



# FREDERICK COUNTY GOVERNMENT

OFFICE OF AGRICULTURE  
Department of Agricultural Preservation

Jessica Fitzwater  
County Executive

Katie Stevens, Director  
Shannon O'Neil, Administrator

## Agricultural Preservation Advisory Board

### AGENDA

December 1, 2025 at 7 p.m.

Winchester Hall – Second Floor, Winchester Room

FINAL

### AGENDA

- I. Call to Order
- II. Attendance
- III. Approval of the Agenda
- IV. Approval of the Minutes from October 27, 2025
- V. Reports
- VI. Old Business
- VII. New Business
  - a. Ryan Childs Lot Request (IPP)
  - b. Installment Purchase Program Use Table Updates
  - c. Agricultural Preservation Advisory Board Rules of Procedure Review
- VIII. Comments and Announcements
  - a. Program Comments
    - i. MALPF
    - ii. IPP
    - iii. Rural Legacy
    - iv. CREP
    - v. Critical Farms
    - vi. Next Generation
    - vii. Violations Updates
  - b. Other Comments
    - i. MPRP Proposed Transmission Line
    - ii. CDI Overlay
- IX. Public Comment
- X. Adjournment

Next Meeting Date: January 26, 2026

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*All Frederick County Boards and Commissions are subject to:*

*1) the Open Meetings Act requiring reasonable advance notice of meetings be provided, to make the agenda available in advance, to hold meetings openly, and to adopt and retain minutes; and*

*2) the Public Information Act, meaning any member of the public may request any record pertaining to the work group at any time.*

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### Open Session Meeting

Minutes of Monday, October 27<sup>th</sup>, 2025  
Winchester Hall – Second Floor, Hearing Room  
**Draft 11/7/2025**

- I. **Call to Order:** Lisa Gaver called the meeting to order at 7:03pm.
- II. **Attendance:** Lisa Gaver, Vice Chair, Brenda Ripley, and Sandra Tucker  
Shannon O'Neil, Ag Preservation Program Administrator, Beth Ahalt, Ag Preservation Program Specialist II, Jenna Zimmerman, Ag Preservation Program Specialist I, Joshua Brewster, Senior Assistant County Attorney and Graham Hubbard, Principal Planner II.
- III. **Approval of the Agenda:** Sandra Tucker made a motion to approve the agenda. The motion was seconded by Brenda Ripley. The motion was approved 3-0-0-2.
- IV. **Approval of the Minutes from September 22<sup>nd</sup>, 2025 Ag Board Meeting:** Brenda Ripley made a motion to approve the minutes from the September 22<sup>nd</sup>, 2025 Ag Board meeting. The motion was seconded by Sandra Tucker. The motion was approved 3-0-0-2.
- V. **Reports-** No reports.
- VI. **Old Business-** No old business.
- VII. **New Business-**
- A. ***FY 2026 Installment Purchase Program (IPP) Applications:*** Staff presented 47 IPP applications to the board encompassing 5173.451 acres for the FY-2026 IPP application cycle. Staff recommend approval of applications #26-01 through #26-21 on 3,309 acres to be forwarded to a public hearing for further review. Sandra Tucker made a motion to send applications #26-01 through #26-21 to a public hearing and offering the choice of IPA terms anywhere between 10 and 20 years and offering applicants that have no subdivision potential a base value of \$1,000 per acre. The motion was seconded by Brenda Ripley. The motion was approved 3-0-0-2.

Ag Board Members	Aye	Nay	Abstain	Absent
Sandra Tucker	X			
Matthew Toms				X
Caroline Orlowski				X
Lisa Gaver	X			
Brenda Ripley	X			

- B. ***FY 2025 Certification Report Review:*** Staff presented to the board the Fiscal Year 2025 Agricultural Preservation Certification Annual Report.



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Frederick County has been involved in the protection of agricultural land resources since the adoption of its initial zoning ordinance and subdivision regulations in 1955. In Fiscal Year 2025, Frederick County spent over \$9 Million in qualifying expenditures to preserve 3,129 acres. Since Frederick County is a certified county, the County retains 75% of the locally generated Agricultural Transfer tax. Staff recommend approval of this report to be sent to the State for review. Brenda Ripley made a motion to approve the FY2025 Certification Report and for it to be sent to the State for review. This motion was seconded by Sandra Tucker. The motion was approved 3-0-0-2.

Ag Board Members	Aye	Nay	Abstain	Absent
Sandra Tucker	X			
Matthew Toms				X
Caroline Orlowski				X
Lisa Gaver	X			
Brenda Ripley	X			

### VIII. Comments and Announcements

#### a. Program Updates

- MALPF-** Staff are working on settlements from the 2025/2026 MALPF cycle. Surveys have been ordered and 1 MALPF offer from the 2025/2026 cycle is scheduled to settle in December. The next MALPF application deadline is 4/1/2026.
- IPP-** Presented 47 applications to the board today for the FY2025 IPP cycle. 21 applications will be sent for further review by the Planning Commission in December. The next application deadline will be 9/1/2026. Two properties from the FY25 cycle settled on 10/22/25. Two more settlements from FY25 are in process.
- Rural Legacy-** Still receiving interest in this program. Several surveys are in progress.
- CREP-** Staff continue to receive a lot of interest in this program. One easement is set to settle sometime in November. Surveys have been conducted on a few CREP projects that are in the works.
- Critical Farms-** Staff extended the final critical farms offer from the 2025 Critical Farms cycle and the landowner officially accepted. The next cycle will open sometime in 2027.
- Next Generation-** There is currently a project going through the works. It was submitted at the end of May. Landowner will receive offer letter within the next week.



