

# 2008 Annual Report

## Cumberland County Agricultural Land Preservation Board



## **Cumberland County Board of Commissioners**

Gary Eichelberger, Chairman  
Rick Rovegno, Vice-Chairman  
Barbara Cross, Secretary

## **Cumberland County Agricultural Land Preservation Board**

Donald Mowery, Chairman  
Contractor Representative

Fred Dillner, Vice-Chairman  
At Large Representative

Diane Stamy, Secretary  
Farmer Representative

Vince DiFilippo  
Township Representative

Denny McCullough  
Farmer Representative

### **Advisory Members**

Rick Rovegno  
Cumberland County Board of Commissioners

Carl Goshorn  
Cumberland County Conservation District

David Swartz  
Penn State Cooperative Extension

Photos featured on the front cover are farms selected in the 2008 application round.

Top right - Galen Byers  
Middle left - Barry & Linda Strock  
Middle right - John & Peggy Snyder  
Bottom left - Helen Wilson  
Bottom right - Daniel & Sherri Mains

## TABLE OF CONTENTS

Mission Statement .....	1
Administration.....	2
Program Overview .....	3
Map of Preserved Farms .....	4-5
2008 Program Funding .....	6
2008 Application Round .....	6
County Program Status.....	7
Farmland Preservation Statewide.....	7
Annual Inspections .....	7
Amendments to Program Guidelines .....	8
Farmland Preservation Donation Program .....	8
Education .....	9
Agricultural Security Areas .....	9

## MISSION STATEMENT

*The purpose of the Cumberland County Agricultural Land Preservation Board is to protect viable agricultural lands by acquiring agricultural conservation easements that prevent the development or improvement of land for any purpose other than agricultural production. Further, it is the purpose of the Agricultural Land Preservation Board to:*

- Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use;*
- Protect normal farming operations in agricultural areas from incompatible non-farming uses that may render farming impracticable;*
- Protect farming operations from complaints of public nuisance against normal farming operations;*
- Assure conservation of viable agricultural lands in order to protect the agricultural economy of this Commonwealth;*
- Provide compensation to landowners in exchange for their relinquishment of the right to develop private property; and*
- Maximize agricultural easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.*

*Adopted by the Cumberland County Agricultural Land Preservation Board December 1996*

## Administration

## Board Membership

The Cumberland County Agricultural Land Preservation Board is comprised of five volunteer members who serve terms of three years. Appointments to the Agricultural Land Preservation Board are made by the County Commissioners. The Board includes two active farmers, one contractor, one township supervisor and one at large member.

In addition to the five regular members, the Agricultural Land Preservation Board has three advisory members. Advisory members provide representation from the County Commissioners, Conservation District and the Penn State Cooperative Extension. Advisory members may not vote.

## Meetings

The Agricultural Land Preservation Board meets the second Wednesday of each month at 7:30 AM. Meetings are open to the public and held at 18 North Hanover Street, Carlisle, PA.

## Staff

Staff support for Cumberland County Agricultural Land Preservation Board is provided through the Cumberland County Planning Department. Robert G. Frey serves as the Board's solicitor.

Kirk Stoner, AICP, Director of Planning  
Stephanie Williams, Greenway & Open Space Coordinator  
Rebecca Wiser, Farmland Preservation Coordinator  
Jennifer Crum, Recording Secretary (January - June 2008)  
Tracey Yoder, Recording Secretary (July - December 2008)

Robert G. Frey  
Frey & Tiley  
5 South Hanover Street  
Carlisle, PA 17013

## Office Information

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## Program Overview

The Agricultural Conservation Easement Purchase Program was developed to strengthen Pennsylvania's agricultural economy and to protect prime farmland. The Program incorporates the use of county, state, federal and local funds to purchase agricultural conservation easements on prime agricultural land from willing landowners. The Program is administered by the Commonwealth through the State Agricultural Land Preservation Board and the Pennsylvania Department of Agriculture, Bureau of Farmland Preservation. The Cumberland County Agricultural Land Preservation Board was established in 1989 by the Cumberland County Board of Commissioners to oversee and administer the County's Agricultural Conservation Easement Program.

