



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jessica Fitzwater
County Executive

Steven C. Horn, Division Director

Agricultural Preservation Advisory Board

Minutes of Monday, February 27, 2023
Winchester Hall - Second Floor, Winchester Room
APPROVED 4/24/2023

Members Present: Samuel Tressler, III, Chair; Andrew Toms, Eric Troxell, Sandra Tucker, and Councilmember Steve McKay, Ag Board Liaison

Members Absent: Dick Bittner, Vice Chair

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

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

I. Minutes

A. Open Session Minutes from January 23, 2023

Staff presented minutes from 01/23/2023 for review and approval. The Board had no additions or corrections.

The motion was approved 4-0-0-1.

Ag Board Members	Aye	Nay	Abstain	Absent
Samuel Tressler, Chair	X			
Dick Bittner, Vice Chair				X
Andrew Toms	X			
Eric Troxell	X			
Sandra Tucker	X			

II. MALPF

A. Gruber Boundary Line Adjustment

Staff presented a request from the Gruber family requesting a boundary line adjustment on their MALPF easement property and an adjacent lot. The Gruber's daughter, Tammy Sanderlin, owns the adjacent lot to the Gruber farm and recently had tanks installed for a back up generator on the back of sheds on her property. The Gruber's other daughter, Harriet, had requested a child's lot, that was approved in 2015. During the plat process, Ms. Sanderlin realized that the sheds where the tanks were installed were placed on the boundary of her lot and the Gruber farm. Since it would be more costly to move the tanks, Mrs. Gruber, the easement owner and Mrs. Sanderlin are wanting to adjust the boundary between their properties to correct the



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issue. The soils in both areas are Class II and 0.168 acres would be swapped between the two properties. Staff recommended approval.

Mr. Toms made a motion to approve the request for a boundary line adjustment. The motion was seconded by Mr. Troxell. The motion was approved 4-0-0-1.

Ag Board Members	Aye	Nay	Abstain	Absent
Samuel Tressler, Chair	X			
Dick Bittner, Vice Chair				X
Andrew Toms	X			
Eric Troxell	X			
Sandra Tucker	X			

III. IPP

A. Request for a Farm Stand on the Grossnickle IPP Easement

Staff presented a request from the Grossnickle family for a 'Farm Stand' on their farm property located on Devilbiss Bridge Road located in Walkersville in an IPP easement. This is not an approved use on the IPP use table, however, Frederick County amended its code to allow 'Farm Stands' to be exempt from some provisions of the building code for farmers to be able to sell their products, as long as it does not exceed 600 square feet which may be used to process, treat, or package agricultural products, the majority of which are produced on the farm. Staff feel this use is consistent with the IPP program and recommended approval.

Mr. Toms made a motion to approve the request for a 'Farm Stand' on the IPP easement property. The motion was seconded by Ms. Tucker. The motion was approved 4-0-0-1.

Ag Board Members	Aye	Nay	Abstain	Absent
Samuel Tressler, Chair	X			
Dick Bittner, Vice Chair				X
Andrew Toms	X			
Eric Troxell	X			
Sandra Tucker	X			

B. Farmer Saw Mill and Firewood Processing Request

Staff presented a request from Wyatt and Kylie Farmer to allow a sawmill/ firewood processing operation located at 17069 Harbaugh Valley Road in Sabillasville. The Farmer's purchased one 69 acre parcel the property from Har Valley Farm on December



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27, 2022. The farm went under easement in 2006 by the Bitter Family. The Farmer's have a beef and hay operation. Frederick County zoning notified Ag Pres of an anonymous complaint regarding a firewood processing and sawmill operation on the subject property. Sawmill and firewood processing on IPP properties was approved on the IPP use guideline table as a supported accessory use to the farming operation. Staff recommended approval.

Mr. Troxell made a motion to approve the request for the sawmill and firewood processing on the Farmer's IPP property. The motion was seconded by Ms. Tucker. The motion was approved 4-0-0-1.

Ag Board Members	Aye	Nay	Abstain	Absent
Samuel Tressler, Chair	X			
Dick Bittner, Vice Chair				X
Andrew Toms	X			
Eric Troxell	X			
Sandra Tucker	X			

C. Farmer Limited Landscape Contractor Request

Staff presented a request from Wyatt and Kylie Farmer to allow a limited landscape contractor business on their IPP property. This property was owned by Har Valley Farm and went under easement in 2006. The Farmer's purchased one parcel totaling 69 acres on December 27, 2022. Wyatt and Kylie Farmer own and operate Clean Cuts Lawn Care, and would like to operate that business on the subject property. A limited landscape contractor property was an approved use by the Agriculture Preservation Advisory board for the 'Guidelines for requested uses of land in the Frederick County Installment Purchase Program.' The applicants indicated that they have 8 full time employees and are requesting 36,000 square feet of parking for their staff, as well as noting where a new structure will be placed on the property for the limited-landscape contractor business. Based on the information provided by the applicant, Staff feels that the request meets the guidelines in the Use Table. Staff recommends approval of the limited landscape contractor use on the IPP easement property with the conditions that no more than 10,000 square feet will be utilized for buildings and no more than 40,000 square feet will be utilized for impervious surface on the subject property.



