

Chapter 11: Agricultural Resources Inventory

INTRODUCTION

Agriculture is both a principal land use and natural resource that helps maintain the Region's rural character. There is a tension, however, between farming as a continuing viable industry, and the residential development pressure throughout the Region. This chapter identifies and defines the principle agricultural resources - prime farmland and prime agriculture soils; and how agriculture itself (as a land use) is a resource throughout the Region. In addition, this chapter discusses how the local farming community continues to foster a relationship with residents. Finally, this chapter explores some of the programs available to help landowners continue farming and the legal basis for doing so. Agricultural preservation should be considered and balanced with natural, historic, and scenic resource protection efforts to maintain the Region's rural character.

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AGRICULTURAL RESOURCES OVERVIEW

22,484 acres of farmland within the Region

Much of the Region's rural character comes from its agrarian heritage. The Region contains agricultural resources that represent one of the earliest economic foundations of the area and date back centuries to when Europeans initially settled the area (see Chapter 8: Historic Resources Inventory for a full discussion). Although the number of active farms has declined there are still many productive farms. The Northern Federation identified parcels used as farmland in 2005, (see Map 6-1 in Chapter 6: Agriculture Resources Plan as well as Figure 11-1, below). These parcels make up approximately **22,500 acres or 29% of the total acres** of the Region, indicating that farming is still a viable industry and land use. In addition to agriculture as a land use, the components of agriculture (e.g. soils) are important resources.

The preservation of agricultural resources is an important consideration in the planning process because it helps ensure efficient use of valuable soils and is an indicator of the Region's economy and culture. The preservation of this resource, like the other resources in this Plan, must be considered against continued development pressure so that the Region can maintain a balance between its agrarian past and its future. Many of the entities and the programs discussed though out this chapter have been included to show how the Region is currently preserving the industry of farming by preserving the components of agriculture as well as the land use of agriculture.

This plan, together with the *Regional Land Use Plan (1996)*, establish a regional agricultural preservation policy. To promote preservation, the municipalities in the Northern Federation should continue to: implement agricultural preservation initiatives found throughout this chapter; implement the actions found in Chapter 6: Agriculture Resources Plan; and/or the recommendations in their individual Comprehensive Plans. In addition, each municipality will have the policy basis on which to base regulatory changes (with the focus on zoning) that promote agricultural preservation.

To further agricultural preservation efforts on a regional basis, preservation policies should be implemented at the municipal level and coordinated with the Northern Federation. Coordinated municipal preservation policies will indicate continued support for agriculture and will potentially enable the Northern Federation to influence county or state agricultural policy. At the very least, coordinated regional policies will help members of the Northern Federation pursue preservation activities. This usually serves to reduce opposition and to elicit support when the Northern Federation and/or individual municipalities initiate preservation programs and strategies.

Figure 11-1, on the next page, is a summary of agricultural resources or preservation efforts in the Region. The topics summarized in each column are explained in greater detail throughout the chapter (this information has been included here as a quick reference). The second column is the number of acres of existing farmland in each township. The third column shows the percentage of acres of farmland in each municipality. The fifth column, *Agricultural Easements Acreage*, shows the number of acres preserved through the two county agricultural preservation programs. (The discussion on these programs begins on page 11-11). The last column, *Open Space Acreage*, lists the number of open space acres preserved by private nonprofit land trusts. The acreage listed in this column does **not** represent *only* agricultural lands. (See the discussion of agriculture as open space on page 11-13 for a more detailed explanation).

**Figure 11-1
Summary of Agricultural Land and Resource Protection
In the Region**

Township	Number of Acres of Existing Farmland	Percentage of Acres of Farmland in the Township	Agricultural Security Areas Acreage	Agricultural Easements Acreage*	Open Space Acreage**¹
East Coventry	1,405	20%	950	241	0
East Nantmeal	5,178	49%	4,752	225 plus 118 (in combination with Wallace)	3,184
East Pikeland	1,104	19%	40	0	283
East Vincent	2,675	31%	1,333	646	55
North Coventry	1,248	14%	1,771	538	58
South Coventry	1,592	33%	1,641	50 plus 340 (in combination with Warwick)	654
Wallace	1,727	22%	1,000	118 (in combination with East Nantmeal)	281
Warwick	3,620	30%	3,686	28 plus 340 (in combination with South Coventry)	2,689
West Vincent	3,935	34%	1,709	381	593
Northern Federation Totals	22,484	29%	16,882	2,567	7,797

Notes: *Easements from both the Commonwealth of Pennsylvania and Chester County Agricultural Conservation Easement Purchase Preservation Program, *and* the Challenge Grant Program Chester.

** Acreage of Parcels w/ Land Trust Easements *or* Owned in Fee by Land Trusts.

AGRICULTURAL RESOURCE COMPONENTS: PRIME FARMLAND AND SOILS

Prime farmland and prime agricultural soils are resources of agriculture. However, agriculture itself (as a land use) can be a resource for the Region in that it helps retain the agrarian economy and rural character. The following two pages examine the resources of agriculture while the next part of this chapter looks at the product of agriculture, or how agriculture is a resource for the Region. The mechanisms and programs listed throughout this chapter have been included to help the Northern Federation, municipalities, or landowners/farmers protect the land/soils and farming as an industry, as well as a land use.

¹ The county credits the preservation of a parcel of land to one source. The land trusts and the municipalities often use a different method for calculating the number of acres preserved. Therefore, the number of acres that the county shows as protected open space may be lower than figures that the land trusts or municipalities use.

WHAT IS PRIME FARMLAND?

The United States Department of Agriculture defines prime farmland as, "...land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, range-land, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding."²

Prime farmland is determined on a site-by-site basis, and is a subjective resource, therefore it is not possible to map or depict this resource for the Region. The conditions stated in the definition above would indicate, however, that the Region does contain areas of prime farmland.

WHAT ARE PRIME AGRICULTURAL SOILS?

Prime agricultural soils, a component of prime farmland, are plentiful in the Region (see Figure 11-2 and Map 11-1). Prime agricultural soils are designated as bearing productivity rating of Class I, II, and III by the USDA Soil Conservation Service (see Figure 11-3 for a list of the prime agricultural soils found in the Region):

- **Class I** soils have few limitations that restrict their use for farming, and, therefore, are considered the best for agricultural purposes.
- **Class II** soils have some limitations that reduce the choice of plants (crops) or require moderate conservation practices.
- **Class III** soils have more severe limitations that reduce the choice of plants (crops), require special conservation practices, or both, and are included as prime agricultural soils by Commonwealth designation as agricultural soils of statewide importance.

Soils not classified as Class I, II, or III are generally less productive and are often located in areas of floodplains, wetlands, or steep slopes and are often used for pastureland rather than for cropland. Class IV soils, while not defined as prime agricultural soils, are recognized statewide and by the Region's local farming community as important. Class IV soils count toward the minimum requirements for the Commonwealth of Pennsylvania and Chester County Agricultural Conservation Easement Purchase Preservation Program, which requires that farm tracts have at least 50% of soils available for agricultural production and are of capability classes I-IV. (See page 11-11 for more information on this program)

² 7 CFR 657.5

WHY ARE PRIME AGRICULTURAL SOILS BENEFICIAL?

Prime agricultural soils are beneficial because they produce the highest crop yields with minimal inputs of energy and economic resources. Prime agricultural soils require less irrigation and have better natural drainage than other soil types. Therefore, farming the land results in the least damage to the environment.

PRIME AGRICULTURAL SOILS IN THE REGION

As shown in Figure 11-2, as of 2005 the Region contains approximately **47,968** acres of prime agricultural soils out of **76,661** total acres (approximately **63%**). The table below shows the number of acres of Class I, II, or III soils in the Region, and the percentage of prime agricultural soil (by class) for the total acres in the Region. Prime agricultural soils are shown on Map 11-1.

**Figure 11-2
Prime Agricultural Soils**

Soil Classification	Number of Acres	Percentage of total acres in the Region
Class I Soils	374	0.49%
Class II Soils	35,159	46%
Class III Soils	12,435	16%
Total	47,968	63%

PRIME AGRICULTURAL SOILS - CROPLAND OR DEVELOPMENT?

The predominance of prime agricultural soils within the Region is evident as shown above, however, it is important to note that the amount of prime agricultural soils has been impacted by development. The elements that make soils good for agriculture also make it attractive to build upon. Since Class I and II soils are often the most suitable for development, many areas of prime agricultural soils in the county and Region have already been developed or otherwise disturbed.

Current zoning regulations of the Northern Federation member municipalities tend to suggest that they favor suburban development over agricultural protection (see the discussion *Agricultural Preservation Through Municipal Regulation* as well as Figure 6-1 in Chapter 6: Agricultural Resources Plan). Communities where these prime soils are located must determine how to balance growth management techniques with agricultural preservation.