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#### B. Other Comments:

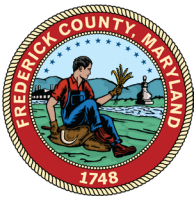
i. **MPRP Proposed Transmission Line Route-** There are no new official updates. There have been some tweaks made by the Public Service Enterprise Group in response to field surveys and landowner feedback. PSEG has sent out letters to impacted landowners notifying them of the route change and introducing them to a new land management agent that they could contact with any questions.

ii. **CDI-OZ-** Staff sent the Board's letter to the County Executive and County Council. The Planning Commission made a recommendation to the Council to limit the overlay to the Windridge property which is partially in the Rural Legacy Area (RLA), the Noffsinger farm which is in the PPA and RLA, and several smaller parcels which are in the PPA and RLA as well. This will go to the Council in the coming weeks.

iii. **November/December Ag Board Meeting-** Staff notified the Board that due to the holidays, the November and December meetings will be combined, and take place on Monday December 1, 2025 at 7:00pm at Winchester Hall.

IX. **Public Comment** – None.

X. **Adjournment** – Sandra Tucker moved to adjourn the meeting. Brenda Ripley seconded this motion. The meeting adjourned at 7:48pm.



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**TO:** Frederick County Agricultural Preservation Advisory Board

**FROM:** Jenna Zimmerman, Agriculture Preservation Program Specialist

**DATE:** December 1, 2025

**SUBJECT:** IPP #09-02, Michael Ryan- Child's Lot Location Request

**ISSUE:**

Should the Frederick County Agricultural Preservation Advisory Board approve Option 1 and Option 2 child's lot location requests on the Mike Ryan IPP #09-02 easement?

**BACKGROUND:**

The Mike Ryan IPP property consists of 247.865 acres and is located off of Clemsonville Road. This property was put under easement on October 28<sup>th</sup>, 2009. There have not been any previous requests for lots.

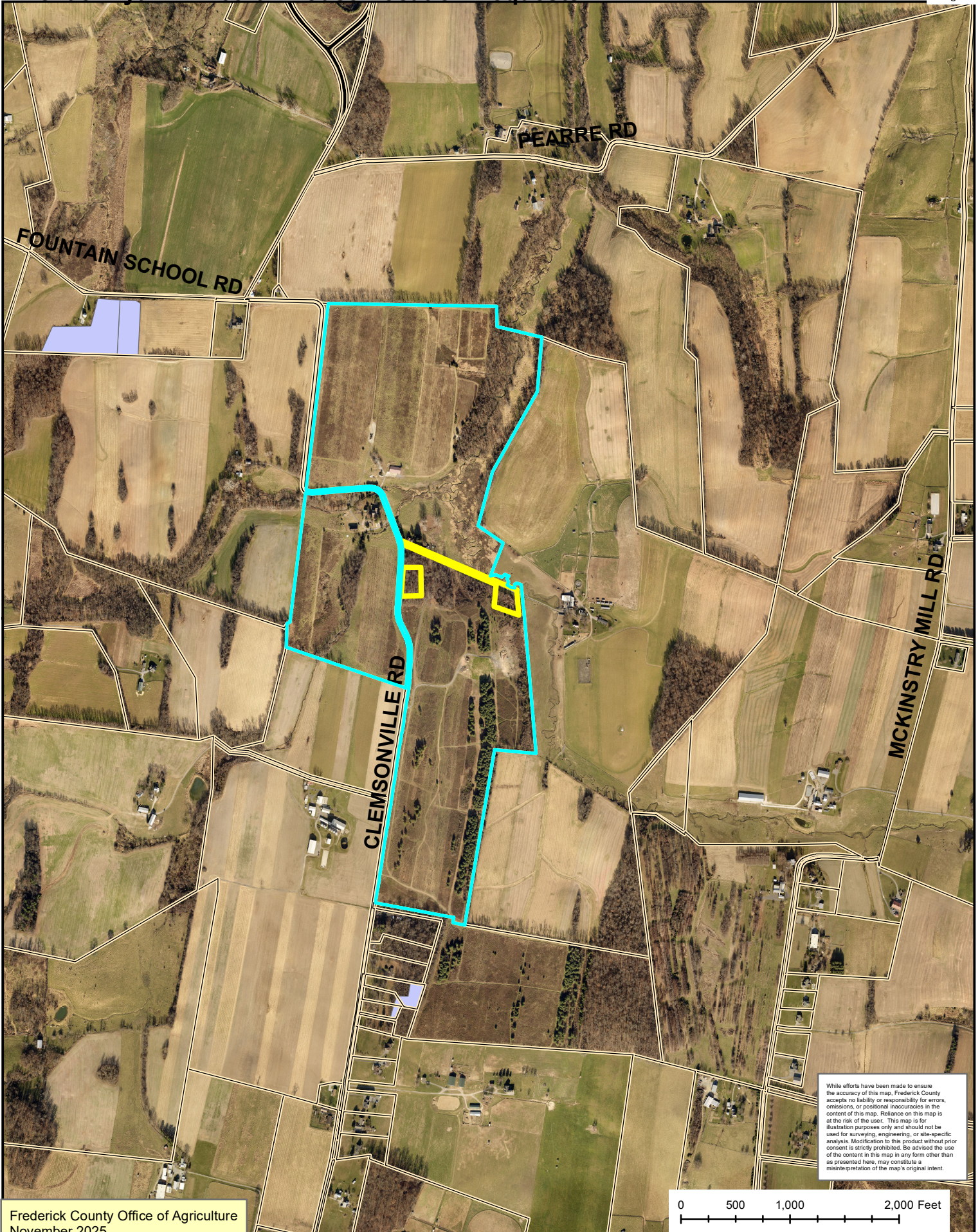
Mr. Ryan is requesting approval for 2 locations for a child's lot for his son, Michael Ryan Jr., Option 1 and Option 2. This will ensure he doesn't have to come back to seek approval for another option in case Option 1 doesn't work out. Option 1 is directly along the property boundary on the east side of Clemsonville Road and Option 2 is also on the East side of Clemsonville Road but further back off the road. (Please see aerial attached for both options). Both of these locations are in Class II soils and in areas that are currently wooded and currently farmed.

