

American Farmland Trust

## FLORIDA'S GROWTH MANAGEMENT PLANS: WILL AGRICULTURE SURVIVE?

# A REPORT ON THE IMPACT OF CONTINUED POPULATION GROWTH ON FLORIDA'S FARMLAND

Prepared by

Craig Evans Senior Associate, Program Development American Farmland Trust

Florida Study 1992

For additional copies of this report and more information, contact:

## **American Farmland Trust**

National Office 1920 N Street NW, Suite 400 Washington, DC 20036 (202) 659-5170

© June 1992 American Farmland Trust

Report designed and prepared by American Farmland Trust

# 

## FLORIDA'S GROWTH MANAGEMENT PLANS: WILL AGRICULTURE SURVIVE?

## A REPORT ON THE IMPACT OF CONTINUED POPULATION GROWTH ON FLORIDA'S FARMLAND

Prepared by

Craig Evans Senior Associate, Program Development American Farmland Trust

June 24, 1992

## **EXECUTIVE SUMMARY**

This report has been designed so you can quickly review its highlights -- and come back later to study its findings in more detail, if time allows.

In lieu of an executive summary, it is suggested that you simply read a few selected pages from the report -- and skim the balance.

The report and its findings are summarized on the following pages:

Introduction	pages 1 - 5
Key Findings	pages 7 - 11
Needed: A Better Way to Protect Florida's Agriculture	pages 78 - 80
and	
20 Ways Local Governments Can Retain Farmland	pages 81 - 83

It is also highly recommended that you read:

ć

Regulations, Regulations Everywhere: Do They Pose an Unnecessary Burden to Agriculture? pages 57 - 66

Your comments are welcome. Please write: Craig Evans, American Farmland Trust, 1920 N Street, NW, Suite 400, Washington, DC 20036.

All rights reserved.

·

.

.

ii

#### ACKNOWLEDGEMENTS

Many people cooperated in the preparation of this report. I am grateful to all the people who shared their ideas -- and time. In particular, I would like to thank:

Doyle Conner, former Commissioner, Florida Department of Agriculture and Consumer Services, and a member of the American Farmland Trust Board of Directors; and

Jim Riggle, Director of Field Operations, American Farmland Trust

iv

.

# TABLE OF CONTENTS

Introduction	
Why This Assessment Was Done The Objectives of This Assessment How This Assessment Was Done	3 4 5
Key Findings	7
Florida's Population Growth	12
Projected Population Growth	14
The Fastest Growing Counties	15
The Significance of Florida Agriculture	17
Indirect Economic Benefits Paying for Urban Growth Other Values	18 19 20
The Most Important Agricultural Counties	21
Priority Counties: Where Agriculture is Most at Risk from Development	22
Will the Growth Management Act Protect Agriculture?	26
Why Current State Laws Need Improvement: A Planning Consultant Speaks Out Other State Laws Proposed Changes in Chapter 9J-5, F.A.C.	26 29 30
Policies Adopted in County Comprehensive Plans to Protect Agriculture: the Good, the Bad and the Unworkable	32
Exclusive Farm Use Zones Low Density Residential Zones Development Restrictions Needed: A New Approach to Rural Land Planning	32 33 36 40

Planning for Agriculture With Input from Agriculture "Flexible" Land Use Planning Techniques Special Exemptions for Agricultural Landowners	44 48 55
If You Can't Fight Them, Join Them: Allowances for Agricultural Use in Urban Areas	55
Policies Adopted in County Comprehensive Plans That Put Agriculture at Risk	56
Regulations, Regulations Everywhere: Do They Pose An Unnecessary Burden to Agriculture?	57
Counties with Land Development Regulations in Force to Conserve Farmland	67
Counties with Voluntary Programs in Place to Protect Farmland	67
Level of Importance Placed on Farmland Protection by County Planners	68
Key Concerns Expressed by Planners Regarding Agricultural Lands	68
Key Needs Expressed by Planners Regarding Agricultural Lands	71
Counties Which Have Requested Information on How They Can Obtain Assistance	
and Local Farmland Protection Options	72
How Should Agricultural Land Be Valued?	73
Needed: A Better Way to Preserve Florida's Agricultural Lands	78
20 Ways Local Governments Can Retain Farmland	81
Conclusion	84
APPENDIX:	
AFT's 1991-92 Activities in Florida	86

#### INTRODUCTION

Overheard from an Orange County farmer:

"This used to be all citrus groves. Now every time it rains, it sprouts Yankees."

Florida is one of the most important agricultural states in the nation. It leads the country in the production of oranges, grapefruit, fresh tomatoes, watermelons and sweet corn. Some tropical fruits and vegetables -- such as mangoes, papayas, passion fruit, lychees and carambolas -- can be grown in no other place in the continental United States. In addition, the state produces 230 other agricultural commodities.

With sales topping \$6.2 billion, the state ranks second nationally after California in receipts from crop sales, and eighth in receipts from all its agricultural products.

More than any other industry, agriculture is dependent upon land -- good land -- for its existence. Many planners like to point out, however, that good land is good for a lot of things. And in Florida, the competition for land is intense.

More than 30 percent of the state's total land area is currently in agricultural production. Another 45 percent of the state's land area is considered "environmentally sensitive" -- and includes natural treasures such as the Everglades, Big Cypress Swamp, the Florida Keys and Fisheating Creek.

In addition, Florida is one of the fastest growing states in the nation. Only three states --California, Texas and New York -- have more residents. But Florida is catching up fast. Nine of its communities are among the 12 fastest-growing metropolitan areas in the nation.

The rapid growth of Florida's population -- nearly 800 new residents each day -- will have a profound impact on the state's landscape for years to come. More people need more land on which to build houses, shopping centers, roads and office buildings. But more people also need more food. And land now being used for food production is being converted at a higher rate than in any other state in the nation -- an unprecedented 150,000 acres per year. Growth pressures are also putting a squeeze on public services, natural resources and state and local budgets.

In 1985, the Florida legislature enacted the Local Government Comprehensive Planning and Land Development Regulation Act -- commonly referred to as the Growth Management Act. The purpose of this precedent-setting legislation is "to guide and control future development." The St. Petersburg Times calls it "... one of those uncommon state laws driven primarily by common sense. It says simply that this state will not allow new development when and where it can't afford to handle it."

The law attempts to confront Florida's runaway growth, to help planners and citizens answer questions such as: What can we do about traffic congestion? Can we overcome water shortages? How do we balance economic growth and preservation of fragile ecosystems?

The law requires all local governments to develop "standards to be followed in the control and distribution of population densities." Steps -- such as establishing urban growth boundaries -- must be taken to limit sprawl. Natural resources must be identified and, to the degree possible, preserved. The law also states that "public facilities and services needed to support development shall be available concurrent with the impacts of such development." In other words, if the facilities needed to accommodate development are not in place, development cannot occur.

The law provides specific directions to local governments on how they must handle the conservation, use and protection of natural resources; provide for capital improvements, traffic circulation, sanitation and housing; and plan for recreation and open space.

All of this helps preserve farmland -- at least indirectly.

Unfortunately, the law provides little guidance on how agricultural lands are to be treated -- a major oversight, since the law effectively ignores 30 percent of the state's land area. Instead, local governments are referred to the State Comprehensive Plan, which sets forth 26 goals and policies to provide "guidance for the orderly social, economic, and physical growth of the state." The Comprehensive Plan encourages, but does not require, local governments to:

- \* "Develop a system of incentives and disincentives which encourages a separation of urban and rural uses." (Chapter 187, Florida Statutes, Policy 16(b)2.)
- \* "Maintain, as one of the state's primary assets, the environment, including ... agricultural and natural resources." (Chapter 187, Policy 22(b)3.)

It also states that "Florida shall maintain and strive to expand its food, agriculture ... and related industries in order to be a healthy and competitive force in the national and international marketplace." (Chapter 187, Goal 23(a).) However, local governments are admonished to:

\* "Ensure that goals and policies contained in state and regional plans are not interpreted to permanently restrict the conversion of agricultural lands to other uses." (Chapter 187, Policy 23(b)1.)

These laws are a start. But they do not go far enough. Florida is currently one of very few major agricultural states without a clearly defined state policy stipulating the need to protect its agricultural resources. This hampers the application of federal policies such as the Farmland Protection Policy Act of 1981 and the donation of agricultural conservation easements. It also allows state agencies to disregard farmland in planning capital projects, and offers no direction or incentive to local communities to protect farmland.

Meanwhile, the state continues to lose an average of 411 acres of farmland each and every day. (Source: Florida Farmland Mapping and Monitoring Assembly.)

## Why This Assessment Was Done

These issues are of critical concern to the American Farmland Trust (AFT), a private, nonprofit membership organization founded in 1980 to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment.

During the mid-1980s, AFT participated in the Farmland Mapping and Monitoring Assembly, which used satellite images and ground-based measurements to document the loss of agricultural lands statewide. AFT also joined with the Florida chapter of the Soil and Water Conservation Society to conduct a poll of urban residents, farmers and rural landowners to determine attitudes concerning the need for additional efforts to protect the state's farmland. The poll showed overwhelming support for farmland protection initiatives. For example:

- \* Nearly 6 out of 10 farmers (59%) and 73% of the general public said that good farmland should not be used for houses and industry.
- \* Six out of 10 farmers and 77% of the general public agreed on the need for a governmental policy to protect Florida's best farmland from urban growth.
- \* Overwhelming majorities (74% of farmers and 68% of the general public) agreed that new development should be taxed or charged fees for public services.
- \* Similar proportions of Floridians (72% of farmers and 65% of the general public) agreed that farmers should receive economic incentives to keep their land in farming.
- \* Seventy-four percent of the general public and 62% of farmers said they were in favor of limiting growth in their county through zoning and other legal means.

In its 1991 assessment, AFT set out to answer two primary questions. First, was public support for farmland protection being reflected in the comprehensive plans being prepared by the leading agricultural counties in Florida? And second, will these counties be able to maintain their agricultural production in the face of growth?

As the state's population continues to expand, agriculture's role will become even more important as it is more threatened. One example of this can be found in Dade County.

Reginald R. Walters, Director of the Metro-Dade County Planning Department, puts it this way: "Dade County is in a true zero-sum situation with respect to its land use decisions. We have well defined urban growth boundaries and large areas permanently restricted for wetlands conservation and groundwater recharge purposes. Any additional land designed for urban development must come from our agricultural land base of roughly 80,000 acres, all of which is under virtual full-production."

Dade County's agriculture has been squeezed into a corner. On one side is the park boundary for the Everglades. On another side is the ocean. And creeping ever closer are the suburbs of Miami.

"Dade County," Walters says, "is at a critical juncture in its history, a crossroads which will largely determine the fate of our land use and the future of local agriculture."

Virtually all of Florida's major agricultural counties are facing the same crossroads.

#### The Objectives of This Assessment

July 1, 1991 marked the date when Florida's local governments and counties were required to prepare comprehensive plans conforming with the Growth Management Act and submit them to the Department of Community Affairs for review.

In March 1991, The American Farmland Trust received funding to conduct an assessment of the continued population growth in Florida and the resulting impacts on the state's farmland. As part of this assessment, AFT set out to contact each of Florida's 67 counties to determine:

What future is envisioned for agriculture in their comprehensive plans?

Did the new comprehensive plans set forth measures to protect valuable agricultural lands from development?

What are the key concerns -- and needs -- regarding the continuation of existing agricultural operations in each county?

Is there any consistency among the county plans in the way in which agriculture is treated?

Is agriculture being given adequate consideration for its land and operational needs -- in accordance with its contribution to local economies and job markets -- or are county governments planning for agriculture by default: giving consideration to all other land uses first -- including conservation areas, coastal management areas, new subdivisions, roads, airports and recreational areas -- and placing an "A" for agriculture only on the land areas that remain?

Is there room for improvement in the way in which agricultural lands are being treated in the various comprehensive plans?

Are any policies or land development regulations being suggested that might endanger the future viability of agriculture?

Is there a desire on the part of local planners to obtain advice and assistance on the development of land use plans, ordinances and local farmland protection options?

Can AFT play a role in working with local planners to improve protection of agricultural lands?

and, finally ...

Should additional state-level policies be enacted to require stronger protections for agricultural lands?

#### How This Assessment Was Done

A three-page questionnaire was compiled and sent to the planning directors in all 67 Florida counties over a three-month period, beginning in June, 1991. Planners were given six weeks to respond to the questionnaire. If no response was received after eight weeks, a follow up letter was sent, followed by a phone call and, finally, in some cases, a FAX.

By January 15, 1992, 39 responses had been received. There was a clear trend among the responses. Virtually every fast-growth county with a large planning staff responded. The majority of counties where agriculture was an important part of the local economy also responded.

On the other hand, slower growth counties with small staffs -- and counties where

agriculture was relatively unimportant in the local economy -- did not respond.

There were, of course, some exceptions. A county clerk (who also serves as the sole planner in a county projected to grow by fewer than 1000 residents in the next 10 years) took the questionnaire home one weekend so he could respond. Other counties pleaded overload -- they were too busy working on their comprehensive plans to respond.

Nevertheless, all priority counties -- the top 15 agricultural counties which generate at least \$125 million per year in cash receipts from the sale of agricultural products and the 15 fastest-growing counties which are projected to grow by at least 60,000 new residents in the next 10 years -- did respond to the questionnaire.

The planners who responded to the questionnaires generally went out of their way to be helpful. Some responses were truly impressive, accompanied by several pounds of backup documents. Occasionally, a planner's bias -- for or against the preservation of agricultural lands -- would show through.

For example, one planner wrote a letter telling us that "farmland loss is not a problem" in the county. Several conservation groups, major agricultural landowners and members of a county-commission-appointed advisory group, however, learned of the letter -- and provided ample evidence to the contrary, along with an invitation to join in a coordinated effort to protect the county's farmland.

In the end, the 39 responses filled an entire file drawer. It is from this information -- and meetings with state agencies, county planners, conservation groups, local farm bureaus and agricultural landowners -- that this report has been compiled.

## **KEY FINDINGS**

It is clear from the responses AFT received to its questionnaire that there is a strong interest -- and need -- to step up efforts to conserve Florida's remaining farmland. Here's a summary of what AFT found:

- 1. Florida still has a large amount of highly productive farmland. In 1990, the state had 10.9 million acres in production, on which it produced 240 different commodities. With sales topping \$6.2 billion, the state ranks eighth nationally in receipts from all its agricultural products, and second nationally -- after California -- in receipts from crop sales (\$5 billion in 1989).
- 2. The economic effects of farming are felt throughout local communities, since farming supports a variety of other businesses and services. Studies in Palm Beach, Dade and Hillsborough counties indicate that the value of this additional economic activity is worth as much as -- or more than -- the cash value of the agricultural sales themselves.
- 3. Agricultural lands help alleviate local government costs of providing public facilities and services. These lands do not require the level of public facilities and services that are necessary in urban areas. Therefore, tax returns to local governments from farmlands typically exceed the outlay required for public facilities and services -- sometimes by as much as 79 cents for every \$1 of tax revenues. As a result, agricultural lands help pay for the public facilities and services enjoyed by urban residents.
- 4. Florida's farmlands are also valuable in other ways: They provide an important buffer between urban development and the state's natural areas. They provide scenic and open space. They assist in the retention and detention of floodwaters. They recharge groundwater aquifers. And they protect wildlife corridors and provide wildlife habitat.
- 5. Many of the fastest-growing metropolitan areas in the country are in Florida. The nation's fastest-growing area is Naples, which had a 77% increase in its population between 1980 and 1990. The state is projected to continue growing by an average of <u>one new resident every two minutes</u> for the next 10 years.
- 6. Farmland is being squeezed throughout the state. The rules enacted to carry out Florida's 1985 Growth Management Act require all counties to limit urban sprawl and to designate environmentally sensitive areas to be protected. Neither the Act nor the rules specifically mention -- nor require

-- the protection of farmland. Hence, any additional land designated for urban development is likely to come from the agricultural land base.

- 7. Florida has the highest rate of farmland conversion in the nation -- an average of <u>one acre lost every three and a half minutes</u>!
- 8. Much of Florida's farmland has been zoned for low-density residential development -- a density of one dwelling unit per five acres is common among the fast-growth counties; in some cases, densities of one unit per acre are also allowed.
- 9. Banking practices in the state encourage agricultural lands to be zoned for development. Contrary to other major farm areas of the country, many banks in Florida have begun to base agricultural production loans on the development value of the land, rather than on the farmers' ability to repay from farm income. There is variance of opinion in how prevalent this practice is. Nevertheless, it is a risky banking practice. And it has caused many farmers to press county planners to zone their land for residential use to boost their borrowing power with local banks.
- 10. Agricultural landowners are not always supportive of measures that might be taken to preserve land. There are three reasons for this:
  - a) Agricultural landowners tend to view all government and private actions as negative or positive depending upon how these actions affect the <u>asset</u> <u>value</u> of their land. The 1985 Growth Management Act, for example, is generally seen as negative; because of restrictions that have been placed on the development of rural lands, it has been perceived as holding down (and, in some cases, lowering) property values -- and the landowners' borrowing power -- without compensation.
  - b) Agricultural landowners insist that they "want to keep their options open." Translated, this means they want to be able to sell their land or develop it at the highest possible price if they get tired of farming or if farming ceases to be profitable. Most landowners do not realize that several farmland protection programs actually <u>increase</u> their options by allowing them to cash in on the value of their land without borrowing against it, without selling it, and without converting it out of agriculture into another use.
  - c) Agriculturalists maintain a deep skepticism toward most government actions -- even those that are intended to "help" agriculture. Past experience has been bitter. People in government change. Programs

come and go and are modified with simple majority votes. And far too many programs -- including those billed as "good" for agriculture -- are designed and carried out without consulting agriculture and without taking the effects on agriculture into consideration.

11. Many county planning departments and state agencies see the pressing need for conserving the state's farmlands and are seeking ways in which these lands can be preserved. However, very few policymakers and planners have the personal background or training to understand agriculture. As a result, agriculture -- and its needs and impacts -- are often misunderstood.

Some policymakers and planners see agriculture as a temporary use, that can be replaced once land can be developed to its "highest and best use" -residential subdivisions. Some see it as a place where the troublesome, "where do we put this?" uses -- such as junk yards, land excavations and landfills -- can be located. And some believe that agriculture can always relocate, if not in their county, then in some other county, or state.

Very few policymakers recognize that agriculture is a large outdoor industry which is distinct from -- but sensitive to -- other land uses. Far too few policymakers and planners appreciate the economic importance of agriculture; understand what is necessary to maintain (or improve) its economic viability; recognize its needs for support services and industries, farm worker housing, tractor lanes along highways and local distribution networks; or realize how the failure to plan for agriculture -- with considerably more depth than simply marking an "A" on a land-use map -- and to prevent conflicting uses from locating where they will interfere with agricultural operations, could lead to the demise of agriculture in many of the state's fast-growth counties.

- 12. County comprehensive plans vary greatly in the approaches that have been taken to minimize the effects of development on agricultural lands. More can be done to conserve farmland in all of the state's fastest-growing counties.
- 13. Florida has a mind-boggling series of state and local regulations, fire and building codes, assessments and restrictions that apply to agriculture. Some are necessary for public health and safety and protection of the environment. But some overlap, some conflict with each other, some are arbitrarily enforced, some are targeted to other land uses and should not be -- but nevertheless are -- applied to agriculture, and some simply make no sense. The result is a time-consuming, costly burden for agriculture, which cuts into profits, discourages innovation on the part of agriculturalists to come up with

cost-effective solutions, and fuels a needlessly contentious relationship between agricultural operators and regulators.

