



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jessica Fitzwater
County Executive

Steven C. Horn, Division Director

Agricultural Preservation Advisory Board

Open Session Meeting

Minutes of Monday, May 22, 2023

Winchester Hall - Second Floor, Winchester Room

APPROVED 06/26/2023

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

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

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

I. Minutes

A. Open Session Minutes from April 24, 2023

Staff presented minutes from 04/24/2023 for review and approval. The Board had two corrections. A motion to approve the corrected minutes was made by Mr. Bittner and seconded by Mr. Troxell.

The motion was approved 5-0-0-0.

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. Closed Session Minutes from April 24, 2023

Staff presented closed session minutes from 04/24/2023 for review and approval. The Board had no additions or corrections. A motion to approve the minutes was made by Mr. Troxell and seconded by Mr. Bittner.

The motion was approved 5-0-0-0.

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			

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II. MALPF

A. FY24 Applications Review

Staff presented 53 applications encompassing 6,391 acres of land from landowners and contract purchasers who applied to the MALPF program for Fiscal Year 2024. The MALPF board voted at their April 25, 2023 to limit the number of applications to be appraised per County to 20. Of the fifty-three applicants, five are settled Critical Farm properties and four are settled MARBIDCO Next Generation options. Because the Critical Farms and Next Generation options have a set timeline of 5 and 7 years, respectively, to achieve permanent MALPF offers the County has considered them a priority for further review. Based on the ranking system and Critical Farms/Next Generation status, staff recommended 20 applications for further review and appraisal by MALPF.

The Board reviewed the applications and had a question about applications #24-08 and #24-21, and wanted to know why those applications were not included on the list to be sent down to MALPF for further review, because both applications are farm properties that are adjacent to the City of Frederick. The Board suggested that the ranking be updated in the future to allow for even more points to be allocated to farms that are adjacent to municipalities or growth areas.

Mr. Toms made the motion to adopt staff's recommendation with the following edit: remove the lowest ranked Next Generation property and add application #24-08 to be sent down to MALPF for further review.

The motion was seconded by Ms. Tucker.

The motion was approved 5-0-0-0.

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. Hildebrand Un-restricted lot Request

Staff presented a request from the Hildebrand family for one unrestricted lot to be utilized on their 230.64 acre IPP easement. Staff presented two potential lot locations, one with access from Hildebrand Lane, option A, and Option B, access from Gravel Hill Road. The Hildebrand's are unsure if the County and health department would approve access from Hildebrand Lane, so they wanted to have

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a back up option with access from Gravel Hill Road. Staff recommended that both lot options be approved, in the event that Option A was not feasible to have access from.

Mr. Troxell made a motion to approve Staff's recommendation to approve both Option A and Option B. The motion was seconded by Mr. Toms.

The motion was approved 5-0-0-0.

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. Critical Farms

A. Critical Farms Ranking Review

Staff presented the proposed updates to the Critical Farms Application and Ranking System. The Board reviewed the current ranking system and had comments that Article VI, C. and E. should be removed, and that F. should be modified to read that if the applicant has used the critical farms program to purchase property/ies that are over a sum of 400 acres, that they would receive 50 less points.

Mr. Toms made a motion to remove Article VI, C. and E., and to modify Article VI, F. to be modified to only dock 50 points if the applicant has used the Critical Farms program in the past to purchase 400+ acres, and to include a statement about the applicant's involvement in Agriculture and their plans for the property. The motion was seconded by Mr. Bittner. The motion was approved by a vote of 3-2-0-0.

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		



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V. Rural Legacy

A. Grossnickle and Vogt Roadwork

Staff presented a request to approve a Right of Way (ROW) acquisition and roadway easement on the Grossnickle and 3333 Matlan Ventures LLC (formerly Vogt) Rural Legacy properties to replace the Brethren Church Road bridge over Catoctin Creek. The roadway easement will allow access to the road, shoulders, adjacent roadway areas and slopes for inspection and maintenance activities. A stream restoration and a tributary relocation will also be part of this project. Between both properties, 2.157 acres, is the total acreage that would be used for the Right of Way, Temporary Construction Easement and Permanent Drainage Easement. The affected area is in Class II soils, and is currently in hay production and trees. Staff recommended approval.

Mr. Bittner made a motion to approve staff's recommendation to approve the Brethren Church Road Bridge Project on the Grossnickle and 3333 Matlan Ventures, LLC Rural Legacy properties. The motion was seconded by Ms. Tucker. The motion was approved 5-0-0-0.

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			

VI. Ag Board

A. Andrew Toms Re-election

Members of the Board reviewed Mr. Toms resume and letter of intent to reapply to the Agricultural Preservation Advisory Board. The Board agreed to approve Mr. Tom's re-election to the board, with Mr. Tom's abstaining.

Mr. Bittner made a motion to approve Mr. Tom's re-election. The motion was seconded by Mr. Troxell. The motion was approved 4-0-1-0.

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			



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VII. Program Status Reports

1. [MALPF](#): Staff stated that we received 53 applications and presented those applications at tonight's meeting.
2. [IPP](#): Two properties recently settled in this program, and several more are on the horizon to settle in the coming months.
3. [Critical Farms](#): June 1st application deadline. Lining up applications.
4. [MARBIDCO Next Generation](#): The last application that was submitted was in January, 2023 and it is taking more time than usual to get approved.
5. [Rural Legacy](#): Settled on a 160 acre property in the Jefferson area recently and are scheduled to settled on a 340 acre property in South County next month. Still have lots of interest in this program.
6. [CREP](#): This program pays \$6,000 per acre currently, and there is still a lot of interest in the program. Several projects are getting close to settlement.
7. [Inspections Update](#): Staff completed MALPF inspections for FY 23 and is getting ready to start Rural Legacy and IPP inspections on July 1, 2023.
8. [Other violations updates](#): None.
9. [June Ag Board Meeting Date \(6/26\)](#): Staff wanted to ensure that the Board had no known conflicts for this meeting date.

Chair Tressler moved to adjourn the meeting at 8:51 pm.