

Issue Analysis Form



Date: May 22, 2018

Item: Prince George County and James River SWCD Memorandum of Understanding (MOU)

Lead Department: Community Development

Contact Person: Douglas Miles, Planning Manager

Description and Current Status

Staff recommends that Prince George County enter into an MOU with the James River Soil and Water Conservation District (SWCD) in order to maintain compliance with the Chesapeake Bay Act relative to converting active agricultural lands to developed land.

Government Path

Does this require IDA action? Yes No

Does this require BZA action? Yes No

Does this require Board of Supervisors action?

Board of Supervisors Approval on May 22, 2018 Yes No

Fiscal Impact Statement

N/A There will be no fiscal impact to Prince George County as the James River SWCD Staff members will be conducting the required Conservation Assessments to convert all active agricultural lands in the Chesapeake Bay Preservation Area into compliance with DEQ regulations.

Prince George County Impact

The proposed MOU will help the County meet the requirements of the Chesapeake Bay Act relative to agricultural lands in Prince George County.

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 22nd day of May, 2018:

Present:

Vote:

Alan R. Carmichael, Chairman
Donald R. Hunter, Vice-Chairman
Floyd M. Brown, Jr.
Marlene J. Waymack
T. J. Webb

C-3

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION; MEMORANDUM OF UNDERSTANDING BETWEEN PRINCE GEORGE COUNTY AND THE JAMES RIVER SOIL AND WATER CONSERVATION DISTRICT

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Prince George this 22nd day of May, 2018 does hereby authorize the County Administrator to execute Memorandum of Understanding between Prince George County and the James River Soil and Water Conservation District.

A Copy Teste:

Percy C. Ashcraft
County Administrator

MEMORANDUM OF UNDERSTANDING
between the
JAMES RIVER
SOIL AND WATER CONSERVATION DISTRICT
and
COUNTY OF PRINCE GEORGE, VIRGINIA

The James River Soil and Water Conservation District (“District”) and County of Prince George, Virginia, a political subdivision of the Commonwealth of Virginia, (“County”) hereby enter into this Memorandum of Understanding (“MOU”) to define each party’s obligations for implementing the requirements of the Chesapeake Bay Preservation Act (VA. CODE § 62.1-44.15:67 et seq.) and its implementing regulations (9VAC25-830 et seq.) (“Act”) as they relate to lands in Prince George County upon which agricultural activities are being conducted, which the County has identified as those lands that are currently (i.e., natural or native vegetation has been removed) used and managed primarily for the commercial sale of crops and livestock and consist of a minimum of five acres. (“agricultural lands”). This MOU supersedes and replaces any previous MOU between the parties concerning this subject.

I. AUTHORITY

The County has authority under the Act to develop and implement measures necessary to comply with the Act and to enforce those measures pursuant to its zoning ordinance (County Code Ch. 90 Article XIVA). The District has the authority under the Act to implement the Act as it relates to agricultural lands.

II. PURPOSE

The District and the County enter into this MOU to define each party’s obligations to meet the following requirements of the Act and the Prince George County zoning ordinance, which pertain to agricultural lands.

To assist the County and landowners in meeting their obligations under the Act, the District, pursuant to 9VAC25-830-130 and 9VAC25-830-140, is charged with:

1. Approving the soil and water quality conservation plans deemed necessary after a soil and water quality conservation assessment.
2. Providing opinions relative to encroachment by agricultural activities into the 100-foot Resource Protection Area buffer.
3. Reporting noncompliance by a landowner, his agent, or his operator with the agricultural requirements of the Chesapeake Bay Preservation Area Designation and Management Regulations to the County.
4. Cooperating with the County to recommend a compliance schedule to landowners when specific problems are identified pertaining to agricultural activities and requiring the problems to be corrected consistent with that schedule.

