



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

April 30, 2025 at 7 p.m.
Winchester Hall – Second Floor, Winchester Room
FINAL 04/16/2025

AGENDA

- I. Call to Order
- II. Attendance
- III. Approval of the Agenda
- IV. Approval of the Minutes from March 24, 2025
- V. Reports
- VI. Old Business
- VII. New Business
 - a. Hildebrand Farmstand Request (IPP)
 - b. Stevens Childs Lot Request (IPP)
 - c. Stowers Farm Stand Request (IPP)
 - d. Hallein Special Occasion Event Venue Request (MALPF)
 - e. Hallein Lot Requests (MALPF)
 - f. Horman Easement Amendment (Rural Legacy)
- VIII. Comments and Announcements
 - a. Program Comments
 - i. MALPF
 - ii. IPP
 - iii. Rural Legacy
 - iv. CREP
 - v. Critical Farms
 - vi. Next Generation
 - b. Other Comments
 - i. MPRP Proposed Transmission Line
 - ii. 2025 Ag Preservation Advisory Board Meeting Dates
- IX. Public Comment
- X. Adjournment

Next Meeting Date: May 28, 2025. ***Meeting will be located in the first-floor hearing room***

Frederick County Government does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, disability, familial status, gender identity, sexual orientation or source of income.

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.



FREDERICK COUNTY GOVERNMENT

OFFICE OF AGRICULTURE

Jessica Fitzwater
County Executive

Katie Stevens, Director

To: Agricultural Preservation Advisory Board
From: Beth Ahalt, Ag Preservation Program Specialist, II
Date: April 30, 2025
Subject: Request for a 'Farm Stand' on the Hildebrand IPP Easement (IPP-02-19)

ISSUE:

Should the Ag Board recommend approval of a farm stand on the Hildebrand IPP easement (IPP-02-19)?

BACKGROUND:

Staff has received a request submitted by Allen Hildebrand and Jessica Wiles to place a Farm Stand on their IPP easement property located on Gravel Hill Road near Woodsboro.

All IPP easements have included the following language regarding the use of the subject property. Within the Covenants, Conditions, Limitations and Restrictions, the recorded easement states that: "*A.(1) (a) Except as otherwise provided in this instrument, the above described land may only be used for agricultural purposes and may not be developed or otherwise used for any industrial, commercial, or residential purpose.*"

Staff previously reviewed a request for a 'Farm Stand' use on this IPP easement in January, 2025.

A Farmstand use is listed in the Use Table under approved use 12, Limited Roadside Stand in the policy document entitled "*Guidelines for Requested Uses of Land in the Frederick County Installment Purchase Program (IPP)*" In 2021, Frederick County amended the building code to allow 'Farm Stands' to be exempt from some provisions of the building code to make it easier for farmers to sell their products on their farm. A "Farm Stand" is defined as: "*A structure that does not exceed 600 square feet which may be used to process, treat, or package agricultural products, the majority of which are produced on the farm. A Farm Stand may not be used as a place of human habitation or employment, nor used or occupied by the public.*" The farm stand reviewed by the Ag Board in January, 2025, was approved. A new location for the farmstand is being requested because the previously approved area was located in a field that was part of a Soil Conservation program, and this type of use in that area was not allowable in that program. Further, the previous location would have been located in flooding soils, which is problematic to meet County Zoning and Health Department criteria. The new location is not located in an area that is enrolled in a Soil Conservation program and it is not in restricted or flooding soils. The proposed farmstand is located along Gravel Hill Road and would not have any impact on the agricultural operation.

Current Agricultural Activities

The Hildebrand's have a beef cattle, pig and chicken operation on-site. They would like to use the farm stand to sell their homegrown beef, pork and poultry which is 100% grown and finished on their farm.

Does the Farm Stand use meet the prerequisites listed in the IPP Use Guideline document?

All requested uses are subject to:

1. All applicable State, Federal, and County requirements associated with the requested use;
 - *This is a permitted use under County zoning. The Hildebrand's are working with Zoning to make sure all requirements are met.*
2. County planning and zoning regulations;
 - *This is a permitted use under County zoning. The Hildebrand's are working with Zoning to make sure all requirements are met.*
3. Conditions, restrictions and limitation provided in the deed of easement.
 - *This use directly relates to the agricultural use of the farm.*
4. Conditions and restrictions listed in these guidelines;
 - *Review in progress.*
5. The landowner must have an ownership interest in any business, operation or occupation permitted under these guidelines;
 - *The Hildebrand's operate the farm and will operate the farm stand.*
6. Permitted uses must not interfere with other agricultural activities;
 - *The requested use is small in scale and will not interfere with current ag uses.*
7. Permitted uses must not limit future agricultural production; and
 - *The requested use is to be near the road and will not limit future agricultural production.*
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.
 - *Staff feel that the requested use is limited in size and scale so as not to interfere with the existing ag uses of the farm and will not prevent future ag uses.*

1. Parking area for all approved activities may be 1 acre, and up to 2 acres if the request demonstrates the need for the larger area.
 - *The proposed parking area is approximately 2,500 square feet.*
2. Parking area must be pervious unless otherwise required by law, or approved by the County.
 - *Parking will be gravel.*
3. Parking facilities for the handicapped shall be provided as required by law, however, any required impervious surface shall not exceed 5,000 square feet.
4. The County must approve overflow parking for any temporary events. – N/A

Is the Farm Stand use ACCESSORY and COMPATIBLE to the agricultural use?

The Frederick County Zoning Ordinance defines '*Accessory Use or Structure*' as:

A subordinate use or structure, which is located on the same lot as the principal use or building except as outlined in § [1-19-8.250.1](#)(F) and serves a purpose customarily incidental to the principal use or building.

Staff feels this requested use is accessory to and compatible with the agricultural use of the property.

Will the Farm Stand use affect the agricultural integrity of the property?

While agricultural integrity is not defined within the Frederick County Zoning Ordinance, staff would argue that agricultural integrity refers to the ability of the agricultural operation to be unimpaired and remain complete so that agricultural use can continue. Staff feels this use will not affect the agricultural integrity of the property. The Farm Stand is to be located on the edge of the property along Gravel Hill Road.

Will the request minimize the use of productive agricultural land?

Staff feels this request minimizes the use of productive agricultural land.

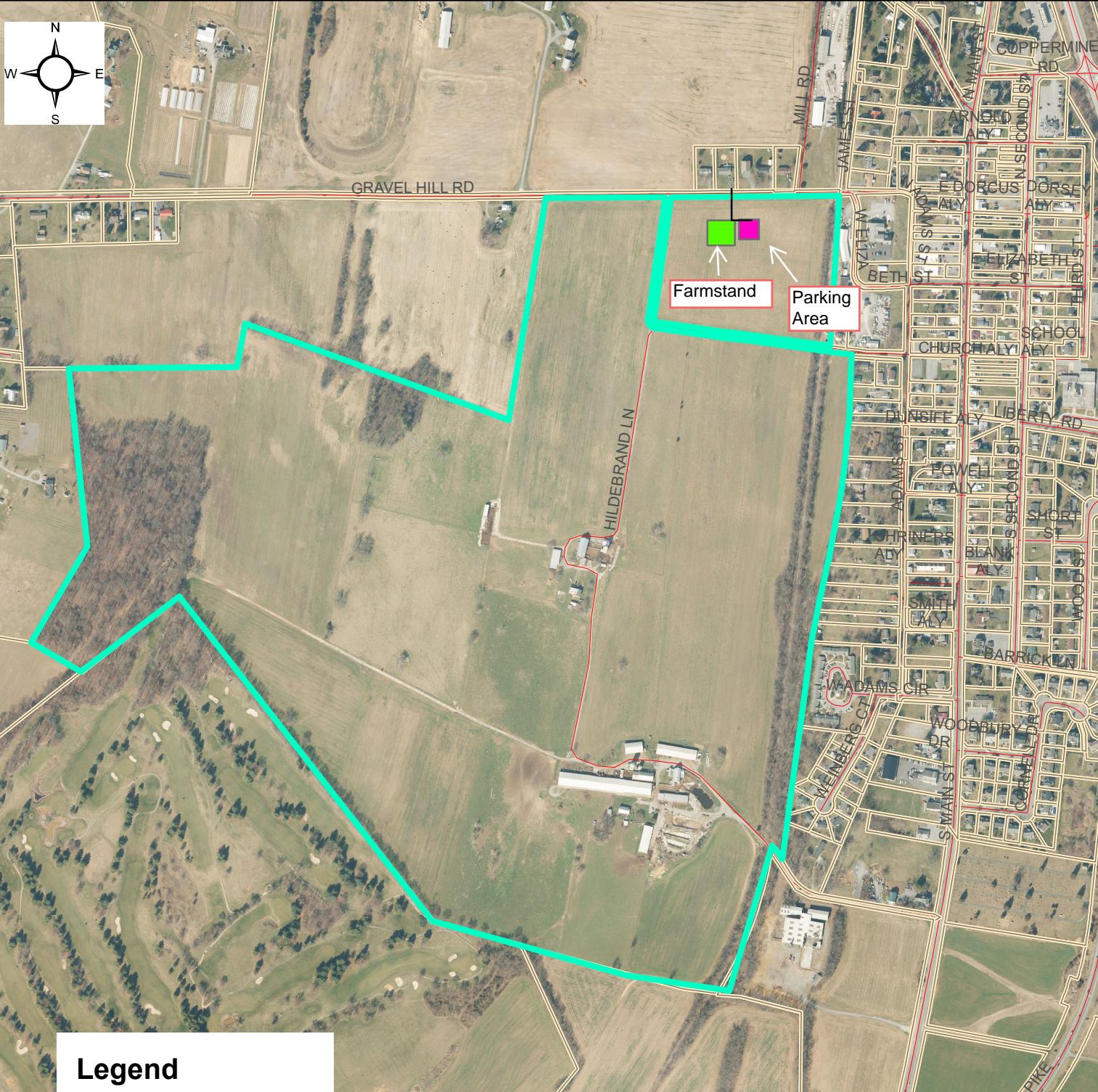
Will the request fulfill the purpose and intent of the agricultural preservation easement?

