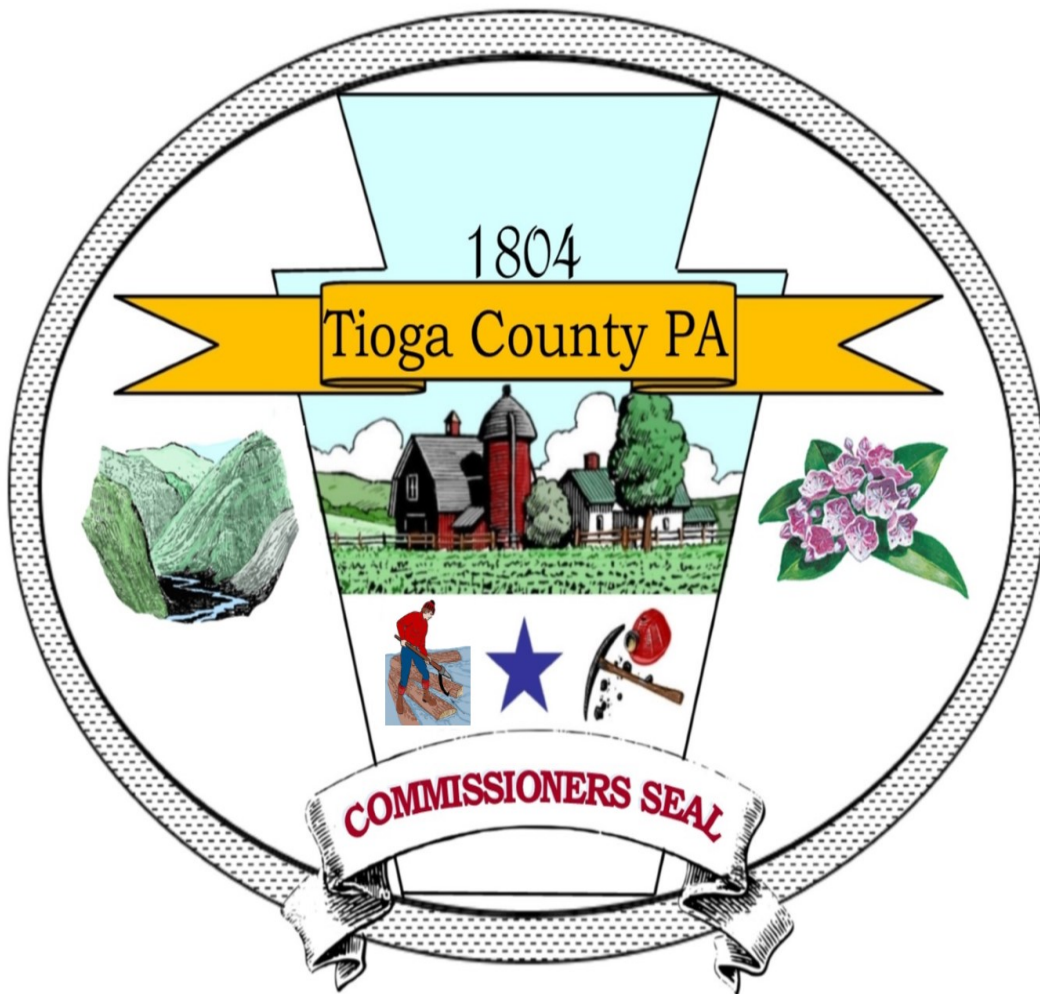


TIOGA COUNTY AGRICULTURAL LAND PRESERVATION EASEMENT PURCHASE PROGRAM



Recertified – December 15, 2022

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RESOLUTION

Tioga County Commissioners

WALTER G. BARNES
COMMISSIONER

ERICK J. COOLIDGE
COMMISSIONER

WILLIAM D. HALL
COMMISSIONER



STEVEN E. OWLETT
SOLICITOR

DEREK D. WILLIAMS
CHIEF CLERK

PHONE 570-723-8191
FAX 570-723-8206

Court House Annex 118 Main Street Wellsboro PA 16901

R-16-99

**TIOGA COUNTY AGRICULTURAL LAND PRESERVATION EASEMENT
PURCHASE PROGRAM**

WHEREAS, the County of Tioga is an agricultural leader in the Commonwealth of Pennsylvania, and agriculture is the number one industry within Tioga County; and

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

WHEREAS, a requirement of Pennsylvania Act 43, P.L. 128, No. 43, the Agricultural Area Security Law, as amended December 14, 1988, P.L. 1202, No. 149, is that counties must appoint a County Agricultural Land Preservation Board to administer the County Farmland Protection Program; and

WHEREAS, agricultural security areas have been established in Tioga County; and

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

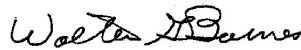
NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Tioga County, Pennsylvania, that:

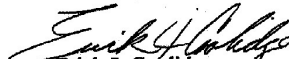
1. A program is hereby authorized for purchasing agricultural conservation easements from landowners whose land is within an agricultural security area located in Tioga County and duly established by the Tioga County Board of Commissioners, all in accordance with the provisions of the Agricultural Area Security Law.

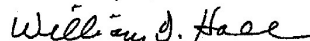
2. The aforesaid program shall be administered by the Tioga County Agricultural Land Preservation Board, the creation of which Board is hereby approved, the powers and duties of which Board shall be as established in the Agricultural Area Security Law, as amended, or any successor statute.


RESOLVED AND ENACTED this 29th day of July, 1999.

TIOGA COUNTY BOARD OF COMMISSIONERS


Walter G. Barnes, Chairman


Erick J. Coolidge


William D. Hall

Attest: 
Derek D. Williams, Chief Clerk

BY-LAWS
COUNTY AGRICULTURAL LAND PRESERVATION BOARD
TIOGA COUNTY, PENNSYLVANIA

ARTICLE I - NAME

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

ARTICLE II - PURPOSE

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.

2. Further, it is the purpose of this program to:

(a) Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.

(b) Protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.

(c) Protect normal farming operations from complaints of public nuisance against normal farming operations.

(d) Assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth.

(e) Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.

(f) Maximize agricultural conservation easement purchase funds and protect the investment of tax-payers in agricultural conservation easements.

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

4. Promote efforts to support the agricultural industry in the County.

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

6. Administer a program for bargain sales and landowner donations on behalf of the County.

7. 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 affect the purchase of such

agricultural conservation easements in the name of the County and/or the Commonwealth of Pennsylvania.

ARTICLE III - AUTHORIZATION

The Board was authorized to administer the County Program by Resolution R-16-99 of the Tioga County Commissioners at a regularly scheduled meeting on July 29, 1999.

ARTICLE IV - MEMBERSHIP

Board members shall be appointed by the County Governing Body.

The Board shall be composed of seven (7) members, to be appointed from the following groups:

1. (One less than a majority) shall be active resident farmers in Tioga County, and shall serve an initial term of three (3) years after authorization of this Board by the County Governing Body.
2. One shall be a current member of a borough or township governing body, which is located in the County, and shall serve an initial term of two (2) years after authorization of this Board by the County Governing Body.
3. One 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 authorization of this Board by the County Governing Body.
4. Remaining members shall be appointed at the pleasure of the County Governing Body and shall serve initial terms of one (1) year after authorization of this Board by the County Governing Body.

ARTICLE V - TERM OF OFFICE

Upon expiration of the initial terms of office as set under Membership, all terms of office shall be three (3) years.

ARTICLE VI - REMOVAL FROM COUNTY BOARD

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

ARTICLE VII - VACANCIES

Any appointment to fill any vacancy created by removal, resignation or otherwise shall be only for the un-expired term of the vacant position. Any appointment shall be made by the County Governing Body.

ARTICLE VIII - ATTENDANCE BY BOARD MEMBERS

The Board members shall attend a minimum of sixty (60) percent of all Board meetings, whether regular or special. Any member who is unable to attend a meeting should notify the Chairperson prior to the meeting.

ARTICLE IX - OFFICERS

The Board will be directed by a Chairperson.

Additional officers shall be Vice-Chairperson.

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

ARTICLE X - ELECTION OF OFFICERS

Officers shall be elected annually by members of the Board at the first meeting of the year.

ARTICLE XI - DUTIES OF OFFICERS

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

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

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

The program administrator shall pay all bills authorized by the Board, maintain a record of all funds designated for easement purchase and for administration of the County Program. The program administrator shall provide current financial reports to the Board at all meetings and shall submit a financial report to the Board once a year with the assistance of such staff as is available.

ARTICLE XII - REMOVAL OF OFFICERS

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

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

ARTICLE XIII - MEETINGS

Public notice shall be published of all meetings in January. Meetings may be canceled without public notice.

Regular meetings will be held the third Monday of each month at 7:00 p.m. at the Tokishi Training Center on Nypum Drive, Wellsboro PA. In the event of conflict with holidays or other events, a majority at any meeting may change the date and place of said meeting.

All Board meetings shall be open to the public in accordance with the Sunshine Act (Sunshine Act 84 of 1986, as amended, 65 Pa.C.S.A. §701, et seq.), and with the Right-To-Know Law (Act of June 21, 1957, P.L. 390, No. 212, as amended on June 17, 1971, P.L. 190, No.9 and the Act of June 29, 2002, Act No. 2002-100). Robert's Rules of Order Revised shall apply to all events not otherwise covered by the By-laws.

Special meetings shall be held at the call of the Chairperson, or at the request of three (3) members of the Board, and shall require written notice of at least seven (7) days.

ARTICLE XIV - QUORUM

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

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

ARTICLE XV - VOTING

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

Board members must be present at meetings either electronically or physically in order to vote.

Voting shall be by roll call.

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

ARTICLE XVI - COMMITTEES

The Chairperson may recommend such committees as are desirable for accomplishing the purpose of the Board.

Committees may include persons other than Board members.

ARTICLE XVII - 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.

ARTICLE XVIII - STAFF ASSISTANCE FROM OTHER AGENCIES

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

ARTICLE XIX - ADVISORY COMMITTEE

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

ARTICLE XX - FINANCES

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

The Board shall operate within a budget as approved annually by the County Governing Body. Board members shall not receive salary or payment for their services on the Board.

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

ARTICLE XXI - PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW

In accordance with the Agricultural Area Security Law, Act of 1981, P.L. 128, No. 43, Section 14.1(c)(8), a member of the State board or County Board or his or her family may sell a conservation easement under this program, provided that all decisions made regarding easement purchases be subject to the provisions of Title 65 Pa.C.S.A. Public Officers §1103 (j), referred to as the Public Official and Employee Ethics Law.

