

Washington County Agricultural Land Preservation Program Policies and Bylaws

Approved by the Pennsylvania Agricultural Land Preservation Board

December 16, 2004 (Recertified)

December 15, 2011 (Recertified)

August 7, 2018 (Recertified)

June 12, 2025 (Recertified)



Washington County Agricultural Land Preservation Board
c/o Washington County Planning Commission
95 West Beau Street, Suite 115
Washington, PA 15301
724-228-6811

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County Board Resolution



County of Washington

FRANK R. MASCARA, CHAIRMAN
METRO PETROSKY, JR.
JOSEPH A. FORD
COUNTY COMMISSIONERS

COMMONWEALTH OF PENNSYLVANIA
COURTHOUSE SQUARE, ROOM 702
WASHINGTON, PA 15301



(412) 228-6724

LOU LIGNELLI,
DIRECTOR OF ADMINISTRATION
(412) 228-6725

CHRISTINE S. DALLATORE,
CHIEF CLERK
(412) 228-6723

*cc: B. Simler
S. Stokum*

RESOLUTION

WHEREAS, the County of Washington, Pennsylvania desires and intends to participate in Pennsylvania's Farmland Preservation Program as described in Act 43 of 1981; and

WHEREAS, the Washington County Commissioners will establish and appoint members to the Washington County Agricultural Land Preservation Board in accordance with Act 149 of 1988; and

WHEREAS, the Washington County Commissioners desire and intend to authorize said Board to administer the program.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the County of Washington, Pennsylvania, by its duly elected Board of County Commissioners, that Washington County hereby submits this Resolution as proof that it intends to participate in the Farmland Preservation Program in accordance with its provisions and regulations.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 6th day of October, 1994.

ATTEST:

COUNTY OF WASHINGTON
WASHINGTON COUNTY COMMISSIONERS

Christine S. Dallatore
Christine S. Dallatore, Chief Clerk

BY:

Frank R. Mascara
Frank R. Mascara, Chairman

(SEAL)

Metro Petrosky, Jr.
Metro Petrosky, Jr.

Joseph A. Ford
Joseph A. Ford



County of Washington

FRANK R. MASCARA, CHAIRMAN
METRO PETROSKY, JR.
JOSEPH A. FORD
COUNTY COMMISSIONERS

COMMONWEALTH OF PENNSYLVANIA
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LOU LIGNELL
DIRECTOR OF ADMINISTRATION
(412) 228-6725

CHRISTINE S. DALLATORE,
CHIEF CLERK
(412) 228-6723

RESOLUTION

WHEREAS, the Commonwealth of Pennsylvania has declared a policy of conserving and protecting agricultural lands as valued natural and ecological resources and for the production of food and other agricultural products; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania enacted the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128, No. 43, et. seq. (3 P.S. 901, et seq.) to provide a means to protect agricultural land from the expansion of development in areas around urban metropolitan areas; and

WHEREAS, under the provisions of the Agricultural Area Security Law after the establishment of an agricultural security area in Washington County, the Board of Commissioners of Washington County is empowered to authorize a program to be administered by a County Agricultural Land Preservation Board for purchasing agricultural conservation easements from landowners whose land is within an agricultural security area; and

WHEREAS, an agricultural security area has been established by the Board of Supervisors of eleven municipalities within the boundaries of Washington County, and other proposals for creation of agricultural security areas in Washington County are currently pending.

NOW, THEREFORE, it is hereby resolved by the Board of Commissioners of Washington County, Pennsylvania, that:

1. A program is hereby authorized for purchasing agricultural conservation easements from landowners whose land is within an agricultural security area located in Washington County and duly established by the governing body, all in accordance with the provisions of the Agricultural Area Security Law, as the same may be amended from time to time, or any successor statute.

2. The aforesaid program shall be administered by the Washington County Agricultural Land Preservation Board, the creation of which Board is hereby approved, the powers and duties of which Board shall be as established in the Agricultural Area Security Law, as amended, or any successor statute.

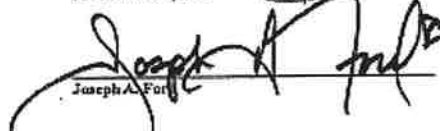
RESOLVED AND ENACTED this 1st day of December, 1994.

**COUNTY OF WASHINGTON
BOARD OF COMMISSIONERS**

(not present at meeting)

Frank R. Mascara, Chairman


Metro Petrovsky, Jr.


Joseph A. For

Attest:


Christine Dallabona, Chief Clerk

I. Authorization

Authorization of the Washington County Agricultural Lands Preservation Program for either the purchase of, or acceptance of donations, for Agricultural Conservation Easements.

- 1.1 The Washington County Commissioners have authorized the County Agricultural Land Preservation Board to administer an Agricultural Conservation Easement Program in conformity with the Act of June 30, 1981 (P.L. 128, No.43), known as the Agricultural Area Security Law, as amended.
- 1.2 An official copy of the resolution listing the original board members appointed by the Commissioners as well as the resolution authorizing the county program is included as part of the program manual.

II. County Board Composition

In accordance with the governing Act, the names, addresses, occupations, and length of initial term are recorded here to allow for continued consistency of board composition.

- 2.1 The total number of board members for the Washington County Agricultural Land Preservation Board shall be seven (7), with three (3) of these members being active, resident farmers of the county. One (1) member will be a local building contractor. One (1) member shall be a member of a local governing body of a municipality. The other two (2) members shall be "at-large" members appointed from the community.
- 2.2 After the initial term as stated in the authorization resolution, the duration for each succeeding board member shall be three (3) years from date of appointment.
- 2.3 The composition, names, addresses, occupations, length of terms and officers are included here to allow for continued consistency of the board composition

THE WASHINGTON COUNTY FARMLAND PRESERVATION BOARD MEMBERSHIP

<u>Name and Address</u>	<u>Occupation</u>	<u>Term Expiration Date</u>
William Iams, Chairman 70 Ikes Road Amity, PA 15301	Farmer	December 31, 2025
William Paxton 786 Western Avenue Washington, PA 15301	Farmer	December 31, 2026
Wayne Hunnell 470 Kelly Road Washington, PA 15301	Farmer	December 31, 2027
Jeremy Matinko 24 Grasshopper Lane Charleroi, PA 15022	Member at Large	December 31, 2027
Jason Ewart 1800 Bedillion Road Washington, PA 15301	Member at Large	December 31, 2026
Richard Shriver 117 Walker Road Avella, PA 15312	Building Contractor	December 31, 2027
Earl Sadler 12 Ferdeli Drive Charleroi, PA 15301	Township Supervisor	December 31, 2025

III. Statement of Purpose

In accordance with the Agricultural Area Security Law, the primary functions of this program are:

- 3.1 The purpose of this program will be to govern the administration of the Washington County Agricultural Land Preservation Program as set forth herein, approved by the State Agricultural Land Preservation Board, in accordance with the governing state law(s).
- 3.2 It is the purpose of this program to protect viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production.
- 3.3 A further role of the program will be to govern the administration of any other public program that is approved by the governing body of the County for the purpose of preserving or protecting agricultural land within the County.
- 3.4 Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
- 3.5 Protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.
- 3.6 Protect normal farming operations from complaints of public nuisance against normal farming operations.
- 3.7 Assure conservation of viable agricultural lands in order to protect the agricultural economy of Washington County and the Commonwealth.
- 3.8 Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
- 3.9 Maximize agricultural conservation easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.

Other purposes are further detailed in Section IV, County Board Bylaws.

IV. County Board Bylaws

- 4.1 The name of this nonprofit organization shall be the Washington County Agricultural Land Preservation Board, herein referred to as the "Board."
- 4.2 The Board was established by the Washington County Board of Commissioners on November 3, 1994, pursuant to the Act of June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law, as amended.
- 4.3 The Board shall possess the following functions:

- (a) To govern the administration of the Washington County Agricultural Land Preservation Program as set forth herein, approved by the State Agricultural Land Preservation Board, and in accordance with the governing state law(s). It is the role of this program to protect and promote continued productive agricultural use of viable farmlands by acquiring agricultural conservation easements preventing the development or improvement of these lands for any purpose other than agricultural production or related agricultural activities.
- (b) To encourage landowners to participate in and assist local municipalities with the establishment of Agricultural Security Areas (ASA).
- (c) To promote efforts to strengthen the agricultural based industry of the County.
- (d) Encourage the use of additional farmland preservation techniques through public and private organizations in the County.
- (e) Promote efforts to support the agricultural industry in the County.
- (f) Perform such other duties and responsibilities as may be authorized pursuant to the Agricultural Area Security Law.
- (g) To adopt a County program delineating the rules and regulations governing the administration of the County program through the purchase of agricultural conservation easements within Agricultural Security Areas.
- (h) To execute all contracts for the purchase of agricultural conservation easements in the name of the County.
- (i) To execute such other duties and responsibilities as may be authorized or required to perform the functions above.

4.4 The Board shall be composed of seven (7) members to be appointed by the County governing body. The composition of the Board will include the following:

- (a) Three (3) active resident farmers of the County (representing one less than the majority).
- (b) One (1) current member of the governing body of a municipality located within the County.
- (c) One (1) industrial, commercial, or residential building contractor located and doing business within the County.
- (d) Two (2) at-large members residing within the County.

4.5 The initial term of office for the appointees identified in Section 4.4 (a) shall be three (3) years. The initial term for the appointee under Section 4.4 (b) shall be two (2) years. The initial term for the appointees under Section 4.4 (c) and (d) shall be one (1) year. Thereafter, the term of all members of the Board shall be three (3) years, except the position held under Section 4.4 (b)

shall be deemed vacant upon vacancy, or the expiration of the term of the municipality office to which the member was elected, if this occurs before the end of the member's term on this Board.

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

- 4.6 The Board members shall attend a minimum of sixty percent (60%) of all meetings, whether regular or special, of the Board on a calendar year basis. Any member who is unable to attend a meeting should notify the County Agricultural Land Preservation Office (Washington County Planning Commission Office) prior to that meeting.

A member, who does not attend a minimum of sixty percent (60%) of the meetings, shall be replaced by the County governing body.

- 4.7 Any appointment to fill a vacancy created by removal, resignation or other circumstance shall be only for the un-expired term of the vacant position. The County governing body shall designate an appointee to fill such a vacancy.
- 4.8 Any Board member may be removed from the Board for malfeasance in office, nonfeasance in office or other just causes by a majority vote of the County governing body. Board members shall receive fifteen (15) business days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- 4.9 The County governing body will annually designate a chairman for the Board. Other officers shall include a vice-chairman and secretary/treasurer. These officers shall be selected through nominations from the floor, by a majority vote of the Board members at the first regularly scheduled meeting each year. In the event that both the chair and vice-chair are absent from a meeting, the Board members present shall designate a temporary chair for that meeting only.
- 4.10 The chair shall preside at all meetings of the Board, call special meetings, establish committees, appoint committee chairs, and delegate other tasks and assignments as may be appropriate. The vice-chair shall preside at all meetings in the absence of the Chair.
- 4.11 The chair may be removed from office by the County governing body. The Board may request removal of the chair for just cause by resolution passed by a majority vote of all members of the Board. The other officers may be removed from office by a majority vote of all members of the board.
- 4.12 Each member of the Board shall be allowed to cast one (1) vote and must be present to vote. A majority of the total membership of the Board, four (4) members, shall constitute a quorum for the conduct of business. A quorum of members is required to vote on any motion before the Board. Only duly appointed members of the Board shall have voting rights.
- 4.13 Regular meetings shall be held as needed at a time and place designated by the Board. Special meetings shall be held at the call of the chair, or at the request of at least four (4) members of the Board, and shall require written notice of a minimum of ten (10) business days.

