

LEBANON COUNTY



AGRICULTURAL LAND PRESERVATION

ADMINISTRATIVE



PROGRAM MANUAL

SOME DATES IN PROGRAM HISTORY

SUBDIVISION GUIDELINES APPROVED BY COMMONWEALTH, PDA 8/15/96

MANUAL RECERTIFIED BY COMMONWEALTH, PDA, DECEMBER 18, 1997

10% IMPERVIOUS COVERAGE LIMITATION APPROVED BY COMMONWEALTH, PDA ON MAY 13, 1999. TOOK EFFECT WITH YEAR 2000 APPLICANTS.

APPENDIX D, CHANGE OF FARMLAND POTENTIAL: CONSERVATION & BEST MGT PRACTICES, APPROVED JUNE 15, 2000 BY COMMONWEALTH, PDA

APPENDIX H, PERMITTED CUSTOMARY PART TIME or OFF SEASON or RURAL ENTERPRISES APPROVED AUGUST 17, 2000 BY LCALPB

MANUAL REVISED MARCH 2003 BY LCALPB

MANUAL REVISED & RECERTIFIED JUNE 16, 2000 BY COMMONWEALTH, PDA

APPENDIX H, COMMERCIAL EQUINE ACTIVITIES APPROVED 1/19/2006 BY LCALPB, COMMONWEALTH, PDA 6/16/06

**NUTRIENT MGT. PLAN POLICY APPROVED BY LCCD BOARD 10/7/99;
NUTRIENT MGT. & MANURE MGT. PLAN POLICIES APPROVED 10/26/06 &
REVISED 3/15/12 BY LCALPB. PROPOSED AS APPENDIX I, 2014.**

TAXIDERMY SERVICES ADDED TO PERMITTED CUSTOMARY PART TIME or OFF SEASON or RURAL ENTERPRISES, 1/20/09 BY LCALPB

MANUAL RECERTIFIED AUG. 22, 2012 W/EXTENSION FOR REVISIONS GRANTED TILL 2014 BY COMMONWEALTH, PDA

ACT 19 LANGUAGE FOR REMOVING CERTIFIED MAIL NOTICES FOR INSPECTIONS AND ALLOWING INSPECTIONS EVERY OTHER YEAR WAS APPROVED BY THE STATE IN 2013

ACT 33 LANGUAGE FOR HOUSE RELINQUISHMENT AND SUBDIVISION CHANGES APPROVED SEP. 19, 2019 BY LCALPB

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LAWS AND REGULATIONS

Act 43 of 1981 – Agriculture Security Area Law, as amended
Agricultural Conservation Easement Purchase Program Regulations – Chapter 138e

Please contact our office for copies of these publications, or you may access them at:

www.agriculture.state.pa.us

Go to: Bureaus, Commissions and Councils
Bureau of Farmland Preservation
Legal Library

For: Agriculture Security Program
[view Title 7 Part V – C Chapt. 1381]

For: Agriculture Conservation Easement Program
[view Title 7 Part V – C Chapt. 138 e]

www.lccd.org

Go to: Programs
Agriculture
Farmland Preservation
Forms and Applications

For: Agricultural Area Security Law

PROGRAM GUIDELINES

Please contact our office for a copy of the Program Guidelines, or you may access them at:

www.lccd.org

Go to: Programs
Agriculture
Farmland Preservation
Forms and Applications
Lebanon County Farm Preservation Administrative Manual

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SECTION I

AUTHORIZATION

Authorization of the Lebanon County Purchase of Conservation Easements Program

- 1.1 (a) The Lebanon County Commissioners have authorized the County Agricultural Land Preservation Board to administer a Conservation easement purchase program, in conformity with the Act of June 30, 1981 (P.L.128, No. 43), known as the Agriculture Security Law, as amended.
- 1.2 (b) An official listing of the board members, appointed by the Commissioners as prescribed by law, is a part of the resolution/certification.
- 1.3 (c) A copy of the original resolution/ is attached to this program (in Appendix B).
- 1.3 (d) This county program is subject to re-certification by the state every seven (7) years.

SECTION II

STATEMENT OF PURPOSE

- 2.1 (a) The purpose of this Board will be to administer the County program, as set forth in the Act. The details of administration are outlined in this program, submitted to the State Agricultural Land Preservation Board.
- 2.2 (b) It shall be the further purpose to administer any other public program that is approved by the governing body for the purpose of preserving agricultural land in the County.
- 2.3 (c) A further purpose is to insure that a viable agriculture can and will continue in Lebanon County. Landowners should be compensated for giving up development rights of private property, and the public should be confident of the best use of public funds in purchasing or receiving donations of those easements.

SECTION III

SALE OF CONSERVATION EASEMENTS AND LOCAL GOVERNMENT UNIT PARTICIPATION

3.1 (a) Description

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

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

- (5) The county board shall be responsible to record agricultural conservation easement where a local government unit is a party to the purchase of the easement. The easement shall be recorded by the county board in the office of the recorder of deeds of the county wherein the agricultural conservation easements are located. The county board shall submit to the State board a certified copy of the agricultural conservation easements within 30 days after recording. The county board shall attach to all certified copies of the agricultural conservation easements submitted to the State board a description of the farmland subject to the agricultural conservation easements.
- (6) The local government unit may incur debt pursuant to 53 PA C.S. Pt. VII Supbt. B (relating to indebtedness and borrowing) for the purchase of agricultural conservation easements.

A conservation easement secured through a sale shall be a perpetual easement which is a legally binding document filed in the land records with the deed of a farm property, restricting its use substantially to agricultural and directly associated uses, and for which compensation is paid. As an easement in gross, restrictions are binding upon the owner and future owners, carrying with the land.

3.2 (b) Conservation Easement Sale Options

- (1) Payment Method- Prior to settlement, the seller may elect either a lump sum payment at settlement or installment payments with interest over a period of up to five years.
 - (i) Bargain Sale, Federal Income Tax Deduction- Any offer to sell a perpetual easement at a price less than the appraised value may be considered a bargain sale in which the difference between the easement value and the easement sale price may be eligible as a qualified conservation contribution, resulting in a Federal income tax deduction.
 - (ii) Tax Escrow Account - The seller may elect to have the Agricultural Preservation Board escrow all or a portion of the proceeds of easement sale in a property tax escrow account which is an interest bearing account from which disbursements are made to the landowner at least 30 days prior to local property tax due dates. All deferred payments must be completed in a 5-year period.

3.3 (c) Minimum Criteria For Applications

- (1) The County program shall consider the quality of the farmland tract, including compliance with section 138e. Rules and Regulations of Act 43 regarding soil quality, likelihood of conversion, proximity to other eased lands, land stewardship, and fair and equitable procedures. USDA NRCS classification and productivity will also be considered. The following are prerequisites.

State Minimum Criteria:

- (i) Be included as part of a duly recorded agricultural security area which has at least 500 acres enrolled except where Act 14 of 2001 amended the Agricultural Security Area Law for special provisions for parcels not entirely within an agricultural security area in compliance with the criteria set forth below:
- (A) 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.
- (B) Parcels straddling 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.

- (C) Parcels straddling county boundaries. The county board may recommend the purchase of an agricultural conservation easement on 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 Lebanon County and an adjoining county, with the portion within Lebanon 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. A main dwelling (mansion house) is located on the parcel, and the mansion house is located entirely within the local government unit that has an agricultural security area.
 - b. A main dwelling (mansion house) is located on the parcel, on the dividing line between counties, and the owner 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 (mansion house) on the parcel, and the majority of the parcel's viable agricultural land is located in the purchasing county with the local government unit that has an agricultural security area.
- (D) Recording responsibilities. Upon the purchase of an agricultural conservation easement as described above in subsection (B.) and (C.), 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. Lebanon County will take all steps necessary to ensure the governing body which created the agricultural security area meets its responsibility, under 138e

(E) Rules and Regulations of Act 43 for the recording, filing and notification with respect to the land added to the agricultural security area.

- (ii) 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 (see 3.3 (c) (2) (viii) below) 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. Contiguous Acreage is defined as all portions of one operational unit as described in the deed, or deeds, whether or not the portions are divided by streams, public roads, bridges, and whether or not described as multiple tax parcels, tracts, purparts, or other property identifiers. It includes supportive lands such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds, and streams.
- (iii) Contain at least 50% of soils which are available for agricultural production and are of capability classes I through IV, as defined by the soil surveys published by the USDA Natural Resources Conservation Service.
- (iv) Contain the greater of 50% or 10 acres harvested cropland, pasture or grazing lands.

County Minimum Criteria:

- (v) The farm must have a USDA Natural Resources Conservation Service conservation plan approved by the County Conservation District and in the process of implementation. A conservation plan is required by the State Board.
- (vi) “The County will not pay more than \$2,500.00 per acre from all funding sources for an agricultural conservation easement, however, if a local municipality chooses to participate in the easement purchase as a joint grantee they may pay any portion or full difference between the county cap and the full easement value determined by the Appraisal Report. The agricultural conservation easement is the difference between the market value per acre and the farmland value per acre contained in the county appraisal report. An example follows:

$$\begin{array}{r} \$7,125 \text{ Market value/acre} \\ - \$5,000 \text{ Agricultural value/acre} \\ \hline \$2,125 \text{ Agricultural conservation easement value/acre} \end{array}$$

(vii) Agricultural use of the tract must be compatible with municipal land development plans.

(viii) Agricultural production of the following unique crops for commercial purposes:

- Grapes
- Tobacco – commercial agricultural enterprise
- Speltz – commercial agricultural enterprise
- Orchard Crops – commercial agricultural enterprise
- Mushrooms – commercial agricultural enterprise
- Tomatoes – commercially grown for fresh market or processing
- Cantaloupes – commercially grown for fresh market
- Snap beans – commercially grown for processing
- Pumpkins – commercially grown for fresh market
- Strawberries – commercially grown for fresh market or processing
- Potatoes – commercially grown for fresh market or processing
- Sweet Corn – commercially grown for fresh market or processing
- Christmas Trees – grown as a rotation crop with a management plan for cultivation, harvesting, and replacement of Christmas Trees.
- Floriculture Crops – commercial agricultural enterprise
- Maple Syrup – commercial agricultural enterprise
- Sod, nursery stock, ornamental trees and shrubs – grown for commercial agriculture enterprise with the Deed of Easement restriction that removal of excess soil is Prohibited.
- Crown and Hairy Vetch – grown for commercial seed production
- Hemp – commercial agricultural enterprise

(ix) 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 see 3.3 (c) (2) (viii) above) 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. Contiguous Acreage is defined as all portions of one operational unit as described in the deed, or deeds, whether or not the portions are divided by streams, public roads, bridges, and whether or not described as multiple tax parcels, tracts, purparts, or other property identifiers. It includes supportive lands such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds, and streams.

- (2) The County program shall consider the likelihood that a farmland tract will be converted to nonagricultural use.
- (i) In determining the likelihood of nonagricultural use, consideration shall be given to the following factors:
 - (A) The development pressures in the area.
 - (B) Suitability of the farmland tract for development because of soil capabilities, location and configuration.
 - (C) Preexisting perpetual restrictions against development.
 - (D) Location in an area identified by the County Board of the county or township comprehensive plan as desirable for agricultural use.
 - (ii) A County program may contain standards that target easement purchases to areas given priority for farmland protection (see map page 10). If adopted, the standards shall be specified in the County program and reflected in the numerical ranking system (see Appendix C, subsection (a)(2)(i)(C)).
 - (iii) 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 (See Appendix C, subsection (a)(2)(iii)(C)).
 - (iv) The County program may contain standards that consider the cost of the easement when selecting farmland tracts for easement purchase. If adopted, the standards shall be specified in the County program and reflected in the numerical ranking system.

