

Union County
Agricultural Land Preservation Board

Agricultural Conservation Easement program

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INTRODUCTION

Union County is located in the ridge and valley section of central Pennsylvania and is bordered on the east by the Susquehanna River and the west by forested mountains of the Pennsylvania Bald Eagle Forest District. The county covers an area of approximately 202,835 acres or 316 square miles. The 2010 estimated population of 44,947 makes a population density of 142.2/square mile.

Of this land, about 63,000 acres are currently in farms and 110,000 acres in forestland, and approximately 25,000 acres are developed. There are 574 farms in the county according to the 2010 Statistical Summary of PA Department of Agriculture. The predominant agriculture is dairy, followed by poultry and grain. The dairy industry is supported by forage and grain production. The farms on the valley bottoms are underlain by limestone, while those on the hillsides are weathered shale association. Those farms along the Susquehanna are on alluvial soils.

Agriculture plays an important part in the economy of the county. In 2010, Union County farmers sold \$84,221,000 worth of crops, livestock products, fruits and vegetables.

The value of Union County farmland goes far beyond values that can be measured by the sale of products. Farmland plays a vital environmental role by providing habitat for wildlife, aquifer recharge areas, and needed open space in an urbanizing area. The contoured fields of crops, supporting farmsteads, and forests provide a beauty that cannot be valued in dollars. Many local businesses look to the recreation and tourist market as sources of income and rely on those aesthetic qualities as a part of the base for their business.

Farmland gives Union County its scenic character and links the present to the county's agricultural past. As farmland is lost, the county loses a major asset contributing to the area's quality of life.

According to Census of Agricultural Data in 1959, Union County had a total of 757 farms with 92,781 acres. In 2010, the Census of Agriculture showed 574 farms with 63,000 acres, and an average size of 110 acres/farm.

In 1976, Union County Commissioners appointed an Agricultural Task Force to review the loss of farmland. Two years later the Task Force issued its report recommending various farmland preservation actions to be taken by the county and the municipalities of the county.

Following the passage of the \$100 million farmland preservation bond issue in November of 1987, the Pennsylvania Legislature enacted Act 149 in 1988, enabling Pennsylvania counties to tap the \$100 million Agricultural conservation Easement Purchase Fund for the purchase of agricultural conservation easements.

In 1989, the Union County Commissioners appointed an Agricultural Preservation Board to develop plans for the purpose of purchasing agricultural conservation easements in Union County. As a result, the Union County Agricultural Land Preservation Program was adopted in October, 1990.

II. GENERAL PROVISIONS

A. PURPOSE

It is the purpose of this program to protect viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production.

Further, it is the purpose of this program to:

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

7. Encourage financial partnerships between State and local governments with nonprofit entities in order to increase the funds available for agricultural conservation easement purchases.

DEFINITIONS

The following words and terms, when used in this document, have the following meanings, unless the context clearly indicates otherwise:

Act – The Agricultural Area Security Law (3 P.S. Sections 901-915), *as amended*.

Agricultural conservation easement or easement – An interest in land, less than fee simple, which interest represents the right to prevent the development or improvement of a parcel for a purpose other than agricultural production. The easement may be granted by the owner of the fee simple to a third party or to the Commonwealth, to a County governing body or to a unit of local government. It shall be granted in perpetuity as the equivalent of covenants running with the land. The exercise or failure to exercise any right granted by the easement will not be deemed to be management or control of activities at the site for purpose of enforcement of the Hazardous Sites Cleanup Act (35 P. S. 6020.101—6020.1305).

Agricultural Erosion & Sedimentation Control Plan (Ag E&S Plan) – A site specific plan identifying BMPs to minimize accelerated erosion and sedimentation from agricultural runoff required by 25 Pa. Code Chapter 102. The agricultural erosion and sediment control components of a conservation plan meet this requirement if consistent with the requirements of Chapter 102 which became effective on November 19, 2010.

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

Agricultural value – The sum of:

1. The farmland value determined by the applicant’s appraisal; and

2. One-half of the difference, between the farmland value determined by the state or County Board's appraiser and the farmland value determined by the applicant's appraiser if the farmland value determined by the state or County Board's appraiser exceeds the farmland value determined by the applicant's appraiser.

Allocation – The State Board's designation of funds to the counties under section 14.1 of the Act (3 P.S. Section 914.1). An allocation is an accounting procedure only and does not involve certifying, reserving, encumbering, transferring or paying funds to eligible counties.

Annual easement purchase threshold – An amount annually determined by the State Board.

Applicant – A person offering to sell an easement on a farmland tract.

Appropriation – The irrevocable commitment of a specific amount of money by the County governing body exclusively for the purchase of easements.

Bargain Sale – A transaction where a landowner(s) accept less than 100% of the easement value.

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

Comparable sales – Market sales of a similar land. In locating comparable sales, first priority shall be given to farms within the same municipality as the subject land. The second priority shall be farms located within other municipalities in the same County as the subject land. The lowest priority shall be given to farms located outside the same county as the subject land.

Conservation plan – A plan describing land management practices, including an installation schedule and maintenance program, which, when completely implemented, will improve and maintain the soil, water and related plant and animal resources of the land.

Contract of sale – A legally enforceable agreement in a form provided by the State Board obligating the landowner to sell, and the Commonwealth or a County, or both, to purchase an agricultural conservation easement on a specific farmland tract.

Contiguous Acreage – All portions of one operational unit as described in the deed, whether or not the portions are divided by streams, public roads, bridges, railroads and whether or not described as multiple tax parcels, tracts, purports, or other property identifiers. The term includes supportive lands such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams, or as otherwise defined in 138e.3 (relating to definitions).

County – Union County, Pennsylvania.

County Board – The Union County Agricultural Land Preservation Board as appointed by the Union County Commissioners.

County fiscal year- The period from January 1 through December 31 of a particular calendar year.

County governing body – The Union County Board of Commissioners.

County matching funds – Money appropriated by the Union County Commissioners for the purchase of easements.

County planning commission- A planning commission or agency which has been designated by the county governing body to establish and foster a comprehensive plan for land management and development within the County.

County program – A Union County Agricultural Land Preservation Program for the purchase of easements authorized and approved by the Union County Commissioners.

Crops, livestock and livestock products –The term includes:

1. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans;
2. Fruits, including apples, peaches, grapes, cherries, and berries;
3. Vegetables, including, tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms;
4. Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers;
5. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, furs;
6. Timber, wood and other wood products derived from trees; and
7. Aquatic plants and animals and their byproducts.

Crops unique to the area – Include, but are not limited to, crops which historically have been grown or have grown within the last five years in the region and which are used for agricultural production in the region.

Curtilage – The area surrounding a residential structure used for yard, driveway, onlot sewage system or other nonagricultural purposes.

Department – The Department of Agriculture of the Commonwealth.

Easement value – The difference between the nonagricultural value and agricultural value of a farm. If solely the County or State appraisal is used, nonagricultural value and agricultural value are equal to market value and farmland value, respectively. If the landowner obtains an independent appraisal, nonagricultural value and agricultural value shall be calculated according to Section 14.1(f) (3 P.S. Section 914.1(f) of the Act.5

Economic viability of farmland for agricultural production – The capability of a particular tract of restricted land, other than a tract of 2 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 under Section 14.1(c)(6)(iv) of the Act (3 P.S. § 914.1(c)(6)(iv)), to meet the criteria set forth at Section 138e.16 (a) (relating to minimum criteria for applications).

Eligible Counties – Counties whose EASEMENT PURCHASE programs have been approved by the State Board. For the purpose of annual allocations, an eligible county must have its EASEMENT PURCHASE program approved by the State AGRICULTURAL LAND PRESERVATION Board by January 1 of the year in which the annual allocation is made. Counties of the first class are not eligible under any circumstances.

Eligible nonprofit entity – an entity that provides the State board or an eligible county satisfactory proof of all of the following:

- (1) That the entity is tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).
- (2) That the entity has experience acquiring, whether through purchase, donation or other transfer, an agricultural or other conservation easement.

Encumbered – Previously allocated funds reserved by the Commonwealth or a County to pay all or part of the costs of purchasing a specific easement under a specific contract of sale.

Farm – Land in this Commonwealth which is being used for agricultural production as defined in the act.

Farmland tract – Land constituting all or part of a farm with respect to which easement purchase is proposed. A farmland tract may consist of multiple tracts of land that are identifiable by separate tax parcel numbers, separate deeds or other methods of property identification.

Farmland value – The price as of the valuation date for property used for normal farming operations which a willing and informed seller who is not obligated to sell would accept for the property, and which a willing and informed buyer who is not obligated to buy would pay for the property.

Fund – The Agricultural Conservation Easement Purchase Fund established by the Act of May 13, 1988 (P.L. 398, No. 64).

Grant Funds – Funds allocated to a County by the State Board under Section 14.1(h)(2) and (5)(ii) of the Act (3 P.S. Section 914.1(h)(2), (5)(ii)), the expenditure of which is not contingent upon the appropriation and expenditure of County matching funds.

Grantee – The person or entity to who an easement is conveyed under the act.

Grantor – The person or entity who conveys an easement under the act.

Grazing or pasture land – Land, other than land enrolled in the USDA Conservation Reserve Program, used primarily for the growing of grasses and legumes which are consumed by livestock in the field and at least 90% of which is clear of trees, shrubs, vines or other woody growth not consumed by livestock.

Harm the economic viability of the farmland for agricultural production – To cause a particular tract of restricted land to fail to meet the criteria set forth at Section 138e.16(a), or to create through subdivision, a tract of restricted land, other than a tract of 2 acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time employees is permitted under Section 14.1(c)(6)(iv) of the Act that would fail to meet the criteria in 138e.16(a).

Harvested Cropland – Land, other than land enrolled in the USDA Conservation Reserve Program, used for the commercial production of field crops, fruit crops, vegetables and horticultural specialties, such as Christmas trees, flowers, nursery stock, ornamentals, greenhouse products and sod. The term does not include land devoted to production of timber and wood products.

Immediate family member – A brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father or mother of the landowner.

Land Capability Class (LCC) – A group of soils designated by either the County Soil Survey, as published by USDA-NRCS in cooperation with the Pennsylvania State University and the Department, or the Soil and Water Conservation Technical Guide maintained and updated by USDA-NRCS.

Land development – Either of the following activities:

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

Landowner- The person holding legal title to a particular farmland tract.

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 under Section 14.1(c)(6)(iv) of the Act.

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

Manure Management Plan (MMP) – A written site specific plan outlining the agreed upon and acceptable practices for the land application of manure and agricultural process wastewaters under the regulations implemented by the Pennsylvania Department of Environmental Protection.

Mansion house—The primary residential structure located upon a parcel.

Market value – The price as of the valuation date for the highest and best use of the property which a willing and informed seller who is not obligated to sell would accept for the property, and which a willing and informed buyer who is not obligated to buy would pay for the property.

