

**Lancaster County Agricultural Preserve Board**

**Meeting Minutes**

**June 23, 2022**

**Present:** Mr. Daniel Zimmerman, Vice Chairman  
Mr. Edward C. Goodhart, III, Secretary  
Commissioner Ray D'Agostino  
Mr. Jeffrey Frey  
Mr. Gary Landis  
Mr. Andrew Lehman

**Absent:** Mr. Roger Rohrer, Chairman  
Mr. Jered Hess  
Mr. Matthew Young

**Staff:** Mr. Matthew Knepper, Director  
Mr. Kevin Baer, Farmland Preservation Specialist  
Ms. Noelle Fortna, Farmland Preservation Specialist  
Mr. Garland Treese, Farmland Preservation Specialist  
Ms. June Mengel, Farmland Preservation Specialist  
Mrs. Denise Alvarez, Administrative Assistant

**Guests:** Dr. Weston Shertzer, Mr. Stuart Herr and Mr. John R. Flowers

**I. Call to Order**

Mr. Daniel Zimmerman called the meeting to order at 8:00 a.m.

**II. Review of Mission Statement**

Mr. Zimmerman 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**

There were no announcements

**VI. Approval of Minutes**

**Motion to approve the May 26, 2022 meeting minutes made by Mr. Edward C. Goodhart, seconded by Andrew Lehman.**

**MOTION CARRIED UNANIMOUSLY**

**V. Business from Guests**

None

**VI. New Business**

At this time, Mr. Zimmerman acknowledged the guests and made the decision to modify the order of the Agenda order to be respectful of the guests time:

## **A. Request for Subdivision / Land Development**

- 1) Five Springs Farm, LP, 465 Long Ln, Lancaster PA 17603, Pequea Township, 86.91 acres subject to an Agricultural Conservation Easement recorded on 06/06/2011, Grantee: Commonwealth of PA & USDA-NRCS (frpp)**

Mr. Knepper reminded the Board that Mr. Herr and Mr. Flowers had attended a meeting on November 18, 2021 to share with the Board a proposal to construct the permitted residential structure in the general location of where the poultry houses once stood, 3 of the 4 had been removed. Their plan was to utilize the access easement that functioned to access the poultry houses. No subdivision was proposed. The Board was agreeable to the location. At this time, because of the status of this ACE having a co-grantee of the USDA-NRCS, Mr. Herr needs approval for the construction / impervious surface utilization.

Mr. Baer shared with the Board that the proposal is for a 2,125 square foot dwelling and a 700 square foot garage. Balance of impervious surface available at this time 265,454.20 (this is actually greater than was available at the time of preservation b/c of the removal of the multiple poultry houses.) After the construction of this residence and associated garage, there will be an available balance for impervious surface of 262,629.20 square feet.

**Motion to approve the construction of the permitted residence and garage as presented made by Mr. Lehman and seconded by Mr. Goodhart.**

**MOTION CARRIED UNANIMOUSLY**

- 2) Dr. Weston Shertzer and Sara Shertzer, 500 Shultz Rd, Washington Boro, PA 17582 – discussion regarding Evaluation Criteria for Proposed Easements on Land Encumbered by Agricultural Conservation Easements and how this Criteria will be utilized by the Board to determine if a driveway easement will be allowed on the ML Rohrer Real Estate Holdings farm which is subject to an Agricultural Conservation Easement.**

Mr. Zimmerman and Mr. Knepper thanked Dr. Shertzer for his patience with the Board as they navigate through this request. Mr. Zimmerman explained that before fully evaluating this request and offering an opinion/decision, the Board needed to establish a protocol and a procedure to do so because similar types of requests will likely reoccur.

Mr. Knepper shared with Dr. Shertzer that the Board would need to hear from Mr. and Mrs. Rohrer directly to understand how, if permitted, this driveway would be a benefit to their farm? Dr. Shertzer indicated that he has been in communication with Mr. Rohrer throughout this process and will discuss this with him.

Mr. Zimmerman stated that Dr. Shertzer would be provided with the Evaluation Criteria so that he can better formulate and support his request for driveway access to the Board.

## **B. Requests for Rural Enterprise**

- 1) Cannon Hill Holdings, LLC (Elizabeth Farms), 260 Hopeland Rd & Furnace Hills Pk, Lititz PA 17543, Elizabeth Township, 96.26 & 56.49 acres subject to an Agricultural Conservation Easement recorded on 1/18/2008, Utilizing 2014 Rural Enterprise Guidelines, Agritourism and Agritainment Enterprises**

Mr. Knepper shared with the Board that Cannon Hill Holdings, LLC is the real estate portion of the property and Elizabeth Farms LLC is the business component. He reminded the Board that last month's meeting the Board approved the rural entprise as presented by Cannon Hill Holdings, LLC. However, as a component of that motion Mr. Goodhart wanted Mr. Knepper to explore with the solicitor if it would be advantageous to

incorporate an indemnification clause as the Lancaster Farmland Trust did in their approval of the rural enterprise.

Mr. Knepper told the Board that Atty. Cook did not feel strongly in either direction with regards to an indemnification agreement. He provided insight that while it may provide some protection, nothing is full proof and would such a requirement be worth the time and effort? Would APB now require this as a standard condition of approval with all rural enterprise request or just those that are deemed more risky, such as agritainment?

Mr. Zimmerman offered that Warwick Township requires an indemnification for all conditional approvals. If a matter ever does move to litigation, having an indemnification clause shows intent. The Board agreed to take further action on the Cannon Hill Holdings, LLC rural enterprise request to add the requirement for an indemnification clause and also determined that they would discuss the matter further, in so far as how such a clause would be used in the future for other rural enterprises at their next meeting.

**Motion to approve adding to the 5/26/2022 approval of Cannon Hill Holdings, LLC rural enterprise the requirement of an indemnification clause made by Mr. Goodhart and seconded by Mr. Landis.**

**MOTION CARRIED UNANIMOUSLY**

Prior to adjournment Mr. Zimmerman asked Commissioner D'Agostino if any of the American Rescue Plan funding could be used for farmland preservation? Commissioner D'Agostino said yes; however, there must be a direct tie to water conservation/watershed restoration. Mr. Knepper indicated that he felt any funding available should be directed to the Lancaster Farmland Trust as their organization is already directly working on water quality/watershed projects.

Mr. Zimmerman stated that just because the funds needed to be tied to water resources did not eliminate the possibility of the Agricultural Preserve Board partnering and/or having a collaborative relationship with any of the Clean Water Partners. Furthermore, he suggested that perhaps a way for the Agricultural Preserve Board farmers to benefit from this funding would be to modify the ranking system and incorporate a willingness for a landowner to do enhanced BMPs (best management practices) that would impact water. The landowner could get more points in the ranking system and the Board could make use of some of the American Rescue Plan funds to preserve the farm. Mr. Zimmerman said he is trying to think outside the box, avoid duplication of efforts and not miss out on an opportunity.

**VII. Adjourn** The meeting adjourned at 8:40 am.

**The next scheduled meeting of the Agricultural Preserve Board**

Thursday, July 28, 2022, at 8:00 a.m.

Lancaster County Public Safety Center

101 Champ Blvd. Manheim, PA 17545