

Susquehanna County Agricultural Land Preservation Easement Purchase Program



**County Board Appointed August 28, 1989 by County Commissioners Program
Written December 1990**

Program Revised October 1992

Revised and State Approved February 20, 1997

Revised and State Approved December 2004

Recertified and State Approved December 2011

Program Revised October 2013 (To accept donated easements)

Recertified and State Approved December 2018

31 LAKE AVE./PO Box 218
MONTROSE, PA 18801



PHONE: (570) 278-4600
FAX: (570) 278-9268

**SUSQUEHANNA COUNTY
COMMISSIONERS**

RESOLUTION 2025-01
A RESOLUTION TO CONTINUE THE AGRICULTURAL PRESERVATION
PROGRAM

WHEREAS, The Susquehanna County Commissioners recognize the importance of preserving the rural, agricultural communities in the County, and;

WHEREAS, The County has participated in the Agricultural Preservation Easement Program since 1989, leveraging Federal, State, and Local funds to designate agricultural security areas, guarantee preservation of land, and continue the high quality of rural life in Susquehanna County, and;

WHEREAS, the current Board of Commissioners of Susquehanna County wish to reaffirm their commitment to this important program by appointing a current Susquehanna County Agricultural Preservation Board and appointing a Director of Farmland Preservation to oversee the program and develop recommendations for the future of the preservation of Susquehanna County, and;

NOW, THEREFORE, BE IT RESOLVED, that the Susquehanna County Commissioners shall participate in the Agricultural Preservation Program and will work with the Agricultural Preservation Board to ensure a future of agricultural security throughout the County.

Adopted this 22nd Day of January, 2025, at a duly held public meeting of the Susquehanna County Board of Commissioners.

BOARD OF COMMISSIONERS



Alan M. Hall

David Darrow

ATTEST:

Rebekah Hubbard, Chief Clerk
Robert McNamara

Alan M. Hall, Chairman David Darrow, Vice Chairman Robert McNamara, Commissioner
Rebekah Hubbard, Chief Clerk Gabriel Fera, P.C., Solicitor

I. INTRODUCTION

Susquehanna County covers an area of approximately 528,614 acres, or 826 square miles. Of this land area, according to 2002-2003 PA Ag Statistics 181,000 acres are in farms. This represents about 34% of the county's land area. The PA Ag Statistics also states 910 farms make up this land area.

Agriculture plays an important role in the county's economy. In 2002 Susquehanna County farmers sold \$43,114,000 worth of crops, livestock and livestock products.

The value of Susquehanna County's farmland goes well beyond economic values. Farmland plays a vital environmental role by providing habitat for wildlife, aquifer recharge areas, and needed open space in an increasingly urbanizing region. Farmland gives Susquehanna County its scenic character and links the present to the county's agricultural past. As farmland is lost, the county loses a major asset contributing to the area's quality of life.

In 1989, the Susquehanna County Commissioners adopted a resolution creating a Susquehanna County Farmland Preservation Task Force. This task force reviewed Susquehanna County farmland studies, assessed county wide interest in farmland preservation, and made recommendations for future farmland preservation actions in the county.

In November of 1987, the Pennsylvania legislature enacted Act 149 in 1988, enabling Pennsylvania counties to tap a \$100 million preservation fund for the purchase of agricultural conservation easements. In 1993, cigarette tax money was earmarked for easement purchases. The 1996 Farm Bill included federal matching funds for state and local farmland protection programs.

In 1989, the Susquehanna County Commissioners established a Susquehanna County Agricultural Preservation Board. This seven-member board's primary purpose is to preserve farmland in Susquehanna County by developing and administering a program to purchase agricultural conservation easements from landowners in the county.

II. PURPOSE

The Susquehanna County Agricultural Land Preservation Board By-laws lists the following ten purposes of the board:

1. 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.
2. To encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
3. To provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
4. To protect normal farming operations in agricultural security areas from incompatible non-

farmland uses that may render farming impracticable.

5. To protect farming operations from complaints of public nuisance against normal farming operations.

6. To assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth.

7. To maximize agricultural easement purchase funds that protect the investment of taxpayers in agricultural conservation easements.

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

9. To execute all agreements or other documents necessary to affect the purchase of such agricultural conservation easements in the name of Susquehanna County and/or the Commonwealth of Pennsylvania.

10. To do all other lawful acts permitted by these bylaws as they may be amended from time to time.

III. PURCHASE PROCEDURE

Landowners interested in selling an agricultural conservation easement to Susquehanna County will use the following procedure.

Submit Application on or before January 15 of the year for consideration.

The application is a two-page form (see Appendix E) that will be used to screen all potential applicants. A one-time, non-refundable application fee of \$100.00 must accompany each first-year application. The \$100.00 applications fees will be used to publicize the County Program. The County Board's staff is available to assist landowners with filling out the application if help is needed.

After submission of the application, the County Board will meet with the applicant and visit the farm to answer questions and determine if state and county minimum criteria for participation in the program are met.

If minimum criteria, as set forth in Appendix A, "Minimum Criteria for Applications", are not met, the applicant will be mailed a letter of rejection with an explanation of why the application was rejected.

If all minimum requirements are met, the application will be scored with the Land Evaluation and Site Assessment System (LESA).

This scoring system is in compliance with § 14.1 (d)(1)(i-iv) regarding soil quality, likelihood of conversion, proximity to other eased lands, land stewardship, and fair and equitable procedures. See section XII and XIII for a complete description of the LESA system and how applications will be scored.

Following the LESA analysis on each application, the County Board will determine an appraisal

order for applicants. 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 limit the number of applications it chooses to appraise. The county will obtain a preliminary title search report prior to appraisal.

In the event that a landowner would like to donate their agricultural conservation easement to Susquehanna County, the following procedure will be used.

