

**ADAMS COUNTY AGRICULTURAL LAND PRESERVATION BOARD**  
***Minutes of Hybrid Meeting (In-Person/Conference Call)***  
**November 3, 2021**

**Attendance:**

***Members – Attending in-person:***

Chair Craig Yingling, Craig Collie, Sidney Kuhn, Ben Mearns, Doyle Waybright

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

George Weikert

***Absent:***

Vice-Chair Dave Wenk, Dave Boyer, George Taughinbaugh,

***Staff – Attending in-person:***

Ellen Dayhoff, Mark Clowney, Kelly Koch, Cindy Sanderson

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

None

***Absent:***

None

***Guests:***

None

The November 3, 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 October Minutes**

**Mr. Waybright made a motion that the ACALPB approve the October 6, 2021 Minutes. Mr. Weikert seconded the motion; motion was approved unanimously.**

**B. Public Comments – none present**

- \* Ellen noted, the Planning Office continues to receive propaganda fliers addressed to staff and ACALPB members (present and past members).
- \* Sometimes multiple copies have been received for each individual; samples of fliers were passed around.

**C. New Business**

- \* Cindy reviewed details of 2022 meetings
    - ~ 1st Wednesday of each month, 7:30 pm start time
    - ~ Jan 5 - will probably be held at Ellen's house, details will be sent out later
- Feb 2, Mar 2, Apr 6, May 4, Jun 1, Jul 6, Aug 3, Sep 7, Oct 5, Nov 2, Dec 7

**D. Budget**

- \* Sherri said they are still working on the Budget, but nothing to date that affects Ag Preservation.

**E. Legislative Issues**

**1. State**

- \* Growing Greener III Funds – Ellen reviewed details about a possible new Bill which would provide more state funding, but nothing concrete yet.
- \* SB 64 / Land Trust – Ellen hopes to meet with Dan Moul and other PFPA members to discuss possible language changes in order to raise reimbursed funds for costs association from \$5,000 to \$10,000/project.

**2. Farm Bureau – nothing new at this time**

### 3. PFPA

- \* Ellen reviewed two case studies that were discussed at the recent PFPA meeting regarding a campground and plans for utilizing a preserved farm for septic waste.
  - \* Lancaster County Ag Board won the case at the County level but lost at the State/Commonwealth level.
- Much Discussion

## II. Updates

### A. Townships – nothing new at this time

### B. LCAC

- \* Mark & Ellen reported the event went well in spite of rain all day.
- \* Finish line was held at Hoffman Homes.

### C. Parks, Recreation, and Green Space Grant Program (PRGS)

- \* Often, this Program is referred to as ‘Green Space’.
- \* Ellen announced Kelly is taking over as Coordinator for the Program.
- \* Kelly reviewed details of the application received during the new Round Opening – only one application will be processed.
- \* Mr. Yingling asked if PRGS funds for ag land preservation were a part of the 2022 Budget. Ellen answered, not specifically this time.
- \* Kelly noted, there have not been ‘new’ funds in the budget for land preservation projects as extra was requested and approved for the Hanover Shoe Farm in Mt Pleasant Township that LCAC is working on.
- \* Kelly also noted, money for the Parks and Recreation portion of the PRGS Program comes from Marcellus Shale funds (Act 13).

Executive Session opened at 8:00 p.m.

## III. Round 14

- \* Refer to the Round 14 Financial Report
- ~ Ellen reviewed changes in the format of the Financial Report that was provided as a handout.

### A. Township Discussions

#### 1. Union (HSF)

- \* XIV-35 & XIV-36 can be taken out of ranking order with additional funding being provided by the Township.

#### 2. Conewago (HSF)

- \* XIV-35 can be taken out of ranking order with additional funding being provided by the Township.

### B. Federal Applications

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

## IV. Easement Donation

- \* Ellen is taking the request to approve this easement donation to the Commissioner’s Public Meeting, which was postponed from Wednesday until Thursday due to Election Day.

Executive Session closed at 8:12 p.m.

## V. Motions

### A. Old Business

#### 1. XIV-37

- \* Motion needed to purchase the easement on XIV-37 out of ranking order using additional funds provided by Conewago Township.

**Mr. Mearns made a motion that the ACALPB approve processing the easement on XIV-37 out of ranking order using additional funds provided by Conewago Township in partnering with the Adams County Ag Land Preservation Program, as permitted in the Program Guidelines. Ms. Kuhn seconded the motion; motion was approved unanimously.**

2. Round 13

- \* Motion needed to close Round 13 now that all easement purchases have settled.

