

**TOWN OF MILLS RIVER
Land Preservation Committee**

**AGENDA
July 1, 2025
4:00 PM**

Call to Order

Organizational Meeting

- A. Nomination and election of Chair
- B. Nomination and election of Vice Chair
- C. Adopt 2025 Annual Meeting Schedule

Approval of Agenda

Approval of Minutes

- A. None

Staff Updates

Board Comments & Updates

Public Comment

Old Business

- A. None

New Business

- A. Review of Land Preservation Committee Charter and Rules of Procedure
- B. Review of Draft Land Preservation Program Documents

Additional Items

Adjournment

Town of Mills River

2025 Regularly Scheduled Meetings

Notice of special meetings is posted in accordance with North Carolina General Statutes. All meetings are conducted in Town Hall Commons Rooms at 124 Town Center Drive and are open to the public.

Town Council				Planning Board	Agricultural Advisory Committee	Board of Adjustment	Parks, Trails & Recreation Advisory Committee	Land Preservation Committee
2nd and 4th Thursday of each month at 6:30 PM				1st Tuesday of each month at 6:30 PM	3rd Friday of each month at 9 AM	2nd Tuesday of even months at 7 PM	4th Tuesday of each month at 7 PM	Quarterly on 1st Tuesday of the month at 4 PM
January 9	January 9 Business Meeting	January 23	January 23 Business Meeting	January 7	January 17		January 28	
February 13	February 13 Business Meeting	February 27	February 27 Business Meeting	February 4	February 21	February 11	February 25	
March 13	March 13 Business Meeting	March 27	March 27 Business Meeting	March 4	March 21		March 25	
April 10	April 10 Business Meeting	April 24	April 24 Business Meeting	April 1	April 18	April 8	April 22	
May 8	May 8 Business Meeting	May 22	May 22 Business Meeting	May 6	May 16		May 27	
May 15*	Budget Workshop							
May 16*	Budget Workshop 10:30 a.m.							
June 12	June 12 Business Meeting	June 26	June 26 Business Meeting	June 3	June 20	June 10	June 24	
July 10	July 10 Business Meeting	No Meeting	No Meeting	No Meeting	No Meeting		No Meeting	July 1
August 14	August 14 Business Meeting	August 28	August 28 Business Meeting	August 5	August 15	August 12	August 26	
September 11	September 11 Business Meeting	September 25	September 25 Business Meeting	September 9*	September 19		September 23	
October 9	October 9 Business Meeting	October 23	October 23 Business Meeting	October 7	October 17	October 14	October 28	October 7
November 13	November 13 Business Meeting	Holiday	Holiday	November 4	November 21		November 25	
December 11	December 11 Business Meeting	Holiday	Holiday	December 2	December 19	December 9	Holiday	December 2

* represents a day/time different than regularly scheduled

STAFF REPORT

Land Preservation Committee, Tuesday, July 1, 2025

Title: **Review of Charter and Rules of Procedure**

Speaker: Michael Malecek, Planning Director

Background

In May of 2023, Town Council formed the land preservation steering committee to develop the necessary rules and policies associated with a land preservation program. The committee met five times throughout 2023 to develop the program and recommended adoption by Council.

Town Council established the land preservation program on December 14, 2023 through Resolution 2023-19, and adopted the land preservation program guidelines.

At the March 14, 2024 meeting, Council adopted a charter and rules of procedure for the land preservation committee.

Discussion

Staff will review the land preservation committee charter and rules of procedure with the newly appointed committee members. The land preservation program guidelines are also attached for reference.

Recommendation

None. For informational purposes only.

Attachments

- A. Land Preservation Charter & Rules of Procedure
- B. Land Preservation Program Guidelines

**TOWN OF MILLS RIVER
LAND PRESERVATION COMMITTEE**

CHARTER AND RULES OF PROCEDURE

The Land Preservation Committee shall make recommendations to the Town Council regarding preserving farmland, open spaces, and environmentally sensitive areas in the Town, thus preserving important historical, cultural, and natural resources. Additionally, the Committee shall review and recommend to Town Council ordinances promoting the preservation of existing land before it is converted from farmland or open space to commercial centers or residential developments.

