

**Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, April 28, 2016**

Present: Mr. Gene Garber
Mr. Roger Rohrer
Commissioner Dennis Stuckey
Mr. Richard Hurst
Mr. Gary Landis
Mr. Daniel Zimmerman
Mr. Edward Goodhart, III

Absent: Mr. Matthew Young
Mr. Jeffrey Frey

Staff: Mr. Matthew Knepper, Director
Mrs. Nancy Ambler, Farmland Preservation Specialist
Mr. Kevin Baer, Farmland Preservation Specialist
Ms. June Mengel, Farmland Preservation Specialist
Ms. Christine Le, Administrative Coordinator, Recording Secretary

Guests: Mr. Scott Standish, Director for Countywide Planning, LCPC
Mr. Don Hess, Landowner, Chiques Rock Farms
Mrs. Joella Neff, Lancaster Farmland Trust
Mr. Jeffrey Swinehart, Lancaster Farmland Trust

I. Call to Order

Mr. Gene Garber called the meeting to order at 8:15 a.m.

II. Review of Mission Statement

"To forever preserve the beautiful farmland and productive soils in Lancaster County and its agricultural heritage; and to create a healthy environment for the long-term sustainability of the agricultural economy and farming as a way of life."

III. Executive Session

The Agricultural Preserve Board met in executive session on April 28, 2016, at 7:15 a.m. to discuss real estate transactions.

IV. Approval of Minutes

**Motion to approve both the February 25, 2016 APB meeting minutes and the March 24, 2016 Legislative Breakfast public meeting minutes as presented made by Mr. Roger Rohrer.
Seconded by Mr. Gary Landis. Approved unanimously.**

MOTION CARRIED

V. Announcements

None

VI. Business from Guests

None

VII. Old Business

None

VIII. New Business

A. Requests for Subdivision/Land Development

1) Lot Add-on Request: Primary: Donegal Mills Plantation

Frank B. Zink, Jr. and George B. Zink

to: Robert and Sharon Hess

_____ East Donegal Township

Landowners, Robert and Sharon Hess, are requesting permission to purchase 14.13 acres from the adjacent Zink 69.27 acre preserved farm, and add them to their 103.2 acre preserved farm. The lot add-on would create a resulting acreage of approximately 55.24 acres for the Zink farm, and approximately 117.33 acres for the Hess farm.

- The 14.13 acres are cropland
- All buildings on the Donegal Mills Plantation/Zink farm will remain on the Zink farm

Standard Conditions of Approval:

- ❖ APB Standard Plan Notes should be identified on the Plan
- ❖ The tract upon which the additional residential structure is assigned shall be identified on the Plan and also within any new deeds prepared as associated with this subdivision
- ❖ Verification of Implementation of the Conservation Plan
- ❖ All necessary Township approvals shall be obtained and conditions met
- ❖ When new deeds are recorded, applicable ACE language shall be incorporated
- ❖ APB Staff authorized to provide Final Approval after reviewing final lot add-on plan as submitted to the Township/County

Mr. Matthew Knepper's comments:

- Type of lot add-on is permitted under the conditions that the Zink farm does not fall below 50 acres, and that the portion of the Zink farm added to the Hess farm is at least 10 acres, per the 2009 Subdivision and Land Development Guidelines
- APB staff recommends preliminary approval until the landowners receive final approval from East Donegal Township to ensure there are no conflicting requirements
- Requests that the Board grant APB staff authority to grant final approval after reviewing the Subdivision Plan as submitted to the Township, and confirming Conditions of Approval have been satisfied
- The remaining 55 acres of the Zink farm will have enough tillable land that meets APB's requirements: at least 50% is cropland or pastureland
- All landowners are in agreement to proceed with the lot add-on

Ms. June Mengel's comments:

- Mr. Robert Hess co-owns the adjacent Trout Run Road preserved farm, in partnership with Mr. Don White
- Due to ownership issues, Mr. Hess prefers that the 14.13 acres be added onto his 103.2 acre parcel for the time-being
- In the future, Mr. Hess will likely add the 14.13 acres to his Trout Run Road farm when he has sole ownership

