

**BEAVER COUNTY  
 AGRICULTURAL LAND PRESERVATION BOARD  
 AGRICULTURAL CONSERVATION EASEMENT PROGRAM  
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## **ADVISORY AGENCIES**

Beaver County Board of Commissioners  
Beaver County Conservation District  
Natural Resources Conservation Service (NRCS)  
Beaver County Office of Planning and Redevelopment  
Beaver County Penn State Cooperative Extension  
Farm Service Agency (FSA)  
Beaver County Corporation for Economic Development  
Beaver County Assessment Office  
Beaver County Recorder of Deeds

## INTRODUCTION

The Pennsylvania Department of Agriculture's Bureau of Farmland Preservation exists to ensure Pennsylvania's number one economic enterprise – agriculture – continues to thrive by administering programs that keep prime agricultural lands available for production agriculture in perpetuity. The Bureau provides administrative and technical support to all of the County Farmland Preservation programs and oversees the distribution of funds set aside for preservation purposes.

Beaver County is conveniently located along the Pennsylvania-Ohio-West Virginia border and adjacent to Allegheny County, 30 miles from Pittsburgh. This location, plus increasingly easy access via highway, is creating a strong pressure on rural land for residential use. And often times, the best farmland is also the most desirable residential land. Farmers occasionally find their operations to be in conflict with their residential neighbors who object to dust, odors, noise, perceived poisonous chemicals, and other factors resulting from normal farm operations. The above, plus a concern for preserving green space, the farm economy, and prime land for food production, are the reasons the Beaver County Board of Commissioners adopted an Agricultural Land Preservation Program.

Agriculture has historically been an important part of Beaver County with approximately 21 million dollars in annual sales. A large portion of that amount stays in the area and is paid out by the farmer for goods and services for his farm and household.

To preserve this economic and cultural asset the Pennsylvania's Government encourages County Governments to purchase Agricultural Conservation Easements from farmland owners which is the right to sell or use their land for any purpose other than agricultural production. This program will be overseen by the Beaver County Agricultural Land Preservation Board. This nine (9) member Board, appointed by the Board of Commissioners by Resolution 062995-24 on June 29, 1995, is chosen to represent agriculture, government, business, and citizens. The County Board, in cooperation with the County, Local and State Governments, will oversee and promote the purchase of these "Development Rights" to insure that future generations will have sufficient farmland for the production of agricultural products, and engage in other activities that will facilitate the use and preservation of prime farmland.

The total area of Beaver County is 284,160 acres or 444 square miles. Of this, 55,795 acres or 87 sq. miles is farmland comprised of 646 farms. The average farm size is 86 acres. As of September 1, 2017, the County Board had preserved 2933 acres on 27 farms.

RESOLUTION NO. 062995-24

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BEAVER IN THE COMMONWEALTH OF PENNSYLVANIA, APPROVING THE PARTICIPATION IN THE FARMLAND PRESERVATION PROGRAM AND ESTABLISHING A BEAVER COUNTY AGRICULTURAL LAND PRESERVATION BOARD; AUTHORIZING THE BOARD OF COMMISSIONERS, FOR AND IN BEHALF OF THE COUNTY OF BEAVER, TO EXECUTE FOUR DUPLICATE COUNTERPARTS OF THE INSTANT RESOLUTION AND DIRECTING THE CHIEF CLERK TO ATTEST THE DUE EXECUTION THEREOF AND TO AFFIX THE SEAL OF THE COUNTY OF BEAVER THERETO; AUTHORIZING THE PROPER DELIVERY OF SAID AGREEMENT.

WHEREAS, the Agricultural Area Security Law of June 20, 1981, (P.L. 128 Number 43) as amended by Act 149 of 1988 and Act 96 of 1994, provides funds for the purchase of agricultural conservation easements of farmlands for the purpose of preserving the farmlands of the Commonwealth; and

WHEREAS, participation in the Farmland Preservation Program requires the formation of a Beaver County Agricultural Land Preservation Board; and

WHEREAS, within the County of Beaver a loss of farmlands is occurring; and

WHEREAS, it is deemed to be in the best interest of the citizens of the County of Beaver to preserve and maintain open space and agricultural land.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Beaver, a fourth class county under the laws of the Commonwealth of Pennsylvania, AND IT IS HEREBY RESOLVED:

1. A County Board of nine (9) members shall be formed to administer the Program of Act 43 of 1981 as amended: with such Board being known as the Beaver County Agricultural Land Preservation Board.

2. Members of the Board shall be appointed as follows:
  - a. Four members shall be active resident farmers of the County and shall serve initial terms of three years.
  - b. One member of the County Board shall be a current member of the governing body of a Township or Borough located within the County and shall serve an initial term of two years.
  - c. One member of the County Board shall be a commercial, industrial, or residential contractor and shall serve an initial term of one year.
  - d. Three at-large members of the County Board shall serve initial terms of one year.
  - e. Upon expiration of the initial terms set forth above, all terms of members shall be three years.
  - f. Members of the County Board shall be appointed by the Board of County Commissioners.
3. Annually, the Chairman of the Beaver County Commissioners shall designate one member of the Agricultural Land Preservation Board to act as Chairman of the Board.
4. The duties and responsibilities of the Beaver County Agricultural Land Preservation Board shall be to administer the Agricultural Area Security Law of 1981, as amended, in accordance with the policies established by the State Agricultural Land Preservation Board.

Adopted this 29<sup>th</sup> day of June, 1995.

BOARD OF COMMISSIONERS OF  
THE COUNTY OF BEAVER

(SEAL)

ATTEST:

Chief Clerk

Robert G. Cyphert

Approved as to Legal Form:

Michael B. Jones  
County Solicitor's Office

James Albert

James Albert, Chairman

John A. Antoline

John A. Antoline

Roger L. Javers  
Roger L. Javers

# BEAVER COUNTY AGRICULTURAL LAND PRESERVATION BOARD

**COUNTY: BEAVER**

**NO. OF MEMBERS: 9**

1. **Name:** Joseph E. Petrella, Jr.  
**Address:** 4475 Tuscarawas Road  
Beaver, Pa. 15009  
**Phone No.:** 724-495-7417  
**Occupation:** Retired Airline Employee;  
Farmer  
**Term Exp:** August 16, 2019  
**Board Office:** Chairman
2. **Name:** Jim Spiker  
**Address:** 603 North Camp Run Road  
Fombell, Pa. 16123  
**Phone No.:** 724-758-6943  
**Occupation:** Owner/Operator of  
Spiker Contracting  
**Term Exp:** August 16, 2020  
**Board Office:** Vice-Chairman
3. **Name:** Marjorie White  
**Address:** 475 Deer Lane  
Rochester, Pa. 15074  
**Phone No.:** 724-601-5570  
**Occupation:** Rochester Councilwoman  
**Term Exp:** August 16, 2018  
**Board Office:** Secretary
4. **Name:** Rebecca Puhac  
**Address:** 385 Murdocksville Road  
Clinton, Pa. 15026  
**Phone No.:** 412-390-7260  
**Occupation:** Attorney  
**Term Exp:** August 16, 2020
5. **Name:** Barbara Jones  
**Address:** 900 Darlington Road  
Beaver, Pa. 15009  
**Phone No.:** 412-812-1378  
**Occupation:** Homemaker/ Dog Breeder  
**Term Exp:** August 16, 2020
6. **Name:** William Nelson  
**Address:** 641 State Route 168  
Darlington, Pa. 16115  
**Phone No.:** 724-312-4849  
**Occupation:** Retired Laborer  
**Term Exp:** August 16, 2020
7. **Name:** Farin Weltner  
**Address:** 131 Gas Valley Road  
Georgetown, Pa. 15043  
**Phone No.:** 724-573-9397  
**Occupation:** Full Time Farmer  
**Term Exp:** August 16, 2019
8. **Name:** William Swick  
**Address:** 186 Orchard Crest Drive  
Beaver Falls, Pa. 15010  
**Phone No.:** 724-843-8865  
**Occupation:** Full Time Farmer  
**Term Exp:** August 16, 2019
9. **Name:** Jeffrey Pflug  
**Address:** 333 Old Furnace Road  
Fombell, Pa. 16123  
**Phone No.:** 724-453-1818  
**Occupation:** Plant Mgr, Control Concepts  
Farmer  
**Term Exp:** August 16, 2019

## Definitions

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

**Act** - The Agricultural Area Security Law (3 P. S. §§ 901 to 915).

**Agreement or Agreement of Sale** - A document executed by a landowner and the county board to purchase a specific agricultural conservation easement as Part of the county board's recommendation for purchase, and that includes all of the materials referenced and incorporated into the agreement, in accordance with section 14.1(h)(8.2) of the act (3 P. S. § 914.1(h)(8.2)).

**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 purposes of enforcement of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101-6020.1305).

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

**Agricultural Security Area** - A unit of 250 or more acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one or more persons and designated as such by the procedures in the act or designated as such under the act of January 19, 1968 (1967 P. L. 992, No. 442) (32 P. S. §§ 5001-5012) prior to the February 12, 1989 effective date of the act of December 14, 1988 (P. L. 1202, No. 149), by the governing body of the county or governing body of the municipality in which the agricultural land is located on the basis of criteria and procedures which predate February 12, 1989: provided that an owner of land designated as such under the authority of the act of January 19, 1968 (1967 P. L. 1992, No. 442) may withdraw the land from an agricultural security area by providing written notice of withdrawal to the county governing body or governing body of the municipality in which the land is located within 180 days of February 12, 1989.

**Agricultural value** - The sum of the following:

- (i) The farmland value determined by the applicant's appraisal.
- (ii) 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.

**ALCAB** – The Agricultural Lands Condemnation Approval Board of the Commonwealth.

**Allocation** – The State Board's designation of funds to eligible counties under section 14.1 of the act. 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 which equals at least \$10 million to be allocated among eligible counties.

**Applicant** - A person offering to convey 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.

**Commercial equine activity** – The term includes the following activities where a fee is collected:

1. The boarding of equines.
2. The training of equines.
3. The instruction of people in handling, driving or riding equines.
4. The use of equines for riding or driving purposes.
5. 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 similar land. In locating comparable sales, first priority will be given to farms within the same municipality as the subject land. The second priority will be farms located within other municipalities in the same county as the subject land. The lowest priority will be given to farms located outside the same county as the subject land.

**Conservation Plan** - A plan describing land management practices which, when completely implemented, will improve and maintain the soil, water and related plant and animal resources of the land. A conservation plan shall include the following:

- (i) An installation schedule.
- (ii) A maintenance program.
- (iii) A nutrient management component consisting of a statement of whether a nutrient management plan is required under the Nutrient Management Act (3 P. S. §§ 1701-1718) and, if required, confirmation that a plan is in place or will be in place prior to conveyance of the agricultural conservation easement. If a nutrient management plan is not required under the Nutrient Management Act, the nutrient management component shall consist of a description of the amounts and types of nutrients generated on the farmland tract and a description of any current and planned measures or procedures for containment, use, disposal or other disposition of the nutrients described.

