

York County Agricultural Land Preservation Board  
118 Pleasant Acres Road Suite F  
York, Pennsylvania 17402  
717-840-7400

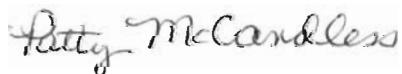
Dear Interested Landowner:

Enclosed please find the information you requested regarding the York County Conservation Easement Program. Please read this information carefully. Review the program requirements in order to submit a qualifying application. Review the Deed of Easement; with your legal counselor to understand the restrictions that will be placed upon your farm should you decide to make application to the Conservation Easement Program. Review with your tax counsel, the implications of this income.

The minimum criteria lists, the requirements for eligibility for application to this program. Each year farm applications are not eligible due to two reasons. First, many are not enrolled in an Agricultural Security Area (ASA) and secondly, many do not have a soil and water conservation plan. Regarding the ASA, please contact your township and see if your farm is enrolled in this special district. It can take up to 180 days to become enrolled in your township's ASA. The second reason farms may not qualify is the lack of a soil and water conservation plan. This program requires a soil and water conservation plan in order to apply to the program. Once selected for preservation, the conservation plan must be updated to meet the Pennsylvania Clean Streams Law, also known as a Resource Management System plan. This plan covers your entire farm and will ensure the soil, water, vegetative, and nutrient resources on the farm are protected. Conservation plan development can take months. Please contact the USDA-Natural Resource Conservation Service at 755-2966, Ext 3, to make sure you have a conservation plan prior to making application to the easement program.

Applications are received throughout the year; however, farms are selected only once a year for preservation, during the months of March and April. You need only apply once. **The deadline for application is Friday, January 09, 2009 for the 2009 application round.** Qualifying applications will be evaluated and ranked according to a Farmland Ranking System. Non-qualifying applications will receive a letter identifying the problem. High scoring farms are appraised, easement values offered, sales agreements negotiated, and title searches completed to ensure clear title and identify liens. Please discuss your desire to preserve your farm with your lenders before applying. Your lender must agree with your desire to preserve your farm.

If you have any questions about this informational packet, please do not hesitate to contact our office. Thank you again for your inquiry about this vital program to protect one of York County's most valuable resources, our productive farmlands and agricultural heritage.



Thank you,  
Patty McCandless, Director

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## **YORK COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM REQUIREMENTS**

### **Eligibility Criteria For Application To The Ag Land Preservation Program**

The farmland tract must:

1. Be located in a duly recorded Ag Security Area of 500 acres, or more.
2. Contain 50% of the soils in Capability Class I through IV, which must be available for agricultural production ( cropland, hayland, pasture lands ).
3. Have a soil and water conservation plan at the time of application.
4. Be at least 50 acres in size, unless:
  - parcels are adjacent to farmland permanently protected with a conservation easement
  - produce a crop unique to that region.

### **II. Application Process**

1. Applications are received by the second Friday in January each year.
2. Applications are compared to the minimum criteria to determine eligibility.
3. Eligible applications are ranked using the Farmland Ranking System.
4. High scoring farms are selected for appraisal to determine their agricultural conservation easement value.
5. Landowners are contacted to review the appraisal report and the County Board's offer. The landowner has 30 days to consider the Board's offer and respond. The landowner may obtain an independent appraisal at their expense. State regulation permits the County to make a second offer from their original offer and the second appraisal.
6. Upon agreement of an easement amount, a sales agreement is signed by the landowner, County Board, and County Solicitor.
7. The following research work is completed to prepare and submit an acceptable summary report to the State Ag Land Preserve Board for consideration and approval:
  - deeds offered for easement sale are title searched.
  - lender's must permit landowner's to sell easements.
  - surveys are conducted as needed, a landowner responsibility.
8. Upon State Board and County Board approval of the farm's easement application and summary report, settlement can occur. A signed deed of easement is obtained by a representative of the County Board and easement funds are then disbursed to the landowner. Signed deed of easements are recorded in the Court House.

For additional information, please call 717- 840 - 7400 or write York County Ag Land Preserve Board Program Office, 118 Pleasant Acres Road Suite F , York, PA 17402.

# YORK COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM

## WHAT IS AN AGRICULTURAL CONSERVATION EASEMENT ?

An agricultural conservation easement is the landowner's right to prevent the development or the improvement of the land for any purpose other than agricultural production. When conservation easements are sold to a county land preservation board it gives the county the right to say "no" to development.

## HOW WOULD PURCHASING AGRICULTURAL CONSERVATION EASEMENTS PRESERVE AGRICULTURE?

It would provide compensation to farmers for the development value of farmland they preserve in long-term agricultural use. By selling conservation easements the farmer would receive the development value of the property without having to sell out to development. Purchasing agricultural conservation easements provides a long-term, permanent, solution to farmland conversion.

