

# A NATIONAL VIEW OF AGRICULTURAL EASEMENT PROGRAMS: PROFILES AND MAPS — REPORT 1

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SEPTEMBER 2003

A JOINT PROJECT OF  
AMERICAN FARMLAND TRUST AND  
AGRICULTURAL ISSUES CENTER

Edited by:

Alvin D. Sokolow, University of California, Agricultural Issues Center, Davis, California  
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Publication supported by Farm Foundation



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## EXECUTIVE SUMMARY

As the first report from the National Assessment of Agricultural Easement Programs, this publication reviews the progress and experiences of 46 leading agricultural conservation easement programs in 15 states. Collectively these local and state programs account for a majority of the 1.8 million agricultural acres put under easement nationwide since this technique was first seriously applied to farmland protection a quarter of a century ago. The National Assessment is a joint project of American Farmland Trust and the Agricultural Issues Center of the University of California, Davis.

Each program is profiled with details of its easement accomplishments, funding, organization, origins, acquisition strategies, connections to local planning, population and agricultural characteristics. Most profiles are accompanied by color maps showing the distribution of easements in relation to the farmland base, urbanization and other geographical features.

A summary section compares the major features of the 46 programs. Some highlights of this comparison are:

- (1) Most local programs are found in the suburban and semi-rural parts of major metropolitan areas, with county populations of more than 100,000 and rapid population growth.
- (2) For all programs in the national study, the direct cost of purchasing easements—generally the difference between market and farming values—averages to about \$2,000 an acre. But in many cases the development rights are worth more, with the added value contributed as full or partial donations by landowners for tax benefits.
- (3) State governments provide most easement funds, with lesser amounts coming from local taxes, federal funds and nonprofit sources.
- (4) While there is a potential to use easements to complement local planning and land use policies in protecting farmland, few agricultural easement programs work in this way. One reason is that easement activities and local planning often are managed by separate organizations.

This first report from the National Assessment project is largely descriptive. Subsequent reports scheduled in 2004 will be more evaluative, examining in greater detail the implications of quantitative and qualitative acquisition strategies, easement-local planning connections, and perceived and objective measures of program impact and effectiveness.





## INTRODUCTION

Increasingly used in the past quarter-century, the agricultural easement (conservation easement) technique in many parts of the nation is now an established tool for protecting farmland from urban conversion. Indeed, it may have become the most popular method for this purpose, given its value in the public eye for permanently protecting farmland and its financial attractiveness to landowners. Since the first agricultural easements were acquired in the late 1970s, more than 1.8 million acres on several thousand farms have been put under easement at an estimated cost of close to \$2 billion in public funds. Dozens of local and state programs in almost half of the states are engaged in acquiring easements, primarily through direct purchase, but also through landowner donations, transfers of development credits and development mitigation. All indications are that the activity in this area is sharply increasing, considering the large expansion in federal funds for this purpose in the 2002 Farm Bill, large continuing state and local expenditures, and the recent adoption of the technique by many new programs.

As impressive as they may be, these numbers convey only part of the story. They tell little about the impacts and effectiveness of easement programs, about what the investment of public funds has bought in long-term public benefits. To what extent has the investment actually brought about enduring protection of substantial blocks of farmland? This is a question that will increasingly be asked in the future. Evaluating the effectiveness of easement programs requires looking beyond the individual farms that have been put under easement to examine the effects on broader landscapes and communities—on growth patterns, land use policies and local agricultural economies. Guided by this objective, our project moves beyond the usual measures of “success” in agricultural easement activities—acres acquired and funds spent—to evaluate land protection outcomes.

We present here the first product of *The National Assessment of Agricultural Easement Programs*. This first report is a collection of profiles and maps of the 46 agricultural easement programs included in our national sample. It is descriptive, presenting in abbreviated form the features of each program’s activities, funding, organization, acquisition strategies, local planning connections, and community population and agricultural characteristics. (A more detailed version of this information is contained in the project’s online database, portions of which are available for read-only access through American Farmland Trust’s research website, [www.aftresearch.org](http://www.aftresearch.org).) The two-page profiles for each program are organized by state and, where available, are accompanied by maps showing local easement patterns in relation to farmland base and urban areas. Preceding this detailed information is a comparative summary of common features and differences among the programs.

This first report lays the factual foundation for three later, more interpretive and evaluative reports scheduled for publication in 2004:

Report 2: *Easement Acquisition Strategies*. An analysis of the strategies programs use to select easement parcels, focused on how specific quantitative and qualitative criteria are applied in relation to program purposes and impacts.

Report 3: *Easements and Land Use Planning*. How easement programs and local planning policies and practices work or don’t work to complement each other, with attention to zoning, comprehensive plans, growth boundaries, designated preservation areas and other land use tools.

Report 4: Agricultural Easement Programs: Impacts and Effectiveness. The summary and final report of the project, this report will examine the effectiveness of the sample programs in both perceptual and objective terms.

**The Research Sample** — The 46 agricultural easement programs examined in this assessment are located in 15 states (see following maps). Most are located in the northeastern quadrant of the nation, especially in Maryland, New Jersey and Pennsylvania. Others are concentrated in the Pacific Coast states of California and Washington, and in Colorado. Only single programs are found in a few states—Michigan, Wisconsin, Virginia and North Carolina. More than simply an indication of interest in the easement technique, this uneven geographical distribution of programs probably reflects more basic differences in the priority given by states and communities to farmland protection as an important policy objective.

Most of our programs are operated by county governments, with several other types of local governments also included. The sample also includes a few nonprofit land trusts in California and Colorado and the state governments of Connecticut, Delaware, Massachusetts and Vermont. The defining characteristic of a “program” for our purposes, is an organization that directly manages agricultural easement activities—including accepting applications from and negotiating with landowners, applying criteria for selecting parcels and legally holding acquired easements—regardless of the funding sources used. Thus, four state governments are in the sample because they directly manage these tasks rather than acting primarily to fund and establish standards for easement activities managed by local governments or other community agencies, the common pattern for other state governments that promote agricultural easements.

Another critical definition concerns program purpose. We included in the sample only programs focused on acquiring easements to protect working farms and ranches from urban development. This meant excluding programs that acquire easements on agricultural lands primarily for their natural resource, habitat or other open space values. Often this was a judgment call, since many programs—including those that give top emphasis to farmland protection—have multiple protection objectives. In some cases, we have had to sort out the agricultural and nonagricultural components of sample programs. But generally excluded from the sample are many land trust and state government programs that over a number of decades have acquired millions of easement acres, predominantly on rangeland. Instead, most of our sample programs concentrate on cropland easements and have been in existence only since the late 1970s, when the easement technique was first employed seriously to protect working farms from urban conversion.

Initially we sought to select for the study a complete set of programs in the nation above certain levels of accomplishment—at least 1,000 easement acres each representing at least 10 farms or transactions. Quickly, we discovered that a strict application of these thresholds would give us a somewhat larger number of study subjects than our resources could handle—at least 50 more local programs, most of them in the states of Maryland, New Jersey and Pennsylvania. (Three programs originally selected were eliminated from the final sample because we were unable to obtain the necessary information.) The selection thus shifted from a complete to a representative sample. While keeping the original minimums, mainly to include some smaller programs for geographical diversity, we did not include a number of eligible programs in states already well represented—mostly in Maryland, New Jersey and Pennsylvania. Also not included in the sample were several recently formed but fast-moving programs that at the time of our selection, in early 2002, had not yet reached the thresholds in easements acquired.

# Research Sample - National Assessment of Agricultural Easement Programs

## California

1. Marin Agricultural Land Trust
2. Monterey County Agricultural and Historical Land Conservancy
3. Napa County Land Trust
4. Sonoma County Agricultural Preservation and Open Space District
5. Tri-Valley Conservancy
6. Yolo Land Trust

## Colorado

7. Boulder County
8. Gunnison County
9. Routt County/ Yampa Valley Land Trust

## Connecticut

10. State Program

## Delaware

11. State Program

## Maryland

12. Anne Arundel County
13. Baltimore County
14. Calvert County
15. Caroline County
16. Carroll County

17. Frederick County
18. Harford County
19. Howard County
20. Montgomery County
21. Washington County

## Massachusetts

22. State Program

## Michigan

23. Peninsula Township

## New Jersey

24. Burlington County
25. Cumberland County
26. Hunterdon County
27. Monmouth County
28. Morris County
29. Sussex County

## New York

30. Suffolk County
31. Town of Southold

## North Carolina

32. Forsyth County

## Pennsylvania

33. Adams County
34. Berks County
35. Buckingham Township
36. Bucks County
37. Chester County
38. Lancaster County
39. Lehigh County
40. York County

## Vermont

41. State Program

## Virginia

42. Virginia Beach City

## Washington

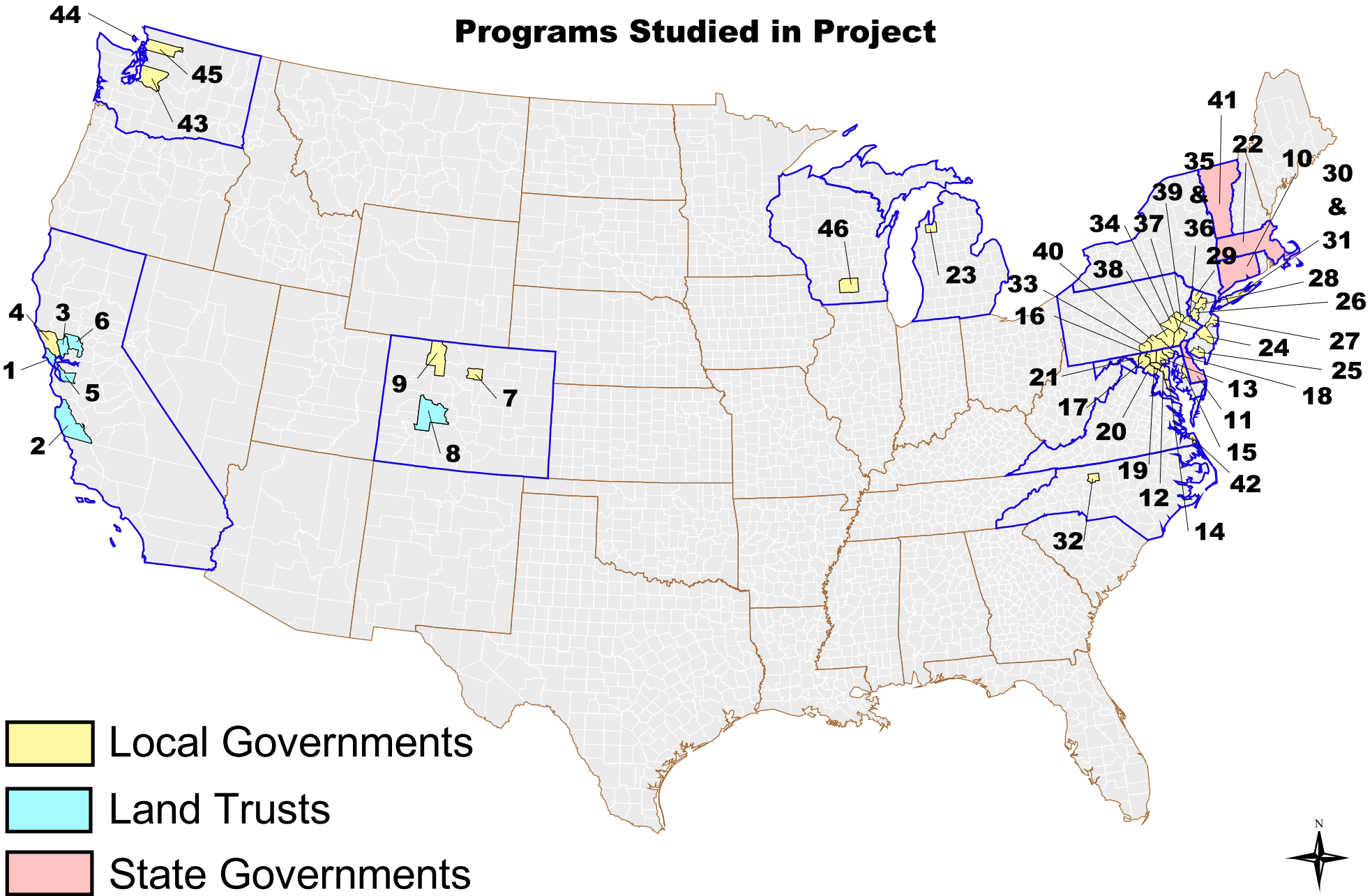
43. King County
44. San Juan County
45. Skagit County

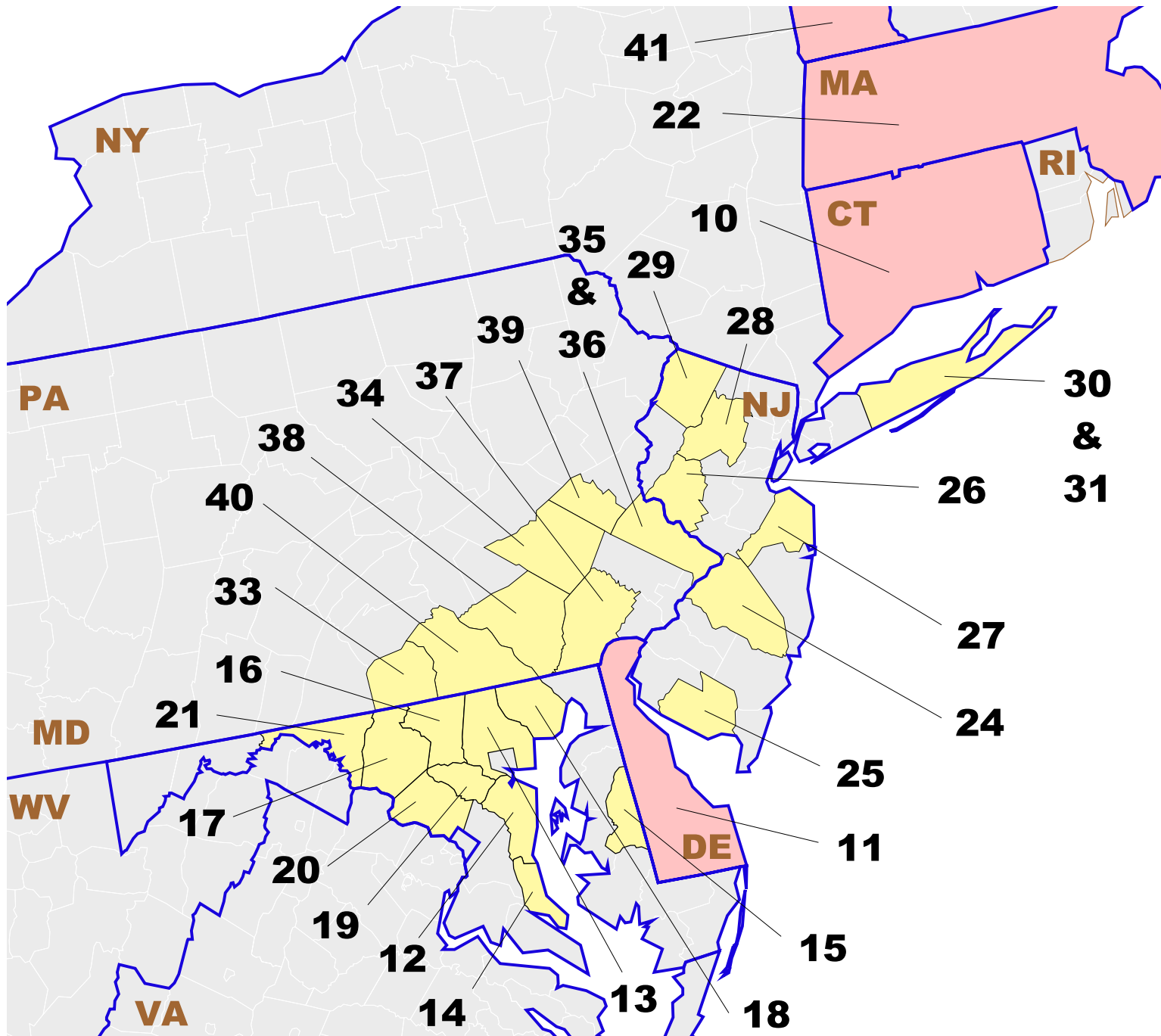
## Wisconsin

46. Dunn Township

# National Assessment of Agricultural Easement Programs

## Programs Studied in Project





## National Assessment of Agricultural Easement Programs

**Enlarged View  
Northeast Region**

- Local Governments
- State Governments

Despite the absence of some significant programs, our 46 sample organizations present an accurate picture of the national use of the agricultural easement technique to date. They represent most of the agricultural easement acres acquired and funds spent as of 2002. (See Comparing the Programs for a description of sample characteristics.) The sample generally includes the oldest programs in the nation and those with the largest farmland easement accumulations. As indicated by the annual rankings of the *Farmland Preservation Report*, we include all of the most active 12 local programs in easement acres acquired.

**Data and Methods** — The *National Assessment* relies on two principal kinds of information: (1) factual details about each program's organization and activities and (2) the perceptions of knowledgeable persons about program impacts and effectiveness. Essentially all of the factual information has been collected and organized in nine major categories on the projects online database—accessible at [www.aftresearch.org](http://www.aftresearch.org). This database is a "work in progress," with raw information continually being added and refined.

As the principal basis of the project's later reports, the perceptual information is provided by persons familiar with the performance of individual programs. We are conducting and transcribing extensive phone interviews with four or more persons per program. Interviewees include the program manager and at least three other local knowledgeable persons who are generally independent of program operations, including an agricultural leader, a planner, and a land appraiser or other land market expert. Questions asked deal with their estimates of program impacts on particular community patterns—land use, farm viability, land markets, long-term protection of farmland, etc.—and their views about alternative scenarios and program strengths and weaknesses.

**Sources of Factual Information** — Excerpted in the profiles of this report, the factual information comes in large part from data supplied by individual programs—including annual reports, spreadsheet accounts of program activity, websites, etc. Some information also comes from state government sources. For statistical information on population and agriculture, we used primarily the 2002 Census of Population and the 1997 Census of Agriculture. Since a reliable database capable of measuring farmland conversion within all communities nationwide does not exist, obtaining good comparative data from one source for all of the sample jurisdictions proved to be impossible. Instead we used information from either USDA's National Resource Inventory (NRI); reliable state government sources, as indicated for California and Maryland; or individual programs. In other cases, "comparative conversion data not available" is indicated.

Clearly the most valuable of all factual sources—from the start of the project and continuing today—were the managers of each of the sample programs who, in phone conversations and email exchanges, answered our numerous questions of clarification and elaboration about program details. (Appendix 1 lists the program managers and other staff who assisted with the project.)

There are too many data sources for individual programs to cite here; most are referenced in the online database. A small number of basic sources were especially valuable because they provided information for multiple programs. They include:

- American Farmland Trust, numerous reports including the monthly *LandWorks* and the annual status reports of state and local PDR programs; and
- *Farmland Preservation Report*, monthly newsletter.

**Map Sources** — The color maps that accompany most of the program profiles were provided by a large number of organizations with Geographic Information Systems (GIS) mapping capacities. As identified in Appendix 2, the mapping sources include some easement programs, associated planning departments or other local government agencies, state government agencies and private firms. The maps were provided in electronic format and show certain common spatial features—agricultural easement locations, farmland, urban areas, other preserved areas, major highways, major communities and mileage scales. Because they originate from so many different organizations with variable data libraries, the maps are not completely comparable from one program to another. Most critically, the data layers depicting urban areas and farmland do not have consistent definitions from one map to another. The colors assigned to particular data layers also vary.

## STATE-LOCAL PROGRAM CONNECTIONS IN MARYLAND, NEW JERSEY AND PENNSYLVANIA

Twenty-four programs—more than half of our sample—are operated by county governments in Maryland, New Jersey and Pennsylvania. These three states lead the nation in the volume of agricultural easement activities—in number of local programs, easement acres accumulated and farms covered.

Within these states, easement program activities involve complex state-local government connections, in-program rules, acquisition processes and funding. Table 1 compares the major features of these connections. State government in each case provides the major part of easement funds, requires local matches, establishes minimum parcel characteristics and imposes requirements on local program operations. Requirements include the appointment of citizens' oversight/advisory bodies. The process of selecting easements follows a structured path, from initial county review to final funding decisions by state government. Yet counties also exercise varying degrees of discretion in being able to add selection criteria and fund acquisitions independent of the state.

Described below are the unique features of the connections in each state.

**Maryland** — Three different agricultural easement programs operate here.

1. Under the oldest and basic program—administered by the *Maryland Agricultural Land Preservation Foundation* (MALPF)—the state provides most funds and holds the easements, while counties handle transactions with landowners and add local funds to easement costs. Counties that receive state certification receive additional state funds.
2. Since 1997, the state's *Rural Legacy* program has helped counties to acquire, and co-hold with the state, easements on farms and other open space lands in designated preserve areas.
3. Some counties also operate independent easement programs, funding acquisitions entirely out of local revenues.

**New Jersey** — This state also has three different programs.

1. The oldest and basic is the *County Easement Purchase Program*, in which counties acquire and hold easements after state review and funding.
2. Under the *Planning Incentive Grant Program*, in place since 1999, multi-year state-local funding commitments are made to acquire contiguous blocks of farms in high priority preservation areas identified through local planning with state approval.
3. In the *Direct Easement Program*, state government acquires and holds easements with no local government participation. Municipalities (townships), on an optional basis and in cooperation with counties, contribute to easements acquired in the first two programs.

**Pennsylvania** — Pennsylvania is unique among the three states in allocating funds on a formula basis to all eligible counties—with individual amounts influenced by the degree of local fiscal matches—instead of parceling out funds by approved application. While county programs are required to use a quantitative ranking system—with priority given to soil quality—in selecting applications, the state government review of county-submitted proposals is minimal as compared to Maryland and New Jersey. Depending on the respective shares of funding, easements are held entirely by counties, jointly with the state or entirely by the state. As in New Jersey, many municipalities (townships) cost-share with county governments in the acquisition of easements; a few municipalities also operate independent programs.



**Table 1**  
**STATE-LOCAL PROGRAM FEATURES IN MARYLAND,**  
**NEW JERSEY AND PENNSYLVANIA**

	<b>Maryland</b>	<b>New Jersey</b>	<b>Pennsylvania</b>
<b>Basic Program/Starting Date</b>	Maryland Agricultural Land Preservation Program/1977	County Easement Purchase Program/1983	Pennsylvania Agricultural Conservation Easement Purchase Program/1988
<b>Easement Holder in Basic Program</b>	state	county	county or county and state jointly
<b>State Agency</b>	Maryland Agricultural Land Preservation Foundation (MALPF)	State Agricultural Development Committee	State Agricultural Land Preservation Board
<b>County Oversight/Advisory Body</b>	County Agricultural Land Preservation Advisory Board	County Agricultural Development Board	County Agricultural Land Preservation Board
<b>State-Local Funding Proportions, to Date</b>	77% state, 23% county	67% state, 33% local — mostly county, some municipal funds	66% state, 33% local — mostly county, some municipal funds
<b>County Easements with Sole Local Funding</b>	yes	yes	yes
<b>Requirements for County Participation in State Funds</b>	1. County board 2. Parcel enrollment in Agricultural Preservation District 3. Optional state certification provides additional state support.	1. County board 2. Parcel enrollment in Agricultural Development Area	1. State certification 2. County board 3. Parcel enrollment in Agricultural Security Area 4. State-designated criteria for county review process
<b>State Review Criteria</b>	1. Mostly use of county developed criteria 2. Discount ratio	1. Quality score; contiguity, soil, size, local support, etc. 2. Formula index; cost 3. Combined statewide rank	Procedural review to ensure compliance with state regulations, clear title, etc.
<b>Local Review Criteria</b>	All counties use quantitative ranking, with varying degrees of discretion and use of qualitative factors.	Similar to state scoring in most counties, but varies in use of qualitative and quantitative criteria, with local discretion.	State-imposed criteria; quantitative ranking with top weight given to soil quality. Counties may add criteria, subject to state approval.

Sources: AFT documents including case studies of programs and state program status, state program documents and phone conversations with state program staff.

## COMPARING THE PROGRAMS: A SUMMARY OF MAJOR FEATURES

Although all were formed for the express purpose of using the conservation easement technique to protect farmland from urban conversion, the 46 sample programs differ in organization, achievements, funding, acquisition strategies, connections to local planning and community characteristics. Figure 1 summarizes some of these variations.

**FIGURE 1**  
**PROGRAM HIGHLIGHTS**

The 46 sample programs:

- hold 877,000 farmland easement acres, representing more than 5,800 individual farms.
- in most cases operate in areas where other programs, primarily nonprofit land trusts, also acquire easements for land conservation.
- have been established for an average of 21 years.
- have spent \$1.8 billion since the mid-1970s to acquire easements, not including the value of landowner donations and developer-paid mitigations.
- have spent an average of about \$2,000 per acre for easements, but in widely varying amounts from program to program.
- have used state dollars as the top revenue source for direct purchases, followed by various types of local taxes (property, sales, property transfer, etc.) and federal funds.
- in most cases use numerical scoring systems to select parcels for acquisition or for funding priority, although 12 programs employ only qualitative factors.
- in their easement acquisitions, programs sometimes complement local government land use policies—but that connection is frequently limited by the organizational separation between most easement programs and the local planning function and the reluctance of many communities to limit residential development in agricultural areas.

### PROGRAM ORGANIZATION

The sample programs are operated by several different types of organizations:

- 30 county governments,
- four township governments,
- one city government,
- one special district government,
- three state governments,
- five nonprofit land trusts,
- one joint state-land trust program and
- one joint county-land trust program.

**Longevity** — The sample programs had been in operation an average of 21 years as of 2002. The oldest program—Suffolk County's in New York—was formed in 1974, almost 30 years ago. The two newest ones—in Routt County, Colorado, and Dunn Township, Wisconsin—were organized in 1996, barely seven years ago. In most cases, programs acquired their first

easements 18 months or more after their organization, a result of funding delays and lengthy transactions.

**Origins** — What factors led to the formation of these programs? For 15 local programs, the origins were direct and simple; the availability of newly-approved state funds. A number of county governments in Maryland, New Jersey and Pennsylvania quickly formed easement programs to take advantage of the new funds, although these actions in some cases were preceded by local studies and planning. For 27 local programs, the precipitating factors were more deliberative and drawn out (see Figure 2). Usually starting with the expression of community concern about the effects of rapid urbanization on farmland loss, the process leading to formation included the mobilization of active citizens, local government-appointed study committees, commissioned studies, new land use policies and voter approval of funding sources. The formation of all four state-operated programs involved gubernatorial action and state legislation.

**FIGURE 2  
PUBLIC PARTICIPATION**

Public participation is a common element in the work of most of these agricultural easement programs, as these patterns show:

- voters approved bond issues and revenue for 21 programs, on multiple occasions in some communities.
- thirty-two local and three state programs are overseen by citizen committees appointed by elected officials.
- the formation of 27 programs was preceded by a deliberative process with community discussion, study groups, public surveys and citizen advocacy.

**Internal Organization** — Most of the programs have citizen oversight bodies appointed by the elected governing boards. These advisory bodies usually set acquisition standards and, guided by staff work, apply these criteria in reviewing landowner applications, although final decisions to spend money on purchases are usually approved by the elected boards.

**Program Staff** — All programs have paid professional staffs, varying in number of persons, full- or part-time status and degree of specialization. Staff numbers range from one part-time to a dozen or more persons, with the larger sizes allowing for specialized tasks such as property appraisals, legal work, and easement monitoring and other stewardship activities. In most cases, program staffs are administratively housed in planning, parks or other departments. Easement programs are independent units in a few local governments. There is no common organizational arrangement for the four state programs in the sample, with staffs housed in agricultural, planning and stand-alone departments.

**EASEMENT ACTIVITY**

As of 2002, our sample programs collectively had acquired a total of about 877,000 agricultural easement acres representing more than 5,800 separate easements. Twenty-seven programs had accumulated more than 10,000 easement acres each—nine programs had less than 5,000 acres each.

The bulk of easement acres are the result of direct purchase, but the national total also includes smaller amounts acquired through landowner donations, transfers of development rights and land use regulations.

**Other programs** — The actual volume of agricultural easement activity in some localities and states is substantially higher when the preservation work of other programs is included. Sometimes in cooperation with the programs that are the focus of this study, other organizations also acquire agricultural easements. They are found in two-thirds of the sample communities and states, and in most cases they are nonprofit land trusts. Our information on the other programs is spotty and is complicated by their usually broad conservation goals and the accumulation of other kinds of properties as well as farmland. Projecting from available information, we estimate that the other programs had acquired at least 128,000 agricultural easement acres by 2002. When combined with the record of the sample programs, the total farm acres under easement in the 46 localities and states is a little more than 1 million acres.

**Transfer of Development Rights Acres** — Supplementing their purchase activities, at least 12 sample programs or other organizations in their communities or states also have transfer of development rights (TDR) arrangements for acquiring easements. About 55,300 easement acres have been acquired through this process in these areas. Many programs with TDR policies on their books, however, have recorded few or no transfers.

#### **EASEMENT FUNDING**

By 2002 the 46 sample programs had spent a total of about \$1.8 billion from all fund sources to directly purchase farmland easements. This does not include the value of easements acquired through landowner donation and through TDRs and other forms of development mitigation.

Led by Howard County, Maryland (\$193 million), and the state of Massachusetts (\$135.9 million), eight programs have spent more than \$60 million each on easement acquisitions. At the other end of the scale, six programs have recorded less than \$10 million each. One program, the Napa Land Trust in California, does not purchase easements but relies entirely on landowner donations.

Purchase amounts across all programs have averaged about \$2,000 per easement acre. This average masks a great range in the amounts paid for individual transactions, varying from a few hundred dollars to highs of more than \$100,000 per acre in a few cases. Across the nation, the most expensive transactions per acre are in certain suburban counties in the New York City, Philadelphia and Baltimore metropolitan areas with intense development pressures and hence high land values. The lowest prices are paid by programs in remote rural counties, some with farm landscapes dominated by grazing land, and by the Delaware and Vermont state programs.

**Revenue Sources** — Almost three-fourths (34) of the sample programs rely on a mix of state funds and local taxes to fund their acquisitions. Five programs, generally in states without state government assistance, tap only local tax funds. Seven others, including the four programs entirely managed by state governments, do not use local funds at all. In dollar amounts, state governments provide the dominant share of acquisition funds—an estimated 60 percent of the total spent.

The federal role in funding agricultural easements was widespread but minimal for individual programs through 2002. At least 32 of the sample programs received support from this source under the 1996 Farm Bill to match other revenue, but in most cases the federal funds contributed less than 3 percent of total acquisition spending. With considerably expanded

funding under the 2002 Farm Bill, the federal role is bound to become more important in future years.

As Figure 3 identifies, local fund sources include annual appropriations from general funds, dedicated property taxes, local property transfer taxes and sales taxes. As well as funding acquisitions directly, these local revenues are also used to retire the bonds that 21 programs have issued to accelerate the pace of acquisitions. Voters approved revenue measures in 21 jurisdictions (multiple times in some places) for bond issues and tax increases.

**FIGURE 3**  
**REVENUE SOURCES, AS USED BY NUMBER OF PROGRAMS**

Type of Funds	Number of Programs
State	41
Local	
Bonds	21
Dedicated Property Tax	13
General Appropriations	14
Property Transfer Tax	8
Sales Tax	4
Foundation Support	4
Fundraising	6
Other Local Sources	8
Contributions from Other Local Governments	17
Federal Funds	32
Nonprofit Land Trust Contributions	9

**Non-Purchase Acquisitions** — Programs also acquire easements without spending funds, through landowner donations and TDRs and other developer-provided mitigation for the loss of farmland. We lack sufficient information from the experiences of individual programs to provide a confident estimate of the value of these two forms of contributions, but it could be as high as 15 percent of the value of cash payments.

Virtually all sample programs enjoy the benefits of partial donations, in which landowners accept only a part of the full appraised value of their development rights as cash and contribute the remainder for tax benefits. Only a few programs regularly obtain full landowner donations.

In the mitigation approach, developers pay the cost of acquiring easements elsewhere as compensation for the loss of farmland converted to urban uses—either by engaging in TDR transactions or by purchasing easements to satisfy local government requirements for getting their projects approved. Twelve programs in the sample have TDR arrangements. Four other programs directly acquire easements purchased by developers as a land use requirement.

## ACQUISITION STRATEGIES

With the exception of one program that “takes applications as they come,” all the sample programs apply more or less formal criteria in selecting parcels for easement purchase. Thirty-three use quantitative ranking schemes, and 12 employ only qualitative or primarily subjective criteria. Ranking schemes are usually variations of the Land Evaluation and Site Assessment (LESA) system, developed in the early 1980s by USDA soil conservationists as an objective measure of the merits of keeping individual parcels in farming and avoiding conversion to urban uses.

**Quantitative Rankings** — Agricultural quality (soils, productivity)—a standard LESA factor—is the measure used most frequently in numerical rankings and is often given more weight than any other factor. But most programs have added to traditional LESA formats by making use of criteria that highlight farmers’ capacity and skills (conservation practices, farm family history, stewardship practices, succession, etc.), create large blocks of protected farmland (proximity to other protected land), and award complementary community practices, such as agricultural zoning and certain growth management policies.