ARTICLE XXII - AMENDMENTS

The Bylaws may be amended at a Board meeting by a majority vote of the entire membership of the Board, subject to the approval of the County Governing Body, provided such amendments, along with a notice of the date of the meeting, shall have been circulated to all members of the Board and Governing Body at least thirty (30) days prior to the meeting.

TIOGA COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM

It is the policy of Tioga County to conserve and protect agricultural lands. A sound, Countywide farmland preservation program will assure that farmers in this County have sufficient agricultural lands to provide farm products for the people of Tioga County, Pennsylvania and the United States.

SECTION I: PURPOSE

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

Further, it is the purpose of this program to:

- (a) Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
- (b) Protect normal farming operations in agricultural security areas from incompatible non-farmland uses that may render farming impracticable.
- (c) Protect normal farming operations from complaints of public nuisance against normal farming operations.
- (d) Assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth.
- (e) Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
- (f) Maximize agricultural conservation easement purchase funds and protect the investment of tax payers in agricultural conservation easements.
- (g) Encourage financial partnerships between State and local governments with nonprofit entities in order to increase the funds available for agricultural conservation easement purchases (Act 46 of 2006).

Encourage the use of additional farmland preservation techniques through public and private organizations in the County. Including acreage 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. § 170(h)(3)).

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.

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 affect the purchase of such agricultural conservation easements in the name of the County and/or the Commonwealth of Pennsylvania.

All conservation easement applications and other documentation shall be done in accordance with model formats included in the State Guidebook and any future revisions thereto.

SECTION II: AGRICULTURAL CONSERVATION EASEMENTS

A. Agricultural conservation easements restrict and limit the conversion of farmland to nonagricultural use. Easements may be purchased when they are offered voluntarily by the landowner and shall be purchased only in perpetuity.

B. The Tioga County Board will permit the expenditure of allocated funds over a period of two consecutive county fiscal years. Money allocated to the program which has not been expended or encumbered by the end of the second fiscal year shall be restored to the fund, unless an agreement executed by the landowner and the county to purchase a specific agricultural conservation easement has been received by the PA Department of Agriculture ~~State~~ Bureau of Farmland ~~Protection~~ Preservation.

C. The Tioga County Board will enter into easement agreements paid in full, in installments up to five (5) years or in like kind exchange.

SECTION III: APPLICATION PROCEDURE

A. GENERAL

Landowners interested in applying for easement purchase on their land can obtain a form and discuss the program by contacting the Tioga County Planner, 118 Main Street Wellsboro, PA 16901.

A separate application, three-page form (see Appendix F), shall be required for each farmland tract offered for easement purchase. The application shall consist of a completed application form, location maps, a soils report and a crop report.

Applications will be accepted on an annual basis, which is from the first business day in January to the first business day in March. Applications must be postmarked or received on or before the first business day of March.

After submission of the application, a representative from the County Planning Department on behalf of the County Board will meet with the applicant in person or via telephone to review the application, answer questions and determine if State and County minimum criteria for participation in the program are met.

If the 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 applicant will be scored with the Land Evaluation and Site Assessment System (LESA).

The 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 III C. "Evaluation of Applications" 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 may obtain a preliminary title search report prior to appraisal.

B. APPLICATION FORMAT

The County Board will make available an application form which requires the following information (see Appendix F):

- (1) The name(s), address, telephone number and signatures of the owner(s) of the farmland tract.
- (2) The county, municipality and agricultural security area in which the farmland tract is located. And one of the following, as applicable:
 - (i) If the farmland tract is eligible to be considered for easement purchase under § 138e.16(a)(1)(i), the county, local government unit and agricultural security area in which the farmland tract is located.
 - (ii) If the farmland tract is bisected by a dividing line between two units of local government and is eligible to be considered for easement purchase under § 138e.16(a)(1)(ii), the county and local government units in which the farmland tract is located, the agricultural security area in which a portion of that farmland tract is located, a breakdown of the acreage proposed for easement purchase in each local government unit and a breakdown of the number of acres of viable agricultural land in the acreage proposed for easement purchase in each local government unit.
 - (iii) If the farmland tract is bisected by the dividing line between two or more counties and is eligible to be considered for easement purchase under § 138e.16(a)(1)(iii), the counties and local government units in which the farmland tract is located, the agricultural security area in which a portion of that farmland tract is located, and one of the following:
 - A. If there is a mansion house on the farmland tract, an acknowledgement of this fact and a designation of the county in which the mansion house is located.
 - B. If there is a mansion house on the farmland tract, and the mansion house is bisected by the dividing line between two or more counties, an acknowledgement of this fact

and a designation of the county the landowner has chosen as the situs of assessment for tax purposes.

- C. If there is no mansion house on the farmland tract, an acknowledgement of this fact and a breakdown of the acreage proposed for easement purchase in each county and a breakdown of the number of acres of viable agricultural land in the acreage proposed for easement purchase in each county.

(3) The total acreage of the farm. The number of acres in the farmland tract proposed for easement purchase.

(4) The street location of the farm and directions from the nearest State route.

(5) Deed references - book, volume and page.

(6) County tax map records, including tax parcel number, or account number of each parcel.

(7) The date of the conservation plan, if any, which has been approved by the county conservation district.

(8) The name, address and telephone number of the person to be contacted to view the farmland tract.

(9) The date of any nutrient management plan

The applicant or the county shall be required to provide the following location maps with the application:

(1) A United States Geological Survey topographical map showing the location of the farmland tract.

(2) A tax map, if any, which may be obtained in the Assessment Office, of the farmland tract with map reference and tax parcel number clearly indicated.

The applicant or the county shall prepare a soils report and soils map for the farmland tract proposed for easement purchase, and a table showing the capability class and use of the land, for the most recent crop year, as follows:

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

The soils map shall color code soil types as follows:

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

The applicant shall provide crop production information for the farmland tract for the most recent crop year as follows:

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

The applicant shall provide a livestock report for the farmland tract for the most recent calendar year.

Annual	Livestock	Average	Product
Gross Receipts		Numbers	Sold
1.			
2.			
3.			
4.			

C. EVALUATION OF APPLICATIONS

1. General

(a) The County Board shall review the application to determine if it is complete and meets the minimum criteria.

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

(c) All properties considered for easement purchase will be evaluated in accordance with §14.1(d)(1)(i-iv) standards, criteria and requirements currently or hereafter established by the State Board addressing soil quality, likelihood of conversion, proximity to

other eased lands, land stewardship, and fair, equitable, objective and nondiscriminatory procedures for determining purchase priorities.

2. Application Ranking System

The farmland ranking system will be utilized to prioritize applications for the appraisal of properties meeting the minimum criteria. Applications will be ranked on a 100-point scale, using the two-part Land Evaluation and Site Assessment (“LESA”) system described in this section.

The weighted Land Evaluation (“LE”) score shall be calculated in accordance with subsection (a). The weighted Site Assessment (“SA”) score shall be calculated in accordance with subsection (b). The total of the weighted LE and weighted SA scores equals the Farmland Ranking Score, and shall total 100% within the following ranges and shall be calculated in accordance with subsection (c):

Land Evaluation (LE)	50%
Site Assessment (SA)	50%
further categorized by the following factors:	
Development Potential	10%
Farmland Potential	20%
Clustering Potential	20%

(a) Land Evaluation (LE)

(i) This part of the LESA System is based on soils obtained from the Tioga County Soil Survey, as published by the USDA, Natural Resources Conservation Service in cooperation with the Pennsylvania State University and the Pennsylvania Department of Agriculture and/or the Soil and Water Conservation Technical Guide maintained and updated by NRCS.

(ii) Each soil mapping unit has been assigned a relative value based on a 100-point scale, with 100 points assigned to the best soils for agricultural production and all other soils assigned relative values of less than 100 points.

(iii) Using the worksheet found in Appendix B, each farm (tract) will be assigned an average relative value calculated by multiplying the relative value of each soil mapping unit within the tract, by the total acreage of the soil mapping unit within the tract, adding these products and dividing that sum by the total acreage of the tract.

(iv) The weighted LE score is calculated by multiplying the average relative value for the tract by the assigned weighted value of 50% or 0.50.

(b) Site Assessment (SA)

(i) The Site Assessment portion of the LESA system consists of three general portions identified as factors relating to: Development Potential; Farmland Potential; and Clustering Potential.

(ii) Using the worksheet found in Appendix C, each farm (tract) will be assigned a rank in each of the three categories based on a 100-point scale. The total combined score shall be 300 points.

(iii) Development Potential Factors shall include: Availability of sanitary sewer and public water; road frontage; and extent of non-agricultural use in the area.

(iv) Farmland Potential Factors shall include: Percentage of harvested cropland, pasture and grazing land; stewardship of the land; size of the tract; and historic, scenic and environmental qualities.

(v) Clustering Potential Factors shall include: Consistency with the planning maps; proximity to restricted land through easements; and percentage of adjoining land in an agricultural security area.

(iv) The weighted SA scores shall be calculated by the product of the Development Potential Score multiplied by 10% or 0.10 plus the product of the Farmland Potential Score multiplied by 20% or 0.20 plus the product of the Clustering Potential Score multiplied by 20% or 0.20.

(c) The Farmland Ranking Score will be determined by the formula as written in Appendix D and equal to the weighted LE score and the weighted SA score. The ranking will determine the order in which tracts are selected by the County Board for appraisal. Tracts will be selected in descending order.

D. MINIMUM CRITERIA

The farmland tract must:

- (1) Be located in an agricultural security area, which has at least 500 acres enrolled.
- (2) The tract must be at least 50 acres in size. Unless the tract is at least 10 acres in size and is either utilized for a crop unique to the area or is contiguous to a property that has a perpetual conservation easement in place held by a "qualified organization," as defined in section 170(h)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)(3).
- (3) 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-NRCS.
- (4) Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing lands.

(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 the dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county within 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 purposes.

- (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.

E. IMPORTANT AGRICULTURAL AREAS PLANNING MAP

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

Important Agricultural Areas are those areas which have good soil quality and quantity, good location, local support for agriculture and a strong farming history which has supported and is able to support in the future a strong, stable agricultural industry. A copy of the map is included in Appendix E.

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

The County Board will give easement purchase preference to farms which are located within designated important agricultural areas.

F. PUBLIC INFORMATION PROGRAM

A public information campaign will be conducted with the help of the Tioga County Conservation District ~~Cooperative Extension Service~~ to promote the Agricultural Conservation Easement Program. This information campaign will make use of the following techniques:

- (1) 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) A public meeting will be held in the county to explain the program to the public and show landowners how they can participate.
- (3) The county Board will be subject to the Sunshine Act and the act of June 21, 1957 known as the Right-To-Know Law, relating to the inspection and copying of public records.

