

Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, August 22, 2019

Present: Mr. Jeffrey Frey, Chairman
Mr. Gary Landis, Vice-Chairman
Mr. H. Eugene Garber
Mr. Edward C. Goodhart III
Mr. Andrew Lehman
Mr. Roger Rohrer
Commissioner Dennis Stuckey
Mr. Daniel Zimmerman

Absent: 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
Mrs. Maurine Smith, Administrative Assistant

Guests: Mr. Jeffrey Swinehart, Chief Operating Officer, Lancaster Farmland Trust (LFT)

I. Call to Order

Mr. Frey called the meeting to order at 8:05 a.m.

II. Review of Mission Statement

Mr. 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

- The Agricultural Preserve Board (also: APB and Board) met in Executive Session on July 25, 2019 to discuss real estate matters and litigation.
- Mr. Knepper announced that Maurine Smith, Secretary for the department, will be retiring at the end of the month. On behalf of the Board, Mr. Frey expressed appreciation for all her hard work and diligence Mrs. Smith has demonstrated while working with the Agricultural Preserve Board. She has been a dedicated staff person for the office for twenty years and will be missed. The Board presented her with flowers and the staff presented her with a Seinfeld themed gift basket. Mr. Knepper announced that after the Board Meeting there would be a farewell drop in for Maurine and Board members were welcome to attend.
- Mr. Landis took a few minutes to read some passages from The Earth is the Lord's by John Landis Ruth. The book is a narrative history of the Lancaster Mennonite Conference. The book provides documentation and an explanation of the beliefs and practices of the Anabaptist. He quoted some parts from the book that talked about stewardship and conservation. Even in the early 1900s there was an appreciation of caring for the land and leaving it better for the next generation.

- Mr. Goodhart reminded the Board that Karen Martynick had an article in the Lancaster Newspapers about the continuing importance of farmland preservation.
- Mr. Knepper pointed out to the Board that staff is still working to provide a consistent way to report preserved farm figures and that the figures noted at the bottom of the Agenda are close but not accurate.
- Mr. Knepper announced the hiring of Garland Treese to fill the secretary position in the office. Mr. Treese is transferring from another department within the County and brings a breadth of experience to the position. His background includes being an electrician 1st class at PECO, Project Manager & Ops Specialist at Schneider Electric, a Scheduler for PPL Electric Utilities and most recently an Account Clerk for the County of Lancaster. Staff is excited to welcome him.

IV. Approval of Minutes

Motion to approve the July 25, 2019 meeting minutes made by Mr. Edward C. Goodhart III and seconded by Mr. Daniel Zimmerman.

MOTION CARRIED UNANIMOUSLY

V. Business from Guests

- Mr. Swinehart announced the Lancaster Farmland Trust's annual picnic at the Strasburg Railroad on September 24th and the Annual Dinner at the Eden Resort on October 30th.

VI. Old Business.

- **No Old Business**

VII. New Business

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

B. Request for Rural Enterprise –

Rural Enterprise Subject to County Board Staff Approval, update for Board

- 1) Communication Facility – Cellular Tower and associated structure(s): James D. and Carolyn Hess, 825 E Newport Rd, Lititz PA 17543, Warwick Township, Property ID: 6009677500000, 94.15 acres preserved.**

Mr. Knepper explained to the Board that this request (which is preliminary at this point) is one of the few rural enterprises that staff can review and approve. The proposal consists of replacing a concrete silo with a Harvestore silo (fully functional) that will have the cellular antennas installed behind a concealment screen. Total height will be 100 feet. There will also be a 17' x 20' lease area immediately adjacent to the barn with a 4' x 7' area with cabinets. A 20' wide utility line easement will run from the cell tower (silo) & to the East Newport Rd. This area is currently in pasture and will continue to be in pasture after the associated underground utilities are installed. Cellular towers are a permitted use in the agricultural zone in Warwick Township. Staff is waiting for some additional information before being in a position to issue an approval.

Mr. Knepper did take a moment to point out that there will be excavation associated with this project and that the Board's Rural Enterprise Guidelines do not restrict excavation for this type of use. This is not the case in Ag Compatible Rural Enterprises where excavation is prohibited. He suggested that the Board may want to review this inconsistency.

Mr. Landis asked if the Board would be able to grant waivers when excavation made sense? Mr. Knepper responded that he suspected that would be something the Board could do; however, the key to granting any type of waiver would be consistency.

At this point, Mr. Goodhart suggested that it might be prudent to maintain the “no excavation” feature in Ag-Compatible and Agri-Tourism Rural Enterprises, but develop a list or parameters when limited excavation would be permitted (examples: utility line, water line, etc.)

2) Ag Production, not Rural Enterprise, Food Processing Residual: Pine Hill Road Farm LP (Nolts), 1164 Pine Hill Rd, Lititz PA 17543, Warwick Township, Property ID: 6008754500000, 81.34 acres preserved.

