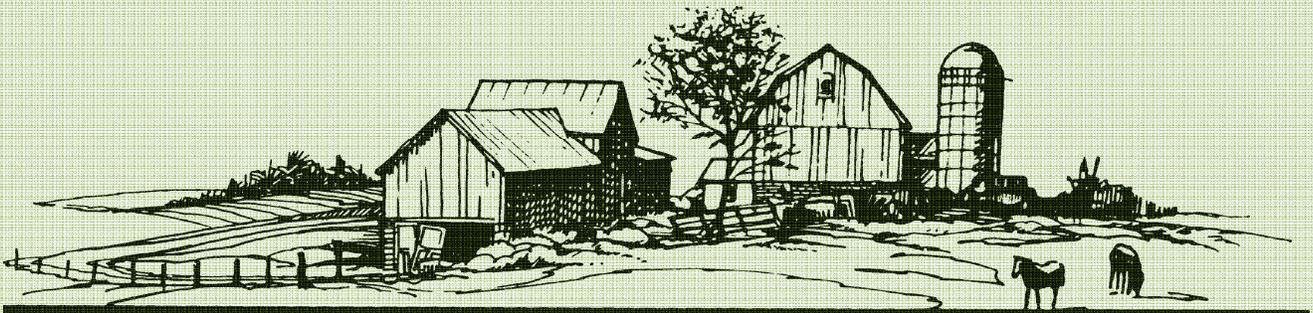


# Cumberland County Agricultural Land Preservation Board



## 2004 Annual Report

**Cumberland County Board of Commissioners**

Bruce Barclay, Chairman

Gary Eichelberger

Rick Rovegno

**Cumberland County Agricultural Land Preservation Board**

Donald H. Mowery, Chairman  
Contractor Representative

Richard E. Adler, Vice-Chairman  
Township Representative

Fred D. Dillner  
At Large Representative

Susan Dietrich (Appointed April 2004)  
Farmer Representative

Diane Stamy (Appointed November 2004)  
Farmer Representative

*Sam Simmons: Resigned March 2004  
Chairman January-March 2004*

*Lynn Wingert: Resigned October 2004  
Chairman April-October 2004*

**Advisory Members**

Rick Rovegno  
Cumberland County Board of Commissioners

Carl Goshorn  
Cumberland County Conservation District

Emily Zahn  
Penn State Cooperative Extension

## Table of Contents

Mission Statement .....	1
Board Membership.....	2
Meetings .....	2
Office Information.....	2
Staff.....	2
Program Overview .....	3
Map of Easements .....	4-5
2004 Program Funding .....	6
2004 Applications.....	6
Program Status .....	7
Program Recertification.....	8
Inspection Summary .....	8
Education and Outreach .....	8
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 members who serve terms of three years. The Board includes two active farmers, one contractor, one township supervisor and one at large member. Appointments to the Agricultural Land Preservation Board are made by the County Commissioners. In addition to the five voting members, the Board has appointed one individual from both the Cumberland County Conservation District and the Penn State Cooperative Extension to serve as advisory members to the Board. Advisory members may not vote.

### Meetings

The Agricultural Land Preservation Board meets the second Wednesday of each month at 12 PM. Meetings are held at Business Central, 18 North Hanover Street, Suite 102, Carlisle, PA.

### Staff

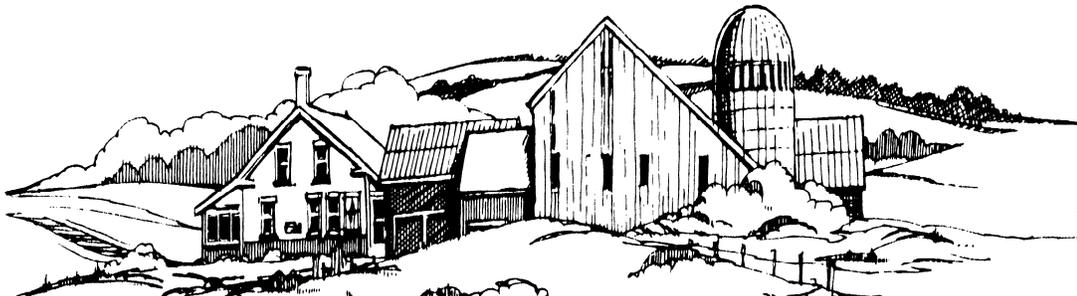
Staff support for Cumberland County Agricultural Land Preservation Board is provided through the Cumberland County Planning Commission. Robert G. Frey serves as the Board's solicitor.

Kirk Stoner, Director of Planning  
Stephanie Williams, Greenway & Open Space Coordinator  
*Jacob Heisey, Program Coordinator (Retired March 2004)*  
Sam Simmons, Program Coordinator (Hired March 2004)

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

### Office Information

Cumberland County Agricultural Land Preservation Board  
c/o Cumberland County Planning Commission  
18 North Hanover Street, Suite 102  
Carlisle, PA 17013  
Telephone: (717) 240-6537 or 240-5383  
Fax: (717) 240-6517  
Website: [www.ccpa.net](http://www.ccpa.net)



# AGRICULTURAL CONSERVATION EASEMENT PROGRAM

## Program Overview

The Pennsylvania 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 and federal funds to purchase agricultural conservation easements (sometimes called development rights) 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. Between 1989 and 2004, 75 easements have been acquired, preserving 9,530 acres of farmland countywide. In 2004, Cumberland County commemorates its fifteenth year anniversary for the farmland preservation program.

