

Mineral County Farmland Protection Fact Sheet

The Mineral County Farmland Protection Board (MCFPB) accepts donations and purchases Conservation Easements on qualifying property to protect Farmland permanently. A landowner who sells a conservation easement on their property still owns and operates their land, but have sold their development rights.

Property Eligibility Requirements:

- Property must be located in Mineral County;
- Property must be 34% or more Farmland;
- Property must have at least 50% or more qualifying soils;
- Must be able to establish clear title to the property
 - Liens and severed mineral rights can be an issue
- Offering price is less than or equal to current County price per acre cap of \$2500;
 - If selected for funding, the MCFPB will pay for a restricted use appraisal of the property to determine the price we can offer.
 - The price we can offer is determined by:
 - Market Value of Property
 - Value of Property with a Conservation Easement
 - =Value of Easement (Price we can offer) *Not to exceed the rate cap of \$2500/acre

Program Information:

- The MCFPB is accepting applications for FY 2025 until December 1st, 2024;
- Applications received will be ranked by the MCFPB for funding selections;
- Once selected, the MCFPB will have a preliminary title search conducted on the property;
- If the title is clear or clear title is able to be established, the MCFPB will have a restricted use appraisal completed on the property;
- If the landowner is willing to accept the price the MCFPB is able to offer, the MCFPB will pay to have a survey of the property completed (if no recent survey is available);
 - Residential areas must be surveyed into 2-acre sections
 - Existing residences are able to be kept in the easement or left out of the easement.
 - Future residential areas are able to be reserved, but must be surveyed into 2-acre areas.
 - It is recommended that an existing or future (or both) residential area(s) be kept in the easement for any future landowner.
 - Any acreage that a landowner wishes to leave out of the easement must be surveyed out.
- Once the survey is completed, the MCFPB will order and pay for a Baseline document to be prepared for the property.
 - A Baseline document provides a detailed description of the property around the time of the easement closing using written descriptions, maps, photos, etc.
 - The MCFPB uses the Baseline to monitor the property on an annual basis and keep track of any changes to the property.
- If a property has 40 acres or more of Forested land and intends to timber, the property must have a forest management plan completed or have a forest management plan that is less than 10 years old at the time of harvest.
- Finally, a Deed of Conservation Easement will be prepared for the property and a final title search will be conducted.
- Once the landowner and the MCFPB are comfortable with the Deed of easement and clear title to the property is established, the MCFPB will set a closing date with our attorney to close the easement and permanently protect the property.

Please contact the Director of the MCFPB with any questions at 301-707-1308 or mineral@wvfp.org

Information contained in this fact sheet is subject to change.

Mineral County Farmland Protection Board

Conservation Easement information

A Conservation Easement with the Mineral County Farmland Protection Board (MCFPB) places permanent restrictions on the easement property by a Deed of Conservation Easement. Some general restrictions and information of a conservation easement are*:

- Property is prohibited from being subdivided.
 - Can still be sold, but only with the Conservation Easement Restrictions
- Agricultural use of the land is permitted including farm stands/farm markets
- Agricultural Structures may still be built, but the Maximum impervious surface (anything under roof, paved/gravel/etc. areas) allowed is 2% of the easement's acreage
 - Example: 2% of a 100-acre farm is allowed 87,120 square feet of impervious surface.
- Property can still be timbered, but only with a forest management plan
- Residential areas are able to be included in the easement within 2-acre areas (one home per 2-acre area). Existing and/or reserved residential areas must be determined by survey. NO additional residential areas may be added after the easement closes.
 - The MCFPB encourages at least one residential area (existing or reserved) to be included in the easement.
- Sale of shale, gravel, topsoil, minerals, oil, gas, etc. off the property is prohibited
 - Shale/gravel may still be used to maintain farm roads on the easement property
- No dumps may be located on the property
- No large signs or billboards on the property. Signs advertising the farm, farm market, or activities on the farm are allowed.
- No Right of Ways may be granted after closing without prior permission from the MCFPB.
- No pollution or altering of streams, wetlands, water bodies, etc.
 - Ponds may be built in accordance with a conservation plan and shall not exceed 2-acres in area.
- The MCFPB visits the easement property annually to ensure the Conservation Easement terms are being maintained
- A Conservation Easement may not be bought back. Once a conservation easement closes, it can only be undone by a court process.

*****Please see a Deed of Conservation Easement Template for the full terms, conditions, and restrictions*****

Please contact the Director of the MCFPB with any questions at 301-707-1308 or mineral@wvfp.org

Information contained in this fact sheet is subject to change.