After consultation with the property owner, the engineer, Warwick Township and Doug Wolfgang at the State’s Agricultural Land Preservation Board, it was determined that this proposal is deemed agricultural production and is not considered a Rural Enterprise.

The Nolts are proposing to construct a storage facility to hold food processing residual from Tyson Foods. It is wastewater from cleaning and is regulated by DEP similar to how biosolids are regulated. The Nolts will only be spreading on their land as a soil amendment. If they were going to market the product and sell it to others as a soil amendment, it would be considered a rural enterprise.

Mr. Zimmerman commented that the Nolts run a tiptop operation with sound conservation practices. He is confident that this storage will be managed well. The product is currently being spread on the farmland now it is just not being stored on the farm. The Township is comfortable with proposal.

C. Stewardship Committee

Mr. Rohrer, Chairman of the Stewardship Committee explained to the Board that the Stewardship Committee met on August 6th to review a number of farms that were visited by the Lancaster County Conservation District in 2018 and TeamAg in 2019. The farms were visited to verify the implementation of best management practices as called for in Ag E&S or Conservation Plans.

In years past, the Board had a contract with the Lancaster County Conservation District. In 2019, the Board entered into a new contract with TeamAg after an extensive Request for Proposal process.

The Stewardship Committee is recommending to the Board that the recommendations made by the Lancaster County Conservation District and TeamAg, as well as additional points of clarification made by the Stewardship Committee (as presented on the spreadsheets distributed to the Board) be approved.

Motion to approve the recommendation of the Stewardship Committee regarding the preserved farms visited by the Lancaster County Conservation District and TeamAg made by Mr. Daniel Zimmerman and seconded by Mr. Gary Landis

MOTION CARRIED UNANIMOUSLY

D. Penn Township farm rankings

There was a meeting in April with representatives from Penn Township’s Agricultural Security Area Committee that was attended by Mr. Knepper, Ms. Fortna and Mr. Lehman. Based on a request at this meeting, APB is working with the County’s GIS Department to rank all of the eligible farms in Penn Township using their ranking system (which is different than the APB ranking) and also provide them

with a list of their highest ranking farms ranked in the APB ranking system. Mr. Knepper and Ms. Fortna will be going to Penn Township on September 12 to present this data.

Mr. Zimmerman commented that the Township has a Transferrable Development Rights (TDR) program but no sending area.

Mr. Landis asked how many applications does APB have from Penn Township? Ms. Fortna responded that there are currently six applications.

Mr. Lehman and Mr. Goodhart agreed that if the Township Supervisors are supportive of farmland preservation there needs to be an effort to get the Agricultural Security Area committee on board as well.

Mr. Knepper added that really, it is the citizens of the Township that need to hold their elected officials accountable.

Mr. Landis suggested that other than the Manheim Auto Auction there is not a lot of development pressure in Penn Township and this can make the public complacent or dis-engaged in the need for land protection. Penn Township officials don't necessarily view the northern portion of their township as valuable farmland; however, from a broader, state-wide perspective, this ground is better than many places across the Commonwealth.

Mr. Lehman stated that perhaps a good option would be to wait and see how the September meeting goes and if it is productive/positive and it looks like there is some traction keep moving forward in this fashion. But, if it appears as though no progress is being made, he and Dan Zimmerman can meet with the Township Supervisors to discuss farmland preservation.

Mr. Zimmerman said the Township has a unique opportunity because of the auction money to establish a TDR program and continually recycle money.

Mr. Knepper took the opportunity to commend Ms. Fortna on her outreach efforts and all of her work to gather materials and working with the GIS Department in order to share with the Township.

E. 2020 Meeting Dates

Motion to approve the 2020 Meeting Dates as presented made by Mr. Roger Rohrer and seconded by Mr. Daniel Zimmerman.

MOTION CARRIED UNANIMOUSLY

VII. Adjourn

The meeting adjourned at 9:10 a.m.

The next scheduled meeting of the Agricultural Preserve Board

Thursday, September 26, 2019, at 8:00 a.m.

Lancaster County Government Center

150 North Queen Street, Room 104

Lancaster, Pennsylvania 17603

Action Items from today's Meeting (August 22, 2019):

- ***Send letters to those farms visited by the Lancaster County Conservation District and TeamAg with the Board's follow up recommendation (complete)***
- ***Prepare ranking, maps and other materials for meeting at Penn Township/meet with Penn Township (complete)***

Action Items from July 25th Meeting:

- ***Send Letters of approval and preliminary approval to John M. Esch (ag subdivision), Kirby F. Nissley (construction) & Delton and Maria Nolt (rural enterprise) (complete)***
- ***Make Easement Offers per Board authorization during Executive Session (complete)***
- ***Follow up with State regarding Act 33 and Act 13 & then distribute information to preserved farm owners (in process, have communicated with State staff and State counsel)***