

BRADFORD COUNTY
AGRICULTURAL LAND PRESERVATION PROGRAM
ADMINISTRATIVE MANUAL

JULY 2004

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INTRODUCTION

Bradford County is one that is rich in farmland and farm heritage. It contains an area of 720,000 acres, half of which consist of agricultural lands. This agricultural base is the one that has been the historical foundation for much of the rural economy, infrastructure and culture of the County.

The Bradford County Agricultural Land Preservation Board, in its efforts to preserve our County's farmland, has considered the following values as they relate to agriculture:

- ❑ Tourism
- ❑ Economic viability of Rural Community
- ❑ Rural Culture / Way of Life
- ❑ Future production of Agricultural Commodities
- ❑ Support of Rural Infrastructure
- ❑ Aesthetics
- ❑ Quality of Soils
- ❑ Recreational Values
- ❑ Heritage
- ❑ Open Space
- ❑ Resource Value to Farmers' Families
- ❑ Preserve availability of Farm to Future Generation
- ❑ Stewardship / Conservation (Practices)
- ❑ Size of Farm Areas
- ❑ Community Support of Ag
- ❑ Wildlife Habitat (diversity)
- ❑ Water Quality / Quantity Enhancement
- ❑ Environmental Enhancement – air, water, soil
- ❑ Personal Security
- ❑ Minimize Infrastructure Impact
- ❑ Community Planning Enhancement and Compatibility

GENERAL PROVISIONS

100 PURPOSE

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

Further, it is the purpose of this program to:

- 1) To protect viable agricultural lands by acquiring agricultural easements which prevent the development or improvement of the land for any purpose other than agricultural production.
- 2) To encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
- 3) To protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.
- 4) To protect normal farming operations from complaints of public nuisance against normal farming operations.
- 5) To assure conservation of viable agricultural lands for the protection of the agricultural economy of Bradford County and this Commonwealth.
- 6) To provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
- 7) To maximize agricultural conservation easement purchase funds and protect the investment of taxpayers in agricultural conservation easement.
- 8) To protect and preserve open space, environmental heritage, habitat and cultural values associated with Bradford County's agricultural way of life.
- 9) To build support of agriculture by building and raising awareness of the values of agricultural lands.

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

- 1) The local government unit, in conjunction with a county board, may participate with the State Board in the purchase of agricultural conservation easements.
- 2) The local government unit shall recommend to the county board the purchase of agricultural conservation easements by the eligible county and the local government unit as joint ownership.
- 3) The local government unit shall recommend to the county board the purchase of agricultural conservation easements by the local government unit and the Commonwealth as joint ownership.
- 4) The local government unit may purchase an agricultural conservation easement, provided that all of the following apply:

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

101 DEFINITIONS

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

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

Agricultural conservation easement or easement - An interest in land, less than fee simple, which interest represents the right to prevent the development or improvement of a parcel for any purpose other than agricultural production. The easement may be granted by the owner of the fee simple to any third party or to the Commonwealth, to a County governing body or to a unit of local government. It shall be granted in perpetuity as the equivalent of covenants running with the land. The exercise or failure to exercise any right granted by the easement shall not be deemed to be management or control of activities at the site for purposes of enforcement of the act as of October 18, 1988 (P.L. 756, No. 108), known as the "Hazardous Sites Cleanup Act."

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

Agricultural value - The sum of:

- (A) The farmland value determined by the applicant's appraisal; and
- (B) One-half of the difference between the farmland value determined by the state or County Board's appraiser and the farmland value determined by the applicant's appraiser if the farmland value determined by the state or County Board's appraiser exceeds the farmland value determined by the applicant's appraiser.

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

Annual easement purchase threshold - An amount annually determined by the State Board which equals at least \$10,000,000 to be allocated among eligible counties.

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

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

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

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

(i) An installation schedule.

(ii) A maintenance schedule

(iii) A nutrient management component consisting of a statement of whether a nutrient management plan is required under the Nutrient Management Act (3 P.S.

subsections 1701 –1718) and, if required, confirmation that a plan is in place or will be in place prior to conveyance of the agricultural conservation easement. If a nutrient management plan is not required under the Nutrient Management Act, the nutrient management component shall consist of a description of the amounts and types of nutrients generated on the farmland tract and a description of any current and planned measures or procedures for containment, use, disposal or other disposition of the nutrients described.

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

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

County - Bradford County, Pennsylvania.

County Board - The Bradford County Agricultural Land Preservation Board as appointed by the Bradford County Commissioners.

County governing body - The Bradford County Board of Commissioners.

County matching funds - Money appropriated by the Bradford County Commissioners for the purchase of easements.

County program - An Bradford County Agricultural Land Preservation Program for the purchase of easements authorized and approved by the Bradford County Commissioners.

Crops, livestock and livestock products - Include but are not limited to:

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

Crops unique to the area - The term includes crops which historically have been grown or have been grown within the last 5 years in the region, and which are used for agricultural production in the region. For example, orchard or vineyard crops that have historically been produced in a particular county might be considered crops unique to the area as listed in the *Guidebook to Farmland Preservation* Section 1.7. (See Appendix K) Crop production must be \$2,000.00 or greater annually.

Curtilage - The area surrounding a residential structure used for yard, driveway, on-lot sewage system or other similar non-agricultural purposes.

Department - The Department of Agriculture of the Commonwealth.

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

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. § 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.

Eligible counties - Counties whose easement purchase programs have been approved by the State Agricultural Land Preservation Board. For the purpose of annual allocations, an eligible county must have its easement purchase program approved by the State Agricultural Land Preservation Board by January 1 of the year in which the annual allocation is made. Counties of the first class are not eligible under any circumstances.

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

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

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

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

for the property, and which a willing and informed buyer who is not obligated to buy would pay for the property.

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

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

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

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

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

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

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

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

Land development - Either of the following activities:

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

Land which has been devoted primarily to agricultural use - That acreage which is a part of restricted land and is harvested cropland, grazing or pasture land, land used for the production of timber and wood products, land containing non-residential structures used for agricultural production, or other acreage immediately available for agricultural production, and which excludes any acreage upon which immediate agricultural production is impracticable due to residential structures and their curtilage, wetlands, soil quality, topography or other natural or man-made features, and which further excludes any tract of two acres or less 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. § 914.1(c)(6)(iv)).

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

Nonagricultural value - The sum of:

- (A) The market value determined by the state or County Board's appraiser;
and
- (B) One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the state or County Board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the state or County Board's appraiser.

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

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

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

Owner - The person holding title to land.

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

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

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

Restricted land - Land and buildings, the use of which is subject to the terms of an easement.

Secretary - The Secretary of the Department.

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

Soils report - A report which sets forth the amount and description of each soil class found on a specific farm.

State Board - The State Agricultural Land Preservation Board.

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

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

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

USDA - The United States Department of Agriculture.

USDA-NRCS - The Natural Resources Conservation Service of the United States Department of Agriculture.

102 NUMERICAL RANKING SYSTEM

The County Board has developed a numerical ranking system to be used to prioritize applications for the appraisal of properties meeting the minimum criteria listed in section 103 of the County Program. After initial review, sites will be evaluated using the system. Ranking is determined by favorable natural conditions and location factors which make farming a viable undertaking presently and in the future.

The ranking system has two categories:

1. Land Evaluation
2. Site Assessment

The numerical ranking system is found in Appendix D.

103 MINIMUM CRITERIA FOR APPLICATIONS

(a) The County program shall consider the quality of the farmland tract, including the USDA-NRCS classification and productivity. The farmland tract shall:

- (1) Be located in a duly recorded agricultural security area which has at least 500 acres enrolled. Except where Act 14 of 2001 amended the Agricultural Security Law for special provisions for parcels not entirely within an agricultural security area in compliance with the criteria set forth below:
 - (i) Consistent standards. The standards and procedures for the selection and purchase of an agricultural conservation easement set forth in this county program are applicable to the selection and purchase of an agricultural conservation easement under these special standards and procedures, to the extent they are not inconsistent with these special standards and procedures.
 - (ii) Parcels crossing local government unit boundaries. The county board may recommend the purchase of an agricultural conservation easement on a parcel, a portion of which is not within an agricultural security area if all of the following occur:
 - I. The agricultural conservation easement would be purchased by the county solely, or jointly with either the Commonwealth or a local government unit, or both. State-only easements are not included. Township-only easement purchases do not apply.
 - II. The land is part of a parcel of farm land that is transected by the dividing line between two local government units, with

the portion within one local government unit being in an agricultural security area of 500 or more acres and the portion within the other local government unit not being within an agricultural security area.