Nonagricultural value – The sum of:

1. The market value determined by the state or County Board’s appraiser; and
2. One-half of the difference between the market value determined by the applicant’s appraiser and the market value determined by the state or the County Board’s appraiser, if the market value determined by the applicant’s appraiser exceeds the market value determined by the state or County Board’s appraiser.

Nonprofit land conservation organization – A nonprofit organization dedicated to land conservation purposes, recognized by the Internal Revenue Service as a tax-exempt organization under the Internal Revenue Code (26 U.S.C.A. Sections 1-7872).

Normal farming operation – The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock, and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, and silvicultural, and aquacultural crops and commodities. The term includes the storage and utilization of agricultural and food processing wastes for animal feed and the disposal of manure, other agricultural waste and food processing waste on land where the materials will improve the condition of the soil or the growth of crops or will aid in the restoration of the land for the same purposes.

Nutrient management plan- A written site-specific plan which incorporates best management practices to manage the use of plant nutrients for crop production and water quality protection consistent with the Nutrient Management Act (3 P. S. §§ 1701—1718)

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

Pennsylvania Municipalities Planning Code – 53 P.S. §§ 10101-11201.

Person- A corporation, partnership, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

Planning Commission- A local government planning commission or agency which has been designated by the governing body OF THE LOCAL GOVERNMENT UNIT to establish and foster a comprehensive plan for land management and development within the local government unit.

Restricted Land – Land which is subject to the terms of an agricultural conservation easement acquired under the act.

Secretary – The Secretary of Agriculture of the Commonwealth.

Soils available for agricultural production – Soils on land that is harvested cropland, pasture or grazing land, or land upon which no structure, easement, roadway, curtilage or natural or manmade feature would impede the use of that soil for agricultural production.

Soils report – A report which identifies and sets forth the amount of each land capability class found on a farm land tract.

State Board – The State Agricultural Land Preservation Board.

State-certified general real estate appraiser—A person who holds a current general appraiser’s certificate issued under the Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19).

State matching funds – Funds allocated to a County by the State Board under Section 14.1(h)(3), (4), or (5)(I) of the act, the expenditure of which is contingent upon the appropriation and expenditure of County matching funds.

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 divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, or as otherwise defined in § 138e.3.

Title report – A report prepared by a person authorized by the Insurance Department to engage in the sale of title insurance or an attorney setting forth the existence of any liens, restrictions or other encumbrances on a farmland tract. The term does not include the title search, but does include the title binder or the title commitment, or both.

USDA – The United States Department of Agriculture.

USDA-NRSC – The Natural Resource Conservation Service of the USDA. This entity was formerly known as the Soil Conservation Service.

Viable agricultural land—Land suitable for agricultural production and which will continue to be economically feasible for that use if real estate taxes, farm use restrictions and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of urban and related nonagricultural development.

III. PURCHASE PROCEDURE

Applications will be accepted by the County Board at least biennially from January 1 to January 31. Landowners interested in selling an agricultural conservation easement to Union County and the Commonwealth of Pennsylvania should use the following procedure.

1. Check Eligibility Criteria – Appendix D
2. Submit Application Form – Appendix E

A complete application shall include, a completed form, location maps, a soils report, and a crop and livestock report done in accordance with the model formats included in the state guidebook and any future revisions thereto (§ 14.1(a)(3)(xv) and (b)(2)(xiv).

After submission of the application, the County Board's staff will meet with the applicant to answer questions and determine if state and county minimum criteria for participation in the program are met. See Appendix D for a listing of the state and county minimum requirements.

If minimum criteria are not met, the applicant will be mailed a letter of rejection with an explanation of why the application was rejected.

Initial Review of Application

After the full application has been submitted, it will be checked to make sure that all minimum requirements are met. If all minimum requirements are met, the application will be scored with the Land Evaluation and Site Assessment System (LESA). The LESA system provides a way to rank the easement applications by evaluating soil location factors for each tract under consideration. See Section IV for a complete description of the LESA system and how application will be scored using it.

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

Appraisal Procedure

The appraisal procedure will follow the regulations provided by the Commonwealth. Appraisals will be conducted using the comparable sales method See Appendix K for the details of how appraisals shall be conducted.

Easement Value and Purchase Price

In Union County, only perpetual easements will be eligible for purchase. The appraisal report will provide the County Board with an estimate of the value of the easement, which is the difference between market value and the farmland value.

Approval of Purchase by the Union County Board

Final purchase decisions will be based on the following factors:

1. LESA score
2. Cost factors
 - a. Available funds
 - b. Cost per acre
 - c. 85 Percent of appraised easement value
3. Consistency with planning map

If the County Board decides not to make an offer to purchase an easement on the farmland tract, the applicant shall be notified in writing.

Purchase Negotiations with Applicants

After the County Board has decided to make an offer for the purchase of an agricultural conservation easement, the Board or its representative will meet with the applicant to discuss the offer. At this meeting, the appraisal reports will be reviewed with the applicant. A formal offer for purchase of a conservation easement shall be submitted to the applicant in writing and accompanied by the appraisal report. The offer may be less than or 85% of the appraised easement value of the easement.

The applicant may, at the applicant's expense, retain another State certified general real estate appraiser to determine a second easement value. This second appraisal must be completed in accordance with the state regulations as found in Appendix K.

If the applicant secures an independent appraisal, the easement value shall be determined using a combination of the two appraisal reports using the formula described in Appendix K.

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

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

The failure of the applicant to act within 30 days shall constitute rejection of the offer.

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

Agricultural Easement Deed

At settlement, the applicant must execute a deed conveying the easement. All deeds of easement shall adhere to the Commonwealth's and County's agricultural easement deed requirements as found in the appropriate appendices. Local Government Units may participate as Co-Grantees to the Deed of Easement along

with either the State, County, or both. State and County minimum eligibility, selection criteria, and applicable State regulations must be adhered to prior to and during commencement of all deeds of easement. See appendix O to review provisions for the participation of local governments units in the preservation of farmland through the purchase of agricultural conservation easements.

State Board Review for Approval for Purchase of Easement

Application for State Board review of a proposal purchase of an easement is made by submitting the following documents to the Director, Bureau of Farmland Protection, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

1. Electronic submission of the summary report prepared in accordance with § 138e.69 of the Act (relating to summary report) will be uploaded through PA Farmland and include the following items:
 - a. Cover letter from County(optional)
 - b. Narrative summary report
 - c. Legible United States Geological Survey (USGS) topographic map showing the subject property location and boundaries, location of neighboring easements, and exclusions withheld from the subject property.
 - d. Soil Report Form “C”, (a form provided by the Department) both pages.
 - e. List of soil mapping unit names, symbols and Land Capability Classes on the subject property.
 - f. Legible, uncolored soil map of subject property
 - g. 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.
 - h. 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.
 - i. Copy of Exhibit “B”, from the Agreement of Sale, modified to include interest, total acres and per acre easement cost.
 - j. The title insurance report or commitment with exceptions.
 - k. A letter certifying that all adjoining landowners were provided 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.
 - l. A completed and signed IRS form W-9, Request for Taxpayer Identification Number and Certification for individual grantors.
 - m. A letter from the grantors stating the percent (%) of ownership of each grantor for the purpose of issuing IRS form 1099.
 - n. A copy of the landowner’s application including signatures.
 - o. Subordinations, if there are liens on the property, or letter of pay off.

- p. An updated Conservation Plan.
- q. An updated Nutrient Management Plan, if required.
- r. Certification of County Funding.
- s. Colored Soil Map using specific “class colors”.
- t. Corporation, Trust, or Partnership agreement (when applicable).
- u. Copy of Book and Page of ASA parcel recording included with title exceptions.

The following items will be electronically submitted through PA Farmland with the date of mailing. Hardcopies of the original documents should be mailed to: Bureau of Farmland Preservation, RE: PA Farmland Document Hardcopies FID#, 2301 N. Cameron St., Ste. 402, Harrisburg, PA 17110-9408.

- 2. The appraisal report or reports.
- 3. The signed agreement of sale, including the proposed legal description, a statement of cost, the proposed deed of agricultural conservation easement, a contractor integrity clause, a nondiscrimination clause and conservation plan agreement. Original signature pages should be mailed to address listed above.
- 4. Deed plot and calculations showing closure error, or a certified survey (if necessary), and the legal description of the property. See appendix G for survey requirements. Survey including CD must be sent to the address listed above.

IV. APPLICATION RANKING SYSTEM

Applications will be ranked using a two-part Land Evaluation and Site Assessment (LESA) system. The Land Evaluation looks at the quality of the soils and the Site Assessment considers locational factors that may have an impact on current or future viability of a farm. The numerical ranking system will be used to prioritize applications for the appraisal of properties meeting the minimum criteria of the County program.

Land Evaluation

This part of the LESA system is based on soils data obtained from the Union County Soil Survey and/or the Soil and Water Conservation Technical Guide maintained by the local USDA Natural Resource Conservation Service (NRCS). The Soil Survey was published in 1985 by the USDA Soil Conservation Service in cooperation with the Pennsylvania State University, College of Agriculture; the Pennsylvania Department of Environmental Resources, State Conservation Commission; and the Union County Board of Commissioners. The most up to date soils information will be used in evaluating applications for soil quality. Each soil mapping unit found in Union 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 the other soils in the county have been assigned relative values less than 100. See Appendix H for a listing of the relative values for all the soils in the county.

Using the tables found in Appendix I, each farm under consideration will be assigned an average relative value for the soil types making up the tract. The highest average relative value a farm can receive is 100. The average relative value for the farm will then be weighted to receive the Land Evaluation (LE) portion of the LESA score. A weight of 40% will be used to determine the LE score under the LESA system for soils.

Site Assessment

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

1. Development Potential: (10%) Factors which measure the limitations to continue farming on a subject site imposed by development pressures.
2. Farmland Potential: (30%) Factors which measure the potential agricultural productivity of farming practices of the site. These factors include secondary values of a site, such as historic, cultural, scenic, or environmental values.
3. Clustering Potential: (20%) Factors which measure the importance of preserving blocks of farmland which support commercial agriculture and help to shield the agricultural community against conflicts with incompatible land uses.

Site assessment categories shall receive a total weight of 60% for the three categories. The weighted scores are obtained by multiplying the individual scores for each site assessment category with the variable weighted value for Development Potential (DP), Farmland Potential (FP), Clustering Potential (CP) and Land Evaluation (LE).

The weighted scores are added for all the Land Evaluation (LE), Development Potential (DP), Farmland Potential (FP), and Clustering Potential (CP) factors and ranked by priority according to the highest total weighted score to the lowest total weighted score. Farms will then be selected for appraisal according to the priority ranking from the highest weighted score to the lowest weighted score.

Scoring

Categories of evaluation	Total Possible Points/Category	Weight of Points	Highest Possible Weighted Score
Soils	100	40%	40
Development Potential	100	10%	10
Farmland Potential	100	30%	30
Clustering Potential	100	20%	20

Total Points = 400

Maximum Weighted Score = 100

Development Potential

1. Central Sanitary Sewage System: If a sanitary sewer line of sufficient capacity is available close to the farm, the farm is more likely to be surrounded by incompatible land uses than a farm without available sewer.