**Mr. Collie made a motion that the ACALPB approve closing Round 13. Mr. Weikert seconded the motion; motion was approved unanimously.**

B. Executive Session Motions

1. Section III, A, 1

**Ms. Kuhn made a motion that the ACALPB approve processing easements on XIV-35 and XIV-36 out of ranking order using additional funding provided by Union Township in partnering with the Adams County Ag Land Preservation Program to purchase both easements, as permitted in the Program Guidelines. Mr. Weikert seconded the motion; motion was approved unanimously.**

**VI. Program Guideline Changes (as time permits)**

A. Discussion and Possible Action to be Taken for the Following:

1. Relinquishment of the Additional House

- \* Waiting for answers from the State.

2. Permitted Acts and Rural Enterprises - Structure Coverage/Curtilage

a. Limitations on future Agriculture businesses/expansion of operations.

- \* Sherri requested a review of this Board's stance regarding the current limitation for structure coverage (10% or 15 acres, whichever is greater). Does the Board wish to continue with this criteria or relax restrictions to permit a larger area for structure coverage.
- \* Ellen reviewed and noted the Board's history has shown more concern with preserving land and farms, rather than consideration of buildings & curtilage usage.

b. Discussion regarding omitting ponds or farm 'working' lanes and only counting impervious surface, etc. as part of the 10% or 15-acre requirement.

- \* With the current language, larger farms could be at their limit of being able to add more ag structures, while smaller farms may be able to cover the majority of their area with structures.
- \* The suggested revised language would help ease definitions of what would be considered under this criteria.

Much Discussion

- \* Mark noted, if an easement is on two parcels and one parcel is sold, it can raise several issues/questions:
  - ~ Does each parcel have the ability to use the 10% or 15-acre for structures?
  - ~ If only one of the parcels would be able to use the 10% or 15-acre for structures, how would that parcel be designated?
- \* In many cases, the Township regulations may be stricter and not permit the number of additional structures that would be allowed under the 10%/15-acre coverage.

Much Discussion

**Mr. Mearns made a motion for the ACALPB to approve the submitted revisions to the Permitted Acts and Rural Enterprises language. Mr. Collie seconded the motion.**

- \* In the Law, the term "Curtilage" relates only to the additional residence permitted by right; it does not pertain to other structures.

- \* If we only use a percentage (10%), it could work against the smaller farms.
- \* Mark & Ellen noted, if changes are less restrictive, those changes can be retroactive. If they are more restrictive, then they can only affect easements purchased after the change is approved by the State Board.
- \* Discussion regarding omitting BMPs required for a Conservation Plan and possibly revising the language to reflect structures being utilized for animal housing would count toward this coverage area.

Much Discussion

**Mr. Waybright made a motion that the ACALPB table the current motion until the December meeting to allow for more thought/consideration and possibly Board members not present at this meeting would be able to attend the December meeting. Mr. Yingling seconded the motion; motion was approved unanimously.**

### 3. Replacement of a Residence Existing at the Time of Easement Purchase

- \* Ellen reviewed prior discussion of adding 'habitable vs uninhabitable' definitions to our Guidelines when referencing the replacement of a residence existing at the time of easement purchase.
- \* Tests using Tax Records were run on several preserved farms to determine if a house was existing at the time of easement.
- \* If the residence in question was listed as a residence in the Tax Records at the time of easement purchase, it would be considered replaceable; if it was not, then it will not be replaceable.

**Mr. Waybright made a motion that the ACALPB approve revision to the Program Guidelines to reflect the status of a residence will be based on the Tax Records at the time of easement purchase. Mr. Yingling seconded the motion; motion was approved unanimously.**

- \* Due to time constraints, Agenda items remaining in this Section will be held until a future meeting.

### 4. Donations to Program through Wills, Estate Planning, etc.

### 5. Federal Program

- a. Possible incentives to encourage participation
- b. Owner/Operator in order to participate

### 6. Forms to be Recorded When Necessary

- \* ACALP Approval for Replacement of Existing Residence, Additional Residence, Subdivision Permitted Use/ Rural Enterprise

## VII. Inspections, Transfers, Subdivision, Rural Enterprise Applications, Other Issues

### A. LCAC Trail Project

- \* Waiting on final agreement – issues with Franklin Township approval.

## VIII. Staff Updates / Comments – nothing new at this time.

## X. Adjournment – 9:33pm

- \* Meeting was adjourned by consensus of attendees.

Respectfully submitted,

*Cindy Sanderson, Secretary*