



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jessica Fitzwater
County Executive

Steven C. Horn, Division Director

Agricultural Preservation Advisory Board

Minutes of Monday, January 23, 2023

Approved February 27, 2023

Winchester Hall - Second Floor, Winchester Room

Members Present: Samuel Tressler, III, Chair; Andrew Toms, Eric Troxell, Sandra Tucker, and Councilmember Steve McKay, Ag Board Liaison

Members Absent: Dick Bitner, Vice Chair

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

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

I. Minutes

A. Open Session Minutes from November 7, 2022

Staff presented minutes from 11/07/2022 for review and approval. The Board had no additions or corrections.

A motion was made by Mr. Toms to approve the minutes from November 7, 2022. The motion was seconded by Mr. Troxell. The motion was approved 4-0-0-1.

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. Closed Session Minutes from November 7, 2022

Staff presented the closed session minutes from 11/07/2022 for review and approval. The Board had no additions or corrections.

A motion was made by Mr. Troxell to approve the closed session minutes from November 7, 2022. The motion was seconded by Mr. Toms. The motion was approved 4-0-0-1.

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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II. IPP

A. Mills (IPP#17-02) QL ROW Request

Staff presented a request from QL and the Roger Mills, Jr. Revocable Trust property to allow a 0.43379-acre overlay easement for a data fiber cable. The proposed ROW is mostly contained within the existing ROW for New Design Road. The data fiber line will serve the new data center at the old Eastalco site. The IPP easement states that such ROWs may be granted but only with Grantee's express permission. Mr. Toms expressed concern about allowing such an overlay without the County receiving any compensation in return. Staff and Board agreed that the overlay will have minimal interference with the ag operation.

Mrs. Tucker made a motion to approve the request for a data fiber line overlay easement on the Mills IPP easement. The motion was seconded by Mr. Troxell. The motion was approved 3-1-0-1.

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. Hines (IPP#02-22) QL ROW Request

Staff presented a request from QL and the Hines Trust property to allow a 0.73831-acre overlay easement for a data fiber cable. The proposed ROW is mostly contained within the existing ROW for Chick Road. The data fiber line will serve the new data center at the old Eastalco site. The IPP easement states that such ROWs may be granted but only with Grantee's express permission. Mr. Toms expressed concern about allowing such an overlay without the County receiving any compensation in return. Staff and Board agreed that the overlay will have minimal interference with the ag operation.

Mr. Troxell made a motion to approve the request for a data fiber line overlay easement on the Hines IPP easement. The motion was seconded by Mrs. Tucker. The motion was approved 3-1-0-1.

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. MALPF

A. Waverly (MALPF #10-01-83-02A)) QL ROW Request

Staff presented a request from QL and the Waverly Farms LC property to allow a 1.05654-acre overlay easement for a data fiber cable. The proposed ROW is mostly contained within the existing ROW for New Design Road. The data fiber line will serve the new data center at the old Eastalco site. MALPF can allow such overlays as long as they allow ag to continue on the property and have minimal interference with the ag operation. Staff and Board agreed that the overlay will have minimal interference with the ag operation.

Mr. Toms made a motion to approve the request for a data fiber line overlay easement on the Waverly MALPF easement. The motion was seconded by Mr. Troxell. The motion was approved 4-0-0-1.

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. Gruber (MALPF #10-08-12) Access Easement Request

Staff presented a request from the Gruber family to allow an access easement overtop of their existing driveway. The driveway serves a lot that predates the easement where the Gruber's daughter lives, an approved child's lot for their other daughter, and the farm. Staff and the Board agreed that this access easement will have no impact on the farm operation.

Mr. Toms made a motion to approve the request for an access easement on the Gruber MALPF easement. The motion was seconded by Mr. Troxell. The motion was approved 4-0-0-1.

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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IV. Program Status Update

- A. MALPF- Staff is working on getting FY 22 landowners that accepted an offer to settlement in that program. The next application deadline
- B. IPP- Staff reported that the County Council approved all 23 forwarded applications at a public hearing on December 20, 2022. Staff hope to make offers soon. The next IPP deadline will be September 1, 2023.
- C. Critical Farms – June 1 will likely be the next Critical Farms application deadline. Offers from last cycle are still pending, but should settle soon. The Board discussed possible changes to the Critical Farms program application and ranking system. Staff will bring the application to the next Board meeting for further discussion.
- D. Rural Legacy- Staff have pending grant funding from FY22 and FY23, but are working to spend the funds. Staff will submit the FY24 grant soon.
- E. MARBIDCO NEXT GENERATION- Staff stated that there is still a lot of interest in this program and they are still accepting applications monthly.
- F. CREP- Staff reported that there is still a lot of interest in this program. 520-acres settled within the past few weeks.
- G. Inspections Update- Staff reported that inspections are continuing and staff expect to meet inspection goals.
- H. Inspection Violations- Staff stated that there are no open violations at this time.

Chair Tressler moved to enter into to closed session at 8:15 pm.