

Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, May 23, 2019

Present: Mr. Gary Landis, Vice-Chairman
Mr. H. Eugene Garber
Mr. Edward C. Goodhart III
Mr. Andrew Lehman
Mr. Roger Rohrer
Mr. Matthew Young
Mr. Daniel Zimmerman

Absent: Mr. Jeffrey Frey, Chairman
Commissioner Dennis Stuckey

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: Mr. William Coleman, preserved farm landowner, Elizabeth Township
Mr. Steve Garman, preserved farm landowner, Elizabeth Township
Mr. Jeb Musser, Director of Land Protection, Lancaster Farmland Trust (LFT)

I. Call to Order

Mr. Gary Landis called the meeting to order at 8:12 a.m.

II. Review of Mission Statement

Mr. H. Eugene Garber 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

Executive Session: The Agricultural Preserve Board (also: APB and Board) met in Executive Session on May 23, 2019 to discuss real estate matters and litigation.

Mr. Jeb Musser announced that the Lancaster Farmland Trust would be hosting an awareness event at Eagles Ridge Farm on June 5th at 4:30 PM. All APB members should have received an invitation. Food and beverages will be available. Attendees will be provided the opportunity to visit different "learning stations" and talk with experts about the key issues in Lancaster County involving planning, growth and specifically farmland preservation, including the perpetual stewardship obligation.

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. Roger Rohrer.

MOTION CARRIED UNANIMOUSLY

- V. Business from Guests**
- **No Business from Guests**
- VI. Old Business.**
- **No Old Business**
- VII. New Business**
- A. Request for Subdivision/Land Development – No Subdivision / Land Development Requests**
- B. Request for Rural Enterprise –**
- 1) Agritourism & Agritainment Enterprise of a Farm to Table Destination Venue in existing barnyard and curtilage: William D. Coleman, 262 Hopeland Rd., Lititz, PA 17543, Elizabeth Township, Property ID: 2403402600000, APB Acq 701, 96.26 acres preserved.**
- Mr. Coleman currently uses the area in this proposal for agricultural production in the sales of Christmas trees from November through December. The area in and around the barn is utilized for Christmas themed functions for families. It is this same area that is proposed to be used from May through October as a farm to table destination venue. No new structures are proposed nor is any additional gravel or paving.
- The farm is unique in many ways and lends itself to the type of rural enterprise being proposed and would allow a stream of income to be generated throughout the year to supplement the busy season in November and December.
- The proposed venue will be a farm-to-table experience with food and beverages locally sourced from this farm and others in the County. The proposal is more thoroughly described in the applicant’s submission (attached.) In sum, there would be 50 events a year over the weekend from May through October. There will be roasted pig, chicken or brisket prepared on site and a variety of sides served by catering. Seating will be in the existing barnyard area, which will be covered with a tent. Attendance is dictated/controlled by parking, or a maximum of 312. Parking will be on existing gravel areas within the curtilage, no new gravel or parking areas will be created. It is anticipated that staff will be full time/existing farm staff, 5 +/- outside catering, a la carte professionals and 3 family members. Additional detail provided in the Application & the Board Summary.
- Mr. William Coleman took a few moments to thank the Board for their consideration of this request. He stated that his longer-term goal is to keep this farm viable and to provide a link for people to farming.
- Mr. Daniel Zimmerman asked if bus/bus tours would be solicited for business. Mr. Coleman responded that while that was not one of the focus audiences and he was more inclined to advertise on social media, he would not rule out bus visits to the venue.

Mr. Goodhart commended the idea and the work that Mr. Coleman put forth. He said that Mr. Coleman did everything the Board asked and more. Further, he added that this type of agritainment fits in nicely with the type of farm and the existing Christmas tree enterprise.

Mr. Lehman echoed Mr. Goodhart's comments by sharing that he thinks this concept is a natural tie in and will provide an opportunity for this 9th generation farm to share its unique history with others.

Mr. Jeb Musser explained to the Board that the Lancaster Farmland Trust's Land Preservation Committee needs to review the proposal one more time and then make a formal recommendation to the Board for final approval or disapproval. He indicated that the Land Preservation Committee did review the proposal and some questions, which Mr. Coleman answered. Now the Land Preservation Committee needs to review again before providing their recommendation to the full Board. The Land Preservation Committee meets on June 6th and the Board meets on June 20th.

Mr. Knepper indicated that the Conditions of Approval prepared by staff do not include the condition that the Lancaster Farmland Trust must approve the rural enterprise as well because while the two organizations are Grantees of the ACE and both have to approve the proposal for it to move forward, neither of the approvals needs to be reliant on the other. Both bodies act independently of each other in this process. For instance, if the proposal is approved by both APB and LFT and at some future date Mr. Coleman decides to do something different, he would have to ask APB and LFT for approval. Each operates with its own authority.