**Figure 11-3
Prime Agricultural Soils in the Region**

Class of Soil	Name of Soil	Abbreviation	Acres
I	CHESTER SILT LOAM, 0 TO 3 PERCENT SLOPES	029CdA	0.09
I	NESHAMINY GRAVELLY SILT LOAM, 0 TO 3 PERCENT SLOPES	029NaA	6.32
I	CHESTER SILT LOAM, 0 TO 3 PERCENT SLOPES, MODERATELY ERODED	029CdA2	9.84
I	GLENELG CHANNERY SILT LOAM, 0 TO 3 PERCENT SLOPES	029GeA	4.51
I	GLENELG CHANNERY SILT LOAM, 0 TO 3 PERCENT SLOPES, MODERATELY ERODED	029GeA2	4.20
II	GIBRALTER SILT LOAM	0293Fc	25.68
II	RARITAN SILT LOAM, 3 TO 8 PERCENT SLOPES	0293RaB	5.15
II	BRANDYWINE SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029BrB2	130.87
II	URBAN LAND – PENN COMPLEX, 0 TO 8 PERCENT SLOPES	029UxB	474.86
II	ROWLAND SILT LOAM, DARK SURFACE	029Rp	3.89
II	ROWLAND SILT LOAM	029Ro	26.51
II	READINGTON SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029RdB2	2.565
II	READINGTON SILT LOAM, 3 TO 8 PERCENT SLOPES	0293ReB	4.626
II	READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES	029RdA	14.25
II	PENN SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029PmB2	561.71
II	PENN CHANNERY SILT LOAM, 3 TO 8 PERCENT SLOPES	0293PeB	5.65
II	PENN AND LANSDALE SANDY LOAMS, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029PtB2	6.56
II	NESHAMINY GRAVELLY SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODE	029NaB2	47.40
II	MONTALTO CHANNERY SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029MoB2	15.20
II	BRECKNOCK CHANNERY SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029BtB2	113.43
II	BUCKS SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029BxB2	170.71
II	CHESTER SILT LOAM, 3 TO 8 PERCENT SLOPES	029CdB	10.87
II	CHESTER SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029CdB2	3.70

Class of Soil	Name of Soil	Abbreviation	Acres
II	CHEWACLA SILT LOAM	029Ch	10.60
II	CONGAREE SILT LOAM	029Cn	42.40
II	EDGEMONT CHANNERY LOAM, 3 TO 8 PERCENT SLOPES	029EcB2	8.97
II	MANOR LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029MgB2	6.51
II	MADE LAND, SCHIST AND GNEISS MATERIALS	029Me	68.82
II	LEHIGH SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029LeB2	9.05
II	L Aidig Gravelly Loam, 3 to 8 percent slopes	0293LaB	8.70
II	JOANNA LOAM, 3 TO 8 PERCENT SLOPES	0293UeB	4.86
II	GLENVILLE SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029GnB2	6.62
II	GLENVILLE SILT LOAM, 3 TO 8 PERCENT SLOPES	029GnB	4.82
II	GLENVILLE SILT LOAM 0 TO 3 PERCENT SLOPES	029GnA	10.54
II	GLENELG CHANNERY SILT LOAM, 3 TO 8 PERCENT SLOPES	029GeB	2.87
II	GLENELG CHANNERY SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED	029GeB2	53.16
II	LEHIGH SILT LOAM, 3 TO 8 PERCENT SLOPES	029LeB	5.85
III	Laidig Gravelly Loam, 8 to 15 percent slopes	0293LaC	12.06
III	BOWMANVILLE-KNAUERS SILT LOAM	0293Bo	11.25
III	BOWMANVILLE SILT LOAM	029Bo	11.82
III	BRANDYWINE LOAM, 8 TO 15 PERCENT SLOPES	029BrC	4.77
III	WORSHAM SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029WoC2	2.63
III	WEHADKEE SILT LOAM	029We	2.05
III	PENN SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029PmC2	55.21
III	PENN AND LANSDALE SANDY LOAMS, 8 TO 15 PERCENT SLOPES, SEVERELY ERODED	029PtC3	29.17
III	PENN AND LANSDALE SANDY LOAMS, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029PtC2	149.26
III	NESHAMINY GRAVELLY SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029NaC2	5.17
III	MONTALTO CHANNERY SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029MoC2	20.08
III	BRANDYWINE LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029BrC2	13.92

Class of Soil	Name of Soil	Abbreviation	Acres
III	MANOR LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029MgC2	8.56
III	BRECKNOCK CHANNERY SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODE	029BtC2	17.99
III	CHESTER SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029CdC2	11.47
III	EDGEMONT CHANNERY LOAM, 8 TO 15 PERCENT SLOPES	029EcC	37.23
III	GLENVILLE SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029GnC2	10.30
III	MANOR LOAM, 8 TO 15 PERCENT SLOPES	029MgC	11.52
III	MANOR LOAM, 3 TO 8 PERCENT SLOPES, SEVERELY ERODED	029MgB3	3.55
III	PENN CHANNERY SILT LOAM, 8 TO 15 PERCENT SLOPES	0293PeC	22.01
III	JOANNA LOAM, 8 TO 15 PERCENT SLOPES	0293UeC	25.37
III	EDGEMONT CHANNERY LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029EcC2	39.12
III	GLENELG CHANNERY SILT LOAM, 8 TO 15 PERCENT SLOPES	029GeC	13.30
III	GLENELG CHANNERY SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED	029GeC2	6.41
III	GLENELG CHANNERY SILT LOAM, 3 TO 8 PERCENT SLOPES, SEVERELY ERODED	029GeB3	2.42

Source: Class I, II, and III Agricultural Soils – Chester County Soil Survey, Geographic Database for Chester County, Pennsylvania, Department of Agriculture, Natural Resource Conservation Service, 1997.

PRESERVATION EFFORTS

There are many public and private entities that preserve agricultural land and there are a variety of mechanisms to aid these groups.

PRESERVATION FUNDING OPTIONS

Two primary ways to preserve agricultural land and open space are through conservation easements, and land purchases (in fee). Both public and private entities use these mechanisms depending on the type and scope of the preservation. Funding comes from various public and private sources and sometimes more than one source is necessary to cover the cost of an easement or land purchase. As preservation strategies are developed, it is important to be aware of the financial resources available so the Region may benefit from as many programs and resources as possible. It is recommended that before a landowner initiates any preservation option they consult with an attorney or tax consultant to discuss their options.

CONSERVATION EASEMENTS

When an entity, such as the state, county, municipality or a private non-profit land trust, acquires an easement on a property (either by bargain-sale/donation from the seller or purchase for compensation), the entity does not purchase the *property* from the owner but rather, they purchase certain *rights* on the property. These rights limit development and govern the way in which the property can be used or maintained in the future. Easements are legal documents that run with the land in perpetuity and are recorded by the County Recorder of Deeds. See Map 11-1 for eased parcels as of 2005 (state/county agricultural easements and land trust open space easements). Conservation easements can be tailored for each property to protect specific resources such as: wildlife habitat, farmlands, watersheds, historic sites, or other features. The great majority of eased parcels are private property and are not open to the public without the specific permission of the property owner. However, the public does benefit from the scenic views of the property, protection of resources, and the municipal tax savings realized by the limitations on new development.

LAND PURCHASE (OWNERSHIP IN-FEE)

An alternative to conservation easements is the purchase of land in which an entity such as a land trust takes title of the property. See Map 11-1 for parcels owned in fee by land trusts. An advantage to owning the land in-fee is that the land trust has full control over what happens on the property. For example, the land trust may choose to allow access to all the land by the public, which is a less likely scenario with property protected through conservation easements. The future use of the property for conservation purposes and enforcing the terms of the conservation easement agreement is not an issue on land trust owned property, but maintenance and liability costs to the land trust will be greater. Because of the high cost of land and the management responsibilities that are associated with owning land, the acquisition of parcels "in-fee" by a land trust or other entity is less common than the purchase of conservation easements.

LAND DONATION

Land donation occurs when a landowner donates the property or donates an easement to a land trust for a nominal fee (often \$1.00). A landowner may choose this option if he does not want to pass the land on to his heirs, or if the land has appreciated greatly and the land owner needs to reduce estate tax burdens if he has substantial real estate holdings. Selling the land would create capital gains liability; land donation allows the landowner to avoid that responsibility.

BARGAIN SALE

Bargain sales occur when a landowner sells either the property or an easement for a price that is less than the appraised or fair market value of the land or easement. This option provides the seller with some income and reduces the price of the land or the easement which may further enable the land trust to purchase the land or the easement. There may be tax benefits (e.g. avoiding some capital gains) to landowners or their heirs.

PUBLIC AND PRIVATE ENTITIES: PROGRAMS OR INITIATIVES

The following entities play a vital role in the Region's ability to retain its rural character, and the Northern Federation to initiate preservation efforts using the mechanisms discussed above (conservation easements, land purchase, etc). The first part of this section examines entities/programs specific to agriculture. The second part looks at entities/programs specific to open space preservation, of which agriculture is one component.

It is understood that all of the programs in this section require some level of landowner cooperation (even if just initially to sell the property or easement to a land trust). Landowner initiatives to promote agriculture, such as community supported agriculture or farm stands, and other initiatives, such as programs to help landowners deal with erosion or nutrient management, are discussed later in the chapter.

AGRICULTURAL LAND PRESERVATION BOARD 28 farms (2,567 acres) within the Region
The Chester County Board of Commissioners established the Agricultural Land Preservation Board (ALPB) in 1989. The nine-member Board was originally established to administer the Commonwealth of Pennsylvania's Agricultural Conservation Easement Purchase Program, (as created through PA Act 43, P.L. 128, No. 43, the Agricultural Security Area Law, as amended), however, the Board currently administers both the Commonwealth of Pennsylvania and County of Chester Agricultural Conservation Easement Purchase Program, and the Chester County Challenge Grant Program. These easement programs ensure preservation of viable agricultural lands in order to protect the agricultural economy and resources of the County.

