

Crawford County Agricultural Easement  
Purchase Program

Prepared for the  
Crawford County Agricultural Land  
Preservation Board

2011  
(printed 11/15/2011)

Crawford County Agricultural Land Preservation Board  
Agricultural Conservation Easement Program

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## **I. INTRODUCTION**

Crawford County is situated along the Pennsylvania - Ohio border between Erie and Pittsburgh, with Interstate highway I-90 to the north, I-80 to the south and I-79 bisecting the county. Due to this location, the county receives a strong pressure from all directions for rural housing. In general, the best farmland is also the most desirable residential land. Over time farm operators find themselves in direct conflict with residential neighbors who object to dust, odors, noise perceived poisonous chemicals and other factors resulting from normal farming operations. The above plus a concern for preserving green space, the farm economy and prime farmland for food production are reasons for establishing, through the Crawford County Commissioners, a County Agricultural Land Preservation Program.

The total land area exclusive of water, in Crawford County is 650,240 acres or 1016 square miles. Of this total land area 207,215 acres is farmland comprising 1069 farms (1997 Statistics). These numbers reflect a significant decrease from the 1987 statistics, which indicated that Crawford County had 1281 farms comprised of 236,481 acres. That is a 16% decrease in the number of farms over a 10 year period.

To preserve this economic and cultural asset, Pennsylvania is encouraging and assisting county governments to buy from farmland owners the right to sell or use their land for any purpose other than agricultural production. This program is overseen by the Crawford County Agricultural Land Preservation Board. This seven (7) member board, appointed by the Board of County Commissioners is chosen to represent agriculture, government, business and citizens. The Crawford County Agricultural Preservation Board, in cooperation with the County and State governments will oversee and promote the purchase of the right to divert farmland for uses other than the production of agricultural products, and engage on other activities that will facilitate the use and preservation of prime farmland.

DRAFT RESOLUTION

WHEREAS, non-agricultural land uses tend to remove land from agricultural use and threat of this trend exists in Crawford County; and

WHEREAS, expanding urban land uses continue and will continue to encroach upon agricultural and agricultural reserve lands, permanently converting them to non-agricultural uses; and

WHEREAS, land use conflicts caused by encroaching urban land uses threaten the farmers' ability to cultivate the land; and

WHEREAS, present farmers are finding economic survival to be increasingly difficult and young potential farmers are being discouraged from pursuing an agricultural livelihood; and

WHEREAS, agriculture is essential to the survival of all persons and plays an important role in the overall economy of the County, State, and Nation.

THEREFORE BE IT RESOLVED that the Commissioners of Crawford County recognize that the problem of agricultural land loss in Crawford County and the need to preserve both farmers and farmlands in future years; and

THAT the Commissioners stand in support of the preservation of agricultural lands in Crawford County; and

THAT the Commissioners hereby authorize the Crawford County Agricultural Land Preservation Board to administer the Pennsylvania Agricultural Conservation Easement Program within Crawford County, Pennsylvania, on behalf of the Crawford County Board of Commissioners, effective June 1, 2004.

RESOLVED this 5th day of February, 2004, by the Crawford County Board of Commissioners, at a regular meeting, duly convened.

CRAWFORD COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Morris W. Waid, chairperson

\_\_\_\_\_  
Jack M. Preston

\_\_\_\_\_  
Roger C. Williams

Attest:  
\_\_\_\_\_  
Chief Clerk

**CRAWFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD  
(January 2011)**

MEMBER	OCCUPATION	TERM	EXPIRATION DATE
Richard Deiss 9342 Pettis Road Meadville, PA 16335	Municipal Official Secretary	3 Years	January 1, 2013
Richard S. Ferguson 12607 Lakeside Drive Conneaut Lake, PA 16316	Local Contractor	2 Years	January 1, 2012
Dennis Hindman 10508 Harmonsburg Rd Linesville, PA 16424	Farmer	3 Years	January 1, 2014
Scott Preston 36686 Parker Hill Road Centerville, PA 16404	Farmer Vice Chair	3 Years	January 1, 2014
Rick Rendulic 10985 S. Canal Road Conneaut Lake, PA 16316	Farmer	3 Years	January 1, 2014
John Tautin 20117 State Hwy 98 Conneautville, PA 16406	At-Large Member Treasurer	2 Years	January 1, 2012
Jack P. Lynch, <b>Chairman</b> Crawford County Planning Commission Courthouse Diamond Park Meadville, PA 16335	At-Large Member	3 Years	January 1, 2013

**Associate Directors**

Ronald L. Staub

At next appointment, both remaining 2 year terms will become 3 year terms, exp. 2015

**BYLAWS FOR THE CRAWFORD COUNTY  
AGRICULTURAL LAND PRESERVATION BOARD**

**ARTICLE I - NAME**

The organization shall be known as the Crawford County Agricultural Land Preservation Board, herein also referred to as the Board.

**ARTICLE II - PURPOSE**

The purpose of the Crawford County Agricultural Land Preservation Program will be to protect viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production. For elaboration see Part 11 of this document. The Board will:

1. Administer the County Program in Accordance with Act 149 and,
2. Administer any other public program approved by the County Governing Body for the purpose of preserving agricultural land.

**ARTICLE III - AUTHORIZATION**

The Crawford County Agricultural Land Preservation Board was established by the authority granted to the Crawford County Board of Commissioners by Pennsylvania Act 43 P.L. 128, No. 43, as amended by Act 149 of 1988.

County authorization was established by the Crawford County Board of Commissioners Resolution made February 5<sup>th</sup>, 2004, which says in part:

"THAT the Commissioners stand in support of the preservation of agricultural lands in Crawford County; and

THAT the, Commissioners hereby authorize the Crawford County Agricultural Land Preservation Board to administer the Pennsylvania Agricultural Conservation Easement Program within Crawford County, Pennsylvania, on behalf of the Crawford County Board of Commissioners, effective June 1,2004.....

**ARTICLE IV - MEMBERSHIP**

**Section 401 - Representation**

The Crawford County Agricultural Land Preservation Board shall consist of seven (7) voting members appointed by the Board of County Commissioners' as follows:

1. One (1) less than the majority shall be active resident farmers of the county and shall serve initial terms of three (3) years.
2. One (1) member shall be a current member of the governing body of a township or borough located within the county and shall serve an initial two (2) year term.
3. One (1) member shall be a commercial, industrial, or residential contractor and shall serve an initial one (1) year term.
4. The remaining two (2) members shall be selected at the pleasure of the County Governing Board and shall serve an initial one (1) year term. The Board may also include nonvoting ex-officio members who have expertise useful to the Board.

**Section 402 - Terms of Office**

Upon expiration of the initial terms set forth above, all terms of members shall be three (3) years.

**Section 403 - Attendance of Members**

Board members are expected to attend at least 60 percent of all Board meetings. Any member with poorer attendance is expected to resign; if such member does not resign, the matter shall be

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referred to the County Commissioners for action. Any member who is unable to attend a meeting should notify the chairperson prior to the meeting.

#### Section 404 - Vacancies

Appointments to fill vacancies on the Board shall be made by the Crawford County Board of Commissioners for the balance of the term vacated.

### ARTICLE V - OFFICERS

#### Section 501 - Officer Titles

The Board shall be governed by a chairperson, vice chairperson, a secretary, and a treasurer.

#### Section 502 - Duties of Officers

1. The chairperson shall preside at all meetings of the Crawford County Agricultural Land Preservation Board, call special meetings, establish committees, appoint committee chairpersons, and delegate other tasks and assignments as may be appropriate.
2. The vice chairperson shall preside at all meetings of the Board in the absence of the chairperson.
3. The secretary shall be responsible for seeing that the minutes of all meetings are recorded. The staff person for the Board may serve as secretary and will have no vote.
4. The treasurer shall keep the financial records and make payments as authorized by the Board.

### ARTICLE VI - ELECTION OF OFFICERS

#### Section 601 - Terms of Office

All Officers shall serve for a term of one (1) year and may succeed themselves. Election of officers except chairperson shall be made annually at the first meeting after July 1. An officer may be considered elected upon having received a simple majority vote of all members present.

#### Section 603 - Vacancies

If a vacancy occurs in any office other than chairperson, the Board must fill the vacancy at an election to be held at the first meeting after the vacancy occurs. Officers elected to unexpired terms and associate directors are eligible for nomination for re-election to a full one (1) year term. The chairperson of the Board of County Commissioners shall fill any vacancy in the office of chairperson of the Agricultural Land Preservation Board.

#### Section 604 - Removal of Officers

Officers can be removed for just cause from their offices by a majority vote of all Board members after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member requests it in writing.

### ARTICLE VII - MEETINGS

#### Section 701 - Regular Meetings

Meeting dates, times, and places, shall be established by the Board and may be changed at any time by a majority vote. The Board shall meet at least four (4) times annually on a regular basis. All Board meetings shall be open to the public in accordance with Pennsylvania Act 175 of

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1974. Roberts Rules of Order shall apply to all point, not covered in these Bylaws. A quorum for official transaction of Board business shall be a simple majority of all members of the Board.

### Section 702 - Special Meetings

Special Meetings may be called by the chairperson upon five (5) days notice, and at the request of a member of the Board.

### ARTICLE VIII - VOTING

A simple majority of members present (provided the quorum rule is met) is needed to pass all resolutions and to transact all other items of business, requiring a vote, except to amend these Bylaws (see Article XIII). Each member of the Board shall be permitted to cast one vote upon all motions, resolutions, and other business before the Board, subject to the limitations set forth below.

