

**Lancaster County Agricultural Preserve Board**  
**Meeting Minutes**  
**Thursday, June 28, 2018**

**Present:** Mr. Jeffrey Frey, Chairman  
Mr. Gary Landis, Vice Chairman  
Mr. Edward C. Goodhart III  
Mr. Gene Garber  
Mr. Andrew Lehman  
Mr. Roger Rohrer  
Commissioner Dennis Stuckey  
Mr. Matthew Young  
Mr. Daniel Zimmerman

**Absent:** No absentees

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

**Guests:** No Guests

**I. Call to Order**

Mr. Jeffrey Frey called the meeting to order at 8:30 a.m.

**II. Review of Mission Statement**

Mr. Eugene Garber read, *“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 (APB) met in executive session on June 28th at 7:15 am to discuss real estate matters and potential litigation regarding a violation of an agricultural conservation easement on the Hottenstein property and the Kauffman property.

Welcome to new APB Staff: APB Members welcomed Ms. Noelle Fortna to the Agricultural Preserve Board staff. Ms. Fortna brings a substantial amount of experience with her, including but not limited to: a former East Cocalico Township Supervisor and a former member of the Agricultural Preserve Board. Her experience with computer systems, data management, land use planning and zoning issues will be an asset to her work with APB. Ms. Noelle Fortna told APB she is thankful for the opportunity to work with APB to further preservation goals in the County and continue with the important task of monitoring the Agricultural Conservation Easements.

**IV. Approval of Minutes**

**Motion to approve the May 24, 2018 meeting minutes made by Mr. Edward Goodhart and seconded by Mr. Daniel Zimmerman.**

**MOTION CARRIED UNANIMOUSLY**

**V. Business from Guests**

- **NO BUSINESS FROM GUESTS at this time during the Meeting.**

**VI. Old Business.**

- **NO OLD BUSINESS**

**VII. New Business**

**A. Statements of Financial Interest**

Mr. Matthew Knepper reminded APB Members that Statements of Financial Interest are required not only by them, but also some of the staff of APB.

It was brought to Mr. Matthew Knepper's attention that this was a requirement after an inquiry was made by a reporter from LNP.

**B. Request for Subdivision / Land Development – No Requests Submitted**

**C. Requests for Rural Enterprise – No Requests Submitted**

**D. Legislative Update**

Mr. Matthew Knepper provided APB Members with an update on Legislative activity. A handout was distributed that highlighted a variety of different agriculturally related Bills; however, three were discussed in more detail:

**HB 1550** – This Bill, introduced by Representative Klunk, would amend the Agricultural Area Security Law (Act 43 of 1981) as follows:

- Permit the owner of land subject to an Agricultural Conservation Easement to relinquish and extinguish the right of construction for an additional residence for the principal landowner, immediate family or employees.
- Permit one subdivision for either the existing residential dwelling OR the additional residential structure that is permitted by the Agricultural Conservation Easement for the purpose of a residence for the landowner, immediate family or an employee, unless that right has been extinguished.
- Both the subdivision of a residential structure or the permitted construction of the additional residential structure are for the same identified persons (landowner, immediate family or employee.)

- Retroactive to all farms subject to Agricultural Conservation Easements under the provisions of Act 43.

This Bill has no opposition, but still needs to go to the Senate. Everyone is hopeful that the Bill will move to through the Senate when session re-convenes in the fall.

HB 1689 – this Bill, introduced by Representative Cutler, would amend the Agricultural Area Security Law (Act 43 of 1981) as follows:

- A portion of state allocated farmland preservation funding would be set aside annually for use by land trusts to preserve farms.
- There will be no requirement that a County be a part to the Agricultural Conservation Easement with the land trust
- Land trusts must provide matching dollars
- If a Land trust ceases to exist, any easements purchased with state- allocated funds would be transferred to the county or the state.

Pennsylvania Farmland Preservation Association (PFPA) is still opposed to this Bill, as several County preservation programs have concerns about sharing funds with non-profits. Representative Fee will be offering amendments to this Bill.

SB 819 – this Bill (amended), introduced by Senator Aument, would amend the Agricultural Area Security Law (Act 43 of 1981) as follows:

- Establishment of a uniform definition of agritourism and permit agritourism on farms subject to Agricultural Conservation Easements.
- County agricultural land preservation boards may determine if the proposed agritourism meets the definition of agritourism in the Bill.
- Any agritourism activity must not prevent the land from being immediately converted back to agricultural use.
- Sister Bill, SB 820, provides some protection from civility liability for owners and operators of agritourism activities.