14.7. Acquisitions by donation.

(a) General rule.--Notwithstanding any other provision of this act to the contrary, upon recommendation by an eligible county, the donation of an agricultural conservation easement may be acquired by the county, State board, an eligible nonprofit entity or a local government unit if all of the following apply:

- (1) The land is used for agricultural production.
 - (2) The term of the agricultural conservation easement is perpetual.
 - (3) The applicable county program provides for the acquisition by donation of an agricultural conservation easement.
 - (4) The agricultural conservation easement is being acquired by donation by an eligible county or by the eligible county in conjunction with the Commonwealth, an eligible nonprofit entity or a local government unit, or any combination of these.
 - (5) Instruments and documents for the acquisition by donation of an agricultural conservation easement are approved by the State board or the county board, as the case may be, prior to execution and delivery. Proper releases from mortgage holders and lienholders must be obtained and executed to insure that all agricultural conservation easements are acquired by donation free and clear of all encumbrances.
 - (6) The agricultural conservation easement has title insurance.
 - (7) The deed of agricultural conservation easement is as prescribed by the State board for agricultural conservation easements purchased by the Commonwealth.
 - (8) The applicable county board records an agricultural conservation easement acquired by donation by the county in the office of the recorder of deeds of the county wherein the agricultural conservation easement is located and submits to the State board a certified copy of the agricultural conservation easement within 30 days after recording.
 - (9) If the land does not meet the minimum criteria established by the State board for purchase of an agricultural conservation easement, the land shall be contiguous to property which is subject to an agricultural conservation easement.
- (b) Expenses.--The allocation of a county may be adjusted by a maximum of \$5,000 per easement for all costs, except administrative costs, incurred by the Commonwealth or a county incident to the acquisition by donation of an agricultural conservation easement.

IV. APPRAISAL PROCEDURE (138e.64)

At the appraisal request phase, applicants selected for easement purchase shall be notified by mail. An applicant who wishes to proceed shall submit an appraisal deposit fee of \$1,200.00 to the Susquehanna County Agricultural Preservation Board within 15 days of receipt of the notification letter. This deposit is refundable under the following conditions:

- 1) If the applicant does not withdraw its application at any time between the appraisal and closing;
- 2) If the applicant does not sever the contract of sale and proceeds to closing;
- 3) If the County Board decides not to make an offer to purchase an easement from the applicant.
- 4) If the applicant accepts an offer that is less than 100% of the easement value.

This \$1,200.00 deposit will be refunded at closing where easements are purchased by the County and/or Commonwealth. This policy is to begin with the 2005 applicants.

A. An offer to purchase an easement shall be based upon one or more appraisal reports which estimate the market value and the farmland value of the farmland tract.

B. An appraisal shall be based primarily on an analysis of comparable sales.

C. The value of a building or other improvement on the farmland tract may not be considered in determining the easement value. The value of the building or other improvements shall appear separately in the appraisal report.

D. The appraiser shall be 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, who is qualified to appraise a property for easement purchase. An appraiser shall be selected based on experience, expertise and professional designation.

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

- (1) Introduction.
 - Letter of transmittal and appraiser's certificate.
 - Table of contents.
 - Summary of salient facts and conclusions.
 - Purpose of the appraisal.
 - Easement value definition.
- (2) Description of property.
 - Area or neighborhood description.
 - Description of appraised property.
 - (A) Legal description.
 - (B) Property data and zoning.
 - (C) Description of improvements.
 - (D) Photos of subject property.
 - (E) Tax map of subject property.
 - (F) Sketch of subject property.
 - (G) Location map.
 - (H) Soils map.
- (3) Analyses and conclusions.
 - Analysis of highest and best use.
 - Valuation methodology: Market value.
 - (A) Comparable sales data.
 - (B) Adjustment grid.
 - (C) Locational map of comparable sales.
 - Market value estimate.
 - Valuation methodology: Farmland value.
 - (A) Comparable sales data.
 - (B) Locational map of comparable sales.
 - (C) An adjustment grid.
 - Farmland value.

- Value of Improvements.
- Easement value.
- Professional qualifications of the appraiser.

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

(1) At least four comparable sales shall be used for an appraisal. If the appraiser cannot obtain sufficient comparable sales data within the same 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, zoning, road frontage in feet, soil series, an estimate of the range of slope and other relevant information. The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract.

(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 real estate markets 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 two copies of each report to the county board. The original of each report and all copies shall be bound with rigid covers.

V. EASEMENT VALUE AND PURCHASE PRICE (138e.65)

A. Easements will be purchased in perpetuity. The value of an easement in perpetuity for purposes of making an offer to purchase an easement under Section 138e.65(b) shall be the difference between the market value and the farmland value contained in the county appraisal report.

B. The purchase price offered for the purchase of an easement under section 138e.65(b) may not exceed but may be less than the value of the easement. Susquehanna County will not consider any conservation easement for purchase which will use more than \$10,000 per acre of state funds. Any amount over ten thousand dollars per acre will be considered county funds.

C. The maximum purchase price using state and county funds paid toward an easement will not

exceed \$1,500.00 per acre.

VI. OFFER OF PURCHASE BY COUNTY BOARD (138e.66)

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) Cost relative to total allocations and appropriations.
- (3) Conformance with fair, equitable, objective, and nondiscriminatory procedures for determining purchase priorities.

B. If the county board determines to offer to purchase an easement on the farmland tract, the county board, or a representative of the county board, shall meet with the applicant to review the county appraisal report. An offer to purchase an easement shall be submitted to the applicant in writing and be accompanied by the county appraisal report.

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

(1) Accept the offer in which case the county board and the applicant shall enter into an agreement of sale. The agreement shall be conditioned upon the approval of the State Board and be subject to the ability of the applicant to provide good title to the premises, free of encumbrances such as liens, mortgages, options, rights of others in surface mineable coal, land use restrictions, adverse ownership interest, and other encumbrances which would adversely impact the county and Commonwealth's interest in the farmland tract.

(2) Reject the offer and advise the county board that the application is withdrawn.

(3) Advise the county board that the applicant is retaining, at applicant's expense, an independent state-certified general real estate appraiser to determine the easement value. The 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 or rejected by the applicant.