No Board member shall be permitted to cast a vote upon any motion, resolution and other form of business before the Board which involves, concerns, or in any way affects any real estate or property interest, either in the form of a present or future interest of the Board member or his or her immediate family.

Should any Board member cast or attempt to cast a vote in violation of Article VIII, paragraph 2 above, such a vote shall be null and void and of no force and effect.

### ARTICLE IX - COMMITTEES

The chairperson may appoint committees as appropriate for accomplishing the Board's purpose.

### ARTICLE X - EXPENDITURES

The Board may buy needed supplies and documents, hire consultants, employ staff, and make other prudent expenditures in furtherance of the Agricultural Land Preservation Program.

### ARTICLE XI - FINANCE

1. All funds received from county or state sources shall be used for the purpose of protecting viable agricultural farmland in Crawford County.
2. No member shall be liable for the debts of the Board.
3. No net income of the Board shall accrue to the benefit of any member with the exception of purchasing conservation easements consistent with Act 149 of 1988.
4. Board members who have a personal or private financial interest in any measure proposed or pending before the Board shall disclose the fact to the Board and shall not vote thereon.

### ARTICLE XII - PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW

All members and employees of the Board shall comply with the provisions of the public officials and employee Ethics Law 65, P.S. Sections 401-413.

### ARTICLE XIII - AMENDMENTS

These Bylaws can be amended only by a simple majority vote of all members of the Board, not merely those present, and shall be subject to approval by the Board of Commissioners. Notice of proposed amendment must be made to all members and to the Board of Commissioners ~~at least twenty-one (21) days (removed 11/9/11)~~ prior to the vote being held.

**II. CRAWFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD**  
**STATEMENT OF PURPOSE**

It is the policy of the Commonwealth to conserve and protect agricultural lands. Pennsylvania Act 149, a sound, statewide farmland preservation program, will assure that Pennsylvania farmers have sufficient agricultural lands to provide farm products for the people of the Commonwealth and the nation.

The Crawford County Board of Commissioners on October 21, 2004, appointed a seven (7) member Agriculture Preservation Board according to the provisions of Pennsylvania Act 43, as amended, to advise the Commissioners on the purchase of conservation easements.

It is the purpose of the Crawford County Agriculture Preservation Program to protect viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production.

Further, it is the purpose of this program 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 non-farmland 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 easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.
7. To preserve Crawford County agricultural productivity by buying easements on land most logically to remain as farmland.

The Crawford County Agricultural Land Preservation Board will develop fair, equitable, objective, non-discriminatory procedures for determining easement purchase priorities and will adopt written policies and guidelines for purchasing easements.

### **III. ELIGIBILITY FOR EASEMENT PURCHASE PROGRAM**

Crawford County, through its Agricultural Land Preservation Board, intends to acquire Agricultural Conservation Easements. Conservation easements may be acquired with county funds, county and state funds, or grants and donations from private sources. The county is responsible for monitoring and enforcement of all easements purchased with public and private funds.

The total annual allocation of State funds to Crawford County may be spent over a period of two consecutive county fiscal years. Section 14.1 (h) (8.1) (8.2)

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 location and site factors and the viability of the farming operations. An appraisal or appraisals of the 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 with a limit of \$1000, per acre.

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

Payment to the prospective landowner may be made in a lump sum, like-kind exchange, or in installments up to five years.

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

#### **EASEMENT DESCRIPTION**

A conservation easement secured through acquisition is a legally binding document which is filed with the Recorder of Deeds, restricting the parcels use to agricultural and directly related uses for which compensation is paid. Restrictions are binding upon the owner and future owners, carrying with the land.

**State Minimum Criteria** - Minimum requirements which farms must meet to be eligible for the easement purchase program.

The county program shall consider the quality of the farmland tract, including the USDA soil classification and productivity.

(1) The farmland tract shall 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) Be contiguous acreage of at least 50 acres in size.

(ii) Be at least ten acres in size and utilized for a crop unique to the area.

(iii) Be at least ten 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 at 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 available for agricultural production and are of land capability classes I through IV, as defined by the USDA - Natural Resource Conservation Service.

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

### **County Minimum Criteria**

The farmland tract shall:

(1) Be capable of producing harvested cropland with sustained yields per acre equal to the county average yield per acre for that crop as published by the Pennsylvania Agricultural Statistical Service.

(2) Be used as part of a normal farming operation that is capable of generating annual gross receipts greater than \$25,000.

In addition, the State Board requires that all properties considered for easement purchase would be evaluated in compliance with § 14.1 (d) (1) (i-iv) regarding soil quality, likelihood of conversion, proximity to other eased lands, land stewardship, and fair and equitable procedures.

For full details see Appendix B "Minimum Eligibility Criteria."

#### **IV. PURCHASE PROCEDURE**

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

##### Schedule of Application

Applications will be accepted every two years beginning in 2010. To be considered for the current year of submittal, applications need to be turned in by May 31<sup>st</sup> of that year.

Submit application (Appendix A) Landowners initially need complete only those parts of the application needed to determine eligibility.

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. See Appendix B for state and county minimum requirements. Applicant may be asked to meet with the Board to defend or clarify information on the pre-application.

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 application indicates that all minimum criteria have been met, the applicant will be asked to complete the full agricultural conservation easement application. The County Board representative will assist landowners with filling out the application, if necessary. If all minimum requirements are met, the application will be scored with the Land Evaluation and Site Assessment system (LESA). See Part V for a complete description of the LESA system.

Following the LESA analysis, the County Board will determine the appraisal order for applicants. The application with the highest LESA score will be appraised first, followed by the next higher LESA score and so on. The County Board reserves the right to limit the number of applications it chooses to appraise.

All appraisals done for the Crawford Country 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. (§ 14.1 (f) and (f) (3)). 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. See Appendix F for the details of how appraisals shall be conducted.

All conservation easement applications and other documentation shall be done in accordance with the model formats included in the state guidebook and any future revisions thereto. (§ 14.1 (a) (3) (xv) and (b) (2) (xiv)).

**OFFER OF PURCHASE BY THE CRAWFORD COUNTY BOARD**

Final purchase decisions will be based on the following factors:

1. LESA score
2. Cost factors
  - a. Available funds
  - b. Cost factors
    - a. Available funds
    - b. Cost per acre
    - c. Percent of easement value
3. Consistency with the Board's judgment 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.

**PURCHASE NEGOTIATIONS WITH APPLICANTS**

After the Board has decided to make an offer for the purchase of an Agricultural Conservation Easement, the Board or its representative 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 whatever reason, offer to sell for substantially less than the appraised value of the easement will be considered by the Board.

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 F).

The failure of the applicant to act within 30 days shall constitute rejection of the offer. If the applicant chooses to retain a Pennsylvania 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.

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 ability of 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.

**AGRICULTURAL CONSERVATION EASEMENT DEED**

After the agreement of sale has been signed by both parties, the applicant must execute a deed conveying the easement. This deed shall adhere to the Commonwealth's Agricultural Conservation Easement Deed Requirements as found in Appendix C.

All persons conveying or transferring land subject to an agricultural conservation easement shall notify within 30 days of change in ownership the county board and the Pennsylvania Department of Agriculture the name and address of the person to whom the subject land was conveyed or transferred and the price per acre or portion thereof received by the landowner, (14.1 (j) (2)) from such person.

All properties conveyed or transferred to another person within Crawford County upon which conservation easements are placed shall recite in verbatim the language of the easement as set forth in the deed of agricultural conservation easement whenever interest in said properties is conveyed or transferred to another person. (§ 14.1 (j) (1))

Notwithstanding any other provisions of law to the contrary, the restrictions set forth in a deed executed in connection with the purchase of an agricultural conservation easement shall be binding on any person to whom subsequent ownership of the land subject to the easement is conveyed or transferred. (§ 14.1 (2) (3)).

**STATE BOARD REVIEW AND APPROVAL**

The following documents must be submitted to the state Agricultural Land Preservation Board for review before state/county easement purchases are approved and state funds are released.

1. Twenty-five copies of the summary report
2. The appraisal report or reports
3. The signed agreement of sale
4. The certification of county funding
5. The proposed agricultural easement deed and proposed agricultural description
6. The title report

See Appendix G for full details of what must be submitted to the State Board after purchase of the easement.

## **V. APPLICATION RANKING SYSTEM**

Applications will be ranked using a two-part Land Evaluation and Site Assessment system (LF-SA). The land evaluation looks at the quality of the soils and the site assessment considers locational factors that may have an impact on current or future viability of a farm. The Numerical Ranking System is to be used to rank and prioritize applications to be selected for appraisal. Selection for appraisal will be made in a descending order of the farmland ranking score.

### **LAND EVALUATION (LE)**

This part of the LESA system is based on soils data obtained from the Crawford County soil survey. Soil mapping units and their relative values are included in Appendix E of the Crawford County Agricultural Land Preservation Plan as determined by the LESA system of the USDA Natural Resource Conservation Service (USDA-NRCS). The source of soil data includes:

1. The Crawford County Soil Survey, as published by the USDA-NRCS in cooperation with the Pennsylvania State University and Pennsylvania Department of Agriculture,
2. The Soil and Water Conservation Technical Guide maintained and updated by the USDA-NRCS.