ARTICLE I. NAME. The Land Preservation Committee hereinafter referred to as “Committee”.

ARTICLE II. PURPOSE AND POWERS. The purpose of this Committee is to serve in an advisory role to the Town of Mills River Town Council in matters pertaining to the preservation of farmland, open space, and environmentally sensitive areas and other duties specified by Town Council as such may be amended from time to time. The Committee is further established for the following purposes:

- Protect and enhance the rural and small-town character of Mills River.
- Promote preservation of agricultural and natural lands while respecting property rights.
- To manage growth and invest in Mills River to promote land stewardship, community development, and fiscal responsibility.
- Perform any other duties which may lawfully be assigned to it.

ARTICLE III. JURISDICTION. The Committee shall exercise its purpose with regards to matters and issues involving the purposes outlined within the Town of Mills River’s corporate limits.

ARTICLE IV. MEMBERSHIP AND DUTIES

Section 1. Membership and Appointment. Appointments shall be made by the Town Council. The Committee shall consist of five members who serve two-year terms, but may be reappointed by Council. The Committee shall consist of a member of the Planning Board, a member of the Agricultural Advisory Board, a member of the Parks, Trails, and Recreation Advisory Board, a Town Council member, and a member at large, from the public. This at-large member shall be resident of the Town of Mills River. In the event of a vacancy on the Committee, Town Council shall appoint a new member to fill the term of the vacated position. Town Council may dismiss members for any reason, with or without cause.

Section 2. Terms of Service. All members shall serve without pay but may be reimbursed for any direct and reasonable expenses, following the Town's

established procedures concerning reimbursement, incurred while representing the Committee.

Section 3. Attendance. Regular attendance at all Committee meetings is a requirement for membership on the Committee, and a member may be replaced by the Town Council, within its sole discretion, if the member is absent for two consecutive Committee meetings. The Chairperson of the Committee, or his or her delegate, may give a member an exception to the attendance requirement for good cause.

ARTICLE V. MEETINGS

Section 1. Meetings Open to the Public. All meetings of the Committee shall be open to the public, and any person may attend its meetings.

Section 2. Public Input. Prior to the beginning of each regular meeting a sign-up sheet shall be placed in a conspicuous location. The sheet shall state the name of the speaker and the subject which the speaker wishes to address. The sheet shall be brought to the Chairperson at the time the meeting is called to order. The Committee shall, in the interest of time, have the right to limit any speaker who has signed up under public comment to less than three minutes. Groups may appoint one spokesperson and will limit comments to 10 minutes. Any citizen arriving after the meeting begins, may request to speak during the public comment time by contacting the Secretary.

Section 3. Regularly Scheduled Meetings. The Committee shall hold regular meetings on a quarterly basis on the first Tuesday of the month at 4:00 PM in the community room of Town Hall at 124 Town Center Drive. The Committee shall annually adopt the meeting schedule showing the dates, times, and places of its regular meetings for the year, according to the Meeting Schedule established and adopted by Town Council each year.

- a) **Notice of Regular Meeting Schedule.** The Committee shall ensure that a copy of its current regular meeting schedule, complete with the date, time, and place of each regular meeting, is filed with the Town Clerk and posted on the Town's website.
- b) **Change to Regular Meeting Schedule.** The Committee may revise its regular meeting schedule to change the date, time, or place of a particular regular meeting or all regular meetings within a specified period. The Committee shall ensure that the revised regular meeting schedule is filed with the Town Clerk at least seven consecutive calendar days before the first meeting held pursuant to the revised schedule.

Section 4. Special Meetings. The Chair or a majority of the members of the Committee may at any time call a special meeting of the Committee by signing a

notice stating the date, time, and place of the special meeting and the subjects to be considered. Alternatively, a special meeting may be scheduled by a majority vote of the Committee during open session of a regular meeting.