- 14. Economic development agencies throughout Florida spend hundreds of millions of dollars on "economic development," competing with other states -- and each other -- to attract factories and urban construction projects. Yet not a single economic development agency in Florida invests in agriculture -- neither to attract it, nor to keep it -- even though agriculture is already in place, requires very little infrastructure and is one of the state's biggest businesses.
- 15. There is legitimate concern about the impact that international trade policies -- such as free trade with Mexico -- may have on the profitability of some farm commodities grown in Florida. Dire predictions about the possible repercussions of these trade policies, however, are being used by developers and would-be developers as an argument against measures that might be taken to conserve farmland. Fact is, the actual impact of these policies is still a matter of speculation. Similar concerns were voiced prior to the Caribbean Basin Initiative -- but were largely unfounded. If one commodity becomes unprofitable, a farmer always has the option of converting to other crops. In addition, an affirmative market development strategy (including an expansion of the "Fresh from Florida" campaign, national advertising, and low-interest economic development loans to improve local distribution, make agricultural operations more efficient and, if necessary, respond to market forces and convert to other crops) could enhance the profitability of Florida's agricultural industry and allow it to compete much more effectively in the local, national and global markets.
- 16. Florida lacks a state-level policy that will stipulate the need to conserve its agricultural resources, encourage the donation of agricultural conservation easements, direct state agencies to take farmland into consideration in planning capital projects, and provide clear direction and incentives to local communities to protect farmland.
- 17. Florida's agricultural contribution to the U.S. -- and the world -- is likely to become even more important in the future. A United Nations study group reported in May 1992 that: a) current population projections indicate that the world's population will double by the year 2050, b) two-thirds of the people in today's world are inadequately fed, c) agricultural production will have to <u>quadruple</u> in the next 50 years in order to adequately feed the world's people, and d) the world cannot depend on technology alone to boost yields (particularly since many of the recent increases have been accompanied by environmental problems). Hence, protection of existing

agricultural areas should be a priority.

18. Each American requires an average of 1.5 acres of cultivated farmland to produce the food and fiber that he or she consumes in one year. The U.S. population is presently increasing by 2 million people per year as a result of natural childbirth (births minus deaths), and by another 500,000 as a result of net immigration. Consequently, the U.S. should be <u>adding</u> farmland. Instead, it is <u>losing</u> more than 2 million acres per year -- mostly as a result of urban expansion. Yet as much as 20 percent of the urban land in the top-producing agricultural states, such as California, is vacant and could accommodate population increases well into the next century.

The same is true of many areas in Florida. Those areas already designated for development are projected to accommodate Florida's population allocations through the year 2010 -- and, in many cases, well beyond that. Unfortunately, existing policies may not be sufficient to encourage growth in these areas -- over other areas where land prices are cheaper. Additional incentives are needed, both to encourage urban infill and to conserve Florida's most productive agricultural areas.

#### FLORIDA'S POPULATION GROWTH

Favorite Pastime: Move to Florida and join a no-growth group.

Nine of the 12 fastest-growing metropolitan areas in the United States are in Florida. Here are the leaders, according the U.S. Census Bureau's 1990 figures, with their increase in population since 1980:

1.	Naples	77%
2.	Riverside-San Bernardino, CA	66%
3.	Fort Pierce	66%
4.	Fort Myers	63%
5.	Las Vegas, NV	60%
6.	Ocala	59%
7.	Orlando	53%
8.	West Palm Beach	50%
9.	Melbourne-Titusville	46%
10.	Austin, TX	46%
11.	Daytona Beach	43%
12.	Bradenton	43%

The growth of Florida is relentless. Since 1980, the state has averaged 874 new residents every day, 6,136 every week, 26,591 every month, and 319,097 every year.

The 20-year average is just as staggering. Since 1970, the state has averaged 842 residents every day.

The state has increased its population 33% since 1980 and 53% since 1970.

And there is no end in sight.

Each day, as the state grows, it needs 2 miles of new highway

2 new classrooms

1 additional local jail cell

2 additional state prison beds

111,100 additional gallons of water

Facilities to treat an additional 94,560 gallons of wastewater and

A means to dispose of an additional 3,546 pounds of solid waste.

The state also must take care of an additional

14 children in subsidized day care

3 children who are abused or emotionally disturbed

10 children who are developmentally disabled

19 applicants for Aid-to-Families-With-Dependent-Children

13 people who are mentally ill

and

79 people who need publicly-supported alcohol and drug abuse treatment.

(Source: Final Report, Florida State Comprehensive Plan Committee, created in 1985 by the Florida Legislature to calculate the costs of implementing the State Comprehensive Plan.)

This is not all. Each person also needs an additional 1.5 acres of cultivated farmland to grow the crops they eat each year.

But population growth -- particularly in Florida -- has meant the loss of agricultural land.

Florida's food production, as of yet, has not suffered. This is because new technology, improvements in farming techniques and more intensive farming practices have been able to boost crop yields to keep pace with the loss of farmland.

But increases in yields cannot be expected to continue. And, in many cases, the increases have come at an enormous cost. More intensive farming practices have required more pesticides and fertilizers, which has resulted in more water pollution. Fields in many of the fast-growth counties can no longer be left fallow. As a result, gas must be injected into the fields prior to planting to purge the soil of crop-destroying microorganisms. This has driven up the costs of operation -- which puts a strain on farmers. It has driven up the costs of food -- which puts a strain on all of our pocketbooks. And it has put agriculture at odds with the environment.

Many of Florida's farmers are sensitive to these issues and are doing what they can to reduce the impact of their operations on the environment. But they need help if they are to continue to keep their land intact -- and their operations viable -- in the face of growth.

#### **PROJECTED POPULATION GROWTH**

According to the Kiplinger Florida Letter:

"Florida's population growth rate in the next 10 years will remain the highest of any major state, although the pace of expansion will slow. From now to the year 2001, Florida will net 760 new residents per day, down from a peak of 1,000 per day in the mid-1980s. Newcomers will average 830 per day from 1991 to 1996 and 690 per day from 1996 to 2001.

"Only three states ... California, Texas and New York ... have more residents, but they will have slower growth rates. Only three low-population states ... Nevada, Arizona and New Mexico ... will have faster growth rates than Florida. The state's average yearly population gain over the next 10 years will be 2.1%, more than twice the national average.

#### "In April 1991, Florida's population was 13.2 million.

#### "In 1996, it will be 14.7 million, an increase of 11%.

#### "And by 2001, it will reach 16 million, a gain of 21%.

"... population growth will fuel greater demands on public services ... water, roads, schools, health care, waste disposal, law enforcement, recreation facilities, pollution control, etc. Meeting these needs will increase pressure for managed growth and higher taxes."

And it will put an ever greater squeeze on agriculture.

# THE FASTEST GROWING COUNTIES

The counties that will grow the most in total numbers of people are:

			<u>1991</u>	<u>Gain in numbers</u>	Percent
	County	Largest City	<b>Population</b>	<u>by 2001</u>	<u>Gain</u>
1.	Broward	Ft. Lauderdale	1,227,700	271,400	22%
2.	Dade	Miami	1,961,600	262,700	13%
3.	Palm Beach	West Palm Beach	883,000	252,300	29%
4.	Orange	Orlando	701,100	180,400	26%
5.	Hillsborough	Tampa	843,400	157,400	19%
6.	Lee	Cape Coral	343,400	114,100	33%
7.	Brevard	Palm Bay	409,400	106,800	26%
8.	Pinellas	St. Petersburg	855,400	105,800	12%
9.	Volusia	Daytona Beach	376,700	105,400	28%
10.	Seminole	Altamonte Springs	298,100	99,700	33%
11.	Pasco	New Port Richey	285,400	84,400	30%
12.	Duval	Jacksonville	681,600	79,300	12%
13.	Polk	Lakeland	414,700	68,800	17%
14.	Sarasota	Sarasota	283,100	66,500	23%
15.	Marion	Ocala	200,300	64,100	32%
16.	St. Lucie	Port St. Lucie	155,100	56,000	36%
17.	Manatee	Bradenton	215,100	55,900	26%
18.	Collier	Naples	161,600	55,800	35%
1 <b>9</b> .	Hernando	Brooksville	104,400	52,000	50%
20.	Osceola	Kissimmee	114,400	48,900	43%
21.	Charlotte	Punta Gorda	115,600	46,500	40%
22.	Lake	Leesburg	157,100	41,300	26%
23.	Citrus	Inverness	95,900	36,800	38%
24.	Clay	Orange Park	108,200	36,300	34%
25.	Martin	Stuart	103,000	34,800	34%
26.	Leon	Tallahassee	198,300	33,000	17%
27.	Alachua	Gainesville	183,700	28,900	16%
28.	St. Johns	St. Augustine	86,100	28,400	33%
29.	Indian River	Vero Beach	92,400	27,400	30%
30.	Okaloosa	Ft. Walton Beach	146,100	26,200	18%

31.	Bay	Panama City	128,600	22,700	18%
32.	Santa Rosa	Milton	83,900	22,100	26%
33.	Escambia	Pensacola	265,100	19,300	7%
34.	Highlands	Sebring	70,600	17,900	25%
35.	Flagler	Flagler Beach	30,500	16,800	55%

Florida's 32 other counties will have smaller gains -- 12,700 for Putnam County for a 19% gain, down to 300 for Taylor County for a 2% gain. Only one county -- Jefferson, in north Florida -- is expected to lose residents. And the loss is relatively small -- only 200 residents.

(Source: Florida Population Map, Kiplinger Florida Letter, 1991.)

#### THE SIGNIFICANCE OF FLORIDA AGRICULTURE

Agriculture is a vital part of Florida's economy. It is also important to the nation as a whole. Here's why:

Florida produces 240 different commodities on 41,000 farms, ranches, fields and groves. The market value of these commodities was \$6.2 billion in 1989.

Ninety percent of the domestically-grown limes, mangoes and tropical fish, and one strawberry out of every six produced in the U.S., come from single counties in Florida.

Florida leads the nation in the production of oranges, grapefruit, watermelons, fresh tomatoes, snap beans, sweet corn, cucumbers, eggplant, escarole-endive, green peppers, radishes, sugarcane, aquatic plants and foliage.

The state consistently ranks as one of the top 10 agricultural states in the market value of its agricultural commodities and as one of the top five states in the market value of its crops.

Of the 50 counties ranked nationally for:

- \* acres of grapefruit and pounds of grapefruit sold
   29 of the top-rated counties are in Florida
- \* acres of oranges and pounds of oranges sold
   27 of the top-rated counties are in Florida

Of the 100 counties ranked nationally for:

- \* value of crops sold per acre of harvested cropland
   25 of the top-rated counties are in Florida
- \* acres of watermelons harvested for sale 21 of the top-rated counties are in Florida
- \* acres of land in orchards
   20 of the top-rated counties are in Florida
- \* value of fruit, nuts and berries sold
   18 of the top-rated counties are in Florida

- \* value of vegetables sold
  13 of the top-rated counties are in Florida
- value of nursery and greenhouse crops
   13 of the top-rated counties are in Florida
- value of crops sold, including nursery and greenhouse crops
   11 of the top 50 counties are in Florida
- \* acres of cucumbers and pickles harvested for sale 11 of the top-rated counties are in Florida
- \* acres of vegetables harvested for sale 10 of the top-rated counties are in Florida
- \* acres of tomatoes harvested for sale 7 of the top 25 counties are in Florida

and ...

number of beef cows
7 of the top-rated counties are in Florida

(Source: Census of Agriculture, Ranking of States & Counties, U.S. Department of Commerce.)

These statistics, however, represent only a part of the picture.

#### Indirect Economic Benefits

The value of the agricultural industry goes beyond the revenues generated from the direct sale of its products. Agriculture is a "base" industry; an industry that sells products outside a region. The sale of these products brings dollars back into the local economy and stimulates additional local economic activity. This additional spending is called the "multiplier effect" and results in "indirect sales."

Dade County Florida provides an example of how this works. Anne E. Mosely of the Food and Resource Economics Department of the University of Florida at Gainesville conducted a comprehensive study in 1990 to determine the total economic impact of agriculture in the county.

Figures compiled by the U.S. Commerce Department, Bureau of Economic Analysis,

indicate that cash receipts from the sale of Dade County's agricultural products were \$377.8 million in 1989.

According to the University of Florida study, however, the total economic impact of agriculture, including the value of sales inside the county and multiplier effects, was \$910.3 million!

In addition, both direct and indirect agricultural sales generated the equivalent of 23,000 full-time jobs, of which 16,900 were required in the agricultural industry and 6,100 were needed to provide the products and services purchased outside the agricultural sector.

A similar study was conducted by the Institute of Food and Agricultural Sciences, University of Florida, Gainesville, in Palm Beach County, using 1988 figures. This study concluded that the total economic impact of the county's agricultural industry, which generated \$970.9 million in cash receipts in 1988, was \$1.76 billion, and resulted in the equivalent of 24,000 full time jobs.

Hillsborough County -- which leads the state in the number of farms and has crops with a high "multiplier effect" value -- estimates that agriculture in the county had an "at farm" value of \$369 million in 1986-87, but made a total contribution to the county's economy of \$2.58 billion! (Source: "Annual Report of Accomplishments, 1986-1987," Hillsborough County Cooperative Extension Service.)

Even if a conservative multiplier effect is applied the state as a whole, it would indicate the total economic impact of agriculture in 1989 was more than \$12 billion and generated the equivalent of 200,000 full-time jobs!

#### Paying for Urban Growth

Economic activity and jobs are important. However, they are not the only benefit to keeping land in agriculture.

Growth has long been touted as a way for local governments to increase their tax revenues. More growth means more jobs, more economic activity and more revenues for government coffers. However, growth also requires significant increases in the demand for local services.

To fully appreciate the costs and benefits in the demand for increased development, The American Farmland Trust has conducted studies in Loudoun County, Virginia; Hebron, Connecticut; Dutchess County, New York; and the Connecticut River Valley, Massachusetts to compare revenues generated by each major land use -- agricultural, commercial/ industrial and residential -- with the expenditures allocated for these uses. In each case, the counties were experiencing tremendous development pressures.

The goal of these studies was to determine the impact of specific land uses on the costs of providing public services and to use this information to encourage a favorable balance of land uses within these communities.

The results in all cases were similar. For every \$1.00 in tax revenues received by the counties, \$1.15 in services were demanded by residential land uses in Gill, Massachusetts, while \$1.36 in services were demanded by residential land uses in the town of Northeast in Dutchess County, New York.

By comparison, for every \$1.00 in tax revenues received by the counties (at preferential, use-valuation rates), only 29e in services were demanded by agricultural uses in Northeast, while 36e in services were demanded by agricultural uses in Gill.

These comparisons reveal a far different view of the relative value of a land use than has traditionally been held by many proponents of development. The comparisons demonstrate that residential developments do not pay their way. Indeed, they underscore the importance of preserving agricultural lands to enable counties to balance their budgets and pay for the services required by residential developments. If sufficient agricultural land is not kept in production and is allowed to disappear under development, then a community's only budget alternatives are to raise taxes, cut services or both. This is already happening in some counties in Florida.

A Florida study should be conducted in order to provide clear evidence to state and county officials that a favorable balance of land uses is needed in Florida just as much as in fast-growth counties in Connecticut, New York, Virginia and Massachusetts.

Some groups in Florida have been critical of provisions in Chapter 193 of the Florida Statues that allow agricultural lands to be taxed on the basis of their agricultural use, rather than their development value. These groups see this exemption as a subsidy for agriculture. Yet agriculture, in a very real sense, is subsidizing the services required by each urban resident.

#### Other Values

Florida's farmlands are valuable in many other ways as well: They provide an important buffer between urban development and the state's natural areas. They assist in the retention and detention of floodwaters. They recharge groundwater aquifers. And they protect wildlife corridors and provide wildlife habitat. In fact, studies by the U.S. Fish and Wildlife Service indicate that the healthiest members of the endangered Florida panther are found on parcels of South Florida farmland.

# THE MOST IMPORTANT AGRICULTURAL COUNTIES

The leading agricultural counties in Florida -- based on cash receipts -- are:

.

.

.

.

	<u>County</u>	<u>1989 Cash Receipts</u> <u>from Marketing</u>
1.	Palm Beach	\$1,115,773,000
2.	Polk	419,652,000
3.	Orange	390,607,000
4.	Hillsborough	378,716,000
5.	Dade	377,787,000
6.	Lake	375,452,000
7.	Manatee	245,876,000
8.	Hendry	214,523,000
9.	St. Lucie	173,501,000
10.	Collier	151,911,000
11.	Highlands	149,994,000
12.	Martin	147,658,000
13.	Indian River	138,254,000
14.	Pasco	125,949,000
15.	Okeechobee	125,460,000
16.	Marion	115,143,000
17.	Volusia	106,887,000
18.	Hardee	104,338,000
19.	Broward	79,879,000
20.	St. Johns	75,514,000
21.	Lee	74,943,000

(Source: Bureau of Economic Analysis, Regional Economic Information System, Farm Income and Expense, U.S. Department of Commerce.)

TOTAL

\$5,087,817,000

## PRIORITY COUNTIES: WHERE AGRICULTURE IS MOST AT RISK FROM DEVELOPMENT

Every one of Florida's leading agricultural counties -- except one -- is experiencing pressures from population growth. In fact, four of Florida's top five agricultural counties are also among the five fastest-growing counties in the state. And they account for 43 percent of the state's revenues from agriculture.

For example, Palm Beach is the third fastest-growing county in Florida -- and the state's most important agricultural county. In fact, of the 3,150 counties in the nation, Palm Beach consistently ranks among the top five in cash receipts from sales of agricultural products. Some of the county's top 10 national rankings include:

- 1st in acres of sweet corn harvested for sale3rd in value of crops sold, including nursery & greenhouse crops
- 3rd in value of vegetables sold
- 3rd in acres of vegetables harvested for sale
- 4th in expenditures for hired farm labor
- 5th in market value of agricultural products sold
- 6th in value of nursery and greenhouse crops
- 6th in acres of lettuce and romaine
- 7th in acres of cucumbers and pickles
- 9th in pounds of grapefruit sold
- 10th in acres of grapefruit

Other Florida counties that top national rankings are:

Collier	4th in acres of watermelons harvested for sale 4th in acres of tomatoes harvested for sale 10th in value of vegetables sold 18th in acres of vegetables harvested for sale
Dade	1st in acres of snap beans harvested for sale 7th in value of nursery and greenhouse crops 8th in acres of tomatoes harvested for sale 10th in acres of vegetables harvested for sale 11th in value of vegetables sold 18th in value of crops sold including nursery & greenhouse crops 22nd in value of crops sold per acre harvested
T You day.	the is some of surgers

Hendry 4th in acres of oranges 5th in pounds of oranges sold

	6th in acres of grapefruit and pounds of grapefruit sold 7th in acres of watermelons harvested for sale
	16th in land in orchards
	18th in value of fruit, nuts and berries sold
	20th in acres of land in orchards
	24th in acres of tomatoes harvested for sale
Highlands	4th in pounds of oranges sold
	oth in acres of granefault and nounds of granefault sold
	19th in land in orchards
Hillsboroug	th 1st in number of commercially grown tropical fish
	3rd in acres of strawberries harvested for sale
	12th in acres of tomatoes harvested for sale
	17th in value of vegetables sold
	20th in number of farms (2.754)
	25th in value of nursery and greenhouse crops
	Lotti in value of harsery and greenhouse crops
Indian Rive	er 1st in acres of grapefruit and pounds of grapefruit sold
	9th in acres of oranges and pounds of oranges sold
	13th in acres of land in orchards
	13th in value of fruit, nuts and berries sold
Jackson	3rd in peanuts harvested for nuts
Lee	15th in acres of tomatoes harvested for sale
	21st in value of crops sold per acre harvested
	22nd in value of vegetables sold
Manatee	6th in acres of tomatoes harvested for sale
	16th in value of vegetables sold
	18th in acres of land in orchards
	26th in acres of cucumbers and pickles
Marion	1st in number of horses and ponies
Martin	5th in pounds of grapefruit sold
	5th in acres of oranges
	6th in pounds of oranges sold
	7th in acres of grapefruit
	18th in land in orchards

4

.

