

JULY 2012

Prepared for:



**GREEN  
SPACE  
ALLIANCE**



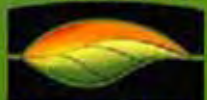
# Transforming Open Space to Sustainable Farm Enterprises

*In Philadelphia, Delaware, Chester, Montgomery and Bucks counties, Pennsylvania*



Prepared by:

**SIMONE**



**COLLINS  
LANDSCAPE  
ARCHITECTURE**



JULY 2012

# Transforming Open Space to Sustainable Farm Enterprises

In Philadelphia, Delaware, Chester, Montgomery and Bucks counties, Pennsylvania

*Prepared for:*



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**With Help From:**

Delaware Valley Regional Planning Commission  
Natural Lands Trust  
Philadelphia Redevelopment Authority  
Pennsylvania Association for Sustainable Agriculture

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*Funded by:*





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## 1. Introduction



# Introduction

The GreenSpace Alliance (GSA) commissioned this study on the potential use of protected open space in southeastern Pennsylvania for sustainable farm enterprises. This resultant policy paper is one of a series that focuses on key issues that support open space protection in the five southeastern Pennsylvania counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

The results of the study will be used to inform municipal officials and land trust professionals about the opportunities and benefits of promoting sustainable farm enterprises on protected and quasi-public lands in southeastern Pennsylvania where appropriate, and to provide guidance and tools that will facilitate that result. The intended outcome is to increase local food production and promote open space conservation.

The study is funded by a grant from the William Penn Foundation to GreenSpace Alliance.

GreenSpace Alliance is a nonprofit dedicated to preserving and connecting open space throughout Southeastern Pennsylvania. GreenSpace Alliance works collaboratively with its members, local governments and nonprofit organizations, to raise awareness of the importance of open space to the region's quality of life and identity, its economic vitality and its ecology.

## CONTEXT:

Food and food production is increasingly seen as a key environmental issue, as it is becoming the focal point for many environmental issues. A January 1, 2012 article in the Philadelphia Inquirer predicted that 2012 would be the year that food emerges as the preeminent environmental issue of our time. The article postulates that *"concern over air, water, earth is coalescing under the overall banner of food as folks become increasingly aware of how and by whom food is grown, harvested, transported, sold,*



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*cooked and consumed – and the implications of those acts. In the process, people have been connecting the dots not only between food and the environment, but between healthy eating and disease prevention.”* Access to healthy food has become an important social justice issue, especially in urban areas. First Lady Michelle Obama’s *Let’s Move* initiative cites a lack of access to nutritious foods as a main contributing factor to obesity in America. This awareness, bolstered by recent federal stimulus grants, have resulted in Philadelphia having the largest Healthy Corner Stores Initiative in the nation.<sup>1</sup>

Young people are increasingly becoming more interested in farming. Many high schools report that their agricultural programs remain intact while funding for other programs such as art and gym are slashed. A major obstacle to sustainable farming is lack of land ownership – especially by young people. One attraction of utilizing preserved open space is to encourage young people to remain interested in farming by leasing them preserved land for these purposes.

Nationally, the “Buy Fresh, Buy Local” movement is growing in popularity. Beginning in 2002, Buy Fresh Buy Local has successfully built a network of vibrant local food systems linking producers and vendors with consumers. The Buy Fresh Buy Local campaign is an important resource promoting awareness about the importance of locally grown food while linking consumers to the freshest, most delicious locally grown and produced foods available.<sup>2</sup>

Food production and distribution is thought by many to become an increasingly important issue worldwide, since production and distribution is predicted to become increasingly marginal as the rapid rate of climate change affects crops, arable land and the ability to equitably distribute food.

### GOALS:

Transforming Open Space to Sustainable Farm Enterprises examines the opportunities and obstacles to utilizing preserved open space for sustainable farm enterprises in the five county Philadelphia region of Pennsylvania. The primary audience for this study is city / county / local governments and land conservancies.

There are multiple goals for this study.



Young People remain interested in farming.







### Primary goals are to:

- Educate local government officials about the advantages of promoting local sustainable farm enterprises in their communities;
- Identify methods and procedures to promote the use of preserved open space as well as vacant and private lands for sustainable farm enterprises;
- Through sustainable farm enterprises, further enhance open space preservation in the study area;
- Provide recommendations tailored to the urban, suburban and less developed regions of the five county area; and,
- Identify and recommend the next steps for moving this initiative to the next phase of study and/or implementation.

### Secondary goals are to:

- Suggest model land preservation easements – either via existing models or through modification of existing easements – that will help promote sustainable farms in the region;
- Suggest ways to connect farmers with land owners so that land-use agreements for sustainable farm enterprises can be developed and initiated on these lands;
- Insure that local zoning and land development ordinances do not prevent sustainable farm enterprises from occurring close to population centers and local consumers;
- Create awareness for elected officials, municipal planning commissions, environmental advisory councils, and park and recreation boards about the growing interest in locally produced food and the need to connect farmers to farmland; and,
- As an adjunct to the promotion of sustainable farm enterprises, continue to promote the establishment of community gardens which addresses similar needs for locally grown foods.

## BACKGROUND

### What is “Sustainable Agriculture”?

The Pennsylvania Buy Fresh Buy Local program broadly defines sustainable agriculture as :  
*“Sustainable agriculture means building farms that can sustain healthy soil, produce healthy food and be profitable as well. The farm then becomes a vital economic part of the community, enhancing open space, providing*



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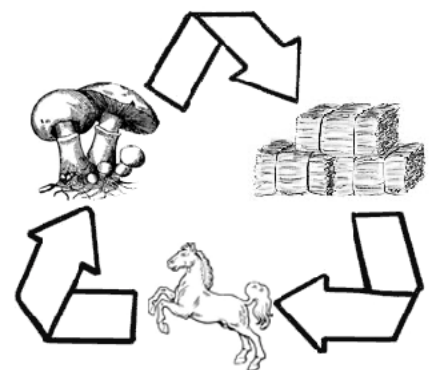
*community access to fresh, healthy food, and keeping the money spent on that farm in the community. Methods of sustainable agriculture seek to be environmentally & socially responsible without sacrificing its ability to earn profit. It also strives for harmony with the natural environment, while considering human health as well as societal and economic well-being. Each sustainable farmer produces what works best on their farm so you find that there is a lot more diversity of food products in a community that has these kinds of farms. Visit the [PASA website](#) for more information regarding sustainable agriculture in Pennsylvania."*<sup>3</sup>

In addition to the definition above, those knowledgeable in the field of sustainable agriculture generally agree on the following main points:

- Food produced should be for human consumption. Commodity or feed crops such as corn and soybeans are not considered sustainable unless they are grown to directly support local livestock.
- Crops should not consist of monocultures (one crop over a large area).
- Crops do not have to be strictly organic.
- Cut flower crops in association with beekeeping are sustainable.
- The range of locally produced food is considered to be a maximum travel distance of 150 to 200 miles, or the closest source to a particular food crop.
- Small and large livestock uses, vineyards, and tree nurseries can be sustainable provided that the property can support these uses without sacrificing or straining its sensitive natural resources. Uses should strive to enhance bio-diversity and natural habitat. Products should be sold locally.
- Allied crops and non-food crops that help support the local agriculture industry / agriculture infrastructure should be considered. In Chester County, hay is grown for the equine industry which produces a by-product of fertilizer for the local mushroom industry.

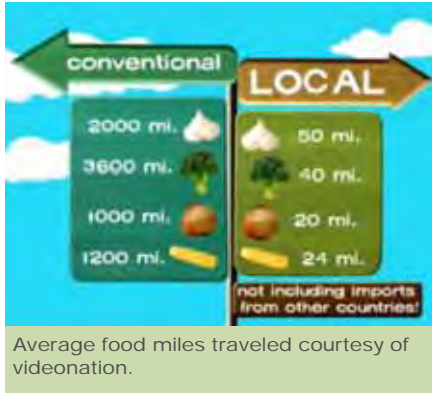
### **Why is sustainable agriculture important to our health as well as the energy, food and economic security of our region?**

Sustainable agriculture should be promoted as a way to reserve land for future open space uses. This is possible because sustainable agriculture makes good use of underutilized land by employing ecologically sensitive practices that do not cause irreversible damage to the landscape. In many



Non-food crops can be considered sustainable if they support the local agriculture industry.





Average food miles traveled courtesy of videonation.



Image courtesy of videonation.

cases, Sustainable agriculture can be an interim use that reserves open space for future generations, or it can be compatible with existing public access areas.

Sustainable agriculture reduces dependence on fossil fuels and distant food sources that have little direct benefit to the local economy. Most conventionally grown vegetables travel an average of 1,500 miles before consumption.<sup>4</sup> The energy used to transport and preserve them results in increased costs and environmental impacts. There is also evidence of reduced nutritional benefits and flavor when fresh fruits and vegetables undergo long transports. Sustainable agriculture provides fresh, locally produced and sold foods that reduce energy use and transportation costs while at the same time improving our health and nutrition.

Sustainable agriculture can increase food security by providing local and identifiable food sources close to population centers. Recent food recalls due to contamination, pests or diseases have resulted in disruptions to the supply chain and shortages of certain foods. An October 6, 2011 Associated Press article suggests that our centralized food supply and distribution system increases the chances for food contamination. The high number of handlers and distributors involved coupled with long transportation times create ideal conditions for contamination to multiply.<sup>5</sup> While we will always have to import foods from outside the local area, a more decentralized system can also enhance local food security in the event of supply or transportation disruption due to disasters.

In addition to the environmental and health benefits, local food production strengthens our local economy. A natural outgrowth of sustainable farm enterprises will be an increase in the variety of foods produced and consumed. This variety of fresh foods will lead to new and expanded business opportunities for local farmers, producers, and retailers already experiencing increased demand for these products.

### Who wants to lease land for agriculture activities on public, quasi-public, conservancy or private land?

Demand has increased for fresh, local foods to supply farmers markets, restaurants and other types of fresh food related businesses. Many in your community are probably interested in sustainable agriculture but may lack the land required to conduct these activities. The Department of Veterans Affairs and similar support groups have become increasingly interested in

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agriculture as a way to provide a rewarding activity that promotes healthy interaction with others. Likewise, interest by young people remains constant as evidenced by the continuation of school sponsored agriculture curricula and activities. Hobbyists, individuals, environmental groups, schools and private businesses may also be interested in leasing land for sustainable agriculture. For all of these groups or individuals, participating in agriculture activities can enhance one's physical and mental wellbeing while positively contributing to the local economy and environment.

### Where can sustainable agriculture be practiced?

The land area required for sustainable agriculture uses may be as small as  $\frac{1}{4}$  acre or encompass much larger tracts.

Steep slopes, rocky or wet soils and various other physical land constraints greatly inhibit the productivity of large-scale commodity farm operations. Sustainable agriculture seeks to make better use of areas considered unproductive by finding alternative agriculture uses that work with the existing land features by using economical and environmentally sensitive techniques. Sustainable agriculture by its very definition strives for harmony with the land, and each farmer produces what works best on their land. For example, areas with steep rocky slopes could be used for livestock uses such as goats, sheep and chickens. More information about physical constraints applicable to sustainable farm enterprises can be found in the section entitled "*Physical Constraints*".

Legal, zoning and other regulatory constraints also determine locations where sustainable agriculture can be conducted. For instance, the underlying zoning will determine if agriculture and/or produce sales is a permitted land use. A major recommendation of this report is to move away from the broad definition of agriculture in favor of a set of distinct definitions for the various land uses associated with these activities. Providing separate definitions for various agriculture activities will allow municipalities to permit more agriculture uses in more zoning districts.

Other land use restrictions may also be found in the property records for deed restricted, leased, eased or conserved properties. This report finds that temporary structures such as cold frames and hoop houses—critical to extending growing seasons—are often hindered by outdated zoning regulations or deed/easement restrictions.



Young people often lack capital needed to purchase land. Image courtesy of [phillyrooted.org](http://phillyrooted.org).



Similar to physical constraints, legal, zoning and other regulatory constraints must be examined on a case-by-case basis to determine if agriculture uses and/or produce sales are permitted uses. More information about regulatory requirements applicable to sustainable farm enterprises can be found in [“Chapter 3: Recommendations”](#).

### When should a sustainable agriculture lease renew?

A lease term of 1 year with an option to renew is the preferred arrangement to mutually protect the interests of both landowners (lessor) and sustainable farmers (lessee). Shorter lease terms help to protect landowners from unscrupulous farmers who may not honor the terms specified in the lease agreement. Exposure is also reduced for sustainable farmers in the event the operation is not profitable.

If substantial startup costs are involved, some operations may need longer lease durations to recover their investments. Initial costs may include, but are not limited to, the following: soil import / amendments, fencing, vehicle access improvements, water and electricity service. In these cases, a 3-5 year lease may be needed to ensure viability of the operation. In most cases, longer lease agreements will increase the chances of success for sustainable farm enterprises requiring substantial upfront investments.

### How much income can a sustainable farm operation expect to generate?

Revenue generated from sustainable farm enterprises can vary widely based on the market value of items produced, promotional abilities, and the market where the farm is located.

Typically, an intensively planted sustainable farm can produce 23 tons of fresh vegetables in one season on a single acre. Direct marketing of vegetables can generate annual revenues between \$12,000 to \$20,000 per acre.<sup>6</sup>

Revenues can be increased if a property is cultivated using SPIN – or S-mall P-lot IN-tensive - farming techniques. In our region, SPIN farming can produce up to \$20,000 to \$40,000 an acre per year, and sites as small as 2 acres can support a family or four.<sup>7</sup> SPIN farming is more sustainable than traditional methods since the yield is increased by sequentially growing 2-3 compatible plant species in the same area. SPIN farms are often an acre or



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less and are well suited to urban and developed communities where land is scarce. Urban SPIN farms also benefit from being located close to a concentration of consumers offering higher prices for their products.

### METHODOLOGY

Following a request for proposal process by GreenSpace Alliance, the firm of Simone Collins Landscape Architecture was selected to work with a committee to perform the study. The committee was composed of several highly knowledgeable and experienced individuals in the areas of open space planning, open space preservation, land use and sustainable agriculture. The committee was composed of the following individuals:

#### Project Committee:

- Mary Felley, Interim Executive Director, GreenSpace Alliance
- Meg Gruwell, Projects Manager, GreenSpace Alliance
- Patty Elkis, PP, AICP, Associate Director of Comprehensive Planning, Delaware Valley Regional Planning Commission
- Molly Morrison, Executive Director, Natural Lands Trust
- Marilyn Anthony, Southeast Pennsylvania Director, Pennsylvania Association for Sustainable Agriculture (PASA)
- Maitreyi Roy, Senior Vice President, Programs and Planning, Pennsylvania Horticultural Society

#### Municipal Focus Group Meetings:

To better understand concerns specific to each county and /or municipality, the consultant team conducted one focus group meeting in each of the four counties and the City of Philadelphia to discuss the Transforming Open Space to Sustainable Farm Enterprises project.

Municipal focus group meetings were held with the following municipalities:

- Solebury Township, Bucks County
- West Pikeland Township, Chester County
- Limerick Township, Montgomery County
- Middletown Township, Delaware County
- The City of Philadelphia (representatives of various City agencies)

#### Other Focus Group Meetings:

A meeting was held with the PA Department of Conservation and Natural Resources (DCNR) concerning allowable agriculture uses on lands purchased with state or federal conservation funds.



Land beneath overhead utility lines was identified as an opportunity for sustainable agriculture.



An Informational meeting was also held with Marilyn Anthony of PASA regarding sustainable agriculture in the region.

### Key Person / Organization Interviews:

Recommendations from the project committee and focus groups helped identify potential interviewees of particular benefit to the study. The following individuals / organizations were interviewed:

- Heidi Secord & Gary Bloss, RLA, PP, Josie Porter Farm—Operate on municipal land in Monroe County.
- Margot Bradley, Pennypack Farm – knowledgeable about opportunities and constraints of farming on leased land.
- Mary Coreboy, Greensgrow, Philadelphia, PA – has large urban hydroponic farm.
- Fred DeLong, Rushton Woods Preserve, Willistown Conservation Trust - example of a commercial agriculture operation with public access. This property contains a CSA and public trails with a trailhead serving parking needs for both uses

The following constraints were subtracted from the acreage totals for preserved open space, utility lands and vacant City of Philadelphia lands:



Active recreation areas



Wetlands, floodplains, woodlands, steep slopes, and other important habitat areas



Parking lots

### Mapping:

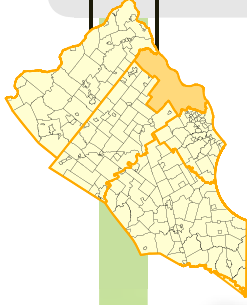
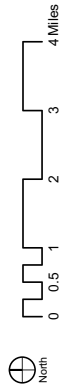
Mapping was completed for each of the five counties. The purpose of the mapping is to:

- Graphically display the location of preserved open space and utility corridors in each of the five counties.
- Graphically display the location of vacant City of Philadelphia agency lands including: Philadelphia Housing Development Corporation (PHDC), Philadelphia Redevelopment Authority (RDA) and Department of Public Property (PUB).
- Subtract “constraints” from consideration for sustainable farm enterprises on open space, utility and vacant lands. Constraints consist of important habitat areas (from NLT Smart Conservation layers 8, 9 and 10), flood prone areas (floodway and 100-year flood plain), steep slopes greater than 15%, wooded areas, parking and active recreation areas.
- Create an order of magnitude tally of preserved open space lands, utility lands and vacant lands that could be used for sustainable farm enterprises.
- Assume that on average 15-30% of the non-constrained land could be used for sustainable agriculture, and assign a dollar value to the crop yields on these lands.

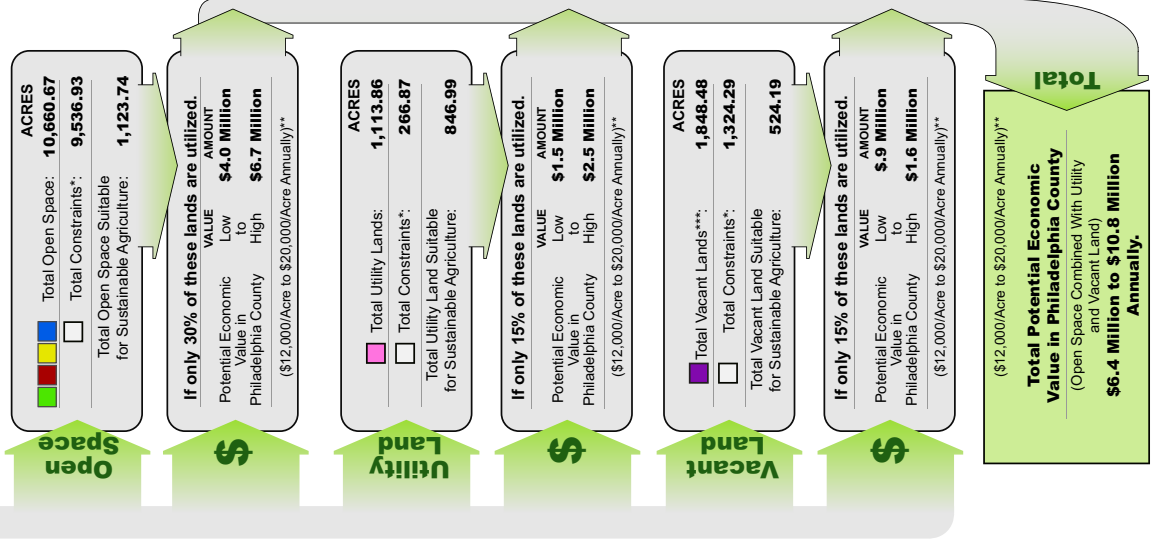




Transforming Open Space  
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# Potential Economic Value Philadelphia County



**Legend**

- Constraints\* (Grey)
- Utility Corridors & Lands (Pink)
- Vacant Land\*\*\* (Purple)
- Open Space (Excluding Federal and Preserved Farmland) (Green)
- County (Yellow)
- Nonprofit (Light Green)
- State (Blue)

GIS Data Source: DVRPC

\*Constraints are subtracted from total open space and consist of:

- Smart Conservation Layers 8, 9, and 10 (Source NLT)
- Flood Prone Areas (Source DVRPC)
- Slopes Greater Than 15% (Source NLT)
- Wooded Areas (Source DVRPC)
- Parking (Source DVRPC)
- Active Recreation Areas (Source DVRPC)

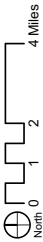
\*\* Source: PASA Market Research Report, 2010

\*\*\* Vacant lands controlled by: Philadelphia Housing Development Corporation (PHDC), Philadelphia Redevelopment Authority (PDA) and Department of Public Property (PUB), 2011 (Source RDA)

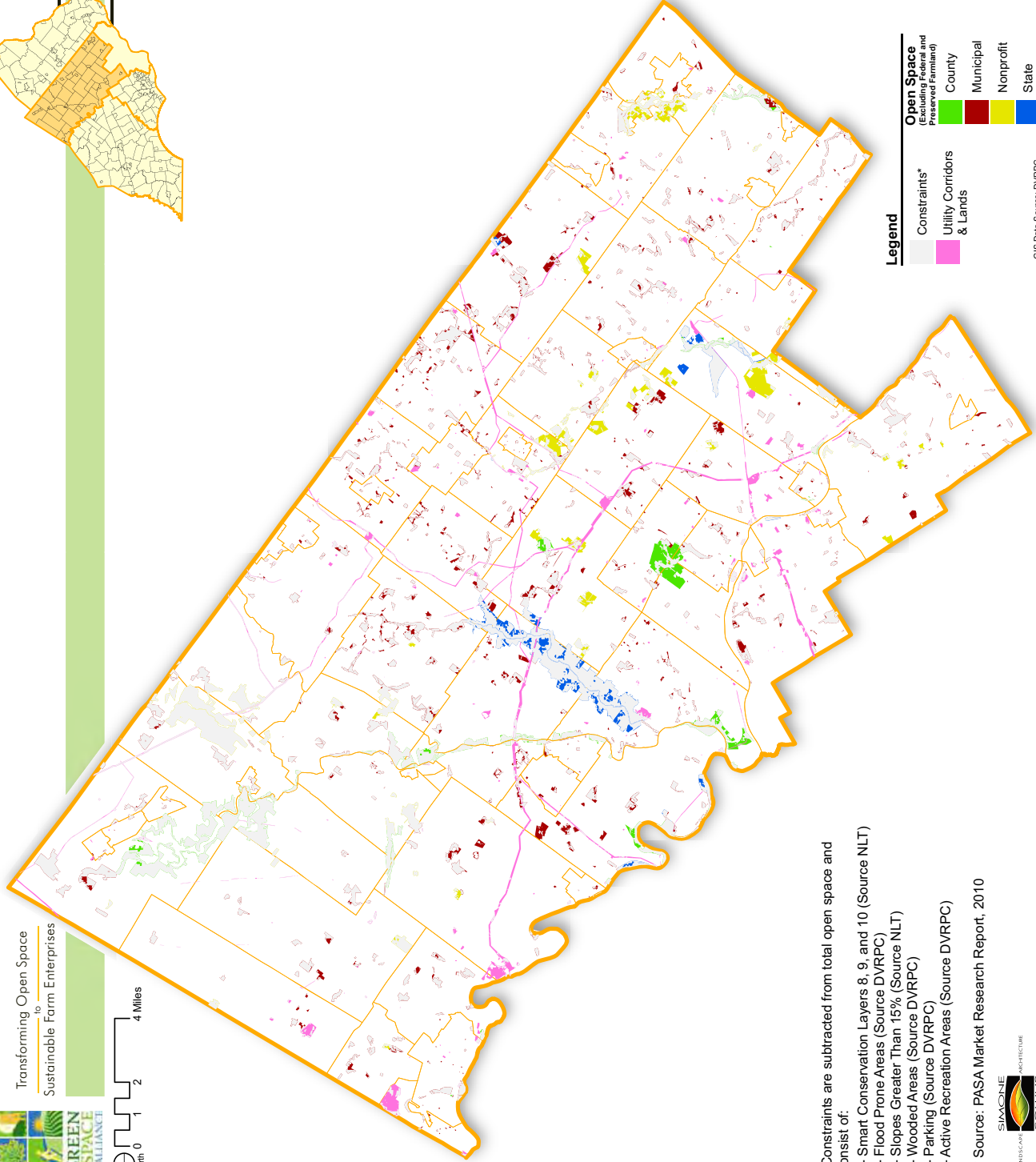
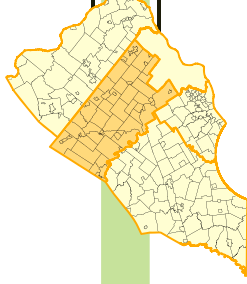




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# Potential Economic Value Montgomery County



**Legend**

- Constrains\*
  - Utility Corridors & Lands
- Open Space (Excluding Federal and Preserved Farmland)
  - County
  - Municipal
  - Nonprofit
  - State

GIS Data Source: DVRPC

**Open Space**

ACRES

Total Open Space: **27,908.95**

Total Constrains\*: **21,973.88**

Total Open Space Suitable for Sustainable Agriculture: **5,935.07**

**\$**

If only **30%** of these lands are utilized.

VALUE AMOUNT

Potential Economic Value in Montgomery County (\$12,000/Acre to \$20,000/Acre Annually)\*\*

Low: **\$21.4 Million**

High: **\$35.6 Million**

**Utility Land**

ACRES

Total Utility Lands: **3,987.73**

Total Constrains\*: **1,228.28**

Total Utility Land Suitable for Sustainable Agriculture: **2,759.45**

**\$**

If only **15%** of these lands are utilized.

