

# MARICOPA COUNTY FOOD SYSTEM NATIONAL BEST PRACTICES: POLICIES & REGULATIONS

## FARMLAND PRESERVATION TOOLS

A Report by the Maricopa  
County Food System  
Coalition (MarCo)  
Volume II of III  
Public Policy Project Report



**MarCo Policy Work Group**

**2021**

## Table of Contents

Preservation Tools Available in Arizona.....	4
A. Easements.....	4
How Easements Work.....	4
Conservation Easements.....	4
Affirmative Agriculture Easements .....	4
Conservation Easement Holder .....	5
Sale, Donation, And Bargain Sale.....	5
The Conservation Easement Deed.....	6
Impact on Future Landowners.....	6
Impact on The Value of The Land .....	6
What About A Mortgage?.....	7
B. Options to Purchase at Agriculture Value (OPAV).....	7
The OPAV Deed.....	8
Impact on Future Landowners.....	8
Impact on The Value of Land .....	8
Impact on Transfer of Property .....	9
C. Land Ownership and Ag Leasing .....	9
Government Programs Available in Arizona.....	9
A. Tax Savings through Differential Assessment (Current Use Programs).....	9
Arizona Current Use Tax Program.....	10
How Does Differential Assessment Work? .....	10
Impact on Future Landowners.....	11
Impact on The Value of Land .....	11
Enrolling Leased Land .....	11
Violating or Ending A Program.....	12
B. Arizona State Trust Lands Conservation Programs.....	12
Conservation Easements/Sale of Development Rights.....	12
Conservation Classification .....	12
Urban State Trust Land Use Plans.....	12
AZ Heritage Agriculture Designation.....	12
C. Federal Farm Programs.....	12

Agricultural Conservation Easement Program (ACEP)* .....	13
Benefits .....	13
Purchase of Agriculture Conservation Easement Program (PACE) .....	13
Agricultural Land Easements.....	13
Who Is Eligible.....	13
How to Apply.....	14
MIXED TOOL STRATEGIES – NON ARIZONA TOOLS .....	14
A. Bargain Sales* .....	14
B. Agricultural or Conservation Leases* .....	14
C. Farm Link Programs* .....	15
D. Other Farmer Assistance Programs .....	15
Ranchland Succession Program .....	15
The Columbia Land Conservancy (CLC ) New York Farmer Landowner Match Program.....	15
Maine Farmland Trust (MFT) .....	16
Peconic Land Trust Farms for the Future Initiative.....	16
PCC Farmland Trust.....	17
Farmland Preservation Case Studies .....	18
Arizona Land & Water Trust: Land Preservation Examples .....	18
Center for Agriculture & Food Systems: Farmer Stories.....	19
State Farmland Preservation Programs .....	20
Municipal & County Farmland Preservation Programs .....	20
Land Conservation, Amherst, Massachusetts.....	20
Dartmouth Natural Resources Trust, Dartmouth, Massachusetts .....	20
Town of Dartmouth Open Space And Protected Lands Categorized By Type Of Protection .....	21
Community Preservation Act, Somerville, Massachusetts .....	21
Agricultural Land Preservation, Montgomery County, Maryland .....	21
Succession Planning .....	22
California FarmLink: Preserving Farmland Through Thoughtful Succession Planning.....	22
KEY PROGRAMS .....	23
Farmland Preservation Resources .....	29
Farmland Preservation Toolkit Reference Lists .....	30
USDA National Agricultural Library .....	30

The National Agricultural Library (NAL) is one of five national libraries of the United States. It houses one of the world's largest collections devoted to agriculture and its related sciences. .... 30

Farmland Information Center ..... 30

Farmland Access Legal Toolkit ..... 30

American Farmland Trust..... 30

American Planning Association (APA)..... 30

APA is a national organization for professional planners, appointed and elected officials. The APA resource list is the most useful and complete for identifying farmland preservation tools. The complete list of references have been included to facilitate the identification of those references. .... 30

APA Resources ..... 31

    Threats to Farmland..... 31

    Farmland Protections..... 31

Background Resources..... 32

## Preservation Tools Available in Arizona

A compilation of information from the AZ Revised Statutes, the farmlandaccess.org website, an article from Saving Land Magazine, the nrcs.usda.gov website, and Arizona's 2012 Agricultural Property Manual.

### A. Easements

#### How Easements Work

Property rights can be thought of as a "bundle of sticks." A landowner can hold all the sticks in the bundle or transfer some of those sticks to others. Some of these rights include:

- the right to build homes and other structures,
- the right to minerals,
- the right of access,
- the right to timber,
- the right to exclude others from the property,
- the right to rent or sell the property,
- the right to subdivide the property, and
- the right to restrict use the land in certain ways.

An easement takes several of the sticks in the bundle and transfers them to the buyer/holder. After a conservation easement is in place, the landowner still has many of the sticks, such as the right to farm, and the conservation easement holder has other sticks, such as the right to limit commercial development in favor of conservation.

#### Conservation Easements

A conservation easement is a voluntary legal agreement that restricts the development of land to fulfill conservation values. A conservation easement happens when the landowner sells or donates the conservation easement to a land trust or government agency. For a landowner to qualify for a federal tax benefit associated with a donated conservation easement, the easement must be permanent (also called a "perpetual conservation easement"). If an easement is permanent, the conservation easement restrictions stay in place even after the land is sold. Many land trusts require conservation easements to be permanent.

Conservation easements are used to protect a variety of conservation values, including wildlife habitat, open space, agriculture, recreation, historic preservation, and public education. In Arizona, preserving open space, including farmland, by conservation easement, requires the open space be for the public scenic enjoyment or pursuant to a clearly delineated government policy.

Once land has a conservation easement, the land value is usually lowered because it is no longer available for development. This decreased value can make the land more affordable for buyers, including farmers who may want to purchase the land.

#### Affirmative Agriculture Easements

Under a conservation easement, the land does not have to be used for agriculture but cannot be used in a manner that would preclude future agricultural use. An Affirmative Agriculture Easement goes a step further and limits the land to only agricultural use.

In rare circumstances, affirmative agricultural easements are not permanent and have some sort of expiration. This could be a term of years, or it could be connected with a certain farmer's lifetime or use of the farmland. Because temporary affirmative agricultural easements are so rare, these materials assume that affirmative agricultural easements are permanent.

### **Conservation Easement Holder**

To sell or donate a conservation easement, farmers need to find an organization willing to own the conservation easement. Owning a conservation easement is usually referred to as "holding" it and the owner is usually called the "holder." Usually, a conservation easement holder is a land trust or a government agency.

Funding to acquire conservation easements is limited. As a result, many sales are bargain sales, which stretch a holder's limited conservation dollars further. The holder of the easement is responsible for monitoring and enforcing the terms of the easement, which, in general, is in perpetuity or forever. Consequently, the organization agreeing to hold the easement needs to have the capacity to monitor land under easement and to enforce the terms of the easement going forward.

In Arizona, a conservation easement can include third party right of enforcement by any government body, charitable corporation, or charitable trust that is eligible to be the easement holder but is not. However, any 3<sup>rd</sup> party right of enforcement must be specified in the easement and is generally nontransferable.

Once a conservation easement is in place, the holder and/or 3<sup>rd</sup> party with right of enforcement will check in periodically to make sure the terms of the conservation easement are being followed. This is called "stewardship." When a property is sold, the easement holder will usually introduce themselves to the new owner and make sure the new owner is up to speed regarding the conservation easement. The conservation easement holder and the landowner will have an ongoing relationship and must work together in many ways.

### **Sale, Donation, And Bargain Sale**

In the case of selling a conservation easement, the landowner would receive a cash payment. This is just like selling a house in that there's a purchase price, and the buyer pays the seller the purchase price. In the case of donating a conservation easement, the landowner does not receive any cash, but may receive important tax benefits.

Sometimes, selling the conservation easement at its full value is too expensive for the buyer (usually a land trust or government agency). Other times, the seller may need both cash and donation-linked tax benefits. In those cases, the conservation easement can be sold as a "bargain sale." This means the landowner gets less cash than if it was a full value sale, and a lower tax benefit than if it was a full donation. Still, the landowner gets some cash and some tax benefit. When this occurs, the landowner may qualify for federal and/or state tax breaks for the portion of the land value that was "donated" (equal to the difference between the value of the conservation easement and the actual sale price).

For example, if the value of a conservation easement was \$200,000, a bargain sale could involve 1) a cash payment to the landowner of \$100,000 and 2) the landowner donating the other \$100,000 and getting tax benefits for the donated portion of land.

## The Conservation Easement Deed

Because conservation easements limit the landowner's use of the property and give the conservation easement holder certain rights, it is very important to specifically describe who can do what, and under what circumstances. Also, because a conservation easement is a property right, it is transferred from the landowner to the conservation easement holder through a written deed, typically called a Conservation Easement Deed. The deed is then recorded publicly within the land records. In Arizona, failure to record the easement means there is no easement.

Conservation easement deeds are a very big deal. They can be between five and fifty pages long, and usually take months or even a couple of years to negotiate. Frequently, the landowner and the conservation easement holder go back and forth many times giving each other revised drafts. Usually, a lawyer will be involved on behalf of the landowner and another lawyer involved on behalf of the conservation easement holder.

## Impact on Future Landowners

Once everyone has signed the conservation easement and it has been recorded within the land records, it is binding on all current and future landowners. This includes anyone who may use the land. As lawyers say, conservation easements "run with the land" – meaning they become a part of the chain of title and stay in effect even after ownership of the land changes. A new farmer buying land with a conservation easement is bound by the terms of the conservation easement. The new farmer is not allowed to negotiate new terms with the conservation easement holder.

## Impact on The Value of The Land

Conservation easements restrict a landowner's development rights and in turn lower the property's fair market value. This should have the effect of making that land more affordable for future landowners.

The value of a conservation easement is determined by a qualified appraiser. The appraiser determines the value of the land before the conservation easement and subtracts the value of the land after the conservation easement to determine at the value of the conservation easement. For example:

## How Much Is A Conservation Easement Worth?



When granting a conservation easement, landowners are essentially receiving a portion of the fair market value of their land, either through payment for the conservation easement by the easement holder (a land trust or government agency) or through tax benefits from the donation of the easement.

