

**Lancaster County Agricultural Preserve Board**  
**Meeting Minutes**  
**March 24, 2022**

**Present:** Mr. Roger Rohrer, Chairman  
Mr. Edward C. Goodhart, III, Secretary  
Mr. Jeffrey Frey  
Mr. Jered Hess  
Mr. Gary Landis  
Mr. Andrew Lehman  
Mr. Matt Young

**Absent:** Commissioner Ray D'Agostino  
Mr. Daniel Zimmerman, Vice Chairman

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

**Guests:** Mr. George T. Cook, Solicitor for the Agricultural Preserve Board, Mr. Larry Shirk, Lancaster Farmland Trust Board Member, Mr. Ken Lewis, Lancaster Farmland Trust Board Member and From Elizabeth Farms: Mr. Eric Fetter, Mr. Brian Boyd, Mr. Justin Bollinger and Mr. William (Ted) Cromleigh from Diehm & Sons.

**I. Call to Order**

Mr. Roger Rohrer called the meeting to order at 7:19 a.m.

**II. Review of Mission Statement**

Mr. Roger Rohrer, Chairman requested that Mr. Matt Young 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 March 24 meeting will not include an Executive Session. However, the public meeting will commence at 7:15.

The first item will be a discussion with Agricultural Preserve Board (APB) Solicitor George Cook. He will review the Quarryville Resorts decision and implications for the preservation program, specifically regarding other easements on our Agricultural Conservation Easements and Rural Enterprises on farms subject to Agricultural Conservation Easements.

The next item will be a presentation by the new owners of Elizabeth Farms. They will share their plans for continuation of the Christmas tree operation and wedding / event venue. This will be a preliminary discussion, with no decision required. The next step will be for a joint committee of APB and Lancaster Farmland Trust (LFT) Board members to review the proposal in detail and make a recommendation to their respective Boards before a final decision will be rendered.

In other announcements, Matt Knepper announced that Denise Alvarez will be starting her new position as Administrative Secretary on Monday April 28, 2022. He also noted that he invited Doug Wolfgang to the July Board Meeting to provide a review of the history of farmland preservation in Pennsylvania.

#### **IV. Approval of Minutes**

**Motion to approve the February 24, 2022 meeting minutes made by Mr. Edward C. Goodhart and seconded by Mr. Jeffrey Frey.**

**MOTION CARRIED UNANIMOUSLY**

#### **V. Business from Guests – Rural Enterprise presentation, see Agenda Item B.**

#### **VI. New Business**

##### **A. Discussion with APB Solicitor, RE: Easements, Rural Enterprises**

Mr. Matt Knepper introduced Mr. George T. Cook, Solicitor for APB. Mr. Knepper provided a brief overview of the recent Quarryville Resorts court decision. The decision has created some gray area around what types of easements may be permitted on a preserved farm and also how rural enterprises should be considered and approved.

Mr. Cook reviewed the opinion and how the Appellate Court strongly considered the Appellants argument that the irrigation system, in their view, serves a positive agricultural role/purpose. He noted that the court opinion favored the landowner's property rights vs. State Regulations and language of the Agricultural Conservation Easement ("ACE").

He concluded that easements other than those identified in the ACE may be permitted if there is no unreasonable interference with the ACE and also an agricultural benefit to the preserved farm. Mr. Cook stressed that the agricultural benefit should be a greater than neutral benefit.

Additionally, Mr. Cook stressed that moving forward, rural enterprises will need to be reviewed/considered within the context of any rural enterprise guidelines, if any existed, that were in place at the time of preservation. If no rural enterprise guidelines existed, then the language in the ACE will be the prevailing guidance for staff and the Board.

Mr. Edward Goodhart asked Mr. Cook the size of the panel that heard the case and rendered the decision at the Commonwealth level? Three, per Mr. Cook.

As far as Rural Enterprises are concerned, Mr. Cook suggested that regardless of Rural Enterprise Guidelines status, it makes logical sense to encourage all landowners to complete the application and follow the process. However, for those preserved farms where no Rural Enterprise Guidelines existed at the time of preservation, an application may not be required.

For evaluating when an easement may be permitted on a preserved farm, Mr. Knepper reviewed a draft "Evaluation criteria for proposed easements on Agricultural Conservation Easements." He noted that the goal is for APB to make consistent decisions. He asked everyone to review and be prepared to continue discussion at next month's Board meeting.

**B. Requests for Rural Enterprise – Elizabeth Farms – Rural Enterprise Request for additional business on the farm**

All members of Cannon Hill Holdings, LLC dba as Elizabeth Farms and an advisor, Mr. William Cromleigh provided information to the Board to supplement the Application for Rural Enterprise submission. Mr. Justin Bollinger was the primary presenter and provided details on how their plans differ from what Mr. William Coleman was doing on the farm. In summary, they intend to keep and hopefully expand the Christmas tree enterprise including wholesale and retail sales. Other activities they may want to add include but are not limited to: hay rides, farm-themed playground, petting zoo, corn maze, pick your own flowers-produce-pumpkins. They would also like to hold a monthly events to showcase the variety of agricultural operations. They are suspending the farm to table dining events and are not pursuing the additional sewage capacity at this time.

Because Elizabeth farms is preserved by an ACE held jointly by the Agricultural Preserve Board and Lancaster Farmland Trust, the next step will be for a joint committee of the Boards to review the request for Rural Enterprise, and make a recommendation.

**C. Requests for Subdivision/Land Development –**

Mr. Kevin Baer reviewed the FRPP construction request from Wilmer D. Rohrer, Inc. He reminded the Board that most FRPP (federally funded) ACEs require Board approval for any new impervious surface. He provided the proposed construction activities (silo and grain leg) and added impervious surface area. He stated the total resultant impervious surface after the new construction is below the impervious surface limit for the property per the terms in the ACE.

**Motion to approve the construction request was made by Mr. Jeffrey Frey and seconded by Mr. Andrew Lehman. Mr. Roger Rohrer abstained from the vote.**

**MOTION CARRIED UNANIMOUSLY**

**Adjourn** The meeting adjourned at 9:12am.

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

Thursday, April 28, 2022, at 8:00 a.m.  
Lancaster County Public Safety Center  
101 Champ Blvd. Manheim, PA 17545