- 4.14 All Board meetings shall be open to the public in accordance with the Sunshine Law (Act of July 3, 1986, P. L. 388, No. 84), and with the Right-to-Know Law (Act of June 21, 1957, P. L. 390, No. 212). Robert's Rules of Order shall apply to all events not otherwise covered by the bylaws.
- 4.15 The County Office shall provide secretarial assistance to the Board and shall be responsible for the recordation of all meetings. The County Office shall also send and receive correspondence on the Board's behalf as well as pay all bills authorized by the Board and maintain a record of all funds designated for easement purchase and the day-to-day administration of the County Program.
- 4.16 Purchase of agricultural conservation easements requires approval of a majority of Board members at a meeting, provided that a quorum is present. Board members shall comply with the Act of October 4, 1978 (P. L. 883, No. 17) (65, P. S. Sections 401-413), known as the Public Official and Employee Ethics Law.
- 4.17 Unless otherwise stated, all moneys received from State, County or other sources shall be used for the purpose of protecting viable agricultural land in the County.
- (a) The Board shall operate within a budget as approved annually by the county governing body. Board members shall not receive a salary of payment for their services on the Board, but may be reimbursed for expenses incurred in the course of their service to the Board provided these expenses are approved by the Board. No member of the Board shall be liable for the debts of the Board. The County governing body will provide insurance coverage for the Board through their blanket policy.
 - (b) The Washington County Farmland Preservation Program will participate in the two-year period that the State regulations allow for the expenditure of State funds for the purchase of agricultural easements.
 - (c) The Washington County Farmland Preservation Program will also participate in the long-term installment provisions of the Agricultural Security Act.
- 4.18 These bylaws may be amended at a regularly scheduled Board meeting by five (5) or more affirmative votes, which is a 2/3 majority, provided that such amendments, along with a notice of the meeting, have been circulated to all Board members at least ten (10) business days preceding the meeting.
- 4.19 Minutes of all Board meetings shall be maintained by the County Office and copies distributed to all Board members, together with a tentative agenda for the next meeting, at least five (5) business days prior to the regularly scheduled meetings.
- 4.20 The Board may receive assistance from the staffs of the County Office, the County Conservation District, the U.S.D.A. Natural Resources Conservation Service, the Cooperative Extension Service, the County Tax Office, Recorder of Deeds, County Planning Commission, or other

sources that are available. The Board may also appoint an advisory committee having no voting privileges.

V. Application Procedure for Easement Purchases

Applicants interested in having their farms considered by the Board for agricultural conservation easement purchase must provide information verifying that their farm property meets the following criteria. (**Appendix A**)

All conservation easement applications and other documentation will be done in accordance with the model formats of the guidebook of the State Farmland Preservation Program and any future revisions thereto. (14.1 (a) (3) (xv) and (b) (2) (xiv)).

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

5.1 STATE MINIMUM CRITERIA

The Farmland Tract Must:

1. Be one 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 land of 500 acres or more and the remainder in another local government unit outside of an agricultural security area.
 - (iii) Bisected by the dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county within an agricultural security area of 500 acres or more and the remainder in another county outside an agricultural security area, and with respect to which one of the following is accurate:
 - a. A mansion house is on the tract and located within the purchasing county.
 - b. Where the dividing line between the two counties bisects the mansion house on the tract, the landowner has chosen the purchasing county as the sites of assessment for tax purchases.
 - c. Where there is no mansion house on the farmland tract, the majority of the tracts 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 (unless the tract is)
 - (ii) Contiguous acreage of at least 10 acres in size and is either utilized for a crop unique to the area or
 - (iii) Contiguous acreage of at least 10 acres in size and contiguous to property which has a perpetual conservation easement in place which is held by a "qualified conservation organization" as that term is defined at Section 170(h)(3) of the Internal Revenue Code. (26 U.S.C.A. § 170 (h)(3)).

*Contiguous Acreage is defined as all portions of one operational unit as described in the deed, or deeds, whether or not the portions are divided by streams, public roads, bridges or railroads and whether or not described as multiple tax parcels, tracts, purports, or other property

identifiers. This term includes supportive lands, such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams.

3. Contain at least 50% of soils which are available for agricultural production and are of Land Capability Classes I through IV, as defined by the Soil Surveys published by the USDA Natural Resources Conservation Service.
4. Contain the greater of 50% or 10 (ten) acres of harvested cropland, pasture or grazing lands.

5.2 COUNTY MINIMUM CRITERIA

Minimum Eligibility Criteria for consideration of conservation easement purchase in order to comply with the county program that are in addition to the state program requirements are:

- (a) The entire parcel as identified on the county assessment maps must be submitted for easement. The landowner may exclude up to but no more than five (5) acres from the agricultural easement purchase to provide for future home sites. This five-acre exclusion is a one-time only exclusion. No other subdivisions will be permitted other than what is allowed under Section X - Subdivision, and those exemptions provided in the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128 No. 43, et. seq. Section 14.1 (c)(6)(iv) and the Subdivision language amendment – Act 33 pf 2019. The property owner is required to have the five-acre tract surveyed and defined off of the farm tract with a separate legal description for the five-acre tract prior to the purchase of the agricultural conservation easement. This five-acre tract will not be included in the easement purchase.
- (b) The Washington County Farmland Preservation Board will not pay more than \$3,000 per acre of state and/or county funds for any agricultural conservation easement.
- (c) Only applications for perpetual agricultural conservation easements will be considered.
- (d) The farmland must have a likelihood of being converted to non-agricultural use. For purposes of considering the likelihood of conversion, the existence of a zoning classification shall not be relevant, but the market for non-farm use or development of farmlands shall be relevant.
- (e) The applicant must exhibit good land stewardship, including, but not limited to, the use of conservation and best land management practices such as soil, sedimentation control and nutrient management. A conservation plan must be approved before an agricultural conservation easement purchase is settled.
- (f) Land idled because of government programs such as the Conservation Reserve Program will not qualify as part of the cropland “in current use” under Section 5.1 (c).

The Farmland Tract Must:

1. Be one 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 land of 500 acres or more and the remainder in another local government unit outside of an agricultural security area.
 - (iii) Bisected by the dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county within an agricultural security area of

500 acres or more and the remainder in another county outside an agricultural security area, and with respect to which one of the following is accurate:

- a. A mansion house is on the tract and located within the purchasing county.
- b. Where the dividing line between the two counties bisects the mansion house on the tract, the landowner has chosen the purchasing county as the sites of assessment for tax purchases.
- c. Where there is no mansion house on the farmland tract, the majority of the tracts 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 (unless the tract is)
- (ii) Contiguous acreage of at least 10 acres in size and is either utilized for a crop unique to the area. Farms producing crops unique to the area for commercial purposes (fresh market, processing, or as a commercial agricultural enterprise) will be considered by the county on a case-by-case basis for easement purchase. Crops that may qualify include grapes, orchard crops, tomatoes, pumpkins, strawberries, sweet corn, Christmas trees, floriculture crops, nursery stock, and ornamental trees and shrubs.
- (iii) Contiguous acreage of at least 10 acres in size and contiguous to property which has a perpetual conservation easement in place which is held by a "qualified conservation organization" as that term is defined at Section 170(h)(3) of the Internal Revenue Code. (26 U.S.C.A. § 170 (h)(3)).

*Contiguous Acreage is defined as all portions of one operational unit as described in the deed, or deeds, whether or not the portions are divided by streams, public roads, bridges or railroads and whether or not described as multiple tax parcels, tracts, purports, or other property identifiers. This term includes supportive lands, such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams.

3. Contain at least 50% of soils which are available for agricultural production and are of Land Capability Classes I through IV, as defined by the Soil Surveys published by the USDA Natural Resources Conservation Service.
4. Contain the greater of 50% or 10 (ten) acres of harvested cropland, pasture or grazing lands.

5.3 CONSTRUCTION OF ADDITIONAL RESIDENTIAL STRUCTURE

Construction of one additional residential structure shall be permitted on the property for the purpose of a residence for the landowner, an immediate family member or an employee subject to an agricultural conservation easement purchased through the Washington County Farmland Preservation Program.

DEFINITIONS:

Economic viability of farmland for agricultural production: The capability of a particular tract of restricted land, other than a tract of two acres or less upon which construction for the purpose of a residence for the landowner, an immediate family member or an employee is permitted pursuant to Section 14.1 (c) (6) (iv) of the Act (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 the Agricultural Area Security Law.

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, and/or to create, through subdivision, a tract of restricted land, other than a tract of two acres or less upon which construction for the purpose of a residence for the landowner, an immediate family member or an employee is permitted pursuant to Section 14.1 (c)(6)(iv) of the Act (3 P.S. 914.1 (c)(6)(i)), that would fail to meet the fore 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 excludes any acreage upon which immediate agricultural production is impracticable due to residential structures and their curtilage, wetlands, soil quality, topography or other natural or man-made features, and which further excludes any tract of two acres or less for the purpose of a residence for the landowner, an immediate family member or an employee is permitted pursuant to Section 14.1 (c)(6)(iv) of the Agricultural Area Security Act (3 P.S. 914.1 (c)(6)(iv)).

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

Subdivision: The division or 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 devisee, transfer of ownership or building or lot development.

GENERAL:

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

(1) The residential structure is constructed and used for the purpose of a residence for the landowner, an immediate family member or an employee

(2) No other residential structure has been constructed on the restricted land, under authority of Section 14.1 (c)(6)(iv) of the Act (3 P.S. 914.1 (c)(6)(iv)) and this section, after the date of the granting of the easement.

(3) The residential structure and its curtilage occupy no more than 2 acres of the restricted land.

(4) The right to add the additional residential structure has not been relinquished and extinguished by current or previous owner in accordance with subsection (c) (6) (iv) of the Act.

(5) The location of the residential structure and its driveway will not harm the economic viability of the preserved farm for agriculture production.

(6) The location of the residential structure shall be sited in a manner that protects the prime, unique, and important soils to the greatest extent practicable.

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

(C) Reservation of the 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 Act and this section, the landowner shall do the following.

- i.) 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.
- ii.) 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 set forth the reservation of this right.
- iii.) Ensure that the deeds to the remaining subdivided tracts recite that no such residential structure may be constructed on the remaining subdivided tracts.

The landowner must follow all other local, county, state, or federal laws when subdividing their land. This section (5.3) does not authorize the landowner to construct any additional residential structure or subdivide a tract of land without first obtaining all necessary permits and authorizations from the appropriate local, county, state, or federal government agencies.

TRANSFERS OF LAND:

All persons conveying or transferring land subject to an agricultural conservation easement shall notify the county board and the Department of Agriculture of the price per acre or portion thereof received by the landowner under section 14.1 (j) (2) of the Agriculture Security Law.

Any conveyance or transfer of a tract of land subject to an agricultural conservation easement shall recite in verbatim the language of the conservation agricultural easement as set forth in the easement deed. The transfer of the tract must be reported to the county farmland preservation board and Department of Agriculture.

5.4 PURCHASE PROCEDURE

- (a) Landowners interested in selling an agricultural conservation easement to Washington County and the Commonwealth of Pennsylvania should use the following procedures:
 - 1.) Check eligibility criteria.
 - 2.) Submit Landowner Application form (**Appendix A**) with check for \$50.00 made payable to Washington County as a review fee.

The application will be used to screen all potential applicants and can be obtained at the Washington County Planning Commission. The County Board will accept applications January 2 – September 30 of any given year to be considered for the program the following year. Any applications not funded in the year of submission will be carried forward for ranking in future funding periods, at the landowner's request.

After submission of the application, the County Board's staff may meet with the applicant to answer questions and determine if State and County minimum criteria for participation in the program are met.

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

5.5 INITIAL REVIEW OF APPLICATION

- (a) After the full application has been submitted, it will be checked to make sure that all minimum requirements are met. If all minimum requirements are met, and following an on-site assessment by a representative of the County Board, the application will be scored using the County's Land Evaluation and Site Assessment (LESA) System. The LESA system provides a way to rank the easement applications by evaluating soil and location factors for each tract under consideration.
- (b) See Appendix B for a complete description of the Land Evaluation and Site Assessment System and how applications will be scored using it.
- (c) Following an analysis of each application, the County Board will determine the appraisal order for applicants. Preference for appraisals will be given to applicants with the highest scores. The application with the highest score will be appraised first, followed by the next highest score and so on. The County Board reserves the right to limit the number of applications it chooses to appraise.

5.6 APPRAISAL PROCEDURE

A letter referring to the ranking of applications will be forwarded to applicants along with an appraisal form. The appraisal procedure will follow the regulations provided by the Commonwealth. Appraisals will be conducted using the comparable sales method if comparable sales information is available. If not available, farmland values can be determined based on crop production or through capitalization of rental income information. Submitted with the appraisal request form will be a deposit equal to the amount of the appraisal. This deposit will be refunded if the applicant does not sever a contract of sale and the applicant accepts an offer equal to the appraised value of the easement. The applicant will also receive a refund of this deposit if the applicant agrees to sell an easement at less than the appraised value or if the County Board does

not make an offer to purchase the easement. Finally, the applicant will receive a refund if the County Board offers to purchase an easement for less than the appraised value and the applicant is not willing to accept less than the appraised value. The deposit is to be held in escrow. Please refer to **Appendix D** on Farmland Appraisal Procedure. Appraisals will be conducted in compliance with Section 138e.63 of the Agricultural Security Act, as amended.

