

CHESTER COUNTY CHALLENGE GRANT PROGRAM FOR FARMLAND PRESERVATION

**A Program of the Chester County
Board of Commissioners**



2011 PROGRAM GUIDELINES

Application Deadline: December 1, 2011

**Funded through the
Chester County Department of Open Space Preservation**

**CHESTER COUNTY
BOARD OF COMMISSIONERS**

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CHALLENGE GRANT PROGRAM FOR FARMLAND PRESERVATION

Introduction: The Chester County Board of Commissioners and the Chester County Agricultural Land Preservation Board (CCALPB) wish to take this opportunity to thank you for your interest in the Challenge Grant Program for Farmland Preservation. This manual is an effort to provide you with information pertinent to the agricultural conservation easement efforts in Chester County and the specific details of this program (including application forms). If we can be of any further assistance, please contact the CCALPB staff at the County's Department of Open Space Preservation, 601 Westtown Road, Suite 390, P.O. Box 2747, West Chester, PA 19380-0990, phone 610-344-5656 and/or visit our website at www.chesco.org/agriculture.

Recognizing the significant economic, cultural, and environmental benefits farmland provides and the need to stretch its limited funds, the Board of County Commissioners established the Challenge Grant Program. This program provides opportunities for the County to partner with municipalities and other public and/or private entities in ways that may otherwise not be possible. Partners can include farmland owners, private businesses, non-profit organizations, foundations and contributors.

Purpose: The purpose of this program is to permanently preserve agricultural land by purchasing development rights in accordance with the County's adopted strategic plan and land use policies. Agricultural lands in Chester County that are designated Rural Resource Areas in the County's Comprehensive Policy Plan, *Landscapes 2*, are located in locally adopted Agricultural Security Areas, or provide a unique agricultural benefit to the County, are farmland preservation priorities. These areas contain some of the most productive non irrigated agricultural soils in the world, are generally designated for agriculture in local comprehensive plans and support concentrations of actively farmed land.

Eligibility Criteria: All of the following criteria must be met for a farm to be eligible for County Funds:

1. Availability of matching funds. The most common sources of matching funds are donated value from the landowner, funds from the township in which the farm is located, other private funds, or a combination of funding from these sources. To assess the potential for the County to partner with local townships, the County annually requests that Township Board of Supervisors who wish to participate, provide a written commitment of funds they intend to utilize for this purpose. The above may be waived if applicant indicates 50 percent bargain sale on their application or if local match funds are available from other sources and committed in writing. See "Funding Requirements" section on this Manual for further details;
2. Enrolled in an adopted municipal Agricultural Security Area(s);
3. Located in areas designated as a Rural Resource Area in the Chester County Comprehensive Policy Plan, *Landscapes 2*, or possessing unique attributes that make preservation appropriate in alternative landscapes as determined by the CCALPB. In cases where an applicant straddles the boundary between a Rural Resource Area and any other "Area", the farm tract applied must have at least 50 percent in the Rural Resource Area or is determined to have the unique attributes previously described;
4. The farmland tract shall encompass 25 acres if not contiguous to an existing protected tract, or a minimum of 10 acres if contiguous to another protected tract;
5. Contain at least 50 percent cropland, pasture or grazing land. This includes equestrian uses.

Funding Requirements: Applications for the purchase of easements require a match of at least 50 percent of the acquisition costs. Applications that provide more than 50 percent towards the acquisition cost may be considered before those requiring more County funding as long as the project obtains a score of 60 or above. For each easement purchase offer, the County will commit to funding no more than 50 percent of the purchase price, with a funding limit of \$12,000 per acre on each project (whichever is the lesser of the two). The minimum 50 percent match to meet the “challenge” (or result in priority consideration if greater than 50%) may be achieved in one or a combination of the following ways:

1. A township, or townships (if farm overlaps municipal lines) committing to providing the match;
2. A private (including applicant donation of value) or private non-profit entity committing to provide the match;
3. A commitment or contribution to the County of Chester for incorporation into the County’s certification of funds to the Commonwealth for use in the Commonwealth Program;
4. A commitment from the Commonwealth of Pennsylvania;
5. Funding from the Federal Farm and Ranch Land Protection Program; or,
6. A combination of any of the above-mentioned options to provide the match.

The total easement purchase price shall include the easement price accepted by farm owner and the incidental costs of the acquisition, such as appraisal, survey, title, legal and other appropriate fees. The total easement purchase price shall be itemized in a “Statement of Costs” exhibit contained in the Agreement of Sale. The County reserves the right to apply municipally certified Challenge Grant match funding to the Commonwealth/County Program if farm(s) from municipality have also ranked high enough in Commonwealth/County Program to be funded.

Application Procedures: **Applications for conservation easement sale will be accepted with a deadline of December 1.** Applications will be open to all eligible landowners.

Application Evaluation: Applications will be evaluated according to the Ranking Criteria as outlined in Addendum I. The CCALPB will be responsible for evaluating applications and recommending easement purchases to the Chester County Board of Commissioners.

General Procedures for Purchasing Easements: Based on the ranking of applications, the amount of value proposed for landowner donation and the availability of funds for easement purchase, appraisals will be authorized by the CCALPB. Offers based on the appraisal may be made to qualifying applicants; no offer may be made in excess of the appraised value. Landowner shall respond to the offer in writing to accept or reject the offer, or notify that farm owner is commissioning an appraisal within 30 days from the date of the County offer letter. The landowner-commissioned appraisal must follow the standards for appraisal process, as detailed in Chapter 138e.64 of the program regulations. After a written acceptance is received, the parties shall enter into an agreement of sale for the purchase of the agricultural conservation easement. After the agreement of sale is signed, the CCALPB will commission a survey, title report and title policy insurance. In addition, a conservation plan will be updated or prepared for the farm operation. Any existing mortgages, liens, or judgments shall be subordinated, satisfied, or resolved to the satisfaction of the CCALPB. After all necessary work is finished, settlement will occur, at which time the farm owner executes the agricultural conservation easement deed and receives compensation for the development rights. This process is fully described in Chapter 138e of PA Code 7, the Regulations of the Commonwealth Agricultural Easement Purchase Program.

CHALLENGE GRANT PROGRAM FARMLAND PRESERVATION APPLICATION

DEADLINE FOR SUBMISSION Delivered or Postmarked December 1, 4:30 P.M.

We, _____, applicants, hereby offer to sell an agricultural conservation easement on farm property consisting of _____ acres, located on _____ Road(s), in _____ Township, Chester County, Pennsylvania. The property is identified in the land records of Chester County, Deed Book(s) _____, Page(s) _____. Agricultural conservation easement sale to the Chester County Agricultural Land Preservation Board is offered in consideration of a mutually agreed price per acre to be determined by appraisal and the bargain sale offered by the applicant.

Date: _____

APPLICANT(s) NAME (printed) _____

SIGNATURE(s) _____

By signature, applicant hereby authorizes the Conservation Plan preparer to release copies of the Conservation Plan and Nutrient Management Plan (Act 6, if applicable) to the CCALPB.

Mailing Address: _____

Phone: _____

Total Farm Acreage: _____ **Acres Proposed for Easement Sale:** _____

If applying a portion of the farm, attach a map to your application and identify the omissions from the proposed easement. Please note normal procedures will exclude existing structures using minimum setbacks from the easement area. There is no need for applicant to show this exclusion.

