

## Attachment 1

### **PROVISIONS OF THE AGRICULTURAL CONSERVATION EASEMENT**

The eased land shall be used solely for the production for commercial purposes of crops, equine, livestock and livestock products, including the processing or retail marketing of such crops, equine, livestock or livestock products if more than fifty percent of such processed or merchandised products are produced on the subject land (hereinafter "agricultural production"). For purpose of this Deed, "crops, equine, livestock and livestock products" include, but are not limited to:

- (a) Field crops, including corn, wheat, oats, rye, barley, soybeans, speltz, buckwheat, hay, potatoes and dry beans;
- (b) Fruits, including apples, peaches, grapes, cherries, pears and berries;
- (c) Vegetables, including tomatoes, pumpkins, snap beans, cabbage, carrots, beets, onions, sweet corn and mushrooms;
- (d) Horticultural specialties, including nursery stock ornamental shrubs, ornamental trees and flowers;
- (e) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs, and furs;
- (f) Timber, wood and other wood products derived from trees; and
- (g) Aquatic plants and animals and their byproducts.
- (h) Commercial equine activity including boarding of equine, training of equine, instruction of people in handling, driving or riding equines, use of equines for riding or driving purposes, pasturing equines all of where a fee is collected. 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."

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

### **Construction or Renovation of Buildings** **(In accordance with 7 PA Code Chapters 138e.223 and 138e.224)**

#### **New buildings or structures**

The construction or use of a building or other structure on the eased land other than a building or structure existing on the date of the granting of an easement is prohibited, *without acknowledgement of the Board except that:*

1. The erection of fences for agricultural production or a commercial equine activity and protection of watercourses such as lakes, streams, springs, and reservoirs is permitted
2. *The construction or use of any building or other structure for agricultural production or a commercial equine activity is permitted\*.*
3. The replacement of a residential structure existing on the eased land on the date of the granting of the easement is permitted if the preexisting structure is razed or removed and the replacement residential structure is erected within the curtilage of the residential structure it replaces.
4. The construction of one additional residential structure is permitted under 7 PA Code Chapter 138.224.  
(Refer to the following section for additional guidelines.)

## **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 construction and use of the residential structure is limited for the landowners' principal residence or for the purpose of providing necessary housing for persons employed in farming the subject land on a seasonal or full-time basis.
  - b.) No other residential structure has been constructed on the eased land at any time since the delivery of the Deed.
  - 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 significantly harm the economic viability of the subject land for agricultural production or a commercial equine activity.
2. *Replacement of structures* – The replacement of a residential structure constructed under authority of Section 14.1(c)(6)(iv) of the Act (3 P.S. 914.1(c)(6)(iv)) 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 (3 P.S. 914.1 (c)(6)(iv)) and 7 PA Code Chapter 138e.224, the landowners shall do the following:
  - a. Inform the County Board of 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.

## **Renovations to Buildings and Residential 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 with acknowledgement from the Board*.

**Copies of the agricultural conservation deed of easement are available at the County Office.**

### ***Please note:***

**Landowners must seek approvals from all other interested entities when exercising the provisions of the agricultural conservation easement, including approvals from townships and any other programs such as the Clean & Green Program (Act 319), PA Chapter 102 Erosion and Sedimentation Requirements and PA State Manure Management requirements.**