Preserved Acres: As of January 2006, through the Commonwealth of Pennsylvania and Chester County Agricultural Conservation Easement Purchase Program and Challenge Grant Program, **28 farms** of **2,567 acres** have been preserved in the Region. Countywide, the programs have preserved **215 farms** of **20,563 acres**.

Before describing the ALPB programs, it is necessary to discuss agricultural security areas, which are a threshold requirement for both programs.

AGRICULTURAL SECURITY AREAS (ASA) 16,843 acres within the Region
The Agricultural Security Areas Act (Act 43 of 1981) permits municipalities to designate an "agricultural security area" (ASA), which may cross municipal lines. Act 43 requires that each ASA consist of a minimum of 250 acres of productive farmland, although the parcels do not need to be contiguous. One or more farmers must request an ASA, and demonstrate that the Act requirements have been met, prior to the municipality approving the ASA. A farm may enroll in an ASA in a neighboring municipality if no ASA exists in that farmer's municipality.

Once adopted, the municipality may not pass ordinances that restrict farm structures or practices within the ASA. Municipalities may not define agricultural activities and operations as a "public nuisance" or prohibit farming activities within the ASA. Lands in the ASA can only be condemned after condemnation is approved by the Agricultural Land Condemnation Approval Board, which consists of representatives of state agencies, elected officials, and farmers.

Lands in ASAs are not protected from all development or condemnation because landowners may take their property out of the ASA at any time to be sold or developed without any rollback tax penalty. Agricultural Security Areas located in the Region as of 2005 are shown on Map 11-1. There are approximately **16,843 acres** of agricultural land within the established ASAs in the Region.

COMMONWEALTH OF PENNSYLVANIA AND COUNTY OF CHESTER AGRICULTURAL CONSERVATION EASEMENT PURCHASE PROGRAM

The program enables landowners to sell the development rights of their property through the Board to the Commonwealth, the county, their municipality, or any combination of these entities. Once the development rights are sold, these entities own an “agricultural conservation easement” on the property, and the land will be kept productive in perpetuity. As of January 2006, the agricultural conservation easement payments are limited by the county to a maximum of \$12,000 per acre.

CHESTER COUNTY CHALLENGE GRANT PROGRAM FOR FARMLAND PRESERVATION

Recognizing the pressures of development in Chester County, the Board of County Commissioners created a program to complement the Commonwealth Program and other components of the Chester County Open Space Program. The criteria are less intensive (soil and acreage requirements) than the Commonwealth Agricultural Conservation Easement Purchase Program criteria and may be better suited for properties in the Region. After two annual rounds specific to northern Chester County, the program has been expanded to the entire county. To fund this program, the County Commissioners committed \$5 million in 2001, \$3.4 million in 2003, and \$3.5 million in 2004 in a dollar-to-dollar match program with local sources. This program provides an opportunity for partnership between the county and local entities such as townships and other public and private sources. Municipalities, businesses, non-profit organizations, and private foundations and contributors can be the source of the matching funds and landowners may offer bargain sales.

Individual farmers may benefit from either county program with a lower tax assessment as the result in a decrease in land value because of the loss of the development rights (yet they may still profitably farm the land). Lower property values would also benefit the heirs because they pay less inheritance tax. Farmers receive cash payments through one of several options:

- In a lump sum, a like-kind payment to allow for the purchase of other property,
- An installment payment, or
- Allocated through an Installment Purchase Agreement (IPA).

For more information on these programs, contact the Chester County Department of Open Space Preservation at 610-344-6285 or view the current program manual at www.chesco.org/openspace.

Figure 11-4 identifies the agricultural conservation easements through both the Chester County Agricultural Land Preservation Grant program and the Chester County Challenge Grant Program, and the total number of acres for each municipality in the Northern Federation participating in the Plan.

**Figure 11-4
Acres In The Region Protected Through The County Agricultural Easement Programs**

Municipality	Farm Type	Easement Acreage	Year of Easement
East Coventry	Crop/Dairy	85	2001
East Coventry	Dairy	156	2001
Subtotal for East Coventry Township = 241 acres of eased farmland			

Municipality	Farm Type	Easement Acreage	Year of Easement
East Nantmeal	Beef	101	2003
East Nantmeal	Crop	67	2005
East Nantmeal	Crop	57	2005
Subtotal for East Nantmeal Township = 225 acres of eased farmland			
East Nantmeal/ Wallace	Crop	118	1995
Subtotal for East Nantmeal/ Wallace Township = 118 acres of eased farmland			
East Vincent	Crop/Dairy	100	1993
East Vincent	Crop/Dairy	165	1997
East Vincent	Crop for dairy	24	2003
East Vincent	Dairy	117	2004
East Vincent	Beef/Crops	69	2004
East Vincent	Dairy	98	2004
East Vincent	Dairy	27	2004
East Vincent	Beef/Crops	46	2004
East Vincent Township Subtotal = 646 acres of eased farmland			
North Coventry	Crop for dairy	59	2003
North Coventry	Dairy	61	2003
North Coventry	Dairy	65	2003
North Coventry	Beef/Crops	228	2003
North Coventry	Beef/Crops	125	2004
North Coventry Township Subtotal = 538 acres of eased farmland			
South Coventry	Dairy	50	2002
South Coventry Township Subtotal = 50 acres of eased farmland			
South Coventry/ Warwick	See Warwick below	171*	
South Coventry/ Warwick	See Warwick below	169*	
South Coventry / Warwick Township Subtotal = 340 acres of eased farmland			
Wallace/ East Nantmeal	See East Nantmeal above	118*	
Wallace/East Nantmeal Township Subtotal = 118 acres of eased farmland			
Warwick	Crop	28	1997
Warwick Township Subtotal = 28 acres of eased farmland			
Warwick/ South Coventry	Horse/Crop	171	2001
Warwick/ South Coventry	Horse/Crop	169	2001
Warwick/South Coventry Township Subtotal = 340 acres of eased farmland			
West Vincent	Crop	61	1994
West Vincent	Crop	62	1998
West Vincent	Dairy	87	2000
West Vincent	Crop	104	2000
West Vincent	Crop/Woodland	43	2000
West Vincent		24	2003
West Vincent Township Subtotal = 381 acres of eased farmland			
Total for the Region = 2,567 acres of eased farmland			

*Note: Several of the easements cross municipal boundaries. For convenience, the acreage has been listed out under both municipalities in the chart, however the acreage is counted toward the primary municipality's total and is shown in bold. The acreage in the secondary municipality is not shown in bold.

AGRICULTURAL LAND AS A TYPE OF OPEN SPACE

Preserving open space is another way to preserve agriculture because agricultural land is one type of open space. However, open space encompasses more than agricultural land; open space very often includes areas such as woodlands or parklands. Since 1989, the county in partnership with municipalities has attempted to protect and preserve the quality of life in Chester County through open space preservation. All of the municipalities in the Northern Federation completed and adopted Open Space Recreation and Environmental Resources Plans (Open Space Plans) in the early 1990's. With this planning foundation in place, municipalities and nonprofit land trusts have worked in partnership with the county to acquire and develop park and open space areas, which sometimes include agricultural lands.

After a highly productive decade of conservation through the Chester County Open Space Program, the initial \$50 million in open space bond funds had been exhausted. To sustain the momentum of this initiative in the face of continued, and in some cases escalating, development pressures, the County Commissioners pledged an additional \$75 million to the Landscapes 21st Century Fund in 2002 (In total, the Chester County Commissioners have committed \$125 million to conservation through these programs). This fund provides financing for existing Open Space Preservation programs, such as the Preservation Partnership Program discussed below and the Parkland Acquisition and Development Grants, as well as new programs targeted at more densely developed areas.

PRESERVATION PARTNERSHIP PROGRAM (PPP)

431 acres within the Region

The Chester County Commissioners established the Preservation Partnership Program (PPP) in 1993. Through the PPP, the county provides funding to nonprofit conservation organizations and land trusts for land preservation projects. While the primary goal of this program is not the preservation of agriculture, agricultural lands may be a component of a project. To be eligible for funding, organizations must be classified by the United States Internal Revenue Service as private nonprofit organizations, have been incorporated for at least five years, and have land preservation as a primary part of their mission. Over a dozen private nonprofit conservation organizations are currently working in the county to preserve the most important areas of its natural heritage.

Applications for funding are accepted and reviewed once a year. Funds are offered to top ranked projects that provide the highest degree of public benefit within annual funding limitations. Two million dollars in county funding was available through the PPP in both 2004 and 2005. The program has no minimum acreage requirements.

Preserved Acres: As of December 2005, **431 acres** have been preserved through the PPP in the Region and **3,396 acres** have been preserved countywide. *Note: these acres are included in the 7,800 acres listed below.*

For the most current information on this program contact the Chester County Department of Open Space Preservation: 601 Westtown Road; Suite 270, P.O. Box; West Chester, PA 19380-0990, 610-344-6285 or visit the website to see the grant manual and application www.chesco.org/openspace.

PRIVATE NONPROFIT LAND TRUSTS

7,800 parcel acres within the Region

Private land trusts are instrumental in open space preservation. These organizations, classified by the United States Internal Revenue Service as 501(c)(3) nonprofit organizations, often provide education for people on the importance of land preservation as well as actually purchasing easements or land. There are many land trusts in southeastern Pennsylvania, and they vary in size or scope. Some are regional, such as the Brandywine Conservancy, the French and Pickering Creeks Conservation Trust, Inc. the Natural Lands Trust, and The North American Land Trust; and some are local, such as the East Nantmeal Land Trust, the West Vincent Township Land Trust and The Wallace Trust. In addition, there are other entities, such as Green Valleys Association, and The Nature Conservancy; discussed below, that while not land trusts per se, have impacted agricultural preservation in the Region.