If the farmland tract is less than 25 acres, is the tract:

- (a) Producing a crop unique to the area. Yes No
- (b) Adjacent to a property with a perpetual easement. Yes No

If adjacent, please list below the name and tax parcel(s) of landowner with perpetual easement:

NAME(S): _____

Tax Parcel Number(s): _____

Farm located in _____ **Township(s) Agricultural Security Area.** ASA must be recorded in the County Recorder of Deeds office. Please provide Deed and Page reference numbers of the recording. Parcels are recorded in Deed Book _____, Page _____.

Directions from nearest State route: _____

County Tax Parcel #
For each parcel: _____

Please check that the above parcel numbers include all parcels concerned in the easement and are correct. These are the identifiers used to track this application throughout the process.

Subdivision Activity

Do you have a subdivision plan or other matter before the township for consideration?

Yes No

Please note: Subdivision of land between the time of easement sale application and easement sale settlement is PROHIBITED. Please contact staff with questions or for clarification.

List any Mortgage(s), Lien Holder(s), or owners of mineral rights: _____

Title issues such as mortgages, liens, etc. must be resolved prior to the agricultural conservation easement proceeding to settlement. Should discovery be made that any of the issues pertaining to title prohibits the sale of an agricultural conservation easement, the property owner is responsible for the incidental cost (title, survey, etc.) incurred by the County.

Verification of Agricultural Production

Please describe in detail the type and operation of the farm: _____

Crop & Livestock Report For Recent Calendar Year On Land Proposed for Easement (Please fill in with as much information as possible. If more space is needed – please attach a separate sheet).

Commodity	Acres Grown	Yield Per Acre	Annual Sales
Livestock	Average Numbers	Product Sold	Annual Sales

Commercial Equine Activity

Are you engaged in any commercial equine activities on the proposed eased land? Yes ___ No ___

Check the type of commercial equine activity you engage in on the proposed eased land (check all that apply)

- ___boarding equine
- ___training equine
- ___instructing people in handling, driving or riding equine
- ___use of equine for riding or driving
- ___pasturing of equines
- ___other equine activities

Do you collect a fee for commercial equine activities? Yes _____ No _____

Average fee collected for commercial equine activities \$ _____

Stewardship Practices

Does the land applied have a USDA Soil Conservation Plan? Yes No
 If yes, please attach copy of plan map.

Does the land applied have a Nutrient Management Plan?
 Yes No If yes please fill in the blanks below:
 Date of Plan _____ Plan Number _____

NOTE: An approved conservation plan and implementation agreement is required before settlement on the sale of an agricultural conservation easement through this program. After settlement, participating farms will be visited annually to make sure the conservation plan is up to date, that the conservation practices are working and implementation of the approved plan is on schedule.

Please describe the conservation practices currently used on the farm: _____

Is your farm leased to another farmer? Yes No

If yes, who farms it? Name: _____

Phone: _____

Who should be contacted to arrange a meeting to view the farm and discuss the Program?

Name: _____

Address: _____ Phone: _____

Bargain Sale Donation

- ❖ By checking this box, I, the farmland owner, acknowledge and understand that applicants who score 60 points or more and who agree to participate in the FRPP program or offer to donate 50% or more of the easement value (and sell the development rights for a value of 50% of the cap or less – whichever is less) may be offered the chance to participate in this program ahead of applicants who score higher but offer a smaller donation.

The sale of an agricultural easement for a price that is less than the appraised value of the easement (i.e. bargain sale) has been included in the Numerical Ranking System. Please indicate if you are interested in a bargain sale.

Yes No If yes, indicate specific percentage of the bargain sale you are offering _____%.

Minimum donation for ranking points is 10%. Donations over 50% may result in priority consideration. Please refer to the Ranking System in Addendum I – 2 and the preceding paragraph.

The Agricultural Land Preservation Board and the County of Chester make no representations regarding the applicant's ability to receive favorable tax treatment as a result of this transaction. *All applicants are advised to consult their own attorney or tax consultant for advice in this regard.*

Will the proceeds be used in a Like Kind Exchange? _____ Is there a signed agreement? _____

If there is a signed agreement, is the exchange property a Chester County Farm? Yes No

Availability of Public Water and Sewer

(Please check the box next to the description for the property offered for consideration in this application.)

Public Water

- Public water is available within 1 mile
 Public water is available within 3 miles
 As far as I know – there is no public water available within 3 miles

Public Sewer

- Public sewer is available within 1 mile
 Public sewer is available within 3 miles
 As far as I know – there is no public sewer service available within 3 miles

Road Frontage

Approximate extent of road frontage. (Please check the box next to the description that applies to the property offered for consideration in this application.)

- More than 1 mile
 1/2 - 1 mile
 Less than 1/2 mile

Extent of Non-Agricultural Use

(Please check the box next to the description that applies to the property offered for consideration in this application.)

Are there 15 or more developed lots?

- Adjacent to your farm
 Within 1/4 mile
 Within 1/2 mile
 Within 1 mile
 There are not 15 developed lots within a mile.

Land Use (Please fill in the blank).

Percent or Acreage of farm in:

Pastureland _____

Cropland _____

Other (i.e. non-pastured wetlands, natural areas) _____

Is timber harvested from woodlands? _____. If yes, please list commodity, acres grown and yield information on page 2 of this application.

Proximity of application tract to other farmland supporting same operation:

Adjacent _____ 1/4 mile _____ 1/2 mile _____ within one mile _____

Proximity to Other Farmland Easements

Is subject farm within 1 mile of a farm that is under a perpetual conservation easement? If so, please provide any information you know about the eased land (i.e., owner's name, organization holding the easement, tax parcel). _____

Historic, Scenic and Environmentally Sensitive Qualities

Is farm adjacent to a park* or protected natural area**? Yes No

If yes, please Identify _____

* Park = passive, low intensity recreational use by individuals or small groups in natural surroundings.

** Protected Natural Area = Land, other than farmland, owned in fee by or under easement with a private conservation organization or public entity for conservation purposes.

Does farm contain, or is it adjacent to, National Historic Resource or District***? Yes No

If yes, please identify _____

*** For Historic Resource verification, please provide a non-returnable photograph of the historic building.

Proximity to Other Easement Sale Applications

Do you know of any other farm sale applications submitted in this round within 1 mile of your farm?

Yes No

If yes, please list owner's name _____
Have any development rights been transferred from your land or any land use restrictions, including deed restrictions, subdivision restrictions, or any other covenants, exist on your property? Yes No

Please Note: **Subdivision of land offered for easement sale between the time of easement sale application and easement settlement is PROHIBITED.**

If your property is approved for an appraisal by the CCALPB, a \$500 appraisal deposit will be required at that time if the landowner wishes to proceed. A current conservation plan or a commitment and timeline for obtaining a plan will also be required. See the Program Guideline Appendix for the Appraisal Deposit and Conservation Plan Policy.

Please be certain that you have completed and/or enclosed the following:

- A tax map, soils map, or USDA topographic map with proposed easement area delineated.
- If you are applying a portion of your farm, all land to be excluded from the easement sale other than the existing buildings must be excluded at the time of application and delineated on the above mentioned map submitted with the application.
- A picture of the historic buildings contained on the farm or adjacent to the farm
- Signatures of all applicants
- Make sure all applied parcels are in the recorded ASA of your township.
- I would like to learn how private non-profit organizations can assist with my preservation goals.
- Permission is granted to release address to local organizations, so I may receive information concerning agriculture meetings, conferences, etc.
- I wish to keep my application active and under consideration this year and subsequent years until it is withdrawn or until an updated application is submitted to take its place.

