Table of Contents

Chapter I - Introduction .......................................................... 1

Chapter II - Loss of Agricultural Land ........................................ 3
    Determining the Loss of Agricultural Land ................................... 3
    What Is the Impact? ............................................................ 5
    Purpose of this Report .................................................... 6

Chapter III - Agricultural Protection Tools ........................................ 9
    Comprehensive Planning .................................................... 9
    Agricultural Protection Zoning (APZ) ..................................... 14
    Transfer of Development Rights (TDR) .................................... 20
    Official Map ............................................................... 21
    Donation or Purchase of Conservation Easements .................................. 22
    Agricultural Security Areas (ASA) Program ................................ 28
    Summary .............................................................. 29

Chapter IV - Important Agricultural Areas ..................................... 31
    Large Farm Parcels ....................................................... 31
    Soil Quality .................................................................. 38
    Farms ≥10 Acres Located Adjacent to Preserved Land ................. 41
    Combined Ranking: Large Farm Parcels/Soil Quality/Farms ≥10 Acres
        Located Adjacent to a Preserved Farm ................................ 42
    Use of Agricultural Protection/Preservation Tools ..................... 46
    Summary .............................................................. 47

Chapter V - York County’s Agricultural Protection Action Plan ............... 51
    Federal Initiatives ....................................................... 51
    State Initiatives ........................................................ 53
    Local Initiatives ........................................................ 55
    The Future: York County’s Action Plan ................................... 56
    Summary .............................................................. 66
Chapter I
Introduction

Agriculture has been and continues to be important to the economic health of York County. According to the 2007 Census of Agriculture, York County has 2,550 farms encompassing 282,000 acres or approximately 48% of the County’s land area. With regard to the market value of agricultural products sold, which includes crops, livestock and livestock products, the County’s product value of $146,481,000 was the seventh (7th) highest in the State. The top farm commodity groups were poultry and eggs; milk and other dairy products from cows; grains; oilseeds; dry beans; and dry peas. Agriculture is also a significant contributor to the economy of Pennsylvania as a whole. The 2007 Census of Agriculture reported that farms throughout the Commonwealth produced over $4.6 billion in agricultural products.

One of the items that has been determined as vital to maintaining agriculture’s value to York County and the Commonwealth of Pennsylvania is the protection of prime agricultural land. Article I of the Pennsylvania Municipalities Planning Code (MPC) defines prime agricultural land as “land used for agricultural purposes that contains soils of the first, second, or third class as defined by the United States Department of Agricultural Natural Resources and Conservation Services County Soil Survey.” Article III of the MPC requires that municipal, multimunicipal, and county comprehensive plans contain a plan for the protection of prime agricultural land. In York County, class 4 soils are also considered to be of high quality for agricultural use. Together, class 1-4 soils are recognized throughout the County as the most productive for agriculture, specifically crops, hay, pasture, and grazing land uses.

The Growth Management Plan component of the York County Comprehensive Plan contains a general plan for the protection of agricultural land. It designates interim growth and rural areas and proposes that the County work jointly with the municipalities to determine the final location of growth/rural areas; thereby changing their status from “interim” to “established.” Growth areas are intended to accommodate future urban and suburban development involving commercial, industrial, office and residential land uses and requiring a full range of public services and facilities. Within rural areas, which primarily include resource lands (woodlands, wetlands, floodplains, etc.), agricultural land and villages, the focus is on protection of natural resources and agricultural land. Considering the diversity of the County, the Plan recognizes that protection measures will vary from one municipality to another (i.e. farmland preservation will not be a high priority in all rural areas).

The Plan recommends that projected growth in rural areas be directed to existing boroughs and villages, as well as to areas adjacent to and surrounding existing boroughs/villages, in an effort to lessen the impact of development on resource and agricultural lands. It also strongly discourages the extension of public water and sewer into rural areas, unless necessary to address a health and safety issue. Additionally, it discusses various tools that can be used to protect important agricultural and resource lands. Although the Growth Management Plan diverts development to designated growth areas and lands in and around existing boroughs and villages in rural areas, this does not imply that these areas are intended to be 100% developed. Critical resource lands in development areas also need to be
protected and open space areas are needed for groundwater recharge, stormwater management, recreation, and quality of life.

The Growth Management Plan lays the groundwork for the protection of agricultural land in rural areas; however, in order to more effectively protect such land, it was determined that a thorough analysis of the status of rural lands in the County’s townships was warranted. A study of rural lands in boroughs was deemed unnecessary since they are intended to accommodate rural area growth. Thus, this component of the County Comprehensive Plan will analyze designated rural areas in townships with regard to existing and proposed development, large farm parcels, soil quality, lands adjacent to preserved farms, and use of agricultural protection tools. It will also update and expand upon a prior report prepared by the staff of the York County Planning Commission entitled “A Strategy for Agricultural Land Preservation in York County,” dated February 2000. The end result will be a more detailed action plan for the protection and preservation of agricultural land in township rural areas.
Chapter II
Loss of Agricultural Land

The loss of agricultural land in York County, especially land comprised of class 1-4 soils, is a growing concern; however, determining the actual amount of land lost over time is not an easy task. Although the Census of Agriculture data is a useful tool for examining farms, farmers, and agricultural products, it is not an effective tool for determining long-term trends. The Census data gathered over time cannot be compared with reasonable results due to ongoing changes to improve accuracy, particularly as it relates to the methodology used to identify a “farm.”

Determining the Loss of Agricultural Land

According to the Census of Agriculture, “a farm is any place from which $1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year. The $1,000 is not adjusted for inflation.” Although this basic definition has remained the same, the basis for determining the $1,000 has been altered. For example, for the 1997 Census, the definition of “farm” was modified to include agricultural operations receiving $1,000 or more in Federal payments, even if they had no sales and otherwise lacked the potential to have $1,000 or more in sales.” For the 2002 Census, the definition was further modified to include “point farms” which are “farms with fewer than $1,000 in sales during 2002 but having points worth at least $1,000.” Points are assigned based on dollar values for acres of various crops and head of various livestock species to estimate a normal level of sales. Point farms generally tend to be very small, but may include larger farms in situations where a farm normally having large sales experienced low sales during the census year as a result of bad weather, disease, changes in marketing strategies, or other factors.

The data gathered for the 1997 and subsequent Census of Agriculture reports was much more complete than in previous years, thus there is a large discrepancy between new and older figures. In fact, based on the Census of Agriculture data, as shown in Figure 1, York County experienced a loss of 203,896 acres of farmland, which represents a 44.7% decrease, from 1950 to 1992, then began to steadily increase until 2002. The increase in the number of acres of farmland between 1992 and 1997 (9,112 acres or 3.6%), likely resulted from the inclusion of farms in the 1997 Census that were not included in prior years. Similarly;
some of the farms included in the 2002 Census did not qualify as a “farm” in 1997 again resulting in an increased number of farmland acres (24,172 acres or 9.3%). The Census definition of farm has remained constant since 2002, with the effect being that York County experienced a loss of 3,336 acres (1.2%) of farmland between 2002 and 2007.

Considering that the population of York County has continued to increase (see Figure 2) and that final subdivision and land development plans reviewed by the York County Planning Commission (YCPC) during the period 1993 through 2002 (the period for which the Census shows an increase in farmland) proposed building on 39,174 acres of land, it is believed that a loss of farmland actually occurred during that time period.

Further supporting this assumption is the fact that approximately 40% of the proposed building acres between 1993 and 2002 are located in “rural areas” as designated in the Growth Management Plan component of the County Comprehensive Plan. From 2003 through 2006, an additional 17,886 acres of land was proposed for development, 46% of which is located in “rural areas.” As stated in the Introduction, rural areas primarily include resource lands, villages and agricultural lands. Unfortunately, this data cannot be used to determine the actual loss of agricultural land as records of the existing use of the land proposed to be subdivided/developed have not been kept.

York County Assessment Office “year built” and “acres by land use classification” data also substantiate the assumption that a loss of farmland occurred between 1993 and 2002. Year built refers to the year any improvement was first added to an unimproved parcel of land. For example, this could include a residence being added to an unimproved residential or farm parcel, an agricultural building being added to an unimproved farm parcel, or a commercial building being added to an unimproved commercial or farm parcel. Also, from an assessment standpoint, the “farm” classification includes crops and general farming, livestock, poultry, orchard, timber, and Christmas trees; however, it also includes some recreation/park/church/campground uses and rural residential with acreage uses.
During the period 1993-2002, the “year built” and “acres by land use classification” data revealed that 7,002 parcels, comprising 27,832 acres of land in the designated rural areas, changed from “unimproved” to “improved.” Of this total, 612 parcels consisting of 16,239 acres (58.3% of the acreage) were classified as farms and 6,369 parcels consisting of 11,505 acres (41.3% of the acreage) were classified as residential. The balance (21 parcels, .3% of the acreage) included improvements added to rural area lands classified as either commercial or exempt (i.e. church, school, library, cemetery, post office, government center, etc.). From 2003 through 2006, an additional 2,702 rural area parcels were improved involving 10,406 acres of land. With the exception of three (3) parcels, all were classified as either farm (271 parcels/6,205 acres) or residential (2,428 parcels/4,186 acres) and accounted for 99.9% of the acreage. Although this data provides a strong indication of development pressure in rural areas, it does not provide a solid basis for determining the actual loss of agricultural land. Hindrances in determining the actual loss relate to changes in land use classification over time (i.e. once a farm is subdivided the classification may change from “farm” to “residential” depending on the lot sizes, but continue to be farmed), the fact that the “year built” may relate to an agricultural building added to a farm parcel, and that the available data provides no indication as to the type of soil being lost (i.e. whether it is the most productive or least productive).

What Is the Impact?

As noted above, a significant amount of rural area land has been proposed for development and/or improved, and there are indications that this involves the conversion of some important agricultural land in York County. Rural area development has largely resulted from a shift in the focus of residential, commercial, and institutional development from urban areas to suburban and rural areas. From a municipal perspective, the way land is used affects the ability of local governments to respond to the needs of its residents. Each type of land use has both revenue and expenditure impacts. Based on studies conducted by the Penn State College of Agricultural Sciences, farm and open land contribute more in tax revenue to a municipality than the municipality expends in the provision of services to these properties. While commercial and industrial uses also contribute more in tax revenue, from an expenditure standpoint, farmland and open space requires the least expenditure. The expenditure for residential uses, on the other hand, exceeds the amount that the municipality receives in tax revenue from this use. Thus, the property tax revenue from farmland, open space, commercial and industrial uses helps to keep taxes low for residents.

Despite the loss of agricultural land, agricultural production has remained an important part of York County’s economy primarily due to more efficient farming practices and improved technology. However, according to Martin Shields, assistant professor of agriculture economics at Penn State University’s College of Agricultural Sciences, increased productivity doesn’t always result in bigger profits for farmers. In fact, farm income has remained relatively flat, while land values have risen, making the option of selling land more attractive for farmers trying to survive (source: “Farm report paints dismal future,” York Dispatch, March 23, 2004).
Nevertheless, it is certainly overly-simplistic to state that the decline of agricultural land in York County has resulted from too many farmers selling out to developers. As reported in the July, 1999, issue of Pennsylvania Township News, “concern about the State’s overall business climate for agricultural products outpaced fears over urban sprawl among the 418 agri-businesses surveyed in March of 1999 by the Lincoln Institute for Public Opinion Research, Inc. Although active farm acreage has been declining in Pennsylvania for years, only six percent (6%) of the farmers surveyed cited land development alone as the reason for that decline. A majority (51%) said economic conditions were the primary reason for shrinking farm acreage. Another 43% suggested both economic and development pressures have contributed to the decline.”

A survey of randomly selected York County farmers conducted by the Future of Agriculture in York County Task Force, a community-based group dedicated to addressing the needs and future of farming, in 2004 had similar results. Almost half of the farmers surveyed were pessimistic about the economic outlook for agriculture in the County. They perceived property taxes and the limited availability of farmland as the greatest threats to farming operations.

Other obstacles which make it difficult to continue making a comfortable living in agriculture include regulatory costs, utility prices, labor costs, availability of supportive services, environmental concerns, zoning, and, of course, the weather as evidenced by the drought emergencies of 1999 and 2002. In addition, increasing social pressures, resulting from more residents living in rural areas and coming into contact with farms and farming practices, have yielded new frustrations for farmers trying to successfully manage agricultural operations. Common residential complaints relate to odor, flies, noise, chemical use, and farm traffic. These factors all contribute to making life as a farmer no easy job. Yet, Martin Shields states in the “Farm report paints dismal future” article (York Dispatch, March 23, 2004), “It’s a challenging future – not dismal. We’re going to have to find out how to be viable within this framework.”

**Purpose of this Report**

It is recognized from the outset that this Report cannot deal with all of the economic and social realities facing farmers today. But the fact remains that all other issues become irrelevant if there is no land available to farm. While it is acknowledged that these issues do interrelate, the primary focus of this report is the protection of agricultural land, especially class 1-4 soils and large farms, rather than the preservation of a viable business climate for farming. The business climate for agricultural operations and agricultural support businesses in rural areas will be evaluated as part of the Economic Development Plan component of the County Comprehensive Plan. The Economic Development Plan is currently under development and expected to be completed in the latter half of 2009.

Development and preservation issues in York County will be examined and the effectiveness of agricultural protection land use tools currently being used throughout the County will be evaluated. In addition, it is recognized that some loss of farmland is likely since development cannot be prohibited.
in rural areas, thus the critical questions that surface are *Where is the important agricultural land? What are the best locations for agriculture and related uses?* and *How can the best agricultural land be protected?* By answering these questions, this report will address whether the planning processes in place on the municipal and County levels are in fact working to protect agricultural land in rural areas and how, with more refinement and better targeting, such planning processes could work even better. As stated in the Introduction, the loss of farmland within designated growth areas and rural boroughs and villages should **not** be criticized, since these areas are intended to accommodate future growth and development. Nevertheless, these areas will need to retain some open space for the protection of groundwater resources, stormwater management, recreation, and quality of life.