**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, and whether or not described as multiple tax parcels, tracts, purparts, 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.

**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 specified farmland tract.

**County Board** - The county agricultural land preservation board as appointed by the county governing body under the act. ( Sometimes referred to as “ the Board” )

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

**County Governing Body** - The county Board of Commissioners or, under home rule charters, another designated council of representatives.

**County Matching Funds** - Money appropriated by the county governing body 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 county agricultural land preservation program for the purchase of easements authorized and approved by the county governing body, and approved by the State Board under section 14.1(a)(3)(xi) and (xiv) of the act.

**Crops, Livestock and Livestock Products** - The term includes:

- (i) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- (ii) Fruits, including apples, peaches, grapes, cherries and berries.
- (iii) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
- (iv) Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers.
- (v) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur bearing animals, milk, eggs and furs.
- (vi) Timber, wood and other wood products derived from trees.
- (vii) Aquatic plants and animals and their by-products.

**Crops Unique to the Area** - The term includes crops which historically have been grown or have been grown within the last 5 years in the region, and which are used for agricultural production in the region. For example, orchard or vineyard crops that have historically been produced in a particular county might be considered crops unique to the area.

**Curtilage** - The area surrounding a residential structure used for a yard, driveway, on lot sewerage 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) of the act.

**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, to meet the criteria in § 138e.16(a) (relating to minimum criteria for applications).

**Eligible Counties** - Counties whose county programs have been approved by the State Board. For the purpose of annual allocations, an eligible county shall have its county program approved by the State 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 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.

**Encumber** - The reservation by the Commonwealth or a county of previously-allocated funds to pay all or part of the costs of purchasing a specific easement under a specific agreement of sale.

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

**Farmland tract or 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.

**Fiscal year** - Fiscal year of the Commonwealth or the County.

**Fund** - The Agricultural Conservation Easement Purchase Fund established by section 7.2 of the act of June 15, 1982 (P. L. 549, No. 159) (3 P. S. § 1207.2).

**Governing body** – The governing body of a County or local government unit.

**Grant Funds** - Funds allocated to a county by the State Board under section 14.1(h)(2) and (5)(ii) of the act, the expenditure of which is not contingent upon the appropriation and expenditure of county matching funds.

**Grantee** - The person or entity to whom an easement is conveyed under the act.

**Grazing or Pastureland** - 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 in § 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 farm 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.

**LCC-Land Capability Class** - 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** - One of the following activities:

- (i) 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.
- (ii) A subdivision of land.

**Land Which Has Been Devoted Primarily to Agricultural Use** - 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 nonresidential 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 manmade 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.

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

**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 government which may be created or authorized by statute.

**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 the following:

- (i) The market value determined by the State or county board's appraiser.
- (ii) One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the State or 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. §§ 1-7872).

**Normal Farming Operations** - 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, silvicultural, and aqua cultural 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 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.

**Perpetual** - Forever or everlasting.

**Perpetuity** - Indefinitely long time or everlasting.

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

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

**Secretary** - The Secretary of the Department of Agriculture.

**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 re-division 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.

**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 – NRCS** - The Natural Resources 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 such 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.

# **I. BYLAWS FOR THE BEAVER COUNTY AGRICULTURAL LAND PRESERVATION BOARD**

## **ARTICLE I - NAME**

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

## **ARTICLE II - PURPOSE**

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

1. Administer the County Program in Accordance with the Agricultural Area Security Law ( 3 P.S. § § 901 – 915 ) ( as amended ) and,
2. Administer any other public program approved by the County Governing Body for the purpose of preserving agricultural land.

Furthermore, it is the purpose of this program to:

1. Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
2. Protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.
3. Protect farming operations from complaints of public nuisance against normal farming operations.
4. Assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth.
5. Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
6. Maximize agricultural easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.
7. Preserve Beaver County agricultural productivity by buying easements on land most logically to remain as farmland in lieu of buying easements on land close to encroaching residential or commercial development.

## **ARTICLE III - AUTHORIZATION**

The Beaver County Agricultural Land Preservation Board was established by the authority granted to the Beaver County Board of Commissioners by the Agricultural Area Security Law (3 P.S. § § 901 – 915) (as amended). County authorization was established by the Beaver County Board of Commissioners Resolution 062995 - 24 which says in part:

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

THAT "the Commissioners hereby authorize the Beaver County Agricultural Land Preservation Board to administer the Pennsylvania Agricultural Conservation Easement Program within Beaver County, Pennsylvania, on behalf of the Beaver County Board of Commissioners, effective date, August 17, 1995."

## **ARTICLE IV - MEMBERSHIP**

### **Section 401 - Representation**

The Beaver County Agricultural Land Preservation Board shall consist of nine (9) voting members appointed by the Board of County Commissioners as follows:

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

### **Section 402 - Terms of Office**

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

### **Section 403 - Attendance of Members**

Board members are expected to attend at least 60 percent of all Board meetings in a calendar year. Any member with poorer attendance is expected to resign; if such member does not resign, the matter shall be referred to the County Commissioners for action. Any member who is unable to attend a meeting should notify the chairman prior to the meeting.

### **Section 404 - Vacancies.**

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

### **Section 405 - Removal of Officers and Board Members**

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

## **ARTICLE V - OFFICERS**

### **Section 501 - Officer Titles**

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

### **Section 502 - Duties of Officers**

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

## **ARTICLE VI - ELECTION OF OFFICERS**

### **Section 601 - Terms of Office**

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

### **Section 602 - Nomination of Officers**

Annually, the chairperson of the Board of County Commissioners shall designate one (1) member of the Board to act as chairperson of the Board. All officers except chairperson shall be nominated by members of the Board. A nominated candidate must be present at the meeting and may decline nomination.

### **Section 603 - Vacancies**

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

## **ARTICLE VII - MEETINGS**

### **Section 701 - Regular Meetings**

Meeting dates, times, and places, shall be established by the Board and may be changed at any time by a majority vote. The County Board shall meet at least four (4) times annually on a regular basis. All County Board meetings shall be open to the public in accordance with Pennsylvania Act 175 of 1974. Robert's Rules of Order shall apply to all points not covered in these Bylaws. A quorum for official transaction of County Board business shall be a simple majority of all members of the Board.

### **Section 702 - Special Meetings**

Special meetings may be called by the chairperson upon five (5) days notice, and at the request of at least five (5) members of the Board. All members shall be notified in advance.

## **ARTICLE VIII – VOTING**

A simple majority of members present (provided the quorum rule is met) is needed to pass all resolutions and to transact all other items of business requiring a vote, except to amend these Bylaws (see Article XIII). Each member of the County Board shall be permitted to cast one vote upon all motions, resolutions, and other business before the County Board, subject to the limitations set forth below. No County Board member shall be permitted to cast a vote upon any motion, resolution and other form of business before the Board which involves, concerns, or in any way affects any real estate or property interest, either in the form of a present or future interest of a Board member or his or her immediate family. Should any County Board member cast or attempt to cast a vote in violation of Article VIII, paragraph 2 above, such a vote shall be null and void and of no force and effect.

## **ARTICLE IX – COMMITTEES**

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

## **ARTICLE X – EXPENDITURES**

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

## **ARTICLE XI – FINANCE**

1. All funds received from county or state sources shall be used for the purpose of protecting viable agricultural farmland in Beaver County.
2. No member shall be liable for the debts of the Board.
3. No net income of the Board shall accrue to the benefit of any member with the exception of purchasing conservation easements consistent with the Agricultural Area Security Law (3 P.S. § § 901 – 915) (as amended).
4. Board members who have a personal or private financial interest in any measure proposed or pending before the Board shall disclose the fact to the Board and shall not vote thereon.
5. Donations of money and/or land shall be used in accordance with the above rules but easements so acquired need not be in an Agricultural Security Area.

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

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

## **ARTICLE XIII – AMENDMENTS**

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

Adopted by the County Board on November 30, 1995

Adopted by the State Board on December 28, 1995

Adopted by the County Board on February 17, 2010

Adopted by the State Board on June 10, 2010

Adopted by the County Board on (April 19, 2017)

Adopted by the State Board on (December 13, 2017)

## **II. BEAVER COUNTY AGRICULTURAL LAND PRESERVATION BOARD** **STATEMENT OF PURPOSE**

It is the purpose of the Beaver County Agricultural 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.

Furthermore, it is the purpose of this program to:

1. Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
2. Protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.
3. Protect farming operations from complaints of public nuisance against normal farming operations.
4. Assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth.
5. Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
6. Maximize agricultural easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.
7. Preserve Beaver County agricultural productivity by buying easements on land most logically to remain as farmland in lieu of buying easements on land close to encroaching residential or commercial development.

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

The Beaver County Agricultural Land Preservation Board will accept new applications during the fourth quarter of the calendar year.

## **III. AGRICULTURAL CONSERVATION EASEMENT** **APPLICATION REQUIREMENTS**

Landowners interested in selling an Agricultural Conservation Easement should use the following procedures:

1. The land must be enrolled in an Agricultural Security Area consisting of 500 acres or more.
2. A completed easement application, with signatures of all owners listed on the recorded deed in the County Recorder of Deeds Office at the Courthouse. See Appendix A. If help is needed completing the application, contact the County Administrator.
3. A check in the amount of \$500.00, which will be used to help pay for the appraisal. This amount and the amount listed in Appendix J will be reimbursed when the application goes to settlement.
4. A copy of a Conservation Plan, with a Nutrient Management Clause included in the landowner's name encompassing the entire parcel being applied.
5. A colored and uncolored soils map, with the soil mapping unit symbols shown.
6. Listing of any mortgages or liens.
7. Name or names of the owners of the mineral rights.
8. The County Board will accept new applications between October 1<sup>st</sup> and December 31<sup>st</sup> of each year, unless otherwise stated.

The County Board's Administrator can assist landowners with filling out the application, if requested.

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

Beaver County, through its Agricultural Land Preservation Board, intends to acquire Agricultural Conservation Easements. Conservation easements may be acquired with: county funds; county and state funds; county, state and local municipality funds; eligible non-profit entity funds and donated funds. The County Board is responsible for monitoring and enforcement of all easements purchased with public and private funds.

All conservation easement applications are voluntarily submitted and must meet the state's minimum criteria ( see Appendix B ), and will be ranked and prioritized based on the state's Ranking System ( see Section VIII ). The purchase price paid for all Agricultural Conservation Easements will be equal to or less than the easement value, as determined by the appraisal process, and all easements will be purchased in perpetuity. The original version of the law allowed for 25 year easements, but that provision was repealed by Act 44 of 2011.

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

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

## **V. PURCHASE PROCEDURE**

After receipt of the application, the Board will review the form to determine if state and county minimum criteria for participation in the program are being met. ( See Appendix B ) Applicants may be asked to meet with the Board or the Administrator to defend or clarify information on the application.

