



# EASEMENT PURCHASE PROGRAM MANUAL

DECEMBER 2009

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## **INTRODUCTION**

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The Resolution which the Pike County Board of Commissioners passed at their March 22, 2006 (See Appendix A) public meeting established a County-wide Agricultural Land Preservation Program and created the Pike County Agricultural Land Preservation Board to administer that program.

The adoption of this Resolution not only signifies the county's commitment to Pennsylvania's farmland preservation program but also acknowledges the importance to the County of preserving and maintaining Pike County's agricultural lands as a valued economic, natural, ecological, cultural, and historic resource.

While Pike County's farming community may not play a significant part in the State's agricultural economy, Pike County farming remains a productive resource which contributes to the local economy and plays a significant role in the scenic rural character of our local communities. The small family farms, which include pastureland, harvested hayland, orchards and similar agriculture areas, provide scenic open space areas which have a proven value to both residents and tourist visitors to the County.

In upcoming years as the County continues to grow, the Pike County agricultural community (our small farms) will be faced with monumental impediments to their continued operation. Rising costs of farm operation, fluctuating farm product market prices and demand, steadily increasing property/school taxes and the continued pressure from development provide difficult hurdles for small farmers in the County who want to continue their operations and keep the "family farms" in the family. Pike County "prime agricultural soils" are areas increasingly sought after for residential development. The reduction in our small farm community corresponds directly to these impediments and the increase in the amount of residential development in the County. The farming areas that do exist in the County will become even more fragmented.

This program will help to strengthen and protect our quality farmland areas in the County for the continued production of food and other agricultural products. It will also assist our small family farm landowners with the preservation and continued operation of these farms by providing additional important and viable options for them.

Additionally, the Pike County Agricultural Land Preservation Program is an extremely important component of the County's Scenic Rural Character Preservation Program. Creating the County's Agricultural Preservation Program and working with voluntary landowners and municipal officials to create Agricultural Security Areas (ASA's) in our prime farming communities will provide important opportunities for the successful implementation of this important component of the overall Pike County Scenic Rural Character Preservation Program.

The purpose of the Pike County Agricultural Land Preservation Program is to protect and promote the continued agricultural use of valuable agricultural lands by acquiring agricultural conservation easements on actively farmed lands within Agricultural Security Areas (ASA's). The purchase of these easements from willing and interested landowners will provide these landowners with a more viable option for retaining the small farm operations and our local communities' rural character.

The Commissioners have created the Pike County Agricultural Land Preservation Board, a five (5) member Board, appointed by the Board of Commissioners in accordance with the provisions contained within the Agricultural Area Security Law (3 P.S. §§ 901-915), as amended by Act 149 in 1988 (see Appendix B). The Board's primary goals will be the implementation of the Agricultural Land Preservation program including:

- Promoting efforts to support the agricultural community in Pike County and maximize Pike County's agricultural lands' contribution to the county's agricultural and tourism economy.
- Encouraging the use of additional farmland preservation techniques through public and private organizations in Pike County.
- Encouraging the formation of Agricultural Security Areas (ASA's) within the County by working with landowners and municipal officials.
- Administering the program for purchasing and/or accepting gifts of agricultural conservation easements within Agricultural Security Areas (ASA) on behalf of the County and in accordance with Act 149. Administration includes adopting rules and procedures for the program, adopting bylaws governing the operation of the board, executing all agreements or other documents necessary to affect the purchase of such easements in the name of Pike County and/or the Commonwealth of Pennsylvania, maximizing agricultural easement purchase funds and protecting the investment of taxpayers.

The Pike County Agricultural Land Preservation Board submits its Agricultural Land Preservation Easement Purchase Program to the Pennsylvania State Agricultural Land Preservation Board. This program represents policies and procedures to be used in preserving farmland in Pike County both now and in the future.

## **BACKGROUND**

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Population figures over the past three decades show Pike County has been faced with some considerable challenges relating to rapid growth. Pike County population growth between 1970 and 1980 stood at 54.6% followed by 53.1% from 1980 to 1990 (Source: U.S. Census Bureau). **U.S. Census Bureau population figures for the 1990 – 2000 period showed Pike County as**

**having the highest population percentage increase in the Commonwealth for the decade at 65.6%.** Monroe County, our adjoining county to the south and Wayne County to our north, rated second and third respectively in population increase for this period.

U.S. Census Bureau population *estimates* 2000 through 2005 again show Pike County had the highest population percentage increase in the Commonwealth at 21.6%. Pike County was the single Pennsylvania entry on the National List of “Fastest Growing Counties in 2005” ranking 84<sup>th</sup> in the nation. Pike has appeared on this national list every year since 2000 when it was ranked 36<sup>th</sup> nationally.

U.S. Census Bureau population *projections* show Pike County’s population reaching 60,059 by 2010 and 79,170 by 2020. Pike County Planning Commission population projections and build-out analysis completed as part of the County’s Comprehensive Plan update completed in 2006, show Pike County population reaching between 65,240 and 65,841 by 2010, and between 93,647 and 102,218 by 2025 using two fairly conservative projection methods. Using the current zoning and land use regulations for the county, the projected acreage requirements necessary to handle an additional 47,000 to 55,000 people over the next 20 years would range between 45,000 and 53,000 acres.

Pike County’s proximity to the New York-New Jersey metropolitan areas, the relatively low housing costs and taxes as compared to these metropolitan areas, and the County’s natural resources, scenic rural qualities and recreational opportunities are all factors which make the County attractive for growth.

While this growth and development has been beneficial to the County's economy, much of it has been residential in nature and has occurred on prime agricultural soils. Beginning with the vacation home rush of the 1960's and 1970's and continuing to the present influx of permanent residents, productive farmland has been reduced annually. This reduction of farmland corresponds directly to the increase in the amount of residential development in the County. While other natural factors such as attrition of the farm community and degradation of productive soils have been felt in Pike County, the growth of residential communities represents the major threat to the agricultural industry.

Because residential areas have been developed in a manner that can be described as suburban sprawl, farming areas in Pike County have become fragmented. Although the highest growth areas of Pike County lie along the eastern corridor – Lehman, Delaware and Dingman Townships – because of their proximity to the metropolitan areas to the east, growth is occurring throughout the County. Most farmland in the County is located on relatively flat land, which presents few impediments to construction. Because Pike County is such a high growth area and only a marginal amount of land can be considered prime for development, increased pressures fall on farmland. In upcoming years, the Pike County agricultural community will be faced with monumental impediments. Rising costs of farm operation, fluctuating market prices and demand, steadily increasing property taxes and the continued pressure from development are factors which reduce the competitive position of the Pike County

farmer in regional markets and further contribute to the decline of the agricultural community.

These major pressures on Pike County farmers from outside sources may force them into attempting to gain the greatest short term rewards from their land. This situation causes traditional conservation practices to be ignored by farmers when high production costs, low market prices and heavy debt service create pressures for the highest immediate returns.

Pike County, while geographically diverse, contains many acres of productive farmland. This farmland contains fertile soils, adequate water, and favorable climate. These favorable agricultural features have shaped the agrarian and forest management history of the County. The historical aspect of farming is of great value to the County's citizens; Pike County farming remains a productive resource which contributes to the local economy, maintains groundwater recharge areas and provides open space valued by residents and tourists. As the County's prime agricultural soils become increasingly scarce, the importance of protecting the future value of farmland as a food producing resource for generations of Pike County citizens cannot be overemphasized.

## **OBJECTIVES**

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The Pike County Commissioners have acknowledged the great importance of preserving and maintaining the County's prime agricultural lands. In order to successfully implement this policy, the Commissioners have established the Pike County Agricultural Land Preservation Board. The major purpose of this board is to assist in the preservation of areas of actively farmed land in protected agricultural districts. By creating agricultural districts, the County can retain the most productive areas for farming while promoting farming as a long-term sustainable land use.

Along with the creation of agricultural security areas, the creation and implementation of proper zoning is recommended in areas of intense development pressure. As of March 1, 2006, there were no agriculturally zoned areas in Pike County. In order to maintain agricultural areas, proper zoning and land use strategies must be implemented as a means of channeling future growth into development districts while limiting extensions of sprawl into significant agricultural areas and large contiguous tracts of important forestland.

The preservation of remaining farmland, productive forestland and agricultural industry will require a great effort by the County, municipal governments and all residents. While in all likelihood growth and development will continue to threaten the farmland of Pike County, it is in the best interest of the County's future to act immediately towards achieving preservation of the valued agricultural resources of the land. Failure to act will surely mean the devastating loss of a continual source of food, economic productivity, environmental and cultural qualities and the heritage of one of Pike County's prime assets.



## **PURPOSE**

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The Pike County Commissioners are establishing an Agricultural Land Preservation Program in Pike County. The main purpose of the program will be to acknowledge the importance of preserving and maintaining the County's agricultural lands as a valued natural and ecological resource and to strengthen and protect from urbanization our quality farmland for the production of food and other agricultural products. The purposes of the Pike County Agricultural Land Preservation (Conservation Easement Purchase) Program are as follows:

1. *To protect and promote the continued agricultural use of viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production and allowed related agricultural activities.*
2. *To encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.*
3. *To encourage the formation of Agricultural Security Areas within the County by working with landowners and municipal officials.*
4. *To protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.*
5. *To protect normal farming operations from complaints of public nuisance.*
6. *To assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth.*
7. *To provide for the administration of purchases and gifts of agricultural conservation easements on behalf of the County.*
8. *To maximize agricultural easement purchase funds that protect the investment of taxpayers in agricultural conservation easements.*
9. *To concentrate resources in a manner that will ensure the purchase of easements for the protection of the largest amount of farmland possible.*
10. *To recommend, to the Pike County Board of Commissioners, the execution of all agreements or other documents necessary to effect the purchase of such agricultural conservation easements in the name of Pike County and/or the Commonwealth of Pennsylvania.*
11. *To promote efforts to enhance the agricultural industry in Pike County and maximize Pike County's agricultural lands' contribution to county tourism.*
12. *To encourage the use of additional farmland preservation techniques through public and private organizations in Pike County.*

13. *To provide for the conduct of such other responsibilities as may be authorized pursuant to the Agricultural Area Security Law.*

In order to successfully implement this program, the Pike County Board of Commissioners has created the Pike County Agricultural Land Preservation Board. The major purpose of this board is to assist in the preservation of areas of actively farmed land in protected agricultural districts and to implement the other purposes of the program as outlined. By creating agricultural districts, the County can retain the most productive areas for farming while promoting farming as a long-term sustainable land use.

## **SIGNIFICANT AGRICULTURAL AREAS IN PIKE COUNTY**

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A large portion of Pike County's harvested cropland lies in the eastern corridor of the County along the Delaware River. This land owned by the US Department of Interior National Park Service is part of the Delaware Water Gap National Recreation Area. The National Park Service leases the river bottomlands for crop production and grazing activities to local farmers. Approximately, 809 acres in the Recreation Area are devoted to agricultural production and grazing. Just over 30 acres of this land is leased to farmers for grazing of alpacas. The balance of this acreage is under tillage for corn and hay production. This land as part of the Federal National Recreation Area is protected from development and will remain in harvested cropland barring any changes in federal legislation prohibiting its use for agricultural purposes.

The balance of the county's agricultural land is located on privately held lands in the western and northern portions – western Blooming Grove, Greene, Palmyra, Lackawaxen Townships - of the County with several large pockets of agricultural land located throughout other Pike County municipalities. These agricultural lands are used largely for hayland, pasture or fodder crops associated with a few dairy, beef, llama, sheep and goat operations, and special crops unique to the area such as blueberries, brook trout and orchard products.

In November 2006, Pike County adopted a new County Comprehensive Plan which provides direction and focus for the future of the County. Included as an integral component of this new Comprehensive Plan is a Network Plan for Pike County's Open Space, Greenways and Recreation areas. The Open Space Plan is currently under development and projected for adoption in mid-2007. Throughout the development of both of these plans were important opportunities for public and municipal input. The identification of significant agricultural areas in Pike County will be an important component of the County's Open Space Plan.

These "significant" areas will be emphasized as special targets for farmland preservation activities. Other viable farmland areas, from a County perspective, exist and will be further identified in the plan. A map showing the significant agricultural areas in Pike County can be found in Appendix J. Based on

the intention of protecting larger concentrated areas of farmland, the “significant” areas will take priority. It should be noted, however, that the boundaries of these areas are not intended to be hard-edged or immutable and the County Agricultural Land Preservation Board will use the map developed through the County’s open space planning effort as a guide for farmland preservation activities.

