

Agriculture Preservation and Enhancement Strategies for the Central Connecticut Region



Minor's Farm, Bristol



Roberts Orchard, Bristol



Rogers Orchards, Southington

**Funded by the Connecticut Department of Agriculture
Agriculture Viability Grant Program**

December 2007

**Central Connecticut Regional Planning Agency
City of Bristol, City of New Britain, Town of Burlington, Town of Plainville, Town of Plymouth,
Town of Southington, Town of Berlin**

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This report has been prepared by the Central Connecticut Regional Planning Agency in cooperation with the U.S. Department of Transportation (including its participating agencies) and the Connecticut Department of Transportation. The opinions, findings, and conclusions expressed in this publication are those of the Central Connecticut Regional Planning Agency and do not necessarily reflect the official views or policies of the Connecticut Department of Transportation.

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Introduction

Between 1997-2002 Connecticut lost 12.08% of its farmland, the largest percentage loss of any state in the U.S. During this same time period Connecticut lost 700 farms of all types.¹ Preserving local farmland and ensuring agriculture's viability in Connecticut, and specifically in the Central Connecticut region is vital to our economy, our present and future food production, our wildlife, our landscape and our way of life. Connecticut's agriculture business contributes approximately \$2.2 billion annually to our state's economy, as well as guaranteeing a land base for long-term food security, a habitat for many species of wildlife, open space and scenic vistas and a beautiful working landscape that also pays taxes, provides jobs, and contributes to the social vitality of our small towns.²

It is for these reasons that it is important for our communities to develop strategies for the preservation and viability of the agriculture within our region. A local food supply provides many benefits to our communities. It insures that we know where our food comes from, as well as how it is grown and treated before it reaches our table. Buying local also reduces our impact on the planet by reducing the miles traveled by suppliers and thus emissions and environmental degradation. Buying local is one way that we can support local businesses and keep our economy healthy. Therefore the choice to buy locally grown and produced agricultural products is one that needs to be preserved and enhanced for all generations to come.

Buying locally is also an element of "Smart Growth", which is a fairly new principle in the planning field, but one that planners are beginning to see the benefits of implementing. Smart growth offers goals and methods to better manage new development, especially as it relates to sprawl. The principles of smart growth include, encouraging regional coordination of land use policies to control sprawl, protect natural lands, and offer housing opportunities for all. A community based on smart growth principles will be surrounded by open spaces, including productive farm and forest land, as well. From this it is obvious that agriculture preservation and viability in our region is a necessary component of planning based on these principles and reducing the effects of sprawl.

The Central Connecticut Region consists of 7 municipalities and lies mostly within Hartford County. According to the 2002 USDA Agricultural Census the Central Connecticut Region is home to approximately 120 farms, totaling approximately 3,343 acres of farmland.³ Hartford County contains approximately 724 Farms, totaling 50,192 acres of farmland. The market value of agricultural products sold in 2002 was \$126,786,000 and averaged \$175,119 per farm.⁴

Farmers face many challenges in keeping their businesses afloat. Weather, economic markets, unstable revenue flows, and land use regulations all play a part in their ability to stay in

¹ Working Lands Alliance. Farm Preservation Facts. <http://www.workinglandsalliance.org/farmlandpresfacts.htm>

² Working Lands Alliance. Farm Preservation Facts. <http://www.workinglandsalliance.org/farmlandpresfacts.htm>

³ Acreage derived from CCRPA GIS Database

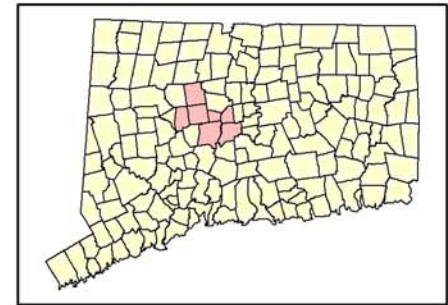
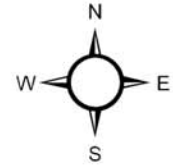
⁴USDA. 2002 Census of Agriculture - Volume 1 Geographic Area Series Census, State - County Data
http://www.nass.usda.gov/Census/Create_Census_US_CNTY.jsp

business. This report focuses on strategies that can be employed by local municipalities through zoning ordinances, as well as strategies such as sale of development rights, farmland preservation programs and other tools that can be implemented to make it easier for farmers to stay in business and to assure the viability of agriculture within our region and other regions in Connecticut.