Because a conservation easement generally lowers the property's fair market value, farm-seekers should be able to purchase conserved land at a lower price. Or, farm-seekers looking to buy unconserved land may have a unique opportunity to purchase the land and simultaneously sell a conservation easement. If a farm-seeker is unable to afford farmland or is interested in lowering the purchase price, the farm-seeker could look for an organization such as a land trust willing to buy a conservation easement on the property at the same time the farmer purchases the land. This way, the easement holder pays for the value of the conservation easement and the new farmer pays for the value of the land without the development rights. This sort of arrangement is known as a "conservation buyer transaction." It is important to note that conservation buyer transactions are not commonplace because they require the right circumstances—availability of land, seller, buyer, funding, and an easement holder as well as closely coordinated land transactions.

Farm-seekers considering buying conserved land (or buying land and restricting the land with a conservation easement) should also consider that if they later choose to sell the land, they will generally receive the reduced value of the land. However, sometimes land continues to appreciate (increase in value) even with conservation easement restrictions, or a subsequent buyer is willing to pay more than the market value of the land despite it being encumbered by a conservation easement. Consequently, farmers placing their land under conservation easement might also want to consider granting the easement holder an option to purchase at agricultural value, or OPAV, discussed later. OPAVs were developed to encourage that farmland be farmed by restricting certain sales.

### **What About A Mortgage?**

If a farm has a mortgage (as many do), it is still possible to do a conservation easement. It does, however, add some extra steps. Typically, both a conservation easement holder and a mortgage company will want to be in first position, meaning they will get paid out first in the event of a foreclosure or other default or loss. It is possible that the mortgage company would not allow a conservation easement. This is especially likely if the proceeds from the sale of the conservation easement would not be enough to completely pay off the mortgage. If there is a mortgage, contact your bank or mortgage company to discuss. Sometimes, someone from the land trust or the government agency who would hold the conservation easement can assist in this conversation. If you have a lawyer, they can also assist you.

## **B. Options to Purchase at Agriculture Value (OPAV)**

An OPAV (Option to Purchase at Agricultural Value) is a voluntary legal agreement that restricts the sale of land to only certain farmers or to family members and restricts the sale price to agricultural value (versus the higher fair market value). An OPAV is placed when the landowner sells or donates an OPAV to a land trust or government agency. Once land has an OPAV, its value is usually lowered because the land is no longer able to be sold to all willing buyers and must be sold for agricultural value. This decreased value can make land with an OPAV more affordable for buyers, including farmers who may want to purchase the land.

Frequently, OPAVs are used with or can even be part of a conservation easement. For properties that already have a conservation easement, an OPAV can be added later. No matter the timing, a landowner of a property with both a conservation easement and an OPAV must abide by all restrictions of each. In these cases, OPAVs provide an extra layer of farmland preservation protection by explicitly stipulating that the land must be kept in agricultural use or sold to a working farmer.



## **The OPAV Deed**

Because OPAVs limit a landowner's use of a property and give an OPAV holder certain rights, it is very important to specifically describe who can do what and under what circumstances. And because an OPAV is a property right, it is transferred from the landowner to the OPAV holder through a written deed, typically called an Option to Purchase at Agricultural Value, that is then recorded publicly within the land records.

OPAV deeds are a very big deal. They can be very long and can take months, or even a couple of years, to negotiate. Frequently, the landowner and the OPAV holder go back and forth many times giving each other revised drafts. Usually, a lawyer will be involved on behalf of the landowner and another lawyer involved on behalf of the OPAV holder.

## **Impact on Future Landowners**

Once everyone has signed the OPAV, and it has been recorded within the land records, it is binding on all current and future landowners, including anyone who may use the land. OPAVs "run with the land" – meaning they become a part of the chain of title and stay in effect even after ownership of the land changes. A new farmer buying land with an OPAV is bound by the OPAV. The new farmer is not allowed to negotiate new terms with the OPAV holder. So, a farmer buying land with an OPAV should closely examine the OPAV deed to make sure they understand its limits and will be able to comply with them without undue economic harm.

While being required to transfer to a family member or qualified farmer can help keep land both affordable and in agricultural use, it can also make for a lengthy transfer process. Before a farm-seeker is able to acquire land restricted by an OPAV, they must determine whether they meet the OPAV criteria, i.e., whether they are considered a qualified farmer or family member. A farm-seeker should work with the current landowner and OPAV holder to figure this out. The OPAV should thoroughly define the requirements. If there is any confusion, the landowner or farmer should review the document with the OPAV holder. If the farm-seeker does not meet the definition of a qualified farmer or family member, it is possible for the OPAV holder to waive its option. However, the farm-seeker must gain such approval from the holder.

This collaboration among landowner, farm-seeker, and OPAV holder typically has two major phases. First, an informal phase takes place where the concepts are explored and preliminary, non-binding, next steps are mapped out. Second, the process moves to the formal stage, typically involving legal counsel and/or other professionals, to undertake the required steps according to the terms of the OPAV.

Once a farm transfer has successfully occurred, the new landowner is required to follow the terms of the OPAV and any other agreements in place.

## **Impact on The Value of Land**

When done correctly, selling an OPAV is a great way to all but guarantee that your land stays in agricultural use and is affordable for farmers, while still ensuring that the landowner eventually receives as much value as possible for the land during sale.

Generally, a property's value is based on its "highest and best use," which is typically residential or commercial development. However, by ensuring land is either sold to family or farmers, OPAVs limit a landowner's right to sell for development. If a landowner attempts to sell land for development, the OPAV holder has the option to purchase the land at its agricultural value instead. The agricultural value is the price that a farmer would pay for the land to use it for agriculture. Because the agricultural value

of a property is often far lower than the market value for development, an OPAV lowers the value of the land and makes the property more affordable to farm-seekers.

There is no established rule of thumb for the value of OPAVs. In some cases, OPAVs can sell for up to 70 percent of a property's fair market value. But, if development pressure in an area is so low that the fair market value is the agricultural value, an OPAV may not be very useful outside of ensuring farmer-to-farmer sales.

The value of an OPAV can vary widely depending on various circumstances, including the surrounding land use, the economic means of local farmers, and the desirability of the land for farming. It could be a very small percentage of the fair market value or a very large percentage of the fair market value. The value of an OPAV is determined by a qualified appraiser. The appraiser determines the value of the land before the OPAV and subtracts the value of the land after the OPAV to determine the value of the OPAV.

### **Impact on Transfer of Property**

While being required to transfer to a family member or qualified farmer can help keep land both affordable and in agricultural use, it can also make for a lengthy transfer process. This collaboration among landowner, farm-seeker, and OPAV holder typically has two major phases. First, an informal phase takes place where the concepts are explored and preliminary, non-binding, next steps are mapped out. Second, the process moves to the formal stage, typically involving legal counsel and/or other professionals, to undertake the required steps according to the terms of the OPAV. Once a farm transfer has successfully occurred, the new landowner is required to follow the terms of the OPAV and any other agreements in place.

As with an easement, OPAVs may not be possible with a mortgaged property.

## **C. Land Ownership and Ag Leasing**

Any landowner, including a government agency or land trust can restrict its leases to agricultural use. This maintains the full bundle of sticks of property rights in one holder but keeps agriculture as the use. This is not a commonly used method of land preservation without the combination of easements and/or OPAV restrictions. While it does allow the property to be sold for full value later, if needed or desired, it also means the agricultural use is at the owner's will at the end of the lease (or in the case of a breached lease). It has been shown to be an inferior method of preservation due to the ability of the land to be sold to developers, the potential to pay higher taxes on the land, and the lack of liquidity of an entity's assets when tied up in full market value land. However, in combination with other tools, it can be very beneficial as a temporary land management option or to lease to new farmers in an incubator program. See the section on mixed tool strategies for more ways this can work in conjunction with other tools for a more holistic agricultural preservation approach.

## **Government Programs Available in Arizona**

### **A. Tax Savings through Differential Assessment (Current Use Programs)**

Differential assessment or current use programs help owners of farmland and other open spaces pay lower property taxes.

Property is generally taxed by various levels of government (municipal, county, and state). Generally, the more valuable the property, the higher the property tax. Value is typically assessed by the government based on the idea of "highest and best use," meaning the use that would make the land the

most valuable. Typically, “highest and best use” is deemed to be commercial or residential development. It’s usually not agricultural use.

Agricultural operations can span many acres, which would make property taxes on farmland very expensive if it were taxed at its “highest and best use.” If left unchecked, property taxes on farmland could be far too high for farms to be economically viable. To address this problem and make owning farmland more affordable, governments have policies to lower the property taxes of farmland and other open spaces. These programs go by different names, with “differential assessment” and “current use” being the most common descriptions.

Differential assessment programs are state property tax programs designed to help encourage the economic viability of agriculture through property tax relief. These programs take into account farmers’ “current use” of the land for agricultural purposes and generally direct local governments to assess and tax agricultural land at its value for agriculture. The agricultural value is typically lower, sometimes much lower, than full fair market value. Differential assessment and current use programs are intended to help farmers stay in business by reducing their property taxes. This in turn protects farmland by easing the financial pressures that force some farmers to sell their land for development.

## **Arizona Current Use Tax Program**

### **How Does Differential Assessment Work?**

Current use tax rates account for the fact that farmland usually is less costly for the government than residential or commercial properties because farms typically do not need as many services. This is true even though farms are necessarily bigger than most other types of properties. As a result, in many cases, taxing farms at the same rate as all other landowners would have a disproportionate negative effect on farms. In this way, differential assessment and current use helps encourage the preservation of farmland.

When farmland is assessed based on its agricultural use instead of its full fair market value, the landowner generally pays less in property taxes. In exchange for the tax reduction, differential assessment programs generally require the landowner to agree to keep the land in agricultural use.

According to the Arizona Agricultural Property Manual, qualified agricultural property is real property which meets one or more of the criteria specified in A.R.S. § 42-12151. Agricultural land must currently be in use to produce crops or livestock or must be devoted to a high-density use in producing commodities or must be used in the processing of various specified commodities. The land must also meet the following criteria, which are fully specified in A.R.S. § 42-12152:

1. Its primary use is a qualifying agricultural use and the land must have been in active production for at least three of the past five years prior to application. An agricultural operation on land which has not been used for agricultural purposes for three of the past five years may not qualify, even though its current use is agricultural. Such land may qualify for agricultural use classification status after three years of active production if it meets all the other criteria. Qualified land may have been inactive due to several acceptable reasons pursuant to A.R.S. § 42-12152, or it may be a "nonconforming" property according to A.R.S. § 42-12154. See Additional Considerations, page 2.9.
2. Any noncontiguous parcels must be managed and operated on a unitary basis along with the rest of the overall agricultural operation, with each parcel making a functional contribution to the whole agricultural operation.

