

Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, February 22, 2018

Present: Mr. Jeffrey Frey, Chairman
Mr. Gary Landis, Vice Chairman
Mr. Gene Garber
Mr. Andrew Lehman
Mr. Roger Rohrer
Mr. Matthew Young

Absent: Mr. Edward C. Goodhart III
Commissioner Dennis Stuckey
Mr. Daniel Zimmerman

Staff: Mr. Matthew Knepper, Director
Mr. Kevin Baer, Farmland Preservation Specialist
Ms. June Mengel, Farmland Preservation Specialist

Guests: Mrs. Karen Martynick, Executive Director, Lancaster Farmland Trust
Mr. Jeffrey Swinehart, Deputy Director, Lancaster Farmland Trust
Mrs. Michelle Knoll, Stewardship, Lancaster Farmland Trust

I. Call to Order

Mr. Jeffrey Frey called the meeting to order at 8:10 a.m.

II. Review of Mission Statement

Mr. Eugene Garber read, *“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. Announcements

Executive Session: The Agricultural Preserve Board (APB) met in executive session on February 22, 2018 at 7:50 am to discuss real estate matters and potential litigation regarding a violation of an agricultural conservation easement.

IV. Approval of Minutes

Motion to approve the January 25, 2018 meeting minutes made by Mr. Gary Landis and seconded by Mr. Roger Rohrer with a correction made to an incorrect name, Stephanie Knoll from the Lancaster Farmland Trust was corrected to Michelle Knoll.

MOTION CARRIED UNANIMOUSLY

V. Business from Guests

- **NO BUSINESS FROM GUESTS at this time during the Meeting.**

VI. Old Business.

- **NO OLD BUSINESS**

VII. New Business

A. Request for Subdivision / Land Development

LOT ADD-ON Request: Joseph D. Hess Jr. and Linda D. Hess, East Donegal Township, Acq 315 & Acq 237 (total preserved acres: 217.4113), Anderson Ferry Rd

Landowners are requesting permission to add 20.1074 acres from one preserved farm to an adjoining preserved farm.

The Agricultural Conservation Easement to which both farms are subject, incorporate the 2002 Corrective Subdivision Guidelines (originally approved in 1995), which permit an Agricultural Subdivision if it does not create parcels of less than 50 acres. These guidelines do not provide for any type of lot add-on. However, the 2009 Subdivision and Land Development Guidelines, have a lot add-on provision which is retroactive to all ACEs that have associated Subdivision Guidelines. The lot add-on provision allows for lot add-ons so long as the tract of land is ten acres or more and that a resulting preserved farm meets the requirements of minimum farm size per the associated Subdivision Guidelines.

The 20.1074 acres, part of the ACE which contains a total of 119.4313 acres, is situated to the North of Colebrook Road and is contiguous with the 97.98 acre ACE. Mr. and Mrs. Hess are doing some future planning and this add-on, thereby increasing the acreage of their home dairy farm, is part this longer range plan.

The home farm will increase to 118.41 Deeded acres and the resultant sending farm will be completely South of Colebrook Road and consist of 99.32 Deeded acres. The additional residential structure that is permitted by the 119.4313-acre farm, will remain with the resultant 99.32 acres. This also means that no residential structure can be built on the 20.1074 acre area.

Staff is recommending Preliminary Approval because this proposed lot add-on meets the criteria outlined in the 2009 Subdivision and Land Development Guidelines. Board will authorize staff to grant final approval after reviewing Subdivision Plan as submitted to Township/County and confirmation that other applicable Conditions of Approval have been satisfied.

Conditions of Approval:

- APB Standard Plan Notes should be identified on the Plan.
- Subsequent to Subdivision, two new property deeds shall be prepared and recorded in the Lancaster County Recorder of Deeds Office: One for the home farm, which is the recipient of the 20.1074 acres and now contains a total of 118.4074 acres and one for the resultant farm, which will be reduced to 99.3240 acres.
 - Both deeds shall reference and include the ACE language.
 - Both deeds shall reference by recording information the Subdivision Plan.
 - Deed for 118.4074 -acre farm shall indicate that the one additional residential structure, as permitted by the ACE, is still available at the time of subdivision remains with this tract, subdivision is only permitted as contemplated in the ACE for the Parent Tract as Recorded in Deed Book 5495, Page 186. The permitted additional structure shall not be built on the 20.1074 acres added to this farm.

- Deed for residual 99.3240-acre farm shall indicate that the one additional residential structure, as permitted by the ACE will remain with this resultant acreage, subdivision is only permitted as contemplated by the ACE for this Resultant Tract as Recorded in Deed Book 6764, Page 280
- APB must review prior to Final Approval of this Agricultural Subdivision being granted.
- This approval is contingent on, at all times, verification by the Lancaster County Conservation District or a certified conservation planner (technical service provider) that the farm is following a Conservation Plan (inclusive of a manure management/nutrient management plan) that is being / has been implemented according to schedule.
- All other requirements that may be imposed by the Township or any other regulatory body must be met.
- All provisions of the Application and this approval shall be binding on the applicants, the owner of the land subject to the Agricultural Conservation Easement, and their respective heirs, successors and assigns.
- No restriction limiting agricultural production is permitted.

