



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Deborah A. Carpenter, AICP, Division Director

Jessica Fitzwater
County Executive

Agricultural Preservation Advisory Board

Open Session Meeting

Minutes of Monday, October 23, 2023

Winchester Hall - Second Floor, Winchester Room

APPROVED 11/27/2023

Members Present: Samuel Tressler, III, Chair; Dick Bittner, Sandy Tucker

Staff Present: Beth Ahalt, Planner II, Deborah A. Carpenter, AICP, Division Director of Planning.

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

I. Minutes

A. Open Session Minutes from September 25, 2023

Staff presented minutes from 09/25/2023 for review and approval. A motion to approve the minutes was made by Mr. Bittner and seconded by Ms. Tucker.

The motion was approved 3-0-0-2.

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. Rosie Cheeks Distillery Request

Staff reviewed a request from Rosie Cheeks Distillery for a production facility, tasting room and seating area on their MALPF easement property. Lee and Kristy Rosebush own and operate Rosie Cheeks Distillery on their MALPF easement property. The Rosebush's are requesting to expand their production facility, seating area and tasting room for it to be all under one roof. The total size of the building is approximately 20,000 square feet. The tasting room area would be just under 1,500 square feet. The seating area would be approximately 1,000 square feet and the remaining 17,500 square feet would be the distillery, production area and storage for agricultural equipment. This request falls in to MALPF'S land use table for value-added farm and forest products. Staff feels that the Rosebush Family on behalf of Rosie Cheeks Distillery meets MALPF conditions under processed value-added farm and forest products. Staff recommends approval.



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A motion to approve the expanded production facility, tasting room, and seating area on their MALPF property was made by Ms. Tucker and seconded by Mr. Bittner.

The motion was approved 3-0-0-2.

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. Zimmermann/Thanksgiving Farms Boundary Line Adjustment

Staff presented a request from the Zimmermann Family/ Thanksgiving Farms for a boundary line adjustment (land swap) between the Zimmermann MALPF easement property and an adjacent lot owned by the Zimmermann family in order to rectify a violation. During a routine easement inspection in February of 2023 conducted by County Staff and MALPF staff, it was determined that the on farm market operating on site has an 'accessory sales area' that exceeds the 600 square feet allowed by MLAPF guidelines. Accessory sales items are defined as items that are not typically agricultural in nature such as gazing balls, flower pots, bird baths, etc. MALPF notified the Zimmermann Family/ Thanksgiving Farms by postal mail that there are two possible options to resolve this issue. Option 1 is to reduce the sales area to less than 600 square feet. Option 2 is to apply for a land exchange and swap an area of unpreserved land in order to swap out of the easement area where the farm market lies. The Zimmermann's own 1.5 acres of unimproved land on the west side of Buckeystown Pike that is not in a MALPF easement. The Zimmermann Family decided to pursue option number 2 and are requesting approval of a land swap. The area for the farm store and the area of the unimproved land is both in class II soils. Staff recommended approval of the land swap.

A motion to approve the boundary line adjustment (land swap) was made by Mr. Bittner and seconded by Ms. Tucker.

The motion was approved 3-0-0-2.



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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. Krantz Land Swap Request

Staff presented a request from Mark Krantz to retroactively approve an owners' lot on the Krantz MALPF easement. Mr. C. William (Bill) and Ms. Geraldine Krantz requested approval for an owners' lot in 2004. Mr. and Mrs. Krantz constructed their dwelling and lived there until their respective passings in 2011 and 2023 on Simpsons Mill Road in Keymar. The dwelling was permitted as a tenant house in the county system, and a certificate of occupancy was issued. The home was never subdivided off from the farm on to its own lot (the approved owner's lot), and released from the MALPF easement. The house and proposed 1-2 acre lot is not in the approved location, however, the area that the house was built on the Krantz farm meets all of MALPF'S criteria for an owners lot. The proposed lot area is in Class II soils. The execution of this lot will not compromise the amount of qualifying soils in the MALPF easement. The Krantz family is seeking retroactive approval for this lot and will need to work with a surveyor on subdividing off the 1-2 acre lot off of the farm. This information will need to be sent to MALPF for retroactive approval and having the survey plat recorded in the land records so that a payback value can be determined, and last, having the owners' lot be released from the easement.

A motion to approve the retroactive owners' lot on the Krantz MALPF easement was made by Ms. Tucker and seconded by Mr. Bittner.

The motion was approved 3-0-0-2.

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

- A. MALPF- Staff reported that the applications that were approved in a public hearing on 9/5/2023 are being appraised by two appraisers hired by MALPF. The appraisals will be sent to MALPF and reviewed by them, and then offers are made to landowners. Staff is hopeful that this will occur in early spring 2024.
- B. IPP- 47 applications were received by staff for the FY 24 cycle. Staff is still working toward settlement on other properties in this program for the FY 22 and FY 23 cycles. Staff hopes to have the applications reviewed at the November Ag Board meeting.
- C. Critical Farms- 2 appraisers were hired to appraise all of the properties that applied to the FY 23 cycle.
- D. MARBIDCO Next Generation- One property recently settled in this program, and that there is still a lot of interest in this program.
- E. Rural Legacy- Staff received a 3.135 million grant recently in this program for both the Mid-Maryland and Carrollton Manor Rural Legacy areas, and that there are still multiple properties that are working toward settlement. and that there is still a lot of interest in the program.
- F. CREP- Staff reported that the funding is still good and that there is still a lot of interest in this program.
- G. Inspection Update- Staff reported that inspections are being taken place for MALPF, IPP, Rural Legacy and CREP.
- H. Other Violations Update- Staff reported that the Knott Violation has been rectified, and that another violation was heard tonight and is working on resolving the issue.

A motion to adjourn the meeting was made by Mr. Bittner at 7:29 pm.