

MONROE COUNTY
AGRICULTURAL LAND PRESERVATION
EASEMENT PURCHASE PROGRAM



MONROE COUNTY
AGRICULTURAL LAND PRESERVATION BOARD

APPROVED BY THE
STATE BOARD
DECEMBER 16, 2004

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I. INTRODUCTION

The creation of the Monroe County Agricultural Land Preservation Board (MCALPB) in March 1990 signifies the county's commitment to Pennsylvania's farmland preservation program (see Appendix A). The Monroe County Commissioners appointed 5 members to the Board in accordance with the provisions contained within the Agricultural Area Security Law (3 P.S. ss 901-915), as amended by Act 149 in 1988 (see Appendix B).

The Monroe County Agricultural Land Preservation Board's primary goals and objectives are to:

- Administer a program for purchasing agricultural conservation easements in accordance with Act 149.
- Promote efforts to support the agricultural community in Monroe County.
- Encourage the use of additional farmland preservation techniques through public and private organizations in Monroe County.
- Adopt rules of procedures and bylaws governing the operation of the county board (see Appendix C).
- Purchase in the name of the county, or jointly, with the Commonwealth, agricultural conservation easements within Agricultural Security Areas.

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

II. BACKGROUND

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

Monroe County is the second fastest growing County in the state and is located within the drawing area of New York City and Philadelphia. While this growth and development has been beneficial to the County's economy, much of it has occurred on prime agricultural soils which were once farmland. Beginning with the vacation home rush of the 1960's and 1970's and continuing to the present influx of permanent residents, productive farmland has been reduced annually. This reduction of farmland corresponds directly to the increase in the amount of residential development in the County. While other natural factors such as attrition of the farm community and degradation of productive soils have been felt in Monroe County, the growth of residential communities represents the major threat to the agriculture industry.

Because residential areas have been developed in a manner that can be described as suburban sprawl, farming areas in Monroe County have become fragmented. Most farmland in the County is located on relatively flat land, which presents few impediments to construction. This situation has led to even faster growth in farmland areas because of the diverse geography in the County which limits development in areas of steep slopes. Because this is a high growth area and only a marginal amount of land can be considered prime for development, increased pressures fall on the farmland. In upcoming years, the Monroe County agricultural community will be faced with monumental impediments. Rising costs of farm operation, fluctuating market prices and demand, steadily increasing property taxes and the continued pressure from development are anticipated in the next decade. These factors reduce the competitive position of the Monroe County farmer in regional markets and further contribute to the decline of the agricultural community.

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

In anticipating growth to the year 2000, the Monroe County Planning Commission projects the County population to rise from 95,000 in 1990 to approximately 142,000 permanent residents by the year 2010. Because many of the farmland areas of the County's West End are currently only

partially developed, a significant amount of the development needed to accommodate these additional people will most likely occur in areas that have traditionally been used and are best suited for farming and agriculture purposes.

OBJECTIVES

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

Along with the creation of agricultural preservation districts, the creation and implementation of proper zoning is recommended in areas of intense development pressure. As of January 1, 1990, there were no agriculturally zoned areas in Monroe County. In order to maintain agricultural areas, proper zoning and land use strategies must be implemented as a means of channeling future growth into development districts while limiting extensions of sprawl into significant agricultural areas.

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

PURPOSE

It is the purpose of the Monroe County Agricultural Land Preservation Program to protect and promote the continued agricultural use of valuable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production and related agricultural activities.

Further, it is the purpose of this program to:

·To administer a program for purchasing and receiving gifts of agricultural conservation easements on behalf of the County. It is the purposed of this program to protect and promote continued productive agricultural use on viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the

land for any purpose other than agricultural production and allowed related agricultural activities. (The Board was authorized to administer the County Program by resolution of the County Commissioners at a regularly scheduled meeting held on March 13, 1990.)

·To adopt rules and regulations for the administration of a county program for the purchase of agricultural conservation easements within agricultural security areas. The Board shall execute all agreements or other documents necessary to effect the purchase of such agricultural conservation easements in the name of Monroe County and/or the Commonwealth of Pennsylvania.

·To encourage the use of additional farmland preservation techniques through public and private organizations in Monroe County.

·To promote efforts to enhance the agricultural industry in Monroe County.

·To protect normal farming operations in agricultural security areas from incompatible non-agricultural uses that may render farming impractical.

·To protect normal farming operations from complaints of public nuisance.

·To assure conservation of viable agricultural land in order to protect the agricultural economy of this Commonwealth.

·To maximize agricultural easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.

·To concentrate resources in a manner that will ensure the purchase of easements for the protection of the largest amount of farmland possible.

·To perform such other duties and responsibilities as may be authorized pursuant to the Agricultural Area Security Law.

III. SIGNIFICANT AGRICULTURAL AREAS IN MONROE COUNTY

Significant Agricultural Areas in Monroe County were identified as special targets for farmland preservation activities. The accompanying map illustrates these Significant Agricultural Areas. Other viable farmland areas may exist in the County, but from a County perspective, and based on the intention of protecting larger concentrated areas of farmland, the designated areas must take priority. It should be noted, however, that the boundaries of these areas are not intended to be hard-edged or immutable. Although the areas were identified on a parcel by parcel basis on individual Township maps at a scale of 1"=2,000', it was necessary to generalize these areas on the County wide map. The individual Township maps can be used to identify specific parcels and it is possible that additional parcels will be identified in the future.

IV. ELIGIBILITY FOR EASEMENT PURCHASE PROGRAM

Monroe County, through its Agricultural Land Preservation Board, intends to acquire agricultural conservation easements. Conservation easements may be acquired either jointly or separately with State, county, and/or municipal funds. The county is responsible for monitoring and enforcement of all easements purchased with public funds.

Conservation easements will be accepted only through voluntary sale within existing Agricultural Security Areas. Those landowners who are interested in applying for conservation easement sales on qualified land will be ranked and prioritized based on locational and site factors and the viability of the farming operation. An appraisal or appraisals of conservation easement value will be the determinant of the maximum compensation which can be offered.

The purchase price paid for an agricultural conservation easement in perpetuity will be equal to or less than the easement value as determined by the appraisal process. Payment of the prospective landowner may be made in a lump sum or in installments or other deferred basis.

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

EASEMENT DESCRIPTION

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

MINIMUM ELIGIBILITY CRITERIA

In order for a site to be prioritized for easement purchase, a landowner must submit a completed application form for the purchase of conservation easements. The Monroe County Agricultural Land Preservation Board will accept all applications for the purchase of conservation easements if the application meets the minimum criteria listed below. Failure by the applicant to meet the minimum criteria will result in rejection of that application. Applicants that have been rejected by the board for the reason of not meeting the minimum criteria will be given written notice of the rejection along with an explanation of the reason(s) why the application was rejected.

The following criteria are prerequisites for a conservation easement sale. Items 1 thru 4 are minimum criteria for State funded conservation easement purchases. The farmland tract must:

- 1) Be one or more of the following:
 - a) Located in an agricultural security area consisting of 500 acres or more.
 - b) Bisected by the dividing line between two local government units, having the majority of its viable agricultural land within an agricultural security area of 500 acres or more and the remainder in another local government unit outside of an agricultural security area.
 - c) Bisected by the dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county within an agricultural security area of 500 acres or more and the remainder in another county outside of an agricultural security area, and with respect to which one of the following applies:
 1. A mansion house is on the tract and located within the purchasing county.
 2. When the mansion house on the tract is bisected by the dividing line between the two counties, the landowner has chosen the purchasing county as the situs of assessment for tax purposes.
 3. When there is no mansion house on the farmland tract, the majority of the tract's viable agricultural land is located within the purchasing county.
- 2) Be "contiguous acreage"* of at least 50 acres in size unless the tract is at least 10 acres in size and is either utilized for a "crop unique to the area"*** or is contiguous to a property which has a perpetual conservation easement in place which is held by a "qualified conservation organization," as that term is defined at Section 170(h)(3) of the Internal Revenue Code.
- 3) Contain at least 50% of soils which are available for agricultural production and are in capability class I through IV, as defined by the USDA-Natural Resource Conservation Service.
- 4) Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing land.

