

PLANNING A FUTURE FOR AGRICULTURE: Why County Farmland Protection Plans Matter

New York's undisputed economic hub—Manhattan—is changing the lay of the land in picturesque Rensselaer County. The agricultural community near Albany now sees growth it never expected from its perch high up the Hudson, as New Yorkers seeking a more rural setting commute 120 miles each way to the Big Apple from new homes in Rensselaer.

"It's very pretty, and a lot of people move out of the cities to live here," says Linda von der Heide, the county's principal planner. "There is quite a bit of sprawl in agricultural areas because they are open and easier to develop."

Rensselaer officials decided to take a stand. County planners teamed up with Cornell Cooperative Extension, members of the county Farm Bureau, county legislators and economic development specialists to create a comprehensive plan to protect agriculture and the rural nature of their community. Today, county officials combat farmland loss with an arsenal of strategies.

Rensselaer County's successful planning experience demonstrates how comprehensive local efforts can protect farmers, farming and farmland. New York offers local planning grants for this purpose, as do other states like Ohio, Wisconsin and California.

"Having a local land protection plan is the only way to ensure that your resources—both financial and political—are used as effectively as possible," says Jill Schwartz, AFT's marketing director. "If you protect your best farmland, you are one step closer to making sure your local agricultural industry remains strong."

Effective local plans usually hinge upon:

- A broad base of support and a consensus-building process;
- Compatibility with, or inclusion in, a larger county land use plan;
- A focus on the most strategic land;
- A mix of incentive-based and regulatory land use techniques;
- Techniques for agricultural economic development; and
- Policy and/or funding support from the state.

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KEEPING FARMLAND ACCESSIBLE & AFFORDABLE: A Conversation with Equity Trust's Chuck Matthei

Like a Johnny Appleseed for land conservation, Equity Trust Executive Director Chuck Matthei has spread innovative models of land ownership and tenure. From Connecticut to California, Matthei has helped sprout a new generation of protected farms whose ownership structure is designed to keep the land accessible *and affordable* to farmers.

"We see our role as a catalyst," Matthei says of Equity Trust's operations. "We're trying to call attention to some of these issues that might have been overlooked and to help develop the tools individuals, organizations and others can use to address those issues."

Throughout his career, Matthei, 54, has helped community land trusts provide and maintain affordable housing through alternative ownership structures. With the founding of Equity Trust in 1991, Matthei expanded his focus to address critical land tenure issues faced by farmers.

Securing the long-term affordability to farmers of easement-protected land is an emerging issue. Affluent people seeking second or retirement homes are willing to buy farms
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Connecticut

LANDWORKS

*Serving the people
who conserve
the land*



American Farmland Trust

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American Farmland Trust is a private, nonprofit conservation organization dedicated to protecting the nation's strategic agricultural resources. Founded in 1980, AFT works to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment.

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Keeping Farmland Accessible & Affordable *continued from page 1*

with conservation restrictions at prices far greater than what agricultural income can support. Farms on which significant public investment has been made through the purchase of development rights are in danger of being removed from agricultural production. "If we are interested in there being another generation of farmers in this country and a supply of wholesome, nutritious, locally grown food, then we have to make a commitment, not only to take care of the land, but that it has to be available to farmers at a price they can afford."

Matthei maintains that traditional land protection tools used by conservation land trusts are effective at protecting the environmental resource but don't address the social and economic dimensions of farming as a land use. "If the goal is simply open space, then the traditional conservation tools are adequate. But if our goal is the preservation of agriculture as responsible land use, as a way of life and as a sector of the economy, then the traditional tools, while useful and important, are not adequate by themselves. They need to be augmented."

Equity Trust helps farmers, community organizations, land trusts and others structure the legal framework that balances the interests of all parties. In some cases, the farmer owns the land, and the land trust owns an easement that includes an option to purchase the land at agricultural value. In others, the land trust retains ownership and offers the farmer a lifetime, inheritable lease (the farmer would also own the farm business and any improvements he or she makes).

"We work to give individuals the essential benefits of ownership—lifetime use, fair equity on investment and a legacy for their heirs," Matthei says. "At the same time, we want to guarantee that the farm will remain available and affordable to other farmers."