If minimum criteria are not met the applicant will be mailed a letter of rejection with an explanation of why the application was rejected. If all minimum requirements are met, the application will be scored with the Land Evaluation and Site Assessment system (LESA). See Section VIII, for a complete description of the LESA system.

The application, on file, 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.

The appraisal procedure will follow the regulations of the Commonwealth. The value of an easement in perpetuity for purposes of making an offer to purchase an easement shall be the difference between the market value and the farmland value contained in the appraisal report and shall not exceed \$4,000.00 per acre. The Board reserves the right to change the per acre cap amount after State Board approval. ( See Appendix G )

### **JOINT EASEMENT PURCHASES**

914.1 (a) (3) (vi) allows the Commonwealth to purchase agricultural conservation easements jointly with a county, or jointly with a county and a local government unit, or jointly with a county and an eligible nonprofit entity, or jointly with a county, a local government unit and an eligible nonprofit entity, if recommended by a county and approved by the State Board as provided in subparagraph 914.1 (a) (3) (iii). The Beaver County program will follow all of the above directions.

## APPROVAL OF PURCHASE BY THE 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. Percent of easement value
3. Consistency with the Board's judgment of priority agricultural areas.
4. Proximity to other lands subject to easements.

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

## VI. PURCHASE NEGOTIATIONS WITH APPLICANTS

After the County Board has decided to make an offer for the purchase of an Agricultural Conservation Easement, the Board and/or its Administrator, will meet with the applicant to discuss the offer. At this meeting the appraisal reports will be reviewed and a copy will be provided to the applicant. A formal offer for purchase of a conservation easement shall be submitted to the applicant in writing. The offer may be less than or equal to the appraised value of the easement.

Applicants may elect to have payments paid in a lump sum, in installments over a period of years, or in any other lawful manner of payment. If payment is made in installments or another deferred method, the person selling the easement may receive, in addition to the selling price, interest in an amount or at a rate set forth in the agreement of purchase, and final payment of all State money shall be made within, and no later than, five years from the date the agricultural conservation easement purchase agreement was fully executed. Section 14.1 (g)

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

1. Accept the offer by signing the offer letter,
2. Reject the offer in writing to the County Board,
3. Advise the County Board, in writing, that the applicant is retaining, at the applicant's expense, an independent Pennsylvania State Certified General Real Estate Appraiser as set forth by the state guidelines (See Appendix G ) **(The appraiser shall be qualified, and the appraisal shall be completed in accordance with the procedure in Chapter 138e.64 (relating to appraisal.)** If the applicant chooses to retain a qualified appraiser at his expense and so notifies the County Board, the appraisal shall be completed within 120 days of the County Board's offer. The County Board may extend the time within which this appraisal shall be submitted. This extension shall be in writing and shall extend the 120-day deadline by no more than 60 days.

The failure of the applicant to act within 30 days, of the date of the offer letter, 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 and be subject to the ability of the applicant to provide good title to the premises, free of any encumbrances such as liens, mortgages, options, rights of others in surface mineable coal, land use restrictions, adverse ownership interest, and other encumbrances which would adversely affect the County and the Commonwealth's interest in the farmland tract. When the application goes to closing, both the \$500.00 application fee and the \$500.00 appraisal fee will be returned to the applicant. ( see Appendix G )

If an applicant accepts an offer by the County Board and then decides to withdraw after the Board has started to further process the application, the landowner(s) is/are required to repay the Board for all incidental costs incurred, ex. appraisal, survey, title search, legal fees, administration costs, etc.

An agreement of sale shall be in the form currently approved by the State Board.

## **AGRICULTURAL CONSERVATION EASEMENT DEED**

After the agreement of sale has been signed by both parties, the applicant must execute a Deed of Easement conveying the easement. This deed shall adhere to the Commonwealth's Agricultural Conservation Easement Deed Requirements which include the provisions set forth by Chapter 138e, §138e.67. See Appendix H.

### **VII. RESPONSIBILITY OF OWNER**

Once the easement is in place, it will be the responsibility of the owner of the farmland tract to comply with the requirements of Chapter 138e.241 (Deed of Agricultural Conservation Easement) of the State Regulations regarding permitted and required acts, including maintaining an up-to-date soil conservation plan, the construction of buildings, and part-time or off season activities are permitted, but are not to be considered the primary farming activity on the land. These requirements are set forth in Chapter 138e.227, the deed and the agreement.

#### **SUBDIVISION**

When a landowner wishes to subdivide a farm property which is under an Agricultural Conservation Easement, the County Board must first determine whether the land will remain economically viable for agriculture after the subdivision, with the exception of a tract for the construction of the one permitted house, not to exceed two acres including the curtilage.

To subdivide a farm, the landowner must complete a subdivision application form and submit it to the County Agricultural Land Preservation Board's Administrator. An outline of the subdivision guidelines can be found on page 14, Section X.

#### **CHANGE OF OWNERSHIP**

1. A deed conveying an interest in the restricted land shall set forth the language of the easement restrictions verbatim.
2. Prior to transfer of ownership of the restricted land, the owner must give the County Board Administrator written notice thereof at least thirty (30) days before settlement, to ensure that the conveyance complies with the transfer procedures.
3. Within 30 days of a change in ownership of the restricted land, the prior owner shall notify the County Board and the Pa. Department of Agriculture with the name and address of the new owner, provide each a copy of the deed, provide a statement of the price per acre or portion thereof involved in the transfer and a reference to the volume and page in which the transfer has been recorded by the county recorder of deeds.

## VIII. APPLICATION RANKING SYSTEM

The standard, criteria and requirements established by the State Board, for State Board approval of county programs, for purchasing agricultural conservation easements shall include, but not be limited to, the extent to which the county programs consider and address the following generalized factors:

1. Quality of the Farmland
2. Likelihood of Conversion to Non-Farm Use.
3. Stewardship of the Land
4. Proximity of the Farmland Subject to the Easement to Other Agricultural Lands Subject to the Easements.
5. Conformance with Fair, Equitable, Objective, and Nondiscriminatory Procedures for Determining Purchase Priorities.

Applications will be ranked using a two-part Land Evaluation and Site Assessment (LESA) system. The Land Evaluation looks at the quality of the soils and the Site Assessment considers location factors that may have an impact on current or future viability of a farm. All qualified farms will be ranked and prioritized using this system.

### **LAND EVALUATION**

This part of the LESA system is based on soils data obtained from the Beaver 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 is published by the USDA-NRCS in cooperation with the Pennsylvania State University and the Pennsylvania Department of Agriculture. This part of the ranking system (LE) is in accordance with Section 14.1 (d) (1) (i) of the Act.

The Beaver County Soil Survey issued April, 1982, separates the county soils into Capability Classes designated by Roman numerals I through VIII, number I being the choicest, etc. Only soils of Capability Classes I through IV are suitable for cropping by conventional means. The amount of Capability Class I soil in Beaver County is small ( 0.6% ) (1553 acres), 19 percent is Class II, 48,312 acres, 30 percent is class III, 76,162 acres, and 12 percent is Class IV, 32,786 acres. Any acreage not in the classes above is limited to use as pasture, woodland, and wildlife habitat.

Each soil mapping unit in the county has been assigned a score based on its land capability classification, important farmland classification, and productivity. Based on these factors, each soil mapping unit 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. Using a worksheet, the relative value for each soil type will be multiplied by the acreage of that individual mapping unit. The sum of all these relative values for the soils will be divided by the total acreage of the farm to obtain the overall average relative value for the farm.

The minimum weighted score a farm can receive on the Land Evaluation (LE) portion of the LESA System is forty percent (40%) of the total LESA score. See Appendix E for the table that lists the mapping units and relative values of soils in Beaver County, which will be used in the Land Evaluation portion of the system.

## **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 considers 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**: Factors which measure the limitations to continue farming on a subject site imposed by development pressures.
2. **Farmland Potential**: Factors which measure the potential agricultural productivity or farming practices of the site. These factors may include secondary values of a site, such as historic, cultural, scenic, or environmental values.
3. **Clustering Potential**: 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.

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

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

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, using the worksheet on Pages 30 - 32.

## **DEVELOPMENT POTENTIAL FACTORS**

These factors are intended to identify the extent to which development pressures from urban areas cause conversion of agricultural land to non-agricultural uses. Beaver County shall try to identify and consider where development is occurring or is likely to occur in the next 20 years. The greater a farm's likelihood of conversion to non-farm use, the higher its score will be in this category. This portion of the ranking system (DP) is in accordance with Section 14.1 (d) (1) (ii) of the Act.

### **Definitions**

#### **Urban Area**

A rapidly growing area with light industry, commercial, and residential growth (i.e. Leetsdale in Allegheny Co., Cranberry Twp. in Butler Co. and Chippewa & Center Twps. in Beaver Co.)

#### **Town**

For the purpose of this program, the word "town" shall refer to one of the following communities: Aliquippa, Ambridge, Baden/Conway, Beaver, Beaver Falls, Coraopolis, Ellwood City, Freedom, Imperial, Koppel, Midland, Monaca, New Brighton, Rochester, Zelienople in Pennsylvania; Calcutta, East Liverpool, East Palestine in Ohio; Chester, New Cumberland, New Manchester, Weirton in West Virginia.

1. Distance of tract from public sanitary sewer system
  - (10) Sewer line adjacent to tract
  - (7) Sewer line within 1/4 mile
  - (5) Sewer line within 1/2 mile
  - (3) Sewer line within 1 mile
  - (0) Sewer line 2 miles or more away
  
- 1a. Substitute for local municipality without public sewage system. Percent of soils that would have slight to moderate limitations for on-lot sewage disposal
  - (10) 61% to 100%
  - (7) 41% to 60%
  - (5) 21% to 40%
  - (3) 6% to 20%
  - (0) 0% to 5%
  
2. Distance of tract from public water system
  - (15) Water line adjacent to tract
  - (12) Water line within 1/4 mile
  - (10) Water line within 1/2 mile
  - (5) Water line within 1 mile
  - (0) Water line 2 miles or more away
  
3. Amount of road frontage of tract along public road
  - (15) Over 3000 feet
  - (12) 2001 to 3000 feet
  - (10) 1001 to 2000 feet
  - (5) 501 to 1000 feet
  - (0) 0 to 500 feet
  
4. Percentage of adjacent area of tract in non-ag use
  - (15) 80% to 100%
  - (12) 60% to 79%
  - (10) 40% to 59%
  - (5) 20% to 39%
  - (0) 0% to 19%
  
5. Distance from tract to urban areas
  - (15) Adjacent to tract
  - (12) 1/4 mile from tract
  - (10) 1/2 mile from tract
  - (5) 1 mile from tract
  - (0) More than 1 mile from tract
  
6. Distance of tract from center of a city or town
  - (15) Less than 1 mile
  - (12) Less than 2 miles
  - (10) Less than 4 miles
  - (5) Less than 6 miles
  - (0) Over 6 miles
  
7. Distance of tract from 4 or more lane limited access highway interchange, Ex. Interstates 76, 79, 376.
  - (15) Less than 1 mile
  - (12) Less than 2 miles
  - (10) Less than 4 miles
  - (5) Less than 6 miles
  - (0) 6 or more miles away

## **FARMLAND POTENTIAL FACTORS**

These factors measure the potential agricultural productivity or farming practices on the site. The higher quality or the more valuable a farm is, the higher its score will be in this category. This portion of the ranking system (FP) is in accordance with Section 14.1 (d) (1) (iii) of the Act.