The chapters which follow provide a description and evaluation of existing agricultural protection tools (Chapter III), an evaluation of large farms (≥50 acres), quality soils (class 1-4), and farms ≥10 acres located adjacent to preserved lands, plus a review of agricultural protection tools being used by rural area townships (Chapter IV), and an action plan designed to enhance agricultural protection efforts in York County (Chapter V).
Chapter III
Agricultural Protection Tools

In terms of agricultural protection tools, the focus of this report is on curtailing the loss of farmland located in rural area townships. That being said, what can be done to best protect these lands from development? The primary tools available for the protection of agricultural land include comprehensive planning, agricultural protection zoning, transfer of development rights, official maps, and easement donation/purchase programs. These tools are all being used to some extent in York County. The purpose of this Chapter is to provide a description of each tool and an evaluation of its use and effectiveness in the County.

Comprehensive Planning

Comprehensive planning is the process of formulating the basic policies which will guide and chart the future growth and development of an area. As such, it is a key component in developing a sound growth management strategy for a community whether it is urban, suburban, rural, or a combination. A comprehensive plan provides a blueprint for future growth, development, preservation, and community character. It also identifies housing, community facility, utility, and transportation needs and proposes an implementation strategy. Once adopted, the Comprehensive Plan becomes the foundation for all other land use plans and implementation tools.

According to the PA Municipalities Planning Code (MPC), the County Comprehensive Plan is “a land use and growth management plan which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plans and land use regulations.” The MPC requires that municipal comprehensive plans be generally consistent with the county comprehensive plan.

What is the Extent of Comprehensive Planning Use?

In York County, comprehensive planning takes place on both the municipal level and the County level. Sixty-seven (67) of the County’s 72 municipalities have an adopted Comprehensive Plan. The County itself also has an adopted Comprehensive Plan.

Does Comprehensive Planning Work?

Comprehensive plans can only work if municipalities take the necessary steps to implement their plan through the adoption of land use ordinances and using the plan as a basis for making sound policy decisions. In addition, it is necessary to periodically review and, if necessary, update the plan so that it can continue to be a viable document for guiding future growth and development, as well as protecting sensitive natural resources. Every municipality in York County that has an adopted comprehensive plan has taken steps to implement its plan to varying degrees. In addition, many municipalities clearly recognize the importance and usefulness of their respective plan, as well as the plans of adjoining municipalities.
York County Comprehensive Plan

The underlying goals of the York County Comprehensive Plan are (1) to protect and preserve important natural resources, (2) to direct growth and development to appropriate locations, and (3) to facilitate coordinated planning at all levels of government. In addition to this Agricultural Protection Plan, the County Plan includes components dealing with growth trends, community facilities, housing, water resources, transportation, natural areas, environmental resources, open space/greenways, and growth management.

The Growth Management Plan (GMP) component sets forth the basic framework for guiding growth and development in the County, taking into consideration the wealth of information contained in the other components of the County Comprehensive Plan. Its basic concept is “growth without sprawl” which coincides with an effort to maintain a commitment to growth and economic development while discouraging expansive or premature land development activity, as well as a commitment to preserve and enhance identified unique or irreplaceable natural features. In keeping with this concept, the Plan designates interim growth and rural areas and proposes concentrating development within the growth areas in order to preserve important open space, farmland, and natural resource areas, and to encourage efficiency in the provision and extension of public services and facilities. The Plan also provides a mechanism (Municipal Consulting Program) for working with the County’s 72 municipalities to determine the specific location, pattern and timing of future development and the location of resource protection areas through the “establishment” of growth and rural areas.

With regard to guiding development throughout the County, the GMP provides a three (3)-tier approach. First, a large percentage of the projected growth is to be captured within the growth areas, as shown on the Growth Management Plan Map (Map 1). These areas are intended to provide for a full range of public services and facilities and include a mix of residential, institutional, commercial, industrial, and recreational land uses. Thus, within growth areas, any existing farmland may ultimately be developed and this would be considered acceptable. Since the York County Comprehensive Plan was first adopted in 1992, the County has focused on a goal of capturing at least 75% of the proposed dwelling units countywide within growth areas.

Second, the Plan proposes that new development in rural areas be directed to lands in and around existing boroughs and villages. Finally, the Plan recognizes the need to allow for a very limited amount of residential development beyond the existing boroughs and villages in rural areas. It is recommended, however, that residential densities in “agricultural” rural areas be based on some type of agricultural protection zoning, which limits the number of dwelling units based on either a fixed-system or sliding scale formula.
Go forth with effort has been no exception. This is true even though the use of the tool has not been the use of the tool. The tool is intended to help in the decision-making process but it is not a substitute for professional judgment. The tool provides useful information, but it is up to the decision-makers to interpret the data and make informed decisions. The use of the tool will be ongoing and will be continually updated as new information becomes available. The tool is intended to be used as a tool, not a weapon. It is intended to be used to help make better decisions, not to make decisions for you.
Agricultural Land Protection Plan

Is the County Growth Management Plan Working?

The previously referenced February 2000 Agricultural Land Strategy included an evaluation of residential subdivision plans submitted for review 1990-1998. Chapter VI of the GMP component of the County Comprehensive Plan expands upon that initial review and provides an analysis of final residential subdivision and land development (S/LD) plans, as well as commercial/industrial land development plans, submitted to the York County Planning Commission (YCPC) for review from 1990 through 2006. The purpose of the analysis was to determine how much development is actually being captured within growth areas versus how much development is occurring within rural areas. (Note: over 90% of the rural area land on Map 1, excluding boroughs, is currently zoned for agriculture, rural residential, or conservation use). Below is a brief synopsis of the findings.

Residential Activity

As stated above, the County’s goal is to capture at least 75% of proposed dwelling units within growth areas. The GMP analysis for the 1990-2006 period revealed that 76.9% of the proposed dwelling units are to be located within growth areas. As such, the County would exceed its goal by a slight amount over the long term. Looking at shorter durations, the percentage fluctuated, but continued to surpass the 75% goal (1990-1998: 77.1%; 1999-2006: 76.8%; 2003-2006: 75.1%). On an annual basis, there was a greater fluctuation with some years falling short of meeting the goal.

The analysis also looked at small residential S/LD plans (< 10 dwellings) versus large residential S/LD plans (≥10 dwellings) for the period 1990-2006. In the case of small S/LD plans, the majority of dwellings units are proposed within rural areas (68.8%); while in large S/LD plans, the majority of dwellings are proposed within growth areas (84.1%). Large developments typically seek the availability of public water and sewer facilities, as well as access to major thoroughfares and convenience goods and services, which are prevalent in growth areas. They also have a higher density that is appropriate for areas intended for growth. Comparing shorter time periods (1999-2006 and 2003-2006) to the overall 1990-2006 time frame revealed slight increases in the percentage of dwellings proposed within rural areas for both small and large residential S/LD plans.

The residential S/LD plans submitted for YCPC review from 1990 through 2006 proposed a total of 53,245 dwelling units involving 59,405 building acres of land. With regard to growth and rural areas, 40,960 dwellings (21,562 building acres, 36%) were proposed in growth areas and 12,285 dwellings (37,843 building acres, 64%) were proposed in rural areas. On average, 1,268 acres/year were proposed for development within the County’s growth areas compared to 2,226 acres/year in the rural areas. For the 1999-2006 and 2003-2006 time periods, the building acre results were similar for growth areas versus rural areas (1999-2006: 34% growth areas / 66% rural area, 2003-2006: 37% growth areas / 63% rural areas).

Much of the land in growth areas is serviced by public water and/or sewer which allows for a greater density of development (ie. smaller lot size/dwelling unit). On the contrary, the majority of residential
development in rural areas is served by on-lot wells and septic systems which requires a larger lot size. Thus, in growth areas, a greater number of units can be accommodated on a lesser amount of land. Regarding development in rural areas, a question to be raised is how much of the class 1-4 soils are being converted to residential use. While the data to answer that question is not currently available, it is important to note that several Townships require development in rural areas to be located on the least productive soils, particularly when agricultural protection zoning is being utilized. Another concern relates to what type of impact increased residential development in rural areas has on agricultural operations.

**Commercial/Industrial Activity**

In terms of commercial/industrial development, the analysis was based on final land development (LD) plans submitted for review during the 1990-2006 period. The findings showed that 85.6% of the 1,583 developments reviewed were proposed within growth areas. For the periods 1999-2006 and 2003-2006, the majority of commercial/industrial developments, 85.6% and 88.2% respectively, were also proposed within growth areas.

With regard to building acres, the plans reviewed from 1990-2006 involved development of approximately 21,039 acres of land, or an average of 1,238 building acres/year. In terms of growth areas versus rural areas, the data indicated that, on average, approximately 907 building acres/year were proposed for development in growth areas compared to 330 building acres/year in the rural areas. Overall, roughly 73%, or 15,358 building acres, of the land proposed for development is within growth areas which have the infrastructure to best accommodate this type of activity.

Zooming in on the years 1999-2006 reveals 12,572 total building acres yielding an average of 1,572 building acres/year. Approximately 69% of the total building acres were proposed within growth areas (31% rural areas). When only the years 2003-2006 were considered, the total building acres proposed was 5,579 resulting in an average of 1,395 building acres/year being proposed for development and an increased impact on rural areas (growth areas: 56% or 3,149 total building acres vs. rural areas: 44% or 2,430 total building acres). There was, however, significant fluctuation in 2003-2006 building acre percentages, ranging from a low of 41% of the 2003 building acres being proposed in growth areas to 82.8% of the 2004 building acres being located in growth areas. Nevertheless, the bulk of commercial and industrial development was proposed to occur in growth areas where it is most appropriate from a growth management standpoint. Also, growth areas contain the majority of commercial and industrial zoned land and the amenities desired by such land uses.

**Why Are These Numbers Important?**

This analysis provides an overall indication that growth management efforts are helping to direct large residential and commercial/industrial development away from rural areas. However, the numerous small residential subdivisions scattered throughout the rural areas, together with the number of acres proposed for development, creates some serious concerns. These concerns relate not only to the
potential loss of agricultural land, particularly lands consisting of class 1 through 4 soils, in rural areas, but also to the likelihood for increased opposition to agricultural practices and the potential for higher taxes resulting from the increased cost to provide services to scattered site development. The result is that farmers must deal with these challenges.

From a planning standpoint, this analysis indicates that although the Growth Management Plan has set forth a workable framework for guiding intensive development to the designated growth areas. Nevertheless, it is important to understand that although the amount of development needed to accommodate County population projections to the year 2020 could likely be located within the designated growth areas, it is unrealistic to assume that this will occur. Some loss of rural land is inevitable due, in large part, to current land use laws, home buyer preferences, and infrastructure constraints.

It is believed, however, that rural area protection and preservation efforts will be more fully supported by the development community if they gain an understanding of the negative repercussions that growth in the rural areas has not only on the farming community but also on the critical natural resources of the County.

Thus, a more detailed strategy or action plan is needed to address development occurring in the rural areas in an effort to protect the County’s significant agricultural and environmental resources. Additional rural analysis should endeavor to ascertain the impact on class 1 through 4 soils, evaluate the zoning classification of lands proposed for development, and determine the build out capacity of the growth areas.

**Agricultural Protection Zoning (APZ)**

APZ is a specialized form of zoning used by municipalities that recognize farmland as a valuable resource that should be preserved. Placing strict limitations on the amount and location of residential development permitted in agriculturally zoned areas is the most commonly used provision. However, some municipalities choose to limit the construction of all non-agricultural related buildings and structures.

The basic purpose of agricultural protection zoning (APZ) is to safeguard farmland from incompatible uses, to protect prime agricultural soils, and to retain a critical mass of agricultural land in an effort to minimize land use conflicts, prevent land use controversies, and promote the long-term economic vitality of agriculture. According to “Agricultural Zoning,” a report prepared by David Kruft, Legal Research Assistant, The Agricultural Law Research and Education Center, The Dickinson School of Law of The Pennsylvania State University in August of 2001, APZ accomplishes this purpose in three (3) ways:
Agricultural Land Protection Plan

1. Protects agricultural land by minimizing land use conflicts and precluding land use controversies that can lead to lengthy and costly “nuisance suits.” By limiting the number of non-farming landowners and keeping agricultural activities at a distance from non-farming activities, APZ reduces the conflicts that often arise between farming and non-farming neighbors;

2. Maintains the vitality of the agricultural sector by retaining a critical mass of agricultural land. By minimizing scattered development of non-agricultural buildings, APZ reduces the potential for interference with a farmer’s ability to maintain an effective operation. It also increases the strength of the agricultural community; and

3. Protects prime agricultural soils. By preserving prime soils for agricultural use, APZ maintains in continued use perhaps the most vital ingredient of a healthy agricultural community. Soils amenable to food production for both human and animal consumption are necessary to maintain a dynamic agricultural sector.

With regard to the location of residences, APZ restrictions are usually in the form of area-based allowances that use a formula to determine the permitted number of non-farm dwelling units. The two (2) most common formulas are the fixed-system formula, which allows one (1) dwelling for a specified number of acres (ex. 1 dwelling /25 acres), and the sliding scale formula, which varies the number of permitted dwelling units based on the acreage of the parent parcel (the formula is non-linear, resulting in larger parcels permitted to have proportionately less dwellings than smaller parcels). Another type of area-based allowance used is the percentage-system formula that permits only a percentage of the parent parcel to be subdivided or developed (ex. 10%).

