

# **CHESTER COUNTY CHALLENGE GRANT PROGRAM FOR FARMLAND PRESERVATION**

**A Program of the Chester County  
Board of Commissioners**



## **PROGRAM REGULATIONS**

**Application Deadline: August 1**

**Funded through the  
Chester County Open Space Preservation Department**

**CHESTER COUNTY  
BOARD OF COMMISSIONERS**

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# CHALLENGE GRANT PROGRAM FOR FARMLAND PRESERVATION

## **Introduction**

The Chester County Board of Commissioners support farming in a variety of ways including land preservation which is overseen by the Chester County Agricultural Land Preservation Board (ALPB) and carried out by the Chester County Department of Open Space Preservation (DOSP). For questions, concerns or assistance, please contact Geoff Shellington, Agricultural Programs Coordinator, Department of Open Space Preservation, 601 Westtown Road, Suite 390, P.O. Box 2747, West Chester, PA 19380-0990, phone 610-344-6504, gshellington@chesco.org, or visit [www.chesco.org/openspace](http://www.chesco.org/openspace).

Recognizing the significant economic, cultural, and environmental benefits farmland provides and the need to stretch its limited funds, the Board of County Commissioners established the Challenge Grant Program. This program provides opportunities for the County to partner with municipalities and other public and/or private entities in ways that may otherwise not be possible. Partners can include farmland owners, private businesses, non-profit organizations, foundations and contributors.

**Purpose:** The purpose of this program is to permanently preserve agricultural land by purchasing development rights in accordance with the County's adopted strategic plan and land use policies. Agricultural lands in Chester County that are designated Rural Resource Areas in the County's Comprehensive Policy Plan, *Landscapes 2*, are located in locally adopted Agricultural Security Areas, or provide a unique agricultural benefit to the County, are farmland preservation priorities. These areas contain some of the most productive non irrigated agricultural soils in the world, are generally designated for agriculture in local comprehensive plans and support concentrations of actively farmed land.

**Eligibility Criteria:** All of the following criteria must be met for a farm to be eligible for County Funds:

Availability of 50% matching funds. The most common sources of matching funds are donated value from the landowner, funds from the township in which the farm is located, other private funds, or a combination of funding from these sources. To assess the potential for the County to partner with local townships, the County annually requests that Township Board of Supervisors who wish to participate, provide a written commitment of funds they intend to utilize for this purpose. The above may be waived if applicant indicates 50 percent bargain sale on their application or if local match funds are available from other sources and committed in writing. See "Funding Requirements" section of these regulations for further details;

Enrolled in an adopted municipal Agricultural Security Area(s);

Located in areas where farmland preservation has been determined to be consistent with adopted County Policy, or possessing unique attributes that make preservation appropriate as determined by the CCALPB.

The farmland tract shall encompass 25 acres if not contiguous to an existing protected tract, or a minimum of 10 acres if contiguous to another protected tract;

Contain at least 50 percent cropland, pasture or grazing land. This includes equestrian uses.

**Funding Requirements:** Applications for the purchase of easements require a match of at least 50 percent of the acquisition costs. Applications that provide more than 50 percent towards the acquisition cost may be considered before those requiring more County funding. For each easement purchase offer, the County will commit to funding no more than 50 percent of the purchase price, with a funding limit of \$12,000 per acre on each project (whichever is the lesser of the two). The minimum 50 percent match to meet the “challenge” (or result in priority consideration if greater than 50%) may be achieved in one or a combination of the following ways:

A township, or townships (if farm overlaps municipal lines) committing to providing the match;

A private (including applicant donation of value) or private non-profit entity committing to provide the match;

A commitment or contribution to the County of Chester for incorporation into the County’s certification of funds to the Commonwealth for use in the Commonwealth Program;

A commitment from the Commonwealth of Pennsylvania;

Funding from the Federal Farm and Ranch Land Protection Program; or, a combination of any of the above-mentioned options to provide the match.

The total easement purchase price shall include the easement price accepted by farm owner and the incidental costs of the acquisition, such as appraisal, survey, title, legal and other appropriate fees. The total easement purchase price shall be itemized in a “Statement of Costs” exhibit contained in the Agreement of Sale. The County reserves the right to apply municipally certified Challenge Grant match funding to the Commonwealth/County Program if farm(s) from municipality have also ranked high enough in Commonwealth/County Program to be funded.

**Application Procedures:** Applications for conservation easement sale will be accepted until the August 1<sup>st</sup> deadline. Applications will be open to all eligible landowners. If the applicant’s farm is not enrolled in an Agricultural Security Area (ASA) the applicant must submit the ASA application to their Township prior to applying to the Farmland Preservation Program. Applications that meet the criteria for an Urgent Situation may apply throughout the year. Urgent Situations are defined on Page 25.

**Application Evaluation:** Applications will be evaluated according to the Ranking Criteria as outlined in these regulations. The CCALPB will be responsible for evaluating applications and recommending easement purchases to the Chester County Board of Commissioners.

**General Procedures for Purchasing Easements:** Based on the a review of applications pursuant to these regulations, appraisals will be authorized by the CCALPB. Offers based on the appraisal may be made to qualifying applicants; no offer may be made in excess of the appraised value. Landowner shall respond to the offer in writing to accept by signing and returning the enclosed Agreement of Sale or reject the offer, or notify that farm owner is commissioning an appraisal within 30 days from the date of the County offer letter. In the event the Landowner elects to have a second appraisal prepared, all costs are the responsibility of the landowner and the landowner-commissioned appraisal must follow the standards for appraisal process, as detailed in Chapter 138e.64 of the program regulations. In the event an offer is accepted, such acceptance shall be provided in the form of an agreement of sale. Upon receipt of an executed agreement of sale, the CCALPB will commission a survey, title report and title policy insurance. In addition, any necessary conservation plan writing or update must be prepared for the farm operation at the landowner’s expense. Any existing mortgages, liens, or judgments shall be subordinated, satisfied, or resolved to the satisfaction of the CCALPB. After all necessary work is finished, settlement will occur, at which time the farm owner executes the agricultural conservation easement deed and receives compensation for the development rights.

**FARMLAND PRESERVATION APPLICATION**

**DEADLINE FOR SUBMISSION.....Delivered by August 1 at 4:00 P.M.**

Check which program you are applying to (must pick one):

County Challenge Grant  State Program  Both

We \_\_\_\_\_, applicants agree to be bound by the program regulations and, hereby offer to sell an agricultural conservation easement on farm property consisting of \_\_\_\_\_ acres, located on

\_\_\_\_\_ Township,

Chester County, Pennsylvania. The property is identified in the land records of Chester County,

Deed Book(s) \_\_\_\_\_, Page(s) \_\_\_\_\_. Agricultural conservation easement sale to the

Chester County Agricultural Land Preservation Board (CCALPB) is offered in consideration of a mutually agreed price per acre to be determined by appraisal and the bargain sale offered by the applicant. A copy of the program regulations is available at [www.chesco.org/openspace](http://www.chesco.org/openspace), or by

contacting the Department of Open Space Preservation via phone at 610-344-6504, email at [gshellington@chesco.org](mailto:gshellington@chesco.org), or 601 Westtown Rd Suite 390, West Chester, PA 19380

\_\_\_\_\_

**Date:** \_\_\_\_\_

**APPLICANT(s) NAME (printed)** \_\_\_\_\_

**SIGNATURE(s)** \_\_\_\_\_

By signature, applicant hereby authorizes the Conservation Plan preparer to release copies of the Conservation Plan and Nutrient Management Plan (Act 38, if applicable) to the CCALPB and the PA Bureau of Farmland Preservation.

**Mailing Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Total Farm Acreage:** \_\_\_\_\_ **Acres Proposed for Easement Sale:** \_\_\_\_\_

If applying a portion of the farm, attach a map to your application and identify the omissions from the proposed easement. Please note normal procedures will exclude existing structures using minimum setbacks from the easement area. There is no need for applicant to show this exclusion.

Is the farmland tract is less than: 25 acres  50 acres   
If you checked either box above, complete the two questions below:

- (a) Producing a crop unique to the area? Yes  No
- (b) Adjacent to a property with a perpetual easement? Yes  No

If adjacent, list the name and tax parcel(s) of landowner with perpetual easement below:

**Name(s):** \_\_\_\_\_

**Tax Parcel Number(s):** \_\_\_\_\_

**Farm is located in** \_\_\_\_\_ **Township(s)**  
**Agricultural Security Area.** ASA must be recorded in the County Recorder of Deeds office.

Parcels are recorded in Deed Book \_\_\_\_\_, Page Number \_\_\_\_\_

Directions from nearest State route:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**County Tax Parcel #**

**For each parcel:** \_\_\_\_\_  
\_\_\_\_\_

*Please check that the above parcel numbers include all parcels concerned in the easement and are correct. These are the identifiers used to track this application throughout the process.*

Are you willing to participate in the Federal Farmland Preservation Program and accept federal funds if the County is able to secure them, in an effort to make the most of the County limited farmland preservation funds?

Yes  No

**Subdivision Activity**

Do you have a subdivision plan or other matter before the township for consideration?  
Yes  No

Please note: Subdivision of land between the time of easement sale application and easement sale settlement is PROHIBITED. Please contact staff with questions or for clarification.

**List any Mortgage(s), Lien Holder(s), or owners of mineral rights:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Title issues such as mortgages, liens, etc. must be resolved prior to the agricultural conservation easement proceeding to settlement. Should discovery be made that any of the issues pertaining to title prohibits the sale of an agricultural conservation easement, the property owner is responsible for the incidental cost (title, survey, etc.) incurred by the County.

