

**AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 22, 2021**

The virtual meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, March 22, 2021, was called to order at 7:05 p.m. by John Howe, Chairman.

Members Present: John Howe, Robert Broxton, Jeff Adams, Chad Young, and Alandra Simmons

Members Absent: Carlos Bratton, Benjamin Rudasill

Staff Present: Kathy Baker and Lindsey Marr

1. Call to Order

Mr. Howe called the meeting to order and asked Ms. Marr to call roll. Ms. Marr called roll and Mr. Howe stated there was a quorum.

2. Public Presentations

3. Staff Update

- Board of Supervisors Healthy Growth Initiative

Ms. Baker explained how the new density requirements for A-1 zoning would work. She stated that all current A-1 properties were not affected unless you want to subdivide your property in the future. She stated the new density requirements were based on density, which is now one lot per six acres density, so you would need to have minimum lot size of 12 acres in order to subdivide. She stated the minimum lot size was still three acres so if you were subdividing a 12 acre lot you could subdivide two six acre lots or a three acre lot and a nine acre lot. She stated you could do any configuration of lots as long as you stuck to the density of one lot per six acres. She stated the Board has referred a request to develop an ordinance that would exempt family subdivisions from this new density requirement to the Planning Commission.

- Land Conservation Program Considerations – Recommendations from Planning Commission

Ms. Baker stated the Board would be discussing these recommendations at their annual retreat in April 2021 and she would hopefully have more information on this for the May 2021 PDR meeting.

4. New Business

- Review of PDR Matching Funds Sources

Ms. Baker stated this was an overview of the existing matching fund sources the County had been using for the PDR applications. The current sources are VDACS, VLCF, USDA, and REPI. She stated this didn't mean they couldn't look elsewhere for sources. She stated VDACS was the original source they used at the beginning of the program and that they were the easiest of the four agencies, as they didn't require a specific property in order to provide matching funds, and they don't require appraisals. She stated VLCF is having a second round this year because they had extra funds, and that this source is very

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competitive because it breaks the funding down into four categories. She stated the USDA's Natural Resource Conservation Service (NRCS) is a new program that's very time consuming and cumbersome due to it being a federal process. She stated the REPI program looks for buffering properties around Quantico and that they always have a lot of funds because they can only choose from the counties that border Quantico.

5. Unfinished Business

- PDR Application Process Review
- PDR Ranking Criteria

Ms. Baker stated she put these on the agenda because she thought it was a good place to start, she suggested having a few people take on the application process and the other members work on the ranking criteria.

Mr. Howe: I guess what I'm going to say is I'm looking to maybe the newer people like Alandra and so forth to raise some questions that they might have. Jeff and I have been through it, I can't remember whether Chad has or Rob but I don't think so.

Mr. Young: I went through it last time.

Mr. Howe: Okay. Rob have you been through this application and ranking process?

Mr. Broxton: No sir. The last list was done prior to my appointment to the Board.

Mr. Howe: So, then I would ask you know we went through the purpose and some definitions and then we go a little deeper into who's eligible, does that make sense to you all about what kind of land and property is eligible?

Ms. Simmons: Yes.

Mr. Howe: Alandra, do you have any questions or concerns about eligibility?

Ms. Simmons: No, I do not. I got to find it, when I read through it there was a question I had about, maybe it was on the, is it rated higher if it's farm land? I had a question about something I read about it being farm land versus like forest. I got to find where I read that now. I had a question about that, does it matter on that much? I mean if it's... they continue farming it even if it is protected or they're given the...

Ms. Baker: Yes, I guess there's a little bit of a distinction, the ranking criteria we go through to determine what are the significant uses of the property that we're looking to preserve. Agriculture and forestry both fall under the agricultural use really as far as zoning and as far as falling under farm bill and things like that but, for instance our easement properties that have both agriculture and forest land. Typically, the matching fund sources are going to ask those property owners to have a conservation plan for farming so they're going to have them work with the NRCS office or Tri-County to come up with ways to prevent erosion and pollution run off from your farming practices. So, you may do no-till farming or you're going to establish buffers and fencing to keep your livestock out of a creek. Also, if

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you have forest land on the property, if you're looking to manage that forest either for just wildlife habitat or if you plan to harvest the lumber off of the tract, then we're going to request under that easement that you have a forest management plan. So, there are different criteria, and you're going to get more points. I'll be happy to pull up the categories, we can go through the ranking criteria if you want to look through those.