DEADLINE FOR SUBMISSION December 1, 4:30 P.M.

Submit to: Chester County Department of Open Space Preservation
Agricultural Land Preservation Board
Government Services Center, Suite 390
601 Westtown Road, P.O. Box 2747
West Chester, PA 19380-0990,

telephone: 610-344-5656, fax: 610-344-4012

No data from application is available pursuant to the Right to Know Act until Agreement of Sale for agricultural conservation easement purchase is fully executed. Townships will be notified of applications within their jurisdiction in order to determine appropriate match funding. Applications will remain active until withdrawn by the applicant or until funds are available and the owner is offered the opportunity to participate. Updates to the application must be submitted by the annual submission deadline. Updates received after the submission deadline will only be accepted if they are permitted by the Policies and Procedures for application modifications as stated in Addendum III of these guidelines. If they are not submitted prior to the annual deadline and are not otherwise permitted by the Policies and Procedures, then the modifications will be incorporated into the application the following (and subsequent) rounds as offered by the County Commissioners.

ADDENDUM I

Challenge Grant Program for Farmland Preservation Ranking Criteria

Land Evaluation/Soils = 40%

Site Assessment:

Development Pressure = 10%
 Farmland Potential = 20%
 Cluster Potential = 30%

DEVELOPMENT POTENTIAL (10%)

1.	Availability of Public Water and Sewer	<u>Points</u>
	Farm is within 1 mile of public sewer.....	2
	Farm is within 3 miles of public sewer.....	5
	Farm is greater than 3 miles of public sewer.....	10
	Farm is within 1 mile of public water.....	2
	Farm is within 3 miles of public water.....	5
	Farm is greater than 3 miles of public water.....	10
Determination made on existing lines, but will consider municipality verification of proposed lines.		
2.	Extent of Road Frontage	<u>Points</u>
	More than 1 mile.....	20
	1/2 - 1 mile.....	10
	Less than 1/2 mile.....	5
3.	On-Site Waste Disposal Potential	<u>Points</u>
	Over 35% Class I and II Soils.....	20
4.	Extent of Non-Agricultural Use in Area - Proximity of farm to 15 or more developed lots.	<u>Points</u>
	Adjacent.....	5
	Within 1/4 mile.....	10
	Within 1/2 mile.....	15
	Within 1 mile.....	20
5.	Likelihood of using a Like Kind Exchange easement sale payment method to purchase more Chester County farmland.	<u>Points</u>
	Signed agreement.....	20

A Like Exchange is a payment method in which the proceeds can be applied toward the purchase of another farm or qualifying real estate while the capital gains tax may be deferred.

FARMLAND POTENTIAL (20%)

1.	Implementation of Best Management Practices.	<u>Points</u>
	76 - 100%	15
	50 - 75%	10
2.	Possession of Conservation Plan	
	Conservation Plan on record.....	10
	Either Plan, in processing of developing	5
3.	Acreage of Proposed Farm Tract	<u>Points</u>
	75 or more acres.....	15
	50 < 74 acres	10
	25 < 49 acres	8
	Less than 25 acres	5
4.	Proximity to Environmental Resources, including Parkland, Game Land, Protected Natural Area, and High Quality and Exceptional Value designated streams.	<u>Points</u>
	Adjacent	10
	Within 1/4 mile	5
	Within 1/2 mile	3
	Within 1 mile	1

Protected Natural Area is defined as land owned in fee by or under conservation easement with a private conservation organization or public entity for conservation purposes.

5.	Proximity to Historic Resource or District	<u>Points</u>
	On site	5
	Adjacent	2

Historic Resource or District must be on, or have potential to be on, National Register.

6. Bargain Sale. Percentage less than appraised easement value or percentage less than the \$12,000 per acre cap – whichever is less – which the applicant is willing to accept. NOTE: Applications with a score of 60 or more that include a bargain sale of 50% or more (a maximum of \$6,000 per acre – whichever is less) may be considered ahead of higher ranking farms that offer less of a donation. The bargain sale may be considered a charitable contribution deduction. Please consult your tax advisor.

	<u>Points</u>
.4 for each percent donation (maximum of 40 points)	maximum of 40 points
Minimum donation for ranking points is 10%.	
(Example: .4 x 20% = 8 points)	

7.	Applicant History of Agricultural Conservation Easement Purchase Offers	
	<u>Points</u>
	Never Received or Rejected Offer on same farm	5
	Rejected Offer on same farm as currently applied.....	0

CLUSTERING POTENTIAL (30%)

1. Consistent with County *Policies*. Percentage of the Township(s) that is designated Rural Landscape.

Points

75% - 100%	10
50% - 74%	5
25% - 49%	3
10% - 24%	1

2. Proximity of Farm to Other Farmland with Easements

Points

Adjacent	25
Within 1/4 mile	20
Within 1/2 mile	15
Within 1 mile	10

3. Proximity of Farm to Other Sale Applications in Same Round

Points

Adjacent	20
Within 1/4 mile	15
Within 1/2 mile	10
Within 1 mile	5

4. Percent of Land Adjacent to Farm in ASA

Points

100%	20
75% - 99%	17
50% - 74%	13
25% - 49%	10
10% - 24%	5

5. Proximity to other farmland utilized by applicant, or applicant's farmer, to support same operation.

Points

Adjacent	25
Within 1/4 mile	20
Within 1/2 mile	15
Within 1 mile	10

ADDENDUM II

Calculating the Score of an Application

1. Determine the Land Evaluation, or “Soils”, score by calculating the average relative value of the land from the “Agricultural Productivity” Worksheet, as follows:
 - A. Use GIS to evaluate the soils located on site.
 - B. The GIS will calculate the acreage of each soil on the site and the appropriate soil value group for each soil (see Column 1 of Agricultural Productivity Worksheet).
 - C. The number of acres of soils in each soil value group will be multiplied by the relative value in Column 6 of the Worksheet (or use Column 5 if conservation practices are utilized).
 - D. A sum of the products of the multiplication performed in Step C will be performed
 - E. The total value obtained in Step D will be divided by the total acreage of the farm parcel. The quotient will represent the average relative value for the farm.
 - F. The average relative value obtained in Step E will be multiplied by .40 to adjust for soils being a maximum of 40 percent of the system.

2. Assess the farm parcel for each factor listed in the “Site Factors” portion of the system. The “Site Factors” are detailed in the Addendum I, the “Numerical Ranking System for the Chester County Challenge Grant Program for Farmland Preservation”. Sum each category, then multiply the Development Potential total by .10, the Farmland Potential total by .20, and the Clustering Potential by .30. Add the sums together.

3. Determine total score for farm parcel by adding the soils analysis value (40 maximum) to the points obtained in the Site Factors portion of the system (60 maximum).