With a slender annual operating budget and a staff of eight, the Connecticut-based Equity Trust works on both affordability issues in housing and agriculture. It offers educational services, information, advice and technical assistance (including sample legal documents and other publications) to individuals, community organizations and government agencies. Its Equity Trust Fund, now at about \$8 million, provides financing for land acquisition, capital improvements, equipment purchases and other needs, particularly for farms where there are mechanisms already in place to preserve the land as active farmland. In a few cases, when no local land trust was available, Equity Trust has played that role, holding property interests in partnership with a farmer.

On average, says Matthei, Equity Trust receives a call a day from a farm or community group seeking help acquiring or protecting farmland. In the early 1990s, one of those calls came from Gloria and Stephen Decater, operators of the California's oldest community supported agriculture (CSA) farm located in Covelo. After farming as "caretakers" for nearly 20 years, the Decaters felt it was time to purchase the land.

Like many small farmers, the Decaters could not afford to pay the full market value of the property with only farm income. Their CSA members were willing to raise the money to purchase a conservation easement to be held by a land trust. But the Decaters wanted two provisions that the local land trust was reluctant to accept: that the land would be continually farmed by resident farmers using organic or biodynamic methods, and that all future purchase prices would be limited to the agricultural value of the land to ensure that the land would be perpetually affordable and available to farmers.

The project had come to a standstill when they called Equity Trust.

"When we talked with Chuck it was like coming home," Stephen Decater recalls of that first, hour-plus telephone conversation. "He said, 'Send us a copy of what you've got and a brief description of your goals and we'll have the board look at it.' It was a tremendous support and relief." Adds Gloria: "He really understood what we were trying to do, and believed it should be done and wanted to work with us to find ways to do it." Ultimately, Equity Trust agreed to play the "land banking" role by holding the easement until local stewardship becomes available.

"equity:
1. a financial interest
in property, 2. a moral
principle of fairness."

The Decaters' efforts have served as a model for similar initiatives across the country: CSA farms elsewhere in California, Illinois, New York and Massachusetts have pursued shared equity ownership approaches with varying degrees of support from Equity Trust. Matthei believes the issue is relevant to all types of farmers.


"Competition from other market forces for farmland affects all farmers and would-be farmers," he says. "We're past the point where a farmer can count on his or her children to take over the farm. The transfer of farmland from one family to another is and will be commonplace. We need to be prepared for those transfers."  B.H.



Photo courtesy of Equity Trust

Partners & Friends: (from left) The Decaters (Stephen, Alexander, Christopher, Nicholas and Gloria) celebrate the transition from caretakers to farm owners along with rancher Richard Wilson, from whom they purchased the land, and Chuck Matthei, executive director of Equity Trust.

POLICY REPORT: **WHAT'S IN THAT SILO?** **Farms & Cell Phone Infrastructure**

Rolling hills surrounded by water give Peninsula Township, Michigan, an ideal and unique climate—moderate temperatures and good air drainage—for growing fruit. In fact, Peninsula Township, not far from Traverse City, is one of the leading producers of tart cherries in the nation. The same geographic characteristics that make for good fruit have also made its hillside farms attractive places for wireless telecommunications facilities.

The town now allows telecommunications towers in its agricultural and conservation zone through a "special-use permit process," reports Gordon Hayward, Peninsula Township planner. However, zoning restrictions require that proposals to erect new telecommunications towers must demonstrate that the equipment cannot be located on existing facilities. Moreover, regulations prohibit towers on scenic views.

Communities around the country are grappling with requests for cell phone towers and community objections to them, most often because of aesthetic concerns, although environmental and health concerns sometimes come into play.

"It's affecting everybody. To get a seamless national network you need to be everywhere," says Meg Maguire, president of Scenic America, a national organization that helps communities develop regulations that minimize the aesthetic impact of telecommunications equipment while allowing the industry to expand. "Local governments need to do all they can to mitigate the visual impacts of cell towers, and there's really quite a lot they can do," she continues. "Federal law requires that every community must host these things. But with that comes pretty broad powers to regulate."

Albemarle County in Virginia, Silver City in New Mexico and the Adirondack Park Agency in New York are among a growing number of communities that have enacted local policies and/or ordinances to limit the visual impact of towers. Some strategies they rely on include co-location of towers on existing structures such as pre-existing towers, buildings, water towers, street lights or utility poles, and "stealth technologies" that disguise wireless facilities as landscape features such as trees or flagpoles, or place them inside structures such as silos or church steeples.