VALUE AMOUNT

Potential Economic Value in Montgomery County (\$12,000/Acre to \$20,000/Acre Annually)\*\*

Low: **\$5.0 Million**

High: **\$8.3 Million**

**Total**

**Total Potential Economic Value in Montgomery County**  
(Open Space Combined With Utility Land)

**\$26.4 Million to \$43.9 Million Annually.**

\*Constrains are subtracted from total open space and consist of:

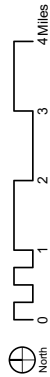
- Smart Conservation Layers 8, 9, and 10 (Source NLT)
- Flood Prone Areas (Source DVRPC)
- Slopes Greater Than 15% (Source NLT)
- Wooded Areas (Source DVRPC)
- Parking (Source DVRPC)
- Active Recreation Areas (Source DVRPC)

\*\* Source: PASA Market Research Report, 2010

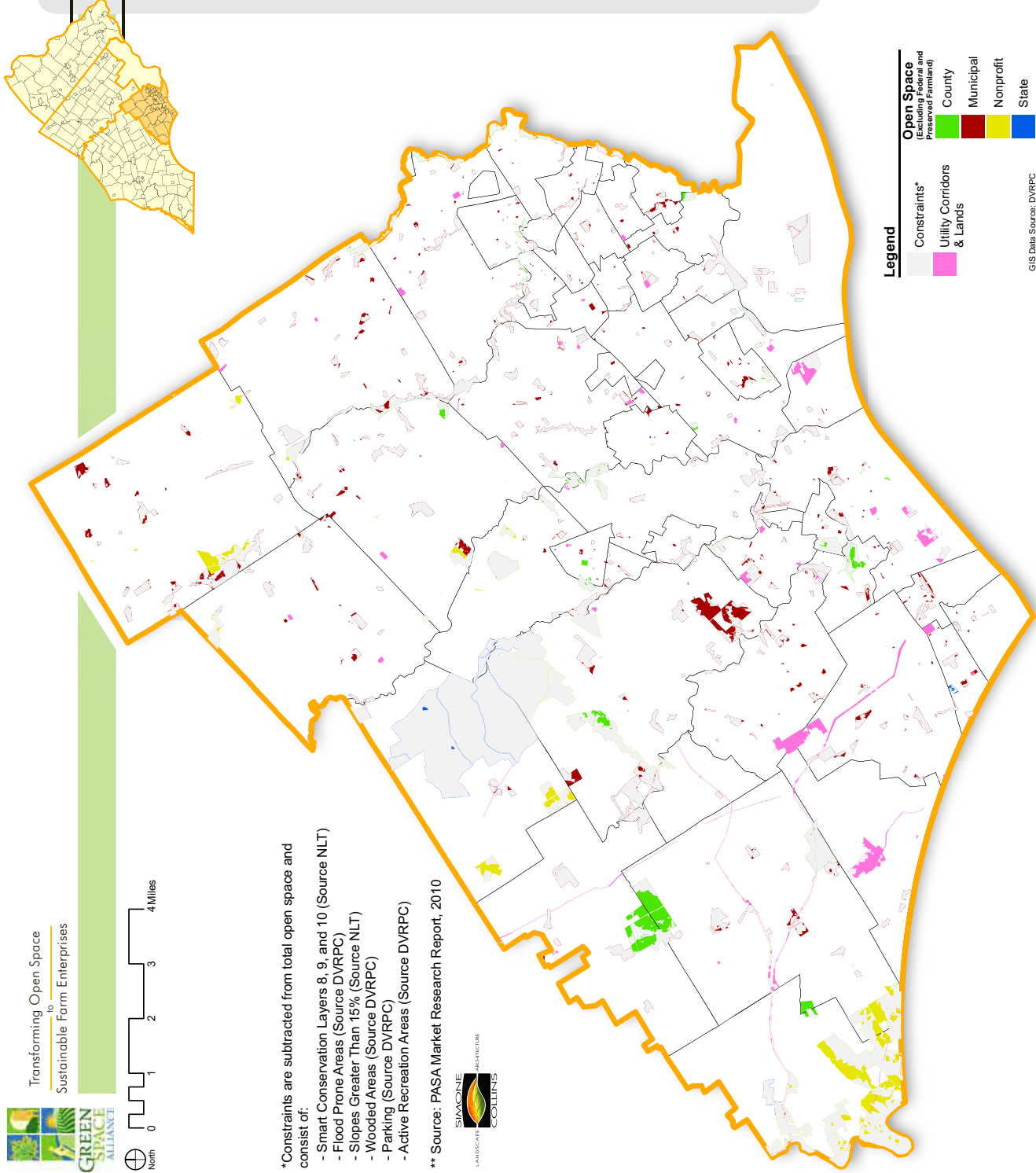




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# Potential Economic Value Delaware County



**Legend**

- Constraints\*
- Utility Corridors & Lands
- Open Space (Excluding Federal and Preserved Farmland)
  - County
  - Municipal
  - Nonprofit
  - State

GIS Data Source: DVRPC

\*Constraints are subtracted from total open space and consist of:

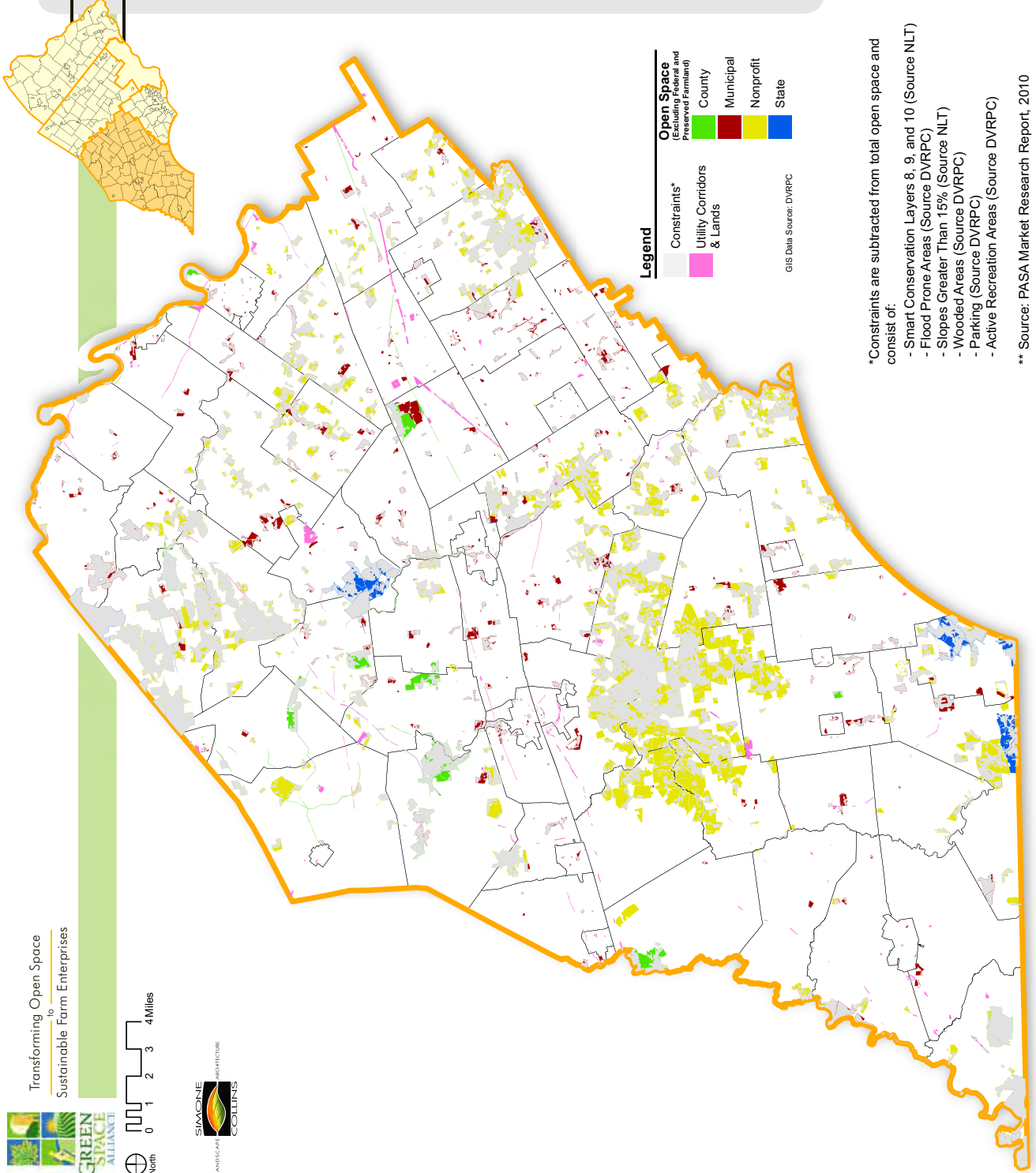
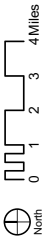
- Smart Conservation Layers 8, 9, and 10 (Source NLT)
- Flood Prone Areas (Source DVRPC)
- Slopes Greater Than 15% (Source NLT)
- Wooded Areas (Source DVRPC)
- Parking (Source DVRPC)
- Active Recreation Areas (Source DVRPC)

\*\* Source: PASA Market Research Report, 2010





Transforming Open Space  
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**Legend**

- Constraints\* (Grey)
- Utility Corridors & Lands (Pink)
- Open Space (Preserved Farming) (Green)
- County (Light Green)
- Municipal (Red)
- Nonprofit (Yellow)
- State (Blue)

GIS Data Source: DVRPC

# Potential Economic Value Chester County

<p><b>Open Space</b></p> <p>ACRES</p> <p>Total Open Space: <b>74,436.28</b></p> <p>Total Constraints*: <b>53,692.65</b></p> <p>Total Open Space Suitable for Sustainable Agriculture: <b>20,743.63</b></p>	<p><b>Utility Land</b></p> <p>ACRES</p> <p>Total Utility Lands: <b>2,260.66</b></p> <p>Total Constraints*: <b>804.70</b></p> <p>Total Utility Land Suitable for Sustainable Agriculture: <b>1,455.96</b></p>	<p><b>Total</b></p> <p><b>Total Potential Economic Value in Chester County</b> (Open Space Combined With Utility Land) <b>\$77.3 Million to \$128.9 Million Annually.</b></p>
<p><b>If only 30% of these lands are utilized.</b></p> <p>Potential Economic Value in Chester County (\$12,000/Acre to \$20,000/Acre Annually)**</p> <p>VALUE AMOUNT</p> <p>Low: <b>\$74.7 Million</b></p> <p>High: <b>\$124.5 Million</b></p>	<p><b>If only 15% of these lands are utilized.</b></p> <p>Potential Economic Value in Chester County (\$12,000/Acre to \$20,000/Acre Annually)**</p> <p>VALUE AMOUNT</p> <p>Low: <b>\$2.6 Million</b></p> <p>High: <b>\$4.4 Million</b></p>	

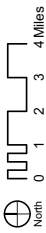
\*Constraints are subtracted from total open space and consist of:

- Smart Conservation Layers 8, 9, and 10 (Source NLT)
- Flood Prone Areas (Source DVRPC)
- Slopes Greater Than 15% (Source NLT)
- Wooded Areas (Source DVRPC)
- Parking (Source DVRPC)
- Active Recreation Areas (Source DVRPC)

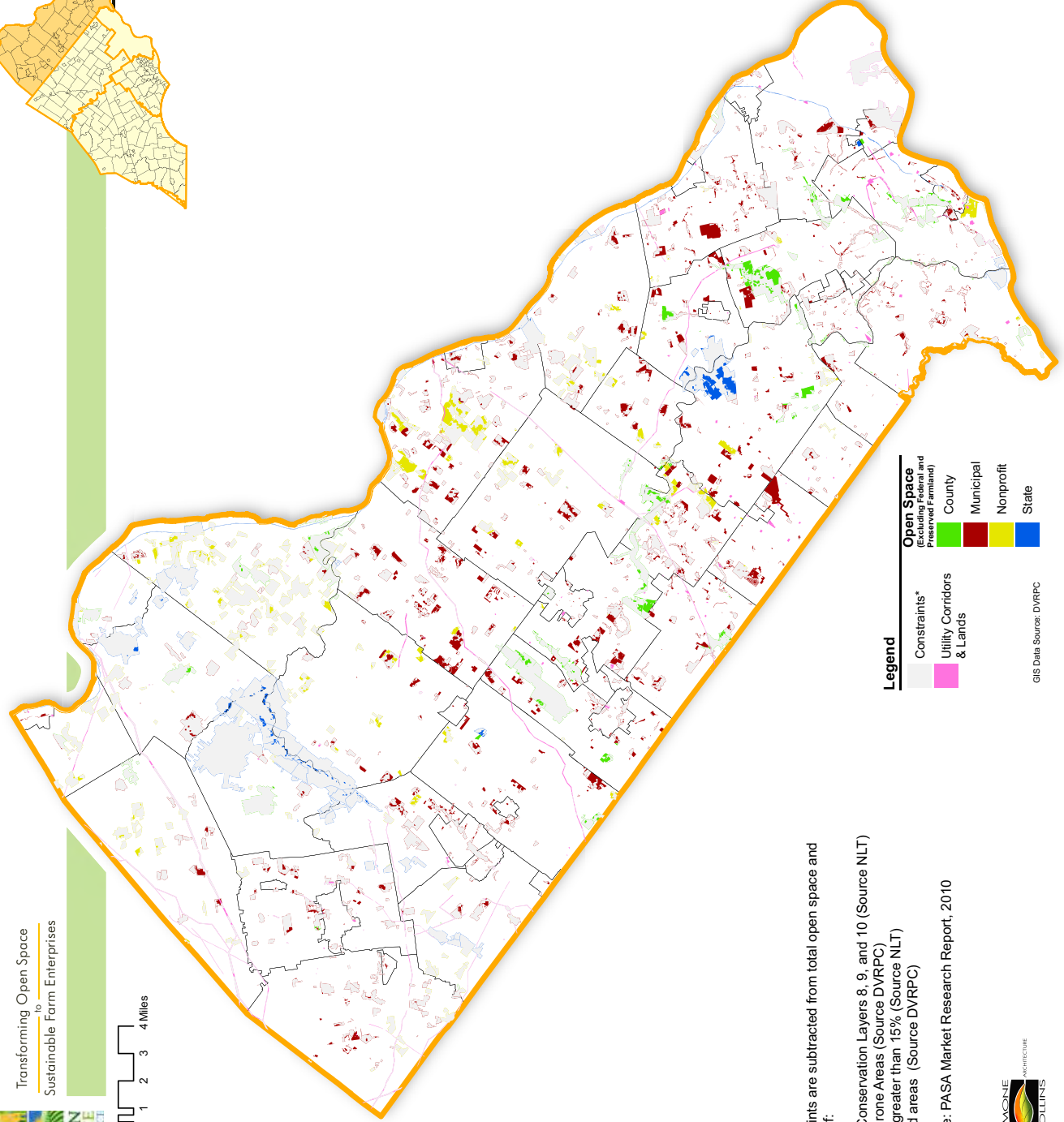
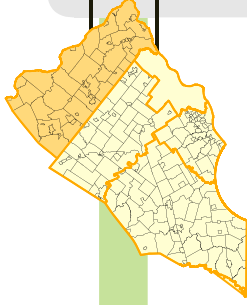
\*\* Source: PASA Market Research Report, 2010



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# Potential Economic Value Bucks County



**Legend**

- Constraints\* (Grey)
- Utility Corridors & Lands (Pink)
- Open Space (Excluding Federal and Preserved Farmland)
  - County (Green)
  - Municipal (Yellow)
  - Nonprofit (Red)
  - State (Blue)

GIS Data Source: DVRPC

**Open Space**

ACRES

Total Open Space: **56,968.16**

Total Constraints\*: **47,190.15**

Total Open Space Suitable for Sustainable Agriculture: **9,778.04**

**\$**

**If only 30% of these lands are utilized.**

VALUE AMOUNT

Potential Economic Value in Bucks County (\$12,000/Acre to \$20,000/Acre Annually)\*\*

Low **\$35.2 Million**

High **\$58.7 Million**

**Utility Land**

ACRES

Total Utility Lands: **3,967.98**

Total Constraints\*: **3,040.88**

Total Utility Land Suitable for Sustainable Agriculture: **927.10**

**\$**

**If only 15% of these lands are utilized.**

VALUE AMOUNT

Potential Economic Value in Bucks County (\$12,000/Acre to \$20,000/Acre Annually)\*\*

Low **\$1.7 Million**

High **\$2.8 Million**

**Total**

**Total Potential Economic Value in Bucks County**  
(Open Space Combined With Utility Land)

**\$36.9 Million to \$61.5 Million Annually.**

\*Constraints are subtracted from total open space and consist of:

- Smart Conservation Layers 8, 9, and 10 (Source NLT)
- Flood Prone Areas (Source DVRPC)
- Slopes greater than 15% (Source NLT)
- Wooded areas (Source DVRPC)

\*\* Source: PASA Market Research Report, 2010



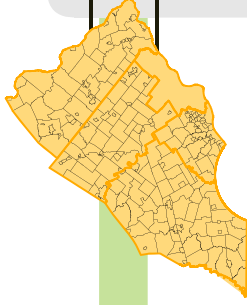
Transforming Open Space  
to  
Sustainable Farm Enterprises



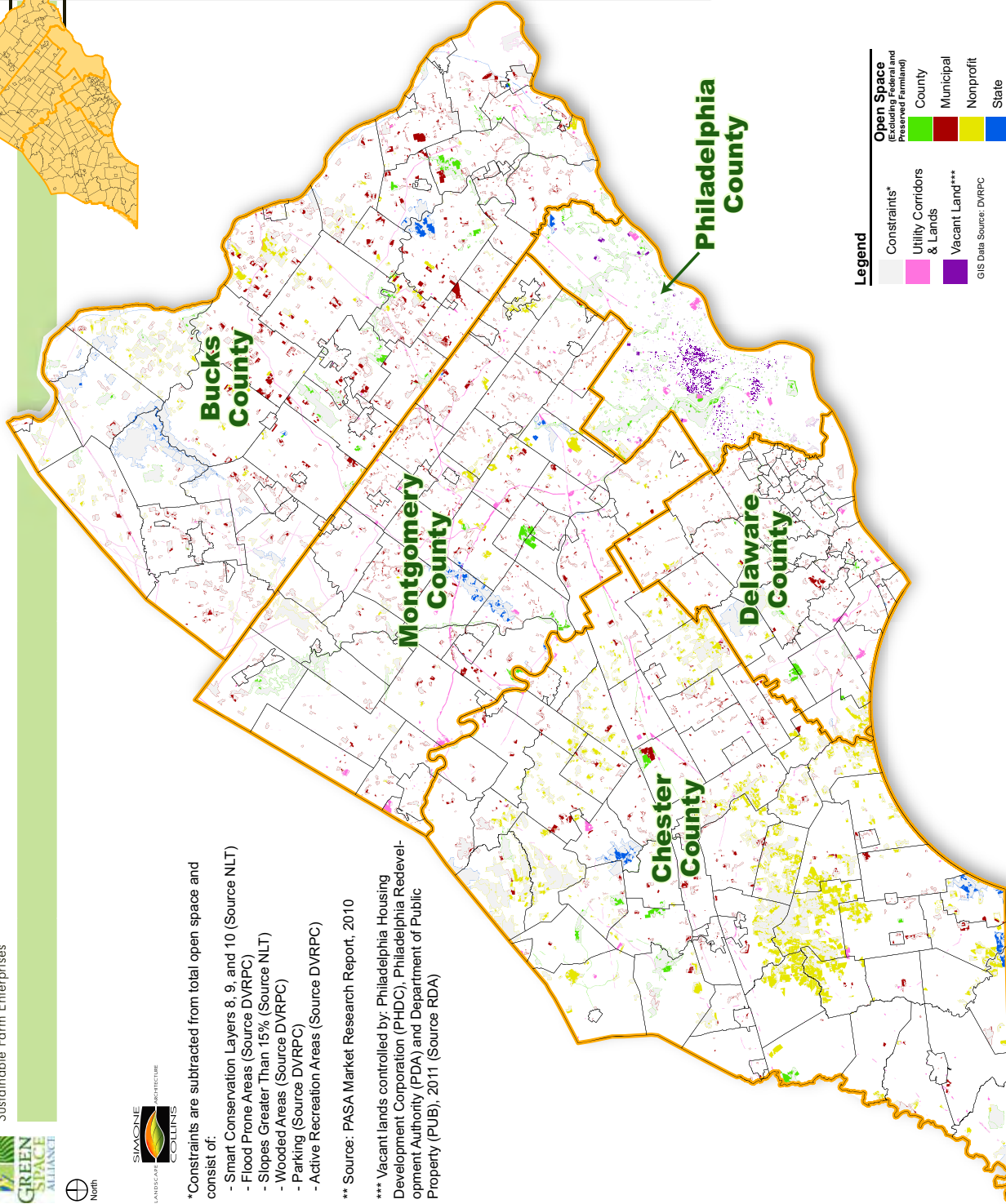
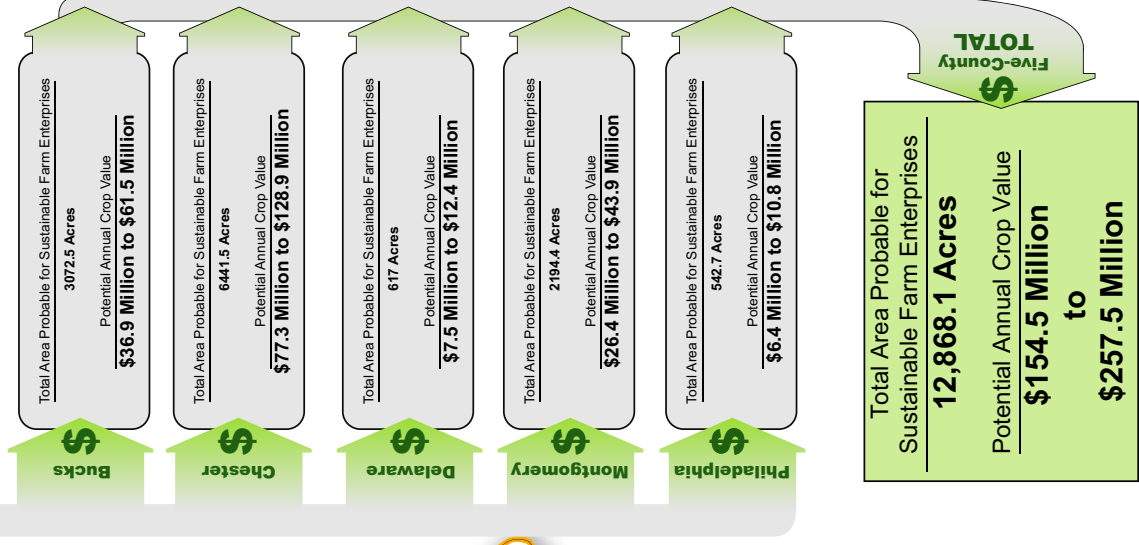
- \*Constraints are subtracted from total open space and consist of:
- Smart Conservation Layers 8, 9, and 10 (Source NLT)
  - Flood Prone Areas (Source DVRPC)
  - Slopes Greater Than 15% (Source NLT)
  - Wooded Areas (Source DVRPC)
  - Parking (Source DVRPC)
  - Active Recreation Areas (Source DVRPC)

\*\* Source: PASA Market Research Report, 2010

\*\*\* Vacant lands controlled by: Philadelphia Housing Development Corporation (PHDC), Philadelphia Redevelopment Authority (PDA) and Department of Public Property (PUB), 2011 (Source RDA)



# Total Potential Economic Value Five-County Area



**Legend**

- Constraints\* (Grey)
- Utility Corridors & Lands (Pink)
- Vacant Land\*\*\* (Purple)
- Open Space (Excluding Federal and Preserved Farmland)
  - County (Green)
  - Municipal (Red)
  - Nonprofit (Yellow)
  - State (Blue)

GIS Data Source: DVRPC



# Findings

## **POTENTIAL ECONOMIC VALUE:**

The estimated economic value of sustainable farms on open space in the five county area is approximately \$155 to \$258 million dollars annually. A breakdown of economic value by county is graphically summarized on the maps following Chapter 1.

The mapping depicts public and quasi-public open space lands as potential sites for sustainable farms. Public open space landowners include municipalities, cities, boroughs, townships, counties and the Commonwealth of Pennsylvania. These entities possess a majority of the open space lands in our area. Quasi-public lands include non-profit open space lands and public utility entities, such as overhead power line corridors. Vacant lands controlled by various City of Philadelphia agencies are included as potential sites in the Philadelphia mapping.

Most public and quasi-public open space may already have land area dedicated for various uses, activities or sensitive natural features. These areas are categorized as “constraints” and subtracted from the public, quasi-public, and vacant land use acreage totals. The remaining “non-constrained” areas identify potential sites for sustainable agriculture.

Federal open space lands were not mapped due to use restrictions associated with federal funding, and the relatively small land area of national parks in our region. Preserved farms were not included in the mapping since these areas already contain agriculture uses. While many private lands may also be accommodative of sustainable farms, these areas were not mapped because the focus of this study is to evaluate sustainable farms on public or quasi-public open space.

To arrive at potential economic value, conservative estimates were applied to reduce the non-constrained areas to account for unforeseen limiting

## 2. Findings

factors. It is assumed some portion of “non-constrained” areas will not be farmed due to regulatory issues, physical constraints or lack of political will. As a result, all non-constrained open space land areas are reduced by 70%. Non-constrained utility and vacant lands are reduced by 85% since some of the areas mapped included utility substations, buildings and other limiting factors. The acres remaining were multiplied by the potential annual economic value of \$12,000 to \$20,000 per acre.<sup>8</sup>

The potential economic value per acre is based on a 2010 PASA market research report entitled “*A Land Lease Enterprise Promoting Sustainable Agriculture*” prepared by Temple University, Fox School of Business. The consultants established this estimate by analyzing comparable revenues for sustainably grown produce sold directly to consumers in Southeastern Pennsylvania. This figure assumes at least 80% of the revenue is generated through direct retail sales of fresh fruits and vegetables through farmers markets, CSA shares and other venues .

### FOCUS GROUP MEETINGS:

Focus group participants selected represent a diverse cross-section of interested stakeholders and those with knowledge of the challenges facing sustainable agriculture. Minutes from each of the meetings are contained in the appendix of this report. The following are common comments, concerns or suggestions from the municipal, PASA and DCNR focus group meetings.

The findings that follow are divided into three main categories to address the diversity of built environments in the five-county region. Issues examined are specific to the following land use patterns: (1) general issues common to all areas; (2) urban areas, including cities, boroughs, villages and inner ring suburbs; and, (3) less developed suburban or rural townships.

### General Issues Common to Most Areas:

- Sustainable agriculture uses should be tailored to the characteristics unique to each parcel.
- There are very few local vendors to supply agriculture infrastructure (equipment and supplies) to support agriculture operations.
- Sustainable farm enterprises on preserved lands could encounter





pushback when taxpayer money is used to purchase open space properties where for-profit revenues are produced.

- Traffic, noise or odors generated from growing and selling produce on preserved land are a concern.
- Leases for agriculture operations on municipal lands typically last 1-3 years.
- Sustainable farm enterprises may be more successful in urban areas where there is more demand and higher consumer prices.
- Custom farming - a local farmer traveling to various sites to conduct farming operations on behalf of the landowner - is trending upwards.
- A non-profit might serve as a facilitator to match available public and private land with farmers.
- There are many local examples of sustainable farm enterprises on leased land that can be used to inform this study.
- Properties that predate, or properties that did not use funding from the Land and Water Conservation Fund Act of 1965 (LWCF), can be used for sustainable farm enterprises without requiring public access.
- Lands purchased or placed under easement with DCNR funding are prioritized for conservation or recreation. This is because historically much more federal and state funding is dedicated to agriculture than recreation. Agriculture uses that benefit natural habitats (such as hay cultivation) are the only uses considered compatible with DCNR's mission.

### Urban Areas:

- Residents in these areas often have negative views of agriculture due to misconceptions and appearances of some operations.
- Sustainable farm enterprises should be positioned as economic development that could supplement the earnings of low-income residents.
- Sustainable farm enterprises should be used as a stormwater management tool and incentives should be used to replace impervious surfaces with arable land.
- There are more prospective farmers than available land in Philadelphia and other urban areas.
- In older boroughs and in the City of Philadelphia, many recreation lands - including Fairmount Park and other City parks - predate Land and Water Conservation Funding (LWCF).

## 2. Findings

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### Suburban and Rural Areas:

- There is often a positive view of agriculture in these areas. Many county planning departments are supportive of farm stands selling local produce. Townships receive few complaints from neighbors of farmers.
- Manure storage and associated stormwater runoff are primary concerns of adjacent landowners.
- Traffic and noise generated by agri-tainment or agri-tourism uses such as corn mazes or vineyards are often viewed negatively by neighbors.
- There is a general lack of understanding by landowners and municipal officials on suitable locations for sustainable agriculture.
- Land trusts sometimes fund the preservation of agricultural properties without requiring public access, provided that state or federal funding is not used. County open space funding allows agriculture operations but sometimes requires public access in the form of community gardens and/or a perimeter walking trail.
- Crops for human consumption will be subject to increased deer browsing pressure and should be protected with deer protection fencing.

### PHYSICAL CONSTRAINTS:

Physical constraints such as land area, topography and others have less of an impact on sustainable agriculture than they do on traditional farming methods. This is because sustainable operations are typically smaller, and by definition allow the physical constraints of the land to determine what can be produced. This type of farming requires unique solutions that are environmentally friendly and that seek to enhance the natural aspects of a site. The following physical constraints emerged as common issues during municipal and other focus group meetings. Constraints related to regulatory requirements, conservation easements/acquisitions, and funding source restrictions are discussed in *“Chapter 3—Recommendations”*.

### All Areas:

#### Vehicle Access:

Sustainable farm enterprises wishing to engage in on-site commercial activities likely will incur additional expenses and encounter more regulatory hurdles than those without on-site commercial activities. On-site commercial activities might include, but are not limited to, the following: retail produce stands, community supported agriculture (CSA) pickup





“Pick your own apples” at LinVilla Orchards is one example of an Agritainment use.

locations, agriculture entertainment (agri-tainment) uses such as corn mazes or hay rides, and agriculture tourism (agri-tourism) uses such as vineyards and “pick your own” operations.

Commercial operations and non-commercial operations requiring more than a couple of workers may be subject to zoning requirements for improved off-street parking areas.

The following questions should be asked if on-site commercial activities are proposed, or if the operation requires more than a couple of workers:

- Does the site have existing designated vehicle access or can access be shared with the property owner?
- Does the vehicle access provide for safe ingress and egress and clear sight lines at roadway intersections?
- Are there suitable parking areas to accommodate peak demands of workers and/or customers?

The types of activities mentioned above, typically trigger municipal requirements to provide improved off-street parking and safe vehicle access. In these cases, the operator will likely be required to meet parking requirements of their municipality. More details about these requirements may be found in [“Chapter 3: Recommendations”](#).

### Utility Access:

Water and electricity service may be needed for some farming operations. If water or electricity service is not available, renewable water and electricity sources should be considered. Even if water and electricity service is available, supplementing it with renewable sources may enhance the sustainability of most operators.

If there is no water access provided on the property, alternative water supply sources should be explored. Rainwater collection in rain barrels and cisterns is an alternative water source that can be used as a primary water source for smaller operations, or for supplementation of larger operations. Rainwater collection from rooftops or paved areas may be more economical in urban areas where the cities are looking at ways to improve infiltration and reduce stormwater flows into sanitary and storm sewers. Rainwater collected from urban or brownfield sites should be regularly tested for contaminants before irrigating crops.

## 2. Findings

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Likewise, alternative forms of electricity service such as solar and wind should be explored when conventional electricity service is cost prohibitive and/or unavailable.

### Housing:

Housing for operators or workers may be needed for some operations. Local zoning will designate the total number of housing units permitted, if any.

### Neighboring Uses:

Neighbor concerns may be magnified with organic agriculture practices, which are typically more odorous due to the use of manure instead of chemical fertilizers. Other neighbor concerns may be stormwater runoff, smell and noise from livestock, noise of farm machinery and machinery access to local roadways. Local zoning and stormwater management is essential to mitigate these concerns.