The York County Planning Commission became involved with the problem of declining agricultural land in 1975 following a particularly heavy growth spurt in the County during the early 1970's. The problem was researched, with several possible techniques for agricultural protection zoning reviewed, including very low residential density control, large lot zoning, subdivision restrictions, prime agricultural land protection, and lot frontage control. After numerous meetings involving the farm community and local municipal officials, an approach was developed which incorporates sliding scale provisions for density control. This methodology is used by the majority of municipalities in the County that have implemented APZ.

The basic idea of the sliding scale approach, as stated previously, is to limit the number of permitted dwelling units based on the size of the farm parcel. For example, in Shrewsbury Township, permitted single family dwellings in the agricultural zone range from one (1) dwelling for parcels less than five (5) acres in size to eight (8) dwellings for parcels of 150 acres, plus one (1) dwelling for each 30 acres over 150 (see Table 1). The scales, however, vary from one municipality to another (for a review of the various scales, see the report “Protecting York County’s Rural Environment” prepared by the York County Planning Commission).
Agricultural Land Protection Plan

Table 1
Sliding Scale APZ
Shrewsbury Township

<table>
<thead>
<tr>
<th>Size of Parcel</th>
<th>Permitted Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 5 acres</td>
<td>1</td>
</tr>
<tr>
<td>at least 5 acres, &lt; 15 acres</td>
<td>2</td>
</tr>
<tr>
<td>at least 15 acres, &lt; 30 acres</td>
<td>3</td>
</tr>
<tr>
<td>at least 30 acres, &lt; 60 acres</td>
<td>4</td>
</tr>
<tr>
<td>at least 60 acres, &lt; 90 acres</td>
<td>5</td>
</tr>
<tr>
<td>at least 90 acres, &lt; 120 acres</td>
<td>6</td>
</tr>
<tr>
<td>at least 120 acres, &lt; 150 acres</td>
<td>7</td>
</tr>
<tr>
<td>at least 150 acres</td>
<td>8, plus 1 dwelling for each 30 acres over 150</td>
</tr>
</tbody>
</table>

Source: Shrewsbury Township Zoning Ordinance, March 1, 2006

One reason for the success of the sliding scale approach can be traced to its acceptance by farmers and other large landholders. The support of the agricultural community stems from the flexibility of the scale and the farmers’ direct participation in setting its dimensions. While most young farmers wanted very little new development activity infringing on their farming activity, older farmers were more reluctant to close the door on lucrative financial offers. All farmers involved wanted to retain the option of permitting at least some new residential building activity to continue in the rural areas.

There have been several court challenges to agricultural protection zoning restrictions in York County, resulting in decisions that affirm the validity of the sliding scale approach. For example, in a challenge to the Shrewsbury Township Ordinance, the court ruled that agricultural preservation is a legitimate governmental goal, and that the Shrewsbury Township Ordinance is substantially related to that goal.

Although the majority of municipalities that utilize APZ in York County use the sliding scale formula, there are others that use the fixed-system and percentage-system formulas. Each of these three (3) systems has proven to be effective in protecting agricultural areas in the County, especially when used in combination with the other agricultural protection/preservation provisions. Such other provisions commonly incorporated in zoning ordinances include requiring dwellings to be located on the least agriculturally productive land; maximum lot sizes; further restrictions if the parcel is comprised entirely of prime agricultural soils; bonus provisions for cluster developments, which preserve a larger portion of the parcel for farming purposes; and restrictions on land division, which for example allow divisions of agricultural land into two (2) or more parcels only if the resulting “farms” are at least 100 acres.
What is the Extent of APZ Use?

There are currently 28 municipalities (24townships and 4 boroughs) in York County that have incorporated APZ provisions into their zoning ordinances. The“Protecting York County’s Rural Environment, Current Practices of Zoning Regulation of Agricultural Land,” report, March 1999, provides a more complete description of specific APZ ordinance provisions currently implemented in York County (an update of this document is currently underway).

Does APZ Work?

Although the only permanent tool for the protection of farmland is through a conservation easement, one of the best interim measures for the protection of agricultural lands is implementation of an effective form of APZ. In York County, APZ has proven to be an effective tool.

One indication of the effectiveness of APZ in York County is a review of the amount of large farm parcels remaining in each township with a rural area designation. Map 2 pictures all farm parcels (as classified by York County Tax Assessment Records) 50 acres or larger in townships with land located outside of a growth area. Townships that have implemented APZ provisions are also indicated. A visual examination of this Map seems to indicate a correspondence between a greater amount of remaining large farm parcels and those townships with APZ in place. This correspondence is further confirmed by an analysis of the numbers, which indicates that the top ten (10) townships (in terms of the percentage of large farm parcels remaining) have implemented APZ (see Table 2). Looking at the top 20 townships, 17 or 85% have implemented APZ, plus it is under consideration in one (1) additional municipality. Municipalities with the lowest percentages (< 25%) tend to be those with the greatest amount of land located within a growth area. Although not direct proof, the correlation certainly implies the usefulness of APZ as a tool for protecting farmland.

<table>
<thead>
<tr>
<th>Township</th>
<th>Farm Parcels ≥ 50 Acres As Percentage of Total Land</th>
<th>Agricultural Protection Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. East Hopewell</td>
<td>64</td>
<td>YES</td>
</tr>
<tr>
<td>2. Lower Chanceford</td>
<td>63</td>
<td>YES</td>
</tr>
<tr>
<td>3. Washington</td>
<td>62</td>
<td>YES</td>
</tr>
<tr>
<td>4. Chanceford</td>
<td>60</td>
<td>YES</td>
</tr>
<tr>
<td>5. Fawn</td>
<td>58</td>
<td>YES</td>
</tr>
<tr>
<td>6. Hopewell</td>
<td>58</td>
<td>YES</td>
</tr>
<tr>
<td>7. Codorus</td>
<td>54</td>
<td>YES</td>
</tr>
</tbody>
</table>

Table 2
Large Farm Parcels (≥ 50 Acres) In Townships with a Rural Area Designation 2006
## Agricultural Land Protection Plan

<table>
<thead>
<tr>
<th>Township</th>
<th>Farm Parcels $&gt; 50$ Acres As Percentage of Total Land</th>
<th>Agricultural Protection Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Peach Bottom</td>
<td>53</td>
<td>YES</td>
</tr>
<tr>
<td>9. Springfield</td>
<td>51</td>
<td>YES</td>
</tr>
<tr>
<td>10. Shrewsbury</td>
<td>50</td>
<td>YES</td>
</tr>
<tr>
<td>11. North Codorus</td>
<td>49</td>
<td>YES</td>
</tr>
<tr>
<td>12. North Hopewell</td>
<td>48</td>
<td>YES</td>
</tr>
<tr>
<td>13. Paradise</td>
<td>48</td>
<td>No (under consideration)</td>
</tr>
<tr>
<td>14. Heidelberg</td>
<td>45</td>
<td>YES</td>
</tr>
<tr>
<td>15. Jackson</td>
<td>42</td>
<td>YES</td>
</tr>
<tr>
<td>16. Hellam</td>
<td>42</td>
<td>YES</td>
</tr>
<tr>
<td>17. Monaghan</td>
<td>42</td>
<td>No</td>
</tr>
<tr>
<td>18. Manheim</td>
<td>39</td>
<td>YES</td>
</tr>
<tr>
<td>19. Dover</td>
<td>38</td>
<td>YES</td>
</tr>
<tr>
<td>20. Warrington</td>
<td>37</td>
<td>No</td>
</tr>
<tr>
<td>21. Lower Windsor</td>
<td>35</td>
<td>YES</td>
</tr>
<tr>
<td>22. Conewago</td>
<td>33</td>
<td>No</td>
</tr>
<tr>
<td>23. Newberry</td>
<td>31</td>
<td>YES</td>
</tr>
<tr>
<td>24. West Manheim</td>
<td>30</td>
<td>YES</td>
</tr>
<tr>
<td>25. Carroll</td>
<td>29</td>
<td>No</td>
</tr>
<tr>
<td>26. Fairview</td>
<td>27</td>
<td>No</td>
</tr>
<tr>
<td>27. Windsor</td>
<td>27</td>
<td>YES</td>
</tr>
<tr>
<td>28. Franklin</td>
<td>25</td>
<td>No</td>
</tr>
<tr>
<td>29. East Manchester</td>
<td>24</td>
<td>YES</td>
</tr>
<tr>
<td>30. West Manchester</td>
<td>20</td>
<td>YES</td>
</tr>
<tr>
<td>31. York</td>
<td>17</td>
<td>No</td>
</tr>
<tr>
<td>32. Penn</td>
<td>14</td>
<td>YES</td>
</tr>
<tr>
<td>33. Springettsbury</td>
<td>7</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: YCPC

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**Agricultural Protection Tools**
The main weakness of APZ is the fact that zoning provisions can be changed or even rescinded. Unfortunately, York County has one (1) instance where adopted and implemented APZ regulations were rescinded (Warrington Township). This again serves to emphasize the fact that, although APZ is a popular and effective means to protect agricultural lands, it is at best a temporary or holding tool, useful until more permanent measures are available.

**Transfer of Development Rights (TDR)**

Another zoning tool to protect agricultural land within the rural area townships is the transfer of development rights (TDR). The purpose of TDR is to allow the owner of a parcel of land in an agricultural area to transfer available development rights to another parcel which is more suitable for development.

Within York County, some municipalities permit the transfer of development rights within the agricultural, conservation, and/or rural residential zones; some permit development rights to be transferred to a designated receiving area outside the agricultural and/or conservation zone; while others permit both transfers within the agricultural and conservation zones and transfers to a designated receiving area outside these zones. With regard to transfers within the agricultural, conservation, and/or rural residential zones, the intended purpose of the TDR provision is two-fold: to preserve prime agricultural land by transferring development rights onto less productive soils and, by clustering development, to leave larger uninterrupted areas for agricultural use. Transfers to areas outside the agricultural zone are typically to areas designated for growth, such as residential, commercial, and/or industrial zones. These transfers are preferable as they remove development from the agricultural areas resulting in greater protection of resources and less impact on farming operations.

Transfers to a designated receiving area typically occur in municipalities that are serviced, at least to some extent, by public water and sewer. This technique has the potential to encourage development in the County growth areas and thereby preserve designated rural areas where the emphasis is on the protection of critical environmental areas, including prime farmland. The basic idea is to permit property owners in protection/preservation (sending) areas to sell development rights either directly to a developer or to an entity set up as a TDR bank. Developers then, in essence, purchase the right to build at a higher density, greater lot coverage, or greater square footage in specified development (receiving) areas. The end result is that development occurs in the areas able to accommodate it, important agricultural lands are preserved, and the rural property owner is not financially penalized. The TDR program allows a farmer to continue to farm, while at the same time realize the benefit of financial gain from the development potential of the land.

**What is the Extent of TDR Use?**

There are currently eleven (11) municipalities in York County, including ten (10) townships and one (1) borough all with lands located in a rural area, that have incorporated TDR provisions into their zoning ordinance. Eight (8) of the eleven (11) municipalities (Chanceford, Codorus, East Hopewell,
Fawn Grove, Hopewell, Lower Chanceford, Peach Bottom and Shrewsbury) only permit the transfer of development rights within their agricultural, conservation and/or rural residential zone; two (2) townships only permit development rights to be transferred from their agricultural zone to a designated receiving area that is outside the agricultural zone (Hellam and Lower Windsor); and one (1) township (Springfield) permits development rights to be transferred either within the agricultural zone or from the agricultural and conservation zones to a designated receiving area outside these zones.

**Does TDR Work?**

Although permitted in eleven (11) municipalities, a 2008 Municipal Survey conducted by the YCPC revealed that the TDR option has, to date, seldom been used. Nevertheless, where it has been used, it has resulted in the protection of agricultural zoned land and has lessened opportunities for creating conflicts with agricultural uses.

It is also important to note that only three (3) of the eleven (11) municipalities using this tool (Lower Windsor, Hellam, and Springfield) require that a “Declaration of Restricted Development” be executed simultaneously with the “Deed of Transfer of Development Rights.” The Declaration of Restricted Development is required to be recorded as a deed restriction, in perpetuity, limiting future development on the sending parcel from which the development rights have been severed. This deed restriction, which clearly states the number of development rights, if any, that remain with the parcel, does not affect the landowners’ ability to sell the land; it does, however, restrict future development of the land regardless of ownership. In the eight (8) other municipalities, TDR, like APZ, only serves as an interim measure for the protection of agricultural land. A zoning change could result in additional development rights and negate the original purpose of the TDR option.

**Official Map**

An Official Map is a land use tool for implementing various elements of a municipality’s comprehensive plan ranging from transportation and community facilities to open space and agricultural preservation. Through an Official Map, a municipality can identify and reserve private land for future public use without immediate purchase. It can cover all or a portion of a municipality and may focus on reserving land for one type of improvement, such as streets or parks, or for a variety of public facilities or lands.

A municipality may establish a fixed time that land is reserved for public use or it can be unspecified. However, in either case, the reservation of private land identified on the map for future “public grounds” lapses one (1) year after the date that the owner of the reserved land files written notice with the municipality stating intentions to subdivide or develop the property. Thus, upon receipt of such notice, the municipality must determine whether it wishes to take action to acquire the land or relinquish its reservation.
With regard to agricultural preservation, a municipality can designate lands on the Official Map that it wishes to preserve either through acquisition of the land, through establishment of an agricultural conservation easement, or by working with the developer to avoid impacts to the designated agricultural lands found on-site. Typically, these are lands that have been identified in the municipal comprehensive plan as consisting of high quality soils for agricultural use and/or areas considered critical to maintaining the agricultural economy.