The purpose and intent of the agricultural preservation program is to remove residential subdivision potential and commercial/industrial uses that are not compatible with agricultural in order to preserve the land for continued agricultural use. Staff feels this request fulfills the purpose and intent of the easement in helping this agricultural operation direct-market their products.

RECOMMENDATION:

Staff recommends approval.

Hildebrand Farmstand Aerial



Legend

-  Hildebrand
-  Parcels
-  Street Centerlines

Image

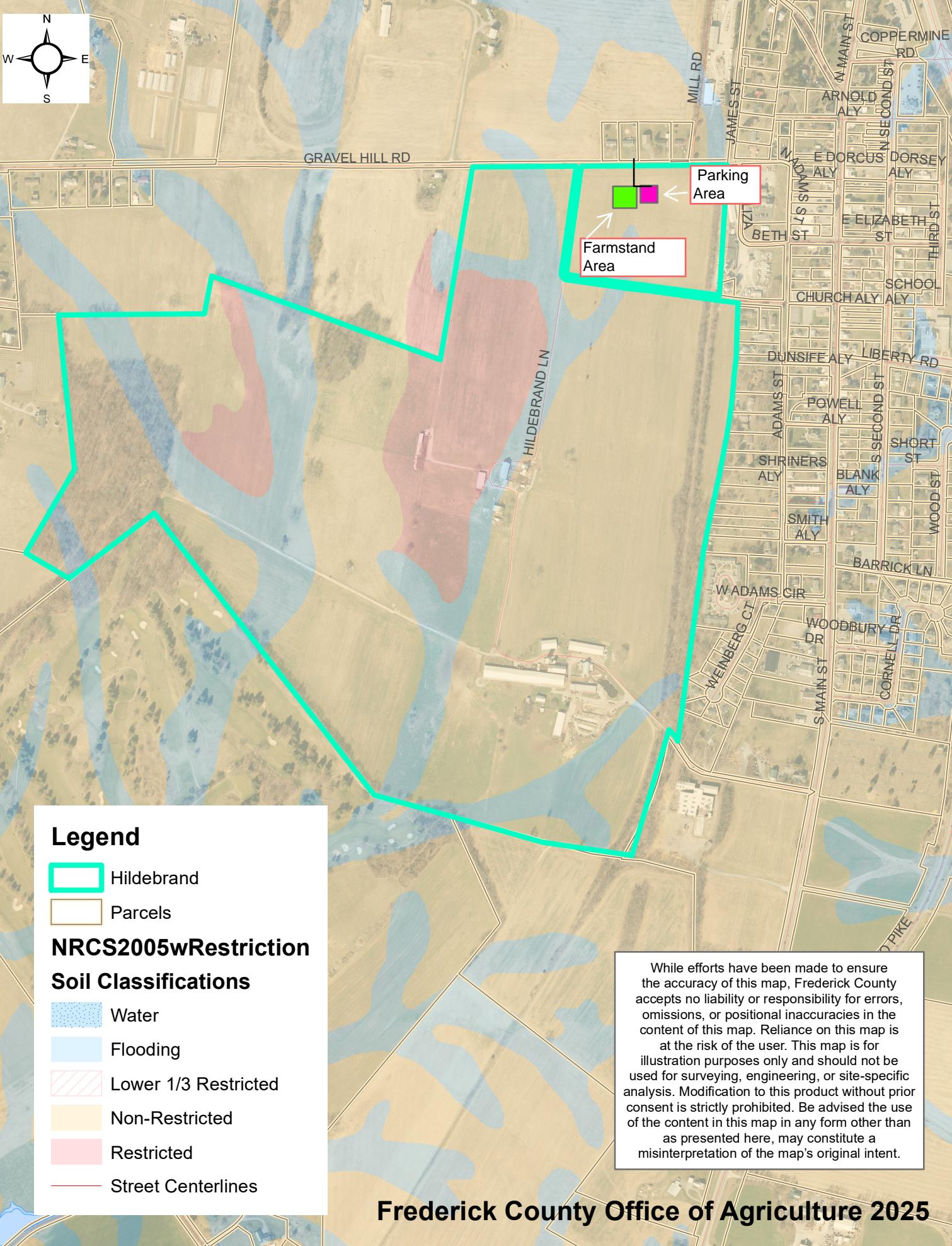
RGB

Red: Band_1
Green: Band_2
Blue: Band_3

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Frederick County Office of Agriculture 2025

Hildebrand Farmstand Aerial





FREDERICK COUNTY GOVERNMENT

OFFICE OF AGRICULTURE

Department of Agricultural Preservation

Jessica Fitzwater
County Executive

Katie Stevens, Director
Shannon O'Neil, Administrator

TO: Frederick County Agricultural Advisory Board

FROM: Jenna Zimmerman, Agriculture Preservation Program Specialist, I

DATE: April 30, 2025

SUBJECT: IPP #14-09, Robert and George Stevens- Child's Lot Request

ISSUE:

Should the Frederick County Agricultural Advisory Board approve a child's lot on the Robert and George Stevens IPP easement?

BACKGROUND:

The Robert and George Stevens property consists of a total of 159.48 acres and is located on Dollyhyde Road. In 2011, 47.5 acres of the property was entered into a permanent CREP easement by the previous owner, Charles Zimmerman. The Stevens gained ownership of the farm from Mr. Charles Zimmerman in 2013. The remainder of the farm, 115 acres, entered into an IPP easement in 2014. There were two pre-existing dwellings on the farm at the time it went under IPP easement. Mr. George Stevens, one of the original grantors, is requesting a child's lot to be executed by his daughter Patricia Anqell.

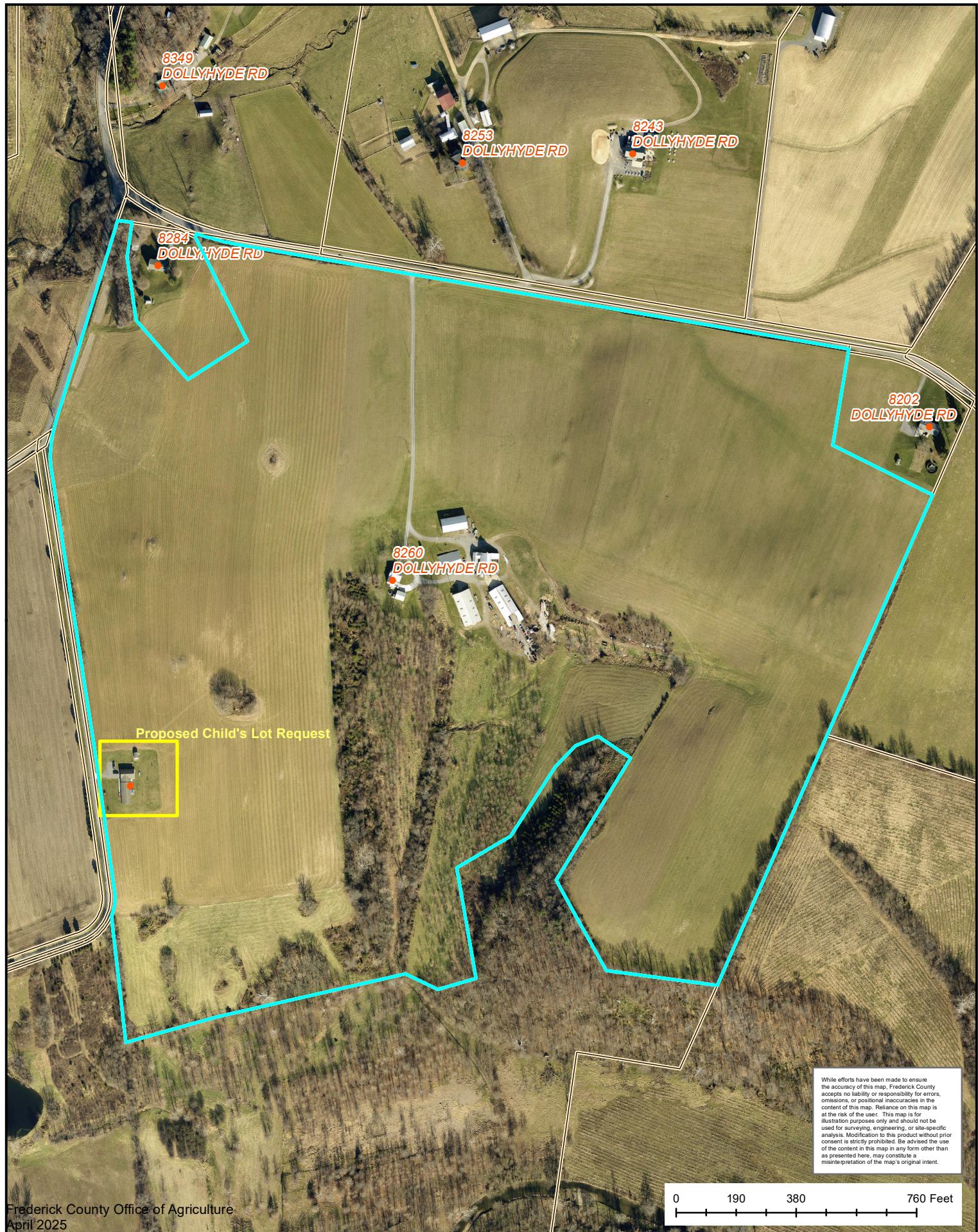
Mr. Stevens requested a 2-acre maximum child's lot for his daughter Patricia Anqell. Her home is one of the pre-existing dwellings and they are requesting this to be subdivided off the farm.