### Urban Areas:

Land constraints are magnified for urban sites. Soils are often disturbed or contaminated. In general, neighbors are usually less knowledgeable about agriculture and are apprehensive about the appearances or intentions of these uses. Achieving economies of scale can also be difficult since there are few local businesses to equip urban farmers. The following are land constraints typical of urban areas.

### Small Sites:

A major impediment to vacant urban sites is their small size and lack of connectivity to other vacant parcels. Most vacant parcels in the City of Philadelphia are as small as 500-1,000 square feet.<sup>9</sup> To overcome these logistical challenges, an operator may need several sites to efficiently produce a single product.

### Brownfields:

These sites usually contain disturbed soils associated with a former industrial, residential or other urban development. Soils that were once below buildings or other impervious surfaces are often compacted and/or contaminated. New soil or soil amendments are typically needed to bring this land back into production. Many brownfield sites require 6 to 9 inches of new soil or soil amendments to be productive. Costs for soil amendments begin at \$2,000 – \$3,000 for a small urban lot.<sup>10</sup>





Deer browsing pressure was identified as a major issue for most sustainable agriculture operations in the region.

Philadelphia Parks and Recreation has a compost center where residents and businesses can drop-off and pickup locally sourced organic compost. Small amounts of compost are available at no cost to city residents. This program is a good model for reducing trash costs by diverting organic waste into compost for soil amendments. More information on this program is located in the appendix.

### Suburban or Rural Areas:

Larger suburban land areas are able to support a wide variety of agriculture uses. Many are comfortable with agriculture uses, and numerous residents garden as a hobby. The following are physical obstacles to conducting sustainable agriculture in suburban areas:

#### Deer Browsing Pressure:

Competition by animals for food will be greater in the suburban and less developed areas where wildlife is prevalent. This is especially true for the Whitetail Deer population, which is already infamous for its destructive effects on suburban landscapes in our region. With similar food preferences as humans, deer browsing pressure will be elevated for fruit and vegetable crops. Providing a 10-foot high deer protection fence around the perimeter of large cultivated areas will prove an expensive startup cost. Even with frequent maintenance, deer fencing is eventually penetrated. In addition to the initial expense, fencing is often subject to regulatory requirements of the municipality in which it is located.

#### Farm Vehicles on Public Roads:

The growth of the suburbs is in constant competition with our agrarian heritage. One of these conflicts results from farm vehicles accessing public roads. Those that reside in the suburbs often encounter longer work commutes and have little patience for slow moving farm vehicles on roadways. In addition to congestion, farm vehicles often contribute to the accumulation of dirt and debris on paved surfaces.

While these are realities of life in suburban areas, measures can be taken to minimize conflicts such as: limiting farm vehicle access during rush hour; promoting awareness by installing share the road signage; and, by providing crushed stone wheel cleaning stations and signage where farm vehicles enter high volume roadways.



Developed municipalities should consider regulations for farm vehicle access on public roads that avoid rush hour traffic volumes.

### 3. Recommendations



# Recommendations:

Recommendations in this chapter serve as a guide to overcome regulatory and physical barriers to sustainable farming in urban, suburban and rural areas. This report recommends a campaign of education and outreach aimed at municipalities, conservancies / land trusts, landowners and others as a critical first step to create awareness about the benefits of sustainable agriculture. Enhanced education and outreach will advance and inform local open space preservation goals and objectives and advance efforts to update local ordinances to permit sustainable agriculture in more locations. Case studies of sustainable farms are provided to highlight issues and circumstances common to sustainable farms in the region.

## 3.100 COMPREHENSIVE PLAN:

A community's goals and objectives for sustainable farm enterprises should be established in the municipal or city comprehensive plan. This plan should outline steps for zoning ordinance revisions to implement the established goals and objectives.

Examples of goals and objectives to include in a community's comprehensive plan can be found in the appendix under the title of *"model comprehensive plan language for urban agriculture"*. The model comprehensive plan language is compatible with urban agriculture or small plot sustainable farm enterprises.

Municipalities should also consider goals and objectives for specifically permitting sustainable agriculture uses on open space properties acquired with funds from public bond issue or open space taxes. The following example is provided:

#### Objective:

Encourage that any future acquisition of open space via bonds or taxes allow sustainable farm enterprise uses.



### 3. Recommendations

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#### Policies/Actions:

- Acknowledge sustainable agriculture as a form of recreation critical to promoting health and local food security.
- Include language in the referendum to clearly state that in addition to recreation uses, acquisitions will allow sustainable farm enterprise uses such as market or community supported farms and community gardens.

#### **Recommendations:**

**3.100.A** Set comprehensive plan goals and outline strategies to encourage sustainable agriculture based on the examples above and in the appendix.

**3.100.B** Make comprehensive plan recommendations for implementing goals and objectives to promote sustainable agriculture through zoning ordinance revisions.

**3.100.C** Develop comprehensive plan objectives and policies/actions for allowing sustainable farm enterprises when acquiring a property through open space bonds or taxes.

#### **3.200 ZONING:**

The greatest obstacle to sustainable farm enterprises is that most municipalities do not permit agriculture uses in zoning districts located close to population centers. Therefore, private or public properties that do not have deed or funding restrictions may still face land use restrictions from their host municipality.

Municipalities should periodically review and assess their zoning ordinances in response to advancements in technology, coalescence of important social issues or for changes in policies, demographics or land use. Due to the growing demand for locally produced food, municipalities should consider ordinance revisions to allow small plot sustainable farm enterprises in a majority of zoning districts.

Zoning should ensure uses are conducted in a safe and practical manner, but should not be so restrictive as to deter sustainable farmers. Most sustainable farmers are young and less capitalized than traditional large-scale agriculture operators. In order for these uses to be viable, requirements should be straightforward, logical and should not require a





great amount of administrative time or expensive engineering on the part of the applicant or the municipality.

Often, zoning unintentionally prohibits raising crops or animals for commercial sale regardless if the sale takes place on-site or off-site. This is problematic for most zoning districts. If landowners are only allowed to use agricultural products for personal consumption, then there is little incentive to invest in underutilized or vacant plots of land for small plot sustainable farm enterprises.

This study outlines key ordinance considerations for permitting and regulating sustainable farm enterprise activities. It is recommended that municipalities take a comprehensive approach to adopting ordinances governing sustainable farm enterprises instead of addressing these issues piecemeal. A piecemeal approach will increase complexity and add to costs for farmers and municipalities. The zoning recommendations provided herein are only guidelines, and each municipality should assess the recommendations in light of specific needs of their community.

#### **Recommendations:**

**3.200.A** Zoning requirements should not discourage sustainable farm enterprises by being overly restrictive, confusing or drastically increasing upfront costs.

**3.200.B** Zoning ordinance revisions should avoid short-term fixes and instead take a comprehensive approach to develop standards and permit sustainable farm enterprises in appropriate locations.

#### **3.201 Definitions:**

Many zoning ordinances contain a single definition to encompass all agriculture activities. These definitions are usually intended to regulate large-scale agriculture operations. All-encompassing definitions are primary obstacles to allowing sustainable farm enterprises in additional locations because not all activities are appropriate for all zoning districts. For example, traditional agriculture definitions that include animal husbandry uses could be restricting those wishing to conduct low-impact uses such as vegetable production.

### 3. Recommendations

This study recommends defining sustainable farm enterprises under several distinct categories. This method allows analysis of each zoning district to determine permitted agriculture activities based on the type and intensity of a specific use.

In most cases, municipalities should keep their existing definitions for agriculture and adopt a new set of definition categories for small plot sustainable farm enterprises. Recommendations for zoning districts to allow small plot sustainable farm enterprises are provided in section 3.202 Permitted Uses.

It should be noted that this approach may result in conflicts with larger established farms which will not necessarily fall into the sustainable agriculture use category. Communities that are highly compatible with agriculture activities might consider entirely replacing their existing agriculture definitions and regulations with those recommended in this study. However, this method will require a more in-depth study of the municipality's existing agriculture regulations to understand the full implications of those changes.

The 2011 report entitled "*Seeding the City – Land Use Policies to Promote Urban Agriculture*" prepared by National Policy and Legal Analysis Network to Reduce Childhood Obesity (NPLAN) examined urban agriculture zoning policies. This report reviews agriculture zoning policies of San Francisco, Cleveland, Kansas City, Chicago, and other cities throughout the nation. In December 2011, the city of Philadelphia adopted a major revision of their zoning ordinance that included definitions for urban agriculture based on the NPLAN recommendations. After review, it was found that with slight modification the newly adopted Philadelphia definitions work well for both urban and suburban areas where agriculture is practiced on small parcels in close proximity to populated areas.

The definitions provided below are based on those recently adopted by the City of Philadelphia and modified to be compatible with sustainable farm enterprises located in suburban or rural areas. In many cases, the terms "urban agriculture" and "small plot sustainable farm enterprises" are interchangeable.

#### Small Plot Sustainable (or urban) Agriculture Use Category:

*This category includes uses such as gardens, farms, and orchards that*

#### Local Example: Rushton Farm



The farm is located in Rushton Woods Preserve as a part of the Willistown Conservation Trust located in Willistown Township, PA.



Since 2008, the farm has demonstrated ways in which sustainable agriculture and important natural areas can coexist.



This property contains a community supported agriculture (CSA) operation and public trails with a trailhead serving parking needs for both uses. The farm occupies 6 acres of the 80 acre preserve.



### 3. Recommendations



The Rushton farm promotes community involvement through educational workshops, bird banding programs and educational programs for children.

*involve the raising and harvesting of food and non-food crops and the raising of farm animals for consumption locally by humans. The small plot sustainable (or urban) agriculture subcategories are:*

*(a) Animal Husbandry*

*Uses that involve the feeding, housing, and care of farm animals for private or commercial purposes, subject to applicable (Insert local regulations on farm animals – see report section entitled “Livestock”).*

*(b) Community Garden*

*An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation, or for sale that is incidental in nature. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. Community gardens may be principal or accessory uses and may be located on a roof or within a building.*

*(c) Market or Community-Supported Farm*

*An area managed and maintained by an individual or group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution that is not incidental in nature. Market farms may be principal or accessory uses and may be located on a roof or within a building.*

*(d) Horticulture Nurseries and Greenhouses*

*A principal use involving propagation and growth of plants in containers or in the ground for wholesale or retail sales and distribution<sup>11</sup>*

*[Note: The definitions for Community Garden and Market or Community-Supported Farm are drafted to identify them as commercial enterprises (including both for-profit and nonprofit), regardless of the type of land upon which they are sited and the type of entity operating the site (i.e., individual, private, or nonprofit corporation).*

*From a land use perspective, a profit-making enterprise is distinguished from the primarily non-commercial activities of home and community gardens by the scale of activities and intensity of use. Whether the farm is owned or operated by a for-profit or not-for-profit entity does not affect the actual use of property. Some communities, however, may wish to distinguish farms based on type of corporate structure. In that event, the community could subdivide the community garden and market or community supported*

### 3. Recommendations

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*farm definitions into two categories (for-profit and nonprofit commercial enterprises.)*

*Depending on local preference or political palatability, communities have also used alternate terminology for small plot (or urban) sustainable farm enterprises which include: Market Gardens, Commercial Gardens, Small-Scale Entrepreneurial Agriculture.<sup>12</sup>*

In addition to revised definitions for agriculture, definitions should also be provided to allow retail sales critical to the success of sustainable farm enterprises operations. The following definitions are recommended based on those recently adopted by the City of Philadelphia:

#### Food, Beverages, and Groceries

*Uses that sell or otherwise provide food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. The following are food, beverage, and groceries specific use types:*

#### Fresh Food Market (Either of the following):

*(.a) An establishment in which the sale of fresh fruits and vegetables to the general public occupies at least 50% of the display area; or*

*(.b) An establishment primarily engaged in the sale of grocery products and that provides all of the following:*

*(.i) at least 5,000 sq. ft. of customer-accessible floor area used for display and sales of a general line of food and nonfood grocery products such as dairy, canned and frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry, intended for home preparation, consumption, and use;*

*(.ii) at least 50% of such customer-accessible sales and display area is used for the sale of a general line of food products intended for home preparation and consumption;*

*(.iii) at least 25% of such customer-accessible sales and display area is used for the sale of perishable goods, which must include dairy, fresh fruits and vegetables, and frozen foods and that may include fresh meats, poultry, and fish; and*

*(.iv) at least 750 sq. ft. of such customer-accessible sales and display area is used for the sale of fresh fruits and vegetables.*

#### Farmer's Market

*An area for the sale of food crops and non-food crops (e.g., flowers) directly*



to consumers within an enclosed structure or outdoors on a lot.<sup>13</sup>

#### **Recommendations:**

- 3.201.A** Provide stand alone definitions for small plot (or urban) sustainable farm enterprises based on the examples provided above. At a minimum, provide a category for “*Market or Community Supported Farm*”. This definition should be tailored to fit the specific needs of the community.
- 3.201.B** Ensure the municipality has definitions for commercial sales of fresh foods. At a minimum, definitions should be provided for farmers markets.
- 3.201.C** Include the production of allied crops such as hay, flowers, (and others) that support a systems-wide approach for the promotion of sustainable farm enterprises. Often these allied crops support the necessary agrarian infrastructure (equipment, service, labor) to help make sustainable agricultural operations viable. While the primary emphasis of this initiative is clearly sustainable farm enterprises for human consumption, the recommendations should not exclude agriculture activities that directly support local farms.

#### **3.202 Permitted Uses:**

Most municipalities in the five county region employ “use based” zoning to regulate the location, intensity and type of uses within a particular zoning district. Residential zoning districts (typically R-1, R-2, R-3) typically permit agriculture uses such as vegetable gardens as a secondary or “accessory” use to the “primary” residential use. Agricultural uses are prohibited – or not specifically permitted – as a “primary” use in most zoning districts in the five county area. When a particular land use is not specified in a community’s zoning ordinance the use is considered “illegal” and is subject to being shut down or replaced with a different permitted use. In other cases, the use is considered an “existing non-conformity” and the right to continue that use is “grandfathered”. Uses permitted by “grandfathering” are sometimes entitled to natural expansion which

### 3. Recommendations

becomes problematic since they have the right to expand - and possibly morph - into uses that are not compatible with surrounding land uses.

Prohibiting small plot sustainable farm enterprises as a primary use could have unintended consequences such as preventing a school cafeteria or restaurant from cultivating a nearby vacant parcel to supply the establishment with fresh fruits and vegetables. Likewise, a municipal park may be prohibited from constructing a community demonstration garden or green house. Many municipal open space properties are located in residential districts that do not allow agriculture as a primary use. In many cases, underutilized properties without immediate plans for development are ideally suited for interim leases for agriculture.

Permitted uses are additionally broken into two main principal use categories: a “by-right use” or a “conditional use”. A “by-right” use is a use allowed by the zoning ordinance without the municipality approving that use. A “conditional use” requires a use to meet “reasonable” standards or requirements imposed at the discretion of the municipality.

Conditional uses are uses that are not allowed “by-right” because they may contain activities that adversely affect the area. A property owner can petition to have the use approved by going through a conditional use review process. This review process may discourage some sustainable farms since it is more expensive and time consuming for both the applicant and municipality.

ZONING DISTRICT TYPOLOGIES										
	Institutional	Open Space, Recreation or Floodplain	Commercial	Mixed Use	High Density Residential (Urban Areas, Cluster Residential)	Medium-High Density Residential	Medium-Low Density Residential	Low Density Residential	Light Industrial	Heavy Industrial
<b>KEY:</b>										
P = Permit By-Right as Primary or Accessory Use;										
C = Conditional Use;										
N = Do Not Permit										
<b>Use Category: Small Plot (or Urban) Sustainable Farm Enterprises</b>										
Community Garden	P	P	P	P	P	P	P	P	C	C
Market or Community Supported Farm	P	P	P	P	P	P	P	P	C	C
Animal Husbandry	P	P	P	C	N	C	P	P	P	C
Horticulture Nursery or Greenhouse	P	C	P	C	C	C	P	P	P	P
<b>Use Category: Food, Beverages and Groceries</b>										
Fresh Food Market	P	N	P	P	C	N	N	N	C	N
Farmers Market	P	P	P	P	P	P	P	P	C	C

Table 3-01: Suggested use categories by zoning district typology.



This study finds traditional definitions for agriculture problematic due to their all-encompassing nature. This has resulted in many municipalities in our area allowing agriculture as conditional uses to offset unintended consequences that may result from a minority of activities. After adopting the revised definitions recommended earlier in this study, municipalities should identify zoning districts to allow uses that sustainable farm enterprises as a “by-right” use since these uses are proposed to be regulated separately from large-scale agriculture. In addition, commercial uses such as farmers markets and fresh food markets can be permitted as a by-right use in more zoning districts since these uses are proposed to be separated from other retail uses. Providing concrete regulations and use standards such as those recommended later in this chapter can additionally reduce the need for conditional use designations.

#### **Recommendations:**

**3.202.A** Consider allowing activities associated with sustainable farm enterprises in the zoning district typologies recommended in table 3-01.

**3.202.B** Reduce the need for conditional use approvals for agriculture by evaluating zoning districts where activities associated with sustainable farm enterprises are appropriate, and provide regulations for these activities.

#### **3.203 Parcel Size Requirements:**

Parcel size requirements are determined by the zoning district in which the use is located. Agriculture uses with livestock typically require parcel sizes that comply with local zoning and/or nuisance ordinances. See the section entitled “*Livestock*” for more information.

Parcel sizes for agriculture uses vary greatly between municipalities. The following are examples of minimum parcel sizes required by various municipalities to conduct agriculture uses:

- Solebury Township: 10 acres in districts where agriculture is permitted
- Limerick Township: No minimum size Residential districts (R-1, R-2, R-3); 1-3 acres Office / Light Industrial district; 2-4 acres Limited Light Industrial district; 50 acres Highway Commercial district.
- Philadelphia: No minimum size where urban agriculture is permitted
- West Pikeland Township: 3 acres minimum for non-intensive agriculture in Residential Development district; 5 acres minimum for non-intensive

### 3. Recommendations

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agriculture, 20 acres for intensive agriculture for the Residential Conservation district.

Some municipalities use large lot agricultural zoning to promote agricultural retention. These areas are valued for their prime agriculture soils and agriculture heritage.

#### **Recommendations:**

**3.203.A** Sustainable farm enterprises should be permitted on sites as small as ¼ acre in most zoning districts.

**3.203.B** In areas with medium to high residential densities, municipalities could utilize a conditional use process to allow parcel sizes to be reduced to as small as ¼ acre for non-livestock uses with the preparation of a farm management plan that finds minimal negative impacts to the environment or neighbors.

**3.203.C** Require minimum lot sizes for sustainable farm enterprises to avoid confusion or unintended consequences, and to distinguish small plot sustainable farm enterprises from large-scale farming operations.

**3.203.D** Municipalities with large lot agriculture zoning protection should keep the minimum lot sizes in these districts but should be sure that sustainable farm enterprises are allowed as an accessory use to large lot agriculture.

#### **3.204 Development Standards**

Consider adopting the following as development standards or as requirements of a conditional or permitted use. These standards were modified from those recently adopted by the City of Philadelphia.

##### *Small Plot (or urban) Sustainable Urban Agriculture Use*

###### *a) General*

*All small plot (or urban) sustainable farm enterprise uses are subject to the following standards:*

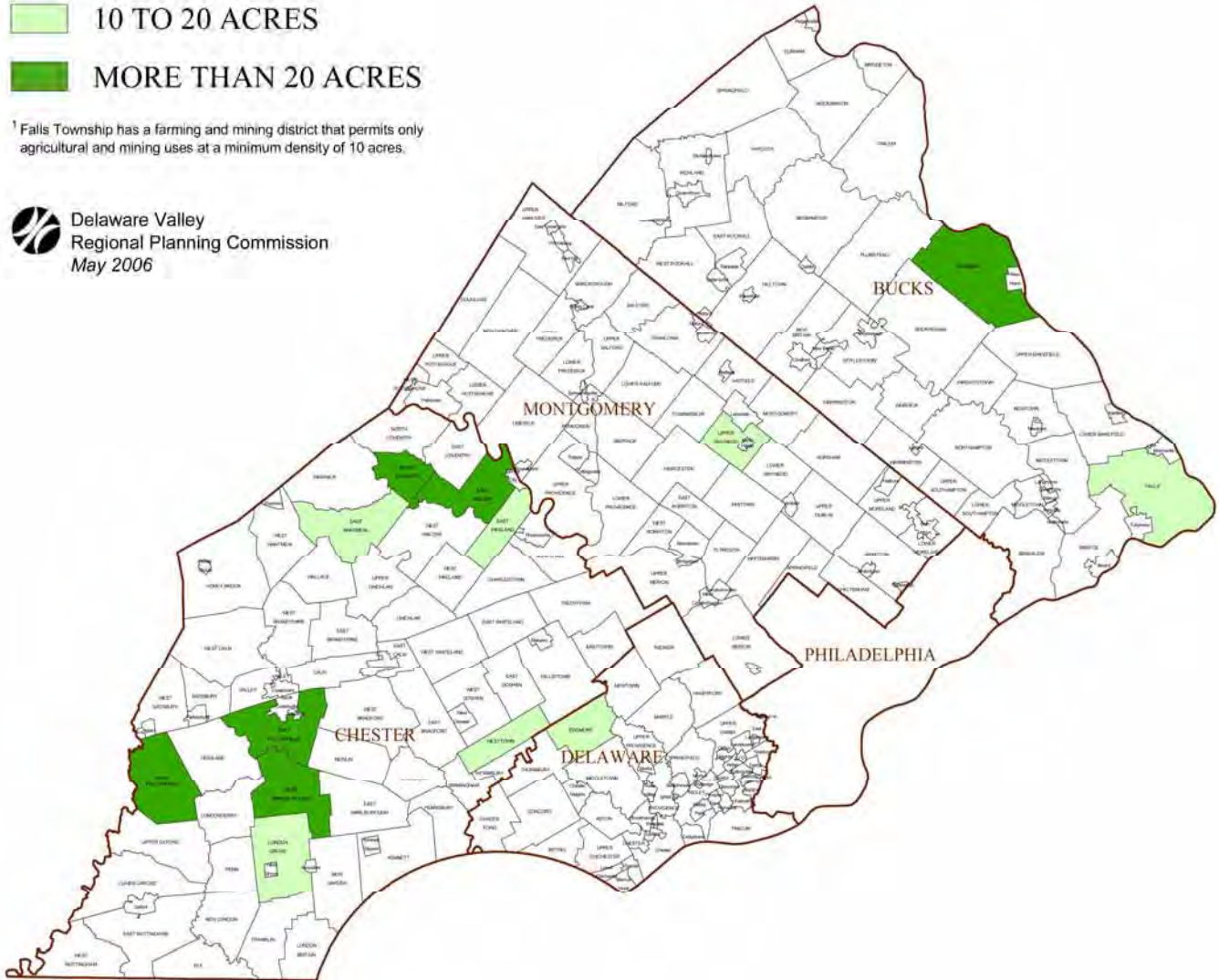
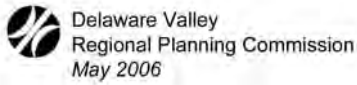
*(.1) Sales are permitted on the same lot as the urban agriculture*





- 10 TO 20 ACRES
- MORE THAN 20 ACRES

<sup>1</sup> Falls Township has a farming and mining district that permits only agricultural and mining uses at a minimum density of 10 acres.



Map of municipalities with large lot agriculture zoning. Source: DVRPC

*use or in locations where farmers markets or fresh food markets are an allowed use.*

*(.2) The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.*

*(.3) Lots shall be kept free of trash and debris.*

Community Gardens, Market and Community-Supported Farms

*The following standards apply to community gardens, and market and community-supported farms:*

*(.1) For market and community-supported farm uses in urban areas only: A fence or dense vegetative screen shall be provided along front, side, and rear lot lines that are adjacent to a Residential zoning district. The fence or dense vegetative screen must comply with the requirements (insert fencing and wall*



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requirements). If a fence is used, the fence shall be at least as finished in appearance as the side facing the applicant's use. Fencing shall be constructed of wood, welded wire, PVC or ornamental metal; chain-link and barbed wire are prohibited as fencing material.

(.2) Refuse and compost bins must be rodent-resistant and located as far as practicable from abutting residential uses. Refuse must be removed from the site at least once a week.

(.3) Storage areas for tools and equipment must be enclosed and located as far as practicable from abutting residential uses.

(.4) No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.

(.5) Outdoor area lighting of these uses shall be prohibited in residential zoning districts.

#### Industrial Districts:

The following standards apply to sustainable farm enterprise uses located in industrial districts:

(.1) Soils shall be tested to confirm that contamination is below acceptable levels.

#### Animal Husbandry:

See the section entitled "Livestock" for recommended standards for these uses.

#### Fresh Food Markets, Farmers Markets and Horticulture Nursery or Greenhouse:

See the section entitled "accessory uses" for recommended standards for these uses.

### **Recommendations:**

**3.204. A** Consider adopting stand alone development standards, or conditional use standards based on the examples provided.

### **3.205 On-Site Commercial Sales:**

Parcels located in commercial zoning districts will typically permit on-site commercial sales as a by-right use. In non-commercial zoning districts, on-site retail sales are usually only permitted as an accessory to permitted agriculture uses. Non-commercial parcels frequently permit on-site retail sales if at least 50% of the items sold are grown on the same parcel.

#### Local Example: **Pennypack Farm and Education Center**



Margot Bradley, Administrative Director  
685 Mann Road  
Horsham, PA 19044  
(215) 646-3943  
[www.pennypackfarm.org](http://www.pennypackfarm.org)

*"Pennypack Farm & Education Center (PFEC) is a charitable, nonprofit educational organization dedicated to making local sustainable agriculture an important part of our community through farming, education, and community events."*

The farm began operating in 2003 and cultivates approximately 15 acres of a 26 acre open space owned by the Settlement College of Philadelphia. The Farm has a lease agreement with the Settlement College. The Farm functions as a CSA and has approximately \$300,000 in annual food sales to over 400 families.

There have been very few issues with neighbors even though residential properties are located nearby.

The biggest challenges for the farm as it has grown and expanded its programs and community activities, is that these activities were not anticipated in the initial lease agreement with the Settlement School. Since the farm has renegotiated its lease, and there have been new board members from the Settlement School, it has been time-consuming to add new activities to the lease agreement that have become important to the function and activities of the farm.

Also, as the farm has added farm structures, the status and permitting for these structure has been a grey area with the Township. It would be better if requirements were more clear-cut with the Township.

The Farm employs 3 persons year-round, 1 full time educator, ½ time administrator and 3 seasonal farmers. The Farm also has 3 apprentice interns.



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Aerial view of Pennypack Farm and education Center.

However, municipal officials report that it is difficult to quantify and regulate the amount product being grown and sold on-site.

Those that provide products for sale off-site to wholesalers, restaurants or farmers markets will encounter less restrictions from local zoning compared to those with on-site commercial sales.

#### **Recommendations:**

**3.205.A** Allow farmers markets in most districts as a primary and accessory use to small plot sustainable farm enterprises. Recommendations for zoning districts to permit farmers markets are shown in table 3-01 in the section entitled *"Permitted Uses"*.

**3.205.B** Allow fresh food markets in commercial, institutional and mixed-use zoning districts as a primary and accessory use to small plot sustainable farm enterprises. Recommendations for zoning districts to permit fresh food markets are shown in table 3-01 in the section entitled *"Permitted Uses"*.

**3.205.C** Municipalities should remove the ambiguous requirement for allowing retail sales if 50% of the products sold are grown on site. Instead, this requirement should allow retail sales under the definition provided for fresh food market or farmers market as shown in the section entitled *"Definitions"*.

#### **3.206 Temporary Retail Sales (Seasonal Farm Stands):**

Some municipalities allow the sale of agriculture products from temporary farm stands removed at a predetermined time. Temporary farm stands are usually permitted as a by-right use in commercial districts, or as an accessory use to agriculture. Districts that do not permit retail sales or agriculture uses will not typically permit temporary retail sales of agriculture products. The few municipalities that do not have concrete regulations on temporary farm stands could be subject to unintended consequences. In addition to permitting food sales, temporary sales also typically include a

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31 day permit for Christmas tree sales, and a 14 day permit for other sales such as flowers and similar holiday items.

The following are typical requirements for temporary retail sales:

“The display and sale of agricultural products shall be permitted from a temporary stand dismantled and removed at the end of the growing season or from a permanent building subject to land development procedures; provided, that:

- (1) All such products displayed for sale shall be produced on the agricultural land contiguous to said building.*
- (2) Such permanent building shall comply with the applicable zoning district setback requirements and such temporary stand shall be located at least twenty (20) feet from the curb line or cart way edge.*
- (3) A minimum of three (3) off-street parking spaces, or one (1) space for each three hundred (300) square feet of building floor area, whichever shall be greater, shall be provided behind the street line.”<sup>14</sup>*

#### **Recommendations:**

**3.206.A** Remove requirements that only permit retail sales of agriculture items produced on the same or contiguous parcels. Instead, allow farmers markets on the same lot as any small plot sustainable farm enterprise use or other agriculture use.