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Ms. Tucker made a motion to approve the request for the limited landscape contractor business on the Farmer's IPP property. The motion was seconded by Mr. Troxell. The motion was approved 4-0-0-1.

Ag Board Members	Aye	Nay	Abstain	Absent
Samuel Tressler, Chair	X			
Dick Bittner, Vice Chair				X
Andrew Toms	X			
Eric Troxell	X			
Sandra Tucker	X			

D. Garst Easement-Child's Lot Request for Todd Garst

Staff presented a request from Dana and Vanessa Garst requesting a child's lot for their son, Todd. The Garst Limited Partnership entered in to a County Installment Purchase Program easement on April 12, 2007. The property is located North of New Midway and is on both the north and south sides of Woodsboro Pike. The Garst's are requesting a 2 acre maximum child's lot. The proposed lot area is in Class II and Class III soils. The proposed area is currently in crop production. Staff recommends approval of the Garst's child's lot request.

Mr. Toms made a motion to approve the Garst's child's lot request. The motion was seconded by Mr. Troxell. The motion was approved 4-0-0-1.

Ag Board Members	Aye	Nay	Abstain	Absent
Samuel Tressler, Chair	X			
Dick Bittner, Vice Chair				X
Andrew Toms	X			
Eric Troxell	X			
Sandra Tucker	X			

IV. CREP

A. CREP Request to co-hold one (1) easement project with the MD DNR- Lager

Staff presented a request from Mark and Eugene (Will) Lager to have a CREP Easement on their property. The Lager's have a CREP contract on their 94.889-acre property on St. Marks Road in the Jefferson area and are now looking to have a permanent CREP easement on their property. Staff recommends approval to have a



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permanent CREP easement on their property and to co-hold the easement with the Maryland Department of Natural Resources.

Mr. Toms made a motion to approve the request for a CREP easement on the Mark and Will Lager property. The motion was seconded by Ms. Tucker. The motion was approved 4-0-0-1.

Ag Board Members	Aye	Nay	Abstain	Absent
Samuel Tressler, Chair	X			
Dick Bittner, Vice Chair				X
Andrew Toms	X			
Eric Troxell	X			
Sandra Tucker	X			

V. Critical Farms

Staff presented the requirements for the County's Critical Farms program to discuss the qualifications that applicant's must have in order to qualify for this program. There was discussion to determine full time farmer status with tax return information that County Staff would need to request from the applicant. There was also discussion about signing a waiver to allow county staff to access their farm status through FSA, as well as broadening the definition of what a full-time farmer is. Council Member McKay is going to send a draft to the Ag Board to make ordinance changes.

No vote was taken at this time.

VI. Program Status Update

- a. MALPF- Staff is working on getting FY 23 landowners that accepted an offer to settlement in that program. The next application deadline is April 3rd, 2023.
- b. IPP- Staff reported that the County Council approved all 23 forwarded applications at a public hearing on December 20, 2022. Staff hope to make offers soon. The next IPP deadline will be September 1, 2023. Staff are still settling on FY22 applicants.
- c. Critical Farms – June 1 will likely be the next Critical Farms application deadline. Offers from last cycle are still pending, but should settle soon. The Board discussed possible changes to the Critical Farms program application and ranking system. Staff will bring the application to the next Board meeting for further discussion.
- d. Rural Legacy- Staff have pending grant funding from FY22 and FY23, but are working to spend the funds. Staff submitted the FY 24 grant.



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- e. MARBIDCO NEXT GENERATION- Staff stated that there is still a lot of interest in this program and they are still accepting applications monthly.
- f. CREP- Staff reported that there is still a lot of interest in this program. 520-acres settled within the past few weeks.
- g. Inspections Update- Staff reported that inspections are continuing and staff expect to meet inspection goals.
- h. Inspection Violations- Staff stated that there are no open violations at this time.

Mr. Toms made a motion to close the open session portion of the meeting and Mr. Troxell seconded the motion.

Chair Tressler moved to enter into to closed session at 8:28 pm.