

## 2. Agricultural Land Preservation

### Fact Sheet



This smart growth tool can be used in rural and suburban communities.




### Why Preserve Farmland?

The benefits of preserving farmland are not just aesthetic. Preserving land can help farmers stay in business. Farmland preservation works against the forces of sprawl, by reducing the amount of land available for subdivision at the suburban edge. As an open space amenity and image-maker, farmland preservation can bolster residential property values and help promote tourism. Moreover, farms generally are revenue neutral or positive in terms of local tax revenues relative to tax expenditures. Along with efforts to redirect growth to existing cities and suburbs, farmland preservation can be one component of a regional approach to smart growth.

### Toolbox

There are many farmland preservation tools available to towns in the Hartford region. Tax programs, right-to-farm ordinances, and agricultural districts primarily intended to help active farms remain in business. Other techniques target the land itself, whether or not it is currently being farmed. These techniques are best used in various combinations, depending on the particular characteristics of the municipality.

Tools to help active farmers remain in business:

-  **Tax Programs.** Tax breaks can help farmers stay in business. Connecticut, like most states, has a differential tax assessment program for farms (Public Act 490), which allows the farm to be assessed at its agricultural use rather than the highest use that would be permitted under the zoning regulations.
-  **Right-to-Farm Ordinances.** Local right-to-farm ordinances are intended to protect farmers from nuisance lawsuits, which may cripple or shut down the farm. Such ordinances document the importance of farming to the community and may require property sellers to place prospective buyers on notice that agricultural practices should be expected in the area. Currently, State law does not explicitly allow towns to adopt right-to-farm ordinances.
-  **Buffering.** Required buffers around the edges of a new development project can help limit nuisance lawsuits, by maintaining a greater distance between farms and housing. For buffers

to be effective in limiting off-site impacts, they need to be relatively wide and densely planted, suggesting that they work best on large tracts of land.

**Agricultural Districts.** Voluntarily designated agricultural districts can provide farmers with a bundle of protections and benefits. Farms in an agricultural District may be protected from eminent domain, expansion of growth-inducing infrastructure, and purchase of land for public purposes. Property owners may also receive tax rebates or enhanced "right-to-farm" protections. In exchange, farmers agree to keep farming for a certain amount of time. Currently, Connecticut does not allow property owners to establish agricultural districts.

**Financial Assistance for Environmental Protection.** The U.S. Department of Agriculture provides matching grants to farmers in order to help them comply with environmental regulations, often an expensive undertaking.

Tools to protect farmland and open space from development:

**Purchase of Development Easements.** The development easement represents the bundle of use and development rights that would be permitted under the zoning regulations, with the exception of agriculture. The purchasing entity is a government agency, private foundation, or non-profit organization that intends to hold the development easement in perpetuity, so that the land is maintained in agricultural use. Funding is available for easement purchases from both State and federal sources in the form of matching grants.

**Large-Lot Zoning.** Another way to help preserve agricultural land is to reduce the allowable densities of development, resulting in large-lot zoning. How large do large lots have to be in order for farming to remain viable? Anecdotal evidence suggests that in rapidly developing areas, active commercial farms range from 50 to 100 acres, with surrounding woodland buffers. However, Connecticut's pattern of smaller-sized parcels may warrant a smaller minimum lot size. Any proposal for large-lot zoning often becomes a contentious political and legal issue, as it may deplete land value. Political acceptance is typically greater in areas that are not in the direct path of new development.

**Cluster Development.** Whereas large-lot zoning would result



Without efforts to preserve farmland, sprawl development will continue to consume our open space resources. Top photograph: Riverhead, Long Island (Source: APPS, Inc.) Bottom photograph: Burlington, Vermont. (Source: Planning Commissioners Journal, Burlington, VT, <[www.plannersweb.com](http://www.plannersweb.com)>)



It is not enough to protect farmland from development. Government policies must also support agriculture as a business. Photograph: Southampton, Long Island (Source: APPS, Inc.)

in a pattern of moderate-sized farms, each with its own home-stead, cluster development would concentrate all housing on one part of a site, leaving a single, large, contiguous area to be available for farming. Cluster development raises issues of wastewater disposal in areas without sewer infrastructure. (See Chapter 4 for discussion of alternative wastewater disposal methods).



**Transfer of Development Rights.** TDR programs have been effective in preserving farmland in areas where there has been a public entity actively purchasing rights or where TDR receiving areas have strong real estate pressures that create a natural market for developments rights. (See Chapter 3 for more detail.)



