

**Lancaster County Agricultural Preserve Board**  
**Meeting Minutes**  
**Thursday, April 25, 2019**

**Present:** Mr. Jeffrey Frey, Chairman  
Mr. Gary Landis, Vice Chairman  
Mr. Edward C. Goodhart III  
Mr. Andrew Lehman  
Mr. Daniel Zimmerman  
Commissioner Dennis Stuckey (@ 9:30 AM, delayed arrival b/c of other meeting)

**Absent:** Mr. H Eugene Garber  
Mr. Roger Rohrer  
Mr. Matthew 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

**Guests:** Larry George, Chief Clerk, County of Lancaster  
Katie Yoder, Land Protection Specialist, Lancaster Farmland Trust

**I. Call to Order**

Mr. Jeffrey Frey called the meeting to order at 8:00 a.m.

**II. Review of Mission Statement**

Mr. Edward C. Goodhart III *"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**

Executive Session: The Agricultural Preserve Board (also: APB and Board) met in Executive Session on April 25, 2019 to discuss real estate matters and status updates of two violations of Agricultural Conservation Easements (Hottenstein/Dannelley & Fryberger/Quarryville Resorts.)

**IV. Approval of Minutes**

**Motion to approve the February 28, 2019 meeting minutes and an acknowledgment of notes taken for the March 28, 2019 joint meeting with the Lancaster Farmland Trust made by Mr. Edward C. Goodhart III and seconded by Mr. Daniel Zimmerman.**

**MOTION CARRIED UNANIMOUSLY**

**V. Business from Guests**

- **No Business from Guests**

**VI. Old Business.**

- **No Old Business**

**VII. New Business**

- **No new Business**

**A. Request for Subdivision/Land Development – No Subdivision / Land Development Requests**

**B. Request for Rural Enterprise –**

- 1) – Agritourism & Agritainment Enterprise of a Vacation Rental in an existing house: Clair M. and Lucille Good, 168 Reading Road, East Earl, PA 17519, East Earl Township, Property ID: 2004229300000, APB Acq 0557, 89.32 acres preserved**

The Goods are using an existing house on their property as a vacation home, Valley Brook Vacation Home. The rental is primarily used throughout the Spring, Summer and Fall. They meet all of the General Criteria specified in the APB Rural Enterprise Guidelines as approved on May 27, 2010; therefore, staff recommends approval with the following Conditions:

- The rural enterprise is to be allowed as described and set forth in the Application.
- Any changes to the operation must be presented to APB for review and approval prior to undertaking such changes.
- The preserved farm must continue to be used for agricultural production and the rural enterprise may not restrict the use of the farm for agricultural production and/or normal farming operations.
- This approval is contingent on, at all times, verification by the Lancaster County Conservation District or a certified conservation technician (technical service provider) that the farm is following a Conservation 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, and their respective heirs, successors and assigns.
- This Rural Enterprise must continue to meet all the applicable conditions per the Rural Enterprise Guidelines.

**Motion to approve the Rural Enterprise as presented in the landowner's application and further described in the Board Summary with the standard conditions made by Mr. Gary Landis and seconded by Mr. Edward C. Goodhart, III.**

**MOTION CARRIED UNANIMOUSLY**

- 2) Customary Ag-Compatible Enterprise of a metal work, welding, machinery and light manufacturing in an existing structure: Leonard S. and Lillian N. Hoover, 630 Spruce Rd, New Holland, PA 17557, Earl Township, Property ID: 1900014600000, 39.45 acres preserved.**

The Hoovers are requesting review and approval for a shop in an existing barn for Mr. Hoover to do some welding, metal, machine work and possibly some light industrial. The Hoovers raise heifers on this farm. The floor space that would be used for this side business is currently used for storage, prior to this it was a tobacco stripping room, or 25' x 50'.

The Board members discussed that it is likely he will require some outside storage area. The proposal meets all of the General Criteria specified in the APB Rural Enterprise Guidelines and

the parameters established for Customary Ag-Compatible Enterprises approved on May 27, 2010; therefore, staff recommends approval with the following Conditions:

- The rural enterprise is to be allowed as described and set forth in the Application, with an additional 25' x 50' area provided for immediately outside the barn (shop) area for outside use.
- Any changes to the operation must be presented to APB for review and approval prior to undertaking such changes.
- The preserved farm must continue to be used for agricultural production and the rural enterprise may not restrict the use of the farm for agricultural production and/or normal farming operations.
- This approval is contingent on, at all times, verification by the Lancaster County Conservation District or a certified conservation technician (technical service provider) that the farm is following a Conservation 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, and their respective heirs, successors and assigns.
- This Rural Enterprise must continue to meet all the applicable conditions per the Rural Enterprise Guidelines.