- III. The majority of the parcel's viable agricultural land is located within an agricultural security area of 500 or more acres.
- (iii) Parcels crossing county boundaries. The county board may recommend the purchase of an agricultural conservation easement on a parcel, a portion of which is not within an agricultural security area if all of the following occur:
- I. The agricultural conservation easement would be purchased by the county solely, or jointly with either the Commonwealth or a local government unit, or both. State-only easements are not included. Township-only easement purchases do not apply.
 - II. The land is part of a parcel of farm land that is transected by the dividing line between Bradford County and an adjoining county, with the portion within Bradford County being in an agricultural security area of 500 or more acres and the portion within the adjoining county's local government unit not being within an agricultural security area.
 - III. One of the following shall apply:
 - a. The main dwelling is located on the parcel, and the house is located entirely in the purchasing county with the local government unit that has an agricultural security area.
 - b. A main dwelling is located on the parcel, on the dividing line between counties, and the owner of the parcel has chosen the purchasing county with the local government unit that has an agricultural security area as the house site for tax assessment purposes.
 - c. There is no main dwelling on the parcel, and the majority of the parcel's viable agricultural land is located in the purchasing county with the local government unit that has an agricultural security area.
- (iv) Recording responsibilities. Upon the purchase of an agricultural conservation easement as described above in subsection (ii) and (iii) the portion of the parcel that was not part of an agricultural security area immediately becomes part of the agricultural security

area covering the rest of the parcel. Bradford County will take all steps necessary to ensure the governing body which created the agricultural security area meets its responsibility, under Section 14.1 (b)(2)(I)(B)(II) and 14.1 (b)(2)(I)(C)(III) of the Agricultural Area Security Law, for the recording, filing and notification described in Section 8 (d) and 8 (g) of the Agricultural Area Security Law with respect to the land added to the agricultural security area.

- (2) Contain at least 50% of soils which are available for agricultural production and are of Land Capability Classes I through IV, as defined by the USDA-NRCS.
 - (3) Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing lands.
 - (4) 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 (26 U.S.C.A. § 170 (h)(3)).
- (b) The County program shall consider the likelihood that a farmland tract will be converted to nonagricultural use.
- (1) In determining the likelihood of nonagricultural use, consideration shall be given to the following factors:
 - (i) The developmental pressures in the area.
 - (ii) Suitability of the farmland tract for development because of soil capabilities, location and configuration.
 - (iii) Pre-existing perpetual restrictions against development.
 - (iv) Location in an area identified by the County Board of the County or township comprehensive plan as desirable for agricultural use.
- (c) The County program shall consider and address the extent to which the applicant has demonstrated good stewardship of the land, use of conservation practices and best management practices, including soil erosion and sedimentation control and nutrient management.

104 PLANNING MAP

The County Board has prepared the map identifying the important agricultural areas of the County. The scale of the map is such that it can be used to locate specific land proposed for easement purchase.

Important agricultural areas are those areas which have good soil quality and quantity, good location, local support for agriculture and a strong farming history which has supported and is able to support in the future a strong, stable agricultural industry.

The Board encourages the formation of agricultural security areas in all areas of the County and especially in the important agriculture areas identified on the planning map.

105 SCHEDULE FOR SUBMISSION OF APPLICATIONS

All complete applications for the County program, received by the County Board between July 1 and September 30 will be evaluated according to the numerical ranking system for funding. Applications will be received every other year beginning with 2002.

106 PUBLIC INFORMATION

The County Board will publicize the County Program through the dissemination of information, press releases, presentations, and through public meetings.

The County Board will be subject to the Sunshine Act and the act of June 21, 1957 known as the Right-To-Know Law, relating to the inspection and copying of public records.

PROCEDURES FOR PURCHASING AN EASEMENT

201 APPLICATION

- (a) A separate application shall be required for each farmland tract offered for easement purchase. The application shall consist of a completed application form, location maps, a soils report done in accordance with the model formats included in the state guidebook and any future revisions thereto (§ 14.1(a)(3)(xv) and (b)(2)(xiv)).

(b) The County Board shall develop, and make available to a County resident, an application form which requires the following information:

- (1) The name, address, telephone number and signature of the owner of the farmland tract.
- (2) The County, municipality and agricultural security area in which the farmland tract is located.
- (3) The total acreage of the farm. 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 applicant or County Board shall provide both of the following locational maps with the application:

- (1) A United States Geological Survey topographical map or portion of the map showing the location of the farmland tract, with the farmland tract boundaries clearly and correctly delineated and showing the location of acreage being excepted from the easement.
- (2) A tax map or official map used for tax assessment purposes showing the farmland tract with all tax parcel numbers clearly indicated.

(d) The applicant 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 soil types as follows:

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

- (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.		
4.		

- (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
1.		
2.		
3.		
4.		

- (g) 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 as set forth in Section 138e.16(a) of the State regulations.

202 EVALUATION OF THE APPLICATION

- (a) The County Board shall review the application to determine if it is complete and meets the minimum criteria in section 103. The application will be evaluated using the numerical farmland ranking system to determine the order in which tracts are selected by the County for appraisal. Selection for appraisal will be

made in descending order of farmland ranking score. The number of farms selected to be appraised will be based on the funding availability.

- (b) Landowners of tracts selected for appraisal must make a \$1500 appraisal deposit. This deposit will be refunded in full if the Board buys the easement, if the Board does not make an offer, or if the landowner rejects an offer of less than the full appraised easement value.

203 APPRAISAL

- (a) All appraisals shall be conducted by a State Certified general real estate appraiser, in accordance with the Act and its attendant regulations and guidelines.
- (b) 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.
- (c) An appraisal shall be based on an analysis of comparable sales.
- (d) The value of a building or other improvement on the farmland tract will not be considered in determining the easement value. The description of the building or other improvement shall appear separately in the appraisal report.
- (e) The appraiser shall be:
 - (1) A Pennsylvania State Certified General Real Estate appraiser in accordance with the standards set forth in Act 43 and any future revisions and regulations thereof (§ 14.1(f) and (f)(3)). An appraiser shall be selected on the basis of experience, expertise and professional designation.
- (f) The appraiser shall supply a narrative report which contains the following information and is in the following format:
 - (1) Introduction.
 - (i) Letter of transmittal and appraiser's certificate of value as to market value, farmland value and easement value.
 - (ii) Table of contents.
 - (iii) Summary of salient facts and conclusions.
 - (iv) Purpose of the appraisal.
 - (v) Definitions, including market value, farmland value and easement value.

- (2) Description of property.
 - (i) Area or neighborhood description.
 - (ii) Description of appraised property.
 - (A) Legal description.
 - (B) Property data and zoning.
 - (C) Brief description of improvements.
 - (D) Photos of subject property.
 - (E) Tax map of subject property with which the acreage of properties adjoining the subject property, the names of all adjoining property owners, and deed references shall be indicated.
 - (F) A legible sketch or aerial photograph of subject property showing boundaries, roads, driveways, building locations, rights of way and land use.
 - (G) Location map of subject farmland tract in County.
 - (H) Soils map.
- (3) Analyses and conclusions.
 - (i) Analysis of highest and best use.
 - (ii) Valuation methodology: Market value.
 - (A) Comparable sales data.
 - (B) Adjustment grid.
 - (C) Location map of comparable sales.
 - (iii) Market value estimate.
 - (iv) Valuation methodology: Farmland value.
 - (A) Comparable sales data.
 - (B) An adjustment grid.
 - (C) Location map of comparable sales.
 - (v) Farmland value estimate.
 - (vi) Easement value.
 - (vii) Professional qualifications of the appraiser and copy of appraiser's current certification form.
- (g) The appraiser shall supply information concerning comparable sales as follows:
 - (1) At least three comparable sales shall be used for estimating market value and at least three for estimating farmland value. If the appraiser cannot obtain sufficient comparable sales data within the same county as the subject farmland tract, the appraiser may use comparable sales from other counties with the approval of 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 (for determining market value) and soil mapping units (for determining farmland value). The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract. This analysis shall be in the form of a narrative statement of the information considered and the reasoning that supports the analyses, opinions and conclusions, and an adjustment grid assigning, when practicable and within the Uniform Standards of Professional Appraisal Practice referenced in subsection (b), approximate dollar values to adjustment shown on the adjustment grid.
- (3) The location of each comparable sale and subject tract 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. Comparable sales shall be for primarily agricultural use. Data may also be gathered from farm real estate markets where farms have no apparent developmental value.
- (5) The appraiser shall set forth the reasons the farmland comparable sales are confined primarily to agricultural use. Examples of these reasons include:
 - (i) The farmland tract has public or private land use restrictions.
 - (ii) The farmland tract is within a flood plain or a wetland (in whole or in part).
 - (iii) The farmland tract is landlocked, subject to additional easements, subject to restrictive zoning or has other physical attributes which limit its developmental capability.
- (6) 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.
- (7) The appraisal shall include the entire acreage offered for easement sale. If, following completion of the appraisal, acreage is added to or deleted from the proposed easement sale for any reason, the appraisal shall be revised accordingly or the appraiser shall agree in writing to the use of a per acre value to account for the change in easement value resulting from such a change in acreage.

- (8) The acreage is voluntarily withheld from the easement sale by the landowner through subdivision accomplished in accordance with the Pennsylvania Municipalities Planning Code, the appraiser shall, in making the estimate of agricultural conservation easement value, take into account any increase in the value of the subdivided acreage because of the placement of the easement on the remaining farmland.

204 EASEMENT VALUE AND PURCHASE PRICE

- (a) An easement will be purchased in perpetuity.
 - (1) The value of an easement in perpetuity for purposes of making an offer to purchase an easement under Section 205(b) shall be the difference between the market value and the farmland value contained in the appraisal report.
- (b) The purchase price offered for the purchase of an easement under Section 205(b) may not exceed, but may be less than the value of the easement.
- (c) The County Board intends to expend the funds described in section 14.1(h)(8.2) of the Act over a period of 2 consecutive County fiscal years.
- (d) The County Board will allow for the purchase of agricultural conservation easements on an installment or other deferred basis and final payment is to be made no more than 5 years from the date the agricultural conservation easement purchase agreement is fully executed. The County Board will follow the provisions contained in Chapter 138e.104(a) and (b)(1) through (4).
- (e) The County Board will allow for like-kind exchanges for agricultural conservation easement purchase.
- (f) Bargain Sales - All agricultural conservation easements shall be secured with a minimum exchange of one dollar (\$1.00).