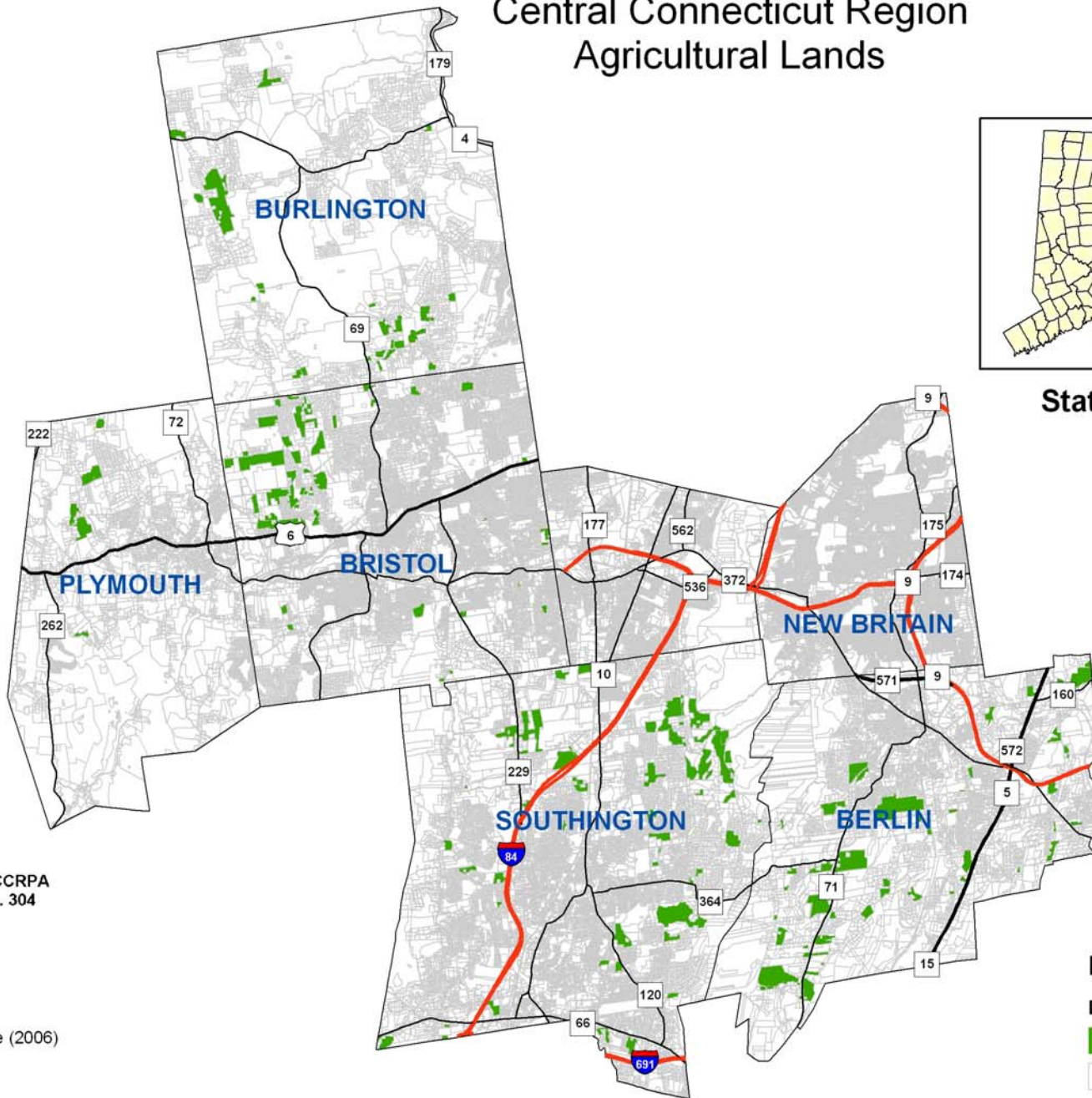
Method

The Central Connecticut Regional Planning Agency (CCRPA) conducted an open-ended survey as well as convened an advisory committee meeting to receive input on the threats, opportunities, concerns and challenges to agriculture viability in our region. The key concerns were summarized and recommendations were created to address them in this report. To formulate these recommendations, research was done on farmland preservation programs, as well as strategies and tools that exist for agriculture viability in the Central Connecticut Region. Research included outreach to other towns that have had success preserving farmland in their communities as well. Final recommendations were formulated after receiving feedback from the advisory committee. Planners, municipalities and other agricultural stakeholders will be contacted with these recommendations, so that they can be implemented, or taken into consideration for town planning in our region's towns.

Central Connecticut Region Agricultural Lands

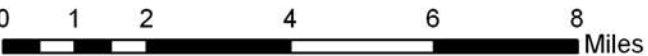


State of Connecticut



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Data Sources:
-CCRPA GIS Database (2006)
-Connecticut DEP



Legend

Land Use

- Agricultural Lands
- All other Lands

Agricultural Concerns, Threats and Opportunities

CCRPA received comments from producers, municipalities and planners in our region through an open-ended survey, as well as an advisory committee meeting. The following is a summary of the feedback we received regarding the concerns, issues, and comments related to agricultural viability in our region:

- Encroachment and sprawl is putting pressure on farmers to develop their land, as well as creating conflict between the farmer and the surrounding developments.
- Towns are often more interested in developing land than in preserving it because of the tax benefits that accrue to towns from developed land, without realizing the cost/benefit of providing services to those developments versus not having to provide those same services to agricultural lands.
- More regulatory enforcement is needed from the towns for support of agricultural uses.
- Town officials and citizens need more education about preserving farmland, the benefits of their local farms, about supporting farms, and the effect that loss of local farmland has on the community.
- Town officials need more education on agriculture's needs, issues, concerns, benefits, and need to use this education when making regulations, so that agriculture is taken into consideration as an integral part of the community.
- Agriculture needs more representation in town governments, so that their needs and issues are taken into consideration.
- Farmers need a resource to go to for help when they are having town-farmer issues and they need more understanding of their rights.
- Developers need to be held accountable for responsible development practices that incorporate erosion control, and respect water quality, air quality, wildlife and the general landscape that they have altered, to avoid degrading the land surrounding their development.
- More regulations on developers and developments need to be put in place to reduce the conflict between sprawl and farmland.
- More education is needed on help and funding available to farmers to make their businesses more viable.
- Towns/Regions need more assistance to fund programs like Purchase of Conservation Easements (PACE) or Purchase of Development Rights (PDR) or Transfer of Development Rights (TDR).

Strategies/Tools

There are several tools available to landowners, municipalities and land trusts to aid agricultural preservation and viability. All of these can be implemented as part of a Farmland Preservation Program. Municipalities are encouraged to develop a farmland preservation program within their Plans of Conservation and Development, as a way to make sure agricultural land bases and their benefits are being preserved.

Agricultural Conservation Easements

The most common tool for farmland protection is an agricultural conservation easement. A conservation easement is a deed restriction that landowners voluntarily place on part or all of their land. The easement limits development in order to protect the land's natural resources. An agricultural conservation easement is an easement specifically designed for agricultural land. Agricultural conservation easements can be donated, usually to a non-profit land trust, or sold to a public agency or qualified conservation organization through a "purchase of development rights" (PDR) program.⁵ Once the development rights are sold or donated through a conservation easement, they are in effect "retired", usually in perpetuity.

The farmer benefits from the sale of the agricultural conservation easement and a lower tax rate on their property. The cost of doing this to the farmer is that most easements are attached to the land for perpetuity, meaning they apply to all future owners of the land and the same restrictions apply to the land for them as well. The value of the land is also lowered with an easement because of the restrictions, specifically on development, that are attached to it.

This tool is beneficial to the farmer who places value on keeping the land for agricultural use, possibly for passing down to future generations, or who simply would like to keep the land as it is in perpetuity because of the value they place on agricultural viability and preservation.

PDR program options

The USDA funds the Federal **Farm and Ranch Lands Protection Program**. Landowners must work with a sponsoring entity to apply to the program, such as the State of Connecticut, a municipality, a land conservation organization or a tribal organization. The program then matches funds provided by the sponsoring entity.

The State of Connecticut also funds a **Farmland Preservation Program** through the Connecticut Department of Agriculture. Landowners can apply directly to the program and the program can pay up to 100 percent of the value of the development rights. The goal of this program is to preserve 130,000 Acres in Connecticut, with 85,000 acres being cropland, which will enable Connecticut to provide for 50% of its fluid milk needs and 70% of its in-season fresh fruit needs. As of the beginning of 2007, 24% of this goal had been met through the program.⁶

⁵ American Farmland Trust. *Conservation Options for Connecticut Farmland*. 2003.