**Motion to approve the Rural Enterprise as presented in the landowner's application and further described in the Board Summary with the standard conditions made by Mr. Daniel Zimmerman and seconded by Mr. Jeffrey Frey.**

**MOTION CARRIED UNANIMOUSLY**

### **C. Preserved Farm Inspections – Presentation and discussion with staff**

Mr. Knepper shared with the Board that he thought it would be helpful to have the newer staff to share some of their experiences and observations while in the field monitoring and inspecting preserved farms. He reminded the Board that for the first time in a long time, all of the monitoring of preserved farms was being conducted by APB staff. In the past a large portion of the preserved farms were being monitored by various staff at the Lancaster Farmland Trust because APB did not have the resources to monitor all of the farms.

Ms. Jessica Graham shared two memorable farm visits she conducted:

- 1) Stoltzfus and Stoltzfoos farm(s) in East Hempfield. She shared this was one ACE, which did an agricultural subdivision, requested by the second owner of the farm and approved by APB in 2006.

To current staff, the configuration of the subdivision, just to meet the 50 acre standard, seems abnormal. One farm has 50+ acres on the West side of Farmdale Road and the other farm is has the bulk of it's acreage on the East side of the road, with an oddly configured, very difficult to get to 15 +/- acres on the West side. There is a situation between the two families that can't seem to be resolved which complicates access to that part of the farm. Staff believes that the sister and brother-in-law are not permitted access to their field.

- 2) Drager Farm in East Donegal Township. She discussed with the Board the visit she did on the home farm and shared pictures. She explained that it is sometimes challenging to determine what may be a public health and safety issue v.s. just an unkept or messy farm. She said in the instance of this property, there does seem to be a tremendous amount of concern among neighbors and adjoining property owners regarding the biosolid storage and spreading as well as rumors of the burial of trash in pits dug in various locations.

The photos illustrated the bio solid area which is extremely close to a creek and is contained by sand bags. There is a lot of wood stockpiled as well debris and “trash.”

Mr. Landis stated there is no law against being sloppy. And Mr. Zimmerman added that as far as the biosolids are concerned, the rate of application is what DEP permits, but it is largely self monitored. He added that valid areas of concern are point source run off from storage and stock piling.

Mr. Knepper shared that APB staff, neighbors and Township officials met with DEP ( Mr. Drager chose not attend) and DEP consistently defended their permitting and said Mr. Drager is in compliance.

The Board stated they would like to send a letter to DEP identifying concerns and copy the letter to the Lancaster County Conservation District and the Township.

Ms. Noelle Fortna shared two visits from her past year of inspections:

- 1) Augsburger farm in West Cocalico. Augsburgers are very supportive of farmland preservation and Mr. Augsburger told Noelle that farmland preservation should continue in the County until they are all preserved. He felt it is imperative for the long term viability of agriculture for the County to have as much farmland permanently preserved as possible this will keep the businesses that support agriculture in the area, such as equipment dealers and processors and particularly with the growing pressures as the population increases. The Augsburgers are not happy with the lack of progress from Green Harvest One. There has been a substantial amount of construction, but everything is at a standstill, presumably because of lack of funding to continue with the project.
- 2) Fox farm in Clay. The Fox family has a solid dairy operation and the parking area that the APB approved was being partially used for fall harvest sales (pumpkins, mums, etc.) at the time of the visit. The Creamery is well run and would be the type of “ag production” provided by the ACE on a preserved farm. Mr. Lehman echoed that the Foxes do an outstanding job and have a great operation.

#### **D. Hottenstein Enforcement Agreement**

Mr. Knepper announced that the Hottensteins and Dannelleys had signed an Enforcement Agreement and now APB need to sign.

**Motion to approve the Enforcement Agreement as signed by the Hottensteins and Dannelleys and to follow through with the recordation of the document made by Mr. Daniel Zimmerman and seconded by Mr. Andrew Lehman.**

**MOTION CARRIED UNANIMOUSLY**

#### **E. Stoltzfus farm/Home Towne Square storm water – Update**

Mr. Knepper provided a refresher for the Board on this situation.

Mr. and Mrs. Stephen Stoltzfus reside on a preserved farm at 310 Hackman Road in Ephrata, Clay Township. The farm they live on was preserved by donation under Act 442 by Ivan and Fannie Martin. It was the second farm preserved in the County's preservation program.

The farm adjoins residential zoning and there is a multi-phased residential development called Home Towne Square that has been evolving, 2 phases are complete, and the developers are moving forward with Phase 4 (skipping over Phase 3 for now.) The project included plans to discharge water from the development on the preserved farm. The ACE does not treat stormwater like a utility and an easement or ROW for stormwater discharge is not permitted.