Board comments:

- Concerned the lot add-on would make an oddly configured farm parcel; may be difficult to sell in the future if plans do not work out
- Oddly configured farms can still obtain a Conservation Plan
- The 14.13 acre parcel can never be subdivided or exist as a farm on its own
- The Subdivision Guidelines do not specifically address ideal configurations
- Concerned that the access to the 14.3 acre parcel should be a part of the parent tract
- Concerned remaining acreage of the Zink farm may not be as agriculturally viable after the 14.3 acres of cropland are transferred

Motion to grant preliminary approval of the Robert and Sharon Hess lot add-on request, and the Lancaster County Agriculture Preserve Board's Standard Conditions of Approval, as presented, made by Mr. Richard Hurst and seconded by Mr. Roger Rohrer. Approved unanimously.

MOTION CARRIED

B. Request for Rural Enterprise

1) Fill Project: Chiques Rock Farms

Don Hess

Joseph D. Hess, Lois W. Hess, et al.

_____ East Donegal Township

Landowner, Don Hess, is requesting the Board's review and approval for a fill project on his 50.517 acre preserved farm. Mr. Hess is proposing to raise the grade of a low-lying 5 acre area with imported clean fill.

- Wishes to improve the contours of the valley to create more tillable farmland and less runoff, while simultaneously accommodating the need for clean fill disposal
- Process would involve topsoil removal; the addition of clean fill; and then topsoil replacement; one acre at a time, for a total of 5 acres
- Project will be done over a 5 to 10 year period; each phase will have to submit a new/revised E&S Plan
- 50 acre tract was permanent subdivision from the original 170.06 acre preserved farm
- Mr. Hess also owns an adjacent parcel where his Gypsum ag-recycling business is located
- Conservation District required an E&S General permit --- project is considered an agricultural activity, "in preparation for agricultural use"
- Fill will likely be from federally permitted NPDES sites, but fill site itself will not require a NPDES permit
- No additional inspections or supervisions are required
- There will be a dumping fee collected

Mr. Matthew Knepper's comments:

- Difficult for staff to assess proposal as a rural enterprise by current Guidelines
- Concerned with proposed area of rural enterprise; is above permitted ½% limit
- Additional concerns include potential harm to the economic viability of the land and the prohibition of excavation activity
- Board may have to consider proposal as a permitted agricultural use under the easement
- Proposal does not fit the definitions of a permitted agricultural use nor a rural enterprise
- Land is currently able to be farmed
- Mr. Hess does not have Township approval yet

- Township approval is required in order for the Board to approve a rural enterprise
- Requests the Board to withhold their decision until Mr. Hess receives Township approval
- If the Board sees proposal as an appropriate use, it will have to be permitted as an agricultural use, as ag. production or a component of a Conservation Plan

Ms. June Mengel's comments:

- Because this project is considered an ag. project, and is being issued a general permit, the Lancaster County Conservation District is responsible for monitoring the fill operation
- Unless there is a reported complaint, the operator is ultimately responsible for monitoring the fill content
- Conservation District is concerned with the lack of specifics in the E&S Plan, and how proper soil restoration will occur

Board comments:

- Conflicted on whether a dumping fee is necessary; and if fee differentiates project from other ag. improvement projects
- On average, how much would the elevation increase across those 5 acres?
- Will the soil quality be maintained or improved once the topsoil is removed and then replaced?
- Likely to have a 2 to 3 year lag before soil quality returns back to its original condition
- Concerned that proposal is a continuation of an existing business on adjacent property
- Will this fill operation go beyond the proposed 5 acres in the future?
- How far away does the fill typically come from?
- No different than farmers taking in manure or bio-solids to improve their land
- Concerned with risk if project falls through; potential need for a bond security
- Concerned with potential public criticism; Board needs documented justification
- Public may approve if justification is for restoration purposes
- Reasonable depth of topsoil typically produces increased productivity soils
- Lack of data to prove soil will return back to/or improve upon its existing soil quality after fill project is complete – operator is responsible for burden of proof
- Asked Mr. Hess to present documentation of soil productivity verification
- This proposal is not a rural enterprise use; it does not meet the Board's Rural Enterprise Guidelines
- Other farmers likely operate and charge for similar dumping operations
- Needs to stress this is a limited term operation

