



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jessica Fitzwater
County Executive

Gary W. Hessong, Acting Division Director

Agricultural Preservation Advisory Board

Open Session Meeting

Minutes of Monday, July 24, 2023

Winchester Hall - Second Floor, Winchester Room

APPROVED 9/25/2023

Members Present: Samuel Tressler, III, Chair; Dick Bittner, Vice Chair; Andrew Toms, Eric Troxell, Sandy Tucker, County Council Member Steve McKay

Staff Present: Anne Bradley, Agricultural Preservation Program Administrator, Shannon O'Neil, Planner II; Beth Ahalt, Planner II; Kathy Mitchell, Senior Assistant County Attorney; Tricia Reaver, Director Internal Audit; Denis Superczynski, Livable Frederick Planning Manager

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

I. Minutes

A. Open Session Minutes from June 26, 2023

Staff presented minutes from 06/26/2023 for review and approval. A motion to approve the minutes was made by Mr. Bittner and 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			

II. Critical Farms

A. FY 23 Critical Farms Applications

Staff received six (6) applications on 976 acres to the County's Critical Farms program which assists a farmer in the purchase of farmland and also works to preserve the land. Staff presented applicants' information to the Board regarding their full-time farmer status under the Critical Farms code based on the last three years of tax returns, or based on discretionary questions answered by the applicant. Staff requested approval on which properties to contract two appraisals to determine a Critical Farms Option value. The recommendation made by the Agricultural Preservation Advisory Board will be forwarded to the County Executive for final approval.

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Tax returns for the past 3 tax-filing years were submitted by Applicants #23-01CF, Brian Sweeney, Applicant #23-02CF, Lambert Farms and Applicant #23-03CF, Lucky Acres, LLC. The tax returns were reviewed by Tricia Reaver, CPA for Frederick County. Ms. Reaver stated that a majority of gross income from the applicant would be 50% or more from the Schedule F portion of the applicant's tax returns.

Based on her review of the tax returns submitted by the above-mentioned applicants, Ms. Reaver concluded the following:

Application #23-01CF, Brian Sweeney earns a majority of his gross income from farming. Over 60% of Mr. Sweeney's income is derived from agriculture. The Agricultural Preservation Advisory Board voted to award 25 Transfer points for the above-mentioned application.

Andrew Toms made the motion to award 25 transfer points to Application #23-01CF Brian Sweeney and the motion was seconded by Sandra 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			

Application #23-02CF, Lambert Farms earns a majority of their income from farming. Over 80% of their income is derived from agriculture. The Agricultural Preservation Advisory Board voted to award 15 Transfer points for the above-mentioned application.

Andrew Toms made the motion to award 15 transfer points to Application #23-02CF, Lambert Farms and the motion was seconded by Eric 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			



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Application #23-03CF Lucky Acres, LLC earns a majority of their income from farming. Over 60% of their income is derived from agriculture. The Agricultural Preservation Advisory Board voted to award 15 Transfer points for the above-mentioned application.

Andrew Toms made the motion to award 15 transfer points to Application #23-03CF Lucky Acres and the motion was seconded by Dick 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			

Discretionary questions were answered by Applicant #23-04CF, Bradley and Amber Seiss, Applicant #23-05CF, Daniel and Abbey Myers and Applicant #23-06CF, Dennis and Kathleen Moser. The Agricultural Preservation Advisory Board were presented with the discretionary questions and answers that each of the applicants answered regarding their experience with agriculture and their future plans for the application property.

Based on the discretionary questions and answers provided by Application #23-04CF, Bradley and Amber Seiss, the Agricultural Preservation Advisory Board voted to award 15 transfer points.

Andrew Toms made the motion to award 15 transfer points to Application #23-04CF, Bradley and Amber Seiss, and the motion was seconded by Eric 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			

Based on the discretionary questions and answers provided by Application #23-05CF, Daniel and Abbey Myers, the Agricultural Preservation Advisory Board voted to award 25 transfer points.



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Sandra Tucker made the motion to award 25 transfer points to Application #23-05CF Daniel and Abbey Myers and the motion was seconded by Eric 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			

Based on the discretionary questions and answers provided by Application #23-06CF, Dennis and Kathleen Moser, the Agricultural Preservation Advisory Board voted to award 25 transfer points.

Andrew Toms made the motion to award 25 transfer points to Application #23-06CF Dennis and Kathleen Moser, and the motion was seconded by Sandra 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			

At the request of the applicant, the Agricultural Preservation Advisory Board reviewed application #23-04CF, Bradley and Amber Seiss with regard to Ranking Criteria III. B. Proximity to Comp Plan Growth Area. The applicant requested to be awarded points for being within 1,000 feet of proximity to the Town of Thurmont growth area. Staff awarded 0 points to the applicant in this category for being more than 2,000 feet from the County growth area.

Andrew Toms made a motion that the Agricultural Preservation Advisory Board recommend awarding 25 points to Application #23-04CF, Bradley and Amber Seiss for the proximity to a growth area ranking criteria. The motion was seconded by Dick 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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The Agricultural Preservation Advisory Board reviewed Critical Farms applications #23-01CF through 23-06CF. The ranking points that the Agricultural Preservation Advisory Board recommended are below:

file #	Applicant	Acres	Soil Potential (100 pts Max.)	Tillable Cropland (25 pts Max.)	Subdivision Rights (50 pts Max.)	Growth Area Proximity (25 pts Max.)	Size of Parcel (25 pts Max)	Concentration of Preserved Land (25 pts Max.)	Transfer (25 pts Max.)	PPA (25 pts Max.)	Total:
23-01CF	Sweeney, Brian	101.98	81.11	18.104	30	0	10.2	25	25	25	214.41
23-04CF	Seiss, Bradley & Amber	359.54	50.71	25	50	25	25	8.0211	15	0	198.73
23-02CF	Lambert, Charles & Donald	325.21	50.41	25	50	0	25	25	15	0	190.41
23-03CF	Lucky Acres Farm (Steffen/Putman)	119.50	66.12	15.726	30	0	11.96	25	15	25	188.80
23-05CF	Myers, Daniel & Abbey	9.95	71.38	1.238	20	0	0.995	25	25	0	143.61
23-06CF	Moser, Dennis & Kathy	59.70	79.05	10.182	15	0	5.97	0	25	0	135.20
975.88											

Andrew Toms made a motion to recommend approval of the ranking points awarded for applications #23-01CF through 23-06CF. The motion was seconded by Dick 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			

Andrew Toms made a motion to recommend approval of ordering 2 appraisals on applications #23-01CF through 23-06CF for the Frederick County Critical Farms program. Dick Bittner seconded the motion. 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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III. Program Status Reports

1. MALPF: Staff sent down the 20 applications that were approved by the Agricultural Preservation Advisory Board to the MALPF board for further review. Staff also presented the 20 applications that were approved by the Agricultural Preservation Advisory Board in the June meeting to the Planning Commission on July 12th. Staff are scheduled to present the 20 applications to the County Council at a public hearing on September 5th.
2. IPP: We have a September 1st deadline for the FY24 cycle, and are lining up applications. We still have several properties that are awaiting settlement from past cycles.
3. Critical Farms: Applications were heard at the July meeting.
4. MARBIDCO Next Generation: The last application that was submitted was in January, 2023 has been approved and is working toward settlement.
5. Rural Legacy: Still have lots of interest in this program. 2 properties are close to going under easement.
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. One property currently has a violation in the MALPF program. Staff is waiting for MALPF to provide next steps to remedy the situation.
8. Other violations updates: None.

Chair Tressler moved to adjourn the meeting at 8:31 pm.