**How Applied?** — While 13 programs that use quantitative ranking automatically accept the scoring results, 20 others allow decision makers some discretion to use other factors as well. Often quantitative scores are not the decisive factor that sorts out successful and unsuccessful application, but are used to prioritize applications for funding and after basic eligibility is determined by the application of minimum standards such as parcel size and enrollment in an agricultural district. The final funding determination in a few programs is based on the direct cost to the program of acquiring the easement, as reduced by landowner donations or funds from other sources.

**Geographical Targeting** — Twenty-one programs use some degree of geographical targeting in their selection processes. Usually this is a qualitative factor that is rather explicit—location in preserve areas, in agricultural zones, in towns that support a county program, etc. But some targeting occurs in a much more open-ended fashion, as program managers use their discretion to place easements in strategic locations that are not expressly defined but have the potential to influence future land use patterns.

## PLANNING CONNECTIONS

There is a potential two-way complementary relationship between agricultural easement programs and local planning policies, with the possibility for each to strengthen the other. Agricultural easements can be a powerful tool for carrying out the land preservation and growth management goals of local government plans. On the other hand, easement activities are also enhanced by the degree to which local planning and land use regulations limit incompatible development around easement parcels and stimulate the emergence of large, contiguous blocks of protected land.

Two inherent obstacles to a mutually-reinforcing relationship are suggested by program experiences. One is that only 21 programs—a minority of the sample—are operated by the same local governments that have the planning and land use responsibilities. The 25 formally unconnected programs are managed by nonprofit land trusts, state governments and county governments in New Jersey and Pennsylvania, where planning is in the hands of townships and other municipalities. Several cases of collaboration across organizational lines, however, suggest that the institutional differences are not always fatal.

The second obstacle to creating a complementary relationship comes in the reluctance of many local governments and their communities to adopt strong growth control measures that restrict residential development in agricultural areas. Comprehensive land use plans are common in the communities served by agricultural easement programs, virtually all containing language addressing farmland protection. But translating general goals into regulatory tools that directly support easement programs is a more difficult matter.

The third in our series of project reports, *Easements and Land Use Planning*, will examine these relationships in much greater detail. But this initial comparison of the 46 programs allows the following general findings about easement-planning connections.

**Complementary Relations** — Where strong connections exist, they appear in both explicit and indirect forms. The explicit examples are where easement programs were formed expressly to implement firm local farmland preservation policies. Less direct are local government policies that, without referring to easements, set the scene for their effective location through land use restrictions in agricultural areas. The common element in both forms is that program managers, planners and local elected officials see agricultural easements and planning as mutually-supportive actions. Among the specific regulatory tools that support the connection are the designation and mapping of growth and preservation areas, urban growth boundaries and limitations on the location of public water and sewer service. Many local governments in the sample require or allow voluntary cluster arrangements for the location of residences in rural areas, but the degree to which this protects large blocks of land for serious farming is uncertain.

**Zoning and Density** — Zoning is a standard technique throughout the nation for protecting farmland and other rural land uses by designating allowed land uses and residential densities. Yet agricultural zoning exists in only a little more than half of the communities served by the sample easement programs. And in only a few cases is it “exclusive” agricultural zoning, limiting uses strictly to farming or farm-related activities. Residential densities vary greatly. Among the 31 local jurisdictions for which we have clear information, maximum effective densities in agricultural areas range from one unit to one acre (1:1) to 1:320. Seven jurisdictions have 1:1 or 1:2 and 12 have densities lower than 1:21.

#### **COMMUNITY CHARACTERISTICS**

The typical community served by the 42 local agricultural easement programs in our research sample is a suburban county or township with a population between 100,000 to 500,000. It is part of a major metropolitan area and contains a still significant farmland base, although much reduced in recent decades by urban growth.

**Population** — Location in a metropolitan area—“Standard Metropolitan Statistical Area” as identified by the Census—is the dominant geographical fact of the great majority of the local programs. About half are within the orbits of five of the nation’s largest metropolitan regions—New York, Philadelphia, Baltimore, Washington, D.C. and San Francisco. Only seven programs in the sample are located in non-metropolitan and relatively rural areas.

All but 10 of the communities served by local programs had 2000 populations of at least 100,000 residents apiece; three had populations exceeding 1 million. Rapid population increase is also a common characteristic. Most communities had population increases in 1990 to 2000 exceeding 10 percent, nine grew by more than 25 percent. No community lost population during this period.

**Farmland** — The states and communities served by the 46 programs contain a total of about 11 million farmland acres of various types—cropland, grazing acres, pastures and even small sections of woodland included in farm parcels. As a direct result of population growth and urbanization, the conversion of agricultural acres to other uses is a continuing pattern.

**Farm Production** — In the aggregate value of farm commodities sold, the sample includes some of the most productive agricultural counties in the nation as well as some of the most modest local farm economies. Annual farm market values, as measured by the Census of Agriculture in 1997, ranged from more than \$1 billion to a few million dollars for individual counties. Seven sample counties were in the top 100 counties nationwide in market value of farm production in 1997. The diversity of agricultural commodities represented in the sample is notable. The most important commodities according to the number of localities and states for which they ranked at the top in value in 1997 are: nursery/greenhouse crops (15 mentions), dairy products (8) and poultry (6). Other top-ranked commodities for one or more localities or states are fruit, vegetables, cattle, equine, wine grapes, tobacco and field crops. Considering the metropolitan location of most programs and the proximity of urban growth, it is not surprising that many of their agricultural economies specialize in growing horticultural products and produce for nearby urban markets.



## **PROFILES AND MAPS**



## California — MARIN AGRICULTURAL LAND TRUST

Countywide program — Formed in 1980 — *researched by Al Sokolow*

**OVERVIEW** — The Marin Agricultural Land Trust (MALT) was the first nonprofit land trust in the nation organized for the express purpose of protecting farmland. In 2003 it ranked in the top 12 local agricultural easement programs nationwide in number of acres protected and first in California, just ahead of the Sonoma County Agricultural and Open Space District. Unlike the cropland emphasis of other leading programs, MALT's easement holdings are primarily dairy and pastureland. The land trust concentrates its acquisitions in the inland rural area where most of the county's dairy farms and ranches are located. Lacking a steady revenue stream from local taxes, MALT has relied on state funds, private foundation support and local fundraising to support its acquisitions. As an affluent county immediately north of the Golden Gate and San Francisco, with a Pacific coastline largely in federal ownership including the Point Reyes National Seashore, Marin ordinarily would experience high rates of urbanization. However, strong county land use policies that confine new development to the cities in the eastern urbanized area, and a limited domestic water supply, have kept population increases low in recent decades.

**EASEMENT ACTIVITY** — 32,000 agricultural acres in 47 properties: grazing, pasture, dairies, no cropland.

**Goals:** \$20 million to \$40 million in capital needs for the next 10 years. Easements acquired so far are more than a quarter of the total of 120,000 agricultural acres in the target area.

**Other Easement Programs:** The Marin County Open Space District is a public agency governed by the Board of Supervisors that provides greenbelts and recreational land between cities. It holds 2,500 easement acres of generally nonagricultural land and owns 14,000 acres in fee.

### FUNDING

**Acquisition Spending to Date:** \$25 million on agricultural easements.

**Revenues:** State funds (1988 state bond act, Coastal Conservancy, Farmland Conservancy Program), local fundraising, foundation support.

**GOVERNANCE** — MALT is governed by a board of 17 members who serve three-year terms. Two members are appointed by the Marin County Board of Supervisors; one board member is the incumbent supervisor from the western part of the county where most agriculture is located. Many board members are ranchers.

**STAFF AND OPERATING BUDGET** — The executive director heads a staff of six full-time and four part-time persons. Individual staff assignments include easement acquisitions, stewardship-monitoring, education, fundraising, membership and communication. The annual operating budget is about \$780,000.

**ORIGINS** — The nation's first land trust devoted specifically to farmland protection, MALT was organized in 1980 by a coalition of local ranchers and environmentalists. They were assisted by the Trust for Public Lands (TPL) in the technical details of forming a land trust. The formation coincided with countywide concerns about the impact of rapid growth on a diminishing farm sector and the shift to stronger growth management policies by county government. The county initially supported the new land trust with an allocation of one-tenth of the property taxes collected by the Marin County Open Space District.

**ACQUISITION PROCESS AND STRATEGY** — The MALT board makes final decisions after staff recommendations. Geographical targeting is employed—easements are mostly confined to the

region that county planning designates for agricultural protection, the inland rural corridor of about 120,000 acres where most dairies and other farms are located.

**Rating of Parcels:** Quantitative, but used only in the initial evaluation of properties, not in determining the final selection of acquisitions. Top quantitative measures are agricultural quality, farm management, strategic location and urgency.

**Other Criteria:** Conversion threat and potential influence in obtaining other easements.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** MALT's acquisition patterns closely relate to the county's general plan which since the late 1970s has (1) specified the concentration of urban growth along the transportation corridor in the eastern area where the cities are located; and (2) identified the agricultural inland rural corridor as an area closed to urban development. Public infrastructure is not available to areas outside of the transportation corridor. In addition, the county now requires proposals to construct individual residences on farm parcels to include management plans for continued farming. Although an independent nonprofit, MALT is seen almost as an arm of county government in doing the work of farmland preservation.

**Zoning:** Agricultural zoning, which applies to most of the inland rural corridor, is one unit to 60 acres.

#### **DEMOGRAPHICS**

**2000 Population:** 250,100

**1990–2000 Population Change:** +20,200 residents; + 8 percent

#### **AGRICULTURAL LAND**

150,000 acres: 82 percent pasture—dairies and grazing

**Conversion to Urban Use:** 629 total agricultural acres in 1990–2000 (0.3 percent of 1990 base), including 447 cropland or important farmland acres (0.6 percent of base). (*State conversion data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$53 million      **Number of Farms:** 680

**Principal Commodities:** Dairy products, cattle, poultry

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Easements are located primarily in the inland rural corridor of the county—the major agricultural area. The 32,000 easement acres acquired so far by MALT in this limited area of 120,000 acres form several contiguous blocks of protected land. Urban development is confined to the cities located in the eastern third of the county. The cities are along Highway 101, the freeway that links Marin with San Francisco and is California's principal coastal highway. The Point Reyes National Seashore and other federal land dominate the western, coastal third of the county.

**[VIEW MAP: California — MARIN AGRICULTURAL LAND TRUST](#)**



## California — MONTEREY COUNTY AGRICULTURAL AND HISTORICAL LAND CONSERVANCY

Countywide program — Formed in 1985 — *researched by Al Sokolow*

**OVERVIEW** — Monterey County has a long Pacific coastline and is well-known as a tourist destination. Its major agricultural asset is the Salinas Valley, a 50-mile long inland region that grows much of the nation's fresh vegetables and accounts for the major part of the county's \$2.9 billion in annual farm market receipts—the fourth highest in the nation. Here is where the Monterey County Agricultural and Historical Land Conservancy, a nonprofit land trust, concentrates its easement work. A number of the easements acquired by the Conservancy are strategically located on the western edges of several Valley cities, forcing the redirection of their expansion away from the best agricultural soils on the Valley floor to less productive hillsides to the east. The Conservancy maintains its active acquisition record with only one staff person and a small operating budget.

**EASEMENT ACTIVITY** — 7,748 agricultural acres in 20 properties: 82 percent cropland (mainly vegetables and grapes) and 18 percent grazing. The Conservancy also owns in fee two coastal farms totaling 317 acres, that grow high value crops (artichokes and strawberries) and generate income for operating and acquisition purposes. Three non-agricultural easements totaling 135 acres are also held by the Conservancy, including 10 acres in a city preserve and 125 acres devoted to wetlands and habitat protection.

**Goals:** No specific program goals.

**Other Easement Programs:** No other local programs.

### FUNDING

**Acquisition Spending to Date:** About \$12 million for agricultural easements.

**Revenues:** State funds (1988 state bond act, Coastal Conservancy, Farmland Conservancy Program), local fundraising, foundation support and federal funds. The Monterey Conservancy was the first California program to receive funds from the Federal Farmland Protection Program.

**GOVERNANCE** — The organization is a nonprofit land trust governed by a seven-member board of directors. Most board members have agricultural and local government connections. Unlike many nonprofit land trusts, the Conservancy is not a general membership organization.

**STAFF AND OPERATING BUDGET** — The only staff person is the managing director, employed under a management services contract. He is a former board member and founder of the Conservancy. The annual operating budget is about \$90,000.

**ORIGINS** — The Conservancy was formed by a small number of residents—mostly associated with local agriculture—and includes leaders in county and state government. Their efforts were in part stimulated by the Marin Agricultural Land Trust (MALT), the nation's first specifically agricultural land trust. The Conservancy's formation was assisted by advice and training provided by the Trust for Public Lands (TPL) and American Farmland Trust (AFT). The first easement was acquired in 1985.

**ACQUISITION PROCESS AND STRATEGY** — The Conservancy board makes all decisions. Not employing a rating system or a formal application process, the board and the managing director exercise considerable discretion in seeking easement candidates in selective locations. The major emphasis is to target properties around cities in the vegetable-growing Salinas Valley. Much attention is given to establishing and maintaining rapport with select farmland owners.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** A 1985 operating plan identifies as prime acquisition factors: the quality of the agricultural, natural and historical resources; the magnitude of threat; location; and probability of funding. The use of a "clear-cut formula" is expressly denied and emphasis is given to the "exercise of careful judgment."

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** The Conservancy's easement activities complement county planning and vice versa—although the two organizations are not formally linked. County planning and land use policies generally support the protection of prime cropland in the Salinas Valley and the direction of urban development to the cities away from agricultural areas. This is also the policy of the Monterey Local Agency Formation Commission (LAFCO), the state-mandated boundary control body that reviews and approves proposals for city expansion. Proposals were under consideration in 2002—in the update of the county's General Plan—to cite the easement technique as a means of maintaining urban-rural delineations and to create a program for mitigating farmland loss by placing easements on other farmland. There are some tensions, however, between the Conservancy and cities in the Salinas Valley, where easements have blocked city expansion to the west and redirected it to the east. While this moves development to less productive agricultural soils on sloping land, it also imposes higher costs for the extension of municipal sewer and water systems.

**Zoning:** Agricultural zoning allows one unit to 40 acres (1:40) residential density in most agricultural areas including the Salinas Valley and 1:150 in grazing areas, generally in the southeastern part of the county.

#### **DEMOGRAPHICS**

**2000 Population:** 401,762

**1990–2000 Population Change:** +46,100 residents; + 12 percent

#### **AGRICULTURAL LAND**

1.5 million acres: 25.1 percent cropland (including 174,000 prime acres mainly in the Salinas Valley) and the rest in grazing.

**Conversion to Urban Use:** 8,960 total agricultural acres in 1990–2000 (0.6 percent of 1990 base), including 4,732 cropland or important farmland acres (2.0 percent of base) and 3,898 prime acres (2.2 percent). (*State conversion data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**2000 Market Value:** \$2.9 billion      **Number of Farms:** 1,209

**Principal Commodities:** Vegetables, fruits, nuts, grapes, nursery

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Easements held by the Conservancy stretch almost the entire 100-mile south-north length of the county, with a couple in the coastal area near the mouth of the Salinas River and several in the grazing canyons of south county. Most are located in the 50-mile long Salinas Valley—the narrow and long inland fertile valley that is the county's principal crop growing region. While seemingly scattered throughout the valley, the majority are situated adjacent or close to city borders. As shown in the inset maps of the King City and Gonzales areas, easements in strategic locations generally block city expansion onto the most productive agricultural lands to the west.



**[VIEW MAP: California — MONTEREY AGRICULTURAL LAND TRUST](#)**



## California — NAPA COUNTY LAND TRUST

Countywide program — Formed in 1976 — *researched by Al Sokolow*

**OVERVIEW** — The Napa County Land Trust (NCLT) has multiple preservation objectives. Initially focused on natural resources, wildlife and historic sites, in the 1990s the trust turned its attention to agricultural lands as a result of a program review by the board of directors. Most of the land trust's easements, whether on agricultural or natural resource lands, are located on hillsides overlooking the famed Napa Valley, the most renowned wine growing region of the United States. Easements are acquired only through landowner donations—limiting the program's appeal to farmland owners—although NCLT taps several revenue sources for its operating budget. Battles between pro-growth and preservationist forces over urban growth and landscape preservation have dominated Napa County politics for more than 30 years. Preservationists generally have won these battles, producing policies through voter initiatives and county legislation that limit building permits and changes to agricultural zoning. Development pressures on the county's farmland currently arise from the attractiveness of vineyard areas as estate homesites for wealthy persons.

**EASEMENT ACTIVITY** — 5,900 agricultural acres in 19 properties, mostly large cattle ranches. Only 968 cropland acres—including vineyards—are under easement. 6,500 acres are in non-agricultural, natural resource easements. Total of 12,400 easement acres. The land trust also has 2,500 acres in fee ownership, including a botanical preserve, wildlife sanctuary and redwood forest preserve.

**Goals:** 30,000 acres of protected lands by 2004, including easements and fee purchase acres and both agricultural and natural resource lands. Expected to be revised to 50,000 acres by 2010.

**Other Easement Programs:** No other local programs, although some easements originally acquired by NCLT were later transferred to state government agencies.

### FUNDING

**Acquisition Spending to Date:** \$0—all easements are acquired through landowner donation.

**Revenues:** Member dues, donations and foundation grants support the operational budget.

**GOVERNANCE** — The land trust board has 15 members serving up to two consecutive three-year terms. Board members are generally recruited from the ranks of volunteer workers. NCLT has about 1,300 dues-paying members.

**STAFF AND OPERATING BUDGET** — Seven primarily full-time staff have administrative, transactions and monitoring tasks, and several others manage the fee purchased preserves. Volunteers assist in monitoring. The annual operating budget is about \$700,000.

**ORIGINS** — The NCLT was one of several local conservation groups in the San Francisco Bay Area formed in the late 1970s with assistance from the Trust for Public Lands (TPL). In part the formation was a reaction by local environmentalists to the then pro-growth policies of the Napa Board of Supervisors.

**ACQUISITION PROCESS AND STRATEGY** — The NCLT board makes final decisions after staff recommendations. Acquisition criteria are broad and multiple, extending to wildlife, agricultural, visual, watershed, etc. values. Since about 1998, the trust has sought easements in the flat part of the Napa Valley dominated by vineyards.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** The Policy Manual lists 11 factors, one referring to active viticulture or ranching use and the others dealing with such open space features as rare species, visibility, riparian or marsh area, etc. Also included are factors that would disqualify a parcel—small size, absence of adjacent protected parcels, difficulty of easement enforcement, etc.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Although county land use policies generally complement the easement program, the connections are not formal and the land trust is careful to maintain its independent status by distancing itself from county policymaking. This includes remaining neutral on specific land use proposals. Beyond agricultural zoning, Napa County has some of California's strongest policies for preserving farmland—the result of both voter initiatives and legislative actions by local governments. These policies include: (1) The designation in 1968 of virtually all of the unincorporated part of the Napa Valley floor as an Agricultural Preserve; (2) Voter passage in 1990 of a measure preventing the rezoning of agricultural properties for development without further voter approval; (3) Voter approval in 1980 of a cap on building permits in unincorporated areas to allow only a 1 percent annual population increase; and (4) Adoption of a Rural Urban Limit Line by the city of Napa in 1975.

**Zoning:** Agricultural zoning provides for one unit to 40 acres residential density in the county's agricultural reserve zone on the Valley floor, and 40 to 160 acre minimums in the agricultural watershed and open space zone covering the hillsides.

#### **DEMOGRAPHICS**

**2000 Population:** 124,100

**1990–2000 Population Change:** +13,500 residents; +12 percent

#### **AGRICULTURAL LAND**

212,000 acres: one-third cropland—mostly vineyards.

**Conversion to Urban Use:** : 1,473 total agricultural acres in 1990–2000 (.5 percent of 1990 base), including 1,183 cropland or important farmland acres (1.6 percent of base). (*State conversion data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$238 million      **Number of Farms:** 1,318

**Principal Commodities:** Wine grapes (98 percent of total farm value)

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Easements are located on the eastern and western hillsides overlooking the Napa Valley, with few on the vineyard land or near the cities on the Valley floor. Easements are dispersed along a 30-mile, north-south stretch of the county on both sides of the Valley. There are few clusters.

**[VIEW MAP: California — NAPA AGRICULTURAL LAND TRUST](#)**



## **California — SONOMA COUNTY AGRICULTURAL AND OPEN SPACE DISTRICT**

Countywide program — Formed in 1980 — *researched by Al Sokolow*

**OVERVIEW** — This California local government is the only special district among leading agricultural easement programs in the nation. Easement acquisitions just in the past 10 years place the district among the top 12 programs in the nation in acres accumulated. The district funds its easement purchases entirely through a local sales tax approved by voters, and has not used any state, federal or other outside funds. While farmland protection—primarily in the form of greenbelts between growing cities—was the top original priority, the district now allocates its acquisition funds equally among several different purposes including natural resource lands and recreational areas. Urban pressures are intense in Sonoma County, located 50 miles north of the Golden Gate and San Francisco. Most development is concentrated in the Highway 101 corridor, California's major north-south coastal highway.

**EASEMENT ACTIVITY** — 31,082 agricultural acres in 63 properties. Mostly ranchland, with only 13 percent in cropland (vineyards, vegetables, orchards) and poultry farms. The district also holds about 21,000 acres in nonagricultural easements, for a total of more than 52,000 easement acres. It also owns in fee a smaller number of acres, some open to recreational use. In 2002 it began leasing parcels of fee owned land in urban fringe areas to agricultural operators under a Small Farms Initiative.

**Goals:** About 54,000 acres for all types of easements by 2005 (goal set in 2000), nearly reached by 2002.

**Other Easement Programs:** The nonprofit Sonoma Land Trust, established in 1975, holds about 10,000 easement acres—mostly in habitat and open space, but also including 3,815 agricultural acres.

**Total Agricultural Easements in County:** Approximately 34,900 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$36 million on agricultural easements, \$79 million total for all land transactions (all forms of easements and fee ownership).

**Revenues:** Exclusively a quarter-cent sales tax that now generates about \$17 million annually.

**GOVERNANCE** — As a "dependent" district under California law, SCAOPD is controlled ultimately by the Sonoma County Board of Supervisors. Two citizen boards appointed by the supervisors are more directly involved in governance details: (1) The six-member Open Space Authority that formally collects the sales tax and ensures that acquisitions comply with the original plan; and (2) The 17-member Advisory Committee that recommends acquisitions.

**STAFF AND OPERATING BUDGET** — The Executive Director heads a 14-person staff, including persons with planning, acquisition, stewardship, land management and administrative assignments. The annual operating budget is about \$2.7 million.

**ORIGINS** — Voters approved two separate measures in 1990, district formation and the quarter-cent sales tax increase that runs for 20 years until 2010. Both were placed on the ballot by the Board of Supervisors to implement the provisions in the county's 1989 general plan update calling for a easement program for farmland and open space preservation. The first easements were acquired in 1992.

**ACQUISITION PROCESS AND STRATEGY** — The Board of Supervisors makes final decisions after recommendations by staff and review by the Open Space Authority and Advisory Committee. Staff review includes the use of Geographic Information Systems maps and site visits.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** Under the current acquisition plan adopted in 2000, acquisition funds are spent equally over a three-year period on four preservation objectives: (1) agricultural greenbelts between cities; (2) other agricultural land, mostly coastal dairy and pasture properties; (3) natural resource lands, with priority given to oak woodlands, coastal forests, riparian areas and wetlands; and (4) recreational properties. This results in distributing purchases around the county. The discretionary process for selecting parcels for agricultural protection emphasizes parcel size, location in relation to other protected land, agricultural viability, development potential, cost, ease of monitoring and absence of legal issues. Prior to 2000, the original acquisition plan gave priority to agricultural Community Separators (greenbelts), but also referred to parcels with scenic qualities and natural resource lands that could be protected in cooperation with other agencies.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** The district's acquisitions directly carry out the agricultural and open space sections of the 1989 county general plan. That plan identifies eight Community Separators for protection.

**Zoning:** In agricultural zones, residential densities range from one unit to 10 acres (1:10) to 1:320, depending on whether farms are land intensive or extensive. Crops with high production per acre are generally zoned at 20 to 100 acre minimums. Rural residential zoning allows 1:2-10.

#### **DEMOGRAPHICS**

**2000 Population:** 464,000

**1990–2000 Population Change:** + 80,100 residents; +20.8 percent

#### **AGRICULTURAL LAND**

570,000 acres: 70 percent grazing land; 21 percent of 173,000 cropland acres are prime.

**Conversion to Urban Use:** 8,192 total agricultural acres in 1990–2000 (1.4 percent of 1990 base); 6,536 cropland acres (3.0 percent of base). (*State conversion data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$463 million      **Number of Farms:** 2,745

**Principal Commodities:** Wine grapes, fruit, dairy, nursery

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Easements are scattered throughout the county, reflecting the multiple preservation (greenbelt, agricultural, natural resource, recreational) objectives of the program. The largest easement parcels and connected blocks of easements are located in areas remote from the Highway 101 urban corridor. They are composed of large ranches, some no longer operating as commercial producers but now valued as open space. Smaller cropland easements (difficult to detect on the map) are scattered close to the cities; landowner prospects of development profits limits the acquisition potential in these intended community separator areas. A significant number of easements are located in the southwestern corner of the county, an area of dairies and livestock.



**[VIEW MAP: California —SONOMA AGRICULTURAL LAND TRUST](#)**



### **California — TRI-VALLEY CONSERVANCY**

(formerly South Livermore Valley Agricultural Land Trust)

Serves eastern Alameda County — Formed in 1994 — *researched by Al Sokolow*

**OVERVIEW** — This nonprofit changed its name and expanded considerably its territory in May, 2003, to seek new land conservation opportunities. As the South Livermore Valley Agricultural Land Trust (SLVALT), it was formed to protect farmland in that small valley of about 14,000 acres, an area of premium vineyards and wineries. Unusual among independent land trusts, its formation in 1994 was a direct result of local government policy actions. SLVALT was created to carry out parts of a joint city-county land use plan, and its board up to now has included city, county, and wine industry representatives. Its acquisitions have been funded primarily by an unusual revenue source—development fees placed on new homes in the area as mitigation for farmland conversion. Anticipating a successful conclusion of easement acquisitions in its small operating area in the near future, but wanting to maintain an active land transactions program as well as stewardship activities, the land trust board changed both its name and territorial reach with support from the newly absorbed areas. As the Tri-Valley Conservancy, the nonprofit now covers most of the eastern and relatively rural portion of Alameda County, a part of the San Francisco Bay region. Most of the county's 1.4 million residents are concentrated in Oakland, Berkeley and other cities in the western section.

**EASEMENT ACTIVITY** — 3,059 agricultural acres in 30 properties. Mostly vineyards and olive groves; 280 acres in grazing. One non-agricultural easement of 371 acres covers a park area.

**Goals:** 5,000 acres in the Valley.

**Other Easement Programs:** No other local agricultural easement programs in Alameda County.

#### **FUNDING**

**Acquisition Spending to Date:** \$4.4 million

**Revenues:** The \$4.4 million represents direct spending by SLVALT largely from state funds and as local match. The full value of easements acquired is about \$45 million, accounting for the development mitigation fees paid for new homes in the cities of Livermore and Pleasanton. With its territory greatly expanded to include communities without mitigation programs, the renamed conservancy expects to diversify its revenue sources and engage in forms of fundraising common to other land trusts.

**GOVERNANCE** — The nine-member land trust board oversees the program. Four members are at-large and one each is appointed by Livermore city, Pleasanton city, Alameda County, the local wine growers association and an environmental organization—the Friends of the Vineyards. The Conservancy expects to add board members from communities outside of the original territory.

**STAFF AND OPERATING BUDGET** — There is the Executive Director and one other staff member. The annual operating budget is about \$212,000. Forty volunteer "stewards" assist in easement monitoring.

**ORIGINS** — The SLVALT was formed to help implement a part of the South Livermore Valley Area Plan, a land use plan for the preservation of the 14,000 acre valley that confines urban growth to the adjacent cities. The plan was adopted jointly by Alameda County and the cities of Livermore and Pleasanton in 1993, following a five-year period of study and public workshops. As well as providing detailed land use standards, the plan called for an agricultural easement program to be managed by a land trust and financed in large part by mitigation fees on

residential development in the two cities. The first acquisition was in 1995; four other easements acquired earlier by other agencies were accepted at that time.

**ACQUISITION PROCESS AND STRATEGY** — The board applies, in a discretionary fashion, several general criteria, most originally established in the 1993 county-city land use plan for the South Livermore Valley.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** As well as location in the Valley, emphasis is given to creating a critical mass of protected agricultural land, parcels threatened by development, preservation of contiguous blocks large enough to maintain commercial agriculture, limiting conflicts with non-agricultural uses, creating a permanent urban boundary and protecting critical habitat areas.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — As a creation of the county-city Land Use Plan for the South Livermore Valley, the work of the land trust has been directly related to local government planning. Although most of the Valley is unincorporated territory and thus under the jurisdiction of county government, the 1993 plan recognizes the role of the two cities in influencing the land use patterns of the area. Easement acquisitions have been guided and protected by the plan's detailed land use policies and standards which generally direct urban growth in the area to the two cities and prohibit it on the Valley floor and its hillsides. The pattern of easements serves to bolster the voter-approved urban limit line on the south edge of the city of Livermore. Easement program-local planning connections also are affirmed by frequent consultations between the Conservancy and city and county planners and representation of the cities and the county on the land trust board.

**Zoning:** Alameda County's agricultural zoning in the Valley provides for one unit to 100 acres.

#### DEMOGRAPHICS

**2000 Population:** Approximately 150,000 in the original area, primarily in the cities of Livermore and Pleasanton. Alameda County population is 1.4 million.

**1990–2000 Population Change:** + 29,700 residents in cities of Livermore and Pleasanton; +27 percent. Alameda County: +164,000 residents; +13 percent

#### AGRICULTURAL LAND

Approximately 6,000 acres in the 14,000 acre South Livermore Valley, including both cropland—mainly vineyards and some orchards—and grazing land. Alameda County overall has 258,000 agricultural acres—mostly grazing land.

**Conversion to Urban Use:** Insignificant in the Valley since the early 1990s. As a result of local planning and easement programs, cultivated acres in the Valley increased from 2,100 in 1993 to more than 5,000 in 2002, largely as the result of new vineyard and orchard plantings. Alameda County: 6,589 agricultural acres in 1990–2000 (2.4 percent of 1990 base), including 1,345 cropland or important farmland acres (11.5 percent of base). (*State conversion data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$41.9 million for Alameda County      **Number of Farms:** 458

**Principal Commodities:** Nursery products, wine grapes, cattle

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

##### [VIEW MAP: California — TRI-VALLEY AGRICULTURAL LAND TRUST](#)

All easements are located on the floor and lower hillsides of the 14,000 acre Valley. Most easement acres are clustered in several large blocks, forming a partially connected belt around the southern boundary of the city of Livermore and generally coinciding with that city's urban limit line.

## California — YOLO LAND TRUST

Countywide program — Formed in 1988 — *researched by Al Sokolow*

**OVERVIEW** — Yolo Land Trust (YLT) is the most active of the few agricultural land trusts in California's Central Valley, the state's premier farming region. Lacking a steady revenue stream and with only one staff member but an active board, the trust has been entrepreneurial in putting together funds from multiple sources to build a portfolio of almost 5,000 easement acres in only seven years. Most of its initial acquisitions were the result of a development mitigation ordinance enacted by the city of Davis in 1995, that requires developers to purchase easements on a like amount of agricultural acres elsewhere in the area to match farmland converted to urban uses in the city. The first such local law implemented in the nation, this is a version of the TDR (Transfer of Development Rights) process. Yolo County is in the middle of a rapidly growing region; it is located just west of the capital city of Sacramento and in the Interstate 80 corridor, a major commuter link to the San Francisco Bay area. Yet growth rates have been lower here than in Sacramento's eastern suburbs and to the west because of local land use policies that emphasize the preservation of farmland and the direction of growth for cities.

**EASEMENT ACTIVITY** — 4,629 agricultural acres in 19 properties. All irrigated cropland—tomatoes, alfalfa, grain, wine grapes. This includes about 1,250 acres in four properties turned over to the trust through the city of Davis mitigation program.

**Goals:** No specific program goals.

**Other Easement Programs:** Davis city voters in 2000 approved a small parcel tax for a new municipal program to acquire easements with resource values on the city's borders. No easements have yet been acquired under this program.

### FUNDING

**Acquisition Spending to Date:** \$25 million—does not include the value of mitigated-acquired easements and landowner donations.

**Revenues:** State funds (Farmland Conservancy Program), federal funds, local fundraising and foundation support. With development in the city of Davis and hence mitigations slowing down in recent years, state and federal funds are the principal means of acquiring easements.

**GOVERNANCE** — Overseeing the program, the 13-member land trust board serves unrestricted three-year terms. Most board members have agricultural connections. With a staff of only one, board members do much of the detailed work of easement transactions—including landowner negotiations and easement monitoring.