...

Okeechobee 8th in number of cows and heifers that have calved 10th in pounds of grapefruit sold 23rd in value of dairy products sold 24th in number of beef cows 27th in number of milk cows

Orange 5th in value of nursery and greenhouse product sales 12th in value of crops sold per acre harvested 20th in acres of sweet corn harvested for sale 24th in value of vegetables sold 24th in value of crops sold including nursery & greenhouse crops 25th in acres of sweet corn harvested for sale

Osceola 6th in number of beef cows

Pinellas 4th in value of crops sold per acre harvested

Polk
1st in acres of oranges and pounds of oranges sold
3rd in pounds of grapefruit sold
4th in acres of grapefruit
7th in value of fruits, nuts and berries sold
7th in acres of land in orchards
13th in number of beef cows
21st in value of crops sold, including nursery & greenhouse crops
22nd in number of farms (2,638)

St. Lucie 2nd in acres of grapefruit and pounds of grapefruit sold 3rd in acres of oranges and pounds of oranges sold 10th in acres of land in orchards 12th in value of fruit, nuts and berries sold

Volusia 11th in value of crops sold per acre harvested 17th in value of nursery and greenhouse crops

(Source: Census of Agriculture, Ranking of States & Counties, U.S. Department of Commerce.)

The level of growth being experienced by Florida's leading agricultural counties is listed below. Of the 21 leading counties, 13 are projected to grow by more than 50,000 residents in the next 10 years, and 14 will experience population increases of 25% or more. Priority counties -- where growth is likely to place the greatest pressures on agriculture -- are indicated with an asterix (\*).

Agricultural		<u>Growth</u>	Projected Growth
<u>Ranking</u>	County	<u>Ranking</u>	Next 10 Years
1	* Palm Beach	3	29%
2	* Polk	13	17%
3	* Orange	4	26%
4	* Hillsborough	5	19%
5	* Dade	2	13%
6	* Lake	22	26%
7	* Manatee	17	26%
8	Hendry	43	17%
9	* St. Lucie	16	36%
10	* Collier	18	35%
11	Highlands	34	25%
12	* Martin	25	34%
13	* Indian River	29	30%
14	* Pasco	11	30%
15	Okeechobee	39	27%
16	* Marion	15	32%
17	* Volusia	9	28%
18	Hardee	62	3%
19	* Broward	1	22%
20	* St. Johns	28	33%
21	* Lee	6	33%

25

#### WILL THE GROWTH MANAGEMENT ACT PROTECT AGRICULTURE?

The simple answer is no. It is obvious from the comprehensive plans that are in compliance with the Growth Management Act that the law provides very little direction and few incentives to conserve farmland. Virtually every county in AFT's sample allows residential development on its agricultural lands. Most of these counties allow development at a density of one unit per five acres, which is not only inadequate to ensure the long-term viability of agriculture, but creates lots which are awkward for any land use -- both too large to mow and too small to plow. Some counties -- such as Lee -- don't even have an agricultural designation on their future land use maps.

The Growth Management Act is being successful in requiring local governments to establish urban growth boundaries. However, as maximum densities are reached, these boundaries will be expanded outward to accommodate future growth.

Because of a lack of understanding of how comprehensive planning would affect agriculture, farmland protection was not addressed directly in the Growth Management Act. Further complicating matters is the fact that state and local laws provide strong protection for wetlands, parklands and wildlife habitat. As a result, future growth is virtually being directed onto Florida's best remaining farmland.

If farmland is to be protected, Florida needs a state-level policy that will stipulate the need to conserve its agricultural resources, encourage the donation of agricultural conservation easements, direct state agencies to take farmland into consideration in planning capital projects, and provide clear direction and incentives to local communities to protect farmland.

#### Why Current State Laws Need Improvement: A Planning Consultant Speaks Out

The need for improved state laws is underscored in a position paper presented to the Society of American Foresters by Herbert H.W. Heesch, President of Forestry and Environmental Services, Inc. of Dunnellon, Florida, a planning consultant who worked closely with Levy County on the preparation of its Comprehensive Plan. Heesch writes in his August 1991 paper that:

There is confusion by local governments on a statewide basis as to what the Florida Department of Community Affairs (D.C.A.) will accept or expect in terms of ... allowable densities in agricultural areas.

... A parcel of land should be functionally related to the principal use; i.e., either forestry or agriculture ... [But] it became apparent that D.C.A. would not object

to parcel sizes below a self-sustaining threshold; therefore, a local government could adopt an arbitrary size which was "rural" in appearance but meaningless relative to sustaining agribusiness as part of the local economy.

As a result of this, it was our recommendation [to Levy County] that we should cease calling lands "agricultural" when they in fact could and would eventually be converted to rural residential subdivisions intermingled with agribusiness ... This does not protect or preserve agribusiness, but at least it is honest.

If adopted on a state-wide basis, this type of future land use policy will eventually eliminate agribusiness as one of the foundations of Florida's economy. Lands in agricultural use today are important to the overall economy, and the failure of the State of Florida to adopt (and to mandate the adoption of) meaningful policies for the protection of agricultural lands is a disgrace. Specifically, we note that:

- (1) The State Comprehensive Plan, Chapter 187, F.S. contains not a single policy addressing the retention of lands in continued agricultural production. To the contrary, it is the adopted state policy that agricultural lands should be convertible to other uses. [Chapter 187, F.S. (23) AGRICULTURE, (b) Policies 1. "Ensure that goals and policies contained in state and regional plans are not interpreted to permanently restrict the conversion of agricultural lands to other uses."]
- (2) The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, F.S. does not mandate the protection of agricultural uses in either the Future Land Use Plan Element or the Conservation Element.
- (3) Chapter 9J-5, F.A.C. mandates no objectives or policies in local government comprehensive plans to ensure the protection of agribusiness or the conservation or preservation of agricultural land uses.

It is clear that Florida's elected officials at the state level have, to date, been unwilling or unable to provide local governments with any basis or mandate for agricultural land conservation, either to feed and clothe our future population, or to sustain and expand the export aspects of agribusiness. Using Levy County as an example, the adopted Future Land Use Map allows for a future population of over <u>1.5 MILLION</u> <u>PERSONS</u> at buildout. When and if that should occur, virtually all food and fiber will have to be imported. On a state-wide basis, there is a looming long-term disaster in the absence of meaningful legislative policies as related to agribusiness.
### **RECOMMENDATIONS**

- (1) The Florida Legislature should amend the State Comprehensive Plan by deleting that wording which assures the convertibility of agricultural land uses to other uses.
- (2) The Florida Department of Community Affairs (D.C.A.) should compile an estimate of future state population based upon an aggregation of all county and municipal future land use maps.
- (3) The Florida Legislature should direct the Florida D.C.A., in cooperation with the Florida Department of Agriculture and the Florida Department of Commerce, to estimate the acreage of land (based on #2 above) to:
  - a. Feed and clothe the state population at buildout.
  - b. Maintain <u>and expand</u> the state agribusiness export economy.
- (4) The Florida Legislature should amend Chapter 163, F.S. to require each county in the state to set aside, on a pro-rata basis, that acreage needed to be maintained exclusively for the production of food (agricultural land use) and fiber (forestry land use).
- (5) Within those areas set aside pursuant to #4 above, minimum parcel sizes should be functionally related to the principal use....
- (6) The Florida Department of Agriculture and Consumer Services should be directed by the Florida Legislature to establish, by 1995, a minimum parcel size for agricultural land use, incorporating but not limited to the following standards:
  - a. The agribusiness must be self-sustaining; i.e., with no external (non-agricultural) subsidy as a source of income.
  - b. The parcel size must be related to those crops currently produced within a region.
  - c. The parcel size must be related to current tillage, fertilization, irrigation, cop rotation, and other production practices.

Until 1995, a minimum state-wide parcel size for agriculture should be established, as an interim conservation measure....

## Other State Laws

Three other state laws that need to be improved are the Florida Right to Farm Act (Chapter 823, Section 14, Florida Statutes), the law governing tax assessments of agricultural lands (Chapter 193, Section 461, Florida Statutes) and the laws governing the acquisition of conservation easements (Chapter 704, Section 6, Florida Statutes).

## The Florida Right to Farm Law

This law was established to protect existing farms from the complaints of suburban newcomers who may object to the dust, animal odors and machinery noise from normal farm operations. The right-to-farm law makes it more difficult for homeowners to claim their property rights are being infringed upon. This in turn curbs nuisance suits, which can lead to increased costs, disruption of farming operations, and even bankruptcy. ' However, the Florida law sets up a condition whereby any change in an agricultural operation -- even the direction of plowing or time of plowing -- makes it "not the farm operation it was one year ago," thus removing protection of the law and exposing farmers to liability from nuisance complaints.

## Differential Tax Assessments for Agricultural Lands

Florida law offers agricultural landowners a lower property tax rate -- based on use rather than the development value of the land -- so long as the land is used for "bona fide agricultural purposes." This prevents farm operations from being taxed as potential subdivisions, which could raise operating costs to the point where a farm is forced out of business, resulting in the sale of the land for other uses. However, Florida's law has three major weakness:

- 1. There is no provision that discourages the conversion of agricultural lands to non-agricultural uses. Most states which offer property tax relief to farmers do so in exchange for restrictions which keep the land in agricultural use for a specified time. If the land is sold and converted to another use prior to the expiration of this time, the owner must either pay back part -- or all -- of the taxes that were saved, or pay a conversion tax on the land sale. Florida has no such restriction. As a result, an investor can buy land for speculation, take advantage of the lower tax rate by renting it to a farmer, and sell it a year later without penalty. This helps to encourage speculation in agricultural lands.
- 2. Because no time is specified in which lands must remain in agricultural use, agricultural assessments are reviewed by the property appraiser on an annual basis. As a result, Lee County Planning Director Donald L. Craig points

out, "the farmers and ranchers renting agricultural land are given only yearly leases. In most instances these farmers and ranchers would prefer to have long-term (five to ten year) leases because with those they could afford to make long-term investments in their operations." Hence, the land speculator reaps a benefit at the expense of the farmer.

3. In addition, the law states that "The board of county commissioners may also reclassify lands ... to nonagricultural when there is contiguous urban or metropolitan development and the board of county commissioners finds that the continued use of such lands for agricultural purposes will act as a deterrent to the timely and orderly expansion of the community." Once again, development is given priority over protection. And agriculture is relegated to an interim land use, until the time is right for development.

## **Conservation Easements**

Florida statutes do not specify that easements can be acquired to conserve agricultural lands. As a result, donations of agricultural conservation easements are made more difficult, since they must be justified on the basis of language written primarily for "retaining land or water areas predominantly in their natural, scenic, open, or wooded condition." Chapter 704.06 of the Florida Statutes does say that it can be used for "maintaining existing land uses" -- which includes agriculture. Nevertheless, owners of agricultural land who wish to donate a conservation easement for estate planning purposes must sometimes pay as much as \$2,000 to \$15,000 to have an environmental assessment conducted of their property so the easement will meet the Internal Revenue Service test for conservation easements. A new section (say, Chapter 704.09), specifically addressing agricultural conservation easements, could avoid these problems.

## Proposed Changes in Chapter 9J-5, Florida Administrative Code

Chapter 9J-5 governs how comprehensive plans and plan amendments are to be prepared, reviewed and judged to be in compliance with the 1985 Growth Management Act.

For more than a year, the Department of Community Affairs has been conducting workshops throughout Florida and soliciting public comment in an effort to improve the comprehensive planning process.

The result is a series of proposed amendments to Chapter 9J-5 that would provide local governments with more flexibility in meeting the objectives of the 1985 Growth Management Act. The proposed amendments also take several positive steps toward encouraging better land use planning for Florida's agricultural lands. For example, the

amendments state that "local government plans must also protect agricultural economies and land from premature conversion to other uses" and list five techniques that can be used to do this.

Nevertheless, considering that agriculture constitutes 30 percent of the current land use in Florida, it still receives far less attention in the growth planning process than it deserves. For this reason, the American Farmland Trust submitted a series of recommendations to the Department of Community Affairs in May 1992 on how Chapter 9J-5 could be further refined to help local governments in planning for agricultural lands.

These recommendations included:

- 1. Twenty techniques that local governments can use to retain agricultural lands, protect agricultural operations from the negative impacts of nearby developments and preserve the economic viability of agricultural areas. These techniques range from "ensuring that support services and facilities necessary for agricultural operations are allowed to locate in agricultural areas and are planned with the same care and attention as is given to the facilities and services required by other land uses" to requiring agricultural buffer zones and "encouraging estate planning so farms do not have to be sold to pay inheritance taxes." These techniques are listed at the end of this report in the chapter entitled "20 Ways Local Governments Can Retain Farmland."
- 2. Inclusion of two policy statements adapted from Goal 16 of the Comprehensive Regional Policy Plan for the Tampa Bay Region:

From Policy 16.6.1: "Agricultural activities shall continue to be recognized as being a vital contributor to the state's economy and as such should be retained and protected; thus any change from an agricultural to non-agricultural land use designation shall take place only after careful consideration of the impacts associated with such a change by the affected local government."

And from Policy 16.6.2: "Where urban development, in the form of new communities, is allowed to occur, local governments should ensure the continued compatibility with the surrounding rural and agricultural uses and protection of natural resources and environmentally sensitive areas."

3. Comments on the various land use policies that can be adopted by local governments to prevent or guide development on agricultural lands. These policies -- and the effectiveness of each in preserving agricultural lands -- are described in the next two chapters.

# POLICIES ADOPTED IN COUNTY COMPREHENSIVE PLANS TO PROTECT AGRICULTURE: THE GOOD, THE BAD AND THE UNWORKABLE

Local land use planning and regulation are the foundation upon which any comprehensive farmland conservation program is built. Each of the comprehensive plans adopted by Florida's counties set out a series of goals, objectives and policies to guide future development. The policies state which actions are to be taken to accomplish the goals and objectives. Once polices have been adopted in the plans, specific land development regulations can be enacted to carry them out.

Most of Florida's counties have a goal which states, with several variations, that the county shall "ensure agricultural lands are protected from encroachment by incompatible land uses." This goal is generally supported by a series of policies to restrict residential and, in some cases, other nonfarm development. These restrictions, however, take many forms -- some good, some not so good for limiting the impacts of development on agricultural operations. Here are some examples:

## Exclusive Farm Use Zones

This is one of the most effective ways to protect farm operations. These zones allow no use other than commercial agriculture. Residential use is limited to farm labor quarters and camps, caretaker quarters, and dwelling quarters and farm residences for bona fide farm operations. Agriculture-related processing and service industries are generally allowed. In addition, these zones often impose a productivity standard, such as \$2,500 or \$10,000 in produce per farm per year, to ensure that all property in the zone remains part of -- or related to -- a bona fide farm operation.

This type of zone exists in only one county in the AFT sample: Martin County. No productivity standard is imposed. But, otherwise, the county's policy is clear. Only "limited residential and other uses directly related and supportive to agriculture or which would not jeopardize the integrity of the agricultural purpose of the district are permitted."

Palm Beach County also has an Agricultural Reserve. However, limited low-density residential development has been allowed to occur, along with other nonfarm uses which, in several cases, have interfered with adjacent agricultural operations, such as land excavations, junk yards, paving operations, soup kitchens and, in one case, illegal dumping of contaminated fill. The status of the reserve is presently in question, pending the outcome of a comprehensive study of the reserve to "determine whether the long term goal of maintaining agriculture is achievable" and to "also consider the economic impact of retaining the agricultural uses versus development of the area." Although Phase 1 of

the study was completed in February 1991 and Phase 2 was completed in April 1992, the final determination on what to do with land uses in the reserve has yet to be made.

## Low Density Residential Zones

These zones seek to preserve the overall agricultural character of an area, while allowing some transitional uses and limited residential development -- often in anticipation of and preparation for eventual non-agricultural development of the land. The degree to which these zones are effective in conserving farmland is directly related to the minimum lot size required for each residence. The larger the minimum lot size, the more effective the zone is in conserving farmland.

Also known as "large lot zoning," this is one of the oldest and most widely used techniques to conserve agricultural lands in the U.S. The idea behind large lot zoning is to provide a parcel of land which is, first, not too small for a profitable farm operation and, second, large enough to deter rural subdivision activity.

Most counties in Florida use some variation of this zoning technique to limit -- or guide -- development in agricultural areas. Minimum lot sizes, however, range widely -- from one dwelling unit per 160 acres to one dwelling unit per acre. The minimum lot sizes can be rated as follows according to their effectiveness in conserving farmland:

under 4.9 acres	- totally ineffective
5 to 9.9 acres	- generally ineffective
10 acres	- moderately ineffective
10.1 to 20 acres	- moderately effective
20.1 to 40 acres	- generally effective
over 40.1 acres	- highly effective

There is tremendous resistance in Florida to large minimum lot sizes. This is because many banks use land value -- which increases in direct portion to the number of houses that can be built -- as the basis for production loans and because many of Florida's most valuable crops -- such as ornamentals, tropical fruits and vegetables, and strawberries -can be profitably grown on small parcels of land. Nevertheless, several counties do use large lot zoning to restrict development in agricultural areas. For example, here is how some counties rate:

## **Highly Effective**

1	unit per	160	acres -	-	Sarasota (Open Use Agriculture)
1	unit per	100	acres -	-	Duval (for parcels over 640 acres)

#### **Generally Effective**

1 unit per 40 acres - Duval (for parcels of 160-640 acres), Franklin, Lake, Lee (resource protection areas), Okaloosa (AG-1 zone)

#### Moderately Effective

1 unit per 20 acres - Bay (silviculture), Jefferson (Agriculture 2), Clay, Dade (East Everglades), Escambia (silviculture), Hendry (Agriculture/Conservation), Hillsborough, Lake, Lee (transition zones), Levy (Ag/Forestry), Martin

#### Moderately Ineffective

1 unit per 10 acres - Charlotte (outside urban service area), Citrus, Clay (Agriculture Residential, if development does not meet Locational System criteria), Duval (for parcels of 40-160 acres), Hernando, Highlands, Hillsborough, Lee (density reduction/groundwater resource area -- the land use designation for most existing agricultural areas), Leon (rural), Levy (Ag/Farming), Orange, Okaloosa (AG-2 zone), Palm Beach, Pasco (AG), Sarasota (Open Use Rural), Seminole (Rural 10), St. Lucie, Volusia (A-1 zone)

### Generally Ineffective

1 unit per 5 acres - Alachua, Bay (Agriculture), Charlotte (inside urban service area), Clay (Agriculture Residential, if development meets Locational System criteria), Collier, Dade (standard agriculture area), Escambia (Agriculture), Flagler, Hendry (Agriculture), Highlands (under consideration for agricultural land inside urban growth boundary), Hillsborough, Indian River, Jefferson (Agriculture 1), Manatee (AGR), Palm Beach (Agriculture Reserve), Pasco (AG-Rural), Osceola, Polk, Sarasota (Open Use Rural Estate), Seminole (Rural 5), St. Lucie (Agriculture 5), Volusia (A-2 zone)

#### Totally Ineffective

1 unit per 3 acres or less - Brevard, Broward, Duval (for parcels under 40 acres), Leon (urban fringe), Lee (rural), Polk, Seminole (Rural 3), St. Lucie (Agriculture 2.5)

The problem with small lots is they eventually lead to the parcelization of farmland. Small lots do not provide an adequate buffer between farm operations and residences. Hence, a five-acre lot may actually take 20 acres of farmland out of production, since land near the property line cannot be farmed without posing a nuisance or health hazard to nearby residences. As more residences are built in agricultural areas, more conflicts arise, along with increases in vandalism and pilferage. These developments may occur gradually, as lot-splits and sales occur over decades, or they may result from a large-scale planned subdivision. The net effect, however, is that farming may eventually be forced out.

