

**Lancaster County Agricultural Preserve Board  
Meeting Minutes  
Thursday, August 25, 2016**

**Present:** Mr. Gene Garber  
Mr. Jeffrey Frey  
Mr. Edward Goodhart III  
Mr. Richard Hurst  
Mr. Gary Landis  
Mr. Roger Rohrer  
Commissioner Dennis Stuckey  
Mr. Matthew Young  
Mr. Daniel Zimmerman

**Absent:** All members present

**Staff:** Mr. Matthew Knepper, Director  
Mrs. Nancy Ambler, Farmland Preservation Specialist  
Mr. Kevin Baer, Farmland Preservation Specialist  
Ms. June Mengel, Farmland Preservation Specialist & acting Recording Secretary

**Guests:** Mr. Michael Hess, equitable landowner, preserved farm, Conestoga Township  
Ms. Joella Garber, Monitoring Specialist, Lancaster Farmland Trust

**I. Call to Order**

Mr. Gene Garber called the meeting to order at 8:05 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 July 28, 2016, at 7:15 a.m. to discuss real estate transactions.

**IV. Approval of Minutes**

**Motion to approve the July 28, 2016 meeting minutes made by Mr. Daniel Zimmerman and seconded by Mr. Jeffrey Frey. Approved unanimously.**

**MOTION CARRIED**

**V. Announcements**

**A.** Mr. Matt Knepper announced that the State Agricultural Preservation Board held one of its meetings at SmuckerLand, LLC in Upper Leacock Township. In conjunction with this meeting was the milestone celebration of SmuckerLand Farm being the 5,000 farm preserved in the State's preservation program. There was a short ceremony whereby a number of public officials spoke. Additionally, some former participants of the program were present, including but not limited to: former Secretary of Agriculture Boyd Wolf,

former Legislator and former Secretary of Agriculture Sam Hayes and former Senator Noah Wenger, all of whom served on the original conference committee that created the Pennsylvania Farmland Preservation Program. Some special awards were presented and then after some light refreshments, the State commenced their Meeting. Lancaster County had four large farms in the Northern part of the County on the Agenda for the approval as well as the subject farm.

**B.** The farmland preservation program will now realize an additional \$5 million each year from a cigarette tax increase. This year, Lancaster's annual State allocation was adjusted with an increase of \$433,000.

**C.** Discussion on other topics:

1) Mr. Edward Goodhart emphatically stated that the County Commissioners must be strongly encouraged to find more funding for the program. Thus far there has been a substantial amount of money, time and commitment to preserved Lancaster County's agricultural land. This effort must continue or the investment will be wasted. The ability to get money from the State is not something to be taken lightly and in this most recent scenario, the State has found more money for the program and yet the County has not. He continued by suggesting that there are a variety of mechanisms to increase funding, even bonded indebtedness makes sense for something that will benefit future generations in perpetuity.

Mr. Roger Rohrer provided his own observation of how much the tourist industry benefits from Lancaster's farmland. He explained that where his farm is located, there are mini-bike tours and campers that frequently pass by the farm and if given the chance they love to stop and talk about farming.

Mr. Matt Knepper encouraged Board Members to speak to the County Commissioners outside of the Agricultural Preserve Board Meetings. Mr. Edward Goodhart said that he would like an opportunity to address the County Commissioners at one of their meetings. Mr. Matt Knepper indicated that anyone can attend a Commissioners Meeting and speak during Public Comment but he would speak with Commissioner Dennis Stuckey to determine if there would be a more appropriate time on an Agenda for him to make comments.

2) Mr. Daniel Zimmerman stated that another argument to be made for additional funding would be to assist with farm inspections. He explained that the EPA is going to continue to push to have ALL farms inspected. Currently, APB is already visiting around 1,000 farms. If arrangements could be made with all of the participating entities to share resources, it is possible that APB (and or a "contracted relationship" with APB) could successfully inspect a huge number of farms in a very cost-effective and efficient manner.