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

- (a) The agricultural value shall equal the sum of:
 1. The farmland value determined by the applicant's appraiser.
 2. One-half of the difference between the farmland value determined by the county board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the county board's appraiser exceeds the farmland value determined by the applicant's appraiser.
- (b) The nonagricultural value shall equal the sum of:
 1. The market value determined by the county board's appraiser.
 2. One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the county board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the county board's appraiser.

D. Within 30 days of receipt of the applicant's appraisal, the county board shall:

- (1) Submit a written offer to purchase in an amount in excess of the amount offered under subsection (B) to the applicant; or
- (2) Notify the applicant, in writing, that the offer made under subsection (B) remains open and will not be modified.

E. The applicant shall, within 15 days of receipt of the county board's written offer, notify the county board in writing that the applicant either:

- (1) Accepts or rejects the offer made under subsection (B) or
- (2) Accepts or rejects the offer made under subsection (D.1)

The failure of the applicant to act as set forth above shall constitute a rejection of the county board's offer.

F. If the offer of purchase is accepted, the county board and the applicant shall enter into an agreement of sale containing the same requirements and subject to the same conditions as set forth in Section VI.C above.

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

H. The sale agreement shall be in a form provided by the State Board.

VII. AGRICULTURAL EASEMENT DEED

A. After an agreement of sale has been signed by both parties, the applicant must execute a deed at closing conveying the easement. This deed shall adhere to the Commonwealth's agricultural easement deed requirements outlined in Appendix B.(138e.241).

B. All properties within Susquehanna County upon which conservation easements are placed shall recite in verbatim the language of the easement as set forth in the deed whenever interest in said properties is conveyed or transferred to another person. (14.10)(1-3))

C. All persons conveying or transferring land subject to an agricultural conservation easement shall notify the county board and the department of the price per acre or portion thereof received by the landowner, (14.10)(2)). (See also Sec. X.E - Change in Ownership - page 11.

VIII. SUBMISSION TO STATE BOARD

138e.69. Application for review.

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

Twenty-five copies of each of the following documents:
(After approval by State Office - send one copy initially)

- (1) Summary report narrative (See Appendix C)

- (2) Tax map showing property location and boundaries, exclusions withheld, utility rights-of-way, and access road rights-of-way.
- (3) USGS topographic map
- (4) List of soils with names, symbols and LCC
- (5) Soils Map (uncolored)
- (6) Ranking list of applicants
- (7) Exhibit **B** - Statement of costs (modified)
- (8) Soil Report Form C, both pages

One copy of each of the following documents:

- (1) Landowner's application form with crop & livestock reports or production reports.
- (2) Form C (soils report)
- (3) Proposed deed (Exh. C)
- (4) Exh. D - Contractor Integrity Clause
- (5) Exh. E - Nondiscrimination Clause
- (6) Exh. F - Taxpayer ID Number
- (7) Sales agreement with exhibit A (legal description) and Exhibit **B**
- (8) Certification of county funding (if applicable)
- (9) Subordination agreement(s) (if applicable) or letter of satisfaction.
- (10) Title Report of Title Insurance Binder or commitment
- (11) Survey with A-2 certification or computer closure ell'or check
- (12) Landowner notification including names of landowners and addresses
- (13) Color-coded soils map
- (14) Appraisal report(s)
- (15) LESA Worksheet

IX. PUBLIC INFORMATION PROGRAM

A public information campaign will be conducted with the help of the Penn State Cooperative Extension of Susquehanna County to promote the Agricultural Conservation Easement Program. This information campaign will make use of the following techniques:

- I. Press releases will be prepared periodically to keep the public informed of application deadlines and progress of the program. These press releases will be mailed to newspapers, radio stations, and farm publications.
2. Public meeting will be held in the county to explain the program to the public and show landowners how they can participate.

X. CONSTRUCTION OF ADDITIONAL STRUCTURES, SUBDIVISION REQUIREMENTS AND TRANSFER OF OWNERSHIP

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

B. Definitions

Economic viability of farmland for agricultural production- The capability of a particular tract of restricted land, other than a tract of two acres or less upon which construction and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P.S. §

914.1(c)(6)(iv)), to meet all of the criteria set forth at Section 138e.16(a)(2), (3), (4) and use of the landowner's principal residence or housing for seasonal or full-time farm employees is permitted pursuant to Section 14.1(c)(6)(iv) of the Act (3 P.S. § 914.1(c)(6)(iv)), to meet all of the criteria set forth at Section 138e.16(a)(2), (3), (4) and (5) (relating to minimum criteria for applications) of this chapter.

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

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

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

Utility - Any surface, subsurface or aerial transmission medium for electricity, oil, gas, water, sewage, telephone.

C. 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 residential structure may be constructed subject to the following conditions:

- (a) The residential structure is constructed and used as the landowner's principal residence or for the purpose of providing necessary housing for seasonal or full-time farm employees.

(b) No other residential structure has been constructed on the 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.

(c) The additional residential structure and its curtilage occupy no more than two acres of the eased land.

(2) Replacement of Structures - The replacement of an additional residential structure constructed under the authority of Section 14.1 (c) (6) (iv) of the Act and this Section is permitted.

(a) Reservation of the right to construct after subdivision. If the restricted land is subdivided prior to the construction of a residential structure under authority of section 14.1(c)(6)(iv) of the act and this section, the landowner shall do the following:

(1) Inform the county board of the specific subdivided tract with respect to which the right to construct and use such a residential structure is reserved.

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

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

D. Subdivision of Eased Land

The Susquehanna County program prohibits subdivision of restricted land. The construction and use of a principal residence or housing for seasonal or full-time farm employees in accordance with Section 14.1(c)(6)(iv) of the Act (3 P.S. § 914.1(c)(6)(iv)), under the applicable subdivision and land development ordinance can be accomplished in Susquehanna County by a land development other than subdivision.

E. Change in Ownership

(1) A deed conveying an interest in the restricted land shall set forth the language of the easement restrictions in 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 Susquehanna 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.

XI. INSPECTION AND ENFORCEMENT PROCEDURES

The Susquehanna County Agricultural Land Preservation Board will do a yearly inspection of the properties on which they hold a conservation easement according to subsection A. below.