Section A(1)(f) of the recorded deed of Easement permits the original owner/seller of the easement to request the release of easement restrictions on 2 acres or less for the purpose of constructing a dwelling house for the use only of the Grantor or the Grantor's child. Section A(1)(f)(i) states that the total number of childrens'/owners' lots allowed to be released under this easement may not exceed four (4) lots of two (2) acres or less at a maximum (density) of not more than one (1) lot for each fifty (50) acres or portion thereof. Because the Ryan's have approximately 247 acres encumbered under their IPP easement, the easement entitles them to request up to a maximum of four (4) childrens'/owners' lots. Mr. Ryan has not requested any prior lot exclusions on their IPP easement. If approved, he will submit a survey of acreage to be released from the easement restrictions, along with a payback of the easement value on those acres.

**Recommendation:** Staff recommends approval of the child's lot locations Option 1 and Option 2 request on the Ryan IPP easement #09-02, for Michael Ryan, Jr.

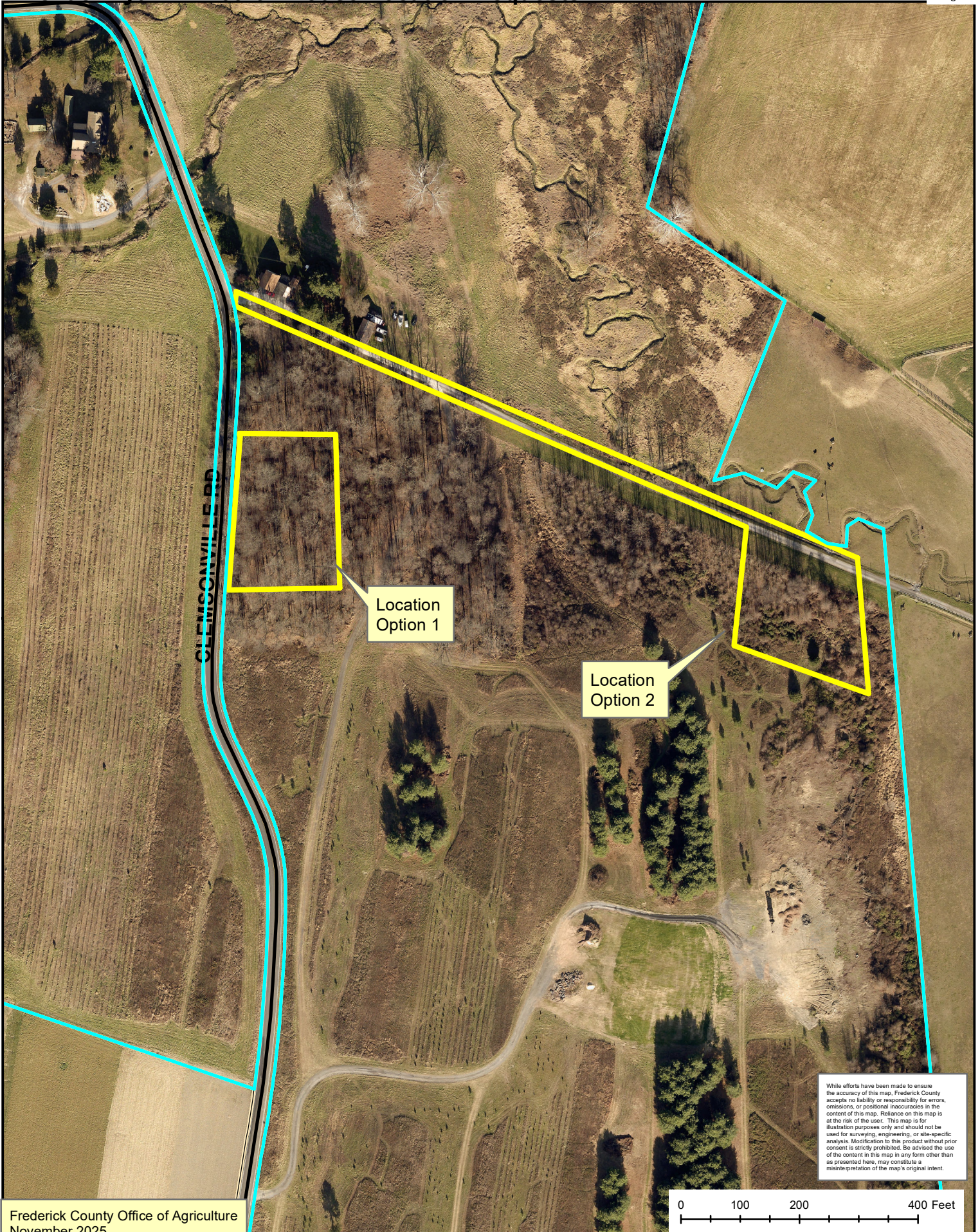


# Michael Ryan-IPP-09-02 House Location Requests





# Michael Ryan-IPP-09-02 House Location Requests



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**GUIDELINES FOR  
REQUESTED USES OF LAND IN THE  
FREDERICK COUNTY INSTALLMENT PURCHASE PROGRAM (IPP)**

Frederick County's enabling statute for the creation of the Installment Purchase Program (IPP) provides the primary restriction for uses on IPP easement properties. That restriction states: "*Property under agricultural preservation easement shall be maintained in agriculture use.*" Accordingly, any commercial operation on an easement property must be found to be accessory and compatible with the agricultural use.

All requested uses must satisfy the following criteria to determine if a commercial operation (i.e., a use to generate profit) complies with the County's statutory and regulatory restrictions:

1. A landowner may request accessory, and compatible commercial uses to an agricultural use of the property, as permitted under the Frederick County Zoning ordinance, provided that such use;
  - a. does not affect the agricultural integrity of the property;
  - b. minimizes the use of productive agricultural land; and
  - c. fulfills the purpose and intent of the agricultural preservation easement.

These guidelines are to serve as recommended direction for the County, which has the ultimate decision-making authority for proposed uses on easement properties. At Frederick County staff's sole discretion, any matter requiring only staff approval may be referred to the Agricultural Preservation Advisory Board for consideration.

NOTE: Any new commercial activities must comply with Frederick County Code. Once the necessary county approval/permits have been obtained, please provide notice to the ~~Ag Preservation Department~~Office of Agriculture for purposes of future inspection of the easement property.



### Frederick County Zoning Ordinance Use Table Legend:

P Principal permitted use subject to design regulations (i.e. property line setbacks, lot size, etc.)