CHESTER COUNTY AGRICULTURAL WORKSHEET

Value Group	Capability Class	Important Farmland Category	Acres	Relative Value With a Conservation Plan	Relative Value Without A Conservation Plan
1	I	Prime	11,487	100	100
2	Ie-IIIs	Prime	249,994	80	65
3	IIIe-IIIs	State	83,036	74	52
4	IIIe-IIIs	State	44,885	49	27
5	IVe-IVs	Other	34,509	39	4
6	Vw-VIII	Other	62,489	0	0

Group Number 1

Map Symbol	1c	Soil Name	Slope	Acres Number
Cda	1	chester si	0-3	427
cda2	1	chester si	0-3	2,269
Cma	1	conestoga	0-3	915
Cma2	1	conestoga	0-3	706
Cn	1	conagree s	0-3	962
Gea	1	glenelg ch	0-3	1,429
gea2	1	glenelg ch	0-3	8,508
gea3	1	glenelg si	0-3	27
haa2	1	hagerstown	0-3	955
Haa	1	neshaminy	0-3	1,289
Saa	1	sassafras	0-3	0
			TOTAL	17,487

Group Number 2

Map Symbol	1c	Soil Name	Slope	Acres Number
agb2	2e	aldino sil	3-8	133
Bdb	2e	bedford si	3-8	318
bdb2	2e	bedford si	3-8	694
brb2	2e	brandywine	3-8	830
btb2	2e	brecknock	3-8	412
bx2	2e	bucks silt	3-8	3,015
Cdb	2e	chester si	3-8	5,374
cdb2	2e	chester si	3-8	9,873
cdb3	2e	chester si	3-8	181
ckb2	2e	chrome gra	3-8	1,406
cmb2	2e	conestoga	3-8	7,818
Ecb	2e	edgemont c	3-8	3,100
ecb2	2e	edgemont c	3-8	6,821
Geb	2e	glenelg ch	3-8	6,147

Group 2 (Con't.)

Group Number 2

Map				Acres
Symbol	1c	Soil Name	Slope	Number
geb2	2e	glenelg ch	3-8	116,982
geb3	2e	glenelg ch	3-8	3,613
ggb3	2e	glenelg si	3-8	434
Gnb	2e	glenville	3-8	7,320
gnb2	2e	glenville	3-8	18,622
hab2	2e	hagerstown	3-8	7,158
hob2	2e	hollinger	3-8	156
mgb2	2e	manor loam	3-8	13,473
mgb3	2e	manor loam	3-8	1,213
mob2	2e	monalto c	3-8	1,622
nab2	2e	neshaminy	3-8	7,977
pmb2	2e	penn silt	3-8	14,892
ptb2	2e	penn and l	3-8	797
mga2	2s	manor loam	0-3	160
Aga	2w	aldino sil	0-3	91
Bda	2w	bedford si	0-3	803
Bea	2w	beltsville	0-3	0
Bya	2w	butlertown	0-3	0
Ch	2w	chewacla s	0-3	8,651
Gna	2w	glenville	0-3	3,496
Leb	2w	lehigh sil	3-8	13
leb2	2w	lehigh sil	3-8	50
Ln	2w	lindside s	0-3	870
Pda	2w	readington	0-3	1,221
Ro	2w	rowland si	0-3	827
Rp	2w	rowland si	0-3	822
Wna	2w	woodstown	0-3	0
sab2	3e	sassafras	3-8	0
Coa	3w	conowing	0-3	461
TOTAL				257,846

Group Number 3

Map				Acres
Symbol	1c	Soil Name	Slope	Number
rdb	2c	readington	3-8	488
rdb2	2c	readington	3-8	1,629
byb2	3e	butlertown	3-8	0
cdc	3e	chester si	8-15	12
cdc2	3e	chester si	8-15	138
cdc3	3e	chester si	8-15	114
cmc2	3e	conestoga	8-15	582
cmc3	3e	conestoga	8-15	829
ecc	3e	edgemont c	8-15	4,588
ecc2	3e	edgemont c	8-15	2,505
ecc3	3e	edgemont c	8-15	1,829
gec	3e	glenelg ch	8-15	4,214
gec2	3e	glenelg ch	8-15	20,417
gec3	3e	glenelg ch	8-15	27,379
hac2	3e	hagerstown	8-15	551
hac3	3e	hagerstown	8-15	774
hoc2	3e	hollinger	8-15	77
hoc3	3e	hollinger	8-15	92
moc2	3e	montalto c	8-15	495
moc3	3e	montalto c	8-15	202
nac2	3e	neshaminy	8-15	617
nac3	3e	neshaminy	8-15	788
bo	3w	bowmansville	0-3	792
ota	3w	othello si	0-3	0
we	3w	wehadkee s	0-3	13,924
			TOTAL	83,036

Group Number 4

Map				Acres	
Symbol	1c	Soil Name	Slope	Number	
beb2	3e	beltsville		3-8	174
brc	3e	brandywine	8-15		111
brc2	3e	brandywine	8-15		596
brbc3	3e	brandywine	8-15		597
btc2	3e	brecknock	8-15		125
btc3	3e	brecknock	8-15		22
ckc2	3e	chrome gra	8-15		688
ckc3	3e	chrome gra	8-15		444
gnc2	3e	glenville	8-15		476
lec3	3e	lehigh sil	8-15		22
mgc	3e	manor loam	8-15		3,217
mcg2	3e	manor loam	8-15		5,154
mcg3	3e	manor loam	8-15		20,115
peb3	3e	penn shaly	3-8		307
pmc2	3e	penn silt	8-15		3,743
pmc3	3e	penn silt	8-15		4,181
ptc2	3e	penn and 1	8-15		577
ptc3	3e	penn and 1	8-15		356
woc2	3e	worsham si	8-15		48
cob2	3w	conowingo	3-8		1,189
laa	3w	lawrence s	0-3		1,198
lab	3w	lawrence s	3-8		866
mn	3w	melvin sil	0-2		679
				TOTAL	44,885

Group Number 5

Map Symbol	lc	Soil Name	Slope	Acres Number
brd	4e	brandywine	15-25	170
brd2	4e	brandywine	15-25	226
brd3	4e	brandywine	15-25	658
btd2	4e	brecknock	15-25	8
btd3	4e	brecknock	15-25	12
ckd2	4e	chrome gra	15-25	165
ckd3	4e	chrome gra	15-25	208
ecd	4e	edgemont c	15-25	581
ecd2	4e	edgemont c	15-25	803
ecd3	4e	edgemont c	15-25	1,010
ged	4e	glenelg ch	15-25	1,297
ged2	4e	glenelg ch	15-25	1,957
ged3	4e	glenelg ch	15-25	6,306
hod3	4e	hollinger	15-25	278
mgd	4e	manor loam	15-25	2,470
mgd2	4e	manor loam	15-25	1,968
mgd3	4e	manor loam	15-25	13,177
mod3	4e	montalto c	15-25	135
nad	4e	neshaminy	15-25	124
nad3	4e	neshaminy	15-25	272
pec3	4e	penn shaly	8-15	379
pmd	4e	penn silt	15-25	64
pmd2	4e	penn silt	15-25	283
ptd2	4e	penn and 1	15-25	69
cra	4w	croton sil	0-3	1,116
crb	4w	croton sil	3-8	773
			TOTAL	34,509