Parcels owned in fee, and parcels with easements owned by land trusts play a significant role in the preservation of agricultural character of the Region. As of June 2005, there are approximately **7,800 acres** preserved through these land trusts, (see Map 11-1).³ Although it is not primarily preserved for agricultural purposes (they are owned and maintained primarily for open space and wildlife habitat protection), they can encourage the continued use of these lands as pastureland, cropland, and other farming practices. These parcels are identified and discussed here because they can include some agricultural uses as open space within the Region.

**Figure 11-5
Acreage of Parcels with Land Trust Easements or
Owned in Fee by Land Trusts in the Northern Federation**

Municipality	Acreage
East Coventry	None
East Nantmeal	3,184
East Pikeland	283
East Vincent	55
North Coventry	58
South Coventry	654
Wallace	281
Warwick	2,689
West Vincent	593
Total for the Region	7,797

³ It should be noted that the amount of acreage listed above is the total *parcel* acreage, easements often account for less than the entire parcel, however easement acreage information is not given to retain landowner privacy. Therefore, the actual amount of eased acreage is something less than 7,800.

REGIONAL LAND TRUSTS

The regional land trusts discussed below have all been integral to open space preservation in the Region as seen on Map 11-1 and in Figure 11-5. However, as these land trusts preserve all types of open space, the map (specifically parcels owned in fee by land trusts and parcels with land trust easements) and the table above only supply general information. The table does not attempt to show how many acres each land trust has preserved in the Region because the table is not specific to agricultural preservation. Specific open space information by land trust would be more appropriate in an open space inventory and plan.

Brandywine Conservancy

Founded in 1967, the Brandywine Conservancy's Environmental Management Center has provided conservation and full planning services to landowners, farmers, municipalities and developers for almost 40 years. The Conservancy also serves as the land use planner for municipalities throughout the county usually on a contracted basis. The Environmental Management Center focuses on the integration of conservation with social and economic development through three programs: land stewardship, municipal assistance and conservation design.

French and Pickering Creeks Conservation Trust, Inc.

The French and Pickering Creeks Conservation Trust, Inc. (Trust) was founded in 1967 by Samuel W. and Eleanor M. Morris and has led the way in preserving historic places and open space in Northern Chester County. The Trust works collaboratively with individual landowners, local, county and state government, and other conservation organizations in preservation efforts within the Region. Through the successful implementation of public-private partnerships, as of the end of 2005 the Trust has protected more than 8,000 acres of open space and according to the Pennsylvania Land Trust Association (PALTA) are the 9th largest land trust in Pennsylvania (by easement numbers).

The Trust receives funding from a variety of sources: grants from large and small foundations, Chester County, townships in our watersheds, and the Commonwealth of Pennsylvania, private donations, memberships fees, and fundraising events such as an annual auction, Derby Day, and the French Creek Iron Tour. The funding enables the Trust to use most of its income for land preservation projects, along with the cost of standard operations and staffing needs. The lands owned in fee, or land with easements purchased, could allow for the continued agricultural use (i.e. pastureland and some cropland,) as long as it does not interfere with their main objective of preserving pristine environments for wildlife habitat to exist within the watersheds.

Natural Lands Trust

Natural Lands Trust (NLT) is a nonprofit regional land trust that has been working with communities to protect vital resources since 1953. Through acquisition, conservation easements, planning and education, NLT works with others to ensure that natural and cultural resources are preserved for future generations. Over the past several decades NLT has helped conserve more than 105,000 acres of natural areas and owns and manages a system of 45 preserves in the Delaware Valley Region.

North American Land Trust

North American Land Trust (NALT) was founded in 1992. The North American Land Trust believes that preservation and conservation efforts often require unique techniques and management strategies. The Trust's primary goal is the long-term stewardship of our natural

heritage. The Trust has acquired land in Chester, Delaware, Lancaster and Montgomery counties.

LOCAL LAND TRUSTS

In addition to the larger land trusts discussed above, there are three local land trusts in the Region: the East Nantmeal Land Trust, The Wallace Trust, and the West Vincent Township Land Trust. Local land trusts fill an important role in land preservation because they often deal with smaller parcels than the regional land trusts. The cost of land and competitive preservation dollars are factors that make the regional land trusts attempt to preserve larger parcels. Therefore, the local trusts can fill in “gaps” enhancing the network of protected open space.

East Nantmeal Land Trust

Founded in 2002, the trust works as a liaison between landowners looking to preserve land and regional/national land trusts. The trust seeks to educate landowners on preservation practices and techniques, while promoting the preservation of contiguous areas of open space as opposed to indiscriminate parcels.

The Wallace Trust

The Wallace Trust was founded in 1991 by volunteers and is still run by volunteers. The trust has no dedicated funding from the township or any other government entity and relies upon private donations. The trust was created, in part, to hold easements from subdivision in accordance with the township zoning ordinance. In addition the trust provides service to the township in the preservation, conservation and stewardship of open space because it:

- Assists the township in decisions regarding open space planning and acquisition;
- Provides assistance to land-owners;
- Serves as liaison with conservation and historic preservation organizations;
- Purchases or accepting development rights and accept lands and conservation easements; and
- Works with the township in efforts to better manage and improve open space and trails.

As of January 2006, The Wallace Trust holds 12 easements on 104 acres of land (one voluntary donation protected 5 acres; 78 acres are in subdivisions, and 21 acres are natural habitat that was purchased with county and state grants and then donated to the township. Twenty acres are pending for easement in the near future).

West Vincent Township Land Trust

The West Vincent Land Trust, Inc. was officially incorporated in January 1999. The trust serves the needs of the township in the preservation, conservation and stewardship of open space including agriculturally productive lands and natural areas. In addition, the trust:

- Assists the Supervisors and Planning Commission in decisions regarding open space planning and land acquisition.
- Provides assistance to landowners in the township who wish to pursue conservation objectives in their long and short-term plans for their properties.
- Establishes an “Endowment Fund” to provide operating revenue for stewardship and planning activities.
- Serves as a liaison with conservation and historic preservation organizations, such as the French and Pickering Creeks Conservation Trust and Green Valleys Association and promote the services that they can offer.

- Purchases development rights, accept lands, conservation easements and trails from donors, including developers and establish management procedures with homeowners' associations.
- Provides an organization to accept ownership of existing trail easements created under subdivision.
- Carries out the purposes and programs as more fully set forth in the Articles of Incorporation.

OTHER ENTITIES OR INITIATIVES

There are other entities that while not land trusts, impact open space preservation in the Region.

Green Valleys Association

Founded in 1964, Green Valleys Association (GVA) is the only watershed association in northern Chester County. Their mission is to protect environmental resources of Northern Chester County, educate the community on environmental issues (such as their riparian buffer initiatives), and advocate environmental guidelines for growth (stormwater model ordinance). Green Valleys Association has protected watersheds in the Region by working with local farmers to encourage streambank fencing. Below is a list of just a couple of GVA's accomplishments in the Region:

- At Century Oak Farm, East Nantmeal Township, fenced off 1,500 feet of first order streams from cattle access, planted native plants in newly created habitat, and constructed a nutrient containment structure.
- At Ryerss Farm, South Coventry Township and Warwick Township, fenced off 3,000 feet of a 1st order stream and planted native wetland plants in newly created riparian buffer.

The Nature Conservancy

The Nature Conservancy was founded in 1951. The international organization's mission is to preserve the plants, animals and natural communities by protecting the lands and waters they need to survive. The Conservancy has helped to maintain and protect French Creek State Park through a 212-acre conservation easement, donated by Samuel W. and Eleanor M. Morris. In addition, the Conservancy helped protect an additional 159 acres of the French Creek State Park. In addition, the Nature Conservancy holds easements in East Nantmeal Township providing protection of the Great Swamp.

**Figure 11-6
Municipalities with Open Space Taxes in the Region**

Municipality	Open Space Tax (% of Earned Income Tax)	Year Passed
East Coventry	None	
East Nantmeal	0.25%	2004
East Pikeland	None	
East Vincent	0.132%	2002
North Coventry	0.25%	2002
South Coventry	None	
Wallace	None	
Warwick	0.25%	2003
West Vincent	0.49%	2002

MUNICIPAL INITIATIVES TO PRESERVE OPEN SPACE

Municipalities need money to preserve open space. One way that a municipality can raise funds is through an open space tax. Several of the municipalities in the Region (see Figure 11-6 above), have passed open space referendums that allow the townships to tax the residents, usually as a percentage of the earned income tax, for open space preservation. Some of the municipalities that have not yet done so are considering putting a referendum up for vote.

OUTREACH INITIATIVES

Farmers often supply the local community with seasonal produce. To help county residents know where to find this local produce, the Chester County Board of Commissioners and the Agricultural Development Council & Agricultural Land Preservation Board developed the *Farm Stands, Markets, Orchards & Community Supported Agriculture* produce guide and map. The brochure is updated annually to help the public support the farming industry by purchasing fresh, locally grown produce. In addition, several of the farmers within the Region are participating in the Pennsylvania Association for Sustainable Agriculture's "Buy Fresh/Buy Local" campaign.