⁶ CT Dept of Agriculture. *Farmland Preservation Program*.
<http://www.ct.gov/doag/cwp/view.asp?a=1368&q=259136>

The **Joint State-Town Farmland Preservation Program** is administered in conjunction with the Connecticut Farmland Preservation Program. This program allows for the joint purchase of development rights through the town and the state. Towns solicit applications to the CT Farmland Preservation Program and work together with the state and landowner to purchase the development rights jointly. This program encourages towns to develop local farmland preservation programs.⁷

The Connecticut Department of Environmental Protection administers the **Open Space and Watershed Land Acquisition Grant Program**, which provides financial assistance to municipalities and nonprofit land conservation organizations to acquire land for open space, and to water companies to acquire land to be classified as Class I or Class II water supply property. The acquisition of farmland or farmland development rights can also be funded through this program.

Transfer of Development Rights (TDR)

Similar to Purchase of Development Rights programs, transfer of development rights transactions can be used to place a conservation easement on a piece of land. With this program, the development rights can be transferred from one parcel of land to another. Developers benefit from this transaction with added density bonuses on another piece of land already being developed. The landowner benefits by the sale of the development rights on their land and the preservation of their land in its current state as well. A transfer of development rights can also be done by a single developer, who transfers the development rights from one piece of property they own to another piece of property they own. The transaction is the same, but the owner of both pieces of property is a single developer.

In some places, local governments have set up TDR banks. Developers who want to develop at higher densities can buy development rights from the local government and the government can then use the funds from the sale to buy development rights on pieces of property they wish to preserve in their community.

In Connecticut TDR is allowed under state statute (Chapter 124, Sections 8, 8-2f and 8-2e) however, it has not yet been widely used. The Town of Hebron, CT adopted TDR to transfer future development out of the Amston Lake District to protect the lake, groundwater and the neighborhood. The receiving area is a designated portion of the Sewer Service District 4. CT statutes also allow for the development of inter-municipal TDR programs. The statutes say that “two or more municipalities, with the approval of the legislative body, may execute an agreement providing for a system of development rights and transfer of development rights across boundaries of municipalities (Section 8-2e).”⁸

The towns of Windsor and Avon in Connecticut have established TDR programs. Their programs can serve as a good model for other towns that wish to institute TDR programs as well.

⁷ American Farmland Trust. *Conservation Options for Connecticut Farmland*. 2003

⁸ Green Valley Institute. *Innovative Zoning Techniques, Transfer of Development Rights*.
http://www.greenvalleyinstitute.org/brochures/fact_sheet_7_transfer_of_development_rights.pdf

Agricultural Districts

Although Connecticut does not currently have any agricultural districts, this tool is one that would be valuable to communities, farmers and the viability of agriculture within the state. Agricultural district programs are authorized by the state legislature and implemented at the local level. Enrollment is voluntary, but farmers receive a package of benefits for participating. These benefits can include agricultural district laws that protect farmland from annexation and eminent domain, laws that require state agencies to limit construction of infrastructure within the district, eligibility for purchase of agricultural conservation easement programs, differential tax assessment or property tax credits, extra right to farm protections, and many more. Please see **Appendix A** for a table of provisions for existing Agricultural districts in other states where they have been implemented.

“Agricultural district programs allow farmers to form special areas where commercial agriculture is encouraged and protected... (They) help to create a more secure climate for agriculture by preventing local governments from passing laws that restrict farm practices, and by providing enhanced protection from private nuisance lawsuits.”⁹

Right to Farm Laws

Right to Farm Laws are another way to preserve farmland and make it more viable. These laws are passed to make it easier for farmers to operate and to reduce the incidences of conflict with surrounding uses and properties. Those who meet the right to farm law’s requirements have a better defense against nuisance suits which can hamper farm operations.

With the movement of non-agriculture uses into traditionally agriculturally based areas these laws are becoming necessary for farmers to operate efficiently and to reduce the time and money they have to spend defending themselves in the nuisance cases that arise from the mixture of non-agriculture and agriculturally based uses.

Connecticut’s Right to Farm Law is quoted below:

Connecticut General Statutes, Section 19a-341

Agricultural or farming operation not deemed a nuisance. Exceptions. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the commissioner of environmental protection or, where applicable, the commissioner of public health and addiction services, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the commissioner of environmental protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices.

⁹ American Farmland Trust. Fact Sheet. *Agricultural District Programs*. November 2006.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the commissioner of agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(B) The provisions of this section shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.¹⁰

Mitigation Programs

Public Act No. 04-222, passed by the Connecticut legislature on May 19, 2004, requires local governments to mitigate the loss of active farmland taken by eminent domain with the purchase of a conservation easement on a "an equivalent amount of active agricultural land of comparable or better soil quality" within its jurisdiction. A mitigation fee paid in lieu of an easement can be made to the state's farmland protection program to protect similar land elsewhere in the state.

Similar Mitigation Programs can be a valuable tool for municipalities wishing to preserve farmland. These programs can be applied to the development of farmland in general, thus creating a balance between development and farmland preservation.

"Farmland mitigation programs are somewhat similar in concept to wetlands mitigation. They involve protecting farmland by providing equivalent farm acreage elsewhere when agricultural land is converted to other uses, or paying a fee when farmland is converted to other uses. One of the first farmland mitigation programs was enacted in Davis, California in 1995. This ordinance requires developers to permanently protect one acre of farmland for every acre of agricultural land they convert to other uses. Developers can place an agricultural conservation easement on farmland in another part of the city, or pay a fee to satisfy mitigation."¹¹

Tax Relief Programs

Connecticut Public Act 490

Connecticut currently has a use value tax assessment law in place for farmland property taxation purposes. Public Act 490, enacted in 1963, allows farm, forest, or open space land to be assessed at its use value, rather than its fair market, or highest and best use value, (as determined by the property's most recent "fair market value" revaluation) for purposes of local property taxation. Without the lower use value assessment owners would be motivated to sell land because of the cost of the property taxes on farm, forest, or open space land. Applying for this type of assessment for farmland requires a one-time application submitted to the local tax assessor's office between September 1 and October 31. It must be noted that Public Act 490 allows farmers to continue to farm, and other landowners to continue to own forest and open

¹⁰ CT DOAG. *The "Right to Farm Law."* <http://www.ct.gov/doag/cwp/view.asp?a=1366&q=259086>

¹¹ MRSC. *Farmland Preservation Techniques and Sustainable Agriculture.*
<http://www.mrsc.org/subjects/planning/farmland.aspx#mitigation>. Updated 06/07.

space land without being forced to sell it to pay the local property taxes. Also, if land is taken out of the farm, forest or open space classification, you may be subject to a conveyance tax penalty, especially if it is within a ten year period of the initial date of classification. Your assessor makes the determination if your land qualifies after you have submitted an application form. A frequently asked question is "How much farmland do I need to qualify?" The state law sets no minimum for farmland, but some towns do have certain acreage requirements for open space. If you own forest land (generally 25 acres or more), you must have your land designated as forest land through the Forestry Division of the Connecticut Department of Environmental Protection using the services of a private certified forester¹²

Use value assessment is not a subsidy for farmers and large landowners, since farm and forest land require far less in municipal services than does land devoted to residential use. In fact, even when taxed at its current use value, farmland generates a fiscal surplus that towns use to offset the high costs of residential services.¹³

Tax Incentives for Conservation Easement Donations

Another form of tax relief for farmers has come with new Federal legislation making it more beneficial tax-wise to donate conservation easements.