Status of Site	Point Allocation
Sewer within 1 mile	5
Sewer within ½ mile	10
Sewer within ¼ mile	15
Sewer on site	25

- 1b. For municipalities without a public sewer system (Alternative Factor): Percent of soils that would have slight to moderate limitations for on-lot sewage disposal. A tract of land which has a higher percentage of soils that are suitable for on-lot sewage disposal (Class I and II soils) shall receive a higher score.

Status of Site	Point Allocation
0 – 5%	0
6 – 20%	5
21 – 40%	10
41 – 60%	15
61 – 100%	25

2. Central Water-Distribution System: a site serviced by water lines is more likely to be surrounded by incompatible land uses than a farm without available public water.

Status of Site	Point Allocation
Water lines within 2 mile	5
Water lines within 1 mile	10
Water lines within ½ mile	15
Water on site	25

3. Amount of Road Frontage with the Tract: 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.

Status of Site	Point Allocation
Less than 500 feet of road frontage	5
Over 500 feet of road frontage	10
Over 1000 feet of road frontage	15
Over 2000 feet of road frontage	25

- Percentage of the Area within 1 mile in Non-Agricultural use: A tract with extensive non-agricultural uses in the area shall receive a higher score than a tract that is more distant from such non-agricultural uses.

Status of Site	Point Allocation
0 – 25% non-agricultural use	5
26 – 49% non-agricultural use	10
50 – 89% non-agricultural use	15
90 – 100% non-agricultural use	25

Farmland Potential

- Percentage of the Tract used for Harvested Cropland, Pasture or Grazing Land: Large amounts of productive farm land make a farm more viable. (Percentages determined with ASCS records).

Status of Site	Point Allocation
Less than 50%	5
50 – 74%	10
75 – 89%	15
At least 90%	20

- Compliance with Agricultural Erosion & Sedimentation Control plan and Manure Management Plan: Farms which will be dedicated to long-term agricultural use should not have depleted soils, and should be in compliance with local, state and federal pollution control regulations.

Status of Site	Point Allocation
Farm is less than 90% compliant with plans.	0
Farm is at least 90% in compliance with plans.	15

- Amount of land on Farm: In some areas, equipment size and crops grown present problems in farming small fields or farm units. If this item is used, local planner needs to determine the feasible farm size. A farm unit at or above the optimum size level should be assigned a high value, and should decrease as the amount of land decreases.

Status of Site	Point Allocation
Tract is less than 50 acres but at least 10 acres or more contiguous to another perpetually eased tract	5
50 – 79 acres	10
80 – 119 acres	15
120 or more acres	20

4. Gross Annual Receipts of Farm Products from the Farm: A high level of income capability is an indication that a farm is or can be commercially viable.

Status of Site	Point Allocation
Less than \$25,000	0
\$25,000 - \$49,999	5
\$50,000 - \$74,999	7
\$75,000 - \$99,999	12
\$100,000 or more	15

5. Century/Historical Farm:

Status of Site	Point Allocation
A “declared century” farm or “declared historically significant” farm by the appropriate Federal/State Agency	10

6. Potential for Conversion to Non-Agricultural Use: Farms with a high percentage of flat, well-drained land are in high demand for development. The presence of environmentally sensitive land such as: wetlands, hydric soils, floodplain and steep (greater than 15%) slopes will lower the suitability of a farm for conversion to other uses.

Status of Site	Point Allocation
< 25% of land is environmentally sensitive	0
> 25% of land is environmentally sensitive	5

7. Virgin Farm: Higher value given to a farm that has not been subdivided for non-agricultural purposes for many years versus a farm with recent development.

Status of Site	Point Allocation
Subdivision or development on the farm has occurred within the last 5 years	0
No sub-division or development in the past 5 – 10 years	7
No sub-division or development in the past 10 or more years	15

Clustering Potential

1. Consistency with County Program Planning Map: Tract is located in an area identified by the County Board as either “exceptionally important” or “important” agricultural land on the program planning map. Tracts located in important agricultural areas shall be scored higher than those tracts outside these areas.

Status of Site	Point Allocation
County Board planning map Tract is not located in a designated important agricultural area on the County Board planning map	0
Tract is located in designated <u>important</u> agricultural area on County Board planning map	10
Tract is located in a designated <u>exceptionally important</u> agricultural area on County Board planning map	20

2. Proximity to Other Farms with Easements: Clustering agricultural easement purchases in an area will help develop a nucleus of farms which can support each other and reduce conflicts with incompatible land uses.

Status of Site	Point Allocation
No farms with easements within 1 mile radius of site	0
One farm with an easement within 1 mile radius of site	10
Two farms with easements within 1 mile radius of site	15
Farm adjacent to one farm with an easements	25
Farm adjacent to two or more Farms with easements	30

3. Percent of Land Within One Mile in an Agricultural Security Area: Areas where agriculture has been given protection by township supervisors and where landowners are committed to agriculture, provide an environment which supports farming.

Status of Site	Point Allocation
Less than 25%	0
25 – 49%	5
50 – 74%	10
75% or more	15

4. Percent of Adjacent Land in Agricultural Security Area:

Status of Site	Point Allocation
Less than 25%	0
25 – 49%	5
50 – 74%	10
75% or more	15

5. Other Protected Land Adjacent to Tract:

Status of Site	Point Allocation
Farmland tract adjacent to permanent protected open space such as State forestland, Gamelands and Federal lands, etc.	5

6. Zoning: Farms and surroundings zoned for “exclusive agricultural use” as a distinct from “non-exclusive agricultural zone” (agricultural/low density residential) are most valuable.

Status of Site	Point Allocation
Zoning for non-agricultural use within ½ mile	0
No zoning within ½-mile	7
Non-exclusive agricultural zone within ½-mile	10
Area zoned for exclusive agricultural use within ½ mile	15

Farmland Ranking Proposal Sheet

Development Potential		Farmland Potential		Clustering Potential	
Factor	Score	Factor	Score	Factor	Score
1. Sanitary Sewer		1. % in Cropland, Pasture, etc		1. Compatibility w/ Planning Map	
2. Public Water		2. Stewardship (BMP's)		2. Other Ag Easements	
3. Road Frontage		3. Amount of Land in Tract		3. % Within 1 Mile of ASA	
4. % Within 1 Mile Non-Ag		4. Gross Receipts		4. % Adjacent to ASA	
		5. Century or Historic		5. Other Protected Land Adjacent to Tract	
		6. Potential for Conversion		6. Zoning of Adjacent Land	
		7. Virgin Farm			
Total Score		Total Score		Total Score	
Development Potential Score	X	Farmland Potential Score	X	Clustering Potential Score	X
Variable Weighted = Value .10	=	Variable Weighted = Value .30	=	Variable Weighted = Value .20	=
X	=	X	=	X	=

V. PLANNING MAP

A map has been prepared for use in planning where agricultural conservation easements should be acquired in Union County. The base map consists of recommended land use for Union County. An overlay shows the location of agricultural security areas in the county. Land use planning and future easement purchases will be coordinated with other county agencies, especially the Planning and GIS Departments. The County Board will also use the planning map to encourage the formation of new agricultural security areas in important agricultural areas as indicated on the map. (Appendix M)

VI. PUBLIC INFORMATION PROGRAM

Copies of the Union County Agricultural Conservation Easement Program are available to the public by contacting the Union County Conservation District, 155 North 15th Street, Lewisburg, PA 17837 or by calling (570) 524-3860.

1. Press releases will be prepared periodically to keep the public informed of application deadlines and progress of the program. These press releases will be mailed to newspapers, radio stations, and farm publications.
2. A newsletter will be prepared and mailed to all landowners enrolled in agricultural security areas to make them aware of the program and how they can apply. This newsletter will also be sent to local agricultural organizations.
3. Public meetings will be held regionally in the county to explain the program to the public and show landowners how they can participate.
4. A slide show will be prepared for use at public meetings and other public gatherings to explain the program.

VII. PROCEDURE FOR INSPECTING AND ENFORCING AN EASEMENT

Responsibility

1. The County Board shall have the primary responsibility for inspecting restricted land and enforcing an easement.
2. The State Board or its designee will have the right to inspect restricted land and enforce an easement on its own behalf or in conjunction with the County Board.

Inspections

1. The County Board shall inspect all restricted land within the County at least biennially to determine compliance with the applicable deed of easement.
2. The first inspection shall be completed within one year of the date of easement sale.
3. Written notice of an inspection to be conducted under Subsection 1 shall be mailed to the owner at least 10 days prior to the inspection.
4. Any inspection conducted under Subsection 1 shall be performed between the hours of 8 a.m. and 5p.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.
5. When landowners are sent their inspection notice, they will be given the option to have their farm inspected by appointment if so desired.
6. In as much as is possible, inspections will be done by observing the farm from a nearby road to offer the lease potential for livestock disease pathogen transmission.
7. Prior to mailing a notice of violation, inspection staff will make personal contact with the landowner to inform them of the violation.
8. Within 10 days of conducting an inspection under Subsection 1, the County Board shall prepare a written inspection report setting forth the following information:
 - a. The identification of the land inspected.
 - b. The name of the owner of the farmland at the time the easement was originally acquired and the name of the current owner of the land inspected.
 - c. A description of the 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. A description of the conservation practices being 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. § 914.1 (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.
 - g. A statement indicating whether the residential subdivision permitted under Section 14.1(c)(6)(iv) has been exercised.
 - h. A copy of the inspection report shall be mailed to the owner.
 - g. The county board and the State Board may inspect the restricted land, jointly or separately, without prior notice if they have reasonable cause to believe that any provision of the easement has been or is being violated.

Annual Report

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

Enforcement

1. The County Board shall enforce the terms of each easement purchases within the County under the act, whether it be a County, State, or joint purchase.
2. The State Board may enforce the terms of State or jointly purchased easements.
3. The right of the State Board to enforce the terms of an easement may be exercised either jointly with the County Board or by the State Board acting on its own behalf.

Notification to Owner

1. Within 10 days of the discovery of a violation of the terms of an easement, either through an inspection or otherwise, the county board shall send written notice of the violation to the owner of the restricted land, the county governing body and the State Board.
2. 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.

Enforcement Actions

1. Sixty days after the mailing of a notice of violation under Section 138e.205 (relating to notification of 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 Subsection 1.
 - ii. Establishes 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.a.ii.
3. The owner of the restricted land shall bear all costs associated with the correction of a violation of the easement, including:
 - a. Costs 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 the 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 attorneys' fees, from the County Board or the owner of the restricted land or both.