**STAFF AND OPERATING BUDGET** — The Executive Director, the only paid staff person, was hired as the land trust's first employee in 1998 with the help of planning grants from outside organizations. Legal services are donated. The annual operating budget is about \$70,000.

**ORIGINS** — YLT was organized by a group of leading farmers and others who were concerned about protecting the county's farmland from anticipated urban development. Although established in 1988, not until 1995 did the land trust acquire its first easements as a result of the city of Davis mitigation program.

**ACQUISITION PROCESS AND STRATEGY** — The YLT board makes final decisions. Board members as well as their executive director are directly involved in working with landowners in all stages of a transaction, including the initial contacts. The land trust seeks easements on prime irrigated farmland and engages in some geographical targeting, as noted below. Availability of funds and timeliness are considerations.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** Qualitative criteria adopted by the land trust at the time of its organization focus on parcels that are capable of producing an economic return, size and soil quality, zoned for agriculture and located so as to enhance the protection of other agricultural land. While the YLT has acquired easements throughout the county's prime farmland area of a quarter million acres, it tries to target strategic locations. Preferred are easements in "second tier" rings, located not in immediate proximity to city boundaries, but a few miles out to have a future impact on urban expansion. The most obvious manifestation of this strategy is the effort to form with easements a community separator or protected greenbelt between the county's largest cities of Davis and Woodland, seven miles apart but gradually growing toward each other.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — YLT's easement activities are complemented by Yolo County planning, which for several decades has given top priority to directing development away from prime farmland and to existing urban centers, mainly the four incorporated cities. As well as protecting agriculture and open space, this is intended to avoid the public costs of dispersed development. Specific county policies that express this objective include: (1) Agricultural zoning with high minimum lot sizes (see below); (2) An agricultural element recently added to the county General Plan; (3) County agreements with the cities concerning planning and finances; (4) A county ordinance adopted in 2000 providing for the mitigation of development on farmland; and (5) A 2002 agreement with Davis and Woodland concerning the community separator between the two cities. Although an independent nonprofit, the land trust works closely with county government on planning matters.

**Zoning:** Exclusive agricultural zoning for 80 percent of the farmland, with a residential density of one unit to 80 acres (1:80) for irrigated cropland, 1:160 acres for other cropland and 1:320 acres for grazing land.

#### **DEMOGRAPHICS**

**2000 Population:** 168,000

**1990–2000 Population Change:** +27,200 residents; + 19 percent

#### **AGRICULTURAL LAND**

536,000 acres: 70 percent prime cropland

**Conversion to Urban Use:** 3,655 total agricultural acres in 1990–2000 (0.6 percent of 1990 base), including 3,532 cropland or important farmland acres (0.8 percent of base). (*State conversion data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$302 million      **Number of Farms:** 923

**Principal Commodities:** Processing tomatoes, wine grapes, rice, hay

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

YLT easements are distributed across a broad swatch of the south central and southeastern parts of Yolo County where the flat terrain holds prime soils that grow a variety of crops. A few easement clusters are near the growing cities: (1) About 724 acres in six parcels in one block, forming the beginning of a community separator between Davis and Woodland; (2) Close to 2,000 acres in nine parcels northwest of Woodland; and (3) A cluster of seven parcels totaling 1,117 acres just south of West Sacramento.

**[VIEW MAP: California —YOLO AGRICULTURAL LAND TRUST](#)**





## Colorado — BOULDER COUNTY

Countywide program — Formed in 1975 — *researched by Al Sokolow*

**OVERVIEW** — Agricultural easement acquisitions are part of an extensive open space program operated by Boulder County that features substantial voter-approved sales tax funding for purchase of development rights (PDR) and easements obtained through the land use regulatory process. The county also owns in fee a large number of agricultural acres that are leased to farm operators. With much of the county's landscape already protected for open space purposes through a variety of local, state and federal programs, the remaining unprotected agricultural parcels are scattered and relatively few in number. The acquisition strategy concentrates on these parcels. Located in the front range of the Colorado Rockies, Boulder County includes both plains and mountain areas. Just north of Denver and near other front range cities, the county is in a region of rapid urban growth.

**EASEMENT ACTIVITY** — 20,388 agricultural acres in about 245 properties. Easements are mostly on cropland (non-irrigated wheat, irrigated corn, sugar beets, beans ), but include some grazing acres. The total includes 9,544 PDR acres (45 parcels) and 10,844 acres (about 200 parcels) acquired through the land use regulatory process (Non-Urban Planned Unit Developments). Also the county owns about 24,000 acres of agricultural land (purchased through the overall open space program) that are leased to farm operators.

**Goals:** No specific program goals. With so much of Boulder County covered by local, state and federal protection programs, there are few privately-owned agricultural acres not under easement.

**Other Easement Programs:** County and city of Boulder open space and wildland easements as well as fee purchased properties for resource protection and public recreation.

### FUNDING

**Acquisition Spending to Date:** \$58 million on agricultural easements. This is about a third of the county's total spending of \$135 million on acquiring easements and fee purchased open space properties of all kinds.

**Revenues:** County sales tax, state grants, federal funds and development mitigation. Voters on three occasions approved sales tax increases to finance open space bonds totaling \$51 million through 2003. Some easements were acquired through the county's land use regulations which allow developers of large subdivisions to contribute easements in return for higher residential densities and clustering (a form of development mitigation).

**GOVERNANCE** — The program is housed in the Boulder County Department of Parks and Open Space, whose director reports to the elected county Board of Commissioners. The Division of Acquisitions within the department handles all open space transactions and land management tasks.

**STAFF AND OPERATING BUDGET** — The staff of the Acquisitions Division totals 12, including land officers, attorneys and a paralegal. One land officer is assigned to easement work, both agricultural and open space. Each easement transaction is handled by a team of the land officer, an attorney, and a paralegal. Operating budget of the Division is not available.

**ORIGINS** — The formation of the Boulder County Parks and Open Space Department in 1975 followed a period of citizen reaction to rapid growth and the loss of open space lands, numerous meetings and surveys, and the development of a resource map and a list of preservation priorities. The first PDR easement was acquired in 1987, but the volume did not reach

substantial levels until after the first voter approval of sales tax support in 1993. The first regulatory easements (mitigation) were acquired in the 1970s.

**ACQUISITION PROCESS AND STRATEGY** — County commissioners make final decisions on specific acquisitions at public hearings, following staff recommendations and review by an Open Space Advisory Committee. There is no formal application process for landowners, although the program has identified virtually all agricultural properties in the county without easements and maintains contact with the owners. Geographical targeting drives the acquisitions process, with a focus on “inholdings” —the few remaining non-protected agricultural properties in the county’s Plains region located near urban areas.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** The targeting of inholding properties succeeds an earlier emphasis on agricultural quality, large parcel size and other factors. While relatively small in size, inholding parcels are valuable for development because of their proximity to urban populations and already protected lands.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — (1) The easement program is supported by the Agricultural Element in the county’s Comprehensive Plan with provisions about retaining agricultural resources and limiting development impacts on existing agricultural uses. (2) The Non-Urban Planned Unit Development process for county review of large subdivisions provides a density bonus for development in return for the contribution of easements on 75 percent or more of a project’s land (a form of development mitigation). (3) The county has intergovernmental agreements with its cities that promote agricultural land preservation within city planning areas.

**Zoning:** One unit in the agricultural zone for parcels of 35 acres or less. (Colorado state law limits county control over subdivision approvals to such smaller parcels.)

#### **DEMOGRAPHICS**

**2000 Population:** 291,000

**1990–2000 Population Change:** +66,000 residents; + 29 percent

#### **AGRICULTURAL LAND**

128,000 acres in 1997: 45 percent cropland

**Conversion to Urban Use:** 80,000 total agricultural acres in 1982–1997 (44 percent of 1982 base). (*Program data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$46 million      **Number of Farms:** 657

**Principal Commodities:** Nursery and greenhouse crops, poultry, hay, field seeds

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

The map highlights the eastern third of Boulder County, which includes the cities and the Plains area containing the cropland and virtually all of the county’s agricultural easements. The green overlay for conservation areas on cross-hatched land identifies the protected farmland, including both PDR and regulatory easements. Large easement blocks are located between the cities of Boulder and Longmont. Much of the mountainous central and eastern parts of the county, only partially shown on the map, are covered by conservation easements and publicly owned land.

**[VIEW MAP: Colorado—BOULDER AGRICULTURAL LAND TRUST](#)**



## **Colorado — GUNNISON RANCLAND CONSERVATION LEGACY**

Countywide program — Formed in 1996 — *researched by Al Sokolow*

**OVERVIEW** — Self-described as an “intermediary organization for conservation-minded landowners,” the Gunnison Legacy engages in transactions but does not hold easements nor fund their purchases. Rather it facilitates the deals by representing ranchers, securing funds from multiple sources, arranging for land trusts to hold the easements, and coordinating the paperwork. The Legacy formally is not a land trust. County government participation in the easement program is limited to funding from a countywide sales tax. Mountains and river valleys that dominate the landscape of this central Colorado county attract affluent second home purchasers. Ski resorts, tourism, and ranching are the major economic activities.

**EASEMENT ACTIVITY** — 7,400 acres in 18 properties: All ranchland including irrigated meadows.

**Goals:** No specific program goals—program operates year by year.

**Other Easement Programs:** Crested Butte Land Trust serves a small part of the county.

### **FUNDING**

**Acquisition Spending to Date:** \$8.6 million on agricultural easements.

**Revenues:** Top funding sources are the state government (Great Colorado Outdoors), landowner donations, federal funds, county sales tax and foundations. Voters in 1997 approved a half-cent county sales tax proposed by county government to support the program. The Legacy asks landowners to donate about 25 percent of easement value.

**GOVERNANCE** — The nonprofit Gunnison Ranchland Conservation Legacy is headed by a nine-member, self-selected board. Board members include ranchers, a ski resort executive and a manager of a statewide land trust.

**STAFF AND OPERATING BUDGET** — The Executive Director is the only full-time staff person. The annual operating budget is about \$160,000.

**ORIGINS** — The Legacy was founded by a rancher and an environmentalist in 1996, with the intention to use non-regulatory methods to help ranchers faced by development pressures and to retain open space (especially scenic irrigated pastures) as a public amenity. The founding was aided by a startup \$1.2 million grant from the state’s open space program, Great Outdoors Colorado.

**ACQUISITION PROCESS AND STRATEGY** — The Legacy does not employ explicit criteria in its selection of ranchers to work with in securing easement funding. First come-first serve is the general approach. Once funding is obtained, a land trust is sought for holding the easement.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** Parcels with habitat (elk winter range, sage grouse habitat, etc.) as well as agricultural values are slightly advantaged in attracting easement funding from environmental organizations and thus advance to the head of the long waiting list of interested landowners. Given the location of Gunnison County’s best cattle grazing land, the Legacy concentrates its easement work on river valleys.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — With the exception of obtaining sales tax funds for easement acquisitions, the Legacy is formally independent from county government and its policies. But the two entities have an indirect connection through a common objective—the protection of the county’s open spaces. A related policy in the county’s land use resolution include incentives (expedited processing, density bonuses, more certain standards,

etc.) for developers who agree to clustering residential lots. Known as the Large Parcel Incentive Process, this encourages developers to submit large proposed subdivisions to county review. (Colorado state law limits county control to parcels under 35 acres).

**Zoning:** No formal zoning. But the county has a version of “performance” zoning, involving the review of proposed development according to compatible use with the surrounding landscape.

#### **DEMOGRAPHICS**

**2000 Population:** 13,956

**1990–2000 Population Change:** + 3,683 residents; + 35.8 percent

#### **AGRICULTURAL LAND**

204,300 acres: 80 percent ranchland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$17 million      **Number of Farms:** 574

**Principal Commodities:** Nursery and greenhouse, cattle, equine

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

##### **[VIEW MAP: Colorado —GUNNISON AGRICULTURAL LAND TRUST](#)**

Most of the county’s easements facilitated by the Gunnison Ranchland Conservation Legacy cover ranchland in river valleys, including many acres of irrigated pasture. Some of the easements form a near-contiguous 17-mile strip along the Tomachi Creek Valley. The cities of Gunnison and Crested Butte are the largest population centers. About 85 percent of the county’s area is public land, including National Forests.

### **Colorado — ROUTT COUNTY/YAMPA VALLEY LAND TRUST**

Land Trust formed in 1992 — County government program formed in 1996 — *researched by Al Sokolow*

**OVERVIEW** — A ranching and recreational community in the Colorado Rockies, Routt County is a rapidly-growing area with a world-famous ski industry centered around Steamboat Springs. Agricultural easements serve a double purpose—helping to retain local ranching and protecting the landscape as a tourist amenity. County government is only a funder of purchase of development rights (PDR) from a dedicated property tax; it is not otherwise involved in managing transactions nor holding easements. The Yampa Valley Land Trust (YVLT) operates the principal easement program in the area, working with landowners, securing funds from the county and other sources, and holding easements. Full and partial landowner donations represent most of the value of agricultural easements acquired by the YVLT.

**EASEMENT ACTIVITY** — 23,000 easement acres in 46 parcels are held by the YVLT. County-funded easements include about 4,999 acres in 12 parcels. Virtually all easements are on ranchland or irrigated hay meadows.

**Goals:** No specific program goals for either the land trust or county government.

**Other Easement Programs:** Other nonprofits in the county with active easement programs include The Nature Conservancy (TNC), American Farmland Trust (AFT), Trust for Public Lands (TPL) and the Elk Foundation.

**Total Agricultural Easements in County:** About 40,000 acres.

#### **FUNDING**

**Acquisition Spending to Date:** \$8.5 million on county-funded easements.

**Revenues:** Funding sources for county easements in order of importance have been the state government (Great Colorado Outdoors), landowner donations, dedicated property tax approved by voters and federal funds. The Yampa Valley Land Trust claims that the total of 23,000 ranchland easements it holds in the county reflects a total of about \$90 million in value. All transactions involve landowner donations, full or partial. They constitute about 40 percent of the value of county-funded easements and a much larger share of other easements held by the land trust.

**GOVERNANCE** — The county PDR program is overseen by a seven-member PDR Advisory Committee appointed by the Board of Commissioners, with representatives from business, agriculture and environmental groups. The Yampa Valley Land Trust is governed by a nine-member Board of Directors, with members serving three-year renewable terms. It has a membership of 700 and serves several counties, although the bulk of its work is in Routt County.

**STAFF AND OPERATING BUDGET** — The county's PDR Advisory Committee is staffed on a 25 percent basis by a clerical employee of the local Cooperative Extension office. Three full-time employees staff the land trust, which has an annual operating budget of about \$200,000.

**ORIGINS** — Interest in farmland protection and the use of the conservation easement technique originated in the mid 1980s, as a result of the growing parcelization of ranchland. Several easements in the Upper Elk River Valley were acquired by the American Farmland Trust in the early 1990s. The formation of the land trust in 1992 coincided with extensive citizen deliberation through a Vision 2020 process and a Healthy Communities Initiative. From this, the Open Space Plan adopted by the county commissioners in 1995 emerged and called for a PDR program. In

1996 voters approved a 10-year \$1million property tax for easement acquisitions, effectively inaugurating the county PDR program.

**ACQUISITION PROCESS AND STRATEGY** — For county-funded easements, landowner applications are submitted to the county by conservation organizations (usually land trusts). There is a two-step review process, with the first stage including two separate quantitative ratings and the second concentrating on appraisals, environmental assessment and other “due diligence” procedures. Quantitative results are used in a discretionary fashion. The PDR Advisory Committee reviews applications and the county Board of Commissioners makes final funding decisions. For Yampa Land Trust applications not funded by the county, the review process is less structured and does not involve formal ratings.

**Rating of Parcels:** Quantitative, after applications meet minimum standards. The most important criteria in order of weighting are leveraging of other funding sources including donations, natural resource or historic values, agricultural quality and contiguity.

**Other Criteria:** Minimum standards initially applied include significant agricultural activities, compatible with local government plans, and a minimum parcel size of 100 acres.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Routt County’s Master Plan has an Open Space element that identifies a number of farmland protection techniques, including PDRs. Other county policies include the encouragement of cluster development and Urban Growth Boundaries to confine higher residential densities to existing urban centers. In general, however, Routt County emphasizes voluntary and landowner-friendly policies and does not restrict large lot residences in rural areas.

**Zoning:** One unit to 35 acres is the basic residential density. The Land Preservation Subdivision policy permits developers that negotiate with the county for residential subdivisions over 35 acres (ordinarily not regulated by local governments under Colorado law) to acquire additional homesites in return for residential clustering and easements on remainder land.

#### **DEMOGRAPHICS**

**2000 Population:** 19,690

**1990–2000 Population Change:** +5,602 residents; + 39 percent

#### **AGRICULTURAL LAND**

520,000 acres: 80 percent ranchland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$22 million      **Number of Farms:** 494

**Principal Commodities:** Cattle, hay, field seeds, wheat

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#### **Map Narrative — Easement Geography** *(Map not available)*

Clusters of easement protected parcels are found in several locations, mainly river valleys that contain irrigated pastures for grazing. The Upper Elk River Valley is one such area, where large landowners have entered into easement arrangements.



## Connecticut — STATE PROGRAM

(Town of Woodstock information illustrates local planning patterns.)

Statewide program — Formed in 1978 — *researched by Al Sokolow*

**OVERVIEW** — This is one of the few programs in the country (the others are Delaware, Massachusetts, and Vermont) in which a state government directly manages transactions and holds easements, and is not primarily a funder of local programs. A small staff administers a program that currently spends about \$2 million a year in state bond money to acquire easements. Connecticut is the fourth most densely populated state in the nation. A few local governments (towns) participate with the state on a cost-share basis or hold their own easements. In the Town of Woodstock easements are seen as helping to maintain a low density, rural residential community, as in other towns with significant farmland in the eastern part of the state.

**EASEMENT ACTIVITY** — 28,850 acres in 200 properties, representing about 8 percent of the state's farmland. Easements average about 140 acres. The Town of Woodstock contains 900 agricultural easement acres in 10 farms held by the state—among the largest totals for individual towns.

**Goals:** 130,000 agricultural acres—estimated as sufficient to meet the needs for 50 percent of the state's demand for milk and 70 percent of in-season fresh fruit and vegetables.

**Other Easement Programs:** Connecticut Farmland Trust formed in 2002. Some farmland in forestry easements acquired by the Connecticut Forest and Parks Association.

### FUNDING

**Acquisition Spending to Date:** \$84.2 million

**Revenues:** Revenues come almost exclusively from state bonds—paid off from general funds—with \$87.7 million authorized so far. The funds are appropriated annually from the state's bond budget. A small amount of federal funds were received to date. A few townships cost-share with the state for agricultural and environmental easements. The Town of Woodstock appropriates \$50,000 annually from its general budget for open space spending.

**GOVERNANCE** — The Farm Preservation Program is housed in the state Department of Agriculture.

**STAFF AND OPERATING BUDGET** — The program now has a two-person staff, reduced through attrition and budget cuts from five in the early 1990s. Appraisal and legal work are contracted out. The annual operating budget is \$175,000 to \$200,000.

**ORIGINS** — The program was created by state legislation in 1978, following the work of a gubernatorial commission, the Task Force for the Preservation of Agricultural Land, established in 1974. This was a response to landowner interest in creating alternatives to urban conversion. First easements acquired in 1979.

**ACQUISITION PROCESS AND STRATEGY** — The Commissioner of Agriculture makes final decisions. There is a two-step process. In the first, quantitative scoring determines initial eligibility. More discretionary factors are used in the second stage, including geographical targeting to cluster easements in areas with the best farms.

**Rating of Parcels:** Quantitative, for minimum eligibility. Agricultural quality is 50 percent; other top weights are parcel size, contiguity and farm management. Negative points are assigned for nearby intensive development and high cost.

**Other Criteria:** Geographical targeting. Anticipated costs, as determined by preliminary negotiations with landowners, may preclude further action on a transaction before the appraisal.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Towns are the local planning and zoning authorities in Connecticut. The state requires each town to prepare a 10-Year Plan for Conservation and Development. In the Town of Woodstock the emphasis is on low density, rural residential land uses. Cluster development incentives (allowing 3/4 acre lots) require 40 percent open space dedication for parcels of at least 10 acres. The absence of public water and sewer facilities limits development. Woodstock's planning policies are typical for communities in eastern Connecticut which are more rural than towns in the western part of the state.

**Zoning:** Typical agricultural zoning in eastern Connecticut is one unit to two acres(1:2) without public water and sewer, and with a minimum amount of road frontage per parcel. Agricultural zoning is generally agricultural-residential—not exclusively agriculture. The Town of Woodstock does not have agricultural zoning, but farming is allowed as a right. The town recently downzoned its basic residential zone to a 1:2 density (from 1:1 1/4).

#### **DEMOGRAPHICS**

**2000 Population:** 3,405,565

**1990–2000 Population Change:** +118,449 residents; +3 percent

#### **AGRICULTURAL LAND**

359,313 acres: 50 percent cropland

**Conversion to Urban Use:** 8,100 acres in five years from 1992–1997. (*National Resources Inventory data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$421 million      **Number of Farms:** 3,687

**Principal Commodities:** Poultry and poultry products, dairy products, aquiculture

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Easements are scattered throughout the state, with a few areas of concentration. Most are in eastern Connecticut, the principal agricultural region. Central and western Connecticut are more suburban and less agricultural. Town of Woodstock easements are primarily located in the eastern part, an area of relatively large farms.

**[VIEW MAP: Connecticut —STATE AGRICULTURAL LAND TRUST](#)**



### **Delaware — STATE PROGRAM**

Statewide program — Formed in 1991 — *researched by Deborah Bowers*

**OVERVIEW** — Between 1996 and 2002, Delaware state government acquired more than 65,000 acres of easements on 310 properties for an annual average of more than 11,000 acres and 50 easements. No other agricultural easement program has moved so rapidly. The Delaware Agricultural Lands Preservation Foundation was not organized until 1991, some years after active programs in nearby states were created. Not until 1995 was the program funded. The program is managed solely by state government without direct involvement by local governments or nonprofit organizations. Delaware is now the leading state in average annual funds spent per capita (about \$14) and perhaps in the proportion (about 12 percent) of total farmland protected with easements. The reasons include a steady stream of funds since 1995, boosted by the income from an unusual legal settlement with another state, and low direct easement costs resulting from low land costs and a landowner bidding process for selecting parcels. The program is emphatic about using easements for the specific purpose of maintaining the agricultural industry, avoiding other preservation objectives such as shaping urban growth and protecting resource lands.

**EASEMENT ACTIVITY** — 65,377 agricultural acres on 310 parcels; poultry, field crops, vegetables.

**Goals:** No specific program goals.

**Other Easement Programs:** None.

#### **FUNDING**

**Acquisition Spending to Date:** \$69.5 million—direct easement costs have averaged a little over \$1,000 per acre. About half of total purchase value represents landowner donations, a result of the bidding process to acquire easements.

**Revenues:** About 96 percent from state government annual appropriations, averaging \$6 million to \$7 million a year. Federal funds constitute the remainder—from the Federal Farmland Protection Program and transportation money for scenic highway corridors. Although recently decreased, most—\$60 million—of the annual appropriations have been from a legal settlement with the state of New York over the disposition of unclaimed (escheat) funds in brokerage accounts. Annual appropriations have been maintained with general revenues and receipts from a portion of general capital improvement bonds.

**Other Arrangements:** An opportunity for counties to participate in the program and influence parcel selections in their areas was initiated by the state in 2002 with an allocation of \$1 million for each of the three counties. Only Sussex County originally participated, raising \$600,000 evenly split between county appropriations and the contributions of a new land trust funded by residential developers.

**GOVERNANCE** — The nine-member board of the Delaware Agricultural Lands Preservation Foundation oversees the program. Five members—all with agricultural backgrounds and representing two state farm organizations and the three counties—are appointed by the Governor, the chair is appointed by the Governor and confirmed by the State Senate and three members are ex officio (State Treasurer and heads of the departments of Agriculture and Natural Resources). The staff is housed in the Department of Agriculture.

**STAFF AND OPERATING BUDGET** — The program has a chief and two additional professionals handling data and all facets of operation. The annual operational budget is about \$489,000.

**ORIGINS** — In the late 1980s, the Governor's Select Panel on the Future of Delaware Agriculture cited conflicts between agriculture and development as the major issue of the decade and called

for measures to support economic development of agriculture and protection of farmland. PDR and agricultural district arrangements were recommended by the Governor's Council on Agriculture and legislation was introduced in 1989, but did not pass until 1991. The program was only implemented in 1995 when funds from the legal settlement with New York became available. The first easements were purchased in 1996.

**ACQUISITION PROCESS AND STRATEGY** — Little discretion exists in the review and selection process. Final decisions for funding are based entirely on the relative discount from appraised values of landowner asking prices. In effect, landowners bid against each other, with the annual selection proceeding from the lowest percentage application until available funds are exhausted. An initial requirement that 75 percent of funds be spent on farms near designated growth areas was recently dropped.

**Rating of Parcels:** Quantitative, a Land Evaluation and Site Assessment (LESA) ranking is used to approve enrollments in Agricultural Preservation Districts. The top LESA factor is agricultural soil quality—weighted differently by county to reflect local conditions.

**Other Criteria:** The minimum criterion is enrollment in an Agricultural Preservation District.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Delaware counties control planning and land use regulation. Connections between the easement program and local planning are limited, but involve approval by county zoning boards of the enrollment of parcels larger than 200 acres in agricultural districts. Residential development proposed for areas adjacent to districts must provide 50-foot buffers.

**Zoning:** None of the state's three counties has agricultural protection zoning. Residential densities in rural areas typically are one unit to one acre.

#### **DEMOGRAPHICS**

**2000 Population:** 783,600

**1990–2000 Population Change:** +117,432; +17 percent

#### **AGRICULTURAL LAND**

579,545 acres: 84 percent cropland

**Conversion to Urban Use:** 16,000 from 1992–1997—about 4,000 acres per year. Most rapid loss is in eastern Sussex County, the state's coastal recreation area. (*National Resources Inventory data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$691 million      **Number of Farms:** 2,460

**Principal Commodities:** Grain, poultry

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Several large concentrations of easements are located throughout the state, in areas distant from the major urbanized area around Wilmington. The largest accumulation of easements is in Kent County.

**[VIEW MAP: Delaware —STATE AGRICULTURAL LAND TRUST](#)**





## **Maryland — ANNE ARUNDEL COUNTY**

Countywide program — Formed in 1978 — *researched by Suzanne Heflin*

**OVERVIEW** — Bordering Chesapeake Bay and centered on Annapolis, Maryland's state capital, Anne Arundel County has a small agricultural economy and a rapidly growing population. The county is within easy commute distance of Washington and Baltimore, with interstate highway connections to both cities. Anne Arundel participates in both major state easement programs, Maryland Agricultural Lands Preservation Foundation (MALPF) and Rural Legacy. Since 1991 the county has also operated its own purchase of development rights (PDR) program, acquiring easements entirely with local revenues. Installment Purchase Agreements (IPAs) have been offered to landowners since 2000. With the northern part of the county heavily urbanized, easement acquisitions are targeted in southern areas, especially a large Rural Legacy area of 18,000 acres.

**EASEMENT ACTIVITY** — 9,571 agricultural acres in 90 properties. Approximately one-third of easement acres are woodland, with the rest divided between cropland and pastureland.

**Goals:** 20,000 agricultural acres, more than half of the total in the county.

**Other Easement Programs:** 822 agricultural acres in 18 parcels held by the Maryland Environmental Trust (as of 1/03), 1,953 acres held by land trusts (as of 4/01), and 610 acres in one parcel held by Green Print (as of 10/02).

**Total Agricultural Easements in County:** About 13,000 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$29.7 million

**Revenues:** Annual appropriations from general funds, supporting the county program, are the top source. Other revenues include state funds from MALPF and Rural Legacy, the county match for state-funded projects from the local portion of agricultural land transfer taxes, and a small amount of federal funds. Since 2000 about \$ 7.7 million has been spent in 25- and 30-year IPAs.

**GOVERNANCE** — The Agricultural Land and Woodland Preservation Program is administered by the Anne Arundel County Office of Recreation and Parks. The Agricultural Land Preservation Advisory Board, a five-member citizen board appointed by the County Council, oversees the program. It advises the County Executive and the County Council on the allocation of easement money, the creation of agricultural districts and economic development projects such as farmers markets.

**STAFF AND OPERATING BUDGET** — Two full-time staff positions, plus consultants and support from the Office of Recreation and Parks. The annual operating budget is approximately \$150,000.

**ORIGINS** — The program was formed in the late 1970s to participate in state funding. At that time, the community was much more rural and had a larger agricultural base. The county began its locally-funded easement program in 1991, acquiring the first easements in 1992.

**ACQUISITION PROCESS AND STRATEGY** — Anne Arundel's legislative body, the County Council, approves county-purchased easements and applications to the state for MALPF and Rural Legacy funding. The Advisory Board recommends program priorities and ranking. There are different application and review processes for the county, MALPF and Rural Legacy programs. Especially for the county program, the geographical emphasis is on locating easements in the Churchton, Harwood and Greenock areas of southern Anne Arundel County.

**Rating of Parcels:** Quantitative. Results determine the order in which offers are made to landowners. COUNTY: No maximum point value. Scoring emphasis is given to development proximity, agricultural quality, cost, contiguity and parcel size. Discretionary points can be assigned for “extraordinary opportunities.” MALPF: Applications are ranked only on cost, depending on number of applicants. RURAL LEGACY: Points are assigned for cost, development potential, natural resources, parcel size and agriculture quality.

**Other Criteria:** All programs require properties to have development potential as a minimum criterion. COUNTY: Enrollment in an Agricultural District, at least 50 percent Class I–III soils. conservation plan, and location outside of water and sewer service areas; also favors landowners that will use IPAs. Easement prices are set at 60 percent of fair market value. MALPF: Enrollment in a state Agricultural District, 50 acre minimum, at least 50 percent Class I–III soils. RURAL LEGACY: Location within the South County Rural Legacy area.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** The county easement program is one of several tools used to implement the 1997 General Development Plan, which calls for channeling development to growth areas. Related planning tools include an adequate public facilities ordinance and Critical Areas regulations.

**Zoning:** County Residential Agricultural (RA) density of one unit to 20 acres (1:20) on 88,000 acres (since 1981). Rural Low Density zoning is 1:5 on 10,000 acres; 1:2 allowed if at least 50 percent of the property borders a developed parcel and a major highway.

#### **DEMOGRAPHICS**

**2000 Population:** 489,656

**1990–2000 Population Change:** +62,417 residents; +14 percent

#### **AGRICULTURAL LAND**

Approximately 34,000 agricultural acres.

**Conversion to Urban Use:** 16,688 farmland acres were converted in 1980–2001, 28,018 acres were preserved in 1980–2000. In 1991–2000 converted acres totaled 2,228 while 3,896 acres were preserved. (*State conversion data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$12.6 million    **Number of Farms:** 412

**Principal Commodities:** Nursery and greenhouse crops, tobacco, corn

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

##### **[VIEW MAP: Maryland — ANNE ARUNDEL AGRICULTURAL LAND TRUST](#)**

The northern part of Anne Arundel County is largely urbanized and devoted to nonagricultural land uses. Most farms are located in the southern part of the county. Approximately 80 percent of the land under easement is located within the South County Rural Legacy Area. While many easements are scattered, several blocks of more than 1,200 acres each have emerged in the last five years.

## **Maryland — BALTIMORE COUNTY**

Countywide program — Formed in 1979 — *researched by Suzanne Heflin*

**OVERVIEW** — Baltimore County, surrounding the city of Baltimore on three sides, is the city's closest suburban area. The county participates in both state easement programs, Maryland Agricultural Lands Preservation Foundation (MALPF) and Rural Legacy, and since 1994 has managed its own locally-funded acquisition program. In agricultural easement acres acquired through all sources, the county ranks among the 12 top local programs in 2003. The Maryland Rural Legacy program is active, with five Rural Legacy areas in the county. Land trusts manage four of these areas in cooperation with the county. Easement activities are linked to several county growth management policies, including delineated preservation and growth areas, an urban growth boundary, and limits on the extension of public works. Large, contiguous blocks of farmland have been brought under easement, particularly in the Agricultural Preserve Areas of nearly 140,000 acres in the northern part of the county.

**EASEMENT ACTIVITY** — Approximately 25,035 agricultural acres in 207 properties, including county purchase of development rights (PDR), MALPF, TEA-21 (Transportation Equity Act for the 21<sup>st</sup> Century), and Rural Legacy programs and easements (2,336 acres) acquired through cluster development provisions.

**Goals:** 80,000 agricultural easement acres.

**Other Easement Programs:** Maryland Environmental Trust has 14,228 agricultural easement acres in 225 transactions. Private land trusts hold about 200 acres.

**Total Agricultural Easements in County:** Approximately 40,000 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$86.5 million

**Revenues:** State MALPF and Rural Legacy, annual appropriation from voter-approved bonds, county general funds, state agricultural land transfer tax, federal funds and private funds.

**GOVERNANCE** — The Farmland Preservation Program is located in the county's Department of Environmental Protection and Resource Management. A five-member Agricultural Land Preservation Advisory Board governs the program.