The Pension Protection Act of 2006 includes, among other provisions, important new tax incentives for donations of land conservation easements. These changes are effective only until December 31, 2007 (although Congress has just passed a bill to extend these provisions through 2012 and it will move to conference in 2008). This law presents a limited-time opportunity for landowners to obtain an increased tax benefit from making the charitable donation of a conservation easement.

Among the changes, the new law:

1. Raises the deduction a landowner can take for donating a conservation easement from 30% of their adjusted gross income in any year to 50%;
2. Allows qualifying farmers, ranchers, and owners of working forestland to deduct up to 100% of their taxable income if the majority of that income came from farming, ranching, or forestry (e.g., pay no federal income tax); and
3. Extends the carry-forward period for a donor to take tax deductions for a conservation easement from 5 to 15 years.

The new incentive also applies to bargain sales of conservation easements that qualify under Internal Revenue Code (IRC) 170(h). It does not apply to donations of land in fee.

Congress also passed tighter appraisal standards for such gifts and stronger penalties for appraisers who violate the standards.¹⁴ Bill H.R. 2419, Food and Energy Security Act of 2007 was introduced in May of 2007 to extend the timeframe for this increase in tax incentives for

¹² DOAG. *Public Act 490 – The Basics*. <http://www.ct.gov/doag/cwp/view.asp?a=1366&q=259834&pp=12&n=1>

¹³ American Farmland Trust. *Conservation Options for Connecticut Farmland*. 2003

¹⁴ Upper Valley Land Trust. *2006 Federal Tax Code Changes*. http://www.uvlt.org/html/tax_update.html

charitable donation of a conservation easement. This bill passed in the House in July 2007 and the Senate in December 2007 and will move to conference in 2008.¹⁵

Agricultural Economic Development

In May of 2007 the Connecticut Grown Program – The Local Flavor marketing campaign was launched. Promoting local agriculture through a campaign such as this is an important part of keeping local agriculture viable. “The campaign was developed to increase awareness of the “CT Grown” logo, the availability of local products, and the importance of supporting local agriculture and its contribution to Connecticut’s economy.”¹⁶ Connecticut producers and distributors are encouraged to take advantage of free promotional items from the DOAG.



Municipalities can support this campaign as well through things such as farmer’s markets, the Farm-to-School program, and CT Grown agriculture directional signage.

In March of 2002 Connecticut’s Agricultural Business Cluster was launched. “The cluster is seeking to raise the level of competitiveness and increase profitability of individual agricultural businesses while maintaining responsible stewardship of the state’s natural resources. To support this cluster, the state has \$140,000, the agricultural industry, \$100,000; and other public sources have contributed \$130,000.”¹⁷

Those in the Connecticut Agriculture Industry are encouraged to become a part of this cluster, as it is a great way to promote local agriculture and ensure its viability.

Farmland Assistance Programs

The USDA funds several conservation programs each year to assist farmers with natural resources management and stewardship of their land. Programs include:

- Agricultural Management Assistance Program
- Environmental Quality Incentives Program
- Grassland Reserve Program
- Wetlands Reserve Program
- Wildlife Habitat Incentives Program

¹⁵ GovTrack.us. H.R. 2419--110th Congress (2007): Food and Energy Security Act of 2007, *GovTrack.us (database of federal legislation)* <<http://www.govtrack.us/congress/bill.xpd?tab=main&bill=h110-2419>> (accessed Apr 14, 2008)

¹⁶ DOAG. *Connecticut Grown Program*. <http://www.ct.gov/doag/cwp/view.asp?a=1368&q=258950>

¹⁷ Dept of Economic and Community Development. *Connecticut Industry Clusters*. <http://www.ct.gov/ecd/cwp/view.asp?a=1100&q=249794>

The Connecticut Department of Agriculture also offers some assistance to farmers through the following programs:

- Environmental Assistance Program
- Farm Reinvestment Grant Program

State Policies for for farmland preservation and viability

PA 228 – Community Investment Act¹⁸

This act will provide up to \$5 million annually to the Connecticut Department of Agriculture to fund:

- The Farmland Preservation program (mentioned previously)
- Agriculture Viability Grants – awarded to farmers, non-profit agencies, municipalities, and regional planning agencies/councils of government for activities that will promote agriculture sustainability, farmland protection, and increase the viability of farm businesses.
- The Connecticut Grown Program - \$100,000 will be added to the Connecticut Grown Program, an ongoing initiative to increase the visibility of the “CT-Grown” logo and the overall demand for CT Grown products.
- The Connecticut Farm Link Program. - \$75,000 will go toward a new program that will help match people interested in farming with available farmland.

PA 490 – Connecticut’s Use Value Tax Assessment Law

Described above under “Tax Relief Programs”, this is a form of tax relief for farms that helps make agriculture more viable. The Declaration of policy for this act states:

“It is hereby declared (a) that it is in the public interest to encourage the preservation of farm land, forest land and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state, to conserve the state's natural resources and to provide for the welfare and happiness of the inhabitants of the state, (b) that it is in the public interest to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such farm land, forest land and open space land, and (c) that the necessity in the public interest of the enactment of the provisions of sections 12-107b to 12-107e, inclusive, is a matter of legislative determination.”¹⁹

¹⁸ CHFA. Brochure. *A Guide to Public Act 228*. <http://chfa.org/MainPages/CommunityInvestmentActBrochure.pdf>

¹⁹ State of Connecticut. *Chapter 203. Property Tax Assessment*. <http://www.cga.ct.gov/2005/pub/Chap203.htm#Sec12-107a.htm>

Recommendations

Based on the concerns expressed by producers, municipalities and planners in our Region, the following recommendations have been developed to address those concerns. CCRPA researched agricultural regulations and preservation programs within Connecticut, as well as those in other states to develop these recommendations, in addition to the research done on strategies and tools that exist for agricultural operations in our state already. Feedback was requested from the advisory committee and incorporated into the final recommendations.