**What is the Extent of Official Map Use?**

To date, six (6) townships in York County have adopted an Official Map Ordinance. Five (5) of the townships (East Manchester, Hellam, North Codorus, Shrewsbury, and Springfield) are located partially within a growth area and partially within a rural area. The remaining township (Lower Windsor) is located wholly within a rural area. Lower Windsor’s Official Map is the only one that designates areas as being reserved for agricultural preservation.

**Does an Official Map Work?**

An Official Map can be a useful tool provided that municipalities have the monies to purchase the land or acquire a conservation easement, are willing to undergo condemnation proceedings to acquire the land, or are successful at negotiating with the developer to accomplish the intended goal of the land reservation. Although only used by a very limited number of municipalities in York County, the Official Map has proven to be effective. Other municipalities throughout the County are now giving more serious consideration to adopting an Official Map. Perhaps some will opt to follow in Lower Windsor Township’s footsteps and see its significance as an agricultural preservation tool.

**Donation or Purchase of Conservation Easements**

Another tool currently being used in York County is the donation or purchase of conservation easements. A conservation easement is a voluntary agreement that allows landowners to limit the type or amount of development on all or a portion of their property, while retaining private ownership of the land. It is legally binding in perpetuity on all current and future owners of the land. As mentioned before, this is the only truly permanent form of protection in that it effectively eliminates the possibility of later development because the agency involved in placement of the easement retires any development rights acquired upon purchase. Conservation easements cannot be overturned by a local government and are not affected by changes in zoning.

Most frequently, conservation easements are used to restrict or prohibit further development of the property in an effort to protect lands for agricultural, forestry, open space, historical, scenic, recreational or educational purposes. The protection of natural resources also supports the health of our watersheds and quality of life. The deed restriction noted above ensures that the lands subject to the conservation easement will remain used for agriculture or open space forever.
In the case of a donated conservation easement, landowners may be eligible for a Federal income tax deduction for the charitable donation or gift of the easement, provided that the easement is perpetual and donated solely for conservation purposes. In addition, landowners may be eligible for estate and property tax relief. On the other hand, when a conservation easement is purchased, the landowner receives a payment that correlates, in part, to the economic benefits that could have been accrued from the development potential of the land. Regardless of whether the conservation easement is acquired through donation or purchase, the landowner benefits from the ability to retain ownership of the land. The land can be sold or leased, but the restrictions remain intact through the deed restriction.

Two (2) organizations in York County, the Farm & Natural Lands Trust of York County (FNLT) and the York County Agricultural Land Preservation Board (YCALPB), currently administer easement programs. In addition, the Heritage Conservancy (Doylestown, PA) and the North American Land Trust (Chadds Ford, PA) have extended their easement program territory to include York County. Municipal easement programs have also been established in two (2) municipalities, Lower Windsor and Shrewsbury Townships.

**Farm & Natural Lands Trust of York County (FNLT) Program**

The FNLT is a private non-profit land preservation organization created in 1990 that is dedicated to preserving farms and natural land for future generations. It works in cooperation with other preservation organizations, such as the York County Agricultural Land Preservation Board and the Pennsylvania Game Commission, to achieve its mission.

The work of the FNLT is through a Conservation Easement Program that involves a voluntary agreement with local landowners to place a conservation easement on their property. Typically, the FNLT does not purchase easements, but rather provides the opportunity for property owners to secure a charitable deduction for the difference in the fair market value of the land before granting of the easement and its value after granting the easement. However, as a result of a $1 million grant from York County in 2007 to be expended over three (3) years to preserve land in the County at a bargain sale price, the FNLT created the Bargain Sale/ Open Space Land Preservation Program. The term bargain sale implies that the landowner will not receive payment for the full-appraised conservation easement value, but rather will receive a negotiated percentage of that value.

The FNLT will accept offers for charitable easement donations at any time to protect for land for agricultural, forestry, historical, scenic, open space, or recreational purposes. Parcels must be at least ten (10) acres in size and, before proceeding with the easement process, each property is evaluated for its conservation value. As such, the emphasis is on conservation of natural resources, including farmland, woodlands, wetlands, riparian buffers, and stream quality, as well as focus areas identified in the Open Space and Greenways Plan component of the York County Comprehensive Plan.

In the case of the Bargain Sale/Open Space Land Preservation Program, parcels must also be a minimum of ten (10) acres. Applications are evaluated and scored based on a “farmland evaluation tool,” which takes into consideration whether application has been made to the YCALPB Conservation
Agricultural Land Protection Plan

Easement Program, natural resource value, location, stewardship and other unique factors. A total point score of 25 points or greater is necessary to be eligible for the Program. There will only be three (3) rounds of funding each with an application deadline in 2007, 2008 and 2009. The 2007 round is nearly completed and applications from the 2008 round are under review. The application deadline for the final round is expected to be sometime in early 2009. Applications will be ranked based on the total point score. Starting with the top score, the landowner will be offered 33% of the easement value up to a maximum payment of $125,000. The amount of land to be preserved will be based on available funding. A landowner may be able to use the balance of the easement value as a charitable donation if the conservation easement meets the “conservation purpose test” of the IRS Code.

As of September 2008, the Trust has preserved 6,523 acres of land through 75 conservation easements, which includes lands in 23 York County municipalities. The easements involve properties that consist of working farms, forest lands, unique wildlife habitat, and/or unique natural resources. In May of 2007, the FNLT kicked off a campaign to preserve 10,000 acres by 2010.

York County Agricultural Land Preservation Board (YCALPB) Program

The YCALPB has been in existence since June of 1989. This Board is the organization empowered to administer an Agricultural Conservation Easement Program as outlined in Pennsylvania Act 149 of 1988. The purpose of this Act is to protect viable agricultural lands by acquiring agricultural easements that prevent the development or improvement of the land for any purpose other than agricultural production. The Program is further designed to protect normal farming operations in agricultural security areas from non-farmland uses that may render farming impractical; assure conservation of viable agricultural lands in order to protect the agricultural economy; and maximize agricultural easement purchase funds in order to protect the investment of taxpayers in agricultural conservation easements.

To implement the Program, the YCALPB annually accepts applications from interested farm owners, and ranks the applications according to a State and County approved Farmland Ranking System which is a points based tool used to establish priority of the agricultural conservation easement purchases. Starting with the highest ranked farm, the Board buys as many easements as funding permits. In each case, the YCALPB maximizes the taxpayers investment by negotiating only bargain sale easement purchases, typically between 60 to 90% of the value of the easement. As stated previously, a landowner may be able to use the balance of the easement value as a charitable donation provided that the conservation easement meets the “conservation purpose test” of the IRS Code.

Factors the program considers in the review of potential farms for conservation easement purchase include the development pressures in the area; the suitability of the farmland tract for development because of soil capabilities, location, and configuration; any pre-existing restrictions against development; and location in a rural area as identified in the York County Comprehensive Plan. Through August of 2008, the YCALPB has preserved 217 farms totaling approximately 34,675 acres. These farms include lands in 25 York County municipalities.
Heritage Conservancy Program

The Heritage Conservancy, located in Doylestown, PA, was founded in 1958 as the Bucks County Park Foundation. Their mission is to preserve open spaces and historic places that are essential to the quality of life in eastern Pennsylvania and western central New Jersey. The Conservancy works with citizens, community groups, private landowners, municipalities, and state and federal agencies to promote and implement open space and natural resource protection, green urban planning, agricultural land protection, innovative sustainable land use practices, preservation and/or adaptive re-use of historic structures, wildlife habitat restoration and best land management practices.

Through the Conservancy’s Conservation Easement Program, which involves the donation of easements as a tax deductible charitable gift, thousands of acres of land and dozens of historic sites have been preserved. This includes easements on just over 393 acres of land in two (2) York County municipalities, East Manchester Township and Springfield Township. The Program is similar to the FNLT Program.

North American Land Trust (NALT) Program

Founded in 1992, the NALT, located in Chadds Ford, PA, is dedicated to the protection of the landscape and the long term stewardship of our natural heritage. The NALT believes that preservation and conservation efforts often require a variety of techniques and management strategies. Thus, the NALT aims to preserve land through purchase, donation or by other means, plus it also seeks to protect land through other methods, such as negotiating and preparing for acquisition by other organizations or agencies.

The NALT has land under conservation easement in Pennsylvania, plus nine (9) other states. Within Pennsylvania, this includes approximately 99 acres of land in Monaghan Township, York County.

Municipal Programs

As previously stated, Lower Windsor and Shrewsbury Townships have established Agricultural Land Preservation Programs as a means to preserve agricultural land and open space. A brief overview of each program is provided below.

Lower Windsor Township: Lower Windsor’s Purchase Conservation Easement Program is funded from tipping fees that the Township receives from Modern Landfill. In 2008, the Township allocated $250,000 for the Program. The FNLT administers the Program on behalf of the Township. To be eligible, a property must be located in a Lower Windsor Township designated “Priority Preservation Area” and Agricultural Security Area, plus must consist predominantly of agricultural land. Landowners of eligible properties may receive, from the Township, up to 75% of the conservation easement value of the property that is included in the agricultural conservation easement agreement. If multiple applications are eligible for this Program in a given year and there are not sufficient funds to cover all of them, the FNLT will consider such factors as property location and size, proximity to
an existing easement, stewardship, adjacent public lands, presence of important wildlife habitat, woodlands, or wetlands, and immediate need to purchase the easement due to financial considerations as a means to determine the order in which applications will be processed.

Applications may also be referred to the YCALPB easement purchase program, if eligible, or the FNLT donated easement program. In many cases, the Township’s Program is used in combination with the YCALPB and/or FNLT Easement Program to create the most viable means to preserve an entire farm.

Through June, 2008, seven (7) farms, consisting of a total of 337 acres, have been preserved with the assistance of the Township’s Program. (Please note that this acreage is included in the total easement lands preserved through the FNLT or the YCALPB, as applicable, since the landowner is granting the easement to one of these agencies; any references to FNLT and YCALPB preserved lands include lands preserved through the Lower Windsor Township Program).

Shrewsbury Township: The Shrewsbury Township Conservation Fund was established by the Board of Supervisors in 2002 to preserve prime farmland and valuable open spaces. The Fund is designated to be utilized solely for the purpose of educating the public concerning the need to conserve natural resources and agricultural land and for the purpose of acquiring interests in natural resources and agricultural lands, including the acquisition of development rights, conservation easements, and fee simple title. The ability to carry out acquisitions will be based on the amount of monies in the fund. To date, no monies have been deposited into the fund. An array of options to secure monies for the fund are under consideration by the Township.

**What is the extent of Conservation Easement Use?**

Together, the Conservation Easement Programs serving the County have preserved over 41,690 acres of farms and natural lands in 36 York County municipalities, including 31 townships and five (5) boroughs (see Map 3). Of the total acres preserved, 96% is located in a rural area as designated in the Growth Management Plan component of the York County Comprehensive Plan, 86% is comprised of class 1-4 soils, and the majority consists of farmland.

**Do Conservation Easements Work?**

As stated above, conservation easements have permanently preserved over 41,690 acres of land in the County and have assisted in retaining agriculture as a viable use and contributor to the economy. The easements are in perpetuity, thus providing an assurance that lands will remain available for future agricultural use. Nevertheless, it is important to note that participation in conservation easement programs is voluntary, thus continuing success of the programs is contingent on landowner interest. Ongoing education regarding the programs and their benefits to landowners can assist in heightening awareness and spurring interest. Interested landowners must in turn select the conservation organization that best fits their needs and desires.
In the case of the YCALPB and Lower Windsor Township Programs, limited funding impacts the number of easements established. A lengthy waiting list exists for participation in the YCALPB Program which clearly demonstrates the need for increased funding. Although the County, as part of its 2007 budget, adopted a line of credit in the amount of $7 million to preserve farm and natural lands ($6 million-YCALPB, $1 million-FNLT), these funds must be expended by the end of 2009. Nevertheless, as a result of this additional County allocation, the YCALPB was able to leverage additional State match funds and will likewise be able to purchase additional agricultural conservation easements from qualifying applications during the applicable time period.

Although the land preserved through conservation easement programs represents only about 9.2% of the total amount of land designated as a rural area, a review of the Existing Agricultural Preservation Map (Map 3) indicates that large blocks of preserved agricultural land are being assembled. By clustering the location of preserved farmland tracts, a critical mass of lands devoted entirely to crop and livestock production is resulting. This secures that lands are only available for agricultural operations and thus, reduces opportunities for the development of adjacent incompatible uses that may find farming to be offensive.

Conservation easements also work because the landowner retains title to the property and can live on it, sell it, or pass it on to heirs, yet the restrictions placed by the easement to protect the land remain in perpetuity. The easement guides future use of the property regardless of ownership or zoning.

**Agricultural Security Areas (ASA) Program**

Agricultural Security Areas (ASA’s) promote more permanent and viable farming operations over the long term by strengthening the farming community's sense of security in land use and the right to farm, but they do not protect agricultural land from being developed. Creating an ASA is a collaborative effort between local municipalities and individual landowners. Involvement in the Program is voluntary on behalf of both entities and there is no cost to the landowner. The ASA law requires that such areas be comprised of at least 250 acres of viable agricultural land; however, a reasonable amount of unproductive farm land and nonfarm land may be included if it is not feasible to exclude it. The ASA lands may be owned by more than one (1) person and may be comprised of agricultural tracts that are non-contiguous. There is no fee for landowners to enroll in the Program.