The Monroe County Agricultural Land Preservation Board may consider farmland tracts for 100% County funded agricultural conservation easement purchases that do not meet all of the above State minimum criteria, but do meet all of the criteria below. The farmland tract must:

- 1) Be one or more of the following:
 - a) Located in an agricultural security area consisting of 500 acres or more.
 - b) Bisected by the dividing line between two local government units, having the majority of its viable agricultural land within an agricultural security area of 500 acres or more and the remainder in another local government unit outside of an agricultural security area.
 - c) Bisected by the dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county within an agricultural security area of 500 acres or more and the remainder in another county outside of an agricultural security area, and with respect to which one of the following applies:
 1. A mansion house is on the tract and located within the purchasing county.
 2. When the mansion house on the tract is bisected by the dividing line between the two counties, the landowner has chosen the purchasing county as the situs of assessment for tax purposes.
 3. When there is no mansion house on the farmland tract, the majority of the tract's viable agricultural land is located within the purchasing county.
- 2) Be "contiguous acreage"* of at least 25 acres in size unless the tract is at least 10 acres in size and is either utilized for a "crop unique to the area"** or is contiguous to a property which has a perpetual conservation easement in place which is held by a "qualified conservation organization," as that term is defined at Section 170(h)(3) of the Internal Revenue Code.
- 3) Contain at least 50% of soils which are available for agricultural production and are in capability class I through IV, as defined by the USDA-Natural Resource Conservation Service.
- 4) Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing land.

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

In addition: The purchase price of conservation easements cannot exceed \$10,000 per acre if purchased using a single funding source, i.e. Municipal, County, or State Funds. Any farm that has an appraised value exceeding \$10,000 per acre will be considered for conservation easement purchase if the landowner is willing to accept \$10,000 per acre and the purchase is singly funded.

If the easement is purchased jointly, using a combination of two or more funding sources, than the purchase price cannot exceed \$20,000 per acre. Any farm that has an appraised value exceeding \$20,000 per acre will be considered for conservation easement purchase if the landowner is willing to accept \$20,000 per acre and the easement is jointly funded.

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

**Crops Unique to the Area - The MCALPB has determined that crops unique to Monroe County include, but are not limited to, the crops which historically have been grown or have been grown within the last five years in the County, including the following crops produced for commercial purposes:

1. Grapes – as discussed above
2. Tobacco – ranks 10th in the nation in crop production
3. Speltz – a small grain grown as an alternative to federally regulated feed grains under USDA programs
4. Orchard crops – commercial agricultural enterprise
5. Mushrooms – commercial agricultural enterprise
6. Tomatoes – commercially grown for fresh market or processing
7. Cantalopes – commercially grown for fresh market
8. Snap Beans – commercially grown for processing
9. Pumpkins – commercially grown for fresh market
10. Strawberries – commercially grown for fresh market or processing
11. Potatoes – commercially grown for fresh market or processing
12. Sweet Corn – commercially grown for fresh market or processing
13. Christmas trees – grown as a rotation crop with a management plan for cultivation, harvesting, and replacement of Christmas trees
14. Floriculture crops – grown as a commercial agricultural enterprise
15. Maple Syrup – commercial agricultural enterprise
16. Sod, nursery stock, ornamental trees and shrubs – grown for commercial agriculture enterprise with the Deed of Easement restriction that removal of excess soil is prohibited.
17. Crown and Hairy Vetch – grown for commercial seed production

Other crops may qualify as unique if the crop possesses saleable traits superior to other varieties grown in the county.

V. APPLICATION RANKING SYSTEM

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

LAND EVALUATION

This part of the LESA system is based on soils data obtained from the Monroe County Soil Survey. The Soil Survey was published by the USDA Soil Conservation Service in cooperation with the Pennsylvania State University and the Pennsylvania Department of Agriculture.

Each soil mapping unit found in Monroe County has been assigned a score based on its land capability classification, important farmland classification and productivity for corn. Based on these factors, each soil has been assigned a relative value with 100 being assigned to the best soils for agricultural production in the County. All other soils in the County have been assigned relative values less than 100 (See pages 13-16). Using the worksheet found on page 17, each farm under consideration will be assigned an average relative value for the soil types making up the tract. To obtain the weighted LE score the average relative value is then multiplied by the weighted value assigned to the Land Evaluation score.

SITE ASSESSMENT

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

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

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

FARMLAND POTENTIAL FACTORS(Weighted value = 20%)

1. Acreage of Prime Farmland and/or State Importance Soils on Tract. See Appendix D.

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

2. Amount of acreage offered for easement purchase.

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

3. Percent of Tract Used for Cropland, Pasture, or Grazing.

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

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

4. Soil and Water Conservation Practices Used on the Tract.

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

Conservation planning assistance is available free of charge to any farmer in the county from the Soil Conservation Service and the Monroe County Conservation District. Cost sharing funds for implementation of conservation practices are available from the Agricultural Stabilization and Conservation Service.

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

5. Buffering of Parks, Environmentally Sensitive Areas, Historic Structures or Districts.

- (15) Tract is adjacent to a park or environmentally sensitive area.
- (10) Tract is adjacent to historic structures or districts.
- (0) Tract is not adjacent to parks, environmentally sensitive areas, historic structures or district.

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

- Lakes, ponds, reservoirs, rivers, streams, floodplains, marshes, swamps and other wetlands.
- Public and quasi-public parks, forests, game lands and wildlife preserves.
- Areas with unique geological, botanical or wildlife features.

Important historical areas and buildings adjacent to a farmland tract must be documented.

CLUSTERING POTENTIAL FACTORS(Weighted value = 20%)

1. Percentage of Land Adjacent to Farm in Agricultural Security Area (ASA)

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

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

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

2. Proximity to Permanently Protected Farmland

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

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

3. Proximity of Farm from Significant Agricultural Area (as shown on County Planning Map)

- (25) Farm is in a significant agricultural area
- (20) Farm is within 1/4 mile of a significant agricultural area
- (15) Farm is within 1/2 mile of a significant agricultural area
- (10) Farm is within 3/4 mile of a significant agricultural area
- (5) Farm is within 1 mile of a significant agricultural area
- (0) Farm is over 1 mile from a significant agricultural area

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

4. Proximity to a farm with an Easement Sale Application submitted in the Same Round

- (25) Two or more farms within 2 miles have submitted an easement sale application.
- (15) One farm within 2 miles has submitted an easement sale application.
- (0) No farms within 2 miles have submitted applications.

DEVELOPMENT POTENTIAL FACTORS (Weighted Value = 10%)

1. Extent of Non-Agricultural Use - Proximity of farm to 10 or more developed lots

- (25) Adjacent to 10 or more developed lots.
- (20) within 1/4 mile of 10 or more developed lots.
- (15) within 1/2 mile of 10 or more developed lots.
- (10) within 3/4 mile of 10 or more developed lots.
- (5) within 1 mile of 10 or more developed lots.
- (0) over 1 mile from 10 or more developed lots.

2. Distance from Public Sanitary Sewer System.

- (25) Sewer line adjacent to site.
- (20) Sewer line within 1,000 feet.
- (15) No sewer line within 1/4 mile.
- (10) No sewer line within 1/2 mile.
- (5) No sewer line within 1 mile.
- (0) No sewer line within 2 miles.

3. Distance from Public Water Distribution System

- (25) Water lines adjacent to site.
- (20) Water line within 1,000 feet.
- (15) No water lines within 1/4 mile.
- (10) No water lines within 1/2 mile.
- (5) No water lines within 1 mile.
- (0) No water lines within 2 miles.