- a) **Notice of Special Meeting.** At least 48 hours before a special meeting, the Committee shall cause written notice of the meeting's date, time, place, and purpose(s) to be:
 - i. Posted on the Committee's principal bulletin board and at the door of the Committee's usual meeting room.
 - ii. Mailed or delivered to each newspaper and person who has filed a written request for such notice with the Town Clerk.
- b) **Notice to Committee Members.** For all meetings called by the Chair, or a majority of the members, notice of the meeting date, time, place, and purpose(s) shall be mailed, emailed, or delivered to all members of the Committee at least 48 hours before the meeting. If the special meeting was called at another duly held meeting of the Committee, and one or more members were absent, the Chair shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of 48 hours in advance of the special meeting.
- c) **Business Conducted at a Special Meeting.** Only the business that is specified in the notice of the meeting may be transacted during the special meeting.

Section 5. Organizational Meeting. On the date and at the time of the regular meeting in January or as soon thereafter as possible, the Committee shall elect a chair and Vice Chair as its first order of business. The second order of business shall be to adopt an annual schedule of meetings for the upcoming calendar year.

Section 6. Cancellation of Meetings. Whenever there is no business for the Committee the Chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. However, in the case of a special meeting called by a majority of the Committee, the Chair may cancel the meeting only upon the concurrence of a majority of the Committee. The majority concurring in the cancellation need not be the same majority that called the special meeting.

Section 7. Order of Business. Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- a) Approval of the minutes of the previous meeting(s)
- b) Discussion/adjustment of Agenda
- c) Public Comment
- d) Sub-committee and project status reports
- e) Old business
- f) New business

- g) Important Dates
- h) Adjournment

Section 8. Scheduled Agenda Items. To have an item placed on the Committee agenda as new business, it must be one of the following:

- a) A result of an application according to the standards in the Land Preservation Program materials, adopted on December 14, 2023, via Resolution 2023-19.
- b) A Town Council directive or request for a specific purpose.
- c) An administrative matter affecting the Committee.
- d) Agendas and materials for consideration will be provided to the Committee from Staff no less than seven days prior to a scheduled meeting.

Section 9. Acceptance of Applications. Grant applications may be accepted throughout the calendar year but will be considered, and recommendations sent to Town Council, annually in conjunction with budget discussions for the upcoming fiscal year.

Section 10. Inclement Weather. Committee meetings for the Town of Mills River are cancelled on any day Henderson County Public Schools cancels classes at any time during the day of the meeting due to inclement weather, or when it is deemed unsafe to travel.

ARTICLE VI. VOTING

Section 1. Duty to Vote. It is the duty of each member, including the Chair, to vote unless otherwise excused. The Committee may excuse members from voting on any matter involving their own financial interest, official conduct, or when a member has indicated an inability to be impartial in any matter before the Committee.

Section 2. Abstentions. Should a member of the Committee fail to vote on any matter before the Committee, without having been excused from such vote, such abstention shall count as an affirmative vote.

ARTICLE VII. REQUIRED OFFICERS

Section 1. Presiding Officer. The Presiding Officer of each meeting of the Committee shall be the Chair of the Committee. In situations where the Chair is unavailable or unable to participate in the meeting or any particular matter before the Committee, the Vice Chair shall preside. In the event that neither the Chair nor the Vice Chair is available, the members of the Committee by affirmative vote of the majority, may appoint an acting Chair who shall have all powers of the Chair while acting as Presiding Officer.

Section 2. Selection of Chair and Vice Chair. The Chairperson of the Committee will serve a one-year term as Chair. If the Chair is vacated the Vice-Chair shall become the Chair for the remainder of the vacated term or until a replacement representative is appointed. In situations where the Chair is unavailable or unable to participate in the meeting or any particular matter before the Committee, the Vice Chair shall preside.

Section 3. Powers and Duties of the Chair and Vice Chair. The Chair shall preside at all meetings of the Committee and shall also have the right to engage in discussion and vote on any matter before the Committee unless otherwise excused. The Chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The Vice Chair shall have all powers and perform all the duties of the Chair in his or her absence.

