

Lancaster County Agricultural Preserve Board

Meeting Minutes

September 22, 2022

Present: Mr. Roger Rohrer, Chairman
Commissioner Ray D'Agostino
Mr. Jered Hess
Mr. Gary Landis
Mr. Andrew Lehman
Mr. Matthew Young

Absent: Mr. Jeffrey Frey
Mr. Edward C. Goodhart, III, Secretary
Mr. Daniel Zimmerman
Mrs. Denise Alvarez, Administrative Assistant

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

Guests: Mr. Leon Eby, Clay Township; Mr. Robert Fox, Mr. Corey Fox and Mr. Chad Fox, Clay Township and preserved farm owner/operator from Maryland, Abraham Raun (spelling?)

I. Call to Order

Mr. Rohrer called the meeting to order at 8:25 a.m.

II. Review of Mission Statement

Mr. Rohrer 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 Board met in Executive Session on September 22, 2022 at 7:15AM to discuss violations of Agricultural Conservation Easements

VI. Approval of Minutes

Motion to approve the August 25, 2022 meeting minutes pending a correction that identifies Mr. Jered Hess as absent for that meeting, made by Mr.Landis, seconded by Mr.Lehman.

MOTION CARRIED UNANIMOUSLY

V. Business from Guests

Mr. Rohrer noted there were a number of guests: Robert Fox, Corey Fox and Chad Fox, preserved farm owners in Clay Township and owners/operators of Fox Meadows Creamery. Also, preserved farm owner from Maryland, Abraham Raun (spelling?) was in attendance.

VI. New Business

A. Acq 0105, Fox Family Partnership, LLC – Parking Expansion, Clay Township

Mr. Rohrer welcomed the Foxes and asked them to share with the Board their more recent parking expansion, beyond what the Board originally approved in 2015.

Mr. Chad Fox presented the family's position to the Board. He provided a brief background of the family: Dairy farmers since the 1950, when their grandfather, Richard Fox, operated the farm. In 2015, the family opened their ice cream processing and retail sales business as a means to create a sustainable operation for future generations.

As part of the growth of their ice cream business, the Foxes sought and received approval from the Board to create a gravel parking area next to the business (which is located on commercial land, immediately adjacent to the farm) to accommodate overflow parking. Mr. Fox noted that this parking has been sufficient except in extreme cases. Recently, they created grassed parking for their employees adjacent to this gravel lot. They used some grass buffer along the road that typically was used for tractor turn around and did take a small amount of farmland out of production and planted grass seed. Mesh netting was used to prevent any erosion and they also put down wood markers to identify parking spot. This parking was needed for employees. At any given time, there are 18 – 20 employees working at the creamery. They can't park in the lot because that takes space away from customers. They were parking at the farm and walking to the Creamery; however, that was presenting a problem for the milk truck navigating around cars for milk pick up and also presented a safety issue for employees who had to walk along Clay Rd.

Mr. Fox acknowledged that they should have reached out to both the Township and the Board prior to creating this new parking area. He extended apologies for this oversight and said it was in no way intentional.

Board Members followed up with some questions. The answers to those questions:

- Newly created grassed parking area is approximately 32' x 165'
- New area accommodates exactly 18 vehicles
- New area is needed only for Saturdays throughout the year and M-F, during peak season (June, July & August)
- Total Parking Approved by Zoning (prior to creation of this new employee parking) was around 77 with around 55 in the gravel area on the preserved farm and approved by the Board and 22 at the Creamery.
- Long Term Goal is still to acquire the neighboring property. There have been on-going conversations with the property owner, but there this no desire to convey the property at this time.
- 60% of sales from creamery are "ag production" – milk from dairy
- 10% of the dairy's milk is used for the Ephrata location of Fox Meadows Creamery
- Ephrata location is producing the ice cream for the newly opened Leola location
- Gravel parking area also accommodates fall pumpkin and produce (gourd) sales. All pumpkins and gourds are grown on farm, mums are purchase elsewhere.

Mr. Hess noted that the Board's approval in 2015 for the gravel parking area is the maximum (1/2%) that is permitted. Mr. Lehman and Mr. Young concurred with Mr. Hess's observation.

Mr. Hess asked what / how would the Foxes propose to address/remedy this violation?

Mr. Fox indicated that they were hopeful that they and the Board could reach a solution that would be acceptable to both parties. For instance, they could park 9 of the employees at the farm and shrink the grassed parking area, remove the mesh and only park 9 employee vehicles there rather than 18.

Mr. Young again echoed the fact that this grassed parking, while it may be for employees and it may be only for Saturdays and the peak season (June, July & August), exceeds the ½% and is a violation and must be removed.

Mr. Knepper addressed the fact the Board's original approval in 2015 required Township Approval and that if the Foxes wanted to modify the parking and needed Board approval, it would also have to be reviewed and approved by the Township.