**STAFF AND OPERATING BUDGET** — Annual budget of about \$140,000. The two-person staff includes the administrator who devotes 60 percent of his time to farmland preservation work and a full-time assistant.

**ORIGINS** — Reacting to urban sprawl beginning in the 1950s and 1960s, citizens promoted new growth management policies in the 1970s. The county Master Plan, adopted in 1975, delineated growth areas and instituted resource conservation zoning. Baltimore County joined the new MALPF program in 1979 and the first easements funded by the state were acquired in 1981. In 1994, the county began its own locally funded program because of uncertainty about the level of state support.

**ACQUISITION PROCESS AND STRATEGY** — The County Council gives final approval to county-funded PDRs. The Advisory Board reviews proposals and establishes purchase criteria. County-developed criteria are used for both county and MALPF projects, employing both quantitative and qualitative factors. Applications for the county and state programs were recently consolidated into one process. The quantitative rating incorporates both objective (researched and assessed by staff) and subjective measures, such as points based on observation at site visits.

**Rating of Parcels:** Quantitative. For both the county and MALPF programs, criteria include agricultural quality, farm management, contiguity, parcel size, natural resource values, planning compatibility and development proximity, and landowner discounting of price.

**Other Criteria:** COUNTY: Minimum of 50 acres or contiguous to a preserved property. MALPF: Enrollment in an agricultural district, at least 50 acres, at least 50 percent Class I–III soils. RURAL LEGACY: Location in a designated Rural Legacy area.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** The county's Master Plan delineates growth and Agricultural Preservation Areas. A complementary Urban-Rural Demarcation line restricts sewer and water extension into rural areas, and identifies Priority Funding Areas for infrastructure expenditures—a policy consistent with Maryland's Smart Growth legislation. Unique to Baltimore County is the People's Council, an in-house legal staff that defends the county's land use regulations by challenging contrary development actions in court.

**Zoning:** Agriculture Protection zoning extends to 139,000 acres in Agricultural Preservation Areas. RC2 zoning dominates in these areas, allowing parcels between two to 100 acres to be subdivided one time, plus one unit to 50 (1:50) additional acres. Other zones within the Agricultural Preservation Area allow for 1:5 density, with residences clustered on 30 percent of parcels and the remaining acreage placed under easement or with limited commercial development. The Development of Prime and Productive Land ordinance minimizes residential lot size and directs the dwelling location to maintain farm use on the remaining property.

#### DEMOGRAPHICS

**2000 Population:** 754,292

**1990–2000 Population Change:** +62,158 residents; +8 percent

#### AGRICULTURAL LAND

122,000 acres receive preferential assessment for agricultural use.

**Conversion to Urban Use:** In 1991–2000, 7,148 farmland acres were converted to urban use while acres put under easement in state and county PDR programs totaled 6,551. If easements acquired by land trusts are included, however, preservation efforts exceeded conversions during this period. State projections in 2001 estimated that easement acquisitions in the next few years would substantially exceed conversions in Baltimore County. (*State conversion data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$51.2 million    **Number of Farms:** 781

**Principal Commodities:** Nursery and greenhouse crops, dairy products, equine

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Agricultural easements are mostly located in the Agricultural Protection Areas in the northern part of the county. Two large blocks of easements, approaching 8,000 acres each, are emerging on both sides of I-83. At the same time, some urban growth is encroaching into farmland along the interstate. The spatial pattern of farmland in Baltimore County is characterized by large areas with little fragmentation by urban development.

**[VIEW MAP: Maryland —BALTIMORE AGRICULTURAL LAND TRUST](#)**



## **Maryland — CALVERT COUNTY**

Countywide program — Formed in 1978 — *researched by Suzanne Heflin*

**OVERVIEW** — Located southeast of Washington DC and bordered by Chesapeake Bay and the Patuxent River, Calvert is a semi-rural county with a small agricultural economy. It has no major urban centers and low density residential development is scattered through the county. In the 1990s Calvert recorded the highest percentage growth rates of any Maryland county. Calvert participates in both state programs, Maryland Agricultural Land Preservation Foundation (MALPF) and Rural Legacy. In addition, it funds its own easement acquisitions through two local programs—the Purchase and Retire (PAR) and Leveraging programs. PAR is a transfer of development rights (TDR)-type arrangement in which the county purchases easements on parcels from which the development rights have been transferred. TDRs are also carried out through private party exchanges. Calvert has one of the leading TDR programs in the nation in the number of acres transferred. Under the leveraging program, landowners are offered Installment Purchase Agreements (IPA) for receiving easement payments over time. The county also provides land trusts with no-interest loans to assist them to purchase at-risk farms in fee.

**EASEMENT ACTIVITY** — 19,595 agricultural acres including state and county purchase of development (PDR) and TDR programs. The TDR portion includes 9,498 acres.

**Goals:** 40,000 acres, with 1,275 acres preserved per year.

**Other Easement Programs:** Maryland Environmental Trust—2,100 agricultural acres in 12 transactions. The Nature Conservancy and other land trusts—1,940 acres.

**Total Agricultural Easements in County:** Approximately 23,600 acres.

### **FUNDING**

**Acquisition Spending to Date:** Not available.

**Revenues:** Annual appropriation from county general fund, state agriculture land transfer tax, county recordation fee, tobacco buyout funds and state MALPF and Rural Legacy funds. The 10 to 20 year IPAs are funded through U.S. Treasury bonds, retired by recordation fees.

**GOVERNANCE** — The Agricultural Land Preservation Program is housed in the county's Department of Planning and Zoning. Overseeing the program is the five-member Agricultural Land Preservation Advisory Board appointed by County Commissioners.

**STAFF AND OPERATING BUDGET** — The program has three part-time staff positions. Operating budget not available.

**ORIGINS** — Before Calvert County began formal easement activities by joining the state's MALPF-run program in 1978, planning efforts and citizen interest had created the impetus for farmland protection policies. The Pleasant Peninsula Plan, a comprehensive plan involving considerable citizen participation, was developed in 1974. In 1976, the County Commissioners appointed an advisory committee to study preservation options such as donated easements and TDRs. Zoning districts were established in 1978 to stimulate TDRs, but few transactions initially took place because an adequate facilities ordinance limited the creation of high-density subdivisions. Later, the county formed its PAR program to create a market for TDRs. Calvert began participating in the Rural Legacy program in 1998, and in 1999 it adopted the Leveraging Program which stimulated the use of TDRs.

**ACQUISITION PROCESS AND STRATEGY** — County Commissioners give final approval to county-funded easements and proposals submitted for state funding, with participation by the Director of Planning, County Attorney and the Advisory Board. For MALPF-funded easements, Calvert

uses the state's ranking system based on the landowner's asking price in relation to the appraisal. Different ranking systems are applied to applications for the county-funded and Rural Legacy programs.

**Rating of Parcels:** Quantitative. COUNTY: 125 points total. Ranking factors include farm management, contiguity, parcel size, agricultural quality and retired development potential. MALPF: Cost.

**Other Criteria:** At a minimum, parcels must be enrolled in Agricultural Preservation districts, with a required five-year commitment to maintain the land in agriculture.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** A countywide comprehensive plan supports farmland protection and refers to the role of easements in implementing this policy. Agricultural Preservation Districts and an Adequate Public Facilities Ordinance attempt to direct urban growth away from the county's principal farm areas.

**Zoning:** Residential densities in Agricultural Preservation Districts are on a sliding scale, from one unit to 25 acres (1:25) to 3:75. Densities in Farm Community Districts are 1:10 with residential clustering required on 20 percent of the land.

**TDR Program:** Does not have sharply delineated sending and receiving areas, but sending parcels must be in Agricultural Preservation Districts. The basic transfer ratio is 1:1, with five development rights (one per acre) needed to secure one residential unit on five acres. Added density is dependent on zoning.

#### DEMOGRAPHICS

**2000 Population:** 74,563

**1990–2000 Population Change:** +23,191 residents; +45 percent

#### AGRICULTURAL LAND

56,000 acres: farm and forest resource base.

**Conversion to Urban Use:** 1980 to 2000, converted versus protected farmland were approximately even at over 18,000 acres. From 1993 to 2000, 7,345 acres converted to non-agricultural use while the county preserved 4,622 acres through state and local programs. *(State conversion data)*

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$7.7 million      **Number of Farms:** 349

**Principal Commodities:** Tobacco, corn for grain and soybeans

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

[VIEW MAP: Maryland — CALVERT AGRICULTURAL LAND TRUST](#)

Agricultural and developed land uses are scattered throughout the county. Agricultural easements are largely located in the western half of the county, especially along or near the Patuxent River. The pattern includes a number of large blocks of contiguous protected farms.



## **Maryland — CAROLINE COUNTY**

Countywide program — Formed in 1979 — *researched by Suzanne Heflin*

**OVERVIEW** — Located on Maryland's eastern shore with the state of Delaware directly to the east, Caroline is one of the state's most rural counties with an economy highly dependent on agriculture. Urban growth pressures are relatively low here, primarily because the county is 50 and more miles distant from Maryland's principal job centers in the Washington and Baltimore areas. However, the east-west state highway through Caroline is a major route to the Atlantic beaches for summer travelers via the Chesapeake Bay Bridge. Caroline participates in both state funding programs for agricultural easements, Maryland Agricultural Land Preservation Foundation (MALPF) and Rural Legacy. It does not have a county purchase of development rights (PDR) program funded exclusively out of local revenues, but has had a small transfer of development rights (TDR) program since 1989. The Rural Legacy project is a joint one with several other eastern shore counties. Despite the absence of a local PDR program, the county's total of agricultural easement acres acquired is one of the highest in the state. Average per acre costs in Caroline are among the lowest in the state.

**EASEMENT ACTIVITY** — 27,476 agricultural acres in 187 parcels for MALPF and Rural Legacy combined. TDRs account for about 100 acres. Easements are approximately 75 percent cropland, 24 percent woodland and 1 percent pasture.

**Goals:** 100,000 agricultural acres by 2020.

**Other Easement Programs:** Maryland Environmental Trust—3,320 acres in 14 transactions; Private land trusts—930 acres.

**Total Agricultural Easements in County:** About 31,700 acres or 17 percent of the landmass.

### **FUNDING**

**Acquisition Spending to Date:** Approximately \$19.4 million—easement costs per acre are low compared to other Maryland counties, with an average of less than \$700 for MALPF acquisitions and about \$1,300 for Legacy acquisitions.

**Revenues:** Direct state funds from MALPF and Rural Legacy account for about 95 percent of expenditures. With the exception of a small amount (\$69,000 to date) in county fees on new subdivision lots, local contributions are entirely from the county's share (\$344,000 to date) of the agricultural transfer tax. The only other revenue source is \$289,000 in federal funds. Rural Legacy funds are shared with several nearby counties.

**GOVERNANCE** — The program staff is housed in the county Department of Planning and Codes Administration. A five-member citizens' Agricultural Land Preservation Advisory Board, appointed by County Commissioners, governs the program.

**STAFF AND OPERATING BUDGET** — One staff person in the Planning Department is assigned to the program on a 60 percent time. The annual operating budget is estimated at about \$54,000.

**ORIGINS** — Caroline's program dates from the establishment of the state MALPF funding source. Three local leaders, including the county commissioner, promoted the program in its early days, largely to overcome landowner resistance. The first easements were purchased in 1982. Easement sales in Caroline increased greatly in the mid 1980s, when state funds were transferred from other counties where many landowners refused offers because of low prices.

**ACQUISITION PROCESS AND STRATEGY** — County commissioners give final approval to applications submitted to the state, after review by the Advisory Board. The local review of easement applications rests entirely on quantitative scores, with no discretion applied.

**Rating of Parcels:** Quantitative. Maximum 50 points emphasizing agricultural quality, contiguity, parcel size and development proximity. Ties in ranking are decided by parcel size.  
**Other Criteria:** Minimum state requirements for MALPF and Rural Legacy. No local criteria.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — If located near the boundary of an incorporated town, an easement application is sent to the town government for review—at times applications that conflict with town growth plans have been denied by the county. Caroline's Comprehensive Plan calls for the protection of agricultural areas to retain the rural character of the county. Although not a formal requirement, individual development applications near agricultural parcels under easement are reviewed for their impact on the protected land. County policies include buffer guidelines for major subdivisions. Development is restricted in areas that drain into the Chesapeake Bay under the Critical Areas Planning program.

**Zoning:** No formal agricultural zoning. Effective density in the rural zone that covers 85 percent to 90 percent of the county is approximately one unit to 12 acres (1:12).

**TDR Arrangement:** Infrequently used, the Transfer of Subdivision Development Rights program allows transfers within the rural zoning district at a 1:1 ratio, with a density bonus for clustering. The absence of a market for higher density development limits the application of this policy.

#### DEMOGRAPHICS

**2000 Population:** 29,772

**1990–2000 Population Change:** +2737 residents; +10 percent

#### AGRICULTURAL LAND

168,500 acres

**Conversion to Urban Use:** Conversion pressure is historically low compared to other counties in Maryland. 8,470 farmland acres converted from 1980 to 2001. (*State conversion data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$95 million      **Number of Farms:** 525

**Principal Commodities:** Poultry and poultry products, soybeans, vegetables, sweet corn and melons

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Agricultural easements are dispersed throughout the county. Concentrated easement blocks are emerging in the southern part of the county, complemented by the publicly owned Idlywild Wildlife Management Area. Generally, easements are not located near the major areas of residential development, which are in the county's center along the Choptank River and on the southern border.

**[VIEW MAP: Maryland —CAROLINE AGRICULTURAL LAND TRUST](#)**



## **Maryland — CARROLL COUNTY**

Countywide program — Formed in 1979 — *researched by Suzanne Heflin*

**OVERVIEW** — Carroll County lies in north-central Maryland, just south of Pennsylvania. It is a part of the Baltimore metropolitan area, located 10 miles northeast of the city at the closest part. Farmland preservation efforts are concentrated on the western and most rural part of the county. Carroll County participates in both state programs, Maryland Agricultural Land Preservation Foundation (MALPF) and Rural Legacy. It also operates a Critical Farms program to expedite the protection of key parcels, with the county fronting easement funds in anticipation of later state reimbursement. Carroll in 2003 has one of the top 12 local programs in the nation, and second in Maryland, in agricultural easement acres acquired. It is also first in the state in easement acres funded by MALPF. The rapid increase in easement acquisitions in recent years has exceeded the rate of farmland conversion to urban uses. An Installment Purchase Agreement (IPA) arrangement for paying easement sellers over time has been in place since 2001.

**EASEMENT ACTIVITY** — 38,904 agricultural acres, including the county, MALPF, and Rural Legacy programs. Easement properties are approximately 80 percent cropland, 10 percent woodland and 10 percent pasture.

**Goals:** 100,000 permanently protected agricultural acres.

**Other Easement Programs:** Maryland Environmental Trust has 820 acres in 14 transactions, and other acres are held by the Carroll County Land Trust. Approximately 8,400 acres are preserved as cluster remainder parcels. Easements are not required for remainder parcels, however all further development potential is removed.

**Total Agricultural Easements in County:** Approximately 39,800 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$31 million

**Revenues:** State funds from MALPF and Rural Legacy, county match of state funds from local share of agriculture land transfer tax, county bonds, local general funds and a small amount of federal funds. A 20-year IPA arrangement, supported by county general funds and the agriculture transfer tax, is used for county-purchased easements.

**GOVERNANCE** — The program's staff is housed in the Department of Planning. A five-member citizens' County Agricultural Land Preservation Advisory Board, appointed by the County Commissioners, oversees the program.

**STAFF AND OPERATING BUDGET** — Three full-time staff persons. The estimated annual operations budget is about \$270,000.

**ORIGINS** — County commissioners organized the easement program as the result of citizen and farm community support. Restricted zoning, adopted in 1978, set the scene for the formation of the program in 1979, shortly after state funding through MALPF became available. The first easements were acquired in 1980.

**ACQUISITION PROCESS AND STRATEGY** — The county commissioners make final determinations of local funding and the submission of easement proposals to the state. Local determinations are based entirely on quantitative scoring with no discretion applied by county officials.

**Rating of Parcels:** Quantitative. Applications are ranked on cost, using the MALPF formula as applied in the state review of applications.

**Other Criteria:** Minimum state criteria for eligibility in MALPP and Rural Legacy programs, including location in an Agricultural Preservation District, class I–III soils and a conservation plan.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Top goals of the Carroll County Master Plan are to direct growth to designated areas and preserve 100,000 acres of farmland.

**Zoning:** Agricultural zoning, covering more than 160,000 acres, calls for a residential density of one unit to 20 acres (1:20), counting off-conveyances. The effective density is about 1:15. Residential lots are required to be close to one acre and clustered.

#### **DEMOGRAPHICS**

**2000 Population:** 150,897

**1990–2000 Population Change:** +27,525 residents; +22 percent

#### **AGRICULTURAL LAND**

160,000 acres

**Conversion to Urban Use:** Overall, Carroll County is protecting more farmland than is being converted to non-farm use. According to state numbers 31,610 acres of farmland were converted while 33,000 acres were permanently protected in 1980–2001. Respective numbers for 1991–2000 were 9,499 converted acres and 13,023 protected acres. (*State conversion data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$71.2 million    **Number of Farms:** 1,041

**Principal Commodities:** Dairy products, poultry and poultry products, cattle and calves

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

About 90 percent of agricultural easement acres are located in the northwest corner of the county, furthest from the urban pressures around Baltimore—this includes the Little Pipe Creek Rural Legacy Area. Several large blocks of easement land are in the northwest. Urban development occurs largely in the southern and central parts of Carroll County.

**[VIEW MAP: Maryland —CARROLL AGRICULTURAL LAND TRUST](#)**





## Maryland — FREDERICK COUNTY

Countywide program — Formed in 1980 — *researched by Suzanne Heflin*

**OVERVIEW** — The geographically largest county in Maryland, Frederick is one of the state's top three counties in the market value of agricultural commodities. It also ranks (2003) in the top 12 local programs nationwide in agricultural easement acres acquired. The county participates in both state programs, Maryland Agricultural Lands Preservation Foundation (MALPF) and Rural Legacy, and has a small county-funded program. Patterned on Carroll County's experience, it also operates a Critical Farms Program, that funds the purchase of threatened farms by full-time farmers and places them under easement. An Installment Purchase Agreement (IPA) arrangement for funding easements was started in 2002. Frederick participates with Montgomery and Washington counties in a joint Rural Legacy project, the Mid Maryland project, to protect historic and environmental as well as agricultural resources.

**EASEMENT ACTIVITY** — Approximately 20,000 agricultural acres under easement, including MALPF, Rural Legacy, county purchase of development rights (PDR), and Critical Farms programs. MALPF acquisitions account for most of the easements—about 15,600 acres. Easements in Critical Farms parcels are 1,200 acres.

**Goals:** 100,000 farmland acres under easement by 2020—overall goal of retaining 200,000 acres for agriculture use.

**Other Easement Programs:** Maryland Environmental Trust— 6,632 agricultural acres in 63 transactions; Private Land Trusts—3,032 acres; Green Print Program—984 acres. Federal easements to protect views of historic battlefields—145 acres.

**Total Agricultural Easements in County:** Approximately 30,000 acres.

### FUNDING

**Acquisition Spending to Date:** Not available.

**Revenues:** State MALPF and Rural Legacy funds, local matches from the county part of state agricultural land transfer tax, and county general funds. A 10 to 20 year IPA arrangement instituted in 2002 is funded from a dedicated share of the county recordation tax and is expected to generate about \$2.3 million a year. County government contributions to all easement programs from local sources are about \$3.8 million annually. County up-front cash payments to farm purchasers under the Critical Farms program are usually reimbursed by later MALPF payments for easements.

**GOVERNANCE** — The Frederick County Agricultural Preservation Program is housed in the Department of Planning and Zoning. A five-member citizens' Agricultural Land Preservation Advisory Board, appointed by County Commissioners, oversees the program.

**STAFF AND OPERATING BUDGET** — The staff includes one full-time permanent person and a full-time temporary person to administer the Rural Legacy program. The annual operating budget is approximately \$180,000. Administrative costs per acquisition are estimated at \$3,000 to \$6,000.

**ORIGINS** — The creation of agricultural easement programs in Frederick County was preceded in 1976 by the adoption of new agricultural zoning that reduced the allowable residential units per farm parcel from 49 to three. Interest on the part of the agricultural community in more permanent protection measures pushed the county to join the MALPF program in 1980, with the first easement acquired in 1981. Landowner interest in selling easements expanded when per acre easement prices increased from the \$1,000 to the \$2,000 range.

**ACQUISITION PROCESS AND STRATEGY** — The county commissioners make final easement acquisition decisions, with earlier reviews by the Planning Commission and the Advisory Board. The quantitative criteria leave little room for local discretion.

**Rating of Parcels:** Quantitative. COUNTY AND MALPF: 200 Point ranking system, with the majority weight given to agricultural quality and lesser weights assigned to development proximity, parcel size and contiguity, farm management and district status.

**Other Criteria:** COUNTY/STATE PDR: Enrollment in Agricultural Preservation Districts, 50 acres or larger, Class I–III soils. RURAL LEGACY: Location in a Rural Legacy area. CRITICAL FARMS: Applicant must be full-time farmer.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Frederick County's general policy is to direct growth to incorporated municipalities and communities with existing public water and sewer systems, thus diverting development from agricultural areas. Implementing tools for this general policy include priority funding areas for infrastructure, the Adequate Public Facilities ordinance, community growth boundaries and eight planning regions. This policy is not entirely successful, however, since urban concentrations have developed in several unincorporated areas.

**Zoning:** Agricultural zoning has a residential density of three units on 25 acres (3:25)—1:50 additional if clustered. Residential lots are limited to two acres and clustered if more than three will be used. Remainder parcels are not required to be placed in easement (only noted on plat).

#### DEMOGRAPHICS

**2000 Population:** 195,277

**1990–2000 Population Change:** + 45,069 residents; +30 percent

#### AGRICULTURAL LAND

215,927 acres

**Conversion to Urban Use:** Farmland conversions in 1991–2000 totaled 8,094 acres, while 7,242 acres were put under easement. (*State conversion data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$101.6 million **Number of Farms:** 1,304

**Principal Commodities:** Dairy products, cattle and calves, poultry and poultry products

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

##### [VIEW MAP: Maryland —FREDERICK AGRICULTURAL LAND TRUST](#)

Agricultural easements are dispersed in generally small parcels throughout the county, outside of the town of Frederick where most of the developed land is located. A large concentrated block of easements is forming around Burkittsville.

## **Maryland — HARFORD COUNTY**

Countywide program — Formed in 1989 — *researched by Suzanne Heflin*

**OVERVIEW** — Harford County borders the upper Chesapeake Bay and is a short distance northeast of the City of Baltimore. The county participates in both state programs, Maryland Agricultural Land Preservation Foundation (MALPF) and Rural Legacy, and also operates its own locally-funded program. A relative latecomer to the agricultural easement arena, forming its program a decade after most other Maryland counties, Harford made up for lost time by adopting in the early 1990s a dedicated revenue source—a local real estate transfer tax—and an Installment Purchase Agreement (IPA) arrangement for the county program. In 2003 Harford ranks among the top 12 local programs nationwide in agricultural easement acres acquired and also leads Maryland in local program acres. Agricultural easement activities are supported by the Master Plan- designated growth area in the south, which reduces development pressure on the agricultural lands in the northern part of the county. Harford also has a limited transfer of development rights (TDR) program that does not record transferred rights, but is considering a more comprehensive arrangement.

**EASEMENT ACTIVITY** — 29,460 farmland acres in 224 properties, including about 12,900 acres in the county program: 65 percent to 70 percent cropland, 20 percent woodland, and the rest pasture land.

**Goals:** 50,000 easement acres of prime farmland by 2020.

**Other Easement Programs:** Maryland Environmental Trust—2,830 acres in 25 transactions; Land trusts—two acres; Green Print Program—202 acres.

**Total Agricultural Easements in County:** Approximately 33,000 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$47 million

**Revenues:** County real estate transfer tax, county general fund, state agricultural transfer tax and state funds. Approved by voters in 1993, the .5 percent real estate transfer tax generates about \$3.5 million annually for the county PDR program including the 10 to 20 year IPA arrangement.

**GOVERNANCE** — The Harford Agricultural Land Preservation program is administered by the county's Office of Agricultural and Resource Preservation, a unit of the Department of Planning and Zoning. A five-member citizens' Agricultural Land Preservation Advisory Board, appointed by County Commissioners, oversees the local and MALPF programs. Another citizens group, the Lower Deer Creek Rural Legacy Steering Committee, oversees the Rural Legacy program.

**STAFF AND OPERATING BUDGET** — One staff person (two-thirds time) administers the farmland preservation program and also directs historical and rural planning work. Approximate annual operating budget is \$60,000. The county spends approximately \$2,500 per easement for title and administrative costs.

**ORIGINS** — Responding to landowner interest, Harford County began its easement activities in 1989 by joining the state's new MALPF program. The Maryland Environmental Trust began to acquire easements in the county at about the same time. When the state diverted MALPF funds to other purposes in the early 1990s because of budget problems, Harford created its local program and established the dedicated real estate property tax, acquiring the first easements in this program in 1994.

**ACQUISITION PROCESS AND STRATEGY** — County commissioners make final funding decisions on county-purchased easements and approve applications to the state programs. The Advisory Board ranks applications and advises the commissioners. Although driven by a quantitative scoring system, the review process also relies on subjective factors and officials' discretion. Landowners can appeal initial scores and seek higher rankings.

**Rating of Parcels:** Quantitative. For the county and Rural Legacy programs, a 300 point ranking system is used. Scoring emphasis is given to agricultural quality, retired development potential, contiguity, farm management and urgency. Some subjectively-calculated points are given for contribution to agricultural viability and young farmers. MALPF applications are ranked on cost.

**Other Criteria:** COUNTY PROGRAM: Minimum parcel size of 50 acres, unless contiguous with other preserved property, above average production capability or farming activity for at least the previous 15 years, location in a farming area and development potential. MALPF: Enrollment in an Agricultural Preserve District, Class I–III soils. RURAL LEGACY: Location in a designated Rural Legacy Area.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — A designated growth area complements the agricultural easement program. The 1996 Master Plan identifies the development envelope as the county's principal growth area, incorporating the county seat of Bel Aire and nine village centers which are intended to absorb 80 percent of residential growth.

**Zoning:** Agricultural zoning is one unit to 10 acres with clustering on two-acre lots. Rural Growth Areas allow clustering on less than two-acre lots.

**TDR Arrangement:** Transfers are allowed between two adjacent or nearby lots in the Agricultural District, with an optional density bonus of 900 percent. Transferred rights are not recorded.

#### DEMOGRAPHICS

**2000 Population:** 218,590

**1990–2000 Population Change:** +36,458 residents; +20 percent

#### AGRICULTURAL LAND

90,000 acres

**Conversion to Urban Use:** Land values for residential use doubled in the last five years to \$10,000/acre. Between 1991 and 1999, 7,589 farmland acres were converted and 19,097 farmland acres were preserved. (*State conversion data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$38.8 million    **Number of Farms:** 651

**Principal Commodities:** Cattle and calves, dairy products, corn

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Almost all easements are located outside of the Development Envelope, mostly in the northern part of the county. They form a partial horseshoe shape around the designated growth area. Few easements are contiguous to the growth demarcation line. The easement pattern is relatively concentrated. Large blocks are located in Rural Legacy areas in the northeastern and northwestern sectors.

**[VIEW MAP: Maryland —HARFORD AGRICULTURAL LAND TRUST](#)**



## **Maryland — HOWARD COUNTY**

Countywide program — Formed in 1978 — *researched by Suzanne Heflin*

**OVERVIEW** — As a suburb of both Washington and Baltimore, Howard County has been rapidly growing since the 1950s. It has several distinctions among local agricultural easement programs: (1) The oldest in Maryland and one of the first in the nation; (2) the first program to adopt an Installment Purchase Agreement (IPA) system for funding easements, in 1989; and (3) the leading program in the nation in total funds spent (\$193 million) for agricultural easement acquisitions. Howard participates in both state programs, Maryland Agricultural Land Preservation Foundation (MALPF) and Rural Legacy, and has a county-funded purchase of development rights PDR program. It also administers transfer of development rights (TDR) and cluster arrangements that produce additional easements. The county does not have agricultural zoning and its two rural zones allow considerable residential development.

**EASEMENT ACTIVITY** — 24,471 acres, including county purchase of development rights (PDR), TDRs, clustering, MALPF and Rural Legacy acquisitions. This includes about 18,400 acres acquired by the county's PDR program, with full and IPA payments, and 1,700 TDR acres.

**Goals:** 30,000 acres protected by agricultural easement or other land preservation methods.

**Other Easement Programs:** 4,000 acres in environmental easements (some properties are farmed and many are held by homeowner associations), Maryland Environmental Trust—1,147 acres in 16 transactions.

**Total Agricultural Easements in County:** Approximately 29,600 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$193 million

**Revenues:** County portion of the state agricultural transfer tax, local land transfer tax, state Rural Legacy and MALPF funds, and federal funds. The IPA program, used to fund county-purchased easements, was rejuvenated with \$15 million with bond funds in 2002, to be retired by revenues from the agricultural transfer tax and the county's dedicated land transfer tax.

**GOVERNANCE** — The Howard County Agricultural Land Preservation Program is housed in the Department of Planning and Zoning. A seven-member citizens' Agricultural Land Preservation Advisory Board, appointed by the County Council, oversees the program. Five Advisory Board members also serve on the MALPF Advisory Board.

**STAFF AND OPERATING BUDGET** — One full-time staff person and one full-time secretary for agricultural land preservation. The annual operating budget is approximately \$195,000.

**ORIGINS** — Responding to intense development and conversion of farmland, a citizens' committee was appointed in 1975 to study preservation options. One result was the formation of Howard's easement program in 1978 that shortly began to participate in state funding through MALPF. The county-funded program was established in 1984. No MALPF easements were funded in Howard during 1988–2002, as a result of limited funding and unattractive per acre prices from the state. Landowners were steered to the county-funded program with its IPA arrangement.

**ACQUISITION PROCESS AND STRATEGY** — The county executive gives final approval to county purchases. The Advisory Board establishes criteria and reviews all applications. An established quantitative ranking system for reviewing applications to the county and MALPF programs is not currently used, because of the availability of sufficient funds to accommodate all proposals that qualify according to minimum standards (see other criteria). Instead, properties are rated only

according to easement value. For the county program easement values are capped at \$7,200 an acre.

**Rating of Parcels:** Quantitative. COUNTY AND MALPF: Currently scored only for easement value, based on 600 points including a discretionary factor concerning the value of the farm to the local agricultural community. RURAL LEGACY: 1,000 points emphasizing retired development potential, farm management, natural resource values, contiguity, scenic and historic values.

**Other Criteria:** COUNTY PROGRAM: Minimum of 100 developable acres or 25 acres contiguous to other easement land, 50 percent Class I–III soils. MALPF: Enrollment in an Agricultural Preserve District, 50 acre minimum and 60 percent Class I–III soils. RURAL LEGACY: Location in Rural Legacy Area.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** County has had urban growth boundaries since 1982, an adequate public facilities ordinance, and a growth cap of 1,500 residential units per year imposed in 2001 and fully implemented in 2004. Public water and sewer service is not extended to 94,900 acres with Rural Conservation (RC) zoning in the western part of county where most easement acres are located.

**Zoning:** No agricultural zoning. The two rural zones, Rural Residential (RR) and RC, allow one unit to 4.25 acres (1:4.25) density with clustering. RR parcels can also be subdivided at 1:3. Clustered areas (preservation parcels) are placed under easement.

**TDR Arrangement:** Sending parcels are in RC zones, while receiving parcels are either RC or RR. Rights transferred at one right per three acres (1:3) in sending area can result in increased density to 1:2 in receiving area.

#### DEMOGRAPHICS

**2000 Population:** 247,842

**1990–2000 Population Change:** +60,514 residents; +32 percent

#### AGRICULTURAL LAND

Approximately 40,000 acres.

**Conversion to Urban Use:** 6,247 acres of farmland converted and 8,568 farmland acres preserved in 1991–2000. In 1980–2001, 20,433 farmland acres were converted. (*State conversion data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$19.6 million    **Number of Farms:** 318

**Principal Commodities:** Nursery and greenhouse crops, dairy products, equine

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Most agricultural easements are located in the northwestern part of the county, with substantial easements contiguous to growth areas. Some large contiguous blocks of easements are forming in the northernmost reaches of the county, but in close vicinity to development. Eastern Howard County is heavily urbanized.



**[VIEW MAP: Maryland —HOWARD AGRICULTURAL LAND TRUST](#)**



## **Maryland — MONTGOMERY COUNTY**

Countywide program — Formed in 1979 — *researched by Suzanne Heflin*

**OVERVIEW** — Montgomery County is Maryland's most populous and affluent jurisdiction, bordering Washington and the Potomac River. It participates in both state programs, Maryland Agricultural Land Preservation Foundation (MALPF) and Rural Legacy, and has its own locally-funded purchase of development rights (PDR) activity. But it is the use of transfer of development rights (TDR)—the most extensive in the nation—that is the centerpiece of Montgomery's farmland preservation efforts and boosts its rank in 2003 to first nationally in the number of agricultural easement acres acquired by local programs. About three-fourths of the county's total easement acres are the product of the TDR process. Easements are largely concentrated in the Agricultural Reserve in the northern part of the county, a pattern supported by growth boundaries and restrictions on the extension of water and sewer service to rural areas.