"BUY FRESH/BUY LOCAL"

Pennsylvania Association for Sustainable Agriculture and its partners, the Philadelphia Fair Food Project and Farm to City's, "Buy Fresh Buy Local" (BFBL) campaign promotes area farmer's markets, stores, CSA's, and other entities that support local agriculture. One goal of the BFBL campaign is to create a brand label for consumers to look for when shopping. This will help consumers identify when produce has been grown locally and they are supporting area farmers. The Pennsylvania campaign is part of an even larger, nationwide BFBL initiative organized by FoodRoutes Network and provides technical support to community-based groups working to strengthen regional markets for local food and beverages.

COMMUNITY SUPPORTED AGRICULTURE

Community Supported Agriculture (CSA) is a relatively new idea in farming. The concept of CSA is that local residents purchase an agreed upon amount of harvest, for an agreed upon price, in advance from a local farmer. Benefits include building relationships between farmers and residents, in that residents feel more a part of the agricultural community when they receive fresh produce throughout the growing season, and farmers are guaranteed payment and have stakeholders that share in the risk of good or bad crop production. In the *Farm Stands, Markets, Orchards and Community Supported Agriculture*, 2005 Brochure there were four CSA's identified within the Region, including Kimberton CSA shown to the left, and two others in adjacent municipalities (see Figure 11-7 and Map 11-1).



**Figure 11-7
Community Supported Agriculture (CSA) in the Region
or within Adjacent Municipalities 2005**

	Township	Name of CSA
	East Pikeland	Kimberton CSA
	East Vincent	Sankanac CSA
	West Vincent	Birchrund Hills Farm CSA*
	West Vincent	Maysie's Farm Conservation Center CSA
	Charlestown	Charlestown Cooperative Farm CSA
	West Brandywine	Vollmecke Orchards and CSA*

Note: The townships listed in Bold are within the Region.

* Participates in the "Buy Fresh Buy Local" campaign (See also Phoenixville Farmers' Market below).

FARMERS' MARKETS

Farmers' Markets allow consumers to purchase fresh, seasonal vegetables, fruit, and other food items from several farms at one location. Some farmers' markets host other vendors and offer additional goods such as flowers, or novelty items. These markets may be open-air or enclosed, are generally open to the public one or two days a week at a specific time during the growing season (although some may be open year-round). **The Phoenixville Farmers' Market*** was the only market within the Region or within an adjacent municipality in the 2005 brochure. There are several others in the county (see farm market brochure for more information).



FARM STANDS

A farm stand can be either a temporary structure or permanent building, such as Kolb's Farm Store pictured to the left, where a single farm sells its produce. Temporary farm stands can be on-site at the farm, or a structure placed on a roadside. Sometimes the farmer sells directly out of the back of a truck. Temporary farm stands are generally only open during the growing season; however, permanent farm stands are often open year-round and have regular hours of operation. Municipal zoning

ordinances often regulate farm stands (e.g. setback from the road, parking).

**Figure 11-8
Farm Stands in the Region
or within Adjacent Municipalities 2005**

Township	Name of Farm Stands
East Coventry	Kolb's Farm Store
East Pikeland	Farmer's Daughter Farm Market Ltd.
East Pikeland	Yeager's Farm and Market
East Vincent	Olszanowski Farm
Wallace	Bethany Farm
West Vincent	Why Not Farm
West Brandywine	Vollmecke Orchards and CSA
West Nantmeal	West Wind Farm
West Nantmeal	Stoltzfus Pumpkins, Hay and Straw
West Pikeland	Hallman's General Store

Note: The townships listed in Bold are within the Region.

EXISTING ORGANIZATIONS FOR THE PRESERVATION OF AG. RESOURCES

FEDERAL ENTITIES

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

USDA provides leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management. They are the organization recognized as able to efficiently provide the integrated program delivery needed to lead a rapidly evolving food and agriculture system. USDA has created a strategic plan to implement its vision and the framework of this plan depends on these key activities: expanding markets for agricultural products and support international economic development, further developing alternative markets for agricultural products and activities, providing financing needed to help expand job opportunities and improve housing, utilities and infrastructure in rural America, enhancing food safety by taking steps to reduce the prevalence of foodborne hazards from farm to table, improving nutrition and health by providing food assistance and nutrition education and promotion, and managing and protecting America's public and private lands working cooperatively with other levels of government and the private sector.

THE FARM SERVICE AGENCY (USDA AND FSA SERVICE CENTER OFFICE)

FSA was set up when the Department was reorganized in 1994, incorporating programs from several agencies, including the Agricultural Stabilization and Conservation Service, the Federal Crop Insurance Corporation, and the Farmers Home Administration. During the 1930s, Congress set up a unique system under which federal farm programs are administered locally. This grassroots approach gives farmers a much-needed say in how federal actions affect their communities and their individual operations. After more than 60 years, it remains a cornerstone of FSA's efforts to preserve and promote American agriculture. Stabilizing farm income, helping farmers conserve land and water resources, providing credit to new or disadvantaged farmers and ranchers, and helping farm operations recover from the effects of disaster are the missions of the U.S. Department of Agriculture's Farm Service Agency (FSA).

NATURAL RESOURCE CONSERVATION SERVICE (NRCS)

Many local, state, and federal agencies and policymakers rely on the expertise of the NRCS to make educated and sound land use policy decisions that impact soil, water, and other resources. The NRCS provides technical assistance that is suited to specific needs of a particular property. Cost shares and financial incentives are available in some cases. Most work is done with local partners such as the Chester County Conservation District (CCCD). The CCCD partners with the NRCS in multiple programs.

STATEWIDE AND LOCAL ENTITIES

PA DEPARTMENT OF AGRICULTURE - BUREAU OF FARMLAND PROTECTION

The bureau oversees the Commonwealth's program to purchase agricultural easements and administers legislative programs designed to preserve farmland through the State Agricultural Preservation Board (Agricultural Security Areas (ASAs) and the Pennsylvania Agricultural Conservation Easement Purchase Program).

CHESTER COUNTY CONSERVATION DISTRICT (CCCD)

The CCCD was created in 1947 by action of the County Commissioners. The mission of the CCCD was, and is today, to provide technical assistance to farmers in implementing conservation practices. A Board of Directors oversees the activities of the CCCD.

CCCD acts as a liaison between various local, state, and federal agencies while providing leadership in addressing natural resource conservation issues to the citizens of Chester County. Through education and technical assistance, the CCCD promotes the sustainable use of natural resources, assisting people and communities in achieving a productive county harmony with a quality environment. It is the CCCD who develops conservation farm plans for landowners who participate in the Chester County Agricultural Land Preservation Program.

PENN STATE COOPERATIVE EXTENSION IN CHESTER COUNTY

The extension provides local residents with easy access to the resources and expertise of the Pennsylvania State University. Through educational programs, publications, and events, cooperative extension agents deliver unbiased, research-based information to Chester County citizens. Their mission is to extend educational opportunities to individuals, families, businesses, and communities throughout Pennsylvania, and to enable the Commonwealth to maintain a competitive and environmentally sound food and fiber system and prepare youth, adults, and families to enhance the quality of their lives and participate more fully in community decisions.

ADDITIONAL CONSERVATION PROGRAMS⁴

PRIVATE LANDOWNER ASSISTANCE PROGRAM (DCNR)

The Department of Conservation and Natural Resources (DCNR) and the Pennsylvania Game Commission (PGC), in cooperation with the Pennsylvania Fish & Boat Commission (PFBC), implement a program called the *Private Landowner Assistance Program* that focuses on the protection of natural habitat for “species of concern” such as spotted turtles, throughout the State. Landowners can contact the Wildlife Diversity Biologist in their area who will provide technical assistance and help develop a habitat management plan for each individual site, work with the landowner’s objectives while helping to save vital habitat for species of concern throughout Pennsylvania.

NUTRIENT MANAGEMENT PLAN IMPLEMENTATION GRANT PROGRAM

The Nutrient Management Plan Implementation Grant Program (NMPIGP) is a cost share program, administered by the State Conservation Commission; to assist financially stressed operators in the implementation of conservation practices outlined in their nutrient management plan. Operations eligible to receive this grant are those that were in existence prior to October 1, 1997. Nutrient management is the use of good farming practices to prevent the loss of applied primary plant nutrients through leaching or runoff.

AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM 1 farm in this program in the Region.

Agricultural Management Assistance (AMA) is authorized under the Agricultural Risk Protection Act of 2000, Title I, Section 133 (Public Law 106-224. Section 524(b), was further amended by the Farm Security and Rural Investment Act of 2002, (Farm Bill), Public Law 107-171. AMA provides cost share assistance to agricultural producers to voluntarily address issues such as water management, water quality, and erosion control by incorporating conservation into their farming operations.

USDA’s Natural Resources Conservation Service (NRCS) has leadership for the conservation provisions of AMA. The Agricultural Marketing Service (AMS) is responsible for an organic certification cost-share program and the Risk Management Agency (RMA) is responsible for mitigation of financial risk through an insurance cost-share program. AMA is budgeted at \$20 million per year. Funding for AMA is authorized through fiscal year 2007.

Since AMA began in 2001, USDA has entered into 1,899 contracts, enrolled more than 392,000 acres into the program and obligated more than \$23.4 million to help producers implement resource conservation practices on working agricultural lands.