Ms. Simmons: Would you have that plan, I mean would the owner of the property normally have that plan before? Or is that something they would do afterwards?

Ms. Baker: That's a good point that Mr. Adams has brought up before. If you have it in place in advance and you're already practicing those good farming methods then you're actually going to get more points in the ranking because it's showing that you have been a good steward of the land, you're practicing these good farming methods and you're going to continue to do that. But it ups the ranking on the property because it's got good water quality and the good soil is being managed. We would typically require it, if you don't have it we would require it as a restriction within the deed.

Ms. Simmons: Thank you Kathy, that helped.

Mr. Howe: Also, there's a distinction when that ranking, whether they have a farm plan in place or whether they are formulating one but have not implemented it. So, there's at least a credit for starting that process.

Ms. Baker: That's correct.

Mr. Adams: Before we do the next round, which I know we haven't advertised for, we'll have to come up with a new dollar figure for that won't we? Because the next time around is going to be based on a six-acre lot and not a three-acre lot.

Ms. Baker: Yes, so that's what some of the discussion is most likely going to be had at the Board's retreat. They're going to be providing some guidance and that'll be obviously up to you all to work through those figures, but the Board is going to drive some of the recommendations for how we're going to open a new round.

Mr. Howe: I was wondering, you know because we've gone from, you know six-acre density from the three acre density for A-1, and with A-2 the density has not changed, am I correct?

Ms. Baker: That's correct.

Mr. Howe: Before, if somebody was giving up development rights on A-2 and they had a 100 acre parcel they could get a lot more development rights than you could if you were A-1. And now the disparity's going to be even larger and I was wondering if there shouldn't be a two-tier possibility?

Mr. Adams: That's what I'm thinking, John, just to make the math real simple. Let's say a six-acre lot is now worth \$60,000 and that one-acre lot is worth \$10,000, those six lots combined are no more than the one A-2 lot. You're right, A-2 could make a killing off of this, you know, if we just arbitrarily say it was worth \$50,000 then all at once 20 acres can be worth a whole lot more than 100 acres.

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Ms. Baker: Yes, so that's definitely something we're going to have to figure out how we want to proceed with that. We don't have to have A-2 as property but, I guess there's not as much open A-2 land out there. But whether you want to keep that and look at it as different payment for the A-2 properties, definitely something that we'll need to look at more.

Mr. Howe: Would it be a real hard task to figure out how many A-2 properties we're talking about versus the A-1 properties?

Ms. Baker: I actually already have that list. When the Planning Commission started talking about changing some uses in the A-2 zoning district and what's allowed, we provided that a couple months ago, so I have fairly current data on that and I can send it out to everyone. The property size and owners and all that so, I'll send that out to you.

Mr. Howe: Alrighty. Are there any other thoughts or things that peaked people's curiosity when you looked through the ranking? Why we did it one way and why we didn't do it another way?

Ms. Baker: One further clarification, the reason I provided some of that background information on the matching source agencies, for example you look at our first section, the quality of the parcel under the ranking criteria, you get more points for the larger lot size, you get more points if you have prime farm land, farm land of state wide importance, contain active farm land, contain active timber land, and then you're soil water quality conservation plan. So, if you applied to USDA or really any of them under the agricultural category those are some of the considerations that they have in their ranking process so if we have a similar ranking process that matches those matching fund sources then they're going to marry up. Mr. Jones's property was, even though it was farm land under the Virginia Land Conservation Foundation agricultural category, he farms the land but the soils aren't really that great. They're not prime farm land or of statewide importance. The parcel was a fairly large size but he didn't have any water quality plan in place on the property so again, your matching sources are looking at those items as well and trying to match them up is why we included a lot of the ranking criteria that we have, because they were based on those matching funds criteria. We tried to capture all of them really, we have the section on the environmental, significant environmental resources, VLCF gives you extra points for that. Now several of them were giving extra points for that and you know there are properties out there that the state has identified as target areas now under their Conserve Virginia program so some of these other state organizations may use that same process.

Ms. Simmons: So, I was questioning why they have like the parcel owner is older than the average of the Stafford County farmers according to the most recent census.

