

**ADAMS COUNTY AGRICULTURAL LAND PRESERVATION BOARD**  
***Minutes of Hybrid Meeting (In-Person/Conference Call)***  
**October 6, 2021**

**Attendance:**

***Members – Attending in-person:***

Vice-Chair Dave Wenk, Dave Boyer, Sidney Kuhn (7:38 p.m.), Ben Mearns, George Taughinbaugh, Doyle Waybright

***Members – Attending by phone or computer:***

Chair Craig Yingling, George Weikert

***Absent:***

Chad Collie

***Staff – Attending in-person:***

Ellen Dayhoff, Mark Clowney, Kelly Koch, Cindy Sanderson

***Staff – Attending by phone or computer:***

None

***Absent:***

None

***Guests:***

None

The October 6, 2021 meeting of the Adams County Agricultural Land Preservation Board commenced at 7:32 p.m. in the Planning Office Conference Room at the Adams County Agricultural & Natural Resources Center for in-person attendees, and via conference phone for off-site attendees.

**I. Board Business**

A. Approval of September Minutes

**Mr. Waybright made a motion that the ACALPB approve the September 8, 2021 Minutes. Mr. Mearns seconded the motion; motion was approved unanimously.**

B. Public Comments – none present

C. New Business – nothing new at this time

D. Budget

- \* Ellen noted, Sherri felt her Budget meeting with the Commissioners went well – decisions are not final yet.

E. Legislative Issues

1. State and Farm Bureau Updates – nothing new at this time

**II. Updates**

A. Townships

1. Mt Joy Township

- \* Mark noted, some of the Solar projects seem to be moving forward.

Sidney Kuhn arrived during this discussion at 7:38 p.m.

B. LCAC

- \* Road Rally registration will open soon.
- \* Hanover Shoe Farms application is moving through the Federal Program.

Executive Session opened at 7:39 p.m.

### III. Round 14

- \* Refer to the Round 14 Financial Report that was provided for the September meeting, no significant changes.

#### A. Township Discussions

##### 1. Union (HSF)

- \* Township Supervisors asked Ellen & Sarah Kipp to attend another meeting to discuss further (they plan to attend the October 19<sup>th</sup> meeting.)

##### 2. Conewago (HSF)

- \* Ellen met with the Township Supervisors, who are interested in participating with preserving land in Conewago Twp.
- \* They have offered to provide up to \$400K total towards XIV-26 and XIV-37.

#### B. Federal Applications

- \* Appraisal reports are almost complete on the 4 Hanover Shoe farms.

#### Much Discussion

- \* Possibly list more detail in the Planning Dept Annual Report on Preservation and the many options to choose from.

### IV. Easement Donation

- \* The landowners would prefer their donation be kept private; however, they are willing for it to be used as an example if it would help others learn about this option for preserving their land.
- \* Ellen noted, after settlement is final, the example could be presented anonymously.

### V. Preliminary Approval for an Additional Residence

- \* The one-permitted residence being requested will be built for an immediate family member.
- \* Currently, the request is for a 2-acre subdivision; however, at this time, the Township has a requirement that subdivisions must be 5 acres. The Township is in the process of updating their Zoning Ordinance, which may lower that requirement to 2 acres. The landowners will wait to move forward until after the Ordinance is revised/adopted.

Executive Session closed at 8:10 p.m.

### VI. Motions on Discussions during Executive Session

#### Section V – Preliminary Approval for an Additional Residence

**Mr. Boyer made a motion that the ACALPB approve a 2-acre subdivision on the Tom Clowney preserved farm pending revision of the Cumberland Township Zoning Ordinance to allow 2-acre subdivisions, as long as any changes that may be required by the Township will not cause the criteria for such subdivisions to be adversely affected. Mr. Waybright seconded the motion; motion was approved unanimously.**

### VII. Program Guidelines

#### A. Discussion & Action for the Following

##### 1. Eminent Domain/Condemnation

- \* Discussion to clarify the location of manholes and utility lines on a preserved farm. After discussion, the Amendment will read “Utility lines, or manholes for the maintenance of sewer, water or utility lines should be sited away from fields in agriculture production”.
- \* Hopefully this clarification will assist landowners when negotiating with utility companies on the placement of such lines.