Mr. Knepper thanked Mr. Coleman for extreme patience throughout the review process. He noted that this is the first jointly held ACE that has presented a rural enterprise request.

Mr. Gary Landis indicated that he would abstain from taking any action on this proposal because a small portion of the farm is in Clay Township and as a Supervisor he voted on the proposal for the Township.

As discussion winded down, staff recommends approval with conditions, because the proposal as submitted meets all the General Criteria and falls within the parameters described for Agritainment ventures as specified in the APB Rural Enterprise Guidelines as approved on May 27, 2010:

- The rural enterprise is to be allowed as described and set forth in the Application, which will be inclusive of any additional information submitted via correspondence and points of clarification made by Board.
- Any changes to the operation must be presented to APB for review and approval prior to undertaking such changes.
- 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 applicant/the owner of the land subject to the Agricultural Conservation Easement.
- 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.
- 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 Rural Enterprise must continue to meet all the applicable conditions per the Rural Enterprise Guidelines, specifically the General Provisions and those criteria specified in Section F 1 pertaining to Agritourism and Agritainment.

Motion to approve the Rural Enterprise as presented in the landowner’s application and further described in the Board Summary with the noted conditions made by Mr. Edward Goodhart III and seconded by Mr. Roger Rohrer.

MOTION CARRIED with the abstention of Mr. Gary Landis

2) Home Occupation / Customary Ag-Compatible Enterprise of a taxidermy business in an existing structure: Michael M. and Peggy S. Nolt, 1398 Pleasant View Dr., Ephrata, PA 17522, Clay Township, Property ID: 0704431800000, 102 acres preserved.

The Nolt's are requesting review and approval for a taxidermy business (Backcountry Beetleworks LLC) for Brett Nolt, sole employee, in an existing building. 300 ft will be utilized for the activity. Mr. Brett Nolt will have two freezers to store animals, possibly some display mounts and tentative hours are September through December, M-F 9AM – 6PM and Saturday 8AM – 12 PM. The business is seasonal.

Staff recommends approval with conditions as this proposal falls within the parameters described in APB Rural Enterprise Guidelines as approved on May 27, 2019 as either E5, Home Occupation OR F2, Ag Compatible Enterprise:

- 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. Daniel Zimmerman and seconded by Mr. Andrew Lehman.

MOTION CARRIED UNANIMOUSLY

C. Election of Officers

Motion to nominate the current slate of officers made by Mr. Daniel Zimmerman and seconded by Mr. Edward C. Goodhart III.

Motion to close the nominations made by Mr. Roger Rohrer Rohrer and Mr. Andrew Lehman.

MOTION CARRIED UNANIMOUSLY

Motion to nominate the current slate of officers made by Mr. Daniel Zimmerman and seconded by Mr. Edward C. Goodhart III.

THIS MOTION HAVING BEEN MADE AND SECONDED ~ CARRIED UNANIMOUSLY

D. Legislative Update

Mr. Knepper provided the Board with the following Legislative updates:

House Bill No. 370 -

This Bill deals with the agricultural conservation easement program and the additional house and residential subdivision that is provided for in the Act (Act 43.) This Bill would allow for a few things:

- A landowner could elect to give up the additional residential dwelling & associated subdivision
- A landowner could elect to subdivide either the permitted additional residential dwelling OR an existing residential dwelling
- Who is permitted to construct the permitted additional residential dwelling and subdivide the additional residential dwelling OR an existing dwelling is being “cleaned up” so there do not exist different criteria (as do now) In either case the action can be done by the primary landowner, an immediate family member or an employee.

Mr. Knepper highlighted that allowing the landowner the opportunity to forgo the additional dwelling and associated subdivision could be a tool that is used in the ranking to award more points and as a negotiating tool should there be issues on a farm subject to an ACE.

Mr. Matt Young noted that it is a sound idea to allow landowners to give up the right for an additional house and subdivision. He further pointed out that while the current and now this proposed Bill indicates the initial use for the additional dwelling and/or subdivision, it does not continue this same standard/obligation for future owners of the additional residential dwelling.

House Bill No. 574 –

This Bill, endorsed by APB, would allow access by land trusts to state funding. This Bill had been introduced before and met resistance for Pennsylvania Farmland Preservation Association (PFPA) and amendments were made. The amendments included requiring that the farms preserved by land trusts that would desire access to state funding would have to meet the same minimum criteria outlined in Act 43 (Agricultural Area Security Law.)

\$2.5 million of State funding would be earmarked for land trusts. The land trusts would only be able to have 50% of their easement purchase price reimbursed. One of the positive aspects of this Bill is that it could bring an additional \$2.5 million of private funding to the table, as land trusts would have to raise the other 50% to preserve farmland. Any funding that is not spent by land trusts would go “back into the pot” for reallocation to County programs.