**EASEMENT ACTIVITY** — 54,337 agricultural acres: includes approximately 41,000 acres in TDRs—5,600 in the county's program, 2,500 in Rural Legacy parcels and 2,000 funded by MALPF. Number of parcels is not available.

**Goals:** 70,000 acres in the 93,000 acre Agricultural Reserve by 2008.

**Other Easement Programs:** Maryland Environmental Trust—2,115 acres in 10 transactions (as of 1/03); Land trusts—82 acres (as of 4/01); Green Print Program—805 acres (as of 5/02).

**Total Agricultural Easements in County:** Approximately 57,600 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$28 million in PDR spending. The total value of agricultural easements acquired is actually \$88 million, if the approximately \$60 million value of developer-provided TDRs is included.

**Revenues:** For the \$28 million in direct public spending—state funds from Rural Legacy and MALPF, interest on invested county portion of the state agricultural land transfer tax and federal funds.

**GOVERNANCE** — Montgomery's easement activities are administered by the Agricultural Services Division of the Department of Economic Development. A five member citizens' Agricultural Land Preservation Advisory Board appointed by the County Commissioners oversees the several programs.

**STAFF AND OPERATING BUDGET** — Three staff members. The annual operating budget for staff is approximately \$135,000.

**ORIGINS** — Earlier than most other Maryland counties, Montgomery instigated growth management policies in response to intensive development pressure on farmland. In 1969, it adopted a "Wedges and Corridors" land use plan that concentrated growth along a center corridor bordered by rural densities. An initial downzoning in rural areas to a one unit to five acres density occurred in 1974. In the 1980s, faced with continuing rapid farmland loss, a county-appointed task force recommended further downzoning combined with TDRs, noting the greater expense of a PDR program. Montgomery joined the state's MALPF program in 1979, started its TDR activities in 1981, formed its own PDR program in 1986, and began participating in Rural Legacy in 1998. The first PDR easements—MALPF purchases—were acquired in 1981.

**ACQUISITION PROCESS AND STRATEGY** — Each easement program offered by Montgomery County has a separate ranking and valuation system developed and approved by a citizens' committee, either the Advisory Board or the Rural Legacy Steering Committee. The county's chief administrative officer has final approval of county-funded easements. The program staff directs landowners to appropriate programs. Emphasis is given to the location of easements in the northern Agricultural Preserve.

**Rating of Parcels:** Quantitative. COUNTY: The easement value is determined by a formula that includes parcel size, agricultural quality, farm management, development proximity and strategic location—with accumulated points multiplied by an acreage factor to get value.

MALPF: Cost.

**Other Criteria:** COUNTY PROGRAM: Rural or Rural Density Transfer zoning, enrollment in agricultural preservation district, location outside water/sewer areas, Class I–III soils. MALPF: Similar to county standards. RURAL LEGACY: Location in Rural Legacy area.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Growth boundaries and target areas for farmland preservation, including a large Agricultural Reserve, are designated in county comprehensive plans. The extension of water and sewer service is limited to growth areas.

**Zoning:** The 93,000-acre Agricultural Reserve is zoned Rural Density Transfer, at one unit to 25 acres (1:25). This area was downzoned from 1:5 in the 1980s.

**TDR Arrangement:** The Agricultural Reserve is the sending area and 14 communities identified in local master plans are the receiving areas. Rights are transferred at a ratio of one per five acres, resulting in a five-fold increased residential density in the receiving area with the potential for additional density. Easements are recorded on the sending properties when transfers occur.

#### DEMOGRAPHICS

**2000 Population:** 873,341

**1990–2000 Population Change:** +110,169 residents; +14 percent

#### AGRICULTURAL LAND

Approximately 93,000 acres.

**Conversion to Urban Use:** From 1971 to 1980, before creation of the TDR program, an average of 2,700 acres was subdivided annually in the Agricultural Reserve. In 1981–1998, after the TDR program was initiated, the figure declined to 460 acres per year. In 1991–2000, 10,188 acres of farmland were converted and 20,205 farmland acres were put under easement. (*State conversion data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$28.5 million    **Number of Farms:** 546

**Principal Commodities:** Nursery and greenhouse crops, dairy products, equine

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Agricultural lands are located exclusively in the Agricultural Reserve in the northern part of the county. Major blocks of easements are forming around Poolesville and north of Laytonsville. Intense development is found closer to the District of Columbia boundary.

**[VIEW MAP: Maryland —MONTGOMERY AGRICULTURAL LAND TRUST](#)**



## **Maryland — WASHINGTON COUNTY**

Countywide program — Formed in 1978 — *researched by Suzanne Heflin*

**OVERVIEW** — Bordered by the Potomac River on the south and Pennsylvania on the north, Washington County is the westernmost county in Maryland with an active agricultural easement program. The county is somewhat distant from the growth pressures dominating the Washington and Baltimore areas, and thus land values and easement prices are relatively low. Parts of the eastern and southern parts of the county are experiencing moderate urbanization. Washington participates in both state programs, Maryland Agricultural Land Preservation Foundation (MALPF) and Rural Legacy, but does not have its own county-funded easement program. Agricultural zoning that calls for relatively high residential densities in agricultural areas is under revision as a result of the adoption of a new Comprehensive Plan in 2002.

**EASEMENT ACTIVITY** — 10,458 agricultural acres under easement in 60 properties in the MALPF and Rural Legacy programs. Easement acreage is approximately 64 percent cropland, 19 percent pastureland and 17 percent woodland. 81 percent of easement parcels contain Class I–III soils.

**Goals:** 50,000 acres of prime and productive farmland by 2020.

**Other Easement Programs:** Maryland Environmental Trust has 3,927 acres in 35 transactions; Land Trusts—481 acres. Federal, state and private conservation easements around the Antietam National Battlefield preserve 8,325 acres of agricultural land as viewsheds for the historic area.

**Total Agricultural Easements in County:** Approximately 23,300 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$30 million

**Revenues:** Annual appropriation from county portion of the state agricultural land transfer tax, state MALPF and Rural Legacy funds, and federal funds. In 2000, the county adopted an additional 2 percent agricultural land transfer tax that produces \$125,000 a year for matching state funds.

**GOVERNANCE** — Washington County's farmland preservation program is administered by the Department of Planning. A five-member citizens' Agricultural Land Preservation Advisory Board, appointed by the County Commissioners, oversees the program.

**STAFF AND OPERATING BUDGET** — One staff person. Annual operating budget is approximately \$60,000.

**ORIGINS** — Although Washington County started its program at about the time that MALPF was formed and state funding became available—and the first easement was acquired in 1981—interest among landowners and others was limited for a number of years. It took three years for the county to organize the state-required advisory board and the first staff person for the easement program was not employed until the mid 1980s. Landowner forums featuring program managers from more active Maryland counties helped to generate more interest in the Washington program. The county program was certified by the state in 1993, allowing for local retention of a larger share of the state agricultural land transfer tax.

**ACQUISITION PROCESS AND STRATEGY** — County commissioners approve applications submitted to the state. The Advisory Board establishes and applies the review system. The board does not deviate from the quantitative scoring system except to target parcels within an 85,000 acre area of prime agricultural land that is not served by public sewers and water.

**Rating of Parcels:** Quantitative. MALPF: 100 point system emphasizing development proximity, parcel size, agriculture quality and farm management.

**Other Criteria:** MALPF minimums include location in the 85,000 acre agricultural area outside of existing sewer and water service, enrollment in an Agricultural Preservation District, 50 acre minimum and at least 50 percent Class I–III soils. RURAL LEGACY: Location in the Rural Legacy area.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — County policies include designated growth areas and the Adequate Public Facilities ordinance that links residential density to road capacity.

**Zoning:** Current agricultural zoning is one unit to one acre (1:1). The implementation of the updated Comprehensive Plan, adopted in 2002, calls for downzoning to 1:30 in the Rural Legacy Area, 1:20 in the Environmental Conservation area and 1:5 in the remaining agricultural areas.

#### **DEMOGRAPHICS**

**2000 Population:** 131,923

**1990–2000 Population Change:** +10,530 residents; +8 percent

#### **AGRICULTURAL LAND**

126,000 acres

**Conversion to Urban Use:** From 1993 to 2000, 5,241 acres of farmland were converted and 3,652 acres were preserved. In 1980–2001, 16,260 farmland acres were converted. (*State conversion data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$60.6 million    **Number of Farms:** 768

**Principal Commodities:** Dairy products, cattle and calves, poultry and poultry products

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Agriculture is the predominant land use in Washington County with the major urban development located around the county seat of Hagerstown in the center of the county. Agricultural easements are widely dispersed throughout the county. A cluster of easements exists around the Antietam National Battlefield and Sharpsburg. These easements are complemented by a large amount of publicly owned land preserved for the protection of viewsheds and the character of the battlefield area.



**[VIEW MAP: Maryland —WASHINGTON AGRICULTURAL LAND TRUST](#)**



## **Massachusetts — STATE PROGRAM**

(Town of Hadley information illustrates local planning patterns)

State Program — Formed in 1977 — *researched by Andy Andrews*

**OVERVIEW** — The Massachusetts Agricultural Preservation Restriction program is one of the oldest easement programs in the nation. It is directly operated by state government, which acquires and holds easements on its own, with little local government involvement. Some town governments, including Hadley, cost share with the state to purchase easements in their areas and co-hold the easements with the state. To avoid acquiring easements in high growth areas where farming faces a dim future, acquisition costs are capped at \$10,000 an acre. Easements are selected through discretionary, not quantitative, factors. Several Massachusetts town governments have enacted transfer of development rights (TDR) ordinances for protecting agricultural and resource lands, but few transactions have occurred to date.

**EASEMENT ACTIVITY** — 52,800 agricultural acres on 603 farms, averaging 91 acres per easement. Protected farms grow a wide variety of crops.

**Goals:** No specific program goals.

**Focus on Hadley:** The leading town in the state in easement activity, with 1,713 acres in 42 farms. Diverse commodities—vegetables, corn, pasture, dairies, nurseries.

**Other Easement Programs:** Local, regional and national land trusts are active in the farmland easement arena in Massachusetts, either in assisting the state to acquire easements or holding their own easements. A complementary program—also operated by the state Department of Food and Agriculture and initiated in 1996—is the Farm Viability Program. Landowners receive technical and financial assistance for business development purposes in return for covenants that restrict development for five or 10 years periods. Sixty-two farms representing 7,800 acres in 12 counties were participating as of 2000.

### **FUNDING**

**Acquisition Spending to Date:** \$135 million on state-held agricultural easements.

**Revenues:** Ninety percent from state, the remainder from federal funds and from local sources including town government contributions, bargain sales and land trust contributions. State funds for the program have come from a series of bond issues authorized by the legislature, some focused on farmland protection and others for multiple open space purposes. Although the 2000 Community Preservation Act allows towns to levy a dedicated property tax for farmland protection, open space, historic and landscape preservation, and affordable housing, few towns have done so.

**GOVERNANCE** — The program is housed in the Department of Food and Agriculture. The eight-member Agricultural Lands Preservation Committee oversees the program. Members include four state officials: Commissioner of Food and Agriculture, Secretary of the Executive Office of Environmental Affairs, Secretary of Community and Development and Chairman of the Board of Food and Agriculture; and four public members appointed by the Governor.

**STAFF AND OPERATING BUDGET** — Five full-time staff. Annual operating budget of \$300,000.

**ORIGINS** — In response to extensive farmland loss in the three decades after World War II, the state established in 1973 property taxation for farmland on a use value basis. Because the resulting tax benefits were not sufficient to prevent continuing urban conversion, the state in 1977 legislated the easement program to provide stronger landowner incentives. Part of the inspiration for this move came from the experience of Suffolk County, New York, in forming the

nation's first agricultural easement program in 1974. The 1977 legislation was accompanied by an initial \$5 million bond established as a pilot measure to test the feasibility of the technique.

**ACQUISITION PROCESS AND STRATEGY** — The state Preservation Committee approves specific easement purchases. A portion of each landowner's application is submitted to the appropriate town Conservation Commission for review prior to final state action. Reviews at both state and local levels are discretionary. In a form of geographical targeting, field representatives of the state program actively seek landowner applications in the most productive agricultural areas.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** Minimum requirements are five acre or larger parcels, two-year active farming history and minimum gross sales. Discretionary criteria are agricultural productivity, threat to continued farming, proximity to other protected lands, and town funding and legal support.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Town governments in Massachusetts are responsible for planning and land use regulation. Towns in rural areas generally lack growth management policies or growth boundaries and allow scattered residential development.

**Zoning:** Although agricultural zoning is possible, rural areas are typically covered by agricultural/residential zoning in which farming is a permitted use and the common residential density is in the range of one unit to ½ to two acres.

**Hadley:** Planning and land use policies show little support for farmland protection and limited connection to the agricultural easement technique. A seldom-used TDR program requires commercial developers to increase parking spaces by purchasing agricultural easements.

**TDR Arrangements:** At least four Massachusetts towns have TDR programs on their books, but they are seldom applied. Generally, sending areas are agricultural, forestry and other natural resource lands while receiving areas are zoned residential.

#### DEMOGRAPHICS

**2000 Population:** 6,349,097

**1990–2000 Population Change:** +332,672; +5 percent

#### AGRICULTURAL LAND

518,299 acres; 50 percent cropland

**Conversion to Urban Use:** 27,200 acres from 1992–1997. (*National Resources Inventory data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$494 million      **Number of Farms:** 5,574

**Principal Commodities:** Dairy products, poultry, cattle

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Easements are widely distributed around the state, with 135 of 351 towns and cities having at least one protected farm each, although the emphasis is on locating easements in the Connecticut River Valley.

**[VIEW MAP: Massachusetts —STATE AGRICULTURAL LAND TRUST](#)**



## Michigan — PENINSULA TOWNSHIP

Township program — Formed in 1994 — *researched by Anita Zurbrugg*

**OVERVIEW** — Peninsula Township operates the most active agricultural easement program in Michigan and one of the few in the Midwest. The program was established in 1994 with a dedicated property tax rate that was nearly doubled in 2002. Easements have helped to retain a viable local agricultural economy, despite increasing residential development pressures aided by the community's attractiveness as a popular site for summer vacationers. The township is located on the Old Mission Peninsula, a scenic, narrow 17-mile-long area of 17,000 acres bisecting Lake Michigan in the northwest part of lower Michigan. The peninsula's unique microclimate and rolling terrain surrounded by Lake Michigan make it ideal for growing orchard crops and grapes. The larger area, mainly Grand Traverse County, produces almost 40 percent of nation's crop of red tart cherries.

**EASEMENT ACTIVITY** — 1,856 agricultural easement acres in 18 parcels: mostly cherry orchards and vineyards.

**Goals:** 9,200 acres by 2008.

**Other Easement Programs:** None.

**Total Agricultural Easements in Township:** 4,176 acres, including easements acquired by the state of Michigan and American Farmland Trust.

### FUNDING

**Acquisition Spending to Date:** \$6 million—includes direct cash purchases of \$4 million and \$2 million in installment contracts.

**Revenues:** Property tax, Federal Farmland Protection Program, Michigan Natural Resources Trust Fund and the federal Intermodal Surface Transportation Efficiency Act (ISTEA). Voters in November 2002, replaced the original 1.25 mill property tax with an earmarked two mill tax for 20 years (1 mill = \$1 per \$1,000 of taxable value).

**GOVERNANCE** — The elected governing body, the Township Board, oversees the easement program. The appointed Planning and Zoning Commission recommends land use policies. The Township Board also appoints the seven-member ad hoc Program Selection Committee for the PDR program, which advises the board in the selection of easement parcels.

**STAFF AND OPERATING BUDGET** — The township planner/zoning administrator is also the administer of the PDR program and its only staff person. Consultants are hired as needed for appraisals and legal work. No specified annual operating budget is designated for the program.

**ORIGINS** — In 1977, community sentiment for protecting the unique local agricultural economy generated criticism of township board rezoning actions that allowed the development of some parcels previously zoned for agriculture. The one unit per five acres zoning density was seen as inadequate for farmland protection. Pushed by citizens, the Township Board created the PDR program by ordinance in 1994. Township residents voted in the same year to approve the 1.25 mill to fund the program.

**ACQUISITION PROCESS AND STRATEGY** — The Township Board makes final decisions on easement acquisitions, after the Program Selection Committee reviews and prioritizes applications. The agricultural core of the township is targeted for acquisitions.

**Rating of Parcels:** Quantitative. Top weights are assigned to agricultural quality (suitability for red tart cherry production) and prime scenic views; lesser emphasis is given contiguity and parcel size. The scores are used to prioritize applications for funding.

**Other Criteria:** To be eligible for the program, parcels must be located in the 9,200-acre Agricultural Preserve Area (APA). The APA primarily contains the inland, productive soils of the peninsula most suitable for agricultural production.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** The easement program is tied directly to township zoning and planning. Acquisitions carry out the Peninsula's Master Plan, which has evolved into a complete build-out scenario. Easements are located within the 9,200 acre Agriculture Preserve Area (APA), which contains more than half of the township's 17,700 acres. When complete, the program will have placed deed restrictions on all the remaining parcels in the APA, thus covering 50 percent of the township's land area. The zoning ordinance was recently amended to accommodate vertical integration of agricultural operations to facilitate home-based businesses, and to increase farm viability and long-term farming enterprises. The township is seeking to create buffers around the APA to include agriculturally zoned areas not currently within the APA.

**Zoning:** The agricultural zoning density of one unit to five acres has remained the same since the early 1970s.

#### **DEMOGRAPHICS**

**2000 Population:** 5,265 (summer population increases by 20 percent)

**1990–2000 Population Change:** +1,025 residents; +23 percent

#### **AGRICULTURAL LAND**

9,200 acres: 8,500 acres cropland—65 percent cherries, 35 percent grapes and other crops.

**Conversion to Urban Use:** The township lost 1,100 acres of agricultural land to urban uses in 1968–1989. Since the start of the easement program in 1994, only 70 cropland acres have been converted, less than 1 percent of the 1990 cropland base. (*Program data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$11.6 million    **Number of Farms:** 413 (Grand Traverse County)

**Principal Commodities:** Sweet and tart cherries, and grapes

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

All easements acquired through the Peninsula Township program are located in the 9,200 acre Agricultural Preserve Area. On the elevated ground in the center of the peninsula, this area contains most of the township's agriculturally zoned and unique farmland. The approximately 50 miles of Lake Michigan shoreline is developed. The land between the Agricultural Preserve Area and the developed shoreline is available for future residential development. Easements cover more than one-third of the parcels in the Agricultural Preserve Area and are expected to cover most of the remaining properties by 2008.



**[VIEW MAP: Michigan —PENINSULA AGRICULTURAL LAND TRUST](#)**



### **New Jersey — BURLINGTON COUNTY**

Countywide program — Formed in 1981 — (Chesterfield Township information illustrates local planning patterns.) — *researched by Al Sokolow*

**OVERVIEW** — Burlington County manages the largest agricultural easement program in New Jersey and one of the 12 largest local programs in the nation as of 2003. The program features installment purchase (IPA) funding, a targeted list of possible easements, and collaborative planning efforts with townships. Burlington formed its program before New Jersey state funding became available. It since has raised more easement funds from local sources, including voter approved measures, than any other program in the state. Major highways that bisect the northern, most productive agricultural part of the county, connect to the New York City and Philadelphia areas. Chesterfield Township contains the largest volume of agricultural easements in the county and has an active transfer of development rights (TDR) program.

**EASEMENT ACTIVITY** — 14,782 agricultural acres in 111 farms outside of the Pinelands area. Commodities include field crops, soybeans, wheat, corn, vegetables, horticulture and equine. 133 acres is the average easement parcel size. Chesterfield Township has 4,260 county-purchased easement acres in 32 farms.

**Goals:** No specific program goals—the targeted area includes 40,000 acres.

**Other Easement Programs:** Much of the southeastern part of the county is in the Pinelands, a state-designated preservation region that has its own open space acquisition program. About 16,000 farm acres in Burlington representing 48 parcels are deed restricted through the Pinelands Development Credit program. Using TDRs, Chesterfield and another township have collectively preserved about 1,360 agricultural acres.

**Total Agricultural Easements in County:** Approximately 33,000 acres.

#### **FUNDING**

**Acquisition Spending to Date:** \$64 million

**Revenues:** 54 percent from state; 35 percent county property tax (direct funding and repayment of bond issue); 10 percent municipal contributions from town property taxes. Voters approved four countywide bond issues for the easement program in 1986–1996. In 1998, voters approved a dedicated property tax for farmland and open space protection that provides about \$5 million a year for agricultural easement acquisitions.

**Other Arrangements:** Since 1998 installment purchases have been the dominant method for funding transactions, allowing an acceleration of the rate of acquisitions in the face of development pressures.

**GOVERNANCE** — The program is overseen by the Burlington County Agriculture Development Board (CADB), a 12-member citizens' body appointed for indefinite terms by the Board of Freeholders. The program staff is housed in the county's Resource Conservation Department.

**STAFF AND OPERATING BUDGET** — Six full-time staff—three acquisitions staff (including Program Coordinator)—stewardship specialist, attorney and GIS technician. The annual operating budget is about \$300,000, not including the staff attorney and some transaction costs.

**ORIGINS** — Burlington's program was initiated in 1981, several years before the creation of the state program. The startup effort was led by a local elected official who anticipated the effects on local agriculture of continuing urbanization. A model was provided by the earlier start of the Pinelands program to acquire development credits on farms. A proposed 800-home development on several hundred acres in Chesterfield Township also stimulated local support

for an easement program. The first easements acquired in 1985 were 600 acres in five parcels that composed the site of the proposed development in Chesterfield.

**ACQUISITION PROCESS AND STRATEGY** — The CADB determines the properties to be offered easements and submitted to the state for funding, while the county Board of Freeholders has the final say in spending county funds for this purpose. In seeking easements in particular locations, the program applies considerable discretion beyond the quantitative scoring of applications.

**Rating of Parcels:** Quantitative. Highest priority is given to agricultural quality and contiguity, with lesser weights assigned to potential development, size and planning compatibility.

**Other Criteria:** Minimum eligibility is enrollment in an Agricultural Development Area. Owners of parcels included in an acquisition targeting list, annually compiled by the CADB, are invited to apply for easement purchase. Requirements for placement on the list include development threat and agricultural soil quality.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Planning and zoning are town functions although the county runs the easement program. The planners who manage the county's easement program work closely with townships on their land use policies, assisting local efforts to adopt farmland protection measures including TDRs.

**Chesterfield Township:** The town steers urban development away from its agricultural and open space areas. Its TDR program, created as part of a master plan revision in 1998, is intended to accommodate all additional growth for a period of time. The receiving area of 560 acres is a planned community.

**Zoning:** State legislation does not allow exclusive agricultural zoning. Densities for residential development in the county's townships average one unit to six acres.

#### DEMOGRAPHICS

**2000 Population:** 423,000 population

**1990–2000 Population Change:** +28,000 residents; +7 percent

#### AGRICULTURAL LAND

103,000 acres mostly cropland.

**Conversion to Urban Use:** Comparative conversion data not available.

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$87 million      **Number of Farms:** 857

**Principal Commodities:** Fruits, nuts, berries, nursery plants, vegetables

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Most county held easements form contiguous blocks of 10 or more easements. They are concentrated in the northeastern corner, the location of most of Burlington's prime farmland. This area includes Chesterfield Township. The northeastern corner is partially flanked by urban areas and bisected by a major transportation corridor, composed of the New Jersey Turnpike and Interstate 295, that links the county to the New York City area. The southern part of the county is largely in the Pinelands region with much of the land in preserved open space.

**[VIEW MAP: New Jersey —BURLINGTON AGRICULTURAL LAND TRUST](#)**



### **New Jersey — CUMBERLAND COUNTY**

Countywide program — Formed in 1984 — (Hopewell Township information illustrates local planning patterns.) — *researched by Andy Andrews*

**OVERVIEW** — More rural and less subject to development pressures than most other New Jersey counties, Cumberland is in the extreme southern part of New Jersey bordering Delaware Bay. Much of the county is in wetlands and the eastern portion is largely in the state Pinelands preservation area. Cumberland is the state's leading farm county in market value, close to \$100 million annually. It ranks fourth in New Jersey in agricultural acres under easement. Because of the county's relative remoteness and limited development pressures, easement prices per acre have been low compared to other New Jersey areas. Hopewell Township has the second largest number of agricultural easement acres in the county.

**EASEMENT ACTIVITY** — 7,280 county-held agricultural easement acres on 54 parcels. The principal crops on protected farms are vegetables, sweet corn, melons and nursery products.

**Goals:** 10,000 acres in 10 years.

**Other Easement Programs:** 1,846 agricultural easement acres on eight parcels directly preserved by the State Agricultural Development Committee. 165 agricultural acres are deed restricted in the Pinelands Agricultural Protection Area through the Pinelands Development Credit program.

**Hopewell Township:** County easement activity totals 2,445 acres in 19 parcels, exceeded only by Upper Deerfield Township's 3,321 acres in 21 parcels.

**Total Agricultural Easements in County:** Approximately 9,000 acres.

#### **FUNDING**

**Acquisition Spending to Date:** \$13 million on county-held agricultural easements.

**Revenues:** 78 percent from state; 22 percent from voter-approved county property tax (1 cent per \$100 per assessed value). No municipality has yet contributed funds to easement purchases and the county does not require municipal cost shares because of limited local tax bases. Easement purchases have averaged about \$1,650 per acre—relatively low by New Jersey standards.

**GOVERNANCE** — The Cumberland County Agriculture Development Board (CADB) oversees the easement program. Its seven members are appointed for indefinite terms by the Board of Freeholders. The program staff is housed in the Cumberland Department of Planning and Development.

**STAFF AND OPERATING BUDGET** — One full-time staff person and a part-time administrative assistant. Budget information is not available.

**ORIGINS** — Cumberland's CADB was organized in the early 1980s, primarily to work on economic development issues involving the retention of agriculture in a relatively rural and poor county. Not until the late 1980s did the program hire a program administrator to work on permanent preservation projects. The first agricultural easement was purchased in 1992.

**ACQUISITION PROCESS AND STRATEGY** — The CADB reviews and submits applications to the state for final ranking and funding decisions. The County Freeholders approve the final list. Mirroring the state process, two separate rankings are conducted locally, one with multiple factors (see below) and the second that ranks applications according to "relative best buy." The CADB exercises a small amount of discretion in applying quantitative scores.

**Rating of Parcels:** Quantitative: The county uses its own version of the state's ranking system, with the highest weights given to agricultural soils, contiguity, parcel size, planning compatibility and farm management. Smaller scores are assigned to development proximity and urgency and to several "special considerations" such as historic conditions and unique farm operation which are determined subjectively.

**Other Criteria:** Minimum eligibility is enrollment in an Agricultural Development Area.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** In New Jersey, planning and zoning are conducted at the township (municipal) level. Municipalities in Cumberland County vary greatly in their interest in farmland protection, with several expressly favoring a pro-growth policy and opposed to having agricultural easements in their jurisdictions.

**Hopewell Township:** Although it does not contribute financially to the county program, Hopewell works with landowners in strategic locations to sell easements.

**Zoning:** No agricultural zoning. Residential densities in agricultural areas in Cumberland County townships range from one unit to six acres (1:6) to 1:2—Hopewell's density is 1:1.

#### DEMOGRAPHICS

**2000 Population:** 146,400

**1990–2000 Population Change:** +8,385 residents; +6 percent

#### AGRICULTURAL LAND

66,288 acres: 76 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$94 million      **Number of Farms:** 573

**Principal Commodities:** Vegetables, sweet corn and melons, nursery and greenhouse, fruits and berries

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Easements are concentrated in the western portion of the county where most of the prime farmland remains. Hopewell and Upper Deerfield townships combined contain 79 percent of Cumberland's agricultural easement acres. The southern portion of the county is marshy and tidal, much of it publicly owned in the form of wildlife refuges, while the east is largely developed and suburbanized.



**[VIEW MAP: New Jersey —CUMBERLAND AGRICULTURAL LAND TRUST](#)**



### **New Jersey — HUNTERDON COUNTY**

Countywide program — Formed in 1980 — (East Amwell Township information illustrates local planning patterns.) — *researched by Al Sokolow*

**OVERVIEW** — Located in west central New Jersey, Hunterdon houses many suburban commuters to the New York City region about 50 miles away at the nearest point. The county ranks third in the state in agriculture easement acres. Townships (municipalities) are active partners with county government in targeting particular farms, working with landowners, and funding transactions. Farmland protection efforts at both county and municipal levels receive strong voter majorities for bond issues and dedicated property taxes for easement acquisitions. East Amwell Township has the largest number of easement acres of any municipality in the county.

**EASEMENT ACTIVITY** — 10,168 agricultural acres in 85 parcels. Commodities include vegetables, orchards, horse farms and nurseries. Parcels under easement average 119 acres. East Amwell Township contains 2,700 easement acres.

**Goals:** 50,000 acres by 2010.

**Other Easement Programs:** State agricultural easements—2,223 acres in 22 farms; Hunterdon Land Trust Alliance—107 acres in two farms. Another 1,896 acres in 32 farms are slated for protection under the state-funded Planning Incentive Grant Program.

**Total Agricultural Easements in County:** 12,498 acres as of 2002, including the county, Land Trust Alliance and state programs.

#### **FUNDING**

**Acquisition Spending to Date:** \$49.6 million on agricultural easements.

**Revenues:** 65 percent from state funds; 21 percent from the county; 14 percent from municipalities. The county and most townships have voter-approved funds for agricultural easements and other open space acquisitions, including bond issues and dedicated property taxes. County and municipal shares for funding particular easements are determined by a formula based on appraisal values. In addition, the state has spent about \$15.8 million to directly acquire easements in Hunterdon County.

**GOVERNANCE** — The program is overseen by the Hunterdon County Agricultural Development Board (CABD), a 12-member citizens' body with four ex-officio members. Voting members are appointed by the Board of Freeholders to three-year terms. Municipal representatives, appointed by township mayors, serve as liaisons to the CABD.

**STAFF AND OPERATING BUDGET** — The program staff of two and one-half positions is a part of the Planning Department. It includes the Administrator, Assistant Administrator and half-time planner. Legal services are provided by the County Counsel. Starting in 2003, easement monitoring will be managed by a staff member of the local soil conservation district. The annual operating budget is about \$150,000.

**ORIGINS** — Responding to local pressures for protecting farmland, the Hunterdon Board of Freeholders appointed a Rural Taskforce in 1980 that held meetings and conducted studies. This led to the formation of the CABD in 1983, at the time state legislation first provided easement funds. Earlier in 1980, county voters passed the first of several bond issues for agricultural protection.

**ACQUISITION PROCESS AND STRATEGY** — The CABD makes the final decisions to submit particular parcels for state funding. Municipalities are involved earlier in approving county

easements in their jurisdictions. The process emphasizes geographical targeting to create contiguous blocks of protected land. As well as applying quantitative scores, the CADB exercises discretion in inserting geographical and other program considerations into the review process.

**Rating of Parcels:** Quantitative. With a maximum of 111 points, the top weights are contiguity, agricultural quality, farm management, planning compatibility and urgency. The score for the quality of farm management is determined somewhat subjectively by an inspection of candidate parcels by a committee of local farmers. Landowner applicants can appeal their scores which may result in changes in the ranking.

**Other Criteria:** Minimum standards applied before the quantitative scoring include 40 acre-plus parcel size, less than 50 percent woodland, municipal participation and location in an Agricultural Development Area.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Planning and zoning are township functions although the county runs the easement program. Hunterdon County has a Farmland Protection Plan—last updated in 2000—that identifies protection goals and describes economic opportunities for local agriculture.

**East Amwell Township:** The Township has a policy emphasis on maintaining large farm parcels through zoning and easements—in large part to retain rural character. The Amway Valley Agricultural District, containing most of the township's active farms and best soils, is designated as an area for special protection. Also limiting urban growth but virtually guaranteeing large lot rural residences is the absence of public sewer and water systems and septic tank limitations.

**Zoning:** State legislation does not allow exclusive agricultural zoning. Most municipalities in Hunterdon have rural zoning densities at about one unit to five acres (1:5) or 1:6. East Amwell Township has 1:10 density in most areas, with smaller lots allowed down to 1:1.5 through lot averaging and clustering. Downzoning in 1999 replaced a 1:3 density.

#### DEMOGRAPHICS

**2000 Population:** 121,989

**1990–2000 Population Change:** +14,213; +13 percent

#### AGRICULTURAL LAND

105,230 acres: 74 percent cropland

**Conversion to Urban Use:** Between 1985 and 1995, over 12,000 acres of the county were developed (+33 percent) and more than 9,000 acres of agricultural land were converted to other uses (7.5 percent). (*Center for Remote Sensing and Spatial Analysis 2000*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$36 million      **Number of Farms:** 1,313

**Principal Commodities:** Nursery and greenhouse crops, hay, silage, field seeds, grass seeds and corn for grain

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Agricultural easements are located in 12 of Hunterdon's townships, in a seemingly scattered pattern. However, three townships—including East Amwell—contain more than half of the acres and protected farms.