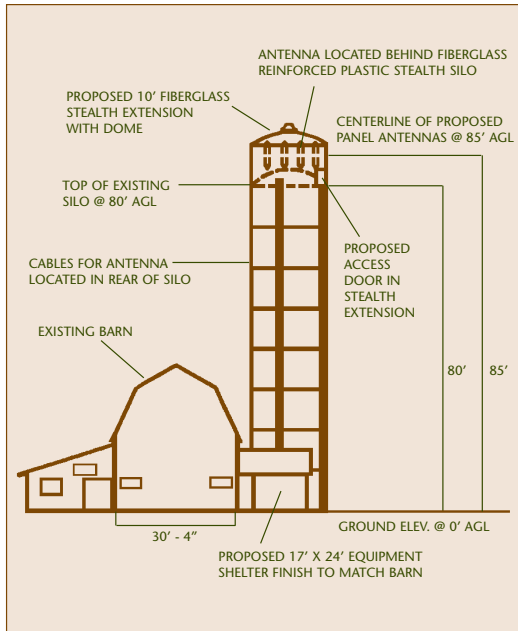
On working lands, suggests Maguire, it's important that farmers and ranchers "call the shots" about where telecommunications facilities are going to be placed and whether they're going to be screened. "There's a lot landowners can do to mitigate the impact on the land they love and care for."

When requests come for telecommunications facilities on easement-protected farmland, program administrators face the added challenge of balancing their program's goals with community concerns and farmer interest in the rental income.

"For those focused on conserving open space and views, in addition to farmland preservation, aesthetic issues are more important. For us it's less of an issue," says Rich Harlow, manager of Michigan's farmland protection program, through which 4.3 million acres of farmland are protected through 50,000 restrictive covenants. "Our statute permits cell towers but leaves regulation of aesthetic impacts to local governments. There are some economic benefits associated with the towers and, in most cases, a very limited impact on the farming operation. For us part of farmland preservation is preserving the farming operation. If it helps the operation to be more economically viable and is of limited impact on the farmland, then we see it as a positive." *Continued on page 4*

"The public good is served by keeping towers off ridgelines and fields, keeping agricultural land in active agricultural use."

**—Leslie Ratley-Beach,
Director of Stewardship
for Vermont Land Trust**



In Vermont, where topography poses challenges to cell phone technology, the state's land use law, Act 250, restricts ridgeline development. As a result, cell phone companies have targeted farms as locations for their antennas. Agricultural resources are also protected under the law.

"It can be a challenge to regulate towers in a way that [allows wireless service to expand] but ensures that the values under Act 250 are protected," says Michael Zahner, executive director of the Vermont Environmental Board. Objections to telecommunications facilities are largely aesthetic, but issues related to roadway access, wetlands and deer yards have also arisen, he says.

Recently, the Vermont Land Trust (VLT) received a number of requests to site telecommunications equipment on protected farms. The land trust's policies and easement language prohibit stand-alone towers on its protected farms. "The mission of the Vermont Land Trust is to support the rural character of Vermont, and stand-alone towers do not support any aesthetic element of rural character," says Kathleen O'Dell, VLT's communications director.

However, following a lengthy policy review process, VLT and its easement co-holders decided to allow telecommunications equipment to be mounted in or on silos and other farm structures, providing that the antennas do not affect the farm operation or adversely affect the aesthetic integrity of the farm.

For more information:

Scenic America
www.scenic.org

**Albemarle County
Telecommunications Ordinance**
www.Albemarle.org/planning/

**Adirondack Park Agency
Telecommunications Policy**
http://humber.northnet.org/adirondackparkagency/towers_policy.htm

Vermont Land Trust:
www.vlt.org

Visit LandWorks at
www.farmland.org/htm
to access links to
Vermont's Act 250.

"It's taken us a while to figure out all the policy aspects with co-holders and the technology issues with carriers. We worked with everybody to try to find a way to say yes and still protect the integrity of the easement and help farmers with extra income," says Leslie Ratley-Beach, director of stewardship for VLT. "It's a standard [cell phone companies] haven't had to meet in other states," she says. In response, Verizon has developed a fiberglass cap that holds the antenna and looks like two sections of Harvestore Silos. Another company will use panels that are installed flush to the side of a silo and painted to conceal them.