3. There must be a reasonable expectation of the agricultural operation generating an operating profit, exclusive of land cost, from the agricultural use of the property. Some of the considerations for a "reasonable expectation of operating profit" (also called "economic feasibility") as provided in A.R.S. § 42-12152, are listed below:

- Is the agricultural activity conducted in a businesslike manner?
- How much time and effort is being expended in carrying on the agricultural activity?
- Do those involved have prior success in other similar agricultural activities?
- What is the history of operating profits or losses for this agricultural activity?
- What amount of operating profit, if any, has been earned?
- Are the agricultural activities engaged in for personal pleasure or recreation, (i.e, is it a hobby farm?).

Questions like these emphasize that the County Assessor must look at all aspects of any agricultural operation for economic feasibility, especially when making the initial determination of whether or not to approve an agricultural classification application and to apply the statutory income capitalization valuation procedure to value the land.

The types of use that can qualify are quite broad and include hydroponics, aquaculture, bee keeping, equine rescue and breeding or boarding, and basically growing any plants for commercial use, or raising any animal for meat or animal product sales. However, the requirements that the land have been in production for three of the past five years, and that there be a reasonable expectation of it generating a profit, are significant barriers to entry for new farmers and new agricultural land.

#### **Impact on Future Landowners**

Differential assessment relates to property taxes, while easements and OPAVs relate to limiting use of property to further conservation or farmland preservation values. Additionally, differential assessment is generally more temporary in nature while easement and OPAV tools are generally more permanent in nature. Future landowners can usually continue differential assessment programs after they have purchased a farm, but they are not required to do so.

If the ownership of a property with an agricultural classification changes, the new owner or the owner's agent must file a new Agricultural Land Use Application form within sixty days of the sale date in order to maintain the agricultural use status on the land. A.R.S. § 42-12153(B).

New landowners are not required to remain in differential assessment programs. However, the new owner will lose the discounted tax rate and instead will be taxed at the regular (higher) tax rate.

#### **Impact on The Value of Land**

Although differential assessment allows farmland to be taxed at only its (lower) agricultural value, it does not directly affect the sale price of the land. If a landowner chooses to transfer or sell their enrolled land, the land is generally priced at its full fair market value.

#### **Enrolling Leased Land**

A farmer leasing farmland has the unique opportunity to leverage a differential assessment program during rent negotiations. Specifically, in exchange for lower rent, a farmer could agree to work the land in a way that allows the landowner to enroll in the program and receive decreased property tax payments. The landowner benefits by lowering tax payments and the tenant farmer benefits by lowering rent payments.

### **Violating or Ending A Program**

Pursuant to A.R.S. § 42-12156, "If all or part of the property ceases to qualify as agricultural property under this article [Article 4, Agricultural Classification], the person who owns the property at the time of change shall notify the Assessor within sixty days after the change." If a landowner fails to notify of a change in use, penalties do apply.

### **B. Arizona State Trust Lands Conservation Programs**

Arizona's State Trust Lands provide a unique preservation opportunity. Arizona has declared conservation as a policy of in Title 37, which is the Trust Lands Title of the Arizona Revised Statutes. Specifically, Declaration of Policy 37-1001 states land and resource conservation as a policy of the state. Thus, wherever State Trust Lands are involved the following options should be considered.

#### **Conservation Easements/Sale of Development Rights**

State Trust Lands can have conservation easements (sale of development rights) as long as the land still maintains long-term income potential.

This likely would only happen on a parcel that has been classified as trust land suitable for conservation purposes because those lands have a "conservation covenant" requiring conservation of some resource or public value (e.g. open space, agricultural heritage, etc). Without the sale of the development rights, the land can be sold with the covenant intact for the full market value, even though development that inhibited conservation of the resource named in the covenant would not be possible. Thus, the state would want to sell the development right if they planned to sell the land and keep the conservation covenant.

#### **Conservation Classification**

Conservation classification bars the use of the land in any manner that would prohibit conservation of the resource specified in the classification. A sale or lease in progress when a parcel is nominated for conservation classification may be halted if it would remove or diminish the resources to be conserved. Most anyone seems to be able to nominate land for classification. The City of Phoenix could nominate a parcel of land if it is within 3 miles of the city border.

#### **Urban State Trust Land Use Plans**

A conceptual land use plan must be created for all urban state trust land with consultation from a city in which the land is located.

#### **AZ Heritage Agriculture Designation**

This designation is honorary only. It does not protect the land nor does it reduce the rights to change to non agricultural use.

### **C. Federal Farm Programs**

There are many federal government programs offering financial and technical assistance to farmers, and many of these are available to encourage beginning farmers and sustainable practices. These federal government programs can help farmers address land access issues in a variety of ways. The United States Department of Agriculture (USDA) is the main provider of financial and technical assistance to farmers.

The USDA Farm Services Agency (FSA) and the USDA Natural Resources Conservation Service (NRCS) are the key agencies under the USDA that provide farmers with technical and financial assistance via farm programs. Financial resources available to farmers who meet a farm program's eligibility requirements include loans, cost share to install conservation practices, and rental or other type of direct payments to protect natural resources on agricultural, farm, and forest land.

### **Agricultural Conservation Easement Program (ACEP)\***

Under the ACEP component, NRCS helps American Indian tribes, state and local governments and nongovernmental organizations protect working agricultural lands and limit non-agricultural uses of the land.

#### **Benefits**

Agricultural Land Easements protect the long-term viability of the nation's food supply by preventing conversion of productive working lands to non-agricultural uses. Land protected by agricultural land easements provides additional public benefits, including environmental quality, historic preservation, wildlife habitat and protection of open space.

### **Purchase of Agriculture Conservation Easement Program (PACE)**

A PACE program, sometimes referred to as a purchase of development rights program, is a voluntary farmland protection program that compensates landowners for voluntarily limiting future development of their land for non-agricultural uses. PACE programs, which are generally operated by Federal, State, and local governments or non-governmental organizations, enable landowners to sell development rights on their land to a government agency or non-governmental organization, such as a land trust, while retaining full ownership.

### **Agricultural Land Easements**

NRCS provides financial assistance to eligible partners for purchasing Agricultural Land Easements that protect the agricultural use and conservation values of eligible land. In the case of working farms, the program helps farmers and ranchers keep their land in agriculture. The program also protects grazing uses and related conservation values by conserving grassland, including rangeland, pastureland and shrubland. Eligible partners include American Indian tribes, state and local governments and non-governmental organizations that have farmland, rangeland or grassland protection programs.

Under the Agricultural Land Easement component, NRCS may contribute up to 50 percent of the fair market value of the agricultural land easement. Where NRCS determines that grasslands of special environmental significance will be protected, NRCS may contribute up to 75 percent of the fair market value of the agricultural land easement.

#### **Who Is Eligible**

Land eligible for agricultural easements includes cropland, rangeland, grassland, pastureland and nonindustrial private forest land. NRCS will prioritize applications that protect agricultural uses and related conservation values of the land and those that maximize the protection of contiguous acres devoted to agricultural use.

## **How to Apply**

To enroll land through agricultural land easements, eligible partners may submit proposals to the NRCS state office to acquire conservation easements on eligible land.

## **MIXED TOOL STRATEGIES – NON ARIZONA TOOLS**

Most land trusts that work to conserve agricultural lands do so through accepting agricultural conservation easements from landowners who choose to conserve their farms and ranches. In addition, some land trusts lease land they own to farmers or ranchers for agricultural production.

According to a recent American Farmland Trust report, many provide assistance with farm succession planning; some buy land, protect it with an easement and sell it to farmers or ranchers; others provide technical assistance to those looking for agricultural land; and some maintain a list of farm seekers or farms for sale.

Using conservation easements to require that land remains in agricultural production raises other issues, including those related to how those restrictions can be monitored and enforced over time. Other considerations include the advisability of requiring the perpetual operation of a business that could potentially fail in the future, how to address an owner's inability to continue to work his or her land and how to handle changes in land ownership. Reserving a right to purchase the land at its agricultural value under certain conditions means the land trust may have to raise significant funds quickly. Despite these hurdles, several land trusts across the country are thinking beyond traditional agricultural easements and taking additional steps to keep land in production by keeping people in agriculture.

### **A. Bargain Sales\***

Cost related challenges are often overcome through the use of Bargain Sales. In the case of selling a conservation easement, the landowner would receive a cash payment. This is just like selling a house in that there's a purchase price, and the buyer pays the seller the purchase price. In the case of donating a conservation easement, the landowner does not receive any cash, but may receive important tax benefits.

A bargain sale is a partial donation and partial sale, reducing the cost and allowing for some tax benefits. The landowner may qualify for federal and/or state tax breaks for the portion of the land value that was "donated" (equal to the difference between the value of the conservation easement and the actual sale price). Alternatively, they may sell an OPAV and donate an easement to realize the full tax benefit while receiving some cash, as well.

### **B. Agricultural or Conservation Leases\***

Any landowner, including a government agency or land trust can restrict its leases to agricultural use. This maintains the full bundle of sticks of property rights in one holder but keeps agriculture as the use. While it does allow the property to be sold for full value later, if needed or desired, it also means the agricultural use is at the owner's will at the end of the lease (or in the case of a breached lease).

However, in combination with other tools, it can be very beneficial as a temporary land management option or to lease to new farmers in an incubator program. The Wyoming Stock Growers Land Trust uses conservation leases in combination with other tools, in its Ranchland Succession Program. The Peconic

Land Trust runs a Farm Incubator Program in which new farmers are leased farmland for five years to gain experience, as long as they agree to only use sustainable practices. The PCC Farmland Trust will buy farmland and lease it to an otherwise qualified farmer when the farmer is unable to secure financing on their own.

