



ACTS

June 1995:

West Virginia enacted the Conservation and Preservation Easements Act by amending *West Virginia Code Chapter 20* through the addition of *Article 12*. Through this Conservation and Preservation Easements Act, the West Virginia Legislature recognized the importance and significant public benefit of conservation and preservation easements in its ongoing efforts to protect the natural, historic, agricultural², and scenic resources of the state. This enabling legislation was required to allow perpetual conservation and preservation easements to be created within the state. Currently, all fifty states have enacted conservation and preservation easement enabling statutes.

Within the Conservation and Preservation Easements Act, conservation and preservation easements are defined, and the basics are outlined as to how easements are to be created and the various rights and duties concerning the easement. The Voluntary Farmland Protection Act first incorporates the concepts created under this Conservation and Preservation Easements Act, and then expands upon them to allow the creation of the state and county Voluntary Farmland Protection Programs.

See Endnotes²

March 10, 2000:

West Virginia Legislature unanimously passed into law *West Virginia Code §8-24-72* through *West Virginia Code §8-24-84, 2000*, known as the Voluntary Farmland Protection Act. The Act went into effect on **June 8, 2000** and amended a 1982 statute of similar code location that once allowed the creation of Farmland Preservation Committees.

Through this Act, our legislature declares that agriculture is a unique “life support” industry and that a need exists to assist those agricultural areas of the state which are experiencing the irreversible loss of agricultural land. The Act further authorized the creation of county farmland protection board(s) and program(s) and creation of the West Virginia Agricultural Land Protection Authority detailing:



1. contents and requirements of the farmland protection program(s);
2. powers and duties of the farmland protection boards and the authority;
3. methods of farmland protection;
4. value of a conservation easements;
5. criteria for acquisition of easements;
6. use of land after a conservation easement is acquired;
7. funding for the farmland protection program(s);and
8. authorized the commissioner of agriculture to promulgate rules.



March 9, 2002 [June 4, 2003³]

West Virginia Legislature modified the Voluntary Farmland Protection Act to allow each county with a farmland protection program to provide funding for such a program through a real estate transfer tax. The County Commission of each eligible county may enact an additional tax⁶ on the privilege of transferring real estate to be used solely to fund the county's farmland protection program. These monies must be used exclusively for the purpose of funding farmland preservation. ♦

See Endnotes^{3,6}



March 3, 2003:

The Jefferson County Farmland Protection Board, being a holder as defined under *West Virginia Code §20-12-1 et. al.*, is empowered to hold perpetual conservation and preservation easements in Jefferson County, West Virginia. The Jefferson County Farmland Protection Board was created by the Jefferson County Commission pursuant to *West Virginia Code §8-24-72 through §8-24-84* of the Voluntary Farmland Protection Act, to function as a county governmental entity in the acquisition of conservation and preservation easements. The Jefferson County Farmland Protection Board has an approved Farmland Protection Program.

The Jefferson County Farmland Protection Board recognizes that the campaign of the Civil War Preservation Trust and the Land Trust of the Eastern Panhandle in offering compensation for perpetual conservation easements on qualifying properties in Jefferson County that have a significant historical connection to Civil War battles, advances and retreats, furthers its mission of farmland protection in the county.

THEREFORE, The Jefferson County Farmland Protection Board agrees to be the pass-through grantee recipient for funding and a holder on any and all properties in Jefferson County, West Virginia recommended by the Civil War Preservation Trust and approved for funding by the National Park Service, along with other potential Holders, including the Land Trust of the Eastern Panhandle and the Eastern Panhandle Conservation District. Funds to be

RESOLUTIONS

July 13, 2000:

Jefferson County Commission authorized a resolution creating the Jefferson County Farmland Protection Board, becoming one of the first counties in West Virginia to utilize the Voluntary Farmland Protection Act. The Commission affirmed that the:

1. agriculture community of Jefferson County provides sources of agriculture products for the citizens of the state;
2. enhances tourism, protects worthwhile community values, institutions and landscapes which are inseparably associated with traditional farming; and
3. controls the urban expansion that is consuming land, topsoil and woodland of the county.