The Agricultural Conservation Easement Program works by paying the farmer to place certain restrictions upon the land to maintain and permanently preserve high quality, functional farmland. The land continues to be the farmer's private property and the farmer retains all privileges of land ownership, except the ability to sell the land for non-agricultural development or to develop the land for non-agricultural purposes. An agricultural conservation easement is permanent; therefore, if a landowner wishes to sell the land, the easement is transferred and the new landowner must continue to use the property exclusively for agriculture.

Participation in the Program is completely voluntary and very competitive. Farmers interested in the Program must meet several minimum requirements. In order to be eligible for the Program, the farm must contain at least 50 acres and be enrolled in an Agricultural Security Area. Then, farms are ranked against other eligible farms according to the Farmland Ranking System outlined below. Each property is given a numerical score, and the farms with the highest score receive funding for easement purchase.

<b>Farmland Ranking System</b> <i>Land Evaluation and Site Assessment System</i>	
<b>Land Evaluation (40%)</b>	<b>Points</b>
Soil quality, as per the NRCS Soil Survey	40
<b>Site Assessment (60%)</b>	
<b>Development Potential Factors (10%)</b>	
Extent of non-agricultural land use in area	4
Road frontage	4
Availability of public water	1
Availability of public sewer	1
<b>Farmland Potential Factors (25%)</b>	
Size of farm	7.5
Percent of tract in agriculture production	5
Tenure of ownership	5
Conservation practices/Stewardship of land	5
Historic, scenic and environmental qualities	2.5
<b>Cluster Potential Factors (25%)</b>	
Proximity to other preserved farms	10
Proximity to Agricultural Security Areas	7.5
Consistency with the County planning and development map	7.5
<b>TOTAL</b>	<b>100</b>

## 2008 Program Funding

Funding for the Cumberland County Agricultural Conservation Easement Program totaled over \$2.2 million in 2008. This amount includes a combination of county, state, and federal funding as shown below. These funds are to be used exclusively for easement purchases. In 2008, nearly \$33 million was available from the Pennsylvania Department of Agriculture for distribution statewide. State funds are derived from cigarette tax revenues and Growing Greener 2. County funding in 2008 was derived from the County's general fund and interest collected from 2007 Clean and Green Rollback Tax Penalties. The Agricultural Land Preservation Board received an allocation of \$688,450 from the 2008 federal Farm and Ranch Lands Protection Program (FRPP) for three farms containing 350 acres of farmland in Cumberland County. The federal allocation will be used to fund approximately 50% of the easement value for each of these farms. Funds from FRPP are allocated by the United States Department of Agriculture through a competitive application process in which counties apply for farms willing to include further restrictions on their easement as required by this federal program.

2008 State	= \$1,016,818
2007 Carryover State	= \$ 251,513
County	= \$ 282,761
Federal	= \$ 688,450
<b>Total</b>	<b>= \$2,239,542</b>

## 2008 Application Round

Applications for the 2008 round of funding were received by staff between January 1, 2007 and December 31, 2007. Backlogged applications and new applications were eligible for consideration in 2008. 42 applications, totaling 5,586 acres of farmland, were submitted for consideration. During the first quarter of 2008, the Board staff ranked all applications eligible for the Program according to the approved farmland ranking system.

From the 42 applications, the top six ranking farms were selected for appraisal and easement purchase consideration. Of the six farms selected for consideration, one farm of 49 acres has closed, and four farms covering nearly 450 acres are expected to proceed to closing. The County Board offered landowners 95% of the appraised easement value, up to \$4,000/acre. The average offer for the top five ranking farms was \$3,780 per acre. See Table 1 for a summary of County Board offers.