PS Principal permitted use subject to site development plan approval. See Zoning Ordinance §§ [1-19-2.160](#), and [1-19-3.300](#) through [1-19-3.300.4](#)

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

\*\*\* A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm distillery, farm distillery tasting room, farm winery tasting room, farm brewery tasting room, or limited farm alcoholic beverages tasting room.

#### Ag Preservation

#### **REQUIREMENTS**

Prerequisites	<p>All requested uses are subject to:</p> <ol style="list-style-type: none"><li>1. All applicable State, Federal, and County requirements associated with the requested use;</li><li>2. County planning and zoning regulations;</li><li>3. Conditions, restrictions and limitation provided in the deed of easement.</li><li>4. Conditions and restrictions listed in these guidelines;</li><li>5. The landowner must have an ownership interest in any business, operation or occupation permitted under these guidelines;</li><li>6. Permitted uses must not interfere with other agricultural activities;</li><li>7. Permitted uses must not limit future agricultural production; and</li><li>8. Any requested uses that are permitted or approved under these guidelines shall be limited in scale to those appropriate to the size and location of the property (with consideration given to surrounding land uses), and shall be considered on a case-by-case basis by the County. The County shall also determine the frequency of any requested use.</li><li>9. Requests must be sent to Office of Agriculture Ag Preservation Staff three (4) weeks in advance before a scheduled Agriculture Preservation Advisory Board meeting.</li></ol>
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Proposed Edit ~~6/20/2025~~11/19/2025

Parking	<ol style="list-style-type: none"><li>1. Parking areas for all approved activities <del>may be limited to 1 acre, and up to</del> <u>Upon Staff determination of necessity, this area may be increased by 1 additional 2-acre_s if the request demonstrates the need for the larger area.</u></li><li>2. Parking area must be pervious unless otherwise required by law, or approved by the County.</li><li>3. Parking facilities for <del>the handicapped</del><u>those with disabilities</u> shall be provided as required by law, however, any required impervious surface shall not exceed 5,000 square feet.</li><li>4. The County must approve overflow parking for any temporary events.</li></ol>
Accessory Sales	<ol style="list-style-type: none"><li>1. Any accessory sales area must not exceed 600 (six hundred) sq. ft., and in no case shall be greater than the area used for the sale of agricultural and forestry items.</li></ol>

Other uses or variations of the requested uses defined herein may be allowed and may be pursued by the landowner by formal, written request to the ~~County's program administrator~~Office of Agriculture, for possible consideration by the Agricultural Preservation Advisory Board. These uses must also comply with all conditions and restrictions as provided in these guidelines.

