

**CUMBERLAND COUNTY
FARMLAND PRESERVATION DONATION PROGRAM**

PROGRAM GUIDELINES
Adopted March 6, 2008

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
100 GENERAL PROVISIONS	1
105 Purpose	1
110 Definitions	1
115 Minimum Criteria for Donations	1
120 Application Submission Process	2
200 PROCEDURES FOR EASEMENT DONATION	2
205 Requirements for Donated Easements	2
210 Incidental Costs	3
300 RESPONSIBILITY OF OWNER	3
305 Permitted Acts	3
310 Conservation Plan	3
315 Change of Ownership	3

100 GENERAL PROVISIONS

105 Purpose

The purpose of this program is to protect prime agricultural lands by acquiring agricultural conservation easements through voluntary donation for the benefit of the general public.

110 Definitions

Agricultural Conservation Easement - An interest in land, less than fee simple, which interest represents the right to prevent the development or improvement of the parcel for a purpose other than agricultural production. It shall be granted in perpetuity, as the equivalent of covenants running with the land.

Agricultural Production - The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products.

Agricultural Security Area - A tract of agricultural land that has been officially designated as an agricultural district by the local municipality.

Board of Commissioners – The Cumberland County Board of Commissioners.

Conservation Plan - A plan describing land management practices which, when completely implemented, will improve and maintain the soil, water and related plant and animal resources of the land.

County - Cumberland County, Pennsylvania.

County Board - The Cumberland County Agricultural Land Preservation Board as appointed by the Cumberland County Board of Commissioners.

115 Minimum Criteria for Donations

In order to be eligible to make application for donation, a farmland tract must meet the following minimum criteria:

- A. The tract must be a minimum of 35 acres.
- B. The tract must be located in designated Agricultural Security Area.
- C. The tract must be zoned for agriculture.
- D. At least 50% of the tract must be engaged in agriculture production.
- E. The tract must contain class 1, 2, or 3 soils.

120 Application Submission Process

All parties interested in donating an agricultural conservation easement must conduct a pre-application meeting with the staff of the County Board. The meeting will introduce the applicant to the donation program and review the eligibility criteria before a formal application is submitted to the County Board.

Interested parties whose property meets the minimum program requirements will be invited to prepare and submit a formal application. Applications for donations of agricultural conservation easements will be accepted any time during the calendar year. Applicants shall complete an application on the County form and submit it to the Cumberland County Agricultural Land Preservation Board c/o Cumberland County Planning Office, 18 North Hanover Street -Third Floor, Carlisle, Pennsylvania 17013.

120 Application Consideration

Applications for donations of agricultural conservation easements shall be reviewed by the County Board. Applications shall be considered by on a case by case basis and preservation of the farmland tract must be consistent with municipal land use plans and the Cumberland County Comprehensive Plan. The County Board shall make a recommendation to the Board of Commissioners regarding acceptance of donated easements. The Board of Commissioners shall approve the acceptance of donated easements.

200 PROCEDURES FOR EASEMENT DONATION

205 Requirements for Donated Easements

- A. Easement Term - The term of the donated Deed of Easement shall be in perpetuity.
- B. Agreement of Sale - An Agreement of Sale, in a form reviewed and approved by the County Solicitor, shall be executed prior to expenditure of County funds for incidental expenses.
- C. Appraisal – An appraisal, prepared by a state certified general real estate appraiser, shall be required for a donated easement.
- D. Title Insurance - The donated easement shall have Title Insurance and shall be free and clear of all encumbrances. The landowner shall be responsible for obtaining clear title. The Title Insurance shall be issued based on the appraised value for the subject donated acreage.
- E. Survey – A survey shall be required for a donated easement, if the existing legal description contains a closure error greater than one foot per 200 linear feet.
- F. Subordination Agreement – Proper releases from mortgage holders and lien holders must be obtained and executed to insure that all easements are free and clear of encumbrances.
- G. Easement Form - The Deed of Easement shall be in a form reviewed and approved by the County Solicitor.

- H. Post Settlement - The County shall record the Deed of Easement with the Cumberland County Recorder of Deeds Office.

210 Incidental Costs

- A. The County shall be responsible for incidental costs for donated easements approved by the Board of Commissioners.
- B. Incidental costs shall include the cost of appraisal, title insurance, recording and survey, if required.
- C. The County shall be responsible for retaining and arranging for the appraisal, title insurance and survey, if required.

300 RESPONSIBILITY OF OWNER

305 Permitted Acts

The restricted land shall be used solely for agricultural and open space purposes as specified in the Deed of Easement.

310 Conservation Plan

To preserve the agricultural viability and natural resource value of the restricted land, the County shall require the owner of land being considered for agricultural conservation easement donation to obtain and implement a conservation plan.

315 Change of Ownership

A deed conveying an interest in the restricted land shall set forth the language of the easement restrictions verbatim. All persons conveying or transferring land subject to an agricultural conservation easement shall notify the County within 30 days of a change in ownership of the restricted land and provide a copy of the deed.