If violations of the easement are found, the County Board will request that the landowner remove the violation. If the landowner does not comply, the board will seek a court order requiring the landowner to remove any violations of the easement agreement.

The County Board will adhere to the regulations of the Commonwealth in inspecting and enforcing all agricultural conservation easements. Yearly inspection tours for each property will be conducted by three board members.

A. (138e.202) Inspections.

(1) The county board shall inspect all restricted land within the county at least annually to determine compliance with the applicable deed of easement.

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

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

(4) Within 10 days of conducting an inspection under subsection (A), the county board shall prepare a written inspection report setting forth the following information:

- The identification of the land inspected.
- The name of the owner of the land inspected.
- 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.
- A description of the conservation practices being observed on the restricted land.
- A statement of whether the provisions of the deed of easement are being observed.
- A copy of the inspection report shall be mailed by certified mail to the owner.

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

A statement indicating whether a structure permitted under section 14.1(c)(6)(iv) of the act (3 P. S. 914.1(c)(6)(iv)) has been constructed on the restricted land and, if such a structure has been constructed, the month and year construction was completed and a description of the structure and its location on the land.

B. (138e.203) Annual report.

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

C. (138e.204) Enforcement.

(1) The county board shall enforce the terms of each easement purchased within the county under the act, whether it be a county, State, local governmental unit, or joint purchase.

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

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

D. (138e.205) 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.

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

- A copy of the inspection report.
- A copy of the deed of easement.
- A description of the action or condition which constitutes the alleged violation.
- A statement of the measures necessary to correct the alleged violation.

E. (138e.206) Enforcement actions.

1. Sixty days after the mailing of a notice of violation under section 138e.205 (relating to notification to owner), the county board shall commence and prosecute an action in the Court of Common Pleas of the county in which the restricted land is located seeking an order requiring correction of the violation, enjoining further violation of the terms of the easement, and other appropriate relief, unless the county board does one of the following:

(a) Determines with the State Board that the violation has been corrected.

(b) Completes the following requirements:

i. Determines that the owner of the restricted land has commenced the necessary corrective measures, or determines that the necessary corrective measures cannot reasonably be completed within the 60 day period described in subsection (1).

ii. 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 1. if the violation is not corrected within the time established under subsection 1.(b)ii.

3. The owner of the restricted land shall bear all costs associated with the connection of a violation of the easement, including:

- (a) Costs of work required, and materials used to correct the violation.
- (b) Administrative costs incurred by the county board and the state board.
- (c) Court costs and reasonable attorneys' fees incurred by the county board and the state board in enforcing the easement.

4. 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.

XII. LAND EVALUATION (See Appendix H)

Each soil mapping unit found in Susquehanna County has been assigned a score based on its land capability classification, important farmland classification and productivity for corn. Based on these factors, each soil has been assigned a relative value with 100 being assigned to the best soils for agricultural production in the county. All the other soils in the county have been assigned relative values less than 100. See Appendix D for a listing of the **relative values** for all the soils in the county. Using a worksheet, the **relative value** for each soil type will be multiplied by the acreage of that individual mapping unit. The sum of all these relative values for the soils will be divided by the total acreage of the farm to obtain the overall **average** relative value for the farm. Susquehanna county will use a weighted factor rating of 50% for the Land Evaluation portion of the LESA system.

XIII. SITE ASSESSMENT (See Appendix H)

A. DEVELOPMENT POTENTIAL (Weighted Value 10%)

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

1. Distance from Public Sanitary Sewerage System and Public Water Systems.

- (20) Water or sewage lines at site
- (16) Water or sewage lines within 1/4 mile
- (12) Water or sewage lines within 1/2 mile
- (8) Water or sewage lines within one mile
- (4) Water or sewage lines within two miles
- (0) No water or sewage lines within two miles

Explanation: A farmland tract is more likely to be surrounded by incompatible land uses or be converted to non-agricultural use if it is in an area which has access to public sewer and water service.

2. Road Frontage

- (40) 2,500 ft. or more of public road frontage
- (32) 2,000 - 2,500 ft. of public road frontage
- (24) 1,500 - 2,000 ft. of public road frontage
- (16) 1,000 - 1,500 ft. of public road frontage
- (8) 500 - 1,000 ft. of public road frontage
- (0) Under 500' of public road frontage

Explanation: Frontage on public roads increases the suitability of a tract for subdivision or development, and is a measure of the capability of a tract to be developed or improved for non-agricultural use.

3. Extent of non-agricultural use in the area

- (40) Tract is completely surrounded by urban land uses
- (32) 1% - 24% of land adjacent the tract is in non-urban land use
- (24) 25% - 49% of the land adjacent the tract is in non urban land use.
- (16) 50% - 74% of the land adjacent the tract is in non-urban land use
- (8) 75% - 99% of the land adjacent the tract is in non-urban land use.
- (0) 100% of the land adjacent the tract is in non-urban land use.

Explanation: This factor is consistent with the strategy that encourages development closer to existing urban areas.

B. FARMLAND POTENTIAL (Weighted Value 30%) Factors that measure the potential agricultural productivity and farmland stewardship practiced on the tract.

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

- (10) 90 -100%
- (8) 80 - 89%
- (6) 70 - 79%
- (4) 60 - 69%
- (2) 50 - 59%
- (0) less than 50%

Explanation: Large amounts of productive farmland (harvested cropland, pasture and grazing land) make a farm more viable.

2. Stewardship of Land

- (20) At least 80% of conservation plan is implemented.
- (16) 70% of conservation plan is implemented.
- (12) 60% of conservation plan is implemented.
- (8) 50% of conservation plan is implemented.
- (0) Less than 50% of the plan is implemented.

Explanation: The implementation of soil erosion control, sedimentation control, nutrient management and other practices demonstrating good stewardship of the tract enhance the ability of the subject farm to sustain long-term soil productivity. Scoring is done on just the parcel of land applying to the program.

3. Acreage of tract

- (20) 300 acres or more
- (15) 200 to 299 acres
- (10) 100 to 199 acres
- (5) 50 to 100 acres
- (0) Under 50 acres

Explanation: Larger tracts of land devoted primarily to agriculture in Susquehanna County are more viable as producing farms than smaller tracts.