5.7 EASEMENT VALUE AND PURCHASE PRICE

The Washington County Agricultural Land Preservation Board will only consider an application for easements in perpetuity. The appraisal report will provide the County Board with an estimate of the value of the easement, which is the difference between market value and the farmland value. The purchase price offered for the purchase of an easement may not exceed, but may be less, than the value of the easement. The County Board may impose a maximum payment per acre, otherwise referred to as a “cap”. The cap is currently set at \$3,000.00 per acre.

5.8 APPROVAL OF PURCHASE BY THE COUNTY BOARD

Final purchase decisions will be based on the following factors:

- A. Farmland Ranking System (LESA System)
- B. Cost Factors (relative total allocations and appropriations)
 - 1. Available funds
 - 2. Cost per acre
 - 3. Total cost in relation to appraised value
- C. Consistency with the county map of priority agricultural areas.
- D. Proximity to other land adjacent 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 within ten (10) days.

5.9 PURCHASE NEGOTIATIONS WITH APPLICANTS

- (a) After the County Board has decided to make an offer for the purchase of an agricultural conservation easement, the County Board or its representative will meet with the applicant to discuss the offer.
- (b) At this meeting, the appraisal reports will be reviewed with the applicant. A formal offer for purchase of a conservation easement shall be submitted to the applicant in writing and accompanied by the appraisal report. The offer may be less than or equal to the appraised value of the easement.
- (c) The applicant may, at the applicant's expense, retain another independent real estate appraiser to determine a second easement value. This second appraisal must be completed in accordance with the State regulations as found in Appendix D.
- (d) If the applicant secures an independent appraisal, the easement value shall be determined using a combination of the two appraisal reports, using the formula described in **Appendix D**.
- (e) Within 30 days of receipt of the written offer from the County Board, an applicant may either:

- 1.) Accept the offer
- 2.) Reject the offer, or
- 3.) Secure an independent appraisal as set forth by the State guidelines.

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

- (f) If the offer to purchase is accepted by the applicant, the County Board and the applicant shall enter into a contract of sale. The contract 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 to surface mineable coal, land use restrictions, adverse ownership interests, and other encumbrances which would adversely impact the County and the Commonwealth's interest in the farmland tract.

The Washington County Farmland Preservation Board will make all attempts to follow the order of scoring in purchasing the agricultural easements. The farm with the highest score will be approached for easement purchase first, second highest next and so on. The County Farmland Preservation Board retains the right to alter the order of easement purchases in the top scoring farms that are being considered for easement purchase due to circumstances beyond the Boards control.

These circumstances may include, but are not limited to the inability to obtain coal rights, clear title, the choice of the landowner to section off the permitted 5 acres, or any other circumstances that may create a delay of more than 60 calendar days. The landowners will be notified in writing of any alterations in the order of easement purchase.

- (g) Payments for an agricultural conservation easement may be made in a lump sum, in installments, like-kind exchange contracts or in another lawful manner of payment.

VI. Conservation Easements – County Only Bargain Sales

6.0 INTENT

In order to effectively preserve agricultural land within agricultural security areas, it is the intent of the Washington County Agricultural Land Preservation Board and Board of County Commissioners to accept county-only easements with a purchase price of \$1.00 as a 99.99% bargain sale, as easements in gross on a perpetual term basis. Such grants of easement constituting restrictions on the use of land are designed to preserve and protect the agricultural and open space character of the land. Acceptance of conservation easements will be determined by the Agricultural Land Preservation Board and the Washington County Board of Commissioners through minimum eligibility criteria.

The bargain sale of a perpetual conservation easement on qualified land may result in federal income tax benefits and other tax benefits to the grantors which will vary according to the nature and value of the property and the circumstances of the landowner(s).

6.1 DESCRIPTION

A conservation easement is a legal document which is filed in the land records which the deed of farm property, restricting its use to agricultural and directly associated uses. As an easement in gross, the restrictions are binding upon the owner and future owners. The conservation easement carries with the land. Easements acquired in other ways will also be on a perpetual term basis.

These conservation easements will be held by Washington County in perpetuity and the County is responsible for enforcing the deed restrictions contained in the conservation easement.

6.2 MINIMUM ELIGIBILITY CRITERIA

Prerequisite to acceptance of a county-only conservation easement, agricultural land must meet the following criteria.

1. Within an agricultural security area – farm properties must be:
 - a. At least 25 acres in size; and
 - b. In agricultural and open space use; and
 - c. Consisting of 50 percent or more productive agricultural soils of Pennsylvania Land Capability Classes I, II, III and IV (**Appendix C**).
2. Outside of agricultural security areas – the Agricultural Preservation Board will consider each offer on a case-by-case basis on its individual merits, considering such factors as the property's relation to adopted plans, zoning. These easements are not under the authorities of Act 43 and are solely county owned easements.
Surrounding land uses and development needs and potential. At minimum, farm properties must be:
 - a. At least 25 contiguous acres of one or more parcels and,
 - b. In agricultural and open space use, and
 - c. Consisting of 50 percent or more productive agricultural soils of Pennsylvania Land Capability Classes, I, II, III and IV (**Appendix C**).

6.3 PROCEDURES FOR ACCEPTANCE

The following procedures are necessary prior to recordation of a county-only conservation easement:

1. Within an agricultural security area or areas which are likely to remain primarily agricultural.
 - a. Agricultural Land Preservation Board works with landowner to develop easement from sample documents.
 - b. Agricultural Land Preservation Board reviews property for compliance with minimum eligibility criteria.
 - c. If a county-only easement is in perpetuity, land appraisal is initiated by landowner to determine valuation for federal income tax deductibility. The Agricultural Land Preservation Board will pay the costs of appraisal subject to a county-only bargain sale being completed. The landowner shall reimburse the Agricultural Land Preservation Board the costs of appraisal if the county only bargain sale is not completed within one year.

- d. Agricultural Land Preservation Board makes a recommendation to the County Commissioners to accept the conservation easement.
- e. County Commissioners accept the conservation easement.
- f. Recordation.
- g. Agricultural Land Preservation Board assumes responsibility for on-going monitoring and conservation easement enforcement.

2. Outside Agricultural Security Areas

- a. Agricultural Land Preservation Board determines eligibility of property through review.
- b. Agricultural Land Preservation Board works with landowner to develop easement from sample documents.
- c. If a county-only bargain sale easement is in perpetuity, land appraisal is initiated by landowner to determine valuation for federal income tax deductibility. Under special circumstances, such as location and prime quality of the land, the Agricultural Land Preservation Board, with approval of the Board of County Commissioners, will pay the costs of appraisals on a case-by-case basis. The landowner shall reimburse the Agricultural Land Preservation Board's cost of appraisal if the county only bargain sale is not completed within one year.
- d. Public hearing is scheduled and held and adjoining property owners are notified of the easement to be accepted.
- e. Agricultural Land Preservation Board makes the recommendation to the County Commissioners.
- f. County Commissioners accept the conservation easement.
- g. Recordation.
- h. Agricultural Land Preservation Board assumes responsibility for on-going monitoring and conservation easement enforcement
- i. These easements are solely owned by the county and are not under the authority of Act 43.

6.4 **SAMPLE CONSERVATION EASEMENT DOCUMENTS**

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

The documents are samples and, as such, may be tailored to suit the needs of individual property owners or the agricultural, scenic, natural and/or historic character of the property through the addition of other restrictions more particularly tailored to the property.

VII. Numerical Ranking System for Applications

Applications will be ranked using a two-part land evaluation and site assessment (LESA) system. The land evaluation looks at the soil quality and the site assessment considers location factors that may have an impact on current or future viability of the farmland tract.

- 7.1 The Land Evaluation portion of the LESA system is based on soils data obtained from the County Soil Survey. The Soil Survey was published by the USDA Soil Conservation Service in cooperation with the Pennsylvania State University, College of Agriculture, and the

Pennsylvania Department of Agriculture. The most recent available soils information will be used in evaluating applications for soil quality.

- (a) Each soil mapping unit found 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 has been assigned a relative value with 100 being assigned to the best soils for agricultural production in the county. All the other soils in the county have been assigned relative values less than 100. See **Appendix C** for a listing of relative values for all the soils in the county.
- (b) Each farmland tract under consideration for conservation easement purchase will be assigned an average relative value for the soil types making up the tract by using the worksheet found in **Appendix B** and the tables in **Appendix C**. The highest average relative value a farmland tract may receive is 100.

7.2 The Site Assessment portion of the LESA system consists of 15 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 having an impact on farm operations. Each application will be researched for each of the site assessment factors. These factors have been assigned a weight based on the factor's overall importance in the site assessment system. The maximum weighted score a farm may receive on the site assessment is 50. See **Appendix B** for detailed information on the site assessment factors.

VIII. Inspection and Enforcement Procedures

The County Agricultural Land Preservation Board must do a yearly inspection of properties in which agricultural conservation easements are purchased with County, State, or joint funds. This yearly inspection will determine if any violations of the easement have occurred and an Annual Inspection Report Form will be issued, which is available for review at the County Farmland Preservation Office. The first inspection shall be completed within one (1) year of the date of the easement sale.

- 8.1 Landowners of property subject to these inspections will be notified 10 days in advance of the proposed inspection.
- 8.2 The Board will adhere to the regulations of the Commonwealth (Title 7 PA Code Chapter 138e.201 to 206) in inspecting and enforcing all agricultural conservation easements. A copy of the inspection report must be sent to the landowner within 10 days subsequent to the inspection.
- 8.3 Within ten (10) days of conducting an inspection, the county board shall prepare a written inspection report setting the following information:
 - 1. The identification of the land inspected
 - 2. The name of the owner of the farmland at the time the easement was originally acquired and the name of the current owner of the land inspected.
 - 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 the conservation practices being 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 section 14.1 (c)(6)(iv) of the act (3 P.S. § 914.1 (c)(6)(iv)) has been constructed on the restricted land and, if such a structure has been constructed, the month and year construction was completed and a description of the structure and its location on the land.
7. A statement indicating whether the residential subdivision permitted under Section 14.1 (c)(6)(iv) has been exercised.

- 8.4 If violations of a Deed of Agricultural Conservation Easement are found, the Board will request that the landowner remove, or otherwise rectify the violation. If the landowner does not comply within a reasonable time frame, the Board will seek a court order requiring the landowner to remove or otherwise rectify any violations of the Deed of Easement. The Board must notify the State Agricultural Land Preservation Board within ten (10) days following the finding of any violation.
- 8.5 A County Annual Enforcement Summary Report that delineates the number of inspections, violations detected, violations resolved and circumstances surrounding unresolved violations on all eased properties within the County Program will be sent to the State Office on a calendar year basis.
- 8.6 The owner of the restricted land shall bear all costs associated with the correction of a violation of the Conservation Agricultural Easement including court costs, attorney fees, and administrative costs incurred by the County Board and State Board.
- 8.7 All violations of the Deed of Easement must be corrected within 60 days unless just cause is shown that corrective measures cannot be reasonable be completed within this time period. All corrective measures shall be completed within no more than one (1) year.

In order to maintain consistency of inspections, the following criteria for Legal Subdivision (**X. Subdivision**) of easement properties and list of approved Permitted Associated Uses (**Appendix E**) allowed to take place on eased properties will be used when enforcing the easement provisions:

IX. Public Information

Copies of the Washington County Agricultural Conservation Easement Program Guidelines are available to the public by contacting the Washington County Agricultural Land Preservation Board, 95 W. Beau Street, Suite 115, Washington, PA 15301 or by calling (724) 228-6811.

A public information program will be carried out with the help of the Washington County Conservation District and may include the following:

- A. Direct contact with farmers and farm organizations in the County.
- B. Participation and presentation of materials at county fairs, agricultural events, and other public venues, as available.
- C. Submission of information for inclusion in the County Conservation District newsletters.
- D. Representation at County Conservation District meetings.
- E. Development and coordination of seminars and workshops.

X. Subdivision

10.1 SUBDIVISION FOR ONE RESIDENCE

The Washington County Agricultural Land Preservation Board shall permit one subdivision of no more than two (2) acres for the purpose of a residence for the landowner, immediate family member or an employee unless the right to the residence has been relinquished and extinguished in accordance with subsection (c) (6) (iv) as amended in Act 33 of 2019.

The County Board deems that the subdivision will not harm the economic viability of the farmland for agricultural production.

A landowner may obtain review of a request for approval to subdivide a tract of restricted land for one additional residence by submitting a written request and application (Appendix J) to the County Board asking for review and approval of the subdivision.