Mr. Matthew Knepper explained that he met with Senator Aument and his staff prior to the amended version to discuss some of the concerns about the Bill in the original version. Most concerning was its first presentation, agritourism would be permitted “by right”, with no consultation with agricultural land preservation boards. This could have presented some violations of Agricultural Conservation Easements that could be time consuming and costly to remedy for both property owners and the County/State. Mr. Matthew Knepper expressed thanks to Senator Aument for being receptive to the comments made and offering some changes.

The push for this Bill is from Farm Bureau, but what triggered this push is still unknown. With this said, the Bill is still viewed by PFPA as unnecessary and a solution in search of a problem:

- County programs allow for rural enterprises, including agritourism
- This Bill is still overly broad with its definition of agritourism

Mr. Matthew Knepper indicate that there has been no Action on this Bill in the House after passing in the Senate. It may be considered next Session or next year. He stated that he would like a recommendation or comments from APB so he can report back to Senator Aument.

### **Director and APB Discussion:**

- Mr. Roger Rohrer expressed concurrence that the language in the Bill as it is currently written is too broad.
- Mr. Matthew Young said that the intent of this Bill does not coincide with the APB's Mission Statement and cited an article in the Wall Street Journal that discussed how tourism has destroyed local economies.
- Mr. Gene Garber stated that if you are farmer, you likely don't want agritourism.
- Mr. Gary Landis commented that being involved in agritourism, there are parts of the Bill he likes and part he does not. It would be better if the Bill was more explicit to encourage agritainment such as Cherry Crest, which is very "Ag" and discourage activities that are not really "Ag" but just happen to exist on a farm, like miniature golf.
- Mr. Jeffrey Frey wondered if the County's Rural Enterprise Guidelines, which provide for agritainment could have a size limitation as some of the other qualifying rural enterprises do?
- Mr. Matthew Knepper said that SB 819 does indicate that the agritainment activity must be incidental and allow for immediate conversion to agricultural use.
- Mr. Daniel Zimmerman reminded APB that the current Rural Enterprise Guidelines do state that only if the nature of the proposed activity calls for it, agritainment should occur within the curtilage.
- Mr. Goodhart asserted that it is important that APB expresses their concerns with the Bill, this does not mean absolute non-support or conversely, support.
- Mr. Matthew Knepper reminded APB that SB 819 allows for County Board's to verify that the proposed agritainment meets the Bill's definition of the same, not the County's Rural Enterprise Guidelines.
- Mr. Andrew Lehman wondered why this Bill gained so much traction? Furthermore, he commented that it appears, should this Bill pass, it would be too much control over local activities coming from too far away.
- Mr. Gary Landis shared his viewpoint that the public's perception of what taxpayer dollars are being used for should not be forgotten. What will taxpayers think when farms that they believe have been preserved for agriculture have a huge money-making agritainment enterprise occurring.
- Consensus was that over time, the preservation program could be diluted because of these "by-right" bills.

The Board concluded their discussion and agreed that they do support some agritourism on preserved farms and do not oppose SB 819, but that it could still be improved. They indicated their thanks to Senator Aument for being receptive to the Board's concerns and for the amendments to SB 819, which they agreed improved it over the first version.

### **E. 50% Bargain Sale Conservation Plan Requirement**

Mr. Matthew Knepper said that the April 26, 2018 Meeting, the Board made the following motion:

**Motion to require that 50% Bargain Sale applications have an implemented Conservation Plan prior to preservation.**

After discussing this motion with staff and looking at notes from staff meetings, it was clear that this motion did not necessarily capture what was intended.

50% Bargain Sales are typically those applications who do not rank high enough to be preserved with annual allocation amounts. By offering this substantial donation, APB will preserve these farms immediately. Most high-ranking applications have Conservation Plans in place; whereas often, those applications that do not score as high do not have Conservation Plans.

Staff believes that the intended motion was supposed to be that those 50% Bargain Sales applicants should have a Conservation Plan in place prior to an appraisal being initiated. A revised Motion to clarify / correct the April 26, 2018 Motion was made.

**Motion to require that 50% Bargain Sale applications have a Conservation Plan prior to the appraisal was made by Mr. Matthew Young and seconded by Mr. Roger Rohrer.**

**MOTION CARRIED UNANIMOUSLY**

### **VIII. Adjourn**

The meeting adjourned at 9:40 a.m.

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

Thursday, July 26, 2018, at 8:00 a.m.  
Lancaster County Government Center  
150 North Queen Street, Room 104  
Lancaster, Pennsylvania 17603