4. Amount of State and Municipal Road Frontage with the Tract.

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

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

LAND EVALUATION
Monroe County Soil Rating

Group No.1 **Relative Value = 100**

Map Symbol	Soil Name
AnA	Allenwood gravelly silt loam
CpA	Clymer loam
MeA	Meckesville gravelly loam
Po	Pope silt loam
Pp	Pope silt loam, high bottom

Group No.2 **Relative Value = 84**

Map Symbol	Soil Name
AnB	Allenwood gravelly silt loam
CpB	Clymer loam
LkB	Leck Kill channery silt loam
ChA	Chenango gravelly loam
ChB	Chenango gravelly loam
BrA	Braceville gravelly loam
BrB	Braceville gravelly loam
Lh	Lawrenceville silt loam
Ph	Philo silt loam

Group No.3 **Relative Value = 62**

Map Symbol	Soil Name
BaB	Bath channery silt loam
BuB	Buchanan loam
HaB	Hartleton channery silt loam
KaB	Kedron silt loam
LaB	Lackawanna channery silt loam
LsB	Lordstown channery silt loam
MeB	Meckesville gravelly loam
SwB	Swartswood channery silt loam
WmB	Wellsboro channery loam
WsB	Wurtsboro channery loam

Group No.4**Relative Value = 61****Map Symbol****Soil Name**

MaB	Mardin channery silt loam
WaB	Watson silt loam
AnC	Allenwood gravelly silt loam
BaC	Bath channery silt loam
ChC	Chenango gravelly loam
CpC	Clymer loam
KaC	Kedron silt loam
LaC	Lackawanna channery loam
LkC	Leck Kill channery silt loam
MeC	Meckesville gravelly loam
SwC	Swartswood channery sandy loam
WyA	Wyoming gravelly sandy loam
WyB	Wyoming gravelly sandy loam
AvB	Alvira gravelly silt loam
Hy	Holly silt loam
Wb	Wayland silty clay loam

Group No.5**Relative Value = 41****Map Symbol****Soil Name**

OkB	Oquaga-Lackawanna channery loams
HaC	Hartleton channery silt loam
KvB	Klinesville channery silt loam
LsC	Lordstown channery silt loam
MaC	Mardin channery silt loam
OkC	Oquaga-Lackawanna channery loams
WeB3	Weikert channery silt loam
WhB	Weikert-Hartleton channery silt loams
WmC	Wellsboro channery loam
BeB	Benson-Rock outcrop complex
MgB	Morris channery silt loam
ReA	Rexford gravelly silt loam
ReB	Rexford gravelly silt loam
Sh	Sheffield silt loam
VoA	Volusia gravelly silt loam
VoB	Volusia gravelly silt loam

Group No.6**Relative Value = 38****Map Symbol****Soil Name**

BaD	Bath channery silt loam
LaD	Lackawanna channery loam
LkD	Leck Kill channery silt loam
LsD	Lordstown channery silt loam
RuC	Rushtown shaly silt loam
WyD	Wyoming gravelly sandy loam
WyC	Wyoming gravelly sandy loam
SmA	Shelmadine silt loam

Group No.7**Relative Value = 0****Map Symbol****Soil Name**

KvC	Klinesville channery silt loam
OkD	Oquaga-Lackawanna channery loams
WeC3	Weikert channery silt loam
WhC	Weikert-Hartleton channery silt loams
CmA	Chippewa and Norwich silt loams
BeC	Benson-Rock outcrop complex
KvD	Klinesville channery silt loam
RuD	Rushtown shaly silt loam
WeD3	Weikert channery silt loam
WhD	Weikert-Hartleton channery silt loams
AwB	Alvira and Watson very stony loams
BbB	Bath very stony silt loam
BbC	Bath very stony silt loam
BxB	Buchanan extremely stony loam
BxC	Buchanan extremely stony loam
CxB	Clymer extremely stony loam
CxC	Clymer extremely stony loam
DxB	Dekalb extremely stony loam
DxC	Dekalb extremely stony loam
ExB	Empeyville extremely stony sandy loam
HxB	Hazleton extremely stony sandy loam
KdB	Kedron very stony loam
LbB	Lackawanna extremely stony loam
LbC	Lackawanna extremely stony loam
LxB	Lordstown extremely stony silt loam
LxC	Lordstown extremely stony silt loam

MbB	Mardin very stony silt loam
MbC	Mardin very stony silt loam
MfB	Meckesville very stony silt loam
MfC	Meckesville very stony loam
MoB	Morris extremely stony loam
MoC	Morris extremely stony loam
OkB	Oquaga-Lackawanna extremely stony loams
OxC	Oquaga-Lackawanna extremely stony loams
SxB	Swartswood extremely stony sandy loam
SxC	Swartswood extremely stony sandy loam
WpB	Wellsboro extremely stony loam
WpC	Wellsboro extremely stony loam
WrB	Worth extremely stony sandy loam
WrC	Worth extremely stony sandy loam
WxB	Wurtsboro extremely stony loam
WxC	Wurtsboro extremely stony loam

Group No.8

Relative Value = 0

Map Symbol

Soil Name

BeF	Benson-Rock outcrop complex
WKE	Weikert and Klinesville soils
WyE	Wyoming gravelly sandy loam
As	Alluvial land
CnB	Chippewa and Norwich extremely stony soils
DxE	Dekalb extremely stony loam
HxC	Hazleton extremely stony sandy loam
LBE	Lackawanna and Bath extremely stony soils
LgB	Laidig extremely stony loam
LgC	Laidig extremely stony loam
LYE	Lordstown and Oquaga extremely stony soils
SpB	Shelmadine very stony silt loam
VxB	Volusia extremely stony silt loam
Ad	Alden mucky silt loam
Cy	Cut and Fill land
VaC	Very stony land and rock outcrops, sloping
VaE	Very stony land and rock outcrops, steep
Mp	Mucky peat, deep
Ms	Mucky peat, shallow

LAND EVALUATION AND SITE ASSESSMENT WORKSHEET

Name of farm _____

Date _____

Application # _____

Prepared by _____

I. Land Evaluation (Weighted Value = 50%)

A Mapping Unit	B Acreage	C Relative Value	D
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
		X	= _____
Totals	_____		_____

Average Soil Value For Farm(Total of D/Total of B) = _____

Weighted Land Evaluation Score (Average Soil Value X 50%) = _____

II. Site Assessment

Farmland Potential Factors

Points

- 1. Acreage of Prime/State Soils on Tract _____
- 2. Amount of Acreage offered for Easement Purchase _____
- 3. Percent of Tract used for Cropland, Pasture or Grazing _____
- 4. Soil and Water Conservation Practice Used _____
- 5. Buffering of Parks, Environmentally Sensitive Areas _____
- Total _____
- Farmland Potential Score (Total x 20%) _____

Clustering Potential Factors

Points

- 1. Percentage of Land adjacent to farm in Agricultural Security Area _____
- 2. Proximity to Permanently Protected Farmland _____
- 3. Proximity of Farm from a Significant Agricultural Area _____
- 4. Proximity to farm with an Easement Application in Same Round _____
- Total _____
- Clustering Potential Score (Total x 20%) _____

Development Potential Factors

Points

- 1. Extent of Non-Agricultural Use in Area _____
- 2. Distance from Public Sanitary Sewer System _____
- 3. Distance from Public Water Distribution System _____
- 4. Amount of Road Frontage _____
- Total _____

III. Total L.E.S.A. Score

Total Land Evaluation Score = _____

Total Site Assessment Score = _____

Total L.E.S.A. Score = _____

VI. PROCEDURES FOR EASEMENT PURCHASE

This section details the procedures for conservation easement purchase. The majority of this text is derived directly from the regulations promulgated by the Pennsylvania Department of Agriculture.

- Owners of qualified land may offer to sell a conservation easement by applying to the Board by July 1 of 1997 and by February 15 in each year thereafter.
- The Board may, at its discretion, open, close, or extend any application period.

APPLICATION (See Appendix E)

A. A separate application shall be required for each farmland tract offered for easement purchase. The application shall consist of a completed application form, locational maps, a soils report and a crop report.

B. The county board shall develop, and make available to county residents, an application form which requires the following information:

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

C. The County Planning Commission shall provide the following locational maps with the application:

1. A United States Geological Survey topographical map showing the location of the farmland tract.
2. A tax map, if any, of the farmland tract with map reference and tax parcel number clearly indicated.

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

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

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

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

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

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

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

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

EVALUATION OF APPLICATION

- A. The county board shall review the application to determine if it is complete and meets the minimum criteria set forth in this Program.
- B. If the application is complete and the minimum criteria are met, an agent or member of the county board shall view the farmland tract and discuss the county program with the applicant.
- C. The county board shall evaluate timely applications which meet the minimum criteria and rank them according to the county numerical ranking system. The county board shall then determine whether to appraise the farmland tract.

APPRAISAL

- A. An offer to purchase an easement shall be based upon one or more appraisal reports which estimate the market value and the farmland value of the farmland tract.
- B. An appraisal shall be based primarily on an analysis of comparable sales.
- C. The value of a building or other improvement on the farmland tract should not be considered in determining the easement value. The value of the building or other improvement shall appear separately in the appraisal report.
- D. The appraiser shall be:
 - 1. A State Certified general real estate appraiser, in accordance with the Act and its attendant regulations and guidelines.
 - 2. A member or candidate member of an organization which subscribes to the "Uniform Standards of Professional Appraisal Practice" published by the Appraisal Standards Board of the Appraisal Foundation, and shall follow the ethical and professional standards.

