



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Department of Development Review & Planning

Jan H. Gardner
County Executive

Steven C. Horn, Division Director
Michael L. Wilkins, Director

Agricultural Preservation Advisory Board

Minutes of Monday, October 28th, 2019

Approved 11/23/2020

Members Present: Samuel Tressler, III, Chair; Dick Bittner, Vice Chair; Andrew Toms, Eric Troxell

Members Absent: Paul Spurrier

Staff Present: Anne Bradley, Program Administrator; Shannon O'Neil, Planner I

The meeting was called to order by Chair Tressler at 7:01 p.m.

I. Minutes

A. Minutes from September 23, 2019

Staff presented the minutes from the September 23, 2019 meeting for approval. Vice Chair Bittner made a motion to approve the minutes. Mr. Troxell seconded the motion. The motion was approved unanimously.

Vote: **Yea 4** **Nay 0** **Absent 1**

II. IPP

A. FY2020 IPP Applications Review

Staff presented the FY2020 Installment Purchase Agreement applications. Staff received 27 applications and due to limited funding, recommended only the top 19 applications (#20-01 to 20-19) be forwarded for County Executive approval. The Board discussed the application criteria, specifically tillable acres. Mr. Toms expressed concern that a property with no tillable acres was eligible for funding.

Mr. Toms made a motion to approve applications #20-01 to 20-11, and 20-13 to 20-19 and 20-24. Vice Chair Bittner seconded the motion. The Board and staff discussed that application #20-12 is entirely forested and has no tillable acres, though does meet the application criteria for the program. They also discussed that application #20-24 had a high score for the tillable acres category and questioned whether or not this item on the score sheet should be weighted more highly. The motion was denied with Mr. Toms voting yea and Chair Tressler, Vice Chair Bittner, and Mr. Troxell voting nay.

Vote: **Yea 1** **Nay 3** **Absent 1**

Vice Chair Bittner made a motion to approve staff's recommendation to forward applications #20-01 to 20-19 to the County Executive for approval. Mr. Toms seconded the motion. The motion was approved unanimously.

Vote: Yea 4 Nay 0 Absent 1

III. MALPF

A. Kline Farm Properties (MALPF #10-17-03) MDE Restrictive Covenants

Staff presented a request from the Maryland Department of the Environment to place restrictive covenants on top of the Kline Farm Properties MALPF easement. MDE is currently working with Mr. Kline to correct a wetlands violation on the property. In order to safeguard the restoration, they are requiring a Declaration of Restrictive Covenant over a 1.2-acre portion of the property.

Mr. Toms made a motion to approve the request to allow the 1.2-acre MDE restrictive covenants overlay on the Kline Farm Properties easement. Vice Chair Bittner seconded the motion. The motion was approved unanimously.

Vote: Yea 4 Nay 0 Absent 1

B. Certification Program Updates

Staff reviewed updated certification regulations which will be presented to the MALPF Board in November. These proposed regulations will increase the recertification period from 3 years to 5 years, and will increase the amount of time that non-certified counties have to spend or commit funds for qualifying land preservation expenditures. The Board members did not have any comments at this time.

IV. Family Farm Impact Fee Waiver

A. Family Farm Impact Fee Waiver Revisions

Staff presented proposed revisions to the Family Farm Impact Fee Waiver and asked the Board for feedback. The Board agreed with the proposed revisions.

Vice Chair Bittner made a motion to approve the revisions to the Family Farm Impact Fee Waiver. Mr. Troxell seconded the motion. The motion was approved unanimously with Mr. Toms abstaining.

Vote: Yea 3 Nay 0 Abstain 1 Absent 1

V. Program Status Reports

A. MALPF

Staff reported that MALPF is ordering appraisals for the FY20 applicants and hope to have offers out by early 2020. Additionally, staff reported a potential revenue shortfall on the County's MALPF matching commitment. This is due to a shortfall in transfer tax revenue.

B. IPP

Staff reported that 4 applications are pending from the FY18 cycle and 10 from the FY19 cycle.

C. Critical Farms

Staff reported that two appraisers have been hired and are appraising 8 properties.

D. MARBIDCO Next Generation

Staff reported that the Next Gen program will be accepting applications on a monthly basis for the time being.

E. Rural Legacy

Staff let the Board know that the FY20 grant should be announced soon.

F. CREP

Staff reported that CREP contracts have not yet opened up to new enrollments.

G. November/December Meeting Dates

Staff reported that there will be no November meeting and that the December meeting will likely need to occur in mid-December after the Critical Farms appraisals come in.

H. Stream/Wetland Overlay Easements

Staff reported that requests for these water resource overlay easements are beginning to come in at a high rate. Staff are working with the County Attorney's office to develop a path by which these can be reviewed on County-held easements.

Chair Tressler adjourned the meeting at 8:33 p.m.