### **SOILS**

The sum of each soil mapping unit relative value times the acreage in each soil mapping unit divided by the total farm acreage. The maximum score is 100. The total score for soils is multiplied by .40 to represent 40% of the overall Land Evaluation Site Assessment (LESA) score.

### **SITE ASSESSMENT (SA)**

The site assessment portion of LESA consists of three areas that are individually weighted.

- (1) Development Potential 10%
- (2) Farmland Potential 30%
- (3) Clustering 20%

These three areas have a total of 15 factors that consider development pressures in the area and the likely impact of future development on farm operations. Each area has a total of 100 points or 300 points for site assessment. The total points are added together in each area and multiplied by the weight. The weighted score for the Land Evaluation (LE) portion is added together with the three weighted scores from the Site Assessment (SA) portion to arrive at the total LESA Score for the applications. The LESA Scores are then ranked from highest to lowest to determine the order for selecting appraisals. The highest possible score being 100.

**A. Development**

**Potential Points 100**

**Weight 10%**

1. Distance from public sewer and water
  - (20) sewer and water on site
  - (16) either sewer or water within 1000 feet
  - (12) either sewer or water within 2500 feet
  - (8) either sewer or water within 5000 feet
  - (0) sewer and water over 5000 feet
  
2. Land use adjacent to tract
  - (20) 90 to 100% non ag use
  - (16) 75 to 89% non ag use
  - (12) 50 to 74% non ag use
  - (8) 10 to 49% non ag use
  - (0) less 10% in non ag use
  
3. Road frontage
  - (20) 3000'/100 acres
  - (16) 2500'/100 acres
  - (12) 2000'/100 acres
  - (8)1000'/100 acres
  - (0)less than
  
4. Closeness to major highway systems \*
  - (20) within 1/2 mile of major interchange
  - (16) within 1/2 mile to 1 mile of major interchange
  - (12) within 1 - 2 miles of major interchange
  - (8) within 2 - 3 miles of major interchange
  - (4) within 3 - 5 miles of major interchange
  - (0) over 5 miles

\* Major interchange is anywhere a road interchanges with an interstate system

5. Urban or economic development .centers \*
  - (20) land adjacent to
  - (16) land within 1/2 mile
  - (12) land from 1/2 to 1 mile
  - (8) land from 1 mile to 2 miles
  - (4) land from 2 to 5 miles
  - (0) land over 5 miles

\* Economic development center is where a special effort is made by private business or government to retain and or encourage businesses to locate in an area zoned commercial and sewer, water, and roads have been established.

1. Acreage of prime farmland and/or state importance soils on tract
  - (20) 80 acres or more
  - (16) 60 - 79 acres
  - (12) 40 - 59 acres
  - (8) 20 - 39 acres
  - (4) 5 - 19 acres
  - (0) 0 - 5 acres
  
2. Buffering of parks, environmentally sensitive areas, historic structures or districts
  - (15) Tract is adjacent to a park or environmentally sensitive area
  - (10) Tract is adjacent to historic structures or districts
  - (0) Tract is not adjacent to parks, environmentally sensitive areas, historic structures or districts.

Explanation: Farmland can buffer environmentally sensitive and historic areas from non-compatible land uses. The following areas will be considered environmentally sensitive:

- Lakes, ponds, reservoirs, rivers, streams, flood plains, marshes, swamps, and other wetlands
- Aquifers, aquifer recharge areas, and public water supply lands
- Public and quasi-public parks, forests, game lands, and wildlife preserves
- Areas with unique geological, botanical, or wildlife features
- Important historical areas and building adjacent to a farmland tract must be documented

3. Percent of tract used for cropland, pasture, or grazing
  - (25) 90 - 100%
  - (20) 80 - 89%
  - (15) 70 - 79%
  - (10) 60 - 69%
  - (5) 50 - 59%
  - (0) less than 50%
  
4. Tract size (Acreage used for this evaluation shall include any other existing agricultural easement tracts by the same owner applicant within 2 miles.)
  - (10) 150 acres or more
  - (7) 100 to 149 acres
  - (3) 50 to 99 acres
  - (0) under 50
  
5. Soil and water conservation practices used on the tract
  - (20) NRCS Conservation plan 90 - 100% implemented
  - (10) Conservation plan 50 - 89% implemented
  - (0) Under 50% conservation plan implemented

Explanation: Conservation practices and planning are important for maintaining productive soils and viable farmland.

**C. Clustering**

**Points 100**

**Weight 20%**

1. Percent of land within 2 miles in ASA

(25) Greater than 50%

(20) 25% to 49%

(12) 1 % to 24%

(0) less than 1%

2. Proximity to other agricultural easements

(40) Two or more farms or one farm with 400 acres or more have perpetual agricultural conservation easement within 2 miles of the tract.

(30) One farm with 200 acres to 400 acres has a perpetual agricultural conservation easement within 2 miles of the tract.

(15) One farm of less than 200 acres has an easement within 2 miles of the tract

(0) No farms have an easement within 2 miles of the tract.

3. Consistency with planning map in County Program.

(15) Tract is in area designated as important agricultural area of the county.

(0) Tract is located in an area designated for non-agricultural uses.

4. Percentage of adjoining land in an agricultural security area

The percentage of a tract's boundary that adjoins land in an Agricultural Security Area will be considered in scoring the clustering potential of the tract. Areas where agriculture has been given protection by the municipality, at the request of the landowners, provides an environment conducive to farming. The higher the percentage of the land that borders land in an Agricultural Security Area the higher the score will be.

(20) 100%

(15) 75% - 99%

(10) 50% - 74%

(5) 25% - 49%

(0) 10% - 24%

**VI. CONSERVATION EASEMENTS – (Purchases for a minimum of \$1)**

**County Only Criteria**

**A. Intent**

The program is strictly a county program administered by the Crawford County Ag Land Preservation Board. In order to effectively preserve agricultural land within agricultural security areas, it is the intent of the Crawford County Agricultural Land Preservation Board and Board of County Commissioners to accept voluntary offering of conservation easements for a minimum purchase of \$1, or bequests of conservation easements as easements in gross on a perpetual basis. 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 Crawford County Board of Commissioners through minimum eligibility criteria.

The voluntary offering for a minimum price of \$1 of a perpetual conservation easement on qualified land may result in federal income tax benefits and other tax benefits to the grantors which will vary according to the nature and value of the property and the circumstances of the landowners(s).

**B. Description**

A conservation easement is a legal document which is filed in the land records with the deed of farm property, restricting its 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.

Easements purchased through the Farmland Preservation Program can only be perpetual. Easements acquired in other ways must also be in perpetuity.

Conservation easements sold at a minimum of \$1 will be held by Crawford County in perpetuity and the County is responsible for enforcing the deed restrictions contained in the conservation easement.

**C. Minimum Eligibility Criteria**

Prerequisite to acceptance of a conservation easement sold at a minimum of \$1, agricultural land must meet the following criteria:

1. Within an agricultural security area - Farm properties must be:
  - a. at least 10 acres in size and
  - b. In agricultural and open space use.
  
2. Outside of agricultural security areas - The Agricultural Preservation Board will consider each offer of a donation on a case by case basis on its individual merits, considering such factors as the property's relation to adopted plans, zoning, surrounding land uses and development needs and potential. At a minimum farm properties must be:
  - a. At least 25 contiguous acres or more parcels and,
  - b. In agricultural and open space use and
  - c. Consisting of productive agricultural soils of Pennsylvania Soil Capability Classes I, II, III and IV (See appendix-D).

**D. Procedures for Acceptance**

The following procedures are necessary prior to recordation of a conservation easement sold at a \$1 minimum:

1. Within an agricultural security area or areas which are likely to remain primarily agricultural:
  - a. Agricultural Land Preservation Board works with landowner to develop easement from sample documents.
  - b. Agricultural Land Preservation Board reviews property for compliance with minimum eligibility criteria.
  - c. If easement purchased for a minimum of \$1 is to be in perpetuity, land appraisal is initiated by landowner to determine valuation for federal income tax deductibility. The Agricultural Land Preservation Board will pay the cost of appraisal subject to easement purchase being completed. The landowner shall reimburse the Agricultural Land Preservation Board the costs of the appraisal if the purchase is not completed within one year.
  - d. Agricultural Land Preservation Board makes a recommendation to the County Commissioners to accept the conservation easement.
  - e. County Commissioners accept the conservation easement.
  - f. Recordation.
  - g. Agricultural Land Preservation Board assumes responsibility for on-going monitoring and conservation easement enforcement.
  
2. Outside Agricultural Security Areas
  - a. Agricultural Land Preservation Board determines eligibility of property through review.
  - b. Agricultural Land Preservation Board works with landowner to develop easement from sample documents.
  - c. Land appraisal is initiated by landowner to determine valuation for federal income tax deductibility. Under special circumstances, such as the location and prime quality of the land, the Agricultural Land Preservation Board with approval of the Board of County Commissioners, may pay the cost of appraisals on a case-by-case basis. The landowner shall reimburse the Agricultural Land Preservation Board's cost of appraisal if the purchase is not completed within one year.
  - d. Public hearing is scheduled and held and adjoining property owners are notified of the easement to be accepted.
  - e. Agricultural Land Preservation Board makes the recommendation to the County Commissioners.
  - f. County Commissioners accept the conservation easement.
  - g. Recordation.
  - h. Agricultural Land Preservation Board assumes responsibility for on-going monitoring and conservation easement enforcement.

#### E. Sample Conservation Easement Documents

Sample of the language and format of conservation easements are available upon request.

