

Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, October 22, 2020

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

Absent: Mr. Jeffrey Frey, Chairman
Mr. Matt Young

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

Guests: Kenton Martin, preserved farm landowner, Elizabeth Township
Molly Hughes, Vice President, Engineering, Red Barn Consulting Inc.
Peter Hughes, President, Red Barn Consulting Inc.

I. Call to Order

Mr. Gary Landis called the meeting to order at 8:03 a.m.

II. Review of Mission Statement

Mr. Gary Landis encouraged the Board to read aloud 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

- A. The Agricultural Preserve Board met in Executive Session on October 22, 2020 at 7:15 a.m. to discuss real estate transactions.

IV. Approval of Minutes

Motion to approve the September 24, 2020 meeting made by Mr. Andrew Lehman and seconded by Mr. Edward C. Goodhart.

MOTION CARRIED UNANIMOUSLY

V. Business from Guests

No Business from Guests at this time.

VI. Business

A. Request for Subdivision/Land Development – None

- i) **Land Development Request, APB Acq 0921, Kenton N. and Karen B. Martin, 280 Pleasant Dr, Reinholds PA, FARM LOCATION = 28 East Division Hwy, Lititz, PA, Elizabeth Township: 240450900000 // Acres Preserved: 56.83 acres**

This farm was preserved in 2015 by the late Carl S. Seppi and was a 50% donation. The farm is subject to the 2009 Subdivision and Land Development Guidelines, which require review and approval for the construction of the one additional residential structure that is permitted by the Agricultural Conservation Easement (ACE.)

The current landowners, Kenton and Karen Martin, are proposing to construct two turkey houses, an implement shed and the one permitted additional residential structure. They are requesting Board Approval.

Staff has reviewed the proposal and is concerned that the proposed location of the residential structure and the access to the structure are not situated in such a way that the impact to the farmland will be minimized and therefore is not recommending Approval of the request as presented.

Mr. Kenton Sweigart, Ms. Molly Hughes and Mr. Peter Hughes (both Red Barn Consulting Inc) were in attendance to present the proposal and answer any questions.

Molly Hughes, Engineer and VP at Red Barn, explained that this particular site / farm has many challenges that limit where a residence could be constructed: wetlands to the North, a farm pond to the Northwest, Highway Commercially zoned land (excluded from the ACE) to the Southwest, acreage in Christmas trees along the Southern portion and a powerline transecting the Northeast corner. In addition to this, because of current drainage on the property in conjunction with required storm water infrastructure associated with the proposed turkey houses, there was a diversion to the north of the proposed driveway entrance to the farm.

Mr. Zimmerman asked why the residence could not be placed on either side of the proposed driveway and tie into the stormwater for the turkey houses? Ms. Hughes explained that on the Northside, the diversion would impact the house site and on the southside, the property would sit too low to drain into the stormwater basin.

Mr. Landis acknowledged that there might be lease agreement with Coleman Farms for the trees, there existed the potential to construct the house in the Southeast portion of the property. Ms. Hughes said the topography in that area is very steep and would be problematic.

Mr. Zimmerman circled back and wondered why the house could not be built along the road frontage with a reasonable storm water solution?

Ms. Hughes responded that she believed that regardless of whether the house was along the road or at its current proposed location, the amount of disturbance would be the same.

Mr. Goodhart said that it is not just the amount of disturbance that the Board takes into consideration. The primary focus is on preserving the property for productive and efficient agricultural use. The proposed location of the residence in his opinion will disproportionately affect ag production. He noted

that the current configuration of the turkey houses, the driveway and the residence have created smaller fields that are not handy to farm.

Mr. Landis, who is familiar with the property and the Martin's landscaping business which is located on Route 322, inquired as to whether the dirt farm lane that transects the property and goes from the field to the business will still be used? Mr. Martin mentioned that he anticipates that his kids and even himself might still jump on the four-wheeler to go from the house or the implement shed to the business but it would never be more improved than what it currently is. Mr. Landis suggested that regardless of additional improvements, if this lane is to remain in place, it should be factored into any storm water planning along with the other improvements.

Mr. Rohrer asked how much of this parcel of ground is farmed now? Mr. Martin responded that 10 acres are in pasture and roughly 40 acres are in cropland and tree production. There are about 25 acres not farmed now because of wetlands and drainage areas.

Commissioner D'Agostino stated that he believes the Board should table any action on this request. He also offered that the County's engineer, Rettew, could review this proposal and offer some additional insight that might be beneficial. He stressed the tax dollars invested to preserve this parcel and due diligence is necessary in this type of evaluation.

Mr. Zimmerman agreed, adding that he still fails to understand why the residence could not be located along the road, with minimal impact to the farm.

Ms. Hughes asked what the Board might think if they relocated the residence to the end of the farm lane, thereby opening up more farmland and not creating a small, awkward size field.

Mr. Knepper reminded all, that the 2 acre curtilage includes the driveway. Ms. Hughes commented that this a multi-functional driveway and is needed as a secondary access to the turkey houses and implement shed.

Mr. Zimmerman wondered if APB could allocate 50% of the driveway as curtilage, rather than 100% or NONE because of its dual-functionality? Mr. Knepper said that there are occasions where this practice occurs. Mr. Zimmerman suggested that perhaps, rather than send this proposal to the County Engineer as it is now, APB asks the landowner to submit something that is more compliant.

Mr. Hughes asked the Board for some clarification on whether the entire driveway or just 50% would be included in the 2 acre curtilage area?