E. The appraiser shall supply a narrative report which contains the following information and is in the following format:

1. Introduction
 - (a) Letter of transmittal.
 - (b) Table of contents.
 - (c) Summary of salient facts and conclusions.
 - (d) Purpose of the appraisal.
 - (e) Easement value definition.
 - (f) Appraiser's certificate value as to market, farmland and easement value.
2. Description of property
 - (a) Area or neighborhood description
 - (b) Description of appraised property
 - (1) Legal description
 - (2) Property data and zoning
 - (3) Description of improvements
 - (4) Color Photos of subject property
 - (5) Tax map of subject property. In instance where the county does not have tax maps available, the sketch map required under (F) shall include boundary lines and acreage of properties adjoining the subject property and the names of all adjoining property owners.
 - (6) Sketch (or aerial photo) of subject property
 - (7) Location map
 - (8) Soils map
3. Analyses and conclusions
 - (a) Analysis of highest and best use.
 - (b) Valuation methodology: Market Value.
 - (1) Comparable sales data
 - (2) Adjustment grid
 - (3) Locational map of comparable sales
 - (c) Market value estimate
 - (d) Valuation methodology: Farmland Value.
 - (1) Comparable sales data
 - (2) Locational map of comparable sales
 - (3) Adjustment grid
 - (e) Farmland value
 - (f) Value of improvements
 - (g) Easement value
 - (h) Professional qualifications of the appraiser

F. The appraiser shall supply information concerning comparable sales as follows:

1. At least four comparable sales shall be used for an appraisal. If the appraiser cannot obtain sufficient comparable sales data within the same municipality or county as the subject farmland tract, the appraiser may use comparable sales from other municipalities or counties, after consultation with the county board. The use of comparable sales which require adjustment of 50% or more is permitted only with the approval of the county board.
2. Pertinent data for each comparable sale used in the preparation of the appraisal shall be stated in the appraisal report, including date of sale, purchase price, zoning, road frontage in feet, soil series, an estimate of the range of slope and other relevant information. The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract. Approximate dollar values to adjustment shown on adjustment grid.
3. The location of each comparable sale used in the appraisal report shall be shown accurately on the comparable sales map and sufficiently identified and described so as to be located easily.
4. For comparable sales used to estimate the farmland value, the appraiser may use sales of land that are confined to agricultural use because of legal restrictions or physical impairments that make the land valuable only for agricultural use. Data may also be gathered from farm real estate markets where farms have no apparent development value. Comparable sales shall be in primarily agricultural use.
5. If comparable sales data is not available for farmland value, the county board, subject to the approval of the State Board, may assign a farmland value based on crop production or a capitalization of rental income.
6. The appraiser shall report whether the farmland tract has public or private land use restrictions, is within a flood plain, or has other physical attributes which limit its development capability.
7. The appraiser shall provide at least one original and two copies of each report to the county board. The original of each report and all copies shall be bound with rigid covers.

LOCAL GOVERNMENT UNIT PARTICIPATION

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

- A. The local government unit, in conjunction with a county board, may participate with the State Board in the purchase of agricultural conservation easements.
- B. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the eligible county and the local government unit as joint ownership.
- C. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the local government unit and the Commonwealth as joint ownership.
- D. The local government unit may purchase an agricultural conservation easement, provided that all of the following apply:
 - 1. The agricultural conservation easement is located within an agricultural security area of at least 500 acres or the easement purchased is a joint purchase with either the County or both the County and the Commonwealth, pursuant to the criteria set forth for the purchase of agricultural conservation easements crossing local government unit boundaries and crossing county boundaries including any portion of an agricultural conservation easement extending into an adjoining county.
 - 2. The deed of agricultural conservation easement is at least as restrictive as the deed of agricultural conservation easement prescribed by the State Board for agricultural conservation easements purchased by the Commonwealth.
 - 3. The local government unit shall participate with the County Board in complying with paragraph (E) for recording any agricultural conservation easement purchased by the local government unit.
- E. The County Board shall be responsible to record agricultural conservation easements where a local government unit is a party to the purchase of the easement. The easement shall be recorded by the County Board in the office of the recorder of deeds of Monroe County. The County Board shall submit to the State Board a certified copy of the agricultural conservation easement within 30 days after recording. The County Board shall attach to all certified copies of the agricultural conservation easements submitted to the State Board a description of the farmland subject to the agricultural conservation easement.

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

EASEMENT VALUE AND PURCHASE PRICE

- A. An easement will only be purchased in perpetuity.
 - 1. The maximum value of an easement in perpetuity for purposes of making an offer to purchase an easement under Chapter 138e, Offer of Purchase by County Board, shall be the difference between the market value and the farmland value contained in the county appraisal report.
- B. The purchase price offered for the purchase of an easement under Chapter 138e, Offer of Purchase by County Board, may not exceed, but may be less than, the value of the easement. An easement shall not be purchased for more than \$10,000/acre if purchased using a single funding source, i.e. Municipal, County, or State funds. If the easement is purchased jointly, using a combination of two or more funding sources, than it shall not be purchased for more than \$20,000/acre.

OFFER OF PURCHASE BY COUNTY BOARD

- A. In determining whether to offer to purchase an easement following receipt of the county appraisal report, the county board shall consider the following:
 - 1. Evaluation according to the numerical ranking system.
 - 2. Consistency with county map of priority agricultural areas.
 - 3. Cost relative to total allocations and appropriations.
 - 4. Proximity to other lands subject to easements.
- B. If the county board determines to offer to purchase an easement on the farmland tract, the county board, or a representative of the county board, shall meet with the applicant to review the county appraisal report. An offer to purchase an easement shall be submitted to the applicant in writing and be accompanied by the county appraisal report.
- C. 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 in which case the county board and the applicant shall enter into an agreement of sale. The agreement shall be conditioned upon the approval of the State Board and be subject to the ability of the applicant to provide good title to the premises,

free of encumbrances such as liens, mortgages, options, rights of others in surface mineable coal, land use restrictions, adverse ownership interest, and other encumbrances which would adversely impact the county and Commonwealth's interest in the farmland tract.

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 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 Chapter 138e, Appraisals. Upon completion, three copies of the applicant's appraisal shall be submitted to the county board within 120 days of receipt of the county board's offer to purchase. The applicant's decision to obtain an independent appraisal under this paragraph shall not constitute a rejection of the county board's offer. The county board's offer shall remain open unless increased by the county board under subparagraph (b) or rejected by the applicant.
 - a. If the applicant retains an independent appraiser, the easement value shall be the difference between the agricultural value and the nonagricultural value, determined as follows:
 - (1) The agricultural value shall equal the sum of the farmland value determined by the applicant's appraiser and one-half of the difference between the farmland value determined by the county board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the county board's appraiser exceeds the farmland value determined by the applicant's appraiser.
 - (2) The nonagricultural value shall equal the sum of the market value determined by the county board's appraiser and 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 marked value determined by the applicant's appraiser, exceeds the market value determined by the county board's appraiser.
 - b. Within 30 days of receipt of the applicants appraisal, the county board shall submit a written offer to purchase in an amount in excess of the amount offered under subsection (B) to the applicant; or notify the applicant, in writing, that the offer made under subsection (B) remains open and will not be modified.
 - c. The applicant shall, within 15 days of receipt of the county board's second written offering, notify the county board in writing that the applicant either accepts or rejects the offer made under subsection (B) or accepts or rejects the offer made under subsection (b).

- d. The failure of the applicant to act as set forth in subsection (c) shall constitute a rejection of the county board's offer.
- e. If the offer of purchase is accepted, the county board will prepare an agreement of sale. The agreement shall be conditioned upon approval of the State Board and be subject to the ability of the applicant to provide good title to the premises, free of encumbrances such as liens, mortgages, options, rights of others in surface mineable coal, land use restrictions, adverse ownership interest, and other encumbrances which would adversely impact the county and Commonwealth's interest in the farmland tract.