1. Acreage of farmland tract
  - (15) Over 80 acres
  - (12) 51 to 80 acres
  - (10) 26 to 50 acres
  - (5) 10 to 25 acres
  
2. Percent of tract used for cropland, pasture, or grazing (Based on Conservation Plan and verified during the on-farm ranking visit.)
  - (15) 91% to 100%
  - (12) 81% to 90%
  - (10) 71% to 80%
  - (5) 61% to 70%
  - (0) Less than 60%
  
3. Percent of implementation of conservation and best management practices on tract (To be provided by landowner on application and verified during the on-farm ranking visit.)
  - (15) 86% to 100%
  - (12) 71% to 85%
  - (10) 61% to 70%
  - (5) 50% to 60%
  - (0) Less than 50%
  
4. Condition of farm buildings on tract (To be provided by landowner on application and verified during the on-farm ranking visit.)
  - (10) Buildings new or in top condition
  - (7) Buildings in good condition
  - (5) Buildings in fair condition
  - (3) Buildings in poor condition
  - (0) No buildings on tract
  
5. Historic, scenic, and environmentally sensitive areas
  - (15) Tract is adjacent to all 3 (three) of the above
  - (12) Tract is adjacent to 2 (two) of the above
  - (10) Tract is adjacent to 1 (one) of the above
  - (0) Tract is not adjacent to any historic, scenic, and environmentally sensitive areas

Included, but not limited to, #5 above, are tracts declared or listed by local, state, or federal agencies as historic, scenic, open space, or cultural. Also, tracts adjoining designated protected areas such as flood plains, wildlife habitats, parks, forests, and educational sites.
  
6. Century Farm
  - (15) Tract is century farm
  - (12) Tract is adjacent to century farm
  - (10) Non-adjacent century farm located within one mile of tract
  - (5) Non-adjacent century farm located within two miles of tract
  - (0) No century farms within two miles of tract
  
7. Subject tract has
  - (15) 51% of Class I soil
  - (12) 51% of Class II or better soils
  - (10) 51% of Class III or better soils
  - (5) 51% of Class IV or better soils

## **CLUSTERING POTENTIAL FACTORS**

These factors 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. The closer a farm is to other preserved farms or to an area where other farms are targeted for preservation, the higher the farms will score in this category. This portion of the ranking system (CP) is in accordance with Section 14.1 (d) (1) (ii.1) of the Act.

1. Compatibility with county and local comprehensive plans
  - (20) Tract is in area zoned or designated for agricultural use
  - (10) Tract is in area zoned or designated for agricultural and non-agricultural use
  - (0) Tract is in area zoned or designated for non-agricultural use
  
2. Proximity of the farm to other farmland with agricultural conservation easements
  - (20) One or more farms have easements adjacent to farm
  - (15) One or more farms have easements within 1 mile of farm
  - (10) One or more farms have easements within 2 miles of farm
  - (0) No farms have easements within 2 miles
  
3. Percent of land within two miles of the farm that is in an agricultural security area
  - (20) Over 60%
  - (15) 31% to 60%
  - (10) 11% to 30%
  - (5) 6% to 10%
  - (0) 0% to 5%
  
4. Percent of land adjacent to the farm in an agricultural security area
  - (20) Over 50%
  - (15) 26% to 50%
  - (10) 11% to 25%
  - (5) 1% to 10%
  - (0) None
  
5. Number of current applications and/or easements within a 5 mile radius.
  - (20) 10 or more
  - (15) 7 or more
  - (10) 5 or more
  - (5) 1 or more
  - (0) None

## IX. CONSERVATION EASEMENTS - DONATIONS

Act 46 of 2006 amended the Agricultural Area Security Law to allow counties to acquire easements through donations. Donated easements can be acquired by the County, State Board, an eligible nonprofit entity or a local government unit if all of the following apply:

- The land is used for agricultural production. This includes land that is used for timber but does not include commercial equine activities.
- The term of the agricultural conservation easement must be perpetual.□
- The conservation easement must be acquired by the County or by the eligible County in conjunction with the Commonwealth, an eligible nonprofit entity or a local government unit. The acquisition can also be a combination of any of these as long as the county is on the deed of easement.
- All documents used to acquire the donation must be approved by the State Board or County Board prior to execution and delivery.
- All agricultural conservation easements acquired by donation must be free and clear of all encumbrances.
- The agricultural conservation easement is required to have title insurance.□
- The deed of agricultural conservation easement is as prescribed by the State Board for agricultural conservation easement purchase by the Commonwealth.
- The County Board must record a donated agricultural conservation easement in the office of the recorder of deeds of the respective County and submit to the State Board a recorded copy of the agricultural conservation easement within 30 days after recording.

If the land does not meet the minimum criteria established by the State Board for purchase of an agricultural conservation easement, the land shall be contiguous to property which is subject to an agricultural conservation easement.

Reimbursable expenses for incidental costs are limited to a maximum of \$5,000 per easement acquired by donation.

## X. SUBDIVISION GUIDELINES

### Definitions

**Economic viability of farmland for agricultural production** - The capability of a particular tract of restrict 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 the Agricultural Area Security Law (3 P.S. § 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 of restricted land to fail to meet the criteria set forth at Section 138e.16(a)(2), (3), (4) and (5) (relating to minimum criteria for applications of this chapter, or to create, through subdivision, a tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted pursuant to the Agricultural Area Security Law (3 P.S. § 914.1(c)(6)(i)), that would fail to meet the afore described criteria.

**Land development** - Either of the following activities:

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

**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 excluded 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 excluded 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 employee is permitted pursuant to the Agricultural Area Security Law 3 P.S. § 914.1(c)(6)(iv)).

**Pennsylvania Municipalities Planning Code** - The Act of December 21, 1988 (P.L. 1329, No. 170) (53 P.S. §§ 10101-11201) (Act 247 as enacted and amended).

**Subdivision** - The division or re-division 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.

### **Construction of Buildings and Other Structures**

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

1. The construction of one additional residential structure may be permitted on the restricted land if the following apply:
  - a. The residential structure is constructed and used by the landowner as principal residence 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, under authority of the Agricultural Area Security Law (3 P.S. & 914.1 (1) (6) (iv) and this section, after the date of the granting of the easement.
  - c. The residential structure and its curtilage occupy no more than two acres of the restricted land.
2. The construction or use of any building, fences, or other structure for agricultural production is permitted.
3. The replacement of a residential structure constructed under authority of section 14.1 (c) (6) (iv) of the Agricultural Area Security Law and this section is permitted.
4. Reservation of right to construct after subdivision. If the restricted land is subdivided Prior to the construction of a residential structure under authority of Section 14.1 (c) (6) (iv) of the Agricultural Area Security Law and this section, the landowner shall do the following:
  - a. Inform the county board of the specific subdivided tract with respect to which the right to construct and use such a residential structure is reserved.
  - b. Ensure that the deed to the subdivided tract with respect to which the right to construct and use such a residential structure is reserved clearly sets forth the reservation of this right.
  - c. Ensure that the deeds to the remaining subdivided tracts recite that no such residential structure may be constructed on the remaining subdivided tracts.

## Subdivision of Eased Land

1. **General** - The following conditions shall apply to subdivision of lands eased through the Beaver County Agricultural Land Preservation Program whether the easement be held solely by the State, solely by the County, or held jointly by the State and County.
  - a. The prohibitions, restrictions, and conditions of subdivision of eased land as set forth in Sub-Section A of this section shall be recited verbatim in the deed for all subdivided and remaining parcels.
  - b. No restriction, prohibition or condition of this section shall prevent a landowner from subdividing eased lands for the purpose of constructing one additional residential structure as authorized by the Agricultural Area Security Law (3 P.S. Section 914.1 (c) (6) (iv). Provided that such a subdivision complies with the conditions of Sub-Section A of this section.
  - c. All costs associated with subdivision shall be the responsibility of the landowner.
  - d. Nothing in this section shall relieve the landowner of any municipal, county or state regulations, procedures or requirements necessary for the subdivision of land.
2. **Subdivision Restrictions** - Except as provided for in Sub-Section A of this section, no subdivision of eased land shall be permitted unless all of the following conditions are met:
  - a. Approval of a subdivision shall be requested, in writing, of and granted by the County Board and by the State Board.
  - b. Subdivision shall not harm the economic viability, as defined in Sub-Section A of this section, of any parcel created by or remaining after subdivision.
  - c. Each parcel created or remaining as a result of subdivision shall have all of the following:
    - i. Fifty percent (50%) of its soils in USDA Soil Capability Class I - IV.
    - ii. Fifty percent (50%) of its area utilized for crop or pasture land.
    - iii. Site characteristics (including but not limited to slopes, topography, shape, location of roads, streams, wetlands, ponds, access) that allow for practicality and reasonable efficiency of agricultural activity.
  - d. No parcel of less than 50 acres may be created by subdivision or shall remain after subdivision of the original parcel.
3. **Procedures and Requirements of Subdivision** - Landowners proposing to subdivide eased land shall be subject to following procedures and requirements.
  - a. Requests for subdivision approval shall be submitted, in writing, to the Beaver County Agricultural Land Preservation Board. Requests shall include the following;
    - i. Written request for subdivision approval including description of subdivision and reason for subdivision.