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 Stevens' have approximately 100 acres encumbered under their IPP easement, the easement entitles them to request up to a maximum of two (2) childrens'/owners' lots. The Stevens' have not requested any prior lot exclusions on their IPP easement. If approved, the Stevens' will submit a survey of acreage to be released from the easement restrictions, along with a payback of the easement value on those acres.

Attached is a map of the proposed site.

Recommendation: Staff recommends approval of the 2-acre maximum child's lot for their daughter Patricia Anqell on the Stevens' IPP easement.

Steven's IPP Child's Lot Request Location



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FREDERICK COUNTY GOVERNMENT

OFFICE OF AGRICULTURE

Jessica Fitzwater
County Executive

Katie Stevens, Director

To: Agricultural Preservation Advisory Board
From: Beth Ahalt, Ag Preservation Program Specialist, II
Date: April 30, 2025
Subject: Request for a 'Farm Stand' on the Stowers IPP Easement (IPP-07-09A)

ISSUE:

Should the Ag Board recommend approval of a farm stand on the Stowers IPP easement (IPP-07-09A)?

BACKGROUND:

Staff has received a request from Kathy Stowers to place a Farm Stand on her IPP easement property located on Carroll Boyer Road near Middletown.

All IPP easements have included the following language regarding the use of the subject property. Within the Covenants, Conditions, Limitations and Restrictions, the recorded easement states that: "*A.(1) (a) Except as otherwise provided in this instrument, the above- described land may only be used for agricultural purposes and may not be developed or otherwise used for any industrial, commercial, or residential purpose.*"

Staff previously reviewed a request for a 'Farm Stand' use on this IPP easement in January, 2025.

A Farmstand use is listed in the Use Table under approved use 12, Limited Roadside Stand in the policy document entitled "*Guidelines for Requested Uses of Land in the Frederick County Installment Purchase Program (IPP)*" In 2021, Frederick County amended the building code to allow 'Farm Stands' to be exempt from some provisions of the building code to make it easier for farmers to sell their products on their farm. A "Farm Stand" is defined as: "*A structure that does not exceed 600 square feet which may be used to process, treat, or package agricultural products, the majority of which are produced on the farm. A Farm Stand may not be used as a place of human habitation or employment, nor used or occupied by the public.*" The farm stand reviewed by the Ag Board in early 2025 was approved.

Current Agricultural Activities

The Stower's raise beef cattle, laying hens for eggs and grow produce on-site. They would like to use the farm stand to sell the above-mentioned products which are 100% grown and finished on their farm. The farmstand would be located in the farmstead area of their farm. There is currently a structure where the farmstand is being requested, but the Stowers are planning to replace it with a newer structure in the same location.

Does the Farm Stand use meet the prerequisites listed in the IPP Use Guideline document?

All requested uses are subject to:

1. All applicable State, Federal, and County requirements associated with the requested use;
 - *This is a permitted use under County zoning. The Stowers' are working with Zoning to make sure all requirements are met.*
2. County planning and zoning regulations;
 - *This is a permitted use under County zoning. The Stowers' are working with Zoning to make sure all requirements are met.*
3. Conditions, restrictions and limitation provided in the deed of easement.
 - *This use directly relates to the agricultural use of the farm.*
4. Conditions and restrictions listed in these guidelines;
 - *Review in progress.*
5. The landowner must have an ownership interest in any business, operation or occupation permitted under these guidelines;
 - *The Stowers' operate the farm and will operate the farm stand.*
6. Permitted uses must not interfere with other agricultural activities;
 - *The requested use is small in scale and will not interfere with current ag uses.*
7. Permitted uses must not limit future agricultural production; and
 - *The requested use is near the farmstead area of their current operation and will not limit future agricultural production.*
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.
 - *Staff feel that the requested use is limited in size and scale so as not to interfere with the existing ag uses of the farm and will not prevent future ag uses.*

1. Parking area for all approved activities may be 1 acre, and up to 2 acres if the request demonstrates the need for the larger area.
 - *The proposed parking area is approximately 2,500 square feet.*
2. Parking area must be pervious unless otherwise required by law, or approved by the County.
 - *Parking will be gravel.*
3. Parking facilities for the handicapped shall be provided as required by law, however, any required impervious surface shall not exceed 5,000 square feet.
4. The County must approve overflow parking for any temporary events. – N/A

Is the Farm Stand use ACCESSORY and COMPATIBLE to the agricultural use?

The Frederick County Zoning Ordinance defines 'Accessory Use or Structure' as:

A subordinate use or structure, which is located on the same lot as the principal use or building except as outlined in § [1-19-8.250.1](#)(F) and serves a purpose customarily incidental to the principal use or building.

Staff feels this requested use is accessory to and compatible with the agricultural use of the property.

Will the Farm Stand use affect the agricultural integrity of the property?

While agricultural integrity is not defined within the Frederick County Zoning Ordinance, staff would argue that agricultural integrity refers to the ability of the agricultural operation to be unimpaired and remain complete so that agricultural use can continue. Staff feels this use will not affect the agricultural integrity of the property. The Farm Stand is to be located on the edge of the property along Carroll Boyer Road.

Will the request minimize the use of productive agricultural land?

Staff feels this request minimizes the use of productive agricultural land.

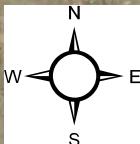
Will the request fulfill the purpose and intent of the agricultural preservation easement?

The purpose and intent of the agricultural preservation program is to remove residential subdivision potential and commercial/industrial uses that are not compatible with agriculture in order to preserve the land for continued agricultural use. Staff feels this request fulfills the purpose and intent of the easement in helping this agricultural operation direct-market their products.

RECOMMENDATION:

Staff recommends approval.