Section 4. Duties of the Chair. The Chair (or Vice Chair in the absence of the Chair) shall include:

- a) Presiding Officer. The Chair shall preside at meetings of the Committee.
- b) Voting by the Chair. The Chair has the same duty to vote as other members, though in no event may the Chair break a tie on a motion on which he or she has already voted.
- c) Recognition of Members. A member must be recognized by the Chair (or other Presiding Officer) in order to address the Committee.
- d) Powers as Presiding Officer. As Presiding Officer, the Chair is to enforce these rules and maintain order and decorum during Committee meetings. To that end, the Chair may
 - i. Rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
 - ii. Determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
 - iii. Entertain and answer questions of parliamentary procedure;
 - iv. Call a brief recess at any time; and
 - v. Adjourn in an emergency.

Section 5. Duties of the Secretary. The Secretary to the Committee shall perform the following:

- a) Ensure that all meetings of the Committee are properly noticed.
- b) The Secretary shall maintain the sunshine list for their governing authority that is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Committee.

- c) The Secretary shall take and record the actions of the Committee and draft minutes of the meetings accordingly. Minutes shall be sent to Committee members prior to their next regularly scheduled meeting. The Secretary shall also forward a copy of the minutes as they are approved to the Town Clerk and post on their website.
- d) The Secretary shall be responsible for maintaining an accurate list of members of the Committee, submitting to the Town Clerk an annual attendance report for its members and notifying the Clerk of any resignations of any of its members, or any other change in membership of the Committee.

Section 6. Schedule for Elections. Election of the Chair, and Vice-Chair shall take place annually at the organizational meeting of the Committee.

ARTICLE VIII. REFERENCE TO ROBERT'S RULES OF ORDER. The Committee shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law.

ARTICLE IX. ACTION BY THE COMMITTEE.

Section 1. Quorum. A majority of the members shall constitute a quorum. No action of the Committee may be taken at any meeting where less than the required quorum is present, except to adjourn the meeting.

Section 2. Motions and Voting. Action of the Committee may be taken upon a motion made by any member, including the Chair. A motion shall be adopted if approved by the affirmative vote of a majority of the members present and not excused after full discussion of the motion by the members.

Section 3. Withdrawal of Motion. The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

Section 4. Substantive (or Main) Motions. A substantive motion is not in order when any other motion is pending. Once the Committee disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting.

Section 5. Adoption by Majority Vote. A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

ARTICLE X. AMENDMENTS. These rules of procedure may only be amended by a majority vote of the entire membership of the Town of Mills River Land Preservation Committee.

ARTICLE XI. ADOPTION. These Rules of Procedure were unanimously adopted by the Mills River Town Council on March 14, 2024 and recorded in the minutes of that meeting.

Shanon Gonce
Mayor, Town of Mills River

Town of Mills River

LAND PRESERVATION PROGRAM

Adopted on December 14, 2023



OVERVIEW

Following two years of public input, meetings, and committee reviews, in 2021 the Town adopted the *Making Mills River 2040* comprehensive plan. The mission of which is to offer exceptional quality of life and opportunities for prosperity to its residents, property owners, and businesses. Within this plan are six goals for the community, these are:

1. Protect and enhance the rural and small-town character of Mills River.
2. Promote preservation of agricultural and natural lands while respecting property rights.
3. Manage growth and invest in Mills River to promote land stewardship, community development and fiscal responsibility.
4. Provide and maintain exceptional public facilities and services.
5. Build infrastructure to support local needs and diverse economic development.
6. Encourage housing choices for persons of all ages and different income levels.

The first three of these are the basis for this Land Preservation Program.

As part of the development of the comprehensive plan, a land use capacity assessment was completed. During this assessment the Town identified just 3,000 acres of land were considered vacant. That is, no existing structures and no, or very limited, agricultural production. Another 3,000 acres of land was identified as active agriculture. Combined these make up nearly half (48%) of the land area within Mills River.

Additional support from the comprehensive plan are identified below as objectives, policies, and strategies.

Objective 3.1: Natural Lands Preservation

Policy 3.1.1: Seek opportunities to preserve forested land, lowlands and wetlands and critical habitat through land purchase arrangements, conservation easements or other measures.

Policy 3.1.2: Establish funding mechanisms that allow the Town to collaborate with other entities in land preservation activities.

Objective 3.6: Agricultural Lands Conservation and Sustaining Agricultural Economy.