**“Options Review” for Developers.** Where farmland or open space is being considered for development, there may be unexplored preservation options. Persons or organizations who may have the resources or interest in preserving a site may not be aware of development proposals until it is too late. This tool would require developers to consult with public agencies and local non-profit organizations working on farmland preservation prior to coming forward with subdivision or site plan applications. This creates the opportunity to explore ways to protect portions of the site for preservation for the purpose of farmland use and/or natural resource conservation.

### Keys to Success



**Determine what tools are right for the community.**

Agricultural preservation strategies must be tailored to the existing conditions in the community. The presence or lack of existing farming operations is the principal consideration. Tax programs, right-to-farm regulations, and agricultural districts can be extremely helpful to existing farms. In communities where farms lie fallow or are experiencing intense development pressure, strategies that target land preservation are more appropriate.



**Use several strategies.**

In almost every town, the preferred approach will be to piece together several different preservation strategies. Having multiple strategies will allow the town to work with a variety of different constituents. Some farmers, for

example, would prefer to sell their development rights, whereas another might prefer working in the free market under the auspices of a TDR program. Also, different developers may have different preferences with regards to preservation techniques, depending on market conditions. That is, some may find it more profitable to sell off their development rights, while others may prefer to retain all the rights and cluster.



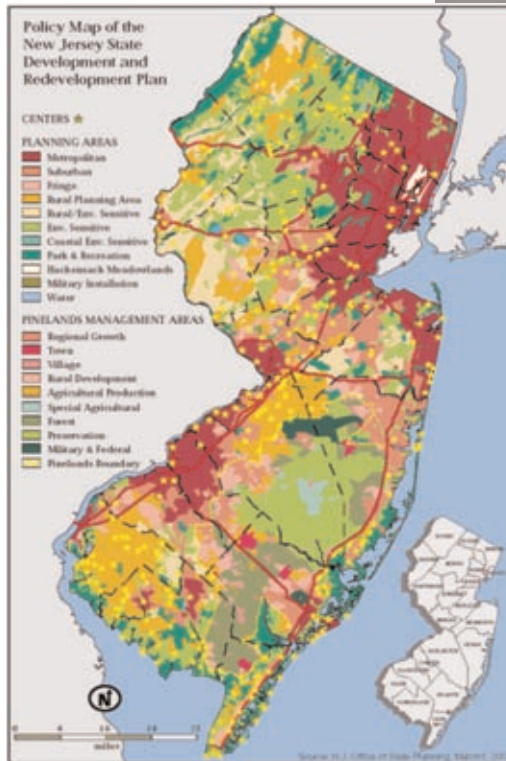
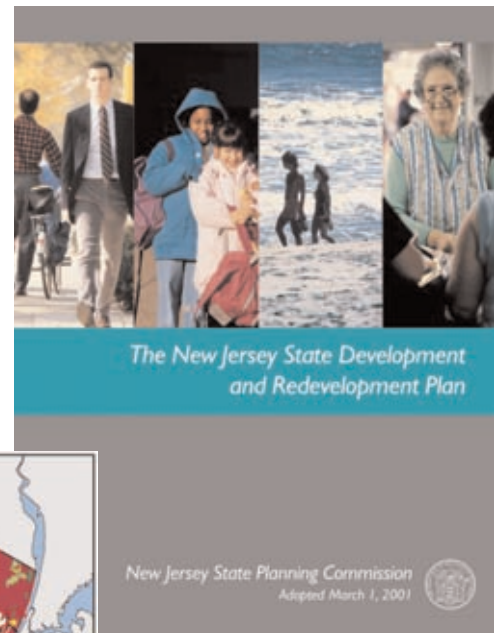
**Start early.** Initiatives for farmland preservation often fail because they are initiated too late in the process of suburbanization. All too often, there is no perceived need to protect farmland until development pressures either reach a boiling point or only a handful of farms remain. By that time, it may be too late, because landowners and developers become resistant to preservation for financial reasons. When towns are predominantly rural in use, it may be astute to adopt some simple but significant preservation strategies, such as rezoning, and it may be relatively cost-effective to purchase development rights. As development pressures increase, more complex strategies like TDR or cluster development can be considered.



**Reach out to land-owning farmers.** While suburban residents are typically supportive of farmland preservation efforts, agricultural landowners tend to object for fear of losing their property values. (This includes the donation value of the land). Outreach efforts to landowning farmers can help allay fears of property devaluation and explain the various different preservation options. Many farmers, if money were no object, would like to keep farming and preserve their farms from falling prey to suburban sprawl.