Another problem with large lot zoning is that, if the minimum lot size is set too small (10 acres or less), it often results in <u>more</u>, rather than less, land being taken out of agricultural use. This is because people are forced to purchase more land than they would have preferred. A land use pattern based on 5 or 10 acre lots results in the idling of a large amount of land. A home and large lawn often occupy only one acre -- and the balance of the lot is frequently left vacant and unused, since neither four nor nine acres is a viable agricultural unit for the majority of Florida's agricultural commodities.

Most -- but certainly not all -- county planners recognize this. In fact, one Hillsborough County planner calls the "one-to-five designation ... the worst of both worlds ... too low to be of value to the grower ... yet not low enough to discourage sale of the property for five acre ranchettes. These ranchettes promote high consumption of land for housing and remove the land for agricultural production."

Dames & Moore, urban planning consultants retained by Palm Beach County to conduct a study of the county's agricultural reserve, agree. "The pattern of 5 acre lots and/or 40+ acre Planned Unit Developments ... is entirely inconsistent with the State of Florida's positions ... to discourage urban sprawl." The consultants conclude that "one dwelling unit per 5 acres is not protective of or complementary to agricultural production."

Nevertheless, political pressures and demands by landowners to maintain high private property values have prevailed. In the end, many planners were forced to allow residential use and to zone for small lot sizes. As a result, many of the comprehensive plans include elaborate rationalizations and explanations for the lot sizes allowed in agricultural areas.

For example, Indian River County permits a density of 1 unit per 5 acres, explaining that, "The density assigned to this land use provides an underlying value to the property as well as specific development rights." But, the planners add, "There is little likelyhood [sic] of substantial development in this area."

Hillsborough County is even more creative. After extensive public hearings and meetings with growers in the county, the planners concluded:

Reducing densities may accomplish many things, but protecting agriculture isn't one of them ...

Agricultural activities in Hillsborough County are ... not a factor of, nor responsive to, soil conditions, large contiguous parcel sizes nor remote rural environments ...

Although nearly 400 thousand acres are nominally involved in agriculture in this County, barely six percent of the total acreage produces two thirds of the total crop value ... The commodities which are increasing at the greatest rate are ornamentals and strawberries ... These commodities are not dependant on large parcels nor on high grade soils, since technological advances permit enhancement of the existing soil types. They are dependent on proximity to transportation corridors which permit fast distribution of the products ...

Growers must borrow 1/2 to 2/3 of their anticipated annual return each year to establish their crop. Most growers use their land as collateral. Reducing the allowable density of agricultural land reduces the growers' borrowing power. Therefore, reducing densities very likely will have a negative impact on agriculture...

It would probably be best for agriculture if the density permitted was the same allowed for similar property elsewhere. The appropriate density should consider the highest and best use of the land ... If the highest and best use of that land is agriculture, so be it. However, agriculturalists should not be discriminated against solely because of their vocation ...

Most of the dollar value of agriculture is now produced on land with a density of one unit or more per acre. Agriculture is competing very nicely with these densities, due partly to the greater borrowing power the higher land value affords.

## **Development Restrictions**

To offset some of the negative effects that can be caused by allowing nonfarm uses in agricultural areas, some counties impose specific restrictions on these developments. The most effective are:

#### Prohibitions on the Extension of Public Facilities and Services

Without public facilities and services, large-scale development cannot occur. This restriction is an example of the Growth Management Act in its pure form. It also allows counties to make a serious stride toward protecting farm operations, while still setting a residential density at a level which can be used as a benchmark for computing land values for bank loans and the sale of development rights.

Only a few counties have this limitation. Among those that do are Indian River County. Its policy states that the county "shall not provide public facilities or services that would induce or encourage the development of agriculturally designated land except to provide for the health, safety and welfare of existing residents."

### **Prohibitions on Residential Subdivisions**

This can also be effective. Okaloosa County's policy states: "residential subdivisions in agricultural zoning districts will not be allowed." Period.

Other restrictions -- in descending order of their effectiveness in limiting impacts on agricultural operations -- include:

## Performance Standards

Performance standards provide clear, detailed guidelines on how new development must be carried out and set detailed standards that must be met by each land use proposal. Their purpose is to ensure that each new development meets certain minimum standards for location, extent and intensity of land use, compatibility with adjacent uses, esthetics, and impacts on existing infrastructure and natural resources. Examples of performance standards include minimum setback requirements, adequate buffering between incompatible uses, limits on the number of dwellings that can be built in a single development, site plan reviews and minimum open space requirements. Performance standards are typically set forth in a local government's comprehensive plan and implemented through land development regulations -- often with techniques such as clustering, overlay districts and planned unit developments.

Performance standards can be very effective in minimizing the impacts of nonfarm developments on agricultural operations -- providing they are well thought out and properly implemented. For the most part, however, performance standards in county comprehensive plans are aimed more at creating "quality" developments, protecting natural resources and directing development away from environmentally sensitive areas, rather than protecting agricultural operations from the adverse impacts of nonfarm developments. In all cases, more can be done to mitigate against the impacts of development on agricultural operations.

Counties with performance standards include Bay, Hernando, Highlands (drafted, but not enacted), Jefferson, Martin, St. Lucie and Volusia.

## **Restrictions on Residential Subdivisions**

Martin County permits no development in agricultural areas which divides landholdings into lots of less than 20 acres.

In Orange County, agricultural land must be rezoned to a residential district prior to being subdivided for residential purposes.

#### Site Assessment Requirements

Hernando County requires a site assessment of all agricultural lands that are being converted to non-agricultural uses prior to issuance of any building permits, even if the proposed development meets density requirements.

## **Annual Development Caps**

Development caps set a maximum number of building permits that can be issued each year for residential development in agricultural zones. At least three counties have these caps. Alachua has a cap on development orders and permits of 500 units per year, Hernando has a cap of 200 per year "for pre-existing rural communities" and St. Johns has a cap of 200 per year. The annual number of units available for development are cumulative and carry over from year to year, so that if all available units are not used up in one year, they are added to the units available in future years. Nevertheless, development caps can be considered exclusionary, and may be legally challenged and overturned on that basis.

#### **Buffering Requirements**

This requires developers to establish well-defined buffer zones between nonagricultural developments and agricultural operations. The purpose of these buffers is to shield agricultural operations from the effects of development and to protect residential areas from the effects of agricultural operations. In some cases, these buffers can be a small stand of trees, or they can be a half mile wide, and may include greenways and recreational facilities, such as golf courses, bike paths or equestrian trails. Some counties with this requirement include: Hernando, Indian River, Pasco, Polk, Sarasota and St. Johns.

#### **Open Space Requirements**

Some counties require that a set percentage of a parcel developed for residential use must be left in open space -- and remain available for agricultural use. Open space by itself is not enough to adequately buffer agricultural operations -- and few open space requirements give any consideration to ensuring that the area left open is large enough to be farmed profitably.

## **Planned Unit Developments and Clustering**

These techniques are highly favored by some Florida planners. They both allow development, but concentrate development in one area of a parcel, in order to preserve land for agriculture. For example, instead of a housing development that would place 10 houses on a 50-acre parcel, a clustered development would put the 10 houses on 10 acres, using one acre lots, or on five acres using half-acre lots.

A Planned Unit Development (or PUD) is a variant of the clustering ordinance. Generally, PUDs must be a minimum of 40 acres in size, the buildable area of the PUD must be clustered in one contiguous part of the parcel not exceeding 20 percent of the gross acreage, and the remaining 80 percent must be maintained in agriculture, recreation or open space.

Many Florida planners have used a Connecticut River Valley model to design their PUD and clustering ordinances. This model emphasizes visual quality -- in order to create developments that are pleasing to the eye and pleasant to live in. But it does not protect farmland. In fact, few PUD and clustering ordinances do. Here's why:

- 1. The minimum acreage required to maintain a viable agricultural operation usually is not considered;
- 2. No attention is given to requiring adequate spacing <u>between</u> clusters to ensure the viability of agricultural operations;
- 3. The need to locate development on the least productive land or as far away from existing agricultural operations as possible is rarely addressed;
- 4. There usually are not adequate restrictions to prevent strip development along roads connecting cluster developments; and
- 5. The remainder of parcels left undeveloped and in open space is often <u>controlled by the residents</u> -- and they usually impose restrictions on farming operations that make it uneconomical and impractical for the open space to be farmed.

As a result, PUDs can eventually dot a farm area with clusters of development, leaving a checkerboard of open spaces that are either too small, too separated from each other or too close to conflicting uses to function as economic units for agriculture.

PUDs and clustering have the potential to conserve farmland -- but <u>only</u> if they take all of the points listed above into consideration and are <u>mapped out in advance</u>.

Some counties with PUD ordinances include: Alachua, Broward, Indian River, Lake, Levy, Okaloosa, Palm Beach, Pasco, Sarasota, Seminole, St. Johns and St. Lucie. Dade County encourages Planned Area Developments and clustering, but

only in areas designated for residential development "outside the core agricultural area."

## Needed: A New Approach to Rural Land Planning

A background paper prepared in February 1990 by Robert Lincoln, Joint Select Committee on Growth Management Implementation, entitled "Planning Needs in Rural Areas: an Evaluation of State Policy," underscores some of the drawbacks to the way in which the Growth Management Act has been applied to rural areas:

One of the greatest problems in describing rural areas is the tendency to use the terminology and tools developed to describe urban areas. Describing rural residential patterns in terms of "units per acre," or acres per unit, ignores the pattern of varied parcel sizes which occurred over time as land was divided according to need and opportunity. It also ignores the need for larger parcels if large scale agricultural activities are to remain viable.

Rural residential patterns are based on parcels, not lots: the purposes of a traditional subdivision -- achieving a regular pattern of land use and providing land for infrastructure and access -- have little meaning in a rural setting. Rural residential patterns are based on parcels of varying sizes, sold over time in response to the housing and agricultural needs of various purchasers. Density, lot size and housing type -- fundamental aspects of the tools used to describe urban lands -- have little meaning ... in rural areas ...

Whether the lot size is one, five, ten or forty acres, if working and natural landscapes are divided "cookie-cutter" fashion to provide residential use of the land, the rural character of the land will be destroyed ...

The threat to rural lands which are either adjacent to or in close proximity to rapidly developing areas comes largely from the imposition of suburban patterns of development on agricultural lands. Suburbanization effects rural areas in several ways. The establishment of residential subdivisions ... destroys the pattern of varied parcels sizes designed to accommodate agriculture, displaces agricultural uses, and often requires the extension of services to areas which are the least equipped to support them. In addition, suburban residents are desirous of the protection afforded by urban land use regulations, particularly restrictions on "incompatible" adjacent uses. These restrictions limit the means by which rural residents ... can make a livelihood. As the variability of uses and the visual dominance of working landscapes is diminished, the land loses its rural quality and becomes a transitional zone of "leapfrog sprawl." ... A more flexible approach with guarantees that land would not be developed without adequate controls would better support rural areas' economic development activities ... [and] policies should be adopted which support land development regulations which permit flexible patterns of development while controlling the <u>overall</u> density of residential uses and intensity of commercial and industrial enterprises ...

These are good points. Some of the same points were echoed by rural planners in a series of meetings and workshops held by the Department of Community Affairs in 1991 -- and have led to many of the proposed changes in Chapter 9J-5 of the Florida Administrative Code.

Unfortunately, many of the concerns voiced by rural planners -- and some of the points raised by Robert Lincoln in his background paper -- do not reflect an understanding of what is needed to prevent other land uses from interfering with agricultural operations.

Much of Lincoln's paper focuses on preserving "rural character," rather than on what needs to be done to keep agriculture viable and profitable. For example, Lincoln writes:

How do we recognize rural areas? One concept which may serve to illustrate rural areas is working landscapes ... A working landscape is one upon which the hand of man has acted, guiding and shaping the land and the vegetation which it supports without dominating it with structures. Pastures, fields, and orchards -- lands managed by man, but not overtaken by him -- are the working landscapes of rural areas.

Wilderness areas can be distinguished from rural areas by the dominance of natural landscapes over working landscapes. Urban areas can be distinguished from rural areas by the dominance of manmade artifacts: buildings hiding the underlying land. Rural areas are recognizable by the partnership of nature and mankind.

This is an excellent, even eloquent description. Lincoln also writes:

Land use patterns which develop over time have their basis in economics: land is used in ways which reflect its economic potential. In urban areas, the great demand for various uses creates a potential for a great intensity and density of use ... Rural areas, on the other hand, are rural because historically the demand for intensive land use has been low.

So far, so good. But Lincoln goes on to say:

... the lowered intensity of overall use [in rural areas] limits the need for

regulation ... Translated to land use, this means that land values are created by permitting a wide range of uses in most areas. Permissiveness of use will create more value than restrictiveness, in contrast to the urban patterns noted above.

Problem is, agriculture is sensitive to many other land uses; if these uses are allowed to locate too close -- or in too great a concentration -- agricultural operations may suffer. As development comes in to agricultural areas -- and intensity of use increases -- agriculture can be negatively impacted and even forced out if development is not properly regulated. Lincoln continues:

... conceptions of "separation of use" have little applicability to rural areas, where the low <u>overall</u> intensity of use limits problems ...

Again, that may be true for some land uses, but NOT for agriculture. A junk yard with leaking car batteries, a dumping site for contaminated fill, a fuel oil depot, a mining operation and, yes, even hospitals, nursing homes, and rural homesites, can all have negative impacts on agricultural operations if there is not proper separation of use. Lincoln says:

Small towns may have feedlots, Ford dealerships, banks and an IGA grocery store: nothing in the ... location of the uses is inconsistent with the rural character of an area.

He also says:

Maintaining the rural character of the land use pattern does not require blanket restrictions on land use types. Rather it requires that the amount of land used for purposes other than agriculture and conservation purposes is balanced such that the overall intensity of use remains low.

Unfortunately, maintaining rural <u>character</u> is not enough. Specific steps need to be taken to maintain the vitality of agriculture. And advocating mixed uses, a lack of separation between incompatible uses and limited regulation of land uses will not conserve agriculture, particularly as intensity of use increases with the continuing surge in Florida's population.

A new, more flexible approach is needed for rural land planning. But it should be built upon a recognition that agriculture is a major land use -- which accounts for 30 percent of the state's land area -- and a major contributor to local economies. Moreover, planning for the continued viability of agriculture should receive just as much attention as planning for any other major land use.

## Planning for Agriculture -- With Input From Agriculture

Many county planners attempted to involve rural landowners and agricultural operators in formulating their comprehensive plans through public hearings, workshops and meetings.

But no county matches Volusia. It took the unique step in its Comprehensive Plan of calling for the creation of an Agricultural Protection Task Force made up of residents representing the various types of agricultural activities in the county "to identify ways to protect and enhance agriculture."

The task force spent a year studying problems facing agriculture, weighing various land development alternatives and devising recommendations. Its February 1992 report to the Volusia County Council is one of the best assessments of what needs to be done to protect agriculture that AFT reviewed.

The report addresses the difference between preserving "rural character" and preserving agriculture as a viable economic activity. It touches on the problem of land values -- and how agricultural lands can be conserved, while maintaining loan values and ensuring that farmers can "cash in" on the development value of their land. It also addresses land use planning from an agricultural perspective. And it calls for "limits ... on the number of dwelling units permitted in a cluster and per landholder" as well as "planned development ... to protect desired agricultural areas ... [and] safeguard 'the right to farm' ..."

The report provides a good blueprint for planners in other Florida counties who wish to plan for development without undermining the viability of existing agricultural operations. For this reason, portions of the report are quoted below.

The residents who served on the task force represented the timber, cattle, citrus, hay and fern industries, as well as the Volusia County Farm Bureau, Volusia County Agriculture Center and Florida Nursery Growers Association.

Their comments should provide a better understanding why the land use planning techniques described earlier in this chapter -- and at the end of this chapter -- are rated as good, bad and unworkable.

Here's what the task force concluded:

## Problems Facing Agriculture

Farmers are becoming more scarce, and that means that when new land use conflicts arise, the community is composed more and more of people who do not understand agriculture [and are] less likely to be sympathetic to the farmer's point of view ...

People tend to overlook the fact that agriculture is an industry ... Above all, it is an industry that requires a lot of open space ...

The proliferation of nonfarm uses in farming areas and the resulting incompatibilities between them is partially a result of the failure of local officials to recognize that farming is actually an agriculture industrial use and is fundamental to the economic base of the region and the State ... Just as it would not be appropriate to allow a residential subdivision to locate in or adjacent to an industrial park, neither should nonfarm residential development and scattered commercial businesses be indiscriminately allowed in an intensely farmed, agricultural industrial region ...

The task force went on to say:

In preserving rural character one of the most difficult tasks is to define which qualities are most desirable. Characteristics such as scenic views, county roads, open space, tree lines, barns, ponds and other attributes merit preservation and should be considered. Another ... task is making the distinction between the preservation of agriculture and of agricultural culture. The first requires that agriculture continue as a viable economic activity. The second implies an image or feeling of agriculture. Both are distinct and desirable goals ...

The task force also noted:

Many farmers view their farm as their primary source of their retirement fund. The sale of the farm provides the money for retirement and in most cases, this sale is to a developer who can pay higher sums than another farmer wishing to take over the farming operations. The anticipated high return, whether realistic or not, is a prime factor when a farmer considers his financial security. In the past, the reliance on zoning has provided that security. Now with the new laws and regulations in place farmers are looking for ways to maintain their "investment". Changing people's perspective on considering new options such as [purchase of development rights, taxfree land exchanges, agricultural conservation easements and] sales to other farmers rather than only to developers or speculators will be a slow but necessary task if agriculture is to truly be protected ...