10.2 SUBDIVISION OF A FARM GREATER THAN 160 ACRES

Legal subdivision of a property with an agricultural easement must follow the following procedure and meet the following criteria in order to be approved. Subdivisions contrary to these criteria will not be permitted. Liability for all expenses incurred for such subdivision shall be the sole responsibility of the landowner.

(a) General Criteria: The owner of a tract of land subject to a Agriculture Conservation Easement may subdivide the property so long as they follow the requirements of Act 43 and Section 5.3 of this program manual:

1. All tracts created by the subdivision are “economically viable for agricultural production.”
*ECONOMICALLY VIABLE FOR AGRICULTURAL PRODUCTION shall have the following defining criteria for use with this program section:
 - a. A tract having acreage of at least 50 acres.
2. The subdivision is consistent with the Statement of Purpose of the County Agricultural Land Preservation Program under all the relevant circumstances.
3. Subdivisions must conform with municipal planning, zoning and subdivision requirements and shall be reviewed by county agencies pursuant to the Municipalities Planning Code (Act 170).
4. The landowner shall submit an application to the County Board, in a form and manner prescribed by the county board, requesting review and approval of the subdivision of a tract of land (**Appendix J**).
5. The subdivision meets the following specific criteria.

(b) In addition to the general criteria, the following specific criteria shall apply:

1. All tracts created by the subdivision shall be appropriately shaped and located in such a fashion that they are economically viable for agricultural production and such subdivision

shall not render agricultural production on any of the resulting tracts less efficient (e.g. fields and contour strips should not be split and a Soil Conservation Service review and recommendation for approval shall be required).

2. The number of subdivisions permitted shall depend on the original acreage of the farm tract placed under easement, in accordance with the following schedule:
160 – 400 acre farm tract = 1 subdivision permitted
401 – 600 acre farm tract = 2 subdivisions permitted and
1 subdivision for every additional 200-acres in the farm tract thereafter.
 3. Fifty percent (50%) of the soils in each parcel resulting from the subdivision must be actively harvested cropland, orchard, pasture or grazing land.
 4. Fifty percent (50%) of the soil making up the active agricultural area under the item (b) 3 above in each parcel resulting from the subdivision must be in USDA Soil Classes I-IV.
 5. Subdivisions for the sale, or exchange, of parcels of land by adjacent property Owners both/all of which parcels are subject to an agricultural conservation easement (or similar easement) where each of the parcels resulting from the subdivision and subsequent sale/exchange will have an area of more than 100 contiguous acres are permitted, subject to the balance of the general and specific criteria.
 6. The owner shall indicate in the resulting deeds on which subdivided parcel the one (1) allowed residential structure has been, or will be, constructed.
 7. No tract created by the subdivision of land subject to an agricultural conservation easement shall have an area of less than 50 acres, except under the following circumstances (all other circumstances must be met):
 - a. The acreage of the original property placed under the easement was less than 50 acres, and
 - b. At least seventy percent (70%) of the resulting parcel boundaries shall be contiguous to other property under an agriculture conservation easement, and
 - c. The total amount of contiguous property preserved under agricultural conservation easements adjoining the subdivided tract is 500, or more, acres.
 8. All properties within Washington County upon which conservation easements are placed shall recite in verbatim the language of the easement as set forth in the deed whenever interest in said properties is conveyed or transferred to another person.
- (c) Procedures for subdivision of land after easement purchase. 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 as follow:
1. The landowner of record may submit an application (**Appendix J**), in such form and manner as the county board may prescribe, to the county board requesting that a parcel of the land subject to an easement be subdivided. 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.

2. 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 the filing unless the time is extended by mutual agreement of the landowner and reviewing agencies.
3. 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 an 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.
4. 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. Ch. 5 Subch. B (relating to practice and procedure of local agencies) and Ch. 7 Subch. B (relating to judicial review of local agency action).

XI. Planning Map to Guide Easement Purchases

In order to make the County Program more effective, the Board will target easement purchases to specific areas of the county.

- 11.1 The Board will use the Washington County Conservation Easement Program Map (**see Appendix H**) to assist in the identification of farm parcels to be selected for inclusion in the county's Agricultural Conservation Easement Program. The map will delineate those areas of primary importance. Additionally, the map identifies areas where development is occurring or is likely to occur in the next 20 years. This map shall be updated every two years.
- 11.2 The Board shall encourage the formation of Agricultural Security Areas within the areas identified on the map as important agricultural areas of the county.

XII. Conservation Planning

- 12.1 An approved conservation plan is required according to §Chapter 138e.241(2) relating to deed clauses.
- 12.2 A nutrient plan approved in accordance with the Nutrient Management Act is needed, if the plan is required under the Act for any portion of the property subject to easement purchase.

XIII. Participation with a Local Government Unit and a Non-Profit Entity

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

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

XIV. Donation of an Agricultural Conservation Easement

The donation of an agricultural conservation easement may be acquired by the County Board in conjunction with the Commonwealth, an eligible nonprofit entity, or a local government unit, or any combination of these if all the following apply:

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

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

XV. Responsibilities of Landowner

15.1 Permitted Acts

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

15.2 Conservation Plan

To preserve the soil resources and agricultural viability of the preserved farm, the County Board shall require the landowner of the preserved farm to acquire and implement a conservation plan approved by the Washington County Conservation District or the County Board prior to or at the closing of the easement purchase on the subject property.

In addition to the requirements established by the Washington County Conservation District or the County Board, the conservation plan shall require that:

- a. 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.
- b. 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.
- c. The mining of minerals is conducted only through the use of methods authorized in the Act.

15.3 Construction of Buildings and Changes in Use

New Buildings or Structures. The construction or use of a building or other structure on the restricted land other than a building or structure existing on the date of the granting of the easement is prohibited, except that:

1. The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.
2. The construction of one additional residential structure is permitted under § 138e.224 (relating to construction of one additional residential structure).
3. The construction or use of a building or other structure for agricultural production is permitted. The county program may restrict the maximum building coverage.
4. The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted if the pre-existing residential structure is razed or removed and the replacement residential structure is erected within the curtilage of the residential structure it replaces.

15.4 Existing Buildings or Structures

1. A renovation or modification of an existing residential structure, or an addition to an existing residential structure is permitted if it would not increase the curtilage of the residential structure.
2. A renovation or modification of an existing agricultural building or structure, or an addition to an existing agricultural building or structure, is permitted.

15.5 Construction of One Additional Residential Structure

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

1. The residential structure is constructed for the purpose of a residence for the landowner, an immediate family member or an employee
2. No other residential structure has been constructed on the restricted land, under authority of section 14.1(c)(6)(iv) of the act (3 P.S. § 914.1(c)(6)(iv) and this section, after the date of the granting of the easement.
3. The residential structure and its curtilage occupy no more than 2 acres of the restricted land.
4. The residential structure and its driveway shall be located in such a manner so that it will not harm the economic viability of the preserved farm for agricultural production.

5. The location of the residential structure shall be sited in a manner that protects the prime, unique, and important soils to the greatest extent practicable.
6. The right to the additional residential structure has not been relinquished and extinguished by current or previous owner in accordance with subsection (c) (6) (iv) of the Act.

15.6 Replacement of Structures

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

15.7 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 Act and this section, the landowner shall do the following:

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

15.8 Change in Ownership

1. All properties restricted with an agricultural conservation easement shall set forth the language of the easement restrictions verbatim whenever the ownership in the property is conveyed or transferred to another person.
2. Within 30 days of a change in ownership of the restricted land, the prior owner shall notify the County Board of the name and address of the new owner, provide a copy of the deed, provide a statement of the price per acre 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.

Appendices

Appendix A: Landowner Application Package

All of the items mentioned in the following paragraphs, plus a qualified appraisal, are considered to be part of the application package by the State Office.

The following **items must be completed and submitted** by the landowner to the County office before an application will be reviewed:

1. **Form A** - general application (application fee \$50.00 made payable to Washington County).
2. **Form B** - crop production and livestock report
3. **IRS W-9 Form**
4. **School, County, local property tax receipts or other similar documentation.**
5. **IRS Schedule F or other similar documentation.**
6. **A copy of your approved conservation plan, including the number of harvested cropland, pasture, and grazing land acres.**
7. **A copy of your Nutrient Plan, if required under the Nutrient Management Act.**

The following items will be completed by the County office in consultation with the landowner and other specialists as may be needed:

1. **Form C** - soil report and land capability class table
2. USGS topographic map of farm
3. Tax map of farm
4. Color coded soils map of farm

After review of the previous information to determine if the farm meets the State and County program requirements the County office will then complete the following information in consultation with the landowner and other specialists for those farms that qualify.

1. Soil mapping unit descriptions with Land Capability Classes (LCC) units listed.
2. Site Assessment report
3. Ranking worksheet

The following items will be obtained once the landowner has accepted an offer to purchase and signed an Agreement of Sale:

1. Title report and title insurance commitment
2. Error of closure check on property deed or 1' = 10000' error of closure survey, if required
3. List of all adjoining landowners

The County office staff will provide information and help in completing the forms.

WASHINGTON COUNTY FARMLAND PRESERVATION PROGRAM

APPLICATION FORM: FORM A

General Information: (please print)

Landowner Name _____ Social Security # _____

Landowner Name _____ Social Security # _____

Landowner Name _____ Social Security # _____

Landowner Name _____ Social Security # _____

Address (Primary address to be used):

(Street) (City) (State) (Zip)

Telephone # _____
(Include best time to be reached)

Name, address and telephone number of person to be contacted to view the farmland tract, if different than above:

Farm Information:

County _____ Municipality _____

Name of Agricultural Security Area _____ Book _____ Page _____ Instr. No. _____

Total acreage of farmland _____

Total acreage offered for easement purchase _____

Deed Reference: Book _____ Volume _____ Page _____ or Instrument No.: _____

Tax Parcel ID Number for each tax parcel _____

Date Conservation Plan was approved and/or updated by the Conservation District _____

Soil Conservation practices currently in use _____

Farm Information: (continued)

Directions to the farmland tract (starting from the nearest state route or main road) _____

Liens and Mineral Rights:

Please list all mortgage holders and lien holders: _____

Who owns the surface-mineable/deep mineral rights to the farm? _____

Has any portion of the farm been surfaced mined for coal? _____ Yes _____ No

- If yes, provide years (s) and acreage: _____
- Please identify portion of farm map that has been mined on tax or topographic map.

Crop/Livestock Reports:

Applicant is required to complete a crop/livestock report (Attached Form B) for the farmland tract as part of the application.

Internal Revenue Service W-9 Report Form – Applicant must submit a copy of this form before application will be reviewed.

School, County, and Local Property Tax Receipts – Applicant must submit copies of these receipts for the two previous years before an application will be reviewed.

Signatures: All persons whose names appear on the Deed must sign the application:

I/We hereby give our approval and consent to the validity of information contained within this application package.

Signature *Date* *Signature*

Signature *Date* *Signature*

Signature *Date* *Signature*

Date

Date

Date

WASHINGTON COUNTY FARMLAND PRESERVATION PROGRAM

APPLICATION FORM: FORM B - Crop Production/Livestock Report

Name: _____ Township: _____

Total Acres: _____ Acres Offered: _____

CROP REPORT 20____

Crop	Acres	Yield	

LIVESTOCK REPORT 20____

Type	Number	Products Sold	

Appendix B: Land Evaluation and Site Assessment (LESA) System

Applications will be ranked using a two (2) part Land Evaluation and Site Assessment (LESA) System. The Land Evaluation portion considers the quality of the soils whereas the Site Assessment portion considers the location influences that may have an impact on the current and/or future viability of the subject property.

Soil Mapping Units and Scores

This part of the LESA system is based on soil data obtained from the County Soil Survey Report and the County Soils Inventory and reproduced in part in Exhibit 1. Each of the soil mapping units found in the county has been assigned a score based on its land capability class, adjusted conservation costs, and productivity potential to develop a relative score of 100 for the best soils for agricultural production. All other soils in the county have been assigned relative values less than 100.

In the following tables each soil mapping unit found in the county is listed in one of seven (7) groups, with Group 1 having a relative value of 100 and each of the remaining groups having a lower relative value.

To arrive at the approximate score for the Land Evaluation portion of the LESA system for any given tract, determine the number of acres in each soil mapping unit, determine the group to which each mapping unit is assigned and note the relative value for that group. The relative value multiplied by the number of acres gives a value for each mapping unit. The total score for all soil mapping units divided by the total acres in the tract is the Land Evaluation score.

An example of the Land Evaluation portion of the LESA system is given below.