Where an agricultural conservation easement is being considered for one dollar (\$1.00), and the landowner wishes to convey the remaining easement value, the County Board may make an easement purchase offer using County funds. In such cases, the County Board may deviate from the priority established by the Land Evaluation Site Assessment (LESA) / Farmland Ranking System, and state minimum criteria, so long as the property:

Is located in an Agricultural Security Area
Is contiguous acreage, at least ten (10) acres in size
Contains at least 50% of the soils which are both available for agricultural production and of land capability class I-IV, and
Contains at least 50% harvested cropland, pasture, or grazing land.

Where an agricultural conservation easement is being purchased for the sum of one dollar (\$1.00), the Board may utilize county funds to cover expenses incidental to securing the agricultural conservation easement (survey, legal services title search, document preparation, recording fees, etc.) Appraisals are not incidental to securing an agricultural conservation easement in this case. Landowners seeking potential tax benefits from the bargain sale shall be responsible for obtaining an appraisal.

All eased lands shall meet all conservation and maintenance criteria described in the Bradford County Agricultural Land Preservation Program manual – responsibilities of owner, sections 401 to 406 inclusive, as well as meeting all current and future regulations of the Pennsylvania Agricultural Land Preservation Program.

It shall be the responsibility of the landowner to mitigate erosion and sedimentation, pollution, or other conditions on the property that pose a threat to public health and safety, prior to the commitment of any preservation funds.

205 OFFER OF PURCHASE BY COUNTY BOARD

- (a) The County Program requires that any property evaluated for agricultural conservation easement purchase be evaluated in accordance with standards, criteria and requirements currently or hereafter established by the State Board addressing soil quality, likelihood of conversion, proximity to other land under agricultural conservation easement, land stewardship and fair, equitable, objective and nondiscriminatory procedures for determining purchase priorities. 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 farmland ranking system.
 - (2) Cost relative to total allocations and appropriations.
- (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 of sale 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 Chapter 138e-64. The appraisal shall be submitted to the County Board within 120 days of receipt of the County Board's offer to purchase. The County Board may extend the time within which this appraisal shall be submitted according to Chapter 138e.66(3). Upon completion, three copies of the applicant's appraisal shall be submitted to the County Board. The applicant's decision to obtain an independent appraisal under this paragraph does not constitute a rejection of the County Board's offer. The County Board's offer shall remain open unless increased by the County Board under subparagraph (c)(3)(ii)(A) or rejected by the applicant under subparagraphs (c)(3)(iii)(A) or (c)(3)(iii)(B).
 - (i) If the applicant retains an independent appraiser, the easement value shall be the difference between the agricultural value and the nonagricultural value, determined as follows:
 - (A) The agricultural value shall equal the sum of:
 - (I) The farmland value determined by the applicant's appraiser.
 - (II) One-half of the difference between the farmland value determined by the County Board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the County Board's appraiser exceeds the farmland value determined by the applicant's appraiser.
 - (B) The nonagricultural value shall equal the sum of:
 - (I) The market value determined by the County Board's appraiser.
 - (II) One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the County Board's

appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the County Board's appraiser.

- (C) If the easement value determined under subsection (i) is less than the easement value determined by the County Appraiser, the County Board may offer a purchase price equal to the County's offer under subsection (b).
 - (D) Maximum Purchase Price. The purchase price offered for the purchase of an easement in perpetuity under Chapter 138e66(b) may not exceed, but may be less than, the value of the easement. Regardless of the easement value, the overall (state, county and local government unit) purchase price for an agricultural conservation easement in perpetuity may not exceed the \$1,000.00 per acre limit established by the county board in this county program.
- (ii) Within 30 days of receipt of the applicant's appraisal, the County Board shall do one of the following:
 - (A) Submit a written offer to purchase in an amount in excess of the amount offered under subsection (b) to the applicant; or
 - (B) Notify the applicant, in writing, that the offer made under subsection (b) remains open and will not be modified.
 - (iii) The applicant shall, within 30 days of receipt of the County Board's written offer under subsection (C)(ii)(A) or receipt of the County Board's written notice under subsection (C)(ii)(B) notify the County Board in writing that the applicant does one of the following:
 - (A) Accepts or rejects the offer made under subsection (c)(ii)(A); or
 - (B) Accepts or rejects the offer made under subsection (b).
 - (iv) The failure of the applicant to act as set forth in subsection (c)(iii) shall constitute a rejection of the County Board's offer.
 - (v) If the offer of purchase is accepted, the County Board and the applicant shall enter into an agreement of sale containing the same requirements and subject to the same conditions as set forth in Section 205.
- (4) The failure by the applicant to act within 30 days of receipt of a written offer under subsection (b) shall constitute rejection of the offer.
- (d) An agreement of sale shall be in a form provided by the State Board.

206 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 E (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 market or monument of a type commonly placed in the field by a surveyor.
- (c) The legal description shall not contain a closure error greater than one foot per 200 linear feet in the survey. Fixed markers may include iron pins, PK nails, spikes, concrete monuments or stones.
- (d) The farmland tract on which an easement is to be purchased shall be surveyed unless the legal description contained in the deed recorded in the land records of the County in which the farmland tract is located satisfies the requirements of paragraphs (b) and (c). A survey required by the provisions of this paragraph shall comply with the boundary survey measurement standards for a Class A-2 survey as published by the Pennsylvania Society of Land Surveyors.
- (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.
 - (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.
- (g) A copy of the deed shall be submitted to the State Board for approval prior to execution and delivery.

207 TITLE INSURANCE

- (a) The County Board shall provide a title report to the State Board upon submission of its recommendation for the purchase of an easement.
- (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 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.

208 STATEMENT OF COSTS

- (a) For purposes of Section 14.1(h)(6) of the Act (3 P.S. section 914.1(h)(6)), the County Board shall submit, on a form provided by the Department, a statement of the costs incident to the purchase of the easement to the State Board which may include:
 - (1) The County's appraisal cost.
 - (2) The necessary legal fees for title search, preparation of documents and attendance at closing.
 - (3) The recording fees.
 - (4) The survey costs.
 - (5) The costs of providing adjoining landowners with required notices and of providing necessary advertisement.
 - (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. These costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees and survey costs.
 - (7) The cost of the title insurance.
- (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 costs in the event that actual costs were greater or less than the costs estimated in the initial statement of costs.

- (d) If the actual costs are less than the estimated costs, the County Board shall promptly refund the difference to the Department by check payable to “Commonwealth of Pennsylvania”.

209 STATE BOARD REVIEW FOR APPROVAL FOR PURCHASE OF EASEMENT

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 Protection, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

- (1) Twenty-two copies of the summary report prepared in accordance with §138e.70 of the Act (relating to summary report), including the following items:
 - (i) Cover letter from County (optional).
 - (ii) Narrative Summary Report
 - (iii) Current United States Geological Survey (USGS) topographic map that clearly and legibly shows the subject property location and boundaries, location of neighboring easements, and exclusions withheld from the subject property.
 - (iv) Soil Report Form “C”, (a form provided by the Department) both pages.
 - (v) List of soil mapping unit names, symbols and Land Capability Classes on the subject property.
 - (vi) Legible, uncolored soil map of subject property.
 - (vii) 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.
 - (viii) Summary table showing the individual farmland ranking scores by category for applications selected for County Appraisal, including an indication of the easement purchase status of higher-ranking applicants.
 - (ix) Copy of Exhibit “B”, from the Agreement of Sale, modified to include interest, total acres and per acre easement cost.

- (x) Twenty-two copies submitted shall be individually collated and three-hole punched, but not stapled.
- (2) The appraisal report or reports.
- (3) The signed agreement of sale, including the proposed legal description, a statement of cost, the proposed deed of agricultural conservation easement, a contractor integrity clause, and a nondiscrimination clause.
- (4) The title insurance report or commitment.
- (5) 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.
- (6) A completed and signed IRS Form W-9, Request for Taxpayer Identification Number and Certification for individual grantors.
- (7) A letter from the grantors stating the percent (%) of ownership of each grantor for the purpose of issuing IRS Form 1099.
- (8) 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).
- (9) A copy of the nutrient management plan that has been developed, certified, reviewed, and approved in accordance with the Nutrient Management Act (3P.S. §§1701-1718), if the nutrient management plan is required under the Nutrient Management Act for any portion of the property that is the subject of the recommendation for purchase.

PROCEDURES FOR INSPECTING AND ENFORCING AN EASEMENT

301 RESPONSIBILITY

- (a) The County Board shall have the primary responsibility for inspecting restricted land and enforcing an easement. This includes Agricultural Conservation Easements acquired pursuant to the criteria set forth for the purchase of agricultural conservation easements cross local government unit boundaries and cross county boundaries including any portion of an agricultural conservation easement extended into an adjoining county.

- (b) The State Board or its designee will have the right to inspect restricted land and enforce an easement on its own behalf or in conjunction with the County Board.

