Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, June 23, 2016

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

Absent: Mr. Roger Rohrer
Mr. Matthew Young

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: Mrs. Joella Neff, Lancaster Farmland Trust
Ms. Brielle Stander, Lancaster Farmland Trust Intern
Mr. Samuel A. Goodley, Jr., Esq., Lancaster County Agricultural Preserve Board Solicitor

I. Call to Order

Gene Garber called the meeting to order at 8:19 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 June 23, 2016, at 7:15 a.m. to discuss real estate transactions.

IV. Approval of Minutes

Motion to approve the May 26, 2016 meeting minutes, with a correction made to the square footage of the proposed Grillo home to 3,500 sq. ft., made by Mr. Edward Goodhart, III and seconded by Mr. Daniel Zimmerman. Approved unanimously.

MOTION CARRIED

V. Announcements

A. Agenda Item Addition for New Business

Mr. Matthew Knepper reminded the Board that they need to hold Board officer elections for the year for Vice-chair and Secretary.

B. Need for Collaboration Among Farm Inspections

Mr. Daniel Zimmerman expressed concern over the lack of collaboration between multiple-party farm inspections. The Lancaster Farmland Trust, the Lancaster County Conservation District, and municipalities collect similar data on the same farms.

- Multiple farm inspections are inefficient and are cumbersome for landowners
- Suggested there should be a coalition that collaboratively works to collect data needed for the State
- Suggested need for only one visit per farm
- Asked Board to take lead in conversation

Board comments

- Continued uncertainty regarding Lancaster County Conservation District's responsibility between compliance and enforcement
- Other county Conservation Districts rejected obligation of enforcement
- Several Board members in favor of a coalition, but expressed need for the agencies to be willing to work together
- Concern regarding the security of the data collected
- Concern Conservation District not willing to share data without compensation
- Concern of whether farmers are hearing conflicting messages from different inspectors

C. "The Army Has a Heart: A War Incident in Lancaster County" by H.M.J. Klein

Mr. Gene Garber shared the booklet "The Army Has a Heart: A War Incident in Lancaster" by H.M.J. Klein. Donald Mowrer, landowner of one of APB's preserved farms in Conoy Township and East Donegal Township, purchased the booklet at an auction. Mr. Garber continued that the featured war incident in the story marked the beginning of farmland preservation in Lancaster County.

When the U.S. entered World War II following the attack on Pearl Harbor, the government sought open land to construct a new ammunition factory. One of the areas considered was in the Donegal Township area, comprised of 11,200 acres, 186 farms. The facility site was planned to span between Florin, Maytown, Elizabethtown, and Bainbridge. This particular area was conveniently located in close proximity to the river, the railroad, and a proposed airport site. The center of this facility would have sat in the center of what is now Mr. Garber's preserved farm; the first farm preserved by the Lancaster Farmland Trust. Concern regarding the loss of farmland prompted a prayer meeting at Bossler Mennonite Church. A representative from Mount Joy traveled to Washington, D.C. to meet with the Colonel in charge of selecting new construction sites. The Colonel later decided to not build the ammunition facility in this area due its high quality farmland.

Mr. Garber is seeking more copies of the "The Army Has a Heart" to share with the Board members and to keep in the office.

VI. Business from Guests

None

VII. Old Business

Update: Fill Project on the Don Hess farm, East Donegal Township

At the April 28th, 2016 Board meeting, Mr. Don Hess requested the Board's review and approval of a fill project on his 50.517 acre preserved farm, East Donegal Township. Mr. Hess proposed to raise the grade of a low-lying 5 acre area with imported clean fill. Mr. Matthew Knepper and Ms. June Mengel later met with Mr. Hess to examine the proposed project on-site.

- Township and APB share similar concerns: proposal only permitted if fill project can be shown to be a net agricultural improvement to the property
- Township requiring comprehensive grading plan that includes slope reduction
- APB expecting to have final materials available for next month's Board meeting
- Final materials to include comprehensive grading plan, improvement statistics for Board review, comparative measurements from initial plan to final plan, and presentation

VIII. New Business

A. Requests for Subdivision/Land Development

None

B. Request for Rural Enterprise

1) Parking Approval Extension/Continuation of Use: Fox Family Partners, LP
Robert D. and Ruth A. Fox
Clay Township

Landowners, Robert D. and Ruth A. Fox, are requesting a one-year extension for the continued use of a portion of their 113.186 acre preserved farm for temporary gravel parking. The parking lot request was given conditional approval by the Board at their May 28, 2015 meeting.