If circumstances prohibit settlement within six (6) months of acceptance, the Monroe County Agricultural Land Preservation Board reserves the right to make null and void the original offer.

D. An agreement of sale shall be in a form provided by the State Board.

REQUIREMENTS OF THE AGRICULTURAL EASEMENT DEED

- A. The owners of the subject farmland tract shall execute a deed conveying the easement. This deed shall include the provisions of Appendix F (relating to deed clauses).
- B. The deed shall be in recordable form and contain:
 - 1. A legal description setting forth the metes and bounds of the farmland tract subject to the easement.
 - 2. At least one course and distance referencing a fixed marker or monument of a type commonly placed in the field by a surveyor. Fixed markers may include iron pins, pk nails, spikes, concrete monuments or stones.
- C. The legal description shall not contain a closure error greater than 1 foot per 200 linear feet in the survey.
- D. The farmland tract on which an easement is to be purchased must be surveyed unless the legal description contained in the deed recorded in the land records of the county in which the farmland tract is located satisfies the requirements of (B) and (C). A survey required by these provisions must comply with the Survey Requirements section.
- E. For purchases made entirely with State funds, the Commonwealth shall be the sole grantee.
- F. For purchases made using a combination of State and county funds, the grantees shall be the Commonwealth and the county providing the funds under joint ownership as defined in the act.

- G. For purchases made using a combination of State, County, and local municipality funds, the grantees shall be the Commonwealth, the county, and the local municipality providing the funds under joint ownership as defined in the act.
- H. For purchases made entirely with county funds, the county shall be the sole grantee.
- I. For purchases made entirely with local municipal funds, the municipality shall be the sole grantee.
- J. For purchases made entirely with State funds, the Commonwealth shall be the sole grantee.
 - 1. Neither the Commonwealth nor the county may sell, convey, extinguish, lease, encumber, restrict or otherwise dispose of its interest in the easement without the consent of the other.
 - 2. Upon the sale, conveyance, extinguishment, lease, encumbrance or other disposition of the easement, the Commonwealth and the county shall receive a pro rata share of the proceeds based upon their respective contributions to the purchase price.
 - 3. Any person conveying or transferring land subject to an agricultural conservation easement will, within 30 days of the change in ownership, notify the county board and the Commonwealth of the name and address of the person to whom the subject land was conveyed or transferred and the price per acre or portion thereof received by the landowner from such person.
 - 4. The deed conveying or transferring such interest shall recite in verbatim the language of the easement restrictions as set forth in the deed executed in connection with the purchase of the agricultural conservation easement.

SURVEY REQUIREMENTS

- A. If a survey of land being considered for agricultural conservation easement purchase is required under Requirements of the Agricultural Easement Deed (D) or is otherwise required to determine metes and bounds of any right-of-way or other interests in the land, the survey shall indicate that it has a closure error of not greater than 1 foot per 10,000 linear feet in the survey, and shall otherwise comply with the boundary survey measurement standards published by the Pennsylvania Society of Land Surveyors in its “Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania,” adopted July 10, 1998, or its most current successor document.
- B. A survey described in (A) shall also contain the following:
1. A recordable legal description setting forth the metes, bounds, monumentation, exceptions, easements, and rights-of-way with respect to the farmland tract or other subject of the survey.
 2. A copy of the final boundary survey in digital electronic format that complies with the conservation easement Geographic Information System (GIS) technical standards maintained in the guidebook prepared by the Department in accordance with section 14.1(a)(3)(xv) of the act (3 P.S. Section 914.1(a)(3)(xv)). The digital format shall show the bearings and distances between each monument and contain the northing and easting of each monument.
 3. Coordinates of all property corners located sequentially along the boundary survey, with latitude and longitude expressed in decimal degrees with an accuracy of 6 recorded decimal places. These coordinates shall be based on the “North American Datum of 1983,” or its most current successor document, and shall be obtained through field observation or verification of datum.
 4. A paper copy of the plotted final survey map from the digital file showing the course bearings and distances and other annotations and symbols as maintained in the guidebook prepared by the Department in accordance with section 14.1(a)(3)(xv) of the act.
- C. If a survey of land being considered for agricultural conservation easement purchase is required under Requirements of the Agricultural Easement Deed (D) or is otherwise required to determine metes and bounds of any right-of-way or other interests in the land, the surveyor shall establish monumentation for all property corners required under (B)(3). This monumentation shall consist of permanent concrete markers of substantial length and width containing ferrous or other materials detectable by an electromagnetic locator. The identity of the surveyor who places a monument shall be affixed or marked upon the monument so that it can be ascertained by inspection of the monument in the field.

TITLE INSURANCE

- A. The county board shall provide the following to the State Board upon submission of its recommendation for the purchase of an easement:
 - 1. A title insurance commitment.
 - 2. Copies of all recorded or unrecorded documents listed on the title insurance commitment as exceptions to the title insurance policy.

- B. At settlement, the county board shall provide a title insurance policy issued by a title insurance company authorized to conduct business in the Commonwealth by the Insurance Department. A marked up title commitment may serve as a policy until the final policy is issued. The amount of title insurance coverage shall equal or exceed the higher of the following amounts:
 - 1. The difference between the appraised market value and the appraised farmland value, as described in the Easement Value and Purchase Price section.
 - 2. The difference between the agricultural value and the nonagricultural value, as described in the Offer of Purchase by County Board section, if the values are used to calculate the easement value.

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

STATEMENT OF COSTS

- A. The County Board shall submit a statement of the costs incident to the purchase of the easement to the State Board which may include:
 - 1. The easement purchase price
 - 2. The county appraisal costs
 - 3. The necessary legal fees for title search, preparation of documents and attendance at closing.
 - 4. The recording fees
 - 5. The survey costs
 - 6. Reimbursements to a nonprofit land conservation organization that has acquired an easement at the request of the county board, for the purpose of transferring the easement to the county or the Commonwealth, or both. The costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees and survey costs.
 - 7. The costs of providing adjoining landowners with required notices and of providing necessary advertisements.

- B. The statement of costs shall specify the amount of funding requested from the Commonwealth for the purchase, and the amount of county funds allocated for the purchase.

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

SUMMARY REPORT

A recommendation by the county board for the purchase of an easement shall be accompanied by a summary report stating the following:

- A. A description of the farm, including the name, location, number of acres and type of farm.

- B. The quality of the farmland tract, including soil classification and percent harvest cropland, pasture, or grazing land.

- C. The manner in which preservation will contribute to the agricultural productivity of the county.

- D. The likelihood of conversion to other uses if the easement is not purchased. Discussion of the nature and scope of developmental pressure in the municipality or area shall also be provided.

- E. The nature and scope of conservation practices and best land management practices.

- F. A discussion of the purchase price summarizing the appraisals, including the agricultural and nonagricultural value and negotiations for purchase.

- G. The farmland ranking score, including a statement of the relative ranking of the farmland tract among other tracts considered by the county in the same round of applications.
- H. A statement of costs as described in Chapter 138e, Statement of Costs.
- I. A certification by the county board that the information presented to the State Board is true and correct.
- J. An appendix which includes:
 - 1. The application form
 - 2. Locational maps
 - 3. A soils report
 - 4. A crop report
 - 5. An evaluation of the ranking worksheet
 - 6. A subordination, release, or letter approving purchase from a mortgagee, lienholder or owner of rights in surface mineable coal.
 - 7. Other relevant documents and information

APPLICATION FOR REVIEW

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

A. Twenty-five copies of the summary report prepared in accordance with Chapter 138e, Summary Report, include the following items:

- 1. Cover letter from County (optional)
- 2. Narrative Summary Report
- 3. Legible United States Geological Survey (USGS) topographic map showing the boundaries, location of neighboring easements, and exclusions withheld from the subject property.
- 4. Soil Report Form "C" (a form provided by the Department), both pages.
- 5. List of soil mapping unit names, symbols and Land Capability Classes on the subject property.
- 6. Legible, uncolored soil map of subject property.
- 7. Tax map showing the subject property location and boundaries, exclusions withheld from the subject property, utility rights-of-way, and access road rights-of-way.
- 8. Summary table showing the individual ranking scores by category for applications selected for county appraisal, including an indication of the easement purchase status of higher ranking applicants.
- 9. Copy of Exhibit "B", from the Agreement of Sale, modified to include interest, total acres, and per acre easement cost.
- 10. The twenty-five copies submitted shall be individually collated and three-hole

punched, but not stapled.

