

APPENDIX C

MINIMUM ELIGIBILITY CRITERIA

In accordance with 7 PA Code Chapter 138e.16:

The State Agricultural Land Preservation Board has established minimum requirements which farms must meet to be eligible for the easement purchase program. The farm must:

- A. Be in one or more of the following:
 - 1. Located in an Agricultural Security Area consisting of 500 acres or more.
 - 2. Bisected by the dividing line between two local government units having the majority of its viable agricultural land with an Agricultural Security Area of 500 acres or more and the remainder in another local government unit outside of an Agricultural Security Area or more and the remainder in another county outside of an Agricultural Security Area and with respect to 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.
- B. Have at least 50% of its soils, which are available for agricultural production and are of Capability Classes I-IV, as defined by the Natural Resource Conservation Service, USDA.
- C. Contain at least 50% or 10 acres of harvested cropland, pasture or grazing lands.
- D. Be contiguous acreage of at least 50 acres in size unless the tract is at least 10 acres in size and is either utilized for a crop unique 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 (26 U.S.C.A. §170(h)(3)). Contiguous acreage is defined as all portions.
- E. County Minimum Criteria- the farmland tract shall meet all of the following minimum criteria as set forth in 7 PA Code 138e.16.
 - 1. Be located in an agricultural security area consisting of 500 acres or more, or meets the special provisions for parcels not entirely within an agricultural security area as set for in Appendix L.
 - 2. Be contiguous acreage of at least 50 acres in size unless the tract has a perpetual agricultural 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 (26 U.S.C.A. 170(h)(3)).
 - 3. Contain 50% of soils, which are available for agricultural production and are in capability classes I-IV, as defined by the USDA Natural Resources Conservation Service.
 - 4. Contain the greater of 50% or 10 acres of harvested cropland, pasture or grazing lands.
- F. In determining the likelihood of nonagricultural use, consideration shall be given to the following factors:

1. The developmental pressures in the area.
 2. Suitability of the farmland tract for development because of soil capabilities, location and configuration.
 3. Pre-existing perpetual restrictions against development.
 4. Location in an area identified by the county or township comprehensive plan as desirable for agricultural use.
- G. The applicant's stewardship of the land, conservation practices, best management practices, nutrient management and erosion and sediment pollution control. (If required by State Law.)
- H. An applicant must submit an entire parcel as identified on Butler County Tax Assessment Maps. The property owner will pay for the cost of subdividing prior to submitting the application.
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