Ratley-Beach says rental fees on these facilities will be between \$15,000 and \$38,000 a year, depending on the particulars of the contract. "This is a revenue stream we really would like the farmers to have." However, because these properties were protected using easements paid through tax dollars, under the legal tax doctrine of "private benefit" it appears that the farmers may have to share the revenue with VLT. The nonprofit is seeking a ruling from the IRS on the matter and will argue that the public benefits that accrue from having the antennas on farms far outweigh the private benefits that will flow to the farmers.

In addition to allowing cell phone service to Vermont residents, "the public good is served by keeping towers off ridgelines and fields, keeping agricultural land in active agricultural use," Ratley-Beach says, noting that farmers intend to use the income stream to make improvements on their farms, and in one case, expand. 🚗 B.H.

WHEN IS A HORSE FARM REALLY A FARM?

To many people, equine operations look, smell and feel like farms. In urbanizing areas where rising land values and low commodity prices are squeezing traditional agricultural enterprises, horse operations are emerging as a significant part of the working landscape.

But are horses agriculture? Furthermore, should horse operations be treated like farms with respect to agricultural tax assessments, exemptions from regulation and land conservation? The answers depend on how you define agriculture and whether you're looking at breeding operations or recreational facilities.

At one end of the spectrum are horse breeding operations where sales of horses (and semen) mean those facilities typically fall within the United States Department of Agriculture's (USDA) definition of a farm—a place producing farm commodities having a market value of \$1,000 or more annually. At the other end of the spectrum are small stables that board horses and offer riding lessons. Most agricultural officials consider these operations "recreational," and some have vigorously opposed efforts to extend agricultural status to them or allow them on easement-protected land.

The way federal agricultural statistics are compiled reflects traditional agriculture's ambivalent relationship with the equine industry, says Nelson Bills, professor of Agricultural Economics at Cornell University. "There is a real disconnect between what we see in the working landscape and what's in [the Census of Agriculture] statistics," Bills says. "In many locales, equine operations are a key part of the rural and farm landscape but remain largely unrecognized in farm statistics."

Services Rather Than Products

Because equine operations, such as riding stables, typically provide services rather than sell products, many aren't counted in the USDA Census of Agriculture. Recognizing that gap, the USDA conducted a special equine survey, the first of its kind, in 1999. The survey reported 5.32 million horses, ponies, donkeys and burros in the United States but did not collect information about how much land is involved in equine operations. On the other hand, acreage involved in equine operations is included in the USDA National Resources Inventory (NRI), which looks at land cover/use, regardless of whether or not the operation meets the USDA definition of a farm.

Some states also conduct periodic surveys to assess equine contributions to the working landscape, including land use, associated assets and equine-related employment along with the equine inventory. New York's special 2000 equine survey, released in November 2001, found 168,000 equines in the Empire State, raised at 30,000 locations. Nearly half of the horse owners described their operations as non-commercial/non-farm, accounting for more than 3 million acres of which 920,000 were classified as "fenced equine pasture."

The issue can be illustrated by comparing state-level data from the NRI and the Census of Agriculture. In New York, for example, the 1997 NRI pegged cropland and pasture acreage at 5.4 million and 2.6 million acres respectively, about 70 percent higher than the acreage estimated by the same year's agricultural census. Bills says that the New York data suggest that equine operations may account for a significant portion of the difference in acreage counted by the Census of Agriculture and the NRI.

In Kentucky, where \$1 billion in sales make equine the state's top cash crop, horses are generally considered an agricultural enterprise. Under Fayette County's new purchase of development rights (PDR) program, equine operations, regardless of whether they involve breeding and training of thoroughbreds or boarding pleasure horses, fall under the same eligibility guidelines as other farms: They must be at least 20 acres in size and located outside the Lexington/Fayette urban service boundary.

Linking Suburbs and Rural Communities

People who lean toward considering horse operations as farms also look at the contributions equine facilities make to the local agricultural infrastructure and the ways that "ancillary" recreational horse operations can help sustain the more traditional, production-oriented operation. Rich Harlow, program manager for Michigan Farmland and Open Space Preservation, says while many in Michigan's traditional agricultural community don't consider horse operations "real farms," a growing number recognize that horses can provide important links between the suburbs and traditionally rural communities. "The barley, oat and hay growers benefit by getting a premium price for their products," he says.