SECTION IV

COUNTY PURCHASE OF CONSERVATION EASEMENTS

4.1 (a) Intent

In order to effectively preserve agricultural land within Agricultural Security Areas, it is the intent of the Lebanon County Agricultural Land Preservation Board and Board of County Commissioners to accept voluntary bargain sales or bequests of conservation easements as easements in gross on a perpetual basis. Such grants of easement constituting restrictions on the use of land are designed to preserve and protect the agricultural and open space character of the land. Acceptance of conservation easements will be determined by the Agricultural Land Preservation Board and Commissioners through minimum eligibility criteria. The bargain sale of a perpetual conservation easement on qualified land may result in Federal income tax benefits and other tax benefits to the grantors which will vary according to the nature and value of the property and the circumstances of the landowners(s).

4.2 (b) Description

A bargain sale conservation easement is a legal document which is filed in the land records with the deed of the farm property, restricting its' use to agricultural and directly associated uses. As an easement in gross, the restrictions are binding upon the owner and future owners, carrying with the land. Bargain sale conservation easements are held by the County of Lebanon in perpetuity (permanently) and the County is responsible for enforcing the deed restrictions contained in the conservation easement (Refer to Section XVI "Procedure For Inspecting And Enforcing An Easement").

4.3 (c) Minimum Criteria

Prerequisite to acceptance of a bargain sale conservation easement, an individual must file an application with the County Board as described in Section VII "Application Procedure" in this manual. Agricultural land must meet the following criteria:

(1) Within an Agricultural Security Area - The farmland tract must be:

- (i) at least 25 acres in size; or be adjoining an existing conservation easement and
- (ii) in agricultural and open space use.
- (iii) 50% harvested cropland, pasture or grazing land

4.4 (d) Procedures for Acceptance

The following procedures are necessary prior to recordation of a bargain sale conservation easement:

- (1) Within an Agricultural Security Area -
 - (i) Agricultural Land Preservation Board works through legal counsel with the landowner to develop the easement from sample documents.
 - (ii) Agricultural Land Preservation Board reviews property for compliance with minimum eligibility criteria and ranks the farm
 - (iii) A land appraisal is initiated by the Board to determine valuation for Federal income tax deductibility, meeting specifications described in Section IX "Appraisal of Farms" in this manual. The Agricultural Land Preservation Board will pay the costs of the appraisal subject to the bargain sale being completed. The landowner shall reimburse the Agricultural Land Preservation Board the costs of the appraisal, if the donation is not completed within one year.
 - (iv) Agricultural Land Preservation makes a recommendation to the County Commissioners to accept the conservation easement.
 - (v) County Commissioners accept the conservation easement.
 - (vi) Recordation - prior to recordation the owners of the subject farmland tract must execute a deed conveying the easement as per requirements described in Section XII "Requirements of the Agricultural Easement Deed" in this manual.
 - (vii) Agricultural Land Preservation Board assumes responsibility for on-going monitoring and conservation easement enforcement as per Section XVI "Procedure For Inspecting And Enforcing An Easement" of this manual.

4.5 (e) Sample Conservation Easement Documents

Samples of the language and format of conservation easements are available upon request. Documents are samples and, as such, may be tailored to suit the needs of individual property owners or the agricultural, scenic, natural and/or historic character of the property through the addition of other restrictions more particularly tailored to the property.

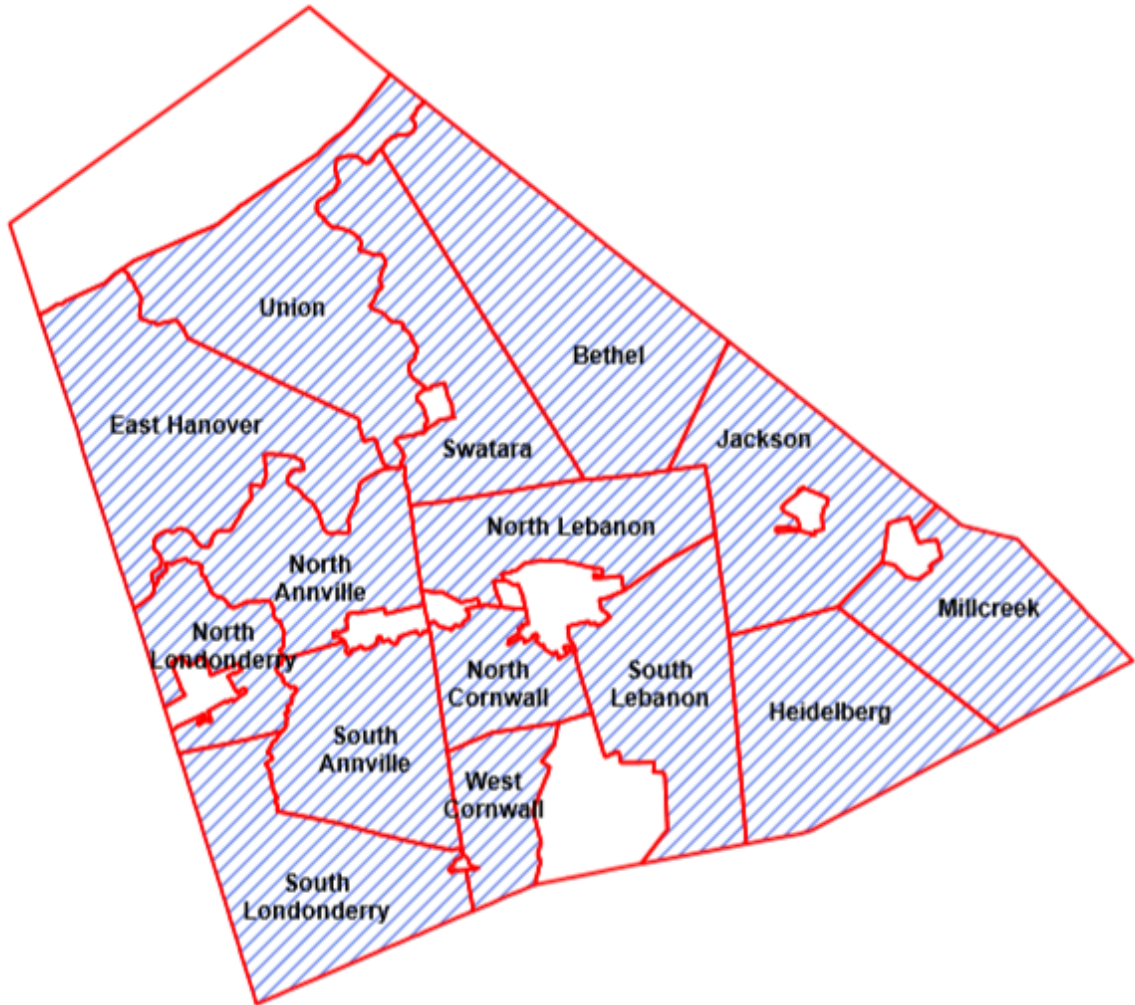
SECTION V

COUNTY AGRICULTURAL MAPS


- 5.1(a) The Board has submitted to the State as part of this program, Agricultural Planning Maps of Lebanon County.
- 5.2 (b) The maps will be used for the following purposes:
- a) Identify municipalities within Lebanon County.
 - b) Identify Important Farmland areas.
 - c) Identify areas targeted for easement purchase.
 - d) Identify the location of easement tracts as purchased.
- 5.3 (c) Be advised that the map immediately following should not imply that a whole municipality is an Ag Security Area. For specific parcels registered in a municipality's Ag Security Area, applicants should check with their municipality. This map depicts the status of all municipalities with regard to whether there is an Ag Security Area within its' political boundaries.

Lebanon County

Municipalities with Agricultural Security Areas



Legend

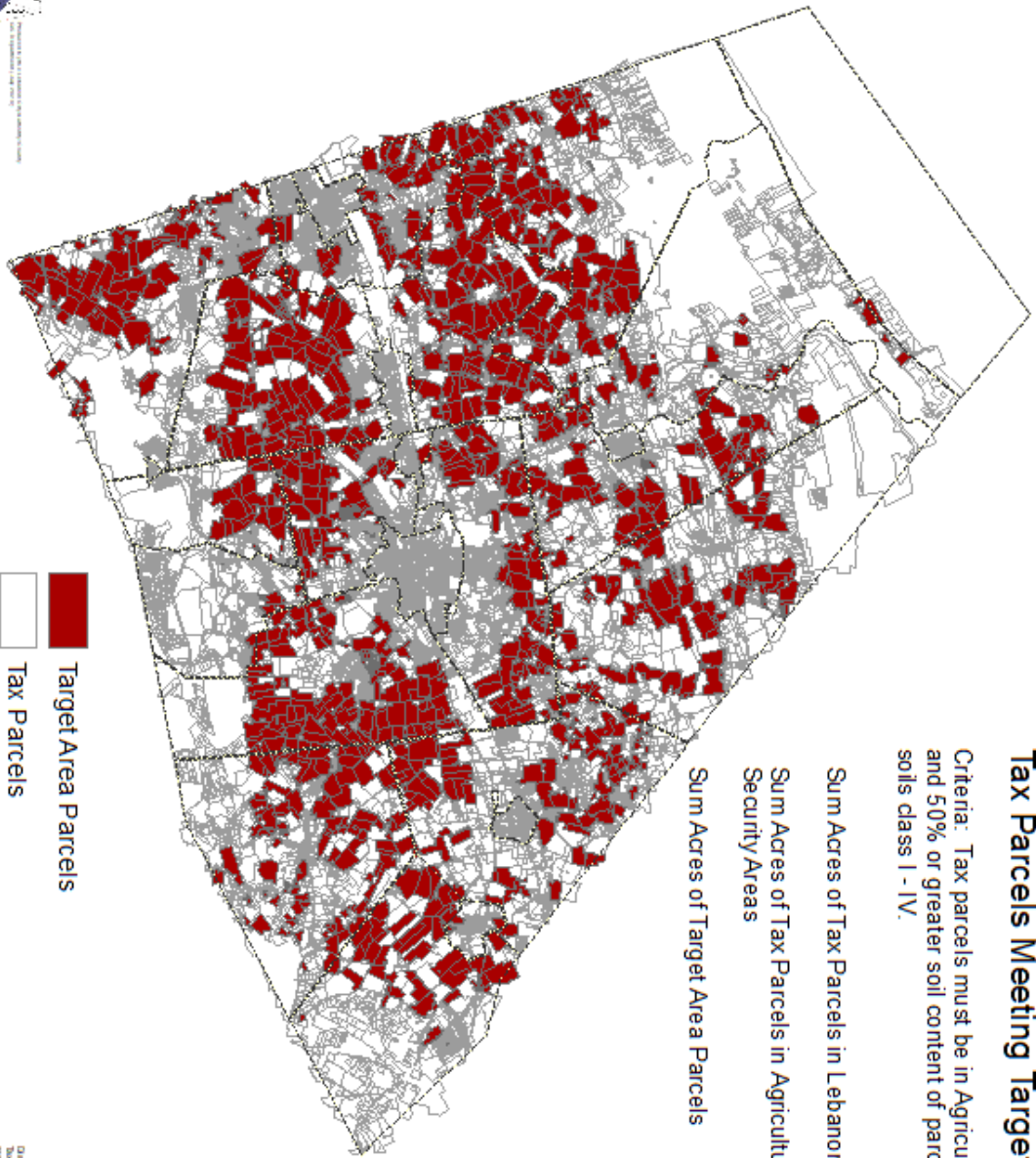
 Municipalities with an Agricultural Security Area



Lebanon County Tax Parcels Meeting Target Area Criteria

Criteria: Tax parcels must be in Agricultural Security Area and 50% or greater soil content of parcel must be in soils class I - IV.

Sum Acres of Tax Parcels in Lebanon County	229,852
Sum Acres of Tax Parcels in Agricultural Security Areas	68,141
Sum Acres of Target Area Parcels	66,040



Disclaimer:
The map shows the approximate boundaries of parcels and does not constitute a legal description. The legal boundary description can be obtained from the property's deed.