SECTION IV: APPRAISAL OF FARMS

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

A. APPRAISAL DEPOSIT

Landowners of tracts selected for appraisal must make a \$250.00 appraisal deposit. This deposit will be refunded in full if the County Board buys the easement or if the county does not make an offer or the landowner rejects an offer of less than the full appraised easement value.

B. GENERAL

(1) 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.

(2) An appraisal shall be based primarily on an analysis of comparable sales.

(3) The value of a building or other improvement on the farmland tract will not be considered in determining the easement value. The description of the building or other improvement shall appear separately in the appraisal report.

(4) The appraiser shall be:

(a) A Pennsylvania State Certified General Real Estate Appraiser in accordance with the standards set forth in Act 43 and any future revisions and regulations thereof (§ 14.1(f) and (f)(3)). An appraiser shall be selected on the basis of experience, expertise and professional designation.

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

(a) Introduction

(i) Letter of transmittal and appraiser's certificate as to market value, farmland value and easement value

(ii) Table of Contents

(iii) Summary of salient facts and conclusions

(iv) Purpose of the appraisal

(v) Definitions, including market value, farmland value and easement value

(b) Description of Property

(i) Area or neighborhood description

(ii) Description of appraised property

(A) Legal description

(B) Property data and zoning

(C) Description of improvements

(D) Color Photos of subject property's fields and improvements

(E) Tax map of subject property with which the acreage of properties adjoining the subject property, the names of all adjoining property owners, and deed references shall be indicated

(F) A legible sketch or aerial photograph of subject property showing boundaries, roads, driveways, building locations, rights of way and land use.

(G) A location map showing the location of the subject farmland tract in a county or municipality.

(H) Soils map showing property boundaries.

(c) Analyses and conclusions

(i) Analysis of highest and best use

(ii) Valuation methodology: Market value

(A) Comparable sales data

(B) Adjustment grid
(C) Location map of comparable sales showing the location of the subject farmland tract with respect to the comparables. A single locational map shall be submitted with respect to each county from which comparable sales are drawn.

(iii) Market value estimate

(iv) Valuation methodology: Farmland value

(A) Comparable sales data

(B) An adjustment grid

(C) Location map of comparable sales showing the location of the subject farmland tract with respect to the comparables. A single locational map shall be submitted with respect to each county from which comparable sales are drawn.

(v) Farmland value estimate

(vii) Easement value

(viii) Professional qualifications of the appraiser and copy of appraiser's current certification form issued in accordance with the Real Estate Appraisers Certification Act (63 P.S. §§457.1-457.19).

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

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

(b) Pertinent data for each comparable sale used in the preparation of the appraisal shall be stated in the appraisal report, including date of sale, purchase price, zoning, road frontage in feet (for determining market value) and soil mapping units (for determining farmland value). The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract. This analysis shall be in the form of a narrative statement of the information considered and the reasoning that supports the analyses, opinions and conclusions, and an adjustment grid assigning, when practicable and within the Uniform Standards of Professional Appraisal Practice approximate dollar values to adjustment shown on the adjustment grid.

(c) The location of each comparable sale and subject tract used in the appraisal report shall be shown accurately on the comparable sales map and sufficiently identified and described so as to be located easily.

(d) For comparable sales used to estimate the farmland value, the appraiser may use sales of land that are confined to agricultural use because of agricultural conservation easements or other legal restrictions or physical impairments that make the land valuable only for agricultural use. Comparable sales shall be for primarily agricultural use. Data may also be gathered from farm real estate markets where farms have no apparent developmental value.

(e) The appraiser shall set forth the reasons the farmland comparable sales are confined primarily to agricultural use. Examples of these reasons include:

(i) The farmland tract has public or private land use restrictions

(ii) The farmland tract is within a flood plain or a wetland (in whole or in part)

(iii) The farmland tract is landlocked, subject to additional easements, subject to restrictive zoning or has other physical attributes which limit its developmental capability

(f) 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.

(g) The appraisal shall include the entire acreage offered for easement sale. If, following completion of the appraisal, acreage is added to or deleted from the proposed easement sale for any reason, the appraisal shall be revised accordingly or the appraiser shall agree in writing to the use of a per acre value to account for the change in easement value resulting from such a change in acreage.

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

SECTION V: EASEMENT VALUE AND PURCHASE

A. GENERAL

An easement will be purchased in perpetuity.

(1) The value of an easement in perpetuity for purposes of making an offer to purchase an easement under Section V-B. shall be the difference between the market value and the farmland value contained in the appraisal report.

The purchase price offered for the purchase of an easement may not exceed, but may be less than the value of the easement. Easement purchases will not be considered to utilize more than \$10,000/acre of state funds. Any amount over \$10,000/acre will be considered County funds.

The County Board intends to extend the funds described in section 14.1(h)(8.2) of the Act over a period of 2 consecutive County fiscal years. The County Board will allow for purchase of agricultural conservation easements on an installment or other deferred basis and final payment is to be made no more than 5 years from the date the agricultural conservation easement purchase agreement is fully executed. The County Board will follow the provisions contained in Chapter 138e.104(a) and (b)(1) through (4). The County Board will allow for like-kind exchanges for agricultural conservation easement purchase.

B. OFFER OF PURCHASE BY COUNTY BOARD

The County Program requires that any property evaluated for agricultural conservation easement purchase be evaluated in accordance with standards, criteria and requirements currently or hereafter established by the State Board addressing soil quality, likelihood of conversion, proximity to other land under agricultural conservation easement, land stewardship and fair, equitable, objective and nondiscriminatory procedures for determining purchase priorities. In

determining whether to offer to purchase an easement following receipt of the county appraisal report, the County Board shall consider the following:

- (1) Evaluation according to the numerical 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

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.

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 owner-ship interest, and other encumbrances which would adversely impact the county and Commonwealth's interest in the farmland tract. An agreement of sale shall be in a form provided by the State Board.
- (2) Reject the offer and advise the County Board that the application is withdrawn.
- (3) Advise the County Board that the applicant is retaining, at the applicant's expense, a PA Certified General Real Estate Appraiser to determine the easement value. The appraiser shall be qualified and the appraisal shall be completed under the regulations. The appraisal shall be submitted to the County Board within 120 days of receipt of the County Board's offer to purchase. The county board may extend the time within which this appraisal shall be submitted. This extension shall be in writing and shall extend the 120-day deadline by no more than 60 days. Upon completion, three copies of the applicant's appraisal shall be submitted to the County Board. The applicant's decision to obtain an independent appraisal under this paragraph 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 C(3)(a) or rejected by the applicant under subsection C(4)(a) or C(4)(b).

C. INDEPENDENT APPRAISALS

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

- (1) The agricultural value shall equal the sum of:
 - (a) The farmland value determined by the applicant's appraiser.

(b) One-half of the difference between the farmland value determined by the County Board's appraiser and the farmland value determined by the applicant's appraiser, if the farmland value determined by the County Board's appraiser exceeds the farmland value determined by the applicant's appraiser.

(2) The nonagricultural value shall equal the sum of:

(a) The market value determined by the County Board's appraiser.

(b) One-half of the difference between the market value determined by the applicant's appraiser and the market value determined by the County Board's appraiser, if the market value determined by the applicant's appraiser exceeds the market value determined by the County Board's appraiser.

(c) If the easement value determined is less than the easement value determined by the county appraiser, the county board may offer a purchase price equal to the county's offer.

(3) Within 30 days of receipt of the applicant's appraisal, the County Board shall do one of the following:

(a) Submit a written offer to purchase in an amount in excess of the amount offered under subsection (B) to the applicant; or

(b) Notify the applicant, in writing, that the offer made under subsection (B) remains open and will not be modified.

(4) The applicant shall, within 15 days of receipt of the County Board's written offer under subsection (C)(3)(a) or receipt of the County Board's written notice under subsection (C)(3)(b) notify the County Board in writing that the applicant either:

(a) Accepts or rejects the offer made under subsection (C)(3)(a); or

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

(5) The failure of the applicant to act as set forth in subsection (C)(4) shall constitute a rejection of the County Board's offer.

D. ACCEPTANCE OF OFFER

(1) 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 the State Regulations Section 138e.66(c)(1).

(2) 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.

(3) An agreement of sale shall be in a form provided by the State Board.

E. REQUIREMENTS OF THE AGRICULTURAL EASEMENT DEED

At closing, the owners of the subject farmland tract shall execute a deed conveying the easement which deed shall include the provisions of the State Regulations Section 138e.241 (relating to deed clauses).

The deed shall be in recordable form and contain:

(1) A legal description setting forth the metes and bounds of the farmland tract subject to the easement.

(2) At least one course and distance referencing a fixed marker or monument of a type commonly placed in the field by a surveyor. Fixed markers may include iron pins, pk nails, spikes, concrete monuments or stones.

(3) The legal description shall not contain a closure error greater than one foot per 200 linear feet in the survey.

(4) 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 (2) and (3). A survey required by the provisions of this paragraph must comply with the boundary survey measurement standards for a Class A-2 survey as published by the Pennsylvania Society of Land Surveyors.

Survey requirements.

- (a) General requirement. If a survey of land being considered for agricultural conservation easement purchase is required under § 138e.67(d) (relating to requirements of the agricultural conservation easement deed) or is otherwise required to determine metes and bounds of any right-of-way or other interests in the land, the survey shall indicate that it has a closure error of not greater than 1 foot per 10,000 linear feet in the survey, and shall otherwise comply with the boundary survey measurement standards published by the Pennsylvania Society of Land Surveyors in its “Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania,” adopted July 10, 1998, or its most current successor document.
- (b) Other requirements. A survey described in subsection (a) shall also contain the following:

- (1) A recordable legal description setting forth the metes, bounds, monumentation, exceptions, easements and rights-of-way with respect to the farmland tract or other subject of the survey.
 - (2) A copy of the final boundary survey in digital electronic format that complies with the conservation easement Geographic Information System (GIS) technical standards maintained in the guidebook prepared by the Department in accordance with section 14.1(a)(3)(xv) of the act (3 P. S. § 914.1(a)(3)(xv)). The digital format shall show the bearings and distances between each monument and contain the northing and easting of each monument.
 - (3) Coordinates of at least two ground control points located sequentially along the boundary survey, with latitude and longitude expressed in decimal degrees with an accuracy of 6 recorded decimal places. These coordinates shall be based on the “North American Datum of 1983,” or its most current successor document, and shall be obtained through field observation or verification of datum.
 - (4) A paper copy of the plotted final survey map from the digital file showing the course bearings and distances and other annotations and symbols as maintained in the guidebook prepared by the Department in accordance with section 14.1(a)(3)(xv) of the act.
- (c) Monumentation. If a survey of land being considered for agricultural conservation easement purchase is required under § 138e.67(d) or is otherwise required to determine metes and bounds of any right-of-way or other interests in the land, the surveyor shall establish monumentation for at least the two ground control points required under subsection (b)(3). This monumentation shall consist of permanent, concrete markers of substantial length and width containing ferrous or other materials detectable by an electromagnetic locator. The identity of the surveyor who places a monument shall be affixed or marked upon the monument so that it can be ascertained by inspection of the monument in the field.
- (5) For purchases made entirely with State funds, the Commonwealth shall be the sole grantee.
 - (6) For purchases made using a combination of State, County funds and local government units, the grantees shall be the Commonwealth and the County of Tioga, providing the funds under joint ownership as defined in the regulations.
 - (a) Neither the Commonwealth, the County nor the local government units may sell, convey, extinguish, lease, encumber, restrict or otherwise dispose of its interest in the easement without the consent of the other.
 - (b) Upon the sale, conveyance, extinguishment, lease, encumbrance or other disposition of the easement, the Commonwealth, the County and the local government units shall receive a pro rata share of the proceeds based upon their respective contributions to the purchase price.
 - (7) A copy of the deed shall be submitted to the State Board for approval prior to execution and delivery.