In addition, the task force said, it is important to understand:

The conversion of agricultural land is a complex process. It involves such factors as farm profitability, urban growth pressures, land values, personal decisions about work and retirement, community expectations, taxes and government programs, incentives and regulations. When investing in urban growth investors begin buying land for its development potential. New farmers soon cannot afford farms and fewer farmers are ... able to increase their holdings. At some point the process becomes irreversible and farm after farm is subdivided and developed. Communities that wish to protect their agricultural lands must start early in the process to change the expectations of farmers, investors and developers. Although some conversion is essential for economic progress, too often it is the best land which is pushed out of production, with little thought to the consequent environmental, economic, and social impacts ...

When nonfarm residences are located adjacent to agricultural operations very often conflicts arise ...

New nonfarm residents often demand more services such as road improvements; trash pick-up; better ambulance, police and fire protection; public sewer and water; stormwater management and parks in areas that previously had required a relatively low level of municipal services and expenditures. If these public services and facilities are provided, higher property taxes are likely to result ...

Increases in vandalism can also be a result of increasing the number of people in an agricultural area ...

For these reasons, the task force said:

Land development ... should be anticipated and properly planned for. Scattered unplanned development that is not functionally related to adjacent land uses is ... very costly to tax payers because of the great distances over which expensive new public facilities must be provided, and because of the environmental damage it can create ...

Despite the commonly held view that residential development broadens the tax base, sprawling residential development often does not pay its own way. In contrast, compact subdivision[s] adjacent to existing public services are not likely to unfairly shift the tax burden to farmers if they have been planned for the provision of public services ...

Many localities are finding that the most effective way to secure the future of local agriculture; to safeguard "the right to farm" - is to support initiatives designed to control suburban growth in rural areas ...

The task force explored some of the techniques that can be used to do this -- including large lot zoning, exclusive agricultural zones, voluntary agricultural districts, purchase of development rights, transfer of development rights, area based allocations and tax incentives for keeping land in agriculture. In part, the task force said:

Land Development Alternatives

The mere fact that a tract of land can be developed at a given density does not mean

that it should be. Appropriate densities should be established based upon approved planning criteria that are designed to protect agriculture ...

Once a subdivision exceeds a certain number of houses, the demand for urban level of services increases thus defeating the purpose of establishing an agricultural protection area in the first place. There is limited literature on that threshold, but common sense will tell you that an increase in density in a clustering of dwellings in an agricultural area approaches a more suburban type of development rather than rural. One example that was found used four dwellings per mile of road as in keeping with the agricultural concept ...

For this reason, the task force recommended that the county:

... limit the number of dwelling units permitted for clustering to ten ... per 100 acres ... With proper siting criteria ten dwelling units in one cluster appears reasonable while still allowing a large enough tract (minimum of 70 acres) to be used for farming ...

In addition, the task force said, several <u>Planning Issues</u> needed attention:

... since agriculture is a land use, planning practices can be used to promote agriculture and explore new methodologies as they become available. A strong commitment is needed during the planning process in order for future decisions that are made to really protect agriculture. This commitment has to be made by the politicians, the farmers, and the public. The politicians must consider the long term effect a decision has on agriculture. A haphazard approach to zoning requests, for example, may give the impression to local farmers that their lifestyle and livelihood are threatened so why bother to keep farming. This goes for the farmers as well. If the local government continually receives requests to change agricultural land to other uses, then why should they take steps towards protecting agriculture ...

The following are a sample of the types of criteria that could be included in the Comprehensive Plan [to protect agriculture]:

- 1. Review of existing land use trends for an area;
- 2. Ensure the agriculture lands are given careful consideration during each 5 year update of the Future Land Use map;
- 3. Establish a guide for soil quality as it relates to agriculture suitability (the best agricultural land would have the lowest priority for conversion);
- 4. Establish a farmland advisory committee on a permanent basis to provide input on all issues that may impact agriculture [and]
- 5. Establish criteria of when agricultural operations [such as cattle leases and fern

production] would be appropriate on public lands purchased through the land acquisition program ...

Finally, here is the task force's:

## Summary of Recommendations

- A. A strong commitment is needed to protect Agriculture ... not only in the Comprehensive Plan but in all actions taken by the County.
- B. Keep the Agriculture Center facility expansion in the Capital Improvement Plan...
- C. Support Agriculture Resource future land use category of 10 acre lot minimum ...
- D. Amend the Zoning Ordinance and the Land Development Code to allow for the area-based allocation technique to be used [in agricultural areas] ...
- E. Additional dwellings for family members [should be allowed] without a change to the Future Land Use Map or zoning.
- F. Land divided through a will, shall continue to be honored ...
- G. ... Support [the] Blue Belt Law and increase deduction for farms with existing agriculture exemption for the more intensive operations.
- H. Maintain the Farmers Markets ... to continue to serve the needs of the community.
- I. Ensure that existing and future legitimate agricultural operations that utilize the appropriate Best Management Practices for their operations are exempt from new local environmental regulations as long as there is no creation of health hazards.
- J. Continue to review the merits of the PDR and TDR programs ... to determine if conditions ... may be favorable to establishing one of these programs.
- K. Any proposed action by Volusia County that will effect the agriculture industry should be reviewed by the Agriculture Interrelations Advisory Committee.

The task force overlooked one important component of farmland conservation: proper estate planning to ensure that a farm family is not forced to sell its landholdings in order to pay its inheritance taxes to the IRS. The report also contained some common -- yet minor -- misconceptions about PDR and TDR programs. Overall, however, it is a wellthought-out, practical document. Other counties would do well to follow Volusia's example -- and involve agriculture in reviewing any proposed action that will effect the agricultural industry.

One county outside Florida has also made effective use the task force concept. Here are the steps Woodford County, Kentucky took to reach consensus within the community, revise its agricultural zoning ordinance and, in the process, win an award from the American Planning Association for its revised ordinance:

- 1. Public education campaign launched -- To acquaint the public and local officials with the importance of agriculture to the local economy, job market and tax base and the nation's food supply -- as well as with the needs of agriculture.
- 2. County judge appoints agricultural preservation task force -- The task force studies the issue of rural residential development, makes recommendations for changes to zoning regulations and develops a set of findings.
- 3. Planning staff researches and prepares rural residential ordinance -- Staff members seek guidance from experts such as the American FarmIand Trust; from agencies and groups such as the Department of Agriculture, the local Farm Bureau, local citizens and elected officials; and from planning advisory services' reports and books.
- 4. Public meetings are held Draft ordinances are presented to public for input.
- 5. A mediation group is formed -- Differences are mediated by a group including farmers, builders, a farmland preservationist and a planner.
- 6. A final draft of the ordinance is prepared -- and presented to the county commission.

## "Flexible" Land Use Planning Techniques

There are several land use planning techniques that can be used to guide development in agricultural areas -- and offer greater flexibility than fixed density zoning which sets the minimum lot size for each residence. Several of these techniques were added to the Growth Management Act in the 1992 session of the Florida Legislature. They also are being actively promoted by the Department of Community Affairs -- and have been incorporated into the proposed amendments to Chapter 9J-5, Florida Administrative Code. These techniques attempt to offer rural landowners and local governments more latitude in the ways in which rural lands can be developed, while still protecting natural resources

and productive agricultural areas. Some of the techniques are effective in striking a balance between development and the conservation of agricultural lands; others are not.

The techniques are listed below in descending order of their effectiveness in limiting the impacts of development on agricultural operations:

## **Overlay Districts**

Overlay districts have the potential to protect productive agricultural areas from the negative impacts of virtually any type of nonfarm development. They supplement existing development standards in a particular area or district, requiring additional development criteria and standards, with the purpose of protecting natural resources or agricultural operations. In fact, if nonfarm development is to be allowed in an agricultural area, an overlay district is one of the best ways of applying strict performance standards to these developments, and of ensuring that developers put adequate measures in place to minimize conflicts with agricultural operations.

The most productive agricultural areas in a county can be identified on an overlay map, nonfarm uses that are incompatible with agricultural operations or to which agricultural operations may pose a nuisance -- such as nursing homes and hospitals -- can be prohibited or restricted, and strict criteria can be applied to the development of other nonfarm uses. This permits nonfarm uses, but on a <u>conditional</u> basis: based on whether the uses meet the purposes of the district, whether they adversely affect agricultural operations, and how much they would add to public service costs.

Incentives, such as payments for development rights and density bonuses, may also be employed to direct development from non-suitable lands to those more suitable for active use.

Overlay districts also provide a means of accommodating voluntary agriculture districts and the special conditions that apply to them.

The counties that use overlay districts, however, most often use them to protect environmentally sensitive areas. Virtually no county -- to date -- has used this technique specifically to protect agriculture. Counties with overlay districts include Indian River, Jefferson (for historical areas), Lee, Manatee, Martin and Volusia.

The drawback to overlay districts is they can also work in reverse -- by relaxing restrictions and allowing increased densities in agricultural areas.

#### Locational Systems

Locational systems are designed to encourage development near existing public facilities and services and to minimize negative impacts of scattered development patterns that require unplanned extensions of public facilities. They can be established in plans to require permitting, modifying or prohibiting development based on its distance from existing schools, employment and commercial centers, and on its proximity to natural resources and -- conceivably -- agricultural operations.

Counties with locational systems include Citrus, Clay, Manatee, Martin and Sarasota. Highlands has also proposed a "Level II Methodology" which incorporte the functions of a Locational System.

#### Area Based Allocations

There are three types of area based allocations: fixed, sliding scale and "floating zone." All three permit a specified amount of development to occur within an area, yet allow considerable flexibility regarding the size and location of individual lots. All three can be applied to a specific section of land (640 acres), a township or large rural areas which may encompass 100,000 acres or more. All three, however, are not equally effective in conserving agricultural lands. And none are effective unless overall "base" densities are kept low, and adequate controls are put in place to direct development toward the least productive land, regulate the pattern of development, require buffers between incompatible uses and allow operating freedom within the law for existing agricultural operations.

Fixed area based allocations set a limit on the number of dwellings that can be constructed in a given area -- but do not dictate lot sizes. For example, if current zoning allows 1 unit per 10 acres, an area based allocation would allow 64 dwellings in a square-mile (640-acre) area. Development of these dwellings could then occur in one of two ways: on an area-wide, first-come, first-serve basis; or on a landowner-by-landowner (or parcel-by-parcel) basis.

Here's how the two approaches would work -- assuming, for example, that there are four landowners, each with one dwelling:

With the first approach, a landowner with 160 acres who wished to pursue development could use up the entire allotment for the area in a single a Planned Unit Development, which might include 60 new dwellings built on 30 acres, with the remaining acreage devoted to planted buffers and farmland. The other owners would either have to keep their land in agriculture, or seek a plan amendment if and when they wanted to add other dwellings to their property.

With the second approach, each landowner would be allowed to construct a specific number of dwellings -- based on the size of their parcels, as recorded in deeds as of a specific date. Hence, the owner with 160 acres would be allowed a total of only 16 dwellings, while the other owners would be allowed 48 dwellings among them.

This would allow a farm family with 80 acres to group four dwellings on a corner of their property (say, with average lot sizes of 1.5 acres) to accommodate the needs of family members and farm workers, keep four one-acre lots to sell off for development at a future date, and leave the rest of the property in agriculture; another landowner with 240 acres would be allowed 24 dwellings -- which, if clustered on half-acre and one-acre lots, could leave as much as 200 acres available for agricultural production.

The second approach results in a greater dispersal of dwellings, but divides development opportunities equitably among all landowners.

Area based allocations have a lot of appeal, since they offer more flexibility than, say, large lot zoning, and have the potential to keep more land available for agriculture. Nevertheless, they can eventually lead to development patterns and densities that interfere with agricultural activities -- unless they are coupled with strict performance standards and programs to retain large blocks of commercially viable farmland through techniques such as transfer of development rights, voluntary agricultural districts, purchase of development rights, tax-free land exchanges and deed restrictions to ensure that once portions of a parcel are developed the balance is kept available for agriculture, and can be sold or leased without development rights at its agricultural value.

One county with area based allocations is Jefferson. They have also been proposed in Volusia.

## Sliding Scale Zoning

This can be useful in agricultural areas that are being affected by residential development and land price speculation. It encourages the clustering of non-farm development on less productive land, and allows smaller parcels to be split into more lots with the purpose of directing growth onto already fragmented land, leaving larger, undivided land units in agriculture.

Sliding scale zoning also offers a good compromise to meet the needs of both large and small landowners by permitting small landowners to develop a higher percentage of their property, while allowing owners of large parcels some development.

Duval County provides one example of how this can be applied. Building densities are allotted in rural areas of the county based on the size of land parcels recorded in deeds as of the date of adoption of the comprehensive plan, as follows:

1 unit per 100 acres for lots of record 640 acres or more

1 unit per 40 acres for lots of record 160 to 640 acres

1 unit per 10 acres for lots of record 40 to 160 acres and

1 unit per 2.5 acres for lots of record up to 40 acres.

Polk County also has sliding scale zoning. But the scale goes from 1 unit per 2.5 acres down to 1 unit per acre, and is used more to reward good development practices, than to preserve farmland.

Sliding scale zoning is useful in conserving farmland only in those areas where, long term, it does not appear that the land will be built out. It also works best in areas with a wide range of parcel sizes and when maximum lot sizes are established for each dwelling (usually one or two acres) so more land can be kept available for agricultural use.

#### New Rural Communities

The concept behind new rural communities, according to the Department of Community Affairs (DCA), is that well-planned new urban areas in rural settings can help accommodate future growth, provide development opportunities in rural areas and discourage urban sprawl "by dispersing development throughout the rural area in clusters based on specific locational criteria.

"The main goal," DCA says, "is the protection of productive agricultural areas, designation of open spaces and conservation areas, [while] still providing for development opportunities."

Guidelines developed by DCA for new rural communities state that:

"... a new rural community must include an appropriate mix of land uses to clearly distinguish the development from a generic subdivision.

"The new rural community does not necessarily have to be rural in character but it must provide protection by relieving development pressure on the rest of the rural area where it is located. " ... local governments must provide the ... data and analysis to support the need for the new community. If the local comprehensive plan has been adopted then it will require a plan amendment. The plan amendment will need to clearly demonstrate that the designation of the new community will not lead to urban sprawl, but will encourage the development of a compact, distinct, and self contained community.

"The plan amendment would need to identify the controls to be implemented which would provide protection for the adjacent rural areas and ensure their continued productivity."

Because new rural communities would "incorporate performance standards to make sure that new communities will be compatible with surrounding rural and agricultural uses" and would be aimed at "concentrating urbanizing pressures away from productive rural areas," they hold promise for being able to balance development with agricultural protection.

The drawback is that they may act as magnets for additional development and, without adequate controls, could eventually become expanding urban or ex-urban centers.

One county that has established criteria for new rural towns is Martin. They are also under consideration in Highlands County.

"If it is not feasible to create a completely self-sufficient new community," DCA states, "then it may be appropriate to utilize ... "

#### Rural Villages

Rural villages are designed to promote "mixed-use, clustered, and planned development on tracts with a minimum parcel size," according to DCA, "with the intent of ... addressing shopping needs on-site and providing additional employment opportunities within the village area."

The concept "is a useful mechanism to address those sites in a rural area where single land use activities currently exists, such as a commercial area at an important road junction with no residential uses allocated within a convenient distance."

DCA continues by saying "... regulations would require that the villages be clustered and contain a mixture of residential and nonresidential uses which ... relieve the development pressures on the surrounding agricultural and forestry activities ... and conservation areas." While any development technique that relieves pressure on agriculture is preferable to one that does not, planners must recognize that farming is a business that is not inherently compatible with residential development and that relies on the presence of a critical mass of farmland and farm operations, on a healthy network of support services and on thriving markets for farm products. Hence, an important determinant in whether rural villages will help retain agriculture -- or lead to its displacement -- is adequate performance standards.

Two counties that have adopted the rural village concept are Hillsborough and Martin. It is also under consideration in Highlands County.

#### Two-Tier Density

Two-tier density generally involves the use of an overlay district to allow an underlying maximum density for an area to be exceeded if certain guidelines are met. As a result, two densities may apply to the same rural lands. The concept behind two-tier densities is to encourage compact development patterns in rural areas and maximize the use of existing facilities and services.

One of the stated objectives of two-tier densities is to ensure "a complementary mix of uses." Again, this will <u>not</u> occur in agricultural areas unless the two-tier densities are coupled with strong performance standards that require adequate buffering and wide separations between non-agricultural developments.

One county with two-tier densities is Citrus.

#### Mixed-Use Districts

Encouraging mixed-use districts may help to reduce urban sprawl and relieve development pressures in some rural areas, but it does not contribute to the preservation of agriculture -- because as the intensity of use increases, so does the potential for conflicts between farm and nonfarm activities.

Growth and development -- and the public facilities and services that support them -- generally attract additional growth and development which, in turn, can displace once-viable agricultural operations.

Mixed-use districts, if allowed at all, should be used as <u>narrow</u> transition zones between an urban area and a rural or agricultural area, or as discrete, <u>compact</u> activity centers built around existing rural communities and commercial developments. Agricultural operations which can co-exist with other land uses with a minimum of conflict -- such as nurseries and foliage operations -- are appropriate neighbors for these mixed-use districts; most types of agriculture are not. Mixeduse districts should be allowed only in limited areas and only if appropriate controls are in place to ensure that they do not interfere with existing agricultural operations.

## Floating Zones

Floating zones establish land use regulations and criteria without identifying the specific locations or categories of land use to which they will apply. As a result, a floating zone can be used to override other established land use designations -- and the criteria that apply to them -- at a future date. This has the potential to completely undermine growth management and insert incompatible uses within agricultural areas. There are other, preferable techniques to provide opportunities for flexible land use, that balance development and a viable agricultural industry.

## Special Exemptions for Agricultural Landowners

Restrictions intended to protect agricultural operations from encroachment can sometimes interfere with an owner's ability to construct buildings necessary to support his or her operations. For this reason, many county plans grant limited exemptions to density requirements and other restrictions to allow construction of group quarters, temporary housing and other structures for the personal use of agricultural landowners, their families and farm workers.

Pasco County, for example, exempts "housing for the exclusive use of farm workers, their families and any individuals whose principal occupation is agriculture" from density limitations, allowing up to 12 dwelling units per acre for farm-related housing. In addition, "Property developed and/or subdivided for use of immediate family members related by blood or marriage for their primary residences" is also exempt from minimum lot sizes.

## If You Can't Fight Them, Join Them: Allowances for Agricultural Use In Urban Areas

Many former farm areas in Florida's fast-growth counties have become parcelized, leaving a few isolated -- but still profitable -- farm operations as islands in the midst of suburban developments. Some counties view these farm operations as an interim use -- undeveloped land waiting to be developed. In other counties, pre-existing agricultural uses are "grandfathered" -- i.e., defined as conforming to more recent zoning and land use regulations. Still other counties have decided that agriculture is important to local economies and should be encouraged in all land use categories, so long as operations in urban and suburban areas meet applicable health and safety standards.

Counties which allow agriculture in all land use categories include Highlands, Hillsborough, Pasco, Pinellas and Polk.

# POLICIES ADOPTED IN COUNTY COMPREHENSIVE PLANS THAT PUT AGRICULTURE AT RISK

Several counties have adopted policies which will put agriculture at risk, either in the near or not too distant future.