- B. The appraisal report or reports.
- C. The signed agreement of sale, including the proposed legal description, a statement of cost, the proposed deed of agricultural conservation easement, a contractor integrity clause, and a nondiscrimination clause.
- D. A certification of county funding.
- E. The proposed agricultural easement deed and proposed legal description.
- F. The title insurance report or commitment.
- G. A letter certifying that all adjoining landowners were provided with notice and opportunity to be heard in a manner consistent with administrative agency law with respect to the proposed easement purchase, including one (1) copy of the notification letter and a list of all adjoining landowners.
- H. A completed and signed IRS Form W-9, Request for Taxpayer Identification Number and Certification for individual grantors.
- I. A letter from the grantors stating the percent (%) ownership of each grantor for the purpose of issuing IRS Form 1099.
- J. A copy of the approved soil conservation plan that is required to be in place with respect to the land under Chapter 138e.241(2) relating deed clauses.
- K. A copy of the nutrient management plan that has been developed, certified, reviewed, and approved in accordance with the Nutrient Management Act.

VII. PERMITTED ACTIONS

Pursuant to State Guidelines - Appendix F, The County Board intends that agricultural conservation easements shall not prevent "customary part-time or off-season minor or rural enterprises and activities." These services and activities are permissible as long as they remain incidental to the agricultural and open space character of the farm. No excavating, paving, gravelling, construction of permanent structures, or other activities that would diminish the productive capacity of the soils are permitted in connection with such activities. The County Board reserves the right to review and approve these activities on a case-by-case basis. This provision is retroactive to March 28, 1991 when the County Program was approved by the State Board. For purposes of definition, these are limited to the following:

1. Direct sale to the public of agricultural products produced principally on the farm, provided that at least 50% of such products are produced by the farm operator;
2. Any and all structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the farm;
3. Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel and fossil fuel systems and structures and facilities for the storage and treatment of animal wastes;
4. Structures and facilities associated with irrigation, farm pond improvements, and soil and water conservation practices including but not limited to Wetland Development or Restoration, Wildlife Wetland Habitat Management, Wildlife Upland Habitat Management and Riparian Forest Buffer Resource Management Systems used for erosion and sediment control and water quality improvement.
5. The provision of services or production and sale, by persons in residence, of incidental agricultural goods, services, supplies, and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying residential and/or principally agricultural structures of the property; limited in site coverage to one-half of one percent of the area of the property;
6. The accommodation of tourists and visitors within principally family residential and/or agricultural structures otherwise permitted under the law so long as the accommodations of tourists and visitors is undertaken as a part-time or off-season minor or rural enterprise and is incidental to the agricultural and open space character of the property.
7. Other similar uses upon approval by the Monroe County Agricultural Land Preservation Board and the State Agricultural Land Preservation Board.

VIII. PUBLIC INFORMATION

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

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

IX. INSPECTION AND ENFORCEMENT PROCEDURES

A. Inspections

1. The county board shall inspect all restricted land within the county at least annually to determine compliance with the applicable deed of easement. The first inspection shall be completed within 1 year of the date of easement sale, and shall be included in the annual report described in Chapter 138e, Annual Report, no later than the first annual report following that 1-year period.
2. Written notice of an inspection to be conducted under paragraph (1) shall be mailed by certified mail to the owner at least 10 days prior to the inspection.
3. An inspection conducted under paragraph (1) shall be performed between the hours of 8a.m. and 5 p.m. on a weekday that is not a legal holiday recognized by the Commonwealth, or a date and time agreeable to the county and the landowner.
4. Within 10 days of conducting an inspection under paragraph (1), the county board shall prepare a written inspection report setting forth the following information:
 - a) The identification of the land inspected.
 - b) The names of the owner of the farmland at the time the easement was originally acquired and the name of the current owner of the land inspected.
 - c) A description of modifications in the number, type, location or use of any structures on the land since the date of the filing of the deed of easement.
 - d) A description of deviations from the conservation plan observed on the restricted land.
 - e) A statement of whether the provisions of the deed of easement are being observed.
 - f) A statement indicating whether a structure permitted under section 14.1(c)(6)(iv) of the act (3 P.S. Chapter 914(c)(6)(iv)) has been constructed on the restricted land and, if such a structure has been constructed, the month and year construction was completed and a description of the structure and its location on the land.
5. A copy of the inspection report shall be mailed by certified mail to the owner.
6. The county board and the State Board may inspect the restricted land, jointly or severally, without prior notice if they have reasonable cause to believe that any provision of the easement has been or is being violated.

B. Enforcement

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

C. Notification to Owner

1. Within 10 days of the discovery of a violation of the terms of an easement, the county board shall send written notice of the violation to the owner of the restricted land, the county governing body and the State Board.
2. The written notice required by this section shall be sent by certified mail and shall set forth the following information:
 - a) A copy of the inspection report.
 - b) A copy of the deed of easement.
 - c) A description of the action or condition which constitutes the alleged violation.
 - d) A statement of the measures necessary to correct the alleged violation.

APPENDIX

APPENDIX A

MONROE COUNTY AGRICULTURAL LAND PRESERVATION BOARD

The following are excerpts from the minutes of the Monroe County Commissioner's meeting of February 13 and March 13, 1990. The motions establish the Agricultural Land Preservation Board and appoint the initial members of the Board.

Meeting of February 13, 1990

Chairman Cadue addressed the issue of forming an Agricultural Land Preservation Board.

M-90-167 Motion by Vice-Chairman Joyce, seconded by Commissioner Katz, and carried to appoint the following to the Monroe County Agricultural Land Preservation Board:

- A. Neal Murphy (Farmer) for a three year term to expire 2/13/93
- B. Dale Bartholomew (Farmer) for a three year term to expire 2/13/93
- C. Alan Everett (Municipal Officer) for a two year term to expire 2/13/92
- D. Clinton Frantz III (Builder) for a one year term to expire 2/13/91
- E. Don Pope (Banker) for a one year term to expire 2/13/91

Meeting of March 13, 1990

Vice-Chairman Joyce presented an item regarding the County's Agricultural Land Preservation Program.

M-90-246 Motion by Commissioner Katz, seconded by Vice-Chairman Joyce, and carried to authorize the administration of the Monroe County Agricultural Land Preservation Program by the previously appointed Monroe County Agricultural Land Preservation Board.

APPENDIX B

**MONROE COUNTY
AGRICULTURAL LAND PRESERVATION BOARD**

Represents	Name/Address	Phone	Term Expires
Farmer	Lee Costenbader RD3, Box 567 Kunkletown, PA 18058	(H) 610-381-2402	3/13/05
Farmer	Russell Gould P.O. Box 152 Brodheads ville, PA 18322	(H) 610-681-4619	11/28/06
Municipal Officer	Glenn Beers, Chairman RD5, Box 5072 Kunkletown, PA 18058	(H) 610-381-2110 (W) 610-381-3058	3/18/07
Builder	Robert Serfass RD1, Box 1082 Kunkletown, PA 18058	(H) 610-681-3058	6/30/07
Banker	Richard Snyder P.O. Box 31 Effort, PA 18330	(H) 610-681-5917 (W) 610-824-2308	3/13/07
Advisor	Monroe County Conservation District/Victor Motts 8050 Running Valley Road Stroudsburg, PA 18360		570-629-3060
Advisor	Penn State Cooperative Extension 4499 Route 611 Stroudsburg, Pa 18360		570-421-6430
Advisor	Alan Everett, Former Chairman RR5 Box 5661 Saylorsburg, PA 18353		570-992-7020
Advisor	Gene Sheard, NRCS 5664 Interchange Road Lehigh ton, PA 18235		610-377-6143

APPENDIX C

BYLAWS OF THE MONROE COUNTY AGRICULTURAL LAND PRESERVATION BOARD MONROE COUNTY, PENNSYLVANIA

ARTICLE I - NAME:

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

ARTICLE II - PURPOSE:

- 1) To administer a program for purchasing and receiving gifts of agricultural conservation easements on behalf of the County. It is the purpose of this program to protect and promote continued productive agricultural use on viable agricultural lands by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production and allowed related agricultural activities. (The Board was authorized to administer the County Program by resolution of the County Commissioners at a regularly scheduled meeting held on March 13, 1990.)
- 2) To adopt rules and regulations for the administration of a county program for the purchase of agricultural conservation easements within agricultural security areas. The Board shall execute all agreements or other documents necessary to effect the purchase of such agricultural conservation easements in the name of Monroe County and/or the Commonwealth of Pennsylvania.
- 3) To encourage the use of additional farmland preservation techniques through public and private organization in Monroe County.
- 4) To promote efforts to enhance the agricultural industry in Monroe County.
- 5) To protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.
- 6) To protect normal farming operations from complaints of public nuisance.
- 7) To assure conservation of viable agricultural land in order to protect the agricultural economy of this Commonwealth.
- 8) To maximize agricultural easement purchase funds and protect the investments of taxpayers in agricultural conservation easements.
- 9) To concentrate resources in a manner that will ensure the purchase of easements for the protection of the largest amount of farmland possible.