#### **CONSIDERATION PROCESS**

PROCESS	<p>Generally, when a landowner wants to pursue a requested use, there are a number of required approvals at various levels of government, some of which require expenditures of funds to initiate. The Ag Preservation review can occur in the beginning of the process, with the landowner providing the County with as much information and details currently available to layout the intended plan of the operation. The County can base the review <del>off of</del><u>on</u> the best available information at the time, providing a decision on the conceptual plan. If the County grants a conditional approval, the landowner shall provide the County documentation that all the necessary approvals and permits associated with the requested use have been obtained. County approval is not final until all conditions have been met.</p> <p>The County encourages landowners to request the review early in the process so they do not have to expend any, or very little, funds prior to County Ag Preservation review.</p>
	<ol style="list-style-type: none"><li>1. The process begins with a formal written request to the <del>County Program Administrator</del><u>Office of Agriculture</u> by the landowner, describing the type of use being sought. The written request should address the requirements provided in this policy. The request, uses, and frequency of request shall then be considered by the County Agricultural Preservation Advisory Board.</li></ol>



Proposed Edit ~~6/20/2025~~11/19/2025

PROCESS (continued)	2. After the County Agricultural Preservation Advisory Board reviews the Requested Use, the County Program Administrator shall forward the request together with written findings to the Director of the Office of Agriculture (or their designee) for consideration.
	3. After the <del>Agricultural Preservation Advisory Board</del> <u>Director of the Office of Agriculture (or their designee)</u> reviews, Office of Agriculture staff will send a letter to the landowner(s). <del>with the Board's findings after the director of the Office of Agriculture reviews and approves of the letter.</del> <u>The letter will either detail the conditions of approval (if any), or explain why the Requested Use was denied.</u>

***All Requested Uses are subject to the requirements, considerations and process listed above.***

		<i>Zoning Districts</i>		<i>ZONING DEFINITION OF USE</i> <b>AG PRESERVATION CONDITIONS</b>	<i>Review Level</i>		
<i>Uses</i>		<i>RC</i>	<i>A</i>		<i>Allowed without review</i>	<i>Staff level review</i>	<i>Ag Pres Board review</i>
<i>Natural Resource Uses</i>							
1	<b>Agricultural activities</b>	P	P	Land used exclusively as a bona fide agricultural operation by the owner or tenant. The use of land for agricultural purposes includes farming, viticulture (grape production), fish culture, animal and poultry husbandry, and equine activities. Necessary accessory uses such as packing, treating, or storing of produce, composting and power generation from farm animal waste are allowed provided that the operation of the accessory use is clearly incidental to the agricultural activity. The business of intensive swine feeding operations, garbage feeding of hogs, fur farms or the raising of animals for use in medical or other tests or experiments, commercial slaughtering of livestock, poultry, fish or meat processing is excluded from this definition	X		
2	<b>Agricultural value-added processing</b>	P ***	P ***	Treatment that changes the form of a product grown on a farm in order to increase its market value with a minimum of 51% of the processed product being produced on the farm. For purposes of this use, the term "farm" includes contiguous and noncontiguous parcels within the county in active agricultural production which are owned or leased by the processor. Ag Value Added Processing operations must be located on a parcel of land that is a minimum of 10 acres in size. Ex. Creamery  *Ag Board Review if new buildings involved in request		X	X*

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	<i>Uses</i>	<i>RC</i>	<i>A</i>		<i>Allowed without review</i>	<i>Staff level review</i>	<i>Ag Pres Board Review</i>
3	<b>Agritourism enterprise</b>	P	P	Activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities shall be related to agriculture and shall be accessory to the primary agriculture operation on the site. This term shall include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farm, pumpkin patches, "pick your own" or "cut your own" produce, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. No use that is otherwise identified in § 1-19-5.310 as permitted with site plan approval or by special exception is permitted as an agritourism enterprise.  <b>-Proposal and Parking Plan to be reviewed by Ag Board</b>			X
4	<b>Nursery wholesale</b>	P	P	The use of property for the planting, maintaining and harvesting of trees, shrubs, plants, grasses or sod for sale to other nurseries, landscape contractors or retail outlets.	X		
5	<b>Farm distillery</b>	P ***	P ***	An establishment for the manufacture of distilled spirits produced on the farm on which the farm distillery is located may not distill more than 100,000 gallons of spirits per year, and majority of hops/grain used in the distilled product must be produced on the farm.  <b>-A majority of the inputs (not counting water) must be grown/derived on site.</b>			X

	<i>Uses</i>	<i>RC</i>	<i>A</i>		<i>Allowed without review</i>	<i>Staff level review</i>	<i>Ag Pres Board Review</i>
6	<b>Farm distillery tasting room</b>	PS ***	PS ***	A farm distillery may have 1 accessory structure for the purpose of sampling alcoholic beverages distilled at the farm. For retail sales of distillery products produced on site, the farm distillery must have a valid retail liquor license.  (over 1,500 square feet customer service area)  <b>-Proposal and parking plan to be reviewed by Ag Board</b>			X
7	<b>Farm winery</b>	P ***	P ***	The use of the property for the processing of fruit for the production of wine or juice on a producing vineyard, orchard or similar growing area, or a farm. A farm winery must have a minimum of 10 acres, must grow 1 acre of fruit for every 2,000 gallons of wine or juice produced. For purposes of this use, the term "farm" includes contiguous and noncontiguous parcels within the county in active agricultural production which are owned or leased by the processor.  <b>-A majority of the inputs must be grown/derived on site. -Proposal and parking plant to be reviewed by Ag Board</b>			X
8	<b>Farm winery tasting room</b>	PS ***	PS ***	A farm winery may have 1 accessory structure for the purpose of wine tasting and retail sales of winery products.  (over 1,500 square feet customer service area)  <b>-Proposal and parking plan to be reviewed by Ag Board</b>			X