Lebanon County

Important Farmlands

(Prime Farmland, Farmland of Statewide Importance, and Preserved Easements)



Legend

-  Preserved Farms
-  Prime Farmland
-  Statewide Importance



SECTION VI

APPLICATION SUBMISSION SCHEDULE FOR SALES

- 6.1 (a) The Board began accepting applications for the purchase of conservation easements on April 1, 1991.
- 6.2 (b) The Board will continue to receive applications thereafter, subject to the availability of funds.
- 6.3 (c) Consideration of the application by the Board will be contingent upon complete application information and staff review.
- 6.4 (d) The Board will evaluate applications annually through September 30th.
- 6.5 (e) After each annual round of evaluation, an application not meeting the appraisal criteria will be eligible for subsequent rounds of funding.

SECTION VII

APPLICATION PROCEDURE FOR SALES

- 7.1 (a) The application shall consist of a completed application form, locational maps, a soils report and a crop report. Separate applications are required for non-contiguous parcels. All conservation easement applications and other documentation shall be done in accordance with the model formats included in the state guidebook and any future revisions thereto. A separate application shall be required for each non-contiguous (not touching) farmland tract offered for easement purchase or donation. A two year waiting period beginning from the date of closing on an agricultural conservation easement through this program, is required (except in the case of donations) before an applicant can submit another application for preservation.
- 7.2 (b) The County Board will make available an application form which requires the following information:
 - (1) The name(s), address, telephone number and signature(s) of the owners(s) of the farmland tract.
 - (2) The county, municipality and agricultural security area in which the farmland tract is located.

- (2) The total acreage of the farm. The number of acres in the farmland tract proposed for easement purchase.
- (3) The street location of the farm, and directions from the nearest state route.
- (4) 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 which has been approved by the Lebanon County Conservation District.
- (8) The name, address and telephone number of the person to be contacted to view the farmland tract.
- (9) The disclosure of any current easements or right-of-ways for each farmland tract.

7.3 (c) The applicant or the county shall be required to provide the following locational maps with the application:

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

7.4 (d) The applicant or the county shall prepare a soils description and soils map for the farmland tract proposed for easement purchase or donation and a soils report showing the capability class and for the most recent crop year, as follows:

Name: _____ **Township:** _____

Total Acres: _____ **Acres Offered:** _____

SOILS REPORT

CAPABILITY CLASSES I-IV

<u>Capability Class</u>	<u>Cropland Acres</u>	<u>Pasture Acres</u>	<u>Other Acres</u>	<u>Total Acres</u>
<u>I</u>				
<u>II</u>				
<u>III</u>				
<u>IV</u>				

Subtotal I-IV

CAPABILITY CLASSES V-VIII

<u>Capability</u> <u>Class</u>	<u>Cropland</u> <u>Acres</u>	<u>Pasture</u> <u>Acres</u>	<u>Other</u> <u>Acres</u>	<u>Total</u>
<u>V</u>				
<u>VI</u>				
<u>VII</u>				
<u>VIII</u>				
<u>Subtotal V-VIII</u>				

TOTALS

<u>Capability</u> <u>Class</u>	<u>Cropland</u> <u>Acres</u>	<u>Hay/Pasture</u> <u>Acres</u>	<u>Other</u> <u>Acres</u>	<u>Total</u> <u>Acres</u>
<u>I-IV</u>				
<u>V-VIII</u>				
<u>TOTAL</u>				

PERCENT OF TOTAL ACRES IN LAND CAPABILITY CLASSES I-IV

Step 1. Total Acres Cropland and Pasture in Soil Capability Classes I-IV
----- X 100 = _____ %
Total Easement Acres

Step 2. Is percentage calculated above 50%, or greater? (yes/no)

Step 3. If no, document whether 50% or more of the total easement acreage is both available for and of soil capability classes I-IV.

PERCENT OF TOTAL ACRES IN AGRICULTURAL USE

Total Acres Cropland + Total Acres Pasture
----- X 100 = ____ %
Total Easement Acres

7.5 (e) The soils map shall color code soil types as follows:

- Class I = Green
- Class II = Yellow
- Class III = Red
- Class IV = Blue

7.6 (f) The applicant shall provide crop production information for the farmland tract for the most recent crop year as follows. For purposes of non-contiguous farmland tracts between 50 and 10 acres in size, crops considered unique to the area for commercial purposes are listed as follows:

Grapes; Tobacco (ranks 10th in the nation in crop production); Speltz (a small grain Grown as an alternative to federally regulated feed grains under USDA programs); Orchard Crops (commercial agricultural enterprise); Mushrooms (commercial agricultural enterprise); Tomatoes (commercially grown for fresh market or processing); Cantaloupes (commercially grown for fresh market); Snap beans (commercially grown for processing); Pumpkins (commercially grown for fresh market); Strawberries (commercially grown for fresh market or processing); Potatoes (commercially grown for fresh market or processing), Sweet Corn (commercially grown for fresh market or processing); Christmas Trees (grown as a rotation crop with a management plan for cultivation, harvesting, and replacement of Christmas trees; Floriculture Crops (grown as a commercial agricultural enterprise); Maple Syrup (commercial agricultural enterprise); Sod, nursery stock, ornamental trees and shrubs (grown for commercial agriculture enterprise with the Deed of Easement restriction that removal of excess soil is prohibited); Crown and Hairy Vetch (grown for commercial seed production); Hemp (commercial agricultural enterprise).

Commodity	Acres Grown	Yield/Acre
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7.7 (g) The applicant shall provide a livestock report for the farmland tract for the most recent calendar years that are available.

Livestock	Average Numbers	Product Sold
-----------	-----------------	--------------

- (1)
- (2)
- (3)
- (4)

SECTION VIII

EVALUATION OF APPLICATIONS FOR SALES

8.1 (a) The County Board shall review the application to determine if it is complete and meets the minimum criteria for the sale of conservation easements.

8.2 (b) If the application is complete and the minimum criteria are met, an agent or member of the County Board shall view the farmland tract and discuss the county program with the applicant.

8.3 (c) The County Board shall evaluate timely applications which meet the minimum criteria and rank them according to the Land Evaluation and Site Assessment (LESA) system. The

LESA system provides a way to rank the easement applications by evaluating soil and locational factors for each tract under consideration. The LESA ranking system will be used to rank and prioritize applications to be selected for appraisal. Selection for appraisal will be made in descending order of the farmland ranking score.

- 8.4 (d) Preference for appraisals in the sale of a conservation easement will be given to applicants with LESA scores of 50 or higher. The application with the highest LESA score will be appraised first, followed by the next highest LESA score and so on. The County Board reserves the right to select and limit the number of applications it chooses to appraise. Applications for donation of an easement will be handled on a case by case basis.
- 8.5(e) The Board has the discretionary authority to preserve a farm out of ranking order if there is potential to leverage additional funding, such as federal, township or private contribution, however, farmland preservation funds will not be used with farms taken out of rank. For this to occur, the owner must make application to the county program; and the application must meet the State and County Minimum Criteria for the sale of conservation easements. Applications for a unique purchase of an easement will be handled on a case by case basis and will require a Board vote of at least 6 positive votes for acceptance. The Board in its discretion may consider an application that does not meet minimum criteria if funding for the application is completely from outside sources and the Board determines that granting the application will in its discretion further the purpose of preserving farm land.
- 8.6 (f) Applicants selling an easement and receiving preference for appraisal will receive an appraisal request form. Applicants who wish to proceed will submit the request form to the Lebanon County Agricultural Land Preservation Board within 15 days. Applicants who wish not to proceed will have their application removed. Submitted with the appraisal request form will be a deposit to cover the cost of the appraisal. The deposit is to be held in escrow and will be refundable upon settlement of the conservation easement. If an applicant withdraws from the program at any time, the appraisal deposit will be forfeited to the Program.

SECTION IX

APPRAISAL OF FARMS FOR SALES

- 9.1 (a) An offer to purchase an easement will be based upon one or more appraisal reports which estimate the market value and the farmland value of the farmland tract. For purposes of this program, market value shall not be limited by zoning classification. The appraiser shall report whether the farmland tract has public or private land use restrictions, is within a flood-plain, or has other physical attributes which limit its' developmental capability.
- 9.2 (b) An appraisal of market value and farmland value shall be based primarily on an analysis of comparable sales, and shall be conducted in accordance with standards in the most recent addition edition of the *Uniform Standards of Professional Appraisal Practice*, published by the Appraisal Standards Board of the Appraisal Foundation. If an appraiser

cannot practicably conduct an appraisal based on an analysis of comparable sales, the appraiser may conduct an appraisal using another methodology only if that methodology is an acceptable methodology under the *Uniform Standards of Professional Appraisal Practice* and the appraisal report clearly describes the information considered, the appraisal procedures followed and the reasoning that supports the analyses, opinions and conclusions.

9.3 (c) The entire acreage of the farmland shall be included in the determination of the value of an agricultural conservation easement, less the value of any acreage which was subdivided prior to the granting of such easement. The appraiser shall take into account the potential increase in the value of the subdivided acreage because of the placement of the easement on the remaining farmland. The value of a building or other improvement on the farmland tract shall not be considered in determining the easement value.

9.4 (d) 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. An appraiser shall be selected on the basis of experience, expertise and professional designation."
- (2) A member or candidate member of an organization which subscribes to the "Uniform Standards of Professional Appraisal Practice" published by the Appraisal Standards Board of the Appraisal Foundation, and shall follow the ethical and professional standards.
- (3) Subject on a case by case basis to a periodic review of appraisals to assure compliance with the Standards of Appraisal Practice.

9.5 (e) The appraiser shall supply a narrative report which contains the following information and is in the following format:

(1) Introduction.

- (i) Letter of transmittal including appraiser's license number and date or certification under Act 98 of 1990, The "Certified Real Estate Appraiser Law," or a copy of the appraiser's certificate.
- (ii) Table of contents.
- (iii) Summary of salient facts and conclusions.
- (iv) Purpose of the appraisal.
- (v) Definitions including definitions of market value, farmland value and easement value.

(2) Description of property.

- (i) Area or neighborhood description..
- (ii) Description of appraised property.
 - (I) Legal description.
 - (II) Property data and zoning.
 - (III) Description of improvements.
 - (IV) Color photos of subject property.
 - (E) Tax map of subject property. In instances where the county does not have tax maps available, the tax maps available, the sketch map required under (F) below shall include the boundary lines and acreages of properties adjoining the subject property and the names of all adjoining property owners.
 - (F) Sketch or aerial photo of subject property.
 - (G) Location map.
 - (H) Soils map.

(3) Analyses and conclusions.

- (i) Analysis of highest and best use.
- (ii) Valuation methodology: Market value.
 - (A) Comparable sales data.
 - (B) Adjustment grid.
 - (C) Locational map of comparable sales.
- (iii) Market value estimate.
- (iv) Valuation methodology: Farmland value.
 - (A) Comparable sales data.
 - (B) Locational map of comparable sales.

(C) An adjustment grid.

(v) Farmland value.

(vi) Easement value.

(vii) Professional qualifications of the appraiser including a photocopy of the appraiser's certificate.

9.6 (f) The appraiser shall supply information concerning comparable sales as follows:

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

SECTION X

EASEMENT VALUE AND PURCHASE PRICE

- 10.1 (a) An easement may be purchased in perpetuity. The value of an easement in perpetuity is the difference between the market value and the farmland value contained in the county appraisal report.
- 10.2 (b) The purchase price offered for the purchase of an easement may not exceed, but may be less than the value of the easement.