Similarly, several New York Farm Bureau Chapters arguing for bridle paths to be included in the state's open space plan, wrote: "Horse people buy oats, hay, corn, beet pulp and wheat straw grown by local farmers, usually within a 30-mile radius of their stables. An estimated low-end cost to feed one horse per month is \$65. Multiply that by Erie County's 7,200 horses over a year's time and the contribution to the agricultural community in the purchase of horse feed alone is a staggering \$5.6 million."

In the Rocky Mountains, cattle and sheep operations have turned to guest ranching as one way to diversify farm income in the face of low commodity prices. "What we think is happening is that what it means 'to ranch' is changing right now," says Ben Alexander of the Sonoran Institute. "People who will succeed are those who diversify their livestock operations and find ways to participate in more lucrative aspects of the national economy."

Historically, horses provided critical transportation for Western ranchers. But today's ranchers are as likely to cover their range using dirt bikes or all terrain vehicles, unless they have particularly difficult topography. Instead, equestrian activities play a critical role in a new generation of guest ranches, where urban dwellers come to participate in traditional ranch activities. "To me, that's the most exciting form of guest ranching. There's an opportunity for people who are removed from the land—pavement people—to reconnect with the land. Ranchers who put people on a horse and put them to work on the range have an opportunity to educate urban people about the difficulties, constraints and opportunities in agriculture today," Alexander says.

"Is guest ranching agriculture? Strictly speaking, it's not the production of food and fiber. But if guest ranching is viable from a cash flow standpoint, then guest services, including horse riding, become integral to the viability of that agricultural operation," he says.

Defining Agriculture

People who argue against treating recreational horse operations as farms generally start from a production-oriented definition of agriculture similar to the USDA's. They also question whether recreational facilities are really depending on agricultural resources and point to the substantial site modifications and development (stables, arenas, parking areas) that accompany horse facilities. "All those things usually involve taking away the topsoil and putting down drier materials. There's no reason for those

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"There is a real disconnect.... In many locales, equine operations are a key part of the rural and farm landscape, but remain largely unrecognized in farm statistics."

**—Nelson Bills,
Cornell University
Department of
Agricultural
Economics**



Planning a Future for Agriculture *continued from page 1*

“You need a plan that won’t hinge on just one or two things falling into place, and if they don’t happen, the whole plan becomes a paper weight.”

**—Linda von der Heide,
County Planner,
Rensselaer, New York**

In developing its plan, Rensselaer took advantage of the state’s Agricultural and Farmland Protection Program, which since 1992 has offered matching grants. Planners wrote a blueprint both to protect farmland and expand the economic opportunities for farmers. The comprehensive planning effort took almost two years.

The matching grant was part of the ambitious 1992 legislation that also created county farmland protection boards. The boards, which advise county officials about agricultural districts and applications for purchase of development rights (PDR) funds, chiefly prepare county land protection plans. Under the act, county plans must locate important farmland, analyze its agricultural and environmental value, and identify threats to continued agricultural use. Planning grants are capped at \$50,000 and cannot exceed half of the cost of the plan. The county supplied \$10,000 in matching funds and a little more than \$40,000 with in-kind services.

Rensselaer got on board with the state grant in 1999, then hired AFT to help facilitate the planning and implementation process. Early on, the county surveyed residents to gain support and also built public awareness with a series of events—a booth at the county fair, a series of meetings, a farm tour for community leaders.

“Twenty years ago, it was next to impossible to discuss these issues in most communities,” says Teri Ptacek, AFT’s New York field project specialist, who worked closely with Rensselaer officials. “The planning grants really helped turn this around, and the state’s focus on economic viability as well as farmland protection was a key ingredient.”

The Rensselaer plan works on many fronts. A top action item was development of a “neighbor relations” packet for farmers to give to their non-farming neighbors in hopes of improving the lines of communication and reducing so-called “nuisance” suits filed by non-farmers. In the policy arena, the plan calls for the county to urge towns to strengthen or pass right-to-farm laws. The plan also provides for linked initiatives to boost agricultural economic development, including new marketing efforts to promote Rensselaer County farm products through niche markets, agritourism and cooperative ventures.

Other Rensselaer strategies include: exploring funding sources for a PDR program and urging towns to consider funding mechanisms for local farmland protection efforts; developing a directory of technical assistance sources for farmers; promoting and/or providing tax relief incentives through towns, such as using agricultural assessment values when taxing farmland for services; expanding a farmer-to-farmer network and exploring shared farm labor arrangements.

