

Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, October 24, 2019

Present: Mr. Jeffrey Frey, Chairman
Mr. H. Eugene Garber
Mr. Edward C. Goodhart III
Mr. Andrew Lehman
Mr. Matthew Young
Commissioner Dennis Stuckey
Mr. Daniel Zimmerman

Absent: Mr. Gary Landis
Mr. Roger Rohrer

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
Mr. Garland Treese, Administrative Assistant

Guests: Mr. Jeb Musser, Director of Land Protection, Lancaster Farmland Trust (LFT)
Mr. Ray D'Agostino

I. Call to Order

Mr. Frey called the meeting to order at 8:15 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 October 24, 2019 to discuss real estate matters and litigation.
- Mr. Knepper introduced the Agricultural Preservation Board's newest staff person, Garland Treese. He shared that Mr. Treese was working in Adult Probation for a year prior to filling the position at APB. He has been with the office for over a month and is already a great asset. He lives in Little Britain Township next to a preserved farm. This information prompted some cajoling among Board Members. Mr. Young, also from Little Britain Township and the other Board Members welcomed Mr. Treese.

IV. Approval of Minutes

Motion to approve the August 22, 2019 meeting minutes made by Mr. Edward C. Goodhart III and seconded by Mr. Eugene Garber.

MOTION CARRIED UNANIMOUSLY

V. Business from Guests

- Mr. Musser announced that the Lancaster Farmland Trust's annual dinner at the Eden Resort will be next Wednesday, October 30th.
- The Extraordinary Give hosted by the Lancaster County Community Foundation will be held on November 22 from 12AM to 11:59:59PM. It is a County wide event where people can donate to a variety of non-profit organizations. The Lancaster Farmland Trust will have a "pop up" farm market at the Imperial Diner where some of their preserved farm owners will have products available. Mr. D'Agostino added that any donation made this day will be stretched by \$500,000 from the Lancaster County Community Foundation. This year, donations of as little as \$10 can be made, whereas in the past the minimum donation level was \$25.00.

VI. New Business

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

B. Request for Rural Enterprise –

- 1) Rural Enterprise/Accessory Use – Amish Mennonite Parochial School: Henry and Kathryn Stoltzfus, 1801 Mountain Rd, Manheim PA 17545, Penn Township, Property ID: 5007196400000, 49.533 acres preserved.**

Mr. Knepper explained to the Board that this request is consistent with other previous requests for Amish Parochial Schools. All of the primary conditions APB requires are in place, such as: the location on which the school will be located is less than 1 acre; the area will be leased with no possibility of subdivision; there is a lease agreement, which also indicates the structure is owned by the Stoltzfus'. Ms. Fortna shared that the Zoning Hearing Board approved the proposal the prior week.

The staff is recommending conditional approval as Amish Schools have been approved in the past by the Board as an accessory use and are considered an important part of the Amish farm community. The recommended conditions are:

- The Amish Parochial School is to be allowed as described and set forth in the Application submitted to the Board and shall be made a part of any approval letter.
- The Amish Parochial School is being permitted independently of the preserved farm permitted residential dwelling unit and does not compromise the availability of the additional dwelling unit.
- The Amish Parochial School is authorized by lease only.
- The Board shall review and accept the Lease Agreement.
- Letter of Acceptance shall be signed by property owners and school trustees.
- Building and grounds are to be used solely for school and agricultural purposes.
- School size/dimensions shall remain consistent with those identified in Plan.
- Location of proposed site will not change.
- Terms and conditions of the Agricultural Conservation Easement will be followed.
- No subdivision of the site is permitted.
- This approval is contingent on, at all times, verification 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.
- The preserve 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.
- 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.

Motion to approve the Request for Boyer Run School with specified conditions made by Mr. Edward C. Goodhart III and seconded by Mr. Eugene Garber.

2) Rural Enterprise/ Agritourism and Agritainment – Short Term Rental(s) Brian and Lucinda Crowe, 888 Cold Springs Rd, Elizabethtown PA, 17022. Property Location @ 884 Sunnyburn Rd, Mount Joy Township, Property ID: 4607711500000, 111.61 acres preserved.

Mr. Knepper explained to the Board that this request falls into the Rural Enterprise of Agritainment and is similar to a Bed and Breakfast. The Ira Landis farm was sold at public auction a couple years ago and the new owners restored both the main farmhouse and the spring/tenant house and have been operating short term rentals in both.

Mr. Frey asked if this activity was discovered during a monitoring visit? And Ms. Graham indicated that it was discovered at the time of the site visit, whereupon both houses had guests. She commented that neither of these houses were occupied by the original Grantor, Ira Landis, at the time of preservation. Jeff Witmer, the tenant farmer at the time of preservation is still farming all of the cropland.

Mr. Garber asked what is the difference between a short term rental and a bed and breakfast? Mr. Knepper replied that in some instances there may not be much difference at all. However, typically a Bed and Breakfast is owner occupied and the guests are served a meal, breakfast. A short term rental is more of a vacation home, where oftentimes, while food items may be made available, they are not prepared for the guests.