	<i>Uses</i>	<i>RC</i>	<i>A</i>		<i>Allowed without review</i>	<i>Staff level review</i>	<i>Ag Pres Board Review</i>
9	<b>Limited farm alcoholic beverages tasting room</b>	P ***	P ***	<p>A farm brewery, farm distillery or farm winery may have 1 accessory structure for the purpose of tasting and retail sales of alcoholic beverages and spirits that are brewed, distilled, or produced on the farm in accordance with this chapter. The structure within which the tasting room is located shall have no more than 1,500 square feet of customer service area devoted to tasting and retail sales of the farm alcoholic beverages. Calculation of the 1,500 square feet devoted to tasting and retail sales will be based on the floor area devoted to customer service, excluding rest rooms, food preparation area, and storage.</p> <p><b>-Proposal to be reviewed by Ag Board</b></p>			X
10	<b>Farm brewery</b>	P ***	P ***	<p>An establishment for the manufacture of malt liquors, such as beer and ale, using grains such as barley, wheat, and oats and produced on the farm on which the farm brewery is located. At least a majority of one of the primary grains must be produced on the farm.</p> <p><b>-Proposal to be reviewed by Ag Board</b>  <b>-A majority of the inputs must be grown/derived on site.</b></p>			X

	<i>Uses</i>	<i>RC</i>	<i>A</i>		<i>Allowed without review</i>	<i>Staff level review</i>	<i>Ag Pres Board Review</i>
11	<b>Farm brewery tasting room</b>	PS ***	PS ***	A farm brewery may have 1 accessory structure for the purpose of sampling alcoholic beverages brewed at the farm. For retail sales of brewing products produced on site, the farm brewery must have a valid retail liquor license.  (over 1,500 square feet customer service area)  <b>-Proposal and parking plan to be reviewed by Ag Board</b>			X
12	<b>Limited roadside stand</b>	P	P	Limited roadside stand: The use of no more than 1,500 square feet devoted to product sales, which may incorporate a structure, for the sale of agricultural products the majority of which are produced by the owner on site. This use does not include seasonal pumpkin patches, "pick your own" or "cut your own" produce or other agritourism enterprise activities conducted on a farm related to agriculture and accessory to the primary agriculture operation on the farm.  <del>Proposal to be reviewed by Ag Board</del> <b>-A majority of the inputs must be grown/derived on site. Consideration given for poor growing years.</b>		<u>X</u>	<del>X</del>
13	<b>Sawmill</b>	E	E	The use of property where logs are debarked and sawn into dimension lumber. Such operations may include but are not limited to, processing, drying, finishing, or shipping of lumber, and commercial firewood processing.  <b>-Some products derived onsite, remainder produced in Maryland or regionally.</b>			X

	<i>Uses</i>	<i>RC</i>	<i>A</i>		<i>Allowed without review</i>	<i>Staff level review</i>	<i>Ag Pres Board Review</i>
<b><i>Temporary Housing</i></b>							
14	<b>Bed and breakfast</b>	PS	PS	An owner- occupied single family detached dwelling, in which primarily sleeping accommodations are provided for compensation to transient guests in not more than four guest rooms. A B&B may include the provision of meals for overnight guests only. A B&B is not a home occupation.		X	
<b><i>Commercial Business and Personal Services</i></b>							
15	<b>Limited landscape contractor</b>		PS	A business principally engaged in the designing, installing, planting or maintaining of yards, gardens or other grounds offsite to include the following: landscape installation, care and maintenance services; land care services (ie fertilizing, mowing, seeding, sod laying, spraying); plant, shrub and tree services (ie, bracing, planting, pruning, removal, spraying, trimming); seasonal property maintenance services (ie snow plowing in winter, landscaping during other seasons. Limited by no more than 10,000 sq feet in structures, impervious surface max of 40,000 sq feet, max. number of employees is 10, etc.  (paraphrased from 1-19-8.441 of County code) <b>-Proposal and parking plan to be reviewed by Ag Board</b>			X



	<i>Uses</i>	<i>RC</i>	<i>A</i>		<i>Allowed without review</i>	<i>Staff level Review</i>	<i>Ag Pres Board Review</i>
<b><i>Commercial Amusements</i></b>							
16	<b>Rodeo</b>		E	The use of property for exhibitions featuring animal riding, roping, steer wrestling, bull riding or similar sporting events featuring animals.  -Some of the animals must be from the owner's farm.  -Proposal and parking plan to be reviewed by Ag Board			X
<b><i>Open Space and Institutional</i></b>							
17	<b>Aircraft landing and storage areas, private</b>		E	Landing areas or hangars for storing or maintenance of aircraft, with the principal user being the owner of the property. Must have grass runways  -Newly proposed buildings for this use must be reviewed by the Ag Board			X