10) Perform such other duties and responsibilities as may be authorized pursuant to the Agricultural Area Security Law.

ARTICLE III - MEMBERSHIP:

Board members shall be appointed by the County Commissioners.

The Board shall be composed of five members, to be appointed from the following groups:

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

ARTICLE IV - TERM OF OFFICE:

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

REMOVAL FROM COUNTY BOARD:

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

ARTICLE V - VACANCIES:

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

ARTICLE VI - ATTENDANCE BY BOARD MEMBERS:

The Board members shall attend a minimum of sixty percent of all Board meetings, whether regular or special. Any member who is unable to attend a meeting should notify the Chairman prior to the meeting.

ARTICLE VII - OFFICERS:

The Board will be directed by a Chairperson. Additional officers shall be a Secretary.

A staff person may serve as Secretary but shall have no vote.

ARTICLE VIII - ELECTION AND DUTIES OF OFFICERS:

The Chairperson shall be appointed annually by the County Commissioners.

The Secretary shall be appointed annually by members of the Board.

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

The Secretary shall be responsible for seeing that all meetings are recorded.

ARTICLE IX - REMOVAL OF OFFICERS:

The Chairperson can be removed from his/her office by majority vote of the County Commissioners.

Other officers can be removed from office at any time for just cause by a majority vote of the Board.

ARTICLE X - MEETINGS:

Regular meetings shall be held on the first Thursday of every month at a time and location to be specified. Special meetings shall be held at the call of the Chairperson, or at the request of 3 members of the Board, and shall require written notice of at least 20 days.

ARTICLE XI - CONDUCT OF MEETINGS:

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

ARTICLE XII - QUORUM:

A majority of the total Board membership shall constitute a quorum for the conduct of business.

A quorum of members is required to vote on any motion before the Board.

ARTICLE XIII - VOTING:

Each member of the Board shall be allowed to cast one vote.

Board members must be present at a meeting in order to vote.

Motions shall be passed by a majority vote of members present at meetings, except as specified elsewhere in the Bylaws.

ARTICLE XIV - COMMITTEES:

The chairperson may appoint such committees as are desirable for accomplishing the purpose of the Board.

Committees may include persons other than Board members.

ARTICLE XV - AGRICULTURAL SECURITY AREA ADVISORY COMMITTEES:

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

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

ARTICLE XVI - STAFF:

The Monroe County Planning Commission shall provide primary staff support to the Board. The Monroe County Conservation District shall also provide staff assistance as necessary.

ARTICLE XVII - FINANCES:

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

The Board shall operate within a budget as approved annually by the County Commissioners. Board members shall not receive a salary or payments for their services on the Board, but may be reimbursed for expenses incurred in the course of their service on the Board.

No member of the Board shall be liable for the debts of the Board.

ARTICLE XVIII - PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW:

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

ARTICLE XIX - AMENDMENTS:

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

APPENDIX D

LIST OF SOIL MAPPING UNITS THAT QUALIFY AS PRIME FARMLAND

Monroe County

<u>Manuscript Symbol</u>	<u>Mapping Unit Name</u>
AnA	Allenwood gravelly silt loam, 0 to 3 percent slopes
AnB	Allenwood gravelly silt loam, 3 to 8 percent slopes
BaB	Bath channery silt loam, 3 to 8 percent slopes
BrA	Braceville gravelly loam, 0 to 3 percent slopes
BrB	Braceville gravelly loam, 3 to 8 percent slopes
BuB	Buchanan loam, 3 to 8 percent slopes
ChA	Chenango gravelly loam, 0 to 3 percent slopes
ChB	Chenango gravelly loam, 3 to 8 percent slopes
CpA	Clymer loam, 0 to 3 percent slopes
CpB	Clymer loam, 3 to 8 percent slopes
KaB	Kedron silt loam, 2 to 8 percent slopes
LaB	Lackawanna channery loam, 2 to 8 percent slopes
Lh	Lawrenceville silt loam
LkB	Leck Kill channery silt loam, 2 to 8 percent slopes
LsB	Lordstown channery silt loam, 3 to 8 percent slopes
MaB	Mardin channery silt loam, 2 to 8 percent slopes
MeA	Meckesville gravelly loam, 0 to 3 percent slopes
MeB	Meckesville gravelly loam, 3 to 8 percent slopes
Ph	Philo silt loam
Po	Pope silt loam
Pp	Pope silt loam, high bottom
SaB	Swartswood channery sandy loam, 3 to 8 percent slopes
WaB	Watson silt loam, 2 to 8 percent slopes
WmB	Wellsboro channery loam, 3 to 8 percent slopes
WsB	Wurtsboro channery loam, 2 to 12 percent slopes

This land can also be identified as all land in SCS Soil Capability Classes I, II, III. Areas colored green, yellow or red on the farm's soil map can be measured to evaluate this factor.

**LIST OF SOIL MAPPING UNITS THAT QUALIFY AS ADDITIONAL FARMLAND
OF STATEWIDE IMPORTANCE**

Monroe County

<u>Manuscript Symbol</u>	<u>Mapping Unit Name</u>
AnC	Allenwood gravelly silt loam, 8 to 20 percent slopes
AvB	Alvira gravelly silt loam, 3 to 8 percent slopes
BaC	Bath channery silt loam, 8 to 15 percent slopes
ChC	Chenango gravelly loam, 8 to 15 percent slopes
HaB	Hartleton channery silt loam, 2 to 8 percent slopes
HaC	Hartleton channery silt loam, 8 to 20 percent slopes
KaC	Kedron silt loam, 8 to 15 percent slopes
KvB	Klinesville channery silt loam, 3 to 8 percent slopes
LaC	Lackawanna channery loam, 8 to 15 percent slopes
LkC	Leck Kill channery silt loam, 8 to 15 percent slopes
LsC	Lordstown channery silt loam, 8 to 15 percent slopes
MgB	Morris channery silt loam, 2 to 10 percent slopes
MaC	Mardin channery silt loam, 8 to 15 percent slopes
MeC	Meckesville gravelly loam, 8 to 15 percent slopes
OkB	Oquaga-Lackawanna channery loams, 3 to 8 percent slopes
OkC	Oquaga-Lackawanna channery loams, 8 to 15 percent slopes
ReA	Rexford gravelly silt loam, 0 to 3 percent slopes
ReB	Rexford gravelly silt loam, 3 to 8 percent slopes
RuC	Rushtown shaly silt loam, 5 to 15 percent slopes
Sh	Sheffield silt loam
SwC	Swartswood channery sandy loam, 8 to 15 percent slopes
VoA	Volusia gravelly silt loam, 0 to 3 percent slopes
VoB	Volusia gravelly silt loam, 3 to 8 percent slopes
WeB3	Weikert channery silt loam, 3 to 8 percent slopes
WhB	Weikert-Hartleton channery silt loam, 3 to 8 percent slopes
WhC	Weikert-Hartleton channery silt loam, 8 to 15 percent slopes
WmC	Wellsboro channery silt loam, 8 to 15 percent slopes
WyA	Wyoming gravelly sandy loam, 0 to 3 percent slopes
WyB	Wyoming gravelly sandy loam, 3 to 8 percent slopes
WyC	Wyoming gravelly sandy loam, 8 to 15 percent slopes

This land can also be identified as all land in SCS Soil Capability Classes I, II, III. Areas colored green, yellow or red on the farm's soil map can be measured to evaluate this factor.