Recommendation 1 – Address town-farmer issues through regulations, ordinances, zoning and plans of conservation and development

Concerns addressed:

- **Encroachment and sprawl is putting pressure on farmers to develop their land, as well as creating conflict between farmers and surrounding developments.**
- **Developers need to be held accountable for responsible development practices that incorporate erosion control, water quality, air quality, wildlife and a general responsibility for the landscape that they have altered, to avoid degrading the land surrounding their developments.**
- **More regulations on developers and developments need to be put in place to reduce the conflicts between sprawl and farmland.**

Strategies and tools that can help the farmer reduce the pressure to develop and also keep land preserved for agricultural uses include purchase of development rights programs, tax relief programs and Farmland Assistance programs. The incentive to keep the land for agricultural uses needs to exceed the incentive for the farmer to sell the land for development. This needs to be done by making it more beneficial, both monetarily and personally, for the farmer to keep the land as farmland. Much of the farmland in the Central Connecticut Region has been kept as farmland within the same family for many generations, and many farmers would like to keep it that way. The problem lies in maintaining healthy town-farmer relationships, and also maintaining the support that farmers need to keep their businesses healthy.

Farmer's Markets and other agricultural economic development activities are possible ways of creating this support, as well as educating the public and especially the town officials on agricultural issues and the availability and benefit of local farm products for consumption.

One of the biggest tools that town's have to create this support is their zoning ordinances and regulations. The following regulations can be incorporated to foster a healthy town-farmer relationships:

- **Requiring an adequate green space buffer between new development and existing agricultural lands.**
 - This helps to separate incompatible uses and to prevent farms from becoming a nuisance

- **Encourage cluster development and require developers to set aside at least 20-33% of their property as permanently preserved open space.**
 - “Clustering housing in rural areas can maintain the rural character of the area. It can also provide open space for community members and preserve critical land qualities. It may provide a sense of community among residents, particularly if some of the open areas are designed for communal activities. Another advantage is that developers often experience cheaper site development costs related to the construction of roads and water/sewer infrastructure. These reduced costs often offset the costs of restoration or development of amenities such as trails in the open space areas. Other advantages include meeting a market need for low-maintenance housing and greatly reducing the impacts of development on watersheds.”²⁰
- **Include a focus on agriculture in Plans of Conservation and Development**
 - This helps to make sure agriculture is considered when regulations are made and goals for town planning are implemented
- **Include clear definitions, purpose and an agriculture uses section in zoning regulations**
 - This will help to reduce conflicts and set clear regulations regarding agriculture uses
- **Consider including an agricultural zone, dedicated to agricultural uses in zoning regulations .**
 - “Agricultural zoning strives to protect the viability of agriculture in a region and is generally used by communities that are concerned about maintaining the economic viability of their agricultural industry. A carefully written agricultural zoning ordinance can prevent farmland from being converted to nonfarm uses, can prevent the fragmentation of farms, prevent land-use conflicts, and protect agricultural producers from nonfarm intrusion into agricultural areas as well and as vigorously as residential zoning can protect housing areas from commercial or industrial intrusions. A further consideration in agricultural zoning is the reduction or elimination of conflicts that arise between farm and nonfarm residents. Nonfarm residents often find that normal farming practices -- tractors operating during early- morning or late-night hours; livestock operations, including well-managed ones, that produce odors from livestock waste; chemical applications that are used for controlling insects and diseases in high-value crops; and machinery moving slowly on the roads from farm to farm -- are among practices that are foreign to their former urban settings.

Many agricultural producers are finding that they can no longer afford to purchase land for agricultural purposes. Residential development in agricultural areas drives up the cost of public services and the price of land to the point that it is not profitable for agricultural production.

²⁰ Blaine, Thomas W. and Peggy Shear. *Cluster Development*. Ohio State University Fact Sheet. <http://ohioline.osu.edu/cd-fact/1270.html>

Establishing agricultural zones in areas of prime farmland can, in conjunction with other agricultural protection methods, reduce competition and keep the cost of farmland reasonable. Reduced farmland costs may be offset through other voluntary incentive programs such as Purchase of Development Rights (PDR), Transfer of Development Rights (TDR), Lease of Development Rights (LDR), tax abatement, or low-interest loans. Protecting large blocks of farmland through agricultural zoning will also aid in preserving the rural character of a community and in preventing constant increases in property taxes.”²¹

- **Consider the establishment of an agricultural commission.**
 - “The purpose of an agricultural commission is to protect agricultural lands, preserve rural character, provide a voice for farmers, and encourage agriculture-based businesses.”²²

Actions	Responsible Party for Implementation
PDR Program	Landowner
TDR Program	Town / Landowner
Tax Relief Program	Town
Federal Farmland Assistance Programs	Landowner
Farmer's Market	Town
Zoning Regulations	Town / Planning and Zoning Commission

Recommendation 2 – Address education, training and outreach needs for the community and town officials

Concerns addressed:

- **For the tax benefits towns are often more interested in developing land than preserving it, without realizing the cost/benefit of providing services to those developments, versus not having to provide those same services to agricultural lands.**
- **Town officials and citizens need more education about preserving farmland, the benefits of their local farms, and supporting them, and the effect that loss of local farmland has on the community.**
- **Town officials need more education on agriculture’s needs, issues, concerns, benefits, and need to use this education when making regulations, so that agriculture is taken into consideration as an integral part of the community.**

²¹Hudkins, Stephen. *Agricultural Zoning*. Ohio State University Fact Sheet. <http://ohioline.osu.edu/cd-fact/1266.html>

²² Merrill, Loraine Stuart. *Creating an Agricultural Commission in Your Hometown*. University of New Hampshire Cooperative Extension.

- **More education is needed on help and funding available to farmers to make their businesses more viable.**

Educating the community as well as municipal staff and officials is one of the most important things that can be done to make sure agriculture stays viable in our Region. The importance and benefit of local agriculture can only be realized through education and this is why those resources that exist for agricultural education must be utilized. The following is a list of resources that can be used to educate the public and municipal staff and officials on agricultural issues, benefits, needs and contribution to the community.

