



FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

Agricultural Preservation Advisory Board

Minutes of Monday January 24, 2022

WebEx Meeting

Members Present: Samuel Tressler, III, Chair; Dick Bittner, Vice Chair; Andrew Toms and Paul Spurrier (joined at 7:23pm)

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

Staff Present: Anne Bradley, Program Administrator; Shannon O'Neil, Planner II; Beth Ahalt, Planner I

I. Minutes

A. Minutes from November 22, 2021

Staff presented minutes from 11/22/2021 for review and approval.

Chair Tressler made a motion to suspend the minutes from November 22, 2021, because there were not enough board members present for a vote.

I. IPP

A. Sewell Data Fiber Easement Request

Anne Bradley presented the request for a fiber data optic line from Quantum Loophole on the Sewell farm property. The fiber data optic line would be approximately 8,825 foot data overlay easement on the Sewell property. No discussion was heard. Staff recommended approval. Eric Troxell made a motion to approve and Dick Bittner seconded the motion.

4 Yay 0 Nay 1 Absent

B. Burgee Right of Way Request

Shannon O'Neil presented the request from Potomac Edison to allow a 0.11 acre Right of Way Easement on the Burgee farm property. Staff recommended approval. No discussion was heard. Dick Bittner made the motion to approve, and Eric Troxell seconded the motion.

4 Yay 0 Nay 1 Absent



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C. Hurley Landscaping Operation Request

Anne Bradley presented the request to allow a limited landscape contractor business on the Hurley IPP easement. Board member Andrew Toms had a question why this use was allowed and why another MALPF easement was not allowed to have this use. Anne Bradley explained that this use is covered under the IPP allowed uses table that was adopted by the Agriculture Preservation Advisory Board. Staff recommended approval. Andrew Toms made a motion to approve the use, and Dick Bittner seconded the motion.

4 Yay

0 Nay

1 Absent

D. Moser House Relocation Request

Shannon O'Neil presented a request from Pam and Danny Moser who own and operate Walnut Ridge Farm and Moo Cow Creamery. The Moser's are requesting to replace and relocate the pre-existing dwelling on the farm and have two proposed lots of where the new dwelling would be located due to road frontage and perc test concerns. Staff recommended approval.

4 Yay

0 Nay

1 Absent

E. Ryan Historic Preservation Request

Anne Bradley presented a request from Michael Ryan to allow a historic preservation overlay area on his IPP easement. Mr. Ryan is requesting to add 3 acres around the existing house in to a historic preservation easement. Staff does not believe that the historic designation on the 3 acres around the farmstead would negatively affect the current or future agriculture operation of the farm, therefore, staff is recommending approval.

4 yay

0 Nay

1 Abstain

F. Forest Resource Ordinance Collaboration

Beth Ahalt presented a request to allow IPP applicants the opportunity to apply for a Forest Resource Ordinance (FRO) on part of a farm property that a landowner would want to have in the IPP program. The Forest Planner would designate areas on the farm that would be best suited for FRO. As an example, areas with steep slopes, forested areas and areas that are considered hydrologically sensitive areas would be allowed to have the FRO easement on part of the property. The FRO area would have



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to be surveyed and would be differentiated from the other IPP areas. The FRO easement would be paid out to the landowner at the same time the IPP easement would be paid to the landowner. Staff had no recommendation for approval or denial, however they wanted to talk with the board and see what the opinion of the board was for this collaboration. The board had concerns about trees on farm properties and long-term consequences of the farming operation with a forested property. The Board requested that Staff retrieve maps from the top 10 ranking farms in the IPP program Forest Conservation Planner showing the areas that would qualify for a FRO area. This collaboration will be brought in front of the Board when staff receives the maps from the Forest Planner.

5 Yay 0 Nay 0 Absent

MALPF

G. Thompson Child's Lot Extension Request

Beth Ahalt presented a request from Frank and Pam Thompson to extend the preliminary approval for one child's lot for their son, Philip Thompson. The

Agriculture Preservation Advisory Board approved this request in 2019. At this time, no building permit has been executed for this lot. Staff recommended approval. Paul Spurrier made a motion for approval. Eric Troxell seconded the motion.

4 Yay 0 Nay 1 Abstain

II. CREP

A. Horman CREP Easement Project

Shannon O'Neil presented a request from George and Joan Horman for a 77.18 acre CREP easement on their farm located at 10830 Etzler Mill Road in Woodsboro. No discussion was heard. Staff recommended approval. Motion to approve was made by Dick Bittner and seconded by Paul Spurrier.

5 Yay 0 Nay 0 Absent

III. Program Status Reports

A. MALPF Anne presented that staff is working getting FY 21 MALPF applicants to settlement on a permanent easement, and we are getting ready to begin the next round of accepting FY 23 applications IPP



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- B. Critical Farms Anne presented that staff has a potential county council date for FY 22 IPP applicants to be heard.
- C. MARBIDCO Next Generation Anne presented that staff has not received any applications to this program for a several months, however the program is still in operation and there is a lot of interest in the program.
- D. Rural Legacy Anne Bradley presented that Frederick County received a \$1,500,000 grant for this application cycle and there is still a lot of interest in this program.
- E. CREP Anne Bradley presented that there is still a lot of interest in this program.
- F. Inspections Update Beth Ahalt presented that staff has been working on inspections. 8 MALPF inspections were completed in December, 2021, and staff is planning to visit more properties in the month of March. The expected time frame to be completed with inspections is May, 2022.
- G. Other Violation Updates Beth Ahalt presented that staff has been working with the Zoning Department to rectify 7 violations on IPP easement properties.

Vice Chair Dick Bittner moved that the meeting be moved into Closed Session and Paul Spurrier seconded the motion.

Chair Tressler adjourned the meeting at 8:28 pm.