302 INSPECTIONS

- (a) The County Board shall inspect all restricted land within the County at least annually to determine compliance with the applicable deed of easement.
- (b) Written notice of an inspection to be conducted under subsection (a) shall be mailed by certified mail to the owner at least 10 days prior to the inspection.
- (c) Any inspection conducted under subsection (a) shall be performed between the hours of 8 a.m. and 5 p.m. on a weekday that is not a legal holiday recognized by the Commonwealth, or a date and time agreeable to the County and the landowner.
- (d) Within 10 days of conducting an inspection under subsection (a), the County Board shall prepare a written inspection report setting forth the following information:
 - (1) The identification of the land inspected.
 - (2) The name of the owner of the land inspected.
 - (3) A description of modifications in the number, type, location or use of any structures on the land since the date of the filing of the deed of easement.
 - (4) A description of the conservation practices being observed on the restricted land.
 - (5) A statement of whether the provisions of the deed of easement are being observed.
- (e) A copy of the inspection report shall be mailed by certified mail to the owner.
- (f) 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.

303 ANNUAL REPORT

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

304 ENFORCEMENT

- (a) The County Board shall enforce the terms of each easement purchased within the County under the act, whether it be a County, State or joint purchase.
- (b) The State Board may enforce the terms of State or jointly purchased easements.
- (c) 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.

305 NOTIFICATION TO OWNER

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

306 ENFORCEMENT ACTIONS

- (a) Sixty days after the mailing of a notice of violation under section 138e.205 (relating to notification to owner), the County Board shall commence and prosecute an action in the Court of Common Pleas of the County in which the restricted land is located seeking an order requiring correction of the violation, enjoining further violation of the terms of the easement, and other appropriate relief, unless the County Board does one of the following:
 - (1) Determines with the State Board that the violation has been corrected.
 - (2) Completes the following requirements:
 - (i) Determines that the owner of the restricted land has commenced

the necessary corrective measures, or determines that the necessary corrective measures cannot reasonably be completed within the 60 day period described in subsection (a).

- (ii) Establishes a period not to exceed 1 year within which the corrective measures shall be completed.
- (b) The County Board shall commence and prosecute the enforcement action described in subsection (a) if the violation is not corrected within the time established under subsection (a)(2)(ii).
- (c) The owner of the restricted land shall bear all costs associated with the correction of a violation of the easement, including:
 - (1) Costs of work required and materials used to correct the violation.
 - (2) Administrative costs incurred by the County Board and the State Board.
 - (3) Court costs and reasonable attorneys' fees incurred by the County Board and the State Board in enforcing the easement.
- (d) If the County Board fails to institute and prosecute a timely enforcement action, the State Board may institute the action and recover costs incurred, including reasonable attorneys' fees, from the County Board or the owner of the restricted land, or both.

RESPONSIBILITY OF OWNER

401 PERMITTED ACTS

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

402 CONSERVATION PLAN

- (a) To preserve the agricultural viability of the restricted land, the County Board shall require, and the owner of the restricted land shall implement, a comprehensive conservation plan approved by the Bradford County Conservation District.
- (b) In addition to the requirements established by the County Conservation District, or the County Board, the conservation plan shall meet the definitional requirements of a conservation plan in Chapter 138e.3 and also require that:

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

403 CONSTRUCTION OF BUILDINGS; CHANGE IN USE

- (a) New Buildings or Structures - The construction or use of a building or other structure on the restricted land other than a building or structure existing on the date of the granting of the easement is prohibited, except that:
 - (1) The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.
 - (2) The construction of one additional residential structure is permitted under Section 404 (relating to construction of one additional residential structure).
 - (3) The construction or use of a building or other structure for agricultural production is permitted. The County Program may restrict the maximum building coverage.
 - (4) The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted if the preexisting residential structure is razed or removed and the replacement residential structure is erected within the curtilage of the residential structure it replaces.
- (b) Existing Buildings or Structures
 - (1) A renovation or modification of an existing residential structure, or an addition to an existing residential structure, is permitted if it would not increase the curtilage of the residential structure.
 - (2) A renovation or modification of an existing agricultural building or structure, or an addition to an existing agricultural building or structure, is permitted. The County Program may restrict the maximum building coverage.

404 CONSTRUCTION OF ONE ADDITIONAL RESIDENTIAL STRUCTURE

- (a) General - In addition to the structures existing on the restricted land on the date of the granting of the easement, one additional residential structure may be constructed on the restricted land, if the following apply:
 - (1) The residential structure is constructed and used as the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time farm employees.
 - (2) No other residential structure has been constructed on the restricted land under authority of Section 14.1(c)(6)(iv) of the Act (3 P.S. § 914.1(c)(6)(iv)) and this section after the date of the granting of the easement.
 - (3) The residential structure and its curtilage occupy no more than 2 acres of the restricted land.
- (b) The replacement of a residential structure constructed under authority of 14.1(c)(6)(iv) of the Act and this section is permitted.
- (c) Reservation of right to construct after subdivision. If the restricted land is subdivided prior to the construction of a residential structure under authority of Section 14.1(c)(6)(iv) of the Act and this section the landowner shall do the following:
 - (1) Inform the County Board of the specific subdivided tract with respect to which the right to construct and use such a residential structure is reserved.
 - (2) Ensure that the deed to the subdivided tract with respect to which the right to construct and use such a residential structure is reserved clearly sets forth the reservation of this right.
 - (3) Ensure that the deeds to the remaining subdivided tracts recite that no such residential structure may be constructed on the remaining subdivided tracts.

405 SUBDIVISION OF RESTRICTED LAND

Authority to prohibit subdivision. A County Program may prohibit 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. § 914.1(c)(6)(iv)), under the applicable subdivision and land development ordinance, by a land development other than subdivision.

- (a) General - The following conditions shall apply to subdivision of lands eased through the Bradford 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.
 - (1) The prohibitions, restrictions, and conditions, of subdivision of eased land as set forth in this section shall be recited verbatim in the deed for all subdivided and remaining parcels.
 - (2) No restriction, prohibition or condition of this section shall prevent a landowner from subdividing eased lands for the purpose of constructing one additional residential structure as authorized by Section 14.1 (c)(6)(iv) of the Act (3 P.S. Section 914.1 (c)(6)(iv)). Provided that such a subdivision complies with the conditions of Subsection 404 (a)(1-3) of this program.
 - (3) All costs associated with subdivision shall be the responsibility of the landowner.
 - (4) Nothing in this section shall relieve the landowner of any municipal, county or state regulations, procedures or requirements necessary for the subdivision of land.
- (b) Subdivision Restrictions - Except as provided for in Subsection 405 (a)(2) of this section, no subdivision of eased land shall be permitted unless all of the following conditions are met:
 - (1) Approval of a subdivision shall be requested, in writing, of and granted by the County Board and by the State Board.
 - (2) Subdivision shall not harm the economic viability, as defined in this program, of any parcel created by or remaining after subdivision.
 - (3) Subdivision shall not convert land which has been devoted primarily to agricultural use to another primary use except that, without regard to this requirement, a County Program may permit one tract to be created by subdivision for the purpose of the construction of a principal residence for the landowner.
 - (4) Each parcel created or remaining as a result of a subdivision shall have all of the following:
 - (i) Fifty percent (50%) of its soils in USDA Soil Capacity Class I-IV.
 - (ii) Fifty percent (50%) of its area utilized for crop or pasture land.

- (iii) Site characteristics (including but not limited to slopes, topography, shape, location of roads, streams, wetlands, ponds, access) that allow for practicality and reasonable efficiency of agricultural activity.
- (c) Procedures and Requirements of Subdivision - Landowners proposing to subdivide eased land shall be subject to following procedures and requirements.
 - (1) Requests for subdivision approval shall be submitted, in writing, to the County Board. Requests shall include the following:
 - (i) Written request for subdivision approval including description of subdivision and reason for subdivision.
 - (ii) A map or sketch of a scale sufficient to clearly show the following:
 - (1) Location of cropland, pasture land, woodland and other lands.
 - (2) Roads, streets, driveways, utility right-of-way, streams.
 - (3) Location of existing buildings, sheds, barns, dwellings and other structures.
 - (4) Delineation of proposed subdivision.
 - (5) Indication of which parcel either created by subdivision or remaining after subdivision on which the additional residential structure permitted by Section 14.1 (c)(6)(iv) of the Act (3 P.S. Section 914.1 (c)(6)(iv)) and this section may be constructed.
 - (2) The County Board will note receipt of the request for subdivision approval at its next regularly scheduled meeting following the submission of the request for subdivision approval to the Bradford County Agricultural Land Preservation Program administrator.
 - (3) The County Board may agree to permit a parcel of land subject to an Agricultural Conservation Easement to be subdivided after the granting of such easement after appropriate review as follows:
 - (i) Upon receipt of the application, the County Board shall cause to be forwarded written notification thereof to the County Planning Commission and the local municipal office, herein referred to as the reviewing agencies. Each reviewing agency shall have 60 days from receipt of such notification to review, comment, and make

recommendations on the proposed application to the County Board.