## **VII. PURCHASE AND RESALE**

### A. Intent

This is a county program not connected with the State Farmland Preservation Program, it is strictly administered by the County. The Crawford County Agricultural Land Preservation Board may, as a last resort preservation measure, acquire farms located in established Agricultural Security Areas on a competitive basis in the open market. The intent of purchase is to place a perpetual conservation easement on the land once acquired, and to resell the farm as restricted to the highest bidder. The purchase and resale method is intended to be limited to those farms which are offered for sale, on which development pressure or the prospect of a change of the use of the property is very high and whose location and productive capability are such that the property's continued agricultural use is important to the continued viability of the area.

### B. Minimum Eligibility Requirements

The following criteria are prerequisite to land being eligible for purchase and resale:

1. Land must be located in an established Agricultural Security Area within Crawford County. Where a farm property is divided by an Agricultural Security Area boundary, the entire property may be considered to meet this criteria.
2. The property must be at least ten (10) acres in size and be in agricultural and open space use.

### C. Monitoring the Farmland Market

The Agricultural Land Preservation Board shall monitor the market availability of qualified land in Agricultural Security Areas through direct contacts with landowners, reference from members of the Board, public sale notices, and real estate advertisements.

### D. Procedures

1. Purchase Action - When a qualified farm is on the market, the Board may:
  - a. Review the circumstances of the impending sale of the property.
  - b. Determine the extent to which conversion would contribute to adverse impacts on the viability of the Agricultural Security Area.
  - c. Determine the availability of funds for purchase, and
  - d. Initiate an appraisal of fair market value and agricultural use value of the property if circumstances are favorable to purchase.
2. Purchase - A decision to pursue purchase of the property shall be subject to an affirmative recommendation by the Board and approval by the Crawford County Board of Commissioners.
3. Offer to Landowner - An assignable offer to buy shall be communicated to the landowner; the price may not exceed the appraised fair market value.
4. Crawford County may assign its rights without limitation.
5. Settlement If the offer is accepted, settlement shall be conducted at a time and place which is mutually suitable to the parties. Settlement costs, taxes, insurance, and any required survey costs shall be divided between buyer and seller as agreed.
6. Conservation Easement - Upon settlement, the County shall place and have recorded a conservation easement on the subject property limiting its use in perpetuity to agricultural and directly associated uses.
7. Resale - The property, as restricted, shall be sold at a public sale in the manner prescribed by Law. If the Board does not receive a public sale bid or offer which is close to current

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agricultural use value, it may schedule subsequent public sales until a price is received which is close to the current agricultural use values.

8. Interim Lease - If the subject property is not sold within a reasonable period, it may be leased for one (1) year. In any event, however, the property must be resold, as restricted, within two years of the purchase by the county and any sale shall not interfere with the terms of the lease.
9. Resale Proceeds - The proceeds from the resale of the property shall replenish the Agricultural Land Preservation Fund.

## **VIII. INSPECTION AND ENFORCEMENT PROCEDURES**

The Crawford County Agricultural Land Preservation Board will do a yearly inspection of the properties on which they hold a conservation easement to check to see if any violations of the easement have occurred.

Landowners subject to these inspections will be notified by certified mail 10 days in advance of the proposed inspection.

If violations of the easement are found, the County Board will request that the landowner remove the violations of the easement agreement.

The County Board will adhere to the regulations of the Commonwealth in inspecting and enforcing all agricultural conservation easements. See the enforcement clause required in the easement deed in Appendix C and chapter 138e - 201- 138e.206 as contained in the State Rules and Regulations for Act 43.

## **IX. PUBLIC INFORMATION PROGRAM**

A public information program will be planned in cooperation with Crawford County Cooperative Extension. This will include public meetings as needed to inform the public about the program, press releases, radio announcements, and newsletter insertions to inform citizens about the Crawford County program and its progress. The newsletter insertions can occasionally be put into Cooperative Extension's general mailings and the press and radio releases will be sent to radio stations, newspapers, and farm periodicals.

The County Board shall be subject to the Sunshine Act (65 P.S. sections 271-286) and the act of June 21, 1957 (P.L. 390, No. 212) (65 P.S. sections 66.1-66.4), known as the Right To Know Law, relating to the inspection and copying of public records.

Copies of the Crawford County Agricultural Conservation Easement Program are available to the public by contacting The Crawford County Conservation District, 21742 German Road; Meadville, PA 16335; 814-763-5269.

## **X. PLANNING MAP (I 38e. 17 (a) and (b))**

The Crawford County Agricultural Land Preservation Board has adopted a planning map to guide easement purchases (See Appendix H). The map identifies Significant Agricultural Areas within the county. Parcels located within existing Significant Agricultural Areas will be afforded higher priority than parcels located outside of these areas. The County Board will encourage the formation of agricultural security areas (ASA) in areas of important agricultural significance as identified on the planning map adopted by the County Board, Appendix H.

## **XI. LOCAL GOVERNMENT UNIT PARTICIPATION**

Any local government unit that has created an agricultural security area may participate along with Crawford 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.
- E. 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 Crawford 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.

**CRAWFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD**  
**Landowner's Agricultural Conservation Easement Application Form**

**I. General Information**

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

County \_\_\_\_\_

Is your farm in an Agricultural Security Area? \_\_\_\_\_

Reference: (Name) \_\_\_\_\_ Book \_\_\_\_\_ Volume \_\_\_\_\_ Page \_\_\_\_\_

Street location of farmland tract \_\_\_\_\_

Directions from nearest state route \_\_\_\_\_

Total acreage of farmland tract \_\_\_\_\_

Total acreage offered \_\_\_\_\_

Crops grown on farmland tract \_\_\_\_\_

Number and kinds of livestock \_\_\_\_\_

Deed reference: Book \_\_\_\_\_ Volume \_\_\_\_\_ Page \_\_\_\_\_

Tax account numbers of each parcel \_\_\_\_\_

Date of U.S.D.A. NRCS Conservation Plan, if any \_\_\_\_\_

Date of any Nutrient Management Plan \_\_\_\_\_

Names(s), address and phone number of person(s) to contact to view the farmland tract

\_\_\_\_\_  
\_\_\_\_\_

**II. Map**

The applicant is required to provide the following maps as part, of this application:

1. Locational map - A United States Geographical Survey Topographical map showing the location of the farmland tract.
2. Soils map - The soils map of the farmland tract must be color coded by land capability class as follows:

Capability	Class I	Green
Capability	Class II	Yellow
Capability	Class III	Red
Capability	Class IV	Blue
Capability	Class V-VIII	White (Uncolored)
Wetlands		Cross Hatch or include on separate map

3. Tax Map - Tax map for property is available from the Crawford County Tax Assessment Office.

The applicant is required to provide a soils report for the farmland tract as part of the application.

**III. Soil Report**

**IV. Land Capability Class Table**

The applicant is required to provide a table showing the capability class and use of the land as part of this application.

	Acres of Cropland/Pasture	Acres of Other Land	Total Acres
Capability Class I	_____	_____	_____
Capability Class II	_____	_____	_____
Capability Class III	_____	_____	_____
Capability Class IV	_____	_____	_____
Other	_____	_____	_____
Total	_____	_____	_____

**V. Crop Production Information**

The applicant must provide crop production information for the farmland tract for the most recent crop year for which comparable statistics are available from the Pennsylvania Agricultural Statistics Service (PAAS). For commodities not reported by PASS, two year's production should be reported.

	Commodity	Acres Grown	Yield/Acre	Gross Receipts
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**VI. LIVESTOCK**

The applicant shall provide livestock production information below for the farmland tract for the most recent calendar year. For commodities reported by Pennsylvania Agricultural Statistics Service, production information for one year is sufficient.

	Livestock	Average Numbers	Product Sold	Gross Receipts
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

Total Annual Gross Receipts \$ \_\_\_\_\_ for year 20\_\_\_\_\_.

**VII. SELLING PRICE**

I would consider selling an Agricultural Conservation Easement to the Crawford County Agricultural Land Preservation Board and/or the Commonwealth of Pennsylvania for not less than:

1. \$ \_\_\_\_\_ for the entire farm, or
2. \$ \_\_\_\_\_ per acre, or
3. \_\_\_\_\_ an amount to be determined by appraisal and acceptable to buyer and seller (please check).

**VII SIGNATURE(S)**

It is necessary for all owners of the farmland tract to give their approval and consent to this application.

Signed \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Please submit this application to:

Crawford County Agricultural Land Preservation Board  
Crawford County Conservation District  
21742 German Road  
Meadville, PA 16335

Please call the Crawford County Conservation District 814-763-5269, if you have any questions or would like assistance in filling out this application.

**APPENDIX B**

**MINIMUM ELIGIBILITY CRITERIA**

§ 138g.16. Minimum criteria for applications.

(a) The county program shall consider the quality of the farmland tract, including the USDA soil classification and productivity. The farmland tract shall:

**STATE MINIMUM CRITERIA**

Minimum requirements which farms must meet to be eligible for the easement purchase program.

(1) The farmland tract shall 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 sites 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) Be contiguous acreage of at least 50 acres in size

(ii) Be at least ten acres in size and utilized for a crop unique to the area.

(iii) Be at least ten 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 at 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 available for agricultural production and are of land capability classes I through IV, as defined by the USDA - Natural Resource Conservation Service.

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

COUNTY MINIMUM CRITERIA

The farmland shall:

(1) Be capable of producing harvested cropland with sustained yields per acre equal to the county average yield per acre for that crop as published by the Pennsylvania Agricultural Statistical Service.