Orange County, for example, has developed the seven-tenths-of-one-percent solution to preserving its farmland. The county's comprehensive plan acknowledges that "It is a State goal, as well as a County goal to encourage agricultural pursuits. Thus, a certain amount of land dedicated to agricultural use should be maintained."

The question, of course, is how much should be maintained? Unlike some counties, which computed the direct and indirect economic impacts of agriculture, considered the contribution made by agriculture to alleviating the costs of providing public facilities and services, or assessed the minimum acreage and support services necessary for an economically viable agricultural community, Orange County decided "the amount should be related to the projected agricultural employment."

"Based on historic trends of employment/population ratios," the county determined that "agricultural employment is projected to comprise .7 percent of the total employment ... in the year 2010."

After some additional calculations to determine "an employee's per acreage factor," the county concludes that "68,456.46 acres [out of the county's total of 550,000 acres] should be dedicated to agricultural use in 2010."

Polk County states in its comprehensive plan that agricultural activities "shall not be deemed inconsistent or incompatible with, or a nuisance to, development." Saying this, of course, does not make it true. The policy statement does open the way to allowing agricultural activities in urban areas. Unfortunately, the reverse is also true.

Another loophole is provided by Alachua County. Its agricultural policies state that "urban growth shall be discouraged in important agricultural areas so long as other opportunities for growth exist in the county [emphasis added]." And just to be sure, the county provides that "changes in conditions ... shall be monitored and assessed on an annual basis to determine the need for designation of areas for additional urban development."

# **REGULATIONS, REGULATIONS EVERYWHERE: DO THEY POSE AN UNNECESSARY BURDEN TO AGRICULTURE?**

"Four months out of the year, the weather makes it impossible to farm; the other eight months the government does."

-- Placard in AFT's Washington, DC office; author unknown

There is some bitter truth in this saying. Although Florida is blessed with better weather than most other farm areas, its regulatory climate is one of the most restrictive anywhere when it comes to farming.

In most other parts of the United States, farmers farm the land; in Florida, they farm the weather.

In fact, many agriculturalists contend that Florida's weather is the key to its agricultural industry. If it weren't for the weather, farmers simply would not bother. The soil, in many cases, is of poor quality. As a result, nutrients must be added. Farmers must battle a variety of fungus growths and pests, which are rare or unknown in other farming areas. This pushes up production costs (adding up, for example, to as much as \$4,000 to plant and cultivate just one acre of tomatoes). Development pressures have driven up land costs, which adds to the cost of production -- and makes operating margins even thinner. The majority of Florida's agricultural commodities do not receive price supports, so there is no safety net if a farmer miscalculates the market.

The weather, on the other hand, allows for high yields in a short period of time and gives Florida farmers at least one extra growing season per year for many commodities -- providing, of course, there is no citrus-killer freeze or hurricane.

To succeed as an agriculturalist in Florida requires sophistication, business acumen and dedication. It also requires an enormous amount of patience -- and a sense of humor -- in dealing with government agencies.

For the most part, these agencies do not understand agriculture -- nor take the effect of their actions on agriculture into consideration. Part of the fault lies with our school system: planners, highway engineers, policy makers and regulators are not trained to understand the dynamics -- and needs -- of agriculture. Part of the fault also lies with society as a whole: as important as agriculture is to our basic survival and economy, most people give little thought to where their food and the fibers for their clothing come from, nor do they understand what conditions are necessary to produce that food and fiber. Farming, packing, processing and transportation have become so sophisticated that it is

possible to grow a commodity anywhere in the world, yet deliver it fresh to a local supermarket. Hence, there is an attitude -- even among farmers -- that if a little land is lost, it is no big deal. Fertilizers, bio-engineering and technology will boost yields. Nutrients can bring marginal soils into production. And computers, telecommunication and transportation have created a global market. Never mind that taste has in many cases been sacrificed to allow for mechanized handling and a longer shelf life. And never mind that many of the measures taken to boost yields have created environmental problems.

The environmental problems, in turn, have spawned a stunning array of government regulations -- some of which drive farmers to distraction, a few of which threaten to drive farmers out of business, and many of which do a marginal job of protecting the environment.

Most agriculturalists acknowledge that regulations are necessary for public health and safety and to protect the environment. In fact, in a nationwide survey of farmers conducted in 1989, the American Farmland Trust found that 60 percent of all respondents were taking <u>voluntary</u> steps to improve their farming practices to protect the environment. Another 35 percent said they would take steps to improve their farming practices if they were given the necessary information -- and ways to offset the costs -- in order to do so. Only 5 percent said they did not care about the environment -- and were going to farm any way they darn well pleased.

Most regulations are aimed at this 5 percent group. As a result, the regulations -- and regulators -- tend to assume the worst, and do not allow sufficient flexibility to accommodate local conditions, nor to encourage individual initiative and innovation on the part of farmers.

Environmental regulations, however, are just the beginning. Florida farmers must contend with layer upon layer of state and local regulations, fire and building codes, assessments and restrictions that apply to virtually every aspect of their operations. The result is a time-consuming, costly burden for agriculture, which cuts into profits, and has created a needlessly contentious relationship between agricultural operators and regulators.

There are four basic problems with most of the regulations:

1. Lack of coordination among regulating agencies. A farmer can have regulators from five different agencies show up unannounced on his or her property in a single month. Each will make an inspection and issue directions on what the farmer must do -- or stop doing -- to bring the operation into compliance with one regulation or another. Few inspectors talk to one another, and few coordinate their activities. As a result, their directions sometimes conflict with each other. Even worse, after the farmer has invested considerable time and money in trying to come into compliance with the first five regulators, a sixth inspector may show up to inform him or her that there is still another regulation that must be complied with -- and the measures that must be taken to comply with it have to be done first; hence, all the farmer's other work must be taken out (at his or her expense) and redone (also at the farmer's expense). If the farmer complains, the regulator simply responds: "You should have known better."

2. The ramifications of many regulatory actions are not well thought out. As a result, actions that are taken to fix one problem create another.

Doyle Conner, former Commissioner of Agriculture, tells about a rancher in central Florida who watched in disbelief one day in 1991 as a sheriff's car careened toward him with its lights flashing. A woman in a new subdivision that had been built within sight of the ranch had been watching the rancher as he worked to roundup his cattle and had called the sheriff when she noticed the rancher was herding his cattle in the direction of an eagle's nest, which she also had been watching. The rancher was aware of the eagle's nest -- was even proud of it. Moreover, the property had been managed with the intent of enhancing its wildlife values. There was only one route, however, for the rancher to move cattle from pasture to the holding pens where they would be taken to market -- past the eagle's nest. By the time the sheriff's deputy arrived most of his herd had passed within a respectful distance of the eagle's nest without incident. But not for long. With the appearance of the car and its flashing lights, the rancher's cattle stampeded -- and the eagle bolted into flight.

In some parts of Florida, fill must be brought in to raise areas that are to be used for residential subdivisions above the existing ground level to prevent flooding during periods of high water. In southern Dade County, the ground level must sometimes be raised as much as 5 to 7 feet to accommodate residential development. This, in turn, causes water to wash off onto the adjacent property -- which in most cases in southern Dade County is in agricultural use. With each rainstorm, gas and oil from paved areas mix with pesticides and fertilizers applied to lawns and gardens, residue from household chemicals which have not been properly disposed of, and seeds from exotic plants, and flow onto the surrounding fields.

Agricultural operations that are near environmentally sensitive areas often build settling ponds so that silt, chemical residues and soluble minerals can settle out -- and, hence, be removed -- from the water that flows off the fields into environmentally sensitive areas. There is no requirement that residential subdivisions build similar ponds to clean up the water that washes from their streets and lawns onto surrounding fields. Because much of Dade County's farmland has become parcelized -- with residential uses mixed in with agricultural uses -- there are often conflicts as a result of the noise, dust and smells generated by agricultural operations. One of these conflicts spawned an ordinance which prevents farmers from parking farm machinery on property that the machinery is not used on. Residents applaud the ordinance, since they no longer lose sleep over the early-morning start ups, traffic and noise that come as a result of having a farm machinery shop as a neighbor. But the ordinance makes no sense for farmers who use different machinery at different times of the growing season and, because of the parcelization of farmland, often farm several different locations. Now the county tells them they can no longer have a centralized place to store, maintain and repair their machinery, even though it is the only economical -- and practical -- way they can handle their equipment.

- 3. This last example also demonstrates another flaw with many regulations: Rather than using performance standards (or another objective means) to assess potential problems -- and proscribe appropriate remedies -- <u>on a caseby-case basis</u>, regulations are applied across the board to <u>all</u> agricultural operations, whether they pose a problem or not. If condition A is present, then -- and only then -- should restrictions 1 and 2 apply. For example, if an agricultural operation is adjacent to a residential subdivision, then it makes sense to have a "good neighbor" policy that restricts the hours of operation for certain types machinery or limits the number of tractor trailers that can be parked on the property at any one time. But it does not make sense to apply the same restrictions to an operation that is 10 miles from the nearest residence.
- 4. Finally, regulations aimed at other industries and land uses which should not be -- but nevertheless are -- applied to agriculture, are applied without any modification, and without any flexibility to accommodate or adapt to the different circumstances and needs posed by agricultural operations. Here are four examples:
  - a) Several years ago, Palm Beach County officials insisted horse barns in the Agricultural Reserve be equipped with automatic sprinklers to come into compliance with county fire codes. Because the area is on wells, such a requirement would have cost each stable nearly \$100,000.
  - b) The Florida Department of Transportation (DOT) has told farmers along portions of U.S. 441 that they cannot have a gate or entrance opening onto the highway without a permit. But the requirement is enforced only arbitrarily. And each entrance must meet specific standards -- designed for commercial uses, such as Publix and the Home Depot, even though

agriculture generates far less traffic than these commercial uses. Nevertheless, to obtain the required \$100 permit, farmers must make improvements that cost as much as \$3,500 per entrance.

c) Dade County zoning codes require that all business parking lots be paved and landscaped -- even employee parking lots that serve nursery offices and vegetable packing sheds located in the midst of agricultural areas. It is unnecessary -- even ludicrous -- to require that a parking lot in the center of a tomato field be edged with palm trees, bougainvillea and other ornamental plantings. Moreover, the requirement can add as much as \$30,000 over the cost of a gravel parking lot.

In the spring of 1992, the Dade County Department of Environmental Regulation and Management (DERM) proposed a countywide stormwater utility tax. Two fee structures were proposed: a residential rate for a single-family dwelling of \$30 per year, and a commercial/industrial rate which was based on a charge for each square foot of impervious area that an enterprise occupied. Agriculture argued that it should be exempt from the tax since farmland in Dade County provides 80,000 acres of open space that captures rain and irrigation water and contributes to the recharge of groundwater aquifers. DERM would not listen. Instead, agriculture was to be included under the commercial rate -- and charged for the paved parking lots that another county agency had required! The Board of County Commissioners solved the problem in June 1992 when it repealed the tax.

d) A Collier County grower was required to install fire exits on both sides of a greenhouse even though a paved walkway connects doors at either end of the greenhouse -- and it is impossible to use the fire exits since trays filled with seedlings block access to the fire exits. Nevertheless, the grower had no choice: no fire exits, no building permit, no fire code approval, and no greenhouse.

The examples go on and on. Some regulations overlap, some conflict with each other, some are arbitrarily enforced, and some beg for logic. The cumulative effect can be daunting.

#### EXAMPLE:

A south Florida potato grower estimates that "too much bull and not enough good sense" added at least \$125,000 to the cost of constructing his packing plant and delayed completion by at least four months. The regulations also prevent him and his family from realizing the full profit potential of their investment. For example:

- \* The grower is restricted to packing his own produce. Four other local growers came to him when he began building the packing house and asked if he would pack for them. The county packing house ordinance prohibits this.
- \* The growers are prevented from forming a cooperative to assist each other. In fact, if a neighbor got into trouble and could not find a packing house with the capacity to accommodate his produce when it was ready to come out of his fields, the packing house owner could not help him without breaking the law -- and being subject to fines and possible imprisonment.
- \* The grower can only pack potatoes. If he was to begin growing limes, for example, he would have to get special authorization to pack limes, even though it is his own produce.
- \* The grower was going to install a cooler in the packing house but decided against the expense because (1) space in the cooler could not be leased out for limes to be stored in it during the summer when it was not in use for potatoes and (2) to meet fire codes, the cooler would have to be equipped with a separate sprinkler system connected to a separate fire well with a separate power supply to pump water out of the well -- at a total cost of at least \$30,000.
- \* The county packing house ordinance requires that potatoes be grown contiguous to the building. It does not matter that the packing house faces 300 acres of potato fields across a county road, nor that the grower had picked the least productive land on which to build the packing house. No potatoes growing on the parcel of land on which the packing house was to be built, no building permit. The grower finally prevailed, however, and was allowed to haul potatoes from across the road to his packing plant.
- \* The various rules and restrictions "legally tie us up -- and represent an economic hardship," the grower explained. Many requirements added significantly to the cost of the building, yet had little to do with how the building functions as a packing house. For example:
  - -- Driveways and parking lots had to be paved with asphalt, bermed and landscaped with ornamental plants.
  - -- Lighted exit lights had to be installed throughout the building.
  - -- Emergency lights which would come on in case of a power outage had to be installed.

- -- The building had to be built with handicapped access, ramps and bathroom facilities, even though it is not a public building, nor a sales outlet visited by the public and the type of work performed does not lend itself to hiring employees with the types of handicaps for which the handicapped facilities had to be designed.
- -- All rooms on the second floor had to have two exits and steel fire doors. In addition, outside stairways constructed of steel had to be added to each second floor room -- at a cost of \$5,000 each -- to provide a direct route of escape in case of fire.
- -- A mezzanine storage area, which was to be used to store paper products and to fabricate boxes, had to be enclosed with drywall -- at an additional cost of \$3,500 -- so the structure would qualify for a one-hour fire rating. If left open, the fire marshal was concerned that the steel I-beams supporting the mezzanine's four-inch concrete floor could get hot and collapse after one hour -- even though it is unlikely that any employee would continue working on or under the mezzanine in the event of a fire.
- -- Because the building is outside the area serviced by public water mains, the grower had to install a fire well, separate from the well that provides the building with water for drinking and its washing operations. In addition, the fire marshal was going to require that the well be equipped with a 200-horse-power motor to provide pressure and the building be encircled by a fire main with hydrants spaced every 50 feet. The expense -- especially for the motor -- was forbidding, so the grower managed to prevail upon the fire marshal to accept a well equipped with a 60-horse-power motor and six hose outlets grouped together 75 feet from the building.

"There is nothing wrong with some of these requirements," the grower said. "They just tried to overprotect us -- and tried to make us put in much more than necessary at much greater expense."

The grower was not as magnanimous when it came to describing the water purification system that was required by the Department of Environmental Regulation and Management. Farmers had used an insecticide for a brief period in the 1960s, which had remained in the soil -- at a level of 75 parts per billion. As a result, tests conducted by DERM of water used to wash soil off potatoes taken from the grower's fields revealed minute traces of the insecticide. Other tests conducted by the University of Florida had shown that if the water was allowed to stand, and the soil settled out, the water would become clean -- with no traces of any pesticides, fertilizers or metals. The tests by the University of Florida had also shown that the insecticide was not absorbed and, hence, had no effect on plants grown in the soil. In other words, the insecticide did not dissolve and
did not pose a health hazard; it remained locked in the soil.

DERM chose to ignore the University of Florida studies, however, and required that the grower build a \$75,000 water purification system to remove all traces of the insecticide from water that became muddled in washing the grower's potatoes. DERM also refused to allow the grower to try an alternative system that would have cost only \$5,000 and, the University of Florida test had shown, would have been just as effective in settling soil -- and the insecticide -- out of the water.

"We are always assumed to be guilty before we do anything," the grower said. "If there's a problem, tell me what the problem is, and I will do something about it. But give me an opportunity to try my approach. Then test it, and if it doesn't work out, I'll be happy to try something else."

The grower had proposed building an earthen dike around part of the property on which the packing plant is located to create a five-acre settling pond to receive wash water. "I would have been better off," the grower said. As soil built up in the settling pond, it could have been periodically removed and placed back on the grower's fields.

# EXAMPLE:

Finally, there is the story of a Pasco County rancher who was forced by the Department of Environmental Regulation (DER) to spend more than \$300,000 over two years drilling test wells, hiring engineering firms to monitor water quality and making changes in his cattle and swine operation to solve problems that the county health department, University of Florida and Soil Conservation Service (SCS) say never existed in the first place. Here's what happened:

- \* DER decided to investigate the operation to determine if it was having a negative impact on groundwater supplies after a neighbor complained about smells coming from its feedlot.
- \* Despite assurances from the health department and the SCS that the 20-yearold operation met their standards, DER insisted on conducting its own investigation. "They assumed there had to be a problem someplace," the rancher said, "and they were going to find it."
- \* "DER did not have a category for agriculture," the rancher said. "Instead they put us in with industrial wastewater -- and we were expected to meet the same requirements as a municipality."
- \* The ranching operation -- and its feedlot -- had been designed with the assistance of the Soil Conservation Service. But that did not matter, the rancher

said, "DER insisted that everything had to be re-engineered." In fact, he said, "DER came down so strong, they scared off the other agencies."

- \* The rancher was given 90 days to clean up his operation -- or be subject to fines of \$10,000 per day. But when the rancher asked what he had to clean up, DER could not tell him. Instead, he was directed to hire an engineering firm, drill 38 test wells to a depth of 20 feet and conduct monthly tests of the water quality in those wells for nine months.
- \* The rancher consulted SCS and the University of Florida and was told that none of the wells would be deep enough to test groundwater in the area. The rancher called DER. "But they were deaf to that completely."
- \* The rancher hired the engineering firm as directed and drilled the 38 wells -- at a cost of \$40,000. But, as predicted, none of the wells were deep enough to adequately test groundwater.
- \* The engineering firm also conducted a survey of the feedlot operation, and concluded that the SCS plan for the property was completely adequate and would require no changes.
- \* Not satisfied, DER required that the rancher drill nine more wells -- down into the aquifer. When the rancher found out that these wells would cost \$8,000 each, he balked. DER compromised on three wells -- at a cost to the rancher of \$24,000.
- \* When the rancher asked DER what he was supposed to test for, he was told that he should "test for everything." The cost: \$1,500 per well per month. Again, negotiations ensued and DER finally agreed to list all the contaminants that might conceivably result from the ranch operation -- which reduced the cost of the tests by two-thirds, to \$500 per well per month.
- \* Test samples of water showed that there had not been a problem -- at least not until the three wells opened up a drain on the property that allowed nutrients to penetrate into the aquifer.
- \* To prevent degradation of the aquifer, DER required that the rancher set aside 40 acres, put in an irrigation system to carry nutrients from his feedlot operation to the acreage and plant a citrus grove to take up the nutrients. After the grove had been in for only 12 months -- long before it could become established -- DER decided it was not working well enough and insisted that the rancher rip it out and plant the acreage with another ground cover to absorb nutrients. Total cost of this debacle: over \$80,000, not counting the 40 acres which is now

lost to production.

