Ms. Baker stated no decision needed to be made tonight, she was just starting the discussion. She gave background information on a situation that occurred a while back when four properties were a part of the PDR program without having filled out an application or having received a ranking. This had occurred because the Board had set a policy at the time that they could consider properties outside of the open application rounds. She stated the Board would like to now see a policy that says any property that's purchased using PDR funds has to go through an application process.

Mr. Adams asked if that would tie the County's hands.

Ms. Baker replied that it didn't mean the County couldn't consider something outside the application process ever again, the Board just wants a formal policy written by the Committee.

Mr. Adams asked if staff could come back with a recommended number for the minimum point cut off.

Ms. Baker replied that was something that needed to be discussed as a group.

Mr. Adams asked if there was a timeline on these requests.

Ms. Baker replied no, but that they would probably want them back fairly quickly.

Mr. Howe asked if the Committee had a set of policies or procedures.

Ms. Baker replied they did not.

Mr. Howe suggested a threshold within the ranking system.

Ms. Baker clarified that nothing the Committee did to address these requests would affect the current applications.

Mr. McClevey stated he understood the need for a vetting system, because there is a hierarchy to how the system of choosing which properties could be in the program. He stated that the REPI program targets specific properties. He stated he felt the Board would be happier if they targeted zones instead of specific properties.

Mr. Adams asked if all the properties that have been considered by the Board for this program since the beginning have been in either the Hartwood or George Washington districts.

Ms. Baker replied that that there had been some Aquia and Griffis-Widewater applicants. She stated that there typically would be no properties from the Garrisonville district because it's in the Urban Services Area.

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Mr. Broxton asked where they could get a copy of the ranking profile that is used for the program applicants.

Ms. Baker replied that she could send it to him. She stated that it's also in the ordinance and she would re-send any information to anyone who needed it.

Mr. Howe suggested the goal of having the formal written policy completed by their October meeting.

Mr. Adams stated the Committee would only meet 3 times between their current meeting and their October meeting.

Ms. Baker stated that they could come back to the Board with suggestions before they turn them into formal written policies.

6. Unfinished Business

- A-1, Agricultural Zoning District Uses

Ms. Baker handed out a report from the Committee, which Mr. Howe served on with the Planning Commissioners. She stated the final information in the report would be added to the Planning Commission's July Agenda. The report discussed two main things, non-commercial kennels and feedlots. It also discussed re-doing some agricultural related definitions and regulations concerning the number of animals allowed per acre. She stated the attachment was just information and reiterated that the information would be going to the Planning Commission for more discussion and public hearings. She stated once the information was in an official ordinance format she would make sure the Committee received copies of it.

Mr. Howe stated until the Planning Commission translates the Committee's conversation into permitted uses or special exceptions we don't really have anything to do with it. He asked about the farmer's market regulations concerning vendors.

- Farmers Market Regulations Regarding Vendors

Ms. Baker handed out information concerning Mr. McClevey's recommendations on farmer's market regulations.

Mr. Howe stated an issue they wanted to discuss was food trucks at the farmer's markets.

Mr. Broxton stated they needed to be able to defend their stance against anyone who would participate in that market.

Mr. McClevey clarified the changes and recommendations he had made to the document they were discussing. He drew the Committee's attention to the area involving non-produce items. He stated agriculturally-based commodities as opposed to additional items for sale are a new item. These are the products of local farmers and agriculturally based vendors and entrepreneurs. He discussed a statement he added which distinguished farmer's markets from flea markets and other businesses due to specific rules and guidelines. The responsibility of making sure the market operates how it should falls under the market manager. That manager is encouraged to contact the AG/PDR Committee regarding any questions about compatible vendors or sale items. He continued to discuss changes he made to a new section of the

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document, the process for review. The vendors need to list their market name, not their actual names. They also need a summary statement about what their product is and where it comes from. He stated the next changes he made were in the section regarding vendors. Those changes were a reiteration of the changes in the review process, that the vendor must list their market name and a summary statement. He also added that vendors who are seeking the 80%/20% rule must provide a list of items sold at the 80% and 20% rate. He added some examples for the purpose of clarification, but you won't see those on the handouts. He stated using some of these examples might be helpful to someone filling out an application and would also help the Committee to determine who meets the criteria and who doesn't.

Mr. Broxton asked Mr. McClevey his opinion on how this affected non-profit, donated space vendors.

Mr. McClevey stated they would not be affected at all.

Mr. Broxton asked Mr. McClevey if he did not consider the non-profit vendors as "farmer's market vendors".

Mr. McClevey replied that to him they aren't vendors; they are people who are on-site providing a service or an opportunity.

Mr. Broxton stated he was playing devil's advocate and brought up different types of vendors who would not be considered your typical farmer's market vendor but might still meet the criteria.

Mr. Howe stated the rule says that they may solicit a farmer's market.

Ms. Baker suggested that maybe the Committee would want to place a limitation on such vendors.

Mr. McClevey stated that was a good idea.

Mr. Howe asked if it was enough that one was a 501(3)(C) and one was not.

Mr. McClevey stated that was the idea behind it when they were doing it.

Mr. Broxton asked how many non-profit vendors rotate through the market every year.

Ms. Long replied that it varies. She stated they have 4 spots built into the market that aren't available to vendors due to their small size. She stated that there was no previous limitation on them because the County Attorney advised that it was a corporate decision.

Mr. Broxton asked how often the American Legion 290 was at the market.

Ms. Long replied they have a spot every week, they don't sell anything because they're there to solicit membership and they offer community service while they're there.