(2) Be used as part of a normal farming operation that is capable of generating annual gross receipts greater than \$25,000.

CONTIGUOUS ACREAGE -- All portions of one operational unit as described in the deed, or deeds, whether or not the portions are divided by streams, public roads, bridges, and whether or not described as multiple tax parcels, tracts, purparts, or other property identifiers. It includes supportive lands such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds, and steams.

In addition, the State Board requires that all properties considered for easement purchase would be evaluated in compliance with § 14.1 (d) (1) (i-iv) regarding soil quality, likelihood of conversion, proximity to other eased lands, land stewardship, and fair and equitable procedures.

### **AGRICULTURAL CONSERVATION EASEMENT DEED REQUIREMENTS**

#### Deed clauses

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:

(1) 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:

(2) A clause restricting use of the land to specific permitted acts as follows:

Permitted Acts - 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, dry beans and others;
- 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, furbearing 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.

### Construction of Buildings and Other Structures

The construction or use of any building or other structure on the subject land other than as existing on the date of the 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.
  - (1) The construction and use of the residential structure is limited to providing housing for persons employed in farming the subject land on a seasonal or full time basis
  - (2) No other residential structure has been constructed on the restricted land at any time since the delivery of the Deed.
  - (3) The residential structure and its curtilage occupy no more than two acres of the subject land.
  - (4) 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.

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. \* Special section in Subdivision Guidelines on Pages 40 to 44.

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 "granting of rights-of-way" 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.

Mining - 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 rights to develop the underlying coal by underground mining methods, 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.

Rural Enterprises - Customary part-time or off-season minor or rural enterprises and activities which are provided for in the County Agricultural Conservation Easement Purchase Program approved by the State Board are permitted.

Soil and Water Conservation - 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 Agricultural Land Preservation Board. Such plan shall be updated every ten years and upon any change in the basic type of agricultural production being conducted on the subject land.

In addition to the requirements established by the County Conservation District or the County Agricultural Land Preservation Board the conservation plan shall require that:

- (1) The use of the land for growing nursery stock, ornamental trees, and shrubs does not remove excessive soil from the subject land.
- (2) 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.

(3) Grantor agrees to an enforcement clause stating that:

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.

Grantee(s), its/their successor(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.

Grantor acknowledges that any violation of the terms of this Deed shall entitle Grantee(s), its/their successor(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.

(4) A clause setting forth the duration of the easement.

In Crawford County, all agricultural conservation easements purchased with state and county money through the Farmland Protection Program (FPP) must be perpetual.

(5) 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.

(6) A clause setting forth the obligation of the Grantor upon conveyance of the farmland tract as follows:

Conveyance or transfer of the subject land -

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 within 30 days. 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.

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.

(7) A habendum clause (The part of a deed that formerly limited and defined an estate and the extent of ownership granted and sometimes, the type of tenancy by which the grantees would hold an estate but that now is rarely encountered or is merely formal in deeds in which a fee simple absolute is presumed granted).

**APPENDIX D****CRAWFORD COUNTY RELATIVE SOIL VALUES**

SOIL MAP SYMBOL	MAP UNIT & DESCRIPTION	CAPABILITY UNIT	Relative Value
Ad	Alden silt loam	IV w-2	0
AvA	Alvira silt loam, 0 to 3 percent slopes	III w-3	62
AvB	Alvira silt loam, 3 to 8 percent slopes	III w-2	62
BrA	Braceville gravelly loam, 0 to 3 percent slopes	II w-2	84
BrB	Braceville gravelly loam, 3 to 8 percent slopes	II e-2	84
CaA	Cambridge silt loam, 0 to 3 percent slopes	II w-3	84
CaB	Cambridge silt loam, 3 to 8 percent slopes	II e-2	81
CaC	Cambridge silt loam, 8 to 15 percent slopes	III e-2	81
CaD	Cambridge silt loam, 15 to 25 percent slopes	IV e-1	0
CbB	Cambridge very stony silt loam, 0 to 8 percent slopes	VI s-1	0
CbD	Cambridge very stony silt loam, 8 to 25 percent slopes	VI s-1	0
CcB	Cambridge-Venango silt loams, 3 to 8 percent slopes	III w-2	81
Cd	Canadice silt loam	IV w-1	0
CeA	Canadea silt loam, 0 to 3 percent slopes	III w-2	62
CeB	Canadea silt loam, 3 to 8 percent slopes	III w-2	62
CM	Carlisle Muck	VII w-1	0
CoA	Chenango gravelly silt loam, 0 to 3 percent slopes	II s-1	100
CoB	Chenango gravelly silt loam, 3 to 8 percent slopes	II s-1	84
CoC	Chenango gravelly silt loam, 8 to 15 percent slopes	III e-3	81
FhA	Frenchtown silt loam, 0 to 3 percent slopes	III w-3	41
FhB	Frenchtown silt loam, 3 to 8 percent slopes	III w-3	41
FvB	Frenchtown very stony silt loam, 0 to 8 percent slopes	VII s-1	0
Ha	Halsey silt loam, 0 to 3 percent slopes	IV w-2	0
HnA	Hanover silt loam, 0 to 3 percent slopes	II w-2	100
HnB	Hanover silt loam, 3 to 8 percent slopes	II e-2	84
HnC	Hanover silt loam, 8 to 15 percent slopes	III e-2	81
HoB	Hanover very stony silt loam, 0 to 8 percent slopes	VI s-1	0
HoD	Hanover very stony silt loam, 8 to 25 percent slopes	VI s-1	0
HvA	Haven silt loam	I-2	100
HvB	Haven silt loam	II e-1	84
Hy	Holly silt loam	III w-1	41
Hz	Holly silty clay loam	VI w-1	0
Ph	Philo silt loam, 0 to 3 percent slopes	II w-1	100
PkB	Platea silt loam, 3 to 8 percent slopes	III w-2	62
Po	Pope loam, 0 to 3 percent slopes	I-1	100
Rh	Red Hook loam, 0 to 5 percent slopes	III w-2	62
ScA	Scio silt loam, 0 to 3 percent slopes	II w-2	100
ScB	Scio silt loam, 3 to 8 percent slopes	II e-2	84
Sh	Sheffield silt loam, 0 to 3 percent slopes	III w-3	0
SmA	Shelmadine silt loam, 0 to 3 percent slopes	IV w-1	41
SmB	Shelmadine silt loam, 3 to 8 percent slopes	IV w-1	41
VaB	Valois gravelly silt loam, 3 to 8 percent slopes	II e-1	84
VaC	Valois gravelly silt loam, 8 to 15 percent slopes	III e-1	81
VaD	Valois gravelly silt loam, 15 to 25 percent slopes	IV e-1	0
VLF	Valois soils, 25 to 60 percent slopes	VI e-1	0
VmB	Valois-Cambridge complex, 3 to 8 percent slopes	II e-2	84
VmC	Valois-Cambridge complex, 8 to 15 percent slopes	III e-2	81
VnA	Venango silt loam, 0 to 3 percent slopes	III w-2	62

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VnB	Venango silt loam, 3 to 8 percent slopes	III w-2	62
VnC	Venango silt loam, 8 to 15 percent slopes	III e-4	62
VoB	Venango very stony silt loam, 0 to 8 percent slopes	VI s-1	0
VoC	Venango very stony silt loam, 8 to 15 percent slopes	VI s-1	0
WyA	Wyoming gravelly sandy loam, 0 to 3 percent slopes	III s-1	84
WyB	Wyoming gravelly sandy loam, 3 to 8 percent slopes	III s-1	81
WyC	Wyoming gravelly sandy loam, 8 to 15 percent slopes	IV e-2	41
WyD	Wyoming gravelly sandy loam, 15 to 25 percent slopes	VI e-1	0

**Ranking Sheet**

	Farm Name	Land Evaluation Rating	Development Potential Score	Farmland Potential Score	Clustering Potential Score	Total Score	Priority Ranking
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							

SOIL MAPPING UNIT	ACREAGE EACH UNIT	RELATIVE VALUE EACH UNIT	TOTALS OF SOILS RELATIVE VALUE
TOTAL OF SOILS RELATIVE VALUES			

SOIL MAPPING UNIT	ACREAGE EACH UNIT	RELATIVE VALUE EACH UNIT	TOTALS OF SOILS RELATIVE VALUE
TOTAL OF SOILS RELATIVE VALUES			

TOTALS OF SOILS RELATIVE VALUE	TOTAL ACREAGE OF FARM	AVERAGE RELATIVE VALUE OF FARM	WEIGHTED FACTOR .40	LAND EVALUATION RATING



**Farmland Appraisal Procedure**

Applicants must submit a deposit for the appraisal in the amount to be determined based on the appraisal quote. If the owner sells the easement, this deposit will be refunded when the state's cost share is paid upon consummation of the development rights sale. If the owner declines to accept an offer from the county board, the appraisal deposit is forfeited by the landowner.

If the County makes no offer or the applicant refuses a County offer of less than full appraised value, the full amount of the appraisal deposit will be refunded.

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

Appraisal

- (a) 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.
- (b) An appraisal shall be based primarily on an analysis of comparable sales.
- (c) The value of a building or other improvement on the farmland tract will not be considered in determining the easement value. The description of the building or other improvement shall appear separately in the appraisal report.
- (d) The appraiser shall be

All appraisals done for the Crawford County program must be completed 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. (§ 14.1 (f) and (f) (3)).