Connecticut Department of Agriculture

265 Capitol Ave.

Hartford, CT 06106

860-713-2569

Email: ctdeptag@po.state.ct.us

<http://www.ct.gov/DOAG/site/default.asp>

USDA Natural Resources Conservation Service

<http://www.ct.nrcs.usda.gov/>

Wallingford Service Center

Richard Kszystyniak, District Conservationist
USDA, Natural Resources Conservation Service
North Farms Executive Park, Suite A
Wallingford, CT 06492
(203) 269-7509 (phone)

King's Mark RC&D Office

Mark Cummings, RC&D Coordinator
(203) 284-3663 (phone)

Torrington Service Center

Kathleen Johnson, District Conservationist
USDA, Natural Resources Conservation Service
1185 New Litchfield Street
Torrington, CT 06790
(860) 626-8258 (phone)

Urban and Community Planning Office

USDA, Natural Resources Conservation Service
1 Bradley Road, Suite 506-A
Woodbridge, CT 06525
(203) 389-6925 (phone)

UCONN Cooperative Extension System

W.B. Young Building, Room 231
1376 Storrs Road, Unit 4134
Storrs, Connecticut 06269-4134
Phone: 860-486-9228
Email: extension@uconn.edu
<http://www.extension.uconn.edu/>

Connecticut Farm Bureau

Main Office:

775 Bloomfield Avenue
Windsor, CT 06095-2322
860-298-4400
FAX: 860-298-4408
Email: info@cfba.org
<http://www.cfba.org/index.php>

Hartford County Office:

Jane Sheldon
P.O. Box 154
West Suffield, CT 06093-0154
(860) 668-5410

Working Lands Alliance

Working Lands Alliance
c/o American Farmland Trust
775 Bloomfield Avenue
Windsor, CT 06095
860-683-4230
E-Mail: info@workinglandsalliance.org
<http://www.workinglandsalliance.org/index.html>

Actions	Responsible Party for Implementation
Agricultural Education for Town staff and officials	Town
Agricultural Education Programs for the Public	Town / Agricultural Commission / Local Non-profits

Recommendation 3 – Address and/or support farmers need for agricultural resources and town representation

Concerns addressed:

- **More regulatory enforcement is needed from the towns for support of agricultural uses.**
- **Farmers need more representation in town governments, so that their needs and issues are taken into consideration.**
- **Farmers need a resource to go to for help when they are having town-farmer issues and they need a better understanding of their rights.**

Consider the establishment of an agricultural commission The Agricultural Commission (AgCom) represents the farming community, encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and works to protect and sustain agricultural businesses and farmland. AgComs are a standing committee of town government, created through a vote at a Town Meeting or appointed by the Board of Selectmen or governing body of the town.²³

An agricultural commission could address all of the concerns about farmer resources and representation within their municipalities. It could also make sure more regulatory enforcement is implemented in support of agricultural uses, such as erosion control from neighboring developments, green space buffers and right to farm laws.

The town of Guilford, CT has established an agriculture commission that can be used as an example throughout the state. The following describes the Guilford Agriculture Commission:

“ESTABLISHED: By Ordinance adopted by the Board of Selectmen August 7, 2006.

CHARGE/DUTIES:

A. Information - To serve as a conduit between non-profit agencies and local farmers. To serve as an agricultural clearinghouse by creating an informational website and map of local farms. To chart land use in Guilford to support a balance between agriculture and preservation and other land uses.

B. Education - To recommend necessary changes to language practices across town departments and other boards and commissions as necessary regarding a local definition for agriculture, farming and farms. To educate town government about agricultural laws, such as Right to Farm, and legal issues regarding farm machines. To provide information and guidance on agriculture-related zoning issues to town departments and other boards and commissions as necessary. To provide opportunities to support young farmers and new farmers, such as the Farmer-to-Farmer

²³ Commonwealth of Massachusetts, Department of Agricultural Resources. *Agricultural Commissions*. <http://www.mass.gov/agr/agcom/index.htm>

program, Landlink, and other mentoring programs. Support local, regional and state vocational agriculture education programs.

C. Conflict Resolution - To serve in an advisory and/or conflict resolution capacity to residents, established town committees and departments.

D. Economic Opportunities - To identify innovative opportunities for farming additional lands in Guilford. Promote opportunities for residents and local businesses to support and value farming. Serve as a conduit between non-profit agencies, funders, and local farmers. Create a climate that supports the economic viability of farming as a career in Guilford.

ELECTED/APPOINTED: Appointed by the Board of Selectmen

MEMBERSHIP: The Agricultural Commission will consist of 5 members and 3 alternates. Members and alternates will be appointed without regard to political affiliation by the Board of Selectmen, and not be subject to nomination by any political party. Insofar as practical, members appointed shall be representative of all groups interested in the management, protection and regulation of agriculture as defined by Connecticut General Statutes 1-1q, particularly those directly involved in agriculture. The Agricultural Commission will recommend to the Board of Selectmen persons for openings on the commission.

LENGTH OF TERM: Staggered 4-year terms, with initial appointments to be 3 members for 4 years and 2 members for 2 years; 1 alternate to be for 4 years and 2 alternates for 2 years. Members of the Commission shall serve without pay.”²⁴

The Commonwealth of Massachusetts also has a handbook for town agricultural commissions available online at: <http://www.mass.gov/agr/agcom/index.htm>

This 150 page book is a step-by-step reference guide for newly organized agricultural commissions. Actual examples from existing AgComs are provided and include their purpose, structure and steps they used to plan and implement their work.

Actions	Responsible Party for Implementation
Establishment of an Agricultural Commission	Town

²⁴ Town of Guilford, CT. *Guilford Agricultural Commission*.
http://guilfordct.virtualltownhall.net/Public_Documents/GuilfordCT_BComm/agricultural

Recommendation 4 – Address and/or support town’s need to provide assistance to farmers

Concerns addressed:

- **Towns/Regions need more assistance to fund programs like Purchase of Conservation Easements (PACE) and Purchase of Development Rights (PDR) and Transfer of Development Rights (TDR).**

Implementing an open space fund or a farmland preservation fund which receives money from annual budget appropriations, bond authorizations, payments developers make in lieu of providing open space land, or a combination of these sources is the best way for towns to start a PDR program.

Towns/Regions that do not have the resources to fund their own PDR programs must rely on the State’s Farmland Preservation Program, or the Joint State-town Farmland Preservation program (described above). In the 2007 legislative session Public Act 07-162 was approved to help alleviate some of the backlog in applications to this program that exists due to the inability of the program to access authorized funds.