4. Sensitive Qualities (Historic, Scenic and Environmental)

- (10) Tract is adjacent to a sensitive area
- (0) Tract is not adjacent to a sensitive area

Explanation: A tract that is designated by local/state/federal authorities as an historically or culturally significant location, or as a scenic area or open space, and designated protected areas such as flood plains, wildlife habitat, parks, forests and educational sites increases the potential of unhindered farming in adjacent area.

5. Tenure of Ownership

- (10) Family farm with two of more generations currently operating
- (7) Full-time, solo owner/operator
- (4) Part-time owner/operator
- (0) Owner, non-operator

6. Condition of farm buildings

- (10) Farm buildings in excellent condition
- (7) Farm buildings in good condition
- (4) There are no farm buildings on the tract
- (0) Buildings are in disrepair

Explanation: Sound farm buildings are important to a farm operation.

7. Length of Family Ownership

- (10) Over 20 years
- (9) 15 - 20 years
- (7) 10-15years
- (5) 5 - 9 years
- (4) 4 years
- (3) 3 years
- (2) 2 years
- (1) 1year

8. Offering total deeded acreage including buildings

- (10) Yes
- (0) No

C. CLUSTERING POTENTIAL (Weighted value 10 %)

I. Consistency with Planning Map

- (40) Within identified important agricultural area
- (0) Not within identified impottant agricultural area

Explanation: Tracts located within designated impmtant agricultural areas are more viable for agricultural use and are more likely to be compatible with county and local comprehensive plans.

2. Proximity to other easements

- (20) Adjacent to land under agricultural conservation easement
- (0) Not adjacent to land under agricultural conservation easement

Explanation: Clustering easement purchases will develop a mass of farmland which supports commercial agriculture and reduces conflicts with incompatible land uses.

3. Percentage of adjoining land in ASA

- (40) 100% ofland adjoining is in ASA
- (32) 75% - 99% ofland adjoining is in ASA
- (24) 50% - 74% ofland adjoining is in ASA
- (16) 25% - 49% ofland adjoining is in ASA
- (8) 1% - 24% of land adjoining is in ASA
- (0) No land adjoining is in ASA

Explanation: Areas where agriculture has been given protection by the municipality, at the request of the landowners, provide an environment conducive to farming.

APPENDIX A

Election by County Board: The Agricultural Area Security Law (at 3 P.S. Section 914.1(d)(1)(v)(II)) affords the county the option to acquire an agricultural conservation easement on farmland tracts of as few as 35 contiguous acres under certain circumstances. *The County Board does NOT elect to exercise this option.* The minimum eligibility criteria for agricultural conservation easement purchases are as follows:

State Minimum Eligibility Criteria

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

(1) Be one or more of the following:

(i) Located in an agricultural security area consisting of 500 acres or more.

(ii) Bisected by the dividing line between two local government units, having the majority of its viable agricultural land within an agricultural security area of 500 acres or more and the remainder in another local government unit outside of an agricultural security area.

(iii) Bisected by dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county and an agricultural security area of 500 acres or more and the remainder in another county outside of an agricultural security area, and with respect to which one of the following applies:

a. A mansion house is on the tract and located within the purchasing county.

b. When the mansion house on the tract is bisected by the dividing line between the two counties, the landowner has chosen the purchasing county as the situs of assessment for tax purchases.

c. When there is no mansion house on the farmland tract, the majority of the tract's viable agricultural land is located within the purchasing county.

(2) Be one or more of the following:

(i) Contiguous acreage of at least 50 acres in size.

(ii) Contiguous acreage of at least 10 acres in size and utilized for a crop unique to the area.

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

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

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

Additional County Minimum Eligibility Criteria

(1) Be used as part of an active farming operation generating annual farm receipts.

APPENDIX C

Documentation Requirements

Pennsylvania Agricultural Land Preservation Board

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. (14.1(E)(I)(III)).

Requirements of the Agricultural Easement Deed

- (a) The owners of the subject farmland tract shall execute a deed conveying the easement which deed shall include the provisions of Section 138e.241 (relating to deed clauses See Appendix B).
- (b) The deed shall be in a recordable form and contain:
 - 1. A legal description setting forth the metes and bounds of the farmland tract subject to the easement.
 - 2. At least one course and distance referencing a fixed marker or monument of a type commonly placed in the field by a surveyor.
- (c) The legal description shall not contain a closure error greater than one foot per 200 linear feet in the survey.
- (d) The farmland tract on which an easement is to be purchased must be surveyed unless the legal description contained in the deed recorded in the land records of the county in which the farmland tract is located satisfies the requirements of paragraphs (b) and (c). A survey required by the provisions of this paragraph must comply with the boundary survey requirement of Section 138e.73 (relating to survey requirements).
- (e) For purchases made entirely with State funds, the Commonwealth shall be the sole grantee.
- (f) For purchases made using a combination of State and county funds, the grantees shall be the Commonwealth and the county providing the funds under joint ownership as defined in the act.
- (g) Purchases made using a combination of State, County & local municipality funds... see amended Regulations adopted May 1, 2004.
- (h) Neither the Commonwealth nor the county may sell, convey, extinguish, lease, encumber, restrict or otherwise dispose of its interest in the easement without the consent of the other.
- (i) Upon the sale, conveyance, extinguishment, lease, encumbrance or other disposition of the easement, the Commonwealth and the county shall receive a pro rata share of the proceeds based upon their respective contributions to the purchase price.
- (j) A copy of the deed shall be submitted to the State Board for approval prior to execution and delivery.

Title Insurance

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

(b) At settlement, the County Board shall provide a title insurance policy issued by a title insurance company authorized to conduct business in the Commonwealth of Pennsylvania by the Pennsylvania Department of Insurance. The cost of such insurance shall be a cost incident to the easement purchase payable or reimbursable from a county's allocation under the Act.

