

Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, March 25, 2021

Present: Mr. Jeffrey Frey, Chairman
Mr. Gary Landis, Vice Chairman
Mr. Edward C. Goodhart, III, Secretary
Commissioner Ray D'Agostino
Mr. Jered Hess
Mr. Andrew Lehman
Mr. Roger Rohrer
Mr. Matt Young

Absent: Mr. Daniel Zimmerman

Staff: Mr. Matthew Knepper, Director
Mr. Kevin Baer, Farmland Preservation Specialist
Ms. Jessica Graham, Farmland Preservation Specialist
Ms. June Mengel, Farmland Preservation Specialist
Ms. Noelle Fortna, Farmland Preservation Specialist
Mr. Garland Treese, Administrative Assistant

Guests: None

I. Call to Order

Mr. Jeffrey Frey called the meeting to order at 8:17 a.m.

II. Review of Mission Statement

Mr. Jeffrey Frey requested the Board read the 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. Announcements

The Agricultural Preserve Board met in Executive Session on March 25, 2021 at 7:15 a.m. to discuss real estate transactions and potential litigation.

IV. Approval of Minutes

Motion to approve the February 25, 2021 meeting made by Mr. Edward C. Goodhart III and seconded by Mr. Roger Rohrer

MOTION CARRIED UNANIMOUSLY

V. Business from Guests – None

VI. Business

A. Requests for Subdivision/Land Development

i) SUBDIVISION/LOT ADD-ON AND LAND DEVELOPMENT (CONSTRUCTION) BOARD SUMMARY

**Meeting Date for Review: March 25th, 2021, APB Staff: Jessica Graham, Acq. No(s): 0758
Original Grantor: Earl & Sadie Sensenig, Grantee: County, Date of Easement(s) recorded: 12/2/2009,
Acres Preserved: 150.30, Property ID(S): 3801455700000, Property Location(s): 2441 Noble Rd,
Kirkwood PA 17536, Current Owner: Cleason & Dawn Sensenig, Statute: Act 43, Subdivision Details:
1995 Guidelines**

The Sensenig family would like to build a new dwelling for their family set back from the road. They would be utilizing the farm lane at their proposed building site. At this time, the original house will stay standing, therefore this is a request to utilize the additional dwelling right. They are not wishing to subdivide the new or existing dwelling.

Applicable Regulations and Policies:

Example below

- ACE (Act 43), Deed Restrictions, Paragraph 2 Construction of Buildings and Other Structures and Paragraph 4, Subdivision
- ACE, Exhibit "B", 2009 Subdivision and Land Development Guidelines for Land Subject to an Agricultural Conservation Easement

The Board initially reviewed the Sensenig farm in October of 2020 when they were asked about whether a location, same as ultimately applied, could be considered a replacement. The consensus among the Board was that the current dwelling site, along with driveway and garage, should be converted back to agriculture. The Sensenigs were not willing to do that at this time. Mr. Rohrer wanted to know if the Sensenigs would be able to put a house on the southern side of the road if they did remove the existing farmhouse and all aspects associated with it at some future date? Mr. Knepper said that it may be possible based on the Board's prior discussion; however, it would be a decision for a future Board meeting and that at this time the Sensenigs would be utilizing the one additional house permitted by the ACE.

Additional Residential Construction should meet the following:

- Minimizes the loss of the best quality soil.
- Minimizes the loss of farmland and/or minimizes the disruption of agricultural operations.
- Minimizes the length of property lines shared by residential uses and agricultural uses.
- Clusters residential uses on the subject property and with those lots contained on adjoining properties.
- Assures adequate vehicular access to fields and agricultural structures.
- Makes use of public sewer and/or public water facilities, when available.

Staff recommends approving the proposed dwelling with standard APB Conditions of Approval identified below.

Conditions of Approval:

- This approval is contingent on verification by the Lancaster County Conservation District or a certified conservation planner (technical service provider) that the farm is following a Conservation Plan / Ag E&S Plan (inclusive of manure/nutrient management plan) that is being / has been implemented according to schedule.
- All other requirements and approvals 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.
- No restriction limiting agricultural production is permitted.
- APB Staff authorized to provide Final Approval after reviewing final Land Development Plan as submitted to Township/County.

Motion to Approve made by Mr. Roger Rohrer and seconded by Mr. Andrew Lehman.

MOTION CARRIED UNANIMOUSLY

- ii) **SUBDIVISION/LOT ADD-ON AND LAND DEVELOPMENT (CONSTRUCTION) BOARD SUMMARY**
Meeting Date for Review: March 25, 2021, APB Staff: Jessica Graham, Acq. No(s):0125, Original Grantor: Allen B. and Joanne D. Mellinger.

Initially this farm tract had one farmhouse. Prior to preservation, the main farmhouse was “split”, and the result was the main, larger farmhouse and then a smaller detached house. Andrew and Mary Mellinger lived in the larger farmhouse and Andrew’s parents, Allen and Joann had lived in the smaller house. Currently, Andrew’s father lives in the house.

