

**BOARD OF SUPERVISORS
WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 2000-1**

AN ORDINANCE AUTHORIZING THE BOARD OF SUPERVISORS OF WEST PIKELAND TOWNSHIP (“TOWNSHIP”) TO IMPLEMENT IN PART THE RECOMMENDATIONS OF THE TOWNSHIP’S COMPREHENSIVE PLAN UPDATE OF 1999 AND THE OPEN SPACE, RECREATION AND ENVIRONMENTAL RESOURCES PLAN OF 1992, BY SUPPORTING THE CREATION OF THE WEST PIKELAND TOWNSHIP LAND TRUST (“TRUST”) IN ACHIEVING ITS GOALS AND OBJECTIVES AND ASSISTING THE TRUST WITH PERIODIC LOANS, GRANTS, AND TECHNICAL ASSISTANCE.

UNDER THE AUTHORITY OF THE SECOND CLASS TOWNSHIP CODE, THE BOARD OF SUPERVISORS OF WEST PIKELAND TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section 1. Background

- A. West Pikeland Township is located in the northern portion of Chester County east of West Vincent, north of Uwchlan Township and west of Charlestown Township. Historically, West Pikeland Township has been an agricultural and livestock breeding community.
- B. The preservation of West Pikeland Township’s open, rural atmosphere and its rich historic context is of great importance to the Township.
- C. The Township has accommodated its fair share of residential and commercial development and has established in its Zoning and Subdivision Ordinances, reasonable provisions for future development.
- D. The Pennsylvania Legislature has strongly fostered the preservation of agricultural uses within Pennsylvania by enacting the Agricultural Area Security Act (“AASA”) 3 P.S. S. 901 et seq., in which it is stated:

“It is the declared policy of the Commonwealth to conserve and protect, and to encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. It is also the declared policy of the Commonwealth to conserve and protect agricultural lands as valued natural and ecological resources, which provide needed open spaces for clean air, as well as for aesthetic purposes.”
- E. The AASA provides for the purchase by counties of development rights of properties located within the established agricultural security areas, but does not provide for the appropriation of funds for local municipal acquisition of such rights.

- F. West Pikeland Township has strongly encouraged property owners to participate in the preservation of agricultural lands, open space reserves, historic settlements, restrictive covenants, and conservation easements.
- G. Funding the purchase of development rights by Chester County is severely limited, so that under all current foreseeable circumstances, only a minor portion of the lands within the Township will be truly protected against development by restrictive covenant, easement, or similar legal instrument.
- H. The Chester County Board of Commissioners has established the Chester County Heritage Park and Open Space Municipal Grant Program, and the Township, in the past, participated in this program by, inter alia, appointing a Township open space task force (“OSTF”) and by adoption the Township’s Open Space, Recreation and Environmental Resources Plan (“Plan”). The Township has continued this emphasis in the Comprehensive Plan adopted in 1999.
- I. The Comprehensive Plan contains the following goals and objectives:
 - Develop standards and techniques by which to guide and encourage the conservation of land including acquisition by the Township (page 1-1)
 - Preserve and protect the natural and scenic resources of the Township (pages 1-1)
 - Preserve the scenic resources of the Township by encouraging donations of scenic easements in cooperation with local conservation organizations (page 1-1)
- J. The Open Space Plan contains the following specific recommendations:
 - Establish a funding program to assist landowners with burdens of planning, design, and open space management costs where permanent Township open space resources protection objectives are achieved (page 84-88).
 - Encourage private land conservation through public education of incentives such as federal income, gift, and estate tax reductions (page 84-88).
 - Encourage private land stewardship efforts and the formation of a landowners’ cooperative programs (page 84-88).
- K. Several citizens of the Township have volunteered to be founders and initial directors of a non-profit entity to be called the West Pikeland Land Trust (“Trust”), with the following mission:
 - “To provide an organization that can serve the needs of West Pikeland Township in the preservation, conservation and stewardship of open space

including important agriculturally productive lands and natural areas. To assist the Supervisors and the Planning Commission in decisions regarding open space planning and acquisition. To provide assistance to landowners in the Township who wish to pursue conservation objectives in their long and short-term plans for their properties. To establish an “Endowment Fund” to provide operating revenue for stewardship and planning activities. To serve as a liaison with conservation and historic preservation organizations and promote the services that they can offer. These include the Natural Lands Trust, Brandywine Conservancy, Brandywine Valley Association and the French and Pickering Creek Conservation Trust. To purchase development rights and to accept lands and conservation easements from donors, including developers that are required to be set aside by subdivision regulation and establish management procedures with homeowners associations. To work with the Township staff in efforts to better manage and improve existing open space areas and trails.”

- L. The activities of the Trust, if effectively implemented, will constitute a critical element of implementation of the Plan’s recommendations by permanently preserving, agricultural areas and other natural and historic resources within the Township, thereby protecting the health, safety and welfare of the citizens of the Township and carrying out the stated public policy of the Commonwealth of Pennsylvania “to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air, as well as for aesthetic purposes.”

Section 2. Authorization

The Township Board of Supervisors acknowledges that the support of the Trust is in the best interest of the citizens of West Pikeland Township and is expedient and necessary to the proper care of the Township’s best interests and for the maintenance of the welfare of the Township and its citizens and for the promotion and support of agricultural activities, being a significant part of the commerce and trade of the Township; and the Board hereby specifically authorize the following:

- A. The Township shall hereafter be authorized to enter into such contractual arrangements with the Trust as the Supervisors shall deem to be in the Township’s best interests;
- B. The Township shall hereafter be authorized to provide financial assistance to the Trust, in the form of annual or special grants and/or in the form of loans, or partly in grants and partly in loans, upon such terms and conditions as the Supervisors shall deem to be in the Township’s best interests; and

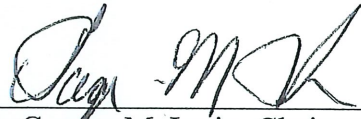
- C. The Township shall be hereafter authorized to provide technical assistance, professional assistance and/or other services to the Trust at such cost (including at no cost) as the Supervisors shall deem to be in the Township's best interest.

Section 3. Effective date:

This Ordinance shall be effective five (5) days after its enactment.

ENACTED AND ORDAINED this 4th day of January 2000.

WEST PIKELAND TOWNSHIP
BOARD OF SUPERVISORS



Dr. George M. Irwin, Chairman



John Chris Petry, Vice-Chairman



Andrew N. McCreight, Member

ATTEST:


Patricia A. Morrison, Secretary