Mr. Rohrer suggested that if they were able to park employees at the farm, creating a grassed walking path on the farm perhaps in the grass buffer/tractor turn around area would likely be a reasonable solution that the Board could potentially approve.

Mr. Hess, Mr. Lehman and Commissioner D'Agostino all commented that they are pleased that this family business is doing so well and the desire to be accommodating is strong; however, the farm is preserved and the Board has a responsibility to uphold the terms of the agricultural conservation easement.

Mr. Fox said they would remove the grassed parking at their earliest convenience and try to develop an alternate arrangement for staff.

B. Acq 0414, Leon Z. and Elsie M. Eby – Relinquishment of Additional Residential Structure, Clay Township

Mr. Eby explained that he and his wife have not used the one additional residential house right and associated 2 acre subdivision associated with their agricultural conservation easement. There are no residential lots in the area of his farm and they would like to see it stay that way. He has a son-in-law who farms and a son who has about five more years of military service remaining. Either may decide to farm and it would be advantageous to not have to take a lot of the farm. Moreover, there is a farm to the North that is coming up for public auction, and this farm has one residential subdivision right. The farm is adjacent to a number of lots. Mr. Eby had been in communication with a potential buyer of the farm and if the successful bidder, this individual would consider selling Ebys a residential lot, which they would place adjacent to a row of existing houses.

The Ebys would be interested in relinquishing the lot on their home farm and are curious as to how much the Board might compensate for the relinquishment of this right?

Mr. Knepper reminded the Board that recent legislation allows for preserved landowners to relinquish the additional house and associated subdivision. Typically, this would occur at preservation, and if it occurred after preservation, the preserved farm owner could do this on his / her own by recording a document that indicates the house right is no longer available on the preserved land. This not prevent, the Board from being part of the process and even compensating landowners for giving up this right with County funding. Options to determine value could be:

- Appraisal on each ask to determine a value
- Establish a County-wide value that would apply to all farms

It is important to note, that the value would not be an offset to what a 2 acre lot would sell for, but there would be some value. There is a difference between a development right and the cost of a building lot.

Mr. Baer in discussing this with one of the appraisers used by the Board, said that appraiser determined that the value of a house right is around \$300/acre. This value was specific to a particular farm project. For instance, 75 acre farm x \$300/acre "house right value" = \$22,500. This is obviously far less than a house lot that might sell for \$100,000 to \$200,000.

Mr. Young said that he believes this is a great opportunity, anytime a house lot can be removed from agricultural land it minimizes conflict.

Mr. Hess asked Mr. Eby what number was he thinking? Mr. Eby responded 50% of the value of whatever he would have to pay for a lot.

Commissioner D'Agostino asked if the Board's \$4,000/acre cap would impact any value attributed to a house-right/two acre lot? Mr. Knepper explained that the \$4,000/acre cap is for an easement purchase and that if the Board decided to pursue some form of compensation for preserved farm owners who wanted to relinquish their house-right subsequent to preservation, a different value could be established.

Some Board Members voiced concern that paying someone to relinquish their house right would prevent another farm from potentially being preserved, particularly the 50% bargain sale projects. Mr. Rohrer said if this was something the Board wanted to pursue, maybe a cap on the number of projects (reimbursement for relinquishment) would have to be established.

Mr. Knepper said he would contact an appraiser / appraisers to investigate how a value would be determined so that the Board would have more information should they decide this was something to pursue.

C. Requests for Subdivision/Land Development

1) Acq 0661, Jacob L. and Suzanne B. Stoltzfus Penn Township, 2 acre residential subdivision

Mr. Knepper explained to the Board that this was a straight forward proposal with one slight exception. The prior owners of the farm, Leroy and Susie King began this process with staff. They were planning to sell the farm, but wanted to build their "retirement home" along the road frontage. They sold the farm to Jacob and Suzanne Stoltzfus prior to submitting the application for subdivision to the Board and obtaining Township approval. Mr. and Mrs. King still live in the farmhouse and help/work on the farm.

The way in which the easement provides for the additional house and associated subdivision is for the principal landowner, immediate family or an employee of the farm. Had the timing of this project proceeded as it was originally planned, Mr. and Mr. King would have gained approval for the house/subdivision PRIOR to conveying the farm. In this instance, the subdivision request is being made by the new owners, Mr. and Mrs. Stoltzfus, but will be for Mr. and Mrs. King, who could be rightfully deemed employees of the farm.

Motion to approve the residential subdivision as presented in the Application and Board Summary, inclusive of all Standard Conditions of Approval being satisfied made by Mr. Lehman, seconded by Mr. Hess.

MOTION CARRIED UNANIMOUSLY

VII. Adjourn The meeting adjourned at 9:35 AM.

The next scheduled meeting of the Agricultural Preserve Board

Thursday, October 27, 2022, at 8:00 a.m.

Lancaster County Public Safety Center

101 Champ Blvd. Manheim, PA 17545