Group Number 6

Map				Acres
Symbol	1c	Soil Name	Slope	Number
wab2	5w	watchung s	3-8	342
waa	5w	watchung s	0-3	441
caa	5w	calvert si	0-3	278
gu	5w	guthrie si	0-3	1,631
woa	5w	worsham si	0-3	12,682
bre	6e	brandywine	25-40	553
bte3	6e	brecknock	25-35	26
cke2	6e	chrome gra	25-40	445
hoe3	6e	hollinger	25-35	96
mhe	6e	manor loam	25-35	2,046
mhe3	6e	manor loam	25-35	7,063
ped3	6e	penn shaly	15-25	912
asb2	6s	aldino ver	0-8	102
bsb	6s	brandywine	0-8	227
bsd	6s	brandywine	8-25	1,558
bvb	6s	brecknock	0-8	59
bvd	6s	brecknock	8-25	56
cgb	6s	chester ve	0-8	331
cgc	6s	chester ve	8-15	401
edb	6s	edgemont v	0-8	494
edd	6s	edgemont v	8-25	1,363
gmd	6s	glenelg ve	15-25	334
Gsb	6s	glenville	0-8	55
Mmb	6s	manor very	0-8	153
Mmd	6s	manor very	8-25	571
Mrb	6s	montalto v	0-8	868
Msb	6s	mount luca	0-8	9
Msb	6s	neshaminy	0-8	402
Msd	6s	neshaminy	8-25	716
Pnb	6s	penn very	0-8	609

Group Number 6 (Con't.)

Map				Acres
Symbol	1c	Soil Name	Slope	Number
Pnd	6s	penn very	8-25	1,279
Wcb	6s	watchung v	0-8	221
Cab	6w	clavert si	3-8	62
Cab2	6w	calvert si	3-8	156
Wob	6w	worsham si	3-8	3,777
wob2	6w	worsham si	3-8	3,700
Ece	7e	edgemont c	25-35	399
Ece2	7e	edgemont c	25-35	906
Gee	7e	glenelg ch	25-35	414
Gee3	7e	glenelg ch	25-35	479
mkf	7e	manor soil	35-50	2,425
Pse2	7e	penn soils	25-35	10
Pse3	7e	penn soils	25-35	497
Psf	7e	penn soils	35-50	137
Bsf	7s	brandywine	25-50	663
Bvf	7s	brecknock	25-50	2
Edf	7s	edgemont v	25-60	1,228
gme	7s	glenelg ve	25-35	281
Lhb	7s	lehigh ver	0-8	7
Lhd	7s	lehigh ver	8-25	1
mmf	7s	manor very	25-60	1,288
mrd	7s	montalto v	8-25	711
Mrf	7s	montalto	25-45	88
Nsf	7s	neshaminy	25-45	308
Pnf	7s	penn very	25-50	123
wsb	7s	worsham ve	0-8	1,575
Gp	8	gravel pit	--	4
Ma	8	made land	--	0
Mc	8	made land	--	0

Group Number 6 (Con't.)

Map Symbol	lc	Soil Name	Slope	Acres Number
md	8	made land	--	10
me	8	made land	--	1,689
Mf	8	made land	--	0
qu	8	quarries	--	203
tm	8	tidal marsh	0-1	0
w	8	water	--	2,008
			TOTAL	59,474

ADDENDUM III

Chester County Challenge Grant Farmland Preservation Policies

The Chester County Challenge Grant Farmland Preservation Program is offered under the authority of Pennsylvania Act 153 of 1996 (commonly referred to as the “Open Space Lands Act”) and administered according to the policies and procedures as set forth in these guidelines. These guidelines have been authorized by the Chester County Commissioners, adopted by the CCALPB, and are administered by the Chester County Open Space Preservation Department.

Application Deadline: **December 1.**

Application Modifications: Applications may be modified after the submission deadline if the modification consists of increased acreage that has a positive or neutral impact on applicant’s score, to increase the amount of funds from non-county sources, or if determined to be in the best interest of the CCALP program. When sufficient funds (matching or otherwise) are not available, the CCALPB reserves the right to consider a reduction in acreage if such reduction is acceptable to the applicant or additional modifications as stated herein. Application acreage may differ from final acreage due to exclusion of improvements or increased accuracy as a result of the surveying process.

Appraisal Deposit Policy: A \$500 deposit will be required of any applicant approved for an appraisal. In situations where applicants have rejected two previous easement purchase offers and have reapplied for easement sale, it is the policy of the CCALPB to require the applicants to pay, in advance of the appraisal assignment, all appraisal update fees, or for a new appraisal, if required. The appraisal fee shall be refunded to the applicant if no easement purchase offer is made by the Board, or if the easement purchase proceeds to settlement. Applicant shall forfeit all appraisal deposit fees if an offer is rejected.

Bargain Sale of an Agricultural Conservation Easement:

A landowner has the option of selling an agricultural conservation easement for a price less than the appraised value of those rights. Willing applicants must specify the exact percentage of the lesser of the cap or appraised easement value that they are willing to accept on the application. As one may see in the Ranking System, an application receives points for offering a bargain sale. This option may have tax advantages to the landowner, their estate and/or heirs. Please consult your tax advisor.

Bargain Sale of Woodland and Stream Corridor Conservation Easements:

The purpose of the stream corridor or woodland conservation easement is to preserve those portions of a farm that a landowner may not apply to the agricultural conservation easement program. Designed as a complement to the agricultural conservation easement sale, the stream or woodland conservation easement attempts to preserve as much of the farm as possible.

The stream corridor or woodland conservation easement is a perpetual legally binding document restricting the land to agricultural, associated uses, and to the conservation of resources in that area. The woodland or stream corridor conservation easement is a \$1.00 sale of one’s development rights and is

contingent upon an associated agricultural easement sale. It may be possible for the landowner to be eligible for a charitable contribution deduction from the \$1.00 sale of such an easement; please consult professional tax advice. Minimum criteria for the stream corridor or woodland conservation easement include: 1) situated adjacent to, and contingent upon, an agricultural sale application, 2) contain at least 10 acres, 3) must not break the contiguity of the agricultural application tracts, 4) landowner is responsible for survey and appraisal, 5) survey shall include a soils overlay.

Conservation/Nutrient Management Plans:

All agricultural operations shall be conducted in accordance with a Conservation Plan and a Comprehensive Nutrient Management Plan (if required by the Nutrient Management Act, Act 38). Conservation Plans and Conservation Plan Agreements must be approved and signed before an easement purchase agreement of sale is executed by the County Commissioners. Preparation and completion of these plans are the responsibility of the landowner/applicant. Landowners/applicants will be provided with a list of local businesses qualified to write conservation plans that have completed conservation plans locally or within the immediate region when they are contacted for their appraisal deposit.

Landowner/applicants are required to inform the County of the selected vendor and plan completion date when they submit their appraisal deposit or immediately thereafter. Additionally, a copy of the signed contract with a certified plan writer for timely completion of the conservation plan must be submitted with or before acceptance of any offer to purchase applicants development rights.

All costs associated with the preparation of these plans are the responsibility of the landowner unless the landowner offers and accepts a 50% bargain sale. In instances of a 50% bargain sale, at its sole and absolute discretion the County may elect to prepare the conservation plan and thereby assume the related costs at the time of production. Alternatively and at its sole discretion, the County may require the landowner to retain responsibility for timely preparation of the plan with the associated costs eligible for reimbursement pursuant to Act 43. If the County requires 50% bargain sale landowner applicants to prepare and pay for the plan completion, the County will reimburse the landowner for conservation plan expenses for which invoices, bills and payment records are presented. This reimbursement will occur at settlement of the easement acquisition or as soon thereafter as possible.

