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I. INTRODUCTION

Perry County covers an area of approximately 356,217 acres or 556 square miles. Of this, approximately 129,092 acres on 752 farms are in agricultural use. This represents about 36 percent of the county's land area.

Agriculture plays a very important role in the county's economy. Perry County farmers sold \$69,773,000.00 worth of crops, livestock, and livestock products in 2005. The value of Perry County's farmland goes well beyond economic values, however.

Farmland plays a vital environmental role providing habitat for wildlife, groundwater recharge areas, and open space in an increasingly urbanizing region. Farmland gives Perry County its scenic character and contributes greatly to the area's quality of life.

Increasing development pressure, especially in the southeastern part of the county, has taken its toll on agriculture. When large areas of farmland are broken up by extensive sprawl development and land speculation, agriculture is doomed.

Recognizing the need for local leadership to conserve and protect remaining viable agricultural land, the Perry County Commissioners appointed a Perry County Agricultural Land Preservation Board (County Board) in January of 1990. The County Board's purpose, as outlined below, is to preserve farmland by developing a program to protect farmland and to provide leadership and support to County agricultural land preservation efforts. A sound Perry County farmland preservation program will help assure that farmers in this county have sufficient agricultural lands to provide farm products for the people of Perry County, Pennsylvania, and the United States.

II. STATEMENT OF PURPOSE

It is the purpose of the County Board to protect viable agricultural lands by acquiring agricultural conservation easements, which prevent the development or improvement of the land for any other purpose other than agricultural production. Further, it is the purpose of the County Board to:

1. Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
2. Protect normal farming operations in agricultural security areas from incompatible land uses that may render farming impracticable.
3. Protect farming operations from complaints of public nuisance against normal farming operations.
4. Assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth.
5. Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
6. Maximize agricultural conservation easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.
7. Encourage the use of additional farmland preservation techniques through public and private organizations in the County.
8. Promote efforts to support the agricultural industry in the County.

9. Perform such other duties and responsibilities as may be authorized pursuant to the Agricultural Area Security Law.
10. Establish and review specific goals and to do all other lawful acts permitted by the bylaws as they may be amended from time to time.

III. CONSERVATION EASEMENTS –\$1BARGAIN SALES & DONATIONS

1. Intent

In order to effectively preserve agricultural land within agricultural security areas, it is the intent of the Perry County Agricultural Land Preservation Board and Board of County Commissioners, to accept voluntary \$1 Bargain sales, bequests of conservation easements or donations on a perpetual term basis only. Such grants of easement constituting restrictions on the use of land are designed to preserve and protect the agricultural and open space character of the land. Acceptance of conservation easements will be determined by the Agricultural Land Preservation Board and the Perry County Board of Commissioners through minimum eligibility criteria.

2. Description

A conservation easement is a legally binding document, which is filed with the Recorder of Deeds restricting use to agricultural and directly associated uses. As an easement in gross, the restrictions are binding upon the owner and future owners. The conservation easement carries with the land. \$1 Bargain Sale conservation easements and donated easements will be held by Perry County in perpetuity and the County is responsible for enforcing the deed restrictions contained in the conservation easement. All \$1 Bargain Sale easements and all donated easements will be perpetual.

3. Minimum Eligibility Criteria for \$1 Bargain Sale Easements

Prerequisite to acceptance of a \$1 Bargain Sale agriculture conservation easement, agricultural land must meet the following criteria:

- A. Be in an agricultural security area
- B. Be in an agricultural or open space use
- C. Consist of at least 50% productive agricultural soils of Pennsylvania soils capability classes I, II, III, & IV
- D. Any liens or mortgages against the land must be made subordinate to the easement
- E. Title to the land must be clear
- F. Must have acceptable undisputed metes and bounds description of property.
- G. No more than 6% of the subject land shall be impervious surface.

Impervious surface shall be defined as those areas where the natural soil layer and profile are compacted, disturbed or covered through construction or other earth moving activities. This will include but is not limited to: permanent rooftops, pavement, gravel parking areas, driveways. The goal of this is to protect agricultural soils and to limit the destruction thereof.

4. Minimum Eligibility Criteria for Donations:

(a) General rule.--Notwithstanding any other provision of this act to the contrary, upon recommendation by an eligible county, the donation of an agricultural conservation easement may be acquired by the county, State board, an eligible nonprofit entity or a local government unit if all of the following apply:

- (1) The land is used for agricultural production.
- (2) The term of the agricultural conservation easement is perpetual.
- (3) The applicable county program provides for the acquisition by donation of an agricultural conservation easement.
- (4) The agricultural conservation easement is being acquired by donation by an eligible county or by the eligible county in conjunction with the Commonwealth, an eligible nonprofit entity or a local government unit, or any combination of these.
- (5) Instruments and documents for the acquisition by donation of an agricultural conservation easement are approved by the State board or the county board, as the case may be, prior to execution and delivery. Proper releases from mortgage holders and lien holders must be obtained and executed to insure that all agricultural conservation easements are acquired by donation free and clear of all encumbrances.
- (6) The agricultural conservation easement has title insurance.
- (7) The deed of agricultural conservation easement is as prescribed by the State board for agricultural conservation easements purchased by the Commonwealth.
- (8) The applicable county board records an agricultural conservation easement acquired by donation by the county in the office of the recorder of deeds of the county wherein the agricultural conservation easement is located and submits to the State board a certified copy of the agricultural conservation easement within 30 days after recording.
- (9) If the land does not meet the minimum criteria established by the State board for purchase of an agricultural conservation easement, the land shall be contiguous to property which is subject to an agricultural conservation easement.

(b) Expenses.--The allocation of a county may be adjusted by a maximum of \$5,000 per easement for all costs, except administrative costs, incurred by the Commonwealth or a county incident to the acquisition by donation of an agricultural conservation easement.

5. A deposit to be determined at the time of signing an Agreement of Sale will be required for the Appraisal, Survey, Legal/Title Fees, Recording Costs and all other incidental costs associated with the preservation of the farm. These deposits will be returned after closing and after the Conservation District or other County entity is reimbursed from the Commonwealth of Pennsylvania.

IV. CONSERVATION EASEMENTS – PURCHASE PROGRAM

Perry County, through its Agricultural Land Preservation Board, intends to acquire Agricultural Conservation Easements. A conservation easement secured through acquisition is a legally binding document, which is filed with the Recorder of Deeds, restricting the land's use to agricultural and directly related uses. Restrictions are binding upon the owner and future owners, carrying with the land. Conservation easements may be acquired with county funds, state funds, local government funds, jointly, or grants and donations from private sources. The County Board is responsible for monitoring and enforcement of all easements purchased with public and private funds.

Conservation easements will be purchased only through voluntary sale within existing Agricultural Security Areas. Those landowners who are interested in applying for conservation easement sales on qualified land will be ranked and prioritized based on locations and site factors and the viability of the farming operation. An appraisal or appraisals of conservation easement value will be the determinant of the maximum compensable easement value.

The purchase price paid for an Agricultural Conservation Easement in perpetuity will be equal to or less than the easement value, as determined by the appraisal process. Perry County will not consider any conservation easement for purchase which exceeds \$10,000/acre of State Funds. Any amount over \$10,000 per acre will be considered County funds.

All easements purchased with state and county money will be perpetual.

At the regular meeting of the Perry Farmland Preservation Board held March 4th, 2010, the Board unanimously approved a motion that all farms preserved will have a new deed recorded from owner to owner with 1 perimeter boundary description and the recorded deed of easement attached. The purpose of this is two fold. 1. to prevent the selling of individually deeded tracts from a preserved farm, and 2. to ensure that the next time the farm changes hands, the deed of easement will be included in the new deed. This change to the program was approved by the State Agricultural Land Preservation Board on June 10, 2010.

The objective of this method of farmland preservation (by purchasing conservation easements) is to ensure the continued existence and protection of farmland in Perry County while at the same time providing just and attractive compensation to the landowner.

All conservation easement applications and other documentation shall be done in accordance with model formats included in the State guidebook and any future revisions thereto.

County and State funds appropriated in a given year can be spent over a two-year period.

V. PURCHASE PROCEDURE

Landowners interested in selling an Agricultural Conservation Easement to Perry County and the Commonwealth of Pennsylvania should use the following procedure:

1. Submit application. (Appendix D). Landowners initially need to complete those parts of the application needed to determine eligibility. Applications from landowners interested in selling an agricultural conservation easement will be accepted at the publicly advertised period of June for the following year, beginning in 2006. Applications from landowners interested in accepting a \$1 bargain sale for a conservation easement will be accepted at any time. Applications will remain on file for five years. Any changes/updates to existing applications should be made during the June sign up period. Original/existing applications will be sent to applicants yearly for their review. A new application must be submitted every 5 years.
2. After receipt of the application, the Board will review the form to determine if state and county minimum criteria for participation in the program are being met. Applicants may be asked to meet with the Board to discuss information on the application.
3. If minimum criteria are not met, the applicant will be mailed a letter of rejection with an explanation of why the application was rejected. If the applicant provides proof that all minimum criteria have been met, the application will be scored using the Land Evaluation and Site Assessment system (LESA). The County Board representative will assist landowners with filling out the application if necessary.
4. Following the LESA ranking system and priority ranking on each applicant, the County Board will determine the appraisal order for applicants. The application/applicant with the highest LESA score will be approached first, followed by the next highest LESA score and so on. The applicant will have thirty days to respond and let the County Board know of his/her intent to proceed with the appraisal. An appraisal deposit as described in 5. below is due at that time. The County Board reserves the right to limit the number of applicants chosen for appraisals based on cost factors, consistency with County important ag-area map, and proximity to other lands subject to easement.
5. Applicants approved for appraisal must submit a \$1500.00 deposit made payable to the Perry Conservation District or other County entity as specified. This deposit will be refunded unless applicant refuses an offer to purchase the conservation easements at full market value or specified percentage thereof, or unless the applicant breaks a sales agreement with the County Board. Appraisal deposit form is Appendix F.
6. The appraisal procedure will follow the regulations of the Commonwealth as contained in Appendix G of this document. The appraisal report will provide the County Board with an estimate of the value of the easement. The value of an easement in perpetuity for purposes of making an offer to purchase an easement shall be the difference between the market value and the farmland value contained in the County appraisal report.
7. The total annual allocation of State funds to Perry County must be spent over a period of two consecutive county fiscal years. Section 14.1(h) (8.1) (8.2)

VI. APPLICATION REQUIREMENTS

The following apply to all applications.