The County, pursuant to 9VAC25-830-130, 9VAC25-830-140, and the zoning ordinance, is charged with:

1. Conducting a soil and water quality conservation assessment on agricultural lands that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides.
2. Developing, where necessary, a soil and water quality conservation plan to ensure water quality protection consistent with the requirements of the Act.
3. Approving land development in Resource Protection Areas consistent with the requirements of the Act.

III. RESPONSIBILITIES OF THE DISTRICT

1. With input from the County, the District will adopt a procedure for identifying agricultural lands in the county. After identifying agricultural lands according to the procedure,

the District will provide a list of such lands to the County. This list shall be updated on an annual basis.

2. The District will develop a list of owners of agricultural lands (“Landowners”) and provide a copy of such list to the County. This list shall be updated on an annual basis.

3. The District will provide for, and coordinate cooperating state and federal agencies in the delivery of, soil and water conservation planning assistance to Landowners, their agents, and their operators.

4. The District, as able, will assist the County and Landowners, their agents, and their operators in the performance of a soil and water quality conversation assessment for agricultural lands in the county.

5. The District will approve soil and water conservation plans for agricultural lands in the county and will track such approval. Upon each approval, the District will provide a copy of the approved plan to the County.

6. The District will educate Landowners that 100-foot Resource Protection Area buffer on agricultural lands shall be managed in accordance with the requirements of Act and the zoning ordinance.

7. The District shall approve encroachment by agricultural activities into the 100-foot Resource Protection Area buffer only after making the findings required by 9VAC25-830-140.

8. The District will report to the County, the Virginia Department of Conservation and Recreation, and the Virginia Department of Environmental Quality, on an annual basis regarding soil and water quality conservation planning progress and approvals of encroachments into the 100-foot Resource Protection Area buffer.

9. The District will implement an educational program to inform Landowners, their operators, and their agents about soil and water quality programs, procedures, advantages and alternatives.

10. The District will provide input when requested by the County on individual requests for exceptions to the Resource Protection Area requirements on agricultural lands in the county.

IV. RESPONSIBILITIES OF THE COUNTY

1. The County will assist Landowners, their agents, and their operators in the performance of a soil and water quality conservation assessment for agricultural lands in the county.

2. The County will designate and map the Chesapeake Bay Preservation Areas in the county.

3. The County will make the Chesapeake Bay Preservation Area maps available to the District.

4. The County will provide the District a list of landowners annually whose property falls within the designated RPA, a preservation area under the Act.

5. The County will provide the District a list of those properties with a land use designation relating to Agriculture.

6. The County will review and revise its comprehensive plan, as necessary, for compliance with the Act.

7. The County will review and revise its zoning and subdivision ordinances, as necessary, for compliance with the Act.

8. The County will take appropriate enforcement action against Landowners whom it learns are violating the County Code or the Act.

9. The County will inform the District, in writing, of complaints received that Landowners are violating the County Code or the Act.

10. Where necessary, County will work to obtain technical and financial assistance for its implementation of the County Code and the Act.

V. FURTHER UNDERSTANDINGS

1. Representatives from the District and the County will meet at least annually to review implementation of this MOU by the parties.

2. This MOU will be effective when signed by both parties and will continue in effect until modified or terminated by mutual consent of the parties hereto or until the requirements for entering such MOU are determined to be inapplicable.

3. This MOU may be terminated by either party by giving 60 days' notice in writing to the other party.

[The remainder of this page is left intentionally blank.]

The signing of this MOU on behalf of the District was authorized by a resolution of the District Governing Board adopted at a meeting held on the _____ day of _____, 2018.

JAMES RIVER CONSERVATION DISTRICT

Authorized Signature Printed Name, Title Date

Address City/County, State, Zip Phone Number

The signing of this MOU on behalf of the County was authorized by action of the County's Board of Supervisors at a meeting held on the _____ day of _____, 2018.

COUNTY OF PRINCE GEORGE

Authorized Signature Printed Name, Title Date

Address City/County, State, Zip Phone Number