## **ELIGIBILITY FOR EASEMENT PURCHASE PROGRAM**

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Pike County, through its Agricultural Land Preservation Board, intends to acquire agricultural conservation easements. Conservation easements may be acquired either separately or jointly with state, county, and/or municipal funds. If a conservation easement is acquired jointly, Pike County will be named as a Co-Holder of the easement. The county is responsible for monitoring and enforcement of all easements purchased with public funds.

Conservation easements will be accepted only through voluntary sales 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 operation. An appraisal or appraisals of conservation easement value will be the determinant of the maximum compensation which can be offered.

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. Payment to the prospective landowner may be made in a lump sum, in installments, or in other deferred basis.

The objectives of preserving farmland by purchasing conservation easements is to ensure the continued existence and protection of farmland in Pike County while at the same time providing just and attractive compensation to the landowner.

A conservation easement secured through acquisition is a legally binding document which is filed with the recorder of deeds, restricting the land’s use to agriculture and directly related uses, for which compensation is paid. Restrictions run with the land, and are binding on future owners in perpetuity.

## **MINIMUM ELIGIBILITY CRITERIA**

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In order for a site to be prioritized for easement purchase, a landowner must submit a completed application form for the purchase of conservation easements. The Pike County Agricultural Land Preservation Board will accept all applications for the purchase of conservation easements if the application meets the minimum criteria listed below. Failure by

the applicant to meet the minimum criteria will result in rejection of that application. Applicants that have been rejected by the board for the reason of not meeting the minimum criteria will be given written notice of the rejection along with an explanation of the reason(s) why the application was rejected.

The following criteria are minimum criteria for state-funded conservation easement purchases. The farmland tract must:

1. Be one or more of the following:
  - a) Located in an agricultural security area consisting of 500 acres or more, or
  - b) 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, or
  - c) 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:
    1. A mansion house is on the tract and located within the purchasing county.
    2. When the mansion house on the tract is bisected by the dividing line between the two counties, the landowners has chosen the purchasing county as the situs of assessment for tax purposes.
    3. 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:
  - a) "Contiguous acreage"\* of at least 35 acres in size, or
  - b) "Contiguous acreage" of at least 10 acres in size and utilized for a "crop unique to the area"\*\*, or
  - c) "Contiguous acreage" of at least 10 acres in size and contiguous to a property which has a perpetual conservation easement in place which is held by a "qualified conservation organization," as that term is defined at Section 170(h)(3) of the Internal Revenue Code.
3. Contain at least 50% of soils which are available for agricultural production and are in

land capability class I through IV, as defined by the USDA-Natural Resource Conservation Service.

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

The Pike County Agricultural Land Preservation Board may consider farmland tracts for 100% County funded agricultural conservation easement purchases that do not meet all of the above State minimum criteria. The farmland tract must meet the minimum four (4) criteria for state funded agricultural conservation easement purchases except item 2). County-funded agricultural conservation easements will require only “contiguous acreage”\* of at least 20 acres and not 35 acres.

Applicants who qualify for the County-only funds will follow the same ranking system and procedure as indicated in this Manual.

In addition, the purchase price of conservation easements cannot exceed \$10,000 per acre if purchased using a single funding source, i.e. municipal, county, or state funds. Any farm that has an appraised value exceeding \$10,000 per acre will be considered for conservation easement purchase only if the landowner is willing to accept \$10,000 per acre. If the easement is purchased jointly, using a combination of two or more funding sources, than the purchase price cannot exceed \$20,000 per acre. In this case, any farm that has an appraised value exceeding \$20,000 per acre will be considered for conservation easement purchase only if the landowner is willing to accept \$20,000 per acre.

All agricultural production on the subject parcel(s) shall be conducted in accordance with a Conservation Plan approved by the Pike County Conservation District or the County Board. This plan must be updated every seven years or upon any change in the basic type of agricultural production being conducted on the subject land.

**\*Contiguous Acreage** - Contiguous acreage is defined as 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 streams.

**\*\*Crop Unique to the Area** - Crops unique to the area include, but are not limited to, the crops which historically have been grown, or have been grown within the last five years, in the area, including the following crops produced for commercial purposes:

<b>Commercial Agricultural Enterprise</b>	<b>Fresh Market</b>	<b>Processing</b>
Christmas trees	Blueberries	Blueberries
Crown and Hairy Vetch	Cantaloupes	Grapes
Floriculture crops	Potatoes	Potatoes
Grapes	Pumpkins	Speltz
Orchard crops	Strawberries	Snap Beans
Ornamental trees	Sweet Corn	Strawberries
Maple Syrup	Tomatoes	Sweet Corn
Mushrooms		Tobacco
Nursery stock		Tomatoes
Speltz		
Sod		
Tobacco		

Additional “crops unique to the area” will be determined by the Pike County Agricultural Land Preservation Board with approval of the State Board.

## **CONSERVATION PLAN**

The County Board shall require the owner of land being considered for agricultural conservation easement to do the following:

1. Before the county board recommends approval of the easement purchase to the State Board, obtain a Conservation Plan approved by the county conservation district or the county board for the land that would be subject to the agricultural conservation easement.
2. As part of the settlement documents described in § 138e.93 (relating to post-settlement recording and reporting procedures), execute a conservation plan agreement form containing the following:
  - a) The name, address and telephone number of the landowners
  - b) The location of the land
  - c) The acreage of the land
  - d) 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
  - e) An acknowledgement that a conservation plan exists with respect to the land,

together with the following:

- 1) The source of the conservation plan
  - 2) An identifying number given the conservation plan
  - 3) The date of the conservation plan
- f) 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.
- g) The signatures of the landowners

In addition to the requirements established by the county conservation district or the county board, the conservation plan shall meet the definitional requirements of a conservation plan in § 138e.3 (relating to definitions) and also require that:

1. The use of the land for agricultural production, such as growing sod, nursery stock, ornamental trees and shrubs does not remove excessive soil from the restricted land.
2. The excavation of soil, sand, gravel, stone or other materials for use in agricultural production on the restricted land is conducted in a location and manner that preserves the economic viability of the restricted land for agricultural production.
3. The mining of minerals is conducted only through the use of methods authorized in the act.

## **SUBMITTING AN APPLICATION**

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A separate application shall be required for each farmland tract offered for easement purchase. The application shall consist of:

- A.** Completed Application Form
- B.** Location Maps
- C.** Soils Report
- D.** Crop Report

**A.** The Pike County Agricultural Land Preservation Board shall develop, and make available to county residents, an application form for the program (See Appendix G). At a minimum the application shall include:

1. The name, address, telephone number and signature(s) of the owner(s) of the farmland tract.
2. The county, municipality and agricultural security area in which the farmland tract is located.
3. The total acreage of the farm and the number of acres proposed for easement purchase.
4. The street location of the farm, and directions from the nearest State Route.
5. A deed reference – book, volume and page.
6. County tax map records, including tax parcel number or account number of each parcel.
7. The date of the conservation plan, if any, which has been approved by the County conservation district.
8. The name, address and telephone number of the person to be contacted to view the farmland tract.
9. The date of any nutrient management plan.

**B.** The County Planning Commission shall provide the following location maps with the application:

1. A USGS Topological Survey topographical map locating the farmland tract.
2. A tax map of the farmland tract with tax parcel number clearly indicated.

**C.** The County Planning Commission shall provide a soils report and a color-coded soils map for the farmland tract proposed for easement purchase, and a table showing the capability class and use of the land, for the most recent crop year, as follows:



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

The soils map shall color code the soil types as follows:

- Class I = Green
- Class II = Yellow
- Class III = Red
- Class IV = Blue
- Class V – VIII = Uncolored
- Wetlands = Cross-hatch, or shown on a separate map

- D.** The applicant shall provide crop production information for the farmland tract for the most recent crop year that comparable statistics are available from the Pennsylvania Agricultural Statistics Service as follows:

Commodity	Acres Grown	Yield/Acre
1.		
2.		
3.		

- E.** The applicant shall provide a livestock report for the farmland tract for the most recent calendar year that comparable statistics are available from the Pennsylvania Agricultural Statistics Service as follows:

Livestock	Average Numbers	Product Sold	Amount Sold
1.			
2.			
3.			

## **APPLICATION PROCEDURES**

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Landowners interested in selling an agricultural conservation easement to Pike County will use the procedures detailed in this section of the Manual. The majority of this text is derived directly from the regulations promulgated by the Pennsylvania Department of Agriculture.

1. Owners of qualified land may offer to sell a conservation easement to the County by submitting an application to the Pike County Agricultural Land Preservation Board at any point in 2007 and by **February 15** in each year thereafter. NOTE: The Pike County Agricultural Land Preservation Board may, at its discretion, open, close, or extend any application period.
2. The Pike County Ag Preservation Program Application (See Appendix G, this Manual) will be used to screen all potential applicants. **A non-refundable application deposit of \$100.00** must accompany each application. The Pike County Agricultural Land Preservation Board has a County staff person who has been designated to assist the Board. This staff person is available to assist landowners with filling out the application if help is needed.
3. The County Board and/or its agent(s) shall review the application to determine if it is administratively complete and meets the minimum criteria set forth in this Program.
4. Once the application is determined administratively complete, the County Board or its agent(s) will meet with the applicant and visit the farm to answer questions and determine if state and county minimum criteria for participation in the program are met.
5. If minimum criteria, as set forth in this Manual are not met, the applicant will be mailed a letter of rejection with an explanation of why the application was rejected.
6. If all minimum requirements are met, the application will be scored with the Ranking System as set forth in this Manual.
7. Following the Ranking System analysis on each application, the County Board will decide whether to appraise each farmland tract and will determine the appraisal order based on this ranking. The application with the highest Ranking System score will be appraised first, followed by the next highest Ranking System score and so on. The County Board reserves the right to limit the number of applications it chooses to appraise. An applying landowner will be charged an **appraisal deposit fee of \$500.00** when the application is selected for appraisal. The County will obtain a preliminary title commitment report prior to an appraisal.

## **APPLICATION RANKING SYSTEM**

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Applications will be ranked on a 100 point weighted scale using a two part Land Evaluation and Site Assessment (LESA) system. The weighted **Land Evaluation (LE)** considers the quality of the soils. The weighted **Site Assessment (SA)** considers location factors that may have an impact on current or future viability of the farm.

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

The Land Evaluation portion of the LESA system is based on soils data obtained from the Pike County Soil Survey, Interim Report, 1995. The Soil Survey Interim Report for Pike County was published by the USDA Soil Conservation Service in cooperation with the Pennsylvania State University and the Pennsylvania Department of Agriculture.

Each soil mapping unit found in Pike County has been assigned a score based on its land capability classification, important farmland classification and productivity for corn. Based on these factors, each soil has been assigned a relative value with 100 being assigned to the best soils for agricultural production in the County. All other soils in the County have been assigned relative values less than 100. See Appendix I for a listing of the relative values for all soils in the County. Using the worksheet found on the following pages, each farm under consideration will be assigned an average relative value for the soil types making up the tract. To obtain the weighted LE score, the average relative value is then multiplied by the weighted value assigned to the Land Evaluation score.

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

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

1. **Farmland Potential** - Factors which measure the potential agricultural productivity and the farmland stewardship practiced on the tract.
2. **Clustering Potential** - Factors which measure the importance of preserving blocks of farmland to support normal farming practices and help shield the agricultural community from conflicts with incompatible land uses.
3. **Development Potential** - Factors which measure the extent to which development pressures are likely to cause the conversion of agricultural land to non-agricultural uses.

Each of the above potentials has factors which rank tracts on a 100 point scale. The score for the three categories is then multiplied by the weighted values assigned to each potential. The sum of these three weighted values is the weighted Site Assessment score.