1. All applications must be submitted on the County Board approved application forms.
2. The County Board has established a one time application fee of \$15.00. The amount of the fee will be indicated on the current application form and must accompany the application when submitted.
3. Applications for perpetual easements only will be accepted.
4. Only entire tracts of a farm will be accepted. A tract shall be defined as contiguous acreage designated by deed or tax parcel tracts. The Board will decide unclear or special cases on a case-by-case basis.
5. Non-contiguous tracts may be submitted under one application.
6. Applicants may withhold forest and/ or CRP or CREP land from the tract from inclusion in the Ag easement if the 50% cropland/pasture and the 50% Class I-IV soils minimum criteria cannot be met. All acres withheld must be preserved with a donated easement under this program, a conservation easement held by the Conservation District or viable non-profit organization.
7. In addition to 6. above, if in order to meet Federal Farm and Ranchland Protection Program (FRPP) application requirements, or other funding sources minimum criteria, the minimum acreage will be withheld for purposes of meeting the FRPP or other funding sources minimum requirements and that all acres withheld must be preserved with a donated easement under this program, a conservation easement held by the Conservation District or a viable non-profit organization or government unit.

VII. MINIMUM CRITERIA

The Perry County Farmland Preservation Board has established minimum requirements which farms must meet to be eligible for the easement purchase program. The farmland tract shall:

- (1) Be one or more of the following:
 - (i) Located in an agricultural security area consisting of 500 acres or more.
 - (ii) Bisected by the dividing line between two local government units, having the majority of its viable agricultural land within an agricultural security area of 500 acres or more and the remainder in another local government unit outside of an agricultural security area.
 - (iii) Bisected by the dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county within an agricultural security area of 500 acres or more and the

remainder in another county outside of an agricultural security area, and with respect to which one of the following applies:

- (A) A mansion house is on the tract and located within the purchasing county.
- (B) When the mansion house on the tract is bisected by the dividing line between the two counties, the landowner has chosen the purchasing county as the situs of assessment for tax purposes.
- (C) When there is no mansion house on the farmland tract, the majority of the tract's viable agricultural land is located within the purchasing county.

(2) Be one or more of the following:

- (i) Contiguous acreage of at least 50 acres in size.
- (ii) Contiguous acreage of at least 10 acres in size and utilized for a crop unique to the area.
- (iii) Contiguous acreage of at least 10 acres in size and contiguous to a property which has a perpetual conservation easement in place which is held by a "qualified conservation organization," as that term is defined in section 170(h)(3) of the Internal Revenue Code (26 U.S.C.A. § 170(h)(3)).

(3) Contain at least 50% of soils which are both available for agricultural production and of land capability classes I-IV, as defined by the USDA-NRCS.

(4) Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing land.

(5) No more than 6% of the subject land shall be impervious surface.

Impervious surface shall be defined as those areas where the natural soil layer and profile are compacted, disturbed or covered through construction or other earth moving activities. This will include but is not limited to: permanent rooftops, pavement, gravel parking areas, driveways. The goal of this is to protect agricultural soils and to limit the destruction thereof.

VIII. APPLICATION RANKING SYSTEM

Applications will be ranked using a two-part Land Evaluation and Site Assessment ("LESA") system. The Land Evaluation looks at the quality of the soils and the Site Assessment considers location factors that may have an impact on current or future viability of a farm. Worksheets in Appendix E will be used to summarize the scoring.

All properties considered for easement purchase would be evaluated in compliance with Section 14.1 (d) (1) (I-iv) regarding soil quality, likelihood of conversion, proximity to other eased lands, land stewardship, and fair and equitable procedures.

1. Land Evaluation (LE)

This part of the LESA system is based on soils data obtained from the Perry County Soil Survey and/or the Soil and Water Conservation Technical Guide maintained and updated by the USDA-NRCS. The Soil Survey was published in 1979 by the USDA Soil Conservation Service in cooperation with the Pennsylvania State University and the Pennsylvania Department of Agriculture.

Each soil-mapping unit found in Perry County has been assigned a relative value based on its land capability classifications, important farmland classification and productivity for corn. Based on these factors, each soil has been assigned a relative value, with 100 being assigned to the best soils for agricultural production in the county. All the other soils in the county have been assigned relative values less than 100. See Appendix E for a listing of the relative values for all the soils in the county.

Using the worksheet found in Appendix E, each farm under consideration will be assigned an average relative value for the soil types making up the tract. The highest average relative value a farm can receive is 100. The average relative value for the farm will then be weighted by 40%.

Total weighted LE Factor (40 points maximum)
Avg. Relative Value ____ x .40 (weight factor = ____ Weighted LE Score

2. Site Assessment (SA)

The site assessment portion of the LESA System consists of factors which relate to the viability of the site for present and future agricultural use. These factors consider development pressures in the area and the likelihood of future development impacting the farm operation. The site assessment considers factors that affect the relative importance of the site for agriculture. These factors are grouped into three categories for evaluation and rating:

- A. Development Potential: Factors which measure the limitations to continue farming on a subject site imposed by development pressures.
- B. Farmland Potential: Factors, which measure the potential agricultural productivity or farming practices of the site. These factors may include secondary values of a site, such as historic, cultural, scenic, or environmental values.
- C. Clustering Potential: Factors, which measure the importance of preserving blocks of farmland which support commercial agricultural

and help to shield the agricultural community against conflicts with incompatible land uses.

Each of the above potentials has been awarded a weighted percentage score, as has the land evaluation. They are as follows:

Land Evaluation	40%
Development Potential	20%
Farmland Potential	10%
Clustering	30%

The weighted scores are added for all the Land Evaluation (LE), Development Potential (DP), Farmland Potential (FP), and Clustering Potential (CP) factors and ranked by priority according to the highest total weighted score to the lowest weighted score, using the worksheet on Pages 35-39.

3. Development Potential ó 20% of total score

A. Road Frontage ó 80 points maximum

This item will be scored as follows: using tax maps and total road frontage on public roads, excluding limited access highways, will be determined in feet. Every 50 feet shall equal 1 point. For parcels divided by public roads, each side shall be considered separately. Note: Road frontage with obvious site distance and accessibility problems may not count towards scoring.

B. Extent of Non-Agricultural Use in Area

Using county tax maps, all parcels within a 1/2-mile radius of tract will be considered either non-agricultural or agricultural and will be assigned a point value as follows:

75-100% Non-Agricultural	4 points
25-74% Non-Agricultural	2 points
under 25% Non-Agricultural	0 points

C. Distance of tract by road from a four-lane highway interchange:

2 ½ miles or less	10 points
more than 2 ½ and less than 5 miles	7 points
5 miles or more	0 points

D. Availability of sewer and public water:

a. Distance from existing lateral for sewage: ½ miles or less	3 points
more than ½ mile and less than 1 mile	2 points
1 to 2 miles	1 point

Using county tax maps, all parcels within a 1/2-mile radius of tract will be considered either non-agricultural or agricultural and will be assigned a point value as follows:

75-100% Agricultural	17 points
25-74% Agricultural	8 points
< 25% Agricultural	0 points

5. Cluster Potential ó 30% of total score

- A. Consistency with planning map: In an agricultural area 25 points
Out of agricultural area 0 points
- B. Proximity of previously eased farms (50 points maximum)

(Land under agricultural easement held by the county, state, or unit of local government or by a non-profit land conservation organization.)

25 points for each contiguous farm
20 points within 1 mile radius

OR

New Clustering Score

First 3 farms eased in a new township where easements have never been purchased get 25 points regardless if they are contiguous with a previously preserved farm or not.

- C. Percentage of adjoining land in an agricultural security area.

80 to 100%	25 points
60 to 79%	15 points
40 to 59%	5 points

IX. APPROVAL OF PURCHASE BY THE PERRY COUNTY BOARD

LOCAL GOVERNMENT UNIT PARTICIPATION

Any local government unit that has created an agricultural security area may participate along with Perry County and the Commonwealth in the preservation of farmland through the purchase of agricultural conservation easements.

- A. The local government unit, in conjunction with a county board, may participate with the State Board in the purchase of agricultural conservation easements.

- B. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the eligible county and the local government unit as joint ownership.
- C. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the local government unit and the Commonwealth as joint ownership.
- D. The local government unit may purchase an agricultural conservation easement, provided that all of the following apply:
 - 1. The agricultural conservation easement is located within an agricultural security area of at least 500 acres or the easement purchased is a joint purchase with either the County or both the County and the Commonwealth, pursuant to the criteria set forth for the purchase of agricultural conservation easements crossing local government unit boundaries and crossing county boundaries including any portion of an agricultural conservation easement extending into an adjoining county.
 - 2. The deed of agricultural conservation easement is at least as restrictive as the deed of agricultural conservation easement prescribed by the State Board for agricultural conservation easements purchased by the Commonwealth.
 - 3. The local government unit shall participate with the County Board in complying with paragraph (E) for recording any agricultural conservation easement purchased by the local government unit.
 - 4. The County Board shall be responsible to record agricultural conservation easements where a local government unit is a party to the purchase of the easement. The easement shall be recorded by the County Board in the office of the recorder of deeds of Perry County. The County Board shall submit to the State Board a certified copy of the agricultural conservation easement within 30 days after recording. The County Board shall attach to all certified copies of the agricultural conservation easements submitted to the State Board a description of the farmland subject to the agricultural conservation easement.

In determining whether to offer to purchase an easement following receipt of the county appraisal report, the county board shall consider the following:

- 1. LESA score
- 2. Cost factors
 - A. Available funds
 - B. Cost per acre
 - C. Percent of easement value (if a bargain sale is offered)

3. Consistency with the county map of priority agricultural areas.
4. Proximity to other lands subject to easements.

If the County Board decides not to make an offer to purchase an easement on the farmland tract, the applicant shall be notified in writing. The applicant's deposit for the appraisal report will be returned if the County Board fails to make an offer.

X. PURCHASE NEGOTIATIONS WITH APPLICANTS

1. After the Board has decided to make an offer for the purchase of an Agricultural Conservation Easement, the Board or its representative(s) will meet with the applicant to discuss the offer. At this meeting, the appraisal reports will be reviewed with the applicant. A formal offer for purchase of a conservation easement shall be submitted to the applicant in writing and accompanied by the appraisal report. The offer may be less than or equal to the appraised value of the easement.

