



# FREDERICK COUNTY GOVERNMENT

## DIVISION OF PLANNING & PERMITTING

Jan H. Gardner  
County Executive

Steven C. Horn, Division Director

### Agricultural Preservation Advisory Board

Minutes of Monday, May 24<sup>th</sup>, 2021

Draft 5/25/2021

WebEx Meeting

**Members Present:** Samuel Tressler, III, Chair; Dick Bittner, Vice Chair; Paul Spurrier, Andrew Toms, (joined at 7:00 pm)

The meeting was called to order by Chair Tressler at 7:16 p.m.

**Staff Present:** Anne Bradley, Program Administrator; Beth Ahalt, Planner I

#### I. Minutes

##### A. Minutes from March 22, 2021

Staff presented minutes from 03/22/2021 for review and approval.

Mr. Spurrier made a motion to approve the minutes of March 22, 2021. Vice Chair Bittner seconded the motion. The motion was approved.

**Vote:            Yea 4            Nay 0            Absent 1**

#### II. MALPF

##### A. FY 22 MALPF Applications

Anne Bradley presented the figures for preserved land acreage and a list of the next steps for approval of the MALPF applications. A record number of applicants (54) applied to the MALPF program for FY 22. Anne also presented maps to the board for each of the Applicants that applied to MALPF. Staff made the recommendation to the board to approve 17 applicants. 12 of which were new applicants, and 5 of which were applicants that have applied to the program before and have already received appraisals from MALPF.

Chairman Tressler recommended to adopt the 17 staff approved MALPF applicants

Mr. Spurrier made a motion to recommend consensus approval of the MALPF Applications. Mr. Bittner seconded the motion.

**Vote:            Yea 4            Nay 0            Absent 1**



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#### B. Knott Tenant House Request

Anne Bradley presented to the board a request from David and Linda Knott, to retroactively approve a tenant house on the property. A trailer was placed on the property in 2011, according to aerial imagery, and was anonymously reported to the County in 2020. The County and MALPF staff inspected the property on 10/6/2020 and discovered that the trailer is a tenant house, occupied by Mark Tressler, who rents the 152-acre northern portion of the farm for his dairy operation. In addition to the retroactive approval for this tenant house, the Knott's will need to secure proper permitting from County Zoning in order for Mr. Tressler to continue living in the trailer. The tenant house is located directly adjacent to the other farm buildings on the property and uses existing farm lanes for access. Staff feels that the tenant house meets all of MALPF's approval criteria and recommend approval of the Knott's tenant house request with the condition that the Knott's secure proper permitting for the trailer. Staff recommends approval for this request.

**Vote:**                      **Yea 4      Nay 0      Absent 1**

#### C. Horman Dwelling Relocation

Anne Bradley presented to the board a request from George and Joan Horman to relocate a pre-existing dwelling to a new location on the property located on Cap Stine Rd. The new location is closer to Cap Stine Rd. and will require a new farm lane stemming off of the existing lane. Mr. and Mrs. Horman stated that they chose this location for a new driveway because it follows contours and is better for engineering the new driveway. The applicant made several attempts to relocate the dwelling in other places on the farm, however, due to an issue of a well not being able to perc. Staff recommends approval for this request.

Mr. Bittner made a motion to approve the relocation of the dwelling. Mr. Spurrier seconded the motion.

**Vote:**                      **Yea 4      Nay 0      Absent 1**

#### D. Graceham Unrestricted Lot Request

Anne Bradley presented to the board a request from Robert "Jimmy" Kline to approve an unrestricted lot request on the Graceham Properties, LLC MALPF easement. Anne Bradley explained to the board that there is one documented



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pre-existing dwelling on the farm, and there have been no other previous requests for lots or houses on the easement. The easement allows Mr. Kline to request one unrestricted lot of up to two acres in size. The proposed lot would be located along Jimtown Road. The current use of this area is forest, and the soils in the proposed area is Class I. Approval of the proposed lot will not compromise the percentage of qualifying soils remaining on the farm. Staff recommend approval because this request meets all of MALPF's criteria.

Mr. Bittner made a motion to approve the unrestricted lot request. Mr. Spurrier seconded the motion.

**Vote:            Yea 3        Nay 1        Absent 1**

#### E. Troxell Overlay Easement Request

Anne Bradley presented to the board a request to approve a stream overlay easement on the Troxell MALPF easement. Mr. and Mrs. Eric Troxell are requesting permission to grant a stream overlay easement to Frederick County over a portion of their property. The request is to complete a stream restoration project on the portion of Double Pipe Creek, which runs through their MALPF easement property. The MALPF review criteria requires a written recommendation from the local ag board. The MALPF board approved policy guidelines for reviewing stream and wetland overlays on MALPF easements in July of 2017, and then updated the policy in April, 2020. The guidelines acknowledge that these overlay easements may remove land from agricultural use, but also serve legitimate resource conservation purposes that are compatible with MALPF's goals to preserve farmland. Staff recommends approval of the proposed stream overlay easement project on Troxell MALPF easement. Staff believes that the applicants are working to meet all of the goals stated in the MALPF overlay policy and that the proposed project is of a reasonable size and is compatible with the agricultural use of the property.

Mr. Bittner made a motion to approve the easement. Mr. Spurrier seconded the motion.

**Vote:            Yea 4        Nay 0        Absent 1**

### III. IPP

#### A. 2020 IPP Cycle

Anne Bradley informed the board that the Ag Preservation team is still playing catch up from the FY 2019 and FY 2020 IPP cycles. Interest from landowners has been concerning



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for this program. Interest Rates are still incredibly low, so landowners are not interested in the tax free bond amount. Also, staff was not allowed to meet with members of the public during the pandemic, so the program was not marketed as well as it had been in years past. 37 MALPF applications had to be cut for FY22, so staff is hoping that some land owners will take interest in the IPP program.

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

#### **A. MALPF**

Applications were due on April 1, 2021. 54 applications were submitted, and 17 total applications (12 new applications, and 5 that had applied previously that have had appraisals completed by MALPF prior to this year.) will go down to MALPF for offers.

#### **B. IPP**

There are some people that are interested in this program, and staff is trying to get those landowners to settlement.

#### **C. Critical Farms**

Applications are due this year on June 1, 2021. Staff has received 8-10 applicants so far.

#### **D. MARBIDCO Next Generation**

These programs have a lot of public interest. Staff feels that they are able to market these programs well. The first settlement for Small Acreage Next Generation (SANG) is this week.

#### **E. Rural Legacy**

1.7 million dollars is available in funding for this cycle. We have 2 projects that are going on right now. One project is in the Mid-Maryland region, and the other project is in the Carrollton Manor Region.

#### **F. CREP**

This program still has lots of interest by the public. CREP still pays \$5,500.00 per acre.

#### **G. Other Violation Updates**

Middletown, MD property that is in a MALPF easement has a violation that is moving to compliance. Staff will provide further updates at the next board meeting. Anne Bradley also updated the board that her and Beth Ahalt will be completing 39 easement inspections before July 1.



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Chair Tressler Adjourned the meeting at 8:15 pm. Seconded by Mr. Paul Spurrier.

**Vote:            Yea 4        Nay 0        Absent 1**