**FARMLAND POTENTIAL**

**(Weighted value = 20%)**

1. Acreage of Prime Farmland and/or State Importance soils on tract. See Appendix E & F.

(20)	80 acres or more	( 9 )	20-39 acres
(15)	60-79 acres	( 6 )	5-19 acres
(12)	40-59 acres	( 0 )	0-4 acres

2. Amount of acreage offered for easement purchase.

(20)	125 acres or more	( 9 )	50-74 acres
(15)	100-124 acres	( 6 )	30-49 acres
(12)	75-99 acres		

3. Percent of tract used for cropland, pasture, or grazing.

(20)	92 – 100%	( 9 )	68 – 75 %
(15)	84 – 91%	( 6 )	60 – 67 %
(12)	76 – 83 %	( 0 )	Less than 60 %

*(The purpose of this program is to protect viable farmland. If a large percentage of a tract is devoted to other land uses, the tract will receive a lower score.)*

4. Soil and water conservation practices used on the tract.

- (25) Conservation Plan fully implemented
- (20) Conservation Plan 75% < 100% implemented
- (10) Conservation Plan 50% < 74% implemented
- ( 0 ) Conservation Plan < 50% implemented

*Conservation planning assistance is available free of charge to any farmer in the county from the Natural Resources Conservation Service (NRCS) and the Pike County Conservation District (PCCD). Cost sharing funds for implementation of conservation practices are available from the Natural Resources Conservation Service (NRCS).*

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

5. 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, sensitive, or historic areas

*(Farmland can buffer environmentally sensitive and historical areas from non-compatible land uses. The following areas will be considered environmentally sensitive: -Lakes, ponds, reservoirs, rivers, streams, floodplains, marshes, swamps and wetlands; -Public and quasi-public parks, forests, game lands and wildlife preserves; Areas with unique geological, botanical or wildlife features; - Important historical areas and buildings adjacent to a farmland tract must be documented.)*

**CLUSTERING POTENTIAL**

**(Weighted value = 20%)**

1. Percentage of land adjacent to farm in Agricultural Security Area (ASA)

- |      |           |       |               |
|------|-----------|-------|---------------|
| (25) | 100%      | (10)  | 25 – 49%      |
| (20) | 75 – 99%  | ( 5 ) | 1 – 24 %      |
| (15) | 50 – 74 % | ( 0 ) | Less than 1 % |

*This factor will be determined using the county's Agricultural Security Areas map, compiled from information on Agricultural Security Areas filed with the Pike County Recorder of Deeds.*

*Areas where agriculture has been given protection by municipalities and where landowners are committed to agriculture provide supportive environments for farming.*

2. Proximity to permanently protected farmland

- (25) 2 or more farms within 2 miles of the tract have perpetual easements
- (15) 1 farm within 2 miles of the tract has an easement
- ( 0 ) No farms within 2 miles of the tract have easements

*(Grouping agricultural conservation easement purchases in an area will help to develop a nucleus of farms which can support each other and reduce conflicts with incompatible land uses. As farms are protected with easements through the farmland protection program, protected farms will be mapped to maintain a current record of all permanently protected farmland in the county.)*

3. Proximity of farm from significant agricultural area (as shown on County Planning Map)
- |      |                                    |      |                                   |
|------|------------------------------------|------|-----------------------------------|
| (25) | Farm is within significant ag area | (10) | Farm is within $\frac{3}{4}$ mile |
| (20) | Farm is within $\frac{1}{4}$ mile  | (5)  | Farm is within 1 mile             |
| (15) | Farm is within $\frac{1}{2}$ mile  | (0)  | Farm is over 1 mile               |

*(A tract that is within an identified significant agricultural area is more viable for agricultural use and is more likely to be compatible with county and local comprehensive plans.)*

4. Proximity to a farm with an easement sale application submitted in the same round
- |      |                                |     |                         |
|------|--------------------------------|-----|-------------------------|
| (25) | 2 or more farms within 2 miles | (0) | No farms within 2 miles |
| (15) | 1 farm within 2 miles          |     |                         |

## DEVELOPMENT POTENTIAL

**(Weighted Value = 20%)**

1. Extent of non-agricultural use - Proximity of farm to 10 or more developed lots

(25)	Adjacent to	(10)	Within $\frac{3}{4}$ mile
(20)	Within $\frac{1}{4}$ mile	(5)	Within 1 mile
(15)	Within $\frac{1}{2}$ miles	(0)	Over 1 mile

2. Distance from public sanitary sewer system.

(25)	Sewer line adjacent to site	(10)	No sewer line within $\frac{1}{2}$ mile
(20)	Sewer line within 1,000 feet	(5)	No sewer line within 1 mile
(15)	No sewer line within $\frac{1}{4}$ mile	(0)	No sewer line within 2 miles

3. Distance from public water distribution system

(25)	Water lines adjacent to site	(10)	No water lines within $\frac{1}{2}$ mile
(20)	Water line within 1,000 feet	(5)	No water lines within 1 mile
(15)	No water lines within $\frac{1}{4}$ mile	(0)	No water lines within 2 miles

4. Amount of state and municipal road frontage with the tract.

(25)	Over 2,000 feet of frontage	(15)	500 – 999 feet of frontage
(20)	1,000 – 1,999 feet of frontage	(0)	Less than 500 feet of frontage

*(Farms with a large amount of road frontage can be quickly developed without installation of improved roads. These farms are more desirable for development than farms with poor or limited access to public roads.)*

## LAND EVALUATION WORKSHEET

Name of Farm: \_\_\_\_\_ Date: \_\_\_\_\_

Application # : \_\_\_\_\_ Prepared by: \_\_\_\_\_

### LAND EVALUATION (Weighted Value = 40%)

A Mapping Unit	B Acreage	X	C Relative Value	D (B x C)
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		
		X		

**Total B:** \_\_\_\_\_

**Total D:** \_\_\_\_\_

**Average Soil Value for Farm (Total of D/Total of B):**

**Weighted Land Evaluation Score (Avg. Soil Value x 40%):**

## SITE ASSESSMENT WORKSHEET

<b>Farmland Potential Factors</b>	<b>Points</b>
1. Acreage of Prime/State soils on tract	_____
2. Amount of acreage offered for easement purchase	_____
3. Percent of tract used for cropland, pasture or grazing	_____
4. Soil and water conservation practice used	_____
5. Buffering of parks, environmentally sensitive areas	_____
TOTAL SCORE:	_____
A - FARMLAND POTENTIAL (Total x 20 %):	<div style="border: 1px solid black; width: 80px; height: 20px; background-color: #cccccc;"></div>

<b>Clustering Potential Factors</b>	<b>Points</b>
1. Percentage of land adjacent to farm in Agricultural Security Area	_____
2. Proximity to permanently protected farmland	_____
3. Proximity of farm from a Significant Agricultural Area	_____
4. Proximity to farm with an easement application in same round	_____
TOTAL SCORE:	_____
B - CLUSTERING POTENTIAL (Total x 20 %):	<div style="border: 1px solid black; width: 80px; height: 20px; background-color: #cccccc;"></div>

<b>Development Potential Factors</b>	<b>Points</b>
1. Extent of non-agricultural use in area	_____
2. Distance from public sanitary sewer system	_____
3. Distance from public water distribution system	_____
4. Amount of road frontage	_____
TOTAL SCORE:	_____
C - DEVELOPMENT POTENTIAL (Total x 20 %):	<div style="border: 1px solid black; width: 80px; height: 20px; background-color: #cccccc;"></div>

2 – SITE ASSESSMENT SCORE (add gray A, B, C totals)	<div style="border: 1px solid black; width: 80px; height: 20px; background-color: #cccccc;"></div>
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I – LAND EVALUATION SCORE (gray total from previous page)	<div style="border: 1px solid black; width: 80px; height: 20px; background-color: #cccccc;"></div>
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**TOTAL LESA SCORE:**



## **APPRAISAL OF SUBJECT PROPERTY**

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An applying landowner will be charged an appraisal deposit fee of \$500.00. The fee will be retained if the landowner does not accept any offer and does not enter into an agreement of sale, or withdraws application after an appraisal has been completed. (See Appendix K)

An offer to purchase an easement shall be based upon one or more appraisal reports which estimate the market value and the farmland value of the farmland tract.

An appraisal shall be based primarily on an analysis of comparable sales.

The value of a building or other improvement on the farmland tract should not be considered in determining the easement value. The value of the building or other improvement shall appear separately in the appraisal report.

The appraiser shall be 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, who is qualified to appraise a property for easement purchase. The Appraiser shall be a member or candidate member of an organization which subscribes to the "Uniform Standards of Professional Appraisal Practice" published by the Appraisal Standards Board of the Appraisal Foundation, and shall follow the ethical and professional standards. An appraiser shall be selected on the basis of experience and expertise.

THE APPRAISER SHALL SUPPLY A NARRATIVE REPORT WHICH CONTAINS THE FOLLOWING INFORMATION AND IS IN THE FOLLOWING FORMAT:

### **I. INTRODUCTION**

1. Letter of transmittal.
2. Table of contents.
3. Summary of salient facts and conclusions.
4. Purpose of the appraisal.
5. Definitions, including market value, farmland value, and easement value.
6. Appraiser's certificate value as to market, farmland and easement value.

### **II. DESCRIPTION OF PROPERTY**

1. Area or neighborhood description
2. Description of appraised property
  - a) Legal description
  - b) Property data and zoning

- c) Description of improvements
- d) Color Photos of subject property
- e) Tax map of subject property including boundary lines and acreage of properties adjoining the subject property and the names of all adjoining property owners.
- f) Sketch (or aerial photo) of subject property
- g) Location map showing the location of the subject farmland tract in a county or municipality
- h) Soils map showing property boundaries

### III. ANALYSES AND CONCLUSIONS

1. Analysis of highest and best use.
2. Valuation methodology: Market Value.
  - a) Comparable sales data
  - b) Adjustment grid
  - c) A single locational map shall be submitted with respect to each County from which comparable sales are drawn.
3. Market value estimate
4. Valuation methodology: Farmland Value.
  - a) Comparable sales data
  - b) Adjustment grid
  - c) A single locational map shall be submitted with respect to each county from which comparable sales are drawn.
5. Farmland value estimate
6. Easement value
7. Professional qualifications of the appraiser

### THE APPRAISER SHALL SUPPLY INFORMATION CONCERNING COMPARABLE SALES AS FOLLOWS:

- I. At least three comparable sales shall be used for estimating market value, and at least three comparable sales for estimating farmland value. 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 mapping units, an estimate of the range of slope and other relevant information. The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract. Approximate dollar values to adjustment shown on adjustment grid.
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 development value. Comparable sales shall be in primarily agricultural use.
5. If comparable sales data is not available for farmland value, the county board, subject to the approval of the State Board, may assign a farmland value based on crop production or a capitalization of rental income.
6. The appraiser shall set forth the reasons the farmland comparable sales are confined primarily to agricultural use. Examples of these reasons include:
  - a) The farmland tract has public or private land use restrictions.
  - b) The farmland tract is within a floodplain or a wetland (in whole or part)
  - c) The farmland tract is landlocked, subject to additional easements, subject to restrictive zoning or has other physical attributes which limit its developmental capability.
7. The appraisal shall include the entire acreage offered for easement sale. If, following completion of the appraisal, acreage is added to or deleted from the proposed easement sale for any reason, the appraisal shall be revisited accordingly or the appraiser shall agree in writing to the use of a per acre value to account for the change in easement value resulting from such a change in acreage.
8. If acreage is voluntarily withheld from the easement sale by the landowner through subdivision accomplished in accordance with the Pennsylvania Municipalities Planning Code, the appraiser shall, in making the estimate of agricultural conservation easement value, take into account any increase in the value of the subdivided acreage because of the placement of the easement on the remaining farmland.

9. 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.

## **EASEMENT VALUE AND PURCHASE PRICE**

An easement will only be purchased in perpetuity.

The maximum value of an easement in perpetuity for purposes of making an offer to purchase an easement under the Offer of Purchase by County Board section of this manual shall be the difference between the market value and the farmland value contained in the county appraisal report.

The purchase price offered for the purchase of an easement under the Offer of Purchase by County Board section of this manual, may not exceed, but may be less than, the value of the easement. An easement shall not be purchased for more than \$10,000/acre if purchased using a single funding source, i.e. municipal, county, or state funds. If the easement is purchased jointly, using a combination of two or more funding sources, than it shall not be purchased for more than \$20,000/acre.

## **LOCAL GOVERNMENT PARTICIPATION**

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

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

The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the eligible county and the local government. Both the eligible county and the local government will co-hold the easement.

The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the local government unit and the Commonwealth. Both the local government unit and the Commonwealth may co-hold the easement.

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, and
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, and
3. The local government unit shall participate with the County Board in complying with the following paragraph for recording any agricultural conservation easement purchased by the local government unit.

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 Pike 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.

The local government unit may incur debt pursuant to 53 PA C.S. Pt. VII Subpt. B (related to indebtedness and borrowing) for the purchase of agricultural conservation easements.