Policy 3.6.4: Continue to promote the local and regional agricultural economy and food network in economic development initiatives and investments.

Policy 3.6.6: Integrate farmland conservation considerations into natural lands preservation, parks and recreation, and other related initiatives.

Strategy: Create an agricultural lands conservation initiative to include financial and other incentives to promote the voluntary conservation of land and continuation of agricultural uses.

The Town is expected to grow by 2,500 residents and 1,250 new jobs by 2045. Assuming no changes to density or zoning rules it is very likely it will take 3,000 acres of land to accommodate this growth. Much of the desirable land for development is currently being used for agriculture production. Both in traditional row crops as well as greenhouses.

Moreover, in a report published by the American Farmland Trust in 2020, North Carolina was identified the number two state in the country for loss of farmland. Between 2001 and 2016, over 732,000 acres of agricultural land were developed. Nearly half of those acres were “Nationally Significant,” or land best suited for growing food and crops.¹ This loss of farmland is equivalent to 1,144 square miles which is roughly the same area as Rhode Island and equal two three times the area of Henderson County.

In recognition of this troubling statistic, the Town has developed this program as an attempt to preserve what the residents of Mills River have identified as important historical, cultural, and natural resources. Namely, open spaces, farmland, and environmentally sensitive areas.

Authority for this program comes from Article 4 of Chapter 121 of the North Carolina General Statutes and 160A-240.1.

This program is strictly voluntary for landowners.

PARTNERSHIPS

The Town has developed this program with the specific intent of working with qualifying land trusts, federal, state, or local government, and private landowners. Potential partners include:

- Conserving Carolina
- North Carolina Department of Agriculture & Consumer Services’ Agriculture Development & Farmland Preservation Trust Fund
- Agribusiness Henderson County (AgHC)
- Mills River Partnership
- North Carolina Wildlife Resource Commission
- Henderson County

¹ <https://farmland.org/>

PURPOSE

The Land Preservation Program was established for the specific purpose of preserving existing land before it is converted from farmland or open space to commercial centers or residential developments. The main avenue for preservation will be the establishment of agricultural easements or more general land preservation easements.

The highest priority of the Town is to preserve farmland, which is actively being farmed, is accessible by a major road, and that which is at the highest risk of development. Such as, those properties with immediate access or are within a quarter mile of public water or wastewater. However, any land meeting the standards outlined in the scoring criteria is eligible for protection. This can include properties not actively farmed but have other important characteristics such as floodplains or wetlands, steep slopes, or other natural spaces.

Large properties along major corridors are a critical component of this program. Small properties, which may be subdivided, will be subject to greater scrutiny.

PROCESS

The Town has established this Program with the intention of being a funding partner in a transaction. For example, a property owner may reach out to the Town in hopes of protecting their land and the Town would work with them, along with a qualifying land trust, to identify potential sources of funding. The Town intends to play a small part in that by helping to meet logistical needs such as property surveys, attorneys' fees, appraisals or other fees required to develop an appropriate easement.

Application cycles will be available once per calendar year and are designed to coincide with the Town's annual budgeting process. Applications are due in the fall of each year and will be evaluated by town staff before being provided to the Land Preservation Committee for a recommendation to Town Council. Staff's role in the process is to ensure all application materials are completed correctly and to act as the applicant's liaison throughout the application process.

Once applications have been deemed complete and processed, they will be sent to the Land Preservation Committee for review and consideration. That Committee will render an opinion recommending for or against an application which will be considered by the Town Council, which is the ultimate approving authority for this process.

As the application is under review by the Town, Conserving Carolina (or another qualifying land trust) will be contacted to begin conversation about a potential partnership. The Town does not have an interest in owning conservation easements or being responsible for annual inspections of properties or easements. This will be the responsibility of the land trust.

Applications not selected for funding may resubmit during a subsequent application period. Properties selected for funding may not apply for funding in the future.

FUNDING

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARPA) into law. The \$1.9 trillion package, based on President Biden's American Rescue Plan, is intended to combat the COVID-19 pandemic, including the public health and economic impacts. Included within this plan is a program called the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF or SLFRF) which is a direct allocation of \$350 billion to over 19,000 state, county, city, town, village, and Tribal governments across the United States.

