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# Saving Maine's Farmland

A Collaborative Action Plan



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# ACKNOWLEDGEMENTS

## CATALYSTS

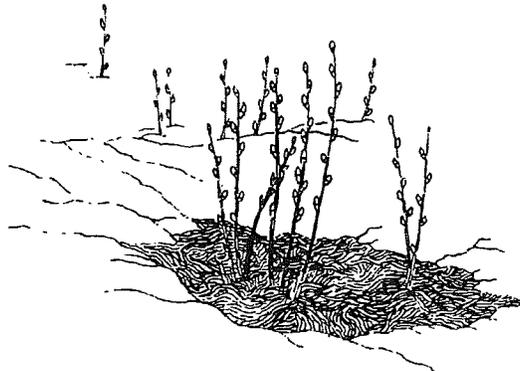
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## *American Farmland Trust*

Robert W. Spear  
Commissioner  
Maine Department of Agriculture, Food & Rural Resources  
28 State House Station  
Augusta, ME 04333

Dear Commissioner Spear:

Congratulations on the release of the Department's *Saving Maine's Farmland: A Collaborative Action Plan*. I want to commend you and your staff for the foresight and effort that went into the development of this plan and for the degree of stakeholder input and involvement that the plan reflects.

Farmland protection is not achieved without collaboration, cooperation and coordination among many players – federal and state agencies, farm groups and agricultural service providers, conservation organizations and municipalities, farmers and other landowners. It also requires a multi-faceted approach – from improving the economics of farming to financing the purchase of development rights to educating the public about the benefits we all reap from farms and farmland.

American Farmland Trust is grateful for the opportunity to assist the Department and its stakeholders in this planning process. We have worked closely with you and a plan steering committee to follow these two guiding principles. The result, Maine's *Collaborative Action Plan*, is clearly a realistic assessment of the actions needed to stem the loss of Maine's agricultural resources. While ambitious, it outlines the goals and actions that key stakeholder groups must pursue to successfully save Maine's farmland.

I wish you and the Department the very best of luck as you create and strengthen the collaborative relationships needed to make this plan a reality. American Farmland Trust greatly appreciates the opportunity to assist the Department and Maine State Planning Office and we look forward to continuing our work in Maine many years into the future.

Sincerely,

Ralph Grossi  
President

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AGRICULTURE, FOOD & RURAL RESOURCES  
COMMISSIONER'S OFFICE  
28 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0028

ROBERT W SPEAR  
COMMISSIONER

To the Citizens of Maine:

I am pleased to present *Saving Maine's Farmland: A Collaborative Action Plan*. This timely and far-reaching plan to protect Maine farmland and sustain Maine's many agricultural communities is the result of a process that has brought nearly 100 stakeholders together with representatives of numerous state and federal agencies.

The need for a comprehensive, state-sponsored action plan emerged in the fall of 2000, when the Department began sponsoring farmland for protection through the Land for Maine's Future Program (LMFP). The LMFP Board asked the Department for guidance in directing public investment to those farms and communities having the greatest impact on the future of Maine agriculture. With a grant from the Maine State Planning Office, the Department contracted *American Farmland Trust* to help us develop strategies best suited for farmland protection in Maine. A two-year policy study and planning process was initiated in April, 2001, when farmers, agricultural service providers, educators, business professionals, land-trust members, researchers, conservationists, and federal and state policy-makers convened in Augusta to identify the challenges facing Maine agriculture. Reaffirming that the best way to protect farmland in Maine is to keep Maine farms working, *Saving Maine's Farmland* outlines principles, goals and actions that connect farmland protection to community planning.

Farming requires successful stewardship of many resources, especially the web of relationships between farmers and the communities they serve. *Saving Maine's Farmland* is based on the belief that agricultural viability depends as much upon community cooperation and active interest as productive cropland and sustainable farming practices. *Successful farmland protection in Maine will occur wherever there are successful collaborative relationships between communities and farmers.*

This plan is well suited for Maine's current fiscal challenges because it coordinates the resources of existing agencies and organizations while encouraging new partnerships of private, civic and business interests. As Maine's Commissioner of Agriculture, I pledge my leadership and the resources of the Department to facilitate collaboration between *all* partners to achieve the goals outlined in this plan.

Sincerely,

Robert W. Spear, Commissioner  
Department of Agriculture

RWS/jhp



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## THE BENEFITS OF SAVING MAINE'S FARMS AND FARMLAND

The Maine family farm is one of the most recognizable icons of America's cultural heritage. As much as Maine farms may vary in personality and purpose, they all share something essential because they embody values derived from working the land, values that touch all sorts of different people. For travelers and visitors to rural Maine, farms are picturesque reminders of the rustic qualities of country living. For neighbors, farms embody the character of home. For local service providers and merchants, farms play important roles in yet another community of partnerships. Protecting Maine's farms and farmland means sustaining a complex web of relationships that connects farmers to people in every aspect of life in Maine, as the following descriptions demonstrate.

### Economic

Maine's agricultural producers and processors contribute over 1.2 billion dollars to Maine's economy annually.

Maine's agricultural industry employs 65,000 people.

Agriculture is one of the primary forms of wealth creation and economic development. It is a powerful business sector, which embodies Maine's entrepreneurial spirit at every scale.

### *Fiscal Benefits*

The average Maine farm size is 200 acres. Farmland contributes more in local property taxes than it requires in municipal services. Because cows don't go to school and annual row crops don't require municipal sewer systems, farmland generates tax revenue for towns that offset the cost of providing residential services such as education, roads, utilities, and emergency health and safety services. National data shows that for every dollar of tax revenue collected, farmland produces an average surplus of \$.64. Residential uses consistently cost more than the revenue they produce, requiring an average of \$1.15 in municipal services for every dollar paid in taxes.

### *Goods and Services*

Maine farms produce fresh vegetables, fruits and berries, potatoes, grains, milk, eggs, meat, herbs, fiber, maple syrup, Christmas trees, bedding and nursery stock, compost and fuels.

Farms purchase local supplies and services, supporting mechanics, merchants, feed and equipment dealers, and fuel suppliers. Farms also hire local labor.

### *Tourism*

Maine farms are integral to the state's tourism industry, providing year round opportunities for family outings like autumn apple picking, winter cross-country skiing and snowmobiling, spring sugaring and bird watching, and summertime farm stands, berry picking and farmers' markets.

Maine farmers manage thousands of acres of hay and cropland that they own and lease creating much of the open, scenic countryside and rural character that draws tourists to Maine.

## Environmental

### *Clean Water and Air*

Well-managed farmland protects soil, air and water resources – preventing flooding, absorbing carbon, providing groundwater recharge and producing oxygen. Maine's 700,000 acres of farm woodlots also slow and filter storm water run-off before it flows into streams, rivers and underground aquifers.

### *Fish and Wildlife Habitat*

Field hedgerows, ponds, wetlands and woodlands on Maine farms provide habitat for a diverse array of wildlife. Farm ponds and streams serve as breeding waters for a variety of fish and wildfowl.

## Aesthetic

### *Open Space*

The rural landscape provides a sense of peace and tranquility in contrast to crowded, hectic urban and sub-urban areas. Maine's back roads offer travelers some of New England's finest scenery.

### *Recreation*

Where Maine farmers permit public access, Maine's cropland, forestland, streams and ponds provide excellent hunting and fishing. Farmers also open their property seasonally to hikers, cross-country skiers, snowmobilers, horseback riders, nature lovers and photographers.

Each year in March and July more than two hundred farmers welcome neighbors and tourists onto their farms for *Maine Maple Sunday* and *Open Farm Day*. Visitors experience Maine's agricultural heritage first-hand, learning how maple sugaring is done, how farm animals are raised and how crops are grown.

## Heritage

### *Local History and Legacy*

Many of Maine's very first settlers were farmers. Historic farmhouses, barns and the mosaic of farm fields provide a window into our agricultural history. Farmers today have both a historical understanding of the science and art of farming – the flow of the seasons and the science of soils and climate – as well as the advantage of modernized methods and technologies.

Farms give our Maine communities continuity and extra stability because farm families “put down roots” to allow successive generations to steward the land and grow the family business.



# INTRODUCTION

## *Background*

The development of *Saving Maine's Farmland: A Collaborative Action Plan* began in April of 2001 with a meeting of state and federal agency representatives and stakeholders from various constituencies of Maine agricultural, policy, commercial, and private interest groups. This discussion, facilitated by American Farmland Trust, identified critical issues facing farms and farmland in Maine in the coming decade. Following this meeting, the Commissioner of Agriculture invited twenty participants to serve on a steering committee charged with developing a bold, comprehensive, proactive plan for protecting Maine's farmland and sustaining its agricultural communities. The steering committee met regularly for six months to generate strategies and draft a plan. During the following 18 months, the Department worked to further develop and refine this plan, including taking initial actions with respect to education, outreach, policy and development of farmland protection proposals for the Land for Maine's Future Program. In February of 2003, an ad hoc committee of administrators from key Maine agricultural agencies and organizations met to clarify and prioritize each action called for in the plan and to determine their own roles in collaborating in these actions. This ad hoc committee will continue to perform a significant collaborative role in the implementation of the plan.

## *Who is this plan for?*

*Saving Maine's Farmland* is a strategic plan for the Department's farmland protection program. It is also a guide to coordinate the efforts of local, state and federal agency and private organizational partners to assist farmers and farm families, town and regional governmental entities, and educators, researchers, and policy strategists with farmland protection. Ultimately, *Saving Maine's Farmland* aims to assist Maine citizens to find their way into the dialogue and collaborative action to protect farmland at the local level.

### *What information supports this plan?*

*Saving Maine's Farmland* is not a statistical analysis of the status of Maine's agricultural industry; nor is it a formal quantitative report on the loss of farmland in Maine. Rather, it is a set of credible recommendations for saving and stewarding Maine's agricultural resources for the years ahead. These recommendations are based upon the experience, knowledge and resources of the following contributors:

Agricultural Council of Maine  
American Farmland Trust  
Coastal Enterprises Inc.  
Land for Maine's Future Program  
Maine Agricultural Center  
Maine Association of Conservation Districts  
Maine Coast Heritage Trust  
Maine Farm Bureau  
Maine Farmland Trust  
Maine FarmLink  
Maine Department of Agriculture  
Maine Organic Farmers and Gardeners Association  
Maine State Grange  
Maine State Planning Office  
McDougal Orchards  
River Rise Farm  
Unity Barn Raisers  
University of Maine Cooperative Extension,  
University of Southern Maine – Muskie School for Public Policy  
USDA Farm Service Agency  
USDA Natural Resource Conservation Service  
USDA Time and Tide - Resource Conservation & Development Council

The recommendations in this collaborative action plan follow a logical progression from one overarching mission statement with nine core principles to a set of six goals with prescribed actions. Brief descriptions of each action identify the target audience and timeline as well as the collaborative partners willing to share a lead or supporting role in carrying out the action.

Other sections in this report provide information about existing and emerging policies and programs needed to sustain a working agricultural landscape.

***How will the Department engage additional partners?***

The Department will present *Saving Maine's Farmland: A Collaborative Action Plan* to the Governor's Office and members of the 121<sup>st</sup> Legislature. Copies will also be distributed statewide to agricultural, conservation, municipal and land use planning agencies and organizations. Additional efforts to engage partners are identified in the Table of Actions.

The Department will convene ad hoc advisory committee meetings twice a year, in October and February, to review progress and update the action plan with collaborating partners. Following the February meeting, the Department will publish and distribute a written progress report to the Governor, the Legislature, and key groups in each target audience.