**[VIEW MAP: New Jersey —HUNTERDON AGRICULTURAL LAND TRUST](#)**



### **New Jersey — MONMOUTH COUNTY**

Countywide program — Formed in 1981 — (Upper Freehold Township information illustrates local planning patterns.) — *researched by Al Sokolow*

**OVERVIEW** — Close to New York City, Monmouth County with its horse farms and seashore setting is a favored destination for high income commuters. With the coastal and northern parts of the county largely populated, growth pressures are concentrated in the inland and western sectors. More than 80 percent of all agricultural easement acres are located in one municipality, Upper Freehold Township, in the southwestern corner of the county. In part this is due to the municipality's aggressive promotion of the technique among landowners. The county now requires municipal cost sharing to site easements in particular townships.

**EASEMENT ACTIVITY** — 7,300 acres on 59 farms: equine, field crops, sod and nurseries. No dairy farms although this was once a principal farm commodity in Monmouth.

**Goals:** 46,000 acres by 2010.

**Other Easement Programs:** Easements on six farms purchased in fee by the Monmouth Conservation Foundation were transferred to the county and are included in the county total above. The state holds 295 easement acres in four farms—220 acres in seven farms are pending in the Planning Incentive Grant (PIG) program.

**Total Agricultural Easements in County:** Approximately 7,600 acres.

#### **FUNDING**

**Acquisition Spending to Date:** \$62.9 million

**Revenues:** About 60 percent from state funds, 38 percent county and 2 percent municipal. The county recently established a cost share requirement for municipalities, using a sliding scale of 5 percent to 50 percent of the county cost per easement. The county share is funded by general fund appropriations. Partial donations from landowners to date are valued at about \$3.3 million. Municipal contributions are from voter-approved property taxes. A voter-approved county open space tax funds parkland acquisitions and has not been applied to farmland protection.

**GOVERNANCE** — The program is overseen by the Monmouth County Agricultural Development Board (CADB), a body with nine voting members and one ex officio (county agricultural agent). Voting members represent different constituencies—Soil Conservation District, County Planning Board, Board of Agriculture and general public. The program staff are Planning Department employees on indefinite loan to the CADB.

**STAFF AND OPERATING BUDGET** — Three authorized staff (only one position was filled in early 2003). The program does not appear to have a separate operating budget.

**ORIGINS** — The Monmouth program and its CADB were organized in 1981—two years before the state funding program and requirement for county boards were legislated. A county planner led the effort to create the program. The first easement was acquired in 1987.

**ACQUISITION PROCESS AND STRATEGY** — The county uses a four-step review process prior to submitting locally approved applications to the state for further review and funding. The first three require the quantitative scoring of land evaluation, site assessment and development capacity. Applications can be rejected at each of these stages. The fourth stage involves obtaining option agreements from landowners, initiating appraisals and submission to the state. Quantitative scores prevail with very little discretion in the process by the CADB and other county officials. After state review including determination of state-local cost shares, easement

deals are given final approval by the county Board of Freeholders, pertinent municipal board and the state ADB.

**Rating of Parcels:** Quantitative (1) LAND EVALUATION: agricultural productivity, with the local NRCS office providing soil quality ratings. (2) SITE ASSESSMENT: top categories are contiguity, planning compatibility, farm management and parcel size. (3) DEVELOPMENT CAPACITY: eliminates parcels that would be kept in agriculture anyhow, based on calculations of road frontage and relationship of parcel size to required minimum size for building.

**Other Criteria:** Enrollment in an Agricultural Development Area is a minimum standard. A minimum parcel size requirement was eliminated a few years ago to allow the review of small parcels with high easement values. In the only display of discretion, on landowner and appeal and the submission of contrary information, the CADB can reverse the earlier denial of an application.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** While the county runs the easement program, planning and zoning are township functions.

**Upper Freehold Township:** The township has several farmland protection policies, as well as fiscally supporting the easement program. A version of cluster development, the Farmland Preservation Subdivision Ordinance allows the building of a parcel's entitled residences to be concentrated on one-quarter of the land, with the remaining farmland preserved under an easement. AFT prepared a cost of community services study for the municipality several years ago.

**Zoning:** State law does not allow exclusive agricultural zoning. The basic residential zoning density for Upper Freehold is one unit to two acres.

#### **DEMOGRAPHICS**

**2000 Population:** 615,300

**1990–2000 Population Change:** +62,000 residents; +11 percent

#### **AGRICULTURAL LAND**

59,405 acres

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$67.9 million    **Number of Farms:** 874

**Principal Commodities:** Nursery products, vegetables, sweet corn, melons, equine

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

More than 80 percent of the acres under agricultural easement are concentrated in just one of Monmouth's 53 municipalities—Upper Freehold Township in the southwestern corner, the furthest part of the county from the New York region. Several contiguous blocks of easements here form a partial ring throughout the municipality. Upper Freehold also contains the most concentrated areas of farmland left in the county. The coastal and northern areas of Monmouth are largely urbanized.



**[VIEW MAP: New Jersey —MONMOUTH AGRICULTURAL LAND TRUST](#)**



### **New Jersey — MORRIS COUNTY**

Countywide program — Formed in 1983 — (Washington Township information illustrates local planning patterns.) — *researched by Al Sokolow*

**OVERVIEW** — About an hour commute from Manhattan at its closest boundary, this northern New Jersey county is under heavy development pressure from the New York region. Several interstate highways traverse the county. Rural parcels in Morris County are prized for large homes on large lots. Most agricultural easement acres acquired so far are located in the southwestern section of the county, the furthest away from New York City. Among New Jersey programs, Morris County relies least proportionately on state funds and is most dependent on local property taxes. This high use of local taxes is driven by the elevated costs of easements in a super-heated land market. The average per acre cost of almost \$12,000 for agricultural easements is the highest in New Jersey. Most county-acquired easements are located in one township, Washington.

**EASEMENT ACTIVITY** — 4,137 agricultural acres in 61 properties. All cropland—vegetables, orchards, horse farms and nurseries. Parcels under easement are relatively small, averaging 67 acres. Washington Township contains 3,328 easement acres in 45 farms.

**Goals:** Tentative plan to acquire 12,000 agricultural easement acres in 10 years.

**Other Easement Programs:** Two land trusts acquired some agricultural easements now held by the county. One state-held easement. Other easement acres pending under the state-supported Planning Incentive Grant program.

**Total Agricultural Easements in County:** Approximately 4,300 acres.

#### **FUNDING**

**Acquisition Spending to Date:** \$49.8 million—an average of almost \$12,000 per acre.

**Revenues:** 53 percent from state, most of the rest from county property taxes. Since a nonbinding voter referendum in 1993, a dedicated property tax has supported the acquisition of easements and fee purchase of open space lands. Voters in 2001 approved an increase in the tax. Bonds backed by property taxes funded the program in earlier years. Some municipalities cost-share with the county, although this is not required by the county.

**GOVERNANCE** — The program is overseen by the Morris County Agricultural Development Board (CADB), a seven-member citizens' body appointed to four-year terms by the Board of Freeholders. Administratively, the program is housed in the county's Planning and Development Department.

**STAFF AND OPERATING BUDGET** — Two full-time staff, including the program director. Annual operating budget of about \$100,000.

**ORIGINS** — The program was created as a direct result of state legislation in 1983 that established the New Jersey agricultural easement program and a funding mechanism. The first easements were acquired in 1997.

**ACQUISITION PROCESS AND STRATEGY** — The CADB reviews easement applications and submits them to the state for further review and action. Final determinations to release county funds for particular purchases are made by the county's legislative body, the Board of Freeholders. The CADB has discretion to add other considerations to the results of the quantitative scoring system. While geographical targeting is not an explicit priority, most easements are located in one township because of its concentration of affordable farmland.

**Rating of Parcels:** Quantitative. Using a scoring system common to most New Jersey programs, Morris County gives the highest priority to agricultural quality and contiguity, with lesser weights assigned to farm management, planning compatibility and parcel size. This system replaced a more open-ended evaluation process a few years ago.

**Other Criteria:** Minimum criteria include enrollment in an Agricultural Development Area, 10 acre threshold and not more than 50 percent in woodland. At the discretion of the CADB, bonus points or special consideration are given to applications from "good farms."

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Planning and zoning are township functions although the county runs the easement program.

**Washington Township:** The Township emphasizes limited urban growth, retention of farmland and other open space as rural amenities, and minimizing urban conflicts with agriculture. Cluster development is required for residential development; at least half of each developed parcel is set aside for farmland or other open space.

**Zoning:** State legislation does not allow exclusive agricultural zoning. The basic zoning density in Washington Township is one unit to five acres (1:5), recently downzoned from 1:2 and 1:3 densities.

#### DEMOGRAPHICS

**2000 Population:** 470,212

**1990–2000 Population Change:** 48,851 residents; +11 percent

#### AGRICULTURAL LAND

22,351 acres: 60 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$30 million      **Number of Farms:** 383

**Principal Commodities:** Nursery and greenhouse crops, vegetables, sweet corn, melons, hay, silage, field and grass seeds

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

[VIEW MAP: New Jersey —MORRIS AGRICULTURAL LAND TRUST](#)

Most of Morris County's agricultural easement acres and protected farms are located in one township—Washington in the southwestern part of the county, which contains about one-third of the remaining farmland in the county. There are several large blocks of easements in this area. Eastern and central sections of the county are heavily urbanized.

## **New Jersey — SUSSEX COUNTY**

Countywide program — Formed in 1985 — *researched by Andy Andrews*

**OVERVIEW** — Located in the northwestern corner of New Jersey, bordering New York and Pennsylvania, Sussex County is primarily a bedroom community for commuters to jobs elsewhere. Interstate 80 forms part of the county's southern border and New York City is about 50 miles to the east. Relatively low easement values as compared to more urbanized counties allow the Sussex agricultural easement program to stretch acquisition dollars. State funds are matched by a county dedicated property tax and property tax support from several municipalities, all approved by voters. Most agricultural easement acres are concentrated in one township.

**EASEMENT ACTIVITY** — 6,094 agricultural acres in 38 parcels. The top commodities produced by farms under easement are nursery and greenhouse crops, dairy products and cattle. Increasingly, specialized crops for niche markets are being produced. Approximately 30 percent of agricultural easement acres are in woodland.

**Goals:** No specific program goals at this time, but under development.

**Other Easement Programs:** The state holds three easements with 906 acres. With the help of state funds, The Nature Conservancy purchased easements on two agricultural parcels totaling 336 acres.

**Total Agricultural Easements in County:** Approximately 7,200 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$15 million on county-held agricultural easements, averaging less than \$2,500 per acre.

**Revenues:** 74 percent from state; 26 percent local—including a county dedicated property tax (2 cents per \$100 per assessed value) approved by voters, and property tax contributions from nine of the county's 24 municipalities, also approved by voters. Townships voluntarily contribute funds to county easement acquisitions and some fund their own purchases.

**GOVERNANCE** — The program is overseen by the Sussex County Agriculture Development Board (CADB) appointed for indefinite terms by the Board of Freeholders. The program's staff is housed in the county's Division of Planning.

**STAFF AND OPERATING BUDGET** — One full-time staff person. Operating budget not available.

**ORIGINS** — The Sussex CADB was formed in 1985, as a direct result of the legislation two years earlier that established the state program and funding. Because local leaders wanted to see how easement programs would work elsewhere as a guide to local arrangements, the first easement in Sussex was not acquired until 1989.

**ACQUISITION PROCESS AND STRATEGY** — Landowners enrolled in state-required Agricultural Development Areas are sent easement application forms every year. In promoting its program, the Sussex CADB conducts an informational meeting for landowners every February. Formal applications are reviewed by the CADB both quantitatively and qualitatively to produce the list submitted for state review and funding decisions. Site inspections, conducted early in the process, produce qualitative factors. The quantitative scoring used by the county is separate from the state's system.

**Rating of Parcels:** Quantitative. The county gives the highest priority to agricultural quality and contiguity.

**Other Criteria:** Minimum requirements include enrollment in an Agricultural Development Area and parcel size of 40 acres or more. Other factors incorporated into the review process, based in part on site visits, include economic viability, special markets for a farm's commodities and innovative qualities.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Planning and zoning are township functions in New Jersey. Nine townships have open space and agricultural preservation plans. Residential development in rural areas generally is restricted by the lack of public water and sewer systems.

**Zoning:** Residential densities for agricultural areas among townships in Sussex County are generally one unit to five acres (1:5) to 1:7, with 1:1 densities close to interstate highway corridors. Extensive downzoning has occurred in recent years.

#### **DEMOGRAPHICS**

**2000 Population:** 144,166

**1990–2000 Population Change:** +13,223; +10 percent

#### **AGRICULTURAL LAND**

73,001 acres: 56 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$19 million      **Number of Farms:** 827

**Principal Commodities:** Nursery and greenhouse crops, dairy products, vegetables, sweet corn and melons

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Easements are concentrated in Wantage Township in the North Central portion of the county, an area with some of the largest blocks of farmland in the county that are not interrupted by public lands or urban uses. Many easements are contiguous or located within several miles of one another. Little of Sussex County's farmland has prime agricultural soils. About one-third of the county's area is publicly owned, including state parks, wildlife management areas, a national wildlife refuge and the Delaware Water Gap National Resource Area.

**[VIEW MAP: New Jersey —SUSSEX AGRICULTURAL LAND TRUST](#)**





## **New York — TOWN OF SOUTHOLD**

Town-wide program — Formed in 1984 — *researched by Terri Ptacek and Anita Zurbrugg*

**OVERVIEW** — Stretching 21 miles into Long Island Sound, Southold is the eastern-most township on the North Fork of Suffolk County. The shoreline landscape makes Southold an sought-after location for tourism and second homes. Almost a third of the community's 54 square miles are still in farmland, although continually pressured by development. Southold was the first Long Island town to form its own independent agricultural easement to supplement the local preservation efforts of the Suffolk County program established earlier. Voter approved bonds and a property transfer tax have funded the town's easement acquisitions. Combining town and county efforts and the work of nonprofit organizations, easements to date have protected about one-fourth of the township's 10,000 agricultural acres. Yet local leaders, recognizing that the pace of growth and farmland conversion is exceeding the rate of easement acquisitions, are looking for other farmland protection methods.

**EASEMENT ACTIVITY** — 1,360 acres in 69 parcels.

**Goals:** The town has identified approximately 7,000 acres of farmland at risk of development.

**Other Easement Programs:** Suffolk County's purchase of development rights (PDR) program, in existence since the mid 1970s, has acquired about 1,330 agricultural easement acres in the township. Nonprofit organizations such as The Peconic Land Trust and The Nature Conservancy have protected additional agricultural land through easements and fee simple acquisitions.

**Total Agricultural Easements in Town:** Approximately 2,900 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$11.5 million spent by the town.

**Revenues:** A 2 percent property transfer tax, approved by voters in 1998, funds the Southold Community Preservation Fund which supports the preservation of farmland and open space. Earlier funds were provided by seven voter approved environmental bonds and by foundation contributions to leverage matching federal fund and state funds.

**GOVERNANCE** — The program is overseen by a citizens' Land Preservation Committee of seven members appointed by the Town Board. Members of the Land Preservation Committee also serve as the members of the Community Preservation Fund Advisory Board.

**STAFF AND OPERATING BUDGET** — The staff includes the full-time land preservation coordinator and two newly created part-time positions. The annual operations budget for the land preservation department is about \$210,600. The town attorney and assistant attorney provide assistance on an as needed basis.

**ORIGINS** — Faced by escalating land costs outpacing the rate of farmland protection through its easement program, in 1980 Suffolk County asked townships to help in the effort. The Town of Southold organized its own PDR program in 1984 and acquired the first easements in 1986 after voter approval of an initial bond act. Six more bond issues were approved in later years. A further step was taken when the Peconic Bay Region Community Preservation Act was passed by the state legislature in 1998, facilitating the creation of a town preservation fund for farmland and open space fueled solely by a 2 percent real estate transfer tax.

**ACQUISITION PROCESS AND STRATEGY** — The Southold Town Board makes the final acquisition decisions, acting on the recommendations of the Land Preservation Committee. The process is focused on acquiring easements on specific properties identified in the Southold Community

Preservation Project Plan, adopted in 1998. As part of a town land use and preservation inventory, every working farm is identified in the plan which qualifies it for application. Applications are funded in order of submission.

**Rating of Parcels:** No quantitative or qualitative scoring.

**Other Criteria:** The town is currently working on adopting specific strategies that include identifying critical farmland and reaching out to owners of vulnerable parcels.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** The Town Board, the Land Preservation Committee and the Planning Board work closely with landowners to preserve farmland. Southold Town policies related to the easement program include the Community Preservation Project Plan—which maps farmland to be preserved—and a clustering and preservation requirement for new subdivisions. The Peconic Land Trust works closely with the town's Land Preservation Department to facilitate PDR acquisitions combined with limited (reduced-density) development and private conservation easements. Not satisfied with the achievements of town and county protection efforts so far, town leaders are looking at other preservation options. A moratorium on new development is currently (2003) in place, to allow time for the town board to consider the recommendations of a blue-ribbon commission charged with preserving the town's rural character. Proposals under consideration include conservation subdivisions and rural incentive districts permitting property tax reduction for farms.

**Zoning:** Agricultural-conservation zoning contains some restrictions against wholesale conversion of contiguous areas of prime farmland to residential use. Clustering is required on lots of 10 or more acres, requiring 50 percent of land preserved from development.

#### **DEMOGRAPHICS**

**2000 Population:** 5,465

**1990–2000 Population Change:** + 273 residents; + 5 percent

#### **AGRICULTURAL LAND**

10,232 acres: about 7,500 acres actively farmed—15 percent of farmland is fallow, average parcel size approximately 17 acres.

**Conversion to Urban Use:** Southold lost 2,400 acres of farmland in the last 20 years.  
(Program data)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** Suffolk County—New York's leading producer of agricultural products—produces over \$250 million annually. The town of Southold contains 22 percent of Suffolk County's agricultural land.

**Number of Farms:** 606 (Suffolk County)

**Principal Commodities:** Vegetables and vineyards, grain, potatoes, sod and nursery

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

##### **[VIEW MAP: New York —SOUTHOLD AGRICULTURAL LAND TRUST](#)**

The Town of Southold is long and narrow, approximately 54 square miles but stretching over 21 linear miles into Long Island Sound. Most of the urban development is concentrated around the hamlets and along the shoreline. Easements are distributed throughout the town among various other privately and county protected parcels, with some easements concentrated around the edge of development.

## **New York — SUFFOLK COUNTY**

Countywide program — Formed in 1974 — *researched by Teri Ptacek and Al Sokolow*

**OVERVIEW** — Occupying the eastern part of Long Island, Suffolk County is New York State's top agricultural county in value of production and also the fastest growing county. Suffolk created the first agricultural easement program in the nation in the mid 1970s—a path breaking step that was soon followed by numerous other local and state governments. In adopting this innovation, county leaders were reacting to overwhelming residential growth eastward from New York City that had converted virtually all of western Suffolk's farmland by the 1970s. Easement acquisitions since have been concentrated in the eastern part of the county where town governments also have their own purchase programs. Despite a relatively long history of easement activities, however, development continues to rapidly consume farmland. The rate of population increase now is considerably less than in the peak decades after World War II, but larger residential lots take up much more land per person than before. Acquisitions funded mostly by county bond issues have not kept pace with conversions; 70 percent of easement acres was purchased in the first 11 years of the program's existence, with a slowdown since because of limited funds and very high easement prices. An ambitious plan for putting easements on 24,000 acres, most of the unprotected farmland in the county, at a cost of more than \$250 million has been floated by some local groups.

**EASEMENT ACTIVITY** — 7,700 county-purchased acres in 140 parcels. The top crops produced by the small farms—average of 55 acres—covered by easements are wine grapes and horticultural products.

**Goals:** 20,000 acres of farmland.

**Other Easement Programs:** Acquired by town governments—2,200 acres; land trusts—several thousand acres including some easements acquired for the county; town cluster requirements—1,000 acres.

**Total Agricultural Easement in County:** Approximately 11,000 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$56.5 million for county easements. Prices are relatively high—between \$17,000 to \$30,000 an acre in most cases.

**Revenues:** \$41 million from three bond issues (1976, 1979, 1989–1990) approved by the County Legislature. A fourth bond issue for \$20 million was passed by voters in 1998. Other sources are one-third of the revenues from a quarter-cent sales tax for open space acquisitions, state funds (\$2 million) and federal funds (\$100,000). Towns in the eastern part of Suffolk have spent \$19 million, not included in the county total above, to fund their own easement programs with real estate transfer taxes and general appropriations, some approved by voters.

**GOVERNANCE** — A 19-member Farmland Select Committee, largely appointed by the elected County Executive, oversees the selection of easements. The committee has representatives from each town, eight at-large members and a chair appointed by the County Executive.

**STAFF AND OPERATING BUDGET** — The program does not have a separate staff or operating budget. Staff responsibilities are shared by three county departments—Planning (selection process), Real Estate (appraisals, cost negotiations, clerical support, easement monitoring) and County Attorney.

**ORIGINS** — The idea to use PDRs to preserve Suffolk County farmland was first suggested by a local attorney as a follow-up to the 1968 Comprehensive Plan. It was later recommended by an Agricultural Advisory Committee, appointed by the County Executive in 1972, to develop a

farmland preservation plan. The impetus was to move quickly to reduce the high rate of conversion—rapid urbanization had sharply reduced the county's agricultural acres from 123,000 in 1950 to less than 60,000 in 1970. The County Legislature in 1974 authorized \$55 million for acquisitions, later implemented with bond funds. The first easements were acquired in 1977.

**ACQUISITION PROCESS AND STRATEGY** — Applications are ranked by the Farmland Select Committee, the prioritized list is approved by the County Legislature, and the Division of Real Estate orders appraisals for as many parcels as funds allow. The committee has discretion in applying the quantitative scores, particularly in determining the local importance of particular farm parcels.

**Rating of Parcels:** Quantitative. Equal weights are assigned to agricultural quality (soils), contiguity, vistas—including road frontage, cost and urgency. Bonus is assigned for location in an agricultural district.

**Other Criteria:** Minimum requirements according to the state definition of a "farm", including farm use in past two years and at least 10 acres.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Town governments are responsible for planning and zoning. In recent years downzoning and health department restrictions have increased minimum residential lot sizes, increasing the consumption of farmland in relation to persons housed. Three towns have cluster requirements, but many of the clustered areas are too small to farm and serve only as open space buffers.

**Zoning:** Eastern towns where most remaining farmland is located generally have one unit to two acres or smaller residential densities.

#### DEMOGRAPHICS

**2000 Population:** 1,362,616

**1990–2000 Population Change:** +40,848 residents; +3 percent

#### AGRICULTURAL LAND

35,858 acres: 82 percent cropland

**Conversion to Urban Use:** Decrease from 123,000 acres in 1950. (*Program data*) Total land developed from 1992–1997 is about 48,300 acres. (*National Resources Inventory*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$168 million      **Number of Farms:** 606

**Principal Commodities:** Nursery and greenhouse crops, vegetables, sweet corn and melons, potatoes and peanuts

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Although each town contains one or more easements, the great majority of protected acres are located in eastern Suffolk County where most of the county's remaining farmland is concentrated. One town, Riverhead, has more than half of the easement acres. Easement blocks are found here and in the town of Southold.

**[VIEW MAP: New York —SUFFOLK AGRICULTURAL LAND TRUST](#)**



## North Carolina — FORSYTH COUNTY

Countywide program — Formed in 1984 — *researched by Deborah Bowers*

**OVERVIEW** — Forsyth County's Farmland Preservation Program is the only program in North Carolina, and perhaps the only one south of Virginia, to have acquired more than 1,000 agricultural easement acres by 2002. Land trusts and a few other county governments in North Carolina hold a small number of easements, some with funds appropriated since 1998–1999 by state government and administered by the nonprofit Conservation Trust for North Carolina. The Forsyth program was created almost 20 years ago to strengthen the local agricultural economy, but it has accumulated only a little more than 1,200 easement acres. For most of its history the program was funded exclusively by county general appropriations. State funds were provided in 1999–2000 for two acquisitions as part of a demonstration project and federal funds were received in 1998–2000. But the Forsyth program has not been funded since 2000 and the last easement was acquired in 2001. A unique feature is the program's administration by the countywide soil and water conservation district, although county government has ultimate responsibility. Forsyth County is centered around the city of Winston-Salem, one of North Carolina's largest. Tobacco has been the top crop, although the problems of that industry have left hundreds of farm fields idle in the county. Agriculture is also affected by growth pressures around Winston-Salem, where two interstate highways meet, and from urbanization around the city of Greensboro in neighboring Guilford County.

**EASEMENT ACTIVITY** — 1,255 agricultural acres preserved on 27 properties. Commodities are equine, cattle, vegetables, greenhouse, tobacco and grain crops. Not included in this total are 350 acres protected by the county under 25-year "lease agreements" —an early option no longer available.

**Goals:** 30,000 acres—initially set by the Soil and Water Conservation Board.

**Other Easement Programs:** Unknown.

### FUNDING

**Acquisition Spending to Date:** \$2.6 million

**Revenues:** General appropriations by county government (81 percent), federal funds (13 percent), state funds (6 percent). County funds have not been appropriated since 2000. Federal Farmland Protection Program funds were received in 1998–2000. Forsyth received \$167,000 in state funds in 1999–2000 for two easement purchases. This was part of a \$750,000 purchase of development rights (PDR) demonstration project administered by the nonprofit Conservation Trust for North Carolina that was continued with additional funds in 2001–2002. Two easements were donated by landowners, accounting for a total of 17 acres and valued at \$46,000.

**GOVERNANCE** — The five-member Forsyth County Soil and Water Conservation District Board of Supervisors acts on behalf of the county in administering the program, with the County Board of Commissioners maintaining ultimate responsibility. Three members of the district board are elected locally, and two are appointed by the state Soil and Water Commission.

**STAFF AND OPERATING BUDGET** — The program is staffed by the administrator of the Soil and Water Conservation District, who spends about 10 percent of his time on easement activities. Annual operating costs are estimated at about \$5,000.

**ORIGINS** — In 1983, in response to extensive farmland loss, Forsyth County Commissioners created an agricultural committee to examine the problem and recommend solutions. The committee adopted an Agricultural Land Preservation Plan, which called for the creation of a

PDR program. The program was established and funded the following year. Guidelines were adopted in August 1986 and the first easements were purchased in June 1987.

**ACQUISITION PROCESS AND STRATEGY** — The conservation district board reviews applications and makes offers to the top ranked properties as funding allows. Applications are accepted at all times and are funded, after approval, in the order received. There is no geographical targeting. Little discretion beyond the quantitative weights is applied in the process.

**Rating of Parcels:** Quantitative. The district board uses Land Evaluation and Site Assessment (LESA) rankings to prioritize applications for funding. Up to 700 points can be attained for prime soils, and up to 1,000 points can be attained for site assessment.

**Other Criteria:** Location in a designated Agricultural Priority Area, based on soils and sufficient contiguous agricultural lands, is a minimum requirement. Areas are designated by the conservation district board and are scattered throughout the county.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Agriculture gets very little mention in the county's comprehensive plan. But Agricultural Priority Areas are designated by county government and are used as the minimum eligibility criterion for funding easement projects.

**Zoning:** There is no agricultural protection zoning in the county. Residences on farms can be developed at one-acre density, if roadway access standards are met.

#### **DEMOGRAPHICS**

**2000 Population:** 288,810

**1990–2000 Population Change:** +22,310 residents; +8 percent

#### **AGRICULTURAL LAND**

51,091 acres: 84 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$16.2 million    **Number of Farms:** 621

**Principal Commodities:** Tobacco, corn

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY** (*Map not available*)

Easements are scattered around the periphery of the county, outside the urbanizing area of Winston-Salem. The largest number are located in the county's northeast quadrant.



## Pennsylvania — ADAMS COUNTY

Countywide program — Formed in 1989 — *researched by Deborah Bowers*

**OVERVIEW** — Noted for its apple production and Civil War history, Adams County is in the southern tier of Pennsylvania counties on the Maryland border. As compared to nearby Maryland communities, Adams has inexpensive land and less restrictive land use regulations. As a result, the county attracts homebuyers from the greater Baltimore area and other Maryland locations. Gettysburg is the county seat and the urban center of the county. The Gettysburg National Military Park brings thousands of visitors annually and creates a national identity for this county of under 95,000 people. Until a bond issue was authorized in early 2003, the local match for state funds came from general county appropriations and penalties paid for the conversion of farmland.

**EASEMENT ACTIVITY** — 11,600 agricultural acres preserved on 75 properties: orchards, dairy, livestock, hay.

**Goals:** 50,000 acres.

**Other Easement Programs:** Land Conservancy of Adams County accepts easement donations on agricultural and natural lands. Mount Joy Township established in 2003 a township-only program with its own funds.

**Total Agricultural Easements in County:** Approximately 12,000 acres.

### FUNDING

**Acquisition Spending to Date:** \$19.3 million

**Revenues:** State allocations (\$15.4 million), county general appropriations (\$3.9 million) and federal funds (\$100,000). Local revenues for the program also are generated by penalties paid for converted agricultural land enrolled in the state's Clean and Green program. In early 2003, the County Commissioners authorized a \$2 million bond issue for easement acquisitions.

**GOVERNANCE** — The Adams County Agricultural Lands Preservation Board (ALPB) oversees the easement program. Its nine members are appointed to three-year terms by the County Commissioners. The program's staff are administratively independent of other county departments.

**STAFF AND OPERATING BUDGET** — The staff includes the director, a stewardship administrator and a part-time administrative assistant. The director reports directly to the County Commissioners. Approximate annual operating budget is \$140,000. The staff is housed in an agricultural center along with other agricultural agencies such as the conservation district staff.

**ORIGINS** — The Adams County Commissioners responded promptly to the creation of the state program by appointing the ALPB and establishing a staff position in 1989. The first easement was acquired in 1991.

**ACQUISITION PROCESS AND STRATEGY** — The staff conducts ranking of applications and the ALPB reviews and decides which farms will receive offers. Farms selected are approved by the county commissioners; the selections are then forwarded to the state board for approval and funding. There is no geographical targeting.

**Rating of Parcels:** Quantitative. A Land Evaluation and Site Assessment (LESA) system is used. Under Land Evaluation, agricultural quality (soils) is the top factor with 40 percent of the overall score. The Site Assessment portion, similar to other Pennsylvania county LESA formulas, has three major components: 1) development potential and proximity; 2) farm

management; and 3) proximity to other preserved parcels. Compatibility with the county's Comprehensive Plan land use map is also a factor.

**Other Criteria:** Minimum state-designated criteria are parcel size or contiguity, location in an Agricultural Security Area, soils and harvested cropland. Adams County applies additional minimum criteria—conservation plan in place on all tillable land to be under easement, not located in Gettysburg National Military Park, and a minimum land evaluation score.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** The Adams County Comprehensive Plan contains an agricultural resource protection plan. The county's planning staff helps townships develop agricultural protection ordinances that respond to the county's recommendations.

**Zoning:** Townships are responsible for zoning. Half of Adams' 21 townships have adopted some type of agricultural protection zoning, including sliding scale with maximum lot size, area-based allocation and percentage-of-parcel restrictions. The remaining townships have either no zoning or minimum lot size zoning—no restriction on number of lots on a given parcel as long as each is a certain minimum size (one or two acres).

#### **DEMOGRAPHICS**

**2000 Population:** 91,292

**1990–2000 Population Change:** +13,018 residents; +16 percent

#### **AGRICULTURAL LAND**

178,780 acres: 77 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$150 million      **Number of Farms:** 984

**Principal Commodities:** Poultry and poultry products, fruits, nuts, berries, dairy products

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

##### **[VIEW MAP: Pennsylvania —ADAMS AGRICULTURAL LAND TRUST](#)**

Easements are located throughout the county in a generally isolated and scattered pattern. Exceptions are two notable blocks of easements, largely east of Gettysburg and in Franklin Township north of Gettysburg.

## **Pennsylvania — BERKS COUNTY**

Countywide program — Formed in 1989 — *researched by Deborah Bowers*

**OVERVIEW** — Berks County is located in southeast Pennsylvania and is affected by scattered growth patterns expanding out from the Philadelphia suburbs to the south and southeast. With a diverse agricultural sector that includes hogs, dairy, poultry, nursery productions, fruit and mushrooms, it is the third county in the state in value of annual farm production. Berks is one of the top dozen local agricultural easement programs in the nation in easement acres acquired as of 2003. The county actively works with township governments on planning and zoning matters. In 2002 the county created a pilot program with fiscal incentives to encourage townships to participate in easement acquisitions. About half of all townships have agricultural protection zoning. One township, Washington, has an active TDR program.

**EASEMENT ACTIVITY** — 28,000 agricultural acres preserved on 230 properties: hogs, poultry, dairy, grains, fruit.

**Goals:** 200,000 preserved agricultural acres stated in a comprehensive plan update in the early 1990s—no formal annual objectives.