**Reach out to developers.** Local governments should explain to developers the potential business opportunities



The State of New Jersey implemented a statewide plan for development and conservation, based on the ideas of livable communities and sustainability. The original 1992 plan was recently updated in 2001. The plan designates both growth and conservation areas, as shown in the map at left. A municipal plan is required to include a statement explaining how it is related to the State Plan. (Source: New Jersey Office of State Planning)



## City of Davis, California Right to Farm Ordinance

Davis is an historic rural town located halfway between Sacramento and San Francisco along Interstate 80. Because of sprawl development encroaching from both cities, Davis has been subject to intense development pressure since the mid-1980's. In 1995, the City adopted a right-to-farm ordinance that requires property sellers to notify prospective buyers of the existence of agricultural activity in the area. Also, as a condition of approval for subdivision approvals, use permits, rezoning, or planned development applications, the City requires a right-to-farm notice to be attached to the property title as a deed restriction. Because right-to-farm protections are integrated into the actual deed, new property owners have a more difficult time bringing suit against alleged agricultural nuisances.

associated with farmland preservation techniques and higher-density housing development. Often, there is an erroneous perception among suburban housing developers that the market will support nothing but large, detached, single-family housing on one- to two-acre lots. Cluster development adjoining preserved farmland can often generate equal if not greater profits, because the adjacent open space amenity results in a sales premium,



**Support agriculture as a business.** Small-scale farms in the northeastern U.S. have a difficult time competing with the larger commercial operations and the year-round cultivation periods of western and southern farms. Preserving farmland alone will not keep farms in business. Through local zoning provisions, towns should permit farm stands, farm markets, and temporary farm worker housing on active farms, which can help reduce costs and increase revenues. Towns can also provide farmers with technical and financial assistance with respect to farmland preservation, estate planning, funding resources, and marketing. Another potential strategy is to promote agro-tourism, from historic farm tours, to hayrides, to farm-based bed-and-breakfast inns.

### How Can the State Help?



**Build up the toolbox.** Towns in the Hartford region already have a number of tools for farmland preservation: (1) State law allows municipalities to adopt TDR programs and cluster development; (2) large-lot zoning is a right inherent in the State's zoning laws; and (3) the State offers differential tax assessment for farm properties. Nevertheless, additional regulatory and legal tools would give municipalities even more options to choose from. The State should consider adopting enabling legislation for local right-to-farm ordinances, agricultural districts, urban growth boundaries, impact fees, and concurrency requirements.



**Promote the economic benefits of farmland preservation.** Connecticut and the Hartford region are renowned for the beauty of the countryside. That beauty not only lends charm to the Hartford region, but serves as an economic asset that attracts residents, tourists, employers, and investors. If those areas become carved up with sprawling subdivisions and

commercial strips, then one of the region's most important economic assets is compromised.



**Adopt a strong statewide "smart growth" plan.** Because the Hartford region as a whole has not been growing, suburban sprawl is depleting resources from ailing inner cities, whose economic ill health has actually served as a drag on the economy. The solution is to use "smart growth" techniques to channel development away from the rural/suburban edge and back toward urban and suburban areas. The State can encourage local governments to adopt "smart growth" policies by adopting a statewide "smart growth" plan and requiring local plans to be consistent with the State plan. As an alternative, the State could require local plans to be consistent with CRCOG's Regional Plan of Conservation and Development, which place an emphasis on smart growth.



**Make more funding available for the purchase of development easements.** Through the State's "Farmland Preservation Program", the State currently provides funding for the purchase of development easements on active farms. The State should explore additional opportunities for pooling resources with federal, local, foundation, and non-profit agencies, in order to create a larger pot of money for land preservation. At the same time, the State itself should increase the amount of money set aside for the purchase program. As of 1999, Connecticut ranked next to last among New England states in per capita spending on farmland preservation.

#### **For More Information**

1. American Farmland Trust, Washington D.C. Phone: (202) 331-7300, <[www.farmland.org](http://www.farmland.org)>.
2. The Trust for Public Land, Connecticut Field Office, New Haven, CT. Phone: (203) 777-7367, <[www.tpl.org](http://www.tpl.org)>.
3. Working Lands Alliance, Hartford, CT. Phone: (860) 296-9325, <[www.workinglandsalliance.org](http://www.workinglandsalliance.org)>.
4. Connecticut Rural Development Council, Winstead, CT. Phone: (860) 738-6413, <[www.ruralct.org](http://www.ruralct.org)>.

See also, Detailed Technical Analysis on Agricultural Land Preservation, available through CRCOG.

Prepared by Abeles Phillips Preiss & Shapiro, Inc., 2002.