## WHO DETERMINES THE VALUE OF AGRICULTURAL EASEMENTS?

State certified general real estate appraisers are retained by the county land preservation board to determine the market value and farmland value of the property. The difference between the market value and the farmland value is the conservation easement value. A farmer who disagrees with the appraiser has the right to retain another independent appraiser. Differences in the two appraisals are worked out according to a state formula which determines the final purchase value of the easement.

## HOW LONG ARE THE AGRICULTURAL CONSERVATION EASEMENTS FOR ?

Today, agricultural conservation easements are sold in perpetuity, or, forever.

## CAN A FARMER BUY BACK THE CONSERVATION EASEMENT ?

The purpose of the easement program is the long term preservation of productive farmland. Today easements are purchased for perpetuity and are not intended to ever be sold or changed. In rare instances, a perpetual easement may be repurchased after a minimum of 25 years if the State and County Boards approve. However, it is most reasonable to expect that no change will ever occur.

## WHAT ARE THE FARMER'S RIGHT'S AFTER SELLING THE CONSERVATION EASEMENT ?

The right to develop, or prevent development, is only one of the many rights in a property owner's "bundle of right's". Some of the right's in the bundle are the right to sell, lease, mortgage, leave to heirs, mineral rights, air and surface right's, etc. After selling a conservation easement the owner retains all other right's and would continue to use the property for farming uses. The landowner also is permitted to construct one additional residential structure for himself, or , a seasonal or full time employee of the farm.

Selling the conservation easement would not prevent constructing buildings for agricultural purposes. Customary part-time and off-season rural enterprises may not be affected. In addition, coal, oil, and gas exploration, as well as, granting right-of-ways for utilities or transporting coal, oil, and gas would be unaffected by the easement sale.

**WHAT LAND IS ELIGIBLE FOR CONSERVATION EASEMENT SALE ?**

Only farmland duly enrolled within ASA's containing at least 500 acres and meeting the minimum eligibility criteria as established by the York County Conservation Easement Program Guidelines. See the eligibility criteria. Enrollment is voluntary and requires permission by all the owners of record of the farmland tract, as well as, lender's.

Priorities for purchasing agricultural conservation easements will be set by the county board, but programs must consider the following: quality of farmland, likelihood of conversion within the next 20 years, proximity to preserved farmland tracts, stewardship of the land, and fair, equitable, objective and nondiscriminatory procedures.

**DO I HAVE TO MAINTAIN A SOIL/WATER CONSERVATION PLAN ON THE FARM?**

Yes. According to a current State law, the PA Clean Streams Law, requires a soil and water conservation plan on every tract of land involving the disturbance of soil. This includes farmlands. The York County Conservation Easement Program requires a conservation plan to apply to the program, but once selected for preservation, the plan must be updated to a Resource Management System Plan and be followed as written.

**HOW IS FARMLAND PRESERVATION IN PENNSYLVANIA FUNDED?**

Current funds for PA's Farmland Preservation Program come from the Growing Greener II Bonds and also from a 2 cent tax on every pack of cigarettes sold in Pennsylvania. This tax provides the State portion of the funds to every county participating in the farmland preservation program. York County funds agricultural land preservation through its' general fund. Federal funds are also allocated for farmland preservation since the passage of the 1996 Federal Farm Bill.

**WHO WILL ENSURE THAT THE DEED RESTRICTIONS ARE MAINTAINED?**

The county has the primary responsibility of ensuring that the easement restrictions are maintained. Annual inspections are required by the State and are conducted by county ag preserve staff. The State also has the option of conducting additional inspections of easements. The county must complete an annual inspection report on each farm which are submitted to the state in a year-end report.

**MUST I APPLY EVERY YEAR?**

No. Applications which have been submitted to the program office are automatically reviewed again in the next years round if not selected for preservation. Each application cycle will review all past application's submitted plus the new application's received by the application deadline each year. The deadline is the second Friday in January every year. Landowner's are reminded to update their old application if there has been a change to the farm deed or operation.

**DO I PAY TAXES ON EASEMENT FUNDS?**

Yes. The easement money you receive will be viewed as income by the IRS and capital gains tax must declared for the year due. You are advised to seek tax advise from your accountant or legal counsel.

If you have further questions about the York County Ag Conservation Easement Program, please contact Patty McCandless, Director at 717-840-7400, or write, York County Agricultural Land Preservation Board, 118 Pleasant Acres Road Suite F York, PA 17402