

REFERENCE INFORMATION FOR PRESERVED FARMS HELD BY LANCASTER COUNTY AGRICULTURAL PRESERVE BOARD:

- **Subdivision/Lot Add-On:** Always require Agricultural Preserve Board review and approval, as well as program specific Plan Notes, please see reverse side of this information sheet.
 - **Subdivision** – An Agricultural Conservation Easement permits a residential subdivision **OR** an agricultural subdivision, but not both.
 - **Residential subdivision** of two acres or less is specifically for landowner or family member as principal residence and applies to the additional dwelling permitted in the Agricultural Conservation Easement, not existing dwelling(s).
 - **Agricultural subdivision** must not create lots less than 50 acres if preserved prior to 2009, or 75 acres if preserved in 2009 or after. The additional dwelling unit must be assigned to a resulting lot.
 - **Lot Add-On** - A Lot Add-On from one preserved farm to another preserved farm held by the Agricultural Preserve Board may be permitted, so long as the lot add-on is greater than 10 acres and the remaining farm is over 50 acres if preserved prior to 2009, or 75 acres if preserved in 2009 or after.
 - **Land Development** – Other than the additional residence, the only type of structures permitted on preserved farms are those that are used for agricultural production. Agricultural Preserve Board review and approval for residential construction is required for those preserved in 2009 or after.
- **Rural Enterprises (side businesses):** The Agricultural Preserve Board governs side businesses through Rural Enterprise Guidelines. While a variety of Rural Enterprises may be permitted on a preserved farm, ranging from alternative energy to home occupations to kennels to agritainment, Agricultural Preserve Board review and approval is required. A new structure cannot be built for a Rural Enterprise/side business.
- **Rights-of-Ways/"Easements":** The only type of Right-of-Way/Easement that is allowed are those associated with LINES for water, sewage, electric, telephone, gas, oil, oil products and coal by underground mining methods. Stormwater easements for land development on the subject farm are permitted and must be written into a Conservation Plan / Ag E&S Plan. Road widening within a road Right of Way may occur. Additional road Right of Way conveyances cannot be granted by landowner; rather it must be condemned. Condemnation requires Agricultural Preserve Board review and approval and compensation in accordance with applicable laws.
- **Impervious Surface Limitations:** Some preserved farms have impervious surface restrictions incorporated in the Agricultural Conservation Easement and thus construction on those farms requires Agricultural Preserve Board review and approval.
- **Conservation Plan & Manure Management Plan:** All farms are required to have an implemented Conservation Plan and a Manure Management Plan or an Act 38 Nutrient Management Plan. Preserved farms may be visited by a representative of a contracted firm to review conservation practices and the status of manure management. One of the many "conditions of approval" for a subdivision or Rural Enterprise request is that a farm have verification of an implemented Conservation Plan and Manure Management Plan.

While most Agricultural Conservation Easements contain the same general provisions, there can be differences; therefore, it is important that you contact the Agricultural Preserve Board.



Lancaster County Agricultural Preserve Board, 717-299-8355.
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MAPS CAN BE FOUND at <https://co.lancaster.pa.us/183/Maps>

SUBDIVISION PLAN NOTES FOR PRESERVED FARMS

- a) "NOTICE: Lancaster County records indicate that an Agricultural Conservation Easement ("ACE") has been granted to the Lancaster County Agricultural Preserve Board to agriculturally preserve all or a portion of the real property depicted on this plan. The ACE was recorded in the Lancaster County Recorder of Deeds on _____, to document number _____. As set forth more specifically in the ACE, the ACE is intended to prevent the development, improvement or use of the land for any purpose other than agricultural production or customary incidental uses and operations. Subdivision and/or land development of such agriculturally preserved land must be reviewed and approved by the Lancaster County Agricultural Preserve Board, and will be evaluated based on the terms of the ACE and Pennsylvania law, including the Agricultural Area Security Law, its regulations, the County Program and any other legal authority or policies lawfully in effect. Any transfer of agriculturally preserved real property shall include within the transfer deed a verbatim recitation of the applicable ACE restrictions. A transferor of agriculturally preserved real property, at least ten (10) days prior to the transfer of title, shall notify the Lancaster County Agricultural Preserve Board of the transfer and shall provide to the Board all required transfer-related information."
- b) The additional residential structure permitted by the Agricultural Conservation Easement is hereby assigned to Lot No.1. Other than the replacement of this additional residential structure on Lot 1, and the replacement of the existing residential structure on Lot No. 2, no further residential structures are permitted.
- c) "Agricultural Nuisance Disclaimer - Land within the agricultural district are located within area where land is used for agricultural production. Owners, residents, and other users of this property may be subjected to inconveniences, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, and the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers and soil amendments. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and the possibility of injury from normal agricultural operations, and are hereby put on official notice that section 4 of the Pennsylvania Act 133 of 1982, "The Right to Farm Law", may bar them from obtaining a legal judgment against such normal agricultural operations used in a prudent manner."
- d) Lot 1 and Lot 2 as here depicted are subject to an Agricultural Conservation Easement recorded to document number _____ (the "ACE"). Pursuant to the terms of the ACE, no further subdivision is permitted either of Lot 1 or for Lot 2, except that "subdivisions" solely in the nature of a lot add-on are allowed as may be authorized per the terms of the ACE and applicable law.
- e) NO ROAD RIGHT-OF-WAY LAND FOR ROAD PURPOSES IS DEDICATED AS A PART OF THIS PLAN. There is an Agricultural Conservation Easement burdening [Lots ___ and ___ of] the premises recorded to Document No. _____. Paragraph ___ of the indicated Agricultural Conservation Easement limits right-of-way conveyances to certain specified kinds of utilities, not to roadways or otherwise for highway purposes. Section 13 of the Agricultural Area Security Law, 3 P.S. Section 913, sets forth requirements relating to acquisition by condemnation of lands for highway purposes.
- f) The Lancaster County Agricultural Preserve Board ("APB") has reviewed this plan only insofar as it pertains to the subdivision of Lot No. 1 from the parent tract. APB has not reviewed this plan as to any designations, easements, depictions, corridors, areas or other features for Lot 2, except to the extent the same may relate to Lot No. 1 and the manner it will be built and function. APB expressly disavows and disclaims any representation or inference as to whether the designations, easements, depictions, corridors, areas and other features for Lot No. 2 (other than those so related to Lot No. 1) are compatible or not compatible with the Agricultural Conservation Easement (ACE).

IMPORTANT: ALL NOTES MAY NOT BE APPLICABLE; PLEASE CONTACT US FOR GUIDANCE AS TO WHICH PLAN NOTES SHOULD BE IDENTIFIED ON PLAN



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