



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, *Division Director*

Agricultural Preservation Advisory Board

Minutes of Monday, September 26, 2022

Winchester Hall - Second Floor, Winchester Room

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

The meeting was called to order by Chair Tressler at 7:00 p.m.

Staff Present: Shannon O'Neil, Planner II; Beth Ahalt, Planner I

I. Minutes

A. Minutes from July 25, 2022

Staff presented minutes from 07/25/2022 for review and approval. The Board had no additions or corrections.

A motion was made by Mr. Toms to approve the minutes from July 25, 2022. The motion was seconded by Vice Chair Dick Bittner. The motion was approved 3-0-1 with Mr. Troxell abstaining.

3 Yay

0 Nay

1 Abstain

B. Minutes from August 22, 2022

Staff presented minutes from 08/22/2022 for review and approval. The Board had no additions or corrections.

A motion was made by Mr. Troxell to approve the minutes from August 2, 2022 and August 22, 2022. The motion was seconded by Vice Chair Dick Bittner. The motion was approved 3-0-1 with Mr. Toms abstaining.

3 Yay

0 Nay

1 Abstain

II. IPP

A. FY 23 IPP Applications

Staff presented the FY 23 Installment Purchase Program applications on 40 properties. Staff reviewed aerial maps with the board. Staff also shared that the lump sum option offered last year seemed to help the acceptance rate. Staff recommended that the Board approve the top 23 applications and that landowners who receive offers be given the option of a 10 to 20 year bond, or a lump sum



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payment, and that applicants that have no subdivision potential can receive a base value of \$1,000 per acre.

Vice Chair Bittner made a motion to approve staff's recommendation to approve applications IPP#23-01 through IPP#23-23 in the FY 2023 Installment Purchase Program to be forwarded to a public hearing. Additionally that applicants who receive offers be given the option of a 10 to 20 year bond or a lump sum and that applicants that have no subdivision potential will receive a base value of \$1,000 per acre. Mr. Troxell seconded the motion. The motion was approved unanimously.

4 Yay

0 Nay

0 Absent

B. England Acres Deer Processing Request

Staff presented the LLC documentation that the board required Mr. England and Mr. Summers receive in order for the deer processing to be considered an accessory use on the England Acres. Staff also relayed to the Board that Zoning reviewed the LLC documentation and agreed that the Deer Processing is considered an accessory use to the main farming operation.

No motion was needed as this was only informational review.

III. MALPF

A. Seiss Telecom. Easement Request

Staff presented a request from Bradley and Amber Seiss to have their cellphone tower lease extended for an additional 100 years. The cellphone tower is currently on a pre-existing silo that is approximately 85 feet tall. The equipment for the antenna is housed in existing structures and on the silo. None of the equipment or access would change with the lease and easement extension. Staff feels that the easement extension request would have no impact on the farm operation.

Staff recommends approval of the Seiss Farms, LLC, request to extend their cell tower lease and easement for an additional 100 years.

Vice Chair Bittner made a motion to accept staff's recommendation. The motion was seconded by Mr. Troxell. The motion was approved unanimously.

3 Yay

1 Nay

0 Absent



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B. Hipkins Utility ROW Easement Request

The Hipkins and Quantum Loophole (QL) are requesting approval from the Board for a 0.5269-acre fiber optic line ROW easement on the property. The proposed easement is approximately 12-ft wide and is mostly located within the existing road ROW. The fiber optic line would be used to serve a proposed data center north of the property on the old Eastalco site. The fiber optic line will not provide service to the Hipkins property. Mr. and Mrs. Hipkins were present at the Ag Preservation Advisory Board meeting and addressed numerous concerns with QL such as having vaults that are not underground, and that the area that the fiber optic line runs through would not be able to be farmed. Further, the Hipkins expressed concern that their driveway would be damaged, and not be replaced with the existing materials (black top). QL stated that the fiber optic lines would be buried underground and one vault would be located on the property, also underground, 2 feet of ground cover would be on top of the lines and vault and that no trenching would occur in their driveway. The underlying soils of the proposed project area are Class II. The overlay will not reduce the percentage of the qualifying soils on the remaining farmland. The proposed overlay easement complies with local zoning requirements.

Staff recommended approval of the QL fiber optic line on the Hipkins property.

Mr. Toms made a motion to approve the QL ROW on the Hipkins MALPF easement. The motion was seconded by Vice Chair Bittner. The motion was approved unanimously.

4 Yay

0 Nay

0 Absent

C. Certification Report

Staff presented a draft of the Certification report and highlighted total acres preserved under fiscal years 2018-2022. The Certification Report has not yet been approved by Frederick County Finance, which is why it is still a draft. Board members had no concerns or questions.

Mr. Toms made a motion to approve the draft Certification Report. The motion was seconded by Vice Chair Bittner. The motion was approved unanimously.

4 Yay

0 Nay

0 Absent



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IV. Program Status Update

- A. MALPF- Staff reported that we have one landowner that is working toward settlement in the FY 21 cycle. Staff is working on getting FY 22 landowners that accepted an offer to settlement in that program. MALPF is currently reviewing the 16 applications approved at the 8/16 Public Hearing and will soon order appraisals for the FY 23 cycle.
- B. IPP- Staff reported that we had a September 1 application deadline and we have already received applications from several new farms who have not applied before. After the recommendation from this evening, the next step is to have the County Executive adopt the Ag Board's approval and then go to a public hearing.
- C. Rural Legacy: Staff stated that 3 properties have accepted offers and hope to settle in early 2023. Also, staff is awaiting to hear the total grant amount that Frederick County will receive under this program.
- D. MARBIDCO NEXT GENERATION- Staff stated that there is still a lot of interest in this program.
- E. CREP- Staff stated that there is still a lot of interest in this program and that it pays around \$5,500 per acre. Staff reported that there are several landowners that are working toward a CREP easement.
- F. Inspections Update- Staff reported that inspections are starting again, and 17 farms were inspected in the month of September and several inspections were being planned for the month of October.
- G. Inspection Violations- Staff stated that there are no new updates.
- H. Other news- The County re-opened the Ag Board position until September 30th, 2022. Staff asked Ag Board members that if they knew of anyone interested to please have them apply.

Chair Tressler called to adjourn the meeting at 8:09 pm.