Although the formation of ASA’s does not protect agricultural land from being developed, it does prevent local governments from imposing regulations that unreasonably restrict farming operations and farm structures within the area, unless the laws or ordinances bear a direct relationship to public health and safety. It also protects farming operations from complaints of public nuisance against normal farming operations. Furthermore, limitations are placed on the ability of government to condemn farmland located in an ASA for new schools, highways, parks, or other governmental projects.
Map 3

Preserved Land/Conservation Easements

Disclaimer

The York County Planning Commission provides this Geographic Information System map and/or data (collectively the "Data") as a public information service. The Data is not a legally recorded plan, survey, official tax map or engineering schematic and should be used for only general information. Reasonable effort has been made to ensure that the Data is correct; however the Commission does not guarantee its accuracy, completeness, or timeliness. The Commission shall not be liable for any damages that may arise from the use of the Data."
In order to be considered for easement purchase through the YCALPB and Lower Windsor Township Agricultural Conservation Easement Programs, farms must be located in an ASA. With regard to the FNLT and NALT Conservation Easement Programs, lands are not required to be in an ASA; however, it is strongly encouraged so that these organizations would be eligible for the Land Trust Reimbursement Program.

**What is the extent of ASA Use?**

According to the PA Department of Agriculture, 166,112 acres of land in York County was enrolled in an Agricultural Security Area through 2007 and includes lands in 38 municipalities. Map 4, however, only shows the location of ASA land that has been reported to the County Planning Commission which totals about 146,699 acres. Although municipalities are required to file a description of the approved ASA with the County Planning Commission, this does not always occur. Thus, maintaining accurate and current records of recorded ASA’s in the County has proven to be difficult. As a result, an effort is underway, in conjunction with the YCALPB staff, to obtain the most current information and develop a GIS coverage that is consistent with State and local records.

**Do ASA’s Work?**

Although the establishment of ASA’s does not in and of itself provide permanent protection to agricultural lands, participation in an ASA is, as stated above, a basic eligibility requirement for both the County and Lower Windsor Township Conservation Easement Programs. In addition, participation in an ASA has successfully protected farmers/agricultural operations from public nuisance complaints, overly restrictive zoning ordinance provisions, and from being condemned for development projects.

**Summary**

This Chapter has demonstrated that there are a variety of tools that are successfully being used throughout York County to protect and preserve agricultural land. Some tools, such as APZ and TDR, are being implemented to varying degrees in the rural areas of the County; while other tools, such as the conservation easement programs, are hindered by either a lack of funding or the disinterest of landowners. Thus, opportunities to increase the use and effectiveness of these tools should be sought.

The next chapter of this Report provides an analysis of large farm parcels, soil quality, and farms of ≥10 acres located adjacent to a preserved farmland. It also provides a review of which rural area townships are currently using the agricultural protection tools discussed in this Chapter.
Map 4
Agricultural Security Areas

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Chapter IV
Important Agricultural Areas

Comprehensive planning and growth management efforts in York County have provided a sound framework for directing growth and development to appropriate locations. However, not all land outside of growth areas is farmland. Thus, this chapter will attempt to determine the location of agricultural areas within the rural areas and further identify those that provide the best opportunities for the long term viability of agriculture. In other words, what areas have the best remaining base of large agricultural parcels? What areas have the best base of quality agricultural soils? Identifying important agricultural areas will provide a sound basis for developing an agricultural land protection plan for the County.

This Chapter will also identify specifically where the agricultural protection tools discussed in Chapter III are being implemented in the rural areas of York County. This information, together with the identification of important agricultural land, will provide a basis for determining where educational, technical assistance, and promotional efforts related to agricultural protection should be focused.

The following analysis was based on York County Assessment Office and York County Planning Commission GIS 2007 data. It was conducted only in townships that are either wholly or partially located within a rural area. This includes 33 of the County’s 35 townships; Manchester and Spring Garden Townships were excluded as they are located wholly within a growth area (see Map 5). Rural area boroughs were also not included since the Growth Management Plan component of the County Comprehensive Plan recommends that growth in rural areas be directed to lands in and around existing villages and boroughs.

The municipal rankings resulting from the analysis do not imply that agricultural protection is more important in some areas than others. They are, however, intended to identify the level of features determined important to maintaining the viability of agriculture in each rural area township and will help to determine where agricultural protection tools could be strengthened to increase their effectiveness in protecting large farms, quality soils, and smaller parcels that could potentially help to build a critical mass of preserved agricultural land. These will be key elements in creating a strategy for protecting agricultural land in the rural area of the County.

Large Farm Parcels

One of the priorities of the York County Agricultural Land Preservation Board’s Agricultural Conservation Easement Program is to cluster easement purchases in a way that will build blocks of preserved farms, and in effect, preserve large areas for farming rather than isolated parcels. A basic requirement for participation in the Program is a minimum parcel size of 50 acres, unless contiguous to a previously preserved farm which would reduce the minimum parcel size to ten (10) acres. Similarly, as stated earlier in this report, one of the benefits of agricultural protection zoning (APZ) is its ability to retain large farming areas which are necessary to maintain the viability of the agricultural
Map 5
Rural Townships in York County, Pennsylvania

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industry. Thus, this section evaluates “large farms,” which are defined as agricultural parcels consisting of a minimum of 50 acres.

Based on York County Assessment Office 2007 parcel data, there were a total of 2,464 large farms (≥50 acres) located in the rural area of the 33 townships that are the focus of this report. These farms comprise approximately 38% of the township’s rural acreage. In addition, it is noted that 75.4% of the total rural area acreage is subject to effective APZ, defined as protecting at least 75% of the parcel. 54.2% of the large farms are located within a zoning classification where APZ is being implemented.

It is meaningful, therefore, to identify specific rural area townships throughout the County where concentrations of large farm parcels still remain and are protected by effective APZ. In order to do this, a two (2) part GIS analysis of large farms located within a rural area, as designated in the Growth Management Plan component of the County Comprehensive Plan, was completed.

In Part 1, the focus was solely on large farms. The 33 York County townships, which are located either wholly or partially within a rural area, were evaluated using the following criteria:

- total acres remaining in large farm parcels within the rural area, and
- remaining large parcels acreage as a percentage of total farm acreage within the rural area.

Using the results for each criteria, the municipalities were listed in order starting with the municipality that had the highest total acres and again starting with the municipality that had the highest percentage. For purposes of ranking, in each list the municipality that had the highest figure was assigned a ranking or point value of “1,” the next highest was assigned a ranking or point value of “2,” and so on down to the municipality with the lowest figure. In cases where the results were the same for two (2) or more municipalities, they were assigned the same ranking. At most, the ranking or point values ranged from “1” to “33” for each evaluation criteria.

Next, the results of the two (2) categories were blended to create a “large farm parcels” ranking that consists of three (3) classifications (high, medium and low) which were determined by simply taking the highest point value and dividing it into thirds (if it did not divide equally, the high and medium rankings were assigned an equal range of points and the low category has the lesser range of points).

Part 1 resulted in high point values ranging from 1-21, medium (point values ranging from 22-42), and low (point values ranging from 43-63). Municipalities in the “high” classification had the greatest concentration of large farm parcels in terms of rural area farm acreage, while those in the “low” classification had the lowest concentration. The final ranking is depicted on Map 6 and Table 3.
Table 3
Rural Area Townships - Large Farm Parcels Ranking

<table>
<thead>
<tr>
<th>High Ranking</th>
<th>Medium Ranking</th>
<th>Low Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Peach Bottom</td>
<td>12. Dover</td>
<td>23. Manheim</td>
</tr>
<tr>
<td>5. Fawn*</td>
<td>15. Paradise</td>
<td>26. Windsor*</td>
</tr>
<tr>
<td></td>
<td>21. Fairview</td>
<td>32. Carroll</td>
</tr>
</tbody>
</table>

*/**/*** Indicates a group of municipalities in the column with the same composite score. For purposes of this report, they are listed in alphabetical order.

A review of the Large Farm Parcels Ranking Map (Map 6) indicates that the high ranking townships listed above, with the exception of Washington Township, are situated in the southeastern and southcentral areas of the County. The medium ranking townships, with the exception of North Hopewell and Shrewsbury, are concentrated in the central part, while the low ranking townships have more scattered concentrations (northern, southwestern, and east-central areas).

In Part 2, APZ, together with large farms was taken into consideration. The following criteria was used to again rank the townships:

- total acres subject to APZ within the rural area, and
- large farms as a percentage of total acres subject to APZ within the rural area.

With regard to the large farm APZ analysis, it included municipalities whose regulations would result in protection of at least 75% of the parcel. These regulations are most prevalent in agricultural zoning districts, but are also being applied in some conservation and rural residential zoning districts in the rural areas.
Based on the results, the municipalities were ranked or assigned point values based on the same process described in Part 1 for each of the criteria. Then the two (2) criteria results were blended, again using the process described in Part 1, to create a “large farm parcels - APZ” ranking. The final ranking for Part 2 also consists of high, medium and low classifications, but the point values for each vary from Part 1 due to the number of municipalities that had equivalent rankings or point values. (This same methodology is used for the ranking of soil quality which follows, as well as for the combined ranking.)

In this case, the high classification has point values ranging from 1-17, medium (point values ranging from 18 - 34), and low (point values ranging from 35-50). Municipalities in the “high” classification had the greatest concentration of large farm parcels subject to APZ, while those in the “low” classification had the smallest concentration, including some that did not have any farms subject to APZ. The final ranking is depicted on Table 4 and Map 7. Of note is that all of the APZ high ranking municipalities also ranked high in terms of large farms in general.

<table>
<thead>
<tr>
<th>High Ranking</th>
<th>Medium Ranking</th>
<th>Low Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15. North Hopewell</td>
<td>25. Carroll*</td>
</tr>
<tr>
<td></td>
<td>17. Manheim</td>
<td>27. Fairview*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>28. Franklin*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29. Monaghan*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>30. Paradise*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>31. Springettsbury*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>32. Warrington*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>33. York*</td>
</tr>
</tbody>
</table>

*/** Indicates a group of municipalities in the column with the same composite score. For purposes of this report, they are listed in alphabetical order.
Map 7
Large Farm Parcels with Agricultural Protection Zoning Ranking

- Municipal Boundary
- County Boundary

Large Farm Parcel with APZ Ranking
- High
- Medium
- Low
- Not Included in Ranking

Growth Area
- Established Growth Area
- Interim Growth Area

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Map Created on September 21, 2008
A review of the Large Farm Parcels APZ Ranking Map (Map 7) indicates that the high ranking townships listed above, with the exception of Washington Township, are situated in the southeastern and southcentral areas of the County bordering the Mason-Dixon Line and/or the Susquehanna River. The medium ranking townships, with the exception of Manheim and Shrewsbury, are primarily concentrated in the central part, while the low ranking townships have more scattered concentrations (northern, southwestern, and east-central areas).

**Soil Quality**

Parcel size alone will not reflect an accurate indication of the best agricultural areas in York County. It is necessary to also factor in the quality of the soils. Although the Pennsylvania Municipalities Planning Code defines “prime agricultural land” as “land used for agricultural purposes that contains soils of the first, second, or third class as defined by the U.S. Department of Agriculture natural resources and conservation services county soil survey,” for purposes of this analysis, soils of the fourth class are also included. As stated in the Introduction (Chapter I), Class 1 through 4 soils are recognized in York County as the most productive for agriculture, specifically cropland, hayland, and pasture or grazing land uses.

Based on York County Planning Commission GIS data, 73% of the land in the designated rural area of the 33 townships that are the focal point of this report consists of Class 1-4 soils. It is also noted that while 63.6% of the designated rural area consists of Class 1-4 soils that are within an agricultural or conservation zoning classification that promotes agricultural uses, such zoning is not always effective in protecting agriculture. This provides further support for the need to encourage the use of agricultural protection tools within these areas.

In order to determine the concentration of Class 1-4 soils and the zoning of such land as it relates to the 33 rural area townships, a soil quality analysis, similar to the large farm parcels analysis, was conducted. In this case, the townships were ranked based on the following categories:

- total acres in the rural area consisting of Class 1 - 4 soils,
- total acres of Class 1 - 4 soils as a percentage of total farm acreage within the rural area,
- total acres of Class 1 - 4 soils zoned agricultural or conservation within the rural area, and
- total acres of Class 1 - 4 soils as a percentage of the agricultural or conservation zoned land within the rural area.

The Class 1-4 soils zoning analysis generalized the array of agricultural and conservation zoning classifications used by the rural area townships. However, in the case of two (2) municipalities, land zoned rural residential was included since, in both cases, agricultural protection zoning is being implemented within the zone.

Finally, the results of the four (4) categories were blended to create a “Soil Quality” ranking that consists of three (3) classifications: high (point values ranging from 1-38), medium (point values
ranging from 39 -76), and low (point values ranging from 77-113). The “high” ranking townships had the greatest concentration of Class 1 - 4 soils in term of actual acres and percentage of acres, while those with a “low” ranking had the smallest concentration of Class 1 - 4 soils. (See Table 5 and Map 8).

<table>
<thead>
<tr>
<th>High Ranking</th>
<th>Medium Ranking</th>
<th>Low Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Shrewsbury</td>
<td>12. Peach Bottom</td>
<td>29.  Fairview*</td>
</tr>
<tr>
<td>7. Fawn</td>
<td>15. West Manchester</td>
<td>32.  Monaghan</td>
</tr>
<tr>
<td></td>
<td>17. Warrington**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>18. Lower Windsor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>19. Windsor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20. West Manheim</td>
<td></td>
</tr>
<tr>
<td></td>
<td>21. North Hopewell</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22. Franklin***</td>
<td></td>
</tr>
<tr>
<td></td>
<td>23. Hellam***</td>
<td></td>
</tr>
<tr>
<td></td>
<td>24. Springfield</td>
<td></td>
</tr>
<tr>
<td></td>
<td>25. East Manchester</td>
<td></td>
</tr>
<tr>
<td></td>
<td>26. Penn</td>
<td></td>
</tr>
<tr>
<td></td>
<td>27. Carroll</td>
<td></td>
</tr>
<tr>
<td></td>
<td>28. Conewago</td>
<td></td>
</tr>
<tr>
<td></td>
<td>29. Fairview*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30. York*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31. Newberry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>32. Monaghan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>33. Springettsbury</td>
<td></td>
</tr>
</tbody>
</table>

/*/***/*** Indicates a group of municipalities in the column with the same composite score. For purposes of this report, they are listed in alphabetical order.