Mr. Goodhart responded that the Board was not unanimous on that matter and because of that, do not want to mislead the applicant and suggested they come back with better, more compliant plan.

The Board concurred that they would take no action at this meeting. The applicant was encouraged to redesign the residence location and driveway to be less impactful on the farm and return with that plan for review. The County's engineer would be able to provide a review if necessary.

At this time, Mr. Martin and the Red Barn consultants left the meeting. Additional discussion ensued:

Ms. Fortna shared with the Board that this was the fourth request for an additional residential structure located far back from a public road and in the middle of a farm like this she has seen. Mr. Zimmerman echoed that APB should be prepared for more similar requests, the next generation is coming along and want their homes tucked away.

Mr. Rohrer stated that with this particular property, given soils and topography, the most value on the property will be the poultry houses.

Mr. Landis said that he really believes the location of the house and implement shed are located such not only because of privacy, but because they are in close proximity to the business with a quick shortcut on the dirt lane.

Mr. Zimmerman asked Matt if septic is included within the two acre curtilage. Mr. Knepper indicated primary septic yes, APB has not required secondary/back up septic to be included.

B. Request for Rural Enterprise – None

C. 2021 Meeting Dates

The Board reviewed the proposed 2021 Agricultural Preserve Board meeting schedule. Motion was made to approve by Mr. Andrew Lehman and seconded by Mr. Edward Goodhart.

NOTE: At the meeting, Agenda Items, D (Ranking Discussion) and E (Additional Dwelling Location/Curtilage Discussion) were switched.

D. Ranking Discussion

Mr. Matthew Knepper reviewed the Board's preferences and modified scores in the ranking system to reflect those priorities. The highest priority was given to farm size and the next highest was to verification of an implemented Conservation Plan.

Mr. Hess asked if the Conservation Plan verification component as a ranking score was redundant when it is a requirement for a farm to have a Conservation Plan to apply. Mr. Knepper explained that it is a tricky ranking component because the verification will only be submitted once (at time of application) because it is simply not feasible to obtain each year from the applicant. Mr. Knepper asked if it makes sense to award points if the applicant submits a verification of implementation?

Mr. Rohrer indicated that he believes there is value in so far as the requirement for verification will potentially address any conservation issues, prompt the landowner to get an updated Conservation Plan and be educational.

Mr. Knepper presented the Board with two maps generated from the County's Planning Commission's Places 2040 and requested a determination which to use in our ranking system to evaluate consistency with county future land use planning. The two maps were derived from the same data but differ in terms of display; one is parcel specific and the other is a generalized area. Both maps provide a guide for creating contiguous areas of preserved land by "filling in the gaps."

Commissioner D'Agostino asked if there would be a way to use both maps and award more points for the Priority Area than the Preservation Area? The Board agreed with this suggestion. Mr. Knepper indicated he would investigate this possibility and see if it is feasible for GIS to implement. He reminded the Board that the ranking points associated with this particular factor were not substantial.

E. Additional Dwelling Location/Curtilage Discussion

Mr. Kevin Baer and Mr. Knepper shared with the Board a request from preserved farm owners Cleason and Dawn Sensenig to replace their existing residential structure in an area outside the curtilage of the existing residential structure. Would the Board make an exception and permit the replacement of the existing residential structure in a different, but nearby, location?

Mr. Baer reviewed the aerial map that illustrates where the current house is located and where the proposed replacement would be preferred. The reason the family does not want to replace the existing dwelling within the same area is safety for their children. The existing location is too close to Noble Road and the small yard slopes to road. Traffic on Noble Road has increased and so too have been the travel speeds.

Mr. Knepper explained that replacement of a residential structure existing on the restricted land at time of the granting of the ACE is permitted if the existing structure is removed and the replacement residential structure is erected within the curtilage of the residence it is replacing. Curtilage is the area surrounding a residential structure used for a yard, driveway, on lot sewage system or other non-agricultural purpose. Is the Board willing to grant an exception due to the specific conditions in this situation such as proximity of proposed dwelling to the existing curtilage, location near other structures (ag), utilization of existing shared use drive, and improved safety? He added that the State Agricultural Land Preservation Board has recently begun to permit Counties to be flexible and use appropriate discretion in these situations.

Mr. Andrew Lehman said that he would consider permitting, but there would have to be a trade-off since they'd be taking land out of production at the proposed site. For instance, removal of the garage and shed with a conversion of area to ag use.

Mr. Roger Rohrer said while he didn't like seeing land taken out of production, the reality is that the little corner they'd be taking out is difficult to farm.

Mr. Gary Landis said he'd be willing to consider but would like more information about how much land would be taken out of production and would they put some back into production.

Mr. Jered Hess wondered if the existing driveway to the current house would be removed. Mr. Baer answered that it would be removed.

At this point, Mr. Lehman asked why the Board allows exceptions at all and why the Board does not hold fast to existing policy/rules? He stated that it is a struggle for him to grant an exception without a really, really good reason.

Mr. Knepper concurred by saying that more of the burden needs to be put on the landowner to meet our guidelines and if they cannot, demonstrate why.

Commissioner Ray D'Agostino commented that the Board should have a list of reasons or justifications as to why an exception may occur, rather than have "one-offs."

VII. Adjourn

The meeting adjourned at 10:00 a.m.

The next scheduled meeting of the Agricultural Preserve Board

Thursday, November 19, 2020, at 8:00 a.m.

Lancaster County Public Safety Center

101 Champ Blvd. Manheim, PA 17545