**Verification of Agricultural Production**

Please describe in detail the type and operation of the farm:

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**Crop & Livestock Report For Recent Calendar Year On Land Proposed for Easement**

(Please fill in with as much information as possible. If more space is needed – please attach a separate sheet).

Commodity	Acres Grown	Yield Per Acre	Annual Sales
Livestock	Average Numbers	Product Sold	Annual Sales

**Commercial Equine Activity**

Are you engaged in any commercial equine activities on the proposed eased land?

Yes  No

Check the type of commercial equine activity you engage in on the proposed eased land (check all that apply)

- boarding equine
- training equine
- instructing people in handling, driving or riding equine
- other equine activities
- use of equine for riding or driving
- pasturing of equines

Do you collect a fee for commercial equine activities? Yes  No

Average fee collected for commercial equine activities \$ \_\_\_\_\_

**Stewardship Practices**

Does the land applied have a USDA Soil Conservation Plan? Yes  No

If yes, attach a copy of the plan map. Plan Number \_\_\_\_\_

Does the land applied have a Nutrient Management Plan? Yes  No

If yes, provide the following information.

Date of Plan \_\_\_\_\_ Plan Number \_\_\_\_\_

**NOTE: An approved conservation plan and implementation agreement is required before settlement on the sale of an agricultural conservation easement through this program. After settlement, participating farms will be visited annually to make sure the conservation plan is up to date, that the conservation practices are working and implementation of the approved plan is on schedule.**

Please describe the conservation practices currently used on the farm:

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Is your farm leased to another farmer? Yes  No

If yes, who farms it? Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Who should be contacted to arrange a meeting to view the farm and discuss the Program?

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**Bargain Sale Donation**

By checking this box, I, the farmland owner, acknowledge and understand that applicants who offer to donate easement value (sell the development rights for less than the appraised value) may be offered the chance to participate in this program ahead of applicants who score higher but do not offer a donation or who score the same or less but offer a smaller donation.

The sale of an agricultural easement for a price that is less than the appraised value of the easement (i.e. bargain sale) has been included in the Numerical Ranking System.

Please indicate if you are interested in a bargain sale.

Yes  No

If yes, indicate specific percentage of the bargain sale you are offering \_\_\_\_\_ %.



**Minimum donation for ranking points is 10%. A greater percentage donation may result in more favorable consideration. Please refer to the Ranking System and the preceding paragraph.**

The Agricultural Land Preservation Board and the County of Chester make no representations regarding the applicant's ability to receive favorable tax treatment as a result of this transaction. *All applicants are advised to consult their own attorney or tax consultant for advice in this regard.*

**Will the proceeds be used in a Like Kind Exchange?** Yes  No

If yes, is there a signed agreement? Yes  No

If there is a signed agreement, is the exchange property a Chester County Farm?

Yes  No

**Availability of Public Water and Sewer**

(Please check the box next to the description for the property offered for consideration in this application.)

Public Water

- Public water is available within 1 mile
- Public water is available within 3 miles
- As far as I know – there is no public water available within 3 miles

Public Sewer

- Public sewer is available within 1 mile
- Public sewer is available within 3 miles
- As far as I know – there is no public sewer service available within 3 miles

**Road Frontage**

Approximate extent of road frontage. (Please check the box next to the description that applies to the property offered for consideration in this application.)

- More than 1 mile
- 1/2 - 1 mile
- Less than 1/2 mile

**Extent of Non-Agricultural Use**

(Please check the box next to the description that applies to the property offered for consideration in this application.)

Are there 15 or more developed lots?

- Adjacent to your farm
- There are not 15 developed lots adjacent to your farm.

**Land Use** (Please fill in the blank).

Percent of farm used for Harvested Cropland, Pasture and Grazing Land: \_\_\_\_\_%

Is timber harvested from woodlands? Yes  No

If yes, please list commodity, acres grown and yield information on page 5.

**Proximity of application tract to other Active Sale Applications:**

Adjacent  within ½ mile  within one mile

**Proximity to Other Farmland Easements:**

Is subject farm within 1 mile of a farm that is under a perpetual conservation easement? If so, please provide the following information about the eased land (i.e., owner's name, organization holding the easement, tax parcel number, acreage, etc.).

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**Historic, Scenic and Environmentally Sensitive Qualities**

Is farm adjacent to a park\*, protected natural area\*\* or a National Historic Resource or District\*\*\*? Yes  No

If yes, please identify:

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\* Park = passive, low intensity recreational use by individuals or small groups in natural surroundings.

\*\*Protected Natural Area = Land, other than farmland, owned in fee by or under easement with a private conservation organization or public entity for conservation purposes.

\*\*\*National Historic Resource or District = Must be on or have potential to be on the National Register. Please provide a non-returnable photograph of the historic building.

Have any development rights been transferred from your land or any land use restrictions, including deed restrictions, subdivision restrictions, or any other covenants, exist on your property? Yes  No

Please Note: **Subdivision of land offered for easement sale between the time of easement sale application and easement settlement is PROHIBITED.**

If your property is approved for an appraisal by the CCALPB, a \$750 deposit will be required at that time if the landowner wishes to proceed. Additional fees are required if previous offers have been rejected (see Administrative Deposit Policy at page 20 for more details). A current conservation plan or a commitment and timeline for obtaining a plan will also be required. See the Page 21 for the Conservation Plan Policy.

**Please be certain that you have completed and/or enclosed the following items:**

- A tax map, soils map, or USDA topographic map with proposed easement area delineated.
- If you are applying a portion of your farm, all land to be excluded from the easement sale other than the existing buildings must be excluded at the time of application and delineated on the above mentioned map submitted with the application.
- A picture of the historic buildings contained on the farm or adjacent to the farm
- Signatures of all applicants
- Make sure all applied parcels are in the recorded ASA of your township.
- I would like to learn how private non-profit organizations can assist with my preservation goals.
- Permission is granted to release address to local organizations, so I may receive information concerning agriculture meetings, conferences, etc.
- I wish to keep my application active and under consideration this year and subsequent years until it is withdrawn or until an updated application is submitted to take its place.

**DEADLINE FOR SUBMISSION August 1 at 4:00 P.M.**

Submit to: Agricultural Preservation Application  
Chester County Department of Open Space Preservation  
Government Services Center, Suite 390  
601 Westtown Road, P.O. Box 2747  
West Chester, PA 19380-0990,

Telephone: 610-344-6504, fax: 610-344-4012

*No data from the application is available pursuant to the Right to Know Act until the Agreement of Sale for agricultural conservation easement purchase is fully executed. Townships will be notified of applications within their jurisdiction in order to determine appropriate match funding. Applications will remain active for two funding rounds unless withdrawn by the applicant. Updates to the application must be submitted by the annual submission deadline. Updates received after the submission deadline will only be accepted if they are permitted by the Policies and Procedures for application modifications as stated in these regulations. If they are not submitted prior to the annual deadline and are not otherwise permitted by the Policies and Procedures, then the modifications will be incorporated into the application the following (and subsequent) rounds as offered by the County Commissioners.*

**Challenge Grant Program for Farmland Preservation Ranking Criteria**

**LAND or SOILS EVALUATION = 40%**

Soils of a farm are organized into soil groups established through the Land Evaluation Site Assessment System and each group is assigned a relative value for agricultural productivity. Multiplication of the acreage of each soil group by its relative value determines the Land or Soils Evaluation Score.

**SITE ASSESSMENT = 60%**

- Development Potential = 10%
- Farmland Potential = 30%
- Cluster Potential = 20%

LAND OR SOILS EVALUATION 40% (Geographic Information System [GIS] software program of Land Evaluation Site Analysis [LESA] system is a 100 point based system multiplied by 40%)

**DEVELOPMENT POTENTIAL (10%)**

- |    |  |               |
|----|--|---------------|
| 1. | Availability of Public Water and Sewer   | <u>Points</u> |
|    | Farm is within 1 mile or less of public water and sewer.....   | 0             |
|    | Farm is within 3 miles of public water and sewer.....  | 1             |
|    | Farm is 3 or more miles away from public water and sewer .....                                       | 2             |
|    | Determination made on existing lines, but will consider municipality verification of proposed lines. |               |

- |    |                          |               |
|----|--------------------------|---------------|
| 2. | Extent of Road Frontage  | <u>Points</u> |
|    | More than 1 mile .....   | 8             |
|    | 1/2 - 1 mile.....        | 6             |
|    | Less than 1/2 mile ..... | 4             |

**FARMLAND POTENTIAL (30%)**

- |    |                                |               |
|----|--------------------------------|---------------|
| 1. | Acreage of Proposed Farm Tract | <u>Points</u> |
|    | 70 or more acres.....          | 9             |
|    | 60 - 69 acres .....            | 8             |
|    | 50-59 acres .....              | 7             |
|    | 40-49 acres .....              | 5             |
|    | 30-39 acres .....              | 3             |
|    | 26-29 acres .....              | 1             |

2.	Percent of Farm Used for Harvested Cropland, Pasture and Grazing Land	<u>Points</u>
	85% or greater .....	3
	75%-84% .....	2
	60% - 74% .....	1

3.	Possession of Soil Conservation Plan	<u>Points</u>
	Current Soil Conservation Plan with 100% implementation .....	7
	Current Soil Conservation Plan with 75% - 99% implementation .....	6
	Current Soil Conservation Plan with 50% - 74% implementation .....	4
	Current Soil Conservation Plan with implementation < 50% .....	2
	Soil Conservation Plan is not current or does not exist but is in process .....	1
	No Plan and not yet in process.....	0

	Historic, Scenic and Environmentally Sensitive Qualities	<u>Points</u>
	Adjacent to Park, Protected Natural Area, National Historic Resource or District.....	1

*Park =Passive, low intensity recreational use by individuals or small groups in natural surroundings.  
Protected Natural Area =land owned in fee by or under conservation easement with a private conservation organization or public entity for conservation purposes.  
Historic Resource or District must be on, or have potential to be on, National Register.*

5. Bargain Sale. Percentage less than appraised easement value or percentage less than the cap (whichever is less) which the applicant is willing to accept. Applications that score in the top 75% and offer a bargain sale of 50% or more may be considered ahead of higher ranking farms.