The Town of Mills River received \$2,360,273. Of this total, \$75,000 was provided to the Mills River Fire Department for premium pay, \$70,000 has been committed to the Mills River Farm Market, and the remaining (approximately \$2.2 million) will be disbursed in two phases. In November of 2022 the Town Council decided to earmark funding in Phase One according to the categories below:

- Nonprofit Support - \$100,000
- Land Acquisition - \$500,000
- Land Preservation - \$500,000

This initial \$500,000 is considered seed money to establish this program. Moving forward, each budget cycle will require review of the program and the Town Council will determine future additional funding.

ELIGIBILITY

- 1) Properties must be within the corporate limits of the Town of Mills River.
- 2) All property owners must sign the application.
- 3) Properties must be clear of any violations of local, state, or federal laws.

INELIGIBLE PROPERTIES

- 1) Properties containing greenhouses.
- 2) Environmentally contaminated properties.
- 3) Properties which have been awarded funding from this program previously.

CRITERIA FOR APPLICATIONS

Each application must contain the following:

- 1) Letter of Interest
 - a. Statement of interest.
 - b. History of the property.
 - c. Contact information for the appropriate contact.
 - d. Ownership
- 2) Outline
 - a. A description of the property, including current land uses.
 - b. If subdivisions or developments are proposed, a site plan illustrating as much.
- 3) Funding Sources
 - a. Example: Land Trusts, state, or federal grants.
- 4) Site Plan (GIS map)
- 5) Encumbrances

EVALUATION AND SELECTION PROCESS

The Town has developed a process for evaluation and project selection based upon data and recommendations of the Land Preservation Committee. Each project will be scored according to the physical characteristics of the individual parcel(s) according to the criteria below.

The scoring system is designed to serve as the first level review of an application. Although it is not the exclusive method by which applications are selected. Both the Land Preservation Committee and ultimately the Town Council may exercise discretion when selecting a project for funding.

Typically a qualifying property is one which is already being used for agricultural purposes or is home to natural areas such as floodplains or wetlands; is facing development pressure; and is at least five acres in size.

These are not, however, the only criteria by which a property may be selected. For example, the Town may choose to accept a donation of land from a private party which does not meet all the characteristics below if it deems the property worthy of preservation. For example, a property may be less than five acres, but located on or near a major road, and fully inundated with 100-year floodplain.

EVALUATION CRITERIA

- Current Land Use
- Development Pressure
- Size

SCORING SYSTEM

Existing Land Use	
Currently in agriculture production	100
Previously in agriculture production (within two years)	75
Wetlands	25
Floodplain	50
Undeveloped (no existing structures or foundations)	25
Subtotal	
Development Pressure	
Road Access	
Direct access to any of the following roads: Points may be combined if property is located at the intersection of more than one road.	
NC-191	75
NC-280	100
Banner Farm Rd.	25
Butler Bridge Rd.	25
Subtotal	
Utility Access	
Adjacent to public water	250
Within 1/4 mile of public water	150
Within 1/2 mile of public water	75
Adjacent to public wastewater	400
Within 1/4 mile of public wastewater	300
Within 1/2 mile of public wastewater	150
Subtotal	
Size	
May be combined with contiguous tracts	
5-9 Acres	10
10-14 Acres	25
15-19 Acres	35
20-24 Acres	50
25+ Acres	100
Subtotal	
Total	

STAFF REPORT

Land Preservation Committee, Tuesday, July 1, 2025

Title: **Review Drafts of Application Form and Frequently Asked Questions Document**

Speaker: Michael Malecek, Planning Director

Background

Staff have drafted initial versions of an application form and a frequently asked questions (FAQ) document for the Mills River land preservation program. These documents will be available at Town Hall and will be incorporated into a land preservation website page on the Town's website, under the planning & zoning page.

Discussion

The committee should review and provide feedback on these documents. Final versions will incorporate any suggested changes and will then be posted online and available at Town Hall.

Recommendation

None. For review and feedback.