Pioneer Management LLC was notified of the APB's position and the Township requested that the developer go back and redesign the stormwater plan so as to not have discharge of the preserved farm. Pioneer Management, LLC has resubmitted and will have a larger basin and will also incorporate two more basins. The new proposal now relies on infiltration. There will be ZERO additional run-off with the new design.

Clay Township has granted conditional approval based on APB being removing its objection, based on the new design. APB agreed that they are comfortable with the knowledge and expert review provided by the Township's Engineer.

Mr. Goodhart inquired what could be done to provide a safety net? In other words, if APB is agreeable to the redesign, there should be a guarantee that it will work. Can the Board request a bond to be posted? Mr. Knepper did not believe APB or the County had the authority to requires such a commitment.

Mr. Landis stated that there are still two more phases in the development. The Board was concerned how two more phases might impact the preserved farm and thought perhaps the requirement of a full build out plan would be an appropriate request. Mr. Landis stated that with each additional phase, the Township's requirement of no increase in stormwater leaving the site will be a condition.

The Board agreed that it will be important to stress that they are not consenting to future impacts. Mr. Landis suggested that if APB has future concerns, they could enlist the services of a County contracted engineer to conduct a review.

Mr. Lehman asked what would happen down the road if there is a problem with additional stormwater on the Stoltzfus preserved farm? Mr. Landis indicated that the Township Engineer would have to see if there were miscalculations.

Mr. Lehman stated that being compliant is one thing and it is entirely another to be compliant with an adverse effect.

Mr. Knepper said he would work with the APB solicitor to develop a response that indicates concerns/opinions formulated based on the Township's Engineer's review of the project AND incorporate language that addresses future phases and that APB is not agreeing/consenting to future phases and any potential impacts.

## **F. Penn Township ASA Committee Meeting - Update**

Mr. Knepper, Ms. Fortna and Mr. Lehman met with Penn Township's Planner and their Agricultural Security Area Committee to determine concerns and reservations with reference to using auto auction funds designated for preservation.

All agreed that it was a good opportunity to have a face to face discussion about the preservation program, how it works, the ranking system, etc. The members, particularly one, had numerous concerns.

Mr. Lehman said this was the first time he experienced a "dose of opposition" to preservation. The first half of the meeting was challenging. Some of the issues presented ranged from the opinion that there is no development pressure so there is also no pressure to preserve. Other factors that made the committee hesitant to commit funding were things such as the face of agriculture is changing, does it make sense to permanently preserve farms. And, some farms didn't appear to have the quality of soils or were not perceived as "real" farms, worthy of preserving. The discussion about the APB ranking system and how APB evaluates farms was beneficial.

Overall, there was emphasis placed on the viability of the farm. APB is going to follow up by ranking all of the farms that are currently in Penn Township's ASA and provide that information to the Township for their review.

Mr. Landis and Mr. Goodhart suggested sharing the survey / poll that LFT had conducted a couple years ago with Penn Township. Perhaps it would be helpful to know that there is tremendous public support for farmland preservation.

Mr. Goodhart commented on the joint Rural Enterprise Committee Meeting that APB members had with LFT. He stated that while in most cases APB is funding preservation projects on an 80/20 or 90/10 basis, when it comes to rendering a decision it was 50/50 – he wondered if that was reasonable. Mr. Knepper did remind the Board that in many cases, if LFT did not participate in a project, the farm would not be preserved at all. So, the level of funding does not have a direct correlation to the percentage of decision making authority.

## **G. Additional Residential Structure Location Criteria**

Mr. Knepper distributed a draft of the revised Application for the Additional Residential Structure. The modified application will ask the landowner to specifically identify certain aspects so that the Board can better evaluate the impact of the additional house on the farm. The intent of this information is to avoid / limit the linear feet of interface that could potentially relate to a conflict.

Mr. Goodhart said these questions/aspects should be in bold or underlined. There was unanimous consent to incorporate these changes.

## **VIII. Adjourn**

The meeting adjourned at 9:40 a.m.

Thursday, May 23, 2019, at 8:00 a.m.  
Lancaster County Government Center  
150 North Queen Street, 3<sup>rd</sup> Floor HR MEETING ROOM  
Lancaster, Pennsylvania 17603

**Action Items from Today's Meeting:**

- ***Letter drafted DEP regarding bio-solid concerns on East Donegal preserved farm.***
- ***Rank all farms in Penn Township's ASA.***
- ***Letter to Clay Township developed in consultation with counsel.***
- ***Finalize revised additional structure application with new evaluation criteria.***