		<u>Points</u>
	80%-99% donation.....	10
	70%-79% donation.....	8
	60%-69% donation.....	7
	50%-59% donation.....	6
	40%-49% donation.....	4
	30%-39% donation.....	3
	20%-29% donation.....	2
	10%-19% donation.....	1

	Applicant History of Agricultural Conservation Easement Purchase Offers	<u>Points</u>
	Never Received or Rejected Offer on same farm .....	1
	Rejected Offer on same farm as currently applied .....	0

CLUSTERING POTENTIAL (20%)

1.	Farm is located in an area designated for Rural or Agricultural Use.	<u>Points</u>
	Yes.....	1
	No .....	0

2.	Proximity of Subject to Preserved Farmland*	<u>Points</u>
	Within 1 mile of 350+ acres of preserved farmland.....	7
	Within 1 mile of 250 - 349 acres of preserved farmland.....	5
	Within 1 mile of 150 - 249 acres of preserved farmland.....	3
	Within 1 mile of between 50 - 149 acres of preserved farmland .....	1

\*Preserved Farmland includes land, predominately agricultural, that is owned in fee simple by, or under a perpetual conservation with, a qualified conservation organization as defined in Section 170(h)(3) of the Internal Revenue Code, or a public entity for agricultural preservation purposes.

3.	Proximity of Subject to Other Active Sale Applications (in same round or in Process from prior rounds. Applications from applicants who split their Farm into two submissions will not count towards adjacency).	<u>Points</u>
	Adjacent .....	3
	Within 1/2 mile .....	2
	Within 1 mile .....	1

4.	Percent of Land Enrolled in the Agricultural Security Area Adjacent to Subject	<u>Points</u>
	75%-100% .....	3
	50%-74% .....	2
	1% - 49% .....	1

Percent of Land Owned that is Applied

		<u>Points</u>
	100% .....	6
	99% .....	5
	98% .....	4
	97% .....	3
	96% .....	2
	95% .....	1
	Less than 95% .....	0

## **Calculating the Score of an Application**

Determine the Land Evaluation, or “Soils”, score by calculating the average relative value of the land from the “Agricultural Productivity” Worksheet, as follows:

- A. Use GIS to evaluate the soils located on site.
- B. The GIS will calculate the acreage of each soil on the site and the appropriate soil value group for each soil (see Column 1 of Agricultural Productivity Worksheet).

The number of acres of soils in each soil value group will be multiplied by the relative value in Column 6 of the Worksheet (or use Column 5 if conservation practices are utilized).

A sum of the products of the multiplication performed in Step C will be performed

The total value obtained in Step D will be divided by the total acreage of the farm parcel. The quotient will represent the average relative value for the farm.

The average relative value obtained in Step E will be multiplied by .40 to adjust for soils being a maximum of 40 percent of the system.

2. Assess the farm parcel for each factor listed in the “Site Factors” portion of the system. The “Site Factors” are under the heading the “Numerical Ranking System for the Chester County Challenge Grant Program for Farmland Preservation”. Sum each category. Add the sums together.
3. Determine total score for farm parcel by adding the soils analysis value (40 maximum) to the points obtained in the Site Factors portion of the system (60 maximum).

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ba	Baile silt loam	5	3,616.4	0.7%
BaB	Baile silt loam, 3 to 8 percent slopes	5	3,037.9	0.6%
BbB	Baile silt loam, 0 to 8 percent slopes, very stony	7	1,367.4	0.3%
Bo	Bowmansville-Knauers silt loams	4	860.5	0.2%
BrB	Brecknock channery silt loam, 3 to 8 percent slopes	2	402.7	0.1%
BrC	Brecknock channery silt loam, 8 to 15 percent slopes	3	148.7	0.0%
BrD	Brecknock channery silt loam, 15 to 25 percent slopes	4	40.2	0.0%
BxB	Brecknock channery silt loam, 0 to 8 percent slopes, extremely stony	7	56.5	0.0%
BxD	Brecknock channery silt loam, 8 to 25 percent slopes, extremely stony	7	53.7	0.0%
CaA	Califon loam, 0 to 3 percent slopes	2	1,579.2	0.3%
CaB	Califon loam, 3 to 8 percent slopes	2	9,521.9	2.0%
CaC	Califon loam, 8 to 15 percent slopes	3	213.5	0.0%
CbB	Califon loam, 0 to 8 percent slopes, extremely stony	6	193.6	0.0%
CdA	Chester silt loam, 0 to 3 percent slopes	1	1,030.3	0.2%
CdB	Chester silt loam, 3 to 8 percent slopes	2	4,168.0	0.9%
CdC	Chester silt loam, 8 to 15 percent slopes	3	60.4	0.0%
ChB	Chrome silt loam, 3 to 8 percent slopes	6	1,916.0	0.4%
ChC	Chrome silt loam, 8 to 15 percent slopes	6	1,007.8	0.2%



Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
ChD	Chrome silt loam, 15 to 25 percent slopes	6	383.6	0.1%
ChE	Chrome silt loam, 25 to 45 percent slopes	6	443.1	0.1%
CIA	Clarksburg silt loam, 0 to 3 percent slopes	2	605.8	0.1%
CIB	Clarksburg silt loam, 3 to 8 percent slopes	2	1,038.0	0.2%
Co	Codorus silt loam	2	7,359.9	1.5%
CpA	Cokesbury silt loam, 0 to 3 percent slopes	4	7,148.0	1.5%
CpB	Cokesbury silt loam, 3 to 8 percent slopes	4	3,078.4	0.6%
CqB	Cokesbury silt loam, 0 to 8 percent slopes, very stony	7	332.7	0.1%
Cs	Comus silt loam	1	824.4	0.2%
CtA	Conestoga silt loam, 0 to 3 percent slopes	1	1,262.0	0.3%
CtB	Conestoga silt loam, 3 to 8 percent slopes	2	8,090.4	1.7%
CtC	Conestoga silt loam, 8 to 15 percent slopes	3	1,764.0	0.4%
CwA	Conowingo silt loam, 0 to 3 percent slopes	2	413.0	0.1%
CwB	Conowingo silt loam, 3 to 8 percent slopes	3	999.9	0.2%
CwC	Conowingo silt loam, 8 to 15 percent slopes	3	20.2	0.0%
CyA	Croton silt loam, occasionally ponded, 0 to 3 percent slopes	4	974.4	0.2%
CyB	Croton silt loam, occasionally ponded, 3 to 8 percent slopes	4	751.4	0.2%
DAM	Dams	8	8.2	0.0%
DfA	Duffield silt loam, 0 to 3 percent slopes	1	122.3	0.0%
DfB	Duffield silt loam, 3 to 8 percent slopes	2	164.4	0.0%
DfC	Duffield silt loam, 8 to 15 percent slopes	3	71.0	0.0%
EdB	Edgemont channery loam, 3 to 8 percent slopes	2	10,106.7	2.1%
EdC	Edgemont channery loam, 8 to 15 percent slopes	3	8,697.0	1.8%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
EdD	Edgemont channery loam, 15 to 25 percent slopes	4	3,756.1	0.8%
ExB	Edgemont channery sandy loam, 0 to 8 percent slopes, extremely stony	7	888.1	0.2%
ExD	Edgemont channery sandy loam, 8 to 25 percent slopes, extremely stony	7	1,209.4	0.2%
ExF	Edgemont channery sandy loam, 25 to 60 percent slopes, extremely stony	7	1,082.6	0.2%
GaD	Gaila silt loam, 15 to 25 percent slopes	4	1,460.5	0.3%
Gb	Gibraltar silt loam	2	849.3	0.2%
GdA	Gladstone gravelly loam, 0 to 3 percent slopes	2	1,635.4	0.3%
GdB	Gladstone gravelly loam, 3 to 8 percent slopes	2	46,610.6	9.6%
GdC	Gladstone gravelly loam, 8 to 15 percent slopes	3	26,223.1	5.4%
GdD	Gladstone gravelly loam, 15 to 25 percent slopes	4	3,681.4	0.8%
GdE	Gladstone gravelly loam, 25 to 35 percent slopes	4	519.0	0.1%
GeD	Gladstone-Parker gravelly loams, 15 to 25 percent slopes	4	4,107.3	0.8%
GfB	Gladstone gravelly loam, 0 to 8 percent slopes, very bouldery	6	417.8	0.1%
GfD	Gladstone gravelly loam, 8 to 25 percent slopes, very bouldery	6	2,136.9	0.4%
GfF	Gladstone gravelly loam, 25 to 50 percent slopes, very bouldery	7	870.1	0.2%
GgA	Glenelg silt loam, 0 to 3 percent slopes	1	2,884.7	0.6%
GgB	Glenelg silt loam, 3 to 8 percent slopes	2	60,917.1	12.5%
GgC	Glenelg silt loam, 8 to 15 percent slopes	3	19,001.6	3.9%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
GgD	Glenelg silt loam, 15 to 25 percent slopes	4	1,024.1	0.2%
GIA	Glenville silt loam, 0 to 3 percent slopes	2	1,198.8	0.2%
GIB	Glenville silt loam, 3 to 8 percent slopes	2	9,375.1	1.9%
GIC	Glenville silt loam, 8 to 15 percent slopes	3	107.9	0.0%
GxB	Glenville silt loam, 0 to 8 percent slopes, extremely stony	6	23.8	0.0%
Ha	Hatboro silt loam	4	12,857.8	2.6%
HIB	Hollinger silt loam, 3 to 8 percent slopes	2	123.1	0.0%
HIC	Hollinger silt loam, 8 to 15 percent slopes	3	168.6	0.0%
HID	Hollinger silt loam, 15 to 25 percent slopes	4	192.2	0.0%
HIE	Hollinger silt loam, 25 to 35 percent slopes	7	82.2	0.0%
Ho	Holly silt loam	3	1,435.7	0.3%
JoB	Joanna loam, 3 to 8 percent slopes	2	1,848.2	0.4%
JoC	Joanna loam, 8 to 15 percent slopes	3	2,832.2	0.6%
JoD	Joanna loam, 15 to 25 percent slopes	4	422.9	0.1%
JpB	Joanna loam, 0 to 8 percent slopes, extremely stony	7	311.5	0.1%
JpD	Joanna loam, 8 to 25 percent slopes, extremely stony	7	1,213.2	0.2%
JpF	Joanna loam, 25 to 50 percent slopes, extremely stony	7	97.7	0.0%
LbA	Lamington silt loam, 0 to 3 percent slopes	4	40.3	0.0%
LcB	Lawrenceville silt loam, 3 to 8 percent slopes	2	6.2	0.0%
LeA	Legore silt loam, 0 to 3 percent slopes	2	198.0	0.0%
LeB	Legore silt loam, 3 to 8 percent slopes	2	2,973.8	0.6%
LeC	Legore silt loam, 8 to 15 percent slopes	3	1,149.2	0.2%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
LfD	Legore gravelly silt loam, 15 to 25 percent slopes	4	269.6	0.1%
LgB	Legore gravelly silt loam, 0 to 8 percent slopes, extremely stony	6	206.4	0.0%
LgD	Legore gravelly silt loam, 8 to 25 percent slopes, extremely stony	6	205.9	0.0%
LgF	Legore gravelly silt loam, 25 to 50 percent slopes, extremely stony	7	38.4	0.0%
LhB	Lehigh channery silt loam, 3 to 8 percent slopes	2	51.9	0.0%
LhC	Lehigh channery silt loam, 8 to 15 percent slopes	3	32.4	0.0%
LkB	Lehigh channery silt loam, 0 to 8 percent slopes, extremely stony	7	6.8	0.0%
Ln	Lindside silt loam	2	781.3	0.2%
MaA	Manor loam, 0 to 3 percent slopes	1	152.7	0.0%
MaB	Manor loam, 3 to 8 percent slopes	2	12,242.8	2.5%
MaC	Manor loam, 8 to 15 percent slopes	3	23,668.2	4.9%
MaD	Manor loam, 15 to 25 percent slopes	4	14,444.8	3.0%
MaE	Manor loam, 25 to 35 percent slopes	6	6,755.5	1.4%
MaF	Manor loam, 35 to 60 percent slopes	7	1,804.7	0.4%
MbB	Manor loam, 0 to 8 percent slopes, very stony	6	27.3	0.0%
MbD	Manor loam, 8 to 25 percent slopes, very stony	6	209.7	0.0%
MbF	Manor loam, 25 to 60 percent slopes, very stony	7	1,171.2	0.2%
McA	Mattapex silt loam, 0 to 2 percent slopes, northern coastal plain	2	139.5	0.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
MIA	Mount Lucas silt loam, 0 to 3 percent slopes	2	375.1	0.1%
MIB	Mount Lucas silt loam, 3 to 8 percent slopes	2	2,836.5	0.6%
MIC	Mount Lucas silt loam, 8 to 15 percent slopes	3	40.7	0.0%
MnB	Mount Lucas silt loam, 0 to 8 percent slopes, extremely stony	7	321.0	0.1%
MuB	Murrill gravelly loam, 3 to 8 percent slopes	2	30.5	0.0%
NeA	Neshaminy silt loam, 0 to 3 percent slopes	1	220.8	0.0%
NeB	Neshaminy silt loam, 3 to 8 percent slopes	2	1,650.9	0.3%
NeC	Neshaminy silt loam, 8 to 15 percent slopes	3	519.8	0.1%
NeD	Neshaminy silt loam, 15 to 25 percent slopes	4	12.6	0.0%
NfB	Neshaminy gravelly silt loam, 0 to 8 percent slopes, extremely bouldery	7	696.5	0.1%
NfD	Neshaminy gravelly silt loam, 8 to 25 percent slopes, extremely bouldery	7	772.2	0.2%
NfF	Neshaminy gravelly silt loam, 25 to 60 percent slopes, extremely bouldery	7	87.1	0.0%
NvA	Neshaminy silt loam, very deep over mafic gneiss, 0 to 3 percent slopes	1	903.0	0.2%
NvB	Neshaminy silt loam, very deep over mafic gneiss, 3 to 8 percent slopes	2	6,230.2	1.3%
NvC	Neshaminy silt loam, very deep over mafic gneiss, 8 to 15 percent slopes	3	1,267.0	0.3%
NvD	Neshaminy silt loam, very deep over mafic gneiss, 15 to 25 percent slopes	4	444.7	0.1%
NxB	Neshaminy silt loam, very deep over mafic gneiss, 0 to 8 percent slopes, very stony	7	221.9	0.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
NxD	Neshaminy silt loam, very deep over mafic gneiss, 8 to 25 percent slopes, very stony	7	494.5	0.1%
NxF	Neshaminy silt loam, very deep over mafic gneiss, 25 to 60 percent slopes, very stony	7	288.2	0.1%
PaB	Parker gravelly loam, 3 to 8 percent slopes	2	1,042.2	0.2%
PaC	Parker gravelly loam, 8 to 15 percent slopes	3	3,160.9	0.7%
PaD	Parker gravelly loam, 15 to 25 percent slopes	4	2,913.0	0.6%
PaE	Parker gravelly loam, 25 to 35 percent slopes	6	1,782.1	0.4%
PaF	Parker gravelly loam, 35 to 60 percent slopes	6	551.7	0.1%
PbB	Parker loam, 0 to 8 percent slopes, extremely stony	6	82.1	0.0%
PbD	Parker loam, 8 to 25 percent slopes, extremely stony	6	385.2	0.1%
PbF	Parker loam, 25 to 60 percent slopes, extremely stony	7	164.6	0.0%
PdA	Penlaw silt loam, 0 to 3 percent slopes	3	716.5	0.1%
PdB	Penlaw silt loam, 3 to 8 percent slopes	3	717.4	0.1%
PeB	Penn silt loam, 3 to 8 percent slopes	2	12,978.7	2.7%
PeC	Penn silt loam, 8 to 15 percent slopes	3	5,363.4	1.1%
PeD	Penn silt loam, 15 to 25 percent slopes	4	1,139.4	0.2%
PeE	Penn silt loam, 25 to 35 percent slopes	4	115.9	0.0%
PfC	Penn channery silt loam, 8 to 15 percent slopes	3	21.5	0.0%
PgB	Penn silt loam, 0 to 8 percent slopes, very stony	6	94.7	0.0%
PgD	Penn silt loam, 8 to 25 percent slopes, very stony	6	159.6	0.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
PgF	Penn silt loam, 25 to 50 percent slopes, very stony	7	70.6	0.0%
Pt	Pits, quarry		787.0	0.2%
RaB	Raritan silt loam, 3 to 8 percent slopes	2	11.8	0.0%
ReA	Readington silt loam, 0 to 3 percent slopes	2	911.1	0.2%
ReB	Readington silt loam, 3 to 8 percent slopes	2	1,936.1	0.4%
Ro	Rowland silt loam	2	816.8	0.2%
Th	Thorndale silt loam	4	1,081.3	0.2%
ToA	Towhee silt loam, 0 to 3 percent slopes	4	1,131.4	0.2%
ToB	Towhee silt loam, 3 to 8 percent slopes	4	916.1	0.2%
TxB	Towhee silt loam, 0 to 8 percent slopes, very stony	7	495.4	0.1%
UdIB	Udorthents, limestone, 0 to 8 percent slopes	7	309.6	0.1%
Udp	Udorthents, sanitary landfill	7	86.6	0.0%
UdsB	Udorthents, schist and gneiss, 0 to 8 percent slopes	7	421.5	0.1%
UdsD	Udorthents, schist and gneiss, 8 to 25 percent slopes	7	19.8	0.0%
UdtB	Udorthents, shale and sandstone, 0 to 8 percent slopes	7	454.3	0.1%
Ura	Urban land, occasionally flooded	8	48.6	0.0%
UrB	Urban land, 0 to 8 percent slopes	8	4,883.5	1.0%
UrbB	Urban land-Baile complex, 0 to 8 percent slopes	8	62.6	0.0%
UrcB	Urban land-Califon complex, 0 to 8 percent slopes	8	366.2	0.1%
UrdB	Urban land-Chester complex, 0 to 8 percent slopes	8	627.4	0.1%
UrdD	Urban land-Chester complex, 8 to 25 percent slopes	8	30.9	0.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
UreB	Urban land-Chrome complex, 0 to 8 percent slopes	8	127.6	0.0%
UrfB	Urban land-Cokesbury complex, 0 to 8 percent slopes	8	120.4	0.0%
UrfD	Urban land-Cokesbury complex, 8 to 25 percent slopes	8	23.9	0.0%
UrgB	Urban land-Conestoga complex, 0 to 8 percent slopes	8	3,350.9	0.7%
UrgD	Urban land-Conestoga complex, 8 to 25 percent slopes	8	365.8	0.1%
UrhB	Urban land-Duffield complex, 0 to 8 percent slopes	8	58.1	0.0%
UrkB	Urban land-Edgemont complex, 0 to 8 percent slopes	8	993.7	0.2%
UrkD	Urban land-Edgemont complex, 8 to 25 percent slopes	8	607.4	0.1%
UrlB	Urban land-Gladstone complex, 0 to 8 percent slopes	8	7,281.4	1.5%
UrlD	Urban land-Gladstone complex, 8 to 25 percent slopes	8	1,615.5	0.3%
UrmB	Urban land-Glenelg complex, 0 to 8 percent slopes	8	8,271.6	1.7%
UrmD	Urban land-Glenelg complex, 8 to 25 percent slopes	8	2,569.5	0.5%
UrnB	Urban land-Glenville complex, 0 to 8 percent slopes	8	230.4	0.0%
Uro	Urban land-Hatboro complex	8	169.6	0.0%
Urp	Urban land-Holly complex	8	21.4	0.0%
UrqB	Urban land-Legore complex, 0 to 8 percent slopes	8	80.7	0.0%
Urr	Urban land-Lindside complex	8	74.4	0.0%
UrsB	Urban land-Manor complex, 0 to 8 percent slopes	8	610.7	0.1%



Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
UrsD	Urban land-Manor complex, 8 to 25 percent slopes	8	485.6	0.1%
UrtB	Urban land-Mount Lucas complex, 0 to 8 percent slopes	8	26.7	0.0%
UruB	Urban land-Neshaminy complex, 0 to 8 percent slopes	8	319.3	0.1%
UrvB	Urban land-Parker complex, 0 to 8 percent slopes	8	22.4	0.0%
UrvD	Urban land-Parker complex, 8 to 25 percent slopes	8	79.4	0.0%
UrwB	Urban land-Penlaw complex, 0 to 8 percent slopes	8	183.7	0.0%
UrxB	Urban land-Penn complex, 0 to 8 percent slopes	8	4,317.2	0.9%
UrxD	Urban land-Penn complex, 8 to 25 percent slopes	8	444.5	0.1%
UryB	Urban land-Towhee complex, 0 to 8 percent slopes	8	30.9	0.0%
UudB	Urban land-Udorthents, limestone complex, 0 to 8 percent slopes	8	5,091.2	1.0%
UudD	Urban land-Udorthents, limestone complex, 8 to 25 percent slopes	8	171.0	0.0%
UugB	Urban land-Udorthents, schist and gneiss complex, 0 to 8 percent slopes	8	12,762.1	2.6%
UugD	Urban land-Udorthents, schist and gneiss complex, 8 to 25 percent slopes	8	3,476.1	0.7%
UuhB	Urban land-Udorthents, serpentine complex, 0 to 8 percent slopes	8	116.2	0.0%
UusB	Urban land-Udorthents, shale and sandstone complex, 0 to 8 percent slopes	8	861.5	0.2%
UusD	Urban land-Udorthents, shale and sandstone complex, 8 to 25 percent slopes	8	68.9	0.0%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
W	Water		3,670.0	0.8%
WaA	Watchung silt loam, 0 to 3 percent slopes	4	642.8	0.1%
WaB	Watchung silt loam, 3 to 8 percent slopes	6	417.1	0.1%
<b>Totals for Area of Interest</b>			<b>486,106.0</b>	<b>100.0%</b>

## **Policies of the Chester County Challenge Grant Program for Farmland Preservation**

The Chester County Challenge Grant Farmland Preservation Program is offered under the authority of Pennsylvania Act 153 of 1996 (commonly referred to as the “Open Space Lands Act”) and administered according to the policies and procedures as set forth in these regulations. These regulations have been authorized by the Chester County Commissioners, adopted by the CCALPB, and are administered by the Chester County Open Space Preservation Department.

Application Deadline:       **4:00 PM August 1**

Application Modifications:

Applications may be modified after the submission deadline if the modification consists of increased acreage that has a positive or neutral impact on applicant’s score, to increase the amount of funds from non-county sources, or if determined to be in the best interest of the CCALP program. The CCALPB reserves the right to consider a reduction in acreage if such reduction is acceptable to the applicant, as proposed by the applicant if approved by the CCALPB based on a determination that such reduction is in the best interests of the Program, or additional modifications as permitted herein. Application acreage may differ from final acreage due to exclusion of improvements or increased accuracy as a result of the surveying process.

Administrative Deposit Policy:

A \$750 deposit will be required of any applicant approved for an appraisal. If an applicant has rejected one purchase offer within the preceding three years, a \$1,500 deposit is required. The deposit fee shall be refunded to the applicant if no easement purchase offer is made by the Board, or if the easement purchase proceeds to settlement, the application was accurate and the applicant followed the program regulations as directed by County Staff. Applicant shall forfeit all deposit fees if an offer is rejected.

Bargain Sale of an Agricultural Conservation Easement:

Landowners may sell their Agricultural Easement for a price less than the appraised value of those rights. Willing applicants must specify the exact percentage of the lesser of the cap or appraised easement value that they are willing to accept on the application. An application receives points for offering a bargain sale and may receive priority consideration over other applications. A Bargain Sale may also have tax advantages to the landowner, their estate and/or heirs. Please consult your tax advisor.

Bargain Sale of Woodland and Stream Corridor Conservation Easements:

The purpose of the stream corridor or woodland conservation easement is to preserve those portions of a farm that a landowner may not apply to the agricultural conservation easement program. Designed as a complement to the agricultural conservation easement sale, the stream or woodland conservation easement attempts to preserve as much of the farm as possible. The stream corridor or woodland conservation easement is a perpetual legally binding document restricting the land to agricultural, associated uses, and to the conservation of resources in that area. The woodland or stream corridor conservation easement is a \$1.00 sale of one’s development rights and is contingent upon an associated agricultural easement sale. It may be possible for the landowner to be eligible for a charitable contribution

deduction from the \$1.00 sale of such an easement; please consult professional tax advice. Minimum criteria for the stream corridor or woodland conservation easement include: 1) situated adjacent to, and contingent upon, an agricultural sale application, 2) contain at least 10 acres, 3) must not break the contiguity of the agricultural application tracts, 4) landowner is responsible for survey and appraisal, 5) survey shall include a soils overlay.

**Conservation/Nutrient Management Plans:**

All agricultural operations shall be conducted in accordance with a Conservation Plan and a Comprehensive Nutrient Management Plan (if required by the Nutrient Management Act, Act 38). Conservation Plans and Conservation Plan Implementation Agreements must be approved and signed prior to settlement. Preparation and completion of these plans are the responsibility of local certified plan writers upon request. Landowners are required to inform the County of the selected plan writer and plan completion date when they submit their administrative deposit.

All costs associated with the preparation of these plans are the responsibility of the landowner.

**Customary, Part-Time, or Off-Season, Minor or Rural Enterprises and Activities Regulations:**

Agricultural conservation easements shall not prevent “customary part-time or off-season minor or rural enterprises and activities.” For purposes of definition, these are limited to the following:

1. Direct sale to the public of agricultural products produced principally on the farm, provided that at least 50 percent of such products are produced by the farm operator;
2. The accommodation of tourists and visitors within principally residential and/or agricultural structures of the farm property, so long as this use is incidental to the agricultural and open space character of the property;
3. Religious uses, including the conducting of religious ceremony on the property and family cemeteries;
4. Structures associated with the production of energy for use principally on the farm, including wind, solar, hydroelectric, methane, wood, alcohol fuel and fossil fuel systems and structures and facilities for the storage and treatment of animal wastes;
5. The provision of services or production and sale, by persons in residence, of incidental agricultural goods, services, supplies, and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying residential and/or principally agricultural structures of the property;
6. Agricultural-related services or activities associated with customary part-time or off-season minor rural enterprises or activities incidental to agricultural production. These services and activities are permissible as long as they remain incidental to the agricultural and open space

character of the farm. No excavating, paving, gravelling, construction of permanent structures, or other activities that would diminish the productive capacity of the soils are permitted in connection with such activities. The County Board reserves the right to review and approve these activities on a case-by-case basis;

7. The installation of communications antennae on existing structures along with associated equipment and structures shall be permitted, provided that the installation and construction of any permanent non-agricultural equipment or structures associated with the communications antennae shall be located within the existing curtilage at the base of the existing structure supporting the communications antennae and such associated equipment or structures shall remain incidental to the agricultural and open space character of the property;
8. Passive agricultural composting use is permitted for on-farm use only if a Conservation Plan that addresses the composting use is approved by a properly certified individual or organization as pre-approved by the CCALPB (including but not limited to the Chester County Conservation District) and implemented. In addition, an owner or operator of land encumbered with an agricultural conservation easement may accept spent mushroom substrate generated for field spreading only in accordance with an approved conservation plan and only from sources operating in compliance with an approved Mushroom Farm Environmental Management Plan (MFEMP);
9. Other similar uses may be considered upon written request to the CCALPB.

Excepted Parcels: All land to be withheld from an easement application, other than the existing building envelope, shall be delineated on a map and submitted to the CCALPB.

Exclusion of Residential Right: The applicant may elect to extinguish the residential structure right that is allowed through the agricultural conservation easement.

Full Bargain Sale of an Agricultural Conservation Easement: The CCALPB will gladly work with a landowner that is interested in selling the development rights of one's farm to the County of Chester for \$1.00. This type of sale can be a very effective estate-planning tool. Please talk to your tax advisor for tax advantages.