## MISSION

*To protect currently active and potentially productive farmland as a means to sustaining economically viable agricultural communities.*

Farming is more than a business proposition; it provides society with numerous priced and non-priced goods and services; it is a way of life and a source of identity and strength for many of Maine's rural communities. Farmers utilize nutrients and energy efficiently and effectively to grow healthy food and fiber, to protect air and water quality and to provide wildlife habitat. Their livelihood forms a landscape that is the "fabric" of many Maine villages and towns. Maine's farms contribute to rural character, quality of life and many local resource-based economies. Even in those communities where farming is not the predominant livelihood, citizens are continually reaping the benefits of Maine's agricultural legacy as they enjoy aesthetically appealing scenic views, open, undeveloped space and outdoor recreation.

Maine's agricultural future is inextricably linked to its ability to continue to build strong, long-lasting connections between farmers and the communities they serve. Generations of Maine's citizens will need to work together to find ways to keep farmland in the hands of farmers committed to sustaining Maine's agriculture. This idea is the cornerstone of our broad-based, long-range and community-minded farmland protection action plan.

## CORE PRINCIPLES

Maine's farmers, community planners, researchers, government leaders and citizens must work together to address the following nine core principles when undertaking future actions:

- Farmers are stewards of Maine's rural working landscape.
- Agriculture provides broad benefits – economic, social and environmental - to Maine's communities.
- Agriculture must be actively supported by long-term strategies and public policies.
- Prime, significant and unique farmland soils are a non-renewable resource that must be protected from conversion to non-agricultural uses.
- Agriculture should be considered the highest and best use of high quality farmland.
- Farm income should be on par with other local businesses.
- Farmers need assistance with business planning, market development, farm transfer and retirement planning.
- A healthy and sustainable agricultural industry requires a steady influx of new generations of farmers.
- Active stakeholder relationships at community, regional and statewide levels are necessary to accomplish our Mission.

## GOALS

Successful protection of Maine farms and farmland will require the Department of Agriculture and its collaborative partners to work toward the following goals.

1. Expand Maine's farmland protection program and increase its effectiveness through outreach and education.
2. Assemble local and state leadership and public support for Maine agriculture and develop farmland protection tools and programs that fortify current and future generations of Maine farmers.
3. Increase local capacity to promote agricultural viability, protect farmland and sustain agricultural communities.
4. Integrate farmland protection and agricultural viability policy and planning efforts with the work of all pertinent state agencies.
5. Raise the financial resources needed to fund an array of agricultural viability and farmland protection programs to help Maine farms, farmers and communities keep Maine agriculture growing.
6. Support the continued productivity, security, health and well being of Maine farmers and farm families.

Achieving these specific goals will depend upon actions carried out by diverse participants and stakeholders. The following table illustrates the opportunity for collaboration between the many members of Maine's agricultural community and the people it serves in cities and towns around the state. A key identifying active and potential collaborators is appended to the table.



<p>The Dept of Agriculture and its partners will take the following actions to address the mission, core principles and goals.</p>	<p>TARGET AUDIENCE <b>Farmers and Farm Families</b></p>	<p>TARGET AUDIENCE <b>Community, Town &amp; Regional Entities</b></p>	<p>TARGET AUDIENCE <b>Educators, Researchers &amp; Policy Strategists</b></p>
<p><b>GOAL ONE</b></p> <p><b>Expand Maine's farmland protection program and increase its effectiveness through outreach and education.</b></p> <p>★ <b>Priority Action</b></p> <p>! <b>Ongoing activity that directly addresses farmland protection.</b></p> <p>+ <b>Ongoing activity that secondarily supports farmland protection.</b></p> <p><b>BOLD INDICATES LEAD ENTITY</b></p>	<p>★! DAFRR to update and distribute a farmer's planning guide to the Farm and Open Space Tax Program. Stage 1: Produce 1-page update for farmers Stage 2: Gather &amp; analyze data to improve program. Entities that will help with gathering &amp; analyzing the information: DAFRR-FPP. Entities that will help with distributing the information: MACD, UMCE, SPO, MFB.</p> <p>! 2003 Write and distribute a series of fact sheets about "How To Protect Your Family Farm," Maine's agricultural support programs and farmland protection tools: DAFRR-FPP, UMCE, MFT, FL, CEI.</p> <p>! 2004 Conduct a series of ATM workshops about options for fiscal solvency, downsizing, retirement and transferring the farm: DAFRR-FPP, CEI, UMCE, MACD.</p> <p>! Conduct informational meetings about "Planning To Protect Your Farm," at the Ag Trade Show and in farming communities: DAFRR-FPP, UMCE, FL, CEI.</p> <p>! Identify and sponsor farms seeking to sell development rights in exchange for granting perpetual Agricultural Conservation Easements DAFRR-FPP, CEI, LMF, MFT.</p> <p>+ Attend Maine Association of Conservation District's Summer &amp; Winter Meetings. DAFRR- Commissioner,</p> <p>+ Co-sponsor and provide workshop at Maine Farmland Trust's Annual <i>Farmland Forum</i> DAFRR-Commissioner, MFT, FL, MFB, MSG..</p>	<p>★! Develop a comprehensive food policy and action plan for the state of Maine (Not updated since 1985) (Millennium Report on Food Security): DAFRR Commissioner, SPO, MSG.</p> <p>★+ Continue to implement recommendations made by the Agricultural Vitality Task Force to increase consumption of locally grown products, support farmer's markets and strengthen existing related programs: DAFRR-Commissioner and M&amp;PD.</p> <p>! Provide technical assistance with farmland protection to Maine Land Trust Network: DAFRR-FPP, LMF, MFT, CEI.</p> <p>! Provide Agricultural Census Data, resource information and technical assistance to towns seeking to protect farms and farmland: DAFRR-FPP, NENASS.</p> <p>! Regularly inform the media about successful Farmland Protection Projects funded through the Land for Maine's Future and Federal Farmland and Ranchland Protection Programs: DAFRR-FPP, SPO, MFT, MFB.</p> <p>! Work with the State Planning Office, USDA, MEGIS and other partners to provide resource packages and technical assistance to municipal comprehensive planning committees, provide linkages with farmers and land trusts, review draft plans and ordinances, and assist with implementing farmland protection agendas: DAFRR-FPP, SPO, MEGIS.</p> <p>+ 2003 Work with the Northern Maine Development Commission NMDC, Maine Municipal Association MMA and Maine Association of Real Estate Brokers to distribute a handbook to help potential rural property buyers better understand the differences and pleasures of country living: DAFRR-M&amp;PD.</p> <p>+ Develop and distribute promotional / educational materials, and sponsor special events to increase public appreciation of Maine's working farms: DAFRR-M&amp;PD, MFT, UMCE, MAC.</p>	<p>★! Distribute the Department's 2002 Biennial Report and <i>Saving Maine's Farmland: A Collaborative Action Plan</i> to UMCE, MAC, USM- Muskie School other research entities: DAFRR.</p> <p>★! Meet with researchers, professors, educators, appraisers and other professionals to draft a summary of farmland protection research needs. Implement recommendations from UM Report by Jesse Gandy into comprehensive food policy and action plan: DAFRR Commissioner, FPP, AFT, SPO, LMF, MAC.</p> <p>★! Provide researchers, within the University of Maine System with information about existing programs: DAFRR, UMCE, MAC, CEI.</p> <p>+ 2003 Participate in MACD Envirothon DAFRR, MFT, MFB.</p> <p>+ 2003 Write Maine-specific lesson plans about farmland protection for <i>Project Food, Land and People</i> Maine Agriculture in the Classroom's K-12 curriculum, distribute to all public, private and home schools: MAITCA, DAFRR, UMCE, MFB.</p> <p>+ Provide articles about Maine agriculture and farmland protection through newsletters and publications produced by other agencies and organizations DAFRR, MFB, UMCE, MFT, FL, CEI, MSG.</p>



## GOAL TWO

**Assemble local and state leadership and public support for Maine agriculture and develop farmland protection tools and programs that fortify current and future generations of Maine farmers.**

★ **Priority Action**

! **Ongoing activity that directly addresses farmland protection.**

+ **Ongoing activity that secondarily supports farmland protection.**

**BOLD INDICATES LEAD ENTITY**

### TARGET AUDIENCE

## Farmers and Farm Families

- ★! **Commissioner of Agriculture** will provide regular updates on the Department's Farmland Protection Program to:
  - Members, Agricultural Council of Maine
  - Supervisors & Staff, Maine Association of Soil and Water Conservation Districts
  - Directors, Maine Farm Bureau
  - County Committee Members, USDA Farm Service Agency
  - County Executive Committee Members, University of Maine Cooperative Extension
  - Administration, University of Maine Cooperative Extension
  - Administration, USDA Agencies
  - Board Members, Local Land Trusts
- + 2003 Encourage stakeholders to draft and endorse a "Declaration of Intent," to incorporate this Mission into all entities' plans of work, thereby building strong, long-lasting connections between Maine farmers and the communities they serve: **DAFRR, MFT.**

### TARGET AUDIENCE

## Community, Town & Regional Entities

- ★! Distribute *Saving Maine's Farmland*, the Dept. of Agriculture's 2002 Biennial Report and the *Maine Food and Farms Resource Guide* to Regional Economic Development Offices, Small Business Development Centers, municipal officials and planning boards as well as citizen-planner and conservation groups: **DAFRR, SPO, MSG.**
- ★! Work with the State Planning Office, USDA, MEGIS and other partners to provide resource packages and technical assistance to municipal comprehensive planning committees, provide linkages with farmers and land trusts, review draft plans and ordinances, and assist with implementing farmland protection agendas: **DAFRR-FPP, SPO, MEGIS.**
- ★! Strengthen Working Landscapes Model to deliver positive message that agriculture is a critical economic development activity and counter negative messages that "farming is dead." Write case studies of Working Landscapes: **DAFRR-M&PD.**
- + 2003 Encourage stakeholders to draft and endorse a "Declaration of Intent," to incorporate this Mission into all entities' plans of work, thereby building strong, long-lasting connections between Maine farmers and the communities they serve: **DAFRR, SPO, MFT.**
- ! Assist towns that seek to create or have created rural and agricultural priority areas in their Comprehensive Plans: **DAFRR, UMCE, SPO, MFT.**
- + Create a consortium of municipal officials and agricultural leaders who are willing to assist the Department with identifying a set of indicators or attributes that can make a town more "agriculture-friendly." Report findings in a series of newspaper articles: **UMCE, SPO, MSG.**

### TARGET AUDIENCE

## Educators, Researchers & Policy Strategists

- ★! Distribute *Saving Maine's Farmland* and the Dept. of Agriculture's 2002 Biennial Report to the Governor, the 121st Legislature and all Maine Agricultural Development and Farmland Protection Partners (see last page of table). Hold a press conference: **DAFRR.**
- + 2003 Encourage stakeholders to draft and endorse a "Declaration of Intent," to incorporate this Mission into all entities' plans of work, thereby building strong, long-lasting connections between Maine farmers and the communities they serve: **DAFRR, SPO, UMCE, CEI.**
- + Work with farmers, Legislators, agricultural leaders and DAFRR staff to formulate a legislative agenda that supports Maine agriculture and protects Maine farmland: **DAFRR, SPO, MFB, CEI.**
- ! Assist Maine Farmland Trust and its collaborators with producing and promoting Farmland Forum events: **MFT, DAFRR, SPO, LMF, MFT, FL, MFB, MSG.**
- ! Provide annual farmland protection status reports to the Governor; the State Legislature; State Agencies; LMF Board: farmer-member groups such as the Maine Farm Bureau and the Association of Maine Granges; USDA Agricultural Agencies; Soil and Water Conservation Districts; Municipalities; and local conservation and land-use planning groups: **DAFRR, SPO, MSG.**