\* Meanwhile, the rancher is still spending \$1,500 a month to monitor water quality in the three wells that penetrate into the aquifer. And his opinion of DER -not surprisingly -- has reached an all-time low:

"DER sent a bunch of people green out of college down here who thought they were on a mission from God. They came in with a persecution mentality, they argued with everybody, and they tried to set rules on things they didn't know anything about."

The rancher said that the tests on his property showed that "sometimes you get more nitrates in the rainwater than what DER considered to be the maximum acceptable level."

But DER was undeterred. "They'd rather say 'no' than admit they didn't understand something." And worse, the rancher added, "They have no idea how agriculture works. They don't understand that it takes time to work with agriculture. They want results overnight, and if you don't get the results they want, they come back and tell you to do something else.

"I did my best to cooperate," the rancher says. "But it was never enough. Everytime I got through doing what they asked, they would come back with another demand." DER has never admitted that it might have been wrong, nor has the agency apologized -- or offered to help pay -- for the trouble and expense it has caused the rancher. "They have taken all my income," he says, "for nothing."

Most agriculturalists are more than willing to cooperate with reasonable, well-thought out regulations. "I sure don't want polluted water on my fields," one grower said, "and I feel the same way about the water that comes off my fields and goes somewhere else." But it is apparent there is a deepset problem when a rancher finds an eagle's nest on his property and seriously thinks about shooting the eagle and destroying the nest so none of the regulatory agencies will find out about it and come on his property and bother him. Or when a Dade County farmer is cited for throwing rocks at a DERM car -- and as other farmers learn about the incident in a local meeting, they get up and give him a standing ovation.

For this reason, many regulations are defeating their intent. Because of the way they have been administered, they have alienated a large group of people who could be important allies in protecting the environment.

"We need to have some people in these agencies with an agricultural background," Dr. F. Glen Hembry, Chairman of the Animal Science Department at the University of Florida, says. "So these agencies will get good information and make sound decisions."

## COUNTIES WITH LAND DEVELOPMENT REGULATIONS IN FORCE TO CONSERVE FARMLAND

Many county comprehensive plans include strong policy statements on behalf of preserving farmland. But these policy statements will have little meaning -- or effect -- until they are implemented through specific ordinances and programs. Counties which have enacted land development regulations to implement their agricultural policies include:

- YES Alachua, Bay, Charlotte, Citrus, Collier, Dade, Duval, Flagler, Hendry, Hernando, Hillsborough, Indian River, Jefferson, Lake, Lee, Leon, Levy (adopted, but will need to be re-adopted following final approval of comprehensive plan), Manatee, Marion, Okaloosa, Palm Beach, Pasco, St. Lucie, Sarasota and Volusia.
- NO Brevard, Broward, Clay, Escambia, Franklin, Highlands (drafted, but awaiting settlement to bring comprehensive plan into compliance) Martin, Orange, Pinellas, Polk, Seminole, St. Johns, and Washington.

# COUNTIES WITH VOLUNTARY PROGRAMS IN PLACE TO PROTECT FARMLAND

Land use regulations and zoning ordinances are only part of the farm protection picture. Several programs that have been effective in other states -- including programs in which landowners can participate *voluntarily* -- are also under consideration in Florida. These programs include:

**Purchase of development rights** - Broward (proposed), Collier (under consideration), Charlotte (proposed), Dade (under consideration), Hernando (proposed), Indian River (proposed), Palm Beach (under consideration)

**Transfer of development rights** - Broward (proposed), Collier, Dade, Flagler, Hernando (proposed), Highlands (under consideration), Hillsborough, Indian River, Lake, Marion (proposed), Martin (proposed), Monroe, Palm Beach (under consideration), Sarasota, St. Johns (proposed) NOTE: most TDR programs in Florida have only been used to protect environmentally sensitive lands and, for a variety of reasons, have not worked well.

**Purchase/sale back (with development restrictions)** - Palm Beach (under consideration)

Purchase/lease back - Palm Beach (under consideration)

Land banking - Flagler, Hillsborough, Palm Beach (under consideration)

Private land trusts - Alachua, Collier, Dade, Leon, Monroe, Orange, Osceola, Palm Beach, Polk, Seminole, Volusia

Voluntary agricultural districts - Brevard (under consideration), Dade (under consideration), Martin (proposed), St. Johns (proposed)

# LEVEL OF IMPORTANCE PLACED ON FARMLAND PROTECTION BY COUNTY PLANNERS

High priority - Dade, Duval, Jefferson, Marion, Polk

**One of many priorities** - Alachua, Bay, Brevard, Broward, Citrus, Escambia, Flagler, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Martin, Monroe (protecting fish breeding areas), Orange, Palm Beach, Pasco, Sarasota, Seminole, St. Johns, St. Lucie, Volusia

Low priority - Charlotte, Clay, Collier, Manatee, Pinellas

**Not important** - Franklin (county has slow growth and no farms; most of county is in forest and is owned by timber companies), Leon (rural areas are made up of timber lands and old plantations used as hunting preserves), Monroe (county has a few nurseries and fish farms but no agricultural land)

# KEY CONCERNS EXPRESSED BY PLANNERS REGARDING AGRICULTURAL LANDS

The key concerns expressed by planners -- and agricultural landowners -- are:

#### Protecting agricultural land from development pressures

Prime agricultural land is also best land for development Development is incompatible with agricultural operations Loss of open space/urban relief Key concern mentioned by: Brevard, Citrus, Dade, Duval, Hernando, Hillsborough, Indian River, Lee, Manatee, Marion, Martin, Palm Beach, Pinellas, Orange, Sarasota, St. Johns, St. Lucie, Volusia

### Maintaining agriculture as one of county's principal economic sectors

Mentioned by: Brevard, Collier, Dade, Hernando, Highlands, Hillsborough, Palm Beach, Washington

### Maintaining high land values

For loans To sell off land for development, if necessary, to meet obligations For retirement income Balancing anti-sprawl policies with farmers' need for equity in land

Mentioned by: Alachua, Brevard, Hillsborough, Indian River, Orange, Polk, Sarasota, Seminole, St. Lucie, Volusia

## Effects of land speculation

Many farmers rent their land from large investors who bought it for speculation Differential tax assessment offers speculators opportunity to pay low taxes on agricultural land being held for future development

Since assessments are given on yearly basis, farmers are given only yearly leases Land speculators oppose regulations that would tie up lands in agricultural use Speculators generally have a great deal of political clout and are effective in voicing opposition to agricultural regulations

Agricultural landowners want development rights, not preservation laws Establishment of agricultural preserves challenged as a "taking issue"

Mentioned by: Clay, Dade, Highlands, Lee

### How to set realistic -- and workable -- lot sizes

Ability to divide land for family and relatives

Most valuable crops in many areas can be produced on small lots (5-10 acres) Conflict between keeping agricultural land values low enough to encourage farming while maintaining development potential

Mentioned by: Alachua, Dade, Manatee, Marion, Palm Beach, Sarasota, Volusia

### Environmental concerns

Water quality and use Stormwater runoff Overburdening of existing drainage facilities Groundwater pollution Continued availability of water Conversion of environmentally sensitive lands for agriculture

Mentioned by: Brevard, Broward, Charlotte, Collier, Dade, Duval, Hernando, Highlands, Hillsborough, Indian River, Manatee, Martin, Pasco, Polk, Sarasota, St. Lucie

### Relief from regulatory restrictions and controls

Land use Environmental compliance

Mentioned by planners in: Dade, Highlands, Sarasota, Seminole, St. Lucie Mentioned by agricultural operators in <u>all</u> counties

### Continued viability of citrus industry in Central Florida

Three freezes in 10 years have left many groves vacant Lack of replacement crop which approaches historic level of citrus production has accelerated land speculation and conversion to urban uses

Mentioned by: Hernando, Highlands, Lake, Marion, Orange, Polk, Volusia

Encouraging more intensive farming methods to yield greater agricultural production from smaller parcels of land

Mentioned by: Hillsborough

Allowing alternative uses

Mentioned by: Hendry

## KEY NEEDS EXPRESSED BY PLANNERS REGARDING AGRICULTURAL LANDS

The key needs expressed by planners -- and agricultural landowners -- are:

### Preserving/protecting agricultural lands

Reduce or prevent encroachment into rural areas Separate agriculture from incompatible uses Maintain agricultural support functions in rural places Recognize the value and need of agricultural lands

Key need mentioned by: Alachua, Brevard, Broward, Citrus, Collier, Dade, Duval, Indian River, Lake, Lee, Marion, Martin, Orange, Palm Beach, Pasco, Sarasota, Seminole, St. Johns, St. Lucie, Washington

#### Projecting where and to what extent agricultural lands should be preserved

Mentioned by: Broward, Dade, Hillsborough, Pasco, Pinellas, Polk, Sarasota

#### Developing a proactive means of protecting agriculture

How to encourage agricultural activities instead of prohibiting other uses from encroaching

What is needed locally to promote the economic viability of agriculture

Establishing a formal, on-going mechanism to provide agricultural interests a voice in which future uses are selected for agricultural lands

Emphasis on incentive programs -- purchase of development rights, conservation easements, voluntary agricultural districts -- to augment zoning restrictions

Monitoring and evaluating new innovations and management practices for preserving agricultural lands, i.e.

What programs work best to promote preservation of targeted rural lands?

Mentioned by: Broward, Charlotte, Dade, Hillsborough, Lake, Levy, Martin, Sarasota, Volusia

### Access to sufficient long- and short-term financing

Mentioned by planners in: Palm Beach Mentioned by agricultural operators in <u>all</u> counties

#### Revision of property appraisal and taxes

Mentioned by: Charlotte, Highlands

#### Preservation of land values

Mentioned by: Highlands, Sarasota, St. Lucie, Washington

### Environmental needs

Preservation of remaining native habitat and resources Adequate provisions for drainage and flood control Future access to water

Mentioned by: Collier, Dade, Highlands, Indian River, Lee, Palm Beach, Pasco, Sarasota, St. Lucie

#### Alternative to citrus production

Mentioned by: Hernando

### Keep rural areas open to hunting

Mentioned by: Franklin, Leon

# COUNTIES WHICH HAVE REQUESTED INFORMATION ON HOW THEY CAN OBTAIN ASSISTANCE IN DEVELOPING LAND USE PLANS, ORDINANCES AND LOCAL FARMLAND PROTECTION OPTIONS

- YES Alachua, Bay, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Dade, Escambia, Franklin, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lee, Leon, Levy, Manatee, Marion, Martin, Orange, Palm Beach, Pasco, Pinellas, Polk, Sarasota, Seminole, St. Johns, St. Lucie, Volusia
- NO Duval, Flagler, Jefferson, Lake, Monroe, Okaloosa, Washington

# HOW SHOULD AGRICULTURAL LAND BE VALUED?

When farmland protection programs such as purchase of development rights, agricultural conservation easements and voluntary agricultural districts are explained to agricultural landowners, they often nod their heads, say "That sounds good ... " and then ask "What do I do if something goes wrong with farming? How do I get out of it?"

That is understandable.

At times, it seems everything conspires against the farmer -- the weather, pests, vandals from nearby subdivisions, government regulations, urban planners, and people from Tallahassee -- or worse, Washington, DC -- who swear "I'm here to help you" and then do just the opposite. Even if everything else is going right (and that is rare), there's the market, which can make or break a year ... or a family.

One story making the rounds tells about a farmer who won the Florida Lottery. When asked by a reporter what he would do with his new fortune, the farmer said: "Well, I figure I'll keep on farming ... until it is all gone."

Make no mistake: some farmers do very well. In fact, one good year can often make up for a string of three or four bad years.

It's those good years -- and the land, and the life -- that keep people in farming.

Most farmers will say: "I'll keep on farming ... so long as it is profitable." In fact, they might even farm a little bit longer, hoping for one of those good years, hoping their kids might take over the farm, hoping ...

But once regulations become too strict, profit margins become too thin, complaints and nuisance suits from new suburban neighbors become too frequent, and competition from foreign producers threatens to undermine the market for their produce, many farmers begin to wonder ... Is it worth it? Should I sell?

If there is a willing buyer -- a developer -- who offers to pay \$10,000, \$20,000 or \$30,000 an acre, the thought is tempting ...

Maybe not today. But someday ...

That's why land value is important. It provides collateral -- at least in New Jersey and Florida -- for the bank loans needed to plant each year's crop. It provides a nestegg in case something goes wrong. And it provides security for the future.

There is even a presumption -- which is prevalent among farmers, bankers, developers, homeowners and many planners -- that land only has one type of value: a commodity value, based on the dollar value of the crops it can produce, on the price per acre it will bring for development, and on its resale value once improvements are made. "Highest and best use" is often translated into "highest and best price."

After all, if one decides to sell, there is no sense in selling to anyone except the highest bidder.

As a result, farmland preservation may sound nice in theory, but in the real world of dollars and cents, and uncertain weather, uncertain zoning, uncertain markets and uncertain futures, a farmer needs as many options as possible. Land values provide a hedge against those uncertainties.

Farmland, however, is unique in that it has both a commodity value and a resource value.

Like coal for a steel mill, land is an industrial input. In fact, land is the largest input in the agricultural industry, the input that makes production possible.

Unlike coal or, for that matter, steel mills, land that is properly used does not become depleted or depreciate; it actually can get <u>better</u> over time.

As a result, it can provide for long-term food production -- sometimes for <u>centuries</u>. That's why it is a resource. But food production is only one of its resource values. Farmland also assists in the retention and detention of floodwaters, recharges groundwater supplies, provides habitat for wildlife and retains open space.

This is in contrast to urban land which, outside of parklands, only has a commodity value; and natural land which, outside of income from recreation, only has a resource value.

Resource values provide for steady, long-term returns. Commodity values fluctuate with the market, sometimes appreciating or depreciating rapidly; hence, they can provide for large, short-term returns.

Unfortunately, the State of Florida does not recognize the resource value of farmland. The state has set the tone for economic growth. And short-term returns -- from the development of land, from impact fees for new construction, from an expanding property tax base, and from additional job markets -- are fueling its growth.

Many future decisions about land use will be based on economics. If it is profitable to keep land in agriculture, the agricultural industry will survive. But if it is more profitable to sell land for development -- and there are no other alternatives for landowners to "cash in" on the commodity value of their land -- agriculture will be diminished ... and may

eventually disappear.

Once land is converted to an urban use, it loses its resource value. The structures that are built usually determine its future use. However, all built structures -- such as factories, business establishments, commercial developments and homes -- have a limited economic life. Many will be obsolete in 20 or 30 years. Some may fall into disrepair. Some may be torn down. And weeds may grow up in vacant lots. But farmland that is displaced won't come back.

That's why farmland preservation programs are important.

Farmland preservation programs recognize both the commodity value and resource value of farmland. And they give the landowner <u>more</u> options -- at least <u>six</u> other ways to get value out of his or her land -- beyond borrowing against it or selling it for development. For example, the farmer can get:

- 1. Cash to pay off mortgages, invest in farm improvements, pay for college educations, or put money aside for retirement (through Purchase of Development Rights or Transfer of Development Rights programs);
- 2. Federal income tax and inheritance tax savings -- enough, in some cases, to completely <u>eliminate</u> inheritance taxes (through donated agricultural conservation easements);
- 3. A combination of cash and tax savings on capital gains (through bargain sales of development rights)
- 4. Additional farmland, developable urban land or an investment property (through a <u>tax-free</u> land exchange)
- 5. Relief from many regulations, building and fire codes and special assessments which are not directly related to agriculture (through voluntary agricultural districts); and
- 6. Additional property tax savings (also through voluntary agricultural districts).

At the same time, the farmer gets to <u>keep</u> his or her land -- and continue farming it. Each of these options also helps to reduce operating costs, and make farming more profitable.

Hence, agriculture can compete more effectively with other economic uses of land -- and has a better chance of surviving.

At this point, most farmers nod and say "That sounds good."

No doubt, the economic incentives have a lot of appeal. But, in return, landowners must commit to keep their land available for farming.

This is where they begin to wonder ... "What if something goes wrong with farming?" Then they ask, "How do I get out of it?"

If everything in a farmer's experience tells him or her that public expectation favors development and views agriculture as only a "holding pattern," an interim land use awaiting development, the farmer is not likely to feel secure about the future of agriculture.

Often, farmers will say, "I don't want to limit my children's options."

Agricultural commodities can provide a continuous, long-term cash return from land. This can benefit local economies, job markets and future owners for years to come. But if farmers feel that public policies are working against agriculture and its profitability, they will not want to commit their land -- and their childrens' future -- to a business that may not remain viable.

The sale of land for development, however, can also limit the options of future generations and landowners.

The sale of land for residential development may provide a large, short-term cash return, but to only two parties: the landowner and the developer. At the same time, it removes the resource value from the land. And it is unlikely that land which is covered by houses and highways will ever be converted back to farming.

This is why preserving land alone is not enough. Local and state governments must also preserve the conditions that allow the land to be used profitably for agriculture.

The state has to set the tone initially. It has to recognize <u>both</u> the resource and commodity values of land. This can be done in several ways:

By setting up incentive programs to compensate landowners for the short-term returns that might otherwise be gained by subdividing the land so that long-term returns of food production and resource protection can be realized;

By getting rid of unnecessary constraints and regulations on agricultural operations;

By passing "right to process" laws;

By providing economic development assistance to improve farm operations; and

By taking affirmative actions to ensure agriculture remains profitable so it can contribute to state and local economies.

These approaches in concert send a strong message to the farmer. It says "We care; we want you to stay in business."

Once farmers are making money and are secure that the land <u>and the conditions to allow</u> <u>farming</u> are in place to keep agriculture alive, they have reason to believe that there is an economic future in agriculture.

Attitudes about farming begin to change. People begin to plan to stay in farming. As a result, bankers feel more secure, planners feel more secure and farm families feel more secure.

And when farm preservation programs are discussed, the farmers no longer ask "How do I get out of it?"

They ask: "How do I get in it?"

## NEEDED: A BETTER WAY TO PROTECT FLORIDA'S AGRICULTURAL LANDS

Presently, most Florida counties rely on zoning ordinances and regulations to control development in agricultural areas. Regulations, however, can always be changed. Sometimes they can be strengthened. But more often, when there is strong development pressure, they are weakened.

All Florida counties either have enacted or are in the process of enacting land development regulations to carry out the polices set forth in their comprehensive plans. The next step for these counties is to consider amendments to their comprehensive plans which, if adopted, will lead to amendments in the land development regulations.

Adopting -- and retaining -- strong polices and regulations, however, is only the beginning. These regulations are effective only if they are enforced. Virtually every zoning ordinance and land development regulation allows for variances. If the zoning appeals board which hears applications for variances is sympathetic to development, then even good farmland conservation regulations can be compromised -- or rendered meaningless. In fact, significant changes in land uses can often occur on a 3-2 vote.