- ii. A map or sketch, at a scale sufficient to clearly show the following:
  - A. Location of crop land, pasture land, wood land and any other lands.
  - B. Roads, streets, driveways, utility right-of-way, streams.
  - C. Location of existing buildings, sheds, barns, dwellings, and other structures.
  - D. Delineation of proposed subdivision.
  - E. Indication of which parcel, either created by subdivision or remaining after subdivision, the additional residential structure is permitted. ( The Agricultural Area Security Law (3 P.S. Section 914.1 (c)(6)(iv)).
- b. The County Board will note receipt of the request for subdivision approval at its next regularly scheduled meeting following the submission of the request for subdivision approval to the Beaver County Planning Commission.
- c. The County Board may agree to permit a parcel of land subject to an Agricultural Conservation Easement to be subdivided after the granting of such Easement after appropriate review as follows:
  - i. Upon receipt of the application, the County Board shall cause to be forwarded written notification thereof to the County Zoning Office, County Planning Office, and County Farmland Preservation Office, herein referred to as the reviewing agencies. Each reviewing agency shall have 60 days from receipt of such notification to review, comment and make recommendations on the proposed application to the County Board per the Agricultural Area Security Law (3 P.S. Section 914.1(i)(2)(i),(ii),(iii), and (iv).
  - ii. After reviewing the application and the comments and recommendations submitted by the reviewing agencies, the County Board shall approve or reject the application to subdivide within 120 days after the date of its filing unless the time is extended by mutual agreement of the landowner and reviewing agencies in writing per the Agricultural Area Security Law (3 P.S. Section 914.1(i)(2)(i),(ii),(iii), and (iv).
  - iii. If the application to subdivide land is approved by the County Board, a copy of the application, along with the comments and recommendations of the reviewing agencies, shall be forwarded to the State Board for review and approval or disapproval. When reviewing an application to subdivide land subject to and Agricultural Conservation Easement, the State Board shall consider only whether the application complies with the conditions under which subdivisions are permitted by the approved county program. The State Board shall notify the County Board of its decision regarding the application.
  - iv. If the application to subdivide is rejected by the County Board, the application shall be returned to the landowner with a written statement of the reasons for such rejection. Within 30 days after the receipt of the statement of rejection, the landowner may appeal the rejection in accordance with 2 PA C.S. Chapter 5 Subchapter B (relating to practice and procedure of local agencies) and Chapter 7 Subchapter B (relating to judicial review of local agency action).

- d. Failure of the County Board to render a decision to approve or disapprove a sub-division within the time frame described in Sub-Section 3 (c) (i) and (ii) of this article shall constitute approval of request to subdivide provided that the parcels created by and remaining after subdivision comply with Sub-Section 2 (b) of this section.
- e. Approval by the County Board or failure to act by the County Board as per Sub-Section 3 (d) of this section shall not be construed to provide approval by the State Board or any other Governmental Unit with authority to approve or disapprove subdivisions.
- f. Recording Article
  - i. Upon approval of this section, Section VII of the Program, by the County Board and State Board, or upon approval of the Program by the State Board, in which this section is included, the County Board shall record this section at the Beaver County Recorder of Deeds office.
  - ii. All deeds conveying an Agricultural Conservation Easement to the County of Beaver, the State of Pennsylvania or to both the County and State jointly shall incorporate, by referencing the location of such filing, the provisions of this section into the deed.

## **XI. INSPECTION AND ENFORCEMENT PROCEDURES**

The County Board shall inspect all restricted land within the county at least a biennial basis to determine compliance with the applicable deed of easement. The first inspection shall be completed within 1 year of the date of easement sale, and shall be included in the annual report described in § 138e.203 (relating to annual report) no later than the first annual report following that 1-year period.

Written notice of an inspection to be conducted under subsection (a) shall be mailed to the owner at least 10 days prior to the inspection.

An inspection conducted under subsection (a) shall be performed between the hours of 8 a.m. and 5 p.m. on a weekday that is not a legal holiday recognized by the Commonwealth, or a date and time agreeable to the county and the landowner.

Within 10 days of conducting an inspection under subsection (a), the County Board shall prepare a written inspection report setting forth the following information:

- (1) The identification of the land inspected.
- (2) The name of the original owner of the farmland at the time the easement was acquired and the name of the current owner of the land inspected.
- (3) A description of modifications in the number, type, location or use of any structures on the land since the date of the filing of the deed of easement.
- (4) A description of deviations from the conservation plan observed on the restricted land.
- (5) A statement of whether the provisions of the deed of easement are being observed.

(6) A statement indicating whether a structure permitted under the Agricultural Area Security Law (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.

A copy of the inspection report shall be mailed by regular mail to the landowner unless a violation is discovered, then the inspection report must be sent by certified mail.

The County Board and the State Board may inspect the restricted land, jointly or severally, without prior notice if they have reasonable cause to believe that any provision of the deed of easement has been or is being violated.

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

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

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

### **Annual report.**

The County Board shall file the following with the State Board by March 1 of each year:

- (1) A copy of inspection reports, only if there was a violation, for inspections conducted during the prior year.
- (2) An annual report which summarizes the number of inspections, violations detected, violations resolved and the circumstances surrounding unresolved violations

### **Notification to owner.**

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

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

- (1) A copy of the inspection report.
- (2) A copy of the deed of easement.
- (3) A description of the action or condition which constitutes the alleged violation.
- (4) A statement of the measures necessary to correct the alleged violation.

### **Enforcement Actions**

Sixty days after mailing a notice of a violation under notification to the owner above, the county board shall commence and prosecute an action in the court of common pleas in 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 follows the alternative procedures set forth in § 138e.206.

## **XII. NON-PROFIT CONSERVATION ORGANIZATION PARTICIPATION IN EASEMENT PURCHASES**

Eligible non-profit entities ( see definitions ) can participate in the purchase of agricultural conservation easements in accordance with the Agricultural Area Security Law ( Act of June 30, 1981, P.L. 128, No. 43 ) ( 3 P.S. § § 901 – 915 ) ( as amended by Act 46 of 2006 ).

## **XIII. LAND TRUST REIMBURSEMENT PROGRAM**

Eligible land trusts ( non-profit conservation organizations ) can receive up to \$5,000.00 per easement from the Commonwealth of Pennsylvania for the costs associated with the purchase of agricultural conservation easements. Eligible expenses for reimbursement include:

- a. Appraisals
- b. Legal Services
- c. Title Searches
- d. Document Preparation
- e. Title Insurance
- f. Closing Fees

The Land Trust Reimbursement Program will follow all the provisions and procedures included in the Agricultural Area Security Law ( 3 P.S. § § 901 – 915 ) ( as amended by Act 46 of 2006 ).

## **XIV. EASEMENT PRE-ACQUISITION BY NON-PROFIT CONSERVATION ORGANIZATION**

The Beaver County Agricultural Land Preservation Board has the authority to ask a non-profit conservation organization to purchase an agricultural conservation easement on its behalf at anytime, if the County Board makes a determination that a farm is in immediate danger of being lost to development. For this to occur, the farm in danger, must meet the State or County Minimum Criteria for Applications (Appendix B), have an acceptable Land Evaluation and Site Assessment (LESA) score, and must make application to the program.

Below are a few situations where the County Board may wish to consider an emergency agricultural conservation easement purchase:

- 1) A desirable farm is up for sale and a conservation buyer is interested in purchasing the property.
- 2) A farmland owner has a life threatening health problem which may force the sale of a property.
- 3) A farmland owner is under severe financial pressure to sell their property.

Section 138e.69 of the State Regulations for the Agricultural Conservation Easement Program states that county boards can request reimbursement for costs incurred by a non-profit 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 and/or the Commonwealth. These costs can include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees and survey costs.

Appendix I describes the steps involved in an easement pre-acquisition by a non-profit land conservation organization.

## **XV. PUBLIC INFORMATION PROGRAM**

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

A Display has been prepared to educate the public about farmland preservation programs at fairs and other public events.

Signs have been erected on several farms that landowner's gave approval to, and state (Farm Name) "Preserved by the Beaver County Agricultural Land Preservation Program."

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

Copies of the Beaver County Agricultural Conservation Easement Program are available to the public by contacting the Beaver County Agricultural Land Preservation Board at the Beaver County Courthouse.

Agricultural Conservation Easement Application Form

**I. GENERAL INFORMATION (Please Print)**

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_  
 (Street) (City) (State) (Zip Code)

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

Person to Contact to View Farmland Tract \_\_\_\_\_

\_\_\_\_\_  
 (Address, if different from above) (Telephone #)

**II. FARM INFORMATION**

County \_\_\_\_\_ Township \_\_\_\_\_

Name of Agricultural Security Area \_\_\_\_\_

ASA Book and Page Number \_\_\_\_\_

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

Total acreage offered for easement purchase \_\_\_\_\_

Deed reference(s); Volume \_\_\_\_\_ Page \_\_\_\_\_

Volume \_\_\_\_\_ Page \_\_\_\_\_

Tax parcel #(s); Number \_\_\_\_\_ Acreage \_\_\_\_\_

Number \_\_\_\_\_ Acreage \_\_\_\_\_

Number \_\_\_\_\_ Acreage \_\_\_\_\_

Directions to farm from nearest State Route \_\_\_\_\_

**III. SIGNATURE(S)**

It is necessary for all farmland owners 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 the Agricultural Area Security Law criteria for easement purchase.

By these signatures I/We understand our responsibilities addressed in item number X of this application.

Please answer the questions on page three.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

I hereby certify that I am \_\_\_\_\_ am not \_\_\_\_\_ a county board member.

**IV. Crop Production Information (Optional By County)**

The applicant must provide crop production information for the most recent crop year.

Crop Report for crop year \_\_\_\_\_

Commodity	Acres Grown	Average Yield	Gross Receipts
1.			
2.			
3.			
4.			

Total Gross Receipts From Crops \_\_\_\_\_

**V. Livestock Report (Optional By County)**

Livestock Report for calendar year \_\_\_\_\_

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

Total Gross Receipts From Livestock \_\_\_\_\_  
(Optional By County)

Total Gross Receipts From Farm Tract \_\_\_\_\_  
(Optional By County)

Total Gross Receipts From Farm Operation \_\_\_\_\_  
(Optional By County)

Total Acreage Farmed (including rented land) \_\_\_\_\_  
(Optional By County)

**VI. Conservation Plan**

Date of Conservation Plan \_\_\_\_\_

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

Conservation Practices in use currently \_\_\_\_\_

\_\_\_\_\_

**VII. MORTGAGES, LIENS AND MINERAL RIGHTS**

Please list all mortgagees, lienholders, or owners of mineral rights for the farmland tract.

Mortgagees: \_\_\_\_\_

Lienholders: \_\_\_\_\_

Mineral Rights: \_\_\_\_\_

**VIII. MAPS**

Applicant is required to provide the following maps as part of this application:

- 1. Location map - A United States Geographical Survey topographical Map showing the location and approximate boundaries of the farmland tract.
- 2. Tax map - Tax map(s) of the farmland tract with map reference and tax parcel numbers clearly indicated.
- 3. Soils map - The soils map of the farmland tract must be color coded as follows:
  - Class I - Green
  - Class II - Yellow
  - Class III - Red
  - Class IV - Blue
  - Wetlands - Cross Hatch or include on separate map

**IX. SOILS REPORT AND LAND CAPABILITY CLASSES**

The applicant is required to provide a soils report for the farmland tract as part of the application. Please complete State Form C and include a list of each soil type, name, mapping unit symbol and land capability class for each soil type.

**X. APPLICANT’S RESPONSIBILITIES IF APPLICATION IS WITHDRAWN**

If an applicant accepts an offer by the County Board and then decides to withdraw after the Board has started to further process the application, the landowner(s) is/are required to repay the Board for all incidental costs incurred, ex. Appraisal (minus application fees), survey, title search, legal fees, administration costs, etc.