Applicants, who for whatsoever reason, offer to sell for substantially less than the appraised value of the easement, will be considered by the Board.

Applicants may elect to have payments paid in a lump sum, like-kind exchange, or on an installment or other deferred basis and final payment to be made not more than five years from the date the agricultural conservation easement purchase agreement is fully executed. Section 14.1 (11)

Within 30 days of receipt of the written offer from the County Board, an applicant may either:

1. Accept the offer
2. Reject the offer
3. Secure an independent appraisal as set forth by the state guidelines (Appendix G)

The failure of the applicant to act within 30 days shall constitute rejection of the offer. If the applicant chooses to retain an independent State-certified general real-estate appraiser at his expense and so notifies the County Board, the appraisal shall be completed within 120 days of the County Board's offer to purchase.

If the offer of purchase is accepted by the applicant, the County Board and the applicant shall enter into an agreement of sale. The agreement shall be conditioned upon the approval of the State Agricultural Land Preservation Board and be subject to the applicant to provide good title to the premises, free of any encumbrances such as liens, mortgages, options, rights of others in surface mineable coal, land use restrictions, adverse ownership interest, and other encumbrances which would adversely affect the County and the Commonwealth's interest in the farmland tract

An agreement of sale shall be in a form provided by the State Board.

2. If a survey of the farm that meets the criteria in Chapter 138e. Agricultural Conservation Easement Purchase Program is not available, the applicant will submit a \$5,000.00 survey deposit made payable to the Perry Conservation District or other County entity as specified. This deposit will be refunded unless applicant breaks the sales agreement with the County Board and the Commonwealth of Pennsylvania. Survey deposit form is Appendix M.

3. If applicant breaks the sales agreement with the County Board and the Commonwealth of Pennsylvania, all costs incurred by the County will be reimbursed by the applicant. This includes but is not limited to: Appraisal, Survey, Legal/Title Fees, Recording Costs, Notifications.

XI. STATE BOARD REVIEW AND DECISION

1. The State Board shall acknowledge receipt of the application for review. The State Board shall notify the County Board if the application is incomplete and request that additional information or documentation be supplied.
2. Within 60 days of receipt of a complete application for review, the State Board may approve or disapprove the purchase.
 - a. If the applicant is approved, the State Board shall execute the agreement of sale.
 - b. If the application is disapproved, the State Board shall immediately notify the County Board in writing of the reasons for disapproval. The County Board may resubmit the application if the purchase recommendation has been revised to address the State Board's reasons for disapproval. The resubmittal shall be treated as a new application.
 - c. The County Board may withdraw its application from the State Board at any time prior to action by the State Board. The County Board may resubmit the application for reconsideration. The resubmittal shall be treated as a new application.
 - d. Failure of the State Board to act on a completed application within 60 days of its receipt shall constitute approval by the State Board.
3. A decision of the State Board to disapprove a purchase shall be an adjudication subject to the provisions of the Administrative Agency Law, 2 Pa. C.S.A. section 101 et seq. The owner of the farmland tract proposed for easement purchase or the County Board may appeal a decision of the state board to disapprove the purchase of an easement. An appeal shall be made to the Secretary of Agriculture and must be filed in writing with the Secretary within 30 days of the State Board's action. An appeal from the decision of the State Board shall be governed by the provisions of 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).
4. Application for the Board review of a proposed purchase of an easement is made by submitting the following documents to the Director, Bureau of Farmland Preservation Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

- A. Twenty-five copies of the summary report prepared in accordance with Section 138e.70 of the Act (relating to summary report), including the following items:
 - 1.) Cover letter from County (optional).
 - 2.) Narrative Summary Report
 - 3.) Legible United States Geological Survey (USGS) topographic map showing the subject property location and boundaries, location of neighboring easements, and exclusions withheld from the subject property.
 - 4.) Soil Report Form 6Cö, (a form provided by the Department) both pages.
 - 5.) List of soil mapping unit names, symbols and Land Capability Classes on the subject property.
 - 6.) Legible, uncolored soil map of subject property.
 - 7.) Tax map showing the subject property location and boundaries, exclusions withheld from the subject property, utility, rights-of-way, and access rights-of-way.
 - 8.) Summary table showing the individual ranking scores by category for applications selected for county appraisal, including an indication of the easement purchase status of higher-ranking applicants.
 - 9.) Copy of Exhibit 6Bö, from the Agreement of Sale, modified to include interest, total acres and per acre easement cost.
- B. The appraisal report or reports.
- C. The signed agreement of sale, including the proposed legal description, a statement of cost, the proposed deed of agricultural conservation easement, a contractor integrity clause, and a nondiscrimination clause.
- D. The title insurance report or commitment.
- E. A letter certifying that all adjoining landowners were provided with notice and opportunity to be heard in a manner consistent with administrative agency law with respect to the proposed easement purchase, including one (1) copy of the notification letter and a list of all adjoining landowners.
- F. A completed and signed IRS Form W-9, Request for Taxpayer Identification Number and Certification for individual grantors.
- G. A letter from the grantors stating the percent (%) of ownership of each grantor for the purpose of issuing IRS Form 1099.

XII. AGRICULTURAL EASEMENT DEED

After the agreement of sale has been signed by both parties, and after State Board approval has been secured, the applicant must execute a deed at closing. This deed shall adhere to the Commonwealth's agricultural conservation easement deed requirements as found in Appendix H.

XIII. RESPONSIBILITY OF OWNER

1. Permitted Acts
During the term of the easement, the restricted land shall be solely for agricultural production or other uses permitted by the act.
2. Conservation Plan
 - A. To preserve the agricultural viability of the restricted land, the County Board shall require, and the owner of the restricted land shall implement, a conservation plan approved by the County Conservation District or the County Board.
 - B. In addition to the requirements established by the County Conservation District, or the County Board, a conservation plan shall require that:
 - (a) The county board shall require the owner of land being considered for agricultural conservation easement purchase to do the following:
 - (1) Before the county board recommends approval of the easement purchase to the State Board, obtain a conservation plan approved by the county conservation district or the county board for the land that would be subject to the agricultural conservation easement.
 - (2) As part of the settlement documents described in § 138e.93 (relating to post-settlement recording and reporting procedures), execute a conservation plan agreement form containing the following:
 - (i) The name, address and telephone number of the landowners.
 - (ii) The location of the land.
 - (iii) The acreage of the land.
 - (iv) An acknowledgement that the deed of agricultural conservation easement requires that all agricultural production on the subject land be conducted in accordance with the conservation plan.

- (v) An acknowledgement that a conservation plan exists with respect to the land, together with the following:
 - (A) The source of the conservation plan (typically, the county conservation district).
 - (B) An identifying number given the conservation plan.
 - (C) The date of the conservation plan.
- (vi) An acknowledgement that the landowners agree to comply with the conservation practices and implementation schedule in the conservation plan, and an acknowledgement that failure to so comply would be a violation of the terms of the deed of agricultural conservation easement.
- (vii) The signature of the landowners.
 - (b) In addition to the requirements established by the county conservation district or the county board, the conservation plan shall meet the definitional requirement of a conservation plan in § 138e.3 (relating to definitions) and also require that:
 - (1) The use of the land for agricultural production, such as growing sod, nursery stock, ornamental trees and shrubs does not remove excessive soil from the restricted land.
 - (2) The excavation of soil, sand, gravel, stone or other materials for use in agricultural production on the restricted land is conducted in a location and manner that preserves the economic viability of the restricted land for agricultural production.
 - (3) The mining of minerals is conducted only through the use of methods authorized in the act.

3. Construction of Buildings, Change in Use

No more than 6% of the subject land shall be impervious surface.

Impervious surface is defined as those areas that are not capable of supporting vegetation, including without limitation the footprint of improvements (including roofs, decks and swimming pools); 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 the definition of impervious surface 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.

The construction or use of a building or other structure on the restricted land other than a building or structure existing on the date of the granting of the easement is prohibited, except

- A.
 - 1.) The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs, and reservoirs is permitted.
 - 2.) The construction of non-agricultural structures is prohibited except as allowed under Section XIV, Subdivision Guidelines.
 - 3.) The construction or use of a building or other structure for agricultural production is permitted.
 - 4.) The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted.

4. Conveyance or Transfer

- A. All persons conveying or transferring land subject to an agricultural conservation easement shall notify the County Board and the Department of the price per acre or portion thereof received by the landowner.

XIV. 6 SUBDIVISION

Legal subdivision of property encumbered by a Deed of Agricultural Conservation Easement (hereinafter "eased property") must meet the criteria in section 1. below and follow the procedures in section 2. below to be approved.

1. Eased property may be subdivided only when all of the following criteria are met:

A. All tracts created by the subdivision are "economically viable for agricultural production" as defined below except that in the event that the one (1) additional residential structure allowed by Section 14.1(c)(6)(iv) of the Act (3P.S. Section 914.1 (c) (6)(iv)) and Section 2 (b) of the Deed of Agricultural Conservation Easement, has not yet been built, subdivision of the eased property may be approved by the County Board if subdivision is required by the local municipality for the landowner to build the one (1) additional residential structure. This subdivision shall not exceed the minimum acreage criteria set forth by the local municipality.

The phrase "economically viable for agricultural production" shall mean:

- (1) A tract having acreage of at least 52 acres; and

(2) At least fifty percent (50%) of each tract resulting from the subdivision must be actively harvested cropland, orchard, pasture or grazing land; and

(3) At least fifty-percent (50%) of the soils making up each tract resulting from the subdivision must be in USDA soil Classes I-IV,

B. The subdivision is consistent with the Statement of Purpose of the County Agricultural Land Preservation Program and the Deed of Agricultural Conservation Easement.

C. The subdivision conforms with municipal planning, zoning and subdivision requirements and has been reviewed by the County Planning Commission pursuant to the Municipalities Planning Code (Act 170).

D. All tracts created by the subdivision shall be shaped and located in such a way that they shall not render agricultural production on any of the resulting tracts less efficient.

E. Every tract created by the subdivision must contain an existing residential structure or specifically be allocated the right to construct the additional residential structure permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3P.S. Section 914.1 (c) and Section 2 (b) of the Deed of Agricultural Conservation Easement. The deeds of conveyance for every tract within or comprising the eased property shall state on which subdivided parcel the one (1) permitted additional residential structure has been, or will be, constructed.

F. The existing farm residence and associated farm buildings shall be on one tract of at least 52 acres after subdivision.