157-acre farm

A Soil Type	B Land Cap. Class	C Relative Value		D Acres		E
GdB	IIw	77	X	18	=	1,386
DoB	Ile	73	X	37	=	2,701
DoC	IIIe	42	X	59	=	2,478
DoD	IVe	6	X	43	=	258
Totals				157		6,823

Land Evaluation Score is $6,823/157 = 43.46$

TOTAL SCORING

The total score for a farmland tract is the sum of:

(1) the Land Evaluation Score; and

(2) the Site Assessment Score.

The total score will determine the priority for appraisals. The farmland tract with the highest score will be appraised first.

TOTAL LESA SCORING EXAMPLE

FARMLAND TRACT'S LAND EVALUATION SCORE100 pts

The land evaluation score is multiplied by .50 to yield the final score. The land evaluation score accounts for 50% of the total LESA score.

PLUS

FARMLAND TRACT'S SITE ASSESSMENT SCORE INCLUDES THE FOLLOWING:

Each site assessment score is multiplied by the appropriate weighted percentage to yield the final score. The sum total of all of the weighted scores accounts for 50% the total LESA score.

DEVELOPMENT POTENTIAL SCORE ..100pts equals 10% of total score

FARMLAND POTENTIAL SCORE...100pts equals 20% of the total score

CLUSTERING POTENTIAL...100pts equals 20% of the total score

THE TOTAL POSSIBLE LESA SCORE IS 100 POINTS.

FORM D

SITE ASSESSMENT WORKSHEET

The site assessment portion of the LESA consists of factors which relate to the viability of the site for present and future agricultural use. These factors consider development pressures in the area and the likelihood of future development impacting farm operations. These factors have been assigned points based on the factor's importance in the overall site assessment system. The maximum point score a farmland tract may receive on the site assessment score is 300.

I. DEVELOPMENT POTENTIAL: This section accounts for 10% of the total score.

1. Adjacent Land Uses Affecting the Compatibility with Normal Farming Operations. Percent of Adjacent Area in Non-Ag Use. The proximity of the farm tract to existing **rural housing** demonstrates a higher potential for the conversion to non-agricultural use. Washington County is experiencing loss of farmland due to rural conversion of farmland to single family homes on small to moderate size tracts of land 1 to 20 acres in size. The purpose of this factor is to prioritize rural agricultural tracts not suburban agricultural tracts.

- 15 High potential - more than 30%.
- 10 Moderate potential - between 15 and 29%.
- 5 Low potential - between 1 and 14 %.
- 0 Less than 1% potential

2. Distance to Urban Center or Growth Area. The extent of planned housing developments or subdivisions in close proximity to a tract of farmland will adversely impact the ability of that farm to continue to function. Urban uses are generally considered incompatible with agricultural uses.

- 15 Housing developments adjoining the tract boundaries.
- 10 Housing developments within 1/4 mile of the tract boundaries.
- 5 Housing developments within ½ mile of the tract boundaries.
- 0 No housing developments within ½ mile of the tract boundaries.

3. Amount of road frontage on subject property. Farms with a large amount of improved public roads (township or state), with at least 100 feet of depth and can be calculated and counted on each side of the road can be quickly developed without installation of improved roads. These properties are more desirable for development than farms with poor or limited access to public roads.

- 20 Over 1,999 feet of road frontage.
- 10 1,000 to 1,999 feet of road frontage.
- 5 500 to 999 feet of road frontage.
- 0 Less than 500 feet of road frontage.

4. Central water distribution system. A site serviced by water lines is more likely to be surrounded by incompatible land uses than a site without public water lines available.

25 Water lines available on site.
15 Water line within ¼ mile
10 Water line within ½ mile
5 Water line within 1 mile
0 No water line within 1 mile

5. Central sanitary sewage system. If a sanitary sewer line of sufficient capacity is available close to the farm, the farm is more likely to be surrounded by incompatible land uses than a farm without available sewer.

25 Sewer line available on site.
15 Sewer line within ¼ mile
10 Sewer line within ½ mile
5 Sewer line within 1 mile
0 No sewer line within 1 mile

II. FARMLAND POTENTIAL SCORE: This section accounts for 20% of total score.

1. Acreage of land on the farm. Larger acreages of cropland/pastureland contribute to the continued viability of the local agricultural community.

20 More than 150 acres
15 100 to 149 acres
10 50 to 99 acres
0 Less than 50 acres

2. Percentage of the farm used for harvested cropland, pasture, or grazing land. Large amounts of unproductive land do not increase a farm's viability (Percentages determined by CFSA and NRCS records).

20 90 to 100% of subject is harvested cropland, pasture, or grazing land.
15 75 to 89% of the land is harvested cropland, pasture, or grazing land.
10 50 to 74% of the land is harvested cropland, pasture, or grazing land.
0 Less than 50% of the land is harvested cropland, pasture, or grazing land.

3. Installation of soil, water conservation and other land stewardship practices. Farms which will be dedicated to long term agricultural use should not have soils whose productivity has been depleted by poor land management practices, and should be in compliance with local, state, and federal pollution control regulations.

20 Conservation Plan 100% installed/completed.
15 Conservation Plan 50 - 99% installed/completed.
0 Conservation Plan less than 50% installed/completed.

4. Percentage of the subject property currently used for specialty crops and has been used for 4 out of the last 5 years. specifically fruits, vegetables, potatoes, and horticultural specialties. Farms with a high percentage of harvested cropland in specialty crops generally have unique qualities that lend themselves to growing higher value crops.
 - 10 75 to 100% of subject is in specialty crops.
 - 5 50 to 74% of subject is in specialty crops.
 - 0 Less than 50% of land is in specialty crops.

5. Century Farm. Farms that have remained in agriculture for 100 years or more are part of the County's agricultural heritage and history and should be preserved, if possible. To qualify as a Century Farm, the farm must have official designation by the Pennsylvania Department of Agriculture.
 - 10 Farm is a designated Century Farm.
 - 0 Farm is not a designated Century Farm.

6. Historic, scenic, and Environmentally Sensitive Qualities. Tracts adjoining areas listed by local/state/ agencies as historic, scenic, open space, or cultural and tracts adjoining designated protected areas such as state/county/municipal parks of at least 100 acres, state game lands, and state forests will be awarded higher values. These tracts can buffer farmland from non-compatible land uses.
 - 20 Adjacent
 - 10 Within 1/4 mile
 - 0 None within 1/4 mile

III. CLUSTERING POTENTIAL AND OTHER FACTORS: This section accounts for 20% of the total score.

1. Percentage of the area within 1/2 mile of property's boundaries in agricultural use or available for agricultural use. Areas that are all agricultural are more viable than areas that are nonagricultural.
 - 25 90 to 100% of area in, or available for agriculture use.
 - 20 75 to 89% of area in, or available for agricultural use.
 - 15 50 to 74% of area in, or available for agricultural use.
 - 10 25 to 49% of area in, or available for agricultural use.
 - 5 1 to 24% of area in, or available for agricultural use.
 - 0 Less than 1% of area in, or available for agricultural use.

2. Proximity to other farms with agricultural conservation easements. Clustering agricultural easement purchases in an area helps develop a critical mass of farms which can support agricultural businesses and reduce conflicts with conflicting land uses.

25 Farm adjacent to one or more farms with easements.
15 One farm with easement within 1/4 mile of the subject property boundaries.
10 One farm with easement within 1 mile of the subject property boundaries.
0 No farms with easements within 1 mile of the subject property boundaries.

3. Compatibility with County Important Agricultural Areas Map. Areas in the county where development is occurring or is likely to occur in the next 20 years are identified on the County Important Agricultural Areas Map. In these areas, there is likelihood that the farmlands would be converted to non-agricultural use. Farms located in areas that may not experience development are more likely to remain in agriculture especially if they are preserved through easement purchases.

25 Farm tract is located within an important agricultural area
0 Farm tract is located within an area identified for possible development

4. Percent of adjoining land to the farm tract in an Agricultural Security Area. Areas where agriculture has been given protection by the local municipality, provides an environment conducive to farming.

25 90 to 100% of the adjacent land is in an Agricultural Security Area.
20 75 to 89% of the adjacent land is in an Agricultural Security Area.
15 50 to 74% of the adjacent land is in an Agricultural Security Area.
10 25 to 49% of the adjacent land is in an Agricultural Security Area.
5 1 to 24% of the adjacent land is in an Agricultural Security Area.
0 Less than 1% of adjacent land is in an Agricultural Security Area.

LAND EVALUATION AND SITE ASSESSMENT (LESA) WORKSHEET

Name of Farm: _____ Date _____

Application Number: _____ Prepared by _____

I. LAND EVALUATION

[illegible]

AVERAGE SOIL VALUE FOR FARM _____
(Total of D / Total B)

II. SITE ASSESSMENT

Factor

Points

A. DEVELOPMENT POTENTIAL:

- | | |
|--|-------|
| 1. Adjacent Land Uses Affecting Farming Operations | _____ |
| 2. Distance to Urban Center or Growth Area | _____ |
| 3. Amount of road frontage on subject property | _____ |
| 4. Proximity to central water distribution system | _____ |
| 5. Proximity to central sanitary sewage system | _____ |
| TOTAL X .10 | _____ |

B. FARMLAND POTENTIAL SCORE:

- | | |
|--|-------|
| 1. Acreage of land on the farm _____ | _____ |
| 2. Percentage of the farm used for harvested cropland, pasture, or grazing land | _____ |
| 3. Installation of soil and water conservation practices, and other land stewardship practices _____ | _____ |
| 4. Percentage of the subject property currently used for specialty crops | _____ |
| 5. Century farm | _____ |
| 6. Historic, Scenic, and Environmentally Sensitive Qualities | _____ |
| TOTAL X .20 | _____ |

C. CLUSTERING POTENTIAL AND OTHER FACTORS:

1. Percentage of area within one-half mile in agriculture or available for agricultural use _____
 2. Proximity to other farms with agricultural conservation easements _____
 3. Compatibility with County Important Ag. Area Map _____
 4. Percent of land adjacent to the farm tract in an Agricultural Security Area _____
- TOTAL X .20** _____
- TOTAL SITE ASSESSMENT SCORE** _____

III. TOTAL LESA SCORE

LAND EVALUATION SCORE X .50 _____ **plus**

SITE ASSESSMENT SCORE _____ **equals**

FINAL SCORE _____

Appendix C: Relative Soil Values for Washington County

Map Unit Symbol	Map Unit Name	Land Capability Class	Relative Value
Group 1			
AgB	Allegheny silt loam, 3 to 8 percent slopes	2e	100
CaB	Culleoka channery silt loam, 3 to 8 percent slopes	2e	100
CkB	Culleoka-Upshur complex, 3 to 8 percent slopes	2e	100
GdA	Glenford silt loam, 0 to 3 percent slopes	2w	100
Hu	Huntington silt loam	1	100
Group 2			
BoB	Brooke silty clay loam, 3 to 8 percent slopes	3e	77
GdB	Glenford silt loam, 3 to 8 percent slopes	2w	77
Group 3			
AgC	Allegheny silt loam, 8 to 15 percent slopes	3e	73
CaC	Culleoka channery silt loam, 8 to 15 percent slopes	3e	73
CkC	Culleoka-Upshur complex, 8 to 15 percent slopes	3e	73
DoB	Dormont silt loam, 3 to 8 percent slopes	2e	73
GeB	Guernsey silt loam, 3 to 8 percent slopes	2e	73
LbA	Library silty clay loam, 0 to 3 percent slopes	3w	73
LbB	Library silty clay loam, 3 to 8 percent slopes	3w	73
Nw	Newark silt loam	2w	73
Group 4			
GeD	Guernsey silt loam, 15 to 25 percent slopes	4e	63
Py	Purdy silt loam	4w	63
UdB	Udorthents, smoothed, gently sloping	4s	63
UkB	Udorthents, strip mine, gently sloping	4s	63
Group 5			
DoC	Dormont silt loam, 8 to 15 percent slopes	3e	42
GdC	Glenford silt loam, 8 to 15 percent slopes	3e	42
GeC	Guernsey silt loam, 8 to 15 percent slopes	3e	42
LbC	Library silty clay loam, 8 to 15 percent slopes	3e	42
WeB	Weikert-Culleoka complex, 3 to 8 percent slopes	3e	42

Group 6

BoC	Brooke silty clay loam, 8 to 15 percent slopes	4e	6
CaD	Culleoka channery silt loam, 15 to 25 percent slopes	4e	6
CkD	Culleoka-Upshur complex, 15 to 25 percent slopes	4e	6
DoD	Dormont silt loam, 15 to 25 percent slopes	4e	6
DtD	Dormont-Culleoka complex, 15 to 25 percent slopes	4e	6

Group 7

BoD	Brooke silty clay loam, 15 to 25 percent slopes	6e	0
DbD	Dekalb very stony loam, 8 to 25 percent slopes	6s	0
DtF	Dormont-Culleoka complex, 25 to 50 percent slopes	7e	0
Du	Dumps, mine	8s	0
Fa	Fluvaquents, loamy	4w	0
UdD	Udorthents, smoothed, moderately steep	6e	0
UdF	Udorthents, smoothed, steep	7e	0
UKD	Udorthents, strip mine, moderately steep	4s	0
UKF	Udorthents, strip mine, steep	7e	0
Us	Urban land	8s	0
W	Water		0
WeC	Weikert-Culleoka complex, 8 to 15 percent slopes	4e	0
WeD	Weikert-Culleoka complex, 15 to 25 percent slopes	6e	0

GROUP NUMBERS AND RELATIVE VALUES

Group	LCC	Important Farmland	Percent of Soils	Acres	Relative Values
1	1-2w	Prime	3.24	17,772	100
2	2e - 3e	Prime	2.28	12,510	77
3	2e-3w	State	11.5	63,304	73
4	4e-4s	Other	4.1	22,488	63
5	3e-3w	State	18.63	102,130	42
6	4e	Other	25.7	140,960	6
7	4e- 8s	Other	34.49	89,124	0

Appendix D: Farmland Appraisal Procedures

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

APPRAISAL REQUIREMENTS

SECTION 2.1 – Order of Appraisal (138e.63)

The farmland ranking score shall determine the order in which farmland tracts are selected by the county board for appraisal. Selection for appraisal shall be made in descending order of farmland ranking score.

