

**Lancaster County Agricultural Preserve Board
Meeting Minutes**

March 23, 2023

Present: Mr. Roger Rohrer, Chairman
Mr. Daniel Zimmerman, Vice Chairman
Mr. Jeffrey Frey, Secretary
Commissioner Raymond D'Agostino
Mr. Edward C. Goodhart III
Mr. Jered Hess
Mr. Gary Landis
Mr. Matthew Young

Absent: Mr. Andrew Lehman

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: No Guests

I. Call to Order:

Mr. Rohrer called the meeting to order at 8:05 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

The Agricultural Preserve Board met in Executive Session on March 23, 2023, at 7:15AM to discuss real estate transactions and violations of Agricultural Conservation Easements.

Mr. Rohrer shared that recently he'd been contemplating the Mission Statement. He suggested that many urban and suburban residents would, in fact, agree with this Mission Statement and that the level of support for farming and all aspects of agriculture continues to be very strong in our community.

IV. Approval of Minutes

Motion to approve the February 23, 2023 meeting minutes, made by Mr. Jeffrey Frey, seconded by Mr. Daniel Zimmerman.

MOTION CARRIED UNANIMOUSLY

V. Business From Guests – None

VI. A) Subdivision and Land Development- none

B) 1. Rural Enterprise- Renewable Energy Rural Enterprise Guidelines- Follow-up discussion from last month's discussion of solar panels and dual use.

Mr. Knepper updated the Board Members with some additional information regarding how Act 319 (Clean and Green, preferential tax program) addresses solar panels and other energy production. Act 319 has no limit on acreage utilized but rather stipulates that in the case of solar panels so long as most of the energy produced is used on the farm it is permissible. There is no application to submit, and it is unclear how usage is verified. The takeaway is that we should maintain an acreage limit and not default to Act 319, because we now know there is not an acreage limit so long as the majority of the energy is used for the farm.

The State's Bureau of Farmland Protection has put forth guidance for counties that energy is permitted if the majority is used on the farm, similar to Act 319. However, solar energy production is not addressed in the Law or the Regulations.

Mr. Knepper reminded the Board that the current Rural Enterprise Guidelines cap actual land coverage of solar panels to 2% of the preserved acreage. How that calculation is made has not been specified in the current Guidelines, with the exception that panels on existing structures do not count towards the 2% limit.

Mr. Knepper suggested that the Board give some thought to

- 1) Should more than 2% coverage should be permitted if the proposal includes dual use (panels and ag)
- 2) Should the 2% be calculated in a specific manner to address land that is not subject to the impervious coverage of the panels?

Discussion continued regarding the merits and downfalls of permitting solar panels on farmland, particularly preserved farmland.

Mr. Zimmerman suggested that renewable energy demands is only going to continue. The Board should be out ahead of these demands – be proactive not reactive.

Mr. Hess asked, how do we potentially permit more solar within a framework with minimal enforcement. Furthermore, he stated that many will make the argument that solar is ag because it is the harvesting of sunlight, which is exactly what our crops do. Mr. Knepper commented that while that assertion is frequently made, the Regulations that guide the Agricultural Conservation Easement program define agricultural production and that definition does not include solar panels and harvesting sunlight.

Mr. Rohrer added that 25% of all the corn grown in the US is used for ethanol production, so agriculture production has already entered the energy business. Mr. Rohrer asked if APB staff had any thoughts or opinions.

Ms. Fortna responded there may be a way to consider solar panels on preserved farms without sacrificing prime farmland. This may be integrated in an approval system with criteria such as soil quality, utilization of existing structures/impervious areas, and higher mounted panels which enable more agricultural production.

Commissioner D'Agostino said that 2% may be worthy starting point with room for some flexibility or how the 2% is calculated if criteria are met or at least addressed/reviewed. Such review might include maximize roof tops first if feasible, look to marginal soils if ground mounted, perhaps require pivoting mounts or ones that are more than 2 – 4" off the ground, dual purpose requirement, etc.

Mr. Knepper stated that he would not want a system that is too complicated. Recent discussions with the Joint Planning Commission, Lancaster Farmland Trust and Agricultural Preserve Board have suggested that a more "impact based" evaluation system should be utilized for determining the approval of rural enterprises on preserved farmland.

Mr. Goodhart reminded the Board that with the rate of progress, the current technology will become obsolete and replaced with something much more efficient. Mr. Landis wondered how APB would handle all of the various loopholes that will inevitably arise? He thought perhaps there was some caselaw on the books that might provide some insight, even for other energy, such as wind turbines.

Mr. Rohrer and Commissioner D'Agostino suggested that Mr. Knepper could arrange for both a neutral solar expert and also a solar installer to provide more detailed information.

C) 2023 State Funding

State funding is almost the same as last year. County allocation has increased, and the State allocation has decreased by around \$50,000. County funds are \$1,812,462.00 and State funds are \$2,833,988.00.

D) Township Joint Project Guidelines-

Mr. Knepper asked for the Board to review and finalize (by motion) the joint project procedure that has been in place informally for many years now:

- Township joint projects may receive immediate consideration (conditional on available funds)
- No application period; first come, first served.
- Farms must be current applicants for preservation with APB.
- Minimum municipal contribution of \$1,000/acre of \$50,000
- Balance of easement purchase price will be paid by APB from easement purchase fund.
- Landowners will be offered no more than their “Tiered Pricing” offer.
- If a “Tie Breaker” is needed to prioritize, the APB ranking system will be utilized.

Motion to approve the Township Joint Project Guidelines made by Mr. Edward Goodhart, seconded by Mr. Jeffrey Frey.

MOTION CARRIED UNANIMOUSLY

VII. Adjourn

Meeting adjourned at 9:10 AM

The next scheduled meeting of the Agricultural Preserve Board

Thursday, April 27, 2023, at 8:00 a.m.
Lancaster County Public Safety Center
101 Champ Blvd. Manheim, PA 17545