

**Lancaster County Agricultural Preserve Board  
Meeting Minutes  
Thursday, January 28, 2021**

**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. Matt Young\*  
Mr. Daniel Zimmerman\*  
Ms. Noelle Fortna, Farmland Preservation Specialist\*

**\*All were present via ZOOM for the Executive Session portion of the Meeting**

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

**Guests: No Guests**

**I. Call to Order**

Mr. Jeffrey Frey called the meeting to order at 8:12 a.m.

**II. Review of Mission Statement**

Mr. Jeffrey Frey 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**

The Agricultural Preserve Board met in Executive Session on January 28, 2021 at 7:15 a.m. to discuss real estate transactions.

**IV. Approval of Minutes**

**Motion to approve the November 28, 2020 meeting made by Mr. Edward C. Goodhart III and seconded by Mr. Andrew Lehman**

**MOTION CARRIED UNANIMOUSLY**

**V. Business from Guests**

No Business from Guests.

## **VI. Business**

### **A. Vice Chair and Secretary Elections, Chair Recommendation**

Mr. Knepper shared with the Board that Chair position is one that is appointed by the County Commissioners; however, the County Commissioners prefer a Board recommendation.

Mr. Gary Landis explained to the Board that he has been honored and enjoyed his time as Vice Chairman. He recognizes that the logical progression should be a Vice Chair that could potentially move into the position of Chair; however, at this time, he is not interested in that role. Moreover, he has not yet decided whether or not he will run for Clay Township Supervisor again and his role on the Agricultural Preserve Board is that of a Township Official.

**Motion to nominate Mr. Jeffrey Frey as Chair made by Mr. Roger Rohrer, seconded by Mr. Goodhart.**

**Motion to close nominations and recommend Mr. Frey as Chair to the County Commissioners made by Mr. Andrew Lehman and seconded by Mr. Roger Rohrer.**

**MOTION CARRIED UNANIMOUSLY**

**Motion to nominate Mr. Roger Rohrer for Vice Chairman made by Mr. Gary Landis and seconded by Mr. Edward Goodhart.**

**Motion to close nominations and approve Mr. Roger Rohrer as Vice Chair made by Mr. Frey and seconded by Mr. Goodhart.**

**MOTION CARRIED UNANIMOUSLY**

**Motion to nominate Edward Goodhart for Secretary made by Mr. Roger Rohrer and seconded by Mr. Jeffrey Frey.**

**Motion to close nominations and approve Mr. Goodhart for secretary made by Mr. Frey and seconded by Mr. Lehman.**

**MOTION CARRIED UNANIMOUSLY**

### **B. Requests for Subdivision/Land Development**

- i) **SUBDIVISION/LOT ADD-ON AND LAND DEVELOPMENT, APB Acq 0503, Ira M. Heistand Jr. and Linda M. Heistand, 15 Quarry Rd, Elizabethtown PA, FARM LOCATION = 335 Trail Rd, Elizabethtown PA, Mount Joy Township: 460450850000 // Acres Preserved: 142.** Landowner is requesting review and permission to agriculturally subdivide the farm into two tracts of approximately 48 acres (App Farm 2) and 94.12 acres (App Farm 1.)

Initially, APB staff advised against any proposal that would agriculturally subdivide the farm by Trail Road because this would result in a less than 50-acre farm on the West side of Trail Road. After reviewing the scenarios to bring the one farm to meet or exceed 50 acres, staff decided to recommend that the Board review a proposal that would allow for Trail Road to be the subdivision line.

The two options to create a 50 acre or greater farm are not ideal from a farming standpoint, an ownership standpoint and possibly with one scenario, monitoring and enforcement could become a challenge.

One option could utilize a field on the southern boundary of the farm, which because of the road bank and how the field is currently situated really should stay with the East side of Trail Road. The other option could utilize some woods, wasteland, and a small field, including some small springs and creeks to the North of the farm.

The 1995/2002 Corrective Subdivision Guidelines, Intent section, "The Subdivision Guidelines are intended to preserve as much farmland as possible in integral tracts and to promote viable agricultural enterprises. The Board on a case-by-case basis, depending on size of the subdivided tract, township zoning, neighborhood characteristics, and other pertinent factors, will consider special exceptions to these guidelines." Staff is recommending that the Board evaluate whether or not it would better to allow a Subdivision by the Road or whether the 50 acre standard should be upheld. The Board has considered similar requests in the past:

- October 26, 2006, Ben E. Stoltzfus, Date of ACE 12/28/2004\_1995/2002 Subdivision Guidelines\_Acres Preserved: 116.76\_Request to subdivide the farm by Farmdale Road. APB denied request because it would have created a 33 acre farm on the East side of Farmdale Road.
- June 28, 2012, Chickies Creek Farm, LLC, Date of ACE 10/22/1996\_1995/2002 Subdivision Guidelines\_Acres Preserved: 93.95\_Request to subdivide farm by Risser Mill Road with 48.2 acres on the North Side and 43.6 acres on the South Side. APB denied the request because both newly created farms would be under 50 acres.
- October 27, 2016, David C. Findley Jr. and Jodie L. Findley, Date of ACE 8/29/2008\_1995/2002 AND 2009 Subdivision Guidelines\_Request to add land to an adjoining preserved farm such a request would have left the parent tract with less than 50 acres. In order to bring the parent tract to 50 acres, 1.17 acres of woodland from across Susquehannock Drive would have had to remain with the parent tract. Board Approved the Lot Add On request that resulted in the parent tract being LESS than 50 acres using the Special Exception provision.