This is why more must be done to protect Florida's agricultural lands. Local land use plans and regulation are the foundation of any comprehensive farmland conservation program. But they are not the complete answer -- for any state -- and particularly not for Florida. Here's what needs to be done in Florida to augment local regulations and improve farmland conservation:

- 1. State laws need to be enacted to stipulate the need for farmland conservation and provide clear direction and incentives to local communities to protect farmland.
- 2. Local land use plans and regulations need to be strengthened and improved to encourage farmland conservation.
- 3. Private options for farmland conservation -- including donations of conservation easements, bargain sales of conservation easements, establishment of local land trusts and estate planning to prevent farmland from being sold to pay estate taxes -- need to be promoted.
- 4. Incentive programs -- which encourage landowners to conserve farmland, but which are voluntary -- need to be implemented. Two of the most effective incentive programs are:

### **Voluntary Agricultural Districts**

These voluntary districts are distinct from and not to be confused with zoning or land use districts. They offer landowners incentives in exchange for their agreement to keep land in agricultural uses for a stipulated period of time, typically seven to 10 years. Districting agreements usually require a minimum acreage enrollment ranging from 10 to 500 acres. The larger acreage requirements allow for the formation of districts by more than one landowner, assuming that larger areas will remain more economically viable to farm. Voluntary district programs offer:

- \* Protection from nuisance complaints and lawsuits (often greater than provided by right-to-farm laws);
- \* Exemptions from ad valorem levies and special assessments for urbantype facilities and services;
- Greater degrees of protection from annexation and condemnation actions of government agencies;
- \* Relief from government ordinances, regulations and codes with negative impacts on agriculture; and
- \* Limits on the annual rates of increase in tax levies.

In addition, special uses which will support agricultural operations may be allowed. Developments adjacent to agricultural districts may be regulated to reduce potential conflicts. Public expenditures to promote non-farm development may be restricted. And additional property tax incentives may be provided, with the stipulation that tax incentives must be repaid if the agreement is broken.

#### Purchase of Development Rights (PDR)

A purchase of development rights program compensates farmers for the equity in their land in return for a deed restriction which precludes use of the land for development or non-agricultural purposes. This provides farmers with a way to get cash out of their land without selling it for development. The advantages of PDR programs are:

- \* Participation is completely voluntary;
- \* Valuable farmland is permanently protected;
- The land remains in private use and ownership;
- \* Landowners are compensated for the difference between the land's fair market value for development and its agricultural value;
- \* The proceeds can be used in any way the farmer wishes -- to retire debt, improve their farms, set up savings plans, pay for college educations, or

provide for a comfortable retirement;

- \* Farmland is kept affordable for young farmers entering into agriculture;
- \* Local economies -- and the tax base -- benefit by retaining agriculture.

In addition, PDR programs help farmers plan their estates and reduce inheritance taxes.

5. Finally, a way to pay for incentive programs -- especially PDR programs -- needs to be developed. Several Florida counties have passed referendums to purchase environmentally sensitive lands through property tax assessments. PDR programs can also be funded through property tax assessments. Unlike the outright purchase of environmentally sensitive lands by government agencies, PDR programs keep land in private ownership and on county tax rolls, while preserving agriculture.

This, however, is only one way in which PDR programs can be funded. Other approaches are:

- \* A farmland conversion tax. If farmland is sold and converted to another use, a tax is levied on the sale. This is often referred to as the Sell-A-Farm, Save-A-Farm program. If one farm is sold, it helps to generate the funds to save another farm.
- \* Taxes on some agricultural products -- such as cigarettes and liquor. Pennsylvania, for example, expects to receive at least \$20 million per year for its PDR program from a two-cent tax that was recently added to cigarettes.
- \* Sales taxes. Sonoma County, California, has just earmarked 1/4 of one percent of its sales tax for the next 25 years to fund its PDR program. This will generate \$800 million -- enough to protect most of the county's remaining farmlands, and its famous vineyards.
- \* Other counties are exploring impact fees and tax-free land exchanges as ways to pay for -- or compensate -- landowners for PDRs.

And these are just a few of the possibilities.

# 20 WAYS LOCAL GOVERNMENTS CAN RETAIN FARMLAND

Here are a few steps local governments can take to retain agricultural lands, protect agricultural operations from the negative impacts of nearby developments and preserve the economic viability of agricultural areas:

First, support agriculture and encourage its economic viability. Five ways local governments can do this are:

- 1. Low-interest loans or economic development grants to improve farm operations and enhance their profitability.
- 2. Technical assistance programs to reduce costs associated with production and marketing.
- 3. Agriculture financing for annual crop production supported by direct county involvement to eliminate the tendency of some banks to use the development value of land as collateral for these types of loans.
- 4. Farmers' cooperatives, farmers' markets and local distribution networks to provide farmers with a better return on their crops, make local produce more easily available to local consumers, and provide savings to consumers.
- 5. Review all state and local regulations, fire and building codes, assessments and restrictions related to agriculture. Exempt agriculture from: restrictions that are targeted to other land uses or industries, but are not directly applicable to agriculture; special assessments that do not directly benefit agriculture; and restrictions not necessary for public health or safety or protection of the environment.

Second, create incentives for farmers to keep their land in agriculture and keep land affordable so young people can go into farming. Six ways local governments can do this are:

- 6. Set up a purchase of conservation easement (or PDR) program.
- 7. Encourage estate planning so farms don't have to be sold to pay inheritance taxes.
- 8. Pass a resolution to encourage the donation of agriculture conservation easements, so these donations can more easily qualify for federal income tax savings.

- 9. Consider providing farmers who will form voluntary agricultural districts and agree to keep their land in agriculture for at least 10 years with additional property tax relief.
- 10. Urge the Florida Legislature to enact the Blue Belt Law, which allows for a preferential tax assessment (similar to the agricultural exemption) for land left undeveloped if the land can be utilized as a water recharge area. To date, this program has been implemented on a trial basis in only a few counties. But it has the potential to keep land that presently is not used for agricultural purposes undeveloped until it can be brought into production, thereby keeping more land available for farming and avoiding the premature conversion of land to non-agricultural uses.
- 11. Encourage equity sharing and bargain sale arrangements through private land trusts to help farmers increase the size -- and, in turn, the efficiency
  -- of their operations and help young farmers purchase land at agricultural land prices.

Third, discourage nearby land uses that put pressure on or conflict with agricultural operations. Five ways local governments can do this are:

- 12. Ensure zoning in agricultural districts allows for the construction of farmrelated buildings, migrant worker housing and support industries, but limits other types of development to uses that are compatible with agriculture or are for farm family use.
- 13. Pass an ordinance to supplement Florida's Right to Farm law to provide farmers with better protection from nuisance complaints.
- 14. Limit condemnation of agricultural land by public bodies.
- 15. Encourage infill on vacant parcels within existing urban and suburban areas prior to extending services to allow the development of rural lands. A recent survey in California indicates that 20 percent of the land in the state's urban areas is vacant and could accommodate development well into the next century. The same is true of many parts of Florida
- 16. Require agricultural buffer zones as part of any non-agricultural development that is located in an agricultural area or near an existing agriculturally-related operation. These buffer zones should provide ample separation between agricultural and non-agricultural uses to prevent non-farm uses from interfering with normal agricultural operations and to prevent conflicts with

and nuisances to non-farm uses that might arise as a result of dust, smells, chemical drift, and noise generated during normal agricultural operations, including night-time and early-morning operations. Planted buffers of as little as 100 feet may be sufficient in some cases; however, with some agricultural operations, buffers may have to be half a mile or more in width. Agricultural buffers should include settling ponds or sufficient provisions for stormwater recapture to ensure that runoff from non-agricultural uses does not include pollutants that could pose a hazard to agricultural operations, and visa versa.

Fourth, ensure that support services and facilities necessary for agricultural operations are allowed to locate in agricultural areas and are planned with the same care and attention as is given to the facilities and services required by other land uses. Four ways local governments can do this are:

- 17. Ensure that roads constructed in agricultural areas have provisions for tractor lanes -- and, if necessary, underpasses or overpasses -- so farm equipment can be easily and safely transported to and from fields, groves and pastures.
- 18. Provide security patrols to prevent pilfering, poaching and vandalism, which increase dramatically when residential subdivisions locate near agricultural operations.
- 19. Make provisions to promptly repair or replace fences damaged in traffic accidents before farm animals escape, or before wild animals enter fields and groves and damage crops.
- 20. Offer economic incentives -- and, where possible, regulatory relief -- to improve existing and encourage new support industries such as packing plants, processing plants and seed drying plants; feed, seed, chemical, parts and equipment suppliers; irrigation and drainage systems; and transportation systems to connect producers and processors with local, regional, national and international markets.

Finally, form an Agricultural Retention Task Force with local, state and national representation to look at model programs in other areas, consider local options and work with planners to design and implement a package of conservation techniques to retain agriculture -- and strengthen its contribution to the local economy.

## CONCLUSION

Florida's population growth is putting severe pressure on its agricultural lands. The most obvious effect of this population growth is that it results in more people. More people need more land for houses, shopping centers, roads and office buildings. The demand for land pushes up land prices. This, in turn, leads to:

- \* land speculation;
- \* pressure on lending institutions to place additional emphasis on land value, rather than the repayment ability of a farmer, as the basis for agricultural production loans;
- \* increases in the costs of agricultural operations;
- \* resistance to regulations that would tie up land for agricultural uses, or reduce its development value;
- \* higher estate taxes, and the risk that the bulk of a family's landholding may have to be sold to pay these taxes if proper estate planning is not carried out;
- \* parcelization and displacement of farmlands by urban growth;
- \* loss of farmland to capital projects, such as roads, bridges and utility lines;
- \* an increased number of conflicts between farm operations and residential developments;
- \* more intense farming practices to maintain production on smaller acreages; and
- \* pressure to convert Florida's environmentally sensitive areas to agricultural uses.

Florida still has ample land to ensure the viability of its agricultural industry. But many counties are at a crossroad. The decisions that are made today will determine the fate of land use -- and the future of agriculture.

Despite competing interests and growth-fueled pressures to convert agricultural lands to other uses, many of Florida's planners have done a commendable job in taking a rational, balanced approach to the conservation of agricultural lands.

Several counties have conducted extensive public meetings and hearings, organized task groups and carried out comprehensive planning studies to help formulate the land use plans and regulations for their agricultural areas. Most of these efforts, however, have been carried out by urban planners with little or no experience in or knowledge of agricultural conservation techniques. Only Dade County has brought in land conservation experts and farmers from other states who have implemented -- and participated in -- a variety of private, voluntary and incentive programs to determine which options are available and, of these, which might be appropriate for the county.

Unfortunately, there is no organization available in Florida to offer specific advice and technical assistance on agricultural conservation issues. At present, there are no affirmative

actions occurring to protect farmland at the state level. And several local growth management programs have been proposed with provisions which range from insensitive to unworkable with respect to continued farming. An organization with the types of skills, expertise and experience offered by the American Farmland Trust is needed to advocate the legitimate interests of farmers and rural landowners on both the local and state levels.

# APPENDIX: AFT'S 1991-92 ACTIVITIES IN FLORIDA

The American Farmland Trust has three priorities for its work in Florida. These priorities are to: (1) work on a much needed state policy for farmland conservation, (2) make its legal and policy staff available on request to state and county agencies to provide direct assistance and advice on implementing farmland conservation techniques that have been successful elsewhere, and (3) work directly with landowners interested in providing protection of their land.

Here's what AFT has accomplished toward these ends in 1991 and 1992:

### State Programs

- 1. A draft of a proposed state farmland conservation policy is being circulated to almost 100 key people throughout the state to obtain comments and support -- and identify potential problems -- in preparation for introduction in the next session of the Legislature.
- 2. The Department of Community Affairs -- which is charged with the responsibility for carrying out and enforcing Florida's 1985 Growth Management Act -- requested that AFT conduct a two-hour presentation in March 1992 for DCA's senior staff on effective farmland conservation techniques. The presentation attracted 50 people from various offices within DCA and led to a request from DCA for additional follow-up assistance. DCA has also indicated an interest in working with AFT to develop a handbook targeted specifically to Florida planners describing "Planning and Zoning Techniques and Voluntary Incentive Programs for Farmland Protection." The DCA intends to use this information to assist counties in developing better agricultural protection programs.
- 3. AFT is cooperating with the Department of Natural Resources and South Florida Water Management District to explore ways in which agricultural conservation easements might be used to settle disputes between landowners and the state regarding "sovereign lands" along the Kissimmee River corridor. The dispute revolves around who owns what. The state claims ownership to all "sovereign lands" that lie within the ordinary high water line along the Kissimmee River. Yet landowners have used these lands -- in some cases, for generations -- for grazing their cattle, have paid property taxes and estate taxes on them, and are unwilling to let the state flood the lands again as part of the Kissimmee Restoration Project without some form of compensation. Conservation easements may offer a way to resolve disputes that will be acceptable to and benefit landowners, save the state millions of dollars in surveys and litigation, and provide land that is preserved in its

natural state and can be flooded as necessary at high water levels.

- 4. Discussions are underway to organize a conference in the spring of 1993 to review agricultural financing practices in the state of Florida and recommend changes to encourage banks to stop using the development value of land as collateral for agricultural production loans. As a result of this practice, agricultural landowners throughout the state have demanded that planners zone agricultural lands for residential use and set densities has high as one unit per acre -- thus making the eventual development of these lands much more likely. At the same time, land values in many agricultural areas have increased to the point where existing landowners and young people who wish to go into farming can no longer afford to purchase land for agricultural use.
- 5. The state office of the Florida Farm Bureau Federation and several commodity groups have shown a willingness to work with AFT, noting that they are skeptical about some "preservation" programs and their potential effect on private property rights, but are willing to talk -- and to listen -- and to support <u>voluntary</u> programs that will compensate landowners for conservation efforts and that will help ensure the continued viability and profitability of agriculture.
- 6. Several conservation organizations -- including 1000 Friends of Florida, The Nature Conservancy, The Trust for Public Lands, local chapters of Audubon and the Sierra Club, The Conservancy and Florida's 16 land trusts -- have also shown a willingness to work with AFT, noting that they recognize: (a) agriculture is a better neighbor to natural areas than condominiums and parking lots, and (b) agricultural lands can provide important buffers to protect natural areas from the impacts of residential and commercial developments.

## County Programs

- 7. AFT's proposed state farmland protection policy has already had one positive benefit: It inspired a Dade County Commissioner to draft a resolution to establish a county policy to encourage the donation of agricultural conservation easements.
- 8. The Metro-Dade County Planning Department has asked AFT for assistance in retaining a core area of the county's remaining farmland. This led the Board of County Commissioners to approve a resolution which provided \$8,000 to AFT in direct expenses to organize a one-day conference in October 1991 in Homestead. The purpose of the conference was to identify the major options available to the county for agricultural land retention and gain consensus on a plan for follow-up action by the planning department. Over 150 people participated, including local growers, Florida's Commissioner of Agriculture, land trust directors, conservationists and planners from seven other Florida counties. A written survey, filled out by

participants at the end of the conference, showed strong support for voluntary programs that could protect agricultural land.

- 9. As a result of the conference:
  - \* Planners and land trust directors from four counties -- Charlotte, Hillsborough, Martin and Osceola -- have asked AFT to hold similar conferences or workshops in their areas.
  - \* The Metro-Dade County Planning Department has requested AFT's assistance in following up on recommendations from the conference.
  - \* The Metro-Dade County Planning Department has hired a senior planner specifically to work on the retention of agricultural lands in the county.
  - \* Two counties -- Dade and Palm Beach -- are investigating ways in which Purchase of Development Rights programs might be established and funded.
  - \* Land trusts in three counties -- Alachua, Dade and Osceola -- have been inspired to expand their focus to include the conservation of agricultural lands.
- 10. Farmland preservation has become front page news in Palm Beach County. The county is presently considering whether a 20,000-acre Agricultural Reserve, which has been in agricultural production for more than 50 years and accounts for 10 percent of the county's income from agricultural sales, should be kept in agriculture or developed into a city half the size of West Palm Beach. After a two-year, \$140,000 study, a consulting firm hired by the county gave only superficial treatment to what can be done to preserve and enhance agriculture in the area and, instead, showed a bias toward development. Following testimony by the American Farmland Trust before the Board of County Commissioners in April 1992 -- and a large turn out by local citizens -- the Commissioners decided to not continue the consulting firm's contract and, instead, to set up a study group of agriculture and environmental interests to explore farmland preservation options in more detail, including the costs and benefits of 15 different farmland preservation options outlined by the American Farmland Trust.
- 11. The Conservancy, the Environmental Policy Technical Advisory Board (EPTAB) and other groups in Collier County have asked AFT to work with them. The county is considering a referendum to protect its environmentally important lands. Such a protection program would include the potential for a Purchase of Development Rights (PDR) Program -- a first for Florida.

- 12. The Conservancy has proposed a joint project with AFT to conduct a cost of community service study in Collier County -- similar to the studies conducted by AFT in Virginia, New York, Connecticut and Massachusetts -- to demonstrate that growth does not pay for itself and that protecting environmentally sensitive lands and agricultural lands from development is both environmentally and fiscally responsible. The study will be used as part of a public education campaign to support a referendum which will include the purchase of development rights on agriculture lands to ensure these lands remain in agriculture and, as such, help buffer the county's natural areas from development.
- 13. The Osceola Land Trust asked AFT to conduct a one-day workshop in May 1992 entitled "Your Land, Your Legacy: Choices in Farm Estate Planning," which included presentations on the use of conservation techniques in estate planning ("Who Will Inherit the Farm: IRS or Your Heirs?") and how to execute conservation easements ("Step-by-Step Advice on Saving Taxes -- and the Family Farm").
- 14. A questionnaire was developed and sent to the planning directors in all of Florida's 67 counties to assess the status of farmlands in the counties' growth management plans. Thirty-nine responses were received. Of these, 27 counties considered that their agricultural lands were endangered by development, and that the protection of these lands was an important priority. Thirty-two counties also requested additional information on how they could obtain assistance from AFT in developing land use plans, ordinances and local farmland protection options.

### Individual Landowners

- 15. AFT is cooperating with The Nature Conservancy, The Conservancy, Florida Greenways, South Florida Water Management District, the Environmental Policy Technical Advisory Board of Collier County and major landowners to develop ways in which more that 100,000 acres of agricultural lands can be protected in Collier County.
- 16. An Osceola County rancher is discussing with AFT the possibilities and benefits that can be achieved through establishing a preservation easement. The property has been in the family for nearly 70 years and has been actively operated as a beef cattle ranch. The property also provides habitat for a number of endangered and threatened species. The 4,000-acre parcel demonstrates the compatibility of agriculture and environmental protection.
- 17. A Palm Beach County agricultural landowner has indicated an interest in donating a easement on a 300-acre farm which is threatened by development so his children can continue farming.

18. The manager of a 28,000-acre ranch outside Bradenton has said, "If AFT has any ideas on how [we] can act as a model [to other landowners and developers in Florida], we will listen very enthusiastically." Nearly 5,000 acres of the ranch lies within the urban growth boundary for Bradenton. The owners of the ranch intend to develop this portion of the property -- but residential and commercial uses will be buffered to prevent conflicts with agricultural operations. As the ranch manager explained, priority is being given to maintaining the ranch operations because the property has been in the family since the turn of the century and it is their desire that the majority of the property continues in agriculture well into the next century.

The American Farmland Trust (AFT) is a private, non-profit, membership organization founded in 1980 to protect our nation's farmland. AFT works to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment. Minimum annual membership is \$20.



American Farmland Trust National Office 1920 N Street, NW, Suite 400 Washington, DC 20036 (202) 659-5170



•

.

\_\_\_\_

American Farmland Trust 1920 N Street, NW Suite 400 Washington, DC 20036 (202) 659-5170

-