- (ii) After reviewing the application and the comments and recommendations submitted by the reviewing agencies, the County Board shall approve or reject the application to subdivide within 120 days after the date of its filing unless the time is extended by mutual agreement of the landowner and reviewing agencies.
 - (iii) If the application to subdivide land is approved by the County Board, a copy of the application, along with the comments and recommendations of the reviewing agencies, shall be forwarded to the State Board for review and approval or disapproval. When reviewing an application to subdivide land subject to an Agricultural Conservation Easement, the State Board shall consider only whether the application complies with the conditions under which subdivisions are permitted by the approved County Program. The State Board shall notify the County or Board of its decision regarding the application.
 - (iv) If the application to subdivide is rejected by the County Board, the application shall be returned to the landowner with a written statement of the reasons for such rejection. Within 30 days after the receipt of the statement of rejection, the landowner may appeal the rejection in accordance with 2 PA. C.S. Chapter 5 Subchapter B (relating to practice and procedure of local agencies) and Chapter 7 Subchapter B (relating to judicial review of local agency action).
- (d) Failure of the County Board to render a decision to approve or disapprove a subdivision within the time frame described in Sub-Section 405(c)(3) of this article shall constitute approval of request to subdivide that the parcels created by and remaining after subdivision comply with Sub-Section 405(b)(2), 405(b)(3), 405(b)(4) and 405(b)(5) of this section.
- (e) Approval of the County Board, or failure to act by the County Board as per Sub-Section 405(d) shall not be construed to provide approval of the State Board or any other Governmental Unit with authority to approve or disapprove subdivisions.
- (f) Subdivisions approved prior to the construction of additional residential structure.
- (1) If County Board and State Board approval is granted for subdivision of eased land prior to the construction of one additional residential structure as permitted by Section 14.1(c)(6)(iv) of the Act and this section, the landowner must do the following.
 - (i) Ensure that the deed to the parcel created by or remaining after

subdivision upon which the additional residential structure may be constructed clearly reserves the right to construct this residential structure.

- (ii) The parcel for which the right to construct the allowed additional residential structure shall be the same parcel indicated in Sub-Section 405(c)(1)(ii)(5).
- (iii) Ensure that the deeds to all other parcels created by subdivision or remaining after subdivision clearly state that no residential structures of any kind may be constructed on the eased parcels.
- (iv) Prior to recording deeds to parcels created by subdivision or remaining after subdivision, the landowner requesting subdivision approval shall forward copies of the deed for each such parcel for County Board review and approval.
- (v) Within fifteen (15) days of recording deeds to tracts created by subdivision or remaining after subdivision, the landowner at the time of subdivision shall forward a copy of all recorded deeds to all parcels by subdivision or remaining after subdivision to the County Board.

406 CHANGE IN OWNERSHIP

- (a) All properties within Bradford County upon which agricultural conservation easements are placed shall recite in verbatim the language of the easement as set forth in the deed whenever interest in said properties is conveyed or transferred to another person (§ 14.1(j) (1-3)).
- (b) All persons conveying or transferring land subject to an agricultural conservation easement shall notify the County Board and the Department of Agricultural within 30 days of a change in ownership of the restricted land and the price per acre or portion thereof received by the landowner from said person, together with the volume and page in which the transfer has been recorded by the Bradford County Recorder of Deeds.
- (c) Whenever interest in land subject to an agricultural conservation easement is conveyed or transferred to another person, the deed conveying or transferring such interest shall recite verbatim the language of the easement restrictions as set forth in the deed executed in connection with the purchase of the agricultural conservation easement.

407 RECORDING OF ARTICLE

- (a) Upon approval of this section of the County Program by the County and State Boards, or upon approval of the Program by the State Board, in which this section is included, the County Board shall record this section at the Bradford County Recorder of Deeds.

- (b) All deeds conveying an Agricultural Conservation Easement to the County of Bradford, the State of Pennsylvania or to both the County and State jointly shall incorporate, by referring the locations of such filing, the provisions of this section into the deed.

APPENDICES

- A - BOARD MEMBERS
- B - BY-LAWS
- C - APPLICATION FORM
- D - NUMERICAL FARMLAND RANKING SYSTEM
- E - DEED OF AGRICULTURAL CONSERVATION EASEMENT
- F - RESOLUTION
- G - MAP
- H - LAND CAPABILITY CLASSES
- I - RURAL ENTERPRISES
- J - APPRAISAL DEPOSIT FORM
- K - CROPS UNIQUE TO THE AREA

APPENDIX A

BRADFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD

Farmer Members (3 year term) Exp.10/4/07

Ondie Cummiskey

RR 1 Box 119A
New Albany PA 18833
363-2434
Email: ondie@epix.net

Roy Beardslee

RR 2 Box 239
Columbia Cross Roads PA 16914
297-2835
Email:

Duane Wilcox

RR 1 Box 261
Canton PA 17724
364-5473 or 364-5163 (Barn)
Email:

Richard Howard

RR 4 Box 4277
Wyalusing PA 18853
746-1883
Email: rdhoward@epix.net

At Large Members (1 year terms) Exp. 10/4/05

Philip Gates

112 Division Street
South Waverly PA 18840
888-2506 (Home) 882-7247 (Work)
Email: p gates@leprinofoods.com

Gene Anne Woodruff

PO Box 21, 202 Second Street
Wyalusing PA 18853
746-3147 or 746-9459 (Work)
Email:

Robert Veleker

Endless Mountains Heritage Region, Inc.
10 Park Street
Towanda PA 18848
265-1528
Email: emhr@epix.net www.emhr.org

Contractor Member (1 year term) Exp. 10/4/05

Josh McGroarty

RR 1 Box 36
New Albany PA 18833-9722
363-2628
Email: macbuild./@epix.net

Elected Official Member (2 year term) Exp. 10/4/06

Jack Walters

RR 2 Box 461B
Sayre PA 18840
888-7066
Email:

Advisors

Ray Stolinias

Bradford Co. Office of Plan. & Grants
Courthouse, Towanda PA 18848
265-1715
Email:

John C. George, Dist. Conservationist

Natural Resources Conserv. Service
RR 5 Box 5030E, Towanda PA 18848
265-6969 Ext. 103

Gary Hennip, Co. Exten. Director

Penn State Extension
701 S. 4th Street, Towanda PA 18848
265-2896
Email: lrp3@PSU.EDU

Kelly Sundy, Co. Executive Director

Farm Service Agency
RR 5 Box 5030A, Towanda PA 18848
265-3146 Ext. 109

Gerald Hoy, Service Forester

DCNR, Bureau of Forestry
Hills Grove, PA
924-3501
Email: gehoy@state.pa.us

Support Staff

Michael W. Lovegreen, Dist. Manager

Bradford County Conservation District
RR5 Box 5030C, Towanda PA 18848
265-5539 Ext. 120

Anthony Liguori, Technician

Bradford County Conservation District
RR5 Box 5030C, Towanda PA 18848
265-5539 Ext. 114

County Commissioners

John Sullivan

Mark Smith

Doug McLinko

Bradford County Courthouse
Towanda PA 18848
265-1727

Bureau of Farmland Preservation

Doug Wolfgang

(717)772-5024
FAX 772-8798
Email: dowolfgang@state.pa.us

APPENDIX B

BYLAWS of the BRADFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD

NAME:

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

PURPOSE:

Administer a program for purchasing and receiving gifts of agriculture conservation easements on behalf of the County. Adopt rules and regulations for the administration of a County program for the purchase of agricultural conservation easements within agriculture 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 the County and/or the Commonwealth of Pennsylvania. Encourage the use of additional farmland preservation techniques through public and private organizations in the County. Promote efforts to support the agricultural industry in the County. Perform such other duties and responsibilities as may be authorized pursuant to the Agricultural Area Security Law.

AUTHORIZATION:

The Board was authorized to administer the County Program by resolution of the County Governing Body at a regularly scheduled meeting on September 6th, 2001.

MEMBERSHIP:

Board members shall be appointed by the County Governing Body. The Board members shall be composed of nine members, to be appointed from the following groups:

1. One less than a majority shall be active resident farmers in Bradford County, and shall serve an initial term of three years after authorization of this Board by the County Governing Body.
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 Governing Body.

One shall be a commercial, industrial, or residential building contractor who resides in the County, and shall serve an initial term of one year after authorization of this Board by the County governing body.

3. Remaining members shall be appointed at the pleasure of the County Governing Body, and shall serve initial terms of one year after authorization of this Board of the County Governing Body.

TERM OF OFFICE:

Upon expiration of the initial terms of office as set under Membership, all terms of office shall be three years. ***Board members can serve no more than 3 concurrent 3 yr terms. They are eligible for appointment after 1 year off.***

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 Governing Body, 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.

VACANCIES:

Any appointment to fill any vacancy created by removal, resignation or otherwise shall be only for the unexpired term of the vacant position. Potential candidates will be presented by the board for consideration to the governing body.

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 Chairperson prior to the meeting.

OFFICERS:

The Board will be directed by a Chairperson. Additional Officers shall be Vice-Chairperson, Secretary, and a Treasurer. A staff person may serve as the recording Secretary and shall have no vote.

ELECTION OF OFFICERS:

The Chairperson shall be appointed annually by the Chairperson of the County Governing Body. Other officers shall be elected annually by members of the Board at the regular January meeting.

DUTIES OF OFFICERS:

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

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

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

The Treasurer shall pay all bills authorized by the Board, maintain a record of all funds designated for easement purchase and for administration of the County Program.

REMOVAL OF OFFICERS:

The Chairperson can be removed from his office by the Chairperson of the County Governing Body.

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

MEETINGS:

Regular meetings shall be open to the Public in accordance to the Sunshine Law and shall be recorded. They will be announced, and shall be held on the dates determined by the Board at the annual re-organizational meeting, and subject to change. The Board will meet on a minimum quarterly basis. Special meetings shall be held at the call of the Chairperson, or at the request of 5 members of the board, and shall require written notice of at least 10 days. An annual re-organizational meeting shall be held in January.

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.

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.

VOTING:

Each member of the Board shall be allowed to cast one vote. Board members must be present at meetings in order to vote. Motions shall be passed by a majority vote of members present at a meeting, except as specified elsewhere in the By-laws.

STAFF:

The Board may use moneys appropriated by the County Governing Body to hire staff and administer Act 149 in the County.