## **OFFER OF PURCHASE BY COUNTY BOARD**

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In determining whether to offer to purchase an easement following receipt of the county appraisal report, the Pike County Agricultural Land Preservation Board shall consider the following:

- Evaluation according to the numerical ranking system
- Consistency with county map of priority agricultural areas
- Cost relative to total allocations and appropriations
- Proximity to other lands subject to easements

If the Pike County Agricultural Land Preservation Board determines to offer to purchase an easement on the farmland tract, the county board, or a representative of the county board, shall meet with the applicant to review the county appraisal report. An offer to purchase an easement shall be submitted to the applicant in writing and be accompanied by the county appraisal report.

- I. Within 30 days of receipt of the written offer from the Pike County Agricultural Land Preservation Board, an applicant may do one of the following:
  1. Accept the offer in which case the county board and the applicant shall enter into an agreement of sale. The agreement shall be conditioned upon the approval of the State Board and be subject to the ability of the applicant to provide good title to the premises, free of 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 impact the county and Commonwealth's interest in the farmland tract, or
  2. Reject the offer and advise the county board that the application is withdrawn, or
  3. Advise the county board that the applicant is retaining, at applicant's expense, an independent state-certified general real estate appraiser to determine the easement value. The appraiser shall be qualified, and the appraisal shall be completed in accordance with the procedure in the Appraisal Procedure section of this manual. Upon completion, three copies of the applicant's appraisal shall be submitted to the county board within 120 days of receipt of the county board's offer to purchase. 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 B or rejected by the applicant under Subparagraph D.
- II. 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:
  - I. The agricultural value shall equal the sum of:

- a) the farmland value determined by the applicant's appraiser, and
  - b) one-half of the difference between the farmland value determined by the County Board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the County Board's appraiser exceeds the farmland value determined by the applicant's appraiser.
2. The nonagricultural value shall equal the sum of:
  - a) the market value determined by the County Board's appraiser, and
  - b) one-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the County Board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the County Board's appraiser.
- III. Within 30 days of receipt of the applicant's appraisal, the County Board shall:
  1. Submit a written offer to purchase in an amount in excess of the original amount offered to the applicant; or
  2. Notify the applicant, in writing, that the original offer remains open and will not be modified.
- IV. The applicant shall, within 15 days of receipt of the County Board's second written offering, notify the county board in writing that the applicant either:
  1. Accepts or rejects the original offer made, or
  2. Accepts or rejects the modified offer made.
- V. The failure of the applicant to act as set forth in subsection (c) shall constitute a rejection of the county board's offer.
- VI. If the offer of purchase is accepted, the County Board will prepare an agreement of sale. The agreement shall be conditioned upon approval of the State Board and be subject to the ability of the applicant to provide good title to the premises, free of 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 impact the county and Commonwealth's interest in the farmland tract.
- VII. If circumstances prohibit settlement within six (6) months of acceptance, the Pike County Agricultural Land Preservation Board reserves the right to make null and void the original offer.

The Agreement of Sale shall be in a form provided by the State Board.

## PREPARING FOR SETTLEMENT

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### DEED OF MERGER

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In all cases where the subject farm is comprised of two (2) or more separately-described tracts/parcels of land, the farm owner(s) shall, at or prior to settlement of the purchase of an Agricultural Conservation Easement, execute, acknowledge and deliver a Deed of Merger of the separate tracts/parcels. Such Deed of Merger of separate tracts/parcels shall be duly recorded at the Pike County Recorder of Deeds Office prior to the recording of the Deed of Agricultural Conservation Easement. The Deed of Merger must clarify that the tracts/parcels are only one tract/parcel, and are subject to regulations as one tract/parcel.

In such Deed, the farm owner(s) shall declare, covenant, promise, acknowledge and agree, in perpetuity, that:

1. All of the separately-described tracts/parcels comprising the subject farm shall be deemed to be one (1) tract/parcel even though described in more than one (1) tract/parcel in current legal descriptions.
2. Lands must be conveyed as one (1) tract/parcel (except for any allowed and approved subdivision in conformity with the Subdivision Guidelines of this manual and any applicable provisions of law).

The Deed of Merger shall contain the following statement:

*“BY THIS CONVEYANCE, Grantors and Grantees, being the same parties, intend that Parcel No. 1 and Parcel No. 2, herein described, shall constitute a single tract and shall for all purposes be joined and treated as a single property. It is the further intention of the Grantors and Grantees that neither tract may be conveyed individually and that Grantors and Grantees relinquish any right to do so in the future, intending for all intents and purposes that the parcels shall hereafter be merged and shall constitute a single property.”*

If the municipality requires both a Deed of Merger and accompanying subdivision maps to satisfy this requirement, it is the responsibility of the landowner to comply with the applicable municipal Subdivision and Land Development ordinance (SALDO) to consolidate the multiple parcels into one property.



## **SURVEY REQUIREMENTS**

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If a survey of land being considered for agricultural conservation easement purchase is required under the Requirements of the Agricultural Easement Deed section of this manual, or is otherwise required, to determine metes and bounds of any right-of-way or other interests in the land, the survey shall indicate that it has a closure error of not greater than 1 foot per 10,000 linear feet in the survey, and shall otherwise comply with the boundary survey measurement standards published by the Pennsylvania Society of Land Surveyors in its “Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania,” adopted July 10, 1998, or its most current successor document.

A survey shall also contain the following:

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

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

## **TITLE INSURANCE**

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The County Board shall provide the following to the State Board upon submission of its recommendation for the purchase of an easement:

1. A title insurance commitment.
2. Copies of all recorded or unrecorded documents listed on the title insurance commitment as exceptions to the title insurance policy.

At settlement, the County Board shall provide a title insurance policy issued by a title insurance company authorized to conduct business in the Commonwealth by the Insurance Department. A marked up title commitment may serve as a policy until the final policy is issued. The amount of title insurance coverage shall equal or exceed the higher of the following amounts:

1. The difference between the appraised market value and the appraised farmland value, as described in the Easement Value and Purchase Price section.
2. The difference between the agricultural value and the nonagricultural value, as described in the Offer of Purchase by County Board section, if the values are used to calculate the easement value.

The cost of such title insurance shall be a cost incident to the easement purchase payable or reimbursable from a county's allocation under the Act.

## **REQUIREMENTS OF THE AGRICULTURAL EASEMENT DEED**

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After the agreement of sale has been signed by both parties, the owners of the subject farmland tract shall execute a Deed at closing conveying the easement. This deed shall adhere to the Commonwealth's agricultural easement deed requirements outlined in 7 PA Code § 138e.241 (relating to deed clauses).

The deed shall be in 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 an affixed marker or monument of a type commonly placed in the field by a surveyor. Fixed markers may include iron pins, pk nails, spikes, concrete monuments or stones.

The legal description shall not contain a closure error greater than 1 foot per 200 linear feet in the survey.

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 the county in which the farmland tract is located satisfies the requirements above. A survey required by this paragraph must comply with the Survey Requirements of this manual.

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. For purchases made using a combination of state, county, and local municipality funds, the grantees shall be the Commonwealth, the county, and the local municipality providing the funds under joint ownership as defined in the Act. For purchases made entirely with county funds, the county shall be the sole grantee. For purchases made entirely with local municipal funds, the municipality shall be the sole grantee. For purchases made entirely with State funds, the Commonwealth shall be the sole grantee.

Neither the Commonwealth nor the county may sell, convey, extinguish, lease, encumber, restrict or otherwise dispose of its interest in the easement without the consent of the other.

Upon the sale, 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.

Any person conveying or transferring land subject to an agricultural conservation easement will, within 30 days of the change in ownership, notify the county board and the Commonwealth of 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 from such person.

The deed conveying or transferring such interest shall recite in verbatim the language of the easement restrictions as set forth in the deed executed in connection with the purchase of the agricultural conservation easement.

#### LANDOWNERS' DUTIES WITH RESPECT TO CHANGE OF OWNERSHIP:

1. A deed conveying an interest in the restricted land shall set forth the language of the easement restrictions verbatim. The Pike County Agricultural Land Preservation Board requires a copy of the original easement deed to be attached to any and all deeds conveying a change in easement ownership.
2. Within 30 days of a change in ownership of the restricted land, the prior owner shall notify the County Board of the name and address of the new owner, provide a copy of the deed, provide a statement of the price per acre and a reference to the volume and page in which the transfer has been recorded by the County Recorder of Deeds.

## **SUBMISSION TO STATE AGRICULTURAL LAND PRESERVATION BOARD**

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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.

- I. Twenty-five copies of the **Summary Report** prepared in accordance with Chapter 138e, Summary Report, include the following items:
  1. Cover letter from County (optional)
  2. Summary Report Narrative (see below)
  3. Legible United States Geological Survey (USGS) topographic map showing the property boundaries, exclusions withheld from the subject property and any utility, drainage and/or access rights-of-way
  4. Soil Report Form "C"(a form provided by the PA Dept. of Agriculture)
  5. List of soil mapping unit names, symbols and Land Capability Classes on the subject property
  6. Legible, uncolored soil map of subject property
  7. Tax map showing the subject property location and boundaries, exclusions withheld from the subject property, utility rights-of-way, and access road rights-of-way
  8. Summary table showing the individual ranking scores by category for applications selected for county appraisal, including an indication of the easement purchase status of higher ranking applicants
  9. Copy of Exhibit "B", from the Agreement of Sale, modified to include interest, total acres, and per acre easement cost

The twenty-five copies submitted shall be individually collated and three-hole punched, but not stapled.

- II. The Appraisal Report or reports
- III. 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
- IV. A Certification of County Funding
- V. The proposed Agricultural Easement Deed and proposed legal description

- VI. The Title Insurance Report or commitment
- VII. 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
- VIII. A completed and signed IRS Form W-9, Request for Taxpayer Identification Number and Certification for individual grantors
- IX. A letter from the grantors stating the percent (%) ownership of each grantor for the purpose of issuing IRS Form 1099
- X. A copy of completed IRS Form 8283, pertaining to Charitable Contributions
- XI. A copy of the approved Soil Conservation Plan that is required to be in place with respect to the land under the Conservation Plan section of this Manual

### **SUMMARY REPORT NARRATIVE**

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A recommendation by the County Board for the purchase of an easement shall be accompanied by a summary report narrative stating the following:

1. A description of the farm, including the name, location, number of acres and type of farm.
2. The quality of the farmland tract, including soil classification and percent harvest cropland, pasture, or grazing land.
3. The manner in which preservation will contribute to the agricultural productivity of the county.
4. The 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 shall also be provided.
5. The nature and scope of conservation practices and best land management practices.
6. A discussion of the purchase price summarizing the appraisals, including the agricultural and nonagricultural value and negotiations for purchase.
7. The farmland ranking score, including a statement of the relative ranking of the farmland tract among other tracts considered by the county in the same round of applications.
8. A statement of costs as described in the Statement of Costs section of this manual.
9. A certification by the county board that the information presented to the State Board is true and correct.

10. An appendix which includes:
  1. The application form
  2. Locational maps
  3. A soils report
  4. A crop report
  5. An evaluation of the ranking worksheet
  6. A subordination, release, or letter approving purchase from a mortgagee, lienholder or owner of rights in surface mineable coal.
  7. Other relevant documents and information

## **STATEMENT OF COSTS**

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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. The easement purchase price,
2. The county appraisal costs,
3. The necessary legal fees for title search, preparation of documents and attendance at closing,
4. The recording fees,
5. The 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. The costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees and survey costs, and
7. The costs of providing adjoining landowners with required notices and of providing necessary advertisements.

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.

*After settlement, the county board shall submit a revised statement of cost in the event that actual costs were greater or less than the costs estimated in the initial statement of costs.*

## **EASEMENT ADMINISTRATION**

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### **RURAL ENTERPRISE**

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Pursuant to State Guidelines, the County Board intends that agricultural conservation easements shall not prevent "customary part-time or off-season minor or rural enterprises and activities." These services and activities are permissible as long as they remain incidental to the agricultural and open space character of the farm. This provision is retroactive to February 15, 2007 when the Pike County Program was originally approved by the State Board.