SECTION 2.2 – County Ag Preserve Board Responsibility (138e.64)

1. The appraiser shall be selected by the county board on the basis of experience, expertise and professional qualifications.
2. The initial appraisal shall be at the county board's expense. This expense may be reimbursed as a cost incidental to the easement purchase in accordance with section 14.1(h)(6) of the act (3 P.S. § 914.1(h)(6)) and § 138e.68 (relating to statement of costs) Use the state form Exhibit "B".

SECTION 2.3 – Appraiser Qualifications (138e.64)(d)

The appraiser shall be a State-certified general real estate appraiser who is qualified to appraise a property for easement purchase.

SECTION 2.4 – Regulations (138e.64)

1. The purpose of the appraisal is to estimate the conservation easement value of the subject property.
2. The conservation easement value is the difference between the unrestricted Market Value of the property and the Farmland or restricted Value of the property.

The appraisal of the market value and farmland value shall be based on an analysis of comparable sales, and shall be conducted in accordance with standards in the most recent edition of the Uniform Standards of Professional Appraisal Practice, published by the Appraisal Standards Board of the Appraisal Foundation. If an appraiser cannot practicably conduct an appraisal based on an analysis of comparable sales, the appraiser may conduct an appraisal using another methodology only if that methodology is an acceptable methodology under the Uniform Standards of Professional Appraisal Practice and the appraisal report clearly describes the information considered, the appraisal procedures followed and the reasoning that supports the analyses, opinions, and conclusions.

1. The value of a building or other improvements on the farmland tract will not be considered in determining the easement value.

SECTION 2.5 – Appraisal Contents (138e.64(e))

1. The appraiser shall provide at least one original and two copies of the report, all shall be bound with rigid covers. The narrative report shall contain the following information and be in the following format:
 - a. Introduction

The first section of the appraisal introduces both the subject property and the appraiser and shall include items i through vi. These items should appear in the following order

with the appropriate information included under each item.

- i. Letter of Transmittal The letter of transmittal contains pertinent information about the appraisal as well as a statement by the appraiser attesting to the accuracy of the appraisal. This letter should be provided on the appraiser's business letterhead and must include an original signature of the appraiser. The letter shall include the following information: appraiser's name and business address; property being appraised; date of appraisal; acreage appraised; and conservation easement value on both the entire farm and a per acre basis.
 - ii. The appraiser's certificate of value as to market value, farmland value and easement value. This section states that the definitions listed below govern how the conservation easement value is determined.
 1. 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.
 2. 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.
 3. Easement Value – The difference between the Market Value and the Farmland Value.
 - iii. Table of Contents – It is important that this item list the significant parts of the appraisal in the order set forth in the Regulations at 138e.64(e).
 - iv. A summary of salient facts and conclusions. – This is a one-page executive summary of the body of the appraisal. At a minimum, this page should include:
 1. Owners of Record:
 2. Property Location:
 3. Day of Valuation:
 4. Legal Description: Deed book/page
 5. Directions:
 6. Deeded Acres/ Appraised Acres
 7. Zoning:
 8. Present Use:
 9. Highest and Best Use:
 10. Conclusion of Value:
 - v. The Purpose of the Appraisal. – The purpose of the appraisal is to estimate the conservation easement value for the subject property.
 - vi. The Definitions, including market value, farmland value, and easement value. Definitions listed at number ii of the Introduction section above.
- b. Description of the property –
- i. Neighborhood Description – This should be a brief description of the local surrounding the subject property. It should include an overview of the county and a more in-depth look at factors directly associated with the subject property. These might include the rural or urban nature of the area, proximity to public utilities such as water and sewer lines, school district comments, and proximity

to agricultural suppliers and processors.

- ii. A Description of the Appraised Property – This section should attempt to give the county and state an overview of the farm and its important features and shall include the following:

1. Legal Description – Provide an easily readable copy of the property's legal description.
2. Property data and zoning – provide a listing of municipal, legal and administrative as well as physical limitations on the subject property, i.e. zoning, flood plain, road frontage, wetlands, etc. Describe how these affect the value and use of the property. Also, include a copy of the municipal zoning ordinance, which describes the district in which the subject property is located as an exhibit within this section.
3. A brief description of improvements.
4. Color photos of the subject property's fields and improvements.
5. Tax map showing the subject and its relationship to neighboring properties.
6. A legible sketch or aerial photograph of the subject property showing boundaries, roads, streams, woods, driveways, building locations, right of ways and land use.
7. A location map showing the location of the subject tract in the county or municipality.
8. Soils map showing property boundaries. – Soils maps are available from the U.S.D.A. Natural Resource Conservation Service Office in each county.

- c. Analyses and Conclusions – This section of the appraisal is extremely important. It includes the analyses of the subject property and comparable sales and states the value of the agricultural conservation easement. It is crucial that this section be in conformity with the definitions of value described in number ii of the Introduction Section.

- i. An analysis of highest and best use - In order for an agricultural conservation easement value to exist, the highest and best use of the subject property must be something other than agriculture.
- ii. The valuation methodology: market value – use comparable sales from local farm sales without deed restrictions.

1. Comparable sales data.
 - a. Date of Sale
 - b. Purchase Price
 - c. Zoning
 - d. Road Frontage in feet
 - e. Comparison Analysis – provide a narrative analysis comparing the individual comparable sale to the subject property.
2. An adjustment grid provides a one-page grid which lists the pertinent items for which each comparables' purchase price was adjusted in order to bring it in line with the subject. Provide dollar figures and percent for each

adjustment, plus total adjustment dollars and percent, for each comparable sale.

3. A locational map of comparable sales showing the location of the subject tract with respect to the comparable sales.

iii. The Market Value Estimate. Provide an analytical conclusion as to what the market value is on both the entire farm and on a per acre basis.

iv. The valuation methodology: farmland value – use comparable sales from local farm sales with agricultural deed restrictions.

1. Comparable sales data.

- a. Date of sale
- b. Purchase Price
- c. Zoning
- d. Soil Mapping Unit
- e. Comparison Analysis – provide a narrative analysis comparing the individual comparable sale to the subject property.

2. An adjustment grid – provide a one-page grid which lists the pertinent items for which each comparables' purchase price was adjusted in order to bring it in line with the subject. Provide dollar figures and percent for each adjustment, plus total adjustment dollars and percent, for each comparable sale.

3. A locational map of comparable sales showing the location of the subject tract with respect to the comparable sales.

v. A Farmland Value Estimate. – Provide an analytical conclusion as to what the farmland value is on both the entire farm and on a per acre basis.

vi. The Easement Value Estimate. – This section should bring together all the analyses and conclusions into one integrated summary of the subject property's Market value and the Farmland value. This should clearly state these values on both the entire farm and on a per acre basis.

vii. An appendix containing a brief statement of the appraiser's professional qualifications and a copy of the appraiser's current certification issued in accordance with the Real Estate Appraisers Certification Act.

2. 138e.64(f) The appraiser shall supply information concerning comparable sales as follows:

- a. At least three comparable sales shall be used for estimating market value and at least three comparable sales shall be used for estimating farmland value in an appraisal. If the appraiser cannot obtain sufficient comparable sales data within the same county as the subject farmland tract, the appraiser may use comparable sales from other counties, with the approval of the county board. The use of comparable sales, which require an adjustment of 50% or more, is permitted only with the approval of the county board.

- b. Pertinent data for each comparable sale used in the preparation of the appraisal shall be stated in the appraisal report, including the date of sale, the purchase price, zoning, road frontage in feet (for determining market value) and soil mapping units (for determining

farmland value). The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract. This analysis shall be in the form of a narrative statement of the information considered and the reasoning that supports the analyses, opinions and conclusions, and an adjustment grid assigning, when practicable and within the Uniform Standards of Professional Appraisal Practice, approximate dollar values to adjustment shown on the adjustment grid.

- c. The location of each market value comparable sale used in the appraisal report shall be shown accurately on a comparable sales map depicting the entire county in which the comparable sale is located, and shall be sufficiently identified and described so it may be located easily. If the comparable sales map depicts the county in which the property that is the subject of the appraisal is located, that property shall also be sufficiently identified and described so it may be located easily.
 - d. The location of each farmland value comparable sale used in the appraisal report shall be shown accurately on a comparable sales map depicting the entire county in which the comparable sale is located, and shall be sufficiently identified and described so it may be located easily. If the comparable sales map depicts the county in which the property that is the subject of the appraisal is located, that property shall also be sufficiently identified and described so it may be located easily. If a farmland value comparable sales map and a market value comparable sales map would depict the same county, they may be combined in a single map.
 - e. For comparable sales used to estimate the farmland value, the appraiser may use sales of land that are confined to agricultural use because of agricultural conservation easements or other legal restrictions or physical impairments that make the land valuable only for agricultural use. Comparable sales shall be in primarily agricultural use. Data may also be gathered from farm real estate markets when farms have no apparent development value.
 - f. The appraiser shall set forth the reasons the farmland comparable sales are confined primarily to agricultural use. Examples of these reasons include:
 - i. The farmland tract has public or private land use restrictions.
 - ii. The farmland tract is within a flood plain or a wetland (in whole or in part).
 - iii. The farmland tract is landlocked, subject to additional easements, subject to restrictive zoning or has other physical attributes which limit its developmental capability.
3. The appraiser shall include the entire acreage **offered** for easement sale. If, following completion of the appraisal, acreage is added to or deleted from the proposed easement sale for any reason, the appraisal shall be revised accordingly or the appraiser shall agree in writing to the use of a per acre value to account for the change in easement value resulting from such a change in acreage. 138e.64(f)(8)
4. If acreage is voluntary withheld from the easement sale by the landowner through subdivision accomplished in accordance with the Pennsylvania Municipalities Planning Code, the appraiser

shall, in making the estimate of agricultural conservation easement value, take into account any increase in the value of the subdivided acreage because of the placement of the easement on the remaining farmland. 138e.64(f)(9).

SECTION 2.6 – 138e.64 Checklist for Appraisal Reports Completed for the Easement Purchase Program.

1. Introduction

- a. Letter of transmittal.
- b. The appraiser's certificate of value as to market value, farmland value and easement value.
- c. A table of contents.
- d. A summary of salient facts and conclusions.
- e. The purpose of the appraisal.
- f. The definitions, including market value, farmland value and easement value.

2. Description of the property

- a. A brief description of the neighborhood area.
- b. A description of the appraised property.
 - i. A legal description
 - ii. Property data and zoning
 - iii. A brief description of improvements.
 - iv. Color photos of the subject property's fields and improvements.
 - v. Tax map showing the subject and its relationship to neighboring properties.
 - vi. A legible sketch or aerial photograph of the subject property showing boundaries, roads, driveways, building locations, right of ways and land use.
 - vii. A location map showing the location of the subject tract in the county or municipality.
 - viii. Soils map showing property boundaries.