F. TITLE INSURANCE

- (1) The County Board shall provide a title insurance commitment to the State Board upon submission of its recommendation for the purchase of an easement.
- (2) Copies of all recorded or unrecorded documents on the title insurance commitment as exceptions to the title insurance policy.
- (3) At settlement, the County Board shall provide a title insurance policy issued by a title insurance company authorized to conduct business in the Commonwealth by the Insurance Department. A marked up title commitment may serve as a policy until the final policy is issued. The cost of such title insurance shall be a cost incident to the easement purchase payable or reimbursable from a county's allocation under the act. The amount of title insurance coverage shall equal or exceed the higher of the following amounts:
 - (1) The difference between the appraised market value and the appraised farmland value, as described in § 138e.65(a) (relating to easement value and purchase price).
 - (2) The difference between the agricultural value and the nonagricultural value, as described in § 138e.66(c)(3) (relating to offer of purchase by county board), if the values are used to calculate the easement value.

G. STATEMENT OF COSTS

- (1) For 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, on a form provided by the Department, of the cost incident to the purchase of the easement to the State Board which may include:
 - (a) The County appraisal costs
 - (b) The necessary legal fees for title search, preparation of documents and attendance at closing
 - (c) The recording fees
 - (d) The survey costs
 - (e) The costs of providing adjoining landowners with required notices and of providing necessary advertisement
 - (f) Reimbursements to a nonprofit land conservation organization that has acquired an easement at the request of the County Board, for the purpose of transferring the easement to the County or the Commonwealth or both. These costs include the easement purchase price, reasonable costs of financing the purchase, appraisal costs, necessary legal costs, recording fees and survey costs.
 - (g) The cost of the title insurance
- (2) 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.
- (3) 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. If the actual costs are less than the estimated costs, the county board shall promptly refund the difference to the Department by check payable to "Commonwealth of Pennsylvania."

H. 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) A description of the farm, including the name, location, number of acres and type of farm.
- (2) The qualities of the farmland tract, including soil capability classes of soils available for ag production.
- (3) The manner in which preservation will contribute to the agricultural productivity of the county.
- (4) The farmland ranking score, including a statement of the relative ranking of the farmland tract among other tracts considered by the county in the same round of applications.
- (5) The likelihood of conversion to other uses if the easement is not purchased. Discussion of the nature and scope of developmental pressure in the municipality or area.
- (6) The nature and scope of conservation practices and best land management practices.
- (7) A discussion of the purchase price summarizing the appraisals, including the agricultural and nonagricultural value and negotiations for purchase.
- (8) A statement of costs as described in section 138e.69 (relating to statement of costs) (Exhibit B).
- (9) A certification by the County Board that the information presented to the State Board is true and correct.
- (10) An appendix which includes:
 - (i) The application form
 - (ii) Location maps, including tax, topographic, & soils map.
 - (iii) A soils report
 - (iv) A crop report
 - (v) An evaluation of the ranking worksheet
 - (vi) A quitclaim deed, or a subordination, release or letter approving purchase from a mortgagee, lien-holder or owner of rights in surface mineable coal
 - (vii) Other relevant documents and information

I. STATE BOARD REVIEW OF APPLICATION

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 staff shall submit all of the below required documents to the State Agricultural Land Preservation Board. The application must be prepared in accordance with all applicable State regulations.

- (1) A narrative description, which includes:

- (i) A description of the farm, including the name, location, number of acres, and type of farm.
- (ii) Discussion of quality of the farmland tract, including soils classification.
- (iii) Mention of the manner in which preservation will contribute to the agricultural productivity of the county.
- (iv) The farmland ranking score, including a statement of the relative ranking of the farmland tract among other tracts considered by the county in the same round of applications.
- (v) Projection of the likelihood of conversion to other uses if the easement is not purchased. This should include discussion of the nature and scope of development pressure in the municipality or area.
- (vi) Description of the nature and scope of conservation practices and best land management practices on the farm.
- (vii) Discussion of the purchase price, summarizing the appraisal(s) and including mention of the agricultural and nonagricultural value of the farm and negotiations for purchase.
- (viii) Certification by the County Board that the information presented to the State Board is true and correct.

(2) A legible United States Geological Survey (USGS) topographic map showing the location and boundaries of the subject property, the location and boundaries of neighboring easements, and any exception areas withheld from the subject property.

(3) A soils report.

(4) A list of soils on the subject property including their mapping unit names, symbols, and Land Capability Classes.

(5) A tax map showing the subject property location and boundaries, any exception areas withheld from the subject property.

(6) A summary table showing the individual ranking scores by category for applications selected for county appraisal, including an indication of the easement purchase status of higher-ranking applicants.

(7) A statement of costs.

(8) The appraisal report or reports.

(10) The signed agreement of sale, including the following exhibits:

Exhibit A: Proposed legal description

Exhibit B: Statement of costs prepared in accordance with Section 138e.69 of the State Regulations.

Exhibit C: Proposed deed of agricultural conservation easement.

Exhibit D: Contractor integrity clause

Exhibit E: Non-discrimination/sexual harassment clause.

(11) IRS form W-9 for each farm owner.

(12) The title insurance commitment. (The cost of such title insurance shall be incidental to the easement purchase and payable or reimbursable from the county's allocation under the Act.)

(13) 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 copy of the notification letter and a list of all adjoining landowners.

- (14) A letter from the grantor for the purpose of issuing IRS Form 1099.
- (15) A copy of the approved soil conservation plan is required to be in place on the farmland.
- (16) A copy of the nutrient management plan developed in accordance with the most current Nutrient Management Act if a nutrient management plan is required on the property.
- (17) If necessary, a mortgage subordination, release, or letter from the mortgagee, lien holder, or owner of rights in surface mineable coal, is required to approve the purchase of the conservation easement. Clear title is required in order to purchase an easement. If there is a mortgage on the property, the owner has the option of paying it off on or before closing, or asking the lender to subordinate the mortgage to the agricultural easement. With subordination, the mortgage would continue as before, but the lender agrees that the agricultural conservation easement has first position in the event of foreclosure.
- (18) A copy of the application form.
- (19) An evaluation of ranking worksheet.
- (20) Other relevant documents and information.
- (21) Survey or plot plan of property under easement.

SECTION VI: CONSERVATION PLAN

(a) The county board shall require the owner of land being considered for agricultural conservation easement purchase to do the following:

(1) Before the county board 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.

(2) As part of the settlement documents described in §138e.93 (relating to post settlement recording and reporting procedures), execute a conservation plan agreement form containing the following:

(i) The name, address and telephone number of the landowners.

(ii) The location of the land.

(iii) The acreage of the land.

(iv) 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.

(v) An acknowledgement that a conservation plan exists with respect to the land, together with the following:

(A) The source of the conservation plan (typically, the county conservation district).

(B) An identifying number given the conservation plan.

(C) The date of the conservation plan.

(vi) 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.

(vii) The signature of the landowners.

(b). In addition to the requirements established by the County conservation district, or the County Board, the conservation plan shall meet the definitional requirements of a conservation plan in Chapter 138e.3 and also require that:

(1) The use of the land for agricultural production, such as growing sod, nursery stock, ornamental trees and shrubs does not remove excessive soil from the restricted land

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

(3) The mining of minerals is conducted only through the use of methods authorized in the Act.

SECTION VII: CONSTRUCTION OF BUILDINGS; CHANGE IN USE

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

(1) The erection of fences for agricultural production and protection of watercourses such as lakes, streams, springs and reservoirs is permitted.

(2) The construction of one additional residential structure is permitted under Section IX (relating to construction of one additional residential structure).

(3) The construction or use of a building or other structure for agricultural production is permitted. The County Program may restrict the maximum building coverage.

(4) The replacement of a residential structure existing on the restricted land on the date of the granting of the easement is permitted if the preexisting residential structure is razed or removed and the replacement residential structure is erected within the curtilage of the residential structure it replaces.

B. Existing Buildings or Structures

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

(2) A renovation or modification of an existing agricultural building or structure, or an addition to an existing agricultural building or structure, is permitted. The County Program may restrict the maximum building coverage.

SECTION VIII: CONVEYING OR TRANSFERRING LAND

A. All properties within Tioga 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 (S 14.1(j)(1-3)).

B. All persons conveying or transferring land subject to an agricultural conservation easement, shall within 30 days of the change of ownership, notify the County Board and the department of the name and address of the person to whom the subject land was conveyed or transferred, provide each a copy of the deed, provide a statement of the price per acre or portion thereof involved in the transfer and a reference to the volume and page in which the transfer has been recorded by the county recorder of deeds.

SECTION IX: CONSTRUCTION OF ADDITIONAL STRUCTURES AND SUBDIVISION

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

B. Definitions - Unless otherwise and expressly stated the following definitions apply to words, terms and phrases used in this article.

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

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

Eased - Protected against uses other than agriculture through the purchase 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)(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 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 previously 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 nonresidential 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. Section 914.1(c) (6) (iv)).

Parcel - All land defined by a single tax parcel number.

Pennsylvania Municipalities Planning Code - The Act of December 21, 1988 (P.L.1329, No.170) (53 P.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 or building or lot development.

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

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 an immediate family member (Act 33 of 2019) 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.

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

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

(f) 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 (Act 33 of 2019).

(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:

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

(b) 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.