- (e) The appraiser shall supply a minimum of three copies of a narrative report which contains the following information and is in the following format:
  - (1) Introduction
    - (I) Letter of transmittal and an appraiser's certificate as to the market value, farmland value, and easement value.
    - (II) Table of contents
    - (III) Summary of salient facts and conclusions
    - (IV) Purpose of the appraisal
    - (V) Easement value definition
  - (2) Description of Property
    - (i) Area or Neighborhood Description
    - (ii) Description of Appraised Property
      - (A) Legal Description
      - (B) Property Data and Zoning

- (C) Description of Improvements
- (D) Colored Photos of Subject Property fields and improvements.

(E) Tax Map of Subject Property. If the County does not have tax maps available, the sketch map required under (F) below shall include the boundary lines and acreages of properties adjoining the subject property and the names of all adjoining property owners.

- (F) Sketch or Aerial Photograph of Subject Property
- (G) Location Map
- (H) Soil Map

(3) Analyses and Conclusions

- (i) Analysis of Highest and Best Use
- (ii) Valuation Methodology: Market Value

- (A) Comparable Sales Data
- (B) Adjustment Grid
- (C) Locational Map of Comparable Sales

- (iii) Market Value Estimate
- (iv) Valuation Methodology: Farmland Value

- (A) Comparable Sales Data
- (B) Adjustment Grid
- (C) Locational Map of Comparable Sales

- (v) Farmland Value
- (vi) Value of Improvements
- (vii) Easement Value
- (viii) Professional Qualifications of the Appraiser

(f) The appraiser shall supply information concerning comparable sales as follows:

(1) At least three comparable sales shall be used for estimating market value and at least three comparable sales shall be used for estimating farmland value in an 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 series, 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) The appraiser shall report whether the farmland tract has any public or private land use restrictions, or is within a flood plain, or has any other physical attributes which limit its developmental capability.

(6) 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.

Procedure for Determining the Easement Value if Applicant Retains an Independent Appraiser:

(a) The applicant may, at applicant's expense, retain another independent Pennsylvania 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. The applicant's decision to obtain an independent appraisal under this paragraph shall not constitute a rejection of the county board's offer. The county board's offer shall remain open unless increased by the county board under subparagraph (e) (3) (ii) or rejected by the applicant under subparagraph (c) (3) (iii) or (c) (3) (iv).

(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:

(A) The agricultural value shall equal the sum of:

(1) The farmland value determined by the applicant's appraiser; and

(2) 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.

(B) The nonagricultural value shall equal the sum of:

(1) The market value determined by the County Board's appraiser; and

(2) 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.

## **Documentation Requirements Pennsylvania Agricultural Land Preservation Board**

### Requirements of the Agricultural Easement Deed

- (a) All owners of the subject farmland tract shall execute a deed conveying the easement which deed shall include the provisions of Appendix C.
- (b) The deed shall be in the recordable form and contain
  - (1) A legal description setting forth the metes and bounds of the farmland tract subject to the easement.
  - (2) At least one course and distance referencing fixed marker or monument of a type commonly placed in the field by a surveyor.
- (c) The legal description shall not contain a closure error greater than one foot per 200 lineal feet in the survey.
- (d) The farmland tract on which an easement is to be purchased must be surveyed unless the legal description contained in the deed recorded in the land records of Crawford County satisfies the requirements of paragraphs (b) and (c) above. A survey required by the provisions of this paragraph must comply with the boundary survey measurement standards for a class A-2 survey as published by the Pennsylvania Society of Land Surveyors.
- (e) For purchases made entirely with State funds the Commonwealth shall be the sole grantee.
- (f) For purchases made using a combination of State and County, funds, the grantees shall be the Commonwealth and the County providing the funds under joint ownership as defined in the act.
  - (1) Neither the Commonwealth nor the County may sell, convey, extinguish, lease, encumber, restrict or otherwise dispose of their interest in the easement without the consent of the other.
  - (2) Upon the site, conveyance, extinguishment, lease, encumbrance or other disposition of the easement, the Commonwealth and the County shall receive a pro-rata share of the proceeds based upon their respective contributions to the purchase price.
- (g) A copy of the deed shall be submitted to the State Board for approval prior to execution and delivery.
- (h) For purchases made entirely with municipal funds the local government unit shall be the sole grantee.

### Title Insurance

- (a) The County Board shall provide a title commitment to the State Board upon submission of its recommendation for the purchase of an easement as contained in chapter 138e.68.

- (b) At settlement, the County Board shall provide a title insurance policy issued by a title insurance company authorized to conduct business in the Commonwealth of Pennsylvania by the Pennsylvania Department of Insurance. The cost of such title insurance shall be a cost incident to the easement purchase payable or reimbursable from the County's allocation under the act.

Statement of Costs

- (a) For purpose of Section 14.1 (h) (6) of the act (3 P.S. section 914.1(9h) (6), the County Board shall submit a statement of the costs incident to the purchase of the easement to the State Board which may include:
  - (1) Easement purchase price
  - (2) County appraisal costs
  - (3) Necessary legal fees for title search, preparation of documents, and attendance at closing
  - (4) Recording fees
  - (5) Survey costs
  - (6) Reimbursements to a nonprofit land conservation organization that has acquired an easement at the request of the County Board, for the purpose of transferring the easement to the county or the Commonwealth or both. These costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees, and survey costs.
  - (7) Under Comments -- number of acres in easement and cost/acre paid to landowner for development rights.
- (b) The Statement of costs shall specify the amount of funding requested from the Commonwealth for the purchase, and the amount of County funds allocated for the purchase.
- (c) After settlement, the County Board shall submit a revised statement of costs in the event that actual costs were greater or less than the costs estimated in the initial statement of costs.  
(Revised Exhibit "B")

Summary Report §138e.69

A recommendation by the County Board for the purchase of an easement shall be accompanied by a Summary Report stating the following:

- (1) Description of the farm, including the name, location, number of acres, and type of farm.
- (2) Quality of the farmland tract, including soil classification, yields and gross income from product sales.
- (3) The manner in which preservation will contribute to the agricultural productivity of the county.
- (4) Likelihood of conversion to other uses if the easement is not purchased. Discussion of the nature and scope of developmental pressure in the municipality or area.

(5) The nature and scope of conservation practices, nutrient management, and best land management practices.

(6) Discussion of the purchase price summarizing the appraisals including the agricultural and nonagricultural value and negotiations for purchase.

(7) Statement of costs as described in Section 138e.69. (ALPB Regulations).

(8) Certification by the County Board that the information presented to the State Board is true and correct. And appendix which includes:

- (i) The application form.
- (ii) Locational maps.
- (iii) A soils report.
- (iv) A crop report.
- (v) An evaluation of the ranking worksheet.
- (vi) A subordination, release or letter approving purchase from a mortgagee, lien holder of owner of rights in surface mineable coal.
- (vii) Other relevant documents and information.

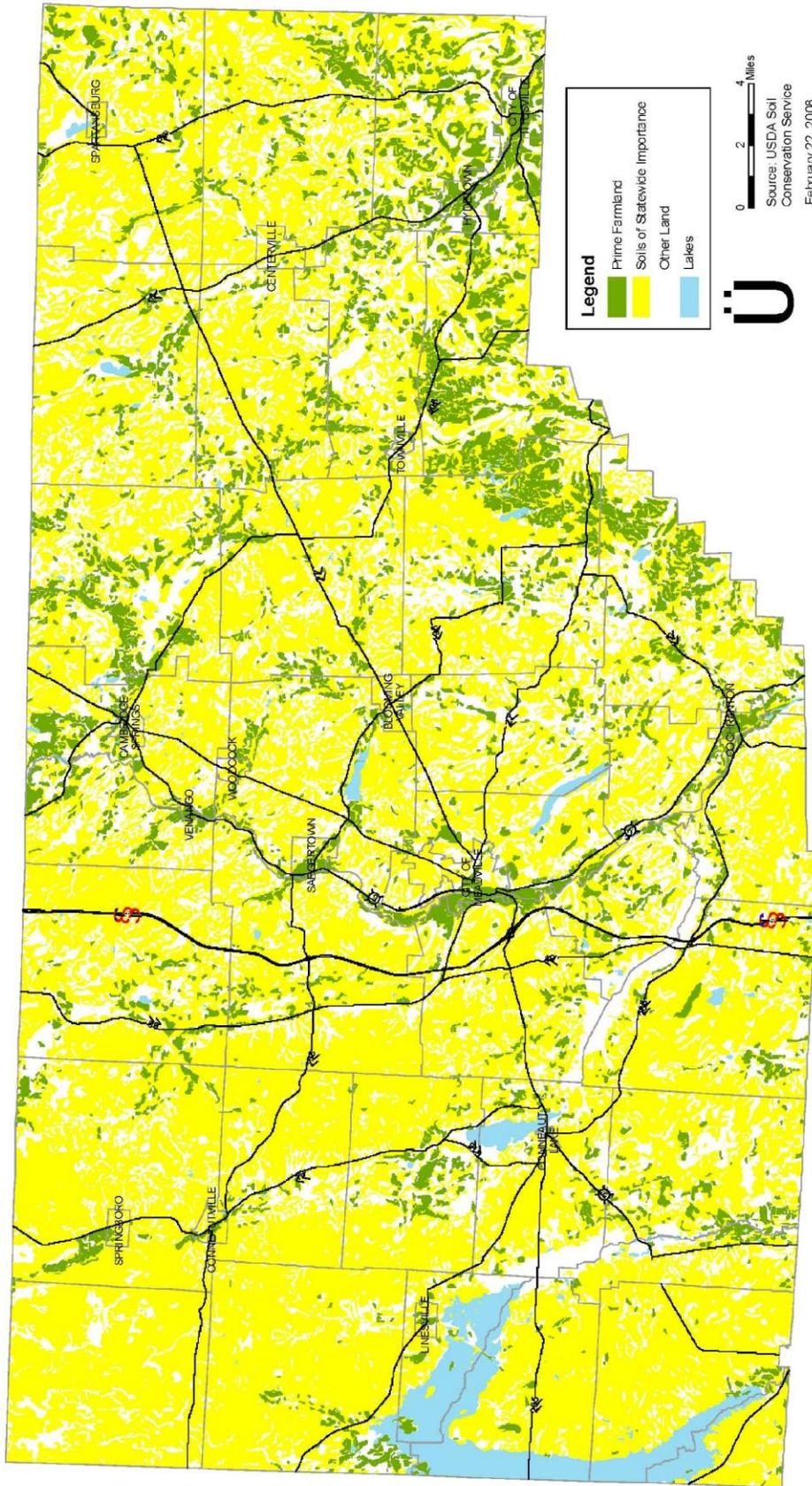
#### § 138e.91 Application For Review.