Mr. Don Hess's comments:

- Has filled in and leveled other areas on farm in the past, following Conservation District requirements
- Proposal would help fill area damaged by 4 existing mine holes
- Intends to create a 15% grade, in compliance with Stormwater Management, Conservation District, Clean & Green, Ag. Preserve, and Township respective requirements
- Existing challenges include upfront costs, ongoing bulldozer operations, and grade steepness
- Will need a conservation plan
- The proposed area is farmed now, and will continue to be farmed, with the exception of the 1 acre being filled
- Estimates the average elevation change will be an increase of approximately 20 feet
- Clean fill = concrete, rock, dirt and clay

- There is plenty of topsoil in the valley that can be removed and redistributed
- Clean fill will improve the site dramatically
- Does not anticipate fill project will go beyond the proposed 5 acres
- Proposal fulfills a need to deposit fill that would otherwise go to the landfill
- Filling 1 acre at a time typically takes between 1 to 2 years – total of 5 to 10 years
- Estimates incoming fill will be from an area within a 20 mile radius, from excavation sites
- Fill on adjacent site was monitored monthly by the DEP, based on Clean Fill classification
- Public is already accustomed to seeing truck traffic due to adjacent farm operations; fill operation wouldn't make much of a difference
- Thanked the Board for their comments
- Will meet with the Township on May 5, 2016

C. 2012 Article: Top Farm Commodity Groups of Pennsylvania Counties

Mr. Edward Goodhart, III presented an article "Top Farm Commodity Groups of Pennsylvania Counties for 2012." Pennsylvania, as a state, had a total value of \$7,400,781,000 in agricultural sales. In that same year, Lancaster County had a value of \$1,474,954,000 in agricultural sales, comprising almost 1/5 of the total agricultural production value in the State. Mr. Goodhart, III emphasized to the Board how important it is for them to maintain their momentum in the farmland preservation effort. The Board agreed that the public is recognizing the importance of farmland preservation.

D. Places2040 LCPC Comprehensive Plan – Scott Standish, Director for Countywide Planning, Lancaster County Planning Commission

The Lancaster County Planning Commission (LCPC) is currently updating their County Comprehensive Plan. The LCPC staff has collected data on how the County has transformed over the past 10-15 years. Mr. Scott Standish presented a short video showing their findings. The Board was also given the "places2040: A Changing Place" executive summary. The full report was also available.

Present:

- ❖ The Lancaster County community feels a strong connection to Lancaster's sense of place; includes its agricultural heritage, vibrant urban areas, and outstanding natural resources
- ❖ Lancaster County is one of the fastest growing counties in PA; mostly due to natural growth
- ❖ There is an increasing number of smaller households
- ❖ Education levels have improved
- ❖ Lower unemployment rate than surrounding counties
- ❖ Community is becoming increasingly diverse
- ❖ Majority of new home construction are single-family homes in designated Urban Growth Areas
- ❖ Traditional industries: agricultural, tourism, and manufacturing
- ❖ New industries: health care, construction, and retail trades
- ❖ Other emerging industries: food processing, pharmaceuticals, entertainment, financial and professional services
- ❖ Still mostly car-dependent
- ❖ Amtrak usage and freight numbers have increased
- ❖ Leads the nation in farmland preservation

- ❖ Protected more natural lands, and added more parkland and more miles of hiking and biking trails

Future:

- ❖ Over the next 25 years, Lancaster County will need to accommodate approximately 130,000 new people
- ❖ Need to use land more efficiently; build less outside designated Urban Growth Areas
- ❖ Housing options and income levels should better reflect the needs of the population
- ❖ Should strive for higher education levels
- ❖ Build a strong community for the young adult population entering the workforce
- ❖ Invest in development that addresses our growing health concerns
- ❖ Preserve and protect our historical resources
- ❖ Economy is now driven by markets, their products, knowledge, value and place
- ❖ We have to focus on building communities, not boundaries
- ❖ At end of 2016, LCPC will start to create plan scenarios based on public discussion
- ❖ By mid-2017, LCPC plans to present a completed Comprehensive Plan to the County Commissioners
- ❖ 17 regional organizations will be assisting LCPC with community outreach, awareness and engagement efforts

Board comments:

- Is 25 years a long enough time frame to plan ahead?
- Decisions should be based on whether they help the sustainability of this County
- There needs to be a balance between all land use decisions; should work as complements of one another
- Will need municipality leadership to control urban growth
- Need to preserve more farms; agricultural land value will increase in the future
- Biggest challenge is transportation; PA should make impact fees legal
- Need to find affordable improvements for existing infrastructure (e.g. syncing traffic signals; installing more turn lanes)
- Clipper Stadium pushed new development in northwest corridor; could happen in other areas in County if many planners are willing work together to make it happen
- Glad to see LCPC is approaching new Plan with local people and organizations
- Farmland preservation needs a sustainable source of funding
- Agricultural produces more in tax revenue than it demands in services
- Increase density in urban areas
- Impact fees can exist without affecting affording housing; problem with developers not wanting to build affordable housing
- Farmland preservation programs need more funding
- Ag. preserve campaign will likely snowball; many people outside come here for the farmland/to not be around large development
- How much of the County's current air quality is caused by agriculture? By other sources?

Mr. Scott Standish's comments:

- Plans will be updated every 10 years
- LCPC plans to do physical impact analyses to understand the County's long-term infrastructure sustainability
- So far, LCPC has been able to reach approximately 3,000 people
- Public response indicated a needed focus on our corridors (e.g. Fruitville Pike)
- Number one issue, according to public response, was traffic congestion
- Number one public-preferred solution was to build more lanes

- County lacks money for additional lanes; no extra space
- Past pattern of development has been problematic; lack of connectivity
- Growing interest and usage of bicycles
- Need to build infrastructure for alternative transportation
- Public expressed strong interest in reinvestment and redevelopment in existing places
- Need to balance all goals (i.e. traffic improvements vs affordable housing)
- Seeking to have 10-12 catalytic actions; to address every 2 years
- Other municipalities should create regional comprehensive plans
- Need the political leadership to influence change
- Asked the Board to answer the handout question: "What is the one big challenge they see to ensure agricultural remains an important part of the Lancaster County's heritage and economy?"
- Plans to come back in August to present findings on the amount of land that has been consumed outside the County's designated growth areas; and how much is left
- Will also investigate a reinvestment fee
- Pattern of uncontrolled growth is still occurring
- Changing demographics of the younger generation will likely favor less development

E. Stewardship Committee

The Stewardship Committee has reviewed the Conservation Plan reviews, and has made recommendations to the Board. The Board thanked the Stewardship Committee of Mr. Roger Rohrer, Ms. June Mengel, Mr. Donald Robinson, and Mr. Robert Shearer for their quality work and commitment.

Motion to approve the Stewardship Committee recommendations as presented made by Mr. Edward Goodhart, III and seconded by Mr. Richard Hurst. Approved unanimously.

MOTION CARRIED

F. Rural Enterprise Guidelines

The Rural Enterprise Guidelines item was pushed to the next Board meeting.

IX. Adjourn

The meeting adjourned at 10:01 a.m.

The next schedule meeting of the Agricultural Preserve Board:

Thursday, May 26, 2016 at 8:00 a.m.
 Lancaster County Government Center
 150 North Queen Street, Room 104
 Lancaster, Pennsylvania 17603