Stowers Farmstand Aerial Map_Zoomed In



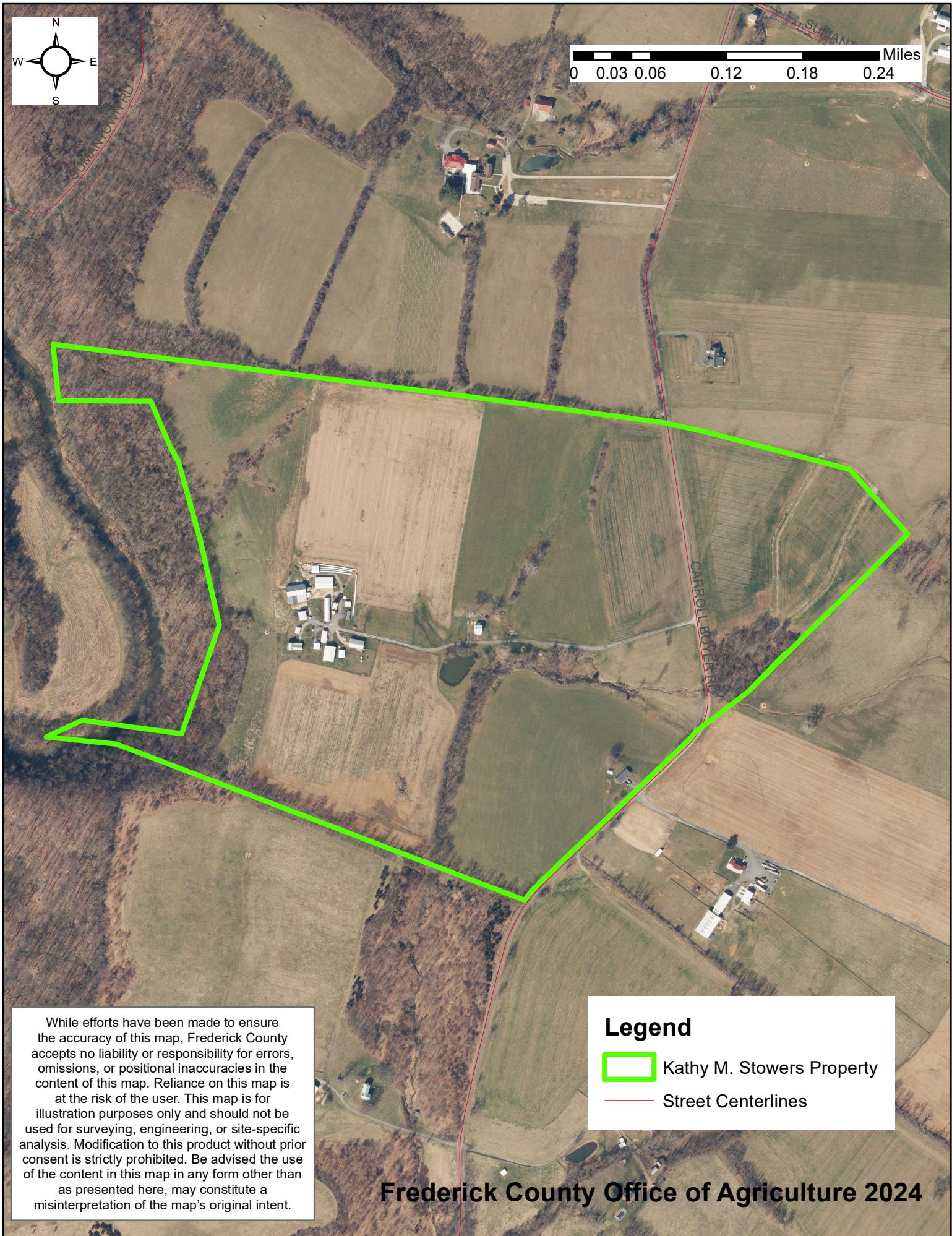
Legend

 Stowers Property



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Kathy M. Stowers IPP Easement





FREDERICK COUNTY GOVERNMENT

OFFICE OF AGRICULTURE

Department of Agricultural Preservation

Jessica Fitzwater
County Executive

Katie Stevens, Director
Shannon O'Neil, Administrator

To: Agricultural Preservation Advisory Board
From: Shannon O'Neil, Land Preservation Program Administrator
Date: April 30, 2025
Subject: Request to allow a Special Occasion/ Event Venue Use on the Hallein (#10-03-87-10) MALPF Easement property

ISSUE:

Should the Agricultural Preservation Advisory Board recommend approval of Carolyn Hallein's request to allow a special occasions/ events venue use on her MALPF easement property?

BACKGROUND:

Staff has received the attached application submitted by Carolyn Hallein to allow a special occasion/event venue on her 156.375-acre MALPF easement property located on the north side of Marker Rd. near Middletown. Carolyn and Edward (Ned) Hallein placed their property under MALPF easement in 1997. There is one pre-existing dwelling on the property.

Mrs. Hallein has submitted a request to the Agricultural Preservation Advisory Board to allow a special occasion event venue on her property.

MALPF House Bill 1351:

Maryland HB 1351 was adopted during the 2018 legislative session and established the ability for a landowner to request special occasions/events on MALPF easement properties. Previous to the adoption of this legislation, MALPF did not have the ability to approve this type of non-agricultural use on properties in MALPF easements.

HB 1351 was codified as Section 2-513 of the Agriculture Article, Annotated Code of Maryland states the following criteria must be met for MALPF to grant approval of a special occasions/event venue:

MALPF State Criteria under §2-513:

(d) (2) ... a landowner may use a portion of the land subject to an easement to hold special occasion events for commercial purposes if:

(i) More than 10 years have elapsed since the easement was recorded in the land records;
Staff response: The easement was recorded in 1997.

(ii) The local agricultural advisory board provides a written favorable recommendation for the proposed special occasion event area;

Staff Response: To be determined based on open meeting April 30, 2025.

(iii) The proposed special occasion events are not prohibited by any federal, State, or local law or regulation;

Staff Response: The events are not prohibited by federal or local law. However, they are not permitted by right and have to comply with review processes in Planning, Zoning, and Permitting. If approved by the MALPF Board, the events will be in compliance with the special events statute.

(iv) The proposed special occasion events will not interfere with any federal, State, or local restriction placed on funds used by the Foundation to purchase the easement;

Staff Response: Purchase of the easement was funded with MALPF funds so no approval by other agencies is required.

(v) The proposed special occasion event area, including parking for the special occasion events, does not exceed 2 acres, as shown on a map prepared and certified by a professional land surveyor licensed under Title 15 of the Business Occupations and Professions Article;

Staff Response: If approved by the Board, the landowner shall produce a survey, at their sole expense and in compliance with MALPF's survey requirements. The survey of the property shall delineate the entire events area which will be no larger than 2 acres, and include parking and an area surrounding the venue. The landowner must keep the area staked so that the area is readily identifiable by Foundation staff and the County Administrator. For now, the landowner requests approval from this Board of the events area in the location as shown on the aerial map provided with this request. The proposed event area is approximately 2 acres in size, per GIS measurements.

(vi) The Foundation approves in writing the location of the proposed special occasion event area;

Staff Response: Staff will forward this request to the Foundation if this Board provides a written favorable recommendation for the proposed special occasion event area.

(vii) The Foundation determines in writing that the proposed special occasion events will not interfere with the agricultural use of the land subject to the easement;

Staff Response: While a majority of the property can still remain in agricultural use, the events will interfere with the agricultural use of the barn and pasture. Once the barn is approved as an event venue with bathrooms, sprinkler systems, etc., agriculture will not be the preferred use of that structure.

(viii) The proposed special occasion events will take place in:

1. A temporary structure, including an enclosed or open canopy or tent, or other portable structure erected for a reasonable amount of time to accommodate the special occasion event;
2. An existing building on the land subject to the easement;

3. A farm or open air pavilion; or

4. Any other existing structure located on the land subject to the easement; and

Staff Response: The events will be held in an existing barn. No new structures are being requested by the applicant for this use.

(ix) Unless required by law, the special occasion event area does not add any new impervious surfaces to the land subject to the easement.

Staff Response: Parking will be pervious. If the landowners need to provide ADA-compliant parking (handicapped parking) requiring impervious surface, the landowner shall contact MALPF Staff to discuss the location and minimum size requirements to meet ADA requirements.

(3) An approval granted by the Foundation under this subsection to a landowner to use a portion of the land subject to an easement to hold special occasion events for commercial purposes automatically terminates on the sale or transfer of the land subject to the easement.

The above are State criteria required to be granted approval by MALPF. Please note D.2 ii. in the State criteria requires a written favorable recommendation. That means if the local advisory board denies the request, it will not be forwarded to MALPF for review.

Frederick County Agricultural Preservation Advisory Board Criteria:

On October 17, 2018 the County Executive, with a recommendation made by the Agricultural Preservation Advisory Board, implemented additional criteria identified as A-D below for requests for special occasion/event venues on MALPF Easements in Frederick County:

The Frederick County Agricultural Preservation Advisory Board may approve the request if the special occasion event site meets all of the following criteria:

A. The owner and operator of the event business shall have ownership interest in the farmland.

Staff Response: The application notes that Mrs. Hallein will operate the event venue.

B. The landowner must be a full-time farmer as defined in Frederick County Zoning Ordinance § 1-13-34. This section of the code has since been updated as a part of updates to the Critical Farms code in 2024. It previously stated:

“(5) The applicant must be a full-time farmer. To be considered a full-time farmer, the applicant ordinarily must have derived a majority of the applicant’s gross income from farming during each of the past 3 years. The Frederick County Agricultural Preservation Advisory Board shall have the discretion, however, to determine that an applicant qualifies as a full-time farmer for purposes of this program even though a majority of the

applicant's gross income during each of the past 3 years has not come from farming. In making this determination the Frederick County Agricultural Preservation Advisory Board shall consider the following:

- (a) The percentage of the applicant's gross income which has been derived from farming;*
- (b) The source and type of income the applicant has received;*
- (c) The applicant's history, involvement and experience in farming;*
- (d) The purposes of this local program for the preservation of critical agricultural land; and*
- (e) If the applicant includes more than 1 individual, the source and type of income each has received individually."*

Staff Response: The landowner indicates on the application that she is not a full-time farmer as defined above. The submittal does explain her experience with agriculture. Based on information provided, staff feels that the applicant does not meet the definition of a 'full-time farmer' as defined above.