SECTION XI

OFFER OF PURCHASE BY COUNTY BOARD

- 11.1 (a) In determining whether to offer to purchase an easement following receipt of the county appraisal report, the County Board shall consider the following:
 - (1) Evaluation according to the numerical ranking system
 - (2) Consistency with county map of priority agricultural areas.
 - (3) Cost relative to total allocations and appropriations
 - (4) Proximity to other lands subject to easements.
- 11.2 (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.
- 11.3 (c) An applicant has within 30 days of receipt of the written offer from the County Board to 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 mine-able coal, land use restrictions, adverse owner ship 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, under this chapter. The appraisal shall be submitted to the County Board within 120 days of receipt of the County Board's offer to purchase. 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 shall not constitute a rejection of the County Board's offer. The County Board's offer shall remain open unless increased by the County Board under subsection 11.3 (c)(3)(ii) or rejected by the applicant under subsection 11.3 (c)(3)(iii) or subsection (11.3) (c)(3)(iv).
- (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 applicants 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.
- (ii) Within 30 days of receipt of the applicant's appraisal, the County Board shall:
- (A) Submit a written offer to purchase or accept a donation in an amount in excess of the amount offered under sub-section 11.3 (c)(3)(i)(B) to the applicant; or:
- (B) Notify the applicant, in writing, that the offer made under sub-section 11.3 (c)(3)(i)(B) remains open and will not be modified.
- (iii) The applicant shall, within 15 days of receipt of the County Board's written offer under subsection 11.3 (c)(ii)(A) or receipt of the County Board's written

notice under subsection 11.3 (c)(ii)(B) notify the County Board in writing that the applicant either:

(A) Accepts or rejects the offer made under subsection 11.3 (c)(ii)(A); or

(B) Accepts or rejects the offer made under subsection 11.2 (b).

(iv) The failure of the applicant to act as set forth in subsection 11.3 (c)(3)(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 subsection 11.3 (c)(1).

(4) The failure by the applicant to act within 30 days of receipt of a written offer under subsection 11.2 (b) shall constitute rejection of the offer.

11.4 (d) If a new perimeter survey is required by subsection 12.3 (d), the applicant will need to present a new survey, meeting the standards set forth in subsection 12.4 (e), within year of receipt of a written offer under subsection 11.2. Failure to do so will result in the County Board withdrawing the offer.

11.5 (e) Upon acceptance of a purchase price acceptable to the applicant and the County Board, the County Board must:

(1) Prepare a verified list of names and addresses of owners of land adjoining each proposed easement purchase;

(2) Either certified mail or deliver to each adjoining landowner written notice of their right to be heard;

(3) Record the manner of service of each notice letter; and

(4) Forward to the State Board:

(i) The verified list;

(ii) A copy of a notice letter

(iii) The record of how each notice letter was served.

11.6 (f) An agreement of sale or bargain sale shall be in form provided by the State Board. The applicant has 30 days from mailing of the sales agreement to sign the sales agreement.

SECTION XII

REQUIREMENTS OF THE AGRICULTURAL EASEMENT DEED

- 12.1 (a) At closing, the owners of the subject farmland tract shall execute a deed conveying the easement which deed shall include the appropriate agricultural preservation clauses. The signed deed shall be sent to the State Board (when applicable) within 10 days after closing.
- 12.2 (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 for both the main tract(s) and each exception referenced to permanent markers, or monuments, of the type commonly placed in the field by a surveyor
 - (3) Verbatim the language of the easement as set forth in the deed whenever interest in said properties is conveyed or transferred to another person.
 - (4) A Commonwealth Conservation Plan Agreement
- 12.3 (c) The legal description shall not contain a closure error greater than one foot per 200 linear feet in the survey.
- 12.3 (d) The farmland tract on which an easement is to be purchased must be surveyed unless the legal description contained in the deed recorded in the land records of the county in which the farmland tract is located satisfies the requirements of subsections 12.2 (b) and 12.3 (c). Specifically, a survey will be required by the County Board when:
- (1) the error of closure of the legal description of the most recently recorded deed is less than 1': 200'.
 - (2) there is not at least one course and distance for both the main tract(s) and each exception referenced to permanent markers, or monuments, of the type commonly placed in the field by a surveyor.
 - (4) there is an issue regarding location of boundaries, easements or other issues of occupation that may affect the holding of the agricultural conservation easement.
 - (5) the legal description of the parcel subject to the agricultural conservation easement does not recite verbatim the legal description in the most recent

previously recorded deed.

- 12.4 (e) Such survey must comply with the survey, monumentation, plat and geographic information system requirements set forth in Section 138, Rules and Regulations of Act 43 summarized as follows:

(1) Survey Requirements:

If a land survey is required to complete the purchase of an agricultural conservation easement, the survey shall have an accuracy of not greater than 1 foot per 10,000 linear feet in the survey, and shall otherwise comply with the standards published by the Pennsylvania Society of Land Surveyors in its "Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania," adopted July 10, 1998, or its most current successor document.

(2) Monumentation Requirements:

Monumentation as described in the legal description shall exist at every corner. At least one course and distance referencing fixed markers or monuments, of a type placed in the field by a surveyor, shall be required for each tract or parcel and exception included in the property.

Monumentation for the two required ground control points shall be established. This monumentation shall consist of permanent, concrete markers of substantial length and width containing ferrous or other materials detectable by an electromagnetic locator. The identity of the surveyor who places the monument shall be affixed or marked upon the monument so that it can be ascertained by inspection of the monument in the field.

Coordinates accurate to plus or minus three meters shall be established for at least two ground control points located sequentially along the boundary survey, with latitude and longitude expressed in decimal degrees with an accuracy of two (2) recorded decimal places. These coordinates shall be based on the "North American Datum of 1983," or its most current successor document, and shall be obtained through field observation or verification of datum.

(3) Plat Requirements:

All boundary surveys shall require a map or plat which shall be made in a professional manner and in accordance with good drafting practices. The plat shall be drawn at a scale of no greater than 1"=200'. The plat shall identify; the purpose of the survey, the ownership and address of the property; the municipality and county in which the property is located; the date and scale of the plat and the practitioner responsible for the survey and plat. The plat shall contain; an accurate representation of the boundary, the geometry of the lines (bearings and distances), the corner markers and any points of reference, the names of record adjoiners and other property identifications, any differences

between record and occupation lines, encroachments, easements, deed restrictions and zoning information if applicable.

The plat shall include a signed surveyor's certification statement or separate certification letter as contained in the following sample verbiage:

SURVEYOR'S CERTIFICATE

I hereby certify that this plan is true and correct to the best of my knowledge and represents the findings of a boundary survey performed under my direction, that the work has been done in accordance with the standards published by the Pennsylvania Society of Land Surveyors in its "Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania," adopted July 10, 1998, or its most current successor document, and that the error of closure is no greater than 1 foot per 10,000 linear feet in the survey.

John Doe, P.L.S.
SU-000000-E

Date

(4) Geographic Information System (GIS) Reporting Requirements:

For each tract, coordinates accurate to plus or minus three meters shall be established for at least two ground control points located sequentially along the boundary survey. These coordinates shall be identified by latitude and longitude expressed in decimal degrees with an accuracy of two (2) recorded decimal places. These coordinates shall be based on the "North American Datum of 1983," or its most current successor. The coordinates, a copy of the deed description and information providing the location of these coordinates within the deed description shall be provided to the State Board. When a boundary survey of the agricultural conservation easement property has occurred, where available, a digital depiction of the property shall be provided. This digital depiction shall be in .DXF format, and shall contain the perimeter boundary of the property on one layer and boundary annotation on a separate layer. This information will be used to locate the property on the Statewide Farmland Preservation GIS database.

Survey costs incurred in complying with Section XII shall be paid by the landowner except in value.

- 12.5 (f) For purchases made entirely with state funds, the Commonwealth shall be the sole grantee. For purchases made entirely with county funds, the county shall be the sole grantee. For purchases made entirely with local government unit funds, the local government unit shall be the sole grantee.

- 12.6 (g) For purchases made entirely with any combination of state, county, and local government unit funds, the grantees shall be the Commonwealth, county, and local government unit providing the funds under joint ownership as defined in the Act.
- (1) Neither the Commonwealth, county, or local government unit 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, extinguishments, lease, encumbrance or other disposition of the easement, the Commonwealth, county, and local government unit shall receive a pro rata share of the proceeds based upon their respective contributions to the purchase price.
- 12.7 (h) A copy of the deed shall be submitted to the State Board for approval prior to execution and delivery.

SECTION XIII

TITLE INSURANCE SALES

- 13.1 (a) The County Board shall provide a title commitment to the State Board upon submission of its recommendation for the purchase of an easement.
- (b) Where a conservation easement is to be a bargain sale, the County Board shall require a title report in the recording process.
- 13.2 (a) At settlement, the County Board shall provide a title insurance policy for sales and bargain sales issued by a title insurance company authorized to conduct business in the Commonwealth by the Insurance Department. The cost of such title insurance shall be reimbursable from a county's allocation under the Act as long as recorded easements meet state requirements.
- (b) A marked-up copy of the title insurance binder should be sent to the State Board (when applicable) within 10 days after closing.

SECTION XIV

STATEMENT OF COSTS

- 14.1 (a) The County Board will submit a statement of the costs to the State Board incident to the purchase of easement. The statement of costs may include:
- (1) The easement purchase including interest price.

- (2) The county appraisal costs.
 - (3) The necessary legal fees for title search (including a copy of the title insurance bill), preparation of documents and attendance at closing.
 - (4) The recording fees.
 - (5) The survey cost will be paid by the landowner except in cases where the owner accepts a bargain sale of 60% or more of the easement value.
 - (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 Commonwealth, or both. The costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees and survey costs.
 - (7) Conservation plan preparation and certification.
- 14.2 (b) The statement of costs will specify the amount of funding requested from the Commonwealth for the purchase, and the amount of county funds allocated for the purchase.
- 14.3 (c) Within 10 days after settlement, the County Board will submit a revised statement of costs to the State Board in the event that actual costs were greater or less than the costs estimated in the initial statement of costs.

SECTION XV

STATE BOARD REVIEW OF APPLICATIONS

- 15.1 (a) Application for State Board review of a proposed purchase of an easement is made by submitting the following documents to the Director, Bureau of Farmland Preservation, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408 County only submissions do not require submission of an application to the state but do require: a copy of the signed and recorded easement, a statement of the nature and scope of compliance with the conservation plan and its' nutrient component, date of approval of the conservation plan, and application for reimbursement of the incidental costs where appropriate):
- (1) The following items shall be submitted to the Bureau of Farmland Preservation by way of the PA Farmland website (and some documents by US mail):
 - (ii) Cover letter from County (optional)
 - (iii) Narrative Summary Report

- (iv) Legible United States Geographic Survey (USGS) topographic map showing the subject property location and boundaries, location of neighboring easements, and exclusions withheld from the subject property.
 - (v) Soil Report Form “C”, (a form provided by the Department) both pages.
 - (vi) List of soil mapping unit names, symbols and Land Capability Classes on the subject property.
 - (vii) List of soil mapping unit names, symbols and Land Capability Classes on the subject property.
 - (viii) Tax map showing the subject property location and boundaries, exclusion withheld from the subject property, utility, rights-of-way, and access road rights-of-way.
 - (ix) Summary table showing the individual ranking scores by category for applications selected for county appraisal, including and indication of the easement purchase status of higher-ranking applicants.
 - (x) Copy of Exhibit “B”, from the Agreement of Sale, modified to include interest, total acres and per acre easement cost.
- (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 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.

SECTION XVI

PROCEDURE FOR INSPECTING AND ENFORCING AN EASEMENT

16.1 (a) Responsibilities

- (1) The County Board has the primary enforcement authority for inspecting agricultural conservation easements within the county 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.
- (2) The State Board or its designee has the right to inspect and enforce purchased easements on its' own behalf or in conjunction with the County Board.

16.2 (b) Inspections

- (1) The County Board shall inspect eased land the first year after preservation and once every two years after the first inspection as long as no resource concerns are noted. Federally funded farms will be inspected annually.
- (2) A notice of an inspection to be conducted under subsection 16.2 (b)(1) shall be delivered by a phone call prior to the inspection.
- (3) Any inspection conducted under subsection 16.2 (b)(1) 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.
- (4) Within 10 days of conducting an inspection under subsection 16.2 (b)(1), the County Board shall prepare a written inspection report setting forth the following information:
 - (i) The identification of the land inspected.
 - (ii) The name of the owner of the land inspected and the name of the owner at the time the easement was originally acquired.
 - (ii) 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.
 - (iii) A description of the deviations from the conservation plan being observed on the restricted land.