Attachments

- A. Land Preservation Application
- B. Land Preservation FAQ Document



Conservation & Preservation Easement Assistance Application

**Please submit this application with a cover letter, stating the need for preservation and/or conservation assistance funding for the property.*

1. Applicant Name: _____ Date: _____
2. Owned by: Corporation Partnership LLC Individual
3. If owned by corporation, partnership, or joint entity, name the principal decision-makers:

4. Name of landowner(s) on the deed: _____

5. Mailing address: _____

6. Farm / Property address: _____

7. Phone Number: Primary: _____ Secondary: _____
8. Email Address: _____
9. Farm / Property Name: _____
10. Property ID numbers (PIN): _____
11. Deed book, page of property deed: _____
12. Property Acreage: _____
13. Requested easement placement:
 - All of the land listed above
 - Part of the land listed above. If a part, list the amount: _____
14. How long has the land been owned by the current owner? _____

15. Tell us about the history of the property. Please list all known past land uses? If the property is used for agriculture, when was it last actively farmed?

16. Do you have a recent boundary survey for the property? (Provide survey or property map)

17. Are there any liens on the title of the property? If yes, please list them below.

- Mortgage Home Equity loan
 Deed of trust Home Equity Line of Credit
 Other: _____

18. To the best of your knowledge, does the property have any type of environmental contamination?

19. Is your property encumbered with any of the following? (Provide documentation)

- Covenants Utility easements
 Deed restrictions Easements of record
 Road easements Other: _____

19. Are you currently in a Henderson County Voluntary Agricultural District?

- Voluntary Ag District (VAD)
 Enhanced Voluntary Ag District (EVAD)
 Not in the program, but interested in learning more
 Not in program

20. What type of easement are you interested in?

- Full Donation - you still retain full ownership. There is no financial compensation, but you may be eligible for tax benefits.
- Partial Donation - you still retain full ownership. You may receive partial financial compensation for the development rights in the easement area & may be eligible for tax benefits for the partial donation.

21. Do you own the mineral rights to your property?

22. Is your property in a deferred Present Use Value tax program? If yes, what type of land use?

___ Agriculture ___ Forestry
 ___ Horticulture ___ Wildlife ___ Not in program

23. Does your property have legal access? (ex. adjoins a state-maintained road or has legal right of way)

24. What do you hope to achieve from this conservation easement? (Check all that may apply)

- Create opportunities to enhance existing wildlife, scenic, or agricultural resources
- Create strong conservation restrictions so that the wildlife, scenic, or agricultural resources are maintained and not diminished in perpetuity
- Protect my family farm so it can continue for future generations
- Protect existing resources, but allow room for minor development for children/family
- Nearby other protected properties – want to continue/add to the protected landscape
- Tax deductions/benefits
- Keep the property in Present-Use Value tax program
- Avoid family conflicts about future uses
- Estate planning and/or planning for the future of the farm
- Other: _____

25. What qualities are you interested in protecting on the property with a conservation easement? (Check all that may apply and feel free to tell us why this is important to you)

- Protect open/undeveloped land
- Keep the property as a working farm
- Protect wildlife, plant life, water quality, or other special features
- Protect local history/heritage
- Other: _____

26. Are there any plans for development of adjacent lands or your property that concern you?

27. Describe the current uses of your property:

- Livestock
- Forestry / timber
- Crop / hay production
- Greenhouse / horticulture
- Agritourism
- Other: _____

28. How much of the property is currently used for agriculture? How much of the property has sensitive environmental features (floodplain, wetlands, steep slopes) for preservation?

Agriculture _____

Environmental _____

29. What structures currently exist on the property?

30. What are your plans for the future of the property? (Ex: future buildings or changes in land use)

31. Are you currently working with a conservation nonprofit or other entity to assist with the conservation easement process?

32. How will Town funds be used to support this preservation / conservation effort? (Ex: pay for survey, attorney fees, appraisals, conservation easement contribution, etc.)