### **C. Farm Link Programs\***

Many land trusts and agricultural organizations run some type of farm link program to assist in conserving farmland. These programs can work for both leasing and purchasing of farmland. The Columbia Land Conservancy's New York Farmer Landowner Match Program, for example, specifically matches landowners interested in leasing their land with farmers looking to lease agricultural land. Volunteers assess the land's suitability for use and mentor the farmers.

Land trusts often include a conservation easement and/or OPAV when they assist with farmland purchases. For instance, the Maine Farmland Trust purchases land from retiring farmers or other landowners selling high-quality agricultural land. They then place an affirmative agriculture easement and sometimes an OPAV on it before selling it to an interested farmer at its agricultural value. Peconic Land Trust has done similar deals with conservation easements. While PCC Farmland Trust typically avoids buying the entire property but raises money to buy conservation easements (which require organic practices) and helps sellers locate qualified farmers to buy the restricted property.

### **D. Other Farmer Assistance Programs**

Several land trusts have found that additional creative means of assistance are needed to reduce the barriers to entry for new farmers. For example, The Ranchland Succession Program connects allied professionals (accountants, lawyers, estate planners) to new farmers. Maine Farmland Trust's Farm Viability Program helps farmers with agricultural resources, business planning, marketing strategies and purchasing shared equipment. They are also considering development of a food hub, commercial kitchen, and packaging plant for shared use by small and/or new farmers. Peconic also offers new farmers shared barn and greenhouse space when possible. Future services to participants in the program may include assistance with business planning and marketing.

#### **Ranchland Succession Program**

A year-long feasibility study concluded that it could use a number of tools — ranging from traditional agricultural loans to special programs for young and beginning producers to conservation easements, mitigation funds and conservation leases — in packages appropriate to specific projects and the needs of both retiring and aspiring ranchers. Another component of the Ranchland Succession Program will be to ensure that planned gifts of working agricultural lands end up in the hands of young agricultural producers. The Ranchland Succession Program will also reach out to allied professionals — accountants, attorneys and estate planners who advise families on their plans for the future — in order to assist in passing operations on to a new generation of producers.

#### **The Columbia Land Conservancy (CLC ) New York Farmer Landowner Match Program**

By matching farmers with landowners who own land suitable for agriculture and who wish to see it remain in productive use, CLC believes it "is encouraging uses of the land that are both economically viable and consistent with our mission and conservation objectives." "The continuation of farming may not prevent development for perpetuity, but it does prevent conversion of the land to uses other than agriculture for the foreseeable future." Farmer volunteers meet with landowners who wish to lease



their land for farming to assess the land's suitability for different types of agriculture. They also meet with farmers looking for land to lease and act as mentors during these transactions. An added benefit of the match program is that it deepens CLC's ties with the agricultural community.

### **Maine Farmland Trust (MFT)**

MFT holds agricultural conservation easements that include an affirmative obligation requiring the landowner to keep the land open and available for agriculture and that allows the land trust to keep the fields open, if necessary, although MFT has not had to exercise this right. MFT works to connect farmers seeking farmland with retiring farmers and other owners who wish to see their lands remain in agriculture through its Maine FarmLink program. MFT purchases high-quality agricultural lands, generally 500 acres or more, places an agricultural conservation easement on the property and then resells it at its appraised agricultural value to a qualified farmer. , the organization tries to sell that conservation easement to reduce the land's eventual cost to the incoming farmer; however, even in these cases, the land trust raises money to cover the loss it generally takes on the resale of the land.

Because of the time and expense, as well as the vulnerability of any particular farm in the program, MFT sometimes includes an OPAV, in the form of a right of first refusal in the contract, enabling MFT to repurchase the farm at its appraised agricultural value if the owner is unable to find a qualified farmer when he or she decides to sell. The land trust has not yet exercised this right, but believes it is an important fail-safe clause to ensure that these lands stay in production and to protect MFT's investment in the projects.

MFT's Farm Viability Program helps farmers with agricultural resources, business planning, marketing strategies and purchasing shared equipment (to spare small farmers the expense of buying farm machinery). Future aspects of the program may include the development of a food hub, a shared commercial kitchen and a packaging plant — all designed to help small farms efficiently get their products into local markets.

### **Peconic Land Trust Farms for the Future Initiative**

In one complex project, Peconic purchased the productive land with a combination of funds from the sale of the property's development rights to the local municipality, a community fundraising effort and the sale of asset property. Sufficient funds were raised to enable Peconic to resell the protected farmland to a qualified farmer at a discounted value (approximately 25% of fair market value) due to additional overlay restrictions held by Peconic to ensure that the land will be accessible and affordable for food-production farmers in the future. Such overlay restrictions include:

- prohibitions on equestrian use,
- a requirement that at least 60% of the land be used for the production of food,
- an option retained by Peconic to lease the land to another qualified farmer if the land lies fallow for some specified amount of time
- a requirement that limits the resale of the land to the discounted purchase price plus an increase based on the Consumer Price Index, as well as the value of any permissible agricultural improvements.

In addition, Peconic retains the right to approve buyers based on their qualifications as farmers and serves as the buyer of last resort if there is no eligible purchaser for the land. In a recently donated easement, Peconic incorporated similar restrictions at the landowner's request and hopes to do more of

these transactions with other landowners committed to seeing their land remain in agricultural production.

Another aspect of Peconic's Farms for the Future Initiative is the Farm Incubator Program. The land trust typically leases farmland to qualified new farmers for five years, after which it helps them find land to purchase or lease elsewhere on the island. During the lease term, the farmer must agree to use only sustainable farming practices, such as cover cropping and crop rotation. Peconic also offers new farmers shared barn and greenhouse space when possible. Future services to participants in the program may include assistance with business planning and marketing.

### **PCC Farmland Trust**

PCC Farmland Trust requires certified organic farming practices on every parcel of land on which it acquires a conservation easement. The land trust is driven by the need to understand "how a land trust can play a role in keeping a near-urban agricultural economy viable," says its executive director, Rebecca Sadinsky.

The land trust prohibits use of the land for growing fuel, sod or nursery plants and prohibits use of the land as dog kennels, feed lots or equestrian estates in order to affirm working (commercial) food, forage and fiber production.

On occasion, the land trust works with farmers who want to sell their land by raising money to purchase a conservation easement on the land to lower its value, and then locating a qualified farmer to buy the restricted property. In these instances, a farmer can only qualify to buy land when the farmer has a farm plan and financing in place. For those farmers who cannot secure financing, the land trust will sometimes purchase farmland and then lease the land while the farmer builds experience and secures a purchase loan.

Land trusts realize that preserving land for agriculture does not ensure that it will be used to produce food or fiber, and that to do so, land trusts will have to move beyond traditional agricultural conservation easements.

## Farmland Preservation Case Studies

### Arizona Land & Water Trust: Land Preservation Examples

Agricultural Land Easements must be in accordance with the state's natural resource conservation needs.

A partnership between Arizona Land & Water Trust and UofA Cooperative Extension provides ranchers/farmers with information on land protection options, conservation tools, and grant funding opportunities. "One of the most popular workshops is "Estate Planning for Working Landscapes." For many ranching and farming families, passing their land onto heirs and/or permanently protecting their land from encroaching development is a lifelong goal."

Arizona: [Circle Z Ranch](#)

**Ranch Owners:** Rick and Diana Nash

**Method of Access:** Ownership

**Acreage:** 3,200 acres

**Location:** Patagonia, AZ

**Year Founded:** 1976

**Date Protected:** 2013

**Affordability Tools:** Conservation Easement, AZ Land & Water Trust

**Farm Operation:** Agritourism, horse ranch

The oldest continuously operating dude ranch in Arizona, the Trust partnered with the ranch owners to protect 3,200 acres and a 2-mile stretch of Sonoita Creek that flows through the property. The creek includes sections of perennial flow, a critical water resource for the area. The ranch's partnership with the Trust helps to preserve the ranching heritage of the property, which started as a sheep-herding operation in the 1880s and was developed as a dude ranch in the 1920s.

Arizona: [Sandhill Farm](#)

**Farmers:** Blanton and Betty Belk

**Method of Access:** Ownership/easement

**Acreage:** 1000 acres

**Location:** Tombstone, AZ

**Year Founded:** 1999

**Date Protected:**

**Affordability Tools:** U.S Fish and Wildlife North American Wetlands Conservation Act funding, AZ Land & Water Trust

**Farm Operation:** Cattle grazing

In partnership with landowners Blanton and Betty Belk and utilizing U.S. Fish and Wildlife's North American Wetlands Conservation Act funding, the Trust has assisted in permanently protecting Sandhill Farm. The project expands migratory bird preserves in the Sulphur Springs Valley, including the 1,500-acre Whitewater Draw Wildlife Area to the south owned by the Arizona Game and Fish Department, while also protecting the working landscape and cattle grazing on the farm.

## Center for Agriculture & Food Systems: Farmer Stories

*Vermont:* [Elmer Farm](#)

**Farmers:** Spencer and Jennifer Blackwell

**Method of Access:** Ownership

**Acreage:** 89 acres

**Location:** Middlebury, VT

**Year Founded:** 2006

**Affordability Tools:** Conservation easement, **OPAV**, Vermont Land Trust [Land Access Program](#)

**Farm Operation:** Vegetables and grains

*California:* [Say Hay Farm](#)

**Farmers:** Chris Hay

**Method of Access:** Lease

**Acreage:** 50+ acres

**Location:** Esparto, Yolo County, California

**Year Founded:** 2010

**Affordability Tools:** Long-term lease with option to purchase, **long-term lease with right of first refusal**

**Farm Operation:** Organic vegetables, pastured eggs

*Massachusetts:* [Higher Ground Rooftop Farm](#)

**Farmers:** John Stoddard

**Method of Access:** Lease

**Acreage:** 1.3 acres

**Location:** Boston, Massachusetts

**Year Founded:** 2013

**Affordability Tools:** **Urban rooftop farming, lease**, fundraising donations

**Farm Operation:** Produce, herbs

*New Hampshire:* [Wingate Farm](#)

**Farmers:** Oliva Pettengill & Susie Parke-Sutherland

**Method of Access:** Ownership

**Acreage:** 60 acres

**Location:** Hinsdale, NH

**Year Founded:** 2012

**Date Protected:**

**Affordability Tools:** agricultural conservation easement, **OPAV**, land trust, held by Mount Grace Land Conservation Trust, fundraising, USDA Agricultural Land Easements program (ALE), The Russell Foundation, Tortuga Foundation, Bromley Charitable Trust, 1772 Foundation, Winchester & Hinsdale Conservation Commissions, and the New Hampshire Land and Community Heritage Investment Program (LCHIP)