**3.206.B** Do not require a minimum building floor area for seasonal farmers markets. Instead, limit farm stands to 500 square feet in ground area. Do not allow more than one farm stand per property in non-commercial districts.

**3.206.C** If the municipality feels additional regulations are needed to allow temporary retail sales, the following should be considered as design standards or conditional use provisions:

- Consider issuing permits to allow Sustainable farm enterprises to establish a temporary farmers market removed at the end of the growing season, or 6-8 months. Applicants should be required to re-apply for the permit each year. Permit fees – if any – should be nominal. The Township should include an option



Seasonal farm stand. Photo courtesy of <http://athomebysteveposes.wordpress.com>

for non-renewal if the activities become unsafe, receive a high amount of neighbor complaints or for other unintended consequences that cannot be resolved.

- Consider allowing farmers markets and/or fresh food markets with the completion of an approved farm management plan. The plan should demonstrate clear evidence that the applicant can provide ample parking areas, safe vehicle access and has methods in place to offset neighbor concerns. This requirement is particularly useful to address neighbor concerns before a municipality allows the use.

#### 3.207 Temporary Agricultural Structures:

Municipalities should permit and clearly define accessory agriculture structures to differentiate permanent from temporary agricultural structures. Temporary structures such as cold frames, high tunnels, and hoop houses are critical to agricultural operations by extending spring and fall growing seasons and for the establishment of plant stock. Permanent structures such as barns and greenhouses will be regulated by dimensional requirements of the respective zoning district.

Please refer to the appendix for model definitions of agriculture structures.

The following are requirements for agriculture structures from the recently adopted City of Philadelphia zoning ordinance:

*For the purposes of this §14-604(9), an agricultural structure shall mean a structure used to grow food or non-food crops, including, but not limited to, high tunnels, cold frames, hoop houses, and green houses. L&I shall not require a zoning permit for an accessory agricultural structure erected for 180 or fewer days. All accessory agricultural structures are subject to compliance with the following:*

*(a) An accessory agricultural structure erected for 180 or fewer days (1) is permitted only in a side or rear yard, provided that the structure is set back at least 20 ft. from side and rear lot lines and (2) shall not exceed 18 ft. in height.*

*(b) An accessory agricultural structure erected for more than 180 days must*



Hoophouses are temporary agricultural structures.

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*comply with the requirements of this Zoning Code.*<sup>15</sup>

#### **Recommendations:**

**3.207.A** Do not require zoning permits for temporary agriculture structures erected for less than 180 days per year.

**3.207.B** Develop standards governing temporary agriculture structures including cold frames, high tunnels and hoop houses.

#### **3.208 Livestock:**

The keeping of livestock or animal husbandry is usually classified as an accessory use to crop agriculture. These uses are also typically subject to laws protecting the welfare of animals and nuisance laws protecting neighbors of the property. The following are examples of the various parcel size requirements for livestock in the five county area:

- City of Philadelphia: 3 acres for any livestock.
- Solebury Township: 5 acres for the first horse or cow, 1 acre for each additional horse or cow; .25 acres for sheep and goats; .1 acre for each chicken.
- West Pikeland Township: No farm animals shall be kept on lots less than 5 acres
- Limerick Township: No maximum number of animals if the lot area is at least 10 acres. On lots less than 10 acres: 2 acres for each horse, cow, pig or similar animal; 1 acre for each sheep, goat or similar animal; 10,000 square feet for every 4 poultry; 6 rabbits as an accessory to a dwelling.

The keeping of honeybee apiaries, fish (aquaculture), American bison, llamas, alpacas, mules, donkeys, ratites (Ostriches, Rheas, Emus), turkey and rabbits are often not addressed in municipal ordinances but are growing in popularity.

There are many certifications for humane products which fit the general philosophy of sustainable farm enterprises. The basic premise of all humane standards is that animals must be able to behave naturally and be in a state of physical and psychological well-being. These practices also contribute to higher quality agriculture products. However, requirements and standards can vary greatly between various certifications.



Honeybee hives. Image courtesy of Wikipedia.





Animal Welfare Approved® is one certification given to products with a high level of animal welfare. This organization provides standards developed in collaboration with scientists, veterinarians, researchers, and farmers across the globe. Municipalities should encourage sustainable farm enterprises to meet minimum standards for pasture access and the housing and shelter of animals prescribed by Animal Welfare Approved®. However, municipalities should only use Animal Welfare Approved standards as a guide and not necessarily require actual certification from such organizations. Requiring certification could be prohibitive due to costs associated with licensing and administration. Animal Welfare Approved does not provide standards or certifications for non-traditional domesticated farm animals such as yak, water buffalo, ratites, llamas, alpacas and beefalo, or traditional domesticated farm animals such as horses, mules, donkeys and honey bees.



Pennsylvania's Bee Law mandates that all apiaries register with the Bureau of Plant Industry of the Department of Agriculture. The Bureau regulates the movement of bees and bee equipment to minimize potentially-threatening pests and pathogens, and outlines steps for quarantine. Honey packing and sale are regulated by the Pennsylvania Department of Agriculture's Bureau of Food Safety.

For additional reference, please see the Cleveland, Ohio ordinance for the keeping of farm animals located in the appendix.

#### Recommendations:

**3.208.A** Permit livestock as an accessory to sustainable farm enterprises in select zoning districts.

**3.208.B** Consider permitting the following accessory livestock uses with the following acreage requirements:

- Small farm animals (rabbits) and domestic fowl (laying or broiler hens, turkey, ducks, geese): up to 8 domestic fowl/small farm animals may be kept on lots that have a minimum area of 10,000 square feet. One additional domestic fowl / small farm animal may be kept for each 1,000 square feet of lot area over 10,000 square feet.

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- Farm Animals (cows, horses, sheep, goats, and similar): One domestic farm animal may be kept on lots that have a minimum area of 20,000 square feet. One additional farm animal may be kept for each additional 10,000 square feet of lot area.

**3.208.C** Consider standards for the keeping of non-traditional farm animals such as fish (aquaculture) American bison, llama, alpaca and ratite. With the exception of aquaculture, these less-domesticated animals are better suited to ½ acre or greater parcels in low density zoning districts.

**3.208.D** Prohibit roosters on small lots due to noise or other nuisances that could arise.

**3.208.E** Consider permitting pigs in most low density zoning districts. However, prohibit piggeries defined as the keeping of pigs involving the feeding of garbage.

**3.208.F** Livestock uses shall meet latest approved standards for Animal Welfare Approved® (more restrictive), or for Humane Farm Animal Care Standards prepared by Certified Humane®. At a minimum, these uses should meet the minimum areas for pasture access, housing and shelters prescribed by Animal Welfare Approved®. Certification should not be required.

**3.208.G** Cages, pens, coops barns or similar enclosures housing animals shall not be placed in the front side or rear yard setbacks. Such enclosures shall be adequately maintained to control odor and prevent infestation. Enclosures shall be located 25 -50' from any residential use or district not in common ownership.

**3.208.H** Slaughtering for commercial purposes should only be allowed in commercial or industrial districts in accordance with state laws.

**3.208.I** Ensure that ordinances comply with federal, state and local laws for licensing, animal welfare, slaughtering and sales of animal products.

Consider standards for non-traditional farm animals.



Alpaca



Llama



American Bison



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Consider standards for the keeping of traditional farm animals on small lots.



Chickens



Dairy Cows



Goats

**3.208.J** Allow keeping of honeybees as a primary or accessory use to sustainable farm enterprises with the following requirements:

- Honeybee apiaries shall be registered with the Pennsylvania Bureau of Plant Industry of the Department of Agriculture.
- Honey packaging and sale shall be registered with the Pennsylvania Department of Agriculture's Bureau of Food Safety.
- No beehives shall be kept in a front or side yard unless a "flyaway barrier" is constructed.
- Unless otherwise permitted, hives shall not be located within 25-50' of any lot line not in common ownership, and the front of hives shall face away from neighboring properties.
- Minimum lot area shall be 10,000 square feet. One hive shall be permitted for every 2,400 square feet of lot area.
- Fences and Shrubs: A solid fence or dense hedge, known as a "flyaway barrier," at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyaway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.
- Water Supply: A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- Prohibitions: No Africanized bees may be kept on a property under the regulations of this Section.

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#### 3.209 Manure Storage:

Manure storage may be the most contentious accessory agriculture use due to the odor emitted and the potential for manure runoff onto adjacent properties or sensitive natural areas. Many zoning requirements specify that manure storage be located at least 100' from a body of water, private well, sinkhole, or public water source and 200' from any property line.

#### Recommendations:

- 3.209.A** Consider permitting manure storage closer than 200' from a property line with an approved farm management plan outlining how manure runoff will be contained. Containment may be achieved by an impermeable holding area or by providing berms around the perimeter of the property.
- 3.209.B** Manure storage setbacks to bodies of water or drinking water sources should be maintained in accordance with federal, state or local requirements.

#### 3.210 Off-Street Parking:

Sustainable farm enterprises without on-site commercial sales are typically required to provide one off-street space for each employee. In addition to providing one parking space for each employee, those with on-site commercial sales will be required to provide parking for retail customers. Typically, one space is required for every 100-300 square feet of retail sales area.

#### Recommendations:

- 3.210.A** Parking requirements for farmers markets should not be tied to the building area since this use will not necessarily require a building. Instead, parking requirements should be based on total retail sales area.
- 3.210.B** Off-street parking should not be required for urban farmers markets with retail areas of 300 square feet or less which are located adjacent to on-street street parking.
- 3.210.C** In areas without on-street parking, one off-street



Parking for temporary farmers markets can be provided over stabilized turf or crushed limestone in lieu of fully improved asphalt lots.

parking space should be provided for every 100 square feet of retail area. A minimum of 3 off-street parking spaces should be provided for any farmers market that is not located adjacent to on-street parking.

**3.210.D** Consider permitting temporary parking spaces on stabilized turf or gravel for temporary farmers markets in-lieu of fully improved asphalt lots.

**3.210.E** Encourage shared parking and cross access easements where parking and pedestrian access can be safely accommodated and accessed on adjacent sites.

#### **3.211 Hours of Operation:**

Operating requirements will vary based on type of agriculture use proposed. Municipalities have an obligation to uphold a property owner's right to quiet enjoyment while ensuring safety for all. Operating standards can be imposed on the activity conducted regardless if it is a conditional or by-right use. Operating requirements can often be found in the "supplemental regulations" section of the municipal ordinance. Establishing standard operating requirements will mitigate potential neighbor concerns while allowing those evaluating sites for sustainable farm enterprises to be more efficient when developing a business or site plan. The following operating standards are recommended:

#### **Recommendations:**

**3.211.A** Residential districts: hours of operation for on-site retail sales shall be limited to daylight hours between dawn and dusk. Lighting shall be prohibited.

**3.211.B** Residential districts: no outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.

**3.211.C** Non-residential districts: Hours of operation should not be restricted for on-site retail sales or outdoor work activities.

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#### 3.212 Setbacks for Buildings and Cultivated Areas:

The placement of structures as an accessory or primary use will be determined by the setback requirements of the zoning district where the use is located. In addition, agriculture uses may also be subject to front, side and rear yard setbacks for the cultivation of soil and / or fencing.

#### Recommendations:

**3.212.A** If setbacks are required for cultivation, ensure that they are not more than 5-10' for sustainable farm enterprises.

#### 3.213 Landscaping Requirements:

Landscaping should only be required in areas where the agriculture use must blend with the surrounding community, or to buffer a use from adjacent residences. See section entitled "*Permitted Uses*".

#### Recommendations:

**3.213.A** Landscaping should not be required for sustainable farm enterprises unless screening or buffering is required between dissimilar uses, or if the use is located in a district that emphasizes the creation of a high quality streetscape/design.

**3.213.B** Landscaping may be needed to create honeybee "flyaway barriers". See section entitled "*Livestock*".

#### 3.214 Farm Management Plans:

Farm management plans provide solutions to address possible negative effects of farming on the environment or to neighbors. These plans are typically required for large agriculture operations and should be scaled back to suit smaller sustainable farm enterprises. The goal of the plan is to disclose the type of uses proposed to anticipate methods to mitigate any adverse effects of that use. Below is an example of main points to include in a farm management plan:

*If municipalities determine that sustainable farm enterprises must prepare a management plan reviewed as part of a permit application, or through a conditional use process, the management plan must include:*



- *A site plan, including proposed lighting;*
- *Operating hours;*
- *A general description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use*
- *Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests, or other purposes they are intended for;*
- *Disclosure of the intent to spread manure;*
- *Any proposed sediment and erosion control plan;*
- *Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site;*
- *A proposed composting and waste management plan.*

*Ensure that any environmental or pesticide regulations are consistent with federal and state law and that composting, waste management, equipment use, and operating hours are addressed.*<sup>16</sup>

#### **Recommendations:**

**3.214.A** Farm management plans may be required to allow sustainable farm enterprises in zoning districts that do not currently permit agriculture uses, or for densely populated areas.

**3.214.B** Municipalities should ensure that requirements for farm management plans do not unnecessarily increase upfront engineering or administrative costs, as it could be a deterrent to those wishing to conduct these uses. If a municipality is concerned about plan requirements being too onerous, the municipality should adopt the above as standard regulations for sustainable farm enterprises.

#### **3.215 Consider Zoning Incentives to Encourage Sustainable Farm Enterprises :**

In addition to permitting and allowing sustainable farm enterprises, municipalities may wish to encourage these uses by providing incentives in their zoning ordinances.



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The City of Philadelphia recently adopted the following incentives for fresh food markets:

*14-603.7 Fresh Food Market Incentives:*

*(a) The incentives of this section are applicable to all new fresh food markets and all expansions of existing fresh food markets.*

*(b) Exemption from District Floor Area Limits:*

*In zoning districts with maximum floor area limits for retail uses, fresh food markets may exceed such floor area limits by up to 50% of lot area.*

*(c) Additional Floor Area:*

*For zoning districts that are regulated by a maximum floor area ratio in §14-701 (Dimensional Standards): Buildings containing fresh food markets are allowed one additional square foot of floor area for each square foot of fresh food market floor area included within the building, up to a maximum of 25,000 sq. ft. of additional floor area.*

*(d) Additional Building Height:*

*For zoning districts that are regulated by height in §14-701 (Dimensional Standards): Buildings containing fresh food markets may exceed the maximum building height of the subject zoning district by up to 15 ft.*

*(e) Reduced Parking:*

*The first 10,000 sq. ft. of floor area in a fresh food market is exempt from minimum off-street parking requirements.<sup>17</sup>*

#### **Recommendations:**

**3.215.A Pursue methods to incentivize developments with fresh food markets located close to population centers by allowing one or a combination of the following:**

- Increased building heights
- Increased lot and/or building coverage
- Reduced parking requirements

#### **3.216 Nuisance Ordinances:**

Nuisance ordinances couple with zoning ordinances to minimize offense, trouble, annoyance or injury that may result from agriculture uses. These ordinances typically contain regulations geared towards regulating large-scale agriculture activities such as livestock rearing and the operation of machinery. These requirements tend to inhibit small plot sustainable farm enterprise uses. Many agriculture nuisance ordinances were written to cater to the sensibilities of urban dwellers moving to the suburbs after World War



Local Example:  
**Josie Porter Farm**



6514 Cherry Valley Rd.  
Stroudsburg, PA  
Phone: 570-992-0899

The farm, envisioned by farm managers Heidi Secord and her husband Gary Bloss, RLA, PP, focuses on the legacy of Josephine Porter, who made biodynamic agriculture preparations in this country for almost three decades at this farm. Biodynamic growers recognize the soil itself to be alive and that human health and vitality depend upon the health and vitality of the soil. The concept goes beyond the term "organic." The mission of the farm is to connect people to the earth through agriculture, education and community.

The farm leases 48 acres of municipally owned open space with a primary growing area of five acres enclosed by a deer excluder fence. The Farm is home to the Cherry Valley CSA and has grown to serve over 100 families. 2012 marks the farm's sixth year of operation. Josie Porter Farm also specializes in garlic and garlic value-added products.

Housing for farmers / workers has been a challenge. Although Heidi & Gary live within a mile of the farm, housing for farm workers is dependent on nearby family and friends. Buildings have been moved to the site, including a few sheds and a small former election house which was located nearby and owned by Monroe County, and donated to the farm by the County - the township maintains ownership of these structures.

The farm plays host to educational events and festivals including Star Gazing, the annual Cherry Valley Festival, and special events such as a Monroe County Conservation District sponsored Bio-blitz. The Farm operates a Children's educational garden (and adult learning garden) and has community volunteer work days.

An irrigation system was recently installed for the primary growing area. Future plans include installation of a multi-purpose barn and the development of a non-profit learning center.

ll, and are in need of updating.

Farms located in Agriculture Security Areas are not required to comply with nuisance ordinances that unreasonably restrict farming activities.<sup>18</sup>

Nuisance ordinances can be avoided if sustainable farm activities are regulated separately from large scale agriculture via a set of detailed and clear regulations based on the examples provided earlier in this study. In addition, the municipality should adopt a procedure for enforcement and inspection. Below is a summary of enforcement and inspection requirements enacted by the City of Cleveland, Ohio. A complete copy of these regulations is located in the appendix under the cover "*Restrictions on the Keeping of Farm Animals, Cleveland, Ohio*".

- *Any person keeping animals or bees is required to apply for approval with the Department of Building and Housing on structure construction and placement, such as that of enclosures, fences, cages, coops, beehives, flyaway barriers, stables and other structures.*
- *A two-year permit must be obtained from the Department of Public Health.*
- *Neighbors are notified when a resident files an application, and are allowed to raise objections.*
- *The Director of the Department of Building and Housing has the authority to inspect properties to determine compliance.*
- *A six-month review of the effectiveness of the regulation that involves a report from the Department of Public Health and the Department of Building and Housing, as well as a "mobile tour" of select locations throughout the City where farm animals and bees are being kept in connection with licenses obtained under the ordinance.*<sup>19</sup>

#### **Recommendations:**

**3.216.A** Adopt a detailed and clear set of regulations for small plot sustainable farm enterprises based on recommendations in this study.

**3.216.B** Establish a procedure for enforcement and inspection of these regulations based on the example above.

**3.216.C** Include small plot sustainable farm enterprises as a permitted land use in agriculture security areas, where feasible.

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#### 3.300 STORMWATER:

Many agriculture uses can be conducive to the infiltration of stormwater. If designed and maintained properly, these uses offer added benefits of capturing and re-using stormwater for on-site irrigation. Agriculture uses can be especially helpful in urban areas where impervious surfaces increase water flow to combined storm and sanitary sewer systems.

The Philadelphia Water Department (PWD) recommends a coordinated approach to best handle issues relating to combined sewer overflow, stormwater management, and source water protection programs. One strategy prescribed by PWD is to charge fees based on the amount of impervious surfaces located on a property. Previously, PWD customers incurred stormwater charges based on metered water usage, and properties without water meters - such as parking lots - did not pay stormwater fees. In July, 2010 a new impervious coverage charge was instituted for non-residential properties over 5,000 square feet. This method aims to reduce stormwater flow to combined sewers by offering credits for constructing improvements that aid in stormwater infiltration.

The PWD uses the following methods to assign impervious area credits:

- Converting lawn to meadow
- Removing impervious surfaces
- Infiltration trenches
- Rain gardens
- Flow-through planters
- Disconnecting impervious surfaces
- Tree trenches
- Green roofs
- Water capture and reuse
- Extension of stormwater detention basins

The City also has several compatible tax credits available for the implementation of some methods above. One example is the "Green Roofs Tax Credit" through the municipal business privilege tax. Eligible business owners can receive credit for 25% of green roof construction costs, up to a maximum of \$100,000. In order to qualify for the credit, applicants must agree to maintain the green roof for a minimum of five years.



Walnut Hill Community Farm captures water from Septa's 46th St. station roof. With the help of SEPTA's union, they refitted pipes that now run into an 1100 gallon cistern on the site of The Walnut Hill Community Farm. The cistern is then connected to a pipe system that Philly Rooted designed. The pipes run into a mechanical water pump that is hooked up to a car battery, via a power inverter, which is powered by a 15 volt solar panel.







Rooftops can provide ideal locations for sustainable agriculture in urban locations and also help to reduce stormwater runoff.

Another program to address city stormwater issues is the Green City partnership between PWD and the Philadelphia Horticultural Society. This program used funds from the PA Department of Environmental Protection's Growing Greener program to transform vacant lots into green stormwater infiltration areas.

#### **Recommendations:**

- 3.300.A** Work with Philadelphia Water Department to develop impervious area credits for agriculture uses. These credits could be similar to those for converting lawn to meadow. Consider requiring the site to hold and capture water through re-grading, scuppers, culverts or other methods. Agriculture production should be maintained for a minimum of 5-years.
- 3.300.B** Encourage, incentivize and allow businesses to convert remote vacant sites into agriculture production to offset stormwater fees on their parcels.
- 3.300.C** Work with PWD, PHS and the PA Department of Environmental Protection to develop incentives and grant programs for removing impervious surfaces for agriculture uses.

#### **3.400 FUNDING SOURCE RESTRICTIONS:**

Public and private land acquired or improved by state, federal, county, and local governments may bear restrictions linked to specific funding sources. These restrictions can be in the form of a conservation easement or restriction, agriculture preservation restriction, historic restriction, open space restriction, wetlands restriction, or other type of deed restriction.

Some properties are protected permanently ("in perpetuity") while the protection of others expires at a specified time. Examples of finite protection include the Conservation Reserve Enhancement Program (CREP) or Conservation Reserve Program (CRP).

A constant theme emerged after dialogue with state and federal agencies that fund recreation and conservation improvements or acquisitions. Their general feeling is that it is difficult to justify permitting agricultural uses on

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state or federal lands preserved for recreation or conservation since far more taxpayer money is allocated for agricultural land protection through the PA or US Department of Agriculture.<sup>20</sup>

The section that follows examines potential funding source roadblocks to conducting sustainable farm enterprises on preserved open space parcels.

#### 3.401 Land and Water Conservation Fund (LWCF):

Established by an Act of Congress in 1964, this ongoing program provides funds and matching grants to federal, state and local governments for easements or the acquisition of land, water and wetlands for public recreation uses. Over 7 million acres were purchased with LWCF appropriations, with one third of these purchases administered by state and local governments.<sup>21</sup>

To determine if LWCF funding was used, deeds should be reviewed for the property in question. Most open space acquired or improved before 1964 predates the LWCF and will not be subject to use restrictions therein. The City of Philadelphia and many older urban areas will likely have open space that predates the LWCF. Philadelphia's Fairmount Park is one example of this situation.

The use restriction on LWCF assisted properties is a perpetual restriction, which can only be removed by an Act of Congress. However, conversions to non-recreation uses may be permitted by the Secretary (Department of the Interior) as remedies to otherwise un-resolvable situations. Conversion requests are addressed on a case-by-case bases and conversion is not a vested right of the program.

Agriculture uses are not considered public recreation unless it is a non-profit community garden. However, LWCF Section 6(f)(3) states that the Secretary of the Department of the Interior may also approve conversions to nonpublic recreational uses only if he finds it to be in accordance with the 5 year Statewide Comprehensive Outdoor Recreation Plan (SCORP).<sup>22</sup>

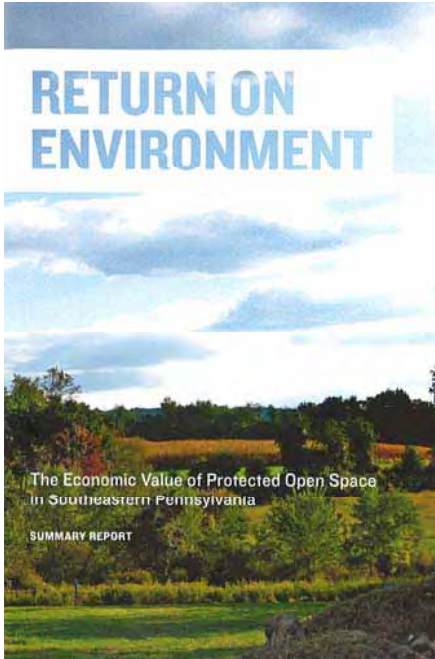
States are required to develop a new SCORP plan every 5 years to remain eligible for LWCF funding. The 2009-2013 Pennsylvania SCORP highlights the links between fresh foods and healthy eating habits through the following plan recommendations:

Example: LWCF Conversion  
Heritage Park, New York City



In 2006, the City of New York obtained permission to convert a LWCF funded City park property into a site for the new Yankee Stadium. This conversion was made possible by swapping 10.67 acres of Macomb's Dam Park (LWCF funded) with 16.77 acres in the area of the former stadium (non LWCF funded) to form a new park known today as Heritage Park.<sup>25</sup>

### 3. Recommendations



*"1.7: Identify policy and environmental needs to improve physical activity and healthy eating in parks.*

*a. Identify park practices where design, regulation or other factors constrain physical activity and healthy eating, and develop strategies to address constraints at pilot parks."<sup>23</sup>*

Showcased as a success story in the 2009-2013 SCORP One-Year Report was the 2010 "Return on Environment" study prepared by GreenSpace Alliance and DVRPC. This study advanced SCORP Goal 1 ("Strengthen Connections Between Outdoor Recreation, Healthy Lifestyles and Economic Benefits in Communities") by repositioning open open space as an economic driver. The study finds that open space in our region creates more than 6,900 jobs and \$299 million in annual earnings. Of those jobs on protected open space, 45% are associated within preserved farmland in the region.<sup>24</sup>

#### Recommendations:

**3.401.A Consider making a case for permitting limited sustainable farming activities on LWCF funded parks in the next SCORP update as a step toward removing barriers for such uses of LWCF funded lands. As part of the case-making, demonstrate positive health impacts (a SCORP goal) from healthy eating through a pilot project that allows sustainable farming on parklands.**

#### 3.402 Federal Lands:

Federal open space lands such as national parks, national historic parks and national wildlife refuges are generally subject to the same restrictions as LWCF properties. Non-recreation activities are prohibited unless approved as a part of a park management plan.

If approved, these uses are permitted provided that they fulfill landscape management objectives such as maintaining the rural character, enhancing wildlife habitat or to retain the cultural landscape.

These properties were not included in the mapping inventory for sustainable farm enterprises since there are few national recreation areas in the five county area suitable for sustainable agriculture. This is due in part to an abundance of natural, cultural or historic constraints.



### 3. Recommendations

#### 3.403 State Parks and DCNR Funded Lands:

State parks and open space properties purchased, developed or placed under easement with funds from the Department of Conservation and Natural Resources (DCNR) do not typically permit for-profit agriculture activities. Agriculture activities are not seen as critical to DCNR's mission of prioritizing lands for conservation or recreation use. DCNR's current stance on for-profit uses is that public parkland should not be used in this way since these uses might occupy areas that could be used for public recreation.

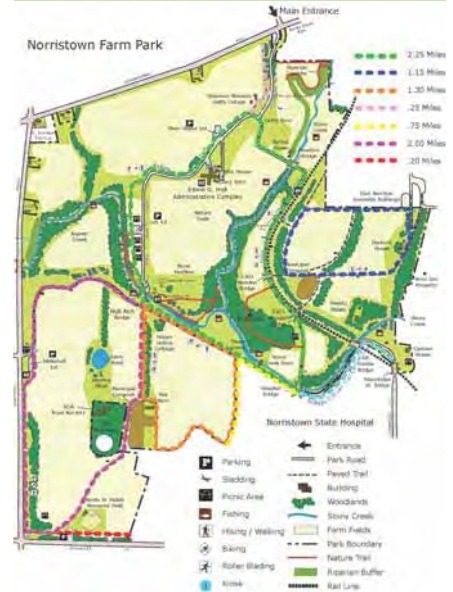
For-profit agriculture uses that enhance wildlife habitat or improve environmental functions may be permitted by DCNR under certain circumstances. For example, hay cutting to maintain open fields is permissible because it conserves habitat for certain birds and other wildlife. In addition, grazing of Highland cattle at some sites has been shown to enhance habitat for Bog Turtles. However, such cases would be the exception rather than the rule, and will only be considered on a case-by-case basis.

Non-commercial agriculture uses such as community gardens are permitted in accordance with DCNR guidelines. These guidelines generally permit public community gardens with no more than a nominal use fee. A full copy of these guidelines is located in the appendix.

#### Recommendations:

- 3.403.A** Encourage new incentives and funding programs to promote sustainable agriculture through the PA Department of Agriculture, PA Department of Community and Economic Development, and other state agencies, as appropriate.
- 3.403.B** Examine ways to convert public lands currently in traditional agricultural production to the sustainable agriculture.
- 3.403.C** Work with PA DCNR to re-examine their current policy that generally prohibits for-profit agricultural activities on DCNR funded lands to instead permit sustainable agricultural enterprise uses that enhance the environment, provide for wildlife habitat, and promote healthy communities.