	<i>Uses</i>	<i>RC</i>	<i>A</i>		<i>Allowed without review</i>	<i>Staff level Review</i>	<i>Ag Pres Board Review</i>
18	<b>Solar Facility, Accessory Wind Energy System</b>	P	P	<p>Solar: A photovoltaic solar energy system mounted on a building or on the ground which generates electricity in an amount that does not exceed 200% of the electric consumption of the principal use.</p> <p>Wind: Equipment that converts and stores or transfers energy from the wind into electricity or other usable forms of energy. This equipment includes any base, vane, blade, foundation, generator, alternator, tower, transformer, tail, wire, inverter, batteries, guy wire or other component used in the system.</p> <p><b>Applicant shall submit 4 seasons worth of electric bills and a report from the energy company on projected energy generation of system for Board review.</b></p>			X
19	<b>Temporary Outdoor Activities (Events)</b>			<p>Requires a permit and a determination from the Zoning administrator that:</p> <p>(1) The proposed activity is in compliance with all safety, health, and environmental standards and is not detrimental to the surrounding area.</p> <p>(2) The site is of a sufficient size to accommodate the intended temporary use.</p> <p>(3) A buffer zone devoid of all activities of 100 feet from all adjacent property lines will be maintained.</p> <p>(4) Safe and orderly flow of traffic can be ensured.</p> <p><b>-All Events must be directly related to Agriculture and/or Agricultural Education.</b></p> <p><b>-Limited to 3 per year.</b></p>			X

# **AGRICULTURAL PRESERVATION ADVISORY BOARD OF FREDERICK COUNTY, MARYLAND**

## ***RULES OF PROCEDURE***

### **ARTICLE I. NAME**

The name of this organization shall be the Agricultural Preservation Advisory Board (“Board”).

### **ARTICLE II. PURPOSE**

The Board advises Frederick County Government (“FCG”) on issues relative to the preservation of agricultural land in Frederick County, MD (“the County”).

### **ARTICLE III. AUTHORITY**

The authority of the Board is derived from Maryland Agriculture Article, Section 2-504.1, and Resolution 78-13 of then-Board of County Commissioners, dated July 15, 1978.

### **ARTICLE IV. POWERS AND DUTIES**

The Board shall serve an advisory role to FCG. Among its responsibilities and duties, the Board shall:

- Advise with respect to the approval of purchases of agricultural easements by the Maryland Agricultural Land Preservation Foundation (“MALPF”) within the County;
- Assist in reviewing the status of land under easement;
- Advise MALPF concerning FCG’s priorities for agricultural preservation;
- Approve or disapprove an application by FCG for certification or recertification under § 5-408 of the State Finance and Procurement Article;
- Promote preservation of agricultural land within the County by offering information and assistance to farmers with respect to the purchase of easements;
- Meet at least annually with forest conservation district boards in order to work cooperatively to encourage the promotion and retention of farmland and woodland in the County.

### **ARTICLE V. MEMBERSHIP**

Section 1. The Board shall be comprised of five (5) members who shall be appointed by the County Executive and confirmed by the County Council. At least three (3) of the members shall be owner-operators of commercial farms who earn at least fifty (50) percent of their income from farming.

Section 2. The term of office of each of the members shall be for a period of five (5) years. Members may be reappointed but may not serve more than two (2) full consecutive terms.



Appointment to fill a vacancy shall be for the remainder of the unexpired term. Members shall continue in office until their successors are appointed and qualified. A Board member may be removed by the County Executive for cause.

Section 3. A member may resign at any time by giving notice to Staff. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Executive Committee or Chair. Acceptance of the resignation shall not be necessary to make it effective. Any voting member of the Board who fails to attend either 1) three (3) consecutive meetings or 2) less than fifty percent (50%) of the meetings during any period of twelve (12) consecutive months shall be considered to have resigned.

Section 4. Members of the Board shall receive no compensation for their services.

## **ARTICLE VI. OFFICERS AND DUTIES**

Section 1. The officers of the Board shall minimally consist of a Chair, a Vice Chair, and a Secretary. The Board shall have such other officers as the Board may deem necessary, and such officers shall have the authority prescribed by the Board. One person shall not hold more than one office.

Section 2. The officers shall have the following duties:

- The Chair shall preside over all meetings and act as the chief executive of the Board. He or she may sign instruments, which the Board has authorized to be executed, and shall perform all duties incident to the office of chair as may be prescribed by the Board. County Staff<sup>5</sup> will develop and distribute the agenda and any materials related to Board business five (5) days in advance of a Board meeting.
- The Vice Chair shall assume the duties of the Chair when necessary.
- The Secretary, in collaboration with County Staff, shall be responsible for taking the minutes of all Board meetings and distributing the minutes for the previous meeting at least five (5) days in advance of a Board meeting.
- At least one of the officers of the Board must be trained and knowledgeable of the Maryland Open Meetings Act.

Section 3. Annually, the members of the Board shall select a Chair, Vice Chair, and Secretary from its membership. The Officers shall serve for a 1-year term and are limited to two (2) consecutive terms in office.

Section 4. An officer may resign their office at any time by giving written notice to the Chair of the Board or, in the case of the resignation of the Chair, to the Vice Chair. Such resignation shall take effect at the time specified in the notice or, if no time is specified, then immediately.

Section 5. An officer may be removed as an officer, with or without cause, by a majority vote of the Board members at any regular meeting, or at a special meeting of the Board called expressly for that purpose.

Section 6. A vacancy in any office shall be filled by a majority vote of the Board.

## **ARTICLE VII. STAFF**

Section 1. The Office of Agriculture shall furnish staff assistance to the Board and may furnish staff support to the Board's committees and work groups as reasonable. In coordination with the Chair, Vice Chair, and/or Secretary, Staff will schedule meetings, develop and distribute agendas, and record and distribute minutes for the Board.