STAFF ASSISTANCE FROM OTHER AGENCIES:

The Board may receive assistance from the staffs of the Bradford County Conservation District, Bradford County Planning Commission, Bradford County Cooperative Extension Service, other County departments, or from other sources as are available; such as the PA Farm Bureau.

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.

ADVISORY COMMITTEE:

The County Board may form advisory committees composed of individuals from 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.

AGRICULTURAL SECURITY AREA ADVISORY COMMITTEES:

The Board may consult with and seek the advice of Agriculture 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.

FINANCES:

All moneys 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 Governing Body. Board members shall not receive salary or payment 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.

PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW:

Members of the County Board shall comply with the act of October 4, 1978 (P.L. 883 No. 17) (65, P.S. Sections 401-413), known as the Public Officials and

Employee Ethics Law. Before selling an easement, a person who is a member of the board shall obtain an opinion from the State Ethics Commission stating that such participation is in fact permitted under the provisions of the Public Official and Employee Ethics Law.

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 Governing Body, provided such amendments, along with a notice of the date of the meeting, shall have been circulated to all members of the Board and Governing Body at least 14 days prior to the meeting.

ADOPTION:

These Bylaws were adopted by the Board at their meeting on November 29, 2001.

APPENDIX C

**BRADFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD
PURCHASE OF CONSERVATION EASEMENTS**

APPLICATION FORM

I. GENERAL INFORMATION

NAME OF OWNER(S): _____

ADDRESS: _____

TELEPHONE: _____

COUNTY: _____

TOWNSHIP: _____

TOTAL ACREAGE OF TRACT: _____

TOTAL ACREAGE OFFERED: _____

II. FARMLAND TRACT IDENTIFICATION

LOCATION OF FARMLAND TRACT: _____

DEED REFERENCE: BOOK _____ PAGE _____

INSTRUMENT # _____

TAX MAP NUMBERS OF EACH PARCEL: _____

WHO OWNS THE SURFACE MINEABLE COAL RIGHTS TO THE FARM? _____

HAS ANY PORTION OF THE FARM BEEN SURFACE MINED FOR COAL, STONE,
AGGREGATE?

_____ YES _____ NO IF YES, PROVIDE YEAR(S) AND ACREAGE.

IDENTIFY PORTION OF FARM THAT HAS BEEN MINED ON A TAX OR
TOPOGRAPHIC MAP. _____

III. TOWNSHIP ASSISTED INFORMATION

A. GENERAL

AGRICULTURAL SECURITY AREA: _____

PROXIMITY OF TRACT TO UTILITIES:

(Measurement in miles from the closest point of the tract to the utility.)

SEWER: _____ WATER: _____

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

IV. NATURAL RESOURCES CONSERVATION SERVICE (NRCS) ASSISTED INFORMATION

A. MAPS

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

1. Location Map - A United States Geographical Survey Topographical Map showing the location 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

3. Tax Map - A tax map of the property is available from the Bradford County Tax Assessment Office.

B. SOILS REPORT

The applicant is required to provide a soils report for the farmland tract being offered as part of this application process.

C. CONSERVATION PLANS

1. Conservation Plan (as approved by the Bradford County Conservation District)

Date of Conservation Plan and/or Revision: _____

Conservation Practices being employed on the farm include: _____

2. Nutrient Management Plan (in accordance with Nutrient Management Act)

Date of nutrient management plan, if needed by Act 6 _____

3. Forest Management Plan (in accordance with the standards of the Forest Stewardship Program) as appropriate.

Date of forest management plan _____

D. CAPABILITY CLASS AND USE OF LAND

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

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

V. FARMING OPERATION

A. CROP PRODUCTION INFORMATION

COMMODITY	PREVIOUS YEAR	ACRES GROWN	YIELDS PER ACRE

Please date all your crop production information.

B. LIVESTOCK REPORT

LIVESTOCK	PREVIOUS YEAR	AVERAGE NUMBERS	PRODUCT SOLD

Livestock Report examples are as follows:

If livestock is: Dairy Heifers Beef Chickens	then the product sold would be: Milk None or replacements Feeders or fed steers Eggs or broilers
---	---

VI. REASON FOR APPLICATION

The applicant shall provide a brief description stating why the applicant has chosen to participate in the Bradford County Agricultural Land Preservation Program

VII. UNIQUE FACTORS

The applicant shall provide detailed documentation of any unique characteristics such as environmental or historical value to be considered in the evaluation.

VIII. OFFICIAL CONTACT

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

IX. SIGNATURE(s)

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

PLEASE NOTE: ONLY COMPLETED APPLICATIONS WILL BE CONSIDERED.

RETURN TO:

Bradford County Agricultural Land Preservation Board
c/o Bradford County Conservation District
R.R. #5, Box 5030C
Towanda, PA 18848

Date Received: _____

File Number: _____

APPENDIX D

BRADFORD COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM NUMERICAL FARMLAND RANKING SYSTEM

The Numerical Ranking System is to be used to rank and prioritize applications received by the Bradford County Agricultural Land Preservation Board. Selection for appraisal will be made in descending order of the farmland scores.

Each ranking will be conducted after the first of the year or after the sign-up period declared by the Bradford County Agricultural Land Preservation Board. Only those completed applications received by December 31st of the previous year will be considered .

This ranking system shall take effect on January 1, 2002.

The two part Land Evaluation Site Assessment Numerical Ranking System is outlined as follows:

- I. LAND EVALUATION (SOIL SCORE) = 40% OF TOTAL SCORE
- II. SITE ASSESSMENT = 60% OF TOTAL SCORE
 - DEVELOPMENT POTENTIAL (12.5%)
 - + FARMLAND POTENTIAL (22.5%)
 - + CLUSTERING POTENTIAL (25%)

I. LAND EVALUATION (40% OF TOTAL SCORE)

A. SOILS

The sum of each soil mapping unit relative value times the acreage in each soil mapping unit divided by the total farm acreage. The maximum score is 100. The total score for soils is multiplied by .40 to represent 40% of the overall Land Evaluation Site Assessment (LESA) score. Soil mapping units and their relative values are included in Appendix H of the Bradford County Agricultural Land Preservation Plan as determined by the LESA system of the USDA Natural Resources Conservation Service (USDA-NRCS). The source of soil data include:

1. The Bradford County Soil Survey, as published by-the USDA-NRCS in cooperation with the Pennsylvania State University and Pennsylvania Department of Agriculture.
2. The Soil and Water Conservation Technical Guide maintained and updated by the USDA-NRCS.

II. SITE ASSESSMENT (60% OF TOTAL SCORE)

A - DEVELOPMENT POTENTIAL - Factors which identify the extent to which development pressures are likely to cause conversion of agricultural land to non-agricultural uses. Total score -100 points. (*Weighted percentage value of 12.5%.*)

1a. PUBLIC WATER AND/OR SANITARY SEWER SYSTEMS (10 pts. max)

A farmland tract is more likely to be surrounded by incompatible uses or be converted to non-agricultural use if it is in an area which is suitable for on-lot sewage or if it is in an area which has access to public sewer and water service. The tract shall receive a relatively higher score than a tract that does not have sanitary sewer and public water.

- (10) Water or sewer line adjacent to tract
- (7) Water or sewer line within ½ mile
- (5) Water or sewer line within 1 mile
- (3) Water or sewer line within 2 miles
- (0) Water and sewer lines greater than 2 miles away

1b. FOR MUNICIPALITIES WITHOUT A PUBLIC SEWER SYSTEM (10 pts. max) (Alternative Factor)

Percent of soils that would have slight to moderate limitations for on-lot sewage disposal. A tract of land which has a higher percentage of soils that are suitable for on-lot sewage disposal (soils with classified “B” and “C” slopes) shall receive a higher score.

- (10) 61% to 100%
- (7) 41% to 60%
- (5) 21% to 40%
- (3) 6% to 20%
- (0) 0% to 5%

2. ROAD FRONTAGE (10 pts. max)

Frontage on public roads increases the suitability of a tract for subdivision or development, and is a measure of the capability of a tract to be developed or improved for non-agricultural use. A tract with more extensive public road frontage shall receive a higher score. Each side of the road will be considered separately.

- (10) 8,000 feet or more road frontage
- (7) 1,000 to 7,999 feet of road frontage
- (5) 2,000 to 4,999 feet of road frontage
- (0) Less than 2,000 feet of road frontage

3. EXTENT OF NON-AGRICULTURAL USE IN AREA (10 pts. max)

Extent of Non-Agricultural Use in area (1.5 mile radius). Consideration shall be given to whether adjacent land uses affect normal farming operations and whether surrounding, but not necessarily adjoining, land uses affect the ability of the landowner to conduct normal farming operations on the tract, or whether the impacts are likely to occur within the future. A tract with extensive non-agricultural uses in the area shall receive a higher score than a tract that is more distant from such non-agricultural uses. Non-agricultural tracts shall be described as those lots consisting of 10 acres or less that are undeveloped and those lots 49 acres or less that are developed for non-agricultural related uses. Tracts are evaluated for the distance to 15 or more non-agricultural lots.

- (10) 15 or more lots adjacent or within ½ mile radius
- (7) 15 or more lots within ½ to 1 mile radius
- (5) 15 or more lots within 1 to 1 ½ mile radius
- (0) 15 or more lots greater than 1 ½ mile radius

4. STREAM OR LAKE FRONTAGE (10 pts. max)

Consideration shall be given to the extent of frontage the tract has on a lake (10 acres or larger) or a stream identified on a U.S.G.S. 7.5 minute quadrangle as a blue line perennial stream. Such locations are considered high value development sites and are a measure of the desirability of a tract to be developed or improved for non-agricultural use. A tract with more extensive stream or lake shore frontage shall receive a higher score.