### GOAL THREE

**Increase local capacity to promote agricultural viability, protect farmland and sustain agricultural communities.**

★ **Priority Action**

I **Ongoing activity that directly addresses farmland protection.**

+ **Ongoing activity that secondarily supports farmland protection.**

**BOLD INDICATES LEAD ENTITY**

#### TARGET AUDIENCE

### Farmers and Farm Families

- ★ I Use the "Train the Trainer Model" to train more agricultural service providers about farmland protection: **DAFRR-FPP**.
- I Assist farmers with planning how to protect leased land and further engage their communities to identify strategies and priorities for sustaining agriculture and protecting farmland. **DAFRR, MFT, CEI**.
- I Create and distribute farmer-friendly fact sheets about Maine's Homestead Exemption, the Farmland and Open Space Tax Law, the Tree Growth Tax Law, the Maine Forest Stewardship Program and the Forest Management Planning Tax Credit: **DAFRR, SPO, MRS, DOC, MFT, FL, MFB**.
- I Use farmland protection projects funded through the Land for Maine's Future Program and the USDA Federal Farmland and Ranchland Protection Program to demonstrate why and how farmers can work with their communities to protect farmland: **DAFRR, SPO, NRCS, MFT, MFB**.
- ★ I Learn from existing models to strengthen what is already working. For example: a) provide access to information in mini-regions using the Small Farm Conference model; b) use the Farms for the Future model of advisory teams, and; c) assign staff person to learn what farmers need and facilitate use of technical assistance and on-farm research: **DAFRR, MFT, FL, UMCE, MAC, MFB**.
- + Continue to provide guidance on farm stands, farmers markets, consumer supported agriculture, pick-your-own operations, farm tours and seasonal special events that can increase farm sale and simultaneously build consumer support for Maine agriculture: **DAFRR, UMCE**.

#### TARGET AUDIENCE

### Community, Town & Regional Entities

- + Work with state, regional and community economic development groups to better utilize USDA Rural Development funds that can be used to target agricultural business development opportunities for Maine's farmers and rural communities: **DAFRR Commissioner**
- I Help communities learn more about community stewardship of farms and farmland. Provide case study descriptions of how other communities – in Maine and in other States - are successfully protecting farmland: **DAFRR, SPO, MFT, MFB, CEI, MSG**.
- I Assist local governmental and non-governmental entities with applying for Federal Farmland and Ranchland Protection Program funds: **DAFRR, MFT**.
- I Demonstrate why and how farmers can work with their communities to protect farmland: **DAFRR, UMCE, MFT, MFB**.
- + Work with SPO to identify those towns that have enacted additional voluntary or regulatory measures that promote agriculture and protect farmland. Share exemplary language with other towns interested in farmland protection: **SPO**.

#### TARGET AUDIENCE

### Educators, Researchers & Policy Strategists

- I **2003** Write stewardship guidelines for Agricultural Conservation Easements acquired through the Land for Maine's Future Program and USDA Farmland and Ranchland Protection Program: **DAFRR, MFT, NRCS, DOC**.
- I **2003** Work with Dept. of Conservation to build stewardship endowment at Maine Community Foundation. Identify the costs and benefits of contracting with local land trusts interested in managing the stewardship of state held agricultural easements: **DAFRR, DOC**.
- + Review all Legislative dockets in order to better guide policies and programs that will sustain agriculture and protect farmers, farms and farmland: **DAFRR, MFB, MFT, CEI**.
- + Improve the State's agricultural database and statistical information services, working with USDA – NENASS and MEGIS to get prime farmland and active farm information into the Maine Geo-Library: **DAFRR, NENASS, MEGIS, SPO, CEI**.



<p><b>GOAL FOUR</b></p> <p><b>Integrate farmland protection and agricultural viability policy and planning efforts with the work of all pertinent state agencies.</b></p> <p>★ <b>Priority Action</b></p> <p>! <b>Ongoing activity that <u>directly addresses</u> farmland protection.</b></p> <p>+ <b>Ongoing activity that <u>secondarily supports</u> farmland protection.</b></p> <p><b>BOLD INDICATES LEAD ENTITY</b></p>	<p>TARGET AUDIENCE</p> <p><b>Farmers and Farm Families</b></p> <p>★! Create a system to track and monitor success of farmers enrolled in</p> <ul style="list-style-type: none"> <li>• Business support programs</li> <li>• Farmland protection projects</li> <li>• Differential taxation programs</li> <li>• Long-term lease agreements</li> <li>• Technical assistance programs</li> </ul> <p><b>DAFRR, CEI.</b></p> <p>+ Better inform all state agencies about how agriculture benefits all of Maine's citizens: <b>DAFRR, MFB, UMCE, CEI, MSG.</b></p> <p>+ Conduct research to establish new direct markets in communities and regions: <b>DAFRR, UMCE, DECD.</b></p>	<p>TARGET AUDIENCE</p> <p><b>Community, Town &amp; Regional Entities</b></p> <p>★! Identify what is/is not working:</p> <p>A) Join with State Planning Office to fine-tune technical assistance and annual professional development / training opportunities for towns and communities interested in managing growth to sustain agriculture and protect farmland: <b>DAFRR, SPO.</b></p> <p>B) Convene Farmers, Selectmen and local Assessors in different communities to identify what is preventing the Farm and Open Space Tax Program from being as successful as the Tree Growth Program to reduce farmer's tax burden, keep land in productive management and curtail costs of community services: <b>DAFRR, MFT, MFB.</b></p> <p>! Identify towns that have enacted additional voluntary or regulatory measures that promote agriculture and protect farmland. Share exemplary language with other towns interested in farmland protection: <b>DAFRR, SPO, MFT.</b></p> <p>! Provide technical assistance and annual professional development / training opportunities to community organizers, agricultural and land trust professionals, town officials and private consultants to ensure that growth management planning includes farmland protection projects: <b>DAFRR, SPO, DECD, MFT, MSG.</b></p> <p>+ Assist Maine State Planning Office with formulating and recommending subdivision design and performance standards that prevent encroachment on farms and farmland: <b>DAFRR, SPO, CEI.</b></p>	<p>TARGET AUDIENCE</p> <p><b>Educators, Researchers &amp; Policy Strategists</b></p> <p>+ Work with Maine State Planning Office, Maine Revenue Service, University of Maine and Maine Agricultural and Forest Experiment Station researchers and USDA Farm Service Agency to determine the current use costs associated with different types of farmland: <b>DAFRR, SPO, MRS, FSA, UMCE, MAC.</b></p> <p>+ Report an update to the Valuations Guidelines of the Farm and Open Space Tax Program to the Legislature: <b>DAFRR, MRS, SPO.</b></p> <p>+ Initiate research and further actions to support recommendations made by the Agricultural Vitality Task Force: <b>DAFRR, MAC.</b></p> <p>+ Research potential for administration and renewal of Maine's Farmland Registration Act, (also known as Farmland Adjacency Act) as soon as farmland and parcel data are available in Maine Geo-Library: <b>DAFRR, SPO, MEGIS.</b></p> <p>+ Support and assist research efforts of the University of Maine, the University of Maine Cooperative Extension, the Maine Agricultural and Forest Experiment and the private sector related to Maine's farming, fishing and forestry and rural economic and community development: <b>DAFRR, UMCE.</b></p>
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**GOAL FIVE**

**Raise the financial resources needed to fund an array of agricultural viability and farmland protection programs to help Maine farms, farmers and communities keep Maine agriculture growing.**

★ **Priority Action**

! **Ongoing activity that directly addresses farmland protection.**

+ **Ongoing activity that secondarily supports farmland protection.**

**BOLD INDICATES LEAD ENTITY**

TARGET AUDIENCE

**Farmers and Farm Families**

★ I Investigate ways that any future LMFP Bond can remove disincentives to the sale of development rights: **DAFRR - FPP** to coordinate with LMF, AFT to provide technical expertise.

! Develop research and public relations campaign for future LMFP Bond. Modify the statute to improve the farmland protection opportunities and work with farmers to build support for the Bond. Department cannot be leader: MFT, TPL, MCHT, TNC, CEI.

! Obtain grant funds to hire an intern to assist with program information dissemination: **DAFRR**.

! Maximize use of Federal Farmland and Ranchland Protection Program. **DAFRR – FPP, MFT**.

! Obtain grant funds needed to strengthen the DAFRR Farmland protection program and sustain Farms for the Future and FarmLink: **DAFRR – Commissioner and M&PD, CEI**.

Request for \$195,000 through the Federal State Market Improvement Program was submitted in Feb. 03. Letters of support from: MAC, UMCE, MFT, Maine Dairy Industry Association, Maine Milk Commission, Heart of Maine RC&D, Time & Tide RC&D. If awarded grant will be administered by **DAFRR, CEI**.

TARGET AUDIENCE

**Community, Town & Regional Entities**

★ ! **DAFRR Commissioner and FPP leadership** and partnership with American Farmland Trust to carry out research that will further develop an “agricultural district” concept for Maine. Farmers would voluntarily enter a “district program” to benefit from agriculture-friendly public policies as well as economic and tax incentives: **DAFRR, SPO, MFT**.

! Convene a committee of municipal, agricultural and agency stakeholders to further explore revenue and financing mechanisms used in other states (i.e. Real Estate Transfer Tax, United States Treasury Bonds to fund Installment Purchase of Easements: **DAFRR, SPO**.

! Convene regional stakeholder groups to identify elements and funding strategies for a statewide, region-specific comprehensive farmland protection program: **DAFRR, SPO, MFT, CEI**.

TARGET AUDIENCE

**Educators, Researchers & Policy Strategists**

★ ! Hire an intern to assist with research and program information dissemination: **DAFRR**,

! Convene a committee of researchers and strategists to explore revenue and financing mechanisms used in other states (i.e. Real Estate Transfer Tax, United States Treasury Bonds to fund Installment Purchase of Easements: **DAFRR, SPO, LMF**.