The Cumberland County Agricultural Conservation Easement Program works by paying the farmer to place certain restrictions upon the land to maintain and permanently preserve functional farmland that is of high quality. 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 easement program is completely voluntary and very competitive in nature. Farmers that wish to sell their development rights must meet several minimum requirements. In order to be eligible for the program, the farm must be enrolled in an Agricultural Security Area (See page 9). Then, farms are ranked against other eligible farms according to several criteria. Each property is given a numerical score and score determines which agricultural conservation easements will be obtained. Factors used for ranking farms include the following:

- Soil quality, as per the NRCS Soil Survey.
- Development potential factors including road frontage, existing land use and availability of public water and sewer.
- Farmland potential factors including size of farm, percent of tract in agriculture production, tenure of ownership and conservation practices.
- Cluster potential factors including proximity to other preserved farms, proximity to Agricultural Security Areas and consistency with the County planning and development map.

### Farmland Preservation Statewide

- 54 of the 67 counties in PA participate in the State Farmland Preservation Program
- 275,593 acres of farmland are permanently statewide through 2,370 agricultural conservation easements
- PA is #1 in the nation for total acres of farmland preserved

*2003-2004 Farmland Preservation Annual Report  
Pennsylvania Department of Agriculture*

## AGRICULTURAL CONSERVATION EASEMENT PROGRAM

### 2004 Program Funding

Funding for the Agricultural Land Preservation Program in 2004 totaled \$1,354,806. This allotment includes County funds, State funds, Clean and Green rollback tax interest and carryover funds from prior years. These funds are to be used exclusively for easement purchases and are detailed below:

County Allocation	= \$200,000
State Allocation	= \$1,019,432
Clean and Green	= \$8,374
Carryover from prior year	= \$127,000
<b>TOTAL</b>	<b>= \$1,354,806</b>

In addition to the above, the County Board submitted and obtained a \$150,000 grant from the Federal Farmland Preservation Program to purchase agricultural easements. These Federal funds are expected to be expended in 2005. Incidental costs such as appraisals, boundary surveys and title insurance are paid from the County general fund and are reimbursed by the Commonwealth.

### 2004 Applications

Applications for the 2004 round of funding were received by staff between January 1, 2003 and December 31, 2003. 105 applications, totaling approximately 12,000 acres of farmland, were submitted for consideration. During the first quarter of 2004, the Board staff ranked all applications eligible for the program according to the approved farmland ranking system. Approximately 75 of the farms were in the program's target preservation area.

From the 105 applications received, the County Board selected the top six ranked farms for appraisal and easement purchase consideration. In addition, one bargain sale proposal was submitted to the Board for consideration. Refer to Table 1 below for a summary of location, acreage, appraisal value and County Board offers for the seven farms considered for easement purchase.

<b>Farm</b>	<b>Municipality</b>	<b>Acres</b>	<b>Appraised Value/ Acre</b>	<b>Board Offer/ Acre</b>
Sensenig	Southampton	103.7	\$27,460	\$3,000
Fogelsanger	Southampton	160	\$3,050	\$3,000
Jones	Dickinson	83.6	\$3,200	\$3,000
Brymesser	Monroe	98.787	\$3,180	\$3,000
Yorlets	Upper Allen	60	\$3,900	\$3,400
Weber	Upper Allen	48.7	\$4,150	\$3,500
Stine	Southampton	93	\$3,060	NA

Of the seven farms selected by the County Board for appraisal and consideration, only five farms entered into agreements with the County Board for easement purchase. The Fogelsanger Farm rejected the Board's offer and the Stine Farm withdrew their offer of bargain sale. Refer to Table 2 for a summary of final easement purchases.

## AGRICULTURAL CONSERVATION EASEMENT PROGRAM

<b>Farm</b>	<b>Acres</b>	<b>County Share</b>	<b>State Share</b>	<b>Easement Cost</b>
Sensenig	103.7	\$ 148,259.00	\$ 180,739.50	\$ 328,998.50
Jones	83.6	\$ 148,259.00	\$ 112,937.25	\$ 261,196.25
Brymesser	98.787		\$ 296,361.00	\$ 296,361.00
Yorlets	60		\$ 206,978.25	\$ 206,978.25
Weber	48.7		\$ 173,563.25	\$ 173,563.25
<b>Total</b>	<b>394.787</b>	<b>\$ 296,518.00</b>	<b>\$ 970,579.25</b>	<b>\$ 1,267,097.25</b>

### Program Status

At the completion of the 2004 application round, an additional 5 farms will be preserved, adding 395 acres to the program. Between 1989 and 2004, 9,530 acres of farmland have been preserved county-wide with 75 easements. Refer to Figure 1 for a location map of all final and pending easements and Table 3 for a summary of preserved farmland by municipality for acres preserved, total cost and average cost per acre.