Lake Frontage

- (10) 1,500 feet or more of lake shore frontage
- (7) 1,000 to 1,499 feet of lake shore frontage
- (5) 500 to 999 feet of lake shore frontage
- (0) Less than 500 feet of lake shore frontage

Stream Frontage

- (1) 8,000 feet or more of stream frontage
- (7) 5,000 to 7,999 feet of stream frontage
- (5) 2,000 to 4,999 feet of stream frontage
- (0) less than 2,000 feet of stream frontage

5. BARGAIN SALES (60 pts. max)

Tracts offered at a reduced percentage of the determined easement price established will receive a higher value.

- (60) >75%
- (50) 60% to 74%
- (40) 50% to 59%
- (30) 40% to 59%
- (20) 20% to 39%
- (10) 1% to 19%

II. SITE ASSESSMENT (60% OF TOTAL SCORE) continued

B. FARMLAND POTENTIAL - Factors which measures the potential agricultural productivity or farming practices of the site. The higher quality or the more valuable a farm is, the higher the score will be in this category. Total score -100 points. *(Weighted percentage value of 22.5%.)*

1. PERCENTAGE OF TRACT IN HARVESTED CROPLAND, PASTURE, GRAZING, OR MANAGED FOREST LAND (20 pts. max)

Large amounts of productive farmland – harvested cropland, pasture and grazing land, and managed timberland – make a farm more viable. If a large percent of a tract is not used as productive farmland, the tract will receive a lower farmland potential score. Large amounts of productive farmland make a farm more viable. If a large percentage of the tract is not used as productive farmland, a lower score will be received.

- (15) 100% of farm is cropland, pastureland, grazing land or managed forest land
- (10) 75% to 99% of farm is cropland, pastureland, grazing land or managed forest land
- (5) 50% to 74% of farm is cropland, pastureland, grazing land or managed forest land
- (0) < 50% of farm is cropland, pastureland, grazing land or managed forest land

2. STEWARDSHIP OF THE LAND AND USE OF CONSERVATION AND BEST MANAGEMENT PRACTICES (25 pts. max)

No score will be awarded under this factor unless sound soil and water conservation practices are implemented with respect to a least 50% of the tract. The implementation of soil erosion control, sedimentation control, nutrient management, forestry management and other practices demonstrating good stewardship of the tract shall be considered in scoring this factor.

- (20) 100% of the land has conservation practices implemented
- (10) 75% to 99% of the land has conservation practices implemented
- (5) 50% to 74% of the land has conservation practices implemented
- (0) < 50% of the land has conservation practices implemented

3. ACREAGE OF FARMLAND TRACT (20 pts. max)

A farmland tract with higher acreage will be assigned a higher value than a tract having less acreage.

- (20) 300+ acres
- (15) 200 to 299 acres
- (10) 100 to 199 acres
- (5) 50 to 99 acres

4. PERCENT OF TOTAL FARM ENROLLED (15 pts. max)

Generally farms are managed as working units. Buildings, water sources, tillable lands, grazing, etc. work together to maximize the economic viability of the farm. Tracts that include a greater percentage of the established working unit are to be given a higher value.

- (15) 100% of the total farm is in the tract
- (10) 75% to 99% of the total farm is in the tract
- (0) < 75% of the total farm is in the tract

5. HISTORIC, SCENIC AND ENVIRONMENTAL QUALITIES (20 pts. max)

Tracts declared or listed by local/state/federal agencies as historic, scenic, open space, or cultural and tracts adjoining designated protected areas such as flood plains, wildlife habitat, parks, forests and educational sites will be awarded higher values reflecting broader policies reflecting the farmland landscape. Environmentally sensitive and historical areas can buffer farmland from non-compatible land uses. Included, but not limited to tracts adjoining designated flood plains, environmentally sensitive watersheds, perpetually protected conservation areas, high quality streams, or areas where grassroots watershed protection groups have designated areas to restore land and protect water quality. This factor will include publicly or privately protected properties.

- (20) Tract adjacent to 3 of the above items
- (10) Tract adjacent to 2 of the above items
- (5) Tract adjacent to 1 of the above items
- (0) Tract adjacent to 0 of the above items

II. SITE ASSESSMENT (60% OF TOTAL SCORE) continued

C – CLUSTERING POTENTIAL - Factors which measure the importance of preserving blocks of farmland which support commercial agriculture, preserve the culture and stability of the agricultural community and help to shield the agricultural community against conflicts with incompatible land uses. The closer the farm is to other preserved farms or to an area where other farms are targeted for preservation the higher the farms will score in this category. Total score -100 points. ***(Weighted percentage value of 25%.)***

1. CONSISTENCY WITH PLANNING MAP (20 pts. max)

Location of tracts with respect to those areas of the county identified as important agricultural areas will be considered in scoring the clustering potential of the tract. A tract that is within an identified important agricultural area shall receive a higher score than tracts that are not. Tracts located within these designated areas are more viable for agricultural use and are more likely to be compatible with county and local comprehensive plans. To receive these points the County or Local municipality must have the area the tract is located in, included in an identified agricultural designation such as important agricultural area, agricultural zoned, etc.)

(20) Tract located in identified agricultural area

(0) Tract is not in identified agricultural area

2. PROXIMITY TO RESTRICTED LAND (20 pts. max)

Location of a tract with respect to land already under permanent agricultural or conservation easement will be considered in scoring the clustering potential of the tract. Clustering easement purchases will develop a mass of farmland which supports normal farming operations and reduces conflicts with incompatible land uses. Proximity of a tract to land already under agricultural or conservation easement – whether held by the County, the State, jointly by the County and State, a unit of local government, the Federal government, or a non-profit land conservation organization – will be considered in the scoring of the tract. Higher scores will be awarded to those tracts that have higher numbers of other tracts under permanent agricultural easements within a one mile radius.

(20) 3 or more agricultural tracts under easement within 1 mile radius

(10) 2 agricultural tracts under easement within 1 mile radius

(5) 1 agricultural tract under easement within 1 mile radius

(0) 0 agricultural tract under easement within 1 mile radius

**3. PERCENTAGE OF ADJOINING LAND IN AN AGRICULTURAL SECURITY AREA
(20 pts. max)**

The percentage of a tract's boundary that adjoins land in an Agricultural Security Area will be considered in scoring the clustering potential of the tract. Areas where agriculture has been given protection by the municipality, at the request of the landowners, provides an environment conducive to farming. The higher the percentage of the land that borders land in an Agricultural Security Area, the higher the score will be.

- (20) 100%
- (15) 75% to 99%
- (10) 50% to 74%
- (5) 25% to 49%
- (0) < 25%

**4. PERCENT OF CROPLAND, GRAZING LAND OR PASTURE WITHIN A 2 MILE
RADIUS (40 pts. max)**

The clustering of farms provides a number of valuable elements that help assure the viability of the continuation of those farms. Mutual support, a dependable base for agricultural related support businesses, a predictable limited infrastructure base need, and cultural awareness of the role of agriculture are all related to such clustering. As a result, those agricultural operations that exist within those clustered areas are more likely to continue as economically sustainable operations with a minimum of conflicted land uses with non-agricultural uses. Tracts that have a higher percentage of other agricultural operations as represented by the amount of cropland, grazing land or pasture within a two mile radius will receive a higher score.

- (40) > 50 cropland, grazing land or pasture within a 2 mile radius
- (30) 25 to 49% cropland, grazing land or pasture within a 2 mile radius
- (20) 10 to 24% cropland, grazing land or pasture within a 2 mile radius
- (0) < 10% cropland, grazing land or pasture within a 2 mile radius

**BRADFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD
 NUMERICAL FARMLAND RANKING SYSTEM
SITE ASSESSMENT - WORKSHEET**

DEVELOPMENT POTENTIAL		FARMLAND POTENTIAL		CLUSTERING POTENTIAL	
Factor	Score	Factor	Score	Factor	Score
1a. Distance from Public Sewer or Public Water		1. % of tract in harvested cropland, pasture, grazing or managed forest land		1. Consistency with Planning Map	
1b. Suitability for On-Lot sewage disposal (alternative to 1a.)		2. Stewardship of the land and use of conservation and best management practices		2. Proximity to Restricted Land	
2. Extent of Road Frontage		3. Acreage of farmland tract		3. % of Adjoining Land in Agricultural Security Area	
3. Extent of Non-Ag Use in Area		4. % of total farm enrolled		4. % of cropland, grazing or Pasture within a 2 mile radius	
4. Extent of Stream or Lake Frontage		5. Historic, scenic and environmental qualities			
		6. Contributions			
Total Score		Total Score		Total Score	

DEVELOPMENT POTENTIAL SCORE	X	VARIABLE WEIGHTED VALUE (.125)	WEIGHTED = SCORE	FARMLAND POTENTIAL SCORE	X	VARIABLE WEIGHTED VALUE (.225)	WEIGHTED = SCORE	CLUSTERING POTENTIAL SCORE	X	VARIABLE WEIGHTED VALUE (.25)	WEIGHTED = SCORE

BRADFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD
 NUMERICAL FARMLAND RANKING SYSTEM

WEIGHTED FACTOR SCORES / PRIORITY RANKING

	Farm Name	Land Evaluation Rating	Development Potential + Score	Farmland Potential + Score	Clustering Potential + Score	Total = Score	Priority Ranking
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							