**XI. QUESTIONS TO BE COMPLETED BY APPLICANT**

What total percentage of the applied tract is used for cropland, pasture and grazing? \_\_\_\_\_

What percentage of conservation and best management practices are implemented? \_\_\_\_\_

What is the condition of the buildings on the tract? \_\_\_\_\_

Please submit this application and a check for \$500.00 (See Appendix G in the Program Guidelines) made payable to:

Beaver County Agricultural Land Preservation Board  
Beaver County Courthouse  
810 Third Street  
Beaver PA 15009-2129

## APPENDIX B

### Minimum Eligibility Criteria

A. The County Program shall consider the quality of the farmland tract, including the USDA soil classification and productivity. The farmland tract shall:

(1) Be one or more of the following:

- (i) Located in an agricultural security area consisting of 500 acres or more.
- (ii) Bisected by the dividing line between two local government units, having the majority of its viable agricultural land within an agricultural security area of 500 acres or more and the remainder in another local government unit outside of an agricultural security area.
- (iii) Bisected by the dividing line between the purchasing county and an adjoining 500 acres or more and the remainder in another county outside of an agricultural security area, and with respect to which one of the following applies:
  - (A) A mansion house is on the tract and located within the purchasing county.
  - (B) When the mansion house on the tract is bisected by the dividing line between the two counties, the landowner has chosen the purchasing county as the situs of assessment for tax purposes.
  - (C) When there is no mansion house on the farmland tract, the majority of the tract's viable agricultural land is located within the purchasing county.

(2) Be one or more of the following:

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

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

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

### B. The Building of Additional Agricultural Buildings

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. The spaces between buildings, such as yard areas, driveways and parking areas, shall not be included in the calculation of the building coverage. Buildings that are present on the restricted land on the date of the granting of the conservation easement shall be included in the calculation of the building coverage.

The above paragraph will be attached to all Beaver County Deeds of Easement as an amendment.

**Permitted Acts**

During the term of the agricultural conservation easement, the subject land shall be used solely for the production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than fifty percent of such processed or merchandised products are produced on the subject land (hereinafter "agricultural production"). For purposes of this Appendix, "crops, livestock and livestock products" include, but are not limited to:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes , dry beans and others;
- b. Fruits, including apples, peaches, grapes, cherries and berries;
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms;
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur bearing animals, milk, eggs and furs;
- f. Timber, wood and wood products derived from trees; and Christmas trees.
- g. Aquatic plants, fish and animals and their by-products.

Except as permitted in the 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. Agricultural production includes but is not limited to commodities and services produced by utilizing sunlight, air, water, and other elements.

## **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.

The following customary part-time or off-season minor or rural enterprises and activities have been approved by the Beaver County Board and by the State Board. The agricultural conservation easement does allow these enterprises and activities on the subject land:

Direct sales to the public of agricultural products produced principally on the farm, provided that at least 50% of such products are produced by the farm operator.

Any and all structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm.

Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation.

Structures associated with the production of energy for use principally on the farm including wind fuel, fossil fuel systems, and structures and facilities for the storage and treating of animal wastes.

The provision of services or production and sale, by persons in residence, of incidental agricultural goods, services, supplies and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts, and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying residential and/or principally agricultural structures of the property, and limited in site coverage to one-half of one percent of the area of the property.

The accommodation of tourists and visitors within principally family residential and/or agricultural structures otherwise permitted under the law so long as the accommodation of tourists and visitors is undertaken as a part-time or off-season minor or rural enterprise and is incidental to the agricultural and open space character of the property.

## Conservation Plan Requirements

A. The county board shall require the owner of land being considered for agricultural conservation easement purchase to do the following:

1. Before the county board recommends approval of the easement purchase to the State Board, obtain a conservation plan approved by the county conservation district or the County Board for the land that would be subject to the agricultural conservation easement.
2. As part of the settlement documents described in § 138e.93 (relating to post settlement recording and reporting procedures), execute a conservation plan agreement form containing the following:
  - i. The name, address and telephone number of the landowners.
  - ii. The location of the land.
  - iii. The acreage of the land.
  - iv. An acknowledgement that the deed of agricultural conservation easement requires that all agricultural production on the subject land be conducted in accordance with the conservation plan.
  - v. An acknowledgement that a conservation plan exists with respect to the land, together with the following:
    - a. The source of the conservation plan (typically, the Natural Resource Conservation service or the County Conservation District).
    - b. An identifying number given the conservation plan.
    - c. The date of the conservation plan.
  - vi. An acknowledgement that the landowners agree to comply with the conservation practices and implementation schedule in the conservation plan, and an acknowledgement that failure to so comply would be a violation of the terms of the deed of agricultural conservation easement.
  - vii. The signature of the landowners.

B. In addition to the requirements established by the County Conservation District or the County Board, the conservation plan shall meet the definitional requirement of a conservation plan in § 138e.3 (relating to definitions) and also require that:

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

Relative Values for Beaver County Soils

<b>SYMBOL</b>	<b>SOIL NAME</b>	<b>SOIL PERC</b>	<b>SOIL CLASS</b>	<b>RELATIVE VALUE</b>
AgB	Allegheny silt loam, 3 to 8 percent slopes	Slight	2	100
AgC	Allegheny silt loam, 8 to 15 percent slopes	Moderate	3	72
At	Atkins silt loam	Severe	3	72
BaB	Bethesda channery silt loam, 0 to 8 percent slopes	Severe	3	45
BaD	Bethesda channery silt loam, 8 to 25 percent slopes	Severe	4	45
BbF	Bethesda and Fairpoint channery silt loam 25 to 70 %	Severe	7	0
BcB	Braceville loam, 3 to 8 percent slopes	Severe	2	75
BcC	Braceville loam, 8 to 15 percent slopes	Severe	3	72
BkA	Brinkerton silt loam, 0 to 3 percent slopes	Severe	4	45
BkB	Brinkerton silt loam, 3 to 8 percent slopes	Severe	4	45
BkC	Brinkerton silt loam, 8 to 15 percent slopes	Severe	4	45
Ca	Canadice silt loam	Severe	4	45
CdB	Canfield silt loam, 3 to 8 percent slopes	Severe	2	75
CdC	Canfield silt loam, 8 to 15 percent slopes	Severe	3	72
CdD	Canfield silt loam, 15 to 25 percent slopes	Severe	4	56
CeA	Cavode silt loam, 0 to 3 percent slopes	Severe	3	56
CeB	Cavode silt loam, 3 to 8 percent slopes	Severe	3	56
CeC	Cavode silt loam, 8 to 15 percent slopes	Severe	3	56
CeD	Cavode silt loam, 15 to 25 percent slopes	Severe	4	45
Cg	Chagrin silt loam	Severe	1	100
ChB	Chili silt loam, 3 to 8 percent slopes	Slight	2	75
ChC	Chili silt loam, 8 to 15 percent slopes	Moderate	3	56
CmB	Clymer loam, 3 to 8 percent slopes	Moderate	2	100
CmC	Clymer loam, 8 to 15 percent slopes	Moderate	3	72
CmD	Clymer loam, 15 to 25 percent slopes	Severe	4	45
CoB	Conotton gravelly loam, 3 to 8 percent slopes	Slight	3	72
CoC	Conotton gravelly loam, 8 to 15 percent slopes	Moderate	4	45
CoD	Conotton gravelly loam, 15 to 25 percent slopes	Severe	6	0
CoF	Conotton gravelly loam, 25 to 50 percent slopes	Severe	7	0
CuB	Culleoka silt loam, 3 to 8 percent slopes	Severe	2	75
CuC	Culleoka silt loam, 8 to 15 percent slopes	Severe	3	72
CuD	Culleoka silt loam, 15 to 25 percent slopes	Severe	4	56
DoC	Dormont silt loam, 8 to 15 percent slopes	Severe	3	56
DoD	Dormont silt loam, 15 to 25 percent slopes	Severe	4	56
DoE	Dormont silt loam, 25 to 35 percent slopes	Severe	6	0
Du	Dumps	Severe	8	0
ErB	Ernest silt loam, 3 to 8 percent slopes	Severe	2	72
ErC	Ernest silt loam, 8 to 15 percent slopes	Severe	3	72
ErD	Ernest silt loam, 15 to 25 percent slopes	Severe	4	45
EsD	Ernest very stony silt loam, 8 to 25 percent slopes	Severe	6	0
FaB	Fairpoint channery silt loam, 0 to 8 percent slopes	Slight	3	45
FaD	Fairpoint channery silt loam, 8 to 25 percent slopes	Severe	4	45
FcA	Finchville silt loam, 0 to 2 percent slopes	Severe	2	72
FnA	Frenchtown silt loam, 0 to 3 percent slopes	Severe	3	56
FnB	Frenchtown silt loam, 3 to 8 percent slopes	Severe	3	56
GnB	Gilpin silt loam, 3 to 8 percent slopes	Severe	2	75
GnC	Gilpin silt loam, 8 to 15 percent slopes	Severe	3	56
GnD	Gilpin silt loam, 15 to 25 percent slopes	Severe	4	45
GpB	Gilpin-Upshur complex, 3 to 8 percent slopes	Severe	3	75
GpC	Gilpin-Upshur complex, 8 to 15 percent slopes	Severe	4	56