3) Mr. Richard Hurst took a moment to explain to his fellow Board Members what role he was playing in the development of the former Shawnee site by RV Holdings LP and the current Oregon Dairy site by Hurst Family Estate LP. He explained that Hurst Family Estate LP, is proposing a mixed use development on the current Oregon Dairy site and surrounding farmland which will be called Oregon Village. Mr. Richard Hurst stated that he and his brother, Vic Hurst (RV Holdings LP) are proposing to re-develop what has been known as the "Shawnee Tract" on the other side of 272, which has been abandoned for over 27 years. He expressed that while he is part of the Hurst family, he is not part of the Hurst Family Estate LP, owners and developers of Oregon Village. However, he made it clear that he does support the Oregon Village project. He realizes that it is difficult for folks to see farmland grow buildings; but, this farmland

has been designated for development by Manheim Township. He believes that this is perfect example of "Smart Growth."

Mr. Matt Knepper pointed out that there is an issue involving preserved farmland and the development of the Oregon Village. A second access point to Oregon Village is required, which is proposed at E. Oregon Rd. To accommodate a required turning lane on E. Oregon Rd. lane, additional right-of-way is needed. However, the land from which the additional right-of-way would come is farmland preserved by the Lancaster Farmland Trust and Manheim Township. The Hurst Family Estate LP requested permission for the right-of-way from the Lancaster Farmland Trust, but they denied the request. It appears that this access is necessary for the project to proceed and the additional right-of-way is still shown on the latest site development plan. Mr. Richard Hurst again stated that he has no financial interest in the Oregon Dairy property.

Mr. Gary Landis said that he believes this project is about the best use one could find for this site. He used this occasion as an example of why regional planning would be a great tool to have because this is the type and intensity of development that should occur in this type of location where the infrastructure is and not in a more rural township like Clay.

**VI. Business from Guests**

None

**VII. Old Business**

None

**VIII. New Business**

**1) Requests for Rural Enterprise**

**Customary Ag Compatible Enterprise:** Karl M. Hess, Michael Hess, equitable owner  
\_\_\_\_\_ Conestoga Township

Equitable Landowner, Michael Hess, is requesting the APB's review and approval for a ag compatible rural enterprise that would involve using an existing barn and covered feed lot for storage of larger items, such as trailers, rvs and boats. The existing driveway would serve for access.

**Mr. Michael Hess's comments:**

- He and his wife have lived on the farm since June and both have off-farm employment
- The barn used to house cattle but because the beef market is currently in a slump and because he and his wife work away from the farm, putting livestock in at this time does not make sense for them. There is also the issue of manure management.
- Generating some additional income from the farm by using these buildings for storage will help facilitate their eventual purchase of the farm.
- There will be no improvements (other than gates have been removed and stored) made to accommodate this proposed use.
- The building and covered feedlot could be converted back to agricultural use immediately upon removal of stored items.
- Total area proposed for use (excluding the access b/c it is used for the farm operation), is 5,294.75 ft<sup>2</sup>. This is well within the ½% limit of the Rural Enterprise Guidelines for such requests, as the entire preserved area is 117.25 acres.
- Because there will be no livestock, the area currently in pasture will be decreased and additional crops will be planted. They are also looking to enrolling some land in CREP.

- Conestoga Township has granted approval.
- He and his wife had one individual interested in renting the facility for beef cattle and three different farmers expressed interest in putting heifers in the barn, but none of these came to fruition

**Mr. Matthew Knepper's comments:**

- This is proposal results in a very minor use in terms of the overall impact to the farm.

**APB comments:**

- Has any type of income generating agricultural use been explored for this area and if so, why was storage chosen over an agricultural use?

**Motion to approve the Customary Agricultural Compatible Enterprise incorporating all of the Conditions of Approval as presented to the Board and identified on the Board Summary for File No: 1997-037, Acq 0317 was made by Mr. Matthew Young and seconded by Mr. Roger Rohrer.**

**MOTION CARRIED**

**Request for Rural Enterprise**

**Second Review: Special Events Venue: PA Property Investors, LLC**

Scott and Judy Grillo  
Penn Township

Landowners, Scott and Judy Grillo, are requesting the Board's approval regarding the request to repurpose their existing barn for a special events venue on their 61.910 acre preserved farm. This is the second time the Board has reviewed the proposal. The first review was at the May 26, 2016 Meeting whereupon the Board was generally agreeable but did have concerns about potential excavation for parking and septic. Mr. Matthew Knepper did share with the Board that the Grillo's have heard the concerns of the Board and have continued to modify their request in order to address a variety of concerns.