Customary, Part-Time, or Off-Season, Minor or Rural Enterprises and Activities Regulations:

Subchapter I, Section 138e.241(2), the County Board intends that agricultural conservation easements shall not prevent "customary part-time or off-season minor or rural enterprises and activities." For purposes of definition, these are limited to the following:

1. Direct sale to the public of agricultural products produced principally on the farm, provided that at least 50 percent of such products are produced by the farm operator;
2. The accommodation of tourists and visitors within principally residential and/or agricultural structures of the farm property, so long as this use is incidental to the agricultural and open space character of the property;

3. Religious uses, including the conducting of religious ceremony on the property and family cemeteries;
4. 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;
5. The provision of services or production and sale, by persons in residence, of incidental agricultural goods, services, supplies, and repairs and/or the conduct of traditional trades and the production and sale of home occupation goods, arts and crafts, so long as these uses remain incidental to the agricultural and open space character of the farm and are limited to occupying residential and/or principally agricultural structures of the property;
6. Agricultural-related services or activities associated with customary part-time or off-season minor rural enterprises or activities incidental to agricultural production. These services and activities are permissible as long as they remain incidental to the agricultural and open space character of the farm. No excavating, paving, gravelling, construction of permanent structures, or other activities that would diminish the productive capacity of the soils are permitted in connection with such activities. The County Board reserves the right to review and approve these activities on a case-by-case basis;
7. The installation of communications antennae on existing structures along with associated equipment and structures shall be permitted, provided that the installation and construction of any permanent non-agricultural equipment or structures associated with the communications antennae shall be located within the existing curtilage at the base of the existing structure supporting the communications antennae and such associated equipment or structures shall remain incidental to the agricultural and open space character of the property;
8. Passive agricultural composting use is permitted for on-farm use only if a soil conservation plan that addresses the composting use is approved by the Chester County Conservation District. The Conservation Plan must be implemented. In addition, an owner or operator of land encumbered with an agricultural conservation easement may accept spent mushroom substrate generated for field spreading only in accordance with an approved conservation plan and only from sources operating in compliance with an approved Mushroom Farm Environmental Management Plan (MFEMP);
9. Other similar uses may be considered upon written request to the CCALPB.

Excepted Parcels: All parcels of land to be withheld from an easement application, other than the existing building envelope, shall be delineated on a map and submitted to the CCALPB at the time of application. All survey costs associated with the withheld parcels shall be the responsibility of the landowner. The CCALPB shall pay all survey costs for the existing building envelope.

Full Bargain Sale of an Agricultural Conservation Easement:

The CCALPB will gladly work with a landowner that is interested in selling the development rights of one's farm to the County of Chester for \$1.00. This type of sale can be a very effective estate-planning tool. Please talk to your tax advisor for tax advantages. Farms offering a \$1.00 bargain sale must meet minimum criteria for application, per Section 138e.16 of the State Regulations.

Partial Bargain Sale/Donation:

In situations where the applicant's appraised established easement value is above the payment cap of \$12,000 established by the CCALPB, the applicant's stated donation will be applied to the \$12,000 payment cap. The

Bargain Sale option may have tax advantages to the landowner, their estate and/or heirs. Please consult your tax advisor to determine if you can claim the difference between the appraised value and the sale value as a charitable contribution deduction.

Parcel Annexation: The CCALPB reserves the right, where applicable, to require parcel annexation through a deed consolidation or deed merger.

Payment Caps: Not more than \$12,000 per acre shall be paid for a perpetual easement.

Perpetual Easements: Chester County will only consider conservation easements for purchases that are perpetual in duration.

Rights specifically included:

Rights specifically included in the sale of an agricultural easement that will be purchased and therefore eliminated through this program include, but are not limited to the following:

1. Drip or Spray irrigation where the effluent contributes to water usage EDUs;
2. Any development rights or density credits associated with the eased land, including current or future TDR programs.

Right to apply municipal match to Commonwealth/County Program:

The County reserves the right to apply municipally certified Challenge Grant match funding to the Commonwealth/County Program if farm(s) from municipality have ranked high enough in Commonwealth/County Program to be funded.

Right to Refuse Application Consideration:

The CCALPB may decide to not consider a property for easement sale if the land is subject to a deed restriction, conservation easement, covenant, restriction imposed by a subdivision, agricultural preservation ordinance, or a legal document that is consistent with the deed of agricultural conservation easement in terms of resource protection.

Second Appraisals: If the applicant should elect to retain an appraiser to do a second appraisal, the easement value shall be up to the average of the first appraised value (which was obtained by the Board) and the second appraised value (which was obtained by the applicant). The Board retains the right to make the original offer or a different offer.

Subdivision: In addition to applicable subdivision ordinances, all farms entering Chester County Challenge Grant Program for Farmland Preservation shall be subject to Subdivision regulations, as attached in Addendum IV of the Program Manual. These are in addition to local land use regulations and any other development approvals or permits required for subdivision or subsequent land development.

Title Issues: The CCALPB may decide to not proceed with the agricultural conservation easement process upon discovery of issues of title which prevent such an

agricultural conservation easement to occur on the land. Should these concerns present themselves, the landowner is responsible for the incidental costs incurred by the County.

Township Lack of Offer: In cases where Township does not extend offer to applicant, no lesser scoring farms in that township that requires a township contribution may be considered for funding in that specific round. The County will contact the landowner in the event they wish to offer to sell their development rights at a 50% bargain sale.

Transfer of Development Rights: As long as farmland meets this program's eligibility criteria, owners of farmland located in areas municipally zoned as eligible to transfer development rights (TDR) may apply to sell all – or all remaining (in the event some have been transferred) – development rights to the CCALPB. The owner of the land shall agree to extinguish any and all remaining “transferable rights” provided under the TDR zoning to the CCALPB's satisfaction as a condition prior to settlement with the CCALPB.

Withdrawal from Consideration: In situations where the applicant withdraws from easement sale consideration or breaches the agreement of sale prior to closing, it shall be the applicant's responsibility to reimburse the County for all incidental costs incurred. These may include but are not limited to appraisal fees, survey fees and title fees.

ADDENDUM IV

Subdivision Guidelines for Lands Preserved through the Challenge Grant Program

(These are in addition to local land use regulations, land development permits and/or approvals).

PURPOSE:

The purpose of these regulations is to specify the subdivision provisions of County and Township Agricultural Conservation Easement Challenge Grant Program.

No subdivision will be permitted which will:

- (a) Harm the economic viability of the farmland for agricultural production; or
- (b) Convert land which has been devoted primarily to agricultural use to another primary use, other than a tract of two acres or less upon which construction and use as the landowner's principal residence or housing for seasonal or full-time farm employees, as permitted to the easement deed.

APPLICATION OF THESE REGULATIONS:

These regulations shall apply to all agricultural conservation easements acquired through the Chester County Challenge Grant Program for Farmland Preservation.

Subdivision of land offered for easement sale between the time an application for an easement is submitted and the time said easement purchase is completed is **prohibited**. Any subdivision during this period will cause the application to be denied. The application may be resubmitted after subdivision is complete.

DEFINITIONS:

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

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 as the landowner's principal residence or housing for seasonal or full-time farm employees, as permitted in the easement deed), to meet all of the criteria set forth in Program Manual.

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 in Program Manual at the time of application for subdivision or to create, through subdivision, a tract of restricted land that would fail to meet the aforesaid criteria. Specifically excepted is a tract of two acres or less upon which construction and use as the landowner's principal residence or housing for seasonal or full-time farm employees, as permitted in the easement deed.