APPENDIX A – County Resolution

APPENDIX B

UNION COUNTY
 AGRICULTURAL LAND PRESERVATION BOARD

	Affiliation	Appointment Date	Term Expires
David Epler, Chairman 464 Turtle Creek Rd. Lewisburg, PA 17837	Farmer	January 1, 2018	December 31, 2020
Ivan Yoder 1660 State Route 304 Winfield, PA 17889	Farmer	January 1, 2018	December 31, 2020
Terry Snoddy 1123 State Route 44 Allenwood, PA 17810	Farmer	January 1, 2018	December 31, 2020
David Masser 369 Masser Rd. Allenwood, PA 17810	Township Supervisor	January 1, 2020	December 31, 2022
Dennis Hess, 1570 Orchard Rd. Mifflinburg, PA 17844	Public Member	January 1, 2018	December 31, 2020
Dennis Keefer, Vice Chairman 220 Moores School Rd. Lewisburg, PA 17837	Public Member	January 1, 2020	December 31, 2022
Wayne M. Stahl 7732 Col. John Kelly Rd. Lewisburg, PA 17837	Residential Contractor	January 1, 2020	December 31, 2022

APPENDIX C

UNION COUNTY
AGRICULTURE LAND PRESERVATION BOARD
BYLAWS

SECTION I
Authorization of Program

- I.1 The Union County Board of Commissioners in August 1989, authorized and appointed a seven member Agriculture Land Preservation Board according to the Provisions of Pennsylvania Act 43, as amended, to administer the purchase of conservation easements in Union County.

SECTION II
County Board Bylaws

- II.1 The Union County Agricultural Land Preservation Board has drafted and will follow a set of bylaws. These bylaws address the purpose of the program and board, membership, voting, officers, finance, meetings, and amendment procedure.
- II.2 The official Union County Agricultural Land Preservation Board Bylaws are as follows:

Article I
Name

- 1.1 The name of this nonprofit organization shall be called The Union County Agricultural Land Preservation Board. For the purposes of these bylaws it will be referred to as the “board”.

Article II
Purpose

- 2.1 It is the purpose of the Union County Agriculture Land Preservation Program to protect viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production. Further, it is the purpose of this program to:
1. Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use;
 2. Protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable;
 3. Protect farming operations from complaints of public nuisance against farming operations;
 4. Assure conservation of viable agricultural lands in order to protect the agricultural economy of this county and the Commonwealth;

5. Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property;
 6. Maximize agricultural easement purchase funds and protect the investment of taxpayers in agricultural conservation easements; and
 7. Develop fair, equitable, objective, non-discriminatory procedures for determining easement purchase priorities and adopt written policies and guidelines for purchasing easements.
 8. Encourage financial partnerships between State and local governments with nonprofit entities in order to increase the funds available for agricultural conservation easement purchases.
- 2.1 The purpose of the board will be to administer the county program as set forth in Act 149 of 1988 (including subsequent relevant legislation) and administer any other public program approved by the county approved for the purpose of preserving agricultural land.

Article III Membership

- 3.1 The membership of the board will be as specified in the state guidelines and will be appointed by the County Commissioners.
1. The board shall be comprised of seven members. Annually the Chairperson of the Board of the County Commissioners shall designate one member of the board to act as chairperson of the board.
 2. Three members of the board shall be active resident farmers and serve an initial three year term.
 3. One member of the board shall be a member of a township or borough governing body within the county and serve an initial two year term.
 4. One member of the board shall be a commercial, industrial or residential contractor and serve an initial one year term.
 5. Two members of the board shall be selected at the pleasure of the County Commissioners and serve an initial one year term.
 6. Upon expiration of the initial terms stated above, all terms of members shall be three years.
 7. The board will also include appropriate non-voting ex officio members who have expertise in appropriate areas. These members shall be known as the Advisory Board and appointed by the Union County Board of Commissioners.
 8. In the event of a vacancy on the board, the Union County Board of Commissioners shall appoint a person to serve for the balance of the term vacated.
- 3.1 Removal from County Board.
1. Any Board member may be removed from the Board for malfeasance, misfeasance, or nonfeasance in office or for other just cause by the majority vote of the County Commissioners, after the member has received fifteen (15) days advance notice of the intent to take such a

vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Article IV Voting

- 4.1 Each member of the board will be allowed to cast one vote and must be present at the meeting to vote. All motions must be approved by a majority of members present at the meeting.

Article V Officers & Duties

- 5.1 The board will have the following officers:
1. Chairperson. The member of the board who serves as chairperson will be selected by the Chairperson of the Board of the County Commissioners. The Chairperson shall preside at all meetings of the board, call special meetings, establish committees, appoint committee chairperson, and delegate other tasks and assignments as may be appropriate.
 2. Vice-Chairperson. The member of the board who serves as vice-chairperson will be elected annually by the vote of the board. The Vice-Chairperson shall preside at all board meetings in the absence of the Chairperson and assist Chairperson in his or her duties when ask to do so.
 3. Secretary. The staff person for the board may serve as secretary and will have no vote. The Secretary will be responsible to record the minutes of all meetings of the board in written form and present minutes of the previous meetings to the board. The Secretary will coordinate all correspondence for the board.

Article VI Finance

- 6.1 All monies received via county, state, or private funds shall be used for the purpose of protecting viable agricultural farmland in Union County.
1. No member of the board shall be liable for the debts of the board.
 2. No net income of the board shall accrue to the benefit of any member with the exception of purchasing conservation easements consistent with Act 149 of 1988.
 3. Board members who have a personal or private interest in any measure proposed or pending before the board shall disclose the fact to the board and shall not have a vote thereon.
 4. All members and employees of the Board shall comply with the provisions of the Public Official and Employee Ethics Law, 65, P. S. Sections 401-413.

Article VII Meetings

- 7.1 Meetings of the board will be as follows:
1. Regular. The board will meet every other month/bi-monthly as needed. The first meeting of the calendar year will be a reorganization meeting. At the reorganization meeting a vice-chairperson will be elected and a secretary shall be appointed. Monthly meeting date, time, and place shall be established but can be changed at any time pending a simple majority vote.
 2. Special. The board may meet at any day, time or place in a special meeting to carry out important business. The meeting may be called by the chairperson, or by a petition to the secretary from a quorum of board members. Advance notice shall be given to all board members of any special meeting to be held.
 3. All meetings shall require a quorum of a simple majority of the board to conduct business. Meetings shall be in compliance with the provisions of the Act of July 3, 1986, (P.L. 388, No. 84) known as the Sunshine Act, 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 VIII Amendments

- 8.1 These By-Laws may be amended by a simple majority vote of the members of the board. The secretary shall provide written notification of all proposed bylaws changes to all board members at least fifteen (15) days prior to a vote at a regular or special meeting.

APPENDIX D

MINIMUM ELIGIBILITY CRITERIA

The State Agricultural Land Preservation Board has established minimum requirements which farms must meet to be eligible for the easement purchase program. The farmland tract must:

1. Be one or more of the following:
 - (i) Located in an Agricultural Security Area, consisting of 500 acres or more.
 - (ii) Bisected by the dividing line between two local government units, having the majority of its viable agricultural land within an agricultural security area of 500 acres or more and the remainder in another local government unit outside of an agricultural security area.
 - (iii) Bisected by the dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county within an agricultural security area of 500 acres or more and the remainder in another county outside of an agricultural security area, and with respect to which one of the following applies:
 - (A) A mansion house is on the tract and located within the purchasing county.
 - (B) When the mansion house on the tract is bisected by the dividing line between the two counties, the landowner has chosen the purchasing county as the situs of assessment for tax purposes.
 - (C) When there is no mansion house on the farmland tract, the majority of the tract's viable agricultural land is located within the purchasing county.
2. Be one or more of the following:
 - (i) Contiguous acreage of at least 50 acres in size.
 - (ii) Contiguous acreage of at least 10 acres in size and utilized for a crop unique to the area.
 - (iii) Contiguous acreage of at least 10 acres in size and is contiguous to a property which has a perpetual conservation easement in place which is held by a "qualified organization", as defined in section 170(h)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)(3)).
3. Contain at least 50% of its soils which are both available for agricultural production, and are of Capability Classes I-IV, as defined by the USDA-NRCS.
4. Contain, the greater of 50% or 10 acres harvested cropland, pasture or grazing lands.

In addition, the State Board requires that the following be considered:

1. The likelihood that the tract will be converted to a non-agricultural use.
- 1b. In order to determine the likelihood of conversion to nonagricultural use, the following factors shall be considered:
 - a. Development pressure.
 - b. Suitability of farmland tract for development due to soils, location and configuration.
 - c. Pre-existing perpetual restrictions against development.
 - d. Be consistent with U.C.A.L.P.B. planning map or township or County (as appropriate) comprehensive plan as desirable for agricultural use.
2. The applicant's stewardship of the land.

Union County has added the following requirements for participation in the program:

1. All easements purchased for perpetuity only.
2. Applicant must submit entire parcel or parcels as described by deed of the farm.
3. A non-refundable fee of \$50 is required for each completed application submitted which meets the criteria above.
4. If the County Board and applicant agree that an appraisal will be performed by the Board, the applicant will be required to submit a written request for an appraisal and pay the full cost of the appraisal, before an appraisal will be performed, which the County Board will hold in an escrow account. This fee will be refunded only if:
 - a. The County Board does not conduct an appraisal; or
 - b. The County Board conducts an appraisal but does not make an offer to purchase an easement; or
 - c. The County Board's final offer is less than the appraised value of the easement and such offer is refused by the applicant; or
 - d. The applicant sells an easement to the County and/or the Commonwealth.
5. If the County Board and applicant accept the appraisal and offer then a survey will be required on the property. The applicant will be required to pay the full cost of the survey, before the survey will be completed, which the County Board will hold in an escrow account. This fee will be refunded only if:
 - a. The County Board does not conduct a survey; or
 - b. The applicant sells an easement to the County and/or the Commonwealth.

Union County has adopted the following criteria for minimum eligibility to apply for “County Only Easements”:

1. The purchase of a county-only easement must be at least 10 acres in size or be adjoining an existing conservation easement. A tract must still meet the 50% harvested cropland, pasture, or grazing lands criteria.
2. All other State and County minimum eligibility requirements still apply.
3. The Union County Agland Preservation Board shall have full discretion for accepting and approving applications on a case by case basis on farms that utilize this criteria in order to apply for a “County Only Easement”.
4. Offers for purchase of a “County Only” easement will be based on funding availability and the “LESA” ranking values.

Union County has adopted the following criteria for minimum eligibility to apply for “Bargain Sale Easements”:

1. The purchase of a bargain sale easement must be at least 10 acres in size or be adjoining an existing conservation easement. A tract must still meet the 50% harvested cropland, pasture, or grazing lands criteria.
2. All other State and County minimum eligibility requirements still apply.
3. The Union County Agland Preservation Board shall have full discretion for accepting and approving applications on a case by case basis on farms that utilize this criteria in order to apply for a “Bargain Sale Easement”.