## **ARTICLE VIII. MEETINGS**

Section 1. The Board shall meet at least once per month. Meeting dates, times and locations shall be determined by the Board and shall be in Frederick County, open to the public, and accessible to persons with disabilities. If the meeting is virtual, then it must be accessible to the public via a toll-free number so that members of the public can hear the meeting. In the case of a virtual meeting, a quorum will be established when a majority of Board members are connected to the meeting with a functioning internet connection or telephone connection that allows all members to be heard by the public and all other participating members.

Section 2. The presence, in person or remotely, of a majority of members shall constitute a quorum for the transaction of regular business.

Section 3. Special meetings, workshop sessions, retreats, work sessions of the Board may be called by the Chair at any time or at the written request of a majority of the current members. Reasonable notice shall be given to all members of the date, time, place and reason for such special meeting.

Section 4. All meetings and notices shall comply with the requirements of the Maryland Open Meetings Act. However, the Board may hold closed sessions from which the public may be excluded in accordance with State law, but no resolution or recommendation shall be finally acted upon at such a closed session.

Section 5. Meetings shall be conducted in accordance with the most recent version of Robert's Rules of Order.

Section 6. Agendas for each Board meeting shall be developed by the -County Staff and provided to the members in advance of the meeting. Agenda items and supporting documentation should be sent to the Staff no later than two (2) weeks prior to the meeting and then forwarded to the Board no later than one (1) week prior to the meeting. The Staff will set the agenda with input received from the Board members. The agendas will be posted to the County website before each meeting, as required by the Maryland Open Meetings Act.

Section 7. The order of business at regular meetings shall be as follows.

- Establishment of a Quorum
- Approval of Minutes
- Old Business
- New Business
- Public Comment

- Comments and Announcements
- Adjournment

Section 8. Applicants for purchase of preservation easements, or uses on such easements, shall have three (3) minutes to provide information or comment to the Board

Section 9. The minutes of all Board meetings, including a record of those in attendance, excused and unexplained absences, shall be kept by the Secretary and/or County Staff who have been trained in the requirements of the Maryland Open Meetings Act. Copies of such minutes shall be sent to all members of the Board prior to the next meeting. The Office of Agriculture will retain the minutes for at least the minimum time-period required by the Maryland Open Meetings Act. Minutes will be posted to the FCG website following approval by the Board.

Section 10. Any records generated or received while conducting Board business are public records subject to requirements under State law and County policy. All records must be maintained within County custody and the records maintained by non-employee Board members are considered non-record convenience copies. County employees are responsible for final retention and disposition decisions for Board records.

Section 11. Board members' votes and abstentions on each motion shall be recorded by the Secretary and/or County Staff.

Section 12. Tie Votes. A tie vote by the Board shall be interpreted as a defeat of the motion upon which the vote was taken.

## **ARTICLE IX. COMMITTEES**

Section 1. There shall be an Executive Committee consisting of the Chair, Vice Chair, and Secretary. The Executive Committee has the power to act on behalf of the Board between meetings if action or a decision is necessary prior to the next meeting and shall report its action to the Board. To the extent permitted by the Maryland Open Meetings Act, the Executive Committee may conduct an emergency vote by telephone only after other available options have been considered.

Section 2. The Chair of the Board may create Standing Committees and appoint their chairpersons as needed from the membership of the Board and shall assign the responsibilities of these committees. The Chair may also establish ad hoc committees to assist in carrying out the Board's responsibilities. Standing and ad hoc committees may include non-voting members. The chairperson of an ad hoc committee must be a voting member of the Board duly appointed by the Chair of the Board.

Section 3. The quorum for a committee is a majority of the membership of the committee.

## **ARTICLE X. CONDUCT OF BOARD MEMBERS**

Section 1. Representing the Board. A member shall not speak, offer testimony, or present written or verbal comments on behalf of the Board except as authorized by a vote of the Board. In any public or private statement concerning Board affairs, members shall indicate whether they are speaking as an authorized representative of the Board or for themselves. A member shall not speak,



offer testimony, or present written or verbal comments regarding closed session items.

Section 2. Conduct at Meetings. Members shall conduct themselves at Board meetings in a fair, understanding, and courteous manner. They shall seek to be considerate of all individuals, attitudes, and differences of opinion involved in official Board business.

Section 3. Gratuities and Entertainment. Members shall not accept gifts or compensation from any person or entity involved in matters that come before the Board or matters which may reasonably be anticipated to come before the Board.

Section 3. Conflict of Interest. Members of the Board shall comply with the Frederick County Ethics Ordinance (Frederick County Code, Chapter 1-7.1) and, if unclear, as interpreted by the Office of the County Attorney. In the event of a possible conflict of interest, it shall be the responsibility of the member to bring the possible or actual conflict to the attention of the Chair. In any case where there is an actual conflict of interest, the member shall be recused and shall not participate as a member in the matter and must leave the room in which the Board is meeting.

## **ARTICLE XI. ADOPTION AND AMENDMENT OF THESE RULES**

Section 1. The bylaws shall not take effect until approved by a majority of the voting Board members and approved by the County Executive.

Section 2. The bylaws may be amended at any meeting of the Board by an affirmative vote of at least two-thirds (2/3) of the voting members of the Board, provided the amendments have been submitted to the members in writing at a previous meeting and reviewed by the Office of the County Attorney.

Section 3. Copies of these bylaws and a list of current members shall be provided to all members and will be posted on the County website. The bylaws and the membership lists are public records.

Approved:

\_\_\_\_\_  
County Executive, Jessica Fitzwater

\_\_\_\_\_  
Date