- (v) A statement of whether the provisions of the deed of easement are being observed.
- (5) A copy of the inspection report shall be mailed to the landowners and a certified mailing will only be necessary if a violation is discovered.
- (6) The County Board and the State Board (when applicable) 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.
- (7) The County Board is required to compile an annual report of all inspections conducted on purchased easements within the prior year and file such a report with the State Board by March 1 of each year.

16.3 (c) Enforcement

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

16.4 (d) Notification to owner.

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

16.5 (e) Enforcement actions.

- (1) Sixty days after the mailing of a notice of violation of Section 138e. Rules and Regulations of Act 43 (relating to modification 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:
 - (i) Determines with the State Board (when applicable) that the violation has been corrected.
 - (ii) Completes the following requirements:
 - (A) Determines that the owner of the restricted land has commenced the necessary corrective measures, determines that the necessary corrective measures cannot reasonably be completed within the 60 day period described in subsection 16.5 (e)(1).
 - (B) Establishes a period not to exceed 1 year within which the corrective measures shall be completed.
- (2) The County Board shall commence and prosecute the enforcement action described in subsection 16.5 (e)(1) if the violation is not corrected within the time established under subsection 16.5 (e)(1)(ii)(B).
- (3) The owner of the restricted land shall bear all costs associated with the correction of a violation of the easement, including:
 - (i) Costs of work required and materials used to correct the violation.
 - (ii) Administrative costs incurred by the County Board and State Board (when applicable).
 - (iii) Court costs and reasonable attorney's fees incurred by the County Board and the State (when applicable) in enforcing the easement.
 - (iv) 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.

SECTION XVII

PUBLIC INFORMATION

- 17.1 (a) Upon approval of this county program by the State Board and County Commissioners for purchase of conservation easements, the County Board will provide information concerning these programs to the public.
- 17.2 (b) The Board will notify the public that information on this program is available upon request. The public notification will be through the following:
- (1) Local agricultural organizations (i.e. - Granges, Lebanon County Farm Bureau)
 - (2) News media (newspapers, radio).
 - (3) Township supervisors.
 - (4) Regional farm publications
 - (5) Direct mailings to farmers signed up in agricultural security areas.
 - (6) Extension Service mailings.
- 17.3 (c) An information folder will be available to the public upon request. The folder will contain the following:
- (1) A copy of the county program, with appendices.
 - (2) An application form.
 - (3) An information pamphlet on conservation easements.
 - (4) A sample deed.
- 17.4 (d) To obtain an information folder, contact: Lebanon County Agricultural Land Preservation Board c/o Lebanon County Conservation District, 2120 Cornwall Road, Suite 5, Lebanon, PA 17042-9788, Phone: (717) 272-3908 Ext. 4 Fax: (717) 272-5314.

**APPENDIX A.
BOARD MEMBERS: VITAE**

- A. (a) Name: Mr. Curtis L. Martin, Chairman
Address: 320 Chestnut Hill Road, Palmyra, PA 17078
Occupation: Dairy/Crop Farmer
Board Office Served: Farmer Member
Term ends: January 31, 2021
- A. (b) Name: Mr. Paul Bametzreider, Vice- Chairman
Address: 1601 Cornwall Road, Lebanon, PA 17042
Occupation: Attorney
Board Office Served: Public Member
Term ends: January 31, 2021
- A. (c) Name: Mr. Dale Hoover
Address: 1743 South White Oak Street, Lebanon, PA 17042
Occupation: Retired Dairy/Crop farmer
Board Office Served: Township Governing Body Member
Term ends: January 31, 2023
- A. (d) Name: Mr. Harold Berkheiser
Address: 1923 Mount Zion Road, Lebanon, PA 17046
Occupation: Retired Vo-Ag Teacher
Board Office Served: Public Member
Term ends: January 31, 2021
- A. (e) Name: Mr. Mervin Horst
Address: 108 Kalbach Rd., Newmanstown, PA 17073
Occupation: Dairy/Crop farmer
Board Office Served: Farmer Member
Term ends: January 31, 2022
- A. (f) Name: Mr. Daniel Kreider
Address: 3218 West Oak St, Lebanon, PA 17042
Occupation: Farmer
Board Office Served: Farm Member
Term ends: January 31, 2023
- A. (g) Name: Mr. Gary Lentz
Address: 1176 Greble Road, Lebanon, PA 17046
Occupation: Dairy/Crop Farmer
Board Office Served: Farmer Member
Term ends: January 31, 2022
- A. (h) Name: Mr. John Harrell
Address: 1383 Mount Pleasant Road, Lebanon, PA 17042
Occupation: Swine/Crop/Custom Farmer
Board Office Served: Public Member
Term ends: January 31, 2023
- A. (i) Name: Mr. Patrick Kreiser
Address: Kreiser Construction, 2 Goodyear Lane, Newmanstown, PA 17073
Occupation: Contractor
Board Office Served: Contractor Member
Term ends: January 31, 2022

APPENDIX B



Lebanon County Commissioners

ROOM 207, MUNICIPAL BUILDING
400 SOUTH EIGHTH STREET
LEBANON, PENNSYLVANIA 17042
TELEPHONE - 717-274-2801

ROSE MARIE SWANGER
WILLIAM G. CARPENTER
PHILIP H. FEATHER
County Commissioners

DONALD J. RHINE
Chief Clerk
ROSAMOND A. PRESBY
Solicitor

Thursday, December 28, 1989

LEBANON COUNTY COMMISSIONERS MEETING

R E S O L U T I O N

It was moved by Com. Feather, seconded by Com. Swanger to appropriate \$50,000.00 for the fiscal period beginning January 1, 1990 and ending on December 31, 1990 for the purpose of providing matching funds by the County of Lebanon for the purchasing of Agriculture Conservation Easements pursuant to the Act of June 30, 1991 (P.L. 128, No. 43) known as the Agricultural Area Security Law, as amended. Vote unanimous.

R. M. Swanger
William G. Carpenter
Philip H. Feather

LEBANON COUNTY COMMISSIONERS

Attest: *Donald J. Rhine*
County Administrator

BYLAWS OF THE LEBANON COUNTY BOARD

Article I

Name of the Official Board

- B (a) (1) The name of this non-profit organization shall be The Lebanon County Agricultural Land Preservation Board. For the purposes of these bylaws it will be referred to as the "Board".

Article II

Purpose

- B (b) (1) The purpose of this Board will be to administer the Lebanon County Agricultural Land Preservation Program, as set forth in the Act. The details of administration are outlined in this program, submitted to and approved by the State Farmland Preservation Board and the Lebanon County Commissioners.
- (2) It shall be the further purpose to administer any other public program that is approved by the governing body (Board and County Commissioners) for the purpose of preserving agricultural land in Lebanon County.

Article III

Membership

- B (c) (1) The Membership of the board will be as specified in the State guidelines, and will be appointed by the County Commissioners.
- (i) The board shall be comprised of (9) members. The Chairperson of the County Board of Commissioners shall designate one member of the Board to act as Chairperson of the Board.
 - (ii) Four members of the Board shall be active, resident farmers deriving a major portion of his/her income from an agricultural enterprise. Spouses of farmers and retired farmers also qualify. Each shall serve an initial three year term.
 - (iii) One member of the Board shall be a member of a township or borough governing body within the County, and shall serve a two year term.
 - (iv) One member shall be a commercial, residential, or industrial contractor and shall serve an initial one year term.

- (v) Three members of the Board shall be selected at the pleasure of the County Commissioners and serve an initial one year term.
- (vi) Upon expiration of the initial terms, all terms of members shall be for three years.
- (vii) The Board may also include appropriate non-voting ex-official members who have expertise in appropriate areas.

Article IV

Voting

B (d) (1) Each member of the Board is allowed to cast one vote.

Article V

Officers

B (e) (1) The Board will have the following officers.

- (i) Chairperson. The Chairperson shall be selected by the Chairperson of the Board of County Commissioners.
- (ii) Vice-Chairperson. The Vice-Chairperson shall be selected annually by vote of the Board.
- (iii) Secretary. The Secretary may be a staff person hired or designated by the Board, but have no vote.
- (iv) Officers will be selected annually at the March meeting of the Board.

Article VI

Finance

B (f) (1) All monies received by the Board via county or state funds shall be used for the purpose of protecting viable farmland in Lebanon County. County funds may include accrued roll-back tax interest from the Pennsylvania Farmland and Forest Land Assessment Act of 1974. Notwithstanding other priorities deemed by the Commissioners, it shall be the discretion of the Board to apply this funding as needed to acquire, maintain and enforce easements.

- (i) No member of the Board or its' staff shall be liable for any debts of the Board.
- (ii) No net income of the Board shall accrue to the benefit of any member, with the exception of purchasing conservation easements consistent with the Act.
- (iii) Board members who have a personal or private interest in any measure proposed or pending before the Board shall disclose the fact to the Board, and shall not vote thereon.

Article VII

Public Official and Employee Ethic Law

- B (g) (1) All members and employees of the Board shall comply with the provisions of the Public Officials and Employees Ethics Law, 65, P.S. Sections 402-413.

Article VIII

Meetings

- B (h) (1) The Board will meet at least six times annually. The public will be notified of the times and place of meeting by advertisement in the public press, as prescribed under the "Sunshine Laws" (P.L. 388, No 84), Act of July 3, 1988.
- B (h) (2) Special meetings may be called by the Chairperson, or by a petition to the Secretary from a quorum of Board members.
- B (h) (3) All meetings shall require a quorum of at least five members of the Board to conduct business.

Article IX

Amendments

- B (i) (1) These bylaws may be amended by a majority vote of the members of the Board. The Secretary shall provide written notice of all proposed bylaw changes or amendments to all Board members at least seven (7) days prior (where plausible) to a vote at a regular or special meeting.

STATEMENT OF PURPOSE

- B (j) (1) 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.
- B (j) (2) It is the further purpose of this program to:
- (i) Encourage landowners to make a long term commitment to agriculture by offering them financial incentives and security of land use.
 - (ii) Protect normal farm operations in agricultural security areas from incompatible non-farmland uses that may render farming impractical.
 - (iii) Protect farming operations from complaints of public nuisance against normal farming operations.
 - (iv) Assure conservation of viable farmland in order to protect the agricultural economy of the Commonwealth.
 - (v) Provide compensation to landowners (where desired) in exchange for their relinquishment of the right to develop their private property.
 - (vi) Maximize agricultural easement funds and protect the investment of the taxpayers in agricultural conservation easements.
 - (vii) Purchase agricultural easements in perpetuity.

APPENDIX C

NUMERICAL RANKING SYSTEM

Lebanon County Agricultural Land Preservation Board

C (a) Applications will be ranked using a two-part Land Evaluation and Site Assessment System (LESA). The Land Evaluation looks at the quality of the soils, and the Site Assessment considers locational factors that may have an impact on current or future viability of the farm. The LESA ranking system will be used to rank and prioritize applications to be selected for appraisal. Selection for appraisal will be made in the descending order of the farmland ranking score.