PFPA will still not endorse this Bill. The consensus is that it is \$2.5 million that County preservation programs will not have access to and in a number of Counties it is often the case that there is no land

trust and/or there is no county funding, so the only funding a County receives is State funding. Furthermore, there is concern that while land trusts must have eligible farms that meet minimum criteria, the actual ACE that preserves the farm does not have to mirror the Ace that is currently used by counties in the State's program.

Mr. Roger Rohrer offered the observation that from a strictly economic perspective this Bill gets the job done, particularly if land trusts continue to do bargain sales. They will be getting more farmland preserved for less money AND bringing an additional \$2.5 million towards overall preservation in private dollars.

House Bill No. 583 –

This Bill, introduced by Senator Aument, is known as the "agritainment bill." Initially the goals of this Bill were instigated by Farm Bureau. Per the APB's request, Mr. Knepper met with Aument's staff to share APB concerns. The Bill was amended since APB last reviewed it.

There were some changes to the definition of Agritourism (note there is already an Act 319, Clean & Green, definition for agritourism/agritainment). The modified definition includes the catch-all language, "allows members of the general public, whether or not for a fee, to tour, explore, observe, learn about, participate in or be entertained by an aspect of agricultural production, harvesting, husbandry or rural lifestyle that occurs on the farm."

There is concern that "rural lifestyle" is incredibly broad and really, undefinable.

County preservation programs would be permitted only to determine whether a proposal should be deemed agritainment/agritourism by the definition provided for in this Bill.

Mr. Knepper reminded the Board that Lancaster County has very comprehensive Rural Enterprise Guidelines that provide for agritainment/agritourism; however, this is not the case with all County programs.

Mr. Young stated that this type of legislation not only chips away at the intent of preservation of farmland, but it more broadly has a negative impact to farming and agriculture. The language in this bill pushes the primary use on farms farther and farther away from agricultural production. And, the result of this will play out in creating a greater economic struggle for farmers. Properties with agritainment and side businesses will have value because of these businesses NOT because of the agricultural land. Individuals and families that want to farm won't be able to afford these properties.

Mr. Goodhart voiced his opposition to this Bill. Mr. Knepper reminded the Board that after reviewing the initial language of this Bill last year, they disapproved of it because there was no input allowed for by county preservation programs. This concern was shared with Representative Aument's staff and the Bill was amended to allow for County preservation programs to have a level of input. Subsequent to this modification, the Board took a neutral position.

Mr. Young and Mr. Lehman concurred that underlying point of this Bill is to circumvent county preservation programs, whereby tax dollars were invested to permanently preserve farms.

There was agreement that this Bill is counterproductive because agritainment and agritourism are already provided for in Lancaster County's Rural Enterprise Guidelines. To this end, all county preservation programs are required to provide for incidental businesses on farms. Not all counties are

as generous as Lancaster County. In fact, Mr. Knepper pointed out that it could be interpreted that the Bill language is more restrictive than what APB permits.

The sense of the Board was to voice their opposition to this Bill for all the reasons pointed out in the discussion. And, more specifically, they did not feel it was wise to have a state-wide, carte blanche allowance for agritainment. The impacts of an agritainment/agritourism activity on neighbors, roads, infrastructure may not always be appropriate and each County and municipality (per zoning ordinances) should be allowed to make determinations that fit with their community.

VII. Adjourn

The meeting adjourned at 9:42 a.m.

The next scheduled meeting of the Agricultural Preserve Board

Thursday, June 27, 2019, at 8:00 a.m.

Lancaster County Government Center

150 North Queen Street, 3rd Floor HR MEETING ROOM

Lancaster, Pennsylvania 17603

Action Items from Today's Meeting:

- ***Send Letters of Rural Enterprise Approval to William D. Coleman and Michael and Peggy Nolt***
- ***Make Easement Offers per Board authorization during Executive Session***
- ***Draft Letter to Penn Manor School District per Board directive during Executive Session***
- ***Contact Senator Aument's office to indicate the Agricultural Preserve Board's unfavorable position on SB 583***

Action Items from April 25th 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. (complete)***
- ***Finalize revised additional structure application with new evaluation criteria. (complete)***

Action Items from February 28th Meeting:

- ***Mr. Zimmerman meet with / talk to Penn Township (Mark Heister) re: preservation participation (complete – Andy Lehman, Matt Knepper & Noelle Fortna)***
- ***Mr. Goodhart / Mr. Knepper – look to meet with Manor Township re: preservation participation***
- ***Board members – game plan/strategy for dedicated funding, referendum?***
- ***Board members – game plan/strategy for on-going benefit for preserved farm owners – freeze milage***
- ***Meeting with Legislators***
- ***Letter to Clay Township/Landmark Homes – Stoltzfus farm and water issue (complete)***
- ***Next Meeting – evaluation criteria for permitted additional residence (complete)***
- ***2018 Ranking – solicit appraisal deposits from appropriate number of applicants as determined by funding availability (complete – 1st round)***