<p style="text-align: center;"><b>GOAL SIX</b></p> <p><b>Support the continued productivity, security, health and well-being of Maine farmers and farm families.</b></p> <p>★ <b>Priority Action</b></p> <p>! <b>Ongoing activity that <u>directly addresses</u> farmland protection.</b></p> <p>+ <b>Ongoing activity that <u>secondarily supports</u> farmland protection.</b></p> <p><b>BOLD INDICATES LEAD ENTITY</b></p>	<p style="text-align: center;">TARGET AUDIENCE <b>Farmers and Farm Families</b></p> <p>! Establish a grant program to assist farm families with estate and retirement planning: <b>DAFRR, MFB, CEI.</b></p> <p>+ Help farmers gain access to affordable health, liability and property damage/fire insurance: <b>DAFRR.</b></p> <p>+ Increase funding for grant and loan programs that assist farmers with creating low-capital, sustainable production systems: <b>DAFRR.</b></p> <p>+ Assist the next generation of farmers with locating quality farmland and accessing financing opportunities to begin farming in Maine. Promote curricula, educational programs and farmer network groups that assist Maine's next generation of farmers. Create greater connectivity of new farmer training programs at all age levels: 4-H, FFA, Maine Ag in the Classroom Assoc., Maine FarmLink, MOFGA's Journeyperson Program, Maine Sustainable Agriculture Society, Maine Agricultural Center, the Maine Women's Agricultural Network: <b>DAFRR, FL, CEI, UMCE.</b></p>	<p style="text-align: center;">TARGET AUDIENCE <b>Community, Town &amp; Regional Entities</b></p> <p>! Meet with those private lending institutions that are working with farms to help them better understand Maine's sale of development rights programs: <b>DAFRR.</b></p> <p>+ Identify ways for towns and communities to help farms address labor shortages: <b>DAFRR, UMCE.</b></p> <p>+ Create a promotional campaign to help towns and communities recognize and measure the multiplier effect of agricultural and natural resources based businesses: <b>DAFRR, SPO.</b></p> <p>+ Create a "Century Farms Program," like Massachusetts' program to recognize Maine families who have farmed for 100 years or more: <b>DAFRR</b></p> <p>+ Work with partner agencies and private entities to improve farmers' access to health insurance and retirement planning and funding opportunities: <b>DAFRR.</b></p>	<p style="text-align: center;">TARGET AUDIENCE <b>Educators, Researchers &amp; Policy Strategists</b></p> <p>+ Investigate and evaluate programs in the US, Canada and Europe that provide farmers with health insurance. <b>DAFRR,</b></p> <p>+ Measure the need for adaptive technologies on Maine's farms. <b>DAFRR, UMCE</b></p>
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## Maine Agricultural Development and Farmland Protection Partners

**BOLD INDICATES THE AGENCIES AND ORGANIZATIONS THAT ARE BEGINNING TO DEVELOP ORGANIZATIONAL CONCEPTS AND MECHANISMS NEEDED FOR COLLABORATIVE ACTION.  
OTHER AGENCIES AND ORGANIZATIONS LISTED BELOW WILL BE INVITED TO PARTICIPATE IN THE NEAR FUTURE.**

### STATE AGENCIES

**DAFRR** DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES  
FPP FARMLAND PROTECTION PROGRAM  
MP&D DIVISION OF MARKET AND PRODUCTION DEVELOPMENT

**DECD** DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

**DEP** DEPARTMENT OF ENVIRONMENTAL PROTECTION

**DMR** DEPARTMENT OF MARINE RESOURCES

**DOC** DEPARTMENT OF CONSERVATION

**DOL** DEPARTMENT OF LABOR

**FAME** FINANCE AUTHORITY OF MAINE

**IFW** INLAND FISHERIES AND WILDLIFE

**LMF** LAND FOR MAINE'S FUTURE PROGRAM

**MDOT** MAINE DEPARTMENT OF TRANSPORTATION

**MEGIS** MAINE GEOGRAPHIC INFORMATION SYSTEM

**MRS** MAINE STATE REVENUE SERVICE

**MSHA** MAINE STATE HOUSING AUTHORITY

**SPO** STATE PLANNING OFFICE  
DEMOGRAPHIC AND ECONOMIC ANALYSIS TEAM  
LAND USE PLANNING TEAM

### FEDERAL AGENCIES

**FSA** USDA FARM SERVICE AGENCY

**NENASS** NEW ENGLAND NATIONAL AG STATISTICS

**NRCS** USDA NATURAL RESOURCES CONSERVATION SERVICE

**RC&D** USDA NRCS—RESOURCE CONSERVATION AND DEVELOPMENT OFFICES

**RD** USDA RURAL DEVELOPMENT

(BOLD INDICATES LEAD ENTITY)

### RESEARCH AND EDUCATION

**UM** UNIVERSITY OF MAINE

**USM** USM - MUSKIE SCHOOL OF PUBLIC POLICY DEVELOPMENT

**MAC** MAINE AGRICULTURAL CENTER

**MAFES** MAINE AGRICULTURAL AND FOREST EXPERIMENT STATION

**UMCE** UNIVERSITY OF MAINE COOPERATIVE EXTENSION

**MRDC** MAINE RURAL DEVELOPMENT COUNCIL

**MAFES** MAINE AGRICULTURAL AND FORESTRY EXPERIMENT STATION

**MCWWC** MAINE CENTERS FOR WOMEN, WORK AND THE COMMUNITY

**SBDC** SMALL BUSINESS DEVELOPMENT CENTERS

### QUASI-INDEPENDENT AGENCIES

**AFT** AMERICAN FARMLAND TRUST

**AGCOM** AGRICULTURAL COUNCIL OF MAINE

**CEI** COASTAL ENTERPRISES, INC.

**FL** MAINE FARMLINK

**NMCD** NORTHERN MAINE DEVELOPMENT COMMISSION

**MACD** MAINE ASSOCIATION OF CONSERVATION DISTRICTS

**MCF** MAINE COMMUNITY FOUNDATION

**MDF** MAINE DEVELOPMENT FOUNDATION

**MAIC** MAINE AQUACULTURE AND INNOVATION CENTER

**MAITCA** MAINE AGRICULTURE IN THE CLASSROOM

**MAREB** MAINE ASSOCIATION OF REAL ESTATE BROKERS

**MCHT** MAINE COAST HERITAGE TRUST

**MESAS** MAINE SUSTAINABLE AGRICULTURE SOCIETY

**MFB** MAINE FARM BUREAU

**MFT** MAINE FARMLAND TRUST

**MLTN** MAINE LAND TRUST NETWORK

**MMA** MAINE MUNICIPAL ASSOCIATION

**MOFGA** MAINE ORGANIC FARMERS AND GARDENERS ASSOCIATION

**MSG** MAINE STATE GRANGE

**TNC** THE NATURE CONSERVANCY

**TPL** TRUST FOR PUBLIC LAND

**WAGN** MAINE WOMEN'S AGRICULTURAL NETWORK



# MAINE'S CURRENT FARMLAND PROTECTION TOOLBOX

## Permanent Land Protection

### *Purchase of Development Rights Programs*

The *Land for Maine's Future Program (LMFP)* was enacted in 1987 to acquire land and interests in lands (easements) to protect important conservation areas, water access, outdoor recreation, fish and wildlife habitat, and farmland. The program requires a fifty-cent (\$.50) match for every dollar (\$1.00) requested.

The *USDA Farm and Ranchland Protection Program (FRPP)* provides matching funds to eligible state and local governmental and non-governmental entities who are seeking to purchase development rights on farms and ranches. The program will pay up to fifty percent (50%) of the appraised value of the development rights. It does not pay for real estate transaction costs such as appraisal, survey, title search and other due diligence. Only state and local governmental or non-governmental entities can apply for these funds.

Both the Land for Maine's Future and the USDA Farm and Ranch Land Protection programs assist the Department of Agriculture, Food and Rural Resources with protecting farmland for future generations of Maine farmers. The Department works closely with farmers, towns and land trusts to identify those projects that are most likely to receive funding for the purchase of development rights. It guides the planning and application writing processes to sponsor the projects to both funding programs. Once projects are allocated funds they receive ongoing technical assistance from the Department.

When a farm property's development rights are sold they are extinguished through an agricultural conservation easement, or deed restriction, that is granted to the Department, a town or a local land trust. The easement protects all current and future agricultural uses of the land by prohibiting all conflicting non-agricultural uses (i.e. subdivision, housing development, etc.). It also allows farmers the flexibility needed to manage farmland. For example, farmers retain all other rights of ownership; they can sell, lease, continue to farm or diversify their operation, they just can't grow houses. If and when they do sell, their land will be valued as farmland, which often makes it more affordable for the next generation of farmers.

## **DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES**

### **Permanent Protection Project Criteria**

*The Department seeks applicants/projects that are:*

1. Active, working farmland with productive farm assets.
2. Under current and emerging threat of conversion to non-agricultural uses.
3. In close proximity to active and productive farms and agricultural infrastructure.
4. Located in designated and active priority agricultural areas identified in town comprehensive plans that are consistent with the Growth Management Act and where there is some concrete evidence of a town's efforts to implement the objectives of the plan.
5. Developing an estate plan that seeks to transfer the farm to the next generation farmer.
6. Willing to develop financial and written business plans.
7. Selling or distributing their products through local, regional or national markets.
8. Comprised of more than one farm property or are the keystone of a larger future effort to protect additional farmland.
9. Able to demonstrate community support for agricultural, open space, cultural and public benefits.
10. Committed to forming a project planning team that includes a designated "project manager" and other key representatives from agricultural, municipal, conservation and land trust organizations.

### **Temporary Land Protection**

*Maine's Farm and Open Space Tax Law* was enacted in 1975 to provide property tax relief to owners of farmland and open space. Property enrolled in the program is to be assessed at current use value rather than fair market value. Many landowners need assistance in analyzing their current valuation to determine if this program can provide tax relief.

Local governments administer the program per state guidelines. Although lack of state reimbursement to cover the difference between current use and fair market valuations remains a significant disincentive for many municipalities and towns,

in the spring of 2000 the 119<sup>th</sup> Legislature made changes to remove disincentives and increase enrollment.

First, assessors are required to follow stronger guidelines established by the Department of Agriculture, Food and Rural Resources (DAFRR), Maine Revenue Service and the Legislature's joint standing committee on Taxation to substantiate agricultural land values. These guidelines will be updated during the 2003 – 2004 biennium. The second change stipulates that landowners withdrawing from the program pay a lower penalty - the amount of tax savings provided by the program over the previous five years plus the interest on that amount. The third change makes it possible for farmers to more easily qualify for the farm use classification. Each farm parcel need only contribute to an annual \$2,000 gross income from farming, and either the landowner or a lessee may achieve this income.

The *Maine Tree Growth Tax Law* was enacted to provide property tax relief to owners of woodlots and forestlands. Property enrolled in the program is evaluated and assessed at an established statewide rate for hardwood, softwood and mixed wood stands. Local governments administer the program per state guidelines. Unlike the Farm and Open Space Program, there is a state reimbursement to cover the difference in tax revenue, which provides an incentive for municipalities and towns to encourage property owners to enroll in this program. This program is very effective for keeping forestlands undeveloped and in productive management.

### **Tax Credits**

The *Forest Management Planning Tax Credit* provides small woodlot owners up to \$200 in tax credits every 10 years to offset the cost of a forest management plan. The Maine Forest Service administers the program.

*Sales Tax Exemptions* eliminate retail sales taxes on electricity for agricultural farming and aquaculture businesses. Administered by the Maine Revenue Service.

### **Land Use Planning**

*Comprehensive Growth Management* was enacted in 1989 and requires local plans to address agricultural land use and provides state agency review of ordinances. The program, administered by the State Planning Office, requires municipal plans to address agricultural, forestry, open space and other resource lands. Also, state agencies review local agricultural and forest management ordinances

to improve dialogue between state agencies and local governments. Strengthening local comprehensive plans and encouraging the use of agricultural protection ordinances would place more responsibility for land protection at the local level.

*General Management Zone* was enacted in 1969 to protect agricultural and forestry uses from development in unorganized territory of the state. The General Management Zone (GMZ) is the primary regulatory district of the State Land Use Regulatory Commission (LURC), which governs land use in unincorporated areas of the state. The GMZ comprises 80 percent of LURC's jurisdiction and some 40 percent of the state. While agricultural land makes up only a small fraction of the GMZ area, the district is noteworthy in that it allows agricultural and forestry management activities without restriction and prohibits residential and commercial subdivision.