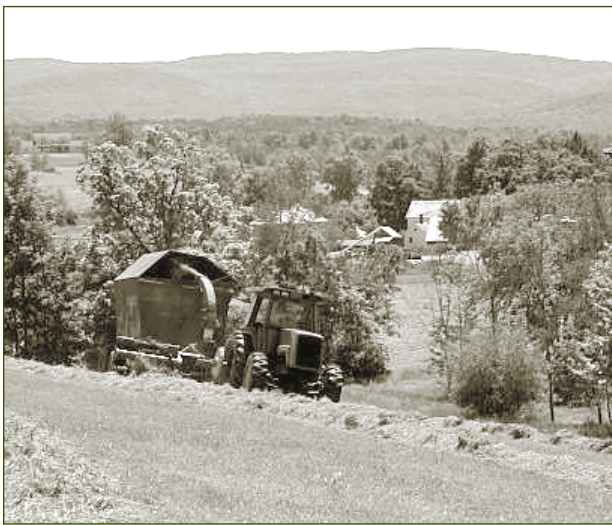


Photo courtesy of Rensselaer County

Along the way to a comprehensive plan, Rensselaer hit obstacles, such as needing to forge consensus among disparate groups and finding staff time to work on the project. “We have a lot of good ideas, but it’s tough getting time for everyone to sit around the table,” von der Heide says. “The grant allowed us to get services from AFT, which did a lot of the footwork.”

“You need a plan that won’t hinge on just one or two things falling into place, and if they don’t happen, the whole plan becomes a paper weight,” von der Heide continues. “We constructed a plan that has some elements we can achieve easily, then get momentum.”

Other communities also have adopted comprehensive farmland protection approaches supported by diverse interests. Recently, Dakota County, Minnesota, near the Twin Cities, has seen about 3,000 new homes built annually in existing and planned urban communities that are advancing into agricultural areas. In addition, about 200 homes each year are built on large rural residential lots mixed in with agricultural land uses. “It is something that concerns our citizens,” says Kurt Chatfield, Dakota County’s principal planner.

Dakota County officials know what citizens think. Every two years since the early 1990s, they have surveyed their 355,000 residents about a variety of local issues. The rate and manner of growth they see in the county rank as a top concern. In a 2001 survey, 91 percent expressed a desire for the county to “pursue an active role in protecting farmland from development.” They indicated a similar wish for natural areas.

County planners started by forming a diverse group: environmentalists, representatives from the farmers union and farmland protection advocates. The collaborative recommended protection strategies that were approved by the county commissioners in January 2002, setting the stage for a possible referendum. If posted on the ballot, the referendum would raise \$20 million over 20 years through an annual property tax levy. The new fund would bankroll the PDR program and, in some cases, land acquisition.

The planning effort was funded primarily by two state grants. In 1999, the county received \$200,000 to increase public awareness about farmland and natural area protection, conduct a countywide inventory of farmland and natural areas, and prepare a protection plan. The county provided about \$50,000 of in-kind services to carry out those tasks. A second grant of \$93,500 in 2001 allowed county planners to reach out to landowners, investigate funding options and provide assistance to Dakota County cities and townships to protect priority farmland and natural areas.

The county hopes to implement key strategies such as PDR to protect productive farmland in contiguous blocks next to natural areas and promote the use of existing metropolitan “agricultural preserves” that offer farmers tax credits in exchange for eight years of continued farming. Tools for cities and townships might include 1/40 acre agricultural zoning, exclusive agricultural zoning and special building restrictions for the most productive soils. The county commissioners approved the strategies in January but have not yet begun implementing them.

“We tried to balance farmland protection with a need for the county to grow,” Chatfield says. By protecting farmland near natural areas, “the two [goals] can complement each other in a symbiotic relationship.”

At least a decade before Rensselaer and Dakota counties embarked upon local farmland protection plans, Yolo County, California, officials adopted a precedent-setting blueprint to guide the area’s growth. Yolo planners wanted to ensure that the California growth machine didn’t swallow their county, tucked between the San Francisco Bay region and Sacramento. County officials approved a general comprehensive plan, including an optional “agricultural element” that provides guidance on all land use decisions that impact agricultural resources. In Yolo County, approximately 90 percent of the land covered by its general plan is designated as agricultural.

