

County Agricultural Land Preservation Board Programs

The Chester County Agricultural Land Preservation Board (ALPB) through the authorization of the Chester County Board of Commissioners, implements the Commonwealth of Pennsylvania Agricultural Conservation Easement Purchase Program and the Chester County Challenge Grant Program. Through each program, the county seeks to proactively preserve the agricultural base that retains Chester County's leading industry. The programs preserve farmland utilizing the purchase of an agricultural conservation easement. An agricultural conservation easement is a legal restriction that limits the use of the property to agricultural purposes.

The landowner is financially compensated for the sale of an agricultural conservation easement. The value for the agricultural conservation easement is determined by an independent, licensed appraiser. The ALPB makes an offer based on the appraisal. Compensation is generally the value of the development rights, or the difference between the market value and an agricultural value of a subject farm. Landowners retain all other rights and privileges of the private land ownership. The agricultural conservation easement runs with the land and legally binds future owners to the easement provisions.

The program determines the sale recipients through a land evaluation and site assessment ranking system (LESA) devised by the USDA Natural Resources Conservation Service. Key elements of the ranking system include soil productivity, development pressure, farmland potential, and clustering of preserved farmland potential. To date, 233 farms or 21,991 acres of farmland have been preserved through the programs.

What is an agricultural conservation easement?

An agricultural conservation easement is a legally binding document recorded in the County Recorder of Deeds office with the deed of a farm property. The agricultural conservation easement perpetually restricts the use of the land to agriculture and directly associated uses.

Why would a landowner want to sell an agricultural conservation easement?

Selling an agricultural conservation easement can ensure that a family's farmland will be protected from development and used for agricultural purposes only.

Landowners receive financial compensation for granting an agricultural conservation easement and still retain ownership of their land.

Landowners can be more confident that their farms will be passed down to the next generation by using the agricultural conservation easement as an estate planning tool.

Why preserve farmland?

- Encourages the continuation of Pennsylvania's extensive agriculture industry and local supplies of fresh food
- Protects natural and historical resources such as productive soils, surface water, groundwater, air quality, wildlife habitats, scenic beauty, quality of life, and Chester County's history
- Keeps property taxes constant. Farmland use has been shown to provide more in tax revenues to municipalities and school districts than they consume in municipal and school services; therefore, the preservation of farmland can keep property taxes down for all landowners in a community

Commonwealth of Pennsylvania/County of Chester Program

The purpose of the Commonwealth Agricultural Conservation Easement Purchase Program is to preserve viable agricultural lands. The statewide program has been adopted for use in Chester County by the county commissioners in 1989. Farm owners interested in preserving their farm may sell an agricultural conservation easement, also known as development right of one's farm, to the County of Chester and/or Commonwealth of Pennsylvania.

Legislation

Act of 1981, P.L. 128, No. 43 (Agricultural Security Area Law) as amended, and Chester County Commissioners Resolution - July 11, 1989

Minimum eligibility requirements

The State Agricultural Land Preservation Board has established minimum requirements that farmland tracts must meet to be eligible for consideration for easement purchase. Farmland tracts must:

- Be located in an agricultural security area consisting of 500 or more acres
- Have contiguous acreage of at least 50 acres in size unless the tract is at least 10 acres in size and is either contiguous to a property that has a perpetual conservation easement in place or utilized for a crop unique to the area
- Have at least 50% of the soils that are available for agricultural production and are of capability classes I-IV
- Contain the greater of 50% or 10 acres of harvested cropland, pasture, or grazing land

Procedure for agricultural conservation easement purchase

- Application subagreement of sale
- Boundary survey
- State board approval
- Settlement

Preserved acres

As of January 2007, the Chester County ALPB through the Commonwealth Program has preserved 207 farms for a total of 20,017 acres. Average acreage of the preserved farms is 97 acres.

Application information

Information on applying to sell an agricultural conservation easement can be obtained by contacting the office via phone, email, regular mail, or by visiting. The deadline for application is August 1st of each year.

- Program guidelines and application (<http://dsf.chesco.org/agriculture/lib/agriculture/pdfs/StateAgManual06..pdf2006>)
- Application pages only (<http://dsf.chesco.org/agriculture/lib/agriculture/pdfs/StateAgApp06.pdf>)

Chester County Agricultural Conservation Easement Challenge Grant Program

Recognizing the pressures of development in Chester County, the Board of Commissioners created a program to complement the existing commonwealth program and other components of the Chester County Open Space Program. After two annual rounds specific to northern Chester County, the program has been enhanced to encompass the entire county. Funding for this program provides an opportunity for partnership between the county and local entities such as townships and other public and private sources. To fund this program, the county commissioners committed \$5 million in 2001, \$3.4 million in 2003, \$3.5 million in 2004, \$4.0 million in 2005, and \$1.8 million in 2006 in a dollar-to-dollar match program with local sources.

Purpose

The purpose of this program is to preserve agricultural land in Chester County in accordance with the strategy developed by the Board of County Commissioners. Lands in Chester County that are designated "rural" or "natural" landscapes as according to the Landscapes county comprehensive plan and located in locally adopted agricultural security areas will be targeted for agricultural conservation easement acquisition. These areas contain prime agricultural soils, are generally designated for agriculture in local comprehensive plans, and are concentrations of actively farmed land in Chester County.

Eligibility criteria

The following basic criteria must be met of each application.

- Located in a municipality or municipalities whose Board of Supervisors has committed, in writing, to participate by providing matching funds for successful applications for development right acquisition. Or

the above may be waived if applicant indicates 50% donation on their application, or if other match-funding source is committed in writing.

- Enrolled in an adopted municipal Agricultural Security Area(s)
- Situated in areas designated as a "rural" or "natural" landscape in the Chester County comprehensive policy plan, Landscapes. In cases where an applicant straddles the boundary between a "rural" and/or a "natural" landscape and a "suburban" or "urban" landscape, farm tract applied must have at least 50 percent in the "rural" and/or "natural."
- Contain a minimum parcel size of 25 acres if not contiguous to an existing protected parcel, or a minimum of 10 acres if contiguous to another protected parcel
- Contain at least 50% cropland, pasture or grazing land.

Funding requirements

Applications for the purchase of agricultural conservation easements may be considered only when there is a written commitment to provide fifty (50) percent of the acquisition costs, considered to be the local match. There is a funding limit of \$12,000 per acre on each project. The fifty (50) percent local match to meet the "challenge" of the program may be achieved in one of the following ways:

- A township, or townships if farm tract overlaps municipal lines, committing to providing the match
- A private or private non-profit entity, including applicant, committing to provide the match
- A commitment from the Commonwealth of Pennsylvania
- A combination of any of the above-mentioned options to provide the match

The total acquisition cost shall include easement purchase price accepted by farm owner and the incidental costs of the acquisition, such as appraisal, survey, title, legal, and other appropriate fees.

As of January 2007, the Chester County ALPB has preserved 26 farms for a total of 1,974 acres through the Challenge Grant Program.

Applications

Information on applying to sell an agricultural conservation easement can be obtained by contacting the office via phone, e-mail, post, or by visiting. The deadline for application is August 1st of each year.

Contact Information

Chester County Agricultural Development Council and Land Preservation Board
601 Westtown Road, Suite 270
West Chester, PA 19380-0991
Phone: 610-344-6285
E-mail: openspace@chesco.org
<http://dsf.chesco.org/agriculture>

Reprinted with permission of the Chester County Agricultural Development Council and Land Preservation Board