**Farm Operation:** vegetables

## State Farmland Preservation Programs

### Maine Farmland Trust – Farmland Protection

<https://www.maineFarmlandTrust.org/farmland-protection-new/>

Program Areas, <https://www.maineFarmlandTrust.org/program-areas/>

### Spokane Farmland Preservation Working Group

Farmland Access, Farmland Access, Farm Viability

<https://spokaneFarmland.org/>

### Guide to Farmland Preservation, Pennsylvania Department of Agriculture

[https://www.agriculture.pa.gov/Plants\\_Land\\_Water/farmland/Documents/A%20Guide%20to%20Farmland%20Preservation.pdf](https://www.agriculture.pa.gov/Plants_Land_Water/farmland/Documents/A%20Guide%20to%20Farmland%20Preservation.pdf)

### Farm Bill Conservation Programs - 2020 Webinar Recordings

<https://www.landtrustalliance.org/topics/federal-programs/farm-bill-conservation-programs>

## Municipal & County Farmland Preservation Programs

### Land Conservation, Amherst, Massachusetts

<https://www.amherstma.gov/1249/Land-Conservation>

#### Overview

Shortly after acquiring property to protect watershed lands, the Town began its open space and farmland protection efforts with purchases along the Mill River in 1963. Since then, Amherst has amassed 1,965 acres of conservation land, and has been integral to the acquisition of Agricultural Preservation Restrictions on 1,842 acres of farmland on 32 properties and an additional 157 acres protected by Conservation Restrictions.

Amherst has gradually acquired conservation lands that will eventually constitute a system of fully protected blocks of wildlife habitat and green space, with correspondingly high scenic, recreational, and educational value.

(Additional discussion is worth reading)

### Dartmouth Natural Resources Trust, Dartmouth, Massachusetts

<https://dnrt.org/land-conservation/>

DNRT goes to work everyday to preserve and protect Dartmouth's incredible scenic, historic, agricultural, and natural resources.

Our land conservation program focuses on three general techniques to acquire and protect land that has significant conservation value:

1. We work with landowners to acquire – either through donation or purchase – critical conservation lands. These properties become our Reserves.
2. We work with landowners to encourage them to donate conservation restrictions to us and we help guide them through the process.

3. We collaborate with other conservation organizations, state and Federal agencies, and the Town of Dartmouth to preserve land that may ultimately be owned or protected by one of these groups instead of DNRT.

DNRT now owns more than 1,700 acres in over 50 Open Space Reserves, and stewards more than 50 conservation restrictions on another 1,350 acres. Combined with the work we have done in partnership with other conservation organizations, state agencies and the town of Dartmouth, DNRT has worked to protect more than 5,100 acres in Dartmouth since our founding in 1971, making us one of the most successful land trusts in Massachusetts.

### **Town of Dartmouth Open Space And Protected Lands Categorized By Type Of Protection**

[https://www.town.dartmouth.ma.us/sites/g/files/vyhlf466/f/uploads/open\\_space\\_protected\\_lands\\_categorized\\_by\\_type\\_of\\_protection\\_november\\_2014\\_24\\_x\\_51\\_inches\\_april\\_2019.pdf](https://www.town.dartmouth.ma.us/sites/g/files/vyhlf466/f/uploads/open_space_protected_lands_categorized_by_type_of_protection_november_2014_24_x_51_inches_april_2019.pdf)

Map Identifying different land preservation categories.

### **Community Preservation Act, Somerville, Massachusetts**

<https://www.somervillema.gov/departments/community-preservation-act>

The Community Preservation Act (CPA) is a Massachusetts state law (M.G.L. c. 44B) that enables adopting communities to create a dedicated fund for preserving open space and historic resources and expanding community housing and outdoor recreation opportunities. With the passage of the CPA in November 2012, the City of Somerville joined now 176 other communities in the Commonwealth of Massachusetts with a steady funding source dedicated to preserving and improving their character and quality of life. Somerville voters passed the Act by 76%, the second-highest passage rate in CPA history. This achievement has provided Somerville the opportunity to use these resources to become an even more exceptional place to live, work, play, and raise a family. CPA funding comes from residents, through a 1.5% surcharge on local property taxes and a state match.

### **Agricultural Land Preservation, Montgomery County, Maryland**

<https://montgomerycountymd.gov/ag-services/ag-preservation.html>

Today, Montgomery County has preserved more than 70,000 acres of agricultural land. This represents the highest percentage of farmland under agricultural land preservation easements of any county in the nation.

The County's agricultural land preservation goals are:

- To conserve farmland for future food and fiber production.
- To ensure a continued high-quality food supply for our citizens.
- To preserve the agricultural industry and rural communities.

Seven separate agricultural land preservation programs are available. Each program places an easement on the property to prevent future commercial, residential or industrial development of the land. Some programs purchase development rights in exchange for placing an easement on the property while others provide tax benefits for the elimination of development potential.

## Succession Planning

### California FarmLink: Preserving Farmland Through Thoughtful Succession Planning

<https://climatechange.lta.org/case-study/california-farmlink-preserving-farmland-through-thoughtful-succession-planning/>

“California is the most populous state in the US. Land is hard to come by, and is frequently offered at premium prices that limit the number of potential buyers. Small- and mid-scale farmers, especially those just getting started, are thus faced with significant financial barriers to purchasing their own farmland in California. Based on a [survey](#) of 1,000 young and beginning farmers, the [National Young Farmers Coalition](#) reported in 2011, access to land and capital are the most significant challenges faced by farmers interested in establishing their own operation.

[California FarmLink](#) (FarmLink) is working to keep farmland in production and out of development for housing and other industries by strategically responding to these needs. FarmLink began in 1999 as a service provider linking retiring farmers and their land with new and landless farmers. FarmLink’s work has since deepened in the area of increasing access to land and expanded to include access to capital for new and socioeconomically disadvantaged farmers. Today, its mission is to link independent farmers and ranchers to the land and financing they need for a sustainable future.

FarmLink’s [Farm Succession Planning](#) is one of many ways the organization is addressing these needs. Succession planning is vital to retiring farmers, but not limited to farmers transitioning their farms to new owners. FarmLink believes that farmers should ideally consider succession planning from the time they start their farm business, and the organization provides resources and training to help facilitate these endeavors.”

#### Case Study Categories

- [Adaptation](#)
- [Carbon Finance](#)
- [Education and Outreach](#)
- [Mitigation](#)

**Farmland Conservation 2.0: How Land Trusts Can Protect America’s Working Farms:** [Here](#)  
Report describes various themes related to farmland preservation, affordability, threats, etc.

**Suffolk County Purchase of Development Rights Program :** [Here](#)

Purchase of Development Rights Program: “When a farmer agrees to sell the development rights to his/her land to Suffolk County, the farmer retains ownership of the land, but the use of that land is restricted to agricultural uses only”

**Arizona Purchase of Development Rights Statute:** [Here](#)

#### National Agricultural Land Network:

Contact for collaboration to protect Arizona farmland

Contact: Chris Coffin; email: [ccoffin@farmlnad.org](mailto:ccoffin@farmlnad.org) Cell: 1-413-240-4560

<b>KEY PROGRAMS</b>			
<b>LOCATION</b>	<b>FEDERAL/ STATE/LOCAL</b>	<b>POLICY TITLE</b>	<b>DETAILS</b>
Arizona	State	Arizona Conservation Easement Enabling Statutes	Ariz. Rev. Stat. §§ 33-271 to 33-276 (2013).
Arizona	State	Arizona PACE Enabling Statutes	Ariz. Rev. Stat. Ann. §§ 3-3301 to 3-3308 (2013).
Arizona	State	Arizona TDR Enabling Statute	Ariz. Rev. Stat. Ann. § 9-462.01(A)(12) (2005).
Boston	Local	Article 89 in Boston Zoning Laws	Aims to comprehensively reduce zoning barriers to commercial urban agriculture.
California	State	Regional Economies and Equity in Agricultural Lands (REEAL) Act AB986 Proposed	Establishes a program to provide grant funding to eligible conservation entities to protect farmland from development, facilitate sales or long-term leases to farmers of color, and provide assistance for down payment costs and infrastructure improvements
California	State	Urban Agriculture Incentive Zones Act	Gives cities the discretion to pass a tax incentive for urban agriculture
California	State	Sustainable Agricultural Lands Conservation (SALC)	Uses revenue from California Climate Investment Fund to purchase agricultural conservation easements, develop agricultural land strategy plans, and support other mechanisms that result in GHG reductions and a more resilient agricultural sector.



<b>KEY PROGRAMS</b>			
<b>LOCATION</b>	<b>FEDERAL/ STATE/LOCAL</b>	<b>POLICY TITLE</b>	<b>DETAILS</b>
California	State	Farmland Affordability, PACE Bill 352 (2021)	<p>An act to amend Sections 10201 10202 10212 10213 10223 10224 10230 10235 10237 10239 10246 10251 10252 10255 and 10262 of to amend the heading of Division 10.2 (commencing with Section 10200) of to amend the heading of Chapter 2 (commencing with Section 10230) of Division 10.2 of to add Sections 10213.5 10215.3 10215.5 10221.5 10223.5 and 10231.3 of to repeal Sections 10234 and 10244 of and to repeal Chapter 5 (commencing with Section 10270) of Division 10.2 of the Public Resources Code relating to agricultural land.</p> <p>This bill modifies the California Farmland Conservancy Program in the following ways:</p> <p>Provides additional grants for technical assistance and acquisition assistance to eligible entities for the sole purpose of reducing barriers to land access for socially disadvantaged farmers and ranchers. Directs that not less than 25% of the program funds must go to applicants that lease or sell to socially disadvantaged farmers and ranchers.</p> <p>Defines “farmer-purchaser preference” and “option to purchase at agricultural value”. It requires that grants for a fee acquisition include a farmer-purchaser preference in the text of the agricultural conservation easement used to encumber the property. Land in fee acquired using grant funds must either be sold at agricultural value or placed in a long-term affordable lease to a socially disadvantaged farmer or rancher with a productivity provision.</p> <p>Revises the selection criteria for an agricultural conservation easement or fee title acquisition to include whether the proposal reduces barriers to land access for socially disadvantaged farmers and ranchers through ownership or long-term leases.</p> <p>Deletes the provisions relating to the termination of an agricultural conservation easement.</p> <p>Allows the University of California Cooperative Extension and California Native American tribes to participate in the program.</p>
Connecticut	State	Authorizing leasing of state-owned ag land	<p>This law authorizes Connecticut’s Commissioner of Agriculture to make available vacant land owned by the state for gardening and agricultural permits. Permits shall be for a maximum of 10 years. There will be no fee for gardening permits, whereas the fee for an agricultural permit will be set by the Commissioner and shall be awarded based on a competitive bidding process.</p>
District of Columbia	Local/State	2015 D.C. Urban Farming and Food Security Act	<p>Provides property tax reductions on urban land dedicated to farming and opens up leasing opportunities for farmers on publicly-owned urban land.</p>
General	General	Agriculture Conservation Easements	<p>A deed restriction landowners voluntarily place on their property to protect resources such as productive agricultural land, ground and surface water, wildlife habitat, historic sites or scenic views. Used by landowners (“grantors”) to authorize a qualified conservation organization or public agency (“grantee”) to monitor and enforce the restrictions set forth in the agreement.</p>