“Public Act 07-162 - An Act Concerning the Creation of a Farmland Preservation Advisory Board, A State Building Code for Agriculture, and Zoning Regulation of Farming – Creates a 12 member Farmland Preservation Advisory Board to advise the Department of Agriculture on its Farmland Preservation Program. It spells out the responsibilities of the Board and requires quarterly meetings. It also requires the State Bond Commission to vote to on whether to authorize, when available, the issuance of bonds of at least \$5 million dollars in the August and February bond meetings each year, or the following bond meeting upon cancellation of said meetings. *(Effective July 1, 2007)*”²⁵

Actions	Responsible Party for Implementation
Open Space Fund for Farmland Preservation	Town
State PDR Program	Landowner

²⁵ DOAG. *Updated Summary of the 2007 Legislative Session*.
<http://ct.gov/doag/cwp/view.asp?a=1366&q=386482&pp=12&n=1>

Examples of Municipal Farmland Preservation Strategies within Connecticut

Suffield, CT - Suffield has approximately 3,000 acres of farmland in Northern Connecticut and has committed to preserving its farms and assuring their availability for future use through a variety of means.

“In 1999, the Zoning and Planning Commission amended the Town's Master Plan and created a goal to preserve 50% of Suffield as open space, including farms. Suffield continues to be the only community in the State that requires developers to provide an agricultural buffer or green space between their development and an abutting farm. It assures that farms can continue to operate without fear of being a ‘nuisance’ to nearby residents (or vice versa).”



Red Horse Barn, Suffield (Photo Credit: Mark J. Romani)

The Town also requires developers to consider cluster development and to set aside 20-33% of their property as permanently preserved open space.

In 2001 the Town launched a successful farmers' market held Saturday mornings on the Town Green. This market provides a direct outlet for local farmers and helps raise public awareness of this valuable resource. The Town also conducted an educational workshop to inform farmers and other large property owners to various land preservation options. These included the tax benefits to selling property below market rate to non-profits such as the Suffield Land Conservancy or the Town, and the ability to retain a life estate in property.”²⁶

Other Farmland preservation strategies being employed or considered are purchase of development rights, zoning considerations and outright purchase of the property.

²⁶ Chester, Philip S., AICP. *A Future for Suffield Farms*.
<http://www.suffieldtownhall.com/content/85/171/default.aspx> (accessed 7/16/07)

Windsor, CT – Another town in North Central Connecticut that has employed various methods of farmland preservation as a part of their farmland preservation program is Windsor. Windsor’s Zoning Regulations contain an Agricultural Zone that allows for a variety of agricultural activities and the accessory uses necessary to support them.



Connecticut Valley Tobacco Historical Society, Windsor

“However, the zone allows single-family residential uses and subdivisions of 10 lots or less at the low density of 0.3 families per acre. The AG zone could be made a more effective preservation tool by increasing the open space set-aside requirement and reducing the allowable residential density to encourage preservation of agricultural lands.”²⁷

Windsor also participates in PA 490, assessing actively farmed lands at a lower value, making them more viable by giving them a lower tax assessment. Windsor’s conservation commission is also currently working on a purchase of development right’s program.

In addition Windsor has the following strategies listed in their Plan of Conservation and Development for promoting Agricultural Preservation:²⁸

1. Encourage local farmers to apply for the Connecticut Farmland Preservation Program and assist them in submitting applications if necessary, in order to preserve farmland and agricultural uses.
2. Consider increasing the open space set-aside requirement and reducing the allowable residential density in the agricultural zone to encourage preservation of agricultural lands.
3. Continue the farm assessment program (PA 490) in order to assist farmers with maintenance of agricultural uses.
4. Consider establishing a municipal program for purchase of farm development rights.
5. Work with agricultural land trusts to preserve agricultural land in Windsor.
6. Implement educational and other farm friendly programs to support agricultural activities.
7. Recognize the Conservation Commission as the lead agency to promote and coordinate the preservation of farmland.
8. Assign the Conservation Commission the responsibility of establishing a goal for agricultural land preservation and monitoring the amount of agriculturally used land in Town.

²⁷ Town of Windsor. *How Can we Preserve Farmland?* http://www.townofwindsorct.com/cc/agricultural_use2.htm

²⁸ Town of Windsor. Town Planning and Zoning Commission. *2004 Plan of Conservation and Development*.

Farmland Preservation Committees and Funding in Connecticut²⁹

EAST WINDSOR

East Windsor has a natural resource preservation committee. The town obtains funding for open space through payments made in lieu of open space.

EASTON

According to Land Use Director John Hayes, Easton formed a Farmland Preservation Committee in 2000, but the Committee has apparently been inactive. Hayes also said Easton has a Conservation Commission, but does not have a farmland preservation fund.

GLASTONBURY

Glastonbury's land acquisition committee uses bond money to purchase open space land, including farmland. Town Manager Richard Johnson states the bond authorizations permit the town to borrow money and acquire land as opportunities arise. The land acquisition committee advises the town council.

GRANBY

According to Community Development Director Francis Armentano, Granby is creating an agriculture committee that would make recommendations to its existing open space committee. Granby's open space fund receives money through bonding, fees made in lieu of preservation of open space, and other sources.

GUILFORD

Guilford has both an agricultural commission and a land acquisition commission. Environmental Planner Leslie Kane states the agriculture commission is new. An agricultural commission liaison will advise the land acquisition commission on possible farmland purchases. Kane says the town seeks bonding to acquire parcels, but that income from town cell phone towers is placed in the land acquisition account for lesser costs.

HEBRON

Hebron's open space land acquisition committee has three subcommittees, one of which is devoted to farmland preservation. The committee recommends purchases to the board of selectmen. The town makes an annual contribution to its open space fund.

²⁹ Frisman, Paul. *OLR Research Report. 2007-R-0032*. January 8, 2007.

LEBANON

Lebanon has a conservation commission that is responsible for farmland preservation, among other things. The town's open space fund is funded through fees made in lieu of open space and through annual appropriations.

MANSFIELD

Mansfield has an agriculture committee and an open space preservation committee, each of which seeks to preserve farmland. Town Planner Greg Padick says the agriculture committee acts as a sounding board for local farmers and advises the open space committee, as well as other town officials. The town has used money from its open space fund to secure farmland development rights. Money for the fund comes from bond authorizations and a line item in the town's capital budget.

SHELTON

Shelton purchases open space, including farmland, through its conservation commission. The commission makes recommendations to the board of alderman. Shelton's Farm and Forest Land Preservation Plan outlines steps the city can take to preserve farming as a way of life. Town Conservation Agent Teresa Gallagher says Shelton has both an open space and farmland preservation fund.

SIMSBURY

Simsbury has an open space committee which has made farmland preservation a high priority. Appropriations for the town's open space fund are made from the town budget.

SOUTHBURY

Southbury First Selectman Mark Cooper states the town has a rural preservation committee that preserves both open space and farmland. Money for open space acquisition is appropriated annually.