A conservation plan is required for the area covered in the application and becomes the basis for developing the AMA contract. NRCS will work with the landowner to develop a conservation plan. Landowners must agree to maintain cost-shared practices for the life of the practice. Contracts are for three to ten years. Incentive payments are permitted under AMA.

⁴ Effective as of April 2005 and are subject to change per round and/or fiscal year.

The NRCS state conservationist, in consultation with the State Technical Committee, will determine eligible structural and/or vegetative conservation practices using a locally led process. Participants will be paid based upon certification of completion of the approved practice.

CONSERVATION SECURITY PROGRAM

Conservation Security Program (CSP) was introduced by the USDA in 2002. The goal of this program is to support ongoing conservation stewardship of agricultural lands by providing assistance to producers to maintain and enhance natural resources. This Program is designed to reward the best conservationists and motivate the others to strive to work towards conservation goals and practices.

The Conservation Security Program provides financial and technical assistance to promote the conservation and improvement of the soil, water, air, energy, and plant and animal life on tribal and private working lands. Working lands include cropland, grassland, prairie land, improved pasture, and rangeland, as well as forested land that is accompanying part of an agricultural operation. The program provides impartial access to benefits to all farmers, regardless of size of operation, crops produced, or geographic location. The applicants must submit excellent records of the past two years including how nutrients are managed on and applied to their fields, as well as when manure and other fertilizers are applied on their ground. There is no minimum acreage to participate in this program, but the participant must have a fully implemented conservation plan to participate. Payments are made based on the continued implementation of the plan.

STREAM BANK FENCING PROGRAMS

15 farms in CREP in the Region

Stream bank fencing reduces the amount of nutrients, sediments, farm chemicals, and microbes entering streams. Fencing and buffers improve watershed function by decreasing flood frequency and severity and increasing groundwater recharge. Fencing can improve herd health by increasing biosecurity (preventing contact with water contaminated by livestock upstream), and by decreasing chances of ailments such as mastitis, foot rot, and Johne's disease in the animals. In addition, stream bank fencing and buffering help restore a host of wildlife habitats. There are two primary stream bank fencing and buffering programs available to the Northern Federation municipalities through county offices. In addition, see page 11-15 for an example of Green Valleys Association's stream bank fencing initiatives in the Region.

CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

CREP is a United States Department of Agriculture program, with state and private partners, that helps reduce soil erosion, improves water quality, increases farm income on marginal land and improves wildlife and fisheries habitat. Chester County is one of the 20 south-central Pennsylvania counties eligible for the program. Landowners, or operators with a signed lease from the landowner for the land that covers the period of the CREP contract (10-15 years), will receive rental rates of \$105-\$184 depending upon soil type and amount of land placed in conservation, as well as up to 100% cost-share for all conservation practices implemented, with the possibility of an additional one-time bonus incentive payment for certain practices. CREP has open enrollment and landowners have to enroll through the Farm Service Agency. For more information, contact the Farm Service Agency, the Chester County Conservation District, and/or the Pennsylvania Game Commission. As of April 2005, there are 15 farms in CREP

working to restore wildlife habitat, which equates to approximately 300 to 400 acres in the Region.

CONSERVATION RESERVE PROGRAM (CRP)

CRP is the older version of CREP, describe above. This program, CRP has been very effective and highly utilized throughout Chester County because it has been and will continue to be funded through the United States Department of Agriculture.

WILDLIFE HABITAT INCENTIVE PROGRAM (WHIP) 2 farms participate in the WHIP program in the Region Wildlife Habitat Incentive Program is a voluntary program that encourages creation of high quality wildlife habitats that support wildlife populations of national, state, tribal, and local significance. Through WHIP, the Natural Resources Conservation Service (NRCS) provides technical and financial assistance to landowners and others to develop upland, wetland, riparian, and aquatic habitat areas on their property. Wildlife Habitat Incentive Program is reauthorized in the Farm Security and Rural Investment Act of 2002 (Farm Bill). Through WHIP, NRCS works with private landowners and operators; conservation districts; and federal, state, and tribal agencies to develop wildlife habitat on their property. Funding for WHIP comes from the Commodity Credit Corporation. Wildlife Habitat Incentive Program is much more restrictive compared to other stream bank fencing programs available to date. The grant monies offered are to be used on lands affecting the stabilization of streambanks and can only be used on land within the 150 feet from the streambank/stream corridor. As of 2005, two farms in the Region participate in this program.

- Two farms in the Region, as of 2005, participate in this program.

ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP) AND CONSERVATION INNOVATION GRANTS

9 farms participate in the EQIP program in the Region

ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

Environmental Quality Incentives Program (EQIP) is a statewide program that was reauthorized in the Farm Security and Rural Investment Act of 2002 (Farm Bill) to provide a voluntary conservation program for farmers and ranchers that promotes agricultural production and environmental quality as compatible national goals. Environmental Quality Incentives Program EQIP offers financial and technical help to assist eligible participants install or implement structural and management practices on eligible agricultural lands. This program is administered by the Natural Resources Conservation Service (NRCS), and funded through the Commodity Credit Corporation.

EQIP offers contracts with a minimum term that ends one year after the implementation of the last scheduled practices and a maximum term of ten years. These contracts provide incentive payments and cost-shares to implement conservation practices. Persons who are engaged in livestock or agricultural production on eligible land may participate in the EQIP program. EQIP activities are carried out according to an environmental quality incentives program plan of operations developed in conjunction with the producer that identifies the appropriate conservation practice or practices to address the resource concerns. These practices are subject to NRCS technical standards adapted for local conditions. The local conservation district approves the plan.

EQIP is an incentive program, which is a fixed cost depending on the landowners prioritization and the cost estimate the NRCS provides individual farms. This program is set up to help fund the installation of a variety of best management practices, which are typical components of a comprehensive farm conservation plan, including conservation buffer practices. Funding is secured through 5-10 year contracts.

EQIP may provide funding for up to 75% of the costs of certain conservation practices. Incentive payments may be provided for up to three years to encourage producers to carry out management practices they may not otherwise use without the incentive. However, limited resource producers and beginning farmers and ranchers may be eligible for cost-shares up to 90%. Farmers and ranchers may elect to use a certified third-party provider for technical assistance.

There are mandated financial caps to this program. The federal cap amount is \$450,000 for the life of a farm, the state cap amount is \$100,000/ year, and the local work group (comprised of a representative from the NRCS, the Penn State Cooperative Extension, the Conservation District and the Farm Service Agency) can set a local cap, which can vary from year to year, and is approximately \$50,000 per farm per year.

- In the Region there are nine (9) farms participating in the EQIP volunteer program.

CONSERVATION INNOVATION GRANTS

This grant program is under the EQIP umbrella and is also administered by the NRCS. Conservation Innovation Grants (CIG) is a voluntary program intended to stimulate the development and adoption of innovative conservation approaches and technologies while leveraging the federal investment in environmental enhancement and protection, in conjunction with agricultural production. Under CIG, EQIP funds are used to award competitive grants to non-federal governmental or non-governmental organizations, or individuals.

Conservation Innovation Grants enables NRCS to work with other public and private entities and individuals to accelerate technology transfer and adoption of promising technologies and approaches to address some of the Nation's most pressing natural resource concerns. Conservation Innovation Grants will benefit agricultural producers by providing more options for environmental enhancement and compliance with federal, state, and local regulations.

Funding for CIG is announced each year through a Request for Proposals (RFP). Funds for single- or multi-year projects, not to exceed three years, will be awarded through a nationwide competitive grants process. Conservation Innovation Grants competitions will emphasize projects that have a goal of providing benefits over a large geographic area. These projects may be watershed-based, regional, multi-state, or nationwide in scope. Applications should describe the use of innovative technologies or approaches, or both, to address a natural resource conservation concern or concerns. Conservation Innovation Grants applications will be accepted from state or local units of government, non-governmental organizations, and individuals. Proposed projects must involve EQIP-eligible producers. Conservation Innovation Grants funds that are used to provide direct or indirect payments to individuals or entities to implement structural, vegetative, or management practices are subject to the 450,000 EQIP payment limitations. Conservation Innovation Grants is not a research program. Instead, it is a vehicle to stimulate the adoption of conservation approaches or technologies that have been studied sufficiently to indicate a likelihood of success, and are likely candidates for eventual technology transfer. Conservation Innovation Grants will fund projects targeting innovative on-the ground conservation, including pilot projects and field demonstrations. Technologies and

approaches that are commonly used in the geographic area covered by the application, and which are eligible for funding through EQIP, are not eligible for funding through CIG. Proposed projects must conform to the description of innovative conservation projects or activities published in the RFP. Following are two general examples of projects that would be eligible for funding under CIG:

- Market-based environmental credit trading projects addressing one or more natural resource concerns; and
- Community-based solutions to watershed based or regional natural resource concerns that cannot be addressed by a single producer, or by a group of producers taking individual on-farm actions.

At least 50 percent of the total cost of the project must come from non-federal matching funds (cash and in-kind contributions) provided by the grantee. The grantee also is responsible for providing the technical assistance required to successfully complete the project. NRCS will provide technical oversight for each project receiving an award.

Beginning and Limited Resource Farmers: NRCS recognizes the need to provide special consideration to underrepresented or historically underserved producers, and strives to ensure that these producers benefit from innovative technologies and approaches. CIG offers two programmatic exceptions intended to encourage the participation of beginning and limited resource farmers and ranchers in CIG. Each year, up to 10 percent of national CIG funds may be set-aside for applicants who are beginning or limited resource farmers or ranchers, or tribes, or community-based organizations comprised of or representing these entities. The second exception allows applicants from any of the underrepresented groups to derive a higher percentage of project matching funds from in-kind contributions.

