

Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, July 22, 2021

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

Absent: Mr. Roger Rohrer, Vice Chairman
Mr. Kevin Baer, Farmland Preservation Specialist

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

Guests: Brandon Conrad, Attorney

I. Call to Order

Mr. Jeffrey Frey called the meeting to order at 8:22 a.m.

II. Review of Mission Statement

Mr. Jeffrey Frey requested that all Board members 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 July 22, 2021, at 7:15 a.m. to discuss real estate transactions and litigation.

IV. Approval of Minutes

Motion to approve the June 24, 2021 meeting made by Mr. Edward C. Goodhart, III and seconded by Mr. Daniel Zimmerman

MOTION CARRIED UNANIMOUSLY

V. Business from Guests –

Subdivision discussion concerning 1990-027, Acq#0083, 352 Oak Lane, Mount Joy 150-68874-0-0000.

Brandon Conrad, attorney for Sam Stoltzfus' real estate business, was in attendance and stated that he will be submitting the Application for Subdivision &/or Residential Construction.

VI. New Business

A. Requests for Subdivision/Land Development

i) CONSTRUCTION REQUEST – BOARD SUMMARY

Meeting Date for Review: July 22nd, 2021

APB Staff:

Applicant:

File No: 2002-023-A
Acq No: 0678
Original Grantor: Michael D. and Camille S. Gracie
Grantee: County of Lancaster and USDA-NRCS (FRPP)
Date of Easement: 10/05/2007
Acres Preserved: 47.09
Property ID: 1008487000000
Property Location: 785 Wesley Road, Colerain Township
Current Owner(s): Samuel M. and Malinda L. Stoltzfus

FRPP Construction Request:

Construction activities on farms preserved with FRPP funds require County Board approval for purposes of ensuring impervious surface limit is not exceeded. The FRPP Addendum for this farm contains a maximum impervious surface limit of 6%, which 2.83 acres, or 123,274.80 square feet.

The new construction is for a 50 x 80 barn. Mr. Lapp explained he is removing some older structures and consolidating in this new barn. The barn is in process, we reviewed the impervious list for the farm and Mr. Lapp updated some items had been removed. This area is within the permitted FRPP impervious surface limit.

Maximum Impervious Surface Limit:	123,274.80 sq ft (2.83 ac)
Impervious Existing at ACE granting:	8,282 sq ft
Buildings Removed	288 sq ft
New Building	10,336 sq ft
Balance:	104,944.80 sq ft (2.409 ac)

Staff Recommendation:

Approval, as it is within the impervious surface limitation.

Conditions of approval:

n/a

Review of Impervious Surface Calculations

File # 2002-023- A
 Acq. # 678
 Parcel 1008487000000
 Easement Recorded 9/28/2007
 Name Michael D. & Camille Gracie
 Address 785 Wesley Road, Kirkwood
 Township Colerain
 Granter County/Federal
 Current Owner Samuel M. Malinda L. Stoltzfus

Acres 6% Easement
 Total Acres 47.09 2.83 Acres
 Square Feet 2,051,240.40 123,274.80 S.F.

Appraisal - Date: 10/10/2007	
Pages of Appraisal Book	35

Description of Structure	Dimensions	Surface Area, Footprint, - sq ft	
Residence			3,434
Attached Garage	26	36	936
Horse Barn	40	48	1,920
"	24	60	1,440
Run-in Shed	12	34	408
Two Frame Sheds			144

Existing impervious surface, at appraisal	Baseline	8,282.00
		0.190 Acres

Construction Post ACE Granting	Dimensions S.F		
2021, Proposed, Hoop House	32.00	248.00	7,936.00
2021 Future Plans, Equipment - Produce Shed	40.00	60.00	2,400.00
			-
Additional Impervious			10,336.00

Decrease Since	Dimensions S.F		
Shed	12	24	288.00
			-
Removal Impervious			(288.00)

Approved and Existing Impervious Surface	18,330.00	S.F.
	0.42	Acres
Maximum Allowed Less Existing Impervious Surface	104,944.80	S.F.
	2.409	Acres

Motion to Approve made by Mr. Daniel Zimmerman and seconded by Mr. Andrew Lehman.