**Table 1  
Summary of 2008 County Board Offers**

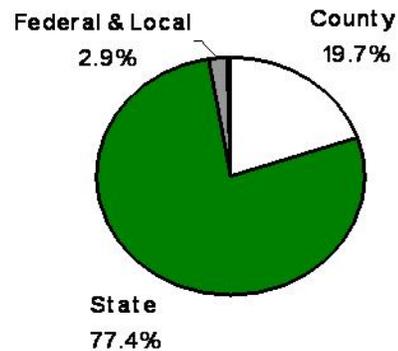
<b>Name</b>	<b>Township</b>	<b>Acres</b>	<b>Board Offer/ Acre</b>	<b>Total Easement Value</b>	<b>Application Status</b>
Snyder	West Pennsboro	134.9025	\$3,068.50	\$413,948.00	Settlement pending
Mains	West Pennsboro	106.2845	\$4,000.00	\$425,138.00	Settlement pending
Strock	Upper Allen	105.4890	\$4,000.00	\$421,956.00	Settlement pending
Wilson	West Pennsboro	49.2610	\$3,847.50	\$189,532.00	Settled
Byers	South Middleton	95.5000	\$4,000.00	\$382,000.00	Settlement pending
Fink/Peffer	Dickinson	NA	NA	NA	Withdrew application
<b>Average Board Offer/Acre</b>			<b>\$3,783.20</b>	<b>\$ 1,832,574.00</b>	

## County Program Status

Between 1989 and 2008, 13,480 acres of farmland have been preserved countywide through 110 easements. An additional four easements containing 441 acres of farmland are pending settlement. Refer to Figure 1 for a location map of all final and pending easements. Table 2 shows a summary of preserved and pending farmland by municipality. A total investment of \$33.7 million in federal, state, county and local funding was utilized to purchase these easements with an additional \$1.6 million pending settlement of four farms. A breakdown of federal, state, county, and local funding for the Program is shown in Figure 2 below.

<b>Municipality</b>	<b>Acres Preserved</b>	<b>Acres Pending</b>
Dickinson Township	1,873	0
Middlesex Township	197	0
Monroe Township	1,693	0
North Middleton Township	248	0
North Newton Township	379	0
Penn Township	3,016	0
Shippensburg Township	84	0
South Middleton Township	1,300	95
Southampton Township	2,133	0
Upper Allen Township	109	105
West Pennsboro Township	2,448	241
<b>Total Countywide</b>	<b>13,480</b>	<b>441</b>

**Figure 2  
Funding (1989-2008)**



## Farmland Preservation Statewide

Pennsylvania is a leader in farmland preservation and #1 in the nation for total acres of farmland protected. 2008 marked the 20<sup>th</sup> anniversary of the Agricultural Conservation Easement Program. 57 of the 67 counties in Pennsylvania participate in the Agricultural Conservation Easement Purchase Program. 407,647 acres of farmland are permanently protected statewide through 3,701 agricultural conservation easements. Cumberland County ranks 9<sup>th</sup> in the State for acres preserved through the Program.

## Annual Inspections

During the second quarter of 2008, the Board staff, in cooperation with the Cumberland County Tax Assessment Office, Conservation District, and Natural Resource Conservation Service inspected all farms preserved through the Program. The County Board and staff are working with farmers to achieve full compliance on all farms. The following is a summary of inspections completed in 2008:

- 122 Farm inspections completed
- 105 Farms (86.1%) in full compliance
- 7 Farms (5.7%) require updates to the conservation plan
- 10 Farms (8.2%) require corrective deed language

## Amendments To Program Guidelines

In 2008, the Agricultural Land Preservation Board approved the following changes to the Program Guidelines:

- **Settlement Documents**

The Program Guidelines were amended to require a deed of merger and updated property deed to be executed at settlement and recorded at the Cumberland County Recorder of Deeds for new easements entering the Program.

- **Criteria for Construction of One Additional Residential Structure**

The following criteria were added for approval of construction of the one additional residential structure:

- The location of the residential structure and its driveway will not harm the economic viability of the preserved farm for agricultural production.
- The location of the residential structure shall be sited in a manner that protects the prime, unique, and important soils to the greatest extent practicable.

The Program Guidelines were also amended to add approval procedures for construction of the one residential structure including submitting the following information: letter of request, a sketch plan, and draft deed stating that no additional residential structures are permitted. The landowner shall record an updated deed after construction and provide a copy to the County Board.