Statement of Costs (Exhibit B)

(a) For the purposes of Section 14.1(h)(6) of the act (3 P.S. section 914.1(h)(6)), the County Board shall submit a statement of the costs incident to the purchase of the easement to the State Board which may include:

- (1) Easement purchase price
- (2) County Appraisal costs
- (3) Necessary legal fees for title search, preparation of documents, and attendance at closing.
- (4) Recording fees.
- (5) Survey costs.
- (6) Reimbursements to a nonprofit land conservation organization that acquired an easement at the request of the County Board, for the purpose of transferring the easement to the county or the Commonwealth or both. These costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees, and survey costs.

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

(c) After settlement, the County Board shall submit a revised statement of costs in the event that actual costs were greater or less than the costs estimated in the initial statement of costs.

Summary Report

A recommendation by the County Board for the purchase of an easement shall be accompanied by a Summary report stating the following:

- (1) Description of the farm, including the name, location, number of acres, and type of farm.
- (2) Quality of the farmland tract, including soil classification, yields and gross income from product sales.

- (3) The manner in which preservation will contribute to the agricultural productivity of the county.
- (4) Likelihood of conversion to other uses if easement is not purchased. Discussion of nature and scope of developmental pressure in the municipality or area.
- (5) The nature and scope of conservation practices and best land management practices.
- (6) Discussion of the purchase price summarizing the appraisals including the agricultural and non-agricultural value and negotiations for purchase.
- (7) Statement of costs as described in Section 138e.68. (relating to statement of costs).
- (8) Certification by the County Board that the information presented to the State Board is true and correct.
- (9) An appendix which includes:
 - The application form (Exhibit E)
 - Locational maps (Soils map, tax map, topographical map)
 - A soils report
 - A crop report
 - An evaluation of the ranking worksheet (LESA)
 - A subordination, release or letter approving purchase from a mortgagee, lien holder or owner of rights in surface mineable coal.
 - Other relevant documents and information.
- (10) Exhibits **D**, E and F (W-9 form).

Appendix D

Relative Soil Values for Susquehanna County Soils

| Symbol | LCC | Value | Symbol | LCC | Value |
|--------|-----|-------|--------|-----|-------|
| ba | 1 | 100 | cna | 2s | 100 |
| be | 2w | 100 | cnb2 | 2s | 68 |
| beb2 | 2e | 68 | cnc2 | 3e | 46 |
| bec2 | 3e | 56 | cnd2 | 6e | 0 |
| bfb2 | 2e | 68 | cu | 8 | 0 |
| bfc2 | 3e | 56 | hw | 6w | 0 |
| bfd2 | 6e | 0 | lab2 | 2e | 68 |
| bsb | 6s | 0 | lac2 | 3e | 56 |
| bsd | 6s | 0 | lad2 | 6e | 0 |
| bsf | 7s | 0 | lfb | 2e | 68 |
| lfc2 | 3e | 56 | mrd2 | 4e | 34 |
| lfd2 | 6e | 0 | msb | 6s | 0 |
| lgb | 6s | 0 | msd | 6s | 0 |
| lgd | 6s | 0 | nca | 4w | 34 |
| lgf | 7s | 0 | ncb | 4w | 34 |
| lkb2 | 2e | 68 | nsb | 7s | 0 |
| lkc2 | 3e | 46 | pt | 7w | 0 |
| lkd2 | 6e | 0 | te | 8 | 0 |
| lob | 2e | 68 | us | 1 | 100 |
| loc2 | 3e | 46 | vca | 3w | 46 |
| lod2 | 6e | 0 | vcb2 | 3w | 46 |
| lsb | 6s | 0 | vcc2 | 3e | 46 |
| lsd | 6s | 0 | vcd2 | 4e | 34 |
| lsf | 7s | 0 | vfb | 4s | 34 |
| mcb2 | 2w | 68 | vfc | 4s | 34 |
| mcc2 | 3e | 56 | vfd | 6s | 0 |
| mcd2 | 4e | 34 | vsb | 7s | 0 |
| mfb2 | 2w | 68 | vsd | 7s | 0 |
| mfc2 | 3e | 56 | web2 | 2w | 68 |
| | | | wec2 | 3e | 56 |
| | | | wed2 | 4e | 34 |
| | | | wlb2 | 2w | 68 |
| | | | wlc2 | 3e | 56 |
| | | | wld2 | 4e | 34 |
| mfd2 | 4e | 34 | wsb | 6s | 0 |
| mgb | 6s | 0 | wsd | 6s | 0 |
| mgd | 6s | 0 | wsf | 7s | 0 |
| mgf | 7s | 0 | wy | 4w | 34 |
| mn | 7s | 0 | | | |
| moa | 3w | 46 | | | |
| mob2 | 3w | 46 | | | |
| moc2 | 3e | 46 | | | |
| mrb2 | 3w | 46 | | | |
| mrc2 | 3e | 46 | | | |

SUSQUEHANNA COUNTY AGRICULTURAL LAND PRESERVATION BOARD

Application Year _____

Agricultural Conservation Easement Application Form

I. General Information (Please print)

Name _____

Name _____

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

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

Person to contact to view Farmland Tract _____

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

II. Farm Information

County _____ Township _____

Name of Ag Security Area (township) _____

Ag Security Area Book and Page Number _____

Total acreage of farmland Tract _____

Total acres offered for easement purchase: _____

Deed reference (s): Volume _____ Page _____
Volume _____ Page _____

Tax Parcel # (s): Number _____ Acreage _____

Number _____ Acreage _____

Number _____ Acreage _____

Directions to farm from nearest State Route _____

III. Signature (s)

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

I, hereby, authorize the Conservation Plan preparer to release copies of the Conservation Plan and Nutrient Management Plan (Act 6, if applicable), to the County Agricultural Land Preservation Board and the Bureau of Farmland Preservation as required under Act 43 criteria for easement purchase.

Signed _____ Date _____

Signed _____ Date _____

I hereby certify that I am _____ am not _____ a county board member.