Land development: Either of the following activities:

- (a) 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
- (b) A subdivision of land.

Land which has been devoted primarily to agricultural use: Acreage which is a part of restricted land and is harvested cropland, grazing or pasture land, or land used for the production of timber and wood products, or land containing non-residential structures used for agricultural production, or other acreage immediately available for agricultural production, and which excludes any acreage upon which immediate agricultural production is impracticable due to residential structures and their curtilages, wetlands, soil quality, topography or other natural or man-made features, and which further excludes any tract of two acres or less designated as the site upon which the landowner's principal residence or housing for seasonal or full-time employees, as permitted in the easement deed.

Pennsylvania Municipalities Planning Code: The Act of December 21, 1988 (P.L. 1329, No 1 170)(53 P.S. sec 10101-11201).

Subdivision: The division or redivision of 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, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

SUBDIVISION APPLICATION PROCEDURE:

- (a) An application for subdivision shall be submitted on a form prescribed by the CCALPB. The forms may be obtained from the administrator of the CCALPB.
- (b) Upon receipt of the completed application, the administrator for the CCALPB shall note the date upon which the application is received and forward written notification to the County Planning office and to the Township Supervisors. The CCALPB shall note the date upon which each reviewing agency receives said notice. These agencies (reviewing agencies) shall have 60 days from the receipt (receipt presumed to be within three days of mailing) to review, comment and make recommendations on the proposed application to the CCALPB. The CCALPB will only consider comments and recommendations received beyond said deadline if the landowner agrees in writing.

- (c) Upon receipt of the application, the CCALPB shall review it to determine whether subdivision complies with these regulations and the Program Manual. Within 120 days of receipt of the application, the CCALPB shall decide whether to approve or deny the application. This deadline may be extended with the written approval of the landowner and reviewing agencies. Failure of the CCALPB to approve or reject an application for subdivision before said 120-day period will result in the deemed approval of the application. Notice of the decision shall be mailed to the applicant and Township Supervisors on the next business day following the decision. Approval by the CCALPB, acting on behalf of all Grantees, shall not supersede the approval process required by the Municipalities Planning Code.
- (d) If the application to subdivide land is rejected, the application shall be returned to the landowner with a written statement of the reasons for the rejection. Within 30 days after the receipt (receipt presumed to be within three days of mailing) of the statement of rejection, the landowner may appeal the rejection in accordance with 2 PA.C.S. CH. 5 Subch B (relating to practice and procedure of local agencies) and CH. 7 Subch. B (relating to judicial review of local agency action).
- (e) At all times, the burden of proof is upon the landowner.

CRITERIA FOR SUBDIVISION:

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

- (a) Subdivision is not inconsistent with any provision of the Program Manual regulations, easement deed, or the Municipalities Planning Code, or local land use law or regulations.
- (b) The size of the parcels of land after subdivision is not inconsistent with the agricultural use of the property as it existed prior to subdivision. However, no subdivision will be allowed if it results in a tract of land which is less than 25 acres in size, unless the tract is at least 10 acres in size and is either utilized for a crop unique to the area, or is contiguous to a property which has a perpetual conservation easement in place which is held by a “qualified conservation organization” as that term is defined at Section 170(h)(3) of the Internal Revenue Code or an IRS 501(c)(3) non-profit land trust, or by a qualified public entity.
- (c) The soil types of the parcels of land after subdivision is not inconsistent with the agricultural use of the property as it existed prior to subdivision.
- (d) The location of any structures to be built (which are permitted by the easement deed) is not inconsistent with the agricultural use of the property as it existed prior to subdivision.
- (e) The subdivision is not inconsistent with any soil conservation plan in existence prior to the subdivision.
- (f) The subdivision is not inconsistent with the easy administration and enforcement of the laws and regulations pertaining to the easement.

- (g) Subdivision is not inconsistent with or detrimental to any conservation easement of adjoining property.
- (h) The shape and location of the subdivided tracts are not inconsistent with the agricultural use of the property as it existed prior to subdivision.
- (i) The land to be subdivided is not (as of the time of the vote on the application) in violation of the easement or any soil conservation plan, and law or regulation, federal, state or local.

RESERVATION OF RIGHT TO CONSTRUCT AFTER SUBDIVISION:

If the restricted land is subdivided prior to the construction of a residential structure under authority of the easement deed, the landowner shall do the following:

- (a) Inform the County board, at the time an application for subdivision under these regulations is submitted, of the specific subdivided tract where said residential structure is to be built; and
- (b) Ensure that the deed to the subdivided tract where said residential structure is to be built clearly sets forth the reservation of this right to build said residential structure; and
- (c) Ensure that the deeds to any remaining subdivided tracts recite that no residential structure may be constructed on said subdivided tracts.

NOTICE OF SUBDIVISION REGULATIONS:

The CCALPB shall file these regulations in the deed of agricultural conservation easement.

ADDENDUM V

Appraisal Standards

§ 138e.64. Appraisal.