- Looking to acquire neighboring property for permanent parking lot expansion
- Neighboring property owner not ready to sell property, but will continue with discussions
- Gravel parking lot installed in August 2015 – used for Fox Meadows Pumpkin Patch
- Fox Meadows Pumpkin Patch retail and sales display is adjacent to Creamery
- Creamery facility is on unpreserved parcel
- Retail and Creamery to share single parking area
- Gravel parking to be removed, and topsoil replaced, when additional parking is secured

APB Staff comments

- Recommends approval for one year, with another annual review and approval required for continuance
- Mr. Chad Fox has met with negotiating landowner at least 3 times over the past year
- Fox family hopes to have a right of first refusal or a sales agreement within the next year
- Family looking to have official commercial parking for their Creamery
- Family considering having an agritainment operation in the future

Board comments

- Fox family considering expanding their menu to include luncheon items – will likely push their sewage holding tank beyond State guideline limits
- Creamery now has sewage monitoring meters and new green practices
- Contemplated whether adding Creamery parcel to the farm as a lot add-on would ease approval process for commercial parking

- Questioned need for parking lot approval process because Fox Creamery operation is similar to ag. production operations on other preserved farms
- 0.566 acres allocated for parking – currently stone-covered, topsoil removed
- Agreed that keeping parking off of preserved farm would prevent future ownership issues if Creamery was later sold to another owner

Mr. Matthew Knepper's comments

- If Creamery was located on farm, and the majority of its products were produced on the farm, the parking lot would have been permitted as part of an ag. production operation
- Creamery is not on preserved farm, but on adjacent property – creates different situation
- Fox family wanted Creamery on unpreserved land to allow for future growth
- Parking lot on preserved farm only appropriate for ag. production/ag. operation purposes

Motion to approve the Robert D. and Ruth A. Fox one-year extension for continued temporary parking request, with the same conditions initially approved by the Board at their May 28, 2015 meeting, as presented, made by Mr. Edward Goodhart, III and seconded by Mr. Jeffrey Frey. Approved unanimously.

MOTION CARRIED

C. Rural Enterprise Guidelines – Continued Discussion

Mr. Matthew Knepper asked the Board for guidance on how to move forward with their Rural Enterprise Guidelines discussion. He suggested the Board may need to dedicate a separate meeting to further discuss potential rural enterprise restrictions.

- Reminded Board of recent discussions regarding wedding enterprise on preserved farms
- Evident Board felt the need for satellite parking suggests rural enterprise is too big
- Board suggested satellite parking for similar requests in prior years – inconsistent guidance

Board comments

- Barn wedding venue competition is heavily saturated – only a temporary phase
- Satellite parking inconvenient – will not be able to compete with on-site venue parking
- Other farm wedding venue owners frustrated with lack of level playing field – are not receiving reimbursement for venue due to exclusion/had extensive approval process
- Are there other preserved farms that have questionable agritainment activities similar to this wedding venue?
- Trade off depends on type of commercial operation
- Board needs to tighten up permitted commercial uses on agriculturally zoned land
- Suggested a workshop session for further discussion

Mr. Matthew Knepper's comments

- Board should evaluate requests based on overall mission statement
- Board approved 3 similar wedding venue requests in the past
- Prior approvals involved individual being both farmer and wedding venue owner – venue seemed more as supplementary income for farm
- Will look into arranging another meeting/workshop to continue discussion outside regular Board meeting
- Board needs to revise and evaluate Guidelines to ensure consistency, to provide a level playing field, and reflect the Board's overall intent

D. Legislative Update – PFPA, Fall 2016

Mr. Matthew Knepper provided the Board a list of legislative items that went before the Pennsylvania State Agricultural Committee and the Pennsylvania House Agricultural Committee, respectively. They were reviewed by the Pennsylvania Farmland Preservation Association (PFPA) last month. Mr. Knepper is seeking the Board's feedback on such items.

- (HB 188)_Windpower generation on preserved farms
- (HB 458)_Conversion of rail trails for non-motorized uses on preserved farms
- (HB 633)_Condemnation, PUC, FERC projects
- (HB 859, SB 556)_Real Estate Transfer Tax – needs to clarify that conservation easements purchased by any municipality are exempt from Real Estate Transfer Tax
- (HB 806)_Clean and Green value vs. County land value – landowners to pay the least expensive of the two
- (SB 201)_Permit rural enterprises on Clean and Green farms to be owned and operated by third party
- (HB 1447)_Any farm in Clean and Green required to have Conservation Plan
- (SB 1136)_Reduce rollback taxes for landowners leaving Clean and Green from seven years to one year – response to skyrocketing land assessment values for areas that have not been recently reassessed

On behalf of PFPA, Mr. Knepper will send a letter that supports House Bill 859 and Senate Bill 556, which clarify conservation easements are not subject to Real Estate Transfer Tax. He will also send a letter opposing Senate Bill 1136, which reduces roll-back taxes for landowners leaving the Clean and Green program from seven years to one year. The Board agreed on the position to oppose the Clean and Green bill.

E. Board Officer Elections – Vice-chair and Secretary

Mr. Matthew Knepper asked the Board to nominate a Board member for Vice-chair, and another Board member for Secretary. Mr. Jeffrey Frey is the current Vice-chair and Mr. Edward Goodhart, III is the current Secretary.

Motion to re-elect Mr. Jeffrey Frey as Lancaster County Agricultural Preserve Board's Vice-chair, and Mr. Edward Goodhart, III as Lancaster County Agricultural Preserve Board's Secretary, made by Mr. Gary Landis and seconded by Mr. Richard Hurst. Approved unanimously.

MOTION CARRIED

IX. Adjourn

The meeting adjourned at 9:19 a.m.

The next schedule meeting of the Agricultural Preserve Board:

Thursday, July 28, 2016, at 8:00 a.m.
Lancaster County Government Center
150 North Queen Street, Room 104
Lancaster, Pennsylvania 17603