



## 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, December 18, 2023

Winchester Hall - Second Floor, Winchester Room

PASSED 1-26-2024

**Members Present:** Andrew Toms, Chair; Dick Bittner, Vice Chair, Sandy Tucker, Eric Troxell, Matthew Toms

**Staff Present:** Anne Bradley, Ag Preservation Program Administrator, Beth Ahalt, Planner II, Joshua Brewster, Assistant County Attorney

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

#### I. Minutes

##### A. Open Session Minutes from November 27, 2023

Staff presented minutes from 11/27/2023 for review and approval. A motion to approve the minutes was made by Mr. Bittner and seconded by Ms. Tucker.

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

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

#### II. MALPF

##### A. Ogle Historic Preservation Request

Staff presented a request from Cindy Ogle, on behalf of her parents and current property owner's, James and Emily Ogle to the proposed listing of the Stem-Haines-Saylor Farm to be placed on the Frederick County Register of Historic Places. The historical designation would be placed around existing dwelling, bank barn, blacksmith shop, and springhouse and would not impact the agricultural operation. Staff recommended approval.

Dick Bittner made the motion to approve staff's recommendation. The motion was seconded by Eric Troxell. The motion was approved unanimously.



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

### **III. Ag Board**

#### **A. Vice Chairman Election**

Vice Chair Bittner nominated Mr. Troxell to serve as the Vice Chairman for the Agriculture Preservation Advisory Board. Ms. Tucker seconded the motion. The motion was approved 4-1-0-0.

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

#### **B. Review Draft Bylaws**

Staff presented a review of draft bylaws to the Agriculture Preservation Advisory Board. No motion was made at this meeting to adopt the bylaws.

#### **C. Critical Farms Code Review**

Staff presented a review of draft Critical Farms Code. No motion was made at this meeting to recommend adoption a new Critical Farms Code.

### **IV. Program Status Reports**

- A. MALPF- Staff reported that there were two farms in the FY22 cycle that have recently settled and the last farm in the FY22 cycle would settle in the coming weeks. Landowners in the FY23 cycle are working on the requirements from MALPF in order to settle in that cycle.
- B. IPP- 46 applications were reviewed by the Agriculture Preservation Advisory Board at the November meeting. Staff is hoping that the approved applications by the board will be reviewed at a public hearing in the early part of 2024.



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- C. Critical Farms- The applications to the FY23 Critical Farms cycle will be reviewed by the County Council in a closed session meeting on January 23, 2024.
- 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. There are multiple farms working on going under easement in that program. There is another grant due in February of 2024 that staff is working on applying to.
- F. CREP- Staff reported that there are several administrative issues at DNR that is making timelines longer than usual and staff is receiving citizen complaints. Funding is still good and that there is still a lot of interest in this program.
- G. Staff reported that there is solar legislation that is being proposed and that Frederick County is formulating a response to issue to MACO for them to represent us in Annapolis. The goal for Frederick County is to protect preserved farmland and priority preservation areas from solar while still achieving renewable energy goals.
- H. Inspection Update- Staff reported that inspections are being taken place for MALPF, IPP, Rural Legacy and CREP.
- I. Other Violations Update- Staff reported that there is a violation on a farm that is in the IPP program that is operating a wood processing facility and sawmill. The landowner came before the agricultural preservation advisory board in the spring of 2023 and asked if this would be an allowed use under the IPP use table. The board approved the use under the condition that County Permitting and Zoning regulations would be met. The landowner was not able to achieve approval from County Permitting and Zoning, and has since expanded the operation since approval from the Ag Board. County Zoning has issued a stop work order and the landowner has not stopped. County Zoning has started the process of legal action and a court hearing is supposed to take place in 2024.

A motion to adjourn the open session meeting was made by Ms. Tucker and seconded by Mr. Bittner at 9:05 pm.