<b>Municipality</b>	<b>Total Acres Preserved</b>	<b>Total Cost</b>	<b>Average Cost/Per Acre</b>
Dickinson Township	1,042.52	\$ 2,352,393.73	\$ 2,256.44
Middlesex Township	127.98	\$ 338,565.00	\$ 2,645.45
Monroe Township	1,693.4	\$ 5,209,364.30	\$ 3,076.28
North Middleton Township	99.99	\$ 225,879.60	\$ 2,259.02
North Newton Township	378.78	\$ 558,179.00	\$ 1,473.61
Penn Township	1,850.94	\$ 3,245,271.44	\$ 1,753.31
Shippensburg Township & Southampton Township	229.21	\$ 716,328.00	\$ 3,125.20
South Middleton Township	472.73	\$ 1,057,727.00	\$ 2,237.49
South Middleton Township & Dickinson Township	346	\$ 752,021.00	\$ 2,173.47
Southampton Township	1,104.73	\$ 2,232,250.00	\$ 2,020.63
Upper Allen Township	108.74	\$ 374,590.00	\$ 3,444.82
West Pennsboro Township	1,701.51	\$ 2,765,302.00	\$ 1,625.20
West Pennsboro Township & Penn Township	373.04	\$ 574,582.00	\$ 1,540.27
<b>Total Countywide</b>	<b>9,529.57</b>	<b>\$ 20,402,453.07</b>	<b>\$ 2,140.96</b>

## AGRICULTURAL CONSERVATION EASEMENT PROGRAM

### Program Recertification

Every seven years, the State Agricultural Land Preservation Board must review and certify County program guidelines for the easement purchase program. In 2004, the staff and County Board spent considerable time revising the County's program guidelines for consideration and approval by the State Board.

In addition to various State mandated amendments, the County Board approved the following major additions to the program guidelines:

- **\$1,500 Appraisal Deposit Fee** – All applicants are required to submit an appraisal deposit fee when a farm is selected for appraisal and purchase consideration. The fee is reimbursed if the farm proceeds to settlement. The fee is not reimbursed if the applicant rejects the County Board's offer and withdraws the application.
- **Maximum Purchase Price for Easements** – The County Board instituted a per acre cap on all easement purchases. The County Board will not offer over \$4,000/acre for an agricultural conservation easement.

### Inspection Summary

During the second and third quarter of 2004, the Board staff, in cooperation with NRCS and Cumberland County Conservation District, inspected all farms preserved through the program. The County Board and staff are working with farmers to achieve compliance. An inspection summary is provided below:

- 78 Farm inspections completed
- 39 Farms (50%) in full compliance
- 35 Farms (45%) require updates to the conservation plan
- 2 Violations for farms requiring corrective deed language
- 2 Violations for inappropriate construction of non-agricultural buildings
- 1 Violation for a non-agricultural operation

### Education and Outreach

During 2004, numerous educational opportunities were afforded to the residents of Cumberland County to learn about the program. Two major initiatives included:

- **Website** - In the third quarter of 2004, an expanded webpage was launched at [www.ccpa.net](http://www.ccpa.net). Residents can access the County Board meeting schedule, meeting minutes, program guidelines and other informational resources related to farmland preservation.
- **Workshop** – On November 3, 2004, the County Board sponsored an informational workshop for all persons interested in enrolling the Agriculture Easement Purchase Program. The main purpose of the workshop was to provide an overview of the easement purchase program and highlight changes being implemented for 2005. Approximately 65 individuals attended the event.

# AGRICULTURAL SECURITY AREAS

## Overview

An agricultural security area (ASA) is a tract of agricultural land that has been officially designated as an agricultural district by the local municipality. ASA's 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.

## Benefits of ASA's

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

- 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.

## Establishing an ASA

Creating an agricultural security area is a collaborative effort between farmers and the local government. There is no cost to the landowner for enrolling in the program and involvement in the program is completely voluntary. To establish an ASA, the landowners must submit a proposal to the local municipality. The local officials review the proposals and a public hearing is conducted. Following the hearing, the local governing body will come to a decision on the creation of an agricultural security area. The local governing body is then responsible for reviewing the area every seven years.

## ASA's in Cumberland County

Currently, there are approximately 68,000 acres of land enrolled in ASA throughout sixteen municipalities. This represents approximately 19% of the Cumberland County landscape. Refer to Table 4 for total acres enrolled in an ASA by municipality.

<b>Table 4</b>			
<b>Agricultural Security Areas by Municipality</b>			
<b>Municipality</b>	<b>Acres</b>	<b>Municipality</b>	<b>Acres</b>
Dickinson	3,735	Penn	6,707
Hopewell	2,859	Silver Spring	1,143
Lower Frankford	2,571	Southampton	10,443
Lower Mifflin	5,423	South Middleton	4,358
Middlesex	2,503	Upper Allen	843
Monroe	3,976	Upper Frankford	6,296
North Middleton	2,137	Upper Mifflin	3,263
North Newton	3,821	West Pennsboro	7,877
	<b>TOTAL</b>	<b>67,955 ACRES</b>	