#### **I. Permitted by Rule**

For purposes of definition, the following customary part-time or off-season minor or rural enterprises and activities are permissible without prior approval from the Pike County Agricultural Land Preservation Board:

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, with an area of less than 2,500 sq foot, contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm;
3. Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel and fossil fuel systems and structures and facilities for the storage and treatment of animal wastes;
4. Structures and facilities associated with irrigation, farm pond improvements, and soil and water conservation practices including but not limited to Wetland Development or Restoration, Wildlife Wetland Habitat Management, Wildlife Upland Habitat Management and Riparian Forest Buffer Resource Management Systems used for erosion and sediment control and water quality improvement.
5. The provision of services or production and sale, by persons in residence, of incidental agricultural goods, services, supplies, and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying residential and/or 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 accommodations of tourists and visitors is undertaken as a part-time or off-season minor or rural enterprise and is incidental to the agricultural and open space character of the property.

## **II. Permitted By Prior Written Approval**

The following customary part-time or off-season minor or rural enterprises and activities are permissible only after prior written approval is obtained from the Pike County Agricultural Land Preservation Board:

1. Any and all structures, with an area equal to or greater than 2,500 sq foot, contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm;
2. Any rural enterprise or activity that would result in 5% or more impervious surface of the total conservation easement acreage. Impervious surface that was present on the restricted land on the date that the Conservation Easement was granted shall be included as part of the total area calculated as impervious surface.

Impervious surface shall be defined as those areas where the natural soil layer and profile are compacted, disturbed or covered through construction or other earth moving activities. This will include, but is not limited, to: permanent rooftops, pavement, gravel parking areas, driveways, building footprints.

3. Other similar uses upon approval by the Pike County Agricultural Land Preservation Board and the State Agricultural Land Preservation Board. No excavating, paving, gravelling, construction of permanent structures or other activities that would diminish the productive capacity of the soils is permitted in connection with such activities. The County Board must review and approve these activities on a case-by-case basis.

## **SUBDIVISION OF EASED LAND**

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### **I. Residential Subdivision**

The subdivision of the eased land for the purpose of construction of a principal residence for the landowner or seasonal or full-time employees will only be permitted if all of the following apply:



1. Subject land cannot accomplish the construction and use of a principal residence or housing in accordance with Section 14.1 (c)(6)(iv) of the PA Act [3 P.S. Section 914-1 (c)(6)(iv)], under the applicable subdivision and land development ordinance, by development other than subdivision; and
2. No other residential structure has been constructed since the date of the easement, under authority of Section 14.1 (c)(6)(iv) of the PA Act [3 P.S. Section 914-1 (c)(6)(iv)], after the date of the granting of the easement.
3. If the residential subdivision has been reviewed and approved in accordance with Section III below; and
4. The residential subdivision is not more than two (2) acres and is inclusive of the residential structure and its curtilage; and
5. The subdivision will not harm the economic viability of the eased land for agricultural production; and
6. The subdivision is consistent with, and complies with, the Deed of Agricultural Conservation Easement, the Subdivision Guidelines of the Pike County Agricultural Land Preservation Program, and other applicable law; and
7. The subdivision conforms to County and Municipal planning, zoning and subdivision requirements; and
8. Once the eased land has been subdivided, the resulting lot may not be further subdivided; and
9. The resulting lot shall continue to be subject to the terms of the original Deed of Agricultural Conservation Easement. The Easement and applicable Subdivision and Land Development guidelines must be attached to the deed for all subdivided and remaining parcels, and recite that no additional residential structure may be constructed on these parcels.

## **II. Agricultural Subdivision**

The subdivision of the eased land to be used for agricultural production is permitted, provided that all of the following apply:

1. The agricultural subdivision has been reviewed and approved in accordance with Section III below; and
2. The subdivision does not create any lot of less than fifty-two (52) acres, and the remaining parcels are not less than fifty-two (52) acres each; and
3. The subdivision will not harm the economic viability of any parcel created by or

- remaining after subdivision; and
4. The subdivision will not convert land which has been primarily devoted to agricultural use to some other use; and
  5. Each parcel created or remaining as a result of subdivision shall have all of the following:
    - a) At least fifty percent (50%) of its soils in USDA Soil Capability Class I – IV
    - b) At least fifty percent (50%) of its area must be harvested cropland, orchard, pasture or grazing land
    - c) Site characteristics (including, but not limited to, slopes, topography, shape, road location, watercourses, access) that allow for the practicality and reasonable efficiency of agricultural activity.
  6. The subdivision is consistent with, and complies with, the Deed of Agricultural Conservation Easement, the Subdivision Guidelines of the Pike County Agricultural Land Preservation Program, and other applicable law; and
  7. The subdivision conforms to County and Municipal planning, zoning and subdivision requirements; and
  8. The resulting parcels shall continue to be subject to the terms of the original Deed of Agricultural Conservation Easement. The Easement and applicable Subdivision and Land Development guidelines must be attached to the deeds of all subdivided and remaining parcels.
  9. The Deeds of Conveyance for every tract within or comprising the eased property will state on which subdivided parcel the one (1) permitted additional residential structure has been, or will be, constructed.

### **III. Application for Subdivision of Eased Land**

Landowners proposing to subdivide eased land shall be subject to the following procedures and requirements:

1. Requests for subdivision review and approval shall be submitted, in writing, to the Pike County Agricultural Land Preservation Board. The Request shall explain the reasons for the proposed subdivision, including evidence that the economic viability of the resulting parcels will not be diminished as a result of the proposed subdivision.
2. Requests shall include the following maps, information, etc:
  - a) A map or sketch, at a scale sufficient to clearly show the following:
    - i. Location of crop land, pasture land, wood land, and other lands

- ii. Map showing soils by Land Capability Class I - IV
  - iii. Roads, streets, driveways, utility right-of-ways, streams
  - iv. Location of existing buildings, sheds, barns, dwellings, and other structures that contribute to the impervious coverage of the eased land
  - v. Delineation of proposed subdivision
  - vi. Indication of which parcel, either created by subdivision or remaining after subdivision, on which the one (1) additional permitted residential structure has been constructed or has been given the reserved right for the residential structure.
3. The applicant shall have the burden of demonstrating, by clear and convincing evidence, that the criteria set forth in these subdivision guidelines, the requirements of the Agricultural Conservation Easement, the Act, and other applicable law have been satisfied. If the applicant fails to do so, the Board shall deny the Request.
4. Upon receipt of the Request, the County Board will forward written notification to the Pike County Planning Commission, the Pike County Agricultural Land Preservation Office, and the municipal zoning office, herein referred to as the Reviewing Agencies.
5. The Reviewing Agencies have sixty (60) days from receipt of such notification to review, comment and make recommendations on the proposed Request.
6. After reviewing the application and any comments and recommendations submitted by the Reviewing Agencies, the Pike County Agricultural Land Preservation Board shall approve or reject the Request to subdivide within 120 days after the date of its submission unless the time is extended by agreement of the landowner and Reviewing Agencies.
7. If the Request for subdivision of the eased land is approved by the Pike County Agricultural Land Preservation Board, a copy of the Request along with the comments and recommendations of Reviewing Agencies shall be forwarded to the State Board for review and approval or disapproval. When reviewing a Request to subdivide land subject to an Agricultural Conservation Easement, the State Board shall consider only whether the application complies with the conditions under which subdivision is permitted by the Pike County Agricultural Land Preservation Board. The State Board shall notify the County Board of its decision regarding the application.
8. If the Request for the subdivision of the eased land is approved by the Pike County Agricultural Land Preservation Board, the following plan notes shall be included on all applicable subdivision plans(s), sewage module(s), deed(s) or other recordable documents for all resulting parcels:

- a) *“NOTICE: Pike County records indicate that an Agricultural Conservation Easement (ACE) has been granted to (Grantee) to agriculturally preserve all or a portion of the real property depicted on this plan. The ACE was recorded in the Pike County Recorder of Deeds on (Date), to deed Book (number) and Page (number). As set forth more specifically in the ACE, the ACE is intended to prevent the development, improvement, or use of the land for any purposes other than agricultural production or customary incidental uses and operations. Subdivision and/or Land Development of such eased lands must be reviewed and approved by the Pike County Agricultural Land Preservation Board, and will be evaluated based on the terms of the ACE and Pennsylvania law, including the Agricultural Area Security Law, its regulations, the County Program and any other legal authority or policies lawfully in effect. Any transfer of eased real property shall include within the transfer deed a verbatim recitation of the applicable ACE restrictions. A transferor of eased real property shall notify the Pike County Agricultural Land Preservation Board ten (10) days prior to the transfer of title and shall provide the Board with all required information.”*
9. If the Request to subdivide is rejected by the County Board, the application shall be returned to the landowner with a written statement of the reasons for such rejection. Within 30 days after the receipt of the statement of rejection, the landowner may appeal the rejection in accordance with 2 Pa C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies) and Ch.7 Subch. B (relating to judicial review of local agency action).

## **DUMPING, WASTE, VEHICLES, EQUIPMENT AND STORAGE**

No dumping, burying, storing, applying or releasing of waste, sewage, garbage, vehicles or appliances, or any toxic, hazardous or offensive materials shall be allowed on the easement area, except:

1. Appropriate routine storage of garbage and wastes from permitted uses of the Property pending transport for proper disposal;
2. Garbage and wastes which flow into proper septic or other permitted waste disposal systems;
3. Materials, such as gasoline and diesel fuel, for use in vehicles which serve the permitted uses of the Property and which are properly stored in compliance with applicable law pending such use;
4. Materials such as pesticides, herbicides and chemical fertilizers which serve the

permitted uses of the Property and which are properly stored in compliance with applicable law pending such use;

5. Vehicles and farm equipment necessary for permitted uses on the Property; and
6. Biodegradable materials (including manure and fertilizers) generated, utilized, and/or processed on the Property to further the permitted uses of the Property while maintaining the conservation purposes described herein, provided that all such materials comply with any applicable local, state, and federal law or regulation.

Above ground tanks are strongly recommended for the storage of oil, gasoline or other fuels.

## **WATER RIGHTS**

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The landowner of an eased farm shall not transfer, encumber, lease, sell or otherwise sever the water rights from title to the Property itself without the prior approval of the Pike County Agricultural Land Preservation Board.

## **MINERAL EXTRACTION**

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Any Gas, Oil or Coal Lease Agreement on the eased land must be reviewed by Pike County Agricultural Land Preservation Board before it is signed by the Landowner. The lease must outline the steps taken to protect the agricultural viability of the subject land when siting wells, roads and pipelines and must address the protection of the subject land's water quality and quantity. The Landowner must submit the lease for review at least 60 days prior to signing the lease.

Extraction of all other minerals, including gravel, sand, rock or topsoil, solely for permitted activities on the subject land, is permitted. Extraction must be by a method that will have only limited, localized impact on the land and is not irremediably destructive of the agricultural viability of the land. The Landowner must restore any permitted land disturbance to prevent erosion and damage to the agricultural viability of the land and must follow all local and state laws governing such land disturbance, including applying for any applicable permits.

## **INSPECTION AND ENFORCEMENT PROCEDURES**

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The Pike County Agricultural Land Preservation Board will complete a yearly inspection of the properties on which they hold a conservation easement according to paragraph A. 1. below.

If violations of the easement are found, the County Board will request that the landowners remove the violation(s), and where applicable, restore the property to its former condition. If the landowner does not comply, the County Board will seek a court order requiring the landowner to remove and/or restore any violations of the easement agreement.

The County Board will adhere to the regulations of the Commonwealth in inspecting and enforcing all agricultural conservation easements. Yearly inspection tours for each property will be conducted by three County Board members.

### **A. INSPECTIONS**

1. The County Board shall inspect all restricted land within the county at least annually to determine compliance with the applicable deed of easement. The first inspection shall be completed within one year of the date of easement sale, and shall be included in the annual report described in Chapter 138e, Annual Report, no later than the first annual report following that 1-year period.
2. Written notice of an inspection to be conducted under paragraph (1) shall be mailed by certified mail to the owner at least 10 days prior to the inspection.
3. An inspection conducted under paragraph (1) shall be performed between the hours of 8a.m. and 5 p.m. on a weekday that is not a legal holiday recognized by the Commonwealth, or a date and time agreeable to the county and the landowner.
4. Within 10 days of conducting an inspection under paragraph (1), the county board shall prepare a written inspection report setting forth the following information:
  - a) The identification of the land inspected.
  - b) Name(s) of the owner of the farmland at the time the easement was originally acquired and the name of the current owner of the land inspected, if different.
  - c) Description of modifications in the number, type, location or use of any structures on the land since the date of the filing of the deed of easement.
  - d) Description of deviations from the conservation practices observed on the restricted land.
  - e) A statement of whether the provisions of the deed of easement are being

observed.