Four (4) of the high ranking “soil quality” townships (Chanceford, Fawn, Hopewell & Washington) also ranked high in both “large farm” categories. As shown on the Soil Quality Ranking Map, (Map 8), there are two (2) blocks of high ranking townships, one along the Mason-Dixon Line in the southcentral portion of the County and one adjacent to Adams County in the mid-western portion of
Map 8
Soil Quality Ranking

**Soil Quality Ranking**
- High
- Medium
- Low
- Not Included in Ranking

**Growth Area**
- Established Growth Area
- Interim Growth Area

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the County. Medium ranking townships are predominant in the southeastern and southwestern areas, as well as in the central part of the County. Low ranking townships, for the most part, are situated along the northern and northeastern borders of the County.

**Farms ≥10 Acres Located Adjacent to Preserved Land**

As stated previously in this Chapter, one of the eligibility requirements for participation in the YCALPB’s Agricultural Conservation Easement Program is a minimum parcel size of 50 acres, unless contiguous to preserved land (*defined as land that is under a perpetual conservation easement*). If contiguous to preserved land, the minimum parcel size drops to ten (10) acres. Thus, this section evaluates the location of farm parcels that are greater than or equal to ten (10) acres and located adjacent to preserved land. Based on the York County Assessment Office 2007 parcel data, there were 1,204 parcels meeting this criteria, consisting of approximately 61,119 acres.

Preserving these smaller farms assists the YCALPB in building large blocks of preserved agricultural land in an effort to safeguard farmers from the development of adjacent incompatible land uses and to guarantee that lands are available for existing and future agricultural use. If such parcels do not meet the other eligibility requirements of the YCALPB Program or have a low farmland ranking score, they may qualify for preservation under a conservation easement program operated by the FNLT, Heritage Conservancy, North American Land Trust or other conservation organization which does not focus on the quality of the land for productive farming operations.

For this analysis, the total acreage of rural area farm parcels consisting of ten (10) or more acres, based on York County Assessment data, located adjacent to preserved land was calculated. This calculation was done for each of the 33 York County rural area townships. Townships were then ranked based on the total acreage of farm parcels (≥ 10 acres) adjacent to preserved land. The rankings were then divided into the following three (3) classifications: high (≥ 2,000 acres), medium (<2,000 & ≥ 500 acres), and low (< 500 acres) as shown on Table 6 and Map 9. (*For purposes of the “combined” ranking which is presented later in this Chapter, the number assigned to each municipality in Table 6 below was used as the ranking or point value for this category, ie. Chanceford has a ranking of “1,” Lower Chanceford a ranking of “2,” etc.*)

**Table 6**

<table>
<thead>
<tr>
<th>High Ranking</th>
<th>Medium Ranking</th>
<th>Low Ranking</th>
</tr>
</thead>
</table>
**High Ranking** | **Medium Ranking** | **Low Ranking**
---|---|---
9. Codorus | | 28. Franklin
10. Springfield | | 29. Heidelberg
| | 31. Monaghan
| | 32. Newberry
| | 33. West Manchester

Four (4) of the high ranking townships (Chanceford, Fawn, Hopewell & Washington) also ranked “high” in both large farm categories and the soil quality category. With the exception of Washington Township, the rural area townships in the high ranking classification for farms ≥ ten (10) acres adjacent to preserved land are concentrated in the southcentral and southeastern portions of the County; while a cluster of medium ranking townships is found in the mid-eastern area. Low ranking townships are predominant in the southwestern, central and northern areas.

**Combined Ranking: Large Farm Parcels/Soil Quality/Farms ≥ 10 Acres Located Adjacent to a Preserved Farm**

A final ranking of the 33 rural area townships was developed by blending the four (4) township ranking scores previously discussed [large farm parcels (general & APZ), soil quality, and farm parcels ≥ ten (10) acres located adjacent to a preserved farm] into a total combined score. As in the individual categories, the maximum combined point value (248 points) was divided into thirds to create the high, medium and low rankings. These rankings, classified as high (point values 1-83), medium (point values 84-166), and low (point values 167-248), are indicated on Table 7 and Map 10.
Map 10
Combined Ranking

Municipal Boundary
County Boundary
Combined Ranking
- High
- Medium
- Low
- Not Included in Ranking

Growth Area
- Established Growth Area
- Interim Growth Area

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Map Created on September 22, 2008
### Table 7
**Rural Area Townships - Combined Ranking**
*(Large Farm Parcels, Soil Quality & Farms ≥ 10 Acres Adjacent to a Preserved Farm)*

<table>
<thead>
<tr>
<th>High Ranking</th>
<th>Medium Ranking</th>
<th>Low Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Chanceford</td>
<td>10. Codorus</td>
<td>24. West Manheim</td>
</tr>
<tr>
<td>15. Hellam</td>
<td>29. Conewago</td>
<td></td>
</tr>
<tr>
<td>18. Lower Windsor</td>
<td>32. Monaghan</td>
<td></td>
</tr>
<tr>
<td>19. Warrington</td>
<td>33. Springettsbury</td>
<td></td>
</tr>
<tr>
<td>20. West Manchester</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Manheim</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Indicates a group of municipalities in a column that had the same composite ranking score; for purposes of this table, they are listed in alphabetical order.

With the exception of Washington Township, the high ranking townships are clustered in the southeastern and southcentral areas of the County and, for the most part, border the Mason-Dixon Line and/or the Susquehanna River. The medium ranking townships are primarily concentrated to the north and west of the high ranking townships and encompass much of the central portion of the County. The low ranking townships are largely concentrated in the northern area, with small clusters in the southwestern corner and central portion of the County.

The above combined ranking provides an overview of the present status of rural area townships with regard to some of the key factors that can impact the future of agriculture in York County. From a review of Table 7, in combination with Map 10, it is clear that some municipalities have a higher concentration of large farms, quality soils, and parcels ≥ 10 acres adjacent to preserved land than others. This is not intended to imply that agricultural protection is more important in some rural area townships than others, but rather to provide a focus for development of the County’s agricultural land protection...
Agricultural Land Protection Plan

action plan which is presented in Chapter V. This ranking system will also be used as a basis to evaluate the need for new or improved agricultural protection tools.

**Use of Agricultural Protection/Preservation Tools**

An array of agricultural protection/preservation tools were described and evaluated in Chapter 3; however, information on which municipalities were using each particular tool focused on all 72 municipalities in the County. In order to develop a viable agricultural protection strategy or action plan for York County, it is necessary to review which tools are currently being used by each of the 33 townships located either partially or wholly within a rural area. Considering that agricultural protection/preservation goals vary from one rural area township to another, it is likely that the tools that they have chosen to utilize will also vary. Table 8, on the following page, lists the rural area townships in order of their combined ranking score as noted in Table 7 and indicates which of the tools analyzed in Chapter 3 are currently being used by each. In terms of Conservation Easements, it is important to note that the table lists municipalities that implement a local Conservation Easement Program. Although conservation easements exist in most of the rural area townships, the majority of those easements were landowner driven and resulted through a program implemented by the YCALPB, FNLT or other land preservation organization; there was no municipal involvement.

A review of Table 8 indicates that only Lower Windsor Township, a medium ranking municipality, is currently using all of the agricultural protection/preservation tools discussed in Chapter 3. Two (2) tools of particular interest are the Official Map and the Conservation Easement Program. Lower Windsor utilizes its Official Map to delineate priority agricultural parcels for preservation through the Townships Conservation Easement Program, as well as programs of other land preservation agencies. Presently, it is the only municipality in the County to use an Official Map for agricultural preservation purposes and is also the only municipality with a funded Conservation Easement Program.

Shrewsbury Township, a high ranking municipality, is the sole township currently using six (6) of the seven (7) tools. An Official Map is the missing link. Although the Township does have an adopted Official Map, it is not being used as a tool to preserve or protect agricultural land.

One (1) high ranking township (Hopewell) and two (2) medium ranking townships (Hellam and Springfield) have implemented five (5) of the tools at the present time. Of the remaining 27 rural area townships, 15 are using four (4) tools, 11 are using three (3) tools and one (1) is using two (2) tools.

Overall, the tools being used most frequently by the rural area townships are ASA’s (all), Comprehensive Plans (32), Established Growth and/or Rural Area (27) and Agricultural Protection Zoning (24). With regard to the ASA’s, some municipalities may not have formally created an ASA, yet have lands that are included in the ASA of a neighboring municipality. All but one Township (Chanceford) has an adopted Comprehensive Plan. However, it is noteworthy to mention that Chanceford Township is currently working cooperatively with Lower Chanceford Township and Felton Borough to develop a Regional Comprehensive Plan. With regard to Established Growth and/or Rural
Areas and Agricultural Protection Zoning (APZ), three (3) additional rural area townships are in the process of delineating a growth and/or rural area through a comprehensive planning process, while APZ is under consideration in one (1) additional township.

An Official Map and a Conservation Easement Program are the least utilized tools. As noted above, Lower Windsor Township is the only municipality currently using an Official Map as a tool to preserve agricultural land, in addition to using it to reserve land for future public purposes. While four (4) other rural area townships have an Official Map, they are only using it to reserve land for future public streets, greenways, parks, woodlands, and/or historic sites. Also, as previously indicated, only two (2) of the 33 rural area townships have implemented a municipal Conservation Easement Program.

Although the majority of high and medium ranking townships have implemented at least four (4) of the agricultural protection/preservation tools, there is still a question as to what degree they are using the tools. For example, although all high ranking townships have implemented agricultural protection zoning, the actual regulations vary from one municipality to another. Based on a 50 acre farm, the amount of agricultural land protected ranges from 75% to 96%. In addition, some municipalities require dwellings to be located on the least productive soils, plus some have instituted a maximum lot size restriction, while others have not implemented these types of provisions. Such variations also hold true for the low ranking townships.

**Summary**

The ranking analysis, together with the overview and general analysis of the agricultural protection/preservation tools, that was provided in this Chapter lays much of the groundwork for development of an agricultural protection Action Plan for York County. The following Chapter will outline Federal, State and local initiatives related to agricultural protection and/or preservation. It will also set forth the County’s Action Plan.
Table 8

Rural Area Townships - Use of Agricultural Protection/Preservation Tools

<table>
<thead>
<tr>
<th>Township</th>
<th>Comprehensive Plan</th>
<th>Established Growth and/or Rural Area</th>
<th>Agricultural Protection Zoning (APZ)</th>
<th>Transfer of Development Rights (TDR)</th>
<th>Official Map</th>
<th>Agricultural Security Areas (ASA)</th>
<th>Conservation Easement Program</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HIGH RANKING RURAL AREA TOWNSHIPS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Washington</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2. Hopewell</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3. Lower Chanceford</td>
<td>X</td>
<td>(discussion underway)</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4. Chanceford</td>
<td>(under development)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5. Fawn</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>6. Peach Bottom</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7. Shrewsbury</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>***</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>8. East Hopewell</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<td>Transfer of Development Rights (TDR)</td>
<td>Official Map</td>
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* / ** indicates a group of municipalities in a ranking category that had the same combined ranking score; for purposes of this table, they are listed in alphabetical order.
** These Townships have an Official Map, but it is not currently being used as a tool to protect/preserve agricultural land.
Chapter V
York County’s Agricultural Protection Action Plan

Population projections show continued growth in York County; thus, without serious efforts to manage growth and protect agricultural land in the “rural” areas, the loss of valuable agricultural land will likely persist. Although it is realized that non-agricultural development cannot be prohibited in rural areas, it can be regulated and restricted. The County has begun to see positive results from the use of agricultural protection tools by several municipalities as a means to implement their respective comprehensive plan. Thus, with more emphasis on comprehensive planning, together with refinement and expanded use of agricultural protection tools, it is foreseeable that additional lands could be protected, resulting in a curtailment in the loss of agricultural land.

The protection of agricultural land is not only a concern in the rural areas of York County, but also throughout the Commonwealth of Pennsylvania and the Nation. Thus, many Federal and State programs and regulations have made farmland protection a priority. Awareness of these initiatives is important as they have an impact on the protection of agricultural land in York County. Below is an overview of some of the initiatives that will be particularly beneficial to developing a viable Action Plan for York County.

Federal Initiatives

The two (2) most significant Federal laws dealing with the protection of agriculture are the “Farm Bill,” which dates back to 1933, and the Farmland Protection Policy Act (1994). With regard to the “Farm Bill,” every four (4) to seven (7) years Congress authorizes or re-authorizes a variety of farm and food laws through a multi-year omnibus farm bill. Each bill, beginning with the first Farm Bill, Agricultural Adjustment Act of 1933, is given a formal name, nevertheless, each act has come to be known simply as the “Farm Bill.” The omnibus approach has afforded an opportunity to look more comprehensively at food, agriculture, and rural policy and has increased the prospect for broader-based coalitions of support. Over the years, the Farm Bill has established national goals and priorities and has had a significant impact on current and future nutrition and public health. It has also supported efforts of farmers to improve stewardship of local waters, wildlife habitat, soils, and other natural resources, as well as efforts to preserve farm land and increase farm profitability. The Farm Security and Rural Investment Act of 2002, more commonly referred to as the 2002 Farm Bill, was one of the largest conservation funding vehicles in the nation. It focused on enhancement of the environment and conservation of our natural resources.