G. Deeds of conveyance for every tract within or comprising the eased property will include, verbatim, the language of the Deed of Agricultural Conservation Easement whenever an interest in all or any portion of the eased property is conveyed or transferred to another person.

H. In accordance with the Perry County Farmland Preservation Program, impervious surface is limited to 6% of the size of the original eased property. Impervious surface limits will be assigned proportionately to all subdivided tracts based on the remaining square footage of impervious surface available to be allocated and the size of the tracts, or as the parties to the transaction and the Perry County Farmland Preservation Board approve.

The landowner, the purchaser of the subdivided land, and any other party to the subdivision transaction, in addition to the Perry County Farmland Preservation Board, shall sign an agreement detailing the allocation of impervious surface to each tract within and comprising the eased property. This written, fully executed agreement shall be submitted as part of the subdivision application process detailed in Section 2 below.

2. Application for subdivision of eased property shall be made as follows:

A. The landowner of record may submit an application, in such form and manner as the County Board may prescribe, to the County Board requesting that the eased property be subdivided. Upon receipt of the application, the County Board shall cause to be forwarded

written notification thereof to the county planning office and county farmland preservation office, herein referred to as the reviewing agencies. Each reviewing agency shall have 60 days from receipt of such notification to review, comment and make recommendations on the proposed application to the County Board, pursuant to the above criteria in Section 1 above.

B. After reviewing the application and the comments and recommendations submitted by the reviewing agencies, the County Board shall approve or reject the application to subdivide the eased property within 120 days after the date of the filing unless the time is extended by mutual agreement of the landowner and the County Board.

C. If the application to subdivide the eased property is approved by the County Board, a copy of the application, along with the comments and recommendations of the reviewing agencies, shall be forwarded to the State Board for review and approval or disapproval. When reviewing an application to subdivide eased property, the State Board shall consider only whether the application complies with the criteria under which subdivisions of eased property are permitted by the approved county program. The State Board shall notify the County Board of its decision regarding the application.

D. If the application to subdivide is rejected by the County Board, the application shall be returned to the landowner together with a written statement of the reasons for such rejection. Within 30 days after the receipt of the statement of rejection, the landowner may appeal the rejection in accordance with 2 Pa. C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies) and Ch. 7 Subch. B (relating to judicial review of local agency action).

E. Liability for all costs and expenses incurred for the subdivision application process, any appeal process, and for the subdivision itself shall be the sole responsibility of the landowner.

XV. CHANGE IN OWNERSHIP

1. All properties within Perry County upon which conservation easements are placed shall recite in verbatim the language of the easement as set forth in the deed whenever interest in said properties is conveyed or transferred to another person (I14.1(j)(1-3).
2. All persons conveying or transferring land subject to an agricultural conservation easement shall notify the County Board and the Department of Agriculture within 30 days of a change in ownership of the restricted land and the price per acre or portion thereof received by the landowner from said person, together with the volume and page in which the transfer has been recorded by the Perry County Recorder of Deeds.
3. Whenever interest in land subject to an agricultural conservation easement is conveyed or transferred to another person, the deed conveying or transferring such interest shall recite in verbatim the language of the easement restrictions as

set forth in the deed executed in connection with the purchase of the agricultural conservation easement.

XVI. PROCEDURE FOR INSPECTING AND ENFORCING AN EASEMENT

1. Responsibility
 - A. The County Board shall have the primary responsibility for inspecting restricted land and enforcing an easement.
 - B. The State Board or its designee will have the right to inspect restricted land and enforce an easement on its own behalf or in conjunction with the County Board.
2. Inspections
 - A. The County Board shall inspect all restricted land within the County at least annually to determine compliance with the applicable deed of easement.
 - B. Written notice of an inspection to be conducted under subsection (a) shall be mailed by certified mail to the owner at least 10 days prior to the inspection.
 - C. Any inspection conducted under subsection (a) shall be performed between the hours of 8 a.m. and 5 p.m. on a weekday that is not a legal holiday recognized by the Commonwealth, or a date and time agreeable to the County and the landowner.
3. Within 10 days of conducting an inspection under subsection (a), the County Board shall prepare a written inspection report setting forth the following information:
 - A. The identification of the land inspected.
 - B. The name of the owner of the land inspected.
 - C. A description of modifications in the number, type, location, or use of any structures on the land since the date of the filing of the deed or easement.
 - D. A description of deviations from the conservation practices being observed on the restricted land.
 - E. A statement of whether the provisions of the deed of easement are being observed.
4. A copy of the inspection report shall be mailed by certified mail to the owner.

5. The County Board and the State Board may inspect the restricted land, jointly or severally, without prior notice if they have reasonable cause to believe that any provision of the easement has been or is being violated.
6. A copy of the inspection report shall be mailed by certified mail to the owner.

XVII. ENFORCEMENT

1. The County Board shall enforce the terms of each easement purchased within the County under the act, whether it be a County, local government unit, State or joint purchase.
2. The State Board may enforce the terms of State or jointly purchased easements.
3. The right of the State Board to enforce the terms of an easement may be exercised either jointly with the County Board or by the State Board acting on its own behalf.
4. Within 10 days of the discovery of a violation of the terms of an easement, either through an inspection or otherwise, the County Board shall send written notice of the violation to the owner of the restricted land, the County governing body and the State Board.
5. The written notice required by this section shall be sent by certified mail and shall set forth the following information:
 - 1.) A copy of the inspection report.
 - 2.) A copy of the deed of easement.
 - 3.) A description of the action or condition which constitutes the alleged violation.
 - 4.) A statement of the measures necessary to correct the alleged violation.
6. Enforcement Actions
 - A. Sixty days after the mailing of a notice of violation under section 138e.205 (relating to notification to owner), the County Board shall commence and prosecute an action in the Court of Common Pleas of the County in which the restricted land is located seeking an order requiring correction of the violation, enjoining further violation of the terms of the easement, and other appropriate relief, unless the County Board does one of the following:
 - 1.) Determines with the State Board that the violation has been corrected.
 - 2.) Completes the following requirements:
 - a. Determines that the owner of the restricted land has commenced the necessary corrective measures cannot reasonably be completed within the 60-day period in subsection (a).

- b. Establishes a period not to exceed 1 year within which the corrective measures shall be completed.
- B. The County Board shall commence and prosecute the enforcement action described in subsection (a) if the violation is not corrected within the time established under subsection (a) (2) (ii).
- C. The owner of the restricted land shall bear all costs associated with the correction of a violation of the easement, including:
 - 1.) Cost of work required and materials used to correct the violation.
 - 2.) Administrative costs incurred by the County Board and the State Board.
 - 3.) Court costs and reasonable attorney's fees incurred by the County Board and the State Board in enforcing the easement.
- D. If the County Board fails to institute and prosecute a timely enforcement action, the State Board may institute the action and recover costs incurred, including reasonable attorney's fees, from the County Board or the owner of the restricted land, or both.

XVIII. ANNUAL REPORT

The County Board shall file with the State Board by March 1 of each year a copy of inspection reports for inspections conducted during the prior year, and compile an annual report which summarizes the number of inspections, violations detected, violations resolved and the circumstances surrounding any unresolved violations.

XIX. PUBLIC INFORMATION PROGRAM

- 1. Copies of the Perry County Agricultural Conservation Easement Program are available to the public by contacting the Perry County Conservation District, 31 West Main Street, New Bloomfield, PA 17068 or by calling (717) 582-8988.
- 2. The Perry County Agricultural Land Preservation Board will publicize the County Program through newsletters, press releases, farm publications, and newspapers.
- 3. An information folder outlining the easement program will be available for the public and for use at meetings.

The County Program will be presented through public meetings, news conference, meetings with landowners in Ag-Security areas, and invited presentations. A slide and/or VCR presentation may be prepared for use at meetings to explain the program.

XX. PLANNING MAP

The County will utilize the important Agricultural Areas Map in Appendix I as the planning map for the County Program. This map was formulated on the advice and guidance of USDA Natural Resources Conservation Service personnel as to the locations of intensive agriculture operations and/or Prime Soils.

Appendix A

PERRY COUNTY AGRICULTURAL LAND PRESERVATION BOARD
AUTHORIZATION

RESOLUTION

WHEREAS, the farmers of Perry County sold nearly 40 million dollars of agricultural products in 1989, making agriculture the leading industry in the County,
and

WHEREAS, farmland also provides habitat for wildlife, groundwater recharge areas and open space in an increasing urbanizing area, and

WHEREAS, farmland gives Perry County its scenic character and contributes greatly to the County's quality of life, and

WHEREAS, the Board of Commissioners has determined that Perry County should participate in the Commonwealth's Agricultural Conservation Easement Program as one means to preserve farmland in the County.

Upon motion of Commissioner Kennedy, seconded by Commissioner Roush and agreed to by Commissioner Mohler, the following Resolution was adopted at a regularly scheduled meeting on March 11, 1991.

Resolved that the Perry Board of Commissioners hereby authorizes the Perry County Agricultural Land Preservation Board to administer the Perry County Agricultural Conservation Easement Program in accordance with State and County regulations and guidelines.

R. Elwood Mohler ó Chairman

Billy M. Roush ó Vice Chairman

ATTEST:

David L. Beasom

Edward R. Kennedy - Secretary

Appendix B

PERRY COUNTY AGRICULTURAL LAND PRESERVATION BOARD MEMBERS

<u>MEMBER</u>	<u>TERM EXPIRES</u>
Jonas K. Stoltzfus, Chairman RR1, Box 196 Loysville, PA 17047 Occupation: Builder 717-536-3618 Fax: 717-536-3441 jstoltz@pa.net	12/2011
Duane Hertzler, Vice-Chairman RR1, Box 361 Loysville, PA 17047 Occupation: Farmer 717-789-3070 Fax: 717-789-0176 mooecho@embarqmail.com	12/2010
Gerald K. Holman 151 Bucher Hollow Rd. Millerstown, PA 17062 Occupation: Municipal Government Representative 717-444-3704	12/2012
David Griswold 622 Perry Valley Rd. Millerstown, PA 17062 Occupation: Veterinarian 717-589-3498 dgriswol@embarqmail.com	12/2011
Garry Raub 90 Noye Rd. Duncannon, PA 17020 Occupation: Farmer 717-834-5823 djraub@pa.net	12/2010
D. Michael Trout 508 Red Rock Road Loysville, PA 17047 Occupation: Dairy Farmer Office: 717-536-3591 trolane@embarqmail.com	12/2010
Sidney W. Witmer 261 State Route 235 Liverpool, PA 17045 Occupation: Farmer 717-444-3784 switmer@gmail.com	12/2011
<u>CONSERVATION DISTRICT STAFF</u>	<u>DISTRICT MANAGER</u>
Lucy M. Jansema P. O. Box 36 31 W. Main St. New Bloomfield, PA 17068 717-582-8988 Ext. 111 ljansema@perryco.org	Todd Brajkovich P. O. Box 36 31 W. Main St. New Bloomfield, PA 17068 717-582-5138 tbrajkovich@perryco.org

APPENDIX C
BYLAWS OF THE COUNTY AGRICULTURAL LAND PRESEVATION BOARD
PERRY COUNTY, PENNSYLVANIA

NAME:

The name of this (non-profit) organization shall be the Perry County Agricultural Land Preservation Board, hereinafter referred to as the Board.