The Board discussed both the pros and the cons of invoking the "special exception" option to allow for a subdivision by the Road. In this particular instance, the Board concurred that if that portion of farmland situated on the West side of Trail Road is 45 acres or more they would be agreeable to allowing an agricultural subdivision by the Road because:

- The farm is large by Lancaster County standards at 142.12 acres, this subdivision would create a 45 – 49 acre parcel on one side of the road and a 97 + acre parcel on the other side.
- The Road is a natural subdivision
- To require either good farming land or marginal wooded land to be added to the less than 50 acres on the West side of Trail Road could be problematic from a farming standpoint, particularly when the farm(s) are transitioned to new owners. Farming across a road is never ideal.
- To require odd configurations across the Road to create a 50 acre or greater parcel could also be problematic and costly from a monitoring and enforcement standpoint.

### **Conditions of Approval**

- Applicable APB Standard Plan Notes should be identified on the Plan.
- Subsequent to Subdivision, two new property deeds shall be prepared and recorded in the Lancaster County Recorder of Deeds Office: One for the Farm 1 and one for Farm 2.
  - Both deeds shall reference and include the ACE language.
  - Both deeds shall reference by recording information the Subdivision Plan.

- Deed for Farm 2 farm shall indicate that the residential structure, as permitted by the ACE, is assigned to this farm. Furthermore, the new property deed shall indicate that no further subdivision is permitted.
- Deed for Farm 1 farm shall indicate that the residential structure, as permitted by the ACE has been assigned to Farm 2. The Deed shall also indicate that no further subdivision is permitted, except that may be allowed by the 2009 Subdivision and Land Development Guidelines in the form of a lot add-on.
- This approval is contingent on, at all times, 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.

**Motion to grant Preliminary Approval of permitting an Agricultural Subdivision by Trail Road only if that portion of farmland to the West of Trail Road is 45 acres or more, with the aforementioned conditions as well as the requirement of the Board reviewing the proposal again in order to Grant Final Approval made by Mr. Roger Rohrer and seconded by Mr. Andrew Lehman**

**MOTION CARRIED UNANIMOUSLY**

**C. Request for Rural Enterprise – None.**

**D. Kauffman Enforcement Agreement**

**i) Kauffman Enforcement Agreement, Drumore Township**

After staff updated the Board and shared that the Kauffman family has gone to the Township and applied for a Building Permit, the Board agreed to a 6-month extension or until July 31, 2021 of the enforcement agreement with the following conditions:

1. 60 days to acquire a building permit from the Township.
2. Construction of dwelling extension to begin within 6 months, at minimum the foundation should be complete.

**Motion to approve the extension of the enforcement agreement with conditions made by Mr. Andrew Lehman and seconded by Mr. Roger Rohrer.**

**MOTION CARRIED UNANIMOUSLY**

**E. Solar Energy Guidelines**

- i) Mr. Knepper expressed the need to review the current APB Energy Enterprises guidelines in consideration of the climate change initiatives being driven by State and Federal agencies.** He expects there will be future legislation to allow renewable energy greater access to preserved farms.

He reminded the Board that the Agricultural Conservation Easement (ACE) provides for certain activities by right. For instance, certain utilities are permitted and mining by underground methods are permitted (Sections 4 & 5 of the ACE.) Solar was not contemplated. Rather, the Agricultural Preserve Board provides for energy production and usage as a rural enterprise (Lancaster County Rural Enterprise Guidelines, Section E.1, adopted May 27, 2010.) The maximum

ground area that can be utilized is 2% of the total area that is subject to the ACE. Site coverage on existing agricultural structures, such as poultry barns is not considered as part of that 2%.

State regulations require that this energy production must be available for use on the farm. So while there may be retail sale of the energy, it must also be available for use on the farm. In the beginning, most solar panels that were constructed on farms were for use on the farm, to offset energy costs but also there was typically excess available for retail sale.

Recently, a preserved farm owner, who has ample space atop poultry barns inquired would be acceptable to have more solar panels placed on top of his available barns even though his energy needs are being fully met by existing panels. In other words, the new panels would at this time be solely for retail sale of energy.

The Board concurred that as long as the 2% maximum was not exceeded and the energy was available for use on the farm it was permissible to construct panels in this framework.

Mr. Knepper explained that there would likely be a legislative push to allow for renewable energy production such as solar panels, wind turbines, etc. on preserved land. Stay tuned.

Mr. Landis mentioned, that if at some point such legislation is introduced and preserved farmland is permitted to be utilized for solar panels, etc. there should be language incorporated into the legislation to provide funding for farmland preservation!

## **F. Ranking Discussion**

### **i) Future Land Use Map**

Mr. Knepper explained to the Board that after working with Jessica Graham, the Lancaster County Planning Commission and the GIS Department it was determined to be too cumbersome to try and have a two tiered point system that would award points for both inclusion in the Ag Preservation Area and Preservation Priority Area.

The Staff is recommending that the points within the Ranking System that currently look to the outdated Future Land Use Map, utilize the Preservation Priority Area.

**Motion to approve the Preservation Priority Area Map to replace the Future Land Use Map in the Site Assessment Category was made by Mr. Edward Goodhart and seconded by Mr. Gary Landis.**

**MOTION CARRIED UNANIMOUSLY**

## **VII. Adjourn**

The meeting adjourned at 9:24 a.m.

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

Thursday, February 25, 2021, at 8:00 a.m.

Lancaster County Public Safety Center

101 Champ Blvd. Manheim, PA 17545