

Policy regarding Township Participation with Adams County Agricultural Land Preservation Program

As the Adams County Agricultural Land Preservation (ACALP) Program (Program) has evolved over the years, the Program Guidelines have been revised allowing the County to utilize outside funding sources. In 2013 an amendment to the County Guidelines was approved which we hope will encourage more partner participation in the Program.

The Unique Purchase Situation amendment (*page 25 of Guidelines*) allows an applicant that ranks within the top 50% of the scored applicants to be considered for preservation if the farm is subject to a unique funding opportunity. In order to accomplish this, we must leverage additional funds for preservation of that farm from Federal, State, Municipal or private sources. The total funds required by the Municipality must be 10% of the total purchase price or \$25,000, whichever is greater.

Pennsylvania Act 138 of 1998 (an amendment to the Agricultural Area Security Law, Act 43 of 1981, codified at 3 P.S. § 901 - 915), authorizes local governments to purchase agricultural conservation easements to preserve farmland in established Agricultural Security Areas. The specific authority for local government acquisition of agricultural easements is contained at 3 P.S. § 914.1. Local governments may undertake this activity on their own, in cooperation with a county or the Commonwealth as joint owners, or by partnering with a local Land Trust. The Act also permits local governments to incur debt to purchase these easements.

To this end, the following procedures have been established for Township Participation:

1. Adams County Agricultural Land Preservation Board (ACALPB) will determine final rankings of applicants in current Application Cycle. At this time they will determine those farms within the top 50% of all applications;
2. All applicants within this 50% will be notified at the time they receive their final ranking that we will be contacting Townships for possible participation;
3. ACALPB will contact all Township Supervisors with farms within those top 50% and provide them with a map depicting all currently preserved lands, lands in ASAs, and applicants;
4. Representatives from the Rural Resource Division of the Adams County Office of Planning and Development are available to meet with Township Officials, staff and citizens as requested by the Townships;

5. If multiple Townships are interested in participating in a joint easement purchase, the ACALP Board will review all possible applications and determine priorities based on the following factors, in no specific order of importance:
 - a. Availability of funds
 - b. Amount of the local match
 - c. Cost per acre
 - d. LESA Ranking
 - e. Consistency with the County map of Priority Agricultural Areas
 - f. Proximity of other land subject to permanent easements
 - g. Special or unusual circumstances
6. Townships will be notified of the ACALP Board's decision on which applications they are willing to move forward on;
7. If a Township is willing to participate in a joint easement, the ACALP Board must be provided with a certified copy of the minutes from a duly advertised meeting of the Board of Supervisors where action was taken. Below is an **example** of a motion to approve such action:

Supervisor _____ made a motion, of which was seconded by Supervisor _____, to support the request of the Adams County Agricultural Land Preservation Board and the Adams County Commissioners with regards to preservation of the _____ farm, as defined in Adams County Agricultural Land Preservation Program Application Number _____. Per the Adams County Agricultural Land Preservation Program Guidelines, the total funds required must be 10% of the total purchase price or \$25,000, whichever is greater.

Conditions of this support are as follows:

1. *All documentation shall be reviewed by the Township Solicitor;*
2. *[List any unique Township requirements necessary to participate]*

Approved by vote of _____.

8. County Staff will meet with the Applicant and begin the Appraisal process;
9. Once the appraisal is received, reviewed and approved, the Board will determine an offer amount based on available funds, taking into consideration the Township contribution;
10. The Township will be kept up-to-date during the negotiation process; however, they will not be directly involved in this process unless the County requires additional municipal assistance;

11. Once an offer has been accepted by the applicant, the following documents must be processed:
 - a. Agreement for Acquisition of Conservation Easement Purchase signed by the County and Township;
 - b. Once the signed Agreement as stated above has been received the Agreement of Sale between the Landowner, County, State and/or Township will be completed;
12. County Staff will be responsible for obtaining surveys, Title Search, Subordination Agreements or any other documentation needed to process the application to the State. All expenses will be paid by the County and State. The only expenses incurred by the Township are costs association with their Solicitor review process;
13. County Staff will provide any and all documentation required for review by the Township Solicitor. All requested reviews must be completed prior to submission for State Board approval and will follow the submission schedule as provided by the PA Department of Agriculture. The Township will be provided with these dates as information is requested;
14. County Staff will be responsible for submitting all necessary paperwork to the State for final approval;
15. The Township will be notified of the settlement date and the Township portion of the easement purchase must be delivered to the County one week prior to this settlement date;
16. Representatives of the Township are welcome to attend the settlement; however, no signatures are needed at that time; and
17. After settlement, a copy of the recorded Deed of Easement will be provided to the Township for their records.

Enclosures:

- *Adams County Agricultural Land Preservation Program Guidelines*
- *Pennsylvania Law on Open Space Financing – The Heritage Conservancy*
- *Agreement of Sale between the Landowner, County and Township (example)*
- *Agreement for Acquisition of Conservation Easement Purchase signed by the County and Township (example)*
- *Deed of Easement (example)*

Policy approved by the Adams County Agricultural Land Preservation Board: June 03, 2015

Policy approved by the Adams County Commissioners: June 24, 2015

Policy approved by the State Agricultural Land Preservation Board: August 13, 2015