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

D. SUBDIVISION OF EASED LAND

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

(1) A county program must allow subdivision of the restricted land if the subdivision is for a residence for the landowner, an immediate family member, or an employee unless the right to the residence has been 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 (Act 33 of 2019). A county program shall not permit a subdivision which would convert land devoted primarily to agricultural use to another primary use except that, without regard to this requirement, a county may permit one tract to be created by subdivision for the purpose of a principal 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. (Act 33 of 2019).

(a) The prohibitions, restrictions and conditions of subdivision of eased land as set forth in Sub-Section D (2) of this section shall be recited verbatim in the deed for all subdivided and remaining parcels.

(b) No restriction, prohibition or condition of this section shall prevent a landowner from subdividing eased lands for the purpose of constructing one additional residential structure as authorized by Section 14.1(c)(6)(iv) of the Act (3 P.S. Section 914.1(c)(6)(iv)). Provided that such a subdivision complies with the conditions of Sub-Section C (1) of this section.

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

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

(2) Subdivision Restrictions - Except as provided for in Sub-Section D(1)(b) of this section, no subdivision of eased land shall be permitted unless all of the following conditions are met:

(a) Approval of a subdivision shall be requested, in writing, of and granted by the County Board and by the State Board.

(b) Subdivision shall not harm the economic viability, as defined in Sub-Section B of this section, of any parcel created by or remaining after subdivision.

(c) Each parcel created or remaining as a result of subdivision shall have all of the following:

(i) Fifty percent (50%) of its soils in USDA Soil Capability Class I-IV.

(ii) Fifty percent (50%) of its area utilized for crop or pasture land.

(iii) Site characteristics (including but not limited to slopes, topography, shape, location of roads, streams, wetlands, ponds, access) that allow for practicality and reasonable efficiency of agricultural activity.

(d) No parcel of less than 52 acres may be created by subdivision or shall remain after subdivision of the original parcel.

(3) Procedures and Requirements of Subdivision - Landowners proposing to subdivide eased land shall be subject to following procedures and requirements.

(a) Requests for subdivision approval shall be submitted, in writing, to the County Board. Requests shall include the following maps, information, etc.

(i) Written request for subdivision approval including description of subdivision and reason for subdivision.

(ii) A map or sketch, at a scale sufficient to clearly show the following:

(1) Location of crop land, pasture land, wood land and other lands.

(2) Roads, streets, driveways, utility right-of-way, streams.

(3) Location of existing buildings, sheds, barns, dwellings, and other structures.

(4) Delineation of proposed subdivision.

(5) Indication of which parcel either created by subdivision or remaining after subdivision on which the additional residential structure permitted by Section 14.1(c)(6)(iv) of the Act (3 P.S. Section 914.1(c)(6)(iv)) and this section may be constructed.

(b) The County Board will note receipt of the request for subdivision approval at its next regularly scheduled meeting following the submission of the request for subdivision approval to the County Board.

(c) The County Board may agree to permit a parcel of land subject to an Agricultural Conservation Easement to be subdivided after the granting of such easement after appropriate review as follows:

(i) Upon receipt of the application, the County Board shall cause to be forwarded written notification thereof to the Tioga County Planning Office, and County Farmland Preservation Office, herein referred to as the reviewing agencies. Each reviewing agency shall have 60 days from receipt of such notification to review, comment and make recommendations on the proposed application to the County Board.

(ii) After reviewing the application and the comments and recommendations submitted by the reviewing agencies, the County Board shall approve or reject the application to subdivide within 120 days after the date of its filing unless the time is extended by mutual agreement of the landowner and reviewing agencies.

(iii) If the application to subdivide land is approved by the County Board, a copy of the application, along with the comments and recommendations of the reviewing agencies, shall be forwarded to the State Board for review and approval or disapproval. When reviewing an application to subdivide land subject to an Agricultural Conservation Easement, the State Board shall consider only whether the application complies with the conditions under which subdivisions are permitted by the approved county program. The State Board shall notify the County Board of its decision regarding the application.

(iv) If the application to subdivide is rejected by the County Board, the application shall be returned to the landowner with a written statement of the reasons for such rejection. Within 30 days after the receipt of the statement of rejection, the landowner may appeal the rejection in accordance with 2 PA.C.S. Chapter 5 Subchapter B (relating to practice and procedure of local agencies) and Chapter 7 Subchapter B (relating to judicial review of local agency action).

(d) Failure of the County Board to render a decision to approve or disapprove a subdivision within the time frame described in Sub-Section D(3)(c) of this article shall constitute approval of request to subdivide provided that the parcels created by and remaining after subdivision comply with Sub-Sections D(2)(b), D(2)(c) and D(2)(d) of this section.

(e) Approval of the County Board, or failure to act by the County Board as per Section D(3)(d) of this section shall not be construed to provide approval of the State Board or any other Governmental Unit with authority to approve or disapprove subdivisions.

(f) Subdivisions approved prior to the construction of additional residential structure.

(i) If County Board and State Board approval is granted for subdivision of eased land prior to the construction of additional residential structure as permitted by Section 14.1(c)(6)(iv) of the Act and this section, the landowner must do the following:

(1) Ensure that the deed to the parcel created by or remaining after subdivision upon which the additional residential structure may be constructed clearly reserves the right to construct this residential structure.

(2) The parcel for which the right to construct the allowed additional residential structure shall be the same parcel indicated in Subsection D(3)(a)(ii)(5) of this section.

(3) Ensure that the deeds to all other parcels created by subdivision or remaining after subdivision clearly state that no residential structures of any kind may be constructed on the eased parcels.

(4) Prior to recording deeds to parcels created by subdivision or remaining after subdivision, the landowner requesting subdivision approval shall forward copies of the deed for each such parcel for County Board review and approval.

(5) Within 15 days of recording deeds to tracts created by subdivision or remaining after subdivision, the landowner at the time of subdivision shall forward a copy of all recorded deeds to all parcels created by subdivision or remaining after subdivision to the County Board.

(g) Change in ownership

(i) All properties within Tioga county upon which conservation easements are placed shall recite in verbatim the language of the easements as set forth in the deed whenever interest in said properties is conveyed or transferred to another person (§ 14.1(j)(1-3)).

(ii) All persons conveying or transferring land subject to an agricultural conservation easement shall notify the County Board and the Department of Agriculture within 30 days of a change in ownership of the restricted land and the price per acre or portion thereof received by the landowner from said person, together with the volume and page in which recorded by the Tioga County Recorder of Deeds.

(iii) 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.

(h) Recording of Article

(i) Upon approval of this section, Section VII of the Program, by the County Board and State Board, or upon approval of the Program by the State Board, in which this section is included, the County Board shall record this section at the Tioga County Recorder of Deeds Office.

(ii) All deeds conveying an Agricultural Conservation Easement to the County of Tioga, the State of Pennsylvania or to both the County and State jointly shall incorporate, by referencing the location of such filing, the provisions of this section into the deed.

SECTION X: PROCEDURE FOR INSPECTING AND ENFORCING AN EASEMENT

A. RESPONSIBILITY

- (1) The County Board has the primary responsibility for inspecting restricted land and enforcing an easement.
- (2) The State Board or its designee has the right to inspect restricted land and enforce an easement on its own behalf or in conjunction with the County Board.

B. INSPECTIONS

- (1) The County Board shall inspect all restricted land within the county at least biennially (Act 19 of 2013) to determine compliance with the applicable deed of easement. The first inspection shall be completed within one year of the date of easement sale. (Act 19 of 2013).
- (2) Written notice of an inspection to be conducted under section (1) shall be mailed to the owner at least ten (10) days prior to the inspection.
- (3) Any inspection conducted under section (1) shall be performed between the hours of 8 AM and 5 PM on a weekday that is not a legal holiday as recognized by the Commonwealth, or a date and time agreeable to the county and landowner.
- (4) Within ten (10) days of conducting an inspection under section (1), the county board shall prepare a written inspection report containing the following information:
 - (a) The identification of the land inspected.
 - (b) The name of the owner of the farmland at the time the easement was originally acquired and the name of the current owner of the land inspected.
 - (c) A description of modifications in the number, type, location or use of any structures on the land since the date of the filing of the deed or easement.
 - (d) A description of the conservation practices being observed on the restricted land.
 - (e) A statement of whether the provisions of the deed of easement are being observed.
 - (f) A statement indicating whether a structure permitted under section 14.1(c)(6)(iv) of the act (3 P.S. § 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.
 - (g) A statement indicating whether the residential subdivision permitted under Section 14.1(c)(6)(iv) has been exercised.
 - (h) If a violation is discovered, the report shall be provided to the landowner by certified mail.

C. ANNUAL REPORT

The county board shall file the following with the State Board by March 1 of each year:

- (1) A copy of violations for inspections conducted during the prior year.
- (2) An annual report which summarizes the number of inspections, violations detected, violations resolved and the circumstances surrounding unresolved violations.

D. ENFORCEMENT

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

E. 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 via certified mail, the county governing body and the State Board.
- (2) The written notice required by this section shall be sent by certified mail and shall set forth the following information:
 - (a) A copy of the inspection report.
 - (b) A copy of the deed of easement.
 - (c) A description of the action or condition which constitutes the alleged violation.
 - (d) A statement of the measures necessary to correct the alleged violation.

E. ENFORCEMENT ACTIONS

- (1) Sixty days after the mailing of a notice of violation the County Board shall commence and prosecute an action in the Tioga County Court of Common Pleas 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 correction 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.

SECTION XI: RURAL ENTERPRISES

The following customary part-time or off-season minor or rural enterprises and activities approved by the Tioga County 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 practices including but not limited to Wetland Development or Restoration, Wildlife Wetland Habitat Management, Wildlife Upland Habitat Management and Riparian Forest Buffer Resources Management Systems used for erosion and sediment control and water quality improvement.

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

The provision of services or production and sale, by persons in residence, or 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.

APPENDIX A

TIOGA COUNTY AGRICULTURAL LAND PRESERVATION BOARD

MINIMUM CRITERIA FOR APPLICATIONS

The farmland tract must:

- (1) Be located in an agricultural security area, which has at least 500 acres enrolled.
- (2) The tract must be at least 50 acres in size. Unless the tract is at least 10 acres in size and is either utilized for a crop unique to the area or is contiguous to a property that has a perpetual conservation easement in place held by a “qualified organization,” as defined in section 170(h)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)(3)).
- (3) 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-NRCS.
- (4) Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing lands.
 - (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 the dividing line between the purchasing county and an adjoining county, having the land located in the purchasing county within 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 purposes.
 - (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.