C. The events must not permanently diminish the potential of the property to be used for its traditional agricultural uses (i.e. will not remove land from production, permanently compact soils, or add to impervious surfaces).

Staff Response: The application indicates that a 1 – 1.25 acre area of pasture will be utilized for parking. The barn that will house the events will need updates such as bathrooms and sprinklers. Due to the significant investment involved in upgrading a barn structure to accommodate 100+ people in addition to fire safety improvements, bathroom facilities, catering area, etc. it is unlikely that the structure would continue to be used for agricultural purposes. This typically results in the agricultural use of the structure becoming secondary to the commercial event use. The special occasion/event venue could diminish the ability of a full-time farmer to purchase the farm in the future.

D. The applicant must be a resident of Frederick County.

Staff Response: Mrs. Hallein is a resident of Frederick County.

If approved, this review by the Agricultural Preservation Advisory Board would only be the first step in a lengthy process to establish an event venue use. If MALPF approves an event venue on a property under a MALPF easement, the owners/applicants would also have to follow one of several paths to establish an event venue under the County's Zoning Ordinance.

Current County Regulations for Event Venues in the Agricultural Zoning District

The Frederick County Zoning Ordinance does not allow wedding/events in the Agricultural zoning district by right. Rather, there are two paths a landowner can pursue that would allow the establishment of a permanent event venue in the Agricultural zoning district.

First, a landowner could apply for a **Country Inn** which is defined as "*The use of a structure that existed on January 24, 1977, in which overnight or otherwise temporary lodging and meals are*

provided in exchange for compensation, to transient guests in not more than eight guest rooms, along with one or more of the following services: restaurant, banquet facility, catering service, and may include meeting rooms.” A Country Inn is a principal permitted use as a special exception (Board of Appeals approval) with site development plan (Planning Commission review) approval.

Second, a landowner could pursue a historic designation to the Frederick County Register of Historic Sites. This process requires an extensive review and application through the County’s Historic Preservation Commission with a final approval of the designation by the County Council. Following the historic site designation is the need for special exception approval by the Board of Appeals for the use of existing structures for various commercial activities. One such activity is as a facility for functions such as festivals, seminars, or cultural/social events.

Both of these uses, Country Inn and historic designation, require a site plan approval that includes review by the Health Department, and the County for road adequacy, life safety, and storm water management. Any permanent farm structures (barns, sheds, etc.) that may have been used for the agricultural operation would need to be significantly modified and would likely not be able to continue to be used for the agricultural operation.

A third alternative allows for events on a temporary basis. The property owner would apply for a Temporary Outdoor Activity Permit for each individual event. This permit, which would need to be applied for and approved for each event, currently allows events to occur in temporary structures provided the event does not exceed 200 people. These permits will be limited to 3 maximum per year.

Staff is concerned that allowing non-agricultural events would open up preservation easements for commercial speculation which will negatively affect our agricultural economy and make it more difficult for farmers to purchase farms. Frederick County has the most full-time farmers of any county in Maryland. Farmers already face competition from developers and other parties interested in owning farmland.

This request is the second of its kind on a MALPF easement in our County. The first request was approved by the Ag Board, but review by the MALPF Board was postponed while the property addressed other issues. It has not yet gone back to the MALPF Board for review.

RECOMMENDATION:

The Ag Board and County Executive approved criteria that require the applicant to be a full-time farmer in order have this use approved on a farm in a MALPF Easement. Staff recommends denial of the request for a special occasion/event venue on the Hallein farm.

Attachments:

[Attachment 1: Landowner Application](#)

[Attachment 2: Aerial Map](#)



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

Application

Special Occasion/Event Facility on a property in the Maryland Agricultural Land Preservation Foundation

2018- State House Bill 1351 - Agriculture - Easements - Special Occasion Events- The passage of this legislation added a permitted use to those uses allowable on MALPF-eased properties, potentially allowing landowners to generate supplemental income to augment their agricultural operations. Subject to local planning and zoning requirements, and local and MALPF approval, if a property has been subject to a MALPF easement for a minimum of 10 years, the landowner may request that up to 2.0 acres of the land be used to hold special occasion events for commercial purposes. The request shall include the location of the special events area. If approved, the area shall be identified and delineated on a map prepared by a licensed surveyor. Events may be held within the approved area only in structures existing at the time of approval of the request, or in temporary structures such as canopies or tents.

1. Landowners Name (s): Carolyn Hallein
2. Property Address: 2330 Market Road Middletown MD. 21769
3. Date of Easement Settlement: 3/17/1997
4. Owners Phone Number: 240-818-1998 Email: CFHallein@hotmail.com
5. Is the landowner a resident of Frederick County? Yes No
6. The event facility be operated by: Carolyn Hallein
7. Is the landowner a full-time farmer, which is defined as earning a majority of the applicant's gross income from farming during each of the past 3 years?
Yes No

If No on #6, please answer the following questions:

- a). What percentage of the applicant's gross income has been derived from farming over the past 3 years? 10%
- b). Please list sources and types of income Hay, Lavender, Beef Cattle,
- c). Please list the applicants history, involvement and experience in farming? Blueberry Farming in Maine, Dairy Farming, Beef Cattle, Hay, and various crops (Corn and Soybeans)

8. Will the events be held in an existing building? Yes No
Or new building(s)? Yes No
Or temporary structures? Yes No Possible Tent
9. Will special occasions/events interfere with the agricultural use of the land? For example, will cropland or pasture be turned into a parking area?
Explain: Yes, see Map. Estimating 1-1.25 Acres of Parking. Please note that pasture fence line in upper pasture was moved back to convert approximately 8 Acres into Hay field.

Frederick County: Rich History, Bright Future

10. Will there be impervious surfaces (rooftops, paved roads, etc.) added to your property for the special occasion/event venue? No Yes (Explain) _____

11. Do you acknowledge that this approval granted by MALPF will automatically terminate at the sale and transfer of the land subject to the easement?
Yes CJ (Please initial)

Please include an aerial map showing the location of existing or new structures and parking areas to be used for special occasions/events, as well as the access from a public road. If approved, the State will require you to submit a map prepared and certified by a licensed surveyor.

Hallein MALPF Easement (#10-03-87-10) Special Occassion Event Venue Request Aerial Map



Hallein MALPF Easement (#10-03-87-10) Special Occassion Event Venue Request Close Up



Hallein Property

Approx. 2-ac Special Event Area

Proposed access

MARKER RD

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0 90 180 360 Feet



FREDERICK COUNTY GOVERNMENT

OFFICE OF AGRICULTURE

Department of Agricultural Preservation

Jessica Fitzwater

County Executive

Katie Stevens, Director

Shannon O'Neil, Administrator

To: Agricultural Preservation Advisory Board
From: Shannon O'Neil, Land Preservation Program Administrator
Date: April 30, 2025
Subject: Request for a childs lot and an owners lot on the Hallein (#10-03-87-10) MALPF Easement property

ISSUE:

Should the Agricultural Preservation Advisory Board recommend approval of Caroyln Hallein's request for an owner's lot and a childs lot on her MALPF easement property?

BACKGROUND:

Staff has received the attached applications submitted by Caroyln Hallein for an owner's lot and a childs' lot for her daughter, Katrina, on her 156.375-acre MALPF easement property located on the north side of Marker Rd. near Middletown. Carolyn and Edward (Ned) Hallein placed their property under MALPF easement in 1997. In 2024 the property transferred to Caroyln Hallein and Katrina Hallein. There is one pre-existing dwelling on the property.

Mrs. Hallein has submitted a request to the Agricultural Preservation Advisory Board for a 1-2 acre owners lot as well as a 1-2 acre childs lot for her daughter, Katrina. A childs lot for Katrina was previously approved in 2005, however she decided not to pursue that lot location and would like to request a new location. The owner's lot for Carolyn is located off of Marker Road in an area of Class II soils. The access would be adjacent to the existing driveway. The site location was chosen because of existing site constraints (a transmission line and tower site access cross below the chosen location). The childs lot for Katrina is located near the farmstead. This childs lot would not be subdivided off onto its own deed; it would be a 1-2 acre area released from easement, but the house would stay on the farm. The area is in Class III soils. Access would be off of the existing driveway.

The MALPF Deed of Easement states: "As a personal covenant only and one that is not intended to run with the land, the Grantee, on written application from the Grantor, shall release free of easement restrictions only for the Grantor who originally sold this easement, 1 acre or less for the purpose of constructing a dwelling house for the use only of that Grantor or the Grantor's child subject to the following conditions: (i) the total number of lots allowed to be released under this paragraph may not exceed 10 lots of 1 acre or less at a maximum of no more than 1 lot for each 20 acres or portion thereof: (ii) The Grantor shall pay the Grantee for any acre or portion thereof released at the price per acre that the Grantee paid the Grantor for the easement."

