

BUTLER COUNTY PRESERVED FARM GENERAL REFERENCE SHEET

FOR FARM EASEMENTS HELD BY THE COUNTY OF BUTLER, STATE OF PENNSYLVANIA, OR JOINTLY



Required Regular Agricultural Easement Inspections: Farms that were preserved using state and/or county funding shall be inspected every other year as required by law, while farms preserved with federal funding shall be inspected every year.

Property Restrictions: Your Deed of Agricultural Conservation Easement specifically spells out what types of activities are permitted on the property under "Permitted Acts."

Conservation Plans and Manure Management Plans: All preserved farms are **REQUIRED** to have an implemented and current Conservation Plan, and if needed, a Manure Management Plan or Nutrient Management Plan. Any time that any uses or agricultural activities on the farm are changed, if animals are changed or added, your Plan must be updated. To check your Plan or have changes made, please contact Butler County's local Natural Resources Conservation Service (NRCS) Office at USDA Farm Service Agency, 625 Evans City Rd. Suite. 101, Butler, PA 16001, Phone: 724.482.4800 ext 4. These plans are reviewed and are part of the inspection process.

Changing Owners / Names on Deeds: Any time a change in a deed is being proposed (any changes in names, or any type of change in ownership structure), you must include the entire Deed of Easement within the new property deed verbatim before it is recorded. Also, you must notify the County Ag. Land Preservation Board of any new owner with their contact information within thirty (30) days of recording and send a copy of the new deed with Instrument Number assigned by the Butler County Recorder of Deeds Office. Please don't forget that if the one additional residential structure has been built, the deed(s) must reflect that no additional residential structures may be built on the preserved property(ies). You may wish to submit the proposed new deed(s) to the Butler County Agricultural Land Preservation Board for review prior to recording to ensure that all required language is present.

Construction of One Additional Residential Structure: After the recording of the Agricultural Conservation Easement, only ONE additional residential structure may ever be constructed and must be only for the landowner, a family member or for a seasonal or full-time farm employee. The structure (and its adjoining yard, septic, driveway, etc. – the "curtilage") must occupy no more than two acres of the restricted property and must not harm the agricultural economic viability of the property. If subdivision of the property is planned or occurs *after* construction of this additional structure, then all deeds must state that the one-time residential structure allowance has been exhausted and that no

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While most easements are the same, there could be minor differences and will be different if federal funding was used for the easement purchase. Always consult your recorded Deed of Agricultural Conservation Easement, the Butler County Agricultural Land Conservation Easement Program Guidelines and Pennsylvania's Chapter 138e regarding the requirements of the Agricultural Conservation Easement Purchase Program. If in doubt, please call or email for guidance.



Butler County Agricultural Land Preservation Board
Butler County Office of Farmland Preservation
124 West Diamond Street, PO Box 1208, Butler, PA 16003
Phone 724.284.5305 – Email skelly@co.butler.pa.us

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Agricultural
Heritage
and
Sustain Our
Future

other residential structures may be built on any of the lots. Existing residential structures (*at the time of easement recording*) may be rebuilt / replaced / modified / renovated if needed but must be within the curtilage of the previous / existing dwelling.

Relinquishment of Construction: please note that per Act 33 of 2019, the owner of the land with the agricultural easement may, at any time, relinquish and extinguish the right to build this residential structure by recording an affidavit in the Butler County Recorder of Deeds Office which includes 1. The owner's intent to relinquish the right to build the residential structure, and 2. a reference to the original Deed of Easement on the property. (Our office can assist you with this process.)

Construction of Other Buildings: Additional buildings may be constructed, however only if they are used for agricultural production or commercial equine activity. It is advisable to speak to the Butler County Agricultural Land Preservation Board prior to construction for guidance and to avoid costly mistakes.

Subdivisions / Lot Changes: Subdivisions must be requested in writing and approved by both the County Ag. Land Preservation Board and the State Ag. Land Preservation Board. Each parcel remaining after subdivision is required to have: 1.) 50% of its soils in USDA Soil Capability Classes I-IV; and 2.) site characteristics that allow for reasonable practicality and efficiency of agricultural activity; and 3.) no parcel of less than 52 acres can be created including the remnant parcel after subdivision (*so, farm parcels must have at least 104 acres in order to be subdivided*). Remember, all deeds must include the language of the original easement restrictions verbatim and must designate which parcel has the right to construct the additional residence if that has not been extinguished or the additional residence allowance was already used.

Residential Structure: *If the one-time construction of an additional residential structure has not occurred prior to the time of subdivision, then all deeds created for new and remaining parcels must state which parcel permits the construction of the one-time additional residential structure. All other parcel deeds must state they are prohibited from having residential structures built. All deeds must include the language of the original easement restrictions verbatim.*

Right-of-Ways and Easements: The only type of right-of-way or easement that is permitted are those associated with lines for water, sewer, electric, telephone, gas, oil, oil products and for coal by underground mining methods. Recorded access / road right-of-ways may not be granted across preserved properties by the landowner. Public road widening projects within an existing road right-of-way is permitted. Other road construction / widening projects must occur by condemnation and must be reviewed and approved by the State Board, possibly requiring compensation under applicable laws.

Rural Enterprises / Side Businesses: Part-time and off-season businesses are permitted but are limited to those activities listed in Section "N" of the Butler County Agricultural Land Preservation Guidelines. Proposed enterprises may be submitted for consideration, but must be approved by both the Butler County Board and the State Board. The form which includes the information that must be submitted to the Board in order for them to consider a proposal can be found on the Butler County web site here:

<https://www.butlercountypa.gov/156/Farmland-Preservation>

Please remember that farm owners must still comply with other applicable regulations, ordinances and laws.

The County of Butler assumes no liability with respect to the use of information contained in this Reference Sheet. Laws may be amended or court rulings issued that could affect a particular procedure, issue or interpretation. The County of Butler assumes no responsibility for errors or omissions nor any liability for any type of damages resulting from the use of information contained herein. Please consult your own attorney for legal advice.