The Board, as appointed by the Commission, was authorized to create and administer the Jefferson County Farmland Protection Program in consultation with the Eastern Panhandle Conservation District, and as approved by the Commission.



paid to awarded landowners desiring payout under an installment purchase arrangement shall be transferred to the Land Trust of the Eastern Panhandle.

See Index to Citations



AMENDMENTS

October 14, 2003:

Jefferson County Farmland Protection Board, being a holder as defined under *West Virginia Code §20-12-1 et al.*, is empowered to hold perpetual conservation and preservation easements in Jefferson County, West Virginia. The Jefferson County Farmland Protection Board was created by the Jefferson County Commission pursuant to *West Virginia Code §8-24-72 through §8-24-84* of the Voluntary Farmland Protection Act, to function as a county governmental entity in the acquisition of conservation and preservation easements. The Jefferson County Farmland Protection Board has an approved Farmland Protection Program.

The Jefferson County Farmland Protection Board recognizes that the campaign of the Civil War Preservation Trust and the Land Trust of the Eastern Panhandle in offering compensation for perpetual conservation easements on qualifying properties in Jefferson County that have a significant historical connection to Civil War battles, advances and retreats, furthers its mission of farmland protection in the county.

THEREFORE, The Jefferson County Farmland Protection Board agrees to be the pass-through grantee recipient for funding and a holder on any and all properties in Jefferson County, West Virginia recom-

mended by the Civil War Preservation Trust, in compliance with the eligibility requirements of the Jefferson County Farmland Protection board, and approved for funding by the National Park Service, along with other potential Holders, including the Land Trust of the Eastern Panhandle and the Eastern Panhandle Conservation District. Funds to be paid to awarded landowners desiring payout under an installment purchase arrangement shall be transferred to the Land Trust of the Eastern Panhandle.

The Jefferson County Farmland Protection Board reserves the right of refusal to be a holder on any property recommended by the Civil War Preservation Trust and approved for funding by the National Park Service that is not in accordance with eligibility requirements set forth in the Jefferson County Farmland Protection Program:

- The property is used or usable for agriculture, horticulture or grazing; is a wetlands; or is woodlands that is part of or appurtenant to the property or held in common ownership.
- No commercial or industrial structures shall be located on the property.
- Clear title to the property must be established.
- The property shall not have any current or past uses that would render the establishment of a conservation easement inconsistent with the intent of the program.
- The property shall not currently be under a deed of conservation easement.

Such refusal shall be by a majority vote of the board at any regular or special meeting where such consideration is included on the agenda in accordance with the Jefferson County Farmland Protection Board Bylaws.



Resolution Division of Highways December 12, 2003:

Jefferson County Farmland Protection Board, being a holder as defined under *West Virginia Code §20-12-1 et seq.*, is empowered to hold perpetual conservation and preservation easements in Jefferson County, West Virginia. The Jefferson County Farmland Protection Board was created by the Jefferson County Commission pursuant to *West Virginia Code §8-24-72 through §8-24-84* of the Voluntary Farmland Protection Act, to function as a county governmental entity in the acquisition of conservation and preservation easements. The Jefferson County Farmland Protection Board has an approved Farmland Protection Program.

The Jefferson County Farmland Protection Board recognizes that the campaign of the Civil War Preservation Trust and the Land Trust of the Eastern Panhandle in offering compensation for perpetual conservation easements on qualifying properties in Jefferson County that have a significant historical connection to Civil War battles, advances and retreats, furthers its mission of farmland protection in the county.

The Jefferson County Farmland Protection Board by resolutions dated **March 3, 2003** and **October 14, 2003**, has previously agreed to be a holder on any and all properties in Jefferson County, West Virginia recommended by the Civil War Preservation Trust, in compliance with the eligibility requirements of the Jefferson County Farmland Protection Board, and

approved for funding by the National Park Service, along with other potential holders, including the Land Trust of the Eastern Panhandle and the Eastern Panhandle Conservation District.

Additional funding supporting the Jefferson County Civil War preservation effort is being sought through the West Virginia Division of Highways.

THEREFORE, The Jefferson County Farmland Protection Board agrees to be the applicant/sponsor for funding applications and potential funding under the West Virginia Division of Highways Transportation Enhancement Program. ♦