IV. Crop Production Information

Crop report for crop year _____ (on proposed easement acres only)

| Commodity | Acres Grown | Avg. Yield | County Avg. Yield (office use) |
|-----------|----------------|---------------|--------------------------------------|
| 1. _____ | | | |
| 2. _____ | | | |
| 3. _____ | | | |
| 4. _____ | | | |

Total Gross Receipts From Crops \$ _____

V. Livestock Report for calendar year _____

| | Livestock | Average numbers | Products sold | Quantity sold |
|-----------|-----------|--------------------|------------------|------------------|
| (Example: | Cows | 63 | Milk | 1,129,000#) |
| 1. | _____ | | | |
| 2. | _____ | | | |
| 3. | _____ | | | |
| 4. | _____ | | | |

Total Farm Gross Receipts from Livestock \$ _____

Total Gross Receipts From Farm Tract \$ _____

Total Gross Receipts From Farm Operation \$ _____

Total Acreage Farmed (including rented land) _____

VI. Conservation Plan

Date of NRCS Conservation Plan _____

Conservation practices currently in use _____

VII. General Information

Length of farm ownership (include continuous years owned by your immediate family such as father, grandfather, great grandfather, brother, sister) _____

Do you own other farmland not included in the acreage on this application? Yes or No

Distance from public sanitary sewerage system and public water systems.

- Circle one:
- Water or sewage lines at site
 - Water or sewage lines within $\frac{1}{4}$ mile
 - Water or sewage lines within $\frac{1}{2}$ mile
 - Water or sewage lines within one mile
 - Water or sewage lines within two miles
 - No water or sewage lines within two miles

Tenure of Ownership:

- Circle one:
- Family farm with two or more generations currently operating
 - Full-time, solo owner/operator
 - Part-time owner/operator
 - Owner, non-operator

Condition of farm buildings.

- Circle one:
- Farm buildings in excellent condition
 - Farm buildings in good condition
 - There are no farm buildings on the tract
 - Buildings are in disrepair

Indicate the number of acres in each of the 3 areas below. This should equal the total number of acres you propose for the easement purchase.

Acres of cropland _____

Acres of productive pasture & grazing _____

Acres of other land (woods & etc.) _____

Will there be exclusions from the conservation easement on the property?

Circle one: Yes No

If Yes how many acres will be excluded? _____

What is the excluded land being used as at the time of easement purchase?

Circle one: Crop Production Pasture Turf Grass or Yard Forested/ Fallow

VIII. Mortgages, Liens and Mineral Rights

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

Mortgagees _____

Lienholders _____

Mineral Rights _____

Are taxes paid as due on the property? Yes _____ No _____

The Agricultural Easement Board will obtain the necessary maps at no expense to the applicant.

Soils report and color-coded soils map will be obtained by the Board.

A one time, non-refundable \$100.00 filing fee must accompany each application for the first year an applicant applies to the Agricultural Conservation Easement Program.

Make the check payable to: Susquehanna County Commissioners

_____APPLICANT

_____APPLICANT

_____APPLICANT

_____APPLICANT

_____DATE

BY-LAWS
OF
SUSQUEHANNA COUNTY AGRICULTURAL
LAND PRESERVATION BOARD

NAME:

The name of this (non-profit) organization shall be the SUSQUEHANNA COUNTY AGRICULTURAL LAND PRESERVATION BOARD, hereinafter referred to as the "BOARD."

PURPOSE:

Administer a program for purchasing and receiving gifts of agricultural conservation easements on behalf of the County.

Adopt rules and regulations for the administration of a County program for the purchase of agricultural conservation easements within agricultural security areas. The BOARD shall execute all Agreements or other documents necessary to effect the purchase of such agricultural conservation easements in the name of the County and/or Commonwealth of Pennsylvania.

Encourage the use of additional farmland preservation techniques through public and private organizations in the County.

Promote efforts to support the agricultural industry in the County.

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

AUTHORIZATION:

The BOARD was authorized to administer the County Program by Resolution of the County Governing Body at meeting dated 8/28/89. (A COPY OF THIS AUTHORIZATION IS REQUIRED TO BE INCLUDED IN THE COUNTY PROGRAM)

MEMBERSHIP:

(THE FOLLOWING COMPOSITION IS REQUIRED BY ACT 149):

Board Members shall be appointed by the County Governing Body.

The BOARD shall be composed of Nine (9) members, to be appointed from the following groups:

1. THREE (3) shall be active resident farmers in Susquehanna County and shall serve an initial term of THREE (3) YEARS after establishment of this BOARD.
2. ONE (one) shall be a current member of a Borough or Township governing body which is located in the County and shall serve an initial term of TWO (2) YEARS after establishment of this BOARD.
3. ONE (1) shall be a commercial, industrial, or residential building contractor who resides in the County, and shall serve an initial term of ONE (1) YEAR after

establishment of this BOARD.

4. The remaining members shall be appointed at the pleasure of the County Governing Body and shall serve initial terms of ONE (1) YEAR after establishment of this BOARD.

TERM OF OFFICE:

(THE FOLLOWING LENGTH OF TERM IS REQUIRED BY ACT 149):

Upon expiration of the initial terms of office as set under MEMBERSHIP, all terms of office shall be THREE (3) YEARS.

REMOVAL FROM COUNTY BOARD:

Any Board Member may be removed from the BOARD for malfeasance, misfeasance, or nonfeasance in the office or for other just cause by the majority vote of the County Governing Body, after the member has received FIFTEEN (15) DAYS' advance notice of the intent to take such vote. A Hearing shall be held in connection with the vote if the member shall request it in writing.

VACANCIES:

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

ATTENDANCE BY BOARD MEMBERS:

The Board Members shall attend a minimum of SIXTY (60%) PERCENT of all Board meetings, whether regular or special, except when extenuating circumstances apply (ex. hardship, sickness, etc.) Any member who is unable to attend a meeting should notify the Chairman or Program Administrator prior to the meeting.

OFFICERS

The BOARD will be directed by a Chairman. Additional officers shall be Vice-Chairman, Secretary, Treasurer.

A Staff Person may serve as Secretary but shall have no vote.

ELECTION OF OFFICERS:

The Chairman shall be appointed annually by the Chairman of the County Governing Body. (REQUIRED BY ACT 149).