This request shall be submitted to the department for approval, subject to the review and recommendation of the Frederick County Agricultural Preservation Advisory Board. This request will then go in front of the MALPF Board for approval. If approved, the MALPF Board will request a payback for the acreage determined by a survey.

MALPF typically likes to see the lot locations be clustered near other lots and/or close to the road as to minimize disturbance to the ag operation. Given the site constraints, staff understand why the owner's lot location was chosen and recommend approval. The child's lot is clustered near the existing farmstead and should have minimal impact on the operation.

RECOMMENDATION:

Staff feel that the proposed site options for the owner's lot and child's lot meet MALPF's guidelines. Staff recommend approval of the owner's lot for Carolyn Hallein and child's lot for Katrina Hallein.

Attachments:

[Attachment 1: Landowner Application](#)

[Attachment 2: Aerial Maps](#)

[Attachment 3: Soil Map](#)

State of Maryland
Department of Agriculture



The Wayne A. Cawley, Jr., Building
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5860 FAX 410-841-5730

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
APPLICATION FOR FAMILY LOT EXCLUSION**

NAME: Carolyn Hallein
ADDRESS: 2330 Marker Road Middletown MD 21769
PHONE: 340-818-1998
COUNTY: Frederick
FILE NO.: 96373 MD
ACRES: 163.38
STATUS OF PROPERTY: (Circle One) DISTRICT EASEMENT
APPLICATION FOR: (Circle One) OWNER'S LOT CHILD'S LOT
NAME OF CHILD (if child's lot): Katrina Suzanne Hallein
NAME OF OWNER (if owner's lot): _____

PLEASE ANSWER THE FOLLOWING QUESTIONS AS THEY RELATE TO THIS PROPERTY:

- 1) Has the Foundation approved any prior lot exclusions on this property? Yes No
a. If yes, please indicate the type and number of lots released: Owner's Lot _____ Child's Lot _____
- 2) Have the previous lot exclusion(s) been recorded in the county land records? Yes No N/A
- 3) Have houses been fully constructed on the previously released lots? Yes No N/A
a) If not, when do you or your child plan to begin/complete construction? _____
b) If yes, do you or your children currently reside in the dwelling? Yes No N/A
- 4) Have any of the lots released from the District/Easement been sold? Yes No N/Aa) If yes, how long did owner/child reside in the dwelling after construction? _____
- 5) Does this property have any dwellings which existed prior to District Establishment? Yes No 05/01
a) How many? (1) 2330 Marker Road (main house)

Note: If the easement was approved by the Board of Public Works after September 30, 2003, existing dwellings may be excluded only by exercising a family or unrestricted lot right. Existing dwellings on properties with easements approved by the Board of Public Works prior to that date may be excluded without exercising family or unrestricted lot rights. If you are not certain when your easement was approved by the Board of Public Works, please contact your county program administrator.

- 6) Do you have any other District or Easement Properties in this program? Yes No
a) If yes, please list MALPF File #'s _____
b) Did the Foundation approve an owner's lot or child's lot(s) from any of your other district/easement properties? Yes No N/Ac) If you answered yes to 6.b, please list MALPF File #'s _____ Yes No N/A

Persuant to Agriculture Article2-513(b) of the Annotated Code of Maryland, in signing this application, the landowner agrees with the items listed below :

- a) I/We understand that the lot requested is for the sole use of myself and/or my child for the construction of a dwelling intended for my/his/her personal use. I/We hereby acknowledge that if I am excluding a lot from an agricultural land preservation district, this will be the only owner's lot and/or child's lot exclusion granted for me or the above referenced child, regardless of whether my property remains in district status or if I

should sell an easement to the Foundation on this property in the future.

b) I/We understand that this right may not be transferred to any person or entity

Carolyn Hallen 9.29.24

Landowner Signature/Date

Karen Schaefer 9.29.24

Landowner Signature/Date

The following information is required to initiate the request:

1. This Application for Family Lot Exclusion signed by all titled landowners;
2. A signed statement from the Program Administrator (PA), which includes the following:
 - a) A recommendation of approval or denial of the lot by the local agricultural land preservation advisory board;
 - b) A statement of whether the proposed lot is in concurrence with local zoning regulations including whether the lot exceeds the density allowed under local zoning;
 - c) An explanation of the anticipated impact on the agricultural operation;
 - d) An explanation of the choice of the proposed lot location* (Guidelines for Lot Locations on MALPF District and Easement properties are attached to this application form); and
 - e) An explanation of the access to the proposed lot (see Guidelines for Lot Locations on MALPF District and Easement properties).
3. An aerial map of the entire property (please provide 20 color copies). The aerial map should clearly indicate: a) the location of the lot; b) the access to the lot; c) the existing dwellings on the property; and d) lots approved by the Foundation but not constructed.
4. If the request is for a child's lot, include a copy of the child's birth certificate.
5. If a lot size of greater than one acre is required, indicate the reason and the regulation or ordinance.**

*It is strongly recommended that the landowner consider the long-term impact of the lot when choosing the location. While a landowner has the right to apply for an owner's lot and/or child's lot, subject to meeting minimum size and density requirements, the Foundation's Board of Trustees has the discretion to deny the lot if, in the Board's view, the lot location may have a detrimental effect on the future agricultural or forestry operation of the farm. See Guidelines for Lot Locations on MALPF District and Easement Properties (attached to this form).

**For lot sizes greater than one acre: If a lot size of greater than one acre is required to satisfy local regulations, the PA's signed statement shall indicate the regulation or ordinance. If the additional acreage is required to satisfy Health Department (HD) regulations (examples of HD requirements for extra acreage include: a septic reserve area; less than 4 feet of unsaturated, unconsolidated soil material below the bottom of an on-site sewage disposal system; the proposed lot is located within 2,500 feet of the normal water level of an existing or proposed water supply reservoir, etc.), a statement from the HD indicating the minimum lot size required, and the reason for the additional acreage, shall be provided to the Foundation when requesting a preliminary release. While the Board may approve a lot size of up to two acres to meet HD requirements, additional acreage in excess of one acre will not be released until the Foundation receives the signed statement from the HD at the time of preliminary release.

Following the Foundation's Board meeting, the landowner will be notified in writing of approval or denial of the request. If the lot is approved by the Board, and the land is under easement, to begin the preliminary release process, the landowner should provide to the Foundation a metes and bounds description of the lot and the payback of the per acre amount which the landowner received for the easement. Once the preliminary release is signed and recorded, the landowner may begin the final release of the lot by providing to the Foundation a non-transferable building permit in the name of the person for whom the lot was released. If the lot was approved for a property in district status, the landowner is not required to go through the release process. Once the Foundation approves a lot on a district property, the landowner may proceed to construct a dwelling, subject to local regulations.

NOTE: THIS REQUEST WILL NOT BE PROCESSED BY THE FOUNDATION UNLESS THE INFORMATION REQUESTED IS COMPLETE AND NECESSARY ATTACHMENTS ARE SUBMITTED. INCOMPLETE APPLICATIONS WILL BE RETURNED.

State of Maryland
Department of Agriculture



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Annapolis, MD 21401
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**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
APPLICATION FOR FAMILY LOT EXCLUSION**

NAME: Carolyn Hallein
ADDRESS: 2330 Marker Road Middletown MD 21769
PHONE: 240-818-1998
COUNTY: Frederick
FILE NO.: 96373 MD
ACRES: 1.62.38
STATUS OF PROPERTY: (Circle One) DISTRICT OWNER'S LOT EASEMENT CHILD'S LOT
APPLICATION FOR: (Circle One) DISTRICT OWNER'S LOT EASEMENT CHILD'S LOT
NAME OF CHILD (if child's lot): _____
NAME OF OWNER (if owner's lot): Carolyn Hallein

PLEASE ANSWER THE FOLLOWING QUESTIONS AS THEY RELATE TO THIS PROPERTY:

- 1) Has the Foundation approved any prior lot exclusions on this property? Yes No
a. If yes, please indicate the type and number of lots released: Owner's Lot _____ Child's Lot _____
- 2) Have the previous lot exclusion(s) been recorded in the county land records? Yes No N/A
- 3) Have houses been fully constructed on the previously released lots? Yes No N/A
a) If not, when do you or your child plan to begin/complete construction? _____
b) If yes, do you or your children currently reside in the dwelling? Yes No N/A
- 4) Have any of the lots released from the District/Easement been sold? Yes No N/A
a) If yes, how long did owner/child reside in the dwelling after construction? _____
- 5) Does this property have any dwellings which existed prior to District Establishment? Yes No
a) How many? 1 2330 Marker Road (Main House)

Note: If the easement was approved by the Board of Public Works after September 30, 2003, existing dwellings may be excluded only by exercising a family or unrestricted lot right. Existing dwellings on properties with easements approved by the Board of Public Works prior to that date may be excluded without exercising family or unrestricted lot rights. If you are not certain when your easement was approved by the Board of Public Works, please contact your county program administrator.