Mr. Young wondered aloud that if APB has never dictated or had to approve when a farmhouse is rented, why is approval needed for a short term rental? Mr. Knepper went on to explain that a short term rental is a specific rental model that is used to generate income. It is an active use with guests staying for a few days to a couple weeks. The rentals are advertised on such internet sites like VBRO and AirBnB. It is a side business that requires zoning approval and similarly APB approval.

The staff is recommending conditional approval as the activity is one that is identified in the Rural Enterprise Guidelines. The recommended conditions are:

- 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.
- APB staff is authorized to grant final approval once any outstanding conditions have been met.

- 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 approved May 2014 by the Agricultural Preserve Board. See section F-1.

Motion to approve the Request for two short term rentals with specified conditions made by Mr. Matthew Young and seconded by Mr. Daniel Zimmerman.

C. Commercial Equine Activity – Union School Road Limited Partnership, 1140 Union School Rd, Mount Joy PA 17552, East Donegal Township, Property ID: 1503033400000, 53.48 acres preserved. Mr. Knepper shared with the Board this inquiry to the APB Office. A preserved farm owner purchased a horse operation and was bringing in a new tenant to operate the horse barn. The nature of the operation was changing from a boarding and lessons facility to a boarding and lessons facility for a nonprofit organization. There will also likely be components of equine therapy and horse shows for those who take lessons at the barn.

Staff had numerous discussions with the owner and after careful evaluation came to the conclusion that the activity falls within the parameters of “Commercial Equine Activity” as specified in the Agricultural Conservation Easement.

D. Penn Township Meeting Report

Mr. Knepper provided an update to the September 14th Meeting that he, Noelle Fortna and Andy Lehman had with the Penn Township Agricultural Security Area Committee.

They reported that the meeting was very positive and provided a good exchange of information. Noelle Fortna worked with the GIS Department to not only map but rank (according to Penn Township’s evaluation system) all the eligible farms in the Township in order to provide the Committee with data and accompanying visual.

The hope was to engage in a conversation that would compare the Penn Township’s higher ranking farms along with current applicants to the APB program to look for potential opportunities to partner in preservation effort. However, the conversation turned towards the Township’s dormant TDR (transferable development rights) program. The meeting concluded with some positive feedback and a desire to meet again to learn more and focus on specifics of their TDR program.

Mr. D’Agostino asked how much money does Penn Township have to invest in farmland preservation and where did the funds come from?

Mr. Knepper responded that Penn Township received a sum of money for farmland preservation from the Manheim Auto Auction as part of the conditions of approval when the Auction needed farmland on which to expand many years ago. There is approximately \$600,000 remaining for agricultural preservation and the Township does have a TDR program that if utilized, could “recycle” this money so there would always be a resource to preserve farmland in the Township.

There was a discussion about townships that have TDR programs and those that have funds from a source that could develop a TDR program but to date do not have one. Mr. Knepper shared that currently, Warwick Township and Caernarvon Township are active in preservation with their programs. County funding is used in joint projects both to expedite the process and because if a township participates in a preservation project, the applicants do not have to be preserved in ranking order. In other words, if Warwick Township has funds to contribute to the John Doe Farm, it doesn't matter that the John Doe Farm ranks #120 in the ranking system. That farm is preserved regardless because of the ability to leverage funding.

He also shared that if more township's get involved and County funding does not increase it will become a challenge. If an increasing number of townships participate in joint projects, the County portion of the APB funding will be used quickly and then other applicants will have to be preserved with State funding, unless State funding is tapped for joint projects. This is not necessarily a bad problem to have but it will need to be managed differently.

A number of the Board members indicated that increased County funding would certainly be helpful and/or earmarking sustainable funding.

Ms. Fortna informed the Board that there was a meeting scheduled this evening and Mark Heister, Township Manager, and the new Township Planner would be present to provide input on TDRs.

Mr. Lehman added that he thought the September Meeting went very well, but at some point, it will be critical to engage the Township Supervisors. He also commended Ms. Fortna for all the work she did to prepare the data and the map for map. He acknowledged that effort took a lot of time.

E. 2019 Applications

Mr. Knepper apologized to the Board as the Map which highlights the new applications was not prepared by the GIS Department in time for the meeting, so the Board would not have a visual to complement the spreadsheet.

Mr. Baer provided an overview for the Board:

16 Applications on 1310 acres

3 of the 16 are 50% donations/bargain sales and are in process or will be in process soon

3 of the 16 are in Caernarvon Township and will joint projects

6 of the 16 are over 100 acres

VII. Adjourn

The meeting adjourned at 8:45 a.m.

The next scheduled meeting of the Agricultural Preserve Board

Thursday, November 21, 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 (October 24, 2019):

- ***Send approval letters for Rural Enterprises***
- ***Prepare ranking map for APB meeting in November***