

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT  
RIGHTS COMMITTEE MINUTES  
September 24, 2018***

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, September 24, 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, Marty McClevey, Joshua Pepper, Benjamin Rudasill, Chad Young, and Robert Broxton

Members Absent: None

Staff Present: Kathy Baker and Lindsey Marr

Guests Present: Robin Long, Lester Long, Cindy Shelton, and Everett Lovell

1. Call to Order

Mr. Howe called the meeting to order at 7:00 p.m. and asked Ms. Marr to call role. With 7 members present Mr. Howe stated there was a quorum.

2. Public Presentations

Ms. Shelton stated she was attending the meeting as simply a county resident and that she wanted to be more connected with what was happening in various committees.

3. Approval of Minutes

August 27, 2018

Mr. Howe asked the committee members if they had any changes to make from the August 27, 2018 minutes.

Mr. McClevey asked if the word “horse” on line 163 could be changed to the word “forest”.

Ms. Marr stated she would make that change.

Mr. Rudasill made a motion to approve the amended minutes.

Mr. McClevey seconded the motion.

The motion passed 7-0.

4. Staff Update

- Purchase of Development Rights Program Applications

Ms. Baker updated the Committee on the status of the current PDR applications. She stated the 212-acres Sterne property was scheduled to go to closing after 3 years of working on it. She stated the

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property will remain agricultural and two homes will be permitted on it. She stated the appraisal came in higher than the County predicted, and the Navy paid 50% of the appraised value.

Mr. Howe asked if the County had to pay more due to the higher appraisal.

Ms. Baker replied they did not. She also stated the preliminary survey for the McClevey property had been finished. She stated the next step for that property was to have an appraisal done and then to send out the deed for approval to the Navy and to VLCF, as they both are providing matching funds. She stated the County was hoping the process for this property would be much quicker than the process for the Sterne property, and that they were hoping to close on it between the months of March-July of 2019. She stated the other 4 PDR applications had been submitted for matching funds, through the Navy and the US Department of Agriculture, but that they hadn't heard anything back yet. She stated the Virginia Department of Agriculture had hired a new Farmland Coordinator, and she would be meeting with her next month.

5. New Business

- Purchase of Development Rights Program Policies

Ms. Baker stated the Committee had touched on this topic briefly at the last meeting. She asked the Committee members if everyone had looked at the documents she emailed out for discussion on this topic. She asked the Committee members how they would like to proceed with the discussion.

Mr. Howe suggested they go down the list of the PDR policies that were up for consideration and address each policy one by one.

A. Create target areas for PDR –

Ms. Baker stated that PDR areas currently include any property outside the Urban Services Area (designated Agricultural/Rural in the Comprehensive Plan), and the question has come up with regard to targeting specific areas that made more sense to focus efforts on. The PDR Committee has discussed this in the past, but has not previously come to any conclusion that one area should be considered over another.

Mr. Rudasill stated that because every Board member represents their own area, targeting could end up being tricky, as some districts don't have much farmland.

Ms. Baker stated other areas would still qualify, targeting just means the Committee would focus on certain areas.

Mr. Young stated he agreed with Mr. Rudasill. He stated he also felt they didn't receive enough applications to warrant targeted areas.

Mr. McClevey stated he had always favored targeted areas versus random applicants.

The Committee discussed the pros and cons of targeting areas or allowing random applications.

Mr. Adams stated there could be more discussion about switching to targeted areas if there were more applicants, but right now targeting areas wouldn't make sense with the low number of applicants.

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The Committee concurred that target areas may be reconsidered in the future, but for now, there was no recommendation to change anything.

- B. Revise ranking criteria considerations –
  - a. Review criteria from our matching funds sources and bring in line with those
  - b. More weight on the REPI properties
  - c. Incorporate infrastructure into the ranking
  - d. Prioritize ranking sections
  - e. Require minimum score to be considered for easement acquisition

Ms. Baker stated there was no urgency on this matter, but the Committee did need to start creating formalized, written policies on their ranking criteria to be considered with future application rounds.

Mr. Pepper suggested adding road standards into the ranking criteria.

Mr. McClevey brought up the matching funds sources, and their ranking criteria.

Ms. Baker gave an example of the matching funds sources, using the USDA. She stated if Stafford County's ranking criteria was similar to that of the USDA, focusing on prime farmland, but there was additional criteria they used. The County's properties could have a higher chance of being funded by the USDA because they would score higher in those applications. She stated that REPI does not really have a ranking criteria. Virginia Land Conservation Foundation also has their own ranking criteria, which was included in the handout.