“We’re heavily invested in agriculture; that’s our base,” says John Bencomo, Yolo’s director for planning and public works. “My mantra is that it happened in Ventura County, San Jose County and Monterey, and it’s not going to happen here.”

The county’s plan calls for agricultural zoning—minimum acreage requirements of 80 acres in “agricultural preserve” zoned land. Yolo also approved county/city tax-sharing agreements that make it possible to direct growth toward the county’s cities. A farmland mitigation ordinance, an unusual rule, requires developers who win a zoning change from agriculture to “mitigate” for each acre of farmland they build upon by permanently protecting one acre of equal or better quality land someplace else in the county. Typically, the new land is put under conservation easement.

Today, Yolo officials are poised to update their general plan. High on the list is the agricultural element, something not required under state law but a continued high priority for Yolo County commissioners as they watch growth drive, literally, along the I-80 and I-5 corridors that angle through the county. “We’re trying to get in a ‘ready’ position and to direct growth to those areas where there are less prime soils and fewer agricultural resources,” Bencomo says. 🚜 V.B.

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LAY OF THE LAND

Total mandatory spending in Farm Bill*	\$457.8 billion
Ratio of commodity to conservation spending (Total 10 yrs.)	3.5 : 1
Farmland Protection Program (FPP) funding	\$985 million
Spending, 1996-2001	\$52 million
Authorized, 2002-2007	\$597 million
Projected, 2008-2011	\$388 million
Ratio of peanut subsidies to FPP funding (Total 10 yrs.)	4.9 : 1

* Farm Security and Rural Investment Act of 2002

Source: Congressional Budget Office H.R. 2646 Estimate of Budget Authority, 05/03/02

When is a Horse Farm Really a Farm? *continued from page 5*

For more information:

2001 New York Equine Survey

[www.nass.usda.gov/ny/
Equine2000/horse.htm](http://www.nass.usda.gov/ny/Equine2000/horse.htm)

1999 National Agricultural Statistics Service Equine Survey

[www.usda.mannlib.cornell.edu/
reports/nassr/livestock/equine](http://www.usda.mannlib.cornell.edu/reports/nassr/livestock/equine)

Sonoran Institute www.sonoran.org

National Equestrian Land Conservation Resource www.elcr.org


facilities to need prime agricultural soils," says Rich Hubbard, assistant commissioner of the Massachusetts Department of Food and Agriculture.

"Our biggest problem is keeping land available and affordable to production farmers," says Hubbard. "We've resisted opening up the definition of agriculture to include recreational riding and boarding because it introduces another buyer into the market for [protected] land, one who generally has more resources to bring to bear than someone who is engaged in production agriculture."

Currently, Massachusetts considers equine breeding operations agricultural and allows ancillary boarding, riding and training facilities provided they aren't the primary activity. Like Hubbard, Massachusetts' assessors also are opposed to opening the definition of agriculture to recreational horse facilities because of the impact on agricultural property tax assessments.

Forty-nine states offer differential property tax assessments to agricultural land; all 50 offer property tax relief. Under New York's agricultural districts law, commercial horse boarding operations are eligible, subject to county approval, for agricultural assessments providing they have at least 10 acres, 10 horses and gross revenue of at least \$10,000. In many states, agriculture is also often exempted from some local and state land use regulations that affect commercial enterprises. Delaware farms, for example, are exempted from county regulations such as zoning ordinances and are eligible for the state's PDR program. Under Delaware's commodity-oriented definition of farms—similar to the USDA's—horse breeding operations qualify as farms, while recreational facilities do not.

Mike McGrath, chief planner for the Delaware Department of Agriculture, is concerned that opening the definition of agriculture to include recreational riding and boarding facilities could jeopardize those programs. "We're going to jealously guard the requirements [for designation as a farm] because we know if the benefits start going to people who aren't readily identified as farmers, then we're going to lose the whole ball of wax," he says.

"These are not simple issues. But here's the question you've got to ask yourself: Are you really trying to structure programs that try to protect and preserve commercial agriculture, or are you trying to structure programs that deal with open space?" McGrath says. "Everybody's got a foot in each camp. But Delaware, I think, has come down on the side of commercial, industrial agriculture. Along the way, we've saved a bunch of critters and trees, and protected natural resources and open space."  B.H.

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