TIOGA COUNTY
 LAND CAPABILITY CLASSES
 SOIL GROUP RELATIVE VALUES

Soil Group: 1

Relative Value: 100

<u>Map Symbol</u>	<u>Soil Name</u>
BaB	Bath
CmB	Clymer
LaB	Lackawanna
Ph	Philo
Po	Pope
Pp	Pope

Soil Group: 2

Relative Value: 65

<u>Map Symbol</u>	<u>Soil Name</u>
BvB	Braceville
ChB	Chenango
MaA	Mardin
MaB	Mardin
WeA	Wellsboro
WeB	Wellsboro

Soil Group: 3

Relative Value: 57

<u>Map Symbol</u>	<u>Soil Name</u>
CA	Carlisle
ChC	Chenango
DkB	Dekalb
DkC	Dekalb
LaC	Lackawanna
LoB	Lordstown
LoC	Lordstown
MaC	Mardin
OgB	Oquaga
OgC	Oquaga
Ow	Orrville
WeC	Wellsboro

TIOGA COUNTY
 LAND CAPABILITY CLASSES
 SOIL GROUP RELATIVE VALUES

Soil Group: 4

Relative Value: 45

<u>Map Symbol</u>	<u>Soil Name</u>
ChD	Chenango
KaB	Kanona
KaC	Kanona
LoD	Lordstown
MaD	Mardin
MoD	Morris
No	Norwich
OgD	Oquaga
Wa	Wayland
WeD	Wellsboro
WyC	Wyoming
WyD	Wyoming
Wz	Wyoming
VoD	Volusia

Soil Group: 5

Relative Value: 41

<u>Map Symbol</u>	<u>Soil Name</u>
AoB	Arnot
MoA	Morris
MoB	Morris
MoC	Morris
RxA	Rexford
RxB	Rexford
VoA	Volusia
VoB	Volusia
VoC	Volusia
VvB	Volusia Silty
VvC	Volusia, Silty

TIOGA COUNTY
 LAND CAPABILITY CLASSES
 SOIL GROUP RELATIVE VALUES

Soil Group: 6

Relative Value: 0

<u>Map Symbol</u>	<u>Soil Name</u>
ArB	Arnot
BsB	Bath
CkA	Chippewa
CkB	Chippewa
ClB	Chippewa
CsB	Clymer
CvB	Cookport
DsB	Dekalb
DsD	Dekalb
DsF	Dekalb
KcD3	Kanona
LsB	Lordstown
LsD	Lordstown
MdB	Mardin
MdD	Mardin
MsB	Morris
MsD	Morris
Ns	Norwich
OsB	Oquaga
OsD	Oquaga
OTF	Oquaga
OVF	Oquaga
VoD3	Volusia
VoE3	Volusia
VsB	Volusia
VsD	Volusia
VtB	Volusia
VvD3	Volusia, Silty
WsB	Wellsboro
WsD	Wellsboro
WyF	Wyoming

TIOGA COUNTY
NON-IRREGATED LAND CAPABILITY CLASS

Soil Class 1

Classification Color = Green

Map Symbol

Pp

Soil Name

Pope fine sandy loam

Soil Class 2

Classification Color = Yellow

Map Symbol

BaB

BvB

ChB

CmB

DkB

LaB

LoB

MaA

MaB

OgB

Ow

Ph

Po

WeA

WeB

Soil Name

Bath channery silt loam, 3 to 12 percent slopes

Braceville gravelly loam, 3 to 8 percent slopes

Chenango gravelly loam, 2 to 12 percent slopes

Clymer channery loam, 3 to 12 percent slopes

Dekalb channery loam, 3 to 12 percent slopes

Lackawanna channery loam, 3 to 12 percent slopes

Lordstown channery loam, 3 to 12 percent slopes

Mardin channery silt loam, 0 to 3 percent slopes

Mardin channery silt loam, 3 to 8 percent slopes

Oquaga channery loam, 3 to 12 percent slopes

Orrville silt loam

Philo silt loam

Pope soils

Wellsboro channery loam, 0 to 3 percent slopes

Wellsboro channery loam, 3 to 8 percent slopes

Soil Class 3

Classification Color = Red

Map Symbol

KaB

KaC

LoC

MaC

MoA

MoB

MoC

OgC

RxA

RxB

VoA

VoB

VoC

VvB

VvC

WeC

Wz

Soil Name

Kanona silt loam, 3 to 8 percent slopes

Kanona silt loam, 8 to 15 percent slopes

Lordstown channery loam, 12 to 20 percent slopes

Mardin channery silt loam, 8 to 15 percent slopes

Morris gravelly silt loam, 0 to 3 percent slopes

Morris gravelly silt loam, 3 to 8 percent slopes

Morris gravelly silt loam, 8 to 15 percent slopes

Oquaga channery loam, 12 to 20 percent slopes

Rexford silt loam, 0 to 3 percent slopes

Rexford silt loam, 3 to 10 percent slopes

Volusia channery silt loam, 0 to 3 percent slopes

Volusia channery silt loam, 3 to 8 percent slopes

Volusia channery silt loam, 8 to 15 percent slopes

Volusia channery silt loam, silty substratum, 3 to 8 percent

Volusia channery silt loam, silty substratum, 8 to 15 percent

Wellsboro channery loam, 8 to 15 percent slopes

Wyoming gravelly loam, flooded

TIOGA COUNTY
NON-IRREGATED LAND CAPABILITY CLASS

Soil Class 4

Classification Color = Blue

<u>Map Symbol</u>	<u>Soil Name</u>
AoB	Arnot channery loam, 3 to 12 percent slopes
ArB	Arnot-rock outcrop complex, 3 to 12 percent slopes
ChC	Chenango gravelly loam, 12 to 20 percent slopes
CkA	Chippewa silt loam, 0 to 3 percent slopes
CkB	Chippewa silt loam, 3 to 8 percent slopes
DkC	Dekalb channery loam, 12 to 20 percent slopes
KcD3	Kanona silty clay loam, 15 to 25 percent slopes
LaC	Lackawanna channery loam, 12 to 20 percent slopes
LoD	Lordstown channery loam, 20 to 30 percent slopes
MaD	Mardin channery silt loam, 15 to 25 percent slopes
MoD	Morris gravelly silt loam, 15 to 15 percent slopes
No	Norwich silt loam
OgD	Oquaga channery loam, 20 to 30 percent slopes
VoD	Volusia channery silt loam, 15 to 25 percent slopes
Wa	Wayland silty clay loam
WeD	Wellsboro channery loam, 15 to 25 percent slopes
WyC	Wyoming gravelly sandy loam, 12 to 20 percent slopes

Soil Class 5

Classification Color = Uncolored/Grey

<u>Map Symbol</u>	<u>Soil Name</u>
Ab	Alluvial Land
Ca	Carlisle silt loam

Soil Class 6

Classification Color = Uncolored/Grey

<u>Map Symbol</u>	<u>Soil Name</u>
ChD	Chenango gravelly loam, 20 to 30 percent slopes
CsB	Clymer very stony loam, 3 to 12 percent slopes
CvB	Cookport very stony loam, 0 to 8 percent slopes
MdB	Mardin very stony loam, 0 to 8 percent slopes
MdD	Mardin very stony loam, 8 to 25 percent slopes
VoD3	Volusia channery silt loam, 15 to 25 percent slopes, eroded
VvD3	Volusia channery silt loam, silty substratum, 15 to 25 percent
WyD	Wyoming gravelly sandy loam, 20 to 30 percent slopes

TIOGA COUNTY
NON-IRREGATED LAND CAPABILITY CLASS

Soil Class 7

Classification Color = Uncolored/Grey

<u>Map Symbol</u>	<u>Soil Name</u>
BsB	Bath very stony loam, 3 to 12 percent slopes
CIB	Chippewa very stony silt loam, 0 to 8 percent slopes
DsB	Dekalb extremely stony loam, 3 to 12 percent slopes
DsD	Dekalb extremely stony loam, 12 to 30 percent slopes
DsF	Dekalb extremely stony loam, 30 to 70 percent slopes
LsB	Lordstown very stony loam, 3 to 12 percent slopes
LsD	Lordstown very stony loam, 12 to 30 percent slopes
MD	Mine dump
MsB	Morris very stony silt loam, 0 to 8 percent slopes
MsD	Morris very stony silt loam, 8 to 25 percent slopes
Ns	Norwich very stony silt loam
OsB	Oquaga very stony loam, 3 to 12 percent slopes
OsD	Oquaga very stony loam, 12 to 30 percent slopes
OTF	Oquaga and Lordstown soils, very steep
OVF	Oquaga-Rock outcrop complex, very steep
SM	Strip mine
Sw	Stony land, wet
VoE3	Volusia channery silt loam, 25 to 35 percent slopes, eroded
VsB	Volusia very stony silt loam, 0 to 8 percent slopes
VsD	Volusia very stony silt loam, 8 to 25 percent slopes
VtB	Volusia extremely stony silt loam, 0 to 8 percent slopes
WsB	Wellsboro very stony loam, 0 to 8 percent slopes
WsD	Wellsboro very stony loam, 8 to 25 percent slopes
WyF	Wyoming gravelly sandy loam, 30 to 50 percent slopes

Soil Class 8

Classification Color = Uncolored/Grey

<u>Map Symbol</u>	<u>Soil Name</u>
DAM	Dams and impoundment structures
	Gravel Pit

GP

APPENDIX C

**TIOGA COUNTY AGRICULTURAL LAND PRESERVATION EVALUATION
NUMERICAL FARMLAND RANKING SYSTEM**

SITE ASSESSMENT FACTORS

NAME _____

DATE _____

Development Potential Factors

1. COMPATIBILITY OF SURROUNDING LAND USES WITH NON-AGRICULTURAL USE
If the surrounding land use is compatible with non-agricultural use, assign a higher value.
Decrease the value as the level of compatibility is reduced.
 - 25 - 75% to 100% compatible within one (1) mile
 - 10 - 50% to 74% compatible within one (1) mile
 - 5 - 24% to 49% compatible within one (1) mile
 - 0 - 0% to 24% compatible within one (1) mile

2. DISTANCE TO URBAN AREA
A farm adjacent to a city or borough line is more likely to be converted to non-agricultural use than a farm located several miles from the nearest urban center.
 - 25 - Boundary line less than .5 mile of a city area or borough line
 - 10 - Boundary line between .5 mile and 1 mile of a city area or borough line
 - 0 - Boundary line more than one (1) mile of a city area or borough line

3. AMOUNT OF ROAD FRONTAGE WITH THE TRACT (both sides of the road if applicable)
Amount of undeveloped road frontage contributes to the rural character of the area and lessens the potential for conflict between agricultural and non-agricultural use of the land.
 - 25 - 3,500 feet or more of road frontage
 - 20 - 3,000 to 3,499 feet of road frontage
 - 10 - 2500 to 2999 feet of road frontage
 - 0 - Less than 2500 feet of road frontage

4. AVAILABILITY OF SANITARY SEWER AND PUBLIC WATER
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.
 - 25 - Sewer and water located adjacent to tract proposed for preservation
 - 18 - Within .5 mile of existing sewer and water
 - 10 - Between .5 mile and 1 mile of existing sewer and water
 - 0 - More than 1 mile to the nearest existing sewer and water

As an alternative to sanitary sewers the following on-lot sewage scoring factors can be used if sanitary sewers and public water are not available in the immediate vicinity of the farm tract.(> 1 mile to the nearest public sewer.)

