

ADAMS COUNTY AGRICULTURAL LAND PRESERVATION BOARD
Minutes of Hybrid Meeting (In-Person/Virtual/Conference Call)
May 5, 2021

Attendance:

Members – Attending in-person:

Chair Craig Yingling, Vice-Chair Dave Wenk, Dave Boyer, Deb Kammerer, Sidney Kuhn, Wayne Smith, Doyle Waybright

Members – Attending by phone or computer:

George Taughinbaugh

Absent:

Chad Collie

Staff – Attending in-person:

Mark Clowney, Ellen Dayhoff, Kelly Koch, Cindy Sanderson

Staff – Attending by phone or computer: None

Absent: None

Guests: None

The May 5, 2021 meeting of the Adams County Agricultural Land Preservation Board commenced at 7:38 p.m. in the Adams County Agricultural & Natural Resources Center lower-level meeting rooms for in-person attendees and via conference phone.

I. Board Business

A. Approval of April Minutes

- * It was noted that the Minutes are still reflecting Ms. Kammerer as Vice-Chair and Dave Wenk is the Vice-Chair as of elections in January 2021. (Note – the affected Minutes have been corrected.)

Mr. Wenk made a motion that the ACALPB approve the April 7, 2021 Minutes, as amended. Mr. Smith seconded the motion; motion was approved unanimously.

B. Public Comments – none present

C. Board Member Replacements

- * Ellen announced at the ACC Public Meeting, Wednesday, May 5th, the Commissioners approved Ben Mearns and George Weikert as new ACALPB Members, replacing Deb Kammerer and Wayne Smith. Mr. Mearns and Mr. Weikert will assume their positions at the June 2, 2021 meeting.
- * Ellen contacted all of the remaining candidates to let them know they were not chosen at this time and asked if they would be willing to be contacted in the future if an opening should occur; they all responded saying they would like to be considered again.
- * Mr. Yingling and Ellen presented plaques to Ms. Kammerer & Mr. Smith for their years of service on this Board. (Ms. Kammerer has served 22 years, and Mr. Smith has served 13 years.)
- * The Commissioners would like Ms. Kammerer and Mr. Smith to call into the next ACC Public Meeting on May 19th so they can be publicly recognized during that meeting for their dedication to this Board and the Adams County Ag Land Preservation Program.
- * Ellen noted, the Commissioners have stated their appreciation for the work this Board does, and for the longevity of its Members.

D. Case Study Field Trip

- * Mr. Waybright, after driving past the Mummert farms, asked Ellen if the Board could do a field trip/case study there.
- * Brian Pedrick, Agrarian Associates, (Easement Appraiser) has offered to meet with ACALPB Members and staff at the Wayne Mummert Farm on Friday, May 14th at 3:00 pm. He will explain how his appraisals are done and what is considered. Mr. & Mrs. Mummert are also going to attend.

- * Address/direction information will be sent to ACALPB Members prior to the 14th.

E. Program Updates

1. Stewardship/Insurance Issues and C&G Funding

- * Ellen explained, some counties maintain a Stewardship Fund; funding it by using money from their Preservation allocation.
- * Mr. Wenk noted, it would be taking money away from preserving land.
- * Ellen stated, perhaps we could try to have money set aside from the budget for a Stewardship Fund, rather than taking it from the Ag Program.
- * Ms. Kammerer asked what expenses would be paid for from this Fund. Ellen gave an example of a county that had issues with legal fees for a house that had been built on preserved land; eventually the house had to be torn down, which resulted in extremely high legal fees. There were also a few other examples discussed.
- * Board Members felt these situations really are not 'stewardship' needs.
- * Could these monies be used to help landowners with Conservation Plan violations? Ellen noted, it would not be good to help some, when others are doing what needs done & paying for it themselves. Ellen explained that the law states that if a County had to go to a farm to 'fix' a conservation issue, they could do so, pay for it, then send a bill to the landowner; so possibly this fund could be used in that circumstance.
- * Mark commented, Land Trusts are required to have money set back to help fix problem areas when the landowner can't or won't.

Much Discussion

- * Board Members feel these situations fall under the County, as the County is committed to uphold the easement when funding is approved, etc. The Fund should be a "Legal Defense Fund" not Stewardship. When discussing this with Solicitor Mudd she stated there is funding, as part of her Department, for legal actions against the County. We do not know how extensive that is. More to discuss later.

2. Reminder Postcards

- * Ellen noted a postcard was sent out with Inspection Notices this year to remind landowners to contact Ag Staff before they build or replace any new houses/structures, or if they are planning to subdivide the preserved land.
- * As a result, Ellen received a call regarding a residential structure that is currently being built. Ellen reviewed this situation and another new residence with the Board (see Section VI, B & C.)
- * This postcard/reminder will be included with the annual Inspection Notice every year.

3. Guidelines – Solar Language

- * Ellen will present draft language to Molly for review that may be added to the Guidelines.
- * Mark noted, several landowners in the County have received solar letters stating they are paying approximately \$2,250/acre for 30 years. (Originally was stated as \$10,000/acre; however, this was incorrect.)

F. Legislative Updates

1. Farm Bureau Policy Committee

- * Mark reviewed the highpoints of the 'Step Up Basis' Bill (Check with Mark on this!).
- * The Farm Bureau is against this Bill.