PURPOSE:

Administer a program for purchasing and receiving gifts of agricultural conservation easements on behalf of the County.

Adopt rules and regulations for the administration of a County program for the purchase of agricultural conservation easements within agricultural security areas. The Board shall execute all agreements or other documents necessary to effect the purchase of such agricultural conservation easements in the name of the County and/or the Commonwealth of Pennsylvania.

Encourage the use of additional farmland preservation techniques through public and private organizations in the County.

Promote efforts to support the agricultural industry in the County.

Perform such other duties and responsibilities as may be authorized pursuant to the Agricultural Area Security Law.

AUTHORIZATION:

The Board was authorized to administer the County Program by resolution of the County Governing Body at a regularly scheduled meeting.

MEMBERSHIP:

Board members shall be appointed by the County Governing Body. The Board shall be composed of seven members, to be appointed from the following groups:

1. (One less than a majority) shall be active resident farmers in Perry County, and shall serve an initial term of three years after authorization of this Board by the County governing body.
2. One shall be a current member of a borough or township governing body which is located in the County, and shall serve an initial term of two years after authorization of this Board by the County governing body.

3. One shall be commercial, industrial, or residential building contractor who resides in the County, and shall serve an initial term of one year after authorization of this Board by the County governing body.
4. Remaining members shall be appointed at the pleasure of the County Governing Body, and shall serve initial terms of one year after authorization of this Board by the County Governing Body.

TERM OF OFFICE:

Upon expiration of the initial terms of office as set under Membership, all terms of office shall be three years.

REMOVAL FROM COUNTY BOARD:

Any Board member may be removed from the Board for malfeasance, misfeasance, or nonfeasance in office or for other just cause by the majority vote of the County Governing Body, after the member has received fifteen days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

VACANCIES:

Any appointment to fill any vacancy created by removal, resignation or otherwise shall be only for the unexpired term of the vacant position.

ATTENDANCE BY BOARD MEMBERS:

The Board members shall attend a minimum of seventy-five percent of all Board meetings, whether regular or special. Any member who is unable to attend a meeting should notify the Chairman prior to the meeting.

OFFICERS:

The Board will be directed by a Chairperson. Additional officers shall be Vice-chairperson, Secretary, Treasurer. A staff person may serve as Secretary, but shall have no vote.

ELECTION OF OFFICERS:

The Chairperson shall be appointed annually by the chairperson of the County Governing Body. Other officers shall be elected annually by members of the Board.

DUTIES OF OFFICERS:

The Chairperson shall preside at all meetings of the Board, call special meetings, establish committees, appoint committee chairmen, and delegate other tasks and assignments as may be appropriate.

The Vice-chairperson shall preside at all meetings of the Board in the absence of the Chairperson.

The Secretary shall be responsible for seeing that all meetings are recorded, and for sending and receiving correspondence of the Board.

The Treasurer shall pay all bills authorized by the Board, maintain a record of all funds designated for easement purchases and for administration of the County Program.

REMOVAL OF OFFICERS:

The Chairperson can be removed from his office by the chairperson of the County Governing Body.

Other officers can be removed from office at any time for just cause by a majority vote of all members of the Board.

MEETINGS:

Regular meetings shall be held on the second Thursday at a time and location designated by the Chairperson of the Board, and subject to change. Special meetings shall be held by the call of the Chairperson, or at the request of four members of the Board, and shall require written notice of at least seven days.

CONDUCT OF MEETINGS:

All Board meetings shall be open to the public in accordance with the Sunshine Act (Act of July 3, 1986, P.L. 388, No. 84), and with the Right-to-Know Law (Act of June 21, 1957, P. L. 390, No. 212). Robert's Rules of Order shall apply to all events not otherwise covered by the Bylaws.

QUORUM:

A majority of the total Board membership shall constitute a quorum for the conduct of business.

Quorum of members is required to vote on any motion before the Board.

VOTING:

Each member of the Board shall be allowed to cast one vote.

Board members must be present at meetings in order to vote.

Motions shall be passed by a majority vote of members present at meetings.

COMMITTEES:

The Chairperson may appoint such committees as are desirable for the accomplishing the purpose of the Board.

Committees may include persons other than Board members.

AGRICULTURAL SECURITY AREA ADVISORY COMMITTEES:

The Board may consult with and seek the advice of Agricultural Security Area Advisory Committees with respect to the prospective purchase of easements within their respective municipalities and with respect to such other matters as the Board deems appropriate.

STAFF:

The Board may use moneys appropriated by the County Governing Body to hire staff and administer Act 149 in the County.

STAFF ASSISTANCE FROM OTHER AGENCIES:

The Board may receive assistance from the staffs of the County Planning Commission, County Conservation District, a County Cooperative Extension Service, other County departments, or from other sources as are available.

ADVISORY COMMITTEE:

The County Board may form an advisory committee composed of the directors of Local, County, State, and Federal agencies and private groups who have experience with the County's agriculture industry and land use concerns. Members of this advisory committee shall not have voting privileges on the County Board.

FINANCES:

All monies received from State, County, or other sources shall be used for the purpose of protecting viable agricultural land in the County.

The Board shall operate within a budget as approved annually by the County Governing Body. Board members shall not receive salary or payment for their services on the Board, but may be reimbursed for expenses incurred in the course of their service on the Board.

No member of the Board shall be liable for the debts of the Board.

PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW:

All members and employees of the Board shall comply with the provisions of the Public Official and Employee Ethics Law, 65, P.S. Sections 401-413.

AMENDMENTS:

The Bylaws may be amended at a Board meeting by a majority vote of the entire membership of the Board, subject to the approval of the County Governing Body, provided such amendments, along with a notice of the date of the meeting, shall have been circulated to all members of the Board and Governing Body at least seven days prior to the meeting.

APPROVED

August 9, 1990

Date

Todd Brajkovich, Secretary

APPENDIX D
PERRY COUNTY AGRICULTURAL LAND PRESERVATION BOARD
AGRICULTURAL CONSERVATION EASEMENT APPLICATION**

YEAR 200_ _
PAGE 1 OF 2

I. GENERAL INFORMATION

Landowner(s) Name(s) _____

Mailing address(s) _____

Telephone #(s) _____

(Please include best times to reach)

Person to contact to view Farmland Tract _____

(Address & telephone # if different from above)

II. FARM INFORMATION

County _____ Township _____

Name of Agricultural Security Area _____

ASA Book & Page # or Instrument # _____

Total acreage of farmland tract offered for easement purchase _____

Deed reference(s): Deed book _____ page _____

Deed book _____ page _____

Tax parcel #(s) PID _____ ACREAGE _____

PID _____ ACREAGE _____

PID _____ ACREAGE _____

Is farm owner operated? _____ Is farm rented out? _____

If you are not the operator of the farm, name & telephone # of operator: _____

Is this a Century Farm? _____

If yes, please give approval date. _____

Date when Conservation Plan was revised _____

Date of any Nutrient Management Plan _____

Does farm adjoin State Gamelands, State Forests or State Parks? _____

Is there a named stream on farm or significant wetlands? _____

**Offers will be made to purchase easement rights based on available funding.

Agricultural Conservation Easement Application

Page 2 of 2

III. MORTGAGES, LIENS AND MINERAL RIGHTS

Please list all mortgages, lien holders, or owners of mineral rights for the farmland tract.

Mortgagees: _____

Lienholders: _____

Mineral Rights _____

IV. CROP AND LIVESTOCK REPORT

Crop Report

Please print or type requested information for most recent crop year.

Year: 200_

	<u>Crop</u>	<u>Acres Grown</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

Livestock Report

Please print or type requested information for most recent calendar year.

Year: 200_

	<u>Livestock</u>	<u>Average Number</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

NOTE: 1st time application \$15.00 processing fee
All landowners must sign

Signed _____	Date _____
Signed _____	Date _____
Signed _____	Date _____

Return to: Perry Conservation District
P. O. Box 36, 31 W Main St
New Bloomfield, PA 17068

WORK SHEET FOR FARM LAND PRESERVATION 20__

NAME _____ PARCEL # _____

A. LAND EVALUATION = 40%

TOTAL OF SOILS RELATIVE VALUE	CROPLAND ACREAGE OF FARM	AVERAGE RELATIVE VALUE OF FARM	WEIGHTED FACTOR	LAND EVALUATION RATING
-------------------------------------	--------------------------------	-----------------------------------	--------------------	------------------------------

DIVIDED
_____ BY _____ = _____ X .40 = _____

Devel Pressure Score _____

Farming Potential _____

Cluster Potential _____

Total _____

State Minimum Criteria: ASA? _____

50 Acres? _____

50% Soils class1-4? _____

50% Open, Harvestable, Pastureland? _____

Federal Minimum Criteria: 50% Soils Prime & SWI? _____

B. SITE ASSESSMENT = 60% OF TOTAL SCORE

1. DEVELOPMENT POTENTIAL = 20% OF TOTAL SCORE

A. ROAD FRONTAGE= _____ FEET/ 50= _____

(80 POINTS MAXIMUM)

B. NON AG-V-AG USE AS A PERCENTAGE _____
(1/2 mile radius)

75-100% Non-Agricultural(<10A)= 4 points
25-74% 2 points
<25% 0 points

C. DISTANCE OF TRACT BY ROAD FROM A 4 LANE HIGHWAY

2 ½ miles (13,200 ft) or less= 10 points
2 ½ to 5 miles (26,400 ft) = 7 points _____
5 miles or more = 0 points =