**Other Easement Programs:** 2,873 agricultural acres preserved by the Berks County Conservancy and 300 acres preserved through the Washington Township TDR program.

**Total Agricultural Easements in County:** Approximately 31,100 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$57.8 million

**Revenues:** State funds (\$33 million), county bonds (\$33 million authorized by the County Commissioners in 2000) and federal funds (\$180,000). Smaller amounts of local funds from cash donations and sales of commemorative pottery. In 2002, the Commissioners established the Municipal Land Protection Program with a \$500,000 general appropriation to encourage townships to participate in easement acquisitions. With Centre Township participating so far, the program allocates \$500 per acre for farmland and \$300 per acre for open space, to be matched by township funds. Townships submit Municipal Land Protection Plans to qualify for county funds.

**GOVERNANCE** — The Berks County Agricultural Land Preservation Board (ALPB) oversees the program. It's nine members are appointed by the County Commissioners to three-year terms. The program staff is housed at the Berks County Agricultural Center and is a separate department within county government, reporting directly to the County Commissioners.

**STAFF AND OPERATING BUDGET** — Three full-time and two part-time staff. Annual operating budget of about \$200,000.

**ORIGINS** — Farmers became critical of a 1974 comprehensive plan that did not focus on agricultural protection. In the mid-1980s a farmland preservation committee was created to develop a plan. The county's 1991 Comprehensive Plan included an agricultural preservation component to complement the newly developed easement program. The first easements were acquired in 1991.

**ACQUISITION PROCESS AND STRATEGY** — Two separate quantitative ranking are used by the staff and the ALPB. The first prioritizes applications for appraisal. After appraisals are complete, a second ranking is carried out to determine which easements can be completed with available funds. The top choices are forwarded to the state as recommended easement purchases. County commissioners are notified of the selections. Acquisition decisions are based on

quantitative scores with virtually no discretion applied by county officials.

**Rating of Parcels:** Quantitative. In the first, pre-appraisal ranking, a Land Evaluation and Site Assessment (LESA) formula is used. In Site Assessment, points are allocated to 19 factors related to the development pressures and development capability/suitability of a parcel and its surrounding area. The score determines the order in which properties are appraised. In the post-appraisal ranking, factors weighed include: acreage offered; percent of the total tract; funds per acre; and applicant's willingness to accept less than appraised easement value.

**Other Criteria:** Minimum state-designated criteria are parcel size or contiguity, location in an Agricultural Security Area, soils and harvested cropland.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Pennsylvania townships and other municipalities are responsible for planning and zoning. Berks County seeks to influence township policies in its comprehensive plan language and in working with the municipalities on zoning and easement arrangements. Since 1997, under the Agricultural Zoning Incentive Program adopted by the county Planning Commission, Berks pays the cost of revising municipal zoning ordinances to be consistent with the county's comprehensive plan.

**Zoning:** About half of the county's townships have agricultural protection zoning. In agricultural zones sliding scale zoning and low densities requiring 10 to 40 acres per residential unit are prevalent with exceptions for lands not designated as prime or productive.

**TDR Arrangement:** Washington Township's program is intended to concentrate development in an area where sewer service will be provided. The sending area is the Agricultural Preservation Area and the receiving area is a valley between two villages, where a 400 percent density bonus is possible through transferred rights.

#### **DEMOGRAPHICS**

**2000 Population:** 373,638

**1990–2000 Population Change:** +37,115 residents; +11 percent

#### **AGRICULTURAL LAND**

221,511 acres: 84 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$247.7 million    **Number of Farms:** 1,586

**Principal Commodities:** Livestock including dairy and poultry make up 52 percent of the market value, 35 percent is in nursery and greenhouse products.

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Nine townships have significant easement concentrations, while some have no protected farms within their borders. Major concentrations are east—where one township has most of its land under easement—west and northeast of the county seat city of Reading (81,000 population). Few easements are located close to the red-designated urban centers of the county.

**[VIEW MAP: Pennsylvania —BERKS AGRICULTURAL LAND TRUST](#)**



## **Pennsylvania — BUCKINGHAM TOWNSHIP**

Township program — Formed in 1995 — *researched by Deborah Bowers*

**OVERVIEW** — A rapidly growing municipality in the middle of Bucks County, with a 73 percent population increase in the 1990s, Buckingham was the first Pennsylvania township to put up its own funds for purchasing agricultural easements. Voters in 1995 and 1999 approved bond issues proposed by township supervisors for this purpose. The program was promoted as a means of limiting the public sector costs of residential development. Buckingham both funds its own independent program, putting easements on parcels that are not eligible for county funding, and contributes to the purchase of Bucks County acquisitions within the township's borders. Buckingham also operates a TDR program, created in 1975 and revised in 1994. Easement acres acquired through township and county programs so far constitute a large part of the township's 33 square mile territory.

**EASEMENT ACTIVITY** — A total of 2,437 agricultural acres from all sources, representing more than 36 parcels, are under easement in the township. Included are: (1) Exclusive township funding—751 acres, 20 transactions; (2) Township contributions to county-acquired easements—603 acres, seven transactions; (3) County only purchased easements within the township—611 acres, nine transactions; (4) TDR program—472 acres, number of transactions unknown. Buckingham Township directly holds the 20 easements funded exclusively with township funds. Easement properties are in field crops, dairy, vegetable and fruit orchards.

**Goals:** No specific program goals.

**Other Easement Programs:** Buckingham Township's independent program complements the Bucks County Agricultural Land Preservation Program and a TDR program administered by the township.

### **FUNDING**

**Acquisition Spending to Date:** \$22.1 million—includes funds for all acquisitions by both township and county programs in Buckingham.

**Revenues:** Two bond issues, authorizing a total of 13.5 mill in easement spending, fund both direct township acquisitions and township contributions to county acquisitions. The bond issues were approved by voters in 1996 and 1999 and are retired through an 8 mill property tax levy. Funds for county-purchased easements within Buckingham Township come from county bonds and state and federal revenues.

**GOVERNANCE** — The Buckingham Township Agricultural Preservation Committee (APC) oversees the easement program. Its members are appointed by the Buckingham Township Supervisors.

**STAFF AND OPERATING BUDGET** — The program is administered on a part-time basis by an administrative assistant who reports to the Director of Administration. There is no separate operating budget.

**ORIGINS** — Buckingham Township's easement program was organized as a response to the high public sector costs—especially school construction—of intense residential development. Township supervisors and others believed, it would be less expensive to preserve farmland through the purchase of development rights (PDR). Voters agreed in approving the initial 1995 bond issue to fund PDRs. The first easements were acquired in 1996. In 1975, the township created one of the first agricultural TDR programs in the nation.

**ACQUISITION PROCESS AND STRATEGY** — Township supervisors make final purchase decisions after applications are reviewed and ranked (if necessary) by the APC. No formal review is conducted if only one application is submitted in a given month. A quantitative ranking is employed when there are competing applications.

**Rating of Parcels:** Quantitative. A formula, similar to a Land Evaluation Site Assessment (LESA) ranking, is used to evaluate applications when more than one have been submitted. Equal weights are given to four categories: Farmland Value, Historic Value, Location and Scenic or Natural Resource Value.

**Other Criteria:** Ineligibility for county purchase can boost the prospects of a parcel for township acquisition. Identified as “other factors to consider” are urgency (defined as “threat of transfer, sale or subdivision of property due to circumstances such as economic hardship, ill health, estate settlement, age, divorce, etc.”) and donation as a percentage of easement value.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — A large part of Buckingham Township was identified by the Bucks County Planning Commission in 1986 as one of the county’s areas that should be targeted for farmland preservation. The township’s 1974 Comprehensive Plan highlighted preservation as a primary goal. At that time about one-fifth of the land area was in a development district and the rest was designated as agricultural and resource protection districts. Most new growth in the township since that time has occurred in the development district.

**Zoning:** Pennsylvania municipalities are responsible for zoning. Buckingham has two agricultural zones, occupying more than half of the township’s land area, with a residential density of one unit to 1.8 acres. Clustering permits smaller lot sizes with no overall increase in density.

**TDR Arrangement:** In place since 1975 and revised in 1974, Buckingham’s program has sending (agricultural zones) and receiving (agricultural, residential and business zones) areas. Densities in the receiving areas can be doubled in conjunction with clustering.

#### **DEMOGRAPHICS**

**2000 Population:** 16,442

**1990–2000 Population Change:** +7,078 residents; + 73 percent

#### **AGRICULTURAL LAND**

Township-level USDA figures are unavailable.

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** Data not available.

**Number of Farms:** 739 (Bucks County)

**Principal Commodities:** Crops, dairy

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Township and county easements together form significant concentrations of protected land in Buckingham. Most prominent is a block of 14 easements in the easternmost corner of the township. Other blocks of multiple easements are located mostly in the southern and central parts of the township. Easement concentrations are not close to the major urbanized areas (indicated by dense local road networks) in western Buckingham.



**[VIEW MAP: Pennsylvania —BUCKINGHAM AGRICULTURAL LAND TRUST](#)**



## Pennsylvania — BUCKS COUNTY

Countywide program — Formed in 1989 — *researched by Deborah Bowers*

**OVERVIEW** — Just north of Philadelphia, Bucks is a largely suburban and growth-impacted county with a still significant agricultural economy. Rapid residential development began after World War II, resulting in the urbanization of lower Bucks by the 1970s, and has since spread to the central and northern parts of the county. Farmland acres declined from 260,000 to 83,500 between 1950–1997, but local agriculture survives in large part because of the shift to higher value commodities such as nursery and greenhouse products. While both county and township governments actively acquire agricultural easements, township planning and zoning invites low density and spread out development. Municipal funding of easements is more extensive here than in other Pennsylvania counties; 15 townships are involved, either contributing to county purchases, acquiring easements on their own, or engaged in both activities. Two townships also have TDR programs, but only one (Buckingham) has completed transfers.

**EASEMENT ACTIVITY** — 6,500 agricultural acres acquired by the county on 70 properties: nursery and greenhouse crops, dairy, corn.

**Goals:** 10,000 agricultural easement acres by 2007.

**Other Easement Programs:** Fifteen municipalities have their own sources of funding, mostly bond issues, to purchase their own easements and contribute to county projects. Buckingham Township has protected 422 acres through its TDR program.

**Total Agricultural Easements in County:** Not known. Information is not available for township-acquired easements.

### FUNDING

**Acquisition Spending to Date:** \$49.4 million for county-purchased easements. The average cost of \$7,600 per acre is the second highest for Pennsylvania counties.

**Revenues:** State funds (\$36.1 million), county bonds (\$13.5 million for farmland easements), municipal contributions and federal funds (\$100,000). The county bond issue, approved by voters in 1997, was for a total of \$59 million for parks and open space acquisitions as well as agricultural easements. Municipalities in Bucks County have approved \$98 million in bonds for all land preservation purposes.

**GOVERNANCE** — The nine-member Agricultural Land Preservation Board (ALPB) oversees the easement program. Its members are appointed by the County Commissioners. The program staff reports to the county's Planning Director.

**STAFF AND OPERATING BUDGET** — The program manager is the only staff member. The annual operating budget is about \$71,000.

**ORIGINS** Formation of the agricultural easement program in 1989 was preceded by the Bucks County Natural Resources Plan of 1986 that identified eight Significant Agricultural Areas as special targets for farmland preservation. The County Commissioners created the ALPB—shortly after the state's farmland preservation program was formed—and provided an initial allocation for first year matching funds. The first easements were acquired in 1990.

**ACQUISITION PROCESS AND STRATEGY** — The ALPB reviews and approves the staff-provided annual rankings of applications and then submits a final list to the state. The county exercises little discretion in the review process, accepting the results of quantitative scorings.

**Rating of Parcels:** Quantitative. As in other Pennsylvania counties, a two-part Land Evaluation and Site Assessment (LESA) scoring system is used. The Site Assessment part of the formula

accounts for 60 percent of the total score, including weights for development potential, agricultural productivity potential and clustering potential. To encourage family farming, points are assigned for ownership duration, condition of farm buildings and family involvement in the farm.

**Other Criteria:** Minimum state-designated criteria are parcel size or contiguity, location in an Agricultural Security Area, soils and harvested cropland. No other qualitative factors are applied.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Based on the county's 1996 Natural Resources Plan, eight areas are identified as having concentrations of productive soils, large tracts of farmed land and limited urban services. Townships are responsible for planning and zoning. (See Buckingham Township profile.)

**Zoning:** Despite township contributions to easement acquisitions, most municipalities have not adopted agricultural protection zoning. Buckingham Township is an exception with two agricultural zones. Typical residential densities in rural areas throughout the county are one unit to two acres (1:2) and 1:3.

**TDR Arrangements:** See Buckingham Township profile.

#### **DEMOGRAPHICS**

**1990 Population:** 597,635

**1990–2000 Population Change:** +56,411 residents; +10 percent

#### **AGRICULTURAL LAND**

83,534 acres: 85 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$69.7 million    **Number of Farms:** 739

**Principal Commodities:** Nursery, greenhouse, dairy, corn

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Bucks County contains few significant concentrations of county-acquired easement parcels. Most easements are located in areas with the most productive soils, generally in the center of the county. The townships of Buckingham, Plumstead and Bedminster have the largest number of easements.

**[VIEW MAP: Pennsylvania —BUCKS AGRICULTURAL LAND TRUST](#)**



## **Pennsylvania — CHESTER COUNTY**

Countywide program — Formed in 1989 — *researched by Deborah Bowers*

**OVERVIEW** — Chester County is part of the sprawling Philadelphia region in southeastern Pennsylvania, and yet is the second ranking county in the state in the annual value of farm production. Its most noted high value agricultural product is mushrooms, but a wide variety of other crops also contribute to the local economy. Southern, eastern, and northern sections of the county are highly suburbanized, while the western part is relatively rural and contains large contiguous farm areas. Counting easements acquired by both the county and nonprofit conservation groups, Chester in 2003 ranks among the top 12 counties nationwide in agricultural easement acres acquired. Through its recently-adopted Challenge Grant Program, the county offers to match township contributions to easement purchases in northern areas that receive development pressures from an Interstate highway corridor. Five of the county's townships have TDR ordinances for farmland protection, but few or no transfers have been recorded to date.

**EASEMENT ACTIVITY** — 16,514 county-purchased agricultural acres preserved on 167 properties: mushrooms, dairy, hay, apples, corn, wheat, oats, nursery.

**Goals:** 17,500 county acquired acres by 2004; 20,000 county acquired acres in 2005.

**Other Easement Programs:** 27,000 acres (some agriculture, some open space) preserved by The Brandywine Conservancy, mostly through donation, and a smaller amount acquired by another nonprofit. Townships do not have independent easement programs, but contribute funds to county purchases.

**Total Agricultural Easements in County:** Approximately 30,000 acres.

### **FUNDING**

**Acquisition Spending to Date:** About \$60 million.

**Revenues:** \$35.2 million in state funds, \$23.5 million in county bond revenues, \$690,000 in federal funds and smaller amounts from township contributions. Voters in 1989 approved a \$50 million bond issue for open space purposes, with \$12 million dedicated to farmland acquisitions.

**GOVERNANCE** — The nine-member Chester County Agricultural Land Preservation Board (ALPB) oversees the easement program. Its members are appointed to three-year terms by the Chester County Commissioners. Program staff are administratively housed by the Chester County Planning Commission.

**STAFF AND OPERATING BUDGET** — Three full-time staff. The annual operating budget is about \$440,000.

**ORIGINS** — In 1980, the county commissioners appointed an Agricultural Development Council to seek ways to retain the local farm industry and its land base. In response to state legislation the following year which allowed the creation of Agricultural Security Areas, the county actively encouraged landowners to participate in such areas. When the state's easement program and funding were established in 1989, the county followed quickly by organizing its local program. The first easements were acquired in 1990.

**ACQUISITION PROCESS AND STRATEGY** — For both the state and local programs, the APB reviews the rankings of applications carried out by the staff, presents offers to landowners and submits its choices to the state. The Challenge Grant Program, which is the county's local program, geographically targets easement acquisitions in northern area municipalities that put up matching funds.

**Rating of Parcels:** Quantitative. Chester County uses two ranking formulas, one for its local Challenge Grant Program applicants, and one for its state-match applicants. The local program criteria are more flexible, allowing for operations as small as 25 acres and forms of agriculture not allowed under the state program, such as equine activities.

**Other Criteria:** Minimum state-designated criteria are size or contiguity, location in an Agricultural Security Area, soils and harvested cropland. For its Challenge Grant Program, the county has added incentives to attract certain applicants, such as extra points for use of like-kind exchange. This particular incentive is meant to attract Amish farmers by allowing them to acquire more farmland without handling government money.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Agricultural land retention has been a priority of the Chester County Commissioners since about 1980. The county's land use plan updated in 1988 delineated Agricultural Preservation Areas. A 1996 comprehensive plan update encourages the use of TDRs and growth boundaries.

**Zoning:** Fourteen of 73 townships have some form of agricultural protection zoning, with allowable density ranges of one unit to 10 acres (1:10) to 1:25. Many townships have downzoned in recent years.

**TDR Arrangements:** The largely inactive TDR programs created by several townships call for specific sending and receiving areas, with potentially higher densities in receiving areas. These programs were established in large part to mitigate landowners' economic losses resulting from downzoning.

#### **DEMOGRAPHICS**

**2000 Population:** 433,501

**1990–2000 Population Change:** +57,105 residents; +15 percent

#### **AGRICULTURAL LAND**

173,363 acres: 79 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$342.8 million    **Number of Farms:** 1,424

**Principal Commodities:** Mushrooms, nursery and greenhouse crops

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

County-acquired easements are scattered in most parts of Chester County, but are relatively numerous in the southwest between U.S. 30 and U.S. 1. Several small blocks of protected land are located elsewhere. The map does not show the 27,000 acres of easements acquired by the Brandywine Conservancy.



**[VIEW MAP: Pennsylvania —CHESTER AGRICULTURAL LAND TRUST](#)**



## **Pennsylvania — LANCASTER COUNTY**

Countywide program — Formed in 1980 — *researched by Deborah Bowers*

**OVERVIEW** — Lancaster County combines a very active easement program with a highly productive farm economy. In 2003 it has the second most active local agricultural easement program in the nation in acres under easement. As well, Lancaster is the leading agricultural county in the Northeast in farm market value and ranks 15<sup>th</sup> nationwide by this measure. Lancaster was the first Pennsylvania County to acquire agricultural easements, forming its program and accepting donations and purchasing easements several years before the state program began. Along with its strong agricultural economy and rural character, typified by the presence of large Amish and Mennonite communities, Lancaster is a fast growing metropolitan area with almost a half million residents. The metropolitan centers of Harrisburg, Philadelphia, and Wilmington are within 45-minute commuting times. More explicitly than in most other areas, agricultural easements are linked to growth management efforts that direct urban development away from farmland. Easements are strategically located, in some cases supporting Urban Growth Boundaries that have been established through the cooperation of townships, cities and the county government. Two of the county's townships have transfer of development rights (TDR) programs.

**EASEMENT ACTIVITY** — 45,425 agricultural acres county-preserved on 473 properties: corn, soybeans, orchards, dairy, hogs.

**Goals:** To continue current efforts as funding and staffing permit.

**Other Easement Programs:** The Lancaster Farmland Trust holds agricultural easements on 9,584 acres. About 1,000 TDR acres have been accumulated by Manheim and Warwick townships.

**Total Agricultural Easements in County:** Approximately 56,009 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$89 million

**Revenues:** General fund appropriations (\$5 million), county bond funds (\$32 million), state allocations (\$51.1 million) and federal funds (\$538,000). The county has gone to the bond market three times to raise funds for easement acquisitions. The county program also has benefited from a large number of landowner-donated easements. A few easement purchases have been made through Installment Purchase Agreements (IPAs) funded through general appropriations. Warwick Township, through TDR sales, has provided matching funds totaling \$116,000 for easement purchases through the Lancaster Farmland Trust.

**GOVERNANCE** — The nine-member Agricultural Preserve Board (APB) is appointed by the Lancaster County Board of Commissioners. The staff constitute an independent county department.

**STAFF AND OPERATING BUDGET** — Six staff—Executive Director and others with responsibilities in project management, monitoring and data collection. The annual operating budget is about \$900,000.

**ORIGINS** — Lancaster County was an early adopter of farmland preservation policies. A 1975 county plan called for the preservation of 280,000 agricultural areas and the development of 100,000 acres. Lancaster formed its APB in 1980, eight years before the Pennsylvania state funding program began. The county received several donated restricted deeds in 1982 and purchased its first easements—the first in the state—in 1984 with general appropriation funds.

By the time state funds became available, Lancaster had accumulated easements on 5,500 agricultural acres.

**ACQUISITION PROCESS AND STRATEGY** — The program's executive director applies the ranking system to applications and the APB reviews the rankings and decides which applications to submit for state review and final funding approval. Considerable discretion beyond the quantitative scores is employed by county officials with an emphasis on geographical targeting.

**Rating of Parcels:** Quantitative. Offers are prioritized based on point scores derived from a Land Evaluation and Site Assessment (LESA) formula. Agricultural quality (soils) receives the highest attention. Contiguity to other preserved farms and development pressure are also highly rated. Lesser weights are assigned to parcel size and farm management.

**Other Criteria:** Minimum state-designated criteria are size or contiguity, location in an Agricultural Security Area, soils and harvested cropland. More so than most other programs, the Lancaster APB considers qualitative factors—especially strategic location—in reviewing applications. Only easements on agriculturally zoned acres are purchased. Farms within a township-designated Urban Growth Boundary are disqualified, while parcels that lie just outside are given priority as a means of reinforcing the boundaries.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — While townships and other municipalities control land use planning and zoning, the county planning staff advises and provides technical assistance to the municipalities. The APB is active in this area, working with county and township planners. The strategic placement of agricultural easements is seen as complementing the Urban Growth Boundaries formed in several locations through informal township-city-county agreements.

**Zoning:** Thirty-nine of 41 townships in Lancaster County have agricultural zoning, with typical residential densities of one unit to 25 acres.

**TDR Arrangements:** Both townships using TDRs have designated sending and receiving areas, agricultural and residential or industrial land, respectively. Most transferred credits have been purchased by the townships and later sold to developers.

#### DEMOGRAPHICS

**2000 Population:** 470,658

**1990–2000 Population Change:** +47,836 residents; +11 percent

#### AGRICULTURAL LAND

391,836 acres: 84 percent cropland

**Conversion to Urban Use:** An estimated 1,500–2,000 acres were converted annually in recent years, exceeded by easement acquisitions of about 5,000 acres per year. (*Program data*)

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$767 million      **Number of Farms:** 4,556

**Principal Commodities:** Soybeans, corn, dairy, hogs

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

The major concentration of easements is in the county's northwest corner. Many of these easements are wedged between two urban growth boundaries in a contiguous block of 5,000 acres. Other large blocks of preserved farmland are emerging in the southern end of the county and between Lititz and Ephrata.

**[VIEW MAP: Pennsylvania —LANCASTER AGRICULTURAL LAND TRUST](#)**



## **Pennsylvania — LEHIGH COUNTY**

Countywide program — Formed in 1989 — *researched by Deborah Bowers*

**OVERVIEW** — Most of the population pressure on Lehigh County comes through migration from the greater Philadelphia region and nearby New Jersey. The southwestern part of the county, with limestone soils, has the best farmland and is targeted for easement activity. But this region is also affected by urban growth because of its designation in local plans as an urban development area and the extension of municipal water and sewer service. The city of Allentown, with a population of more than 100,000, is the urban core of the county. Interstate 78 links Allentown and much of the county to Newark, New Jersey, and the New York City region. When state funding became available in the late 1980s, Lehigh moved quickly to hire a full-time farmland preservation administrator and had a program underway within a year. The program is administratively housed by the conservation district.

**EASEMENT ACTIVITY** — 13,721 acres preserved on 150 farms. High diversity of farm operations including corn, wheat, soybeans, orchards, vineyards, Christmas trees and poultry.

**Goals:** In 2000 the board set a goal of preserving 30,000 acres, about one-third of remaining farmland, by 2010.

**Other Easement Programs:** The Wildlands Conservancy holds easements on 419 agricultural acres, all donated.

**Total Agricultural Easements in County:** Approximately 14,140 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$32.8 million

**Revenues:** State funds (\$25.4), county bonds (\$7.1 million), county general appropriations (amount not available), federal funds (\$283,000) and smaller amounts from conversion paybacks under the Clean and Green property tax program. Voter approved in 2002, the bonds will generate \$1 million annually for 10 years.

**GOVERNANCE** — Overseeing the program, the nine members of the Agricultural Lands Preservation Board (ALPB) are appointed to three-year terms by the County Commissioners. The program's staff is housed by the Lehigh County Conservation District. The program administrator is a county employee who reports to the Conservation District Manager, in turn responsible to the director of the county Planning Department.

**STAFF AND OPERATING BUDGET** — Two full-time staff. The annual operating budget is about \$280,000.

**ORIGINS** — In 1987, County Commissioners appointed a task force to study the potential of creating a farmland preservation program. Receiving positive signs of interest and need, the Commissioners created the ALPB in 1989 and a full-time administrator was hired. The first easements were purchased in 1990.

**ACQUISITION PROCESS AND STRATEGY** — After staff screening and ranking of easement applications, the ALPB reviews and decides which applications to send to the state without further action by other county officials. Because of the scoring emphasis given to agricultural soil quality, easement proposals for the southwestern part of the county—an area of prime limestone soils—consistently outrank other applications. This coincides with the ALPB's desire to protect farms in this area of the county.

**Rating of Parcels:** Quantitative. Offers are prioritized according to scores from a Land Evaluation and Site Assessment (LESA) formula. Agricultural Soil quality makes up 40 percent

of the score; development pressure, future farming potential and cluster potential are the other major elements.

**Other Criteria:** Minimum state-designated criteria are size or contiguity, location in an Agricultural Security Area, soils and harvested cropland.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — The ALPB's easement acquisitions are generally guided by the General Land Use Plan map in the Comprehensive Plan for Lehigh and Northampton Counties. The stated policy is to consider this map when making decisions on easement purchases. However, the map shows the southwestern part of the county as planned for development, yet the ALPB encourages applicants from this area due to its quality agricultural soils.

**Zoning:** Four of the county's 13 townships have agricultural protection zoning through percent allocation—restricting development on a given parcel to 10 percent of the land area. Remaining townships have conventional large lot zoning, generally at one unit to two acres density.

#### **DEMOGRAPHICS**

**2000 Population:** 312,090

**1990–2000 Population Change:** +20,960 residents; + 7 percent

#### **AGRICULTURAL LAND**

91,629 acres

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$56.7 million    **Number of Farms:** 425

**Principal Commodities:** Nursery products, corn, poultry

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

##### **[VIEW MAP: Pennsylvania —LEHIGH AGRICULTURAL LAND TRUST](#)**

Most preserved farms are in the northwest part of the county, with a large concentration in Lynn Township consisting of 37 farms and 3,862 acres in several contiguous blocks. Another concentration appears in the far southwest part of the county in Lower Milford Township. Easements are generally located around the northern, western and southern rims of the county, some distance from the urban core around Allentown.



## Pennsylvania — YORK COUNTY

Countywide program — Formed in 1989 — *researched by Deborah Bowers*

**OVERVIEW** — York County in 2003 has one of the dozen most active local agricultural easement programs in the nation in the number of acres acquired. Twenty of the county's townships have agricultural zoning, most with sliding scale densities. Eight townships also have transfer of development rights (TDR) programs on their books, but with limited activity to date. The county funds the local match for acquisitions entirely out of general appropriations, avoiding bond financing that is common in other Pennsylvania counties. Interstate 83 runs north and south through the heart of York County, providing quick access to employment centers just south in the greater Baltimore area in Maryland. Transportation access and cheaper housing costs attract many Maryland homebuyers, primarily in the southern part of the county. Growth pressures also come from adjacent Lancaster County and from the Harrisburg region to the north. The historic City of York is the county seat and the largest community.

**EASEMENT ACTIVITY** — 24,664 county-acquired agricultural acres in 123 properties: corn, soybeans, wheat.

**Goals:** No specific program goals.

**Other Easement Programs:** The Farm and Natural Land Trust of York County holds about 4,000 agricultural easement acres. Lower Windsor Township has an independent easement program, but the number of acres acquired is not known.

**Total Agricultural Easements in County:** Approximately 28,700 acres.

### FUNDING

**Acquisition Spending to Date:** \$36.6 million

**Revenues:** State funds (\$29 million), local general appropriations (\$7.1 million) and federal funds (\$560,000). In 2003, Lower Windsor Township began to use a dedicated revenue source—landfill tipping fees expected to raise \$400,000 a year—to fund an independent easement program.

**GOVERNANCE** — The York County Agricultural Land Preservation Board (ALPB) oversees the program. Its seven members are appointed to three-year terms by the York County Commissioners. The program's staff are part of the Department of Parks and Recreation.

**STAFF AND OPERATING BUDGET** — The staff includes a full-time program director and an agricultural resource conservationist responsible for conservation plans and monitoring. The annual operating budget is about \$90,000.

**ORIGINS** — York County Commissioners eagerly enacted the program in 1989 following establishment of the state program and funding by the Pennsylvania legislature. The first easement was acquired in 1991.

**ACQUISITION PROCESS AND STRATEGY** — The staff screens applications for minimum qualifications, then ranks all eligible farms and presents results to the ALPB. Recommendations for easement purchase are approved by the county commissioners before submission to the state for final approval and funding. Some discretion and geographical targeting is employed by assigning extra points to farms located in townships that have agricultural protection zoning.

**Rating of Parcels:** Quantitative. Agricultural quality criteria make up 57 percent of points and development proximity accounts for 23 percent. Lesser weights are allocated to farm management and planning compatibility. Extra points are assigned to parcels located in

townships with agricultural protection zoning, varying by extent of protection or type of zoning technique.

**Other Criteria:** Minimum state-designated criteria are size or contiguity, location in an Agricultural Security Area, soils, and harvested cropland.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Townships and boroughs in Pennsylvania are responsible for planning and zoning. Some of York County's townships seek to confine new residences in agricultural areas to parcels with the least productive soils. The program does not consult with townships in acquiring easements, although it gives priority to parcels in areas with agricultural zoning.

**Zoning:** Twenty municipalities in York County have adopted agricultural zoning in some form—most use sliding scale, a few use fixed-area based zoning. Many of these result in allowed residential densities of approximately one unit to 10 acres.

**TDR Arrangements:** Of the eight townships with TDRs programs on their books, only one has designated sending and receiving areas. Several of the transfer arrangements require that sending and receiving parcels are commonly owned.

#### **DEMOGRAPHICS**

**2000 Population:** 381,751

**1990–2000 Population Change:** + 42,177 residents; +12 percent

#### **AGRICULTURAL LAND**

261,164 acres: 83 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$128 million      **Number of Farms:** 1,698

**Principal Commodities:** Soybeans, corn, wheat

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Easements are generally dispersed through the county, although most are located in the southeast. Coincidentally, this is also the most development-pressured part of the county. The largest block of easements of about 2,000 acres is in Chanceford Township.

**[VIEW MAP: Pennsylvania —YORK AGRICULTURAL LAND TRUST](#)**



### **Vermont — STATE PROGRAM**

Statewide program — Formed in 1987 — (Franklin County information illustrates local planning patterns.) — *researched by Teri Ptacek*

**OVERVIEW** — The Vermont Housing and Conservation Board (VHCB) is unique in combining in one agency and under a single state law the multiple purposes of farmland protection, affordable housing, natural resource protection, and historic preservation. In acquiring agricultural easements, VHCB partners with the Vermont Department of Agriculture and other entities, especially the statewide Vermont Land Trust and other nonprofits. The state provides funds and oversight, and the other agencies acquire, manage, and co-hold the easements. The Vermont program was the first in the nation to receive federal dollars for easements under the 1990 pilot Farms for the Future program. The funding of some acquisitions is assisted by mitigation funds from the urban development of farmland. Franklin County is one of the two top areas of the state in easement activity.

**EASEMENT ACTIVITY** — 100,651 agricultural acres on 318 parcels. Most easements are co-held by the Vermont Land Trust or the Upper Valley Land Trust. The largest easement concentrations are in the Champlain Valley, including Franklin County with 37,600 agricultural acres under easement. 5,183 easement acres were acquired with the assistance of mitigation funds. Dairy farms make up the bulk of the farmland protected statewide.

**Goals:** No specific program goals.

**Other Easement Programs:** More than 300,000 acres of all types are protected through state funding. Statewide and regional land trusts also hold easements funded by other sources. The Vermont Land Trust holds more than 400,000 easement acres of woodland, resource and agricultural lands.

#### **FUNDING**

**Acquisition Spending to Date:** \$56.8 million by VHCB on agricultural easements.

**Revenues:** 68 percent from state funds and the remainder from federal funds—the pilot Farms for the Future in 1993–1995 and since 1996, the Federal Farmland Protection Program. State funds come mainly from a property transfer tax which generates about \$2.5 million annually for farmland protection. Not included in the spending total above are approximately \$15 million in foundation support and private fundraising and \$4.8 million in the value of landowner donations. Approximately \$1 million has been received from developers since 1991 as mitigation for the conversion of 634 agricultural acres in 58 projects—the funds are applied with other dollars to place easements on farms in the same areas.