Application for State 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, Pennsylvania 17110-9408.

(1) Twenty-five copies of the summary report prepared in accordance with § 138e.70 (relating to summary report), including the following items:

- I. Cover Letter From County (optional).
- II. Narrative Summary Report
- III. 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.
- IV. Soil Report Form "C: (a form provided by the Department), both pages.
- V. List of soil mapping unit names, symbols and Land Capability Classes on the subject property.
- VI. Legible, uncolored soil map of subject property.
- VII. Tax map showing the subject property location and boundaries, exclusions withheld from the subject property, utility rights-of-way, and access road rights-of-way.
- VIII. 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.

- IX. Copy of Exhibit "B" from the Agreement of Sale, modified to include interest, total credits, and per acre easement cost.
- X. Twenty-five copies submitted shall be individually collated and three-hole punched, but not stapled.
- (2) The appraisal report or reports.
- (3) 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.
- (4) The title insurance report or commitment.
- (5) 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.
- (6) A completed and signed IRS Form W-9, Request for Taxpayer Identification Number and Certification for individual grantors.
- (7) A letter from the grantors stating the percent (%) of ownership of each grantor for the purpose of issuing IRS Form 1099.
- (8) The certification of county funding.
- (9) Copy of approved Soil Conservation Plan required under Chapter 138e.241.
- (10) Copy of a nutrient management plan, if required under the Nutrient Management Act (Act 38).



**SIGNIFICANT AGRICULTURAL AREAS**  
 FARMLAND PRESERVATION PROGRAM  
 CRAWFORD COUNTY, PA



## APPENDIX I

### **SUBDIVISION GUIDELINES FOR LAND SUBJECT TO AN AGRICULTURAL CONSERVATION EASEMENT PURCHASED UNDER THE PROVISIONS OF THE CRAWFORD COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM**

#### PURPOSE:

The purpose of the Crawford County Agricultural Land Preservation Board's (Board) Subdivision Guidelines are to implement the subdivision provisions of Pennsylvania's Agricultural Area Security Law, 3 P.S. §901-915, as amended, (Act) and the Regulations promulgated there under by the Pennsylvania Department of Agriculture (Regulations), and to provide for the administration of said Act, Regulations and Board's Program. The Subdivision Guidelines are intended to preserve as much farmland as possible in integral tracts or parcels, and to promote viable agricultural enterprises.

#### DEFINITIONS (§138e.3):

##### **Economic viability of farmland for agricultural production:**

The capability of a particular tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted pursuant to § 14.1 (c)(6)(iv) of the Act(3 P.S. § 914.1 (c)(6)(iv), to meet all criteria set forth at § 138e.16(a)(2),(I),(4) and (5) (relating to minimum criteria for applications) of this chapter.

##### **Harm the economic viability of the farmland for agricultural production:**

To cause a particular tract of restricted land to fail to meet the criteria set forth at § 138e.16(a)(2), (3), (4) and (5) (relating to minimum criteria for applications) of this chapter, or to create, through subdivision a tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted pursuant to § 14.1 (c)(6)(iv) of the Act (3 P.S. § 914.1 (c)(6)(I), that would fail to meet the afore described criteria.

##### **Land development:**

Either of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential buildings, whether proposed initially or cumulatively; or

(2) A subdivision of land.

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Land which has been devoted primarily to agricultural use:

That acreage which is a part of restricted land and is harvested cropland, grazing or pasture land, land used for the production of timber and wood products, land containing non-residential structures used for agricultural production, or other acreage immediately available for agricultural production and which excludes any acreage upon which immediate agricultural production is impracticable due to residential structures and their curtilage, wetlands, soil quality, topography or other natural or man-made features, and which further excludes any tract of two acres or less designated as the site upon which the landowner's principal residence or housing for seasonal or full-time employees is permitted pursuant to § 14.1 (c)(6)(iv) of the Act (3 P.S. § 914.1(c)(6)(iv)).

Pennsylvania Municipalities Planning Code:

The Act of December 21, 1988 (P.L. 1329, No.170) (53 P.S. §§ 10101-11201)

Subdivision:

The division or reduction of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

## RESPONSIBILITY OF THE OWNER

### PERMITTED ACTS (138e.221)

During the term of the easement, the restricted land shall be used solely for agricultural production or other purposes permitted by the act.

### CONSERVATION PLAN (138e.222)

(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 Subsection 138e93 (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 subsection 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.

#### CONSTRUCTION OF BUILDINGS; Changes in Use (138 e223)

(a) *New buildings or structures.* 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 that:

(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 one additional residential structure is permitted under Subsection 138e.224 (relating to construction of one additional residential structure, see below.)

(3) The construction or use of a building or other structure for agricultural production is permitted. The county program may restrict the maximum building coverage.

(4) The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted if the preexisting residential structure is razed or removed

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and the replacement residential structure is erected within the cartilage of the residential structure it replaces.

(b) *Existing buildings or structures.*

(1) A renovation or modification of an existing residential structure, or an addition to an existing residential structure, is permitted if it would not increase cartilage of the residential structure.

CONSTRUCTION OF ONE ADDITIONAL RESIDENTIAL STRUCTURE (§ 138E.224)

(A) General. In addition to the structures existing on the restricted land at the date of the granting of the easement, one additional residential structure may be constructed on the restricted land if the following apply:

- (1) The residential structure is constructed and used as the landowner's Principal residence or for the purpose of providing necessary housing for seasonal or full-time farm employees.
- (2) No other residential structure has been constructed on the restricted land, under authority of § 14.1(c)(6)(iv) of the Act 3P.S. § 914.1 (c)(6)(iv) and this section, after the date of the granting of the easement.
- (3) The residential structure and its curtilage occupy no more than two acres of the restricted land.

(B) Replacement of structures. The replacement of a residential structure constructed under authority of § 14.1 (c)(6)(iv) of the, Act and this section is permitted.

(C) Reservation of right to construct after subdivision. If the restricted land is subdivided prior to the construction of a residential structure under authority of § 14.1(c)(6)(iv) of the Act and this section, the landowner shall do the following:

- (1) Inform the county board of the specific subdivided tract with respect to which the right to construct and use such a residential structure is reserved.
- (2) Ensure that the deed to the subdivided tract with respect to which the right to construct and use a residential structure is reserved clearly sets forth the reservation of this right.
- (3) Ensure that the deeds to the remaining subdivided tracts recite that no such residential structure may be constructed on the remaining subdivided tracts.

SUBDIVISION OF RESTRICTED LAND (§138e.225):

(a) Authority to prohibit subdivision of land

A county program may prohibit the subdivision of restricted land if the landowner can accomplish the construction and use of a principal residence or housing for seasonal full-time farm employees in accordance with § 14.1(c)(6)(iv) of the Act (3 P.S. § 914.1 (c)(6)(iv), under

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the applicable subdivision and land development ordinance, by a land development other than subdivision.

(b) Discretion to allow subdivision

A county program may allow the subdivision of restricted land, and may place restriction or conditions upon subdivision.

(c) Requisite: production.

Preservation of economic viability for agricultural

Subsection (b) notwithstanding, a county program shall not permit a subdivision which would harm the economic viability of the farmland tract for agricultural production.

(d) Requisite: Prevention of conversion to non-agricultural use; exception.

Subsection (b) notwithstanding, a county program shall not permit a subdivision which would convert land devoted primarily to agricultural use to another primary use except that, without regard to this requirement, a County program may permit one tract to be created by subdivision for the purpose of construction of a principal residence for the landowner.

(e) Notice to landowner.

A county board shall do at least one of the following:

- (1) File its county program, or that portion setting forth any prohibitions or restrictions with respect to subdivision of restricted land, at the Office of Recorder of Deeds for the county, and reference the place of filing of these prohibitions or restrictions in the deed of agricultural conservation easement.
- (2) Recite the prohibitions or restrictions with respect to subdivision verbatim in the deed of agricultural conservation easement.