<b>KEY PROGRAMS</b>			
<b>LOCATION</b>	<b>FEDERAL/ STATE/LOCAL</b>	<b>POLICY TITLE</b>	<b>DETAILS</b>
General	General	Cluster Zoning	Cluster zoning allows or requires houses to be grouped together at densities that exceed the usual requirements. Clustering houses on a small portion of a larger parcel can protect open space. This technique is also called cluster or conservation development. In the context of farmland protection, cluster zoning can allow or require new houses to be sited in wooded areas or on less productive soils while keeping more productive land available for agriculture. However, some question the effectiveness of cluster zoning as a farmland protection tool because the use of remaining open space may be limited. Some communities use this form of zoning between urban and rural areas rather than relying on cluster zoning to keep land available for agriculture.
General	General	Mitigation Ordinances	A handful of communities have used mitigation policies to require developers to offset the impacts of developing farmland. These ordinances require developers to purchase easements to permanently protect an equivalent or greater amount of farmland than they develop.
General	General	Subdivision Ordinances	Subdivision ordinances govern the division of larger parcels of land and give local officials the authority to review and make decisions about proposed subdivisions. In the context of farmland protection, subdivision ordinances can require review of potential impacts on agricultural resources; establish design standards, including setbacks and buffers and clustering of new houses; and authorize local officials to suggest alternatives or mitigation measures or to deny projects based on the impact to agriculture.
General	General	Transfer of Development Rights (TDR)	Transfer of development rights (TDR) programs enable the transfer of development potential from one parcel of land to another. TDR programs are typically established by local zoning ordinances. In the context of farmland protection, TDR is often used to shift development from agricultural land to designated growth zones located closer to municipal services. TDR is also known as transfer of development credits (TDC) and transferable development units (TDU).
General	General	Urban Growth Boundaries	Urban growth boundaries (UGBs) define areas intended to accommodate anticipated growth for a given planning horizon. UGBs are often used to guide decisions about infrastructure development including the construction of roads and extension of water and sewer services. In the context of farmland protection, they separate areas appropriate for future growth from areas intended for agricultural use.
General	General	Agricultural Districts	Agricultural district programs encourage landowners to form special areas to support agriculture. Farmers receive protections and incentives including: limits on annexation, limits on eminent domain, protection from the siting of public facilities and infrastructure, and tax incentives. Less common is requiring district enrollment to participate in state-administered PACE programs
General	General	State Leasing	State leasing programs make state-owned land available to farmers and ranchers for agriculture. Sometimes their

<b>KEY PROGRAMS</b>			
<b>LOCATION</b>	<b>FEDERAL/ STATE/LOCAL</b>	<b>POLICY TITLE</b>	<b>DETAILS</b>
			primary purpose is to make land available for agriculture. More often, agricultural use is secondary to generating income for a public purpose or protecting wildlife habitat. As of 2019, Arizona's State Land Department leases approximately 8,483,000 acres through state grazing leases and the Agricultural Leasing Program.
General	General	Farm Link	Farm Link programs connect land seekers with landowners who want their land to stay in agriculture. Administered by public or private entities, they offer a range of services and resources, from online real estate postings to technical assistance, trainings, and educational resources. AFT only included publicly supported programs.
General	General	Property Tax Relief (PTR)	Property tax relief (PTR) programs reduce property taxes paid on agricultural land. The most common approach is use-value assessment (UVA), which assesses farmland and rangeland at its current use value. Arizona's program does not require verification that land is in active agricultural use in order to be eligible.
National	Federal	Farmland Protection Policy Act (FPPA)	The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses.
New Hampshire	State	Land and Community Heritage Investment Program RSA Chapter 227-M (LCHIP)	Pursuant to New Hampshire RSA chapter 227-M, the New Hampshire Land and Community Heritage Investment Program (LCHIP), these criteria, guidelines, and procedures effectuate the program. Combined with the LCHIP statute, these criteria, guidelines, and procedures constitute the complete guidance document for those municipalities, other political subdivisions, and qualifying non-profit organizations interested in applying for financial assistance from LCHIP.
New Mexico	State	Natural Heritage Conservation Act	These statutes enable New Mexico's PACE program, also known as the Natural Heritage Conservation Act. Many states have Purchase of Agricultural Conservation Easement (PACE) programs that provide funding to purchase development rights on private agricultural land to permanently protect it from non-farm development, keeping more land available for agriculture.
New York	State	Agricultural District Laws	Provides protections for ag land in county-designated areas by optimizing zoning laws, limiting eminent domain, and encouraging farm practices that might otherwise be restricted by local laws and ordinances.
Pennsylvania	State	Pennsylvania Agricultural Conservation Easement Purchase Program	The Pennsylvania Agricultural Conservation Easement Purchase Program was developed to strengthen Pennsylvania's agricultural economy and protect prime farmland. This program enables state and county governments to purchase conservation easements from farmers. The program was approved in 1988 and the first easement was purchased in December of 1989. To date 5,329 farms have been approved for easement purchases totaling 552,702 acres.

<b>KEY PROGRAMS</b>			
<b>LOCATION</b>	<b>FEDERAL/ STATE/LOCAL</b>	<b>POLICY TITLE</b>	<b>DETAILS</b>
Pennsylvania	State	Purchase of Ag Conservation Easement (PACE) Programs - PA Senate Bill 64 (2021)	<p>Purchase of agricultural conservation easement (PACE) programs pay property owners to keep productive land available for agriculture. PACE is known as purchase of development rights (PDR) in many locations. Landowners voluntarily sell agricultural conservation easements to public entities to prevent it from being converted to other uses. After selling an easement, the landowner retains other rights of ownership, including the right to farm the land, prevent trespass, sell bequeath or otherwise transfer the land. An Act amending the act of June 30 1981 (P.L.128 No.43) known as the Agricultural Area Security Law further providing for purchase of agricultural conservation easements for Agricultural Conservation Easement Purchase Fund and for Land Trust Reimbursement Program.</p> <p>Currently, non-profit entities may only participate in the state's agricultural conservation easement program jointly with a county. This bill would allow nonprofit entities to participate under certain conditions.</p> <p>The bill would allocate \$2.5 million to reimburse nonprofits for the purchase of easements and \$500,000 to reimburse nonprofits for transaction expenses. Easement purchase reimbursements are limited to \$2,500 per acre or 50% of the appraised value, whichever is less, and transaction expense reimbursements are limited to \$10,000 per easement. The bill includes additional easement eligibility requirements and requires matching funds from nonprofit entities.</p>
Pittsburgh	Local	Adopt-a-Lot Policy	Provides site use agreements to access city-owned vacant lots for greenspace and agriculture.
Oregon - Washington and Marion County	Local	Exclusive Farm Use Zone (EFU)	Washington and Marion County, Oregon has established an Exclusive Farm Use (EFU) Zone for the purpose of preserving commercial agricultural land in the county. The county zoning ordinance establishes three types of procedures to be used for reviewing and taking action on development proposals. The permitted uses in an EFU zone depend on the type of procedure required.
Washington - Grays Harbor County	Local	Agricultural Zoning	<p>Grays Harbor, Washington has designated two zones for agricultural use.</p> <p>The Agricultural Use District is meant to conserve agricultural land for small to moderate scale farming activities with a minimum lot size of 10 acres.</p> <p>The Long Term Agricultural Use District is meant to conserve agricultural land for large commercial farms, and has a minimum lot size of 40 acres. In the Long Term Use district, one dwelling unit is allowed per 20 acres.</p>

**KEY PROGRAMS**

LOCATION	FEDERAL/ STATE/LOCAL	POLICY TITLE	DETAILS
Washington - King County	Local	Agricultural Zoning	<p>King County, Washington has established areas for agricultural use for the purpose of protecting prime farmland and limiting residential density to retain lots that are sized for efficient farming.</p> <p>The zoning code also includes an overlay zone to provide for agricultural production buffers between agricultural and upslope residential land uses.</p>
<p><b>States with best policies: New Jersey; Delaware; Maryland; Pennsylvania; Vermont; California; Connecticut; Rhode Island; Oregon; Washington; Massachussetts; Hawaii</b></p>			

## Farmland Preservation Resources

### **Farms Under Threat - The State of America's Farmland**

[http://www.hagstromreport.com/assets/2018/AFT\\_FarmsUnderThreat\\_web.pdf?utm\\_source=MadMimi&utm\\_medium=email&utm\\_content=The+Hagstrom+Report+%7C+Wednesday+05\\_09\\_2018&utm\\_campaign=20180508\\_m145322101\\_The+Hagstrom+Report+%7C+Wednesday+05\\_09\\_2018&utm\\_term=AFT+E2\\_80\\_93+E2\\_80\\_9CFarms+Under+Threat\\_3A+The+State+of+America+E2\\_80\\_99s+Farmland+E2\\_80\\_9D](http://www.hagstromreport.com/assets/2018/AFT_FarmsUnderThreat_web.pdf?utm_source=MadMimi&utm_medium=email&utm_content=The+Hagstrom+Report+%7C+Wednesday+05_09_2018&utm_campaign=20180508_m145322101_The+Hagstrom+Report+%7C+Wednesday+05_09_2018&utm_term=AFT+E2_80_93+E2_80_9CFarms+Under+Threat_3A+The+State+of+America+E2_80_99s+Farmland+E2_80_9D)

**Agricultural Preservation Case Studies:** View case studies conducted on the Agricultural Preservation module - <https://www.mass.gov/service-details/case-studies-agricultural-preservation>

This includes background for each community, Amherst, MA, Dartmouth, MA, Somerville, MA, and Montgomery County, Maryland, along with success stories. Good examples of policies, programs, projects for farmland preservation.