Limits on Spray Irrigation: The program may permit certain types of spray irrigation consistent with Act 43. CCALPB further stipulates its' permission requires: the irrigation must be consistent with the needs and goals of the agricultural operation and the agricultural conservation easement; the use of spray irrigation and associated best management practices must be contained in a Conservation Plan for the operation; the agricultural operator must

control the timing and quantity of effluent application and such authority shall not be transferable to any public or private utility.

**Partial Bargain Sale/Donation:**

In situations where the applicant's appraised established easement value is above the payment cap of \$12,000 established by the CCALPB, the applicant's stated donation will be applied to the \$12,000 payment cap. The Bargain Sale option may have tax advantages to the landowner, their estate and/or heirs. Please consult your tax advisor to determine if you can claim the difference between the appraised value and the sale value as a charitable contribution deduction.

**Parcel Annexation:**

The CCALPB reserves the right, where applicable, to require parcel annexation through a deed consolidation or deed merger.

**Payment Caps:**

Not more than \$12,000 per acre shall be paid for a perpetual easement.

**Perpetual Easements:**

Chester County will only consider conservation easements for purchases that are perpetual in duration.

**Rights specifically included:**

Rights specifically included in the sale of an agricultural easement that will be purchased and therefore eliminated through this program include, but are not limited to the following:

1. Drip or Spray irrigation where the effluent contributes to water usage EDUs;
2. Any development rights or density credits associated with the eased land, including current or future TDR programs.

**Right to apply municipal match to Commonwealth/County Program:**

The County reserves the right to apply municipally certified Challenge Grant match funding to the Commonwealth/County Program if farm(s) from municipality have ranked high enough in Commonwealth/County Program to be funded.

**Right to Refuse Application Consideration:**

The CCALPB may decide to not consider a property for easement sale if the land is subject to a deed restriction, conservation easement, covenant, restriction imposed by a subdivision, agricultural preservation ordinance, or a legal document that is consistent with the deed of agricultural conservation easement in terms of resource protection.

**Second Appraisals:**

If the applicant should elect to retain an appraiser to do a second appraisal, the easement value shall be up to the average of the first appraised value (which was obtained by the Board) and the second appraised value (which was obtained by the applicant). The Board retains the right to make the original offer or a different offer.

**Subdivision:**

In addition to applicable subdivision ordinances, all farms entering Chester County Challenge Grant Program for Farmland Preservation shall be subject to Subdivision regulations, as attached in these Program Regulations. These are in addition to local land use regulations and any other development

approvals or permits required for subdivision or subsequent land development.

**Title Issues:** The CCALPB may decide to not proceed with the agricultural conservation easement process upon discovery of issues of title which prevent such an agricultural conservation easement to occur on the land. Should these concerns present themselves, the landowner shall forfeit the administrative deposit and is responsible for the incidental costs incurred by the County.

**Township Lack of Offer:** In cases where Township does not extend offer to applicant, no lesser scoring farms in that township that requires a township contribution may be considered for funding in that specific round. The County will contact the landowner in the event they wish to offer to sell their development rights at a 50% bargain sale.

**Transfer of Development Rights:** As long as farmland meets this program’s eligibility criteria, owners of farmland located in areas municipally zoned as eligible to transfer development rights (TDR) may apply to sell all – or all remaining (in the event some have been transferred) – development rights to the CCALPB. The owner of the land shall agree to extinguish any and all remaining “transferable rights” provided under the TDR zoning to the CCALPB’s satisfaction as a condition prior to settlement with the CCALPB.

**Urgent Situations:** The CCALPB may consider preserving a farm sooner than the ranking indicates if the farm is subject to an Urgent Situation. CCALPB has the discretionary authority to authorize appraisals and preserve a farm out of ranking order if there is potential to leverage additional funding such as federal, township, or private contribution pursuant to these program regulations. Applications subject to an Urgent Situation may be submitted at anytime, are eligible for immediate consideration by the CCALPB and may be preserved as soon as funds are available.

**Well and Septic Infrastructure:** The CCALPB will not permit private septic or private water infrastructure to be placed on land subject to an agricultural conservation easement that is intended to service a parcel that is not subject to a permanent farmland preservation easement.

**Withdrawal from Consideration:** In situations where the applicant withdraws from easement sale consideration or breaches the agreement of sale prior to closing, it shall be the applicant’s responsibility to reimburse the County for all incidental costs incurred. These may include but are not limited to administrative, appraisal, survey and title fees.

**Woodland Cap:** For farms containing more than 15 percent woodland (excluding Christmas tree farms) easement purchase offers will not exceed 90 percent of appraised easement value.

**Subdivision Regulations for Lands Preserved through the Challenge Grant Program**  
(These are in addition to local land use regulations, land development permits and/or approvals).

**PURPOSE:**

The purpose of these regulations is to specify the subdivision provisions of County and Township Agricultural Conservation Easement Challenge Grant Program.

No subdivision will be permitted which will:

- (a) Harm the economic viability of the farmland for agricultural production; or
- (b) Convert land which has been devoted primarily to agricultural use to another primary use, other than a tract of two acres or less upon which construction and use as the landowner's principal residence or housing for seasonal or full-time farm employees, as permitted to the easement deed.

**APPLICATION OF THESE REGULATIONS:**

These regulations shall apply to all agricultural conservation easements acquired through the Chester County Challenge Grant Program for Farmland Preservation.

Subdivision of land offered for easement sale between the time an application for an easement is submitted and the time said easement purchase is completed is **prohibited**. Any subdivision during this period will cause the application to be denied. The application may be resubmitted after subdivision is complete.

**DEFINITIONS:**

**Contiguous Acreage:** All portions of one operational unit as described in the deed, or deeds, whether or not the portions are divided by streams, public roads, bridges and whether or not described as multiple tax parcels, tracts, purports, or other property identifiers. It includes supportive lands, such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds, and streams.

**Economic viability of farmland for agricultural production:** The capability of a particular tract of restricted land (other than a tract of two acres or less upon which construction and use as the landowner's principal residence or housing for seasonal or full-time farm employees, as permitted in the easement deed), to meet all of the criteria set forth in Program Regulations.

**Harm the economic viability of the farmland for agricultural production:** To cause a particular tract of restricted land to fail to meet the criteria set forth in the Program Regulations at the time of application for subdivision or to create, through subdivision, a tract of restricted land that would fail to meet the aforesaid criteria. Specifically excepted is a tract of two acres or less upon which construction and use as the landowner's principal residence or housing for seasonal or full-time farm employees, as permitted in the easement deed.



**Land development:** Either of the following activities:

- (a) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential buildings, whether proposed initially or cumulatively; or
- (b) A subdivision of land.

**Land which has been devoted primarily to agricultural use:** Acreage which is a part of restricted land and is harvested cropland, grazing or pasture land, or land used for the production of timber and wood products, or land containing non-residential structures used for agricultural production, or other acreage immediately available for agricultural production, and which excludes any acreage upon which immediate agricultural production is impracticable due to residential structures and their curtilages, wetlands, soil quality, topography or other natural or man-made features, and which further excludes any tract of two acres or less designated as the site upon which the landowner's principal residence or housing for seasonal or full-time employees, as permitted in the easement deed.

**Pennsylvania Municipalities Planning Code:** The Act of December 21, 1988 (P.L. 1329, No 1 170)(53 P.S. sec 10101-11201).

**Subdivision:** The division or redivision of lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

#### SUBDIVISION APPLICATION PROCEDURE:

- (a) An application for subdivision shall be submitted on a form prescribed by the CCALPB. The forms may be obtained from the administrator of the CCALPB.
- (b) Upon receipt of the completed application, the administrator for the CCALPB shall note the date upon which the application is received and forward written notification to the County Planning office and to the Township Supervisors. The CCALPB shall note the date upon which each reviewing agency receives said notice. These agencies (reviewing agencies) shall have 60 days from the receipt (receipt presumed to be within three days of mailing) to review, comment and make recommendations on the proposed application to the CCALPB. The CCALPB will only consider comments and recommendations received beyond said deadline if the landowner agrees in writing.
- (c) Upon receipt of the application, the CCALPB shall review it to determine whether subdivision complies with these regulations and the Program Regulations. Within 120 days of receipt of the application, the CCALPB shall decide whether to approve or deny the application. This deadline may be extended with the written approval of the landowner and reviewing agencies. Failure of the CCALPB to approve or reject an application for subdivision before said 120-day period will result in the deemed approval of the application. Notice of the decision shall be mailed to the applicant and Township Supervisors on the next business day following the decision. Approval by the CCALPB, acting on behalf of all Grantees, shall not supersede the approval process required by the Municipalities Planning Code.
- (d) If the application to subdivide land is rejected, the application shall be returned to the landowner with a written statement of the reasons for the rejection. Within 30 days after the receipt (receipt presumed to be within three days of mailing) of the statement of rejection, the landowner may appeal the rejection in accordance with 2 PA.C.S. CH. 5

Subch B (relating to practice and procedure of local agencies) and CH. 7 Subch. B (relating to judicial review of local agency action).

- (e) At all times, the burden of proof is upon the landowner.