(1) Land Evaluation

The Land Evaluation portion of LESA is a product of the average relative soil value (see chart that follows as part of this section) as determined either or both by the USDA Natural Resources Conservation Service Soil Survey and the Soil and Water Conservation Technical Guide and the weighted value of 40% assigned by the County. The maximum weighted score a farm can receive is 40 points, which is 40% of the total score. The Land Evaluation (LE) score is calculated as follows:

$$\text{Relative Value Sum(C)/Total Acres(A)} = \text{Average Score(B)}$$

$$\text{Weighted LE Score} = \text{Average Score} \times .40\% \text{ Weighted Value(D)}$$

RELATIVE VALUES OF LEBANON COUNTY SOILS

LAND EVALUATION LISTING

AbA	73	HaA	100	NhB	0
AbB	49	HaB	96	NhC	0
BeA	100	HbC	49	NHE	0
BeB	96	HeB	0	No	100
BeC	49	HeC	0	PeB	73
BeD	10	HHB	0	PeC	27
BkB	49	HHE	0	Ph	96
BkC	27	HLD	0	Po	100
BkD	10	Ho	73	Qu	0
Bm	73	KnB	27	ReB	73
BnB	73	KnC	0	Ro	96
BnC	27	KnD	0	Ru	0
BrA	53	LaB	73	ThA	0
BrB	53	LaC	27	ThB	0
BwB	73	LdB	0	UnB	96

BxB	0	LdC	0	UnC	49
BxC	0	LeB	96	UnD	10
ByB	96	LeC	49	UoB	0
CeB	96	LfC	0	UoC	0
CeC	49	LhB	73	UPE	0
ChC	0	Ls	96	UR	0
CkA	73	MaA	10	US	0
CkB	73	Me	49	WaA	0
CmA	73	MoB	73	WbB	0
CmB	73	MsB	0	WeB	27
DfA	100	MuB	96	WeC	0
DfB	96	NeB	96	WeD	0
DfC	49	NeC	49	WeE	0
Dp	0				

(2) Site Assessment

The Site Assessment (SA) portion of LESA consists of eleven (11) factors which relate to the viability of the site for present and future agricultural use. The maximum weighted score a farm can receive on Site Assessment is sixty (60), which will account for 60% of the total score. The final weighted SA score shall be the sum of the scores in each SA category multiplied by the weighted value for that category. The three SA categories are clustering potential, development potential and farmland potential. The Site Assessment factors are scored as follows:

(i) $\text{CLUSTERING POTENTIAL} = (\text{A pts.} + \text{B pts.} + \text{C pts.}) \times .25$ (weighted value)

Factors that emphasize the importance of preserving blocks of farmland to support commercial agriculture and help shield the agricultural community from conflicts with incompatible land uses:

(A) Proximity to land with a perpetual agricultural conservation easement. (This factor will award points to farms adjacent to deed restricted farms for the purpose of creating larger contiguous areas for farm preservation.)

adjacent -	55 pts.
within 1/2 mile -	30 pts.
within 1 mile -	15 pts.
outside 1 mile -	0 pts.

(B) Percent adjoining land in an ag security area:
Being in an ag security area is a prerequisite to the purchase of a conservation easement. (This factor will give preference to a site if it is adjoining other agricultural security areas.)

<20% - 0 pts.	61-80% - 25 pts.
21-40% - 5 pts.	>80% - 35 pts.
41-60% - 15 pts.	

(C) Tract identified by the board within a target area as outlined on the County map. See targeted area map page 10 (This factor considers land use plans established by local officials that will insure that easements are purchased in designated agricultural lands.) A tract that is located within a targeted agricultural area shall receive full score for that tract.

NO - 0 pts.	YES - 10 pts.
-------------	---------------

(ii) DEVELOPMENT POTENTIAL = (A pts. + B pts. + C pts.) x .10 (weighted value)

Factors that identify the extent to which development pressures are likely to cause conversion of agricultural land to non-agricultural uses.

(A) Percent extent of adjacent and non-adjacent non-ag land-use in area. A tract with extensive non-ag uses in the area shall receive a relatively higher score than a tract that is more distant from such. Must also consider non-ag impacts in next 20 years.

0 - 20% - 0 pts.	61 - 80% - 25 pts.
21 - 40% - 5 pts.	>80% - 35 pts.
41 - 60% -15 pts.	

(B) Proximity to public sewer or water service:
(This factor acknowledges that parcels of land within the area of public sewer and water are more suitable for non-agricultural development and as such shall receive a relatively higher score than tracts without sanitary sewer and public water.)

< .5 mile - 30 pts.
.5 - 1 mile - 15 pts.
> 1 mile - 0 pts.

(C) Road Frontage - (increased road frontage increases the suitability of a tract for subdivision or development and is a measurement of capability to be developed or improved for non-ag use. A tract with extensive public road frontage shall receive a relatively higher score than a tract with less road frontage.

> 1 mile - 35 pts.	>1/4 to 1/2 mile - 5 pts.
> 1/2 to 1 mile - 20 pts.	0 to 1/4 mile - 0 pts.

(iii) FARMLAND POTENTIAL=(A pts. + B pts. + C pts. + D pts. + E pts.) x .25%

Factors that measure the potential agricultural productivity and farmland stewardship practiced on a tract:

(A) Total number of acres offered for easement purchase:
(This factor awards more points to larger tracts under consideration for easement purchase.)

10-40 acres - 5 pts.	101-125 acres - 25 pts.
41-70 acres - 10 pts.	>125 acres - 35 pts.
71-100 acres - 15 pts.	

(B) Percent of current deed being offered for preservation.

100% - 15 pts.
<100% - 0 pts.

(C) Percent of certain types of land. Includes harvested cropland, pasture and grazing land. (This factor recognizes the importance of preserving the more productive agricultural land.)

50-60% - 0 pts.	81-90% - 15 pts.
61-70% - 5 pts.	91-100% - 20 pts.
71-80% - 10 pts.	

(D) Conservation and best management practices: (This factor addresses the extent to which the applicant has demonstrated good stewardship of the land, use of conservation practices, and best management practices.)

0 - 49% - 0 pts.	>90% - 25 pts.
50 - 90% - 20 pts.	

(E) Local, state or federal designation as a historically or culturally significant tract; or as scenic area or open space adjacent to flood-plains, wildlife habitat, parks, forests, educational sites.

such qualities - 5 pts.
no such qualities - 0 pts.

APPENDIX D

NUMERICAL RANKING WORKSHEET

SCORING SHEET
 LEBANON COUNTY AGRICULTURAL LAND PRESERVATION BOARD
 Score System Revised 5/18/06
 Initial

Applicant: _____
 Last Score Sheet Revision Date: _____
 Original Score Date: _____
 Present: _____

FACTORS POINTS SCORE

LAND EVALUATION

SOIL MAPPING UNITS	ACREAGE	RELATIVE VALUE	RELATIVE VALUE PRODUCT
TOTAL ACRES (A):	0.0	TOTAL OF RELATIVE VALUE PRODUCTS (B):	0.0

C: LAND EVALUATION (LE) SCORE = $\frac{\text{Total of Relative Value Products of Soil Units (B)}}{\text{Total Acres of Soil Units (A)}}$ = 0.00
 WEIGHTED LE SCORE = (average score C) X (.40: weighted value 40%) = 0.00

D = 0.00 pts.

S:\FARM PRES COMBINED\F.P. Scoring\Current Score System, as of 5-06\A Blank Score sheet

D1

FACTORS	POINTS	SCORES	COMMENTS
SITE ASSESSMENT			
Clustering Potential:			
Proximity to land with a conservation easement (This factor will award points to farms adjacent to deed restricted farms in Lebanon and surrounding counties for the purpose of creating larger contiguous acres for farm preservation.)	adjacent: 55 pts within 1/2 mile: 30 pts within 1 mile: 15 pts outside 1 mile: 0 pts E. 0		● See note on page 44 0.00 % ASA feet ASA 0 Total Perimeter
Percentage of adjoining land in Agricultural Security Area. (Being in a 500 acre ASA is a prerequisite to the purchase of a conservation easement. This factor will give preference to a site if it is adjoining other ASAs)	0 to 20%: 0 pts 21 to 40%: 5 pts 41 to 60%: 15 pts 61 to 80%: 25 pts > 80%: 35 pts F. 0		⚡ See note on page 44 Our target area is defined as in an ASA and has at least 50% Capability Class I-IV soils.
Is the tract identified by the Board within a target area as outlined on the County Map? (This factor considers land use plans established by local officials that will insure that easements are purchased in designated agricultural lands.)	Yes: 10 pts No: 0 pts G. 10 pts		
Clustering Potential Total	(E+F+G) X (WEIGHTED VALUE: 25%) 0.25 X 10 pts = H	H = 2.50 pts	
Development Potential:			
Percent extent of non-agricultural uses in the area. (A tract with extensive non-agricultural uses in the area shall receive a relatively higher score than a tract that is more distant from such. Must also consider non-adjacent parcels and non-agricultural impacts in the next 20 years.)	0 to 20%: 0 pts 21 to 40%: 5 pts 41 to 60%: 15 pts 61 to 80%: 25 pts > 80%: 35 pts I. 0 pts		0.00 % Non-Ag feet Non-Ag 0 Total Perimeter All perimeter measurements from GIS ⚡ See note on page 44
Proximity to public water and sewer service. (This factor acknowledges that parcels of land within the area of public water and/or sewer are more suitable for non-agricultural development. Tracts closer to sewer and/or water shall receive a relatively higher score than a tract that does not have sanitary sewer and/or public water.)	< 0.5 mile: 30 pts 0.5 to 1 mile: 15 pts > 1 mile: 0 pts J. 0 pts		As the crow flies: Between nearest points from applicant to property connected to expandable water/sewer

D2

FACTORS	POINTS	SCORES	COMMENTS
Road frontage. (Frontage increases the suitability of a tract for subdivision or development and is a measurement of capability of a tract to be developed or improved for non-agricultural use. A tract with extensive public road frontage shall receive a relatively higher score than a tract with less public road frontage.)	<p>> 1/2 mile: 35 pts</p> <p>1/2 to 1 mile: 20 pts</p> <p>1/4 to <1/2 mile: 5 pts</p> <p><1/4 mile: 0 pts</p> <p>K. 0 pts</p>	L = 0.00 pts	Count both sides of the road, but not interstate highways or private drives as developable road frontage
Development Potential Total	(I+J+K) X (WEIGHTED VALUE: 10%) 0.10 X 0 pts		
Farmland Potential:			acres
Acres offered for easement purchase. (This factor awards more points to larger tracts under consideration for easement purchases.)	<p>10 to 40 acres: 5 pts</p> <p>41 to 70 acres: 10 pts</p> <p>71 to 100 acres: 15 pts</p> <p>101 to 125 acres: 25 pts</p> <p>> 125 acres: 35 pts</p> <p>M. 0 pts</p>		
Percent of the current deed being offered for preservation.	<p>100% 15 pts</p> <p>< 100% 0 pts</p> <p>N. pts</p>		% Crop/Pasture
Percentage of certain types of land, including cropland, pasture and grazing land. (This factor recognizes the importance of preserving the more productive land has on the viability of the farm.)	<p>50 to 60%: 0 pts</p> <p>61 to 70%: 5 pts</p> <p>71 to 80%: 10 pts</p> <p>81 to 90%: 15 pts</p> <p>91 to 100%: 20 pts</p> <p>O. 0 pts</p>		from soils form C See note on page 44
Conservation and best management practices. (This factor addresses the extent to which the applicant has demonstrated good stewardship of the land, use of conservation practices, and best management practices.)	<p>0 to 50%: 0 pts</p> <p>51 to 90%: 20 pts</p> <p>> 90%: 25 pts</p> <p>P. pts</p>		Count % implementation by % of BMP's in plan fully completed.

D3

FACTORS	POINTS	SCORES	COMMENTS
Historic, scenic, and environmental qualities. (Local, state, or federal designation as a historically or culturally-significant tract; or as a scenic area or open space adjacent to flood plains, wildlife habitats, parks, areas such as forests, educational sites, etc. A relatively higher score will be awarded to tracts with sensitive qualities.)	Such qualities: 5 pts No such qualities: 0 pts Q. _____ pts		
Farmland Potential Total	$(M+N+O+P+Q) \times \text{WEIGHED VALUE: } 29\%$ 0.25 X 0 pts	S = 0.00 pts	
LAND EVALUATION SCORE	D. Soils Score	0.00 pts	
SITE ASSESSMENT SCORE	H. Clustering Potential Score L. Development Potential Score S. Farmland Potential Score	2.50 pts 0.00 pts 0.00 pts	Site Assessment Total 2.50
GRAND TOTAL SCORE	Land Evaluation + Site Assessment = T D + H + L + S	T = 2.50 pts	

D4

General Notes

- These distances are as the crow flies. Between the nearest points from applicant to existing easement. Touching is considered adjacent as well as across the road.
- ☞ Neighboring woodlands should be counted as non-ag if not part of a farm or if not a managed tract for timber, wood, or other wood product. Adjacent noncrop land not used for hay, pasture or reserve program is non-ag. ASA land converted to other uses is still counted as ASA by law unless it has been removed, however, this converted land should be counted as non-ag in the non-ag development potential category which looks more at local land use
- ☞ Managed woodland is considered agriculture but is not scored here. Must be at least 50% cropland, pasture or hayland to apply to the program
- ☞ Land designated as ASA and converted to other uses, but not withdrawn from the ASA, should be counted in this category as ASA.