The most current Farm Bill, the Food, Conservation, and Energy Act of 2008, was enacted into law on June 18, 2008, and includes an estimated $290 billion funding package. The U.S. Department of Agriculture (USDA) now has the important task of writing regulations and taking other actions to implement the provisions of the Bill. The key components of the 2008 Farm Bill are ensuring food security, promoting homegrown renewable energy, reforming farm programs, protecting the
environment, and strengthening international food aid. Of particular interest is that it significantly increases funding for the Farm Protection Program that helps farmers keep their land in agriculture by providing matching funds to State, local, and non-governmental organizations with existing farmland protection programs to purchase conservation easements or other interests in land. Also notable is that it increases funding for the Environmental Quality Incentives and Conservation Stewardship Programs to enhance and protect our natural resources. While the 2008 Farm Bill authorizes a substantial funding package, mandatory funding is only provided for a portion of the programs. Other programs will require annual appropriations from Congress which could result in funding cuts during the appropriations process. Continued strong advocacy for all programs outlined in the Bill will be necessary to realize all the benefits of this new legislation.

Over the years, York County farmers have benefitted from the various Farm Bills. In particular, since 1996, York County has received $833,200 in funding for the YCALPB’s Agricultural Conservation Easement Program which has enabled more farms to be preserved. In addition, many farms have received assistance through various conservation programs authorized in the Bills, such as Environmental Quality Incentives, Conservation Stewardship, Wetlands Reserve, Conservation Reserve, Conservation Security, Grasslands Reserve, and Farmland Protection Programs. The York County Conservation District is involved in the ongoing delivery of these programs. Farmers have also benefitted from an array of farm commodity programs and crop insurance.

The Farmland Protection Policy Act (FPPA) was enacted by Congress as part of the 1981 Farm Bill, the Agricultural and Food Act of 1981. However, the final rule was not published until 1994. The purpose of the law is to minimize the extent to which Federal programs contribute to the “unnecessary and irreversible” conversion of farmland to nonagricultural uses and to assure that Federal programs are administered in a manner that will be compatible with State, local, and private programs and policies to protect farmland. The USDA’s Natural Resources Conservation Service (NRCS) is charged with oversight of the FPPA and also serves a public education role to provide technical assistance to state and local governments and non-profit organizations in the development of programs and policies to protect farmland.

With regard to FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance, as determined by USDA-NRCS, that can be used for cropland, forest land, pastureland, or other related uses; however, it excludes water and urban built-up land. Proposed projects and activities are subject to FPPA requirements if they would irreversibly convert farmland to nonagricultural use and are to be completed by a Federal agency or with assistance from a Federal agency.
State Initiatives

Since agriculture is one of Pennsylvania’s leading industries, the Commonwealth has made a serious effort to protect and/or preserve it’s valuable agricultural land. Of interest is Act 149 of 1988 which is the authorizing legislation for the Commonwealth’s Farmland Protection Program and the creation of the Bureau of Farmland Preservation within the Pennsylvania Department of Agriculture. The Bureau oversees the Commonwealth’s Agricultural Conservation Easement Program and administers other legislative programs designed to preserve farmland through the State Agricultural Preservation Board.

In addition, the Commonwealth’s Agricultural Land Preservation Policy orders and directs all agencies under the Governor’s jurisdiction to endeavor to mitigate and protect against the conversion of prime agricultural land and to adopt related policies. This Policy was most recently re-authorized by Governor Edward Rendell in March of 2003 (Executive Order No. 2003-2).

Other State initiatives of importance include the following:

Land Preservation for Open Space Uses Act

This law (Act 442) enacted in January of 1968, authorized the Commonwealth and the counties thereof to preserve, acquire, or hold land for open space uses, which includes the protection and preservation of farmland. Act 153 of 1996 subsequently expanded the scope to permit all units of local government to preserve, acquire, or hold land for open space uses. Interest in real property, however, can only be acquired if the lands are designated for open space uses in an adopted resource, recreation, or land use plan. It also broadened the methods for preserving open space, including providing authorization for local governments to impose new taxes for open space purposes, subject to voter approval. Act 442 was further amended by Act 154 of 2006 which permits local governments to appropriate money to a land trust for the acquisition or conservation and preservation of land for the purpose of achieving open space benefits, to transfer open space property interests to a land trust and elect to accept any nominal consideration for the transfer it deems appropriate, and to create a local land trust. Act 154, however, specifically prohibits a land trust from acquiring an interest in real property through eminent domain.

Pennsylvania Municipalities Planning Code (PA MPC)

The PA MPC, Act 243, was originally enacted in July of 1968, and has been amended numerous times since that date. It empowers municipalities to plan for community development through the preparation of a comprehensive plan and to govern development locally through the adoption of zoning and subdivision and land development ordinances. Inherent in the PA MPC are both mandatory and enabling provisions to protect natural resources, agricultural land, and agricultural operations through comprehensive plans and zoning ordinances to the extent that they are not preempted by other Federal or State Law. In particular, Article III of the MPC requires that if a municipality chooses to develop a comprehensive plan, it shall include a plan for the protection of natural and historic
resources. Natural resources is defined to include prime agricultural land. Furthermore, Article VI of the MPC requires that if a municipality opts to enact a zoning ordinance, it shall include provisions to protect prime agricultural land and may promote the establishment of agricultural security areas. Municipalities are also enabled to institute a transfer of development rights program as another means to limit development in agricultural areas.

Farmland and Forest Land Assessment Act

The State legislature enacted this law (Act 319) in 1974 as a tool to encourage protection of the Commonwealth’s valuable farmland, forestland and open spaces. It has come to be known as the Clean and Green Program. This Program, which is administered by county assessment offices, allows owners of agricultural, agricultural reserve, or forest reserve land to apply for preferential assessment of their land. Acceptance into this Program results in the land being taxed according to its use rather than its prevailing market value. In exchange for this tax break, the property owner signs a restrictive covenant to continue using the land for farming, forestry, or open space and to dramatically limit any development of the land. Land taken out of the permitted uses may be subject to penalties.

Agricultural Security Area (ASA) Act

This law (Act 43) was passed in 1981 to help farmers deal with the economic and social pressures that impact agricultural operations. An ASA designation affords the landowner protection from local ordinances that restrict farm practices, as well as local nuisance ordinances and condemnation procedures. Act 43 also authorized the Agricultural Conservation Easement Program to help slow the loss of prime farmland to non-agricultural uses. The Program, developed in 1988, enables the State, counties, and local governments to purchase conservation easements from owners of quality farmland. Through this Program, the farmer sells the right to develop his land for non-agricultural purposes, but the land itself continues to be his private property. (Participation in an ASA is an eligibility requirement under the Pennsylvania Agricultural Conservation Easement Purchase Program and likewise the York County Program).

Right to Farm Act

In an effort to afford farmers some limited protection from nuisance ordinances and lawsuits, the Right to Farm law (Act 133) was enacted in 1982. This Act requires every municipality within the Commonwealth to encourage the “continuity, development, and viability” of agricultural operations within its boundaries.

Supplemental Agricultural Conservation Easement Purchase Program

This Program was established through an amendment (Act 15 of 1999) to the State Administrative Code of 1929. It provides funding, on a reimbursement basis, to eligible counties for technical assistance needed to operate their Agricultural Conservation Easement Programs. In addition, it authorized the State Agricultural Preservation Board to allocate funds for reimbursement grants,
known as the *Land Trust Reimbursement Grant Program*, to be awarded to qualified Land Trusts to cover expenses incurred in the acquisition of agricultural conservation easements. Easement properties, however, must meet minimum criteria established by the Board, including location within an ASA.

**Environmental Stewardship and Watershed Protection Act**

Signed into law in December of 1999 as Act 68 and re-authorized in June 2002, this legislation created the State’s *Growing Greener Program*. This Program represents the largest environmental investment in Pennsylvania history, $645 million spread out over five (5) years, to address the environmental challenges of the 21st century, which specifically includes the loss of farmland. With regards to agricultural preservation, funding is available to support the county-based *Agricultural Conservation Easement Purchase Programs* in an effort to keep agriculture strong for future generations. *Growing Greener II*, approved by voters in 2005 and enacted as Act 45 of 2005, represents funding of $625 million spread out over a period of six (6) years to continue the efforts initiated in the original *Growing Greener Program*.

**Conservation and Preservation Easement Act**

Until the enactment of this law, Act 29 of 2001, land trusts had to rely on “common law” when enforcing their conservation easements, which does not assume that conservation easements are valid. Act 29 changes this by stating that, as a matter of public policy in Pennsylvania, conservation easements conforming to this law are valid. This provision applies not only to easements created after the date the legislation was signed into law (6/22/2001), but also to easements created before the Act, provided they are in compliance with the law. This Act will result in reduced legal costs associated with establishing the validity of a conservation easement and will narrow the basis for challenging a conservation easement in court.

**Local Initiatives**

Within York County, there are many initiatives underway to protect and/or preserve agricultural land. The County administers the “*Clean and Green*” and “*Agricultural Conservation Easement Purchase*” Programs both of which were discussed under the State initiatives. Also, the Farm & Natural Lands Trust of York County administers a Conservation Easement Program that focuses on agricultural and open space preservation.

The York County Commissioners have adopted a “*Comprehensive Plan*” which focuses on promoting development within proposed growth areas in order to preserve important open space, farmland, and natural resource areas, as well as to encourage efficiency in the provision and extension of public services and facilities. The Open Space and Greenway Plan component of the Plan, which was adopted in 2006, establishes a benchmark of protecting/preserving 2,500 acres of open space, which includes, but is not limited to, land under conservation easement, parks, and greenways. This Agricultural Land
Agricultural Land Protection Plan

Protection Plan is also a component of the County’s Comprehensive Plan. The County Commissioners have delegated the responsibility of developing, maintaining, and implementing the Comprehensive Plan to the staff of the York County Planning Commission.

In addition, the County Commissioners, as part of their 2007 budget, adopted a line of credit in the amount of $7 million to be spent over the next three (3) years to preserve farm and natural lands. The funding was distributed to the York County Agricultural Land Preservation Board and the Farm & Natural Lands Trust and is to be used for their conservation easement programs. This will help many landowners with farm and/or natural lands to achieve their conservation goals and, in turn, help achieve the County’s open space benchmark.

The County Planning Commission staff has prepared and regularly updates a report entitled “Protecting York County’s Rural Environment” which examines various zoning techniques and other strategies for protecting agricultural land and uses. The Report serves as an educational tool for municipal officials and others to determine the effectiveness of various regulations in protecting agricultural land.

Many rural area townships are experiencing the impacts of encroaching development on agricultural areas and are focusing on ways to protect and preserve these areas. As presented in Chapters III and IV, the majority of the rural area townships have adopted comprehensive plans which designate areas as agricultural for future use and many have subsequently enacted effective agricultural protection zoning and/or transfer of development rights (TDR) provisions through their respective zoning ordinance. Other municipal initiatives include the inclusion of areas designated for agricultural preservation on the Lower Windsor Township Official Map, the Lower Windsor Township Agricultural Land Preservation Program being administered through the Farm & Natural Lands Trust of York County, and the Shrewsbury Township Conservation Fund.

In addition, several committees, such as the York County Agricultural Business Council and Future of Agriculture in York County Committee, have evolved locally to seek ways to address the challenges facing the farming community. These committees have brought together citizens, as well as representatives of public and private sector organizations, in an effort to protect an important York County resource.

The Future: York County’s Action Plan

Federal, State, and local governments, as well as conservation organizations, businesses, volunteer committees, landowners, and farmers are all valuable partners and stakeholders in the effort to identify, protect, and preserve critical agricultural lands. York County, as a local partner and stakeholder, has developed an action plan to protect agricultural land in townships designated either partially or in their entirety as “rural” in the Growth Management Plan component of the County Comprehensive Plan.
The action plan, which follows, will be implemented through the York County Planning Commission.

**Comprehensive Planning - Established Growth and/or Rural Areas**

As mentioned in Chapter III, the Growth Management Plan component of the York County Comprehensive Plan proposes the establishment of growth and rural areas throughout the County, based on the interim growth areas designated in the Plan. The process to implement the final delineation and adoption of growth and rural areas is through the County’s *Municipal Consulting Program*.

Through this Program, the County Planning Commission staff works with individual municipalities or groups of municipalities to jointly determine the final growth and/or rural area locations within their respective jurisdiction. At the end of the process, the municipality adopts the designated growth and/or rural area by resolution and the York County Comprehensive Plan is subsequently amended to identify the area as an “established” growth and/or rural area. To date, the process has been completed in 46 or 64% of the 72 York County municipalities, including the City, 29 townships, and 16 boroughs. Discussions are underway in four (4) additional municipalities.

As indicated on Table 8 in Chapter IV, 25 of the total 33 rural area townships have established growth and/or rural areas through the *Municipal Consulting Program*. This includes five (5) of the eight (8) high ranking rural area townships, 12 of the 14 medium ranking rural area townships, and ten (10) of the 11 low ranking rural area townships.

Discussions are underway in three (3) other rural area townships, including one (1) high ranking (Lower Chanceford), one (1) medium ranking (Codorus), and one (1) low ranking (Fairview). The County Growth Management Plan has not designated any *interim* growth areas within the high ranking and medium ranking townships where discussions are currently underway. As such, the Plan proposes that Lower Chanceford and Codorus, in their entirety, be designated as rural areas with growth being directed to areas in and/or around existing villages and boroughs. The Plan shows both interim growth and interim rural areas for Fairview Township. These municipalities have varying amounts of important agricultural land that should be protected. Thus, in order to discourage further loss of critical agricultural lands, it is important that Municipal Consulting Program discussions be completed within these municipalities and that the jointly agreed upon growth and/or rural areas be formally “established” by resolution.