- **Subdivision Procedures**

Program Guidelines were amended to update and clarify the review procedures and submission requirements for requests to subdivide preserved farmland. All subdivisions require review and approval by the County Board. Subdivisions on farms preserved after February 22, 1996 require approval by the County Board and State Agricultural Land Preservation Board.

- **Landowner's Duties and Responsibilities**

The Program Guidelines were amended to clarify landowners' responsibilities when there is a change in ownership.

- **Board By-Laws**

The Board by-laws were amended to increase the size of board membership from five to seven members. Three members shall be active resident farmers. One member shall be a current member of a governing body. One member shall be a commercial, industrial, or residential contractor. The remaining members shall be selected at the pleasure of the County governing body. The by-laws were also amended to clarify terms of office for three years, to clarify duties of officers, to establish election of officers after January 1 of each year and to establish committees.

## Farmland Preservation Donation Program

In 2008, the Cumberland County Board of Commissioners enacted a Farmland Preservation Donation Program. The purpose of the program is to protect prime farmland by acquiring agricultural conservation easements through voluntary donation for the benefit of the general public. Applications will be accepted any time during the year and will be considered on a case by case basis. Preservation of the farmland tract must be consistent with municipal land use plans and the Cumberland County Comprehensive Plan. All applications will be reviewed by the County Agricultural Land Preservation Board, which will make a recommendation to the Board of Commissioners regarding the donation.

## Education

In 2008, the Agricultural Land Preservation Board organized and/or hosted four educational opportunities:

- **Passing on the Family Farm Workshop** - On March 4, the Board hosted a workshop for farmers on succession, retirement, and estate planning entitled "Passing on the Family Farm." Instructors from the Pennsylvania Department of Agriculture's Center for Farm Transition presented information and advice to 29 farmers at the workshop.
- **Pennsylvania Farmland Preservation Association Bi-Annual Meeting** - Cumberland County organized the spring bi-annual meeting for the Pennsylvania Farmland Preservation Association (PFPA) at Allenberry Resort Inn & Playhouse on April 23. PFPA consists of farmland preservation administrators, board members and supporters from across the state. 52 people representing 22 counties attended the meeting.
- **Agricultural Security Area Workshop** - The Board hosted municipal officials, staff, solicitors, and agricultural committee members to an Agricultural Security Areas (ASA) Workshop on October 21 to provide information on the basics of the ASA Program. Presentations were made by the Pennsylvania Department of Agriculture, Penn State Dickinson Agricultural Law Center and Board staff. 29 people attended the workshop. Officials and staff from 9 municipalities in Cumberland County attended the workshop as well as other representatives from neighboring counties.
- **Pre-Application Workshop** - The Board hosted an information meeting on November 6 for all persons interested in enrolling in the Agricultural Conservation Easement Purchase Program. The purpose of the workshop was to provide an overview of the Program and review the provisions of the deed of easement, farmland ranking system and the application process. 23 people attended the meeting.

## Agricultural Security Areas

Currently, there are approximately 71,730 acres of land enrolled in Agricultural Security Areas (ASAs) throughout 17 municipalities. This represents approximately 19% of the Cumberland County landscape. An ASA is a tract of agricultural land that has been officially designated as an agricultural district by the local municipality. ASAs are intended to promote more permanent and viable farming operations by strengthening the farming community's sense of security in land use and the right to farm. ASAs do not provide permanent farmland protection. Refer to Figure 1 for a map of Agricultural Security Areas in Cumberland County.

## Benefits of ASAs

As a landowner, there are a variety of benefits to enrolling land in an agricultural security area. The benefits include:

- Landowners are given limited protection against local regulations. Municipalities may not enact ordinances that unreasonably restrict farming operations nor may municipalities deem normal farming operations as a nuisance.
- State agencies may not condemn a landowner's property without special permission from the State Agricultural Lands Condemnation Approval Board.
- Landowners enrolled in ASA are eligible to participate in the Pennsylvania Agricultural Conservation Easement Purchase Program.