Other officers shall be elected annually by members of the BOARD.

DUTIES OF OFFICERS:

The Chairman shall preside at all meetings of the BOARD, call Special Meetings, establish committees, appoint committee Chairmen, and delegate other tasks and assignments as

may be appropriate.

The Vice-Chairman shall preside at all meetings of the BOARD in the absence of the Chairman.

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

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

REMOVAL OF OFFICERS:

The Chairman can be removed from his position by the chairman of the County Governing Body.

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

MEETINGS:

Meeting dates to be scheduled by the BOARD at each current meeting. Board Members shall be notified 10 to 14 days prior to each meeting.

CONDUCT OF MEETINGS:

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

QUORUM:

A majority of the total BOARD membership (at least 5 of the 9 board members) shall constitute a quorum for the conduct of business. A quorum of members is required to vote on any motion before the BOARD.

VOTING:

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

BOARD members must be present at meetings in order to vote.

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

COMMITTEES:

The Chairman may appoint such committees as are desirable for accomplishing the purpose of the BOARD.

Committees may include persons other than BOARD members.

AGRICULTURAL SECURITY AREA ADVISORY COMMITTEES:

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

STAFF:

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

STAFF ASSISTANCE FROM OTHER AGENCIES:

The BOARD may receive assistance from the staff of the County Planning Commission, County Conservation District, other County departments, or from other sources as are available.

FINANCES:

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

All monies received from State sources may be spent over a period of two consecutive county fiscal years. Money which has not been expended or encumbered by the county at the conclusion of the second county fiscal year shall be restored to the State fund. Such money shall not be restored to the fund if an agreement has been executed by a landowner and the county to purchase a specific agricultural conservation easement and has been received by the State office by December 31 of the second fiscal year.

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

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

PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW:

All members and employees of the BOARD shall comply with the provisions of the Public Official and Employee Ethics Law, 65, P.S. Sec. 401-413.

AMENDMENTS:

The by-laws may be amended at a Board Meeting by a majority vote of the entire membership of the Board, subject to approval by the County governing body, provided that such amendments, along with the notice of the day of the meeting shall have been circulated to all members of the Board and Governing body at least 10 to 14 days prior to the meeting.

Susquehanna County Agricultural Land Preservation Board

Updated 2/2025

Jim Barbour, At Large Member through 12/31/2025

1250 Barbour Hill Road

Hallstead, PA 18822

(607)435-0830

Jim@barbourfarms.com

David Darrow, Commissioner/At Large Member through 12/31/2025

31 Lake Ave

Montrose, PA 18801

570-278-4600

ddarrow@susqco.com

Samantha Ellsworth, Farmer Member through 12/31/2027

2499 Ridge Road

Montrose, PA 18801

910-352-0929

Sellsworth99@gmail.com

Matt Holbrook, Contractor Member through 12/31/2025

1315 Squires Road

Montrose, PA 18801

570-396-5936

holbrookmatt@hotmail.com

Gene Hubbard, At large Member through 12/31/2025

PO Box 70

Dimock, PA 18816

(570)357-5541

kmgdhub@epix.net

Allen Scott, Farmer Member through 12/31/2027

125 Scott Lane Road

Montrose, PA 18801

570-767-1405

allenscottcows@gmail.com

William Shay, Farmer Member through 12/31/2027

258 Shay Road

Thompson, PA 184658

shayfarm@nep.net

Doug Sivers, At large Member through 12/31/2025

496 Shadowbrook Dr.

Hallstead, PA 18822

(607)725-3086

dsivers@susumc.org

Leonard Wheatley, Supervisor Member through 12/31/2026

260 Laurel Lane

Hop Bottom, PA 18824

(570)362-0439

Peafowl.len@aol.com

APPENDIX H (See XII and XIII – LESA Explanations)

LAND EVALUATION AND SITE ASSESSMENT WORKSHEET

Name of site _____ **DATE** _____

Application # _____ **Prepared by** _____

I. Land Evaluation

[illegible]

Average soil value for Farm (Soil value/acreage

Average soil value **X** _____ %

II. Site Assessment

A. Development Potential

SCORE

1. Distance from public sewer _____
And water systems _____
2. Road Frontage _____
3. Non-Ag use _____

Total Development Potential _____ X _____ % = _____

B. Farmland Potential

| | |
|---|--------------------|
| 1. Cropland/pasture | _____ |
| 2. Stewardship of land | _____ |
| 3. Acreage of tract | _____ |
| 4. Sensitive Qualities | _____ |
| 5. Farm Product Sales | _____ |
| 6. Condition of buildings | _____ |
| 7. Length of ownership | _____ |
| 8. Offering total acreage including buildings | _____ |
| Total Farmland Potential | _____X_____%=_____ |

C. Clustering Potential

| | |
|-----------------------------------|--------------------|
| 1. Ag Area Map | _____ |
| 2. Proximity to other easements | _____ |
| 3. % adjacent to ASA | _____ |
| Total Clustering Potential | _____X_____%=_____ |

Total Site Assessment Score _____

Total Land Evaluation Score _____

Total LESA Score _____

APPENDIX I

RURAL ENTERPRISES

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

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

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

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

Structures associated with the production of energy for use principally on the farm including wind, solar, hydroelectric, methane, wood, alcohol fuel and fossil fuel systems and structures and facilities for the storage and treatment of animal wastes.

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. *

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

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

*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.

APPENDIX J

PLANNING MAP TO GUIDE EASEMENT PURCHASES

1. The County Board will use the Imp1iant Farmlands Map of Susquehanna County to assist in the identification of farm parcels to be selected for inclusion in the County's Agricultural Conservation Easement Program. The map, issued in 1984 by the U. S. Department of Agriculture, Soil Conservation Service, was used to identify those areas in Susquehanna County considered agriculturally imp01iant by the County Board. The areas were identified as Area #1, low priority and Area #2 high priority.

2. The County Board shall encourage the formation of Agricultural Security Areas identified on the map of important agricultural areas of the County, as area #2, high priority.