MOTION CARRIED UNANIMOUSLY

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

Meeting Date for Review: July 22nd, 2021

APB Staff: Jessica Graham

Acq. No(s): 0836

Original Grantor: Melvin & Carolyn Lantz

Grantee: State

Date of Easement(s), recorded: 07/24/2012

Acres Preserved: 98.32

Property ID(S): 5601672600000

Property Location(s): 494 Compass Rd, Gap

Current Owner: Melvin & Carolyn Lantz

Statute: ___ Act 442, **X** Act 43

Subdivision Details: **X** ACE, ___ 1995 Guidelines, **X** 2009 Guidelines

Impervious Restrictions: ___ Federal, ___ LFT

Land Development / Subdivision Request:

Mr. Lantz is requesting a two-acre residential subdivision for himself on his 98 acre farm.

Background:

The farm has two dwellings on it from the time of preservation, a large farmhouse (with two separate living spaces), and a doublewide trailer. Mr. Lantz is in the process of selling the farm. It went to auction on 6/24 and now is pending sale.

Applicable Regulations and Policies:

- ACE (Act 43), Deed Restrictions, Paragraph 3. Subdivision

Other pertinent factors:

Subdivision is contained within two acres.

Proposed lot is located next to other residential development and has immediate road access.

Mr. Lantz is working with Red Barn engineering and in communication with the township.

Staff Recommendation:

Staff recommends approval, pending township approval.

Conditions of Approval

Standard Conditions -

- Future property deeds for the farm must indicate that no further dwellings or subdivision may occur.
- 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 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. Jered Hess and seconded by Commissioner Ray D'Agostino.

- **MOTION CARRIED UNANIMOUSLY**

B. Requests for Rural Enterprise

i) RURAL ENTERPRISE BOARD SUMMARY

Meeting Date for Review: July 22nd, 2021

APB Staff: Jessica Graham

Acq. No(s): 0143

Original Grantor: John & Thelma Wolgemuth

Grantee: State

Date of Easement(s), recorded: April 12th, 1993

Acres Preserved: 85.38

Township: Mount Joy

Property ID: 4619027400000

Property Location: 311 Snyder Rd, Mount Joy PA 17552

Current Owner(s): Karl & Christina Dirks

Rural Enterprise Request:

Karl Dirks is utilizing the implement shed on his property to run Lancaster Seed Sales. The implement shed is approximately 12,000 sq ft. Karl Dirks is the only employee. He operates the business approximately 2-4 hours a day. Ingress & egress is through the existing driveway.

Background:

The Dirks purchased the farm from the Wolgemuth's in 2018. In 2019 they demolished the existing implement shed to replace it with a slightly larger one.

Applicable Regulations and Policies:

Example below

- ACE (Act 43), Deed Restrictions, Paragraph 3
"Customary part-time or off-season minor or rural enterprises and activities that are provided for in the County Agricultural Easement Purchase Program approved by the State Board are permitted.
- Mount Joy Township has provided confirmation that this activity is permissible.

Other pertinent factors:

Karl has stated that he uses approximately 75% of the building for seed sales. Therefore, this rural enterprise uses approximately 9,000 sq ft. The limit of maximum square footage (being .5%) would be 18,595.76 sq ft.