**State Agriculture Development Committee (SADC) of New Jersey's Department of Agriculture –**  
<https://www.nj.gov/agriculture/sadc/about/>

This committee heads all farmland preservation efforts for the state. This site is quite extensive explaining in detail what the Farmland Preservation Program is. There is a case study for the cost benefits of farmland preservation for NJ Municipalities (Farmland Pres Benefits from New Jersey).

**California Farmlink:** Preserving farmland through thoughtful succession planning –  
<https://climatechange.lta.org/case-study/california-farmlink-preserving-farmland-through-thoughtful-succession-planning/>

Great information for this program including a look into project details, additional resources, and lessons learned.

**Pennsylvania's Farmland Preservation Program: How'd That Work Out? –**  
[https://www.pennlive.com/politics/2016/06/pennsylvanias\\_farmland\\_preserv.html](https://www.pennlive.com/politics/2016/06/pennsylvanias_farmland_preserv.html)

Not as extensive as the others but still some valuable information. I liked that they showed the effect of their efforts over time.

**What do successful agricultural preservation and economic development programs have in common?**  
We need to set the table so that farming can thrive. –  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/CAPP\\_Slides\\_0201172.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/CAPP_Slides_0201172.pdf)

This is more of a blueprint to develop preservation programs. There are a few case studies included but they are pretty condensed in the information.

**Santa Clara Valley Agriculture Plan: Investing in Our Working Lands For Regional Resilience**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/SCV\\_ActionPlan.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/SCV_ActionPlan.pdf)

**Climate and Agricultural Preservation Plan**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/CAPP\\_HLUET\\_201708\\_OutlineActionPlan.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/CAPP_HLUET_201708_OutlineActionPlan.pdf)

**Land Loss Prevention Project, Forsyth County, NC**  
<https://www.landloss.org/>

Enacting Voluntary Agricultural Districts (VADs) and Enhanced Voluntary Agricultural Districts (EVADs) might offer some level of preservation help, but land trusts have more teeth in terms of actual protection. Land coops and employee-owned farms - the economic develop side of things, not just preservation, could be worth looking into as well.

[https://www.co.forsyth.nc.us/ces/Documents/FC\\_Farmland\\_ProtectionPlan16\\_V2.pdf](https://www.co.forsyth.nc.us/ces/Documents/FC_Farmland_ProtectionPlan16_V2.pdf)

## **Farmland Preservation Toolkit Reference Lists**

### **USDA National Agricultural Library**

- Farmland Preservation and Farm Transition, <https://www.nal.usda.gov/afsic/farmland-preservation-and-farm-transition>
- Natural Resources Conservation Service, <https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>

The National Agricultural Library (NAL) is one of five national libraries of the United States. It houses one of the world's largest collections devoted to agriculture and its related sciences.

### **Farmland Information Center**

<https://farmlandinfo.org/>

The Farmland Information Center (FIC) is a clearinghouse for information about farmland protection that serves people working to save farmland and ranchland for agriculture. It is a project of American Farmland Trust (AFT) maintained on behalf of and with support from the USDA Natural Resources Conservation Service (NRCS). The FIC is authorized by the federal Farmland Protection Policy Act (FPPA), the first federal law to address the loss of productive agricultural land to non-farm development. AFT and NRCS have worked together since 1994 to fulfill this requirement.

### **Farmland Access Legal Toolkit**

<https://farmlandaccess.org/>

This toolkit explains legal arrangements that provide farmers more affordable and equitable farmland access and help landowners balance earning income for retirement with making their land affordable to the next generation of farmers, and makes useful information available to farmer and landowner advocates.

### **American Farmland Trust**

<https://farmland.org/>

American Farmland Trust launched the conservation agriculture movement and has been bringing agriculture and the environment together since 1980. We take a holistic approach to farmland and ranchland, protecting it from development, promoting environmentally sound farming practices, and keeping farmers on it. Agriculture offers the most promising solutions in our fight against climate change—but only when we support farming can it fulfill its promise to feed us and heal our planet.

### **American Planning Association (APA)**

<https://www.planning.org/knowledgebase/farmlandprotection/>

APA is a national organization for professional planners, appointed and elected officials. The APA resource list is the most useful and complete for identifying farmland preservation tools. The complete list of references are included to facilitate the identification of those references.

## **APA Resources**

American Planning Association

<https://www.planning.org/knowledgebase/farmlandprotection/>

Farmland is a vital local and national resource. But many communities have witnessed significant loss of this finite resource since the mid-twentieth century, due in part to changes in the structure of the farming industry but particularly to the sprawl of non-agricultural development into rural spaces, particularly on the edges of metropolitan areas.

Recognizing the long-term economic, environmental, and social costs of this loss, many communities have taken steps to protect agricultural lands. Local governments have adopted many planning, regulatory, and programmatic strategies to protect farmland and support the viability of their agricultural sectors.

From this page you can search for resources that provide background, policy guidance, and examples of local plan recommendations and regulatory standards for farmland protection from across the country. And you can filter these search results by various geographic and demographic characteristics.

## **Threats to Farmland**

At the moment, there is more U.S. agricultural land than necessary to meet market demands. But over the long term, as populations in the U.S. and abroad continue to grow rapidly, there will be a greater need to protect the remaining finite amount of good agricultural land.

Farmland is steadily being lost through both non-farm development on good agricultural land that could be accommodated on less productive land. Even when metropolitan areas are not increasing in population, much scattered development occurs in their vicinity, often on prime agricultural lands, whose physical characteristics are generally excellent for building.

Scattered development in farming areas removes agricultural land from production both directly and indirectly. Development directly removes farmland's agricultural productivity. Indirectly, development may force nearby farmers out of production by non-farm residents' complaints about dust, odors, sprays, and noise; by causing a general rise in land values leading to higher property taxes; and by fragmenting and decimating the "critical mass" of working farmland needed to maintain an economically viable agricultural sector.

## **Farmland Protections**

Farmland protection strategies used by state and local governments to preserve agricultural lands and protect working farms generally focus on either protecting farmland from conversion to non-farm uses by prohibiting or restricting development on farmland or permanently protecting those lands, or minimizing conflicts between existing agricultural operations and new development.

Farmland protection plans help local governments inventory important farmland, set goals for its protection, and identify strategies for implementation. Such strategies include agricultural zoning, agricultural buffers, right-to-farm ordinances, transfer or purchase of development rights programs, farmland mitigation requirements, and cluster or conservation development regulations.

One agricultural zoning technique is the use of area-based allocation, also called sliding-scale or density zoning, which establishes limitations on the ability of landowners to subdivide large tracts of land. Other important aspects of agricultural protection zoning include prohibitions of non-farm development on prime agricultural soils, establishing agricultural buffers between working farms and encroaching



residential development to minimize land-use conflicts, and codifying right-to-farm provisions that protect farmers from nuisance complaints.

Other regulatory approaches include establishing transfer of development rights programs targeted at preserving working farmlands, enacting agricultural land loss mitigation requirements, and requiring conservation or cluster development that preserves working farmland as permanent open space. Local governments may also encourage permanent protection of farmland through the establishment of purchase of development rights programs, conservation easements, or other mechanisms.

## **Background Resources**

### **[Agricultural Protection Zoning](#)**

This online guide from the Pennsylvania Land Trust Association summarizes agricultural protection zoning options and describes implementation for local communities.

### **[Development at the Urban Fringe and Beyond: Impacts on Agriculture and Rural Land](#)**

This USDA report examines the two major patterns of U.S. land development—expansion of urban areas and large-lot development (greater than 1 acre per house) in rural areas—and the potential impacts on agriculture and rural communities.

### **[Farmland Preservation Policies in the United States: Successes and Shortcomings](#)**

This paper explores land-use and growth management-related farmland protection efforts of state and local governments.

### **[Farmland Protection: The Role of Local Governments in Protecting Farmland as a Vital Local Resource](#)**

This briefing paper offers an overview of regulatory and programmatic approaches to protect farmland from nonfarm development.

### **[Policies and Programs: Protect Farm and Ranch Land](#)**

This website, curated by the American Farmland Trust's Farmland Information Center, provides an overview of state and federal programs, regulations, and other strategies to protect farmland and support agriculture.

### **[Preservation of Agricultural Lands Through Land Use Planning Tools and Techniques](#)**

This article discusses a number of regulatory and nonregulatory farmland protection policy and implementation techniques.

### **[Preserving Large Farming Landscapes: The Case of Lancaster County, Pennsylvania](#)**

This article stresses the importance of preserving large farming landscapes, highlighting three measures that best reflect the spatial effectiveness of farmland preservation efforts.

### **[Sustaining Agriculture in Urbanizing Counties: Insights from 15 Coordinated Case Studies](#)**

This study examined 15 metro area counties across the U.S to identify conditions under which farming may remain viable in agriculturally important areas that are subject to substantial development pressures.

## Reports

### [Can City and Farm Coexist? The Agricultural Buffer Experience in California](#)

This report examines the topic of agricultural buffers in California as a tool to minimize conflict between working farmlands and residents.

### [Development at the Urban Fringe and Beyond: Impacts on Agriculture and Rural Land](#)

This USDA report examines the two major patterns of U.S. land development—expansion of urban areas and large-lot development (greater than 1 acre per house) in rural areas—and the potential impacts on agriculture and rural communities.

### [East Windsor Township, NJ, Agricultural Zoning Analysis](#)

This report examines legal questions around adopting agricultural zoning as a means of protecting the agricultural industry and existing preserved farms of the township.

### [Farmland Conservation: Reality or Wishful Thinking? California Case Studies](#)

This report offers 11 case studies of California counties and regions showcasing some of the most successful and promising local farmland conservation programs in the state.

