

**Lancaster County Agricultural Preserve Board**

**Meeting Minutes**

**July 28, 2022**

**Present:** Mr. Roger Rohrer, Chairman  
Mr. Daniel Zimmerman, Vice Chairman  
Mr. Edward C. Goodhart, III, Secretary  
Mr. Jeffrey Frey  
Mr. Gary Landis  
Mr. Andrew Lehman  
Mr. Matthew Young

**Absent:** Commissioner Ray D’Agostino  
Mr. Jered Hess

**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. Mike Rohrer and Mr. Douglas Wolfgang

**I. Call to Order**

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

**II. Review of Mission Statement**

Mr. Goodhart 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**

Mr. Knepper shared that Mr. Rohrer, Mr. Lehman, Ms. Mengel and he would be meeting with Mr. Samuel Kauffman at the farm on Friday to discuss progress on any resolution to the easement violation.

**VI. Approval of Minutes**

**Motion to approve the June 23, 2022 meeting minutes made by Mr. Zimmerman, seconded by Mr. Lehman.**

**MOTION CARRIED UNANIMOUSLY**

**V. Business from Guests**

At this time Mr. Knepper introduced the guests who would be involved in the meeting: Dr. Weston Shertzer and his preserved farm neighbor, Mr. Mike Rohrer. Mr. Douglas Wolfgang, Director for the Pennsylvania Department of Agriculture’s Bureau of Farmland Preservation was also in attendance.

## VI. New Business

### A. Request for Subdivision / Land Development

#### 1) APB Acq. 0882, Rohrer Properties, LP, Manor Township

Mr. Knepper reminded the Board that Dr. Shertzler has appeared before the Board a number of times to discuss the possibility of relief from the Board in order to construct an access easement on farmland subject to an Agricultural Conservation Easement.

Dr. Shertzler presented to the Board his proposal, which addressed in detail the various aspects of evaluation criteria imposed by the Board.

Mr. Frey asked Mr. Rohrer if he believed there would be any negative impacts to his preserved farm if this access driveway were constructed? Mr. Rohrer responded that while he would likely not use the driveway to access fields, he did view the removal of trees as a positive and that the driveway would not impact any crop fields.

Mr. Zimmerman commended Dr. Shertzler on his detailed response to the Board's evaluation criteria and stated that it was made apparent that there would be no negative impact to the farming operation on Mr. Rohrer's farm and that there was a small agricultural benefit.

Mr. Young stated that while he did not have any aversion to this particular proposal, he was concerned that these requests for access and use would become more prevalent.

Mr. Goodhart agreed that these requests would continue; however, they will each be unique and will have to be viewed on their own merits.

Mr. Lehman added that he can support this because there is zero impact to the farm; however, it would be better if the preserved farm owner was making the request and the driving force not an adjoining landowner.

Mr. Landis stated that the Application / Ask for this access/driveway easement really needs to come to the Board from the preserved farm owner in conjunction with the adjoining landowner as a matter of procedure.

Collectively the Board expressed that they would likely be agreeable to this access easement proposal; however, Mr. Knepper needs to review several details with the solicitor in terms of precedent setting likelihood and how an approval or concurrence with this action might be constructed.

### B. Requests for Rural Enterprise

#### 1) APB Acq 0248, Benjamin B. and Annie F. Lapp, Colerain Township, Customary Ag Compatible Enterprise, 2014 RE Guidelines by signed supplement

Mr. Lapp and his son and father currently operate a business known as Solanco Machinery inside an existing 34' x 78' structure. They build no-till tobacco planters and repair corn and tobacco planters and hay rakes. The area used for this enterprise is .20 acres and the maximum area that would be permitted (1/2% of total preserved farm acreage) is .346 acres.

**Motion to approve the Customary Ag Compatible Enterprise as presented in the Application inclusive of all Conditions of Approval (two outstanding items: Conservation Verification and Township Approval) made by Mr. Frey and seconded by Mr. Landis.**

**MOTION CARRIED UNANIMOUSLY**

Mr. Knepper informed the Board that from hence forward all aspects of a Rural Enterprise Application must be complete prior to being reviewed by the Board. Staff would like the Board to grant FINAL approvals rather than conditional approvals or preliminary approvals.

### **C. Act 33 Program Amendment**

Mr. Knepper explained to the Board that after a meeting with the Board's solicitor, two of the Bureau of Farmland Protection's solicitors, and the Bureau's Director, it was determined that it was not an option to use the relinquishment of the house-right by as a criteria in the Board's Farmland Ranking System. The Bureau's position stands firmly behind the statutory right (embodied in the Agricultural Conservation Easement) to construct an additional residence and while that right can be relinquished after the farm is preserved, it can not be incentivized away PRIOR to preservation.

There are still options that the Board may consider such as capturing the value of the house right at the time of appraisal and use that value as a negotiating tool when determining easement value. Additionally, on those farms that are already preserved there would be a possibility to compensate a landowner for relinquishing the house right with county funding.

### **D. Doug Wolfgang, Director, PA Bureau of Farmland Preservation**

Mr. Wolfgang was invited to the Board Meeting to provide the Board a broader picture of farmland preservation issues that the Commonwealth is addressing.

Mr. Wolfgang started by stating that what Lancaster County is experiencing is what is happening at a statewide level, more and more time and effort are going into portfolio management. There are 600,000 of preserved farmland.

He shared that some of the bigger statewide issues are:

- Continued loss of farmland, recently to large lot residential and warehouses
- Stewardship – trying to make practical adjustments in interpretations to be reasonable while still protecting the integrity of the program and the investment of tax dollars
- Eminent Domain – preserved farms / farms are often seen as the path of least resistance for projects when the PUC and FERC are involved
- Energy Production – solar development is putting pressure on farmland
- Transition and acquisition of farmland – in many places, farmland is simply too expensive for the next generation and/or new farmers

The PA Department of Ag/Bureau of Farmland Protection has advocated for enhancements in the Farm Bill and been successful on many occasions with vitality planning grants, relief of real estate transfer tax, and creation of beginning farmer tax credits. Furthermore, he pointed out that there is over \$154 million of American Rescue Plan Act funding available for Best Management Practice implementation on farms in Pennsylvania.

He stressed that there is still tremendous support for farmland preservation across the State.

Mr. Knepper and the Board thanked Mr. Wolfgang for taking the time to attend the Meeting and share information and answer questions.

### **VII. Adjourn** The meeting adjourned at 9:47 am.

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

Thursday, 25, 2022, at 8:00 a.m.

Lancaster County Public Safety Center

101 Champ Blvd. Manheim, PA 17545