- 6) Do you have any other District or Easement Properties in this program? Yes No
a) If yes, please list MALPF File #'s _____
b) Did the Foundation approve an owner's lot or child's lot(s) from any of your other district/easement properties? Yes No N/Ac) If you answered yes to 6.b, please list MALPF File #'s _____ Yes No N/A

Persuant to Agriculture Article2-513(b) of the Annotated Code of Maryland, in signing this application, the landowner agrees with the items listed below :

- a) I/We understand that the lot requested is for the sole use of myself and/or my child for the construction of a dwelling intended for my/his/her personal use. I/We hereby acknowledge that if I am excluding a lot from an agricultural land preservation district, this will be the only owner's lot and/or child's lot exclusion granted for me or the above referenced child, regardless of whether my property remains in district status or if I

should sell an easement to the Foundation on this property in the future.

b) I/We understand that this right may not be transferred to any person or entity

Carolyn Hallein 9-29-24

Landowner Signature/Date

Wendy Hallein 9/29/24

Landowner Signature/Date

The following information is required to initiate the request:

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 - a) A recommendation of approval or denial of the lot by the local agricultural land preservation advisory board;
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4. If the request is for a child's lot, include a copy of the child's birth certificate.
5. If a lot size of greater than one acre is required, indicate the reason and the regulation or ordinance.**

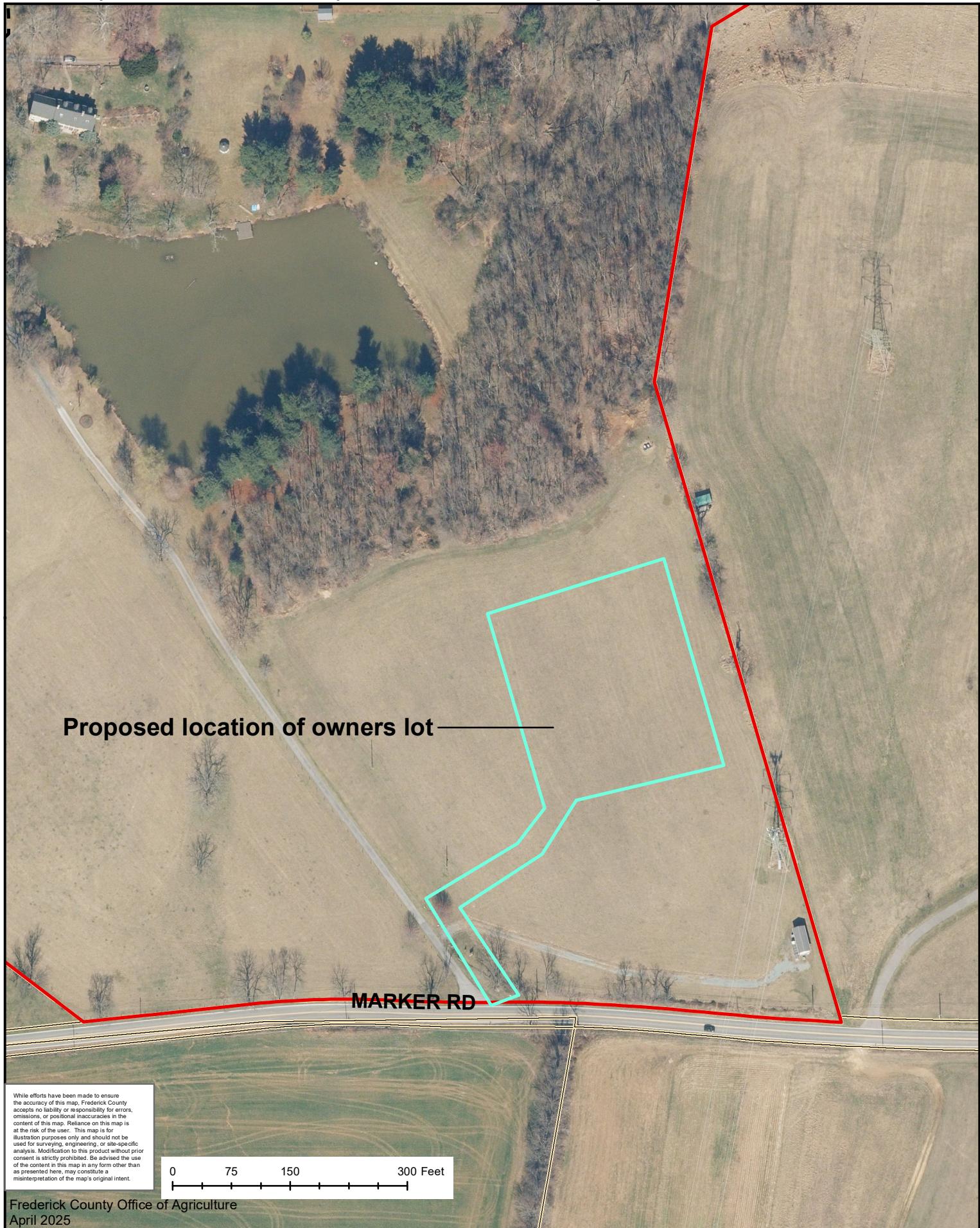
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Following the Foundation's Board meeting, the landowner will be notified in writing of approval or denial of the request. If the lot is approved by the Board, and the land is under easement, to begin the preliminary release process, the landowner should provide to the Foundation a metes and bounds description of the lot and the payback of the per acre amount which the landowner received for the easement. Once the preliminary release is signed and recorded, the landowner may begin the final release of the lot by providing to the Foundation a non-transferable building permit in the name of the person for whom the lot was released. If the lot was approved for a property in district status, the landowner is not required to go through the release process. Once the Foundation approves a lot on a district property, the landowner may proceed to construct a dwelling, subject to local regulations.

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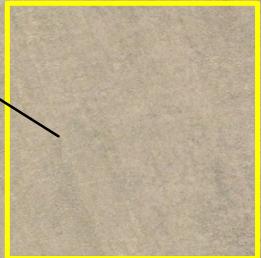
Hallein (MALPF #10-03-87-10) Owners Lot Aerial Map



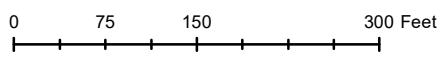
Hallein (MALPF #10-03-87-10) Childs Lot Aerial Map



Proposed location of childs lot



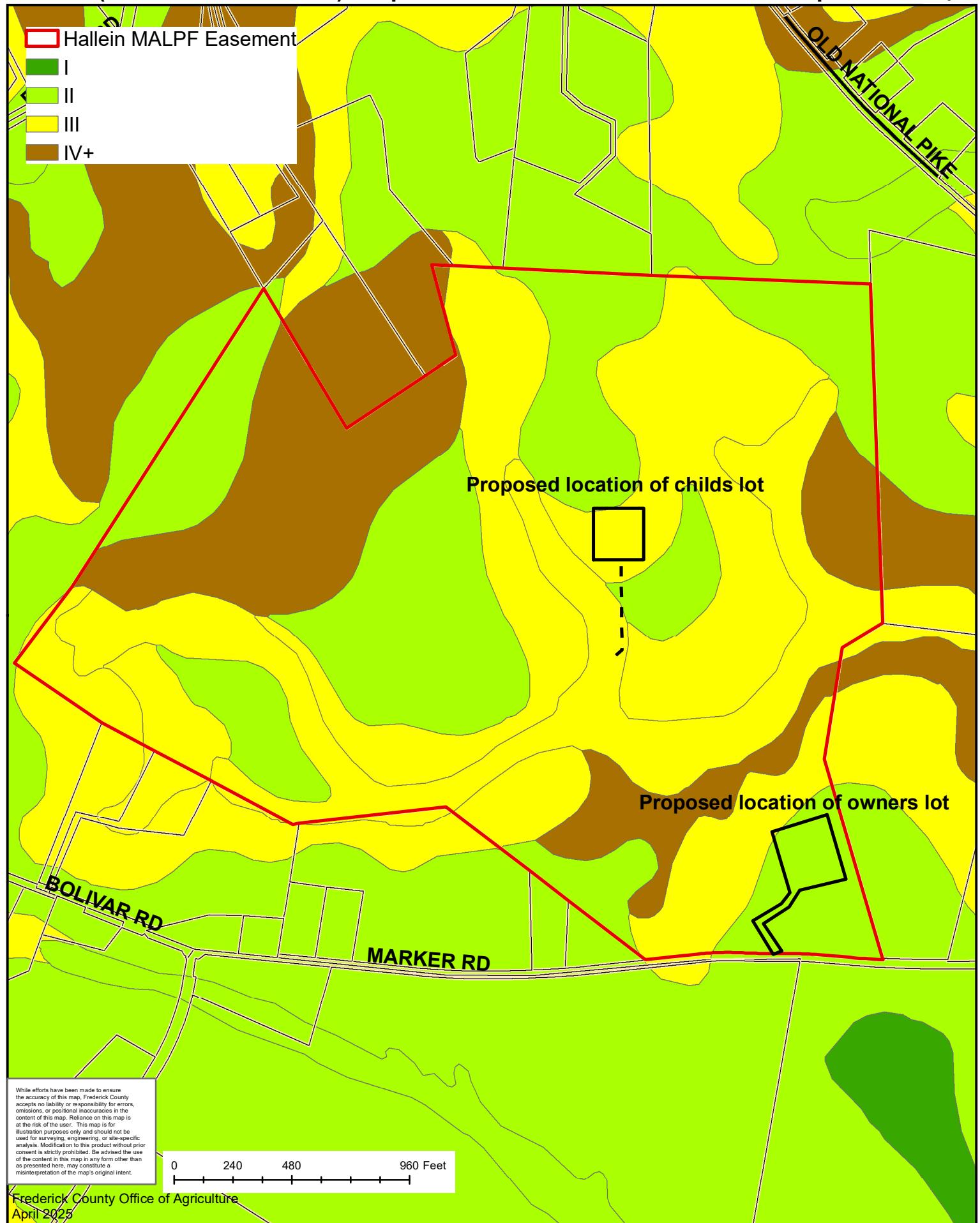
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Hallein (MALPF #10-03-87-10) Proposed Owners and Childs Lot Aerial Map