3. Analyses and Conclusions

- a. An analysis of highest and best use.
- b. The valuation methodology: market value
 - i. Comparable sales data.
 - ii. An adjustment grid.
 - iii. A locational map of comparable sales showing the location of the subject tract with respect to the comparable sales.
- c. The market value estimate.
- d. The valuation methodology: farmland value.
 - i. Comparable sales data.
 - ii. An adjustment grid.
 - iii. A locational map of comparable sales showing the location of the subject tract with respect to the comparable sales.
- e. A farmland value estimate.
- f. The easement value.

- g. An appendix containing a brief statement of the appraiser's professional qualifications and a copy of the appraiser's current certification issued in accordance with the Real Estate Appraisers Certification Act.

SECTION 2.7 – Regulations (138e.66(c) Offer of Purchase by County Board

Within 30 days of receipt of the written offer from the county board, an applicant may do one of the following:

1. Accept the offer.
2. Reject the offer and advise the county board that the application is withdrawn.
3. Advise the county board that the applicant is retaining, at the applicant's expense, an independent State-certified general real estate appraiser to determine the easement value. **(The appraiser shall be qualified, and the appraisal shall be completed in accordance with the procedure in the Regulations at § 138e.64 (relating to appraisal).)** The appraisal shall be submitted to the county board within 120 days of receipt of the county board's offer to purchase. 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. Upon completion, three copies of the applicant's appraisal shall be submitted to the county board. The applicant's decision to obtain an independent appraisal under this paragraph does not constitute a rejection of the county board's original offer.

- a. If the applicant retains an independent appraiser, the easement value shall be the difference between the agricultural value and the non-agricultural value, determined as follows:

- i. The agricultural value shall equal the sum of:

1. The farmland value determined by the applicant's appraiser.
2. One-half of the difference between the farmland value determined by the county board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the county board's appraiser exceeds the farmland value determined by the applicant's appraiser.

- ii. The nonagricultural value shall equal the sum of:

1. The market value determined by the county board's appraiser.
2. One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the county board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the county board's appraiser. Use the Work Sheet provided by the state.

- b. If the easement value determined by the work sheet is less than the easement value determined by the county appraiser, the county board may offer a purchase price equal to the county's original offer.

- c. The purchase price offered for the purchase of an easement may not exceed the appraised per acre value, but may be less than the value of the easement.
 - d. Within 30 days of receipt of the applicant's appraisal, the county board shall do one of the following.
 - i. Submit a written offer to purchase in an amount in excess of the original amount offered.
 - ii. Notify the applicant, in writing, that the original offer made remains open and will not be modified.
 - e. The applicant shall, within 15 days of receipt of the county board's written offer accept or reject the offer.
 - i. Failure of the applicant to act shall constitute a rejection of the county board's offer.
 - ii. If the offer of purchase is accepted, the county board and the applicant shall enter into an agreement of sale.
 - f. The failure by the applicant to act within 30 days of receipt of a written offer shall constitute rejection of the offer.
 - g. If the easement value determined by the work sheet is less than the easement value determined by the county appraiser, the county board may offer a purchase price equal to the county's original offer.
 - h. The purchase price offered for the purchase of an easement may not exceed the appraised per acre value, but may be less than the value of the easement.
 - i. Within 30 days of receipt of the applicant's appraisal, the county board shall do one of the following.
 - i. Submit a written offer to purchase in an amount in excess of the original amount offered.
 - ii. Notify the applicant, in writing, that the original offer made remains open and will not be modified.
 - j. The applicant shall, within 15 days of receipt of the county board's written offer accept or reject the offer.
 - k. Failure of the applicant to act shall constitute a rejection of the county board's offer.
 - i. If the offer of purchase is accepted, the county board and the applicant shall enter into an agreement of sale.
4. The failure by the applicant to act within 30 days of receipt of a written offer shall constitute rejection of the offer.

Appendix E: Permitted Associated Uses on Eased Land

In all cases, those landowners requesting to implement rural enterprise activities must complete a Rural Enterprise Application prior to commencing any rural enterprise activities. Directly associated uses are defined as customary, supportive and agriculturally compatible uses of farm properties in Washington County and are limited to the following:

- (a) The direct sale to the public of agricultural products produced principally on the farm. At least 50% of products sold must be produced on the property.
- (b) Any and all structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm.
- (c) Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel, fossil, fuel systems and facilities for the storage and treatment of animal waste.
- (d) The provision of services or production and sale, principally by persons in residence, of agricultural goods, services, supplies and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying or adjoining residential and/or principally agricultural structures of the property. These activities must be limited in site coverage to one-half of one percent of the total area of the property.
- (e) Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation practices, including but not limited to, wetland development or restorations, wildlife wetland habitat management, wildlife upland habitat management and riparian forest buffer resource management systems used for erosion and sediment control and water quality improvement.
- (f) The accommodation of tourists and visitors within the principally family residential and/or agricultural structures otherwise permitted under the easement so long as the accommodation of tourists and visitors is taken as a part-time or off-season minor or rural enterprise and is incidental to the agricultural and open space character of the property.
- (g) Other similar uses upon written approval from the Washington County Agricultural Land Preservation Board. Such approval of an activity is not transferable from owner to owner, but must be requested by submitting a Rural Enterprise Application, or pre-application if ownership transfer not complete. The rural enterprise is subject to inspection one year after sale of eased tract for consistency of application.

- (h) Agriculture-related services or activities associated with customary part-time or off-season minor rural enterprises or activities incidental to agricultural production. These services and activities are permissible as long as they remain incidental to the agricultural and open space character of the farm. No excavating, paving, gravelling, construction of permanent structures or other activities that would diminish the productive capacity of the soils is permitted in connection with such activities. The County Board reserves the right to review and approve these activities on a case-by-case basis.

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

PERMITTED ASSOCIATED USES ON EASED LAND AMENDMENT

Washington County Agricultural Land Preservation Board

Rural Enterprise Application

Instructions for Submitting Application:

◆ Refer to *Washington County Agricultural Land Preservation Program Policies & Bylaws - Appendix E.*

Permitted Associated Uses on Eased Land.

◆ Submit application and relevant materials at least one month prior to regularly scheduled meeting of the Board. Board meetings are typically held the third Wednesday of the month.

◆ Please attach additional paper if more space is needed.

◆ Applications for rural enterprises shall be evaluated on the following criteria:

- ◆ *The rural enterprise shall remain incidental to the agricultural use and open space character of the farm.*
- ◆ *The location of the rural enterprise and improvements will not harm the economic viability of the preserved farm for agricultural production.*
- ◆ *The location of the rural enterprise and improvements shall be sited in a manner that protects the prime, unique, and important soils of the tract to the greatest extent practicable.*

PROPERTY INFORMATION

CURRENT LANDOWNER		PHONE (HOME/CELL)
LANDOWNER:		
MAILING ADDRESS:		
LANDOWNER:		
MAILING ADDRESS:		
LANDOWNER:		
MAILING ADDRESS:		
FARM ADDRESS: (IF DIFFERS FROM MAILING ADDRESS)		
EASEMENT CONSISTS OF THE FOLLOWING TAX PARCEL ID NUMBERS:	DEEDED ACRES:	EASEMENT ACRES:
	_____	_____
TAX PARCEL ID NUMBER:	_____	
TAX PARCEL ID NUMBER:	_____	
TAX PARCEL ID NUMBER:	_____	

Washington County Agricultural Land Preservation Board		
Rural Enterprise Application		
TYPE OF RURAL ENTERPRISE?		
WHO WILL BE THE OWNER / OPERATOR OF THE ENTERPRISE?		
IF NOT PROPERTY OWNER, WHAT IS THEIR RELATIONSHIP TO THE PROPERTY OWNER?		
WILL THE ENTERPRISE EMPLOY ANYONE OTHER THAN OWNER / OPERATOR?	YES	NO
IF YES, HOW MANY EMPLOYEES?		
WHAT IS THEIR RELATIONSHIP TO THE PROPERTY OWNER?		
WILL THE EMPLOYEES BE FULL-TIME OR PART-TIME?		
WHAT SEASON WILL THE PROPOSED RURAL ENTERPRISE OPERATE?		
OPERATING HOURS OF THE PROPOSED RURAL ENTERPRISE?		
HOW MANY DAYS PER YEAR WILL THE RURAL ENTERPRISE OPERATE?		
DESCRIBE HOW THIS RURAL ENTERPRISE IS INCIDENTAL TO THE AGRICULTURAL AND OPEN SPACE CHARACTER OF THE FARM PRESERVED FOR AGRICULTURAL USE:		

Washington County Agricultural Land Preservation Board		
Rural Enterprise Application		
DESCRIBE HOW THIS RURAL ENTERPRISE PROMOTES THE VIABILITY OF, AND IS COMPATIBLE WITH, THE FARMLAND PRESERVED FOR AGRICULTURAL USE:		
WILL THE PROPOSED ENTERPRISE BE CONDUCTED WITHIN A STRUCTURE?	YES	NO
IS THIS AN EXISTING STRUCTURE OR NEW CONSTRUCTION?		
REMINDER:		
NO EXCAVATION, PAVING, GRAVELING, CONSTRUCTION OR PERMANENT NONAGRICULTURAL STRUCTURES OR OTHER ACTIVITY THAT WOULD DIMINISH THE PRODUCTIVE CAPACITY OF THE SOILS IS PERMITTED IN CONNECTION WITH SUCH ACTIVITIES.		
ATTACH A SKETCH, MAP, OR OTHER DOCUMENTATION IDENTIFYING:		
1. Location of the proposed rural enterprise including existing structures to be utilized.		
2. Total area of rural enterprise including square footage of building space.		
3. Access to rural enterprise from public road.		
4. Parking accommodations for proposed rural enterprise.		
5. Location of public utilities/on-site septic.		
EXISTING USE OF SITE FOR PROPOSED FOR RURAL ENTERPRISE (CROP · PASTURE · WOODLAND · BARNYARD · HOMESTEAD)		
HAVE YOU CONTACTED WASHINGTON COUNTY TAX ASSESSMENT OFFICE TO INQUIRE IF PROPOSED RURAL ENTERPRISE AFFECTS CLEAN & GREEN? Rural enterprise activity may impact Clean & Green status if the proposed area exceeds two acres. The two acres on which this enterprise is conducted would be removed from the preferential assessment and rollback taxes would be due with respect to those two acres.	YES	NO
PROVIDE WRITTEN CONFIRMATION THE PROPOSED RURAL ENTERPRISE IS PERMITTED ACCORDING TO APPLICABLE LOCAL MUNICIPAL ZONING ORDINANCE REQUIREMENTS. Examples include zoning permit, Zoning Hearing Board decision, or letter from Zoning Officer.		
WRITTEN CONFIRMATION ATTACHED?	YES	NO

Washington County Agricultural Land Preservation Board

Rural Enterprise Application

I/We, _____, do hereby verify that I/we have reviewed the application. I/We further verify that the application correctly and accurately depicts the condition of the land and that such statements are true and correct to the best of my/our knowledge, information, and belief. The statements are being given by me/us to induce official action on the part of the Washington County Agricultural Land Preservation Board, its agents, officers, servants, and employees. I/We understand that any false statements made herein are being made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities. All deeded owners must sign below.

Property Owner (Signature)	Date
Property Owner (Signature)	Date
Property Owner (Signature)	Date
Property Owner (Signature)	Date

For Office Use Only

Easement Grantor (Original Owner):		
Easement Acres:	Date Received: _____	
Subject to Subdivision Guidelines?	YES	NO

Comments:

Washington County Agricultural Preserve Board
Rural Enterprises Guidelines

A. Statutory Authority

The Agricultural Area Security Law, 3 P.S. § 901 et seq., requires that an Agricultural Conservation Easement shall not prevent 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. 3 P.S. § 914(c)(6)(v). The following guidelines are applicable to all Agricultural Conservation Easements acquired under the Agricultural Area Security Law.

B. Purpose

It is the intent of this section to establish guidelines in conformance with statutory authority to permit certain Rural Enterprises. Permitted Rural Enterprises are intended to supplement farm incomes in a manner which will not adversely affect the use of preserved farmland for agricultural production and to create a healthy environment for the long-term sustainability of the agricultural economy and farming as a way of life.