- f) A statement indicating whether a structure permitted under section 14.1(c)(6)(iv) of the act (3 P.S. Chapter 914(c)(6)(iv)) has been constructed on the restricted land and, if such a structure has been constructed, the month and year construction was completed and a description of the structure and its location on the land.
5. A copy of the inspection report shall be mailed by certified mail to the owner.
6. The County Board and the State Board may inspect the restricted land, jointly or severally, without prior notice if they have reasonable cause to believe that any provision of the easement has been or is being violated.

## **B. ANNUAL REPORT TO STATE AG BOARD**

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

## **C. ENFORCEMENT**

The County Board shall enforce the terms of each easement purchased within the county under the Act, whether it be local government unit, county, state, or joint purchase.

The State Board may enforce the terms of State or jointly purchased easements.

The right of the State Board to enforce the terms of an easement may be exercised whether jointly with the County Board or by the State Board acting on its own behalf.

## **D. NOTIFICATION TO OWNER**

Within 10 days of the discovery of a violation of the terms of an easement, the county board shall send written notice of the violation to the owner of the restricted land, the county governing body and the State Board.

The written notice required by this section shall be sent by certified mail and shall set forth the following information:

- a) A copy of the Inspection Report.
- b) A copy of the Deed of Easement.
- c) A description of the action or condition which constitutes the alleged violation.
- d) A statement of the measures necessary to correct the alleged violation.
- e) A timeframe for completion of the measures necessary to correct the alleged violation.

## **E. ENFORCEMENT ACTIONS**

The county board shall enforce the terms of each easement purchased within the county under the act, whether it be local government unit, county, State, or joint purchase. The State Board may enforce the terms of State or jointly purchased easements. The right of the State Board to enforce the terms of an easement may be exercised either jointly with the county board or by the State Board acting on its own behalf.

The County Board shall proceed with enforcement actions as follows:

1. Sixty days after the mailing of a notice of violation under § 138e.205 (relating to notification to owner), the county board shall commence and prosecute an action in the court of common pleas of the county in which the restricted land is located seeking an order requiring correction of the violation, enjoining further violation of the terms of the easement, and other appropriate relief, unless the county board does one of the following:
  - a) Determines with the State Board that the violation has been corrected.
  - b) Completes the following requirements:
    - i) Determines that the owner of the restricted land has commenced the necessary corrective measures, or determines that the necessary corrective measures cannot reasonably be completed within the 60-day period described in this subsection.
    - ii) Established a period not to exceed 1 year within which the corrective measures shall be completed.
2. The county board shall commence and prosecute the enforcement action described in subsection (1) if the violation is not corrected within the time established under subsection (1)(b)(ii).
3. The owner of the restricted land shall bear the costs associated with the correction of the violation of the easement, including:



- a) Cost of work required and materials used to correct the violation.
  - b) Administrative costs incurred by the county board and the State Board.
  - c) Court costs and reasonable attorney's fees incurred by the county board and the State Board in enforcing an easement.
4. If the county board fails to institute and prosecute a timely enforcement action, the State Board may institute the action and recover costs incurred, including reasonable attorney's fees, from the county board or the owner of the restricted land, or both.

## **PUBLIC INFORMATION**

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The Pike County Agricultural Land Preservation Board will publicize the county program through the publication and dissemination of informational brochures, county planning commission annual reports, and press releases, and through public meetings, workshops and invited presentations.

The County Board will be subject to the Act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and the Act of June 21, 1957 (P.L. 390, No. 212) referred to as the Right-To-Know Law, relating to the inspection and copying of public records.

The Pike County Agricultural Land Preservation Board may post and maintain a sign, not to exceed 18 x 24 inches in size, unless otherwise agreed to by Landowner, explaining that the property is protected in perpetuity and that questions can be directed to the Pike County Agricultural Land Preservation Board.

## **AMENDMENTS AND SEVERABILITY**

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The Pike County Board of Commissioners, at the recommendation of the Pike County Agricultural Land Preservation Board, reserves the right to amend this Manual should it become necessary for any reason. Amendments approved by the Pike County Board of Commissioners and the Pike County Agricultural Land Preservation Board will be forwarded immediately to the Pennsylvania Department of Agriculture for approval at the state level.

In the event that any section, sentence or phrase of this manual shall be found invalid, such invalidity shall not affect or impair any remaining part or section. It is the intent of the County that the remainder of the Manual shall remain in effect. If any section, sentence or phrase of this manual is found to be invalid, 7 PA Code § 138e (Agricultural Conservation Easement Purchase Program) Regulations still apply.



# APPENDICES

DECEMBER 2009

**3RD EDITION**

## APPENDIX A

The following are excerpts from the minutes of the Pike County Board of Commissioners' meetings. The motions establish the Pike County Agricultural Land Preservation Program, the creation of the Pike County Agricultural Land Preservation Board, and the appointment of the members of the Pike County Agricultural Land Preservation Board.

### **Meeting of March 22, 2006**

#### **Establishment of the Pike County Agricultural Land Preservation Conservation Easement Purchase Program and Creation of the Pike County Agricultural Land Preservation Board**

**MOTION:** by Commissioner Caridi and seconded by Commissioner Wagner, to adopt Resolution No. 06-10, The Establishment of the Pike County Agricultural Land Preservation Program, which was read by Commissioner Caridi. Sally Corrigan, Planning Director, stressed the importance of preserving agricultural land in Pike County, and gave a presentation on County farmlands.

***A discussion on the motion was held.***

**VOTE:** Commissioners Forbes, Caridi and Wagner voted 'aye'. Motion carried.

### **Meeting of January 4, 2007**

#### **Appointment of the members of the Pike County Agricultural Land Preservation Board**

**MOTION:** by Commissioner Harry Forbes and seconded by Commissioner Richard Caridi, to appoint the five members of the Pike County Agricultural Preservation Board names and initial terms as follows:

- Farmer Member Shirley Coutts, Paupack – Term January 4, 2007 through December 31, 2009
- Farmer Member Mathew Martin, Tafton – Term January 4, 2007 through December 31, 2009
- Municipal Official Fred Gelderman, Hawley – Term January 4, 2007 through December 31, 2008
- Building Industry Glen Stry, Lords Valley – Term January 4, 2007 through December 31, 2007
- At Large Member William Obert, Greentown – Term January 4, 2007 through December 31, 2007

***A discussion on the motion was held.***

**VOTE:** Commissioners Forbes and Caridi voted 'aye'. Motion carried. Commissioner Wagner was not in attendance.

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**APPENDIX B**  
PIKE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
# 06-10  
ESTABLISHMENT OF THE  
PIKE COUNTY  
AGRICULTURAL LAND PRESERVATION PROGRAM

**PIKE COUNTY COMMISSIONERS**

PIKE COUNTY ADMINISTRATION BUILDING  
506 BROAD STREET  
MILFORD, PA 18337  
570-296-7613  
FAX: 570-296-6055

HARRY FORBES  
RICHARD A. CARIDI  
KARL A. WAGNER JR.

} COMMISSIONERS



GARY R. ORBEN  
CHIEF CLERK

JAY R. ROSE, ESQU  
COUNTY SOLICITOR

**RESOLUTION NO. 06-10**  
**THE ESTABLISHMENT OF THE PIKE COUNTY**  
**AGRICULTURAL LAND PRESERVATION PROGRAM**

**WHEREAS**, the Commonwealth of Pennsylvania has declared a policy of conserving and preserving agricultural lands as valued resources for the production of food and other agricultural products and to protect the agricultural economy of this Commonwealth; and

**WHEREAS**, the General Assembly of the Commonwealth of Pennsylvania enacted the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128, No. 43, 51 et seq (3P.S.901 et seq) to provide a means to protect agricultural land; and

**WHEREAS**, Pike County Board of Commissioners recognize the importance of preserving and maintaining the County's agricultural lands as valued natural, scenic and ecological resources and wish to strengthen and protect from urbanization our quality farmland for the production of food and other agricultural products; and

**WHEREAS**, under the provisions of the Agricultural Area Security Law, the Board of Commissioners of Pike County is empowered to authorize the establishment of an Agricultural Land Preservation Program for the purpose of protecting and maintaining viable agricultural lands by acquiring agricultural conservation easements from landowners whose land is within an agricultural security area;

**NOW THEREFORE**, be it resolved, that we, the Board of Commissioners of Pike County, Pennsylvania do hereby authorize:

1. The establishment of the Pike County Agricultural Land Preservation Program for the purpose of protecting valuable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production from landowners whose land is within an agricultural security area duly established by the local governing body and located in Pike County, all in accordance with the provisions of the Agricultural Area Security Law, as the same may be amended from time to time or any successor statute.

2. The creation of a Pike County Agricultural Land Preservation Board consisting of five (5) members to administer the Pike County Agricultural Land Preservation Program on behalf of the Board of Commissioners. The membership of the Board shall be as follows: two(2) active resident farmers of the county who shall serve initial terms of 3 years; one (1) current member of a Pike County Municipal governing body who shall serve an initial 2 year term; one (1) member representing a commercial, industrial or residential building contractor who shall serve an initial term of one (1) year; and one (1) member selected at the discretion of the Pike County Board of Commissioners who shall serve an initial term of one (1) year. Upon expiration of the initial terms, the terms of all members shall be Three (3) years. The Chairperson of the Pike County Board of Commissioners shall appoint the Board Chairperson.
  
3. The Pike County Office of Community Planning and the Pike County Conservation District shall be designated as the agencies to assist the Pike County Agricultural Land Preservation Board with the administration and implementation of the Pike County Agricultural Land Preservation Program.

**IN WITNESS WHEREOF**, we have adopted this Resolution at the Pike County Board of Commissioners meeting held on March 22, 2006.

PIKE COUNTY BOARD OF COMMISSIONERS



*Harry Forbes*  
 Harry Forbes, Chairman

*Richard A. Caridi*  
 Richard A. Caridi, Vice-Chairman

*Karl A. Wagner*  
 Karl A. Wagner

ATTEST:

*Gary R. Orben*  
 Gary R. Orben, Chief Clerk  
 March 22, 2006

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## APPENDIX C

### PIKE COUNTY AGRICULTURAL LAND PRESERVATION BOARD

Representation	Name/Address	Phone/Fax Email	Term
<b>Farmer</b>	Shirley Coutts HC 1, Box 47 Paupack, PA 18451	570-226-4454 570-226-9702 (summer #)	Jan. 4, 2007 - Dec 31, 2009
<b>Farmer</b>	Matthew Martin HC 1, Box 1305 Tafton, PA 18464	570-226-7526 (w) 570-226-5129 (h)	Jan. 4, 2007 - Dec 31, 2009
<b>Municipal Official</b>	Fred Gelderman R.D. # 1, Box 496 Hawley, PA 18428	570-685-7288	Jan. 4, 2009 - Dec 31, 2011
<b>Builder</b>	Glenn Stry Lords Valley Builders 647 Route 739 Lords Valley, PA 18428	570-775-6850 (p) 570-775-6826 (f)	Jan. 7, 2008 - Dec 31, 2010
<b>At Large member</b>	William Obert 170 Sawmill Road Greentown, PA 18426	570-676-9905	Jan. 7, 2008 - Dec 31, 2010
<b>Advisor</b>	Ellen Salak, Resource Conservationist Pike County Conservation District 556 Route 402, Hawley, PA 18428	570-226-8220 570-226-8222 esalak@pikepa.org	n/a
<b>Advisor</b>	Sally J. Corrigan, Director Pike County Planning Office 837 Route 6, Unit 4, Shohola, PA 18458	570-296-3500 570-296-3501 scorrigan@pikepa.org	n/a
<b>Advisor</b>	Jessica Grohmann, Preservation Planner Pike County Planning Office 837 Route 6, Unit 4, Shohola, PA 18458	570-296-3500 570-296-3501 jgrohmann@pikepa.org	n/a
<b>Advisor</b>	Jennifer Mathews USDA NRCS 1300 Old Plank Road Mayfield, PA 18433	570-282-8732, ext 611 570-281-5379 Jennifer.Mathews@pa.usda.gov	n/a
<b>Advisor</b>	Delaware Highlands Conservancy P.O. Box 218 Hawley, PA 18428	570-226-3164 570-226-3166 info@delawarehighlands.org	n/a

**Board authorized by Pike County Board of Commissioners Resolution #2006-10, adopted March 22, 2006.  
Board appointed by Pike County Board of Commissioners motion approved at January 4, 2007 meeting.**

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## APPENDIX D

### BYLAWS OF THE PIKE COUNTY AGRICULTURAL LAND PRESERVATION BOARD PIKE COUNTY, PENNSYLVANIA

*Adopted: January 23, 2007*

#### **ARTICLE I - NAME:**

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

#### **ARTICLE II – AUTHORIZATION:**

The Board was established and authorized to administer the County Program by Resolution #2006-10 of the Pike County Board of Commissioners (see attached copy of resolution) at a regularly scheduled meeting held on March 22, 2006.