Rural Enterprise Guidelines Check Off:

General Provisions

- ✓ Does not detract from the Ag Use
- ✓ Primary use of the restricted land is Ag Production
- ✓ Proposed Rural Enterprise owned or operated by owner or farmer in residence

- ✓ Does not harm the economic viability of or negatively impact the farm or adjoining preserved farms
- ✓ Landowner has provided sufficient credible evidence of meeting all criteria
- ✓ Written confirmation has been provided that the Rural Enterprise is permitted by the Township, indicate what was provided (zoning permit, ZHB decision, letter from ZO)
- ✓ Verification of Implementation of Conservation Plan and Manure Management/Nutrient Management

Type of Rural Enterprise & Associated Requirements, if applicable to the proposal

- ✓ All of the farm is still available for ag production
- ✓ Activity is located in the curtilage of existing structures
- ✓ No excavation, paving, gravel or construction
- ✓ Meets acreage restrictions
- ✓ Use supports local ag economy and economic viability of other preserved farms

Staff Recommendation:

Staff recommends approval seeing as the enterprise meets APB Guidelines.

Conditions of Approval:

Standard Conditions -

- 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.
- Any changes to the operation must be presented to APB for review and approval prior to undertaking such changes.
- All other requirements that may be imposed by the Township or any other regulatory body must be met.
- APB staff is authorized to grant final approval once any outstanding conditions have been met.
- 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.
- 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.

Motion to Approve made by Mr. Andrew Lehman and seconded by Mr. Daniel Zimmerman.

- **MOTION CARRIED UNANIMOUSLY**

ii) **RURAL ENTERPRISE BOARD SUMMARY**

Meeting Date for Review: 7/22/2021

APB Staff: June L. Mengel

Acq. No(s): 0062.1
Original Grantor: Stanley E. and Mildred P. Kreider
Grantee: County of Lancaster, Act 442, Open Space Easement
Date of Easement(s), recorded: 12/30/1988, Deed Book 2555, Page 277
Acres Preserved: Total 163.4, Ag Subdivided, this farm now 88.429
Township: Drumore
Property ID: 1705592400000
Property Location: 1019 Osceola Rd, Drumore PA 17518
Current Owner(s): Amos K. and Fannie S. Glick

Rural Enterprise Request:

Landowners desire to construct a 22x32 single story structure to serve as “community” cold storage.

Background:

This farm was chosen, presumably by members of the church district, to be the site of a small community cold storage unit as it is centralized within the district and is also adjacent to Route 272. The entire site area will be approximately 1,600 square feet. There will be gravel parking with a hitching bar for two to three buggies and one van. There will be no lease agreement, the building and site of the building will continue to be owned by the Glick family or any subsequent landowner. Location will be within the broader curtilage area, across from the family’s garden, directly off the farm lane in part of the pasture area.

Applicable Regulations and Policies:

Example below

- ACE (Act 442), Deed Restrictions, Paragraph 2, Directly associated uses, etc.
“Other similar uses considered upon written request to the Lancaster County Agricultural Preserve Board.”
- Drumore Township has provided confirmation that this activity is permissible, and they are ready to issue a building permit upon approval by APB. While the Township is viewing this as “commercial” they are working with the landowners to waive some of the requirements.

Other pertinent factors:

- Structure is small in size
- Location within curtilage in pasture along farm lane
- No macadem proposed, Township will likely require fine gravel because of handicapped accessibility.
- There will be no tractor trailer deliveries or pick ups
- These storage facilities are relatively common within the Plain community.

Rural Enterprise Guidelines Check Off:

General Provisions

- Does not detract from the Ag Use
- Primary use of the restricted land is Ag Production
- Proposed Rural Enterprise owned or operated by owner or farmer in residence, if not explain:
- Does not harm the economic viability of or negatively impact the farm or adjoining preserved farms
- Landowner has provided sufficient credible evidence of meeting all criteria

X Written confirmation has been provided that the Rural Enterprise is permitted by the Township, indicate what was provided (zoning permit, ZHB decision, letter from ZO) – Staff has spoke with Township Zoning Officer

NA Verification of Implementation of Conservation Plan and Manure Management/Nutrient Management ~ This Ag Conservation Easement does not require a Conservation Plan; however, this farm has excellent conservation practices including but not limited to: strips, contours, rotations, waterway & diversions, minimum and no till and cover crop or residue where appropriate

Type of Rural Enterprise & Associated Requirements, if applicable to the proposal

All of the farm is still available for ag production

Activity is located in the curtilage of existing structures

No excavation, paving, gravel, or construction

Meets acreage restrictions (identify)

Use supports local ag economy and economic viability of other preserved farms (explain)

Staff Recommendation:

Staff recommends approval.