Example: State Owned Land  
Norristown Farm Park



Land comprising the park was originally used by patients of Norristown State Hospital to raise crops and livestock as a method to improve mental wellbeing. Once the hospital downsized, the land was no longer needed and it was subsequently ceded to DCNR. In 1992, a lease agreement between the Commonwealth of Pennsylvania (DCNR) and Montgomery County gave the County control over the operation and maintenance of the park. This unique relationship set the framework for allowing recreational uses in concert with working farmlands on state owned land.

During development of the park's programming, the County was successful in promoting agriculture uses as a way to preserve the park's cultural heritage. Today, 80% of the park's 690 total acres are leased to a tenant farmer who maintains these areas by cultivating soybeans and feed corn.<sup>26</sup> Public access is maintained via 8 miles of trails located around the perimeter of farm fields. Notices are posted advising visitors of agriculture activities including the occasional shared use of public trails by farm equipment. Farm fields are delineated from trails through the use of fences or vegetative hedgerows. The popularity of this state owned park demonstrates that it is possible to accommodate farming and recreation enthusiasts successfully.



### 3.404 County Funding:

Many counties offer grants to municipalities, non-profits and private landowners for the preservation and improvement of significant open space properties. Preservation is often prioritized for the acquisition of properties and land uses that meet county open space planning goals. Many county agricultural conservation easement purchase programs are partially paid for by “pass-through” funds from the Pennsylvania Department of Agriculture.

Most county open space grant programs are accommodative of agriculture uses provided that public access to the property is maintained. However, this is addressed on a case-by-case basis depending on the deed restrictions specific to the property, or conditions or restrictions established by the county. For example, Chester County Farmland Preservation Program grants are limited to top ranked farms in locally adopted agricultural security areas that meet minimum acreage and agricultural use requirements.

Delaware County and the City of Philadelphia do not have open space grant programs.

### Recommendations:

- 3.404.A** The municipal open space plan should identify the need and cite the value of preserving open space for sustainable farm enterprises.
- 3.404.B** Work with county farmland preservation programs to include small plot sustainable farm enterprises.
- 3.404.C** Look for opportunities to conduct sustainable farm enterprises on lands acquired through county funding sources which tend to be more accommodative of these uses.

### 3.405 Lands with funding from the Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP):

The federal government pays farmers to take land out of agricultural production (via the Conservation Reserve Program and Conservation Reserve Enhancement Program). Since this type of preservation expires at the end of a predetermine term, there may be opportunities to use these

Example: Land Acquired with County Funding  
**Kurylo Farm, Limerick Township**



The Township owns over 350 acres of open space mostly acquired over the past 20 years with funds from the Montgomery County open space grant program. The Township's Kurylo tract was one such open space acquisition that was recently leased to a local farmer for commercial agricultural production. Although commodity crops are produced, this is a good example of County funded land used to produce agriculture products sold commercially off-site. One stipulation of the agreement is that the property must remain open to the public via a perimeter walking trail and community gardens.

### 3. Recommendations

areas for sustainable farm enterprises when their enrollment expires. In 2010, approximately 200,000 acres of farmland were enrolled in these term-limited farmland retirement programs in Pennsylvania.<sup>27</sup>

#### Recommendations:

**3.405.A** Open a dialogue with USDA to determine how WHIP (Wildlife Habitat Incentive Program) and EQIP (Environmental Quality Incentives Program) may be applicable to sustainable farm enterprise uses.

#### 3.406 Properties Preserved with Preservation / Conservation Easements and Leases (by land trusts, municipalities and others):

Properties are preserved for reasons specific to each parcel. Regulations governing future uses of the property are typically placed in the deed as restrictions or as a conditions in the case of easements. As stated earlier in this report, if agriculture is broadly defined it is subject to various interpretations. These interpretations can change with the introduction of new board members or township officials. For these reasons, it is important to anticipate and list in the deed or easement language all types of agriculture uses that may be desired on a preserved property.

#### Recommendations:

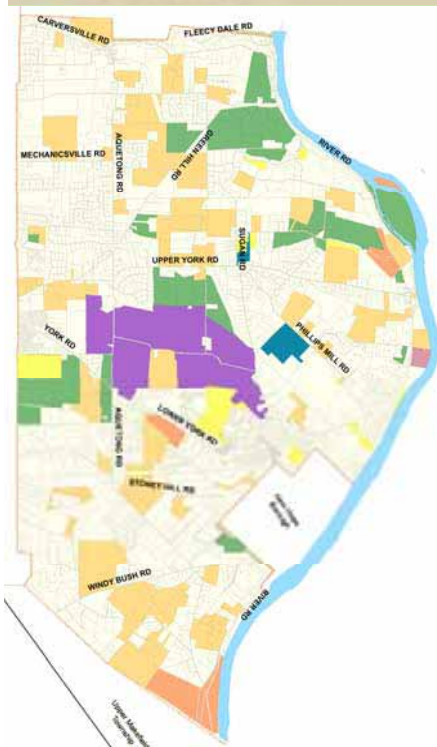
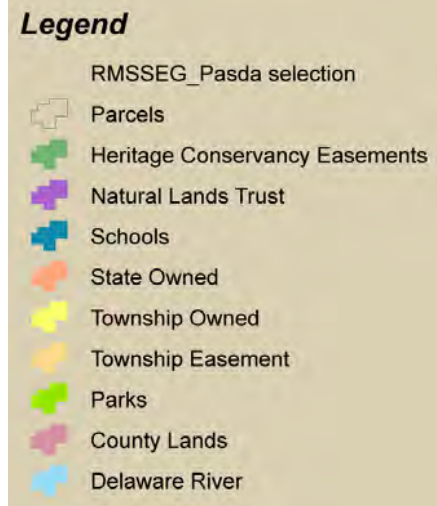
**3.406.A** Consider including sustainable farm enterprises in rankings for the potential acquisition of open space.

**3.406.B** Municipalities should include lands to be protected for agriculture / sustainable farm enterprise uses when issuing bonds or taxes for open space acquisition.

**3.406.C** Easements, deed restrictions and leases should be written to clearly permit agriculture / sustainable agriculture uses in areas that do not contain sensitive natural features. See the report section [3.214 Farm Management Plan](#) for a general list of agriculture activities to consider for inclusion.

**3.406.D** Deeds and easements should clearly state if it is permissible to lease the property to sustainable farm enterprises.

**Example: Conservation Easements Solebury Township**  
Virtually all Solebury Township conservation easements allow agriculture uses. Sensitive natural areas are set aside from the overall conservation area to provide additional protections for these areas. Agriculture is allowed in the remaining areas. An example of a typical conservation easement is included in the appendix.



Solebury Township Land Preservation Map.

### 3.500 OUTREACH AND AWARENESS

Outreach to promote awareness about the benefits of sustainable agriculture will be critical to conducting these uses in more locations. The following outreach efforts are recommended:

#### Recommendations:

- 3.500.A** Develop and implement an outreach /publicity campaign directed at local municipalities to make elected and planning officials, park commission and EAC members aware of the need for land for sustainable farming enterprises. Develop liaisons with each of the County Planning Departments to facilitate this outreach. The GreenSpace Alliance, in concert with its partners, is the logical entity to spearhead and direct this campaign.
- 3.500.B** As part of this campaign, publicize successful sustainable farming enterprises in the Philadelphia area. Seek out coverage in newspapers and electronic media.
- 3.500.C** Create an informational brochure that touts the benefits of connecting available land with sustainable commercial agricultural operations and farmers. Target this brochure toward landowners, municipalities and land conservancies. This brochure, or at least the initial draft of it, will be a direct deliverable of this study.
- 3.500.D** Seek funding and partners (especially county planning commissions), to organize and conduct workshops targeted toward municipalities and land trusts for promoting the use of preserved open space for sustainable farming enterprises.
- 3.500.E** Create an organized network of professional speakers from allied organizations DVRPC (Delaware Valley Regional Planning Commission), PASA (Pennsylvania Association for Sustainable Agriculture), NLT (Natural Lands Trust), ASLA (American Society of Landscape Architects), AICP (American Institute of Certified Planners), PHS (Pennsylvania Horticultural Society) to submit



### 3. Recommendations

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conference topics at land planning, land preservation, and professional design association conferences on the utilization of preserved open space for sustainable farming enterprises.

**3.500.F** Establish liaisons with area secondary schools and colleges to introduce / expand this initiative to those educational institutions with the goal of establishing formal programming toward creating student interest in this and related sustainable farming initiatives.

**3.500.G** Seek out interested municipal / conservancy partners to fund and establish model sustainable farming enterprises to be publicized as pilot projects for this initiative.

### CONCLUSION:

Sustainable agriculture can reinvest in underutilized land to produce human food through the application of environmentally friendly farming techniques which result in reduced energy use, enhanced food security and nutrition. This report outlines the growing interest in sustainable agriculture and identifies over 12,000 acres in our region that could be made available for these uses. Sustainable agriculture has the potential to add \$155 to \$258 million annually to our local economy, if only 15-30% of this available acreage is farmed. This report also identifies zoning and other barriers prohibitive to sustainable farming and provides recommendations for removing these barriers.





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# Appendix

## **MODEL ORDINANCES:**

Model Comprehensive Plan Language to Protect and Expand Urban (or small plot sustainable) Agriculture; Boston College Environmental Affairs Law Review

Model Comprehensive Plan Language for Urban (or small plot sustainable) Agriculture; NPLAN

Model Definitions for Agriculture Structures; NPLAN

Restrictions on the Keeping of Farm Animals; City of Cleveland, Ohio

## **MODEL GUIDELINES:**

Policy Statement on Community Gardens; DCNR

Community Garden Benefits, DCNR

Community Garden Guidelines, DCNR

Sample Community Garden Rules, DCNR

Sample Community Garden Registration Form; DCNR

## **MODEL CONSERVATION EASEMENTS:**

Model Conservation Easement, PALTA

## **GENERAL:**

Fairmount Park Organic Recycling Center; Philadelphia Parks and Recreation

## **FOCUS GROUP MEETING NOTES:**

Solebury Township Focus Group

Limerick Township Focus Group

West Pikeland Township Focus Group

City of Philadelphia Focus Group

Middletown Township Focus Group



B. *Model Comprehensive Plan Language to Protect and Expand Urban Agriculture*

Background: Because the City of Compostville recognizes urban agriculture as a desirable activity that creates a more livable community, we state the following goals and objectives:

Goal: Encourage the use of urban agriculture in Compostville as a means of increasing access to healthy, local, and affordable foods, encouraging the productive use of vacant land, and opening up more agriculture-based business opportunities.

- Objective: Encourage appropriate agricultural uses of urban land.
- Policies/Actions:
  - Adopt zoning regulations that clearly define urban agriculture to include the cultivation of fruits, vegetables, flowers, nuts, and like products, as well as raising farm animals.
  - Adopt zoning regulations that discourage health and nuisance hazards sometimes associated with agricultural activities, which may include setback requirements, yard size requirements, complaint procedures, or permitting procedures.
  - Appoint a government employee in an appropriate agency who can serve as the point person on urban agricultural questions for residents.
- Objective: Promote more widespread use of urban agriculture.
- Policies/Actions:
  - Identify additional zoning districts that would be appropriate in which to allow urban agriculture.
  - Expand community gardening opportunities.
- Objective: Encourage residents to use urban agriculture as a tool for economic development.
- Policies/Actions:
  - Adopt zoning regulations that allow urban agriculture as a home occupation in appropriate districts.
  - Allow the on-site and off-site sale of products from urban agriculture where appropriate.

# Model Comprehensive Plan Language for Urban Agriculture

The following comprehensive plan language establishes a land use policy to promote urban agriculture as an important community feature. The language is designed to be tailored to the needs of an individual community. The local jurisdiction will need to determine where to add the language to its existing plan and/or include it during a comprehensive plan update, make other amendments as necessary for consistency, and follow the appropriate procedures for amending and adopting comprehensive plans. Language written in italics provides different options or explains the type of information that needs to be inserted in the blank spaces in the policy. “Comments” describe the provisions in more detail or provide additional information.

More information about comprehensive plans and healthy land use planning can be found in PHLP’s “How to Create and Implement Healthy General Plans.” Available at: [www.phlpnet.org/healthy-planning/create\\_implement\\_gp](http://www.phlpnet.org/healthy-planning/create_implement_gp).

**Goal 1: Protect existing and establish new urban agriculture sites, including home gardens, community gardens, and urban farms as important community resources that improve healthy food access and food literacy; build social connections; offer recreation, education, and economic development opportunities; and provide open space and a source of local food.**

**Objective 1a: Ensure that urban agriculture can flourish on public and private property, where appropriate, throughout the [jurisdiction].**

## Policies:

- [The Planning Department/responsible entity] will identify and eliminate any zoning, design, or other restrictions on home gardens and edible landscaping on residential properties, including [single-family, multifamily, and residential mixed use].
- Adopt zoning regulations that establish community gardens as a permitted use in appropriate locations. Community gardens are compatible with the [insert names (e.g., Residential, Multifamily, Mixed Use, Open Space, Industrial, Public Facility)] land use designations shown on the [Comprehensive Plan land use map].
- Adopt zoning regulations that establish urban farms as a conditional [or permitted] use in appropriate locations. Urban farms are compatible with the [insert names (e.g., Commercial, Industrial)] land use designations shown on the [Comprehensive Plan land use map].
- [The Planning Department/responsible entity] will identify existing and potential community garden sites on public property, including parks, recreation and senior centers, public easements and right-of-ways, and surplus property, and give high priority to community gardens in appropriate locations.
- [The Planning Department/responsible entity] will identify existing and potential urban farm sites within the community (including on private and public land), and remove regulatory barriers to developing urban farms where appropriate.
- In collaboration with relevant [jurisdictional] agencies as well as private and nonprofit stakeholders, develop an Urban Agriculture Plan for the [jurisdiction] that 1) identifies and inventories potential urban agriculture sites,

2) recommends policy and programmatic revisions as appropriate, and 3) sets forth specific actions to support and expand urban agriculture, including home gardens, community gardens, and urban farms.

**COMMENT:** The policy to develop an “Urban Agriculture Plan” might seem redundant given the other detailed policies presented here, but we offer this as an additional option for communities to consider as they update their comprehensive plans. Some jurisdictions may prefer to develop a topical plan (similar to an open space plan or pedestrian master plan) specifically focusing on urban agriculture, rather than tackle all the relevant policies and actions for urban agriculture in their comprehensive plan. For example, the City of Alameda, Calif., is currently developing an “Urban Farm and Garden Plan.” However, the legal weight of policies not adopted as part of the comprehensive plan may be less than if they were included there. Communities should weigh the pros and cons of each option.

### **Objective 1b: Distribute urban agriculture resources equitably throughout the community.**

#### **Policies:**

- [The Planning Department/responsible entity] will identify neighborhoods that are underserved by open space and healthy eating opportunities, including access to existing urban agriculture resources.

**COMMENT:** Communities should undertake an assessment of existing conditions relevant to urban agriculture, such as existing urban agriculture sites, parks, and open space, and nutrition-related health data, such as food insecurity. Such an assessment could be undertaken as part of the existing conditions analysis for a comprehensive plan or as a future action (including as part of an urban agriculture master plan). Understanding where needs are greatest will help direct public resources to be most beneficial. The lead or responsible implementing partner may be the planning department, or it may be another public or private partner, such as the local health department.

- Establish a standard for the creation and operation of one community garden of no less than [one] acre for every [2,500] households.

**COMMENT:** The standard presented here is based on Seattle’s standard – one community garden per 2,500 households.<sup>63</sup> This standard matches closely the National Recreation and Park Association’s widely used best practice standards for a neighborhood park or tot lot (1/2 acre per 2,500 households for a tot lot; 1 acre per 5,000 households for a neighborhood park<sup>64</sup>). Other options for standards could be distance-based (such as developing a community garden within one-quarter to one-half mile of all residences). Distance-based standards may not account for differences in residential density throughout a community, however, and communities that are more or less urban will need to assess which standard is appropriate for them.

- Identify development incentives, grants, and other sources of funding for developing new urban agriculture sites.
- Prioritize the development of new urban agriculture sites in low-income and underserved neighborhoods.

### **Goal 2: Maximize opportunities to incorporate urban agriculture into new development.**

#### **Objective 2a: Ensure that new development includes opportunities for urban agriculture, including rooftop and home gardens, community gardens, and urban farms, where appropriate.**

#### **Policies:**

- Amend [zoning and/or subdivision codes] to encourage [or require] all new housing units [or multifamily housing units] to contain designated yard, rooftop, or other shared space for residents to garden.
- Amend [zoning and/or building codes] to encourage [or require] all [or some, such as multifamily residential, commercial, institutional, or public] new construction to incorporate green roofs and edible landscaping, and encourage the use of existing roof space for community gardening.

**COMMENT:** Communities should ensure that building codes address safety concerns, including appropriate fencing and added load weight, when permitting roof gardens.

- Community gardens shall count towards park and open space allocations required by [*reference state or local law requiring park or open space allocations for new subdivisions and multifamily development*].

**COMMENT:** Some states require, or permit local governments to require, developers to dedicate land or pay fees (in lieu of dedicating land) for park and recreation purposes as a condition for approval of the development. For example, the Quimby Act is a California law that authorizes cities and counties to pass ordinances requiring developers to dedicate land or pay in lieu fees, or a combination of both, for park or recreational purposes as a condition to approving a tentative map application for the development.<sup>65</sup> The Quimby Act requires setting aside between three and five acres of the land to be developed for every 1,000 new residents generated by the proposed development.<sup>66</sup>

### Goal 3: Promote urban agriculture through ongoing programming and partnerships.

#### Objective 3a: Establish partnerships and initiatives with public agencies and private and nonprofit groups that expand urban agriculture throughout the [jurisdiction].

##### Policies:

- Designate a Community Gardening Coordinator within the [*Parks and Recreation Department*] to support existing and assist in the creation of additional community gardens.
- The [*Community Gardening Coordinator/local food policy council*] will identify opportunities to increase support for community gardens and urban farms through partnerships with other governmental agencies and private institutions, including school district(s), neighborhood groups, senior centers, businesses, and civic and gardening organizations.

**COMMENT:** Communities with active food policy councils may choose to identify the food policy council or its lead agency/organization as the implementing partner for several of these policies.

- The [*Community Gardening Coordinator*], in collaboration with relevant partners, will develop a streamlined process to apply for and access public land for urban agriculture through long-term leases on City-owned land.
- The [*jurisdiction*] will seek to secure additional urban agriculture sites through long-term leases or other mechanisms on land owned by nonprofit organizations and public or private institutions like universities, colleges, school districts, hospitals, and faith communities.
- Encourage local law enforcement agencies to recognize the risk of vandalism of and theft from community gardens and urban farms and provide appropriate surveillance and security.
- The [*Community Gardening Coordinator/local food policy council*], in collaboration with relevant partners, will identify additional regulatory or programmatic changes that could support the expansion of urban farms and community gardens as engines of local food system economic development and activity, such as establishing community kitchens, promoting shared use (or joint use) of school and community-based organizations' commercial kitchens, and conducting outreach on safe food-handling and sustainable-growing practices.

<sup>63</sup> City of Seattle, Department of Planning and Development. *City of Seattle Comprehensive Plan, Urban Village Appendix*. 2005, p. UV-A5. Available at: [www.seattle.gov/DPD/cms/groups/pan/@pan/@plan/@proj/documents/Web\\_Informational/cos\\_004485.pdf](http://www.seattle.gov/DPD/cms/groups/pan/@pan/@plan/@proj/documents/Web_Informational/cos_004485.pdf).

<sup>64</sup> Lancaster R (ed). *Recreation, Park and Open Space Standards and Guidelines*. Ashburn, VA: National Recreation and Park Association. 1990; and see also Mertes J and Hall J (eds). *Park, Recreation, Open Space and Greenway Guidelines*. Ashburn, VA: National Recreation and Park Association. 1996, Tables D1.2, D1.3, D1.4, D1.5 and D1.6.

<sup>65</sup> Cal. Govt. Code § 66477 (West 2009).

<sup>66</sup> The formula to calculate a proposed development's requirement under the Quimby Act is as follows:

(persons per household)\* X (number of units in development) X (3 to 5 acres per 1,000 residents)\*\*

\* Estimates for "persons per household" can be found in the housing element of a city or county's general plan or via the census website, available at: [www.census.gov](http://www.census.gov)

\*\* Specific acreage requirements will be determined by local ordinance.

INCIDENTAL AND ACCESSORY USES

	Home Garden	Community Garden	Urban Farm
<b>Structures</b>	Structures are permitted as regulated in the underlying zoning district.	<p>Definitions:</p> <p>A <b>greenhouse</b> shall mean a temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.</p> <p>A <b>hoophouse</b> shall mean a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape, for the purposes of growing plants.</p> <p>A <b>cold frame</b> shall mean an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.</p> <p>Only the following accessory uses and structures shall be permitted: <i>[sheds for storage of tools limited in size to _____] or subject to the requirements of section _____</i>, greenhouses, hoophouses, and cold frames, in which plants are cultivated, benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, <i>[beehives, chicken coops, barbecue grills, outdoor ovens, and children’s play areas]</i> shall be permitted. The combined area of all buildings or structures shall not exceed <i>[15 percent]</i> of the garden site lot areas.</p>	<p>Definitions:</p> <p>A <b>greenhouse</b> shall mean a temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.</p> <p>A <b>hoophouse</b> shall mean a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape, for the purposes of growing plants.</p> <p>A <b>cold frame</b> shall mean an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.</p> <p>Only the following accessory uses and structures shall be permitted:</p> <ul style="list-style-type: none"> <li>• Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, garden art, rain barrel systems, <i>[chicken coops, beehives, and children’s play areas]</i>;</li> <li>• Greenhouses, hoophouses, cold frames, and similar structures used to extend the growing season;</li> <li>• Buildings, limited to tool sheds, shade pavilions, restroom facilities with composting toilets, planting preparation houses and <i>[barns]</i>, in conformance with <i>[reference regulations or requirements relating to building and setback standards here]</i>, <i>[provided that maximum lot coverage of all buildings, structures, and paved areas does not exceed [15 percent] of the farm lot area]</i>.</li> </ul>



**INCIDENTAL AND ACCESSORY USES**

	Home Garden	Community Garden	Urban Farm
<b>Structures con't.</b>		<p><i><b>Comment:</b> Some communities may wish to allow community gardeners to erect sheds for the storage of tools on garden sites. The municipality should make sure that any provision regarding sheds conforms to state and local building laws.</i></p>	<ul style="list-style-type: none"> <li>• Roadside stand, farm stand: The stand may not be permanently affixed to the ground and must be readily removable in its entirety.</li> <li>• The maximum area of a roadside stand shall be [300] square feet in ground area. No more than one roadside stand is allowed on any one premise.</li> <li>• Off-street parking and walkways, in conformance with [reference regulations or requirements related to parking and walkways here].</li> </ul> <p><i><b>Comment:</b> Erection of buildings or other structures is governed by state and local building laws. The municipality should make sure that any provision regarding structures conforms to other applicable laws (e.g., allowing annual or biannual sales as a fundraiser).</i></p>
<b>Signage</b>	No signage permitted.	<p>Any signs shall comply with applicable [City/County] ordinances.</p> <p><i>Alternative:</i></p> <p>[One] unilluminated sign not exceeding [six square feet or three feet in height] in conformance with the regulations of [reference other sign laws or requirements].</p> <p><i><b>Comment:</b> Sign requirements may raise First Amendment issues. Be sure to consult with your local government attorney on sign requirements.</i></p>	<p>Any signs shall comply with applicable [City/County] ordinances.</p> <p><i>Alternative:</i></p> <p>Allowed [one] temporary, unilluminated sign not exceeding [six square feet or three feet in height] is permitted on-site, in conformance with the regulations of [reference other sign laws or requirements].</p> <p><i><b>Comment:</b> See signage comment under "Community Garden."</i></p>



**City of Cleveland**  
**Zoning Code Update**

Effective Date: February 5, 2009

**347.02 Restrictions on the Keeping of Farm Animals and Bees**

**347.02 Restrictions on the Keeping of Farm Animals and Bees**

**(a) Purpose.** The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

**(b) Chickens, Ducks, Rabbits and Similar Animals.** The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations.

**(1) In Residential Districts.** In Residential Districts, the following regulations shall apply.

- A. **Number.** No more than one such animal shall be kept on a parcel of land for each 800 square feet of parcel or lot area. For a standard residential lot of 4,800 square feet, this regulation would permit no more than a total of six (6) such animals.
- B. **Setbacks.** The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within five (5) feet of a side yard line nor within eighteen (18) inches of a rear yard line, except where the rear lot line forms the side lot line or front lot line of an abutting property, in which case the setback from such rear lot line shall be five (5) feet. No animals shall be kept in required front yard or side street yard areas.
- C. **Prohibitions.** No roosters, geese or turkeys may be kept in a Residential District except on a parcel that is at least one (1) acre in area and only if the coop or cage housing the bird(s) is at least one hundred (100) feet from all property lines. For parcels greater than one (1) acre in area, one (1) additional such bird may be kept for each 24,000 square feet in excess of one (1) acre. No predatory birds may be kept on any property under the regulations of this Section.
- D. **Coops and Cages.** All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.

E. Enclosures and Fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

**(2) In Non-Residential Districts.** In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of such animals shall be limited to one (1) animal for each four hundred (400) square feet of lot area.

**(c) Goats, Pigs, Sheep and Similar Animals.** The keeping of goats, pigs, sheep and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations.

**(1) In Residential Districts.** In Residential Districts, no goats, pigs, sheep or similar farm animals shall be kept on a parcel of land less than 24,000 square feet in area. For a parcel that is at least 24,000 square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional 2,400 square feet of area. Stables or other enclosures for such animals shall not be permitted in front yards or in side street yards and shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

**(2) In Non-Residential Districts.** In zoning districts other than Residential Districts, no goats, pigs, sheep or similar farm animals shall be kept on a parcel of land less than 14,400 square feet in area. For a parcel that is at least 14,400 square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional 1,200 square feet of area. Stables or other enclosures for such animals shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

**(3) Prohibitions.** No horses, cows, alpacas, llamas or similar animals shall be kept on a property except in areas specifically designated for the keeping of such animals.

**(d) Bees.** The keeping of bees, and associated beehives, shall be governed by the following regulations.

**(1) In Residential Districts.** In Residential Districts, the following regulations shall apply.

- A. Number. No more than one (1) beehive shall be kept for each 2,400 square feet of lot area, and no beehive shall be kept on a lot less than 2,400 square feet in area.
- B. Location and Setbacks. No beehive shall be kept closer than five (5) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.
- C. Fences and Shrubs. A solid fence or dense hedge, known as a “flyway barrier,” at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.
- D. Water Supply. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- E. Prohibitions. No Africanized bees may be kept on a property under the regulations of this Section.

**(2) In Non-Residential Districts.** In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of beehives shall be limited to one (1) for each 1,000 square feet of lot area.

**(e) Lots Without a Residence.** Notwithstanding the provisions of Section 337.23 regarding Accessory Uses, farm animals or bees may be kept on a lot that is vacant or has no occupied residence but only if the applicant for such activity submits written documentation to the Director of Public Health, in accordance with the provisions of Section 205.04, demonstrating that the use will be managed in a manner that prevents the creation of nuisances or unsanitary or unsafe conditions.

**(f) Sanitation and Nuisances.** Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

**(g) Animal or Bird Noise.** It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.

**(h) Slaughtering of Animals.** Chickens, ducks, rabbits and similar small animals may be slaughtered on site only inside a garage or other building and only if for use by the occupants of the

premises and not for sale. No other farm animal may be slaughtered on site.

**(i) Application to Building and Housing Department.** Anyone proposing to keep farm animals or bees on a property in the City of Cleveland or to expand such use shall apply for approval from the Department of Building and Housing, which shall determine if the application is in compliance with regulations regarding construction and permitted placement of enclosures, fences, cages, coops, beehives, flyway barriers, stables and other structures used in the keeping of farm animals or bees and whether the property is occupied by a condemned building.

(1) Contents of Application. The application shall include the information required by the provisions of division (a) of Section 205.04.

(2) Building Permits. A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops or beehives that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height; and no Permit shall be required for a “flyway” barrier not exceeding six (6) feet in height and six (6) feet in length.

**(h) Application to Public Health Department.** In accordance with the provisions of Section 205.04, anyone proposing to keep farm animals or bees on a property in the City of Cleveland shall apply for a two-year license from the City of Cleveland through its Department of Public Health on a form provided by that office.

**(i) Building Conditions.** The keeping of farm animals or bees shall not be permitted on a property occupied by a building that has been condemned by the Department of Building and Housing.