APPENDIX E
APPLICATION TO THE LEBANON COUNTY
AGRICULTURAL CONSERVATION EASEMENT PROGRAM
FOR

Sale (appraised value, not to exceed the current cap) **One Dollar Sale** (easement donation)

Landowner Contact Information:

Names (as they appear on the deed): _____

Attach Articles of Incorporation, Partnership Agreement, or Trust Information, if appropriate.

Mailing Address: _____
Street City State Zip

Telephone with the best time to call: Home: _____ Cell: _____

E-mail Address: _____

Property Information:

Address: _____
Street City State Zip

Directions from the nearest State Route: _____

Tax Parcel ID (12-1234567-123456)	Municipality	County	Deed Reference (Book-Page)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Office Use
ASA Confirmation

Total acreage of the farm: _____ Total acres offered for Preservation: _____

If the proposed acreage is less than the entire farm, please attach a sketch of the withheld area.

List any Mortgages, Liens, Judgments, Deed Restrictions, Rights-of-Ways, etc. For each item listed, identify the holder/owner of that item:

Farm Operation Information:

Contact information for the farm operator (if different from landowner): Contact to view the farm.

Name: _____

Mailing Address: _____
Street City State Zip

Telephone with the best time to call: Home: _____ Cell: _____

Is there a current conservation plan: Yes No If Yes, date of plan: _____
 If yes, is the plan fully implemented: Yes No, list what is still needed: _____

Is there a current nutrient OR manure management plan: Yes No If Yes, date of plan: _____
 If yes, is plan approved by Conservation District: Yes No If No, please provide a copy.

I hereby authorize the conservation plan preparer to release copies of the conservation plan and the Lebanon County Conservation District to release copies of the approved Act 38 nutrient management plan (if applicable) to the County Agricultural Land Preservation Board and the Bureau of Farmland Preservation as required under Act 43 criteria for easement purchase.

Farm Operator's Signature: _____ Date: _____

Crop and Livestock Information

Crop Grown	Acres Grown	Yield per Acre	Type of Livestock	Average Number
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Provide a quick summary of the current agricultural operation: _____

Landowner Signatures: *All persons listed on the current deed must sign this section.*

I/We do hereby verify that I/We have reviewed this application. I/We further verify that the application correctly and accurately depicts the condition of the land and that such statements are true and correct to the best of my/our knowledge, information, and belief. These statements are being given by me/us to induce official action on the part of the Lebanon County Agricultural Land Preservation Board, its agents, officers, servants, and employees.

I/We do acknowledge that a conservation plan and a manure management plan or nutrient management plan per Commonwealth of PA regulations, will be required to be developed for the farm if the application is accepted to have this land preserved by the Lebanon County Agricultural Land Preservation Board. These plans, when followed, will ensure that the farm is operated in a responsible manner to sustain natural resources for current and future generations.

_____	_____	_____
Print Name	Signed	Date
_____	_____	_____
Print Name	Signed	Date
_____	_____	_____
Print Name	Signed	Date
_____	_____	_____
Print Name	Signed	Date

APPENDIX F

DEFINITIONS AND CONSTRUCTION OF ADDITIONAL STRUCTURES AND SUBDIVISION

F (a) AUTHORITY - Authority for the provisions and requirement of this article are granted by the Agricultural Area Security Law (3- P.S. Section 901-915 as amended.)

F (b) DEFINITIONS - Unless otherwise and expressly stated the following definitions apply to words, terms and phrases used in this article.

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

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

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

County Board - The Lebanon County Agricultural Land Preservation Board, its Officers or others authorized to act on behalf of the Board..

District - The Lebanon County Conservation District

Eased - Protected against uses other than agriculture through the acquiring of a Conservation easement.

Economic Viability of Farmland for Agricultural Production - The capability of a particular tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner’s principal residence or housing for seasonal or full-time farm employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P.S. Section 914.1(c)(6)(iv), to meet all of the criteria set forth at Section 138e.16(a), Rules and Regulations of Act 43 (relating to minimum criteria for applications) of this chapter.

Harm the Economic Viability of the Farmland for Agricultural Production - To cause a particular tract of restricted land to fail to meet the criteria set forth at Section 138e Rules and Regulations of Act 43 (relating to minimum criteria for applications) of this chapter, or to create, through subdivision, a tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time employees is permitted pursuant to Section 14.1(c) (6) (iv) of the Act (3 P.S. Section 914.1(c) (6) (iv), that would fail to meet the afore described criteria .

Land Development - Either of the following activities:

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

Land which has been devoted primarily to agricultural use - That acreage which is a part of restricted land and is harvested cropland, grazing or pasture land, land used for the production of timber and wood products, land containing non-residential structures used for agricultural production, or other acreage immediately available for agricultural production, and which 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 (3P.S. Section 914.1 (c) (6) (iv)).

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

Parcel – A tract of land in its entirety which is assessed for tax purposes by one county, including any portion of that tract that may be located in a neighboring county. The county responsible for assessing an entire tract, on its own or in conjunction with either the Commonwealth or a local government unity, 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.S. Sections 10101-11201).

State Board - The Pennsylvania State Agricultural Land Preservation Board

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

F(c) CONSERVATION PLAN -

- (1) The Lebanon County Agricultural Land Preservation Board (LCALPB) shall require the owner of land being considered for agricultural conservation easement purchase to do the following:
 - (ii) Before the LCALPB recommends approval of the easement purchase to the State Board, obtain a conservation plan approved by the county conservation district or the county board for the land that would be subject to the agricultural conservation easement.
 - (iii) As part of the settlement documents described in § 138e.93 (relating to postsettlement recording and reporting procedures), execute a conservation plan agreement form containing the following:
 - (A) The name, address and telephone number of the landowners.
 - (B) The location of the land.
 - (C) The acreage of the land.
 - (D) An acknowledgement that the deed of agricultural conservation easement requires that all agricultural production on the subject land be conducted in accordance with the conservation plan.
 - (E) An acknowledgement that a conservation plan exists with respect to the land, together with the following:
 - (I) The source of the conservation plan (typically, the county conservation district).
 - (II) An identifying number given the conservation plan.
 - (III) The date of the conservation plan.
 - (vii) An acknowledgement that the landowners agree to comply with the conservation practices and implementation schedule in the conservation plan, and an acknowledgement that failure to so comply would be a violation of the terms of the deed of agricultural conservation easement.

- (viii) The signature of the landowners.
- (2) In addition to the requirements established by the county conservation district or the LCALPB, the conservation plan shall meet the definitional requirement of a conservation plan in § 138e.3 (relating to definitions) and also require that:
 - (i) 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.
 - (ii) The excavation of soil, sand, gravel, stone or other materials for use in agricultural production on the restricted land is conducted in a location and manner that preserves the economic viability of the restricted land for agricultural production.
 - (iii) The mining of minerals is conducted only through the use of methods authorized in the act.

F(d) CONSTRUCTION OF BUILDINGS -

1. 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:
 - (ii) The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.
 - (iii) The construction of one additional residential structure is permitted under § 138e.224 (relating to construction of one additional residential structure).
 - (iv) The construction or use of a building or other structure for agricultural production is permitted. The county program may restrict the maximum building coverage.
 - (v) 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.
2. Existing buildings or structures.
 - (ii) 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.

- (iii) A renovation or modification of an existing agricultural building or structure, or an addition to an existing agricultural building or structure, is permitted. The Lebanon county program may restrict the maximum building coverage.

F(e) CONSTRUCTION OF ONE ADDITIONAL RESIDENTIAL STRUCTURE -

- (1) General - In addition to structures existing on the eased land at the date of the granting of the easement, one additional structure may be constructed subject to the following conditions:
 - (i) The residential structure is constructed and used as the landowner's principal residence or for an immediate family member or for the purpose of providing necessary housing for seasonal or full-time farm employees.
 - (ii) No other residential structure has been constructed on the eased land, under authority of Section 14.1 (c) (6) (iv) of the Act (3 P.S. Section 914.1(c)(6)(iv) and this section, after the date of the granting of the easement.
 - (iii) The additional residential structure and its curtilage occupy no more than two acres of eased land.
 - (iv) The right to the additional residential structure has not been relinquished and extinguished by current or previous owner in accordance with subsection (c)(6)(iv) of the Act.
- (2) Replacement of Structures - The replacement of an additional residential structure constructed under authority of Section 14.1 (c) (6) (iv) of the Act and this Section is permitted.
- (3) Reservation of Right to Construct After Subdivision - If the eased land is subdivided prior to the construction of a residential structure under authority of Section 14.1 (c) (6) (iv) of the Act and this section, the landowner shall do the following:
 - (i) Inform the County Board of the specific subdivided tract upon which the right to construct and use such a residential structure is reserved.
 - (ii) Ensure that the deed to the subdivided tract upon which the right to construct and use such a residential structure is reserved clearly sets forth the reservation of this right.
 - (iii) Ensure that all deeds to remaining subdivided tracts recite that no such residential structure may be constructed on such remaining subdivided tracts

F(f) SUBDIVISION OF RESTRICTED LAND -

- (1) General - The following shall apply to subdivision of lands eased through the Lebanon County Agricultural Land Preservation Program whether the easement be held solely by the State, County, local government unit, or held jointly.
 - (i) Discretion to allow subdivision. The Lebanon County Program must allow subdivision of restricted land if subdivision is for a residence for the landowner, an immediate family member, or an employee, unless the right to the residence has been relinquished and extinguished in accordance with Section (c) (6) (iv) of the Act. The right includes both construction of the additional residential structure or subdivision of the existing residential structure and is limited to two acres or less.

PROCEDURE:

- (A) An application for subdivision shall be submitted on a form prescribed by the LCALPB. The forms may be obtained from the administrator for the LCALPB.
- (B) Upon receipt of the completed application, the administrator for the LCALPB shall note the date upon which the application is received and forward written notification to the appropriate local planning office and county farmland preservation office. The LCALPB shall note the date upon which each reviewing agency receives said notice. The agencies (reviewing agencies) shall have 60 days from receipt (receipt presumed to be within 3 days of mailing) to review, comment and make recommendations on the proposed application to the LCALPB. The LCALPB will only consider comments and recommendations received beyond said deadline if the landowner agrees in writing.
- (C) Upon receipt of the application the LCALPB shall review it to determine whether the subdivision complies with these regulations, the Act and state regulations. Within 120 days of receipt of the application, the LCALPB shall decide whether to approve or deny the application. This deadline may be extended with written approval of the landowner and the reviewing agencies. Failure of the LCALPB to approve or reject an application for subdivision before said 120 day period will result in the deemed approval of the application.

- (D) If the application to subdivide is rejected, the application shall be returned to the landowner with a written statement of the reasons for rejection. Within 30 days after the receipt (receipt presumed to be within 3 days of mailing) of the statement of rejection, the landowner may appeal the rejection, in accordance with 2 PA. C. S. CH. 5 Subch. B (Relating to practice and procedure of local agencies) and CH. 7 Subch. B (relating to judicial review of local government agency).
- (E) At all times, the burden of proof is upon the landowner.