CRITERIA FOR SUBDIVISION:

A landowner may subdivide a tract of land subject to an Agricultural Conservation Easement (the easement) per the Program if the CCALPB finds that such subdivision does not harm the economic viability of the farmland for agricultural production; convert land devoted primarily to agricultural use to another primary use; or violate any one or more of the following criteria:

- (a) Subdivision is not inconsistent with any provision of the Program Regulations, easement deed, or the Municipalities Planning Code, or local land use law or regulations.
- (b) The size of the parcels of land after subdivision is not inconsistent with the agricultural use of the property as it existed prior to subdivision. However, no subdivision will be allowed if it results in a tract of land which is less than 25 acres in size, unless the tract is at least 10 acres in size and is either utilized for a crop unique to the area, or is contiguous to a property which has a perpetual conservation easement in place which is held by a “qualified conservation organization” as that term is defined at Section 170(h)(3) of the Internal Revenue Code or an IRS 501(c)(3) non-profit land trust, or by a qualified public entity.
- (c) The soil types of the parcels of land after subdivision is not inconsistent with the agricultural use of the property as it existed prior to subdivision.
- (d) The location of any structures to be built (which are permitted by the easement deed) is not inconsistent with the agricultural use of the property as it existed prior to subdivision.
- (e) The subdivision is not inconsistent with any soil conservation plan in existence prior to the subdivision.
- (f) The subdivision is not inconsistent with the easy administration and enforcement of the laws and regulations pertaining to the easement.
- (g) Subdivision is not inconsistent with or detrimental to any conservation easement of adjoining property.
- (h) The shape and location of the subdivided tracts are not inconsistent with the agricultural use of the property as it existed prior to subdivision.
- (i) The land to be subdivided is not (as of the time of the vote on the application) in violation of the easement or any soil conservation plan, and law or regulation, federal, state or local.

RESERVATION OF RIGHT TO CONSTRUCT AFTER SUBDIVISION:

If the restricted land is subdivided prior to the construction of a residential structure under authority of the easement deed, the landowner shall do the following:

- (a) Inform the County board, at the time an application for subdivision under these regulations is submitted, of the specific subdivided tract where said residential structure is to be built; and
- (b) Ensure that the deed to the subdivided tract where said residential structure is to be built clearly sets forth the reservation of this right to build said residential structure; and
- (c) Ensure that the deeds to any remaining subdivided tracts recite that no residential structure may be constructed on said subdivided tracts.

NOTICE OF SUBDIVISION REGULATIONS:

The CCALPB shall file these regulations in the deed of agricultural conservation easement.

## Appraisal Standards

### § 138e.64. Appraisal.

- (a) An offer to purchase an easement shall be based upon one or more appraisal reports which estimate the market value and the farmland value of the farmland tract, as those terms are defined in § 138e.3 (relating to definitions). The initial appraisal shall be at the county board's expense. This expense may be reimbursed as a cost incident to easement purchase in accordance with section 14.1(h)(6) of the act (3 P. S. § 914.1(h)(6)) and § 138e.68 (relating to statement of costs).
- (b) An appraisal of market value and farmland value shall be based on an analysis of comparable sales, and shall be conducted in accordance with standards in the most recent edition of the *Uniform Standards of Professional Appraisal Practice*, published by the Appraisal Standards Board of the Appraisal Foundation. If an appraiser cannot practicably conduct an appraisal based on an analysis of comparable sales, the appraiser may conduct an appraisal using another methodology only if that methodology is an acceptable methodology under the *Uniform Standards of Professional Appraisal Practice* and the appraisal report clearly describes the information considered, the appraisal procedures followed and the reasoning that supports the analyses, opinions and conclusions.
- (c) The value of a building or other improvement on the farmland tract will not be considered in determining the easement value.
- (d) The appraiser shall be a State-certified General Real Estate Appraiser who is qualified to appraise a property for easement purchase. An appraiser shall be selected by a county board on the basis of experience, expertise and professional qualifications.
- (e) The appraiser shall supply a minimum of three copies of a narrative report which contains the following information and is in the following format:
  - (1) *Introduction.*
    - (i) A letter of transmittal.
    - (ii) The appraiser's certificate of value as to market value, farmland value and easement value.
    - (iii) A table of contents.
    - (iv) A summary of salient facts and conclusions.
    - (v) The purpose of the appraisal.
    - (vi) The definitions, including definitions of market value, farmland value and easement value.
  - (2) *Description of property.*
    - (i) A brief area of neighborhood description.
    - (ii) A description of appraised property.
      - (A) A legal description.
      - (B) Property data and zoning.
      - (C) A brief description of improvements.
      - (D) Color photos of subject property's fields and improvements.
      - (E) Tax map or official map used for tax assessment purposes showing the subject property and its relationship to neighboring properties.
      - (F) A legible sketch or aerial photograph of subject property showing boundaries, roads, driveways, building locations, rights of way and land use.
      - (G) A location map showing the location of the subject farmland tract in a county or municipality.
      - (H) Soils map showing property boundaries.

- (3) *Analyses and conclusions.*
- (i) An analysis of highest and best use.
  - (ii) The valuation methodology: market value.
    - (A) Comparable sales data.
    - (B) An adjustment grid.
    - (C) A location map of comparable sales showing the location of the subject farmland tract with respect to the comparables. A single location map shall be submitted with respect to each county from which comparable sales are drawn.
  - (iii) The market value estimate.
  - (iv) The valuation methodology: farmland value.
    - (A) Comparable sales data.
    - (B) An adjustment grid.
    - (C) A location map of comparable sales showing the location of the subject farmland tract with respect to the comparables. A single location map shall be submitted with respect to each county from which comparable sales are drawn.
  - (v) A farmland value estimate.
  - (vi) The easement value.
  - (vii) An appendix containing a brief statement of the appraiser's professional qualifications and a copy of the appraiser's current certification issued in accordance with the Real Estate Appraisers Certification Act (63 P. S. §§ 457.1—457.19).
- (f) The appraiser shall supply information concerning comparable sales as follows:
- (1) At least three comparable sales shall be used for estimating market value and at least three comparable sales shall be used for estimating farmland value in an appraisal. If the appraiser cannot obtain sufficient comparable sales data within the same county as the subject farmland tract, the appraiser may use comparable sales from other counties, with the approval of the county board. The use of comparable sales which require adjustment of 50% or more is permitted only with the approval of the county board.
  - (2) Pertinent data for each comparable sale used in the preparation of the appraisal shall be stated in the appraisal report, including the date of sale, the purchase price, zoning, road frontage in feet (for determining market value) and soil mapping units (for determining farmland value). The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract. This analysis shall be in the form of a narrative statement of the information considered and the reasoning that supports the analyses, opinions and conclusions, and an adjustment grid assigning, when practicable and within the Uniform Standards of Professional Appraisal Practice referenced in subsection (b), approximate dollar values to adjustment shown on the adjustment grid.
  - (3) The location of each market value comparable sale used in the appraisal report shall be shown accurately on a comparable sales map depicting the entire county in which the comparable sale is located, and shall be sufficiently identified and described so it may be located easily. If the comparable sales map depicts the county in which the property that is the subject of the appraisal is located, that property shall also be sufficiently identified and described so it may be located easily.
  - (4) The location of each farmland value comparable sale used in the appraisal report shall be shown accurately on a comparable sales map depicting the entire county in which the comparable sale is located, and shall be sufficiently identified and described so it may be located easily. If the comparable sales map depicts the county in which the property that is the subject of the appraisal is located, that property shall also be sufficiently identified and described so it may be located easily. If a farmland value comparable sales map and a market value comparable sales map would depict the same county, they may be combined in a single map.
  - (5) For comparable sales used to estimate the farmland value, the appraiser may use sales of land that are confined to agricultural use because of agricultural conservation easements or other legal restrictions or physical impairments that make the land valuable only for agricultural use.

Comparable sales shall be in primarily agricultural use. Data may also be gathered from farm real estate markets when farms have no apparent developmental value.

- (6) The appraiser shall set forth the reasons the farmland comparable sales are confined primarily to agricultural use. Examples of these reasons include:
  - (i) The farmland tract has public or private land use restrictions.
  - (ii) The farmland tract is within a flood plain or a wetland (in whole or in part).
  - (iii) The farmland tract is landlocked, subject to additional easements, subject to restrictive zoning or has other physical attributes which limit its developmental capability.
- (7) The appraiser shall provide at least one original and two copies of each report to the county board. The original of each report and all copies shall be bound with rigid covers.
- (8) The appraisal shall include the entire acreage offered for easement sale. If, following completion of the appraisal, acreage is added to or deleted from the proposed easement sale for any reason, the appraisal shall be revised accordingly or the appraiser shall agree in writing to the use of a per acre value to account for the change in easement value resulting from such a change in acreage.
- (9) If acreage is voluntarily withheld from the easement sale by the landowner through subdivision accomplished in accordance with the Pennsylvania Municipalities Planning Code, the appraiser shall, in making the estimate of agricultural conservation easement value, take into account any increase in the value of the subdivided acreage because of the placement of the easement on the remaining farmland.

#### **Source**

The provisions of this § 138e.64 amended December 26, 1997, effective December 27, 1997, 27 Pa.B. 6782. Immediately preceding text appears at serial page (202919).

#### **Cross References**

This section cited in 7 Pa. Code § 138e.19 (relating to purchasing procedures); and 7 Pa. Code § 138e.66 (relating to offer of purchase by county board).

**CHESTER COUNTY AGRICULTURAL LAND PRESERVATION BOARD  
AGRICULTURAL EASEMENT INSPECTION/ENFORCEMENT POLICY**

**1. Inspections**

- (a) The County Board shall inspect eased land at least annually to determine compliance with the applicable deed of easement. The first inspection shall be completed within 1 year to the date of easement sale
- (b) Written notice of an inspection to be conducted shall be mailed to the owner at least 10 days prior to the inspection.
- (c) An inspection shall be performed between the hours of 8 a.m. and 5 p.m. on a weekday that is not a legal holiday or a date and time agreeable to the county and the landowner.
- (d) Within 10 days of conducting an inspection, the county board shall prepare a written inspection report setting forth the following information:
  - (1) The identification of the land inspected.
  - (2) The name of the owner of the farmland at the time the easement was originally acquired and the name of the current owner of the land inspected.
  - (3) A description of modifications in the number, type, location or use of any structures on the land since the date of the filing of the deed of easement.
  - (4) A description of deviations from the conservation plan observed on the restricted land
  - (5) A statement of whether the provisions of the deed of easement are being observed.
  - (6) A statement indicating whether a structure has been constructed on the restricted land, the month and year construction was completed, and a description of the structure and its location on the land.
- (e) A copy of the inspection report shall be mailed or hand delivered to the owner.
- (f) The CCALPB may inspect the restricted land without prior notice if they have reasonable cause to believe that any provision of the easement has been or is being violated.