BRADFORD COUNTY AGRICULTURAL LAND PRESERVATION BOARD
 NUMERICAL FARMLAND RANKING SYSTEM

LAND EVALUATION - SOILS WORKSHEET

SOIL MAPPING UNIT	ACREAGE EACH UNIT	X	RELATIVE VALUE EACH UNIT	=	TOTAL OF SOILS RELATIVE VALUE	SOIL MAPPING UNIT	ACREAGE EACH UNIT	X	RELATIVE VALUE EACH UNIT	=	TOTAL OF SOILS RELATIVE VALUE
TOTAL OF SOILS RELATIVE VALUES						TOTAL OF SOILS RELATIVE VALUES					

TOTAL OF SOILS RELATIVE VALUE	/	TOTAL ACREAGE OF FARM	=	AVERAGE RELATIVE VALUE OF FARM	X	WEIGHTED FACTOR .40	=	LAND EVALUATION RATING
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APPENDIX E

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 processed or merchandised products are produced on the subject land (hereinafter "agricultural production"). For purposes of this Deed, "crops, livestock and livestock products" include, but are not limited to:

- (i) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans;
- (ii) Fruits, including apples, peaches, grapes, cherries and berries;
- (iii) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms;

- (iv) Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers;
- (v) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur bearing animals, milk, eggs and furs;
- (vi) Timber, wood and other wood products derived from trees; and
- (vii) Aquatic plants and animals and their byproducts.

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

CONSTRUCTION OF BUILDINGS AND OTHER STRUCTURES

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

- (i) The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.
- (ii) The construction of one additional residential structure is permitted if;
 - (A) The construction and use of the residential structure is limited to provide housing for persons employed in farming the subject land on a seasonal or full-time basis,
 - (B) No other residential structure has been constructed on the restricted land at any time since the delivery of the Deed,
 - (C) The residential structure and its curtilage occupy no more than two acres of the subject land, and
 - (D) The location of the residential structure and its driveway will not significantly harm the economic viability of the subject land for agricultural production.

- (iii) The construction or use of any building or other structure for agricultural production, or the renovation or modification of an existing agricultural structure, is permitted, but the maximum building coverage may be restricted if the County Agricultural Conservation Easement Purchase Program approved by the State Board (hereinafter “county program”) imposes such a restriction.
- (iv) The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted if the preexisting residential structure is razed or removed and the replacement residential structure is erected within the curtilage of the residential structure it replaces.
- (v) The renovation or modification of an existing residential structure, or an addition to an existing residential structure, is permitted if it would not increase the curtilage of the residential structure.

SUBDIVISION

The subject land may be subdivided if subdividing will not: 1) Harm the economic viability of the subject land for agricultural production; or 2) Convert land which has been primarily devoted to agricultural use to some other use, unless the subdivision is for the purpose of the construction of a principal residence for the landowner or an immediate family member and the county program permits one tract to be created by subdivision for this purpose; or 3) Violate any provision of the county program. If the subject land is subdivided, the deed to the subdivided tract with respect to which the right to construct and use a residential structure is reserved shall clearly set forth the reservation of this right, and the deeds to all other parcels shall recite that no additional residential structure is permitted.

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 under-lying coal by underground mining methods, oil and gas or the owner of the rights to develop the underlying coal by underground mining

methods, oil and gas, or the development of appurtenant facilities related to the removal of coal by underground mining methods, oil and gas development or activities incident to the removal or development of such coal, oil or gas are 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. 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, the conservation plan shall require that:

- (i) The use of the land for growing sod, nursery stock, ornamental trees, and shrubs does not remove excessive soil from the subject land, and
 - (ii) The excavation of soil, sand, gravel, stone or other materials for use in agricultural production on the land is conducted in a location and manner that preserves the viability of the subject land for agricultural production.
- (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 Deed shall entitle Grantee(s), its/their successor(s), assign(s) or designee(s) to obtain an injunction against such violation from a court of competent jurisdiction along with an order requiring Grantor, his heirs, executors, administrators, successors or assigns to restore the subject land to the condition it was in

prior to the violation, and recover any costs or damages incurred including reasonable attorney's fees. Such relief may be sought jointly, severally, or serially.

- (4) A clause stating that:

The easement is granted in perpetuity as the equivalent of a covenant running with the land.

- (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, within thirty days of a change in ownership or within any lesser period prescribed in the county program, notify the county agricultural land preservation board and the Pennsylvania Department of Agriculture in writing of any conveyance or transfer of ownership of the subject land. Such notification shall set forth the name, address and telephone number of the Grantor and the party or parties to whom ownership of the subject land has been conveyed or transferred, and the price per acre or any portion thereof.

This obligation shall apply to any change in ownership of the subject land. Whenever interest in the subject land is conveyed or transferred to another person, the deed conveying or transferring such land shall recite in verbatim the language of the easement as set forth in this deed.

- (7) A clause stating that:

Terms and provisions of this deed shall be interpreted in accordance with the provisions of the Agricultural Area Security Law, the regulations at 7 Pennsylvania Code Chapter 138e and the county program.

- (8) A habendum clause.

APPENDIX F

APPENDIX G

APPENDIX H

**LAND CAPABILITY CLASSES
SOIL GROUP RELATIVE VALUES**

SOIL GROUP: 1 RELATIVE VALUE: 100

<u>MAP SYMBOL</u>	<u>SOIL NAME</u>
Ln	LINDEN
Po	POPE
Uc	UDIFLUENTS, COBBLY (*) (*When cropped)

SOIL GROUP: 2 RELATIVE VALUE: 78

<u>MAP SYMBOL</u>	<u>SOIL NAME</u>
AgB	ALTON
BaB	BRACEVILLE
CnB	CHENANGO
UnB	UNADILLA

SOIL GROUP: 3 RELATIVE VALUE: 66

<u>MAP SYMBOL</u>	<u>SOIL NAME</u>
LoB	LORDSTOWN
MaB	MARDIN
OgB	OQUAGA
WbB	WELLSBORO
WmB	WYOMING

SOIL GROUP: 4 RELATIVE VALUE: 60

<u>MAP SYMBOL</u>	<u>SOIL NAME</u>
LoC	LORDSTOWN
MaC	MARDIN
OgC	OQUAGA
UnC	UNADILLA
WbC	WELLSBORO

SOIL GROUP: 5 RELATIVE VALUE: 54

<u>MAP SYMBOL</u>	<u>SOIL NAME</u>
LoD	LORDSTOWN
MaD	MARDIN
MoB	MORRIS

OgD	OQUAGA
VoB	VOLUSIA
WbD	WELLSBORO
WmC	WYOMING

SOIL GROUP: 6 **RELATIVE VALUE: 36**

<u>MAP SYMBOL</u>	<u>SOIL NAME</u>
ArC	ARNOT
MoC	MORRIS
ReA	REXFORD
ReB	REXFORD
VoC	VOLUSIA
WmD	WYOMING

SOIL GROUP: 7 **RELATIVE VALUE: 36**

<u>MAP SYMBOL</u>	<u>SOIL NAME</u>
CaA	CANADICE
ReC	REXFORD
VoD	VOLUSIA

SOIL GROUP: 8 **RELATIVE VALUE: 0**

<u>MAP SYMBOL</u>	<u>SOIL NAME</u>		
Ao	AQUEPTS	Ud	UDORTHENTS
AsD	ARNOT	VsB	VOLUSIA
CpA	CHIPPEWA	VsD	VOLUSIA
CpB	CHIPPEWA	w	WATER
Du	DUMPS	WgB	WELLSBORO
DyF	DYSTROCHRE	WgD	WELLSBORO
Ho	HOLLY	WmF	WYOMING
LpB	LORDSTOWN	WoC	WYOMING
LpD	LORDSTOWN		(*Not cropped)
MbB	MARDIN		
MbD	MARDIN		
Md	MEDISAPRIS		
MsB	MORRIS		
MsD	MORRIS		
NoB	NORWICH		
OcF	OCHREPTS		
OsB	OQUAGA		
<u>MAP SYMBOL</u>	<u>SOIL NAME</u>		
OsD	OQUAGA		
Uc	UDIFLUVENT (*)		

APPENDIX I

RURAL ENTERPRISES

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

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.

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

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

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.

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 unless special circumstances warrant consideration by the Board through petition by the applicant.

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.

Regulated hunting operations and the production and stocking of game so long as these uses remain incidental to the agricultural and open space character of the property.

APPENDIX J

**BRADFORD COUNTY
AGRICULTURAL LAND PRESERVATION BOARD
APPRAISAL DEPOSIT FORM**

I/We _____

Landowners of farm property consisting of _____ acres, located on _____
_____ in _____ Township.

Bradford County, Pennsylvania, and a qualified and approved agricultural conservation sale applicant, hereby request an appraisal by the Bradford County Agricultural Land Preservation Board. A deposit of \$1,500 accompanies this form. I/We understand that this deposit is retained by Bradford County only if a contract of sale is broken.

Signature of
Landowner(s):

Address: _____

Telephone: _____ Date: _____

Please make checks payable to: Bradford County Conservation District

Please submit to:

Bradford County Agricultural Land Preservation Board
c/o Bradford County Conservation District
RR 5 Box 5030C
Towanda PA 18848

Phone: 570/265-5539 Ext.6

File # _____

Date Received: _____

APPENDIX K