#### **ARTICLE III - PURPOSE:**

The Pike County Agricultural Land Preservation Board has as its major purpose to assist in the preservation of areas of actively farmed land in protected agricultural districts and to implement the other purposes of the Pike County Agricultural Land Preservation Program as outlined below:

1. *To protect and promote the continued agricultural use of viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production and allowed related agricultural activities.*
2. *To encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.*
3. *To encourage the formation of Agricultural Security Areas within the County by working with landowners and municipal officials.*
4. *To protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.*
5. *To protect normal farming operations from complaints of public nuisance.*
6. *To assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth.*
7. *To provide for the administration of purchases and gifts of agricultural conservation easements on behalf of the County.*
8. *To maximize agricultural easement purchase funds that protects the investment of taxpayers in agricultural conservation easements.*
9. *To concentrate resources in a manner that will ensure the purchase of easements for the protection of the largest amount of farmland possible.*
10. *To recommend, to the County Commissioners, the execution of all agreements or other documents necessary to effect the purchase of such agricultural conservation easements in the name of Pike County and/or the Commonwealth of Pennsylvania.*

11. *To promote efforts to enhance the agricultural industry in Pike County and maximize Pike County's agricultural lands' contribution to county tourism.*
12. *To encourage the use of additional farmland preservation techniques through public and private organizations in Pike County.*
13. *To provide for the conduct of such other responsibilities as may be authorized pursuant to the Agricultural Area Security Law.*

#### **ARTICLE IV - MEMBERSHIP:**

As required by Act 149, Board members shall be appointed by the Pike County Board of Commissioners. The Board shall be composed of five (5) members, to be appointed from the following groups:

1. Two shall be active resident farmers in Pike County, and shall serve an initial term of three (3) years after authorization of this Board by the County Commissioners.
2. One shall be a current member of a borough or township governing body which is located in the County, and shall serve an initial term of two (2) years after authorization of this Board by the County Commissioners.
3. One shall be a commercial, industrial, or residential building contractor who resides in the County, and shall serve an initial term of one (1) year after authorization of this Board by the County Commissioners.
4. The remaining member shall be appointed at the pleasure of the County Commissioners, and shall serve an initial term of one (1) year after authorization of this Board by the County Commissioners.

#### **ARTICLE V - TERM OF OFFICE:**

As required by Act 149, upon expiration of the initial terms of office as set forth under Membership, all terms of office shall be three (3) years.

#### **ARTICLE VI - REMOVAL FROM COUNTY BOARD:**

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

#### **ARTICLE VII - VACANCIES:**

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

#### **ARTICLE VIII - ATTENDANCE BY BOARD MEMBERS:**

The Board members shall attend a minimum of sixty (60%) percent of all Board meetings, whether regular or special. Any member who is unable to attend a meeting should notify the Chairperson or his designee prior to the meeting. Non attendance of three successive regular meetings or more than six meetings in any year shall be considered just cause for removal from the Board by the County Commissioners.

**ARTICLE IX - OFFICERS:**

The Board will be directed by a Chairperson. Additional officers shall be Vice-Chairperson, Treasurer and Secretary.

**ARTICLE X - ELECTION AND DUTIES OF OFFICERS:**

As required by Act 149, the Chairperson of the Board shall be appointed annually by the Chairperson of the Pike County Board of Commissioners. Vice-Chairperson, Treasurer and Secretary shall be elected annually by members of the Agricultural Land Preservation Board.

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

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

The Treasurer shall work with the County Treasurer and other County assigned staff to maintain a record of all funds designated for easement purchases and for administration of the program.

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

**ARTICLE XI - REMOVAL OF OFFICERS:**

The Chairperson can be removed from his/her office by majority vote of the Pike County Board of Commissioners. Other officers can be removed from office at any time for just cause by a majority vote of the Agricultural Land Preservation Board.

**ARTICLE XII - MEETINGS:**

Meetings of the Board shall be scheduled at regular intervals but not less than quarterly. Meeting dates, times and locations will be set by the members at the first meeting held each year. Special meetings shall be held at the call of the Chairperson, or at the request of 3 members of the Board, and shall require written notice of at least 10 days.

**ARTICLE XIII - EXECUTIVE SESSION:**

The Board may hold an Executive Session for one or more of the reasons as outlined in the most updated version of the Sunshine Law as amended.

**ARTICLE XIV - CONDUCT OF MEETINGS:**

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

**ARTICLE XV - QUORUM:**

A majority of the total Board membership, which is five (5), shall constitute a quorum for the conduct of business. A quorum of members is required to vote on any motion before the Board.

**ARTICLE XVI - VOTING:**

Each member of the Board shall be allowed to cast one vote. Board members must be present at a

meeting in order to vote. Motions shall be passed by a majority vote of the Board members present, except as specified elsewhere in the Bylaws.

**ARTICLE XVII - COMMITTEES:**

The chairperson may appoint such committees as are desirable for accomplishing the purposes of the Board. Committee Chairs shall be members of the Pike County Agricultural Land Preservation Board. Committees may include persons other than Board members. A list of committees and their representatives will be presented annually to the Pike County Board of Commissioners.

**ARTICLE XVIII - AGRICULTURAL SECURITY AREA ADVISORY COMMITTEES:**

The Pike County Agricultural Land Preservation Board may form an advisory committee composed of representatives of local, county, state, and federal agencies and private groups who have experience with the county's agriculture industry, land use concerns, or easement expertise. Members of this advisory committee shall not have voting privileges on the County Board.

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

**ARTICLE XIX - STAFF:**

The Pike County Office of Community Planning and the Pike County Conservation District shall provide primary staff support to the Board. Other County Departments may also provide staff assistance as necessary. The Board may request assistance from other County Departments or from other sources as may be needed to carry out their responsibilities.

**ARTICLE XX - FINANCES:**

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

The Board shall operate within a budget as approved annually by the Pike County Board of Commissioners. Board members shall not receive a salary or payments for their services on the Board, but may be reimbursed for expenses, as authorized by the County Commissioners, incurred in the course of their service on the Board. No member of the Board shall be liable for the debts of the Board.

**ARTICLE XXI - PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW; CONFLICT OF INTEREST/IMPARTIALITY/CONFIDENTIALITY:**

All members and employees of the Board shall comply with provisions of the act of October 4, 1978 (P.L. 883. No. 170) (65 P.S. Sections 401-413), known as the Public Official and Employee Ethics Law.

Members of the Board, or any of its committees, shall not use their Board relationships, or any confidential information received through Board or committee membership, for personal profit or gain, directly or indirectly, for themselves, members of their immediate family or a business with which the member or a member of their immediate family is associated. Individual board members shall disclose any personal interest which he or she may have in any matter pending before the Board and shall refrain from voting and participation in discussion on such matter.

In addition Board members shall be mindful of the need to avoid actual or perceived partiality toward any particular municipality or project and shall not vote on proposed projects in which they

have any part or present financial interest.

Further, Board members shall exercise good judgment and care at all times to avoid unauthorized, improper or inadvertent disclosure of sensitive or confidential information obtained through their affiliation with the Board, except where disclosure is required by law.

**ARTICLE XXII. INDEMNIFICATION AND PERSONAL LIABILITY**

1. Indemnification Pike County shall indemnify the members and the alternates being duly authorized to be a representative of said County, when their actions are in good faith and without malice in the discharge of their duties. No individual shall be personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties.

2. Defense of Suits Any suit brought against a member or any authorized representative because of such an act or omission performed in the interpretation of the Municipalities Planning Code or standards (Federal, State, or Local) shall be defended by Pike County until a final determination and any judgment thereof shall be assumed by the County.

3. Expenses This indemnification shall apply to the heirs and assigns of any such individual who was or is a party to, or is threatened to be made a party to, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that such person is or was serving at the request of Pike County. The County shall indemnify against expenses (including attorney's fees), judgments, fines, and amounts paid in settlement incurred in connection with such action, suit or proceeding.

4. Exclusion No indemnification pursuant to this shall be made, however, in any case where the act or the failure to act giving rise to the claim for indemnification is determined by a court to have constituted willful misconduct or recklessness or is deemed an illegal act.

**ARTICLE XXIII - AMENDMENTS:**

The Bylaws may be amended at a Board meeting by a 2/3 majority vote of the entire membership of the Board, subject to the approval of the Pike County Board of Commissioners, provided such amendments, along with a notice of the date of the meeting, shall have been circulated to all members of the Board and Commissioners at least 20 days prior to the meeting.

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Adopted by the Pike County Scenic Rural Character Preservation Board on January 23, 2007.  
Future Bylaws changes and amendments to be made as specified in Article XXIII, Amendments.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Harry Forbes, Chairman

\_\_\_\_\_  
Gary Orben, Chief Clerk

\_\_\_\_\_  
Richard A. Caridi, Vice-Chairman

\_\_\_\_\_  
Karl A. Wagner

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## APPENDIX E

### LIST OF SOIL MAPPING UNITS THAT QUALIFY AS PIKE COUNTY PRIME FARMLAND

Map Symbol	Soil Description
14	Braceville fine sandy loam
15	Pope fine sandy loam
24A	Delaware fine sandy loam, 0 to 3 percent slopes
24B	Delaware fine sandy loam, 3 to 8 percent slopes
25B	Wurtsboro channery fine sandy loam, 0 to 8 percent slopes
26	Philo loam
27	Barbour fine sandy loam
29B	Wellsboro channery loam, 0 to 8 percent slopes, stony
60B	Mardin channery silt loam, 0 to 8 percent slopes, stony
75	Unadilla silt loam
89B	Chenango gravelly fine sandy loam, 0 to 8 percent slopes
320B	Lackawanna channery loam, 3 to 8 percent slopes, stony

## APPENDIX F

### LIST OF SOIL MAPPING UNITS THAT QUALIFY AS FARMLAND OF STATEWIDE IMPORTANCE

Map Symbol	Soil Description
5B	Suncook loamy sand, 0 to 8 percent slopes
25C	Wurtsboro channery fine sandy loam, 8 to 15 percent slopes
29C	Wellsboro channery loam, 8 to 15 percent slopes, stony
60C	Mardin channery silt loam, 8 to 15 percent slopes, stony
89C	Chenango gravelly fine sandy loam, 8 to 15 percent slopes
108B	Wyoming and Chenango soils, 0 to 8 percent slopes
108C	Wyoming and Chenango soils, 8 to 15 percent slopes
320C	Lackawanna channery loam, 8 to 15 percent slopes, stony

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**APPENDIX G**

**Agricultural Conservation Easement Application Form**

(page 1 of 4)

**I. General Information**

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

Address: \_\_\_\_\_  
(Street/R.D.) (City) (State) (Zip)

Social Security # (optional): \_\_\_\_\_

Telephone #(s): \_\_\_\_\_  
(please include best times to contact)

Township: \_\_\_\_\_

Is your farm in an Agricultural Security Area? \_\_\_\_\_ If Yes, give I.D. # \_\_\_\_\_

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: \_\_\_\_\_

Tax Map No: \_\_\_\_\_ Deed Reference: Book \_\_\_\_\_ Volume \_\_\_\_\_ Page \_\_\_\_\_

Tax Map No: \_\_\_\_\_ Deed Reference: Book \_\_\_\_\_ Volume \_\_\_\_\_ Page \_\_\_\_\_

Tax Map No: \_\_\_\_\_ Deed Reference: Book \_\_\_\_\_ Volume \_\_\_\_\_ Page \_\_\_\_\_

Date of USDA Natural Resource Conservation Service (NRCS) Conservation Plan, if any: \_\_\_\_\_

Date of Nutrient Management Plan, if any: \_\_\_\_\_

Name(s), Address, and Telephone of Person(s) to contact to view the farmland tract:

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**II. Maps**

The County Planning Commission will provide the following maps as part of this application:

1. Locational Map – A USGS Topographic Map showing the location of the farmland tract
2. Soils Map – The soils map of the farmland tract must be color-coded as follows:
  - Class I - Green
  - Class II - Yellow
  - Class III - Red
  - Class IV - Blue
  - Wetlands - cross hatch or include on separate map
3. Tax Map – A map of the farmland tract with map reference and tax parcel no.’s clearly indicated

**III. Soils Report**

The County Planning Commission will provide a soils report for the farmland tract as part of this application.