Mr. McClevey asked if the Marine Corps had established a line of demarcation for eligible properties in the REPI program.

Ms. Baker stated that they do have a designated area within the boundaries of Marine Corps Base Quantico.

A general discussion ensued regarding a minimum score, but it would be difficult to assess what would be a good cut-off. Further consideration would be given to this item.

The Committee would further review these specific ranking criteria and be prepared to discuss at the next meeting.

- C. Future subdivision of parcels –

Ms. Baker asked if the Committee thought that future subdivision must be indicated on the application, and that there would be no additional changes once application is scored. She indicated that two of the applicants from the latest round asked about subdividing out lots for family members subsequent to the completed scoring. For the purpose of submitting matching fund applications to USDA, the applications were re-scored with the potential lots being removed. The new scoring did not change the order of rankings, so the two applications have been revised to reduce the acreage. This also reduced the cost for the easements.

A general discussion followed regarding any implications this would have. Ms. Baker indicated that generally easement terms are negotiated with applicants once the Board authorizes staff to proceed

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toward acquisition, so it isn't uncommon for an applicant to consider additional lands being removed. However, applicants should be notified that their ranking and cost could change.

D. 50% financial policy –

Ms. Baker stated that the Board requested this be written policy. This has been past practice, but not a formal policy. She indicated that the Finance Department has developed draft language to be included in the financial policies, and that would be presented to the Board's Finance and Budget Committee. She stated it would be good to include in the PDR policies because the public wouldn't know to look at the financial policies, and the Committee agreed.

E. Applicant contribution for survey and appraisal costs

Ms. Baker stated that currently the County pays for these costs, and some of the matching funds sources will cover these costs, however some do not. Surveying is the biggest expense for incidental costs. The REPI program does not reimburse for survey costs. She asked if this was something that the Committee should consider taking out of the applicants final proceeds at closing.

A general discussion ensued, and it was determined that the County should continue to cover the costs and request reimbursement from matching funds where feasible, but if an applicant desires to remove lots from the overall easement, they should be responsible for the survey costs.

F. PDR application process –

Ms. Baker stated that the Board has requested properties only be considered if applicant has submitted application during open application period. She asked if a waiver process should be considered for extenuating circumstances. She gave the example of the Crow's Nest Phase III acquisition, where there were no applications in process at the time, but a developer donation specific to the Aquia District had been given to the County to use for PDR purposes. The adjacent properties were being marketed for sale, and the parcels would be considered an addition to the Crow's Nest Natural Area Preserve. The Virginia Land Conservation Foundation approved matching funds, so the County only paid a nominal amount for this property. The Board authorized the acquisition, as that was in their purview to do so.

The general consensus of the Committee was to continue to permit the Board to make decisions for properties outside the application process, but perhaps establish parameters for guidance.

6. Unfinished Business

- Farmers Market Regulations Regarding Vendors

Ms. Baker started the discussion by stating in June the Committee had come up with some new proposed regulations but they never voted on them.

Mr. Howe stated the Committee had a perennial problem with Mr. Locklear's application. He stated they were never sure if he was growing his own products or re-selling someone else's products. He stated the Committee had been dancing around the issue for a while.

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Mr. McClevey mentioned concern over the possibility of an outbreak of bacteria. He stated if they didn't know where Mr. Locklear's products were really from, it would be difficult to determine the origin of the bacteria.

Ms. Baker stated that when Mr. Locklear presented to the Committee, he claimed to be following all the Farmer's Market regulations.

Mr. McClevey asked if there was a general willingness to check and enforce those regulations.

Mr. Howe stated he didn't feel the Committee had the ability or authority to do that enforcing.

Ms. Baker stated the Zoning Administrator has the ability to enforce those regulations, but that he or she operates on a complaint basis, meaning someone would have to file a complaint stating that a vendor was not following the regulations.

Mr. Rudasill showed the Committee the rules and regulations of the North Stafford Farmer's Market.

The Committee discussed Mr. Locklear's case in further detail. They decided there was nothing the Committee itself could do, but if a complaint was filed, someone from the Zoning department could investigate the matter further.

Mr. McClevey expressed his opinion that the locally grown aspect should hold more importance than it does now.

Mr. Adams expressed his opinion that the market should focus more on agricultural products.

The Committee members discussed this focus on locally grown, agricultural products at the market.

7. Next Meeting

- October 22, 2018

8. Adjournment

With no further business to discuss, Mr. Adams made a motion to adjourn the meeting at 9:03 p.m.

Mr. Young seconded the motion.

The motion passed 7-0.