- (a) An offer to purchase an easement shall be based upon one or more appraisal reports which estimate the market value and the farmland value of the farmland tract, as those terms are defined in § 138e.3 (relating to definitions). The initial appraisal shall be at the county board's expense. This expense may be reimbursed as a cost incident to easement purchase in accordance with section 14.1(h)(6) of the act (3 P. S. § 914.1(h)(6)) and § 138e.68 (relating to statement of costs).
- (b) An appraisal of market value and farmland value shall be based on an analysis of comparable sales, and shall be conducted in accordance with standards in the most recent edition of the *Uniform Standards of Professional Appraisal Practice*, published by the Appraisal Standards Board of the Appraisal Foundation. If an appraiser cannot practicably conduct an appraisal based on an analysis of comparable sales, the appraiser may conduct an appraisal using another methodology only if that methodology is an acceptable methodology under the *Uniform Standards of Professional Appraisal Practice* and the appraisal report clearly describes the information considered, the appraisal procedures followed and the reasoning that supports the analyses, opinions and conclusions.
- (c) The value of a building or other improvement on the farmland tract will not be considered in determining the easement value.
- (d) The appraiser shall be a State-certified general real estate appraiser who is qualified to appraise a property for easement purchase. An appraiser shall be selected by a county board on the basis of experience, expertise and professional qualifications.
- (e) The appraiser shall supply a minimum of three copies of a narrative report which contains the following information and is in the following format:
 - (1) *Introduction.*
 - (i) A letter of transmittal.
 - (ii) The appraiser's certificate of value as to market value, farmland value and easement value.
 - (iii) A table of contents.
 - (iv) A summary of salient facts and conclusions.
 - (v) The purpose of the appraisal.
 - (vi) The definitions, including definitions of market value, farmland value and easement value.
 - (2) *Description of property.*
 - (i) A brief area of neighborhood description.
 - (ii) A description of appraised property.
 - (A) A legal description.
 - (B) Property data and zoning.
 - (C) A brief description of improvements.
 - (D) Color photos of subject property's fields and improvements.
 - (E) Tax map or official map used for tax assessment purposes showing the subject property and its relationship to neighboring properties.
 - (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.
- (3) *Analyses and conclusions.*
- (i) An analysis of highest and best use.
 - (ii) The valuation methodology: market value.
 - (A) Comparable sales data.
 - (B) An adjustment grid.
 - (C) A location map of comparable sales showing the location of the subject farmland tract with respect to the comparables. A single location map shall be submitted with respect to each county from which comparable sales are drawn.
 - (iii) The market value estimate.
 - (iv) The valuation methodology: farmland value.
 - (A) Comparable sales data.
 - (B) An adjustment grid.
 - (C) A location map of comparable sales showing the location of the subject farmland tract with respect to the comparables. A single location map shall be submitted with respect to each county from which comparable sales are drawn.
 - (v) A farmland value estimate.
 - (vi) The easement value.
 - (vii) An appendix containing a brief statement of the appraiser's professional qualifications and a copy of the appraiser's current certification issued in accordance with the Real Estate Appraisers Certification Act (63 P. S. §§ 457.1—457.19).
- (f) The appraiser shall supply information concerning comparable sales as follows:
- (1) At least three comparable sales shall be used for estimating market value and at least three comparable sales shall be used for estimating farmland value in an appraisal. If the appraiser cannot obtain sufficient comparable sales data within the same county as the subject farmland tract, the appraiser may use comparable sales from other counties, with the approval of the county board. The use of comparable sales which require adjustment of 50% or more is permitted only with the approval of the county board.
 - (2) Pertinent data for each comparable sale used in the preparation of the appraisal shall be stated in the appraisal report, including the date of sale, the purchase price, zoning, road frontage in feet (for determining market value) and soil mapping units (for determining farmland value). The appraisal shall include an analysis comparing the pertinent data for each comparable sale to the subject farmland tract. This analysis shall be in the form of a narrative statement of the information considered and the reasoning that supports the analyses, opinions and conclusions, and an adjustment grid assigning, when practicable and within the Uniform Standards of Professional Appraisal Practice referenced in subsection (b), approximate dollar values to adjustment shown on the adjustment grid.
 - (3) The location of each market value comparable sale used in the appraisal report shall be shown accurately on a comparable sales map depicting the entire county in which the comparable sale is located, and shall be sufficiently identified and described so it may be located easily. If the comparable sales map depicts the county in which the property that is the subject of the appraisal is located, that property shall also be sufficiently identified and described so it may be located easily.
 - (4) The location of each farmland value comparable sale used in the appraisal report shall be shown accurately on a comparable sales map depicting the entire county in which the comparable sale is located, and shall be sufficiently identified and described so it may be located easily. If the

comparable sales map depicts the county in which the property that is the subject of the appraisal is located, that property shall also be sufficiently identified and described so it may be located easily. If a farmland value comparable sales map and a market value comparable sales map would depict the same county, they may be combined in a single map.

(5) 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 in primarily agricultural use. Data may also be gathered from farm real estate markets when farms have no apparent developmental value.

(6) 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.

(7) The appraiser shall provide at least one original and two copies of each report to the county board. The original of each report and all copies shall be bound with rigid covers.

(8) 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.

(9) 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.

Source

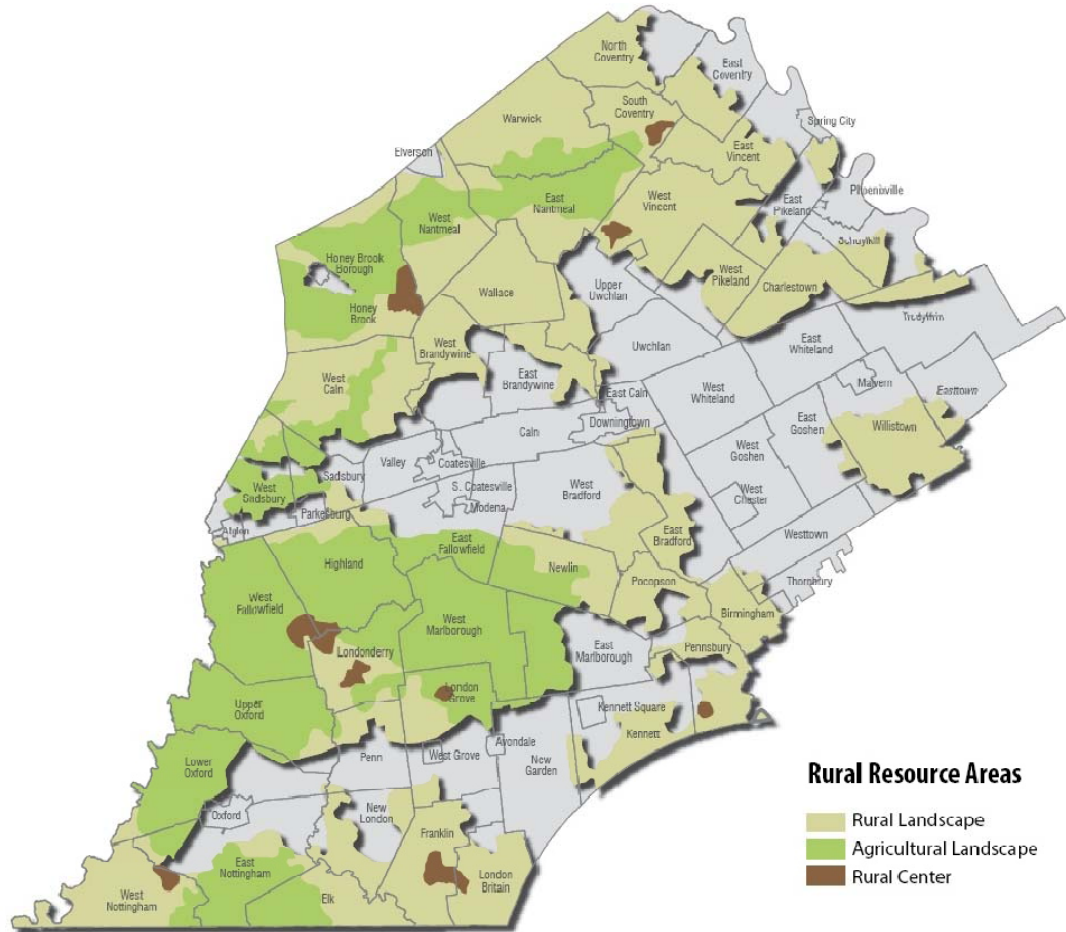
The provisions of this § 138e.64 amended December 26, 1997, effective December 27, 1997, 27 Pa.B. 6782. Immediately preceding text appears at serial page (202919).

Cross References

This section cited in 7 Pa. Code § 138e.19 (relating to purchasing procedures); and 7 Pa. Code § 138e.66 (relating to offer of purchase by county board).

ADDENDUM VI

Rural Resource Areas Map



CHESTER COUNTY AGRICULTURAL LAND PRESERVATION BOARD

	<u>Occupation</u>	<u>Term Expires</u>
Melba Matthews, Chairman Chester Springs	Farmer	7/1/13
John Diament, Vice Chairman Uwchland	Building Contractor	7/1/11
Harold Kulp, Secretary Pottstown	Farmer	7/1/13
Richard Abbott Cochranville	Township Supervisor	7/1/11
Amy McKenna Coatesville	At Large	1/31/14
William P. Moore West Grove	Farmer	7/1/11
Judy Noyalas Parkesburg	Farmer	7/1/13
Eli Silberman Unionville	At Large	7/1/13
Vacant	At Large	
Thomas Abrahamsen West Chester	Solicitor	