Of the three (3) remaining rural area townships that have yet to participate in the Municipal Consulting Program, two (2) are high ranking (East Hopewell and Fawn) and one (1) is medium ranking (North Codorus). East Hopewell and Fawn are proposed wholly as rural, while North Codorus is proposed as a mixed growth and rural area. It is considered important that Municipal Consulting Program discussions be initiated in these townships to establish a clear policy for protection of their agricultural lands.
Thus, these three (3) townships, together with the three (3) townships where discussions are currently underway, are considered top priorities for the County’s Municipal Consulting Program. Map 1 illustrates these top priority areas.

**Actions:**

- Complete the Municipal Consulting Program process in those townships where it is currently underway.

- Prioritize Municipal Consulting Program efforts by first concentrating on the townships which have a designated interim growth area and/or are located adjacent to an interim or established growth area, and then focusing on townships that are designated in their entirety as interim rural.

- Continue to stress the County’s rural area growth management policies when providing planning assistance to municipalities (ie. directing growth to areas in and around existing boroughs and villages, encouraging infill development, and protection/preservation of important resource lands and agricultural lands).

**Comprehensive Planning - Plans of Rural Area Townships**

Each of the rural area townships, with the exception of Chanceford Township, has an adopted Comprehensive Plan. Chanceford Township, however, is participating in the development of a Regional Plan with its neighbors, Lower Chanceford Township and Felton Borough. It is considered pressing that the Township be encouraged to adopt the Plan, when completed, as a tool to guide growth and protect its critical natural resources. It is also important to review the comprehensive plans of other rural area townships, some of which are more than 20 years old, to determine whether their rural area policies and goals are still viable within the municipality and consistent with the County Plan. The PA Municipalities Planning Code (PA MPC) requires that municipal Comprehensive Plans be reviewed every ten (10) years.

Municipalities that have historically promoted and implemented measures to protect prime agricultural land through their comprehensive plan and implementing land use ordinances, as required by the PA MPC, are building a foundation to justify maintaining such lands as agricultural. To further establish and support this foundation, municipalities with growth areas should take necessary actions to make the most effective use of lands within the growth areas.

The Growth Management Plan component of the County Comprehensive Plan acknowledges that the natural resources warranting protection will vary from one rural township to another. For example, the protection of farmland may not be considered a high priority natural resource to protect due to the lack of large farms and quality soils. In such rural areas, the County Plan proposes protection of the existing critical environmental areas and the rural lifestyle. Thus, there is a need for an analysis of land...
use tools designed to permit a limited amount of development in a way that will not threaten the unique characteristics of these rural areas.

**Actions:**

- Through the Municipal Consulting Program, offer to participate in the development or update of municipal or multi-municipal Comprehensive Plans to achieve general consistency with the County Comprehensive. Encourage rural area townships, as appropriate, to address agricultural land protection in their Plan. Also encourage them to direct development to growth areas and, in cases where a growth area is not designated, to lands in and around existing villages and boroughs. In addition, encourage the most efficient use of growth area, village and borough lands through infill development, adaptive reuse, and similar measures.

- Review the existing Comprehensive Plans of rural area townships to determine the degree to which agricultural protection is or should be the focus of their rural area. If it is determined that a particular township should have more emphasis on agricultural protection, staff will offer to meet with the township to discuss the findings and suggest related amendments to their respective Comprehensive Plan.

- Review the implementing land use ordinances of rural area townships to determine whether their current ordinances are satisfactorily assisting them in achieving the rural area goals and objectives of their Comprehensive Plan. If it is determined that additional steps should be taken, staff will offer to meet with the township to discuss the findings and other tools that could be put in place.

- Carefully review any request to rezone land from agricultural to a development zoning classification for consistency with the municipal, multi-municipal and/or County comprehensive plan. The PA MPC requires that zoning be consistent with the adopted plan.

**Agricultural Protection Zoning, Transfer of Development Rights and Other Zoning Provisions**

Agricultural Protection Zoning (APZ) is a term used to identify a form of zoning that is designed to protect large farming areas. Within York County, and throughout the entire State of Pennsylvania, there are many forms of APZ, some offering substantially more protection than others. There is a need for further analysis of the range of APZ provisions in order to be able to provide more definitive recommendations in terms of the best available protection measures.

APZ has been recognized as the best available tool for the preservation of large agricultural areas, at least on an interim basis until funds are available for the purchase of permanent easements on farms that remain on the YCALPB waiting list or landowners become interested in pursuing other conservation easement programs. Fortunately, all of the high ranking rural area townships are currently implementing some form of APZ, thus providing a degree of protection to farmland within
this entire area. Of the 14 medium ranking rural area townships, 12 are implementing some form of APZ, while only four (4) of the 11 low ranking townships are implementing some form of APZ.

Some rural area townships (6 high ranking and 4 medium ranking) are using transfer of development rights (TDR) in conjunction with APZ to protect agricultural land. While TDR is enacted as part of a municipal zoning ordinance, the actual selling and buying of development rights occurs on a voluntary basis. There must be a viable market where the TDR’s can be utilized or a TDR bank established for the program to be successful.

While APZ and TDR are key tools for protecting agricultural land, they are not the only zoning tools available. Within zoning districts that list “protection of agriculture” as their purpose, regulations should be designed to accomplish that intention. Some examples, in addition to APZ and TDR, include only permitting uses that are compatible with agriculture, requiring permitted development to be located on the least productive soils, and establishing a maximum lot size.

**Actions:**

- **Encourage medium and low ranking rural area townships which have identified agricultural protection/preservation as a goal in their Comprehensive Plan and which are currently not implementing APZ to consider the adoption of APZ measures.**

- **Further study and analyze the range of agricultural protection measures currently implemented in municipal zoning ordinances, both locally and regionally, in order to establish recommended zoning standards for agricultural protection.**

- **Educate rural area townships regarding related APZ and TDR techniques, as well as other related zoning tools to protect agricultural lands. This includes encouraging adoption of maximum lot size and prime soil restrictions in conjunction with APZ and “Declaration of Restricted Development” or conservation easement provisions in conjunction with TDR.**

**Agricultural Security Areas (ASA’s)**

Since a goal of the Growth Management Plan component of the County Comprehensive Plan is to protect resource and agricultural lands within the rural areas, it is likewise important to encourage the expansion of ASA’s throughout the rural areas. Although the establishment of Agricultural Security Areas (ASA) does not in and of itself provide permanent protection to agricultural lands, participation in an ASA is a basic eligibility requirement for the County Agricultural Conservation Easement Programs. Also, an ASA designation is strongly recommended, but not required, for participation in the Farm & Natural Lands Trust Conservation Easement Program.

A review of Map 11, which is based on York County Planning Commission GIS data, indicates that participation in the ASA program is highest in the high ranking townships and lowest in the low ranking townships. Overall, only 31% of the rural area of townships is located within a ASA. In terms
of large farms (≥ 50 acres) within the township rural areas, about 52% of the total acreage is currently enrolled in the ASA Program. In an effort to protect agricultural land and increase eligibility for the County’s Conservation Easement Program, it is important that rural area townships consider expansion of their ASA lands.

**Actions:**

- **Encourage the expansion of Agricultural Security Areas in order to meet one (1) of the minimum qualifications for participation in the County Agricultural Conservation Easement Program and for the Farm and Natural Lands Trust easements to qualify for the State’s Land Trust Reimbursement Program.**

- **Encourage the expansion of Agricultural Security Areas in order to afford additional protections to agricultural areas.**

- **Work cooperatively with the YCALPB staff to obtain the most current ASA information for each municipality in the County and strongly encourage municipalities to submit any future additions or other changes to their ASA’s to the County Planning Commission as required by Act 43.**

**Conservation Easements**

Conservation Easement Programs administered by the Farm & Natural Lands Trust (FNLT) and the York County Agricultural Land Preservation Board (YCALPB) have, since their inception, been effective tools for the preservation of important farmland in the County, resulting in the preservation of over 41,000 acres of land (see Map 12). Other Conservation Easement Programs, as discussed in Chapter III, have also preserved some important farm or natural land in the County, but to a much lesser extent.
Map 11
Combined Ranking and Agricultural Security Areas

Disclaimers
The York County Planning Commission provides this Geographic Information System map and/or data (collectively the "Data") as a public information service. The Data is not a legally recorded plan, survey, official tax map or engineering schematic and should be used for only general information. Reasonable effort has been made to ensure that the Data is correct; however, the Commission does not guarantee its accuracy, completeness, or timeliness. The Commission shall not be liable for any damages that may arise from the use of the Data.
Map 12

Combined Ranking and Conservation Easements

- Municipal Boundary
- County Boundary
- York County Agricultural Preservation Board Conservation Easements
- Farm & Natural Lands Trust Conservation Easements
- Heritage Conservancy Easements
- North American Land Trust Easements

Combined Ranking
- High
- Medium
- Low
- Not Included in Ranking

Growth Area
- Established Growth Area
- Interim Growth Area

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Map Created on September 23, 2008
Since the County Program evaluates applications based on a ranking system, which places the highest priorities on soil quality, farmland viability, and proximity to other farms enrolled in an ASA or previously preserved in order to preserve large blocks of farmland, the majority of the farmland which has been preserved to date is located within the high ranking rural area townships (73.8%). The percentage of land preserved by the FNLT within the high ranking area is much lower (23.2%). However, this is to be expected, since the focus of this organization is not only the preservation of important agricultural lands, but also other natural lands, such as wetlands, woodlands, and wildlife habitats. In addition, the FNLT typically refers landowners which meet the YCALPB Program eligibility requirements to that Program.

**Actions:**

- Encourage the FNLT and the YCALPB to continue to focus conservation easement donation/purchases within high and medium ranking rural areas in order to establish large, contiguous areas of permanently preserved farmland.

- Continue to support efforts of the FNLT and the YCALPB to work jointly to establish conservation easements within all rural areas.

- Encourage and support the efforts of rural area townships to establish municipal conservation easement purchase programs.

- Research funding options and successful funding programs in place in other areas to support local conservation easement purchase programs.

- Encourage and support efforts to make more funding available for conservation easement purchase programs.

**Agricultural Viability**

Obviously, farming will not continue in York County if there is no farmland, thus, the preservation or protection of a base of farmland has been the focus of this report. However, it is important to realize that land use tools and techniques also have an impact on the economic realities facing a farmer, and that a need exists to continually fine-tune ordinances in ways that will improve the ability of farmers to make a living.

**Actions:**

- Continue to advocate the PA Municipalities Planning Code requirement that “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 impact on the public health and safety.”
Encourage further research into the identification and promotion of regulatory/zoning changes which would improve the ability of farmers to conduct viable farming operations and permit secondary farm support business as a means to supplement their income.

Offer technical assistance to municipalities that may be interested in amending their zoning ordinance to permit farm related businesses to support agriculture.

Partnerships and Education

A successful strategy for the protection and preservation of agricultural land, as well as the agricultural industry, in York County must include forming partnerships with other entities and promoting education as integral components of the equation. Working together to achieve a common goal is advantageous and typically precipitates progress. In addition, educated public officials are able to make more informed land use planning decisions, while a knowledgeable general public may be less likely to complain about the noise and smells associated with agriculture.

Actions:

Continue to partner with other County departments and agencies, such as the York County Conservation District and YCALPB in promoting agricultural preservation where appropriate.

Continue to assist the YCALPB with the ranking process for the Agricultural Conservation Easement Program.

Continue existing partnerships with local organizations, such as the Farm & Natural Lands Trust, York County Agricultural Business Council, Future of Agriculture in York County Committee, York County Community Foundation, Agriculture & Land Preservation Advisory Committee, and Penn State Cooperative Extension of York County to expand the understanding of agricultural practices in York County.

Form new partnerships, as appropriate, to support agricultural protection and preservation initiatives.

Encourage coordination and cooperation between local, regional, and State organizations to maximize preservation efforts.

Educate public officials and the general public about the significance of agriculture in York County and the tools available to protect/preserve agricultural land.
Information and Referral

By sharing agricultural information with other stakeholders or interested persons, the Planning Commission can provide a beneficial service to the community. If requested information is not available, a referral to an appropriate person, agency, or organization where the data can most likely be obtained is a viable alternative.

Actions:

- Maintain files on agricultural security areas, preserved lands, agricultural protection/preservation techniques and programs, and other related information.
- Establish and maintain a list of pertinent persons, agencies, and organizations that deal with agricultural statistics, programs, techniques, and related planning information.

Review/Update the York County Agricultural Protection Plan

Agriculture is an important element of the landscape, quality of life, and economy of York County. However, things are constantly changing. Thus, monitoring the status of agriculture and progress that is being made in accomplishing the goals and objectives of this Plan is considered to be an integral component of the planning and implementation process.

Actions:

- Periodically review and update this Plan to ensure its relevancy and accuracy.
- Seek input from agricultural agencies and associations, the agricultural community, municipal officials, and the general public during the review process.

Summary

While the continuing loss of farmland in York County is certainly a cause for concern, this report has revealed that the primary tools available for farmland protection and preservation are currently being used throughout the rural areas of the County. However, the rural area townships are using the tools to varying degrees and there is an obvious need to strengthen their use in some municipalities. Thus, the focus of this Agricultural Protection Plan is on educating municipalities about the various tools and providing technical assistance to either get the tools in place or improve upon existing efforts. An effective agricultural protection strategy should not rely on any single tool for its implementation but rather should strive to implement a package of complementary tools to address different aspects of the overall protection strategy.
If strides can be made in implementing the array of agricultural protection and preservation tools and if continuing funding is made available for the purchase of conservation easements, there is every reason to believe that a core foundation of important farmland will be available well into the future. The task that lies ahead is not one to be carried out by a single individual or agency, but rather one that requires a cooperative effort from municipalities and a host of related organizations and interests. This Report provides an overall strategy to be used by all interested parties for the protection and preservation of agricultural lands in York County.