SYMBOL	SOIL NAME	SOIL PERC	SOIL CLASS	RELATIVE VALUE
GpD	Gilpin-Upshur complex, 15 to 25 percent slopes	Severe	6	45
GpF	Gilpin-Upshur complex, 25 to 60 percent slopes	Severe	7	0
GsB	Gilpin-Weikert complex, 3 to 8 percent slopes	Severe	3	72
GsC	Gilpin-Weikert complex, 8 to 15 percent slopes	Severe	3	56
GsD	Gilpin-Weikert complex, 15 to 25 percent slopes	Severe	4	45
GsF	Gilpin-Weikert complex, 25 to 70 percent slopes	Severe	7	0
GtB	Guernsey silt loam, 3 to 8 percent slopes	Severe	2	72
GtC	Guernsey silt loam, 8 to 15 percent slopes	Severe	3	72
GvB	Guernsey-Vandergrift complex, 3 to 8 percent slopes	Severe	2	72
GvC	Guernsey-Vandergrift complex, 8 to 15 percent slopes	Severe	3	56
GvD	Guernsey-Vandergrift complex, 15 to 25 percent slopes	Severe	4	45
HaB	Hazleton channery loam, 3 to 8 percent slopes	Moderate	2	100
HaC	Hazleton channery loam, 8 to 15 percent slopes	Moderate	3	72
HaD	Hazleton channery loam, 15 to 25 percent slopes	Severe	4	45
Ho	Holly silt loam	Severe	3	72
KeB	Keene silt loam, 3 to 8 percent slopes	Severe	2	72
KnC	Kensington silt loam, 6 to 15 percent slopes	Severe	3	56
KnD	Kensington silt loam, 15 to 25 percent slopes	Severe	4	45
Lb	Lobdell silt loam	Severe	2	100
LoB	Loudonville gravelly silt loam, 3 to 8 percent slopes	Severe	2	75
LoC	Loudonville gravelly silt loam, 8 to 15 percent slopes	Severe	3	56
LoD	Loudonville gravelly silt loam, 15 to 25 percent slopes	Severe	4	56
LoF	Loudonville gravelly silt loam, 25 to 50 percent slopes	Severe	6	0
McB	Mechanicsburg silt loam, 2 to 6 percent slopes	Severe	2	75
MoA	Monongahela silt loam, 0 to 3 percent slopes	Severe	2	75
MoB	Monongahela silt loam, 3 to 8 percent slopes	Severe	2	72
MoC	Monongahela silt loam, 8 to 15 percent slopes	Severe	3	72
Ph	Philo silt loam	Severe	2	100
Pn	Pits	Severe	8	0
Po	Pope silt loam	Severe	1	100
Pu	Purdy silt loam	Severe	4	45
RaA	Ravenna silt loam, 0 to 3 percent slopes	Severe	2	75
RaB	Ravenna silt loam, 3 to 8 percent slopes	Severe	2	75
RaC	Ravenna silt loam, 8 to 15 percent slopes	Severe	3	56
ReB	Rexford silt loam, 3 to 8 percent slopes	Severe	3	56
Sn	Sloan silt loam	Severe	3	72
TeB	Teegarden silt loam, 2 to 6 percent slopes	Severe	2	72
TeC	Teegarden silt loam, 6 to 15 percent slopes	Severe	3	56
TsB	Tilsit silt loam, 3 to 8 percent slopes	Severe	2	75
TsC	Tilsit silt loam, 8 to 15 percent slopes	Severe	3	72
TyA	Tyler silt loam, 0 to 3 percent slopes	Severe	3	72
TyB	Tyler silt loam, 3 to 8 percent slopes	Severe	3	56
UaB	Udorthents, strip mine, gently sloping	---	3	45
UaD	Udorthents, strip mine, moderately steep	---	6	45
UaE	Udorthents, strip mine, steep	---	7	0
Ub	Urban land-Arents complex	---	8	0
UbD	Urban land-Arents complex	---	---	0
UcB	Urban land-Canfield complex, 0 to 8 percent slopes	Severe	---	0
UcD	Urban land-Canfield complex, 8 to 25 percent slopes	Severe	---	0
UfB	Urban land-Conotton complex, 0 to 8 percent slopes	Slight	8	0
UfD	Urban land-Conotton complex, 8 to 25 percent slopes	Severe	8	0
UgB	Urban land-Gilpin complex, 0 to 8 percent slopes	Severe	8	0
UgD	Urban land-Gilpin complex, 8 to 25 percent slopes	Severe	8	0

<b>SYMBOL</b>	<b>SOIL NAME</b>	<b>SOIL PERC</b>	<b>SOIL CLASS</b>	<b>RELATIVE VALUE</b>
UwB	Urban land-Wharton complex, 0 to 8 percent slopes	Severe	8	0
UwD	Urban land-Wharton complex, 8 to 25 percent slopes	Severe	8	0
VgD	Vandergrift-Gilpin complex, 15 to 35 percent slopes	Severe	6	45
WeF	Weikert-Rock outcrop complex, 25 to 80 percent slopes	Severe	7	0
WhA	Wharton silt loam, 0 to 3 percent slopes	Severe	2	75
WhB	Wharton silt loam, 3 to 8 percent slopes	Severe	2	75
WhC	Wharton silt loam, 8 to 15 percent slopes	Severe	3	56
WnD	Wharton-Gilpin silt loams, 15 to 25 percent slopes	Severe	4	45
WoB	Wooster gravelly silt loam, 3 to 8 percent slopes	Severe	2	75
WoC	Wooster gravelly silt loam, 8 to 15 percent slopes	Severe	3	72
WoD	Wooster gravelly silt loam, 15 to 25 percent slopes	Severe	4	45
W	Water	---	---	0

**Farmland Ranking Proposal Worksheet  
Farm Application  
LESA Ranking System**

Soil Mapping Unit	Soil Class	Acreage Each Unit	x	Relative Value Each Unit	=	Total of Soils Relative Value		Soil Mapping Unit	Soil Class	Acreage Each Unit	x	Relative Value Each Unit	=	Total of Soils Relative Value
Total of Soils Relative Values							Total of Soils Relative Values							
Total of Soils Relative Value			÷	Total Acreage of Farm		=	Average Relative Value of Farm		x	Weighted Factor .40		=	Land Evaluation Rating	

### Farmland Ranking Proposal Worksheet

Development Potential			Farmland Potential			Clustering Potential								
Factor	Score		Factor	Score		Factor	Score							
1. Distance from public sewage			1. Acreage of tract			1. Compatibility comprehensive plan								
1a. Substitute no public sewage			2. % in cropland, pasture, or grazing			2. Other ag easements								
2. Distance from public water			3. Stewardship			3. % within 2 miles of ASA								
3. Road frontage			4. Condition of buildings			4. % adjacent to ASA								
4. % adjacent in non-ag use			5. Historic - scenic			5. # of App's & easements within 5 miles								
5. Distance from urban area			6. Century or Bi-Centennial Farm											
6. Distance from center city or town			7. Soil classes											
7. Distance from highway interchange														
<b>Total Score</b>			<b>Total Score</b>			<b>Total Score</b>								
Development Potential Score	x	Variable Weighted Value .20	=	Weighted Score	Farmland Potential Score	x	Variable Weighted Value .30	=	Weighted Score	Clustering Potential Score	x	Variable Weighted Value .10	=	Weighted Score



**FARMLAND APPRAISAL PROCEDURE**

Applicants must submit a \$500.00 deposit with the application and will be asked for an additional \$500.00 and to sign an Appraisal Request Form (Appendix J) before the appraisal will be completed. Once the appraisal has been started, these deposits are not refundable, unless the application goes to closing. (The additional check will only apply to applications received during the 2010 or later application periods.)

**Appraisal Contents**

1. 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 and shall not exceed \$4,000.00 per acre. The Board reserves the right to change the per acre cap amount after State Board approval.
2. An appraisal shall be based primarily on an analysis of comparable sales.
3. The value of a building or other improvement on the farmland tract may be considered in determining the easement value. The value of the buildings or other improvements shall appear separately in the appraisal report.
4. All appraisals done for the Beaver County Easement Purchase Program must be done by a Pennsylvania State Certified General Real Estate Appraiser in accordance with the standards set forth in Act 43 and any future revisions and regulations thereof. (14.1)(f) and (f) (3).
5. The appraiser shall supply a narrative report which contains the following information and is in the following format:
  - a. Introduction
    - i. Letter of Transmittal,
    - ii. Appraiser's Certificate of Value as to Conservation easement Value,
    - iii. Table of Contents
    - iv. Summary of Salient Facts and Conclusions
    - v. Purpose of the Appraisal
    - vi. Easement Value Definition
  - b. 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. Color Photos of Subject Property's Fields and Improvements
      - E. Tax Map showing the Subject Property and its Relationship to neighboring properties.
      - F. Sketch of Subject Property
      - G. Location Map
      - H. Soil Map

- c. Analysis and Conclusions
    - i. Analysis of Highest and Best Use
    - ii. Valuation Methodology: Market Value
      - A. Comparable Sales Data
      - B. Adjustment Grid
      - C. Locations Map of Comparable Sales
    - iii. Market Value Estimate
    - iv. Valuation Methodology: Farmland Value
      - A. Comparable Sales Data
      - B. An adjustment grid
      - C. Locations Map of Comparable Sales
    - v. Farmland Value Estimate
    - vi. Final Estimate Easement of Value
    - vii. Enhancement Value
    - viii. Appendix, which contains, Professional Qualifications of the Appraiser
6. The appraiser shall supply information concerning comparable sales as follows:
- a. At least three comparable sales shall be used 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 to be supplied by the appraiser for each comparable sale used in the preparation of the appraisal report is contained in Chapter 138e.64(f) (1) through (9) in the Rules and Regulations for easement purchase.

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

1. The applicant may, at applicant's expense, retain another independent licensed real estate appraiser to determine the easement value. The appraiser shall be qualified and the appraisal must be completed in accordance with the above guidelines. The appraisal shall be completed within 120 days of the County's offer. Upon completion, three copies of the applicant's appraisal report shall be submitted to the County Board.
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 as 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 the market value determined by the applicant's appraiser and the market value determined by the County Board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the County Board's appraiser.

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

### **Requirements of the Agricultural Easement Deed**

1. All owners of the subject farmland tract shall execute a deed conveying the easement, which deed shall include the provisions set forth by the State Board and § 138e.67.
2. The deed shall be in the recordable form and contain
  - a. A legal description setting forth the metes and bounds of the farmland tract subject to the easement.
  - b. At least one course and distance referencing 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 lineal 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 Beaver County satisfies the requirements of paragraphs (a) and (b) above. A survey required by the provisions of this paragraph must comply with the boundary survey measurement standards for a class A-2 survey as published by the Pennsylvania Society of Land Surveyors.
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 pro-rata 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.

### **Title Insurance**

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

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

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

- (1) The difference between the appraised market value and the appraised farmland value, as described in § 138e.65 (a) (relating to easement value and purchase price).
- (2) The difference between the agricultural value and the nonagricultural value, as described in § 138e.66(c) (3) (relating to offer of purchase by County Board), if the values are used to calculate the easement value.

## **Survey Requirements.**

1. *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.
2. *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,” or its most current successor document, and shall be obtained through field observation or verification of datum.
  - (4) A paper copy of the plotted final survey map from the digital file showing the course bearings and distances and other annotations and symbols as maintained in the guidebook prepared by the Department in accordance with section 14.1(a)(3)(xv) of the act.

3. *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 § 138e.73 (b) (3). This monumentation shall consist of permanent, concrete markers of substantial length and width containing ferrous or other materials detectable by an electromagnetic locator. The identity of the surveyor who places a monument shall be affixed or marked upon the monument so that it can be ascertained by inspection of the monument in the field.

## 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 purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees, and survey costs.
  - g. The cost of title insurance.
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.
4. If the actual costs are less than the estimated costs, the County Board shall promptly refund the difference to the Department of Agriculture.

## Summary Report

- A. *General.* A recommendation by the County Board for the purchase of an easement shall be accompanied by a summary report consisting of a narrative report and appendix as described in subsections (b) and (c).
- B. *Narrative report.* The narrative report shall consist of the following:
  1. A description of the farm, including the name of all landowners, location in relation to the nearest town, number of acres proposed for purchase and type of agricultural production on the farm.
  2. A description of the quality of the farmland tract, including the soil capability classes of the soils available for agricultural production.