APPENDIX E

UNION COUNTY LAND PRESERVATION BOARD
PURCHASE OF CONSERVATION EASEMENTS
APPLICATION FORM
(revised 2011)

I. GENERAL INFORMATION:

Name of owners:	_____
Address:	_____

Telephone:	_____
Social Security:	_____
County:	_____
Township:	_____
Total Acreage of Tract:	_____
Total Acreage Offered:	_____

II. FARMLAND TRACT IDENTIFICATION:

Location of Farmland Tract:	_____

Deed Reference: Book	_____
Page	_____
Tax Map Numbers of Each Parcel:	_____

III. TOWNSHIP ASSISTED INFORMATION:

A. GENERAL

AGRICULTURAL SECURITY AREA (ASA)

Date Farm was Passed by the Township Supervisors for an ASA:_____

County Recorder of Deeds ASA Info: Record book #____, Page#____,

Date_____.

PROXIMITY OF TRACT TO UTILITIES (Measurement in miles from the closest point of the tract to the utility.)

Sewer:_____

Water:_____

- B. The applicant must provide a brief report using information provided by the township describing the development and/or land use surrounding the tract being offered.

IV. NATURAL RESOURCE AND CONSERVATION SERVICE (NRCS)

ASSISTED INFORMATION:

A. MAPS

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

1. Locational Map – A United States Geographical survey Topographical Map showing the location of the farmland tract.
2. Soils Map – The soils map of the farmland tract. (Union County Soil Survey)
3. Tax Map – A tax map of the property is available from the Union County Tax assessment office.

B. SOILS REPORT

The applicant is required to provide a soils report for the farmland tract being offered as part of this application process. Natural Resource Conservation Service (NRCS) can assist with this requirement.

C. AG E&S PLAN & MANURE MGMT PLAN

The applicant is required to have a current agricultural erosion & sedimentation control plan (a USDA Conservation plan may be acceptable) as well as a manure management plan.

Copy of plans must be submitted with application.

D. CAPABILITY CLASS AND USE OF LAND

CAPABILITY CLASS	ACRES OF CROPLAND, PASTURE, AND GRAZING	ACRES OF OTHER LAND
CLASS I		
CLASS II		
CLASS III		
CLASS IV		
OTHER		
TOTAL:		

This information can be obtained from and must be verified by the Natural Resources and Conservation Service Office. Be sure that the total acreage indicated, throughout section IV, equals the amount offered.

V. FARMING OPERATION:

A. CROP PRODUCTION INFORMATION

Commodity	Year	Acres Grown	Yields per Acre	Dollars per unit sold	Gross Receipts

Please date all your crop production information.

LIVESTOCK REPORT

Livestock	Year	Average Numbers	Product Sold	Dollars per Unit Sold	Gross Receipts

Livestock Report Examples are as follows:

If livestock is:

Dairy Cattle,	then the product sold would be:	Milk
Heifers		None or replacements
Beef		Feeders or fed steers
Chickens		Eggs or broilers
Hogs		Feeders or fed pigs

The amounts listed for gross receipts do not have to be exact, but must be a fairly accurate amount. If your farm is a crop farm, indicate that under table A with what crops were sold and a dollar amount.

B. GROSS ANNUAL RECEIPTS

Total Annual Gross Receipts \$_____

For year 20____

VI. HISTORICAL INFORMATION:

A. Is this farm a declared “Century Farm” or a declared “Historically Significant Farm” by the appropriate Federal/State Agency?

Yes_____ No_____

B. When was the last time this farm was subdivided or a “lot” was taken off of the farm? Date:_____

VII. OFFICIAL CONTACT:

Name, address and phone number of the contact person who will receive all correspondence and be contacted to view the operation:

VIII. SIGNATURE (s):

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

I, hereby, authorize the Conservation Plan preparer to release copies of the Conservation Plan and Nutrient Management Plan (Act 6, if applicable), to the County Agricultural Land Preservation Board and the Bureau of Farmland Preservation as required under Act 43 criteria for easement purchase.

Signed:_____ Date:_____

Signed:_____ Date:_____

Signed:_____ Date:_____

Signed:_____ Date:_____

PLEASE NOTE: ONLY COMPLETED APPLICATIONS WILL BE CONSIDERED

RETURN TO:

Union Co. Agland Preservation Board
c/o Union County Conservation District
155 North 15th Street, Lewisburg, PA 17837

A \$50.00 non-refundable application fee must be submitted with this document. (Make checks payable to Union County Ag Land Preservation)

Date Received:_____

File Number: _____

APPENDIX F

AGRICULTURAL CONSERVATION EASEMENT DEED REQUIREMENTS

Deed Clauses

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

I. A granting clause stating:

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

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

- A. Agriculture – During the term of the agricultural conservation easement conveyed herein, the subject land shall be used solely for the production for commercial purposes of crops, livestock or livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than fifty percent of such processed or merchandised products are produced on the subject land (hereinafter “agricultural production”). For purposes of this Deed, “crops, livestock and livestock products” include, but are not limited to:
1. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans;
 2. Fruits, including apples, peaches, grapes, cherries, and berries;
 3. Vegetables, including, tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms;
 4. Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers;
 5. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, furs;
 6. Timber, wood and other wood products derived from trees; and
 7. Aquatic plants and animals and their byproducts.
 8. Commercial equine activity including boarding of equine, training of equine, instruction of people in handling, driving or riding equines, use of equines for riding or driving purposes, pasturing equines all of where a fee is collected. THE TERM DOES NOT INCLUDE ACTIVITY LICENSED

UNDER THE ACT OF DECEMBER 17, 1981 (P.L.435, NO. 135), KNOWN AS THE “RACE HORSE INDUSTRY REFORM ACT.”

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

B. Construction of Additional Structures

The construction or use of any building or other structure on the subject land other than as existing on the date of the delivery of this Deed is prohibited except that:

1. The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.
2. The construction of one additional residential structure in addition to the structures existing on the restricted land at the date of the granting of the easement, one additional residential structure may be constructed on the restricted land in accordance with Section 404(A). A landowner must meet all of the following criteria in order to obtain approval;
 - a. The residential structure is constructed and use as the landowner’s residence or for an immediate family member or for the purpose of providing necessary housing for seasonal or full-time farm employees,
 - b. No other residential structure has been constructed on the restricted land at any time since the delivery of the Deed,
 - c. The residential structure and its curtilage occupy no more than two acres of the subject land, and
 - d. The location of the residential structure and its driveway will not significantly harm the economic viability of the subject land for agricultural production,
 - e. The location of the residential structure shall be sited in a manner that protects the prime, unique, and important soils to the greatest extent practicable,
 - f. The right to the additional residential structure has not been relinquished and extinguished by current or previous owner in accordance with subsection (c)(6)(iv) of the Act.
3. The construction or use of any building or other structure for agricultural production or a commercial equine activity is permitted.
4. The replacement of a residential structure existing on the date of the granting of the easement is permitted.

5. No more than ten percent (10%) of the total conservation easement area shall be covered by permanent buildings for any purpose. Temporary agricultural buildings that do not have permanent foundations will not be considered as permanent buildings. Impervious driveways and parking areas plus impervious livestock feed and waste storage and handling areas and their necessary structures, shall be included in the calculation of building coverage. Buildings and associated areas as listed above, which are present on the restricted land on the date of the granting of the conservation easement, shall be included in the calculation of building coverage. This restriction shall be subject to periodic review by the UCALPB Directors as needed to accommodate potential advances in agricultural production science and technology.
- C. Subdivision - The subject land may be subdivided if subdividing will not harm the economic viability of the subject land for agricultural production. If the subject land is subdivided, the Deeds to all of the subdivided parcels shall state on which of the subdivided parcels the residential structure permitted by this Deed may be constructed. Deeds to all other parcels shall recite that no additional residential structure is permitted. (See Appendix N for additional requirements)
- D. Utilities – The granting of rights of way by the Grantor, his heirs, executors, administrators, successors and assigns, or any person, partnership, corporation or other entity claiming title under or through Grantor in and through the subject land for the installation of, transportation of, or use of, lines for water, sewage, electric, telephone, coal by underground mining methods, gas, oil or oil products is permitted. The term “granting of rights-of-way” includes the right to construct or install such lines. The construction or installation of utility lines other than of the type stated in this paragraph is prohibited on the subject land.
- E. Mining – The granting of leases, assignments or other conveyances or the issuing of permits, licenses or other authorization for the exploration, development, storage or removal of coal by underground mining methods, oil and gas by the owner of the subject land or the owner of the underlying coal by underground mining methods, oil and gas, or the owner of the rights to develop the underlying coal by underground mining methods, oil and gas, or the development of appurtenant facilities related to the removal of coal by underground mining methods, oil and gas development or activities incident to the removal or development of such coal or gas are permitted.

F. Rural Enterprises – Customary part-time or off-season minor or rural enterprises and activities which are provided for in the County Agricultural Conservation Easement Purchase Program approved by the State Board are permitted. See appendix P for listing of approved enterprises. Note: Previous list appearing at this location has been revised and moved to appendix.

G. Soil and Water Conservation – All agricultural production on the subject land shall be conducted in accordance with a conservation plan approved by the County Conservation District or the County Board. Such a plan shall be updated every ten years and upon any change in the basic type of agricultural production being conducted on the subject land. In addition to the requirements established by the County Conservation District or the County Board, the conservation plan shall require that;

1. The use of the land for growing nursery stock, ornamental trees, and shrubs does not remove excessive soil from the subject land, and
2. The excavation of soil, sand, gravel, stone, or other materials for use in agricultural production on the land is conducted in a location and manner that preserves the viability of the subject land for agricultural production.

III. An enforcement clause stating that:

Annually, Grantee(s), its/their successor(s), assign(s) or designee(s) shall have the right to enter the subject land for the purpose of inspecting to determine whether the provisions of this Deed are being observed. Written notice of such annual inspection shall be sent via mail to the Grantor, his heirs, executors, administrators, successors or assigns at least ten days prior to such inspection. The annual inspection shall be conducted between the hours of 8:00 A.M. and 5:00 P.M. on a weekday that is not a legal holiday recognized by the Commonwealth of Pennsylvania or at a date and time agreeable to the county and the landowner.

Grantee(s), its/their successor(s), assign(s) or designee(s) shall also have the right to inspect the subject land at any time, without prior notice, if it/they has/have reasonable cause to believe the provisions of this Deed have been or are being violated.

Grantor acknowledges that any violation of the terms of this Deed shall entitle Grantee(s), its/their successor(s), assign(s) or designee(s) to obtain an injunction against such violation from a court of competent jurisdiction along with an order requiring Grantor, his heirs, executors, administrators, successors, or assigns to restore the subject land to the condition it was in prior to the violation, and recover any costs or damages incurred including reasonable attorney's fees. Such relief may be sought jointly, severally, or serially.

IV. A clause setting forth the duration of the easement in perpetuity. In Union County, all agricultural conservation easements will be perpetual.