**(j) Enforcement.** The Director of the Department of Building and Housing or the Director’s designee shall have the authority to inspect any property to determine compliance with the regulations of this Section regarding the construction and permitted placement of enclosures, fences, cages, coops, beehives, stables and other structures used in the keeping of farm animals or bees and shall have the authority to enforce the regulations of this Section as they apply to such matters. The Department of Public Health shall have the authority to enforce regulations of this Section in accordance with the provisions of Section 205.04.

**(k) Variances.** The Board of Zoning Appeals may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this Section.

**(l) Definitions.** Terms used in this Section shall have the meanings assigned to them in the

following definitions.

**(1) Farm Animal.** “Farm animal” means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not an “exotic animal” as defined in Section 603A.02 and is not a house pet such as a dog, cat or similar animal.

**(2) Coop and Cage.** “Coop” and “cage” mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.

**(3) Enclosure.** “Enclosure” means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.

**(4) Predatory Bird.** “Predatory bird” means an owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.

**(5) Similar Animal.** Any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts on nearby properties, including noise, odors, safety hazards or other nuisances.

**(m) Review and Expiration.** Not later than six (6) months after the effective date of this section, the Department of Public Health and the Department of Building and Housing shall submit a report to City Council listing any public complaints received and any enforcement actions taken during the first six (6) months after the effective date of this section relative to the keeping of farm animals or bees in accordance with the regulations of this section. Upon receiving this report from the Director of Public Health, City Council members shall conduct a mobile tour of select locations throughout the City where farm animals and bees are being kept in connection with licenses obtained under this ordinance. City Council shall use this report to make a determination on the effectiveness of the regulations. This section shall expire and be of no further force and effect twelve (12) months after the effective date of this section.

**COMMONWEALTH OF PENNSYLVANIA**  
**Department of Conservation and Natural Resources**

***Bureau of Recreation and Conservation (BRC)***

**SUBJECT:** Community Gardens

**EFFECTIVE DATE:** June 1, 2011

**BACKGROUND:** Park and recreation departments are at a crossroads of changing the way in which the community views the contribution of public lands for the good of the community. The addition of a community garden can increase the perceived environmental value of a park, provide an example of green and sustainable practices, and provide recreational and rehabilitative benefits.

Community gardens can be urban, suburban, or rural and can be considered a recreational activity when established in a park and meeting the below policy. Community gardens provide a service for residents and can be used to grow flowers, vegetables and fruit. They can be one community plot, or can be many individual plots of various sizes; and they are for individual household use.

**DCNR POLICY STATEMENT:** On lands acquired or developed with DCNR-administered state or federal funding, community gardening is a permissible use of parkland as it is viewed as a form of outdoor recreation. It must be performed in a non-discriminatory manner and open to all residents and non-residents. It is for individual household use, with the products of the garden not being grown for sale.

Please view the following links:

Community Garden Benefits  
Sample Community Garden Guidelines  
Sample Community Garden Rules  
Sample Community Garden Registration Form

**TOOLS**

The Department offers the following links that may be helpful resources.

American Community Garden Association, Starting A Community Garden-  
<http://www.communitygarden.org/learn/starting-a-community-garden.php#insurance>

National Gardening Association- <http://assoc.garden.org/>

Philadelphia Horticultural Society, Community Gardens & City Harvest-  
<http://pennsylvaniahorticulturalsociety.org/phlgreen/current-communitygardens.html>

Neighborhood Gardens Association/A Philadelphia Land Trust- <http://ngalandtrust.org/>

National Recreation and Park Association. *Grow Your Park Initiative. Building A Community Garden In Your Park: Opportunities for Health, Community, and Recreation.* View the handbook by clicking on the following link <http://www.nrpa.org/garden/> (at the bottom of the webpage is a link to the pdf document).

This policy remains in effect until revised or rescinded.



## Community Garden Benefits

- **Heath gains:** support healthier lifestyles including decreased stress and improved nutrition, physical fitness and sense of wellbeing.
- **Education:** serve as an opportunity for gardeners to learn practical job skills, life skills, and experience stewardship/environmental responsibility.
- **Economic:** can be a nutritional food source for families to save money.
- **Environmental:** filter rainwater, helping to keep lakes, rivers and groundwater clean.
- **Cultural:** can expose new generations to cultural traditions, promote intergenerational learning, and provide the opportunity for people of diverse ethnic backgrounds to work together on a common goal.
- **Community building:** fosters community awareness and engagement.
- **Youth engagement:** provide opportunities for youth to gain appreciation of the natural world and to learn how to interact with others in a socially meaningful and physically productive way.
- **Crime prevention:** increase eyes on the streets, provide opportunities to meet neighbors, increase sense of ownership, and give youth a safe place to interact with peers.
- **Urban improvements:** can provide needed green space to promote awareness of natural environments in an urban setting.
- **Strengthened governance:** provide an opportunity to improve communication and cooperation between government and citizens.

## Sample Community Garden Guidelines

*These guidelines can be used for creating community gardens on lands acquired with DCNR funding as well on lands not acquired with DCNR funding.*

- Sample Registration Form [click here](#).
- Sample Garden Rules and Regulations [click here](#).
- **Keys to success:**
  - community involvement in the process at every step to guarantee the community will be happy with the finished result;
  - a good, uninterruptible water supply;
  - a prominent location where people can see the garden night and day;
  - built in a location where there is strong existing or potential demand;
  - a knowledgeable volunteer or a support group of volunteers who know gardening and who are willing to share their knowledge;
  - host special events in the garden and invite the media to build a strong constituency;
  - ensure safety and accessibility
- A community garden **bulletin board** is a great way to communicate with gardeners. Along with the bulletin board, make a sign for the garden. Let people know to whom the garden belongs and that it is a community project.
- **Plot size** can range from 8 x 10 feet up to 30 x 30 feet larger or smaller depending on space and demand. Consider offering a variety of plot sizes to accommodate different needs. A garden map outlining the plots available for rent and their associated plot number is useful for interested gardeners to choose the plot location they are interested in renting.
- **Fees** associated with renting a garden plot may depend on the size of the plot, the maintenance required, operational costs, and amenities provided to gardeners. Typical fees range between \$0 - \$50/garden plot/year. Fees can be based on a sliding scale system that determines a rate based on family size and income. Sometimes a “clean-up deposit” may also be requested and is returned at the end of the growing season after all stakes, fencing, large weeds and plants, etc. have been removed from an individual's plot. Fees are generally used to maintain or improve the garden site.
- **Amenities** made available to gardeners can include: gardening tools, water, organic compost, seed packets; restroom facilities, trash receptacles, programs on gardening (gardening basics, how to grow an organic garden, healthy garden soil, etc.), etc.
- A **maintenance schedule** should be developed and posted so gardeners know when site maintenance activities will be done, who is responsible for certain garden “chores”, and when the growing season opens and closes.
- Produce that is grown within the garden plot must be for individual, household use, not be for commercial use and not to be sold. However, excess food grown in the garden may be donated to local food banks or shelters.

- Community garden plots can be used as a **programming** tool for children to help facilitate a connection to the land. Children will gain an understanding of where their food comes from, how it is grown, and how it can be prepared into healthy meals.
- **“Children’s garden”** plots. Children included in the garden process become champions of the cause. The "children's garden" can help market your idea to local scout troops, day cares, foster grandparent programs, church groups, school groups, etc. Consider offering free small plots in the children's garden to children whose parents already have a plot in the garden.
- **Garden volunteers.** Depending on the structure of the community garden program, your organization may decide to allow gardeners to volunteer for specific tasks to keep the program running. If a volunteer program will be created, include a section on the registration form for gardeners to pick which general chores they are willing to participate in during the gardening season. Chores can include: site maintenance, phone calls, mailings, assigning plots, path maintenance, construction projects, watering, annual planting, fall cleanup, composting, social events, etc.
- **Liability waivers.** One basic step that should always be taken when a gardener signs up for a plot. Parks departments may want to review their current policies and do a general risk assessment to determine whether additional insurance coverage is desirable.
- **Have questions?** Although the Department does not endorse the following organizations and their materials, the material is provided for reference. Contact the American Community Garden Association, who has been doing community gardens for over 30 years. Many of the past and current board members are involved with parks and recreation programs and can help answer your questions. Here is their email address: [info@communitygarden.org](mailto:info@communitygarden.org).

#### **Resources and additional information:**

American Community Garden Association, Starting A Community Garden-  
<http://www.communitygarden.org/learn/starting-a-community-garden.php#insurance>

National Gardening Association- <http://assoc.garden.org/>

Philadelphia Horticultural Society, Community Gardens & City Harvest-  
<http://pennsylvaniahorticulturalsociety.org/phlgreen/current-communitygardens.html>

Neighborhood Gardens Association/A Philadelphia Land Trust- <http://ngalandtrust.org/>

National Recreation and Park Association. *Grow Your Park Initiative. Building A Community Garden In Your Park: Opportunities for Health, Community, and Recreation.* View the handbook by clicking on the following link <http://www.nrpa.org/garden/> (at the bottom of the webpage is a link to the pdf document)

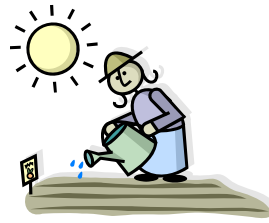
# Sample Community Garden Rules

*The following rules are a guide designed to ensure that gardeners have a pleasant and productive season. Please take a moment to review them.*

There are multiple ways that community gardens can be operated; in some instances, examples are given of the various options.

1. The (*organization's name*) is providing this garden space as a courtesy to the public and all gardeners use this space at their own risk. The (*organization's name*) assumes no responsibility or liability for use of this space, and is not responsible for vandalism or theft.
2. Garden plots are limited to one per each household; individual household must sign up individually. Plots are not available for use by groups of people, clubs or organizations.
3. Garden plots are for personal and household use only; they are not for commercial use, in any fashion, where fees are charged for items grown or where material grown in the plots is given away.
4. Plots are rented on a first-come first-serve basis, on a yearly basis with no preference given to plot choice. **OR** Assignment of garden plots will be awarded by a lottery system. **OR** Preference for next year's plots may be given to this year's participants first.
5. Plot fees are due in full before the garden season begins. Failure to pay the required fee by the deadline will result in the loss of preference for a particular plot or, potentially, the loss of the availability of any plot.
6. The garden area is open dawn until dusk, seven days a week.
7. Tools will be made available for use during the regularly scheduled work time each week. A limited number of tools, hoses and watering equipment will be available in the community garden storage bin for use during non-scheduled work times. Regularly scheduled work times will be posted on the garden bulletin board. Each gardener will be given one key to the garden and the storage bin for access to tools and watering equipment. Gardeners are responsible for bringing that key each time they work in the garden. Keep garden gate and storage bin locked at all times and return all tools. **OR** Tools, supplies, and related gardening equipment left at a garden plot site are left at your own risk and must be left in a tidy manner and within your plot limits. **OR** Gardeners must bring all of their own supplies.
8. Children under 18 are welcome in the garden but must be accompanied by an adult and must be supervised at all times.
9. All plots must be actively used by (*date*). Plots will be inspected by (*date*) and warning letters sent to a gardener whose plot is not in use. Plots that appear to not be not in use by (*date*) may be declared abandoned and offered to the next person on the waiting list. **OR** Garden plots should be cared for at least once a week. It is the gardener's responsibility to notify the coordinator if he or she is not able to care for their plot in any given week. If any plot remains unattended for more than three weeks that plot is subject to reassignment.

10. Please dispose of weeds and plant materials in designated compost area. Trash and litter must be placed in provided receptacles.
11. Plots will be inspected at least two other times during the year. Plots that are excessively weedy or appear abandoned will receive warning letters. If no action is taken within 2 weeks, the plot may be declared abandoned and offered to the next available person on the waiting list.
12. Gardeners who have abandoned a plot may not rent a new one until the following gardening season.
13. Gardeners are encouraged to use best cultural practices, and may only use insecticidal soap or other organic measures to control insects. Using herbicides and black plastic mulch is prohibited.
14. Harvest only from your assigned plot.
15. Plot corners are clearly marked with stakes; these are not to be removed.
16. Individual fencing of plots is allowed but it must be made of chicken wire or other open mesh materials that allow light transmission. Keep fences and structures under 6' in height. Fencing must go on the inside of the officially marked plot boundaries.
17. Do not plant very tall or sprawling plants where they will interfere with your neighbor's garden.
18. Structures (such as fencing) may be left up over the winter if you intend to renew your garden lease. The garden should be left neat for the winter. Weeds and dead plants should be put in areas designated for compostable materials. **OR** Temporary and ornamental structures must be removed at the end of the growing season so the land can be tilled and prepared for the next growing season.
19. Please do not block garden paths with vehicles, equipment, or debris.
20. Please conserve the use of water. Mulching with leaves, grass clippings, or hay to reduce water evaporation is encouraged.
21. The bulletin board is a way for all of us to stay in touch. Please use it for any garden-related purposes.
22. No burning of any kind.



## Sample Community Garden Registration Form 2011 Garden Plot Program

Name:

Mailing Address:

Phone:

The plot rental fee is \$\_\_\_\_. A clean-up deposit of \$\_\_\_\_ is required before the plot can be assigned. Please make check payable to (*organization's name*).

CHECK HERE TO REQUEST A GARDEN PLOT

OPTIONAL: REQUEST SPECIFIC PLOT #: \_\_\_\_\_

(NOTE: We cannot guarantee you will get a specific plot, but we will take your request into consideration.)

CHECK HERE TO **RESIGN** YOUR PLOT AND REQUEST THE RETURN OF YOUR \$\_\_\_\_ CLEAN-UP DEPOSIT

**REMEMBER, TO RECEIVE YOUR DEPOSIT YOU MUST CLEAN YOUR PLOT OF ALL STAKES, FENCING, LARGE WEEDS AND PLANTS, ETC.**

I agree to follow by the Rules and Regulations of the Garden Plot Program

Please sign here: \_\_\_\_\_ Date: \_\_\_\_\_

IF YOU HAVE ANY QUESTIONS PLEASE CALL:

MAIL THIS COMPLETED FORM ALONG WITH YOUR CHECK TO:

THANK YOU FOR YOUR PARTICIPATION!

Prepared by:

Name:  
Address:  
Telephone:

Return to:

Name:  
Address:

Tax Parcel(s):

## MODEL GRANT OF CONSERVATION EASEMENT

THIS GRANT OF CONSERVATION EASEMENT (this "Grant") dated as of \_\_\_\_\_ (the "Easement Date") is by and between \_\_\_\_\_ ("the undersigned Owner or Owners") and \_\_\_\_\_ (the "Holder").

### Article I. Background

#### 1.01 Property

The undersigned Owner or Owners are the sole owners in fee simple of the Property described in Exhibit "A" (the "Property"). The Property is also described as:

Street Address:  
Municipality:  
County:  
Parcel Identifier:

State: Pennsylvania  
Acreage:

#### 1.02 Conservation Plan

Attached as Exhibit "B" is a survey or other graphic depiction of the Property (the "Conservation Plan") showing, among other details, the location of one or more of the following areas – the Highest Protection Area, the Standard Protection Area and the Minimal Protection Area.

#### 1.03 Conservation Objectives

By this Grant, the undersigned Owner or Owners impose a conservation servitude (the "Conservation Easement") on the Property that provides different levels of protection for the areas shown on the Conservation Plan so as to achieve the goals and resource protection objectives (collectively, the "Conservation Objectives") for the Property set forth below:

##### (a) Resource Protection Objectives

- (i) **Water Resources.** To maintain and improve the quality of water resources, both surface and groundwater, within, around and downstream of the Property.
- (ii) **Forest, Woodland and Other Vegetative Resources.** To perpetuate and foster the growth of a healthy and unfragmented forest or woodland; to maintain a continuous canopy of vegetation with multi-tiered understory of trees, shrubs, wildflowers and grasses; to support healthy ecosystem processes; and to trap air pollution particulates for healthier air and sequester carbon in trees and soil in order to mitigate rising atmospheric carbon levels.
- (iii) **Wildlife Resources.** To maintain and improve the quality of wildlife habitat; to protect breeding sites; to promote biodiversity and Native Species; to preserve large intact areas of wildlife habitat, connect patches of wildlife habitat and secure migration corridors. Large habitat patches typically support greater biodiversity than small patches; migration corridors enable wildlife to move to meet nutritional and reproductive needs and facilitate the migration of species in response to changes in environmental conditions.

- (iv) **Scenic Resources.** To preserve the relationship of scenic resources within the Property to natural and scenic resources in its surrounds and to protect scenic vistas visible from public rights-of-way and other public access points in the vicinity of the Property.
- (v) **Sustainable Land Uses.** To ensure that Agriculture, Forestry, and other uses, to the extent that they are permitted, are conducted in a manner that will neither diminish the biological integrity of the Property nor deplete natural resources over time nor lead to an irreversible disruption of ecosystems and associated processes. Agricultural and Forestry activities are regulated so as to protect soils of high productivity; to ensure future availability for Sustainable uses; and to minimize adverse effects of Agricultural and Forestry uses on water resources described in the Conservation Objectives.
- (vi) **Compatible Land Use and Development.** Certain areas have been sited within the Property to accommodate existing and future development taking into account the entirety of the natural potential of the Property as well as its scenic resources.

**(b) Goals**

- (i) **Highest Protection Area.** To protect natural resources within the Highest Protection Area so as to keep them in an undisturbed state except as required to promote and maintain a diverse community of predominantly Native Species.
- (ii) **Standard Protection Area.** To promote good stewardship of the Standard Protection Area so that its soil and other natural resources will always be able to support Sustainable Agriculture or Sustainable Forestry.
- (iii) **Minimal Protection Area.** To promote compatible land use and development within the Minimal Protection Area so that it will be available for a wide variety of activities, uses and Additional Improvements subject to the minimal constraints necessary to achieve Conservation Objectives outside the Minimal Protection Area.

**1.04 Baseline Documentation**

As of the Easement Date, the undersigned Owner or Owners and Holder have signed for identification purposes the report (the “Baseline Documentation”), to be kept on file at the principal office of Holder, that contains an original, full-size version of the Conservation Plan and other information sufficient to identify on the ground the protection areas identified in this Article; that describes Existing Improvements; that identifies the conservation resources of the Property described in the Conservation Objectives; and that includes, among other information, photographs depicting existing conditions of the Property as of the Easement Date.

**1.05 Structure of Grant**

In Articles II, III and IV, the undersigned Owner or Owners impose restrictive covenants on the Property in support of the Conservation Objectives. Then, in Article V, they vest in Holder a number of rights for the purpose of advancing the Conservation Objectives. Article VI addresses potential violations and remedies. Article VII addresses miscellaneous other matters. Initially capitalized terms not defined in this Article I are defined in Article VIII.

**1.06 Federal Tax Items**

**(a) Qualified Conservation Contribution**

The Conservation Easement has been donated in whole or in part by the undersigned Owner or Owners. The donation of the Conservation Easement by this Grant is intended to qualify as a charitable donation of a partial interest in real estate (as defined under §170(f)(3)(B)(iii) of the Code) to a qualified organization (a “Qualified Organization”) as defined in §1.170(A-14(c)(1) of the Regulations. If the Conservation Easement is transferred to any Person, that Person must commit to hold the Conservation Easement exclusively for conservation purposes as defined in the Regulations.

**(b) Public Benefit**

The undersigned Owner or Owners have granted the Conservation Easement to provide a significant public benefit (as defined in §1.170A-14(d)(4) of the Regulations). In addition to the public benefits described in the Conservation Objectives, the Baseline Documentation identifies public policy statements and other factual information supporting the significant public benefit of the Conservation Easement.

**(c) Mineral Interests**

No Person has retained a qualified mineral interest in the Property of a nature that would disqualify the Conservation Easement for purposes of §1.170A-14(g)(4) of the Regulations. From and after the



Easement Date, the grant of any such interest is prohibited and Holder has the right to prohibit the exercise of any such right or interest if granted in violation of this provision.

**(d) Notice Required under Regulations**

To the extent required for compliance with §1.170A-14(g)(5)(ii) of the Regulations, and only to the extent such activity is not otherwise subject to Review under this Grant, Owners agree to notify Holder before exercising any reserved right that may have an adverse impact on the conservation interests associated with the Property.

**(e) Property Right**

In accordance with §1.170A-14(g)(6) of the Regulations, the undersigned Owner or Owners agree that the grant of this Conservation Easement gives rise to a property right, immediately vested in the Holder, that entitles the Holder to compensation upon extinguishment of the easement. The fair market value of the property right is to be determined in accordance with the Regulations; i.e., it is at least equal to the proportionate value that the Conservation Easement as of the Easement Date bears to the value of the Property as a whole as of the Easement Date (the "Proportionate Value"). If the Proportionate Value exceeds the compensation otherwise payable to Holder under Article VI, Holder is entitled to payment of the Proportionate Value. Holder must use any funds received on account of the Proportionate Value for conservation purposes (as that phrase is defined in the Regulations).

**(f) Qualification under §2031(c) of the Code**

To the extent required to qualify for exemption from federal estate tax under §2031(c) of the Code, and only to the extent such activity is not otherwise prohibited or limited under this Grant, Owners agree that commercial recreational uses are not permitted within the Property.

**(g) Acknowledgment of Donation**

Except for such monetary consideration (if any) as is set forth in this Article, Holder acknowledges that no goods or services were received in consideration of this Grant.

**(h) No Representation of Tax Benefits**

The undersigned Owner or Owners represent, warrant and covenant to Holder that:

- (i) The undersigned Owner or Owners have not relied upon any information or analyses furnished by Holder with respect to either the availability, amount or effect of any deduction, credit or other benefit to Owners under Applicable Law; or the value of the Conservation Easement or the Property.
- (ii) The undersigned Owner or Owners have relied solely upon their own judgment and/or professional advice furnished by the appraiser and legal, financial and accounting professionals engaged by the undersigned Owner or Owners. If any Person providing services in connection with this Grant or the Property was recommended by Holder, the undersigned Owner or Owners acknowledge that Holder is not responsible in any way for the performance of services by these Persons.
- (iii) This Grant is not conditioned upon the availability or amount of any deduction, credit or other benefit under Applicable Law.

**1.07 Beneficiaries**

This Grant does not confer any rights or remedies upon any Person other than Owners, Holder, and Persons (the "Beneficiaries"), if any, specifically named in this Grant. No other Persons are vested with any rights, whether arising under this Grant or otherwise under Applicable Law. No Beneficiary is identified in this Grant.

**1.08 Consideration**

The undersigned Owner or Owners acknowledge receipt, as of the Easement Date, of the sum of \$1.00 in consideration of this Grant.

## **Article II. Transfer; Subdivision**

**2.01 Transfer**

**(a) Notice Required**

Not less than thirty (30) days prior to transfer of the Property or any Lot, Owners must notify Holder of the name(s) and address for notices of the Persons who will become Owners following the transfer.

**(b) Prior to Transfer**

Owners authorize Holder to (i) contact the Persons to whom the Property or Lot will be transferred, and other Persons representing Owners or the prospective transferees, to discuss with them this Grant and, if applicable, other pertinent documents; and (ii) enter the Property to assess compliance with this Grant.

**(c) Ending Continuing Liability**

Owners prior to transfer are liable, on a joint and several basis with the Owners following the transfer, for the correction of violations and discharge of other obligations of Owners under this Grant. This provision continues to apply until Holder has been notified of the transfer, inspects the Property, and reports no violations observed during such inspection.

**2.02 Prohibitions**

No transfer of a Lot independent of the remainder of the Property; no change in the boundary of any Lot; and no other Subdivision is permitted, except as set forth below.

**2.03 Permitted Changes**

The following changes are permitted:

**(a) Lots within Property**

If the Property contains more than one Lot, Subdivision to (i) merge two or more Lots into one; or (ii) subject to Review, reconfigure any one or more of the boundaries of such Lots except a boundary of the Property as described in Exhibit "A".

**(b) Transfer to Qualified Organization**

Subject to Review, creation of a Lot for transfer to a Qualified Organization for park, nature preserve, public trail or other conservation purposes approved by Holder after Review.

**(c) Transfer of Rights of Possession or Use**

Subject to Review, transfer of possession or use (but not ownership) of one or more portions of the Property, including subsurface portions of the Property, for purposes permitted under, and subject to compliance with, the terms of this Grant. Leases of space within Improvements are not subject to Review.

**2.04 Requirements**

**(a) Establishment of Lots; Allocations**

Prior to transfer of a Lot following a Subdivision, Owners must (i) furnish Holder with the plan of Subdivision approved under Applicable Law and legal description of the each Lot created or reconfigured by the Subdivision; (ii) mark the boundaries of each Lot with permanent markers; and (iii) allocate in a document recorded in the Public Records those limitations applicable to more than one Lot under this Grant. This information will become part of the Baseline Documentation incorporated into this Grant.

**(b) Amendment**

Holder may require Owners to execute an Amendment of this Grant to reflect any change to the description of the Property set forth in Exhibit "A" or any other changes and allocations resulting from Subdivision that are not established to the reasonable satisfaction of Holder by recordation in the Public Records of the plan of Subdivision approved under Applicable Law.

## **Article III. Improvements**

**3.01 Prohibition**

Improvements within the Property are prohibited except as permitted below in this Article.

**3.02 Permitted Within Highest Protection Area**

The following Improvements are permitted within the Highest Protection Area:

**(a) Existing Improvements**

Any Existing Improvement may be maintained, repaired and replaced in its existing location. Existing Improvements may be expanded or relocated if the expanded or relocated Improvement complies with requirements applicable to Additional Improvements of the same type.

**(b) Existing Agreements**

Improvements that Owners are required to allow under Existing Agreements are permitted.

**(c) Additional Improvements**

The following Additional Improvements are permitted:

- (i) Fences, walls and gates, not to exceed four (4) feet in Height or such greater Height as is approved by Holder after Review.
- (ii) Regulatory Signs.
- (iii) Habitat enhancement devices such as birdhouses and bat houses.
- (iv) Trails covered (if at all) by wood chips, gravel, or other highly porous surface.
- (v) Subject to Review, footbridges, stream crossing structures and stream access structures.
- (vi) Subject to Review, Access Drives and Utility Improvements to service Improvements within the Property but only if there is no other reasonably feasible means to provide access and utility services to the Property.
- (vii) Subject to Review, Extraction Improvements and Improvements for generating and transmitting Renewable Energy but only if located wholly beneath the surface at a depth at which there can be no impairment of water or other resources described in the Conservation Objectives. No Access Drives to service any such Improvements are permitted.

**3.03 Permitted Within Standard Protection Area**

The following Improvements are permitted within the Standard Protection Area:

**(a) Permitted under Preceding Sections**

Any Improvement permitted under a preceding section of this Article is permitted.

**(b) Additional Improvements**

The following Additional Improvements are permitted:

- (i) Agricultural Improvements.
- (ii) Site Improvements reasonably required for activities and uses permitted within the Standard Protection Area.
- (iii) Subject to Review, Site Improvements servicing other areas of the Property, if not reasonably feasible to install entirely within Minimal Protection Area.
- (iv) Subject to Review, Improvements for generating and transmitting Renewable Energy that Holder, without any obligation to do so, determines are consistent with maintenance or attainment of Conservation Objectives.

**(c) Limitations on Additional Improvements**

Additional Improvements permitted within the Standard Protection Area are further limited as follows:

- (i) The Height of Improvements must not exceed thirty-five (35) feet except for, subject to Review, silos and Improvements for generating Renewable Energy.
- (ii) Fences remain limited as in the Highest Protection Area.
- (iii) Impervious Coverage must not exceed a limit of 500 square feet per roofed Improvement. Impervious Coverage must not exceed a limit of 1500 square feet in the aggregate for all Improvements within the Standard Protection Area. The limitation on aggregate Impervious Coverage excludes Impervious Coverage associated with ponds and Access Drives.
- (iv) Access Drives are limited to a driving surface not to exceed fourteen (14) feet in width and are further limited, in the aggregate, to 500 feet in length.
- (v) Ponds are limited, in the aggregate, to 1500 square feet of Impervious Coverage.
- (vi) In addition to Regulatory Signs, signs are limited to a maximum of eight (8) square feet per sign and twenty-four (24) square feet in the aggregate for all signs within the Property.
- (vii) Utility Improvements must be underground or, subject to Review, may be aboveground where not reasonably feasible to be installed underground.
- (viii) The following Improvements are not permitted unless Holder, without any obligation to do so, approves after Review: (A) exterior storage tanks for petroleum or other hazardous or toxic substances (other than reasonable amounts of fuel for activities and uses within the Property

permitted under this Grant); and (B) Site Improvements servicing activities, uses or Improvements not within the Property.

- (ix) Improvements in connection with recreational and open-space activities and uses are limited to Site Improvements not exceeding nine (9) feet in Height and 500 square feet of Impervious Coverage in the aggregate.

### **3.04 Permitted Within Minimal Protection Area**

The following Improvements are permitted within Minimal Protection Area:

**(a) Permitted under Preceding Sections**

Any Improvement permitted under a preceding section of this Article is permitted.