GENERAL PROVISIONS

Land subject to an Agricultural Conservation Easement may be subdivided, provided the owner or owner (applicant) meet the criteria contained in these guidelines. Any and all expenses incurred in connection with a request for subdivision shall be the sole responsibility of the applicant. The burden of proof that any proposed subdivision of land subject to an agricultural conservation easement conforms to and complies with the Act, the regulations, and the Board's Subdivision Guidelines shall rest with the applicant.

SPECIFIC CRITERIA:

The owner or owners of a tract of land subject to an Agricultural Conservation Easement may subdivide such tract of land, provided:

- (1) The subdivision is consistent with the Statement of Purpose of the Crawford County Agricultural Land Preservation Board, as amended.

- (2) Each farmland tract created by subdivision shall remain economically viable for agricultural production.
- (3) Each farmland tract created by subdivision shall consist of a minimum of fifty percent (50%) harvested cropland, orchard, pasture or grazing land.
- (4) Each farmland tract created by subdivision shall contain a minimum of fifty (50%) of its soil in soil classes I through IV as defined by the United States Department of Agriculture, Natural Resources Conservation Service.
- (5) Applicant shall by note on a map, sketch or plat plan, state on which tract the allowable additional residential dwelling unit may be erected. In the event that one additional dwelling unit has been erected prior to the submission of the application, location of said dwelling shall be shown on the map, sketch or plat plan.
- (6) Approval of a subdivision shall not cause a reduction to, or the effectiveness of, any soil or water, conservation methods or practices which have been implemented by the farm operator.
- (7) Approval of a subdivision shall not alter, diminish, divert or otherwise modify any water access or water rights of others.
- (8) The subdivision conforms to and is consistent with the Crawford County Cooperative Plan, the Municipal Comprehensive Plan, and applicable municipal zoning.
- (9) Nothing in the subdivision regulations shall relieve the landowner of any municipal, county or state regulations, procedures or requirements necessary for the subdivision of land at the local municipal level.
- (10) Each newly created tract, in addition to the residual or parent tract, shall be, and continue to be, subject to all terms and conditions of the Agricultural conservation easement. Each deed shall recite verbatim all the prohibitions or restrictions of the agricultural conservation easement and shall be recorded in the Office of Recorder of Deeds for Crawford County.
- (11) A subdivision shall not create a tract or parcel of land that is less than 52 acres unless the following are met:
  - (a) The subdivided tract or parcel of land is contiguous to a tract of land that is subject to an agricultural conservation easement, and is not less than (10) acres and does not harm the economic viability of the farmland for agriculture production.
  - (b) The residual tract or parcel of land shall not be less than 52 acres.
  - (c) The residual tract or parcel of land shall meet all of the Specific Criteria I through 10

PROCEDURAL REQUIREMENTS:

A. INFORMAL SUBMISSION

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Applicant shall submit to the County Board, a sketch plan of the proposed subdivision. The County Board shall review the sketch plan to ensure the plan is consistent with and conforms to the County Board's Subdivision Guidelines. To facilitate Board review, applicant shall also include with said sketch plan, the following:

(1) A letter, signed by applicant, clearly stating the intent of the proposal. A complete explanation that the economic viability of the Agricultural Conservation Easement will not be diminished and that no part or parts of any of the subdivided tracts will be converted to non-agricultural uses.

(2) A soils map for each proposed tract, including the residual. Soils map shall include the acreage of each proposed tract and the number of acres in each soils class.

(3) A statement that at least fifty percent of each farmland tract in the subdivision, including the residual, be cropland, orchard, pasture or grazing land.

#### B. FORMAL SUBMISSION

(1) After approval by the county board, a copy of the application package, together with the comments and recommendations of the reviewing agencies, shall be submitted by the county board to the State Agricultural Land Preservation Board (state) for their review and approval or disapproval. The state, in reviewing an application for subdivision, shall consider only whether the application complies with the conditions under which subdivisions are permitted by the approved county program. The state board shall notify the county board of its decision regarding the application.

(2) If the application to subdivide is rejected by the county board, the application shall be returned to the applicant with a written statement outlining the reason or reasons for such rejection. Within thirty (30) days from receipt of the statement of rejection, the applicant may appeal the rejection as provided by 2 Pa.C.C. Ch. 5, Subch. B (relating to practice and procedure of local agencies) and Ch. 7, Subch. B (relative to judicial review of local agency action).

## **APPENDIX J**

### **PERMITTED PART-TIME OR OFF SEASON 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 such 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, or 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 incidents 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. Other similar uses upon approval by the Crawford 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 restrict land provided the conservation plan as revised allows for the implementation of any such conservation practices.***

## **CRAWFORD COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM AMENDMENT**

### **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 by 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.

### **SPECIAL PROVISIONS FOR PARCELS NOT ENTIRELY WITHIN AN ASA**

Act 14 of 2001 amended the Agricultural Area Security Law (Act 43) to prescribe certain conditions which would allow for the purpose of an agricultural conservation easement (ACE) on a parcel that is not entirely within an agricultural security area (ASA). The county board shall administer the program for the purchasing of agricultural conservation easements from landowners whose land is either within an agricultural security area or in compliance with the criteria set forth below as it applies to the Act 14 amendment. The county board shall follow the Chapter 138e.43 Revision of County Program procedures and approvals.

1. **Consistent Standards.** The standards and procedures for the selection and purchase of an agricultural conservation easement set forth in this county program are applicable to the selection and purchase of easements crossing local government unit boundaries and county boundaries.
2. **Parcels Crossing Local Government Unit Boundaries.** The county board may recommend the purchase of an agricultural conservation easement on a parcel a portion of which is not within an agricultural security area if all of the following occur:
  - a. The agricultural conservation easement would be purchased by the county solely, or jointly

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with either the Commonwealth or a local government unit, or both. State-only easements are not included. Township-only easement purchases do not apply.

- b. The land is part of a parcel of farmland that is transacted by the dividing line between two local government units, with the portion within one local -government unit being in an agricultural security area of 500 or more acres and the portion within the other local government unit not being within an agricultural security area.
  - c. The majority of the parcel's viable agricultural land is located within an agricultural security area of 500 or more acres.
3. Parcels Crossing County Boundaries. The county board may recommend the purchase of an agricultural conservation easement on a parcel a portion of which is not within an agricultural security area if all of the following occur:
- a. The agricultural conservation easement would be purchased by the county solely, or jointly with either the Commonwealth or a local government unit, or both. State only easements are not included. Township-only easement purchases do not apply
  - b. The land is part of a parcel of farmland that is transacted by the dividing line between the purchasing county and an adjoining county, with the portion within the purchasing county being in an agricultural security area of 500 or more acres and the portion within the adjoining county's local government unit not being within an agricultural security area.
  - c. One of the following shall apply:
    - i. The main dwelling (mansion house) is located on the parcel, and the house is located entirely in the purchasing county with the local government unit that has an ASA.
    - ii. The main dwelling (mansion house) is located on the parcel, on the dividing line between counties and the owner of the parcel has chosen the purchasing county with the local government unit that has an ASA as the house site for tax assessment purposes.
    - iii. There is no main dwelling (mansion house) on the parcel, and the majority of the parcel's viable agricultural land is located in the purchasing county with the local government unit that has an ASA.

The county board shall exercise primary enforcement authority with respect to the following

4. Recording Responsibilities. Upon the purchase of an agricultural conservation easement as described above in 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 area meets its responsibility, under § § 14. 1 (b)(2)(i)(B)(11) and 14. 1 (b)(2)(i)(C)(111) of the Agricultural Area Security Law, for the recording, filing and notification described in § 8(d) and 8(g) of the Agricultural Area Security Law with respect to the land added to the agricultural security area.

## ENFORCEMENT

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1. Agricultural Conservation Easements within the county.
2. Agricultural Conservation Easements acquired 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 extended into an adjoining county.

**COMMERCIAL EQUINE ACTIVITIES AMENDMENT  
CRAWFORD 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, revises the County Agricultural Land Preservation Program in compliance with Act 61 of 2005 amendments of the Agricultural Area Security Law, Act 43 to take affect for the 2006 applicants. This Act is retroactive and applies to easements executed after June 29, 1981. The revisions to the county program are described by section.

**DEFINITIONS**

Commercial Equine Activity

The term includes the following activities where a fee is collected: the boarding of equines, training of equines, the instruction of people in handling, driving or riding equines, the use of equines for riding or driving purposes, the pasturing of equines. The term does not include activity licensed under the act of December 17, 1981 (P.L. 435, No. 135), Known as the "Race Horse Industry Reform Act."

Agricultural Security Areas

Section 14.05(a) of Act 43 is amended to include "or of viable agricultural land a portion of which is used for commercial equine activity," to the first sentence of this section.

**COUNTY PROGRAM**

Sections 14.1(B)(2)(I) and (C)(6) of Act 43 are amended to include "establishing minimum criteria for eligibility of viable agricultural land a portion of which is used for commercial equine activity."

**RESTRICTIONS AND LIMITATIONS**

Section 14.1(C)(6)(iii) of Act 43 is amended to allow "Construction and use of structures on the subject land necessary for agricultural production "or a commercial equine activity."

Section 14.1(C)(6)(VI) of Act 43 allows for "Commercial equine activity on the subject land."

**AMENDMENT OR ADDITION OF SECTION**

Section 4 of Act 61 of 2005 states, "The amendment or addition of section 14.1(C)(6)(III) and (VI) of the Act shall apply to easements executed after June 29, 1981.

*Approved at Crawford County Agricultural Land Preservation Board Meeting on August 3, 2006*