V. A clause stating that:

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

VI. A clause setting forth the obligation of the Grantor upon conveyance of the farmland tract as follows (Change in Ownership Clause):

- A. A deed conveying an interest in the restricted land shall set forth the language of the easement restrictions verbatim.
- B. Within 30 days of a change in ownership of the restricted land, the prior owner shall notify the County Board and the Department of Agriculture 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 said person, together with the volume and page in which the transfer has been recorded by the Union County Recorder of Deeds.
- C. Whenever interest in land subject to an agricultural conservation easement is conveyed or transferred to another person, the deed conveying or transferring such interest shall recite in verbatim the language of the easement restrictions as set forth in the deed executed in connection with the purchase of the agricultural conservation easement.

VII. A habendum clause.

APPENDIX G –

Survey Requirements:

- (A) General Requirement. If a survey of land being considered for agricultural conservation easement purchase is required under 138e.67(d) (relating to requirements of the agricultural conservation easement deed) or is otherwise required to determine metes and bounds of any right-of-way or other interests in the land, the survey shall indicate that it has a closure error of not greater than 1 foot per 10,000 linear feet in the survey, and shall otherwise comply with the boundary survey measurement standards published 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.
- (B) Other requirements. A survey described in subsection (a) shall also contain the following:
- (1) A recordable legal description setting forth the metes, bounds, monumentation, exceptions, easements and rights-of-way with respect to the farmland tract or other subject of the survey.
 - (2) A copy of the final boundary survey in digital electronic 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. 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 two ground control points located sequentially along the boundary survey, with latitude and longitude expressed in decimal degrees with an accuracy of 6 recorded decimal places. These coordinates shall be based on the North American Datum of 1983 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 the distances and other annotations and symbols as maintained in the guidebook prepared by the Department in accordance with section 14.1(a)(3)(xv) of the act.
- (C) Monumentation. If a survey of land being considered for agricultural conservation easement purchase is required under 138e.67(d) or is otherwise required to determine metes and bounds of any right-of-way or other interests in the land, the surveyor shall establish monumentation for at least the two ground control points required under subsection (b)(3). This monumentation shall consist of permanent, concrete markers of substantial length and width containing ferrous or other materials detectable by an electromagnetic locator. The identity of the surveyor who places a monument shall be affixed or marked upon the monument such that it can be ascertained by inspection of the monument in the field.

APPENDIX H

UNION COUNTY, PENNSYLVANIA
LAND EVALUATION

LAND CAPAILITY CLASS, IMPORTANT FARMLAND STATUS, HIGH AND LOW PRODUCTIVITY INDEX FOR EACH VALUE GROUP:

Group number (1-15)	lcc (1-8)	Important farmland (p, s, l, or o)	low. prod. index (0-100)	high prod. index (0-100)
1	1	P	88	100
2	2e-3s	P	54	87
3	2e-3s	S	60	75
4	2e-3s	S	50	59
5	2e-3s	S	27	49
6	4e-4s	O	21	53
7	4e-6s	O	1	19
8	5w-8	O	0	0

AGRICULTURAL VALUE GROUPS:

Group Number 1 (Relative Value 100)

map syml	lc	soil name	slope	Nir yield	prd ind	I F	acres number	acres pct	yield acres
ana	1	allenwood	0- 3	135	100	1	520	.1	33,750
bb	1	barbour-li	0- 3	120	88	1	527	.3	63,240
lw	1	linden sil	0- 3	120	88	1	1,103	.5	132,360
wsa	1	wheeling s	0- 3	125	92	1	350	.2	43,750
TOTAL =							2,230	1.1	273,100

Weight Average Yield = 122.47

Adjusted Weighted Average Yield = 122.47

Group Number 2 (Relative Value 85)

map symbl	lc	soil name	slope	nir yield	prd ind	I F	acres number	acres pct	yield acres	adj yld
abb	2e	albrights	3- 8	83	61	1	1,724	0.8	172,400	83
aob	2e	allenwood	3- 8	118	87	1	6,591	3.2	889,785	118
beb	2e	bedington	3- 8	113	83	1	550	0.3	71,500	113
bub	2e	buchanan g	3- 8	83	61	1	511	0.3	51,100	83
edb	2e	edom compl	3- 8	113	83	1	9,517	4.7	1,237,210	113
esb	2e	elliber ch	3- 8	93	68	1	1,219	0.6	134,090	93
hab	2e	hagerstown	3- 8	118	87	1	2,689	1.3	363,015	118
htb	2e	hartleton	3- 8	83	61	1	1,605	0.8	160,500	83
kmb	2e	kreamer ch	3- 8	73	54	1	534	0.3	48,060	73
lab	2e	laidig gra	3- 8	83	61	1	101	0.0	10,100	83
lnb	2e	leck kill	3- 8	108	79	1	243	0.1	30,375	108
mkb	2e	meckesvill	3- 8	83	61	1	1,915	0.9	191,500	83
wab	2e	washington	3- 8	108	79	1	1,349	0.7	168,625	108
wsb	2e	wheeling s	3- 8	108	79	1	1,289	0.6	161,125	108
wbb	2e	watson sil	3- 8	83	61	1	2,324	1.1	232,400	83
ba	2w	barbour so	0- 3	100	74	1	276	.1	30,360	100
bc	2w	basher soi	0- 3	110	81	1	586	.3	70,320	110
moa	2w	monongahel	0- 3	100	74	1	877	.4	96,470	100
wba	2w	watson sil	0- 3	90	66	1	922	.5	92,200	90
etb	3s	elliber ve	3- 8	83	61	1	457	.2	45,700	83
TOTAL =							35,279	17.3	4,256,835	

Weighted Average Yield = 120.66

Adjusted Weighted Average Yield = 104.19

Group Number 3 (Relative Value 79)

map symbl	lc	soil name	slope	nir yield	prd ind	I F	acres number	acres pct	yield acres	adj yld
mob	2e	monongahel	3- 8	83	61	s	1,035	0.5	103,500	83
aoc	3e	allenwood	8-15	102	75	s	2,087	1.0	260,875	102
bec	3e	bedington	8-15	97	71	s	,440	0.2	52,800	97
edc	3e	edom compl	8-15	97	71	s	8,684	4.3	1,042,080	97
esc	3e	elliber ch	8-15	82	60	s	766	0.4	80,430	82
hac	3e	hagerstown	8-15	102	75	s	1,688	0.8	211,000	102
lnc	3e	leck kill	8-15	97	71	s	183	0.1	21,960	97
wsc	3e	wheeling s	8-15	92	68	s	143	0.1	16,445	92
bd	3w	basher soi	0- 3	99	73	s	2,167	1.1	260,040	99
TOTAL =							17,193	8.4	2,049,130	

Weighted Average Yield = 119.18

Adjusted Weighted Average Yield = 69.80

Group Number 4 (Relative Value 60)

map symbl	lc	soil name	slope	Nir yield	prd ind	I F	acres number	acres pct	yield acres	adj yld
bkb	2e	berks shal	3- 8	68	50	s	2,261	1.1	192,185	68
htc	3e	hartleton	8-15	72	53	s	1,472	0.7	139,840	72
lac	3e	laidig gra	8-15	72	53	s	409	0.2	38,855	72
mkc	3e	meckesvill	8-15	72	53	s	724	0.4	68,780	72
wyb	3s	wyoming gr	3- 8	73	54	s	93	0.0	8,370	73
ara	3w	alvira sil	0- 3	74	54	s	1,429	0.7	135,755	74
arb	3w	alvira sil	3- 8	74	54	s	2,149	1.1	204,155	74
hz	3w	holly silt	0- 3	79	58	s	1,863	0.9	186,300	79
TOTAL =							10,400	5.1	974,240	

Weighted Average Yield = 93.68

Adjusted Weighted Average Yield = 73.08

Group Number 5 (Relative Value 42)

map symbl	lc	soil name	slope	nir yield	prd ind	I F	acres number	acres pct	yield acres	adj yld
cab	2e	calvin-kli	3- 8	58	42	s	2,267	1.1	170,025	58
arc	3e	alvira sil	8-15	67	49	s	65	0.0	5,850	67
cac	3e	calvin-kli	8-15	47	34	s	3,011	1.5	210,770	47
apb	3e	opequon si	3- 8	62	45	s	330	0.2	28,050	62
web	3e	weikert sh	3- 8	37	27	s	1,687	0.8	101,220	37
bkc	3e	berks shal	8-15	52	38	s	2,934	1.4	220,050	52
wbc	3e	watson sil	8-15	67	49	s	158	0.1	14,220	67
evb	3w	evendale c	3- 8	64	47	s	1,252	0.6	106,420	64
TOTAL =							11,704	5.7	856,605	

Weighted Average Yield = 73.19

Adjusted Weighted Average Yield = 51.57

Group Number 6 (Relative Value 39)

map symbl	lc	soil name	Slope	nir yield	prd ind	I F	acres number	acres pct	yield acres	adj yld
and	4e	allenwood	15-25	72	53	0	194	0.1	21,340	72
edd	4e	edom compl	15-25	67	49	0	3,639	1.8	382,095	67
esd	4e	elliber ch	15-25	62	45	0	111	0.1	11,100	62
had	4e	hagerstown	15-25	72	53	0	284	0.1	31,240	72
htd	4e	hartleton	15-25	47	34	0	683	0.3	58,055	47
mkd	4e	meckesvill	15-25	47	34	0	95	0.0	8,075	47
bkd	4e	berks shal	15-25	32	23	0	2,069	1.0	144,830	32
opd	4e	opequon si	8-25	37	27	0	531	0.3	39,825	37
etc	4s	elliber ve	8-15	72	53	0	631	0.3	59,945	72
hv	4w	holly silt	0- 3	35	25	0	5,218	2.6	365,260	35
sha	4w	shelmadine	0- 3	50	37	0	1,783	0.9	151,555	50
shb	4w	shelmadine	3- 8	50	37	0	2,451	1.2	208,335	50
TOTAL =							17,689	8.7	1,481,655	

Weighted Average Yield = 83.76

Adjusted Weighed Average Yield = 47.90

Group Number 7 (Relative Value 14)

map symbl	lc	soil name	Slope	nir yield	prd ind	I F	acres number	acres pct	yield acres	adj yld
cad	4e	calvin-kli	15-25	27	19	0	1,346	0.7	87,490	27
wec	4e	weikert sh	8-15	17	12	0	2,350	1.2	129,250	17
wed	6e	weikert sh	15-25	12	8	0	2,157	1.1	107,850	12
TOTAL =							5,853	2.9	324,590	