2. Permitted Acts and Rural Enterprises / Existing Ag Buildings or Structures

- \* Ellen reviewed the Permitted Acts and Rural Enterprises handout, particularly the draft language under 3 (e) regarding site coverage for an Energy Rural Enterprise. The last sentence should read “Site coverage on existing structures is not considered as part of the 2% site coverage area.” taking out the reference to just ‘ag’ structures so it covers all structures.

Much Discussion

**Mr. Mearns made a motion that the ACALPB approve the revised language to the Program Guidelines under Permitted Acts and Rural Enterprises/Eminent Domain/Condemnation regarding the siting of utility lines or manholes, as well as the language in Appendix E-6, Permitted Acts and Rural Enterprises, Section 3e, regarding site coverage. Mr. Boyer seconded the motion...**

- \* A question was asked if solar panels could be placed in the ‘backyard’ of a residence? Ellen answered, if they are located within the 2-acre curtilage of the residence, they would be permitted.

Much Discussion

**Motion passed unanimously.**

- \* A copy of the revised language will be sent out to Board Members.

B. Further Discussion & Possible Action

1. Relinquishment of the Additional House

- \* Ellen is waiting on information from the State Office.

2. Habitable vs Inhabitable

- \* Ellen is researching possible wording options and using the Appraisal, as well as the Tax Records, at the time of easement purchase to determine if a residence was considered a residence at that time, instead of using ‘habitable vs uninhabitable’ definitions. If it isn’t noted in either the appraisal and/or tax records, it could not be replaced. (Possible wording: taxable/non-taxable, livable/unlivable...)

Much Discussion

- \* To help clarify this standing for future needs, photos will be taken during the easement process and made a permanent part of the file, with the notation if any buildings were counted as livable or not, and will have the landowner sign, noting their agreement in that determination.
- \* Ellen will discuss language with Molly – possibly use taxable, non-taxable.

3. Federal Program - incentives for participation

a. Possible incentives to encourage participation

- \* Ellen reported on how some of the other counties promote using Federal funds
- \* Some landowners will be totally against using Federal funding

b. Owner/Operator

- \* With Federal applications, the process is a lot more involved if the Owner & Operator are not the same person.
- \* Ellen suggested, here in Adams County, possibly offer the Federal Program only if the Owner & Operator are the same person.

4. New/Revised Forms to be Recorded When Necessary

- \* Ellen is working on the revisions, possibly will have them ready to present to the ACALPB at the November meeting.

**VIII. Inspections, Transfers, Subdivision, Rural Enterprise Applications, Other Issues**

A. LCAC Trail Project – Nothing new at this time

B. Curtilage Area Limits on Preserved Farms

- \* Mark reviewed the Program Guidelines handout he sent out prior to this meeting that discusses curtilage limits.
- \* The current verbiage stating ‘10% or 15 acres, whichever is greater’, could end up being a large portion of a smaller farm.

Much Discussion

- \* Ellen noted, all revised language in the Guidelines must be approved by the Commissioners, and the State when changes are finalized; this is being presented now only for discussion.

**VIX. Staff Updates & Comments**

- \* Ellen noted, this Board is important; it sets Policy and does not just ‘rubber-stamp’ everything that comes along.
- \* Mark noted, a lot of Amish are buying farmland in Adams County – 14 tax parcels have been bought by Amish since 2018. Ellen noted, the Amish are interested in purchasing preserved farms.

**X. Adjournment**

**Mr. Boyer made a motion to adjourn the meeting at 9:16 pm. Ms. Kuhn seconded the motion; motion was approved unanimously.**

Respectfully submitted,

*Cindy Sanderson, Secretary*