APB members concurred that this proposed Lot Add-On made sense, particularly if the landowners ever desired to sell the farmland to the South of Colebrook Road. This Lot Add-On of 20+ acres to the home farm would keep all contiguous fields together, which is how they are being farmed presently. Both farms would also still be large enough to be viable. No concerns were brought forward.

Motion to award Preliminary Approval of the proposed Lot Add-On as it was presented made by Mr. Roger Rohrer and seconded by Mr. Eugene Garger.

MOTION

CARRIED

UNANIMOUSLY

B. Requests for Rural Enterprise

Request for Rural Enterprise

CUSTOMARY AG-COMPATIBLE ENTERPRISE Request: John G. and Mary K. Esh, East Drumore and Colerain Townships, Acq 0478 (total preserved acres: 117.17), Route 472, Solanco Rd and Edgefield Dr.

Landowners are requesting permission to utilize part of a no longer used bio-solids pad to store structures that are built in the barn located in an area excluded from the ACE. The pad size is 140 ft x 180 ft, the amount needed for storage is only portion of the pad, or 80 ft x 100 ft. The total pad size is approximately the ½% (.58 acres), the maximum of total area subject to the ACE that can be utilized for this type of rural enterprise. 80 ft x 100 ft is .18 acres.

Staff is recommending Final Approval with Conditions.

Recommended Conditions of Approval:

- The rural enterprise is to be allowed as described and set forth in the Application, which will be inclusive of any additional information submitted via correspondence and points of clarification made by Board.
- No macadam or other pervious surface may be created for this rural enterprise.
- Any changes to the operation must be presented to APB for review and approval prior to undertaking such changes.

- The preserved farm must continue to be used for agricultural production and the rural enterprise may not restrict the use of the farm for agricultural production and/or normal farming operations.
- This approval is contingent on, at all times, verification by the Lancaster County Conservation District or a certified conservation technician (technical service provider) that the farm is following a Conservation Plan that is being / has been implemented according to schedule.
- All other requirements that may be imposed by the Township or any other regulatory body must be met.
- All provisions of the Application and this approval shall be binding on the applicants, the owner of the land subject to the Agricultural Conservation Easement, and their respective heirs, successors and assigns.
- This Rural Enterprise must continue to meet all the applicable conditions per the Rural Enterprise Guidelines.

Director, Staff & APB Comments

- Staff indicated that Mr. Esh only desires approval for a portion of the Bio-Solids Pad site to be utilized for storage.
- Board unanimously expressed that their preference would be to grant approval for the entire pad site to be used for storage of structures as described in the Application for Rural Enterprise as submitted.

Motion to award Approval of the proposed Rural Enterprise for the entire bio-solids pad site. Use will be restricted to that which was specifically presented in the submitted Application and described further in the Board Summary, with identified Conditions. Any other uses must be presented to the Board. Said Motion was presented by Mr. Roger Rohrer, seconded by Mr. Matthew Young.

MOTION **CARRIED**

UNANIMOUSLY

C. HB 1689, State Funding for Land Trusts – discussion with Lancaster Farmland Trust

Mr. Matthew Knepper introduced Mrs. Karen Martynick, Executive Director and Mr. Jeffrey Swinehart, Deputy Director from the Lancaster Farmland Trust to provide the Board an update on the status of this Bill.

Mrs. Karen Martynick provided the Board with a background on how this particular Bill evolved. Specifically, Representative Bryan Cutler introduced this Bill in order to address an oversight in a previously introduced and adopted Bill that provided additional revenue of \$5 million to Pennsylvania’s farmland preservation program starting with the 2015-2016 Budget Year.

Currently, private land trusts that are preserving farmland can have up to \$5,000 of their incidental costs (surveys, appraisals, title work etc.) reimbursed by the State. However, private land trusts that preserve natural lands can realize up to 80% of their easement purchase price reimbursed by the State. The legislation that increased the State’s farmland preservation funding by \$5 million was to have earmarked a portion of that \$5 million for land trusts that preserve agricultural land.

HB 1689 would designate \$3 million of the \$5 million for land trusts that preserve farmland. \$2.5 million would be identified for farmland preservation (not to exceed \$2,500/acre and only

50% of the easement value as the other 50% would have to be private contributions) and \$500,000 for an increase in the reimbursement of incidental costs (from \$5,000 per transaction to \$10,000.)