**IV. Land Capability Class Table**

The County Planning Commission will provide a table showing capability classes as part of this application.

	Acres of Cropland/Pasture	Acres of Other Land	Total Acres
Class I	_____	_____	_____
Class II	_____	_____	_____
Class III	_____	_____	_____
Class IV	_____	_____	_____
*Unique Land	_____	_____	_____
<b>TOTALS:</b>	_____	_____	_____

*\* Unique Land is land other than Class I – IV that is used for the production of specific high value food crops such as fruits and vegetables. To be evaluated for easement purchase, the unique land must be used for its unique purpose at the time of the application.*

**V. Crop Production Information**

The applicant must provide crop production information for the most recent crop year for which comparable statistics are available from the PA Agricultural Statistics Service:

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

**VI. Livestock Report**

The applicant shall provide a livestock report for the farmland tract for the most recent calendar year for which comparable statistics are available from the PA Agricultural Statistics Service:

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

*Note: If the applicant grows crops or produces livestock that are of a type not reported by PASS, the county board shall obtain two years of production data from the applicant in order to determine if the application meets the minimum criteria.*

**VII. Selling Price**

I/We would consider selling an Agricultural Conservation Easement to the Pike 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

**VIII. Type of Easement**

Easements are purchased for perpetuity only.

By signing and submitting this application, the applicant realizes that they would be extinguishing their development rights on the property if approved. If the application is approved and selected for funding, the Agricultural Land Preservation Board will purchase the development rights from the applicant. Agricultural Conservation Easements purchased through this Program will apply to the property forever.

**IX. Signature(s)**

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

Signed:

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Date:

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**Please submit this application to:**

Pike County Agricultural Land Preservation Board  
c/o Pike County Office of Community Planning  
837 Route 6, Unit 4  
Shohola, PA 18458

(570) 296-3500 phone  
(570) 296-3501 fax

Please contact the Pike County Office of Community Planning at (570) 296-3500 if you have any questions or require assistance in completing this application.

## APPENDIX H

### DEFINITIONS

**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 Section 14.1(c)(6)(iv) of the Act (3 P.S. Section 914.1 (c)(6)(iv)), to meet all of the criteria set forth at Section 138e.16(a)(2), (3), (4) and (5) (relating to minimum criteria for applications) of this chapter.

**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 curtilages, wetlands, soil quality, topography or other natural or man-made features, and which further excludes any tract of 2 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 Section 14.1(c)(6)(iv) of the Act (3 P.S. Section 914.1(c)(6)(iv)).

**Pennsylvania Municipalities Planning Code** - The Act of December 21, 1988 (P.L. 1329, No. 170) (53 P.S. ss 10101-11201).

**Subdivision** - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other division 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.

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**APPENDIX I**  
**LAND EVALUATION**  
**Pike County Soil Rating**

<b>Group 1</b>	<b>Relative Value:</b>	<b>100</b>
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<b>Map Symbol</b>	<b>Soil Name</b>
24A	Delaware fine sandy loam
24B	Delaware fine sandy loam
27	Barbour fine sandy loam
26	Philo loam
75	Unadilla silt loam

<b>Group 2</b>	<b>Relative Value:</b>	<b>78</b>
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<b>Map Symbol</b>	<b>Soil Name</b>
14	Braceville fine sandy loam
15	Pope fine sandy loam
89B	Chenango gravelly fine sandy loam
320B	Lackawanna channery loam

<b>Group 3</b>	<b>Relative Value:</b>	<b>62</b>
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<b>Map Symbol</b>	<b>Soil Name</b>
25B	Wurtsboro channery fine sandy loam
29B	Wellsboro channery loam
60B	Mardin channery silt loam

<b>Group 4</b>	<b>Relative Value:</b>	<b>71</b>
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<b>Map Symbol</b>	<b>Soil Name</b>
25C	Wurtsboro channery fine sandy loam
108B	Wyoming and Chenango soils
320C	Lackawanna channery loam
442B	Wyoming very cobbly sandy loam

<b>Group 5</b>	<b>Relative Value:</b>	<b>57</b>
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<b>Map Symbol</b>	<b>Soil Name</b>
5B	Suncook loamy sand
29C	Wellsboro channery loam
60C	Mardin channery silt loam
89C	Chenango gravelly fine sandy loam
108C	Wyoming and Chenango soils

<b>Group 6</b>	<b>Relative Value:</b> 65
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<b>Map Symbol</b>	<b>Soil Name</b>
24C	Delaware fine sandy loam
442C	Wyoming very cobbly sandy loam

<b>Group 7</b>	<b>Relative Value:</b> 45
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<b>Map Symbol</b>	<b>Soil Name</b>
89D	Chenango gravelly fine sandy loam
442D	Wyoming very cobbly sandy loam
143	Wyalusing fine sandy loam

<b>Group 8</b>	<b>Relative Value:</b> 19
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<b>Map Symbol</b>	<b>Soil Name</b>
12	Gleneyre-Kimbles complex
18	Paupack mucky peat
20	Freetown mucky peat

<b>Group 9</b>	<b>Relative Value:</b> 0
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<b>Map Symbol</b>	<b>Soil Name</b>	<b>Map Symbol</b>	<b>Soil Name</b>
7B	Shohola-Edgemere complex	61B	Mardin stony loam
7C	Shohola-Edgemere complex	61C	Mardin stony loam
9B	Craigsville-Wyoming complex	97C	Lordstown very channery loam
11A	Edgemere extremely stony loam	97B	Lordstown very channery loam
19C	Morris very channery loam	111B	Edgemere-Shohola complex
21B	Manlius very channery silt loam	121D	Manlius-Arnot-Rock outcrop complex
21C	Manlius very channery silt loam	121F	Manlius-Arnot-Rock outcrop complex
28B	Wellsboro stony loam	239B	Oquaga very stony loam
28C	Wellsboro stony loam	239D	Oquaga very stony loam
28D	Wellsboro stony loam	240F	Oquaga-Arnot-Rock outcrop complex
30B	Wurtsboro stony fine sandy loam	258F	Skytop-Wasnot-Rock outcrop complex
30C	Wurtsboro stony fine sandy loam	321B	Lackawanna channery loam
30D	Wurtsboro stony fine sandy loam	321C	Lackawanna channery loam
38B	Swartswood stony fine sandy loam	321D	Lackawanna channery loam
38C	Swartswood stony fine sandy loam	402C	Arnot very channery loam
38D	Swartswood stony fine sandy loam	402E	Arnot very channery loam
50C	Wasnot very flaggy sandy loam	897B	Lordstown-Swartswood complex
50E	Wasnot very flaggy sandy loam	897C	Lordstown-Swartswood complex
58C	Skytop very flaggy sandy loam	897D	Lordstown-Swartswood complex
58E	Skytop very flaggy sandy loam	BP	Shale and Gravel pits

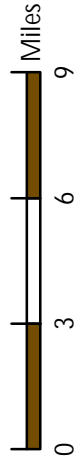
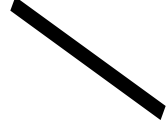
# PIKE COUNTY

## Significant Agricultural Areas

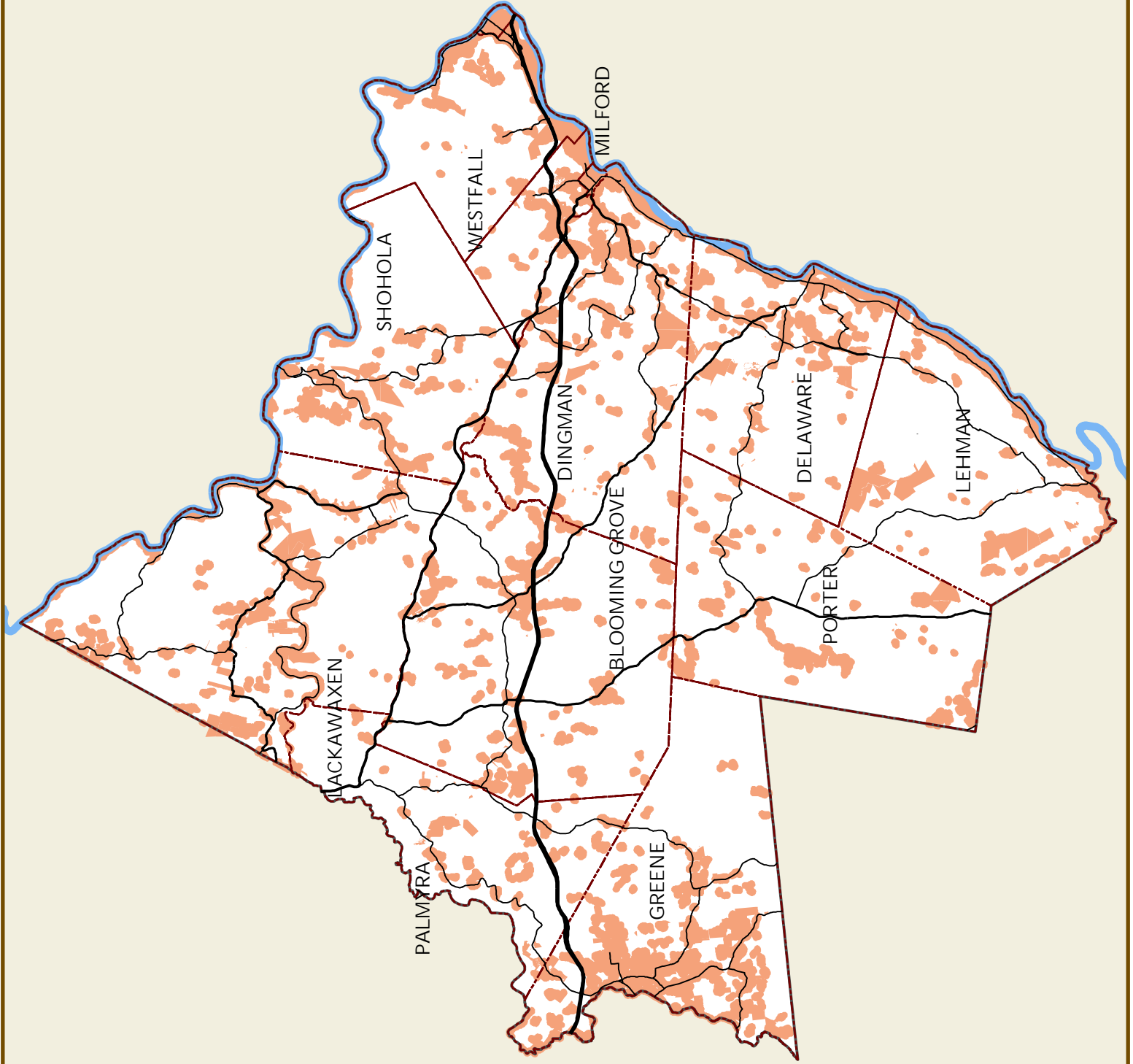
### LEGEND

- County
- Delaware River
- Significant Agricultural Areas
- Municipality

Pike County Significant Agricultural Areas have been identified using Prime Farmland soils and soils of Statewide Importance. Parcels with historic and/or current farming practices have also been considered in creating this map.



Pike County Office of  
Community Planning  
JRY - January 2007



## APPENDIX K – Appraisal Deposit Form

Pike County Agricultural Land Preservation Board

I/we, \_\_\_\_\_, landowners of farm property consisting of \_\_\_\_\_ acres, located on \_\_\_\_\_ in \_\_\_\_\_ Township, Pike County, Pennsylvania, and a qualified and approved agricultural conservation easement sale applicant, hereby request an appraisal by the Pike County Agricultural Land Preservation Board. A deposit of \$500.00 accompanies this form. I/we understand that this deposit is retained by Pike County only if a contract of sale is broken or if I withdraw my application from consideration after an appraisal has been conducted for my property.

Signatures of Landowner(s): \_\_\_\_\_

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

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

Please make check payable to: Pike County Treasurer

Please submit this form to: Pike County Agricultural Land Preservation Board  
c/o Pike County Office of Community Planning  
837 Route 6, Unit 4  
Shohola, PA 18458  
(570) 296-3500