Under GMZ, development of a residential or commercial subdivision requires re-zoning an area to become a development sub-district (this is allowed only if an area of development is within one road mile of the proposed site.) A loophole in this rule allows creation of as many as ten 40-acre lots more than ¼ mile from a water body in any five-year period. Despite this exemption, the GMZ is unique among state regulations in that it directly limits development of agricultural and forestry land.

### **Laws that Protect Agricultural Practices**

Enacted in 1981, *Maine's Right to Farm Act* provides legal protection from nuisance lawsuits and local ordinances affecting unreasonable regulation on farms and farmers. In the case of a nuisance complaint, the law enables the Department of Agriculture, Food and Rural Resources to intervene on a farmer's behalf and determine criteria that establish the farmer's right to farm according to site-specific best management practices.

Enacted in 1989, the *Farmland Registration Act*, also known as the "Adjacency Act," was intended to help protect existing farms from encroaching incompatible uses via disclosure requirements that would alert residential buyers to the existence of agricultural operations. The law was effective at protecting farmers but subsequent changes rendered it inactive.

### **Agricultural Business Support Programs**

The *Farms for the Future Program* was enacted in 2000 to provide business planning and technical assistance to farmers in exchange for limited-term farmland preservation agreements. Phase I of the program offers farmers financial and technical assistance to develop business. Upon completion of the business planning process, a farmer is eligible to apply for Phase II funding to implement their business plan. As a condition of receiving funding the farmer must enter into farmland protection agreement that prohibits development from five to ten years. Early termination of the farmland protection agreement is possible if the State's investment is repaid.

The *Agricultural Marketing Loan Fund* provides low interest loans to construct or improve agricultural facilities. The AMLF is co-administered by the DAFRR and the Finance Authority of Maine.

The *Agricultural Development Grants Program* administered by the DAFRR, is a competitive grants program aimed at encouraging innovative efforts by farmers, aqua culturists and food processors to expand their markets, promote their products and test new innovative equipment and processes.

The *Agricultural Viability Task Force* has a plan for increasing consumption of locally grown products, providing baseline data, supporting farmers' markets and strengthening existing agricultural development programs. Implementation of some task force recommendations is in progress; several other recommendations require additional study and research.

The *Maine Forest Stewardship Program* administered by the Maine Forest Service provides cost sharing for landowners to develop natural resource management plans, conduct non-commercial stand improvements and ice storm-related improvements.

The *Service Forestry Program* provides educational and technical assistance to forest landowners, loggers and the general public to help them make informed decisions about Maine's forest.



## TOOLS TO KEEP FARMS GROWING

Maine farmers, rural communities and towns can employ a variety of methods or “tools” to enhance farm viability and protect farmland. Some tools described below are regulatory, while others are compensatory and/or voluntary. No one tool can make the difference. Instead, it will take the skillful use of existing tools and timely innovation of new tools to keep farmland and farmers growing into the future.

Across the nation, communities making the greatest advances in farmland protection have utilized a combination of tools, including:

- Adopting right-to-farm ordinances that protect farmers from nuisance complaints;
- Educating rural residents and visitors about farm practices;
- Promoting farms and facilitating the development, retention and expansion of farm businesses;
- Adopting farm-friendly land use policies and ordinances;
- Providing property and building tax incentives;
- Establishing purchase of development rights and other incentive programs;
- Coordinating local land use laws with statewide growth management laws;
- Using innovative zoning and subdivision regulations to steer development away from fertile agricultural soils;
- Placing limitations on sewer and water extensions on farmland.

### *General guidance for designing and implementing farmland protection programs and policies*

1. Recognize that agriculture is a primary form of wealth creation and economic development in Maine’s communities.

2. Integrate economic development with farmland protection. Keeping farms viable is as important as protecting the resource base essential for farming.
3. Target agricultural and farmland protection initiatives toward blocks of viable farmland to create “critical masses,” to support necessary agribusiness support services and infrastructure.
4. Give farmers incentives to protect farmland. Treat farmers equitably by giving them a fair return for what they provide the public, both in terms of priced and non-priced goods and services.
5. Examine the long-term cost effectiveness of incentive programs that compensate farmers for not developing their land to non-agricultural uses. By combining tax, spending and regulatory programs, local communities can strongly support agriculture and balance town budgets.
6. Develop land use policies and ordinances that work for agriculture. Conventional “large-lot” zoning is ineffective because it accelerates residential development and converts agricultural areas into lots that are too small to farm.
7. Encourage inter-municipal cooperation. Since farming spans towns and county borders, farmland protection requires cooperation between towns and among levels of government. Efforts to promote development in one town can derail farmland protection efforts in bordering towns.
8. Develop a coalition of interests to support agricultural and farmland protection efforts. Reach out to non-farmers by organizing farmers’ markets, farm events and workshops. Unite the farmland protection interests of farm and non-farm community members by protecting farmland that provides scenic views, includes important water resources, or preserves historic landscapes.
9. Promote thoughtful planning to prevent conflicts between farmers and neighbors.

**STATE PLANNING OFFICE - SUMMARY OF SIGNIFICANT INCENTIVES**

Incentive	Description	Lead Agency	Applicability				Evaluation
			Farming	Fishing	Forestry	Open Space	
<b>I. TAXATION POLICIES</b>							
A. Tree Growth Law	Provides a tax reduction for owners of forestlands that meet criteria set in law. Land valuation based on current use rather than fair market value.	MFS			x		Judged to be a very effective program in keeping forest lands undeveloped and in productive management. (see narrative)
B. Farm and Open Space Law	Provides a tax reduction for owners of farmlands and open space that meet criteria set in law. Land valuation based on current use rather than fair market value.	DAFRR	x			x	Not used extensively. Lack of reimbursement to towns give them little incentive to encourage use of the program, and existing law lacks clear guidelines on use. (See narrative)
C. Forest Management Planning Tax Credit (52 MRSA 5219-C)	Up to \$200 tax credit every 10 years to offset cost of forest management plan for small woodlot owners	MFS			x		Used by a relatively small number of landowners (<250), but has been effective in making forest management plan more affordable for small woodlot owners (and cost to state is small).
D. Sales tax exemptions for recognition as wholesale businesses	Recognition inputs to businesses should not be subject to retail sales tax	MRS	x	x	x		Recent addition of electricity for farming and aquaculture helpful
E. Boat Excise tax	Valuation policy	MRS		x			Current policy regarding length factor favors fishing boats
<b>II. BUSINESS SUPPORT</b>							
A. Right to Farm Law	Establishes presumption of agricultural activities not being a nuisance if conducted according to best management practices.	DAFRR	x				Right to Farm Law revised in 119 <sup>th</sup> , working well. BMP rules being drafted by Dept. (see narrative)
B. Farmland Registration Law	Provides real estate disclosure and adjacency setback protection around registered farms but registration is closed and records are lost.	DAFRR	x				Virtually defunct. Attempt to revise in 119 <sup>th</sup> unsuccessful. (see narrative)
C. Farms for the Future Program	Financial assistance offered for farms to write business plans and receiving academic training in farm operation and economics.	DAFRR	x				Promising pilot program just beginning (see narrative)
D. Agricultural Marketing Loan Fund	This loan program provides funds to construct or improve agricultural facilities and to provide grants for market research.	DAFRR	x				Program has generally been successful. Total program activity from 1997-1999 included 18 projects totaling \$1,384,383 in financing.
E. Agricultural Development Grant Program	This competitive grant program is aimed at encouraging innovative efforts by farmers, aquaculturists and food processors to expand their markets, promote their products and test new innovative equipment and processes.	DAFRR	x				Program has generally been successful. To date, the program has funded 63 projects totalling \$500,000.



F. Agricultural Vitality Task Force Recommendations re in-state purchasing of food products	Plan for increasing consumption of locally grown products, providing baseline data, supporting farmer's markets & strengthening existing programs.	DAFRR	x				Implementation of some recommendations in progress; others require additional study and research.
G. Economic Action Program (USDA)	Matching grants to forestry related businesses, organizations & individuals	MFS			x		Program has generally been successful, but state discretionary funding available has decreased in recent years.
H. Green Certification	This private and non-profit sector program allows landowners and forest product dealers to communicate to consumers that their products originate from well-managed lands.	Private sector			x		Expensive; few clear rewards as yet (private sector initiative)
<b>III. TECHNICAL ASSISTANCE</b>							
A. Maine Forest Stewardship Program	Cost-share for developing natural resource management plans, conducting non-commercial stand improvements & ice storm related woodlot improvements	MFS			x		Programs appear effective. Based on future federal funding.
B. Service Forestry Program	9 MFS field foresters provide educational and technical assistance to forest landowners, loggers and the general public to help them make informed decisions about Maine's forest	MFS			x		Good service delivered within resources available
<b>IV. PUBLIC INVESTMENT POLICIES</b>							
A. Coastal access infrastructure	Public purchase of piers, wharves, loading areas and parking	MDOT DOC		x			Through MDOT's Small Harbor Improvement Program and DOC's boat access programs, access has been improved, but new and improved access is needed. (see narrative)
B. Purchase of Development Rights	Primary mechanism for protecting farmland.	LMF	x				Use constrained by lack of matching funds, staff outreach and market forces. (see narrative)
<b>V. LAND USE POLICIES</b>							
A. LURC Subdivision Law	40 acre exemption of LURC review (see narrative)	LURC	x		x	x	Certain exemptions in LURC law allow the creation of lots that evolve into residential subdivisions. (see narrative)
B. LURC General Management District	Agriculture and forestry are supported uses.	LURC	x	x	x	x	Works well except for exemption above. (see narrative)
C. LURC Maritime District	Maritime Development Zone available for working waterfront protection	LURC		x			Applied only twice at request of island landowners. (see narrative)
D. Growth Management Program	Municipalities must address agriculture, forestry, commercial fishing and wildlife habitat/open space	SPO	x	x	x	x	Technical assistance should be strengthened during municipal planning process; limited by insufficient state resources. (see narrative)
E. State agency review of local forest and agricultural management ordinances	Mandates dialogue between municipality and state agency responsible for resource; reduces burdensome local regulations on farming and forestry. (see narrative)	MFS & DAFRR	x		x		Generally improves dialogue; can create state/local authority conflicts. More technical assistance needed.



## Appendix A





# FACT SHEET

## THE FARMLAND PROTECTION TOOLBOX



TECHNICAL ASSISTANCE  
One Short Street, Suite 2  
Northampton, MA 01060  
Tel: (413) 586-4593  
Fax: (413) 586-9332  
Web: [www.farmlandinfo.org](http://www.farmlandinfo.org)

NATIONAL OFFICE  
1200 18th Street, NW, Suite 800  
Washington, DC 20036  
Tel: (202) 331-7300  
Fax: (202) 659-8339  
Web: [www.farmland.org](http://www.farmland.org)

October 2002

### DESCRIPTION

This fact sheet provides a brief description of the tools and techniques that state and local governments are using to protect farmland and ensure the economic viability of agriculture. Some of the techniques result in programs that are enacted and administered at the state level, others are used primarily by local governments. Sometimes, municipal governments adapt and strengthen state laws to meet unique local needs. Many of the most effective farmland protection programs combine regulatory and incentive-based strategies.

### PROGRAMS THAT ARE GENERALLY ENACTED AT THE STATE LEVEL

#### Agricultural District Programs

Agricultural district programs allow farmers to form special areas where commercial agriculture is encouraged and protected. They stabilize the land base and support the business of farming by providing farmers with an attractive package of incentives. Typically, programs are authorized by state law and implemented at the local level. An exception is Calvert County, Md., which has its own independent agricultural district program.