D. AVAILABILTY OF PUBLIC WATER & SEWER _____

a.Distance from existing lateral for sewage _____
b.Distance from existing lateral for water _____
½ mile (2640ø) or less= 3 points
1 mile(5280ø) or less= 2 points
2 miles(10560ø) or less= 1 point

FARMLAND POTENTIAL- 10% OF TOTAL SCORE

Using GIS values

A. Percentage of tract that is harvested cropland, pasture, and/or grazing lands. _____

90 to 100% 17 points

75to 89% 8 points

50to 74% 3 points

B. Stewardship of land. _____

96-100% 17 points

75-95% 8 points

under 75% 0 points

C. Size of tract

Deeded acreage _____

Application acreage _____

GIS acreage _____

250 + ACRES 17 POINTS

150-249 ACRES 12 POINTS

100-149 ACRES 8 POINTS

50-99 ACRES 3 POINTS

0-49 ACRES= 0 POINTS

D. Historic , Scenic & Environmental Qualities-MAXIMUM 32 Points _____

a. adjoining State Gameland, Parks, Forests, etc (16 points) _____

b. Historic structures, Special Environmental Attributes(wetlands, etc)
Streams, Rivers, Etc. (8 points)

c. Century Farm (8 points)
Approval Date _____

E. AG-V-NON AG USE AS A PERCENTAGE _____
(1/2 mile radius)

75-100% Agricultural (>10A) = 17 points

25-75% = 8 points

<25% = 0 points

3. CLUSTER POTENTIAL=30%OF TOTAL SCORE

A. Consistency with planning map: In an agricultural area 25 points _____
Out of an agricultural area 0 points

B. 1. Proximity of previously eased farms (50 points maximum)
(Land under agricultural easement held by the county, state, or unit of local government or by a non-profit land conservation organization.)

25 points for each contiguous farm _____
20 points within a 1 mile radius _____

OR

2. New Cluster Scoring

First 3 farms eased in a new township where easements have never been purchased before get 25 points each regardless if they are contiguous or not.

C. Percentage of adjoining land in an agricultural security area

80 to 100 % = 25 points
60 to 79% = 15 points
40 to 59% = 5 points _____

Relative Soil Values for Perry County Soils

Map Symbol	Value	Map Symbol	Value	Map Symbol	Value
AbB	75	DxB	100	KrA	75
AbC	64	Dy	0	KrB	75
AgA	100	EdB	75	KrC	64
AgB	100	EdC	64	LdB	75
AnA	60	EdD	53	LdC	64
AoB	0	EdE	0	LgB	0
Aw	60	EeB	91	LgD	0
Bb	100	EeC	69	LpB	0
Bc	100	EeD	58	LpD	0
BdB	100	EfB	0	Ls	100
BdC	75	EfD	0	McB	75
BdD	69	EfF	0	MdB	0
BeB	75	EtB	75	MdD	0
BeC	64	EtC	64	Me	60
BeD	53	EvA	60	Mf	100
BhB	0	EvB	60	MnA	75
BhB	0	HaA	100	MnB	75
BoA	100	HaB	100	MnC	64
BpB	60	HaC	91	MoB	75
BrA	60	HaD	69	MoC	64
BrB	60	HcB	64	MoD	53
BuB	75	HcC	53	MuA	100
BuC	64	HcD	25	MuB	100
BxB	0	HdB	0	MuC	75
BxC	0	HdD	0	NeB	100
CaB	75	HdF	0	NhB	0
CaC	64	HeB	100	Pe	60
CaD	53	HeC	75	Pt	0
CbB	75	HeD	69	Pu	60
CbC	64	HfB	0	RaA	75
CbD	53	HfD	0	Tg	100
Ch	100	HfF	0	Ty	60
DuA	100	HuA	100	Ub	0
DuB	100	KnB	44	WeB	44
DuC	91	KnC	34	WeC	34
DxA	100	KnD	25	WeD	25
				WkF	0

APPENDIX F

PERRY COUNTY AGRICULTURAL LAND PRESERVATION BOARD

APPRAISAL DEPOSIT FORM

I/We _____

landowners of farm property consisting of _____ acres, located on _____

in _____ Township, Perry County, Pennsylvania, and a qualified and approved agricultural conservation easement sale applicant, hereby request an appraisal by the Perry County Agricultural Land Preservation Board. A deposit of \$1500.00 accompanies this form. I/We understand that this deposit will be refunded unless I/We refuse an offer to purchase the conservation easement at a minimum of 50% easement value or unless I/We break a sales agreement with the County Board.

Signatures of Landowner(s): _____

Address: _____

Telephone: _____ Date: _____

Please write the check to: The County of Perry County Soil Conservation District

Please submit to: Perry County Agricultural Land Preservation Board

31 W. Main St.

P.O. Box 36

New Bloomfield, PA 17068

Office Use File # _____

Date Received: _____

APPENDIX G

FARMLAND APPRAISAL PROCEDURE

The procedure below has been taken from Pennsylvania's Agricultural Conservation Easement Program Regulations.

I. APPRAISAL

- A. All appraisals done for the Perry County Program must be done by a Pennsylvania State Certified General Real Estate Appraiser in accordance with the standards set forth in Act 43 and any future revisions and regulations thereof.
- B. An offer to purchase easements shall be based upon one or more appraisal reports which estimate both the market value and the farmland value of the farmland tract.
- C. An appraisal shall be based primarily on an analysis of comparable sales.
- D. The value of a building or other improvement on the farmland tract may not be considered in determining the easement value. The value of the building or other improvement shall appear separately in the appraisal report.
- E. The appraiser shall be:
 - 1. A Pennsylvania State Certified General Real Estate Appraiser.
- F. The appraiser shall supply a narrative report which contains the following information and is in the following format:
 - 1. Introduction
 - a. Letter of Transmittal and Appraiser Certificate
 - b. Table of Contents
 - c. Summary of Salient Facts and Conclusions
 - d. Purpose of the Appraisal
 - e. Definitions including market value, farmland value and easement value
 - 2. Description of Property
 - a. Area of Neighborhood Description
 - b. Description of Appraised Property

- 1.) Legal Description
- 2.) Property Data and Zoning
- 3.) Description of Improvements
- 4.) Color Photos of Subject Property
- 5.) Tax Map of Subject Property
- 6.) Sketch of Subject Property or Aerial Photograph
- 7.) Location Map
- 8.) Soils Map

3. Analyses and Conclusions

- a. Analysis of Highest and Best Use
- b. Valuation Methodology: Market Value
 - 1.) Comparable Sales Data
 - 2.) Adjustment Grid
 - 3.) Location Map of Comparable Sales
- c. Market Value Estimate
- d. Valuation Methodology: Farmland Value
 - 1.) Comparable Sales Data
 - 2.) Location Map of Comparable Sales
 - 3.) An Adjustment Grid

- E. Farmland Value
- F. Value Improvements
- G. Easement Value
- H. Profession Qualifications of the Appraiser

G. The appraiser shall supply information concerning comparable sales as follows:

1. At least three comparable sales shall be used for appraisal. If the appraiser cannot obtain sufficient comparable sales data within the same County as the subject farmland tract, the appraiser may use comparable sales from other counties, after consultation with the County Board. The use of comparable sales which require adjustment of 50% or more is permitted only with the approval of the County Board.
2. Pertinent data for each comparable sale used in the preparation of the appraisal shall be stated in the appraisal report including date of sale, purchase price, zoning, road frontage in feet, soil services, an estimate of the range of slope and other relevant information. The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract.
3. The location of each comparable sale used in the appraisal report shall be shown accurately on the comparable sales map and sufficiently identified and described so as to be located easily.
4. For comparable sales used to estimate the farmland value, the appraiser may use sales of land that are confined to agricultural use because of legal restrictions or physical impairments that make the land valuable only for agricultural use.

Data may also be gathered from farm real estate markets where farms have no apparent developmental value.

5. If comparable sales data is not available for farmland value, the County Board, subject to the approval of the State Board, may assign a farmland value based on crop production or a capitalization of rental income.
6. The appraiser shall report whether the farmland tract has any public or private land use restrictions, is within a flood plain, or has any other physical attributes which limit its developmental capability.
 - a. The appraiser shall provide at least one original and two copies of each report to the County Board. The original of each report and all copies shall be bound with rigid covers.

II. PROCEDURE FOR DETERMINING THE EASEMENT VALUE IF APPLICANT RETAINS AN INDEPENDENT APPRAISER

- A. The applicant may, at the applicant's expense, retain another independent State Certified General Real Estate Appraiser to determine the easement value. The appraiser shall be qualified and the appraisal must be completed in accordance with the above guidelines. The appraisal shall be completed within 120 days of the County's offer. Upon completion, three copies of the applicant's appraisal report shall be submitted to the County Board.
- B. If the applicant retains an independent appraiser, the easement value shall be the difference between the agricultural value and the nonagricultural value, determined as follows:
 1. The agricultural value shall equal the sum of:
 - a. The farmland value determined by the applicant's appraiser, and
 - b. One-half of the difference between the farmland value determined by the County Board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the County Board's appraiser exceeds the farmland value determined by the applicant's appraiser.
 2. The nonagricultural value shall equal the sum of:
 - a. The market value determined by the County Board's appraiser, and
 - b. One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the County Board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the County Board's appraiser.

C. If the easement value determined under paragraph II.B. is less than the easement value determined by the county appraiser, the county board may offer a purchase price equal to the county's offer under section X of the County Manual.

D. Within 30 days of receipt of the applicant's appraisal, the county board shall do one of the following:

(1) Submit a written offer to purchase in an amount in excess of the amount offered under section X of the County Manual to the applicant.

(2) Notify the applicant, in writing, that the offer made under section X of the County Manual remains open and will not be modified.

E. The applicant shall, within 15 days of receipt of the county board's written offer under subparagraph D(1) or receipt of the county board's written notice under subparagraph D(2), notify the county board in writing that the applicant does one of the following:

(1) Accepts or rejects the offer made under subparagraph D(1)

(2) Accepts or rejects the offer made under subparagraph D(2)

F. The failure of the applicant to act as set forth in paragraph E shall constitute a rejection of the county board's offer.

G. If the offer of purchase is accepted, the county board and the applicant shall enter into an agreement of sale containing the same requirements and subject to the same conditions in section X.

H. The failure by the applicant to act within 30 days of receipt of a written offer under section X shall constitute rejection of the offer.