WETLANDS RESERVE PROGRAM

The Wetlands Reserve Program (WRP) is a federal program that provides eligible landowners with technical and financial assistance to address wetlands, wildlife habitat, soil, water, and related natural resource concerns. Landowners receive financial incentives to enhance or restore wetlands in exchange for retiring marginal land from agriculture. WRP is reauthorized in the Farm Security and Rural Investment Act of 2002 (Farm Bill), and is administered by the NRCS. Funding is provided through the Commodity Credit Corporation. There are three enrollment options:

Permanent Easement. In addition to paying for the easement, the USDA pays 100% of the costs of restoring the wetland.

30-Year Easement. USDA pays 75% of easement payments of what would be paid for a permanent easement, as well as 75% of restoration costs.

Restoration Cost-Share Agreement is an agreement (generally for a minimum of 10 years) to re-establish degraded or lost wetland habitat. USDA pays 75% of the cost of the restoration activity.

- As of January 2005, there have been no participants in the WRP in Chester County.

EMERGENCY CONSERVATION PROGRAM (ECP)

The Emergency Conservation Program (ECP) is a U.S. Department of Agriculture (USDA) program which is administered by the Farm Services Agency which provides 100% technical assistance and cost-share up to 64% (maximum of \$200,000 paid to individual per disaster) for removing debris and restoring fencing terraces, diversions, irrigation systems, and other conservation installations after emergency situations such as a hurricane. This program is only open to farm properties who suffer natural disaster damage, and the cost-share reimbursement is to make emergency payments to restore existing practices damaged by the storm or to heal gully erosion, therefore; the people who apply for this funding must prove that there is immanent damage to their property or will occur to their property (usually from flood damage). The definition of immanent damage is at the NRCS's discretion.

- There was no determination of a disaster by FSA from this year's storms, so there was no ECP allocation for Chester County.

EMERGENCY WATERSHED PROGRAM (EWP)

The Emergency Watershed Program (EWP) is a separate program available after hurricane-type flooding to restore and stabilize stream channels where there is an imminent threat to life or property, based on the determination of an NRCS engineer. This program does not include the restoration of roads or bridges, which is generally a Penn DOT concern.

GROWING GREENER ENVIRONMENTAL STEWARDSHIP AND WATERSHED PROTECTION

The Growing Greener Environmental Stewardship and Watershed Protection Act, funded under EPA Act 319, is a state-level initiative to address loss of open space and farmland, water quality, sewage systems, state parks and forest repair backlogs. Cost-share depends upon the project and program requirements. The Chester County Conservation District is the primary contact for people interested in or applying to this program. It is required that all applications are sent into the state with a letter from the CCCD acknowledging the application.

GRASSLAND RESERVE PROGRAM (GRP)

The Grassland Reserve Program (GRP) is a voluntary program that helps landowners and operators restore and protect grassland, including rangeland, pastureland, shrubland, and certain other lands, while maintaining the areas as grazing lands.

GRP is authorized by the Food Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill). The USDA Natural Resources Conservation Service (NRCS) and USDA Farm Service Agency (FSA) administer the program, in cooperation with the USDA Forest Service. Funding for the GRP comes from the Commodity Credit Corporation (CCC).

Applications may be filed for an easement or rental agreement with NRCS or FSA at any time. Participants voluntarily limit future use of the land while retaining the right to conduct common grazing practices; produce hay, mow, or harvest for seed production (subject to certain restrictions during the nesting season of bird species that are in significant decline or those that are protected under federal or state law); conduct fire rehabilitation; and construct firebreaks and fences. GRP contracts and easements prohibit the production of crops (other than hay),

fruit trees, and vineyards that require breaking the soil surface and any other activity that would disturb the surface of the land, except for appropriate land management activities included in a conservation plan.

Each state will establish ranking criteria that will prioritize enrollment of working grasslands. The ranking criteria will consider threats of conversion, including cropping, invasive species, urban development, and other activities that threaten plant and animal diversity on grazing lands.

Landowners who can provide clear title on privately owned lands are eligible to participate for either easement option. Landowners and others who have general control of the acreage may submit an application for a rental agreement. There is no national maximum limitation on the amount of land that may be offered for the program. However, there is a minimum requirement established in law. Offers for enrollment must contain at least 40 contiguous acres, unless special circumstances exist to accept a lesser amount. The NRCS State Conservationist determines these special circumstances.

The Adjusted Gross Income provision of the 2002 Farm Bill impacts eligibility for GRP and several other 2002 Farm Bill programs. Individuals or entities that have an average adjusted gross income exceeding \$2.5 million for the three tax years immediately preceding the year the contract is approved are not eligible to receive program benefits or payments. However, an exemption is provided in cases where 75 percent of the adjusted gross income is derived from farming, ranching, or forestry operations. Eligible land includes privately owned and Tribal lands, such as grasslands; land that contains forbs (including improved rangeland and pastureland or shrubland); or land that is located in an area that historically has been dominated by grassland, forbs, or shrubland that has the potential to serve as wildlife habitat of significant ecological value. Incidental lands may be included to allow for the efficient administration of an agreement or easement.

LEGAL BASIS FOR AGRICULTURAL PRESERVATION

There have been several farm preservation initiatives adopted and managed particularly over the last thirty years. The following summarizes the major legislation for farm preservation at the federal and state levels.

FEDERAL LEGISLATION

THE AGRICULTURE, COMMUNITIES, AND RURAL ENVIRONMENT INITIATIVE [*ACRE*] - ACT 38 OF 2005
This legislation attempts to balance the right of farmers engaged in the business of agriculture and municipalities to regulate agricultural activity. The act provides for state attorney general review of existing or future municipal ordinances, and for that office to bring a challenge directly to the Commonwealth Court for judicial determination (to ensure state-wide precedence) if the local ordinance surpasses state law. The act also established standards for odor control for major new animal farming operations. In addition, the act addresses standards for governing the spreading of animal manure on the land as fertilizer to prevent pollution of surface waters. This issue is addressed primarily through regulations being issued by the Pennsylvania Department of Environmental Protection (PaDEP) and the Department of Agriculture.

FEDERAL FARM BILL AND THE FARMLAND PROTECTION PROGRAM OF 1996, AS AMENDED IN 2002

The Federal Agriculture Improvement and Reform Act of 1996, known as the 1996 Farm Bill, authorized most federal agriculture programs for fiscal years 1996-2002. Section 388 of the 1996 Farm Bill authorized the establishment of the Farmland Protection Program (FPP). The FPP, administered by USDA provides funds to state, tribal and local governments to purchase development rights for active farmland. To qualify for these funds, farmland must meet criteria including the presence of prime, unique, or other productive soils. The farmland must also be part of a pending offer from a state or local government, and have a conservation plan.

In 2002, the Farm Bill was signed into legislation, and it reauthorizes many of the 1996 programs, while adding many more programs and funding. It now provides matching grants to qualified entities (state, local, and tribal governments, and non-profit land trusts) for buying agricultural conservation easements. The 2002 Farm Bill dedicated \$597 over 6 years, whereas the 1996 funding was limited to \$52 million.

FEDERAL FARMLAND PROTECTION POLICY ACT OF 1981

The Farmland Protection Policy Act (FPPA) of 1981 is a federal mandate that applies to federally funded projects that might convert farmland which is zoned for agricultural use to nonagricultural uses. The FPPA directs federal agencies to consider how their projects might impact preservation of farmland, and consider alternative actions that could lessen adverse effects. Federal agencies are also directed to assure that their programs are compatible with state, local, and private efforts to protect farmland.

STATE LEGISLATION

ACT 247, THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE OF 1968, AS AMENDED [MPC]

The MPC defines and authorizes the protection of agricultural lands and promotes the continuation of agricultural operations.

- Section 105. Purpose of Act. "It is the intent, purpose and scope of this act to...promote the preservation of this Commonwealth's natural and historic resources and prime agricultural land...to encourage the preservation of prime agricultural land...through easements, transfer of development rights and rezoning; to ensure that municipalities enact zoning ordinances that facilitate the present and future economic viability of existing agricultural operations in this Commonwealth and do not prevent or impede the owner or operator's need to change or expand their operations in the future in order to remain viable..."

Specifically, **Article III** of the MPC establishes the basis for comprehensive planning in municipalities. Related to agricultural protection, Section 301(a) states, "The municipal, multi-municipal or county comprehensive plan...shall include..."

- Section 301(a)(2) "A plan for land use, which may include provisions for the amount, intensity, character and timing of land use proposed for residence, industry, business, agriculture... preservation of prime agricultural lands..."
- Section 301(a)(6) "A plan for the protection of natural and historic resources to the extent not preempted by federal or state law. This clause includes...prime agricultural land..."