**(b) Additional Improvements**

The following Additional Improvements are permitted:

- (i) Residential Improvements.
- (ii) Site Improvements servicing activities, uses or Improvements permitted within the Property. Signs, fences, storage tanks and other Site Improvements remain limited as set forth for the Standard Protection Area.

**(c) Limitations on Additional Improvements**

Additional Improvements permitted within the Minimal Protection Area are further limited as follows:

- (i) Not more than one (1) Improvement (whether an Existing Improvement or Additional Improvement) may contain Dwelling Units (if any) permitted under Article IV.
- (ii) Additional Improvements are subject to a Height limitation of thirty-five (35) feet. Subject to Review, Improvements for generating Renewable Energy may exceed this Height limitation.

## **Article IV. Activities; Uses; Disturbance of Resources**

### **4.01 Prohibition**

Activities and uses are limited to those permitted below in this Article and provided in any case that the intensity or frequency of the activity or use does not materially and adversely affect maintenance or attainment of Conservation Objectives.

### **4.02 Density Issues under Applicable Law**

**(a) Promoting Development outside the Property**

Neither the Property nor this Grant may be used under Applicable Law to increase density or intensity of use or otherwise promote the development of other lands outside the Property.

**(b) Transferable Development Rights**

Owners may not transfer for use outside the Property (whether or not for compensation) any development rights allocated to the Property under Applicable Law.

### **4.03 Permitted Within Highest Protection Area**

The following activities and uses are permitted within the Highest Protection Area:

**(a) Existing Agreements**

Activities, uses and Construction that Owners are required to allow under Existing Agreements.

**(b) Disturbance of Resources**

- (i) Cutting trees, Construction or other disturbance of resources, including removal of Invasive Species, to the extent reasonably prudent to remove, mitigate or warn against an unreasonable risk of harm to Persons, property or health of Native Species on or about the Property. Owners must take such steps as are reasonable under the circumstances to consult with Holder prior to taking actions that, but for this provision, would not be permitted or would be permitted only after Review.
- (ii) Planting a diversity of Native Species of trees, shrubs and herbaceous plant materials in accordance with Best Management Practices.
- (iii) Removal and disturbance of soil, rock and vegetative resources to the extent reasonably necessary to accommodate Construction of Improvements within the Highest Protection Area with restoration as

soon as reasonably feasible by replanting with a diversity of Native Species of trees, shrubs and herbaceous plant materials in accordance with Best Management Practices.

- (iv) Vehicular use in the case of emergency and, subject to applicable limitations (if any), in connection with activities or uses permitted within the Highest Protection Area.
- (v) Except within Wet Areas, cutting or removing trees, standing or fallen, but only if the aggregate inside bark diameter of stumps (one foot above ground on the uphill side) does not exceed 200 inches per year and only for use within the Property.
- (vi) Subject to Review, removal of vegetation to accommodate replanting with a diversity of Native Species of trees, shrubs and herbaceous plant materials.
- (vii) Subject to Review, extraction of natural gas (regardless of source) or oil, and injection or release of water and other substances to facilitate such extraction, but only at subterranean depths at which there can be no impairment of water or other resources described in the Conservation Objectives. No surface activities or uses, including Construction activities, incident to such extraction are permitted.
- (viii) Generation of Renewable Energy and transmission of such energy if and to the extent Improvements for that purpose are permitted under Article III.
- (ix) Other resource management activities that Holder, without any obligation to do so, determines are consistent with maintenance or attainment of Conservation Objectives and are conducted in accordance with the Resource Management Plan approved for that activity after Review.

**(c) Release and Disposal**

- (i) Application of manure and plant material, both well composted, and, subject to compliance with manufacturer's recommendations, other substances to promote the health and growth of vegetation. (These permitted substances do not include sludge, biosolids, septic system effluent and related substances.)
- (ii) Piling of brush and other vegetation to the extent reasonably necessary to accommodate activities or uses permitted within the Highest Protection Area.

**(d) Other Activities**

Activities that do not require Improvements other than trails and do not materially and adversely affect maintenance or attainment of Conservation Objectives such as the following: (i) walking, horseback riding on trails, cross-country skiing, bird watching, nature study, fishing and hunting; and (ii) educational or scientific activities consistent with and in furtherance of the Conservation Objectives. Vehicular use is not permitted in connection with the activities permitted under this subsection, unless Holder, without any obligation to do so, approves the use after Review.

**4.04 Permitted Within Standard Protection Area**

The following activities and uses are permitted within the Standard Protection Area so long as no Invasive Species are introduced:

**(a) Permitted under Preceding Sections**

Activities and uses permitted under preceding sections of this Article are permitted within the Standard Protection Area.

**(b) Agricultural Uses**

Sustainable Agricultural uses and activities that maintain continuous vegetative cover and, if conducted in accordance with a Soil Conservation Plan furnished to Holder, Sustainable Agricultural uses that do not maintain continuous vegetative cover. In either case, the limitations set forth below apply:

- (i) Within Wet Areas, grazing is permitted only if Holder approves after Review.
- (ii) Within Steep Slope Areas, the Soil Conservation Plan is subject to Review by Holder to determine that measures have been included to minimize adverse effects on natural resources such as a conservation tillage system, contour farming or cross slope farming.
- (iii) Agricultural uses that involve removal of soil from the Property (such as sod farming and ball-and-burlap nursery uses) are permitted only if conducted in accordance with a Resource Management Plan approved by Holder after Review that provides for, among other features, a soil replenishment program that will qualify the activity as a Sustainable Agricultural use.

- (iv) Woodland Areas may not be used for or converted to Agricultural uses unless Holder, without any obligation to do so, approves after Review.
- (c) **Forestry Uses**  
Sustainable Forestry in accordance with a Resource Management Plan approved after Review.
- (d) **Other Disturbance of Resources**
  - (i) Subject to Review, removal or impoundment of water for activities and uses permitted within the Property but not for sale or transfer outside the Property.
  - (ii) Removal of vegetation and other Construction activities reasonably required to accommodate Improvements permitted within the Standard Protection Area.
  - (iii) Mowing, planting and maintenance of lawn, garden and landscaped areas.
- (e) **Release and Disposal**
  - (i) Piling and composting of biodegradable materials originating from the Property in furtherance of Agricultural Uses within the Property permitted under this Article. Manure piles must be located so as not to create run-off into Wet Areas.
  - (ii) Subject to Review, disposal of sanitary sewage effluent from Improvements permitted within the Property if not reasonably feasible to confine such disposal to Minimal Protection Area.
- (f) **Other Activities**  
Recreational and open-space activities and uses that (i) do not require Improvements other than those permitted within the Standard Protection Area; (ii) do not materially and adversely affect scenic views and other values described in the Conservation Objectives; and (iii) do not require motorized vehicular use other than for resource management purposes.

#### **4.05 Permitted Within Minimal Protection Area**

The following activities and uses are permitted within the Minimal Protection Area:

- (a) **Permitted under Preceding Sections**  
Activities and uses permitted under preceding sections of this Article are permitted within the Minimal Protection Area.
- (b) **Disturbance of Resources**  
Disturbance of resources within the Minimal Protection Area is permitted for purposes reasonably related to activities or uses permitted within the Minimal Protection Area. Introduction of Invasive Species remains prohibited.
- (c) **Release and Disposal**
  - (i) Disposal of sanitary sewage effluent from Improvements permitted within the Property.
  - (ii) Other piling of materials and non-containerized disposal of substances and materials but only if such disposal is permitted under Applicable Law; does not directly or indirectly create run-off or leaching outside the Minimal Protection Area; and does not adversely affect Conservation Objectives applicable to the Minimal Protection Area including those pertaining to scenic views.
- (d) **Residential and Other Uses**
  - (i) Residential use is permitted but limited to not more than one (1) Dwelling Unit.
  - (ii) Any occupation, activity or use is permitted if wholly contained within an enclosed Residential or Agricultural Improvement. The phrase “wholly contained” means that neither the primary activity or use or any accessory uses such as parking or signage, are visible or discernable outside the Improvement; however, subject to Review, exterior vehicular parking and signage accessory to such uses may be permitted by Holder.

## **Article V. Rights and Duties of Holder and Beneficiaries**

### **5.01 Grant to Holder**

#### **(a) Grant in Perpetuity**

By signing this Grant and unconditionally delivering it to Holder, the undersigned Owner or Owners, intending to be legally bound, grant and convey to Holder a Conservation Easement over the Property in perpetuity for the purpose of advancing the Conservation Objectives and administering and enforcing the restrictions and limitations set forth in Articles II, III, and IV in furtherance of the Conservation Objectives.

#### **(b) Superior to all Liens**

The undersigned Owner or Owners warrant to Holder that the Property is, as of the Easement Date, free and clear of all Liens or, if it is not, that Owners have obtained and recorded in the Public Records the legally binding subordination of any Liens affecting the Property as of the Easement Date.

### **5.02 Rights and Duties of Holder**

The items set forth below are both rights and duties vested in Holder by this Grant:

#### **(a) Enforcement**

To enter the Property to investigate a suspected, alleged or threatened violation and, if found, to enforce the terms of this Grant by exercising Holder's remedies in Article VI.

#### **(b) Inspection**

To enter and inspect the Property for compliance with the requirements of this Grant upon reasonable notice, in a reasonable manner and at reasonable times.

#### **(c) Review**

To exercise rights of Review in accordance with the requirements of this Article.

#### **(d) Interpretation**

To interpret the terms of this Grant and, at the request of Owners, furnish Holder's explanation of the application of such terms to then-existing, proposed or reasonably foreseeable conditions within the Property.

### **5.03 Other Rights of Holder**

The items set forth below are also rights vested in Holder by this Grant; however, Holder, in its discretion, may or may not exercise them:

#### **(a) Amendment**

To enter into an Amendment with Owners if Holder determines that the Amendment is consistent with and in furtherance of the Conservation Objectives; will not result in any private benefit prohibited under the Code; and otherwise conforms to Holder's policy with respect to Amendments.

#### **(b) Signs**

To install one or more signs within the Property identifying the interest of Holder or one or more Beneficiaries in the Conservation Easement. Any signs installed by Holder do not reduce the number or size of signs permitted to Owners under Article III. Signs are to be of the customary size installed by Holder or Beneficiary, as the case may be, and must be installed in locations readable from the public right-of-way and otherwise reasonably acceptable to Owners.

#### **(c) Proceedings**

To assert a claim, defend or intervene in, or appeal, any proceeding under Applicable Law that (i) pertains to the impairment of Conservation Objectives; or (ii) may result in a transfer, Improvement or use that violates the terms of this Grant.

### **5.04 Review**

The following provisions are incorporated into any provision of this Grant that is subject to Review:

#### **(a) Notice to Holder**

At least thirty (30) days before Owners begin or allow any Construction, activity or use that is subject to Review, Owners must notify Holder of the change including with the notice such information as is reasonably sufficient to comply with Review Requirements and otherwise describe the change and its potential impact on natural resources within the Property.

**(b) Notice to Owners**

Within thirty (30) days after receipt of Owners' notice, Holder must notify Owners of Holder's determination to (i) accept Owners' proposal in whole or in part; (ii) reject Owners' proposal in whole or in part; (iii) accept Owners' proposal conditioned upon compliance with conditions imposed by Holder; or (iv) reject Owners' notice for insufficiency of information on which to base a determination. If Holder gives conditional acceptance under clause (iii), commencement of the proposed Improvement, activity, use or Construction constitutes acceptance by Owners of all conditions set forth in Holder's notice.

**(c) Failure to Notify**

If Holder fails to notify Owners as required in the preceding subsection, the proposal set forth in Owners' notice is deemed approved.

**(d) Standard of Review**

- (i) The phrase "unless Holder, without any obligation to do so," in relation to an approval or determination by Holder, means that, in that particular case, Holder's approval is wholly discretionary and may be given or withheld for any reason or no reason.
- (ii) In all other cases, Holder's approval is not to be unreasonably withheld. It is not unreasonable for Holder to disapprove a proposal that may adversely affect natural resources described in the Conservation Objectives or that is otherwise inconsistent with maintenance or attainment of Conservation Objectives.

**5.05 Reimbursement**

Owners must reimburse Holder for the costs and expenses of Holder reasonably incurred in the course of performing its duties with respect to this Grant other than monitoring in the ordinary course. These costs and expenses include the allocated costs of employees of Holder.

## **Article VI. Violation; Remedies**

**6.01 Breach of Duty**

If Holder fails to enforce the terms of this Grant, or ceases to qualify as a Qualified Organization, then the Conservation Easement may be transferred to another Qualified Organization by a court of competent jurisdiction.

**6.02 Violation**

If Holder determines that the terms of this Grant are being or have been violated or that a violation is threatened or imminent then the provisions of this section will apply:

**(a) Notice**

Holder must notify Owners of the violation. Holder's notice may include its recommendations of measures to be taken by Owners to cure the violation and restore features of the Property damaged or altered as a result of the violation.

**(b) Opportunity to Cure**

Owners' cure period expires thirty (30) days after the date of Holder's notice to Owners subject to extension for the time reasonably necessary to cure but only if all of the following conditions are satisfied:

- (i) Owners cease the activity constituting the violation promptly upon receipt of Holder's notice;
- (ii) Owners and Holder agree, within the initial thirty (30) day period, upon the measures Owners will take to cure the violation;
- (iii) Owners commence to cure within the initial thirty (30) day period; and
- (iv) Owners continue thereafter to use best efforts and due diligence to complete the agreed upon cure.

**(c) Imminent Harm**

No notice or cure period is required if circumstances require prompt action to prevent or mitigate irreparable harm or alteration to any natural resource or other feature of the Property described in the Conservation Objectives.



### **6.03 Remedies**

Upon expiration of the cure period (if any) described in the preceding section, Holder may do any one or more of the following:

**(a) Injunctive Relief**

Seek injunctive relief to specifically enforce the terms of this Grant; to restrain present or future violations of the terms of this Grant; and/or to compel restoration of resources destroyed or altered as a result of the violation.

**(b) Civil Action**

Recover from Owners or other Persons responsible for the violation all sums owing to Holder under applicable provisions of this Grant together with interest thereon from the date due at the Default Rate. These monetary obligations include, among others, Losses and Litigation Expenses.

**(c) Self-Help**

Enter the Property to prevent or mitigate further damage to or alteration of natural resources of the Property identified in the Conservation Objectives.

### **6.04 Modification or Termination**

If the Conservation Easement is or is about to be modified or terminated by exercise of the power of eminent domain (condemnation) or adjudication of a court of competent jurisdiction sought by a Person other than Holder the following provisions apply:

**(a) Compensatory Damages**

Holder is entitled to collect from the Person seeking the modification or termination, compensatory damages in an amount equal to the increase in Market Value of the Property resulting from the modification or termination plus reimbursement of Litigation Expenses as if a violation had occurred.

**(b) Restitution**

Holder is entitled to recover from the Person seeking the modification or termination, (i) restitution of amounts paid for this Grant (if any) and any other sums invested in the Property for the benefit of the public as a result of rights vested by this Grant plus (ii) reimbursement of Litigation Expenses as if a violation had occurred.

### **6.05 Remedies Cumulative**

The description of Holder's remedies in this Article does not preclude Holder from exercising any other right or remedy that may at any time be available to Holder under this Article or Applicable Law. If Holder chooses to exercise one remedy, Holder may nevertheless choose to exercise any one or more of the other rights or remedies available to Holder at the same time or at any other time.

### **6.06 No Waiver**

If Holder does not exercise any right or remedy when it is available to Holder, that is not to be interpreted as a waiver of any non-compliance with the terms of this Grant or a waiver of Holder's rights to exercise its rights or remedies at another time.

### **6.07 No Fault of Owners**

Holder will waive its right to reimbursement under this Article as to Owners (but not other Persons who may be responsible for the violation) if Holder is reasonably satisfied that the violation was not the fault of Owners and could not have been anticipated or prevented by Owners by reasonable means.

### **6.08 Multiple Owners; Multiple Lots**

If different Owners own Lots within the Property, only the Owners of the Lot in violation will be held responsible for the violation.

### **6.09 Multiple Owners; Single Lot**

If more than one Owner owns the Lot in violation of the terms of this Grant, the Owners of the Lot in violation are jointly and severally liable for the violation regardless of the form of ownership.

## **Article VII. Miscellaneous**

### **7.01 Notices**

#### **(a) Requirements**

Each Person giving any notice pursuant to this Grant must give the notice in writing and must use one of the following methods of delivery: (i) personal delivery; (ii) certified mail, return receipt requested and postage prepaid; or (iii) nationally recognized overnight courier, with all fees prepaid.

#### **(b) Address for Notices**

Each Person giving a notice must address the notice to the appropriate Person at the receiving party at the address listed below or to another address designated by that Person by notice to the other Person:

If to Owners:

If to Holder:

### **7.02 Governing Law**

The laws of the Commonwealth of Pennsylvania govern this Grant.

### **7.03 Assignment and Transfer**

Neither Owners nor Holder may assign or otherwise transfer any of their respective rights or duties under this Grant voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law or any other manner except as permitted below. Any purported assignment or transfer in violation of this section is void.

#### **(a) By Holder**

Holder may assign its rights and duties under this Grant, either in whole or in part, but only to a Qualified Organization that executes and records in the Public Records a written agreement assuming the obligations of Holder under this Grant. The assigning Holder must deliver the Baseline Documentation to the assignee Holder as of the date of the assignment. Holder must assign its rights and duties under this Grant to another Qualified Organization if Holder becomes the Owner of the Property.

#### **(b) By Owners**

This Grant vests a servitude running with the land binding upon the undersigned Owners and, upon recordation in the Public Records, all subsequent Owners of the Property or any portion of the Property are bound by its terms whether or not the Owners had actual notice of this Grant and whether or not the deed of transfer specifically referred to the transfer being under and subject to this Grant.

### **7.04 Burdens; Benefits; Exclusive to Holder**

Subject to the restrictions on assignment and transfer set forth in the preceding section, this Grant binds and benefits Owners and Holder and their respective personal representatives, successors and assigns. Except for rights of Beneficiaries (if any) under Article V, only the Holder has the right to enforce the terms of this Grant and exercise rights of Review, Waiver, Amendment or other discretionary rights of Holder. Owners of Lots within the Property do not have the right to enforce the terms of this Grant against Owners of other Lots within the Property. Only the Owners of the Lot that is the subject of a request for Review, Waiver, Amendment, interpretation or other decision by Holder have any right to notice of, or other participation in, such decision.

### **7.05 Requirement of Writing**

No Amendment, Waiver, approval after Review, interpretation or other decision by Holder is valid or effective unless it is in writing and signed by an authorized signatory for Holder. This requirement may not be changed by oral agreement. The grant of an Amendment or Waiver in any instance or with respect to any Lot does not imply that an Amendment or Waiver will be granted in any other instance.

### **7.06 Severability**

If any provision of this Grant is determined to be invalid, illegal or unenforceable, the remaining provisions of this Grant remain valid, binding and enforceable. To the extent permitted by Applicable Law, the parties

waive any provision of Applicable Law that renders any provision of this Grant invalid, illegal or unenforceable in any respect.

#### **7.07 Counterparts**

This Grant may be signed in multiple counterparts, each of which constitutes an original, and all of which, collectively, constitute only one document.

#### **7.08 Indemnity**

Owners must indemnify and defend the Indemnified Parties against all Losses and Litigation Expenses arising out of or relating to: (a) any breach or violation of this Grant or Applicable Law; and (b) damage to property or personal injury (including death) occurring on or about the Property if and to the extent not caused by the negligent or wrongful acts or omissions of an Indemnified Party.

#### **7.09 Guides to Interpretation**

##### **(a) Captions**

Except for the identification of defined terms in the Glossary, the descriptive headings of the articles, sections and subsections of this Grant are for convenience only and do not constitute a part of this Grant.

##### **(b) Glossary**

If any term defined in the Glossary is not used in this Grant, the defined term is to be disregarded as surplus material.

##### **(c) Other Terms**

- (i) The word “including” means “including but not limited to”.
- (ii) The word “must” is obligatory; the word “may” is permissive and does not imply any obligation.

##### **(d) Conservation and Preservation Easements Act**

This Grant is intended to be interpreted so as to convey to Holder all of the rights and privileges of a holder of a conservation easement under the Conservation Easements Act.

##### **(e) Restatement (Third) of the Law of Property: Servitudes**

This Grant is intended to be interpreted so as to convey to Holder all of the rights and privileges of a holder of a conservation servitude under the Restatement (Third) of the Law of Property: Servitudes.

#### **7.10 Entire Agreement**

This is the entire agreement of Owners, Holder and Beneficiaries (if any) pertaining to the subject matter of this Grant. The terms of this Grant supersede in full all statements and writings between Owners, Holder and others pertaining to the transaction set forth in this Grant.

#### **7.11 Incorporation by Reference**

Each exhibit attached to this Grant is incorporated into this Grant by this reference. The Baseline Documentation (whether or not attached to this Grant) is incorporated into this Grant by this reference.

#### **7.12 Coal Rights Notice**

The following notice is given to Owners solely for the purpose of compliance with the Conservation Easements Act:

**NOTICE:** The Conservation Easement may impair the development of coal interests including workable coal seams or coal interests which have been severed from the Property.

## **Article VIII. Glossary**

#### **8.01 Access Drive(s)**

Roads, drives or lanes providing vehicular access and located within the Property.

#### **8.02 Additional Improvements**

All buildings, structures, facilities and other improvements within the Property, whether temporary or permanent, other than Existing Improvements.

### **8.03 Agricultural Improvements**

Improvements used or usable in furtherance of Agricultural uses such as barn, stable, silo, spring house, green house, hoop house, riding arena (whether indoor or outdoor), horse walker, manure storage pit, storage buildings, feeding and irrigation facilities.

### **8.04 Agricultural or Agriculture**

Any one or more of the following and the leasing of land for any of these purposes:

#### **(a) Farming**

- (i) Production of vegetables, fruits, seeds, mushrooms, nuts and nursery crops (including trees) for sale.
- (ii) Production of poultry, livestock and their products for sale.
- (iii) Production of field crops, hay or pasture.
- (iv) Production of sod to be removed and planted elsewhere.

#### **(b) Equestrian**

Boarding, stabling, raising, feeding, grazing, exercising, riding and training horses and instructing riders.

### **8.05 Amendment**

An amendment, modification or supplement to this Grant signed by Owners and Holder and recorded in the Public Records.

### **8.06 Applicable Law**

Any federal, state or local laws, statutes, codes, ordinances, standards and regulations applicable to the Property, the Conservation Easement or this Grant as amended through the applicable date of reference. If this Grant is intended to meet the requirements of a qualified conservation contribution, then applicable provisions of the Code and the Regulations are also included in the defined term.

### **8.07 Best Management Practices**

A series of guidelines or minimum standards (sometimes referred to as BMP's) recommended by federal, state and/or county resource management agencies for proper application of farming and forestry operations, non-point pollution of water resources and other disturbances of soil, water and vegetative resources and to protect wildlife habitats. Examples of resource management agencies issuing pertinent BMP's as of the Easement Date are: the Natural Resource Conservation Service of the United States Department of Agriculture (with respect to soil resources); the Pennsylvania Department of Environmental Protection (with respect to soil erosion, sedimentation and water resources) and the following sources of BMP's with respect to forest and woodland management: the Forest Stewardship Council principles and criteria, Sustainable Forestry Initiative standards, Forest Stewardship Plan requirements, American Tree Farm standards and Best Management Practices for Pennsylvania Forests.

### **8.08 Code**

The Internal Revenue Code of 1986, as amended through the applicable date of reference.

### **8.09 Conservation Easements Act**

The Pennsylvania Conservation and Preservation Easements Act, the act of June 22, 2001 (P.L. 390, No. 29) (32 P.S. §§5051-5059) as amended through the applicable date of reference.

### **8.10 Construction**

Any demolition, construction, reconstruction, expansion, exterior alteration, installation or erection of temporary or permanent Improvements; and, whether or not in connection with any of the foregoing, any excavation, dredging, mining, filling or removal of gravel, soil, rock, sand, coal, petroleum or other minerals.

### **8.11 Default Rate**

An annual rate of interest equal at all times to two percent (2%) above the "prime rate" announced from time to time in *The Wall Street Journal*.

### **8.12 Dwelling Unit**

Use or intended use of an Improvement or portion of an Improvement for human habitation by one or more Persons (whether or not related). Existence of a separate kitchen accompanied by sleeping quarters is considered to constitute a separate Dwelling Unit.

**8.13 Existing Agreements**

Easements and other servitudes affecting the Property prior to the Easement Date that constitute legally binding servitudes prior in right to the Conservation Easement.

**8.14 Existing Improvements**

All buildings, structures, facilities and other improvements, whether temporary or permanent, located on, above or under the Property as of the Easement Date as identified in the Baseline Documentation.

**8.15 Extraction Improvements**

Wells, casements, impoundments and other Improvements for the exploration, extraction, collection, containment, transport and removal (but not processing or refining) of oil or natural gas (regardless of source) from substrata beneath the surface of the Property. The term "Extraction Improvements" includes any Access Drive required for the Construction or operation of Extraction Improvements or the removal of oil or natural gas from the Property. Extraction Improvements (whether or not providing sources of power for the Property) are not included in the defined terms "Utility Improvements" and "Site Improvements".

**8.16 Forestry**

Planting, growing, nurturing, managing and harvesting trees whether for timber and other useful products or for water quality, wildlife habitat and other Conservation Objectives.

**8.17 Height**

The vertical elevation of an Improvement measured from the average exterior ground elevation of the Improvement to a point, if the Improvement is roofed, midway between the highest and lowest points of the roof excluding chimneys, cupolas, ventilation shafts, weathervanes and similar protrusions or, if the Improvement is unroofed, the top of the Improvement.

**8.18 Impervious Coverage**

The aggregate area of all surfaces that are not capable of supporting vegetation within the applicable area of reference. Included in Impervious Coverage are the footprints (including roofs, decks, stairs and other extensions) of Improvements; paved or artificially covered surfaces such as crushed stone, gravel, concrete and asphalt; impounded water (such as a man-made pond); and compacted earth (such as an unpaved roadbed). Excluded from Impervious Coverage are running or non-impounded standing water (such as a naturally occurring lake); bedrock and naturally occurring stone and gravel; and earth (whether covered with vegetation or not) so long as it has not been compacted by non-naturally occurring forces.

**8.19 Improvement**

Any Existing Improvement or Additional Improvement.

**8.20 Indemnified Parties**

Holder, each Beneficiary (if any) and their respective members, directors, officers, employees and agents and the heirs, personal representatives, successors and assigns of each of them.

**8.21 Invasive Species**

A plant species that is (a) non-native (or alien) to the ecosystem under consideration; and (b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. In cases of uncertainty, publications such as "Plant Invaders of the Mid-Atlantic Natural Areas", by the National Park Service National Capital Region, Center for Urban Ecology and the U.S. Fish and Wildlife Service, Chesapeake Bay Field Office are to be used to identify Invasive Species.

**8.22 Lien**

Any mortgage, lien or other encumbrance securing the payment of money.

**8.23 Litigation Expense**

Any court filing fee, court cost, arbitration fee or cost, witness fee and each other fee and cost of investigating and defending or asserting any claim of violation or for indemnification under this Grant including in each case, attorneys' fees, other professionals' fees and disbursements.

**8.24 Losses**

Any liability, loss, claim, settlement payment, cost and expense, interest, award, judgment, damages (including punitive damages), diminution in value, fines, fees and penalties or other charge other than a Litigation Expense.

- 8.25 Lot**  
A unit, lot or parcel of real property separated or transferable for separate ownership or lease under Applicable Law.
- 8.26 Market Value**  
The fair value that a willing buyer, under no compulsion to buy, would pay to a willing seller, under no compulsion to sell as established by appraisal in accordance with the then-current edition of Uniform Standards of Professional Appraisal Practice issued by the Appraisal Foundation or, if applicable, a qualified appraisal in conformity with §1.170A-13 of the Regulations.
- 8.27 Native Species**  
A plant or animal indigenous to the locality under consideration. In cases of uncertainty, published atlases, particularly *The Vascular Flora of Pennsylvania: Annotated Checklist and Atlas* by Rhoads and Klein and *Atlas of United States Trees, vols. 1 & 4* by Little are to be used to establish whether or not a species is native.
- 8.28 Owners**  
The undersigned Owner or Owners and all Persons after them who hold an interest in the Property.
- 8.29 Person**  
An individual, organization, trust, government or other entity.
- 8.30 Public Records**  
The public records of the office for the recording of deeds in and for the county in which the Property is located.
- 8.31 Qualified Organization**  
A governmental or non-profit entity that (a) has a perpetual existence; (b) is established as a public charity for the purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and other charitable, scientific and educational purposes; (c) meets the criteria of a qualified organization under the Regulations; and (d) is duly authorized to acquire and hold conservation easements under Applicable Law.
- 8.32 Regulations**  
The provisions of C.F.R. §1.170A-14, and any other regulations promulgated under the Code that pertain to qualified conservation contributions, as amended through the applicable date of reference.
- 8.33 Regulatory Signs**  
Signs (not exceeding one square foot each) to control access to the Property or for informational, directional or interpretive purposes.
- 8.34 Renewable Energy**  
Energy that can be used without depleting its source such as solar, wind, geothermal and movement of water (hydroelectric and tidal).
- 8.35 Residential Improvements**  
Dwellings and Improvements accessory to residential uses such as garage, swimming pool, pool house, tennis court and children's play facilities.
- 8.36 Resource Management Plan**  
A record of the decisions and intentions of Owners prepared by a qualified resource management professional for the purpose of protecting natural resources described in the Conservation Objectives during certain operations potentially affecting natural resources protected by this Grant. The Resource Management Plan (sometimes referred to as the "RMP") includes a resource assessment, identifies appropriate performance standards (based upon Best Management Practices where available and appropriate) and projects a multi-year description of planned activities for identified operations to be conducted in accordance with the plan.
- 8.37 Review**  
Review and approval of Holder under the procedure described in Article V.
- 8.38 Review Requirements**  
Collectively, any plans, specifications or information required for approval of the Subdivision, activity, use or Construction under Applicable Law (if any) plus (a) the information required under the Review Requirements

incorporated into this Grant either as an exhibit or as part of the Baseline Documentation or (b) if the information described in clause (a) is inapplicable, unavailable or insufficient under the circumstances, the guidelines for Review of submissions established by Holder as of the applicable date of reference.