Mr. Broxton asked about a scenario where someone has a 501(3)(C) and says they're a non-profit who sells military memorabilia and they want to pay for a spot.

Ms. Long replied she would not allow them to sell anything, they could only ask for donations.

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Mr. Broxton stated he wanted to find a good balance. He stated that he would like for the Committee to clarify this issue and put it into writing.

Mr. McClevey stated at the end of the Rules and Regulations section is a statement regarding non-profit vendors.

Ms. Baker read about non-produce items from the information Mr. Pepper had sent out.

Mr. Pepper stated that it was close to the examples Mr. McClevey had listed earlier. He focused on using raw materials, sourcing local if possible, and as a general rule when is it acceptable to not source locally. He asked for some kind of guideline to determine whether a scenario was okay versus a different scenario that was not okay. He used the issue of coffee beans being grown somewhere outside of the 125 mile "local" radius but being roasted inside that 125 mile radius as his example. He also posed the example of a local baker who made a pie but the ingredients themselves were not grown locally.

Mr. Howe asked how the Committee would determine the ratio.

Mr. Pepper replied that it would be difficult to verify. He stated that the issue of what the products are made of is tricky. For example, the ingredients of most baked goods are agricultural but there are other things involved in the end item that aren't agricultural.

Mr. Howe stated that for most baked goods, most of the materials are not produced within the region but the work is done within the region.

Ms. Baker brought up the concern that had been stated over the number of food trucks at the farmer's market.

Mr. Broxton stated he would like to know what's acceptable and what's not.

Mr. McClevey stated originally it was acceptable because there was a need for prepared foods at the market.

Mr. Broxton stated that it would come down to someone selling their food under a tent and someone selling their food out of a truck and what the differences are between them, if there are any.

Mr. McClevey stated it comes back to the original purpose of the ordinance; it was to provide local farmers a place to sell their products. He stated the market has continued to grow to include baked goods, coffee beans, candles, etc. and they need to decide where to draw the line.

Mr. Broxton asked if anyone had heard of any local farmers who had not been allowed to sell their wares.

Mr. Howe replied he had not heard of any.

Mr. McClevey stated Ms. Long would welcome more farmers at the market.

Mr. Howe stated that the food trucks add to the experience.

Mr. Broxton stated from this discussion he has heard that agriculturally based is the baseline to start at and anything that doesn't meet that intent can be further discussed.

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Mr. McClevey stated that any of the vendors selling non-produce items could easily sell their products at a craft fair.

Mr. Howe asked if any other members had thoughts on this subject they wanted to discuss.

Ms. Baker asked the Committee how they wanted to resolve the issue.

Mr. Howe suggested that it re-appear as an agenda item for the August meeting because he is recommending they skip the July meeting. He stated the Committee members should further think on today's discussion and use it to come up with the rules for the 2019 Farmer's Market.

Mr. McClevey asked if there was a benefit from the market quiz.

Mr. Broxton replied there was a benefit and it points toward agricultural and consumption of growth-based products.

Mr. Howe stated in his experience with the Spotsylvania market, customers requested more of certain things.

Mr. Broxton asked if priority was given to a farmer over a food truck if there were a limited number of spaces.

Mr. Howe replied they did not.

Mr. McClevey stated if there was a conflict, it would be up to the market manager to diffuse that conflict.

Ms. Baker reminded the Committee the original reason for establishing an ordinance was to facilitate farmer's markets and it's supposed to be making it easy for farmers to sell their produce. She stated that these extra non-produce items get people to keep coming back to the market which can be good for the farmers.

Mr. Howe brought up the situation with Mr. Locklear.

Mr. McClevey stated that he does not like to reward bad behavior and he felt that another reason the ordinance was created was to keep vendors from setting up tables of "hodge podge". He stated that he came up with an exemption option for Mr. Locklear, where only his vendor booth had a notice to the consumers that said "the produce sold at this vendor stand is not considered locally grown within 125 miles of Stafford, nor grown personally by the vendor...".

Mr. Broxton stated the notice would be misleading because a lot of Mr. Locklear's produce was within the local radius. It's not produced by him, but it is local.

Mr. McClevey stated that he didn't feel like Mr. Locklear was going to reform.

Mr. Broxton stated he thinks Mr. Locklear feels that if his food comes from within the local radius he is compliant even though he's not the one growing it.



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Mr. Howe stated his concern over approving Mr. Locklear as a market even though his business model was in existence before the rules of the Farmer's Market were created. He stated that he felt an exemption specific to Mr. Locklear was necessary.

Mr. Broxton brought up the example of roadside barbecue vendors not adhering to the rules.

Ms. Baker replied that those vendors had their own different rules to follow, laid down by the health department.

Mr. Broxton asked what the Committee could do to make these regulations more clear for the vendors to get a yes.

Ms. Baker suggested adding a disclaimer, which had been mentioned earlier in the discussion.

Mr. Broxton asked Mr. McClevey what he needed to allow Mr. Locklear the exemption.

Mr. McClevey replied that Mr. Locklear needed to comply or the Committee needed to grandfather him in.

7. Next Meeting

- July 23, 2018

Mr. McClevey made a motion to cancel the July 23, 2018 meeting.

Mr. Pepper seconded the motion.

The motion passed 6-0 (Mr. Young was absent).

8. Adjournment

Mr. Rudasill made a motion to adjourn.

Mr. Broxton seconded the motion.

The motion passed 6-0 (Mr. Young was absent).

With no further business to discuss, the meeting was adjourned at 8:46 p.m.