Hallein (MALPF #10-03-87-10) Proposed Owners and Childs Lot Soil Map





FREDERICK COUNTY GOVERNMENT

OFFICE OF AGRICULTURE

Department of Agricultural Preservation

Jessica Fitzwater
County Executive

Katie Stevens, Director
Shannon O'Neil, Administrator

To: Agricultural Preservation Advisory Board
From: Shannon O'Neil, Land Preservation Program Administrator
Date: April 30, 2025
Subject: Amendment Request – Horman (#RL-006-056) Rural Legacy Easement

ISSUE:

Should the Agricultural Preservation Advisory Board recommend approval of an amendment to the Horman Rural Legacy Easement?

BACKGROUND:

George (Tim) and Joan Horman placed their 104-acre farm into a Rural Legacy easement in 2016. The farm is located on the west side of Renn Rd and the north side of Cap Stine Rd. In 2022, Mr. Horman purchased the golf course directly north of the farm and has since converted it back into agricultural use. It is currently cropped along with the 104-acre farm and other farms they own. The former golf course property is 126-acres on the west side of Renn Rd inside the Carrollton Manor Rural Legacy Area and Priority Preservation Area. There are no subdivision rights remaining on the golf course property so typically it would not qualify for a Rural Legacy easement because of this. Otherwise though it is a terrific candidate for an easement as it is a large parcel inside the RLA and PPA and adjacent to over 850 acres of already preserved land. The County and DNR agreed to accept an easement on the property by recording a new amended and restated easement on the 104-acre parcel and adding 116-acres of the golf course parcel to the easement. The landowner wishes to exclude 10-acres of the golf course property so they may establish a small business there. In addition to putting more land under easement, the amended and restated easement will extinguish two lot rights reserved in the original easement and increase the size of existing stream buffers.

Per the existing deed of easement:

Article XI.B., the Original Easement may only be amended if 1) it is approved in writing by the Rural Legacy Board and such approval shall be attached to the recorded amendment;

Staff comment: The Rural Legacy Board will review in early May.

2) it does not create an impermissible private inurement or private benefit;

Staff comment: It does not create an impermissible private inurement or benefit.

3) each Grantee determines that a) the amendment either enhances or has no adverse effect on the Conservation Purpose protected by this Conservation Easement and upholds the intent of the original Grantor and the fiduciary obligation of the Grantees to protect the Property for the

benefit of the public in perpetuity; or b) the amendment complies with such Grantee's amendment policy at the time that the amendment is requested;

Staff comment: a) The conservation purposes outlined in the existing deed of easement are 1) environmental significance, 2) agricultural land protection, 3) adjacent to existing conservation land, 4) degree of threat of development of property and properties in the area, 5) scenic and open space value, and 6) consistency with the Frederick County Comprehensive Plan. The amendment enhances each of these conservation purposes by providing for best management practices and increasing buffer widths, protecting additional ag land adjacent to over 850-acres of already protected land inside the Carrollton Manor RLA and PPA, all within the Sugarloaf and Catoctin Mountain viewsheds. b) N/A, The County does not have an amendment policy at this time.

4) *the amendment must be in conformity with all of each Grantee's policies in effect at the time of the amendment;*

Staff comment: The amended and restated easement conforms with all existing applicable policies.

5) *the amendment is subject to and dependent upon approval of the Maryland Board of Public Works;*

Staff comment: The project was approved by the Board of Public Works in February, 2025.

and 6) the amendment must be recorded in the Land Records.

Staff comment: The amended and restated easement will be recorded in the Land Records directly after settlement. A settlement date has not yet been set.

RECOMMENDATION:

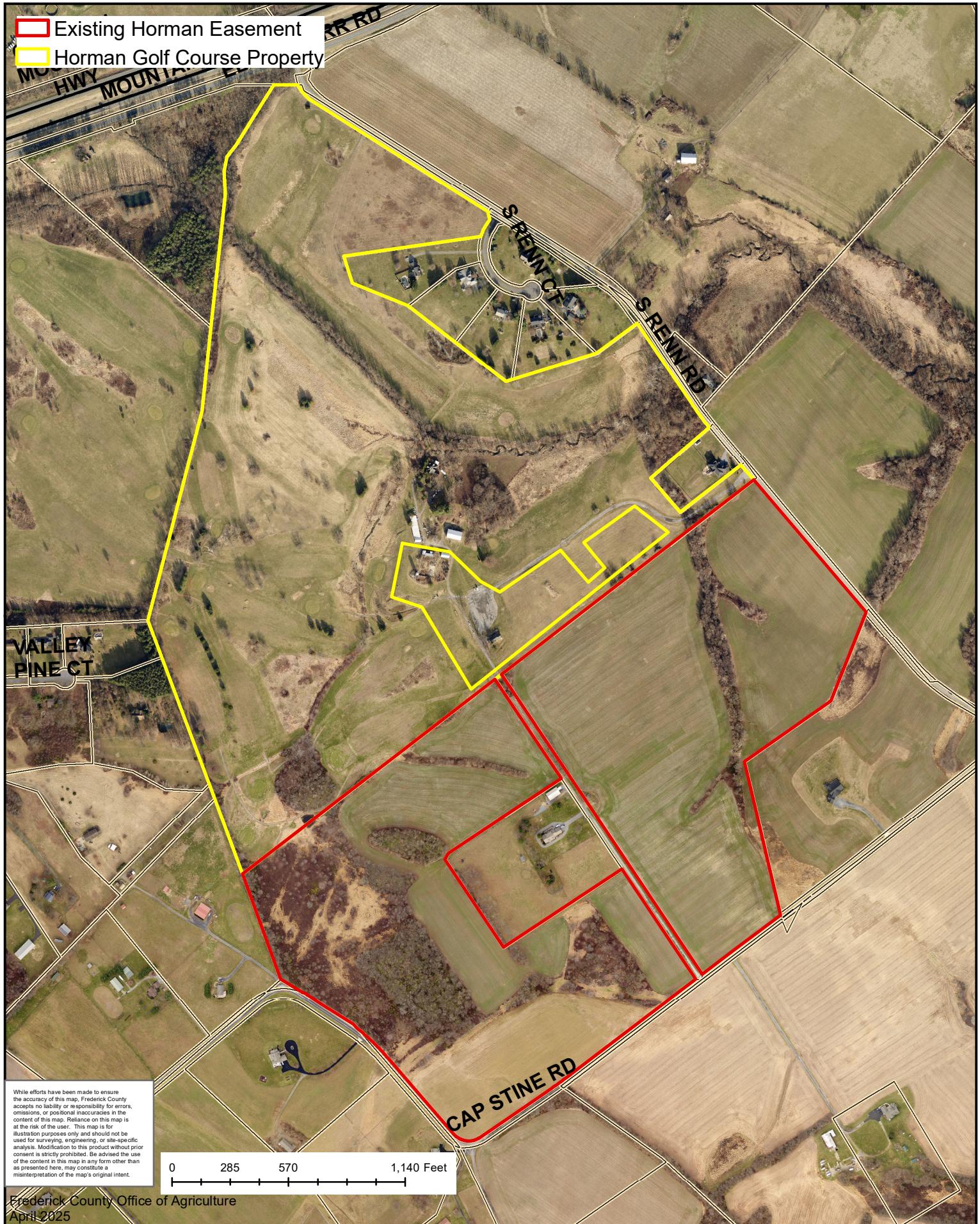
Staff feel that the project is in line with all of the goals of the Rural Legacy easement program. Staff recommend approval of the Horman Rural Legacy easement amendment request.

ATTACHMENT/S:

Attachment 1: Aerial Map

Attachment 2: Site Location Map

Horman Amendend and Restated Easement Area



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0 285 570 1,140 Feet

Horman Amendend and Restated Easement - Site Location