Weighted Average Yield = 55.46

Adjusted Weighed Average Yield = 17.46

Group Number 8 (Relative Value 0)

map syml	lc	soil name	Slope	Nir yield	prd ind	I F	acres number	acres pct	yield acres	adj yld
hy	5	w holly silt	0-3			0 0	166	0.1	0	
bx	6	s buchanan v	3-8			0 0	5,899	2.9	0	
bxd	6	s buchanan v	8-15			0 0	5,454	2.7	0	
deb	6	s dekalb ext	3-8			0 0	1,911	0.9	0	
ded	6	s dekalb ext	8-25			0 0	2,851	1.4	0	
etd	6	s elliber ve	15-25			0 0	469	0.2	0	
hub	6	s hazleton a	0-8			0 0	3,164	1.6	0	
ltc	6	s leetonia e	8-15			0 0	655	0.3	0	
uob	6	s ungers ver	3-8			0 0	2,392	1.2	0	
uod	6	s ungers ver	8-15			0 0	3,653	1.8	0	
uoe	6	s ungers ver	25-50			0 0	6,736	3.3	0	
ope	7	e opequon si	25-50			0 0	407	0.2	0	
wke	7	e weikert an	25-75			0 0	7,762	3.8	0	
def	7	s dekalb ext	25-80			0 0	13,778	6.8	0	
etf	7	s elliber ve	25-75			0 0	63	0.0	0	
hud	7	s hazleton a	8-25			0 0	3,231	1.6	0	
huf	7	s hazleton a	25-80			0 0	7,686	3.8	0	
lbb	7	s laidig ext	0-8			0 0	2,854	1.4	0	
ldd	7	s laidig and	8-15			0 0	12,822	6.3	0	
ldf	7	s laidig and	25-45			0 0	9,283	4.6	0	
smb	7	s shelmadine	0-8			0 0	2,009	1.0	0	
dy	8	dystrochre	-			0 0	7,197	3.5	0	
pa	8	pits	-			0 0	35	0.0	0	
qu	8	quarries	-			0 0	119	0.1	0	
Ru	8	rubble lan	-			0 0	371	0.2	0	
ug	8	udifluent	-			0 0	2,685	1.3	0	
TOTAL =							103652	50.8	0	

Weighted Average Yield = 0.00

Adjusted Weighed Average Yield = 0.00

APPENDIX I

TOTAL ACREAGE, PERCENTAGE OF COUNTY LAND AREA, AND RELATIVE VALUE OF AGRICULTURAL VALUE GROUPS:

group	lcc	important farmland	potential or productivity	%	total %	acres	relative value
1	1	prime	88-100	1.1	1.1	2,230	100
2	2e-3s	prime	54-67	17.3	18.4	35,279	85
3	2e-3s	state	60-75	8.4	26.8	17,193	79
4	2e-3s	state	50-58	5.1	31.9	10,400	60
5	2e-3s	state	27-49	5.7	37.6	11,704	42
6	4e-4s	other	23-53	8.7	46.3	17,689	39
7	4e-6s	other	8-19	2.9	49.2	5,853	14
8	5w-8	other	-----	50.8	100.0	103,652	0

APPENDIX J

ANNUAL WORK PLAN

The schedule of County Board meetings will be determined during the Annual Reorganization meeting by the County Board.

The County Program will be publicized by distributing informational brochures and press releases, doing presentations, and holding public meetings.

Union County ALPB meetings will be subject to the PA Sunshine Act and the Act of June 21, 1957 known as the Right-To-Know Law, relating to the review and copying of public records.

<u>MONTH</u>	<u>TASKS</u>
January	<ul style="list-style-type: none"> - At least biennial acceptance of easement applications. - Continue public information campaign.
February	<ul style="list-style-type: none"> - Review and rank easement applications.
March – April	<ul style="list-style-type: none"> - Arrange for Appraisals. - Negotiations with applicants. - Prepare documentation for county approved purchases
May	<ul style="list-style-type: none"> - Ongoing work.
June	<ul style="list-style-type: none"> - June 1st – decide whether to hold second round of applications. - Continue with appraisals, negotiations and documentation work.
July	<ul style="list-style-type: none"> - Continue with appraisals, negotiations and documentation work. - Process second round of applications, if needed. - July 30th – Closing deadline for second round, if necessary.
August	<ul style="list-style-type: none"> - Begin Settlement with first round applicants.
September	<ul style="list-style-type: none"> - Continue settlement with first round applicants. - Begin settlement with second round applicants.
October	<ul style="list-style-type: none"> - Complete settlement for all signups for that year.
November and December	<ul style="list-style-type: none"> - Hold public information meetings.

APPENDIX K

FARMLAND APPRAISAL PROCEDURE

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

I. Appraisal

1. All appraisals shall be conducted in accordance with the Act and its attendant regulations and guidelines.
2. An offer to purchase easements shall be based upon one or more appraisal reports which estimate both the market value and the farmland value of the farmland tract.
3. An appraisal shall be based primarily on an analysis of comparable sales.
4. The value of a building or other improvement on the farmland tract may not be considered in determining the easement value. The value of the building or other improvement shall appear separately in the appraisal report.
5. The appraiser shall be:
 - a. A Pennsylvania State Certified General Real Estate appraiser in accordance with the standards set forth in Act 43 and any future revisions and regulations thereof (§ 14.1(f) and (f)(3)). An appraiser shall be selected on the basis of experience, expertise and professional designation.
6. The appraiser shall supply a narrative report which contains the following information and is in the following format:

(1) Introduction

- (i) Letter of Transmittal
- (ii) Table of Contents
- (iii) Certificate of Value
- (iv) Summary of Salient Facts and Conclusions
- (v) Purpose of the Appraisal
- (vi) Easement Value Definition

(2) Description of Property

- (i) Area or Neighborhood Description
- (ii) Description of Appraised Property
 - (A) Legal Description
 - (B) Property Data and Zoning
 - (C) Description of Improvements
 - (D) Photos of Subject Property
 - (E) Tax Map of Subject Property, with the following indicated; acreage of properties adjoining the subject property, the names of all adjoining property owners, and deed references.
 - (F) Sketch of Subject Property
 - (G) Location Map
 - (H) Soils Map

(3) Analyses and Conclusions

- (i) Analysis of Highest and Best Use
- (ii) Valuation Methodology: Market Value
 - (A) Comparable Sales Data
 - (B) Adjustment Grid
 - (C) Locational Map of Comparable Sales
- (iii) Market Value Estimate
- (iv) Valuation Methodology: Farmland Value
 - (A) Comparable Sales Data
 - (B) Locational Map of Comparable Sales
- (v) Farmland Value
- (vi) Value of Improvements
- (vii) Easement Value
- (viii) Professional Qualifications of the Appraiser

7. The Appraiser shall supply information concerning comparable sales as follows:

- a. At least four comparable sales shall be use for appraisal. If the appraiser cannot obtain sufficient comparable sales data within the same municipality as the subject farmland tract, the appraiser may use comparable sales from other municipalities within the county, 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.
- b. 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, road frontage in feet, and estimate of the range of slope, soil series and other relevant information. The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract.
- c. 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.
- d. For comparable sale 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 that land valuable only for agricultural use. Data may also be gathered from farm real estate markets where farms have no apparent developmental value.
- e. 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.
- f. The appraiser shall report whether the farmland tract has any public or private land use restrictions, or is within a floodplain, or has any other physical attributes which limit its developmental capability.
- g. The appraiser shall provide at least one original and two copies of each report to the County Board. The original of each report and all copies shall be bound with rigid covers.

II. Procedure for determining the Easement Value if the Applicant Retains an Independent Appraiser

1. The applicant may, at the applicant's expense, retain another independent licensed real estate appraiser to determine easement value. The appraiser shall be qualified and the appraisal must be completed in accordance with the above guidelines. The appraisal shall be completed within 120 days of the County's offer. Upon completion, three copies of the applicant's appraisal report shall be submitted to the County Board. A decision to obtain an independent appraisal under his 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 in accordance with this section.
2. If the applicant retains an independent appraiser, the easement value shall be the difference between the agricultural value and the nonagricultural value, determined as follows:
 - a. The agricultural value shall equal the sum of:
 - i. The farmland value determined by the applicant's appraiser; and
 - ii. One half of the difference between the farmland value determined by the County Board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the County Board's appraiser exceeds the farmland value determined by the applicant's appraiser.
 - b. The nonagricultural value shall equal the sum of:
 - i. The market value determined by the County Board's appraiser; and
 - ii. One-half of the difference between 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.
3. Within 30 days of receipt of the applicants appraisal, the County Board shall: (Please refer to Section 138e.65 of state regulations)

APPENDIX L

DOCUMENTATION REQUIREMENTS PENNSYLVANIA AGRICULTURAL LAND PRESERVATION BOARD

- I. Requirements of the Agricultural Easement Deed
 1. All owners of the subject farmland tract shall execute a deed conveying the easement which deed shall include the provisions of Appendix F.
 2. The deed shall be in recordable form and contain:
 - a. An accurate legal description setting forth the metes and bounds of the farmland tract subject to the easement.
 - b. At least one course and distance referencing a fixed marker or monument of a type commonly placed in the field by a surveyor.
 3. The legal description shall not contain a closure error greater than one foot per 200 linear feet in the survey.
 4. 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 of paragraphs 2 and 3. A survey required by the provisions of this paragraph must comply with the boundary survey measurement standards listed in Appendix G.
 5. For purchases made entirely with State funds, the Commonwealth shall be the sole grantee.
 6. 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.
 - a. Neither the Commonwealth nor the county may sell, convey, extinguish, lease, encumber, restrict or otherwise dispose of their interest in the easement without the consent of the other.
 - b. Upon the sale, conveyance, extinguishment, lease, encumbrance or other disposition of the easement, the Commonwealth and the county shall receive a prorated share of the proceeds based upon their respective contributions to the purchase price

7. A copy of the deed shall be submitted to the State Board for approval prior to execution and delivery.

II. Title Insurance

1. The County Board shall provide a title report to the State Board upon submission of its recommendation for the purchase of an easement.
2. At settlement, the County Board shall provide a title insurance policy issued by a title insurance company authorized to conduct business in the Commonwealth of Pennsylvania by the Pennsylvania Department of Insurance. The cost of such title insurance shall be a cost incident to the easement purchase payable or reimbursable from a county's allocation under the act.

III. Statement of Costs

1. For purposes of Section 14.1(h)(6) of the Act (3 P.S. Section 914.1(h)(6)), the County Board shall submit a statement of the costs incident to the purchase of the easement to the State Board, which may include:
 - a. Easement purchase price.
 - b. County appraisal costs.
 - c. Necessary legal fees for title search, preparation of documents, and attendance at closing.
 - d. Recording fees.
 - e. Survey costs.
 - f. Reimbursements to a nonprofit land conservation organization that has acquired an easement at the request of the County Board, for the purpose of transferring the easement to the county or the Commonwealth or both. These costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees, and survey costs.
2. 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.

3. After settlement, the County Board shall submit a revised statement of costs in the event that actual costs were greater or less than the costs estimated in the initial statement of costs.