3. The farmland ranking score, including a statement of the relative ranking of the farmland tract among other tracts considered by the county in the same round of applications.
4. A description of the likelihood of conversion to other uses if the easement is not purchased.
5. A description of the nature and scope of developmental pressure in the municipality or area.
6. A description of the nature and scope of conservation practices and best land management practices, including soil erosion and sedimentation control and nutrient management.
7. A discussion of the purchase price summarizing the appraisals, including the agricultural and nonagricultural value, negotiations for purchase and the percentage of the appraised easement value accepted by the landowner.
8. A statement of costs as described in § 138e.69 (relating to statement of costs).
9. A certification by the County Board that the information presented to the State Board is true and correct.

C. *Appendix.* The appendix of the summary report shall, at a minimum, consist of the following:

1. The application form.
2. Locational maps, including tax, topographic and soils maps.
3. A soils report.
4. Any crop report required by the county program.
5. Any livestock report required by the county program.
6. An evaluation of the farmland ranking score, showing how the farm scored in comparison to other farms.
7. A quitclaim deed, or a sub-ordination, release or letter approving the purchase from a mortgagee, lien-holder or owner of rights in surface mineable coal.

Revised-----9/25/96  
Revised-----12/31/02  
Revised-----6/10/10  
Revised-----9/4/17

**Procedure for Pre-Acquisition of an Agricultural Conservation Easement by a Non-Profit Conservation Organization**

1. County Board makes determination that easement pre-acquisition may be necessary.
2. County Board checks to make sure the farm meets the State and/or County Minimum Criteria and ranks the farm with the Land Evaluation and Site Assessment (LESA) system.
3. County Board sends written request to the conservation organization asking the organization to assist in the protection of the farm by pre-acquiring an easement for the County Board. The letter should clearly state what costs will be reimbursed to the non-profit entity for undertaking the easement pre-acquisition.
4. Conservation organization responds to County Board request agreeing to do the easement pre-acquisition.
5. If the Commonwealth is to eventually hold the easement, notice should be given to the Bureau of Farmland Preservation, that an easement is being pre-acquired by the conservation organization.
6. Conservation Organization and/or County Board should then take the following steps:
  - a. Appraise the value of the conservation easement. Make sure the appraisal is done following the Commonwealth's Farmland Appraisal Procedure (Appendix G)
  - b. Survey the property if necessary.
  - c. Negotiate an easement purchase price with the landowners.
  - d. Order a title search and secure a title insurance commitment for the easement purchase.
  - e. Obtain any necessary releases or subordinations from mortgage holders or other lien holders.
7. Conservation organization and the attorney for the conservation organization, in consultation with the County Board and Bureau of Farmland Preservation, should draft the following legal documents:
  - a. **Deed of Agricultural Conservation Easement** - If the easement is to be eventually transferred to the Commonwealth, the easement language must be identical to the standard Commonwealth Deed of Agricultural Conservation Easement. The county subdivision guidelines should also be included or referenced in the Deed of Easement.
  - b. **Purchase and Sales Agreement** - Agreement between the conservation organization and the landowner to purchase and sell the agricultural conservation easement.
  - c. **Assignment Agreement** - This is the legal agreement between the conservation organization, the County Board and the State Board describing how the conservation easement ownership will be transferred from the conservation organization to the Commonwealth and/or County. This includes the details on the costs involved in the transaction and how these costs will be reimbursed.
  - d. **Assignment of Agricultural Conservation Easement** - This is the legal document which is used to transfer the ownership of the conservation easement from the conservation organization to the Commonwealth and/or County. It is included as an attachment to the Assignment Agreement.

8. Conservation organization obtains financing and follows through with the purchase of the easement from the landowner. The conservation organization should record the deed of easement in the Recorder of Deeds Office immediately following settlement with the landowner.
9. If the easement is to be transferred to the Commonwealth, the County Board should submit a written request to the State Board to approve the assignment of the conservation easement from the conservation organization to the Commonwealth. The same documentation should be submitted to the State Board as is required for recommending a standard Commonwealth easement purchase with the additional legal documents included.
10. After the State Board votes to approve the assignment, the conservation organization must wait for the State funds to be released to cover the assignment costs and the reimbursement of incidental costs involved in the pre-acquisition transaction.
11. At the assignment settlement, representatives or agents for the conservation organization, the Commonwealth and/or County Board sign the assignment document, legally transferring ownership of the easement from the conservation organization to the Commonwealth and/or County. During the settlement, the conservation organization is reimbursed for all agreed costs in pre-acquiring the easement. The County Board should have the assignment document recorded in the Recorder of Deeds Office immediately following the settlement.
12. The last step in the pre-acquisition process is for the County Board to submit a request to the State Board to reimburse any additional incidental costs that were incurred by the conservation organization and/or County Board that were not initially requested in the assignment agreement (i.e. additional financing costs, recording costs, legal costs, etc.)

**Beaver County Agricultural Land Preservation Board  
Appraisal Request Form**

I/We \_\_\_\_\_,

Owner/s of farm property consisting of \_\_\_\_\_ acres, located at \_\_\_\_\_  
\_\_\_\_\_ in \_\_\_\_\_  
Municipality

in Beaver County, Pennsylvania and a qualified and approved Agricultural Conservation Easement sale applicant, hereby request an appraisal by the Beaver County Agricultural Land Preservation Board. A **\$500.00** fee accompanies this form. I/We understand that this fee is refundable, at the closing, if we choose to accept an offer from the County Board.

SIGNATURES OF  
LANDOWNER(S): \_\_\_\_\_  
\_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_

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

PLEASE MAKE CHECK PAYABLE AND SUBMIT TO:

**Beaver County Agricultural Land Preservation Board  
Beaver County Courthouse  
810 Third Street  
Beaver, Pa. 15009**

\*\*\*\*\*

Office Use:

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

**BEAVER 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 14 of 2001 and Act 138 of 1998 amendments of the Agricultural Area Security Law, Act 43 to take affect for the 2002 applicants. The revisions to the County program are described below by section.

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

Act 14 of 2001 amended the Agricultural Area Security Law (Act 43) to proscribe certain conditions which would allow for the purpose of an agricultural conservation easement (ACE) on a parcel that is not entirely within an agricultural security area (ASA). Subject to the County Commissioners authorizing the County Board at their December 27, 2001, meeting to administer a program for the purchasing of agricultural conservation casements from landowners whose land is either within an agricultural security area or in compliance with the criteria set forth below as it applies to the Act 14 amendments, the County Board shall follow the Chapter 138e.43 Revision of County Program procedures and approvals.

1. Consistent Standards. The standards and procedures for the selection and purchase of an agricultural conservation easement set forth in this County program are applicable to the selection and purchase of easements crossing local government unit boundaries and County boundaries.
  
2. Parcels Crossing Local Government Unit Boundaries. The County Board may recommend the purchase of an agricultural conservation easement on a parcel a portion of which is not within an agricultural security area if all of the following occur:
  - a. The agricultural conservation easement would be purchased by the County solely or jointly with either the Commonwealth or a local government unit or both. State-only easements are not included. Township-only easement purchases do not apply
  
  - b. The land is part of a parcel of farmland that is transacted by the dividing line between two local government units, with the portion within one local government unit being in an agricultural security area of 500 or more acres and the portion within the other local government unit not being within an agricultural security area.
  
  - c. The majority of the parcel's viable agricultural land is located within an agricultural security area of 500 or more acres.
  
3. Parcels Crossing County Boundaries. The County Board may recommend the purchase of an agricultural conservation easement on a parcel a portion of which is not within an agricultural security area if all of the following occur:
  - a. The agricultural conservation easement would be purchased by the County solely or jointly with either the Commonwealth or a local government unit or both. State-only easements are not included. Township-only easement purchases do not apply.

- b. The land is part of a parcel of farmland that is transacted by the dividing line between the purchasing County and an adjoining County, with their portion within the purchasing county being in an agricultural security area of 500 or more acres and the portion within the adjoining county's local government unit not being within an agricultural security area.
  - c. One of the following shall apply:
    - i. The main dwelling (mansion house) is located on the parcel, and the house is located entirely in the purchasing county with the local government unit that has an ASA.
    - ii. The main dwelling (mansion house) is located on the parcel, on the dividing line between counties and the owner of the parcel has chosen the purchasing county with the local government unit that has an ASA as the house site for tax assessment purposes.
    - iii. There is no main dwelling (mansion house) on the parcel, and the majority of the parcel's viable agricultural land is located in the purchasing county with the local government unit that has an ASA.
4. Recording Responsibilities. Upon the purchase of an agricultural conservation easement as described, becomes part of the agricultural security area covering the rest of the parcel. The purchasing County will take all steps necessary to ensure the local government unit which created the agricultural security area meets its responsibility, under § § 14. 1 (b)(2)(i)(B)(11) and 14. 1 (b)(2)(i)(C)(111) of the Agricultural Area Security Law, for the recording, filing and notification described in § 8(d) and 8(g) of the Agricultural Area Security Law with respect to the land added to the agricultural security area.

## **ENFORCEMENT**

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

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

## **LOCAL GOVERNMENT UNIT PARTICIPATION**

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

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

2. The local government unit shall recommend to the county board the purchase of agricultural conservation easements by the eligible county and the local government unit as joint ownership.
3. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the local government unit and the Commonwealth as joint ownership.
4. The local government unit may purchase an agricultural conservation easement, provided that all of the following apply:
  - i. The agricultural conservation easement is located within an agricultural security area of at least 500 acres or the easement purchased is a joint purchase with either a county or both a County and the Commonwealth pursuant to the criteria set forth for the purchase of agricultural conservation easements cross local government unit boundaries and cross county boundaries including any portion of an agricultural conservation easement extending into an adjoining county.
  - ii. The deed of agricultural conservation easement is at least as restrictive as the deed of agricultural conservation easement prescribed by the State board for agricultural conservation easements purchased by the Commonwealth.
  - iii. The local government unit shall participate with the County Board in complying with paragraph (5) for recording any agricultural conservation easement purchased by the local government unit.
5. The County Board shall be responsible to record agricultural conservation easement where a local government unit is a party to the purchase of the easement. The easement shall be recorded by the County Board in the office of the Recorder of Deeds of the County wherein the agricultural conservation easements are located. The County Board shall submit to the State board a certified copy of the agricultural conservation easements within 30 days after recording. The County Board shall attach to all certified copies of the agricultural conservation easements submitted to the State board a description of the farmland subject to the agricultural conservation easements.
6. The local government unit may incur debt pursuant to 53 PA C.S. Pt. VII Supbt. B (relating to indebtedness and borrowing) for the purchase of agricultural conservation easements.

#### **EASEMENT VALUE AND PURCHASE PRICE**

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

December 5, 2001

**JOSEPH E. PETRELLA, JR.**

Chairman, Beaver County Agricultural Land Preservation Board

**COMMERICAL EQUINE ACTIVITIES AMENDMENT**

**BEAVER 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) (1) 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.'