Article VI of the MPC establishes the basis for zoning ordinances and provides for the protection of agricultural lands and operations through zoning as follows:

- Section 603(a) – “Zoning ordinances should reflect the policy goals of the statement of community development objectives [which should generally reflect municipal policy goals of the comprehensive plan, as feasible] and give consideration to the character of the municipality, the needs of the citizens, and the suitabilities and special nature of particular parts of the municipality.”⁵
- Section 603(b) “Zoning ordinances, except to the extent that [the]...regulation of activities related to commercial agricultural production would exceed the requirements imposed under the...‘Nutrient Management Act,’ regardless of whether any agricultural operation within the area to be affected by the ordinance would be a concentrated animal operation as defined by the ‘Nutrient Management Act,’...the “Agricultural Area Security Law,’ or the act ‘Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances,’...may permit, prohibit, regulate, restrict and determine:
- Section 603(b)(5) “Protection and preservation of...prime agricultural land and activities.”
- Section 603(c)“Zoning ordinances may contain: (7) provisions to promote and preserve prime agricultural land...”
- Section 603 (g) (1) “zoning ordinances shall protect prime agricultural land and may promote the establishment of agricultural security areas.”
- Section 603 (h) “Zoning ordinances shall encourage the continuity, development and viability of agricultural operations. Zoning ordinances may not restrict agricultural operations or changes to or expansions of agricultural operations in geographic areas where agriculture has traditionally been present, unless the agricultural operation will have a direct adverse effect on the public health and safety. Nothing in this subsection shall require a municipality to adopt a zoning ordinance that violates or exceeds the provisions of the...‘Nutrient Management Act... the ‘Agricultural Area Security Law,’ or ...‘An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances.’”
- Section 604 “The provisions of zoning ordinances shall be designed:”
- Section 604(1) “To promote, protect and facilitate...reliable and adequate water supply for domestic, commercial, agricultural or industrial use...”
- Section 604(3) “To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.”
- Section 605 “Where zoning districts are created, all provisions shall be uniform for each class of uses or structures, within each district, except that additional classifications may be made within any district:
- Section 605(2) “For the regulation, restriction or prohibition of uses and structures at, along or near: (vii) ...agricultural areas...”
- Section 609.1 (c) “The governing body shall consider the curative amendments, plans and explanatory material...and shall also consider: (5) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.”⁶

⁵ See also MPC Section 606. Statement of Community Development Objectives.

⁶ See also MPC Section 916.1(c)(5)(v) (Validity Challenges).

ACT 319 OF 1974 (PENNSYLVANIA FARMLAND AND FOREST LAND ASSESSMENT ACT - THE CLEAN AND GREEN ACT), AS AMENDED BY ACT 156 OF 1998

Act 319 allows counties to place two values on each parcel of farmland or forestland that is a minimum of ten acres in size. These values are known as the Fair Market Value and the Agricultural-Use Value, commonly called the “Clean and Green” Value.

Fair Market Value not only reflects the value of the property’s current use but also the property’s potential for other uses that are best suited for the property’s particular characteristics and conditions (often referred to as the property’s highest and best use). The process of estimating the *Fair Market Value* of a property is called an *appraisal*. An appraisal is an opinion of value supported by sufficient evidence to arrive at that conclusion of value.

The *Agricultural-Use Value* does not consider all of the property’s potential uses or the property’s highest and best use, it considers the worth that a property would have if it were used for only agricultural purposes such as cropland, woodland, or pasture. The *Clean and Green* law also states that the *Use Value* must reflect the potential of the individual parcel to produce, based upon soil capability. Also, the land under the landowner’s house and outbuildings are eligible for Agricultural-Use Value assessment. Recent amendments to the *Clean and Green Act* require the portions of land enrolled in *Clean and Green* that support the residence (including the yard, driveway, on-lot sewage system, and access to other buildings) and farm buildings to be assessed at *Use Value*. This land is known as *curtilage*.

Property enrolled in the program remains in the program continuously, or until the owner chooses to withdraw and return to the standard tax assessment. Landowners who enroll in Act 319 agree to maintain their land as farmland or forestland, and in return, the county assesses their tax according to the Agricultural-Use Value rather than the Fair Market Value. In many areas that are undergoing development, the value of undeveloped land, and the taxes levied on that land, increases as the surrounding region is developed. When this situation occurs, the Agricultural-Use Value can be lower than the Fair Market Value, and a landowner enrolled in Act 319 can pay lower tax. Property owners benefit directly by receiving assessment relief which may result in lower taxes, as long as they do not use their land for housing developments or other land uses that are not consistent with agricultural production, open space, or forest land use.

NUTRIENT MANAGEMENT ACT - ACT 6 OF 1993

The purpose of the Act is to minimize surface and groundwater nutrient loads from agricultural operations and to increase farm profitability through proper nutrient management. The Nutrient Management Act establishes criteria, nutrient management planning requirements and an implementation schedule for the application of nutrient management measures on certain agricultural operations which generate or utilize animal manure. The Act targets Concentrated Animal Operations (CAOs) which are defined as greater than 2 animal units per acre of suitable cropland or pasture for spreading manure. An animal unit is 1000 pounds of live animal weight. Any operation which is a CAO must have a Nutrient Plan written for the operation by a certified Nutrient Management Specialist.

The Nutrient Management Act pre-empts local nutrient ordinances. If a local ordinance is more restrictive than the statewide Act, the ordinance is not valid, when it pertains to the application of manure or the placement of manure storage facilities. However, the Act does not affect local ordinances based on zoning, building, fire or safety codes.

If a farmer has an approved and properly implemented Nutrient Plan, this is a mitigating factor if a complaint is filed or an incident occurs. The fact that the operation has installed Best Management Practices (BMPs) and is applying manure in an approved manner is considered to be in the farmer's favor.

PA RIGHT TO FARM LAW - ACT OF JUNE 10, 1982, P.L. 454, NO. 133

The purpose of the Right to Farm Law is to reduce the loss of agricultural resources by limiting the circumstances under which agricultural operations may be the subject matter of nuisance suits and ordinances. The state wants every municipality to encourage the continuity, development and viability of agricultural operations within its jurisdiction, therefore, the act requires that every municipality that defines or prohibits a public nuisance must exclude from the definition of such nuisance any agricultural operations so long as the agricultural operation does not have a direct adverse effect on the public health and safety.

The act affords landowners additional protection from nuisance suits in that no nuisance action shall be brought against an agricultural operation which has lawfully been in operation for one year or more prior to the date of bringing such action, where the conditions or circumstances complained of as constituting the basis for the nuisance action have existed substantially unchanged since the established date of operation and are normal agricultural operations. In addition, the same protections apply to the physical facilities of such agricultural operations that are substantially expanded or substantially altered and the expanded or substantially altered facility has been in operation for one year or more prior to the date of bringing such action.

AGRICULTURAL AREA SECURITY LAW - ACT OF JUNE 30, 1981, P.L. 128, NO. 43 AS AMENDED, and Chester County Commissioners Resolution - July 11, 1989

This act provides the means by which agricultural land may be protected and enhanced as a viable segment of the Commonwealth's economy and as an economic and environmental resource of major importance. In addition, the act encourages landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use; protects farming operations in agricultural security areas from incompatible non-farm land uses that may render farming impracticable; assures permanent conservation of productive agricultural lands in order to protect the agricultural economy of this Commonwealth; provides compensation to landowners in exchange for their relinquishment of the right to develop their private property; leverages state agricultural easement purchase funds and protects the investment of taxpayers in agricultural conservation easements.

ACT 71 OF 1976

This Act exempts farmers from payments of assessments for municipal improvements such as installation of sewer and water lines. Farmers whose land has been used for agricultural production for three years prior to the installation of the water and sewer lines are not liable for the cost of lines fronting or crossing their land if they do not make use of the facilities. The Department of Agriculture provides application forms and certifies that the land meets the requirements of the Act.

PENNSYLVANIA COVENANT FOR PRESERVATION ACT - ACT 515 OF 1966

The Act, a forerunner to the "Clean and Green" Act, is administered by the Board of County Commissioners. The law does not require the County Commissioners to implement Act 515. Rather, it enables Pennsylvania counties to covenant with farmers and landowners to preserve land in farm, forest, water supply or open space in exchange for taxing land according to its use value rather than the prevailing market value. With Act 515, the value of land is based upon

location size and use, and the owner has to renew his or her enrollment after 10 years. The program is voluntary and requires a minimum acreage enrollment that will remain in the designated land use for a period of ten years. Extensions of the covenant and penalties for violations are included in the law.

CONCLUSION

The agricultural resources described in this chapter define the rural and agrarian character of the Region. The overall goal for regional resource protection is to establish a common approach that each municipality can employ for the consistent management of resources. To this end, Chapter 6: Agricultural Resources Plan includes recommendations for determining what measures may be available to protect and preserve agricultural resources on a regional basis.

Figure Sources

- Figure 11-1. Column 2 - Northern Federation Taskforce, 2005.
Column 3 - Chester County Planning Commission, 2006.
Column 4 - Chester County Planning Commission, 2005.
Column 5 - Chester County Department of Open Space Preservation, Jan 2006.
Column 6 - Chester County Planning Commission, June 2005.
- Figure 11-2. Chester County Planning Commission, 2005.
- Figure 11-3. Chester County Planning Commission, Jan 2006.
- Figure 11-4. Chester County Planning Commission, 2005.
- Figure 11-5. Chester County Planning Commission, Jan 2006.
- Figure 11-6. The Chester County Farm Stands, Markets, Orchards and Community Supported Agriculture, 2005 Brochure.
- Figure 11-7. The Chester County Farm Stands, Markets, Orchards and Community Supported Agriculture, 2005 Brochure.
- Figure 11-8. Source: Chester County Conservation District, 2005

Photograph Sources

Chester County Planning Commission, 2004.

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