**8.39 Site Improvements**

Unenclosed Improvements such as Access Drives, Utility Improvements, walkways, boardwalks, retention/detention basins and other storm water management facilities, wells, septic systems, bridges, parking areas and other pavements, lighting fixtures, signs, fences, walls, gates, man-made ponds, berms and landscaping treatments.

**8.40 Soil Conservation Plan**

A plan for soil conservation and/or sedimentation and erosion control that meets the requirements of Applicable Law.

**8.41 Steep Slope Areas**

Areas greater than one acre having a slope greater than 15%.

**8.42 Subdivision**

Any division of the Property or any Lot within the Property; and any creation of a unit, lot or parcel of real property, including subsurface portions of the Property, for separate use or ownership by any means including by lease or by implementing the condominium form of ownership. The term "Subdivision" includes any "subdivision" as defined in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended as of the applicable date of reference.

**8.43 Sustainable**

Land management practices that provide goods and services from an ecosystem without degradation of biodiversity and resource values at the site and without a decline in the yield of goods and services over time.

**8.44 Utility Improvements**

Improvements for the reception, storage or transmission of potable water, stormwater, sewage, electricity, gas and telecommunications or other sources of power.

**8.45 Waiver**

A written commitment by which Holder, without any obligation to do so, agrees to refrain from exercising one or more of its rights and remedies for a specific period of time with respect to a specific set of circumstances if Holder is satisfied that the accommodation will have no material effect on Conservation Objectives.

**8.46 Wet Areas**

Watercourses, springs, wetlands and non-impounded standing water and areas within 100-feet of their edge.

**8.47 Woodland Areas**

Area(s) within the Property described as "wooded" or "forested" in the Baseline Documentation or identified as such on the Conservation Plan, or if not wooded or forested as of the Easement Date, are designated as successional woodland areas on the Conservation Plan.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

INTENDING TO BE LEGALLY BOUND, the undersigned Owner or Owners and Holder, by their respective duly authorized representatives, have signed and delivered this Grant as of the Easement Date.

Witness/Attest:

\_\_\_\_\_ (SEAL)  
Owner's Name:

\_\_\_\_\_ (SEAL)  
Owner's Name:

[NAME OF HOLDER]

\_\_\_\_\_ By: \_\_\_\_\_ (SEAL)  
Name:  
Title:

*This document is based on the Model Grant of Conservation Easement, 6<sup>th</sup> edition (10/10/2011), provided by the Pennsylvania Land Trust Association.*

The model on which this document is based should not be construed or relied upon as legal advice or legal opinion on any specific facts or circumstances. It should be revised under the guidance of legal counsel to reflect the specific situation.



COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF \_\_\_\_\_ :

ON THIS DAY \_\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_, Notary Public

Print Name:

COMMONWEALTH OF PENNSYLVANIA :

SS

COUNTY OF \_\_\_\_\_ :

ON THIS DAY \_\_\_\_\_ before me, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged him/herself to be the \_\_\_\_\_ of \_\_\_\_\_, a Pennsylvania non-profit corporation, and that he/she as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by her/himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_, Notary Public

Print Name:

Landscapers, Garden Centers, Contractors and Soil Dealers



## Rates

\$10 minimum charge

All transactions subject to applicable sales tax

## PICK-UP

## DISPOSAL

### Screened Leaf Compost

\$36 per ton (0-5 tons)

\$20 per ton (5+ tons)

### Clean Leaves

\$40 per ton

### Single Ground Mulch

\$20 per ton (0-5 tons)

\$10 per ton (5+ tons)

### Clean Grass Clippings

\$40 per ton

### Double Ground Mulch

\$40 per ton (0-5 tons)

\$20 per ton (5+ tons)

### Wood Chips

\$10 per ton

### Herbivore Manure

\$30 per ton (0-5 tons)

### Brush

\$50 per ton

### Herbivore Manure

\$10 per ton



All disposed materials must be clean and delivered separately.

No plastic bags, metal or trash of any kind will be accepted.

Credit cards, checks and money orders ONLY. No cash accepted.

Philadelphia Parks & Recreation reserves the right to refuse disposal of any materials.

Fairmount Park Recycling Center  
3850 Ford Road  
Philadelphia, PA 19131  
215.685.0108 or  
215.683.0232  
[www.phillyparksandrec.com](http://www.phillyparksandrec.com)

Hours of Operation:  
Monday-Friday, 7:30AM-3PM

Saturday Hours:  
April 2 – November 26  
7:30AM – 11:30AM

Call ahead to confirm availability of products and hours of operation.





January 3, 2012

**Transforming Open Space to Working Farmlands in Southeastern Pennsylvania**  
Solebury Township Focus Group Meeting – 9 AM, Tuesday, November 15, 2011

Attendees:

Lynn Bush – Executive Director, Bucks County Planning Commission  
Dennis Carney – Manager, Solebury Township  
Paul Cosden – Chairman, Solebury Township Planning Commission  
Mary Felley - Interim Director, GreenSpace Alliance  
Justin Keller, Simone Collins Landscape Architecture (SC)  
Peter Simone, SC  
Jean Weiss – Administrator, Open Space Conservancy Program, Solebury Township

The following is a summary of the discussion items at the meeting:

1. Jean W. stated that most Township conservation easements encourage and allow agriculture. Generally, it is estimated that about 90% of preserved properties are farmed. She added that it is only smaller, more constrained parcels that are not farmed.
2. Properties in the Township are preserved not only to maintain existing natural resources, but more importantly to preserve the cultural heritage and agrarian character of the Township.
3. Some preserved properties have both Township and County easements. Jean W. supplied SC with typical easements for the Township. **SC is to contact Rich Harvey (215-345-3409) at the Bucks County Agricultural Land Preservation Program to get a copy of their typical farmland preservation easement.**
4. Township easements do not typically define leasing rates. \$10-\$15 per acre is the typical lease fee.
5. The following was discussed about various Township farmers and farms:
  - Joe Matejik leases and farms about 80% of the Township's preserved farmland.

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- Manoff Market Gardens is another local farmer who maintains orchards and vegetable growing for commercial sale on preserved land.
  - Malcolm Crooks owns Tuckamony Christmas Tree Farm and also is an active member of Solebury Farmers Club.
  - There is a Lavender farm used for the production of soap.
6. Many local farmers sell their products at Rice's Market.
  7. Those in attendance felt that the public has a positive view of local agriculture. Local grocery stores such as Redner's often sell local produce.
  8. Lynn B. stated that the County has a positive view of farm stands selling local produce. She cautioned that additional activity (hayrides, corn mazes, etc.) and traffic would be the biggest limiting factors to commercial agriculture.
  9. Lynn B. stated that a County-wide decline in food crops was a result of farmland being converted to sod production or tree nurseries linked to the past residential construction boom.
  10. Peter S. asked what the limiting factors would be for allowing commercial agricultural uses in every zoning district. The following was discussed:
    - Traffic-generating uses are the biggest concern
    - Location and water runoff from manure piles are a big concern.
    - Livestock noise and smells are less of a concern.
    - Solebury requires 5 acres to keep one pony or horse, plus one additional acre for each additional pony or horse.
    - Some townships only permit farm stands if at least 50% of the retail product is grown on-site. This could pose a problem since it is difficult to define and quantify.
    - Some ordinances allow manure piles to be located 100' from any property line. It can be located closer with the consent of all neighbors.
    - Riparian buffers are not well received by most despite their positive environmental benefits. About ¼ of the municipalities in Bucks County have riparian buffer ordinances.
  11. The group was asked to identify any issues with public access:
    - There are some issues with hunter access
    - Public access is less of an issue, provided that that this is clearly spelled out during the purchase. It becomes more of an issue for parcels purchased for active recreation.
  12. Paul C. stated that the New Jersey Audubon Society has a program to plant sunflowers for birdseed.
  13. Members encouraged SC to contact the Bucks County Foodshed Alliance for a list of farmers markets and other information.
  14. The magazine publication "Fresh from Bucks County Farms," published by the Penn State Cooperative Extension, lists local farms and their products.
  15. It was noted that some private estates allow agricultural operations such as tree nurseries and cut flowers.
  16. Lynn B. noted that properties are preserved for distinct reasons and purposes unique to each parcel.

Respectfully submitted,  
Simone Collins  
Landscape Architecture

A handwritten signature in black ink, appearing to read 'P. M. Simone', with a stylized, cursive script.

Peter M. Simone, RLA, FASLA  
Principal

A handwritten signature in black ink, appearing to read 'Justin M. Keller', in a cursive script.

Justin Keller  
Project Manager



January 3, 2012

**Transforming Open Space to Working Farmlands in Southeastern Pennsylvania**  
Limerick Township Focus Group Meeting – 7 PM, Monday, November 28, 2011

Attendees:

Mary Felley - Interim Director, GreenSpace Alliance  
Dan Kerr – Limerick Township, Manager  
Justin Keller, Simone Collins Landscape Architecture (SC)  
Ken McLaughlin – Limerick Township Planning Commission  
Tom Neafcy – Board of Supervisors, Chairman  
Peter Simone, SC  
Michael Stokes – Montgomery County Planning Commission

The following is a summary of the discussion items at the meeting:

1. The Township owns over 350 acres of open space, all acquired within the past 20 years. The Township has recently leased its Kurylo tract to a local farmer for commercial agricultural production. Crops are mostly commodity crops consisting of corn or soybeans and are sold off site. This tract was purchased with County open space funding. In order for the tract to be leased to a farmer, the County required that the tract be open to the public with a perimeter walking trail and community gardens. Beth Pilling was the County contact.
2. There are over 400 acres of preserved farms in the Township, which largely produce commodity crops. These include the following major landowners:
  - Bud Reifsneider
  - Wilmer and Millie Alderfer
  - The Meckas
  - Susan Pengelly– 70 acres
3. There are 11 farmers markets in Montgomery County (all established within the past 10 years). Michael S. has sent a complete list.
4. Some had concerns that selling produce on the preserved land could cause unforeseen traffic or noise that may offend neighbors or cause an additional burden

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for the Township. Peter S. stated that proper zoning is crucial to minimize negative impacts.

5. Regulations:

- It was stated farmers often get around regulations since farms are typically afforded extra protection through the PA Right to Farm Act.
- Stormwater controls are needed for small farms.

6. It was questioned as to whether small farms could be profitable. The following activities were suggested to make small agriculture operations more profitable:

- Christmas tree sales.
- Agri-tainment such as corn mazes or events.

7. Poor soils in the Township may limit the viability of vegetable production.

8. Those in attendance were asked if they had any concerns regarding agriculture in general:

- Dan K. stated that the Township doesn't receive many complaints from neighbors of farms. This may be because there are not many dairy farms and associated odors.
- Michael S. added that most resident complaints at the County level result from the locations of manure storage, associated odors and stormwater runoff.
- Farmer concerns include trespassing by ATVs and roaming animals.

9. It was noted that farmers who hope to lease municipal land for farming may seek a longer time commitment than municipalities are willing to commit to.

10. Those in attendance agreed that a sample lease agreement should be produced by this study. The sample leases should include straightforward language easily understood by farmers.

11. The Kimberton-Waldorf CSA was mentioned. It was noted that, with the exception of Susan Pengelly's farm, there is not much direct local sale of produce in the Township (a possible unmet need). Tom M. expressed interest in the possibility of a farmer's market for the Township.

12. Elizabeth Emlen – Montgomery County Senior Farmland Preservation Administrator was mentioned as a possible contact that may help inform the study.

Respectfully submitted,

Simone Collins  
Landscape Architecture



Peter M. Simone, RLA, FASLA  
Principal



Justin Keller  
Project Manager



January 3, 2012

**Transforming Open Space to Working Farmlands in Southeastern Pennsylvania**

West Pikeland Township Meeting – 7 PM, Wednesday, November 30, 2011

**Attendees:**

Frank Best – West Pikeland Planning Commission  
Mary Felley - Interim Director, GreenSpace Alliance  
Ted Gacomis – West Pikeland Township Open Space Committee  
Curt Grogan – West Pikeland Land Trust  
Harold Hallman III – Supervisor, West Pikeland Township  
Justin Keller - Simone Collins Landscape Architecture (SC)  
Brett Kreiter – Farmer (custom)  
Hillary Krummrich – Chester County Agricultural Development Council  
Sam Matthews – Farmer (dairy)  
Michael Minnich – Chairman, West Pikeland Environmental Advisory Committee  
Peter Simone - SC  
Judy Thomas – Chester County Department of Open Space Preservation  
Vince Visoskas – West Pikeland Township Manager

**The following is a summary of the discussion items at the meeting:**

1. Those in attendance were asked to identify any issues or obstacles associated with agriculture uses in the Township, and offered the following:
  - Dairy operations can be challenging when conducted in close proximity to residences due to the odors emitted and the potential for stormwater runoff.
  - New regulations are anticipated for manure that could further restrict agricultural operations. These regulations are expected to be similar to those in the Chesapeake Bay Watershed.
  - Deer browsing is more likely on smaller plots, and deer seem to prefer vegetables over most native vegetation.
  - Organic farming can be more expensive than traditional methods, and can cause issues with neighbors since more manure is used.
  - Vegetable production using immigrant labor is not preferred.
  - The community sentiment reflects a variety of diverse opinions.
  - A major obstacle is the ability to purchase equipment and supplies needed to support agriculture. Local farmers often have to travel to Lancaster County to obtain these supplies.



2. Participants were asked if they would support funding for the acquisition of open space properties that include sustainable agricultural uses intended for commercial production:
  - Some thought that others could be opposed to using taxpayer money to fund uses that may increase traffic to these parcels.
3. Previous bond issues for the acquisition of open space were overwhelmingly supported by 68% of West Pikeland Township voters.
4. It was stated that all Township properties over 10 acres are ranked according to their natural value for use in assessing properties suitable for open space acquisition. This ranking could be modified to include ratings for agricultural value.
5. Judy T. stated that the County land trust grant program has funded acquisition of agricultural parcels without requiring public access.
6. Rushton Woods Preserve (Willistown Conservation Trust) is a good example of a commercial agriculture operation with public access. This property contains a CSA and public trails with a trailhead serving parking needs for both uses.
7. An impediment to conducting CSAs on public land is the substantial amount of start-up money required. Furthermore, most municipal leases of lands for agriculture are too short at 3 years, and they have to be sent out to public bid.
8. The Township maintains portions of Pine Creek Park as hayfields. This reduces maintenance since it has to be cut only once or twice a year. This use also provides hay to support the local equestrian industry. Political and public support is essential to make these types of operations successful.
9. It was stated that the Township prefers to buy easements over fee-simple land since easements do not place the responsibility for maintenance on the Township.
10. In terms of land conservation, the Township supervisors are currently focused mainly on open space for active recreation and “just plain easements.” Agriculture on protected land is “not really on their radar screen” at present.
11. The biggest agriculture industries in West Pikeland are mushrooms, dairy and equines.
12. It was stated that Chester County appears to be saturated with farmers’ markets.
13. One opinion was that local farms are more likely to survive in urban areas where there is more demand and higher consumer prices.
14. A possible niche market in this area is hay production, supplying feed to the numerous local equestrian uses. Stables have reported difficulty in finding local sources of hay. A byproduct of equestrian uses is high quality manure that is the preferred growing medium for the local mushroom industry.
15. Hay cultivation has little if any deer browsing pressure. However, producing commercial-quality hay requires more herbicides than traditional commodity crops to combat invasive species such as Multiflora Rose and Russian Olive.
16. The Township has observed a slow decline in the number of farms, however overall farm acreage has remained somewhat stable. Those in attendance stated that

incentives were needed for young farmers to stay in the agriculture industry locally, given that they face the challenges of poor farming infrastructure, congested roads and some unfriendly neighbors.

17. The practice of custom farming was discussed. This type of farming is typically conducted by a local farmer that travels to various sites to conduct farming operations on behalf of the landowner. It was suggested that this type of farming is trending upwards and could be conducted on the many gentleman farms in the area.
18. It was suggested that open space set aside as a part of residential subdivisions could be maintained as hay fields.

Respectfully submitted,

Simone Collins  
Landscape Architecture



Peter M. Simone, RLA, FASLA  
Principal



Justin Keller  
Project Manager



December 21, 2011

**Transforming Open Space to Working Farmlands in Southeastern Pennsylvania**  
Philadelphia Focus Group Meeting – 1:30 PM, Thursday, December 15, 2011

Attendees:

Marilyn Anthony – Southeast Regional Director, Pennsylvania Association for Sustainable Agriculture (PASA) / project committee member  
Claire Baker – Pennsylvania Horticultural Society (PHS)  
Joan Blaustein – Philadelphia Parks and Recreation  
Jeanette Brugger – Philadelphia Planning Commission  
Jon Edelstein – Manager of Brownfield Redevelopment, City of Philadelphia Department of Commerce  
Patty Elkins – Associate Director, Planning Division, Comprehensive Planning Unit, Delaware Valley Regional Planning Commission (DVRPC) / project committee member  
Bennur Koksuz – Philadelphia Redevelopment Authority  
Barbara McCabe – Parks Coordinator, Philadelphia Parks and Recreation  
Lisa Mosca – PHS  
Sharat Somashekara – PHS  
Sarah Wu – Mayor's Office of Sustainability  
Carmen Zappile – Philadelphia Industrial Development Corporation (PIDC)

Mary Felley - Interim Director, GreenSpace Alliance  
Justin Keller - Simone Collins Landscape Architecture (SC)  
Peter Simone - SC

The following is a summary of the discussion items at the meeting:

- 1. SC is to request GIS mapping for PHS and PIDC land holdings from each agency.**
2. Lisa M. stated that the USDA classifications for commercial farms are those generating \$1,000 to \$5,000 in annual revenue. She added that some community gardeners generate supplemental income by selling produce.
3. Lisa M. stated that PHS has three programs assisting urban farmers. These programs consist of training, donation of supplies, and financial assistance to incubators / entrepreneurs. PHS also supports urban farming in the following ways:

- Plant material is grown and supplied to support Weavers way Co-Op. Weavers Way produces about \$50-60K annually using several sites.
  - Methodist Home is another operation helped by PHS. This site consists of 2-3 acres.
  - PHS conducts bulk purchasing to get agricultural supplies into the City. This is probably 50% of their work.
4. Minimum costs to bring in soil and compost are about \$2,000 to \$3,000 per small lot.
  5. There are more prospective farmers than available land in the City. About 50 people per year want land to conduct farming operations. PHS is seeking “incubator” sites for apprenticing new growers, with the possibility of a single site hosting multiple farmers.
  6. Agricultural easements restricting farming activities such as Natural Resources Conservation Services (NRCS) and Conservation Reserve Enhancement Program (CREP) have limited time restrictions, while restrictions on lands preserved with federal dollars through the Land and Water Conservation Fund (LWCF) do not expire. The case should be made that agriculture should be allowed on LWCF properties as other cities such as Boston and New York have done. **SC is to research this example.**
  7. Most City recreation lands and Fairmount Park lands predate the Federal or State conservation funding programs, so they could be used for agriculture without restriction. Saul High School, Manatawna and Fox Chase Farm are three farms now operating in the Fairmount Park system.
  8. The recently adopted City zoning ordinance contains definitions for urban agriculture and community gardens. Commercial sales are allowed in non-residential zoning districts only.
    - It was noted that industrial zones do not permit agriculture without a variance.
    - Animal husbandry is prohibited on parcels less than 3 acres.
    - A related issue is how to quantify the amount of outside product brought into a commercial agricultural operation and at what point the sale of outside products is larger than the sale of products produced on-site.
  9. Discussion took place regarding the appropriate parcel size for commercial agriculture.
    - It was stated that some vegetable operations could be successful with 10,000 to 40,000 square feet. However, livestock operations need much larger areas.
    - Most vacant parcels in the city are very small at 500-1000 SF. These parcels are often considered to be brown fields and 6 to 9 inches of new soil needs to be brought in to support growing operations.
    - Sometimes there is no net profit on these parcels even when the costs for plant material and soil are subsidized by PHS and/or others.
    - Successful sustainable agriculture operations can gross between \$20,000 to \$80,000 per acre per year.
  10. Sharat S. stated that urban agriculture uses often have to be tailored to the unique characteristics of individual parcels. Rainwater collection for crop watering was mentioned as one example of a site-specific solution for parcels with no public water service.

11. Marilyn A. stated that PASA is looking to find new business models where someone manages agricultural crops on small parcels.
12. Barb M. stated that the Parks and Recreation Department wants to expand and categorize parklands suitable for agriculture and establish educational programs for the public.
13. The Parks and Recreation Department has successfully collaborated with ShopRite to supply produce through youth development programs.
14. Peter S. mentioned to Joan B. that the Department of Recreation has established criteria to evaluate the possible sale of parkland. Perhaps similar criteria could be established to rank the use of parkland for agriculture operations.
15. It was stated that this study should define certain agricultural uses as interim uses, and investigate the appropriate lease length for an interim use. Short-term leases may be challenging on sites where infrastructure or soil improvements are required.
  - Carmen Z. of PIDC stated that interim leases of 3-5 years would work best for most of their properties.
  - An interim agricultural use needs at least 3-5 years to be feasible. However, this lease may have to be longer if investments are needed for infrastructure or soil.
  - Lisa M. stated that interim leases of 5-10 years would be more feasible for most agricultural uses.
16. Sarah W. observed that agricultural uses are often not popular with city residents due to misperceptions and the appearance of these uses.
17. Lisa M. suggested the following with regard to possible public backlash that may result from agriculture uses:
  - A city crew is needed to help maintain the appearance of these spaces.
  - Outsiders coming into a neighborhood to farm could be viewed negatively.
18. This study should capture the benefits of local food production as a way to supplement the earnings of low-income residents, as well as the benefits of locally produced food for community health, sustainability, etc.
19. Sarah W. was interested in seeing a typical business plan for an urban farm in Philadelphia, and a typical period for expected return on investment.
20. It was stated that many suburbanites have their own gardens. Those in the city need to create a culture of community gardening where an individual or group specializes in producing a specific product.
21. Peter S. asked those in attendance to identify other or overlooked properties with potential for urban agriculture. The following were listed:
  - The Walnut Hill farm is partially located on SEPTA lands. There may be other opportunities for agriculture on SEPTA lands. It was noted that SEPTA leases from Amtrak or Conrail, and these parties should be included in any conversations with SEPTA.
  - Philadelphia School District
  - Department of Public Property (City acquired properties)
  - PECO and other utilities
  - Private land owners (sometimes are easier to deal with)
  - Consider roof space

- The Philadelphia Water Department is looking for ways to subsidize the removal of asphalt. One possibility is land or cost sharing with the Water Department using agriculture as a vector to increase infiltration by removing impervious surfaces. This could also work to reduce the recently introduced taxes on impervious surfaces. Those at the meeting agreed that there was great potential to make stormwater management requirements work in favor of expanding agriculture in the city.
  - PHS previously looked into Philadelphia Housing Authority lands but found that the leases were too short to support agriculture uses.
22. It was noted that more than 5,000 SF of disturbance triggers the need for City permits – even if the disturbance is only the removal of asphalt.
23. A member in attendance asked how to justify the use of public land for a commercial enterprise. Peter S. stated that this is already done in the city parks with permits for vendors and historic homes. It was stated that the public could view this as taxpayer money being used for commercial operations.
24. It may not be realistic or practical for a farmer to approach a City agency regarding farming on a public property. An alternative would be to use PHS or another non-profit as a mediator between would-be farmers and all city agencies that own or manage land. This could benefit all parties in the following ways:
- The mediator could issue RFPs to match local farmers with available land.
  - The mediator could carry liability insurance to cover its prospective farmers. This would be cheaper and more straightforward than individual insurance policies.
  - PHS could be used to vet or incubate prospective farmers.
  - PASA could be used for landowner ‘matchmaking’.
25. A member in attendance stated that there is a website identifying locations of fruit bearing trees on public land in the city. This website is [http://neighborhoodfruit.com/find\\_fruit](http://neighborhoodfruit.com/find_fruit) .
26. Tree crops were suggested as an interim use for some locations. However, it was mentioned that nursery trees are regulated by Pennsylvania Landscape and Nursery Association (PLNA) and that City tree crops should not compete with local nurseries.
27. The next steps for the project will be to contact some attendees with additional questions and follow up with those who could not attend the meeting, such as the Philadelphia Water Department.
28. The draft report will be sent to the committee for their review and comment sometime in February 2012.

Respectfully submitted,

Simone Collins  
Landscape Architecture



Peter M. Simone, RLA, FASLA  
Principal



Justin Keller  
Project Manager



March 29, 2012

**Transforming Open Space to Working Farmlands in Southeastern Pennsylvania**  
Middletown Township Focus Group Meeting – 7 PM, Thursday, March 29, 2012

Attendees:

Nancy Bernhardt, Indian Orchards Farms  
Lorraine Bradshaw, Township Council  
Bruce Clark, Township Manager  
Justin Keller, Simone Collins Landscape Architecture (SC)  
Meg MaCurtin, Greener Partners  
Pete Schettler, Middletown Township Planning Commission  
Peter Simone, SC  
Pete Wolfe, Parks and Recreation Committee

The following is a summary of the discussion items at the meeting:

1. Pete W. stated that sustainable agriculture is not always sustainable from an economic standpoint and often these uses need to be subsidized. He added, young people interested in working in the field of sustainable agriculture often become burnt out due to the significant amount of labor required. He feels that based on other farms, the maximum land area for one or two people to cultivate is 1-2 acres.
2. Meg M. stated that Greener Partners is currently leasing agricultural land from the Elwyn School for a nominal fee. The 7-acre farm has 3 farmers and 3 interns plus personnel for educational programming. The workers are very busy with very little opportunity for personal time. They run a 75 member CSA with shares starting at \$750.00. She expressed a desire to raise animals but the lessor is reluctant to allow this use. The farm required a township permit for the construction a fence and greenhouse.
3. The LinVilla estate allows farming, has an orchard and sells Christmas trees as a form of agritainment.
4. The Smedly tract uses agriculture as a land management tool. This tract and the Indian Orchard tract allow agriculture uses since they were acquired with a Township bond issue and not with DCNR funds.

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5. Nancy B. commented that small organic farms require intensive labor. She added that networking with other farmers is important. She currently produces fruit on 15-20 acres of a 30-acre property.
6. A member in attendance asked if tax free zones could be created for sustainable agriculture similar to Keystone Opportunity Zones.
7. Those in attendance agreed that farms add scenic and cultural value to the community.
8. It was generally agreed that the Township is supportive of agriculture uses.
9. Meg M. stated that Greener Partners would like to have more space to train future farmers through craft and educational seminars. She expressed a desire for an additional 32 acres to create a public engagement / educational campus. She receives over 50 applications a year for their current programs. In addition, many have expressed an interest in volunteering at the farm.
10. A member in attendance stated that this study should look to Europe for examples of successful community gardens that improve community cohesion.
11. It was noted that Agritainment uses can cause issues with neighbors and traffic.
12. A member in attendance stated that incentives and tax breaks should be offered to private landowners whom lease their land to farmers.
13. High tunnel farming (domed – plastic greenhouse) is becoming increasingly popular and zoning regulations and lease agreements should not overly restrict these temporary structures.
14. It was noted that sustainable farm activities in parks could provide additional security.
15. More farm markets are needed in the community.
16. Peter W. noted that his produce sales have actually gone down the past few years likely due to the popularity of private gardens.
17. It was noted that Delaware County offers a tax abatement program for farms 10 acres or greater.

Respectfully submitted,

Simone Collins  
Landscape Architecture



Peter M. Simone, RLA, FASLA  
Principal



Justin Keller  
Project Manager