SOUTH WINDSOR

South Windsor has an agricultural land preservation advisory commission comprised of farmers, local business people, realtors, town staff, and land use commissioners. The commission evaluates and comments on open space properties for possible purchase by the town. According to Advisory Commission Chairwoman Elizabeth Warren, the town created the commission specifically for farmland preservation. Warren represents the advisory commission on the town's open space task force, which makes recommendations to the town council. The town's open space fund can be used to preserve farmland.

SUFFIELD

Suffield's heritage committee has an open space subcommittee. Patrick McMahon, the town's Director of Economic Development, said that while the open space committee's mission is preserving all open space, its focus has been on the purchase of development rights. Suffield uses

payments in lieu of open space, and annual funding, which varies from year to year. The money is placed in an open space fund.

TOLLAND

Tolland has a conservation commission that makes farmland preservation one of its goals. Funding for acquisition comes from bonding. One of the goals of Tolland's open space fund is farmland preservation.

WETHERSFIELD

Wethersfield's conservation commission works with the town council to decide on open space acquisition. Town Manager Bonnie Therrien states the town has \$ 600,000 in an open space fund and \$ 300,000 in a farmland preservation fund. Both accounts were funded through the town general fund. In November, the town approved a \$ 4 million bond for open space acquisition.

WOODSTOCK

Woodstock's Open Space Land Acquisition and Farmland Preservation Committee focuses on farmland. According to Committee Chair Dawn Adiletta funding for the town's Agricultural Land Preservation and Land Acquisition Fund has come from budget appropriations, although the committee is looking at private fund raising for 2007. The town lists its open space, including farmland, on its website (<http://www.woodstockconservation.org/phprint.php>).

Implementation

This report along with the recommendations contained within it will be posted on the CCRPA website (www.ccrpa.org) and planning staff for our towns, active agricultural organizations within our region and the participating agricultural committee formed as a part of this project will be notified of the final report and final recommendations. Finally, CCRPA staff will be available to answer questions or for general assistance in the implementation of the recommendations.

Appendix A

AMERICAN FARMLAND TRUST · FARMLAND INFORMATION CENTER PROVISIONS OF AGRICULTURAL DISTRICT LAWS

PROVISION	Programs with Provision	Calif.	Del.	Ill.	Iowa	Ky.	Md.	Mass.	Minn. State	Minn. Metro	N.J.	N.Y.	N.C.	Ohio	Pa.	Tenn.	Utah	Va. State	Va. Local
Limits on use of eminent domain ^a	12	▲				▲			▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
Limits on non-farm development	12	▲	▲	▲	▲	▲	▲		▲	▲	▲	▲	▲				▲	▲	▲
State agency policies must support farming	12	▲	▲	▲	▲	▲			▲	▲	▲	▲			▲		▲	▲	▲
Local planning requirement ^b	11	▲			▲		▲		▲	▲	△	▲			▲		▲	▲	▲
Limits on special assessments	11	△		▲	▲	▲		▲	▲	▲	▲	▲	▲	▲			▲	▲	▲
Farmers receive extra right-to-farm protection	10		▲	▲		▲		▲	▲	▲	▲	▲	▲	▲	▲		▲	▲	▲
Limits on public investment for non-farm development	7	▲							▲	▲	△	▲		▲					▲
Sound conservation practices required	7			▲			▲		▲	▲	▲	▲	▲	▲					▲
Strong sanctions on withdrawal from districts	6	▲					▲		▲	▲	▲	▲	▲	▲					▲
Agricultural impact statement required for public projects	6				▲				▲	▲	▲	▲		▲			▲	▲	▲
Farmers are automatically eligible for differential assessment ^c	5	▲	◇						▲	▲									▲
Public utilities exempted from limits on eminent domain	5					▲						▲		▲	▲				▲
Local governments compensated for taxes reduced by differential assessment	4	▲							▲	▲		✖							▲
Limits on local governments' ability to annex land	4	△				▲			▲	▲									▲
Protection from siting of public facilities (e.g., schools and solid waste mgt. facilities)	3	△		▲					▲	▲		▲							▲
Enrollment required to be eligible for agricultural easement acquisition program	3		▲				▲								▲				▲
Landowners adjacent to districts must sign agricultural nuisance disclaimer	3		▲									▲					▲		▲
Land Evaluation and Site Assessment (LESA) system used to define boundaries of district	2		▲									▲							▲
Landowner consent required prior to adoption of more restrictive zoning	2										△						▲		▲
Enrolled land gets priority in water rights allocation	2				▲						▲								▲
Public entities have right of first refusal to purchase land	2							▲			▲								▲
Farmer can recover legal fees if he/she wins nuisance lawsuit	2		▲									▲							▲
Mediation required for land use disputes	2				✖						▲								▲
Soil and water conservation cost sharing for farmers	2					▲					▲								▲
Land use controls on adjacent land must consider districts	1								▲										▲
Farmers are automatically eligible for annual per acre property tax credit	1								▲										▲
Limits on rate of property tax increases	1									▲									▲
Buffer strips required for development adjacent to districts	1	▲								▲									▲
Initial term of enrollment (in years)	16	10/20**	10	10	3	5	5		8	8	8	8	10	5	7	5	20	4	
Minimum acreage requirement	16	100	200	350	300	250	50			40	■	500		10	250	250	■	200	20

^a The degree of protection varies significantly from state to state. Minn. and N.J. prohibit eminent domain; Pa. and Utah can prohibit eminent domain, subject to review by state officials; Calif., Ky., Minn.-metro, N.Y., Ohio, Tenn. and Va. cannot prohibit eminent domain, but may require prior notification, agricultural impact statements, alternative proposals and/or public hearings.

^b Planning requirements vary among states. Calif., Minn. and Minn.-Metro require plans (i.e., comprehensive or agricultural land preservation) to be eligible to establish districts, and zoning or other "official controls" to protect farmland. Md., N.J., N.Y., Pa., Utah, Va. and Va.-Local involve planning bodies in the development and approval of districts. Iowa requires that counties create land use inventories prior to establishment of districts.

^c In Calif., farmers who sign an FSZ contract receive additional property tax relief.

▲ Provision included in program.

△ Benefit provided only to landowners who sign FSZ contracts in Calif., and landowners in "municipally approved" districts in N.J.

◇ Land enrolled in districts is exempt from all but agricultural property taxes.

✖ Provision included but never implemented.

■ Minimum acreage requirement established by local entity.

* Only farms receiving grants for soil and water conservation projects must have an approved conservation plan.

** The initial term is 10 years for Williamson Act contracts and 20 years for FSZ contracts. Each year, contracts automatically are extended for one year unless a notice of non-renewal is submitted.