I. An agreement of sale shall be in a form provided by the State Board.

This offer of purchase outline is intended to conform with State Regulations regarding the same.

APPENDIX H

Agricultural Conservation Easement Deed Requirements

I. DEED CLAUSES ó The Deed of Agricultural Conservation Easement delivered in connection with the purchase of an easement shall identify the owner of the farmland tract as Grantor and either the Commonwealth or the County or both as Grantee and contain the following provisions and any additional, consistent provisions approved by the State Board:

A. A granting clause stating:

NOW THEREFORE, in consideration of the sum of _____ Dollars, the receipt and sufficiency of which is hereby acknowledged, GRANTOR does voluntarily grant, bargain and sell, and convey to the Grantee, its successors and assigns, and Grantee voluntarily accepts, an agricultural conservation easement in the subject land, under and subject to the Act and the following terms and conditions:

B. A clause restricting use of the land to specific permitted acts as follows:

- (1) Permitted Acts ó During the term of the agricultural conservation easement conveyed herein, the subject land shall be used solely for the production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than fifty percent of such processed or merchandised products are produced on the subject land (hereinafter "agricultural production"). For purposes of this Deed, "crops, livestock and livestock products" include, but are not limited to:
 - a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans;
 - b. Fruits, including apples, peaches, grapes, cherries, and berries;
 - c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms;
 - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
 - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, forbearing animals, milk, eggs, and furs;
 - f. Timber, wood and wood products derived from trees; and
 - g. Aquatic plants and animals and their by-products.

Except as permitted in this Deed, neither Grantor nor his agents, heirs, executors, administrators, successors, and assigns, nor any person, partnership, corporation or other entity claiming title under or through Grantor, or their agents, shall suffer, permit, or perform any activity on the subject land other than agricultural production.

- (2) Construction of Buildings and Other Structures ó The construction or use of any building or other structure on the subject land other than an existing on the date of delivery of this Deed is prohibited except that:
- a. The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs, and reservoirs is permitted.
 - b. The construction of one additional residential structure is permitted if:
 - (i) The construction and use of the residential structure is limited to provide housing for persons employed in farming the subject land on a seasonal or full-time basis.
 - (ii) No other residential structure has been constructed on the restricted land at any time since the delivery of the Deed.
 - (iii) The residential structure and its curtilage occupy no more than two acres of the subject land, and
 - (iv) The location of the residential structure and its driveway will not significantly harm the economic viability of the subject land for agricultural production.
 - c. The construction or use of any building or other structure for agricultural production is permitted.
 - d. The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted.
- (3) Subdivision - The subject land may be subdivided if subdividing will not harm the economic viability of the subject land for agricultural production. If the subject land is subdivided, the Deeds to all of the subdivided parcels shall state on which of the subdivided parcels the residential structure permitted by this Deed may be constructed. Deeds to all other parcels shall recite that no additional residential structure is permitted.
- (4) Utilities - The granting of rights-of-way by the Grantor, his heirs, executors, administrators, successors, and assigns, or any person, partnership, corporation, or other entity claiming title under or through Grantor in and through the subject land for the installation of, transportation of, or use of, lines for water, sewage, electric, telephone, coal by underground mining methods, gas, oil or oil products is permitted. The term õgranting of rights-of-wayö includes the right to construct or install such lines. The construction or installation of utility lines other than of the type stated in this paragraph is prohibited on the subject land.
- (5) Mining ó The granting of leases, assignments or other conveyances or the issuing of permits, licenses or other authorization for the exploration, development, storage or removal of coal by underground mining methods, oil and gas by the owner of the subject land or the owner of the underlying coal by underground mining methods, oil and gas, or the development of appurtenant facilities related to the removal of coal by underground mining methods, oil and gas development or activities incident to the removal or development of such coal, oil or gas are permitted.

- (6) Rural Enterprises ó The following customary part-time or off-season minor or rural enterprises and activities have been approved by the Perry County Board and by the State Board. The agricultural conservation easement does allow these enterprises and activities on the subject land:
- a. Direct sale to the public of agricultural products produced principally on the farm, provided that at least 50% of such products are produced by the farm operator.
 - b. Any and all structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm.
 - c. Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation.
 - d. Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel and fossil fuel systems and structures and facilities for the storage and treatment of animal wastes
 - e. The provision of services or production and sale, by persons in residence, of incidental agricultural goods, services, supplies, and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying residential and/or principally agricultural structures of the property; limited in site coverage to one-half of one percent of the area of the property.
 - f. The accommodation of tourists and visitors within principally family residential and/or agricultural structures otherwise permitted under the law so long as the accommodations of tourists and visitors is undertaken as a part-time or off season minor or rural enterprise and is incidental to the agricultural and open space character of the property.
 - g. Other similar uses upon approval by the Perry County Agricultural Land Preservation Board and the State Board.
- (7) Soil and Water Conservation ó All agricultural production on the subject land shall be conducted in accordance with a conservation plan approved by the County Conservation District or the County Board. Such plan shall be updated every ten years and upon any change in the basis type of agricultural production being conducted on the subject land. In addition to the requirements established by the County Conservation District or the County Board the conservation plan shall require that:
- a. The use of the land for growing nursery stock, ornamental trees, and shrubs does not remove excessive soil from the subject land, and
 - b. The excavation of soil, sand, gravel, stone or other materials for use in agricultural production on the land is conducted in a location and

manner that preserves the viability of the subject land for agricultural production.

C. An enforcement clause stating that:

- (1) Annually, Grantee(s), its/their successor(s), assign(s) or designee(s) shall have the right to enter the subject land for the purpose of inspecting to determine whether the provisions of this Deed are being observed. Written notice of such annual inspection shall be mailed to the Grantor, his heirs, executors, administrators, successors or assigns at least ten days prior to such inspection. The annual inspection shall be conducted between the hours of 8:00 a.m. and 5:00 p.m. on a weekday that is not a legal holiday recognized by the Commonwealth of Pennsylvania or at a date and time agreeable to the County and the landowner.
- (2) Grantee(s) its/their successors(s) assign(s) or designee(s) shall also have the right to inspect the subject land at any time, without prior notice, if it/they has/have reasonable cause to believe the provisions of this Deed have been or are being violated.
- (3) Grantor acknowledges that any violation of the terms of this Deed shall entitle Grantee(s), its/their successors(s), assign(s), or designee(s) to obtain an injunction against such violation from a court of competent jurisdiction along with an order requiring Grantor, his heirs, executors, administrators, successors or assigns to restore the subject land to the condition it was in prior to the violation, and recover any costs or damages incurred including reasonable attorney's fees. Such relief may be sought jointly, severally, or serially.

D. A clause setting forth the duration of the easement which is in perpetuity.

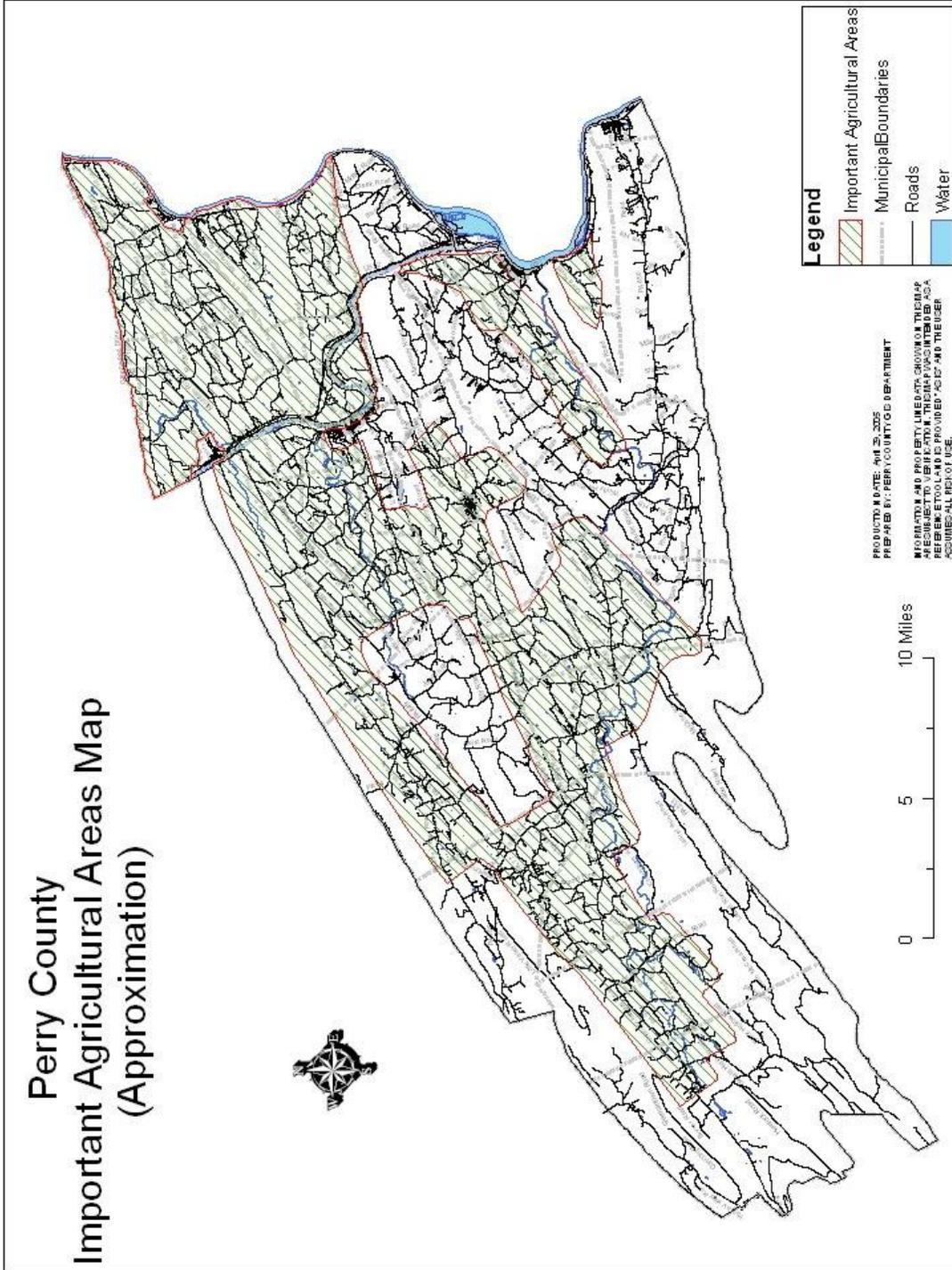
E. A clause stating that every provision of this Deed applicable to Grantor shall apply to Grantor's heirs, executors, administrators, successors, assigns, agents, and any person, partnership, corporation or other entity claiming title under or through Grantor.