IV. Summary Report

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

1. Description of the farm, including the name, location, number of acres, and type of farm.
2. Quality of farmland tract, including soil classification, yields and gross income from product sales.
3. The manner in which preservation will contribute to the agricultural productivity of the county.
4. Likelihood of conversion to other uses if the easement is not purchased. Discussion of the nature and scope of developmental pressure in the municipality or area.
5. The nature and scope of conservation practices and best land management practices.
6. Discussion of the purchase price summarizing the appraisals including the agricultural and nonagricultural value and negotiations for purchase.
7. Statement of costs as described in Section 138e.68 (relating to statement of costs).
8. Certification by the County Board that the information presented to the State Board is true and correct.
9. An appendix which shall include:
 - a. An application form.
 - b. Locational Maps.
 - c. A soils report.
 - d. A crop report.

- e. An evaluation of the ranking worksheet.
- f. A subordination, release, or letter approving purchase from any mortgages, lienholder, or owner of rights in surface mineable coal.
- g. Other relevant documents and information

APPENDIX M-PLANNING MAP

APPENDIX N

SUBDIVISION

1. Authority – Authority for the provisions and requirement of this article are granted by the Agricultural Area Security Law (3 P.S. Section 901-915) as amended.
2. Definitions – Unless otherwise and expressly states the following definitions apply to words, terms and phrases used in this article.

Act, The – The Agricultural Area Security Law (3 P.S. Section 901-915) as amended.

County Board – The Union County Agricultural Land Preservation Board, its officers or others authorized to act on the behalf of the board.

District – The Union County Conservation District.

Eased – Protected against uses other than agriculture through the purchase of a conservation easement.

Economic Viability of Farmland for Agriculture 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.

Harm the Economic Viability of the Farmland for Agricultural Production – To cause a particular tract restricted land to fail to meet the criteria set forth at Section 139e16(a) (2), (3), (4) and 5 (relating to minimum criteria for applications) of this chapter, or to create, through subdivision, a tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner’s principal residence or housing for seasonal or full-time employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P.S. Section 914.1(c)(6)(i)), that would fail to meet the afore described criteria.

Land Development – Either of the following activities:

- a. The improvement of one lot or two or more continuous lots, tracts or parcels of land for any purpose involving a group of two or more residential buildings, whether proposed initially or cumulatively; or
- b. A subdivision of land.

Land which has been devoted primarily to agricultural use – That acreage which is a part of restricted land is harvested cropland, grazing or pasture land, land used for the production of lumber 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 two acres or less designated as the site upon which the landowner's principal residence or housing for seasonal or full-time employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P. S. Section 914.1(c)(6)(iv))

Parcel – All land defined by a single tax parcel number.

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

State Board – The Pennsylvania State Agricultural Land Preservation Board.

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 divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership of building or lot development.

Utility – Any surface, subsurface or aerial transmission of medium for electricity, oil, gas, water, sewage

3. Construction of One additional Residential Structure

- a. General – In addition to structures existing on the restricted land at the date of the granting of the easement, one additional residential structure may be constructed on the restricted land in accordance with Section 404(A). A landowner must meet all of the following criteria in order to obtain approval:
 - i. The residential structure is constructed and used as the landowner's residence or for an immediate family member or for the purpose of providing necessary housing for seasonal or full-time farm employees.

- ii. No other residential structure has been constructed on the eased land, under authority of Section 14.1(c)(6)(iv) of the Act and this section, after the date of the granting of the easement.
 - iii. The residential structure and its curtilage occupy no more than two acres of the eased land.
 - iv. The location of the residential structure and its driveway will not harm the economic viability of the preserved farm for agricultural production.
 - v. The location of the residential structure shall be sited in a manner that protects the prime, unique and important soils to the greatest extent practicable.
 - vi. The right to the additional residential structure has not been relinquished and extinguished by current or previous owner in accordance with subsection (c)(6)(iv) of the Act.
- b. Replacement of Structures – The replacement of a residential structure constructed under the authority of Section 14.1(c)(6)(iv) of the Act and this Section is permitted. However, the preexisting residential structure must be razed or removed within 6 months of the issuance of the occupancy permit for the new structure. The replacement residential structure must be within the curtilage of the residential structure it is replacing.
- c. Reservation of Right to Construct After Subdivision – If the eased land is subdivided prior to the construction of a residential structure under the authority of Section 14.1(c)(6)(iv) of the Act and this section, the landowner shall do the following:
 - i. Inform the County Board of the specific subdivided tract upon which the right to construct and use such a residential structure is reserved.
 - ii. Ensure that the deed to the subdivided tract upon which the right to construct and use such a residential structure is reserved clearly sets forth the reservation of this right.
 - iii. Ensure that all deeds to remaining subdivided tracts recite that no such residential structure may be constructed on such remaining subdivided tracts.

C. Subdivision of Restricted Land (No Subdivision Option)

1. General – Land subject to an agricultural conservation easement may be subdivided, provided the owner or owners (applicant) meet the criteria contained in the county program. Any and all expenses incurred in connection with a request for subdivision shall be the sole responsibility of the applicant. The burden of proof that any proposed subdivision of land subject to an agricultural conservation easement conforms to and complies with the act, the regulations, and the board’s program guidelines shall rest with the applicant.
2. Requirement of allow subdivision of land. A county program must allow subdivision of restricted land if subdivision is for a residence for the landowner, an immediate family member, or an employee, unless the right to the residence has been relinquished and extinguished in accordance with Section (c)(6)(iv) of the Act. The right includes both construction of the additional residential structure or subdivision of the existing residential structure and is limited to two acres or less.
3. Discretion to allow subdivision. The Union County Program may allow the subdivision of restricted land, and may place restrictions or conditions upon subdivision.
4. Requisite: Preservation of economic vitality for agricultural production. Section 405(C). notwithstanding, a county program shall not permit a subdivision which would harm the economic viability of the farmland tract for agricultural production.
5. Requisite: Preservation of conversion to non-agricultural use: exception. Section 405(C). notwithstanding, a county program shall not permit a subdivision which would convert land which has been devoted primarily to agricultural use to another primary use except that, without regard to this requirement, a county program may permit one tract to be created by subdivision for the purpose a principal residence for the landowner or an immediate family member or an employee of the farm
6. The prohibitions, restrictions and conditions of subdivision of eased land as set forth in subsection d of this section shall be recited verbatim in the deed for all subdivided and remaining parcels.
7. All costs associated with subdivision shall be the responsibility of the landowner.
8. Nothing in this subdivision regulation shall relieve the landowner of any local, county, state or federal regulations, procedures or requirements necessary for the subdivision of land.

9. Notice to landowner. A county board shall do at least one of the following:
 - a) File its county program, or that portion setting forth any prohibitions or restrictions with respect to subdivision of restricted land, at the Office of Recorder of Deeds for that county, and reference the place of filing of these prohibitions or restrictions in the deed of agricultural conservation easement.
 - b) Recite the prohibitions or restrictions with respect to subdivision verbatim in the deed of agricultural conservation easement.

Appendix O:

Local Government Unit Participation

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

1. The local government unit, in conjunction with a county board, may participate with the State Board in the purchase of agricultural conservation easements.
2. The local government unit shall recommend to the county board the purchase of agricultural conservation easements by the eligible county and the local government unit as joint ownership.
3. The local government unit shall recommend to the county board the purchase of agricultural conservation easements by the local government unit and the Commonwealth as joint ownership.
4. The local government unit may purchase an agricultural conservation easement, provided that all of the following apply:
 - i. The agricultural conservation easement is located within an agricultural security area of at least 500 acres or the easement purchased is a joint purchase with either a county or both a county and the Commonwealth pursuant to the criteria set forth for the purchase of agricultural conservation easements crossing local government unit boundaries and crossing county boundaries including any portion of an agricultural conservation easement extending into an adjoining county.
 - ii. The deed of agricultural conservation easement is at least as restrictive as the deed of agricultural conservation easement prescribed by the State board for agricultural conservation easements purchased by the Commonwealth.
 - iii. The local government unit shall participate with the county board in complying with paragraph (5) for recording any agricultural conservation easement purchased by the local government unit.
5. 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.

6. The easement shall be recorded by the county board in the office of the recorder of deeds of the county wherein the agricultural conservation easements are located. The county board shall submit to the State Board a certified copy of the agricultural conservation 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.
7. The local government unit may incur debt pursuant to 53 PA C.S. Pt. VII Supbt.B (relating to indebtedness and borrowing) for the purchase of agricultural conservation easement.

Appendix P: Rural Enterprises

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

Directly associated uses are defined as customary, supportive and agriculturally compatible uses of farm properties in Union County, Pennsylvania, and are limited to the following:

1. The direct sale to the public of agricultural products produced principally on the farm.
2. Any and all structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm;
3. Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel, and fossil fuel systems and structures and facilities for the storage and treatment of animal waste.
4. The provision of services or production and sale, principally by persons in residence, of 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 or adjoining residential and/or principally agricultural structures of the Property; limited in site coverage to one percent (1%) or maximum 2 acres of the property.
5. Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation including but not limited to wetland development or restoration, wildlife wetland habitat management, wildlife upland habitat management and riparian forest buffer resources management systems used for erosion and sediment control and water quality improvement.
6. The accommodation of tourists and visitors within principally residential and/or agricultural structures of the farm property so long as this use is incidental to the agricultural and open space character of the property.
7. Other similar uses considered upon request to the Union County Agricultural Land Preservation Board must be approved by the State Agricultural Land Preservation Board.

Appendix Q: Policy & Procedures of Union County Agland Preservation Board

1. The Union County Agland Preservation Program will use 100% of the Clean and Green Rollback Tax Interest funds for easement purchases.

Appendix R – Land Trust Reimbursement Program

The Union County Agland Preservation Board will follow the provisions of Act 46 of 2006 regarding reimbursement of Land Trusts.

How an entity becomes registered with the State board for reimbursement purposes:

1. Send a letter of request to the Bureau of Farmland Preservation stating the organization's desire to be registered with the State Agricultural Land Preservation Board for the purpose of receiving reimbursement grants under the program;
2. The letter is to be signed by the president or other appropriate officer of the land trust;
3. Enclose a copy of the land trust's Section 501 (c)(3) tax-exempt certification as issued by the Internal Revenue Service and any other documentation necessary to demonstrate that the land trust has the acquisition of agricultural conservation easements or other conservation easements as part of its stated purposes; and
4. Include a letter from the Director or Chairperson of the County Agricultural Land Preservation Board in which the land is located indicating that the land trust coordinates its farmland preservation activities with those of the County Board.

Appendix S – Commercial Equine Activity Amendment

UNION COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM AMENDMENT

In accordance with the regulations at 7 PA Code § 138e.43 (relating to revision of county programs), the county board, hereby, revises the County Agricultural Land Preservation Program in compliance with Act 61 of 2005 amendments of the Agricultural Area Security Law, Act 43 to take affect for the 2006 applicants. This Act is retroactive and applies to easements executed after June 29, 1981. The revisions to the county program are described by section.

DEFINITIONS

Commercial Equine Activity

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

Agricultural Security Areas

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

COUNTY PROGRAM

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

RESTRICTIONS AND LIMITATIONS

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

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

AMENDMENT OR ADDITION OF SECTION

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