4a. SUITABILITY OF SOILS FOR ON-LOT SEWAGE DISPOSAL

A farmland tract is more likely to be converted to non-agricultural use if the soils are suitable for on-lot sewage disposal. (Class I & II Soils)

- 25 – 100 - 61% of the soils on site support on-lot septic systems
- 18 – 60 - 41% of the soils on site support on-lot septic systems
- 10 – 40 - 21% of the soils on site support on-lot septic systems
- 0 – 20 - 0% of the soils on site support on-lot septic systems

Farmland Potential Factors

5. AMOUNT OF CROPLAND AND PASTURELAND ON THE FARM

- 30 - 100 acres or more
- 24 - 90 to 99 acres
- 18 - 80 to 89 acres
- 12 - 70 to 79 acres
- 6 - 25 to 69 acres
- 0 - Less than 25 acres

6. SIZE OF TRACT

Total acres offered for preservation

- 30 - 150 acres or more
- 25 - 125 to 149 acres
- 20 - 100 to 124 acres
- 15 - 75 to 99 acres
- 10 - 50 to 74 acres

7. INSTALLATION OF SOIL AND WATER CONSERVATION PRACTICES BASED ON THE NRCS DEVELOPED CONSERVATION PLAN OR SOIL LOSS DETERMINATION

Farms dedicated to long-term agricultural use should not have depleted soils, but should demonstrate good stewardship of the land. Good conservation practices are essential for a farm to be used indefinitely for agriculture.

- 20 - Conservation practices are fully implemented
- 15 - 75% or more of the land has conservation practices applied
- 10 - 50% to 74% of the land has conservation practices applied
- 0 - 0 to 49% of the land has conservation practices applied

8. CONDITION OF BUILDINGS AND IMPROVEMENTS

Farms with up-to-date facilities in good repair are more viable than farms with poor buildings, or with bare land that must use off-site facilities

- 5 - Adequate Buildings
- 0 - No buildings, or old buildings which have no value for commercial agricultural use

9. HISTORIC, SCENIC AND ENVIRONMENTAL QUALITIES
 A Farmland tract which adjoins or is within one (1) mile to an area designated as historic or culturally significant and or is limited by natural environmental qualities (floodplains, designated forests or parks, etc.)
 is more compatible with open space and agriculture

- 15 - Tract adjoins historic, scenic or natural area
- 10 - Tract is within one (1) mile of historic, scenic or natural area
- 0 - Tract is more than a mile from a historic, scenic or natural area

Clustering Potential Factors

10. PROXIMITY TO OTHER PERMANENTLY PRESERVED FARMS
 Grouping permanently preserved farms in an area will help develop a critical mass of farmland which can support commercial agriculture and reduce conflicts with incompatible land uses. This factor should include consideration of farms preserved by any type of deed restriction. (Each easement = 1 farm)

- 30 - Three or more farms with easements within one (1) mile of site
- 20 - Two farms with easements within one (1) mile of site
- 10 - One farm with easement within one (1) mile of site
- 0 - No farms with easement within one (1) mile of site

11. PERCENTAGE OF ADJOINING LAND IN AN AGRICULTURAL SECURITY AREA
 The percentage of a tract's boundary that adjoins land in and Agricultural Security Area will be considered in scoring the clustering potential of the tract. Areas where agriculture has been given protection by the municipality, at the request of the landowners, provides an environment conducive to farming. The higher percentage of the land that borders land in an ASA, the higher the score will be.

- 30 - 100 %
- 20 - 75% to 99%
- 10 - 50% to 74%
- 5 - 25% to 49%
- 0 - Less than 25%

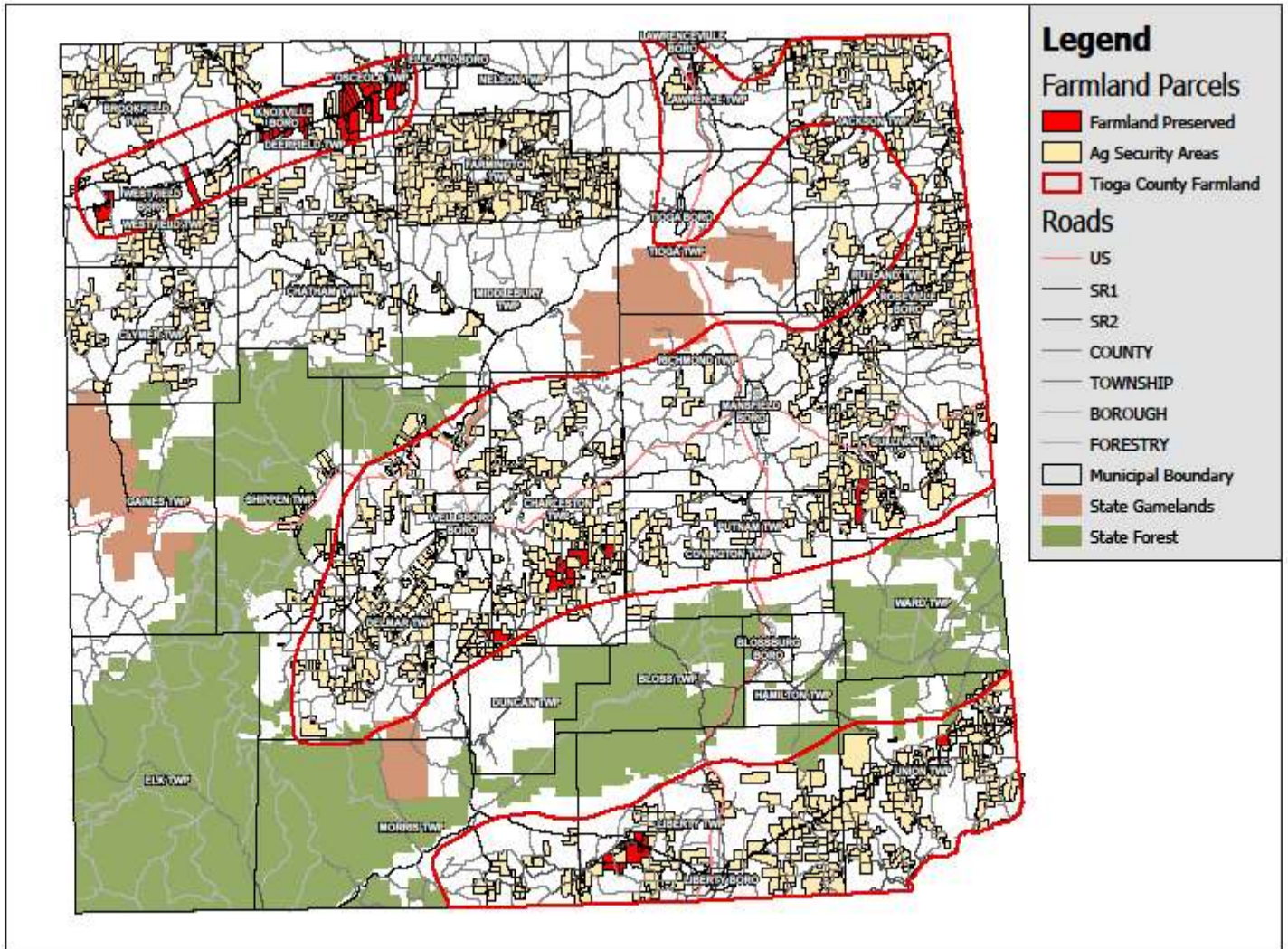
12. CONSISTENCY WITH PLANNING MAP –
 Is the tract located in an agricultural cluster area as identified by the County Board (see attached map)

- 40 – The tract is located in an ag cluster area
- 0 – Not in an ag cluster area

DEVELOPMENT POTENTIAL = SUM OF QUESTIONS 1, 2, 3 & 4
FARMLAND POTENTIAL = SUM OF QUESTIONS 5, 6, 7, 8 & 9
CLUSTERING POTENTIAL = SUM OF QUESTIONS 10, 11 & 12

Develop Potential	Weighted Value 10%	Weighted Score	Farm Potential	Weighted Value 20%	Weighted Score	Cluster Potential	Weighted Value 20%	Weighted Score

Tioga County Preservation Planning Map



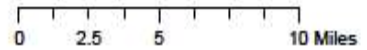
County of Tioga, PA

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Tioga County Farmland Preservation Planning Map
Map Date: 3/17/2022

Created by: Tioga County (PA) GIS Dept.