F. A clause setting forth the obligation of the Grantor upon conveyance of the farmland tract as follows:

- (1) Conveyance or Transfer of the Subject Land by Grantor, his heirs, executors, administrators, successors or assigns, and any person, partnership, corporation, or other entity claiming title under or through Grantor, shall notify Grantee in writing of any conveyance or transfer of ownership of the subject land. Such notification shall set forth the name, address and telephone number of the Grantor and the party or parties to whom ownership of the subject land has been conveyed or transferred. This obligation shall apply to any change in ownership of the subject land.
- (2) The restrictions set forth in this Deed shall be included in any Deed purporting to convey or transfer an ownership interest in the subject land.

- (3) All properties within Perry County upon which conservation easements are placed shall recite in verbatim the language of the easement as set forth in the deed whenever interest in said properties is conveyed or transferred to another person.

G. A habendum clause.



APPENDIX J
Permitted Customary Part-time
Or
Off-Season Minor or Rural Enterprises

Pursuant to State Regulations, Subchapter I, Section 138e.241, the County Board intends that agricultural conservation easements shall not prevent customary part-time or off-season minor or rural enterprises and activities.* For purposes of definition, these are limited to the following:

1. Direct sale to the public of agricultural products produced principally on the farm, provided that at least 50% of the products are produced by the farm operator.
2. Any and all structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm.
3. Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel and fossil fuel systems and structures and facilities for the storage and treatment of animal wastes.
4. Structures and facilities associated with irrigation, farm pond improvements, and soil and water conservation practices including but not limited to Wetland Development or Restoration, Wildlife Wetland Habitat Management, Wildlife Upland Habitat Management and Riparian Forest Buffer Resource Management Systems used for erosion and sediment control and water quality improvement*.
5. The provision of services or production and sale, by persons in residence, of incidental agricultural goods, services, supplies, and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying residential and principally agricultural structures of the property; limited in site coverage to one-half of one percent of the area of the property.
6. The accommodation of tourists and visitors within principally family residential and/or agricultural structures otherwise permitted under the law so long as the accommodation of tourists and visitors is undertaken as a part-time or off-season minor or rural enterprise and is incidental to the agricultural and open space character of the property.
7. The installation of communications antennae on existing structures along with associated equipment and structures shall be permitted, provided that the installation of construction of any permanent nonagricultural equipment or structures associated with the communications antennae shall be located within the existing curtilage at the base of the existing structure supporting the communications antennae and such associated equipment or structures shall remain incidental to the agricultural and open space character of the property.
8. Other similar uses approval by Perry County Agricultural Land Preservation Board and the State Agricultural Land Preservation Board.

**The State Agricultural Land Preservation Board approved and authorized on 7/13/00 the use of any conservation practice under CRP/CREP as not violating the deed of agricultural conservation easement with respect to the restricted land provided the conservation plan as revised allows for the implementation of any such conservation practices.*

APPENDIX K
SURVEY REQUIREMENTS

(a.) *General Requirement.* If a survey being considered for agricultural conservation easement purchase is required under § 138e.67(d) (relating to requirements of the agricultural conservation easement deed) or is otherwise required to determine metes and bounds of any right-of-way or other interests in the land, the survey shall indicate that it has a closure error of not greater than 1 foot per 10,000 linear feet in the survey, and shall otherwise comply with the boundary survey measurement standards published in the Pennsylvania Society of Land Surveyors in its *Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania*, adopted July 10, 1998, or its most current successor document.

(b.) *Other requirements.* A survey described in subsection (a.) shall also contain the following:

- (1) A recordable legal description setting forth the metes, bounds, monumentation, exceptions, easements and rights-of-way with respect to the farmland tract or other subject of the survey.
- (2) A copy of the final boundary survey in digital electronic form that complies with the conservation easement Geographic Information System (GIS) technical standards maintained in the guidebook prepared by the Department in accordance with section 14.1(a)(3)(xv) of the act (3 P.S. § 914.1(a)(3)(xv)). The digital form shall show the bearings and distances between each monument and contain the northing and easting of each monument.
- (3) Coordinates of at least two ground control points located sequentially along the boundary survey, with latitude and longitude expressed in decimal degrees with an accuracy of 6 recorded decimal places. These coordinates shall be based on the North American Datum of 1983, or its most current successor document, and shall be obtained through field observation or verification of datum.
- (4) A paper copy of the plotted final survey map from the digital file showing the course bearings and distances and other annotations and symbols as maintained in the guidebook prepared by the Department in accordance with section 14.1(a)(3)(xv) of the act.

C. *Monumentation.* If a survey of land being considered for agricultural conservation easement purchase is required under § 138e.67(d) or is otherwise required to determine metes and bounds of any right-of-way or other interests in the land, the surveyor shall establish monumentation for at least the two ground control points required under subsection (b)(3). This monumentation shall consist of permanent, concrete markers of substantial length and width containing ferrous or other materials detectable by an electromagnetic locator. The identity of the surveyor who places a monument shall be affixed or marked upon the monument so that it can be ascertained by inspection of the monument in the field.

APPENDIX L
PERRY COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM
AMENDMENT

In accordance with the regulations at 7 PA Code § 138e.43 (relating to revision of county programs), the county board, hereby, revised the County Agricultural Land Preservation Program in compliance with Act 14 of 2001 and Act 138 of 1998 amendments of the Agricultural Area Security Law, Act 43 to take affect for the 2002 applicants. The revisions to the county program are described below by section.

DEFINITIONS

Agricultural Conservation Easement

In the first sentence of the definition, the use of the term "the land" has been replaced by the words "a parcel".

Agricultural Production

The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator. The term includes use of land which is devoted to and meets the requirements of and qualifications for payments and other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

Local Government Units

Any city, borough, township or town or any home rule municipality, optional plan municipality, optional charter municipality or similar general purpose unit of government which may be created or authorized by statute.

Parcel

A tract of land in its entirety which is assessed for tax purposes of one county, including any portion of that tract that may be located in a neighboring county. The county responsible for assessing an entire tract, on its own or in conjunction with either the Commonwealth or a local government unity, or both, shall be eligible to purchase agricultural conservation easements covering the entire tract.

1. Recording Responsibilities: Upon the purchase of an agricultural conservation easement as described above it items 2 and 3, the portion of the parcel that was not part of an agricultural security area immediately becomes part of the agricultural security area covering the rest of the parcel. The purchasing county will take all steps necessary to ensure the local government unit which created the agricultural security areas meets

its responsibility, under §§14, 1(b)(2)I(B)(II) and 14.1(b)(2)I(C)(III) of the Agricultural Area Security Law, for the recording, filing and notification describe in § 8(d) and 8(g) of the Agricultural Area Security Law with respect to the land added to the agricultural security area.

ENFORCEMENT

The County Board shall exercise primary enforcement authority with respect to the following:

1. Agricultural Conservation Easements within the County.
2. Agricultural Conservation Easement acquired pursuant to the criteria set forth for the purchase of agricultural conservation easements cross local government unit boundaries and cross boundaries, including any portion of an agricultural conservation easement extended into an adjoining county.

LOCAL GOVERNMENT UNIT PARTICIPATION

Any local government unit that has created an agricultural security area may participate along with an eligible county and the Commonwealth in the preservation of farmland through the purchase of agricultural conservation easements.

1. The local government unit, in conjunction with a County Board, may participate with the State Board in the purchase of agricultural conservation easements.
2. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the eligible county and the local government unit as joint ownership.
3. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the local government unit and the Commonwealth as joint ownership.
4. The local government unit may purchase an agricultural conservation easement, provided that all of the following apply:
 - i. The agricultural conservation easement is located within an agricultural security area of at least 500 acres or the easement purchased is a joint purchase with either a county or both a county and the Commonwealth pursuant to the criteria set forth for the purchase of agricultural conservation easements cross local government unit boundaries and cross county boundaries

- including any portion of an agricultural conservation easement extending into an adjoining county.
- ii. The deed of agricultural conservation easement is at least as restrictive as the deed of agricultural conservation easement prescribed by the State Board for agricultural conservation easements purchased by the Commonwealth.
 - iii. The local government unit shall participate with the county board in complying with paragraph (5) for recording any agricultural conservation easement purchased by the local government unit.
- 1. The County Board shall be responsible to record agricultural conservation easement where a local government unit is a party to the purchase of the easement. The easement shall be recorded by the county board in the office of the recorder of deeds of the county wherein the agricultural conservation easements are located. The county board shall submit to the State board a certified copy of the agricultural conservation easements within 30 days after recording. The county board shall attach to all certified copies of the agricultural conservation easements submitted to the State Board a description of the farmland subject to the agricultural conservation easements.
 - 2. The local government unit may incur debt pursuant to 53 PA C.S. Pt. VII Supbt. B (relating to indebtedness and borrowing) for the purchase of agricultural conservation easements.

EASEMENT VALUE AND PURCHASE PRICE

Maximum Purchase Price. The purchase price offered for the purchase of an easement in perpetuity under Chapter 138e.66(b) may not exceed but may be less than, the value of the easement.

(Any references in the county program to the \$10000.00 per acre of state funds is void.)

12/10/01

(Date)

 James R. Hoover
 Chairman, Perry County Agricultural
 Land Preservation Board

APPENDIX M
SURVEY DEPOSIT FORM

I/We _____

landowners of farm property consisting of _____ deeded acres, located on

in _____ Township, Perry County, Pennsylvania, and a qualified and approved agricultural conservation easement sale applicant, hereby request a survey by the Perry County Agricultural Land Preservation Board. A deposit of \$5000.00 accompanies this form. I/We understand that this deposit will be refunded after State Board approval of the Easement AND reimbursement of incidental costs to the Conservation District, unless I/We break a sales agreement with the County Board and or the Commonwealth of Pennsylvania.

Signatures of Landowner(s): _____

Address: _____

Telephone: _____ Date: _____

Please write the check to: Perry County Conservation District
Please submit to: Perry County Agricultural Land Preservation Board
31 W. Main St.
P.O. Box 36
New Bloomfield, PA 17068

Office Use File # _____

Date Received: _____