There are a total of 18 state agricultural district laws in 16 states. Minnesota and Virginia authorize statewide and local agricultural district programs. Provisions vary widely, but most agricultural district laws are intended to be comprehensive responses to the challenges facing farmers in developing communities.

To maintain a land base for agriculture, some agricultural district laws protect farmland from annexation and eminent domain. Many laws also require that state agencies limit construction of infrastructure, such as roads and sewers, in agricultural districts. Three states offer participants eligibility for purchase of agricultural conservation easement programs, and two states include a right of first refusal in district agreements to ensure that land will continue to be available for agriculture.

Agricultural district laws help create a more secure climate for agriculture by preventing local governments from passing laws that restrict farm practices, and by providing enhanced protection from private nuisance lawsuits.

To reduce farm operating expenses, seven programs offer either automatic eligibility for differential tax assessment or property tax credits to farmers who enroll in agricultural districts.

Some states encourage local planning by limiting district authorization to jurisdictions with comprehensive or farmland protection plans; requiring the adoption of land use regulations to protect farmland; involving planning bodies in the development and approval of districts; and limiting non-farm development in and around agricultural districts.

#### Conservation Easements

Every state in the nation has a law pertaining to conservation easements. The National Conference of Commissioners on Uniform State Laws adopted the Uniform Conservation Easement Act in 1981. The Act was designed to serve as a model for state legislation to allow qualified public agencies and private conservation organizations to accept, acquire and hold less-than-fee-simple interests in land for the purposes of conservation and preservation. Since the Uniform Act was approved, 21 states have adopted conservation easement-enabling legislation based on this model and 23 states have drafted and enacted their own conservation easement-enabling laws. In Pennsylvania, conservation easements are authorized by common law. Oklahoma and Wyoming do not have separate provisions of state law authorizing the conveyance of conservation easements, but state agencies are given the power to hold title to easements in their authorizing legislation.<sup>#</sup>

<sup>#</sup> Stefan Nagel, State Conservation Easement Legislation (Washington, D.C.: National Trust for Historic Preservation, 1995).

# THE FARMLAND PROTECTION TOOLBOX

Agricultural conservation easements are designed specifically to protect farmland. Grantors retain the right to use their land for farming, ranching and other purposes that do not interfere with or reduce agricultural viability. They continue to hold title to their properties and may restrict public access, sell, give or transfer their property as they desire. Producers also remain eligible for any state or federal farm program for which they qualified before entering into the conservation agreement.

Conservation easements limit land to specific uses and thus protect it from development. These voluntary legal agreements are created between private landowners (grantors) and qualified land trusts, conservation organizations or government agencies (grantees). Grantors can receive federal tax benefits as a result of donating easements. Grantees are responsible for monitoring the land and enforcing the terms of the easements.

Easements may apply to entire parcels of land or to specific parts of a property. Most easements are permanent; term easements impose restrictions for a limited number of years. All conservation easements legally bind future landowners. Land protected by conservation easements remains on the tax rolls and is privately owned and managed. While conservation easements limit development, they do not affect other private property rights.

Agricultural conservation easements are a flexible farmland protection tool. Private land trusts and other conservation organizations educate farmers about the tax benefits of donating easements, and state and local governments have developed programs to purchase agricultural conservation easements from landowners. In addition, agricultural conservation easements can be designed to protect other natural resources, such as wetlands and wildlife habitat.

## Executive Orders

Governors of at least 10 states have issued executive orders that document the importance of

agriculture and farmland to their states' economy, environment and culture. Some executive orders direct state agencies to withhold funding from projects that would result in farmland conversion. Others have created task forces to investigate farmland conversion. State executive orders have the potential to build public and institutional support for other farmland protection programs. By restricting the use of state funds for projects that would result in the loss of agricultural land, executive orders also can influence the actions of local governments. To the extent that they call attention to the problem of farmland conversion and facilitate discussion about solutions, executive orders can serve as a building block of a comprehensive farmland protection program.

## Growth Management Laws

Growth management laws are designed to control the timing and phasing of urban growth and to determine the types of land use that will be permitted at the local and regional levels. At least 12 states have laws that control development or set planning standards for local governments, but only seven - Hawaii, Maryland, Minnesota, New Jersey, Oregon, Vermont and Washington - address the issue of farmland conversion. These seven laws vary in the controls that they impose on state and local governments and in the extent to which they protect agricultural land from development.

Growth management laws take a comprehensive approach to regulating the pattern and rate of development and set policies to ensure that most new construction is concentrated within designated urban growth areas or boundaries (UGBs). They direct local governments to identify lands with high resource value and protect them from development. Some growth management laws require that public services such as water and sewer lines, roads and schools be in place before new development is approved. Others direct local governments to make decisions in accordance with comprehensive plans that are consistent with plans for adjoining areas.

Oregon has one of the nation's strongest growth management laws. As a result of the state's 1972 Land Conservation and Development Act, every county in Oregon has implemented agricultural protection zoning, protecting more than 16 million acres of agricultural land. Washington's Growth Management Act (GMA), passed in 1990 and strengthened in 1991, also is proving to be an effective farmland protection tool. Most of Washington's counties have developed inventories of important agricultural land, and several have implemented farmland protection techniques, such as agricultural protection zoning, purchase of agricultural conservation easement programs and transfer of development rights programs since the enactment of the GMA. Growth management laws in Hawaii, Vermont, New Jersey and Maryland have been somewhat less effective in preventing farmland conversion and promoting the development of local farmland protection programs.

#### **Purchase of Agricultural Conservation Easement Programs**

Purchase of agricultural conservation easement (PACE) programs pay property owners to protect their land from development. PACE is known by a variety of other terms, the most common being purchase of development rights. Landowners sell agricultural conservation easements to a government agency or private conservation organization. The agency or organization usually pays them the difference between the value of the land for agriculture and the value of the land for its "highest and best use," which is generally residential or commercial development. Easement value is most often determined by professional appraisals, but may also be established through the use of a numerical scoring system that evaluates the suitability for agriculture of a piece of property.

State and local governments can play a variety of roles in the creation and implementation of PACE programs. Some states have passed legislation that allows local governments to create

PACE programs. Others have enacted PACE programs that are implemented, funded and administered by state agencies. Several states work cooperatively with local governments to purchase easements. A few states have appropriated money for use by local governments and private nonprofit organizations. Finally, some local governments have created independent PACE programs in the absence of any state action.

Cooperative state-local PACE programs have some advantages over independent state or local programs. Cooperative programs allow states to set broad policies and criteria for protecting agricultural land, while county or township governments select the farms that they believe are most critical to the viability of local agricultural economies, and monitor the land once the easements are in place. Involving two levels of government generally increases the funding available for PACE. Finally, cooperative programs increase local government investment in farmland protection.

PACE programs allow farmers to cash in a fair percentage of the equity in their land, thus creating a financially competitive alternative to selling land for non-agricultural uses. Permanent easements prevent development that would effectively foreclose the possibility of farming. Removing the development potential from farmland generally reduces its future market value. This may help facilitate farm transfer to the children of farmers and make the land more affordable to beginning farmers and others who want to buy it for agricultural purposes. PACE provides landowners with liquid capital that can enhance the economic viability of individual farming operations and help perpetuate family tenure on the land. Finally, PACE gives communities a way to share the costs of protecting agricultural land with farmers.

#### **Right-to-Farm Laws**

State right-to-farm laws are intended to protect farmers and ranchers from nuisance lawsuits. Every state in the nation has at least one

# THE FARMLAND PROTECTION TOOLBOX

right-to-farm law. Some statutes protect farms and ranches from lawsuits filed by neighbors who moved in after the agricultural operation was established. Others protect farmers who use generally accepted agricultural and management practices and comply with federal and state laws. Twenty-three right-to-farm laws also prohibit local governments from enacting ordinances that would impose unreasonable restrictions on agriculture.

Right-to-farm laws are a state policy assertion that commercial agriculture is an important activity. The statutes also help support the economic viability of farming by discouraging neighbors from filing lawsuits against agricultural operations. Beyond these protections, it is unclear whether right-to-farm laws help maintain the land base.

## Tax Relief

### *Circuit Breaker Tax Relief Credits*

Circuit breaker tax programs offer tax credits to offset farmers' property tax bills. Four states have circuit breaker programs. In Michigan, Wisconsin and New York, farmers may receive state income tax credits based on the amount of their real property tax bill and their income.

In Iowa, farmers receive school tax credits from their local governments when school taxes exceed a statutory limit. The counties and municipalities are then reimbursed from a state fund. In Michigan, landowners that wish to receive circuit breaker credits must sign 10-year restrictive agreements with their local governments to prevent farmland conversion. In Wisconsin, counties and towns must adopt plans and enact agricultural protection zoning to ensure that tax credits are targeted to productive agricultural land. The Wisconsin program has facilitated the adoption of agricultural protection zoning in more than 400 local jurisdictions.

Like differential assessment laws, circuit breaker tax relief credits reduce the amount farmers are

required to pay in taxes. The key differences between the programs are that most circuit breaker programs are based on farmer income and are funded by state governments.

### *Differential Assessment Laws*

Differential assessment laws direct local governments to assess agricultural land at its value for agriculture, instead of its full fair market value, which is generally higher. Differential assessment laws are enacted by states and implemented at the local level. With a few exceptions, the cost of the programs is borne at the local level.

Every state except Michigan has a differential assessment law. Differential assessment is also known as current use assessment, current use valuation, farm use valuation, use assessment and use value assessment.

Differential assessment programs help ensure the economic viability of agriculture. Since high taxes reduce profits, and lack of profitability is a major motivation for farmers to sell land for development, differential assessment laws also protect the land base. Finally, these laws help correct inequities in the property tax system. Owners of farmland demand fewer local public services than residential landowners, but they pay a disproportionately high share of local property taxes. Differential assessment helps bring farmers' property taxes in line with what it actually costs local governments to provide services to the land.

## PROGRAMS THAT ARE ENACTED AT THE LOCAL LEVEL

### **Agricultural Protection Zoning**

Zoning is a form of local government land use control. Zoning ordinances segment counties, cities, townships and towns into areas devoted to specific land uses and establish standards and densities for development.

Agricultural protection zoning (APZ) ordinances designate areas where farming is the

primary land use and discourage other land uses in those areas. APZ limits the activities that are permitted in agricultural zones. The most restrictive regulations prohibit any uses that might be incompatible with commercial farming.

APZ ordinances also restrict the density of residential development in agricultural zones. Maximum densities range from one house per 20 acres in the eastern United States to one house per 640 acres in the West. Some local ordinances also contain right-to-farm provisions and authorize commercial agricultural activities, such as farmstands, that enhance farm profitability. Occasionally, farmers in an agricultural zone are required to prepare farm management plans.

In most states, APZ is implemented at the county level, although towns and townships may also have APZ ordinances. Zoning can be modified through the local political process. Generally, the enactment of an APZ ordinance results in a reduction of permitted residential densities in the new zone. This reduction in density, also called downzoning, is generally controversial because it can reduce the market value of land. A change in zoning that increases permitted residential densities is known as upzoning. A change in the zoning designation of an area—from agricultural to commercial, for example—is known as rezoning. Successful petitions for upzoning and rezoning in agricultural protection zones often result in farmland conversion.