Both Mrs. Karen Martynick and Mr. Jeffrey Swinehart stated that they believe this program, by design, would be a benefit to non-profits because it would also serve as a tool to raise funds for preservation. Donors like to know their contributions are being matched, and this Bill provides a dollar for dollar match mechanism, an incentive for people to donate. Ultimately, this program should bring more money to the table, thereby preserving even more farmland.

Mr. Jeffrey Frey inquired if the Trust was concerned that receiving additional funding might deter interest among some farmer groups? Mrs. Martynick explained that source of funds is made known to the landowners and if there is a concern, the Trust can utilize non-government funding; however, they have only experienced one instance where the source of funding was an issue. Moreover, the key for landowners is who holds the easement.

The Trust is seeking support, in the form of a letter, from the Agricultural Preserve Board. The Bill has 26 co-sponsors and is at the House Ag Committee. To get this Bill moving, it is crucial that it be placed on the Agenda. The Trust has been told that it would be very helpful, if the Ag Committee received a letter of support for this Bill from the Agricultural Preserve Board.

Motion to support House Bill 1689 and send a letter expressing this support to the House Ag Committee made by Mr. Jeffrey Frey, seconded by Mr. Eugene Garber.

Mr. Gary Landis inquired if there was any reason to not support this Bill? Mr. Matthew Knepper said there was not as far as he was aware; however, not all County farmland preservation programs work so compatibly with non-profit land trusts. Mrs. Karen Martynick offered that some view this Bill as one that introduces competition for funding and will not be endorsed because of this perception.

Mr. Gary Landis stated that he believes the more land that remains in agriculture the more cost effective it is for smaller municipalities like his. Farms don't require the tax dollars like development does. Mr. Andrew Lehman echoed this sentiment. He commented that there seems to be a need to educate when it comes to the cost of development. It is often portrayed as though development is bringing additional tax base to a community, when in fact, over the longer term, development costs a community because of the impacts to infrastructure.

MOTION CARRIED UNANIMOUSLY

D. 2017 Ranking

Mr. Matthew Knepper provided the Board with the results of the 2017 Ranking and thanked staff for their work on accomplishing this task for the February Meeting.

Mr. Matthew Knepper reminded the Board of a decision that was made by the Board with reference to how the Stewardship, specifically the Conservation Plan component, would be handled: An applicant who had submitted a Conservation Plan to APB would receive 17 points and the associated benefit in the soils category. An applicant that did not submit a Conservation Plan would receive 0 points and no added benefit in the soils category. There would no longer be an 8 awarded in the Conservation Plan category. All applicants were notified by mail of this change and provided an opportunity to submit a Conservation Plan.

There are 192 Applications for preservation. Of those, 4 are presented as 50% donations. Within the top 30 scoring applicants, there a number of new applications form 2017 with large acreages. It is assumed that based on the quality of these farms and their sheer size, that not as many farms will be preserved this year, but the acreage figure should be comparable. With that said, over 50% of the applications are from farms with less than 50 acres.

Mr. Matthew Knepper indicated that at the next Board Meeting, he would like the Board to review the history of 50% donations before rendering a decision on whether or not to move forward with the immediate preservation of this year's 50% applicants.

Motion to accept the 2017 Ranking and support moving forward on the preservation of those farms in ranking order was made by Mr. Eugene Garber, seconded by Mr. Andrew Lehman.

MOTION CARRIED UNANIMOUSLY

E. 2018 State Funding

The Board was given the opportunity to review the 2018 PA Department of Agriculture Bureau of Farmland Preservation's 2018 Allocation of Funds.

Some highlights:

Chester County Appropriation - \$3.6 million, Total State Funds - \$3.49 million, or 9.4%
Bucks County Appropriation - \$2.58 million, Total State Funds - \$3.15 million, or 8.53%
Lehigh County Appropriation - \$2.2 million, Total State Funds - \$2.9 million, or 7.89%
Lancaster County Appropriation - \$1.74 million, Total State Funds - \$3.04 million, or 8.2%
Berks County Appropriation - \$1.09 million, Total State Funds - \$2.4 million, or 6.48%
Montgomery County Appropriation - \$1.2 million, Total State Funds - \$2.8 million, or 7.54%
Lebanon County Appropriation - \$214,778, Total State Funds - \$644,270, or 1.74%

Mr. Gary Landis stated that it is disappointing to see that Lebanon County is not able or willing to devote more funding to farmland preservation.

F. Agricultural Conservation Easement Violation

Motion to grant an extension for response to the Board's notice of violation with regards to the Hottenstein property as discussed in Executive Session made by Mr. Andrew Lehman, seconded by Mr. Matthew Young.

Motion Passed Unanimously.

VIII. Adjourn

The meeting adjourned at 9:20 a.m.

The next scheduled meeting of the Agricultural Preserve Board

Thursday, March 22, 2018, at 8:00 a.m.

Lancaster County Government Center

150 North Queen Street, Room 104

Lancaster, Pennsylvania 17603