Conditions of Approval:

Standard Conditions -

- This activity 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 and as included in the Minutes for the Meeting.
- No macadam or other pervious surface may be installed in conjunction with this activity/use.
- Any changes to the operation must be presented to APB for review and approval prior to undertaking such changes.
- 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 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 sound soil and water conservation practices as is currently the status.
- The preserved farm must continue to be used for agricultural production and this activity may not restrict the use of the farm for agricultural production and/or normal farming operations.
- Not to be used for retail sales.
- Any expansion or change of any type must be reviewed and approved by the Board.

Motion to Approve made by Mr. Daniel Zimmerman and seconded by Mr. Gary Landis.

- **MOTION CARRIED UNANIMOUSLY**

C. Subdivision Criteria Discussion

Continued discussion from last month concerning the various aspects that impact/guide the ability to subdivide on farms that are subject to agricultural conservation easements.

ACT 43	144	65 thru 208	12/28/1989 - 10/24/1996	None - in ACE, "does not harm economy viability"	ACE/Statute/Regulations provide for 2 acre residential subdivision or Ag subdivision that does not harm economic viability for agricultural production	At least 7 ACES w/o reference to attachment of Subdivision Guidelines
Further Breakdown						
<u># of Preserved</u>						
<u>Farms</u>		<u>Acreage Range</u>				
9	11 - 24.5					
21	25.5 - 49.4					
33	50.6 - 75					
42	76.2 - 99.5					
16	100.6 - 124.6					
9	125.7 - 142.6					
5	160.3 - 174.1					
				<u># of Residential Subdivisions in this batch of 144</u>		
2	177.3 - 189.7			Residential	7	
4	218.7 - 274.9			Agricultural	12	
3	366.9 - 397.5					

The discussion was focused on those farms that have been preserved under the ASA Law (Act 43) where the agricultural conservation easement does not have specific subdivision guidelines attached. Mr. Matthew Knepper explained to the Board that after talking with legal counsel and representatives at the Bureau of Farmland Protection that no new policy has been created for this group of farms that have no new or specific subdivision criteria attached. The subdivision that is permitted for these preserved farms is what exists (existed) in the ASA law and regulations.

The Board agreed that they may permit subdivision on these farms with no subdivision guidelines if the application is complete and demonstrates that all subdivision criteria are met, and if subdividing will not do any of the following:

- 1) Harm the economic viability of the subject land for agricultural production, which is defined as causing a particular tract of restricted land to fail to meet the following criteria:
 - a. Contiguous acreage of at least 10 acres in size and contiguous to a property which has a perpetual conservation easement in place
 - b. Contain at least 50% of soils which are both available for agricultural production and of land capability classes I—IV, as defined by the USDA-NRCS
 - c. Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing land

- 2) Convert land which has been primarily devoted to agricultural use to some other use, unless the subdivision is for the purpose of the construction of a principal residence for the landowner or an immediate family member or a farm employee

3) Violate any provision of the county program

To further ensure the proposal will not harm the economic viability of all the subject land (that is, all subdivided tracts), the Board may request an applicant to furnish a farm business plan (the "Plan"). The Plan shall provide, for each proposed subdivided tract, a schedule of uses, income and expense as to each, projected cash flow statements, other pro forma documentation, debt service statements, and other similar information.

Motion to Approve the Board policy dated July 22, 2021, made by Mr. Edward Goodhart, III and seconded by Mr. Commissioner Ray D'Agostino.

MOTION CARRIED UNANIMOUSLY

VII. Adjourn The meeting adjourned at 9:39am.

The next scheduled meeting of the Agricultural Preserve Board

Thursday, August 26, 2021, at 8:00 a.m.
Lancaster County Public Safety Center
101 Champ Blvd. Manheim, PA 17545