APZ stabilizes the agricultural land base by keeping large tracts of land relatively free of non-farm development. This can reduce the likelihood of conflicts between farmers and their non-farming neighbors. Communities can use APZ to conserve a “critical mass” of agricultural land, enough to keep individual farms from becoming isolated islands in a sea of residential neighborhoods. Maintaining a critical mass of agricultural land can ensure that there will be enough farms to support local

agricultural service businesses. By restricting the development potential of large properties, APZ limits land speculation and helps keep land affordable to farmers and ranchers. Finally, APZ helps promote orderly growth by preventing sprawl into rural areas, and benefits farmers and non-farmers alike by protecting scenic landscapes and maintaining open space.

### Cluster Zoning

Cluster zoning ordinances allow or require houses to be grouped close together on small lots to protect open land. The portion of the parcel that is not developed may be restricted by a conservation easement. Cluster developments are also known as cluster subdivisions, open space or open land subdivisions.

Cluster subdivisions can keep land available for agricultural use, but generally they are not designed to support commercial agriculture. The protected land is typically owned by developers or homeowners’ associations. Homeowners may object to renting their property to farmers and ranchers because of the noise, dust and odors associated with commercial agricultural production. Even if the owners are willing to let the land be used for agriculture, undeveloped portions of cluster subdivisions may not be large enough for farmers to operate efficiently, and access can also be a problem. For these reasons, cluster zoning has been used more successfully to preserve open space or to create transitional areas between farms and residential areas than to protect farmland.

### Comprehensive Planning

Comprehensive planning allows counties, cities, towns and townships to create a vision for their joint future. Comprehensive plans, which are also known as master or general plans, outline local government policies, objectives and decision guidelines, and serve as blueprints for development. They typically identify areas targeted for a variety of different land uses, including agriculture, forestry, residential, commercial, industrial

# THE FARMLAND PROTECTION TOOLBOX

and recreational activities. Comprehensive plans provide a rationale for zoning and promote the orderly development of public services.

A comprehensive plan can form the foundation of a local farmland protection strategy by identifying areas to be protected for agricultural use and areas where growth will be encouraged. It may include policies designed to conserve natural resources and provide affordable housing and adequate public services. Some counties have used the comprehensive planning process to encourage their cities and towns to develop urban growth boundaries and adopt agricultural protection zoning. Others have incorporated the use of PACE and transfer of development rights into their master plans.

## Mitigation Ordinances and Policies

Mitigation ordinances are a new farmland protection technique. In 1995, city officials in Davis, Calif., enacted an ordinance that requires developers to permanently protect one acre of farmland for every acre of agricultural land they convert to other uses. Developers can place an agricultural conservation easement on farmland in another part of the city or pay a fee to satisfy mitigation. While most of the regulatory farmland protection techniques restrict the property rights of farmers, the Davis mitigation ordinance makes developers pay for farmland protection.

In 2000, Yolo County, Calif., where the City of Davis is located, adopted an agricultural land mitigation program that is modeled on the 1995 City of Davis ordinance.

In Massachusetts, Executive Order 193 seeks to lessen the extent to which state activities contribute to the conversion of agricultural land. The Massachusetts Department of Food and Agriculture, based on its interpretation of EO 193, seeks mitigation for projects involving state funds. It has negotiated the removal of top soil from development sites for use by local farmers and funds for agricultural land protection.

King County, Wash. has a “no net loss of farmland” policy in its comprehensive plan. The policy prohibits removal of land from the agricultural production district (APD) unless an equal amount of agricultural land of the same or better quality, adjacent to the APD, is added.

## Right-To-Farm Ordinances

Local governments around the nation are enacting their own right-to-farm laws to strengthen and clarify weak language in state laws. Local right-to-farm laws are most widespread in California, where the state farm bureau developed and distributed a model right-to-farm ordinance during the 1980s.

A local right-to-farm ordinance can serve as a formal policy statement that agriculture is a valuable part of the county or town economy and culture. Some require that a notice be placed on the deed to all properties in agricultural areas, cautioning potential buyers that they may experience noise, dust, odors and other inconveniences due to farming and ranching operations. Local ordinances help educate residents about the needs of commercial agriculture and reassure farmers that their communities support them.

## Transfer of Development Rights

Transfer of development rights (TDR) programs allow landowners to transfer the right to develop one parcel of land to a different parcel of land. Generally, TDR programs are established by local zoning ordinances. In the context of farmland protection, TDR is used to shift development from agricultural areas to designated growth zones closer to municipal services. The parcel of land where the rights originate is called the “sending” parcel. When the rights are transferred from a sending parcel, the land is restricted with a permanent conservation easement. The parcel of land to which the rights are transferred is called the “receiving” parcel. Buying these rights generally allows the owner

*For additional information on farmland protection, the Farmland Information Center offers publications, an on-line library and technical assistance. To order AFT publications, call (800) 370-4879. The farmland information library is a searchable database of literature, abstracts, statutes, maps, legislative updates and other useful resources. It can be reached at [www.farmlandinfo.org](http://www.farmlandinfo.org). For additional assistance on specific topics, call the technical assistance service at (413) 586-4593.*

to build at a higher density than ordinarily permitted by the base zoning. TDR is known as transfer of development credits (TDC) in California and in some regions of New Jersey.

TDR is used by counties, cities, towns and townships. Two regional TDR programs for farmland protection were developed to protect New Jersey's Pinelands and the pine barrens of Long Island, N.Y. TDR programs are distinct from PACE programs because they involve the private market. Most TDR transactions are between private landowners and developers. Local governments approve transactions and monitor easements. A few jurisdictions have created "TDR banks" that buy development rights with public funds and sell them to developers and other private landowners.

Some states, such as New Jersey, have enacted special legislation authorizing local governments to create TDR programs. Other states have consistently refused to give local governments such authorization. Counties and towns have created TDR programs without specific state authorizing legislation; municipal governments must work with their attorneys to determine whether other provisions of state law allow them to use TDR.

TDR programs can be designed to accomplish multiple goals including farmland protection, conservation of environmentally sensitive areas and the preservation of historic landmarks. They prevent non-agricultural development of farmland, reduce the market value of protected farms and provide farmland owners with liquid capital that can be used to enhance farm viability.

TDR programs also offer a potential solution to the political and legal problems that many communities face when they try to restrict development of farmland. Landowners often oppose agricultural protection zoning (APZ) and other land use regulations because they can reduce equity. APZ can benefit farmers by preventing urbanization, but it may also reduce the fair

market value of their land. When downzoning is combined with a TDR program, however, landowners can retain their equity by selling development rights.

While dozens of local jurisdictions around the country allow the use of TDR, only a few of them have used the technique successfully to protect farmland. TDR programs are complex and must be carefully designed to achieve their goal. Communities that have been most successful in using TDR are characterized by steady growth, with the political will to maintain and implement strong zoning ordinances and planning departments that have the time, knowledge and resources to administer complex land use regulations.

### OTHER STRATEGIES TO PROTECT FARMLAND AND SUPPORT AGRICULTURE

Most farmers say the best way to protect farmland is to keep farming profitable. State and local governments have created a variety of initiatives to support the economics of agriculture.

For example, the Massachusetts Farm Viability Enhancement program was created in 1994 to improve farm income and environmental stewardship. The program has two phases. In Phase I, participating farmers work with a team of consultants to evaluate the current operation and develop a plan. Plans may call for product diversification, direct marketing, value-added products and/or agri-tourism. They also may recommend conservation practices. In Phase II, funding is available to implement the plan. Farmers may apply for grants of \$20,000 or \$40,000 in exchange for five or ten year term easements.

The Massachusetts program has served as a model for initiatives in Connecticut, New Jersey and New York.

FARMLAND PROTECTION ACTIVITIES BY STATE

State	Agricultural Districts	Agricultural Protection Zoning	Circuit Breaker	Differential Assessment	PACE	Right-to-Farm*	TDR
Alabama				▲		▲	
Alaska				▲		▲	
Arizona				▲	▲	▲	
Arkansas				▲		▲	
California	▲	❖		▲	▲❖	▲	❖
Colorado		❖		▲	▲❖	▲	❖
Connecticut				▲	▲	▲	❖
Delaware	▲			▲	▲	▲	
Florida		❖		▲	▲	▲	❖
Georgia				▲		▲	
Hawaii		▲		▲		▲	
Idaho		❖		▲		▲	❖
Illinois	▲	❖		▲	❖	▲	
Indiana		❖		▲		▲	
Iowa	▲	❖	▲	▲		▲	
Kansas		❖		▲		▲	
Kentucky	▲	❖		▲	▲❖	▲	
Louisiana				▲		▲	
Maine				▲	▲	▲	❖
Maryland	▲❖	❖		▲	▲❖	▲	❖
Massachusetts	▲			▲	▲	▲	❖
Michigan		❖	▲		▲❖	▲	
Minnesota	▲❖	❖		▲		▲	❖
Mississippi				▲		▲	
Missouri				▲		▲	
Montana		❖		▲	▲❖	▲	❖
Nebraska		❖		▲		▲	
Nevada				▲		▲	
New Hampshire				▲	▲❖	▲	
New Jersey	▲			▲	▲❖	▲	❖
New Mexico				▲		▲	
New York	▲		▲	▲	▲❖	▲	❖
North Carolina	▲			▲	▲❖	▲	
North Dakota		❖		▲		▲	
Ohio	▲	❖		▲	▲	▲	
Oklahoma				▲		▲	
Oregon		❖		▲		▲	
Pennsylvania	▲	❖		▲	▲❖	▲	❖
Rhode Island				▲	▲	▲	
South Carolina				▲		▲	
South Dakota		❖		▲		▲	
Tennessee	▲			▲		▲	
Texas				▲		▲	
Utah	▲	❖		▲	▲	▲	❖
Vermont				▲	▲	▲	❖
Virginia	▲❖	❖		▲	▲❖	▲	❖
Washington		❖		▲	▲❖	▲	❖
West Virginia				▲	▲	▲	
Wisconsin		❖	▲	▲	❖	▲	
Wyoming		❖		▲		▲	
<b>TOTAL</b>	<b>16</b>	<b>25</b>	<b>4</b>	<b>49</b>	<b>26</b>	<b>50</b>	<b>17</b>

▲ State program

❖ Local program

\*A number of local jurisdictions also have enacted right-to-farm ordinances. We do not have a complete inventory.



# FACT SHEET

## GLOSSARY

### ADEQUATE PUBLIC FACILITIES ORDINANCE

A form of comprehensive growth management that prevents new homes from being built in a community until municipal services such as sewers, roads, public water supplies and schools are available to serve the new residents.

### AGRICULTURAL CONSERVATION EASEMENT

A legal agreement restricting development on farmland. Land subjected to an ACE is generally restricted to farming and open space use. See also conservation easement.

### AGRICULTURAL DISTRICT

A legally recognized geographic area formed by one or more landowners and approved by one or more government agencies, designed to keep land in agriculture. Agricultural districts are created for fixed, renewable terms. Enrollment is voluntary; landowners receive a variety of benefits that may include eligibility for differential assessment, limits on annexation and eminent domain, protection against unreasonable government regulation and private nuisance lawsuits, and eligibility for purchase of agricultural conservation easement programs. Also known as agricultural preserves, agricultural security areas, agricultural preservation districts, agricultural areas, agricultural incentive areas, agricultural development areas and agricultural protection areas.

### Agricultural Protection Zoning (APZ)

Zoning is a form of local land use regulation. Agricultural protection zoning ordinances protect the agricultural land base by limiting non-farm uses, prohibiting high-density development, requiring houses to be built on small lots and restricting subdivision of land into parcels that are too small to farm.

APZ takes many forms:

#### *Exclusive agricultural zoning*

This form of zoning prohibits non-farm residences and most non-agricultural activities; exceptions are made for parcels of land that are not suitable for farming.