1 inch = 5 miles



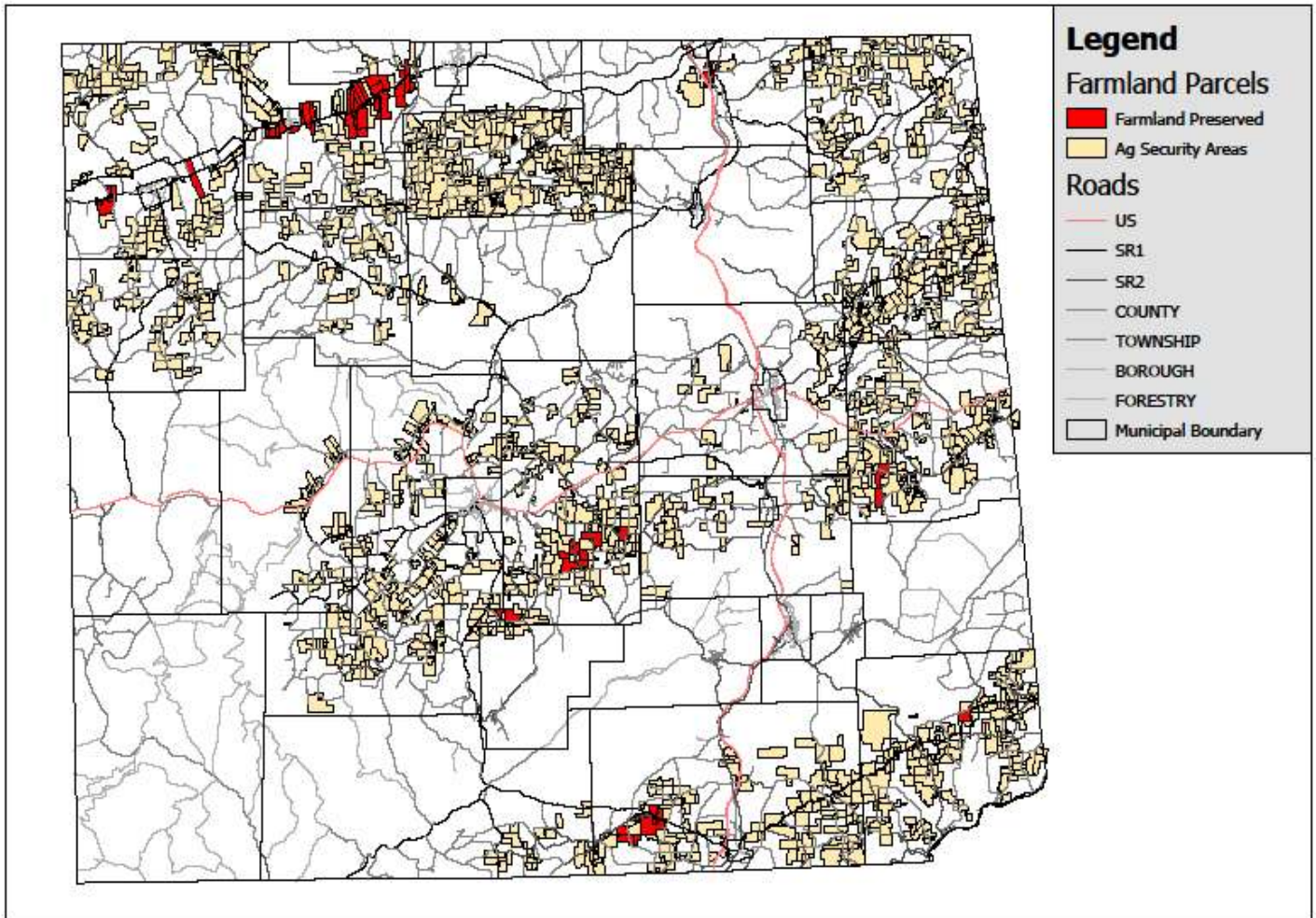
APPENDIX D

TIOGA COUNTY AGRICULTURAL LAND PRESERVATION BOARD

LESA RANKING WORKSHEET

			Farm Ranking Status				
			WEIGHTED FACTOR SCORES/PRIORITY RANKING				
			CLUSTER				
RANK		EVALUATION	POTENTIAL	POTENTIAL	POTENTIAL	TOTAL	
		SOIL	LAND	DEVELOPMENT	FARMLAND	CLUSTERING	Acres
	FARM NAME	RATING 50%	+ SCORE 10%	+ SCORE 20%	+ SCORE 20%	= SCORE	Offered
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							

APPENDIX E
TIOGA COUNTY AGRICULTURAL LAND PRESERVATION BOARD
AGRICULTURAL AREAS MAP



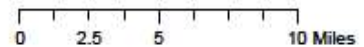
County of Tioga, PA

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**Tioga County Ag Security Areas
 & Preserved Farms
 Map Date: 3/17/2022**

Created by: Tioga County (PA) GIS Dept.

1 inch = 5 miles



APPENDIX F

TIOGA COUNTY AGRICULTURAL LAND PRESERVATION BOARD
AGRICULTURAL COUNTY EASEMENT APPLICATION FORM

I. GENERAL INFORMATION

Name(s) _____

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

Social Security #(s) _____ - _____ - _____

Telephone #(s) (____) _____ (____) _____
(Please include best times to contact)

County _____ Municipality _____

Location of Agricultural Security Area in which your farm is located. _____

Be prepared to show proof that you are enrolled in the Agriculture Security Area.

Street location of farmland tract _____

Directions from nearest state route _____

Total acreage of farmland tract _____

Total acreage offered for easement purchase _____

Deed Reference: Book _____ Volume _____ Page _____

County tax map, include tax parcel number or account number _____

Date of the Conservation Plan _____

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

Does anyone other than the applicant have surface mineral rights? Yes No (circle one)

Is any acreage in your offer enrolled in any other Easement programs? Yes No (circle one)

Landowner Signatures (all names that appear on the deed)

Name _____ Date _____

Name _____ Date _____

Name _____

Date _____

Name _____

Date _____

II. CROP PRODUCTION INFORMATION

The applicant shall provide crop production information for the farmland tract for the most recent crop year.

Commodity Grown	Number of Acres Grown
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

III. LIVESTOCK REPORT

The applicant shall provide a livestock report for the farmland tract for the most recent calendar year.

Type of Livestock	Number of Livestock
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

IV. MAPS

The following maps are required as part of this application:

1. Location Map - A United States Geographical Survey Topographical Map showing the location of the farmland tract. **The Planning Department will provide this map.**
2. Soils Map - The soils map of the farmland tract must be color coded as follows: **The Conservation District will provide this map.**

- Class I - Green
- Class II - Yellow
- Class III - Red
- Class IV - Blue
- *Unique Land - Purple
- Wetlands - Cross Hatch or include on separate map

3. Tax Map - Tax map(s) of the farmland tract with map reference and tax parcel numbers clearly indicated. Areas offered for easement clearly marked.
The Planning Department will provide this map.

V. SOILS REPORT

The soils report for the farmland tract is required as part of this application.
The Planning Department will provide this map.

VI. CAPABILITY CLASS TABLE

The table showing the capability class and use of the land is required as part of this application.
The Planning Department will provide this table information.

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

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

APPENDIX G

TIOGA COUNTY AGRICULTURAL LAND PRESERVATION BOARD

LOCAL GOVERNMENT UNIT PARTICIPATION

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

A. The local government unit, in conjunction with a county board, may participate with the State Board in the purchase of agricultural conservation easements.

B. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the eligible county and the local government unit as joint ownership.

C. The local government unit shall recommend to the County Board the purchase of agricultural conservation easements by the local government unit and the Commonwealth as joint ownership.

D. The local government unit may purchase an agricultural conservation easement, provided that all of the following apply.

1. The agricultural conservation easement is located within an agricultural security area of at least 500 acres or the easement purchased is a joint purchase with either the County or both the County and the Commonwealth, pursuant to the criteria set forth for the purchase of agricultural conservation easements crossing local government unit boundaries and crossing county boundaries including any portion of an agricultural conservation easement extending into an adjoining county, as contained in § 914.1 (b)(2)(i)(A),(B) and (C).

2. The deed of agricultural conservation easement is at least as restrictive as the deed of agricultural conservation easement prescribed by the State Board for agricultural conservation easements purchased by the Commonwealth.

3. The local government unit shall participate with the County Board in complying with paragraph (E) for recording any agricultural conservation easement purchased by the local government unit.

E. The County Board shall be responsible to record agricultural conservation easements where a local government unit is 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 Tioga County. The County Board shall submit to the State Board a certified copy of the agricultural conservation easement within 30 days after recording. The County Board shall attach to all certified copied of the agricultural conservation easement submitted to the State Board a description of the farmland subject to the agricultural conservation easement.

APPENDIX H
 TIOGA COUNTY FARMLAND PRESERVATION BOARD MEMBERS
 2023

Name		Term Expires
Sam Wilson – Builder 6 Wolf Run Road Wellsboro, PA 16901 (570) 724-6225 wilsonfamily@epix.net	Mail notice	10/21/2025
P. William Plummer – Elected Supervisor Westfield, PA 16950 plummerb@verizon.net		10/21/2025
Donna Cleveland – Farmer 632 Shelmire Road Wellsboro, PA 16901 (570) 724-7838 or 723-9050 abbyzoegirls@yahoo.com		10/21/2024
Donald Norman – Farmer Vice Chair 361 Brion Hill Road Liberty, PA 16930 (570) 324-3562 donald.o.norman@gmail.com		10/21/2024
Karl Kroeck – Farmer Chair P.O. Box 263 Knoxville, PA 16928 (814) 326-4308 kroeckkarl@gmail.com		10/21/2024
Gayle Morrow, Member at Large – Writer 48 Briarcliff Lane Westfield, PA 16950 (570) 376-2497 asaphrange@gmail.com	Mail notice	10/21/2023
Donald Hoffman 607-742-3630 donhoff@empireaccess.net		10/21/2023

Administrator and Staff:

Deb Crawford, Administrator
118 Main Street
Wellsboro, PA 16901
(570) 723-8251
dcrawford@tiogacountypa.us

Kaye Aumick, Tioga County Planning Director
118 Main Street
Wellsboro, PA 16901
570-723-8252
kaumick@tiogacountypa.us

Andrea Boyce, Tioga County Conservation District – Technician
50 Plaza Lane
Wellsboro, PA 16901
(570) 724-1801 ext. 110
aboyce@tiogacountypa.us

Erica Tomlinson, District Manager, TCCD
etomlinson@tiogacountypa.us

2023 Meeting Dates
7 PM
Tokishi Center
124 NYPUM Lane, Wellsboro, PA

January 16, 2023
February 20, 2023
March 20, 2023
April 17, 2023
May 15, 2023
June 19, 2023
July 17, 2023
August 21, 2023
September 18, 2023
October 16, 2023
November 20, 2023
December 20, 2023

APPENDIX I

COMMERCIAL EQUINE ACTIVITIES

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.

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

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

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.

APPENDIX J

DONATION OF AN AGRICULTURAL EASEMENT

Landowners may donate an agricultural conservation easement on their farm, or a portion thereof, to the County of Tioga in conjunction with the Commonwealth, an eligible nonprofit entity or a local government unit, or any combination of the afore mentioned entities if all of the following apply (Act 46 of 2006):

1. The land is used for agricultural production.
2. The term of the agricultural conservation easement is perpetual.
3. The County Board provides for the acquisition by donation of an agricultural conservation easement.
4. The agricultural easement is being acquired by donation by the County Board in conjunction with the Commonwealth, an eligible nonprofit entity, or a local government unit, or a combination of said entities.
5. Instruments and documents for the acquisition by donation of an agricultural conservation easement are approved by the State Board or the County Board prior to execution and delivery.
6. All agricultural conservation easements acquired by donation must have proper releases from mortgage holders and lienholders.
7. The agricultural conservation easement has title insurance.
8. The deed of the agricultural conservation easement is prescribed by the State Board for agricultural conservation easements purchased by the Commonwealth.
9. The County Board records an agricultural conservation easement acquired by donation by the County in the office of the recorder of deeds of the county where the agricultural conservation easement is located and submit to the State Board a certified copy of the agricultural conservation easement within 30 days after recording.
10. If the land does not meet the minimum criteria established by the State Board for the purchase of agricultural conservation easement, the land shall be contiguous to property which is subject to an agricultural conservation easement.