

# HARRISON COUNTY, INDIANA

ORDINANCE NO. 2017 - / 3

## AN ORDINANCE AMENDING THE HARRISON COUNTY FARM AND RANCH LANDS PROGRAM

**WHEREAS**, Harrison County has embraced the importance of conserving land for the benefit of future generations under the Harrison County Conservation program, and;

**WHEREAS**, the Harrison County Farm And Ranch Lands Program was created to capture the Federal Farm and Ranch Lands Protection Program funds available in Indiana so that the county may enjoy the benefits associated with the conservation of land, investment of federal dollars into the local economy and provision of a means for landowners to access a portion of the equity of their land while continuing to own, and use the land for agricultural purposes, and;

**WHEREAS**, the Federal program has been replaced with a similar program and it is desirable to replace the current county program to with a program that accommodates the current federal program guidelines;

**THEREFORE, BE IT ORDAINED BY THE HARRISON COUNTY COMMISSIONERS**  
**Hereby Replace the Harrison County Farm and Ranch Lands program with the Harrison County Agricultural Easement Program as follows:**

**Section 9- Harrison County Agricultural Conservation Easement Program (HCACEP)**

- A) Purpose-** The primary purpose of the HCACEP is to conserve farm land and improve the local economy by providing funding necessary for local land trusts to make application for federal matching grants under the Agricultural Conservation Easement Program (ACEP) to purchase conservation easements on eligible land. The ACEP basically provides 50% of the value of a voluntarily offered conservation easement with a local entity(s)/landowner contributing the 50% match. All easements purchased shall be held monitored and enforced by a local land trust.
- B) Administration-** Administration of the program shall be the responsibility of the county commissioners who shall be assisted heavily by the Harrison County Conservation Committee (HCC).
- C) Local contributions-** Contributions by the County toward the value of a conservation easement under this program shall be capped at the lesser of 25% of the value of the conservation easement or \$2,500 per acre. Costs associated with or necessary to make application for ACEP funding and or execute/steward/enforce a conservation easement under the HCACEP may be funded by the Program as well, when local funds are available for such purposes. There shall be no commitments made under this program unless and until local funds are available.
- D) Funding sources-** Program expenses may be funded by any legitimate means including but not limited to direct appropriations by the county, grants, and donations by other private or public entities, or private citizens.
- E) Property Eligibility** A property is eligible to participate in the program if:
1. The owner of the land has a documented conservation plan in place with Natural Resources Conservation Service (NRCS),

2. The land is :
  - a. at least 40 acres in size with a minimum of 20.5 acres in active agricultural production;
  - b. At least 40-acres and located within a quarter mile of an existing parcel protected by a conservation easement; or
  - c. At least 80-acres in size.
3. Landowner does not exceed income limitations under the ACEP program and
4. The landowner must own all developmental interest in the land or have written documentation that all interests can be guaranteed should the property be chosen for funding.

**Applicant eligibility-** Eligible applicants for the program are limited to Land Trusts with experience in the conservation of working farms and/or forests.

**F) Project Ranking-** Within two (2) years of establishment of this program the HCC shall adopt a standardized scoring formula to assist in the selection of a particular project when more than one project application is received. Such formula shall include but not be limited to:

- a. Soil productivity;
- b. Existing easements which may impact use of property;
- c. Existing structures and uses on the property;
- d. Existing encumbrances such as mortgages/liens/gas leases etc.;
- e. Number of acres to be preserved;
- f. Proximity to existing conservation easements;
- g. Availability of utilities/road access
- h. Proximity to a town, interstate exchange or other urbanizing area;
- i. Compatibility of continued agricultural use with the County comprehensive plan;
- j. Basis of project costs (estimates/quotes); and
- k. Cost per acre reduction methods such as bargain sales, matching funds, owner donation of easement value;

Once said scoring formula is in place all projects will be scored and the results will be delivered to the applicant for review. Should the Applicant and/or Landowner disagree with the results, an appeal may be filed with the HCC who will review the appeal/supporting information and either approve a new score for the project or forward its recommendation to the Board of County Commissioners for a final decision.

Until such scoring formula is adopted, project selection shall be at the sole discretion of the Board of Commissioners.

**G) Applications for Funding-** Applications may be submitted at any time and will remain on file until funded or withdrawn by the applicant.

**H) Distribution and use of available funding-** Each year immediately following the adoption of the County Budget by the County Council the HCC shall advertise the availability of program funds during the next budget year and invite land trusts to submit projects for funding. Thirty (30) days after this notice has been published, all complete applications on file shall be considered during the first round selection process. In the event an application is select and the applicant declines to participate the County may select another application on file or schedule a second application deadline during the year in which funds are available for expenditure. In the event available funding is not committed

during the first round selection process applications may continue to be accepted between January 1<sup>st</sup>, and October 1<sup>st</sup> of the year funding is available. Applications submitted during the year may be reviewed and chosen for funding or held until the next funding cycle.

I) **Funding Priorities-** In order to insure the most efficient use of funds made available for this program, priority for funding shall be given to projects that include other monetary contributions in addition to ACEP funds.

J) **Selected Projects-** Once a project has been selected for funding the Board of Commissioners shall enter into an agreement with the applicant which specifies the amount of funding approved, project budget, how funds will be distributed, and provisions for avoidance of the agreement.


K) **Easement value determination** - The value of a Conservation easement is the difference between the appraised value of the property (excluding existing structures) and the appraised value of the property after the conservation easement has been put in place. For application purposes the County's portion of the value of a conservation easement shall be estimated to be no less than \$2,500.00 per acre unless a lesser value is determined by appraisal. This value is designed to insure that project costs do not exceed available funding.

L) **Disbursement of funds-** All funds shall be disbursed to the Land Trust as a lump sum upon recording of the Conservation Easement. The Land Trust shall submit a complete copy of all documentation associated with the easement within 30 days of execution.

**ADOPTED** by the Harrison County Board of Commissioners on this 18<sup>th</sup> day of September, 2017.

**HARRISON COUNTY  
BOARD OF COMMISSIONERS**

  
Kerry Saulman, President

  
Jim Klinstiver, Commissioner

  
Charles Crawford, Commissioner

ATTEST: Chad Sp.  
Chad Shireman, County Auditor