C. General Provisions

A landowner undertaking or proposing to undertake a Rural Enterprise(s) shall be subject to all the following:

1. In all cases, a Rural Enterprise shall not detract from the required primary use of the restricted land, which primary use is agricultural production and agricultural use as otherwise defined by the Agricultural Area Security Law ("Act") and in a given Agricultural Conservation Easement ("ACE").
2. The primary use of the restricted land shall be agricultural production, as defined by the Act as the production for commercial purposes of crops, livestock, and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator.
3. In all cases, the Rural Enterprise shall be owned or operated by the owner of the restricted land or farmer in residence on the restricted land. The owner is ultimately responsible for any rural enterprise activity occurring on the preserved land.
4. In all cases, the burden of proof shall be with the landowner of the preserved land to prove their proposed Rural Enterprise meets all applicable Rural Enterprise criteria, including that set forth herein and in the Act, its regulations, the governing ACE, zoning ordinance requirements, and other applicable law. If a landowner does not offer sufficient credible evidence of meeting such criteria and otherwise persuade the Washington County Agricultural Land Board (WCALPB) that all such requirements have been met, the WCALPB has the right to reject the request.

5. Any Rural Enterprise activity that occurs within the detailed and recorded exclusion area of the easement property (refer to your formal survey map), is not subject to the regulation or easement law and therefore not subject to the easement rules, regulations, or law. However, that does not exonerate the landowner from any responsibility to abide by local laws, zoning regulations, and other municipal restrictions.
6. In all cases, those landowners requesting to implement rural enterprise activities, must complete a Rural Enterprise Application for consideration by the Washington County Farmland Preservation Board prior to commencing any rural enterprise activities (**Appendix E**). Any change or expansion of such rural activities will be subject to board review.
7. During inspections of a preserved farm, the rural enterprise(s) will be evaluated based on the facts and information included within the approved application or preapplication. If the rural enterprise is not in conformity with said application, the landowner/tenant will be given 60 days to comply with the original approved application. If the rural enterprise remains out of compliance, WCALPB will initiate violation procedures.

D. Application Procedure

For the Rural Enterprises herein specified, the following application procedure shall govern:

1. The landowner shall submit Rural Enterprise Application on the customary County Board form.
2. The County Board shall reply to such Application, request any needed additional information, and when all information has been submitted deem such Application to be administratively complete.
3. If the requested Rural Enterprise meets the criteria for County Board Staff Approval, County Board Staff shall act on the Application and send the landowner a written decision on the same.
4. If the requested Rural Enterprise requires County Board action, County Board Staff shall place the matter on the next available County Board agenda for its consideration by the County Board.
- 5.

Following the County Board meeting, County Board Staff shall give written notice to the landowner of the decision of the County Board. At all times and for all applications, the following shall apply:

- (1) The landowner shall submit a site plan depicting all structures.
- (2) The landowner shall present credible evidence and persuade the County Board (or County Board Staff, as applicable) that issues relating to township approval, traffic, sewage, noise, hours of operation, parking, road use, non-impact on agricultural production, viable agricultural land preservation and similar issues have all been credibly addressed.

- (3) All other criteria herein specified (specific and general) shall have been met.
- (4) Approval is required for all landowner requests for Rural Enterprises prior to their commencement on the restricted land.
- (5) The County Board or County Board Staff may make the approval conditional to protect farmland and otherwise allowed under applicable law, including without limitation the Agricultural Area Security Law, its regulations, the governing agricultural conservation easement, zoning ordinance requirements, and other applicable law; and
- (6) When more than one Rural Enterprise subject to a limitation of one-half of one percent site coverage exist on the restricted land, the total site coverage of all such Rural Enterprises shall be limited to one-half of one percent of the area of the restricted land.

Appendix F: Policies & Guidelines for Evaluation of Water/Sewage Plans under PENNVEST

WASHINGTON COUNTY AGRICULTURAL LAND PRESERVATION BOARD POLICIES AND GUIDELINES FOR EVALUATION OF WATER/SEWAGE PLANS UNDER PENNVEST

Following the Executive Order 1999-1, Land Use Planning, issued by Governor Ridge, the Pennsylvania Infrastructure Investment Authority (PENNVEST) established a policy under which county agricultural land preservation boards are informed of all sewer and water grant projects. The purpose is to provide an opportunity for review and comment by local Agricultural Land Preservation representatives, local governing and municipal bodies and county planning offices to determine project consistency with local/county land use and agricultural preservation policies. In addition, grant applicants applying for PENNVEST funding are required to obtain written response of the review findings by the Washington County Agricultural Land Preservation Board to ensure that the project is consistent with its agricultural preservation policies and initiatives.

The following GOALS AND POLICIES of the Washington County Agricultural Land Preservation Board shall provide the foundation for board member and/or staff review of proposed water and sewage plans under PENNVEST:

To preserve and protect viable agricultural lands through the administration of public programs approved by Washington County

To encourage landowners to make long-term commitments to agriculture

To preserve and protect normal farming operations in agricultural security areas

To assure conservation of viable agricultural lands

To support and strengthen agricultural-based industry in Washington County

The Washington County Agricultural Land Preservation Board hereby establishes the following GUIDELINES for Board member and/or staff consideration, in conjunction with the foregoing Goals and Policies, when evaluating proposed water and sewage plans under PENNVEST:

- A. Has the municipality denied any application for an Agricultural Security Areas?
- B. Whether or not the normal farming operations are located in an Agricultural Security Area, does the proposed project, including both installation and operation, adversely affect those operations?

1. Will the **installation** of the project adversely affect normal farming operations (e.g., temporary or permanent destruction of crops, buildings, fences and/or livestock)?
 2. Will ongoing **operations**, once installation is complete, adversely affect normal farming operations in the area (i.e., pumping stations, etc.)?
- C. Does the proposed project exempt owners of lands used for normal farming operations from assessment, frontage, hook-up, tap-in and other fees?
- D. Does the proposed project interfere with or hinder the Board's ultimate goal of assuring conservation of viable agricultural lands?

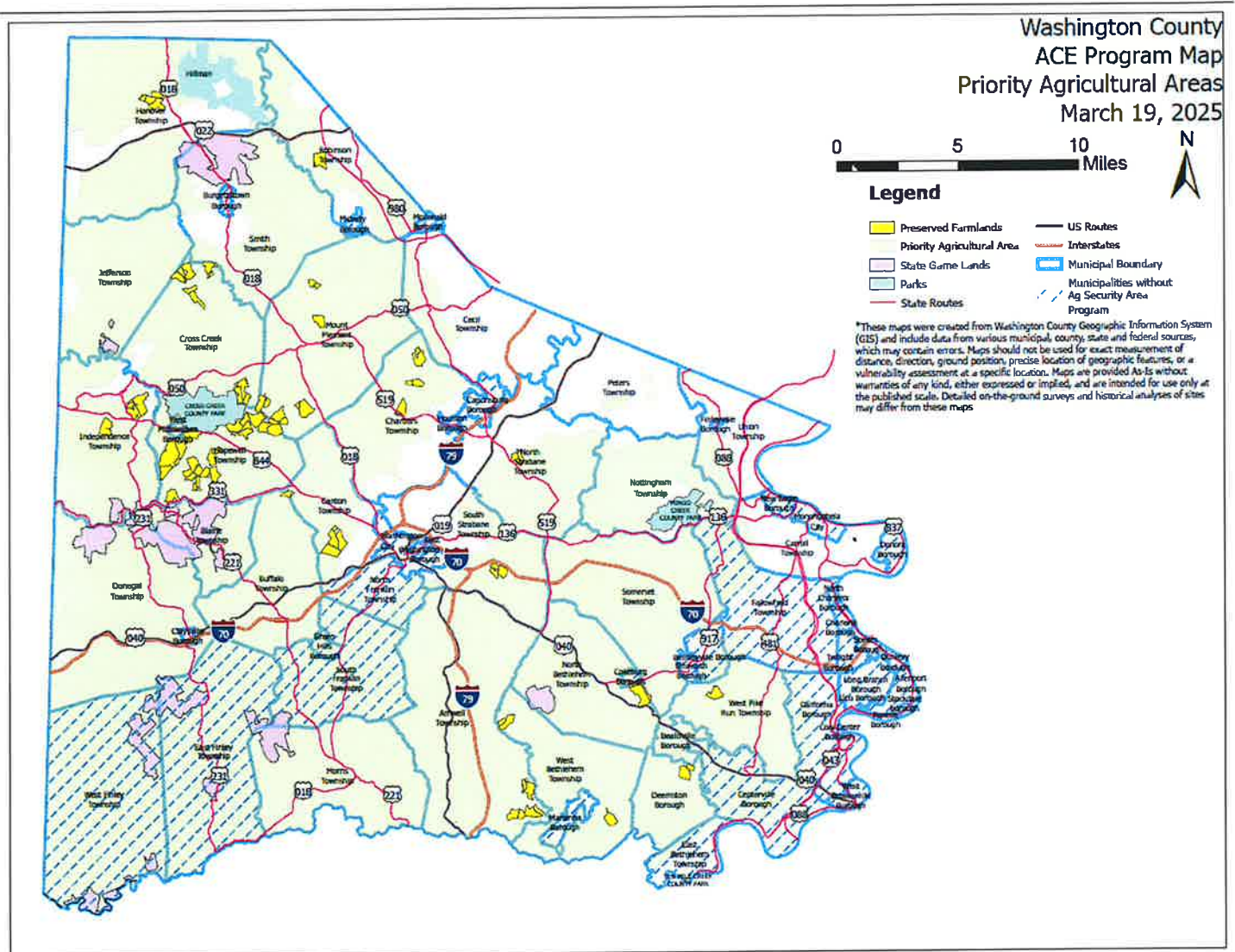
The above Policies and Guidelines were duly adopted at a meeting of the Board of Directors of the Washington County Agricultural Land Preservation Board held on September 23, 2002.

Secretary

Appendix G: Washington County Farmland Preservation Board PennVEST Application Disposition

1. Receive request for Washington County Farmland Preservation Board (WCFLPB) review.
2. Farmland Preservation Staff (FLP Staff) sends evaluation questions to applicant for their responses.
3. FLP staff reviews application and responses to FLP query.
4. FLP staff sends preliminary evaluation of review request and copies of maps and supporting documents to Farmland Preservation Board Members (FLPB members).
 - a. If staff recommends approval and our criteria is met, a request for objection of approval by any board member will be solicited by return post card with a return date. If there are no objections, staff can approve request without a board meeting.
 - b. If any board members have reservations or if the criteria is not met, FLP staff or Board Chairman will address the reservation with that particular Board Member prior to a meeting being held to try to resolve the reservation. If the reservation is not resolved, a formal meeting will be held to determine disposition of request. Upon rejection or approval, a letter will be sent informing applicant of disposition by FLPB.

Appendix H: Planning Map to Guide Easement Purchase



Appendix I: Commercial Equine Activities Amendment

1. Washington 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.

2. 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.

3. County Program

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

4. 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."

5. 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.

Appendix J: Subdivision/Land Development Request Form

Washington County Agricultural Land Preservation Board

Washington County Planning Commission

95 W. Beau Street, Suite 115

Washington, PA 15301

Phone: 724-228-6811

Subdivision/Land Development Request Form

Landowner Name(s): _____ Date: _____

Home Telephone: _____ Cell: _____ Email: _____

Mailing Address: _____
Street/Box City State Zip Code

Farm Address: _____
Street/Box City State Zip Code

The purpose of this request is to:

Attach a map, or survey, of the proposed subdivision/land development.

Tax map parcel and deed reference (book and page/instrument number) of the preserved farmland tract(s):

Resulting parcel size(s) following subdivision:

List the residential dwellings and ag structures currently upon the preserved farm:

List structures on the proposed subdivided tract:

Have prior subdivisions occurred on this preserved farm? If yes, please describe:

Is this request for the construction of the one allowable residential structure permitted under the deed of easement?

YES

☐

NO

☐

The Washington County Ag Land Preservation Board will require a survey, or subdivision plan, prior to final approval of this request. Please consult with your municipal officials for subdivision and land development ordinance requirements prior to developing this subdivision/land development request.

Note: Building permit requirements may also apply in your municipality.

Landowner Signature: _____ Date _____

Landowner Signature: _____ Date _____

Landowner Signature: _____ Date _____

Landowner Signature: _____ Date _____

Please Return to:

Washington County Ag Land Preservation Board

Attn: Planning Administrator

95 W. Beau Street, Ste.115

Washington, PA 15301

724-228-6811

OFFICE USE ONLY

Deed of Easement Reference:

Book _____ Page _____ Instrument No. _____ Preservation Date _____

Grantor(s):

County Board meeting date request considered: _____ Approved ☐ Denied ☐

State Review Board meeting date request considered: _____ Approved ☐ Denied ☐

Decision letter sent to landowner on (Date) _____