The tobacco barn on the property was in a state of disrepair and was recently replaced with new residential structure, built on the same foundation and in fact looks just like a tobacco barn. APB staff deemed this to be the one additional dwelling as permitted by the ACE.

In the future, Andrew and Mary’s son, Andy, would like to replace the small house that his great grandfather currently lives in; however, because this house is so close to the existing farmhouse, he would like to replace it within very close proximity but not on the same foundation. He is seeking feedback from the Board to allow this rebuild of a residence, while not the exact same foundation to be considered a replacement.

Ms. Graham presented Andy’s four locational choices. The Board discussed and really preferred Option 1, Andy’s first choice, as it did not take any cropland or pasture out of production. The Board also appreciated the Mellinger’s suggestion to turn the footprint of the current dwelling into a garden or other ag use.

B. Requests for Rural Enterprise - None

C. Replacement Structures

The Board discussed new structures versus existing structures. This conversation was prompted by a decision the Board made at their February Meeting when they considered a request by Mr. Douglas Hottenstein. The result of their decision was that they agreed to consider a slightly larger rebuild of a barn on the same foundation of the barn being demolished as a replacement barn and therefore an “existing structure.”

Ms. Graham compiled some information about how other entities determine if a newly build structure is in fact “new” or a replacement. She compiled information from the Property Assessment Office, a variety of Townships and the Lancaster Farmland Trust. There is no consistent mechanism to make the determination. The information was provided to the Board in the Board Packet.

The Board members could not reach a consensus about when or what specifically may result in a determination that a re-build is considered a replacement (existing.) Mr. Landis ended the conversation by suggesting that perhaps the best thing to do would be to develop criteria that can be used as a guide, recognizing that there will always be anomalies.

Septic System Discussion Due to some recent issues that have presented themselves to staff, Mr. Knepper wanted to get some feedback from the Board.

The scenario: If a landowner is excluding acreage from an ACE, APB will typically also put on a record a few additional documents such as a Declaration of Restriction which stipulates that the excluded area cannot be subdivided and a document addressing stormwater, drainage, and groundwater. The latter is necessary if the excluded area needs to utilize some of the preserved area for stormwater, drainage or groundwater recharge. Should APB also allow and/or provide for potential future septic needs for the excluded area on the land subject to the ACE?

The alternative to not allowing for some type of septic document will be that landowners will need to exclude even more acreage. Again, the excluded area is almost always subject to a Declaration of Restriction which forbids future subdivision. Mr. Kevin Baer provided some examples.

After much discussion, most of the Board generally felt that if the excluded area could not be subdivided a septic easement might be something they would consider and would like to discuss further at a future meeting.

D. Ranking Discussion

Mr. Knepper shared the Ranking Worksheet that was updated based on the suggestions from the last Board meeting. A Ranking Worksheet with these changes was provided to the Board in the Board Packet.

	Maximum Points	Formula	Weighted Score
Soils	100	x 0.4	40.00
Soils are 40% of the total score			

Development Potential

Extent of non-agricultural use in the area		4	x 0.125	0.50
Proximity to sewer and water		4	x 0.125	0.50
Amount of road frontage		24	x 0.125	3.00
Tiered pricing		68	x 0.125	8.50

Development potential is 12.5% of the total score 12.50

Farmland Potential

Size of farm		60	0.225	13.50
Percentage of harvested cropland, pasture, and grazing land		10	0.225	2.25
Relinquish Additional Dwelling and Subdivision		10	0.225	2.25
Deeded acreage (no points if subdivision rights assigned to exclusion)		7	0.225	1.58
Stewardship (Verified Implemented Conservation Plan)		12	0.225	2.70
Historic, scenic, and environmental qualities		1	0.225	0.23
		100		22.50

Farmland potential is 22.5% of the total score

Motion to Approve made by Mr. Roger Rohrer and seconded by Mr. Andrew Lehman.

MOTION CARRIED UNANIMOUSLY

E. Special Project Discussion

Mr. Knepper and the Board reviewed the 2021 Special Projects. Special Projects are those farms that often rise to the top of the ranking list, despite low ranking scores because of leveraged funding:

- 50% Bargain Sales

- Township Participation
- Federal funding component

These farms are frequently small and have marginal soils and by nature of being special projects some other higher ranking farms which may be larger and have better soil quality will not get preserved because of funding that is diverted to work on these special projects. The dollars leveraged from the landowner, the federal government, and the township partnerships forged are important: it allows more farms to be preserved, it builds relationships with Townships and it provides additional match moneys to put towards the State's funding formula, which results in a higher return of State funding.

F. Adjourn

The meeting adjourned at 9:43 a.m.

The next scheduled meeting of the Agricultural Preserve Board

Thursday, April 22, 2021, at 8:00 a.m.

Lancaster County Public Safety Center

101 Champ Blvd. Manheim, PA 17545