### [Farmland and Open Space Preservation Tools, Washington County, WI](#)

This study discusses a wide range of preservation tools representing existing and potential strategies for farmland protection within the county.

### [Farms for the Future: A Strategic Approach to Saving Maryland's Farmland and Rural Resources](#)

This report from lays out the tools used to create the state of Maryland's seminal innovative and successful farmland protection strategy.

[View all reports](#)

## Articles

### [Agricultural Buffers at the Rural-Urban Fringe: An Examination of Approval by Farmers, Residents, and Academics in the Midwestern United States](#)

This article asks whether agricultural buffers can help mediate conflicts between households and working farms on the rural-urban fringe.

### [Farmland Protection: What's Behind the Growing Interest?](#)

This article examines three main approaches to farmland protection: farm viability, agricultural zoning, and permanent conservation.

### [Preservation of Agricultural Lands Through Land Use Planning Tools and Techniques](#)

This article discusses a number of regulatory and nonregulatory farmland protection policy and implementation techniques.

### [Preserving Large Farming Landscapes: The Case of Lancaster County, Pennsylvania](#)

This article stresses the importance of preserving large farming landscapes, highlighting three measures that best reflect the spatial effectiveness of farmland preservation efforts.

### [Priorities for Advancing the Concept of New Ruralism](#)

This article expands on the concept of “New Ruralism,” a development framework that links farmland preservation with residential development to reduce farmland conversion and counteract sprawl.

### [The Future of Farming on the Urban Edge: Insights from Fifteen U.S. Counties About Farmland Protection and Farm Viability](#)

This article surveyed landowners in 15 U.S. counties to examine the opportunities and constraints that farmers face in urban-edge areas.

[View all articles](#)

## **Clearinghouses**

### [New Jersey Comprehensive Farmland Preservation Plans](#)

This website lists links to approved comprehensive farmland preservation plans from New Jersey counties and municipalities.

### [Policies and Programs: Protect Farm and Ranch Land](#)

This website, curated by the American Farmland Trust’s Farmland Information Center, provides an overview of state and federal programs, regulations, and other strategies to protect farmland and support agriculture.

### [States’ Right-to-Farm Statutes](#)

This website from the National Agricultural Law Center offers links to PDFs of each state’s Right-to-Farm statute.

[View all clearinghouses](#)

## **Briefing Papers**

### [Agricultural Land Conservation: An Important Part of California’s Climate Strategy](#)

This white paper argues for another benefit of farmland preservation: helping to achieve greenhouse gas reduction goals.

### [Agricultural Zoning](#)

This paper defines and describes various types of agricultural zoning and related legal issues.

### [County Right-to-Farm Ordinances in California: An Assessment of Impact and Effectiveness](#)

This briefing paper reviewed 15 county-adopted right-to-farm ordinances to determine the effectiveness of this tool in protecting agricultural operations and reducing farm-urban edge conflicts.

### [Farmland Preservation Policies in the United States: Successes and Shortcomings](#)

This paper explores land-use and growth management-related farmland protection efforts of state and local governments.

### [Farmland Protection: The Role of Local Governments in Protecting Farmland as a Vital Local Resource](#)

This briefing paper offers an overview of regulatory and programmatic approaches to protect farmland from nonfarm development.

### [Purchase of Development Rights and Conservation Easements: Frequently Asked Questions](#)

This briefing paper offers answers to frequently asked questions about purchase of development rights and conservation easement programs.

[View all briefing papers](#)

## **Fact Sheets**

### [Agricultural Conservation Easements](#)

This two-page handout defines agricultural conservation easements and describes the mechanics of this farmland protection tool.

### [Agricultural District Programs](#)

This four-page handout describes state-level agricultural district programs.

### [Purchase of Agricultural Conservation Easements](#)

This two-page handout defines and describes purchase of agricultural conservation easement (PACE) programs and shows which states have active programs.

[View all fact sheets](#)

## **Guides**

### [Agricultural Protection Zoning](#)

This online guide from the Pennsylvania Land Trust Association summarizes agricultural protection zoning options and describes implementation for local communities.

### [Agricultural Zoning District Guidelines for Lancaster County, PA](#)

This guidebook for agricultural zoning describes the area-based fixed-scale and sliding-scale agricultural zoning prevalent within the county.

### [Guide to Edge Planning: Promoting Compatibility Along Agricultural–Urban Edges](#)

This guide from British Columbia offers guidelines for maximizing compatibility between uses in Edge Planning Areas, or agricultural and urban lands near Agricultural Land Reserve (ALR) boundaries.

### [Innovative Land Use Planning Techniques: A Handbook for Sustainable Development](#)

This model belongs to the Active Transportation, Environmentally Sensitive Areas, Farmland Protection, Inclusionary Housing, Residential Infill Development, Scenic View Protection, Social Equity, Transfer of Development Rights, and Transit-Oriented Development collections.

### [Open Space & Resource Protection Regulations](#)

This guide includes discussions of fixed area/sliding scale zoning and cluster/conservation development for farmland protection.

### [Orland, CA, Administrative Guidelines for Implementation of General Plan Agricultural Buffering Policies](#)

This guide addresses farmland protection by establishing agricultural buffering guidelines for new urban development in the city.

[View all guides](#)

#### **Policies**

### [Larimer County, CO, A Right to Farm and Ranch Policy](#)

The county's right-to-farm resolution protects farms and ranches from nuisance complaints as long as they are compliant with county regulations.

[View all policies](#)

#### **Staff Reports**

### [Santa Barbara County, CA, Final Negative Declaration: Agricultural Buffer Ordinance](#)

This staff report represents the final negative declaration for environmental impacts of a proposed agricultural buffer ordinance.

[View all staff reports](#)

#### **Models**

### [Agricultural Zoning District Guidelines for Lancaster County, PA](#)

This guidebook for agricultural zoning describes the area-based fixed-scale and sliding-scale agricultural zoning prevalent within the county.

### [Georgia Model Code: Alternatives to Conventional Zoning](#)

This model unified development code addresses design review, farmland protection, form-based zoning, nonconformities, residential infill development, scenic view protection, zoning reform and code writing, and variances.

### [Innovative Land Use Planning Techniques: A Handbook for Sustainable Development](#)

This model belongs to the Active Transportation, Environmentally Sensitive Areas, Farmland Protection, Inclusionary Housing, Residential Infill Development, Scenic View Protection, Social Equity, Transfer of Development Rights, and Transit-Oriented Development collections.

### [Land Preservation Notebook: Model Ordinances](#)

This collection from North Carolina includes model ordinances for county Voluntary and Enhanced Voluntary Agricultural Districts and county and municipal land conservation programs, as well as a farmland protection plan template.

### [Model Farmland Preservation Zoning Ordinances](#)

These two model ordinances for farmland preservation create a farmland preservation district within a community.

### [Model Municipal Ordinance: Establishment of an Agricultural Advisory Committee](#)

This model ordinance establishes a process for creating a municipal agricultural advisory committee to help plan for the protection of agricultural resources.

[View all models](#)

### **Comprehensive Plans**

#### **[Batavia, NY, Comprehensive Plan](#)**

The town's 2007 comprehensive plan addresses farmland protection.

#### **[Boone County, IL, Comprehensive Plan](#)**

The county's comprehensive plan addresses farmland protection.

#### **[Davis, CA, General Plan](#)**

The city's general plan addresses farmland protection in Chapter 15, Agriculture, Soils, and Minerals.

#### **[Henderson County, NC, 2020 Comprehensive Plan](#)**

The Agricultural element of the county's comprehensive plan addresses farmland protection.

#### **[Lee County, FL, Land Development Code](#)**

The county's land development code permits agritourism activities and addresses farmland protection.

#### **[Linn County, OR, Comprehensive Plan](#)**

The land use element code within the county's comprehensive plan addresses farmland protection.

[View all comprehensive plans](#)

### **Functional Plans**

#### **[A Farmland Preservation Plan for Kenosha County, WI](#)**

The county's farmland preservation plan relates farmland preservation efforts to the larger comprehensive planning process.

#### **[A Farmland Preservation Plan for Washington County, WI](#)**

The county's farmland preservation plan offers goals, recommendations, and implementation strategies that discuss consistency among the comprehensive plan, farmland preservation plan, and local zoning ordinances.

#### **[Albany County, NY, Agricultural and Farmland Protection Plan](#)**

The county's farmland protection plan offers goals and recommendations for farmland protection.

#### **[Atlantic County, NJ, Farmland Preservation Plan](#)**

The county's farmland preservation plan sets 1, 5, and 10-year acreage goals for farmland protection.

#### **[Burlington County, NJ, Comprehensive Farmland Preservation Plan](#)**

The county's farmland preservation plan sets a goal of the preservation of an additional 20,000 acres more than the 50,000 acres already protected.

### [Calumet County, WI, Farmland Preservation Plan](#)

The county's farmland preservation plan highlights direct and indirect land preservation tools to be implemented by local governments to help protect farmland.

[View all functional plans](#)

### **Regulations**

#### [Boone County, IL, Code of Ordinances](#)

The county addresses farmland protection in its code of ordinances through establishing an agricultural conservation easement and farmland protection program as well as agricultural district protections in its zoning code.

#### [Brecknock, PA, Municipal Code](#)

The township's zoning code addresses farmland protection.

#### [Broward County, FL, Code of Ordinances](#)

This regulation belongs to the Farmland Protection, Grayfields Reuse and Redevelopment, and Solar Energy collections.

#### [Butte County, CA, Zoning Ordinance](#)

This regulation belongs to the Agritourism, Farmland Protection, and Solar Energy collections.

#### [Calaveras County, CA, County Code](#)

These regulations belong to the Agritourism, Farmland Protection, and Home Occupations collections.

#### [Calhoun County, MI, Farmland Preservation Program Ordinance](#)

The county addresses farmland protection through a farmland preservation program ordinance.

[View all regulations](#)

### **Related Collections**

#### [Food Systems](#)

This collection catalogs resources that provide background, policy guidance, model ordinances, and examples of local and regional plan recommendations and development regulations for various types of activities and uses that promote food access or security from across the country.

---

Support for this collection was provided by the [Growing Food Connections](#) Agriculture and Food Research Initiative Competitive Grant no. 2012-68004-19894 from the USDA National Institute of Food and Agriculture.