APPENDIX E

MONROE COUNTY AGRICULTURAL LAND PRESERVATION BOARD

Agricultural Conservation Easement Application Form

I. General Information

Name(s) _____

Address _____
(Street/R.D.) (City) (State) (Zip)

Social Security #(s) _____

Telephone #(s) _____
(please include best times to contact)

Township _____

Is your farm in an Agricultural Security Area? _____ If Yes, give ID# _____

Street location of farmland tract _____

Directions from nearest State Route _____

Total acreage of farmland tract _____

Total acreage offered _____

Crops grown on farmland tract _____

Number and kinds of livestock _____

Deed Reference: Book _____ Volume _____ Page _____

Tax assessment No's of each parcel(PIN #s) _____

Date of U.S.D.A. Soil Conservation Service Conservation Plan, if any _____

Date of nutrient management plan, if any _____

Name(s), address and telephone number of person(s) to contact to view the farmland tract _____

II. Maps

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

1. Locational Map - A United States Geological Survey topographical map showing the location of the farmland tract.
2. Soils Map - The soils map of the farmland tract must be color coded as follows:

Class I	-Green
Class II	-Yellow
Class III	-Red
Class IV	-Blue
Wetlands	-Cross Hatch or include on a separate map
3. Tax Map - Tax map(s) of the farmland tract with map reference and tax parcel numbers clearly indicated.

III. Soils Report

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

IV. Capability Class Table

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

	Acres of Cropland/ Pasture	Acres of Other Land	Total Acres
Class I	_____	_____	_____
Class II	_____	_____	_____
Class III	_____	_____	_____
Class IV	_____	_____	_____
*Unique Land	_____	_____	_____
Totals	_____	_____	_____

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

V. Crop Production Information

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

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

VI. Livestock Report

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

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

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

VII. Selling Price

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

- 1. \$ _____ for the entire farm, or
- 2. \$ _____ per acre, or
- 3. _____ an amount to be determined by appraisal and acceptable to buyer and seller.

VIII. Type of Easement

- 1. Easements are purchased for perpetuity only.

IX. Signature(s)

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

Signed: _____

Date: _____

Please submit this application to:

Monroe County Agricultural Land Preservation Board
c/o County Administrator
Monroe County Planning Commission
Administrative Center
1 Quaker Plaza, Room 106
Stroudsburg, PA 18360

Please contact the County Planning Commission at (570) 517-3100 if you have any questions or require assistance in completing this application.

APPENDIX F

DEED OF AGRICULTURAL CONSERVATION EASEMENT

Deed Clauses

The Deed of Agricultural Conservation Easement delivered in connection with the purchase of an easement shall identify the owner of the farmland tract as grantor and either the Commonwealth or the county, or both, as grantee and contain the following provisions and additional, consistent provisions approved by the State Board:

1) A granting clause stating:

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

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

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

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

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

Constructing of Buildings and Other Structures:

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:

- (A) The residential structure is constructed and used as the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time farm employees.
- (B) 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. Section 914.1(c)(6)(iv)) and this section, after the date of the granting of the easement.
- (C) The residential structure and its curtilage occupy no more than 2 acres of the restricted land.
- (D) The location of the residential structure and its driveway will not significantly harm the economic viability of the subject land for agricultural production.
- (E) The replacement of a residential structure constructed under authority of Section 14.1 (c)(6)(iv) of the Act and this section is permitted.

The following are also permitted:

- (A) The construction or use of any building or other structure for agricultural production is permitted.
- (B) The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.

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:

- (A) Inform the County Board of the specific subdivided tract with respect to which the right to construct and use such a residential structure is reserved.

(B) Ensure that the deed to the subdivided tract with respect to which the right to construct and use such a residential structure is reserved clearly sets forth the reservation of this right.

(C) Ensure that all deeds to the remaining subdivided tracts recite that no such residential structure may be constructed on the remaining subdivided tracts.

Subdivision of Restricted Land

General - The following conditions shall apply to subdivision of lands eased through the Monroe County Agricultural Land Preservation Program whether the easement be held solely by the State, solely by the County, or held jointly by the State and County.

(A) Authority to prohibit subdivision. The Monroe County Agricultural Land Preservation Program prohibits the subdivision of restricted land if the landowner can accomplish the construction and use of a principal residence or housing for seasonal or full-time farm employees in accordance with Section 14.1 (c)(6)(iv) of the Act (3 P.S. Section 914.1 (c)(6)(iv)), under the applicable subdivision and land development ordinance, by land development other than subdivision.

(B) Discretion to allow subdivision. The Monroe County Agricultural Land Preservation Program allows the subdivision of restricted land, and places restrictions or conditions upon subdivision in those instances where the conditions of subsection (A) above cannot be accomplished without applicable subdivision of land under the municipal land development and subdivision ordinances.

(C) Requisite: Preservation of economic viability for agricultural production. Subsection (B) notwithstanding, a county program shall not permit a subdivision which would harm the economic viability of the farmland for agricultural production.

(D) Requisite: Prevention of conversion to non-agricultural uses; exception. Subsection (B) notwithstanding, a county program shall not permit a subdivision which would convert land which has been devoted primarily to agricultural use to another primary use except that, without regard to this requirement, the Monroe County Agricultural Land Preservation Program permits one tract to be created by subdivision for the purpose of the construction of a principal residence for the landowner.

(E) The prohibitions, restrictions and conditions of subdivision of eased land as set forth in Subsection (D) of this section shall be recited verbatim in the deed for all subdivided and remaining parcels.

(F) All costs associated with subdivision shall be the responsibility of the landowner.

(G) Nothing in this section shall relieve the landowner of any municipal, county or state regulation, procedures or requirements necessary for the subdivision of land.

(H) Notice to landowner. The Monroe County Agricultural Preservation Board shall do at least one of the following:

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

Utilities

The granting of rights-of-way by the Grantor, his heirs, executors, administrators, successors and assigns, or any person, partnership, corporation or other entity claiming title under or through Grantor in and through the subject land for the installation of, transportation of, or use of, lines for water, sewage, electric, telephone, coal by underground mining methods, gas, oil or oil products is permitted. The term "granting of rights-of-way" includes the right to construct or install such lines. The construction or installation of utility lines other than of the type stated in this paragraph is prohibited on the subject land.

Mining

The granting of leases, assignments or other conveyances or the issuing of permits, licenses or other authorization for the exploration, development, storage or removal of coal by underground mining methods, oil and gas by the owner of the subject land or the owner of the underlying coal by underground mining methods, oil and gas or the owner of the rights to develop the underlying coal by underground mining methods, oil and gas, or the development of appurtenant facilities related to the removal of coal by underground mining methods, oil and gas development or activities incident to the removal or development of such minerals is permitted.

Rural Enterprises

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

Soil and Water Conservation

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

(A) The use of the land for growing sod, nursery stock, ornamental trees and shrubs does not remove excessive soil from the subject land, and

(B) The excavation of soil, sand, gravel, stone or other materials for use in agricultural production of the land is conducted in a location and manner that preserves the viability of the subject land for agricultural production.

(3) An enforcement clause stating that:

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

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

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

(4) A clause setting forth the duration of the easement which must be in perpetuity.

(5) A clause stating that:

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

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

Conveyance Or Transfer of The Subject Land - Grantor, his heirs, executors, administrators, successors or assigns, and any person, partnership, corporation, or other entity claiming title under or through Grantor, shall notify Grantee in writing of any conveyance or transfer of ownership of the subject land within 30 days. Such notification shall set forth the name, address and telephone number of the Grantor and of the person to whom the subject land was conveyed or transferred and the price per acre or portion thereof received by the landowner from such person. This obligation shall apply to any change in ownership of the subject land.

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

(7) A habendum clause.

APPENDIX G

DEFINITIONS

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

Harm the economic viability of the farmland for agricultural production - To cause a particular tract of restricted land to fail to meet the criteria set forth at Section 138e.16(a)(2), (3), (4) and (5) (relating to minimum criteria for applications) of this chapter, or to create, through subdivision, a tract of restricted land, other than a tract of 2 acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P.S. Section 914.1(c)(6)(i)), that would fail to meet the aforescribed 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 curtilages, wetlands, soil quality, topography or other natural or man-made features, and which further excludes any tract of 2 acres or less designated as the site upon which the landowner's principal residence or housing for seasonal or full-time employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P.S. Section 914.1(c)(6)(iv)).

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

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