#### *Large minimum lot size zoning*

These ordinances require a certain number of acres for every non-farm dwelling, typically at least 20 acres in the eastern United States or at least 35 acres in other regions.

#### *Area-based allowance zoning*

These ordinances establish a formula for the number of non-farm dwellings permitted per acre, but houses are typically built on small lots.

#### *Fixed area-based allowance zoning*

These ordinances specify a certain number of units per acre.

#### *Sliding scale area-based allowance zoning*

Under these ordinances, the number of dwellings permitted varies with the size of the tract. Owners of smaller parcels are allowed to divide their land into more lots on a per-acre basis than owners of larger parcels.

### ANNEXATION

The incorporation of land into an existing community that results in a change in the community's boundary. Annexation generally refers to the inclusion of newly incorporated land but can also involve the transfer of land from one municipality to another.

### APPRAISAL

A systematic method of determining the market value of property.

### BARGAIN SALE

The sale of property or an interest in property for less than fair market value. If property is sold to a qualifying public agency or conservation organization, the difference between fair market value and the agreed-upon price can be claimed as a tax-deductible charitable gift for income tax purposes. Bargain sales also are known as conservation sales.

### BUFFERS

Physical barriers that separate farms from land uses that are incompatible with agriculture. Buffers help safeguard farms from vandals and



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trespassers, and protect homeowners from some of the negative impacts of commercial farming. Vegetated buffers and topographic barriers reduce the potential for clashes between farmers and their non-farming neighbors. Buffers may be required by local zoning ordinances.

### CIRCUIT BREAKER TAX RELIEF

A tax abatement program that permits eligible landowners to take some or all of the property tax they pay on farmland and farm buildings as a credit to offset their state income tax. Generally, farmers are eligible for a credit when property taxes exceed a set percentage of their income.

### CLUSTER ZONING

A form of zoning that allows houses to be built close together in areas where large minimum lot sizes are generally required. By grouping houses on small sections of a large parcel of land, cluster zoning can be used to protect open space. Also known as cluster development, land preservation subdivision, open land subdivision and open space subdivision.

### COMMUNITY SUPPORTED AGRICULTURE (CSA)

A form of direct marketing of farm products that involves customers paying the farmer in advance for a weekly share of the harvest. Customers are often called shareholders. In some cases, shareholders may participate in farm work and farm decisions. Farms that use this marketing strategy are called "CSA farms" or "CSAs." CSA is also known as subscription farming.

### COMPREHENSIVE GROWTH MANAGEMENT

A state, regional, county or municipal government program to control the timing, location and character of land development.

### COMPREHENSIVE PLAN

A regional, county or municipal document that contains a vision of how the community will grow and change and a set of plans and policies to guide land use decisions. Comprehensive plans also are known as general plans and master plans.

### CONSERVATION EASEMENT

Legally recorded, voluntary agreements that limit land to specific uses. Easements may apply to entire parcels of land or to specific parts of the property. Most are permanent; term easements impose restrictions for a limited number of years. Land protected by conservation easements remains on the tax rolls and is privately owned and managed; landowners who donate permanent conservation easements are generally entitled to tax benefits. See also agricultural conservation easement and purchase of agricultural conservation easements.

### CORN SUITABILITY RATING (CSR)

A numerical system for rating the productivity of farmland, used primarily in Iowa.

### COST OF COMMUNITY SERVICES (COCS) STUDY

A case study method of allocating local revenues and expenditures to different land use categories. COCS studies reveal the net contribution of residential, commercial, industrial, forest and agricultural lands to local budgets.

### CURRENT USE ASSESSMENT

See differential assessment.

### DEFERRED TAXATION

A form of differential assessment that permits eligible land to be assessed at its value for agriculture. Deferred taxation is similar to preferential assessment, but landowners must pay some or all of the taxes that were excused if they later convert land to ineligible uses. Rollback taxes assess the difference between taxes paid under differential assessment and taxes that would have been due if the land was assessed at fair market value.

### DEVELOPMENT RIGHTS

Development rights entitle property owners to develop land in accordance with local land use regulations. In some jurisdictions, these rights may be sold to public agencies or qualified nonprofit organizations through a purchase of agricultural conservation easement or purchase of development rights program. Sale of development

rights to a public agency or land trust generally does not pass any affirmative interest in the property. Rather than the right to develop the land, the buyer acquires the responsibility to enforce the negative covenants or restrictions stipulated in the development rights agreement.

Development rights may also be sold to individuals or a public agency through a transfer of development rights program. In this case, the buyer does acquire a positive right to develop land, but the right is transferred to a site that can accommodate growth.

#### **DIFFERENTIAL ASSESSMENT**

An agricultural property tax relief program that allows eligible farmland to be assessed at its value for agriculture rather than its fair market value, which reflects "highest and best" use. These take three different forms: preferential assessment, deferred taxation and restrictive agreements. Differential assessment is also known as current use assessment, current use valuation, farm use valuation and use assessment.

#### **DOWNZONING**

A change in the zoning for a particular area that results in lower residential densities. For example, a change from a zoning ordinance that requires 10 acres per dwelling to an ordinance that requires 40 acres per dwelling is a downzoning.

#### **FARM LINK**

A program that matches retiring farmers who want to keep their land in agriculture with beginning farmers who want to buy a farm. Farm Link programs are designed to facilitate farm transfer, usually between farmers who are not related to each other. Also known as Land Link.

#### **FEE SIMPLE**

A form of land ownership that includes all property rights, including the right to develop land.

#### **GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS)**

Agricultural practices that are widely used by farmers, promoted by agricultural institutions such as Extension and comply with federal and state environmental, health and safety laws and regulations. Some states have specific definitions of GAAMPs that may be used to determine whether a particular farm practice constitutes a public or private nuisance.

#### **GEOGRAPHIC INFORMATION SYSTEM (GIS)**

A method of storing geographic information on computers. Geographic information can be obtained from a variety of sources, including topographical maps, soil maps, aerial and satellite photographs and remote sensing technology. This information can then be used to create special maps for recordkeeping and decision-making purposes. GIS systems may be used to maintain maps of protected land or make decisions about which farmland to protect.

#### **LAND EVALUATION AND SITE ASSESSMENT (LESA)**

A numerical system that measures the quality of farmland. It is generally used to select tracts of land to be protected or developed.

#### **LAND LINK**

See farm link.

#### **LAND TRUST**

A private, nonprofit conservation organization formed to protect natural resources such as productive farm and forest land, natural areas, historic structures and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land, and some provide land use and estate planning services to local governments and individual citizens.

## GLOSSARY

*For additional information on farmland protection, the Farmland Information Center offers publications, an on-line library and technical assistance.*

*To order AFT publications, call (800) 370-4879.*

*The farmland information library is a searchable database of literature, abstracts, statutes, maps, legislative updates and other useful resources.*

*It can be reached at <http://www.farmlandinfo.org>.*

*For additional assistance on specific topics, call the technical assistance service at (413) 586-4593.*

### LOCAL AGENCY FORMATION COMMISSION (LAFCO)

A California state agency existing in each county, LAFCOs consist of commissioners from city councils, county boards of supervisors and members of the general public. They function as boundary commissions with the power to approve or deny requests for annexation of land from unincorporated (county) areas into incorporated (city) areas. LAFCOs also have authority to incorporate cities, establish or modify "sphere of influence" boundaries, and create or expand special district boundaries.

### MITIGATION ORDINANCE

An ordinance or section of an ordinance or state law that requires developers of agricultural land to protect an equivalent quantity of land with similar characteristics in the same political jurisdiction. In some cases, developers may satisfy the mitigation requirement by paying a fee.

### NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Formerly known as the Soil Conservation Service, NRCS is a federal agency within the U.S. Department of Agriculture that provides leadership and administers programs to help people conserve, improve and sustain our natural resources and environment. The agency provides technical assistance to farmers and funds soil conservation and farmland protection programs. It also maintains statistics on farmland conversion. NRCS has offices in every state and in most agricultural counties.

### PLANNED UNIT DEVELOPMENT (PUD)

A tract of land that is controlled by one entity and is planned and developed as a whole, either all at once or in programmed stages. PUDs are developed according to detailed site plans and may incorporate both residential and commercial land uses. They generally include improvements such as roads and utilities.

### PREFERENTIAL ASSESSMENT

A form of differential assessment that permits eligible land to be assessed at its value for agriculture.

### PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS (PACE)

PACE programs pay farmers to keep their land available for agriculture. Landowners sell an agricultural conservation easement to a qualified public agency or private conservation organization. Landowners retain full ownership and use of their land for agricultural purposes. PACE programs do not give government agencies the right to develop land. Development rights are extinguished in exchange for compensation. PACE is also known as purchase of development rights (PDR) and as agricultural preservation restriction (APR) in Massachusetts.

### PURCHASE OF DEVELOPMENT RIGHTS (PDR)

See purchase of agricultural conservation easements.

### REAL ESTATE TRANSFER TAX

A state or local tax imposed on the sale of real property.

### RECEIVING AREA

Areas designated to accommodate development transferred from agricultural or natural areas through a transfer of development rights program.

### RESTRICTIVE AGREEMENTS

A type of differential assessment that requires landowners to sign contracts to keep land in agricultural use for 10 years or more as a condition of eligibility for tax relief. If a landowner gives notice of intent to terminate a contract, the assessed value of the property increases during the balance of the term to the full fair market value.

### RIGHT-TO-FARM LAW

A state law or local ordinance that protects farmers and farm operations from public and private nuisance lawsuits. A private nuisance interferes with an individual's use and enjoyment of his or her property. Public nuisances involve actions that injure the public at large.

### SENDING AREA

Area to be protected through a transfer of development rights program. Landowners may sell their development rights to private individuals or a public agency; the rights are used to build homes in a designated receiving area.

### SETBACK

A zoning provision requiring new homes to be separated from existing farms by a specified distance and vice versa.

### SPECIAL ASSESSMENT

A charge that state and local governments can impose on landowners whose land benefits from the construction of roads or sewer lines adjacent to their property. The amount of the special assessment is usually the pro rata share of the cost of installing the improvement.

### TAKING

An illegal government appropriation of private property or property rights. Traditionally, takings law has addressed physical seizures of land, but regulations that deprive landowners of certain property rights may also result in a taking in special circumstances. Courts decide whether a particular government action constitutes a taking.

### TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM

A program that allows landowners to transfer the right to develop one parcel of land to a different parcel of land to prevent farmland conversion. TDR programs establish "sending areas" where land is to be protected by agricultural conservation easements and "receiving areas" where land may be developed at a higher density than would otherwise be allowed by local

zoning. Landowners in the sending area sell development rights to landowners in the receiving area, generally through the private market. When the development rights are sold on a parcel, a conservation easement is recorded and enforced by the local government. In some cases, the local government may establish a "TDR bank" to buy and sell development rights. The development rights created by TDR programs are referred to as transferable development rights (TDRs) or transferable development credits (TDCs).

### UPZONING

A change in the zoning for a particular area that results in higher residential densities. For example, a change from a zoning ordinance that requires 100 acres per dwelling to an ordinance that requires 25 acres per dwelling is an upzoning.

### URBAN GROWTH BOUNDARY

A theoretical line drawn around a community that defines an area to accommodate anticipated growth for a given period of time, generally 20 years. Urban growth boundaries are a growth management technique designed to prevent sprawl. They are often used to guide decisions on infrastructure development, such as the construction of roads and the extension of municipal water and sewer services.