2. Land Trust Bill (SB64)

- * Ellen noted, at the March ACALPB meeting, Board Members said if a couple of items were revised, the ACALPB would approve/support SB64.
- * At this time, Conservation Plans are not required by this Bill.
- * \$2.5 – \$3Mil will come out of the State's preservation fund and be used for Land Trusts.
- * Ellen reviewed details of SB64.
- * The Board would need to see more changes to the current language before fully supporting this Bill.

II. Updates

A. Township

- * Cumberland Township is slowly getting back to their Zoning issues.
- * Mr. Yingling asked, if a neighboring farm next to a preserved farm is putting in a cell tower, but is not adhering to the set-back distance, can anything be done?
- * Ellen answered, the preserved landowner/program doesn't have any control over that – it would be up to the Zoning Officer of the municipality to approve/disapprove.

B. LCAC

1. Art Auction

- * Held virtually this year; participants could also view the items in-person by making an appointment to view the items at the Art Council building.
- * Did not do as well as previous years – total brought in was approximately \$17,000 this year.

C. PFPA

- * The Spring Meeting is scheduled for May 13th and will be 'virtual' meeting; hosted by WeConservePA on their ZOOM platform.
- * Cindy will send out the meeting information to Board Members; if anyone would like to attend, they should contact Cindy to register.

Executive Session was not necessary.

III. Round 13

A. Lobaugh & Resh #3 were approved at the April 15th State Board meeting.

B. Rex – settled; MacBeth settlement is scheduled for May 14th.

IV. Round 14

A. Hanover Shoe Farms

- * Ellen noted, it seems like there are constant issues/questions needing resolved/answered. Slowly moving forward.

B. Discussions with Townships

- * Ellen noted the Equine Study is complete. It will be a good tool to take to the Union & Conewago Townships meetings. Mark will send a link for Board Members to access the Survey Report.
- * If the ACALPB would like to see a presentation on the Equine Study or the Fruitbelt Study, Mark & Harlan Lawson would be the presenters.

1. Union Township (Hanover Shoe Farms)

- * Ellen will attend a Supervisor Workshop on May 4th. (NOTE: cancelled, rescheduled for 6/1)

2. Conewago Township (Hanover Shoe Farms)

- * Ellen will attend a Supervisor Meeting on May 17th.

3. Reading Township (Mummert)

- * Mark will attend a Supervisor Meeting on May 17th.

V. Motions on Discussions during Executive Session – n/a

VI. Inspections, Transfers, Subdivision, Rural Enterprise Applications, Other Issues

A. LCAC Trail Project – nothing new at this time

B. Fletcher Farms – additional residence

- * Ellen found out about a new house which was added to a new farm structure while meeting with the Fletchers on their Round 13 farm.

- * The housing area is located in one end of a large structure. The remaining portion of this structure is used for hay storage, repair shop, truck bays, etc.
- * Initially the housing area was planned for farm workers; however, it is being used by an immediate family member now.
- * It will be considered as the 'One Additional House', which is permitted in the easement.

Mr. Wenk made a motion that the ACALPB approve this house/farm structure as the One Additional House, as permitted in the Easement. Mr. Boyer seconded the motion; motion was approved unanimously.

C. Hemler – additional residence

- * The Landowner was reminded about notifying staff when planning to build new houses/structures when the postcard was received with the inspection mailing.
- * A residence is being built on a preserved farm that does not currently have a house on it; this will be considered the 'One Additional House', permitted by the easement.

Mr. Boyer made a motion that the ACALPB approve this house as the One Additional House, permitted in the Easement, with the landowner understanding that no additional houses will be permitted on this preserved farm. Mr. Wenk seconded the motion...

- * Ellen explained that if a residence already existed, this could be considered as a replacement if the original residence was torn down; however, there is no house on this preserved farm, so this one house will be the only one permitted.
- * At the time an easement is recorded it is noted if there are 'habitable' vs 'inhabitable' residences on the farm. If there is an 'inhabitable' residence, the landowner does not have the ability to both replace this inhabitable residence and build a second one.
- * In both cases, the Fletcher additional residence and the Hemler additional residence – the landowners should have come to the ACALPB first; however, in both cases, these houses are permitted.
- * Mr. Boyer asked, as part of the application/permitting for the new residence, shouldn't they have been caught as part of the Municipal Application? Mark & Ellen answered, yes – it is on the land development review process checklist. Ellen explained how the Fletcher situation was missed, as it was only noted as a very small notation on the Plan that it was a preserved farm and the reviewer missed it.
- * Mr. Wenk suggested it may be a good idea for the Planning Office to write the municipalities and encourage them, with any new building on farms, to check with the Planning Office so these situations can be caught – before it is too late.

Motion was approved unanimously.

VII. Staff Updates & Comments

- * Ellen asked if Board Members would want a presentation on the Equine Study. Mark noted, it is available through a link on the County Website (he will send the link to everyone.) Board Members feel having the link will be enough.

Much Discussion

- * Mr. Yingling noted everyone's appreciation to Ms. Kammerer & Mr. Smith for the time each of them has served on the ACALPB.
- * Ellen noted, they are welcome to attend future ACALPB meetings as it fits their schedule.

VIII. Adjournment

Mr. Wenk made a motion to adjourn the meeting at 8:46 pm. Mr. Boyer seconded the motion; motion was approved unanimously.

Respectfully submitted,

Cindy Sanderson, Secretary