CRITERIA FOR SUBDIVISION:

A landowner may subdivide a tract of land subject to an agricultural Conservation easement (The Easement) per the Act if the LCALPB finds that such subdivision does not harm the economic viability of the farmland for agricultural production; convert land devoted primarily to agricultural use to another primary use or violate any one or more of the following criteria:

- (A) Subdivision is not inconsistent with any provision of the Act, State Regulations, the municipalities planning code or local land use law or regulations;
- (B) The size of the parcels of land after subdivision is not inconsistent with the agricultural use of the property as it existed prior to subdivision. However, no subdivision will be allowed if it results in a tract of land which is less than 50 acres in size unless the tract is at least 10 acres in size and is either utilized for a crop unique (determined on a case by case basis) 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 or an IRS 501(C)(3) non-profit land trust or by a qualified public entity;
- (C) The soil types of the parcels of land after subdivision are not inconsistent with the agricultural land use of the property as it existed prior to subdivision;
- (D) The location of any structures to be built (which are permitted by the Act) are not inconsistent with the agricultural use of the property as it existed prior to subdivision;
- (E) The subdivision is not inconsistent with any soil conservation plan in existence prior to the subdivision;

- (F) The subdivision is not inconsistent with the easy administration and enforcement of the laws and regulations pertaining to the easement;
 - (G) Subdivision is not inconsistent with or detrimental to any conservation easement of adjoining property;
 - (H) The shape and location of the subdivided parcel tracts are not inconsistent with the agricultural use of the property as it existed prior to subdivision;
 - (I) The land to be subdivided is not (as of the time of the vote on the application) in violation of the easement of any soil conservation plan; any laws or regulation federal, state or local.
- (ii) Requisite: Preservation of economic viability for agricultural production. Subsection (i) notwithstanding, a county program shall not permit a subdivision which would harm the economic viability of the farmland for agricultural production.
 - (iii) Requisite: Prevention of conversion to non-agricultural use: exception. Subsection (i) notwithstanding, a county program shall not permit a subdivision which would convert land which has been devoted primarily to agricultural use to another primary use except that, without regard to this requirement, the Lebanon County Program permits one tract to be created by subdivision for the purpose of the construction of a principal residence for the landowner or an immediate family member or an employee of the farm.
 - (iv) The prohibitions, restrictions and conditions of subdivision of eased land as set forth in Subsection (iii) of this section shall be recited verbatim in the deed for all subdivided and remaining parcels.
 - (v) All costs associated with subdivision shall be the responsibility of the landowner.
 - (vi) Nothing in this section shall relieve the landowner of any municipal, county or state regulations, procedures or requirements necessary for the subdivision of land.
 - (vii) Notice to landowner. A county board shall do at least one of the following:
 - (A) File its county program, or that portion setting forth any prohibition or restrictions with respect to subdivision of restricted land, at the Office of Recorder of Deeds for that County, and reference the place of filing

of these prohibitions or restrictions in the deed of agricultural conservation easement.

- (B) Recite the prohibitions or restrictions with respect to subdivision verbatim in the deed of agricultural conservation easement.

F(e) CHANGE IN OWNERSHIP -

- (1) A deed conveying an interest in the restricted land shall set forth the language of the easement restrictions verbatim.
- (2) Within 30 days of a change in ownership of the restricted land, the prior owner shall notify the County Board and the Department of Agriculture of the name and address of the person to whom the subject land was conveyed or transferred, and the price per acre or portion thereof received by the landowner from said person, together with the volume and page in which the transfer has been recorded by the Lebanon County Recorder of Deeds.
- (3) Whenever interest in land subject to an agricultural conservation easement is conveyed or transferred to another person, the deed conveying or transferring such interest shall recite in verbatim the language of the easement restrictions as set forth in the deed executed in connection with the purchase of the agricultural conservation easement.

APPENDIX G

PERMITTED CUSTOMARY PART-TIME Or OFF-SEASON or RURAL ENTERPRISES

Pursuant to State Regulations, Section 138e, the County Board intends that agricultural conservation easements shall not prevent “customary part-time or off-season minor or rural enterprises and activities. For purpose of definition, these are limited to the following:

- G(a) 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.
- G (b) Any and all structures contributing to the production, primary processing, direct marketing and storage of agricultural products are produced by the farm operator.
- G(c) 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.
- G(d) Structures and facilities associated with irrigation, farm pond improvements, *and soil and water conservation practices including but not limited to Wetland Development or Restoration, Wildlife Wetland Habitat Management, Wildlife Upland Habitat Management and Riparian Forest Buffer Resource Management Systems used for erosion and sediment control and water quality improvement.**
- G(e) The provision of services, such as taxidermy 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 principally agricultural structures of the property; limited in site coverage to one-half of one percent of the area of the property. No more than ten percent (10%) of the total conservation easement area shall be covered by permanent buildings for any purpose. Temporary agricultural buildings that do not have any permanent foundations will not be considered as permanent buildings. The spaces between buildings such as yard areas, driveways, and parking areas, shall not be included in the calculation of building coverage. Buildings that are present on the restricted land on the date of the granting of the conservation easement shall be included in the calculation of building coverage.
- G(f) The accommodation of tourists and visitors within principally family residential and/or agricultural structures otherwise permitted under the law so long as the accommodation of tourists and visitors is undertaken as part-time or off-season minor or rural enterprise and is incidental to the agricultural and open space character of the property.
- G(g) Agriculture-related services or activities associated with customary part time or off season minor rural enterprises or activities incidental to agricultural production. These services and activities are permissible as long as they remain incidental to the agricultural and open space character of the farm. No excavating, paving,

gravelling, construction of permanent structures, or other activities that would diminish the productive capacity of the soils are permitted in connection with such activities. The County Board reserves the right to review and approve these activities on a case-by-case basis. This provision is retroactive to March 28, 1991 when the County Program was approved by the State Board.

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

ADDENDUM #1

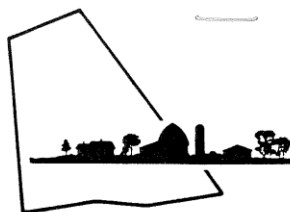
“The permitted use section to the Deed of Easement for the _____ farm in _____ Township, Lebanon County, is amended to include specific customary part-time or off-season minor rural enterprises and activities on the eased land. At the request of Charles Wertz, the County Agricultural Land Preservation Board approved on June 16, 2005, the rural enterprise activities including: hayrides, corn mazes, farm tours, pick-your-own crops, pumpkin celebrations, school farm and crop tours, wagon tours, and activities connected with part-time or off-season customary minor rural enterprise activities that are incidental to the agricultural and open space character of the farm. The use of temporary, movable, foot bridges are permitted.

The approval by the County Agricultural Land Preservation Board is consistent with the revised Rural Enterprises Section, Appendix G under the County Program part entitled Permitted Customary Part-time or Off-Season Minor Rural Enterprises. The revised Rural Enterprises Section to the County Program was concurred on by the State Board letter dated June 17, 2005.

The additional permitted uses authorized by the County Agricultural Land Preservation Board will remain in effect with the Deed of Easement in perpetuity.

APPENDIX H

COMMERCIAL EQUINE ACTIVITIES AMENDMENT



LEBANON COUNTY
AGRICULTURAL LAND PRESERVATION BOARD

Administered By The Lebanon County Conservation District

2120 Cornwall Road * Suite 5 * Lebanon, PA 17042-9788

THIS DOCUMENT IS RECORDED AS AN ADDITION TO: THE STATE CERTIFIED
LEBANON COUNTY AGRICULTURAL LAND PRESRVATION PROGRAM ADMINISTRATIVE
MANUAL (AVAILABLE AT THE CURRENT OFFICE OF THE LEBANON COUNTY CONSERVATION
DISTRICT), AND; ALL PAST, PRESENT AND FUTURE AGRICULTURAL CONSERVATION
EASEMENT DEEDS RECORDED BY THE LEBANON COUNTY AGRICULTURAL LAND
PRESERVATION BOARD. THIS ACTION OF THE LEBANON COUNTY AGRICULTURAL LAND
PRESERVATION BOARD WAS TAKEN AT THEIR JANUARY 19, 2006 MEETING.

Charles W. Wertz
CHARLES W. WERTZ, MANAGER
LEBANON COUNTY CONSERVATION DISTRICT

COMMONWEALTH OF PENNSYLVANIA]] SS:
COUNTY OF LEBANON

ON THIS 08 DAY OF May, 2006, BEFORE ME, THE UNDERSIGNED NOTARY
PUBLIC, PERSONALLY APPEARED, CHARLES W. WERTZ TO ME KNOWN, OR
SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE
WITHIN INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE
PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HERUNTO SET MY HAND AND OFFICIAL SEALS.

Sharon L. Long
NOTARY PUBLIC



COMMERCIAL EQUINE ACTIVITIES AMENDMENT

LEBANON COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM AMENDMENT

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

CONTINUED

REC Book 2080 Page 5048

Phone: (717) 272-3908

FAX: (717) 272-5314

DEFINITIONS

Commercial Equine Activity

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

Agricultural Security Areas

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

COUNTY PROGRAM

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

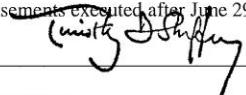
RESTRICTIONS AND LIMITATIONS

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

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

AMENDMENT OR ADDITION OF SECTION

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



Chairman, Lebanon County Agricultural Land Preservation Board

January 19, 2006

Approved this date at a meeting of the Lebanon County
Agricultural Land Preservation Board



COUNTY OF LEBANON
RECORDER OF DEEDS
Donna J. Lutz, Recorder
400 South 8th Street Room 107
Lebanon, Pennsylvania 17042-6794

Instrument Number - 200608170
Recorded On 5/8/2006 At 2:00:11 PM
* Instrument Type - MISCELLANEOUS - UNCOMMON
Invoice Number - 101216
* Grantor - LEBANON COUNTY AGRICULTURAL LAND PRESVATION BOARD
* Grantee - LEBANON COUNTY AGRICULTURAL LAND PRESVATION BOARD

Book - 2080 Starting Page - 5048
* Total Pages - 3

* FEES

STATE WRIT TAX	\$0.50
RECORDING FEES - RECORDER OF DEEDS	\$15.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
TOTAL	\$20.50

This is a certification page

DO NOT DETACH

This page is now part
of this legal document.

I hereby CERTIFY that this document is
recorded in the Recorder of Deeds Office
of Lebanon County, Pennsylvania.

Donna J. Lutz
Donna J. Lutz
Recorder of Deeds



* - Information denoted by an asterisk may change during
the verification process and may not be reflected on this page.

Book: 2080 Page: 5050

APPENDIX I

MANURE MANAGEMENT PLAN/NUTRIENT MANAGEMENT PLAN POLICY

**Revised Policy on Nutrient & Manure Management Plans
as they Relate to Programs Administered by the LCCD:
(LCCD Board Approval 3/1/12)
(FP Board Approval 3/15/12)**

Township Permits – Agricultural Waste Storage Facility (liquid or semi-solid)

Farmland Preservation Program

The Lebanon County Conservation District (LCCD) shall require a nutrient management plan (NMP) or a manure management plan (MMP) as a component of the Township permitting process, according to Township MOUs, and the Farmland Preservation process. The State Conservation Commission (SCC) has sponsored a standardized version of the NMP that must be followed by certified plan writers. The Department of Environmental Protection (DEP) has sponsored a standardized version of the MMP. The MMP may be completed by an agricultural operator, crop consultant, nutrient management specialist, or anyone else who is capable of completing the workbook. A copy of the NMP or MMP must be submitted to LCCD and will be reviewed for accuracy by LCCD staff.

It is the interpretation of the LCCD, that the nutrient management component requirements of the Agriculture Security Area Law of 1981 (ACT 43 and all its subsequent amendments) are adequately met with the components of a NMP or a MMP.

If a NMP is written, the LCCD does not require that the plan is approved by the LCCD Board of Directors. A NMP may pertain to one or three crop years. The plan must pertain to the next crop year and must be submitted to the LCCD by December 31st (i.e. – a plan for the 2013 crop year must be submitted to the LCCD for review by December 31, 2012). A list of certified nutrient management specialists will be provided upon request.

Manure Management Plan Guidance manuals, which contain the MMP workbook, are available at the LCCD office or may be accessed online.

(<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-86014/361-0300-002%20combined.pdf>)

*Note – All agricultural operations that produce manure or import manure are required to have a MMP, at a minimum, regardless of participation in LCCD programs. If the operation is considered a concentrated animal operation (CAO) or a concentrated animal feeding operation (CAFO), a NMP is required.