**Other Arrangements:** The VHCB has spent more than \$142 million for all its programs.

**GOVERNANCE** — The VHCB has nine members—five citizens appointed by the Governor and four heads of state agencies. The VHCB's Agricultural Committee and a six-member Agricultural Advisory Committee, appointed by the Commissioner of Agriculture, are involved in the detailed review of easement applications.

**STAFF AND OPERATING BUDGET** — Three full-time persons work on the farmland protection program out of a total VHCB staff of almost 30 persons. The annual operating budget for farmland protection is about \$275,000.

**ORIGINS** — The Vermont Housing and Conservation Trust Fund Act in 1987 established the VHCB and its multiple programs. This legislation was promoted by a coalition of advocates for affordable housing, conservation and historic preservation. An initial \$3 million supported the program, which was augmented the following year with a legislative appropriation of \$20 million.

**ACQUISITION PROCESS AND STRATEGY** — Landowner applications are sponsored by a state agency or land trust. The VHCB conducts a two-stage review process, pre-application and full-application. The Vermont Land Trust also has criteria for determining which applications to sponsor. In applying the numerous qualitative criteria noted below, the review bodies exercise full discretion.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** Minimum eligibility include parcels actively farmed, conformance with local plans, and easement sale price under \$1,400 per acre. The full review has these priorities, in order of relative importance and with multiple factors in each category: (1) Land resource, (2) Location, (3) Farm Infrastructure and (4) Management. Consideration is also given to other preservation goals and to leveraging other funds.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Local planning and land use policies are town functions. Other than asking for letters of support from local governments, there are no formal connections between the state easement program and local land use and policies. In Franklin County, every town has a comprehensive plan and zoning ordinance, usually supportive of farming.

**Zoning:** Varies statewide, with some towns lacking zoning. Typical zoning density in rural areas is one unit to two acres.

#### **DEMOGRAPHICS**

**2000 Population:** 608,827 statewide (45,417 Franklin County population)

**1990–2000 Population Change:** +46,069; +8 percent statewide (+5,437, +13.6 percent Franklin County)

#### **AGRICULTURAL LAND**

1.2 million acres statewide: Approximately half is cropland. Franklin County has 190,215 acres, half in cropland.

**Conversion to Urban Use:** 4,800 acres from 1992–1997. (*National Resource Inventory*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$476 million statewide; \$99.6 million Franklin County

**Number of Farms:** 5,828

**Principal Commodities:** Dairy, cattle and calves

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

Most state-funded easements have been acquired by the Vermont Land Trust, as identified on the map. The majority of protected farms are in the western Champlain Valley, particularly in Addison and Franklin counties, the top agricultural counties in the state. They are located south and north, respectively, of the urbanized Burlington area. Franklin County has significant blocks of contiguous easement parcels, as demonstrated in the detailed inset map. Not shown are a group of agricultural easements in the Connecticut River Valley in east-central Vermont put together by the Upper Valley Land Trust with state and other funding.

**[VIEW MAP: Vermont —STATE AGRICULTURAL LAND TRUST](#)**





## Virginia — VIRGINIA BEACH CITY

Citywide program — Formed in 1995 — *researched by Suzanne Heflin*

**OVERVIEW** — Virginia Beach is the only city in the United States that operates a significant agricultural easement program. And although it is the largest city in Virginia, with a population exceeding 400,000, Virginia Beach also encompasses in its borders a large agricultural area—a result of its incorporation 40 years ago through merger with a rural county. The Green Line, a sharp urban boundary, separates the northern urban area from the southern agricultural parts of the city. The city is running out of developable land in the urban area, however, resulting in pressure to build homes south of the boundary. The easement program is funded exclusively by local revenues and uses Installment Purchase Agreements (IPA) to purchase development rights. With ample funds, the program has moved quickly to acquire a significant volume of easements in the seven years of its existence.

**EASEMENT ACTIVITY** — 6,346 acres in 106 properties: estimated 65 percent cropland, 30 percent woodland and 5 percent pasture.

**Goals:** 20,000 acres in the Agricultural Reserve.

**Other Easement Programs:** None within the city limits. The Navy owns land surrounding the Air Station that is actively farmed, however the property is not under easement.

### FUNDING

**Acquisition Spending to Date:** Almost \$13.5 million.

**Revenues:** Annual appropriations from city general funds and a dedicated portion (\$.015) of the city real estate (property) tax. The IPAs run for 25 years.

**GOVERNANCE** — The Agriculture Reserve Program is administered by the city's Agriculture Department. The program is overseen by the Virginia Beach Agricultural Advisory Commission, a five-member citizens board appointed by the city council.

**STAFF AND OPERATING BUDGET** — One full-time administrator and one office assistant. The annual operating budget is approximately \$130,000. Legal and fiscal expertise is provided the program by other departments of city government.

**ORIGINS** — Organization of the Agricultural Reserve Program in 1995 was preceded by a series of efforts to protect the city's farmland from development. In 1979, the Urban Service Boundary, the "green line", was established in response to local concerns over rapid growth and water shortages. An update of the city's comprehensive plan in 1994 produced the Rural Preservation Plan, intended to preserve agricultural and environmental areas and that shifted standards for residential building in rural areas from road frontage to soil suitability for septic tanks. A major argument for persuading the city council in 1995 to pass the ordinance creating the Agricultural Reserve Program was that it would reduce public infrastructure costs.

**ACQUISITION PROCESS AND STRATEGY** — The Advisory Commission determines the eligibility requirements, sets purchase priorities and advises the city council in easement acquisitions. The Agriculture Department reviews applications and orders appraisals for qualified properties. The city manager makes purchase offers and the City Council approves acquisitions. All acquisitions are located in the Agricultural Preserve Area south of the Green Line. Currently because of sufficient funds, the quantitative rating system is bypassed and eligible (see other criteria) applications are processed on a first come, first serve basis.

**Rating of Parcels:** Quantitative. When used, the formal rating system with 100 maximum points gives top priority to natural resource values, farm management, agricultural quality and

contiguity. Development potential, development proximity, strategic location and urgency are given less weight.

**Other Criteria:** Ten acres minimum, location below the Green Line with the exception of one transition area, development potential, location in certain zoning districts, not reserved for open space or recreational uses and absence of certain soil types.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES —** Easement acquisitions, confined to the Agricultural Reserve Area south of the Green Line, complement the city's overall growth policies. The line is a firm growth boundary that directs urban development to the north and prevents the extension of sewer and water service to the south. A transition area serves as an entryway to the Agricultural Reserve Area, allowing recreational use and low density housing. A city Open Space Program purchases easement and fee simple interest in park and open space areas in the northern part of the city.

**Zoning:** Under the Rural Preservation Plan, zoning in the Agricultural Reserve Area (30,300 acres south of the green line) is based on soil type—one unit to 15 acres base. Higher densities may be obtained with a conditional use permit under Alternative Residential Development provisions. The development plan must be approved and clustering is encouraged. Only three developers to date have obtained higher densities through this provision.

#### **DEMOGRAPHICS**

**2000 Population:** 425,257

**1990–2000 Population Change:** + 32,168 residents; + 8 percent

#### **AGRICULTURAL LAND**

30,300 acres included in the Agricultural Reserve Area.

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$13.6 million    **Number of Farms:** 147

**Principal Commodities:** Livestock, agronomic crops, fruits and vegetables

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

All easements—Agricultural Reserve Properties—are located in the southern portion of the city, below the Urban Service Boundary or Green Line. No easements are contiguous to the line.

The North Landing River/Intercoastal Waterway runs north-south dividing the agricultural Reserve area into roughly one-third to the west and two-thirds to the east. Most of the easements are concentrated in the western one-third of the agricultural reserve, where significant blocks of preserved farmland are forming. Easements located in the eastern two-thirds of the Agricultural Reserve Area are widely dispersed. The Transition Area (green crosshatching) separates the Agricultural Reserve Area from the urbanized part of the city.

**[VIEW MAP: Virginia—VIRGINIA BEACH CITY AGRICULTURAL LAND TRUST](#)**



## Washington — KING COUNTY

Countywide program — Formed in 1979 — *researched by Don Stuart*

**OVERVIEW** — With more than 1.7 million residents, King is the most populous county in the nation with a substantial agricultural easement program. The county covers 1.4 million acres, including the urbanized Seattle area on the west and mountains and national forest land on the east. County government created one of the earliest easement programs in the nation when voters approved a \$50 million bond issue in 1979. Almost all of the funds were spent in an initial spurt of easement purchases in 1984–1985 that acquired more than 95 percent of all acres to date. Only sporadic acquisitions have taken place since then. Washington does not have a state government funding source for farmland protection, so virtually all of King's purchases have been supported by its bond issue and other local revenues. Easements are concentrated in a small number of agricultural preserve districts that contain the most productive agricultural areas in the county. King County also has had a transfer of development rights (TDR) program since 1993, although transfers have primarily protected forest and other nonagricultural lands.

**EASEMENT ACTIVITY** — Approximately 13,000 acres in 196 parcels. Most easements (12,658 acres in 187 parcels) were initially acquired in three rounds of purchases in 1984–1985, with few acquisitions since then.

**Goals:** No specific program goals.

**Other Easement Programs:** Several land trusts are focused on other open space lands. The county has purchased in fee and placed easements on several farms in strategic locations.

### FUNDING

**Acquisition Spending to Date:** \$58 million spent on agricultural easements.

**Revenues:** Initial revenues for the program came from the original \$50 million bond issue which was almost completely spent in 1984–1985. Acquisitions since that time have been funded by smaller sources, including interest funds and a portion of the Farms and Forests Initiative—a later bond issue. A small amount of federal funds also has been used. Landowner donated easements total 27 acres.

**GOVERNANCE** — This program is staffed by the King County Department of Natural Resources and Parks and is treated as one of King County's "Agriculture Programs." A seven-member selection committee appointed by the County Council oversaw the initial acquisition process. In 1995, the King County Agriculture Commission was established to advise the County Council and Executive on ways to enhance and promote commercial agriculture in King County.

**STAFF AND OPERATING BUDGET** — A single staff person operates the program, currently emphasizing stewardship activity. Information on the operating budget is not available.

**ORIGINS** — Concerned that nearly half of the county's farmland had been taken out of production in the previous 20 years, a Farmlands Study Committee was appointed in 1976 by the county government. The Committee recommended a purchase of development rights (PDR) program. With the strong support of the elected County Executive, a bond issue was put before the voters. It took three elections before the required 60 percent voter majority, with a minimum turnout of 40 percent of the last general election, was achieved. The measure, providing \$50 million in bond money, passed in November 1979. In the meantime, the King County Office of Agriculture, created to administer the program, designated priority zones for easement acquisitions. Litigation held up the first acquisitions until 1984. An initial TDR program for just the county's unincorporated areas was adopted in 1993. A more expansive TDR arrangement

that included receiving areas in cities was formed as a pilot activity in 1998 and made permanent in 2001.

**ACQUISITION PROCESS AND STRATEGY** — From the first, the program has used non-quantitative discretionary factors to review applications and has emphasized geographical targeting. The focus is on a small number of Agricultural Production Districts, defining the most productive agricultural lands and created through the county's planning process at the outset of the program. Three area-based priorities were initially established: (1) Farmland located within the Sammamish, Lower Green and Upper Green River Valley Agricultural Production Districts; (2) Farmland in designated areas of the Snoqualmie Valley and the Enumclaw Plateau, and 1,500 acres in other areas in parcels larger than 40 contiguous acres; and (3) All other farmland within established agriculture districts and designated agricultural lands of county significance. In the first two acquisition rounds, only properties of the first and second priorities were considered. All three priorities were considered in the third round. The County Agriculture Commission evaluates applications and purchase decisions are approved by the County Council.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** Priority is also given to offers below appraised value, active agricultural use, relative development threat, parcels in contiguous farming areas and service as urban separators.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — Pertinent county policies include an Urban Growth Boundary (encompassing 460 square miles of the county's total of more than 2,000 square miles) and a requirement in the Comprehensive Plan that land taken out of an Agricultural Production District through city annexation be replaced within the district by land of equal or better agricultural value. Agricultural easements in some locations have blocked city expansion in certain directions.

**Zoning:** In agricultural districts, residential densities are one unit to 10 acres (1:10) for parcels under 35 acres and 1:35 for larger parcels.

**PDR Arrangements:** Sending parcels are in agricultural or other rural areas and receiving parcels are in unincorporated urban areas or within specific city areas covered by county-city agreements. The county funds a TDR bank and also can pay for community amenities to compensate for the increased densities created in receiving areas.

#### DEMOGRAPHICS

**2000 Population:** 1,737,034

**1990–2000 Population Change:** +229,729 residents; +15 percent

#### AGRICULTURAL LAND

41,653 acres: 58 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### OTHER AGRICULTURAL CHARACTERISTICS

**1997 Market Value:** \$94 million      **Number of Farms:** 1,091

**Principal Commodities:** Dairy products, nursery and greenhouse crops, cattle

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#### MAP NARRATIVE — EASEMENT GEOGRAPHY

Easements are highly concentrated in the Agriculture Protection Districts located in the Sammamish River, Snoqualmie River, Lower Green River, Upper Green River and Enumclaw Plateau areas. Contiguous easement blocks flank scenic highways in the Snoqualmie and Upper Green districts.

**[VIEW MAP: Washington—KING AGRICULTURAL LAND TRUST](#)**





## **Washington — SAN JUAN COUNTY**

Countywide program — Formed in 1990 — *researched by Don Stuart and Al Sokolow*

**OVERVIEW** — Located at the northwestern corner of the State of Washington, San Juan is a county of four major islands and many smaller ones to the north of the Juan de Fuca Strait that connects Puget Sound with the Pacific Ocean. It is the smallest county in the state in area, with less than 175 square miles, and one of the smallest in population. Relatively isolated—Seattle is an hour and a half away by ferry—San Juan is a destination for retirement and recreation seekers. Protecting farmland is one of several preservation purposes of the county government's Citizens Conservation Land Bank, that also include lands of scenic, natural resource, recreational and historic values. Both easements and fee purchase properties are acquired by the Land Bank, using only local funds including a voter approved property transfer tax. The Land Bank actively seeks citizen views through public forums and other vehicles.

**EASEMENT ACTIVITY** — 1,027 agricultural acres on nine parcels, primarily used for cattle and sheep grazing. The total for all preservation purposes is about 1,700 easement acres on 26 parcels. Farm easements, at an average of 114 acres, are larger than other easements, many of which are valued for their shoreline frontage. Fee purchased properties total 950 acres in 26 parcels. Some are agricultural properties—the program's intention is to sell these to farm operators with easements on them.

**Goals:** No specific program goals.

**Other Easement Programs:** In addition to the county's Farmland Legacy Program, the San Juan Preservation Trust, established in the 1970s and operating in three counties, also acquires easements on agricultural lands, although generally for visual and natural resource use. An estimated 800 easement acres acquired by the trust in San Juan County are in active agricultural use.

**Total Agricultural Easements in County:** Approximately 1,800 acres.

### **FUNDING**

**Acquisition Spending to Date:** \$1.8 million on agricultural easements—\$2.6 million for all easements. Agricultural easement costs have averaged about \$1,800 per acre. The bulk of the program's funds—\$16 million—has been spent on fee purchases at an average cost of about \$16,800 per acre.

**Revenues:** Relying exclusively on local funds, the program has two major revenue sources: (1) a 1 percent real estate excise tax (a property transfer tax) which generates about \$1.7 million annually; and (2) a local option property tax, allowed by state law as the "Conservation Futures" tax, which produces about \$200,000 a year. Voters, by almost a 60 percent majority, approved the 1 percent tax for 12 years in 1990 at the start of the program, renewing it in 1990 by a 73 percent majority for a second 12-year period. Eight easements have been acquired through landowner donations.

**Other Arrangements:** A first-time bond issue of \$5 million was approved by the Board of County Commissioners in the fall of 2002 to accelerate the pace of acquisitions. 25 percent of projected annual revenues from the dedicated taxes are committed to retire the bonds.

**GOVERNANCE** — Oversight of the program is in the hands of the citizens Land Bank Commission composed of seven members appointed for four-year terms by the elected County Board of Commissioners. Members represent the four main islands. The program's staff is a separate unit within county government and reports to the elected board.

**STAFF AND OPERATING BUDGET** — Three staff members—Executive Director, Land Steward and Program Assistant. The annual operating budget is about \$170,000.

**ORIGINS** — Rapid new home construction in the late 1980s stimulated citizen interest in additional land conservation measures, especially the possibility of securing a public source of funds to complement the work of the nonprofit San Juan Preservation Trust. Several persons traveled to the east to investigate easement programs in that region. The Land Bank program was formed in 1990 when San Juan voters approved the County Board-initiated measure to adopt the 1 percent real estate excise tax. Also during this period, the county government conducted a visual preference survey of residents that resulted in the adoption of the Open Space and Conservation Plan. The first easement was acquired in 1993.

**ACQUISITION PROCESS AND STRATEGY** — The Land Bank Commission annually prepares an Expenditure and Acquisition Plan that designates parcels for easement or fee purchase. Final approval is given by the elected county board. Landowners are invited to submit applications in the annual process. Preparation of the plan involves a public hearing and other efforts to obtain citizen comments about specific acquisitions. Based on the use of general qualitative criteria (see below), the county has considerable discretion in selecting parcels for acquisition. Some geographical targeting occurs because of the ordinance requirement that expenditures be related to funding sources; this results in locating the largest share of acquisitions on San Juan Island, the part of the county with the most real estate activity.

**Rating of Parcels:** Not quantitative, see below.

**Other Criteria:** Five factors are specified in the program's ordinance: (1) important conservation resource; (2) parcel vulnerable to adverse change; (3) adequate protection of the identified resource; (4) effective use of limited funds; and (5) general public support.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — The Land Bank program is seen by county officials as a component of their growth management strategy, especially through the Open Space and Conservation element of the Comprehensive Plan that identifies landscape areas worthy of preservation.

**Zoning:** Residential densities in Agricultural Resource Districts range from one unit to 10 acres (1:10) to 1:40.

#### **DEMOGRAPHICS**

**2000 Population:** 14,077

**1990–2000 Population Change:** +4,042 residents; +40 percent

#### **AGRICULTURAL LAND**

16,887 acres: 68 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$2.6 million      **Number of Farms:** 174

**Principal Commodities:** Livestock products, cattle, nursery and greenhouse crops

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY** (*Map not available*)

Easements and fee owned parcels are located on the four major islands in a generally dispersed pattern. Some concentrations of agricultural easements and fee owned lands are located in the San Juan Valley on San Juan Island and Crow Valley on Orcas Island.

## Washington — SKAGIT COUNTY

Countywide program — Formed in 1997 — *researched by Don Stuart*

**OVERVIEW** — Skagit County's Farmland Legacy Program ranks second among agricultural easement programs in Washington state in the number of acres acquired, following only King County. With 73,000 acres cultivated in a water-rich coastal area, Skagit is one of the state's leading agricultural counties. The county lies along Interstate 5, halfway between two powerful urban economies—Vancouver, British Columbia, to the north and the Seattle metropolitan area to the south. Residential areas of the county are within a one-hour commute from downtown Seattle; most of the highly productive agricultural lands are near the interstate. A key feature of Skagit's easement program is a market-based formula that establishes the prices paid for easements as an alternative to appraisals. Easement acquisition funds are primarily generated from local taxes since there are no state government funds in Washington for this purpose.

**EASEMENT ACTIVITY** — 2,500 agricultural acres in 39 transactions. Easements cover a variety of crops and dairy farms. Average easement size is 64 acres.

**Goals:** No specific program goals, but a general objective of protecting a critical mass of agricultural lands.

**Other Easement Programs:** Two private land trusts acquire easements. The Skagit Land Trust holds 1,615 acres in 35 easements, mostly protected for non-agricultural values. Skagitians to Preserve Farmland holds about 2,000 acres of agricultural easements in the county.

**Total Agricultural Easements in County:** Approximately 4,500 acres.

### FUNDING

**Acquisition Spending to Date:** \$2.25 million

**Revenues:** Annual revenues from property taxes (a local option tax known as Conservation Futures) come to just over \$500,000. Additional funds for acquisitions have come from grants and federal matching funds.

**Other Arrangements:** The Skagit County Commission is currently considering issuing bonds to accelerate the pace of acquisitions and thus take advantage of current property values and federal funding.

**GOVERNANCE** — This program is managed as a separate department of county government. The director reports directly to the elected governing body, the Skagit County Commission.

**STAFF AND OPERATING BUDGET** — The single staff person is supported by an annual budget of about \$152,000.

**ORIGINS** — The program was originally promoted by a citizens group—Skagitians to Preserve Farmland—which sponsored a public opinion survey. Funding was established by the County Commissioners in late 1996 with the adoption of the Conservation Futures Tax—a property tax measure. The full program was approved in late 1997. A study commission appointed by the commissioners created the detailed operating plan for the program. The first easements were acquired in late 1998.

**ACQUISITION PROCESS AND STRATEGY** — Applications are reviewed and ranked by a Conservation Futures Program Advisory Board, with final decisions made by the Board of County Commissioners. Parcels are ranked to establish purchase priorities.

**Rating of Parcels:** Quantitative. The priority system assigns points based upon farmland quality, threat of conversion, scenic and environmental values and financial considerations. A

second, separate ranking system that is market-based is used to establish prices, but does not require land appraisals.

**Other Criteria:** Only properties located within the Agricultural and Natural Resources zones are eligible for easement funding.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — While the Skagit easement program is independent of the county's Planning Department, the two departments interact on a number of easement-related issues including building permit applications by landowners of restricted properties. The Planning Department also is represented ex-officio on the program's advisory board.

**Zoning:** Agricultural/Natural Resource zoning is one unit to 40 acres (1:40). Only properties located within this zone are eligible for the easement program.

#### **DEMOGRAPHICS**

**2000 Population:** 102,979

**1990–2000 Population Change:** +23,434 residents; +29 percent

#### **AGRICULTURAL LAND**

93,500 acres: 70 percent cropland

**Conversion to Urban Use:** Comparative conversion data not available.

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$171 million      **Number of Farms:** 714

**Principal Commodities:** Dairy products, nursery and greenhouse, vegetables, sweet corn, melons

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

##### **[VIEW MAP: Washington —SKAGIT AGRICULTURAL LAND TRUST](#)**

The easements in Skagit's Farmland Legacy Program are concentrated in the heavily agricultural western part of the county. In this area easements are largely dispersed, with a few clusters. Most of the acquisitions are located within a short driving time from Interstate 5, the major north-south freeway that connects the county to Seattle.

### **Wisconsin — TOWN OF DUNN**

Township-wide program — Formed in 1996 — *researched by Anita Zurbugg*

**OVERVIEW** — Dunn Township operates the only established agricultural easement program in Wisconsin and one of the few in the Midwest. Strong local sentiments for farmland and open space protection account for this innovation. Many town residents work for state government and the University of Wisconsin in nearby Madison, the state capital. Agricultural easements acquired through the Rural Preservation Program are a principal component of the town's land use strategies, which also includes designated agricultural preservation areas with limited building possibilities. As well as the emphasis on farmland protection, the preservation of environmental, archaeological, scenic and historic and cultural resources are program goals. Under a formal agreement, the township collaborates closely with a countywide land trust in co-holding and monitoring easements. As well as approving local funding measures, voters are given a unusual degree of control in easement acquisitions by being asked to ratify purchase decisions at special town meetings. Although there is no ongoing state funding source for agricultural easement activities, Dunn has been successful in obtaining state government support for individual easements because of their habitat and open space values. It is also the only local government program in Wisconsin to receive funds from the federal Farmland Protection Program.

**EASEMENT ACTIVITY** — 2,064 agricultural acres representing 15 farm parcels composed primarily of cropland. Easements are co-held by the Dane County Natural Heritage Land Trust, under a formal township-land trust agreement that specifies monitoring and other activities.

**Goals:** No specific program goals.

**Other Easement Programs:** Easements are also held by Natural Heritage Land Trust for a total of a few hundred acres including some agricultural lands.

**Total Agricultural Easements in Township:** Approximately 2,400 acres.

#### **FUNDING**

**Acquisition Spending to Date:** \$3.38 million on agricultural easements.

**Revenues:** A dedicated local property tax has provided about 46 percent of expenditures with outside sources supplying 54 percent. Voters on two separate occasions approved financial support for the program—initially in 1996 voting for a property tax increase of 50 cents per \$1,000 equalized valuation to establish the program, and then in 2002 (at an annual town meeting attended by electors) approving a \$2.4 million bond issue to accelerate acquisitions. The property tax generates about \$200,000 a year, mostly used to pay off the bond. To date the property tax has produced a total of \$1.7 million. Other sources: Federal funds—\$910,000; Wisconsin Department of Natural Resources—\$689,000; Dane County Parks Department—\$442,000.

**GOVERNANCE** —The program is overseen by the Dunn Land Trust Commission composed of seven members appointed by the Town of Dunn Board of Supervisors. A minority of commissioners are Dane county residents who live outside the township.

**STAFF AND OPERATING BUDGET** — The program is staffed on a half-time basis by the land use coordinator who also has other township duties. A separate operating budget is not available.

**ORIGINS** — Since 1979, Dunn Township has had a land use plan, adopted to manage growth and protect agricultural and natural resource lands. However, town leaders and residents in the early 1990s believed that additional preservation measures were needed. A three-year process of study and deliberation occurred before the agricultural easement program was established in

1996 with voter approval of the 50 cent property tax. A volunteer ad hoc committee convened in 1993 and in 1994 the results of a Cost of Community Services study found that agricultural, forest, and other open space lands were the least costly of all land uses for the township to serve. The first easement was acquired in 1997, in cooperation with the Dane County Parks Department and two local land trusts.

**ACQUISITION PROCESS AND STRATEGY** — Landowners with parcels in Agricultural Preserve Areas are annually invited to submit formal pre-applications to be considered in the annual round of PDR negotiations. Applications submitted are retained for consideration in future years. During the review process, the Land Trust Commission meets with landowners to discuss ranking factors. Although quantitative rankings are used, the program has discretion to select the top three applications in the annual cycle for further consideration. After approval by the Commission and the elected Board of Supervisors, purchase decisions are ratified by voters participating in a special town meeting.

**Rating of Parcels:** Quantitative. The top four factors in possible points are: (1) Cost; (2) Historic and Natural Resource Values; (3) Agricultural quality (soils); and (4) Contiguity.

**Other Criteria:** Minimum requirement of location within agricultural preserve areas.

**CONNECTIONS TO LOCAL PLANNING AND LAND USE POLICIES** — The agricultural easement program complements the town's land use plan—originally adopted in 1979—that limits residential development to three separate areas: (1) previously platted vacant residential lots; (2) infill in sewered and platted areas; and (3) in agricultural areas where the splitting of one lot contiguously owned is permitted and meets the minimum 35 acre lot size zoning density. Designated Agricultural Preservation Areas will be considered fully built out when all platted parcels and permitted parcel splits are developed and/or an equivalent number of development rights have been purchased on these parcels.

**Zoning:** One unit to 35 acres in Agricultural Preservation Areas.

#### **DEMOGRAPHICS (Township)**

**2000 Population:** 5,406

**1990–2000 Population Change:** +132 residents; +2 percent

#### **AGRICULTURAL LAND**

512,971 acres in 1997: 413,711 cropland (80 percent), 2,595 farms (*County data unless otherwise noted*)

**Conversion to Urban Use:** Town of Dunn: Over 3,000 acres from 1978 to 1998. Total township agricultural acres decreased from 11,300 in 1980 to 7,500 acres in 1998 (approximately 34 percent of 1980 base). (*Program data*)

#### **OTHER AGRICULTURAL CHARACTERISTICS**

**1997 Market Value:** \$284 million (County) **Number of Farms:** 2,595 (County)

**Principal Commodities:** Dairy products, corn for grain, poultry and poultry products

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#### **MAP NARRATIVE — EASEMENT GEOGRAPHY**

In addition to agricultural easements marked as Dunn Conservation Easements, the township contains a significant amount of other protected lands—both open and closed to public access. Easement acquisitions are focused on eligible parcels of land distributed throughout the township as designated Agricultural Preservation Areas under the land use plan.

**[VIEW MAP: WISCONSIN —DUNN AGRICULTURAL LAND TRUST](#)**





## **APPENDIX 1 — PROGRAM MANAGERS OR STAFF PROVIDING INFORMATION**

### **CALIFORNIA**

Marin Agricultural Land Trust – Robert Berner  
Sonoma Open Space District – Andrea Mackenzie  
Monterey County Agricultural and Historical Land Conservancy – Sherwood Darington  
Napa County Land Trust – John Hoffnagle  
Yolo Land Trust – Kathryn Kelly  
TriValley Conservancy (formerly South Livermore Valley Agricultural Land Trust) – John Norwood (before October 2002)  
Sharon Burnham (since October 2002)

### **COLORADO**

Boulder County – Ariel Steele  
Gunnison Ranchland Conservation Legacy– Lucy High  
Routt County/Yampa Valley Land Trust – C.J. Mucklow and Susan Otis

### **CONNECTICUT**

State – J. Joseph Dippel

### **DELAWARE**

Delaware Agricultural Lands Preservation Program - Michael McGrath

### **MARYLAND**

Anne Arundel County – Barbara Polito  
Baltimore County – Wally Lippincott  
Calvert County – Gregory Bowen  
Caroline County – Tammy Scheidt  
Carroll County – William Powell  
Frederick County – Tim Blaser  
Harford County – William Amoss  
Howard County – Mina Hilsenrath  
Montgomery County – John Zawitoski  
Washington County – Eric Seiforth

### **MASSACHUSETTS**

State Program – Rich Hubbard

### **MICHIGAN**

Peninsula Township – Gordon Hayward

### **NEW JERSEY**

Burlington County – Susan Croft  
Cumberland County – Matthew Pisarski  
Hunterdon County – Gary Pohorely  
Monmouth County – Karen Colvin  
Morris County – Frank Pinto  
Sussex County – Donna Traylor

### **NEW YORK**

Town of Southold – Melissa Spiro  
Suffolk County – Roy Fedelem

### **NORTH CAROLINA**

Forsyth County – Michael Bowman

### **PENNSYLVANIA**

Adams County – Ellen Dayhoff  
Berks County – Tammy Hilderbrand  
Buckingham Township – Lori Orton  
Bucks County – Rich Harvey  
Chester County – Kevin Baer  
Lancaster County – June Mengel  
Lehigh County – Jeff Zehr  
York County – Patricia McCandless

### **VERMONT**

State Program – Larry Mires and Nancy Everhart

### **VIRGINIA**

Virginia City Beach – Melvin Atkinson

### **WASHINGTON**

King County – Judy Herring  
San Juan County – Dennis Shaffer  
Skagit County – Richard Doenges

### **WISCONSIN**

Town of Dunn – Renee Lauber



## APPENDIX 2 — MAP SOURCES

**NATIONAL MAPS** — Mike Eley, American Farmland Trust

### CALIFORNIA

**Marin Agricultural Land Trust** — Margaret Moster, Marin County Community Development Agency

**Sonoma County Agricultural Preservation and Open Space District** — Kathleen Brennan Hunter, Open Space District

**Monterey County Agricultural and Historical Land Conservancy, Napa County Land Trust, Tri Valley Conservancy (South Livermore Valley Agricultural Land Trust)** — Tom Albo, GreenInfo Network

**Yolo Land Trust** — Mike Martinez, Yolo County Information Technology Division

**COLORADO —Boulder County** — Boulder County Parks and Open Space Department

**CONNECTICUT — State Program** — Kip Kolesinskas and Barbara Alexander, Natural Resources Conservation Service, Connecticut office

**DELAWARE — State Program** — Barb Carrigan, Thompson Mapping Systems

**MARYLAND — All county programs** — Lynda Dodd Eisenberg, Maryland Department of Planning

**MASSACHUSETTS — State Program** — Barbara L. Hopson, Massachusetts Department of Food and Agriculture

**MICHIGAN — Peninsula Township** — Peninsula Township Planning Department

**NEW JERSEY — All county programs** — Frederick Douthitt, New Jersey State Agriculture Development Committee

**NEW YORK — Suffolk County** — Jim Daly, Suffolk County of Planning

### PENNSYLVANIA

**Lancaster County** — Kerri Steck, Lancaster County Information Technology Department

**Buckingham Township** — Lori Orton, Buckingham Township

**All other Pennsylvania programs** — Rick Day and Gregory Luna, Land Analysis Lab, Pennsylvania State University

**VERMONT — State Program** — Chris Moore, Vermont Land Trust

**VIRGINIA — Virginia City Beach** — Melvin Atkinson, Virginia Beach Agriculture Research Program

**WASHINGTON — King County** — Todd Klinka, King County Department of Natural Resources and Parks

**WISCONSIN — Town of Dunn** — Renee Lauber, Town of Dunn Rural Preservation Program





American Farmland Trust (AFT) is the only national nonprofit organization dedicated to protecting agricultural resources. Founded by a group of concerned farmers in 1980, AFT's mission is to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment. AFT's action-oriented programs include public education, technical assistance in policy development and direct farmland protection projects. Basic annual membership is \$20. For membership information, contact the National Office.

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