Ms. Baker: So that's something that some of the matching fund sources use as well. Basically, the farmers are, Chad and Jeff know this, they're older, their kids aren't wanting to take over the farming and so they're trying to preserve these properties that have older farmers basically because they know that once they stop farming and the children aren't going to farm, they're going to look to sell that property to someone because nobody wants to continue the farming, that's just kind of a general reason.

Mr. Adams: Alandra, just think of it this way, you got a farmer that's 83 years old and you have a 60 year old son and you got another farmer that's 40 years old with a 20 year old son, which one is more likely to be farming 30 years from now? So the older guy, if you tie up his land, I mean it can be sold then but it can't be chopped up into little subdivisions per se.

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Mr. Howe: The older the farmer is the point of it is, the point is that land is going to transition out of new ownership and control and this area if it transitions out of their hands it's typically going to go to a non-agricultural purpose.

Ms. Baker: And if you look at that entire category, it's all about the likelihood of the parcel being developed, so some of the other items under that, besides the older farmer, is you know your soils that are suitable for residential conversion, the amount of public road frontage that ties into the developability of the property. We had a property in the last round that did not have any road frontage, they were somewhat limited to the development potential of that property because our Subdivision Ordinance only lets you have a certain number of lots on a private access. So, those are some of the things that tie to the developability of the property, and there are a couple of those that have been a little bit, I don't want to say controversial, but we've had some issues with the last round such as the parcel being subject to forced sale or having a preliminary subdivision plan on the property because that's showing that they're moving forward with trying to develop that property. So, we're probably going to look at a couple of those items this time and have something that's more tangible than saying it might be subject to forced sale.

Mr. Howe: That takes in a lot of possibilities.

Ms. Baker: It's just a little harder to really say yes, this meets the intent of that or no, it doesn't.

Mr. Howe: It's not highly tangible.

Ms. Baker: Correct.

Mr. Howe: Any other comments or thoughts about the ranking or the eligibility? Where would you all like to go from here? I think there's some need to take a good look at the ranking criteria and so forth, particularly if we're going to be able to open a round in this fall, we need to have our ducks in a row as far as the ranking and qualifications of property before we advertise a new round.

Ms. Baker: One thing I can do for the next meeting is I can bring forward a few suggestions just from what we've kind of looked at, issues from the last round and I can also come up with a few more of the ranking considerations that VLCF has come up with so that you all can make a comparison to that and see if there are any additional items from that we may want to add. So, I can provide that and do a little bit more of a break down, and I guess we can talk a little bit more about the next meeting whether it's going to be in person. I think it'll be a little bit easier to, once we all get together, we can show more pictures we can you know do more of an overview.

Mr. Adams: It will definitely help to look at the VLCF and if we score a parcel, just to pick numbers a 98 and they score it as a 60, it may be top of our list and they could care less so I'm not saying we both have to come with a 60 but if can shoot for some of the things that they're looking at and that'll help us tweak it.

Mr. Howe: I was also wondering if there was anything that you saw in working with USDA NRCS that might be just, maybe indicate that we need to tweak our ranking or categories a little bit.

Ms. Baker: Yes, I'm going to have to reach out to them, they weren't real forthcoming on how we ranked, it was just kind of hey, we got funding, so they never provided me with any ranking or any

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scoring of the properties. But, you know, there's like an 800 page manual out there that goes through a lot of it, so I just haven't figured it out.

Mr. Howe: You don't have that memorized yet?

Ms. Baker: No, but I can get some more feedback from them and see where we can maybe enhance our own criteria.

Mr. Howe: Just what we might include might make clear the type of property it is. Well, if there are no more comments on the application process or the ranking we'll continue that as unfinished business at the next meeting. So, I'm not hearing any I'm going to give you a second. Okay then we will move to the approval of the February 22, 2021 minutes.

6. Approval of Minutes

- February 22, 2021

Ms. Simmons made a motion to approve the minutes.

Mr. Broxton seconded the motion.

The motion passed 5-0.

7. Member Comments

8. Next Meeting

- April 26, 2021

The Committee decided to meet in person at the George L. Gordon Jr. Government Center at 7:00pm for the April 26, 2021 meeting.

9. Adjournment

With no further business to discuss Mr. Howe adjourned the meeting at 7:49pm.