33. Is this project time sensitive? If yes, please explain:

Yes, _____

No

REQUIRED SIGNATURES

OWNER(S)

Name: _____

Signature: _____

Name: _____

Signature: _____

Name: _____

Signature: _____

APPLICANT / APPOINTED AGENT

Name: _____

Signature: _____

Please return by email or mail to:

Planning Department - Land Preservation Program
124 Town Center Drive, Mills River, NC 28759
planning@millsriver.org (828) 890-2901

Town of Mills River

LAND PRESERVATION PROGRAM FREQUENTLY ASKED QUESTIONS



OVERVIEW

A conservation or preservation easement is a legal agreement between a landowner and a land conservation organization. The landowner agrees to keep the land in its natural or agricultural condition without development, thus protecting the farm, forest, and/or natural resources on the property. The easement terms help to preserve the conservation value of the property and the agreement stays in place despite changes in land ownership.

This process can take anywhere from 1 – 3 years to complete depending on a variety of factors. A conservation easement that is donated by a landowner may only take 1 – 2 years to complete, whereas a grant-funded easement may take 2 or more years. Easements are a valuable tool to protect land, but they are permanent decisions that should be discussed with family members or common owners of the land, an attorney, and a financial advisor.

BENEFITS OF CONSERVATION EASEMENTS

The Town of Mills River developed this program to preserve what the residents of Mills River have identified as important historical, cultural, and natural resources; namely farmland, open spaces, and environmentally sensitive areas. Benefits vary for each specific piece of land, landowner, and easement agreement, which can include:

- Preserves agricultural heritage and active farmland
- Protects property from development pressure
- Protects natural resources such as open space, wildlife lands, scenic views, prime agricultural soils, local food production, sensitive natural environments
- Protects family land for future generations, including homesites for family members
- Provides tax benefits that can save a landowner thousands of dollars a year

FREQUENTLY ASKED QUESTIONS

What is a preservation or conservation easement?

A land preservation or conservation easement, also called a conservation or preservation agreement, is a voluntary and legally binding agreement between a landowner and the nonprofit conservation organization or land trust purchasing the easement rights. When a landowner donates or sells an easement to a preservation partner, they are giving away or selling some of the rights associated with the land.

Does my land qualify for the Town's land preservation program?

Any land that meets the goals of the preservation program is encouraged to apply. Land with specific characteristics may receive a higher score from the land preservation committee, but any landowner interested should contact Town staff about participation.

What can I do with my land after it's preserved?

- The current landowner remains the owner. The preservation easement does not involve a change in ownership.
- Farming, hunting, and restricting public access to the property.

- The land can still be used as collateral on a loan, can be leased, can be sold, or future family members can inherit use of the property.
- The land will remain in control of the owner's land management practices included in the easement agreement, including choice of crops to plant, livestock to keep, and conservation practices.
- There is increased eligibility for local, state, and federal tax benefits.
- Build agricultural structures within designated farming areas and build future single-family homes on the property for family.

How is the value of a preservation easement calculated?

The value of an easement is determined by a licensed appraiser by taking the fair market value of the property minus the value of the land with the preservation easement restrictions.

Do I have to spend my own money to do a preservation easement?

Not necessarily. While the Town and our nonprofit conservation partners appreciate donations and landowners taking on costs of land preservation, the Town offers this program to provide gap funding to address the costs in the preservation process. Additionally, by partnering with a conservation partner, we work with willing landowners to apply for state and federal funding for the easement purchase.

What tax benefits can I get from a preservation easement?

A preservation or conservation easement can provide generous tax benefits. The main benefits include the ability to continue in the present use value tax program for agricultural uses and the enhanced federal tax incentive for easement donations. Currently, this incentive allows an easement donor to deduct 50% of their annual income for up to 15 years or until the total of the deductions reaches their donation value. Full-time farmers can deduct 100% of their income under the same conditions.

Tax benefits can vary based on individual circumstances and may be subject to change based on federal and state tax policy decisions. Please contact your personal attorney and/or financial advisor to discuss what tax benefits are available to you and reference current tax law.

Can a preservation easement be reversed or undone?

A preservation easement protects your property from development pressure while also protecting family land, farm land, and natural resources in perpetuity. For this reason, a preservation easement can not be reversed or undone once it is executed.