



RULES AND GUIDELINES

A. Easement Purchases:

The Jefferson County Farmland Protection Board may purchase conservation easements.

The following considerations are applicable for any purchases:

1. Funds for purchasing conservation easements must be available and allocated
2. The landowner(s) must submit a completed application
3. The property must meet all eligibility requirements
4. All application submissions shall be scored using the Farmland Protection Ranking Criteria
5. The purchase must be approved by the Jefferson County Farmland Protection Board
6. The purchase must be approved by the Jefferson County Commission
7. Properties at least ten acres in size, in which the purchase or donation of the easement would extinguish future subdivision potential of the property, except conveyances as specifically allowed and limited by the appropriate zoning ordinances.

See Appendix – forms 1 thru 9

A sale of conservation easement application form must be submitted to the Jefferson County Farmland Protection Board in order to be considered. The Jefferson County Farmland Protection Board, in its sole discretion, may reject an offer for sale if the property has any current or past uses that would render the estab-

lishment of a conservation easement inconsistent with the intent of the Act or this program. Such circumstances include, but are not limited to, possible contamination on the subject property, surrounding land uses, conservation values of the property, and the scope and difficulty of the protection and monitoring of the property. A written confirmation of the rejection, if applicable, shall be provided to the applicant, including the reasons for rejection.

The Jefferson County Farmland Protection Board may allocate funds to offset any or all costs associated with the conservation easement, including, but not limited to, legal fees, closing costs, survey fees and appraisal costs. Reimbursement policies will be established on a yearly basis, no later than June 30, for the following fiscal year by the Jefferson County Farmland Protection Board. Any costs to be the responsibility of the landowner(s) will be clearly indicated.



The Farmland Protection Ranking Criteria are used to evaluate the characteristics of properties offered into the program. In the event that the offering price of properties voluntarily offered to the



program in any given year exceeds the funding available for the purchase of those conservation easements, the priority of acquisition shall be determined by relative ranking of the property. The Farmland Protection Ranking Criteria consists of a number of factors and criteria descriptive of

the characteristics of the property. Each criterion is assigned numerical points signifying its importance relative to all other criteria. Once the score for each property has been calculated, all properties shall be ranked. Those properties ranked the highest will be given priority to purchase.



B. Easement Donations

Donations of conservation easements meeting the following guidelines may be accepted by the Jefferson County Farmland Protection Board:

1. Properties at least ten acres in size, in which the purchase or donation of the easement would extinguish future subdivision potential of the property, except conveyances as specifically allowed and limited by the appropriate zoning ordinances.
2. Subdivision residue lots and designated areas² that retain no further development rights.
3. Properties less than ten (10) acres in size shall not normally be accepted by the Jefferson County Farmland Protection Board, however such properties may be considered on a case-by-case basis, particularly if they contain unique features or are otherwise considered worthy of protection.

See Endnotes²

A donation application form must be submitted to the Jefferson County Farmland Protection Board in order to be considered. The Jefferson County Farmland Protection Board, in its sole discretion, may accept or reject an offer for donation

after considering all facts and circumstances. Such circumstances include, but are not limited to, possible contamination on the subject property, surrounding land uses, conservation values of the property, and the scope and difficulty of the protection and monitoring of the property. A written confirmation of the acceptance or rejection shall be provided to the applicant, including the reasons for rejection, if applicable. Any residential construction on a conservation easement property must comply with Jefferson County Comprehensive Plan and its ordinances.

The Jefferson County Farmland Protection Board may allocate funds to offset any or all costs associated with the conservation easement, including, but not limited to, legal fees, closing costs, survey fees and appraisal costs. Costs not funded by the Jefferson County Farmland Protection Board shall be the responsibility of the landowner making the donation offer, including stewardship funds for the perpetual monitoring of the property. The Jefferson County Farmland Protection Board will establish reimbursement policies on a yearly basis no later than June 30 for the following fiscal year after consideration of the funds available to it.



Donation properties shall be ranked for potential reimbursement according to the Farmland Protection Ranking Criteria, page 35 of this report.

C. Easements: Special/ Targeted Grants

In the event private, local, state or federal monies become available to purchase a particular category of property, or properties with certain characteristics, the

Farmland Protection Ranking Criteria may be waived by the Jefferson County Farmland Protection Board. This procedure shall be undertaken only when the terms of the grant render other ranked properties ineligible to apply for the grant. ♦



NATURE OF DEVELOPMENT RIGHTS ACQUIRED

A Conservation Easement

The ownership of property is often characterized as a bundle of rights. Typically, a landowner owns all of these rights through the deed; possession of all of these rights is called fee simple ownership. A landowner can sell or donate some of these rights and still retain ownership of the land. For instance, a landowner might sell the timber rights on the property, but still retain all other rights over the property. Under the Jefferson County Farmland Protection Program, the landowner agrees to give up certain development rights and specific commercial uses of the property. The protection of farmland all over the country typically is accomplished by limiting the risk that the farmland is converted into a commercial development or a residential subdivision. The Jefferson County Farmland Protection Program also utilizes this method of protection. The possession of the property, maintenance, right of access, and the right to sell the property or to leave it to heirs remains with the landowner.

The mechanism for acquiring these development rights is called a conservation

easement. These easements are also sometimes referred to as open space easements. The Jefferson County Farmland Protection Board may acquire these rights by purchasing the easement or through the acceptance of a donation. The sale or donation of development rights is accomplished through a Deed of Conservation Easement, which is recorded with the original deed to the land.

See Appendix – 6. Deed of Conservation Easement

Easement Holder

The Jefferson County Farmland Protection Board is the grantee under the Deed of Conservation Easement, and agrees to protect the property according to its mandate and the desires of the property owner executing the easement. The Jefferson County Farmland Protection Board is a quasi-governmental board established by the Jefferson County Commission. State law mandates the background of appointees that must serve on the board, and the Jefferson County