The Lancaster Farmland Trust submitted a formal request that the Agricultural Preserve Board not render a decision until their Board had time to consider this proposal.

- Special events would be primarily weddings, but also for other events: retirement parties, holiday gatherings, reunions, graduations, etc.
- Owners will be managers and coordinators
- Aspects of special events will be contractual (linens, food, etc.)
- Barn exterior will retain agricultural structure appearance
- Back portion of barn to be removed for parking
- Existing macadam and/or gravel to be used for ingress and egress to barn and parking
- On-site and Limited off-site parking secured
- Proposal to create "green parking" – drivable grass
- Low impact lighting and signage to be dictated by Township Zoning
- Venue classified as commercial establishment; must meet commercial code
- Likely to need holding tanks for venue according to Township
- PennDOT requested potential improvements and curbing to entrance driveway

**Mr. Tim Strosser's comments**

- No land that is currently being farmed is being taken out of production for this proposed use.

- Will pave all existing gravel areas
- New sidewalk needed for handicap accessibility to the barn; required by Penn Township (472 sq. ft.) – currently is grassy area for bank barn
- Parking that is not on existing gravel is being proposed on new drivable grass. Township has approved 51 parking spaces on farm, but would prefer to have all parking on site and no need for off-site parking
- Satellite parking has been secured at Dale Nolt's farm (renter of this farm), around the corner.
- Septic is proposed to be two holding tanks, immediately adjacent to the barn, where a chicken coup used to sit. This limits the number of participants (guests, employees, etc.) to 145
- Penn Township Zoning Hearing Board has approved, Decision presented to Board
- Events limited to Friday, Saturday and Sunday
- Activity is confined to area around buildings
- There is an engineered base beneath the pavers and pervious grass area. Topsoil will be distributed on a field and can be scraped and put back from where it came.
- The area proposed for parking, which requires top soil removal is all within the existing curtilage of buildings.
- Township will not permit parking on grass

**Mrs. Judy Grillo's comments**

- Farmland will stay farmed.
- No limitation to farming activity, there will be an agreement/document signed by Judy and her husband, Scott, indicating that the farming will not be limited in a way, regardless of a special event that may be occurring.
- Farmhouse will not be used as a B&B, which was proposed. It will now serve as an accessory structure, a staging area for the bride and groom to prepare for the wedding.
- Ceremonies will occur on the lawn behind the house. All reception activities must occur indoors.
- Mr. and Mrs. Lefever (prior owners of the farm) have written a letter in support of this proposal.
- In reponse to concern of permitted additional residential structure, that was already approved by Board, but some Board members not pleased with the location: If the Board would be willing to authorize approval, the Grillos will consider moving the location of the house.
- Requested that the Board take action conditioned upon the Lancaster Farmland Trust's review and subsequent decision.

**Mr. Matthew Knepper's comments:**

- If Board agreeable to the proposal, it will need to further define why it is acceptable for excavation to occur for septic and the parking.
- There are a number of different bodies that need to review this request:
  - ✓ Penn Township Zoning Hearing Board rendered a positive decision under the parameters of the Zoning Ordinance.
  - ✓ Penn Township Supervisors need to review the proposal under the limitations of the Declaration of Restriction that was filed in conjunction with the TDRs.
  - ✓ Lancaster Farmland Trust needs to review the proposal under the limitations of the Declaration of Restriction that was filed in conjunction with the TDRs.
  - ✓ Lancaster Farmland Trust may offer a decision based on the Agricultural Conservation Easement to which it is a co-grantee with the Agricultural Preserve Board as well as the associated Rural Enterprise Guidelines.