**2. Notification to landowner**

- (a) Within 10 days of the discovery of a violation of the terms of an easement, either through an inspection or otherwise, the County Board shall send written notice of the violation to the owner of the restricted land and the County governing body.
- (b) The written notice required by this section shall be sent by certified mail and shall set forth the following information:
  - (1) A copy of the inspection report.
  - (2) A copy of the deed of easement.
  - (3) A description of the action or condition which constitutes the alleged violation.
  - (4) A statement of the measures necessary to correct the alleged violation.

**3. County Assistance**

The landowner shall be granted 20 days from the date of the notification letter to meet with the County Board to discuss remedial actions. The County Board, in conjunction with the Chester County Soil Conservation District, shall offer its assistance through either a site visit and/or meeting with interested parties at the Government Services Center to discuss implementation of remedial actions. At this time, a sequence of remedial actions and an implementation schedule shall be discussed, agreed to, and a statement of agreement shall be signed by the landowner and the Chester County Board. In the agreement, the landowner shall agree to review the implementation schedule with the land user, if the landowner and land user are two separate persons. However, the landowner agrees to all legal responsibility for implementation of the schedule further implied as compliance with the easement. It shall also be agreed that the corrective measures shall be completed in a period not to exceed one year from the date of this meeting.

**4. Follow-up Inspection**

- (a) A follow-up inspection of the property shall be conducted by the County Board 30 days after remedial measures as stated in the agreement are scheduled to commence.
- (b) A Statement of compliance shall be sent to the landowner following the inspection.
  - (1) If the landowner is not in compliance with the agreement, the County Board shall send a statement of non-compliance to the landowner, advising the landowner that the County Board has referred this matter to counsel who shall wait 7 days from the date of the non-compliance letter to file papers with the Chester County Court of Common Pleas requesting an injunction; cost and attorney's fees to be reimbursed.
  - (2) If the landowner is in compliance with the schedule, the compliance letter shall verify corrective procedures implemented and those remaining on the schedule and remind the landowner that corrective measures must be completed by the date ending the established one year period.

**5. Enforcement Actions**

- (a) Upon violation of the statement of agreement or if corrective measures have not been completed within the established one year period, the County Board shall commence and prosecute an action in the Chester County Court of Common Pleas seeking an order requiring correction of the violation, enjoining further violation of the terms of the easement, and other appropriate relief, including costs and attorney's fees.
- (b) The owner of the restricted land shall bear all costs associated with the correction of a violation of the easement, including;
  - (1) Costs of work required and materials used to correct the violation.
  - (2) Administrative costs incurred by the County Board.
  - (3) Court costs and reasonable attorney's fees incurred by the County Board in enforcing the easement.



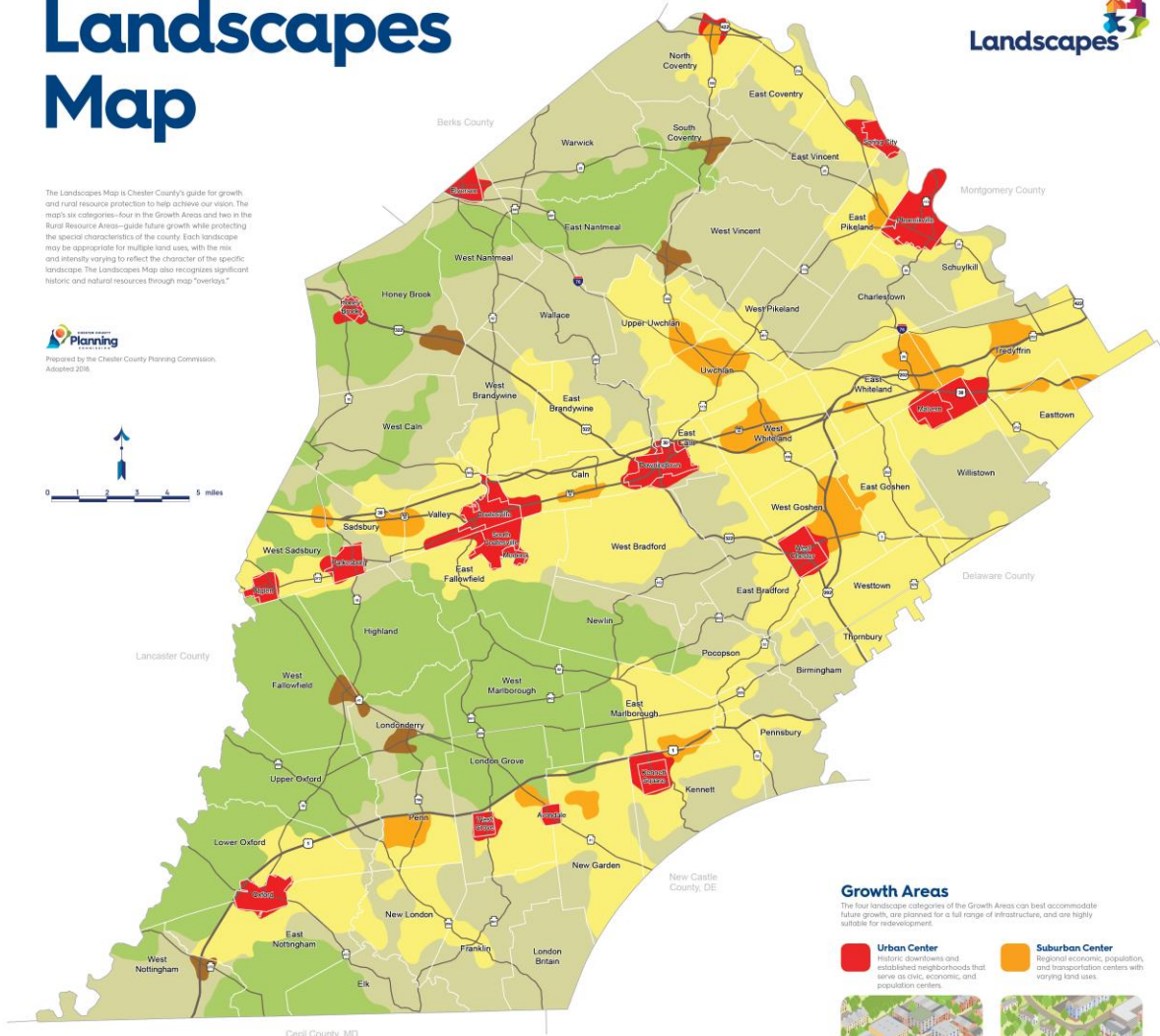
# Landscapes Map



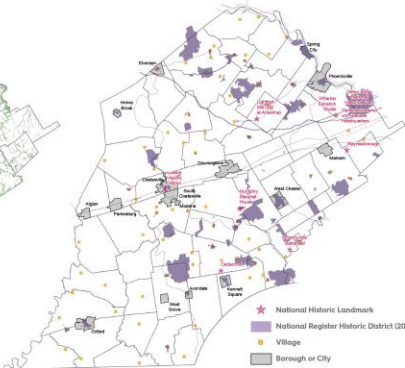
The Landscapes Map is Chester County's guide for growth and rural resource protection to help achieve our vision. The map's six categories—four in the Growth Areas and two in the Rural Resource Areas—guide future growth while protecting the special characteristics of the county. Each landscape may be appropriate for multiple land uses, with the mix and intensity varying to reflect the character of the specific landscape. The Landscapes Map also recognizes significant historic and natural resources through map "overlays."



Prepared by the Chester County Planning Commission, Adopted 2016.



**Significant Natural Landscapes Overlay**



**Significant Historic Landscapes Overlay**

## Growth Areas

The four landscape categories of the Growth Areas can best accommodate future growth, are planned for a full range of infrastructure, and are highly suitable for redevelopment.

- Urban Center** (Red square): Historic downtowns and established neighborhoods that serve as civic, economic, and population centers. 
- Suburban Center** (Orange square): Regional economic, population, and transportation centers with varying land uses. 
- Suburban** (Yellow square): Predominantly residential communities with locally-oriented commercial uses and community facilities. 
- Rural Center** (Brown square): Often an extension of a village at a historic crossroads. 

## Rural Resource Areas

The two landscape categories of the Rural Resource Areas are not appropriate for significant growth, strongly reflect the agricultural and rural character of the county, and serve as a focus for preservation efforts.

- Rural** (Light green square): Open and wooded lands, with scattered villages, farms, and residential uses. 
- Agricultural** (Dark green square): Large concentrations of active and diverse farm operations, along with related support services. 

**CHESTER COUNTY AGRICULTURAL LAND PRESERVATION BOARD**

	<u>Occupation</u>
Melba Matthews, Chairman Chester Springs	Farmer
Donald Cairns, Vice Chairman Parkesburg	Farmer
Duane Hershey, Secretary Cochranville	Farmer
John Diament, Uwchland	Building Contractor
Richard Abbott Cochranville	Farmer
Amy McKenna Coatesville	At Large
Bill Covalesski Glenmoore	At Large
Eli Silberman Unionville	At Large
Mark Dunphy Phoenixville	Township Supervisor
Thomas Abrahamsen West Chester	Solicitor