



Farmland Protection Application Process

Expected Timeline and Information

Application Period (Typically June until the end of September)

- Review Guidelines and Contact Staff with any questions
- Complete application, include any needed documents.
- Site Visits: Conducted if necessary.

Evaluation & Scoring (October)

- Evaluate Applications: Assess according to established criteria. Properties/projects are scored and ranked.

Board Review & Selections (November or December)

- Board/committee reviews staff scoring and rankings, making any changes as necessary, and forwards the top rankings to the Board for selection at their next meeting.
- Selection Notification: Selected applicants will receive a letter in the mail (as well as a phone call) that will need to be returned stating that they want to proceed. Those not selected in any given year will also receive a letter - staff would be happy to meet to discuss your score.

Due Diligence (selected properties only)

(All due diligence is paid for by the Board, unless otherwise noted – the IRS appraisal and if an applicant has withdrawn from the process in a prior year)

- **Appraisal:** (Approx. 4 weeks) Once the applicant returns the selection letter, an appraisal will be ordered. This is a special appraisal called a restricted use report. This report details the market value and the value of the property once its use has been restricted, as with a conservation easement. The difference between those two amounts is the value of the conservation easement. The Board *must* pay the lesser of this value or the asking price listed on the application, per West Virginia State Code.
 - It is important to note that if the easement value exceeds your asking price, the remaining value could be considered a donation. An IRS appraisal, which will be the applicant property's responsibility to acquire and pay for, obtained after closing will give the exact donation figure for tax purposes. We strongly recommend speaking to your accountant or tax attorney about this.

Once the appraisal is completed, a copy will be sent to you either digitally or physically. The Board will review the appraisal and an offer letter that represents the

official price per acre will be sent after the Board's next meeting. This letter must be returned signed by the specified deadline in order to proceed.

- **Title Report:** (approx. 90 days) Once the offer letter is returned, staff will order title work to be completed by the Board's contracted attorney. This step examines title and ownership documentation.
- **Phase I Environmental Study** (approx. 4 weeks) This is a review of property's history and current condition to see if there is any potential environmental contamination.
- **Survey:** (approx. 120 days) This establishes the easement boundaries, any prior recorded easements, residential envelopes, etc.
- **Easement Documentation Report:** (approx. 30 days) This document determines the baseline condition of the property, including a count of the impervious surfaces, at the time of closing.
- **Planning Commission:** Once the preliminary survey is completed, the Berkeley County Planning Commission will approve or disapprove the plat. Property owners will be needed to sign and notarize final copies during this process.
- **County Commission Approval:** Per State Code, Staff will ask the County Commission to approve the purchase of the conservation easement.

Closing

- Sign the Deed of Conservation Easement and other necessary documents, such as the final Easement Documentation Report; Funds distributed (as applicable) and the easement is recorded in county clerk's office. Land is now protected forever!

Post-Closing & Stewardship

- **IRS Appraisal:** As noted above, if a donation component might exist, a property owner should complete this after closing.
- **Annual Monitoring Visits:** Ongoing site visits to the property will occur once a year to document if any changes have occurred and will be scheduled with you in advance.
- **Communication and Approvals:** Certain provisions in the Deed of Conservation Easement may require prior approval from the Board. The Board meets once a month, typically on the second Monday, so requests or notifications must be given to staff at least a week in advance of the Board meeting.

Additional Notes

- **Timelines Vary:** Dependent on review schedules, contractor availability, and any unforeseen circumstances that may arise.
- *Please be advised that this serves as a general framework for the process, and all steps are subject to change*