- ✓ Agricultural Preserve Board must make a decision based on the Agricultural Conservation Easement and the applicable Rural Enterprise Guidelines. At this juncture the Board is reviewing the proposal favorably.
- The Lancaster Farmland Trust will be discussing the proposal at their meeting this same evening.

**APB comments:**

- Appreciate the effort made through written agreements to ensure that farming will not be hampered by the proposed special event activities.
  - The tenant farmer will likely agree to almost anything in order to not lose the opportunity to farm the ground.
  - Inquiry made as to whether or not the Board could negotiate approval of the special event proposal in conjunction with a request to move the already approved additional residential structure location.
  - Supportive of driveable grass in this circumstance.
  - Preference to not have parking along the farm lane, but would consider it in the areas where the other parking was proposed.
  - In regards to the permitted additional residential structure that the Board approved, some Board Members not pleased with the decision and believe it to be a poor location. Made numerous inquiries to Mrs. Grillo about reconsidering the location because it will make farming the land difficult.
  - APB must honor the request made by the Lancaster Farmland Trust and not take any action.
- NEXT STEP: Mr. Matthew Knepper will relay to both the Lancaster Farmland Trust and to the Township that while the Board did render a decision, they are generally reviewing the project favorably.

**A. Agricultural Production**

**2) Fill Project:** Chiques Rock Farms, Don Hess  
 \_\_\_\_\_ East Donegal Township

Landowner, Don Hess, is requesting the APB's review and approval for a fill project on his 50.517 acre preserved farm. Mr. Hess is proposing to modify the grade of a 13+ acre field by importing clean fill. The end result is proposed to create a more farmable area.

After the last Board Meeting on August 26, 2016, Mr. Matthew Knepper was instructed to reach out to RETTEW (the County Engineer) and ask them to address some of the concerns that were still outstanding. Specifically, RETTEW could provide a cost estimate that would address an analysis of the proposal and the development of a reclamation plan to ensure that soil productivity would be better after the project. Mr. Don Hess would be asked to commit to being responsible for this cost. After discussion with RETTEW, it was agreed that they would review the materials provided by Don Hess (final grading plan, RUSLE2 analysis, township conditions, etc.) and provide a letter of review from which further action could be taken.

**Mr. Matthew Knepper's comments:**

- RETTEW provided their letter of review to him the prior evening.
- Mr. Donald Hess was ready to attend this meeting, but staff told him not to attend because the letter of review was not received by the end of the day Wednesday, August 24<sup>th</sup>.
- In order to keep this project in front of the Board, with no intention of encouraging any action, he wanted to share the results of RETTEW's letter of review.

- Kara Kalupson found the current plans, as submitted by the engineer to be complete and that if the plans are followed, while not stated, the inference made is that no soils reclamation plan is necessary.
- This evaluation does not identify any deficiency in what has already been submitted.

**APB comments:**

- General consensus that this project is not really necessary to improve the agriculture.
- In order to gain additional farmland, the tree knobs could be removed regardless of whether or not clean fill was imported.
- It would be helpful if the farmer who is actually farming the land could speak to the benefits of clean fill and how it would improve farming.
- 5 feet of top soil after fill is complete doesn't seem like enough, Mr. Don Hess had suggested there would be more like 10 – 15 feet.
- On traditional landfills, there is often a "clay cap" placed on top to prevent settling of topsoil.

**Motion to deny the proposal for Clean Fill was made by Jeffrey Frey and seconded by Matt Young.**

**Discussion:**

- Mr. Matthew Knepper requested that the Board not make any decisions without Mr. Don Hess being present. He has been very engaged in this process and has tried to address all concerns brought by the Township and the Agricultural Preserve Board, and he would have been present for this discussion if not for being told by staff that the discussion would not occur because of not having the RETTEW letter by close of business on Wednesday.

**Mr. Jeff Frey withdrew his motion to deny.**

**NO VOTE TAKEN**

**IX. Adjourn**

The meeting adjourned at 10:30 a.m.

**The next schedule meeting of the Agricultural Preserve Board:**

Thursday, September 22, 2016, at 8:00 a.m.

Lancaster County Government Center

150 North Queen Street, Room 104

Lancaster, Pennsylvania 17603